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Developer Guide to Tenant Assistance and Relocation

Aligned with the City of Victoria's Tenant Protection During Redevelopment Bylaw No. 25-044

Purpose



This guide helps developers and property owners understand their obligations under the Tenant Protection During Redevelopment Bylaw. The bylaw, also referred to as Tenant Protection Bylaw, aims to minimize the impact of displacement due to redevelopment and ensure fair treatment of tenants.

The Tenant Protection Bylaw (TPB) applies to all land use applications where redevelopment results in the loss of residential rental property.

Tenant Support and Compensation Requirements

Tenants living in a building set for redevelopment are eligible for support and compensation under the TPB. Additional assistance is also considered for vulnerable populations including low-income households, tenants with disabilities, recent immigrants and refugees and long-term tenants who are paying significantly below market rent. Additional assistance needs are identified through a Household Needs Assessment (HNA) which informs the development of the Tenant Assistance Plan. The HNA must be provided to all tenants prior to submitting a development permit application.

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Compensation and Support for All Tenants

The Tenant Assistance Plan includes four main components.

1. **Financial compensation** based on length of tenancy and provided as free rent, a lump sum payment or a combination of both, at the tenant's discretion[1].

Length of tenancy	Compensation[2]
1 year or less	2 months rent
Over 1 to 5 years	3 months rent
Over 5 to 9 years	4 months rent
Over 9 to 19 years	5 months rent
Over 19 years	6 months rent

2. **Moving assistance** provided through either:
   - Professional moving services paid for and arranged by the owner or developer, or
   - Flat rate compensation
     a) $800 for bachelor or one-bedroom units
     b) $1,100 for two-bedroom units
     c) $1,500 for three-bedroom or larger units
3. **Relocation support** to help tenants find a comparable rental unit. Tenants must be provided with at least three alternate rental unit options that are:
   - Comparable in size and features.
   - Located in Greater Victoria, with at least one option in the same general area as their current home.
   - Rented at no more than CMHC average rents or, if tenant's current rent is higher, at a comparable rate.

   If housing options meeting the above requirements are not found, one additional month of compensation must be provided.

[1] Compensation required by the TPB includes the compensation required under the Residential Tenancy Act.

[2] Calculated at the tenant's actual rent or CMHC average rent for the City of Victoria, whichever is higher. See Affordable Housing Standards Bylaw (Table 3) for CMHC average rents.

4. **Right of First Refusal (RoFR)** for displaced tenants to return to a comparable unit – when the completed new building is a rental property – at 20 per cent below the CMHC average rent of new rental stock in the City of Victoria (see Table 3.a.), or at the tenant's rent at the time of displacement, whichever is higher.

Notice and opportunity to express interest in RoFR must be provided by the owner six to nine months prior to applying for an occupancy permit for the new building. All tenants who express interest must be provided with a RoFR offer no less than 90-days prior to occupancy, which must include:

- Information about unit type, location within property, rent and availability date.
- A tenancy agreement for the tenant to sign if they wish to accept the offer.
- At least 45 days for the tenant to accept the offer.

Residential Tenancy Act

Residential tenancies are governed by the Province of British Columbia's Residential Tenancy Act (RTA) and administered and enforced through the Residential Tenancy Branch. The Tenant Protection Bylaw complements regulations in the RTA. Compensation required by the TPB includes the RTA compensation requirements for evictions due to redevelopment.

Landlords must continue to follow all RTA requirements throughout the Tenant Assistance Plan process including unit and building maintenance and proper communication and procedure for serving a notice to end tenancy.

Developing and Executing a Tenant Assistance Plan

Tenant Assistance Plans (TAPs) are developed and executed using the City's confidential, online TAP Reporting Tool.

A TAP includes:

- TAP Part A
- TAP Part B

} Together, form the completed Tenant Assistance Plan

- Compensation Report
- Compensation Execution Summary
- Right of First Refusal Report (for rental redevelopment projects)

Checklists for Each Phase of Development Process

Prior to applying for a development permit

1. Appoint a Tenant Relocation Coordinator (TRC) and inform all tenants of the proposed redevelopment.

- Tenant Relocation Coordinators are the main point of contact between tenants and the owner or developer.
- For projects affecting five or more units, applicants must hold an all-tenant information meeting (in-person or virtual) and are required to document proof of the meeting invitation, agenda and minutes.
- For projects affecting 20 or more units, applicants must use a third party TRC. Contact the Tenant Assistance Planner at housing@victoria.ca for information about local relocation coordinator services.

2. Provide each tenant with:

- Household Needs Assessment form
- Tenant Relocation Guide
- Link to the City's Renters Hub page.

  Applicants are responsible for providing translated copies of these documents if needed by their tenants.

3. Complete Part A of Tenant Assistance Plan:

a) Fill out the TAP Initiation Form

b) Receive an email from City staff to access the confidential TAP reporting tool and TAP administrative tracker.

c) Complete TAP Part A in the TAP reporting tool with the following information:

  i. Tenant names with move-in date, current rent rate and size of unit.

  ii. Copies of emails to tenants providing the Household Needs Assessments (HNA) and Tenant Relocation Guide.

  iii. Documentation of meeting invite, details and minutes for projects affecting five or more units.

  A submitted TAP Part A is required to apply for a development permit.

Prior to approval of a development permit

1. Receive completed Household Needs Assessment (HNA) forms from tenants.
2. Discuss any additional needs identified in the HNA with the tenant and if appropriate, propose additional support and/or compensation.
3. Confirm proposed additional support and compensation with City's Tenant Assistance Planner.
4. Complete TAP Part B in the reporting tool with finalized tenant compensation and support information and attach copies of all completed Household Needs Assessments and communication with tenants.

   An approved Tenant Assistance Plan (parts A and B) is required to issue a development permit.
5. Provide each tenant with an individualized compensation letter summarizing their compensation and support, no later than one month after approval of TAP and development permit issuance. (See Tenant Protections webpage for sample letter.)
6. Start relocation support as needed and/or requested by tenants.
7. Provide redevelopment progress updates to tenants at least every four months.
8. **Compensate tenants on or before move-out date**.

Prior to applying for a building permit (including a demolition permit)

1. Complete a TAP Compensation Report in the reporting tool and include copies of tenant compensation letters and communication.
2. Include documentation of any tenant compensation paid to date.

   A development permit that meets TDPA1 requirements and an approved TAP Compensation Report are required to issue a building permit.

Following building permit issuance

1. Provide a Four-Month Notice to End Tenancy for all remaining tenants (RTA requirement).
2. Support relocation of tenants (see Assisting Tenants in Finding New Housing section).
3. Complete TAP Compensation Execution Summary when all tenants have moved out. This must be completed before applying for the occupancy permit.

Prior to applying for occupancy permit (for rental properties only)

1. At least six months and no more than nine months prior to applying for the occupancy permit (OP), provide a written notice to all tenants of the expected OP application date and request submissions of interest from tenants who desire to move back into the unit (Right of First Refusal (RoFR). Tenants do not need to commit at this point, only indicate interest.

2. At least 90 days prior to applying for the OP, provide each interested tenant with:
   a) A tenancy agreement for a rental unit in the redevelopment.
   b) Details of their rental unit type, location within the property, rent and availability date.
   c) Notification that they have 45 days to return the signed tenancy agreement, if they wish to accept the rental unit.
3. At least 45 days prior to applying for the OP, complete the TAP RoFR Report.

   An approved TAP RoFR Report and Compensation Execution Summary are required to issue an OP.

Assisting Tenants in Finding New Housing

The Tenant Relocation Coordinator (TRC) appointed or contracted by the owner or applicant helps tenants find new housing. Building a supportive, communicative and responsive relationship with tenants is key. Household Needs Assessments help identify tenant needs and preferences and the TRC should meet with each household to discuss their needs.

A tenant's income level will help identify which housing (detailed below) would be suitable. The TRC's responsibility is to support tenants applying for housing, attend viewings if support is requested and provide letters of reference.

Subsidized Housing

Long-term, government-supported housing operated by a non-profit housing provider.

- Offers rents based on 30 per cent of total income prior to deductions (gross household income).
- Supports families with children under 19, seniors, individuals with disabilities, and individuals and couples at risk of homelessness or experiencing homelessness.

To qualify, gross household income must be below:

	Studio/One-bedroom	Two-bedroom	Three-bedroom	Four-bedroom
Families and non-seniors	$50,000	$65,000	$82,000	$95,000
Seniors	$57,000			

- Individuals must visit the BC Housing Registry to submit or edit an application. The TRC should provide application assistance as necessary.
- When the Four-Month Notice to End Tenancy is issued, the BC Housing Supplemental Application Form should be completed, as it can help shift the application to priority status on the waitlist.

  If a tenant needs a third party verifier for their application, they can contact housing@victoria.ca.

Affordable or Below-Market Housing

Rental buildings owned and managed by non-profit housing providers.

- Rental units are priced lower than similar market- rate units.
- Prices range based on the age of the housing unit.
- Units are for low- to moderate-income families or individuals.
- Individuals should contact the non-profit housing providers directly.

Approximate household income limits

	Studio/One-bedroom	Two-bedroom	Three-bedroom	Four-bedroom
Minimum income	$50,001	$65,001	$82,001	$95,001
Maximum income	$85,000	$134,000	$134,000	$134,000

Market Housing

Privately owned rental properties, including apartments, houses or suites.

- Range in price, often based on the age of the unit.
- Individuals should search online rental websites, social media and classified or buy-and-sell websites.

Non-Profit Housing Providers

- Capital Regional Housing Corporation
- M'akola Housing Society - primarily serving Indigenous people
- Pacifica Housing
- Greater Victoria Housing Society

- Victoria Cool Aid Society
- Threshold Housing Society - serving youth 15-24
- Kiwanis Village Society - serving seniors 55+
- Gorge View Society - serving seniors 60+ and families

Other Resources

- BC Housing's rental assistance programs - learn more about additional support for low-income working families and seniors.
- Rental Assistance Program (RAP) - learn more about support for low-income working families.
- Shelter Aid for Elderly Renters (SAFER) - learn more about support low-income seniors (60+ years old).

Frequently Asked Questions

1. **If a tenant finds their own place and moves out prior to being served the Four-Month Notice to End Tenancy, would they qualify for compensation?**
   Yes. Once the Tenant Assistance Plan is approved, tenants can start moving out when they wish and still qualify for full compensation. If they move out prior to development permit approval, they are still eligible for compensation, but it is at the discretion of the applicant whether they pay the tenant at time of move out or after permit approval. If a development permit does not get approved, payment is not required.

2. **Does rent compensation required by the Tenant Protection Bylaw include the one-month rent required by the Residential Tenancy Act?**
   Yes, TPB rent compensation includes the one-month rent compensation required through the RTA.

3. **Do I need to find the tenants a new home? What if I can't find something they like?**
   Your responsibility is to identify at least three housing options that reasonably meet the tenant's needs and preferences. If tenants are interested in pursuing any of the options, the TRC role is to assist with applications, letters of support, viewings or any other supports that would assist the tenant in securing the unit.

Contact Information

If you have any questions, please contact:

Tenant Assistance Planner
housing@victoria.ca
250.361.0588



Privacy Notice

The City of Victoria is committed to protecting the personal information of individuals who are included in the application's Tenant Assistant Plan (TAP).

To prepare a TAP, applicants must collect tenants' personal information. As such, applicants and their appointed Tenant Relocation Coordinators must collect, store and share this information in compliance with the Personal Information Protection Act (for private organizations) or the Freedom of Information and Protection of Privacy Act (for public bodies). All applicants and appointed representatives must familiarize themselves with and follow the requirements set out in the relevant legislation.

At minimum, all applicants are required to:

- Store all personal information securely.
- Only share the collected data with the City staff member responsible for administering the TAP.
- Securely dispose of the collected information one year after the completion and execution of the TAP.
- Be available to answer any questions from tenants about how their personal information is being collected and shared.

If you have any questions about your responsibilities around the collection, use or protection of your tenants' personal information, please contact the City of Victoria's privacy officer by email at privacy@victoria.ca or by phone at 250.361.0571