

ENFORCING TENANT RELOCATION RIGHTS

*A SUMMARY OF TOOLS
FOR BC MUNICIPALITIES*

Prepared for the
Tenant Resource &
Advisory Centre

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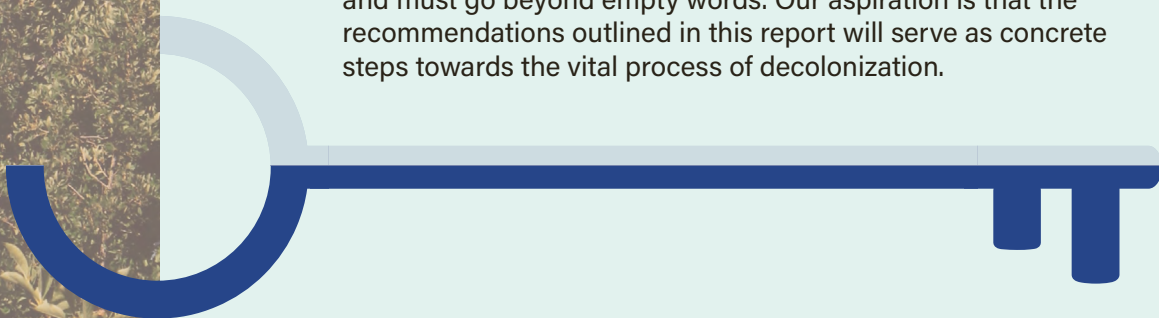


Land Acknowledgement

We acknowledge that the systemic barriers to safe and supportive housing are not randomly distributed; rather, they are deeply rooted in racist, colonial, and patriarchal structures, perpetuating housing insecurity for marginalized groups. In the Canadian context, Indigenous Peoples, particularly Indigenous women, have borne the brunt of exclusion and exploitation within the housing market.

It is crucial that we recognize this colonial reality, given that the land upon which our team works and resides has been traditionally stewarded by the original inhabitants, notably the səliłwətał (Tsleil-Waututh), Skwxwú7mesh Úxwumixw (Squamish), and xʷməθkʷəy̓əm (Musqueam) Nations since time immemorial. We express our gratitude for their stewardship and acknowledge the privilege it is to be guests on their territories.

Decolonizing the housing landscape in British Columbia requires a collective effort from planners, developers, and municipalities, and must go beyond empty words. Our aspiration is that the recommendations outlined in this report will serve as concrete steps towards the vital process of decolonization.





PERMIT HOLDS

Current Applications

New Westminster's development process
Coquitlam's TRPP addendum

A municipality lays out staged requirements for developers to provide proof of TRPP compliance that align with key lever points in the development process. At each lever point, the corresponding permit is not issued until a developer provides sufficient proof of compliance.

Key Findings from Current Applications

- Municipal approval processes create opportunities to ensure TRPP compliance
- Developers recognize the importance of preserving relationships with municipalities
- Permit holds are flexible in their application

Enabling Conditions

- Development process with staged permit requirements
- Healthy working relationships between municipality and developers
- Desirable development context is helpful
- High carrying costs for delayed development projects

Complementary Enforcement Tools



TRCs



Financial
assurance

Equity Considerations



Places burden of proof on developer, requiring less work from tenants and their advocates



Can apply to all sizes and tenures of redevelopment projects



Only as strong as the actual TRPP requirements

Implementation Requirements

Staff
capacity



Time
before
impact



Cost





MANDATORY MEETINGS

Current Applications
Vancouver's Broadway Plan
Survey of BC municipalities

A municipality requires that a development applicant meet with the tenants who will be impacted by a proposed redevelopment. During the meeting, tenants are informed of the development timeline, their rights according to the municipal TRPP, their options for compensation, and also have the opportunity to ask questions or raise concerns about the project.

Key Findings from Current Applications

- Meetings provide a sense of certainty to developers, municipalities, and tenants
- The ability for tenants to voice concerns about the redevelopment process during meetings will save municipalities time during the public hearing phase
- Meetings are most effective when they: take place prior to the redevelopment application submission, involve City staff, and are facilitated by Tenant Relocation Coordinators

Equity Considerations



Potential comprehension issues for tenants with language barriers, disabilities, or limited access to additional resources



Developers are not always attuned to the cultural or community needs of the tenants they would meet with



When meetings are held one-on-one, there is an absence of collective representation

Enabling Conditions

- City staff available to attend meetings

Complementary Enforcement Tools



TRCs



Permit holds

Implementation Requirements

Staff capacity



Time before impact



Cost





TENANT RELOCATION COORDINATORS

A Tenant Relocation Coordinator (TRC) is the third party hired or designated by the applicant to assist tenants. Several TRPPs in BC require the appointment of a TRC to support tenants with consistent communication throughout the redevelopment process and to assist tenants in finding alternative housing.

Key Findings from Current Applications

- The effectiveness and reach of TRC assistance is time dependent
- TRCs require highly specialized training similar to that of social workers which should be specified in TRPPs
- Tenant well-being is the main priority of the TRC and should be monitored throughout the development and relocation process

Enabling Conditions

- Appropriate supply of TRC's to accommodate the rate of redevelopment and tenant relocation

Complementary Enforcement Tools



Mandatory meetings



Financial assurance



Permit holds

Equity Considerations



TRC effectiveness hinges upon trust-building with tenants through consistent communication



Cultural sensitivity and a trauma-informed approach are critical for working with diverse tenants



TRCs should be involved in a strategy for monitoring and evaluation system for tenant well-being

Implementation Requirements

Staff capacity



Time before impact



Cost





FINANCIAL ASSURANCE

Current Applications
Bonding in Burnaby
Escrow in Santa Monica, CA

A letter of credit or escrow account may be used to ensure financial security and accountability for tenant compensation requirements as mandated by TRPPs. A developer places compensation funds in an account held by a third party, and the funds are disbursed to ensure the developer meets TRPP obligations.

Key Findings from Current Applications

- Financial Assurance is strongest when compensation obligations are defined and included as a prerequisite for rezoning
- This tool supports tenants in the short and long term
- Administration requires a Renter's Office

Enabling Conditions

- TRPP that emphasizes justice to tenants through financial security and accountability of developers
- Healthy working relationships with developers to drive willing compliance
- Municipal staff capacity such as a Renters Office to administer the financial instruments

Complementary Enforcement Tools



Mandatory meetings



TRCs



Permit holds

Equity Considerations



Financial assurance can help prevent homelessness and stress related to housing insecurity



Policies should identify in advance those who require additional assistance



Facilitates tenant agency in selecting compensation option

Implementation Requirements

Staff capacity



Time before impact



Cost





RENTAL LICENSING

Current Applications
Mississauga's pilot program
Landlord licensing in Montreal

Landlords are required to register each rental unit, pay an associated annual fee, and adhere to requirements set by the city. Licenses are discretionary and may be revoked at any time if, for example, TRPP obligations are not met for an applicable rental development.

Key Findings from Current Applications

- This tool reflects an equitable tenant-first strategy that considers the safety and well-being of tenants
- Determining the right punishments and incentives is essential to the success of this tool
- Public awareness of the licensing system is key to its success

Enabling Conditions

- High proportion of legal rentals
- Character of relevant developers signals a culture of compliance
- Sufficient municipal capacity to create necessary tracking infrastructure

Complementary Enforcement Tools



Permit
holds



Mandatory
meetings

Equity Considerations



Beings to correct power imbalance
between tenants and landlords



Mandatory licensing oversight may pose
risks to undocumented tenants



Reduction of affordable rental stock
among units that are not up to code

Implementation Requirements

Staff
capacity



Time
before
impact



Cost





OVERLAY ZONES

Current Applications

Overlay districts in Toronto
Overlay zones in Cambridge, MA

A municipality creates a new micro-zoning distinction that is applied on top of an existing zone, with the intention of addressing gaps related to the enforcement of TRPPs. This over-laid zone can be applied at the building-level. It provides density bonuses for developers who designate new units as transitional housing for displaced tenants throughout the city.

Key Findings from Current Applications

- Overlay zones should be designed at a range of sizes, and be used to address shortage of transitional housing for redevelopments
- More municipal labour is required to approve building-specific zones
- Municipalities must anticipate and proactively address displacement risks

Enabling Conditions

- Flexibility within the current OCP and land-use frameworks
- A demand from developers for higher density
- Community openness to transitional housing within the area
- City staff have the capacity to review overlay zone applications

Complementary Enforcement Tools



Rental
licensing



Financial
assurance

Equity Considerations



Developers may be less inclined to pursue overlay distinction for affordable housing



Quality of transitional units may be low, due to less incentive to maintain units with short-term tenancy



Transitional housing must be integrated into broader housing strategy

Implementation Requirements

Staff
capacity



Time
before
impact



Cost



REDEVELOPMENT TIMELINE WITH ENFORCEMENT TOOLS

- Permit Hold Opportunities
- Mandatory Meetings
- Tenant Relocation Coordinator
- Financial Assurance
- Rental Licensing
- Overlay Zones

