

# Tenant Protection Plan Terms of Reference

March 2025

DRAFT

1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250-469-8610  
FAX 250-862-3349  
email@kelowna.ca

kelowna.ca

## INTRODUCTION

The City of Kelowna continues to grow in existing developed neighbourhoods with access to services, employment, housing, transportation, parks and other amenities. An inevitable result of growth within existing neighbourhoods is the incremental redevelopment of older rental housing stock. Redevelopment can lead to displacement of long-term residents and relocation can be challenging for residents who need to find new, affordable housing, especially in a difficult housing market with low vacancy rates. In some cases, this can lead to increased housing precarity or homelessness.

## OBJECTIVE

The objective of the Tenant Protection Plan Terms of Reference is to ensure that development applications for sites with existing residents in rental housing are processed in accordance with the City's Tenant Protection Bylaw No. **xxxx** and Tenant Protection Development Permit Area, and to provide the necessary relevant information for Planning Department staff and Council to consider the anticipated impacts of a proposed redevelopment on displaced tenants.

# CITY OF KELOWNA TENANT PROTECTION BYLAW

In addition to the obligations of property owners that are required under the Provincial *Residential Tenancy Act*, property owners must adhere to the City of Kelowna Tenant Protection Bylaw No. xxxx and associated Tenant Protection Development Permit Area.

## Applicability

As part of a Tenant Protection Development Permit application, a Tenant Protection Plan must be submitted by the applicant for any development where the subject property:

- Contains 5 or more rental dwelling units; and
- Is being redeveloped, resulting in the tenancy agreements of residential units being terminated.

## Requirements

Prior to redevelopment, applicants must:

- Apply for a Tenant Protection Development Permit, including submission of a Tenant Protection Plan in accordance with the Terms of Reference
- Provide written notice to the tenant(s) of the financial compensation and financial assistance available at least 120 days prior to the end of the tenancy
- Provide financial compensation to the tenant(s) equivalent to 3 months rent\*\* for each rental unit being redeveloped. Financial compensation must be in the form of a lump sum payment at least 90 days prior to the to the end of the tenancy or as free rent for the final 3 months of the tenancy. Financial compensation is not required if:
  - the vacancy rate is 4% or higher; or
  - the tenant(s) agrees to enter into a new tenancy agreement in another rental unit in which the owner has an interest with a rental rate that is not more than 10% higher than the tenant's previous rental rate.
- Provide financial assistance for moving expenses to the tenant(s) of \$1000.00 for each rental unit being redeveloped. Financial assistance for relocation expenses must be provided as a lump sum payment.
- After a Development Permit has been approved, but prior to issuance of a Building Permit/Demolition Permit for development on the subject property, submit a Compliance Report, in accordance with the Terms of Reference, demonstrating how the property owner/applicant has completed the above-noted requirements.

\*\*Financial compensation includes any compensation due under the *Residential Tenancy Act* (ex: if 1 month of rent is due as compensation under the *Residential Tenancy Act* only 2 additional months of rent is due as compensation under the Tenant Protection Bylaw).

<b>ATTACHMENT</b>		A
This forms part of application		
# N/A		
Planner Initials	MT	
		City of <b>Kelowna</b> DEVELOPMENT PLANNING

# SUBMISSION REQUIREMENTS

## TENANT PROTECTION PLAN

The Tenant Protection Plan will form part of the issued Development Permit and must include:

a. Existing Development

A description of the existing occupied buildings on the property, including:

- I. The total number of residential units;
- II. The existing vacancy / occupancy of the residential units;
- III. The number of residential units where the tenancy agreement is ending due to redevelopment. If only a portion of the residential units are being affected, a site plan indicating the location of the units is required;
- IV. The monthly rent of each residential unit where the tenancy agreement is ending.

b. Residential Tenancy Act Requirements

A description of the obligations of the owner under the *Residential Tenancy Act*, including notice requirements and compensation and the manner in which these obligations are being fulfilled.

c. Tenant Protection Bylaw No. xxxx Requirements

A description of how the requirements of the City of Kelowna Tenant Protection Bylaw No. xxxx are met, including:

### **Notification**

- I. How the applicant will notify tenants of the financial compensation and financial assistance available. Written notification must be completed a minimum of 120 days prior to the end of the tenancy. A draft version of the notification letter should be submitted for staff review and include:
  - i. Civic address of the subject property
  - ii. Description of the development proposal
  - iii. Anticipated timeline of development proposal
  - iv. Description of the applicant's obligations under the *Residential Tenancy Act*
  - v. Description of the applicant's obligation under the City of Kelowna Tenant Protection Bylaw to provide financial compensation and financial assistance for relocation expenses (including required timeline, amount of compensation/assistance, and method of compensation).
  - vi. If applicable, opportunities for tenants to relocate into another rental unit in which the owner has an interest.
  - vii. Information on any other proposals by the applicant pertaining to tenant protection.
  - viii. Contact information for the applicant and/or owner or their agent
  - ix. Contact information for City staff

### Financial Compensation

- II. Financial compensation (equivalent to three months of rent\*\*)
  - i. Form of compensation (lump-sum payment or free rent)
  - ii. Amount of compensation due per unit
  - iii. Anticipated timing of compensation being paid

\*\*Financial compensation includes any compensation due under the *Residential Tenancy Act* (ex: if 1 month of rent is due as compensation under the *Residential Tenancy Act* only 2 additional months of rent is due as compensation under the Tenant Protection Bylaw).

### Financial Assistance

- III. Financial assistance for moving expenses
  - i. Amount of assistance due per unit
  - ii. Anticipated timing of assistance being paid

### Additional Proposals

- d. An applicant may wish to make additional voluntary proposals with respect to tenant protection. Examples of additional measures include:

- I. Additional notification or information provided to tenants

*E.g.: Holding one-on-one meetings or a community meeting with tenants to discuss the redevelopment proposal, provide information about the property owner's obligations, and provide an opportunity for tenants to ask questions.*

*E.g.: Establishing regular office hours where a representative will be available to answer questions about the proposed redevelopment and tenant protection measures.*

*E.g.: Allowing tenants to subscribe to an email newsletter which provides tenants with regular updates on the redevelopment.*

- II. Additional financial compensation

*E.g.: Additional financial compensation based on the length of the tenancy or when there are special circumstances or complex needs (ex: seniors, persons with disabilities, families with young children, households with very low incomes, other vulnerable persons)*

*E.g.: Providing a rent top-up that bridges the difference between the tenant's current rent and the rent in the tenant's new housing for a period of time.*

- III. Relocation assistance

*E.g.: Additional financial assistance for moving expenses based on the actual cost of the relocation or arrangements with an insured moving company*

*E.g.: Hiring an external tenant relocation coordinator (with knowledge of the rental housing market and Provincial housing programs) to liaise with tenants and assist them with finding new rental units, completing rental applications, meeting with prospective landlords, providing relevant information, attending scheduled viewings, assistance with utility transfers etc.*

*E.g.: Providing right of first refusal on new rental units being developed on-site or other units owned by the applicant, potentially at below-market rates*

**COMPLIANCE REPORT**

After approval of a Development Permit, but prior to issuance of a Building Permit or Demolition Permit for residential dwelling units, a Compliance Report must be submitted. The Compliance Report must include the following components:

- a. Copies of notices provided to each tenant;
- b. Date that notice was provided to each tenant;
- c. Date, form, and amount of financial compensation provided to each tenant;
- d. Date and amount of financial assistance for moving expenses provided to each tenant;
- e. Additional information on any additional tenant protection measures undertaken by the applicant and necessary supplemental information to demonstrate compliance with these measures.

Staff may request additional information as evidence that the steps in the Tenant Protection Plan were completed.