

CITY OF KELOWNA

Tenant Protection Bylaw No. 12780

WHEREAS the *Community Charter*, Section 63, allows a municipality via bylaw to protect tenants, rental units, and residential property, as they are defined in the *Residential Tenancy Act*, that are subject to a tenancy agreement, as defined in that Act;

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Tenant Protection Bylaw No. 12780".
2. Application
 - 2.1. This bylaw does not apply to land affected by the *Manufactured Home Park Tenancy Act*; or residential property for which a building permit was issued for a hotel or motel; or residential property with four or less rental units.
 - 2.2. This bylaw applies to redevelopment land designated as being within a 'Tenant Protection Development Permit Area', as established by Kelowna 2040 – Official Community Plan Bylaw No. 12300.
3. Definitions
 - 3.1. In this bylaw:
 - "Building Permit" means 'Permit' as defined in Building Bylaw, 1993, No. 7245.
 - "Financial assistance" means a lump sum payment.
 - "Financial compensation" means a lump sum payment or free rent.
 - "Hotel" means 'Hotel' as defined in City of Kelowna Zoning Bylaw No. 12375.
 - "Motel" means 'Motel' as defined in City of Kelowna Zoning Bylaw No. 12375.
 - "Owner" means 'Owner', as defined in City of Kelowna Zoning Bylaw No. 12375, of residential property that is the subject of a proposed redevelopment.
 - "Redevelopment" means to demolish a residential property for the purpose of constructing a new structure on the parcel on which the property was located; or to partially demolish residential property to the extent that one or more rental unit within the residential property is completely and irreversibly destroyed.
 - "Rental unit" means a living accommodation rented or intended to be rented to one or more tenants. May include associated common areas, services, facilities or other amenities to which a tenant of the rental unit has access.
 - "Residential property" means a building or part of a building that is or contains a rental unit.
 - "Tenancy" means a tenant's right to possession of a rental unit under a tenancy agreement.
 - "Tenancy agreement" means a written agreement between a landlord and tenant respecting possession of a rental unit.
 - "Tenant" means an individual or individuals whose tenancy agreement is terminated in relation to a proposed redevelopment.
 - "Vacancy rate" means the most recent primary market vacancy rate for City of Kelowna published by the Canada Mortgage and Housing Corporation.
4. Redevelopment Requirements
 - 4.1. Prior to redevelopment of a residential property containing 5 or more rental units, an owner must provide to a tenant affected by the redevelopment of a rental unit:
 - 4.1.1. Written notice that includes details of the financial compensation and financial assistance available to the tenant a minimum of 120 days prior to the last day of tenancy;

4.1.2. Financial compensation a minimum of 90 days prior to the last day of tenancy equivalent to the cost of the final 3 months' rent for each rental unit being redeveloped.

4.1.3. Financial assistance of \$1,000.00 a minimum of 90 days prior to the last day of tenancy to assist with tenant relocation for each rental unit being redeveloped.

4.2. Section 4.1.2 does not apply if a tenant enters into a new tenancy agreement with the owner that commences on or before the last day of tenancy for the residential property that is the subject of redevelopment.

4.2.1. The rental rate will not be more than 10% higher than the rate for the rental unit that is the subject of redevelopment.

5. Severability

5.1. A portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phase.

6. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk