

To: Regional and Corporate Services Committee

Date: 2018-05-29

From: Johannes Bendle, Planner I

File No: 6430-01-General

Subject: Local Government Statutes – Housing Needs Reports Amendment Act, 2018 and Residential Rental Tenure Zoning Amendment Act, 2018

INTENT

This report is intended to advise the Fraser Valley Regional District Board of information pertaining to amendments to the *Local Government Act*. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community

KEY POINTS

- The Provincial Government has introduced two pieces of legislation: Bill 18 – 2018 – ***Local Government Statutes (Housing Needs Reports) Amendment Act, 2018*** and Bill 23 – 2018 – ***Local Government Statutes (Residential Rental Tenure Zoning) Amendment Act, 2018***.
- *Local Government Statutes (Housing Needs Reports) Amendment Act, 2018.*
 - Requires local governments to prepare housing needs reports and establishes legislation regarding information that a local government must collect for the purpose of preparing housing needs reports.
 - Will come into force through regulation.
- *Local Government Statutes (Residential Rental Tenure Zoning) Amendment Act, 2018.*
 - Allows local governments to adopt zoning bylaw regulations that limits the form of tenure to residential rental tenure and further allows local governments to limit the form of residential rental tenure in relation to a specified number, portion or percentage of housing units in a building.

BACKGROUND

The Provincial Government has introduced two pieces of legislation that will amend the *Local Government Act (LGA)* and *Vancouver Charter*. Bill 18 – 2018 – *Local Government Statutes (Housing Needs Reports) Amendment Act, 2018* received Royal Assent on May 17, 2018. Bill 23 – 2018 – *Local Government Statutes (Residential Rental Tenure Zoning) Amendment Act, 2018* received Third Reading on May 14, 2018. The intent of the legislation is to provide local government with tools to promote more residential rental housing in British Columbia's tight rental market. The legislation requires local governments to assess the housing needs of their communities and provides a new tool to protect and encourage rental housing by providing local governments with the authority to apply residential rental tenure zoning regulations to properties.

DISCUSSION

Local Government Statutes (Housing Needs Reports) Amendment Act, 2018

The *Housing Needs Reports* amendment act requires local governments, unless it is exempted from the requirement, to prepare housing needs reports and establishes legislation regarding information a local government must collect for the purpose of preparing housing needs reports. The legislation stipulates that a local government must collect information on the demand for and supply of housing. Information collected by a local government must include: current and projected population; household income; significant economic sectors; number of housing units available; currently required and anticipated needs. Under the new legislation, a local government must receive a housing needs report at a public meeting no later than three (3) years after the date this legislation comes into force with subsequent housing needs reports no later than five (5) years after the date of the most recent report. The housing needs reports must be published by the local government on an internet site accessible to the public.

The legislation allows for some flexibility in housing needs report requirements. The Lieutenant Governor in Council is able to make regulations exempting a local government or class of local governments from housing needs report requirements, establish different classes of local government, and make different provisions for different local governments. Local governments are also exempted from the requirement to submit a "first" housing report within three (3) years if it adopted an interim housing needs report or substantially started an interim housing needs report.

Moving forward, regional district boards must consider the most recent housing needs report when developing, amending or considering a regional growth strategy. As well, regional district boards and municipal councils must consider the most recent housing needs report when developing an official community plan, amending an official community plan in relation to statements and map designations or when amending an official community plan in relation to housing policies. Some local governments, including the FVRD, already consider this type of information when creating policy documents.

Local Government Statutes (Residential Rental Tenure Zoning) Amendment Act, 2018

The *Residential Rental Tenure Zoning* amendment act, allows local governments to adopt a zoning bylaw limiting the form of tenure to residential rental and allows local governments to limit the form of residential rental tenure in relation to a specified number, portion or percentage of housing units in a building. If approved, local governments will be allowed to use a zoning bylaw to limit the form of residential tenure to rental within a zone where multi-family residential use is permitted. The legislation will allow a local government to zone undeveloped land for multi-family rental tenure and use its discretion to determine the quantity or proportion of rental housing to be developed on that land. As well, the legislation will allow the local government to decide if existing multi-family rental housing that is zoned as rental can be redevelopment for another use.

The principle of non-conforming use applies to the implementation of “residential rental tenure” zoning meaning that if a zoning bylaw limits the form of tenure to rental only, the other form of tenure continues as a non-conforming use. The non-conforming use continues if repair, extension or alteration of the building involves no further contravention of the bylaw, but if the repair, extension or alteration includes the construction of additional housing units, the additional housing units are subject to the new zoning bylaw. The legislation does allow the Lieutenant Governor in Council to make further regulations regarding non-conforming forms of tenure.

A local government’s adoption of the “residential rental tenure” zoning into a zoning bylaw will be optional. Therefore, the “residential rental tenure” zoning is simply a tool that a local government may choose to use to control building residential tenure.

Legislation Implications

The *Housing Needs Reports* amendment act and the *Residential Rental Tenure Zoning* amendment act require local governments to compile and report housing data and provide local governments with an additional tool to promote rental housing. The *Housing Needs Reports* will be a local government requirement whereas the *Residential Rental Tenure Zoning* is an optional tool available to local government to be used at its discretion. The *Housing Needs Reports* can play a beneficial role in local government decision making. Having access to housing needs data can provide local government with justification for implementation of residential rental tenure zoning.

The legislation provides local governments a sense of what is expected, but local governments require further clarity on the specifics of the legislation and regulations.

Clarity on the *Housing Needs Reports* amendment act will especially be helpful as the legislation indicates there is some flexibility in relation to the requirements, but no specifics. For example, more clarity on the requirements for different assigned classes of local governments will help determine the level of analysis required. Smaller and rural communities have access to far less data, such as vacancy rates, than larger urban centres.

The FVRD already analyzes and produces reports on housing data. The FVRD’s regional snapshot series on housing “Housing Demand and Affordability in the Fraser Valley Regional District” is a case in point.

Local governments will have to wait for further clarification on the form and content of the reports but it is anticipated the FVRD is well positioned to meet the requirements.

Clarity regarding the *Residential Rental Tenure Zoning* amendment act and its implementation impacts will need to be fleshed out further prior to local government's implementing such zoning. Impacts such as "down-zoning" properties may have financial implications to property owners looking to redevelop. Rental unit management issues will also arise, as many communities are not set up to manage an inventory of rental stock and it is unlikely BC Housing will step into assist as they have differing business models.

As with most legislative amendments, unintended consequences play an integral role in how implementation is rolled out. The province will have to provide a best practices guide, or educational series to ensure local governments can implement changes effectively in their communities.

COST

There are no costs associated with this report.

CONCLUSION

The Provincial Government has given Royal Assent to legislation mandating local governments produce housing needs reports and given Third Reading to legislation providing local governments with a tool to adopt zoning bylaw regulations that limits the form of multi-family tenure to residential rental tenure. This is an initial staff report to inform the Board about the legislation. Staff will come back to Board with a follow up report of the specific implications of the legislation for the FVRD once further clarity is provided by the Province.

COMMENTS BY:

Alison Stewart, Manager of Strategic Planning

Reviewed and supported

Barclay Pitkethly, Director of Regional Programs

Reviewed and supported

Mike Veenbaas, Director of Financial Services

No further financial comments.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

2018 Legislative Session: 3rd Session, 41st Parliament
THIRD READING

The following electronic version is for informational purposes only.
The printed version remains the official version.

Certified correct as passed Third Reading on the 14th day of May, 2018
Craig James, Clerk of the House

HONOURABLE SELINA ROBINSON
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

BILL 18 – 2018
LOCAL GOVERNMENT STATUTES
(HOUSING NEEDS REPORTS) AMENDMENT ACT, 2018

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – LOCAL GOVERNMENT

Local Government Act

1 Section 429 of the Local Government Act, S.B.C. 2015, c. 1, is amended by adding the following subsection:

(2.1) Unless a board is exempted, or is in a class of local governments exempted, under section 585.11 *[application of this Division]*, the board must consider the most recent housing needs report the board received under section 585.31 *[when and how housing needs report must be received]*, and the housing information on which the report is based,

- (a) when developing a regional growth strategy,
- (b) when amending a regional growth strategy in relation to actions proposed under subsection (2) (c) (i) of this section, or
- (c) when considering a regional growth strategy under section 452 (2).

2 Section 473 is amended by adding the following subsection:

(2.1) Unless a local government is exempted, or is in a class of local governments exempted, under section 585.11 *[application of this Division]*, the local government must consider the most recent housing needs report the local government received under section 585.31 *[when and how housing needs report must be received]*, and the housing information on which the report is based,

- (a) when developing an official community plan,

- (b) when amending an official community plan in relation to statements and map designations under subsection (1) (a) of this section, or
- (c) when amending an official community plan in relation to housing policies under subsection (2) of this section.

3 The following Division is added to Part 14:

Division 22 – Housing Needs Reports

Definitions for this Division

585.1 (1) In this Division:

"applicable area" means

- (a) in relation to a municipality, the area of the municipality,
- (b) in relation to a regional district, the electoral areas in the regional district other than an area within the trust area, and
- (c) in relation to the trust, the local trust areas;

"local government" includes a local trust committee.

(2) The definitions in section 1 of the *Islands Trust Act* apply for the purposes of this Division.

Application of this Division

585.11 This Division applies to a local government unless the local government

- (a) is exempted by regulation, or
- (b) is in a class of local governments that is exempted by regulation.

Housing needs reports

585.2 A local government must prepare housing needs reports in accordance with this Division.

Collection of housing information

585.21 (1) Subject to the regulations, a local government must collect information in relation to the demand for and supply of housing for the applicable area of the local government for the purpose of preparing a housing needs report.

(2) For the purpose of subsection (1), a local government must collect the following:

- (a) statistical information about current and projected population;
- (b) statistical information about household income;
- (c) information about significant economic sectors;
- (d) information about currently available housing units and housing units that are anticipated to be available, including information about

types of housing units;

(e) any other prescribed information.

Content of housing needs report

585.3 A housing needs report must

(a) be in a format prescribed by regulation, if any,

(b) be based on the information collected under section 585.21, and

(c) include the following, subject to the regulations, in relation to the applicable area for the local government:

(i) for each type of housing unit, the number of housing units required to meet current housing needs;

(ii) for each type of housing unit, the number of housing units required to meet anticipated housing needs for at least the next 5 years;

(iii) any other prescribed information.

When and how housing needs report must be received

585.31 (1) A local government must, by resolution, receive housing needs reports in accordance with this section.

(2) A local government must receive a housing needs report at a meeting that is open to the public.

(3) A local government must receive

(a) the first housing needs report no later than 3 years after the date this section comes into force, and

(b) every subsequent housing needs report no later than 5 years after the date that the most recent housing needs report was received.

Publication of housing needs report

585.4 As soon as practicable after a local government receives a housing needs report, the local government must publish the housing needs report on an internet site that is

(a) maintained by the local government or authorized by the local government to be used for publishing the report, and

(b) publicly and freely accessible.

Regulation-making powers

585.41 (1) In relation to this Division, the Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*, including regulations respecting any matter for which regulations are contemplated by this Division.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) for the purposes of section 585.11 [*application of this Division*], exempting a local government or a class of local governments from this Division;
- (b) respecting information that must be collected under section 585.21 [*collection of housing information*], including, without limitation, in relation to the nature, level of detail and type of information that must be collected and prescribing the periods of time for which the information must be collected;
- (c) providing that information collected under section 585.21 may be collected only for parts of an applicable area and specifying those parts;
- (d) prescribing types of housing units;
- (e) providing that a housing needs report may include the matters described in section 585.3 (c) [*content of housing needs report*] only for parts of an applicable area and specifying those parts;
- (f) prescribing the format of a housing needs report;
- (g) prescribing when a housing needs report must be received by a local government if the local government was, but is no longer, exempt under section 585.11.

(3) In addition to any other variation authority that is specifically provided in this Act, a regulation that may be made by the Lieutenant Governor in Council under this section may

- (a) establish different classes of local governments, parts of an applicable area, matters, circumstances or other things,
- (b) make different provisions, including exceptions, for different classes referred to in paragraph (a), and
- (c) make different provisions, including exceptions, for different local governments, parts of an applicable area, matters, circumstances or things.

4 Section 1 of the Schedule is amended by adding the following definitions:

"housing information" means the housing information collected under section 585.21 [*collection of housing information*];

"housing needs report" means a housing needs report within the meaning of Division 22 of Part 14; .

Vancouver Charter

5 Section 2. of the Vancouver Charter, S.B.C. 1953, c. 55, is amended by adding the following definitions:

"housing information" means the housing information collected under section 574.2 [*collection of housing information*];

"housing needs report" means a housing needs report within the meaning of Division (6) of Part XXVII; .

6 The following heading is added before section 559.:

Division (1) – Interpretation .

7 The following heading is added before section 560.:

Division (2) – Planning and Development .

8 Section 561. is amended by adding the following subsection:

(3.1) The Council must consider the most recent housing needs report received by the Council under section 574.4, and the housing information on which the report is based,

- (a) when developing a development plan, or
- (b) when amending a development plan in relation to housing policies under subsection (3).

9 The heading before section 565. is repealed and the following substituted:

Division (3) – Zoning .

10 The heading before section 572. is repealed and the following substituted:

Division (4) – Board of Variance .

11 The heading before section 574. is repealed and the following substituted:

Division (5) – Advisory Planning Commission .

12 The following Division is added:

Division (6) – Housing Needs Reports

Housing needs reports

574 .1 The Council must prepare housing needs reports in accordance with this Division.

Collection of housing information

574 .2 (1) Subject to the regulations, the Council must collect information in relation to the demand for and supply of housing for the city for the purpose of preparing a housing needs report.

(2) For the purpose of subsection (1), the Council must collect

- (a) statistical information about current and projected population;

- (b) statistical information about household income;
- (c) information about significant economic sectors;
- (d) information about currently available housing units and housing units that are anticipated to be available, including information about types of housing units;
- (e) any other prescribed information.

Content of housing needs report

574.3 A housing needs report must

- (a) be in a format prescribed by regulation, if any,
- (b) be based on the information collected under section 574.2, and
- (c) include the following, subject to the regulations, in relation to the city:
 - (i) for each type of housing unit, the number of housing units required to meet current housing needs;
 - (ii) for each type of housing unit, the number of housing units required to meet anticipated housing needs for at least the next 5 years;
 - (iii) any other prescribed information.

When and how housing needs report must be received

574.4 (1) The Council must, by resolution, receive housing needs reports in accordance with this section.

(2) The Council must receive a housing needs report at a meeting that is open to the public.

(3) The Council must receive

- (a) the first housing needs report, subject to subsection (4), no later than 3 years after the date this section comes into force, and
- (b) every subsequent housing needs report no later than 5 years after the date that the most recent housing needs report was received.

(4) If,

- (a) within one year after this section comes into force, the Council
 - (i) submits a report to the minister that includes the information described in section 574.3 (c), and
 - (ii) applies in writing to the minister for a determination whether the report under paragraph (a) (i) of this subsection is an acceptable report, and
- (b) the minister notifies the Council that the minister considers that the report submitted under paragraph (a) (i) of this subsection is an acceptable report,

that report is the first housing needs report for the purposes of subsection (3) (a) of this section.

Publication of housing needs report

574.5 As soon as practicable after the Council receives a housing needs report, the Council must publish the housing needs report on an internet site that is publicly and freely accessible.

Regulations

574.6 (1) In relation to this Division, the Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*, including regulations respecting any matter for which regulations are contemplated by this Division.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) respecting information that must be collected under section 574.2, including, without limitation, in relation to the nature, level of detail and type of information that must be collected and prescribing the periods of time for which the information must be collected;
- (b) prescribing types of housing units;
- (c) prescribing the format of a housing needs report.

PART 2 – TRANSITIONAL PROVISION

Transition – local government housing needs reports

13 (1) In this section:

"applicable area" means an applicable area as defined in section 585.1, added to the *Local Government Act* by this Act;

"housing needs report" means a housing needs report as defined in section 1 of the Schedule to the *Local Government Act* as amended by this Act;

"interim housing needs report" means a report that sets out the following for an applicable area:

- (a) for each type of housing unit, the number of housing units required to meet current housing needs;
- (b) for each type of housing unit, the number of housing units required to meet anticipated housing needs for the next 5 years;
- (c) any other prescribed information;

"local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*;

"publish" means publish on an internet site that is

(a) maintained by the local government or authorized by the local government to be used for this purpose, and

(b) publicly and freely accessible.

(2) Section 585.31 (3) (a) [*when and how housing needs report must be received*], added to the *Local Government Act* by this Act, does not apply to a local government if one of the following applies:

(a) on or after January 2, 2018 and before the date this section comes into force, the local government

(i) receives, by resolution, or adopts, by bylaw, at a meeting that is open to the public, an interim housing needs report, and

(ii) publishes the interim housing needs report;

(b) the local government

(i) substantially starts an interim housing needs report before the date this section comes into force,

(ii) receives, by resolution, or adopts, by bylaw, at a meeting that is open to the public, the interim housing needs report no later than one year after the date this section comes into force, and

(ii) publishes the interim housing needs report no later than one year after the date this section comes into force;

(c) within one year after this section comes into force, the local government

(i) submits an interim housing needs report to the minister,

(ii) applies in writing to the minister for a determination whether the interim housing needs report is an accepted report, and

(iii) the minister notifies the local government that the minister considers that the interim housing needs report is an acceptable report.

(3) For purposes of section 585.31 (3) (a), added to the *Local Government Act* by this Act, an interim housing needs report of a local government in relation to which

(a) the local government has taken the actions described in subsection

(2) (a) or (b) of this section, or

(b) the minister has provided notification under subsection (2) (c) of this section

is the first housing needs report.

(4) For the purposes of subsection (2) (b) of this section, the Lieutenant Governor in Council may prescribe criteria that a local government has to meet to establish that it has substantially started an interim report.

(5) The Lieutenant Governor in Council may make regulations for any matter for which regulations are contemplated by this section.

Commencement

14 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 5	By regulation of the Lieutenant Governor in Council
3	Section 8	By regulation of the Lieutenant Governor in Council
4	Sections 12 and 13	By regulation of the Lieutenant Governor in Council

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2018 Legislative Session: 3rd Session, 41st Parliament
THIRD READING

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Certified correct as passed Third Reading on the 14th day of May, 2018
Craig James, Clerk of the House

HONOURABLE SELINA ROBINSON
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

BILL 23 – 2018
LOCAL GOVERNMENT STATUTES
(RESIDENTIAL RENTAL TENURE ZONING)
AMENDMENT ACT, 2018

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Local Government Act

1 Section 455 of the Local Government Act, S.B.C. 2015, c. 1, is amended by adding the following definitions:

"form of tenure" means the legal basis on which a person occupies a housing unit;

"housing cooperative" has the same meaning as in section 1 of the *Cooperative Association Act*;

"residential rental tenure" means a form of tenure as such form of tenure is defined by a local government in a zoning bylaw;

"strata corporation" has the same meaning as in section 1 of the *Strata Property Act*;

"strata lot" has the same meaning as in section 1 of the *Strata Property Act*; .

2 Section 466 (4) is amended by striking out "of any area, the notice must" and substituting "of any area or the residential rental tenure in any area, or limits the form of tenure to residential rental tenure in any area, the notice must".

3 Section 470 (1) (b) is repealed and the following substituted:

(b) alter and then adopt the bylaw, provided that the alteration does not

(i) do any of the following:

(A) alter the use;

- (B) increase the density;
- (C) without the owner's consent, decrease the density of any area from that originally specified in the bylaw, or
- (ii) alter the bylaw in relation to residential rental tenure in any area.

4 Section 479 (1) is amended by adding the following paragraph:

- (c.1) limit the form of tenure in accordance with section 481.1; .

5 The following sections are added:

Residential rental tenure

481.1 (1) A zoning bylaw may limit the form of tenure to residential rental tenure within a zone or part of a zone for a location in relation to which multi-family residential use is permitted.

(2) A limit under subsection (1) may limit the form of tenure to residential rental tenure in relation to a specified number, portion or percentage of housing units in a building.

Strata rental bylaws and housing cooperative rules

481.2 If a local government adopts a zoning bylaw that limits the form of tenure to residential rental tenure, the zoning bylaw in relation to residential rental tenure does not affect the following:

- (a) any lawful bylaw that a strata corporation may pass under Part 8 [Rentals] of the *Strata Property Act*;

- (b) any lawful rule that a housing cooperative may adopt in relation to the rental of housing.

6 Section 490 (3) is repealed and the following substituted:

- (3) A development permit must not

- (a) vary the use or density of the land from that permitted in the bylaw except as authorized by section 491 (3) [variation in relation to health, safety or protection of property], or

- (b) vary the application of a zoning bylaw in relation to residential rental tenure.

7 Section 498 (2) is amended by adding the following paragraph:

- (a.1) the application of a zoning bylaw in relation to residential rental tenure; .

8 The following Division is added to Part 14:

Division 14.1 – Non-conforming Form of Tenure

Non-conforming form of tenure: authority to continue tenure

535.1 (1) If, at the time a zoning bylaw that limits the form of tenure to residential rental tenure is adopted, a housing unit to which the bylaw applies has a form of tenure other than residential rental tenure, the other form of tenure continues as a non-conforming form of tenure.

(2) If, at the time a zoning bylaw that limits the form of tenure to residential rental tenure is adopted, a local government has issued a building permit or a development permit in relation to a building that will contain housing units to which the bylaw would otherwise apply, and the housing units have or may have a form of tenure other than residential rental tenure, the other form of tenure continues as a non-conforming form of tenure.

Non-conforming form of tenure: repair, extension and alteration

535.2 (1) Subject to subsection (2), if a non-conforming form of tenure is authorized, under section 535.1, to continue in relation to a housing unit in a building and the building is maintained, extended or altered, the non-conforming form of tenure continues if the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started.

(2) If the repair, extension or alteration includes the construction of additional housing units, the additional housing units are subject to the zoning bylaw in relation to residential rental tenure.

Change in ownership, tenants or occupants in relation to form of tenure

535.3 For the purposes of this Division and subject to section 535.4, a change of owners, tenants or occupants of a housing unit does not, by reason only of the change, affect the authority to continue a non-conforming form of tenure of the housing unit.

Dissolution of strata corporations

535.4 If

- (a) a non-conforming form of tenure is authorized to continue under section 535.1 in relation to a housing unit in a building,
- (b) the building includes strata lots,
- (c) the strata corporation for the owners of the strata lots is wound up under Part 16 of the *Strata Property Act*, and
- (d) there is a disposition of all of the land and the building of that strata corporation,

the non-conforming form of tenure is no longer authorized to continue.

Regulation-making powers

535.5 (1) In relation to this Division, the Lieutenant Governor in Council may make regulations referred to in section 41 of the Interpretation Act.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting non-conforming forms of tenure, including, without limitation,

(a) regulations prescribing circumstances in which a non-conforming form of tenure is authorized, or is no longer authorized, to continue, and

(b) regulations in relation to when a non-conforming form of tenure is no longer authorized.

9 Section 542 (1) (c) is amended by adding the following subparagraph:

(vi) vary the application of an applicable bylaw in relation to residential rental tenure.

10 Section 610 (8) is repealed and the following substituted:

(8) Before entering into or amending a heritage revitalization agreement, a local government must hold a public hearing on the matter if the agreement or amendment would

(a) permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property, or

(b) alter a zoning bylaw in relation to residential rental tenure as defined in section 455,

and, for these purposes, Division 3 [*Public Hearings on Planning and Land Use Bylaws*] of Part 14 applies.

11 Section 617 (4) is amended by adding the following paragraph:

(a.1) a zoning bylaw in relation to residential rental tenure as defined in section 455 may not be altered; .

Vancouver Charter

12 Section 559. of the Vancouver Charter, S.B.C. 1953, c. 55, is amended by adding the following definitions:

"form of tenure" means the legal basis on which a person occupies a housing unit;

"housing cooperative" has the same meaning as in section 1 of the *Cooperative Association Act*;

"residential rental tenure" means a form of tenure as such form of tenure is defined in a zoning by-law;

"strata corporation" has the same meaning as in section 1 of the *Strata Property Act*;

"strata lot" has the same meaning as in section 1 of the *Strata Property Act*; .

13 Section 565. (1) is amended by adding the following paragraph:

(b.1) limiting the form of tenure in accordance with section 565.01; .

14 The following sections are added:

Residential rental tenure

565 . 01 (1) A zoning by-law may limit the form of tenure to residential rental tenure within a district or zone or part of a district or zone for a location in relation to which multi-family residential use is permitted.

(2) A limit under subsection (1) may limit the form of residential rental tenure in relation to a specified number, portion or percentage of housing units in a building.

Strata rental bylaws and housing cooperative rules

565 . 02 If the Council adopts a zoning by-law that limits the form of tenure to residential rental tenure, the zoning by-law in relation to residential rental tenure does not affect the following:

(a) any lawful bylaw that a strata corporation may pass under Part 8 [*Rentals*] of the *Strata Property Act*;

(b) any lawful rule that a housing cooperative may adopt in relation to rental of housing.

15 The following sections are added:

Non-compliant form of tenure

568 . 1 (1) If, at the time a zoning by-law that limits the form of tenure to residential rental tenure is adopted, a housing unit to which the by-law applies has a form of tenure other than residential rental tenure, the other form of tenure continues as a non-compliant form of tenure.

(2) If, at the time a zoning by-law that limits the form of tenure to residential rental tenure is adopted, the Council has issued a building permit or a development permit in relation to a building that will contain housing units to which the by-law would otherwise apply, and the housing units have or may have a form of tenure other than residential rental tenure, the other form of tenure continues as a non-compliant form of tenure.

Non-compliant form of tenure: repair, extension and alteration

568 . 2 (1) Subject to subsection (2), if a non-compliant form of tenure is authorized, under section 568.1, to continue in relation to a housing unit in a building and the building is maintained, extended or altered, the non-compliant form of tenure continues if the repair, extension or alteration would, when completed, involve no

further contravention of the by-law than that existing at the time the repair, extension or alteration was started.

(2) If the repair, extension or alteration includes the construction of additional housing units, the additional housing units are subject to the zoning by-law in relation to residential rental tenure.

Change in ownership, tenants or occupants in relation to form of tenure

568.3 For the purposes of this Division and subject to section 568.4, a change of owners, tenants or occupants of a housing unit does not, by reason only of the change, affect the authority to continue a non-compliant form of tenure of the housing unit.

Dissolution of strata corporations

568.4 If

- (a) a non-compliant form of tenure is authorized to continue under section 568.1 in relation to a housing unit in a building,
- (b) the building includes strata lots,
- (c) the strata corporation for the owners of the strata lots is wound up under Part 16 of the *Strata Property Act*, and
- (d) there is a disposition of all of the land and the building of that strata corporation,

the non-compliant form of tenure is no longer authorized to continue.

16 The following section is added:

Regulations

571E (1) In relation to this Division, the Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting non-compliant forms of tenure, including, without limitation,

- (a) regulations prescribing circumstances in which a non-compliant form of tenure is authorized, or is no longer authorized, to continue, and
- (b) regulations in relation to when a non-compliant form of tenure is no longer authorized.

17 Section 573. is amended by adding the following subsection:

(2.2) The Board shall not allow an appeal about a zoning by-law in relation to residential rental tenure.

18 Section 592. (8) is repealed and the following substituted:

(8) The Council must hold a public hearing on the matter before entering into or amending a heritage revitalization agreement if the agreement or amendment would

(a) permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property, or

(b) alter a zoning by-law in relation to residential rental tenure as defined in section 559,

and, for these purposes, section 566 applies.

19 Section 597. (3.1) is amended by adding the following paragraph:

(a.1) a zoning by-law in relation to residential rental tenure as defined in section 559 may not be altered; .

Commencement

20 This Act comes into force on the date of Royal Assent.