

Tenant Protection Development Permit Area Guidelines



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Schedule III/ Tenant Protection Development Permit Area Guidelines

Schedule III establishes the Tenant Protection Development Permit Guidelines to mitigate the effects on tenants facing displacement from redevelopment.

1.0 Preamble

1.1 Legislative context

Pursuant to section 488(1)(k) of the *Local Government Act*, the Burnaby 2050 Official Community Plan designates certain lands within the City as a Development Permit Area for the purpose of mitigating the effects on tenants who will be or have been displaced from their rental units in relation to a **redevelopment** or proposed redevelopment, as those terms are defined under section 63.1 of the *Community Charter*:

See Burnaby 2050 Official Community Plan, Appendix D. Tenant Protection Development Permit Area.

This Schedule III to the Burnaby Zoning Bylaw specifies the guidelines respecting the manner by which the special conditions and objectives will be addressed (per *Local Government Act*, section 488(2)(b) and (3)) and the conditions under which a **Tenant Protection Development Permit** will not be required (per *Local Government Act*, section 488(4)).

1.2 How to use this document

The remainder of this document is organized into four sections:

2.0 Introduction

Describes when a Tenant Protection Development Permit is or is not required.

3.0 Development Guidelines

Provides guidelines to help an owner comply with the requirements of a Tenant Protection Development Permit Area.

4.0 Development Permit Conditions

Describes the conditions which may be included in a Tenant Protection Development Permit.

5.0 Glossary

Provides definitions for defined terms used in this Schedule.

2.0 Introduction

2.1 Purpose

The purpose of the Tenant Protection Development Permit Guidelines is to build on the successful outcomes of Burnaby's Tenant Assistance Policy which was introduced in 2015 and strengthened in 2020. Since the development of this Policy, the Province of British Columbia has enacted various legislative changes to allow local governments to use their land use planning and regulatory powers to better monitor the impacts of redevelopment and provide support to tenants facing evictions from redevelopment.

The Burnaby Tenant Protection Bylaw was adopted to mitigate the financial and emotional impacts on tenants facing displacement due to redevelopment. The purpose of the Tenant Protection Development Permit Guidelines is to support the implementation of the Burnaby Tenant Protection Bylaw.

2.2 Application

This Schedule applies to redevelopment of any of the parcels shown shaded in the Tenant Assistance Development Permit Area Map in the Burnaby 2050 Official Community Plan, Appendix D, involving:

- (a) five (5) or more **purpose-built rental housing** dwelling units; and
- (b) any parcels with purpose-built rental housing dwelling units or **secondary rental units**, which are consolidated or subdivided with a parcel that meets the above criteria.

2.3 Applicable activities

A Tenant Protection Development Permit is required for the following activities, unless an exemption under section 2.4 applies:

- (a) subdivision of land; or
- (b) construction of, addition to or alteration of a building or other structure.

Under the Burnaby Building Bylaw, the definition of "construction" includes demolition. This means that an owner must first obtain a Tenant Protection Development Permit prior to obtaining a demolition permit, both of which are required prior to issuing a **notice to end tenancy** under the *Residential Tenancy Act* for ending a tenancy due to demolition of a rental unit.



2.4 Exemptions

A Tenant Protection Development Permit is not required for redevelopment that meets the following criteria:

- (a) purpose-built rental housing dwelling units rented at non-market rental rates, which are redeveloped by any of the following entities:
 - (i) the government of British Columbia or an agent of the government of British Columbia;
 - (ii) the government of Canada or an agent of the government of Canada;
 - (iii) a municipality;
 - (iv) a regional district;
 - (v) a corporation incorporated by, or in which shares have been acquired by, a municipality or regional district for a purpose that includes providing affordable housing;
 - (vi) a First Nation;
 - (vii) a society as defined in section 1 of the *Societies Act* (British Columbia);
 - (viii) a registered charity as defined in section 248(1) of the *Income Tax Act* (Canada); or
 - (ix) a corporation as defined in section 2(1) of the *Canada Not-for-profit Corporations Act* (Canada);
- (b) redevelopment that is subject to the Rental Use Zoning Policy and Tenant Assistance Policy;
- (c) redevelopment of a co-operative housing development by a non-profit housing co-operative; and
- (d) redevelopment of purpose-built rental housing that was created by the cancellation of a strata plan.



3.0 Development Permit Guidelines

3.1 Tenant Relocation Coordinator

The owner must engage a **Tenant Relocation Coordinator** to provide supports to **prior site households**, **eligible households** and **eligible caretakers**. These supports must include:

- (1) Notices and information with respect to the redevelopment;
 - (a) Required formal notices and information with respect to the redevelopment as outlined in Section 3.3; and
 - (b) Information with respect to the redevelopment, as requested by prior site households, eligible households and eligible caretakers throughout the redevelopment.
- (2) Information about financial compensation in relation to termination of tenancy agreements including rent top-ups in owner-secured interim housing, rent top-ups in tenant-secured interim housing, lump sum payment, and moving compensation;
- (3) Information about other assistance to find and relocate to **interim housing**; and
- (4) Information about the opportunity to exercise the **right of first refusal** for a **replacement rental unit**.

For clarity on the eligibility requirements for an eligible household or an eligible caretaker refer to the glossary under section 5.0.

3.2 Required information

The owner must submit required information to the City at three key stages in the development process to ensure compliance with the Burnaby Tenant Protection Bylaw. This includes:

- » Information required prior to receiving a Tenant Protection Development Permit;
- » Information required after issuing a notice to end tenancy; and
- » Information required after receiving an **occupancy certificate** for replacement rental units.

3.2.1 Information required prior to receiving a Tenant Protection Development Permit

The owner must submit the following materials to the City prior to and as a condition of the issuance of a Tenant Protection Development Permit:

- (1) A completed **Tenant Assistance Form** report outlining the selection of future benefits for each prior site household;
- (2) Copies of Tenant Assistance Forms received from prior site households;
- (3) An updated list of prior site households, if there are changes from the submission made with the development permit application;
- (4) A **security** calculation template; and
- (5) A security payment in accordance with the Burnaby Development Procedures Bylaw.

3.2.2 Information required after issuing a notice to end tenancy

The owner must submit the following materials to the City as a condition of the Tenant Protection Development Permit after a notice to end tenancy has been issued:

- (1) A **Tenant Relocation Report** within 35 days after the move-out date set out in the notice to end tenancy. This must include the following information for each eligible household or eligible caretaker:
 - (a) Move-out date from **prior site**;
 - (b) Rent on move-out date from prior site;
 - (c) Moving compensation selection and amount payable;
 - (d) Household compensation selection and amount payable; and
 - (e) Address of interim housing location, if provided.
- (2) Status update(s) on the redevelopment at least every six months. This should include the then-current anticipated date for issuance of an occupancy certificate for the replacement rental units.
- (3) A draft of the letter titled “Six Months’ Notice to Occupancy Letter” for the City’s review and acceptance before sending the “Six Month’s Notice to Occupancy Letter” to each eligible household and eligible caretaker in accordance with Section 3.3.2(2).
- (4) A draft of the letter titled “Three Months’ Notice to Occupancy Letter” for the City’s review and acceptance before sending the “Three Months’ Notice to Occupancy Letter” to each eligible household and eligible caretaker in accordance with Section 3.3.2(3).
- (5) A draft of the letter titled “45-day Notice to Anticipated Move-In” for the City’s review and acceptance before sending the “45-day Letter to Anticipated Move-in” letter to each eligible household and eligible caretaker in accordance with Section 3.3.3(1).



3.2.3 Information required after an occupancy certificate is issued for replacement rental units

The owner must submit the following information to the City as soon as practicable after an occupancy certificate is issued for the replacement rental units:

- (a) A final Tenant Relocation Report outlining the following for each eligible household and eligible caretaker:
 - (i) Notices provided including date and method of contact for right of first refusal;
 - (ii) Whether they exercised their right of first refusal to enter into a tenancy agreement for a replacement rental unit;
 - i. If not, reason for declining, if provided
 - (iii) Replacement rental unit address;
 - (iv) Accessibility accommodation in the replacement rental unit, if applicable;
 - (v) Number of bedrooms in the replacement rental unit;
 - (vi) Total allowable rent increase applied to the replacement rental unit;
 - (vii) Rent payable for the replacement rental unit; and
 - (viii) Move-in date to replacement rental unit.

3.3 Tenant communication

The owner must communicate with tenants at three key stages in the redevelopment process. These stages include:

1. Prior to receiving a Tenant Protection Development Permit;
2. After the owner issues a notice to end tenancy; and
3. After receiving an occupancy certificate for replacement rental units.



3.3.1 Communication prior to receiving a Tenant Protection Development Permit

The owner is required to undertake specific communications with eligible households and eligible caretakers prior to receiving a Tenant Protection Development Permit from the City. The purpose of this communication is to help tenants understand the financial compensation options and supports available to them under the Burnaby Tenant Protection Bylaw. The owner must:

- (1) Post information in visible and accessible locations at the prior site(s) regarding:
 - (a) Details about the Tenant Protection Development Permit application;
 - (b) Contact information for the Tenant Relocation Coordinator; and
 - (c) Details about supports and services offered to those prior site households that become eligible households and eligible caretakers.
- (2) Deliver the following to each prior site household:
 - (a) Frequently Asked Questions (FAQs);
 - (b) Burnaby Tenant Protection Bylaw Tenant Guide;
 - (c) Tenant Assistance Form; and
 - (d) Details on how to attend the tenant information meeting.
- (3) Host a tenant information meeting with the City outlining the following:
 - (a) Overview of the redevelopment;
 - (b) Overview of the Burnaby Tenant Protection Bylaw;
 - (c) Overview of eligibility and the benefits to eligible households and eligible caretakers;
 - (d) Overview of the services offered by the Tenant Relocation Coordinator; and
 - (e) Overview of the Tenant Assistance Forms.
- (4) Provide a copy of the questions and answers from the tenant information meeting to all prior site households.

3.3.2 Communication after issuing a notice to end tenancy

Specific communication is required after the owner issues a notice to end tenancy. The owner must:

- (1) Share Status update(s) on the redevelopment with eligible households and eligible caretakers at least every six months after a notice to end tenancy is issued. This should include the then-current anticipated date for issuance of an occupancy certificate for the replacement rental units.
- (2) At six months prior to anticipated issuance of an occupancy certificate for the replacement rental units, send a letter titled “Six Month’s Notice to Occupancy Letter”, in form and content accepted by the City under section 3.2.2(3), to eligible households and eligible caretakers. The letter must include:
 - (a) The anticipated date for issuance of an occupancy certificate for the replacement rental units

- (3) At three months prior to the anticipated issuance of an occupancy certificate for the replacement rental units, send a letter titled “Three Months’ Notice to Occupancy Letter”, in form and content accepted by the City under section 3.2.2(4), to eligible households and eligible caretakers. The letter must include:
- (a) The anticipated date for issuance of the occupancy certificate for the replacement rental units;
 - (b) The anticipated move-in date window for the replacement rental units;
 - (c) Floor plan for the replacement rental unit that will be offered, including square footage;
 - (d) Appliance/Features of the replacement rental unit;
 - (e) Amenities offered, if applicable;
 - (f) Storage and bike storage details, if applicable;
 - (g) Parking information if applicable;
 - (h) Pet details, if applicable;
 - (i) Details on how to sign up to view a replacement rental unit; and
 - (j) Requirement for tenant insurance, if applicable.

3.3.3 Communication after receiving an occupancy certificate for replacement rental units

Specific communication is required after the owner receives an occupancy certificate from the City for replacement rental units. The owner must:

- (1) At 45-days prior to anticipated eligible household or eligible caretaker move-in to the replacement rental unit, send a letter titled “45-day Letter to Anticipated Move-in”, in form and content accepted by the City under section 3.2.2(5), outlining the right of first refusal for a replacement rental unit at the **replacement rental unit rate** for to each eligible household and eligible caretaker. The letter must:
- (a) Explain how an eligible household or eligible caretaker may exercise or decline to exercise their right of first refusal to a replacement rental unit; and
 - (b) Provide the eligible household or eligible caretaker an opportunity to view the replacement rental unit at least 35 days prior to the anticipated move-in date.



3.4 Household and Caretaker Benefits

The owner must provide the following benefits to an eligible household and eligible caretaker:

- (1) compensation and interim supports, including:
 - (a) financial compensation for rent in the form of rent top-ups or a lump sum payment (available to eligible households only);
 - (b) moving compensation; and
 - (c) access to the services of a Tenant Relocation Coordinator.
- (2) right of first refusal for a replacement rental unit in the new development.

3.4.1 Compensation and interim supports

The requirements for compensation and interim supports for eligible households and eligible caretakers including financial compensation, moving compensation, and access to the services of a Tenant Relocation Coordinator, are outlined in the Burnaby Tenant Protection Bylaw.

Security is an important measure to ensure compliance with these requirements, particularly since failure to provide these benefits could result in financial hardship for tenants. Under section 6.6 of the Burnaby Tenant Protection Bylaw, security must be calculated in accordance with the formula set out in the Burnaby Development Procedures Bylaw. Section 4.0 provides more details on the use and release of security.

- (1) If, in the opinion of the City, the benefits outlined in section 3.4.1(1)(a), (b) or (c) have not been provided by the owner to eligible households or eligible caretakers, then the City may draw on the security to provide such benefits;
- (2) The balance of any unused security will be released to the owner once all requirements, as outlined in the Burnaby Tenant Protection Bylaw, are met to the City's satisfaction.

3.4.2 Right of First Refusal for a Replacement Rental Unit

The owner must offer a replacement rental unit to an eligible households and eligible caretakers in accordance with Part 6 of the Burnaby Tenant Protection Bylaw. The replacement rental units must:

- (1) include the same number of bedrooms as the **prior unit** occupied by an eligible household or eligible caretaker, as applicable; and
- (2) be offered at the replacement rental unit rate.

A Housing Agreement is another important measure to ensure that the replacement rental units are built and rented at the replacement rental rates to eligible households and eligible caretaker households. A housing agreement and Section 219 Covenant to secure the replacement rental units is a requirement of Building Permit Issuance, as set out in Part 5-1.4 of the Burnaby Zoning Bylaw.

4.0 Development Permit Conditions

- (1) The primary purpose of a Tenant Protection Development Permit is to support the implementation of the Burnaby Tenant Protection Bylaw to mitigate the financial and emotional impacts on tenants facing displacement due to redevelopment. Tenant Protection Development Permit conditions may include:
 - (a) requirements to comply with provisions of the Burnaby Tenant Protection Bylaw and these Tenant Protection Development Permit Guidelines; and
 - (b) terms and conditions for use and release of security provided to the City under section 6.6 of the Burnaby Tenant Protection Bylaw, as calculated in accordance with the ***Burnaby Development Procedures Bylaw***.
- (2) Failure to comply with a Tenant Protection Development Permit after issuance may result in the revocation of the Tenant Protection Development Permit and the City drawing upon and using the Security provided by the owner to address any issues of non-compliance.



5.0 Glossary

Eligible caretaker	has the meaning set out in Burnaby Zoning Bylaw 2026
Eligible household	means a prior site household that, on the date the notice to end tenancy is issued: <ul style="list-style-type: none">(a) lives at the prior site;(b) has a tenancy agreement with the owner that is in force and effect; and(c) is not in default under the tenancy agreement referred to in paragraph (b) above, but for certainty, excludes an eligible caretaker
Notice to end tenancy	means a notice sent by an owner, as landlord, to a prior site household, as tenant, to end a tenancy pursuant to a tenancy agreement by reason of demolition or conversion of a rental unit, as permitted under Section 49 of the <i>Residential Tenancy Act</i>
Occupancy certificate	means an occupancy certificate issued pursuant to section 22 of the Burnaby Building Bylaw
Prior unit	means the rental dwelling unit occupied by an eligible household at the prior site on the date the notice to end tenancy is issued
Prior site	means the parcel(s) of land on which a redevelopment occurs
Prior site households	means a household that at any time from the date the owner submits a development application for a redevelopment of the prior site until the date the notice to end tenancy is issued: <ul style="list-style-type: none">(a) lives at the prior site; and(b) has a tenancy agreement with the owner that is in force and effect
Redevelopment	has the meaning set out in Burnaby Tenant Protection Bylaw 2026
Replacement rental unit	has the meaning set out in Burnaby Tenant Protection Bylaw 2026
Replacement rental unit rate	has the meaning set out in Burnaby Tenant Protection Bylaw 2026
Returning tenant	has the meaning set out in Burnaby Zoning Bylaw 2026
Right of first refusal	means the right to the first opportunity to enter into a tenancy agreement to rent a replacement rental unit at the replacement rental unit rate before the owner offers the dwelling unit to another prospective tenant
Security	means the cash, certified cheque or letter of credit delivered by an owner to the City in accordance with Part 7.1 of the Burnaby Tenant Protection Bylaw

Tenant Protection Development Permit

means a development permit authorizing development within the tenant protection development permit area established by Burnaby 2050 Official Community Plan Bylaw

Tenant Relocation Coordinator

means an individual or a company responsible for managing, facilitating and administering the relocation process, household benefits, caretaker benefits, and communications with prior site households, eligible households and eligible caretakers, on behalf of the owner, in accordance with the Burnaby Tenant Protection Bylaw; for certainty, none of the owner, the owner's authorized agent for the development application, or the caretaker, property manager, superintendent or building manager of the prior site may be designated the Tenant Relocation Coordinator

Tenant Relocation Report

means a report, in form and content established by the City, which sets out details in respect of all eligible households and eligible caretakers, including details related to the provision of household benefits, caretaker benefits, and replacement rental units.