

MOTION

13. Strengthening the Conditions of Landlord Licensing in Vancouver (Member Motion B.7)

At the Council meeting on March 29, 2022, Council referred the following motion to the Standing Committee on City Finance and Services meeting on March 30, 2022, in order to hear from speakers, followed by debate and decision.

MOVED by Councillor Fry

WHEREAS

1. Nearly 53% of private households by tenure in Vancouver are rented;
2. All businesses in Vancouver require a license to operate. This ensure business locations are safe, meet land-use requirements, protect vulnerable populations, and mitigate any potential noise or nuisance. While it is a common practice to display a licence at place of business, the bylaw does not require it;
3. Regulations and conditions to operate a business in the City of Vancouver exist under the Licence Bylaw (No. 4450) ¹ and stipulate a number of specific business and operational considerations:
 - a. Section 6(5) of the Licence By-law requires every City-issued licence to be posted in a conspicuous place on the premises; and
 - b. Section 19.1 of the bylaw defines “Landlords” and the requirement that they (or their agents) must comply with the Residential Tenancy Act of British Columbia. To rent a residential property for 30 days or more in the City of Vancouver, operators require a Long-term Rental Property Business License;²
4. Offences and Penalties for violating the provisions of the License Bylaw (No. 4450) range from \$250 - \$10,000 per day per offence. Additionally under the *Vancouver Charter*, the Chief License Inspector is empowered to suspend a licence at any time if the holder of the license is convicted of any offence under any bylaw of the city with respect to the business;
5. The City of Vancouver’s Open Data portal “Rental standards - current issues” dataset lists licensed rental properties with five or more units that have current (unresolved) by-law issues. Updated daily, there are over 400 buildings with maintenance, health, or safety issues – several going back many months;
6. Most tenancies in Vancouver are covered under the *B.C. Residential Tenancy Act* (RTA). The dispute resolution process to protect the interests of tenants and landlords alike involves arbitration, enforcement, and compliance by way of the Residential Tenancy Branch (RTB). This process can be onerous: the arbitration process can take weeks or months, and tenants are not always aware of their rights. In response, tenant advocacy groups including TRAC, Vancouver

Tenant's Union, and the City's own Renters Office provide support and information for renters;

7. The vast majority of landlords in Vancouver are ethical, responsible, and adherent to the *Residential Tenancy Act*. Notwithstanding that, recent examples of business practices that might be considered inconsistent with the stated conditions of the RTA, including:
 - a. Failing to post emergency repair contact information onsite per Sec 33(2) RTA;
 - b. Failing to include landlord's legal name and an address for service as part of tenancy agreement, as required by law to serve certain legal documents per Sec 13(2) RTA;
 - c. Misrepresenting conditions of suites and tenancy agreements; ³
 - d. Fixed "long term" term tenancies in contravention of vacation rental rules; ^{3,4}
 - e. Renovictions and evictions under false pretenses; ⁵
 - f. Failure to maintain appliances or utilities; ^{6,7} and/or
 - g. Failure to hold a valid City of Vancouver license;
8. In February 2022, Council approved the motion "Improving the Effectiveness of the Standards of Maintenance By-law" with an amendment that staff report back on the possibilities of requiring SRO owners to place permanent plaques in their lobbies that would state the mailing address for service of documents to landlords, how to call 311 with repair and maintenance issues, contact info and function of the Residential Tenancy Branch;
9. Notwithstanding the role of the RTA and RTB for protecting tenants in BC, the City of Vancouver has a role to protect and support its residents;
10. While respecting the supremacy of provincial tenancy acts, other local governments in Canada including New Westminster, London Ontario, and Montreal, Quebec are applying conditions to residential rental business licenses to supplement and support their respective tenancy acts. New Westminster for instance has added conditions to their licence to manage renoviction and punish landlords that contravene the bylaw; ⁸ and
11. Despite the RTA, and despite assorted City of Vancouver policies and regulations (including but not limited to Tenant Relocation and Protection Policy, Vancouver Building By-law 12511, Single Room Accommodation By-law 8733, and License By-law 4450) there remain opportunities and imperatives to better educate renters about their rights under municipal and provincial policy.

THEREFORE BE IT RESOLVED

- A. THAT Council affirm the role of the City in licensing landlords is to ensure residential rentals are safe, meet land-use requirements, protect vulnerable populations, and mitigate any potential noise or nuisance.

- B. THAT Council direct legal services to prepare appropriate amendments to the License By-law (No. 4450) and Long-term Rental Property Business License effective for 2023 licensing year, to direct landlords to display their City of Vancouver Rental Property business licence in a location accessible and visible to tenants and that the document explicitly includes:
 - a. Accurate and up-to-date name, contact information and address of the landlord (or agent);
 - b. Notification that the adherence to the *Residential Tenancy Act* is a condition of license; and
 - c. Identifies links to dispute resolution mechanisms and legal rights including but not limited to the Residential Tenancy Act, Residential Tenancy Branch, and Vancouver’s Renters Office.

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1. <https://bylaws.vancouver.ca/4450c.PDF>
2. <https://vancouver.ca/doing-business/long-term-rental-business-licence.aspx>
3. <https://www.cbc.ca/news/canada/british-columbia/landlord-investigation-short-term-vacation-rental-1.6000836>
4. <https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/policy-guidelines/g127.pdf>
5. <https://www.cbc.ca/news/canada/british-columbia/vancouver-attempted-evictions-rejected-1.5083931>
6. <https://www.cbc.ca/news/canada/british-columbia/vancouver-renter-fights-payment-scheme-1.6171443>
7. <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/during-a-tenancy/repairs-and-maintenance>
8. <https://www.newwestrecord.ca/local-news/new-westminster-to-fine-or-revoke-licences-of-buildings-that-renovict-tenants-3093042>