

VANCOUVER

Tenants who fought eviction say Vancouver's new policies are toothless

Even a relatively generous cash payment will only last so long, argues one tenant, and then “it’s just a blink of an eye ... to being homeless.”

By **Jen St. Denis** Star Vancouver

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VANCOUVER—Last December, tenants celebrated at city hall after council passed a motion that promised to effectively end so-called “renovictions.” The new policy would require landlords to allow tenants to move back into their units at the same rent after renovations are complete.

Just over six months later, renters say they’re bitterly disappointed, as council passed a policy that looks nothing like the proposals in that motion.

“I was rubbing my eyes, saying, ‘Am I reading this wrong?’ And I conferred with some friends and I’m not reading it wrong,” said Carol Korm, a renter who lives in the Berkeley Towers in Vancouver’s West End and has been fighting a looming eviction plan. “It’s got nothing to do with protection.”

Since 2016, rents in Metro Vancouver have risen sharply, and landlords have been evicting long-time tenants in order to renovate and charge much more money. Renters who have lived for a long time in their apartment often must pay double their current rent or more if they are evicted and have to find a new place.

After learning that the city did not have the legal power to enact many of the policies they called for in the December motion, Vancouver councillors voted this June for a suite of policies that increased the financial compensation building owners must pay tenants when they redevelop a building. They also voted to create a renters’ resource office that will connect tenants with advocates to help them contest evictions.

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While Kennedy Stewart, the mayor of Vancouver, has touted the increased compensation, Korm said it’s not much more than what she’s already been offered by the owner of her building.

For displaced tenants, Korm argued, even a relatively generous cash payment will only last so long, and then many tenants will be stuck in a precarious situation paying more for rent than they can actually afford.

“A buyout for someone who’s been there for 30 years is \$20,000,” Korm said of the updated tenant-relocation policy, which requires 18 months rent for tenants who have lived in their unit for 30 to 40 years.

“Well, that’s just 20 months, and then it’s gone. To me it’s just a blink of an eye from when people get their rents doubled or tripled to being homeless.”

Lorna Allen successfully contested two eviction attempts when her landlord tried to empty her entire building to do renovations. She’s also unimpressed with the new policy.

Allen said that for tenants like her, who have fought eviction attempts for renovations that only require a building permit, the new compensation policy is of little help. That’s because the policy only applies to projects requiring development permits, not building permits, because of limitations to the city’s legal powers.

As for the renters’ office, Allen said that resource wouldn’t prevent tenants from having to go through the lengthy Residential Tenancy Branch arbitration process, with possible eviction hanging over their heads.

Even with an advocate by her side, Allen said the months-long dispute process was upsetting and stressful. Some seniors have said the stress of dealing with the threat of eviction has made existing health conditions worse.

“We have to do something to prevent people from being displaced and to stop them from having to fight so hard and go through months and months of uncertainty,” Allen said.

Based on various B.C. Supreme Court decisions, provincial guidelines say that landlords should not end a tenancy for renovations or repairs if a very brief period of vacancy is required and the tenant was willing to move out to accommodate the work. Landlords are also not supposed to end a tenancy just because it would be faster, more cost-effective or easier to have the unit empty.

But for larger projects that require the unit to be empty for a long time, a tenant’s willingness to move out “is not sufficient evidence to establish objectively whether vacancy of the rental unit is required.”

City housing planner Dan Garrison said the new policy balances the need for better renter protections with the “need for landlords to renew their buildings and increase supply.”

Garrison said that when it comes to attempts to evict tenants to renovate, the city doesn’t want to encroach on provincial jurisdiction, including the provincial Residential Tenancy Branch arbitration process. The city will lobby the province to strengthen tenant protections in B.C.’s rent laws, Garrison said.

David Hutniak, CEO of Landlord BC, said his organization supports Vancouver’s new policies. Many of Vancouver’s apartment buildings are aging and will need major renovations to keep them viable in the future, Hutniak wrote in an email.

But Allen wants Vancouver to adopt the approach taken by New Westminster and Port Coquitlam. Both municipalities [passed bylaws earlier this year](#) that use their business licencing powers to fine or remove licences from landlords who attempt to evict tenants to renovate.

New Westminster decided to leverage its business licencing powers after discovering that 315 tenants had been evicted over the past two years because their landlord planned to renovate.

Emilie Adin, director of development services for New Westminster, said the new bylaw has been successful so far, with most landlords complying after getting information from the city.

“Most landlords in the City of New Westminster are good landlords,” Adin said. “We do have a challenge with some landlords who purchase buildings and try to get around the regulations and find any loophole that they can to convince tenants to move out.”

One building owner has challenged New Westminster’s bylaw in court, Adin said. Another lawsuit filed against Port Coquitlam was recently dropped, according to the Tri-City News.

Correction - Aug. 9, 2019 – An earlier version of this story stated that a recent B.C. Supreme Court decision affirmed that landlords shouldn’t evict tenants for most renovations if tenants are willing to accommodate the work. The B.C. Court of Appeal has since ruled that for renovation projects that require a unit to be empty for a long time, a tenant’s willingness to move out “is not sufficient evidence to establish objectively whether vacancy of the rental unit is required.”



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