

BY-LAW NO. 13182

A By-law to amend License By-law No. 4450 Regarding Vacancy Control

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. Council adds the following definitions to section 2, in correct alphabetical order:

“Annual Rent Increase” means an annual rent increase authorized pursuant to section 22 of the Residential Rental Regulation and the Residential Tenancy Act.”

“Base Rent” means the rent used to calculate rent increases permitted by section 25.1A of this By-law, and is the last monthly rent lawfully required to be paid by a tenant, including all increases allowed by the Residential Tenancy Act and this By-law, before the designated room was subject to a period of vacancy.”;

“Designated Room” means a residential room in any building designated as single room accommodation pursuant to the Single Room Accommodation By-law.”;

“Director” means the director appointed under section 8 of the Residential Tenancy Act”.

“Eligible Capital Expenditure” means an expenditure that qualifies for an additional rent increase pursuant to Part 4 of the Residential Rent Regulation”.

“Housing Agreement” means a housing agreement authorized by section 565.2 of the Vancouver Charter.”;

“Inflation Rate” means the 12 month average percent change in the all-items Consumer Price Index for Vancouver, as published by the Province of British Columbia, ending in the month that is most recently available for the calendar year for which a rent increase takes effect.”;

“Period of Vacancy” means the juncture between the tenancies of two permanent residents in a designated room, or the time that elapses between occupancy by two permanent residents in a designated room.”;

“Permanent Resident” means an individual who, in return for rent, occupies or usually occupies a room as their residence, and does so for at least 30 days.”;
and

“Single Room Accommodation operator” means a person that provides rental housing to tenants in designated rooms.”.

3. Council adds the following as a new section 25.1A:

“Single Room Accommodation Operators

- 25.1A (1) Every single room accommodation operator, other than the government, its agencies or government owned corporations, is deemed to hold a single room accommodation operator licence pursuant to this By-law for any designated room it rents to tenants.
- (2) After a period of vacancy for a designated room, every single room accommodation operator may cause, permit or allow the rent charged for a designated room to be increased to no more than the base rent plus an increase equal to the inflation rate, unless a tenant who vacated the designated room during the previous 12 months was subject to an annual rent increase in the previous 12 months, in which case no further rent increase is permitted by this subsection.
- (3) Despite subsection (2):
- (a) if the base rent for a designated room is below \$500 per month at the time of a period of vacancy, and no tenant of the designated room was subject to an annual rent increase during the previous 12 months, then a single room accommodation operator may only increase the rent by 5% plus the inflation rate, but once the increased rent for the designated room reaches \$500 per month, rent may only increase by the inflation rate; or
- (b) if the base rent for a designated room is below \$500 per month at the time of a period of vacancy, and a tenant of the designated room was subject to an annual rent increase during the previous 12 months, then a single room accommodation operator may only increase the rent by 5%, but once the increased rent for the designated room reaches \$500 per month, rent may only increase by the inflation rate; or
- (c) if the base rent for a designated room is below \$375 per month at the time of a period of vacancy, then a single room accommodation operator may increase the rent to \$375 per month, but once the increased rent for the designated room reaches \$375 per month, rent may only increase in accordance with (3)(a) or (3)(b), until the rent reaches \$500 per month and is governed by (2).
- (4) Subsections (2) and (3) only allow one rent increase following a period of vacancy in any 12-month period, regardless of how many times a period of vacancy may occur.

- (5) If, after the date of enactment of this section, Council enacts a housing agreement that governs the rent payable for a designated room, then the new base rent for the designated room after the agreement is in force shall be the initial rent for the designated room that is set out in the housing agreement.
- (6) If occupied designated rooms are eligible for a rent increase, other than an annual rent increase, authorized by the Director pursuant to Part 4 of the Residential Tenancy Regulation, then the single room accommodation operator may apply to the Chief Licence Inspector for an increase on any vacant designated rooms in rent equal to the amount that would otherwise be foregone as a result of this By-law. The Chief Licence Inspector may, after consulting with the GM Arts, Culture and Community Service, approve such an increase if the increase was otherwise approved by the Director, and the applicant submits the following for review by the Chief Licence Inspector:
 - (a) all documents submitted to the Director seeking its approval of the rent increase for occupied rooms in the building, and details of the Director's decision;
 - (b) documents demonstrating how the designated rooms came to be untenanted and how the applicant complied with the Single Room Accommodation By-law Tenant Relocation Policy; and
 - (c) copies of all necessary City permits required for the eligible capital improvement approved by the Director.
- (7) If no rent roll or record of rent paid is available for a designated room after a period of vacancy, then the initial rent paid by a tenant for that designated room is to be the most recent average rent of all designated rooms as published annually by the City.
- (8) Except as otherwise restricted by this By-law, a single room accommodation operator may increase the rent payable by existing tenants during the term of their tenancy as authorized by the Residential Tenancy Act and its regulations.
- (9) Every single room accommodation operator must submit to the Chief Licence Inspector by January 31 of each year, in writing:
 - (a) the name and address of the single room accommodation operator;
 - (b) the address of each designated room, including unit numbers ;
 - (c) whether each designated room is occupied, empty, or permanently closed;
 - (d) the monthly rent for each designated room; and
 - (e) the reason for any rent increase since the previous report in writing.

- (10) If requested by the Chief Licence Inspector, every single room accommodation operator must, within 7 days of the written request, provide the Chief Licence Inspector with a copy of any lease, or rent receipt that relates to any designated room.
- (11) No single room accommodation operator shall:
- (a) fail to submit the information; or
 - (b) submit false or misleading information;
- required by subsection (9) or (10).
- (12) No single room accommodation operator shall charge a tenant in a designated room more than the maximum rent allowed under this By-law.”.

4. Council inserts into Schedule A, after the line for “Short Term Rental Operator” the following:

“Single Room Accommodation Operator Per annum deemed”

5. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

6. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 8th day of December, 2021

Signed _____ “Kennedy Stewart”
Mayor

Signed _____ “Katrina Leckovic”
City Clerk