

Quick intro...David Hutniak LandlordBC CEO

From: David Hutniak <davidh@landlordbc.ca>
To: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Sent: January 27, 2021 11:00:55 AM PST
Attachments: image002.png, image004.png, image005.png, image006.png, image003.png, image001.jpg

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello Derrick,

I trust you are safe and well. I can only imagine how busy you are in your role as Senior Ministerial Assistant to the Hon. David Eby QC, Attorney General and Minister Responsible for Housing. Minister Eby and I have known each other for a number of years now, going back to when he was the housing critic in opposition, and I am excited to have the opportunity to work with him again to address the many challenges (and opportunities) within the rental housing ecosystem. We consider ourselves to be a partner with government, and that was certainly the relationship that I cultivated with Minister Robinson.

I look forward to our connecting in the not-to-distant future. I'm sure that we will be liaising regularly in the coming months and years. Please know that you should not hesitate to reach out if you have any questions regarding our sector, or you require input in your work to support Minister Eby. My coordinates are below and my cell phone (1-604-644-6838) is the best number to reach me at.

Best regards,

David Hutniak
Chief Executive Officer
LandlordBC
Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838
Email: davidh@landlordbc.ca | Website: www.landlordbc.ca

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Minister Eby February 10th Meeting

From: David Hutniak <davidh@landlordbc.ca>
To: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
Cc: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>, Paul Sander <paul@hollyburn.com>, Kerri Jackson <KJackson@concertproperties.com>, kimschuss@dorsetrealty.com, jfawcett@kelsongroup.com
Sent: February 5, 2021 3:00:14 PM PST
Attachments: image002.jpg, image006.png, image010.png, image012.png, image004.png, image008.png

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Hello Cheryl,

I hope you are safe and well. We are looking forward to continuing our discussions with Minister Eby when we meet with him again at 3pm on Wednesday February 10th (LandlordBC will host the virtual meeting via Zoom). At our last meeting, the Minister quickly noted a few topics near the end of our meeting that he wished to learn a little more about (drawn from our original detailed “industry priorities” document). I thought that it would be helpful to provide brief commentary on those items via email now so that the Minister will have the information he is seeking, and in this way we could then maximize the time we spend with him on the 10th. The four topics he mentioned and my comments follow below.

Our goal, as we stated at our last meeting with the Minister, is to focus on a continued collaboration with the Minister and his government to address the challenges and pursue the opportunities to improve the state of rental housing in our province. As such, in regard to the February 10th meeting, I would like to have our group (cc’d attendees...Mr. Fawcett will be absent), all extremely knowledgeable and experienced rental housing providers, share with the Minister a somewhat deeper “dive” into the challenges and opportunities that the rental housing ecosystem is facing. As owners and managers of significant portfolios of existing long term rental housing, Mr. Sander, Ms. Jackson and Mr. Schuss are uniquely positioned to provide the Minister with insights into the sector that he cannot secure anywhere else. I believe that these insights will be very helpful to him as he seeks to improve the availability and affordability of secure long term rental housing for British Columbians. The reality is that we are not going to build ourselves out of the current rental housing crisis. That means that we must challenge the existing paradigm as it pertains to the current supply of affordable rental housing stock. Our goal on February 10th is to use this opportunity to further advance the important dialogue necessary for our collaboration with the Minister, to effect the necessary change. I should add that we are hopeful that the Minister will seek to meet regularly with LandlordBC, as a trusted advisor, in the coming week, months and years.

Unaddressed topics raised by Minister Eby at our January 12, 2021 Meeting:

1. ARI (Additional Rent Increase) process: In September 2018 when the Rental Housing Task Force recommended adjusting the legislated maximum allowable annual increase formula from 2%+CPI to CPI only, part of the recommendation included designing, in collaboration with LandlordBC, a more robust ARI process to encourage rental building owners to undertake meaningful capital expenditures to enhance the health, safety, energy efficiency and resiliency of the significant cohort of aging existing rental stock. LandlordBC collaborated with Minister Robinson and RTB in a very constructive process, and through that process we collectively developed a very fair, transparent and easy to administer process that we are now awaiting Cabinet approval and implementation. It is very important that this new ARI process be implemented without any further delay.
2. CMHC Financing Changes: CMHC has implemented, without any consultation with our sector, a measure that will discourage investment in purpose-built by primarily smaller mom and pop landlords. The elimination of what is termed an “equity take-out” compromises the ability for landlords to leverage the equity in their existing portfolio for the purposes of major capital expenditures. Subsequent advocacy by organizations like LandlordBC and a wide array of small mom and pop landlords was unsuccessful.
3. Residential Rental Tenure Zoning (RRTZ): RRTZ was an innovation introduced by the BC NDP government, and LandlordBC supported the stated goals of the program from the outset. We still do. Unfortunately, an increasing

number of municipalities have elected to apply the tool in a manner is unnecessarily harmful to owner of rental buildings and contrary to the original intention of the Government. We had asked Minister Robinson to provide the municipalities with clearer direction so that RRTZ is used to up-zone areas where rental housing does not exist, and not down-zone are it does already exist. This is a form of “expropriation” in our view. That clarification remains outstanding.

4. Licensed residential rental property managers (PMs) and the Superintendent of Real Estate: PMs in our sector have been unnecessarily targeted by the real estate regulator largely due to what we would describe as a systemic failure to appreciate that PMs in our sector are neither realtors nor managers of commercial properties. There’s also largely a failure to appreciate that we already operate in a heavily regulated and prescriptive environment that provides significant consumer protections (the RTA). The result has been the imposition of additional layers of regulation that have increased risks and costs for PMs, with no discernable enhancement in terms of consumer protections. We are undertaking a continuing dialogue with the Superintendent, and while we are hoping to make some progress soon, we may require the Minister to intervene on our behalf in the coming weeks/months.

I welcome any questions or comments you might have Cheryl. We look forward to the February 10th meeting.

David Hutniak

Chief Executive Officer

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RE: Minister Eby February 10th Meeting

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: David Hutniak <davidh@landlordbc.ca>
Cc: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>, Paul Sander <paul@hollyburn.com>, Kerri Jackson <KJackson@concertproperties.com>, kimschuss@dorsetrealty.com, jfawcett@kelsongroup.com
Sent: February 5, 2021 3:34:55 PM PST
Attachments: image001.jpg, image005.png, image009.png, image011.png, image007.png, image003.png
Hi David,

I appreciate the outline below regarding the focus of your next meeting with Minister Eby and I look forward to the discussion.

Cheryl May
Acting Associate Deputy Minister
Housing, Construction Standards, and Multiculturalism
Ministry of Attorney General and Minister Responsible for Housing
Province of British Columbia

Phone/Text (250) 812-3345

From: David Hutniak <davidh@landlordbc.ca>
Sent: February 5, 2021 3:00 PM
To: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
Cc: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>; Paul Sander <paul@hollyburn.com>; Kerri Jackson <KJackson@concertproperties.com>; kimschuss@dorsetrealty.com; jfawcett@kelsongroup.com
Subject: Minister Eby February 10th Meeting

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FW: Minister Eby February 10th Meeting

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Papadopoulos, Nikki OHCS:EX <Nikki.Papadopoulos@gov.bc.ca>
Cc: Elder, Kathy A OHCS:EX <Kathy.Elder@gov.bc.ca>, Thomson, John OHCS:EX <John.Thomson@gov.bc.ca>
Sent: February 5, 2021 3:39:01 PM PST
Attachments: image001.jpg, image005.png, image009.png, image011.png, image007.png, image003.png
Nikki - Please note this email as materials for this meeting. Kathy is scheduled to attend along with me. We won't provide any additional materials to the MO.

Kathy – could I please have bullets regarding the status of #1 and John – could I get your plain language interpretation of #2. A reply by email will be great.

Thanks,

Cheryl

From: David Hutniak
Sent: February 5, 2021 3:00 PM
To: May, Cheryl OHCS:EX
Cc: Harder, Derrick AG:EX ; Paul Sander ; Kerri Jackson ; kimschuss@dorsetrealty.com; jfawcett@kelsongroup.com
Subject: Minister Eby February 10th Meeting

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New West Court of Appeal Decision Dismissed

From: David Hutniak <davidh@landlordbc.ca>
To: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Sent: April 30, 2021 11:38:24 AM PDT
Attachments: image002.png, image004.png, image005.png, image006.png, image003.png, image001.jpg

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Hi Derrick. I assume Minister Eby is aware of the BCCA decision to dismiss the appeal involving City of New Westminster (decision handed down this morning). LandlordBC was an intervenor. This is a disappointing and concerning outcome for the authority of the Residential Tenancy Act and future investment in purpose-built rental housing in BC. I would appreciate a brief phone call check-in with you on this matter Monday or Tuesday morning (May 3rd or 4th) if you could spare a few minutes. If you are amenable to such, a quick response with the best number to reach you at would be appreciated. Thank you in advance.

<https://www.bccourts.ca/jdb-txt/ca/21/01/2021BCCA0176.htm>

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Fwd: New West BCCA Decision

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Chu, Timothy GCPE:EX <Timothy.Chu@gov.bc.ca>, LynesFord, Adam AG:EX <Adam.LynesFord@gov.bc.ca>, Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Sent: May 1, 2021 10:12:00 AM PDT
Attachments: image002.png, image004.png, image005.png, image006.png, image003.png, image001.jpg
Just putting this on your radar - I have asked staff to put together a summary for me, but if you click the link to the decision, it is actually summarized very well in the first few paragraphs.^{s.13}

s.13

Begin forwarded message:

From: David Hutniak <davidh@landlordbc.ca>
Date: May 1, 2021 at 9:21:39 AM PDT
To: "May, Cheryl OHCS:EX" <Cheryl.May@gov.bc.ca>, "Elder, Kathy A OHCS:EX" <Kathy.Elder@gov.bc.ca>, "Blewett, Tyann M OHCS:EX" <Tyann.Blewett@gov.bc.ca>
Subject: New West BCCA Decision

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Hi Cheryl, Kathy and Tyann.

I assume you and Minister Eby are aware of the BCCA decision to dismiss the appeal involving City of New Westminster (decision handed down Friday morning...link below). LandlordBC was an intervenor. This is a disappointing and concerning outcome for the authority of the Residential Tenancy Act and future investment in purpose-built rental housing in BC. I would appreciate a brief phone call check-in with you on this matter early next week if you could spare a few minutes. Thank you in advance.

<https://www.bccourts.ca/jdb-txt/ca/21/01/2021BCCA0176.htm>

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RE: New West BCCA Decision

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: David Hutniak <davidh@landlordbc.ca>, Elder, Kathy A OHCS:EX <Kathy.Elder@gov.bc.ca>, Blewett, Tyann M OHCS:EX <Tyann.Blewett@gov.bc.ca>
Cc: Papadopoulos, Nikki OHCS:EX <Nikki.Papadopoulos@gov.bc.ca>
Sent: May 2, 2021 11:55:46 AM PDT
Attachments: image008.png, image010.png, image012.png, image011.png, image009.png, image007.jpg
Hi David – thanks for your email – happy to chat. I'll ask Nikki to find us a time.

Thanks,

Cheryl

From: David Hutniak
Sent: Saturday, May 1, 2021 9:22 AM
To: May, Cheryl OHCS:EX ; Elder, Kathy A OHCS:EX ; Blewett, Tyann M OHCS:EX
Subject: New West BCCA Decision

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RE: New West Court of Appeal Decision Dismissed

From: David Hutniak <davidh@landlordbc.ca>
To: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Sent: May 5, 2021 10:49:48 AM PDT

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Derrick...just tried a quick call...did not leave VM. If we can connect via phone that would be great. My problem is today is pretty filled (11:30 to 1ishpm and then 3 pm to 4:30) zoom meetings. If you can catch me in between those meetings at 604-644-6838 it would be appreciated. Or after 5pm anytime can work too.^{s.14}

s.14

David Hutniak
Chief Executive Officer
LandlordBC
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Email: davidh@landlordbc.ca | Website:
<https://can01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.landlordbc.ca%2F&data=04%7C01%7C%7Ca1198e1aa10e4cabcb0308d90fee2e10%7C6fdb52003d0d4a8ab036d3685e359adc%7C0%7C0%7C637558337913488624%7CUnknown%7CTWFPbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=5oZX%2BmUcL41%2FZtuO2Hvgb6N5rJkxdJ%2Fni%2B58dSABJE%3D&reserved=0>

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-----Original Message-----

From: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Sent: May 3, 2021 3:14 PM
To: David Hutniak <davidh@landlordbc.ca>
Subject: Re: New West Court of Appeal Decision Dismissed

Sounds good. Feel free to call any time and I'll get back to you if I'm unavailable. I don't think we intervened in the case- rested on interpretation of legislation under Municipal Affairs, so not one that we have had any direct, or indirect role in. But happy to hear from you about it.

Derrick.

On May 3, 2021, at 3:07 PM, David Hutniak <davidh@landlordbc.ca> wrote:

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Hi Derrick....no problem...I just joined another zoom meeting that's going to run for a while. In the course of some other comms with RTB late Friday, I connected with Cheryl May and she, Kathy Elder, Tyann Blewett and I are chatting Tuesday at 2:30. Why don't I start there and then perhaps you and I can connect Wednesday or Thursday. TTYL.

David Hutniak

Chief Executive Officer

LandlordBC

Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838

Email: davidh@landlordbc.ca<mailto:davidh@landlordbc.ca> | Website:

<https://can01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.landlordbc.ca%2F&data=04%7C01%7C%7Ca1198e1aa10e4cabcb0308d90fee2e10%7C6fdb52003d0d4a8ab036d3685e359adc%7C0%7C0%7C637558337913488624%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=5oZX%2BmUcL41%2FZtuO2Hvgb6N5rIjKxdJ%2Fni%2B58dSABJE%3D&reserved=0>

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Right™<https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Flearn.landlordbc.ca%2Fregister%2F&data=04%7C01%7C%7Ca1198e1aa10e4cabcb0308d90fee2e10%7C6fdb52003d0d4a8ab036d3685e359adc%7C0%7C0%7C637558337913498607%7CUnknown%7CTWFPbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6lk1haWwiLCJXVCI6Mn0%3D%7C1000&data=zokf9Qs5OB9wBCILhLLCn4XGFR1pQJI%2Bm5CwZBk1w9o%3D&reserved=0> course.

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From: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Sent: May 3, 2021 2:17 PM
To: David Hutniak <davidh@landlordbc.ca>
Subject: RE: New West Court of Appeal Decision Dismissed

Thanks for this, David, and sorry to not get back to you Friday. I should be free for the rest of the day if you'd like to connect. My cell is 250 893 4238

Thanks

Derrick

From: David Hutniak <davidh@landlordbc.ca<mailto:davidh@landlordbc.ca>>
Sent: Friday, April 30, 2021 11:38 AM
To: Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca<mailto:Derrick.Harder@gov.bc.ca>>
Subject: New West Court of Appeal Decision Dismissed

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Derrick. I assume Minister Eby is aware of the BCCA decision to dismiss the appeal involving City of New Westminster (decision handed down this morning). LandlordBC was an intervenor. This is a disappointing and concerning outcome for the authority of the Residential Tenancy Act and future investment in purpose-built rental housing in BC. I would appreciate a brief phone call check-in with you on this matter Monday or Tuesday morning (May 3rd or 4th) if you could spare a few minutes. If you are amenable to such, a quick response with the best number to reach you at would be appreciated. Thank you in advance.

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David Hutniak

Chief Executive Officer

LandlordBC

Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838

Email: davidh@landlordbc.ca<mailto:davidh@landlordbc.ca> | Website:

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k%3D∓reserved=0> course.

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RTA Maximum Rent Increase Woefully Inadequate

From: David Hutniak <davidh@landlordbc.ca>
To: Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Cc: Minister, FIN FIN:EX <FIN.Minister@gov.bc.ca>, Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>, May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>, Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Sent: May 20, 2021 1:33:48 PM PDT
Attachments: image002.png, image004.png, image005.png, image006.png, image003.png, image001.jpg

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Dear Minister Eby,

I hope you and your family are safe and well.

LandlordBC prepared the following analysis (see link below) to demonstrate how much higher the actual operating expense increases of a typical purpose-built rental apartment building in Metro Vancouver have been over the last five years compared to the maximum annual allowable increase under the *Residential Tenancy Act* (RTA) rent control formula that was 2% + CPI Inflation until 2018. In 2019, in response to a recommendation by the Rental Housing Task Force, your government reduced the maximum annual allowable increase formula to cap at the Consumer Price Index for BC (CPI). Then, as part of its response to the COVID-19 pandemic, your government froze rent increases entirely from April 2020 through to the end of 2021.

The residential rental housing sector is on a negative financial trajectory. Some of the highest cost increases faced by our sector include property taxes, utilities, and insurance. LandlordBC has long expressed concern that operating expenses that are driven by local and provincial governments, and are thus out of our sector's control, are significantly impeding our ability to deliver affordable rental housing for British Columbians. While we are very sensitive to the challenges many renters are experiencing finding safe and affordable rental housing across BC, the ability for rental housing providers to better cover cost inflation is critical for the continued viability of the rental housing ecosystem.

As you well know, LandlordBC is committed to continuing our collaboration with you and your government that began with your predecessor and now Minister of Finance, the Honourable Selina Robinson (cc'd), and will now include the Honourable Josie Osborne (cc'd) in her responsibilities as Minister of Municipal Affairs. We share your concern for the dearth of secure rental housing in the province, the need for continued investment in the existing rental stock and, the need to ensure housing security for renters. We need to work together to ensure that we create and maintain an environment that encourages continued investment in the sector while balancing the associated risks. The rental housing ecosystem is more fragile than many stakeholders appreciate. Legislative and regulatory uncertainty can easily stall the meaningful progress your government has made over these past four years.

I encourage you to contact me with any questions or comments you may have in regard to this analysis. I am hoping that we can arrange to meet again in very near future to build on our initial discussions since you became the Minister Responsible for Housing. There are some key issues that require more immediate attention. Thank you in advance.

<https://landlordbc.ca/rta-maximum-rent-increase-woefully-inadequate/>

David Hutniak
Chief Executive Officer
LandlordBC
Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838
Email: davidh@landlordbc.ca | Website: www.landlordbc.ca

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FW: RTA Maximum Rent Increase Woefully Inadequate

From: Minister, AG AG:EX <AG.Minister@gov.bc.ca>
To: Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>, Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
Sent: May 20, 2021 3:16:04 PM PDT
Attachments: image007.jpg, image009.png, image011.png, image012.png, image010.png, image008.png
Hi Tanera and Nicole:

Over to you both,

Candice

From: David Hutniak <davidh@landlordbc.ca>
Sent: May 20, 2021 1:34 PM
To: Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Cc: Minister, FIN FIN:EX <FIN.Minister@gov.bc.ca>; Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>; May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>; Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Subject: RTA Maximum Rent Increase Woefully Inadequate

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Dear Minister Eby,

I hope you and your family are safe and well.

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<https://landlordbc.ca/rta-maximum-rent-increase-woefully-inadequate/>

David Hutniak
Chief Executive Officer
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RE: QUESTION | AG Mtg with LandlordBC (RTA Maximum Rent Increase)

From: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
To: Papadopoulos, Nikki OHCS:EX <Nikki.Papadopoulos@gov.bc.ca>
Cc: Elder, Kathy A OHCS:EX <Kathy.Elder@gov.bc.ca>
Sent: June 17, 2021 5:26:21 PM PDT
Attachments: image010.png, image012.png, image014.png, image015.jpg, image013.png, image011.png, image008.jpg, image009.jpg
Please have Kathy attend the LLBC meeting.

Thanks,

Cheryl



From: Papadopoulos, Nikki OHCS:EX <Nikki.Papadopoulos@gov.bc.ca>
Sent: Thursday, June 17, 2021 4:02 PM
To: May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>
Subject: QUESTION | AG Mtg with LandlordBC (RTA Maximum Rent Increase)

Cheryl,

This AG meeting along with another AG meeting both conflict with AGPSSG Executive. Will you be attending the AG meetings and send a delegate to AGPSSG Exec? We can review both conflicts during our check in tomorrow morning.

No materials have been requested for this meeting; do you require any materials for your info?

Meeting with LandlordBC

Date & Time: July 8th 3:30pm-4pm
Location: Skype
Topic: RTA Maximum Rent Increase
BN: Not requested
Ministry staff: Required

From: Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Sent: Thursday, May 20, 2021 3:16 PM
To: Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>; Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
Subject: FW: RTA Maximum Rent Increase Woefully Inadequate

Hi Tanera and Nicole:

Over to you both,

Candice

From: David Hutniak <davidh@landlordbc.ca>
Sent: May 20, 2021 1:34 PM
To: Minister, AG AG:EX <AG.Minister@gov.bc.ca>

Cc: Minister, FIN FIN:EX <FIN.Minister@gov.bc.ca>; Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>; May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>; Harder, Derrick AG:EX <Derrick.Harder@gov.bc.ca>
Subject: RTA Maximum Rent Increase Woefully Inadequate

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I hope you and your family are safe and well.

LandlordBC prepared the following analysis (see link below) to demonstrate how much higher the actual operating expense increases of a typical purpose-built rental apartment building in Metro Vancouver have been over the last five years compared to the maximum annual allowable increase under the *Residential Tenancy Act* (RTA) rent control formula that was 2% + CPI Inflation until 2018. In 2019, in response to a recommendation by the Rental Housing Task Force, your government reduced the maximum annual allowable increase formula to cap at the Consumer Price Index for BC (CPI). Then, as part of its response to the COVID-19 pandemic, your government froze rent increases entirely from April 2020 through to the end of 2021.

The residential rental housing sector is on a negative financial trajectory. Some of the highest cost increases faced by our sector include property taxes, utilities, and insurance. LandlordBC has long expressed concern that operating expenses that are driven by local and provincial governments, and are thus out of our sector's control, are significantly impeding our ability to deliver affordable rental housing for British Columbians. While we are very sensitive to the challenges many renters are experiencing finding safe and affordable rental housing across BC, the ability for rental housing providers to better cover cost inflation is critical for the continued viability of the rental housing ecosystem.

As you well know, LandlordBC is committed to continuing our collaboration with you and your government that began with your predecessor and now Minister of Finance, the Honourable Selina Robinson (cc'd), and will now include the Honourable Josie Osborne (cc'd) in her responsibilities as Minister of Municipal Affairs. We share your concern for the dearth of secure rental housing in the province, the need for continued investment in the existing rental stock and, the need to ensure housing security for renters. We need to work together to ensure that we create and maintain an environment that encourages continued investment in the sector while balancing the associated risks. The rental housing ecosystem is more fragile than many stakeholders appreciate. Legislative and regulatory uncertainty can easily stall the meaningful progress your government has made over these past four years.

I encourage you to contact me with any questions or comments you may have in regard to this analysis. I am hoping that we can arrange to meet again in very near future to build on our initial discussions since you became the Minister Responsible for Housing. There are some key issues that require more immediate attention. Thank you in advance.

<https://landlordbc.ca/rta-maximum-rent-increase-woefully-inadequate/>

David Hutniak
Chief Executive Officer
LandlordBC
Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838
Email: davidh@landlordbc.ca | Website: www.landlordbc.ca

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Regards,

Nikki Papadopoulos | Executive Administrative Assistant

To Assistant Deputy Minister Cheryl May

Office of Housing and Construction Standards

Ministry of Attorney General and Minister Responsible for Housing

Office: 250 356-2115

Mobile: 250 886-7982

Pronouns: *she/her*



Offering acknowledgement in respect of the Lekwungen People, traditional keepers of this land on which I live, work and play.

LandlordBC-UDI Joint letter - Municipal Business Licensing Bylaw

From: Cassandra McColman <cmccolman@udi.org>
To: Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>, Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Cc: Yuma Morisho, Okenge MUNI:EX <Okenge.YumaMorisho@gov.bc.ca>, Faganello, Tara MUNI:EX <Tara.Faganello@gov.bc.ca>, Fyfe, Richard J AG:EX <Richard.Fyfe@gov.bc.ca>, May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>, Cooke, Angela AG:EX <Angela.Cooke@gov.bc.ca>, LynesFord, Adam AG:EX <Adam.LynesFord@gov.bc.ca>, Spilker, Robyn MUNI:EX <Robyn.Spilker@gov.bc.ca>, Anne McMullin <AMcMullin@udi.org>, David Hutniak <davidh@landlordbc.ca>, David Sander (david@hollyburn.com) <david@hollyburn.com>
Sent: June 23, 2021 2:18:41 PM PDT
Attachments: LandlordBC UDI Joint Letter Municipal Business Licensing Bylaw June 23 2021.pdf, image002.jpg, image003.jpg, image001.jpg

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good afternoon Minister Osborne and Minister Eby,

On behalf of LandlordBC and UDI, we respectfully share our concerns regarding the use of the municipal Business Licensing Bylaw for the regulation of rental housing. This is an important issue to our respective memberships and one that we hope to engage with you further on.

Thank you for your consideration and we look forward to continuing to work collaboratively with your ministries on this and other issues.

Kind regards,

Cassandra McColman | Manager, Policy and Research
Urban Development Institute
cmccolman@udi.org Direct: 604.661.3032
udi.bc.ca



FW: Minister Eby July 8th Meeting Topics for Discussion

From: Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
To: Pearson, Barbera AG:EX <Barbera.Pearson@gov.bc.ca>
Cc: Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>
Sent: July 4, 2021 10:42:42 PM PDT
Attachments: image007.jpg, image009.png, image011.png, image012.png, image010.png, image008.png, Screenshot (23).png, LandlordBC UDI Joint Letter Municipal Business Licensing Bylaw June 23 2021.pdf

Hi Barb,

Please see below and attached for the meeting July 8, 3:30pm with Landlord BC.

Thank you.

Nicole Normand
Administrative Coordinator to the Honourable David Eby, QC

Attorney General and Minister Responsible for Housing
Phone: 778-974-5921

From: David Hutniak <davidh@landlordbc.ca>
Sent: July 2, 2021 10:47 AM
To: Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>; Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
Cc: David Hutniak <davidh@landlordbc.ca>
Subject: Minister Eby July 8th Meeting Topics for Discussion

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Tanera and Nicole,

I look forward to the conference call with Minister Eby scheduled for Thursday July 8th at 3:30pm. As you will recall the Minister called for the meeting in response to my earlier communication regarding the RTA maximum annual increase analysis LandlordBC had undertaken and shared with the Minister. While I still do wish to discuss the results of the analysis with the Minister, I would like to visit two other issues with him during the time we have on the July 8th call as outlined below. I feel it is important to note that these two new issues are very pressing in nature and it would be my preference that they take precedence over the previously identified issue (ie: the RTA max. analysis). I should also reconfirm that I am attending the meeting on my own. I would appreciate knowing in advance who will be attending from the Minister's end, if at all possible. Thank you.

1. We are increasingly hearing from our members that they are facing the loss of multiple months of rent and, in many cases, the degradation of their property due to the significant delays in hearing times at the RTB. Attached is a report from the RTB summarizing the current hearing wait times. This report was shared with us, at our request, during the course of a meeting with senior RTB staff on Wednesday June 30th. We are concerned that the RTB lacks the necessary compliment of trained Arbitrators and consequently is unable to give the appropriate priority to possession orders, especially the 10 day ones. What is particularly notable is that many of these hearings should take literally ten minutes to resolve. We would appreciate discussing this matter with the Minister and explore potential solutions.
2. LandlordBC raised a very concerning issue with the Minister in a joint letter with our colleagues at UDI dated June 23, 2021 (attached). As outlined in the letter, it is our view that a systemic change is occurring that will have far-reaching negative consequences for the rental housing ecosystem with no meaningful consultation with the sector and, more critically, no expert economic analysis of the impacts on the broader rental housing ecosystem. While the issue of municipal "scope creep" has been previously acknowledged by the Minister, it is my hope that he will be able to provide some additional commentary including how we may collaborate on this important issue.

I look forward to meeting with Minister Eby to discuss the above, and thank him in advance for his being available. Please contact me with any questions or comments. Thank you.

David Hutniak
Chief Executive Officer
LandlordBC
Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838
Email: davidh@landlordbc.ca | Website: www.landlordbc.ca

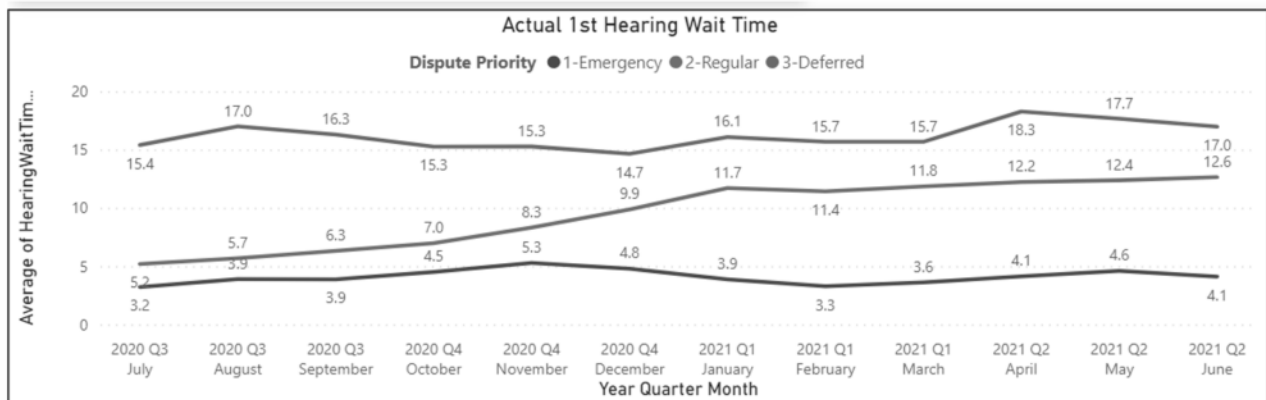
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Expecting to hire 5 replacement permanent Arbitrators in July 2021
 Expecting to hire 2 contractor Arbitrators in August 2021
 Unknown impact of ARI-C and PFR on wait times





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LANDLORDBC

LANDLORDBC

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June 23, 2021

The Hon. Josie Osborne
Minister of Municipal Affairs
Parliament Buildings
Victoria, British Columbia V8V 1X4

The Hon. David Eby, Q.C.
Attorney General and Minister of Housing
Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Minister Osborne and Minister Eby:

RE: Municipal Jurisdiction and the Residential Tenancy Act

First let us state how much we appreciate the strong working relationship we have built with the provincial government, and our shared desire to increase the supply of all housing types.

We are writing you today to ask that you prevent the municipal use of business licensing to regulate residential tenancies. That is the role of the Provincial government and the Provincial government is uniquely and best suited for this responsibility as we look to continue to invest in the existing supply, and increase the new supply, of affordable rental housing.

What we are witnessing, in our view, would be a systemic change that has the potential for far-reaching negative consequences for the rental housing ecosystem. What we are witnessing is the beginning of municipalities creating their own versions of the *Residential Tenancy Act*, thereby undermining uniform and consistent landlord-tenant legislation across the province. This has the potential to have far-reaching negative consequences for the rental housing ecosystem because municipal use of business licensing is removing the stability required for investments in new and existing rental homes. Ultimately, this is harmful to both landlords and tenants, and threatens the Provincial objective of delivering 114,000 new affordable homes over ten years. As such, we believe immediate action is required to prevent the use of the municipal *Business Licensing Bylaw* to regulate residential tenancy through your roles as Minister of Municipal Affairs, and Attorney General and Minister Responsible for Housing.

Our concern has deepened due to the recent B.C. Court of Appeal (BCCA) ruling upholding a bylaw imposed by the City of New Westminster, placing restrictions on landlords who are renovating units. The Appellant argued that the City did not have the authority to bring in the bylaw because the *RTA* is an exhaustive scheme to govern evictions and was meant to apply consistently throughout the province. The BCCA decision is here: (<https://www.bccourts.ca/jdb-txt/ca/21/01/2021BCCA0176.htm>).

The Court did not consider your government's intention to implement additional measures pertaining to renovations of existing rental units (Bill 7). We are of the view that the proposed measures under Bill 7 (expected to be formalized by July 1, 2021) will increase

transparency because of the expanding role of the Residential Tenancy Branch and by doing so they will provide additional protections for renters.

There is a growing concern amongst landlords, builders, and financial institutions that local governments will not stop with these types of bylaws. Unfortunately, we have already seen municipal governments use land-use tools, such as Residential Rental Tenure Zoning, to downzone properties and impinge on property rights. We have also seen calls for vacancy control (rent control tied to the unit) and other restrictions on rental housing providers, which will have negative long-term consequences that are ultimately harmful to both landlords and tenants. It is untenable for investments in rental housing to be constantly jeopardized with every municipal election cycle when these investments will provide homes for thousands of British Columbians for decades to come.

We are especially concerned about the risk of individual municipalities implementing vacancy control, which would sound the death-knell for the rental housing sector. If vacancy control, or additional rent controls, were implemented by even a few municipalities, much of the recent investment in new rental housing throughout British Columbia would cease. Projects would become unviable, and financial institutions would no longer support these investments because of the increased risk.

Recently Vancouver Council unanimously approved a Motion B3 that included an amendment put forward by Councillor Pete Fry. The amendment reads as follows:

*THAT staff investigate ways the City could mitigate harm to affordability of older housing stock by Real Estate Income Trusts (REITS) and other investors using action such as, but not limited to, **vacancy control**, right of first refusal, and supporting a non-profit acquisition strategy and to report back as part of ongoing work.*

Rental housing providers and builders require stability to secure their investment horizons, which typically span decades. The decision from the BCCA, and the systemic change which could result from this decision, creates instability. It establishes the precedent that the rules governing tenancy, and therefore the financial stability of the rental housing sector, are subject to change at the discretion of both the Provincial Government and now all local governments in British Columbia.

We thank you for your willingness to engage with rental housing providers and builders and hope to continue collaborating with your Ministries to address this serious concern. If you would like to discuss any of our comments further, please don't hesitate to contact us.

Sincerely,



Anne McMullin
President & CEO,
UDI



David Hutniak
Chief Executive Officer,
LandlordBC

CC: David Sander, Chair, UDI Rental Housing Committee

FW: 267800 - FW: Virtual Meeting Request with Minister Osborne

From: Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>
To: Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>, Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
Cc: Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Sent: July 21, 2021 11:32:11 AM PDT
Attachments: image002.png, image004.png, image005.png, image006.png, image003.png, image001.jpg
Good morning,

Attached below is a meeting request from Landlord BC – David Hutniak, which my MA's have advised is better suited for your Ministry.

I will go ahead and send a redirect email, letting them know that it is with your Ministry for consideration.

Thanks so much!

Hannah Luscombe

Administrative Assistant to the
Honourable Josie Osborne
Minister of Municipal Affairs
Room 310, Parliament Building
Office: (250)387-2283 | Direct: (236)478-3808

From: David Hutniak <davidh@landlordbc.ca>
Sent: July 13, 2021 9:17 AM
To: Spilker, Robyn MUNI:EX <Robyn.Spilker@gov.bc.ca>
Subject: Virtual Meeting Request with Minister Osborne

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello Ms. Spilker,

You will no doubt recall seeing the attached joint LandlordBC/UDI letter sent to Minister Osborne in regard to the concerns our respective organizations and sectors share in regard to the negative impacts of the application of municipal business licensing bylaws to regulate residential rental housing. I am contacting you to request a brief Zoom meeting with Minister Osborne, ideally the week of July 26th, to discuss this matter with the Minister. In attendance would be myself and Anne McMullin, President & CEO of UDI. I know that Minister Osborne is heavily invested in the provision of safe, secure, and sustainable rental housing for British Columbians. I had the pleasure of liaising with the Minister on several occasions in her role as Mayor of Tofino, at a time when she was actively seeking innovative solutions to create affordable worker housing in her community.

What is unfolding today, whereby municipalities are increasingly seeking to usurp the Residential Tenancy Act, has far-reaching unintended consequences for the entire rental housing ecosystem. What continues to be unappreciated by these same municipalities, and many stakeholders for that matter, due to a lack of consultation and formal study, is that their actions ultimately will cause long-term harm to renters, the very constituency they proclaim to be “protecting”. The reality is that their actions, both current and contemplated, are all about “protecting” buildings not people, which is a completely ill-advised strategy in our view. The systemic change that is unfolding will not only discourage investment in the existing purpose-built rental stock, but force rental housing developers to build in other jurisdictions due to the increased uncertainty and risk of doing so in British Columbia. Collectively, we cannot allow this to happen at a time when we need more investment in purpose-built rental not less.

In closing, I would sincerely appreciate your assistance with this matter, and thank you in advance. Please do not hesitate to contact me. Please stay safe and well.

Best regards,

David Hutniak
Chief Executive Officer
LandlordBC
Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838
Email: davidh@landlordbc.ca | Website: www.landlordbc.ca

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Supreme Court of Canada Application for Leave to Appeal/City of New Westminster

From: David Hutniak <davidh@landlordbc.ca>
To: Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Cc: Fyfe, Richard J AG:EX <Richard.Fyfe@gov.bc.ca>, May, Cheryl OHCS:EX <Cheryl.May@gov.bc.ca>, Cooke, Angela AG:EX <Angela.Cooke@gov.bc.ca>, LynesFord, Adam AG:EX <Adam.LynesFord@gov.bc.ca>
Sent: August 24, 2021 8:34:09 AM PDT
Attachments: image002.png, image004.png, image005.png, image006.png, image003.png, s.3 pdf, image001.jpg, s.3

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Minister Eby,

LandlordBC, on behalf of our members and the broader residential rental housing sector, has expressed to you in the past our serious and continuing concern about the encroachment of municipal legislation on Provincial jurisdiction, specifically as it pertains to the Residential Tenancy Act. The recent BCCA decision to uphold the earlier court ruling in favour of the City of New Westminster (the use of licensing bylaws to usurp the RTA) has placed the entire rental housing ecosystem at risk, and thus we were pleased to learn that the Appellant filed an Application for Leave to Appeal to the Supreme Court of Canada (please see attachments...note that the Appellant's lawyer has in fact complied with all requirements per the correspondence from the Registry Office).

We have had some recent communication with the Appellant's lawyer, and it is his understanding that the City of New Westminster is likely planning to take the position that his client's SCC appeal is somehow moot, or impaired, because of the Province's latest amendments to the RTA (Bill 7). If they are taking that position, then it is disingenuous, because if it were moot, then they would be rescinding the bylaw. The fact is, the bylaw amendments are unrelated to the real issues of whether or not municipalities can create their own tenancy legislation in the face of an exhaustive scheme. We are of the view they are not be allowed to do so. On the basis of past communication with you, we believe you are of a similar view.

LandlordBC intervened in the BCCA hearing and will be filing a response to the SCC in support of this Application. I am writing you today to respectfully request that you, as Attorney General and Minister of Housing for the Province of British Columbia, seriously consider filing a similar response. We are of the view that it is critical that the Province intervene in this matter to help secure SCC's acceptance of the Appellant's Application for Leave and the eventual reversal of the BCCA decision. The response to the SCC is due by September 18, 2021

We thank you in advance for your serious consideration and I encourage you to contact me if you or your team wish to discuss further.

Sincerely,

David Hutniak
Chief Executive Officer
LandlordBC
Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838
Email: davidh@landlordbc.ca | Website: www.landlordbc.ca

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Page 033 of 141 to/à Page 129 of 141

Withheld pursuant to/removed as

s.3

Anne McMullin, President and Chief Executive Officer
Urban Development Institute
Email: cmccolman@udi.org

David Hutniak, Chief Executive Officer
LandlordBC
Email: davidh@landlordbc.ca

Dear Anne McMullin and David Hutniak:

I am responding to: your June 23, 2021 letter addressed to the Honourable Josie Osborne, Minister of Municipal Affairs and me; your July 13, 2021 email addressed to Robyn Spilker; and, your August 24, 2021 email addressed to me, regarding municipal jurisdiction to regulate tenancies and the *Residential Tenancy Act*.

As you mentioned, I share your concerns with increasing the supply of housing. I look forward to continuing to work together to ensure British Columbians have access to safe, secure, and affordable housing and that landlords feel supported in providing rental housing.

The Province is aware of the issue of municipalities using their powers under the *Local Government Act* and the *Community Charter* to regulate tenancies within their jurisdictions. We are currently reviewing the impacts these powers have on rental housing supply. I appreciate you sharing that the Appellant has filed an appeal with the Supreme Court of Canada. As I'm sure you understand, we've been following the matter closely as well. I have asked my staff to review the findings of the BC Supreme Court and BC Court of Appeal to inform our ongoing policy and legal discussions around this issue.

I can assure you that the matter of municipal jurisdiction and the *Residential Tenancy Act* is of great importance to us. Thank you for writing and sharing your perspective.

Yours truly,

David Eby, QC
Attorney General and
Minister Responsible for Housing

pc: The Honourable Josie Osborne

CLIFF: 618452

From: AG Correspondence AG:EX <MAG.Correspondence@gov.bc.ca>
To: cmccolman@udi.org, davidh@landlordbc.ca
Cc: Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>
Sent: September 13, 2021 10:28:40 AM PDT

Anne McMullin, President and Chief Executive Officer
Urban Development Institute
Email: cmccolman@udi.org

David Hutniak, Chief Executive Officer
LandlordBC
Email: davidh@landlordbc.ca

Dear Anne McMullin and David Hutniak:

I am responding to: your June 23, 2021 letter addressed to the Honourable Josie Osborne, Minister of Municipal Affairs and me; your July 13, 2021 email addressed to Robyn Spilker; and, your August 24, 2021 email addressed to me, regarding municipal jurisdiction to regulate tenancies and the *Residential Tenancy Act*.

As you mentioned, I share your concerns with increasing the supply of housing. I look forward to continuing to work together to ensure British Columbians have access to safe, secure, and affordable housing and that landlords feel supported in providing rental housing.

The Province is aware of the issue of municipalities using their powers under the *Local Government Act* and the *Community Charter* to regulate tenancies within their jurisdictions. We are currently reviewing the impacts these powers have on rental housing supply. I appreciate you sharing that the Appellant has filed an appeal with the Supreme Court of Canada. As I'm sure you understand, we've been following the matter closely as well. I have asked my staff to review the findings of the BC Supreme Court and BC Court of Appeal to inform our ongoing policy and legal discussions around this issue.

I can assure you that the matter of municipal jurisdiction and the *Residential Tenancy Act* is of great importance to us. Thank you for writing and sharing your perspective.

Yours truly,

David Eby, QC
Attorney General and
Minister Responsible for Housing

pc: The Honourable Josie Osborne

FW: Meeting w/Minister Josie Osborne - Nov 18th at 1:30 pm - Teams link attached

From: Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
To: Pearson, Barbera AG:EX <Barbera.Pearson@gov.bc.ca>
Cc: Stewart, Emily AG:EX <Emily.Stewart@gov.bc.ca>, Engelbrecht, Maya AG:EX <Maya.Engelbrecht@gov.bc.ca>, Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>
Sent: November 2, 2021 9:32:34 AM PDT
Attachments: image001.jpg, image003.png, image005.png, image006.png, image004.png, image002.png
Good morning,

Please see the note below. Can we please have a briefing note prepared for Minister Osborne. Please note the meeting date of November 18, if we can have the material in advance of that.

Please let me know if you have any questions.

Thank you,

Nicole Normand
Administrative Coordinator to the Honourable David Eby, QC

Attorney General and Minister Responsible for Housing
Phone: 778-974-5921

From: Reid, Heidi MUNI:EX <Heidi.Reid@gov.bc.ca>
Sent: November 1, 2021 9:04 AM
To: Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>; Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
Subject: FW: Meeting w/Minister Josie Osborne - Nov 18th at 1:30 pm - Teams link attached

Hello & Happy Monday!

We have a meeting on Nov 18th w/LandlordBC and Robyn has asked for a BN on the information they've sent below from Housing.

Let me know if you need anything else!

Thanks...Heidi

From: David Hutniak <davidh@landlordbc.ca>
Sent: October 29, 2021 10:18 AM
To: Reid, Heidi MUNI:EX <Heidi.Reid@gov.bc.ca>
Cc: David Hutniak <davidh@landlordbc.ca>
Subject: RE: Meeting w/Minister Josie Osborne - Nov 18th at 1:30 pm - Teams link attached

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Thanks Heidi. I will share the link with my two Board members that will be joining me. They are Paul Sander of Vancouver-based Hollyburn Properties, and Jason Fawcett of Kamloops-based Kelson Group. Paul and Jason are both principals at these family-owned rental housing providers. We look forward to speaking with the Minister. The key areas we will wish to address with the Minister are as follows:

1. Increasingly we are witnessing municipalities seeking to use business licensing to regulate residential tenancies. Let's remember that residential tenancies are under the Province's jurisdiction via the Residential Tenancy Act (RTA). This is hugely problematic in that we risk having multiple RTAs (in theory every municipality having their own) which creates the potential for significant inconsistencies for both landlords and tenants, no clear path for

disputes/access to justice, significant uncertainty for existing rental housing providers and, even greater uncertainty for rental developers and pension funds considering building rental housing in BC. The impact to the rental housing ecosystem with this “scope creep” (Minister Eby’s term) is negative for the rental housing ecosystem and it is renters who will ultimately suffer the most. Of particular concern is that we are seeing some municipalities contemplating the use of business licensing to implement vacancy control (tying rent control to the unit). It is not hyperbole to suggest that vacancy control would sound the death-knell for our sector and end most new purpose-built rental in BC.

2. I wanted Paul and Jason to attend so that they can share first-hand knowledge with the Minister in regard to some of the particular challenges they are facing as providers of safe, secure, long-term rental housing. The repercussions of the COVID pandemic continue to be felt in the sector, and the costs to deliver the critical housing we provide BC families are going through the roof (taxes, insurance, utilities, etc). The goal is to provide the Minister with this important perspective as we know she cares a great deal about housing and rental housing in particular.
3. LandlordBC actively collaborates with the Province on a broad range of issues impacting housing affordability, the environment and, the economy. Our sector is an important economic driver and more importantly, we provide homes for in the order of 1.6 million British Columbians. With the extremely high costs to purchase ones home, renting is the better option for an increasing number of British Columbians, so we need to ensure we have a strong and viable rental housing ecosystem. The Province is looking at implementing an existing building code and of course the reduction of GHG emissions via CleanBC. While obviously completely aligned with the need for safe and healthy buildings, and committed to doing our part to address the climate crisis, our sector operates in a heavily regulated environment which severely limits our ability to recover costs related to the capital intensive nature of the investments we currently make and will be expected to make in our rental buildings. Again, Paul and Jason are well-positioned to share first-hand knowledge with the Minister in this regard.

Thank you for helping with the logistics and please stay safe and well.

David Hutniak
Chief Executive Officer
LandlordBC
Phone: 604.733.9440 Ext. 202 | Mobile: 604.644.6838
Email: davidh@landlordbc.ca | Website: www.landlordbc.ca

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From: Reid, Heidi MUNI:EX <Heidi.Reid@gov.bc.ca>
Sent: October 29, 2021 9:40 AM
To: David Hutniak <davidh@landlordbc.ca>
Subject: Meeting w/Minister Josie Osborne - Nov 18th at 1:30 pm - Teams link attached

Hi David,

Thanks for confirming a time and date to meet with Minister Osborne.

Here is the Teams link for the meeting confirmed for November 18th at 1:30 pm.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)
s.15; s.17

Canada, Victoria

Phone Conference ID s.15; s.17

Please let me know who will be attending with you when you have a moment.

If you need anything else, please don't hesitate to call or email.

Have a great weekend!

Heidi

Heidi Reid
Administrative Coordinator to the
Honourable Josie Osborne
Minister of Municipal Affairs
Phone: 778-974-5988
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**MINISTRY OF ATTORNEY GENERAL
Residential Tenancy Branch
Meeting BRIEFING NOTE**

PURPOSE: MEETING Note for the Honourable Josie Osborne, Minister of Municipal Affairs.

Meeting with: Minister Osborne and LandlordBC, November 18, 2021

Issue:

Meeting with David Hutniak CEO of LandlordBC and board members Paul Sander of Hollyburn Properties, and Jason Fawcett of Kelson Group to discuss the current challenges rental housing providers are facing.

Key Messages:

- BC's rental housing sector is a critical part of the housing continuum and balancing the needs of tenants and landlords is necessary.
- The priorities of rental housing include affordable housing, increased supply and building and safety standards
- LandlordBC is a valued stakeholder and meets regularly with the Residential Tenancy Branch (RTB).
- We look forward to continued dialogue on the issues facing communities across BC

BACKGROUND:

LandlordBC is the leading voice for owners and rental housing providers in BC and provides their members with resources and education regarding best practices. The Province has had a long-standing relationship with LandlordBC, and Residential Tenancy Branch (RTB) staff meet regularly with them as part of the quarterly stakeholder engagement process.

LandlordBC has identified the key areas they want to discuss with the Minister:

- The use of business licenses by municipalities to regulate tenancies
- The repercussions of the COVID pandemic in the rental housing sector
- The difficulties creating and upkeeping new rental housing within a highly regulated environment, especially in regard to the CleanBC Roadmap to 2030.

LandlordBC has expressed concern over the use of business licenses by municipalities to regulate tenancies. Several municipalities have adopted additional measures to provide support for tenants that may be displaced due to renovations or repairs. LandlordBC has been writing to government asking to stop the municipal use of business licenses to regulate residential tenancies as it creates inconsistency across the province and will negatively impact both tenants and landlords. They are concerned this will ultimately deter developers from considering building rental housing.

A recent case before the BC Supreme Court addressed a New Westminster bylaw aimed at regulating rental housing in that municipality by preventing renovictions, ensuring tenants are relocated or fairly compensated, and preventing landlords from raising rent on units that were renovated after an eviction. The court challenge was based on whether the city was acting within its jurisdiction to regulate actions of rental housing providers, or if that was in conflict with the *Residential Tenancy Act* (RTA). The judge's decision indicated there was no conflict. This was brought before the Court of Appeal and upheld; the plaintiff has filed an application for Leave to Appeal to the Supreme Court of Canada (SCC).

DISCUSSION:

The problem of “renovictions” was a key driver for local governments to introduce tenant protection policies and bylaws to prevent displacement. In July 2021 new amendments came into effect to the RTA to address this issue across the province. These changes, introduced to prevent tenants being displaced or renovicted, require a landlord to apply to the RTB before ending a tenancy for major renovations or repairs that require a unit to be vacant. An arbitrator will review the application and determine whether the work can take place while the tenant remains or whether the end of tenancy is necessary. The goal is to eliminate evictions where the work is minor, or the tenants can accommodate the renovation. Since its introduction, very few applications have been approved.

At the same time, a new process to allow landlords to apply for additional rent increases when they make capital improvements to their building or unit was introduced. This change was an early recommendation from the Rental Housing Task Force. It allows landlords to recover some of the costs of the project through modest rent increases instead of evicting tenants and increasing rents to unaffordable rates. RTB worked closely with LandlordBC on these changes.

Residential Tenancy Branch (RTB) policy staff are closely monitoring the use of business licensing by local governments to regulate rental housing. ^{s.13}

s.13

During the Covid pandemic government introduced several measures to support landlords and tenants including a moratorium on all non-emergency evictions, a freeze

on all rent increases, and several other health and safety measures. Most of these protections focused on relief, security, and safety for tenants. This resulted in some landlords suffering financial loss from tenants not paying rent with no fear of eviction. As a way of helping landlords recover some of their losses, when the moratorium on non-emergency evictions ended, the Province released a repayment plan framework allowing tenants to repay rent arrears over a 10-month period. All COVID related measures are now expired.

The 2018 CleanBC plan committed the Building and Safety Standards Branch (BSSB) to develop new requirements for building upgrades by 2024. The intention is to bring existing buildings up to modern standards for energy efficiency and comfort. The recently released CleanBC Roadmap to 2030 (Roadmap) outlines that the Province will be setting highest-efficiency standards for new space and water heating equipment by 2030 in an effort to decarbonize existing buildings.

BSSB completed the first phase of existing buildings engagement in Fall 2019^{s.13}
s.13 The focus of this phase of engagement was on listening to external perspectives on renovation priorities, barriers, and success criteria.

To support the continued development of existing building requirements and the implementation of Roadmap direction, BSSB has scheduled a second round of engagement for November 30th and December 8th. The first session will provide an overview of the Province's approach for regulating energy efficiency upgrades and seek feedback on regulatory design, challenges, implementation, and enforcement. The second session will focus on identifying the specific supports (e.g., financial, capacity building, communications etc.) that will be necessary to ensure effective implementation of the planned regulatory approach. BSSB is also undertaking research to understand the cost (to building owners and occupants) and feasibility of various renovation options.

INDIGENOUS PEOPLES CONSIDERATIONS:

In 2016, across Canada 14 per cent of Indigenous people who lived in a rental unit were more likely to be in housing that needed major repairs. This finding was true for First Nations people, Métis and Inuit. There were 111,496 indigenous households living off-reserve in BC and almost half (53,605) were renter households.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

According to Census 2016, there were 599,355 renter households in BC. 41.5 per cent were one person households, 12.6 per cent were lone-parent households (the majority are headed by a female parent), and 17 per cent are couples with children. Renters aged 25-34 make up the largest cohort (24.1 per cent) of renter households, whereas owners aged 65 and up make up the largest cohort (33.1 per cent) of owner households. 27.5 per cent of renter households are headed by immigrants vs.

33.3 per cent of owner households; however recent immigrants represent 5.2 per cent of renter households vs. 1.2 per cent of owner households. Renters tend to earn significantly less than homeowners. The median household income of renter households was \$45,848 vs. \$84,333 of owner household. Renter households have a higher proportion of equity-seeking groups whose economic and social well-being may be at greater risk from the impacts of evictions and rapidly increasing rents.

OTHER MINISTRIES IMPACTED/CONSULTED:

- s.13; s.16

Prepared by:

Lisa Clout
Policy Analyst
Residential Tenancy Branch
250 882-4627

Approved by:

Raymond Fieltsch
A/Assistant Deputy Minister
Office of Housing and Construction
Standards
778 698-7639

FW: Minister Eby's comments re: 2023 Max Allowable Increase

From: LynesFord, Adam AG:EX <Adam.LynesFord@gov.bc.ca>
To: Eby, David AG:EX <David.Eby@gov.bc.ca>
Cc: Madoc-Jones, Sian AG:EX <Sian.MadocJones@gov.bc.ca>
Sent: June 17, 2022 7:04:12 PM PDT
Attachments: image001.jpg, image003.png, image004.png, image005.png, image006.png, image002.png

From: David Hutniak <davidh@landlordbc.ca>
Sent: Friday, June 17, 2022 6:38 PM
To: LynesFord, Adam AG:EX <Adam.LynesFord@gov.bc.ca>
Subject: Minister Eby's comments re: 2023 Max Allowable Increase

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Hi Adam,

I would appreciate the opportunity to speak with Minister Eby about the very serious matter of his contemplating tempering with the 2023 legislated maximum allowable annual increase under the RTA. Our sector is not responsible for the current rate of inflation, we are victims of it just like every other sector in the province. I appreciate any assistance you can provide to arrange a phone or zoom call with the Minister at his earliest possible convenience so that appropriate consultation takes place. Thank you in advance.

<https://vancouver.citynews.ca/2022/06/17/bc-government-cap-rent-increase/>

David Hutniak
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FW: Minister Eby's comments re: 2023 Max Allowable Increase

From: Hay, Lorna AG:EX <Lorna.Hay@gov.bc.ca>
To: Papadopoulos, Nikki OHCS:EX <Nikki.Papadopoulos@gov.bc.ca>, Alexander, Jessica C OHCS:EX <Jessica.Alexander@gov.bc.ca>
Sent: June 21, 2022 2:10:43 PM PDT
Attachments: image001.jpg, image003.png, image005.png, image006.png, image004.png, image002.png
sending to Teri's calendar. please let me know who will support. thank you

From: Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
Sent: Tuesday, June 21, 2022 2:09 PM
To: Hay, Lorna AG:EX <Lorna.Hay@gov.bc.ca>; Engelbrecht, Maya AG:EX <Maya.Engelbrecht@gov.bc.ca>
Cc: Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>; Valentinuzzi, Emma AG:EX <Emma.Valentinuzzi@gov.bc.ca>
Subject: FW: Minister Eby's comments re: 2023 Max Allowable Increase

Good afternoon,

Please see below:

Meeting with LandlordBC

Date & Time: July 5, 10-10:30am

Location: MS teams Pls see link below

Topic: pls see below

BN: n/a

Ministry staff: yes Ministry staff invited

Thank you

Microsoft Teams meeting

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Nicole Normand

Administrative Coordinator to the Honourable David Eby, QC

Attorney General and Minister Responsible for Housing

Phone: 778-974-5921

From: LynesFord, Adam AG:EX <Adam.LynesFord@gov.bc.ca>

Sent: June 20, 2022 9:18 AM

To: Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>; Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>

Cc: Madoc-Jones, Sian AG:EX <Sian.MadocJones@gov.bc.ca>

Subject: FW: Minister Eby's comments re: 2023 Max Allowable Increase

Good morning! Can you please set a call up for MDE with LandlordBC for sometime in the next couple of weeks? Ministry staff invited. Topic is annual allowable rent increase. Context below. Thanks, Adam

Adam Lynes-Ford

Senior Ministerial Advisor to the Honourable David Eby, Q.C.

Attorney General of British Columbia and Minister Responsible for Housing

Cell: 250-889-1115

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