

**MINISTRY OF ATTORNEY GENERAL  
OFFICE OF HOUSING AND CONSTRUCTION STANDARDS  
HOUSING POLICY BRANCH  
DECISION BRIEFING NOTE**

**PURPOSE:** For DECISION of David Eby, QC  
Attorney General and  
Minister Responsible for Housing

**ISSUE:**  
Secondary Suites/Accessory Dwelling Units Homeowner Survey

**DECISION REQUIRED/ RECOMMENDATION:**  
**(Option 1: Recommended):** Launch the Secondary Suites/Accessory Dwelling Units Homeowner Survey in April 2022.

**SUMMARY:**

- Secondary suites and accessory dwelling units (ADUs) are one pathway towards delivering more housing supply to meet the needs of BC's growing population.
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- Expanding the number of secondary suites and ADUs s.13  
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- The reasons why homeowners choose to build and rent their suites and ADUs, or not to, are varied, and there is a gap in primary research to understand those reasons; this gap makes it difficult to design programs or funding that s.13  
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- A homeowner survey will help the Province understand the economic, social, and regulatory factors that deter homeowners from building or renting suites/ADUs. This information will equip the ministry to develop policy approaches that are supported by relevant, current evidence and directed at overcoming the most critical barriers to creating and renting suites/ADUs as long-term affordable rental housing.

**BACKGROUND:**

- Estimates of the number of actual secondary suites (vacant or occupied) existing in the province vary from 130,000 (Census 2016) to 197,000 (BC Assessment Authority property folios, 2020). The number of secondary suites identified by BC Assessment as physically existing on properties has been growing by 5 to 6 per cent annually, though there is no indication how many are in use as rental housing.

- Secondary suites are defined in the BC Building Code as self-contained dwelling units located within a residential building or portion of a building constituting a single real estate entity. ADUs refer to self-contained dwelling units in a separate building from a primary residence while being part of the same real estate entity. Examples include laneway homes, garden suites, or converted garages. ADUs are subject to the same BC Building Code provisions as primary dwellings. While there are different building code provisions applying to secondary suites and stand-alone dwellings, many other policy considerations overlap.
- The BC Building Code was amended in 2019 to enable secondary suites in more types of housing and ease some technical requirements, such as limits on floor space in suites. <sup>s.13</sup>  
s.13
- A variety of policy and program approaches have been used in many jurisdictions throughout North America to increase the supply of secondary suites and ADUs, but few are well-documented, indicate high uptake, and can be implemented at the provincial level. Examples of grant programs in Victoria, Edmonton, and Ontario show low uptake with high administrative burdens, for example. Initiatives to reduce permitting barriers show success in Vancouver and Calgary but rely on dedicated local government resources that exist in few other BC communities.
- An IBN containing additional background research and policy consideration pointing to the need for a survey was developed by the Housing Policy Branch (HPB) in October 2020 prior to the current mandate (Attachment 1). That survey was delayed due to the COVID-19 pandemic, and HPB is seeking to proceed now.

### **DISCUSSION:**

Increasing the supply of secondary suites/ADUs as affordable long-term housing could help the Province to reach its goal of creating 114,000 affordable housing units, with lower levels of direct public investment per unit compared to other housing supply programs. <sup>s.13</sup>

s.13

While numerous policies or programs to promote secondary suites have been launched by local governments, few are at the provincial or state level, and none with documented evaluation showing that intended outcomes were met. <sup>s.12</sup>

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The benefits of having a secondary suite or ADU are unique for each homeowner, with some common factors being financial benefits, housing for family, and sharing property responsibilities. The barriers often cited are the cost and complexity of suite approval and construction, local government policies, lack of homeowner interest, concerns about being a landlord, and neighbourhood opposition. While these factors are well

documented in a variety of media, there is a lack of robust research to show how influential these factors are in BC homeowners' decisions.

Understanding the prevalence or importance of various benefits or barriers in homeowner decision-making will allow the Province to focus on the policy or program approaches that will be more effective in achieving the goal of creating affordable housing. It will also help avoid commitments to financial or legislative approaches that may have high costs and potentially negative effects without producing the desired outcomes. For example, if understanding of permitting processes is a greater barrier than cost, the Province's efforts could be directed at information/education programs or addressing local government barriers instead of a grant program.

### About the Survey

HPB and BC Stats embarked in late 2019 on developing a survey to gather information from single-detached homeowners about their experiences and opinions regarding secondary suites/ADUs. <sup>s.13</sup>

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The survey would be administered by BC Stats under the *Statistics Act*, providing for the confidentiality of respondents. <sup>s.16</sup>

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s.16 BC Assessment has assisted with filtering records to properties that could feasibly accommodate a second living unit<sup>s.13</sup>

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The proposed survey will use mailed invitations with unique links to an online survey. An initial mail-out of individualized letters by BC Mail Plus <sup>s.13</sup>

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The anticipated cost of fielding the survey is <sup>s.17</sup> based on proposals from BC Stats including the mail-out costs (the higher end of the range is associated with larger sample size). <sup>s.17</sup>

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The timeline for launching the survey, given the need to coordinate schedules and workload with BC Stats, BC Assessment, and BC Mail Plus, is late April 2022.

### Alternatives

Online engagement as an alternative form of consultation was considered, however online surveys suffer from participant self-selection bias and responses cannot be validated against property roll information, reducing the usefulness of the gathered data. BC Stats and Government Communications and Public Engagement (GCPE) were consulted in 2019 on the design of this research process, at which time the mail-out invitation to an online survey was selected as the research method most likely to deliver valid and useful data. Online engagement would be an effective tool for evaluating

public response to proposed policy or program measures developed based on the information gathered in this survey.

### **INDIGENOUS PEOPLES CONSIDERATIONS:**

- There are no expected harms to Indigenous peoples in BC from conducting this survey. There may be benefits from increased housing supply due to policy approaches taken by government that are informed by this survey. The survey will invite respondents to optionally self-identify as Indigenous as one of several demographic questions.

### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

- GBA+ analysis will be supported by this survey, as the instrument will invite respondents to optionally complete demographic questions that will allow for a variety of cross-tabulations to better understand gender and diversity factors in this area.

### **OPTIONS:**

#### **Option 1**<sup>s.13</sup> : Survey Launch in Spring 2022

- HPB would work with BC Stats and BC Mail Plus to put the survey into the field in late April 2022.<sup>s.13</sup>  
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#### **Option 2: Use Online Engagement Instead of Targeted Surveys**

- HPB would work with GCPE to conduct an online engagement with homeowners. This Option can be selected in addition to a mail-out survey,<sup>s.13</sup>  
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#### **Option 3: Proceed with Policy Development without Additional Research**

- HPB would use existing jurisdictional scans to develop policy proposals for consideration.<sup>s.13</sup> as scans of policy and programs in other jurisdictions show great variability in outcomes and proceeding without BC-based research of the target markets could result in launching irrelevant and unsuccessful provincial programs.

### **OTHER MINISTRIES IMPACTED/CONSULTED:**

- Ministry of Municipal Affairs: staff from Planning and Land Use Management reviewed the survey instrument in 2019 and will be invited to review the updated instrument if the survey is authorized.
- Ministry of Finance, Property Assessment Services has been involved in supporting the survey with liaison to BC Assessment Authority to access property folio address data and filtering folios to select for single-detached homes.
- Ministry of Citizens' Services, BC Stats is the partner for survey design, delivery and results tabulation.



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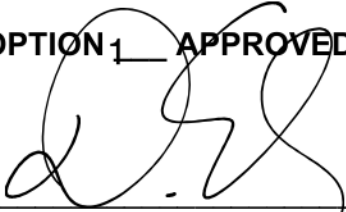
Shannon Salter  
Deputy Attorney General and  
Deputy Minister Responsible for Housing

**DATE:**

April 12, 2022

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**OPTION 1 APPROVED**



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David Eby, QC  
Attorney General and  
Minister Responsible for Housing

**DATE:**

April 22, 2022

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**Prepared by:**

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778-698-1690

**Approved by:**

Teri Collins  
Assistant Deputy Minister  
Office of Housing and Construction  
Standards

**Attachments (1):**

1. 257636 ADM IBN Secondary Suites & ADUs Policy Development (from 2019/20)



## BRIEFING NOTE FOR INFORMATION

**Date:** October 20, 2020  
**Prepared For:** Cheryl May, Assistant Deputy Minister, Office of Housing and Construction Standards  
**Title:** Secondary Suites / Accessory Dwelling Units (ADUs) Policy Development  
**Issue:** Secondary Suites/ADUs offer a potential avenue for adding affordable housing supply

### SUMMARY:

- **Secondary suites and Accessory Dwelling Units (ADUs) represent a valuable portion of the rental housing market in BC, housing at least 93,000 renter households currently.**
- **Expanding the inventory of secondary suites and ADUs is a viable way to increase affordable rental units<sup>s.13</sup>**  
s.13
- **The Ministry is working with local governments, BC Stats and BC Assessment Authority on approaches to developing policy and program options to induce new affordable housing units.**
- **The proposed next step is to work with BC Stats in January 2021 to launch a survey of registered property owners of single-detached homes to assess attitudes and barriers regarding the expansion of the supply of secondary suites and guide future policy measures.**

### BACKGROUND:

“Accessory dwelling units” (ADU) is an umbrella term that includes secondary suites, which are defined in the BC Building Code as self-contained dwelling units located within a residential building or portion of a building constituting a single real estate entity, as well as stand-alone structures sharing the property with a primary residence. Other forms of ADUs are laneway homes, converted garages, and garden suites. While there are different building safety provisions applying to secondary suites and stand-alone dwellings, many other policy considerations overlap.

Secondary suites provide housing for approximately 16 percent of renter households (93,000 households) in BC, according to the 2016 Census from Statistics Canada. Estimates of the number of actual secondary suites existing in the province vary from 130,000 (Census 2019) to 197,000 (BC Assessment Authority property folios, 2020). The number of secondary suites<sup>1</sup> identified by BC Assessment has been growing by 5 to 6 percent annually.

BC Assessment Authority property folios are based on building permit records and assessor visual verification. These records do not identify the current use or occupancy of a suite/ADU, whether it is permitted by the local government, or if the rent is “affordable” for the market.

<sup>1</sup> Accessory dwelling units are inconsistently defined and classified across BC Assessment and Statistics Canada records, so it is difficult to isolate their numbers; this is an area requiring more work by staff.



BC Assessment - secondary suites and ADUs, 2020 roll		
	Secondary suites/ADUs	As share of Single-Family Residences
British Columbia	197,106	18.5%
Metro Vancouver	119,150	30.5%
Vancouver (City)	36,437	48.2%
Surrey	28,519	33.0%
Coquitlam	7,539	29.8%
Kelowna	4,674	15.4%
Victoria (City)	2,873	32.3%

On December 12, 2019, the BC Building Code was amended to enable secondary suites in more types of housing and ease technical requirements. While suites were previously restricted to single-detached houses, these amendments allow secondary suites in duplexes, row housing and buildings with non-residential uses. The changes discontinue the prescribed floor space amounts and percentage distribution between a suite and primary living space. A secondary suite has defined requirements for fire separation from other parts of the building. Further relaxations for the addition of a new suite to an existing building are also part of the amendments.

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Costs of constructing secondary suites and accessory dwelling units vary widely according to the existing structure/property configuration. Average construction values reported on building permits across five BC communities were \$30,000-\$50,000 for secondary suite additions and \$100,000-\$200,000 for laneway/coach homes (see Attachment 1 for values and communities, compared to costs for recent BC Housing purpose-built rental projects).

#### **DISCUSSION:**

After stagnating for decades, construction of purpose-built rental apartments has accelerated in recent years. However, the number of units completed does not equate directly to an increase in the total stock of rental housing. Very often, existing rental buildings are demolished to make way for new buildings. Examining the year-over-year change in the purpose-built-rental (PBR) universe shows that even with approximately 12,000 PBR completions in 2019 the net change in the overall PBR supply is only 3,616. In fact, at the end of 2019, the PBR universe comprised 187,827 units, almost exactly what it was in 1991 (see Attachment 2, Figure 2).

Comparatively, the secondary rental market now accounts for 70 percent (421,000 units) of housing for renter households in BC, with secondary suites listed as the housing type for 93,000 households (see Attachment 3). Programs and policies that stimulate the secondary rental market, including secondary suites and ADUs, can provide a valuable addition to the rental housing supply in the province. The costs to add a suite to a house are considerably lower than construction of other forms of rental housing, which can translate to lower rent costs; simultaneously the rental income can help make a mortgage more affordable for homeowners. ADUs (often in the form of laneway homes or garden suites) increase density on an existing lot, though their construction costs are higher.



Further expansion in the number of suites and ADUs in the secondary rental market can come from pursuing three areas:

- Inclusion of suites/ADUs in new construction of homes;
- Addition of suites/ADUs to existing homes/lots; and
- Conversion of existing suites from other uses to long-term rental use.

Recent changes to the BC Building Code, allowing suites in alternate housing types and easing technical requirements for suites, are expected to encourage some growth, but it will be gradual and constrained by other factors. Achieving faster growth will depend on the Province working with local governments to implement land use policies allowing secondary suites/ADUs and encouraging homeowners to build/convert/use their private property for long-term rentals.

### ***Local Government Considerations***

In January 2018, Local Government Division staff conducted a telephone survey of local governments in BC. Approximately 85 percent of communities surveyed allow secondary suites in some way; nevertheless, some communities limit suites to specific zones or geographic areas, many communities have specific parking requirements, and some communities charge separate utility fees for suites. Some communities interviewed in the survey were in the process of reviewing or amending their zoning or said they do not enforce the prohibition. Navigating these varied requirements may be a barrier to homeowners taking on the burden of building, finishing, or renting out a secondary suite or ADU.

In communities where secondary suites are restricted or limited, barriers cited by the local governments included public resistance, infrastructure impacts (water/sewer), and lack of municipal resources to ensure the life safety of suites. Public resistance is motivated by concerns over parking impacts, traffic congestion, and neighbourhood character.

### ***Homeowner Considerations***

Regardless of the local government policies in a given community, creating a secondary suite or ADU is the decision of a private homeowner and is influenced by behavioural and cost factors:

- Landlord-tenant issues create higher risks for homeowners because they share a property and are bound by the Residential Tenancy Act. Anecdotally, it has been reported that potential landlords are concerned that they cannot evict a tenant except under very limited circumstances, so this may be a disincentive to secondary suite creation.
- Construction of a suite/ADU requires an up-front investment, and homes with suites (or potential) carry higher market value. These investments need to be recouped by charging sufficient rent;<sup>s.13</sup>
- Unless restricted by local government policy, homeowners in some communities may earn higher incomes from using a suite/ADU as a short-term rental, with fewer concerns about long-term tenants and more flexibility to use the suite for personal or family use intermittently.
- Rental income from secondary suites is taxable, though not all suite owners report this income to Canada Revenue Agency. Using part of a home for rental income will affect the capital gains tax exemption on sale of a primary residence.



### ***Potential Approaches***

In addition to the BC Building Code changes of December 2019 and s.13

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Ministry staff are aware of a variety of

approaches that could be considered by the province to include in a future secondary suites/ADUs strategy.

Further research and policy development of these ideas is necessary before they can be recommended.

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### **RECOMMENDED NEXT STEPS:**

#### January-May 2021:

- Housing Policy Branch, working with BC Stats, has prepared a proposed survey of homeowners of single-detached homes to better understand the current uses, benefits, barriers, and costs of secondary suites and ADUs, and examine potential responses s.13 (see Attachment 4). s.13
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#### June-September 2021:

- Housing Policy Branch will use the results of the homeowner survey to identify the barriers to, and opportunities for, increasing secondary suites and determine appropriate policy, financial, or legislative measures.



- Consult with stakeholders to gather input/feedback on possible approaches.

#### October-December 2021:

- Pending results from the homeowner survey, the Ministry may consider further public consultation on secondary suites/ADU to gather diverse viewpoints and explore responses to policy or program ideas developed based on earlier research.

#### By early 2022:

- Develop policy proposals, for consideration by Cabinet, that would stimulate incremental construction of secondary suites and ADUs by homeowners.

#### FINANCIAL IMPLICATIONS:

- Budget for the survey in 2020-21 is approximately \$35,000 which is already set aside in the Housing Policy Branch budget. Much of the work to prepare the survey has already been done by BC Stats and will be payable; approximately half of this budget was set aside for the mailing costs and data tabulation and will not become payable unless the survey is launched.
- Further engagement with local governments or other interested parties may require additional staff resources.

#### Attachments (4):

1. Construction Costs for Secondary Suites and Laneway/Coach Homes
2. Net Changes in Purpose-Built Rental Universe
3. Rental Housing in British Columbia (2016 Census)
4. Homeowner Survey on Secondary Suites/ADUs

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#### APPROVED BY:

Doug Page, Director, Housing Policy  
Housing Policy Branch

Avery Kelly, A/Executive Director  
Housing Policy Branch

#### DATE APPROVED:

October 15, 2020

October 19, 2020


**ATTACHMENT 1: Construction Costs for Secondary Suites and Laneway/Coach Homes**

<b>Table 1: Building permit data for secondary suites/laneway/coach houses</b>				
	Secondary suite additions	Average construction value	Laneway/coach houses	Average value
City of Vancouver (Jan to early December 2019)	148	51,005	436	192,812
Surrey (2019 full year)	90	37,791	5	98,214
Abbotsford (2019 full)	38	29,836	8	204,988
Courtenay (2019)	22	50,750	0	n/a
Kelowna (2019)	142	36,461	28	160,995

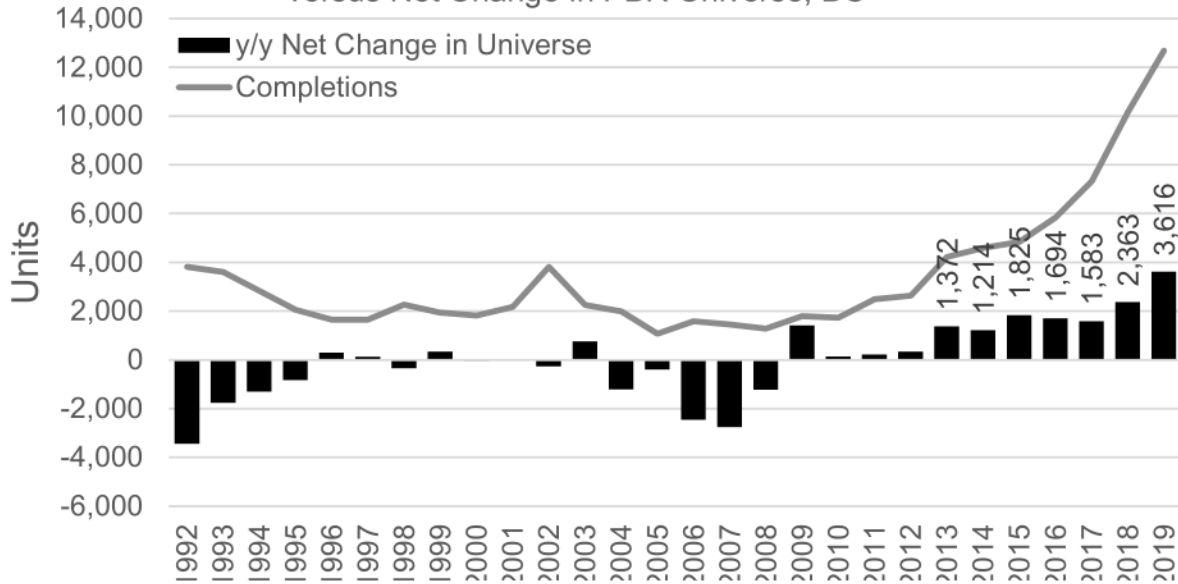
<b>Table 2: Distribution of costs of secondary suite additions - City of Vancouver Building Permits, 2019</b>				
	Number of units	Cumulative share of total	Average value	
Under \$5,000	54	36%	4,167	
Up to \$50,000	52	72%	23,294	
Up to \$70,000	7	76%	58,043	
Up to \$100,000	20	85%	83,075	
Over \$100,000	15	100%	269,647	
Total	148		51,005	

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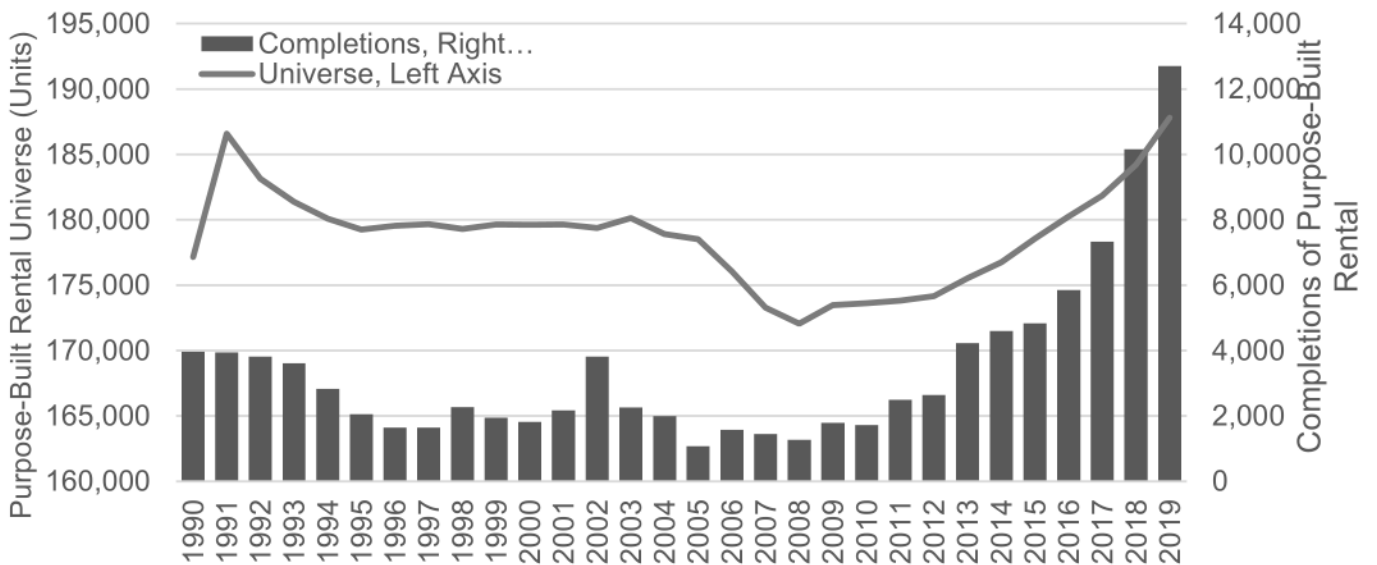
**ATTACHMENT 2: Net Changes in Purpose-Built Rental Universe**

Figure 1: Gross Completions of Purpose-Built Rental Units versus Net Change in PBR Universe, BC



Data Source: Canada Mortgage and Housing Corporation, Calculations by Housing Policy Branch

Figure 2: Universe and Completions of Purpose-Built Rental Units in BC




**ATTACHMENT 3: Rental Housing in British Columbia (2016 Census)**

Rental universe in British Columbia - 2016 census		
	<b><u>2016</u></b>	
Renter households	599,000	
Primary rental market (CMHC)	178,000	30%
Secondary rental market	421,000	70%
Secondary rental market		
Secondary suites	93,000	22%
Single family homes	91,000	22%
Social Housing	74,000	18%
Rented condos	106,000	25%
Duplexes	17,120	4%
Townhouses	13,180	3%
Other (triplexes, mobile homes, etc.)	20,000	5%



#### **ATTACHMENT 4: Homeowner Survey on Secondary Suites/ADUs**

Housing Policy Branch has signed a Memorandum of Understanding with BC Stats to conduct a targeted survey of owners of single detached houses in British Columbia.

#### **Survey Population:**

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#### **Survey Methodology**

- Selected property owners will be mailed an invitation to participate in the survey with a web address to complete the instrument online.
- Questions will be primarily qualitative (multiple choice or rating scale) with two qualitative (open-ended) questions limited to 500-character responses.
- Demographic questions will allow cross-tabulation by gender, age, household income, and other identifiers to support GBA+ (to be determined).

#### **Survey Topics**

The survey instrument will use built-in logic to direct respondents to questions that relate to their context, e.g. whether they currently have a suite/ADU, what it is being used for. Topics to be explored include:

- Presence of a suite/ADU and how it is currently being used
- Costs/barriers and motivations for creating a suite/ADU
- Physical characteristics of the suite/ADU and demographic characteristics of long-term residents
- Compliance with local government policies and Building Code
- Barriers to registering/permitting suites/ADUs and renting on a long-term basis
- Parking allocation and usage by residents
- Perceptions and experiences of being a landlord
- Perceptions and likely responses to possible incentives for building and renting suites/ADUs

#### **Timeline**

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**MINISTRY OF ATTORNEY GENERAL  
HOUSING POLICY BRANCH  
OFFICE OF HOUSING AND CONSTRUCTION STANDARDS  
INFORMATION BRIEFING NOTE**

**PURPOSE:** For INFORMATION for David Eby, QC  
Attorney General and  
Minister Responsible for Housing

**ISSUE:**  
*Residential Tenancy Act* – Supportive Housing Community Engagement.

**SUMMARY:**

- The Office of Housing and Construction Standards (OHCS) has secured the services of an external contractor team at Ipsos to lead an engagement process on the treatment of supportive housing under the *Residential Tenancy Act* (RTA).
- The engagement process will obtain input from a wide range of community partners, including people with lived and living experience in supportive housing, BC Housing, supportive housing operators, and community advocates and organizations.

**BACKGROUND:**

- OHCS is conducting a policy review project to determine if the current provisions of the RTA are the appropriate legislative framework to govern landlord-tenant relationships in supportive housing.
- The Supportive Housing Review Project is intended to respond to the 2018 Rental Housing Task Force Report recommendation<sup>1</sup> that the Residential Tenancy Branch ensure that the RTA addresses the specific needs of supportive housing providers.
  - Since the report was released, the number of supportive housing buildings has increased, and issues have become more complex due to populations that require more intensive support and the intersecting public health emergencies of the overdose crisis and the COVID-19 pandemic.
- The Supportive Housing Review Project will consider whether the RTA appropriately and effectively (1) addresses the health, wellness, and safety needs of tenants, operators, and staff, and (2) ensures that tenants have appropriate rights to privacy, security of tenure and access to administrative justice.
- A key component of the Supportive Housing Review Project is the need to conduct a comprehensive engagement process to better understand the perspectives of people with lived/living experience in supportive housing, supportive housing operators and staff, tenant advocates and other community organizations.
- The engagement process will inform policy options and recommendations for the Supportive Housing Review Project, <sup>s.13</sup>  
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<sup>1</sup> Rental Housing Task Force Report, December 2018. Rental Housing Task Force, available at: <[https://engage.gov.bc.ca/app/uploads/sites/121/2018/12/RHTF-Recommendations-and-WWH-Report\\_Dec2018\\_FINAL.pdf](https://engage.gov.bc.ca/app/uploads/sites/121/2018/12/RHTF-Recommendations-and-WWH-Report_Dec2018_FINAL.pdf)>.

## **DISCUSSION:**

### **Purpose of Engagement**

- The three key objectives of the Supportive Housing Review Project are to:
  1. Obtain input and hear the perspectives of people with lived/living experience, supportive housing operators, tenant advocates and community organizations on the current challenges and opportunities related to supportive housing.
  2. Facilitate a policy workshop where key partners can explore collaborative policy approaches and solutions.
  3. s.13

### **Scope of Engagement**

#### *In Scope*

- The Supportive Housing Review Project engagement will focus on whether the RTA is the appropriate legislative framework to govern supportive housing, s.13
- At a minimum, the engagement process will consider if Government should: s.13
- In addition to issues that fall explicitly within the project mandate, OHCS will also need to consider other issues that are inextricably linked to how supportive housing currently functions under the RTA, such as:
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#### *Out of Scope*

- The Supportive Housing Review Project will not consider:
  - related forms of housing that OHCS is responsible for, such as rental housing, emergency shelters or non-supportive subsidized housing as jurisdiction is clear in these housing arrangements and the act is appropriately applied); and
  - related forms of accommodation or housing that fall under the purview of other ministries such as Community Care and Assisted Living (Health) and Complex Care Housing (Mental Health and Addictions).
- s.13

s.13 OHCS will mitigate this challenge by ensuring that, from the outset, engagement participants have a common understanding of what constitutes “supportive housing” for the purpose of the consultation process.

### **Engagement Approach**

- OHCS has secured the services of an external contractor team at Ipsos to lead the engagement process.
  - Attachment 1 provides an overview of the engagement plan that is supervised by OHCS and led by the Ipsos team.
  - The results of the engagement will inform<sup>s.13</sup>  
s.13
- As a key partner in this work, BC Housing will be asked to provide input during Phases 1, 2 and 3 of the engagement process. <sup>s.13</sup>  
s.13
- OHCS has and will continue to provide regular updates to BC Housing through the Policy Working Group and Shareholder Committee governance structure.

### **INDIGENOUS PEOPLES CONSIDERATIONS:**

- Indigenous Peoples are overrepresented among people experiencing homelessness and in supportive housing in British Columbia. Across the province, Indigenous peoples make up 30 to 35 per cent of people experiencing homelessness. In more rural and Northern communities, Indigenous Peoples can make up more than 50 per cent of people experiencing homelessness in a community.
- Beyond overrepresentation, restrictions on visitation may disproportionately affect members of the Indigenous community, which places significant value on meeting and gathering with extended familial and community members.
- The Aboriginal Housing Management Association (AHMA) is a key partner in the RTA Supportive Housing Project. OHCS staff and Ipsos are in contact with AHMA on an ongoing basis to ensure the perspectives of Indigenous non-profit housing operators are included as an explicit and distinct part of the engagement process.
- The RTA Supportive Housing Project is prioritizing engagement with Indigenous housing advocates and Indigenous people with lived experience to ensure that these individuals and communities are distinctly represented.
  - Ipsos is aiming to have 30 per cent of engagement with people with lived and living experience be with individuals that identify as Indigenous.
  - Ipsos is planning a dedicated engagement session with Indigenous housing operators and operators that service Indigenous tenants. In their report-back, Ipsos will provide a separate and discrete section on their engagement with this group to ensure the perspectives of this group are highlighted.

### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

- Supportive housing is subsidized housing with on-site support for single adults, seniors, and people with disabilities at risk of or experiencing homelessness. While the supports provided at different facilities vary based on the needs of residents, people represented in supportive housing may include (but are not limited to):

people with disabilities, people with mental health or substance use challenges, people that identify as racialized, people that identify as women, LGBTQ+ people, older adults, and seniors.

- The RTA Supportive Housing Project is prioritizing engagement with supportive housing residents to ensure that the wide range of experiences is reflected in policy analysis and recommendations on this issue.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Ministry of Mental Health and Addictions – Complex Care Housing
- Ministry of Health – Review of *Community Care and Assisted Living Act*

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**Approved by:**

Teri Collins  
Assistant Deputy Minister  
Office of Housing and Construction  
Standards

**Attachments (1):**

1. Overview of Engagement Plan

### Attachment 1: Overview of the Engagement Plan

Phase	Activities	Timeline
<b>Pre-Engagement Planning</b>	<ul style="list-style-type: none"> <li>Develop engagement and work plan</li> </ul>	Oct 2021 (Complete)
<b>Phase 1: Engage People with Lived/Living Experience</b>	<ul style="list-style-type: none"> <li>Ipsos to connect with key partners/organizations to support recruitment</li> <li>Conduct ~50 interviews with people with lived and living experience (including specific interviews with Indigenous tenants)</li> <li>Allow additional submissions via online platform</li> </ul>	Nov 2021- Feb 2022 (Complete)
<b>Phase 2: Engage Institutional Partners</b>	<ul style="list-style-type: none"> <li>Conduct ~6 focus groups with institution partners (e.g., BC Housing, supportive housing operators, tenant advocates)</li> </ul>	Feb 2022-Mar 2022
<b>Phase 3: Policy Workshop</b>	<ul style="list-style-type: none"> <li>In-person or virtual workshop with key partners to explore collaborative potential policy solutions</li> </ul>	Apr 2022
<b>Post-Engagement Report</b>	<ul style="list-style-type: none"> <li>Contractor to provide written report to OHCS with policy options and recommendations</li> </ul>	May 2022

**MINISTRY OF ATTORNEY GENERAL  
OFFICE OF HOUSING AND CONSTRUCTION STANDARDS  
BUILDING AND SAFETY STANDARDS BRANCH  
DECISION BRIEFING NOTE**

**PURPOSE:** For DECISION of David Eby, QC  
Attorney General and  
Minister Responsible for Housing

**ISSUE:** Local government capacity to implement 20 per cent better energy efficiency.

**DECISION REQUIRED:**

Require all simple new residential construction to meet Step 3 of the BC Energy Step Code (Step Code) or an alternate prescriptive compliance pathway by the end of 2022.

**SUMMARY:**

- CleanBC commits to increase energy efficiency of new construction by 20 per cent in 2022.
- The higher steps of the BC Energy Step Code (Step Code) can be used to achieve the 20 per cent improvement but there is limited capacity in some regions of the province to administer the Step Code for new Part 9<sup>1</sup> residential construction.
- An alternate prescriptive compliance pathway for new Part 9 residential construction could be offered to help address capacity issues in these areas.

**BACKGROUND:**

- The *BC Building Code* (BCBC) offers both prescriptive and performance-based approaches to energy efficiency. Through the prescriptive approach, buildings must meet specific requirements for insulation, windows, and other equipment. This approach focuses on individual elements, rather than the holistic performance of the whole building as a system. The result can be a building that meets prescriptive requirements but does not perform as well as intended.
- The Step Code relies on a performance-based approach. A building's performance must be demonstrated through whole-building energy modelling and on-site airtightness testing to validate how the building meets performance targets for the desired 'step'. A performance approach is inherently flexible, as it establishes a performance target and leaves it to the building team to decide how to meet it in the most efficient and cost-effective manner.
- Currently, the Step Code is a voluntary standard that sets higher targets for energy efficiency with each subsequent 'step'. Step 1 is building to the minimum prescriptive requirements of the BCBC along with completing energy modeling and airtightness testing. To achieve higher steps, builders and designers need to adopt a more integrated approach to design and may need to incorporate more substantial

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<sup>1</sup> Part 9 residential buildings are three storeys or less in height and have a building area less than 600 m<sup>2</sup>.

changes in design, layout, system selection, and materials. Additional training and experience can be essential to achieving the upper steps.

**DISCUSSION:**

To meet CleanBC goals of net-zero energy ready<sup>2</sup> new construction by 2032, incremental changes to the BCBC will be made in 2022 and 2027, with the next edition of the BCBC requiring new buildings to be 20 per cent more energy efficient. Since Step Code's introduction, there has been consistent messaging that the BCBC would require Part 9 residential buildings to achieve 20 per cent improvement using the performance-based approach and a prescriptive approach would not be available.

s.13; s.14

s.13; s.16

s.13; s.16  
s.13

s.13

s.13

While most services can be conducted remotely, energy advisors must attend the site to carry out required airtightness testing. Costs are higher when longer distances of travel are involved, and scheduling is more difficult. Energy advisors typically seek to coordinate multiple projects in a geographical area to mitigate these impacts.

At its 2021 conference, the Union of BC Municipalities endorsed a resolution to lobby for more support from the Province for northern, remote, and rural communities so they could overcome barriers to attaining CleanBC goals, specifically mentioning a lack of certified energy advisors. <sup>s.13</sup>

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<sup>2</sup> Net-zero energy buildings produce as much clean energy as they consume. A net-zero energy ready building is one that has been designed and built to a level of performance such that it could, with the addition of renewable energy technologies, achieve net-zero energy performance.

s.13

Many of

the communities expressing concern about their capacity to administer the Step Code are in the northern half of the province coincident with colder climate zones.

Although compliance with the BCBC is required throughout BC, not all local governments have assumed responsibility for enforcing it. Those local governments that do, are only obliged to enforce compliance with the BCBC to the extent that they impose the obligation on themselves through a building bylaw. s.13

s.13

While the Province has clearly stated its intent to achieve 20 per cent better in 2022 via the performance-based approach, there may be certain communities that would benefit from a prescriptive approach given their concerns about capacity and readiness. The Minister has regulatory authority to provide differently for different geographical areas, but it would be challenging to establish appropriate criteria.

A province-wide prescriptive pathway could be offered that would represent a simpler and more cost-effective compliance path for builders in communities where energy advisor services are more costly to obtain. In urban areas, where much of the construction activity in BC occurs and there is easy access to energy advisors, builders would more likely self-select the Step Code compliance path as less expensive. In northern and remote communities, builders could decide by considering relative costs of the two compliance pathways.

**INDIGENOUS PEOPLES CONSIDERATIONS:**

- Most Treaty Nations have adopted the BCBC through negotiated agreements.
- Indigenous peoples live off-reserve where the BCBC is applicable.
- On-reserve communities can voluntarily adopt the BCBC.

**GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

- Improvements in energy efficiency help lower energy bills and reduce the prevalence of energy poverty but may have higher upfront cost.

**OPTIONS:**

1. s.13

2. s.13

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Energy, Mines and Low Carbon Innovation. Completed.



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Shannon Salter  
Deputy Attorney General and  
Deputy Minister Responsible for Housing

**DATE:**

April 19, 2022

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Recommended  
OPTION  APPROVED



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David Eby, QC  
Attorney General and  
Minister Responsible for Housing

**DATE:**

April 26, 2022

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**Prepared by:**  
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Office of Housing and Construction Standards  
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- Daily outreach through BC Housing and Community Integration Specialists (SDPR);
- Weekly peer-led site clean-ups (BC Housing and MOTI);
- On-site sanitation trailer (BC Housing and MOTI);
- Mobile Health unit at the encampment four days a week on MOTI property at the Park and Ride, offering primary care and overdose prevention supports (Fraser Health);
- Community-based and municipal health and sanitation supports.

**Cross-ministry coordination:**

- Homelessness Policy and Partnerships Branch leads a bi-weekly cross-ministry encampment coordination update.
- BC Housing has a weekly Abbotsford encampment operations call – which HPPB will attend as a cross-ministry liaison for consistent communication and to forward action items.

**Housing Options:**

- BC Housing has limited housing options available in Abbotsford:
  - The Red Lion Inn and Suites, a 30-room hotel at 2509 Pauline Street currently operating as a temporary shelter for people who were staying at the now-closed Bakerview Church shelter. This will be one of four initial Complex Care Housing sites.
  - BC Housing has also purchased the hotel's adjacent lots at 2481 and 2489 Pauline Street and will apply for rezoning to redevelop the hotel and the lots into a permanent supportive housing building with an adjoined shelter.
  - BC Housing announced an MOU with the City of Abbotsford to develop 50 new units of supportive housing near the encampment.
- Budget 2022 includes:
  - \$4 million to BC Housing for encampment supports, including site management, engagement, and for food, sanitation, and storage.
  - A new program offering \$600-a-month rent supplements with integrated wraparound supports to help people access market housing. Encampment areas are prioritized, including Abbotsford.

**DISCUSSION:**

● **Other Potential Housing options:**

- s.13; s.16

- s.13

Page 027 of 313

Withheld pursuant to/removed as

s.13 ; s.16

- s.13

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**INDIGENOUS PEOPLES CONSIDERATIONS:**

- Homeless counts indicate Indigenous peoples are overrepresented among people experiencing homelessness.

**GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

- Outreach staff note the camp is home to about 20 to 30 seniors, as well as a number of people receiving income and disability assistance. Women and youth have been noted as sheltering as well.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Cross-ministry coordination includes MOTI, SDPR, Health (Fraser Health and the Environmental Health Office), Office of the Fire Commissioner and BC Housing.

**Prepared by:**

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**MINISTRY OF ATTORNEY GENERAL  
OFFICE OF HOUSING AND CONSTRUCTION STANDARDS  
OFFICE RESIDENTIAL TENANCY BRANCH  
INFORMATION BRIEFING NOTE**

**PURPOSE:** For INFORMATION for David Eby, QC  
Attorney General and  
Minister Responsible for Housing

**ISSUE:**  
Review of 2013 Community Legal Assistance Society (CLAS) “On Shaky Ground”  
report and recent information request.

**SUMMARY:**

- CLAS recently sent an extensive request for information to the Residential Tenancy Branch (RTB) for the purpose of updating the 2013 report.

**BACKGROUND:**

- In 2013 CLAS published a report called “On Shaky Ground” which contained critiques of the RTB with respect to administrative fairness (see Attachment 1).
- There were 10 recommendations divided between three large categories: education, arbitration, and enforcement.
- RTB made many changes over the past 10 years that have directly responded to many of the concerns in the 2013 report, however, there is still work to be done.
- CLAS has recently indicated they are refreshing the report and has asked the RTB for information and documents related to arbitrator procurement, training, evaluations, and circumstances of arbitrator bias. The RTB responded to the information request on March 9, 2022 (see Attachments 2-6).

**DISCUSSION:**

The CLAS report and the recommendations from the Rental Housing Task force have significantly improved service at the Residential Tenancy Branch.

The recommendations regarding compliance and enforcement have largely been addressed. The CEU team conducts investigations, has developed a process with the Ministry of Finance to collect unpaid administrative penalties, and publishes administrative penalties for particularly serious offenses to the RTB website.

Many of the CLAS recommendations regarding education and accuracy of information have been addressed, however, <sup>s.13</sup>

s.13

Training for arbitrators has become more comprehensive and focused on sensitivity. Policy guidelines have been continuously updated and the most recent version of the training manual was published in 2021.

In 2022, the RTB will introduce recording of hearings, which will help address many of the issues regarding arbitrator behavior and<sup>s.13</sup>

s.13 For more details on recommendations and RTB initiatives please see Appendix A.

**INDIGENOUS PEOPLES CONSIDERATIONS:**

- N/A

**GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

- N/A

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- N/A

**Prepared by:**

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**Approved by:**

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Assistant Deputy Minister  
Office of Housing and Construction  
Standards

**Attachment (6):**

1. On Shaky Ground: Fairness at the Residential Tenancy Branch by Jessie Hadley and Kendra Milne Community Legal Assistance Society October 2013
2. Letter to CLAS
3. Table of Contents for Arbitrator Training Manual provided to CLAS
4. Hearing Assessment Tool provided to CLAS
5. Decision Assessment Tool provided to CLAS
6. Job Profile for Band 2 Arbitrator provided to CLAS

Appendix A

Category	Recommendation Category	Issue	CLAS Recommendations	What we have done/are currently doing	What is still left to be done
EDUCATION	Recommendation 1: Accessibility	<ul style="list-style-type: none"> <li>Lengthy phone wait times</li> </ul>	<ul style="list-style-type: none"> <li>Reduce average telephone wait times as much as possible and ensuring that no caller must wait longer than 10 minutes to speak to an information officer.</li> </ul>	<ul style="list-style-type: none"> <li>Wait time on phones have improved since 2013</li> <li>Implementation of an advocate only line.</li> </ul>	
		<ul style="list-style-type: none"> <li>The website is complex and difficult to navigate</li> </ul>	<ul style="list-style-type: none"> <li>Making the Branch website more user-friendly</li> </ul>	<ul style="list-style-type: none"> <li>Ad hoc website improvement based on feedback from citizens and IOs.</li> </ul>	s.13
			<ul style="list-style-type: none"> <li>Significantly improve the decision search function</li> </ul>	<ul style="list-style-type: none"> <li>New Search function to “search past decisions” and enter key words updated in 2018.</li> </ul>	
		<ul style="list-style-type: none"> <li>The Branch’s material is inaccessible to those with language barriers, low literacy, limited computer skills, or lack of internet access</li> </ul>		<ul style="list-style-type: none"> <li>Developing an accessibility action plan, which focuses on public information as one area of improvement.</li> </ul>	s.13

Appendix A

	Recommendation 2: Accuracy	<ul style="list-style-type: none"> <li>Incomplete and inconsistent information from information officers</li> </ul>	<ul style="list-style-type: none"> <li>Improve training and support for information officers to ensure they provide accurate and complete information, and to ensure that they do not go beyond an information provision mandate.</li> </ul>	<ul style="list-style-type: none"> <li>In 2019 Information Officers calls began being recorded, supervisors review a number of calls per month to be able to understand areas where more training may be needed.</li> <li>Since 2019 there has been a focus from the Director of Information service on quality</li> </ul>	
				and consistency in Information Services.	
		<ul style="list-style-type: none"> <li>Insufficient training and excessive workload for information officers</li> </ul>	<ul style="list-style-type: none"> <li>Ensure information lines are well staffed</li> </ul>	<ul style="list-style-type: none"> <li>In spring 2021 many information officers left the RTB for other positions however in August more IO's were hired, and the average call wait time has begun to decrease.</li> </ul>	
	Recommendation 3: Early intervention		<ul style="list-style-type: none"> <li>The Branch should train information officers to intervene in appropriate cases by telephoning parties to inform them about the law.</li> </ul>	<ul style="list-style-type: none"> <li>Senior Information Officers do interventions, and<sup>s.13</sup></li> </ul>	
ARBITRATION	Recommendation 4: Fairness before Dispute Resolution Hearing	<ul style="list-style-type: none"> <li>Mandatory in-person pick up of hearing packages</li> </ul>	<ul style="list-style-type: none"> <li>Improve in-person services by extend opening hours for the Branch offices and Service BC offices.</li> </ul>	<ul style="list-style-type: none"> <li>Online application for dispute resolution allows applicants to submit information 24/7</li> </ul>	

Appendix A

	<ul style="list-style-type: none"> <li>Quality of service at Service BC Centres</li> </ul>	<ul style="list-style-type: none"> <li>Training for government agents handling residential tenancy matters.</li> </ul>	<ul style="list-style-type: none"> <li>Continued collaboration with Service BC to ensure agents can provide quality service</li> </ul>	
	<ul style="list-style-type: none"> <li>The Notice to End Tenancy for Because form does not give any detail about the nature of the</li> </ul>	<ul style="list-style-type: none"> <li>Improve Notice to End Tenancy forms</li> </ul>	<ul style="list-style-type: none"> <li>Improved Notice to End Tenancy Forms with feedback from tenant advocates.</li> </ul>	<ul style="list-style-type: none"> <li>Continuous review of forms to align with the online intake system.</li> </ul>

	<p>cause being alleged or to describe why a tenancy is being ended and sets notimeline for response.</p>			
	<ul style="list-style-type: none"> <li>Timeliness of dispute resolution hearings</li> </ul>	<ul style="list-style-type: none"> <li>Create a transparent process for seeking an expedited hearing</li> </ul>	<ul style="list-style-type: none"> <li>A new webpage explaining the process for seeking an expedited hearing was created in 2019</li> <li><a href="https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/dispute-resolution/expedited-hearings">https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/dispute-resolution/expedited-hearings</a></li> </ul>	<ul style="list-style-type: none"> <li>Improve wait-times for all hearings.</li> </ul>
	<ul style="list-style-type: none"> <li>The deadlines for submitted and serving evidence are the same for both the applicant and the respondent</li> </ul>	<ul style="list-style-type: none"> <li>Implement staggered timelines for evidence</li> </ul>	<ul style="list-style-type: none"> <li>An applicant must serve and submit evidence as soon as possible so that it is received not less than 14 days before the hearing: and a respondent must serve and submit evidence as soon as possible so that it is received not less than 7 days before the hearing.</li> </ul>	<ul style="list-style-type: none"> <li>Working on improving timelines so tenants can respond to the case against them</li> </ul>

