



DRAFT
Municipal Scan:
Minimum Standards of
Maintenance Bylaws

City of Port Moody | December 2023

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Introduction

At the July 19, 2022 Committee of the Whole Meeting, Council endorsed the City's Housing Action Plan, in which one of the recommended actions was to develop a Minimum Standards of Maintenance (MSM) Bylaw to ensure rental accommodations are maintained to basic and minimum standards including being free from hazards and properly maintained in conformity with accepted health, fire, and building requirements. The intent is for the MSM Bylaw to apply to all residential rental properties including rental apartments, rented condo units, secondary suites, detached accessory dwelling units, and unauthorized suites. The Bylaw will set minimum levels that a property must maintain for building systems, including plumbing, building exteriors, floors, pests, mold, heating, and electrical.

Census 2021 identified 5.3% of Port Moody's rental housing stock requires major repairs. Developing the MSM Bylaw will support Port Moody's Housing Action Plan strategic direction to catalyze rental housing; specifically, encouraging the renewal of rental housing.

Catalyze Rental

Encourage the renewal and expansion of Port Moody's rental housing supply to improve stability, choice, and affordability for renters. Purpose-built rental apartments will be encouraged, which offer high levels of security and stability for renters.

When encouraging renewal and expansion of housing, there are potential negative impacts on tenants. For example, bylaw enforcement could result in displacement and risk of homelessness. Reducing these impacts will be a key consideration moving forward with the MSM Bylaw.

Provincial Legislative Context

Residential Tenancy Act

The Government of BC's *Residential Tenancy Act* (RTA) sets out health and safety standards for residential properties. However, the Act does not define specific standards. The MSM Bylaw can establish essential detail and enforcement measures to hold landlords accountable. The bylaw can also be used as evidence at Residential Tenancy Branch (RTB) dispute resolution hearings.

As of July 1, 2021, the RTA includes regulations on ending a tenancy due to renovations. In this case, the landlord must apply to the Residential Tenancy Branch for an Order of



Possession. An arbitrator will make the final decision on whether ending the tenancy is required. The RTA also requires a landlord who gave notice to end a tenancy due to renovations or repairs compensation to the tenant, which is equivalent to one month's rent. A tenant may apply for additional compensation if the landlord does not renovate the unit as specified or within a reasonable timeframe after ending the tenancy. If the landlord cannot prove they accomplished the work, they must pay twelve times the monthly rent.

Additionally, if the landlord of a residential building with five or more rental units ends tenancy for renovations or repairs, they must provide the tenants with a first right of refusal when the units are complete.¹

Other Legislative Tools

There are several legislative tools that provide authority for municipalities to enforce minimum standards of maintenance. Depending on preference, different enforcement tools may be used to ensure compliance with a MSM bylaw (see Appendix for legislation details).

The Offense Act: Prosecute property owner in court for contravening the bylaw. Maximum fine currently allowable is up to \$50,000.

Bylaw Notices: Prosecute property owner by issuing a bylaw notice. Penalties can also be enforced by bylaw notice with maximum fines capped at \$500. A local Government must create the adjudication system. The authority and process for bylaw notices is established under the *Local Government Bylaw Notice Enforcement Act*.

Municipal Ticketing: Implement a ticketing system to enforce the MSM bylaw and deal with offenses. A local government may adopt a municipal ticketing bylaw and impose fines up to \$3000 (\$1000 for young persons). Ticket enforcement must be processed in the courts rather than the local government adjudication system. The authority and process for municipal ticketing is established under the *Community Charter Bylaw Enforcement Ticket Regulation*.

Business Licensing System: Require a license to operate a rental unit and enforce offenses of the MSM bylaw by suspending or revoking the license to operate. The authority to regulate businesses is established under the *Community Charter*.

¹ "Renovictions." July 5, 2021. Province of British Columbia. <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/ending-a-tenancy/renovictions>.



Notice on Title: File a note in the land titles office against a property that does not comply with the MSM bylaw; this method can incentivize owners to maintain their properties as it warns future buyers of potential deficiencies.

Provincial Context

In 2014, the Government of British Columbia developed a Standards of Maintenance Guide² and Sample MSM Bylaw³ as resources for municipalities, which can serve as a starting point in drafting an MSM bylaw. Considerations will need to be made for other local regulations and the local context. Suggested considerations include:

- Match the definitions with municipal zoning and other related bylaws, as well as the RTA;
- Consider who has responsibility for bylaw enforcement and the required technical knowledge of electrical, gas, and plumbing building standards;
- Develop a protocol for a notice to comply and consequences of failure to comply;
- Consider using methods currently available to enforce other bylaws and additional resources as needed;
- Consider inclusion of hotels and other accommodations;
- Include an appeal process, timeframes, and valid reasons; and
- Standards included in the MSM bylaw cannot exceed those in the BC Building Code.

In 2018, the BC Rental Task Force was created to advise on how to improve security for renters and rental housing.⁴ The Task Force published a report titled *Rental Housing Review: Recommendations and Findings*.⁵ Relevant recommendations to consider include:

- Recommendation 1: Stop renovictions;

² Government of BC. 2014. "Standards of Maintenance Guide." <https://vancouver.ca/people-programs/protecting-tenants.aspx>.

³ Government of BC. 2014. "Standards of Maintenance Bylaw: Sample Bylaw." <https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/uploads/sombylawvfin.pdf>.

⁴ City of Vancouver. 2018. *Memo – Rental Housing Task Force's Final Report*. <https://vancouver.ca/files/cov/2018-12-14-rental-housing-task-force%27s-final-report.pdf>.

⁵ BC Rental Housing Task Force. 2018. *Rental Housing Review: Recommendations and Findings*. https://engage.gov.bc.ca/app/uploads/sites/121/2018/12/RHTF-Recommendations-and-WWH-Report_Dec2018_FINAL.pdf.



- Recommendation 2: Work with local governments to develop tenant compensation and relocation guidelines in the case of demolition of purpose-built rental to reduce dislocation and homelessness of affected tenant;
- Recommendation 3: Set a clear timeline for a tenant's decision on the use of a right of first refusal;
- Recommendation 15: Require landlords who are filing for eviction for cause, or for renovation, to provide all evidence with any eviction notice to the affected tenants;
- Recommendation 16: If repairs are needed to maintain a rental home and the landlord is refusing to make them in a timely way, have the Residential Tenancy Branch proactively reduce the rent of affected tenants until the repairs are completed; and
- Recommendation 21: Ensure it is clear for all landlords and renters where to go to get help for all forms of residential tenancy.

In 2022, the Province of BC invested \$15.6 million over three years into the RTB to accelerate dispute resolution by hiring 50 new staff, which was a response to the COVID-19 pandemic and high wait times.⁶ The investment follows another made in 2018 that added more RTB staff, an online service portal, and a Compliance and Enforcement Unit (CEU). The CEU is not an alternative to the RTB dispute resolution process and does not operate through court orders. The CEU conducts investigations on repeated or serious offenses, issues warnings and monitors for compliance. The investigation process involves a written notice to the property owner on the outcome but may escalate the complaint to an investigator. The CEU can administrative monetary penalties up to \$5000 per day.⁷

Research Methodology

This memorandum provides a summary of municipal best practices for Minimum Standards of Maintenance (MSM) bylaws, including enforcement practices and tenant protection measures. Bylaws from six municipalities in BC have been reviewed and summarized. The examples were developed through desktop research and a scan of news articles was conducted for each municipality to understand impacts on the community.

⁶ "Improved processes will help renters, landlords." Province of BC. 2022. Accessed December 4, 2023. <https://news.gov.bc.ca/releases/2022HOUS0071-001946#:~:text=This%20new%20investment%20of%20as,up%20waiting%20times%20for%20hearings.>

⁷ "Compliance and Enforcement." Province of BC. 2023. Accessed December 4, 2023.



While all the municipalities have bylaws that set out minimum standards of maintenance, not all contain enforcement mechanisms and tenant protections. Bylaws included were chosen based on client request as well as containing unique elements, such as varying levels of penalty for specific offenses, municipal ticketing, and protection measures for tenants.

The six municipalities reviewed include:

1. City of Victoria – Rental Property Standards of Maintenance Bylaw No. 20-091;
2. City of New Westminster – Business Regulations and Licensing (Rental Units) Bylaw No. 6926;
3. City of Vancouver – Standards of Maintenance Bylaw No. 5462;
4. District of North Vancouver – Standards of Maintenance Bylaw No. 6917;
5. City of Nanaimo - Property Maintenance and Standards Bylaw No. 7242; and
6. City of Abbotsford - Good Neighbour Bylaw No. 1256-2003.



Municipal Best Practices and Examples

City of Victoria

The City of Victoria developed its Rental Property Standards of Maintenance Bylaw No. 20-091⁸ in 2021 to ensure liveable conditions for renters. The bylaw provides maintenance standards but does not set out rules for inspection and enforcement.

The City hired a Tenant Assistance Planner to be a support and resource to tenants. However, the role does not include supporting evidence collection or representation for tenants. The City points to the recent investment by the Province to improving the RTB, including a compliance and enforcement portal for online disputes.

The City's Tenant Assistance Policy⁹ provides guidelines for developers and property owners to provide additional supports for tenants when impacted by redevelopment. The property owner must create a Tenant Assistance Plan that covers early communication, compensation, relocation assistance, moving costs, and right of first refusal. The Renters' Advisory Committee¹⁰ was also developed to provide recommendations to Council on rental housing issues.

Table 1: City of Victoria MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
Standards of Maintenance	No measures	<ul style="list-style-type: none"> Tenant Assistance Planner Other policies: Tenant Assistance Policy, Renters' Advisory Committee

Shortly after the bylaw came into effect, housing advocates are quoted in Victoria News stating, "Without the ability to inspect or issue fines for non-compliance this bylaw will again let the worst of the worst landlords off the hook."¹¹ Concerns center around eviction and

⁸ City of Victoria. 2021. *RENTAL PROPERTY STANDARDS of MAINTENANCE BYLAW*. <https://www.victoria.ca/media/file/20-091.pdf>.

⁹ "Tenant Assistance Policy." n.d. City of Victoria. Accessed November 30, 2023. <https://www.victoria.ca/community-culture/housing/resources-renters/tenant-assistance-policy#:~:text=The%20Tenant%20Assistance%20Policy%20provides>.

¹⁰ Renters' Advisory Committee. (n.d.). City of Victoria. Retrieved November 30, 2023, from <https://www.victoria.ca/city-government/boards-and-committees/renters-advisory-committee>

¹¹ "Critics Question Effectiveness of New Victoria Rental Maintenance Bylaw." 2021. Victoria News. February 10, 2021. <https://www.vicnews.com/news/critics-question-effectiveness-of-new-victoria-rental-maintenance-bylaw-81120>.



renoviction, as well as inspections for units that do not fall under the RTA such as long-stay motels and shelter.

The Victoria Tenant Action Group (VTAG) has an active online campaign calling on the City to:

1. Dedicate staff and resources for inspection of units and to support tenants in dispute resolution;
2. Protect tenants who may be at-risk of eviction and renoviction;
3. Apply these minimum standards and develop a process for complaints and inspection of units that do not fall under RTA legislation such as shelters, transitional housing, and long-stay motels.¹²

Lessons Learned

- Relying on the Residential Tenancy Branch for enforcement and compliance is seen as insufficient by the community.
- Advocates prefer City resources for inspection and enforcement rather than information-based support.
- Without protection measures from eviction, tenants remain vulnerable to renoviction.

City of New Westminster

The City of New Westminster developed its *Business Regulations and Licensing (Rental Units) Bylaw No. 6926*¹³ in 2004, with the most recent amendment in 2019. The amendment included new regulations on controlling the process of renovations and restrictions on evictions.¹⁴ The City became the first municipality in the province to impose restrictions and fines for renoviction.¹⁵ Since then, these restrictions were repealed as the RTA was updated to include regulations on renovictions.

¹² "Standards of Maintenance." n.d. Victoria Tenant Action Group. Accessed November 30, 2023. <https://www.victoriatenants.com/som>.

¹³ City of New Westminster. 2004. *Business Regulations and Licensing (Rental Units) Bylaw*. https://www.newwestcity.ca/city_hall/bylaws.php.

¹⁴ "City Council Adopts Bylaw Amendment That Deters Renovictions | City of New Westminster." n.d. www.newwestcity.ca. Accessed November 30, 2023. <https://www.newwestcity.ca/2019/02/05/city-council-adopts-bylaw-amendment-that-deters-renovictions.php>.

¹⁵ Hennig, Clare. 2019. "'It's Come to a Crisis Point': New Westminster Brings in Strong Rules against 'Renovictions.'" CBC. February 5, 2019. <https://www.cbc.ca/news/canada/british-columbia/new-westminster-bylaw-against-renoviction-1.5006828>.



The bylaw defines Inspector as “the Chief License Inspector of the City appointed from time to time by Council or their designate, a bylaw officer and any public health inspector authorized by the Fraser Health Authority to assist in the administration and enforcement of this bylaw.” This allows the city to utilize resources from other areas to support enforcement. When there are issues required technical experts, a joint inspection is coordinated. Public Health is responsible for all pest related violations, regulated under the *Public Health Bylaw*. The Fire Department is responsible for fire separations and smoke detectors, regulated under the *Fire Protection Bylaw* with its own system for violation orders. Any written-up orders under the MSM bylaw will site compliance with Fire’s Notice of Violation in the list of requirements. In cases where the issue is solely requiring a single technical expert, that department will follow up solo (Personal Communication, City of New Westminster Staff Member). The City has been praised in the news for following up on violations early and keeping buildings from falling into disrepair.¹⁶

The City is complimenting its MSM bylaw with its *Secured Market Rental Housing Policy*¹⁷ that provides incentives for rental housing through Housing Agreements. The Policy utilizes the density bonus program to add additional secured market rental units with relaxed standards for parking and other measures. This Policy has been successful with many units completed or under construction; however, there have been tenant complaints around less parking and construction noise (Personal Communication, City of New Westminster Staff Member). In 2019, the City started to use their Draft Rental Replacement Policy¹⁸ an interim guideline to slow redevelopment of older purpose-built rental buildings by requiring existing purpose-built market rental housing seeking rezoning to provide 100% secure market rental units with 10% below-market units.

¹⁶ *The Globe and Mail*. 2018. “New Westminster Did What Vancouver Couldn’t: Fix up the Sahota Family’s Problem Properties,” June 29, 2018. <https://www.theglobeandmail.com/canada/article-new-westminster-did-what-vancouver-couldnt-fix-up-the-sahota-family/>.

¹⁷ City of New Westminster. 2017. *Secured Market Rental Housing Policy*.

¹⁸ City of New Westminster. 2019. Review of Draft Rental Replacement Policy. January 14, 2019. <https://www.newwestcity.ca/housing/inclusionary-and-rental-housing-initiatives>.



Table 2: City of New Westminster MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> • Administration and enforcement • Regulation and licensing • Standards of Maintenance • Nuisances • Building renovations (including restrictions on evictions) 	<ul style="list-style-type: none"> • Inspector (Chief License Inspector, bylaw officer, any public health inspector) and Building Inspector authorized to enter • Rental units are required to have a business license and tenant register (exceptions apply for secondary suites and rentals where the property owner resides onsite) • License fee is set by the Business License Bylaw • Compliance Order by mail or in-person • Fine or Penalty provided by Offense Act • Each day constitutes a separate offense • Potential to lose business license if failure to comply • Nuisances may result in fees for owner if service calls occur more than three times within twelve months 	<ul style="list-style-type: none"> • Bylaw (Sec 47) includes restrictions on evictions and rent increases due to renovation or repair of the rental unit • Other policies: Rental Replacement Policy and Secured Market Rental Housing Policy

Lessons Learned

- Early sanctions for each violation can keep buildings from falling into disrepair.
- Enforced repairs can lead to unintended evictions, ensuing tenant protections are in place can provide some accountability to landlords attempting to renovate.
- Supplementing an MSM bylaw with incentive-based initiatives can reduce the burden on landlords and protect purpose-built rentals from falling into disrepair.
- Business licensing can provide a mechanism to hold landlords accountable for property standards with an additional enforcement measure to suspend the licenses and apply penalties.
- Recognition that the bylaw is one tool and the root issues are a shortage of rental housing and the financial viability of operating rental housing.



City of Vancouver

The City of Vancouver's Standards of Maintenance By-law No. 5462¹⁹ was created in 1981 and most recently amended July 2022. In 2018, community members had accused the bylaw of lacking 'teeth' to enforce maintenance due to a 60-day wait period on infractions.²⁰ In one case, a single room occupancy (with a problem operator) was reported to have 60 charges under the bylaw, but no work had been done.²¹ A City spokesperson suggested the courts are more effective with systemic challenges because they can assign higher penalties. The Mayor of Vancouver at that time highlighted the legal risks for the City if they conducted repairs for owners who will not pay, suggesting alternative actions could be a faster court process or increased fines in the bylaw. The Mayor also noted building more social housing is also a key part of the solution. Since then, the bylaw fines have increased up to \$10,000 per offense.

The City has alternative measures to protect tenants such as the Tenant Relocation and Protection Policy²² that provides compensation based on the length of tenancy, assistance with moving costs, and assistance identifying at least three alternative accommodation options. Where redevelopment has occurred, tenants are offered first right of refusal with a 20% discount off starting market rents. The City also maintains a Rental Standards Database²³ that lists buildings with outstanding maintenance, health, or safety issues.

¹⁹ City of Vancouver. 2022. *Standards of Maintenance Bylaw*.

²⁰ "Councillor Wants to Add 'Teeth' to Bylaw Enforcing Vancouver Building Maintenance | Globalnews.ca." n.d. Global News. Accessed November 30, 2023.

<https://globalnews.ca/news/8599331/vancouver-housing-standards-bylaw/>.

²¹ The Globe and Mail. 2017. "City of Vancouver Files 60 Charges against Balmoral Hotel Owners," July 27, 2017. <https://www.theglobeandmail.com/news/british-columbia/city-of-vancouver-files-60-charges-against-balmoral-hotel-owners/article35825744/#:~:text=The%20City%20of%20Vancouver%20has.>

²² City of Vancouver. n.d. Review of *City of Vancouver Tenant Relocation and Protection Policy*. Accessed November 30, 2023. <https://vancouver.ca/people-programs/protecting-tenants.aspx>.

²³ City of Vancouver. n.d. "Browse a List of All Buildings with Maintenance, Health, or Safety Issues." Vancouver.ca. Accessed November 30, 2023.



Table 3: City of Vancouver MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> • Standards of Maintenance • Lodging Houses • Enforcement • Appeal 	<ul style="list-style-type: none"> • Permit required to operate a lodging house or rental property (exceptions apply to certain forms of housing such as single detached houses and/or rooming houses with only 1 to 2 tenants) • City Building Inspector authorized inspection • Notice by mail or posted on premises • Fine \$250 to \$10,000 for each offense (certain offenses min \$500) • Each day constitutes a new offense • Cost of work to be paid within 30 days or put into Real Property Tax 	<ul style="list-style-type: none"> • Database with properties with health and safety issues • Other policies: Tenant Relocation and Protection Policy, Single Room Accommodation Bylaw

Some issues remain – in 2023 the Vancouver Sun published an article suggesting tenants are prohibited from using air conditioners, citing a lack of rules in the bylaw on keeping units cool in summer heat.²⁴ The bylaw currently states that heating systems must be capable of maintaining temperatures at 22° Celsius, but does not specific for heating or cooling. The province adopted the *British Columbia Building and Fire Codes* which requires all new buildings to “provide one living space that is designed not to exceed 26 C.”²⁵

Lessons Learned

- High fines for offenses are necessary to motivate landlords into action.
- Tenant advocacy tools can supplement the bylaw, such as a database of problem properties.
- New challenges will arise over the years, such as climate change and the need for rules on keeping units cool.
- Recognition that the provision of social housing and lack of options are root causes.

²⁴ “Opinion: No one should be prevented from using air conditioners in their home.” 2023. Vancouver Sun. <https://vancouversun.com/opinion/op-ed/opinion-no-one-should-be-prevented-from-using-air-conditioners-in-their-home>.

²⁵ “New code will make buildings safer, more accessible and resilient to climate change.” Dec. 5, 2023. Government of BC. <https://news.gov.bc.ca/releases/2023HOUS0167-001923#:~:text=All%20new%20residential%20buildings%20must, on%20weather%20and%20site%20conditions.>



District of North Vancouver

The District of North Vancouver developed its Standards of Maintenance Bylaw No. 6917²⁶ in 1997, recently amended in 2022. The amendments included increasing the maximum penalty due to community feedback that penalties were too trivial to motivate compliance.²⁷

The District's *Rental and Affordable Housing Strategy*²⁸ encourages maintaining purpose-built rentals and extending their service life while minimizing impacts to tenants. The City has a tenant relocation assistance policy²⁹ that provides financial support, support finding a new place to live, moving expenses, and more.

Table 4: District of North Vancouver MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> Standards of Maintenance Lodging Houses Enforcement Municipal Ticketing Table of fines for specific offenses 	<ul style="list-style-type: none"> Building inspection (Building inspectors, property use inspectors, bylaw enforcement officers, public health officers) Notice to comply Ability to carry out work at owner's expense (debt owing in accordance with Community Charter) Fine from \$1,000 to \$50,000 for each instance Each instance and each day constitute separate fines Enforcement by building inspectors, bylaw officers, public health officials 	<ul style="list-style-type: none"> Other policies: Tenant Relocation Assistance Policy

Lessons Learned

- Utilize other internal resources for inspection and enforcement, such as building inspectors and public health officers for specific issues, such as pests.

²⁶ District of North Vancouver. 2022. *Standards of Maintenance Bylaw*.

<https://www.dnv.org/bylaws/standards-maintenance-bylaw>.

²⁷ "District of North Vancouver Looks to Target Negligent Landlords." 2018. North Shore News. January 1, 2018. <https://www.nsnews.com/local-news/district-of-north-vancouver-looks-to-target-negligent-landlords-3064572>.

²⁸ District of North Vancouver. 2016. *Review of Rental and Affordable Housing Strategy*. District of Vancouver. <https://www.dnv.org/sites/default/files/edocs/rental-affordable-housing-strategy.pdf>.

²⁹ "Residential Tenant Relocation Assistance Policy." n.d. District of North Vancouver. Accessed November 30, 2023.



- If fees are too low, it will not motivate compliance.

City of Nanaimo

The City of Nanaimo developed its Property Maintenance and Standards Bylaw No. 7242³⁰ in 2017, which was most recently amended November 2021. The amendment was targeted at graffiti after property owners were said to be using a loophole to avoid removal.³¹ The original bylaw included wording on permission given by property owner, which could save them the costs of clean up. Concerns remain about putting the onus on property owners to pay the price for actions they did not commit.

Table 5: City of Nanaimo MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> • Standards of Maintenance • Noxious weeds • Destructive insects • Temporary Shelter • Enforcement • Appeal 	<ul style="list-style-type: none"> • Complaint-based, verify with inspection • Notice to comply (issue letter) • Ability to carry out work (after 21 days) • Fine not more than \$50,000 plus the cost of prosecution (and any other penalty under the Community Charter and Offense Act) • Each instance and each day constitute a separate offense 	No Measures

Lessons Learned

- Certain standards, such as graffiti, can put the onus on property owners to pay costs for situations beyond their control. Focusing on health and safety standards, versus more superficial issues can avoid unnecessary owner costs.

³⁰ City of Nanaimo. 2021. *Property Maintenance and Standards Bylaw*: <https://www.nanaimo.ca/ByLaws/ViewBylaw/7242.pdf>.

³¹ "New Property Bylaw in Nanaimo Means City Will Sometimes Have to Judge What's Graffiti and What's Art." 2021. *Nanaimo News Bulletin*. July 7, 2021. <https://www.nanaimobulletin.com/news/new-property-bylaw-in-nanaimo-means-city-will-sometimes-have-to-judge-whats-graffiti-and-whats-art-1093095>.



City of Abbotsford

The City of Abbotsford developed its *Good Neighbour Bylaw No. 1256-2003*³² in 2003, with the latest amendment in 2020.

The City created its Good Neighbour Guide³³ covering various bylaws, including the *Good Neighbour Bylaw*, to encourage responsibility and improve quality of life in Abbotsford. It includes common concerns and practical solutions in a simple format. The City further provided a video featuring local comedians to explain the Guide.

The *Good Neighbour Bylaw* includes vacant premises, requiring the owner maintain the physical condition for health, safety, and fire protection.

Table 6: City of Abbotsford MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> Standards of Maintenance Littering Street Nuisances Enforcement and Penalty 	<ul style="list-style-type: none"> Enforcement by any Bylaw Officer Compliance order City may bring property into compliance at the cost of the owner (failure to pay will go on property tax) Nuisances may result in fees for owner if service calls occur more than once within 24 hours or more than three times within twelve months 	<ul style="list-style-type: none"> Good Neighbor Guide and accompanying video

Lessons Learned

- Tenant and property owner education can support understanding and responsibility for community members. Developing a simple guide and/or video can be a useful tool.
- Adding requirements for vacant buildings can ensure measures can be taken for unsightly premises, health, life safety, and fire protection standards.

³² City of Abbotsford. 2020. *Good Neighbour Bylaw*. <https://laws.abbotsford.ca/civix/document/id/coa/coabylaws/2003b1256>.

³³ City of Abbotsford Good Neighbour Guide. <https://www.abbotsford.ca/city-hall/news-media/introducing-city-abbotsford-good-neighbour-guide>.



Key Considerations for City of Port Moody's Bylaw

Key considerations have been identified based on the case study research, grouped by theme: Minimum Standards of Maintenance, Enforcement and Penalties, and Tenant Measures and Other Policies.

Minimum Standards of Maintenance

- New challenges will arise over the years, it is good practice to keep maintenance standards up to date.
- Focusing on health and safety standards, versus more superficial issues can avoid unnecessary owner costs. Superficial issues are considered those that do not impact health and safety, such as graffiti.
- Adding requirements for vacant buildings can ensure measures can be taken for unsightly premises, health, life safety, and fire protection standards. Specific measure such as boarding up units will likely be covered under the Fire Department bylaws.

Enforcement and Penalties

- Relying on the Residential Tenancy Branch for enforcement and compliance has been seen as insufficient.
- Advocates have indicated a preference for City resources for inspection and enforcement rather than information-based support.
- Early sanctions for each and every violation can keep buildings from falling into disrepair.
- High fines for offenses are necessary to motivate landlords into action. If fees are too low, it will not motivate compliance.
- Business licensing can provide an additional mechanism to hold landlords accountable for property standards with an enforcement measure to suspend or revoke the license meaning the rental must cease operations. It can also provide an opportunity to conduct unit inspections without needing a complaint.
- Municipalities may utilize other resources for inspection, such as public health officers, building inspectors, and the Fire Department depending on the complaint.

Tenant Measures and Other Policies



- In the past, tenants have been vulnerable to renoviction. Some MSM Bylaws include tenant protections to provide accountability to landlords attempting to renovict. However, others rely on the RTB which now regulates renovictions.
- In the case of major renovation and/or eviction, some MSM Bylaws provide mandatory supports from landlords to tenants, such as a tenant relocation policy.
- Supplementing an MSM bylaw with incentive-based initiatives such as a secured market rental policy to protect the purpose-built rental stock.
- Tenant advocacy tools can support tenant awareness and choice, such as a database of problem properties.
- Tenant and property owner education can support understanding and responsibility for community members. Developing a simple guide and/or video can be a useful tool.

Concluding Thoughts

Many municipalities across BC have enacted MSM bylaws to enforce basic standards of maintenance. However, there have been some unintended consequences and lessons learned. Key success stories have come with clear standards, enforcement mechanisms, sufficient penalties, and support tools for tenants. Many municipalities and community members have recognized that MSM bylaws are only one tool to ensure livable rental conditions. Limited social housing, the lack of affordable options, and the financial viability of operating rental housing are root causes for tenants living in poor quality housing, as they have no alternative. As a best practice, municipalities can supplement the bylaw with tenant protection policies as well as incentives to protect and encourage purpose-built rental housing.



APPENDIX A

LIST OF RELEVANT LEGISLATION

The list of relevant legislation includes the Residential Tenancy Act, Local Government Act, Local Government Bylaw Notice Enforcement Act, and Community Charter. Under each Legislative Act is a list of relevant sections and brief overview of content.

Residential Tenancy Act

Part 4 – How to End a Tenancy

Division 1 – Ending a Tenancy

Sec 49.2 outlines the process and the four requirements for requesting to end a tenancy due to renovations or repairs. This includes tenant compensation for tenants who are evicted for renovations, as well as the first right of refusal if the building has 5 or more rental units.

Local Government Act

Part 12 – Regional Districts: Bylaw Enforcement and Challenges of Bylaws

Division 1 – Bylaw Enforcement and Related Matters

- Sec 413 allows bylaw enforcement including imposing fines, penalties, and costs. Payment of fines must be in accordance with the Community Charter.

Local Government Bylaw Notice Enforcement Act

Part 2 – Enforcement of Bylaws by Bylaw Notice

- Sec 4 outlines the procedure for issuing a bylaw notice.
- Sec 5 sets a limitation period of not more than 6 months after the bylaw contravention.
- Sec 6 provides rules around penalties, which may not exceed \$500.
 - > A discount for payment of the penalty on or before the last day of the period established; and
 - > A surcharge for payment after the due date.

Part 4 – Collection of Bylaw Notice Penalties

- Sec 26 provides a local government the ability to recover costs through the Provincial Court.

Part 5 – General

- Sec 27 states that the *Offence Act* does not apply to a bylaw contravention if a bylaw notice was already issued.

Community Charter

Part 2 – Municipal Purpose and Powers

Division 3 – Ancillary Power

Licensing and standards authority

- Sec 15 grant authority for municipalities to provide a system of licenses prohibiting a certain activity until a license has been granted. Through licensing, terms and conditions can be established. Failure to comply can result in the suspension or cancellation of licenses.
- Sec 16 grants authority to enter property by officers or employees of the municipality, or other persons authorized by the council. Including limits on timing with due notice.
- Sec 17 authorizes a municipality to fulfill a requirement at the expense of the person and recover the costs incurred from that person as debt.

PART 8 - Bylaw Enforcement and Related Matters

Division 1 – Bylaw Enforcement

- Sec 260 provides enforcement powers to the municipality to deal with bylaw contraventions.
 - > Prosecution of the offense in accordance with the Offense Act (see Division 2)
 - > Proceeding under Ticketing for Bylaw Offences by Bylaw Notice under the Local Government Act (see Division 3)
 - > Court action by civil proceedings (see Division 4)
- Sec 261 sets out that all penalties imposed under municipal bylaw must be paid to the municipality.
- Sec 262 provides actions when penalties are not paid: the justice or court may authorize the penalty or costs to be levied by distress and sale of the offender's goods and chattels; or the justice or court may commit the offender to imprisonment for the term specified in the bylaw.

Division 2 – Offense Act Prosecutions

- Sec 263 outlines prosecution under the Offense Act, including:
 - > A minimum fine
 - > A maximum fine up to \$50,000

- > In the case of a continuing offence, for each day a minimum or maximum fine
- > Imprisonment for not more than 6 months

Division 3 – Ticketing for Bylaw Offences

- Sec 264 sets out rules for ticket offenses allowing a bylaw enforcement officer may issue a ticket for contravention of the bylaw. If disputed, the council must refer the ticket to the Provincial Court for a hearing.
- Sec 265 establishes the following penalties:
 - > A fine not greater than the amount prescribed by regulation;
 - > In the case of a continuing offence, for each day that the offence continues, a fine not greater than the amount prescribed by regulation.

Division 8 – Building Regulation

Note against land title that building regulations were contravened.

- Sec 57 – allows a building inspector to recommend to the council that a note against land title be issued as a result of contravention of a municipal bylaw, among other reasons.

Community Charter Bylaw Enforcement Ticket Regulation

Part 2 – Enforcement of Bylaws by Bylaw Notice

- Sec 2 sets the maximum fine as \$1000 (the Government of BC states up to \$3000 and \$100 for young persons).³⁴
- Sec 3 outlines who can enforce the bylaw: provincial police force, municipal police force, RCMP, local government corporate officers, bylaw enforcement officers, local assistants to the fire commissioner, licensing inspectors, animal control officers, other persons acting on behalf of a municipality.
- Sec 4 provides rules on issuing tickets.

³⁴ "Municipal Ticketing." N.d. Government of BC. [Municipal ticketing - Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca).



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