



Hamilton

City of Hamilton Tenant Relocation and Assistance Guideline For Applications to Demolish Rental Units under the Rental Housing Protection By-law

Purpose

The Tenant Relocation and Assistance Guideline establishes standards for accommodating and assisting tenants where relocation is required due to the demolition of rental housing. The standards in this document are intended to guide the creation of Tenant Relocation and Assistance Plans and the application of permit conditions as part of the City’s Rental Housing Protection By-law.

The Guideline is based on the following key principles:

- **Consistency** Standards and requirements for tenant assistance and relocation are applied consistently across all applications to ensure that applicants and tenants are treated equitably.
- **Clear Communication** Tenants and applicants understand the process and tenants are provided with clear information in a timely manner.
- **Equity** All tenants receive necessary supports needed to successfully relocate, including vulnerable tenants.
- **Management of Impacts** Affordability levels are maintained and impacts to tenants are minimized as much as possible.

Standard Requirements for all Tenant Relocation and Assistance Plans

Tenant Relocation and Assistance Plans shall be required where rental housing units with existing tenants are proposed to be demolished. All Tenant Relocation and Assistance Plans will be required to include the following components. Additional information may need to be included based on the characteristics of a proposal and specific circumstances.

1. A brief background of the project and reasons for the relocation plan.
2. A description of the number of units, type of units (bedrooms) and size of units (square feet) impacted.

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3. An Occupancy Report listing existing tenancies and rent levels, which will be used to determine tenant eligibility for compensation and rental replacement units.
4. A Tenant Communication Strategy which outlines:
 - How the affected tenants are to be proactively engaged and notified of the development process and kept up to date regarding the process;
 - Where tenants can direct enquiries;
 - How to access any tenant resources; and,
 - The provision of at least six months' notice before having to vacate a unit (includes minimum four months' notice required by *Residential Tenancies Act*).
5. A requirement to have a tenant relocation coordinator/leasing agent made available to assist displaced tenants with finding alternative accommodations.
6. Compensation details.
7. If replacement units are being constructed, a process addressing the right to return to occupy the replacement housing.
8. Reporting requirements to document the relocation of displaced tenants and compensation provided to tenants.

Compensation Requirements

Where tenants are required to move out of a rental unit, financial compensation shall be required.

Residential Tenancies Act

Financial compensation equal to 3 months' rent shall be provided as required by the *Residential Tenancies Act*.

Moving Expenses

The landlord shall arrange and pay for an insured moving company to relocate impacted tenants to their new accommodation within the City of Hamilton **or** shall provide for moving expense compensation at the flat rate of:

- \$1,500 for a bachelor or one-bedroom unit; and,
- \$2,500 for a unit with two or more bedrooms.

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Similar compensation shall be required for moving costs where tenants are moving back into replacement units.

Special Needs

Additional special needs compensation may be required where at least one member of the household is aged 65+ years and/or has a physical or mental health challenge. Special needs compensation will be considered at the discretion of the City based on individual circumstances and may include additional financial compensation up to a maximum value of 3 months of rent.

Rent Gap Payments

Where rental replacement units are required, and the applicant is not providing temporary alternative accommodations at the same rent amount, rent gap payments shall be required for eligible tenants, to minimize additional costs to tenants while tenants are in temporary alternative accommodations.

Rent gap payments shall be based on the anticipated timeline for construction of the new units and the difference between a tenant’s current rent and:

- For bachelor and one-bedroom units, the most recent CMHC annual average market rent in the Hamilton Census Metropolitan Area (CMA) for one-bedroom primary rental units constructed in 2015 or later;
- For two-bedroom units, the most recent CMHC annual average market rent in the Hamilton Census Metropolitan Area (CMA) for two-bedroom primary rental units constructed in 2015 or later; and,
- For dwelling units with three or more bedrooms, the most recent CMHC annual average market rent in the Hamilton Census Metropolitan Area (CMA) for two-bedroom primary rental units constructed in 2015 or later, increased by 15%.

In the case of social housing units, households must relocate to a unit for which they are eligible under Provincial social housing legislation, City of Hamilton Occupancy Standards and any other applicable regulations. All tenants shall be provided with temporary alternative units at the rent-geared-to-income rate that the tenant is eligible for as per social housing requirements.

Replacement Units

Required replacement units shall contain at least the same number of bedrooms as demolished units and minimum sizes for the units shall be similar to the demolished units (typically at least 90% of the area of previous units). Replacement units shall be in

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a comparable location deemed acceptable by the City of Hamilton. In most cases, replacement units shall be required on the same site as the demolished units.

Tenants of social housing units shall be offered a replacement unit with the number of bedrooms that meets their household eligibility.

Rental Rates

Where tenants are moving back into replacement units, rental rates for replacement units shall be maintained at the same rent levels existing prior to the demolition, subject to increases which reflect the annual Rent Increase Guideline for Ontario or a similar guideline approved by Council.

This requirement shall not apply to social housing units. Replacement social housing units shall receive an appropriate rent-geared-to-income subsidy as required by Provincial social housing legislation.

Review and Approval

Tenant Relocation and Assistance Plans are reviewed and approved by the Planning Division, Planning and Economic Development Department

Contact

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