



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: December 20, 2022 **REPORT:** 22-157
FROM: Planning – Development **FILE:** RZ001152
SUBJECT: HOUSING AGREEMENT BYLAW (2028 ROB BOYD WAY) NO. 2328, 2022
REPORT

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION(S)

That Council consider giving first, second and third reading to “Housing Agreement Bylaw (2028 Rob Boyd Way) No. 2328, 2022”.

PURPOSE OF REPORT

This report requests Council consideration of first, second, and third readings for “Housing Agreement Bylaw (2028 Rob Boyd Way) No. 2328, 2022” (Housing Agreement Bylaw) associated with the three-unit employee-restricted rental housing development located at 2028 Rob Boyd Way proposed under rezoning application RZ001152. The Housing Agreement Bylaw will authorize the Resort Municipality of Whistler (RMOW) to register a housing agreement to establish occupancy and eligibility restrictions, initial rental rates and rent restrictions, and administration and management of the dwelling units that reflect current municipal employee housing policy.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background

The Whistler Mountain Ski Club (WMSC) is proposing a three-unit employee-restricted rental housing development located at 2028 Rob Boyd Way. The development is being considered under rezoning application RZ001152, an application being considered under the RMOW’s Private Sector Employee Housing Initiative (PSEHI).

The associated “Zoning Amendment Bylaw (Whistler Mountain Ski Club) No. 2256, 2020)” to implement the proposed employee-restricted development was given third reading by Council on April 20, 2021.

The Zoning Bylaw proposes to rezone the property from CC2 (Commercial Core Two) to a new zone, LR11 (Leisure and Recreation Eleven) to provide for employee housing within a multiple residential

building, in addition to the existing ski club facility on the property. When Council granted first and second readings to the Zoning Bylaw Council also passed a resolution requiring registration of a housing agreement in favour of the RMOW to regulate rates and to define qualified employees.

This report presents the Housing Agreement Bylaw for Council's consideration of first, second and third readings. Housing agreements must be adopted by bylaw approved by Council; the proposed housing agreement is attached to the Housing Agreement Bylaw so that it is clear what terms and conditions are being authorized. Once the Housing Agreement Bylaw is adopted, a notice is placed on the title of the property binding all subsequent owners to the terms of the housing agreement. The housing agreement will also be registered as a section 219 restrictive covenant. Section 219 covenants may be registered in favour of the local government and run with the land, irrespective of ownership. Whistler's employee housing agreements and covenants are drafted to be effective in perpetuity.

Analysis

The housing agreement attached to the Housing Agreement Bylaw establishes occupancy and eligibility restrictions, maximum permitted rental rates that are considered to be affordable, and administrative and management of the housing units that reflect current municipal employee housing policy. All of the units will be secured employee rental housing. The housing agreement will apply to all three dwelling units proposed within the new multiple residential building for employee housing. The three dwelling units consist of two 1-bedroom units and one dorm style unit containing 9 bedrooms. The housing agreement is structured such that priority of tenants is given firstly to WMSC Employees and secondly to anyone that meets the definition of Resort Employee. The Owner may also grant a Master Lease of one or more of the Employee Units to a Qualified Whistler Business.

(All capitalized terms used in this report are defined in the proposed housing agreement attached as Schedule A to the Housing Agreement Bylaw)

The housing agreement proposed for registration on 2028 Rob Boyd Way is based on the updated agreement template contained in the November 2, 2021 ([Information Report No. 21-122](#)), and reflects current employee housing policies.

Project specific terms of the proposed housing agreement include:

Development Restriction and Designation of Employee Units

- The Land shall not be built upon unless such development or building is in accordance with the Development Plans, with the exception that the housing agreement does not apply to or restrict modifications to the improvements already existing on the Land (i.e., existing Ski Club Cabin);
- The three Dwelling Units on the Development Plans are designated as Employee Units.

Employee Unit Occupancy

- Each Employee Unit may only be used and occupied as a primary residence, by one or more Employees. No person may occupy an Employee Unit except for an Employee and that individual's relations and spouse (related by blood, marriage, adoption, common law marriage or foster parenthood to such Employee or cohabitants in a spousal relationship);

Employee Unit Rental

- The Owner must offer an Employee Unit eligible for rent to prospective tenants in the following order of priority:
 - i. First, to someone that meets the definition of WMSC Employee; and
 - ii. Second, to anyone that meets the definition of Resort Employee;
- WMSC Employee means an individual who is employed by the WMSC, or by the WMSC and a Qualified Whistler Business, for an aggregate average of at least 30 hours per week and is legally permitted to work in Canada;
- Resort Employee means an individual who is either employed or self-employed for an average of at least 30 hours per week by one or more Qualified Whistler Business(es) and is legally permitted to work in Canada;
- The Owner may grant a Master Lease of one or more of the Employee Units to a Qualified Whistler Business, which Master Lease must require the Qualified Whistler Business to offer each Employee Unit that is at any time not subject to a Tenancy Agreement for rent to an Employee, and the Master Lease must require that an Employee Unit shall only be rented consistently with the terms of the Housing Agreement.

The definitions and terms of eligible employees have been developed specific to the needs of WMSC, to recognize the housing is targeted for employees of WMSC many of whom are seasonal employees or employees with specialized expertise that rely on foreign workers. This project specific consideration was recognized in [Information Report No. 21-122](#).

Rent Price

- The maximum rent is set at \$1,325.00 per month per bedroom in the 9 bedroom dorm-style unit shown on the Development Plans as Unit Type A, and \$2,040.00 per month for each of the two one-bedroom units as shown on the Development Plans as Unit Type B;
- The Owner may increase the rent annually by the same percentage as the percentage increase, if any, in CPI since January 1, 2022.

The above rental rate for the dorm-style bedrooms reflect the rates previously proposed and adjusted for CPI, and the rental rate for the new one-bedroom units are below market rates consistent with the maximum rate established for WHA one bedroom units as per *Council Policy K-01 – Employee Rental Housing Policy*. Although the Housing Agreement limits annual rent increases to increases in CPI, in times of high inflation, the *Rental Tenancy Act* may be more restrictive and would prevail.

Enforcement

- Includes a rent charge (financial penalty) payable by the owner to the RMOW if use or occupancy of the Employee Unit is in breach of the housing agreement. The rent charge is set at \$700.00 per day, increased by the CPI;
- The Owner is responsible for screening tenants to ensure they qualify to occupy the Employee Units. The Owner is also responsible for providing a statutory declaration to confirm compliance with the terms of the housing agreement.

The Whistler Housing Authority (WHA) would administer receipt of the statutory declaration and bring any compliance issues to the attention of the RMOW. Other terms of the housing agreement are in accordance with the standard housing agreement template contained in the November 2, 2021 [Information Report No. 21-122](#).

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Section 483 of the *Local Government Act* provides the authority for local governments to enter into agreements for affordable housing that restrict the occupants and address matters including the form of tenure, rents and leases, and administration and management of the housing units.

Previous relevant Council decisions related to the proposed development at 2028 Rob Boyd Way under rezoning application RZ001152 are listed below:

[November 2, 2021: Administrative Report No. 21-122](#) - RMOW Standard Housing Agreements for Affordable Employee Housing Developments

[April 20, 2021: Administrative Report No. 21-047](#) – Public Hearing Summary and Third Reading for Zoning Amendment Bylaw No. 2256, 2020

[February 4, 2020: Administrative Report No. 20-015](#) - RZ001152 – 2028 Rob Boyd Way – Whistler Mountain Ski Club

Corporate Plan

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

Council Focus Areas

- Community Balance
*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*
- Climate Action
*Provide leadership to **accelerate climate action and environmental performance** across the community*
- Housing
*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***
- Pandemic Recovery
*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*
- Not Applicable

Community Vision and Official Community Plan

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The OCP specifies a target to strive for the addition of 1,000 new employee beds over the next five years (2019 – 2023). Further, 5.1.3.1 Policy: calls for the RMOW to “Maintain an inventory of employee housing in perpetuity, for rental and ownership tenures, to be available for employees.”

The use of housing agreements is an essential tool in achieving the RMOW’s OCP goals and objectives related to securing and maintaining affordable employee housing for the Whistler resort community. The following OCP policies also provide guidance for the development of these agreements:

5.1.3.2. Policy: Use housing agreements, covenants and bylaws to ensure housing is occupied as intended for employee housing; and

5.1.2.8. Policy: Ensure employee housing is occupied consistent with restrictions related to price, use, resale, eligibility and other conditions.

The Housing Agreement Bylaw will ensure that the development proposed for 2028 Rob Boyd Way facilitates the creation of employee housing in perpetuity aligned with current municipal policies and goals for affordable employee housing.

BUDGET CONSIDERATIONS

Costs associated with development of project specific housing agreements for proposed developments, are recovered through rezoning and development application fees. Costs associated with administering housing agreements are provided for through the RMOW and WHA operating budgets.

LÍŁWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the LÍŁwat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler’s resort economy.

Members of the LÍŁwat Nation and Squamish Nation may be eligible to rent the employee housing units at 2028 Rob Boyd Way to the extent that they meet the eligibility requirements of the housing agreement attached to the Housing Agreement Bylaw.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform Consult Involve Collaborate Empower

Comment(s):

Under the *Local Government Act*, a housing agreement bylaw does not require a Public Hearing or public notification.

REFERENCES

Housing Agreement Bylaw (2028 Rob Boyd Way) No. 2328, 2022 (included in Council Package)

SUMMARY

This report requests consideration of first, second, and third readings for “Housing Agreement Bylaw (2028 Rob Boyd Way) No. 2328, 2022” to authorize registration of a housing agreement over 2028 Rob Boyd Way. The Housing Agreement Bylaw will authorize the RMOW to register a covenant on title to establish development requirements, establish usage, occupancy and eligibility restrictions, permitted rental rates, and administration and management restrictions of the three proposed dwelling units of employee housing.

SIGN-OFFS

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