

**SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY  
BYLAW NUMBER 125-2018**

**A BYLAW TO ESTABLISH A WAIVER OR REDUCTION OF DEVELOPMENT COST  
CHARGES FOR NOT-FOR-PROFIT RENTAL HOUSING**

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**SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY  
BYLAW NUMBER 125-2018**

**WHEREAS:**

A. Pursuant to Section 34.21 of the Act, the Authority has imposed a Development Cost Charge pursuant to South Coast British Columbia Transportation Authority Bylaw Number 124-2018;

B. Pursuant to Section 34.24 of the Act, the Authority may, by bylaw, waive or reduce a Development Cost Charge imposed by bylaw pursuant to Section 34.21 of the Act for an “eligible development”; and

C. It is deemed desirable to establish requirements and conditions for a waiver or reduction of Development Cost Charges for Not-for-Profit Rental Housing, including affordable rental housing and student housing;

NOW THEREFORE the Board of Directors of the South Coast British Columbia Transportation Authority enacts as follows:

**1. CITATION**

1.(1) The official citation for this Bylaw is “South Coast British Columbia Transportation Authority Bylaw No. 125-2018”.

1.(2) This Bylaw may be cited as the “Development Cost Charge Waiver or Reduction Bylaw”.

**2. INTERPRETATION**

2.(1) Definitions. In this Bylaw (including the recitals hereto):

“**Act**” means the *South Coast British Columbia Transportation Authority Act*, SBC 1998, c. 30;

“**Authority**” means the South Coast British Columbia Transportation Authority continued under the Act;

“**BC Housing**” means the British Columbia Housing Management Commission;

“**CMHC**” means Canada Mortgage and Housing Corporation;

“**Development Cost Charge**” means a development cost charge payable by a person to a Collection Entity on behalf of the Authority pursuant to the South Coast British Columbia Transportation Authority Development Cost Charge Bylaw No. 124-2018;

“**Effective Date**” means the date this Bylaw comes into force and takes effect;

**“Eligible Affordable Rental Housing Development”** means a Development containing Not-for-Profit Affordable Rental Housing;

**“Eligible Student Rental Housing Development”** means a Development containing Not-for-Profit Student Rental Housing;

**“Eligibility Criteria”** means criteria established by a Not-for-Profit Society, BC Housing, CMHC, a Non-Profit Municipal Housing Corporation or a Registered Charity or any authorized designate of any of the foregoing entities, used to determine eligibility of a person to occupy a Dwelling Unit within a Not-for-Profit Rental Housing Development;

**“Government Business Enterprise”** means a person that:

- (a) is a Wholly-Owned Subsidiary of a Post-Secondary Institution; and
- (b) carries on, pursuant to authority delegated to it by that Post-Secondary Institution, the business of providing Not-for-Profit Student Rental Housing for and on behalf of that Post-Secondary Institution;

**“Group Home”** means staffed residential housing for those with a level of disability that requires continual assistance to complete daily tasks of living (such as taking medication, dressing or bathing);

**“Non-Profit Municipal Housing Corporation”** means a non-profit housing corporation established at the initiative of a municipality or regional district;

**“Not-for-Profit Affordable Rental Housing”** means a Residential Use Development, Combination Development or Supportive Living Housing Development comprising housing that is:

- (a) owned, leased or otherwise held by a Not-for-Profit Society, BC Housing, CMHC, a Non-Profit Municipal Housing Corporation or a Registered Charity at the time of any application for, or issuance of, a waiver of Development Cost Charges;
- (b) operated as rental housing for, and made available to, people who meet Eligibility Criteria, in exchange for Rent; and
- (c) governed by the terms of an agreement and/or covenant with the Province of British Columbia, BC Housing, CMHC or a municipality regarding the operation of the housing and stipulating how the Dwelling Units will be occupied and managed;

but not including:

- (d) a community care facility under the *Community Care and Assisted Living Act*, SBC 2002, c. 75;

- (e) a continuing care facility under the *Continuing Care Act*, RSBC 1996, c. 70;
- (f) a public or private hospital under the *Hospital Act*, RSBC 1996, c. 200;
- (g) a Provincial mental health facility, an observation unit or a psychiatric unit designated under the *Mental Health Act*, RSBC 1996, c. 288; or
- (h) a housing-based health facility that provides hospitality support services and personal health care;

**“Not-for-Profit Rental Housing”** means Not-for-Profit Affordable Rental Housing and Not-for-Profit Student Rental Housing;

**“Not-for-Profit Student Rental Housing”** means a Residential Use Development or Combination Development that is:

- (a) owned and operated by a Post-Secondary Institution or by a Government Business Enterprise on behalf of such Post-Secondary Institution at the time of any application for, or issuance of, a reduction of Development Cost Charges;
- (b) purpose built to provide rental housing for students attending that Post-Secondary Institution;
- (c) operated on a cost recovery basis; and
- (d) governed by the terms of an agreement:
  - (i) made with Greater Vancouver Sewerage and Drainage District pursuant to the Greater Vancouver Sewerage and Drainage District Development Cost Charge Waiver or Reduction for Not-for-Profit Rental Housing Bylaw No. 314, 2018 and confirming that the use of the Development is restricted for a period of 60 years for the purpose of providing rental housing for students attending that Post-Secondary Institution, that the housing will be operated by the Post-Secondary Institution or its designated agent, and will be operated on a cost recovery basis – a copy of which agreement is submitted as part of any application pursuant to this Bylaw; or
  - (ii) made with the Authority and confirming that the use of the Development is restricted for a period of 60 years for the purpose of providing rental housing for students attending that Post-Secondary Institution, that the housing will be operated by the Post-Secondary Institution or a Government Business Enterprise of that Post-

Secondary Institution, and will be operated on a cost recovery basis;

**“Not-for-Profit Society”** means a society registered under the *Societies Act*, SBC 2015, c. 18, in respect of which:

- (a) the society’s bylaws’ or constitution’s stated purpose is to provide affordable housing for low (or low and moderate) income households, or another similar purpose consistent with the type of services being provided;
- (b) the society’s bylaws provide that the society’s directors may not be remunerated in any capacity, nor may the directors serve as employees;
- (c) the society’s bylaws provide that upon dissolution, or wind up of the society, the society’s assets will be disposed of to an organization(s) with a similar not-for-profit purpose of providing affordable housing;
- (d) items addressed in paragraphs (a), (b) and (c) must be unalterable or otherwise restricted in accordance with the applicable legislation or regulation, or require the prior written consent of the Authority to alter; and
- (e) the society’s rules of conduct must be in accordance with the society’s purposes and applicable legislation;

**“On-Site Support Services”** means services to support independent daily living that are physically offered in the building’s office or common areas, and include but are not limited to:

- (a) health and mental health services;
- (b) health and community support referrals;
- (c) addiction services;
- (d) employment and education services;
- (e) job and life skills training;
- (f) assistance with meal preparation or housekeeping; and
- (g) counselling and outreach services;

but not including personal continual assistance services such as bathing, dressing or medication assistance, as offered in a Group Home;

**“Post-Secondary Institution”** means an “institution” or “university”, as each such term is defined in the *College and Institute Act*, RSBC 1996, c. 52;

**“Registered Charity”** means a charitable foundation or a charitable organization as defined in the *Income Tax Act*, R.S.C. 1985, c. 1;

- (a) the registered charity’s bylaws’ or constitution’s stated purpose is to provide affordable housing for low (or low and moderate) income households, or another similar purpose consistent with the type of services being provided;
- (b) the registered charity’s bylaws provide that the society’s directors may not be remunerated in any capacity, nor may the directors serve as employees;
- (c) the registered charity’s bylaws provide that upon dissolution or wind up of the society, the society’s assets will be disposed of to an organization(s) with a similar charitable purpose;
- (d) items addressed in paragraphs (a), (b) and (c) must be unalterable or otherwise restricted in accordance with the applicable legislation or regulation, or require the prior written consent of the Authority to alter; and
- (e) the registered charity’s rules of conduct must be in accordance with the charity’s purposes and applicable legislation;

**“Rent”** means money paid or agreed to be paid, or value or a right given or agreed to be given, by or on behalf of a tenant to a landlord in return for the right to rent a Dwelling Unit, for the use of common areas and for services or facilities and includes any and all strata fees, regardless of whether such fees are paid directly to the landlord, but does not include any of the following:

- (a) a security deposit;
- (b) a pet damage deposit;
- (c) a fee prescribed under section 97 (2) (k) of the Residential Tenancy Act;

**“Residential Tenancy Act”** means the *Residential Tenancy Act*, SBC 2002, c. 78;

**“Supportive Living Housing”** means housing, not including a Group Home, that integrates Dwelling Units for persons who were previously homeless or who are at risk of homelessness, who may also:

- (a) have a mental illness;
- (b) have or be recovering from drug or alcohol addictions; or
- (c) experience other barriers to housing;

with On-Site Support Services that are available to the residents of the Dwelling Units, where occupancy is not restricted to less than 90 days; and

“**Wholly-Owned Subsidiary**” has the same meaning given to that term in the *Business Corporations Act*, S.B.C. 2002, c. 57.

- 2.(2) **Same Meaning.** Terms defined in the South Coast British Columbia Transportation Authority Development Cost Charge Bylaw No. 124- 2018, have the same meaning in this Bylaw.
- 2.(3) **References to an Enactment Include Its Amendments.** References in this Bylaw to an enactment include the enactment as it may be amended or replaced from time to time.

### **3. WAIVER OR REDUCTION OF DEVELOPMENT COST CHARGES**

- 3.(1) Waiver of Development Cost Charges for Eligible Not-for-Profit Affordable Rental Housing Development. Notwithstanding Section 3.(1) of the South Coast British Columbia Transportation Authority Development Cost Charge Bylaw No. 124-2018, and subject to Section 3.(3) of this Bylaw, the Authority will, for an Eligible Affordable Rental Housing Development, waive to the applicable Collection Entity on behalf of the registered owner, Development Cost Charges that are otherwise payable in respect of:
  - (a) all Dwelling Units within the Development, if at least thirty percent of such Dwelling Units are to be occupied by households with incomes at or below housing income limits for the corresponding size of housing unit, as set out in the current “Housing Income Limits” (HILs) table published by the BC Housing, or equivalent publication; or
  - (b) only those Dwelling Units within the Development that are to be occupied by households with incomes at or below housing income limits for the corresponding size of housing unit, as set out in the current HILs table, or equivalent publication, if less than thirty percent of all of the Dwelling Units are to be occupied by such households.
- 3.(2) Reduction of Development Cost Charges for Eligible Not-for-Profit Student Housing Development. Notwithstanding Section 3.(1) of the South Coast British Columbia Transportation Authority Development Cost Charge Bylaw No. 124-2018, and subject to Section 3.(3) of this Bylaw, the Authority will, for an Eligible Student Rental Housing Development, reduce by 50% the Development Cost Charges that are otherwise payable to the applicable Collection Entity by the registered owner, in respect of all Dwelling Units within the Development that are to be occupied by students attending the Post-Secondary Institution.



- 3.(3) Application for Waiver. No waiver pursuant to Section 3.(1) or reduction pursuant to Section 3.(2) shall be granted unless a registered owner's application for a waiver or a reduction, as the case may be, of Development Cost Charges in respect of an Eligible Not-for-Profit Affordable Rental Housing Development or Eligible Not-for-Profit Student Housing Development, as applicable, has been submitted to, and approved by the Authority as fulfilling all of this Bylaw's eligibility requirements and conditions for a waiver or a reduction, as applicable, of Development Cost Charges.

#### 4. **RECORD KEEPING AND REPORTING**

- 4.(1) Statements. Each Collection Entity must provide statements to the Authority, for every six month period comprising January 1 to June 30 and July 1 to December 31, setting out:

- (a) the registered owner or lessee; and
- (b) the number and type of use

of all Dwelling Units (calculated in accordance with the Rate Schedule set out in the South Coast British Columbia Transportation Authority Development Cost Charge Bylaw No. 124-2018) in respect of which Building Permits were required where Development Cost Charges were waived or reduced under this Bylaw.

- 4.(2) **Reports**. Authority staff will report annually to the Board of Directors of the Authority, and any time upon the request of the Board, the number and cost of Development Cost Charge waivers or reductions granted under this Bylaw.

#### 5. **EFFECTIVE DATE**

- 5.(1) Effective Date. The effective date of this Bylaw is the date of adoption by the Board of Directors of the Authority.

**6. INTERPRETATION**

- 6.(1) Severability. If a portion of this Bylaw is held to be invalid it shall be severed and the remainder of the Bylaw shall remain in effect.

READ A FIRST, SECOND AND THIRD TIME this 6<sup>th</sup> day of December, 2018

RECONSIDERED, PASSED AND FINALLY ADOPTED this 6<sup>th</sup> day of December, 2018

*Original signed by Lorraine Cunningham*

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Lorraine Cunningham, Board Chair

*Original signed by Gigi Chen-Kuo*

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Gigi Chen-Kuo, Corporate Secretary