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# THE PROVINCIAL HOUSING AGENDA: A YEAR IN REVIEW

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*OVERVIEW: provincial housing legislation introduced over the past year has largely been viewed as trenching on an area of jurisdiction – residential land use management – that properly belongs to local governments. While the provincial government has certainly reasserted its authority in that regard, many elements in the provincial housing agenda actually enhance local government authority in ways that reinforce and extend local land use management jurisdiction. This paper focuses on those elements.*

## I. INTRODUCTION

A principal focus of the provincial housing legislation is the removal of municipal council and regional board discretion over certain categories of residential zoning changes, for the sake of expediting development approvals. It now seems clear that the provincial government understood that the aversion of local governments and their planning staff to zoning significant areas of land for higher-density residential development in advance of site-specific applications to rezone (what has come to be called "pre-zoning") was not entirely due to their enthusiasm for public hearings. The rezoning process had come to be used as a bargaining chip to obtain all sorts of public benefits from developers – not only cash community amenity contributions but also highway widenings, EV charging stations and other transportation improvements beyond those required by servicing bylaws, tenant relocation commitments not required by the *Residential Tenancy Act*, affordable housing units and so forth. There is some validity to the argument that the use of the zoning power has been diverted away from traditional land use management objectives and towards revenue generation and programs such as affordable housing that have historically and traditionally been within the jurisdiction of senior governments. With the new provincial requirements for pre-zoning land to accommodate 20 years' demand for new housing, allowing small-scale multi-unit housing in low-density residential zones, and accommodating higher-density housing in areas well-served by transit, an obvious question was whether and how local governments would be able to secure these types of public benefits – the need for which would only be magnified by provincial and federal government housing supply initiatives. The answer to the question lies in an array of new local government powers reviewed in this paper.

## II. AMENITY COST CHARGES

A case could be made that the provincial government is indirectly responsible for the delays and higher costs associated with development approvals supposedly held up by negotiations over community amenity contributions, by virtue of it having failed to keep local government authority for development charges abreast of either local needs or the equivalent charging authority in other North American jurisdictions. Various investigations into the causes of the BC housing supply crisis identified these delays as causal factors, some going so far as to recommend that authority be given for "super DCCs" to put these one-off developer contributions on a proper legal footing. Rather than expanding the scope of DCCs (and

development cost levies, or DCLs, in Vancouver) to include charges for community amenities, the government chose to authorize them by means of a separate bylaw-making authority patterned on the authority for DCCs but with some significant differences. This legislation (Bill 46 of 2023) is the centrepiece in the government's attempt to eliminate CAC negotiations in relation to housing projects.

The main points of similarity between ACCs and DCCs are these:

- A bylaw is required;
- The bylaw must establish a scale of charges per lot or unit or per square metre of floor space;
- Payments are triggered by subdivision or building permit approval; instalment payments are allowed;
- Charges aren't payable unless there is a new capital cost burden related to growth in population or workforce;
- ACCs are to "assist" the local government to pay the cost of supporting growth;
- Waivers and reductions of charges are permitted for "eligible development";
- ACC revenues must be held in reserve funds established for specific amenity projects;
- Reporting to the public on the status of reserves is required; and
- In-kind payment of ACCs is authorized, subject to agreement with the local government.

The main differences:

- ACC bylaws require no Inspector of Municipalities approval, though the government will be issuing policy guidance in the form of a "best practices" guide and retains extensive regulation-making authority;
- Consultation with affected persons and the public is required during bylaw development;
- ACCs are not payable in respect of affordable or special needs housing units provided pursuant to an inclusionary zoning bylaw;
- There's no statutory exemption for small (<4 units) residential development projects, small housing units, or building projects of minor (<$50 000) value;

- The legislation appears to require that specific amenity projects (e.g. a recreational facility or a library) be identified in the bylaw, whereas DCC projects are typically identified in bylaws only by their general class (e.g. water supply, highways);

- The government may, by regulation, adjust or limit ACCs and prescribe economic or other studies the local governments must undertake in setting ACC levels;

- The statute expressly requires amenity project cost to be adjusted to account for any benefit to existing populations (for DCCs this is addressed as a policy matter in Inspector approval processes); and

- The government may also, by regulation, specify a minimum "assist factor" and establish a method for calculating project benefit to existing populations.

A potentially significant provision in the new "Amenity Costs Recovery" division of Part 26 is the statement in s 570.95 that nothing in the division restricts or affects any other local government power under the *Local Government Act* or any other Act. To the extent that negotiating for community amenities in the consideration of an owner's application for rezoning represents the exercise of a local government power under the *Local Government Act*, the Legislature appears to be indicating that CAC negotiations may still occur, while perhaps discreetly hoping that local governments will enact ACC bylaws instead.

Informal polls of local government planners taken by our lawyers since Bill 46 came into force suggest that very few local governments have enacted ACC bylaws – not surprising, in view of the massive volume of work that planning staff had to undertake to comply with Bill 44, the small-scale multi-unit housing legislation. A comparable volume of work will be required to shift amenity funding in BC from *ad hoc* CAC approaches to a bylaw-based approach supported by the identification and costing of individual amenity projects required to support growth. It will be critical, for reasons related to the constitutionality of this type of charge, that this work be led by planners, though expertise from other local government departments such as parks and recreation and finance will clearly be required. Interim policy guidance on ACC bylaws was issued by the Ministry of Housing in March 2024 and updated in June; more comprehensive guidance in the form of a "best practices" manual can be expected in late 2024.

## III. EXPANDED DEVELOPMENT COST CHARGES

A more minor enhancement of local government powers effected by Bill 46 was the expansion of the scope of DCC (and DCL) bylaws to include funding for fire protection facilities, police facilities and solid waste and recycling facilities. While the scope of BC development charges still falls far short of that established in Ontario's *Development Charges Act* (which authorizes charges for electric power services, transit, ambulance services, libraries, long term care facilities, public health services, child care, bylaw enforcement and emergency preparedness), the addition of authority to fund fire protection and solid waste management facilities

addresses some longstanding local government requests. There may be cause for concern regarding other language that has been added to the statute in relation to DCCs for highway facilities: these now expressly include facilities that are being cost-shared by a municipality and the provincial government (which were probably covered by the pre-amendment legislation anyway). Local governments may find the Province insisting in the future that DCCs be imposed for highway facilities whenever provincial-municipal cost-sharing is occurring.

## IV. TENANT PROTECTION BYLAWS

When BC introduced condominium legislation under the banner of *Strata Titles Act*, in 1969, it was the first Canadian province to do so. Worldwide, only New South Wales, in Australia, had beaten BC to the punch. The significance of that legislative innovation is hard to overstate. It created a new category of property, and in doing so promised to make homeownership an option for many more people, provided they were willing to accept the potentially onerous obligations that could not be legally severed from title to a condominium unit. Condominium legislation certainly seems to have increased the supply of ownership housing in the province, but whether it did anything for housing affordability is anyone's guess. In fact, despite perhaps increasing supply, the condo boom has been blamed or at least associated with a lack of affordability. For at least a decade, after years of hand-wringing over the failure of the market to deliver what is often referred to as "purpose built rental housing", and the apparent lack of supply of that kind of housing in the face of strata subdivision fever, policy makers having been trying to figure out how to create new rental housing, and protect tenants in existing housing when that housing is replaced with condominiums, or with more expensive rental units.

Again, a cursory review of some available evidence (municipal tenant protection policies available for online viewing) suggests that local governments were relying on rezoning negotiations to achieve their tenant protection goals, for example by requiring rezoning applicants to provide compensation, replacement housing, or rights of first refusal for tenancies in new buildings. At least two lower mainland municipalities went further, with mixed success. New Westminster enacted a business regulation bylaw to control "renovictions", a well-known and much-maligned strategy for raising rents by ending tenancies for superficial renovation work to rental units. The Court of Appeal upheld the bylaw, even though it appeared to overlap at least to some extent the subject matter of the *Residential Tenancies Act*, because the Court did not see in that legislation an intention to oust municipal regulation of residential tenancies. The City of Vancouver then adopted its own tenant protection bylaw, also as a business regulation, to prevent rent increases between tenancies (something the *Residential Tenancies Act* does not do, and something the Province had refused to do despite the City's lobbying efforts). After New Westminster's success, you might have thought that the Province's decision not to regulate rent increases under the RTA would have left room for the City of Vancouver to do so, but Vancouver's business regulation authority under the *Vancouver Charter* is actually

more limited than what is offered by the *Community Charter* so the Court of Appeal declared Vancouver's bylaw invalid.[1]

All of this is just to say that the new tenant protection powers under section 63.2 of the *Community Charter*, introduced as an embellishment to the existing "protection of persons and property" power under section 8(3)(g), should be a welcome addition to municipal authority. The new powers allow a council, by bylaw, to require owners to give to tenants one or more of the following:

- Notices or information with respect to a redevelopment, a proposed redevelopment or a matter referred to in this section;
- Financial compensation for the termination of tenancy agreements;
- Financial or other assistance to find and relocate to comparable replacement units;
- The opportunity to exercise rights to enter new agreements for the rental of comparable units in property in which owners have an interest.

Again, not dissimilar to what local governments have been doing through rezoning negotiations. These bylaws may require owners to offer new units in proposed developments to existing tenants whose housing is being replaced, in priority and at a rental rate less than provided for under an applicable zoning bylaw or housing agreement. Unlike some of the other new powers discussed in this paper, tenant protection bylaws are not currently subject to pre-adoption consultation or financial analysis obligations, although under section 63.3 the provincial Cabinet may impose requirements, and set prohibitions, conditions and limitations on the exercise of the tenant protection powers.

So, after decades of watching condominiums gobble up rental housing, or at least make rental housing more luxurious and expensive, municipalities can now introduce tenant protection bylaws, to soften the blow of the redevelopment process without having to rely on zoning negotiations. These powers may be particularly needed where the designation of transit-oriented areas and the associated minimum allowable densities under Bill 47 stimulate the redevelopment of neighbourhoods that already contain significant rental housing stock.

[1] The Province then retroactively validated Vancouver's bylaw, so the landlord's victories in court, including when the City's application for leave to appeal to the Supreme Court of Canada was refused, were pyrrhic.

## V. HIGHWAY DEDICATION REQUIREMENTS AT SUBDIVISION AND BUILDING PERMIT

Down in the trenches, local governments had also been clinging to zoning discretion to meet their appetite for wider roads, but not to do the kind of work for which roads are best known (moving as many cars around as possible). Extra marks if you've heard of a case called *King v. Vancouver (City of)*[2], in which the City's approving officer imposed a condition for the widening of Southwest Marine Drive, even though the City's Transportation Plan included no plans for expanding the "existing network of primary and secondary arterial roads" and specifically indicated "no further significant investment to expand motor vehicle capacity". In that policy framework, asked the subdivision applicant, how could the approving officer's road widening requirement be reasonable? Short answer: bikes to the rescue (of course). The City's Transportation Plan, as it turned out, focused on "the facilitation of modes of transportation other than the automobile". It included the following statement: "The growth in demand for transportation, especially for trips downtown, would be accommodated by improving alternatives to the car, primarily transit, but also walking and cycling." The plan also specifically contemplated Southwest Marine Drive as a bicycle route. All of this was enough to make the approving officer's road dedication requirement "a reasonable one soundly based on law and policy", even though the only statutory basis for the approving officer's decision was the ever-nebulous but often-reliable public interest discretion.

Thanks to Bill 16, an approving officer under section 513.1 of the *Local Government Act* can now require owners to provide, without compensation, highway dedications of up to 5 metres "for the purpose of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation". This land is in addition to the 20 metres that has always been available for highway dedication or widening under section 513 (and its predecessors).

In case an approving officer doesn't take the hint, or development that might call for similar land dedications is authorized only by a building permit, a parallel requirement (up to 5 metres of land for walking, cycling, public transit or other alternative forms of transportation) can also be imposed as a condition of issuing a building permit. The curious feature of this new scheme, set out in the new section 513.2 of the *Local Government Act*, is the character at the centre of it all: a "servicing officer". Requirements under section 513.2 can only be imposed by a servicing officer, which a local government can only appoint by bylaw, from among a class of persons prescribed by regulation. As of the date of this paper's writing, we've not seen any regulations prescribing classes or persons eligible to be appointed as servicing officers. So, for the time being at least, this potential new kid on the Part 14 block looks a lot like Big Bird's friend Mr. Snuffleupagus, from Sesame Street.

[2] 1997 CanLII 2204 (BC SC).

## VI. ADDITIONAL WORKS AND SERVICES REQUIREMENTS

A related expansion of local government land use regulation powers can be found in the revamped authority for adopting a "subdivision servicing bylaw" (defined in the schedule to the *Local Government Act* as "a bylaw under section 506 [*subdivision servicing requirements*]"), and applying the works and services standards found in that bylaw at the subdivision or building permit approval stage of the development process. The widened scope of potentially required works and services includes:

- Amenities, including benches, bollards, bicycle parking facilities, directional signage, parklets, street lamps, street signs, transit shelters or waste disposal and recycling containers;

- Transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation, including traffic calming measures; and

- Sustainable design features that provide for energy and water conservation, reduction of greenhouse gas emissions and climate resilience.

This enlarged authority does come with at least one new string attached, in the form of section 506(2), which says a subdivision servicing bylaw "must not be used to prevent the development of land to the density allowed in respect of that permitted use under the applicable zoning bylaw." (If you were watching Court of Appeal decisions last year, you'll recognize that language from section 50 of the *Community Charter*, which restricts the application of tree bylaws that prevent development to the density permitted under a zoning bylaw, and which the Court had to interpret in *McHattie v. Central Saanich*. If any particular use is permitted in a zoning bylaw without a specific density limit, *McHattie* suggests that a subdivision servicing bylaw might be inapplicable, on the basis that any works and services requirements could conceivably prevent development to the permitted density.)

Once a local government has included works and services of any variety in a subdivision servicing bylaw, the authority to require an owner to provide them either "on the site being developed" or on immediately adjacent highways can be exercised by imposing conditions of subdivision or building permit approval. As before, the authority to impose such conditions can be exercised by resolution of council or a regional board, or by a delegate if the elected body has first set up the delegation by bylaw.

## VII. TRANSPORTATION DEMAND MANAGEMENT BYLAWS

In another case of the provincial legislature taking away as well as giving, the impact of a loss of authority to require the provision of off-street parking spaces in transit-oriented areas (section 525.1 of the *Local Government Act*) is perhaps ameliorated by the introduction of new authority to "advance transportation demand management in respect of the development of land", under section 527.1. For the purpose of this new section, the following two terms are defined:

> "transportation demand management" means improving the movement of people and goods, reducing motor vehicle dependence and increasing sustainable transportation;
>
> "transportation demand management measure" includes, without limitation, the following:
>
> (a) electric vehicle charging stations, end-of-trip facilities, secure bicycle parking facilities and secure scooter parking facilities;
>
> (b) any other measure or thing to advance transportation demand management as prescribed by regulation.

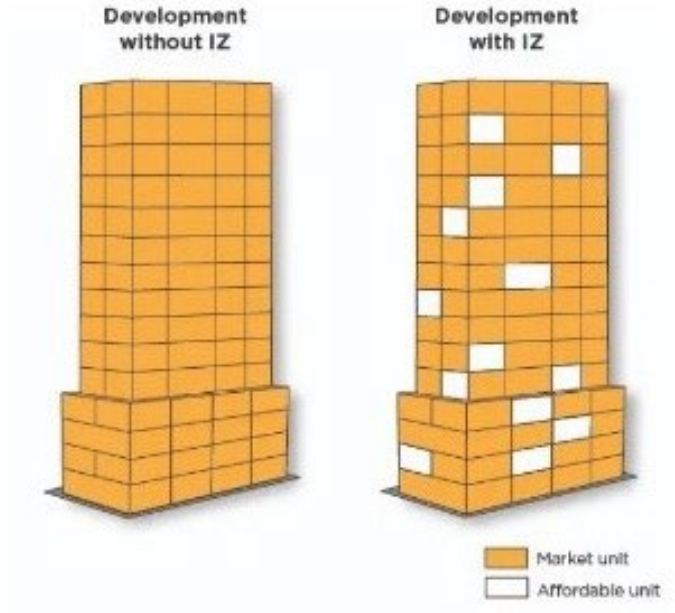
At least some of the above-captioned "measures" are among the types of amenities frequently requested during rezoning negotiations, and at least some local governments had been requiring such measures in their existing parking bylaws (we don't know if any developers tried to call that bluff, but the new section 527.1 is convincing evidence that transportation demand management measures were never authorized under section 525). Now there is no need for horse-trading and no question as to the statutory authority to require transportation demand management measures unilaterally, by bylaw. Owners of land can simply be called on to provide one or more measures, to the design standards established by bylaw, and can be allowed to opt for the payment of money ("cash in lieu") instead. There are no pre-adoption consultation or financial analysis requirements for these bylaws, so the only catch seems to be annual reporting on any reserve fund established for the purpose of collecting cash in lieu, assuming the bylaw authorizes such payments in the first place.

## VIII. INCLUSIONARY ZONING BYLAWS

For many planners, the tool best suited to the task of ensuring the availability of non-market housing units is an inclusionary zoning bylaw – a bylaw that requires every multiple-unit housing development to include a specified proportion of units that meet affordability criteria specified in the bylaw. It has for many years been possible for a BC zoning bylaw to "designate an area within a zone for affordable or special needs housing, as such housing is defined in the bylaw", but only if the owner of the affected land consents to the designation. The only circumstance in which an owner would be likely to provide such consent is where the owner is

obtaining something in return, to compensate them for the value that is foregone by having the area designated such that it cannot be used for ordinary market housing. In this province, that circumstance would usually be a rezoning, though in most cases the instrument that would be used to secure the affordability of the housing units would be a covenant registered under s. 219 of the *Land Title Act*, rather than a simple designation of the units in the zoning bylaw. (For the last few years, local governments in BC have been able to unilaterally designate land, buildings or housing units for rental tenure, a modest step in the direction of ensuring affordability, but such designations cannot address rent levels for the housing units.)

Bill 16 of 2024 added to the BC land use management toolkit the inclusionary zoning bylaw (though officially known as the "affordable and special needs housing zoning bylaw"). Local governments may now, unilaterally, require residential developments to include units meeting affordability standards prescribed in the bylaw, thereby ensuring not only that the local housing supply includes affordable units but that those units are (subject to the local government agreeing otherwise on a case-by-case basis or permitting cash in lieu) distributed throughout residential areas rather than being concentrated in non-market housing projects.




Prior to enacting such a bylaw, local governments are required to consider whether and how to consult with affected persons and organizations. This obligation in respect of consultation is modeled on the consultation provisions that apply to official community plans and is modest: it simply obliges the local government to provide at least one consultation opportunity for persons, public authorities and organizations that it considers will be affected by the bylaw. Because inclusionary zoning requirements are included in a "zoning bylaw", the public hearing provisions in s. 464 apply, including the option of proceeding without a hearing if the bylaw is consistent with an official community plan.

The local government is also statutorily required to undertake a financial feasibility analysis and consider the analysis in adopting or amending an inclusionary zoning bylaw. The analysis must take into consideration a range of matters specified in s. 482.9 of the Act and the government may make regulations requiring that it be undertaken by a person with a professional designation specified in the regulation. Factors to be taken into account include local housing market conditions, construction costs, and the amount of density required to ensure the feasibility of providing the affordable or special needs housing unit without deterring development. The analysis and other relevant information that informed the adoption or amendment of the bylaw must be made available to the public. One may safely infer that this kind of financial analysis has been undertaken whenever a site-specific density bonus bylaw has been enacted, though usually by the developer whose land is the subject of the bylaw. More rarely, where density bonus zoning with broader application has been enacted, local governments that want their bylaw to actually produce public benefits have had the bylaw analyzed by financial consultants to determine whether bonuses have been properly calibrated. To that extent, the financial feasibility analysis requirements are formalizing procedures with which most local governments are likely already familiar.

The details of affordable and special needs housing obligations in B.C. density bonus bylaws have historically been dealt with only sketchily in enabling legislation: such housing must simply be defined in some way in the bylaw. The inclusionary zoning enabling legislation goes further, by identifying particular indicia of affordability that must be specified:

- The required portion of affordable units required in a development, which may be a percentage of the units or a percentage of the gross floor area of the residential development;
- The form of tenure of the units – ownership or rental;
- The affordability of the units, including sale price or rental rates; and
- The length of time during which the units must meet the affordability criteria.

Inclusionary zoning units must be made the subject of a housing agreement entered into before any building permit is issued for the developer's project. The agreement would presumably address the affordability particulars set out above, and could conceivably be combined with an off-site construction agreement (described below).

Inclusionary zoning requirements may vary with the usual factors that are at play in zoning bylaws – principally location – but also with different sizes or types of housing units, forms of tenure and construction materials (presumably concrete vs. wood). This enables local governments to tailor inclusionary zoning requirements so as to reflect their feasibility in different development scenarios.

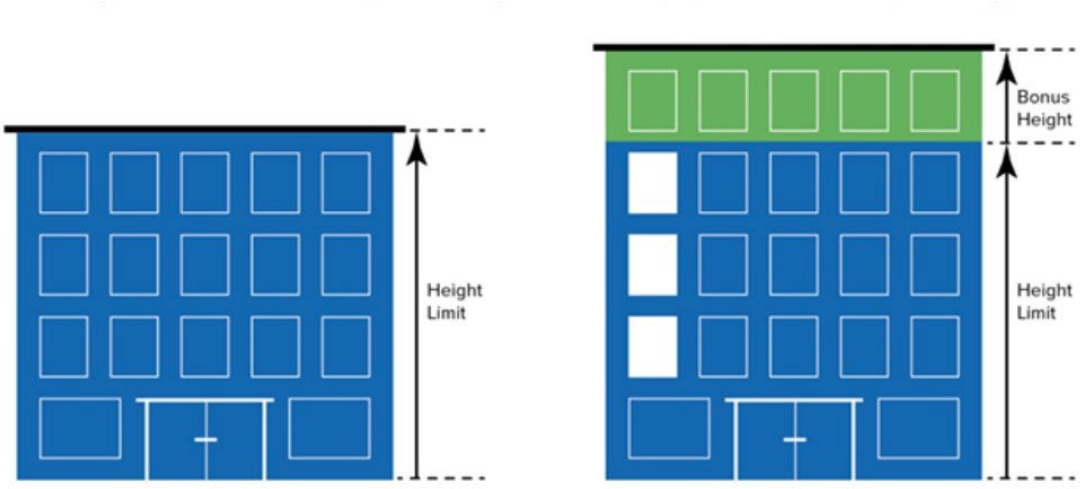
Inclusionary zoning bylaws may include a density bonus component whereby a developer could earn additional density entitlements by providing affordable housing units over and above those required by the bylaw in any event. In relation to Bill 47 and the minimum density entitlement prescribed in the applicable Transit-Oriented Areas Regulation, s. 482.7(6) of the *Local Government Act* appears (unnecessarily) to suggest that such incremental density may be less than the minimum TOA density. An alternative interpretation of the section, that the density increment provided in such a bylaw must itself at least equal the minimum TOA density entitlement, producing double the minimum TOA density, doesn't seem viable. The Ministry of Housing interim guidance on Bill 16 (August 28, 2024) indicates that affordable housing units required by an inclusionary zoning bylaw may be within (that is, a part of) the minimum allowable density for TOAs. This suggests a provincial policy perspective that prioritizes the creation of affordable housing in TOAs over the creation of housing supply in those areas more generally.

Two issues that typically arise in relation to this type of zoning bylaw are whether developers may provide affordable housing units on a site other than their development site, and whether they may buy their way out of their affordable housing obligation by paying cash in lieu. Both issues directly engage the principle of equity that informs inclusionary zoning policy, and the government has left them to be determined by local governments themselves. As regards cash in lieu, the inclusionary zoning bylaw may establish a developer option to pay cash in lieu of providing affordable housing units on their development site. The amount paid must be equal to the estimated capital costs that would be incurred in providing the required units on that site, and the bylaw must specify how those costs are to be determined. The payment must be made when the building permit for the developer's project is issued; this likely means the first building permit in the case of staged construction. Reserve fund and public reporting provisions are included in the legislation.

Off-site housing is handled differently; the issue is not addressed in the bylaw itself, but by way of one-off agreements between the local government and the developer who is subject to the inclusionary zoning requirements. The agreement, authorized by separate bylaw, must address the location of the affordable housing units, who is to construct them, when they will be constructed, and how the provision of the units will meet or exceed the bylaw requirements. Additional terms that will clearly be required include terms dealing with the ongoing ownership and management of the units and security for the performance of the developer's construction obligations. Local governments aren't obliged to enter into any such agreements but there may be circumstances, such as the opportunity to have the units constructed at locations that are well-served by such public facilities as schools and public transit or locations where affordable housing is in particularly short supply, that make such arrangements desirable from the local government's perspective.

## IX. DENSITY BENEFITS BYLAWS

The amendment of Part 26 of the *Local Government Act* to include authority for inclusionary zoning bylaws appears to have inspired the government to revisit the density bonus bylaw authority, which has been in place for more than 30 years. Some ideas, including notably the requirement for consultation on bylaw development with the public and affected persons and the requirement for a financial feasibility analysis, were apparently considered so meritorious in the context of inclusionary zoning that they ought to be applied to density bonus bylaws as well. The drafting of detailed cash in lieu provisions for inclusionary housing units gave the government an opportunity to fill a longstanding gap in the density bonus bylaw legislation, and regularize procedures that local governments have been using for 30 years to collect, hold and spend cash paid in lieu of providing amenities (or in some cases, paid because the bylaw doesn't contemplate the provision of in-kind amenities at all). Similarly, the drafting of detailed provisions regarding the provision of inclusionary housing units off-site created an opportunity to address the off-site provision of affordable or special needs housing units required to earn a bonus under a density bonus bylaw. In each case, the provisions for inclusionary zoning bylaws have essentially been cloned in the enabling legislation for density bonus bylaws. Finally, with the enactment of requirements for greater detail in the description of inclusionary housing units (form of tenure, affordability criteria and duration), the Legislature included equivalent requirements for detail where a density bonus bylaw is stipulating the provision of affordable or special needs housing as a trigger for a density bonus.




In relation to Bill 47, the density bonus bylaw provisions have been amended to suggest that the permitted density of development in designated transit-oriented areas, including bonuses, cannot be less than the minimum density entitlements prescribed in the applicable Transit-Oriented Areas Regulation. By implication, the density permitted outright (without bonus density) could be less than the prescribed minimum TOA density, with the bonus topping the

density up to the minimum, or more. Policy guidance issued by the Ministry of Housing (as of August 28, 2024, page 12) indicates that density bonus bylaws may be used within TOAs "as an interim measure" until a date set by regulation, after which the base density must be at least the minimum TOA density (the relationship between these aspects of provincial housing policy is unclear and local governments engaged with the issue should obtain legal advice).

There are transitional provisions in Bill 16 that apply new substantive and procedural requirements for density bonus bylaws to existing bylaws, as of a date (after June 30, 2025) that is to be prescribed by regulation. These provisions appear to ignore the fact that the majority of existing density bonus bylaws are one-off bylaws that are "spent" in that the subject land has been developed to the maximum density including bonuses and the developer obligations met. Any amendment of those bylaws to comply with new requirements in the legislation related to consultation and financial feasibility analysis would appear to be pointless and a waste of local government time and resources; presumably the development was believed to be financially feasible if the developer built it out, and there is no point in consulting anyone in regard to a *fait accompli*. Local governments wishing to avoid the issue entirely could consider rezoning these sites to permit the bonus density (for which the local government has presumably been fully compensated in the form of affordable housing or amenities) as an outright entitlement. This approach would also address the uncertainty associated with whether, if the development is damaged or destroyed during its expected life, it may be fully replaced without the owner again complying with affordable housing or amenity requirements. The bylaw would no longer be a density bonus bylaw and the transitional provisions wouldn't apply. For one-off bylaws for sites that haven't yet been developed, local governments may prefer simply to reverse the density bonus provisions, particularly where the development hasn't proceeded because it isn't financially viable. No consultation is required to repeal a density bonus bylaw or, one may safely suppose, to remove density bonus provisions embedded in a general zoning bylaw.

## NOTES