



AGENDA - COMMITTEE OF THE WHOLE

Thursday, April 9, 2020, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

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F. STAFF REPORTS

F.1 COVID-19 Update (Verbal)

F.2 Financial Plan 2020 - Update Report

Report to follow

F.3 Short Term Rental (STR) Business Licence Appeal Process Policy

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A report seeking Council direction to implement a policy that sets out a process for appealing short-term rental business licence decisions.

G. NOTICE OF MOTIONS

H. NEW BUSINESS

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE



MINUTES - COMMITTEE OF THE WHOLE

March 19, 2020, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Dubow, Councillor Young

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, P. Rantucci – Head of Strategic Real Estate, C. Havelka - Deputy City Clerk, J. O'Connor - Deputy Director of Finance, C. Mycroft - Manager of Executive Operations, A. Johnston - Planner, N. Sidhu - Assistant Director of Parks, Recreation & Facilities, P. Bellefontaine - Assistant Director, Transportation, P. Angelblazer - Committee Secretary

A. APPROVAL OF AGENDA

Moved By Councillor Loveday

Seconded By Councillor Alto

That the agenda be approved.

Amendment:

Moved By Mayor Helps

Seconded By Councillor Dubow

That item H.1 Council Member Motion – Victoria 3.0 Pivoting to a Higher Value Economy is struck from the agenda.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Alto
Seconded By Councillor Dubow

That the following items be approved without further debate

CARRIED UNANIMOUSLY

C.1 Minutes from the meeting held March 5, 2020

Moved By Councillor Alto
Seconded By Councillor Dubow

That the minutes from the Committee of the Whole meeting held March 5, 2020 be adopted.

CARRIED UNANIMOUSLY

F.3 Water Conservation Plan in Support of the Grant Application to the Investing in Canada Infrastructure Program

Council received a report dated March 12, 2020 from the Assistant Director of Engineering seeking Council endorsement of a water conservation plan which is required to support the City's application to the Investing in Canada Infrastructure Program - Environmental Quality Sub-Stream for \$7.5 million in grant funding for sewer projects to reduce inflow and infiltration.

Moved By Councillor Alto
Seconded By Councillor Dubow

That Council approve the City of Victoria's water conservation plan, which is a requirement for the Investing in Canada Infrastructure Program grant application.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.1 Update Report for 324/328 Cook Street and 1044, 1048 & 1052/1054 Pendergast Street (Pic a Flic): Rezoning Application No. 000634 & Development Permit with Variance Application No. 000527 (Fairfield)

Council received a report dated March 5, 2020 from the Director of Sustainable Planning and Community Development presenting Council with an update on this application in response to a Council motion for a revised proposal. Given that the applicant has revised the proposal to address the conditions outlined in the Council motion, staff are recommending that the proposal proceed to a Public Hearing.

Committee discussed the following:

- *Landscaping details.*
- *COVID-19 impacts on application processes.*

- *Lack of unit affordability.*
- *Timeline for application approval.*
- *Creating confidence and certainty in government.*
- *Budgetary impacts of limiting the amount of land use applications moving forward.*

Council considered a motion to postpone the item without designating a meeting date.

Moved By Councillor Loveday
Seconded By Councillor Dubow

That consideration of this matter be postponed to the April 2nd, 2020 Committee of the Whole Meeting.

CARRIED UNANIMOUSLY

F. STAFF REPORTS

F.1 COVID-19 Update (Verbal)

Council received a verbal update from the City Manager on City efforts to manage the ongoing health, safety, and economic impacts of the COVID-19 pandemic. The update included a summary of business changes, facility closures, logistics efforts, and outreach efforts.

Committee discussed the following:

- *Continuity of business and services during the crisis.*
- *City services considered to be essential.*
- *Community centres and daycares which remain open.*

F.2 Council Processes

Council received a report dated March 17, 2020 from the City Clerk seeking Council approval to suspend public hearings and in-person participation at Council meetings in the Request to Address Council portion of the meeting, and amending the Council Procedures Bylaw to enable all Council members to electronically participate in Committee of the Whole and Council meetings at the same time should the need to do so arise.

Committee discussed the following:

- *Application of the bylaw amendments under normal circumstances*
- *Determination of normal and extraordinary circumstances*
- *Ways to include electronic public participation*
- *Measures to limit the amount of people required to be in the room.*

Moved By Councillor Isitt
Seconded By Mayor Helps

That Council forward to the March 19, 2020 daytime Council meeting the following recommendations:

1. That Council give first, second and third reading to Council Procedures Amendment (No. 1) Bylaw No. 20-053.
2. That staff undertake required advertising of the proposed Bylaw in accordance with section 124(3) of the Community Charter.
3. That Council suspend the holding of Public Hearings in accordance with the Class Order on COVID-19 from the Office of the Provincial Health Officer until further notice.
4. That Council suspend the Request to Address Council and Question Period sections of Council meeting agendas for in person participation until further notice.

Amendment:

Moved By Councillor Isitt

Seconded By Mayor Helps

Direct staff to bring back language to achieve the following:

1. **Electronic participation by up to two Council members for any reason at any time**
2. **Participation of up to all Council members during emergencies as determined by the mayor**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Young

4. That Council suspend the ~~Request to Address Council and~~ Question Period sections of Council meeting agendas for in person participation until further notice.
5. **That Council authorize adjustments to the Request to Address Council process including**
 - a. **limiting speakers up to 6 delegations at a Council meeting.**
 - b. **Telephone participation where possible**
 - c. **The reading out of written submissions and/or the broadcasting of recorded submissions if necessary**

Amendment to the amendment:

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

5. That Council authorize adjustments to the Request to Address Council process including:
 - a. Limiting speakers up to 6 delegations at a Council meeting **through either:**
 1. Telephone participation where possible
 2. The reading out of written submissions and/or the broadcasting of recorded submissions, if necessary.

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Dubow

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

On the amendment:

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt

Seconded By Mayor Helps

That this temporary measure be reviewed no later than April 16th, 2020.

Amendment to the amendment:

Moved By Councillor Isitt

Seconded By Mayor Helps

That this temporary measures in 3, 4 and 5 be reviewed no later than April 16th.

CARRIED UNANIMOUSLY

On the amendment as amended:

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt

Seconded By Mayor Helps

6. That language be incorporated into the bylaw to grant the extraordinary power to the mayor only during declared national emergencies

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council forward to the March 19, 2020 daytime Council meeting the following recommendations:

1. That Council give first second and third reading to Council Procedures Amendment (No. 1) Bylaw No. 20-053.
2. That staff undertake required advertising of the proposed Bylaw in accordance with section 124(3) of the Community Charter.
3. That Council suspend the holding of Public Hearings in accordance with the Class Order on COVID-19 from the Office of the Provincial Health Officer until further notice.
4. That Council suspend the Question Period section of Council meeting agendas for in person participation until further notice.

Direct staff to bring back language to amend the bylaw:

1. Electronic participation by up to two Council members for any reason at any time
2. Participation of up to all Council members during emergencies as determined by the mayor
5. That Council authorize adjustments to the Request to Address Council process including:
 - a. Limiting speakers up to 6 delegations at a Council meeting through either:
 1. Telephone participation where possible
 2. The reading out of written submissions and/or the broadcasting of recorded submissions, if necessary.

That this temporary measures in 3, 4, and 5 be reviewed no later than April 16th.

6. That language be incorporated into the bylaw to grant the extraordinary power to the mayor only during declared national emergencies

CARRIED UNANIMOUSLY

H. NEW BUSINESS

H.1 Council Member Motion - COVID-19 City Response to Support Small Business, Arts and Culture and the Visitor Economy

Council received a report dated March 13, 2020 from Mayor Helps and Councillor Loveday requesting Council support to direct staff to examine on an urgent basis all of the City's fiscal, legislative, and legal powers to support small business and jobs, arts and culture and the visitor economy in order to sustain the local economy during the pandemic and recover stronger and more resilient than before.

Committee discussed the following:

- *Inclusion of the non-profit sector*
- *City services that support local businesses*

Moved By Mayor Helps

Seconded By Councillor Loveday

1. Direct staff to examine all of the City's fiscal, legislative and legal powers to support small businesses and jobs, arts and culture and the visitor economy in order sustain the local economy during the pandemic and recover stronger and more resilient than before.
2. Report back to Council on an urgent basis.
3. Forward this recommendation to the daytime Council meeting of March 19th.

Amendment:

Moved By Councillor Loveday

Seconded By Mayor Helps

1. Direct staff to examine all of the City's fiscal, legislative and legal powers to support small businesses and jobs, **non-profit sector**, arts and culture and the visitor economy in order sustain the local economy during the pandemic and recover stronger and more resilient than before.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

Moved By Mayor Helps

Seconded By Councillor Alto

Motion Arising:

Direct staff to look at the operational and capital plan for 2020 to see what will not be accomplished in this year due to COVID-19 and bring recommendations to Council as to what would come out of the budget accordingly.

CARRIED UNANIMOUSLY

H.2 Council Member Motion - Reducing Economic Hardship Arising from COVID-19

Council received a motion dated March 17, 2020 from Councillors Isitt, Loveday, and Potts seeking Council support for a resolution which directs staff to create an economic hardship action plan, and advocacy to different levels of government for action on emergency housing supports and financial support for affected individuals.

Committee discussed the following:

- *Breadth of local government authority*
- *Fairness and measures for fairness in terms of financial assistance rollouts*
- *Public City washrooms*

Moved By Councillor Isitt

Seconded By Councillor Loveday

1. Direct staff to develop an Action Plan without delay identifying measures within municipal jurisdiction to reduce economic hardship on individuals and organizations impacted by COVID-19, including consideration of the following measures:
 - a. Repurposing underutilized facilities for emergency shelter and healthcare for the unhoused, to allow for social distancing, proper care and recovery.
 - b. Emergency regulations to restrict evictions of tenants who have suffered a loss of earnings due to quarantine, self-isolation, layoff or declining economic activity.
 - c. Temporary deferral of fees, taxes and other payments owing to the city from those suffering hardship.
2. Advocate to the Governments of British Columbia and Canada for immediate action along the following lines:
 - a. Emergency housing and healthcare for the unhoused through the retrofitting of underutilized facilities to allow for social distancing, proper care and recovery.
 - b. Income support through Employment Insurance, statutory Paid Sick Leave provisions and / or other programs to replace earnings that have been lost as a result of COVID-19, with immediate and retroactive effect, including eligibility for precariously employed workers in the service sector and “gig economy”, self-employed workers and small business operators.
 - c. A temporary moratorium on evictions, foreclosures and payment of debt and utility fees.
 - d. Support for Indigenous communities that are particularly vulnerable to COVID-19 due to substandard health, housing, water and social service systems.
 - e. Temporary deferral of payroll deduction remittances (i.e. EI, CPP, Income Tax) and income tax instalment payments where necessary to reduce pressure on business cash reserves and maintain payment to employees and suppliers.
3. Request that the Mayor write, on behalf of Council, to the Premier of British Columbia and the Prime Minister of Canada, requesting immediate action along the lines outlined above, and indicating the City of Victoria’s willingness to cooperate with those orders of government to ensure an integrated and effective response to COVID-19, including reducing economic hardship on

individuals and organizations and safeguarding the economic base of the community.

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the motion be amended by adding the following:

4. **Direct staff to prepare bylaw amendments to allow for the temporary waiver of financial penalties for non-payment of municipal utilities fees and taxes during emergencies.**
5. **Request that the Province of British Columbia grant local governments the discretion to postpone payment of property taxes with no financial penalty in 2020.**

Amendment to the amendment:

Moved By Councillor Alto

Seconded By Mayor Helps

4. **Direct staff to prepare bylaw amendments to allow for the temporary waiver of financial penalties for non-payment of municipal utilities fees and taxes during provincially declared emergencies.**

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

5. **Request that the Province of British Columbia grant local governments the discretion to postpone payment of property taxes with no financial penalty in 2020 for those that meet a provincially determined threshold.**

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, Councillor Dubow, and Councillor Young

OPPOSED (1): Councillor Loveday

CARRIED (7 to 1)

On the amendment as amended:

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Young

6. Request that staff consider initiating emergency childcare services for essential services workers during the COVID19 public health emergency, either as a city-operated service or in partnership with external childcare providers.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Dubow

6. Request that staff consider initiating emergency childcare services for **those who can't stay at home** ~~essential services workers~~ during the COVID19 public health emergency, either as a city-operated service or in partnership with external childcare providers.

Failed to proceed due to no seconder

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Dubow

7. Request that the University of Victoria reconsider the displacement of students current living in student housing who have no alternate housing options.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Dubow

8. Council request that landlords not increase rents at this time of crisis and defer rents for those in need.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Isitt

1. Direct staff to develop an Action Plan without delay identifying measures within municipal jurisdiction to reduce economic hardship on individuals and organizations impacted by COVID-19, including consideration of the following measures:
 - a. Repurposing underutilized facilities for emergency shelter and healthcare for the unhoused, to allow for social distancing, proper care, **harm reduction**, and recovery.

2. Advocate to the Governments of British Columbia and Canada for immediate action along the following lines:
 - a. Emergency housing and healthcare for the unhoused through the retrofitting of underutilized facilities to allow for social distancing, proper care, **harm reduction**, and recovery.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt

Seconded By Mayor Helps

That this matter be forwarded to the daytime meeting

CARRIED UNANIMOUSLY

On the main motion as amended:

1. Direct staff to develop an Action Plan without delay identifying measures within municipal jurisdiction to reduce economic hardship on individuals and organizations impacted by COVID-19, including consideration of the following measures:
 - a. Repurposing underutilized facilities for emergency shelter and healthcare for the unhoused, to allow for social distancing, proper care, harm reduction, and recovery.
 - b. Emergency regulations to restrict evictions of tenants who have suffered a loss of earnings due to quarantine, self-isolation, layoff or declining economic activity.
 - c. Temporary deferral of fees, taxes and other payments owing to the city from those suffering hardship.
2. Advocate to the Governments of British Columbia and Canada for immediate action along the following lines:
 - a. Emergency housing and healthcare for the unhoused through the retrofitting of underutilized facilities to allow for social distancing, proper care, harm reduction and recovery.
 - b. Income support through Employment Insurance, statutory Paid Sick Leave provisions and / or other programs to replace earnings that have been lost as a result of COVID-19, with immediate and retroactive effect, including eligibility for precariously employed workers in the service sector and “gig economy”, self-employed workers and small business operators.
 - c. A temporary moratorium on evictions, foreclosures and payment of debt and utility fees.

- d. Support for Indigenous communities that are particularly vulnerable to COVID-19 due to substandard health, housing, water and social service systems.
 - e. Temporary deferral of payroll deduction remittances (i.e. EI, CPP, Income Tax) and income tax instalment payments where necessary to reduce pressure on business cash reserves and maintain payment to employees and suppliers.
3. Request that the Mayor write, on behalf of Council, to the Premier of British Columbia and the Prime Minister of Canada, requesting immediate action along the lines outlined above, and indicating the City of Victoria's willingness to cooperate with those orders of government to ensure an integrated and effective response to COVID-19, including reducing economic hardship on individuals and organizations and safeguarding the economic base of the community.
 4. Direct staff to prepare bylaw amendments to allow for the temporary waiver of financial penalties for non-payment of municipal utilities fees and taxes during provincially declared emergencies.
 5. Request that the Province of British Columbia grant local governments the discretion to postpone payment of property taxes with no financial penalty in 2020 for those that meet a provincially determined threshold.
 6. Request that staff consider initiating emergency childcare services for essential services workers during the COVID19 public health emergency, either as a city-operated service or in partnership with external childcare providers.
 7. Request that the University of Victoria reconsider the displacement of students current living in student housing who have no alternate housing options.
 8. Council request that landlords not increase rents at this time of crisis and defer rents for those in need.

That this matter be forwarded to the daytime council meeting.

CARRIED UNANIMOUSLY

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the Committee of the Whole Meeting be adjourned at 11:46 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT



Committee of the Whole Report

For the Meeting of April 9, 2020

To: Committee of the Whole

Date: March 20th, 2020

From: Chris Coates, City Clerk

Subject: Short Term Rental (STR) Business License Appeal Process Policy

RECOMMENDATION

That Council approve the Short-Term Rental Business License Appeal Process Policy

EXECUTIVE SUMMARY

The City adopted the Short-term Rental Regulation Bylaw in March 2018 to license and regulate short-term rentals. Each year short-term rental operators must apply for a short-term rental business licence. If a Licence Inspector denies a business licence, the Community Charter provides that a business licence applicant has a right to have Council reconsider their application.

The enforcement approach is like other enforcement activities involving education, opportunity for voluntary compliance, and then active enforcement. The City is now at the active enforcement stage. Licence Inspectors approve licences if the application is compliant with City Bylaws and reject licences if an applicant is not compliant with City Bylaws. In the latter case, a Licence Inspector may identify an opportunity for an applicant to become compliant and receive a license.

With an increase in denied business license applications resulting from advanced enforcement activity and techniques, staff recommend that Council establish a Policy around how these requests could be considered in recognition of the potentially high number of requests.

Currently, the City does not have policy to manage an opportunity to be heard by Council for a rejected business licence application. The proposed policy would establish terms and conditions for the reconsideration by Council, required documentation to submit as a part of the appeal process, next steps following Council's decision to grant or deny an appeal, and other matters. In the event of a high number of requests for reconsideration, this process would efficiently manage requests for both the public seeking reconsideration and the City managing the requests and be consistent with legislated requirements.

PURPOSE

The purpose of this report is to seek Council direction to implement a policy that sets out a process for appealing short-term rental business license decisions.

BACKGROUND

Council adopted the Short-term Rental Regulation Bylaw, attached as Appendix A, on March 8th, 2018 to license and regulate short-term rentals in the City.

The Bylaw establishes a short-term rental business licence and fee, eligibility for short-term rental business licence, the Licence Inspector's authority to refuse a licence, conditions for refusing a licence, operating requirements, offences, and penalties.

Each year a short-term rental operator must apply for a new short-term rental business licence established by the Bylaw. An applicant submits an application and supporting documents to demonstrate that the short-term rental unit complies or continues to comply with City rules regarding eligible short-term rental units. The Bylaw sets out reasons that a Licence Inspector may refuse to issue a short-term rental business licence.

Under the Community Charter, section 60(5), business licence applicants have an opportunity to be heard by Council according to the following conditions:

If a municipal officer or employee exercises authority to grant, refuse, suspend, or cancel a business licence, the applicant or licence holder who is subject to the decision is entitled to have the council reconsider the matter.

The Short-term Rental Regulation Bylaw does not currently set out terms and conditions regarding an opportunity for applicants for a short-term rental business licence to be heard by Council. While the City set terms and conditions for an appeal process for licences issued under the Business Licence Bylaw that are rejected or revoked (attached as Appendix B), these would not apply to short-term rental business licences which are issued under the Short-term Rental Regulation Bylaw. There is no City policy that establish such an opportunity for this type of licence.

ISSUES AND ANALYSIS

Short-term rental business licences issued on or after January 16th, 2019 expired on January 15th, 2020. The City has received 646 total STR applications to date. Licence Inspectors have approved 452 STR licences and rejected 70 STR licences. 111 STR applications are pending review or inspection. Bylaw Services anticipates another possible 370 STR applications based on 2019 STR licences.

Most pending STR applications require Licence Inspectors to visit the proposed short-term rental unit to verify compliance with City bylaws. Most pending STR applications are for single-family dwellings which would not be eligible for a licence if the short-term rental rooms are part of a self-contained unit which could provide housing for a long-term tenant, as established in the Bylaw. Some applicants contend that they are not offering self-contained units and may wish to submit a request to appeal.

The City Clerk has received nine requests to appeal at this time. To manage these requests, staff suggest a policy establishing an appeal process. A policy would provide clarity for the public in terms of what and how Council will reconsider an application, as well as creating a process that is manageable and consistent for Council.

The proposed policy would establish a process for an appellant to have an opportunity to make representation to Council. This process is designed to administer a high volume of requests for reconsideration by establishing an opportunity for a written submission to Council. This process would conform to the rules of natural justice and procedural fairness.

The proposed process is outlined in detail in the draft policy (attached as Appendix C) but an overview of the process is noted below for convenience:

1. An Appellant may start an appeal by submitting a request for an appeal to the City Clerk
2. The City Clerk replies to the Appellant to acknowledge the request for an appeal and explain the appeal process.
3. An Appellant makes a written submission
4. A Licence Inspector responds to the Appellant's written submission in a written letter
5. An Appellant provides a response to a Licence Inspector's response
6. A Licence Inspector submits a report to Council
7. The City Clerk informs the Appellant of the date that Council will consider the appeal.

OPTIONS AND IMPACTS

As noted, to date nine appeal requests have been received. It is uncertain how many appeal requests will be received ultimately. There are essentially only two methods of appeal, verbal or written. Technically, as noted in this report, the matters that will come before Council are to reconsider the decision(s) of the License Inspector to reject the license application. That decision of course is based on technical information in accordance with the City's bylaws. Both the License Inspector and the person "appealing" should have an opportunity to state the basis on which the licence should or should not be issued. Council's role is to essentially put mind to those representations and either uphold or reverse the License Inspector's decision.

Option 1 - Written Submission Policy for reconsideration (*Recommended*)

Option 2 - Hearing process providing appellants the opportunity to make an in-person and a verbal representation to Council

Accessibility Impact Statement

The recommendation of a process with a written submission addresses accessibility concerns that may arise regarding attendance at a Council meeting to make an in-person and a verbal presentation at City Hall.

2015 – 2018 Strategic Plan

The recommended option has no Strategic Plan implications.

Impacts to Financial Plan

The recommended option has no financial implications. Existing staff resources would manage the requests. Impacts on staff resources will depend on the volume of requests.

Official Community Plan Consistency Statement

This issue has no specific Official Community Plan implications.

CONCLUSION

Short-term rental business licensing for 2020 is under way. Under the Community Charter, an applicant whose business licence application has been rejected has a right to have Council reconsider this decision. In order to deliver on this statutory requirement in a time-sensitive and

Respectfully submitted,

Monika Fedyczkowska
Legislative and Policy Analyst




Chris Coates
City Clerk



Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager:



Date: April 3, 2020

Attachments

Appendix A: Short-Term Rental Regulation Bylaw

Appendix B: Proposed Short-term Rental Business Licence Appeal Process Policy

**SHORT-TERM RENTAL REGULATION BYLAW
A BYLAW OF THE CITY OF VICTORIA**

The purposes of this Bylaw are to provide for the regulation of short-term rentals including vacation rentals in operators' principal residences where permitted under the Zoning Regulation Bylaw No. 80-159 and where permitted pursuant to section 528 of the *Local Government Act*.

Contents

1	Title
2	Definitions
3	Licence Required
4	Power to Refuse a Licence
5	Licence Number to be Included in Advertising
6	Responsible Person
7	Offences
8	Penalties
9	Severability
10	Transition Provisions
11	Commencement

Pursuant to its statutory powers, including section 8(6) of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "Short-Term Rental Regulation Bylaw".

Definitions

- 2 In this Bylaw

"operator" means a person who rents out, or offers for rent, any premises for short-term rental but does not include a person who acts as an intermediary between the short-term rental tenant and the person who receives the rent;

"principal residence" means the usual place where an individual makes their home;

"responsible person" means a person designated by the operator as the primary contact under section 6.

"short-term rental" means the renting of a dwelling, or any part of it, for a period of less than 30 days and includes vacation rentals;

"strata corporation", "strata council", and "strata lot" have the same meaning as in the *Strata Property Act*.

Licence Required

- 3 (1) A person must not carry on business as a short-term rental operator unless the person holds a valid licence issued under the provisions of this Bylaw and the Business Licence Bylaw.
- (2) A person applying for the issuance or renewal of a licence to operate a short-term rental must, in addition to meeting the requirements of the Business Licence Bylaw:
- (a) make an application to the Licence Inspector on the form provided for that purpose;
 - (b) pay to the City the applicable licence fee prescribed under subsection (3);
 - (c) provide, in the form satisfactory to the Licence Inspector, evidence that:
 - (i) the person owns the premises where the short-term rental will be offered, or
 - (ii) the owner of the premises where the short-term rental will be offered has consented to their use as a short-term rental;
 - (d) if the premises where the short-term rental will be offered are located within a strata lot, provide a letter from the strata council confirming that provision of short-term rental does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act; and
 - (e) provide, in the form satisfactory to the Licence Inspector,
 - (i) evidence that the premises where the short-term rental will be offered are occupied by the operator as their principal residence; or
 - (ii) provide the name and contact information for the responsible person in relation to the short-term rental premises.
- (3) The licence fee for purposes of subsection (2)(b) is:
- (a) \$150 where the short-term rental is offered in the operator's principal residence; or
 - (b) \$1,500 for all short-term rentals that do not qualify under paragraph (a).

Power to Refuse a Licence

- 4 The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,
- (a) the applicant has failed to comply with section 3; or
 - (b) the short-term rental operation would contravene a City bylaw or another enactment.

Licence Number to be Included in Advertising

- 5 A person may offer to rent premises for rent as a short-term rental only if a valid business licence number is included in any advertising, listing, or promotion material that is intended to communicate availability of the premises for short-term rental.

Responsible Person

- 6 (1) A person may only operate a short-term rental in premises other than their principal residence if they designated a responsible person who, at all times that the short-term rental is operated, has access to the premises and authority to make decisions in relation to the premises and the rental agreement.
- (2) A person may only operate a short-term rental if they ensures that the name and contact information of the responsible person is prominently displayed in the short-term rental premises at all times when the short-term rental is operated.
- (3) The operator may be the responsible person except when subsection (5) applies.
- (4) The responsible person must be able to attend at the short-term rental premises within two hours of being requested to do so.
- (5) If a person who operates a short-term rental in their principal residence is going to be away during the term of the short-term rental, they must designate a responsible person and comply with this section.

Offences

- 7 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the Offence Act if that person
- (a) contravenes a provision of this Bylaw;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.

Penalties

- 8 A person found guilty of an offence under this Bylaw is subject to a fine of not less than \$100.00 and not more than \$10,000.00 for every instance that an offence occurs or each day that it continues.

Severability

- 9 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the Bylaw and the balance of the Bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

Transition Provisions

- 10 (1) In the calendar year that this bylaw is adopted only, the fee payable under section 3 shall be prorated by 1/12 for each month in that year prior to the adoption of this bylaw, including the month the bylaw is adopted.
- (2) Any operator who, at the time of adoption of this bylaw, holds a valid licence for a short-term rental under the Business Licence Bylaw shall be credited with amount paid for that licence towards the fee payable under section 3.


Commencement

- 11 This bylaw comes into force on adoption.

READ A FIRST TIME the	22nd	day of	February	2018
READ A SECOND TIME the	22nd	day of	February	2018
READ A THIRD TIME the	22nd	day of	February	2018
ADOPTED on the	8th	day of	March	2018

"CHRIS COATES"
CITY CLERK

"LISA HELPS"
MAYOR

	COUNCIL POLICY	
	No.	Page 1 of 2
SUBJECT: Short-Term Rental Business Licence Appeal Process Policy		
PREPARED BY: Monika Fedyczkowska		
AUTHORIZED BY:		
EFFECTIVE DATE:		REVISION DATE:
REVIEW FREQUENCY:		

A. PURPOSE

The purpose of the Short-Term Rental Business Licence Appeal Process Policy [the Policy] is to establish a process for applicants for short-term rental business licences to have Council reconsider a Licence Inspector's decision to reject their application in accordance with section 60 of the Community Charter.

B. DEFINITIONS (OPTIONAL)

Appellant means "an applicant for a short term rental business licence who is appealing a decision by a Licence Inspector to Council"

City Clerk means "the City Clerk and delegates"

Council means "the Council of the City of Victoria"

Short-term Rental Business Licence means "a business licence established under the Short-term Rental Regulation Bylaw"

C. POLICY STATEMENTS

Under the Community Charter, section 60(5), if a municipal officer or employee exercises authority to grant, refuse, suspend, or cancel a business licence, the applicant or licence holder who is subject to the decision is entitled to have Council reconsider the matter.

Applicants must apply for a new short-term rental business licence each year.

D. PROCEDURES (OPTIONAL)

1. Appeal Procedure

- a. An Appellant may start an appeal by submitting a request for an appeal to the City Clerk within 30 days after receiving notice from a Licence Inspector of a decision to reject the short-term rental business licence.
- b. The City Clerk must reply to the Appellant to acknowledge the request for an appeal and explain the appeal process.
- c. An Appellant must make a written submission to the City Clerk within 14 days. A written submission may include:
 - i. Reasons that Council should grant the appeal to issue a short-term rental business licence
 - ii. Any supporting documents

- d. A Licence Inspector must submit a document to the City Clerk responding to the Appellant's written submission. The Licence Inspector's document must include:
 - i. Reasons for refusing to issue a short-term rental business licence
 - ii. Any supporting documents
- e. An Appellant must provide a written submission in response to a Licence Inspector's response to the City Clerk within 7 days
- f. A Licence Inspector must prepare a report for Council that includes:
 - i. Reference(s) to relevant City Bylaw provisions
 - ii. Direction to Council on what they should/should not consider, and
 - iii. The following documents:
 - 1. The Appellant's business licence application
 - 2. The letter from a Licence Inspector giving notice of refusal to issue a business licence
 - 3. The Appellant's request to the City Clerk to appeal the refusal
 - 4. The City Clerk's acknowledgment of the request
 - 5. The Appellant's written submission and any supporting documents
 - 6. The Licence Inspector's written response and any supporting documents
 - 7. The Appellant's written response to the Licence Inspector's response
- g. The City Clerk will inform the Appellant of the date that Council will consider the appeal.

2. Council's Decision

- a. Council may grant or deny an appeal by a majority vote.
- b. Council will provide reasons for a decision, which may be accomplished by way of the rationale by Council members during deliberation preceding a vote if not included specifically in the motion of Council.
- c. If Council grants an appeal, a Licence Inspector must issue the relevant business licence as soon as practicable.
- d. If Council denies an appeal, an Appellant may not make a new business licence application for a business for 3 months, unless Council unanimously votes to allow an Appellant to apply for a short-term rental business licence sooner than 3 months.

E. REVISION HISTORY