

REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, December 3, 2020
COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

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

Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

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- B. APPROVAL OF AGENDA
- C. READING OF MINUTES
- D. PROCLAMATIONS
 - *D.1. "National Day of Remembrance and Action on Violence Against Women" December 6, 2020

Addendum: New Item

Pending approval at the December 3, 2020 COTW meeting

E. REPORTS OF COMMITTEE

E.1. Committee of the Whole

E.1.a. Report from the November 26 COTW Meeting

Link to the November 26, 2020 COTW Agenda

- E.1.a.a. Modification of Rock Bay Stormwater Outfall License Agreement with Transport Canada
- E.1.a.b. Council Member Motion: Appointing New Members to the Victoria Welcoming Cities Task Force
- E.1.a.c. 1150 Cook Street: Development Permit with Variances Application No. 00130
- E.1.a.d. 2700 Avebury Avenue: Rezoning Application No. 0700, Development Permit Application No. 000583,

		Development Variance Permit Application No. 00230, Development Variance Permit No. 000229
	E.1.a.e.	535 Yates Street: Development Variance Permit Application No. 00240
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Program

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*E.1.b.i.	Pathway Lighting Upgrades
*E.1.b.j.	Pro Art Alliance of Greater Victoria
*E.1.b.k.	Vic West Skate Park Lighting
*E.1.b.l.	List of Significant Capital Projects
*E.1.b.m.	Re: A New Request to Recognize the Memorial Nature o Shelbourne Street
*E.1.b.n.	Mitigation Strategies and Financial Plan Bylaw

F. BYLAWS

*F.1. Bylaws for Electric Vehicle Charging User Fee

Addendum: New Item

A report recommending:

- Adoption of:
 - City Parkades Electric Vehicle Charging Fees Bylaw No. 20-032
 - Streets and Traffic Bylaw, Amendment Bylaw (No. 9) No. 20-033

The purpose of the City Parkades Electric Vehicle Charging Fees Bylaw is to establish fees for the use of electric vehicle charging stations in City owned or operated parkades and surface lots.

The purpose of the Streets and Traffic Amendment Bylaw is to delegate powers to the Director of Engineering to set fees for the use of public electric vehicle

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charging stations and designate portions of streets for electric vehicles, and update the language with respect to persons with disabilities and accessible parking permits.

*F.2. Bylaws for Parks Regulation Amendment Bylaw

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Addendum: New Item

- 1st, 2nd, and 3rd reading of:
 - Parks Regulation Bylaw, Amendment Bylaw (No. 11) No. 20-113
 - Parks Regulation Bylaw, Amendment Bylaw (No. 12)
 Amendment Bylaw No. 20-124

The purpose of this Bylaw is to amend the Parks Regulation Bylaw to temporarily prohibit any sheltering in Centennial Square.

The purpose of this Bylaw is to amend the Parks Regulation Bylaw to provide for a buffer between private or residential property and any homeless shelter erected in a park.

*F.3. Bylaws for Utility Fees

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Addendum: New Item

*F.3.a. Bylaw for Sanitary Sewer and Stormwater Utilities

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A report recommending:

- 1st, 2nd, and 3rd readings of:
 - Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 8) 10-108

The purpose of this Bylaw is to increase the stormwater user fee factor rates, CRD sewer consumption charge payable, connection fees, dye tests fees, and special fees and considerations payable under the *Sanitary Sewer and Stormwater Utilities Bylaw 14-071*.

*F.3.b. Bylaw for Waterworks Utilities

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A report recommending:

- 1st, 2nd, and 3rd readings of:
 - Waterworks Bylaw Amendment Bylaw (No. 15) 20-109

The purpose of this Bylaw is to increase the connection fees, special fees and consumption charges payable under the *Waterworks Bylaw No. 07-030*.

*F.4. Bylaw for the Five Year Financial Plan 2021

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Addendum: New Item

- 1st reading of:
 - Five Year Financial Plan Bylaw, 2021 No. 20-112

A bylaw for Council's consideration of first reading of the annual financial plan bylaw for the year 2021.

*G. REPORTS OF COMMITTEE

*G.1. Report from the December 3 COTW Meeting

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Link to the December 3, 2020 COTW Agenda

- *G.1.a. Pandemic Relief for the Vic West Lawn Bowling Club
- *G.1.b. Emergency Social Services Grant
- *G.1.c. Council Member Motion: Showers at Our Place Society

H. NEW BUSINESS

H.1. Short Term Rental Business License Appeals

- H.1.a. Short Term Rental Business License Appeal for 2-1871 Fern Street
- H.1.b. Short Term Rental Business License Appeal for 4 Gorge Road East
- H.1.c. Short Term Rental Business License Appeal for 302 Moss Street

I. CLOSED MEETING

MOTION TO CLOSE THE DECEMBER 3, 2020 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- J. APPROVAL OF CLOSED AGENDA
- K. READING OF CLOSED MINUTES
- L. UNFINISHED BUSINESS
- M. CORRESPONDENCE
- N. NEW BUSINESS
 - N.1. Legal Advice Community Charter Section 90(1)(i)
 - N.2. Employee Relations Community Charter Section 90(1)(c)
 - N.3. Employee Relations Community Charter Section 90(10(c)
 - *N.4. Employee Relations Community Charter Section 90(10(c)
- O. CONSIDERATION TO RISE & REPORT
- P. ADJOURNMENT

"NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN"

- WHEREAS December 6, 2020, is the 31st anniversary of the 1989 École Polytechnique Montreal massacre in which fourteen female engineering students were singled out for their gender and were killed; and
- **WHEREAS** in 1991 Canada's Parliament declared December 6th a National Day of Remembrance and Action on Violence Against Women; and
- the United Nations Secretary General Campaign Against Gender-Based Violence for 2020 is guided by the global theme "Orange the World: Fund, Respond, Prevent, Collect!", recognizing that as the world retreated inside homes due to the lockdown measures introduced to curb the COVID-19 pandemic, reports showed an alarming increase in the already existing pandemic of violence against women and a spike in domestic violence reporting, at exactly the time that services, including rule of law, health and shelters, are being diverted to address the pandemic, according to the Secretary-General; and
- WHEREAS each year, communities across Canada commemorate December 6th to reflect on the tragedy of the Montreal Massacre and to remember the 14 women whose lives were so brutally cut short; and
- **WHEREAS** violence against women affects every community member in Victoria whether as a survivor of domestic or other violence or as a family member, friend, neighbour, or co-worker of a survivor; and
- WHEREAS education and awareness are key to ending violence against women, and the Public Service Alliance of Canada and its Victoria Regional Women's Committee have been organizing vigils and educational programs to raise awareness about violence against women since 2009; and
- **WHEREAS** the City of Victoria continues to work towards building a society in which everyone has the right to live in conditions of safety, dignity, respect and peace.
- NOW, THEREFORE I do hereby proclaim Sunday, December 6th, 2020 as "NATIONAL DAYOF

 REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN" on the HOMELANDS
 of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF
 VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.

IN WITNESS WHEREOF, I hereunto set my hand this December 3rd, Two Thousand and Twenty.

LISA HELPS MAYOR CITY OF VICTORIA BRITISH COLUMBIA

Sponsored by: Councillor Marianne Alto and the Victoria Regional Women's Alliance of Canada (BC)

COMMITTEE OF THE WHOLE REPORT FROM THE MEETING HELD NOVEMBER 26, 2020

For the Council meeting of December 3, 2020, the Committee recommends the following:

F.2 <u>Modification of Rock Bay Stormwater Outfall License Agreement with</u> Transport Canada

That Council authorize the Mayor and City Clerk to execute the Modification of the Rock Bay Stormwater Outfall License Agreement to update the City's existing Rock Bay License Agreement with Transport Canada to include the newly installed stormwater outfall 626A at the north end of Store Street.

H.1 <u>Council Member Motion: Appointing New Members to the Victoria</u> <u>Welcoming Cities Task Force</u>

- That Council amend the Welcoming Cities Task Force terms of reference to add one representative from the Victoria Police Department and one representative from the Downtown Victoria Business Association.
- 2. That Council direct staff to recruit the above representatives and bring back to Council for approval.

E.1 <u>1150 Cook Street: Development Permit with Variances Application</u> No. 00130

Refer to staff to work with the applicant to revise the application to address:

- Areas where design guidelines setbacks are noted in the staff report
- Report back on conversations with BC Hydro on technical solutions
- Points a and c as stated in staff report
- Points b and d from the staff report
- Point e from staff report
- Point by point response to the DRA letter as it addresses issues within the applicant's control. Carried.

E.2 <u>2700 Avebury Avenue: Rezoning Application No. 0700, Development Permit Application No. 000583, Development Variance Permit Application No. 00230, Development Variance Permit No. 000229</u>

Rezoning Application No. 00700 for 2700 Avebury Avenue:

That Council decline Application No. 00700 for the property located at 2700 Avebury Avenue.

Development Permit Application No. 000583 for 2700 Avebury Avenue:

That Council decline Development Permit Application No. 000583 for the property located at 2700 Avebury Avenue.

Development Variance Permit No. 000229 - 2700 Avebury Avenue:

That Council decline application No. DVP000229 for the property located at 2700 Avebury Avenue.

Development Variance Permit No. 00230 for 2700 Avebury Avenue:

That Council decline Development Variance Permit Application No. 00230 for the property located at 2700 Avebury Avenue.

E.3 <u>535 Yates Street: Development Variance Permit Application No.</u> <u>00240</u>

That Council decline issuance of Development Variance Permit application No. 00240 for 535 Yates Street for signage located higher than the lowest sill of the second storey of the building as indicated on submitted plans (date stamped March 11, 2020).

F.1 Equity Framework: External Community Organization Engagement

That Council receive this report for information.

F.5 Emergency Management BC Funding for Showers at Our Place

That Council receive this report for information.

SPECIAL COMMITTEE OF THE WHOLE REPORT

FROM THE MEETING HELD NOVEMBER 30, 2020

2021 FINANCIAL PLAN

For the Council Meeting November 30, 2020 the Committee recommends the following:

2021 Draft Financial Plan - Department Presentations

F.1.a.b. Supplementary Requests and other Resource Requirements

Youth Strategy:

Direct staff to report back on potential funding sources for the part time Youth Strategy Assistant.

Strategic Plan Items - Appendix B

That Council direct staff to report back on the funding for a potential Governance Review

Appendix C – Financial Plans Report Back

Motion:

Electrical Kisoks

- Direct staff to report back on implications and potential funding for the allocation of up to \$10,000 to the public art creation and \$7,000 for public works labour and maintenance
- 2. Direct staff to explore BC Hydro Grant funding for electrical box beautification. The annual grants deadline is September 30.

Our Place - Extended Hours

That Council direct staff to report back on potential funding of \$50,000 for extended hours at Our Place and request the Mayor to write a letter to Island Health requesting them to provide matching funding.

South Island Prosperity Partnership

Direct staff to report back on locations and funding sources for ongoing funding.

International Decade for People of African Descent

Direct staff to report back on the implications and suggested sources for funding of up to \$70,000 for the International Decade for People of African Descent. And direct staff to report back in January 2021 on potential grant programs to carry out this work.

Motor Vehicle Act Pilot Project

Direct staff to report back on a potential funding source for \$190,000 for a 2-year term FTE to advance the Motor Vehicle Act Pilot Project.

Transit Shelters

Direct staff to report back on potential funding source to add \$20,000 for transit shelters. Carried

Appendix D - Deferred Items from 2020

Arts and Culture

That Council direct staff to report back with potential funding sources to implement the Cultural Spaces Road Map and Infrastructure Grant Fund.

Re: Indigenous Relations Function as referenced in Appendix D

Direct staff to report back on the implications and suggested funding source(s) for contracted services up to an amount of \$37,500 to investigate, research and propose options to establish an Indigenous Relations Function within the operations of the City of Victoria, with such report to be delivered in time to be considered for inclusion in the 2022 Financial Plan and report back in Jan with sources of grant funding to undertake this work.

Re: Reconciliation Dialogues as referenced in Appendix D

Direct staff to report back on the implications and suggested funding source(s) for up to \$40,000 to enable presentation of up to four (4) Reconciliation Dialogues in 2021, platform and method to be determined and report back in January with sources of grant funding to undertake this work.

Climate and Environment - Oil to Heat Pump Incentive Program

That Council direct staff to report back on a potential funding source for \$100,000 to fund the Oil to Heat Pump Incentive Program in 2021.

Banfield Park Swimming Dock

That Council direct staff to report back on a potential funding source for the Banfield Park Swimming Dock Study and the installation of a dock in time for summer 2021.

Appendix E – Additional Grant Requests

That Council direct staff to report back on a potential funding source for Victoria Heritage Foundation and the Victoria Civic Heritage Trust.

Appendix F – Positions Deferred to 2021

Pedestrian Master Plan/Sidewalk Rehabilitation Program

That Council direct staff to report back on a potential funding source for and implications of adding \$100,000 for the Pedestrian Master Plan Master Plan implementation and/or Sidewalk Rehabilitation programs. That the work align with the Equity Framework.

Our Place – Storage of Belongings

- 1. That Council direct staff to report back on a potential funding source for the Our Place Storage of Belongings costs of \$50,000.
- 2. That Council receive an annual update on the use of grant funds provided by the City.
- 3. That staff report to council with a list of grants provided to Our Place in the last five years.

Neighbourhood Association (without community centres) - Part-Time Coordinator

- That Council direct staff to report back on a potential funding source for \$20,000
 for a part-time coordinator for the Downtown Residents Association, North and
 South Jubilee, Rockland and North Park Neighbourhoods as a one-year pilot with
 a final report on the utility of the coordinator position to be provided at the end of
 the pilot.
- 2. Forward this motion to VCAN for their feedback.

Pathway Lighting Upgrades

That Council direct staff to report back on the implications and potential funding source(s) for lighting upgrades in Burnside Gorge (Galloping Goose, Burnside Bridge and Cecelia Ravine) in collaboration with the CRD where necessary, including treatments that require less infrastructure i.e solar lighting treatments.

Pro Art Alliance of Greater Victoria

That Council direct staff to report back on a potential funding source an annual grant of \$10,000 for the Pro Art Alliance of Greater Victoria to fund the City of Victoria Creative Builder Award on an ongoing basis.

Vic West Skate Park Lighting

That Council direct staff to report back with implications of adding lighting to the Vic West Skate Park.

Motion:

Direct staff to report back in January 2021 with a list of significant capital projects both included in the 2021 Financial Plan and proposed as motions during the budget process and request that Council rank the projects in order of importance.

Re: A New Request to Recognize the Memorial Nature of Shelbourne Street

Direct staff to report back on the implications and suggested funding source(s) of up to \$15,000 to create and install stone markers commemorating a Shelbourne Avenue memorial road, working in collaboration with the District of Saanich, to be installed on And direct staff to refer the matter to Fernwood N Jubilee and Oaklands Neighbourhood Associations and report back by January 15, 2021.

Mitigation Strategies and Financial Plan Bylaw

That Council:

- 1. Direct staff to incorporate the following mitigation strategies, as outlined in the November 5, 2020 Draft 2021-2025 Financial Plan report, into the Five-year Financial Plan Bylaw, 2021 to reduce the overall tax increase to \$2.5 million or 1.75%:
 - a. Service/program adjustments of \$3.9 million
 - b. Additional new property tax revenue from new development \$500,000
 - c. Portion of estimated provincial Restart Grant \$4.1 million
- 2. Direct staff to include in the 2021 Financial Plan a budget of \$1.74 million for mitigating impacts of sheltering with funding from the Restart Grant from the Province.
- 3. Direct staff to bring forward the Five-year Financial Plan Bylaw, 2021 to the December 3, 2020 daytime Council meeting for consideration of first reading.
- 4. Direct staff to bring forward bylaws outlining sewer utility and water utility user fee increases for 2021 to the December 3, 2020 daytime Council meeting for consideration of first, second and third readings.
- 5. Upon completion of public consultation, direct staff to bring forward direct-award grants and other grants as outlined in this report for consideration of approval.
- **6.** Upon completion of public consultation, consider funding additional grant requests, supplementary requests, resource requirements for financial plan motion report backs and 2021 Strategic Plan action items, and items deferred in 2020 originally funded by 2019 surplus, as determined by Council.

NO. 20-033

STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW (NO. 9)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Streets and Traffic Bylaw No. 09-079 to delegate powers to the Director of Engineering to set fees for the use of public electric vehicle charging stations and designate portions of streets for electric vehicles, and update the language with respect to persons with disabilities and accessible parking permits.

Contents

- 1 Title
- 2 Definition
- 3-10 Amendments
- 11-12 Consequential Amendments to the Ticket Bylaw and Bylaw Notice Adjudication Bylaw
- 13 Effective Date

The Council of the Corporation of the City of Victoria enacts the provisions in this Bylaw under its statutory powers, which includes the *Community Charter*, *Motor Vehicle Act*, and *Victoria City Acts*.

Title

1 This Bylaw may be cited as the "Streets and Traffic Bylaw, Amendment bylaw (No. 9)".

Definition

2 "Bylaw" means the Streets and Traffic Bylaw No. 09-079.

Amendments

- **3** The Contents section of the Bylaw is amended by:
 - (a) inserting "72A Electric vehicle charging zone" immediately after "72 Pay Station Zone"; and
 - (b) deleting the words "handicapped persons" and replacing it with "persons with disabilities" where those words appear next to section 73.
- **4** Section 4 of the Bylaw is amended by:
 - (a) inserting the following definition immediately after the definition for "car share coop vehicle":

""charging station"

means a battery charging station that is available for public use for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle;";

(b) inserting the following definition immediately after the definition for "dwelling":

""electric vehicle"

means a vehicle that operates, either partially or exclusively, on electrical energy from an off-board source that is stored on-board for motive purposes, but does not include vehicles that cannot be licensed by the Insurance Corporation of British Columbia;";

(c) inserting the following definition immediately after the definition for "electric vehicle":

""electric vehicle charging zone"

means any street or part of it that has been designated and identified for the exclusive use of electric vehicles;"; and

(d) repealing the definition of "handicapped person" and replacing it with the following definition by inserting it immediately after the definition for "pay station zone":

""person with disabilities"

means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk;";

- **5** Section 45 of the Bylaw is amended:
 - (a) in subsection (k), by deleting the words "Handicapped Persons" and replacing with "Accessible";
 - (b) in subsection (aa), by deleting the period and replacing it with a semicolon;
 - (c) by adding the following new subsection immediately after subsection (aa):
 - "(bb) Electric Vehicle Charging Zone in which charging stations for the exclusive use of electric vehicles shall be erected, maintained, and operated, prescribing fees for the use of charging stations and parking spaces in that zone, prescribing the length of time during which a charging station may be utilized or electric vehicle may be continuously parked within that zone, and prohibiting the stopping, standing or parking in that zone by other vehicles."
- The following sections of the Bylaw are amended by deleting "handicapped person" wherever it appears and replacing it with "person with disabilities":

- (a) section 51(5);
- (b) the explanatory title to section 60;
- (c) sections 60(1), (3) and (4);
- (d) the explanatory title to section 73;
- (e) sections 73(1)(a) and (b), and 73(2) to (11) inclusive; and
- (f) the introductory wording in section 78(6).
- 7 Section 60(2) of the Bylaw is amended as follows:
 - (a) in subsection (a) and (c), by deleting "a handicapped persons" and replacing with "an accessible"; and
 - (b) in subsection (b), by deleting "handicapped persons" and replacing with "accessible".
- 8 Section 72(6) of the Bylaw is repealed and replaced with the following:
 - "(6) the exemptions granted under section 73 to a person with disabilities who holds a valid and subsisting Employee Accessible Parking Permit, an Accessible Parking (Temporary) Permit or an Accessible Parking Permit are applicable to that holder when parking in Pay Station Zones under the same terms and conditions applicable to the holder under section 73."
- The Bylaw is amended by inserting the following new section immediately after section 72(10):

"Electric Vehicle Charging Zone

- 72A (1) The driver of an electric vehicle must not cause or permit the electric vehicle to park, stop or remain standing in an Electric Vehicle Charging Zone when the Zone is in effect, except for the purpose of charging the electric vehicle at a charging station for the permitted time in accordance with signs placed in or near that Zone.
 - (2) The driver of a vehicle that is not an electric vehicle must not cause or permit the vehicle to stop or remain standing within an area designated as an Electric Vehicle Charging Zone during the times when the Zone is in effect.
 - (3) The driver of an electric vehicle must immediately upon parking, connect the electric vehicle to the charging station closest to the

parking space at which the electric vehicle is parked to initiate a charging session, and pay the fee for that space and charging time at the end of the session by any method indicated in the instructions on the charging station.

- (4) No person shall use a charging station for any longer than
 - (a) the amount of time purchased for that space; and
 - (b) the limited period of time for which charging is lawfully permitted as stated on the charging station or posted sign.
- (5) No person shall tamper with, deface, damage, or destroy a charging station.
- (6) No person shall plug or unplug an electric vehicle not under their custody from a charging station.
- (7) If a person parks or charges a vehicle contrary to the provisions of this section, a separate offence is deemed to have been committed for each successive period of time during which the vehicle could have been lawfully parked during the period of time the vehicle was unlawfully parked in the parking space."
- Section 78(6)(a) of the Bylaw is amended by deleting the words "A handicapped person's" and replacing them with "An accessible".

Consequential Amendments to Ticket Bylaw and Bylaw Notice Adjudication Bylaw

The Ticket Bylaw No. 10-071 is amended in Schedule JJ on page 58, by inserting the following new rows after "Park in Tour Bus Zone":

Park in Electric Vehicle Charging Zone contrary to Streets & Traffic Bylaw	72A(1),(2), (3)	\$175.00	\$125.00
Charge electric vehicle beyond permitted time	72A(4)	\$40.00	\$20.00
Tamper/deface/damage/destroy electric vehicle charger	72A(5)	\$300.00	\$250.00
Unlawful plug/unplug electric vehicle	72A(6)	\$75.00	\$50.00

- 12 The Bylaw Notice Adjudication Bylaw No. 16-017 is amended in Schedule A by:
 - (a) inserting the following new rows immediately after "71 Parking in a metered zone":

"72A(1) Parking in an electric vehicle charging zone without charging 40 20

72A(2) Parking non electric vehicle in electric vehicle parking zone 80 50

72A(4) Charging electric vehicle beyond permitted time	40	20
72A(5) Tamper, deface, damage or destroy charging station	350	175
72A(6) Unplug or plug electric vehicle not under custody ;and	40	20"

(b) deleting the words that appear next to section 60 and replacing them with "Parking in a parking or loading zone for persons with disabilities".

Effective Date

13 This bylaw comes into force upon adoption.

R	EAD A FIRST TIME the	26 th	day of	November	2020
R	EAD A SECOND TIME the	26 th	day of	November	2020
R	EAD A THIRD TIME the	26 th	day of	November	2020
Д	DOPTED on the		day of		2020

CITY CLERK MAYOR

NO. 20-032

CITY PARKADES ELECTRIC VEHICLE CHARGING FEES BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to establish fees for the use of electric vehicle charging stations in City owned or operated parkades and surface lots.

Contents

- 1 Title
- 2 Definitions
- 3 Fees
- 4 Offence
- 5 Consequential Amendments to Ticket Bylaw and Bylaw Notice Adjudication Bylaw
- 6 Effective Date

Under its statutory powers, including section 194 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

1 This Bylaw may be cited as the "City Parkades Electric Vehicle Charging Fees Bylaw".

Definitions

2 In this Bylaw

"Bastion Square" means the parkade located at 575 Yates Street;

"Broughton Street" means the parkade located at 745 Broughton Street;

"Centennial Square" means the parkade located at 645 Fisgard Street;

"charging station" means a Level 1 or Level 2 charging station;

"electric vehicle" means a vehicle that operates, either partially or exclusively, on electrical energy from an off-board source that is stored on-board for motive purposes, but does not include vehicles that cannot be licensed by the Insurance Corporation of British Columbia:

"Johnson Street" means the parkade located at 750 Johnson Street;

"Level 1 charging station" means a battery charging station connected through a 120 volt alternating current outlet, that is available for public use in a parkade or at a surface lot for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle;

"Level 2 charging station" means a battery charging station connected through a 240 volt alternating current outlet, that is available for public use in a parkade or at a surface lot for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle:

"parkade" means a multilevel parking facility owned or managed by the City, and includes Bastion Square, Broughton Street, Centennial Square, Johnson Street, and View Street;

"Royal Athletic Park" means the surface lot located at 940 Caledonia Avenue;

"Royal Theatre" means the surface lot located at 800 Courtney Street;

"surface lot" means a single, ground level parking lot owned or managed by the City, and includes Royal Athletic Park, Royal Theatre, and Wharf Street;

"View Street" means the parkade located at 743 View Street; and

"Wharf Street" means the surface lot located at 946 Wharf Street and 814 Wharf Street.

Fees

- 3 (1) A driver of an electric vehicle who enters a City parkade or surface lot and connects the electric vehicle to a charging station shall pay the applicable fees set out in Schedule A to this Bylaw.
 - (2) Subsection (1) does not apply to officers, employees, and agents of the City operating a City owned vehicle while they are acting in the course of their duties.

Offence

- **4** (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, the Bylaw Notice Adjudication 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 day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

Consequential Amendments to Ticket Bylaw and Bylaw Notice Adjudication Bylaw

- 5 (1) The Ticket Bylaw No. 10-071 is amended:
 - (a) in the Contents section by inserting "Schedule H.1 City Parkades Electric Vehicle Charging Fees Bylaw Offences and Fines" immediately after "Schedule H- Business Licence Bylaw Offences and Fines";
 - (b) by inserting Schedule H.1, attached to this Bylaw as Appendix I, in a new page immediately after "Schedule H- Business Licence Bylaw Offences and Fines"; and
 - (c) by renumbering the pages accordingly.
 - (2) The Bylaw Notice Adjudication Bylaw No. 16-017 is amended in Schedule A by inserting the following rows immediately above "Streets and Traffic Bylaw No. 09-079" under the corresponding columns "Bylaw and Bylaw Section", "Description", "A Penalty" and "B Discount":

"City Parkade EV Charging Fees Bylaw No. 20-032

3(1) Fail to pay fee 40 20".

Effective Date

6 This Bylaw comes into force on January 1, 2021.

READ A FIRST TIME the	26 th	day of	November	2020
READ A SECOND TIME the	26 th	day of	November	2020
READ A THIRD TIME the	26 th	day of	November	2020
ADOPTED on the		day of		2020

CITY CLERK MAYOR

SCHEDULE A

Electric Vehicle Charging Station Fees

- The fee for a level 1 charging station in a parkade or on a surface lot is \$1.00 per 8 hours of use.
- The fee for a level 2 charging station in a parkade or on a surface lot is \$1.00 per hour.

Appendix I

Schedule H.1

City Parkades Electric Vehicle Charing Fees Bylaw Offences and Fines

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if
			paid within 30 days
Fail to pay fee	3(1)	\$40	\$20

NO. 20-124

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 12)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Parks Regulation Bylaw* to provide for a buffer between private or residential property and any homeless shelter erected in a park.

Contents

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including sections 8(3)(b) and (h), and 62 and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

1 This Bylaw may be cited as the "Parks Regulation Bylaw, Amendment Bylaw (No. 12)".

Amendments

- **2** Bylaw No. 07-059, the Parks Regulation Bylaw, is amended
 - (a) in section 2 by inserting, immediately before "remote controlled model aircraft", a definition of "private property line" as follows:
 - " "private property line"

means the boundary between a park and any parcel that is

- (a) owned by a person other than a local government, provincial or federal government, or their agents; or
- (b) used for residential purposes."
- (b) in section 16A(2) by
 - (i) deleting the period at the end of paragraph (b) and replacing it with a comma, and
 - (ii) adding a new paragraph (c) immediately after paragraph (b) as follows:
 - "(c) at any time within 4 metres of a private property line."

Commencement

This Bylaw comes into force on March 31, 2021.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	2020
READ A THIRD TIME the	day of	2020
ADOPTED on the	day of	2020

CITY CLERK MAYOR

NO. 20-113

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 11)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Parks Regulation Bylaw* to temporarily prohibit any sheltering in Centennial Square.

Contents

- 1 Title
- 2-3 Amendments
- 4 Commencement

Under its statutory powers, including sections 8(3)(b) and (h), and 62 and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

1 This Bylaw may be cited as the "Parks Regulation Bylaw, Amendment Bylaw (No. 11)".

Amendments

- Bylaw No. 07-059, the Parks Regulation Bylaw, is amended by renumbering clauses (xvi) and (xvii) in section 16A(2)(b) as (xvii) and (xviii) and by inserting the following as a new clause (xvi):
 - "(xvi) Centennial Square,"
- Bylaw No. 20-102, the Parks Regulation Bylaw, Amendment Bylaw (No. 10), is amended by repealing section 3 and replacing it with the following new section 3:
 - "3. (1) Section 16A(2)(b)(xvi) of the Parks Regulation Bylaw is repealed.
 - (2) Section 16B of the Parks Regulation Bylaw is repealed."

Commencement

4 This Bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	2020

READ A THIRD TIM	E the	day of		2020
ADOPTED on the		day of		2020
	CITY CLERK		MAYOR	



Council Report

For the Meeting of December 3, 2020

To: Council Date: November 27, 2020

From: Jo-Ann O'Connor, Deputy Director of Finance

Subject: 2021 Solid Waste and Utility Bylaws

RECOMMENDATION

That Council consider first, second and third readings of the below bylaws:

- Sanitary Sewer and Stormwater Utilities Bylaw Amendment Bylaw (No. 8) 20-108
- Waterworks Bylaw Amendment Bylaw (No.15) 20-109

EXECUTIVE SUMMARY

At the special Committee of the Whole meeting of November 30, 2020 Council directed staff to bring forward bylaws outlining sewer utility and water utility user fee increases for 2021 to the December 3, 2020 daytime Council meeting for consideration of first, second and third readings. Adoption of the new rate bylaws before December 31, 2020 is required in order to authorize implementation of new rates on January 1, 2021.

Attached for Council's initial consideration is a copy of the proposed bylaws mentioned above.

Each year these bylaws are brought for Council's consideration to set the fees for each of these utilities. The bylaw is amended to reflect the yearly changes.

Earlier this year, as a pandemic relief measure, Council extended due dates for utility bills to 90 days (from 45 days) by way of Utility Fees Penalty Amendment (No. 1) Bylaw No. 20-060. This bylaw will expire on December 31, 2020 and due dates for 2021 will revert to 45 days from date of billing unless a new amendment bylaw is adopted.

Respectfully submitted,

Jennifer Lockhart Manager of Revenue Jo-Ann O'Connor
Deputy Director of Finance

Susanne Thompson Deputy City Manager/CFO

Obcely Centry

Report accepted and recommended by the City Manager:

Date: December 1, 2020

List of Attachments:

Sanitary Sewer and Stormwater Utilities Bylaw Amendment Bylaw (No. 8) 20-108 Waterworks Bylaw Amendment Bylaw (No.15) 20-109

NO. 20-108

SANITARY SEWER AND STORMWATER UTILITIES BYLAW, AMENDMENT BYLAW (NO. 8)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to increase the stormwater user fee factor rates, CRD sewer consumption charge payable, connection fees, dye tests fees, and special fees and considerations payable under the *Sanitary Sewer and Stormwater Utilities Bylaw 14-071*.

Contents

- 1 Title
- 2 Section 27A
- 3 Schedule "A"
- 4 Effective date

Under its statutory powers, including section 194 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the "SANITARY SEWER AND STORMWATER UTILITIES BYLAW, AMENDMENT BYLAW NO. 8)".

Section 27A

2 Section 27A to the Sanitary Sewer and Stormwater Utilities Bylaw 14-071 is amended by repealing the existing Section 27A and replacing it with the updated Section 27A to this bylaw amendment.

Schedule "A"

3 Schedule "A" to the Sanitary Sewer and Stormwater Utilities Bylaw 14-071 is amended by repealing the existing Schedule "A" and replacing it with the updated Schedule "A" to this bylaw amendment.

Effective date

4 This Bylaw comes into force on January 1, 2021.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	2020
READ A THIRD TIME the	day of	2020
ADOPTED on the	day of	2020

CITY CLERK MAYOR

27A. CRD Sewer Consumption Charge

(1) Pursuant to the powers of the City under the Additional Powers Regulation, B.C. Reg. 236/2002, a rate of \$4.23 for the months of June through September and a rate of \$6.04 for all other months multiplied by the number of units of water used at the owner's premises must be paid by each owner in respect of a portion of the annual operating costs and debt costs of the Capital Regional District Liquid Waste Management Core Area and Western Communities Service that are payable by the City.

SCHEDULE "A"

FEES AND CHARGES

1. Sanitary Sewer Use Charge

1 The sanitary sewer use charge for each unit of water used for the months of June through September is \$1.62 and for all other months is \$2.31.

2. Sanitary Sewer Service and Stormwater Service Connection Fees

1 – 100 mm	\$8800
2 – 100 mm (in same trench)	\$11800
1 – 150 mm	at cost
2 – 150 mm (in same trench)	at cost
1 – 200 mm	at cost
1 – 150 / 1 - 200 mm (in same trench)	at cost
1 – 150 / 1 – 100 mm (in same trench)	at cost
1 – 250 mm	at cost
2 – 200 mm	at cost

3. Hub Connection Fees

\$1000 / hub connection

4. Dye Tests

\$200 for one visit to a single location or site, to a maximum of one hour

5. Sewer Service Connection Test for Reuse or Abandonment

4 service connections or fewer	\$250/visit/site
Each additional service connection	\$100/visit/site

6. Sewer Service Connection Rehabilitation

1 – 100 mm	\$ 3500
1 – 150 mm	\$ 4000

7. Sealing a Discontinued Sewer Service Connection

\$1000 per service

8. Special Fees and Considerations

All connection fees are for an application for a service connection to a single property unless otherwise stated. Service connection configurations not covered in this Schedule are subject to the Director's approval, and will be charged for "at cost".

Service connection fees under section 3 of this Schedule A include rock removal up to a depth of 1.0 m. All additional rock removal costs shall be paid by the applicant at cost.

At cost service connections must pay for all rock removal on an at cost basis. The estimated cost of rock removal shall be determined at the time rock is encountered. These costs must be paid by the applicant prior to the City continuing the installation.

All service connections larger than 100 mm, and all connections installed on Arterial Roads or within the Downtown Core: at cost

All service connections that are requested to be installed outside normal working hours, where approved by the Director will be billed for at cost.

If the applicant is performing their own restoration on their property frontage in the area of a new service installation, at their cost, the Director will allow a rebate of \$200 per service trench.

9. Contaminated Soil

Where the removal of contaminated soil is required it shall be done at cost.

10. Archaeological Site

Costs associated with working in vicinity of an archaeological site shall be done at cost.

11. Administrative Charges

Where work is performed at cost an administrative charge of 18% must be calculated and added to the "at cost" total.

12. Stormwater User Fees

The stormwater user fee payable by an owner shall be determined by applying and totaling the four factors in the Stormwater User Fee Calculation Table below.

Stormwater User Fee Calculation Table

STORMWATER USER FEE CALCULATION TABLE		
1.A IMPERVIOUS SURFACES FACTOR		
	Eag (par sa motor)	
	Fee (per sq meter) \$0.6788	
	Ψοιοτου	
2.A STREET/SIDEWALK CLEANING FACTOR		
	Fee (per meter)	
Local	\$1.75	
Collector	\$3.74	
Arterial	\$4.19	
Downtown L	\$41.43	
2.B INTENSITY CODE FACTOR		
	Fee (per property)	
Low Density Residential	\$0.00	
Multi Family Residential	\$83.07	
Civic/Institutional	\$72.11	
Commercial/Industrial	\$142.69	
2.C CODES OF PRACTICE FACTOR		
	Fee (per property)	
Required to register under Stormwater Code of		
Practice Schedule E	\$96.07	

11. Rainwater Management Credit Program

(a) Educational Programs

Except for a property that is used as a school, in order to qualify for a rainwater management credit an educational program for a Civic/Institutional or Commercial/Industrial property must relate to, describe and inform either the owner's employees or members of the public about a stormwater management facility that has been approved under the Rainwater Management Credit Program, that is located on the property, and that is functional and in good working condition. A qualifying educational program may include or consist of signs, brochures, or other graphic or printed information that is located in a prominent location on the property.

For a property that is used as a school, in order to qualify for a rainwater management credit an educational program must be included in the regular curriculum and form part of the regular teaching program for the school.

(b) Calculation of Credits

Where the owner of premises applies for participation in the rainwater management credit program, and the application is approved by the Director, a percentage credit for each approved credit type will be applied to the stormwater user fee in the amount(s) set out in the following tables.

Rainwater Management Credit Table – Low Density Residential Properties

Rainwater Best Management Practice (BMP)	Minimum Size	Min. Roof Area (m²) directed to BMP	Ongoing Credit
Cistern	1200L	25	10%
Infiltration Chamber		25	10%
Rain Garden		25	10%
Bioswale		25	10%
Permeable paving - no infiltration trench/piping	10 m ²		10%
Permeable paving - infiltration trench/piping		25	10%

Rainwater Management Credit Table – Multi-Family Residential, Civic/Institutional and Commercial/Industrial Properties

	Minimum Impervious Area	
	Treated (%)	Credit (%)
	10	4
	15	7
	20	9
	25	11
	30	13
	35	16
	40	18
Infiltration Chamber / Rain Garden /	45	20
Bioswale/ Permeable Pavement / Cisterns Plumbed for Indoors /	50	22
Intensive Green Roofs	55	24
intensive Green Resid	60	27
	65	29
	70	31
	75	33
	80	36
	85	38
	90	40
	Minimum	
	Impervious Area	2 114 (0/)
	Impervious Area Treated (%)	Credit (%)
	Impervious Area Treated (%)	2
	Impervious Area Treated (%) 10 15	2 3
	Impervious Area Treated (%) 10 15 20	2 3 4
	Impervious Area Treated (%) 10 15 20 25	2 3 4 6
	Impervious Area Treated (%) 10 15 20 25 30	2 3 4 6 7
	Impervious Area Treated (%) 10 15 20 25 30 35	2 3 4 6 7 8
	Impervious Area Treated (%) 10 15 20 25 30 35 40	2 3 4 6 7 8 9
Ciatawa Hand Has	Impervious Area Treated (%) 10 15 20 25 30 35 40 45	2 3 4 6 7 8 9
Cisterns- Hand Use	Impervious Area Treated (%) 10 15 20 25 30 35 40 45 50	2 3 4 6 7 8 9 10
Cisterns- Hand Use	Impervious Area Treated (%) 10 15 20 25 30 35 40 45 50 55	2 3 4 6 7 8 9 10 11
Cisterns- Hand Use	Impervious Area Treated (%) 10 15 20 25 30 35 40 45 50 55 60	2 3 4 6 7 8 9 10 11 12 13
Cisterns- Hand Use	Impervious Area Treated (%) 10 15 20 25 30 35 40 45 50 60 65	2 3 4 6 7 8 9 10 11 12 13
Cisterns- Hand Use	Impervious Area Treated (%) 10 15 20 25 30 35 40 45 50 60 65	2 3 4 6 7 8 9 10 11 12 13 14
Cisterns- Hand Use	Impervious Area Treated (%) 10 15 20 25 30 35 40 45 50 55 60 65 70	2 3 4 6 7 8 9 10 11 12 13 14 16 17
Cisterns- Hand Use	Impervious Area Treated (%) 10 15 20 25 30 35 40 45 50 60 65 70 75 80	2 3 4 6 7 8 9 10 11 12 13 14 16 17
Cisterns- Hand Use	Impervious Area Treated (%) 10 15 20 25 30 35 40 45 50 55 60 65 70	2 3 4 6 7 8 9 10 11 12 13 14 16 17

	Minimum Impervious Area Treated (%)	Credit (%)
	10	3
	15	5
	20	7
	25	8
	30	10
	35	12
	40	13
Cistorns Irrigation System/ Extensive	45	15
Cisterns - Irrigation System/ Extensive Green Roof	50	17
Orcen Room	55	18
	60	20
	65	22
	70	23
	75	25
	80	27
	85	28
	90	30

(c) BMP (Design and Construction Requirements) Table

The following table sets out additional requirements for the design and construction of stormwater retention and water quality facilities.

		Tier A	Tier B, C & D
ВМР	DIY Build	Contractor Build	Contractor Build
Rain Barrel	1	1	N/A
Cisterns - at grade	1	1	2
Cisterns - below grade	3	3	3
Cisterns - above grade	3	3	3
Rain Gardens	1	1	2
Bio Swales	1	1	2
Green Roof	N/A	3	3
Permeable Paving without			
Infiltration Trench/piping	1	1	2
Permeable Paving with			
Infiltration Trench/piping	2	1	3
Infiltration Chamber	3	3	3

- 1 Design and construction must follow City standards and specifications.
- 2 Design and construction must follow City standards and specifications. Must be designed and installed under the supervision of a Qualified Designer.
- 3 Design and construction must follow City standards and specifications. Must be designed and installed under the supervision of a Qualified Professional. Green Roofs must be designed by and installed under the supervision of a Qualified Professional who is a professional architect or structural engineer

Inspections as required at specified intervals.

DIY Build - Owner is responsible for construction methods and adhering to design.

Failure to do so may result in rejection at owner's expense. City assumes no responsibility for rejection or liability for damages.

In the table above:

- (a) "Tier A", "Tier B", "Tier C" and "Tier D" mean, respectively, properties that are classified under section 28(4) of this bylaw as Low Density Residential, Multi-Family Residential, Civic/Industrial and Commercial/Industrial.
- (b) "DIY Build" means that the owner of Low Density Residential property constructs or installs the stormwater retention and water quality facility themselves, without the assistance of a contractor.

NO. 20-109

WATERWORKS BYLAW, AMENDMENT BYLAW (NO. 15)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to increase the connection fees, special fees and consumption charges payable under the *Waterworks Bylaw No. 07-030*.

Contents

- 1 Title
- 2 Schedule "A"
- 3 Effective date

Under its statutory powers, including section 194 of the *Community Charter* and the *Local Government Act Additional Powers Regulation*, the Council of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

1 This Bylaw may be cited as the "WATERWORKS BYLAW, AMENDMENT BYLAW (NO. 15)".

Schedule "A"

2 Schedule "A" to the Waterworks Bylaw No. 07-030 is amended by repealing the existing Schedule "A" and replacing it with the updated Schedule "A" to this bylaw amendment.

Effective date

This Bylaw comes into force on January 1, 2021.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	2020
READ A THIRD TIME the	day of	2020
ADOPTED on the	day of	2020

CITY CLERK MAYOR

Schedule A

Fees

1. Connection fee for any water service, other than a fire line:

Size of Connection or Meter Con	nection Charge
18 mm	\$6,300.00
25 mm	6,500.00
40 mm	at cost
50 mm	at cost
75 mm	at cost
100 mm	at cost
150 mm	at cost
200 mm and greater	at cost
For duplexes only, 2-18mm (in the same trench)	at cost
For duplexes only, 2-25 mm (in the same trench)) at cost
Cap water service, 12mm to 25 mm	at cost
Cap water service, 40mm and greater	at cost

Special fees:

- (a) To upgrade a meter, outlet pipe, and accessories under s. 8(4) of the Waterworks Bylaw: \$500.00
- (b) Service pipe installations on Arterial Roads or within the Downtown Area: an additional at cost per trench.
- (c) Service Pipe that is requested to be installed outside normal working hours, where approved by the Director: at cost.
- (d) Temporary water connection: \$400.00.
- (e) Fire hydrant connection fee: \$100.00 per fire hydrant per day.
- (f) New fire hydrants that are installed at the request of an applicant: at cost.

2. Connection fee for a fire line:

Size of Connection or Meter	Connection Charge
100 mm	at cost
150 mm	at cost
200 mm and greater	at cost

3. Consumption charge

Consumption charge for each unit of water used: \$4.39

4. Service charge

(a) 4-month service charge:

Size of Connection	<u>Service Charge</u>
12 mm	\$34.57
18 mm	\$39.23
25 mm	\$57.50
40 mm	\$71.88
50 mm	\$114.60
75 mm	\$215.52
100 mm	\$344.43
150 mm	\$644.18
200 mm	\$1,431.05

5. Fire Hydrant charge

(a) Esquimalt: \$4.00 monthly for each hydrant

(b) Non-municipal purposes: \$4.00 monthly for each hydrant.

6. Administrative Charges

Where work is performed "at cost" an administrative charge of 18% must be calculated and added to the "at cost" total.

7. Water Meter Activation/Deactivation Fee

To have an authorized person attend at a water meter pursuant to section 7A (5): \$40.

NO. 20-112

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to adopt the annual financial plan for the year 2021.

Under its statutory powers, including section 165 of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

- 1. This Bylaw may be cited as the "FIVE YEAR FINANCIAL PLAN BYLAW, 2021."
- 2. Schedules 1 to 5 attached hereto and forming part of this Bylaw are adopted as the five year Financial Plan of the Corporation of the City of Victoria.
- 3. The Director of Finance is authorized to pay out in accordance with the Bylaws of the City, the sums of money shown in Schedule 2 and Schedule 4 for the year 2021, for the purpose described in each category.
- 4. All cheques drawn on the bank for payment of funds belonging to the City must be signed by the Director of Finance and countersigned by the Mayor before being issued.
- 5. All payments already made from municipal revenues for the current year are ratified and confirmed.
- 6. The Five Year Financial Plan Bylaw No. 19-112 is repealed.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED the	day of	2021

CITY CLERK MAYOR

Bylaw No. 20-112 Schedule 1 - December 3, 2020 City of Victoria

2021 - 2025 Operating Financial Plan

			Draft 2021	Draft 2022	Draft 2023	Draft 2024	Draft 2025
REVENUES							
	Property Value Taxes		145,838,210	160,310,060	164,562,960	168,881,790	174,015,010
	Property Value Taxes from New Assessments		998,500	0	0	0	0
	Parcel Taxes		1,405,200	1,405,200	1,395,200	1,395,200	1,395,200
	Special Assessments		1,329,000	1,329,000	1,329,000	1,329,000	1,329,000
	Grants in Lieu of Taxes		6,474,100	6,474,100	6,474,100	6,474,100	6,474,100
	User Fees and Charges		5,071,100	6,062,930	6,171,610	6,282,460	6,395,570
	Permits and Licences		5,089,500	5,101,470	5,113,690	5,126,140	5,138,840
	Parking Services		14,846,800	15,053,880	15,265,100	15,480,530	15,700,280
	Water Utility Fees and Charges		22,197,710	22,975,570	23,741,530	24,313,110	24,903,350
	Sewer Utility Fees and Charges		7,349,430	7,615,920	7,930,550	8,153,650	8,379,400
	Stormwater Utility Fees and Charges		5,670,350	5,877,760	6,106,980	6,345,190	6,591,300
	Other Sources	_	38,451,600	33,811,120	34,598,060	35,076,700	34,966,440
TRANSFERS FROM			254,721,500	266,017,010	272,688,780	278,857,870	285,288,490
	Accumulated Surplus Reserves						-
		Art in Public Places	150,000	150,000	150,000	150,000	150,000
		Financial Stability	560,100	288,000	_	-	-
		Tree Replacement Reserve	82,290	65,440	66,360	75,310	49,020
		Climate Action Reserve	321,600	119,300	-	-	-
		City Vehicle & Heavy Equip	-	-	-	-	-
		Police Emergency Respon	32,000	32,640	33,290	33,960	34,640
			1,145,990	655,380	249,650	259,270	233,660
Total Operating Rever	nue per Bylaw	- -	\$ 255,867,490	\$ 266,672,390	\$ 272,938,430	\$ 279,117,140 \$	285,522,150

Bylaw No. 20-112 Schedule 2 - December 3, 2020 City of Victoria 2021 - 2025 Operating Financial Plan

	Draft 2021	Draft 2022	Draft 2023	Draft 2024	Draft 2025
EXPENDITURES					_
General Government	39,194,280	41,553,340	42,248,130	43,301,580	44,422,110
Police	59,611,130	62,096,430	63,619,920	65,186,910	66,793,770
Victoria Fire Department	17,886,250	17,877,730	17,930,230	17,979,750	18,032,410
Engineering and Public Works	21,333,320	21,446,500	21,797,090	22,186,890	22,638,990
Sustainable Planning and Community Development	6,061,990	6,182,340	6,245,600	6,370,260	6,497,350
Parks, Recreation and Facilities	23,607,040	24,991,000	25,492,580	26,004,960	26,528,830
Greater Victoria Public Library	5,566,000	5,677,320	5,790,860	5,906,670	6,024,800
Victoria Conference Centre	4,072,100	4,458,100	4,545,760	4,635,130	4,726,370
Water Utility	16,584,710	16,907,570	17,237,530	17,574,110	17,917,350
Sewer Utility	4,017,430	4,090,920	4,166,550	4,243,650	4,322,400
Stormwater Utility	3,695,860	3,769,800	3,845,080	3,921,890	4,000,150
otoriii da otiinty	201,630,110	209,051,050	212,919,330	217,311,800	221,904,530
DEBT SERVICING	201,000,110	200,001,000	212,010,000	217,011,000	221,001,000
Principal and Interest - General	5,020,580	5,020,580	4,693,940	4,655,240	4,444,740
Principal and Interest - Parking Services	613,690	613,690	589,840	455,850	312,420
-	5,634,270	5,634,270	5,283,780	5,111,090	4,757,160
TRANSFERS TO					
Capital Funds					
General	11,640,000	12,140,000	12,640,000	13,140,000	13,640,000
Water Utility	3,843,000	4,298,000	4,734,000	4,969,000	5,216,000
Sewer Utility	3,721,000	3,914,000	4,153,000	4,299,000	4,446,000
Stormwater Utility	4,527,510	4,714,040	4,922,100	5,138,700	5,362,850
Reserves					
Equipment and Infrastructure					
City Equipment	957,580	957,580	957,580	957,580	957,580
City Vehicles and Heavy Equipment	1,191,190	1,191,190	1,191,190	1,191,190	1,191,190
City Buildings and Infrastructure	5,369,730	6,057,470	6,630,740	7,142,900	7,655,270
Parking Services Equipment and Infrastructure	3,550,000	3,659,970	3,795,870	4,044,170	4,304,240
Multipurpose Arena Facility Equipment and Infrastructure		144,840	147,740	150,690	153,710
Gas Tax	3,832,000	3,832,000	3,997,000	3,997,000	3,997,000
Police Vehicles, Equipment and Infrastructure	1,065,000	1,116,800	1,171,160	1,228,220	1,288,110
Water Utility Equipment and Infrastructure	1,770,000	1,770,000	1,770,000	1,770,000	1,770,000
Sewer Utility Equipment and Infrastructure	400,000	400,000	400,000	400,000	400,000
Stormwater Utility Equipment and Infrastructure	100,000	100,000	100,000	100,000	100,000
Recreation Facilities Equipment and Infrastructure	28,300	28,300	28,300	28,300	28,300
Financial Stability	5,152,370	6,347,370	6,779,010	6,817,710	7,028,210
Tax Sale Lands	50,000	50,000	50,000	50,000	50,000
Victoria Housing	650,000	650,000	650,000	650,000	650,000
Art in Public Places	150,000	150,000	150,000	150,000	150,000
Climate Action	363,960	366,040	368,160	370,320	372,530
Artificial Turf	99,470	99,470	99,470	99,470	99,470
	48,603,110	51,987,070	54,735,320	56,694,250	58,860,460
Total Operating Expenses per Bylaw	\$ 255,867,490	\$ 266,672,390	\$ 272,938,430	\$ 279,117,140	\$ 285,522,150

Bylaw No. 20-112 Schedule 3 - December 3, 2021 City of Victoria 2021 - 2025 Capital Plan

		Draft	Draft	Draft	 Draft	Draft
		2021	2022	2023	2024	2025
REVENUES						
	Utility Connection Fees	\$ 1,150,000	\$ 1,150,000 \$	1,150,000	\$ 1,150,000 \$	1,150,000
	Grants and Partnerships	\$ 2,169,000	\$ 1,819,000 \$	1,884,000	\$ 1,951,000 \$	2,021,000
TRANSFERS	FROM					
Operating F	unds					
	General	8,289,000	11,479,000	12,640,000	13,140,000	13,640,000
	Water Utility	3,843,000	4,298,000	4,734,000	4,969,000	5,216,000
	Sewer Utility	3,721,000	3,914,000	4,153,000	4,299,000	4,446,000
	Stormwater Utility	3,201,000	3,361,000	3,542,000	3,731,000	3,927,000
Reserves						
	Equipment and Infrastructure					
	City Equipment	2,271,000	1,113,000	1,017,000	918,000	965,000
	City Vehicles and Heavy Equipment	2,209,000	832,000	832,000	832,000	638,000
	City Buildings and Infrastructure	10,791,000	4,535,000	2,066,000	1,304,000	805,000
	Accessibility Capital Reserve	17,000	-	-	-	-
	Debt Reduction Reserve	-	33,727,000	-	-	-
	Parking Services Equipment and Infrastructure	265,000	270,000	275,000	281,000	1,087,000
	Gas Tax	6,702,000	2,190,000	2,234,000	2,279,000	2,325,000
	Police Vehicles, Equipment and Infrastructure	1,546,000	1,444,000	1,357,000	1,400,000	1,411,000
	Water Utility Reserve	453,000	212,000	-	250,000	-
	Sewer Utility Reserve	587,000	1,687,000	1,920,000	1,755,000	1,850,000
	Stormwater Utility Reserve	422,000	237,000	214,000	191,000	169,000
	Multipurpose Arena Equipment and Infrastructure	25,000	-	-	-	-
	Parks Furnishing Reserve	32,000	32,000	32,000	32,000	32,000
	Artificial Turf Reserve	1,200,000	-	-	-	-
	Development Cost Charges	3,980,000	-	-	-	-
		\$ 52,873,000	\$ 72,300,000 \$	38,050,000	\$ 38,482,000 \$	39,682,000

Bylaw No. 20-112 Schedule 4 - December 3, 2021 City of Victoria 2021 - 2025 Capital Plan

		Draft 2021	Draft 2022	Draft 2023	Draft 2024	Draft 2025
EXPENDITURES						
Capital Equipment		\$ 4,702,000 \$	2,777,000 \$	2,673,000 \$	2,701,000 \$	3,374,000
Capital Programs an	nd Projects					
-	Active Transportation	7,757,000	1,206,000	874,000	892,000	910,000
	Complete Streets	5,797,000	6,603,000	8,209,000	8,067,000	8,228,000
	Neighbourhoods	45,000	-	-	-	-
	Parks	5,775,000	1,914,000	656,000	668,000	682,000
	Street Infrastructure	2,787,000	1,386,000	1,203,000	1,227,000	1,264,000
	Facilities	1,397,000	36,273,000	1,382,000	1,049,000	769,000
	Sanitary Sewers	6,588,000	6,784,000	7,274,000	7,273,000	7,533,000
	Stormwater	8,151,000	6,303,000	6,516,000	6,738,000	6,970,000
	Waterworks	5,884,000	5,781,000	6,041,000	6,564,000	6,601,000
	Contingency	350,000	357,000	364,000	371,000	378,000
	Police	1,546,000	1,444,000	1,357,000	1,400,000	1,411,000
	Safety	1,294,000	1,217,000	1,241,000	1,267,000	1,292,000
	Structures	 800,000	255,000	260,000	265,000	270,000
		\$ 52,873,000 \$	72,300,000 \$	38,050,000 \$	38,482,000 \$	39,682,000

Bylaw No. 20-112 Schedule 5 – December 3, 2021 Financial Plan Objectives and Policies

Revenue and Tax Policy

Purpose

The purpose of the Revenue and Tax Policy is to outline the proportions of revenue sources, the distribution of property taxes among property classes and the use of permissive property tax exemptions.

Objectives

- To provide taxpayers with stable, equitable and affordable property taxation while at the same time providing high quality services.
- To support the OCP and other City plans as well as complement the Regional Context Statement.

Policies

1. Revenue Proportions by Funding Sources

Property taxes are the main source of revenue for the City and pay for services such as police and fire protection, bylaw enforcement, and infrastructure maintenance. Property taxes provide a stable and consistent source of revenue for services that are difficult or undesirable to fund on a user pay basis. Therefore, property taxes will continue to be the City's major source of revenue.

However, it is the City's desire to charge user fees where feasible. Some programs, such as recreation, are partially funded by user fees. The City also has several self-financed programs that are fully funded by user fees. These include Water Utility, Sewer Utility, Stormwater Utility, and Garbage Utility.

Policy 1.0

User pay funding will be used for such services that are practical and desirable to fund on a user pay basis.

Services that are undesirable or impractical to fund on a user pay basis will be funded by property taxes.

Policy 1.1The City will continue to explore alternative revenue sources to diversify its revenue base.

2021 Revenue Proportions by Funding Source

Permits and Licences Parking Services	5,089,500 14,846,800	2.00% 5.83%
Permits and Licences		
User Fees and Charges	5,071,100	1.99%
Special Assessments Grants in Lieu Taxes	1,329,000 6,474,100	0.52% 2.54%
Parcel Taxes	1,405,200	0.55%
Property Value Taxes	146,836,710	Revenue 57.65%
Revenue Source		% Tot

2. Distribution of Property Taxes Among Property Classes

Market value changes that result in uneven assessment changes between property classes result in a tax burden shift to the class experiencing greater market value increases unless tax ratios are modified to mitigate the shift.

Until 2007, it was Council's practice to modify tax ratios to avoid such shifts. This equalization practice provided an effective tax increase that was equal for all classes. It is important to be aware that this practice only avoids shifts *between* property classes. There is still a potential for shifts within a property class where one property has experienced a market value change that is greater than the average for that class.

However, starting in 2007, business and industrial tax ratios have been held constant in recognition of the larger tax burden that has been placed on those classes. This resulted in higher tax increases being passed on to the residential class compared to business and industrial.

The pressure continues across the country to reduce the tax burden on the business and industrial classes. In recognition of this, and the desire to support a healthy business environment, Council's goal is to have a business class tax burden that is equitable.

In 2012, a comprehensive review of the Revenue and Tax Policy was conducted to determine if Council's objective of reducing the tax burden on the business class was appropriate and if so, that the mechanism of achieving the objective (reduction of tax ratio) was the most effective mechanism to achieve the goal. The review concluded that additional relief for the business tax class was warranted. However, the tax ratio was not the best mechanism of achieving that goal. As a result, Council approved the following policy objective: To reduce the business property tax class share of the total property tax levy to 48% over three years (2012-2014). The redistribution excludes impact of new assessment revenue. The total redistribution of the tax levy was \$1.51 million.

In 2015, an updated review was completed and based on the findings, policy 2.0 was amended to maintain the current share of taxes among tax classes.

Policy 2.0

Maintain the current share of distribution of property taxes among property classes, excluding the impact of new assessment revenue, by allocating tax increases equally. Business and industrial classes will be grouped as outlined in Policy 2.1.

Policy 2.1

Tax rates for the light and major industrial tax classes will be equal to the business tax rate to support the City's desire to retain industrial businesses.

Policy 2.2

Farm Tax Rates will be set at a rate so taxes paid by properties achieving farm status will be comparable to what the property would have paid if it were assessed as residential.

3. Use of Permissive Property Tax Exemptions

The City continues to support local non-profit organizations through permissive tax exemptions. Each year, a list of these exemptions is included in the City's Annual Report.

In addition, the City offers a Tax Incentive Program to eligible owners of downtown heritage designated buildings to offset seismic upgrading costs for the purposes of residential conversion of existing upper storeys. The exemptions are for a period up to ten years.

The City encourages redevelopment of lands within the City and the use of environmentally sustainable energy systems for those developments through revitalization property tax exemptions.

Policy 3.0

Permissive property tax exemptions are governed by the City's Permissive Property Tax Exemption Policy, which outlines the criteria for which property tax exemptions may be granted.

Policy 3.1

Heritage property tax exemptions are governed by the City's Heritage Tax Incentive Program.

Policy 3.2

Revitalization property tax exemptions are governed by the City's Revitalization Tax Exemption (Green Power Facilities) bylaw.

COMMITTEE OF THE WHOLE REPORT FROM THE MEETING HELD DECEMBER 3, 2020

For the Council meeting of December 3, 2020, the Committee recommends the following:

E.1.c.a Pandemic Relief for the Vic West Lawn Bowling Club

That Council approve the following expenditures through either cash or in-kind grants to the Vic West Lawn Bowling Club:

- 1. \$1000 To cover the portion of Vic West Lawn Bowling Club's water bills for the bowling green (not the clubhouse) for 2020 and first half of 2021
- 2. \$500 for sand to maintain the lawn bowling green
- 3. That a letter be sent to the Parks and Recreation Foundation thanking them for their support

E.1.c.b. Emergency Social Services Grant

That Council fund The Salvation Army Addictions and Rehabilitation Centre, Shower Power, \$86,520, and that Council request that The Salvation Army provide a monthly report to staff on the number of days, hours, showers, and a list of parks attended, and the future use of the portable shower.

That Council approve \$6,500 for the James Bay United Church Community Care Tent.

Forward the remaining applications to the Capital Regional District Reaching Home Program for consideration.

That Council allocate \$22,400 to the Umbrella Society.

E.1.c.c Council Member Motion: Showers at Our Place Society

That the City contribute \$2850 per month between December and March to be funded by the federal-provincial Restart to partner with Island Health, BC Housing and United Way to provide extended hours for shower use.



Council Report

For the Meeting December 3, 2020

To: Council Date: November 16, 2020

From: Chris Coates, City Clerk

Subject: Short Term Rental Business License Appeal for 2-1871 Fern Street

RECOMMENDATION

That Council receive this report for information and either uphold or overturn the License Inspector's denial of a business license for the short-term rental unit at 2-1871 Fern Street.

EXECUTIVE SUMMARY

This report presents documents from an Appellant and the City's Licence Inspector for Council's consideration under the Short-term Business Licence Appeal Process Policy.

The Short-term Rental Regulation 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. The Bylaw is attached as Appendix A.

Each year short-term rental operators apply for a short-term rental business licence and a Licence Inspector determines whether to issue a licence or not. If an application is not compliant with the City's requirements for short-term rental units, a Licence Inspector may deny a business licence. In this instance, the Licence Inspector notifies the applicant of this decision and advises them how to seek Council's reconsideration as established under section 60(5) of the Community Charter. The City Clerk's Office coordinates the appeal process.

The Short-term Business Licence Appeal Process Policy contains for a process for an Appellant to seek an opportunity to be heard by Council for a denied business licence in accordance with the Community Charter, section 60(5). The Policy is attached as Appendix B. This policy establishes terms and conditions for reconsideration by Council, required documentation to submit as a part of the appeal process, next steps following Council's decision, and other matters.

The Policy establishes the following process:

- 1. An applicant may start an appeal by submitting a request to the City Clerk
- 2. The City Clerk replies to an Appellant to acknowledge the request
- 3. An Appellant makes a written submission (Appendix C)
- 4. The Licence Inspector makes a written submission in response to the Appellant (Appendix D)

- 5. An Appellant may also make a written submission in response to the Licence Inspectors reasons for denial of the License. (Appendix E).
- 6. Once this process is complete, the City Clerk's Office informs the Appellant and Licence Inspector of the date that Council will consider the appeal
- 7. The City Clerk's Office consolidates these documents and submits them to Council for Council to determine whether the License Inspector's denial of the License is upheld or overturned.

Council's role is to review this information and to either grant or deny an appeal. Denying an appeal means a Licence Inspector will not issue a short-term rental business licence. Granting an appeal means that the Licence Inspector will issue a short-term rental business licence as soon as practicable.

In this instance the operator at 2-1871 Fern Street of a short-term rental unit was denied a license and has exercised the Community Charter right to have Council reconsider the matter. The submissions of both the operator and the License Inspector are attached as appendices as noted above.

Respectfully submitted,

Chris Coates City Clerk

Report accepted and recommended by the City Manager:

Date: November 26, 2020

Attachments

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

Appendix C: Appellant's Submission

Appendix D: Licence Inspector's Response to Appellant's Submission

Appendix E: Appellant's Final Response

Appendix F: Licence Inspector's Report Submission

Date: November 16, 2020

NO. 18-036

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 renal 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

- 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

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 be 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

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

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

"CHRIS COATES"
CITY CLERK

"LISA HELPS" MAYOR



COUNCIL POLICY

No.1

Page 1 of 2

SUBJECT:	Short-Term Rental Bu	siness Licence Appeal Process Policy
PREPARED BY:	Monika Fedyczkowsk	a
AUTHORIZED BY:	Council	
EFFECTIVE DATE:	April 23, 2020	REVISION DATE:
REVIEW FREQUENCY:	Every 3 years	

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**

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

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



Council Policy Short-Term Rental Business Licence Appeal Process Policy

Page 2 of 2

- 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

Madison Heiser

From: Madison Heiser

Sent: Wednesday, March 11, 2020 12:48 PM

To: Madison Heiser

Subject: STR Licence Refusal - Process to Appeal

From: Kaila Pilecki

Sent: March 4, 2020 3:05 PM

To: Christine Havelka **Cc:** Scott Pilecki

Subject: Re: STR Licence Refusal - Process to Appeal

Hi Christine,

Thank you for your email.

I am writing to appeal the notice I received on February 14, 2020 regarding my short-term rental licence at 2-1871 Fern St. Victoria, BC V8R 4K4.

"The City has completed a review of your short-term rental licence application for the property located at 2-1871 Fern St.

Your 2020 application has been rejected due to non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away."

I believe the bylaw was misinterpreted.

Within schedule A, "self-contained dwelling unit" is defined as, "Self-contained Dwelling Unit" means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities.

When the bylaw officer came to inspect my space, he let us know that by removing the fridge, toaster oven and kettle, our licence would likely be approved. I immediately changed the listing and removed these food-preparation items.

There is no kitchen (including no venting or electrical wiring to support a kitchen) in the rented area and it is not designed for occupancy of one family.

We have complied with the following requirements listed in schedule D, Section 11:

- 1) No food is provided
- 2) No liquor is provided
- 3) One parking space is provided
- 4) There is no sign
- 5) There is only one transient accommodation on the property
- 6) The accommodation includes two rooms and one bathroom, and is not a self-contained dwelling unit as it does not have a kitchen and is not designed for the occupancy of one family

a. Per schedule A, "Self-contained Dwelling Unit" means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities.

We have complied with the following requirements listed in schedule D, section 12:

- (1) subject to subsection (2), no more than two bedrooms may be used for short-term rental and the short-term rental cannot occupy an entire self-contained dwelling unit;
 - a. Per schedule A, "Self-contained Dwelling Unit" means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities.

Please let me know next steps in this appeal.

Kaila and Scott Pilecki
 Kaila Pilecki
On Wed, Mar 4, 2020 at 2:49 PM Christine Havelka
Hello Kaila,
I am responding to your inquiry on how to appeal the decision to refuse your Short Term Rental business license.
The first step is to make a formal submission in writing asking Council to reconsider the issuance of your license. This can be in an email to me. Once received, it will meet the 30 day appeal time frame.
Staff will respond shortly afterwards with information on the process on how the appeal will proceed.
Thank-you,
Christine
Christine Havelka

Deputy City Clerk / Manager of Legislative Services

Legislative Services

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0346 **C** 250.532.2394





June 24, 2020

Legislative and Regulatory Services Department Pilecki, Kaila 2-1871 Fern St Victoria BC V8R 4K4

Bylaw and Licensing Services Division

1 Centennial Square Victoria BC V8W 1P6 Re: Short-Term Rental Business Licence Appeal – 2-1871 Fern St

Your 2020 application was rejected due to non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away.

Per Schedule A of the Zoning Bylaw:

"Self-contained Dwelling Unit" means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, kitchen and bathroom facilities.

You advertise the unit as "private suite including a spacious bedroom, bathroom, living room, work station and kitchenette", as shown in the attached copy of the description of your AirBnb listing.

You also advertise an area with mini fridge, toaster oven and kettle. We consider a kitchen to be a place to prepare food. The removal of kitchen items does not qualify you to offer a self-contained dwelling unit.

An inspection conducted on February 10 confirmed these findings. For these reasons, your 2020 application for a short-term rental business licence was rejected.

Regards,

Kim Ferris

Bylaw Officer/Business Licence Inspector Legislative & Regulatory Services Department

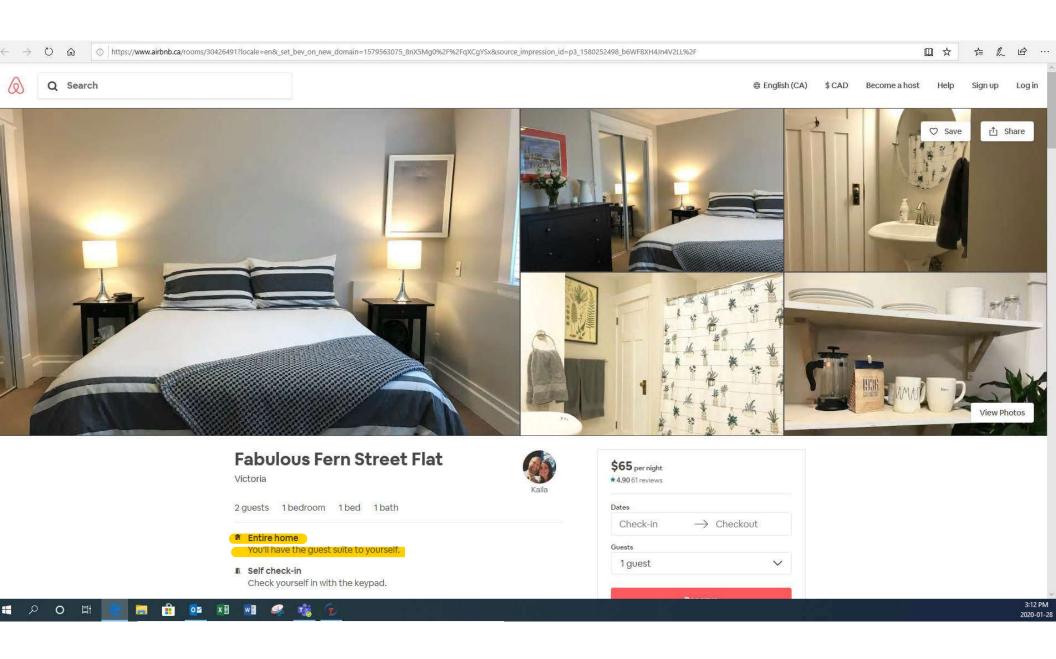
City of Victoria

1 Centennial Square, Victoria B.C. V8W 1P6

To Contact

Telephone: **250.361.0726** E-Mail: **str@victoria.ca**

Fax: 250.361.0205 Web: www.victoria.ca





Self check-in
Check yourself in with the keypad.

Sparkling clean
17 recent guests said this place was sparkling clean.

Great location

Come stay in our fabulous Fern Street Flat! Whether you're working or visiting our

Enjoy access to your own fenced terrace and easy check in.

beautiful city on vacation, we're the spot for you.

90% of recent guests gave the location a 5-star rating.

Clean, minimalist decor with touches of home including locally roasted fresh coffee, a mini fridge, a toaster oven & kettle.

The space

★ Entire home

You'll have the guest suite to yourself.

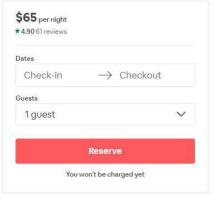
Offering a private suite including a spacious bedroom, bathroom, living room, work station (including Apple TV) and kitchenette.

Guest access

You'll have access to the entire ground floor of our house including the fenced terrace.

Hide ^

Contact host



P Report this listing

■ Po 財

3:12 PM

Christine Havelka

Subject: FW: STR Appeal - response from Bylaw Services - 1871 Fern - Dec 3 to Council

From: Scott Pilecki <

Sent: November 25, 2020 10:50 PM

To: Christine Havelka

Cc: Kaila Pilecki <

Subject: Re: STR Appeal - response from Bylaw Services - 1871 Fern - Dec 3 to Council

Hi Christine,

we're responding with our appeal to the bylaw services report on our request for an Airbnb license this year.

In reference to the Report Submission:

7. According to the submission our property is zoned R1-B (single family dwelling) and short term rentals are not allowed.

We were previously awarded a business license to operate short term rentals. If short term rentals are "not allowed" then a license should not have been given.

8. The owner of the property has created a self contained unit in the basement.

There has always been a separate entrance in the basement. No modifications to access have been made to the basement of the home, apart from a door to the basement from the main floor, which creates privacy when family and friends stay, as well as aids in reducing heat loss in the home. It also would create separation if used for short term rental. And since we were able to operate a short-term rental before, we installed a lock.

10. According to Airbnb listing the kitchenette includes a small fridge, toaster oven and a kettle. These items, as described in the listing, were not present in the unit at the time of the inspection, but remain advertised in the Airbnb listing.

As soon as we were told by "Michael, from Bylaw" that the fridge, kettle and toaster oven were not allowed, if the space was to be used as a short term rental, the items were removed.

11. The appellant has rented the entire basement unit as a short-term rental since at least December 2018. In 2019, the appellant had accepted over 56 short-term rental bookings, with stays as short as 2 days. Attached is a report from Host Compliance detailing information about the short-term rental activity at the property.

Short term rentals were taken when we were granted a license (2019 and previous). This should not be an issue.

12. The appellant applied for and received a business licence to operate a short-term rental in 2018 and 2019. The licence was granted on the basis of the appellant's representation that the short-term rental was offered in the appellant's principal residence.

We were never told that the short term rental had to be advertised as offered in the entirety of our home, and the listing never mentioned this as the case. The rental was always listed as a self-contained unit.

13. An inspection of the premises on February 10, 2020 revealed that the basement unit is operating as a self-contained dwelling and is not part of the appellant's principal residence. At the time of the scheduled inspection, the appellant had also removed the small fridge and microwave oven from the unit.

As mentioned in point 10 the items were removed when we were told they were not allowed. And as mentioned in point 12, we were never told that the unit being self-contained was not allowed.

16. A self-contained dwelling unit is defined in the Zoning Regulation Bylaw as "a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities." A kitchen is not defined in the bylaw. However, the Oxford English Dictionary defines "kitchen" as "a room where food is prepared and cooked".

May we assume that everyone has an understanding of a kitchen, and the english language. You could prepare food and cook it in a bedroom, bathroom, closet, hallway, however none of those areas are kitchens. You cannot advertise a home for sale, and assume that because you *could* prepare food in the living room that it contains a kitchen there. A kitchen has a sink, stove/oven, ventilation fan, refrigerator. Our unit does not have the power source, ducting, or plumbing to properly facilitate a kitchen.

This basement does not contain a kitchen.

Hotels offer visitors a comfortable accommodation to support an enjoyable stay, often featuring a coffee maker, minifridge, and sometimes a toaster. We intended to offer a comfortable stay and only support needs as visitors would expect to be supported in a hotel stay.

Argument

17. When short-term regulations were initially introduced, the City was flooded with applications of business licences. In an effort to encourage compliance with regulations, these applications were processed very quickly and were not always fully screened. More careful reviews and inspections have been conducted as part of 2020 application process. Therefore, the fact that the appellant was issued a short-term rental business licence in 2018 and 2019 is not an indication that a 2020 licence should also be issued.

Short term rentals are not a new thing. The city has had plenty of time to react and come prepared to respond to business licenses. The argument could be made that instead of just saying yes to everyone, no could have been a reasonable response until it was clear how the topic should be approached. If individuals and families have come to rely on short term rentals as a way to support their cost of living, such as in the case of long term rental suites as "mortgage helpers", removing one's access to a business licence can severely impact a family's ability to support themselves.

19. It is clear that the basement unit at 2-1871 Fern Street is being offered as a self-contained dwelling unit: it has its own entrance from outside, a kitchenette with space to prepare and cook food (i.e., "kitchen"), and separate bathroom – it meets the requirements of the definition of "self-contained dwelling unit" in the Zoning Regulation Bylaw.

You cannot bend the language, *ie. kitchen*. If it is not a kitchen, it is not. End of story. If you were to purchase a stay in a hotel that advertised "kitchenette" you would not expect a kitchen, nor would they reduce your expectations and give you a kitchen, but advertise it as a kitchenette. In the same way you couldn't call a bedroom, with a bucket for water to wash, a bathroom.

The language is being bent, specifically to favour the Bylaw officer in an unfair way.

20. The appellant appears to rely on the absence of a full kitchen; however, the unit has been prepared to operate independently as a self-contained suite, and not as two bedrooms in her principal dwelling unit, as required by Schedule D of the Zoning Regulation Bylaw.

The zoning regulations state up to two bedrooms, not specifically two bedrooms.

22. One of the objectives of the City's regulations of the short-term rentals was to address the problem of self-contained dwelling units being diverted from the housing market to a vacation rental market. This is the rationale behind the provisions of the zoning bylaw which limit short-term rentals to bedrooms within self-contained units rather than entire self-contained units.

This space in the basement of our house cannot accommodate long-term rental. There are not the proper electrical outlets for a stove/oven, no ventilation, there is no kitchen, and no sink separate from the bathroom.

The space is also used for family and friends visiting our home and cannot be made available full-time. When we do not have visiting family or friends, the business licence for short term rental allowed us to make use of the space, and support the cost of living of Victoria, a city that continues to become more expensive for a young family to afford. The flexibility of the modern sharing economy allowed us to still accommodate long term family visits from out of town, while creating a little extra income that makes a difference for our growing family.

There are nearly (I say nearly as I cannot confirm they aren't all short-term rental units) entire apartment buildings downtown, where **complete** homes, complete with actual kitchens, are used as **full-time!** short-term rentals. These types of dwellings are what are truly restrict access to rental of long-term self contained dwelling units. The city is not cracking down on these units. We witnessed this Summer friends staying in a short-term rental in a building on Pandora where the floor they stayed on, at least, was entirely short term rental, if not the whole building.

23. The property at 2-1871 Fern Street is an example of a self-contained dwelling unit that has been lost to the regular housing market in the past, contrary to the intent behind City regulations, which prohibit rental of entire self-contained dwelling units as short-term rentals.

Look at the points above. Try an entire floor of an apartment building to our one make-shift rental to make an impact on availability of long-term rental units.

Secondly, the inspector that visited our home, "Michael" was confident that what he saw in our unit was fair to be granted a licence. However, the information was passed onto "Kim" Michael's boss to make the final call, where Kim did not actually make the in person inspection. Michael even noted that he thought it was fine, but Kim would likely not allow it, and we would have to appeal her judgement. This shows that there is an issue in the system with people that have the power to grant or deny licences are doing so not with the intentions of assessing the units actual compliance, but with the intent to reduce short-term rental units, even if they have to change the well understood meaning of what a kitchen is, just to accomplish their goal.

Thirdly, we were suggested to open up access of the basement to our entire house if we wanted to receive the licence and offer short-term rentals. And since we argued the space does not support long-tern rental without the proper facilities for a kitchen, we were suggested to open the rest of our home to a long-term renter as well. We are hard working adults with a baby and a dog, and have worked diligently to purchase our home. At our age, and in our point in life, we do not wish to have roommates and it should not be recommended that we take on roommates if we want to rent our space, short-term or long-term, to appease the city.

In short, we are all in favour of having more rentals available in Victoria, but suitable rentals that offer all the amenities one needs to live safely and comfortably in a rental long-term.

Our basement space has been used as an Airbnb in the past, bringing a more affordable price point for visitors wanting or needing to visit Victoria, in some cases allowing them to contribute to the economy in ways they could not if they were paying for pricier accommodations. We have also supported proximity that some people needed or at least very much appreciated as we are close to the Jubilee Hospital and allowed people easy access to the hospital, which prompted their visit. Airbnb and other short term rental services serve Victoria well in bringing more people to our city.

We should not be told that we have to share the entire space of our home with others if we wish to rent the space, this is our home and our privacy.

In order to create more self-contained rental dwellings those with power in the city should not manipulate common language in order to deny people what they seek. Mandate developers to create more rental housing, rather than further inflate the cost of housing with more expensive units, and don't allow large portions of well maintained, complete, self-contained apartment units to be rented for short-term rental.

The city should be looking to find a balance of allowing its residents to earn additional income to support their families

through short term rentals, and not just go on a rampage of shutting them down, even where suitable, yet leaving downtown condos to be left to rent short-term.
Thank you for your time.
Scott & Kaila Pilecki
On Tue, Nov 17, 2020 at 8:30 AM Christine Havelka
Good morning,
Attached is the Licence Inspector's Report Submission that will be added to the report going to Council at its December 3 Council meeting (that follows Committee of the Whole).
You now have 7 days until November 25, 2020 to responds to the Licence Inspector's report. That response, along with all other submissions, will be added to the report and published on the agenda on Friday, November 27 and can be
found <u>here</u> .
Public attendance at meetings is not permitted due to COVID-19, but you can also watch the live webcast of the meeting to observe Council's deliberations on your appeal. The webcast will also be archived.
Please note that once your response has been received, the opportunity for comment will have closed and the decision before Council is to either uphold or overturn the Licence Inspector's denial of your license.
We will notify you as soon as Council has made a decision.
Best regards,

Christine

Christine Havelka

Deputy City Clerk / Manager of Legislative Services

Legislative Services

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6







Business Licence (Short-term Rental) Appeal re 2-1871 Fern Street

Submission of the Licence Inspector

I. Introduction

- 1. This is an appeal from the decision of the Licence Inspector to refuse to issue a business licence to Kaila Pilecki for the operation of a short-term rental at 2-1871 Fern Street.
- 2. The business licence was denied pursuant to section 4(b) of the *Short-term Rental Regulation Bylaw*, which states:
 - 4. The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,

•••

- (b) the short-term rental operation would contravene a City bylaw or another enactment.
- 5. The appeal is brought pursuant to section 60(5) of the *Community Charter*, which requires that an applicant for a business licence has the right to have a staff decision to refuse such licence reconsidered by Council.
- 6. On a reconsideration such as this, Council can apply its own judgment and may either uphold the decision to refuse the licence or grant the licence.

II. Facts

- 7. The appellant owns the property at 2-1871 Fern Street. The property is one half of a duplex, zoned R1-B (single family dwelling). Short-term rentals are not a permitted use under this zone.
- 8. The owner of the property has created a self-contained unit in the basement. [See attached photos]
- 9. The basement unit consists of a living room/dining room/food preparation area (kitchenette), a separate bedroom, and a separate bathroom. It has a separate entrance from outside with keypad for self-entry. There is a locking door between the basement suite and the rest of the house. That door locks from outside of the basement unit (i.e., the units occupants have no access to the rest of the house).
- 10. According to Airbnb listing the kitchenette includes a small fridge, toaster oven and a kettle. These items, as described in the listing, were not present in the unit at the time of the inspection, but remain advertised in the Airbnb listing.

- 11. The appellant has rented the entire basement unit as a short-term rental since at least December 2018. In 2019, the appellant had accepted over 56 short-term rental bookings, with stays as short as 2 days. Attached is a report from Host Compliance detailing information about the short-term rental activity at the property.
- 12. The appellant applied for and received a business licence to operate a short-term rental in 2018 and 2019. The licence was granted on the basis of the appellant's representation that the short-term rental was offered in the appellant's principal residence.
- 13. An inspection of the premises on February 10, 2020 revealed that the basement unit is operating as a self-contained dwelling and is not part of the appellant's principal residence. At the time of the scheduled inspection, the appellant had also removed the small fridge and microwave oven from the unit.
- 14. On February 14, 2020, the Licence Inspector advised the appellant that her application for a short-term rental licence has been refused because short-term rental of a self-contained dwelling did not comply with applicable zoning.

III. Relevant Regulations

15. The City regulates short-term rentals through the *Short-term Rental Regulation Bylaw* and through provisions of the zoning bylaws. In relation to the property, the relevant zoning bylaw is the *Zoning Regulation Bylaw*, which states, in part:

17 ...

- (4) Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except
 - (a) where they are expressly permitted subject to regulation applicable in those zones;
 - (b) rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:
 - (i) the self-contained dwelling unit is occupied by the operator of the short-term rental; and
 - (ii) short-term rental complies with all regulations in Schedule D as if it were a transient accommodation.
- 16. A self-contained dwelling unit is defined in the *Zoning Regulation Bylaw* as "a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities." A kitchen is not defined in the bylaw. However, the Oxford English Dictionary defines "kitchen" as "a room where food is prepared and cooked".

IV. Argument

- 17. When short-term regulations were initially introduced, the City was flooded with applications of business licences. In an effort to encourage compliance with regulations, these applications were processed very quickly and were not always fully screened. More careful reviews and inspections have been conducted as part of 2020 application process. Therefore, the fact that the appellant was issued a short-term rental business licence in 2018 and 2019 is not an indication that a 2020 licence should also be issued.
- 18. Although the appellant resides in the house at 2-1871 Fern Street, the premises that are rented as a short-term rental are not part of her principal residence, because the basement unit is being offered and advertised as an independent self-contained dwelling unit. The appellant advertises the unit as a self-contained guest suite on Airbnb. [Matched Property Listing Attached]
- 19. It is clear that the basement unit at 2-1871 Fern Street is being offered as a self-contained dwelling unit: it has its own entrance from outside, a kitchenette with space to prepare and cook food (i.e., "kitchen"), and separate bathroom it meets the requirements of the definition of "self-contained dwelling unit" in the *Zoning Regulation Bylaw*.
- 20. The appellant appears to rely on the absence of a full kitchen; however, the unit has been prepared to operate independently as a self-contained suite, and not as two bedrooms in her principal dwelling unit, as required by Schedule D of the *Zoning Regulation Bylaw*.
- 21. For all these reasons, the Licence Inspector submits that the appellant's application for a short-term rental business licence had to be refused as it contravened the *Zoning Regulation Bylaw*.
- 22. One of the objectives of the City's regulations of the short-term rentals was to address the problem of self-contained dwelling units being diverted from the housing market to a vacation rental market. This is the rationale behind the provisions of the zoning bylaw which limit short-term rentals to bedrooms within self-contained units rather than entire self-contained units.
- 23. The property at 2-1871 Fern Street is an example of a self-contained dwelling unit that has been lost to the regular housing market in the past, contrary to the intent behind City regulations, which prohibit rental of entire self-contained dwelling units as short-term rentals.
- 24. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 2-1871 Fern Street upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: November 16, 2020

Slab

Shannon Perkins, Manager of Bylaw Services

Dashboard

Rental Unit Record

1871 Fern St, Victoria, BC, Canada

Removed X

Identified < Compliant X



Listing(s) Information

Airbnb - 30426491











Matched Details

Analyst

CDZT

Explanation

Exterior matches in street view. Unit #2 is visible on the mailbox on the photo.

The Victoria BC records and map confirm the location and address and show Area-Jurisdiction-Roll 01-234-07-412-156 for unit #2. http://prntscr.com/m2ap02

Listing Photos

Matching 3rd Party Sources

Listing photo 1

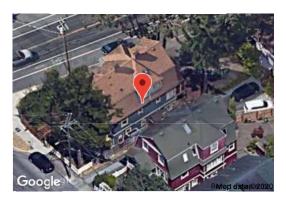
Evidence 1



Same exterior. #1871 is visible on the photo. Unit #2 is visible on the mailbox on the photo.

A Owner Name Match

Rental Unit Information







Identified Address

1871 Fern St, Victoria, BC, Canada

Identified Unit Number

Identified Latitude, Longitude

48.429653, -123.334742

Parcel Number

0123407412156

Owner Address

1871 Fern St #2, Victoria Victoria, BC V8R 4K4, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

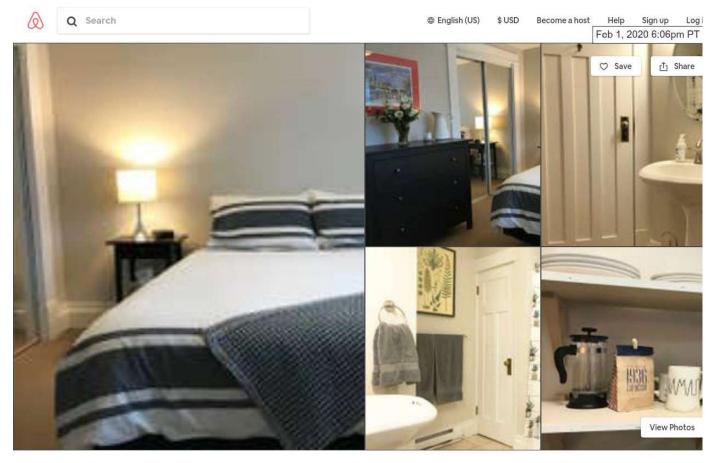
- Listing air30426491 Removed March 5th, 2020
- Listing air30426491 Reposted March 2nd, 2020
- Listing air30426491 Removed February 16th, 2020

Listing Details			
Listing URL	- https://www.airbnb.com/rooms/30426491		
Listing Status	• Inactive		
Host Compliance Listing ID	- air30426491		
Listing Title	 Fabulous Fern Street Flat 		
Property type	- Guest suite		
Room type	- Entire home/apt		
Listing Info Last Captured	- Mar 02, 2020		
Screenshot Last Captured	- Mar 02, 2020		
Price	- \$49/night		
	- \$30		
Cleaning Fee Information Provided on List			
Information Provided on List	ting		
Information Provided on List	ting – Kaila		
Information Provided on List Contact Name Latitude, Longitude	ting - Kaila - 48.429960, -123.334360 - 2		
Information Provided on List Contact Name Latitude, Longitude Minimum Stay (# of Nights)	- Kaila - 48.429960, -123.334360 - 2 - 2		
Information Provided on List Contact Name Latitude, Longitude Minimum Stay (# of Nights) Max Sleeping Capacity (# of People)	- Kaila - 48.429960, -123.334360 - 2 - 2		
Information Provided on List Contact Name Latitude, Longitude Minimum Stay (# of Nights) Max Sleeping Capacity (# of People) Max Number of People per Bedroon	- Kaila - 48.429960, -123.334360 - 2 - 2 - 2 - 2 - 2		
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Information Provided on List Contact Name Latitude, Longitude Minimum Stay (# of Nights) Max Sleeping Capacity (# of People) Max Number of People per Bedroon Number of Reviews	- Kaila - 48.429960, -123.334360 - 2 - 2 - 2 - 2 - 2 - 62		

- 2 Documented Stays February, 2020
- 2 Documented Stays January, 2020
- 3 Documented Stays November, 2019
- 2 Documented Stays October, 2019
- 9 Documented Stays September, 2019
- 5 Documented Stays August, 2019
- 11 Documented Stays July, 2019
- 6 Documented Stays June, 2019
- 6 Documented Stays May, 2019
- 4 Documented Stays April, 2019
- 3 Documented Stays March, 2019
- 3 Documented Stays February, 2019
- 4 Documented Stays January, 2019
- ✓ Listing air30426491 Identified January 7th, 2019
- 2 Documented Stays December, 2018
- Listing air30426491 First Crawled December 2nd, 2018
- Listing air30426491 First Activity
 December 2nd, 2018

February 01, 2020 - 07:06PM America/Vancouver

Screenshot printed at: 9/17/2020 11:28:39 AM





Victoria



2 guests 1 bedroom 1 bed 1 bath

★ Entire home

You'll have the guest suite to yourself.

Self check-in

Check yourself in with the keypad.

Sparkling clean

17 recent guests said this place was sparkling clean.

Great location

90% of recent guests gave the location a 5-star rating.

Come stay in our fabulous Fern Street Flat! Whether you're working or visiting our beautiful city on vacation, we're the spot for you.

Enjoy access to your own fenced terrace and easy check in.

Clean, minimalist decor with touches of home including locally roasted fresh coffee, a mini fridge, a toaster oven & kettle.

The space

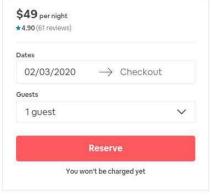
Offering a private suite including a spacious bedroom, bathroom, living room, work station (including Apple TV) and kitchenette.

Guest access

You'll have access to the entire ground floor of our house including the fenced terrace.

Hide ^

Contact host



□ Report this listing



^
Amenities
Basic
Wifi
Continuous access in the listing
TV
Laptop-friendly workspace
A table or desk with space for a laptop and a chair that's comfortable to work in
Iron
Essentials
Towels, bed sheets, soap, and toilet paper
Heating
Central heating or a heater in the listing
Hot water
Facilities
Free parking on premises
Free street parking
Dining
Coffee maker
Dishes and silverware
Refrigerator
Guest access
Keypad
Check yourself into the home with a door code
Private entrance
Separate street or building entrance
Bed and bath
Hangers
Hair dryer
Shampoo
Bed linens

Extra pillows and blankets

Outdoor

Patio or balcony

Safety features

Fire extinguisher

Carbon monoxide alarm

Smoke alarm

First aid kit

Not included

Kitchen

Air conditioning

Washer

Sleeping arrangements



Bedroom 1

1 queen bed

Availability

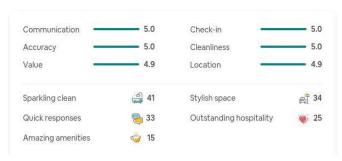
This host offers 11% off if you stay a week and a 28% monthly discount.

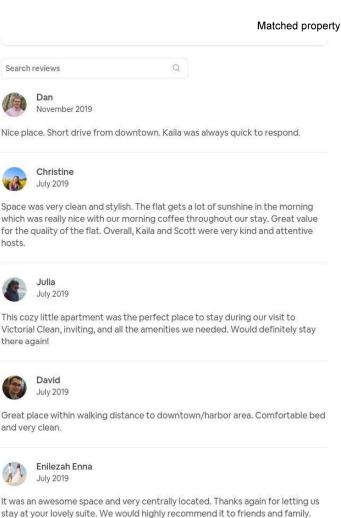


Clear dates

Reviews

★ 4.90 61 reviews





stay at your lovely suite. We would highly recommend it to friends and family.



Joette July 2019

We loved our time here. Great communication with Kaila, sparking clean, and the location was only a short drive to downtown. Everything we needed!!



Tesla June 2019

We had a wonderful time at Kaila's place while I was in the area for a week long conference at UVic. It is located within walking distance of several bus lines, making it super easy to get around. The space was thoughtfully laid out and everything was provided for! We would...Read more





Hosted by Kaila

Victoria, Canada · Joined in September 2012



★ 61 Reviews ❖ Verified

We live in beautiful Victoria, BC. We enjoy all sorts of outdoor activities and traveling. We look forward to meeting new friends and exploring places we visit. The five things we can't live without are bikes, coffee, books, our dog Bowmore and our friends. As hosts, we do...Read more

Interaction with guests

We live upstairs and will be available if you need us during your stay. We've set up the suite so that you have easy, private access to the space.

Languages: English Response rate: 100%

Response time: within an hour

Contact host

 $\label{lem:always} \textbf{Always} \ \textbf{communicate through Airbnb} \cdot \textbf{To protect your payment, never transfer money or communicate outside of the Airbnb website or app. \textbf{Learn more}$

About this place

When you stay in an Airbnb, you're staying at someone's place.

This is Kaila's place.

Scott helps host.





The neighborhood

Kaila's place is located in Victoria, British Columbia, Canada.

Our Fern Street Flat is a 10 minute walk to Jubilee Hospital and 30 minute walk downtown or to Oak Bay Avenue.

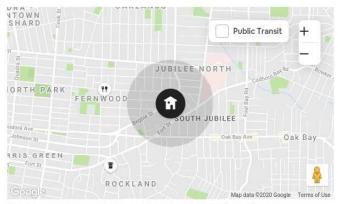
Easy access to public transit, right outside our front door.

Close by you'll find Fernwood square with excellent restaurants including Stage, The Fernwood Inn and Little June. The Belfry Theatre is a local gem. For a little Victoria history, Craigdarroch Castle is a close walk away.

Getting around

There's so much to do - all easily accessible by walking, transit or driving, however you choose to see beautiful Victoria!

Hide ^



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: After 3:00 PM Checkout: 11:00 AM

Self checkin with keypad

House Rules







You must also acknowledge

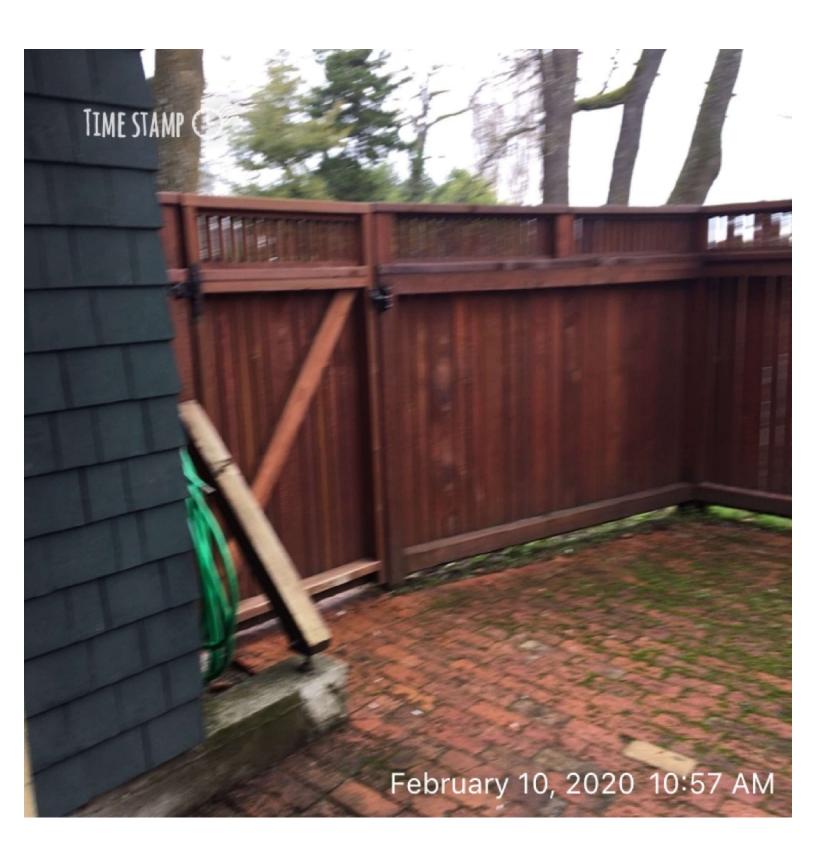
Security deposit - if you damage the home, you may be charged up to \$378

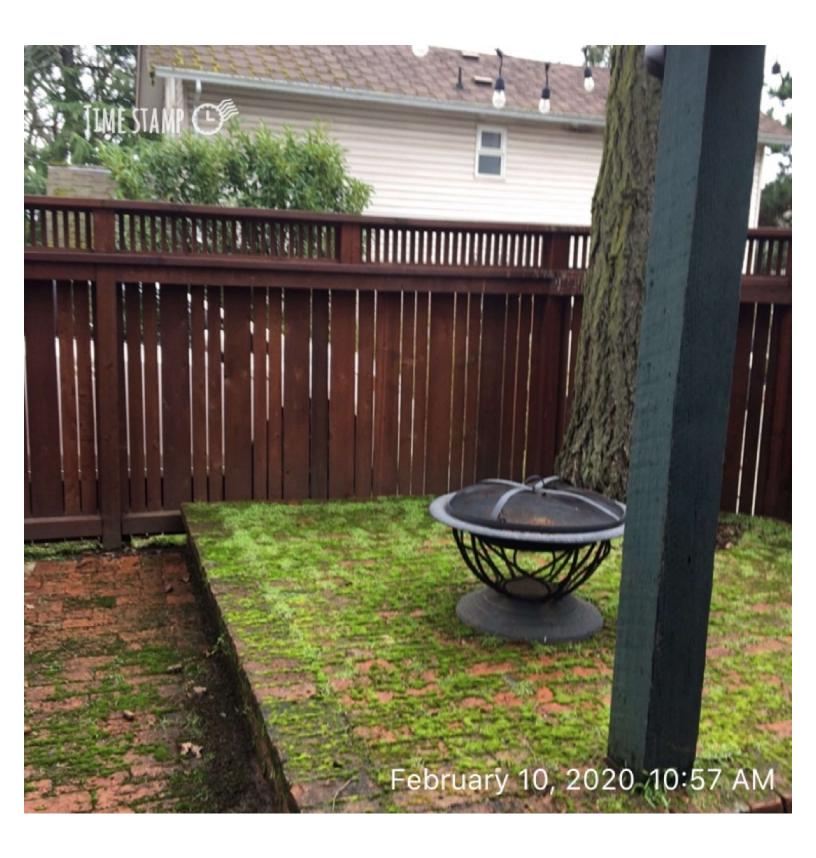
Hide rules ^

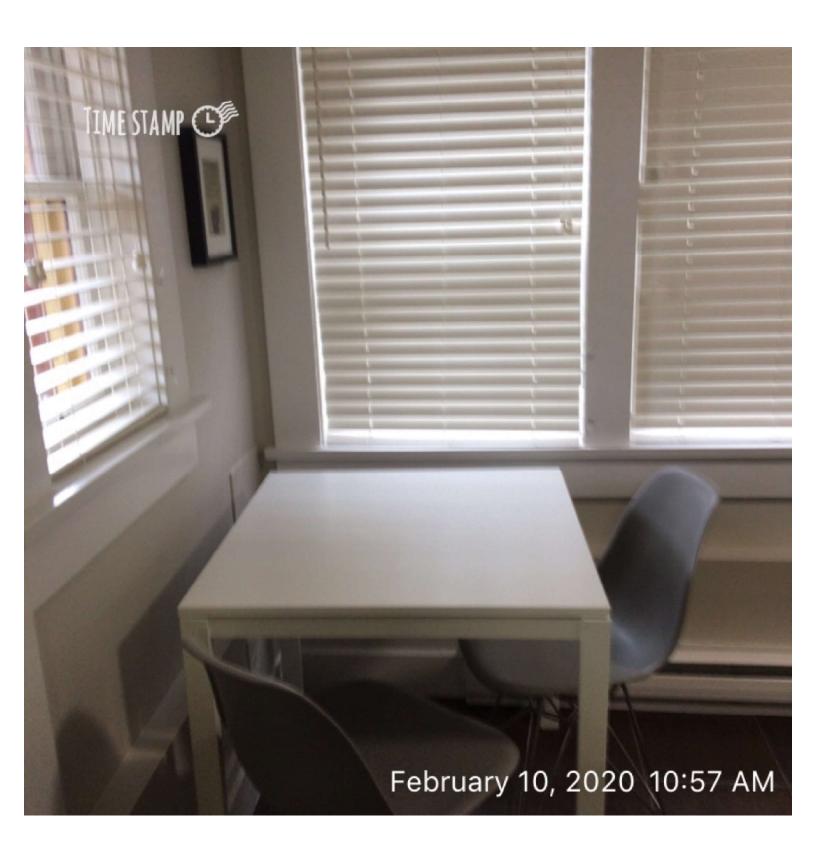


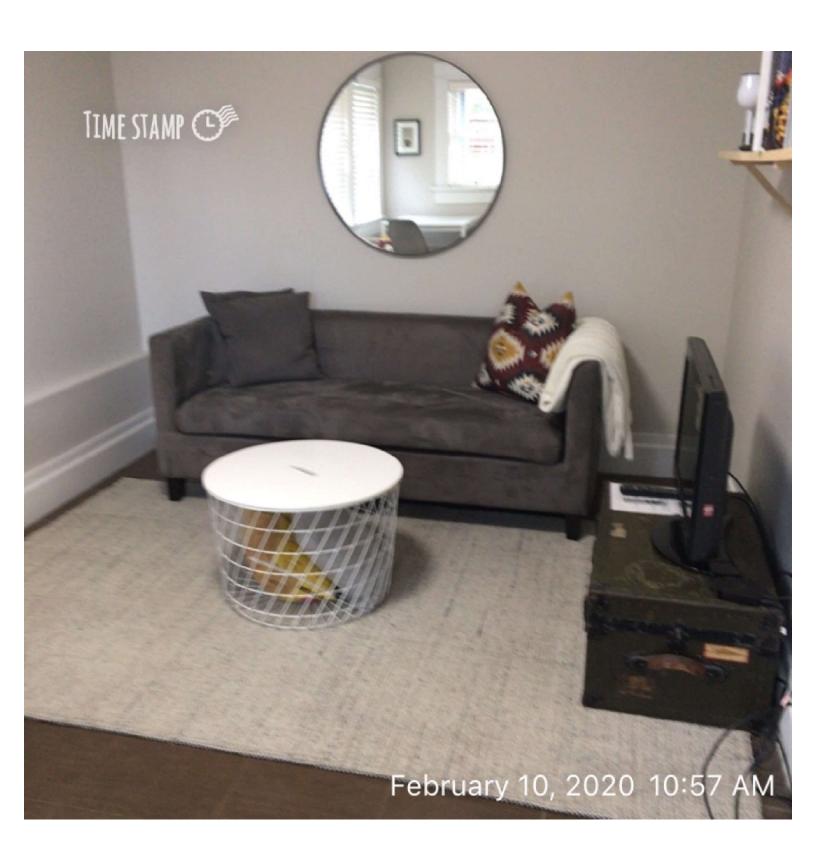


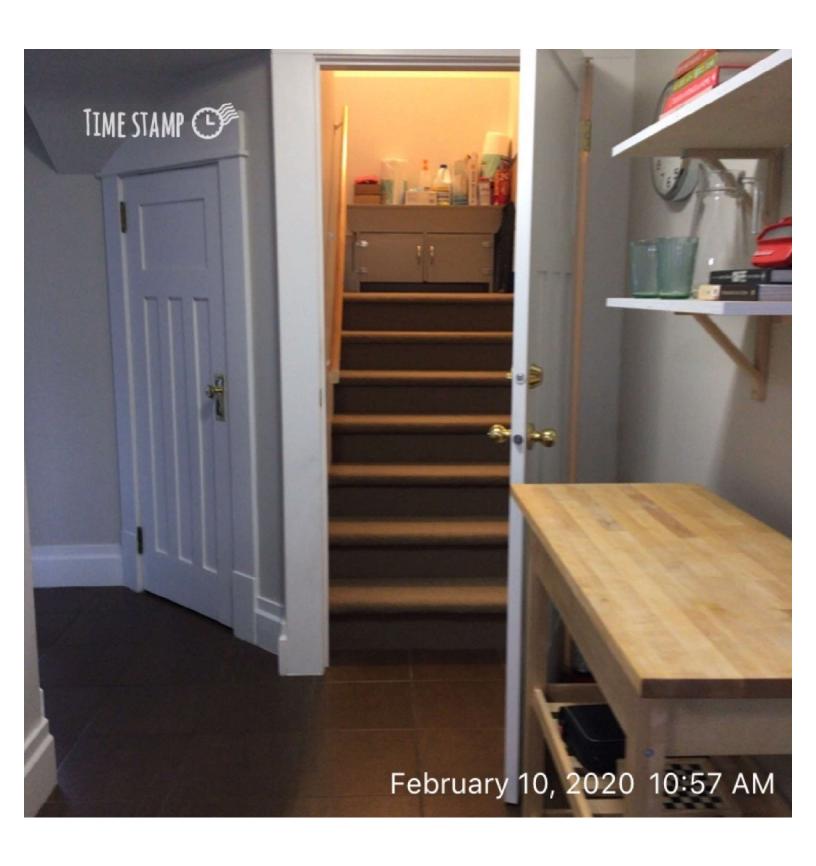


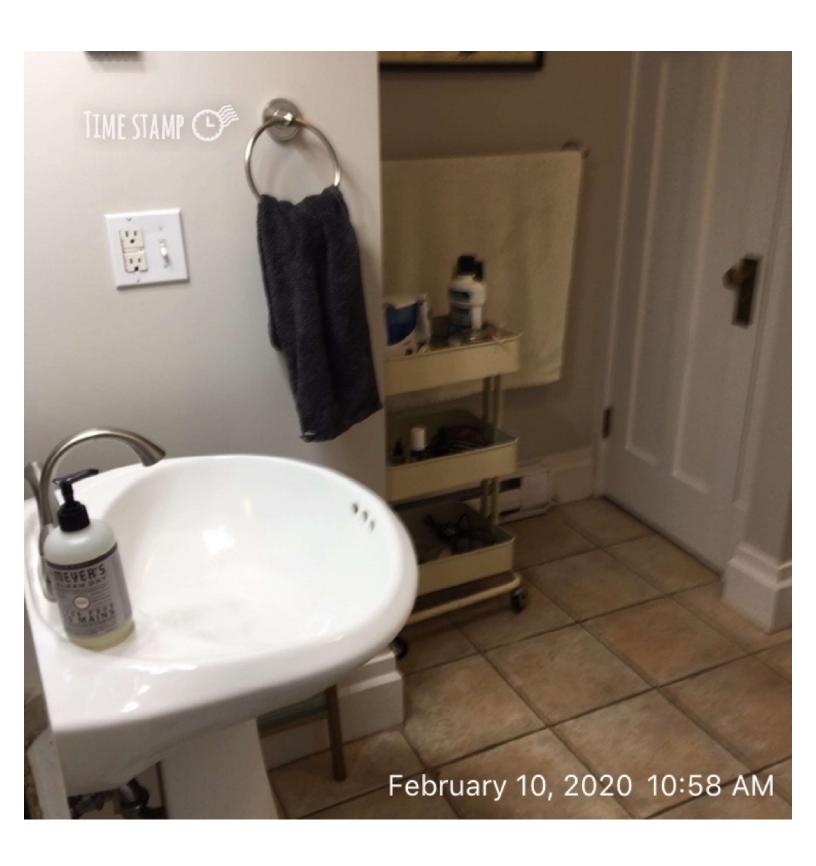




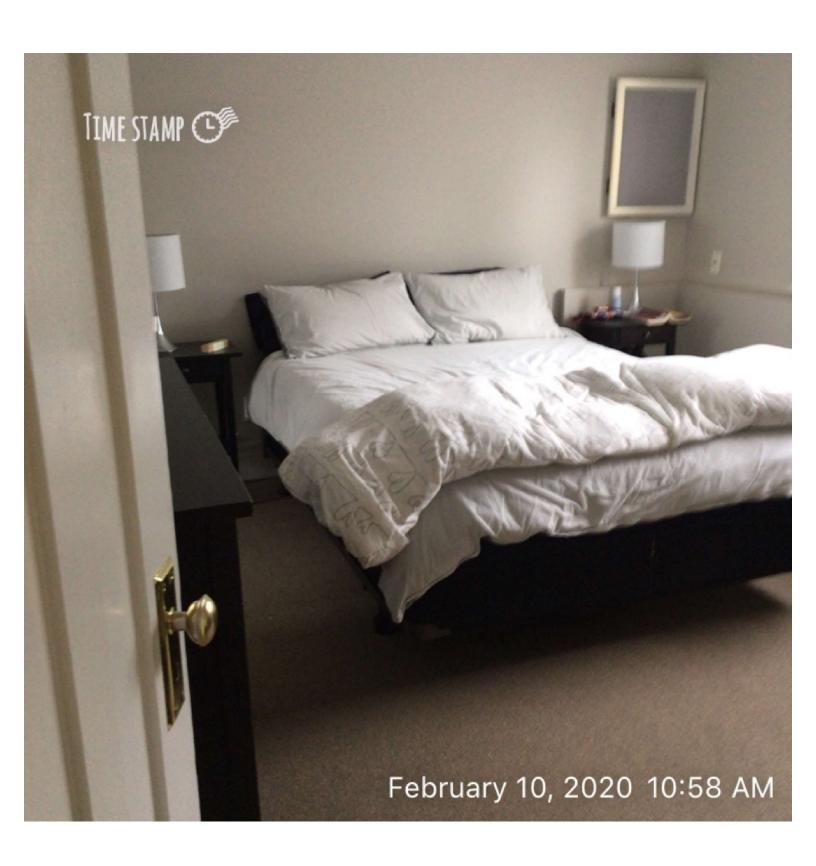


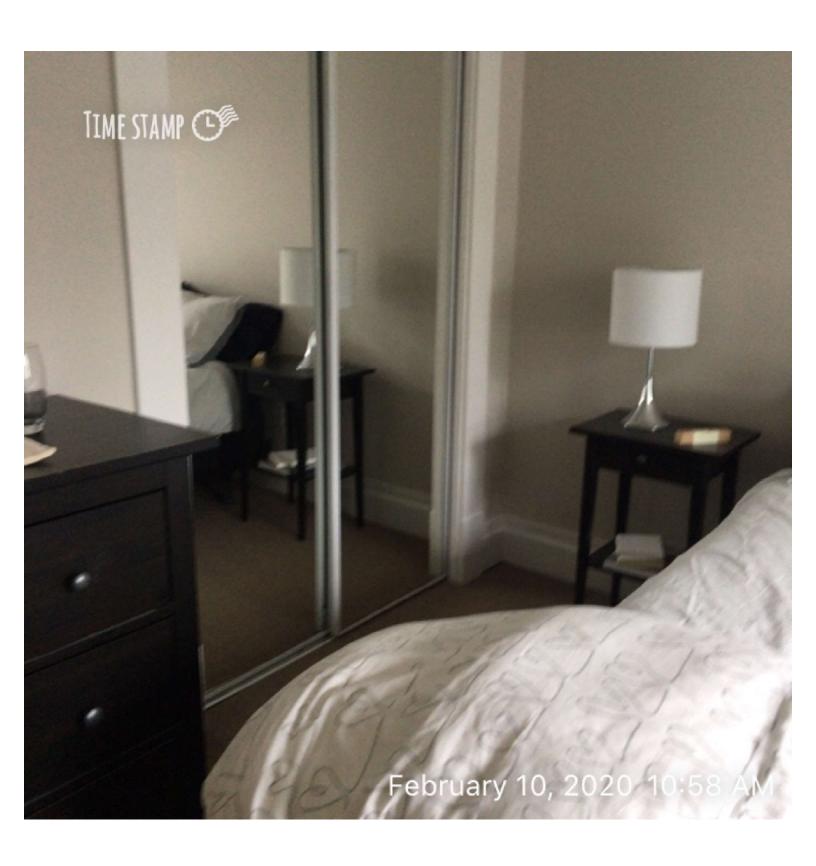














Council Report

For the Meeting December 3, 2020

To: Committee of the Whole **Date:** November 19, 2020

From: Chris Coates, City Clerk

Subject: Short Term Rental Business License Appeal for 4 Gorge Rd East

RECOMMENDATION

That Council receive this report for information and either uphold or overturn the License Inspector's denial of a business license for the short-term rental unit at 4 Gorge Rd East.

EXECUTIVE SUMMARY

This report presents documents from an Appellant and the City's Licence Inspector for Council's consideration under the Short-term Business Licence Appeal Process Policy.

The Short-term Rental Regulation 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. The Bylaw is attached as Appendix A.

Each year short-term rental operators apply for a short-term rental business licence and a Licence Inspector determines whether to issue a licence or not. If an application is not compliant with the City's requirements for short-term rental units, a Licence Inspector may deny a business licence. In this instance, the Licence Inspector notifies the applicant of this decision and advises them how to seek Council's reconsideration as established under section 60(5) of the Community Charter. The City Clerk's Office coordinates the appeal process.

The Short-term Business Licence Appeal Process Policy contains for a process for an Appellant to seek an opportunity to be heard by Council for a denied business licence in accordance with the Community Charter, section 60(5). The Policy is attached as Appendix B. This policy establishes terms and conditions for reconsideration by Council, required documentation to submit as a part of the appeal process, next steps following Council's decision, and other matters.

The Policy establishes the following process:

- 1. An applicant may start an appeal by submitting a request to the City Clerk
- 2. The City Clerk replies to an Appellant to acknowledge the request
- 3. An Appellant makes a written submission (Appendix C)
- 4. The Licence Inspector makes a written submission in response to the Appellant (Appendix D)
- 5. An Appellant may also make a written submission in response to the Licence Inspectors reasons for denial of the License. (Appendix E)

Date: November 19, 2020

- 6. Once this process is complete, the City Clerk's Office informs the Appellant and Licence Inspector of the date that Council will consider the appeal
- 7. The City Clerk's Office consolidates these documents and submits them to Council for Council to determine whether the License Inspector's denial of the License is upheld or overturned.

Council's role is to review this information and to either grant or deny an appeal. Denying an appeal means a Licence Inspector will not issue a short-term rental business licence. Granting an appeal means that the Licence Inspector will issue a short-term rental business licence as soon as practicable.

In this instance the operator at 4 Gorge Rd East of a short-term rental unit was denied a license and has exercised the Community Charter right to have council reconsider the matter. The submissions of both the operator and the License Inspector are attached as appendices as noted above.

Respectfully submitted,

Chris Coates City Clerk

Report accepted and recommended by the City Manager:

Date: November 24, 2020

celys Centago

Attachments

Appendix A: Short-Term Rental Regulation Bylaw

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

Appendix C: Appellant's Submission

Appendix D: Licence Inspector's Response to Appellant's Submission

Appendix E: Appellant's Response to the Licence Inspector

Appendix F: Licence Inspector Report Submission

Date: November 19, 2020

NO. 18-036

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 renal 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

- 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

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 be 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

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

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

"CHRIS COATES"
CITY CLERK

"LISA HELPS" MAYOR



COUNCIL POLICY

No.1

Page 1 of 2

		l l		
SUBJECT:	Short-Term Rental Business Licence Appeal Process Policy			
PREPARED BY:	Monika Fedyczkowska			
AUTHORIZED BY:	Council			
EFFECTIVE DATE:	April 23, 2020	REVISION DATE:		
REVIEW FREQUENCY:	Every 3 years			

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**

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

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



Council Policy

Short-Term Rental Business Licence Appeal Process Policy

Page 2 of 2

- 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.
- 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

Kirsten Van Ritzen 4 Gorge Road E Victoria, B.C. V9A 1K8

Kim Ferris
Bylaw Officer/Business Licence Inspector
Legislative & Regulatory Services Department
City of Victoria
1 Centennial Square
Victoria B.C. V8W 1P6

RECEIVED

MAR 0 6 2020

LEGISLATIVE SERVICES

Dear Ms. Ferris.

RE: Notice of Appeal 1032229 Application

The application to renew our short-term rental licence was denied, with the stated reason being "... non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, **except occasionally** while the operator is away." As the term "occasionally" is not properly or legally defined, it is more than evident that we have been in compliance with both the letter and spirit of this section of the bylaw.

We have repeatedly made it clear that the basement of our home is occupied full-time and year-round by our nephew, a young adult with disabilities who receives Persons With Disabilities support from the Province. He takes programs with Lifetime Networks and I am his Legal Caretaker. His suite is only made available as a short-term rental when he makes a trip to visit family members in Winnipeg.

Since the intended purpose of the bylaw is to increase the amount of rental properties available in Victoria, let me be absolutely clear that denying us a short-term rental license will do nothing to ameliorate that situation. The suite will sit empty, with the only result being denying us income, which will have a detrimental effect on our ability to provide support to our nephew.

We are therefore appealing the decision.

Regards,

Kirsten Van Ritzen & Ian Ferguson

Christine Havelka

Subject: FW: 1032229 Application Appeal

Attachments: Proof of PWD.pdf

----- Forwarded Message ----From: Ian Ferguson <

To: K. Van Ritzen

Cc: Jack Times-Colonist Knox

Sent: Thursday, March 5, 2020, 02:56:50 p.m. PST Subject: Re: 1032229 Application Follow-Up

On Thursday, March 5, 2020, 2:44:56 PM PST, Ian Ferguson wrote:

Dear Ms. Ferris,

Obviously we will appeal this arbitrary, unjustified and mean-spirited decision. I will deliver a letter of appeal to the city clerk tomorrow, Friday, March 6th, which is within the allowed 30 day appeal period. I have copied Kirsten Van Ritzen, who made the application to have our short-term rental license renewed, so she will have a record of the appeal to add to her correspondence regarding this matter. I have also copied my friend Jack Knox at the Times Colonist newspaper, as this is exactly the sort of bureaucratic overreach he finds of interest. As we've made clear, repeatedly, including to the young man who identified himself as a bylaw enforcement officer tasked with the job of investigating our situation (Here's a helpful hint for all bylaw enforcement officers, by the way...if you show up at someone's home, perhaps ask if they would prefer you remove your footwear before tromping though their house with your boots on) the portion of our property that we make available for short term rental on Airbnb is occupied fulltime and year-round by our nephew, an adult with disability who receives PWD support from the province. We are his legal caretakers. He takes courses through Lifetime Networks and having him living in a separate suite allows him to learn the skills (cooking, cleaning, shopping, etc.) he needs to become as independent as possible, while still being supervised. When he goes to visit his family in Winnipeg, we make his home available for rent. We have had our application to renew our short-term denied because of, and I quote: "...non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away." Leaving aside for a moment the use of the word "occasionally" which is not properly or legally defined in the bylaw, we are, by the City's own rules, in compliance. When the full-time, year long resident of the "self-contained dwelling" is away, the basement suite is rented out. Let me be clear, by denying our application to renew our license, you are doing absolutely nothing to ameliorate the shortage of available rental properties in Victoria. The apartment will, instead, sit empty when our nephew is away and we will be deprived of additional income. This will obviously have a deleterious effect on our ability to provide additional support to our nephew. So, with your arbitrary, unjustified and mean-spirited decision to deny our license renewal, all you've managed to do is make life more difficult for a disabled adult. Shame on you.

- Ian Ferguson 4 Gorge Road East Victoria, BC, V9A 1K8

.

Christine Havelka

Subject: FW: 1032229 Application Appeal

From: K. Van Ritzen <

Sent: May 27, 2020 11:23 AM

To: Legislative Services email < Legislative Services@victoria.ca >

Cc: lan Ferguson <

Subject: Fw: 1032229 Application Appeal

- the deputy city clerk has confirmed receipt of our mailed letter of appeal March 5
- additional documentation attached: proof of family member's Disability
- available upon request only (due to confidentiality): signed NIDUS forms legal representation of guardianship

best, K. Van Ritzen Ian Ferguson



Confirmation Of Assistance

25-May-2020

a Chilonolus photo			
Client: B 4 GORGE ROAD EAST VICTORIA BC V9A1K8			
Currently receiving Disability Assistance und Estimated Assistance for June 2020	er the Employment and i	Assistance for Persons with Disabilities Act	
Cheque Issue Date: May 27, 2020			
Estimated Assistance Amount:			
Disability Assistance			
Туре	Amount	Expiry Date	
Support			
SHELTER: RENT			
BUS PASS	· .		
Previous Assistance Issued for April 22,	2020		
Paid to:			
Amount			
Status: CASHED			



July 3, 2020

Legislative and **Regulatory Services** Department

Van Ritzen, Kirsten 4 Gorge Rd E Victoria BC V9A 1K8

Bylaw and Licensing Services Division

1 Centennial Square Victoria BC V8W 1P6

Re: Short-Term Rental Business Licence Appeal – 4 Gorge Rd E

Your 2020 application was rejected due to non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away.

Per Schedule A of the Zoning Bylaw:

"Self-contained Dwelling Unit" means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, kitchen and bathroom facilities.

We are reviewing every application, and investigating all known short-term rentals that are not operating in compliance.

On February 2nd, 2020, an inspection of the ground level suite at 4 Gorge Rd E was conducted and photos were taken confirming a self-contained suite – a separate entrance, kitchen, and bathroom.

Furthermore, you were advertising the space on AirBnb as "[a] spacious & private one bedroom suite" (attached).

For these reasons, your 2020 application for a short-term rental business licence was rejected.

Regards,

Kim Ferris

Bylaw Officer/Business Licence Inspector Legislative & Regulatory Services Department

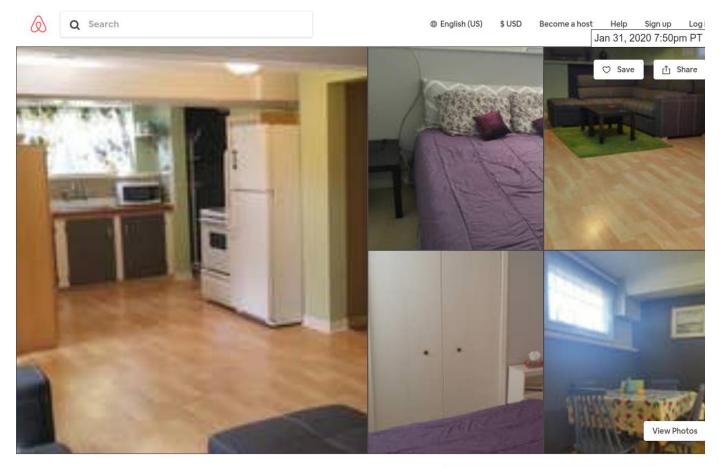
City of Victoria

1 Centennial Square, Victoria B.C. V8W 1P6

To Contact

Telephone: 250.361.0726 Fax: 250.361.0205 E-Mail: str@victoria.ca Web: www.victoria.ca January 31, 2020 - 08:50PM America/Vancouver

Screenshot printed at: 7/3/2020 3:40:56 PM



Spacious & private 1 Bedroom Suite



4 guests 1 bedroom 1 bed 1 bath

* Entire home You'll have the guest suite to yourself.

Sparkling clean

Victoria

17 recent guests said this place was sparkling clean.

Kirsten is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

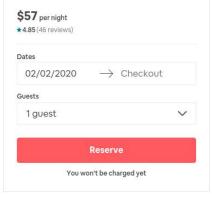
Great location

95% of recent guests gave the location a 5-star rating.

Clean, spacious and private suite on the lower level of a unique Art Deco heritage home. Your own ground-level entrance leads to an open plan kitchen/living room, with a separate bedroom and full bathroom. Great location near the scenic Gorge waterway, close to Tillicum Mall and Uptown Mall for all your shopping needs. Whether you drive or catch the #11 bus it is only 10 minutes to Downtown Victoria and the beautiful Harbour. City of Victoria Business License 00036317

The space

A private entrance into a large, bright suite on the basement level of a two story Art Deco heritage home. This is a clean, creative and colorful space for the traveller who prefers a homey feel, not high end luxury. :) The kitchen features a full-size stove, fridge and small appliances if you wish to prepare simple meals. Big comfy sectional sofa faces a Flat screen TV with full cable package. Dedicated high speed WiFi and a desk area for your laptop. Separate bedroom with a large closet. The bathroom has a tub with a shower. Windows looking onto



P Report this listing

the gardens open for fresh air.

NOTE: for guests over 6' tall - the ceilings are 6' 10" with bulkheads in the living/dining area.

Guest access

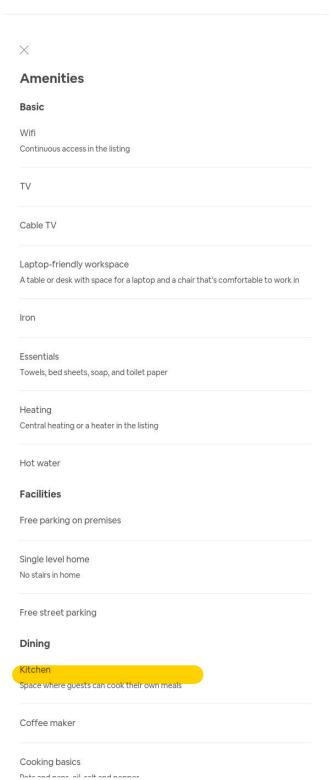
Windows face the greenery of the surrounding yard, with cedar trees and a unique Monkey Puzzle Tree. The house is on a corner with an intersection. You may hear traffic noise from the living room. The bedroom & bathroom are at the back and very quiet.

Other things to note

Please note there is an additional fee of \$25 pp for a 3rd or 4th guest whether that is an adult or child due to the extra bedding, towels, showers, etc.

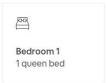
Hide ^

Contact host



rots and pails, oil, sait and pepper
Dishes and silverware
Microwave
Refrigerator
Oven
Stove
Guest access
Host greets you
Private entrance
Separate street or building entrance
Logistics
Luggage dropoff allowed
For guests' convenience when they have early arrival or late departure
Long term stays allowed
Allow stay for 28 days or more
Bed and bath
Hangers
Hair dryer
Shampoo
Bed linens
Extra pillows and blankets
Outdoor
Garden or backyard
Safety features
Fire extinguisher
Carbon monoxide alarm
Smoke alarm
First aid kit
Not included
Air conditioning
Washer

Sleeping arrangements



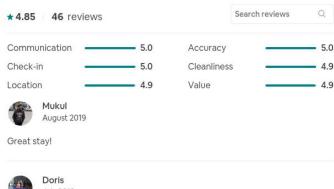
Availability

This host offers 5% off if you stay a week and a 15% monthly discount.



Clear dates

Reviews





July 2019

A very good experience.



Response from Kirsten: thank you! happy travels.

July 2019



Alyssa July 2019

Kirsten's place was very spacious and clean. Lots of thoughtful touches. It's a very short drive (5-7 min) from downtown Victoria, so it's very convenient to get around. There's also ample parking on the street. Kirsten was very responsive and flexible with our check in time. We...Read more



Response from Kirsten:

thanks so much! glad you enjoyed your stay :)

July 2019



Karen July 2019

We loved staying at this basement suite. It is so large and clean. And since we came during Canada Day, Kirsten gave us a very special holiday-celebration gift basket. That was fun! We highly recommend this home for visiting Victoria.



Nathaniel



Outstanding hospitality! Kirsten and Ian are very thoughtful hosts, and the suite is outstanding.



Pamela June 2019

We had a lovely stay. The flat is conveniently located along a bus line into downtown Victoria, but we also walked the nearby trail to town a couple of times. The hosts were quick to communicate and thoughtful. The place was very clean, spacious and had everything we needed. One...Read more



Response from Kirsten:

Thank you so much!! So glad you had a great trip.

June 2019



Kate

June 2019 LAST MINUTE TRIP

Stayed in Victoria for 3 days and everything was so close by. Had an amazing time! Kirsten was wonderful and the place was as expected! Would definitely stay again:)



2

...





Hosted by Kirsten

Victoria, Canada · Joined in March 2017



★ 46 Reviews ❖ Verified

Kirsten is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.



My spouse and I are professionals in the entertainment industry and have worked across Canada. He is an award-winning author, theatre director and TV producer. I am an actress, comedienne and theatre creator. (If you are looking for entertainment options on your visit, we can...Read more

Interaction with guests

We are happy to give tourist tips! My spouse and I live upstairs and are readily available if you need anything. Otherwise we are quiet (no kids or pets) and will respect your privacy.

Response rate: 100%

Response time: within an hour

Contact host

 $\label{lem:Always} \textbf{Always} \ \textbf{communicate through Airbnb} \cdot \textbf{To} \ \textbf{protect} \ \textbf{your payment}, \textbf{never transfer} \\ \textbf{money or communicate outside of the Airbnb website or app. } \textbf{Learn more} \\ \textbf{All the Airbnb} \ \textbf{New payment}, \textbf{New payment},$

About this place

When you stay in an Airbnb, you're staying at someone's place.

This is Kirsten's place.







The neighborhood

Kirsten's place is located in Victoria, British Columbia, Canada.

Quiet safe residential family-friendly neighbourhood with shops, pubs and restaurants nearby. Close to Tillicum Mall (movie cinema, gym, groceries, shops) and Uptown Mall (Walmart, Best Buy and more) for all your shopping needs.

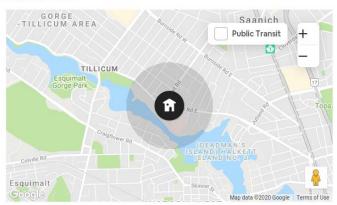
Enjoy a quiet nature walk along the beautiful Gorge Waterway to Gorge Park. Rent a kayak and get on the water, or rent a bike and discover the popular Galloping Goose bike Trail. Our home guide has all the details and lots of tourist brochures to make the most of your visit!

Getting around

Park in our driveway. Bus Stop for Transit Routes #8, #11, #26. (#11 Bus is direct to downtown/harbour in 10 minutes.) YYJ Airport Shuttle has a drop off/pickup service to nearby Travelodge Inn.

Hide ^

Show guidebook



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: 4:00 PM - 10:00 PM Checkout: 10:00 AM

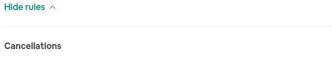


You must also acknowledge

Security deposit - if you damage the home, you may be charged up to \$378

Additional rules

No smoking of nicotine or cannabis on the property.



Free cancellation for 48 hours

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.



Hide policies ^



more nerinee yee may ince

Entire guest suite · 2 beds Beautiful Suite in Oaklands \$57 / night



Entire guest suite · 1 bed 4.92 (139) New, Private Suite in Victoria's Hippest Area \$67 / night



Private room · 1 bed Lugrin Place Suite \$60 / night

Things to do near this home



DINNER PARTY Plant Based Cookin' Class & **Dinner Party**

From \$46/person · Food, Drinks included 5.0 * (10)



★4.97 (145)

PHOTO WALK Photoshoot in Downtown Victoria From \$53/person · Equipment

included 5.0 * (30)



VeloGuide's Discover Victoria Tour

From \$78/person · Food, Drinks included 5.0 * (13)



± 4.88 (113)

DESSERT TASTING Sinfully Delicious Chocolate & Churches From \$43/person · Food included 5.0 + (4)

Explore other options in and around Victoria

 $\textbf{More places to stay in Victoria:} \ \ \textbf{Apartments} \cdot \textbf{Houses} \cdot \textbf{Bed and breakfasts} \cdot \textbf{Lofts} \cdot \textbf{Villas}$

Vancouver Portland Seattle Eugene Bellingham Victoria Whistler Richmond North Vancouver Tofino Hood River Kelowna Burnaby Bellevue Tacoma Salt Spring Island Coeur d'Alene Surrey

Nov. 19, 2020

RE: 4 Gorge Road East

To summarize and reiterate:

- 1. City Bylaw states that 'occasional' short-term rentals are permitted. It does NOT define this by stating a maximum number of days per year.
- 2. Our basement is occupied year- round by my nephew, a young man with a cognitive disability (his personal belongings are exposed in the photos taken by the bylaw officer). My brother purchased this entire family house for the sole purpose of giving his son a private space, so that he can learn how to live independently while we live upstairs and supervise. He visits his mother out of province twice per year, Christmas and summer holidays. His suite has ONLY been put on Airbnb during this time in full compliance with the 'occasional' use criteria. As he builds a new life in BC, he will spend far less time away than in 2019.
- 3. Denying us a short-term rental license has not, **nor will not**, do anything to assist the housing crisis. The basement suite has not been 'diverted from the rental market' and as long as this family owns the house, it will **never** be put on the market for long-term rentals. The basement will just sit empty for two months of the year.
- 4. Denying the license has created a loss of much needed household income. Despite the lack of tourism in 2020, in July we could have provided quarters for visitors from Up Island or local front-line workers.

Since the application was denied in December 2019, the city has dragged out this appeal process for an entire year, which has caused us anxiety and financial hardship. We ask City Council to recognize our compliance with the 'occasional use' criteria; and to show some compassion for families with disabilities.

K. Van Ritzen & Van Ferguson

Business Licence (Short-term Rental) Appeal re 4 Gorge Road East

Submission of the Licence Inspector

I. Introduction

- 1. This is an appeal from the decision of the Licence Inspector to refuse to issue a business licence to Kirsten Van Ritzen for the operation of a short-term rental at 4 Gorge Road East.
- 2. The business licence was denied pursuant to section 4(b) of the *Short-term Rental Regulation Bylaw*, which states:
 - 4. The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,

...

- (b) the short-term rental operation would contravene a City bylaw or another enactment.
- 5. The appeal is brought pursuant to section 60(5) of the *Community Charter*, which requires that an applicant for a business licence has the right to have a staff decision to refuse such licence reconsidered by Council.
- 6. On a reconsideration such as this, Council can apply its own judgment and may either uphold the decision to refuse the licence or grant the licence.

II. Facts

- 7. The appellant is a tenant at 4 Gorge Road East. The property is zoned R1-B (Single family dwelling). 4 Gorge Road East is a single family dwelling with suite. Short-term rentals are not a permitted use under this zone.
- 8. The premises in question is a basement suite. The appellant resides in upper unit of the single family dwelling.
- 9. The basement suite consists of a living room, a full kitchen, one bedroom and a full bathroom. It has a separate entrance from outside. There is an inside connection between the basement suite and the rest of the house. [See attached photos]
- 10. The basement suite contains its own kitchen facilities, with stove, fridge, microwave, kitchen sink, and counters and cabinets. As noted in the Airbnb ad, the premises offered for short-term rental include "Your own ground-level entrance, open plan kitchen/living room, with a separate bedroom and full bathroom" [See attached Matched Property Listing]
- 11. The appellant has rented the entire basement suite as a short-term rental since at least June 2018. Between 2018 and 2019, the appellants have accepted an average of 23 short-term

- rental bookings per year, with stays as short as 2 days. Attached is a report from Host Compliance detailing information about the short-term rental activity at the property.
- 12. The appellant applied for and received a business licence to operate short-term rental in 2019. The licence was granted on the basis of the appellant's representation that the short-term rental was offered in the appellant's principal residence.
- 13. An inspection of the premises on February 2, 2020 revealed that the basement suite is, in fact, a self-contained dwelling and is not part of the appellant's principal residence.
- 14. On February 6, 2020, the Licence Inspector advised the appellant that her application for a short-term rental licence has been refused because short-term rental of a self-contained dwelling did not comply with applicable zoning.

III. Relevant Regulations

15. The City regulates short-term rentals through the *Short-term Rental Regulation Bylaw* and through provisions of the zoning bylaws. In relation to the property, the relevant zoning bylaw is the *Zoning Regulation Bylaw*, which states, in part:

17 ...

- (4) Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except
 - (a) where they are expressly permitted subject to regulation applicable in those zones;
 - (b) rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:
 - (i) the self-contained dwelling unit is occupied by the operator of the short-term rental; and
 - (ii) short-term rental complies with all regulations in Schedule D as if it were a transient accommodation.
- 16. A self-contained dwelling unit is defined in the *Zoning Regulation Bylaw* as "a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities."

IV. Argument

17. When short-term regulations were initially introduced, the City was flooded with applications of business licences. In an effort to encourage compliance with regulations, these applications were processed very quickly and were not always fully screened. More careful reviews and inspections have been conducted as part of 2020 application process. Therefore, the fact that

the appellant was issued a short-term rental business licence in 2019 is not an indication that a 2020 licence should also be issued.

18. Although the appellant resides in the unit above the suite at 4 Gorge Road East, the premises that are rented as a short-term rental are not part of her principal residence, because the basement suite is an independent self-contained dwelling unit.

19. It is clear that the basement suite at 4 Gorge Road East is a self-contained dwelling unit: it has its own entrance from outside, its own full kitchen, and full bathroom – it meets all the requirements of the definition of "self-contained dwelling unit" in the *Zoning Regulation Bylaw*.

20. For all these reasons, the Licence Inspector submits that the appellant's application for a short-term rental business licence had to be refused as it contravened the Zoning Regulation Bylaw.

21. One of the objectives of the City's regulations of the short-term rentals was to address the problem of self-contained dwelling units being diverted from the housing market to a vacation rental market. This is the rationale behind the provisions of the zoning bylaw which limit short-term rentals to bedrooms within self-contained units rather than entire self-contained units.

22. The property at 4 Gorge Road East is an example of a family sized self-contained dwelling unit that has been lost to the regular housing market in the past, contrary to the intent behind City regulations, which prohibit rental of entire self-contained dwelling units as short-term rentals.

23. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 4 Gorge Road East upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: November 16, 2020

Shannon Perkins, Manager of Bylaw Services

Dashboard

Rental Unit Record

4 Gorge Road East, Victoria, BC, Canada

Active • Identified < Compliant X



Listing(s) Information

Airbnb - 25107524











Matched Details

Analyst

IRHY

Explanation

Interior photos of basement kitchen, bedroom, and living area from realty site Newportrealty.com matches the listing. Google streetview of front yard matches the one shown in the listing.

Listing Photos



Matching 3rd Party Sources



Basement kitchen and main living area are identical to the listing.



Rental Unit Information







Identified Address

4 Gorge Road East, Victoria, BC, Canada

Identified Unit Number

None

Identified Latitude, Longitude

48.444118. -123.389948

Parcel Number

0123411757089

Owner Address

4 Gorge Rd E, Victoria Victoria, BC V9A 1K8, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

- 1 Documented Stay January, 2020
- 2 Documented Stays December, 2019
- 3 Documented Stays



Bedroom is identical including the right side closet door, outlet and window placement.



Front yard landscaping is identical to the listing.

& Owner Name Match

Listing	Details

Listing URL	- https://www.airbnb.com/rooms/25107524
Listing Status	• Active
Host Compliance Listing ID	- air25107524
Listing Title	- Spacious & private 1 Bedroom Suite
Property type	- Guest suite
Room type	- Entire home/apt
Listing Info Last Captured	- Oct 13, 2020
Screenshot Last Captured	- Oct 13, 2020
Price	- \$57/night
Cleaning Fee	- \$19

Information Provided on Listing

Contact Name	- Kirsten
Latitude, Longitude	- 48.443890, -123.389389
Minimum Stay (# of Nights)	→ 31 *2 night minimum prior to rejection
Max Sleeping Capacity (# of People)	- 3
Max Number of People per Bedroom	- 3.0
Number of Reviews	- 46
Last Documented Stay	- 01/2020

Listing Screenshot History

View Latest Listing Screenshot

September, 2019

- 3 Documented Stays August, 2019
- 6 Documented Stays July, 2019
- 9 Documented Stays June, 2019
- 4 Documented Stays May, 2019
- 1 Documented Stay January, 2019
- Listing air25107524 Reposted January 1st, 2019
- ★ Listing air25107524 Removed December 12th, 2018
- 2 Documented Stays September, 2018
- 7 Documented Stays August, 2018
- ✓ Listing air25107524 Identified July 16th, 2018
- 2 Documented Stays July, 2018
- ¥ Listing air25107524 First Crawled June 29th, 2018
- 6 Documented Stays June, 2018
- Listing air25107524 First Activity
 June 3rd, 2018

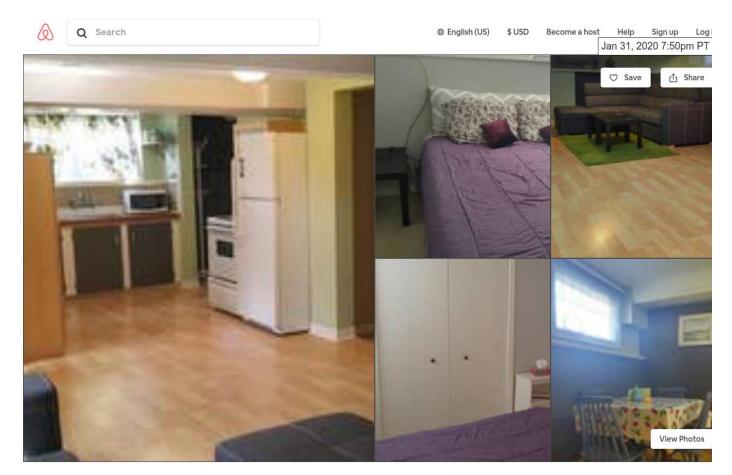
August 7

September 7

October 4

January 31, 2020 - 08:50PM America/Vancouver

Screenshot printed at: 7/3/2020 3:40:56 PM



Spacious & private 1 Bedroom Suite



Victoria

4 guests 1 bedroom 1 bed 1 bath

♠ Entire home

You'll have the guest suite to yourself.

Sparkling clean

17 recent guests said this place was sparkling clean.

Kirsten is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Great location

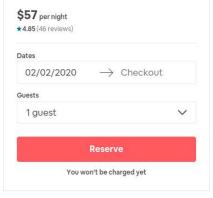
95% of recent guests gave the location a 5-star rating.

Clean, spacious and private suite on the lower level of a unique Art Deco heritage home. Your own ground-level entrance leads to an open plan kitchen/living room, with a separate bedroom and full bathroom. Great location near the scenic Gorge waterway, close to Tillicum Mall and Uptown Mall for all your shopping needs. Whether you drive or catch the #11 bus it is only 10 minutes to Downtown Victoria and the beautiful Harbour.

City of Victoria Business License 00036317

The space

A private entrance into a large, bright suite on the basement level of a two story Art Deco heritage home. This is a clean, creative and colorful space for the traveller who prefers a homey feel, not high end luxury. :) The kitchen features a full-size stove, fridge and small appliances if you wish to prepare simple meals. Big comfy sectional sofa faces a Flat screen TV with full cable package. Dedicated high speed WiFi and a desk area for your laptop. Separate bedroom with a large closet. The bathroom has a tub with a shower. Windows looking onto



P Report this listing

the gardens open for fresh air.

NOTE: for guests over 6' tall - the ceilings are 6' 10" with bulkheads in the living/dining area.

Guest access

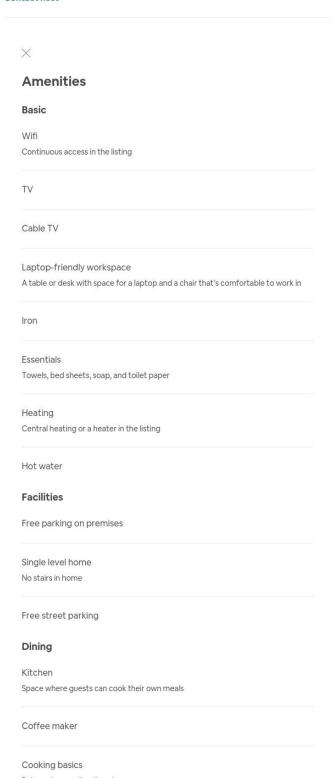
Windows face the greenery of the surrounding yard, with cedar trees and a unique Monkey Puzzle Tree. The house is on a corner with an intersection. You may hear traffic noise from the living room. The bedroom & bathroom are at the back and very quiet.

Other things to note

Please note there is an additional fee of \$25 pp for a 3rd or 4th guest whether that is an adult or child due to the extra bedding, towels, showers, etc.

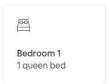
Hide ^

Contact host



rots and pans, on, sait and pepper
Dishes and silverware
Microwave
Refrigerator
Oven
Stove
Guest access
Host greets you
Private entrance
Separate street or building entrance
Logistics
Luggage dropoff allowed
For guests' convenience when they have early arrival or late departure
Long term stays allowed
Allow stay for 28 days or more
Bed and bath
Hangers
Hair dryer
Shampoo
Bed linens
Extra pillows and blankets
Outdoor
Garden or backyard
Safety features
Fire extinguisher
Carbon monoxide alarm
Smoke alarm
First aid kit
Not included
Air conditioning
Washer

Sleeping arrangements



Availability

This host offers 5% off if you stay a week and a 15% monthly discount.



Reviews

Clear dates





Great stay!



Doris July 2019

A very good experience.



Response from Kirsten: thank you! happy travels.

July 2019



Alyssa July 2019

Kirsten's place was very spacious and clean. Lots of thoughtful touches. It's a very short drive (5-7 min) from downtown Victoria, so it's very convenient to get around. There's also ample parking on the street. Kirsten was very responsive and flexible with our check in time. We...Read more



Response from Kirsten:

thanks so much! glad you enjoyed your stay :)

July 2019



Karen July 2019

We loved staying at this basement suite. It is so large and clean. And since we came during Canada Day, Kirsten gave us a very special holiday-celebration gift basket. That was fun! We highly recommend this home for visiting Victoria.





Outstanding hospitality! Kirsten and Ian are very thoughtful hosts, and the suite is outstanding.



Pamela June 2019

We had a lovely stay. The flat is conveniently located along a bus line into downtown Victoria, but we also walked the nearby trail to town a couple of times. The hosts were quick to communicate and thoughtful. The place was very clean, spacious and had everything we needed. One...Read more



Response from Kirsten:

Thank you so much!! So glad you had a great trip.

June 2019



Kate

June 2019 LAST MINUTE TRIP

Stayed in Victoria for 3 days and everything was so close by. Had an amazing time! Kirsten was wonderful and the place was as expected! Would definitely stay again:)



2







Hosted by Kirsten

Victoria, Canada · Joined in March 2017



★ 46 Reviews ❖ Verified

Kirsten is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.



My spouse and I are professionals in the entertainment industry and have worked across Canada. He is an award-winning author, theatre director and TV producer. I am an actress, comedienne and theatre creator. (If you are looking for entertainment options on your visit, we can...Read more

Interaction with guests

We are happy to give tourist tips! My spouse and I live upstairs and are readily available if you need anything. Otherwise we are quiet (no kids or pets) and will respect your privacy.

Response rate: 100%

Response time: within an hour

Contact host

 $\label{lem:Always} \textbf{Always} \ \textbf{communicate through Airbnb} \cdot \textbf{To} \ \textbf{protect} \ \textbf{your payment}, \textbf{never transfer} \\ \textbf{money or communicate outside of the Airbnb website or app. } \textbf{Learn more} \\ \textbf{All the Airbnb} \ \textbf{New payment}, \textbf{New payment},$

About this place

When you stay in an Airbnb, you're staying at someone's place.

This is Kirsten's place.

lan helps host.





The neighborhood

Kirsten's place is located in Victoria, British Columbia, Canada.

Quiet safe residential family-friendly neighbourhood with shops, pubs and restaurants nearby. Close to Tillicum Mall (movie cinema, gym, groceries, shops) and Uptown Mall (Walmart, Best Buy and more) for all your shopping needs.

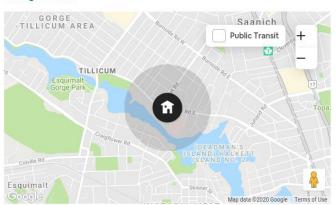
Enjoy a quiet nature walk along the beautiful Gorge Waterway to Gorge Park. Rent a kayak and get on the water, or rent a bike and discover the popular Galloping Goose bike Trail. Our home guide has all the details and lots of tourist brochures to make the most of your visit!

Getting around

Park in our driveway. Bus Stop for Transit Routes #8, #11, #26. (#11 Bus is direct to downtown/harbour in 10 minutes.) YYJ Airport Shuttle has a drop off/pickup service to nearby Travelodge Inn.

Hide ^

Show guidebook



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: 4:00 PM - 10:00 PM Checkout: 10:00 AM



You must also acknowledge

Security deposit - if you damage the home, you may be charged up to \$378

Additional rules

No smoking of nicotine or cannabis on the property.

Hide rules ^ Cancellations

Free cancellation for 48 hours

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.



More homes you may like

Hide policies ^



more nerinee yee may ince

Entire guest suite · 2 beds Beautiful Suite in Oaklands \$57 / night



★4.97 (145) Entire guest suite · 1 bed 4.92 (139) New, Private Suite in Victoria's Hippest Area \$67 / night



Private room · 1 bed Lugrin Place Suite \$60 / night

Things to do near this home



DINNER PARTY Plant Based Cookin' Class & **Dinner Party**

From \$46/person · Food, Drinks included 5.0 * (10)



PHOTO WALK Photoshoot in Downtown Victoria

From \$53/person · Equipment included 5.0 * (30)



VeloGuide's Discover Victoria Tour

From \$78/person · Food, Drinks included 5.0 * (13)



± 4.88 (113)

DESSERT TASTING Sinfully Delicious Chocolate & Churches From \$43/person · Food included

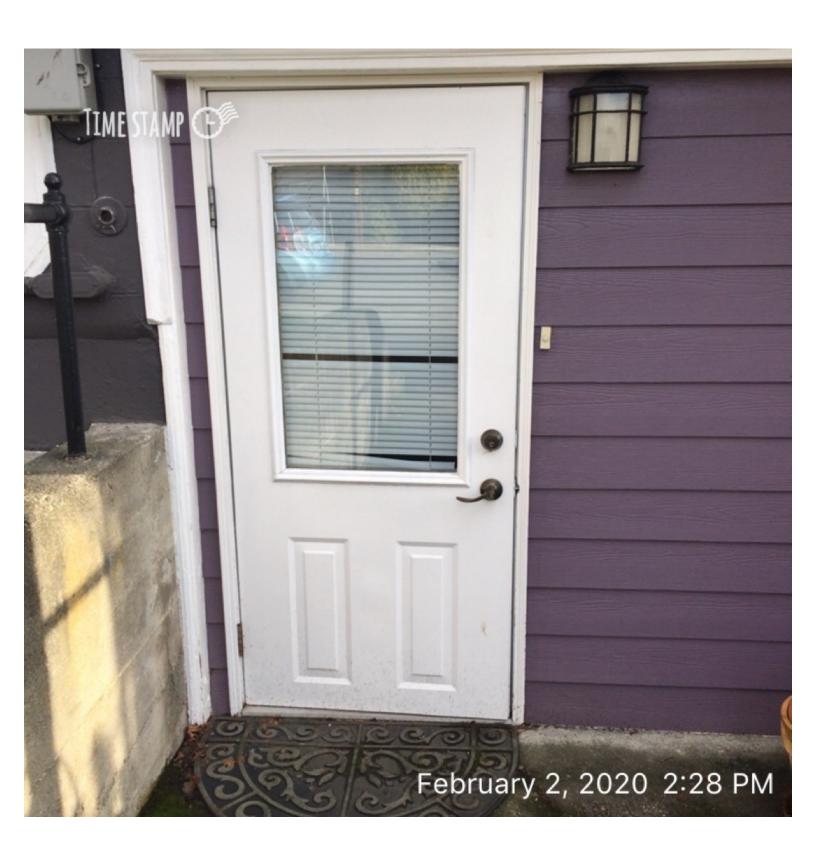
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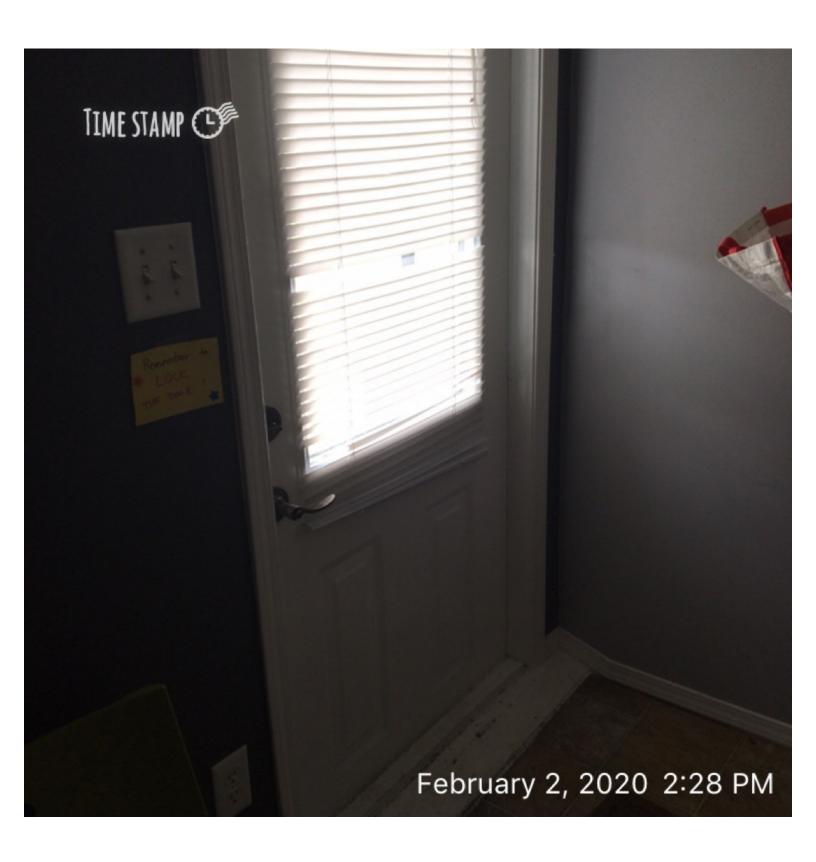
Explore other options in and around Victoria

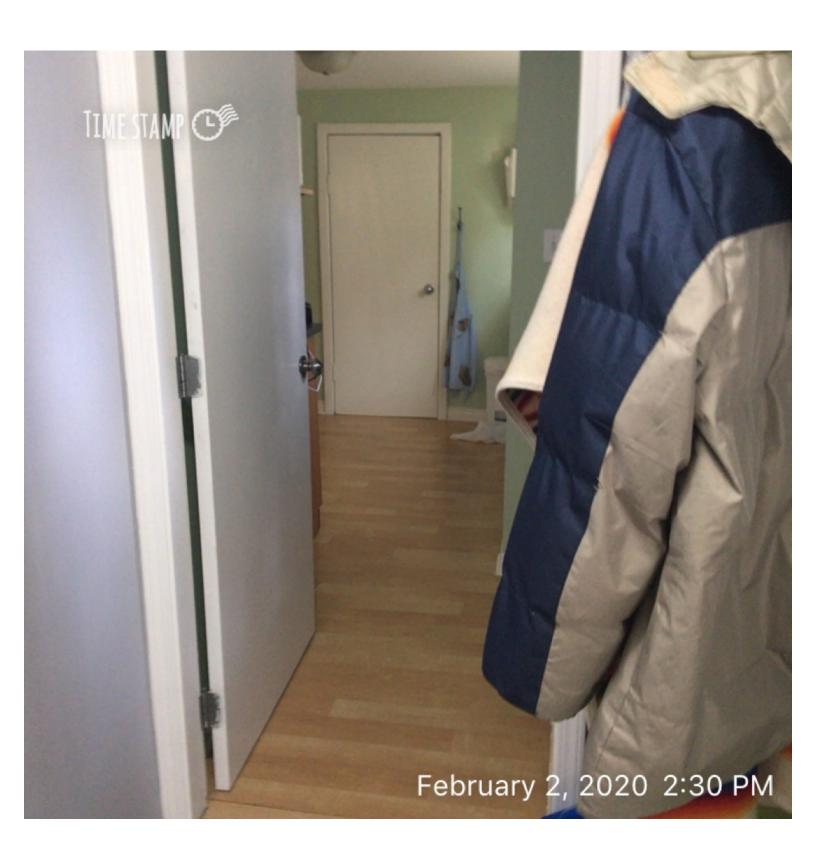
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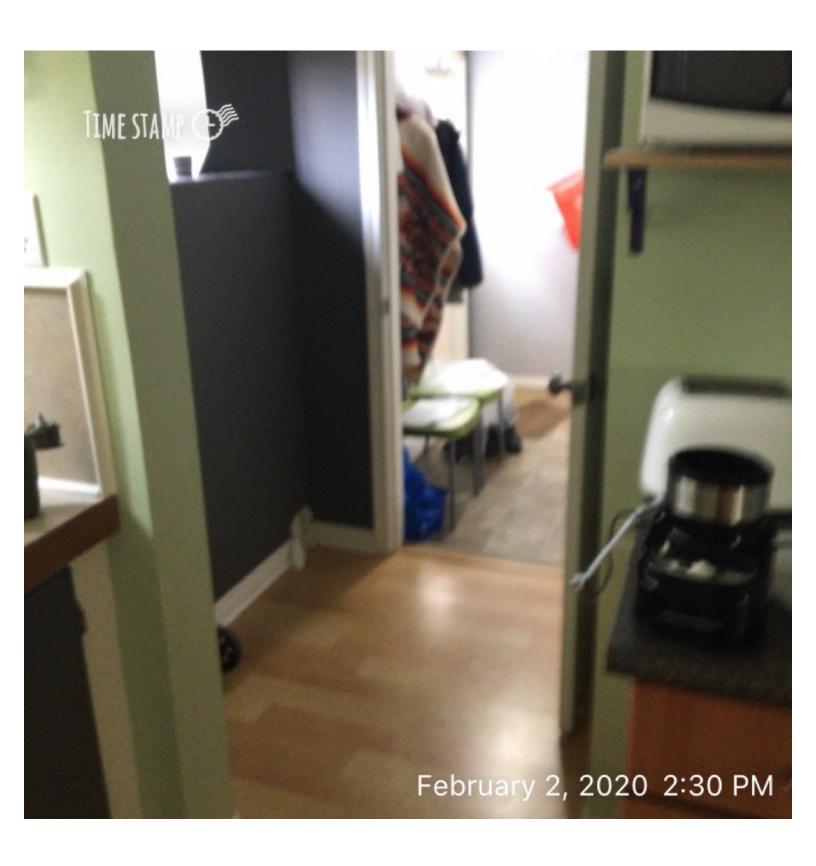
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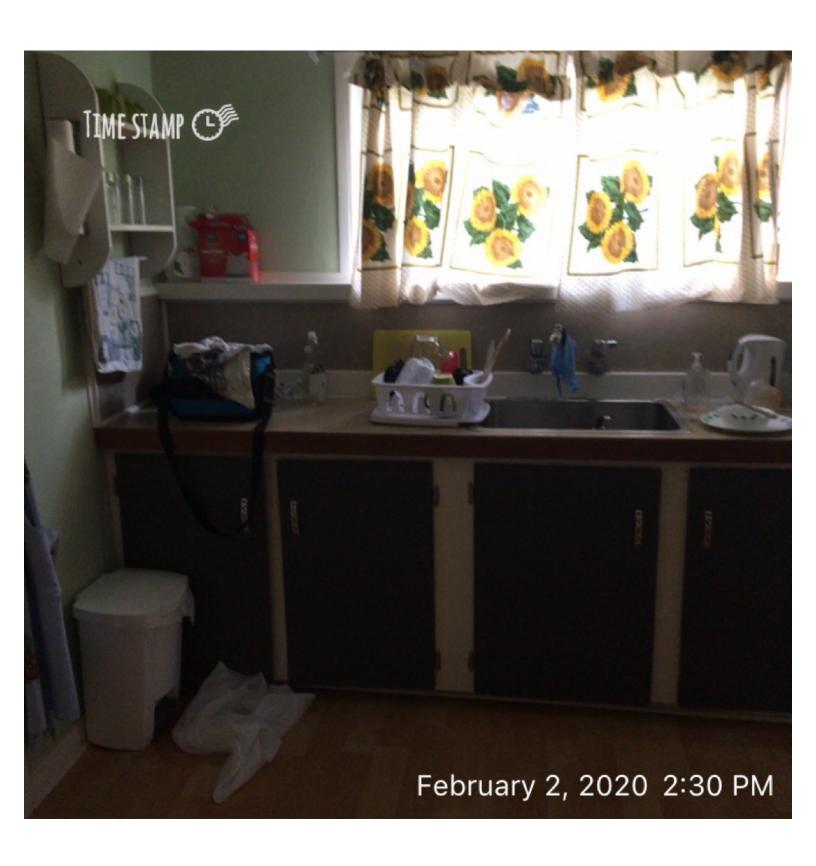




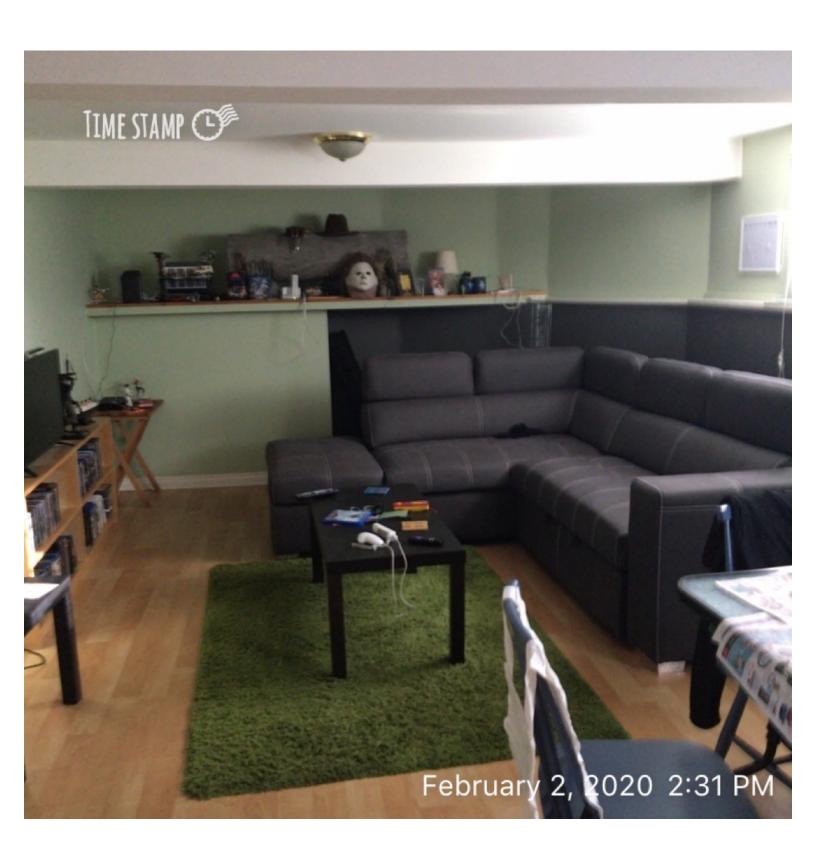


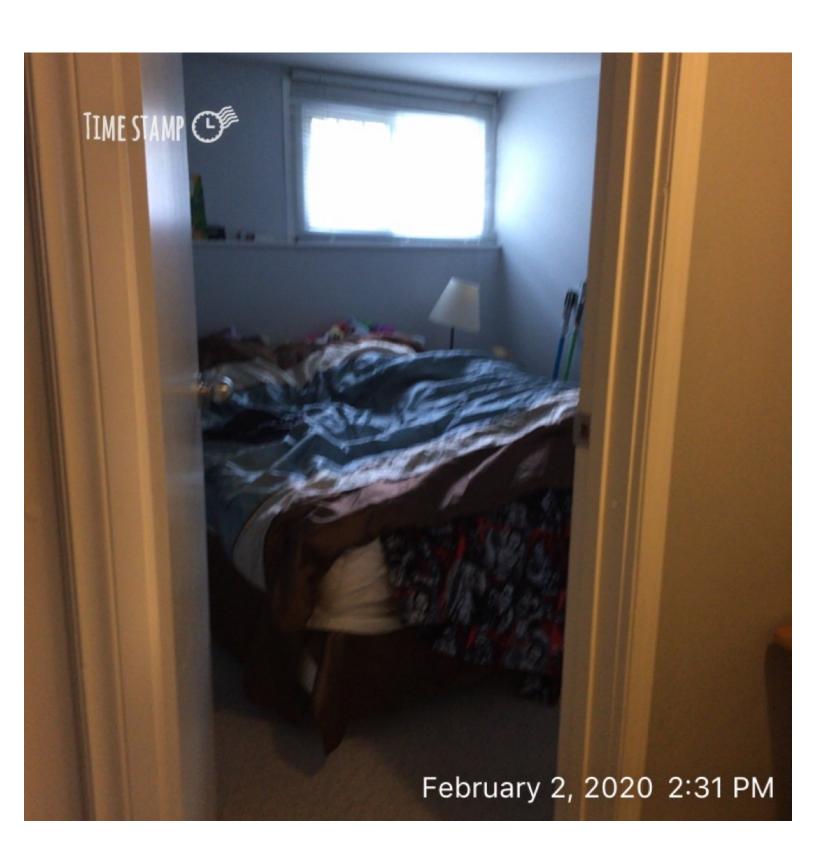


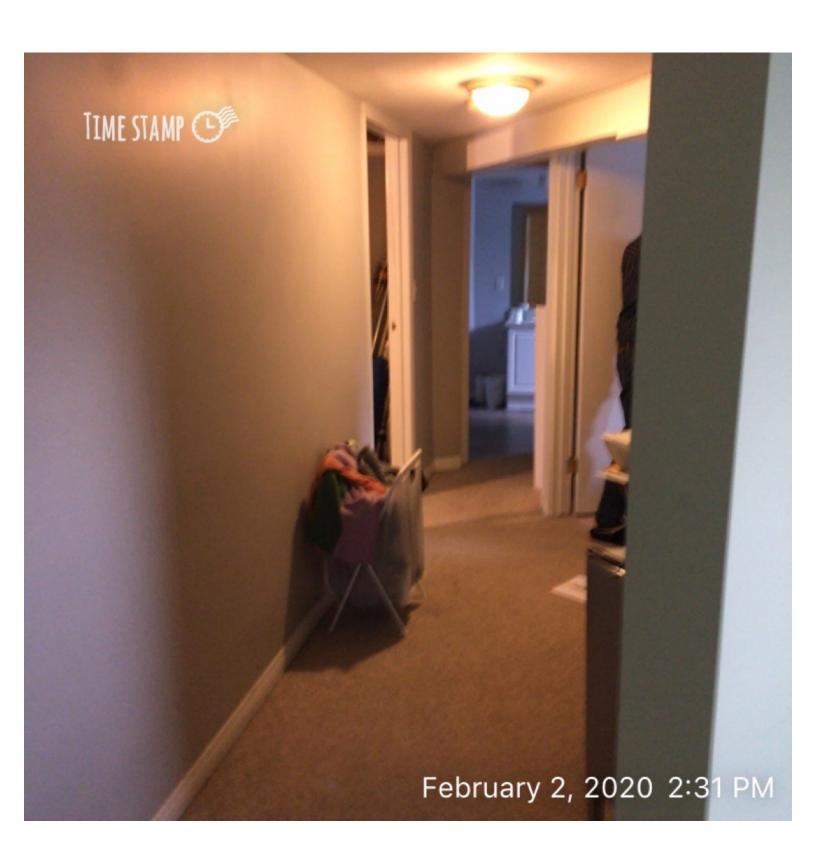




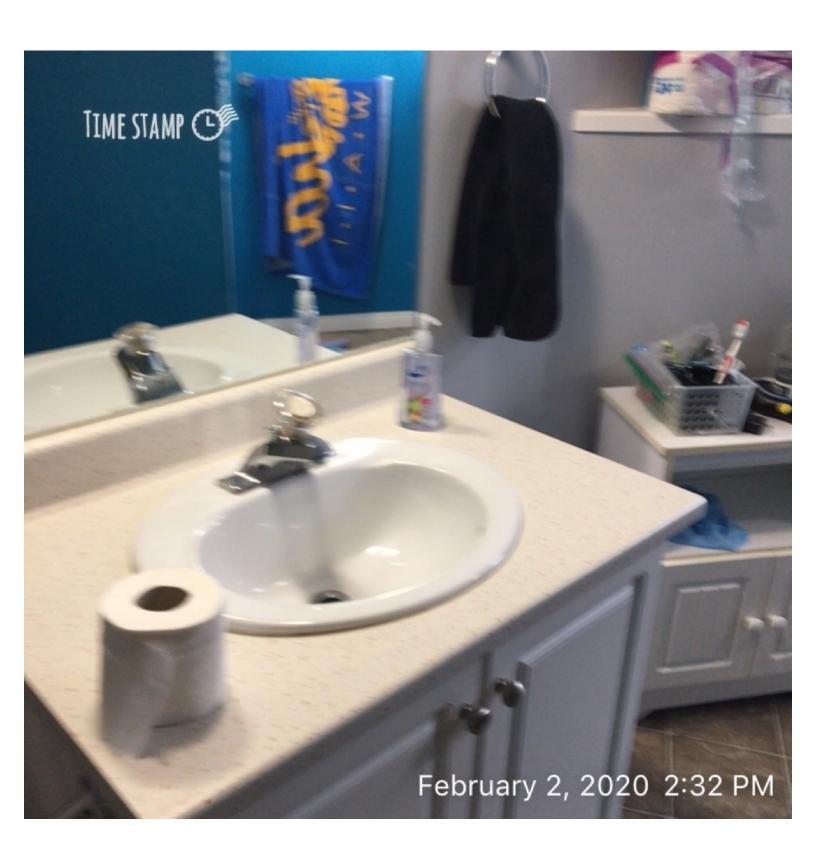


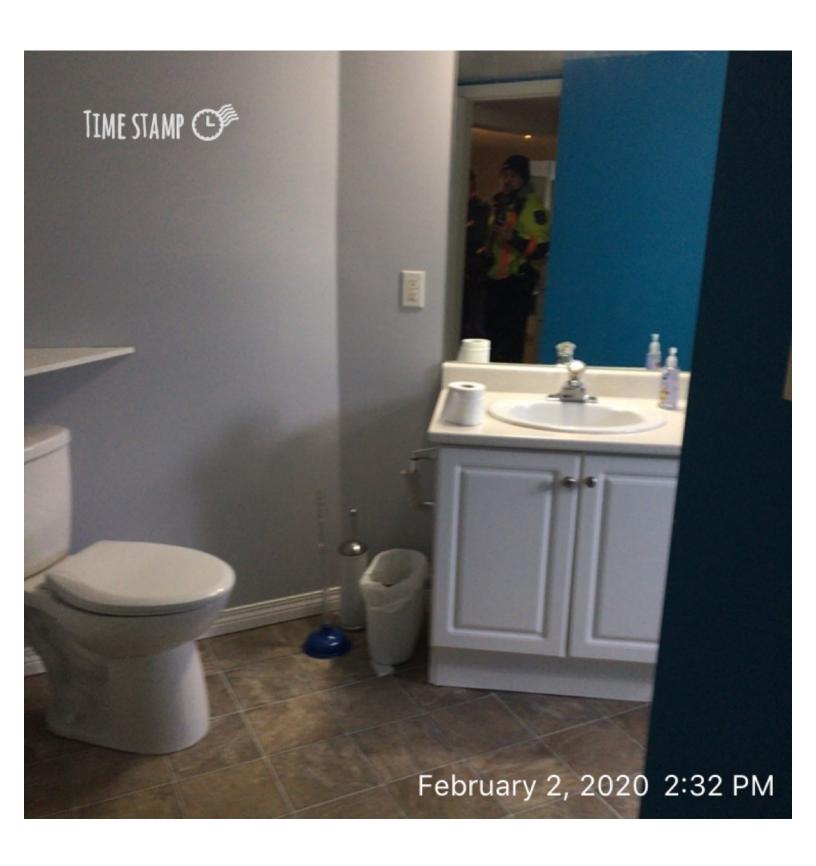


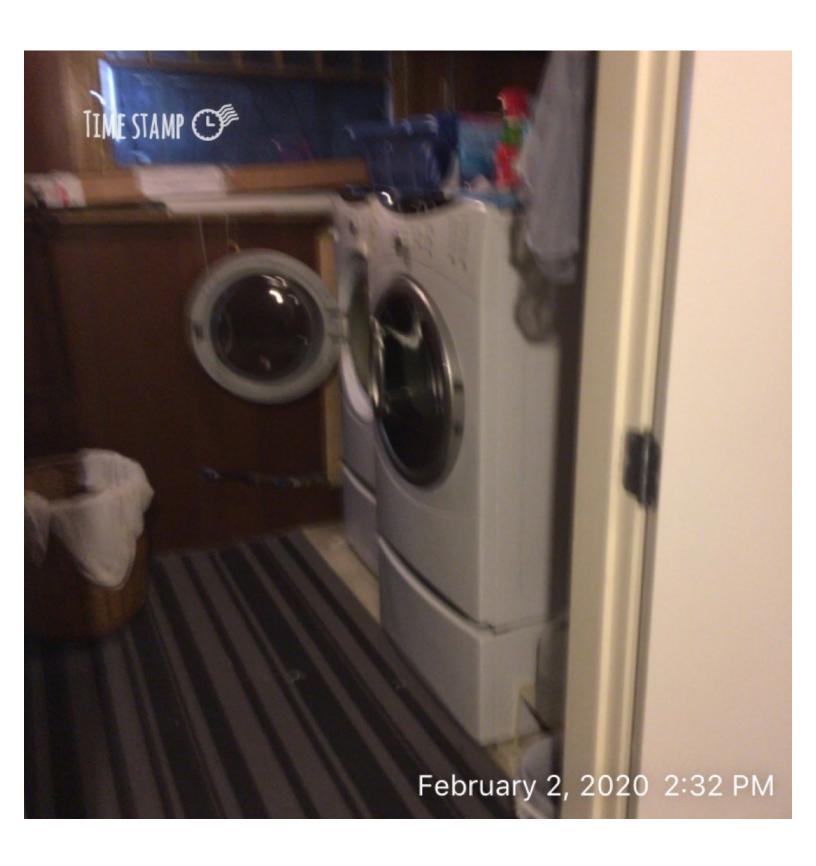














Council Report

For the Meeting of December 3, 2020

To: Council Date: November 25, 2020

From: Chris Coates, City Clerk

Subject: Short Term Rental Business License Appeal for 302 Moss Street

RECOMMENDATION

That Council receive this report for information and either uphold or overturn the License Inspector's denial of a business license for the short-term rental unit at 302 Moss Street.

EXECUTIVE SUMMARY

This report presents documents from an Appellant and the City's Licence Inspector for Council's consideration under the Short-term Business Licence Appeal Process Policy.

The Short-term Rental Regulation 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. The Bylaw is attached as Appendix A.

Each year short-term rental operators apply for a short-term rental business licence and a Licence Inspector determines whether to issue a licence or not. If an application is not compliant with the City's requirements for short-term rental units, a Licence Inspector may deny a business licence. In this instance, the Licence Inspector notifies the applicant of this decision and advises them how to seek Council's reconsideration as established under section 60(5) of the Community Charter. The City Clerk's Office coordinates the appeal process.

The Short-term Business Licence Appeal Process Policy contains for a process for an Appellant to seek an opportunity to be heard by Council for a denied business licence in accordance with the Community Charter, section 60(5). The Policy is attached as Appendix B. This policy establishes terms and conditions for reconsideration by Council, required documentation to submit as a part of the appeal process, next steps following Council's decision, and other matters.

The Policy establishes the following process:

- 1. An applicant may start an appeal by submitting a request to the City Clerk
- 2. The City Clerk replies to an Appellant to acknowledge the request
- 3. An Appellant makes a written submission (Appendix C)
- 4. The Licence Inspector makes a written submission in response to the Appellant (Appendix D)
- 5. An Appellant may also make a written submission in response to the Licence Inspectors reasons for denial of the License. (Appendix E)

- 6. Once this process is complete, the City Clerk's Office informs the Appellant and Licence Inspector of the date that Council will consider the appeal
- 7. The City Clerk's Office consolidates these documents and submits them to Council for Council to determine whether the License Inspector's denial of the License is upheld or overturned.

Council's role is to review this information and to either grant or deny an appeal. Denying an appeal means a Licence Inspector will not issue a short-term rental business licence. Granting an appeal means that the Licence Inspector will issue a short-term rental business licence as soon as practicable.

In this instance the operator at 302 Moss Street of a short-term rental unit was denied a license and has exercised the Community Charter right to have council reconsider the matter. The submissions of both the operator and the License Inspector are attached as appendices as noted above.

Respectfully submitted.

Chris Coates City Clerk

Report accepted and recommended by the City Manager:

Date: November 26, 2020

Attachments

Appendix A: Short-Term Rental Regulation Bylaw

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

Appendix C: Appellant's Submission

Appendix D: Licence Inspector's Response to Appellant's Submission

Appendix E: Appellant's Response

Appendix F: Licence Inspector's Report Submission

NO. 18-036

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 renal 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

- 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

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 be 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

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

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

"CHRIS COATES"
CITY CLERK

"LISA HELPS" MAYOR



COUNCIL POLICY

No.1

Page 1 of 2

SUBJECT:	Short-Term Rental Business Licence Appeal Process Policy	
PREPARED BY:	Monika Fedyczkowska	
AUTHORIZED BY:	Council	
EFFECTIVE DATE:	April 23, 2020	REVISION DATE:
REVIEW FREQUENCY:	Every 3 years	

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**

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

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



Council Policy Short-Term Rental Business Licence Appeal Process Policy

Page 2 of 2

- 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

Madison Heiser

From: Madison Heiser

Sent: Wednesday, March 11, 2020 12:46 PM

To: Madison Heiser

Subject: Letter to appeal Short Term Rental License decision

From: Nicole Clement-Reynier

Sent: February 12, 2020 9:23 AM

To: Legislative Services email

Cc: Gilles Clement

Subject: Letter to appeal Short Term Rental License decision

Dear City Clerk,

In response to our STR business license application 1021352, we received a letter from the city, dated January 31st 2020, which stated our STR license would not be renewed. We would like to appeal this decision for the reasons that we have highlighted below.

We are prepared to abide by and comply with any City bylaws as required, including building and plumbing regulation and electrical safety regulation. However, our property should not be contravening the zoning bylaws, being zoned R1-B according to section 1.2 and our Single Family Dwelling is allowed to have a secondary suite.

In response to the comments regarding Schedule D of the zoning regulation bylaw, that the definition of a self-contained dwelling unit is: "A suite of rooms in a building designed for occupancy of one family which has a separate entrance and kitchen and bathroom facilities", we feel our room cannot be considered a self-contained dwelling unit because it does not have a fully equipped kitchen.

As mentioned to the bylaw officer during his visit, we found the facilities and living space of our room cannot accommodate the requirement for a place of residence for long-term rental, hence our decision to go with short-term renters. Additionally, while we agree with the purpose of the business licence to help mitigate an even greater market restriction on long-term rental availability, we simply feel that our room is not large enough nor fully equipped to cater for more than just short-term stays.

We hope that you shall consider a favorable outcome to our appeal.

Kind regards, Nicole & Gilles Clement-Reynier 302 Moss St.



June 25, 2020

Legislative and **Regulatory Services** Department

Clement-Reynier, Nicole 302 Moss St Victoria BC V8V 4M8

Bylaw and Licensing Services Division

1 Centennial Square Victoria BC V8W 1P6

Re: Short-Term Rental Business Licence Appeal - 302 Moss St

Your 2020 application was rejected due to non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away.

Per Schedule A of the Zoning Bylaw:

"Self-contained Dwelling Unit" means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, kitchen and bathroom facilities.

An inspection was conducted at 302 Moss St on January 14th, which confirmed the presence of a separate entrance, a bathroom, and a kitchenette. For these reasons, your application was rejected on January 31st.

Attached is a screenshot of your Airbnb listing from March 26th, at which time you were still advertising the space as a studio, and as an "entire home". The listing further advertises "coffee maker, cooking basics (pots and pans, oil, salt and pepper), dishes and silverware, microwave and refrigerator".

For these reasons, your 2020 application for a short-term rental business licence was rejected.

Regards.

Kim Ferris

Bylaw Officer/Business Licence Inspector Legislative & Regulatory Services Department City of Victoria

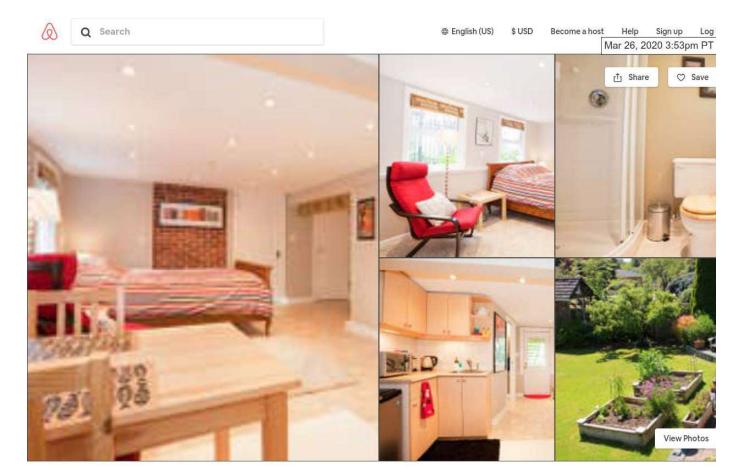
1 Centennial Square, Victoria B.C. V8W 1P6

To Contact

Telephone: 250.361.0726 E-Mail: str@victoria.ca

Fax: 250.361.0205 Web: www.victoria.ca March 26, 2020 - 03:53PM America/Vancouver

Screenshot printed at: 6/25/2020 2:22:52 PM



Cook St Village Studio Near Downtown



2 guests Studio 1 bed 1 bath



■ Self check-in Check yourself in with the keypad.

Sparkling clean 10 recent guests said this place was sparkling clean.

Nicole & Gilles is a Superhost Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

In the heart of Fairfield, our studio is in a quiet and friendly neighbourhood within walking distance to downtown, beautiful coastal views and the fun shops and restaurants of Cook St. Village. We're also a short stroll from a fantastic Farmer's Market every Saturday!

Pets considered and kids very welcome.

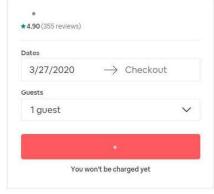
To comply with recent changes to short term rentals, the studio is rented based on 30 days. Please contact us for terms and rates!

The space

Victoria

Private and comfortable lower-level studio located in lovely Fairfield, within walking distance to ocean-side strolls and all the great cafes, restaurants and shops of Cook St Village.

Guest access



P Report this listing

well as a Queen-sized bed, wireless internet and dining for two. Enjoy your coffee in the relaxing, sunny back patio and yard or wander just up the street to check out the Moss St Farmer's market every Saturday morning (Apr – Nov) for great local food, crafts and music.

- · Free On-Street Parking
- · Small Refrigerator
- Microwave
- · Electric Kettle
- · French Press
- · Tea & Coffee Provided

Bath Amenities:

- · Shower Gel
- · Shampoo & Conditioner
- · Hand Soap
- · Towels (bath, hand & wash cloths)
- · Hair Dryer

Other Items:

- · Iron and ironing board
- · Graco Pack n Play on request for little ones

Other things to note

Coffee and tea are provided as well as shared laundry facilities, full closet and storage options for bikes and luggage for those wanting to stay longer.

We will accommodate guests with small dogs for an additional cleaning fee.

Please note there is a beam that runs across the ceiling of the suite so those taller than 61" will have to duck!

Sorry, no smokers please.

Hide ^

Contact host



Amenities

Hot water

Wifi Continuous access in the listing TV Laptop-friendly workspace A table or desk with space for a laptop and a chair that's comfortable to work in Washer In the building, free or for a fee Iron Dryer In the building, free or for a fee Essentials Towels, bed sheets, soap, and toilet paper Heating Central heating or a heater in the listing

Family features
Baby bath
Pack 'n Play/travel crib
Room-darkening shades
Facilities
Free parking on premises
Free street parking
Dining
Coffee maker
Cooking basics Pots and pans, oil, salt and pepper
Dishes and silverware
Microwave
Refrigerator
Guest access
Keypad Check yourself into the home with a door code
Private entrance
Separate street or building entrance
behavior of policing entrance
Logistics
Logistics Luggage dropoff allowed For guests' convenience when they have early arrival or late departure
Luggage dropoff allowed
Logistics Luggage dropoff allowed For guests' convenience when they have early arrival or late departure Long term stays allowed Allow stay for 28 days or more
Logistics Luggage dropoff allowed For guests' convenience when they have early arrival or late departure Long term stays allowed
Logistics Luggage dropoff allowed For guests' convenience when they have early arrival or late departure Long term stays allowed Allow stay for 28 days or more Bed and bath
Logistics Luggage dropoff allowed For guests' convenience when they have early arrival or late departure Long term stays allowed Allow stay for 28 days or more Bed and bath Hangers
Logistics Luggage dropoff allowed For guests' convenience when they have early arrival or late departure Long term stays allowed Allow stay for 28 days or more Bed and bath Hangers Hair dryer
Logistics Luggage dropoff allowed For guests' convenience when they have early arrival or late departure Long term stays allowed Allow stay for 28 days or more Bed and bath Hangers Hair dryer Shampoo
Logistics Luggage dropoff allowed For guests' convenience when they have early arrival or late departure Long term stays allowed Allow stay for 28 days or more Bed and bath Hangers Hair dryer Shampoo Bed linens

Garden or backyard

Safety features

Safety features Fire extinguisher

Carbon monoxide alarm

Smoke alarm
First aid kit

Not included

Kitchen

Air conditioning

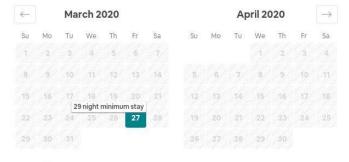
Sleeping arrangements



Common spaces 1 queen bed

Availability

This host offers 12% off if you stay a week and a 15% monthly discount.



Clear dates

Reviews





It was very tidy, comfortable, amenities very good. The hosts were exceptionally attentive and communication was always there.



From the minute we arrived after traveling all day from Lawrence, Kansas, it felt like we were home. It was a perfect location for everything we did during our three nights there. We will definitely stay there again if we ever visit again and will highly recommend them to...Read more



Natalie April 2019

Great place for a relaxing vacation!



Robin March 2019

Nicole and Gilles offer a compact, but fully equipped smart, clean and comfortable studio. Tea, coffee, sparkling water, Juice and snack facilities were a welcome boon for our late night arrival. The location is just a five minute walk from the centre of Cook Village which offers...Read more



Dan

January 2019 LAST MINUTE TRIP

Nice n cozy, full kitchen, good privacy.



Whitney

December 2018

Nicole & Gilles's place was great! My husband and I stayed in Victoria our whole stay and the house is walking distance to everything! The hosts are very friendly, helpful, and respectful of privacy. We loved our stay and would definitely stay again.



Chelsea

November 2018

Nicole and Gilles place is perfectly located and has the personal touches of feeling 'at home.' Nicole was very prompt with details and tailored local recommendations! They are a quick walk to the coast, trails and downtown! We appreciated all of the local recommendations and the...Read more



2

1,000



Hosted by Nicole & Gilles

Victoria, Canada · Joined in October 2012



★ 355 Reviews

 $\label{eq:Nicole & Gilles is a Superhost \cdot Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.$



We love to travel and have lived in England, France and Canada. We look forward to hosting visitors from all around and are happy to help guests explore this beautiful city with its amazing coastal surroundings.

Interaction with guests

The studio is in our home so we are available for our guests but we will also leave you in peace if desired.

Languages: English, Français

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. **Learn more**

Things to keep in mind

Check-in: 3:00 PM - 12:00 AM Checkout: 12:00 PM

House Rules

No smoking

No parties or events

Pets are allowed

You must also acknowledge

Pet(s) live on property - We have a small Havanese pup (Otis) that stays in our home but is not allowed in the suite.

Additional rules

We enjoy hosting but do ask that you please respect our neighbours, we appreciate quiet time after 11pm.

Please remove your shoes at the door and before departure, please turn down the heat and do your dishes if you have time.

Thanks!

Nicole and Gilles

Hide rules ^

Cancellations

More homes you may like



Private room - 2 beds Garden Suite-King-Ensuite \$125 / night



Entire apartment · 1 bed Downtown by the Park \$70 / night



4.72 (56) Entire apartment - 2 beds **4.98** (59) Perfect Downtown Condo, free secure onsi... \$63 / night

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Vancouver Whistler North Vancouver Burnaby Salt Spring Island

Portland Eugene Bellingham Tofino Hood River Coeur d'Alene Seattle Richmond Kelowna Bellevue Surrey Vernon

Short Term Rental Business Licence Appeal for application # 1031352 302 Moss St.

June 16, 2020

Thank you for considering our appeal to the decision to deny us the Short Term Rental licence this year.

We are appealing this decision for the reasons outlined in my email from February 12, and for those further explained below. We do appreciate and understand the need for longer-term rental availability in Victoria, but we feel our ground-level room is neither large enough nor fully-equipped to accommodate long-term renters.

We feel that our room (rented with STR license since 2018) is too small for longer-term renters due to the fact that it is only 300 square feet and is not equipped with full kitchen facilities. We are able to access the room through several doors, one that can never be locked, and we also allow our short-term renters to use the laundry area and our own oven if required. Most of our guests have not needed a full kitchen and with our family living above the room it has suited everyone (we have two young daughters who can be noisy!) to only accommodate short-term renters. Over the years, our family have also met some wonderful people from around the world!

Also, in the process of submitting the application to have the plumbing and electrical upgrades in our basement permitted (this work was done by the previous owners, prior to our purchase of the house in 2011), we explored the cost to make the suite larger and to comply with legal, long-term suite guidelines, but found it would just be too costly to implement.

We have thoroughly enjoyed hosting short-term renters from all over the world and helping them discover this great neighbourhood and city. Our whole family benefits from this situation and we truly wish to continue, if possible.

Thank you once again, for considering our appeal.

Nicole & Gilles Clement-Reynier

Business Licence (Short-term Rental) Appeal re 302 Moss Street

Submission of the Licence Inspector

I. Introduction

- 1. This is an appeal from the decision of the Licence Inspector to refuse to issue a business licence to Nicole Clement-Reynier for the operation of a short-term rental at 302 Moss Street.
- 2. The business licence was denied pursuant to section 4(b) of the *Short-term Rental Regulation Bylaw*, which states:
 - 4. The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,

...

- (b) the short-term rental operation would contravene a City bylaw or another enactment.
- 5. The appeal is brought pursuant to section 60(5) of the *Community Charter*, which requires that an applicant for a business licence has the right to have a staff decision to refuse such licence reconsidered by Council.
- 6. On a reconsideration such as this, Council can apply its own judgment and may either uphold the decision to refuse the licence or grant the licence.

II. Facts

- 7. The appellant owns the property at 302 Moss Street. The property is zoned R1-B (single family dwelling). Short-term rentals are not a permitted use under this zone.
- 8. The owner of the property has created a self-contained studio unit in the basement. [See attached photos]
- 9. The basement studio unit consists of a living room/bedroom, a separate bathroom and a food preparation area (kitchenette). It has a separate entrance from outside with keypad for self-entry. There is a locking door between the basement suite and the rest of the house. That door locks from outside of the basement unit (i.e., the units occupants have no access to the rest of the house).
- 10. The kitchenette includes a counter with sink, small fridge, a microwave oven and a kettle. [See attached photos]
- 11. The appellant has rented the entire basement unit as a short-term rental since at least March 2013. Since that time, the appellant has accepted over 355 short-term rental bookings. In

2019, the appellant had accepted over 45 short-term rental bookings, with stays as short as 2 days. Attached is a report from Host Compliance detailing information about the short-term rental activity at the property.

- 12. The appellant applied for and received a business licence to operate a short-term rental in 2018 and 2019. The licence was granted on the basis of the appellant's representation that the short-term rental was offered in the appellant's principal residence.
- 13. An inspection of the premises on January 14th, 2020 revealed that the basement unit is operating as a self-contained dwelling and is not part of the appellant's principal residence.
- 14. On January 31st, 2020, the Licence Inspector advised the appellant that her application for a short-term rental licence has been refused because short-term rental of a self-contained dwelling did not comply with applicable zoning.

III. Relevant Regulations

15. The City regulates short-term rentals through the *Short-term Rental Regulation Bylaw* and through provisions of the zoning bylaws. In relation to the property, the relevant zoning bylaw is the *Zoning Regulation Bylaw*, which states, in part:

17 ...

- (4) Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except
 - (a) where they are expressly permitted subject to regulation applicable in those zones;
 - (b) rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:
 - (i) the self-contained dwelling unit is occupied by the operator of the short-term rental; and
 - (ii) short-term rental complies with all regulations in Schedule D as if it were a transient accommodation.
- 16. A self-contained dwelling unit is defined in the *Zoning Regulation Bylaw* as "a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities." A kitchen is not defined in the bylaw. However, the Oxford English Dictionary defines "kitchen" as "a room where food is prepared and cooked".

IV. Argument

17. When short-term regulations were initially introduced, the City was flooded with applications of business licences. In an effort to encourage compliance with regulations, these applications

were processed very quickly and were not always fully screened. More careful reviews and inspections have been conducted as part of 2020 application process. Therefore, the fact that the appellant was issued a short-term rental business licence in 2018 and 2019 is not an indication that a 2020 licence should also be issued.

- 18. Although the appellant resides in the house at 302 Moss Street, the premises that are rented as a short-term rental are not part of her principal residence, because the basement unit is being offered and advertised as an independent self-contained dwelling unit. The appellant advertises the unit as 'Private and comfortable lower-level studio' on Airbnb. [Matched Airbnb Property Listing Attached]
- 19. It is clear that the basement unit at 302 Moss Street is being offered as a self-contained dwelling unit: it has its own entrance from outside, a kitchenette with space to prepare and cook food (i.e., "kitchen"), and separate bathroom it meets the requirements of the definition of "self-contained dwelling unit" in the *Zoning Regulation Bylaw*.
- 20. The appellant appears to rely on the absence of a stove; however, the unit has been prepared to operate independently as a self-contained suite, and not as two bedrooms in her principal dwelling unit, as required by Schedule D of the *Zoning Regulation Bylaw*.
- 21. Since the denial of the licence in January, the appellant continues to offer the suite for rent on a 30 night minimum basis, which further demonstrates the unit's ability to operate as a long-term rental (30 + nights per stay).
- 22. For all these reasons, the Licence Inspector submits that the appellant's application for a short-term rental business licence had to be refused as it contravened the *Zoning Regulation Bylaw*.
- 23. One of the objectives of the City's regulations of the short-term rentals was to address the problem of self-contained dwelling units being diverted from the housing market to a vacation rental market. This is the rationale behind the provisions of the zoning bylaw which limit short-term rentals to bedrooms within self-contained units rather than entire self-contained units.
- 24. The property at 302 Moss Street is an example of a self-contained dwelling unit that has been lost to the regular housing market in the past, contrary to the intent behind City regulations, which prohibit rental of entire self-contained dwelling units as short-term rentals.
- 25. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 302 Moss Street upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: November 23, 2020

Slan

Shannon Perkins, Manager of Bylaw Services

Dashboard

Rental Unit Record

302 Moss St, Victoria, BC, Canada

Active Identified < Compliant X



Listing(s) Information

Airbnb - 936367











Matched Details

Analyst

IRHY

Explanation

Google Satellite view of the backyard matches the one in the listing. Through the suite's entrance door window in the listing photo, you can see a dark greenish blue staircase in front of it, which can be seen in Google Streetview and satellite view.

Listing Photos



Matching 3rd Party Sources



Can see the dark greenish blue staircase and matching patio walkway that leads to the patio table and chairs. The two planters in the grass and the two on the walkway edge are identical to the ones in the listing. You can also see the little shed building in the lower left of the backyard.

Rental Unit Information







Identified Address

302 Moss St, Victoria, BC, Canada

Identified Unit Number

None

Identified Latitude, Longitude

48.413469, -123.349602

Parcel Number

0123403253019

Owner Address

302 Moss St, Victoria Victoria, BC V8V 4M8, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

- Listing air936367 Reposted May 5th, 2020
- Listing air936367 Removed May 2nd, 2020
- 1 Documented Stay February, 2020



This Google streetview shows the identical backyard small shed and a matching patio chair.

A Owner Name Match

Listing Details	
Listing URL	- https://www.airbnb.com/rooms/936367
Listing Status	• Active
Host Compliance Listing ID	- air936367
Listing Title	- Cook St Village Studio Near Downtown
Property type	- Guest suite
Room type	- Private room
Listing Info Last Captured	- Sep 22, 2020
Screenshot Last Captured	- Sep 19, 2020
Price	- \$57/night
Cleaning Fee	- \$29

Information Provided on Listing

Listing Screenshot History	View Latest Listing Screenshot
Last Documented Stay	- 02/2020
Number of Reviews	- 355
Max Number of People per Bedroom	- 2.0
Max Sleeping Capacity (# of People)	- 2
Minimum Stay (# of Nights)	- 29
Latitude, Longitude	- 48.415014, -123.348935
Contact Name	- Nicole & Gilles

- 1 Documented Stay January, 2020
- 1 Documented Stay December, 2019
- 2 Documented Stays November, 2019
- 3 Documented Stays October, 2019
- 6 Documented Stays September, 2019
- 4 Documented Stays August, 2019
- 3 Documented Stays July, 2019
- 5 Documented Stays June, 2019
- 5 Documented Stays May, 2019
- 4 Documented Stays April, 2019
- 6 Documented Stays March, 2019
- 3 Documented Stays February, 2019
- 3 Documented Stays January, 2019
- 5 Documented Stays December, 2018
- 5 Documented Stays November, 2018
- 6 Documented Stays October, 2018
- 5 Documented Stays September, 2018
- 6 Documented Stays August, 2018
- 3 Documented Stays July, 2018
- Listing air936367 Reposted July 26th, 2018
- X Listing air936367 Removed July 24th, 2018
- ✓ Listing air936367 Identified July 16th, 2018
- 6 Documented Stays June, 2018
- 6 Documented Stays May, 2018
- 5 Documented Stays April, 2018
- 5 Documented Stays March, 2018

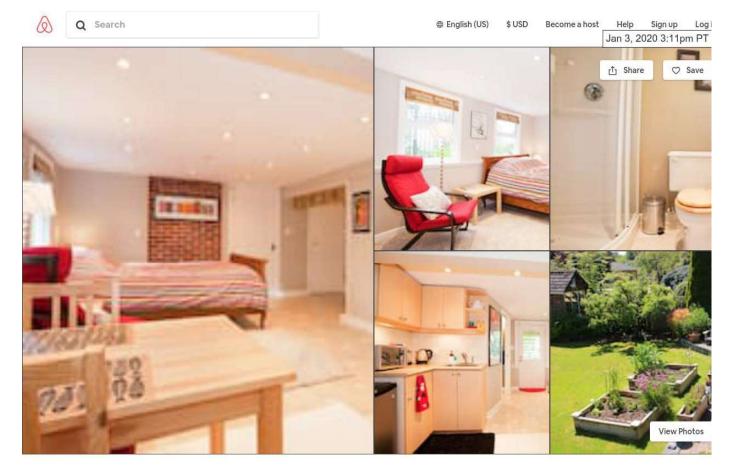
- 2 Documented Stays January, 2018
- 3 Documented Stays December, 2017
- 1 Documented Stay November, 2017
- 4 Documented Stays October, 2017
- 4 Documented Stays September, 2017
- 6 Documented Stays August, 2017
- € 4 Documented Stays July, 2017
- 5 Documented Stays June, 2017
- 1 Documented Stay May, 2017
- 2 Documented Stays April, 2017
- 3 Documented Stays March, 2017
- 4 Documented Stays February, 2017
- 3 Documented Stays January, 2017
- 4 Documented Stays December, 2016
- 1 Documented Stay November, 2016
- 6 Documented Stays October, 2016
- 7 Documented Stays September, 2016
- 6 Documented Stays August, 2016
- 5 Documented Stays July, 2016
- 4 Documented Stays June, 2016
- 7 Documented Stays May, 2016
- 4 Documented Stays April, 2016
- Listing air936367 First Crawled April 20th, 2016
- 5 Documented Stays March, 2016
- 2 Documented Stays February, 2016
- 4 Documented Stays January, 2016

- 3 Documented Stays December, 2015
- 4 Documented Stays November, 2015
- 7 Documented Stays October, 2015
- 7 Documented Stays September, 2015
- 8 Documented Stays August, 2015
- 3 Documented Stays July, 2015
- 3 Documented Stays June, 2015
- 7 Documented Stays May, 2015
- 5 Documented Stays April, 2015
- 7 Documented Stays March, 2015
- 2 Documented Stays February, 2015
- 5 Documented Stays January, 2015
- 5 Documented Stays December, 2014
- 5 Documented Stays November, 2014
- 4 Documented Stays October, 2014
- 7 Documented Stays September, 2014
- 7 Documented Stays August, 2014
- 6 Documented Stays July, 2014
- 5 Documented Stays June, 2014
- 4 Documented Stays May, 2014
- 5 Documented Stays April, 2014
- 6 Documented Stays March, 2014
- 1 Documented Stay February, 2014
- 4 Documented Stays December, 2013
- 6 Documented Stays November, 2013
- 4 Documented Stays October, 2013

- 4 Documented Stays September, 2013
- 4 Documented Stays August, 2013
- 4 Documented Stays July, 2013
- **■** 5 Documented Stays June, 2013
- 5 Documented Stays May, 2013
- **■** 5 Documented Stays April, 2013
- 2 Documented Stays March, 2013
- Listing air936367 First Activity March 3rd, 2013

January 03, 2020 - 04:11PM America/Vancouver

Screenshot printed at: 9/22/2020 11:31:27 AM



Cook St Village Studio Near Downtown



Victoria

2 guests Studio 1 bed 1 bath

★ Entire home

You'll have the guest suite to yourself.

■ Self check-in

Check yourself in with the keypad.

Sparkling clean

10 recent guests said this place was sparkling clean.

Nicole & Gilles is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

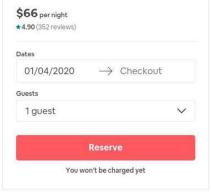
Our studio is in a quiet and friendly neighbourhood within walking distance to downtown, beautiful coastal views and the fun shops and restaurants of Cook St. Village. We're also a short stroll from a fantastic Farmer's Market every Saturday! Business License: 35014

The space

Private and comfortable lower-level studio located in lovely Fairfield, within walking distance to ocean-side strolls and all the great cafes, restaurants and shops of Cook St Village.

Guest access

You have your own private entrance with a 3-piece bathroom and kitchenette as well as a Queen-sized bed, wireless internet and dining for two. Enjoy your coffee in the relaxing, sunny back patio and yard or wander just up the street to check out the Moss St Farmer's market every Saturday morning (Apr - Nov) for great local food, crafts and music.



P Report this listing

- · Free On-Street Parking
- · Small Refrigerator
- · Microwave
- · Electric Kettle
- · French Press
- · Tea & Coffee Provided

Bath Amenities:

- · Shower Gel
- · Shampoo & Conditioner
- · Hand Soap
- · Towels (bath, hand & wash cloths)
- · Hair Dryer

Other Items:

- · Iron and ironing board
- · Graco Pack n Play on request for little ones

Other things to note

Coffee and tea are provided as well as shared laundry facilities, full closet and storage for those wanting to stay longer.

Please note there is a beam that runs across the ceiling of the suite so those taller than 6'1" will have to duck!

Sorry, no pets or smokers please.

Hide ^

Contact host



Amenities

Basic

Wifi

Continuous access in the listing

TV

Laptop friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

Washer

In the building, free or for a fee

Iron

Dryer

In the building, free or for a fee

Essentials

Towels, bed sheets, soap, and toilet paper

Heating

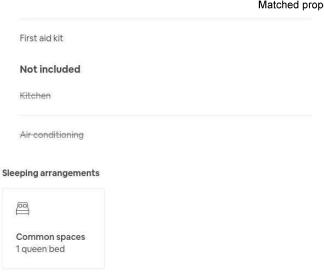
Central heating or a heater in the listing

Hot water

Family features

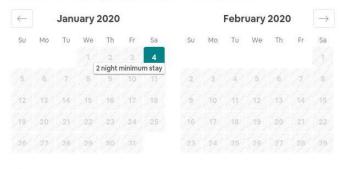
Baby bath

Room-darkening shades
Facilities
Free parking on premises
Free street parking
Dining
Coffee maker
Cooking basics
Pots and pans, oil, salt and pepper
Dishes and silverware
Microwave
Refrigerator
Guest access
Keypad
Check yourself into the home with a door code
Private entrance
Separate street or building entrance
Logistics
Luggage dropoff allowed
For guests' convenience when they have early arrival or late departure
Bed and bath
Hangers
Hair dryer
Shampoo
Bed linens
Extra pillows and blankets
Outdoor
Garden or backyard
Safety features
Fire extinguisher
Carbon monoxide detector
Smoke detector



Availability

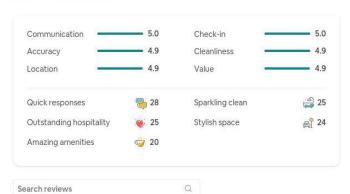
This host offers 10% off if you stay a week and a 20% monthly discount.



Clear dates

Reviews

★ 4.90 352 reviews





From the minute we arrived after traveling all day from Lawrence, Kansas, it felt like we were home. It was a perfect location for everything we did during our three nights there. We will definitely stay there again if we ever visit again and will highly recommend them to...Read more



Nicole and Gilles offer a compact, but fully equipped smart, clean and comfortable studio. Tea, coffee, sparkling water, juice and snack facilities were a welcome boon for our late night arrival. The location is just a five minute walk from the centre of Cook Village which offers...Read more



Dan

January 2019 LAST MINUTE TRIP

Nice n cozy, full kitchen, good privacy.



Whitney December 2018

Nicole & Gilles's place was great! My husband and I stayed in Victoria our whole stay and the house is walking distance to everything! The hosts are very friendly, helpful, and respectful of privacy. We loved our stay and would definitely stay again.



Chelsea

November 2018

Nicole and Gilles place is perfectly located and has the personal touches of feeling 'at home.' Nicole was very prompt with details and tailored local recommendations! They are a quick walk to the coast, trails and downtown! We appreciated all of the local recommendations and the...Read more



Thomas

November 2018

Wonderful place. Great value.



2



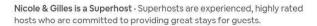




Hosted by Nicole & Gilles

Victoria, Canada · Joined in October 2012







We love to travel and have lived in England, France and Canada. We look forward to hosting visitors from all around and are happy to help guests explore this beautiful city with its amazing coastal surroundings.

Interaction with guests

The studio is in our home so we are available for our guests but we will also leave you in peace if desired.

Languages: English, Français

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

The neighborhood

Nicole & Gilles's place is located in Victoria, British Columbia, Canada.

We live in the beautiful and quiet neighbourhood of Fairfield, known for the friendly cafes and restaurants of Cook St Village, only a short stroll away. We are also close to the stunning water and mountain views of Dallas Road.

You'll enjoy having the Victoria Art Gallery, Craigdarroch Castle, Government

I loose and moss rock hark, all within waiking distance - we certainly do:

Getting around

Free on-street parking, close to public transit or you can walk to downtown Victoria in only 20 minutes.

Hide ^

See guidebook



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: 3PM - 12AM (midnight) Checkout: 12PM (noon)

Self check-in with keypad

House Rules







You must also acknowledge

Pet(s) live on property - We have a small Havanese pup (Otis) that stays in our home but is never allowed in the suite.

Additional Rules

We enjoy hosting but do ask that you please respect our neighbours, we appreciate quiet time after 11pm.

Please remove your shoes at the door and before departure, please turn down the heat and do your dishes if you have time.

Thanks!

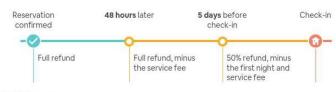
Nicole and Gilles

Hide rules ^

Cancellations

Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee. $\,$



Get full details

Hide policies ^

More homes you may like



Entire guesthouse · 2 beds Macaulay Point Guest House \$58 / night



PLUS Entire condominium - 1 bed **★**4.84 (545) Soak in the Marble Tub at a Sleek, Urban... \$84 / night



PLUS Entire apartment · 2 beds Hip Chinatown Apartment, Walk to Inner... \$69 / night

Things to do near this home



HISTORY WALK Explore Hidden Gems in Victoria From \$24/person 4.92 * (177)



★4.87 (561)

COCKTAIL TASTING Customized & delicious whisky tasting From \$79/person 5.0 * (1)



CULTURE WALK Victoria Booze, Bites & Sights From \$52/person



WORKSHOP Learn to Shuck Oysters in Market Square From \$57/person 4.95 * (41)

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