



## REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, December 10, 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](http://www.victoria.ca)

Pages

**A. CONVENE COUNCIL MEETING**

**B. APPROVAL OF AGENDA**

**C. READING OF MINUTES**

**D. PROCLAMATIONS**

**E. UNFINISHED BUSINESS**

**E.1. Rise and Report**

**E.1.a. From the Closed Council Meeting held May 28, 2020**

That Council authorize a rise and report noting previous closed meeting direction resulting from discussions about wages for employees.

"That Council eliminate a remuneration increase for the Mayor and Council for 2021".

**\*E.2. Reconsideration of Council Motion for 324/328 Cook Street and 1044, 1048, and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and Development Permit with Variances Application No. 00527**

1

***Addendum: New Item***

*A Council Member Motion requesting reconsideration of a matter that was heard at the November 26, 2020 Council meeting.*

**F. REPORTS OF COMMITTEE**

**F.1. Committee of the Whole**

**F.1.a. Report from the December 3, 2020 COTW Meeting**

4

[Link to the December 3, 2020 COTW Agenda](#)

- F.1.a.a. 2536 Richmond Road: Heritage Designation Application No. 000193 (North Jubilee)**
- F.1.a.b. 540 William Street: Fence Bylaw Variance Request (Victoria West)**
- F.1.a.c. Capital Regional District Housing Needs Assessment for the City of Victoria**
- F.1.a.d. 2440 and 2448 Richmond Road: Rezoning Application No. 00722 and Development Permit with Variances Application No. 00159 (North Jubilee)**
- F.1.a.e. Report Back: Get Growing, Victoria!**
- F.1.a.f. Local Government Recommendation for Trees Cannabis at 1545 Fort Street**
- F.1.a.g. Local Government Recommendation for Trees Cannabis at 103-230 Cook Street**
- F.1.a.h. Council Member Motion: Extension of Council Committee Appointments to the End of January 2021**

**\*F.1.b. Report from the December 10, 2020 COTW Meeting**

7

[Link to the December 10, 2020 COTW Agenda](#)

- \*F.1.b.a. Horse Drawn Carriage and Pedicab Licence Renewals – COVID-19**

**G. BYLAWS**

**G.1. Bylaw for Vehicles for Hire Bylaw Amendment**

8

***Pending approval at the December 10, 2020 COTW Meeting***

- **1st, 2nd, and 3rd readings of:**
  - **Vehicles for Hire Bylaw, Amendment Bylaw (No. 22) No. 20-126**

The purpose of this Bylaw is to amend the Vehicles for Hire Bylaw with relation to fees paid by horse-drawn carriages, pedi-cabs, and sight-seeing vehicles.



**G.2. Bylaws for Parks Regulation Amendment Bylaw**

9

- **Adoption 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 Bylaw No. 20-113 is to amend the Parks Regulation Bylaw to temporarily prohibit any sheltering in Centennial Square.

The purpose of Bylaw No. 20-124 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.

**G.3. Bylaws for Utility Fees**

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

13

- **Adoption of:**
  - Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 8) 20-108

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*.

**G.3.b. Bylaw for Waterworks Utilities**

23

- **Adoption 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*.

**G.4. Bylaw for 1133 Fort Street: Rezoning Application No. 00727**

26

A report recommending:

- **1st and 2nd readings of:**
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1239) No. 20-118

The application is ready to proceed to Public Hearing and proposes to terminate the Land Use Contract and rezone the property to permit the current uses.

**G.5. 901 Gordon Street: Rezoning Application No. 00743** 30

A report recommending:

- **1st and 2nd readings of:**
  - Zoning Bylaw 2018, Amendment Bylaw (No. 7) No. 20-117

The application is ready to proceed to Public Hearing and proposes to permit the use of a Storefront Cannabis Retailer.

**G.6. Bylaw for 1150 Douglas Street: Rezoning Application No. 00748** **33**

A report recommending:

- **1st and 2nd readings of:**
  - Zoning Bylaw 2018, Amendment Bylaw (No. 8) No. 20-125

The application is ready to proceed to Public Hearing and proposes to permit the use of a Storefront Cannabis Retailer.

## H. NEW BUSINESS

## H.1. Short Term Rental Business License Appeals

H.1.a.	Short Term Rental Business License Appeal for 2605 Belmont Street	36
H.1.b.	Short Term Rental Business License Appeal for 95 Wellington Avenue	67
*H.1.c.	Short Term Rental Business License Appeal for 905 Fairfield Road	142

### Addendum: New Item

## I. CORRESPONDENCE

### I.1. Letter from the Corporation of District of Saanich

196

*A letter dated November 24, 2020 from the Corporation of the District of Saanich regarding Support for Recognizing September 30 as National Day of Truth and Reconciliation.*

## \*J. CLOSED MEETING

### MOTION TO CLOSE THE DECEMBER 10, 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)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(d) the security of the property of the municipality;*
- *Section 90(1)(g) litigation or potential litigation affecting the municipality;*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- *Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.*

## K. APPROVAL OF CLOSED AGENDA

## L. READING OF CLOSED MINUTES

## M. UNFINISHED BUSINESS

## N. CORRESPONDENCE

## O. NEW BUSINESS

### O.1. Potential New Municipal Service / Security of Property / Employee Relations - Community Charter Sections 90(1)(k), 90(1)d), and 90(1)(c)

O.2. Appointment - Community Charter Section 90(1)(a)

\*O.3. Litigation/Legal Advice - Community Charter Sections 90(1)(g) and 90(1)(i)

*Addendum: New Item*

O.4. Employee Relations - Community Charter Section 90(1)(c)

P. CONSIDERATION TO RISE & REPORT

Q. ADJOURNMENT



For the Council Meeting of December 10 2020

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**Date:** Monday December 7

**From:** Mayor Helps

**Subject:** Reconsideration of 324/328 Cook Street and 1044, 1048, and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and Development Permit with Variances Application No. 00527

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### **Late Motion Rationale**

This motion was submitted late as I was still involved in conversations relevant to reconsideration after the motion deadline. This matter is of a time sensitive nature as the 30 days I have to bring something back for reconsideration will expire before the first January council meeting.

### **Background**

On November 26<sup>th</sup> 2020, Council held a hearing for a rezoning and development permit with variances for four story condo building at Cook and Pendergast that included a contribution to the City's housing reserve fund, a contribution to a local neighbourhood amenity fund and the below market sale of an adjacent property to the City to be used as a Health Clinic by the Cook Street Village Activity Centre. After hearing from the applicant and members of the public, as well as considering correspondence received, Council, on a tie vote, turned down third reading of the zoning bylaw.

I have been sincerely struggling with Council's decision on this matter and will outline in the section below why I think Council should reconsider this decision.

As Mayor, I have the authority under section 131 of the Community Charter to require Council to reconsider and vote again on a matter. See Appendix A. I must simply require Council to reconsider and vote again as opposed to asking Council to first pass a motion to put the matter back on the table for discussion. At my request, Council must debate and vote on whether they want to up hold the decision from November 26<sup>th</sup> or rescind it.

Staff's advice is that if Council wishes to rescind the decision, the legislation's provisions around reconsideration being "subject to the same conditions that applied to the original decision" are construed on balance to mean that a reconsideration should be done with another public hearing held before a vote to consider the bylaw is taken. This has added transparency, eliminates the "new information" possibility, but most importantly is considered to be the intent behind that legislative requirement. I have contacted the applicant and asked if they would be willing to participate in a new public hearing and received an answer in the affirmative.

### **Rationale for Reconsideration**

This is only the second time since being elected as Mayor that I have decided to request that Council reconsider a decision made at a public hearing. It is not a power that I use lightly. However, I feel strongly that a family housing development in a village centre where the OCP determines that density should go, and with the City having declared a Climate Emergency and compact land use planning as a key climate mitigation strategy, that these important matters should not be decided on a tie vote. Council has been without a full complement since early August 2019. This is the first time in that 16 month period that a significant development has been defeated by a tie at a public hearing. With the byelection to be held on Saturday, Council will have a full complement of nine members when a new public hearing would be held in the new year. That will allow the matter to be decided more definitively one way or the other.

At the public hearing on November 26<sup>th</sup> the applicant surely also heard Council's concern about insufficient affordability to warrant granting the rezoning. Despite the fact that this application was made before Council's current inclusionary housing policy was adopted, some members of Council commented on needing to see affordable housing on site; others made comments that there was an insufficient contribution to the City's Housing Trust Fund to grant the rezoning. The applicant may wish to address some of these comments at the time a new public hearing is held in the new year.

### **Next Steps**

The Community Charter section 131 requires that "On a reconsideration under this section, the council must deal with the matter as soon as convenient." Staff will convene a new public hearing early in 2021 at which point Council will consider whether to uphold or rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1233) No. 20-081.

### **Recommendation**

That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1233) No. 20-081 and direct staff to convene a new public hearing that follows all the regular public hearing requirements (advertising, mailout, etc).

**Respectfully Submitted,**

A handwritten signature in black ink, appearing to read 'M. Helps'.

Mayor Helps

## **APPENDIX A – Community Charter Excerpt**

### **Mayor may require council reconsideration of a matter**

**131** (1) Without limiting the authority of a council to reconsider a matter, the mayor may require the council to reconsider and vote again on a matter that was the subject of a vote.

(2) As restrictions on the authority under subsection (1),

(a) the mayor may only initiate a reconsideration under this section

(i) at the same council meeting as the vote took place, or

(ii) within the 30 days following that meeting, and

(b) a matter may not be reconsidered under this section if

(i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or

(ii) there has already been a reconsideration under this section in relation to the matter.

(3) On a reconsideration under this section, the council

(a) must deal with the matter as soon as convenient, and

(b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.

(4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

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

For the Council meeting of December 10, 2020, the Committee recommends the following:

**F.1     2536 Richmond Road: Heritage Designation Application No. 000193 (North Jubilee)**

That Council approve the designation of the heritage-registered property located at 2536 Richmond Road, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

**F.3     540 William Street: Fence Bylaw Variance Request (Victoria West)**

That Council approve the request for fence with a height of 3.05 m for the property located at 549 William Street, as shown in the submitted drawings in Appendix A of this report.

**D.1     Capital Regional District Housing Needs Assessment for the City of Victoria**

That Council:

1. Receive the Capital Regional District Housing Needs Assessment City of Victoria, October 2020 report for information, in accordance with Section 585.31 (1) of the Local Government Act, which requires that all local governments to complete housing needs reports by April 2022 and every five years thereafter.
2. Direct staff to publish the report on the City's website in compliance with regulatory requirements for the report to be publicly and freely accessible.
3. That Council refer this matter to the December 10 Committee of the Whole meeting to consider actions within municipal authority to respond to information contained in the report and to consider advocacy to other levels of government.

**F.2     2440 and 2448 Richmond Road: Rezoning Application No. 00722 and Development Permit with Variances Application No. 00159 (North Jubilee)**

**Rezoning Application No. 00722**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00722 for 2440 and 2448 Richmond Road, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements to:
  - a. Secure all units as rental housing in perpetuity and that one unit shall be adaptable, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:
    - i. one car share membership per dwelling unit;
    - ii. \$100 in car share usage credits per membership;
    - iii. pedestrian curb extension (bulb-out) at the intersection of Richmond Road and Adanac Street;
    - iv. 4 electric bike charging stations in each building;
    - v. one bicycle repair station in each building.
  - c. Secure a statutory right-of-way of 4.89 meters along the Richmond Road to the satisfaction of the Director of Engineering and Public Works.



- d. Secure reciprocal access over 2448 Richmond Road in favour of 2440 Richmond Road to the satisfaction of the Director of Sustainable Planning and Community Development.
- e. Secure an easement for the storm drain line on private property over 2448 Richmond Road in favour of 2440 Richmond Road to the satisfaction of the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00159

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00722, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00159 for 2440 and 2448 Richmond Road, in accordance with:

1. Plans date stamped October 22, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:  
 2440 Richmond Road
  - i. reduce the number of residential vehicle parking stalls from 9 to 7;
  - ii. reduce the side setback (south) from 4.00m to 3.22m;
  - iii. reduce the side setback (north) from 4.00m to 1.70m.
 2448 Richmond Road
  - i. reduce the number of residential vehicle parking stalls from 9 to 7;
  - ii. reduce the side setback (south) from 4.00m to 1.70m;
  - iii. reduce the side setback on a flanking street (north) from 6.00m to 3.01m.
3. Revisions to the landscape plan planting list and categories to accurately determine percentage of pollinator, food-bearing and native species; and to revisions to the ground floor entry doors to create a more welcoming streetscape, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.

**G.1 Report Back: Get Growing, Victoria!**

That Council received the following report for information.

That Council direct staff to report back on options for increasing the cultivation of food plants and pollinators on municipal land in 2021.

**G.2 Local Government Recommendation for Trees Cannabis at 1545 Fort Street**

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:  
 The Council of the City of Victoria supports the application of Trees Cannabis at 1545 Fort Street to receive a provincial cannabis retail store license with the following comments:
  - a. The Council recommends that the LCRB issue a license to Trees Cannabis at 1545 Fort Street.
  - b. City staff did not raise any concerns about this referral in terms of community impacts.
  - c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.  
 The City sent 394 notices and received 20 letters in response, including a petition sent by the applicant with 21 persons in support for the application. The City did not receive correspondence from the Rockland Neighbourhood Association.

Respondents opposed to issuing a license identified the following issues: the business operated before legalization, impact on residential parking, traffic, pedestrian safety, storefront maintenance after ceased operations, loitering, smoking, odour, graffiti, sale to minors, impact on neighbouring businesses, potential for turnover.

- d. The Council wishes the Province to make its own deliberations about the fact that this operation remained in operation until August 1, 2019.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

**G.3 Local Government Recommendation for Trees Cannabis at 103-230 Cook Street**

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:  
The Council of the City of Victoria supports the application of Trees Cannabis at 103 – 230 Cook Street to receive a provincial cannabis retail store license with the following comments:
  - a. The Council recommends that the LCRB issue a license to Trees Cannabis at 103 – 230 Cook Street.
  - b. City staff did not raise any concerns about this referral in terms of community impacts.
  - c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.  
The City sent 496 notices and received 10 letters in response. The City did not receive correspondence from the Fairfield – Gonzales Community Association. Respondents did not raise any concerns about this application.
  - d. The Council wishes the Province to make its own deliberations about the fact that this operation remained open following legalization.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

**I.1 Council Member Motion: Extension of Council Committee Appointments to the End of January 2021**

That Council extend Council committee and neighbourhood liaison appointments to the end of January 2021, and determine appointments for 2021-2022 at the January 14 Committee of the Whole meeting.

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD DECEMBER 10, 2020**

For the Council meeting of December 10, 2020 the Committee recommends the following:

**F.1.b.a**

**Horse Drawn Carriage and Pedicab Licence Renewals – COVID-19**

That Council direct staff to bring forward the Bylaw to the December 10, 2020 daytime meeting for Council to consider the following motion:

1. Give first, second and third readings the Vehicles for Hire Amendment (No. 21) Bylaw No. 20-126.



**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**

- 2 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,”

- 3 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 3<sup>rd</sup> day of December 2020

READ A SECOND TIME the 3<sup>rd</sup> day of December 2020

READ A THIRD TIME the **3<sup>rd</sup>** day of **December** 2020

ADOPTED on the day of 2020

CITY CLERK

MAYOR

**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**

**3** This Bylaw comes into force on March 31, 2021.

READ A FIRST TIME the                **3<sup>rd</sup>**    day of                **December**                2020

READ A SECOND TIME the                **3<sup>rd</sup>**    day of                **December**                2020

READ A THIRD TIME the                **3<sup>rd</sup>**    day of                **December**                2020

ADOPTED on the                                day of                                2020

CITY CLERK

MAYOR



**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	3rd	day of	December	2020
READ A SECOND TIME the	3rd	day of	December	2020
READ A THIRD TIME the	3rd	day of	December	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

<b>STORMWATER USER FEE CALCULATION TABLE</b>									
<b>1.A IMPERVIOUS SURFACES FACTOR</b>									
	<b>Fee (per sq meter)</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>\$0.6788</b></div>								
<b>2.A STREET/SIDEWALK CLEANING FACTOR</b>									
	<b>Fee (per meter)</b> <table border="1" style="margin-left: auto; margin-right: 0; border-collapse: collapse;"> <tr> <td style="text-align: right; padding: 2px;">Local</td> <td style="text-align: right; padding: 2px;">\$1.75</td> </tr> <tr> <td style="text-align: right; padding: 2px;">Collector</td> <td style="text-align: right; padding: 2px;">\$3.74</td> </tr> <tr> <td style="text-align: right; padding: 2px;">Arterial</td> <td style="text-align: right; padding: 2px;">\$4.19</td> </tr> <tr> <td style="text-align: right; padding: 2px;">Downtown</td> <td style="text-align: right; padding: 2px;">\$41.43</td> </tr> </table>	Local	\$1.75	Collector	\$3.74	Arterial	\$4.19	Downtown	\$41.43
Local	\$1.75								
Collector	\$3.74								
Arterial	\$4.19								
Downtown	\$41.43								
<b>2.B INTENSITY CODE FACTOR</b>									
	<b>Fee (per property)</b> <table border="1" style="margin-left: auto; margin-right: 0; border-collapse: collapse;"> <tr> <td style="text-align: right; padding: 2px;">Low Density Residential</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="text-align: right; padding: 2px;">Multi Family Residential</td> <td style="text-align: right; padding: 2px;">\$83.07</td> </tr> <tr> <td style="text-align: right; padding: 2px;">Civic/Institutional</td> <td style="text-align: right; padding: 2px;">\$72.11</td> </tr> <tr> <td style="text-align: right; padding: 2px;">Commercial/Industrial</td> <td style="text-align: right; padding: 2px;">\$142.69</td> </tr> </table>	Low Density Residential	\$0.00	Multi Family Residential	\$83.07	Civic/Institutional	\$72.11	Commercial/Industrial	\$142.69
Low Density Residential	\$0.00								
Multi Family Residential	\$83.07								
Civic/Institutional	\$72.11								
Commercial/Industrial	\$142.69								
<b>2.C CODES OF PRACTICE FACTOR</b>									
<b>Required to register under Stormwater Code of Practice Schedule E</b>	<b>Fee (per property)</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>\$96.07</b></div>								

## 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 (m <sup>2</sup> ) 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 <sup>2</sup>		10%
Permeable paving - infiltration trench/piping		25	10%

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

	<b>Minimum Impervious Area Treated (%)</b>	<b>Credit (%)</b>
<b>Infiltration Chamber / Rain Garden / Bioswale/ Permeable Pavement / Cisterns Plumbed for Indoors / Intensive Green Roofs</b>	10	4
	15	7
	20	9
	25	11
	30	13
	35	16
	40	18
	45	20
	50	22
	55	24
	60	27
	65	29
	70	31
	75	33
	80	36
	85	38
	90	40
	<b>Minimum Impervious Area Treated (%)</b>	<b>Credit (%)</b>
<b>Cisterns- Hand Use</b>	10	2
	15	3
	20	4
	25	6
	30	7
	35	8
	40	9
	45	10
	50	11
	55	12
	60	13
	65	14
	70	16
	75	17
	80	18
	85	19
	90	20



	Minimum Impervious Area Treated (%)	Credit (%)
<b>Cisterns - Irrigation System/ Extensive Green Roof</b>	10	3
	15	5
	20	7
	25	8
	30	10
	35	12
	40	13
	45	15
	50	17
	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.

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

**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**

- 3 This Bylaw comes into force on January 1, 2021.

READ A FIRST TIME the	3rd	day of	December	2020
READ A SECOND TIME the	3rd	day of	December	2020
READ A THIRD TIME the	3rd	day of	December	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:

<u>Size of Connection or Meter</u>	<u>Connection Charge</u>
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:

<u>Size of Connection or Meter</u>	<u>Connection Charge</u>
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:

<u>Size of Connection</u>	<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.



## **Council Report**

### **For the Meeting of December 10, 2020**

---

**To:** Council **Date:** December 4, 2020  
**From:** C. Coates, City Clerk  
**Subject:** 1133 Fort Street: Rezoning Application No. 00727

---

### **RECOMMENDATION**

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1239) No. 20-118

### **BACKGROUND**

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 20-118.

The issue came before Council on November 12, 2020 where the following resolution was approved:

#### **1133 Fort Street: Rezoning Application No. 00727**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00727 for 1133 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw be considered by Council and a Public Hearing date be set.

Respectfully submitted,

Chris Coates  
City Clerk

**Report accepted and recommended by the City Manager**

#### **List of Attachments:**

- Bylaw No. 20-118

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the C1-FH Zone, Fort Street Commercial Heritage District, and to rezone land known as 1133 Fort Street from the R3-1 Zone, Multiple Dwelling District, to the C1-FH Zone, Fort Street Commercial Heritage District, and with the consent of the property owner to authorize the discharge of the Land Use Contract for 1133 Fort Street.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1239)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 4 – GENERAL COMMERCIAL ZONES by adding the following words:

“4.105 C1-FH, Fort Street Commercial Heritage District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 4.104 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1133 Fort Street, legally described as PID: 000-058-394, Lot 1110, Victoria City, Except the Northerly 8 Feet, and shown hatched on the attached map, is removed from the R3-1 Zone, Multiple Dwelling District, and placed in the C1-FH Zone, Fort Street Commercial Heritage District.
- 5 The Land Use Contract filed in the Victoria Land Title Office under number F26547 and modified by number H39577, against 1133 Fort Street is discharged.
- 6 The City Solicitor is authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 5 of this Bylaw.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	2020
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR

**PART 4.105 – C1-FH ZONE, FORT STREET COMMERCIAL HERITAGE DISTRICT****4.105.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R3-1 Zone, Multiple Dwelling District, subject to the regulations set out in Part 3.3 of the Zoning Regulation Bylaw
- b. The uses set out in paragraphs (c) to (p) are permitted in buildings constructed prior to January 1, 2020 and are subject to the regulations set out in Part 3.3 of the Zoning Regulation Bylaw
- c. bakeries used predominantly for the retail sale of bakery products sold from the premises
- d. business and professional offices
- e. financial institutions, including chartered banks, credit unions, trust, insurance and mortgage companies
- f. stores and shops for the sale of goods, wares, or merchandise
- g. restaurants and coffee shops
- h. personal services including barbering, hairdressing, tailoring, shoemaking and shoe repair, optical, watch and jewelry repair, and small animal services
- i. churches and places of worship
- j. cultural facilities including museums, galleries and exhibits
- k. gymnasias
- l. laundrettes and drycleaning establishments used or intended to be used for the purpose of dealing with the public served thereby
- m. a commercial-residential building, provided that the ground floor is not used for residential purposes
- n. studios
- o. high tech
- p. call centre







## Council Report

For the Meeting of December 10, 2020

---

**To:** Council **Date:** December 4, 2020  
**From:** C. Coates, City Clerk  
**Subject:** 901 Gordon Street: Rezoning Application No. 00743

---

### RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Bylaw 2018, Amendment Bylaw (No. 7) No. 20-117

### BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 20-117.

The issue came before Council on November 5, 2020 where the following resolution was approved:

#### **901 Gordon Street: Rezoning Application No. 00743**

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00743 for 901 Gordon Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.
2. That Council authorize the street-level projecting canopies over the City right-of-way on Gordon Street, Courtney Street and Broughton Street, provided that the applicant enters into an Encroachment Agreement prior to a Public Hearing in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Respectfully submitted,

Chris Coates  
City Clerk

**Report accepted and recommended by the City Manager**

#### **List of Attachments:**

- Bylaw No. 20-117

# A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Bylaw 2018 to permit a storefront cannabis retailer at 901-919 Gordon Street, 617-635 Broughton Street and 620-628 Courtney Street and add site specific regulations to the Old Town District-1 Zone (OTD-1).

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 “ZONING BYLAW 2018, AMENDMENT BYLAW (NO. 7)”.

### Definition

- 2       **“Site”** means the lands legally described as PID 004-482-875, Lot A, of Lots 229, 230, 235, 236, 237 and 525, Victoria City, Plan 14044.

## Amendments

- 3 Bylaw No. 18-072, Zoning Bylaw 2018, is amended:
- (a) by revising the Zoning Map to indicate that the Site is subject to site specific regulations; and
- (b) in Part 4.4, Section 8, by adding the following new row immediately after the last row in the table and numbering the new row accordingly:

<p>901-919 Gordon Street, 617-635 Broughton Street and 620-628 Courtney Street</p> <p>Lot A, of Lots 229, 230, 235, 236, 237 and 525, Victoria City, Plan 14044</p>	<p>a. <b>Storefront Cannabis Retailer</b> is a permitted use</p>	<p>i. The use does not occupy more than 160m<sup>2</sup>; and</p> <p>ii. Only one <b>Storefront Cannabis Retailer</b> at a time is operational on the <b>Lot</b>.</p>
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## 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

Public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2021

ADOPTED on the

day of

2021

CITY CLERK

MAYOR



## **Council Report**

**For the Meeting of December 10, 2020**

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**To:** Council **Date:** December 4, 2020  
**From:** C. Coates, City Clerk  
**Subject:** 1150 Douglas Street: Rezoning Application No. 00748

---

### **RECOMMENDATION**

That the following bylaw be given first and second readings:  
1. Zoning Bylaw 2018, Amendment Bylaw (No. 8) No. 20-125

### **BACKGROUND**

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 20-125.

The issue came before Council on November 26, 2020 where the following resolution was approved:

#### **1150 Douglas Street: Rezoning Application No. 00748**

That Council instruct staff to prepare the necessary zoning regulation bylaw amendment that would authorize the proposed development outlined in Rezoning Application No. 00748 for 1150 Douglas Street, that first and second reading of the zoning regulation bylaw amendment be considered by Council and a public hearing date be set.

Respectfully submitted,

Chris Coates  
City Clerk

**Report accepted and recommended by the City Manager**

#### **List of Attachments:**

- Bylaw No. 20-125

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Bylaw 2018 to permit a storefront cannabis retailer at 1150 Douglas Street, 600-670 Fort Street, 1125-1199 Government Street and 647-655 View Street and add site specific regulations to the Old Town District-1 Zone (OTD-1).

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 “ZONING BYLAW 2018, AMENDMENT BYLAW (NO. 8)”.

**Definition**

2 “**Site**” means the lands legally described as PID: 015-073-050, Lot A (DD EC116724), of Lots 121, 169, 169A, 170, 170A, 404, 405, 406, 411, 412, 413, 414 and 415, Victoria City, Plan 48135.

**Amendments**

3 Bylaw No. 18-072, Zoning Bylaw 2018, is amended:

- (a) by revising the Zoning Map to indicate that the Site is subject to site specific regulations; and
- (b) in Part 4.4, Section 8, by adding the following new row immediately after the last row in the table and numbering the new row accordingly:

1150 Douglas Street, 600-670 Fort Street, 1125-1199 Government Street and 647-655 View Street  Lot A (DD EC116724), Of Lots 121, 169, 169A, 170, 170A, 404, 405, 406, 411, 412, 413, 414 and 415, Victoria City, Plan 48135	a. <b>Storefront Cannabis Retailer</b> is a permitted use	i. The use does not occupy more than 155m <sup>2</sup> ; and ii. Only one <b>Storefront Cannabis Retailer</b> at a time is operational on the <b>Lot</b> .
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**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

Public hearing held on the day of 2021

READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR



June 25, 2020

Stubel, Celine  
2605 Belmont Ave  
Victoria BC V8R 4A7

**Legislative and  
Regulatory Services  
Department**

**Bylaw and Licensing  
Services Division**

1 Centennial Square  
Victoria BC V8W 1P6

**Re: Short-Term Rental Business Licence Appeal – 2605 Belmont Ave**

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.

Attached is a screenshot of your Airbnb listing from April 3rd, at which time you were still advertising the space as a studio, and as an “entire home”.

The listing further advertises coffee maker, dishes and silverware, microwave and refrigerator, as well as a private entrance.

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

A handwritten signature in black ink, appearing to read "Kim Ferris".

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

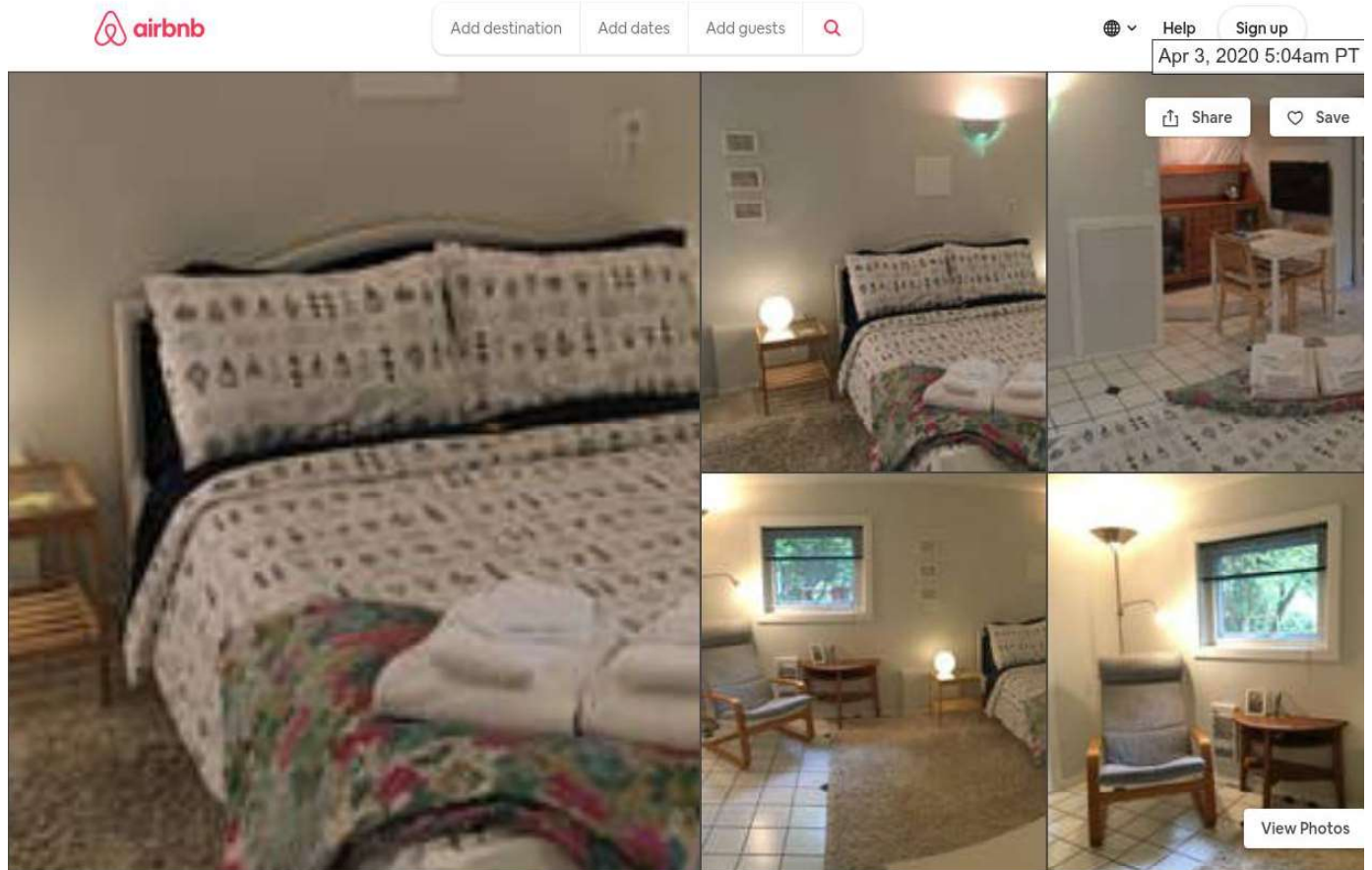
Telephone: **250.361.0726**  
E-Mail: **[str@victoria.ca](mailto:str@victoria.ca)**

Fax: **250.361.0205**  
Web: **[www.victoria.ca](http://www.victoria.ca)**



April 03, 2020 - 05:04AM America/Vancouver

Screenshot printed at: 6/25/2020 3:13:52 PM



## Sweet Suite in Funky Fernwood

Jubilee, Victoria, British Columbia



Celine

3 guests Studio 1 bed 1 bath

### Entire home

You'll have the house to yourself.

### Sparkling clean

12 recent guests said this place was sparkling clean.

### Great check-in experience

95% of recent guests gave the check-in process a 5-star rating.

### Great communication

95% of recent guests rated Celine 5-star in communication.

4.75 (185 reviews)

Dates

4/4/2020

→ Checkout

Guests

1 guest

You won't be charged yet

Report this listing

Your space is a private suite in the basement of our home. You'll have your own private entrance, your own bathroom and a few kitchen essentials, but no kitchen. Our home is close to public transit and parks, and steps away from a coffee shop and local general store. You'll love my place because it's cozy, and very clean. My place is good for couples and solo adventurers.

### The space

This is a private suite in our basement, and we live upstairs. Your suite is beautifully clean, with fresh linens and everything you need to feel comfortable.

Hide ^

Contact host



Amenities

Basic

Wifi  
Continuous access in the listing

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

Facilities

Free street parking

Dining

Coffee maker

Dishes and silverware

Microwave

Refrigerator

Guest access

Private entrance  
Separate street or building entrance

Bed and bath

Hangers

Hair dryer

Shampoo

Outdoor

Garden or backyard

Safety features

Carbon monoxide alarm

Smoke alarm

Not included

Kitchen

Air conditioning

TV

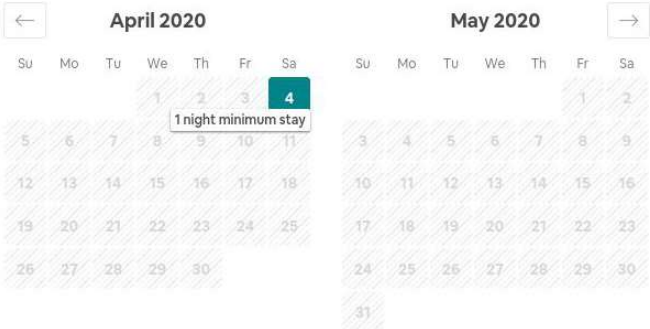
Sleeping arrangements



Common spaces  
1 double bed

Availability

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



[Clear dates](#)

Reviews

★ 4.75 | 185 reviews

Search reviews

Check-in	4.9	Cleanliness	4.9
Communication	4.9	Accuracy	4.9
Location	4.8	Value	4.7

Omar  
March 2020

clean family place - close to coffee place , easy access to downtown via 13min bus

Mark  
February 2020

Clean stay and great place for my girlfriend and I.

Laurent  
September 2019

Great place, super clean, wonderful friendly host. Bring earplugs, this is an older home and quite a bit of noise/vibration transfers through to this basement suite.

Laurent  
September 2019

Great spot, many thoughtful touches, friendly host, I'm staying again in 4 days if that tells you anything!



**Neeven**  
September 2019

Clean, efficient place if you are just looking for a place to hang your (Email hidden by Airbnb) fy bed. The only thing to note is that there are very low ceilings. My partner who is 6'6 couldn't stand up very comfortable in most of it and had to hunch down in the shower.



**Matt & Melissa**  
July 2019

Great location close to public transit, private, clean, and has everything a solo traveler or couple would need. Please note that this lower floor apartment is right below the main living space for the family above; the sound traveled between floors more than we anticipated, but...[Read more](#)



**William**  
June 2019

Celine's place was clean, comfortable and convenient. Easy check in. Host was a good communicator I will book this again. Easy walk to local market and coffee. Mall and "downtown Fernwood" are within range too. Access to washer/dryer was a plus.

1 2 3 ... 27 >

## Hosted by Celine

Victoria, Canada · Joined in September 2013



★ 331 Reviews · Verified

I'm an actress based in Victoria and I travel often with my work. It is my sincere pleasure to share my home with travellers through Air BnB. I love the sense of community and sharing it fosters.

Languages: **English**

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: After 3:00 PM

Checkout: 11:00 AM

### House Rules

No smoking

No pets

No parties or events

### You must also acknowledge

Security deposit - if you damage the home, you may be charged up to \$141

[Hide rules](#) ^

### Cancellations



More homes you may like



Hotel room · 1 bed  
Deluxe Suite with Terrace  
\$172 / night



Hotel room · 1 bed  
Persia Suite at the Villa Marco Polo Inn  
\$162 / night



Hotel room · 1 bed  
Zanzibar Suite at the Villa Marco Polo Inn  
\$162 / night

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Bellingham  
Tofino  
Hood River  
Coeur d'Alene

Seattle  
Richmond  
Kelowna  
Bellevue  
Surrey  
Vernon



## Christine Havelka

---

**Subject:** FW: Short Term Rental Business License Appeal

**From:** Celine Stubel

**Sent:** June 1, 2020 3:48 PM

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

**Subject:** Short Term Rental Business License Appeal

Dear Mrs. Christine Havelka,

I am writing to further my appeal process in response to: a rejection letter I received for my short term rental business license, and a follow up letter from the city explaining an updated policy from the city. It's regarding a spare room in our home we would like to rent out. We were initially rejected, but I sent in a handwritten response with my reasons stating why I thought this was an incorrect ruling, dated March 9, 2020. I believe you have this on file. I have no further points to add, I just wanted to keep the process in motion. I look forward to hearing from you.

With Thanks,

Celine Stubel



## Christine Havelka

---

**Subject:** FW: STR Appeal - response from Bylaw Services - 2605 Belmont Ave.

**From:** Celine Stubel <

**Sent:** July 6, 2020 10:08 AM

**To:** Christine Havelka <[chavelka@victoria.ca](mailto:chavelka@victoria.ca)>

**Subject:** Re: STR Appeal - response from Bylaw Services - 2605 Belmont Ave.

To the members of the council:

Thank you for your time in reviewing our case. We are contesting the ruling that disallows our listing for short term occupancy. We understand and appreciate the legislation that aims to keep the city's rentals available for long term tenants and prevent those same spaces from being used for short term rentals. As renters ourselves, we appreciate how challenging it is to find an affordable rental for our family of 6. We do not wish to add to the problem and our listing does not do so.

Our listing (which we have permission for from our landlords) is viable only for short term stays and is in no way liveable for long term tenants for the following reasons:

**1) It has no kitchen.** There is no way to wash dishes, pots and pans unless you consider the bathtub or the small bathroom sink viable options. To ask people to live this way would be unsanitary. It has no oven, no stove and only a mini microwave. We don't see surviving on only food that can be cooked in a microwave as a viable way of living long term. We would be happy to remove the microwave altogether if this makes a difference to our ruling. Furthermore, we had provided the microwave along with some dishes and cutlery in case people wanted to reheat any takeout food, but we are happy to remove those as well. We have also provided a mini fridge and a Bodem, but these are minor conveniences provided in any hotel room. Having them there does not make long term living viable. However, if removing them is necessary we're happy to do so.

**2) The listing contains the only laundry facilities for our whole house.** We have three teenagers and a two month old baby and there is no way we can go more than a few days without access to our laundry. Having someone as a long term tenant in this space is not a viable option as we need ongoing access to laundry in our home.

**3) The entrance is fact shared.** In this entrance area, before a guest enters into their room they are in fact still in a shared space. It is our storage/ workbench area and it contains all our camping equipment, gardening supplies, deep freezer and tools which are all things we need to access on a regular basis. Now that we have a baby, we store our baby stroller here as it is the only way to bring it in and out of our home as all other doors have staircases. This is something we need access to multiple times on a daily basis. I would be happy to change the listing category to "shared space". The reason I hadn't listed it this way before is that it's not indicative of the kind of interactions we want to have with our guests. We give them their privacy when they are in their basement room and we maintain ours which is why it was listed as "entire home". But I would be happy to change that.

**4) We have three teenage boys who are with us for a week at a time every other week.** We also have a two month old baby. Because of the noise level in our household, we would only make our listing available on the weeks we don't have the boys with us as we don't want to ask three teenage boys to tiptoe around. We don't feel comfortable asking anyone to live below us long term with the noise we make and the hours we keep.

**5) The listing contains the second bathroom in our home, which now as a family of 6 we especially need regular access to on the weeks with our boys.** Also in this bathroom we have shelving which we use for our personal storage of linens, toys, and extra clothing, all of which we need access to on a regular basis.



**6) We have multiple storage units in the basement room where we store our own personal items that we need access to.**

In conclusion, we can make the following changes if it means we can rent our space:

- remove dishes, utensils, and microwave. We can also remove the bodem and mini fridge if you see that as necessary.
- remove the description of "private entrance" and change the description from studio to "shared room."

This is a small but vital component of our income as a family. We request that someone comes to see the unit in person before making your ruling, so you can see for yourself the points we outline here.

With all our thanks for your time with our case,

Celine Stubel and Sam Blades

## Christine Havelka

---

**Subject:** FW: STR Appeal - Licence Inspectors Submission Report 2605 Belmont Avenue

**From:** Celine Stubel

**Sent:** December 2, 2020 11:14 PM

**To:** Christine Havelka <chavelka@victoria.ca>

**Subject:** Re: STR Appeal - Licence Inspectors Submission Report 2605 Belmont Avenue

Hi Christine,

Thank you for passing on this report. Please include my response below with my final submission to council.

Dear Ms. Perkins and the members of the council,

It is clear to me that all the previous correspondence from me has neither been fully understood nor taken into account in your most recent report. The bottom line is that without sending someone here to see for themselves, you have deemed our basement room a self contained unit you think is appropriate for long term housing. I can assure you it is not. It is a room in our basement that contains the laundry for our entire house, and has no kitchen for preparing food and washing dishes. If you think our room and bathroom are appropriate for someone to live in long term, I ask you:

- 1) Would you feel comfortable living in a basement where the family of six people above you would need constant access, walking through your sleeping area to get to your bathroom to access the laundry machines?
- 2) Would you feel comfortable preparing food with only a microwave and no stove or oven? And would you feel comfortable washing dishes and cutlery in your bathtub? The bathroom sink is only 16 inches across and is not even deep enough to fit a pot underneath the tap.

I realize my advertising this as an "entire place" led you to your conclusion. It's true I did advertise this listing saying the guest would have the entire place to themselves, because it's more appealing to a traveller and indicative of the privacy we would grant them when they were here.

To speak to point 18 in your report, you are incorrect. The premises that are rented are 100% part of our principal residence. To reiterate what I've communicated in the past, and to speak to points 22 and 23, this dwelling is in no way taking away a viable long term dwelling unit from the city.

I am happy to send more photos or video footage to prove these points to you since you won't send someone here to look themselves.

As renters ourselves in this home, we are one of the many families in Victoria who have found the rental market completely unaffordable. This short term rental of a room in our basement has allowed us to stay afloat. By denying us this, you are simply denying us the ability to bring in some income to afford housing, and the city will not even be gaining a long term rental, as this room is not viable to rent out long term.

I will keep contesting this until the issue is understood on your part and resolved.

Thank you for your time,

Celine Stubel

## **Business Licence (Short-term Rental) Appeal re 2605 Belmont Avenue**

### **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 Celine Stubel for the operation of a short-term rental at 2605 Belmont Avenue.
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 2605 Belmont Avenue. The property is zoned R1-B (single family dwelling). Short-term rentals are not a permitted use under this zone.
8. The tenant of the property has created a self-contained unit in the basement. [See attached Airbnb property listing]
9. The basement unit consists of a living room/bedroom, with a food preparation area (kitchenette), and a separate bathroom with in-suite laundry. It has a separate entrance from outside.
10. According to Airbnb listing the kitchenette includes a small fridge, microwave and a coffee maker.
11. The appellant has rented the entire basement unit as a short-term rental since at least November 2016. Since 2017, the appellant had accepted over 185 short-term rental bookings,

with stays as short as 1 day. 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 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. As the unit was clearly advertised as a self-contained dwelling unit, no inspection of the suite was conducted due to the COVID-19 pandemic, as inspections were halted indefinitely.
14. On March 4, 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 2019 is not an indication that a 2020 licence should also be issued.

18. Although the appellant resides in the house at 2605 Belmont Avenue, 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 Airbnb Property Listing Attached]
19. It is clear that the basement unit at 2605 Belmont Avenue 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 2605 Belmont Avenue 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 2605 Belmont Avenue upheld.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**



Dated: November 23, 2020

---

Shannon Perkins, Manager of  
Bylaw Services

Rental Unit Record

2605 Belmont Ave, Victoria, BC V8R 4A7, Canada

Active   
Identified   
Compliant

PRINT

Listing(s) Information

Airbnb - 15634316

Airbnb - 15890991



Matched Details

Analyst 9TIP

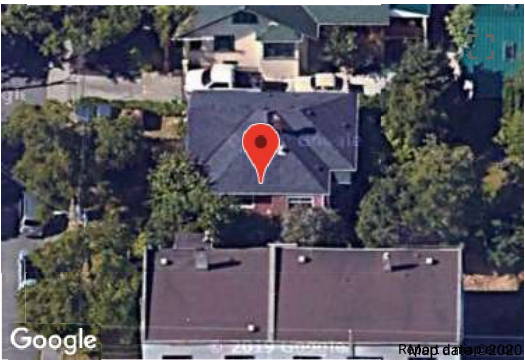
Explanation  
confirmed with application

Owner Name Match

Listing Details

Listing URL	— <a href="https://www.airbnb.com/rooms/15634316">https://www.airbnb.com/rooms/15634316</a>
Listing Status	● Active
Host Compliance Listing ID	— air15634316
Listing Title	— Sweet Suite in Funky Fernwood
Property type	— House

Rental Unit Information



Identified Address

2605 Belmont Ave, Victoria, BC V8R 4A7, Canada

Identified Unit Number

None

Identified Latitude, Longitude

48.436461, -123.339501

Parcel Number

0123408550018

Owner Address

2605 Belmont Ave, Victoria  
Victoria, BC V8R 4A7, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

- 1 Documented Stay  
March, 2020
- 2 Documented Stays  
February, 2020
- 5 Documented Stays

Room type	— Entire Home
Listing Info Last Captured	— Sep 15, 2020
Screenshot Last Captured	— Sep 15, 2020
Price	— <b>\$68/night</b>
Cleaning Fee	— \$11

### Information Provided on Listing

Contact Name	— Celine
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2.0
Number of Reviews	— 185
Last Documented Stay	— 03/2020

Listing Screenshot History


 View Latest Listing Screenshot


July 8


August 7


September 4

December, 2019


 6 Documented Stays  
November, 2019

 1 Documented Stay  
October, 2019


 13 Documented Stays  
September, 2019


 6 Documented Stays  
August, 2019


 11 Documented Stays  
July, 2019


 5 Documented Stays  
June, 2019


 4 Documented Stays  
May, 2019


 12 Documented Stays  
April, 2019


 8 Documented Stays  
March, 2019


 9 Documented Stays  
February, 2019


 Listing air15890991 Removed  
January 28th, 2019


 1 Documented Stay  
January, 2019

 3 Documented Stays  
December, 2018


 3 Documented Stays  
November, 2018


 2 Documented Stays  
October, 2018

 5 Documented Stays  
September, 2018


 9 Documented Stays  
August, 2018

 13 Documented Stays  
July, 2018

 Listing air15634316 Reposted  
July 28th, 2018

 Listing air15634316 Removed  
July 24th, 2018


 Listing air15890991 Identified  
July 20th, 2018

 Listing air15890991 Reposted  
July 4th, 2018

 7 Documented Stays  
June, 2018

 3 Documented Stays  
May, 2018

 2 Documented Stays  
April, 2018

 Listing air15890991 Removed

April 25th, 2018

1 Documented Stay  
March, 2018

2 Documented Stays  
November, 2017

3 Documented Stays  
October, 2017

5 Documented Stays  
September, 2017

7 Documented Stays  
August, 2017

11 Documented Stays  
July, 2017

5 Documented Stays  
June, 2017

2 Documented Stays  
May, 2017

5 Documented Stays  
April, 2017

6 Documented Stays  
March, 2017

5 Documented Stays  
February, 2017

2 Documented Stays  
January, 2017

✱ Listing air15634316 First Crawled  
November 13th, 2016

✱ Listing air15890991 First Crawled  
November 13th, 2016

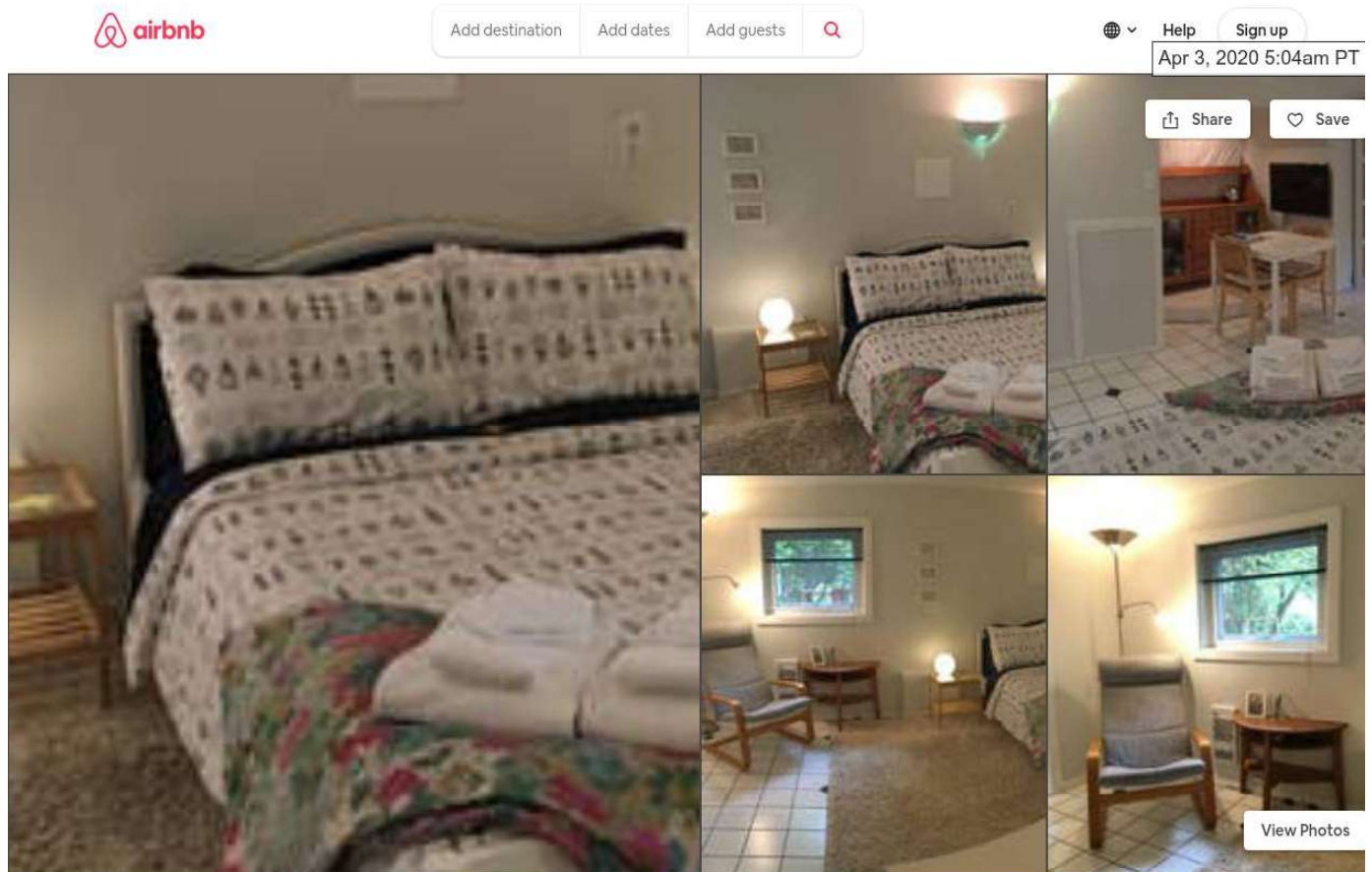
● Listing air15890991 First Activity  
November 13th, 2016

● Listing air15634316 First Activity  
November 9th, 2016



April 03, 2020 - 05:04AM America/Vancouver

Screenshot printed at: 6/25/2020 3:13:52 PM



## Sweet Suite in Funky Fernwood

Jubilee, Victoria, British Columbia



Celine

3 guests Studio 1 bed 1 bath

### Entire home

You'll have the house to yourself.

### Sparkling clean

12 recent guests said this place was sparkling clean.

### Great check-in experience

95% of recent guests gave the check-in process a 5-star rating.

### Great communication

95% of recent guests rated Celine 5-star in communication.

4.75 (185 reviews)

### Dates

4/4/2020 → Checkout

### Guests

1 guest

You won't be charged yet

[Report this listing](#)

Your space is a private suite in the basement of our home. You'll have your own private entrance, your own bathroom and a few kitchen essentials, but no kitchen. Our home is close to public transit and parks, and steps away from a coffee shop and local general store. You'll love my place because it's cozy, and very clean. My place is good for couples and solo adventurers.

### The space

This is a private suite in our basement, and we live upstairs. Your suite is beautifully clean, with fresh linens and everything you need to feel comfortable.

[Hide](#)
[Contact host](#)


Amenities

Basic

Wifi  
Continuous access in the listing

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

Facilities

Free street parking

Dining

Coffee maker

Dishes and silverware

Microwave

Refrigerator

Guest access

Private entrance  
Separate street or building entrance

Bed and bath

Hangers

Hair dryer

Shampoo

Outdoor

Garden or backyard

Safety features

Carbon monoxide alarm

Smoke alarm

Not included

Kitchen

Air conditioning

TV

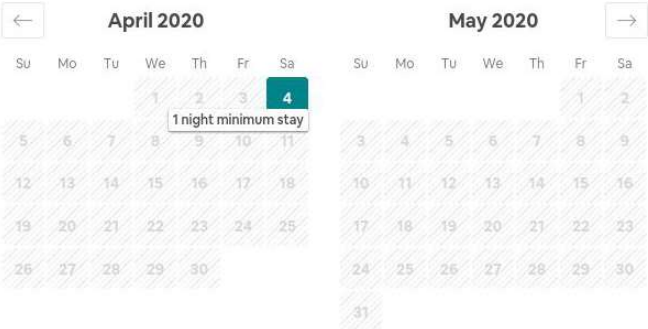
Sleeping arrangements



Common spaces  
1 double bed

Availability

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



[Clear dates](#)

Reviews

★ 4.75 | 185 reviews

Search reviews

Check-in	4.9	Cleanliness	4.9
Communication	4.9	Accuracy	4.9
Location	4.8	Value	4.7



Omar  
March 2020

clean family place - close to coffee place , easy access to downtown via 13min bus



Mark  
February 2020

Clean stay and great place for my girlfriend and I.



Laurent  
September 2019

Great place, super clean, wonderful friendly host. Bring earplugs, this is an older home and quite a bit of noise/vibration transfers through to this basement suite.



Laurent  
September 2019

Great spot, many thoughtful touches, friendly host, I'm staying again in 4 days if that tells you anything!



**Neeven**  
September 2019

Clean, efficient place if you are just looking for a place to hang your (Email hidden by Airbnb) fy bed. The only thing to note is that there are very low ceilings. My partner who is 6'6 couldn't stand up very comfortable in most of it and had to hunch down in the shower.



**Matt & Melissa**  
July 2019

Great location close to public transit, private, clean, and has everything a solo traveler or couple would need. Please note that this lower floor apartment is right below the main living space for the family above; the sound traveled between floors more than we anticipated, but...[Read more](#)



**William**  
June 2019

Celine's place was clean, comfortable and convenient. Easy check in. Host was a good communicator I will book this again. Easy walk to local market and coffee. Mall and "downtown Fernwood" are within range too. Access to washer/dryer was a plus.

1 2 3 ... 27 >

## Hosted by Celine

Victoria, Canada · Joined in September 2013



★ 331 Reviews · Verified

I'm an actress based in Victoria and I travel often with my work. It is my sincere pleasure to share my home with travellers through Air BnB. I love the sense of community and sharing it fosters.

Languages: **English**

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: After 3:00 PM

Checkout: 11:00 AM

### House Rules

No smoking

No pets

No parties or events

### You must also acknowledge

Security deposit - if you damage the home, you may be charged up to \$141

[Hide rules](#) ^

### Cancellations



More homes you may like



Hotel room · 1 bed  
Deluxe Suite with Terrace  
\$172 / night



Hotel room · 1 bed  
Persia Suite at the Villa Marco Polo Inn  
\$162 / night



Hotel room · 1 bed  
Zanzibar Suite at the Villa Marco Polo Inn  
\$162 / night


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Seattle  
Richmond  
Kelowna  
Bellevue  
Surrey  
Vernon

	<b>COUNCIL POLICY</b>	
	No.1	Page 1 of 2
<b>SUBJECT:</b> Short-Term Rental Business Licence Appeal Process Policy		
<b>PREPARED BY:</b> Monika Fedyczkowska		
<b>AUTHORIZED BY:</b> Council		
<b>EFFECTIVE DATE:</b> April 23, 2020		<b>REVISION DATE:</b>
<b>REVIEW FREQUENCY:</b> 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



- 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

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

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

**Contents**

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

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

**Title**

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

**Definitions**

- 2 In this Bylaw

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

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

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

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

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



### **Licence Required**

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

### **Power to Refuse a Licence**

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

### **Licence Number to be Included in Advertising**

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

### **Responsible Person**

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

### **Offences**

- 7 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the Offence Act if that person
- (a) contravenes a provision of this Bylaw;
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
  - (c) neglects or refrains from doing anything required 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**

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

### **Severability**

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

### **Transition Provisions**

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

### **Commencement**

- 11 This bylaw comes into force on adoption.

READ A FIRST TIME the **22<sup>nd</sup>** day of **February** 2018

READ A SECOND TIME the **22<sup>nd</sup>** day of **February** 2018

READ A THIRD TIME the **22<sup>nd</sup>** day of **February** 2018

ADOPTED on the **8<sup>th</sup>** day of **March** 2018

**“CHRIS COATES”**  
CITY CLERK

**“LISA HELPS”**  
MAYOR



March 9, 2020

To the city clerk at Legislative services:

I am writing to contest the denial of my short term rental business license at 2605 Belmont Ave, Victoria BC.

I was rejected on the grounds of schedule D, but my listing is not a self contained unit. It has no kitchen facilities whatsoever, and also contains the shared laundry for the whole house, deeming it unsuitable for long-term accommodations. I would love the opportunity to show it to one of your officers in person to prove my case, if that is something you need to clarify my situation. In the meantime I have ceased operations.

Looking forward to hearing from you.

With Thanks for your consideration,

Celine Stubel

[Redacted signature block]

[Redacted signature block]



## **Council Report**

**For the Meeting December 10, 2020**

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**To:** Council **Date:** December 3, 2020  
**From:** Chris Coates, City Clerk  
**Subject:** Short Term Rental Business License Appeal for 2605 Belmont Avenue

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### **RECOMMENDATION**

That Council receive this report for information and either uphold or overturn the Licence Inspector's denial of a business licence for the short-term rental unit at 2605 Belmont Avenue.

### **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 2605 Belmont Avenue 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**

**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's Report Submission



## **Council Report**

**For the Meeting December 10, 2020**

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**To:** Council **Date:** December 2, 2020  
**From:** Chris Coates, City Clerk  
**Subject:** Short Term Rental Business License Appeal for 95 Wellington Avenue

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### **RECOMMENDATION**

That Council receive this report for information and either uphold or overturn the Licence Inspector's denial of a business licence for the short-term rental unit at 95 Wellington Avenue.

### **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.

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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 95 Wellington Avenue 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**

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Appendix A: Short-Term Rental Regulation Bylaw  
Appendix B: Short-term Rental Business Licence Appeal Process Policy  
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Appendix F: Licence Inspector's Report Submission



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

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

**Contents**

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

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

**Title**

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

**Definitions**

- 2 In this Bylaw

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

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

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

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

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

### **Licence Required**

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

### **Power to Refuse a Licence**

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

### **Licence Number to be Included in Advertising**

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

### **Responsible Person**

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

### **Offences**

- 7 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the Offence Act if that person
- (a) contravenes a provision of this Bylaw;
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
  - (c) neglects or refrains from doing anything required 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**

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

### **Severability**

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

### **Transition Provisions**

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

### **Commencement**

- 11 This bylaw comes into force on adoption.

READ A FIRST TIME the **22<sup>nd</sup>** day of **February** 2018


READ A SECOND TIME the **22<sup>nd</sup>** day of **February** 2018

READ A THIRD TIME the **22<sup>nd</sup>** day of **February** 2018

ADOPTED on the **8<sup>th</sup>** day of **March** 2018

**“CHRIS COATES”**  
CITY CLERK

**“LISA HELPS”**  
MAYOR

	<b>COUNCIL POLICY</b>	
	No.1	Page 1 of 2
<b>SUBJECT:</b> Short-Term Rental Business Licence Appeal Process Policy		
<b>PREPARED BY:</b> Monika Fedyczkowska		
<b>AUTHORIZED BY:</b> Council		
<b>EFFECTIVE DATE:</b> April 23, 2020		<b>REVISION DATE:</b>
<b>REVIEW FREQUENCY:</b> 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

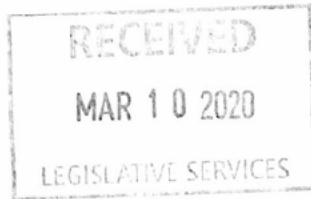
- a. An Appellant may start an appeal by submitting a request for an appeal to the City Clerk within 30 days after receiving notice from a Licence Inspector of a decision to reject the short-term rental business licence.
- b. The City Clerk must reply to the Appellant to acknowledge the request for an 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

- 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



[REDACTED]  
95 Wellington Avenue  
Victoria, B. C.

March 10, 2020

**Attention: Kim Ferris  
BYLAW OFFICER/BUSINESS LICENCED INSPECTOR  
Legislative & Regulatory Services Department  
City of Victoria  
#1 Centennial Square  
Victoria, B. C., V8W 1P6**

**VIA HAND DELIVERY**

Dear Mesdames/Sirs:

**Re: [REDACTED] and 95 Wellington Avenue, Victoria, B. C.**

Please accept this letter as my formal appeal of the denial of a license for operating a short term rental of the attic guest bedroom, in my family home, which I rents through AirBnB. I have successfully been approved for a license to operate the short term rental for the last two years. Now, I am being denied that licence and the reason for the denial appears to be that I am not in compliance.

I am hopeful that that the Council will exercise their discretion and grant this business license to me. In support of my appeal, I enclose for your reference:

1. The floor plan for the subject property;
2. A letter of support from [REDACTED] my immediate neighbour;
3. A letter of support from [REDACTED] also neighbours; and
4. A letter of support from [REDACTED]

My understanding is that the attic guest bedroom, which has been rented through Airbnb, has been deemed a "self-contained dwelling unit" by the bylaw enforcement officer. With all due respect, I disagree with that determination.

Please be advised of the following:

1. There are no cooking appliances or wiring for any cooking appliances in the attic or the attic bedroom;
2. There is no fire separation between the attic and the rest of the home;
3. There is no exhaust ventilation for a stove or range of any kind in the attic;
4. The attic space is connected to and forms part of the rest of the home;

5. The attic space and bedroom is occupied by me and my family for much of the year and are used by my family and guests and also is used as storage of various personal items.

I hope that a review of this decision will result in the granting of a short term rental licence to me. If it does not, please provide specifics on how I can make modifications to the attic and/or the attic bedroom so that a licence will be approved.

I trust you find the foregoing to be in order. If you have any questions or concerns with respect to this appeal please do not hesitate to contact me

Yours truly,

[REDACTED]  
[REDACTED]  
[REDACTED]



To Whom it May Concern:

We are writing in support of [REDACTED] appeal regarding their longstanding and previously permitted Airbnb guest rooms located at 95 Wellington Avenue. We live next door.

We have been neighbours with [REDACTED] [REDACTED] five years. Their guest bedrooms have given us no cause for concern. On the contrary, lacking guest space ourselves, we encourage out of town family and friends planning a visit to book there.

We are concerned that if the annual license is not granted as before, the space will sit empty, depriving all levels of government, local businesses, and this family, the funds generated. We are especially concerned that in its decision to deny this license the City will be adding to Victoria's housing affordability crisis by making ownership unsustainable for this young family, whom we do not want to lose as neighbours. For one, they've invested heavily in restoring their property from an eyesore to a stately home consistent with its rich history.

Of equal concern is the possibility that the [REDACTED] or whomever they are forced to sell to, will rent the space by the month to circumnavigate the need for this license. While perfect for short stays, the space in question is ill-suited as a permanent residence that affords an individual to live long-term with comfort, dignity, and comfort. There is, for example, no wiring for a stove or for laundry, and the room is directly connected to the main residence through an internal (non-fireproof) door. This is not the answer to Victoria's housing shortage.

Please reconsider their application and approve it as you have in the past. We assume the City's increased scrutiny is motivated by ideals we all share, such as wanting Victoria to have a robust stock of long-term housing, with a substantial portion of that being affordable; however, denying this family's application will not aid in these goals, and may in fact work against them.

Kind regards,

[REDACTED]

To Whom It May Concern:

I am writing in support of my neighbours, [REDACTED] at 95 Wellington Ave.

[REDACTED] have rented their two spare guest bedrooms via Airbnb for a few years now. I can't say enough how incredibly professional they manage their guests and have been completely upfront with us neighbours since Day 1.

I've witnessed first-hand how they've used the funds generated to transform an older, rundown heritage-era house into a beautiful home that increases the charm of this wonderful neighbourhood. Never once have I had an issue with any of their many guests. In fact they've all been completely respectful and have commented to me in passing how much they have enjoyed the opportunity to stay in a neighbourhood they never would have looked at previously.

Their two guest bedrooms are wonderful, however certainly not able to accommodate longer term tenants from what I've seen. It seems very strange to me that taking away the ability of [REDACTED] to offset the cost of ownership and renovating an old house could have some kind of impact on the city's housing stock – isn't that the intent of the short term rental bylaw? In addition, as someone with many contacts in the local restaurant industry, I can confidently say that the businesses in Cook Street Village, and their many employees appreciate the guests which [REDACTED] have sent their way.

Once again, I'd simply like to offer my support for their appeal. I have not witnessed any negative impact this couple's side-business has caused, and in fact have witnessed how incredibly helpful the extra income has been for them to contribute to our community as a whole.

[REDACTED]  
  
[REDACTED]

To Whom It May Concern:

I run a small cleaning service here in Victoria and the surrounding communities. I have been cleaning [REDACTED] guest bedrooms and common shared areas for a few years now and am deeply concerned at this sudden turn of events.

Naturally, I'm concerned that if this type of seemingly arbitrary shut down of their short term rental continues, I fear not only for their business but also for mine. We work for several clients, many of whom run short term rentals out of their otherwise empty spaces. If more are arbitrarily shut down, as appears to be the case here, I will have no choice but to begin laying off staff and potentially going out of business.

[REDACTED] have been operating one of the most professional short term rentals I've seen. They work from home, and as such are there to help guests whenever needed. Their guest bedrooms are clean, well-maintained, and safe. They clearly take a lot of pride in their ability to showcase Victoria, and more specifically the Fairfield & Cook Street Village neighbourhoods. Their guest bedrooms are exactly that – they are not in any way otherwise liveable/rentable 'suites.' They are unique and lend themselves perfectly to being able to rent out on a short term basis while giving them the flexibility to use the space personally as well when they choose to.

In conclusion – while I applaud the city's initiative to help make life more affordable for those of us who call Victoria home, I fail to see how shutting down this short term rental, threatening both [REDACTED] livelihood as well as potentially putting myself and my employees out of work achieves this.



**Victoria's Vacation Services**

[REDACTED]

**Victoria BC V8Z 7B7**

[REDACTED]

[REDACTED]

**95 Wellington, Victoria BC**

**Invoice Date: Dec 16 till Jan 1, 2020**

**Dec 17.....Attic.....50.00**

**Dec 29.....Both.....50.00**

\* **Dec 31.....Common Areas...3.15 hrs @ 30.....94.50**

**Jan 1.....Attic.....50.00**

**Total.....244.50**

■■■■■

95 Wellington

Invoice number 204

Aug 16 till Sept 1, 2019

Aug 16.....2<sup>nd</sup> floor.....50.00

Aug 17.....	Both.....	100.00
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Aug 18 .....	2 <sup>nd</sup> floor.....	50.00
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Aug 21.....	both.....	100.00
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Aug 24.....	Both .....	100.00
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Aug 27.....	Both .....	100.00
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Aug 30.....both.....100.00

~~X~~ Aug 30....Common Areas.....1030 till 3pm.....4 hrs 15 mins@ 30.00....124.50

Total.....724.50

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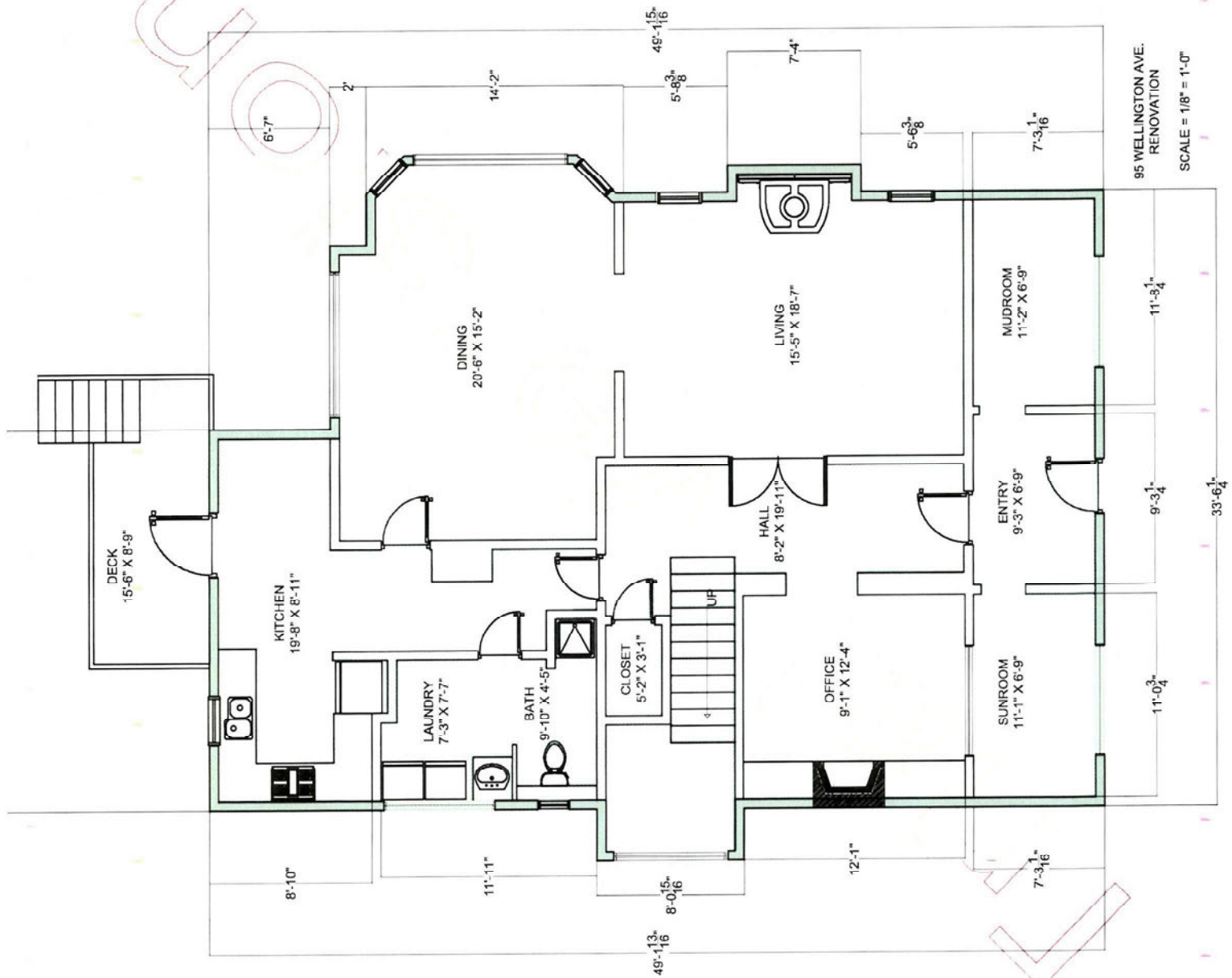
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Victoria BC

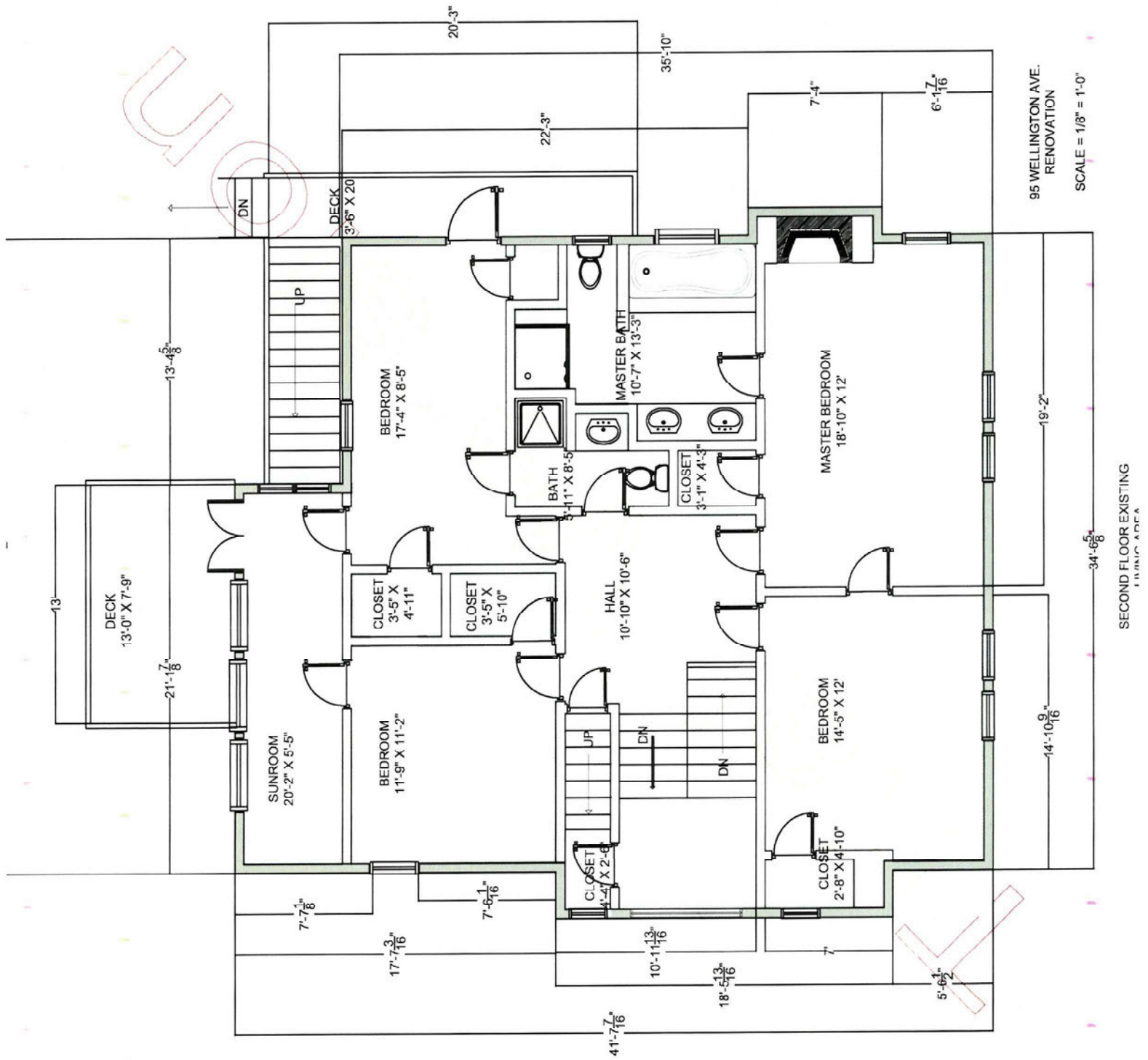
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# Main Floor



FIRST FLOOR EXISTING

2nd Floor



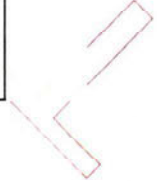
95 WELLINGTON AVE.  
RENOVATION

SCALE = 1/8" = 1'-0"

SECOND FLOOR EXISTING  
FLOOR AREA



6.25"





## Christine Havelka

---

**Subject:** FW: STR appeal, 95 Wellington

**From:** [REDACTED] <[REDACTED]>  
**Sent:** July 26, 2020 9:24 PM  
**To:** Christine Havelka <chavelka@victoria.ca>  
**Cc:** [REDACTED] Legislative Services email <LegislativeServices@victoria.ca>  
**Subject:** Re: STR appeal, 95 Wellington

Hi there,

Given the COVID situation I'm not sure if this is the best place to be emailing in regards to our appeal? I hope this message finds the appropriate person.

On July 24th I received an update to our appeal for our STR license at 95 Wellington Ave. I'd like to respond to Bylaw Officer Ferris' comments here:

1) Yes on Feb 10th 2020 our home, including our guest bedrooms which we were renting on AirBnB were inspected. It's confusing from the photos taken, however I can assure that:

a) There are no "kitchens" - There is clearly, as evidenced by the photos Bylaw Officer Ferris included in her response, are no cooking facilities. Unless somehow a microwave and coffee maker somehow tips the scales in that regard. If that is the case, we can simply remove them - and would appreciate such direction.

b) Yes, what we refer to as a 'kitchenette' in the attic - i.e. mini-fridge, microwave, coffee-maker (as is standard in ALL hotel rooms) was undergoing a renovation at the time of inspection. This was because we need the rental income to afford our home, and our now 3 year old son has of course gotten more 'rambunctious' to say the least. The improvements made were to the floor to improve sound proofing. In addition to this, you can access the attic from the INSIDE of our home. Clearly this is not private. We simply just don't use that door when guests are renting, as they (and we) prefer they use the exterior door. Wouldn't you?

c) The room we rented on the 2nd floor of our home did NOT have a separate bathroom. There are two doors, to it, commonly known as a "Jack and Jill" style. When the room was rented, we simply closed off one of the doors. You can refer to your records from the Building Departments as we took out a permit (as we have done with every little thing in this home) to create that bathroom which clearly show this arrangement. This means the bathroom and guest bedroom are very clearly still connected to the house (not to mention the actual bedroom door!).

In addition this room also had a microwave/mini fridge/coffee maker. Which you can put in literally any room with a 110 volt plug - I don't see how that makes it a fully functioning kitchen.

2) Bylaw Officer Ferris took the time to highlight every part of our listing where we referred to our guest bedrooms as "Suites". I can assure you that is simply marketing verbiage. Guests are far more likely to book something referred to as a 'suite' as opposed to a bedroom. Just as many hotels offer 'suites' that are just rooms, not full functioning apartments. I'm sure if I referred to our guest bedrooms as a 'duplex' they wouldn't suddenly be considered as such, would they?

In conclusion these are bedrooms we use for friends and family, and rent via airbnb when not otherwise in full use as a way to afford a home in this high-cost of living city. And because we already have a legal secondary suite (of which the

airbnb funds helped create), there is no LEGAL path to create separate rentals except under the STR regulations of which we are in full compliance to any objective party.

As mentioned in our very first response to Bylaw Officer Ferris, if there's something in particular you want us to do to meet your criteria, please let us know - considering the rooms were perfectly fine the preceding 3 years.

Thank you for your time.

[REDACTED]  
95 Wellington Ave.

On Mon, Jun 1, 2020 at 3:26 PM [REDACTED]

Thank you!

On Mon, Jun 1, 2020 at 3:23 PM Christine Havelka <[chavelka@victoria.ca](mailto:chavelka@victoria.ca)> wrote:

Good afternoon [REDACTED]

Thank you for the additional document and photos. We will forward these new items as well as the previous supporting documents to bylaw services for their response.

Best regards,

Christine

**From:** [REDACTED]  
**Sent:** May 28, 2020 4:23 PM  
**To:** Legislative Services email <[LegislativeServices@victoria.ca](mailto:LegislativeServices@victoria.ca)>  
**Subject:** STR appeal, 95 Wellington

Hi there,

I recently received notice that council has agreed to review our appeal for a STR license.

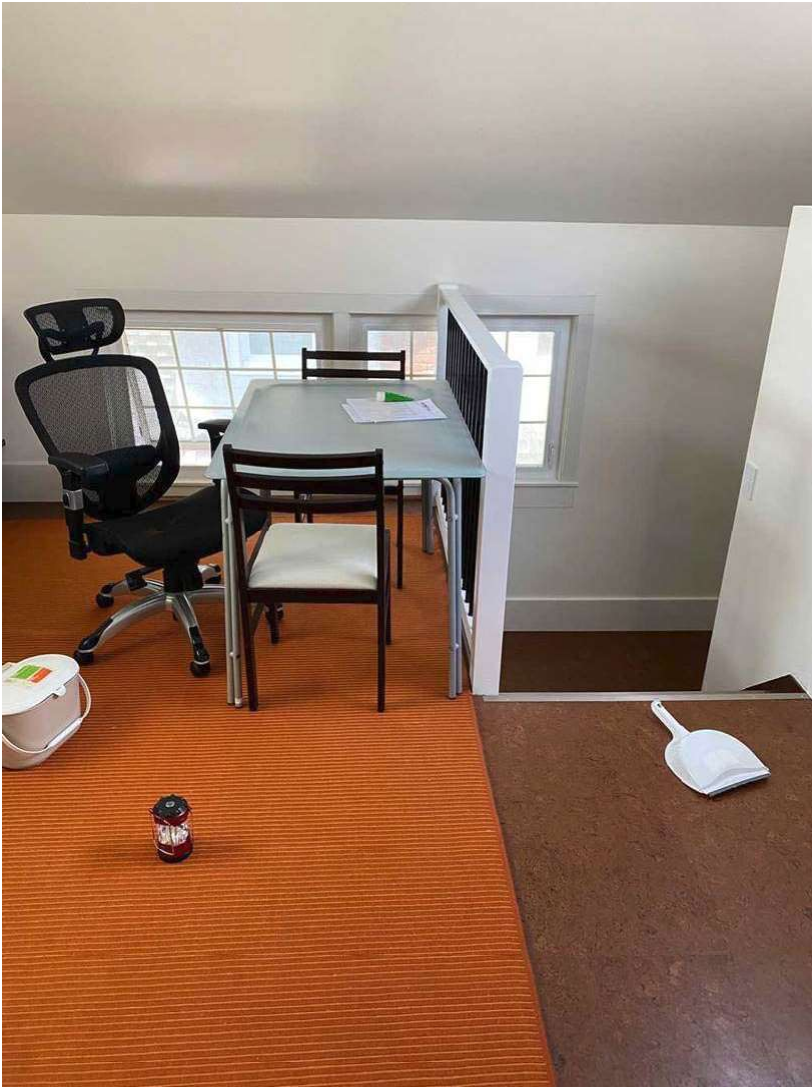
I submitted all supporting documents at the time I submitted the appeal, however I have attached a few more to this email.

Attached is a letter of support from another one of our neighbours, as well as several photos of the guest room we rent out. What we refer to as a kitchenette in our listing is clearly pictures, and you can see there are no cooking appliances. This is absolutely not a 'kitchen' rather it's a sink and countertop area - a bar, really. Also pictured you can see how the room is in our attic yet still accessible from within our home- because is part of our home which we use regularly (you'll note I forgot to clean up the kids toys before taking these).

Thank you-











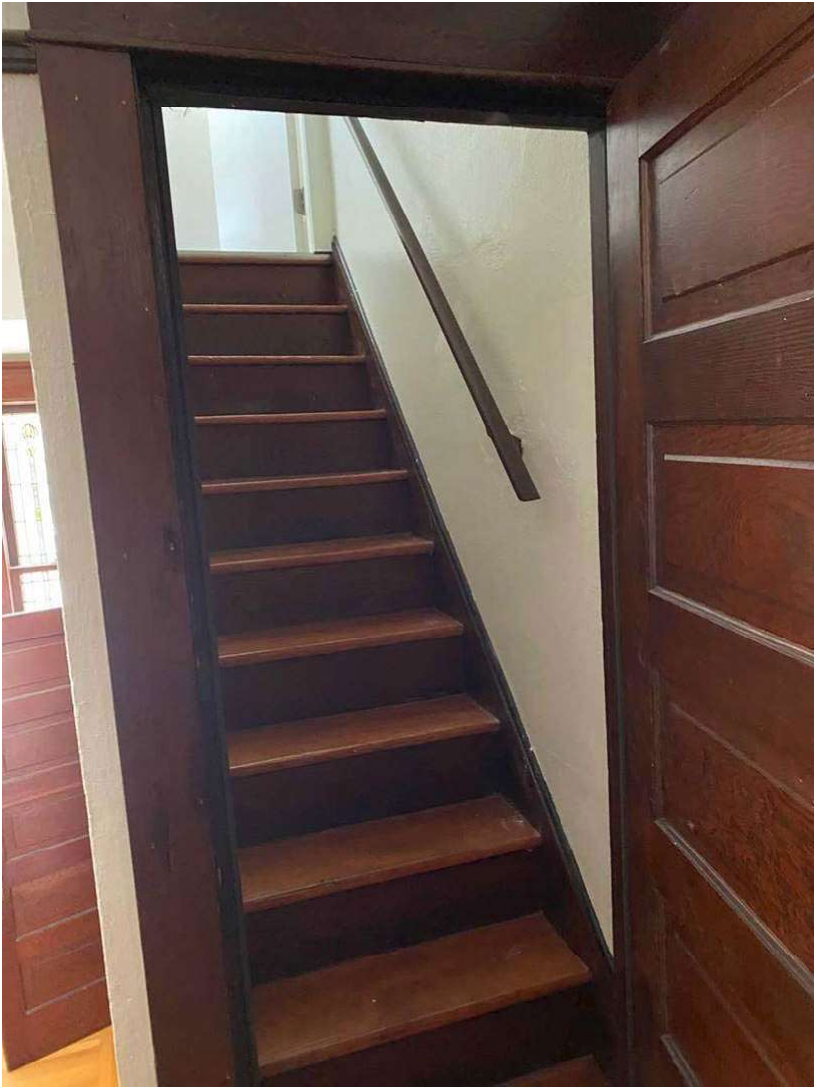














May 27, 2020

To Whom it May Concern:

We are writing in support of [REDACTED] appeal regarding their previously permitted Airbnb suite located at 95 Wellington Avenue. I used to be a renter next door and friends have enjoyed staying in their suite on many occasions. Staying with [REDACTED] has been a more viable alternative to overpriced hotel accommodations. Since my son's father resides out of town, it gets very expensive to incur ongoing hotel expenses when he comes to visit and [REDACTED] Airbnb has given my son the opportunity to see his dad more often which we are very thankful for.

The suites offered for Airbnb accommodations by [REDACTED] are small units, with basic amenities ideally suited for short durations of stay and certainly not suitable as longterm rental units. With only a microwave and no regular oven or appropriate kitchen facilities, [REDACTED] suites do not offer proper amenities required for long term rentals. The units offered for rent by [REDACTED] would be more comparable to a guest bedroom suite in a home, rather than an actual rental unit. This is what we thought the intention of Airbnb prides its business model on. [REDACTED] suite is a wonderful example of what Airbnb is supposed to and should be. It feels like you are staying with [REDACTED] a guest in their home, not in a rental unit. As a renter myself, I would be the first one to speak up about the implications of Airbnb licenses on renters as I have experienced it first-hand myself.

[REDACTED] home does not take away from the longterm rental inventory here in Victoria, rather it is an essential part of supporting and sustaining the local tourism market, which is especially essential amidst the current pandemic. As for [REDACTED] being an Airbnb owner is a way for them to own a piece of historical property here in Victoria and be able to offer guests the experience of staying with them in their home as guests, not "renters". This business also enables them to supplement their income by using their home in a resourceful, authentic way to create memorable experiences for out of town guests, who otherwise may not be able to afford to stay here. [REDACTED] have been able to create an authentic and memorable experience for their guests simply because staying in one of their suites is like staying with them in their home. That is much different than a typical rental unit, which is in a different category altogether.

We would ask that you carefully reconsider [REDACTED] application and approve it as you have done so for many years now. This will enable them to continue providing rich, authentic experiences for their guests and keeps some affordable options on the table for visitors to our city that may not otherwise be able to afford to come here.

Kind Regards,

[REDACTED]



July 9, 2020

Legislative and  
Regulatory Services  
Department

Bylaw and Licensing  
Services Division

1 Centennial Square  
Victoria BC V8W 1P6

[REDACTED]  
95 Wellington Ave  
Victoria BC V8V 4H5

**Re: Short-Term Rental Business Licence Appeal – 95 Wellington Ave**

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.

On February 10th, 2020, an inspection of the ‘Fairfield Suite’ and ‘Ocean Loft’ on the second and third floors at 95 Wellington Ave was conducted and photos were taken confirming two self-contained suites – each with a separate entrance, kitchen, and bathroom. (Both Airbnb listings attached)

Furthermore, you were advertising both spaces on AirBnb as ‘large suites’, both with private entrances. Also included is a photo of the kitchen set-up in the Ocean Loft, which was undergoing some upgrades while the inspection was being conducted.

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

A handwritten signature in black ink, appearing to be "Kim Ferris".

Regards,

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

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To Contact


Telephone: **250.361.0726**  
E-Mail: [str@victoria.ca](mailto:str@victoria.ca)

Fax: **250.361.0205**  
Web: [www.victoria.ca](http://www.victoria.ca)





February 08, 2020 - 01:25AM America/Vancouver

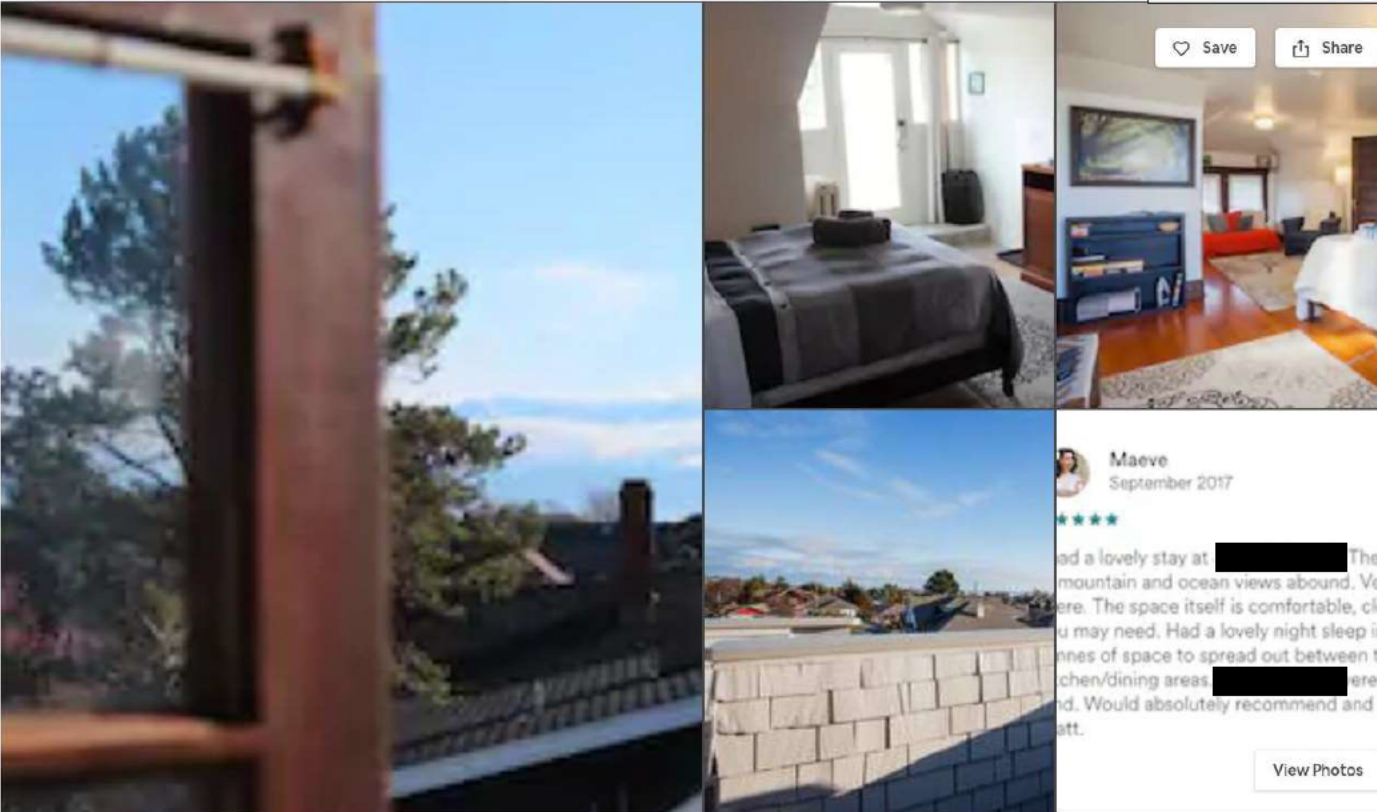
Screenshot printed at: 7/9/2020 11:06:56 AM




English (US) \$ USD Become a host Help Sign up Log in

Feb 8, 2020 12:25am PT



 **Maeve**  
September 2017

★★★★★

Had a lovely stay at [REDACTED]. The mountain and ocean views abound. Very comfortable. The space itself is comfortable, clean and has everything you may need. Had a lovely night sleep in the bedrooms of space to spread out between the living/dining areas [REDACTED] and [REDACTED]. Would absolutely recommend and stay again.

[View Photos](#)

## ☀️ Bright & Sunny Ocean Loft - Stunning Views! ☀️

Victoria

2 guests 1 bedroom 2 beds 1 bath

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

🔑 **Self check-in**  
Check yourself in with the keypad.

🧼 **Sparkling clean**  
13 recent guests said this place was sparkling clean.

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

Large, light-filled suite with STUNNING OCEAN & MOUNTAIN views! Perfect for couples, solo adventurers & business travelers.

- Steps to the ocean
- Private balcony with AMAZING views of the ocean + Olympic Mountains
- Nearby hiking trails & parks
- Close to restaurants & shopping
- ★ "This home is a must stay!!" ★
- › Free on-street parking
- › 5-10 minute walk to restaurants & shops of Cook Street Village
- › 5 minute drive / 25 minute walk to the Inner Harbour / Downtown
- › Multiple nearby bus routes

### The space

★ "All together this space is super cozy, functional, clean and all around great. I had high expectations and you surpassed them!" ★

\$74 per night

Dates

02/09/2020 → Checkout

Guests

1 guest

**Reserve**

You won't be charged yet

 Report this listing

→ Is this your first time booking on Airbnb? Use this link to receive as much as \$50 off your stay: <https://www.airbnb.ca/c/jandersen184>

→ A real gem in the heart of Fairfield. Live like a local in a historic character house built in 1913 as the Honorary German Consulate.

→ The space is a quiet and comfortable 600 sq feet with a queen size bed and a pull-out couch. Accessible by private entrance and located on the third floor, the loft is easily reached by a private outdoor staircase.

→ Enjoy a drink from your private balcony with views of Mt. Baker, the Olympic Mountains & the Trial Islands, with amazing sunrises and sunsets.

» The bathroom features a clawfoot tub with a European style shower.

» The space is clean, has new windows and has been freshly painted.

» Includes free wifi with a strong connection. There's also a TV with a premium cable package (HBO, etc).

» Light breakfast items are provided when you check-in: instant oatmeal, tea & coffee, etc.

→ The apartment is not child proofed and there are steep stairs, so please no children or guests with mobility concerns.

BL# 34883

#### Guest access

→ You have full access to your suite, as well as a beautiful private balcony with some of the best views in the city!

→ Access to the suite is via an exterior staircase and you'll be sent a unique access code for the keypad on the door.

#### Other things to note

→ Please remember, this is a house not a hotel. We live below the suite - therefore we ask you to be mindful of noise levels as well as heavy footsteps. Not that you have to feel like you're walking on egg-shells, just please no jumping jacks at odd hours :)

[Hide](#) ^

#### Contact host



### Amenities

#### Basic

##### Wifi

Continuous access in the listing

##### TV

##### Cable 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 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

Patio or balcony

### Safety features

Fire extinguisher

Carbon monoxide alarm

Smoke alarm

First aid kit

### Not included

Kitchen

Air conditioning



Weather

## Sleeping arrangements



**Bedroom 1**  
1 queen bed



**Common spaces**  
1 sofa bed

## Accessibility

Handheld shower head

## Availability

This host offers a 5% weekly discount.

[Clear dates](#)

## No reviews (yet)

This host has 324 reviews for other properties.

[View other reviews](#)

We're here to help your trip go smoothly. Every reservation is covered by Airbnb's [Guest Refund Policy](#).

## Hosted by

Victoria, Canada · Joined in June 2012



★ 814 Reviews · 1 Reference · Verified

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

We are two free spirited love birds always looking for the next destination. We are partners in travel, work and life! BC native, he's lived in Victoria for over 15 years. He will be there to answer any questions, give you recommendations, map it out for...[Read more](#)

## Interaction with guests

→ The place is yours to enjoy! We live in the house downstairs but we don't believe in micro-hosting. We are fully accessible or highly invisible. It's completely your choice.

Response rate: 93%

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](#)

**About this place**

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

**The neighborhood**

[REDACTED] place is located in Victoria, British Columbia, Canada.

We're one block from Dallas Road Beach (Clover Point), an absolutely beautiful park on the ocean. You can take the long way downtown with a casual cliff top stroll past the breakwater or (for the more adventurous!) along the rocky oceanfront.

If you're looking for some exercise while here, there is a great yoga studio just one block away, as well as a world famous jogging trail on Dallas Road, at the end of the block beside the ocean.

Restaurants and groceries are readily available in Cook St village, just a 5-10 minute walk away.

**Getting around**

- › Uber & Lyft do not operate in BC, however we have many taxi companies to help you get around (Blue Bird, Yellow Cab)
- › Several nearby bus routes

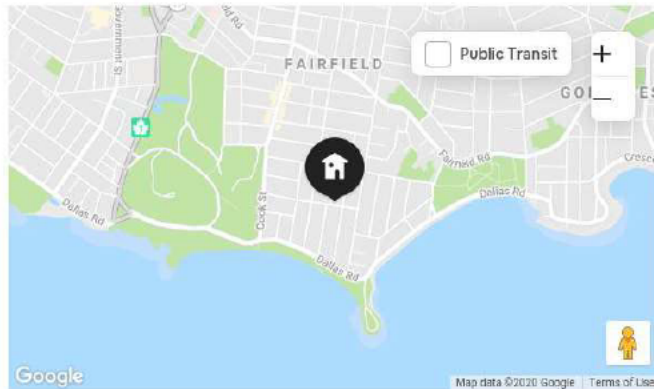
★ We want you! Please reach out with any questions you may have. ★

→ Add our listing to your wishlist by clicking the ♥ in the upper-right corner.

→ Don't forget to claim your discount, if this is your first time booking on AirBnB! Use the following link for up to \$50 USD off:

[https://www.airbnb.ca/c/\[REDACTED\]](https://www.airbnb.ca/c/[REDACTED])

[Hide](#)

**Show guidebook**

The map shows this place's specific location.

**Things to keep in mind**

Check-in: After 3:00 PM

Checkout: 11:00 AM

Self checkin with keypad

**House Rules**

Not suitable for children and infants

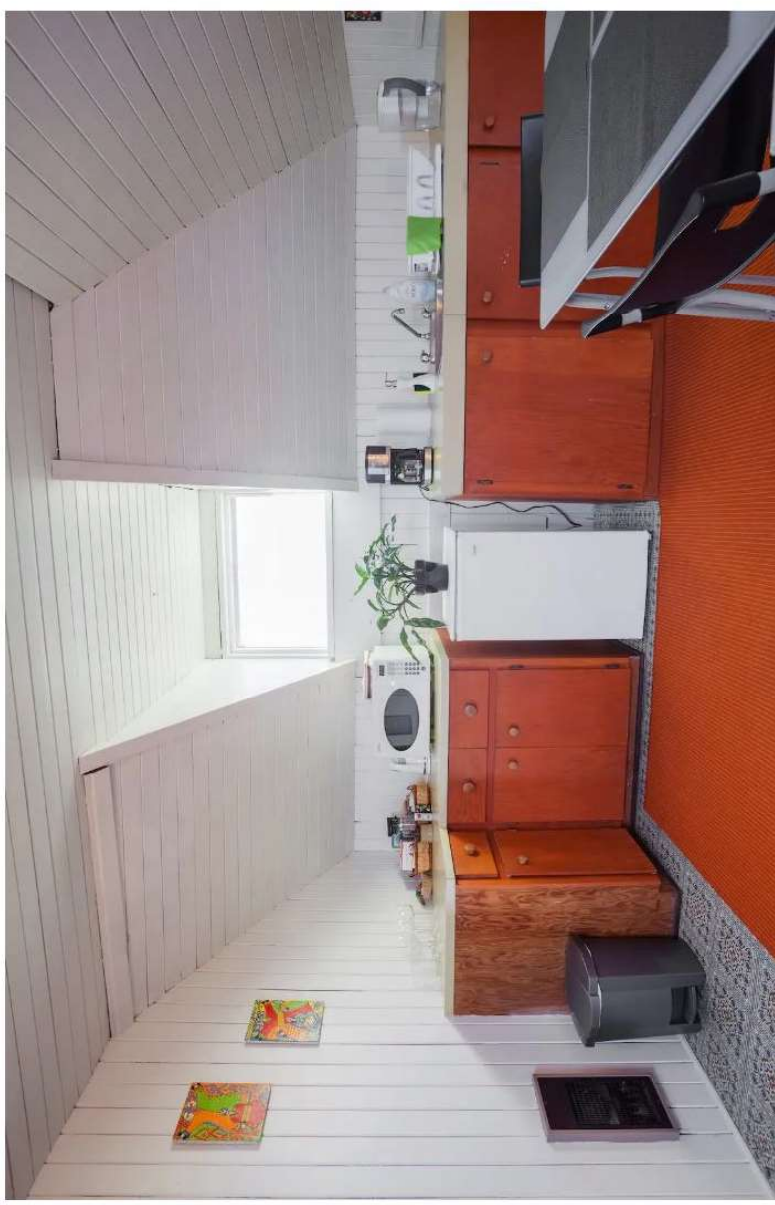
No smoking

No pets

No parties or events

✕ Close


8 / 24



Kitchenette with mini-fridge, microwave, and complimentary snacks.





February 08, 2020 - 12:55AM America/Vancouver

Screenshot printed at: 7/9/2020 11:04:56 AM



English (US)   \$ USD   Become a host   Help   Sign up   Log in

Feb 7, 2020 11:55pm PT

Save   Share

Emily  
December 2017  
★★★★

This is THE best place to stay if you're looking for value. [redacted] were so quick to respond and gave us so much attention to detail. The space is minimalist and so close to the water and cook at villa [redacted] again!

View Photos

## ☀️Light-filled Fairfield Suite, steps to Ocean!☀️

Victoria

2 guests   1 bedroom   2 beds   1 bath

### Entire home

You'll have the guest suite to yourself.

### Self check-in

Check yourself in with the smartlock.

### Sparkling clean

15 recent guests said this place was sparkling clean.

### [redacted] a Superhost

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

Large, private suite in the heart of Fairfield. Enjoy a coffee on your private, east-facing balcony and catch the amazing sunrise!

→ Steps to the ocean

→ Private balcony with mountain views &amp; ocean glimpses

→ Close to restaurants &amp; shopping

★ "This is THE best place to stay if you're looking for a great central location at a super value" ★

› Free on-street parking

› 5-10 minute walk to restaurants &amp; shops of Cook St Village

› 5 minute drive / 25 minute walk to the Inner Harbour / Downtown

### The space

★ "Of all the places we've stayed (and we've stayed at a lot of AirBnBs) [redacted] places are at the top of the list!" ★

Is this your first time booking on Airbnb? Use this link to receive as much as \$50

\$74 per night

★ 4.94 (324 reviews)

### Dates

02/09/2020 → Checkout

### Guests

1 guest

Reserve

You won't be charged yet

Report this listing



→ Is this your first time booking on Airbnb? Use this link to receive as much as you can off your stay: <https://www.airbnb.ca/discount>

→ A real gem in the heart of Fairfield. Live like a local in a historic character house built in 1913 as the Honourary German Consulate.

→ The space is a great size - a quiet and comfortable 600 sq feet with a queen size bed and a futon couch. Accessible by private entrance and located on the second floor, the loft is easily reached by a private outdoor staircase.

→ Enjoy a beverage from your balcony overlooking the neighbourhood, with beautiful sunrises and sunsets.

- › The three piece (toilet, sink and shower) bathroom is newly renovated.
- › The apartment is clean, has new windows and has been freshly painted.
- › Free WIFI with a strong connection.
- › TV with a premium cable package (HBO, etc).
- › Light breakfast items are provided when you check-in: instant oatmeal, tea & coffee, etc.

→ The apartment is not child proofed and there are steep stairs, so please no children or guests with mobility concerns.

→ Free on-street parking, and steps to public transit.

BL# 34883

#### Guest access

→ You have full access to your suite, as well as a beautiful private balcony with some wonderful views!

→ Access to the suite is via an exterior staircase and you'll be sent a unique access code for the keypad on the door.

#### Other things to note

This suite is located within our home. As such, you may / probably will hear some footsteps, maybe the odd voice, etc. That being said, we're not loud people by any means, and the suite is only accessible by you.

[Hide](#) ^

#### Contact host



## Amenities

### Basic

#### Wifi

Continuous access in the listing

#### TV

#### Cable 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 street parking

### Dining

Coffee maker

Dishes and silverware

Microwave

Refrigerator

### Guest access

Private entrance

Separate street or building entrance

Smart lock

### 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

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



Common spaces  
1 sofa bed

## Availability

This host offers a 10% weekly discount.



[Clear dates](#)

## Reviews

★ 4.94 | 324 reviews

Search reviews

Communication	5.0	Cleanliness	5.0
Check-in	5.0	Accuracy	5.0
Location	4.9	Value	4.9



Cassie  
December 2019

Delightful hosts. Clean, private loft in the house with clean and functional space. Walking distance to the park and local restaurants and cafes. Cozy, lots of natural light. Would stay again!



Response from [redacted]  
Thanks again for staying with us - come back anytime! :)  
December 2019



Paige  
October 2019 **LAST MINUTE TRIP**

[redacted] place was such a lovely place to land in Victoria. It was close to everything my girlfriend and I wanted to see (including a walk to the ocean for a beautiful sunrise!) and was very comfortable and cute. Booking, check in, accessing the space and check out were all...[Read more](#)



Response from [redacted]  
Glad you had fun in Victoria! Come back again :)  
October 2019



Katina  
October 2019 **LAST MINUTE TRIP**

Fantastic and easy communication. Great location and recommendations. The fluffiest towels and great snack basket. There really isn't anything that [redacted] haven't thought of. Glad I choose to use Airbnb this trip!



Tyler  
October 2019

Great place, we were only here for one night, but it was really nice. Really good bed & pillows, and shower. Very close to the shore. Would definitely stay here again!



Response from [redacted]



Thanks so much for staying with us, Tyler! It was a pleasure to host you :)

October 2019



Adam

October 2019

Good clean place, reasonably priced. Good location, quick taxi away from downtown. Recommended



Response from [REDACTED]

Thanks Adam! Was a pleasure to host you on your quick trip to Victoria.

October 2019



Michelle

September 2019

LAST MINUTE TRIP

This place is so dang cute ya'll. [REDACTED] have done a fantastic job on turning their home into a fantastic getaway for guests. I loved the neighborhood, just down the street was one of the most beautiful ocean views I've seen. The bed was super comfortable and the bathroom...[Read more](#)



Response from [REDACTED]

Aww thanks for such kind words. We loved having you stay with us, and are glad you enjoyed not just the suite, but also the beautiful neighbourhood as well. Come back again sometime!

September 2019



Krista

September 2019

The place was quiet, beautiful, and so spic and span. They really thought of everything from coffee and tea to a hairdryer in the bathroom. Definitely do not hesitate to book with [REDACTED]



Response from [REDACTED]

Thanks again for staying with us! Glad you were able to make use of the backup toothpaste :)

September 2019

1 2 3 ... 47 >

## Hosted by [REDACTED]

Victoria, Canada · Joined in June 2012

★ 814 Reviews · 1 Reference · Verified



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

We are [REDACTED] two free spirited love birds always looking for the next destination. we are partners in travel, work and life! [REDACTED] BC native, he's lived in Victoria for over 15 years. He will be there to answer any questions, give you recommendations, map it out for...[Read more](#)

### Interaction with guests

→ The place is yours to enjoy! We live in the house but we don't believe in micro-hosting. We are fully accessible or highly invisible. It's completely your choice.

Response rate: 93%

Response time: within an hour

[Contact host](#)

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### About this place



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



## The neighborhood

[Redacted] place is located in Victoria, British Columbia, Canada.

We're one block from Dallas Road Beach (Clover Point), an absolutely beautiful park on the ocean. You can take the long way downtown with a casual cliff top stroll past the breakwater or (for the more adventurous!) along the rocky oceanfront.

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### Getting around

- › Uber & Lyft do not operate in BC, however we have many taxi companies to help you get around (Blue Bird, Yellow Cab)
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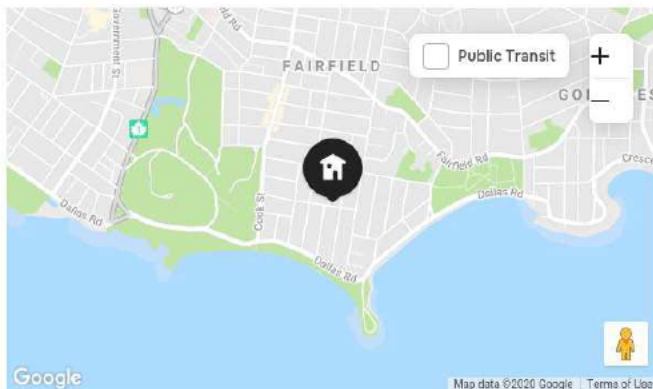
★ We want you! Please reach out with any questions you may have. ★

→ Add our listing to your wishlist by clicking the ♥ in the upper-right corner.

→ Don't forget to claim your discount, if this is your first time booking on AirBnB!  
Use the following link for up to \$50 USD off:  
<https://www.airbnb.ca/c/fjandersen184>

[Hide](#) ^

### Show guidebook



The map shows this place's specific location.

## Things to keep in mind

**Check-in:** After 3:00 PM

**Checkout:** 11:00 AM

Self checkin with smart lock

### House Rules

- Not suitable for children and infants
- No smoking
- No pets
- No parties or events

### You must also acknowledge

- Pet(s) live on property

8. The owner of the property has created two self-contained units on the second and third floors of the property. While both suites appear to operate in contravention of the Short-Term Regulation Bylaw, this report and the denial of the licence focus on the Ocean Loft Suite (third floor), as the Fairfield Suite could potentially be brought into compliance. [See attached photos]

**For clarity, the guest bedroom on the second floor, which we named the “Fairfield Suite” is now our 6 month old child’s bedroom. Because it’s part of our house and clearly not a ‘self contained suite’. When our license was first denied earlier in the year, my wife was still pregnant. We had hoped to continue to rent the room for a few months until the baby arrived to help make some extra money.**



9. The Ocean Loft unit on the third floor consists of a living room/bedroom, a separate bathroom and a separate kitchen area. It has a separate entrance from outside with keypad for selfentry. There is an interior staircase with separating door (at the bottom) between the suite kitchen and the rest of the house which is marked as private and is not provided for access by guests to access the remainder of the house. [See attached photos and floor plan of suite]

**I don’t see how offering guests convenience is wrong, especially given that the access has been there for decades. How ridiculous would it be to tell guests that they could NOT use that door?**

10. The kitchen, in a separate room, includes a counter with sink, small fridge, a microwave oven, a coffee maker, a kettle, and other cooking essentials. [See attached photos and reviews of kitchen]

**We have glasses so people can drink water, and plates so if people bring takeout over (which they always do, since it’s not a kitchen that can be used for anything more than making a sandwich) they have something to use. We specifically refer to this as a kitchenette no different than what is available in a hotel room. Offering the convenience of plates and drinking glasses, or a microwave to heat up take-out, does not make this even remotely a full kitchen like you would find in an apartment.**

11. The appellant has rented the entire unit as a short-term rental since at least March 2015. Since that time, the appellant has accepted over 490 short-term rental bookings in the third

floor Ocean Loft Suite. In 2019, the appellant had accepted over 220 short-term rental bookings in the Ocean Loft Suite, with stays as short as 1 day. Attached is a report from Host Compliance detailing information about the short-term rental activity at the property.

**We're good at this. We love sharing our neighbourhood and city with others, while providing a service that helps everyone.**

13. An inspection of the premises on February 10th, 2020 revealed that the Ocean Loft unit is operating as a self-contained dwelling and is not part of the appellant's principal residence. At the time of the inspection, the suite was undergoing small renovations, such as upgrades to the kitchen. [shown in inspection photos]

**You can't say this isn't part of our principal residence. We live here. We know what it is. That room was used by the previous owner as a utility room / art studio. It's not a kitchen. The presence of a sink does not make a kitchen. I suggest speaking to the building permit department and ask them. You are allowed to put a sink in any room – that doesn't convert the use of a room to a kitchen.**

**You can also see in the original photos the sink and cabinets were 30+ years old and falling apart – leak in the sink, old plumbing, etc. It had to be fixed. So, we replaced the cabinets at the same time because that makes sense.**

**Also, it's not a separate rentable suite in the traditional sense because that would be illegal. Running a tertiary self contained suite in our home would be illegal and in violation of all kinds of regulations (municipal, provincial, etc). Simply closing a door doesn't convert our house to a triplex.**

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”.

**You just admitted that there is no definition of a kitchen in the bylaw. There is nowhere in the bylaw suggesting that “Unless otherwise noted, please look up all words in the Oxford English dictionary?”**

**Let's stick with this definition for a moment:**

**" a room where food is PREPARED AND COOKED " – You can't cook if you don't have a cooking appliance. I don't see how making a pot of coffee or heating up takeout in a microwave is “cooking”**

#### 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.

**We were one of the very first applicants because we WANT to be onside with the regulations.**

18. Although the appellant resides in the house at 95 Wellington Avenue, the premises that are rented as a short-term rental are not part of his principal residence, because the third floor Ocean Loft unit is being offered and advertised as an independent self-contained dwelling unit. The appellant advertises the unit as 'Private apartment with private balcony and exterior access' on Airbnb. [Matched Airbnb Property Listing Attached]

**No it is not being offered or advertised as an “independent self contained dwelling unit” – this has already been addressed in our previous two responses, which again seem to have been entirely ignored. As mentioned, in our previous response Airbnb’s definition of suite/apartment are different than the city’s. The same way that Victoria’s definition may be different than Saanich’s. The same way the Oxford English Dictionary may define it differently.**

19. It is clear that the third floor Ocean Loft unit at 95 Wellington Avenue is being offered as a self-contained dwelling unit: it has its own entrance from outside, a kitchen with space to prepare and cook food, and separate bathroom – it meets the requirements of the definition of “self-contained dwelling unit” in the Zoning Regulation Bylaw.

**No it’s not – the inspector who wrote this has not even personally been in the space. Anyone who has been in the space knows that it is part of our home. Closing a door between rooms does not make it an apartment. Ask a building inspector. I assume they will ask “Is it a fire proof door? Is there fire separation? What about ventilation?” etc.**

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 his principal dwelling unit, as required by Schedule D of the Zoning Regulation Bylaw.

**I can plug a mini fridge, toaster, coffee maker into any standard outlet in any room of any building. How does that make it a kitchen? If those items were removed would it cease to be a kitchen in your view? Or would it still be a kitchen because there is a sink, and potential to make a sandwich? For every guest review highlighted mentioning the word “Kitchen” you’ll see just as many people saying “Wish we could cook in the kitchen” – and you will also see our responses telling them that in order to be compliant with the City of Victoria bylaws, we are unable to offer that.**

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.

**Which we agree with whole heartedly.**

23. The property at 95 Wellington Avenue 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.

**Once again, completely false. It’s also incredibly insulting to suggest that by creatively finding a way to make our home more affordable for our family we are contributing to the housing crisis. This space has not been or ever will be part of the ‘housing stock’ – because it is simply not an**

apartment. The attic is clearly part of our home. My kids are using it as a playroom right now, since we're not able to rent it out or have visitors.



## Christine Havelka

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**Subject:** FW: FW: Short Term Rental Appeal - Licence Inspector's Report Submission

**Sent:** December 1, 2020 8:03 AM

**To:** Christine Havelka <chavelka@victoria.ca>

**Subject:** Re: FW: Short Term Rental Appeal - Licence Inspector's Report Submission

Thanks. One final statement to add as a conclusion.

This house was once operated as an illegal 4 plex. There was a massive fire in the attic, so severe that half the house had to be rebuilt. And the city ordered the house be returned to "Single family". This is in the City's own archives, I suggest looking it up.

Fast forward to 2015, we buy the house as a single family home. We renovate extensively and add a legal basement suite. We turn the attic into a guest bedroom, and decide that in order to help offset the costs of the renovation and addition of the legal basement suite, Airbnb would be a good option to help float our costs, while maintaining the flexibility to have a room for friends and family when visiting. To be clear we have never STR'd the basement, that has always had a long term tenant in place - who's rent we have been able to subsidize by renting the guest room in our attic.

Now we're told by the bylaw office that WE are the ones contributing to the housing crisis in this city by "removing a unit from the housing stock" - when it's the City who ordered the 4 plex shutdown (and rightfully so, given the fire). We fixed the house, and added back a legal basement suite. And the bylaw officer is now suggesting, even after the fact there was a devastating fire that the neighbours still talk about to this day, that we convert BACK to illegal suites.

It's truly frustrating, contradictory, and insulting. I really think this is a case of overzealous enforcement, and making poor assumptions. Which clearly does not align with council's goals, and unfairly penalizes us as homeowners who have done our best to do everything by the book.

## **Business Licence (Short-term Rental) Appeal re 95 Wellington Avenue**

### **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 [REDACTED] for the operation of a short-term rental at 95 Wellington Avenue.
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 95 Wellington Ave. The property is zoned R1-B (single family dwelling), and there is a secondary suite on the property which is currently operating as a long-term rental. Short-term rentals are not a permitted use under this zone.
8. The owner of the property has created two self-contained units on the second and third floors of the property. While both suites appear to operate in contravention of the Short-Term Regulation Bylaw, this report and the denial of the licence focus on the Ocean Loft Suite (third floor), as the Fairfield Suite could potentially be brought into compliance. [See attached photos]
9. The Ocean Loft unit on the third floor consists of a living room/bedroom, a separate bathroom and a separate kitchen area. It has a separate entrance from outside with keypad for self-entry. There is an interior staircase with separating door (at the bottom) between the suite kitchen and the rest of the house which is marked as private and is not provided for access by guests to access the remainder of the house. [See attached photos and floor plan of suite]

10. The kitchen, in a separate room, includes a counter with sink, small fridge, a microwave oven, a coffee maker, a kettle, and other cooking essentials. [See attached photos and reviews of kitchen]
11. The appellant has rented the entire unit as a short-term rental since at least March 2015. Since that time, the appellant has accepted over 490 short-term rental bookings in the third floor Ocean Loft Suite. In 2019, the appellant had accepted over 220 short-term rental bookings in the Ocean Loft Suite, with stays as short as 1 day. 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 10th, 2020 revealed that the Ocean Loft unit is operating as a self-contained dwelling and is not part of the appellant's principal residence. At the time of the inspection, the suite was undergoing small renovations, such as upgrades to the kitchen. [shown in inspection photos]
14. On February 13th, 2020, the Licence Inspector advised the appellant that his 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 95 Wellington Avenue, the premises that are rented as a short-term rental are not part of his principal residence, because the third floor Ocean Loft unit is being offered and advertised as an independent self-contained dwelling unit. The appellant advertises the unit as ‘Private apartment with private balcony and exterior access’ on Airbnb. [Matched Airbnb Property Listing Attached]
19. It is clear that the third floor Ocean Loft unit at 95 Wellington Avenue is being offered as a self-contained dwelling unit: it has its own entrance from outside, a kitchen with space to prepare and cook food, 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 his 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 95 Wellington Avenue 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 95 Wellington Avenue upheld.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**

Dated: November 25, 2020



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Shannon Perkins, Manager of  
Bylaw Services

Rental Unit Record

95 Wellington Avenue, Victoria, BC  
V8V 4H5, Canada

Active ●  
Identified ✓  
Compliant X

PRINT

Listing(s) Information

Airbnb - 5430755

Airbnb - 17191992



Matched Details

**Analyst** RTNR

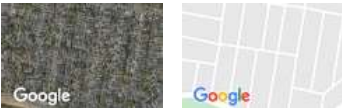
**Explanation**  
BL# 34883 on the listing. Information gathered from city website for that license number, names match.

Owner Name Match

Listing Details

Listing URL	— <a href="https://www.airbnb.com/rooms/5430755">https://www.airbnb.com/rooms/5430755</a>
Listing Status	● Active
Host Compliance Listing ID	— air5430755
Listing Title	—  Bright & Sunny Ocean Loft - Stunning Views!

Rental Unit Information



**Identified Address**  
95 Wellington Avenue, Victoria, BC  
V8V 4H5, Canada

**Identified Unit Number**  
None

**Identified Latitude, Longitude**  
48.409479, -123.352305

**Parcel Number**  
0123403238041

**Owner Address**  
95 Wellington Ave, Victoria  
Victoria, BC V8V 4H5, CA

**Timeline of Activity**  
View the series of events and documentation pertaining to this property

- 7 Documented Stays  
January, 2020
- 6 Documented Stays  
December, 2019
- 13 Documented Stays

Property type	— Guest suite
Room type	— Entire home/apt
Listing Info Last Captured	— Oct 13, 2020
Screenshot Last Captured	— Oct 13, 2020
Price	— \$72/night
Cleaning Fee	— \$38

Information Provided on Listing

Contact Name	— Joy And Matt
Latitude, Longitude	— 48.409110, -123.352816
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2.0
Number of Reviews	— 490
Last Documented Stay	— 01/2020

Listing Screenshot History













 View Latest Listing Screenshot

August 7

September 7

October 4

November, 2019

-  17 Documented Stays  
October, 2019
-  18 Documented Stays  
September, 2019
-  23 Documented Stays  
August, 2019
-  19 Documented Stays  
July, 2019
-  29 Documented Stays  
June, 2019
-  26 Documented Stays  
May, 2019
-  17 Documented Stays  
April, 2019
-  19 Documented Stays  
March, 2019
-  19 Documented Stays  
February, 2019
-  14 Documented Stays  
January, 2019
-  18 Documented Stays  
December, 2018
-  16 Documented Stays  
November, 2018
-  16 Documented Stays  
October, 2018
-  17 Documented Stays  
September, 2018
-  26 Documented Stays  
August, 2018
-  21 Documented Stays  
July, 2018
- ✓ Listing air5430755 Identified  
July 26th, 2018
- ✓ Listing air17191992 Identified  
July 26th, 2018
- Listing air5430755 Reposted  
July 25th, 2018
- ✗ Listing air5430755 Removed  
July 24th, 2018
-  23 Documented Stays  
June, 2018
-  27 Documented Stays  
May, 2018
-  20 Documented Stays  
April, 2018
-  14 Documented Stays  
March, 2018
-  15 Documented Stays  
February, 2018
-  9 Documented Stays

January, 2018

17 Documented Stays  
December, 2017

14 Documented Stays  
November, 2017

14 Documented Stays  
October, 2017

18 Documented Stays  
September, 2017

17 Documented Stays  
August, 2017

36 Documented Stays  
July, 2017

26 Documented Stays  
June, 2017

18 Documented Stays  
May, 2017

15 Documented Stays  
April, 2017

25 Documented Stays  
March, 2017

✱ Listing air17191992 First Crawled  
March 3rd, 2017

10 Documented Stays  
February, 2017

● Listing air17191992 First Activity  
February 12th, 2017

11 Documented Stays  
January, 2017

6 Documented Stays  
December, 2016

9 Documented Stays  
November, 2016

13 Documented Stays  
October, 2016

8 Documented Stays  
September, 2016

15 Documented Stays  
August, 2016

12 Documented Stays  
July, 2016

7 Documented Stays  
June, 2016

9 Documented Stays  
May, 2016

7 Documented Stays  
April, 2016









✱ Listing air5430755 First Crawled  
April 20th, 2016

12 Documented Stays  
March, 2016

10 Documented Stays


Matched property listing

February, 2016

-  7 Documented Stays  
January, 2016
-  5 Documented Stays  
December, 2015
-  4 Documented Stays  
July, 2015
-  7 Documented Stays  
June, 2015
-  3 Documented Stays  
May, 2015
-  7 Documented Stays  
April, 2015
-  2 Documented Stays  
March, 2015
-  Listing air5430755 First Activity  
March 23rd, 2015

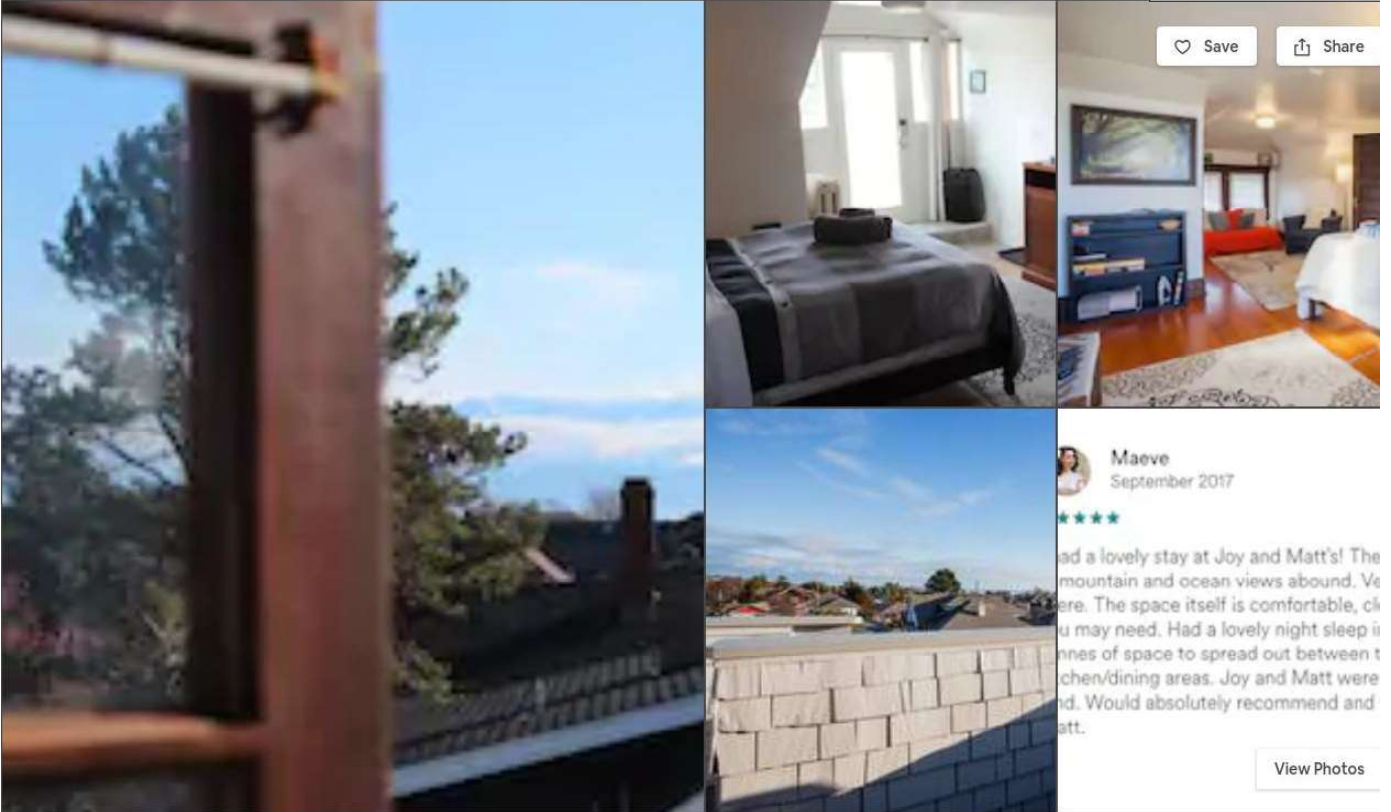
February 08, 2020 - 01:25AM America/Vancouver

Screenshot printed at: 7/9/2020 11:06:56 AM



English (US)   \$ USD   Become a host   Help   Sign up   Log in

Feb 8, 2020 12:25am PT



## Bright & Sunny Ocean Loft - Stunning Views! ☀

Victoria

2 guests   1 bedroom   2 beds   1 bath



Joy And Matt

### Entire home

You'll have the guest suite to yourself.

### Self check-in

Check yourself in with the keypad.

### Sparkling clean

13 recent guests said this place was sparkling clean.

### Joy And Matt is a Superhost

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

\$74 per night

Dates

02/09/2020 → Checkout

Guests

1 guest

Reserve

You won't be charged yet

Report this listing

Large, light-filled suite with STUNNING OCEAN & MOUNTAIN views! Perfect for couples, solo adventurers & business travelers.

- Steps to the ocean
- Private balcony with AMAZING views of the ocean + Olympic Mountains
- Nearby hiking trails & parks
- Close to restaurants & shopping
- ★ "This home is a must stay!!" ★

- › Free on-street parking
- › 5-10 minute walk to restaurants & shops of Cook Street Village
- › 5 minute drive / 25 minute walk to the Inner Harbour / Downtown
- › Multiple nearby bus routes

### The space

★ "All together this space is super cozy, functional, clean and all around great. I had high expectations and you surpassed them!" ★

→ Is this your first time booking on Airbnb? Use this link to receive as much as \$50 off your stay: <https://www.airbnb.ca/c/jandersen184>

→ A real gem in the heart of Fairfield. Live like a local in a historic character house built in 1913 as the Honourary German Consulate.

→ The space is a quiet and comfortable 600 sq feet with a queen size bed and a pull-out couch. Accessible by private entrance and located on the third floor, the loft is easily reached by a private outdoor staircase.

→ Enjoy a drink from your private balcony with views of Mt. Baker, the Olympic Mountains & the Trial Islands, with amazing sunrises and sunsets.

› The bathroom features a clawfoot tub with a European style shower.

› The space is clean, has new windows and has been freshly painted.

› Includes free wifi with a strong connection. There's also a TV with a premium cable package (HBO, etc).

› Light breakfast items are provided when you check-in: instant oatmeal, tea & coffee, etc.

→ The apartment is not child proofed and there are steep stairs, so please no children or guests with mobility concerns.

BL# 34883

#### Guest access

→ You have full access to your suite, as well as a beautiful private balcony with some of the best views in the city!

→ Access to the suite is via an exterior staircase and you'll be sent a unique access code for the keypad on the door.

#### Other things to note

→ Please remember, this is a house not a hotel. We live below the suite - therefore we ask you to be mindful of noise levels as well as heavy footsteps. Not that you have to feel like you're walking on egg-shells, just please no jumping jacks at odd hours :)

[Hide](#) ^

#### Contact host



### Amenities

#### Basic

Wifi

Continuous access in the listing

TV

Cable 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 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

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



**Common spaces**  
1 sofa bed

## Accessibility

Handheld shower head

## Availability

This host offers a 5% weekly discount.

[Clear dates](#)

## No reviews (yet)

This host has 324 reviews for other properties.

[View other reviews](#)

We're here to help your trip go smoothly. Every reservation is covered by Airbnb's [Guest Refund Policy](#).

## Hosted by Joy And Matt

Victoria, Canada · Joined in June 2012



★ 814 Reviews · 1 Reference · Verified

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

We are Joy and Matt - two free spirited love birds always looking for the next destination. We are partners in travel, work and life! Matt: A BC native, he's lived in Victoria for over 15 years. He will be there to answer any questions, give you recommendations, map it out for...[Read more](#)

## Interaction with guests

→ The place is yours to enjoy! We live in the house downstairs but we don't believe in micro-hosting. We are fully accessible or highly invisible. It's completely your choice.

Response rate: 93%

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](#)

**About this place**

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

This is Joy And Matt's place.



Matt helps host.

**The neighborhood**

Joy And Matt's place is located in Victoria, British Columbia, Canada.

We're one block from Dallas Road Beach (Clover Point), an absolutely beautiful park on the ocean. You can take the long way downtown with a casual cliff top stroll past the breakwater or (for the more adventurous!) along the rocky oceanfront.

If you're looking for some exercise while here, there is a great yoga studio just one block away, as well as a world famous jogging trail on Dallas Road, at the end of the block beside the ocean.

Restaurants and groceries are readily available in Cook St village, just a 5-10 minute walk away.

**Getting around**

- › Uber & Lyft do not operate in BC, however we have many taxi companies to help you get around (Blue Bird, Yellow Cab)
- › Several nearby bus routes

★ We want you! Please reach out with any questions you may have. ★

→ Add our listing to your wishlist by clicking the ♥ in the upper-right corner.

→ Don't forget to claim your discount, if this is your first time booking on AirBnB!

Use the following link for up to \$50 USD off:

<https://www.airbnb.ca/c/jandersen184>

[Hide](#) ^

**Show guidebook**

The map shows this place's specific location.

**Things to keep in mind**

**Check-in:** After 3:00 PM

**Checkout:** 11:00 AM

Self checkin with keypad

**House Rules**

Not suitable for children and infants

No smoking

No pets

No parties or events

**You must also acknowledge**

- ✎ Must climb stairs - Large exterior staircase gets you to the entrance to the loft. Two full flights. It's how you get such a great view!

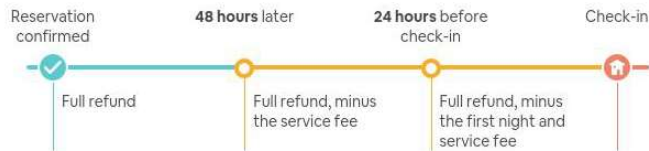
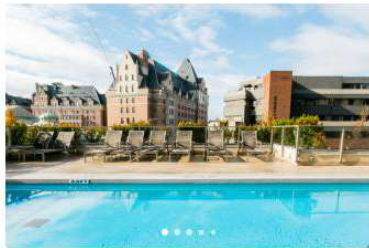
**Additional rules**

- Check-in time is anytime after 3PM. You'll receive your self check-in instructions a few days before your arrival.

Please respect the neighbors regarding noise levels and treat the place like your home. This is a non-smoking 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.


[Get full details](#)
[Hide policies ^](#)
**More homes you may like**

**PLUS** Entire condominium · 1 bed ★ 4.84 (548)  
Soak in the Marble Tub at a Sleek, Urban...  
**\$89 / night**



**PLUS** Entire apartment · 2 beds ★ 4.94 (507)  
Hip Chinatown Apartment, Walk to Inner...  
**\$59 / night**



Entire apartment · 2 beds ★ 4.97 (506)  
Special Downtown Relaxing Getaway  
**\$78 / night**

**Things to do near this home**

**PHOTO WALK**  
**Photoshoot in Downtown Victoria**  
From \$53/person · Equipment included  
**5.0 ★ (30)**



**BIKE RIDE**  
**VeloGuide's Discover Victoria Tour**  
From \$77/person · Food, Drinks included  
**5.0 ★ (13)**



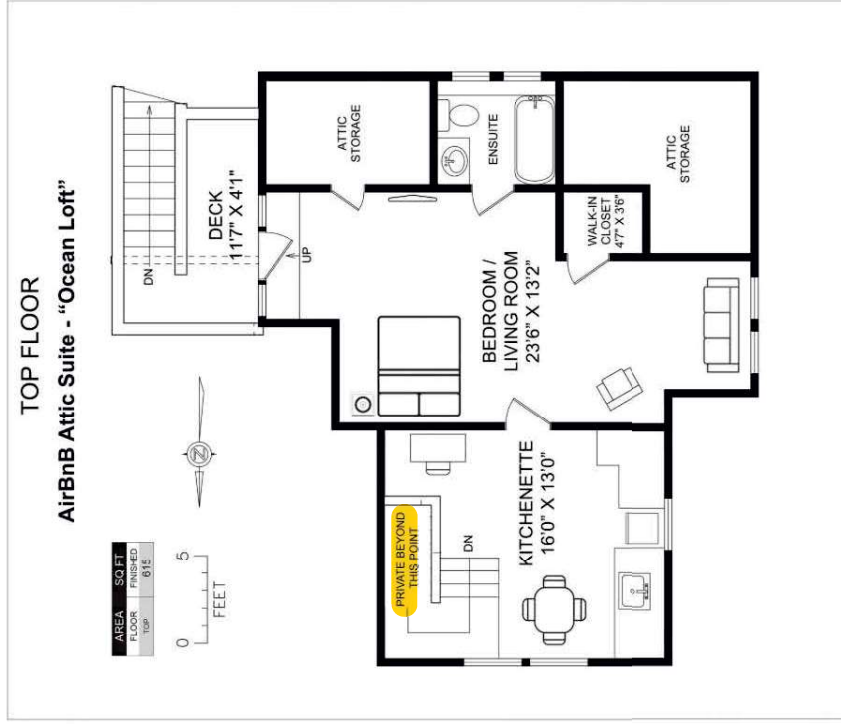
**WORKSHOP**  
**Learn to Shuck Oysters in Market Square**  
From \$59/person · Food, Equipment included  
**4.95 ★ (43)**



**DINNER PARTY**  
**Plant Based Cookin' Class & Dinner Party**  
From \$46/person · Food, Drinks included  
**5.0 ★ (10)**

X Close

24 / 24

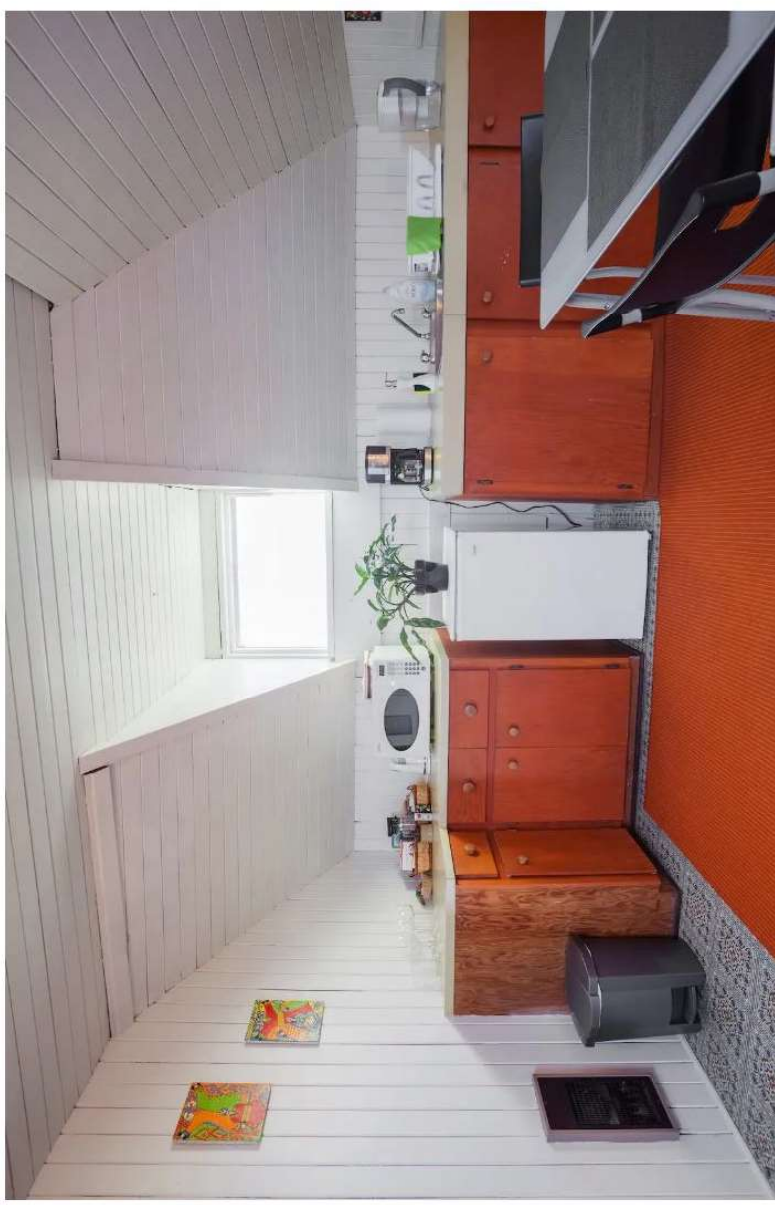


This is a floorplan of the loft, showing approximate measurements and general layout.



X Close

8 / 24



Kitchenette with mini-fridge, microwave, and complimentary snacks.







Add dates for prices



## ★ 4.92 (490 reviews)

Cleanliness	5.0
Accuracy	5.0
Communication	5.0
Location	4.9
Check-in	5.0
Value	4.9

breezy, and had a spectacular view... Plus all the amenities that one needs: a large kitchen, beautiful clawfoot tub, comfortable bed! I only wish I could've stayed a whole week. On top of that the value was amazing... Plus check in/out was unbelievably easily.



David  
August 2017

Great spot in a lovely location. Will definitely be back!



Bailey  
July 2017

Thanks Matt and Joy for the amazing stay. Your attention to detail was great, providing many comforts of home. The loft had an incredible view of the mountains and ocean. The place was very clean and recently renovated, while still keeping the old charm. We wish we could of stayed longer!



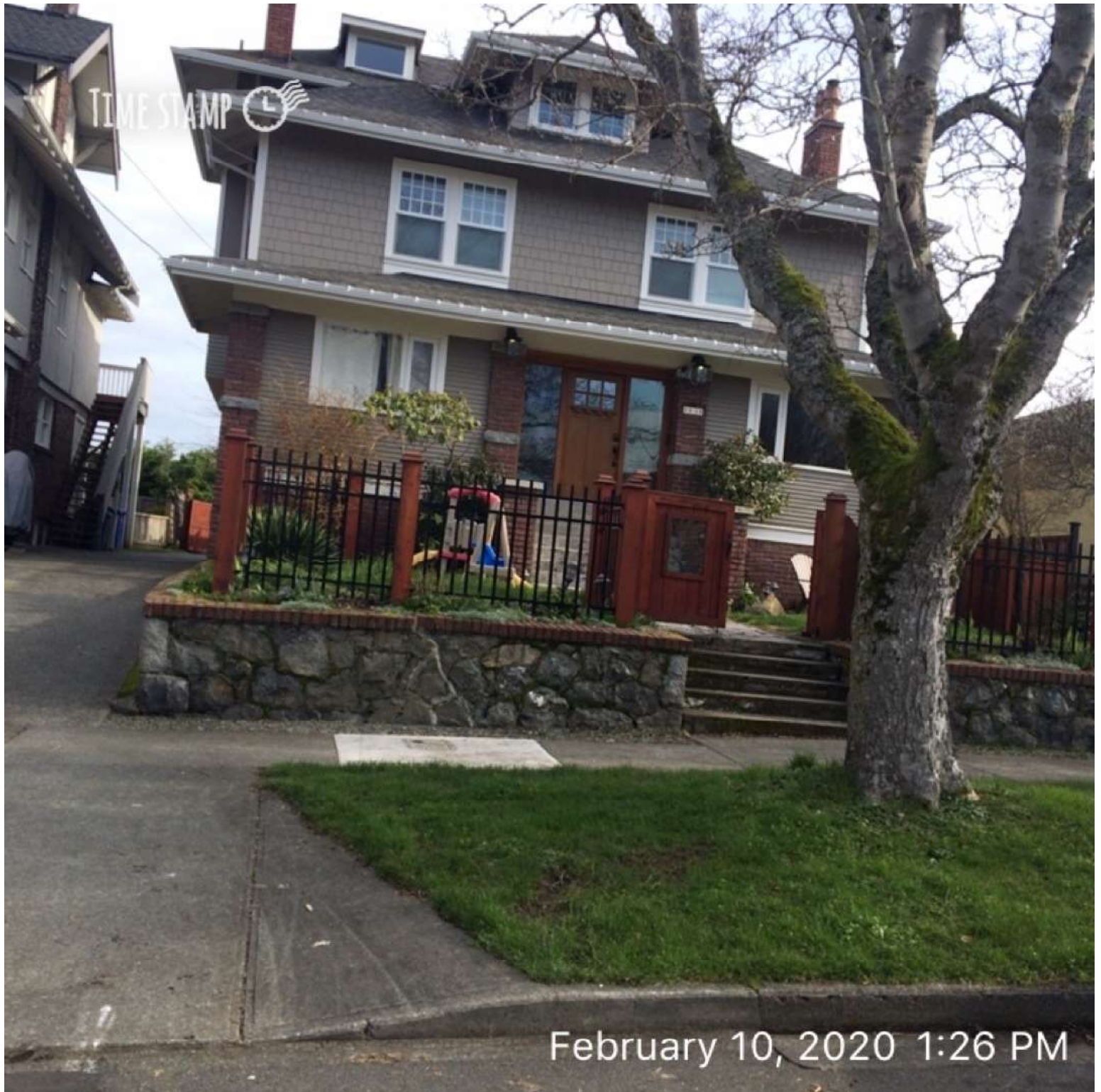
Johanna  
July 2017

This is a great spot for a getaway to Victoria. We especially enjoyed having the separate kitchenette space for prepping and eating meals in. The surrounding neighbourhood is charming, close to amenities and cute businesses, and felt very close to downtown. Thanks for a wonderful stay!

Add a place or address to







TIME STAMP 

**Ocean Loft – 3<sup>rd</sup> Floor**



**Fairfield Suite – 2<sup>nd</sup> Floor**



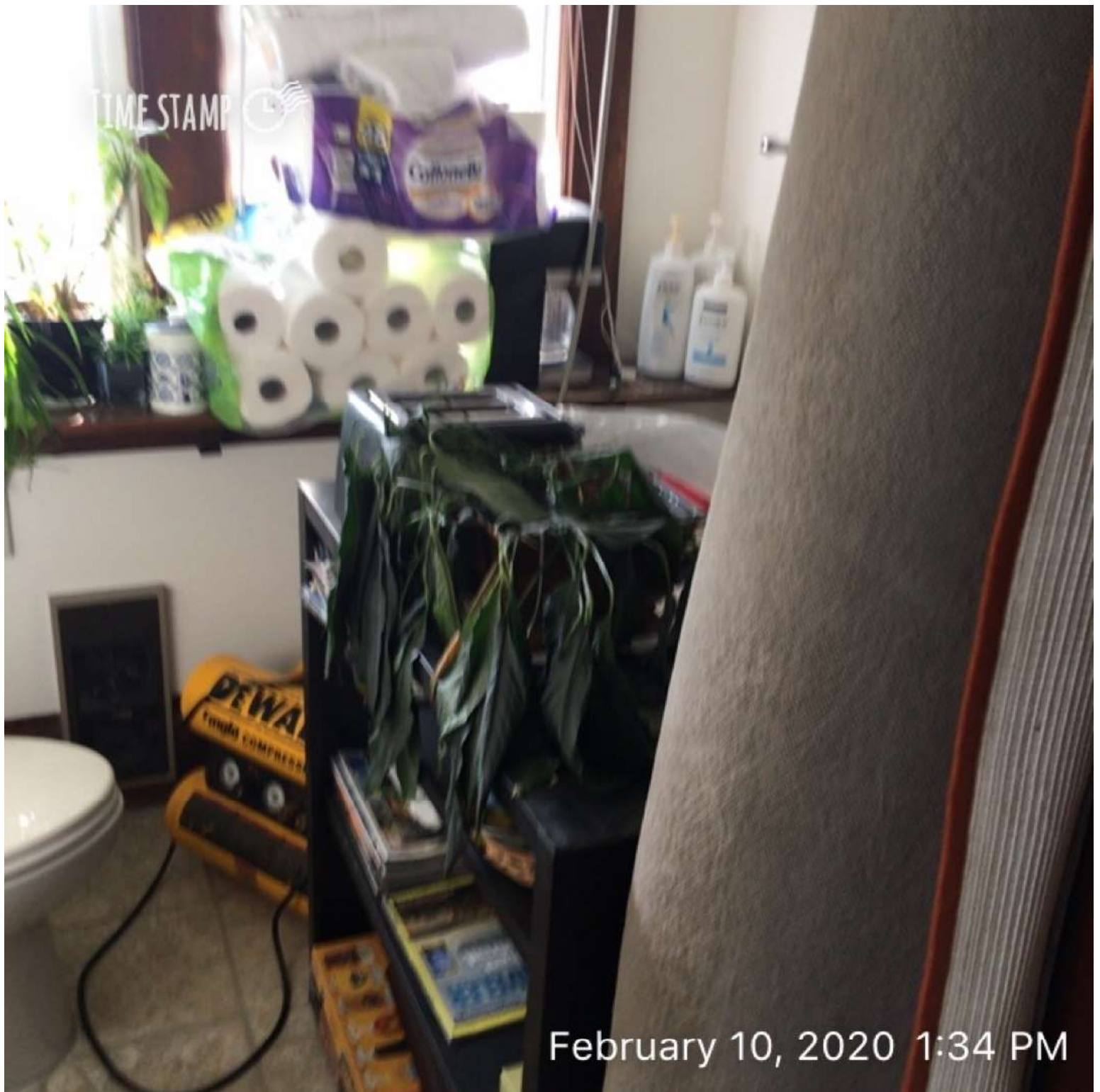
Questions? Please call or text Matt & Joy at +1 250 532 5571. Also refer to the check-in instructions you were sent on Airbnb.

Welcome!

February 10, 2020 1:30 PM

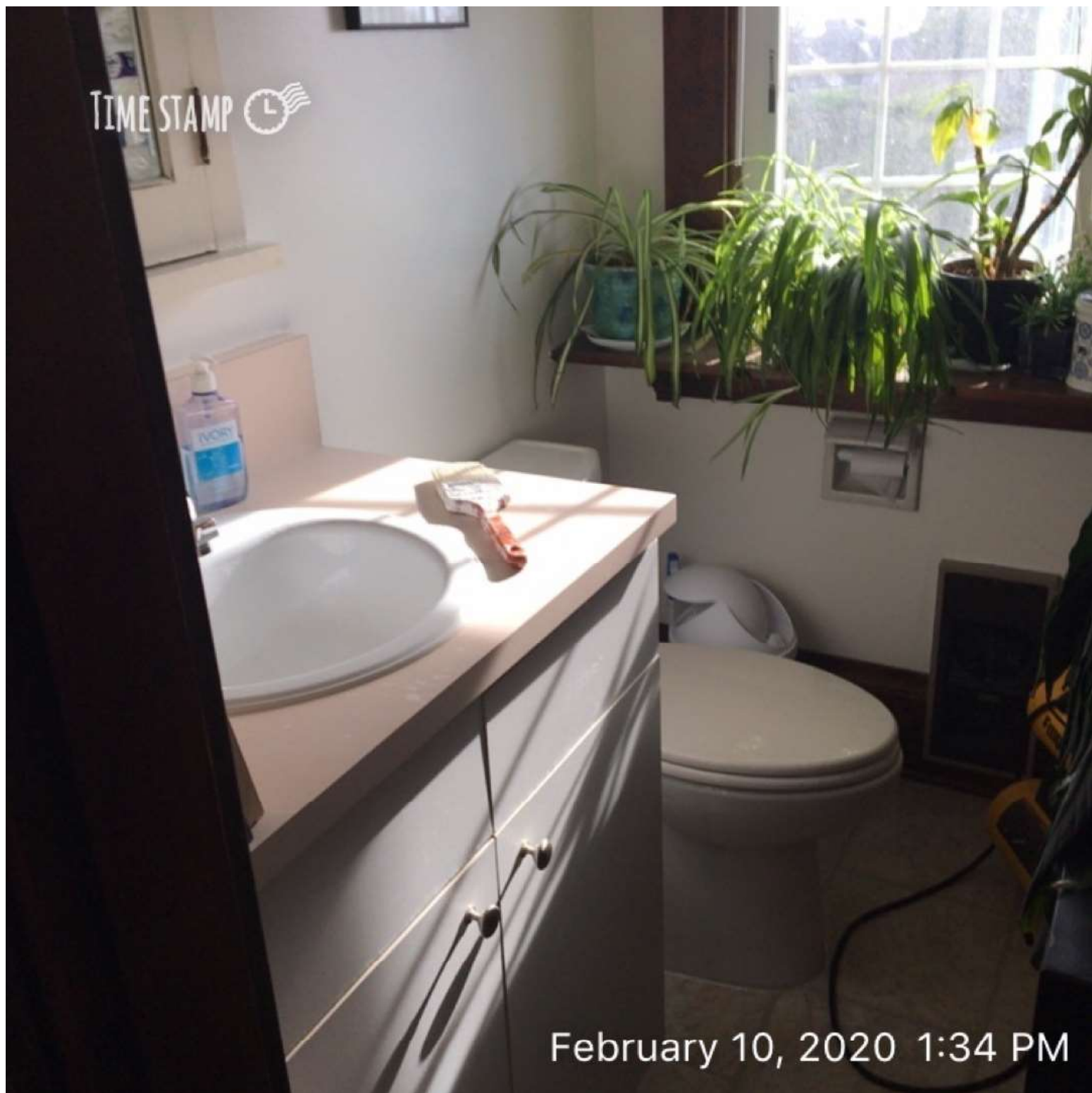






February 10, 2020 1:34 PM





TIME STAMP 



February 10, 2020 1:33 PM







## **Council Report**

**For the Meeting December 10, 2020**

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**To:** Council **Date:** December 2, 2020  
**From:** Chris Coates, City Clerk  
**Subject:** Short Term Rental Business License Appeal for 906 Fairfield Road

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### **RECOMMENDATION**

That Council receive this report for information and either uphold or overturn the Licence Inspector's denial of a business license for the short-term rental unit at 906 Fairfield Road.

### **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. The Appellant did not submit a final response to the Licence Inspector.
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 906 Fairfield Road 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**

#### **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: Licence Inspector's Report Submission

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

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

**Contents**

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

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

**Title**

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

**Definitions**

- 2 In this Bylaw

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

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

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

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

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

### **Licence Required**

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

### **Power to Refuse a Licence**

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

### **Licence Number to be Included in Advertising**

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

### **Responsible Person**

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

### **Offences**

- 7 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the Offence Act if that person
- (a) contravenes a provision of this Bylaw;
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
  - (c) neglects or refrains from doing anything required 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**

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

### **Severability**

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

### **Transition Provisions**

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

### **Commencement**

- 11 This bylaw comes into force on adoption.

READ A FIRST TIME the **22<sup>nd</sup>** day of **February** 2018


READ A SECOND TIME the **22<sup>nd</sup>** day of **February** 2018

READ A THIRD TIME the **22<sup>nd</sup>** day of **February** 2018

ADOPTED on the **8<sup>th</sup>** day of **March** 2018

**“CHRIS COATES”**  
CITY CLERK

**“LISA HELPS”**  
MAYOR

	<b>COUNCIL POLICY</b>	
	No.1	Page 1 of 2
<b>SUBJECT:</b> Short-Term Rental Business Licence Appeal Process Policy		
<b>PREPARED BY:</b> Monika Fedyczkowska		
<b>AUTHORIZED BY:</b> Council		
<b>EFFECTIVE DATE:</b> April 23, 2020		<b>REVISION DATE:</b>
<b>REVIEW FREQUENCY:</b> 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



- 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

## Christine Havelka

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**Subject:** FW: 906 Fairfield - License Inspector response to appeal

**From:** Nadia Tatlow <  
**Sent:** August 3, 2020 9:15 PM  
**To:** Christine Havelka <[chavelka@victoria.ca](mailto:chavelka@victoria.ca)>  
**Cc:**  
**Subject:** Re: 906 Fairfield - License Inspector response to appeal

Hello Christine,

We would like to appeal this.

Airbnb's definition of 'kitchenette' and 'private suite' and the categories that we have to choose from/select in order to advertise on their website appear not to NOT have been designed in consultation with City of Victoria's new interpretation.

Our short term rental is in fact a room in our house, in accordance with the zoning of our 1889 heritage home--the upstairs is in fact a master bedroom.

Please advise on the next steps.

Thank you,

Nadia Tatlow  


On Thu, Jul 30, 2020 at 3:06 PM Christine Havelka <[chavelka@victoria.ca](mailto:chavelka@victoria.ca)> wrote:

Good afternoon,

Attached is the response from Bylaw Services to your appeal for your Business Licence for a Short Term Rental, that was denied.

In keeping with the attached appeal policy, please respond by **August 4, 2020** if you would like to make a final submission in support of your appeal.

After that date, Bylaw Services will compile all the documentation and bring a report to Council's Committee of the Whole meeting where Council will consider your appeal. When a date for that meeting has been determined, we will advise you and provide you with the report.

At this time of the COVID pandemic, public access is not permitted open Council meetings, but meetings are webcast and can be watched at [www.victoria.ca](http://www.victoria.ca)

Best regards,

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



## Christine Havelka

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**Subject:** FW: 1031193 Application Follow-Up - 906 Fairfield  
**Attachments:** Short-Term Rental Business Licence Appeal Process Policy (1).pdf

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**From:** Nadia Tatlow <  
**Sent:** June 19, 2020 11:42 AM  
**To:** [str@victoria.ca](mailto:str@victoria.ca)  
**Cc:** James M <  
**Subject:** Re: 1031193 Application Follow-Up

Hi Celine,

Can you please introduce me to the legislative services team?

We need to move this forward as I have not heard anything for almost 4 months now.

Thank you

On Jun 15, 2020, at 9:43 AM, Nadia Tatlow <> wrote:

Thanks Celine.

I spoke to Kim on the phone right after we received the rejection letter so that was my last communication with your team. She was going to start the appeal process and be in touch (that was back in Feb).

Let me know if you're able to get an update on that -- we would like to get this sorted as soon as possible.

Thank you!

Nadia Tatlow

On Mon, Jun 15, 2020 at 8:38 AM [str@victoria.ca](mailto:str@victoria.ca) <[str@victoria.ca](mailto:str@victoria.ca)> wrote:

Hi Nadia and James,

Kim is out of the office today, but has there been any further correspondence with regards to your account? Last I can see is that the rejection letter was issued. As the appeal process goes through Legislative Services, I would not know what step you are at, but I don't believe any appeals have been completed as of yet.

Please advise and I will be happy to look into it.

Thank you,

Celine Kobenter

Bylaw Coordinator, Bylaw and Licensing Services

Legislative and Regulatory Services Department

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

TEL 250.361.0726 FAX 250.361.0205

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**From:** Nadia Tatlow <

**Sent:** June 13, 2020 2:04 PM

**To:** [str@victoria.ca](mailto:str@victoria.ca); James M <

**Subject:** Re: 1031193 Application Follow-Up

Hi Kim,

Hope you are well.

We are still waiting for our business license to be issued.

Has there been any progress?

Thanks,

On Feb 3, 2020, at 11:31 AM, Nadia Tatlow < wrote:

Hi Kim,

We've received your letter and we were very surprised!

Our Airbnb is not a self-contained suite, it is a master bedroom/bathroom in our primary residence. It is not appropriate or equipped for long-term rental.

What are our next steps to ensure your team understands this?

Thank you,

Nadia Tatlow

**From:** "[str@victoria.ca](mailto:str@victoria.ca)" <[str@victoria.ca](mailto:str@victoria.ca)>

**Date:** January 31, 2020 at 11:53:24 AM PST

**To:** [REDACTED]

**Subject: 1031193 Application Follow-Up**

January 31, 2020

James McCracken

Nadia Tatlow

906 Fairfield Rd

Victoria BC V8V 3S5

**Re: 906 Fairfield Avenue**

The City has completed a review of your short-term rental licence application for the property located at 906 Fairfield Ave.

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.

You are directed to cease offering and operating short-term rental at the above referenced property immediately. Please be aware that operating a short-term rental in contravention of City bylaws 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.

If you choose to convert your rental to long term (30 days plus) a short-term rental licence is not required. If you elect this option, please apply for a property business licence.

<https://www.victoria.ca/EN/main/business/permits-licences/business-licences.html>

You may appeal the decision to deny your short-term rental licence to City Council by submitting a written request to appeal within 30 days of the date of this letter to the City Clerk at 1 Centennial Square.

If you have any questions, contact our office at 250.361.0726.

Regards,

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



July 27, 2020

McCracken, James  
Tatlow, Nadia  
906 Fairfield Rd  
Victoria BC V8V 3S5

Legislative and  
Regulatory Services  
Department

Bylaw and Licensing  
Services Division

1 Centennial Square  
Victoria BC V8W 1P6

**Re: Short-Term Rental Business Licence Appeal – 906 Fairfield Rd**

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 “[...] luxuriously appointed guest suite. Featuring a pleasant private entranceway through a tranquil garden, the suite’s slanted ceilings lend character to the open-plan space.”, as shown in the attached copy of the description of your AirBnb listing.

You also advertise a kitchenette (attached).

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 January 30 confirmed these findings. For these reasons, your 2020 application for a short-term rental business licence was rejected.

A handwritten signature in black ink, appearing to read "Kim Ferris".

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**





2 guests 1 bedroom 1 bed 1 bath

Luxuriate in the swish spa bathroom with claw-foot tub and steam shower in this luxuriously appointed guest suite. Featuring a pleasant private entranceway though a tranquil garden, the suite's slanted ceilings lend character to the open-plan space.



"A luxurious Victorian heritage home experience awaits! We love the character updates and spa bathroom featuring marble from a local quarry. We hope you love it as much as we do!"

Hosted by James

## Tour this guest suite



Living room



Bedroom · Queen bed



Kitchenette



Full bathroom

Explore all 17 photos

**plus** ENTIRE GUEST SUITE IN VICTORIA  
★4.87/293 reviews

\$31 /night

Check availability

View all rooms

## Living room

Indoor fireplace, Netflix



plus  
ENTIRE GUEST SUITE IN VICTORIA  
★ 4.87 293 reviews

\$31 /night

Check availability



View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA  
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms

## Bedroom

Queen bed, Indoor fireplace, Netflix

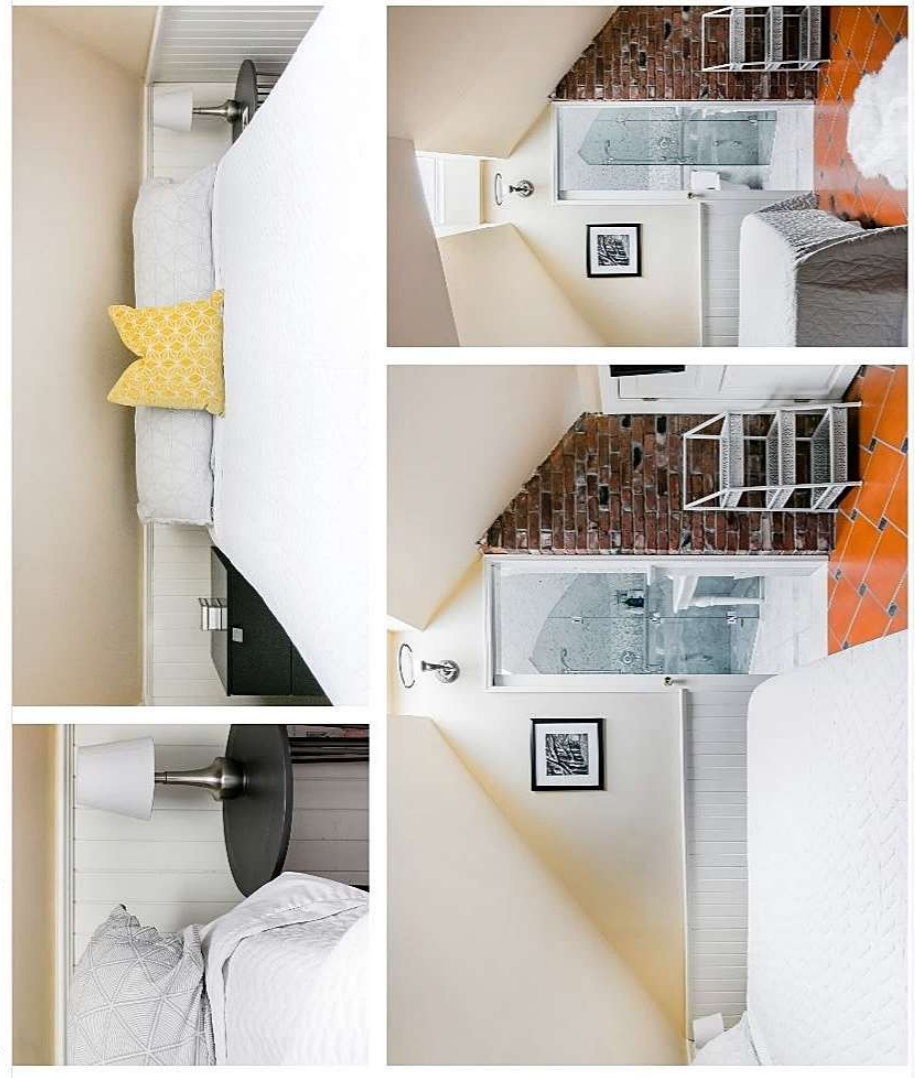


plus ENTIRE GUEST SUITE IN VICTORIA  
★ 487293 reviews

\$31 /night

Check availability

View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA  
★4.87/293 reviews

\$31 /night

Check availability

View all rooms

# Kitchenette

Mini fridge, Coffee



plus ENTIRE GUEST SUITE IN VICTORIA  
★ 4.87 293 reviews

\$31 /night

Check availability



View all rooms



## Full bathroom

Heated floors, Walk-in shower, Soaking tub, Steam shower

plus ENTIRE GUEST SUITE IN VICTORIA  
★4.87/293 reviews

\$31 /night

Check availability



View all rooms

## Full bathroom

Heated floors, Walk-in shower, Soaking tub, Steam shower



plus ENTIRE GUEST SUITE IN VICTORIA  
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms



plus  
ENTIRE GUEST SUITE IN VICTORIA  
★4.87/293 reviews

\$31 /night

Check availability

## **Business Licence (Short-term Rental) Appeal re 906 Fairfield Road**

### **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 Nadia Tatlow and James McCracken for the operation of a short-term rental at 906 Fairfield Rd.
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 appellants own the property at 906 Fairfield Road. The property is zoned R1-S2 (restricted small lot). Short-term rentals are not a permitted use under this zone.
8. The owners of the property have created a self-contained unit in the attic of the property. This work was done without a permit by previous owners. [See attached photos]
9. The attic suite consists of a living room/bedroom, a separate bathroom and a kitchenette/dining area. It has a separate entrance from outside with keypad for self-entry. There is an interior staircase with a locked door separating the suite and the rest of the house, and there is no access provided for guests to the remainder of the house. [See attached photos]
10. The kitchenette area includes a counter with cabinets, a sink, small fridge, a microwave oven, a coffee maker, a kettle, and other essentials. [See attached photos]
11. The appellant has rented the entire unit as a short-term rental since at least June 2017. Since that time, the appellant has accepted over 306 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 appellants 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 appellants' representation that the short-term rental was offered in the appellants' principal residence.
13. An inspection of the premises on January 30th, 2020 revealed that the unit is operating as a self-contained dwelling and is not part of the appellants' principal residence.
14. On January 31st, 2020, the Licence Inspector advised the appellant that his 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 appellants reside in the house at 906 Fairfield Road, the premises that are rented as a short-term rental are not part of their principal dwelling unit because the unit is being offered and advertised as an independent self-contained dwelling unit. The appellant advertises the unit as 'luxuriously appointed guest suite, featuring a private entranceway' on Airbnb. [Matched Airbnb Property Listing Attached]
19. It is clear that the attic suite at 906 Fairfield Road 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, and separate bathroom – it meets the requirements of the definition of "self-contained dwelling unit" in the *Zoning Regulation Bylaw*.
20. The appellants appears to rely on the absence of a full kitchen; however, the unit has been prepared to operate independently as a self-contained suite with no access to the appellants' dwelling unit, and not as two bedrooms in their 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 906 Fairfield Road 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 906 Fairfield Road upheld.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**

Dated: November 25, 2020



---

Shannon Perkins, Manager of  
Bylaw Services



Rental Unit Record

906 Fairfield Road, Victoria, BC, Canada

Removed X  
Identified ✓  
Compliant X

PRINT

Listing(s) Information

VRBO - 321.1102334.1650495

Flipkey - 8821207

Airbnb - 18510487



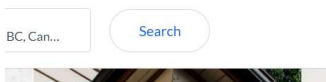
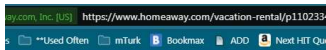
Matched Details

Analyst CDZT

Explanation

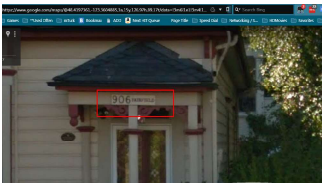
Exterior matches in street view. The Victoria BC records and map confirm the location and address and show Area-Jurisdiction-Roll 01-234-03-199-019.  
<http://prntscr.com/k23uj9>

Listing Photos



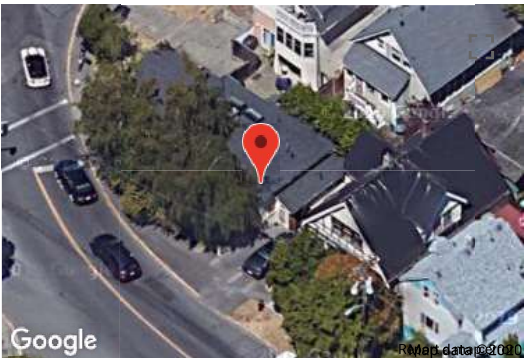
Same exterior. #906 is visible on the photo and in street view.

Matching 3rd Party Sources



City Name Match

Rental Unit Information



Identified Address

906 Fairfield Road, Victoria, BC, Canada

Identified Unit Number

None

Identified Latitude, Longitude

48.419616, -123.360192

Parcel Number

0123403199019

Owner Address

906 Fairfield Rd, Victoria  
Victoria, BC V8V 3S5, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

- X Listing air18510487 Removed September 6th, 2020
- Listing air18510487 Reposted April 8th, 2020
- X Listing air18510487 Removed

Listing Details

Listing URL	— <a href="https://www.vrbo.com/1102334">https://www.vrbo.com/1102334</a>
Listing Status	● Inactive
Host Compliance Listing ID	— hma321.1102334.1650495
Listing Title	— Downtown Victoria - Modern Luxury Heritage
Property type	— House
Room type	— Entire home/apt
Listing Info Last Captured	— Dec 23, 2018
Screenshot Last Captured	— Dec 26, 2018
Price	— \$91/night
Cleaning Fee	— \$75

Information Provided on Listing

Contact Name	— Not provided
Latitude, Longitude	— 48.420363, -123.358805
Minimum Stay (# of Nights)	— 2
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2.0
Number of Reviews	— 4
Last Documented Stay	— 07/2018

Listing Screenshot History

 [View Latest Listing Screenshot](#)



























August 0

September 0

October 0










April 2nd, 2020

-  2 Documented Stays  
March, 2020
-  5 Documented Stays  
February, 2020
- Listing air18510487 Reposted  
February 10th, 2020
- ✕ Listing air18510487 Removed  
February 7th, 2020
-  6 Documented Stays  
January, 2020
-  12 Documented Stays  
December, 2019
-  9 Documented Stays  
November, 2019
-  12 Documented Stays  
October, 2019
-  11 Documented Stays  
September, 2019
- Listing air18510487 Reposted  
September 8th, 2019
- ✕ Listing air18510487 Removed  
September 8th, 2019
- Listing air18510487 Reposted  
September 5th, 2019
- ✕ Listing air18510487 Removed  
September 5th, 2019
- Listing air18510487 Reposted  
September 3rd, 2019
- ✕ Listing air18510487 Removed  
September 2nd, 2019
-  16 Documented Stays  
August, 2019
- Listing air18510487 Reposted  
August 30th, 2019
- ✕ Listing air18510487 Removed  
August 30th, 2019
- Listing air18510487 Reposted  
August 24th, 2019
- ✕ Listing air18510487 Removed  
August 24th, 2019
- Listing air18510487 Reposted  
August 16th, 2019
- ✕ Listing air18510487 Removed  
August 15th, 2019
-  13 Documented Stays  
July, 2019
-  12 Documented Stays  
June, 2019
-  8 Documented Stays  
May, 2019
-  9 Documented Stays

- April, 2019
-  8 Documented Stays  
March, 2019
  -  9 Documented Stays  
February, 2019
  -  8 Documented Stays  
January, 2019
  -  9 Documented Stays  
December, 2018
  -  Listing hma321.1102334.1650495 Removed  
December 27th, 2018
  -  Listing fli8821207 Identified  
November 28th, 2018
  -  5 Documented Stays  
November, 2018
  -  11 Documented Stays  
October, 2018
  -  12 Documented Stays  
September, 2018
  -  12 Documented Stays  
August, 2018
  -  10 Documented Stays  
July, 2018
  -  Listing hma321.1102334.1650495 Identified  
July 10th, 2018
  -  Listing air18510487 Identified  
July 10th, 2018
  -  7 Documented Stays  
June, 2018
  -  10 Documented Stays  
May, 2018
  -  11 Documented Stays  
April, 2018
  -  Listing fli8821207 Removed  
April 25th, 2018
  -  8 Documented Stays  
March, 2018
  -  Listing hma321.1102334.1650495 Reposted  
March 2nd, 2018
  -  8 Documented Stays  
February, 2018
  -  Listing hma321.1102334.1650495 Removed  
February 20th, 2018
  -  6 Documented Stays  
January, 2018
  -  5 Documented Stays  
December, 2017
  -  8 Documented Stays  
November, 2017
  -  8 Documented Stays  
October, 2017
  -  7 Documented Stays



September, 2017

-  12 Documented Stays  
August, 2017
-  Listing fli8821207 First Crawled  
August 4th, 2017
-  Listing fli8821207 First Activity  
August 4th, 2017
-  Listing air18510487 First Crawled  
August 1st, 2017
-  13 Documented Stays  
July, 2017
-  4 Documented Stays  
June, 2017
-  Listing hma321.1102334.1650495 First  
Crawled  
June 23rd, 2017
-  Listing hma321.1102334.1650495 First  
Activity  
June 23rd, 2017
-  Listing air18510487 First Activity  
June 16th, 2017

⊕ Plus

## Downtown Modern Heritage with Spa Bathroom



2 guests 1 bedroom 1 bed 1 bath

ENTIRE GUEST SUITE IN VICTORIA

★ 4.87 293 reviews

<https://www.airbnb.ca/?loco=1>

"A luxurious Victorian heritage home experience awaits!  
We love the character updates and spa bathroom

**\$31 /night**

**Check availability**

2 guests 1 bedroom 1 bed 1 bath

Luxuriate in the swish spa bathroom with claw-foot tub and steam shower in this luxuriously appointed guest suite. Featuring a pleasant private entranceway through a tranquil garden, the suite's slanted ceilings lend character to the open-plan space.



"A luxurious Victorian heritage home experience awaits! We love the character updates and spa bathroom featuring marble from a local quarry. We hope you love it as much as we do!"

Hosted by James

## Tour this guest suite



Living room



Bedroom · Queen bed



Kitchenette



Full bathroom

Explore all 17 photos

**plus** ENTIRE GUEST SUITE IN VICTORIA  
★4.87/293 reviews

\$31 /night

Check availability

View all rooms

## Living room

Indoor fireplace, Netflix



plus  
ENTIRE GUEST SUITE IN VICTORIA  
★ 4.87 293 reviews

\$31 /night

Check availability



View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA  
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms

## Bedroom

Queen bed, Indoor fireplace, Netflix

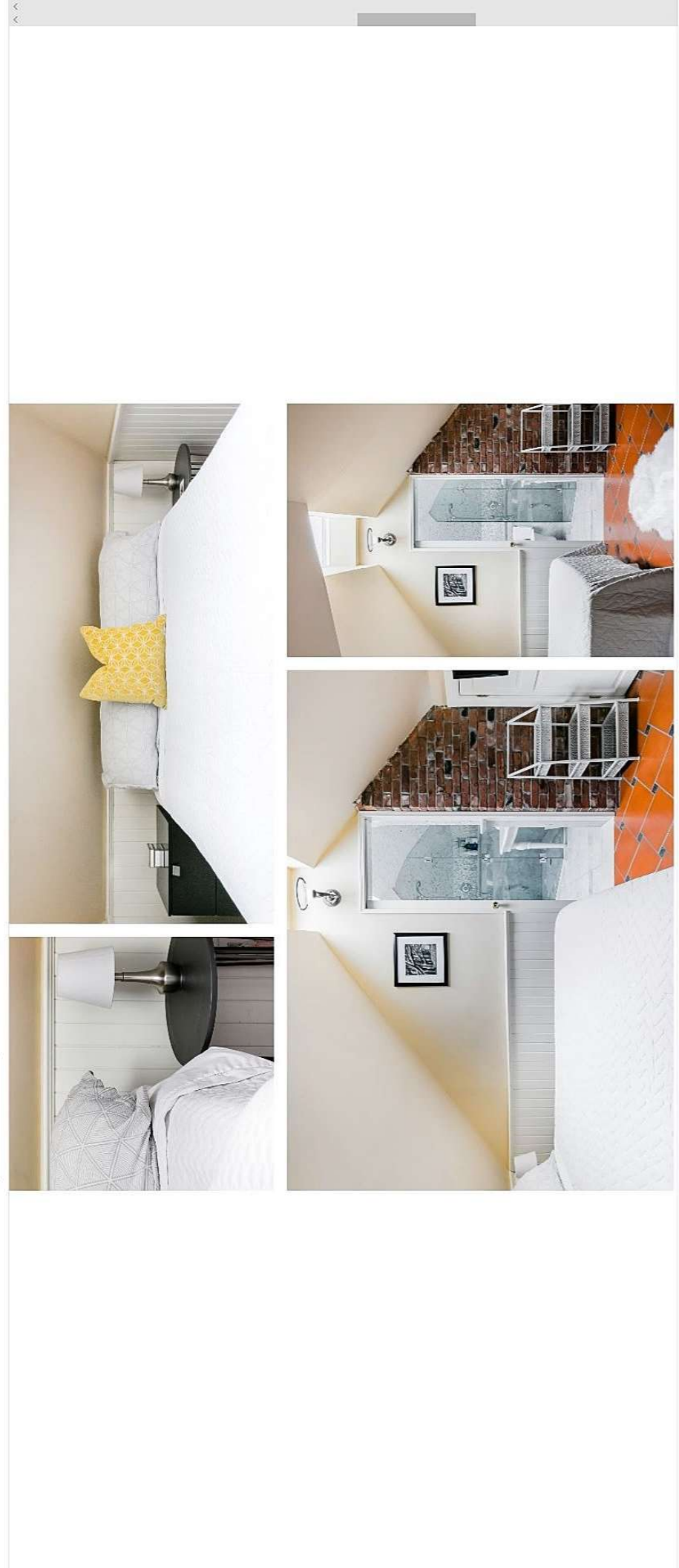


plus ENTIRE GUEST SUITE IN VICTORIA  
★ 4.87/5 reviews

\$31 /night

Check availability

View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA  
★4.87/293 reviews

\$31 /night

Check availability



View all rooms

# Kitchenette

Mini fridge, Coffee



plus ENTIRE GUEST SUITE IN VICTORIA  
★ 4.87 293 reviews

\$31 /night

Check availability



### Full bathroom

Heated floors, Walk-in shower, Soaking tub, Steam shower

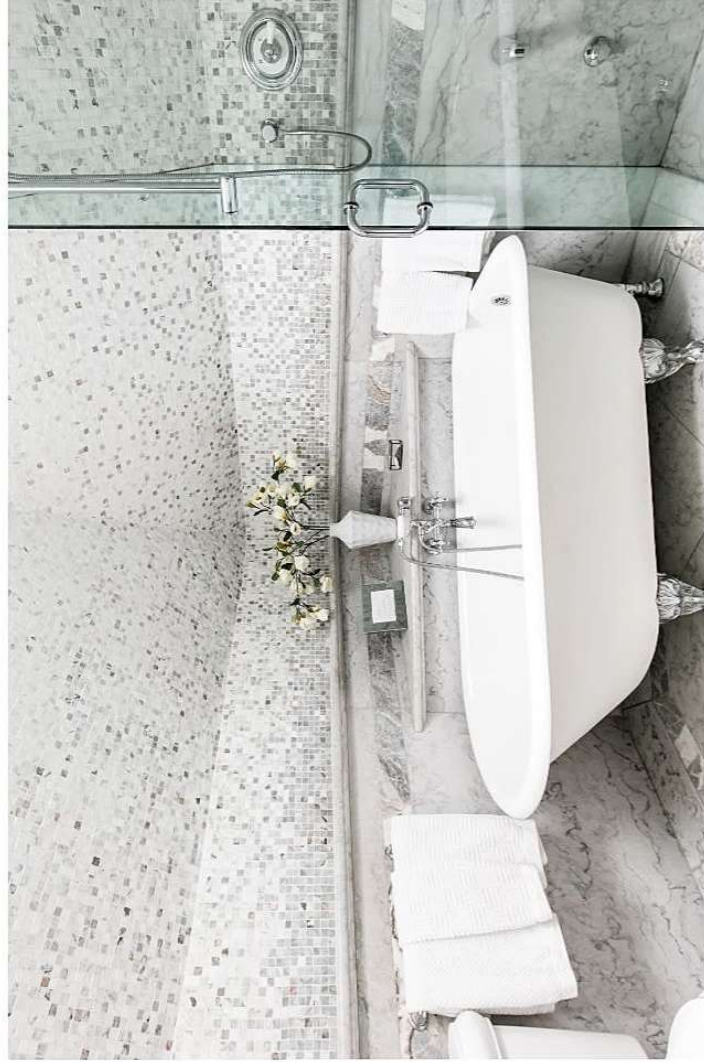
**ENTIRE GUEST SUITE IN VICTORIA**  
★ 4.87 293 reviews

**\$31 /night**

Check availability

## Full bathroom

Heated floors, Walk-in shower, Soaking tub, Steam shower



**ENTIRE GUEST SUITE IN VICTORIA**  
★ 4.87 293 reviews

**\$31 /night**

Check availability





plus  
ENTIRE GUEST SUITE IN VICTORIA  
★4.87/293 reviews

\$31 /night

Check availability





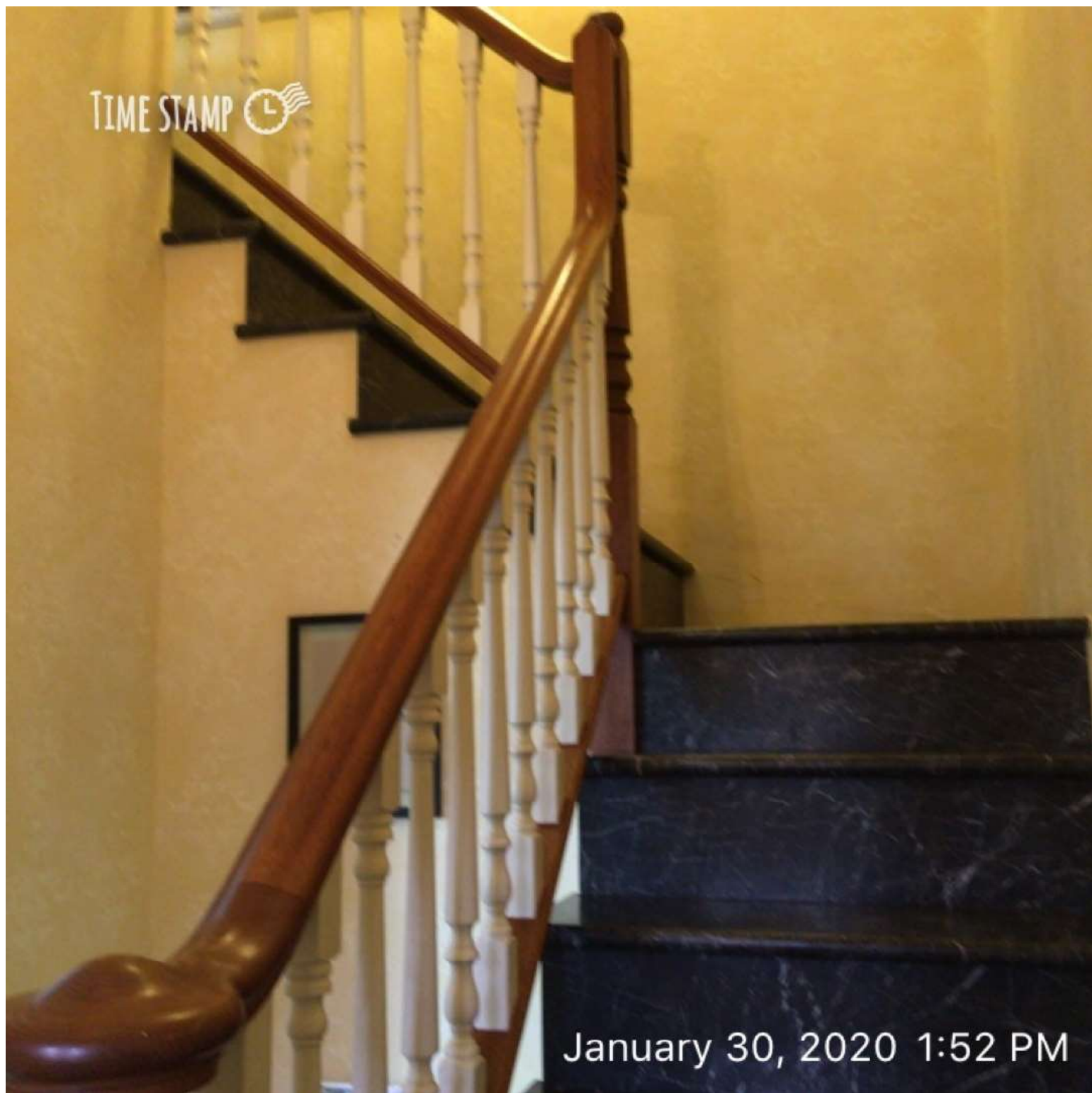


TIME STAMP 



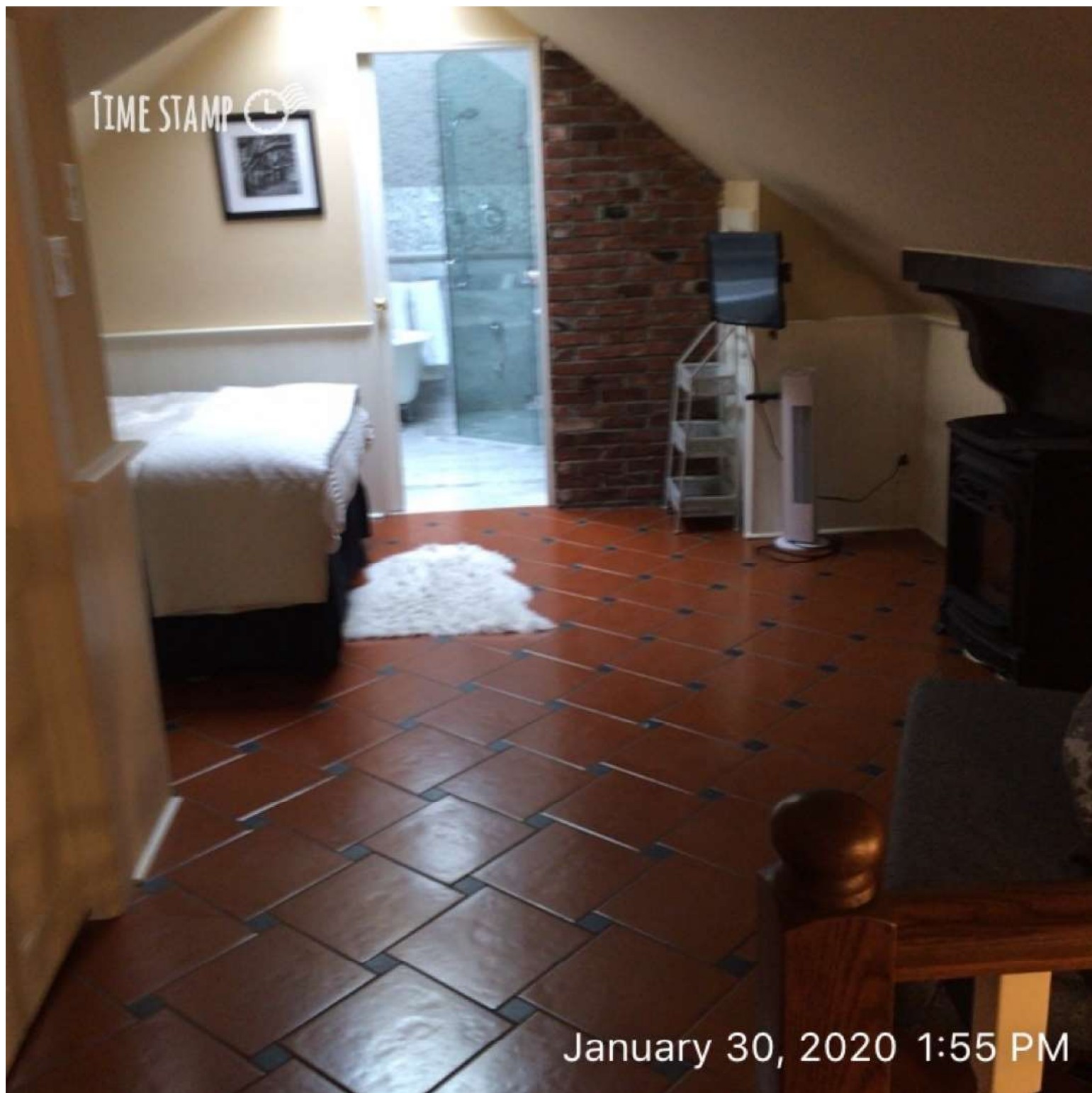
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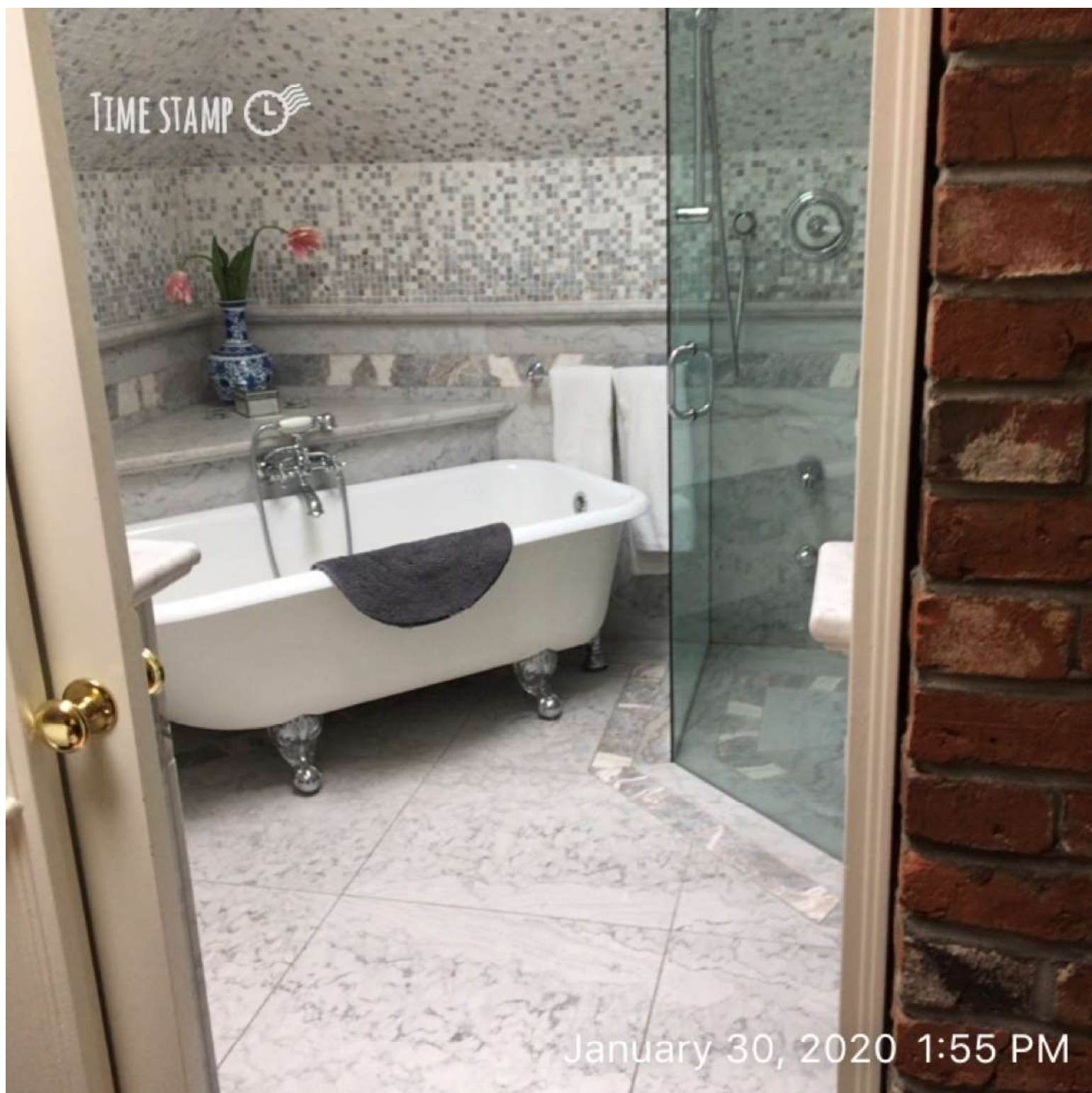


TIME STAMP 

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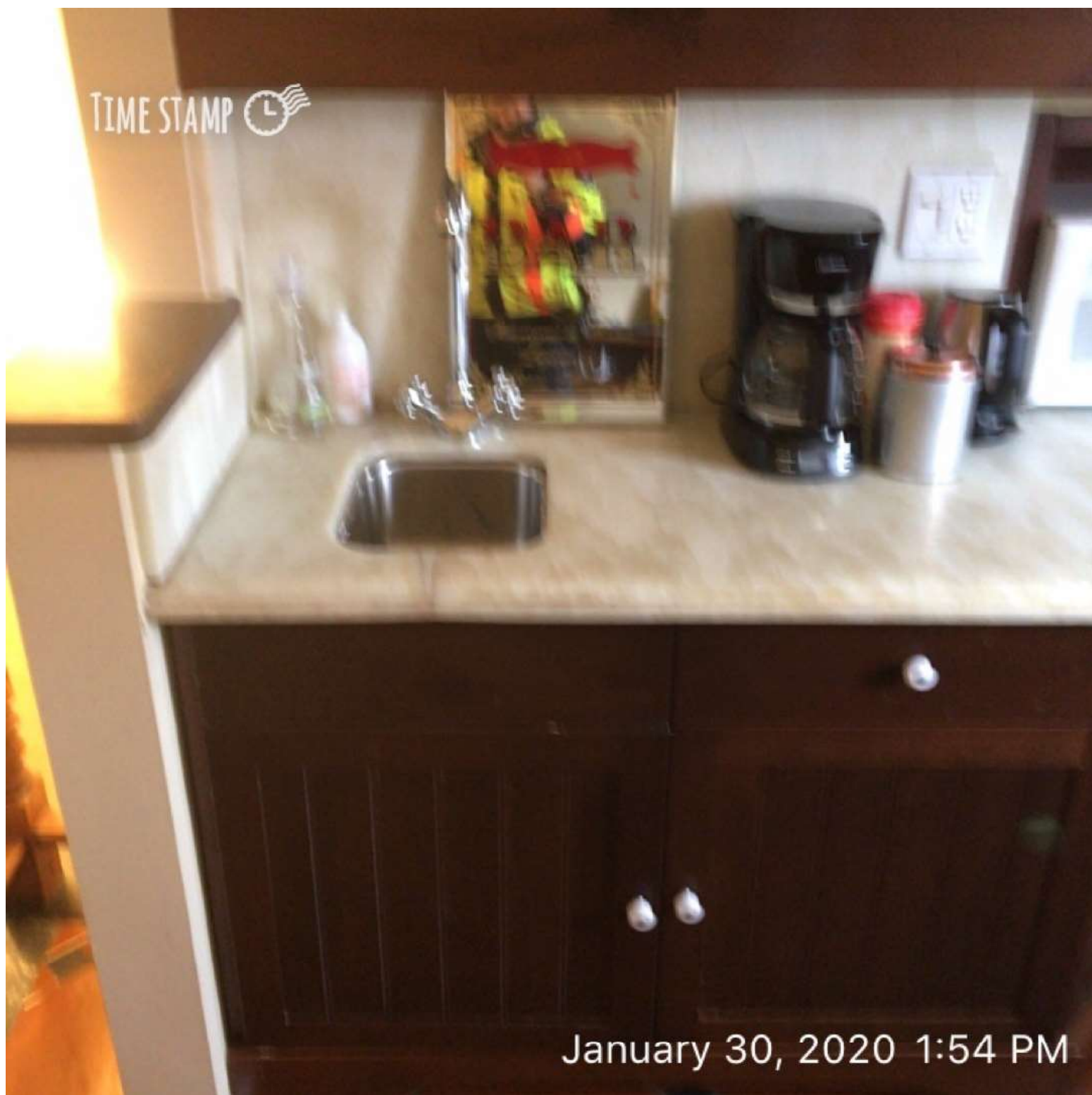


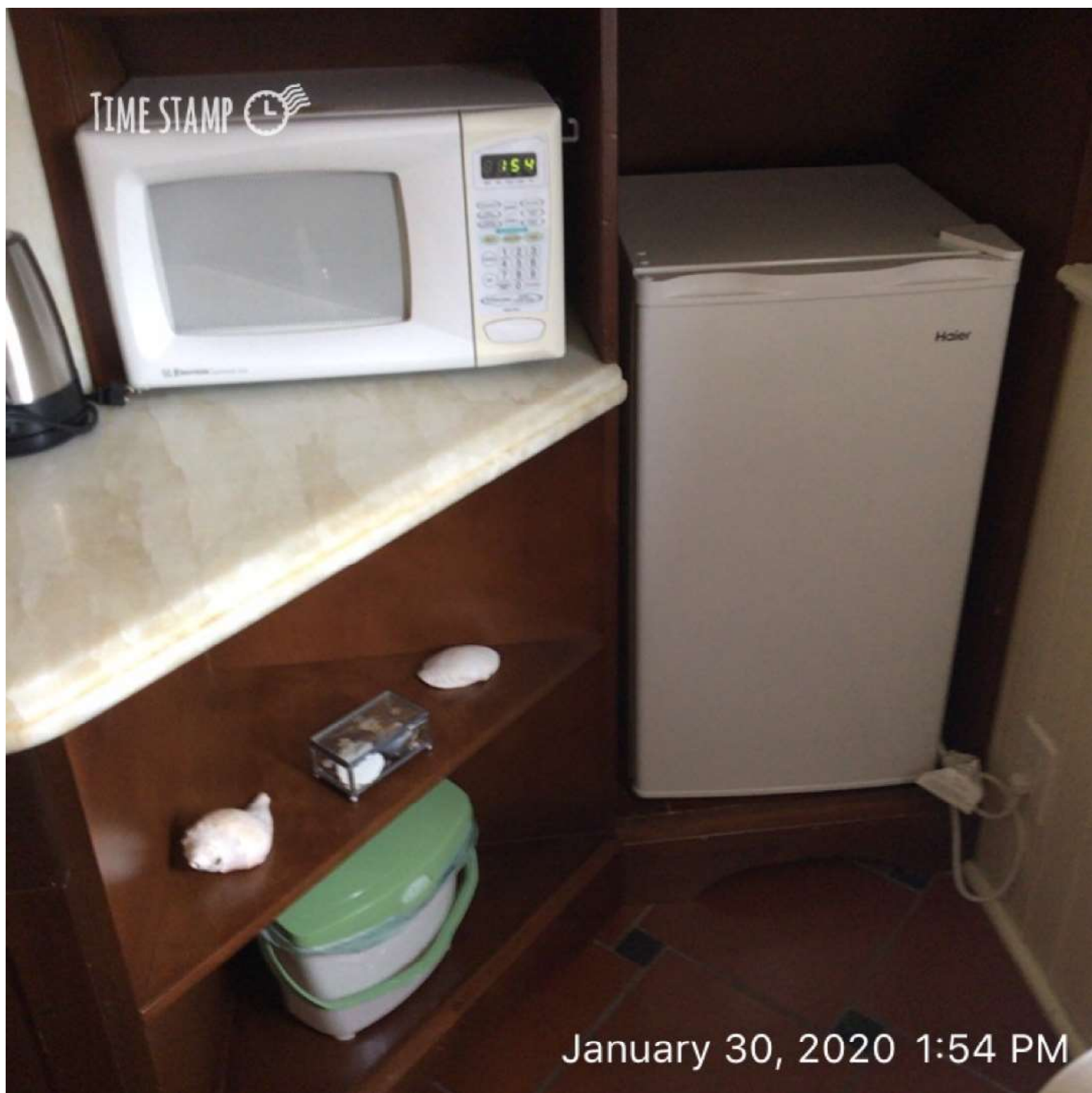














**The Corporation of the District of Saanich | Mayor's Office**  
770 Vernon Avenue Victoria BC V8X 2W7 | T 250-475-5510 | F 250-475-5440 | [www.saanich.ca](http://www.saanich.ca)

November 24, 2020

**VIA EMAIL: [Marc.Miller@parl.gc.ca](mailto:Marc.Miller@parl.gc.ca)**

The Honourable Marc Miller  
Minister of Indigenous Services  
House of Commons  
Ottawa, ON K1A 0A6

Dear Minister Miller:

**Re: Support for Recognizing September 30 as National Day of Truth and Reconciliation**

---

On November 23, 2020, Saanich Council considered a Report to Council from Mayor Haynes dated November 6, 2020 and resolved:

1. *"That Council endorse the letter of support addressed to the Federal Minister of Indigenous Services, copying the British Columbia Ministry of Indigenous Relations and Reconciliation, to encourage making September 30 a statutory holiday marking a national day of remembrance of residential school Survivors of Canada; and*
2. *That Council provide the report to other local governments within British Columbia."*

On behalf of Saanich Council, I write to you to encourage royal assent of Bill C-5 for recognition of September 30 as a statutory national holiday for Truth and Reconciliation. This national holiday would acknowledge residential school survivors and recognize the harms that 150,000 children experienced in 139 residential schools across Canada. The last residential school in our country did not close its doors until 1996.

In the words of residential school survivor, Eddy Charlie, "This Bill will help increase the rights of Canada's Indigenous peoples, including rights to self, determination, lands and languages, and by having this Bill passed it will create an opportunity for all Canadians to celebrate equality."

We encourage the federal government to pass Bill C-5 to show that our nation is serious about recognizing the harms experienced by Indigenous peoples of Canada. The Bill emphasizes the rights of Indigenous peoples to maintain and strengthen their own institutions, cultures, and traditions, and to pursue their development in keeping with their own needs and aspirations.

Thank you for the opportunity to comment and hope that you will support Saanich Council's resolution. Please do not hesitate to contact me if you require further information.

Sincerely,

Fred Haynes  
Mayor

Atta.

c. Saanich Council  
BC Ministry of Indigenous Relations and Reconciliation  
Cristina Caravaca, Senior Manager of Community Services, Parks, & Recreation  
Eddy Charlie





## **The Corporation of the District of Saanich**

# **Report**

**To:** Mayor and Council  
**From:** Fred Haynes, Mayor  
**Date:** November 6, 2020  
**Subject:** Recommendation of Support – September 30 as National Day for Truth and Reconciliation

---

### **RECOMMENDATION**

That Council:

1. Endorse the attached draft letter of support addressed to the Federal Minister of Indigenous Services, copying the British Columbia Ministry of Indigenous Relations and Reconciliation, to encourage making September 30 a statutory holiday marking a national day of remembrance of residential school Survivors of Canada; and
2. share this report with other local governments within British Columbia.

### **BACKGROUND**

On September 28, 2020, Saanich Council presented a proclamation to residential school Survivor Eddy Charlie and Kristin Spray declaring September 30, 2020 Orange Shirt Day in Saanich. Eddie Charlie has since approached Saanich Council requesting a letter of support to encourage the federal government to establish September 30 as National Day for Truth and Reconciliation.

September 30 is symbolically named for the orange shirt Phyllis Webstad's grandmother gave to her on her first day of residential school. The shirt was immediately taken from her upon arrival at the school and never returned.

Approximately 150,000 Métis, Inuit and First Nations children were sent to residential schools between the 1860s and the 1990s, with the last residential school operating until 1996.

Assembly of First Nations National Chief Perry Bellegarde said, "Canada's Residential Schools were an attempt at genocide, they had a severe negative impact on our cultures, our nations, our languages, and for reconciliation to occur, Canada must right this wrong and help the former students and our nations recover and heal from this tragic history."

On September 29, Minister of Canadian Heritage Steven Guilbeault introduced House Government Bill C-5, seeking to establish a National Day for Truth and Reconciliation.

*"An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation)."*

Bill C-5 would amend certain Acts to make a National Day for Truth and Reconciliation, observed on September 30. This national holiday would seek to honour Survivors, their families, and communities, and ensure public recognition of the disturbing history and legacy of residential schools. The reconciliation process requires this recognition of the harms committed against First Nation, Inuit and Métis people.

## **CONCLUSION**

Endorsement of the above-noted recommendations acknowledges the past and ongoing harm residential schools inflicted on Canada's Indigenous people, and the necessity of reconciliation to build a more inclusive Canada.

Prepared by

  
Fred Haynes  
Mayor

FH/rm

Attachment