

## **Business Licence (Short-term Rental) Appeal re 809-751 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 Yurisleidys Leive Zuniga and Maikel Munoz Roja (the appellants) for the operation of a short-term rental at 809-751 Fairfield Road.
2. The business licence was denied pursuant to section 4(b) of the Short-term Rental Regulation Bylaw, which states:
  1. *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 failed to comply with section 3; or*
    - (b) *the short-term rental operation would contravene a city bylaw or another enactment.*
3. 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.
4. On a reconsideration such as this, Council can apply its own judgement and may either uphold the decision to refuse the licence or grant the licence.

#### **II. Summary**

The application for a short-term rental licence at 809-751 Fairfield Road was denied because the appellants failed to satisfy the Licence Inspector that the home is their principal residence. The property at 809-751 Fairfield Road has operated as designated short-term rental since being purchased by the appellants in March 2023. The appellants obtained a Non-Principal Resident Short-Term Rental Licence in 2023 and 2024. With the enactment of the provincial regulations, resulting in all previously issued 2024 non-principal licenses becoming unlawful, staff experienced an influx of principal resident applications from individuals that previously held non-principal licenses.

The appellants submitted a subsequent 2024 short-term rental application, under the principal resident licence type on April 5, 2024. The appellant asserts that they live in the home with their infant. However, the inspection revealed minimal personal items, inconsistent with what would be in a residence for a family and for a family raising an infant. The residence was clearly arranged to accommodate guests and not a permanent resident or residents. Additionally, the appellants claimed they could not access a storage closet secured by keypad entry in the primary bedroom, raising questions about why an owner

would lack access to a closet in their principal residence and further highlighting inconsistencies in their claims.

A recent complaint from a resident at 751 Fairfield Road, led to confirmation of non-compliant short-term rental activity. A Bylaw Officer attended the 809-751 Fairfield Road and spoke with a short-term rental guest, confirming the appellants have continued to operate unlawful short-term rentals. This evidence further supports the Licence Inspector's assertion that the appellants do not reside at the property. Additionally, their willingness to contravene both City and Provincial regulations raises questions about the integrity of their declarations in their application and subsequent appeal. Therefore, the denial of the application should be upheld to ensure compliance with the City's regulations.

### **III. Facts**

5. The appellants have owned the property at 809-751 Fairfield Road since March 20, 2023.
6. The property is zoned CA-47 (Central Area Commercial Office District). This zone does not permit short-term rentals except as a 'home occupation' under Schedule 'D'.
7. On March 30, 2023, the appellants submitted a 2023 Non-Principal Resident Short-Term Rental application, under their company MYZ PROPERTIES LTD, for 809-751 Fairfield Road [Appendix C].
8. On March 31, 2023, the appellants application for a 2023 Non-Principal Resident Short-Term Rental Licence was approved.
9. On December 6, 2023, the appellants submitted a 2024 Non-Principal Resident Short-Term Rental application, under their company MYZ PROPERTIES LTD, for 809-751 Fairfield Road [Appendix D].
10. On December 11, 2023, the appellants application for a 2024 Non-Principal Resident Short-Term Rental Licence was approved.
11. On April 5, 2024, the appellants submitted a 2024 Principal Resident Short-Term Rental application for 809-751 Fairfield Road [Appendix E].
12. On May 16, 2024, Bylaw Officer Duarte inspected the home. The purpose of the inspection was to understand the layout of the home and business plan for a potential short-term rental. The appellant, Maikel Munoz Roja, met Bylaw Officer Duarte at the door while holding his young baby. As Bylaw Officer Duarte entered the home he observed four others, and Yurisleidys Leiva Zuniga cooking in the kitchen. The inspection revealed the home contained two bedrooms, an ensuite bathroom, main bathroom, kitchen, living room and two decks. Bylaw Officer Duarte noticed a closet locked with a keypad entry, and asked Maikel Munoz Roja if you could unlock the closet. The appellant, Maikel Munoz Roja, stated he could not. Bylaw Officer Duarte asked Maikel Munoz Roja the content of the closets. Maikel Munoz Roja stated the locked closet contained linens.

13. During the inspection of the home, Bylaw Officer Duarte discussed the business plan with appellant, Maikel Munoz Roja, who stated they intended to offer their whole home while away for one month in July or August. Bylaw Officer Duarte asked if their plans were subject to change, Maikel Munoz Roja responded 'not usually, all travel is planned ahead'. Bylaw Officer Duarte asked if any areas of the home would be restricted to guests, Maikel Munoz Roja responded the secure closet in the primary bedroom [Appendix F-I].
14. On May 16, 2024, Officer Duarte reviewed the results of the inspection and statement obtained from the appellant, Maikel Munoz Roja, and found there to be numerous inconsistencies. Bylaw Officer Duarte noted the unit as a whole was very stark and had few personal items throughout all rooms. The primary bedroom had two closets, one locked with a secured keypad entry. The appellant stated he was unable to unlock the closet but asserted it contained linens. However, directly across from the locked closet was another closet which contained linens. Additionally, Officer Duarte found it odd the owner did not have access to his primary closet. The second bedroom contained a double bed, desk and portable children's crib. Additionally, the second bedroom closet contained a few female garments and a piece of luggage. Bylaw Officer Duarte observed the closet in the main entrance to have multiple pairs of shoes and jackets. The number of shoes matched the total number of persons in the residence at the time of the inspection. Bylaw Officer Duarte stated in reviewing all information gathered and observed from the inspection, his assessment was the home lacked both personal items and general belongings. Additionally considering that the appellants previously held a 2023 and 2024 Non-Principal Resident Licence and have a newborn child, it appeared to Bylaw Officer Duarte that 809-751 Fairfield Road was not the appellants primary residence [Appendix F-I].
15. On June 6, 2024, the application was reviewed in full, including the results of the inspection and internal records.
16. On June 6, 2024, the Licence Inspector advised the appellant that the application for a principal resident short-term rental licence had been rejected because failed to demonstrate satisfactory to the Licence Inspector that the premises where the short-term rental will be offered is occupied by the operator as their principal residence, as set out in the *Short-Term Rental Regulation Bylaw Section 3 (2)(e)(i)*.
17. October 22, 2024, the Bylaw Services Department received a public complaint from a resident of 751 Fairfield Road. The resident stated unlicensed short-term rentals were occurring at 809-751 Fairfield Road and requested a Bylaw Officer attend the property [Appendix J].
18. On October 22, 2024, Bylaw Officer Duarte attended the property at 751 Fairfield Road to investigate the complaint. Bylaw Officer Duarte knocked on the door of 809-751 Fairfield Road. Bylaw Officer Duarte met and spoke with a female guest staying at 809-751 Fairfield Road. The guest stated she was visiting from Bermuda and occupying the unit, with two other people, between October 10 – October 22, 2024. The guest informed Bylaw Officer Duarte she had first booked a stay in the unit in 2023, through Airbnb. However, in

booking her current rental she communicated with the hosts through a separate platform but did not want to divulge any further details [Appendix K].

#### IV. Relevant Regulation

19. 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.*

20. The city regulates home based businesses, including principal resident short-term rentals, through *Schedule 'D' – Home Occupations*, which states, in part:

- (12) Subject to the following requirements, a short-term rental is permitted as a home occupation in a principal residence.
  - (1) subject to subsection (2), no more than two bedrooms may be used for short-term rental and the short-term rental cannot occupy an entire self-contained dwelling unit.

21. The City of Victoria regulates the principal resident requirement for a short-term rental through the *Short-Term Rental Regulation Bylaw*, which states in part:

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:



(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;

## **V. Argument**

22. One of the objectives of the City's regulations of short-term rentals was to address the problem of homes being diverted from the long-term market to a vacation rental market. The provisions of the *Short-Term Rental Regulation Bylaw* and *Schedule D – Home Occupation*, restrict short-term rentals to a person's principal dwelling unit [Appendix A-B].
23. The property at 809-751 Fairfield Road has consistently operated as a short-term rental since being purchased by the appellants. The appellants submitted an application for a non-principal licence 10 days after purchasing the property in 2023 and obtained a 2024 Non-Principal Licence [Appendix C-D].
24. In response to the provincial regulations as all non-principal licences would become unlawful as of May 1, 2024, many operators applied for principal resident licences, regardless of eligibility.
25. The city does require proof of residence documents to process a principal resident short-term rental application. While the documents assist in establishing an applicant's eligibility, they are not solely relied upon to verify a person's principal residence since address changes can be done online without secondary checks. Additionally, many utility bills offer e-billing options, making mailing addresses redundant.
26. The appellants appeal relies on weak evidence to support their claim that the Licence Inspector's decision was made in error. The appellant provides additional documents to assert they reside at the property. However, similar to the documents required to process an application they cannot be solely relied on. Additionally, the appellants provide proof of ownership, which is irrelevant for an applicant's eligibility, as tenants may also be eligible with owners consent.
27. The appellants claim 809-751 Fairfield is their principal residence. However, the inspection revealed minimal personal items in the home. While some items appeared to be placed, the overall lack of belongings is inconsistent with what one would expect in a residence for a family with an infant. The secondary bedroom contained a double bed, desk, mobile child's crib and closet with a few items of women's clothing and suitcase. The inspecting Bylaw Officer observed no change table, toys, baby clothes in the closet, or other items commonly found in a home that would provide for an infant's need [Appendix F-I].

28. The appellants stated they were unable to open the closet secured by keypad entry during the inspection. However, the appellants then claimed all their personal items would be placed in the secured closet while offering the home for rent. While there may be multiple explanations prohibiting the access, including the lock being installed by the property manager declared on their application to store supplies used for services or items the appellants wish not to reveal. The contradictory statements highlight a lack of transparency and suggest an element of dishonesty regarding the situation [Appendix F-I].
29. A fundamental concern is the appellant's disregard for regulations. A formal complaint submitted by a neighbouring resident on October 22, 2024, revealed the appellants are operating unlawful short-term rentals. Despite the appellants knowledge and understanding both the provincial and city regulations, their actions prove their willingness to violate them. Staff do not believe the appellants actions would change, should Council grant them a licence [Appendix J-K].
30. The appellants appeal heavily relies on discrediting the City's application process and their self-declaration that they are eligible and therefore entitled to a licence. However, compliance with the *Short-Term Rental Regulation Bylaw* is a requirement to obtain a short-term rental licence, which includes not operating unlawful short-term rentals. As the appellants have continued to operate their unlawful short-term rental business, while repeatedly declaring their eligibility and compliance, staff have no confidence the appellants claims are truthful.
31. 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 *Short-Term Rental Bylaw, Schedule 'D' – Home Occupation and Zoning Regulation Bylaw*.
32. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 809-751 Fairfield Road be upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: November 2, 2024

A handwritten signature in dark ink, appearing to read 'M. Fay', is written over a light blue rectangular stamp.

Mark Fay, Manager of Bylaw and Licensing Services

NO. 18-036

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

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

**Contents**

1	Title
2	Definitions
3	Licence Required
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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 ensure that the name and contact information of the responsible person is prominently displayed in the short-term rental premises at all times when the short-term rental is operated.
- (3) The operator may be the responsible person except when subsection (5) applies.
- (4) The responsible person must be able to attend at the short-term rental premises within two hours of being requested to do so.
- (5) If a person who operates a short-term rental in their principal residence is going to be away during the term of the short-term rental, they must designate a responsible person and comply with this section.

### **Offences**

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

### **Penalties**

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

### **Severability**

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

### **Transition Provisions**

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

### **Commencement**

- 11 This bylaw comes into force on adoption.

READ A FIRST TIME the **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

**SHORT-TERM RENTAL REGULATION BYLAW, AMENDMENT BYLAW (NO. 1)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this bylaw is to amend the *Short-Term Rental Regulation Bylaw* to better align it with the *Short-Term Rental Accommodations Act*, clarify the meaning of various terms, and provide for more effective administration and enforcement of that bylaw.

**Contents**

- 1 Title
- 2 Amendments
- 3 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, Amendment Bylaw (No. 1)”.

**Amendments**

- 2 The Short-Term Rental Regulation Bylaw No. 18-036 is amended
  - (1) in section 2 by:
    - (a) inserting the following new definitions in appropriate locations according to the alphabetical order of the definitions:
      - (i) “dwelling unit” has the same meaning as in the *Zoning Regulation Bylaw*;”,
      - (ii) “host” means the person who, either on their own behalf, or on behalf of the owner or occupier, arranges to offer premises for a short-term rental and includes anyone who manages advertising, booking, guest services, property maintenance, or other services related to short-term rental;”,
      - (iii) “platform service provider” has the same meaning as in the *Short-Term Rental Accommodations Act*;”, and
      - (iv) “strata hotel” has the same meaning as in the *Zoning Regulation Bylaw*;”, and

- (b) deleting the definitions of “operator”, “principal residence”, and “short-term rental” and replacing them with the following:
  - (i) “ “operator” means a person who rents out, or offers for rent, any premises for short-term rental, and includes the owner, occupant, host, or manager of the premises offered as short-term rental, but does not include a platform service provider;”,
  - (ii) “ “principal residence” means the residence in which an individual resides for a longer period of time in a calendar year than any other place;”, and
  - (iii) “ “short-term rental” means the renting of a dwelling unit, or any part of it, for a period of less than 30 nights and includes strata hotels and vacation rentals but does not include time-shares when occupied by a time-share owner;”,
- (2) in section 3 by
  - (a) deleting subsection 2(e) and replacing it with the following:
    - “(e) provide evidence, satisfactory to the Licence Inspector, that the premises where the short-term rental will be operated are the operator’s principal residence.”, and
  - (b) deleting subsection (3) and replacing it with the following:
    - “(3) The licence fee for the purposes of subsection (2)(b) is \$150.”,
- (3) in section 6 by
  - (a) deleting subsection (1) and renumbering subsections (2) through (5) as new subsections (1) through (4), and
  - (b) deleting in the renumbered subsection (2) the words “subsection (5)” and replacing them with “subsection (4)”,
- (4) in section 7(1) by inserting immediately after “this Bylaw,” the words “Bylaw Notice Adjudication Bylaw,”, and
- (5) by repealing section 10 and amending the table of contents accordingly.

## **Commencement**

- 3** This bylaw comes into force on adoption.



READ A FIRST TIME the	<b>25<sup>th</sup></b>	day of	<b>July</b>	2024
READ A SECOND TIME the	<b>25<sup>th</sup></b>	day of	<b>July</b>	2024
READ A THIRD TIME the	<b>25<sup>th</sup></b>	day of	<b>July</b>	2024
ADOPTED on the	<b>1<sup>st</sup></b>	day of	<b>August</b>	2024

**“CURT KINGSLEY”**  
CITY CLERK

**“MARIANNE ALTO”**  
MAYOR

**Schedule “D”**  
**HOME OCCUPATIONS**

	1	Where <u>home occupations</u> are permitted pursuant to the provisions of this bylaw, the following conditions shall apply to the use:
Location	2	For the purposes of a <u>home occupation</u> , the location of a business is the address at which the operations of the business are managed.
Exception	3	A <u>home occupation</u> is not required to be operated wholly within a <u>dwelling unit</u> where the work is undertaken entirely off the <u>lot</u> on which the <u>dwelling unit</u> is located.
Prohibition	4	The sale of goods to customers attending on the <u>lot</u> on which the <u>dwelling unit</u> is located is prohibited.
Permitted Uses	5	<p>The following uses are permitted as <u>home occupations</u>:</p> <ul style="list-style-type: none"><li>(a) artist studio;</li><li>(b) mail order, provided that no merchandise is sold to customers attending on the <u>lot</u> on which the <u>dwelling unit</u> is located;</li><li>(c) making, processing and assembly of products on a small scale;</li><li>(d) manufacturing agent;</li><li>(e) personal and professional services, including barber, hairdresser, bookkeeper, medical therapy;</li><li>(f) teaching, provided that attendance is limited to 5 persons in a detached dwelling and to 1 person in a <u>duplex</u> or <u>multiple dwelling</u>;</li><li>(g) testing, servicing and repairing of goods.</li></ul>

## Schedule "D"

Prohibited Uses	6	<p>(1) All uses that are noxious or offensive to any other dwelling units or the general public by reason of emitting odour, dust, smoke, gas, noise, effluent, radiation, broadcast interference, glare, humidity, heat, vibration, or hazard or any other emission are prohibited.</p> <p>(2) The following uses are prohibited:</p> <ul style="list-style-type: none"> <li>(a) except as provided in Section 11, Bed and Breakfast;</li> <li>(b) car repairs and <u>garages</u>;</li> <li>(c) <u>clubs</u>;</li> <li>(d) kennels;</li> <li>(e) radio dispatch services;</li> <li>(f) <u>restaurants</u>;</li> <li>(g) retail stores;</li> <li>(h) salvage lots;</li> <li>(i) storage lots;</li> <li>(j) except as provided in Section 11, <u>transient accommodation</u>;</li> <li>(k) in any <u>building</u> which has been converted from <u>single family dwelling</u> to <u>duplex</u>, <u>multiple dwelling</u>, <u>boarding house</u>, <u>rooming house</u>, or <u>housekeeping apartment</u>, pursuant to the applicable provisions of this bylaw, music teaching or any business which results in the transmission of sound;</li> <li>(l) cannabis-related business; and;</li> <li>(m) except as provided in Section 12, <u>short-term rental</u>.</li> </ul>
Stock in Trade	7	<p>Except for one licensed vehicle, which shall be a car, van, or pickup truck, no business-related materials, including machinery or vehicles, shall be visible at any time on any <u>lot</u> on which a <u>home occupation</u> is carried out nor shall any machinery or vehicles be parked or stored on the <u>lot</u> unless completely enclosed within a <u>building</u>.</p>
Limitation	8	<p>(1) Subject to this section, not more than one person shall be engaged in a <u>home occupation</u>, with the exception of urban agriculture, where up to two people are permitted to be engaged in the <u>home occupation</u>, and the person(s) shall reside on the <u>lot</u> on which the <u>home occupation</u> is carried on.</p> <p>(2) Where any <u>lot</u> upon which a <u>home occupation</u> is carried on has a boundary or portion of a boundary in common with any <u>lot</u> which is located in a zone which permits retail use, then no more than two persons may be engaged the <u>home occupation</u> where one of the persons resides on the <u>lot</u> on which the <u>home occupation</u> is carried on.</p>

Amended Jan 11, 2018  
Bylaw 17-110

Amended March 8, 2018  
Bylaw 18-035

**Schedule "D"**  
**HOME OCCUPATIONS**

(3) This section does not apply to any employees of a home occupation who at no time attend on the lot on which the home occupation is carried on, nor park in the immediate vicinity of the lot.

(4) More than one person may operate a short-term rental in their principal residence.

Amended March 8, 2018  
Bylaw 18-035

9 No more than three home occupations shall be carried on in any one dwelling unit, provided that only one of the home occupations has customers that attend the dwelling unit.

Amended Jan 11, 2018  
Bylaw 17-110

Advertising

10 Except as expressly permitted in this bylaw, or in the Sign By-law, no sign or other advertising device or advertising matter may be exhibited or displayed on any lot on which a home occupation is being carried on.

11 Subject to the following requirements, where any building is used as a single family dwelling, up to two bedrooms may be used for transient accommodation as a home occupation.

(1) Notwithstanding Section 4, meals or food services may be provided to any customers but not after 12:00 noon.

(2) No liquor shall be provided to any customers.

(3) One parking space for each room available for transient accommodation shall be provided on the lot and a parking space may be located behind another parking space.

(4) No sign may be erected, used, or maintained for the purpose of advertising transient accommodation use within a single family dwelling.

(5) A single family dwelling may be used for transient accommodation whether or not the property contains a secondary suite or garden suite provided however that only one transient accommodation use is permitted on the property

Amended March 8, 2018  
Bylaw 18-035

(6) Transient accommodation is restricted to no more than two bedrooms and cannot occupy an entire self-contained dwelling unit.

Amended March 8, 2018  
Bylaw 18-035

12 Subject to the following requirements, a short-term rental is permitted as a home occupation in a principal residence.

Amended March 8, 2018  
Bylaw 18-035

(1) subject to subsection (2), no more than two bedrooms may be used for short-term rental and the short-term rental cannot occupy an entire self-contained dwelling unit;

### Schedule “D”

- (2) the entire principal residence may be used for a short-term rental while the operator is temporarily away provided it is so used no more than 160 nights in a calendar year; and
- (3) no liquor may be provided to short-term rental guest; and
- (4) No sign may be erected, used, or maintained for the purpose of advertising short-term rental.

Amended August 1, 2024  
Bylaw 24-060

Amending Bylaw 09-01 adopted Jan 19, 2009  
Amending Bylaw 17-110 adopted Jan 11, 2018  
Amending Bylaw 18-035 adopted March 8, 2018  
Amending Bylaw 24-060 adopted August 1, 2024

## Marissa Peluso

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**From:** MYZ Properties Ltd  
**Sent:** March 30, 2023 3:38 PM  
**To:** str@victoria.ca  
**Subject:** Short Term Rental Application - 809 - 751 Fairfield Rd  
**Attachments:** 809-751 Fairfield Rd - Short-term Rental Application.pdf; Certificate of Incorporation.pdf; Notice of Articles.pdf

Dear City of Victoria team;

Find attached a short term rental application in the name of MYZ Properties LTD.

I'm also attaching the company certificate of incorporation and notice of articles.

Should you have any questions please do not hesitate to contact me,

Best regards,

Maikel Munoz Roja





**Legislative and Regulatory Services Department**  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

# 2023 Short-Term Rental Business Licence Application

This application must be completed in full. You can submit your completed application and supporting documentation by email to [str@victoria.ca](mailto:str@victoria.ca), mail it to the above address or fax it to 250.361.0205. All related documentation and information are available at [victoria.ca/str](http://victoria.ca/str).

For information or assistance completing this form, please contact Bylaw and Licensing Services at 250.361.0215 or email [str@victoria.ca](mailto:str@victoria.ca).

## Residence Type

Please check all boxes that apply.

- |   |                                       |
|---|---------------------------------------|
| <input type="checkbox"/> Single Family Dwelling   | <input type="checkbox"/> Duplex       |
| <input type="checkbox"/> Single Family Dwelling with Suite  | <input type="checkbox"/> Triplex      |
| <input checked="" type="checkbox"/> Condominium/Apartment   | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Update my information (If you need to make any changes to your existing application) |                                       |

For definitions, please see Section 2 of the [Short-Term Rental Regulation Bylaw No. 18-036](#).

## Short-Term Rental Address

Address: 809-751 Fairfield Rd  
(APARTMENT / UNIT # / STREET ADDRESS)

Postal code: V8W 4A4

## Is this your principal residence? (the place where you most often live)

- ☐ Yes  
☒ No

If 'Yes', please attach two items of identification that prove this is your principal residence. One piece must be government-issued ID which includes your address (e.g., driver's licence, B.C. ID). The second piece of ID can be a recent utility bill or mail from the BC Medical Services Plan or the Canada Revenue Agency that includes your address.

## Do you own or rent this residence?

- ☐ Own  
☒ Rent

If there is more than one owner on title, or if you rent the above address, you are required to complete the *Owner Consent Form* within this application.

## Is this residence part of a strata?

- ☒ Yes  
☐ No

If part of a strata, complete the *Strata Consent Form* within this application.



**Legislative and Regulatory Services Department**  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

## 2023 Short-Term Rental Business Licence Application

### Operator

An Operator can be the owner, tenant or management company of a property. Please check all that apply below.

☐ **Sole Proprietor's name:** (If you plan to operate the business on your own, either under your own name or a business name):

\_\_\_\_\_

☐ **Partnership name(s):** (If you plan to operate the business with one or more partners):

\_\_\_\_\_

☒ **Limited/Incorporated company name:** (If you plan to operate the business as a separate legal entity, separate from yourself and your personal assets):

MYZ PROPERTIES LTD

\_\_\_\_\_

Mailing address: 810-350 DOUGLAS ST, VICTORIA BC V8V 2P5  
(APARTMENT / UNIT # / STREET ADDRESS)

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

### Incorporation Information: (if applicable)

Incorporation number: \_\_\_\_\_

If applying as a Limited/Incorporated Company, have you included documents of Incorporation and Notice of Articles?

☒ Yes

☒ I authorize the City of Victoria to obtain the documents of Incorporation and Notice of Articles and acknowledge that a \$30 fee plus applicable taxes will be charged by the City of Victoria for this service [Administrative Fees Bylaw No. 04-40].

### Host and Management Information: (required)

Host Name: MAIKEL MUNOZ ROJA Relationship to Operator (if different from Operator): \_\_\_\_\_





**Do you manage the property on behalf of the Operator?**

☐ Yes

☒ No

If yes, please complete the information below.

Management company name: \_\_\_\_\_

Issuing municipality: \_\_\_\_\_ Licence number: \_\_\_\_\_

If the issuing municipality is not the City of Victoria, is it:

☐ Inter-municipal

☐ Inter-community

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

**Designated Responsible Person** (If managed by an agency, the designated responsible person can be a representative from this agency.)

When the Operator is not available, the designated responsible person serves as the primary contact for the short-term rental (a person who, at all times that the short-term rental is operated, has access to the premises and has the authority to make decisions in relation to the premises and the rental agreement).

Relationship to Operator: Co-Owner / Co-Founder

Name: YURISLEIDYS LEIVA ZUNIGA Email: \_\_\_\_\_

Address: 810-350 DOUGLAS ST, VICTORIA, BC V8V 2P5 Phone number: \_\_\_\_\_

☒ The above Designated Responsible Person has consented to the use of their contact information.



**Legislative and Regulatory Services Department**  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

# 2023 Owner Consent Form

## Short-Term Rental

This is to certify that I YURISLEIDYS LEIVA ZUNIGA / MAIKEL MUNOZ ROJA, as the legal owner of  
(OWNER)  
809-751 FAIRFIELD RD have read the  
(ADDRESS)

Short-Term Rental Business Licence (address) Application Form submitted by MYZ PROPERTIES LTD  
(OPERATOR)

and consent to the above premises being used as a Short-Term Rental in compliance with City of Victoria Bylaws.

I, the undersigned, confirm as the business owner(s)/operators(s) that the above noted information is true and will comply with ALL relevant provisions of the [Short-Term Rental Regulation Bylaw No. 18-036](#) and all other applicable City Bylaws.

Owner's name: YURISLEIDYS LEIVA ZUNIGA

Owner's signature: \_\_\_\_\_ Date: 22/03/2023

Owner's name: MAIKEL MUNOZ ROJA

Owner's signature: \_\_\_\_\_ Date: 22/03/2023

Owner's name: \_\_\_\_\_

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

If there is more than one registered owner, all owners are required to sign the Owner Consent Form.



**Legislative and Regulatory Services Department**  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

# 2023 Strata Council Consent Form Short-Term Rental

This is to certify that I Tammy Austin, as Strata Council Executive Member  
(STRATA COUNCIL EXECUTIVE MEMBER; MUST NOT BE SAME AS OPERATOR)  
for 809-751 Fairfield Rd have read the Short-Term Rental Business Licence Application Form  
(ADDRESS)  
submitted by MYZ PROPERTIES LTD. I can confirm that our Strata has no bylaws prohibiting the above  
(OPERATOR)  
address from operating as a Short-Term Rental in compliance with City of Victoria Bylaws.

I, the undersigned, confirm as the business owner(s)/operators(s) that the above noted information is true and will comply with ALL relevant provisions of the [Short-Term Rental Regulation Bylaw No. 18-036](#) and all other applicable City Bylaws.

Operator's name: MYZ PROPERTIES LTD

Operator's signature: \_\_\_\_\_ Date: 22/03/2023

Strata council executive member's name: Tammy Austin

Strata council executive member's signature: \_\_\_\_\_ Date: March 30, 2023



**Legislative and Regulatory Services Department**  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

## 2023 Short-Term Rental Business Licence – Important Information

Completion of this application does not guarantee approval. Approved licences will be issued **only** upon receipt of payment of the Short-Term Rental Business Licence fee. Operating a Short-Term Rental without a valid licence is an offence for which penalties are prescribed. A person found guilty of an **offence** under this Bylaw is subject to a fine of not less than \$250 and not more than \$500 for every instance that an offence occurs or each day that it continues (*Short-Term Rental Regulation Bylaw No. 18-036; Sec. 8*).

Licences are effective from January 16 to January 15 of the following year, are non-transferable and the licence fee(s) paid are non-refundable. Short-Term Rental Business Licences must be re-applied for at the start of each calendar year and must include up-to-date supporting documentation.

### Please see website for:

[Short-Term Rental Regulation Bylaw No.18-036](#)

[Schedule D – Home Occupations; Zoning Regulation Bylaw No. 80-159](#)

**Privacy Notification:** This information is being collected for the purpose of determining the Operator's eligibility for a Short-Term Rental Business Licence in the City of Victoria pursuant to its Bylaw(s). In providing this information, you have consented to its use for the above-described purpose and declare that all the information provided herein is correct. This information may be shared with applicable City of Victoria departments and related agencies for the purpose of required inspections and approval of this licence application. The legislated authority to collect your personal information is Section 26 (c) of the *Freedom of Information and Protection of Privacy Act* and Section 3 (2) of the *Short-Term Rental Regulation Bylaw*. If you wish to obtain further information regarding the collection of your personal information, please contact the Information Access and Privacy Analyst Archives and Records Management, 1 Centennial Square, Victoria, BC V8W 1P6 250.361.0347 or email [foi@victoria.ca](mailto:foi@victoria.ca).

### Declaration:

I, the undersigned, confirm as the business owner(s)/operators(s) that the above noted information is true and will comply with ALL relevant provisions of the *Short-Term Rental Regulation Bylaw No. 18-036* and all other applicable City Bylaws. Further, failure to meet these obligations may result in the business licence being suspended or reported to City Council for possible revocation. **I understand I cannot commence business until such time as a Short-Term Rental Business Licence has been approved, paid in full, and issued.**

Operator's name (Individual completing form): MAIKEL MUNOZ ROJA

Operator's signature: \_\_\_\_\_ Date signed: 22/03/2023, 2023

Licence # (office use only)

Date Stamp (office use only)

**Marissa Peluso**

---

**From:** MYZ Properties Ltd  
**Sent:** December 6, 2023 2:51 PM  
**To:** str@victoria.ca  
**Subject:** 2024 STR Application - 809 - 751 Fairfield Rd  
**Attachments:** Certificate of Incorporation.pdf; Notice of Articles.pdf; 809-751 Fairfield Rd - 2024 - STR Application\_signed.pdf

Dear City of Victoria STR team;

Find attached a short term rental application in the name of MYZ Properties LTD.

I'm also attaching the company certificate of incorporation and notice of articles.

Should you have any questions please do not hesitate to contact me,

Best regards,

Maikel Munoz Roja



**Legislative and Regulatory Services Department**  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

# 2024 Short-Term Rental Business Licence Application

## Important Notice:

**There are new provincial laws that may affect your future eligibility to operate a short-term rental. If at some point you become ineligible to operate a short-term rental as a result of provincial legislation, you will not be reimbursed or receive a discount on your 2024 licence fee.**

This application must be completed in full and submitted with all required supporting documents. You can submit your completed package by email to [str@victoria.ca](mailto:str@victoria.ca), or mail it to the above address.

Any submissions that do not meet the requirements above will result in having to reapply.

All related documentation and information are available at [victoria.ca/str](http://victoria.ca/str). For information or assistance completing this form, please contact Bylaw and Licensing Services at 250.361.0215 or email [str@victoria.ca](mailto:str@victoria.ca).

## Short-Term Rental Address (APARTMENT / UNIT # / STREET ADDRESS)

Address: 809-751 FAIRFIELD RD

Postal code: V8W 4A4

## Applicant Information

An application can be submitted by an owner, tenant or management company of a property. Please select one of the following options:

☐ **Sole Proprietor's name:** (If you plan to operate the business on your own, either under your own name or a business name):

\_\_\_\_\_

☐ **Partnership name(s):** (If you plan to operate the business with one or more partners):

\_\_\_\_\_

☒ **Limited/Incorporated company name:** (If you plan to operate the business as a separate legal entity, separate from yourself and your personal assets):

MYZ PROPERTIES LTD

## Limited/Incorporation Information: (if selected above)

Incorporation number: \_\_\_\_\_

Have you included documents of Incorporation and Notice of Articles?

☒ Yes

☐ No. I authorize the City of Victoria to obtain the documents of Incorporation and Notice of Articles and acknowledge that a \$30 fee plus applicable taxes will be charged by the City of Victoria for this service [Administrative Fees Bylaw No. 04-40]. Please note, documents must be provided with submission. Any documents provided historically will not be considered.



## Applicant Contact:

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing address (the address where the applicant receives mail, including the physical licence):

☒ Same address as short-term rental property

☐ Other: \_\_\_\_\_

## Licence Type

☒ Non-Principal Residence

☐ Principal Residence

Select all business plans that apply:

☐ Offering whole home, while you are away ☐ Offering up to two bedrooms with shared living spaces, while you are home.

If 'Principal Residence' is selected, please attach two items of identification that prove this is your principal residence. One piece must be a valid and current government-issued ID which states your address (e.g., driver's licence, BC Services Card). The second piece of ID can be a current utility bill or mail from the BC Medical Services Plan or the Canada Revenue Agency that includes your mailing address.

## Designated Responsible Person

(If managed by an agency, the designated responsible person can be a representative from this agency.)

When an operator is not available, the designated responsible person serves as the primary contact for the short-term rental (a person who, at all times that the short-term rental is operated, has access to the premises and has the authority to make decisions in relation to the premises and the rental agreement). The responsible person must be able to attend the short-term rental premises within two hours of being requested to do so.

Relationship to Operator: Co-Owner / Co-Founder

Name: YURISLEIDYS LEIVA ZUNIGA Email: \_\_\_\_\_

Address: 810-350 DOUGLAS ST, VICTORIA, BC V8V 2P5 Phone number: \_\_\_\_\_

☒ The above Designated Responsible Person has consented to the use of their contact information.

## Business Plan / Advertisement

Host Name (the profile and or name used to offer the short-term rental): Maikel Munoz

Relationship to applicant (if not the same person): \_\_\_\_\_

Do you have another person, property manager or service company that participates in your short-term rental business? (this may include but not limited to advertisement, management of bookings and communications with guests)

☒ No, only the individual(s) declared as the applicant will participate in the business

☐ Yes

**If yes, please complete the information below** (including page 3)

Select all that apply:

☐ Property manager / property management company ☐ Family member

☐ Cleaning service ☐ Other \_\_\_\_\_



**Legislative and Regulatory Services Department**  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

## 2024 Short-Term Rental Business Licence Application

### Property Manager / Property Management Company

Name of management company: \_\_\_\_\_

Name of property manager or main contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Business Address: \_\_\_\_\_

Issuing municipality: \_\_\_\_\_ Licence number: \_\_\_\_\_

If the issuing municipality is not the City of Victoria, is it:

☐ Inter-municipal

☐ Inter-community

### Cleaning Service / Other Business

Name of management company: \_\_\_\_\_

Name of property manager or main contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Business Address: \_\_\_\_\_

Issuing municipality: \_\_\_\_\_ Licence number: \_\_\_\_\_

If the issuing municipality is not the City of Victoria, is it:

☐ Inter-municipal

☐ Inter-community

### Family Member

Name of individual: \_\_\_\_\_

Relationship to applicant: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_





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1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

# 2024 Owner Consent Form Short-Term Rental

**If there is more than one registered owner, all owners are required to sign the Owner Consent Form.**

This is to certify that I YURISLEIDYS LEIVA ZUNIGA / MAIKEL MUNOZ ROJA, as the legal owner of  
(OWNER)  
809-751 FAIRFIELD RD have read the  
(UNIT/STREET ADDRESS)  
Short-Term Rental Business Licence (address) Application Form submitted by MYZ PROPERTIES LTD  
(APPLICANT)  
and consent to the above premises being used as a Short-Term Rental in compliance with City of Victoria Bylaws.

I, the undersigned, confirm as the business owner(s)/operators(s) that the above noted information is true and will comply with ALL relevant provisions of the [Short-Term Rental Regulation Bylaw No. 18-036](#) and all other applicable City Bylaws.

Owner's name: YURISLEIDYS LEIVA ZUNIGA

Owner's signature: \_\_\_\_\_ Date: 01/12/2023

Owner's name: MAIKEL MUNOZ ROJA

Owner's signature: \_\_\_\_\_ Date: 01/12/2023

Owner's name: \_\_\_\_\_

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

If your application is received more than 60 days after consent is given above, it is not considered valid consent.





**Legislative and Regulatory Services Department**  
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1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

## 2024 Short-Term Rental Business Licence – Important Information

Completion of this application does not guarantee approval. Approved licences will be issued **only** upon receipt of payment of the Short-Term Rental Business Licence fee. Operating a Short-Term Rental without a valid licence is an offence for which penalties are prescribed. A person found guilty of an **offence** under this Bylaw is subject to a fine of not less than \$250 and not more than \$500 for every instance that an offence occurs or each day that it continues (*Short-Term Rental Regulation Bylaw No. 18-036; Sec. 8*).

Licences are effective from January 16 to January 15 of the following year, are non-transferable and the licence fee(s) paid are non-refundable. Short-Term Rental Business Licences must be re-applied for at the start of each calendar year and must include up-to-date supporting documentation.

### Please see website for:

[Short-Term Rental Regulation Bylaw No.18-036](#)

[Schedule D – Home Occupations; Zoning Regulation Bylaw No. 80-159](#)

**Privacy Notification:** This information is being collected for the purpose of determining the Operator's eligibility for a Short-Term Rental Business Licence in the City of Victoria pursuant to its Bylaw(s). In providing this information, you have consented to its use for the above-described purpose and declare that all the information provided herein is correct. This information may be shared with applicable City of Victoria departments and related agencies for the purpose of required inspections and approval of this licence application. The legislated authority to collect your personal information is Section 26 (c) of the *Freedom of Information and Protection of Privacy Act* and Section 3 (2) of the *Short-Term Rental Regulation Bylaw*. If you wish to obtain further information regarding the collection of your personal information, please contact the Information Access and Privacy Analyst Archives and Records Management, 1 Centennial Square, Victoria, BC V8W 1P6 250.361.0347 or email [foi@victoria.ca](mailto:foi@victoria.ca).

### Declaration:

I, the undersigned, confirm as the business owner(s)/operators(s) that the above noted information is true and will comply with ALL relevant provisions of the *Short-Term Rental Regulation Bylaw No. 18-036* and all other applicable City Bylaws. Further, failure to meet these obligations may result in the business licence being suspended or reported to City Council for possible revocation. **I understand I cannot commence business until such time as a Short-Term Rental Business Licence has been approved, paid in full, and issued.**

Applicants's name(s) (printed): MAIKEL MUNOZ ROJA / MYZ PROPERTIED LTD

Applicant's signature(s): 1. \_\_\_\_\_ Date signed: December 1, 2023

(if applicable) 2. \_\_\_\_\_ Date signed: \_\_\_\_\_, 20\_\_\_\_

Date Stamp (office use only)

## Marissa Peluso

---

**From:** Mike  
**Sent:** April 5, 2024 4:22 PM  
**To:** str@victoria.ca  
**Subject:** Rev 01 - (Principal residence) 2024 STR Application - 809 - 751 Fairfield Rd  
**Attachments:** ShawInvoice\_09900889125\_03Apr2024.pdf; 809-751 Fairfield Rd - 2024 STR Principal Residence ApplicationPrincipal\_signed.pdf; MIKE\_DRIVER\_LICENCE\_FRONT.jpg; YURI\_DRIVER\_LICENCE\_FRONT.jpg

Dear City of Victoria STR team;

Find attached a short term rental (principal residence) application.

I'm attaching my ID as well as my Wife's, along with a utility bill as per requested in the form.

Should you have any questions please do not hesitate to contact me,

Best regards,

Maikel Munoz Roja



Legislative and Regulatory Services Department  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

# 2024 Short-Term Rental Business Licence Application

## Important Notice:

**There are new provincial laws that may affect your future eligibility to operate a short-term rental. If at some point you become ineligible to operate a short-term rental as a result of provincial legislation, you will not be reimbursed or receive a discount on your 2024 licence fee.**

This application must be completed in full and submitted with all required supporting documents. You can submit your completed package by email to [str@victoria.ca](mailto:str@victoria.ca), or mail it to the above address.

Any submissions that do not meet the requirements above will result in having to reapply. Owner and Strata Consent must be provided by signing pages 4 and 5 of the application.

All related documentation and information are available at [victoria.ca/str](http://victoria.ca/str). For information or assistance completing this form, please contact Bylaw and Licensing Services at 250.361.0215 or email [str@victoria.ca](mailto:str@victoria.ca).

### \*Short-Term Rental Address (APARTMENT / UNIT # / STREET ADDRESS)

Address: 809-751 FAIRFIELD RD

Postal code: V8W 4A4

### \*Applicant Information (WHO THE LICENCE IS ISSUED TO)

An application can be submitted by an owner, tenant or management company of a property. Please select one of the following options:

☐ **Sole Proprietor's name:** (If you plan to operate the business on your own, either under your own name or a business name):

FIRST NAME, LAST NAME

☒ **Partnership name(s):** (If you plan to operate the business with one or more partners):

YURISLEIDYS, LEIVA ZUNIGA

(1) FIRST NAME, LAST NAME

MAIKEL, MUNOZ ROJA

(2) FIRST NAME, LAST NAME

☐ **Limited/Incorporated company name:** (If you plan to operate the business as a separate legal entity, separate from yourself and your personal assets):

BUSINESS NAME

### Limited/Incorporation Information: (if selected above)

Incorporation number: \_\_\_\_\_

Have you included documents of Incorporation and Notice of Articles?

☐ Yes

☐ No. I authorize the City of Victoria to obtain the documents of Incorporation and Notice of Articles and acknowledge that a \$30 fee plus applicable taxes will be charged by the City of Victoria for this service [Administrative Fees Bylaw No. 04-40]. Please note, documents must be provided with submission. Any documents provided historically will not be considered.



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1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

## 2024 Short-Term Rental Business Licence Application

### \*Applicant Contact:

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing address (the address where the applicant receives mail, including the physical licence):

☒ Same address as short-term rental property

☐ Other: \_\_\_\_\_

### \*Licence Type

☐ Non-Principal Residence

☒ Principal Residence

Select all business plans that apply:

☒ Offering whole home, while you are away ☒ Offering up to two bedrooms with shared living spaces, while you are home.

If 'Principal Residence' is selected, please attach two items of identification that prove this is your principal residence. One piece must be a valid and current government-issued ID which states your address (e.g., driver's licence, BC Services Card). The second piece of ID can be a current utility bill that states the billing period, service address and mailing address.

### \*Designated Responsible Person

(If managed by an agency, the designated responsible person can be a representative from this agency.)

When an operator is not available, the designated responsible person serves as the primary contact for the short-term rental (a person who, at all times that the short-term rental is operated, has access to the premises and has the authority to make decisions in relation to the premises and the rental agreement). The responsible person must be able to attend the short-term rental premises within two hours of being requested to do so.

Relationship to Operator: WIFE

Name: YURISLEIDYS LEIVA ZUNIGA Email: \_\_\_\_\_

Address: 809-751 FAIRFIELD RD Phone number: \_\_\_\_\_

☒ The above Designated Responsible Person has consented to the use of their contact information.

### \*Business Plan / Advertisement

Host Name (the profile and or name used to offer the short-term rental): Maikel Munoz

Relationship to applicant (if not the same person): \_\_\_\_\_

Do you have another person, property manager or service company that participates in your short-term rental business? (this may include but not limited to advertisement, management of bookings and communications with guests)

☒ No, only the individual(s) declared as the applicant will participate in the business

☐ Yes

If yes, please complete the information below (including page 3)

Select all that apply:

☐ Property manager / property management company ☐ Family member

☐ Cleaning service ☐ Other \_\_\_\_\_



## Property Manager / Property Management Company

Name of management company: \_\_\_\_\_

Name of property manager or main contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Business Address: \_\_\_\_\_

Issuing municipality: \_\_\_\_\_ Licence number: \_\_\_\_\_

If the issuing municipality is not the City of Victoria, is it:

- ☐ Inter-municipal  
☐ Inter-community

## Cleaning Service / Other Business

Name of management company: \_\_\_\_\_

Name of property manager or main contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Business Address: \_\_\_\_\_

Issuing municipality: \_\_\_\_\_ Licence number: \_\_\_\_\_

If the issuing municipality is not the City of Victoria, is it:

- ☐ Inter-municipal  
☐ Inter-community

## Family Member

Name of individual: \_\_\_\_\_

Relationship to applicant: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_



Legislative and Regulatory Services Department  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

# 2024 Owner Consent Form Short-Term Rental

**\*If there is more than one registered owner, all owners are required to sign the Owner Consent Form.**

This is to certify that I YURISLEIDYS LEIVA ZUNIGA/MAIKEL MUNOZ ROJA, as the legal owner of  
(OWNER)

809-751 FAIRFIELD RD have read the  
(UNIT/STREET ADDRESS)

Short-Term Rental Business Licence (address) Application Form submitted by MAIKEL MUNOZ ROJA  
(APPLICANT)

and consent to the above premises being used as a Short-Term Rental in compliance with City of Victoria Bylaws.

I, the undersigned, confirm as the business owner(s)/operators(s) that the above noted information is true and will comply with ALL relevant provisions of the [Short-Term Rental Regulation Bylaw No. 18-036](#) and all other applicable City Bylaws.

Owner's name: YURISLEIDYS LEIVA ZUNIGA

Owner's signature: \_\_\_\_\_ Date: 05/04/2024

Owner's name: MAIKEL MUNOZ ROJA

Owner's signature: \_\_\_\_\_ Date: 05/04/2024

Owner's name: \_\_\_\_\_

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

If your application is received more than 60 days after consent is given above, it is not considered valid consent.





Legislative and Regulatory Services Department  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

# 2024 Strata Council Consent Form Short-Term Rental

**\*Is this property part of a strata?** Yes ☒ No ☐ If yes, please complete the information below.

This is to certify that I Tammy Austin, as Strata Council Executive Member  
(STRATA COUNCIL EXECUTIVE MEMBER; MUST NOT BE SAME AS APPLICANT)

for 809-751 FAIRFIELD RD have read the Short-Term Rental Business Licence Application Form  
(UNIT AND STREET ADDRESS)

submitted by MAIKEL MUNOZ ROJA. I can confirm that our Strata has no bylaws prohibiting the above  
(APPLICANT)

address from operating as a Short-Term Rental in compliance with City of Victoria Bylaws.

I, the undersigned, confirm as the business owner(s)/operators(s)/licencee(s) that the above noted information is true and will comply with all relevant provisions of the [Short-Term Rental Regulation Bylaw No. 18-036](#) and all other applicable City Bylaws.

Applicant's name(s): MAIKEL MUNOZ ROJA

Applicant's signature(s): 1. \_\_\_\_\_ Date: 03/04/2024

(if applicable) 2. \_\_\_\_\_ Date: \_\_\_\_\_

Strata council executive member's name: Tammy Austin

Strata council executive member's phone number: \_\_\_\_\_

Strata council executive member's email: \_\_\_\_\_

Strata council executive member's signature: \_\_\_\_\_ Date: April 05, 2024

If your application is received more than 60 days after consent is given above, it is not considered valid consent.



Legislative and Regulatory Services Department  
Bylaw and Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6

[str@victoria.ca](mailto:str@victoria.ca)  
[victoria.ca/str](http://victoria.ca/str)

## 2024 Short-Term Rental Business Licence – Important Information

Completion of this application does not guarantee approval. Approved licences will be issued **only** upon receipt of payment of the Short-Term Rental Business Licence fee. Operating a Short-Term Rental without a valid licence is an offence for which penalties are prescribed. A person found guilty of an **offence** under this Bylaw is subject to a fine of not less than \$250 and not more than \$500 for every instance that an offence occurs or each day that it continues (*Short-Term Rental Regulation Bylaw No. 18-036; Sec. 8*).

Licences are effective from January 16 to January 15 of the following year, are non-transferable and the licence fee(s) paid are non-refundable. Short-Term Rental Business Licences must be re-applied for at the start of each calendar year and must include up-to-date supporting documentation.

### Please see website for:

[Short-Term Rental Regulation Bylaw No.18-036](#)

[Schedule D – Home Occupations; Zoning Regulation Bylaw No. 80-159](#)

**Privacy Notification:** This information is being collected for the purpose of determining the Operator's eligibility for a Short-Term Rental Business Licence in the City of Victoria pursuant to its Bylaw(s). In providing this information, you have consented to its use for the above-described purpose and declare that all the information provided herein is correct. This information may be shared with applicable City of Victoria departments and related agencies for the purpose of required inspections and approval of this licence application. The legislated authority to collect your personal information is Section 26 (c) of the *Freedom of Information and Protection of Privacy Act* and Section 3 (2) of the *Short-Term Rental Regulation Bylaw*. If you wish to obtain further information regarding the collection of your personal information, please contact the Information Access and Privacy Analyst Archives and Records Management, 1 Centennial Square, Victoria, BC V8W 1P6 250.361.0347 or email [foi@victoria.ca](mailto:foi@victoria.ca).

### \*Declaration:

I, the undersigned, confirm as the business owner(s)/operators(s) that the above noted information is true and will comply with ALL relevant provisions of the *Short-Term Rental Regulation Bylaw No. 18-036* and all other applicable City Bylaws. Further, failure to meet these obligations may result in the business licence being suspended or reported to City Council for possible revocation. **I understand I cannot commence business until such time as a Short-Term Rental Business Licence has been approved, paid in full, and issued.**

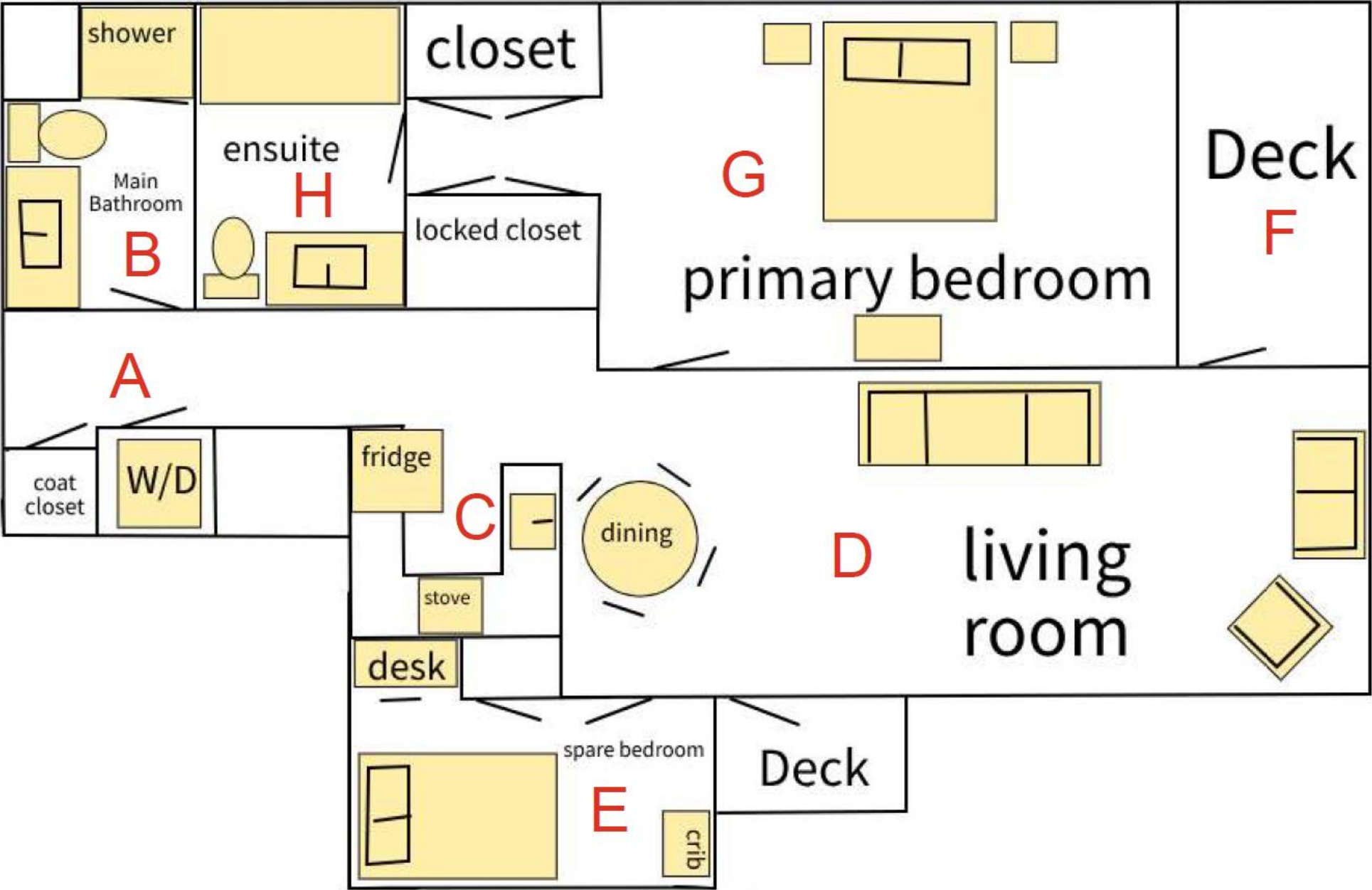
Applicants's name(s) (printed): MAIKEL MUNOZ ROJA

Applicant's signature(s): 1. \_\_\_\_\_ Date signed: 03/04/2024, 2024

(if applicable) 2. \_\_\_\_\_ Date signed: \_\_\_\_\_, 20\_\_\_\_

Date Stamp (office use only)

Appendix F - Floor Plan, 809-751 Fairfield Road



## Appendix G

### BYLAW OFFICER STATEMENT

Officer Rank/Number/Rank	BO Nelson DUARTE VBL 1013
Date	Thursday, May 16, 2024
Time	1:00 PM
Subject	Yurisleidys LEIVA ZUNIGA, Maikel MUNOZ ROJA
Location	809 – 751 Fairfield Road
File	260421

On Thursday, May 16, 2024, at approximately 1:00 PM Bylaw Officer Nelson DUARTE attended unit 809 – 751 Fairfield Road to conduct a scheduled inspection of the primary residence seeking a Short-Term Rental business licence. DUARTE who was on duty and in full uniform met with one of the homeowners Maikel MUNOZ ROJA at the front door who was holding a baby in his arms. DUARTE also observed four other adults sitting in the living room while Yurisleidys LEIVA ZUNIGA, was cooking in the kitchen.

DUARTE introduced himself to Mr. MUNOZ ROJA as a Bylaw Officer for the City of Victoria and confirmed the reason for the attendance was to conduct an inspection of the unit. ROJA acknowledged and welcomed DUARTE into the home, prior to entering DUARTE put on boot coverings to protect the floors. DUARTE asked ROJA if he had experienced an inspection prior which he stated he did not and was then advised that photographs would be taken and following that a discussion on the proposed business plan, he agreed.

DUARTE started photographing the entrance to the unit, to the immediate left was a full piece bathroom, to the right was a small coat closet, followed by a laundry closet. The kitchen would follow, the primary bedroom was located to the left of the living room, with closets on either side leading to the ensuite bathroom. One of the closets were locked by a keypad access, when asked if the owner could unlock it he stated he couldn't and was asked what was contained inside, ROJA stated linens. There was a dining area in front of the kitchen, open concept living room with one of the decks off the living room and behind the dining table, a second deck was located at the back of the living room on the primary bedroom side.

That concluded the inspection of the unit.

DUARTE then sat down with ROJA at the dining room table to discuss the proposed business plan. DUARTE described two business plan options to ROJA which was to offer their whole home while they are away or offering up to two bedrooms while they are home, they stated they would be offering the whole home while away. DUARTE then asked the following questions.

DUARTE then asked the homeowner if they had any questions, the homeowner stated that he wasn't sure why the unit required an inspection.

DUARTE is not aware how recent ROJA and ZUNIGA moved into this unit, the following are observations DUARTE made during the inspection. In the coat closet, there were just the right number of shoes and coats for each person that was currently in the unit at the time of the inspection. DUARTE observed one set of towels in the main bathroom, minimal toiletries, however that does not mean that they were not stored under the sink. The primary bedroom was very stark, minimal items in the room, some personal

items on the nightstands, towel and handbags on the storage bench situated along the wall in front of the bed. Other than one generic painting on the wall above the bed and a generic sculpture on the wall opposite the bed, there were no personal items in the room, no family photos of any kind and there was no dresser. One of the closets were locked with a keypad entry, and again when asked the homeowner stated that there were linens in that closet, however DUARTE noticed linens, bedding and pillows in the opposite closet that was not secured. DUARTE did think it was odd that the homeowner did not identify anything of value in the locked closet and that he did not have access. In the opposite unlocked closet, DUARTE observed only 5 to 6 items of clothing, again no dresser. The primary bathroom was also very stark, there were two grey bath towels, and a couple hand towels. The toiletries were on the counter along with a toiletry bag. DUARTE did observe a shelving unit at the end of the hall across from the kitchen, there was one photo which appeared to be of the baby, the remainder seemed to be décor items with exception of some alcoholic beverages below. ZUNIGA was cooking at the time and so the kitchen counters were cluttered with cooking items, an air fryer, a rice cooker, a coffee grinder or coffee maker, knife set, salad spinner, paper towel, cutting board, a wok, and a pot on the stove. On the dining room table was a laptop, an empty tote and a black backpack on one of the chairs. Under the tv mounted to the wall was a photo frame collage however what was on the photos was not documented. A printer was observed on a shelf, baby diapers, and a couple baskets underneath. There were several people in the living room, DUARTE was not sure how many of them understood English as they did not react to anything DUARTE was saying especially in relation to the photos being taken. ROJA stated he has relatives from Miami and Cuba in the home. There was a couple of items on the floor in the living room for the four-month-old baby. There was one art piece over the couch in the living room. There was no furniture on the first deck, there were two chairs and a coffee table on the second deck. The second bedroom was sparse, a double bed, an art piece over the bed, a small desk and chair tucked in the corner and portable child's crib. DUARTE observed a few female type clothing garments, a piece of luggage and a few items on the shelves in the closet and again very sparse.

The homeowners have applied and were licenced (00044368) in 2023 for a Short-term Rental business licence, for 809 – 751 Fairfield Road, non principal residence under their business name MYZ Properties LTD.

The homeowners have applied and are licenced (00044368) for a 2024 Short-term Rental business licence, for 809 – 751 Fairfield Road, non principal residence under their business name MYZ Properties LTD.

The homeowners have since applied and are PENDING (00046715) for a 2024 Short-term Rental business licence, for 809 – 751 Fairfield Road, principal residence under Maikel Munoz ROJA and Yurisleidys Leiva ZUNIGA.

Upon reviewing the inspection details in totality, not knowing when the couple moved into the unit, having a newborn baby, working remotely, the lack of personalisation and the amount or lack thereof of general belongings, the sudden change in licence types from non principal residence to now principal residence, on the surface DUARTE would suggest that the couple does not reside at 809 – 751 Fairfield Road on a full-time basis.

concluded,

BO Nelson DUARTE, VBLS 1013



## Appendix H

Inspection: 809-751 Fairfield Road, 25 images.

Images 1-2: Interior front entrance ('A' on floor plan).







Image 3: Coat closet.

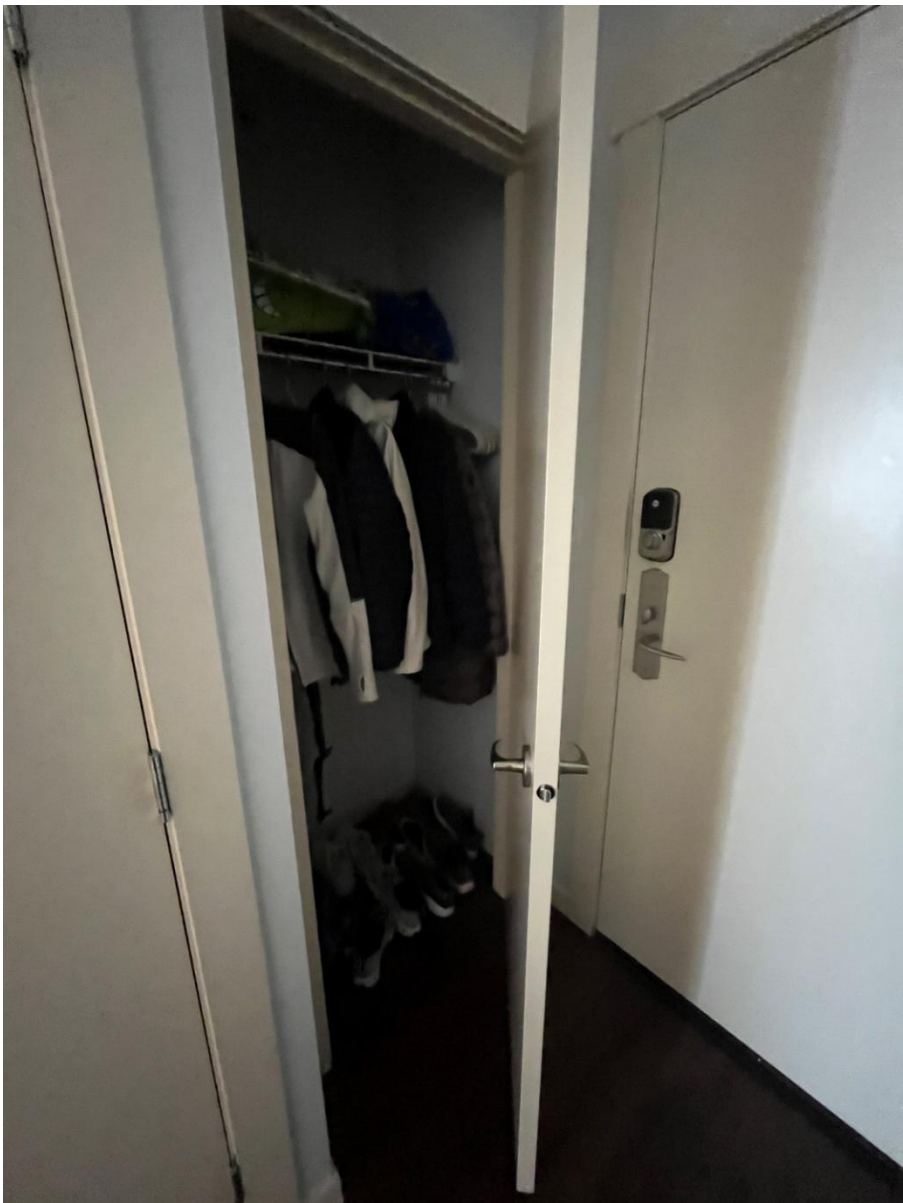


Image 4: Laundry closet.





Images 5-6: Main bathroom ('B' on floor plan).







Image 7: Kitchen ('C' on floor plan).





Images 8-9: Living room ('D' on floor plan).







Images 10-12: Second bedroom ('E' on floor plan).











Image 13: Main Deck ('F' on floor plan).





Images 14-21: Primary bedroom, with closets ('G' on floor plan).





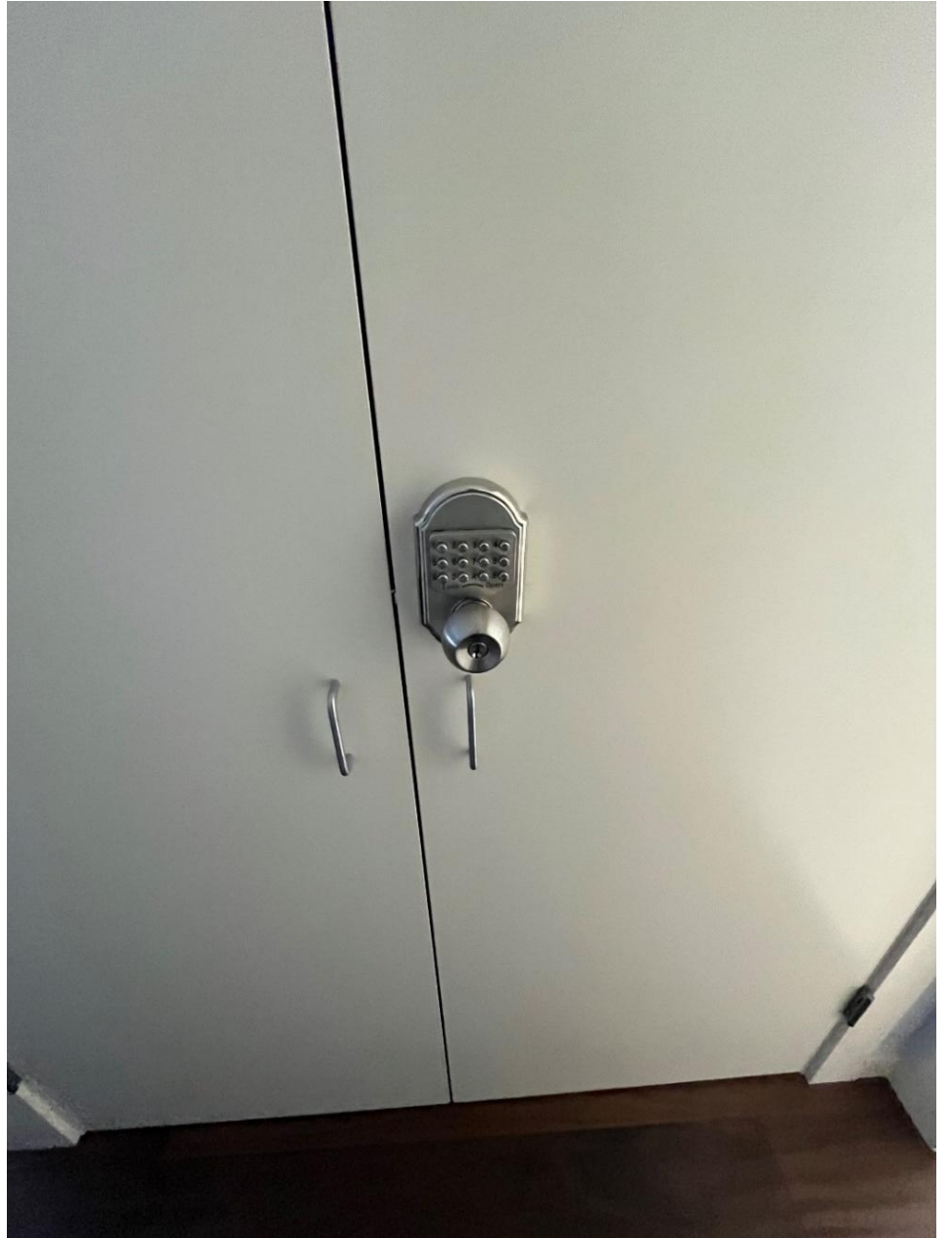
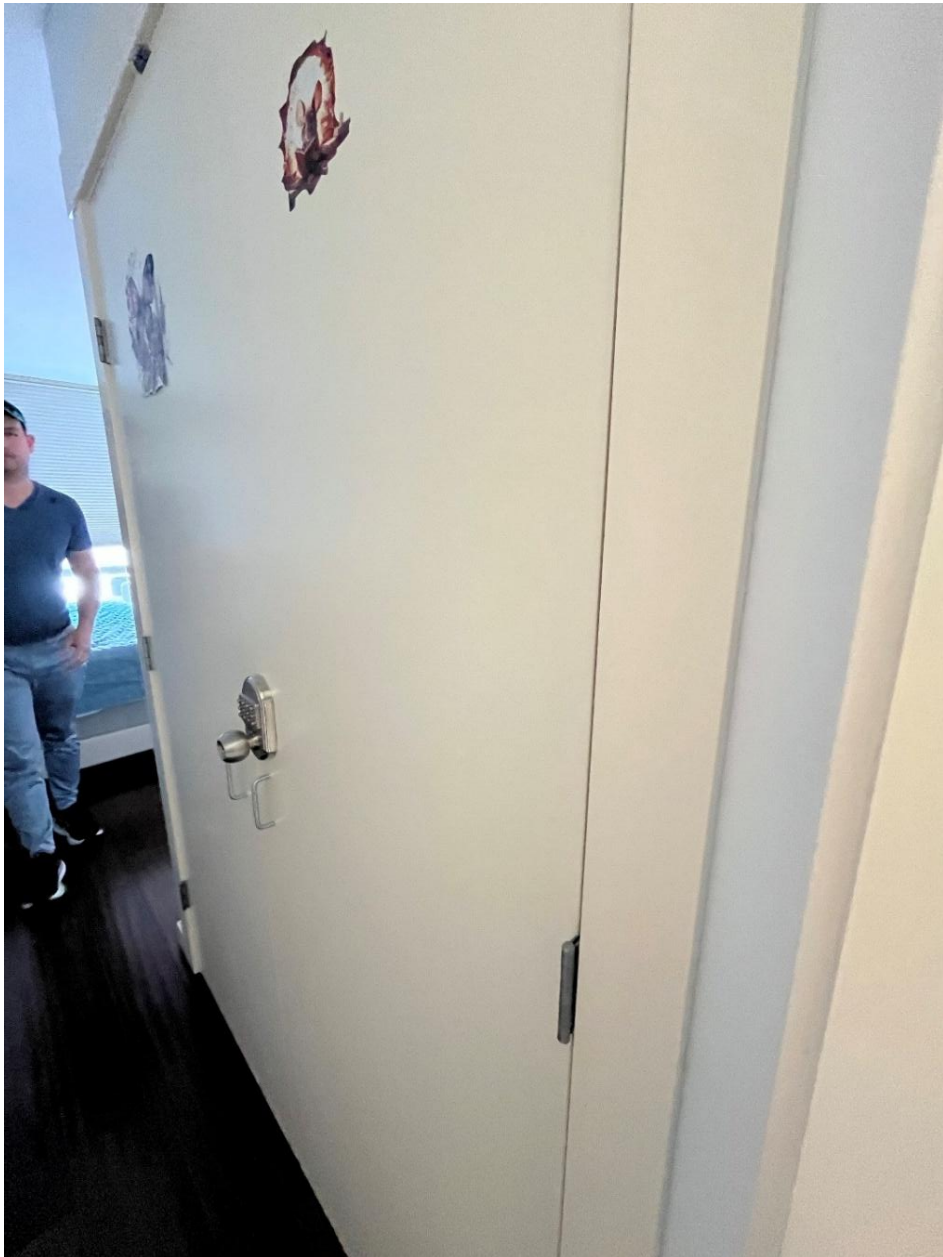




















Images 22-25: Ensuite bathroom ('H' on floor plan).











## Appendix I

### **STR Business Plan - 809 – 751 Fairfield Road -**

**RO: ROLEIVA ZUNIGA, YURISLEIDYS AND MUNOZ ROJA, MAIKEL HOST: MYZ PROPERTIES LTD**

The inspection is an important component in the application process, as it is used to determine if the space and applicants' business plan will meet the requirements and conditions of a principal residence licence.

During the inspection, officers must obtain an understanding of the business plan(s) to determine the eligibility. This includes:

- A. Which business plan(s) are they wanting to operate.
- B. Which spaces are being offered and or not offered. Example: One single bedroom, plus the whole home is open to guests with exception of the primary bedroom and the homeowner does not want guests in the back yard due to the potential of the steps on the deck being slippery at this time of year.
- C. How they plan to operate (duration, frequency etc.).

**OPTION #1.** Offering the whole home, while away. **OPTION #1, Yes.**

Residents plan to offer their primary spaces on occasion, while away from the home.

The space being offered is their entire principal dwelling unit, meaning it is occupied by the resident daily.

Questions in obtaining a whole home business plan:

- 1: Are there specific times of the year when you plan to offer your home?

**July or August.**

- 2: How long are you going to be away from home?

**One month.**

- 3: Where will you be when you are away? (example, on vacation or visiting out of town family)

**Miami or Cuba – vacation – work remotely.**

- 4: Are any of your plans subject to change?

**Not usually – all travel is planned ahead; airline tickets purchased a head of time.**

- 5: Do you plan to restrict access to any part of the home? if yes, which spaces?

**Storage area – secured closet in primary bedroom.**

- 6: How will guests access the home?

**Access code entry and or keys.**

- 7: How do you plan to advertise?

**Airbnb – VRBO.**

8: What is the typical minimum length of stay you anticipate offering?

**7 – 10 days.**

9: While you are gone, who is responsible for the property and the contact for guests?

**Cleaner – fulltime caretaker for the building.**

Marissa Peluso

---

**From:** Bylaw Services  
**Sent:** October 22, 2024 7:46 AM  
**To:**  
**Subject:** RE: BUSINESS LICENCE BYLAW Call number: 277494

Thank you for contacting Bylaw Services. Your complaint has been received. Complaints are responded to based on priority. Complaints related to public health and safety are prioritized and are immediately assigned to an officer for investigation. All other complaints will be responded to as resources become available. In the meantime, if you would like to add any further information or update us on the status of your complaint, please email us directly at [bylawservices@victoria.ca](mailto:bylawservices@victoria.ca) with your file number in the subject line and we will ensure it gets added to it.

Thanks,

**Kevin Braun**  
Bylaw Officer  
Bylaw Services  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6



The City of Victoria is located on the homelands of the Songhees Nation and Xwsepsum Nation.

---

**From:** noreply@victoria.ca <noreply@victoria.ca>  
**Sent:** October 22, 2024 7:42 AM  
**To:** Bylaw Services <BylawServices@victoria.ca>  
**Subject:** BUSINESS LICENCE BYLAW Call number: 277494

BYLAW SERVICES  
REQUEST FOR SERVICE

<b>Call Number:</b>	277494	<b>Class:</b>	BUSINESS LICENCE BYLAW
<b>Entered By:</b>		<b>Problem:</b>	OPERATE WITHOUT A LICENCE
<b>Assigned To:</b>	BYLAW SERVICES	<b>Priority:</b>	NORMAL
<b>Follow Up:</b>	A follow up is required.		

**Bring Forward:**

**LOCATION**

809-751 FAIRFIELD RD VICTORIA

**REQUESTOR**

Phone 1:

Phone 2:

Email:

**CALL DETAIL**

Running str without a business license

**INSTRUCTIONS**

Automatically assigned by web form.

[Email Reference #853549](#)



REQUEST FOR SERVICE DETAIL

Workgroup

BYLAW SERVICES

Call

277504

Oct 22, 2024 8:40 AM

Status

ASSIGNED

Oct 22, 2024 8:42 AM

Follow up

NO

Internal

NO

Class

SHORT TERM RENTAL

Problem

OPERATE WITHOUT A LICENCE

Priority

NORMAL

Reference

STR PRIORITY

Bring Forward

Oct 22, 2024

Repeat

Location	Requestor
UNKNOWN 809 751 FIARFIELD ROAD	NELSON DUARTE
809 751 FAIRFIELD RD VICTORIA BC V8W 4A4	

Call Detail

STR - ENFORCEMENT - 809 - 751 FAIRFIELD ROAD - OPERATE WITHOUT A LICENCE

RO: ROLEIVA ZUNIGA, YURISLEIDYS AND MUNOZ ROJA, MAIKEL HOST: MYZ PROPERTIES LTD

Workflow	Date	Name1	Name2	File No
ENTERED	Oct 22, 2024 8:40 AM	NELSON DUARTE		
ASSIGNED	Oct 22, 2024 8:42 AM	NELSON DUARTE		
EMAIL	Oct 22, 2024 8:42 AM			
SHORT TERM RENTAL Call number: 277504 809 751 FAIRFIELD RD				
NOTE	Oct 22, 2024 8:43 AM	NELSON DUARTE		
ATTENDED/DOOR KNOCK - OCTOBER 22, 2024				
On Tuesday, October 22, 2024, at approximately 8:00 AM Bylaw Officer DUARTE attended 751 Fairfield Road. DUARTE was on duty and in full uniform, conducted a door knock on unit 809 and was able to make contact with a female guest from Bermuda. Identifying himself as a Bylaw Officer with the City of Victoria, DUARTE was able to determine the guest booked the unit originally in 2023 on the Airbnb platform, and was a returning guest however this year communicating with the Host through a separate platform that the guest did not wish to divulge. The guests stated they were occupying the unit from Thursday, October 10, 2024 to today, Tuesday, October 22, 2024. The unit was occupied by three people.				
NOTE	Oct 22, 2024 10:37 AM	EMMA CROCKETT		
LINKED TO LICENCING CFS 255017				
NOTE	Oct 22, 2024 10:40 AM	EMMA CROCKETT		
LINKED TO DUPLICATE CFS 277494:				
Running str without a business license -				