

## **Business Licence (Short-term Rental) Appeal re 609 Toronto Street**

### **Submission of the Licence Inspector**

#### **I. Introduction**

1. This is an appeal from the decision of the Licence Inspector to refuse to issue a business licence to Thi Lan Huong Tran (the “appellant”), for the operation of a short-term rental at 609 Toronto Street.
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 609 Toronto Street was denied because the proposed rental business would occur in a contained dwelling unit, which is prohibited.

The appellant has applied to operate short-term rentals in the upper two levels of the three-story home while residing in the lower level. The appellant claims to be offering only two bedrooms on the upper level, asserting that aligns with the regulations. However, the appellant is actually offering an entire dwelling unit that includes two bedrooms, living spaces and a full kitchen, while she resides in her primary dwelling on the lower level.

The appellants appeal appears to rely on claims to share the kitchen on the main floor and that the lower level is not designated as a legal secondary suite. However, the appellant has declared to staff she would not access the upper levels while renting to guests. Additionally, the legal status of her lower-level residence is irrelevant, as the rental operation is not occurring there, and a self-contained dwelling unit is fundamentally different from a legal secondary suite.

The Licensing Inspector's responsibility is solely to assess whether the spaces where the short-term rental business would occur comply with the regulations. The Licence Inspector determined the appellant's application does not meet the necessary regulations, as the appellant is offering a self-contained dwelling unit. Therefore, the denial of the application should be upheld to ensure compliance with the City's regulations.

### **III. Facts**

5. The property at 609 Toronto Street is owned by the appellant and Huy N Tran.
6. The property is a three-level home and according to an Occupancy Permit issued under BP058654 on March 1, 2024, the approved use is Single Family Dwelling [Appendix C].
7. The property is zoned R2 – Two Family Dwelling District.
8. Neither transient accommodations nor short-term rentals have ever been permitted use under the R2 zoning. The offering of short-term rentals is only permitted as a 'home occupation' under Schedule 'D' [Appendix A-B].
9. On March 6, 2024, the appellant applied for a 2024 business licence to operate a short-term rental as a principal resident operator at 609 Toronto Street [Appendix D].
10. On March 30, 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. Bylaw Officer Duarte was led through the inspection by the appellant, which revealed a three-level home. Bylaw Officer Duarte accessed the home through the front door which entered into the main level, revealing a foyer with a large staircase on the left wall. While walking through the main level Officer Duarte observed an alarm system and floor plan hanging on the wall. The appellant guided Officer Duarte through to a formal living room which contained sitting furniture and a TV. The next room, described by the appellant as a library, a reading area and a daybed. The inspection of the main floor continued, and Officer Duarte was brought into a kitchen, where the appellant stated they do all their cooking. Officer Duarte observed an additional exit at the rear of the home, past the kitchen. As Officer Duarte made his way back to the front foyer, he noticed a door under the staircase. Officer Duarte observed a deadbolt and chain on the door and asked the appellant what was behind the door. The appellant informed Officer Duarte it was access to the downstairs.  
Bylaw Officer Duarte inspected the top floor of the home, observing two furnished bedrooms and a linen closet. The appellant stated her son had previously resided in one of the bedrooms but is now attending university in Vancouver. Bylaw Officer Duarte noted that both bedrooms were furnished but did not contain personal items.  
The appellant led Bylaw Officer Duarte back to the main level to access the basement floor through the door under the staircase. As Bylaw Officer Duarte descended down the staircase, he observed what appeared to be a self-contained dwelling unit. Bylaw Officer Duarte observed a fully stocked kitchen area, minus a stove, and a furnished living room

area. The basement space also contained a full bathroom, storage room and the appellants primary bedroom, and two separate exits to the exterior of the home. Bylaw Officer Duarte observed the appellants personal items throughout the downstairs dwelling, noting toiletries in the bathroom, clothes and suitcases in the primary bedroom, and framed pictures on the desk.

After Bylaw Officer Duarte completed the inspection, he spoke to the appellant about her proposed business plan. The appellant showed Bylaw Officer Duarte an occupancy permit reflecting the completion of a building permit to decommission an illegal suite in the lower level of 609 Toronto Street. In discussing the business plan, the appellant informed Bylaw Officer Duarte she only intended to offer short-term rentals while she is present in the home. The appellant stated she would rent the two bedrooms on the third floor, with all areas on the main floor and guests would enter through the front door using a keypad. The appellant stated that guests would not have access to the lower level. Bylaw Officer Duarte asked the appellant if she were to go away on vacation, would she continue to operate. The appellant had initially stated 'no' but then stated she may operate if absent from the home for one week to one month. The appellant informed Bylaw Officer Duarte she would be travelling to Vietnam for 6 months. Before concluding the inspection, Bylaw Officer Duarte asked the appellant 'Do you have a tenant living in the basement suite?'. The appellant responded 'No, just us' [Appendix E-G].

11. On April 23, 2024, the application was reviewed in full including the results of the inspection and internal records. In reviewing the inspection results, it was difficult to determine if 609 Toronto Street was the appellant's principal residence. The upper and main level contained no personal items and seemed ready to receive accommodation. In contrast, the lower level appeared more lived in, containing some personal items, which more closely matched the appellants declaration of her primary space. In reviewing the business plan, it was evident guests would be offered the upper and main level, which contain all elements of a self-contained dwelling unit. However, the design of the home facilitates the lower level to be accessed independently of the upper and main level. Additionally, there were inconsistencies in the appellants declaration regarding their presence during the rentals. In considering the configuration of the home, the appellants statements that the lower level was the primary space which aligned with observations made by Bylaw Officer Duarte's during the inspection, lead to the finding that the short-term rental would be a self-contained dwelling unit [Appendix E-G].
12. On April 23, 2024, the Licence Inspector advised the appellant that the application for a short-term rental licence at 609 Toronto Street had been rejected as it failed to meet the requirements set out in the *Short-Term Rental Regulation Bylaw and Schedule D – Home Occupations*.
13. On April 26, 2024, the appellant phoned and spoke to a member of city staff regarding the reason for the denial. The appellant stated the space is not self-contained as she uses the kitchen daily. Staff explained the reasoning for the denial and informed the appellant of the appeal process. The appellant requested to meet with a member staff to discuss the denial in person. Staff informed the appellant that they are happy to arrange a

meeting to discuss the denial, but that it would not change the licensing decision. Staff reiterated the appeal process to the appellant [Appendix H].

14. On April 30, 2024, a member of staff met with the appellant to discuss the reasoning behind the denial of her short-term rental licence application. The appellant stated she did not understand why she was denied as believes she is eligible for a licence. Staff asked the appellant if she had read the *Short-Term Rental Regulation Bylaw and Schedule D – Home Occupation*, to which the appellant stated yes. Staff stated that the appellant then understood what was permitted under a principal resident short-term rental licence, offering up to two bedrooms or the whole dwelling on occasion, but not offering a self-contained dwelling unit. The appellant stated she understood. Staff then explained the application review revealed the business plan and space was to offer a self-contained dwelling unit, which is separate from her dwelling unit. The appellant stated her home is a single-family dwelling and proceeded to show staff a copy of the legal building occupancy permit. Staff acknowledged and stated they understood the legal building occupancy of the property, noting the downstairs level was not a legal suite. However, they informed the appellant that a legal secondary suite and a self-contained dwelling unit are distinctly different. The appellant stated her downstairs space does not have a kitchen. Staff informed the appellant that the application review and licence decision was not based on the downstairs space containing an element of cook, but because the appellant is offering two bedrooms upstairs, with her primary space is downstairs, meaning guests would be provided a self-contained dwelling unit. The appellant stated staff was incorrect, they shared spaces, and it was a clear miscommunication. Staff reminded the appellant the intention of the meeting was to discuss the reasoning of the denial and that she was able to appeal the decision. The appellant stated she asked for the meeting to discuss the mistake, there's only one kitchen in the home and she uses it daily. The appellant stated if she had a short-term rental guest, they would be sharing a kitchen. Staff continued to listen to the appellant and explained the intention behind the regulations. The appellant informed staff she disagreed and would be appealing. The appellant stated she wanted to operate lawfully but believed staff made a mistake. Staff reiterated the appeal process and stated, in the meantime, the appellant could offer accommodations of a minimum of 30 days without a short-term rental licence. The appellant responded to staff's suggestion by stating she could not possibly be without a kitchen for that long. The staff member seemed confused by this statement and asked 'Be without your kitchen for that long? If you intend to share the kitchen with guests for less than 30 days, it would be the exact same offer just for a longer period'. The appellant replied that it was not the same, as she would need to clean up after people. The appellant quickly reiterated she believed she was eligible for short-term rental and that was the only type she wanted to offer [Appendix I].

#### **IV. Relevant Regulation**

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. 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.

17. 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 defined in the bylaw as a ‘space used, designed, or intended for cooking or preparing of food, which contains a:

- i. a) sink;
- ii. b) fridge;
- iii. and c) stove, hotplate, microwave, air fryer, toaster oven, or other heating or cooking appliance;

18. 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

19. 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.

20. The City of Victoria regulations define Short-term rentals are defined as the renting of a dwelling unit, or any part of it, for a period of less than 30 nights. Therefore, the City considers any rental of more than 30 consecutive nights to be a long-term rental [Appendix A].

21. In order to be issued a short-term rental licence, applicants must provide proof satisfactory to the licence inspector that the premise where the short-term rental will occur is occupied by the operator as their principal residence. If the applicant satisfies the principal residence requirement, their business operation must comply with conditions of *Schedule D – Home Occupation* to be approved [Appendix A-B].

22. It can be challenging to determine if a property is a person's principal residence. 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.

23. Furthermore, as homes vary widely in design, residents have become increasingly creative with their spaces, particularly in response to the lucrative short-term rental market. When a property contains multiple self-contained dwelling units, the applicant may not qualify if the proposed short-term rental business would occur in a self-contained dwelling unit.

24. The inspection of the 609 Toronto Street revealed a three-level home. The upper and main level were found to have no personal items and set to receive accommodation. In contrast, the lower level had some personal items and what was described by the Bylaw Officer as a self-contained dwelling unit. It appears the lower level could provide the appellant sufficient ability in daily activities without requiring access to the other floors. Additionally, the appellant had recently been required to comply with zoning regulations

for the unpermitted suite in the lower level. Together, these facts show an intention for the lower level and upper levels to operate independently of each other [Appendix C, E-G].

25. The regulations allow principal residents to rent out their entire home while away or up to two bedrooms while the owner is present. However, the rental must occur in the operator's principal dwelling unit, and the offered bedrooms cannot be part of a self-contained dwelling unit. This distinction is crucial for understanding what is permissible under the regulations and the specifics of the appellants application [Appendix A-B].
26. Furthermore, it should be clear to staff that the short-term rental business complies with regulations. Transparency is important, not just because offering a self-contained dwelling is prohibited in the City, but because renting a room versus a self-contained unit is a distinctly different offering that guests should understand when selecting accommodations [Appendix A-B].
27. The appellant appears to assert that she is eligible for the licence on the sole factor of the property being their principal residence. However, the regulations are designed to prevent self-contained dwelling units from exiting the long-term rental market. This includes stays of 30 nights or more, which can accommodate travelling professionals, students or locals displaced for repairs. The City regulations permit short-term rentals in the operator's principal dwelling unit, which for the appellant appears to be the lower level at 609 Toronto Street [Appendix E-G, I].
28. The assessment that the approval of the short-term rental would contravene the regulations, is supported by the appellant's own statements made during a conversation with staff while defending her business plan. The appellant insisted she would be sharing space, accessing the kitchen on the main level daily. However, when staff proposed an alternative option during the appeal process, suggesting offering a minimum of 30 days, the appellant stated it would not work because she cannot be without the kitchen on the main level for that long [Appendix I].
29. The appellant's appeal relies on the sentiment that she is providing a valuable service for travellers and tourism. Nonetheless, providing accommodations for tourists is not sufficient justification to warrant allowances outside of the regulations designed to protect long-term housing. Additionally, the appellant can still offer accommodation to travellers, provided it is for a minimum of 30 consecutive nights.
30. The appellant's appeal appears to be misled by mistaking legal building occupancy as the determining factor for the denial. Staff have worked with the appellant to clarify the regulations and explain the status of the lower level did not impact the application. Many homes in the city contain spaces suited for daily living that are not officially recognized as legal dwelling units. However, the appellant has repeatedly declared the lower level as her primary space and made clear the intention is to rent the upper levels while she resides downstairs or out of the country [Appendix F, I].

31. Despite multiple efforts to clarify the regulations, the appellant's statements and intentions reveal a clear misunderstanding or outright disregard for these requirements. If the appellant were granted the chance to demonstrate compliance, staff have no confidence that she would adhere to the necessary guidelines for operating a lawful short-term rental.
32. The appellants appeal provides a detailed explanation of the extenuating circumstances and challenges that have led to seeking a short-term rental licence. While peoples' motivations behind seeking to operate a short-term rental may vary, they do not affect the licensing requirements and regulations.
33. The *Short-Term Rental Regulation Bylaw* does not require the Licence Inspector to confirm or prove if the lower level meets the definition of a self-contained dwelling unit. Although the lower level could easily meet the City definition by simply adding a heating or cooking appliance such as a microwave. The Licence inspector is solely responsible for determining if the applicant and premise of the short-term rental have met the requirements of the *Short-Term Rental Regulation Bylaw* and *Schedule D – Home Occupation*.
34. The appellant's application is to offer short-term rentals in the upper and main levels at 609 Toronto Street, which is separate from their principal dwelling unit. As such, the Licence Inspectors determined the appellant would be offering a self-contained dwelling unit, which is prohibited under the regulations.
35. 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*.
36. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 609 Toronto Street be upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: October 27, 2024



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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**

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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 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	<b>22<sup>nd</sup></b>	day of	<b>February</b>	2018
READ A SECOND TIME the	<b>22<sup>nd</sup></b>	day of	<b>February</b>	2018
READ A THIRD TIME the	<b>22<sup>nd</sup></b>	day of	<b>February</b>	2018
ADOPTED on the	<b>8<sup>th</sup></b>	day of	<b>March</b>	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*;
      - (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 | The following uses are permitted as <u>home occupations</u> :<br><br>(a) artist studio;<br><br>(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;<br><br>(c) making, processing and assembly of products on a small scale;<br><br>(d) manufacturing agent;<br><br>(e) personal and professional services, including barber, hairdresser, bookkeeper, medical therapy;<br><br>(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> ;<br><br>(g) testing, servicing and repairing of goods. |



## Schedule "D"

- Prohibited Uses      6      (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.
- (2)      The following uses are prohibited:
- (a)      except as provided in Section 11, Bed and Breakfast;
  - (b)      car repairs and garages;
  - (c)      clubs;
  - (d)      kennels;
  - (e)      radio dispatch services;
  - (f)      restaurants;
  - (g)      retail stores;
  - (h)      salvage lots;
  - (i)      storage lots;
  - (j)      except as provided in Section 11, transient accommodation;
  - (k)      in any building which has been converted from single family dwelling to duplex, multiple dwelling, boarding house, rooming house, or housekeeping apartment, pursuant to the applicable provisions of this bylaw, music teaching or any business which results in the transmission of sound;
  - (l)      cannabis-related business; and;
  - (m)      except as provided in Section 12, short-term rental.
- Stock in Trade      7      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 lot on which a home occupation is carried out nor shall any machinery or vehicles be parked or stored on the lot unless completely enclosed within a building.
- Limitation      8      (1)      Subject to this section, not more than one person shall be engaged in a home occupation, with the exception of urban agriculture, where up to two people are permitted to be engaged in the home occupation, and the person(s) shall reside on the lot on which the home occupation is carried on.
- (2)      Where any lot upon which a home occupation is carried on has a boundary or portion of a boundary in common with any lot which is located in a zone which permits retail use, then no more than two persons may be engaged the home occupation where one of the persons resides on the lot on which the home occupation is carried on.

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



# OCCUPANCY COMPLETION PERMIT

The occupancy approved under this certificate refers to the construction authorized by the building permit(s) listed hereunder and such approval occupancy is applicable as of the date shown. The building or part thereof constructed under the authority of Building Permit(s) No.(s) **BP058654** may now be occupied in accordance with the approved occupancy herein described:

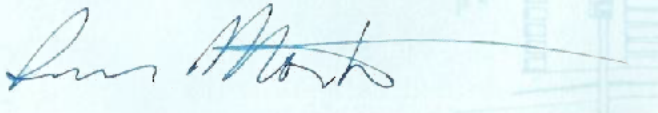
Building Address                    609 TORONTO ST

Legal Description                 LT C PL 3049 SEC 1 VICTORIA

Approved Occupancy             SINGLE FAMILY DWELLING

Permit Description                LOWER LEVEL: REMOVE STOVE AND COUNTER IN LOWER LEVEL TO DECOMMISSION ILLEGAL SUITE. REPAIR UPPER DECK LANDING IN REAR YARD. UPPER LEVEL: NO CHANGE. NO STRUCTURAL CHANGES.

Dated this day:                    **Mar 1, 2024**



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CHIEF BUILDING OFFICIAL



This permit is issued pursuant to the authority contained in the City of Victoria Building Bylaw. In addition, the issuing of this Permit shall not relieve the owner or occupier from the responsibility of complying with the Zoning and Development Bylaw or any other pertinent Bylaw, Acts or Regulations. This Permit is not a representation or warranty that the Bylaws of the City of Victoria or other enactments have been complied with, since resource at the City only permit random review and inspections. The City of Victoria will accept no responsibility or legal liability should any person suffer loss, injury, or damage as a result of the building not complying with Bylaws. Accordingly, persons should make such independent investigations or inquiries as they see fit to determine whether the building complies with all relevant Bylaws or enactments.



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

str@victoria.ca  
 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, 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. For information or assistance completing this form, please contact Bylaw and Licensing Services at 250.361.0215 or email str@victoria.ca.

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

Address: 609 Toronto Street

Postal code: V8V1P5

### \*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):

Thi Lan Huong, Tran

FIRST NAME, LAST NAME

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

\_\_\_\_\_  
 (1) FIRST NAME, LAST NAME

\_\_\_\_\_  
 (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.



Legislative and Regulatory Services Department  
 Bylaw and Licensing Services Division  
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str@victoria.ca  
 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: Best Friend

Name: Duc Quy Doan Email: \_\_\_\_\_

Address: 62 Linden Street, Victoria, BC, V8V4C8 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): \_\_\_\_\_

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 Best Friend



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 Victoria, BC V8W 1P6

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## 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: Duc Quy Doan

Relationship to applicant: Best Friend

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

Address: 62 Linden Street, Victoria, BC, V8V4C8



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# 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 Thi Lan Huong Tran, as the legal owner of  
 (OWNER)  
609 Toronto Street have read the  
 (UNIT/STREET ADDRESS)  
 Short-Term Rental Business Licence (address) Application Form submitted by Thi Lan Huong Tran  
 (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: Thi Lan Huong Tran

Owner's signature: \_\_\_\_\_ Date: 4th March 2024

Owner's name: Huy Nhan Tran

Owner's signature: \_\_\_\_\_ Date: 4th March 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  
 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 \_\_\_\_\_, as Strata Council Executive Member  
(STRATA COUNCIL EXECUTIVE MEMBER; MUST NOT BE SAME AS APPLICANT)

for \_\_\_\_\_ have read the Short-Term Rental Business Licence Application Form  
(UNIT AND STREET ADDRESS)

submitted by \_\_\_\_\_ . 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)/operator(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): \_\_\_\_\_

Applicant's signature(s): 1. \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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

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

Strata council executive member's signature: \_\_\_\_\_ Date: \_\_\_\_\_

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



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 1 Centennial Square  
 Victoria, BC V8W 1P6

str@victoria.ca  
 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 Licenses 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)/operator(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.**

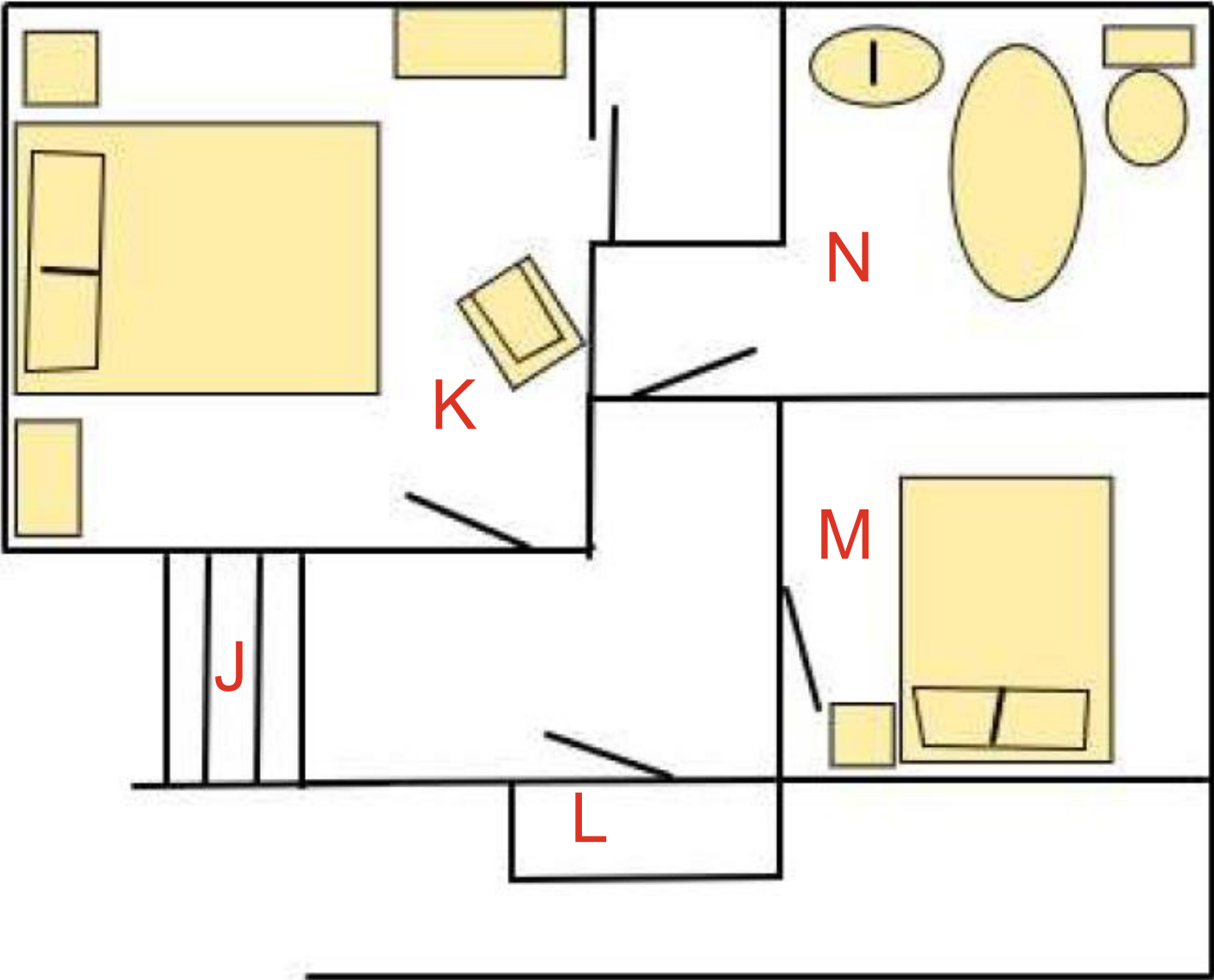
Applicants's name(s) (printed): THI LAN HUONG TRAN

Applicant's signature(s): 1 \_\_\_\_\_ Date signed: 4th March, 2024

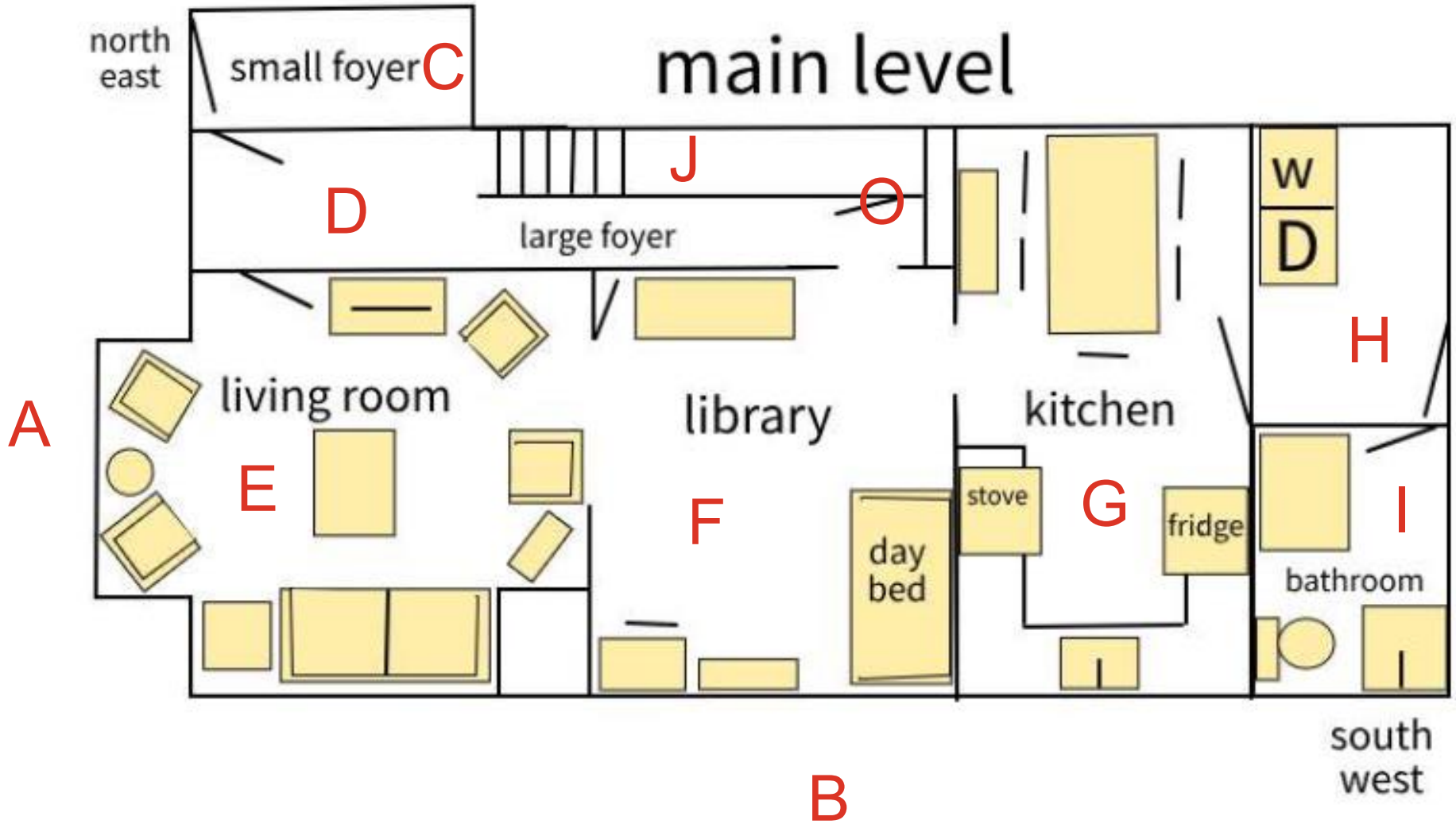
(if applicable) 2. \_\_\_\_\_ Date signed: \_\_\_\_\_, 20\_\_\_\_

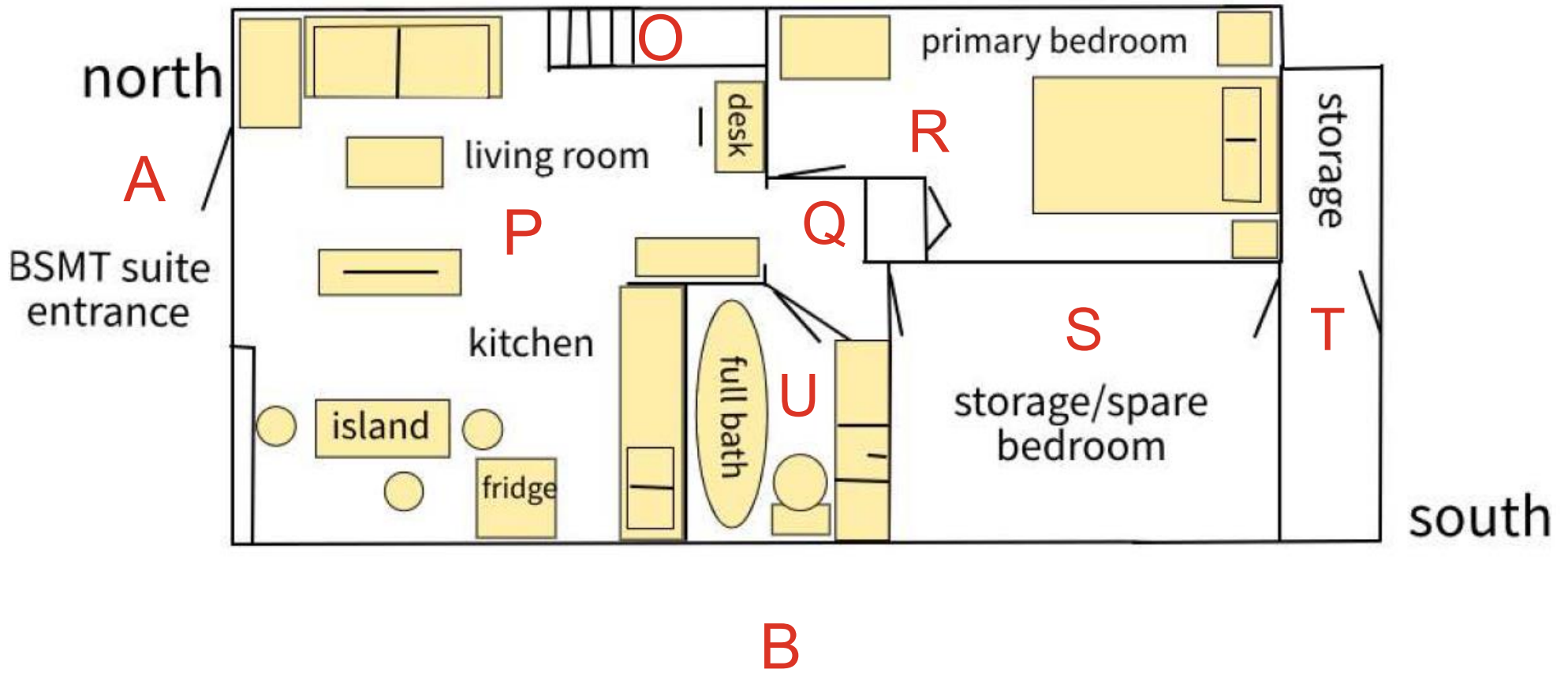
Date Stamp (office use only)

Appendix E - Inspection Sketch 609 Toronto Street



Upper Level





**BYLAW OFFICER STATEMENT**

<b>Officer Rank/Number/Rank</b>	BO Nelson DUARTE VBL5 1013
<b>Date</b>	Sunday, March 30, 2024
<b>Time</b>	6:30 AM
<b>Subject</b>	Thi Lan Huong TRAN
<b>Location</b>	609 Toronto Street
<b>File</b>	257494

On Saturday, March 30, 2024, at approximately 9:30 AM Bylaw Officer DUARTE attended 609 Toronto street to conduct a pre-scheduled Short-Term Rental (STR) Inspection of the residence seeking a principal residence business licence. Upon approaching the front of the home, DUARTE did observe a possible self-contained basement suite in the home. DUARTE was met at the front entrance of the residence by the homeowner Huong TRAN. DUARTE who was on duty and in full uniform, introduced himself as Bylaw Officers with the City of Victoria and confirmed the reason for the attendance was to conduct an inspection of the property. TRAN confirmed and welcomed DUARTE into the residence, prior to doing so DUARTE placed blue boot covers over his boots to protect the floors.

Upon entry into the residence, DUARTE was introduced to Mr. TRAN and asked if the couple had previously had an inspection which they stated that they have had plenty of inspections. DUARTE explained the inspection process involved photographing the residence followed by a discussion on the proposed business plan. Huong did not take issue with that and allowed DUARTE to continue.

DUARTE started the inspection documenting the front entry way observing a small foyer area with a secondary door accessing a larger foyer area. Inside the small foyer DUARTE observed a wooden shoe rack that contained approximately 11 pairs of slippers and two pairs of shoes, however there was no place to hang any outerwear. Entering the larger foyer DUARTE observed a staircase along the left side leading to an upper level of the home, and a hallway along the right side leading further into the home. DUARTE was led into the first door, to the left of the entry DUARTE observed an alarm system and a floor plan map hanging on the wall.

Entering the first room DUARTE observed a formal living room, furnished, with a fireplace and a flat screen television playing music in the background.

The second room was described by TRAN as a sitting room/library where people can sit and read books. DUARTE did observe a day bed in the room.

DUARTE then moved into the kitchen which TRAN stated is where they do all their cooking. Mr. TRAN offered DUARTE a coffee, however DUARTE respectfully turned it down, stating that he had a cold brew in the car. The kitchen appeared to be fully stocked, a coffee station can be observed beside the fridge with a coffee maker, an espresso machine and two large containers of juice. DUARTE observed a white piece of paper posted to the fridge, however it appeared to be flipped over displaying the blank side, nothing significant, just an observation.

At the rear of the kitchen and the far end of the home was a separate space that appears to be a possible addition converted to the bathroom and laundry area with an exit to the rear yard.

Relocating back to the library area, DUARTE exited through the second doorway initially observed in the far end of the larger foyer. While in the larger foyer, DUARTE observed a doorway under the stairs, a deadbolt and a chain was observed on the door interior to the foyer. DUARTE then asked TRAN what was behind the door, and she stated it was the downstairs, DUARTE then asked where TRAN would like to go next, upstairs, or downstairs, she chose to proceed upstairs.

At the top of the stairs and the first door on the left is the first spare bedroom, the room was furnished, the closet was empty with a few linens, empty hangers, a luggage stand and an air conditioner.

The second door on the right was a storage closet with linens.

The next door at the end of the hallway was described as the sons' room, however he is currently attending UBC in Vancouver and not living in the home.

A full piece bathroom was located beside sons' bedroom and the last room at the end of the hallway.

DUARTE and TRAN then proceeded to the main level and accessing the lower floor through the door under the stairs.

Upon opening the door at the top of the stairs DUARTE observed numerous jackets, a heater and an air conditioner. Descending a slim staircase DUARTE observed what appeared to be a self-contained basement suite. At the bottom of the stairs DUARTE observed a furnished living room minus a television, a kitchen minus a stove, however there seemed to be an area which could either house a stove or dishwasher under the counter with some modifications, a tea kettle, coffee maker, a few cups were observed on the counter. DUARTE observed a small desk, and a photo of their son on a shelf over top of a glass table along the wall.

Tran then led DUARTE to a bedroom which she stated is where they sleep. DUARTE observed the room furnished with a dresser, a bed, linens, a small closet with approximately ten articles of clothing hanging which appeared to be for a male and a couple suitcases at the bottom of the closet one of which was open filled with folded clothing.

Returning to the hallway and to the next room to the left was a spare bedroom that was being used as a storage room, a separate room at the back of the spare bedroom being used as a workshop and storage with access to the rear yard.

A full piece bathroom was observed outside of the two bedrooms. DUARTE observed a single toothbrush, hand soap, shaving cream and a few other personal bathroom items.

That concluded the inspection of the apartment.

DUARTE and TRAN then relocated to the front of the suite to a kitchen island beside the fridge to discuss the proposed business plan. DUARTE observed a laptop and several documents which TRAN shared with DUARTE which were floor plan sketches of the home and an occupancy permit for the home that stated the self-contained basement suite was to be decommissioned. TRAN offered the floor plan sketches to DUARTE.

Both methods of operating were explained along with the following list of questions.

**OPTION #1.** Offering the whole home, while away. **N/A.**

Residents planning 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.

**OPTION #2.** Offering up to two bedrooms with shared living spaces, while home. **Yes, OPTION #1.**

Residents planning to offer up to two bedrooms with the inclusion of their shared primary spaces, while they are home.

Questions in obtaining shared spaces business plan:

1: How many bedrooms do you plan to offer in your home?

**Two.**

2: Which specific room(s) will be offered to guests?

**Two bedrooms upstairs.**

3: Which room is your primary bedroom?

**One bedroom downstairs.**

4: Which common spaces will be shared with guests?

**All of the main and upper floors.**

5: How will guests access the home?

**Front door, keypad entry.**

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

**Downstairs level, BSMT suite.**

7: How do you plan to advertise?

**Airbnb.**

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

**2 Night minimum.**

9: If you were to go on vacation, would you continue to rent out the room while you were away?

**Possibly.**

In answering question #9, TRAN originally stated no, however did mention that she may continue to operate if absent from the home for a period of a week to one month.

TRAN did mention travelling to Vietnam for a period of six months, DUARTE advised that any changes to your business must be relayed to the STR administrative staff. DUARTE cannot discern whether or not the couple reside in this home, the lack of personal affects and the minimal amount of closet space in



the bedroom that Tran states they sleep in, the clothing appearing to be male, the presence of folded clothing folded still in the luggage and the whole home did seem as though it was somewhat staged. Although not confirmed, DUARTE believes that perhaps this home is being used as a rooming house with multiple bedrooms being available to guests, again there is no evidence to support these comments.

DUARTE advised the homeowners that he would be taking photos of the exterior frontage of the home, DUARTE observed an old sign that appeared to have been painted over which stated, "DAVID SKRYPNYKART STUDIO".

David Metro Skrypnyk passed away at the age of 75 on May 21, 2022. Skrypnyk was a local artist who lived in the basement suite of this home. DUARTE located a photo with Skrypnyk in the kitchen of this basement unit prior to the space being renovated.

While DUARTE was standing in the front of the home, DUARTE did ask, "do you have a tenant living in the basement suite?", TRAN responded, "no, just us".

Concluded,

BO Nelson DUARTE, VBLS 1013

## Appendix G

Inspection: 609 Toronto Street, 63 images.

Image 1: Exterior ('A' on floor plan). Left door entrance to main level, center door entrance to lower level.



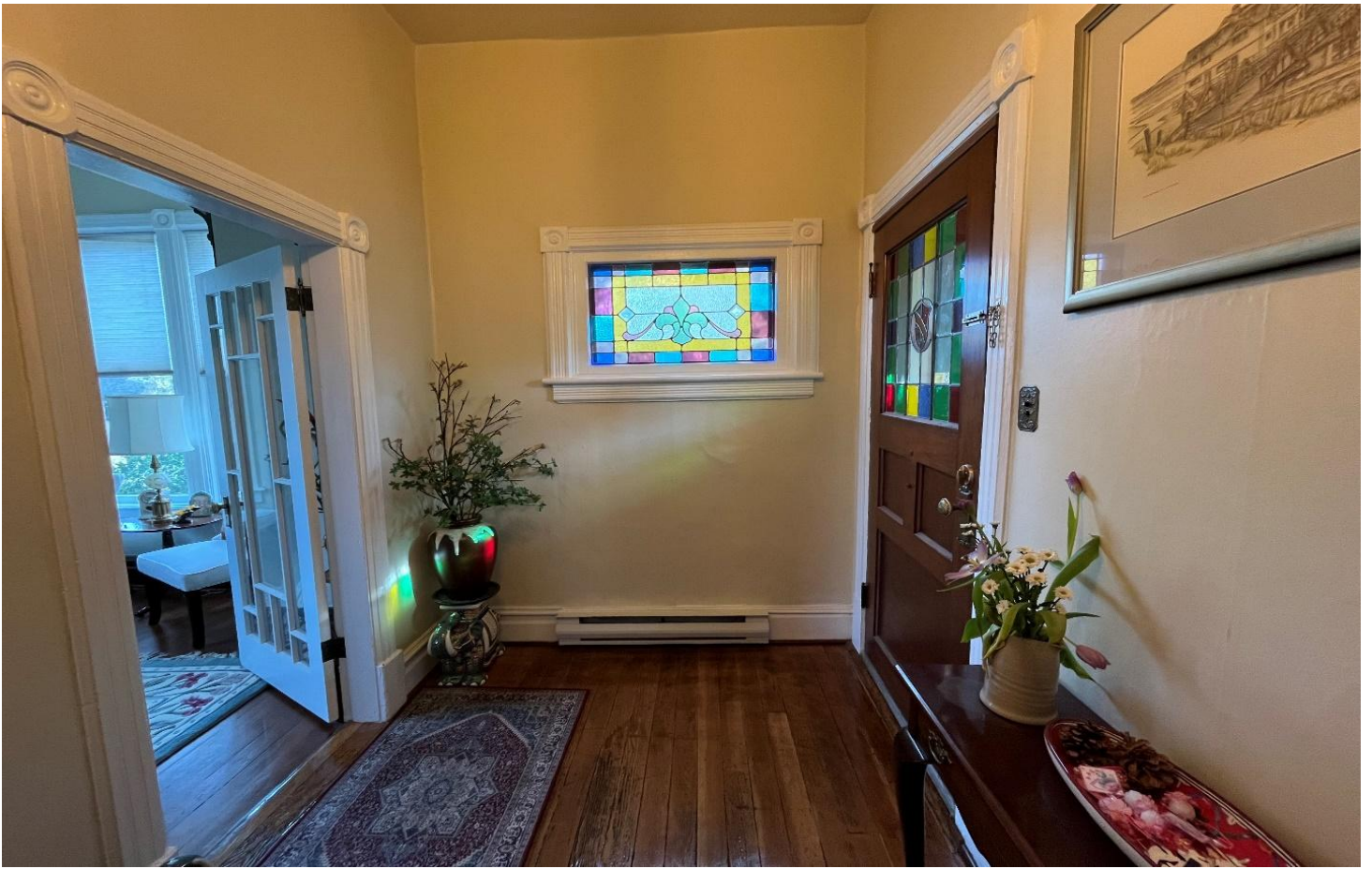
Image 2: Exterior, side view ('B' on floor plan).



Images 3-4: Entrance main floor, small foyer ('C' on floor plan).



Images 5-7: Large Foyer ('D' on floor plan)





Images 8-10: Living Room, main level ('E' on floor plan)





Images 11-13: Library, main level ('F' on floor plan).





Images 14- 16: Kitchen, main level ('G' on floor plan)







Images 17-19: Laundry room, main floor ('H' on floor plan).

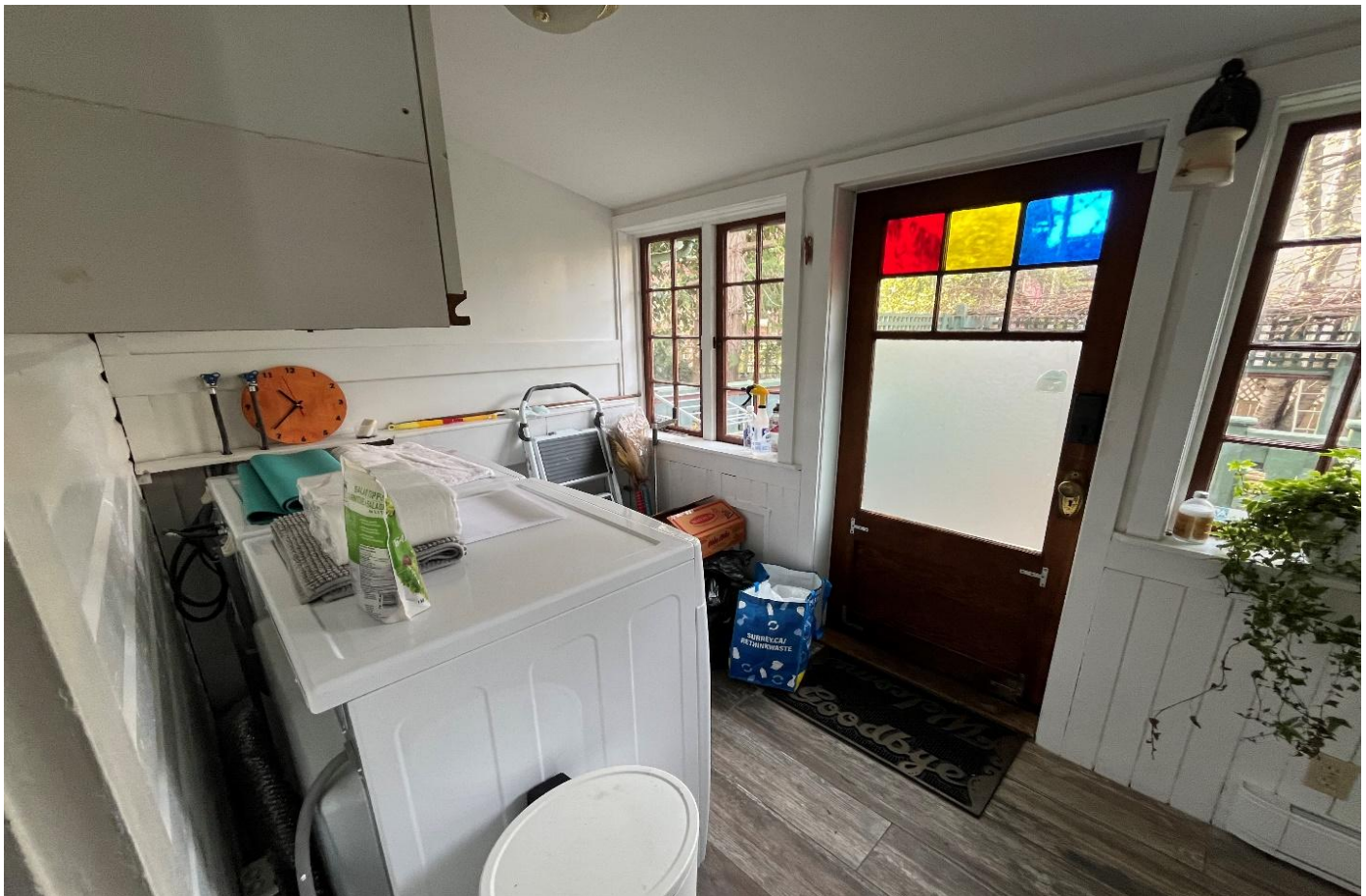
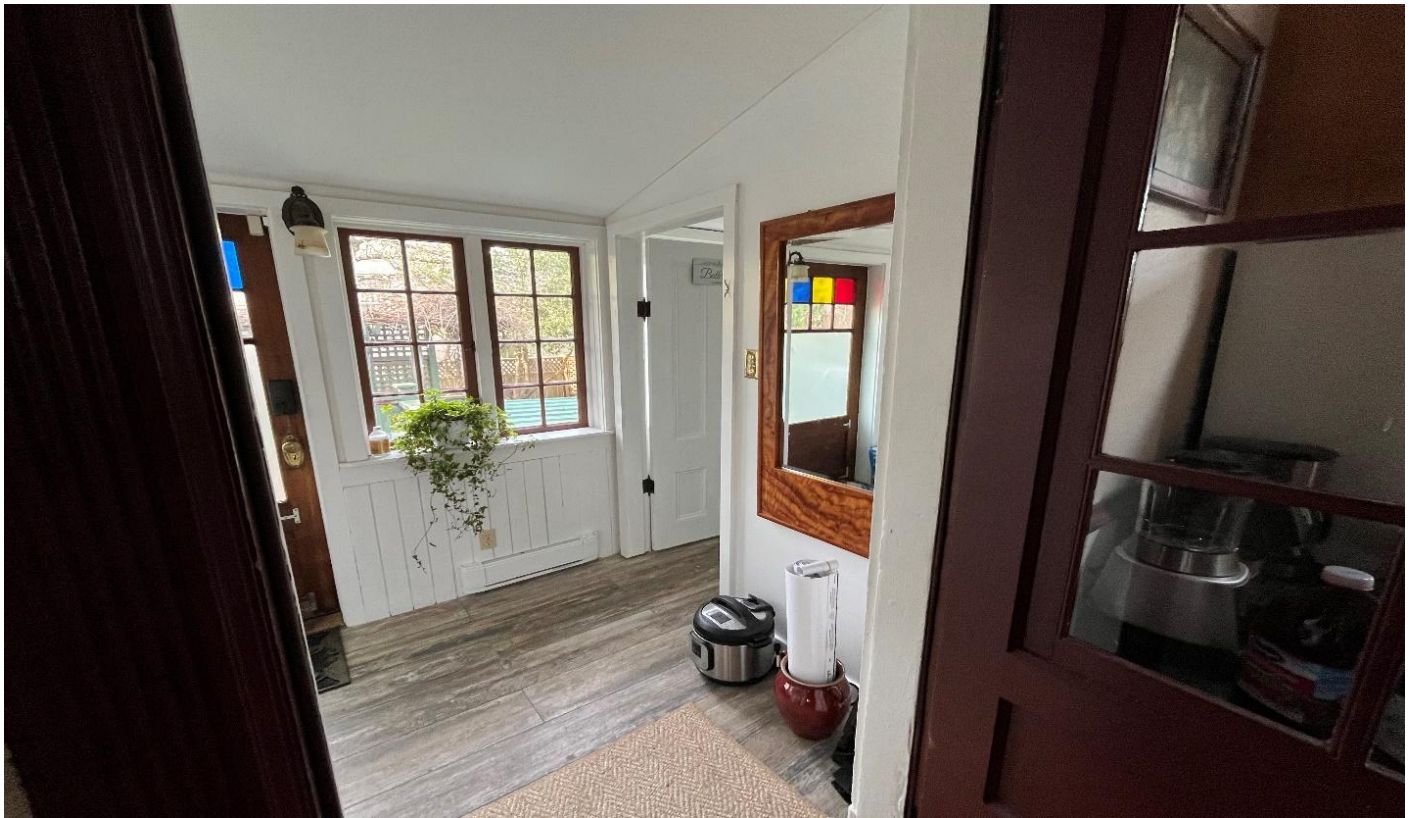




Image 20: Bathroom, main floor ('I' on floor plan).



Image 21: Backyard, from laundry room.

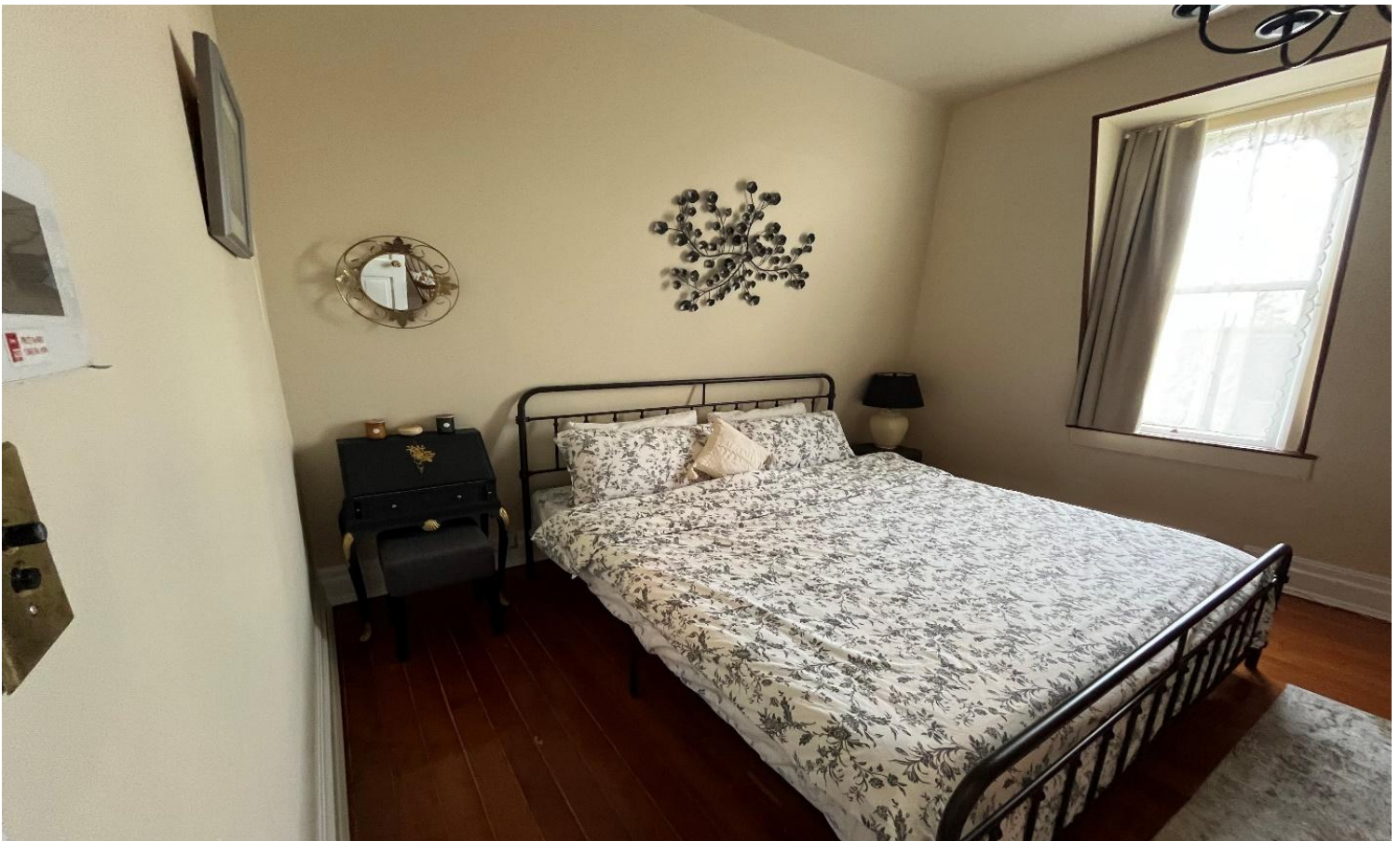


Images 22-24: Stairwell to upper level ('J' on floor plan).





Images 25-30: First bedroom, upper level ('K' on floor plan).





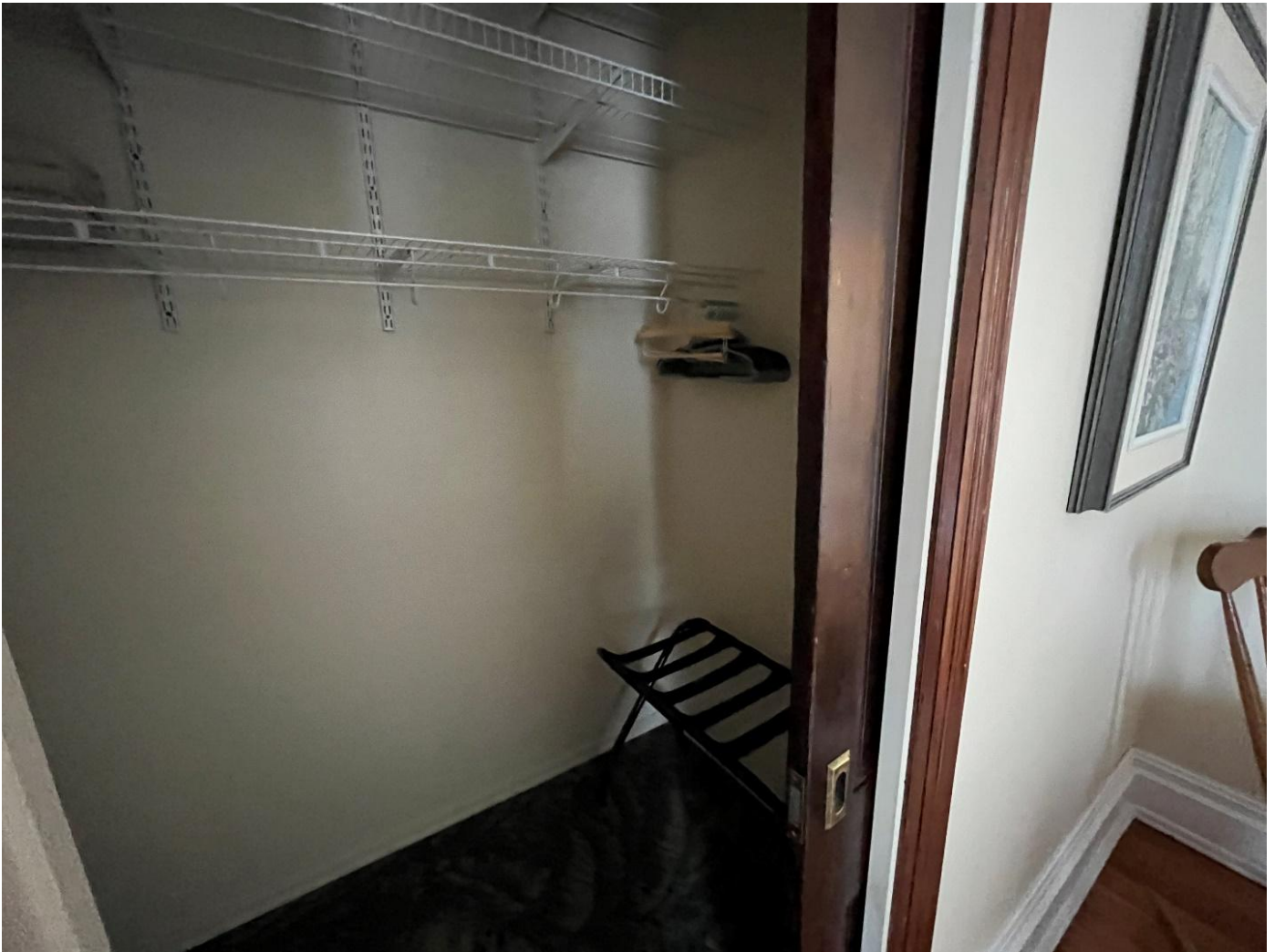




Image 31-32: Hall closer, upper level ('L' on floor plan).



Image 33-34: Second bedroom, upper level ('M' on floor plan).

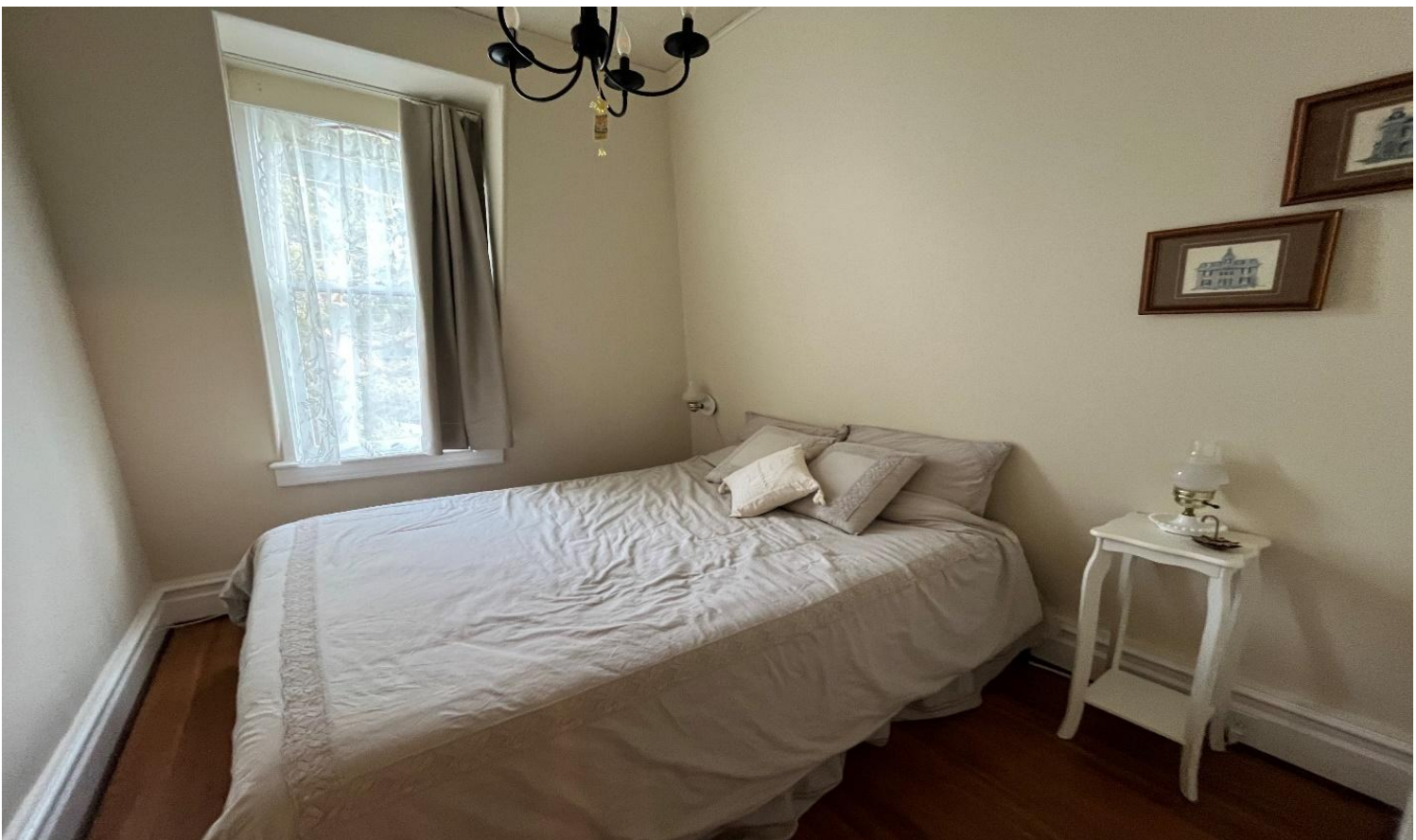


Image 35-38: Bathroom, upper level ('N' on floor plan).





Images 39-40: Stair to lower level, on main floor ('O' on floor plan). Located under stairs to upper floor.



Image 41: Stairs to main floor, from lower level ('O' on floor plan).



Images 42-47: Lower level, main area ('P' on floor plan).







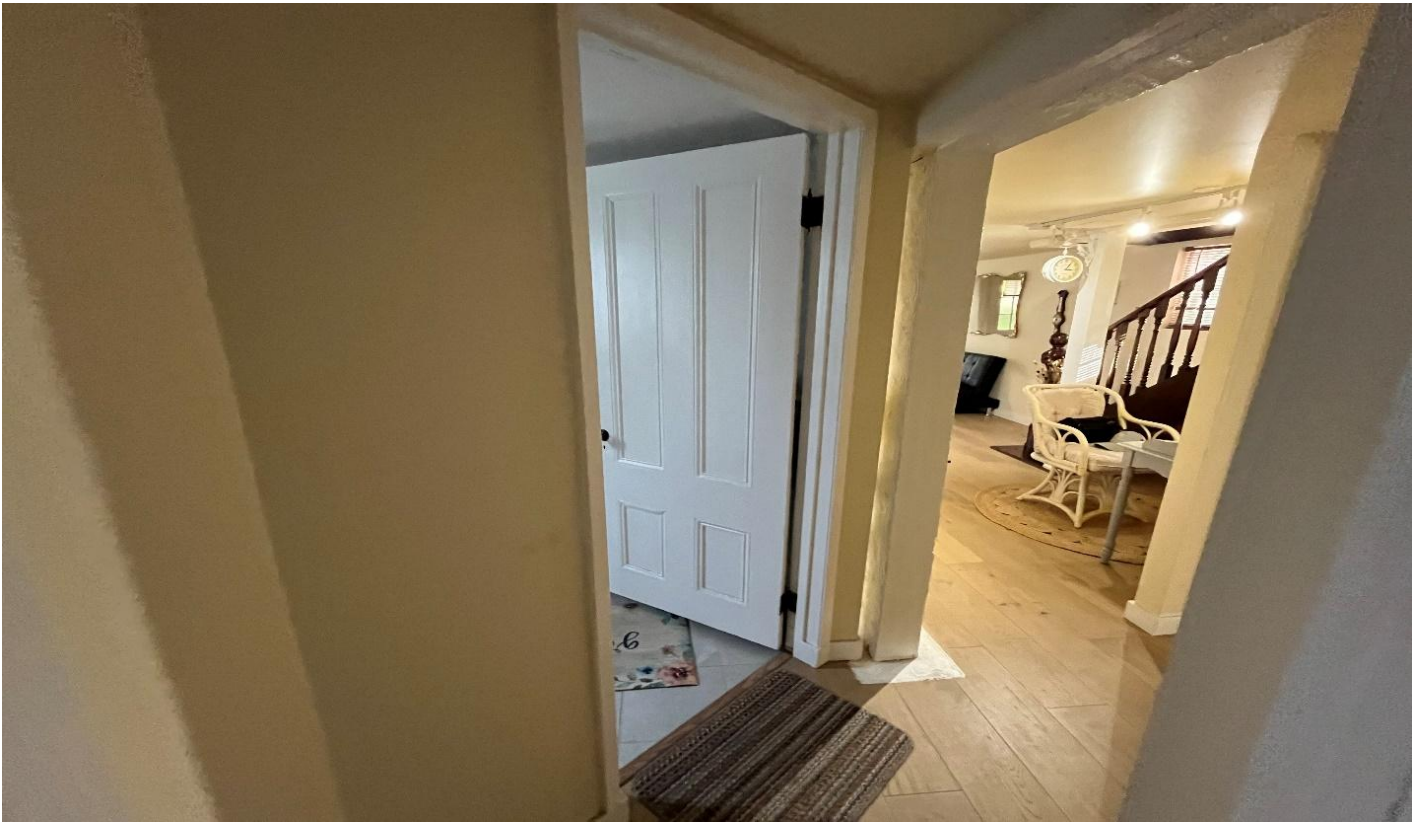


Images 48-49: Lower level entrance/exit to front of home (see image 1 for exterior photo).



Image 50-52: Hallway to primary bedroom, spare bedroom, storage and bathroom ('Q' on floor plan).





Images 53-56: Primary bedroom ('R' on floor plan).







Images 57-58: Spare Bedroom





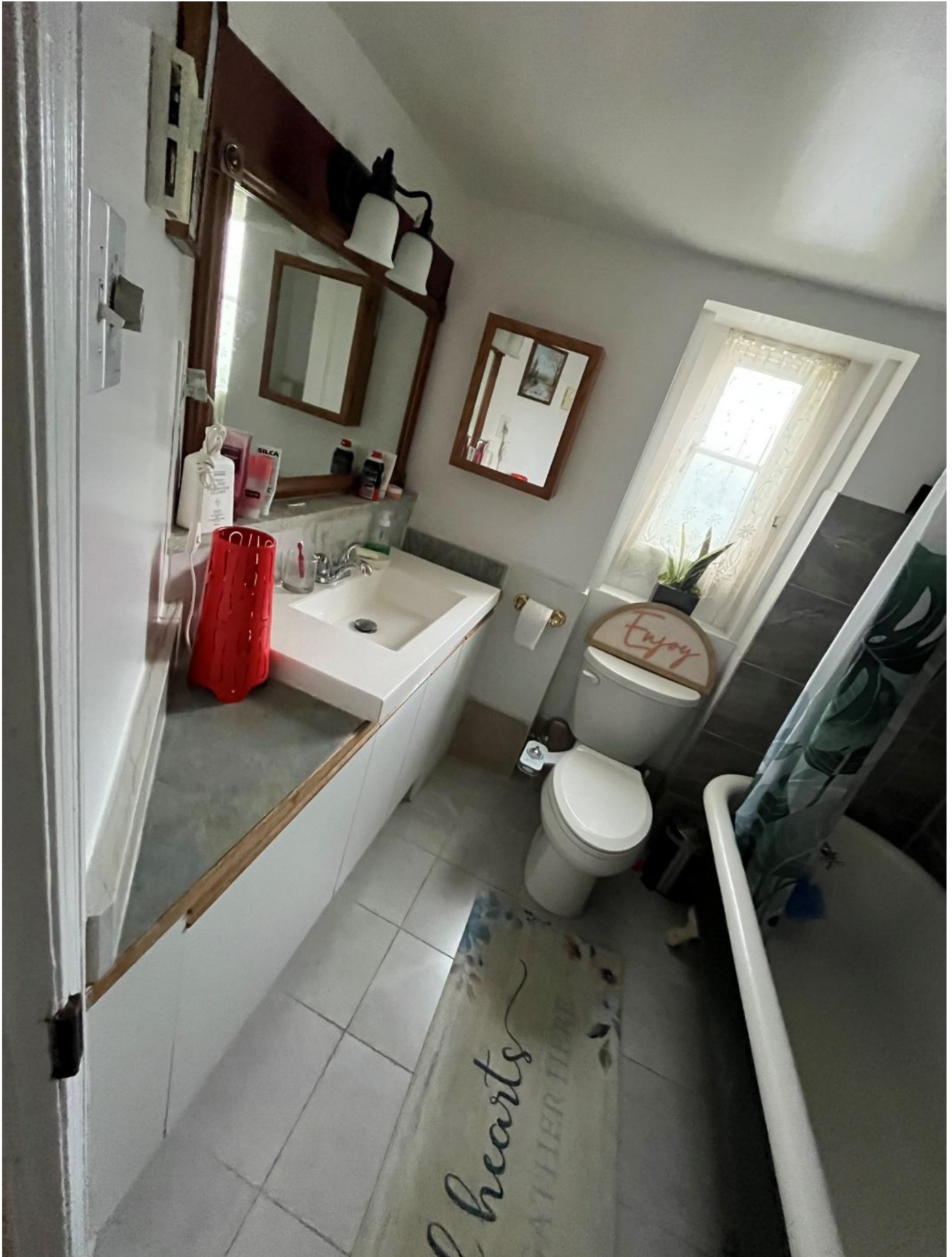
Images 59 -61: Storage room and exit door to exterior of property ('T' on floor plan).







Images 62-63: Lower level bathroom ('U' on floor plan).





## Appendix H

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NOTE                      Apr 26, 2024 2:25 PM    EMMA CROCKETT  
PHONE CALL HELEN TO STR:

HELEN spoke to CROCKETT regarding her denial. HELEN stated the space is not self contained as she uses the kitchen daily, CROCKETT explain the space can self contained. CROCKETT explained the appeal process and offered to email the details to HELEN. HELEN requested to meet str staff stating she wanted to explain herself and make it understood that she uses the kitchen. CROCKETT stated we would be happy to meet in person to explain the denial however it would not change the denial and HELEN would still need to submit an appeal. HELEN stated she understood and would like to schedule a time to meet. CROCKETT said she would email HELEN and advised her again to submit an appeal if she wanted to do so before the time frame ended.

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On April 30, 2024, at approximately 1:30pm Marissa PELUSO met Thi Lan Huong TRAN (preferred name 'Helen') and Huy Nhan TRAN in the lobby of City Hall. PELUSO introduced herself and stated they could follow her to a meeting room she booked.

Once seated in the meeting room HELEN thanked PELUSO for meeting with her and stated she had received a letter regarding her application for short-term rental. HELEN had a plastic folder with multiple papers and began going through them to identify the letter she was referring to. After a minute of looking PELUSO stated she was aware of the letter and content. HELEN replied 'ok' and asked PELUSO if she was aware she wanted to talk about the letter and options. PELUSO stated that a member of staff had informed her that she spoke with HELEN over the phone and explained the denial, but she requested a meeting to explain the denial in person.

HELEN stated she didn't understand why she was denied as she is eligible for the licence. PELUSO asked Helen if she had read the Short-Term Rental Regulation Bylaw and Schedule 'D' – Home Occupation. HELEN stated she has. PELUSO stated that HELEN understands what was permitted under a principal residence licence, offering up to two bedrooms in your principal dwelling unit or the entire dwelling on occasion while temporarily away, and self-contained dwelling units are prohibited. HELEN stated she understood. PELUSO stated the application review revealed the business plan and space was to offer a self-contained dwelling unit, which was separate from her principal dwelling unit. HELEN stated that was incorrect as she shares all the space.

HELEN stated her home is a single-family dwelling and proceeded to pull out a statement of legal building occupancy. PELUSO stated she fully understood the legal building occupancy and that the downstairs is not a legal suite. PELUSO stated that a legal secondary suite and a self-contained dwelling unit are distinctly different. PELUSO stated a self-contained dwelling unit is defined as having a separate entrance and a kitchen and bathroom facilities. The Short-Term Rental bylaw does not define a kitchen; however, we have consistently used the Oxford Dictionary definition which is "a place to cook and prepare food". HELEN stated that her downstairs does not have a kitchen. PELUSO stated that the application review and subsequent denial was not based on whether an element of cook is present in the downstairs space. PELUSO continued stating the business plan declared was offering two bedrooms upstairs and that their primary space is downstairs, meaning guests are provided a self-contained dwelling unit. HELEN stated that was wrong, she shares spaces, and it was clearly a miscommunication. PELUSO stated that the intention of the meeting was to explain the reasoning for the denial, and if she disagreed with the decision she could appeal. HELEN stated that she asked for the meeting to discuss the denial as it is clearly a mistake, there's only one kitchen in her home and she uses it every day. HELEN stated if she had short-term rental guests they would be sharing the kitchen.

PELUSO continued to listen and then stated she understood what HELEN was communicating. PELUSO stated that the intention of the licence is to allow for short-term rentals in a principal dwelling unit, while still ensuring spaces for long-term rental would be preserved. PELUSO stated homes have many different layouts and designs, each application is reviewed individually

considering space and business plan. PELUSO stated the review concluded the offering is a self-contained dwelling unit, which is unpermitted and therefore a denial was issued.

HELEN stated she disagreed and would be appealing. HELEN began explaining to PELUSO that she and TRAN, as she motioned to her partner, were newcomers to the country and needed to make mortgage payments and money for other bills. HELEN stated she was a lawful person and if she needed to move upstairs she would. PELUSO listened. HELEN stated she wanted to operate lawfully, and she read all the regulations, in her opinion she was eligible, and a mistake had been made. PELUSO stated if she wished to pursue an appeal to submit a request to Legislative Services. PELUSO explained HELEN would have the opportunity to provide her reasonings for why she believes the licence should be granted, the licence inspector would provide a report outlining the reasoning and relevant regulations, and it would go before council.

PELUSO stated in the meantime, HELEN could offer the two bedrooms upstairs for a minimum of 30 days without a short-term rental licence. HELEN responded to PELUSO's recommendation by stating she couldn't possibly offer 30-day rentals as she couldn't be without a kitchen for that long. PELUSO was a bit confused by the statement and repeated 'be without your kitchen for that long? If you intend to share your kitchen with guests for less than 30 days, it would be the exact same offer just for a longer period'. HELEN responded saying it's not the same as she would need to clean up after people. HELEN quickly stated that she believed she was eligible for short-term rental and that's the only type she wants to offer. PELUSO stated she understood, and the next available step is to appeal. HELEN and TRAN thanked PELUSO for her time. PELUSO stated she was happy to meet with them and escorted them out of the meeting room.