

Business Licence (Short-term Rental) Appeal re 1403-728 Yates 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 Kenneth Ross (the appellant) for the operation of a short-term rental at 1403-728 Yates 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 1403-728 Yates Street was denied because the appellant failed to provide evidence, satisfactory to the Licence Inspector, that the premises is his principal residence.

The appellant has been operating a full time short-term rental business at 1403-728 Yates Street since 2019. Since 2021, staff have spent significant time and resources in educating the appellant with the intention to gain compliance with the City of Victoria regulations. Despite prior warnings and multiple opportunities to voluntarily comply, the appellant has continued to operate unlicensed short-term rentals.

The appellant continues to assert his eligibility for a licence, relying on self-declarations and a few documents to establish 1403-728 Yates Street as his principal residence. However, staff have information from multiple sources that contradict these declarations including vehicle registration, Strata Council members, building residents, and the property records for other homes owned by the appellant.

Additionally, the application review revealed a home ready to operate short-term rentals, which aligned with the appellant's advertisements and the platform data provided by the BC Provincial Data Portal confirming unlicensed short-term rental activity has occurred.

The appellant has failed to provide evidence, satisfactory to the Licence Inspector, that the premises is his principal residence. Additionally, the appellant has consistently shown a willingness to contravene both City and Provincial regulations. This raises questions about the integrity of his declarations in his 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 appellant and Svitlana Ross have owned the property at 1403-728 Yates Street since August 22, 2018.
6. The property is zoned CBD-2 (Central Business District – 2 Zone). This zone does not permit short-term rentals except as a 'home occupation' under Schedule 'D'.
7. The property is a 15 story tower and according to an Occupancy Permit permit issued under BP048939 on February 18, 2015, the approved use and occupancy is 157 residential units and 5 commercial units [Appendix C].
8. The appellant and Svitlana Ross own two other properties in the City of Victoria: 1201-160 Wilson Street since June 30, 2017, and 702-728 Yates Street since May 25, 2021.
9. In 2019 and 2020, the appellants voluntarily complied with City of Victoria regulations by obtaining a valid Non-Principal Residence Short-Term Rental Licence for 1403-728 Yates Street before conducting rental activity.
10. Between 2021-2022, staff repeatedly found the appellant operating unlawful short-term rentals at units 1403-728 Yates Street and 702-728 Yates Street. As a result, the appellants received multiple communications from staff requesting compliance. This involved gradual escalation of enforcement throughout the years, including a formal letter issuing a final warning on March 15, 2022 [Appendix D-F].
11. On March 8, 2023, the appellant obtained a valid Non-Principal Residence Licence to operate short-term rentals at 1403-728 Yates Street in 2023.
12. On April 27, 2024, the appellant submitted a 2024 Principal Resident Short-Term Rental application for 1403-728 Yates Street [Appendix G].
13. On April 29, 2024, staff identified a listing for unlicensed short-term rentals at 1403-728 Yates Street, hosted by the appellant. The listing reflected recent short-term rental reviews from guests, indicating unlawful rentals had occurred [Appendix H].

14. On April 30, 2024, the file was assigned to a Bylaw Officer for investigation, as the appellant had previously been educated and received formal warnings for the City for operating without a licence [Appendix D-F, I].
15. On May 14, 2024, Staff received an email from a resident and member of Strata Council at 728 Yates Street. The resident and strata council member provided staff with information regarding potential non-compliance with City regulations. The communication included a complete list of the property owners and their declared principal residence for 2024, which was submitted to 728 Yates Street Strata Council. The list reflected that the appellant had declared 702-728 Yates Street as his principal residence, and that Svitlana Ross declared 1201-160 Wilson Street as her principal residence [Appendix J].
16. On June 3, 2024, Bylaw Officer Duarte reviewed the file and observed the appellants advertising offering unlicensed short-term rentals at 1403-728 Yates Street [Appendix K].
17. On June 3, 2024, Bylaw Officers Duarte and Carr attended the property at 728 Yates Street as part of the investigation of unlicensed short-term rental activity. While waiting for the building manager, Bylaw Officer Duarte and Carr were approached by two individuals inquiring if there was an issue in the building. Bylaw Officer Duarte informed them there was not. The officers were provided access to the fourteenth floor by the building manager. Bylaw Officer Duarte knocked on unit 1403 and was greeted by the same individuals, Kenneth and Svitlana Ross, he spoke with in the lobby. Bylaw Officer Duarte introduced himself and Bylaw Officer Carr, stating the reasoning for their visit, including issuing them tickets for non-compliance with City regulations. Svitlana Ross asked Bylaw Officer Duarte why they were not receiving a warning instead of a ticket. Bylaw Officer Duarte informed Svitlana and Kenneth Ross that they had already received several letters and warnings regarding short-term rental regulations. In reviewing the appellant's identification, Bylaw Officer Duarte discovered that it was the appellant's birthday. The appellant stated to Bylaw Officer Duarte 'you better not give me a heart attack because of this'. Bylaw Officer Duarte informed Svitlana Ross it was not his intention to ruin their day and would return at another date to discuss the issuance of tickets [Appendix I].
18. On June 10, 2024, Bylaw Officers Carr and Duarte inspected 1403-728 Yates Street. The purpose of the inspection was to understand the layout of the home and business plan for a potential short-term rental. The appellant met the officers in the lobby and escorted them up to the unit. The appellant attempted multiple times to access the unit using the keypad lock, until Svitlana Ross opened the door from inside the unit. Bylaw Officer Carr provided the appellant with the details and procedures that would occur during the inspection, including capturing images of the home and obtaining a business plan. The appellant responded 'Do you consent to me recording our conversations'. Bylaw Officer Carr hesitantly stated yes. The appellant asked, 'Do you consent to me taking your photograph'. Bylaw Officer Carr responded, 'Why do you need my photo?'. The appellant stated, 'in case this goes to tribunal'. Bylaw Officer Carr provided the appellant with her badge number and contact information.
The inspection revealed minimal items in the two-bedroom unit, containing no visible personalised items or photographs. Bylaw Officer Carr's observation was the living room

appeared in the exact way it did in the Airbnb listing, ready to receive accommodations. During the inspection Bylaw Officer Carr spoke with Kenneth and Svitlana Ross regarding their business plan. The appellant stated that himself and Svitlana Ross were snowbirds and wished to offer the home for 1-3 nights at a time. The appellant stated his brother and cousin frequently stay in the unit. Bylaw Officer Carr explained that having family staying in the apartment would not qualify as a short-term rental unless money was exchanged. Bylaw Officer Carr asked Svitlana Ross if her other unit, 702-728 Yates Street, was currently occupied by a tenant. The appellant and Svitlana Ross stated it was not, and they were struggling to find a good tenant.

Following the completion of the inspection Bylaw Officer Duarte served the appellant and Svitlana Ross the Municipal Ticket Informations he intended to issue on June 3, 2024. Bylaw Officer Duarte informed the appellant and Svitlana Ross of the dispute process, should they elect to dispute. The appellant informed Bylaw Officer Duarte they would be disputing them [Appendix L-O].

19. On June 20, 2024, ICBC Registration confirmed a vehicle owned by the appellant reflected 1201-160 Wilson Street as the principal address [Appendix P].
20. On June 24, 2024, Bylaw Officer Duarte attended and was provided access to 160 Wilson Street by the building manager. Bylaw Officer Duarte was escorted to the twelfth floor of the building, where he knocked on unit 1201 but received no response. As Bylaw Officer Duarte and the building manager were leaving, an individual from a neighbouring unit entered the hall. Bylaw Officer Duarte asked the resident if they knew the occupants of unit 1201-160 Wilson Street. The resident of 160 Wilson Street responded yes, described owner Svitlana Ross and confirmed to Bylaw Officer Duarte that they reside in unit 1201-160 Wilson Street [Appendix I].
21. On June 24, 2024, the application was reviewed in full, including the results of the inspection and internal records. 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)*.
22. On July 22, 2024, staff observed the listing for 1403-728 Yates Street offering a minimum 30-night rental. The appellants VRBO listing calendar for 1403-728 Yates Street reflected full availability from July 2024 to June 2025 [Appendix Q-R].
23. On August 7, 2024, residents and members of 728 Yates Street Strata Council contacted staff to follow up on the licence decision for 1403-728 Yates Street and to update the signing authority for all future short-term rental applications. The resident and strata member reiterated that the appellant declared to their strata that he resided at 702-728 Yates Street and Svitlana Ross resided at 1201-160 Wilson Street. Additionally, the strata members stated the list provided by their building's property management company reflected 702-728 Yates Street and 1403-728 Yates Street as licensed short-term rentals [Appendix S].

24. On November 18, 2024, staff reviewed short-term rental data provided from the BC Provincial Government, which includes any short-term rental bookings received after May 1, 2024, through Airbnb, VRBO, Expedia and Booking.com. The data revealed the appellant has two listings for 1403-728 Yates Street. The first, a VRBO listing which reflected the appellant did operate unlicensed short-term rentals in May 2024, having obtained 15-night total over 5 separate bookings. The second, an Airbnb listing reflecting one 41-night booking between September and October 2024 [Appendix T].

IV. Relevant Regulation

25. 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.*

26. 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

27. 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].
28. The enactment of the provincial regulations meant all non-principal short-term rental licences issued in 2024 would become unlawful as of May 1, 2024. As a result, many operators chose to operate unlicensed rather than obtain the \$1,500 licence for 5 months of lawful operation and comply with the city regulations. Additionally, many operators applied for principal resident licences, regardless of their eligibility.
29. The property at 1403-728 Yates Street has consistently operated as a short-term rental since 2019. The appellant obtained a non-principal short-term rental licence each year for 1403-728 Yates Street between 2019-2023, applying voluntarily in some years and only after receiving direct warnings in others [Appendix D-E].
30. Despite years of educational conversations and requests for compliance by staff, the appellant did not obtain a short-term rental licence, principal or non-principal, in 2024 before conducting short-term rental activity. The appellant submitted an application for a principal resident licence a few days before staff identified the unlicensed activity. However, as staff had already spent significant resources and had established the appellant's knowledge and understanding of the regulations, the appellants decision to operate in non-compliance prompted an immediate investigation [D-F].
31. The appellants appeal appears to rely on the assumption that providing proof of resident documents automatically entitles him to a licence. 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.
32. Furthermore, the evidence gathered by staff from multiple sources contradict the appellants' submitted documents and assertion that 1403-728 Yates Street is his principal residence. In May, the members of Stata Council for 728 Yates Street strata stated the appellant declared to them, he resides at 702-728 Yates Street, while his partner, Svitlana Ross, resides at 1201-160 Wilson Street. In August, staff were informed by the same strata members that their property management company had both units,

702 and 1403, listed as licensed short-term rentals. In addition, the appellants ICBC registration reflected 1201-160 Wilson Street as his principal residence and aligned with the information provided to Bylaw Officer Duarte by a resident of 160 Wilson Street [Appendix I, J, P, S].

33. The results of the inspection revealed inconsistencies that 1403-728 Yates Street is the appellant's principal residence. The home contained no visible personal items and appeared ready to receive accommodations [Appendix L-N].
34. The appellant's statements regarding his intention to offer short-term rentals are inconsistent and misleading. The appellant informed the inspecting Bylaw Officers that he, and Svitlana Ross, are snowbirds and intend on offering the residence while they are out of the country. However, the appellants advertisement reflected a calendar with full availability between July 2024 to June 2025. Additionally, the data provided from the province confirmed that the appellant had operated unlicensed short-term rentals in May 2024, and most recently had a guest stay for 41-nights [Appendix R, T].
35. A fundamental concern is the appellant's consistent disregard for regulations. The appellant has a history of seeking ways to avoid the licensing and regulations, all while continuing to operate full-time short-term rentals. If granted the licence, staff have no confidence in the appellant's willingness to act lawfully given the persistent pattern of non-compliance [Appendix D-F, H-I, K, T].
36. In consideration of the findings, 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*.
37. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 1403-728 Yates Street be upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: November 19, 2024



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
4	Power to Refuse a Licence
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6	Responsible Person
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8	Penalties
9	Severability
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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	22nd	day of	February	2018
READ A SECOND TIME the	22nd	day of	February	2018
READ A THIRD TIME the	22nd	day of	February	2018
ADOPTED on the	8th	day of	March	2018

“CHRIS COATES”
CITY CLERK

“LISA HELPS”
MAYOR

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	25th	day of	July	2024
READ A SECOND TIME the	25th	day of	July	2024
READ A THIRD TIME the	25th	day of	July	2024
ADOPTED on the	1st	day of	August	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> :

(a) artist studio;

(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;

(c) making, processing and assembly of products on a small scale;

(d) manufacturing agent;

(e) personal and professional services, including barber, hairdresser, bookkeeper, medical therapy;

(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> ;

(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) **BP048939**

may now be occupied in accordance with the approved occupancy herein described:

Building Address	<u>728 YATES ST</u>
Legal Description	<u>LT 1 PL 38189 VICTORIA</u> <u>LOT 1 OF LOTS 23- 26, VICTORIA, EPP14178</u>
Approved Occupancy	RESIDENTIAL/COMMERCIAL
Permit Description	CONSTRUCTION OF 15 STOREY RESIDENTIAL TOWER WITH TWO LEVELS UNDERGROUND PARKING. 157 RESIDENTIAL UNITS & 5 COMMERCIAL UNITS
Dated this day:	February 18, 2015

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.

REQUEST FOR SERVICE DETAIL

Workgroup	BYLAW SERVICES	Class	SHORT TERM RENTAL
Call	185140	Sep 24, 2021 8:51 AM	Problem OPERATE WITHOUT A LICENCE
Status	RE-ISSUED	Oct 30, 2021 8:39 AM	Priority NORMAL
Follow up	NO	Internal NO	Reference STR - PRIORIT
		Bring Forward	Repeat

Location	Requestor
KEN ROSS/ LANA ROSS WILSON STREET	STR COORDINATOR/MIRIAM BYRNE
1403 728 YATES ST VICTORIA BC V8W 0C8	Phone 1
	Email

Call Detail

\$\$\$STR\$\$ 1403-728 YATES STREET <https://www.airbnb.ca/rooms/27636388>

Ken and Lana Ross are operating without a licence. They even requested a signed strata consent form but never submitted the application. My preferred course of action at this time is enforcement given that they know the rules and have chosen not to comply. 100% positive unit confirmation provided by strata member, who can also provide access to the building/floor.

Workflow	Date	Name1	Name2	File No
ENTERED	Sep 24, 2021 8:51 AM	CELINE KOBENTER		
ASSIGNED	Sep 24, 2021 8:55 AM	SUPERVISOR ASSIGNMENT		
NOTE	Sep 24, 2021 9:03 AM	CELINE KOBENTER		
	21 reviews in 2021			
ASSIGNED	Sep 26, 2021 8:54 AM	CHERYL SMITH		
	ASSIGNED			
EMAIL	Sep 26, 2021 8:54 AM	<casmith@victoria.ca>		
	SHORT TERM RENTAL Call number: 185140 1403 728 YATES ST			
NOTE	Sep 27, 2021 3:59 PM	CELINE KOBENTER		
	FIRST TWO LISTINGS ATTACHED ARE FOR UNIT 702 WHICH IS LICENCED BUT NON-COMPLIANT (NO LICENCE NUMBER IN LISTING).			
NOTE	Sep 27, 2021 4:01 PM	CELINE KOBENTER		
	UNIT 702: https://www.airbnb.ca/rooms/13226392			
NOTE	Sep 27, 2021 4:02 PM	CELINE KOBENTER		
	UNIT 1403: https://www.airbnb.ca/rooms/27636388			

NOTE Sep 29, 2021 6:11 AM CHERYL SMITH
ATTENDED LOCATION NO ANSWER AT DOOR
SEPT 28, 2021 3:01 PM BO SMITH AND BO SLEIGHTHOLME ATTENDED RESIDENCE AND KNOCKED ON DOOR TO TIMES NO ANSWER. MIRIAM BYRNE THE STR MEMBER FOR THE BUILDING GAVE BO OFFICERS ACCESS TO BUILDING FOR DOOR KNOCK. NO NOTICE OF ATTENDANCE LEFT AS PER CELINE KOBENTER'S INSTRUCTIONS AT THIS TIME.

NOTE Oct 4, 2021 12:00 PM CELINE KOBENTER
VRBO Listing: <https://www.vrbo.com/en-ca/cottage-rental/p2011357vb>

NOTE Oct 4, 2021 3:18 PM CHRIS GOLDSMITH
ATTENDED LOCATION

October 4, 2021- 2:40 PM- BO 1005 GOLDSMITH attended the area, a door knock was conducted, no answer.

NOTE Oct 6, 2021 3:15 PM CHERYL SMITH
ATTENDED LOCATION
OCTOBER 6, 2021 1:54 PM BO SMITH AND BO SLEIGHTHOLME ATTENDED UNIT 1403-728 YATES AND KNOCKED ON THE DOOR TWO TIME. THERE WAS NO ANSWER. NO NOTICE OF ATTENDANCE LEFT YET AS PER CELINE KOBENTER.

NOTE Oct 7, 2021 3:21 PM CHERYL SMITH
VIEWED ONLINE BOOKING AVAILABILITY FOR THE MONTH OF OCTOBER 2021
OCT 7, 2021 3:19 PM SEE SCREEN SHOT IN ATTACHMENTS

NOTE Oct 10, 2021 3:11 PM CHERYL SMITH
UNABLE TO ATTEND ON OCTOBER 10, 2021 FOR DOOR KNOCK AS STRATA STR MIRIAM BYRNE NOT AVAILABLE FOR ACCESS
OCTOBER 10, 2021 APPROXIMATELY 2:05 PM BO SMITH TRIED TO ARRANGE ACCESS TO THE BUILDING FOR DOOR KNOCK. MIRIAM WAS UNAVAILABLE AND THAT ROSE FROM STRATA COULD ASSIST. ROSE WAS CONTACTED BUT SHE HAD HER SICK HUSBAND AND WAS NOT ABLE TO WAIT LONG FOR BYLAW TO ARRIVE. BO SMITH STATED THAT SHE WILL MAKE OTHER ARRANGEMENTS IN THE FOLLOWING WEEK.

NOTE Oct 14, 2021 2:19 PM CHERYL SMITH
ATTEND LOCATION AND SPEAK TO STR RENTERS LISA FONG
OCTOBER 14, 2021 13:53 PM ATTEND UNIT 1403 AND KNOCKED 3 TIMES. A MAN CAME TO THE DOOR AND IDENTIFIED HIMSELF AS A RENTER. HE WAS ASKED IF HE HAD A BOOKING CONFIRMATION AND WENT INSIDE TO LOOK. WHEN HE CAME BACK HE HAD A WOMAN WITH HIM. BOTH WERE TOLD OF THE INVESTIGATION OF THE STR AND IF THEY COULD PROVIDE THEIR NAME AND THE DAYS THAT THEY ARRIVED AND WILL BE LEAVING. THEY STATED OCTOBER 13, 2021 THEY ARRIVED AND OCTOBER 16TH LEAVING. THEY PROVIDED THE NAMES OF RUEBEN TILMAN AND LISA FONG. LISA FONG STATED THEY WERE BOTH LAWYERS. BO SMITH STATED THAT THE PURPOSE OF ACQUIRING THE INFORMATION WAS FOR COMPLIANCE OF A BUSINESS LICENCE AND FOR EVIDENCE IF TICKETS WERE TO BE ISSUED TO THE PROPERTY OWNER. LISA FONG THEN SAID THAT HER RECEPTIONIST DOES THE BOOKING AND THAT IF BO SMITH PROVIDED A BUSINESS CARD THAT SHE WOULD HAVE THAT INFORMATION FORWARDED. (CONTINUED NEXT NOTE)

NOTE Oct 14, 2021 2:27 PM CHERYL SMITH
CONTINUED NOTES
BOTH PARTIES WERE INTERVIEWING A WITNESS SO BO SMITH MADE HER INTERACTION AS INCONVENIENT AS POSSIBLE. FONG WANTED BO SMITH TO CALL THE OWNER BUT BO SMITH STATED THAT SHE WAS INITIALLY INVESTIGATING THE RENTALS BEFORE CONTACTING THE OWNER. BO SMITH HAD THE NAMES AND CONTACT INFO OF THE STR RENTERS AND ENOUGH INFORMATION THAT DAY.

NOTE Oct 14, 2021 2:30 PM CHERYL SMITH
SPOKE WITH CELINE REGARDING NEXT ENFORCEMENT ACTION
OCTOBER 14, 2021 2:15 PM BO SMITH SPOKE TO KOBENTER ABOUT SPEAKING WITH OWNER AND
ISSUING 2 ENFORCEMENT MTI THE FOLLOWING DAY, AFTER BOOKING CONFIRMATION IS RECEIVED.
BO SMITH WILL BE ATTENDING OWNERS PROPERTY TO GAIN COMPLIANCE REGARDING APPLYING
FOR BUSINESS LICENCE AND ISSUING MTI..

NOTE Oct 14, 2021 2:43 PM CHERYL SMITH
BOOKING CONFIRMATION RECEIVED-SEE ATTACHMENTS
OCTOBER 14, 2021 2:35 BOOKING CONFIRMATION RECEIVED REGARDING LISA FONG/ RUEBEN
TILMAN

NOTE Oct 15, 2021 3:03 PM CHERYL SMITH
ATTENDED DON AND LANA ROSS RESIDENCE TO ISSUE MTI
OCTOBER 15, 2021 2:21 PM BO SMITH ATTENDED APT BUILDING BUT COULD NOT GAIN ACCESS AS
THEY LIVE IN THE PENTHOUSE. INTERCOM WAS USED AND CONNECTED WITH THE KEN ROSS. HE
WAS DISCONNECTED 2 X FORM BO SMITH IN THE CONVERSATION SO BO SMITH THEM CONTACTED
LANA ROSS BY PHONE. BO SMITH INFORMED THAT SHE WAS AT THE RESIDENCE BUT LANA STATED
THAT SHE WAS NOT HOME. BO SMITH INFORMED OF THE TICKETS TO BE ISSUED FOR NOT HAVING A
BUSINESS LICENCE AND THAT THEY NEEDED TO FILL OUT THE BUSINESS LICENCE FORM TODAY
BY 4. LANA SAID THAT SHE WOULD BE ABLE TO DO THAT AND CONTACT BO SMITH B 3:45 PM. LANA
WAS SURPRISED BECAUSE SHE STATED THAT SHE THOUGHT THAT THEY HAD A LICENCE BUT BO
SMITH STATED THAT WAS FOR THE YEAR BEFORE. BO SMITH ALSO STATED THAT THEY HAVE NO
BEEN PUTTING THEIR LICENCE NUMBER ON HEIR ADVERTISING AS THEY DIE TH YEAR BEFORE. BO
SMITH STATED THAT AS THEY HAD A VALID LICENCE THE YEAR BEFORE SHE WILL KNOW HOW TO
FILL OUT ON LINE AGAIN

NOTE Oct 15, 2021 3:09 PM CHERYL SMITH
CONTINUED
LANA ROSS STATED THAT YES SHE KNEW HOW TO FILL OUT BUT THAT SHE WAS GOING TO TALK TO
HER HUSBAND AFTER SHE FINISHED TALKING TO BO SMITH. LANA AKSED IF THE TICKETS COULD BE
SENT IN THE MAIL AND BO SMITH STATED THTAT SHE WILL SERVE THEM IN PERSON. IT WILL NOT BE
TODAY BUT AS SOON AS HER HUSBAND KEN IS WELL. BO SMITH REITERATED THAT SHE CAN ISSUE
TICKETS DAILY IF THE STR CONTINUES TO OPERATE WITHOUT A LICENCE. BO SMITH MENTIONED
THAT THE LISTING HAD DISAPPEARED AND LANA DID NOT HAVE A RESPONSE. THE CONVERSATION
WENT WELL AND BO SMITH HAS NO INCLINATION THAT THE LICENCE WILL NOT BE APPLIED FOR
IMMEDIATELY

NOTE Oct 15, 2021 3:27 PM CHERYL SMITH
LANA ROSS CALLED BO SMITH 3:15 PM
ROSS STATED THAT SHE DID NOT KNOW WHY THERE WAS NOT A WARNING BEFORE THE TICKETS
WERE WRITTEN AND BO SMITH STATED THAT IT WAS NOT REQUIRED. BO SMITH STATED THAT LANA
ROSS HAS HAD A LICENCE IN THE PREVIOUS YEARS AND THAT SHE WAS FAMILIAR WITH THE
PROCESS. SHE STATED YES THAT SHE WAS. SHE ALSO MENTIONED THAT SHE WAS LOOKING TO
SELL HER UNIT IN NOVEMBER BUT BO SMITH ALSO REMINDED HE THAT SHE HAS BEEN OPERATING I
HER UNIT AS AN STR FOR 10 MONTHS WITHOUT A LICENCE. LANA ROSS WAS REFERRED TO CELINE
KOBENTER FOR FURTHER QUESTIONS. BO SMITH ASKED WHO LISA FONG AND RUEBEN TILMAN
WERE AND LANA STATED THAT THEY WERE HER LAWYERS. SHE SAID SHE DID NOT KNOW IF THEY
PAID. BO SMITH LET HER KNOW THAT A PROOF OF BOOKING WAS SUPPLIED.

NOTE Oct 15, 2021 3:35 PM CHERYL SMITH
AIR BNB LISTING REMOVED FROM SITE
OCTOBER 15, 2021 CELINE KOBENTER NOTED TO BO SMITH THAT THE LISTINGS HAVE BEEN
REMOVED. BO SMITH LOOKED ONLINE AND OBSERVED THIS AS WELL.

NOTE Oct 16, 2021 5:51 AM CHERYL SMITH
BUZZ CODE ACCESS TO STR UNIT LINKED DIRECTLY TO LANA/KEN ROSS CELL PHONE BUZZ 139

NOTE Oct 16, 2021 5:58 AM CHERYL SMITH
APPLICATION RECEIVED BY CELINE KOBENTER VIA ONLINE
OCTOBER 15, 2021 END OF OF DAY KOBENTER STATED AN APPLICATION FOR STR LICENCE WAS
RECEIVED.

NOTE Oct 22, 2021 8:37 AM CHERYL SMITH
SPOKE TO CELINE KOBENTER REGARDING BUSINESS LICENCE.
OCTOBER 22, 2021 8:39 AM REGARDING LANA/KEN ROSS BUSINESS LICENCE. LICENSE HAS BEEN
APPROVED BUT NOT PAID. THERE IS AN INVOICE DATE AND CELINE KOBENTER SUGGESTS BF
NOVEMBER 3, 2021 FOR FOLLOW-UP.

COMPLETED Oct 30, 2021 8:39 AM CHELSEA LEWICKI
BUSINESS LICENCE APPLIED FOR AND PAID IN FULL. NO FURTHER ENFORCEMENT REQUIRED. FILE
REFEREED BACK TO CHELSEA AS PER HER REQUEST.

RE-ISSUED Oct 30, 2021 8:39 AM CHELSEA LEWICKI
Re-initiated as Call Number 187754

REQUEST FOR SERVICE DETAIL

Workgroup	BYLAW SERVICES	Class	SHORT TERM RENTAL
Call	187754	Oct 30, 2021 8:41 AM	Problem OPERATE WITHOUT A LICENCE
Status	RE-ISSUED	Oct 30, 2023 12:13 PM	Priority NORMAL
Follow up	NO	Internal NO	Reference STR - PRIORIT
		Bring Forward	Repeat

Location	Requestor
KEN ROSS/ LANA ROSS WILSON STREET	STR COORDINATOR/MIRIAM BYRNE
1403 728 YATES ST VICTORIA BC V8W 0C8	Phone 1
	Email

Call Detail

\$\$\$STR\$\$\$ 1403-728 YATES STREET airbnb.ca/rooms/27636388
 Ken and Lana Ross are operating without a licence. They even requested a signed strata consent form but never submitted the application. My preferred course of action at this time is enforcement given that they know the rules and have chosen not to comply. 100% positive unit confirmation provided by strata member, who can also provide access to the building/floor.

Workflow	Date	Name1	Name2	File No
RE-INITIATED	Oct 30, 2021 8:41 AM	CHELSEA LEWICKI		
	Previous Call Number: 185140			
NOTE	Oct 30, 2021 8:41 AM	CHELSEA LEWICKI		
	RE-ISSUED CALL Accidental completed previous call instead of Assigning back to STR coordinator. Re-issued here and linked CFS #185140			
NOTE	Oct 30, 2021 8:42 AM	CHELSEA LEWICKI		
	FOR MONITORING OF RENEWAL - LICENCED AND PAID FOR 2021			
ASSIGNED	Oct 30, 2021 9:12 AM	CELINE KOBENTER		
EMAIL	Oct 30, 2021 9:12 AM	<ckobenter@victoria.ca>		
	SHORT TERM RENTAL Call number: 187754 1403 728 YATES ST			
NOTE	Jan 26, 2022 11:17 AM	CELINE KOBENTER		
	ADVERTISING WITHOUT A LICENCE. HAS NOT YET APPLIED FOR 2022			
NOTE	Feb 9, 2022 11:12 AM	CELINE KOBENTER		
	PROPERTY REMAINS UNLICENCED			
ASSIGNED	Feb 15, 2022 12:20 PM	SUPERVISOR ASSIGNMENT		
	PLEASE ASSIGN TO BO GOLDSMITH. PLEASE ISSUE FINAL WARNING/REMINDER LETTER FOR ADVERTISING/OPERATING W/O A LICENCE, AND THAT DAILY TICKETING CAN OCCUR AFTER IF LICENCE APPLICATION IS NOT RECEIVED BY X DATE.			

NOTE Feb 15, 2022 12:22 PM CELINE KOBENTER
RO'S HAVE ALREADY BEEN ASKED FOR APP 2X IN 2022

ASSIGNED Feb 16, 2022 11:34 AM PENDING – PRIORITY 1
PRIORITY 1

NOTE Mar 2, 2022 9:23 AM CHELSEA LEWICKI
AIRBNB LISTING ACTIVE
Bookable for 2 night min, see attached snipping

NOTE Mar 2, 2022 12:47 PM CHELSEA LEWICKI
SEE ATTACHED ALL AIRBNB LISTING PHOTOS
taken today (2022-03-02)

NOTE Mar 2, 2022 12:49 PM CHELSEA LEWICKI
SEE ATTACHED ABOUT THIS SPACE INFO FROM AIRBNB
Taken today (20220302)

NOTE Mar 2, 2022 12:49 PM CHELSEA LEWICKI
SEE ATTACHED CALENDAR AVAILABILITY ON AIRBNB
Taken (2022.03.02)

NOTE Mar 2, 2022 12:54 PM CHELSEA LEWICKI
CHECKED LAND
See attached snipping of owner info.

ASSIGNED Mar 2, 2022 1:08 PM CHERYL SMITH
ASSIGNED FILE.
Please review with Celine and investigate once you move to STR duties. Thanks - AD.

NOTE Mar 2, 2022 1:08 PM ANDREW DOLAN
REVIEWED FILE.
I will assign this to CS in advance of her move to STR duties.

EMAIL Mar 2, 2022 1:09 PM <casmith@victoria.ca>
SHORT TERM RENTAL Call number: 187754 1403 728 YATES ST

NOTE Mar 2, 2022 1:21 PM CHERYL SMITH
RECEIVED FILE FOR REVIEW
MARCH 2, 2022 1:22 AM BO SMITH RECEIVED FILE FOR REVIEW WITH CELINE KOBENTER.

NOTE Mar 3, 2022 6:30 AM CHERYL SMITH
SNIPPET FROM TEMPEST-CURRENT PROPERTY OWNER INFORMATION-SEE ATTACHMENTS (A)

NOTE Mar 3, 2022 6:38 AM CHERYL SMITH
SNIPPET FROM VIC MAPS-AERIAL1403-728 YATES ST (B)

NOTE Mar 3, 2022 8:14 AM CHERYL SMITH
SNIPPET TEMPEST-EXPIRED BUSINESS LICENCE 2021- 1403-728 YATES STREET-SEE ATTACHMENTS
(C)

NOTE Mar 3, 2022 9:57 AM CHERYL SMITH
ATTENDED 1403-728 YATES STREET FOR DOOR KNOCK- SEE NOTE BELOW
MARCH 3, 2022 9:35 AM BO SMITH AND BO ARAUZ ATTEND PROPERTY FOR A DOOR KNOCK. BO SMITH KNOCKED ON THE DOOR TWO TIMES AND THERE WAS NO ANSWER. BO SMITH DID NOT HEAR ANY NOISE COME FROM WITHIN THE UNIT. BO SMITH LEFT A NOTICE TO RESIDENT AND HER BUSINESS CARD WITH CONTACT NUMBER. BO SMITH ASKED FOR A RETURN CALL.

NOTE Mar 3, 2022 10:00 AM CHERYL SMITH
NOTICE TO RESIDENT-SEE ATTACHMENTS (D)

NOTE Mar 3, 2022 10:07 AM CHERYL SMITH
PHOTOGRAPHS OF PROPERTY -SEE ATTACHMENTS (E)

NOTE Mar 3, 2022 10:13 AM CHERYL SMITH
PHONE CALL AND VOICE MESSAGE LEFT FOR PROPERTY OWNER KEN/ LANA ROSS
MARCH 3, 2022 10:06 AM BO SMITH LEFT A VOICE MESSAGE REGARDING OPERATING WITHOUT A BUSINESS LICENCE AND ADVERTISING ON BOTH UNITS THAT THEY OWN. BO SMITH ASKED FOR A CALL BACK TO DISCUSS APPLICATION. BO SMITH INFORMED THAT SHE ATTENDED UNIT AND LEFT A BUSINESS CARD AND A NOTICE TO RESIDENT.

NOTE Mar 3, 2022 11:03 AM CHERYL SMITH
FORMAL LETTER SENT TO PROPERTY OWNERS KEN ROSS AND LANA ROSS-SEE ATTACHMENTS (F)
MARCH 3, 2022 11:03 AM BO SMITH DRAFTED AND CANADA POSTED FORMAL LETTER FOR STR BUSINESS LICENCE COMPLIANCE.
PROPERTY OWNERS ARE CURRENTLY OPERATING/ ADVERTISING 1403-728 YATES ST WITHOUT A VALID LICENCE.

NOTE Mar 3, 2022 11:30 AM CHERYL SMITH
SNIPPET AIR B N B AVAILABILITY 1403 728 YATES ST 20220303 (G)

NOTE Mar 3, 2022 11:50 AM CHERYL SMITH
LANA ROSS CONTACTED BO SMITH BY PHONE- SEE NOTE BELOW
MARCH 3, 2022 11:31 AM BO SMITH RECEIVED A CALL FROM LANA ROSS. WHEN BO SMITH ASKED ABOUT HER RENTALS LANA ROSS STATED THAT SHE WAS DOING 30 DAY RENTALS. BO SMITH REQUESTED FOR LANA ROSS TO PROVIDED RENTAL HISTORY WHICH IS AVAILABLE THROUGH AIR BNB. LANA ROSS WAS A BIT HESITANT AND THEN SAID THAT SHE MAY WANT TO DO "SHORT-TERM" AND WAS "GOING TO TALK TO HER HUSBAND." BO SMITH THEN STATED THAT A LICENCE IS ALSO REQUIRED IF THAT IS THEIR RENTAL CHOICE. BO SMITH STATED THAT BY PROVIDING HISTORY SINCE JANUARY TO SHOW THE LENGTH OF RENTALS. BO BO SMITH STATED THAT ADVERTISING FOR 1403-728 YATES IS SHOWING SHORT-TERM AND THE INVESTIGATION WILL PROVE OR DISPROVE. BO SMITH SPOKE OF THE PREVIOUS YEAR AND THAT BO SMITH WAS PREPARED TO ISSUE VIOLATION TICKETS FOR THE SAME NON-COMPLIANCE.

NOTE Mar 3, 2022 12:03 PM CHERYL SMITH
MARCH 3, 2022 NOTE CONT'D
BO SMITH ALSO DIRECTED LANA ROSS TO CITY WEBSITE FOR FURTHER INFORMATION OR APPLICATION. BO SMITH ASKED IF ONE WEEK WOULD BE ENOUGH TIME FOR HER TO COLLECT DOCUMENTATION OF RENTAL HISTORY. LANA ROSS SAID "YES." LANA ROSS SAID THAT SHE JUST WANTED TO FOLLOW THE "LAW." BO SMITH STATED THAT AS SHE IS OPERATING AND ADVERTISING STR-A LICENCE IS REQUIRED. LANA DID NOT SAY MUCH BACK TO THAT. BO SMITH HAD ORIGINALLY ASKED FOR 6 MONTHS PROOF BUT CHANGED TO 3 AS THAT WOULD BE SUFFICIENT AS LANA ROSS WAS LICENCED IN 20221 AND PROOF FOR 2022 CAN BE DONE WITH 3 MONTHS. BO SMITH ASKED LANA ROSS TO SCAN RENTAL HISTORY TO HER EMAIL BY MARCH 11, 2022 AND LANA ROSS STATED THAT SHE COULD DO THAT "YES." BO SMITH ASKED TO FORWARD ANY RENTAL AGREEMENTS BUT LANA ROSS SAID THAT SHE "DID NOT HAVE ANY."

NOTE Mar 7, 2022 6:19 AM CHERYL SMITH
SNIPPET OF BOOKING SCHEDULE ONLINE OF DATES UNDER 30 DAYS ADVERTISING-SEE NOTE
BELOW AND ATTACHMENT A
MARCH 7, 2022 6:20 AM BO SMITH SNIPPED BOOKING DATES ONLINE FOR THE PROPERTY THAT
SHOWS UNDER 30 DAYS ADVERTISING AND AVAILABILITY DATES FOR RENTERS TO CHOOSE FROM
FOR THE MONTH OF MARCH 2002 AND APRIL 2002.

NOTE Mar 15, 2022 9:20 AM CHERYL SMITH
FORMAL LETTER TO KEN/LANA ROSS WARNING OF FURTHER VIOLATIONS AND FINES FOR YEAR
2023 IF IN NON COMPLIANCE- SEE NOTE BELOW AND ATTACHMENT (A)

MARCH 15, 2022 9:22 AM BO SMITH SPOKE TO CELINE AND SUPERVISOR PERKINS (STR MEETING)
MARCH 14, 2022. A WARNING LETTER WAS TO BE SENT TO LANA AND KEN ROSS THAT FURTHER
VIOLATIONS IN 2023 WILL INCUR FINES. 2021 AND 2022 BUSINESS LICENCE WAS NOT APPLIED FOR
UNTIL A VERBAL WARNING WAS GIVEN AND CONTACT MADE. THE PROPERTY HAD BEEN OPERATING
AND ADVERTISING WITHOUT A LICENCE. BOTH YEARS AND NO FINES ISSUED FOR 2021 AND 2022.
LETTER STATES THAT IF SAME OCCURRENCE WITH APPLICATION AND OPERATING FINES WILL BE
ISSUED AND WILL BE ISSUED DAILY UNTIL IN COMPLIANCE. LANA ROSS DID NOT SEND PROOF OF
LONG-TERM RENTAL BY MARCH 11, 2022 AND INSTEAD APPLIED FOR STR LICENCE 2022 WHICH WAS
APPROVED.

ASSIGNED Mar 15, 2022 9:38 AM SUPERVISOR REVIEW
NO FURTHER BYLAW ENFORCEMENT REQUIRED UNTIL 2023- 2022 STR LICENCE APPLIED FOR AND
APPROVED- CLOSE FILE

NOTE Mar 18, 2022 1:19 PM ANDREW DOLAN
REVIEWED FILE - NO FURTHER ACTION REQUIRED.

COMPLETED Mar 18, 2022 1:19 PM ANDREW DOLAN
CLOSED FILE.

RE-ISSUED Oct 30, 2023 12:13 PM CELINE KOBENTER
Re-initiated as Call Number 245449



Bylaw Services

#12 Centennial Square, Victoria, BC V8W 1P7
E bylawservices@victoria.ca T 250.361.0215 F 250.361.0205

March 15, 2022

Ken Ross/ Lana Ross
1201-160 Wilson Street
Victoria, B.C. V9A 7P9

Dear Ken and Lana Ross:

This letter is to inform you that your Short-Term Rental Licence# 00036520 has been renewed March 7, 2022 and it will cover until December 31, 2022.

As you are aware, when operating your Short-Term Rental property at 1403-728 Yates Street, you are required to apply and be approved for a business licence to operate and to advertise. Your licence was not renewed by January 15, 2022 this year and you continued to advertise and operate as a Short-Term Rental until you were contacted and given a verbal warning. This is a violation of Short-Term Regulation Bylaws. A verbal warning was given in 2021 for the same violations.

This letter is to inform you that you are to apply for your business licence no later than January 15, 2023, if you continue to operate as a short-term rental. This is to be done before you advertise and offer Short-Term Rentals for the year 2023 or violation fines will be issued. You will be subject to a fine for every instance that an offence occurs or each day that it continues. Fines for operating without a licence are \$500 per day and \$250 for advertising without a licence. Please apply for your Short-Term Business Licence on or before January 15, 2023 to avoid these fines being issued.

Regards,

Cheryl Smith

Bylaw Officer #1007, Bylaw & Licensing Services
Legislative and Regulatory Services Department
City of Victoria
#12 Centennial Square
Victoria, BC V8W 1P7



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: 1403-728 yates street, Victoria, BC

Postal code: v8w0c8

*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):

ken ross

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
 1 Centennial Square
 Victoria, BC V8W 1P6

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: FRIEND

Name: Helen Kiselev Email: _____

Address: 311 - 310 Robert St, Victoria 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): ken ross

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
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: _____



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

str@victoria.ca
 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 Lana Ross, as the legal owner of
(OWNER)
1403-728 yates street, Victoria, BC have read the
(UNIT/STREET ADDRESS)
 Short-Term Rental Business Licence (address) Application Form submitted by Ken Ross
(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: Ken Ross

Owner's signature: _____ Date: April, 19 th, 2024

Owner's name: Lana Ross

Owner's signature: _____ Date: April, 19 th, 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 Miriam Byrne, as Strata Council Executive Member
(STRATA COUNCIL EXECUTIVE MEMBER; MUST NOT BE SAME AS APPLICANT)

for 1403-728 yates street, Victoria, BC have read the Short-Term Rental Business Licence Application Form
(UNIT AND STREET ADDRESS)

submitted by Ken Ross. 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): Ken Ross

Applicant's signature(s): 1. [Redacted] Date: April 19, 2024

(if applicable) 2. _____ Date: _____

Strata council executive member's name: Miriam Byrne

Strata council executive member's phone number: [Redacted]

Strata council executive member's email: [Redacted]

Strata council executive member's signature: [Redacted] Date: Received April 25, 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
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.

*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): Ken Ross _____

Applicant's signature(s): 1. _____ Date signed: April 19, 2024

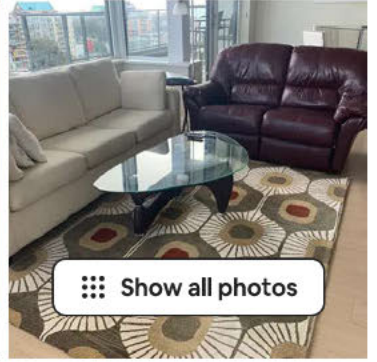
(if applicable) 2. _____ Date signed: _____, 20____

Date Stamp (office use only)

Appendix H

Prime location, breathtaking views, free parking

[Share](#) [Save](#)



Entire condo in Victoria, Canada

7 guests · 2 bedrooms · 3 beds · 2 baths



4.94
★★★★★

183
[Reviews](#)



Hosted by Ken

8 years hosting



Dedicated workspace

A common area with wifi that's well suited for working.



Self check-in

Check yourself in with the keypad.



Great check-in experience

100% of recent guests gave the check-in process a 5-star rating.

Some info has been automatically translated.

[Show original](#)

Location, Location, Location!

Experience luxury living in the heart of Victoria City with this stylish and well-appointed 2 bedroom/2 bathroom suite. Enjoy breathtaking views of the snow-capped Olympic Mountains, Sooke Hills, Mt. Baker and panoramic ocean views.

Located in the vibrant part of downtown Victoria, surrounded by ...

[Show more](#) >

Where you'll sleep

\$290 CAD night

CHECK-IN 5/10/2024	CHECKOUT 5/11/2024
GUESTS 1 guest	

Reserve

You won't be charged yet

<u>\$290 CAD x 1 night</u>	\$290 CAD
<u>Cleaning fee</u>	\$120 CAD
<u>Airbnb service fee</u>	\$61 CAD
<u>Taxes</u>	\$72 CAD
Total	\$543 CAD



This is a rare find

Ken's place is usually fully booked.

[Report this listing](#)



Bedroom 1

1 king bed



Bedroom 2

1 queen bed

What this place offers



Beach view



Sea view



Kitchen



Wifi



Dedicated workspace



Free parking on premises



55-inch HDTV with Netflix



Elevator



EV charger

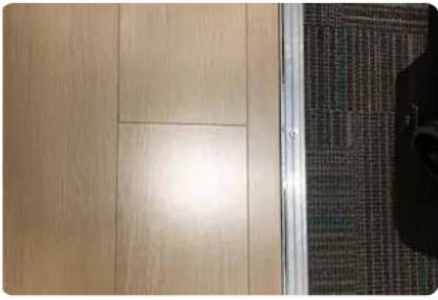


Free washer – In unit

[Show all 68 amenities](#)

Accessibility features

This info was provided by the Host and reviewed by Airbnb.



Guest entrance and parking

Lit path to the guest entrance

Show all feature details

1 night in Victoria

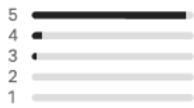
May 10, 2024 - May 11, 2024



Guest favourite

One of the most loved homes on Airbnb
based on ratings, reviews, and reliability

Overall rating



Cleanliness

4.9



Accuracy

5.0



Check-in

5.0



Communication

5.0



Location

5.0



Value

4.8



Brian

Redondo Beach, California

★★★★★ · 2 weeks ago · Stayed a few nights

My wife and two teenage children had a great stay! The place is great, with beautiful views and easy walk to all Victoria key sites. Check in and checkout were easy and straightforward. Parking was easy and great to have! Definitely would stay here again!

[Show more](#)

Sarah

5 years on Airbnb

★★★★★ · 3 weeks ago · Stayed with kids

It is a lovely apartment, great views, walkable to all things downtown. We felt right at home, with so many little things to make it homey, like having some basics in the pantry and fridge, extra pillows and blankets, shampoo and such in the shower, etc. We will absolutely stay there again!

[Show more](#)

Paul

Seattle, Washington

★★★★★ · December 2023 · Stayed a few nights

Great location for our Victoria adventure!

Lindsay

Seattle, Washington

★★★★★ · October 2023 · Stayed a few nights

Centrally located condo with beautiful views and lots of amenities in the unit. Ken was very communicative and getting in and out was easy. Good parking for anyone driving into the island.

[Show more](#)

Ying

China

★★★★★ · October 2023 · Stayed a few nights

Clean room, convenient location, easy access

Thomas

Tumwater, Washington

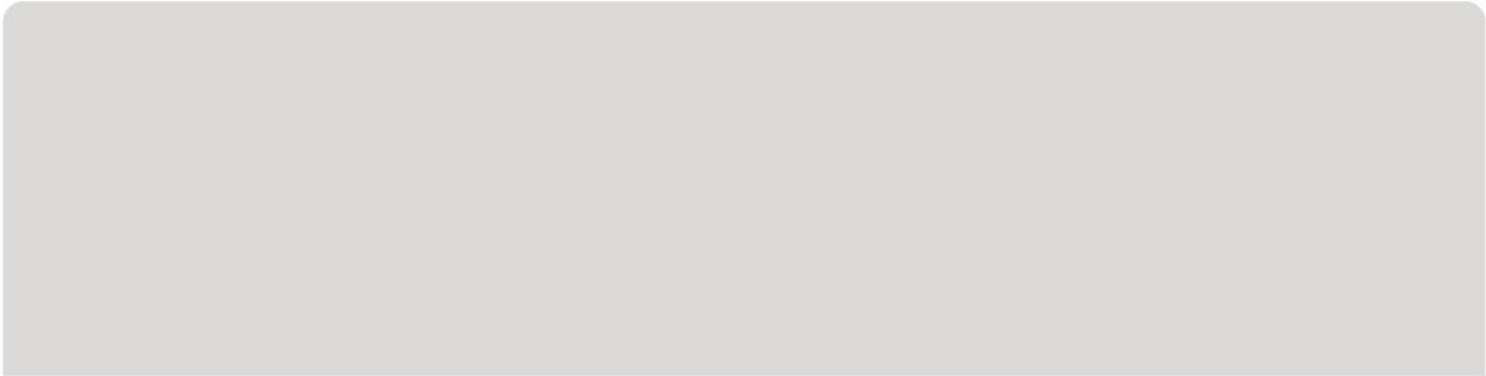
★★★★★ · September 2023 · Stayed a few nights

Great host and location, enjoyed the visit and the centralized location.

Show all 183 reviews

Where you'll be

Victoria, British Columbia, Canada



We verified that this listing's location is accurate. [Learn more](#)

Neighbourhood highlights

The lovely, clean, and well-tended city of Victoria is located on the southern tip of Vancouver Island, just off the coast of British Columbia. Unlike most cities on the west coast of North America, Victoria boasts a truly exceptional collection of British colonial architecture, as well as many British inspired traditions. When you arrive in Victoria, get a...

[Show more](#) >

Meet your Host



452
Reviews



Ken
Host

4.92 ★
Rating

8
Years hosting

Lives in Victoria, Canada

My wife and I are avid cyclists, hikers and ballroom dancers. We love our city and would like to share it's beauty with the whole world.

[Show more >](#)

Host details

Response rate: 90%
Responds within a day

[Message Host](#)

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

Things to know

House rules

Check-in: 4:00 p.m.–8:00 p.m.

Checkout before 11:00 a.m.

7 guests maximum

[Show more >](#)

Safety & property

Nearby lake, river, other body of water

Carbon monoxide alarm

Smoke alarm

[Show more >](#)

Cancellation policy

Cancel before May 3 for a partial refund.

Review the Host's full cancellation policy, which applies even if you cancel for illness or disruptions caused by COVID-19.

[Show more >](#)

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Explore other options in and around Victoria

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Vacation rentals

Richmond
Vacation rentals

North Vancouver
Vacation rentals

Vancouver Island
Vacation rentals

Seattle
Vacation rentals

Burnaby
Vacation rentals

Squamish
Vacation rentals

Forks
Vacation rentals

Portland
Vacation rentals

Other types of stays on Airbnb

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[Kid-friendly vacation rentals in Victoria](#)

[Vacation rentals with outdoor seating in Victoria](#)

[Kid-friendly vacation rentals in British Columbia](#)

[Condo vacation rentals in British Columbia](#)

[Victoria monthly stays](#)

[Family-friendly vacation rentals in Victoria](#)

[Condo vacation rentals in Victoria](#)

[Vacation rentals with outdoor seating in British Columbia](#)

Support

[Help Centre](#)

[AirCover](#)

[Anti-discrimination](#)

- [Disability support](#)
 - [Cancellation options](#)
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-

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 - [Hosting responsibly](#)
 - [Join a free hosting class](#)
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REQUEST FOR SERVICE DETAIL

Workgroup	BYLAW SERVICES	Class	SHORT TERM RENTAL
Call	262180	Apr 29, 2024 10:36 AM	Problem OPERATE WITHOUT A LICENCE
Status	ASSIGNED	May 30, 2024 1:17 PM	Priority NORMAL Reference STR - PRIORIT
Follow up	NO	Internal NO	Bring Forward Oct 17, 2024 Repeat

Location	Requestor
KEN ROSS/ LANA ROSS 1032362	STR ADMIN
1201 160 WILSON ST VICTORIA BC V9A 7P9 1403 728 YATES ST VICTORIA BC V8W 0C8 702 728 YATES ST VICTORIA BC V8W 0C8	

Call Detail

STR - ENFORCEMENT - 1403 - 728 YATES / RO/HOST:KEN ROSS/ LANA ROSS
<https://www.vrbo.com/en-ca/cottage-rental/p4073811vb> - (OCT 15, 2024 - 30 NIGHT)
<https://www.vrbo.com/en-ca/cottage-rental/p2011357vb> - (OCT 15, 2024 - NOT ACTIVE)
airbnb.ca/rooms/27636388 - (OCT 15, 2024 - NOT ACTIVE)

Workflow	Date	Name1	Name2	File No
ENTERED	Apr 29, 2024 10:36 AM	EMMA CROCKETT		
ASSIGNED	Apr 29, 2024 10:36 AM	MARISSA PELUSO		
		ASSIGNED FOR SUMMARY OF FINDINGS		
NOTE	Apr 29, 2024 10:38 AM	EMMA CROCKETT		
		ACTIVE LISTING - 1 NIGHT: on april 29 2024 Crockett observed 1 night min stay		
NOTE	Apr 29, 2024 10:38 AM	EMMA CROCKETT		
		LINKED TO LICENSING CFS 262179		
EMAIL	Apr 29, 2024 10:38 AM	<mpeluso@victoria.ca>		
		SHORT TERM RENTAL Call number: [REDACTED] 728 YATES ST		
NOTE	Apr 30, 2024 9:56 AM	MARISSA PELUSO		
		ACTIVE LISTING – 1 NIGHT April 30, 2024, During monitoring PELUSO identified listing offering 1 night stay. Property was identified by listing information, internal records, and internet search.		
ASSIGNED	Apr 30, 2024 10:03 AM	STR SUPERVISOR		
		PLEASE ASSIGN FOR INVESTIGATION		

NOTE Apr 30, 2024 10:03 AM MARISSA PELUSO
SUMMARY OF FINDINGS – PELUSO April 29, 2024
Property owned by Ken and Lana ROSS. Property has had non-principal license since 2019, and are aware of the regulations and requirements.
Owners have submitted application for principal residence licence on April 27, 2024.
However, RO is advertising and operating unlicensed short-term rentals, listings shows multiple reviews in 2024.
Assigned for investigation of immediate compliance .

NOTE Apr 30, 2024 10:53 AM ANDREW DOLAN
REVIEWED FILE.

ASSIGNED Apr 30, 2024 10:54 AM MICHAEL PICKETT
ASSIGNED FILE - ENFORCEMENT.

EMAIL Apr 30, 2024 10:54 AM <mpickett@victoria.ca>
SHORT TERM RENTAL Call number: 262180 1403 728 YATES ST

NOTE May 7, 2024 8:03 AM MICHAEL PICKETT
LISTING NOT ACTIVE

NOTE May 7, 2024 8:29 AM MICHAEL PICKETT
CURRENT REGISTERED OWNER INFORMATION

PICKETT searched the current Registered Owner information on Tuesday, May 7, 2024, and found the following information:

RO since August 22, 2018

RO Kenneth E ROSS / Svitlana ROSS

See snipping in attachments.

NOTE May 7, 2024 8:32 AM MICHAEL PICKETT
ZONING/USE

PICKETT searched the zoning and use of the property on Tuesday, May 7, 2024, and found the following:

Zoning is CBD-2 Central Business District - 2 Zone. See zoning document in attachments.

The BCAA (actual use) is listed as a Strata Lot - Residence (Condominium).

See snipping in attachments.

NOTE May 7, 2024 8:34 AM MICHAEL PICKETT
PROPERTY HISTORY

PICKETT took a snipping on Tuesday, May 7, 2024, and observed 12 entries for this property, 6 of those were bylaw related.

See snipping in attachments.

NOTE May 7, 2024 8:34 AM MICHAEL PICKETT
VICMAP 2023 AERIAL PHOTO

PICKETT took a snipping of the 2023 aerial photo of the address from VICMAP on Tuesday, May 7, 2024
See snipping in attachments.

NOTE May 7, 2024 8:35 AM MICHAEL PICKETT
LICENSING 2024

PICKETT took a snipping of the 2024 Business Licence for the address on Tuesday, May 7, 2024
See snipping in attachments.

ASSIGNED May 30, 2024 11:12 AM STR SUPERVISOR
ASSIGNED FILE - PENDING REVIEW.

ASSIGNED May 30, 2024 1:17 PM NELSON DUARTE
ASSIGNED FILE - FOLLOWUP AS REQUIRED.

EMAIL May 30, 2024 1:18 PM <nduarte@victoria.ca>
SHORT TERM RENTAL Call number: 262180 1403 728 YATES ST

NOTE Jun 2, 2024 3:42 PM NELSON DUARTE
REVIEWED VRBO AD P2011357VB/CURRENTLY __ NIGHT MINIMUM, JUNE 02, 2024

On Sunday, June 2, 2024, upon review of the vrbo advertisement for 1403 - 728 Yates Street, Bylaw Officer DUARTE observed the active listing described as, "LUXURIOUS BRIGHT 2BR/2BA SUITE In (heart emoji) of VICTYORIA,STUNNING VIEWS, Secure PARKING", set at a __ night minimum with calendar dates available starting , to _____ , dates are crossed off indicating no availability. 6 guests, 2 bedrooms, 2 bathrooms.

May 2024 reviews states stayed 2 nights.

See attached.

NOTE Jun 3, 2024 8:39 AM NELSON DUARTE
REVIEWED VRBO AD P2011357VB/CURRENTLY 3 NIGHT MINIMUM, JUNE 03, 2024

On Monday, June 3, 2024, upon review of the vrbo advertisement for 1403 - 728 Yates Street, Bylaw Officer DUARTE observed the active listing described as, "LUXURIOUS BRIGHT 2BR/2BA SUITE In (heart emoji) of VICTYORIA,STUNNING VIEWS, Secure PARKING", advertising a night minimum with calendar dates available starting September 30, 2024 to Oct 10, 14 to December 3, 2024. Dates starting June 3, 2024 to Sept 29, Oct 12, 13, Dec 5, 2024 to December 31, 2025 are crossed off indicating no availability. 6 guests, 2 bedrooms, 2 bathrooms.

May 2024 reviews states stayed 2 nights.

See attached.

NOTE Jun 10, 2024 1:49 PM NELSON DUARTE
REVIEWED VRBO AD P2011357VB/CURRENTLY DEACTIVATED, JUNE 10, 2024

On Monday, June 10, 2024, upon review of the vrbo advertisement for 1403 - 728 Yates Street, Bylaw Officer DUARTE observed the listing described as, "LUXURIOUS BRIGHT 2BR/2BA SUITE In (heart emoji) of VICTYORIA,STUNNING VIEWS, Secure PARKING", has been deactivated.

NOTE Jun 10, 2024 3:14 PM NELSON DUARTE
ATTENDED, INSPECTION, ISSUED MTI, JUNE 10, 2024

MTI D 08443
MTI D 08444
MTI D 08445
MTI D 08446
MTI D 08447
MTI D 08448

See Officer Statement.

NOTE Jun 10, 2024 3:14 PM NELSON DUARTE
ATTENDED, INVESTIGATED, JUNE 03, 2024, (1)

On Monday, June 3, 2024 at approximately 2:45 PM, Bylaw Officers DUARTE and CARR attended, 728 Yates Street. Officers were given access to the building and the 14th floor by the property manager for the building. Prior to officers interacting with the property manager, DUARTE and CARR were approached by two people, an older male and a female, whom asked officers if there was a problem in the building, they were initially told no, no, however when Officers did attend Unit 1403 they were greeted at the door by the same couple. DUARTE introduced himself and CARR as Bylaw Officers with the City of Victoria, both in uniform and wearing visible identification. DUARTE advised the couple that he was there to issue them tickets for a non compliant short-term rental (STR).

NOTE Jun 11, 2024 5:23 AM NELSON DUARTE
ATTENDED, INVESTIGATED, JUNE 03, 2024, (2)

The couple advised DUARTE that they did not have an airbnb, but were assured that Bylaw Services had documented the STR which was the reason for the attendance and the issuance of the tickets. The female, Svitlana, asked why they were not getting a warning instead of a ticket, she was advised that they had already received several educational letters and warning notices from Bylaw Services, along with tickets for previous non compliance. The pair has been operating since 2019 and are well aware of the regulations, they have been non compliant for several years that Bylaw Services has investigated. The pair were asked to produce identification, the male, Kenneth ROSS was reluctant and asked DUARTE if he had identification, DUARTE produced his id that was visible and around his neck at the time. Mr. ROSS proceeded to read the card front and back, then stated to his partner, they want our ID's, Svitlana stated, "that's fine".

NOTE Jun 11, 2024 5:29 AM NELSON DUARTE
ATTENDED, INVESTIGATED, JUNE 03, 2024, (3)

Mr. ROSS left the front door area and shortly returned with his identification, Svitlana also retrieved her identification. Upon reviewing and recoding both dates of birth, DUARTE observed that Mr ROSS was celebrating his birthday on June 3, 2024. Mr. ROSS then stated he had to sit down, as he was walking away he stated, "you better not give me a heart attack because of this". DUARTE advised Svitlana that he was not about to ruin a birthday and that he would return in a weeks time to deal with the tickets. Miss ROSS thanked DUARTE and officers departed.

NOTE Jun 11, 2024 6:16 AM NELSON DUARTE
LINKED FILES, JUNE 11, 2024

CFS # 193519 - 702 - 728 Yates Street
CFS # 262180 - 1403 - 728 Yates Street
CFS # 262743 - 1403 - 728 Yates Street - inspection file
CFS # 262179 - 1403 - 728 Yates Street - general STR file

NOTE Jun 11, 2024 10:04 AM NELSON DUARTE
OFFICER STATEMENT ATTACHED

Included in the statement is the enforcement sequence.

NOTE Jun 12, 2024 2:53 PM NELSON DUARTE
REGISTERED OWNER - 1201 160 WILSON STREET

As of June 30, 2017. the registered owner (s) listed for 1201 - 160 Street:
Kenneth E ROSS
Svitlana ROSS

DESIGNATED PERSON
HOST & CO-HOST INFO

NOTE Jun 20, 2024 2:37 PM NELSON DUARTE
ATTENDED, DOOR KNOCK, JUNE 20, 2024, 1/3

On Thursday, June 20, 2024, at approximately 10:15 AM, Bylaw Officers DUARTE and CARR attended, 1201-160 Wilson Street to conduct a door knock on the property in an attempt to confirm ownership of the unit. DUARTE has observed this address listed in short-term rental applications dating back to 2019 to 2023, the address is also listed as their residence in a rejected 2022 STR business licence 00042165. DUARTE knocked on the door three times with no answer, officers then proceeded to the parking garage in an attempt to locate a vehicle, stall 9 is associated to unit 1201, however the stall was empty. While in the elevator, DUARTE and CARR both noticed poster advertising listing Lana ROSS as a Strata Council member. Officers departed the building. CONT...

NOTE Jun 20, 2024 2:46 PM NELSON DUARTE
ATTENDED, DOOR KNOCK, JUNE 20, 2024, 2/3

On Thursday, June 20, 2024, at approximately 10:45 AM, Bylaw Officers DUARTE and CARR attended, 702 - 728 Yates Street to conduct a door knock on the property in an attempt to confirm if the unit was being occupied. DUARTE knocked three times on the door with no answer, DUARTE knocked on the neighbouring unit 701 and the unit beside 703, both with no answer. DUARTE and CARR then knocked on unit 1403, Svitlana ROSS answered and immediately became agitated asking DUARTE why he was knocking on her unit, mentioned attending three times, DUARTE stated he wanted to confirm residency, ROSS then stated yes, I am here. DUARTE asked who lives at 1201 - 160 Wilson Street, she stated she did not know, DUARTE mentioned having information of ROSS owning the unit. ROSS asked how, DUARTE stated Bylaw has access to that kind of information. DUARTE also mentioned that her name is on a piece of paper in the elevator saying you are on the Strata Council. CONT..

NOTE Jun 20, 2024 2:58 PM NELSON DUARTE
ATTENDED, DOOR KNOCK, JUNE 20, 2024, 3/3

ROSS again denied having knowing anything about unit 1201, DUARTE mentioned ROSS having an obligation to be honest being a strata member. ROSS stated she did not have to answer any of the questions, DUARTE mentioned the current application for STR that was in progress and that she's required to answer questions. DUARTE did mention the possibility of obstruction, denying the application and reporting her to the Strata. ROSS stated that DUARTE was harassing her and to take it the court. Conversation ended there. Svitlana was very defensive at the onset of the interaction and was not pleasant to deal with.

NOTE Jun 20, 2024 3:13 PM NELSON DUARTE
VOICEMAIL, JUNE 20, 2024

"Hi, my name is Lana Ross and I'm calling just to inform you that I have been harassed by law enforcer Officer Nelson from Short Term Rentals. He has been actually knocking on my doors constantly. It has been three Times Now, at different times of the day, different times of the week. I'm not sure what's going on, but I feel very threatened and I wanted to inform you. I want an immediate hearing about it because I don't feel safe in my own home. My phone number is and my name is Lana Ross. Thank you so much. Bye."

NOTE Jun 20, 2024 3:27 PM NELSON DUARTE
PREVIOUS YEARS STR APPLICATIONS ATTACHED

2019, 2020, 2021, 2022, 2023 STR Business licence applications all reflect 1202 160 Wilson Street. See attached word document. I have also attached a rejected 2022 STR business licence reflecting 1201 160 Wilson Street.

See attached.

NOTE Jun 20, 2024 3:29 PM NELSON DUARTE
ICBC VEHICLE REGISTRATION

While conducting door knocks at 728 Yates Street, DUARTE gained parking stall information for unit 1403 which was 44, which had a grey MAZDA 5, BC Plates with the registered address being 1201 160 Wilson Street.

See attached.

NOTE Jun 24, 2024 9:48 AM NELSON DUARTE
EMAIL CONTAINING NOTICE OF DISPUTE, JUNE 24, 2024

On Wednesday, June 24, 2024, at approximately 11:51 AM, Bylaw Officer DUARTE received an email from the Bylaw Services Clerk containing the notice of dispute for the SOC, ROSS, "Good morning Nelson,

Please see the attached Notices of Dispute for D08443, D08444, D08445, D08446,D08447,D08448.

Also attached is the MTI process document for your reference.

Regards," attached.

NOTE Jun 24, 2024 2:10 PM NELSON DUARTE
ATTENDED, 1201 - 160 WILSON STREET, DOOR KNOCK

On Wednesday, June 12, 2024 at approximately 10:58 AM, Bylaw Officer DUARTE attended 160 Wilson Street to conduct a door knock on unit 1201. DUARTE was permitted access via the management company and the caretaker that was able to welcome DUARTE into the building and up to the 12th floor. DUARTE knocked on the unit three times with no one answering, there was no movement observed while looking through the peep hole. As DUARTE and the caretaker were leaving, the neighbour in the next door unit, unit 1202 exited her condo with her black Pomeranian to take it for a walk. DUARTE asked the neighbour if he was familiar with the occupants of 1201, describing them including the strong accent that Svitlana speaks in, the neighbour confirmed that the ROSS's do live in that unit.

NOTE Jun 24, 2024 2:43 PM MARISSA PELUSO
2024 APPLICATION DENIED – NOTIFIED 1403-728 YATES
June 24 2024, PELUSO reviewed listing, inspection results and internal records. PELUSO concluded the applicant and business plan is ineligible for a principal residence licence.

NOTE Jul 26, 2024 6:53 AM NELSON DUARTE
REVIEWED AIRBNB AD /CURRENTLY 30 NIGHT MINIMUM, JULY 22, 2024

On Monday, July 22, 2024, upon review of the airbnb advertisement for 1403 - 728 Yates Street, Bylaw Officer DUARTE observed the active listing described as, "Victoria's prime location, confort, breathtaking views, free parking", advertising a 30 night minimum availability with calendar dates available starting July 23, 2024, to July 25, 2025. Dates starting July 26, 2025 to July to December 31, 2025, are crossed off indicating no availability. 6 guests, 2 bedrooms, 3 beds, 2 baths.

No business licence for this unit. No reviews posted. 30 night stay - \$7,269.00.

See attached.

NOTE Jul 26, 2024 7:03 AM NELSON DUARTE
REVIEWED AIRBNB AD /CURRENTLY 30 NIGHT MINIMUM, JULY 26, 2024

On Friday, July 26, 2024, upon review of the airbnb advertisement for 1403 - 728 Yates Street, Bylaw Officer DUARTE observed the active listing described as, "Victoria's prime location, confort, breathtaking views, free parking", advertising a 30 night minimum availability with calendar dates available starting July 27, 2024, to July 25, 2025. Dates starting July 26, 2025 to July to December 31, 2025, are crossed off indicating no availability. 6 guests, 2 bedrooms, 3 beds, 2 baths.

No business licence for this unit. No reviews posted. 30 night stay - \$7,269.00.

See attached.

NOTE Oct 15, 2024 2:34 PM NELSON DUARTE
REVIEWED AIRBNB AD /CURRENTLY 30 NIGHT MINIMUM, OCT 15, 2024

On Tuesday, Oct 15, 2024, upon review of the VRBO advertisement for 1403 - 728 Yates Street, Bylaw Officer DUARTE observed the active listing described as, "Victoria's prime location, confort, breathtaking views, free parking", advertising a 30 night minimum availability with calendar dates available starting October 16, 2024 to January 28, 2025, February 28 to October 15, 2025. January 28, 2025 to February 27, 2025, October 15, 2025 to December 31, 2025 are crossed off indicating no availability. 6 guests, 2 bedrooms, 3 beds, 2 baths.

No business licence for this unit. No reviews posted. 30 night stay - \$6,376.00.

See attached.

Appedix J



STR's in the Era and possible violations of the STRAA and EPS 2516 Bylaws.

From Marv Gandall
Date Tue 5/14/2024 7:56 PM
To str@victoria.ca <str@victoria.ca>

7 attachments (348 KB)

Request in accord with PSA.pdf; April 9th STR list.pdf; Request in accord with PSA.pdf; Owner list.xlsx; Tenant list.xlsx; units with no form K.xlsx; Unit occupancy in the Era.pdf;

I'm the Secretary of both the Strata and Residential Section Councils of EPS 2516 at the Era, 728 Yates St. I've usually been the lone resident owner sitting on several councils since the opening of the building in 2015. Consequently, I welcomed the recent provincial legislation offering the potential to transform the Era from a well-known non-conforming "ghost hotel" to a more liveable residential building with less noise, litter and congestion, lower maintenance costs, and greater security. I know from informal conversations that my fellow residents feel the same way, as do non-resident owners who have long-term tenants and have resented effectively subsidizing the business operations of their STR counterparts.

I wish to draw your attention to the following:

1. On February 29th, our Strata AGM approved new bylaws which now address the STR issue. The relevant sections 2.3 and 11.2 when read together state that "**an owner must not use a strata lot in a way that is illegal, contrary to any statute, bylaw or ordinance of the federal, provincial, or municipal government**" and that "**short term operators must comply with all provincial and municipal requirements governing the registration and operation of a short term rental..and provide the Residential Section with their guest record upon request..and where an owner, occupant or tenant violates this bylaw, the Residential Section may fine the responsible owner or tenant up to \$1,000.00 per day or such higher amount as then permitted under the Strata Property Regulation**" (my emphasis).
2. On April 6th, in order to monitor compliance with the new provincial legislation and strata bylaws, the Treasurer and I requested and received a list of STR's from Tribe, our property manager, three days later. It was based on what the company has on file, and showed approximately 40 licensed STR's of 157 units.
3. On April 18th, believing this information understated the true number of STR's in the building because it lacked information on those operating illegally without a license, I sent an email as an owner requesting a listing of all owners and tenants in accordance with sections 35 and 36 of the Strata Property Act.
4. On April 29th, on the threshold of the STRAA coming into effect, my wife and I were provided with this information by Tribe.
5. On May 4th, we replied to Tribe pointing to many apparent errors and omissions (likely resulting from unlicensed STR's), and requested that it resolve the anomalies. The community manager, Aaron Chan, promised to do so with the assistance of Ms. Miriam Byrne, the Council's Privacy Officer, who had volunteered her services on April 6th.
6. We have reason to believe that Ms. Byrne belongs or did belong to a closed online chat group of Era STR owners considering whether to evade the new provincial legislation, and that she is a supporter of the public group which has been opposing the STRAA. She also owns and operates one or more STR units of her own, including unit 205 which she identified as an STR on April 6th but was later listed by Tribe as her principal residence on April 29th. We have always understood that she lived elsewhere and only visited the building to attend to her business interests. On May 12th, she told the council that she still has "long term agreements with 504, 804,1010,1208 and 1405 to accommodate my travel nurse portfolio for consecutive contracts with one agency."

In support of the above, I'm attaching the following documentation in relation to each point, and would be pleased to meet with you and provide any additional documentation as you request. I would invite the current President and Treasurer of the Strata, both owners with long-term tenants, to accompany me to any such meeting.

1. EPS 2516 Bylaws
2. Tribe list of licensed STR's
3. Request under Section 35 and 36 of the PSA
4. Tribe list of owners, tenants, and units with no Form K's
5. Analysis of Tribe data
6. Screenshot of losed online Era STR owners group, sent to me by an anonymous source. "Kristi" almost certainly refers to Kristi Zinkiew of KDZ Holdings Limited and non-resident owner of unit 1007.

am not physically in th...

If it still isn't working
I would def ask him

5:33 AM

Kristi From era Chat...

Can I just ask what
other peoples plans
are after May 1...?
Are there any of you
that are going to
continue with STR?

5:37 AM

And risk the fines?
Or are we all waiting
to see what is said
tomorrow after the
legal meeting?

Appendix J

Excel Owner list.xlsx Open in Excel Download Save to OneDrive

File Home Insert Share Page Layout Formulas Data Review View Tell me what you want to do

F14 12 B General

	A	B	C	D	E	F
185	710	1207	131			Victoria
186	710	1207	131			Victoria
187	710	1208	132			Victoria
188	710	1208	132		C/O Premier Suites Victoria	Victoria
189	710	1209	133			Edmonton
190	710	1210	134			Victoria
191	710	1210	134			Victoria
192	710	1211	135			Victoria
193	710	1212	136			Victoria, BC
194	710	1401	137			Victoria
195	710	1401	137			Victoria, BC
196	710	1402	138			Victoria
197	710	1402	138			Victoria
198	710	1403	139			Victoria
199	710	1403	139			Victoria
200	710	1404	140			Victoria
201	710	1404	140			Victoria
202	710	1405	141			Victoria
203	710	1406	142			Victoria
204	710	1406	142			Victoria
205	710	1407	143			
206	710	1408	144			Victoria
207	710	1409	145			
208	710	1410	146			Victoria
209	710	1501	147			Surrey
210	710	1502	148		Van Esch, Investors Group Inc	Halfmoon Bay

Report1

Workbook Statistics

STR's in the Era and possible violations of the STRAA and EPS 2516 Bylaws.

- Request i...PSA.pdf
- April 9t...list.pdf
- Request i...PSA.pdf
- Owner list.xlsx
- Tenant list.xlsx
- units with ...K.xlsx
- Unit occu...Era.pdf

MG Marv Gandall
 To: str@victoria.ca
 Tue 5/14/2024 7:56 PM

Flagged Start by 5/14/2024. Due by 5/14/2024.

- Request in accord with PSA.p... 81 KB
- April 9th STR list.pdf 46 KB
- Request in accord with PSA.p... 81 KB
- Owner list.xlsx 47 KB
- Tenant list.xlsx 28 KB
- units with no form K.xlsx 19 KB



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Appendix K

Save



Overview Amenities Policies Host

Condo

LUXURIOUS BRIGHT 2BR/2BA SUITE In♥ of VICTORIA, STUNNING VIEWS, Secure PARKING

10/10 Exceptional

See all 33 reviews >

2 bedrooms

2 bathrooms

Sleeps 6

93 sq m

Popular amenities

Hot tub

Washer

Barbecue grill

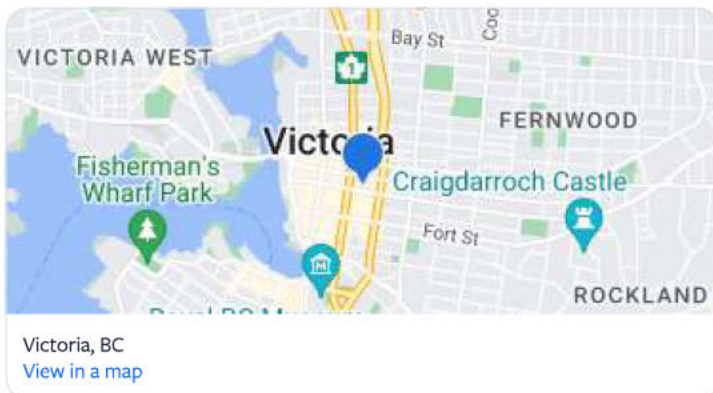
Dryer

Fireplace

Kitchen

See all property amenities >

Explore the area



Victoria, BC (YYJ-Victoria Intl.)

29 min drive

See more >

CA \$299 per night

Non-refundable ⓘ

✔ Your dates are available

Start date
Oct 4

End date
Oct 6

Travellers
2 travellers

Total CA \$926

[Price details](#)

Request to book

You will not be charged yet

[Contact host](#)

Property # 2011357vb

Rooms & beds

2 bedrooms (sleeps 6)

Living room



MASTER



SECOND



2 bathrooms

IN-SUITE



Bathtub or shower · Toilet

SECOND



Toilet · Shower only

Spaces

Deck or patio

Porch or lanai

Kitchen

Office

Balcony

Dining Area

[See all rooms and beds details](#)

Appendix L



BYLAW OFFICER

OFFICER NAME		Bylaw Officer (BO) CARR			
DATE/TIME	2024-06-10 1:00 PM	CFS#	262743	LOCATION	1403 728 YATES
INDIVIDUAL PRESENT	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No		
NAME	Svetlana ROSS and Kenneth ROSS			D.O.B. (YYYY-MM-DD)	

STATEMENT

On **Monday, June 10, 2024**, at approximately 1:00 PM, Bylaw Officer (BO) CARR in the company of Bylaw Officer (BO) DUARTE, was working in full uniform, at 1403 728 Yates to conduct a short-term rental (STR) inspection. She was met at the lobby by Kenneth (Ken) ROSS. Officer identified herself as a Bylaw Officer for the City of Victoria and explained that she would be putting on boot covers before entering the home.

After taking the elevator up to the 14th floor, Ken ROSS gestured to officers to exit the elevator. Stating “just to the left, I guess you would already know that”. Ken ROSS was referring to the previous attendance CARR and DUARTE had at the unit when DUARTE had attempted to issue the pair MTIs for advertising and zoning.

Officers got to the front door of unit 1403. Ken ROSS attempted to open the front door, but it would not open. He then struggled to enter the correct code to the keypad. He tried twice before his wife; Svetlana (Lana) ROSS opened the door from inside the unit. CARR and DUARTE then entered the unit.

CARR began by asking if they had ever had an inspection in their unit. The pair stated that they had not, but Ken ROSS advised that he used to be a mortgage inspector. CARR then told Ken ROSS the details of the inspection. She would be taking photographs of the unit, then creating a business plan with them. ROSS stated, “do you consent to me recording our conversations”. CARR hesitantly said yes. She then began to photograph the unit.

Initial observations were that the unit had a strange smell. CARR observed that the garbage can was placed in the kitchen rather than under the sink in the cabinet. The unit was very clean, with very minimal items within. No photographs of family or anything personalized were visible. CARR observed the TV stand in the living room was nearly empty. There was a desk to the right of the TV which had Lana ROSS’s laptop on it. Overall, the living room appeared in the exact way that it did in the AirBnB listing. The guest room to the left of the living room appeared to be ready to receive accommodation.

CARR then observed a closet with a washer and dryer. In the closet was a printed business licence. CARR was unable to see which year it was for. She then observed the primary bedroom and adjacent bathroom. The bedroom was once again void of personal effects such as photographs, clothing, any signs distinguishing it from the guest bedroom.

CARR then brought her business plan to the kitchen island. See detailed business plan in CFS. Some important information from the business plan was that the pair are “snowbirds”, meaning they are out of the country for 6 months of the year. Additionally, they stated that they would like to offer 1 or 3 nights at a time. CARR advised them that the definition of occasional in the city is 4x a year. Ken ROSS then stated that he has a cousin and brother who would frequently stay at the unit, so he would likely block those days off the calendar.

Explaining that if dates were block off, that would be because he had family staying in the apartment. CARR said that was fine so long as they were not charging money.

Ken ROSS then asked, “would you consent to me taking your photo”. CARR said, “why do you need my photo”. Ken ROSS then said, “in case this goes to the tribunal”. CARR asked if he was expecting something to go badly. CARR does not recall what Ken ROSS said in response to her question. CARR offered to write down her badge number. Ken ROSS asked for her business card. CARR did not have an up-to-date business card as she had returned from mat leave and been given a different phone number than what was printed on the cards. She then took the Inspection Information Sheet out and explained that she had meant to give them the document at the beginning of the inspection. She wrote on her phone number and email on the back.

CARR then asked Lana ROSS if she had tenants in her second unit in the building (702-728 Yates). It is important to note that in 2022, Lana and Ken ROSS had a CFS for advertising without a licence in the unit. Lana ROSS stated that she did not. Lana and Ken ROSS advised that they have had it listed for several weeks and are struggling to find a “good” tenant. DUARTE advised that they required a property licence to rent long term.

Lana ROSS then began to ask DUARTE and CARR roughly 20 minutes worth of questions regarding licence numbers, long term versus short term rental, and Ken ROSS expressing dismay at the length of time that it takes to acquire a business licence. CARR reminded the pair that they could apply for a licence at the beginning of the year. Especially if they wished to comply as they have been in violation every year since 2019 for advertising prior to receiving their licence.

During all the conversations that were being had, Lana ROSS nor Ken ROSS mentioned a third property that they own at 1201 160 Wilson. This address had been utilized as the mailing address for all the licences from 2019-2023. Later when CARR returned to the office, she observed that they remain the ROs of 1201 160 Wilson.

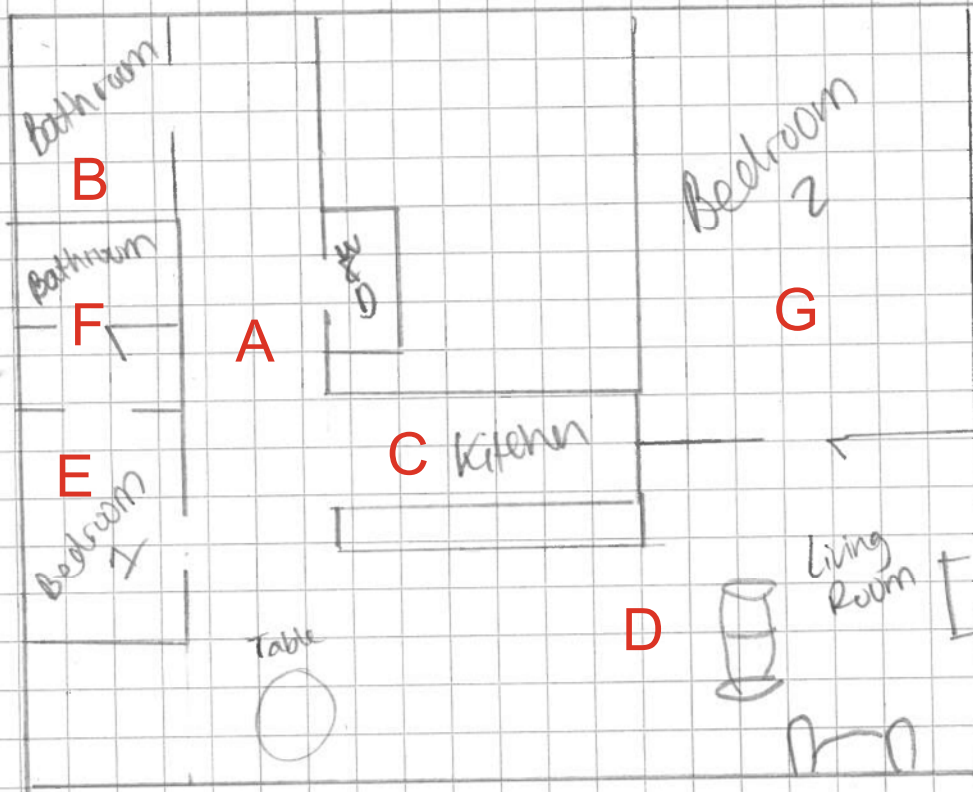
Following the completion of the inspection, DUARTE issued the pair 3 MTIs each. 3 for Lana ROSS for advertising without licence, and 3 for Ken ROSS for zoning. Lana ROSS appeared to be confused and asked DUARTE why they would be received 3 each. DUARTE explained that they were different as half were for zoning and the other half for advertising. DUARTE stated that he would not be getting into the depth of the MTIs and if they wanted to appeal, the information would be available to them through the legal path. Lana ROSS said that she couldn’t appeal something that she had not done in the first place. DUARTE then sat down and produced a document dated back to 2019 showing a history of noncompliance. Every year since 2019 ROSS’s have not applied for a licence prior to advertising. Additionally, they had received several warning letters, visits from officers, door knocks. All which Lana ROSS denied receiving.

DUARTE then reminded the pair that they could appeal the MTIs. Ken ROSS stated, “we will be”. CARR and DUARTE then left the condo and returned to the office.

Thirteen (13) photos were taken (attached to CFS).

Bylaw Officer (BO) CARR
Victoria Bylaw Services

Appendix M - 1403-728 Yates Street Sketch



Appendix N

Inspection: 1403-728 Yates Street, 11 images.

Image1: Front hallway ('A' on floor plan).

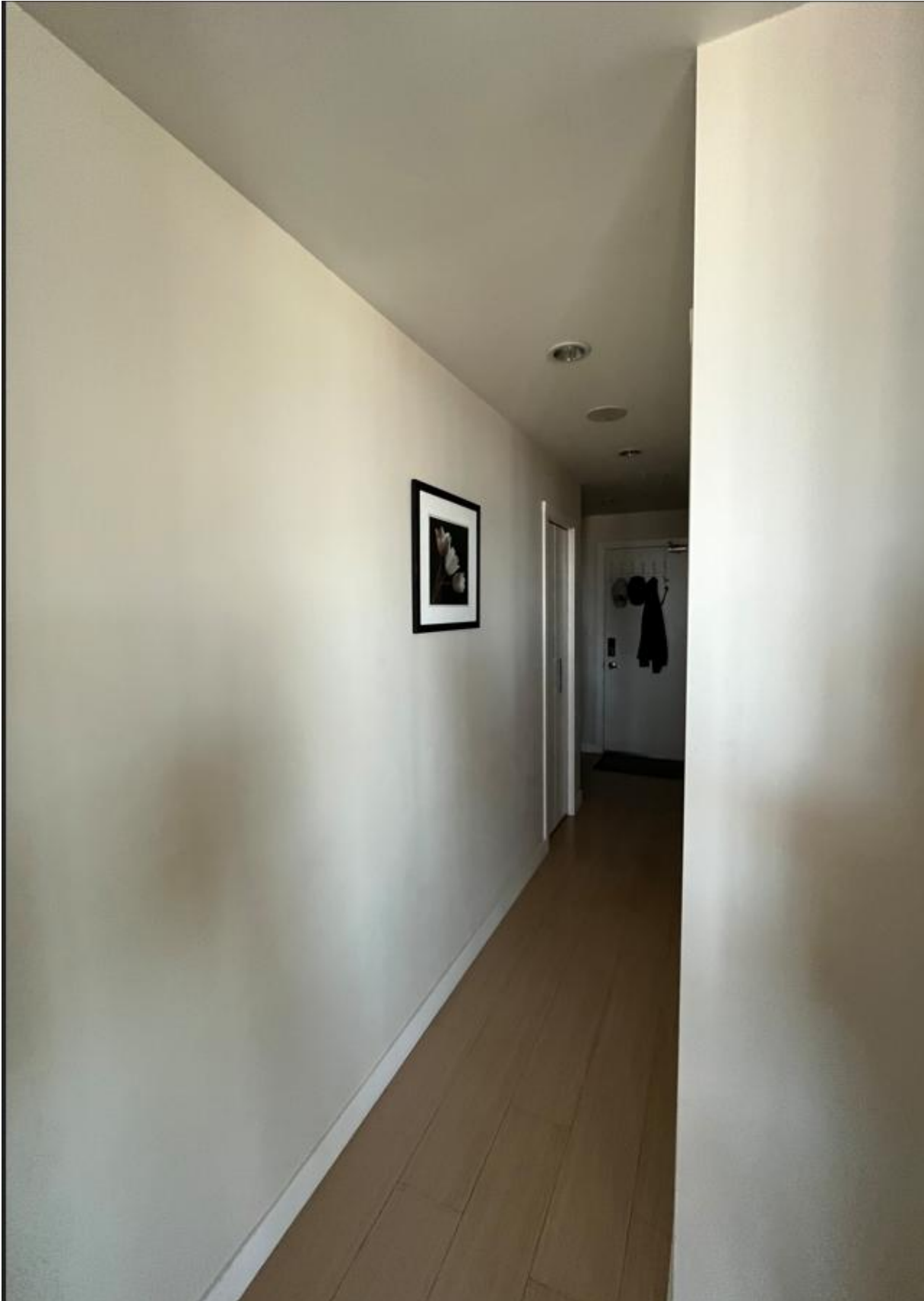


Image 2: Bathroom ('B' on floor plan).



Images 3-4: Kitchen ('C' on floor plan).





Images 5-6: Living room ('D' on floor plan)



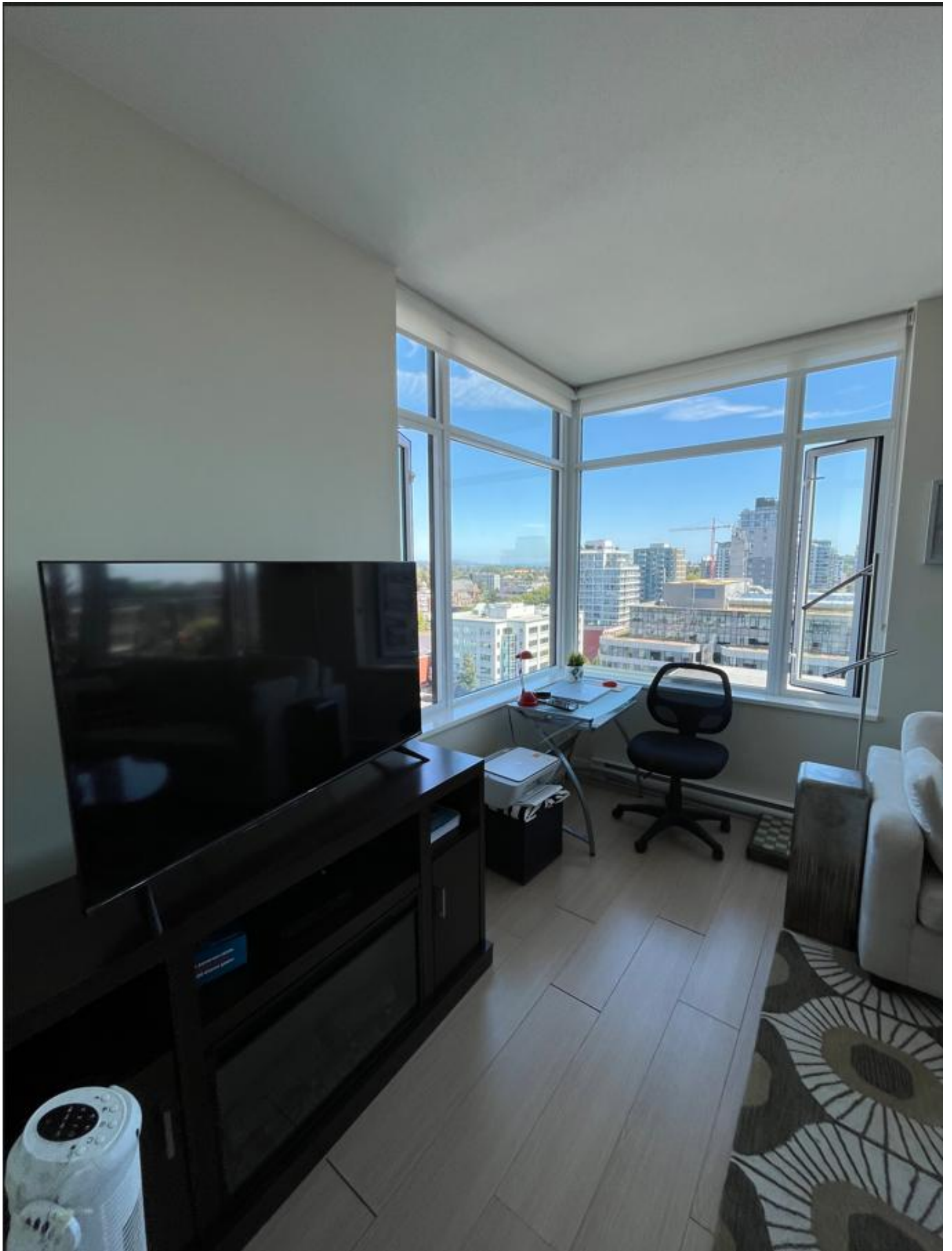
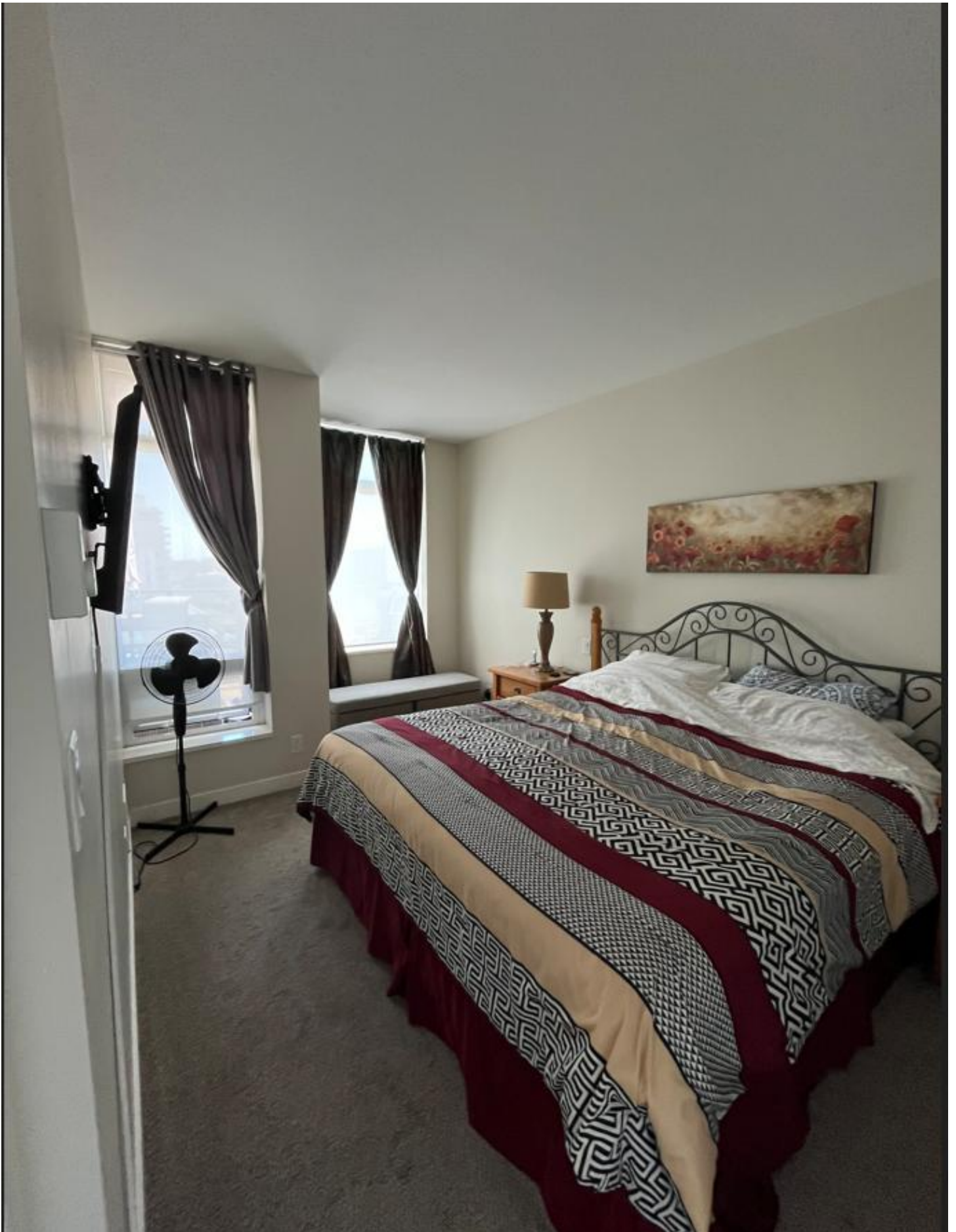


Image 7: Washer and dryer.



Images 8: First bedroom, primary ('E' on floor plan).



Images 9-10: Ensuite in first bedroom, primary ('F' on floor plan).



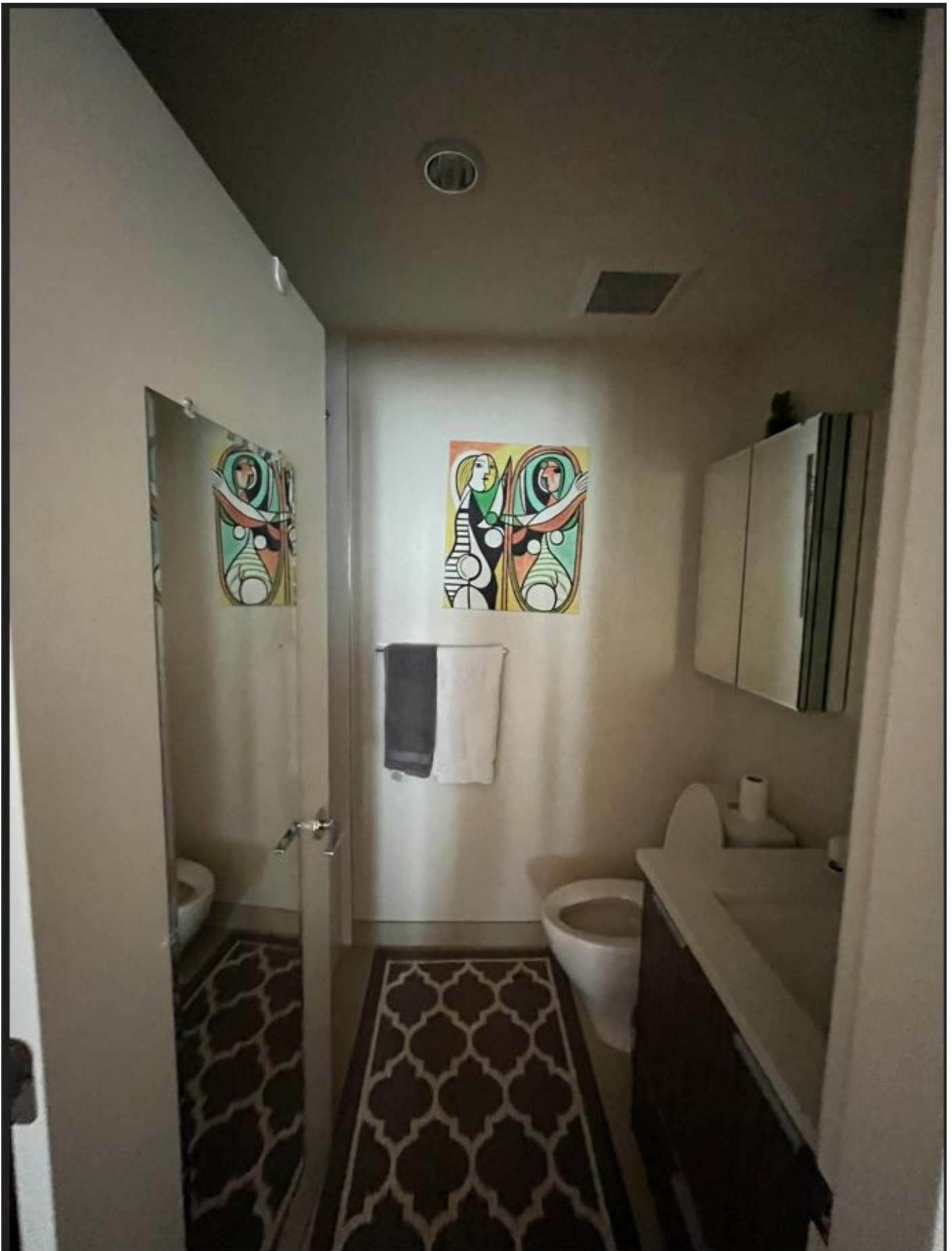


Image 11: Second bedroom ('G' on floor plan).



Appendix O

Short-Term Rental Business Plan – 1403 – 728 Yates Street – Lana ROSS + Ken ROSS

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.).

1. Offering the whole home, while away. **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? **Winter and Summer (6 months)**

2: How long are you going to be away from home? **6 months**

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

4: Are any of your plans subject to change? **Yes in case of health issues**

5: Do you plan to restrict access to any part of the home? if yes, which spaces? **No**

6: How will guests access the home? **They'll get a fob and then use the key pad on the condo door**

8: How do you plan to advertise? **AirBnB**

9: What is the typical minimum length of stay you anticipate offering? **1 night or 3**

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

2. Offering up to two bedrooms with shared living spaces, while home. **Maybe. Not sure of business plan but would like to have the option.**

Residents plan 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? **2 beds**
- 2: Which specific room(s) will be offered to guests? **Couch/guest bedroom**
- 3: Which room is your primary bedroom? **Larger bedroom with ensuite**
- 4: Which common spaces will be shared with guests? **Kitchen, living, washer dryer**
- 5: How will guests access the home? **They'll get a key fob then the code to the condos front door**
- 6: Do you plan to restrict access to any part of the home? if yes, which spaces **Unsure**
- 7: How do you plan to advertise? **AirBnB**
- 8: What is the typical minimum length of stay you anticipate offering? **1 night**
- 9: If you were to go on vacation, would you continue to rent out the room while you were away? **Yes**

Appendix P

12.36.31 BH245F VIN JM1CR293160123536

20JUN2024

L I C E N C I N G I N F O R M A T I O N

LICENCE NUMBER BH245F REGISTRATION NUMBER 03743276
EFFECTIVE DATE 02JUL2023 EXPIRY DATE 01JUL2024 TERMINATION DATE

===== C U R R E N T V E H I C L E D E S C R I P T I O N =====

VEHICLE IDENTIFICATION NUMBER [REDACTED]
[REDACTED] MODEL MZDA5 STATUS
FUEL GASOLINE
NET WEIGHT(KG) 1491 GROSS WEIGHT(KG) DISPLACEMENT

R E G I S T E R E D O W N E R
ROSS KENNETH RUMER
ROSS SMITHANA
1201 160 WILSON ST
VICTORIA BC V9A 7P9



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Appendix Q

Share

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Overview Amenities Policies Host

Apartment

Victoria's prime location, comfort, breathtaking views, free parking

2 bedrooms

2 bathrooms

Sleeps 6

92.9 sq m

Popular amenities

Washer

Kitchen

Fireplace

Dryer

Outdoor space

[See all property amenities >](#)

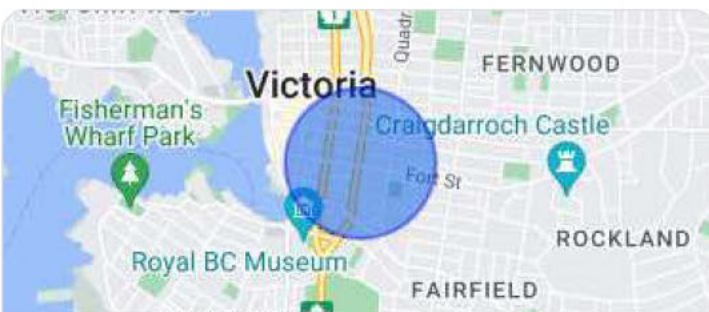
Check-in time

4:00 PM

Check-out time

11:00 AM

Explore the area



Victoria, BC
[View in a map](#)

- Royal BC Museum 11 min walk
- Victoria Harbour 15 min walk
- Victoria Clipper Ferry Terminal 19 min walk
- Victoria, BC (YYJ-Victoria Intl.) 30 min drive

[See more >](#)

~~CA \$289~~

CA \$224 per night

New listing price ⓘ

Non-refundable ⓘ

✔ Your dates are available

 Start date
Jul 23

 End date
Aug 22

Travellers
2 travellers

Total **CA \$7,269**

[Price details](#)

Book now

You will not be charged yet

[Contact host](#)

Property # 4073811vb

Rooms & beds

2 bedrooms (sleeps 6)

Guest bedroom



Living Room 1



Master bedroom



2 bathrooms

Bathroom 1



Soap · Towels provided · Bathtub · Toilet · Shampoo · Hair dryer

Bathroom 2



Soap · Towels provided · Toilet · Shower only · Shampoo · Hair dryer

Spaces

 Deck or patio

 Kitchen

 Balcony

[See all rooms and beds details](#)

Appendix R


VRBO AD – P4073811VB – 30 NIGHT – 1403, 751 FAIRFIELD RD - ROSS

CALENDAR – CAPTURED - JULY 22, 2024

https://www.vrbo.com/en-ca/cottage-rental/p4073811vb?dateless=true&xc_pwa=1&pwa_ts=1721678744014&referrerUrl=aHR0cHM6Ly93d3cudnJib5j20vSG90ZWwtU2VhcmNo&useRewards=false&adults...
Schedule (Sharepoi... VicMap Bylaws | Victoria BYL - Bylaw Service... Internal Plan Search... Tobacco & Vapour... Clean Air Bylaw | CRD

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Overview Amenities Policies Host

Apartment
Victoria's prime location, comfort, breathtaking views, free parking

2 bedrooms 2 bathrooms Sleeps 6 92.9 sq m

Popular amenities
Washer Kitchen
Fireplace Dryer
Outdoor space
See all property amenities >

Check-in time 4:00 PM Check-out time 11:00 AM

Start date → End date

July 2024							August 2024							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
												1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30	31	


Clear dates Submit

2:05 PM 2024-07-22

https://www.vrbo.com/en-ca/cottage-rental/p4073811vb?dateless=true&xc_pwa=1&pwa_ts=1721678744014&referrerUrl=aHR0cHM6Ly93d3cudnJib5j20vSG90ZWwtU2VhcmNo&useRewards=false&adults...
Schedule (Sharepoi... VicMap Bylaws | Victoria BYL - Bylaw Service... Internal Plan Search... Tobacco & Vapour... Clean Air Bylaw | CRD

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Share Save



Overview Amenities Policies Host

Apartment
Victoria's prime location, comfort, breathtaking views, free parking

2 bedrooms 2 bathrooms Sleeps 6 92.9 sq m

Popular amenities
Washer Kitchen
Fireplace Dryer
Outdoor space
See all property amenities >

Check-in time 4:00 PM Check-out time 11:00 AM

Start date → End date

September 2024							October 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7							
8	9	10	11	12	13	14	6	7	8	9	10	11	12
15	16	17	18	19	20	21	13	14	15	16	17	18	19
22	23	24	25	26	27	28	20	21	22	23	24	25	26
29	30						27	28	29	30	31		

Clear dates Submit

2:07 PM 2024-07-22



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Overview Amenities Policies Host

Apartment

Victoria's prime location, comfort, breathtaking views, free parking

2 bedrooms 2 bathrooms Sleeps 6 92.9 sq m

Popular amenities

- Washer
- Fireplace
- Outdoor space
- Kitchen
- Dryer

See all property amenities >

Check-in time

4:00 PM

Check-out time

11:00 AM

Start date → End date

November 2024							December 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Clear dates

Submit



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Overview Amenities Policies Host

Apartment

Victoria's prime location, comfort, breathtaking views, free parking

2 bedrooms 2 bathrooms Sleeps 6 92.9 sq m

Popular amenities

- Washer
- Fireplace
- Outdoor space
- Kitchen
- Dryer

See all property amenities >

Check-in time

4:00 PM

Check-out time

11:00 AM

Start date → End date

January 2025							February 2025						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2							1
3	4	5	6	7	8	9	2	3	4	5	6	7	8
10	11	12	13	14	15	16	9	10	11	12	13	14	15
17	18	19	20	21	22	23	16	17	18	19	20	21	22
24	25	26	27	28	29	30	23	24	25	26	27	28	

Clear dates

Submit





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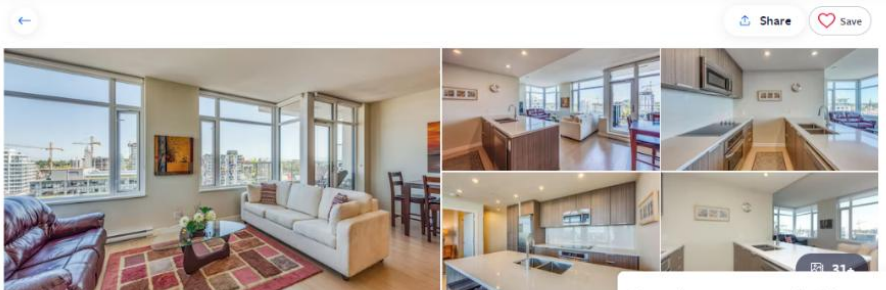
Check-in time
4:00 PM

Check-out time
11:00 AM

Start date → End date

March 2025							April 2025						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5	
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Clear dates Submit



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Check-in time
4:00 PM

Check-out time
11:00 AM

Start date → End date

May 2025							June 2025							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
					1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14	
11	12	13	14	15	16	17	15	16	17	18	19	20	21	
18	19	20	21	22	23	24	22	23	24	25	26	27	28	
25	26	27	28	29	30	31	29	30						

Clear dates Submit

Book now

You will not be charged yet

Marissa Peluso

From: Marv Gandall [REDACTED] >
Sent: August 7, 2024 11:48 AM
To: str@victoria.ca
Cc: Dillon Sahota; Graham Spencer
Subject: Re: Short-Term Rental Concerns.

Thanks, Marissa,

Couple of follow-up items:

1. Pending appeal to council re: STR decision. We assume you already have this information, but the documentation provided by Tribe which I sent to str@victoria.ca on May 14th under the subject heading "STR's in the Era and possible violations of the STRAA and EPS 2516 Bylaws" shows the appellant as the resident owner of Unit 702. It also lists the appellant as a co-owner with her husband of Unit 1403. For that unit the appellant gave a home address of 60 Wilson St and the husband gave Unit 702. Both units were also on the list of licensed STR's provided to us by Tribe.
2. Could you kindly ensure that your team is aware that the contact person for our strata is the president, Dillon Sahota, rather than Miriam Byrne of Oasis Vacation Rentals, and that he is the authorized representative to sign consent forms? In Dillon's absence, both Graham and myself are the alternate contacts on our council's STR subcommittee.

Best.

Marv

On Aug 7, 2024, at 9:56 AM, str@victoria.ca wrote:

Hi Marv,

It was nice to meet all of you. Please don't hesitate to reach out.

Kind regards,

Marissa Peluso (she/her/hers)

Short-Term Rental Coordinator

Bylaw Services

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0726

Detailed Listing Information for

[2011357](#)

Assigned to: City of Victoria

Platform Information

Platform Report Month: 2024-05

Platform: VRBO
Listing Status: Active A

Address (Best Match): UNIT 1403 -- 728 Yates St, Victoria, BC ✎ Updated
Address (Platform Listing): 728 Yates street Victoria BC
Entire Unit? (Platform Listing): Yes
Number of Bedrooms (Platform Listing): 2

Business Licence on Listing: # 1032362

Property Host (Platform Listing): Lana Ross
Property Host Address: 728 Yates street Victoria BC
Email: [REDACTED]
Phone: [REDACTED]

Listing History (for This Listing ID)

Night Stayed YTD: 15

Month	Nights Stayed	🕒 Separate Reservations
2024-05	15	5

Address History

Type	Platform Address	Best Match Address	Date	User
User Edit	728 Yates street Victoria BC	UNIT 1403 -- 728 Yates St, Victoria, BC	2024-11-08	Crockett, Emma
Platform Data	728 Yates street Victoria BC	728 Yates St, Victoria, BC	2024-06-17	System

Action History

Action	Date	User
-	-	-

Business Licence Information

BL Records Last Uploaded: 2024-10-11

Business Name: ROSS, LANA / ROSS, KEN
STR Address: 1403-728 YATES ST VICTORIA BC V8W 0C8

Business Licence Number: 00046873
Licence Type: SHORT TERM RENTAL
Expiry Date: 2024-12-31
Status: Revoked ⓘ

Operator Name: ROSS, LANA / ROSS, KEN

Principal Residence: No

Onsite Owner: No
Building Rented: No

Folio Number: 01021168
Parcel Identifier (PID): 029-519-136

Detailed Listing Information for

[1187734416801659106](#)

Assigned to: City of Victoria

Platform Information

Platform Report Month: 2024-10

Platform: Airbnb
Listing Status: Active A

Address (Best Match): UNIT 1403 -- 728 Yates St, Victoria, BC ✎ Updated
Address (Platform Listing): 728 Yates St, Victoria, BC V8W 0C8, Canada
Entire Unit? (Platform Listing): Yes
Number of Bedrooms (Platform Listing): 2

Business Licence on Listing: ⓘ

Property Host (Platform Listing): Svitlana Ross
Property Host Address: 160 Wilson Street, Victoria, BC
Email: [REDACTED]
Phone: [REDACTED]

Listing History (for This Listing ID)

Night Stayed YTD: 41

Month	Nights Stayed	ⓘ Separate Reservations
2024-10	12	1
2024-09	29	0
2024-08	0	0
2024-07	0	0
2024-06	0	0

Address History

Type	Platform Address	Best Match Address	Date	User
User Edit	728 Yates St, Victoria, BC V8W 0C8, Canada	UNIT 1403 -- 728 Yates St, Victoria, BC	2024-10-15	Crockett, Emma
Platform Data	728 Yates St, Victoria, BC V8W 0C8, Canada	728 Yates St, Victoria, BC	2024-07-16	System

Action History

Action	Date	User
-	-	-

Business Licence Information

BL Records Last Uploaded: 2024-10-11

Business Name: ROSS, LANA / ROSS, KEN
STR Address: 1403-728 YATES ST VICTORIA BC V8W 0C8

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