

Johnson Street  
Victoria, B.C. Canada,

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Attn: Victoria City Council & Legislative Services  
City Hall, #1 Centennial Square  
Victoria, B.C. Canada, V8W 1P6

Principal Residence Short-Term Rental Application: Response to the License Inspectors' Report  
[REDACTED] – [REDACTED] Johnson Street

Dear City Council Members,

[illegible]

## Summary of The Response Structure for Council Members

This response has been organized into three distinct sections to facilitate a clear and thorough review by Council Members.

## Section 1: Regulatory Frameworks and Obligations:

The first section outlines the regulatory frameworks that govern short-term rentals in the City of Victoria and defines the rights and obligations of all parties involved, including myself, City staff, the License Inspector and Council Members. This section provides the foundation for understanding the relevant bylaws, provincial regulations, and their application to this appeal.

## Section 2: Core Considerations to Overturn the Rejected Rental Application:

The second section focuses on the fundamental considerations upon which this appeal rests:

- Whether [REDACTED] Johnson Street is in-fact my Principal Residence.
- Whether I meet and exceed the definitions of a “Principal Residence” as they’re defined by the City of Victoria and Province of British Columbia.

These are the key questions that must be answered to determine the approval or rejection of my principal residence application. If I satisfy these requirements, then all other concerns raised in this report become irrelevant to the final decision.

This section will provide comprehensive evidence and supporting documentation to establish that I meet and exceed these criteria. It will also address any perceived inconsistencies in my application, demonstrating that [REDACTED] Johnson Street is unequivocally my Principal Residence as defined by the regulatory framework.

### **Section 3: Fact-Based Evidence and Rebuttals:**

The final section systematically addresses the false statements, misrepresentations, and procedural failures identified within in the License Inspector's report. Each issue is clearly identified, corrected, and substantiated with fact-based evidence that demonstrates my compliance with the applicable regulations and challenges the conclusions drawn by the License Inspector.

To ensure clarity and ease of reference for Council Members, each subsection begins with the License Inspector's statement *displayed in light grey*, followed by my detailed response in black. This structure provides a direct and transparent comparison between the Inspector's claims and the supporting evidence I have provided. By presenting the information in this format, Council Members can fairly and objectively evaluate the validity of my appeal and the procedural shortcomings that have impacted this process.

## **Business Licence (Short-term Rental) Appeal re [REDACTED] Johnson 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 [REDACTED] (the appellant) for the operation of a short-term rental at [REDACTED] Johnson 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.

## **Section 1: Regulatory Framework and Obligations:**

The License Inspector has outlined above the key points for Council Members to consider when reviewing this appeal. Directly below I will expand on each numbered section listed above by the License Inspector to outline in non-legal terms what Council Members need to understand prior to reviewing the facts of my case and my responses to the License Inspector's report.

### **1. Nature of the Appeal**

This appeal seeks to overturn the License Inspector's decision to deny my Principal Residence Short-Term Rental license for [REDACTED] Johnson Street. It is also an appeal for the proper recognition of my principal residence status under existing regulations. My case is supported by comprehensive documentation that aligns with both the letter and spirit of the regulations and bylaws established by the City of Victoria and the Province of British Columbia.

My home cannot be offered as a long-term rental; it is only available for short-term rentals while I am temporarily away, as permitted under the regulatory framework. The denial of my application is based on a misinterpretation of the evidence I provided to establish my compliance with the principal residence license requirements.

Council Members have the full authority to apply their independent judgment in reconsidering this decision and ensuring that my application is evaluated fairly and objectively.

### **2. Regulatory Framework and Compliance**

**Compliance with Short-Term Rental Regulation Bylaw (No. 18-036):** The Short-Term Rental Regulation Bylaw requires compliance with Section 3, which outlines the licensing requirements:

- Submission of a complete application with all required information.
- Proof of ownership (or owner's consent) for short-term rental use.
- Strata council approval, if applicable.
- Evidence of principal residence status.
- Designation of a responsible person when the operator is away.

I have met all these requirements, submitting extensive documentation (36 unique documents, provided by third parties to remain impartial, each can be independently verified), including proof of ownership, personal property and rental insurance, mortgage statements, utility bills, government-issued ID, workplace access logs, strata council approval, etc.

#### **Alignment with Principal Residence Definitions**

The City of Victoria **Bylaw No. 18-036** defines a principal residence as: *"The usual place where an individual makes their home."*

**Amendment No. 24-059** refines this definition: *"The residence in which an individual resides for a longer period of time in a calendar year than any other place."*

Similarly, the **Province of British Columbia** defines a principal residence as: "*A principal residence is the residence an individual lives in for a longer period during a calendar year than any other place.*"

Included in this response to the License Inspectors report, I have provided a daily timeline of my location over the past two years. The data displays that [REDACTED] Johnson Street is my principal residence and that I exceed the requirements as they're defined above by the City of Victoria and the Province of B.C.

The supporting evidence is irrefutable as the data is sourced from [REDACTED] (my employer) building access card data, geographically tagged photos, receipts displaying purchase location in Victoria, and 33 additional forms of documentation provided by third-party resources. A summary of the information provided as evidence within each document supporting my principal residence status follows in the next section. A summary table of the information provided within each document and details on where to find the supporting documentation within the Appendix and the Supplement to the Appendix has been provided below.

**Section 6 of Bylaw No. 18-036** mandates that a responsible person be available during short-term rental operations. I have always ensured compliance by designating a responsible person who can respond promptly during my absences.

#### **Compliance with Schedule 'D' – Home Occupations**

The property is zoned as CBD-2 (Central Business District – 2 Zone), which permits short-term rentals as a Home Occupation under Schedule 'D'.

**Section 12(1):** No more than two bedrooms may be rented, and the property must be the operator's principal residence. I comply with these limitations, as my property has two bedrooms available for short-term rental, and I have submitted conclusive evidence defining my principal residence status.

**Section 12(2):** The entire principal residence may be used for a short-term rental while the operator is temporarily away, provided it does not exceed 160 nights per year. My operations adhere to this rule, with rentals limited to temporary absences. Supporting documentation provides definitive travel dates for my work at [REDACTED] statements from [REDACTED] Head of Human Resources that I'm mandated to be in the office in Victoria 4-days per week and that [REDACTED] offices in Victoria ([REDACTED] Pandora Ave) remain my primary place of work.

#### **Basis For Application Denial**

The License Inspector made the subjective determination that I do not meet the requirements under the *Short-Term Rental Bylaw, Schedule 'D' – Home Occupation, and the Zoning Regulation Bylaw*. Discretionary authority within an administrative process must be exercised based on fact-based evidence. However, it is evident that this decision improperly relied on speculative interpretations of circumstantial data that was provided by sources such as Instagram, LinkedIn, and AirDNA, while failing to engage with the substantial evidence I provided (or was able to provide upon request). Despite my willingness to provide additional documentation and repeated attempts to initiate a dialogue with the City of Victoria, the

License Inspector did not request further information beyond the standard application requirements (government-issued ID and utility bill). Notably, while proof of insurance was later added as a requirement in 2024, this too was never requested during my application review.

Instead of clarifying the speculative concerns raised by online data, the License Inspector allowed assumptions to overshadow the objective evidence supporting my application. To date, the Inspector has neither articulated what additional information would have been helpful nor outlined the specific documentation required to make an informed decision. This lack of engagement and transparency has undermined the integrity of the decision-making process and unfairly penalized my compliance efforts.

My short-term rental operations align with Schedule 'D's intent by offering my home for full occupation only during "temporary" absences, such as work travel or vacations. This ensures that the property remains my principal residence and adheres to the bylaw's framework of "occasional use." It needs to be understood that the term "occasional use" is not explicitly defined in the bylaw, but the definition of a principal residence is quite clear and cannot be misinterpreted.

### **3&4. Council's Authority & Considerations**

**The Community Charter Section 60(5)** provides Council with important authority in this appeal:

- i. Council is not bound by the License Inspectors interpretation and can apply independent judgement to all of the evidence provided.
- ii. Council can consider broader context and policy implications. The License Inspector is meant to be bound by approved legislation.
- iii. Council has full authority to conduct an independent review of all parties involved in this appeal.
- iv. Council may either uphold or overturn the License Inspectors decision.

Council should also consider:

- v. The source of the documented evidence that has been provided. Is the underlying argument based on irrefutable evidence, has it been verified by an independent third-party, or is the evidence provided speculative and circumstantial?
- vi. Have the bylaws been written in a way that can be applied unilaterally across all idiosyncratic situations? Current bylaws lack a definition for "occasional use" which suggests that the only way to consistently apply these regulations is by ensuring the applicant's residence status meets the stated definition of a "principal residence."
- vii. The intent of the short-term rental regulations has been stated as a tool to help manage the cost-of-living crisis, address soaring housing prices, remove investors and speculators from the short-term rental market, and return housing supply to the long-term rental market. Does the License Inspector's decision promote the intent of the regulations?

**End of Section 1**

## **Section 2: Core Considerations to Overturn the Rejected Rental Application:**

Given the regulatory framework and Council's authority as outlined in section one above, this appeal fundamentally rests on two key determinations:

1. Whether [REDACTED] Johnson Street is my principal residence as defined by both City and Provincial regulations.
2. Whether my rental patterns align with the bylaw's provisions that allow short-term rentals while the owner is "temporarily away."

These two points are interrelated but distinct, and the evidence supporting each is comprehensive. Once these fundamental elements are established, the other aspects surrounding my compliance with City regulations naturally follow. I will address each point in detail, providing documented evidence that clearly demonstrates my eligibility for a Principal Residence Short-Term Rental license.

### **Documentation Supporting Principal Residence Status**

The City of Victoria's Short-Term Rental Website ([www.victoria.ca/building-business/business-licensing/short-term-rentals](http://www.victoria.ca/building-business/business-licensing/short-term-rentals)) defines the below documentation as the required proof of residence documentation for a principal residence license application.

#### What kind of proof of residence documentation is required for my application?

You will need to provide government issued ID which states your address, a home or rental insurance policy and a utility bill. All documentation must be current and valid.

At the time my application was submitted, the required documentation included government-issued ID showing my address and a utility bill. During 2024, the documentation requirements were amended to include a home or rental insurance policy as an additional piece of evidence. Despite this change, the License Inspector, Bylaw Officers, and City Staff never requested that I provide this additional documentation. They also never requested any additional information to support my application during the entire review process. No attempt was made to engage with me to clarify concerns or address perceived inconsistencies, even though I repeatedly expressed my willingness to provide further documentation.

Instead, the License Inspector relied heavily on circumstantial evidence from online resources, such as LinkedIn and Instagram, rather than seeking direct and irrefutable documentation that I could have easily provided upon request. This approach violates fundamental principles of administrative fairness and due process, which require that applicants be informed of the specific concerns or deficiencies in their application and be given a meaningful opportunity to address them prior to receiving a decision. By failing to define what additional information would have been needed (or helpful) in the License Inspectors review of my application, the

City of Victoria denied me the ability to adequately respond to their concerns and defend my case.

Furthermore, the reliance on speculative online evidence, rather than objective documentation, is inconsistent with the principle of procedural fairness established in cases such as *Baker v. Canada* (1999 SCC 699). Administrative decision-makers are required to provide applicants with clear criteria and an opportunity to address concerns before making a determination. The City of Victoria's failure to adhere to these standards not only undermines the integrity of the process but also raises serious questions about the quality of the License Inspector's review.

Below I will present Council Members with all of the evidence I have gathered to include within this response to the License Inspector's report. It provides details, the type of evidence, the issuer or source of the documentation, and a brief description of the information it contains. This evidence comprehensively demonstrates my compliance with the principal residence requirements and addresses all concerns raised in the License Inspector's report.

Please keep in mind that a simple email or phone call requesting any of this information could have resolved these issues without the need for this extensive appeal process. It would have saved me the +100 hours I have spent putting this response together and the additional +50 hours I spent working on my initial appeal and attempting to communicate with City Staff over the past 12-months. It would also have spared Council Members the burden of reviewing a detailed +120-page report, and the License Inspector the time spent preparing their response. A collaborative and transparent approach would have ensured a fair and efficient resolution, avoiding unnecessary delays and miscommunications.

Council Members, please take the time to read the information that has been included within the following table. The evidence that has been included within the table should be enough to prove [REDACTED] Johnson Street is our ([REDACTED] & [REDACTED] principal residence.

**Documentation Provided by the Applicant:** [REDACTED]

<b>Section 1: Provides proof that the property [REDACTED] Johnson Street is owned by [REDACTED] The property is owned by and individual and not a corporation.</b>
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<b>Evidence &amp; Location</b>	<b>Issuer/Source</b>	<b>Description of Information Provided</b>
<b>Land Title</b> <b>Appendix: Pg. 62-63</b>	[REDACTED] Law Corporation	<b>Produced by:</b> [REDACTED] Law Corporation <b>PID/Plan Number:</b> [REDACTED] <b>Legal Description:</b> [REDACTED] <b>Victoria City Strata Plan:</b> [REDACTED] <b>Borrower(s) &amp; Mortgagor(s):</b> [REDACTED] & [REDACTED] <b>Address:</b> [REDACTED] Johnson Street Victoria BC [REDACTED] <b>Lender(s):</b> [REDACTED] <b>Lender Address:</b> [REDACTED]

		<b>Principal Amount:</b> [REDACTED] <b>Document Execution Date:</b> [REDACTED]
<b>Mortgage Statement</b>  <b>Appendix:</b> Pg. 64-68	[REDACTED]	<b>Name:</b> [REDACTED] & [REDACTED] <b>Address:</b> [REDACTED] Johnson Street Victoria BC Canada [REDACTED] <b>Statement Date:</b> Jan. 10, 2024 <b>Mortgage Balance:</b> \$ [REDACTED] as of December 31, 2023. <b>Revolving Debt Balance:</b> [REDACTED] as of Dec 31, 2023. <b>Address:</b> [REDACTED]
<b>2024 Home Insurance</b>  <b>Appendix:</b> Pg. 74-81 <b>Supplement to Appendix:</b> Pg. 387-390	[REDACTED] Insurance: Personal Property Insurance	<b>Policy Type:</b> Personal Property Insurance <b>Name of Insured:</b> [REDACTED] <b>Address of Insured:</b> [REDACTED] Johnson Street Victoria BC Canada <b>Dwelling Occupancy:</b> Owner Occupied <b>Effective Contract Date:</b> [REDACTED] <b>History:</b> 3-Years of Continuous Coverage
<b>2024 Home Insurance</b>  <b>Appendix:</b> Pg. 71-73 <b>Supplement to Appendix:</b> Pg. 391-445	[REDACTED] Insurance Services: Rental Insurance Policy	<b>Policy Type:</b> Rental Insurance Policy <b>Effective Date:</b> [REDACTED] <b>Name of Insured:</b> [REDACTED] <b>Address of Insured:</b> [REDACTED] Johnson Street Victoria BC Canada <b>Location of Risk:</b> [REDACTED] Johnson Street Victoria BC Canada <b>Form of Business:</b> Individual <b>Period of Insurance:</b> [REDACTED] <b>Description of Business Operations:</b> Condo Unit Ownership - Short Term Residential Rental
<b>2023 Home Insurance</b>  <b>Appendix:</b> Pg. 83-93  <b>Supplement Appendix:</b> Pg. 326-386	[REDACTED] Insurance Services: Rental Insurance Policy	<b>Policy Type:</b> Rental Insurance Policy <b>Effective Date:</b> [REDACTED] <b>Name of Insured:</b> [REDACTED] <b>Address of Insured:</b> [REDACTED] Johnson Street Victoria BC Canada <b>Location of Risk:</b> [REDACTED] Johnson Street Victoria BC Canada <b>Form of Business:</b> Individual <b>Period of Insurance:</b> [REDACTED] <b>Description of Business Operations:</b> Condo Unit Ownership - Short Term Residential Rental



















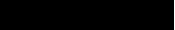






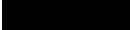

**Section 2: Provides evidence to support my stated business plan.**  
The information gathered in this section was used to fill out the adjoining spreadsheet in my submission.  
All data was provided by independent third parties and can be verified for authenticity.

Evidence & Location	Issuer/Source	Description of Information Provided
<b>2024 Rentals</b>  <b>Appendix:</b> Pg. 174-177	Airbnb & VRBO	<b>Period:</b> January 1 – July 3, 2024. The timeline captures the period during the License Inspectors review of my rental application. <b>Total Nights Booked:</b> 53 Nights <b>Earnings:</b> [REDACTED] (before operating expenses and income tax). The evidence provided by the booking platforms confirms AirDNA data provided by the License Inspector has been grossly misstated.



<p><b>Letter of Employment</b></p> <p><b>Appendix: Pg. 1-2</b></p>	<p>Human Resources</p>	<p><b>Home Residence:</b> Johnson Street Victoria BC Canada  <b>Employment:</b> Permanent Full-Time Since April 2018  <b>Office Location:</b> Pandora Avenue Victoria BC Canada  <b>Attendance:</b> Required in-office presence Monday to Thursday</p> <p><b>Hybrid Remote Work Progression:</b>  <b>2020/2021:</b> Primarily remote work during covid pandemic  <b>April 2022:</b> 3-Days in-office required (Tues / Wed / Thurs)  <b>March 2024:</b> 4-Days in-office required (Monday-Thursday)  <b>Current Remote Working Days:</b> Every Friday  <b>Hybrid Work Allowance:</b> 4-weeks additional remote work per year  <b>Access Card Data:</b> Confirms consistent physical presence and adherence to in-office requirements.  <b>Vacation:</b> 4 Weeks for full-time employees</p> <p><b>Documented Temporary Business Travel Dates Include:</b>  April 20-28, 2023:  September 16-October10, 2023:  February 25-March 1, 2024:  April 11-19, 2024:  November 13-15, 2024:  September 16-December 31, 2024:</p> <p><b>Temporary Work Assignment in New York:</b>  Temporary assignment discussions began on  NAFTA L-1A Non-Immigrant Visa Submitted to Department of Homeland Security on  Temporary U.S. Entry Granted on  <b>Temporary Working Visa:</b> Granted on  <b>Corporate Housing:</b> from  <b>Temporary Assignment Concludes:</b> December 31, 2024.  <b>January 3, 2025:</b> will return to Victoria and his 4-Day in-office work requirement resumes at Pandora Avenue Victoria BC.  <b>Provided Contact for Verification:</b></p>
<p><b>Letter of Employment</b></p> <p><b>Appendix: Pg. 3</b></p>	<p></p>	<p><b>Work Status:</b> Permanent full-time Employment  <b>Employed by Public Markets Since:</b>  <b>Employment Address:</b> Pandora Ave, Victoria B.C.  <b>Provided Contact for Verification:</b></p>
<p><b>Access Card Data</b></p> <p>Data has been consolidated into the adjoining spreadsheet.</p> <p><b>Supplement to Appendix: Pg. 1-62</b></p>	<p>Information Technology</p>	<p><b>Physical Attendance:</b> Victoria Office on Pandora Avenue  <b>2023 Access Card Data:</b> 127 Days  <b>2024 Access Card Data:</b> 111 Days</p> <p>Manages with Confidential Proprietary Data  Building entry is highly secured  Building access is <b>ONLY</b> granted by an access card</p>

<b>Remote Work Directive</b>  <b>Appendix:</b> Pg. 4-9	Human Resources	<p>Detailed Explanation of In-Office Requirements</p> <p><b>Purpose:</b> Defines total days employees are required to be in-office</p> <p><b>2024:</b> Friday is a designated remote working day</p> <p><b>Hybrid Work:</b> 20-Days of additional remote work per year</p> <p><b>Vacation:</b> 20-days per year</p> <p><b>Sick:</b> 10-days at 100% pay</p> <p><b>Personal Leave:</b> 5-days at 100% pay. Doctor, family emergency, etc.</p> <p>Human Resources tracks every employee's card entry data and remote server access data to ensure every working day has been properly accounted for.</p> <p>Information Technology provided card access data and Human Resources provided (human capital management software) data for each business day in 2023/2024.</p> <p><b>Provided Contact for Verification:</b></p>
<b>Travel Receipts</b>  <b>Appendix:</b> Pg. 10-30	& Corporate Traveller	<p>All business travel at is booked through Corporate Traveller</p> <p>All of my travel receipts have been provided for 2023 &amp; 2024</p> <p>Travel dates are supported by the information provided within Human Resources Letter of Employment</p>
<b>Personal Travel Receipts</b>  <b>Appendix:</b> Pg. 31-57	Airlines & Hotels	<p>All of my personal travel receipts have been provided for 2023 &amp; 2024</p> <p>All travel dates are documented in the adjoining spreadsheet attached to my submission</p>
<b>Photos</b>  <b>Appendix:</b> Pg. 137-158	& iPhone	<p><b>Geographically Tagged Photos:</b> Displays Proof of Location</p> <p><b>Data provided by:</b> Apple</p> <p><b>Photo Evidence:</b> 112 Days of evidence in Victoria</p>
<b>Combined Receipts</b>  <b>Appendix:</b> Pg. 104-136	& Banking Records	<p><b>Each Receipt Included Displays:</b> The City of Purchase</p> <p><b>Information Provided:</b> Document consolidates 68 monthly credit card statements that are included in the Supplement to the Appendix.</p> <p><b>Receipts Displaying Victoria in 2023:</b> 182 Days of Receipts</p> <p><b>Receipts Displaying Victoria in 2024:</b> 139 Days of Receipts</p>
<b>Corporate Housing</b>  <b>Appendix:</b> Pg. 58-61	Weichert Corporate Housing: Lease Agreement	<p><b>Tenant:</b></p> <p><b>Lease Term:</b> (110 Days)</p> <p><b>Date of Signed Lease:</b></p> <p><b>Address:</b></p> <p><b>Name on Credit Card:</b></p> <p><b>Billing Address:</b> Johnson Street Victoria B.C. Canada</p>
<b>Letter of Employment</b>  <b>Appendix:</b> Pg. 159-166	Principal,	<p><b>Employer:</b></p> <p><b>Work Location:</b> Victoria, BC</p> <p><b>Employment:</b> Full-time continuing contract Oct. '23 - Sept.'24</p> <p><b>Days Worked:</b> 141 Days on location at</p> <p><b>Winter Break 2023:</b> 8 business days off</p> <p><b>Spring Break 2024:</b> 10 business days off</p> <p><b>Summer Break 2024:</b> 44 Business days off</p> <p><b>Sick/Off in 2023 &amp; 2024:</b> 22</p> <p><b>Professional Development:</b> 4 Days at various Victoria schools</p>

<p><b>Excel Spreadsheet</b></p> <p>Attached to Submission</p>	<p>  Workday Calendar Portal   Human Resources   Information Technology  Corporate Traveller       &amp;   Receipts/Photos </p>	<p><b>Date Information:</b></p> <p><b>Column A:</b> Every Day of 2023 &amp; 2024</p> <p><b>Column B:</b> Day of the Week</p> <p><b>Column C:</b> Weekday or Weekend</p> <p><b>Work Status:</b></p> <p><b>Column D:</b> Defines if I worked for  stating: Business Day,  Holiday, or Off.</p> <p><b>Column E:</b> Defines if I was physically in the Victoria office, travelling for work, or working remote.</p> <p><b>Column F:</b> Defines why I did not work on a business day: vacation, sick, or personal leave.</p> <p><b>Travel Data:</b></p> <p><b>Column G:</b> Defines the city/country of accommodation that night.</p> <p><b>Column H:</b> Defines the residence: If I slept in Victoria the cell displays Home, if I stayed with family in Vancouver, it will state Family, etc.</p> <p><b>Column I:</b> Defines if  or  paid for the travel.</p> <p><b>Evidence of physically being in Victoria:</b></p> <p><b>Column J:</b> Defines the number of data sources collected confirming I was in Victoria on a given day. Highest = 6. No data = 0.</p> <p><b>Column K:</b> States "Yes" if  access card data provides proof that I was in Victoria working within  offices that day.</p> <p><b>Column L:</b> States "Yes" if  has credit card data displaying that I purchased something from a Victoria location that day.</p> <p><b>Column M:</b> States "Yes" if  has geographically tagged photo evidence in his principal residence or in Victoria that day.</p> <p><b>Column N:</b> States "Yes" if  has credit card data displaying that she purchased something from a Victoria location that day.</p> <p><b>Column O:</b> States "Yes" if  has geographically tagged photo evidence in her principal residence or in Victoria that day.</p> <p><b>Column P:</b> States "Yes" if  worked for the  at  in Victoria that day.</p> <p><b>Column Q:</b> Describes if  was living in Vancouver. I commuted to Vancouver to visit  while we were dating until she moved to Victoria in September 2023. If  was still living in Vancouver the cell states "Yes", if she had moved Victoria to live with me at   Johnson Street then the cell will state "No".</p>
<p><b>Storage</b></p> <p><b>Appendix:</b> Pg. 184-188</p>		<p><b>Master Bedroom:</b> Custom made storage under the master bed stores clothing and items that are used daily. Includes any items that shouldn't be stored outside or that could be affected by weather.</p> <p><b>Deck Storage #1:</b>  special/high-needs education items, electronics, and out of season clothing.</p> <p><b>Deck Storage #2:</b> Toolbox, drills, golf clubs, basketball, out of season clothing, shoes, portable heater.</p> <p><b>Parking Garage Storage:</b> Extra cutlery, plates, glasses, cups, cooking items (anything that breaks often by guests and may need to be replaced), holiday decorations, hockey gear, tennis rackets, paint, extra linens.</p>

		<b>Bike Rack:</b> [REDACTED] road bike is stored on the wall of my parking stall.
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<b>Section 3: Additional Documentation Stating [REDACTED] Johnson Street as My Principal/Home Address</b>
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Evidence & Location	Issuer/Source	Description of Information Provided
<b>Drivers Licence</b>  <b>Appendix:</b> Pg. 179	B.C. Government	<b>Name:</b> [REDACTED] <b>Address:</b> [REDACTED] Johnson Street Victoria BC [REDACTED] <b>Issued:</b> [REDACTED] <b>Expires:</b> [REDACTED]
<b>2023-2024 Auto Insurance</b>  <b>Appendix:</b> Pg. 94-96	ICBC - Crown Corporation	<b>Location Address:</b> [REDACTED] Johnson Street Victoria B.C. Location address means the place where a vehicle is kept when not in use. The location address is used to determine the territory and premiums. Failing to update an address is grounds for a void contract. <b>Principal Driver:</b> [REDACTED] <b>Effective Date:</b> [REDACTED] <b>Expiry Date:</b> [REDACTED]
<b>2024-2025 Auto Insurance</b>  <b>Appendix:</b> Pg. 97-99	ICBC - Crown Corporation	<b>Location Address:</b> [REDACTED] Johnson Street Victoria B.C. Location address means the place where a vehicle is kept when not in use. The location address is used to determine the territory and premiums. Failing to update an address is grounds for a void contract. <b>Principal Driver:</b> [REDACTED] <b>Alternative Driver:</b> [REDACTED] <b>Effective Date:</b> [REDACTED] <b>Expiry Date:</b> [REDACTED]
<b>BC Services Card</b>  <b>Appendix:</b> Pg. 180	B.C. Government	<b>Name:</b> [REDACTED] <b>Current Address:</b> [REDACTED] Johnson Street
<b>Passport Application</b>  <b>Appendix:</b> Pg. 180	Federal Government of Canada	<b>Current Home Address:</b> [REDACTED] Johnson Street Victoria <b>Requested Approval Date:</b> [REDACTED]
<b>Issued Passport</b>  <b>Appendix:</b> Pg. 180	Federal Government of Canada	<b>Name:</b> [REDACTED] <b>Date of Birth:</b> [REDACTED] <b>Date of Issuance:</b> [REDACTED] <b>Issuer Authority:</b> Victoria
<b>Nexus Card Application</b>  <b>Appendix:</b> Pg. 181	U.S. Department of Homeland Security	<b>Mailing Address:</b> [REDACTED] Johnson Street, Victoria BC <b>Current Home Address:</b> [REDACTED] Johnson Street <b>Received Mail Here Since:</b> [REDACTED]
<b>Issued Nexus Card</b>  <b>Appendix:</b> Pg. 181	U.S. Department of Homeland Security	<b>Name:</b> [REDACTED] <b>Date of Issuance:</b> [REDACTED]
<b>[REDACTED]</b>  <b>Appendix:</b> Pg. 182	<b>[REDACTED]</b> Online Banking Profile	<b>Primary Address:</b> [REDACTED] Johnson Street, Victoria BC <b>Employment:</b> [REDACTED]   Full-Time   [REDACTED] Services Employee



<b>Performance Review</b>  <b>Appendix:</b> Pg. 172-173	Principal, [REDACTED] [REDACTED]	<b>Employee Name:</b> [REDACTED] <b>Performance Appraisal Date:</b> February 27, 2024 The performance review demonstrates that [REDACTED] was new to [REDACTED] in 2023. She works with the [REDACTED] most complex students which requires daily physical attendance at [REDACTED]
Post Mail <b>Appendix:</b> Pg. 184	Federal Gov't of Canada	Service Canada

In addition to the information provided in the table above, I have also provided additional email correspondence with @Victoria.ca email addresses that were excluded by the License Inspector. A detailed timeline with Appendix page references has been provided below at the beginning of "Section 3: Fact-Based Evidence and Rebuttals."

### Summary of Evidence Supporting Principal Residence Status

The evidence provided in the above table establishes that [REDACTED] Johnson Street is unequivocally my primary residence. The documentation includes multiple authoritative and independently verified records that explicitly state my primary address, such as:

#### Property Ownership and Insurance Documentation:

- Land Title Ownership for [REDACTED] Johnson Street: [REDACTED] & [REDACTED] Note that my [REDACTED] does not live at the residence and he is not a party to this dispute, he will be removed from the title when my mortgage renews in [REDACTED].
- Three examples of home insurance policies across 2023 and 2024.

#### Financial & Banking Records

- [REDACTED] online banking profile with the [REDACTED] states [REDACTED] Johnson Street as my primary address.
- [REDACTED] Mortgage Statement displays that [REDACTED] & [REDACTED] are the listed mortgagors for [REDACTED] Johnson Street. Note that my [REDACTED] does not contribute to the mortgage payments, and he is only listed because I needed help with the down payment and to get approval for the mortgage. He will be removed from the mortgage in [REDACTED].
- 68 Credit Card Statements from January 2023 to December 2024, were all delivered to [REDACTED] Johnson Street to [REDACTED]
- [REDACTED] Student Line of Credit statement displays [REDACTED] Johnson Street as the primary address.

#### Employment and Identification Records:

- [REDACTED] Human Resources Letter of Employment confirms my permanent in-office work location is Victoria, BC. Further, my listed home residence with [REDACTED] is [REDACTED] Johnson Street, Victoria BC.

- [REDACTED] Letter of Employment from the [REDACTED] displays that [REDACTED] must be physically in Victoria to work at [REDACTED] each week.
- [REDACTED] driver's license lists [REDACTED] Johnson Street as the primary address.
- [REDACTED] driver's license lists [REDACTED] Johnson Street as the primary address.
- [REDACTED] Passport application and issued passport identify [REDACTED] Johnson Street as my current address.
- Nexus card application and issued Nexus card identify [REDACTED] Johnson Street as my current address.
- B.C. Services Card displays my current address as [REDACTED] Johnson Street.

### **Supplemental Documentation**

- 2023-2024 and 2024-2025 auto insurance policies.
- BC Hydro service address and billing address is [REDACTED] Johnson Street.
- Fortis BC service address and billing address is [REDACTED] Johnson Street.
- Examples of official mail delivered to [REDACTED] Johnson Street include the Federal Government, the Government of British Columbia, and ICBC Insurance.

Additionally, [REDACTED] Johnson Street is the only property I own globally. Neither I, nor my partner, [REDACTED] own or rent any other property anywhere in the world. This fact underscores that all our financial, legal, and working ties are exclusively linked to this residence in Victoria.

This comprehensive collection of evidence definitively demonstrates that [REDACTED] Johnson Street is listed as my primary residence. The volume, quality, and verifiability of the documentation provided leave no reasonable doubt regarding my stated principal residence.

### **Data-Driven Evidence Supporting Principal Residence Status**

To further supplement the extensive documentation provided above, I have created a spreadsheet that consolidates the data supplied by my employer, [REDACTED] employer, our credit card statements (receipts displaying purchases in Victoria), geographically tagged photo evidence of being at home or around Victoria, and our documented travel. All input data is derived from third-party verified records, ensuring the highest level of reliability and accuracy. The evidence gathered is irrefutable and it can easily be verified by documentation that's available in the provided Appendix or the Supplement to the Appendix. This spreadsheet offers a detailed and transparent analysis of my residency patterns and activities, demonstrating that I meet the regulatory requirements and the definition of a principal residence as outlined by the City of Victoria and the Province of British Columbia. The spreadsheet is attached to my submission for your reference.

**Purpose and Relevance:** The following section uses the data to conclusively prove that [REDACTED] Johnson Street is my principal residence, meeting the criteria that I reside in this home for a longer period of time in a calendar year than any other place. The spreadsheet outputs align

with the regulatory framework for short-term rental licensing and provide an objective, fact-based analysis of my compliance.

**Clarity and Transparency:** By presenting the outputs from this spreadsheet, I aim to provide a clear, comprehensive, and transparent demonstration of how my living patterns adhere to the requirements set forth in the Short-Term Rental Regulation Bylaw, Schedule D – Home Occupations, and the broader provincial regulations.

This section serves to reinforce the evidence already provided and to address any remaining concerns or ambiguities regarding my principal residence status. It ensures that all data presented is fully auditable, further substantiating my case with objective, data-driven proof.

The below chart displays what city or country I slept in, on every night over the past two calendar years. You will notice that I spent more nights in Victoria than anywhere else each year. This meets the definitions of a principal residence as defined by the City of Victoria and the Province of British Columbia.

Location of Accommodation: 2023 & 2024							
Location	Travel Reason	2023	%	2024	%	Total	%
Victoria	N/A: [REDACTED] Johnson St.	167	46%	130	36%	297	41%
Vancouver	Family & Family	121	33%	59	16%	180	25%
New York	Work	0	0%	108	30%	108	15%
Lake Cowichan	Family & Family	30	8%	35	10%	65	9%
Whistler	Vacation	4	1%	0	0%	4	1%
Pemberton	Wedding	2	1%	0	0%	2	0%
Miami	Wedding	0	0%	4	1%	4	1%
Seattle	Vacation	2	1%	0	0%	2	0%
Sweden	Vacation/Friends	0	0%	5	1%	5	1%
Denmark	Vacation	0	0%	3	1%	3	0%
London	Work	14	4%	9	2%	23	3%
Paris	Work	6	2%	0	0%	6	1%
Los Angeles	Work	6	2%	0	0%	6	1%
San Francisco	Work	2	1%	0	0%	2	0%
Atlanta	Work	0	0%	1	0%	1	0%
Italy	Work/Wedding	8	2%	9	2%	17	2%
Greece	Vacation	3	1%	0	0%	3	0%
Chicago	Vacation	0	0%	3	1%	3	0%
<b>Total</b>		<b>365</b>	<b>100%</b>	<b>366</b>	<b>100%</b>	<b>731</b>	<b>100%</b>

It is evident that I have travelled a significant amount over the past two years. However, the majority of my out of country travel has been required for my work at [REDACTED] as shown below:

[REDACTED] Travel			
Location	2023	2024	Total
New York	0	108	108
London	14	9	23
Italy	8	0	8



Paris	6	0	6
Los Angeles	6	0	6
San Francisco	2	0	2
Atlanta	0	1	1
<b>Total</b>	<b>36</b>	<b>118</b>	<b>154</b>

█ has provided travel receipts (Appendix: Pg. 10-30) and the Head of Human Resources at █ has confirmed in her signed Letter of Employment (Appendix: Pg. 1-2; contact information is also provided for verification) that I have travelled to these locations, see the statement within the letter below:

“To provide specific context, Mr. █ recent business travel includes:

- April 20-28, 2023: █
- September 16-October 10, 2023: █
- February 25-March 1, 2024: █
- April: 11-19, 2024: █
- November 13-15, 2024: █
- September 16-December 31, 2024: █”

The data provided confirms that I have spent a fair amount of time in █ over the past year. The same letter provided by █ Human Resources department provides two relevant statements, the first provides the timeline underlying my temporary work assignment:

*“█ was temporarily assigned to a special project in █ City from September 16, 2024, to December 31, 2024. Mr. █ submitted his documentation to the legal team preparing his L-1A Nonimmigrant Visa Application on █, and was granted a temporary working visa on █.”*

The above statement also confirms that I was not aware of the upcoming temporary absence at the time of either of my home inspections on March 5 and June 21, 2024. The second statement from the same letter describes that each trip is required by █ is on a temporary basis, and that I return to Victoria after each business trip:

*“All of these trips are required business travel, coordinated through █ corporate travel office, and are part of Mr. █ regular duties in managing █. Despite this temporary assignment, Victoria remains Mr. █ permanent office location, and he will return to full-time in-office work in Victoria after the assignment (January 2025). Mr. █ role requires his presence in Victoria as his entire team operates from █ Victoria office... despite this required business travel, Mr. █ maintains his primary residence in Victoria at █ Johnson Street, where he returns between business trips and works in person from the Victoria office, according to our attendance requirements.”*

I have demonstrated above that each business trip I take is temporary in nature and that I consistently return to work at █ offices at █ Pandora Avenue in Victoria upon completing

each business trip. In the following section, I will further establish that every location I have resided in over the past two years, aside from Victoria, has also been temporary in nature.

Total Travel Days						
Who Paid For Travel	2023	%	2024	%	Total	%
Flights	6	9%	7	12%	13	10%
Ferry	2	3%	4	7%	6	5%
<b>Total</b>	<b>8</b>	<b>12%</b>	<b>11</b>	<b>19%</b>	<b>19</b>	<b>15%</b>
Flight	4	6%	7	12%	11	9%
Ferry (Walk-On)	38	56%	23	39%	61	48%
Driving to Cabin	18	26%	17	29%	35	28%
Train	0	0%	1	2%	1	1%
<b>Total</b>	<b>60</b>	<b>88%</b>	<b>48</b>	<b>81%</b>	<b>108</b>	<b>85%</b>
<b>Total Travel Days</b>	<b>68</b>	<b>100%</b>	<b>59</b>	<b>100%</b>	<b>127</b>	<b>100%</b>

As illustrated in the chart above, I traveled a total of 68 days in 2023 and 59 days in 2024 (note that each trip indicated is one-way). The majority of this travel is relatively inexpensive, with the largest contributing factor being walk-on ferry rides between Victoria and Vancouver. My next most frequent destination is driving to my [REDACTED]. Additionally, most flights I purchased were Harbour Air or RyanAir flights, reflecting cost-effective travel choices. For example, I often extend a business trip to Europe (where [REDACTED] covers the long-haul flight) with a short, inexpensive personal vacation nearby. These patterns underscore the temporary and economical nature of my travel (Appendix: [REDACTED] Travel documentation Pg. 10-30, Personal Travel documentation Pg. 31-57; Supplement to the Appendix: Credit Card Statements Pg. 63-325).

Below defines where I lived (nightly accommodation) throughout the past two years when I was not in Victoria or travelling for my work at [REDACTED]

Personal Travel						
Accommodation	2023	%	2024	%	Total	%
[REDACTED] - Hotel	14	8%	18	14%	32	11%
[REDACTED] - Vancouver Rental	107	60%	0	0%	107	35%
[REDACTED]	30	17%	35	28%	65	21%
Wedding - Group Booking	0	0%	4	3%	4	1%
Family - Vancouver	20	11%	59	47%	79	26%
Friends	1	1%	2	2%	3	1%
Wedding - Paid by Groom	2	1%	5	4%	7	2%
Free Hotel - Gift	4	2%	0	0%	4	1%
Overnight Travel	1	1%	2	2%	3	1%
<b>Total</b>	<b>179</b>	<b>100%</b>	<b>125</b>	<b>100%</b>	<b>304</b>	<b>100%</b>

In the above chart it is evident that I must have worked from a remote location (Vancouver) a significant amount in 2023. At the time, my partner [REDACTED] was still living and working in Vancouver until she moved to Victoria to live with me in September 2023 (also when she moved out of her apartment in Vancouver). The data shows that I have travelled to Vancouver

much less in 2024 compared to 2023, and that I stayed with family more in 2024 during these temporary trips. The data displayed above confirms that my stated business plan is accurate as I spent many weekends visiting family and friends in Vancouver, or visiting my [REDACTED] at their [REDACTED], all on a temporary basis.

It should now be evident that I travel a significant amount, but also that each trip is temporary and not for extended periods. I will now provide evidence that I consistently return to Victoria to live in my home at [REDACTED] Johnson Street almost every week of the year. First, as stated previously, I do not own or rent any other property, therefore, when I'm in Victoria I must be living at home. Second, a main deciding factor when purchasing my home was the fact that it's about a block away from [REDACTED] Victoria office ([REDACTED]-minute commute to work).

[REDACTED] in-office requirements are defined within [REDACTED] Remote Work Policy (Appendix: Pg. 4-9) and has also been described by [REDACTED] head of Human Resources within my Employment Letter (Appendix: Pg 1-2):

*"Our office operations and attendance requirements have evolved significantly since 2020. During the global pandemic in 2020 and 2021, [REDACTED] operated primarily remotely, with only essential personnel required on-site. This allowed [REDACTED] like most other employees, to work remotely full-time... In April 2022, [REDACTED] implemented a hybrid model requiring three days of in-office presence. [REDACTED] business unit scheduled anchor days which required him to be in the office Tuesday, Wednesday and Thursday each week, with Monday and Friday as designated remote work days. By early 2024, this evolved into our current policy requiring four days of in-office presence (typically Monday through Thursday). In line with [REDACTED] current policies, [REDACTED] along with all other employees, follows a 4-day in-office work schedule (Monday-Thursday) when not traveling for business. [REDACTED] hybrid work policy provides flexibility for employees to work one remote work day per week (typically Friday), up to 4 weeks of remote work per year in a location other than their home, and 4 weeks of vacation."*

The above statement describes [REDACTED] required in-office and remote working policy for 2023 and 2024. The below data describes [REDACTED] annual attendance requirements.

Annual Attendance	2023	2024
Annual Business Days	247	249
[REDACTED] Holiday	13	13
Weekend	105	104
<b>Total</b>	<b>365</b>	<b>366</b>

The chart on the left displays the total annual business days in 2023 and 2024.

Annual Attendance Allotments		
Annual Allowance	2023	2024
Remote Friday	54	54
Remote Monday	54	0
Hybrid - Optional Remote Work	20	20
Vacation	20	20
Personal Leave	10	10
Sick Days	10	10
Holidays	13	13
Total	181	127

The chart on the left describes annual attendance allotments. currently allows employees to work remote on Fridays (included Mondays in 2023) with 20 additional optional remote working days throughout the year. In total, it's possible for employees to work remote, take vacation (or be sick) for 114 business days in 2024.

The above charts display that the minimum number of in-office working days allowed in 2024 was 135-days (before accounting for business travel). Data provided by Human Resources (through human capital management software - ) is provided below. The data displays my in-office and remote working status throughout 2023 and 2024.

Annual Work Status						
Work Location	2023	%	2024	%	Total	%
Holiday (less Travel Days)	11	3%	8	2%	19	3%
In Office	107	29%	89	24%	196	27%
In Office on Designated Remote Day	12	3%	13	4%	25	3%
Team Offsite Meeting	5	1%	1	0%	6	1%
Travel Days	36	10%	118	32%	154	21%
Designated Remote Workdays Used	71	19%	24	7%	95	13%
Optional Remote Workdays Used	18	5%	20	5%	38	5%
In Office on Weekend	2	1%	7	2%	9	1%
Off Days	103	28%	88	24%	191	26%
<b>Total</b>	<b>365</b>	<b>100%</b>	<b>368</b>	<b>100%</b>	<b>733</b>	<b>100%</b>

The data shows that I exceeded in-office work requirements by working in Victoria office for 109-days in 2024 (supplemented by 118-days of required business travel).

The above data is further supported by building access card data provided by Information Technology Department (Supplement to the Appendix: Pg. 1-62, the data is also consolidated in the spreadsheet attached to my submission). Entering Victoria office location requires each employee to scan their unique Building Access Card to gain entry to the building. Every employee must also scan their card to enter the elevator. Further, to gain access to my floor (Public Markets Department) I'm also required to scan the access card a third time. This data should prove without a shadow of a doubt which days I worked from Victoria office over the past two years. Note that Victoria Office ( Pandora Avenue) is located one block from my home at – Johnson Street.

In addition, I have provided geotagged photo evidence (Appendix: Pg. 240-261) and credit card receipts (with location data) (Appendix: Pg. 207-239) to further support my consistent physical

presence in Victoria. The data provided below also makes it evident that the number of designated remote working days has significantly changed in 2024 compared to 2023.

Evidence of Physically Being in Victoria								
Day of Week	2023				2024			
	Card	Photo	Receipt		Card	Photo	Receipt	
Monday	7	5	19	8	16	9	21	18
Tuesday	35	11	39	10	24	13	25	23
Wednesday	36	10	43	10	25	16	25	23
Thursday	36	6	38	10	24	11	27	20
Friday	9	3	17	7	15	9	23	16
Saturday	3	7	11	0	4	6	10	0
Sunday	1	1	15	0	3	5	8	0
<b>Total</b>	<b>127</b>	<b>43</b>	<b>182</b>	<b>45</b>	<b>111</b>	<b>69</b>	<b>139</b>	<b>100</b>

The above evidence displays that I am consistently in Victoria working out of [REDACTED] Victoria office (127-days in 2023 & 111-days in 2024) at least 4-days per week throughout 2024 when I'm not travelling for my work at [REDACTED]

Card Entry Data	2023	2024
Weekday	123	104
Weekend	4	7
<b>Total</b>	<b>127</b>	<b>111</b>

[REDACTED] access card data provided by [REDACTED] Information Technology Department displays that I spent 127-days and 111-days in the Victoria office in 2023 and 2024, respectively.

Victoria Receipts	2023	2024
Weekday	156	121
Weekend	26	18
<b>Total</b>	<b>182</b>	<b>139</b>

Credit card receipts displaying a location in Victoria displays further evidence of being in Victoria for 182-days in 2023 and 139-days in 2024.

Victoria Photos	2023	2024
Weekday	35	58
Weekend	8	11
<b>Total</b>	<b>43</b>	<b>69</b>

Geographically tagged photo evidence displays that I was in Victoria for 43-days in 2023 and 69-days in 2024. The majority of these photos are from within my home at [REDACTED] Johnson Street.

Employment	2023	2024
[REDACTED]	43	98
Pro-D	2	2
<b>Total</b>	<b>45</b>	<b>100</b>

Employment records provided by the [REDACTED] displays that [REDACTED] was working at [REDACTED] ( [REDACTED] Victoria, BC) for 45-days in 2023 and 100-days in 2024.

The data provided above establishes that I'm primarily at home during business days throughout the year. It also displays that I'm primarily away on weekends which aligns with my stated business plan as stated to the Bylaw Officers during my home inspections.

Further, the table below consolidates the data provided above to display that I have evidence of being in Victoria for 169-days in 2023 and 144-days in 2024. In 2024, I only claim to be in Victoria for 5-days when I do not have any evidence of being in Victoria (weekends without work data, when I didn't make a credit card purchase, or take a photo).

Number of Days with Physical Evidence of Being In Victoria						
Evidence	2023	%	2024	%	Total	%
1 Type of Evidence	38	10%	21	6%	59	8%
2 Types of Evidence	71	19%	31	8%	102	14%
3 Types of Evidence	31	8%	44	12%	75	10%
4 Types of Evidence	23	6%	39	11%	62	8%
5 Types of Evidence	6	2%	8	2%	14	2%
6 Types of Evidence	0	0%	1	0%	1	0%
In Victoria - No evidence	21	6%	5	1%	26	4%
Away - No Evidence	175	48%	217	59%	392	54%
<b>Total</b>	<b>365</b>	<b>100%</b>	<b>366</b>	<b>100%</b>	<b>731</b>	<b>100%</b>

Finally, the below statement from [REDACTED] Head of Human Resources confirms that I have met [REDACTED] in-office work requirements. Which then means that I have consistently returned to live in Victoria following each temporary trip.

*Our records, including building access logs and security system data, confirm [REDACTED] consistent physical presence at [REDACTED] Pandora Ave from Monday through Thursday each week when not traveling for business. These records show regular daily badge swipes and office access patterns during standard business hours, demonstrating his adherence to our in-office attendance requirements."*

### Establishment of Principal Residence Status at [REDACTED] Johnson Street

In summary, I have provided numerous forms of evidence to establish that my home is my principal residence, including government-issued identification (such as my driver's license, B.C. Services Card, passport, Nexus card), several forms of insurance (personal property insurance, rental insurance, and auto insurance), and financial records ([REDACTED] banking profile, mortgage statement, revolving line of credit statement, student line of credit, and credit card statements). Additionally, I have demonstrated that I consistently return to Victoria between trips, all of which are short-term in nature, as established by both mine and [REDACTED] employment records.

Furthermore, I have conclusively established that [REDACTED] Johnson Street is my sole and principal residence, a fact confirmed by the License Inspector, who noted that I do not own any other residence in British Columbia. Over the past two years, I have spent more time at this address than any other location. By definition, this means I meet the requirements outlined by both the City of Victoria and the Province of British Columbia to designate this property as my principal residence.

The City of Victoria defines a principal residence as "the usual place where an individual makes their home," while the Province of British Columbia defines it as "the residence an individual lives in for a longer period during a calendar year than any other place." The extensive documentation provided confirms that my use of [REDACTED] Johnson Street aligns with both definitions, satisfying the regulatory requirements.

Finally, I have established a comprehensive storage system to manage my belongings during my temporary absences (Appendix Pg. 184-188). This system, which I have invested considerable time and money into building, allows me to store my personal items while ensuring that my home remains organized and ready to offer short-term rentals while I'm temporarily away. The system includes custom-built under-bed storage, closet organizers, and three external storage bins, which are designed to keep my belongings accessible yet out of sight during rentals. This setup not only streamlines the process of preparing my home for a rental but also ensures that I can quickly and seamlessly return to my residence after each rental period.

### **Short-Term Rental Patterns Alignment with Bylaws**

The bylaws permit the short-term rental of a principal residence as a full home occupation while the owner is "temporarily away." The evidence I have provided clearly establishes that [REDACTED] Johnson Street is my principal residence. Furthermore, the documentation demonstrates that I consistently return to my principal residence after being temporarily away, in full alignment with the regulatory framework.

Additionally, the evidence supports that I am typically away over weekends, often staying with family, unless traveling for work-related purposes with [REDACTED] or working remotely. These patterns align with my stated business plan and further confirm that my short-term rental operations comply with the intent and requirements of the bylaws governing principal residences and short-term rentals.

The License Inspector's stated belief that my rental patterns do not align with the bylaws hinges on the undefined term of "occasional use" within the approved regulations. However, it is critical to note that the bylaws governing short-term rentals, including Schedule D – Home Occupations, do not provide a specific definition of "occasional use," nor do they impose any explicit limitation on the number of rental periods that can occur in a calendar year. The only quantitative restriction outlined in the validated bylaws pertains to the total number of nights, which is capped at 160 nights per year for principal residences. Without a clear definition or numeric limit on the frequency of rentals, the bylaws rely on compliance with the intent of "temporary absences" and the requirement that the property remains the operator's principal residence.

My operations align fully with these requirements as they're stated within the bylaws, as evidenced by my documentation, which demonstrates that I reside at [REDACTED] Johnson Street for the majority of the year and offer rentals only during documented temporary absences. The lack of a defined standard for "occasional use" underscores the License Inspector's misinterpretation of the bylaws and the subjective nature of their decision-making process.

Below I will outline for Council Members how my rental operations align with the stated short-term rental regulations by the Province of British Columbia and the City of Victoria.

### **Stated Objectives of Short-Term Rental Regulation**

The objectives of the City's short-term rental regulations, as outlined in the Short-Term Rental Regulation Bylaw and Schedule D – Home Occupation, aim to address housing availability concerns by limiting short-term rentals to an operator's principal dwelling unit. My operations at [REDACTED] Johnson Street fully align with these objectives.

**Objective:** To prevent the diversion of homes from the long-term housing market into the vacation rental market.

**Response:** My short-term rental operation does not remove any housing stock from the long-term rental market because [REDACTED] Johnson Street is my principal residence. I reside in the unit Monday–Thursday and I primarily travel on weekends (work-related travel or vacation) and offer the unit for rent only during these temporary absences. My business plan is structured around offering the property only when I am temporarily away, ensuring the property's primary use remains as a personal residence. This usage aligns with the bylaw's intent to allow limited short-term rentals without compromising housing availability for Victoria residents.

**Evidence:** Documentation, including workplace access logs, letters of employment, home insurance, auto insurance, driver's license, passport, nexus, travel receipts, photos, credit card receipts, mortgage statement, land title, BC Hydro services, Fortis BC services, and the delivery of all my mail confirms that this property is my primary residence. Further, [REDACTED] documentation including her letter of employment, statement of earnings, driver's license and the delivery of her mail confirms this property is her primary residence.

### **Alignment with Principal Residence Requirement**

**Objective:** To restrict short-term rentals to a person's principal dwelling unit, ensuring rentals are incidental to the primary residential use of the property.

**Response:** The unit remains my principal residence, and I return to the property once I am temporarily away, maintaining its primary use as my home. Short-term rentals are offered only for limited periods and align with the definition of "occasional use," as described in the bylaws.

**No Conflict with Regulatory Intent:** My operations fully comply with the regulatory framework by restricting rentals to temporary absences, ensuring that the property does not become a full-time vacation rental or secondary income property.

### **Supporting the Broader Objectives of the Regulations**

**Objective:** To balance the needs of the community while allowing homeowners to generate supplemental income from short-term rentals in principal residences.



**Response:** The income generated from short-term rentals helps offset the high cost of living and property ownership in Victoria. This financial support is critical for many homeowners, including myself, to remain residents of the City of Victoria.

**Community and Economic Contributions:** My short-term rental guests contribute to the local economy by patronizing businesses, restaurants, and cultural attractions. This aligns with the City's broader objectives to support tourism and local economic growth. In addition, the tax revenue (8% PST charged on short-term rentals, tax on earned income based on the owners' tax bracket & property tax) and rental licensing fees help support City of Victoria staff payroll.

Overall, I have demonstrated that my short-term rental operation at [REDACTED] Johnson Street aligns with the objectives of the City's regulations by maintaining the property as my principal residence and ensuring that rentals occur only during temporary absences. My actions do not divert housing stock from the long-term market and fully comply with the intent of the bylaws.

In summary, within Section two I have conclusively demonstrated that [REDACTED] Johnson Street is in fact my principal residence, that my rental operations conform to the requirements under the approved bylaws and regulatory requirements, demonstrated that my rental operations conform to my stated business plan as presented to the Bylaw Officers during the home inspections, and that my rental operation is aligned with the underlying intent of the rental legislation.

I respectfully request Council to consider this evidence in its entirety and recognize that my use of short-term rentals represents a legitimate case of a resident using their principal residence in accordance with the City of Victoria and Provincial bylaws. The evidence provided above should demonstrate to Council Members that my principal residence application should be approved.

**End of Section 2**

### **Section 3: Fact-Based Evidence and Rebuttals:**

Section three provides detailed responses to the statements made by the License Inspector throughout their report. Each response is based on supporting documentation that can be verified by City Council. I have taken a systematic approach to address the numerous shortcomings displayed throughout the License Inspectors report to clearly display that the required principles of a fair and due administrative process were not followed during this assessment.

That said, I want it to be understood at the outset that I do not believe the License Inspector intentionally misrepresented the information they provided within their report. This belief is based on my conclusions after assessing the City of Victoria's 2024 Budget and 2023 Financial Statements which suggest the Short-Term Rental Department was not provided with an adequate budget ahead of the regulatory changes coming into effect in May 2024. I will provide my assessment of these findings at the conclusion of section three.

The fact that I was never once contacted to address any of the perceived issues within my application by the License Inspector suggests the department was either not adequately staffed, or they were provided with a mandate to reject applications before conducting proper due diligence – either scenario is unacceptable. The underlying principles of a fair and due process require applicants to understand the standard they're being required to meet by City officials reviewing business applications. The License Inspector, Short-term Rental Office, Bylaw Offers, and Legislative Services never once requested any additional information in any form (document, email, phone call, etc.) and never provided me with any examples of documentation that could have been helpful in their review. I made numerous attempts to speak with someone at the City of Victoria but was never given the opportunity. My assumption is that the related departments were not adequately staffed to manage the increased volume of applications and questions caused by the regulatory changes.

Below is a timeline of the main events and conversations conducted by email with City Staff for Council Members to review.

#### **Documented Email Correspondence & Timeline**

<b>Evidence &amp; Location</b>	<b>Issuer/Source</b>	<b>Description of Information Provided</b>
<b>Appendix:</b> Pg. 258	str@victoria.ca	<b>January 27, 2023:</b> 2023 Non-Principal Application Submitted.  The email states: "We are processing a high volume of applications. We kindly ask that you allow 7-10 business days to process your application... Our office will contact you if we require additional documentation or clarity regarding an application package."  The email provides an estimated timeline for the application review and states the STR office will contact the applicant if more information is required.

<b>Appendix:</b> Pg. 230-243	Strata: Tribe Management	<p><b>December 28, 2023:</b> Submission of first Principal Residence License to my strata representative. Follow-up email requests were sent on January 3/9/11/ 17, 2024. The signed and approved application by my strata was delivered to me by email on Thursday, January 18, 2024.</p> <p><b>January 23, 2024:</b> Principal Residence Application Submitted.</p> <p>My application was submitted promptly three business days after it was received from my strata council. The application included all required documentation (government issued ID and utility bill). Note the City later added a third requirement (proof of ownership or insurance policy). I have provided four documents in the Appendix that meet this requirement.</p> <p>The License Inspector <u>never</u> requested any additional documentation throughout the <u>entire</u> application review process.</p>
<b>Appendix:</b> Pg. 189	str@victoria.ca	<p><b>January 25, 2024:</b> Automatic Reply to Application Submission.</p> <p><b>STR Email states:</b> "Principal residence applications will take longer due to inspection requirement and scheduling is subject to availability."</p> <p>The 2024 auto-response email removed any reference to an expected timeline for the application review (which was provided in 2023). Applicants are <u>never</u> provided with an expected timeline for the License Inspector to complete the application review by the Short-Term Rental Office.</p> <p>STR Email states: "Our office will contact you to book an inspection, if more information is required, or once a decision has been made." Again, the License Inspector, Bylaw Officers, and STR Office <u>never</u> requested any additional information or documentation during the License Inspectors entire application review process.</p>
<b>Appendix:</b> Pg. 193-196.	str@victoria.ca	<p><b>January 25-26, 2024:</b> Home Inspection Scheduling.</p> <p>The earliest home inspection date provided was February 27, 2028. This is 35-days after my application was submitted on January 23, 2024. The timeline is excessive and unacceptable for an administrative review process.</p> <p>The STR Office should have opened the application portal several months in advance to avoid unnecessary administrative delays while processing applications. It should have been apparent that there was going to be a significant increase in application volume caused by the regulation changes coming into effect on May 1, 2024. This was not an unforeseen event (such as Covid) and being unprepared to process these applications in a reasonable timeframe is a notable failure by the City of Victoria.</p> <p>I responded ~1.5 hours after receiving the email and stated that I would be away travelling for work from February 23-March 3, 2024. The home inspection was then scheduled for March 5, 2024 (42-days after the application was submitted).</p>
<b>License Inspector Report Appendix D:</b>	str@victoria.ca	<p><b>March 5, 2024:</b> First home inspection was conducted by Bylaw Officer Duarte. The inspection was completed despite several procedural failures</p>

<p>Pg. 31-35</p> <p><b>License Inspector Report:</b> Section 15</p> <p><b>License Inspector Report Appendix D:</b> Pg. 31-34</p> <p><b>License Inspector Report:</b> Section: 18</p>	<p>str@victoria.ca</p>	<p>such as the Officer arriving unprepared and unaware of the application type that he was reviewing.</p> <p>The Bylaw Officer erroneously stated that principal residence licenses only allow a maximum of four-rentals per year. The Officer states this requirement is written within the approved bylaw legislation and does not clarify that the four-rental maximum is actually an unwritten administrative policy that has not been passed within official legislation. The Officer further violates several established legal standards related to timely reporting and standards for investigative reports.</p> <p>City staff had multiple opportunities to correct the Bylaw Officers misstatements in the email chain regarding the four-rental maximum limit and failed to do so. The overall responses provided were unhelpful and failed to answer the majority of the questions asked.</p> <p><b>March 8, 2024:</b> City staff state that I am offering unlicensed short-term rentals. City Staff fail to follow established legal precedents set by the Supreme Court of Canada (Blencoe v. BC human-Rights Commission) which determined that businesses cannot reasonably cease operations due to prolonged administrative reviews. Forcing a business to cease operations would cause undue economic hardship. The current 45-day administrative delay is unacceptable. Businesses are allowed to continue operating under existing licenses throughout the application review period. I was operating under my issued non-principal license in 2023 due to the excessive administrative delays in processing my 2024 application.</p> <p><b>March 11-12, 2024:</b> Misinformation provided by the Bylaw Officer and City Staff forces me to apply for a non-principal residence license (which I did not need).</p> <p>The STR Office allows me to submit a non-principal residence application without making any changes to my principal residence application.</p> <p>The STR office completely removes my first principal residence license application from the review process. It was not effectively communicated that my application would be completely withdrawn and that I would be forced to request updated signatures from my strata council for the second submission. My principal residence application was outstanding for 49-days.</p> <p>STR Office states that I should “submit a new application closer to May.”</p> <p>STR Coordinator Marissa Peluso ignores the majority of my 1,310-word email and does not correct the Bylaw Officers misstatements regarding the four-rental maximum. She further ignores my request to speak with her and only quotes basic information that can be found in the documented legislation.</p> <p>My follow-up email is answered by another STR employee (Emma Crockett) who also ignores my request to speak with someone at the STR Office. The response is unhelpful and only refers me to the Short-Term Rental Webpage for more information.</p>
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<p><b>Appendix:</b> Pg. 236-244</p> <p><b>License Inspector Report:</b> Section 19</p>	<p>Strata: Tribe Management</p>	<p><b>March 18, 2024:</b> City of Victoria issues my valid and approved non-principal residence license. The application review took 6-days to complete. Requiring no new additional documentation and issuing in a shortened timeframe displays a lack of due diligence and inequitable standards for rental applications.</p> <p><b>April 11, 2024:</b> I'm forced to submit a second principal residence application to my strata council because the STR Office will not accept my original application due the signatures being just over two-months old. I sent follow-up email requests for completion on April 18, 22, 23, 25, 2024. The signed application was provided on Thursday April 25, 2024. This demonstrates proactive efforts to resolve unnecessary procedural obstacles imposed by the City of Victoria.</p>
<p><b>Appendix:</b> Pg. 197-199</p>	<p>str@victoria.ca</p>	<p><b>April 25, 2024:</b> Submitted my second principal residence license to the City of Victoria on the same day it was received by my strata council. Demonstrates a proactive effort to remain compliant with the bylaws.</p>
<p><b>Appendix:</b> Pg. 197-258</p>	<p>str@victoria.ca</p>	<p><b>May 3, 2024:</b> Scheduling of my second principal residence inspection. The STR Office required a second home inspection despite completing one on March 5, 2024 (59-days earlier) for the same residence. I responded (12:54pm) 2-hours after the email was sent stating that I had already had a home inspection on March 5, 2024 (59-days earlier) and asked if a second home inspection was required. The earliest provided date for the second inspection was June 15, 2024 (51-days after the application was submitted).</p>
<p><b>License Inspector Report Appendix D:</b> Pg. 31</p>	<p>str@victoria.ca</p>	<p><b>May 7, 2024:</b> Emma Crockett responded 4-days later on May 7, 2024. The email stated that the first inspection was for a withdrawn application and for "fairness to other applicants a second home inspection was required." The City of Victoria then provided new dates for the inspection as they did not hold the original dates provided in their email. The new dates provided were on June 18/26, 2024 (54 &amp; 62-days after my application was submitted). This is an unacceptable timeline for an administrative process. It is also unacceptable that the STR Office had previously stated that I should "submit a new application closer to May." The STR Office has provided a recommended timeline that was impossible to meet.</p>
<p><b>License Inspector Report Appendix L:</b> Pg. 77-78</p>	<p>str@victoria.ca</p>	<p><b>May 27, 2024:</b> STR Office reports my listing to the Province of B.C. for offering unlawful short-term rentals.</p>

<p><b>License Inspector Report Appendix M:</b> Pg. 80</p> <p><b>License Inspector Report Appendix P:</b> Pg. 99</p> <p><b>License Inspector Report:</b> Section 30</p> <p><b>Appendix:</b> Pg: 190</p>	<p>str@victoria.ca</p>	<p><b>May 27, 2024:</b> I responded to the provinces automatic email notification on the same day it was received. I explained much of the information that has already been included within this table in my 532-word email response. I received a 17-word response from Emma Crockett simply stating “A valid, approved and paid, Principal Resident Short-Term Licence is required to advertise and/or operate a Short-Term Rental in the municipality of Victoria.” The STR Office did not take any interest in understanding the circumstances of the situation.</p> <p>The first principal residence application would have been outstanding for 122-days on May 27, 2024. My second principal residence application was also outstanding for 29-days. During this prolonged administrative delay I continued to operate under my non-principal residence license that was approved on March 18, 2024.</p> <p>My right to continue operating during administrative delays is backed by established legal precedents set by the Supreme Court of Canada (Blencoe v. BC human-Rights Commission).</p> <p><b>June 18, 2024:</b> Cancellation of my second home inspection by the STR Office due to staff illness.</p> <p>Inspection date moved from June 18 to June 21, 2024.</p> <p>The inspection would now take place 57-days after my application was submitted to complete. This is an unacceptable timeline. Displays the STR Offices’ suggestion to “apply closer to May” was poorly advised.</p> <p><b>June 21, 2024:</b> Bylaw Officer Carr completed the home inspection 57-days after my application was submitted. No material changes had occurred since the first inspection, making the second inspection redundant and an inefficient use of tax payor resources.</p> <p><b>July 3, 2024:</b> The License Inspector “states the application was reviewed in full, including the results of the inspection, open-source data and internal records.” The open-source data includes Instagram, LinkedIn, and AirDNA. The data cited by the License Inspector related to these online sources has all been conclusively determined irrelevant in the following sections below.</p> <p>The License Inspector states my license was “rejected because I failed to demonstrate satisfactory to the License Inspector that the premises where the short-term rental will be offered is occupied by the operator as their principal residence”. The License Inspector <u>never</u> requested any additional documentation or clarification regarding the circumstantial evidence that was gathered.</p> <p><b>December 3, 2024:</b> Automatic Response email.</p> <p>The email from str@victoria.ca completely removes all statements regarding application processing timeline. The email also removed the statement that applicants should expect an extended review period in 2025.</p>
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		<p>Inspection: Email suggests that a home inspection may not be required in 2025.</p> <p>The email states “Rest assured, you will be notified by our office if we require further information or once the license decision has been reached.” I do not have any confidence the License Inspector will contact any applicants for additional information. This belief is based on my experience and my assessment of the City of Victoria’s 2024 Budget and Statements of Financial Position. My conclusion is that it does not appear the relevant City of Victoria licensing offices have been provided with an adequate budget, or that they have properly staffed to address the increase in principal residence applications (which require a time intensive home inspection and written summary from the Bylaw Inspector following the inspection).</p>
<p><b>Email Appendix:</b> Pg. 201-211</p>	<p>LegislativeServices@Victoria.ca</p>	<p><b>August 5, 2024:</b> Notice to appeal the License Inspectors Decision.</p> <p><b>August 5, 2024:</b> Legislative Services accepts my request to appeal and provides a submission date of August 20, 2024.</p> <p><b>August 6, 2024:</b> Legislative Services states that the Short-Term Rental office will not accept my appeal as my rejection letter was dated as of July 3, 2024, and appeals must be submitted within 30-days. However, it’s not stated if the timeline requirement is by business day or calendar day. Also, this highly important document was sent by post-mail, not email, which has been the only source of communication to date. Further, it’s impossible to know when the rejection letter was actually delivered as the post-mail was not delivered by courier. These are three examples of procedural failures that should be corrected in the future.</p> <p><b>August 7, 2024:</b> Legislative Services responds to my lengthy email requesting reconsideration of my case and extends my submission date to August 21, 2024.</p>
<p><b>Appendix:</b> Pg. 202</p>	<p>LegislativeServices@Victoria.ca</p>	<p><b>August 8, 2024:</b> My requests to clarify what documentation I should include, or answers to specific questions that I can answer for the License Inspector are rejected by Legislative Services. I was <u>not</u> provided with any information that would help define the legal standard that I’m being required to meet.</p> <p>This rejection does not conform to the established legal precedents that have been established in Canadian administrative law.</p>
<p><b>Appendix:</b> Pg. 202</p>	<p>LegislativeServices@Victoria.ca</p>	<p><b>August 21, 2024:</b> Submission of my appeal to Legislative Services.</p> <p>My email states that I did not wish to include my initial emails and the documentation that I provided to Legislative Services within my official submission (which Legislative Services has specifically said was at my discretion). Legislative Services ignored my request and included it anyway.</p>
<p><b>Appendix:</b> Pg. 216</p>	<p>LegislativeServices@Victoria.ca</p>	<p><b>August 23, 2024:</b> Legislative Services responds to my expected timeline inquiry stating “Unfortunately, we are unable to provide an estimated timeline as the Short-Term Rental office responds to appeals in order of receipt and each varies in completion time.”</p>

<p><b>Appendix:</b> Pg. 215</p>	<p>LegislativeServices @Victoria.ca</p>	<p><b>November 27, 2024:</b> Legislative Services informs me that the License Inspector has responded to my appeal notice (98-days after my submission). The email states that I have seven (7) days to respond to the License Inspectors 136-page submission.</p>
<p><b>Appendix:</b> Pg. 213-214</p>	<p>LegislativeServices @Victoria.ca</p>	<p><b>December 3, 2024:</b> Request for an extension to the 7-day timeline.</p> <p>Legislative Services, Short-Term Rental Office, and the License Inspector have still not provided any clear guidance regarding the specific evidence that I could provide to satisfy to the principal residence requirement.</p> <p>The License Inspector makes serious allegations regarding the authenticity of my supporting documentation, including suggesting that I falsified banking records. These allegations extend to suggesting I falsified documentation to U.S. Federal Agencies, such as, The U.S. Department of Homeland Security. The License Inspector has not provided any form of verified evidence to support their claims.</p> <p>The License Inspectors report has made a significant number of false statements and misrepresentations throughout the report. The License Inspector has failed to provide fact-based and irrefutable evidence to support their serious claims.</p> <p>My request for an extension was based on the principles of procedural fairness which require that I have adequate time to respond and the opportunity to present my case, given the serious allegations and the potential impact on my housing security. The License Inspector provided a 135-page report which would take time to fact-check due to the inclusion of numerous false and misleading statements.</p>
<p><b>Appendix:</b> Pg. 212</p>		<p><b>December 5, 2024:</b> Legislative Services provides a 30-calendar day extension for my final appeal submission to Friday, January 3, 2024. I was provided with 30-days relative to the inspectors 98-days (1/3 the amount of time) to prepare my response to the Inspectors 135-page report.</p>
<p><b>Appendix:</b> Pg. 253</p>		<p><b>December 12, 2024:</b> After gathering a significant amount of data (verifiable documentation) it was clear that I was going to need more time to adequately respond to the License Inspectors report due the significant number of false statements and misrepresentations that were made. I requested an additional 7 to 14-day extension from Legislative Services as I must work on this appeal outside of regular working hours (as opposed to this being the License Inspectors regular job) and I would have appreciated not having to spend my entire holidays working on my appeal.</p>
<p><b>Appendix:</b> Pg. 252-253</p>		<p><b>December 24, 2024:</b> I did not receive a response from Legislative Services after 12-days. In my follow-up email, I reiterated my request for an extension and stated that I will proceed as if I was granted the timeline extension until I received a response.</p>



<b>Appendix:</b> Pg. 252		<p><b>January 3, 2024:</b> Expected response submission date provided by Legislative Services.</p> <p>Legislative Services took 22- days to respond to my request and appears to have intentionally waited until the last minute to inflict as much undue hardship as possible. Legislative Services responded to my request two minutes before the end of their working day (4:30pm), on the day my submission was due, to grant their acceptance of my extension request at 4:28pm.</p> <p>By January 3, 2024, I had spent ~100 hours working on my response to the License Inspector and worked on it every single day that I was not working for [REDACTED] over the holidays.</p> <p>My email correspondence with Legislative Services displays several examples of failures to adhere to established Canadian Administrative and Case Law. In the following section it will become evident that my rights have been violated on several occasions during this process.</p>
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Below I have addressed specific points throughout the License Inspectors report to display areas where a factual rules-based approach was not followed. I will provide the source of the contradictory evidence, how it was mischaracterized and where Council members can verify the evidence. I respectfully urge Council Members to conduct a thorough review Victoria's Short-Term Rental Office and to implement necessary reforms to ensure transparency, accountability, and fairness for all applicants. My evidence not only supports my case but also underscores the critical need for change to restore confidence in the City's regulatory framework.

## II. Summary

The Licence Inspector's decision to deny the appellant's application for a principal resident short-term rental business licence at [REDACTED] Johnson Street was based on the appellant's failure to meet the requirements of the *Short-Term Rental Regulation Bylaw*. The Licence Inspector was not satisfied by evidence, including inspection results, open-source data and internal records, as it reflected inconsistencies with the appellants' claim that the property [REDACTED] Johnson Street is his principal residence. The appellant had previously operated short-term rentals under a non-principal resident licence in 2022 and 2023, but as result of the provincial regulations elected to apply for a principal resident licence in 2024.

The License Inspector's decision to deny my application on the grounds of failing to meet the requirements of the Short-Term Rental Regulation Bylaw is unsubstantiated.

I have provided extensive and verifiable documentation to demonstrate compliance, including: Government-issued identification (such as my driver's license and B.C. Services Card), several forms of insurance (personal property insurance, rental insurance, and auto insurance), and financial records ([REDACTED] banking profile, mortgage statement, revolving line of credit, student line of credit, and credit card statements). Additionally, I have demonstrated that I consistently

return to Victoria between trips, all of which are short-term in nature, as established by both mine and [REDACTED] employment records.

Furthermore, I have conclusively established that [REDACTED] Johnson Street is my sole and principal residence, a fact confirmed by the License Inspector, who noted that I do not own any other residence in British Columbia. Over the past two years, I have spent more time at this address than any other location. By definition, this means I meet the requirements outlined by both the City of Victoria and the Province of British Columbia to designate this property as my principal residence.

The City of Victoria defines a principal residence as "the usual place where an individual makes their home," while the Province of British Columbia defines it as "the residence an individual lives in for a longer period during a calendar year than any other place." The extensive documentation provided confirms that my use of [REDACTED] Johnson Street aligns with both definitions, satisfying the regulatory requirements.

### **Procedural Failures in Evaluating My Application**

The License Inspector failed to engage meaningfully with my evidence or request additional clarification, which constitutes a procedural failure:

- At no point did the Inspector request further documentation to resolve concerns about my principal residence status, despite my repeated offers to provide additional information.
- The City's failure to communicate specific deficiencies in my application deprived me of the opportunity to address any perceived inconsistencies, violating the principles of a fair and due process.

### **Misrepresentation of Inspection Results and Open-Source Data**

The Inspector's reliance on inspection results, open-source data, and internal records to claim inconsistencies in my application is flawed.

- **Inspection Results:** The claim that the inspection revealed inconsistencies fails to account for my comprehensive storage system (Appendix: Pg. 184-188), which I designed to securely store personal belongings during temporary absences. Neither of the Bylaw Officers inspected the storage units despite providing them both with the opportunity. This storage system demonstrates preparation for short-term rentals while maintaining [REDACTED] Johnson Street as my principal residence. In addition, I have highlighted a concerning number of false statements and misrepresentations made by Bylaw Officer Duarte within his written statement following my first home inspection. I have provided a detailed analysis with irrefutable evidence in a later section to demonstrate his clear lack of attention to detail when producing his submission.
- **Open-Source Data:** The reliance on speculative data from platforms like Instagram and LinkedIn, instead of directly requesting clarification or additional documentation, undermines the integrity of the decision-making process. A simple conversation or

request for information could have resolved any perceived inconsistencies. The decision to prioritize circumstantial evidence over direct and verifiable documentation both procedurally and substantively contradicts the principles of a fair and due process. This will be explained in detail within several following sections of the report.

- **Internal Records:** The City has not disclosed any internal records that contradict the verified documentation that I have submitted. The evidence provided by the License Inspector from the Province of British Columbia confirms that my rental operations are aligned with the defined regulations and my stated business plan. Further, the data provided by the Province of British Columbia directly contradicts the License Inspector's AirDNA data. I will provide a detailed explanation in later sections.

### **Transition from Non-Principal to Principal Residence License**

The Inspector's statement about my transition from a non-principal resident license in 2022 and 2023 to a principal residence license in 2024 ignores the procedural and regulatory changes that necessitated this transition.

In 2024, provincial regulations invalidated non-principal residence licenses, requiring me to apply for a principal residence license. My application reflects a good faith effort to comply with these changes, not an attempt to circumvent regulations. Further, my historical use of a non-principal license does not negate the fact that [REDACTED] Johnson Street has always been my primary residence, as evidenced by the extensive documentation I provided.

The decision to deny my application is unsupported by the evidence and reflects a reliance on speculative and circumstantial data rather than the comprehensive and verified documentation I provided. My application aligns fully with the requirements of the Short-Term Rental Regulation Bylaw, and I respectfully request that Council Members reverse the License Inspector's decision in recognition of my compliance.

The appellant's advertisements reflected a calendar consistent with full-time rental. This observation matches the back-end data from the provincial database, showing continued short-term rental bookings, and the AirDNA data reflecting the property generated \$95.6K in revenue. City staff have spent a significant amount of time and resources communicating with the appellant about the regulations, processing three applications within four months, and numerous requests for compliance. Despite these efforts, the appellant has continued to disregard the regulations and operated unlawfully. The appellant's appeal attempts to obtain exemptions from City and Provincial regulations, discredit staff, and distract from the appellant's ineligibility to obtain a licence.

This evidence further supports the Licence Inspector's assertion that the appellant does not reside at the property. Additionally, the appellants willingness to contravene both City and Provincial regulations 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.

This characterization by the License Inspector contains several misleading statements, omits crucial context, mischaracterizes my residency status and regulatory compliance, and includes concluding assertions about my integrity that are unsupported by evidence.

**Claim:** *"The appellant's advertisements reflected a calendar consistent with full-time rental... showing continued short-term rental bookings, and the property generated \$95.6K in revenue."*

**Response:** The License Inspector states later in their report that my "listing was reviewed over the prior 12-month period starting on July 3, 2024."

This means that only 184-days of 2024 was captured in the assessment (50.1%) and the remaining ~6-months was captured in 2023. It's clear that the data being cited is not only misleading but also that half of the data being provided is completely irrelevant to the licensing decision for 2024.

Further, AirDNA data cannot be relied upon because it does not distinguish between availability and active bookings across rental platforms. If I were to block off rental dates consistently on both platforms, then the data from AirDNA could be considered accurate. However, because my rental calendar is managed on Airbnb's platform (friendlier user interface) the data being provided by VRBO to AirDNA is inherently flawed. VRBO cannot distinguish between an active booking or a date that has been blocked off on Airbnb. Ultimately, this causes the VRBO data reported to AirDNA to be inaccurate because it assumes that any date that has been blocked off is an active booking, effectively overstating the number of days the listing has been made available to rent. The fact that this data has been cited as a source of information, without any clarifying statements, displays a clear lack of understanding of AirDNA's data.

To demonstrate that AirDNA data only provides an estimate of gross potential bookings I have provided a picture of the Financial Reporting and Payout Summary section on the VRBO platform below. Note that the dates selected are the relevant dates in 2024 that are under discussion (January 1-July3, 2024).

Start

2024-01-01

→

End

2024-07-03

Includes

Payouts within this date range

▼

Refresh

Property ID	Address	Bookings	Nights	Gross booking amount	Deductions	Payout
		48	230	\$78,184.94	-\$6,521.76	\$71,663.18

Above, VRBO states that there were potentially 48 booking over 230 nights resulting in an estimated payout of \$71,663.18 to the owner.

However, the actual downloaded spreadsheet displays the below information: 7 total bookings for 31-nights of rentals throughout the stated period of January 1-July 3, 2024 (Appendix: Pg. 176). The total payout was actually \$ before expenses and taxes (8% PST on all rentals + taxes on earned income calculated at the rate of the owners individual tax bracket).

Address	Reservation ID	Check-in	Check-out	Nights	Gross booking amount	Deductions	Payout
[REDACTED]		5-Jan-24	13-Jan-24	8	2285	195.23	2089.77
		4-Apr-24	8-Apr-24	4	1465	125.18	1339.82
		18-Apr-24	21-Apr-24	3	910	77.74	832.26
		3-May-24	6-May-24	3	985	84.14	900.86
		18-May-24	21-May-24	3	1335	114.03	1220.97
		13-Jun-24	17-Jun-24	4	1580	134.9	1445.1
		29-Jun-24	5-Jul-24	6	2420	206.7	2213.3

As seen above, my actual rental pattern conforms to my stated business plan and is well within the defined bylaw requirements. Clearly, the License Inspector does not have an adequate understanding of how AirDNA data is sourced and that the License Inspectors AirDNA findings are irrelevant. Council Members, this raises a potential significant liability for the City of Victoria as the License Inspector has likely denied numerous applications throughout 2024 by quoting AirDNA data that they never fully understood, which in turn has caused undue hardship to applicants.

In addition, the data provided by the provincial government in the License Inspectors report (License Inspector Report: Appendix X) states that I had zero bookings from January 1 – April 30, 2024, across Airbnb and VRBO. The data provided by the province also states that the number of nights rented in 2024 totaled 75-nights (only states 19-nights from January-July 2024). This is well-below the City of Victoria's stated 160-night maximum per calendar year on the City of Victoria Short-Term Rental website. The data provided by the provincial government also directly contradicts the statements made by the License Inspector.

Additional supporting evidence is displayed by data gathered by [REDACTED] Information Technology department and the provided geographically tagged photo evidence and receipts displaying purchases at Victoria locations during the period in question.

July 3, 2023 - July 3, 2024	
[REDACTED] Card Access Data	141
Photo & Receipt Evidence	173
<b>Total Evidence</b>	<b>314</b>

For the period of July 3, 2023 - July 4, 2024:

**[REDACTED] Card Access Data:** provides evidence that I was working from [REDACTED] Victoria office on 141 days during the period in question.

**Photo/Receipt Data:** provides geographically tagged photo evidence of me living in Victoria and the credit card receipts display that I made purchases in Victoria on a given date during the period in question.

In the above section, the License Inspector has provided three examples of their clear lack of attention to detail. These are significant oversights and should call into question the accuracy of every piece of data being presented by the License Inspector.

**Claim:** "City staff have spent a significant amount of time and resources communicating with the appellant... and numerous requests for compliance."

**Response:** While City staff may have allocated time to this case, I have spent over 130 hours (outside of my regular working hours) compiling evidence, responding to the Inspector's claims, and attempting to address their concerns. Despite my repeated offers to provide additional documentation or engage in dialogue, City Staff did not ever request further clarification or specific evidence beyond the standard application requirements when reviewing my application.

I'm paying for these services through multiple channels, including the \$1,500 licensing fee I paid this year for a short-term rental license that I did not need, the goods and services taxes deducted from my Airbnb and VRBO payouts, the income taxes I pay on earnings from these rentals, and the property taxes I pay each year. Property Taxes (\$180.9M) and Business Taxation (\$34.1M) are two of the largest revenue generators for the City of Victoria accounting for 63.5% of the total 2024 Budget. These contributions fund the very services and resources that City Staff are now citing as a burden.

Furthermore, it is the City's own actions—particularly their misinterpretation of the defined bylaws—that created the time burden and resource usage they now complain about. The City's incorrect interpretation of the regulations led to three separate applications being required this year. My decision to apply for both licenses was based solely on the guidance provided by City staff, which I followed in good faith, but was completely misguided.

Effectively, I'm paying for both sides of this appeal process. On one side, my tax contributions are being used to pay City Staff who are actively opposing my application, and on the other, I'm dedicating my time and resources to demonstrate my compliance - without having any indication of what information will satisfy the License Inspector's requirements. This is not a fair or balanced system, and the burden of time and resources falls disproportionately on applicants like me who are trying to navigate a confusing and inconsistent application process.

Rather than focusing on the resources spent communicating with me, the City should address the systemic issues within its short-term rental application process that created this situation. Providing more transparent definitions within the bylaws would have prevented the need for multiple applications and this entire appeal process, significantly reducing the time and resources expended by both parties.

Finally, I have provided a substantial amount of evidence in the following sections displaying that all communication efforts were one-sided, and that City of Victoria Staff have failed to communicate at an adequate level.

**Claim:** *"The appellant's appeal attempts to obtain exemptions from City and Provincial regulations, discredit staff, and distract from the appellant's ineligibility to obtain a licence."*

**Response:** My appeal does not seek exemptions but rather asks for fair and transparent consideration of my application based on the evidence provided. My goal is to address the misrepresentations and procedural shortcomings that have impacted the review of my application. Any criticism of City Staff is directed at procedural failures and aims to highlight systemic issues that need to be resolved for the benefit of all applicants.

Further, the three applications processed within four months reflect procedural inefficiencies created by City Staff. It also demonstrates a consistent willingness to remain compliant throughout the application process. In the following sections I have provided a significant amount of documentation definitively proving that City Staff did not provide clear guidance and intentionally misrepresented the written bylaws on several occasions.

**Claim:** *"This evidence further supports the Licence Inspector's assertion that the appellant does not reside at the property... raises questions about the integrity of his declarations."*

**Response:** I have provided 36 pieces of verified evidence demonstrating that [REDACTED] Johnson Street is my principal residence. This includes government-issued ID, utility bills, employment verification, travel documentation, financial records, insurance policies, and much more.

**Integrity of My Declarations:** My application and appeal have been conducted with transparency and is supported by irrefutable evidence. Every statement in my appeal is supported by official documentation (verified by external third parties) and includes contact information if further verification could be required. The suggestion that my declarations lack integrity is unsubstantiated. The evidence I have submitted aligns with the requirements of the Short-Term Rental Regulation Bylaw and demonstrates that [REDACTED] Johnson Street is my principal residence.

The License Inspector has relied on circumstantial evidence from Instagram and LinkedIn and has quoted faulty revenue estimates from AirDNA (which fails to align with evidence provided by the Province of British Columbia). All of which does not outweigh the comprehensive documentation supporting my principal residence status. In my below responses it will become evident that the License Inspector has failed to meet the legal standards of a fair and due process. It will also be evident that the Inspector makes several defamatory allegations (suggesting I falsified information to a government body) without providing any substantiating evidence.

Overall, the denial of my application is based on speculative data, mischaracterizations, and several procedural shortcomings rather than substantive evidence of non-compliance. My appeal will continue to address these failures and demonstrate that my operations align with the Short-Term Rental Regulation Bylaw and the regulatory intent of limiting short-term rentals to principal residences.

### III. Facts

5. The appellant and [REDACTED] have owned the property at [REDACTED] Johnson Street since May 11, 2021.

[REDACTED] is not a party to this dispute.

[REDACTED], [REDACTED] helped me with the downpayment and co-signed on my mortgage because I was a first-time home buyer that required family assistance to purchase my home

(someone these regulations are meant to help). Despite [REDACTED] being a co-signer on the mortgage, he does not reside at the residence, he does not pay any of the ongoing expenses (mortgage principal/interest, insurance, taxes, upkeep expenses, etc.) and he will be removed from the property title as soon as the initial term of my mortgage is completed in [REDACTED].

Ownership structure has no bearing on actual occupancy status or eligibility for a short-term rental license. B.C. Property Laws recognize various forms of ownership that will result in a principal residence status, furthermore, there is no requirement to be the sole owner of the property (or to even own the property) to gain principal residence status.

The statement appears designed to cast doubt on my principal residence status without providing any legal context to City Council.

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’.

The first sentence is accurate regarding CBD-2 zoning status. However, the overall statement is incomplete and misleading. The statement fails to explain what qualifies as a “home occupation” and omits specific Schedule ‘D’ provisions that are supportive of my case. The statement is also misleading as it implies CBD-2 zoning status restricts the use as a short-term rental.

The property operates within the “home occupation” parameters outlined in Schedule ‘D’: principal residence status has been well-documented, no more than two bedrooms are offered, a responsible person is designated, complies with temporary absence provisions, there is no advertising signage at the property, strata approval is obtained and documented, and the business is operated from this address.

The Inspectors statement confirms my use is permitted when the requirements are met.

7. In 2021, the appellant obtained a long-term rental licence for [REDACTED] Johnson Street.

The standalone statement is misleading and omits crucial context about the property’s rental use in 2021. Importantly, the rental use and primary residence status in 2021 is irrelevant to the decision to grant my principal residence license in 2024.

The Inspector’s statement attempts to use a license obtained in 2021 to cast doubt on my principal residence status in 2024 while completely ignoring important context about the property acquisition timeline, covid pandemic and my evolving work requirements at [REDACTED]. The License Inspector, bylaw officers, and City of Victoria personnel have never inquired about how the property’s rental status has transitioned since 2021 to present.

[REDACTED] employees worked primarily remote throughout the 2021 calendar year (limited to a few essential personnel working from the Victoria office) as the province was still going through rolling Covid lockdowns and ongoing social gathering restrictions (evidence of remote work status is confirmed by [REDACTED] Head of Human Resources in the Appendix on Pg. 1-2). I purchased



the property in [REDACTED] when interest rates were low, at a time when I believed the property was undervalued, and because the property was zoned to allow both long-term and short-term rentals. In 2021, I purchased a long-term rental license (which demonstrates a history of bylaw compliance) because it aligned with my remote work allowance and my ability to rent my condo for extended periods.

The Inspector's statement is irrelevant to Council's decision to grant my 2024 principal residence license.

8. In 2022 and 2023, the appellant obtained a Non-Principal Resident Short-Term Rental licence to operate short-term rentals at [REDACTED] Johnson Street.

The statement is correct but fails to include important context about the reality of post-pandemic workplace transitions and the practical reasons for operating under a different license category.

My decision to operate under a non-principal residence license was based on it having fewer restrictions on rental frequency (at the beginning of 2022 it was impossible to know if we would go back into full lockdown, etc.) while also providing greater operational flexibility (I could hire third party management if my working status required it). The decision was not based on principal residence status (despite it being my principal residence in 2023) as my property was zoned in a way that allowed me to choose either license. I chose to pay \$1,500 for greater flexibility under the non-principal residence license.

In 2021, most workplaces were still working fully remote. By 2022, many workplaces were beginning to transition back into the office. In April 2022, [REDACTED] implemented a 3-day in-office requirement; my team mandated employees to be in the office from Tuesday-Thursday each week. Each Employee was also allowed to work fully remote for an additional 20-days per year at their own discretion but with manager pre-approval of the dates requested. The same remote work policy was in effect throughout 2023. This flexible work arrangement (remote work Mondays and Fridays) provided the ability to rent out my apartment for up to 5-nights per week (leave after work on Thursday and return on the first ferry on Tuesday). Additionally, travel restrictions were lifting in 2023, which allowed business travel to return at [REDACTED] and caused me to travel a total of 38-days for my work in 2023 ([REDACTED] Human Resources Employment Letter; Appendix Pg. 1-2).

My partner was renting an apartment and working in Vancouver until September 2023, when she moved to Victoria and into my apartment. The rental income subsidized the cost of our long-distance relationship and the ~300% increase in my mortgage interest rate. Neither myself nor my partner currently rent or own any other property in 2024, this is our only residence. [REDACTED] Johnson Street is also our principal residence as defined by the legislation.

9. On January 23, 2024, the appellant submitted a 2024 Principal Resident Short-Term Rental application for [REDACTED] Johnson Street [Appendix C].

The statement is accurate but omits critical context regarding the limited information that has been provided by the City of Victoria's Short-Term Rental Office and Bylaw Services department. Further, the application process has since revealed significant systemic issues with the City's handling of short-term rental applications:

**Application Submission:** All requested forms and documentation were submitted with my application on January 23, 2024. The Principal Residence Application Form states:

*"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."*

My driver's license and BC Hydro bill were both submitted with the application and the application was accepted.

**New Submission Requirement:** Note that the Principal Residence Application has been updated after the acceptance of my application submission. The new application form includes a third proof of residence document, requiring a

*"Home or rental insurance policy (stating property address, mailing address and policy holder)".*

I have included three insurance policies (personal contents policy and two rental insurance policies) in this submission to ensure compliance with the new requirements that were added after my application submission date. The headline insurance contract information can be viewed in the Appendix (2024 Personal Property Home Insurance Pg. 74-81; 2024 Rental Insurance Pg. 71-73; 2023 Rental Insurance Pg. 83-93) and the three full insurance contracts have been included in the Supplement to the Appendix (Pg. 326-445).

**Inadequate Processing Timeline:** The City's excessive processing delays and inability to maintain reasonable administrative timelines create an untenable situation for residents attempting to maintain regulatory compliance. This issue has been compounded by the Short-Term Rental Offices decision to remove all timeline estimates from their email correspondence as seen below:

In 2023, I received my signed application from my Strata Council on January 18th, 2023. I must have walked across the street from work to submit the application in-person at City Hall because I do not have outbound/inbound email to confirm the submission date. However, 9-days later I received an email confirming the approval of my Non-Principal Residence Application. When I responded to the email to confirm my receipt and to inform City Staff that I had paid promptly paid the required licensing fee, I received an automated email from str@victoria.ca which stated (Appendix: Pg. 258):

*"We are processing a high volume of applications. We kindly ask that you allow 7-10 business days to process your application... Our office will contact you if we require additional documentation or clarity regarding an application package".*

However, when I submitted my Principal Residence Application to the str@victoria.ca inbox in 2024, the automatic response I received had been changed to (Appendix Pg. 189):

*“Principal residence applications will take longer due to inspection requirement and scheduling is subject to availability. Please note, the applicant must attend the inspection. Our office will contact you to book an inspection, if more information is required, or once a decision has been made.”*

Finally, the automatic response has been changed again in 2025. Unfortunately, I cannot provide a quote for the expected timeline because it has now been fully removed. However, regarding requests for additional information the email now states (Appendix: Pg. 190):

*“We are kindly requesting all applicants refrain from requesting status updates as it impacts our ability to efficiently do our work. Rest assured, you will be notified by our office if we require further information or once the licence decision has been reached.”*

There are a few glaring issues that need to be identified:

First, the City of Victoria made the explicit decision to remove any reference to an estimated timeline for completion in 2024 and 2025. I was applying for a principal residence application for the first time in 2024. How am I (or any applicant for that matter) supposed to adequately manage my business operations without being provided with an estimated timeline for the inspection and full review process?

Second, it is reasonable to assume that the City of Victoria removed the estimated timeline because it was determined that the City of Victoria could have been found liable for not meeting the expected timeline or wanted to avoid any community backlash for stating an excessive administrative review period.

Third, the Short-Term Rental Office is directly requesting applicants to not contact the office. This issue is compounded by the fact that I personally have zero confidence in the Short-Term Rental Office contacting anyone for any additional information as they never made the request in my case despite my repeated attempts to provide them with the information they needed.

These are three clear examples of the Short-Term Rental Office failing to provide applicants with a fair and due administrative process. Applicants cannot manage their business operations without being provided with an expected completion timeline, and established legal precedents have determined that applicants must fully understand the standard that they’re being expected to meet (which is impossible without speaking to the person reviewing my file).

It is clear that the City of Victoria failed to adequately staff and budget for an entirely predictable increase in principal residence applications in 2024 - driven by announced provincial regulatory changes – which represents significant administrative oversight. The City of Victoria’s 2024 Budget only provided a 1.4% year-over-year budget expense increase to the Bylaw Services department (inflation ranged between 2.9% and 1.9% throughout 2024) which means the department received less funding in 2024 on an inflation adjusted basis compared to 2023.

Principal residence applications require a home inspection (not required for non-principal residence licenses) which is time consuming for Bylaw Officers who must travel to each location and then provide a written summary post-inspection. The entirely forecastable issue surrounding likely administrative delays should have been evident given principal residence

application volumes were going to increase due to non-principal residence licenses becoming unlawful.

This was not an unforeseeable "black swan" event like COVID-19, but rather a known regulatory change with clear implications for application volumes. The City's decision to remove processing timelines from their automatic responses, rather than increase staffing to maintain service standards, suggests either a failure of planning or a deliberate choice to under-resource the department. Either scenario raises concerns about the City's execution of its administrative duties and the resulting impact on residents attempting to comply with new regulations.

**Inconsistent Application of Stated Procedures and Due Process:** The City's handling of my application reveals a concerning departure from fundamental principles of administrative fairness and the City of Victoria's own stated procedures. Their automatic email response (quoted a few paragraphs above and restated here) states:

*"Our office will contact you to book an inspection, if more information is required, or once a decision has been made."*

The License Inspector's rejection without first requesting any additional information, any clarification regarding information found using speculative online sources, or accepting any of my requests to speak in-person clearly displays a lack of due process. It suggests the License Inspector either simply neglected to follow the principles of a fair and due process, or they have been incentivized to deny applications without conducting a thorough investigation. Both scenarios are unacceptable.

The License Inspector, Short-Term Rental Office, and the Bylaw Officers never requested additional documentation to help establish principal residence status in my case. This reflects a problematic "guilty until proven innocent" approach to their application reviews, where:

- No clear standards were communicated for proving principal residence status.
- No examples were given of acceptable documentation in excess of the three documents stated in the new application template.
- No opportunity was provided to address the License Inspectors perceived deficiencies in the application.
- No guidance was offered despite repeated attempts to seek clarification.
- No specific concerns were raised before the rejection.

This approach contradicts basic principles of administrative law and procedural fairness, where applicants must:

1. Know the case they need to meet.
2. Have an opportunity to provide relevant evidence.
3. Receive clear guidance on requirements.
4. Be given a chance to address concerns before adverse decisions.

Canadian courts have consistently held that administrative decisions affecting housing rights require enhanced procedural fairness (*Baker v. Canada*). The City's failure to provide clear guidance or opportunity to address concerns before rejection falls below these established legal standards. Further, (*Cardinal v. Director of Kent Institution*) establishes that public authorities must provide both clear standards and meaningful opportunities to demonstrate compliance. When officials have broad discretionary powers (like the License Inspector), they must exercise that discretion fairly and with proper procedure. The City's approach has failed to meet these fundamental requirements of administrative fairness.

**Baker v. Canada [1999] 2 SCR 817**

- Leading Supreme Court of Canada case on procedural fairness.
- Establishes that greater procedural protections are required when decisions significantly affect individuals' rights and interests.
- Relevant Quote: "The more important the decision is to the lives of those affected... the more stringent the procedural protections that will be mandated."
- Application: Housing security and property rights are fundamental interests requiring robust procedural protection.

**Cardinal v. Director of Kent Institution [1985] 2 SCR 643**

- Landmark decision establishing fundamental principles of procedural fairness.
- Court ruled that any administrative decision affecting individual rights requires basic procedural protections.
- Relevant Quote: "This Court has affirmed that there is, as a general common law principle, a duty of procedural fairness lying on every public authority making an administrative decision which is not of a legislative nature and which affects the rights, privileges or interests of an individual."
- Application: Local government licensing decisions must; i) provide clear standards for compliance; ii) allow for meaningful opportunity to respond; 3) consider evidence before making adverse decisions; 3) communicate concerns before rejection.

The License Inspector has had several opportunities to ask questions, request additional documentation, to define what was required to approve my principal residence status. I never received any such request.

The rejection notice is particularly troubling given the stated precedents were ignored and the fact that I have provided a substantial amount of information throughout the appeal process that have also been ignored. The License Inspector has chosen to make serious allegations suggesting that I'm falsifying documentation (a statement made in a later section) without ever providing fact-based evidence contradicting any of the documentation I have provided.

**Inadequate Communication:** The City's communication procedures have been proven inadequate. The only form of communication that receives any response is through the [str@victoria.ca](mailto:str@victoria.ca) email inbox and is the only listed contact on the City of Victoria website.

Who can I contact for more information about short-term rentals and enforcement in the City of Victoria?

You can contact staff in Bylaw and Licensing Services at [str@victoria.ca](mailto:str@victoria.ca). Questions about the provincial legislation should be directed to the Province: [New rules for short-term rentals - Province of British Columbia \(gov.bc.ca\)](#)

I have sent over 30 emails to @Victoria.ca email addresses in 2024. Within several emails I have requested to speak with someone on the phone or in person. I also asked both bylaw officers for the opportunity to speak with someone with authority during each home inspection. Each request was denied or ignored and not one person followed-up with my requests for a conversation. Not one person was willing or able to tell me what evidence I could show to build my case. Evidence of my requests to speak with someone at the City of Victoria's Short-Term Rental Office can be found in the License Inspectors Appendix on pages 33, 35, 36, 77, 78, and 131. In addition, examples can be found in my Appendix on pages 192, 194, and 207.

When email communication and the in-person opportunity to speak with the Bylaw Officers proved inadequate and unhelpful, I physically went into City Hall to 1 Centennial Square and 12 Centennial Square in an attempt to speak with someone in person. I estimate I visited City Hall a minimum of 10 times, at various times in the day, and was never able to speak to anyone other than the administrative assistants at the front desk. The admin team only ever provided the standard business card for the short-term rental office. I was never provided with a call back despite making numerous requests to the administrative team in-person.

10. On January 25, 2024, City staff contacted the appellant to schedule an inspection, offering two of the next available dates [Appendix D].

My principal residence application was submitted on January 23, 2024. The earliest possible inspection date provided was February 27, 2024. This means that the earliest date provided to conduct the required home inspection was 35-days after the application was submitted. Ultimately, this application was subsequently removed by the City of Victoria (the poor reasoning behind this decision is described in detail in a later section) when the application was still outstanding on March 12, 2024 (49-days after submission). My second principal residence application was submitted on April 25, 2024. The second home inspection was scheduled for June 21, 2024 (58-days after submission). This second application was finally reviewed by the License Inspector on July 3, 2024 (69-days after the application was submitted).

The City of Victoria's Short-Term Rental Office does not open applications for the following year until December of the preceding year. Given the above timelines that were provided, the City of Victoria does not have the ability to process applications in a reasonable timeframe as it was impossible for any principal residence short-term rental operation to be actively offering rentals throughout January 2024. Further, many applications would not have been reviewed until the end of February given the License Inspectors additional review period post-home inspection completion.

It is clear that the City's excessive processing delays and inability to maintain reasonable administrative timelines creates an untenable situation for principal license applicants attempting to maintain regulatory compliance.

The Supreme Court of Canada has established that administrative bodies must execute their duties within reasonable timeframes (*Blencoe v. British Columbia-Human Rights Commission* [2000] 2 SCR 307) and they should not cause undue economic hardship (forced closure due to administrative delays). These Business Continuity Principles state that established businesses (I have held the appropriate licenses since 2021) cannot reasonably cease operations during prolonged administrative reviews.

11. On January 26, 2024, the appellant informed staff he was unable to attend the inspection during the offered times as he would be in New York for work. Staff responded on the same day, providing the appellant with the next available inspection dates. The appellant responded and accepted an inspection date of March 5, 2024 [Appendix D].

As noted in the letter from [REDACTED] Human Resources my absence from Victoria was due to required business travel for my work at [REDACTED] (Appendix Pg: 1-2). Additional evidence of the temporary nature of this work trip (February 25-March 1, 2024) can be seen in the travel documentation provided by [REDACTED] (Appendix: Pg. 10-30).

Separately, to demonstrate my commitment to timely compliance I can show that my proactive application efforts began on December 28, 2023, when I submitted the application to my Strata Council for approval (the date is available in the License Inspectors Response Submission in Appendix C on page 26). Despite requiring multiple follow-up emails to my strata representative (January 3, 9, 11, and 17, 2024), I submitted my application to the City of Victoria three business days after receiving Strata approval on January 18, 2024 (proof of the timeline and email correspondence is included in the Appendix on pages 230-243). My application was submitted well ahead (99-days) of the May 1st provincial regulation changes.

As previously noted, the only licenses I had applied for were the long-term rental license in 2021 and the non-principal residence license in 2022 and 2023.

As another example of my history of timely compliance efforts, in 2023, I received a signed application from my Strata Council on January 18th, 2023. I must have walked across the street from work to physically drop the application off at City Hall because I do not have an outbound or inbound email to confirm the date that I actually dropped off the application.

However, just 9-days after receiving my signed application by my strata council I received an email confirming my 2023 short-term rental license had been approved. I sent a response ~3-hours later thanking the str@victoria.ca inbox for the quick processing, letting them know I had just submitted my payment for the license and that I will get the license number updated on my online rental advertisements and on the license within the unit. This is a clear example of my desire to be compliant and to abide by the regulations.

12. On March 5, 2024, staff identified the appellant's advertisement offering unlicensed short-term rental at [REDACTED] 728 Johnson Street [Appendix E].

First, the License Inspector continues to display a consistent lack of attention to detail as the stated address is incorrect and is not my residence or the property under discussion (my principal residence is located at [REDACTED] Johnson Street). In addition, the License Inspector's chronological presentation of events is demonstrably incorrect and appears designed to create a false narrative that City Staff have followed proper procedure to Council Members.

The License Inspector's misrepresented timeline appears to be an attempt to make the reader believe that the City Staff have followed a proper and due process. However, subsections 12 and 13 have been presented in the wrong order. This is a clear example of the License Inspector falsifying information to better fit their preconceived set of beliefs.

To display that this section was not in the correct order the bylaw officer makes the following statements in Appendix F (noted the next section of the Inspector's report):

*"DUARTE did not have the opportunity to review the file in totality prior to the inspection"*

Officer Duarte *"was not aware which type of application [REDACTED] had applied under."*

*"Upon conclusion of this inspection and returning to the office DUARTE did conduct a more thorough review of the file. DUARTE reviewed an active Airbnb listing for this unit"*

First, basic factual errors suggest rushed or careless documentation by the License Inspector.

Second, the 42-day delay between application and inspection provided ample time for proper preparation. However, Officer Duarte did not conduct an appropriate review of my file before the inspection as the officer arrived without any knowledge of the application type he was reviewing. Not only is this a material procedural error but the Officer also neglected to provide the common courtesy of preparing for a meeting that forced me to take time out of my work day. Importantly, the inspection process violated basic principles of administrative fairness.

Baker v. Canada [1999] 2 SCR 817 established fundamental requirements:

- Decision-makers must be properly prepared.
- Examination must be conducted with full knowledge of relevant facts.
- Inspections must be conducted with clear understanding of what is being inspected.
- Judgements cannot be based on post-hoc investigations.

The Inspection process failed to meet these standards when:



- The Bylaw Officer arrived without reviewing the application type.
- Conducted the inspection without understanding what to look for.
- Made observations without proper context.
- Formed conclusions before reviewing my full file.

Third, the License Inspector's report appears to deliberately reorder events to create an appearance of proper procedure by:

- Falsifying evidence by placing subsection 13 in the incorrect sequence of events.
- Creates a misleading impression of thorough pre-inspection application review.
- Falsely presents research findings before establishing a factual basis to conduct the inspection.

This demonstration of procedural failures and timeline manipulation raises serious concerns about the integrity of the inspection process and subsequent reporting. The apparent attempt to retroactively justify decisions through post-inspection research, combined with basic factual errors and timeline manipulation, suggests a process designed to reach a predetermined conclusion rather than conduct an objective assessment.

In response to this (misplaced) section, the License Inspector claims I was operating without a license on March 5, 2024, but fails to note important context regarding administrative delays and reasonable business continuity principles.

Processing delays caused by an inability to maintain reasonable administrative timelines create an untenable situation for businesses attempting to maintain regulatory compliance. My application (submitted January 23, 2024) had been outstanding for 42-days on March 5, 2024. This is a significant increase from the previous nine calendar days that was required to process my application in 2023. There was no communication provided to explain the reason for the processing delays or how much longer the License Inspector required to form a conclusion.

The Supreme Court of Canada has established that administrative bodies must execute their duties within reasonable timeframes (*Blencoe v. British Columbia-Human Rights Commission* [2000] 2 SCR 307) and they should not cause undue economic hardship. These Business Continuity Principles state that established businesses cannot reasonably cease operations during prolonged administrative reviews.

The court found that regulatory compliance efforts should be viewed holistically to include an assessment of the business' history of:

- **Proper Licensing:** I have a well-established history of documented compliance as stated by Officer Duarte in his report. I continue to list my 2024 non-principal residence license on my listings as required by the City of Victoria throughout the extensive administrative delays and during this appeal process.
- **Display Prompt Application Submission:** My first application was submitted to my strata council for approval on December 28, 2023. I followed up four times by email before the signed version was emailed to me on Thursday January 17, 2024. The application was

submitted to the City of Victoria on January 23, 2024 (the next business day I was in Victoria). My second principal residence application was sent to my strata council for signatures on April 11, 2024. Again, I had to follow-up four times by email before receiving the signed application on April 25, 2024. The application was submitted to the City of Victoria on the same day. Both email correspondences with my strata council have been included in the appendix on pages 230-243.

- **Continuous Attempts to Seek Guidance:** I have sent 30 individual emails to @victoria email addresses in 2024. (LegislativeServices@victoria.ca; str@victoria.ca; cranderson@victoria.ca; BRoder@victoria.ca; ocp@victoria.ca). I even emailed the Official Community Plan on April 4, 2024 (which I never received a response) attempting to speak to someone at the City of Victoria due to never being given the opportunity to speak with someone in the Short-Term Rental Office despite multiple attempts (OCP Email: Appendix 228-229).
- **Adequate Documentation Provided to the Administrator:** I provided the documentation that was defined in the application. I submitted 14 forms of documentation in my initial appeal (which the License Inspector suggested I falsified). I have now provided 36 independently verifiable forms of documentation within this response to the License Inspector to prove my principal residence status (including an excel spreadsheet with my location over the last two years (730 days).
- **A willingness to comply with the legislative requirements:** My extensive email correspondence with City Staff displays my desire to comply with the legislation. In addition, I requested on multiple occasions to speak with someone in the Short-Term Rental Department to identify what documentation would be sufficient to prove my principal residence status – I was never given this opportunity. Evidence of my requests to speak with someone at the City of Victoria can be found in the License Inspectors Appendix on pages 33, 35, 36, 77, 78, and 131. Additional examples can be found in my Appendix on pages 192, 194, and 207. Further, Bylaw Officer Duarte made a statement confirming his belief that I am genuinely attempting to be compliant within his written statement (note the first word below is not a typo, the Officer misspelled his own name in his written report):

*"DUARE did believe Mr. [REDACTED] to be genuine in that he made several statements agreeing to what the city is doing, and that he has full intent in following the regulations, he mentioned this on more than one occasion."*

The City's processing delays, which extended well beyond their own previously stated timelines, effectively force applicants to choose between:

- i. Ceasing operations while awaiting processing, causing financial hardship.
- ii. Continuing operations under existing licenses while awaiting decisions.
- iii. Potentially losing their homes due to inability to maintain mortgage payments.

The Bylaw Officer inspected my residence 42-days after my application was submitted (January 23, 2024) on March 5, 2024. As you will see later in this response it ultimately took the License Inspector 162 calendar days to complete the review of my Principal Residence Application on July 3, 2024. Both timelines provided are excessive and create an unnecessary burden on applicants and established business.

The established legal precedent states that administrative limitations should not force homeowners/businesses to bear the financial consequences of delayed application processing. Further, the principle of "justice delayed is justice denied" applies equally to administrative processes affecting housing security and property rights. Overall, the City's failure to process applications within reasonable time frames should not result in de facto denial of rights through administrative delay and cannot force a business to cease operations during the prolonged delay.

13. On March 5, 2024, Bylaw Officer Duarte inspected [REDACTED] Johnson Street. The purpose of the inspection was to understand the layout of the home and business plan for a potential short-term rental. During the inspection the appellant inquired about the new provincial regulations and how it would impact his ability to operate, disclosing to Bylaw Officer Duarte he had already received short-term rental bookings for 2024. The appellant also informed Bylaw Officer Duarte he currently had a guest staying for 30 days. Bylaw Officer Duarte informed the appellant that he requires a licence to conduct the short-term rental business activity he just declared. The appellant asked Bylaw Officer Duarte if he could have special exemption regarding the regulations and who he could speak to in order to plead his case. Bylaw Officer Duarte informed the appellant he could contact the City's short-term rental coordinator, who may or may not be in a position to assist [Appendix F].

The statement by Bylaw Officer Duarte is replete with factual inaccuracies, misrepresentations, and a lack of attention to detail that undermines its credibility (and his as a bylaw Officer). Documented email correspondence displays inaccuracies with the Bylaw Officers statement and that he failed to document the information accurately. Not only did the Bylaw Officer fail to accurately transcribe the provided business plan information but he also neglected to request additional information to corroborate the accuracy of my statements. Combining procedural irregularities and the officer's failure to adhere to proper administrative and legal standards, the statement should be deemed inadmissible in its entirety. This section highlights the falsehoods, misrepresentations, and procedural failures evident in Officer Duarte's report (Appendix F of the License Inspectors Report).

#### **Bylaw Officer Duarte Examples of Misconduct:**

I was waiting outside of my building for Bylaw Officer Duarte as he was late for the inspection on March 5, 2024. Fact-based evidence to this is provided in Appendix F of the License Inspectors Report when the Bylaw Officer states:

*"DUARTE who was on duty and in full uniform met with the registered homeowner [REDACTED] at the front entrance to the building."*

The Bylaw Officer parked his vehicle across the street from the building. He then proceeds to cross the street without using one of the three crosswalks' available on Johnson Street between [REDACTED]. He parked between two crosswalks with a total distance of ~30-40 meters between the two. Prior to the inspection starting, the Bylaw Officer had already displayed conduct unfitting of a Bylaw Officer.

It should be made clear that I do not have proof that the Bylaw Officer crossed the street illegally in full uniform. However, the reason this stands out in my memory is because Bylaw Officer Carr (who completed my second inspection on June 21, 2024), parked in about the same spot but walked ~15-20 meters away from me while I was waiting at the front of my building to cross the street using the crosswalk (following the law). I bring this up in my appeal because this example speaks to Bylaw Officer Duarte's character (cutting corners and lack of attention to detail) and fully displays that he has neglected to conduct himself in a manner that should have been expected of any Bylaw Officer.

The second example is well documented in the preceding section but is worth repeating. Bylaw Officer Duarte states multiple times during the inspection that principal resident license will be limited to four bookings per year:

*"should Mr. [REDACTED] then apply as a principal resident that under the current regulations he could only offer his residence up to four times a year."*

*"Victoria will no longer be operating short-term rentals for persons as non-primary residences and will only be permitting primary resident operations allowing for four bookings per year."*

The interpretation of "occasionally" as "four times per year" appears to be an administrative policy rather than a bylaw requirement, meaning the officer is applying an unwritten standard that's not found in the legally binding regulations. The bylaw officer could suggest a four-rental limit, however, this administrative interpretation has no binding legal effect (without proper basis in the bylaws) and should be clearly stated as such. However, the Officer's statement was intended to be interpreted as a legally binding requirement and that the four-rental limit was explicitly stated in the approved legislation. The Bylaw Officer purposefully misrepresented administrative policy that is not legally binding.

A third example of the Officer's statements not reflecting information that has been defined by the City of Victoria is seen by the statement:

*"DUARTE explained to Mr. [REDACTED] that although his licence may state that it expires January 15, 2024, it only covers to December 31, 2023."*

The statement is in direct contradiction to City of Victoria's Short-Term Rental website which states (<https://www.victoria.ca/building-business/business-licensing/short-term-rentals>):

*"All Short-Term Rental Business Licences expire January 15 and must be re-applied for annually."*

The above quote is further supported by additional evidence provided in the Frequently Asked Question section on the webpage provided above.

I have a 2024 short-term rental licence. Do I have to reapply to operate in 2025? ▼

Yes, short-term rental licenses must be applied for annually. All 2024 Short-Term Rental Licenses will expire on January 15, 2025.

To continue advertising or operating a short-term rental you must apply for, receive approval and pay your 2025 licence fee before January 15, 2025.

Each of the three examples provided above include direct quotes provided by the Bylaw Officer in his statement and fact-based evidence contradicting each statement that was made. Either the Bylaw Officer is not familiar with the short-term rental regulations, or the City of Victoria has misrepresented information to the public. Either scenario is unacceptable.

### **Suspicion of Falsifying Evidence:**

As stated in the previous section, the License Inspector has misrepresented the timeline by placing subsections 12 and 13 in the wrong order. This is a proven fact with supporting documentation submitted by the License Inspector.

Bylaw Officer Duarte appears to further misrepresent himself and the City of Victoria in his documented statements on several occasions. As a starting point, the second line of Bylaw Officer Duarte's statement defines the date he claims the statement was written (Monday March 8, 2024). However, the date does not exist.

The inspection took place on Tuesday March 5, 2024. This means that the statement was either written on Friday March 8, 2024 (four days after the inspection) or possibly Monday March 11, 2024 (six days and a full weekend after the inspection took place). This timeline assumes that at least the day or the numbered date provided by Officer Duarte is correct.

This means that the Bylaw Officer wrote a 2,477-word summary of the inspection by memory several days after the inspection took place. The delay and the date discrepancy raise concerns about the report's accuracy and the officer's recollection of events. It appears the majority of the accurate details provided in the written report were likely provided by him describing the pictures he had taken during the inspection.

The credibility of official reports, such as those authored by bylaw officers, is significantly influenced by the timeliness of their preparation. Delays between the observed event and the documentation can lead to inaccuracies, memory lapses, and potential challenges to the report's reliability. Legal precedent underscores the importance of timely documentation to ensure accuracy and fairness, a standard that was not followed in this instance.

### **Legal Standards:**

**Importance of Timely Reporting:** Courts have emphasized that prompt reporting is crucial to preserve evidence and ensure witness reliability. While these cases pertain to criminal

proceedings, the underlying principle—that delays can cast doubt on the accuracy and trustworthiness of reports—applies broadly, including to administrative contexts.

**Standard for Investigative Reports:** Guidelines for internal affairs investigations in law enforcement stress the necessity for prompt and accurate report writing. Delays can result in incomplete or inaccurate accounts, which may compromise the integrity of the investigation. While these guidelines are specific to internal police investigations, they reflect a general expectation for timely documentation in official matters to maintain credibility.

Bylaw Officer Duarte's report contains several false statements and baseless misrepresentations that further cast doubt on the reliability of the Officer's entire statement. Below is a list of the Officers' claims that can be proven inaccurate with accompanying documentation. If I was not writing this over the Christmas Holidays and I had more time to put this together, there's another 8-12 examples that I could provide.

### **False Statements**

**Claim:** *"When asked if Mr. [REDACTED] applied for a non principal or a principal licence, he stated he applied for the non principal licence even though this unit was his principal residence, stating he resides in the unit."*

**Response:** I have already proven that Bylaw Officer Duarte was not adequately prepared for the inspection in the preceding section. Here he also falsely states that I had told him that I applied for a non-principal residence license.

However, later in the License Inspectors report (subsection 16) it's stated that on March 11, 2024 (6-days after Duarte's inspection took place) I stated by email that I would change my rental application from a principal residence to a non-principal residence application. This was the first time that I stated I would pursue a non-principal license to the City of Victoria.

City Staff stated (Appendix: Pg 197) that it was not possible to have two applications pending at the same time which means my principal residence license was still pending at the time of the Bylaw Officer's inspection.

The fact that Bylaw Officer Duarte included a statement in his written report that was not true until 6-days after the inspection provides additional evidence that he violated the principals of procedural fairness as he used information that was not available to him at the time of his home inspection to write his report. It also means that it is likely that he did not write his report until Monday March 11, 2024 (6-days and a full weekend after the date of the home inspection) further violating administrative process requirements.

**Claim:** Duarte states *"he mentioned paying for increased insurance, creating a commercial business through his bank so that he is covered in the event something happens to his unit."*

**Response:** The Officer clearly displays that he did not understand the context of our conversation and shows a lack of care to ensure that he was presenting accurate information to the License Inspector and City Council members.

Bylaw Officer Duarte never requested additional documentation to support his misbelief that my residence was in fact an investment property and was purchased through a corporation. Documentation has been provided refute the Bylaw Officer's claims include:

- Personal Property (Contents) Insurance provided by [REDACTED] Insurance. The contract states: Name of insured is [REDACTED] dwelling occupancy is "owner occupied", 3-years of continuous insurance coverage, the address of the insured dwelling is [REDACTED] Johnson Street (Appendix: Pg. 74-81; Supplement to the Appendix: Pg: 387-390).
- Commercial Insurance (Rental) Insurance provided by [REDACTED] Insurance Services. The contract states the name of the insured is [REDACTED] (not a corporation), address of the insured and address of risk is both [REDACTED] Johnson Street (my home address matches the location of risk for the policy), the form of business is "Individual" (not a corporation), and the description of business operations is "Condo Unit Ownership – Short Term Residential Rental". All information provided confirms that an individual is the policy holder and not a corporation (Appendix: Pg. 71-73; Supplement to the Appendix: Pg. 391-445).
- [REDACTED] Law Corporation submitted the Land Title Act documentation for the purchase of my home. The document defines the borrower/mortgagors as [REDACTED] and [REDACTED] (not a corporation). The document includes the legal description of the land (PID/Plan Number), legal description of the Strata Lot Number, initial mortgage amount of [REDACTED] and the lender as the [REDACTED]. This confirms that [REDACTED] and [REDACTED] are the listed borrowers/mortgagors and the property is not owned by a corporation (or through a "commercial business at set up through my bank"). Available in the Appendix on Pg. 62-63.
- Mortgage Statement from the [REDACTED] (statement date is January 10, 2024) and defines: the borrowers as [REDACTED] and [REDACTED] the address of the mortgage and statement delivery is [REDACTED] Johnson Street Victoria BC [REDACTED] it confirms the outstanding balance of the mortgage ([REDACTED]) and revolving line of credit ([REDACTED]). The statement displays that [REDACTED] and [REDACTED] remain the borrowers (Appendix: 64-68).
- The License Inspector States in (subsection 5) of the License Inspectors Report that:  
" [REDACTED] and [REDACTED] have owned the property at [REDACTED] Johnson Street since [REDACTED]. " The License Inspector's findings directly contradict the Bylaw Officer Duarte's statement that I created a commercial business through my bank to hold this property.

**Claim:** Bylaw Officer Duarte misstates basic information about my business plan:

*"Mr. [REDACTED] made a statement that his plan was to replace the current bed with a wall type hide a bed similar to the bed type in the first bedroom, so it can be folded away in order to create more space."*

**Response:** I spent \$3,329 over the previous five months purchasing a custom-built bed frame (November 2023) for additional storage and new king size mattress (delivered in April 2024) for the master bedroom (Appendix: Pg. 136). I described in detail to the License Inspector in my initial appeal that the new storage bed is where I keep my clothes (in-season clothes and work clothes), toiletries and other items that I use on a daily basis while I'm living in my home (Appendix: Pg. 184-188).

The Bylaw officer neglected to take the opportunity to view the storage space. If he had viewed it there would have been picture evidence. This storage space is a key contributing factor allowing me to easily prepare my home for guests and to reset my living space when I return. The Officer also neglected to mention that I offered to show him the inside of the two storage units on the deck and the additional unit in the parking garage. He declined each offer.

This is another example of the Bylaw Officers inability to understand the details of my business plan, lack of due diligence conducted, and a false statement.

**Claim:** *"Mr. [REDACTED] stated that he somehow had been stuck with having someone currently staying in his unit for 30 days, which would be the person staying in the first bedroom, not the primary bedroom."*

**Response:** I have never rented a single bedroom in my home to someone through an online platform. I have also never been living in my home while a stranger rented out one of the bedrooms. I would never feel comfortable, or safe, and neither would my partner.

The Bylaw Officer assumes that I rented the second bedroom to someone using a third-party platform. However, I have allowed a close friend and a colleague at [REDACTED] ([REDACTED]) to stay in my home periodically while he was searching for a home to purchase with his fiancée. At the time (March 2024), [REDACTED] was travelling to and from Vancouver to visit his partner (now fiancée) as she had not moved out to Victoria. They were in a similar position to me in 2022 when [REDACTED] had been living in Vancouver. [REDACTED] stored a few bags at my home for several months while he searched for a home to purchase.

**Claim:** The Bylaw Officer states:

*"How do you plan to advertise? Airbnb, mentioned he may advertise on VRBO, also stated he is NOT currently advertising on VRBO."*

**Response:** I have clearly displayed my 2024 non-principal rental license number in my property description on both Airbnb and VRBO as required by the City of Victoria. I have declared the business number in the tax declaration sections on both Airbnb and VRBO.

It is clear that I have not made any attempt to hide either of my listings in 2024. I have actively listed my home for rent, on occasion while I'm temporarily away, as is permitted by the bylaws. Further, legal precedent displays that business operations should not be forced to stop during extended administrative delays. I believe I have strong legal standing for my case to be overturned and all allegations to be dropped.

Further, the City of Victoria is currently building a rental registry alongside the Province of B.C. Any knowledgeable person (and who has a history of compliance) would never misstate



information that is readily available through a simple online property rental search. I assume that I have made it clear by now that I'm smart enough to make a better decision.

The Bylaw Officer attempts to make it appear as if I was attempting to hide the fact that I had listed my property on VRBO from the City of Victoria. Unfortunately, I do not know how to block the City of Victoria staff members from viewing an online platform, which makes this claim difficult to understand. What is clear, is this is another example displaying that the Bylaw Officer was not prepared for the meeting as he did not review my file before the inspection to see if I was offering my place for rent on both platforms. Personally, I believe that Bylaw Officer Duarte did not write down the information, then found the listing on VRBO after the inspection (which he should have done prior to the inspection), then concluded that I must have misrepresented the information when he wrote his report (from recollection) six days after the inspection took place.

### **Allegations of Staging my Home for the Inspection**

The Officer made baseless references in his report suggesting I staged my home for the inspection. I have never met the Bylaw Officer previously, yet he consistently makes assumptions about my life and about the way I would choose to decorate my home. This is a serious accusation to make and should be accompanied with concrete evidence (which has not been provided). Examples of statements suggesting I staged my apartment include:

*"DUARTE then proceeded to the main primary bedroom which was furnished, with ensuite and appeared to be staged"*

*"when photographing the bathroom DUARTE did observe that the towels hanging from the glass shower and the hand towels hanging from their rack above a wooden table appeared to have been used, as in not staged."*

*"some male hygiene products on display by the sink"*

It's unclear what he's attempting to uncover by continuously suggesting that the apartment was "staged" for the inspection. I don't have pictures of family or friends in my apartment because it's rented on occasion while I'm away and the entire point of the inspection is to gain approval for a rental license. Guests do not want to see personal items in their rental unit.

However, to further characterize the bylaw inspectors complete lack of attention to detail while making these baseless allegations, the Officer stated there were:

*"two generic framed prints hanging in the bathroom"*

First, he missed five more hanging above the kitchen cupboards. Second, he clearly did not look closely at the evidence he was describing because each of the seven "prints" are actually original albums covers with the album stored inside the frame. These are a keepsake of mine from my parents when they sold our family home.

### **Misrepresentations:**

Officer Duarte's report is riddled with errors that indicate a lack of care and thoroughness in documenting the inspection and subsequent findings.

During the inspection, I took the opportunity to speak with the Bylaw Officer about my principal residence status as it was my first opportunity that I had been given to speak with someone in-person at the City of Victoria. The Officer informed me that he had booked 30-minutes for the inspection and that I could use the additional time to discuss the pending regulation changes and the characteristics of my principal resident status (it's my primary residence, my ability to work remote, I travelled a significant amount for work, I visit family in Vancouver often, my parents have a [REDACTED], but I lived in my home during the week).

The Bylaw Officer fails to adequately outline these details as they were presented to him within his written submission:

*"Mr. [REDACTED] mentioned his parents living in Vancouver and also having a place in [REDACTED] which are the two locations he stated he would be when he is not home."*

The officer neglects to mention that I explained how much I travel for work and that I have a flexible work schedule. This was the entire basis of the conversation and the reason why I have been trying to speak with City Staff.

*As DUARTE was noting Mr. [REDACTED] responses, he stated, "you don't have to write this down word for word", and then something to the affect that he was just describing his situation so that DUARTE could then tell him what to say. DUARTE felt that was an odd statement to make however, allowed Mr. [REDACTED] to continue."*

To me this is a clear example of me oversharing information to the Bylaw Officer so that he can represent the information correctly in his report. However, he clearly shows in this statement that he could not remember the facts of the conversation when he filed his report nearly a week later and decides to fill in his own narrative.

This claim will become more evident in the next section as you will see that I emailed City Staff a few hours after the inspection (5:14pm on Tuesday March 5, 2024) and provided a detailed summary of my principal residence status and my conversation with Bylaw Officer Duarte. My statements will demonstrate that I have been consistent over the past 12-months. This will further show negligent behavior by City Staff and the Bylaw Officers failure to follow basic procedural processes.

To further display how poorly the Bylaw Officer recounts the information as it was provided below is a summary of the conversation as it's written in his short-form notes (provided in the written statement):

The Bylaw Officer states that I am:

*"Offering the whole home, while away"*

That I am offering my home on:

*"Weekends, Friday, Saturday, and Sunday, unless it is a long weekend then whatever day falls on the holiday will be added, example Friday, Saturday, Sunday, Monday (holiday)"*

But clearly he never wrote down any additional examples that I provided during the conversation because he fails to grasp that I have the ability to offer my home for rent from Thursday night to Monday morning (5-nights) on a regular work week. If I choose to use

additional remote working days, or I'm travelling for work, then I can allow longer rentals. The Bylaw officer further asks:

*"Are your plans subject to change?"*

I responded "Yes"

The Bylaw Officer failed to gather additional information. He made a one word note of my response, indicating that my plans were subject to change. The officer did not request additional documentation or clarifications that could have addressed any concerns regarding my principal residence status. As someone currently learning more about the approval process, I would have expected this response to require additional notes to be taken, to properly understand the reason behind the response.

However, the Bylaw Officer continues with his next question:

*"What is the typical minimum length of stay you anticipate offering? 3 to 4 night minimum."*

Officer Duarte then states later in his report:

*"Mr. [REDACTED] stated that if DUARTE were to review his Airbnb listing currently that it would look different to what he just described and his reasoning behind that was that it would take time to re-adjust the availability in his calendar."*

It takes just a minute or two to login and update the availability of my listing on the platforms. I can only assume the officer was mixing up the discussion we had around my work schedule, which does take time to adjust because I need approvals for working remote, as well as booking flights and accommodation when I'm travelling. Entire travel plans and dates can change at any time. The Officer chose not to clarify but to add the statement:

*"DUARTE reviewed an active Airbnb listing for this unit offering a 5-night minimum stay... DUARTE also conducted a search of VRBO platform locating an active listing for this unit which was offering a 6-night minimum stay".*

I don't think I have ever required a 6-night minimum stay on either platform since 2021 when I was renting out my residence as a long-term rental. On both platforms I require a 3-night minimum on Saturdays (1-day of the week) to ensure that rentals over the weekend provide enough income to cover my cleaning expenses, travel expenses, and have a few hundred dollars left over to pay down my mortgage.

In the end, the Bylaw Officer was not speaking with me for the full 30-minutes, yet he chose to make the following statement as if he was choosing to cut me off from the conversation:

*"DUARTE felt at that time, should the conversation continue that it would only loop in circles and so he ended the conversation there."*

I cannot speak for what the officer was thinking at the time. But he did state during the meeting that he had 30-minutes blocked off for the inspection so he would answer questions that I had about the pending legislation changes and my personal situation, he was not with me for the entire 30-minutes.

### Summary of bylaw Officer Duarte's Statement

- **Incorrect Dates:** The officer's report lists "Monday, March 8, 2024," a non-existent date. This error raises questions about when the statement was written and the accuracy of its contents. The officer's statement was drafted 4–6 days after the inspection, relying heavily on memory rather than contemporaneous notes or records. Legal precedent underscores the importance of timely documentation to ensure accuracy and fairness.
- **Failure to Gather Additional Information:** The officer did not request additional documents or any clarifications that could have addressed any concerns regarding my principal residence status while he was preparing his written summary.
- **Incomplete Observations:** The officer failed to note many details, such as 20+ rolls of toilet paper and cleaning supplies in the closet, while deciding to include other irrelevant or incorrect details such as the shoe rack's contents.
- **Contradictory Statements:** The officer admitted to not reviewing my file prior to the inspection but simultaneously claimed to have conducted a thorough review afterward. This contradiction undermines the report's credibility.
- **Improper Application of Administrative Policies:** Legal precedents, such as *Merritt v. Ontario (Attorney General)*, establish that administrative policies must align with enabling legislation. The officer's reliance on unwritten rules about rental limits violates this principle.

The cumulative issues with Bylaw Officer Duarte's report—including false statements, misrepresentations, lack of attention to detail, and procedural failures—demonstrate its unreliability. Admitting such a flawed statement into the appeal process would undermine the principles of fairness and justice. I respectfully request that this statement be excluded in its entirety and that my application be evaluated based on factual evidence and adherence to established legal standards.

14. On March 5, 2024, the appellant contacted city staff via email about the impacts of the new provincial regulations, current City regulations and how to proceed with his request for an exemption and how it would impact him. In the email, the appellant stated he resides at the property for more than 180 days of the year, between 200-250 days. The appellant stated he wished to offer the home only weekends 'or when I'm on vacation for a week to maybe 10 days throughout the year'. The appellant stated he would be residing at his parents' home in Vancouver or their cabin in Lake Cowichan while offering the home for rent. The appellant stated he needed the income to afford his living and property costs, that his position is unique, and he is a prime candidate for an exemption. The appellant ended his communication asking if he should be applying for a non-principal licence instead of the principal residence licence, given the amount of time he plans on operating and acknowledging he previously operated under the non-principal short-term rental licence [Appendix D].

The statements presented in Section 14 of the License Inspector's report misrepresent key facts, selectively omit critical context, and inaccurately frame my intentions and compliance

efforts. My correspondence on March 5, 2024, was written in good faith and based on the information provided to me at the time, including statements made by Bylaw Officer Duarte. Below, I will refute the inaccuracies, clarify my intent, and provide context that is essential to a fair evaluation of my application.

### **Misrepresentation of "Requesting an Exemption"**

**Claim:** *"The appellant stated he is a prime candidate for an exemption."*

**Response:** I did not specifically request an exemption. My communication was framed around my understanding of the bylaws as explained by Bylaw Officer Duarte during our inspection. The officer informed me that a principal residence could only be rented four times per year, which I now understand is not backed by any legal documentation or stated in the bylaws.

Based on this incorrect understanding, I inquired about whether I could be considered a prime candidate for an exemption given my unique circumstances. My email was not a demand for preferential treatment but rather an effort to clarify my position under what I believed to be the applicable rules.

### **Selective and Incomplete Representation of Business Plan**

**Claim:** *"The appellant stated he wished to offer the home only on weekends or when on vacation for a week to maybe 10 days throughout the year."*

**Response:** This statement fails to address whether my comments referred to business days, calendar days, or longer periods tied to my extensive work-related travel schedule.

I clearly informed Bylaw Officer Duarte during the inspection that my business plan was subject to change based on my business travel schedule, ability to work remote on select days, changing regulatory requirements and my ability to operate within the bylaws.

While my email did not explicitly outline my extensive travel schedule for work at [REDACTED] or my ability to work remotely on Fridays and an additional 20 times per year, this omission was not intentional. I was relying on the assumption that further documentation would be requested if necessary. However, neither the Bylaw Officer nor the License Inspector requested any additional supporting documentation to validate my statements.

### **Inquiry About Non-Principal License**

**Inspector's Claim:** *"The appellant ended his communication asking if he should be applying for a non-principal license instead of the principal residence license."*

**Response:** My question regarding the non-principal license was solely based on the bylaw officer's erroneous statement that I could only rent my home a maximum of four times per year. This misrepresentation created unnecessary confusion about the applicability of the principal residence license to my situation.

This inquiry was not an admission of intent to apply for a non-principal license but rather an effort to ensure compliance and understand whether my operational plans aligned with the proper licensing requirements.

### **Financial Context Misrepresented**

**Claim:** *"The appellant stated he needed the income to afford his living and property costs."*

**Response:** This statement is presented out of context and in a way that misrepresents my intentions. The financial impact of these regulations was mentioned to highlight the disproportionate burden on homeowners like myself who rely on occasional short-term rentals to cover living expenses.

This was not a justification for non-compliance but an effort to explain why clarity on the regulations and my compliance options were critical. I requested to speak with someone four separate times in my email on March 5, 2024. I was not given this opportunity.

### **Demonstrating Alignment with the Intent of Regulations**

The underlying intent of the evolving short-term rental regulations is to reduce the cost of living for B.C. residents, return properties to the long-term rental market, and address the ongoing housing crisis. I have not sought an unfair exemption or to circumvent the stated rules or any bylaws. My situation fully aligns with these objectives for the following reasons:

**Primary Residence:** [REDACTED] Johnson Street is my principal residence, as substantiated by the land title, mortgage, insurance, employment access logs, employment documents, and several additional documented evidence. Unlike non-principal rental properties, my home is not being removed from the long-term rental market as I live in the residence more than anywhere else during the year.

**Rental Activity:** I have consistently operated my short-term rentals on an occasional basis, such as weekends or during periods of travel, without displacing potential long-term tenants. This approach complies with the principle of occasional use for short-term rentals outlined in the bylaws.

**Supporting Housing Affordability:** The income generated from short-term rentals helps offset my high cost of living and property expenses, allowing me to remain in Victoria while continuing to contribute to the local economy.

**Good Faith Efforts:** I have consistently sought to comply with regulations, as evidenced by my communication with City staff, my pending application for a principal residence license, and my reliance on information provided by the Bylaw Officer. My intent has always been to operate within the framework of the law.

#### **Additional Observations:**

**Lack of Request for Supporting Documentation:** Neither the Bylaw Officer nor the License Inspector sought additional information from me to validate or clarify the statements in my email. This lack of engagement reflects a failure to adhere to proper administrative practices and results in an incomplete and biased interpretation of my communication.

**Selective Quotation of Communication:** The Inspector's report selectively quotes my email without including the full context, particularly my reliance on statements made by Bylaw Officer Duarte and my expressed intent to comply with the rules.

Section 14 of the License Inspector's report contains numerous inaccuracies and misrepresentations that unfairly portray my statements and intentions. My email communication was an attempt to seek clarity and ensure compliance with what I believed to be the regulations at the time. The reliance on incomplete and selective quotations without further engagement or documentation requests demonstrates a lack of due process. I respectfully request that this section be re-evaluated based on the full context and my continued willingness to comply with all applicable regulations.

15. On March 8, 2024, staff identified an additional VRBO listing by the appellant offering unlicensed short-term rental at [REDACTED] 728 Johnson Street. The appellant's VRBO 2024 calendar displayed multiple grey blocks indicating dates booked by guests, blue font for available dates, and grey font for dates blocked by the operator. The VRBO calendar showed a current booking that extended until March 31, 2024, which aligned with the appellants statement to Bylaw Officer Duarte that he currently had a guest staying for 30 days. However, the appellant had informed Bylaw Officer Duarte he only planned to list on Airbnb and did not disclose the VRBO listing. [Appendix F-G].

The statements in Section 15 of the License Inspector's report contain critical inaccuracies and misrepresentations that mischaracterize my actions and intentions. The Inspector's misinterpretation of the VRBO calendar and failure to understand the platform's functionality have led to unsupported conclusions.

#### **Incorrect Address Referenced**

**Claim:** *"Staff identified an additional VRBO listing by the appellant offering unlicensed short-term rental at [REDACTED] 728 Johnson Street."*

**Response:** The address [REDACTED] 728 Johnson Street is incorrect and does not pertain to me or any property that I own or operate. This is the second time the License Inspector has stated the wrong address in the report. In a legal court this would undermine the credibility of the report and likely cause several sections of the Inspectors report to be inadmissible. My principal residence is located at [REDACTED] Johnson Street, which is the subject of this appeal.

### **Mischaracterization of the VRBO Calendar**

**Claim:** *"The VRBO calendar displayed multiple grey blocks indicating dates booked by guests, blue font for available dates, and grey font for dates blocked by the operator. The calendar showed a current booking that extended until March 31, 2024."*

**Response:** The License Inspector fails to display an adequate level of understanding of how VRBO's calendar function works. The assumptions made are a glaring oversight and undermines the validity of their conclusions and brings into question how many other applications the License Inspector has denied due to their false conclusions.

I have integrated the calendar functionality across my Airbnb and VRBO listing - like most hosts. Airbnb has a better user interface allowing me to block off available dates more easily in comparison to VRBO. This means that any dates blocked off in my Airbnb calendar (dates I've selected that are not available to book, or they have been booked on Airbnb) will display a grey block on VRBO.

The License Inspector erroneously states that the grey blocks mean there is a booking; this is false. Grey blocks do have to indicate an active booking as they more often represent periods when the property is reserved for personal use.

The License Inspector also fails to mention that the 5 periods of availability (indicated in the report by blue font) between the period of March 8 – December 31, 2024, align with my stated business plan as each of the available dates being offered over the weekend.

### **Misrepresentation of Rental Activity**

**Claim:** *"The VRBO calendar showed a current booking that extended until March 31, 2024, which aligned with the appellant's statement to Bylaw Officer Duarte that he currently had a guest staying for 30 days."*

**Response:** I have stated previously that I had a colleague staying with me for close to a month. The Inspector's repeated claim that a 30-day booking occurred is inaccurate and contradicts documented evidence.

The calendar in Appendix G further confirms that my VRBO rental activity is limited. At the time of the March 8, 2024, review, my condo was only available for bookings over weekends on VRBO between March 8-December 31, 2024. These bookings align with my statements that rentals are primarily short-term (3–4 nights) and focused on weekends or over longer periods where I'm away on vacation/travelling for work.



### **Alleged Failure to Disclose VRBO Listing**

**Claim:** *"The appellant informed Bylaw Officer Duarte he only planned to list on Airbnb and did not disclose the VRBO listing."*

**Response:** During my conversation with Bylaw Officer Duarte, I explicitly mentioned that I primarily use Airbnb for bookings but that I may also advertise on VRBO. I did not state that I was exclusively listing on Airbnb.

Furthermore, the use of VRBO as a platform is entirely consistent with City regulations, provided that listings adhere to licensing requirements, which mine does. The VRBO listing includes my business license information, as required by City regulations, making the suggestion of concealment baseless.

### **Mischaracterization of Unlicensed Rentals**

**Claim:** *"Staff identified an additional VRBO listing offering unlicensed short-term rental."*

**Response:** The Inspector provides circumstantial evidence that the VRBO listing was used for unlicensed short-term rental activity. Established legal precedent states that administrative limitations should not force homeowners/businesses to bear the financial consequences of delayed application processing. Further, the principle of "justice delayed is justice denied" applies equally to administrative processes affecting housing security and property rights.

Overall, the City's failure to process applications within reasonable time frames should not result in de facto denial of rights through administrative delay and cannot force a business to cease operations during the prolonged delay.

The claims in Section 15 of the License Inspector's report are riddled with inaccuracies, including an incorrect address, a misinterpretation of the VRBO calendar, and unsupported allegations of unlicensed rental activity. The Inspector's lack of understanding of platform functionality and their reliance on assumptions rather than facts have led to a flawed conclusion.

16. On March 11, 2024, City staff responded to the appellant explaining the City of Victoria regulations and the potential impacts of the new provincial regulations. Staff informed the appellant that from his description of his short-term rental business plan, it did not appear to align with the regulations of a principal resident short-term rental licence as outlined in *Schedule D – Home Occupations* [Appendix D].

The appellant responded the same day, informing staff he wished to pursue a non-principal short-term rental licence instead. The appellant asked if a subsequent application would be required to obtain a principal resident short-term rental licence to operate after April 30, 2024 [Appendix D].

### **Timeline to March 11, 2024.**

Submission/Event	Submission Date	Completion	# Days
Strata Council – License Signatures	December 28, 2023	January 18, 2024	21
1 <sup>st</sup> Principal Residence License Submission	January 23, 2024	N/A (March 11, 2024)	53
Full Application Timeline	December 28, 2023	March 11, 2024	74

The statements in Section 16 of the License Inspector's report mischaracterize my actions and intentions, relying on incomplete interpretations of the bylaws and omitting critical context.

**Claim:** *"Staff informed the appellant that from his description of his short-term rental business plan, it did not appear to align with the regulations of a principal resident short-term rental licence as outlined in Schedule D – Home Occupations."*

**Response:** This statement misrepresents the context and the underlying bylaws. Schedule 'D' allows for the entire principal residence to be rented occasionally while the operator is temporarily away. The term "occasionally" is not defined in numerical terms, leading to inconsistent applications of the bylaw. The staff's interpretation appears arbitrary and unsupported by the regulation text. My business plan explicitly adheres to the regulation by offering the entire residence only during periods when I am away, consistent with the intent of "temporary absence" in Schedule 'D'.

The staff's interpretation that my plan to rent on weekends or during vacations does not align with "occasional" use is inconsistent with the regulation. This demonstrates a failure to apply the bylaw in an objective and consistent manner as required by administrative legal precedents.

My email correspondence provided extensive details about my use of the property and my operational intent. However, the report fails to acknowledge that I was willing to provide additional documentation or evidence to support my statements. It also fails to address that I requested to speak with someone on the phone or in person several times – but the request was never granted.

**Claim:** *"The appellant responded the same day, informing staff he wished to pursue a non-principal short-term rental licence instead."*

**Response:** My communication clearly shows that I decided to temporarily pursue a non-principal residence license only because of staff guidance. This was based on their interpretation of Schedule 'D' and the assertion that my principal residence business plan did not align with the regulations.

My email explicitly states that I intended to revisit the principal residence license application later in the year to comply with anticipated regulatory changes. This demonstrates good faith in seeking compliance, not a preference for a non-principal license.

Importantly, my inquiries about subsequent applications and willingness to adjust my operations demonstrate a commitment to comply with both current and forthcoming regulations. This was not adequately reflected in the staff's response or the report.

**Claim:** *"The appellant asked if a subsequent application would be required to obtain a principal resident short-term rental licence to operate after April 30, 2024."*

**Response:** My inquiry about subsequent applications reflects an attempt to understand the administrative process and does not imply a change in my principal residence status or operational intentions.

Overall, section 16 of the report misrepresents my compliance efforts and operational intent. My actions have consistently demonstrated good faith in navigating a complex regulatory framework. Unfortunately, it does not appear the City of Victoria has shown the same duty of care to applicants as shown below.

### **Misrepresentation by City Officials**

The City staff's misrepresentation of bylaw requirements has caused direct financial and mental harm, while unnecessarily complicating my licensing decisions. This situation raises serious concerns about the proper exercise of administrative authority.

Bylaw officer Duarte stated on March 5, 2024, during the principal residence inspection that the City of Victoria will only permit a primary resident operation to allow a total of four bookings per calendar year. The Officer stated (Appendix F in the License Inspectors appeal response):

*"[Victoria] will only be permitting primary resident operations allowing for four bookings per year"*

I stated five different times in my email (to str@victoria.ca and m.peluso@victoria.ca / Marissa Peluso) on March 5, 2024, that I had concerns about the four-rental limit that I had just learned about. In the response, Marissa failed to correct Bylaw Officer Duarte's statement and to let me know this was an administrative suggestion as opposed to a legal standard written in the Bylaws. City Staff presented this information as a regulatory fact despite having no basis in any City bylaw or adjoining regulation.

However, no such limitation exists:

- **Bylaw 18-036 & Amendment 24-059:** No specific number of bookings is referenced and no maximum days per year specified. The only limitation is rentals must be "short-term" which is specified as less than 30 nights. The principal residence definition was updated to "residence in which an individual resides for a longer period of time in a calendar year than any other place".

- **Schedule 'D' Home Occupations:** Section 12 permits entire principal residence rental "occasionally while operator is temporarily away". There is no definition provided for "occasionally," and there is no maximum number of rentals specified.
- **City of Victoria Website (Link: [STR Business Licensing](#)):** States "while you are away, you can rent your entire unit for no more than 160 nights in a calendar year."

As stated previously, the interpretation of "occasionally" to mean "four times per year" appears to be an administrative policy rather than a bylaw requirement. City Staff imposed an arbitrary limitation that lacks legal foundation and communicated the information as having legal standing. These statements were the direct cause that forced me to make alternative plans and seek a license that wasn't required.

### **Legal Precedents & Supreme Court of Canada Guidance**

Merritt v. Ontario; Greater Vancouver Transportation Authority v. Canadian Federation of Students.

- Administrative policies cannot create restrictions beyond legislation.
- Unwritten rules cannot override bylaw provisions.
- Officials must exercise power within statutory authority.

### **Administrative Law Violations**

City staff exceeded authority by:

- Creating an arbitrary number of rental periods
- Enforcing unwritten policies as law
- Influencing licensing decisions through misrepresentation
- Causing unnecessary financial expenditure

The creation and enforcement of this unwritten "four rental" policy represents an overreach of administrative authority, resulting in direct financial impact and operational complications for property owners attempting to comply with actual regulatory requirements.

The misrepresentations by City Staff (in authoritative positions) directly influenced my licensing decisions and my decision to pursue a non-principal residence license. I would never have applied for a non-principal residence license if the misrepresentations were never made.

The greatest economic benefit is to maximize the number of times I can rent my home while I'm occasionally travelling for work, working remote, or visiting family/friends in another city. Again, I do not have the ability to offer a long-term rental because I live in my home a majority of working days throughout the year.

I Assumed the Bylaw Officers and City Staff were not providing false representations of the City of Victoria's documented bylaws when they said I would be limited to a maximum of four rental periods in 2024 under a principal residence license. With this information, I decided that the greatest economic benefit would be generated by me using as much of my remote work time as

possible around weekends thru May 1, 2024, under a non-principal residence license. I would then only use the four-rental maximum under the principal residence license when I was going to be away travelling for work, or taking vacation (e.g. 18-day trip for a wedding, using 12 days of vacation, from June 30-July 17, 2024) after the regulation change in May. This business plan followed all documented regulations.

These misrepresentations caused me to purchase a non-principal residence license that I did not need for \$1,500. Had City staff accurately represented the bylaws, I could have operated under the \$150 principal residence license, saving \$1,350 in unnecessary licensing fees.

The financial impact of the City's mismanagement extends far beyond the unnecessary \$1,350 licensing fee differential. Over the past year, I have invested more than 130 hours pursuing a principal residence license - time spent writing emails, visiting City Hall, attending inspections, gathering documentation, and now preparing an appeal to a 135 page document (that has a significant amount of false and misleading statements which have been represented as 'Facts') that requires a significant amount of time to plead a fact-based case - which should be straight forward administrative process if I was dealing with an unbiased party.

The overall cost has extended far beyond quantifiable expenses and has led to serious impacts to my physical and mental well-being. After months of sleepless nights and mounting stress over potential housing insecurity, I experienced an unprecedented medical emergency - losing consciousness and requiring hospitalization. As someone without any pre-existing health conditions and no history of similar incidents, medical professionals attributed this episode to the stress and sleep deprivation caused by this ongoing situation. The incident required immediate emergency care and multiple follow-up appointments (Holter Monitor, heart scan, and a pending brain scan), adding both medical expenses and additional stress to an already overwhelming situation.

A physical manifestation of stress is particularly troubling given that it stems from the simple attempt of navigating an administrative process that should be straightforward and clearly defined. No resident should face such severe health consequences while seeking to maintain compliance with municipal regulations to retain their primary residence. I have a lifelong history of regulatory and legal compliance, my ability to keep my job depends on it, and the license Inspector's accusations that I have falsified evidence is a direct threat to my livelihood that I will NOT take lightly.

Adding to this frustration is the fact that the very staff members creating these unnecessary complications and making misrepresentations about bylaw requirements are paid through taxpayer dollars, business license fees, and other municipal revenue sources that I contribute to as a resident and property owner. The City staff's inefficient processes and enforcement of non-existent regulations effectively means I am paying for both sides of this dispute - funding the salaries of those causing the problems while bearing the direct costs and lost time value of navigating their administrative maze.

This represents a troubling misuse of public resources and raises serious questions about the responsible management of taxpayer-funds.

17. On March 12, 2024, City staff responded to the appellant via email to confirm his application had been switched from a principal resident to a non-principal licence type. Additionally, staff provided the appellant with an explicit answer regarding a future subsequent application stating, ‘You are correct, you will need to submit a new application for a principal licence’ [Appendix D].

The statements in Section 17 of the License Inspector’s report fail to accurately represent the circumstances surrounding my application. City Staff’s guidance and administrative inefficiencies created unnecessary barriers, which directly influenced the need to modify my application mid-process.

**Claim:** *“staff provided the appellant with an explicit answer regarding a future subsequent application stating, ‘You are correct, you will need to submit a new application for a principal licence”*

**Response:** While the City responded to this single inquiry, my March 11, 2024, email contained four additional questions that were not addressed. Additionally, I reiterated my request to speak directly with someone to resolve outstanding questions, but this request was once again ignored.

Examples of questions that were not answered by this overly simple response on March 12, 2024:

- Clarification on why my original application, submitted in good faith, could not be amended to reflect the guidance provided, instead of requiring a completely new application.
- Explanation of the steps necessary to resolve the discrepancies in interpretation of the term “occasionally” in Schedule ‘D’ between staff and as they’re defined in the bylaws so that my second application for a principal residence license would be accepted.
- Confirmation of whether previous documentation (e.g., strata approval) would still be valid for a new application or if it would need to be resubmitted to Strata Council for re-approval.

These unanswered questions created further uncertainty and prolonged the process unnecessarily. Similarly, questions from my March 5, 2024, email—including concerns about the evolving provincial regulations and how they intersect with City bylaws—were also left unanswered. In the March 5<sup>th</sup> email, I concluded by stating:

*“Anything you can provide/suggest would be appreciated, getting ahold of someone in the bylaw department has been difficult.”*

The lack of engagement by City staff is evidently clear and it hindered my ability to fully comply with regulatory expectations in a timely manner as you will see in the following sections.

### **Notable Issues Not Identified in the License Inspectors Report in Section 17:**

**Mischaracterization of Application Change:** The decision to switch to a non-principal license was not voluntary but made under advisement from City staff, who indicated my principal residence plan would not align with their interpretation of the regulations.

The report misrepresents my application change as a decision made entirely by myself. In reality, the City Staff's interpretation of Schedule 'D' of the principal residence regulations forced this decision on me.

**Failure to Acknowledge Communication:** Despite my efforts to seek clarification and offer cooperation, my March 11, 2024, and March 5, 2024, emails were met with incomplete responses. The lack of engagement demonstrates a failure in procedural fairness, as applicants should receive clear and timely answers to reasonable questions.

**Inefficiency in Administrative Processes:** Despite completing an inspection in March 2024 and submitting required documentation, I was required to restart the application process due to procedural inefficiencies that introduced unnecessary redundancies. This demonstrates inefficiency and an undue burden placed on applicants.

**Commitment to Compliance:** My willingness to submit a new application and comply with guidance demonstrates good faith efforts to align with the evolving regulations.

Overall, section 17 misrepresents the voluntary nature of my application change and fails to acknowledge the role of administrative inefficiencies in prolonging the process.

18. On March 18, 2024, the appellant was issued a non-principal short-term rental licence.

The issuance of my non-principal short-term rental license on March 18, 2024, raises questions about the City of Victoria's licensing standards and administrative processes. The significantly shorter timeline for approving non-principal residence applications, compared to principal residence applications, reflects procedural inconsistencies and a lack of equitable treatment for applicants seeking compliance.

#### **Timeline to March 18, 2024.**

Event Description	Date (Start)	Date (Completed)	#Days
1 <sup>st</sup> Principal Residence Application Submission	January 23, 2024	March 18, 2024 (N/A)	55
Non-Principal Residence Application Submission	March 11, 2024	March 18, 2024	6

**Discrepancy in Approval Timelines:** The approval process for my non-principal license was completed in just 6-days. The Principal Residence Application would have been outstanding for 55-days at this time (9.2x longer). The stark difference in approval timelines indicates a lack of consistent standards and raises concerns about the City's administrative priorities.

The expedited approval of non-principal licenses suggests that the City did not hold these applications to the same standard of scrutiny as principal residence applications.

**Lack of Due Diligence for Non-Principal Applications:** The fact that no additional information or amendments were required to change my principal residence license application into a non-principal license application clearly displays the City of Victoria has failed to apply a rigorous review process tailored to each application type. This discrepancy also undermines the Province of B.C. and the City of Victoria's stated goals of aligning short-term rental licensing with housing and affordability objectives.

The two license types have very different rights and obligations and should therefore be held to a variant standard. If the documentation that was required for submission did not change, then it's unreasonable to assume that applicants should be subjected to disproportionately longer timelines and stricter scrutiny under one application type versus another. The fact that there was no variance in the required supporting documentation demonstrates how the City of Victoria has created an inequitable licensing environment across application types.

**Inequitable Standards for Principal Residence Applications:** The prolonged delays for principal residence applications create an undue burden for applicants seeking to comply with regulations.

The significant delay in processing my principal residence application contrasts sharply with the expedited approval of the non-principal license. This disparity reflects a systemic failure to prioritize applications that will no longer be compliant under the new regulatory framework. This directly undermines the City of Victoria's credibility in enforcing consistent and equitable standards for all applicants.

The City's approval of the non-principal license without requiring additional documentation further highlights inconsistencies in the level of scrutiny applied to different license types.

Overall, the stark contrast between the expedited approval of non-principal applications and the prolonged delays for principal residence applications raises questions about the fairness and transparency of the City's administrative framework. It also draws credible suspicion that the City of Victoria has an unwritten mandate to deny principal residence applications to force applicants (to sell the underlying homes) to navigate an unnecessarily burdensome administrative process.

19. On April 25, 2024, the appellant applied for a 2024 Principal Resident Short-Term Rental Licence [Appendix H].

The statement in Section 19 regarding the submission of my principal resident short-term rental application on April 25, 2024, omits critical context regarding the administrative barriers I encountered. These barriers include delays caused by the City of Victoria's bureaucratic requirements, redundant inspections, and unnecessary reapplication processes.



Event Description	Date (Start)	Date (Completed)	#Days
1 <sup>st</sup> Principal Residence Application Submitted	January 23, 2024	April 25, 2024 (N/A)	93
First Home Inspection	January 23, 2024	March 5, 2024	42
Date Indicated I Would Pursue A Principal Residence & and Non-Principal Residence License in 2024		March 11, 2024	
Application Change from Principal to Non-Principal		March 12, 2024	
Submission of 2 <sup>nd</sup> Principal Residence Application to Strata Council		April 11, 2024	
2 <sup>nd</sup> Principal Residence Application Submitted		April 25, 2024 (N/A)	
Days Between: Home Inspection Completion & Date Indicated I Would Pursue Both Rental Licenses	March 5, 2024	March 11, 2024	6
Days Between: Home Inspection Completion & 2 <sup>nd</sup> Principal Residence Application Submission.	March 5, 2024	April 25, 2024	51

**Claim:** *"On April 25, 2024, the appellant applied for a 2024 Principal Resident Short-Term Rental Licence."*

**Response:** This statement fails to acknowledge that my original principal residence application was submitted on January 23, 2024. This application was effectively abandoned by the City when it was replaced with a non-principal license application on March 12, 2024. The City of Victoria allowed the change from a principal residence application to a non-principal residence application without requiring any additional documentation, or me to make any changes to my original application.

However, the City refused to reinstate my original principal residence application by stating that it would not be fair to other applicants if the change were to be made during the application process. This is a clear example of the City of Victoria failing to maintain a consistent application review process as they had already allowed me to make this change on March 12, 2024. This displays a clear bias in the application process.

Importantly, note that I indicated my desire to apply for both licenses (by email; in Appendix D of the License Inspectors Report) on March 11, 2024, and that I received the non-principal license approval on March 18, 2024. Approval of the non-principal license was exactly two months after my original principal residence application was submitted. The City of Victoria decided that because I did not follow-up with them (for a second time) on March 18, 2024, that they could not accept my original application because the signatures were now more than two months old.

Once it was clear that the City of Victoria was going to require me to re-start the entire process, I re-submitted my application for signatures to my Strata Council on April 11, 2024. I followed-up with the Strata Community Manager six times by email, before finally receiving signatures

on April 25, 2024. I promptly submitted my second principal residence application that day. The full email correspondence is included in the Appendix on pages 230-243.

After resubmitting my application on April 25, 2024, the City required a second bylaw inspection, despite having already conducted an inspection on March 5, 2024 (51-days earlier).

The second inspection, scheduled for June 21, 2024, occurred just weeks after the first inspection and was entirely redundant. No material changes had occurred to the property, and the same documentation and details had already been reviewed during the initial inspection. This is a poor example of our public resources at work.

**Procedural Failures and Their Impact:** The City's procedural inefficiencies and inconsistent communication created significant delays and unnecessary burdens throughout the application process.

**Strata Approval Delays:** The City's refusal to accept my original application due to an eight-day delay forced me to seek reapplication of my Strata Council signatures without requiring, or requesting any additional documentation displays a lack of duty and care to the City of Victoria applicants/residents.

The lack of flexibility and fairness in accommodating minor procedural discrepancies displays a lack of efficient procedural efficiency, not a lack of fairness to other applicants by waiving the arbitrary 60-day requirement for signature approval and submission.

**Communication Failures:** My repeated requests for clarification with vague or incomplete responses, further complicated the process and delayed my ability to submit my second application within the defined timeline.

I made it abundantly clear that I was planning on applying for a Principal Residence application in every email correspondence. The City of Victoria was well aware of my intentions and decided to ignore this intention to create as many delays as possible in processing my application.

The City of Victoria's handling of my principal residence application has been fraught with procedural mistakes, inconsistent treatment, and unnecessary time delays in processing. These issues have caused unnecessary burdens in what appears to be a direct attempt to undermine my ability and desire to comply fully with the regulations. I respectfully request that these factors be considered as part of the appeal process and that City Council Members take action to properly address these measures for future applicants. These inequities in the City's administrative processes are excessive and unsubstantiated by a reasonable need to prolong the process.

20. On May 3, 2024, City staff contacted the appellant to schedule an inspection, offering an inspection on June 15. The appellant responded asking if another inspection was required, and if so, he required an alternative date [Appendix I].

Section 20 of the License Inspectors Report is a strong example of the City of Victoria's inefficient administrative process in action. The requirement for a second inspection after a

thorough review just months earlier demonstrates procedural inefficiency and a lack of consideration for applicants' time and resources. Below, I address inaccuracies in the City's portrayal of this process and provide supporting evidence to clarify the facts.

### Timeline of Events

Event Description	Date (Start)	Date (Completed)	#Days
1 <sup>st</sup> Principal Residence Application Submitted (Total Days in Principal Residence Application Process)	January 23, 2024	May 3, 2024	101
1 <sup>st</sup> Home Inspection	January 23, 2024	March 5, 2024	42
Email Booking Second Home Inspection		May 3, 2024	
Days between 1 <sup>st</sup> Home Inspection & the STR Email Requesting a 2 <sup>nd</sup> Home Inspection Date	March 5, 2024	May 3, 2024	59

**Claim:** *"The appellant responded asking if another inspection was required."*

**Response:** The first inspection, completed on March 5, 2024. The inspection was comprehensive and included a review of the property layout, business plan, and compliance with bylaws. Repeating this process for the same application is an inefficient use of resources and prolongs the timeline unnecessarily.

Further, the License Inspector fails to describe to City Council that I had previously attempted to clarify what would be required for the second principal License submission. As seen on March 11, 2024 (Appendix D of License Inspector Report) I specifically inquired whether a second application would be required, if I could apply for both applications at the same time, and if a contact could be provided to discuss what I would be required to submit. All of these questions were ignored.

Further, the City of Victoria failed to clarify on March 11, May 3, and May 7, 2024, that I would need updated signatures from my strata council for a subsequent application. Furthermore, the City did not disclose that my original principal residence application would be fully withdrawn. These omissions directly impacted my ability to plan and comply with the City's requirements in a timely manner.

21. On May 7, 2024, City staff informed the appellant that for consistency and fairness another inspection for your new application is required. As the previous application had been switched by the appellant mid-process to a different licence type, staff never completed the documentation and review required for a principal resident licence. The appellant responded to staff and confirmed an inspection date of June 18 [Appendix I].

**Claim:** *"As the previous application had been switched by the appellant mid-process to a different license type, staff never completed the documentation and review required for a principal residence license"*

**Response:** The above quote was not included in the email on May 7, 2024. It appears the License Inspector has chosen to provide City Council members with information that had never been presented to me previously, effectively altering the narrative of the entire email exchange.

Furthermore, this statement also displays that the City of Victoria “never completed the documentation and review required for a principal residence license” in a reasonable timeframe.

- The original application was submitted on January 23, 2024.
- The application was removed on March 11, 2024.
- The City of Victoria was reviewing my application for 48 days.

**Claim:** *“The inspection completed in March was for a withdrawn application. For consistency and fairness another inspection for your new application is required.”*

**Response:** The City of Victoria’s rationale for requiring a second inspection and a completely new application is inconsistent with their prior actions and demonstrates a lack of fairness and due process. Requiring a new application and inspection wastes both time and resources, especially given the redundancy of inspecting a property that had already been reviewed weeks earlier.

Further, on March 11, 2024, I explicitly inquired via email whether a second application would be required, if I could apply for both applications at the same time, and if a contact could be provided to discuss what I would be required to submit. All of these questions were ignored.

Furthermore, the City of Victoria did not disclose that my original principal residence application would be fully withdrawn or that I would be required to request updated signatures from my strata council for a subsequent application. The City of Victoria sent emails on March 11, May 3, and May 7, 2024. Each email neglected to provide any of the information requested, or information regarding the requirements of the second principal residence submission.

**Inconsistent Treatment of Applications:** The City allowed my original principal residence application to be switched to a non-principal license without requiring any changes or new documentation. In contrast, they claimed that my original principal residence application could not be reinstated for the new application, despite no material changes in the property or my intended use. This demonstrates a clear inconsistency in their processes.

The City’s claim that requiring a new application ensures “consistency and fairness” is contradicted by numerous examples of inconsistent treatment and procedural failures that I have documented in my appeal. If anything, the statement displays inconsistent and opaque decision-making and a failure to provide applicants with clear and transparent processes.

**Redundant Inspection Process:** An inspection had already been completed on March 5, 2024, 59-days prior to the City of Victoria requesting a second inspection on May 3, 2024. Repeating

this process for the same application is an inefficient use of resources and prolongs the timeline unnecessarily.

**Failure to Adapt Processes to Timely Review Applications:** Despite submitting my re-application on April 25, 2024, City staff did not contact me to schedule an inspection until May 3, 2024, and offered a date more than six weeks later on June 15, 2024. The extended timeline reflects administrative inefficiencies that disproportionately burden applicants seeking to comply with the regulations.

The City advised me to reapply for the principal residence license closer to May 2024, knowing full well that their processes are not equipped to review applications within a reasonable timeframe. My initial principal residence application submitted on January 23, 2024, had already experienced significant delays before being effectively abandoned and would have been outstanding for 101 days as of May 3, 2024.

Despite acknowledging their inability to process applications efficiently, the City has not adjusted its timelines or processes to meet the needs of applicants. The City of Victoria indicated (Appendix D of License Inspector Report) on March 12, 2024, that I should “submit a new application for a principal license “closer to May”. This demonstrates a lack of accountability and negligence in addressing systemic issues around timeline estimates for review.

The City of Victoria’s requirement for a completely new application and inspection lacks justification and reflects a pattern of inconsistent, inefficient, and unfair administrative practices. These failures have caused unnecessary delays and burdens, further undermining my ability to comply with regulations.

22. On May 7, 2024, City staff identified a listing for unlawful short-term rentals at [REDACTED] Johnson Street, hosted by the appellant and his partner, [REDACTED]. Although the appellant had a valid non-principal short-term rental licence, the enactment of the provincial regulations resulted in all City of Victoria issued 2024 Non-Principal Short-Term Rental licences becoming unlawful as of May 1, 2024 [Appendix J].

### Timeline of Events

Event Description	Date (Start)	Date (Completed)	#Days
1 <sup>st</sup> Principal Residence Application Submitted (Total Days in Principal Residence Application Process)	January 23, 2024	May 7, 2024 (N/A)	105
1 <sup>st</sup> Home Inspection	January 23, 2024	March 5, 2024	42
Submission and Approval of Non-Principal License	March 12, 2024	March 18, 2024	6
2 <sup>nd</sup> Principal Residence Application Submission	April 25, 2024	May 7, 2024 (N/A)	12
2 <sup>nd</sup> Home Inspection	May 7, 2024	June 21, 2024 (N/A)	45

The City's statement in Section 22 fails to account for the procedural delays and administrative failures that directly impacted my ability to transition to a principal residence license.

**Claim:** "On May 7, 2024, City staff identified a listing for unlawful short-term rentals at [REDACTED] Johnson Street, hosted by the appellant."

**Response:** The License Inspector has mischaracterized the status of my active listing. I continued to use my 2023 non-principal license through to March 18, 2024 (2024 non-principal license approval date) and subsequently operated under the validated 2024 non-principal license due to excessive administrative delays that were out of my control.

My listing was active under a valid license (issued by the City of Victoria) as the use of existing licenses has been validated by the courts during excessive administrative delays. The legal findings have been discussed at lengths previously. Any perceived unlawfulness was directly caused by the City of Victoria's inability to review applications in a timely manner.

#### **Additional Procedural Failures Evidenced in Section 22:**

The only reason I applied for the non-principal license was because of City Staff's unlawful determination that a principal residence license would only allow four-rentals per year. City of Victoria Staff member statements were the conclusive deciding factor for me to pursue a non-principal license. The change of application (caused by City Staff) from principal to non-principal should never have occurred.

If City Staff had not misrepresented the City of Victoria bylaws on multiple occasions, then my principal residence application would have been outstanding for 105-days by May 7, 2024. Again, the courts have found it unreasonable to force businesses to cease operations for a delayed application process.

Evidence from my email exchange with City staff on March 12, 2024 (email exchange in Appendix D of the License Inspector Report on March 12, 2024), provides additional procedural failures that are relevant to subsection 22. City Staff suggested in the email that I:

*"submit a new application for a principal license [closer] to May [2024]"*

This guidance is inherently flawed and demonstrates City Staff's continued inability to adequately adjust their recommended timelines to allow applicants to remain compliant.

To demonstrate this failure, my second home inspection was scheduled to take place 57-days (June 21, 2024) after the submission of my application on April 25, 2024 (as noted previously, City of Victoria communication failures were the cause of my second application being delayed from March 18 to April 25, 2024). Therefore, City Staff's suggested timeline was inherently flawed as I should have submitted my application at the beginning of March (not "Closer to May") if the License Inspector were even able to issue a ruling on the same day as an inspection (which has not been the case that I have experienced).

23. On May 27, 2024, after continuing to monitor the appellants listings offering unlawful short-term rental at 1460- [REDACTED] Johnson Street. Staff used the new provincial portal to notify the province, the appellant, and listing platform that the appellant was operating an unlawful short-term rental [Appendix K-L].

The statement in Section 23 of the License Inspector's report contains several inaccuracies and misrepresentations, further compounded by errors in the documentation provided in Appendices K and L. Below, I address these issues, clarify the facts, and highlight procedural failures by the City of Victoria that directly contributed to the situation.

### **Misrepresentation of Evidence in Appendix K**

**Claim:** *"Staff continued to monitor the appellant's listings offering unlawful short-term rental."*

**Response:** The availability dates stated in Appendix K (April 25–28, 2024) were fully compliant with my non-principal residence license issued on March 18, 2024. These listings provided do not support the claim of unlawful activity.

**False Pretense in Appendix K:** The information provided by the License Inspector in Appendix K was downloaded on May 24, 2024, it was not observed in June, as incorrectly stated in the License Inspector's report. This inconsistency demonstrates a clear lack of attention to detail and constitutes a misrepresentation of the facts provided.

**Relevant Dates for Bookings in Appendix K:** The dates displayed in Appendix K, where the License Inspector reviewed booking availability, are from April 25–28, 2024. These dates fall within a Thursday night check-in to Sunday check-out, aligning with my stated business plan of offering primarily weekend rentals. At that time, I was fully compliant with my valid non-principal residence license issued on March 18, 2024. The license was valid until May 1, 2024.

**Irrelevant Time Period for Reviews in Appendix K:** All reviews included in Appendix K pertain to rentals that occurred in 2023, which is entirely irrelevant to the evaluation of my 2024 application. Including these reviews as evidence for 2024 compliance issues demonstrates a lack of understanding of their relevance and purpose in this context.

### **Lack of Response and Engagement Regarding Appendix L**

**Claim:** *"Staff used the new provincial portal to notify the province, the appellant, and listing platform that the appellant was operating an unlawful short-term rental."*

**Response:** My detailed response to the "Notice of Non-Compliance" email was met with a dismissive reply that failed to engage with any of the issues that were raised, including the excessive administrative delays and the pending second inspection. I provided a detailed 532-word email outlining (License Inspector Report Appendix L: Pg. 77-79):

- The timeline and delays in the application process.
- The excessive duration of the City's review process, which significantly exceeded the vague timelines previously communicated by City staff.

- The fact that I was still awaiting the second in-home inspection, which had been outstanding for approximately three months at the time.
- A formal request for the City of Victoria to allow me to continue operations until my application was fully reviewed, given the administrative delays.
- A request for direct communication, asking the City to call me to discuss the matter and confirm whether additional information could expedite the application process.

#### **Inadequate Response from the City of Victoria:**

To my detailed email, I received a 29-word response, which simply stated:

*"A valid, approved and paid Principal Resident Short-Term Licence is required to advertise and/or operate a Short-Term Rental in the municipality of Victoria."*

The response failed to address any of the information, questions, or requests I raised. The City of Victoria's refusal to engage meaningfully or provide clear timelines undermines their claim that I was operating unlawfully, as I was acting in good faith to resolve these issues. Further it reflects a lack of engagement and procedural fairness, that's outlined below.

#### **Procedural Failures in City's Timeline and Communication in Appendix L**

**First Acknowledgment of Processing Timelines:** On May 29, 2024, the City of Victoria, for the first time, stated that a principal residence license would take a minimum of 21 business days to process. This admission demonstrates:

- That the earlier suggestion to delay my application until "closer to May" was both impractical and negligent, as it would not have allowed sufficient time for the City to review the application for me to remain compliant.
- This further highlights systemic inefficiencies, a lack of proactive planning (or attention to detail) and the lack of support provided to applicants during the transition to new regulations.

The claims in Section 23 are based on misrepresented evidence and procedural failures by the City of Victoria. The timelines, administrative delays, and lack of engagement by the City significantly hindered my ability to remain compliant.

24. On May 27, 2024, the appellant responded to the province's automatic notification by emailing City of Victoria staff, requesting he be allowed to continue operating outside of the regulations while his application is pending [Appendix L].

The statement in Section 24 misrepresents my email response to the provincial notification and the context of my request to the City of Victoria.

**Claim:** *"The appellant requested he be allowed to continue operating outside of the regulations while his application is pending."*

**Response:** My email response on May 27, 2024, was not a request to operate "outside of the regulations" but a proactive effort to seek a resolution and clarify the situation. I also offered to



provide additional documentation or information to expedite the process and requested a phone call to discuss further. Neither request was addressed by the City of Victoria.

I made a reasonable request for the City of Victoria to allow me to continue operating in good faith (supported by legal principles of fairness and due process) while my second principal residence license application (submitted on April 25, 2024) remained under review, due to excessive administrative delays by the City of Victoria.

- I submitted my 1<sup>st</sup> principal residence application on January 23, 2024. This would be outstanding for 125-days as of May 27, 2024.
- I requested the City of Victoria to continue processing my principal residence application at the same time they processed my non-principal residence application on March 11, 2024. This request was denied despite the only reason I requested a non-principal license was because City of Victoria Staff misrepresented the bylaws and provided poor guidance on the bylaw interpretation.
- The second principal residence application was currently outstanding for 32 days as of May 27, 2024.

**Reasonableness of My Request:** My request to continue operating was made in good faith, based on legal principles of equity and fairness:

**Legal Precedent:** Courts have established that delays caused by administrative bodies should not unduly penalize applicants who act in good faith (Merritt v. Ontario - Attorney General, 2021 ONSC 7861) and emphasizes that administrative processes must align with the principles of fairness and cannot create undue burdens on individuals.

My request was reasonable given the City's acknowledgment of their own inefficiencies and the lack of alternative options provided to ensure ongoing compliance.

Overall, the statement in Section 24 misrepresents my email as a request to operate unlawfully. In reality, it was a good-faith effort to address the excessive procedural delays caused by the City of Victoria (entirely beyond my control) and ensure compliance while awaiting the resolution of my application.

25. On May 29, 2024, City staff responded and informed the appellant that a principal resident short-term rental licence would need to be approved and paid for before he could continue operating short-term rentals lawfully.

The appellant responded expressing his frustration with City staff and their lack of response, stating that 'I've been trying to get my principal residence application reviewed for nearly 6 months' and that he has demonstrated 'a consistent desire to remain compliant with all regulations'.

Staff replied to the appellant reminding him that the application he submitted in January for a principal resident short-term rental licence was withdrawn and applied towards a non-

principal short-term rental licence. The appellant's most recent application was submitted April 25.

The appellant responded stating he was never informed the application would be withdrawn in replacement of the non-principal and believed that both a non-principal and principal resident application would be processed concurrently.

Staff responded by providing the appellant with a capture of their communication on March 12, 2024, confirming the appellant was correct in his understanding that he would need to submit a new application [Appendix L].

Section 25 contains several false or misrepresented claims regarding my email communications with City staff.

**Claim:** *"The appellant stated he wished to pursue a non-principal license."*

**Response:** I never explicitly stated in my March 11, 2024, email that I wished to pursue a non-principal license. What I actually wrote was:

*"My building has a non-conforming status so I will have to go with the non-principal residence license until May 2024. Then I'm assuming I will have to also get a principal residence license that I can use 4 times over the remaining portion of the year. I'm assuming I will have to submit a second application for that later in the year? If I can apply for both at the same time that would be nice, but not a problem if I need to get the principal residence license later in the year."*

My email does not expressly state that I want to pursue a principal residence license.

**Claim:** *"Staff reminded the appellant that the application submitted in January for a principal resident short-term rental licence was withdrawn and applied towards a non-principal short-term rental licence."*

**Response:** I was never informed that my original principal residence application submitted on January 23, 2024, would be fully withdrawn when I applied for a non-principal license. At no point did City staff clearly communicate this, nor did they provide an opportunity to amend the application to avoid starting over.

Further, as reflected in my email response above, I requested to have both applications processed concurrently or in sequence (the request was never acknowledged). I also stated that it was an assumption that I would have to send in a second application later in the year (again, the City of Victoria never stated that my application would be withdrawn). This misunderstanding was caused by City Staff's failure to provide clear guidance and failure to answer my questions in full.

**Claim:** *"Staff responded by providing the appellant with a capture of their communication on March 12, 2024, confirming the appellant was correct in his understanding that he would need to submit a new application."*

**Response:** First, the License Inspector is quoting the City Staff's email which was on March 12, 2024. My email correspondence within the email chain ended on March 11, 2024. This is yet another example of a clear lack of attention to detail.

The License Inspector's statement ignored the fact that City Staff failed to clarify that my original application would be fully withdrawn and replaced with the non-principal license. This miscommunication directly contributed to the delays and confusion in the application process.

**Claim:** *"The appellant responded expressing his frustration with City staff, stating, 'I've been trying to get my principal residence application reviewed for nearly 6 months' and that he has demonstrated 'a consistent desire to remain compliant with all regulations.'"*

**Response:** My frustration, as expressed in the email, was due to the lack of transparency, excessive delays, and procedural inefficiencies that made compliance unnecessarily difficult.

I have demonstrated good faith efforts to comply, including:

- Timely submission of my original application on January 23, 2024.
- Proactively applying for a non-principal license to remain compliant during the review process. This goes without saying that this application was completely unnecessary and created unnecessary additional expenses and time to be spent navigating this regulatory maze.
- Submitting a second principal residence application on April 25, 2024, despite the City's administrative delays.

Further, my continued requests for direct communication and additional guidance was ignored, as evidenced by the second paragraph of my email on March 11, 2024 (License Inspector Report Appendix D: Pg. 31-32):

*"Do you have a contact that I can speak with about the new regulations and so I can find out what the process is for appeals/an exemption under the regulations being put in place in May? My current situation has clearly not been considered under the new regulations because restricting me from renting on weekends (I live in the unit Monday-Friday) does not in any way affect long-term rental availability in Victoria. Anything you can provide/suggest would be appreciated"*

City Staff's response (March 12, 2024) was simple and unhelpful (License Inspector Report Appendix D: Pg. 31):

*"Our office does not have a direct contact for the provincial legislation, Please review the new provincial rules for short-term rentals for any questions regarding the appeal process."*

My emails throughout the process highlight my proactive attempts to remain compliant and request clarification, which were met with vague or incomplete responses from City staff.

26. On June 18, 2024, City staff contacted the appellant to reschedule the inspection for that day, due to staff illness. While inspections were being scheduled 4-5 weeks in advance at [Appendix M].

My application was submitted to the City of Victoria on April 25, 2024. My inspection was scheduled on May 7, 2024. The inspection was originally scheduled for June 18, 2024 (54-days after my application was submitted). Due to City of Victoria Staff illness my inspection was then rescheduled for June 21, 2024 (57-days after my application was submitted).

The fact that inspections were “being scheduled 4-5 weeks in advance” as stated by the License Inspector, further displays that City Staff’s recommendation to submit my second application “closer to May” was poorly advised (License Inspector Report Appendix D: Pg. 31). Clearly, submitting my application “closer to May” would not have provided enough time for the required home inspection or the License Inspector to assess the application before the regulations changed on May 1, 2024. This is another example of poor communication on behalf of the Short-Term Rental Office.

27. On June 20, 2024, City staff identified the appellant as still advertising and operating unlawful short-term rentals, reflecting multiple recent reviews by guests [Appendix N].

**Claim:** *"City staff identified the appellant as still advertising and operating unlawful short-term rentals, reflecting multiple recent reviews by guests."*

**Response:** The claim of unlawful activity is unsubstantiated as my listing was active under a valid license (issued by the City of Victoria). Further, the use of existing licenses has been validated by the courts and any perceived unlawfulness was directly caused by the City of Victoria’s inability to review applications in a timely manner.

The claim that I was “advertising and operating an unlawful short-term rental” ignores the fact that my principal residence license application, submitted on April 25, 2024 (outstanding for 56-days), was still under review due to delays caused by the City of Victoria (completely out of my control).

Further, the license inspector fails to include in their statement that each of the three recent reviews included in Appendix N of the License Inspectors Report display that each tenant “stayed for a few nights” which is within my stated business plan as outlined to the Bylaw Officers.

28. On June 21, 2024, Bylaw Officers Carr inspected [REDACTED] Johnson 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 Bylaw Officer Carr in the lobby of [REDACTED] Johnson Street and escorted her up to unit [REDACTED]. The inspection revealed a two-bedroom home with minimal personal items. Bylaw Officer Carr noted several signs on walls and in the bedrooms for guests. A sign at the front door read ‘please help us to keep your stay clean and sanitary by removing your street shoes at the door’.

During the inspection Bylaw Officer Carr spoke to the appellant about his proposed business plan. The appellant stated he resides in the property Monday-Thursdays and wished to offer 3–4-night bookings. The appellant stated he did not intend to operate past September. In discussing the current City of Victoria Regulations, Bylaw Officer Carr informed the appellant a principal resident licence allows for the whole home to be offered on occasion which has been consistently applied as 4 times a year. The appellant stated he could not find a definition of ‘occasional’. Bylaw Officer Carr stated she was aware that the appellant had received the notice of non-compliance through the provincial portal. The appellant informed Bylaw Officer Carr he had operated in the absence of direction and felt he had justification for his actions should there be the need to explain himself in court. The appellant asked Bylaw Officer Carr what the repercussions would be to continuing to operate in non-compliance. Bylaw Officer Carr stated she could not advise on behalf of the province but that the City is pursuing investigations of non-compliance [Appendix O-R].

Overall, Bylaw Officer Carr was factual in her statements and presented a well-written and concise statement. This is in stark contrast to the statements made by Bylaw Officer Duarte, who I firmly believe should be put under formal review by Council Members.

I appreciate that Bylaw Officer Carr acknowledged and empathized with my unique situation, which reflects the challenges faced by applicants navigating unclear and evolving regulations.

**Claim:** *"The inspection revealed a two-bedroom home with minimal personal items. Bylaw Officer Carr noted several signs on walls and in the bedrooms for guests."*

**Response:** The sign at my front door requesting that shoes be removed is a common household item, not indicative of short-term rental operations. I leave the sign in place because it is practical, unobtrusive, and a helpful reminder for anyone entering my home. If this sign is construed as an advertisement, then my "welcome" mat outside the front door would logically need to be included in this assessment as well. Further, the sign displayed in the second bedroom (which I rarely use for anything other than working out or hang-drying clothes) is a manual for how to use the hide-a-bed as it's not simple to use.

My personal items are intentionally stored for organization and ease of use, given the space constraints of the property. For example, clothing and personal belongings are stored in under-bed containers and closets, which I offered to show during the inspection, but Bylaw Officer Carr declined. Toiletries and other household supplies are also organized in drawers and storage bins inside and outside of the condo.

**Claim:** *"The appellant stated he resides in the property Monday-Thursdays and wished to offer 3–4-night bookings. The appellant stated he did not intend to operate past September."*

**Response:** My statements to Bylaw Officer Carr align with prior communications, including those with Bylaw Officer Duarte, in which I explained that I live in the unit Monday–Thursday due to work downtown and leave on weekends to visit family or travel.

However, at the time of speaking with Bylaw Officer Carr, I also mentioned that I was unlikely to rent my home very much from September to December. At the time, I was planning on living in my home on a more regular basis (as opposed to occasionally renting it out on weekends)

throughout the winter. However, my plans materially changed (August 6, 2024) because [REDACTED] was now planning on sending me to New York for a temporary work trip in September through to the end of December 2024 (supporting evidence is displayed in the Appendix: Human Resources Letter of Employment on pages 1-2; and my email correspondence with [REDACTED] lawyers on pages 245-247). I will provide more detail on this temporary work trip in a later section.

**Claim:** *"CARR summarized by advising that the definition of occasional for a principal licence is defined as 4 times a year."*

**Response:** I respectfully shared during the discussion that I was unable to find a clear definition of "occasional" in my research. This term is not explicitly defined in the City's regulations or Schedule D, creating inconsistencies in enforcement. As noted in the Bylaw Officers Statement:

*"[REDACTED] respectfully shared that he could not find the definition of occasional anywhere in his research. He stated that he had operated during that time in the absence of direction and felt that he had justification for his actions should there be the need to explain himself in court."*

This is a clear demonstration that I have not attempted to hide any information from the City of Victoria. I knowingly stated that I did not believe the interpretation was correct and that I was willing to explain myself in court, or to Council Members if given the opportunity.

My statements during the inspection were consistent with previous communications, emphasizing that this property is my primary residence and that the evolving regulations have a disproportionate impact on my ability to comply.

29. On July 3, 2024, the application was reviewed in full, including the results of the inspection, open-source data and internal records. Staff reviewed the appellants VRBO and Airbnb listings, which both reflected calendars with full availability as of September 29, 2024. The appellants VRBO listing was offering unlawful short-term rentals, at a 4-night minimum night stay, and displayed multiple future guests bookings throughout July - September 2024. Additionally, the VRBO listing reflected a guest review from June 18, 2024, stating a 4-night booking had occurred.

Staff reviewed the back-end data of the appellants listings obtained through AirDNA, which reflected that in the last 12 months the property had 334 days of availability and generated \$95.6k of revenue [Appendix O-R, S-T].

The statements in Section 29 misrepresent the findings of the application review and fail to account for the procedural delays and context surrounding my operations.

#### Timeline of Events

Event Description	Date (Start)	Date (Completed)	#Days
1 <sup>st</sup> Principal Residence Application Submission & Days Outstanding if Submission Was Never Withdrawn	January 23, 2024	July 3, 2024 (N/A)	162

1 <sup>st</sup> Home Inspection	January 23, 2024	March 5, 2024	42
Submission and Approval of Non-Principal License	March 12, 2024	March 18, 2024	6
2 <sup>nd</sup> Home Inspection	May 7, 2024	June 21, 2024	45
2 <sup>nd</sup> Principal Residence Application Submission	April 25, 2024	July 3, 2024	69

**Claim:** *“On July 3, 2024, the application was reviewed in full”*

**Response:** It took the License Inspector 69-days to review my second principal license application. Further, if we assume a similar timeline from the first home inspection (March 5, 2024) to the ultimate decision (it took the License Inspector 12-days to issue a decision following the second home inspection) then my first principal residence license application should have been completed by March 17, 2024 (54-days from application to decision).

This clearly demonstrates an unreasonable and excessive delay by the City of Victoria. Courts have consistently recognized that administrative bodies have a duty to act fairly, reasonably, and within a timely manner when processing applications, particularly when their delays impose undue burdens on individuals attempting to comply with regulatory frameworks.

My continued operation during this extended review period was justified under established legal principles and is supported by numerous examples of good faith efforts to comply with the regulations. I will be happy to plead my case to the courts if Council Members decide this was a justifiable timeline and a fine should apply.

#### **Legal Precedents:**

- Merritt v. Ontario (Attorney General), 2021 ONSC 7861
- Baker v. Canada (Minister of Citizenship and Immigration), 1999 SCC 699

In Merrit v. Ontario, the court held that administrative delays that impose unreasonable burdens on individuals can undermine the fairness of the process. In my case, the 69-day review period for an application that was submitted with all required documentation (with no requests for additional documentation or requests for any clarification of my statements) far exceeds what is reasonable for such administrative decisions. Delays of this nature violate the principles of procedural fairness, as they prevent individuals from achieving compliance through no fault of their own.

I communicated regularly with City Officials to further clarify the requirements and attempted to expedite the review process by providing numerous opportunities to speak with me in person or over the phone. Courts have held that good faith efforts to comply with evolving regulations must be considered when evaluating alleged non-compliance. My continued operations were not an act of defiance but a reasonable action given the City’s procedural failures.

In *Baker v. Canada*, the Supreme Court of Canada emphasized that administrative decision-makers must act in a manner that prevents unjust outcomes, particularly when their actions or inactions directly impact individuals. The City of Victoria's delay in processing my applications created an unjust situation where compliance became unattainable due to factors entirely outside my control. At no point did the City of Victoria clearly communicate to me (or other applicants) that it would take 69-days to review applications.

Further, the purpose of the principal residence licensing regulations is to ensure fair housing availability while allowing homeowners to engage in limited short-term rental operations. My operations during the extended review period were minimal, aligned with the regulations, and did not undermine housing availability. Shutting down operations during this extended period would have caused significant financial harm while serving no public interest, particularly given my demonstrated history of compliance.

**Claim:** *"Staff reviewed the back-end data of the appellants listings obtained through AirDNA, which reflected that in the last 12 months the property had 334 days of availability and generated \$95.6k of revenue"*

**Response:** The License Inspector again displays a clear lack of attention to detail as they stated reviewing my listing over the prior 12-months on July 3, 2024. This means that only 184-days of 2024 was captured in the assessment (50.1%) and the remaining ~6-months was captured in 2023.

As stated previously, my work situation was extremely different in 2023 as I only needed to be in the office 3 days per week (162-days). I could also choose to work remote for an additional 20 days, and I could take 20 days of vacation. By definition, this means that I could have only been required to be in the office 122 days in 2023 (this is also a period that's irrelevant to this discussion).

Despite the above lack of attention to detail, I will further display that AirDNA data cannot be relied upon because it does not distinguish between availability and active bookings across rental platforms. If I were to block off rental dates consistently on both platforms, then the data could be considered accurate. However, because my rental calendar is managed on Airbnb's platform (friendlier user interface) the data being provided by VRBO to AirDNA is inherently flawed. VRBO cannot distinguish between an active booking or a date that has been blocked off on Airbnb. Ultimately, this causes the VRBO data reported to AirDNA to be inaccurate because it assumes that any date that has been blocked off is an active booking, effectively overstating the number of days the listing is available to rent. The fact that this data has been cited as a source of information, without any clarifying statements, displays a clear lack of due diligence and potentially creates a significant future liability for the City of Victoria as City Staff have not lived up to their duty of care while assessing applicants' listings.

To demonstrate that AirDNA data only provides an estimate of gross potential bookings I have provided a picture of the Financial Reporting and Payout Summary section on the VRBO



platform. Note that the dates selected are the relevant dates in 2024 that are under discussion (January 1-July3, 2024).

Start

2024-01-01

→

End

2024-07-03

Includes

Payouts within this date range

▼

ⓘ

Refresh

Property ID	Address	Bookings	Nights	Gross booking amount ⓘ	Deductions ⓘ	Payout ⓘ
		48	230	\$78,184.94	-\$6,521.76	\$71,663.18

Above, VRBO states that there were 48 bookings (blocked off periods) at the property across 230-nights, resulting in potential earnings of \$71,663.18 to the owner.

However, the downloaded spreadsheet (below) displays : 7 total bookings for 31-nights of rentals throughout the stated period of January 1-July 3, 2024 (Appendix: Pg. 176).

Address	Reservation ID	Check-in	Check-out	Nights	Gross booking amount	Deductions	Payout
████████████████████		5-Jan-24	13-Jan-24	8	2285	195.23	2089.77
		4-Apr-24	8-Apr-24	4	1465	125.18	1339.82
		18-Apr-24	21-Apr-24	3	910	77.74	832.26
		3-May-24	6-May-24	3	985	84.14	900.86
		18-May-24	21-May-24	3	1335	114.03	1220.97
		13-Jun-24	17-Jun-24	4	1580	134.9	1445.1
		29-Jun-24	5-Jul-24	6	2420	206.7	2213.3

It is clear that the License Inspector does not have a strong understanding of how AirDNA data is sourced and that the License Inspectors findings are irrelevant.

Additional supporting evidence is displayed by data gathered by █████ Information Technology department and the provided geographically tagged photo evidence and receipts displaying purchases at Victoria locations during the period in question.

July 3, 2023 - July 3, 2024	
████ Card Access Data	141
Photo & Receipt Evidence	173
<b>Total Evidence</b>	<b>314</b>

For the period of July 3, 2023 - July 4, 2024:

████ **Card Access Data:** provides evidence that I was working from █████ Victoria office for 141 days during the period.

**Photo/Receipt Evidence:** displays geographically tagged evidence of my living in my condo on a given date, while receipts show that I made credit card purchases in Victoria on a given date.

This evidence displays that it was impossible for me to have had my home rented for a total of 334 days during this period because I do not own or rent any other property in Victoria. I therefore must have been living in my apartment on each of the dates with gathered data.

30. On July 3, 2024, the Licence Inspector advised the appellant that the application for a principal resident short-term rental licence had been rejected because failed to demonstrate satisfactory to the Licence Inspector that the premises where the short-term rental will be offered is occupied by the operator as their principal residence, as set out in the *Short-Term Rental Regulation Bylaw Section 3 (2)(e)(i)*.

The decision to reject my principal residence short-term rental application on July 3, 2024, fails to account for the substantial amount of evidence that I have provided to demonstrate that [REDACTED] Johnson Street is my principal residence. The documentation I have submitted far exceeds what should reasonably be requested or required. It is beyond any reasonable doubt that this property is my principal residence.

All of the documentation that has been provided (except my hydro bill, driver's license, and proof of insurance) was on my own initiative. The License Inspector and City of Victoria Staff never, not one time, asked for any additional information to make their decision.

**Claim:** *"The appellant 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."*

**Response:** I have provided a significant amount of information in my response to the License Inspectors report that was not available previously – because it was never requested by the License Inspector, Bylaw Officers, or Short-Term Rental Office staff members.

The bylaw requirement is that the operator must demonstrate that the premises is occupied as their principal residence. Below is a list of the documentation I have provided to support my case and to demonstrate my compliance with the Short-Term Rental Regulation Bylaw Section 3 (2)(e)(i).

**Documentation Provided:**

- Land Title & Mortgage: Produced by [REDACTED] Law Corporation.
- 2024 Home Insurance - Personal Property Insurance: Produced by [REDACTED] Insurance.
- 2024 Home Insurance - Commercial Insurance Policy: Produced by [REDACTED] Insurance Services.
- 2023 Home Insurance - Commercial Insurance Policy: Produced by [REDACTED] Insurance Services.
- [REDACTED] Drivers Licence: Produced by the B.C. Government.
- 2024 Auto Insurance: Produced by ICBC - a Crown Corporation.
- 2023 Auto Insurance: Produced by ICBC - a Crown Corporation.
- BC Services Card: Produced by the B.C. Government.

- Passport Application and Issued Passport: Produced by the Federal Government of Canada.
- Nexus Card Application and Issued Card: Produced by the U.S. Department of Homeland Security.
- [REDACTED] Letter of Employment: Produced by [REDACTED] Human Resources.
- [REDACTED] Letter of Employment: Produced by [REDACTED] Public Markets.
- [REDACTED] Access Card Data: Produced by [REDACTED] Information Technology.
- [REDACTED] Remote Work Directive: Produced by [REDACTED] Human Resources.
- [REDACTED] Travel Receipts: Produced by Corporate Traveller.
- Geotagged Photo Evidence: Produced by [REDACTED] & [REDACTED] iPhones (Apple data).
- Mortgage Statement: Produced by the [REDACTED]
- 68 Credit Card Statements across 2023 & 2024: Produced by the [REDACTED]
- Student Line of Credit: Produced by the [REDACTED]
- BC Hydro Bill: Produced by BC Hydro.
- Fortis BC Bill: Produced by Fortis BC.
- Mail Delivered to my Principal residence: Sent by B.C. Emergency Health Services and ICBC Auto Insurance.
- [REDACTED] Driver's License: Produced by the BC Government.
- [REDACTED] Letter of Employment: Produced by the [REDACTED]
- [REDACTED] Statement of Earnings: Produced by the [REDACTED]
- Excel spreadsheet consolidating all of the information to define where I was every single day over the past two years.

This evidence clearly satisfies the requirement outlined in Section 3 (2)(e)(i) of the bylaw.

**Inspector's Failure to Engage:** The License Inspector failed to request further clarification or additional evidence before issuing a rejection. This demonstrates a lack of procedural fairness.

**Unclear Communication:** At no point did the City specify what additional information was required to satisfy the principal residence requirement. This lack of transparency further highlights procedural shortcomings.

31. Since July 3, 2024, City staff continued to monitor the appellants listings for compliance with the City of Victoria regulations. The appellant has continued to advertise and operate unlawful short-term rentals, most recently on November 26, 2024, offering a 3-night minimum night stay at [REDACTED] Johnson Street [Appendix W].

**Claim:** *"The appellant has continued to advertise and operate unlawful short-term rentals, most recently on November 26, 2024, offering a 3-night minimum stay at [REDACTED] Johnson Street."*

**Response:** The claim is currently unsubstantiated. I have continued to operate throughout the excessive delays in processing my application and following the License Inspector's formal rejection notice on July 3, 2024, as legal precedent supports my right to operate during periods of excessive administrative delay and when a fair and due process was not followed.

The License Inspector and City Staff have demonstrated a clear lack of duty of care by failing to request any additional documentation to substantiate my claims that [REDACTED] Johnson Street is my principal residence. Despite providing a BC Hydro Bill and Driver's License as evidence, no further requests for supporting materials were made, which reflects a significant failure to uphold due process. This lack of engagement and transparency underscores the City of Victoria's failure to provide a fair and reasonable process, offering a clear basis for my continued operations while awaiting a proper resolution to my appeal.

32. City staff have continued to monitor open-source data, which indicates the appellant has travelled to Europe between May – August 2024, and most recently in New York City. This information is consistent with the appellants LinkedIn that reflects his location as New York, New York as of September 2024 [Appendix U-V].

The statement in Section 32 misrepresents my travel activities and misinterprets their relevance to my principal residence application. Below, I clarify these inaccuracies, provide context for my travel, and address the City's reliance on speculative data.

**Claim:** *"City staff have continued to monitor open-source data, which indicates the appellant has traveled to Europe between May–August 2024, and most recently in New York City."*

**Response:** The License Inspector falsely claims that I was in Europe between May to August 2024. Documentation provided in my Appendix: Human Resources Letter of Employment (Pg. 1-2), [REDACTED] Corporate Traveller Receipts (Pg. 10-30), and my Personal Travel Receipts (Pg. 31-57) define that I traveled to:

- New York for my work at [REDACTED] from February 25-March 1, 2024.
- London for my work at [REDACTED] from April 11-19, 2024.
- Italy for my best friend's wedding from June 30-July 8, 2024.
- Denmark & Sweden to visit friends living abroad from July 8-15, 2024.
- Atlanta for my work at [REDACTED] from November 13-15, 2024.
- New York for my work at [REDACTED] from September 16-December 31, 2024.

My travel to New York from September 16-December 31, 2024, is for a temporary work assignment. Temporary absences for professional obligations are consistent with maintaining a principal residence. Evidence supporting my statements that this is a temporary work assignment include:

- A letter from [REDACTED] Human Resource department states that it is a temporary work assignment and that I will be required to return to work at [REDACTED] Victoria Office ([REDACTED] Pandora Avenue Victoria BC) on a full-time basis in January 2025. Further, it states that I will be required to work from the Victoria office 4-days per week from Monday to Thursday (Appendix Pg. 1-2).
- Flight details provided by Corporate Traveller (booked by [REDACTED] confirm I will be returning to Canada on January 3, 2025 (Appendix: Pg 17).
- [REDACTED] booked corporate housing for my temporary work assignment. The temporary lease produced by Weichert Corporate Housing states the lease term as September 16, 2024 - January 3, 2025 (Appendix: Pg. 58-61).

It's important to note that the **principal residence regulations** do not prohibit temporary absences, particularly when the operator is traveling for work or personal reasons. This aligns with established legal interpretations of residency, which prioritize intention and physical presence over short-term absences.

Further, the chart below indicates how many days I spent in each location throughout 2024 (2024 was a leap year resulting in 366 calendar days). The evidence is supported by documentation produced by third parties. Below you will see that I spent the majority of my time in Victoria in 2024.

**The City of Victoria bylaw (No. 18-036) states that a Principal Residence** is defined as *"the usual place where an individual makes their home."* The Bylaw was Amended (No. 24-059) in 2024 to state a *"principal residence means the residence in which an individual resides for a longer period of time in a calendar year than any other place"*.

**The Province of British Columbia's definition of a Principal Residence** states *"A principal residence is the residence an individual lives in for a longer period during a calendar year than any other place."* I meet each of these principal residence definition requirements as they're stated in the regulations.

Where Did [REDACTED] Sleep	2024	%
Victoria	130	36%
Vancouver	59	16%
New York	108	30%
Lake Cowichan	35	10%
Miami	4	1%
Sweden	5	1%
Denmark	3	1%
London	9	2%
Atlanta	1	0%
Italy	9	2%
Chicago	3	1%
<b>Total</b>	<b>366</b>	<b>100%</b>

It should be understood that my temporary work assignment was a unique case and it should not be represented as a normal living situation. Further, if we remove the dates that I was travelling for work (total: 118 days; New York 108, London 9, Atlanta 1) then the total number of days I could have been living at home in Victoria was a total 248 days. The total number of days that I lived in Victoria in 2024 was 130-days producing that I lived at home 52% (130/248) of the total available days. Again, this displays that I live in Victoria more than any other place, effectively meeting the definition of a principal residence as outlined by both the City of Victoria and the Province of British Columbia.

**Misuse of Open-Source Data:** The City's reliance on speculative data from open sources, such as LinkedIn, lacks credibility and fails to provide definitive evidence about my residency status. A LinkedIn location update is a professional setting update, not a statement of permanent residency. The LinkedIn information provided by the License Inspector displayed that my current location was New York, Ny, and that the location status change was in September 2024, which is aligned with the formal documentation I have provided by multiple sources. My LinkedIn work location status has since been changed back to Victoria, BC, as I returned to Canada on January 3, 2024, to return to work at [REDACTED] Victoria location on a permanent full-time basis.

In addition, the License Inspector neglects to mention that the date a picture is posted on Instagram does not determine the actual dates the picture was taken. The License Inspectors lack of attention to detail is in full display (License Inspector Report Appendix U: Pg 114-118):

**Picture 1:** Location is London, and the picture was posted on May 13, 2024.

- [REDACTED] access card data and photo evidence provided in the appendix are proof that I was in Victoria on May 13, 2024.

**Picture 2:** Location is Denmark, and the picture was posted on July 29, 2024.

- Receipt evidence is provided in the appendix proving that I was in Victoria on July 29, 2024. [REDACTED] access card data is also provided in the appendix as proof that I was in Victoria in [REDACTED] offices on July 30, 2024.

**Picture 3:** Location is Italy, and the picture was posted on August 5, 2024.

- August 5, 2024, was a statutory holiday (British Columbia Day) and I was at my [REDACTED] [REDACTED] for the weekend. [REDACTED] access card data and photo evidence provided in the appendix displaying that I was in Victoria working in [REDACTED] offices on August 6, 2024.

**Picture 4:** Location is Sweden, and the picture was posted on August 12, 2024.

- I worked remote from Vancouver for the first three business days of the week. However, in the Appendix there is proof of a purchase in Victoria on August 14, 2024. I also have provided [REDACTED] access card data which displays that was in [REDACTED] Victoria office on August 15, 2024.

The role of the License Inspector is to determine whether it is reasonable to assume that the applicant is truthfully presenting their residency status and that the property is being rented in compliance with the regulations. However, the excessive scrutiny applied to my application goes far beyond this mandate, suggesting an undue focus on my case. The level of examination and rejection of clear evidence appears to exceed the Inspector's required duty and is inconsistent with a fair and balanced review process.

Overall, the claims in Section 32 misrepresent my travel activities and their relevance to my principal residence application. My temporary absences for work align with established interpretations of principal residency and are supported by the substantial amount of documentation provided to the City.

33. 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 from the appellants two listings at [REDACTED] Johnson Street, confirms he has continued to operate unlawful short-term rentals every month since May 2024 [Appendix X].

**Claim:** "The data from the appellants two listings at [REDACTED] Johnson Street, confirms he has continued to operate unlawful short-term rentals every month since May 2024 [Appendix X]."

**Response:** The claim is currently unsubstantiated. I have continued to operate throughout the excessive delays in processing my application and following the License Inspector's formal rejection notice on July 3, 2024, as legal precedent supports my right to operate during periods of excessive administrative delay and when a fair and due process was not followed.

The data provided in Appendix X of the License Inspectors report confirms my provided statements are accurate regarding the use of my home on occasion, and while temporarily away. The evidence provides no additional information to support the License Inspectors claim that I am operating outside of my stated business plan. The data provided in Appendix X by the License inspector is below:

#### Airbnb Data

Night Stayed YTD: 37

Month	Nights Stayed	① Separate Reservations
2024-10	14	3
2024-09	4	1
2024-08	0	0
2024-07	3	1
2024-06	8	2
2024-05	8	2

#### VRBO Data

Night Stayed YTD: 38

Month	Nights Stayed	① Separate Reservations
2024-10	9	2
2024-09	15	3
2024-08	14	3

The data provided displays that I have operated within my stated business plan. Nights stayed in August (data confirms there were only VRBO rentals for 14 nights) confirm I rented my home from:

- Thursday August 1 – Monday August 5, 2024: The date is over a long weekend allowing for 5 nights of rentals while I was at Lake Cowichan at my family's cabin.
- Friday August 9 – Tuesday August 13, 2024: The date is over a weekend and I used 3 of my 20 remote working days over the period because I was seeing a health specialist in Vancouver.
- Friday August 23 – Monday August 26, 2024: The date is over a weekend, and I took two days of vacation while I was at [REDACTED] at my [REDACTED].

Further, the increased level of occupancy for the months of September and October also align with the information provided which describes that I temporarily worked from New York from September 16, 2024 – January 3, 2025.

Overall, section 33 fails to provide evidence of unlawful operations. However, it does support that I have been presenting the information in my business plan in good faith as the data supports the evidence that has been provided.

#### IV. Relevant Regulation

34. 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.



The City regulates short-term rentals through the Short-Term Rental Regulation Bylaw and the Zoning Regulation Bylaw, including the provisions stated in Section 17. I acknowledge the importance of these regulations and have demonstrated that my application and operations align with their intent and requirements.

**Claim:** The License Inspector implies that my application or operations fall outside the permitted uses under Section 17.

**Response:** My actions comply with these provisions, as demonstrated by substantial evidence and my ongoing good faith efforts. Below is an explanation of the regulatory framework and defines why my business plan aligns with the regulations.

### **Regulatory Framework and Compliance**

**Principal Residence Alignment:** My application seeks approval for short-term rentals under the principal residence framework, which is expressly permitted in applicable zones when compliant with the bylaws. My operations do not conflict with Section 17(4)(a) or 17(4)(b).

**17...(4)(a):** My application is for a principal residence license, which expressly permits short-term rentals under the relevant zoning and regulatory framework. My intent has always been to comply with these regulations by offering the property occasionally while I am temporarily away, consistent with Schedule 'D'.

**17...(4)(b)(i):** The property is my principal residence, as evidenced by the 36 unique documents submitted as evidence (101 if we include each individual credit card statement). These documents clearly satisfy the requirement that the dwelling unit is occupied by the operator as his principal residence.

**17...(4)(b)(ii):** My business plan aligns with Schedule 'D' as I i) reside on the lot where the home occupation is carried on; ii) no more than two bedrooms may be used for the short-term rental (only two bedrooms in my condo); and iii) the short-term rental occupies the entire dwelling unit only "occasionally" while the operator is "temporarily away".

**Temporary Absences:** The bylaw does not prohibit operators from temporarily vacating their principal residence for work-related travel or personal reasons. My occasional absence from the property is consistent with the regulation's intent to ensure that short-term rentals do not displace long-term housing availability.

35. 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: evidence that the premises where the short-term rental will be offered are occupied by the operator as their principal residence;

(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;

The City of Victoria regulates short-term rentals through the Short-Term Rental Regulation Bylaw, including the requirement to demonstrate that the property is occupied as the operator's principal residence. While I fully support and comply with these regulatory objectives, the rejection of my application fails to consider the substantial evidence I have provided to meet the stated requirements.

### **Compliance with Section 3(1): Licensing Requirement**

I have demonstrated a good faith effort to navigate the unnecessarily difficult regulatory environment forced on principal resident applicants in the City of Victoria.

I submitted my applications for a principal residence short-term rental license on January 23, 2024, and April 25, 2024. I actively engaged with the City of Victoria throughout the entire process and went above-and-beyond what was required under the City of Victoria's regulations and bylaws by purchasing a non-principal residence short-term rental license on March 18, 2024.

Excessive administrative delays in processing both of my principal residence applications (69-days from submission to ruling for my second application) directly impacted my ability to obtain and maintain the required license within a reasonable timeframe. I have continued to operate throughout the administrative process as legal precedent supports my right to operate during periods of excessive application processing delays. I continued operating under the non-principal short-term rental license that I was validated for in 2023 until March 18, 2024, when I was issued a non-principal operator license.

Following the License Inspectors rejection notice on July 3, 2024, I continued operating as it was clear that a fair and due process was not followed. I am continuing to operate until it is clear that a fair and due process has been followed and City Council members have heard my appeal.

Data provided in the License Inspectors report within Appendix X confirms that I continue to include my issued business license number ( ) as required by the City of Victoria.

### **Compliance with Section 3(2)(e)(i): Evidence of Principal Residence**

**Relevant Regulation:** Applicants must provide evidence, satisfactory to the License Inspector, that the premises are occupied by the operator as their principal residence. The principles of a

fair and due process must be followed as the License Inspector has been granted with *discretionary* authority to decide on the validity of the application being processed.

I have provided an extensive list of 36 unique documents proving that [REDACTED] Johnson Street is in fact my principal residence. The License Inspector has not requested any of the documentation I have provided and has not requested any clarification in regards to the circumstantial evidence they have misrepresented as “Facts”, reflecting a lack of procedural fairness. The overall result is clear, the License Inspector and the City of Victoria have neglected to follow the principles of a fair and due process in their processing of my application.

The denial opinion of the License Inspector is unwarranted as their opinion was not based on objective fact-based evidence or the defined terms of the bylaw regulations, it was based on subjective assumption of my residence patterns that have failed to provide definitive evidence that my claims are inaccurate.

## V. Argument

36. 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].

The objectives of the City’s short-term rental regulations, as outlined in the Short-Term Rental Regulation Bylaw and Schedule D – Home Occupation, aim to address housing availability concerns by limiting short-term rentals to an operator’s principal dwelling unit. My operations at [REDACTED] Johnson Street fully align with these objectives.

### Alignment With Maintaining Long-Term Housing Availability

**Objective:** To prevent the diversion of homes from the long-term housing market into the vacation rental market.

**Response:** My short-term rental operation does not remove any housing stock from the long-term rental market because [REDACTED] Johnson Street is my principal residence. I reside in the unit Monday–Thursday for work and travel on weekends or during periods of vacation or work-related absences, renting the unit only during these temporary absences. This usage aligns with the bylaw’s intent to allow limited short-term rentals without compromising housing availability for Victoria residents.

**Evidence:** Documentation, including workplace access logs, letters of employment, home insurance, auto insurance, driver’s license, passport, nexus, travel receipts, photos, credit card receipts, mortgage statement, land title, BC Hydro services, Fortis BC services, and the delivery of all my mail confirms that this property is my primary residence. Further, [REDACTED] documentation including her letter of employment, statement of earnings, driver’s license and the delivery of her mail confirms this property is her primary residence.

My business plan is structured around offering the property only when I am temporarily away, ensuring the property's primary use remains as a personal residence.

### **Alignment with Principal Residence Requirement**

**Objective:** To restrict short-term rentals to a person's principal dwelling unit, ensuring rentals are incidental to the primary residential use of the property.

**Response:** The unit remains my principal residence, and I return to the property once I am temporarily away, maintaining its primary use as my home. Short-term rentals are offered only for limited periods and align with the definition of "occasional use," as described in the bylaws.

**No Conflict with Regulatory Intent:** My operations fully comply with the regulatory framework by restricting rentals to temporary absences, ensuring that the property does not become a full-time vacation rental or secondary income property.

### **Supporting the Broader Objectives of the Regulations**

**Objective:** To balance the needs of the community while allowing homeowners to generate supplemental income from short-term rentals in principal residences.

**Response:** The income generated from short-term rentals helps offset the high cost of living and property ownership in Victoria. This financial support is critical for many homeowners, including myself, to remain residents of the city.

**Community and Economic Contributions:** My short-term rental guests contribute to the local economy by patronizing businesses, restaurants, and cultural attractions. This aligns with the City's broader objectives to support tourism and local economic growth.

My short-term rental operation at [REDACTED] Johnson Street aligns with the objectives of the City's regulations by maintaining the property as my principal residence and ensuring that rentals occur only during temporary absences. My actions do not divert housing stock from the long-term market and fully comply with the intent of the bylaws.

37. 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 that previously operated with a non-principal short-term rental licence chose to apply for principal resident short-term rental, regardless of their eligibility.

The License Inspector's statement in Section 37 is a general observation regarding the impact of provincial regulations on non-principal short-term rental operators and does not pertain to my specific situation. As [REDACTED] Johnson Street is my principal residence, this statement is

irrelevant to the evaluation of my appeal and should not be considered in the decision-making process.

Unlike operators attempting to transition from non-principal to principal residence licenses without meeting the eligibility requirements, I have provided substantial evidence that [REDACTED] Johnson Street is my principal residence. The enactment of provincial regulations and the subsequent behavior of non-principal operators has no bearing on the legitimacy of my appeal. I am not operating unlawfully or attempting to misrepresent my eligibility for a principal residence license. My appeal should be evaluated based on the evidence and facts specific to my case, not generalized observations about the impact of regulatory changes on other operators.

My application has always been for a principal residence license based on my use of the property as my home. The only reason I ever applied for a non-principal operator license was either based on false representations of the City of Victoria Bylaws from City Staff, or because it was an easier license to obtain in prior years while it was still valid.

The statement in Section 37 is irrelevant to the evaluation of my appeal, as it does not address the specifics of my application or operations.

38. The appellant's claim that City staff have failed in providing a fair and timely process, including statements that his application took over 8 months to be reviewed, is unfounded. In fact, staff have consistently responded to all the appellants' communication within a reasonable time. The appellant essentially requested three short-term rental applications be processed within 4 months: two principal residents and one non-principal. Staff willingly accommodated the appellant's request to transfer his original principal resident application to a non-principal, mid-process and did not request any additional action from the appellant. Staff explicitly informed the appellant a subsequent application would be needed, should he wish to later apply for a principal resident licence. Staff were forced to cancel the second inspection due to staff illness, which had been confirmed for June 18, 2024. At the time, inspections were being scheduled 3-4 weeks out due to high demand, yet staff made an effort to accommodate an inspection 3 days later. The appellants VRBO listing later reflected a 4-night guest stay from June 18, 2024 [Appendix D, I, L, T, Y].

The License Inspector's claim in section 38 is absurd. My criticisms of the City's processing delays and lack of fairness are evident and will be proven. The timeline, procedural actions, and miscommunications described in Section 38 reflect significant failures in transparency, due process, and engagement by City staff. This is a pitiful attempt to justify a serious lack of due process and failures exemplified by the City of Victoria's application review process.

**Claim:** *"The appellant essentially requested three short-term rental applications be processed within 4 months."*

**Response:** The need for multiple applications arose solely because City staff and Bylaw Inspectors imposed their interpretation of "occasionally" as "4 rentals per year," a restriction not found in any bylaw or regulation. My applications were submitted in good faith to align

with the evolving guidance provided by the City, despite the lack of a clear legal basis for this interpretation. Further, the evidence I have provided suggests the Short-Term Rental Office barely has the ability to process a single application in four months, let alone three individual applications from the same resident, I would not expect this to be a reasonable request given my recent experience (and now knowing that the department has not been properly staffed ahead of the regulation changes).

**Claim:** *"Staff willingly accommodated the appellant's request to transfer his original principal resident application to a non-principal, mid-process and did not request any additional action from the appellant."*

**Response:** The License Inspector clearly states that staff did not request additional documentation to process my applications, including evidence to demonstrate that [REDACTED] Johnson Street is my principal residence. Not only does this neglect underscore the City's failure to conduct a thorough review or engage meaningfully with applicants, it also displays that multiple license types (with different regulatory standards) are not treated with any form of due care. This is a clear display of a failure of due process.

**Claim:** *"Staff made an effort to accommodate an inspection 3 days later"* following the cancellation of the June 18, 2024, inspection due to illness.

**Response:** The cancellation of the June 18 inspection was not my fault; City Staff stated the cancellation was caused due to Bylaw Inspector illness. Therefore, it was completely reasonable for City Staff to prioritize my inspection as it was scheduled on May 7, 2024, a full 55-days earlier. This example clearly reflects the City's inability to manage high demand effectively. This application was submitted on April 24, 2024. It took the License Inspector 69-days to provide a verdict from the date the application was submitted.

To further demonstrate to Council Members how slow this application review process truly is, below is a summary of other regulatory applications that I had processed in a shorter amount of time in 2024.

#### **[REDACTED] U.S. NAFTA L-1A Non-Immigrant Visa Application**

On June 25, 2024, [REDACTED] informed me that I would be going to New York for a temporary work assignment. I submitted my lawyer's requested documentation and supplementary written responses to them on August 6, 2024. On September 16, 2024, I submitted my Visa Application to the U.S. Department of Homeland Security, U.S. Customs and Border Protection, and U.S. Port of Entry/Pre-Flight Inspection. I received the approval notice for my Visa on November 7, 2024. From the time I submitted my documentation to the time I received the approval notice was a total of 52-days.

This is 17-days less than it took the City of Victoria to process a simple principal residence license. To put this in perspective, the U.S. received a total of 44.1 million immigration applications in 2023. Evidence of the approval timeline has been provided in the Appendix on pages 1-2, and 245-247.

#### **[REDACTED] U.S. Social Security Number**

■ required me to get a U.S. social security number as I will be required to declare taxes on the income generated while I was temporarily working from New York from September 16-December 31, 2024. I submitted my application for a U.S. Social Security number on October 4, 2024. I received the approved and validated social security card in the mail on October 16, 2024. From the time I submitted my documentation, had my interview, and received the card in the mail it took a total of 12-days.

This is 57-days less than it took the City of Victoria to process a simple principal residence license. Evidence of the approval timeline has been provided in the Appendix on pages 248-251.

**Claim:** *"Staff have consistently responded to all the appellant's communication within a reasonable time."*

**Response:** While City staff may have responded promptly, their replies were often incomplete and generic, providing only information already available on the City of Victoria website or within stated bylaws. Staff did not take my circumstances into account, nor did they address specific questions about how my operations aligned with the regulations or how I could adjust to remain compliant during the prolonged review process.

My response to the License Inspectors statement in section 25 contains a detailed review of several of the communication failures I have witnessed from City Staff. Please review the section if the below summary is deemed insufficient.

**Section 25 Claim:** *"The appellant stated he wished to pursue a non-principal license."*

**Section 25 Response:** I never explicitly stated in my March 11, 2024, email (License Inspector Report Appendix D: Pg. 31-32) that I wished to pursue a non-principal license. What I actually stated was:

*"My building has a non-conforming status so I will have to go with the non-principal residence license until May 2024. Then I'm assuming I will have to also get a principal residence license that I can use 4 times over the remaining portion of the year. I'm assuming I will have to submit a second application for that later in the year? If I can apply for both at the same time that would be nice, but not a problem if I need to get the principal residence license later in the year."*

My email does not expressly state that I want to pursue a principal residence license.

**Section 25 Claim:** *"Staff reminded the appellant that the application submitted in January for a principal resident short-term rental licence was withdrawn and applied towards a non-principal short-term rental licence."*

**Section 25 Response:** I was never informed that my original principal residence application submitted on January 23, 2024, would be fully withdrawn when I applied for a non-principal license. At no point did City staff clearly communicate this, nor did they provide an opportunity to amend the application to avoid starting over.

Further, as reflected in my email response above, I requested to have both applications processed concurrently or in sequence (the request was never acknowledged). I also stated that

it was an assumption that I would have to send in a second application later in the year. Again, the City of Victoria never stated that my application would be fully withdrawn in their response (License Inspector Report Appendix D: Pg. 31).

**Section 25 Claim:** *"Staff responded by providing the appellant with a capture of their communication on March 12, 2024, confirming the appellant was correct in his understanding that he would need to submit a new application."*

**Section 25 Response:** The License Inspector's statement ignored the fact that City Staff failed to clarify that my original application would be fully withdrawn and replaced with the non-principal license. This miscommunication directly contributed to the delays and confusion in the application process.

Further, my continued requests for direct communication and additional guidance was ignored, as evidenced by the second paragraph of my email on March 11, 2024 (License Inspector Report Appendix D: Pg. 32):

*"Do you have a contact that I can speak with about the new regulations and so I can find out what the process is for appeals/an exemption under the regulations being put in place in May? My current situation has clearly not been considered under the new regulations because restricting me from renting on weekends (I live in the unit Monday-Friday) does not in any way affect long-term rental availability in Victoria. Anything you can provide/suggest would be appreciated, getting ahold of someone in the bylaw department has been difficult"*

City Staff's response (March 12, 2024) was simple and unhelpful (License Inspector Report Appendix D: Pg. 31):

*"Our office does not have a direct contact for the provincial legislation, Please review the new provincial rules for short-term rentals for any questions regarding the appeal process."*

My emails throughout the process highlight my proactive attempts to remain compliant and request clarification, which were met with vague or incomplete responses from City staff.

The issues identified in Section 38 highlight systemic problems and poor communication standards within the City of Victoria's Short-Term Rental Office. The actions—or lack thereof—by City staff reveal either a troubling lack of understanding of the bylaws and regulations or a severe understaffing issue that prevents them from carrying out their responsibilities effectively. The procedural inefficiencies, misinterpretations of regulations, and failure to engage meaningfully with applicants have directly impacted my ability to comply with the framework and represent a broader failure to administer these bylaws fairly.

I urge Council Members to recognize that these issues are not isolated to my case but reflect a significant operational failure that must be addressed. Changes must be made to ensure that future applicants are not subjected to the same delays, miscommunications, and procedural unfairness.



39. 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.

The License Inspector's statements in Section 39 further demonstrate the City of Victoria's inconsistent and flawed approach to processing principal residence short-term rental applications. The claim that the City requires proof of residence documents but does not rely on them for verification reflects significant procedural failures and a lack of clear standards.

**Issue:** The City's acknowledgment of weaknesses in its evaluation criteria highlights broader systemic issues in the application process.

**Response:** The City's assertion that utility bills and government-issued ID are insufficient to establish principal residence is a direct indictment of their own application requirements. This inconsistency undermines the validity of their decisions and demonstrates a failure to adapt processes to meet regulatory objectives. The recent inclusion in 2024 to require proof of insurance, acknowledges the City's need to improve its evaluation criteria. However, these changes come too late to address the systemic failures that have impacted my application and others like it.

**Issue:** The City's approach to evaluating applications lacks consistency, creating uncertainty for applicants and undermining confidence in the process.

**Response:** The License Inspector acknowledges that proof of residence documents is not solely relied upon to verify an applicant's eligibility highlights a lack of uniformity in the evaluation process. This inconsistency demonstrates that the City of Victoria has failed to follow a fair and due process when assessing applications.

If existing documentation requirements are deemed insufficient, the City of Victoria has the obligation to request additional materials from the applicant or to revise its application process to align with reasonable verification standards. Failing to do so places an undue burden on applicants as they do not know how to meet the administrative standard being required (which appears to be highly subjective), it also perpetuates procedural inefficiencies by failing to request documentation that would satisfy the requirement without the need for a costly appeal process.

Further, in response to the License Inspector decision to reject the five pieces of government-issued identification that was provided at the initiation of my appeal, I have now submitted 36 unique documents for Council Members to review. Each has been provided by third parties to avoid the potential for the License Inspector to continue to claim there was evidence tampering.

**Claim:** *"Address changes can be done online without secondary checks."*

**Response:** The License Inspector continues to make statements without verifying their accuracy. The License Inspectors blanket statement that “address changes can be done online without secondary checks” is false.

I provided my driver’s license as my government-issued piece of ID. In British Columbia, Canada, you must update your address on your driver’s license within 10-days of moving to a new address. This process includes secondary checks to ensure accuracy and compliance with provincial laws. For example, to change the address on your driver’s license you need to present two pieces of ID: 1) Primary ID such as BC services card, birth certificate, BC identification card; and 2) Secondary ID such as credit card, existing driver’s license, nexus card, etc. While e-billing may reduce reliance on physical mailing addresses, these documents still serve as valid indicators of residency when combined with additional evidence.

However, if the License Inspector has determined that they cannot rely on this form of documentation to verify authenticity, but continues to request this documentation from applicants, then this is yet another clear example of the City of Victoria’s failure to properly integrate an appropriate application review process.

**Failure to Request Additional Documentation:** If the City believed additional evidence was needed, they had ample opportunity to request it. Their failure to do so reflects a lack of engagement and further underscores the inadequacy of their processes.

The failure to rely on existing documentation requirements, combined with the lack of engagement to request additional evidence, reflects a systemic issue that undermines the principles of fairness and due process. I urge Council Members to recognize these shortcomings and address them to ensure that future applicants are not subjected to the same procedural failures. I look forward to discussing how these issues will be resolved when given the opportunity to speak with Council Members.

40. The appellant’s appeal includes multiple documents in an attempt to establish [REDACTED] Johnson Street as his and his partner’s principal residence. However, mail can be sent to anywhere in the world, regardless of if you reside at the property. Similarly, the inclusion of a google maps route from [REDACTED] Johnson to one of the appellant’s employer locations, does not prove residency. Additionally, the appellant’s work-related documents, including the employment letter do confirm an ability to work remotely but do not state he reports to the Victoria B.C location. In fact, the appellant’s LinkedIn account states he lives and reports to the employer’s New York, New York location [Appendix V].

The License Inspector’s statement in Section 40 misrepresents the evidence provided to establish [REDACTED] Johnson Street as my principal residence and relies on flawed logic to dismiss the documentation.

**Claim:** “The appellant’s appeal includes multiple documents in an attempt to establish [REDACTED] Johnson Street as his and his partner’s principal residence. However, mail can be sent to anywhere in the world, regardless of if you reside at the property.”

**Response:** The License Inspector and City Staff have never explained what documentation would provide evidence that would be satisfactory to prove my principal residence status.

In total, I have now submitted 36 unique documents, each independently verified by third parties, to establish my residency. Dismissing this evidence without further engagement will reflect a lack of due diligence by the City of Victoria.

**Claim:** *"The appellant's employment letter confirms an ability to work remotely but does not state he reports to the Victoria B.C. location."*

**Response:** This is clearly a false statement and bewildering how the License inspector was able to make such an inaccurate statement. The first employment letter that I submitted with my appeal included the following statement (Appendix: Pg. 3 & 178):

*"[REDACTED] has been employed by [REDACTED] in Victoria, BC, on a full-time permanent bases, in the position of Senior Principal, Partnership Portfolio, within our Public Markets department since April 30, 2018."*

Two things are made clear: 1) The City of Victoria did not bother to have anyone fact check the License Inspectors statements prior to issuing the response to my appeal; 2) the License Inspector never bothered to contact [REDACTED] to fact check any information.

For further clarity, my second employment letter provided by the head of [REDACTED] Human Resources Department (Appendix: Pg. 1-2) includes the following statements:

*"[REDACTED] has been employed by the [REDACTED] since April 30, 2018... The permanent location of this role is at our [REDACTED] Pandora Avenue office in Victoria, BC."*

*"In line with [REDACTED] current policies, [REDACTED] along with all other employees, follows a 4-day in-office work schedule (Monday-Thursday) when not traveling for business. [REDACTED] hybrid work policy provides flexibility for employees to work one remote work day per week (typically Friday), up to 4 weeks of remote work per year in a location other than their home, and 4 weeks of vacation."*

*"Our records, including building access logs and security system data, confirm [REDACTED] consistent physical presence at [REDACTED] Pandora Ave from Monday through Thursday each week when not traveling for business. These records show regular daily badge swipes and office access patterns during standard business hours, demonstrating his adherence to our in-office attendance requirements."*

**Claim:** *"the appellant's LinkedIn account states he lives and reports to the employer's New York, New York location [Appendix V]."*

**Response:** My LinkedIn location reflects my temporary work assignment in New York City from September to December 2024. This assignment does not alter the fact that my primary residence remains at [REDACTED] Johnson Street ([REDACTED] is paying for my temporary corporate housing while I'm in New York). The bylaw does not prohibit temporary absences for work-

related travel, provided the property remains the operator's primary residence. I have remained within the requirements of the bylaws which allow temporary absences.

**Evidence:** My Employment Letter provided by the Head of Human Resources states (Appendix: Pg. 1-2):

*"[REDACTED] was temporarily assigned to a special project in New York City from September 16, 2024, to December 31, 2024."*

*"these trips are required business travel, coordinated through [REDACTED] corporate travel office, and are part of Mr. [REDACTED] regular duties in managing [REDACTED] partnership portfolio."*

*Despite this temporary assignment, Victoria remains Mr. [REDACTED] permanent office location, and he will return to full-time in-office work in Victoria after the assignment (January 2025). Mr. [REDACTED] role requires his presence in Victoria as his entire team operates from [REDACTED] Victoria office."*

The [REDACTED] Corporate Housing Lease Agreement states the lease term as September 16, 2024 – January 3, 2024 (Appendix: Pg. 58-61).

[REDACTED] has booked my flight back to Vancouver through Corporate Traveller on January 3, 2024 (Appendix Pg. 17):

### **Inadmissible Evidence**

**Issue:** The License Inspector's response should be solely based on information that was available at the time of the decision to reject my application on July 3, 2024. The use of information that was updated or became available after the decision—such as my LinkedIn profile in September 2024—raises another example of procedural issues that undermines the fairness of the application review and appeal process.

**Response:** My principal residence application was submitted on April 25 and the home inspection took place on June 21, 2024. During my second home inspection I disclosed to Bylaw Officer Carr that I was likely going to be working from New York in 2026 on a temporary basis so my business plan next year would be subject to change. However, in August 2024 it was decided that I would be sent to New York in September 2024 due to project timelines being pulled forward. I will note that the License Inspector did not have the information needed to determine that this was a temporary work assignment. However, this evidence is inadmissible and displays the License Inspectors consistent disregard for administrative procedural fairness.

**Decisions Must Be Based on Evidence at the Time:** Procedural fairness dictates that decisions must be based on the information available to the decision-maker at the time the decision was made. The License Inspector could not have relied on LinkedIn updates made in September 2024 when making their decision in July 2024. Introducing evidence that was not available at the time of the decision suggests an attempt to retroactively justify the rejection rather than basing the decision on contemporaneous facts.

**Irrelevance to the Timeframe of the Application:** My LinkedIn was updated in September 2024, and it reflects a temporary work assignment and is unrelated to my principal residence status as of the date of the application submission (April 25, 2024) or the rejection notice (July 3, 2024). Decisions about any principal residence license should focus solely on the evidence provided to the City and my residency status prior to and at the time of the application review decision.

**Procedural Unfairness:** The use of post-decision evidence without affording me the opportunity to address it violates principles of procedural fairness. I cannot reasonably defend myself against evidence that was irrelevant at the time of the decision. By relying on this information, the City undermines the transparency and integrity of its regulatory processes.

### **Precedent for Excluding Post-Decision Evidence**

Courts have consistently held that administrative decisions must be based on evidence that was before the decision-maker at the time the decision was made. For example:

In *Baker v. Canada (Minister of Citizenship and Immigration)*, 1999 SCC 699, the Supreme Court of Canada emphasized the importance of procedural fairness, including the right of individuals to have decisions made based on evidence presented during the decision-making process. Therefore, the LinkedIn update from September 2024 is inadmissible because it was not available at the time of the decision on July 3, 2024.

The License Inspector's claims in Section 40 misrepresent the evidence provided and rely on flawed logic to dismiss credible documentation. My extensive submissions far exceed what is reasonably required to establish principal residence, and the City's failure to engage meaningfully reflects systemic shortcomings.

41. The results of the inspection revealed inconsistencies that [REDACTED] Johnson Street is the appellant's principal residence. The home contained no visible personal items and appeared set to receive accommodations, including signage posted around the home to provide guest instructions [Appendix O-R].

In section 41, the License Inspector includes circumstantial evidence that is based on their personal observations rather than fact-based evidence.

**Claim:** *"The home contained no visible personal items."*

**Response:** My personal items are intentionally stored for organization and practicality, particularly given the need to occasionally prepare the property for short-term rentals. For example: Clothing and belongings are stored in under-bed containers, closets, and drawers, which were available for inspection (but never inspected). These were not mentioned in the report despite my offer to show them during the inspection. Toiletries and household items are stored in various storage units, were not inspected by either Bylaw Officers. The claim of "no visible personal items" fails to consider that personal belongings can be neatly stored rather

than displayed prominently. The comprehensive storage system can be found seen in the Appendix on pages 184-188.

My living arrangements are designed to balance my regular use of the property with occasional short-term rental activity, aligning with the regulatory intent of principal residence licenses. This does not negate the property's status as my primary residence.

**Claim:** *"Signage posted around the home to provide guest instructions."*

**Response:** The signage mentioned, such as a sign requesting guests to remove their shoes, is common in many households and reflects good housekeeping practices. These signs are not removed when I am home because they are practical and unobtrusive.

If such signage is being construed as evidence of short-term rental activity, then common household items such as a "welcome" mat should also be included in this assessment. This logic is flawed and unfairly penalizes me for maintaining a well-kept home.

**Issue:** The Bylaw Officers failed to engage meaningfully during the inspection and relied on surface-level observations to dismiss my application.

**Offer to Show Personal Items Was Declined:** During the inspection, I offered to show the inspector personal belongings stored in closets, under the master bed, and in cabinets. These offers were declined, leading to an incomplete assessment of the property's use as a residence.

**No Follow-Up for Clarification:** Despite identifying alleged inconsistencies, the Inspector did not request additional documentation or clarification to address these concerns. This failure to engage reflects a lack of due diligence.

The findings in Section 41 misrepresent the results of the inspection and fail to account for the broader context of my application and evidence. The observations regarding personal items and signage are superficial and do not reflect the lived reality of my use of [REDACTED] Johnson Street as my principal residence.

42. The appellant informed Bylaw Officer Carr on June 21, 2024, that in absence of direction he was justified in his actions for operating against the City and provincial regulations is misleading and attempts to rationalize his actions. The City of Victoria regulations remained unchanged by the provincial regulations, a licence to operate short-term rentals has been required since 2018. The appellant is aware of this through his multiple years of obtaining licenses, many communications with City staff, including a verbal education from Bylaw Officer Duarte on March 5, 2024, when the appellant confirmed he was operating short-term rentals without a licence. The appellant has repeatedly received clear communication and information from City staff regarding the short-term rental regulations, to which he has consistently responded to by requesting special exceptions and continuing his unlawful activity [Appendix F, L, P, Y].

The License Inspector's claim that I attempted to rationalize operating against the City and provincial regulations by asserting justification in the absence of direction is a misrepresentation of the discussion with Bylaw Officer Carr. Furthermore, the Inspector's assertion that I have consistently requested special exceptions and continued unlawful activity is inaccurate and ignores my good faith efforts to comply with the evolving regulatory framework.

### **Misrepresentation of Regulatory Context**

**Claim:** *"The City of Victoria regulations remained unchanged by the provincial regulations, and a licence has been required since 2018."*

**Response:** While the City of Victoria's regulations may have formally remained unchanged, the introduction of provincial regulations in May 2024 added layers of complexity that required additional clarification. The interplay between municipal and provincial requirements was not adequately addressed by City staff, further compounding the confusion.

**Consistency with Licensing History:** My history of obtaining licenses demonstrates my awareness of the requirement to hold a valid license. However, the procedural delays and lack of clear guidance during the transition period significantly impacted my ability to remain compliant, despite my efforts to do so.

**Claim:** *"The appellant informed Bylaw Officer Carr that in the absence of direction he was justified in operating against City and provincial regulations."*

**Response:** I did not claim justification for operating against regulations. Rather, I explained that the lack of clear guidance and appearance of false interpretation of the relevant bylaws from City Staff created significant challenges in understanding and adhering to the requirements as they're stated formally within the bylaws. My statement was intended to highlight procedural shortcomings, not to justify non-compliance. However, Bylaw Officer Carr did accurately state in her report that:

*"[REDACTED] respectfully shared that he could not find the definition of occasional anywhere in his research. He stated that he had operated during that time in the absence of direction and felt that he had justification for his actions should there be the need to explain himself in court."*

Throughout the application process, I engaged with City staff, submitted required documentation, and sought guidance on how to align my operations with the regulations. The absence of clear and timely responses contributed to the challenges I faced. I have gone far beyond what will be required to justify my actions if this appeal is elevated to the courts.

**Claim:** *"The appellant has repeatedly received clear communication and information from City staff regarding short-term rental regulations."*

**Response:** While I received responses from City staff, these were often generic, referring me to information already available online or in the bylaws. My specific questions about how to align my operations with the regulations during the extended review process were not adequately addressed. City of Victoria Staff have consistently failed to address the complexity of my specific situation, involving work-related travel and temporary absences which requires a

nuanced understanding of the regulations. City staff failed to provide the clarity needed to address these complexities, leaving me without actionable guidance.

**Claim:** *"The appellant has consistently responded to by requesting special exceptions."*

**Response:** My communications with City staff were not requests for "special exceptions" but attempts to clarify the application of the regulations to my specific circumstances. I consistently sought to understand how to align my operations with the regulatory framework, not to seek preferential treatment.

**Evidence:** I submitted timely applications, provided extensive documentation, and engaged with City staff to address concerns (I sent more than 30 emails to @Victoria.ca email addresses in 2024). These actions demonstrate good faith efforts of my commitment to compliance, not an attempt to circumvent the rules.

43. The appellants appeal appears to rely on the assumption that because [REDACTED] Johnson Street is the only property he owns, by default it grants him principal resident status and therefore entitles him to a licence. The appellant declared to Bylaw Officer Duarte on March 5, 2024, that he was operating unlicensed short-term rental and had a guest occupying the space on a 30-night booking, but that he would reside at the property between 200-250 days of the year. The AirDNA data from July 3, 2024, reflected the whole home was available for rent 334 days and generated \$95.6k in revenue in the last 12 months. Additionally, the appellants VRBO future calendar on July 3, 2024, reflected 9 different short-term rental bookings spanning across all of July to September, and full rental availability from September 29 to December 31, 2024. It seems implausible that the appellant could operate short-term and long-term rentals, generating \$95.6k in revenue, while simultaneously residing at the property Monday- Thursday, for 250 days of the year. The appellant's claims are highly inconsistent and appear to be less than truthful [Appendix F, P, Q, S, T, Y].

The statements in Section 43 misrepresent my principal residence status and operations at [REDACTED] Johnson Street. The conclusions drawn by the License Inspector are based on incorrect assumptions and speculative interpretations of data, rather than on the substantial evidence I have provided.

**Claim:** *"The appellant assumes that owning [REDACTED] Johnson Street grants principal resident status by default."*

**Response:** My principal residence status is not assumed but clearly demonstrated through substantial documentation. I have now provided an extensive list of 36 unique documents proving that [REDACTED] Johnson Street is in fact my principal residence.

**Regulatory Context:** The Short-Term Rental Regulation Bylaw requires evidence of principal residence, which I have provided. The City's dismissal of this evidence without requesting further clarification reflects a failure to follow due process.



**Claim:** *"The appellant declared on March 5, 2024, that he was operating unlicensed short-term rentals and had a guest on a 30-night booking."*

**Response:** On March 5, 2024, I informed Bylaw Officer Duarte that my non-principal residence license application was pending, and I was managing the property in good faith under the assumption that the application would be processed promptly. Further, I explained in detail the significant number of false statements, misrepresentations, and overall extremely poor lack of attention to detail exemplified by Bylaw Officer Duarte. Any statement made by Bylaw Officer Duarte should quite clearly be deemed inadmissible. Further, I strongly believe Bylaw Officer Duarte should be subject to a full disciplinary review following the review of this appeal process.

**Compliance with Regulatory Requirements:** My actions at the time reflected a good faith effort to comply with the licensing requirements during a period of administrative uncertainty, not a deliberate attempt to operate unlawfully.

**Claim:** *"AirDNA data from July 3, 2024, reflected the whole home was available for rent 334 days and generated \$95.6k in revenue in the last 12 months... It seems implausible that the appellant could operate short-term and long-term rentals, generating \$95.6k in revenue, while maintaining principal residence."*

**Response:** The Inspector's claim of implausibility is speculative and unsupported by the License Inspectors own evidence. The License Inspector continues to display a clear lack of attention to detail.

The License Inspector stated my listing was reviewed over the prior 12-month period starting on July 3, 2024. This means that only 184-days of 2024 was captured in the assessment (50.1%) and the remaining ~6-months was captured in 2023. It's clear that the data being cited is not only misleading but also that half of the data being provided is completely irrelevant to the licensing decision for 2024.

In addition, the data provided by the provincial government in the License Inspectors report (Appendix X) states that I had zero bookings from January 1 – April 30, 2024. The data provided also states that the number of nights rented in 2024 totaled 75 nights. This is well-below the City of Victoria's stated 160-night maximum per calendar year on the City of Victoria Short-Term Rental website. The data provided by the provincial government directly contradicts the statements made by the License Inspector and also calls into question if any of the external data sources being cited by the License Inspector are accurate.

AirDNA data cannot be relied upon because it does not distinguish between availability and active bookings across rental platforms. If I were to block off rental dates consistently on both platforms, then the data could be considered accurate. However, because my rental calendar is managed on Airbnb's platform (friendlier user interface) the data being provided by VRBO to AirDNA is inherently flawed. VRBO cannot distinguish between an active booking or a date that has been blocked off on Airbnb. Ultimately, this causes the VRBO data reported to AirDNA to be inaccurate because it assumes that any date that has been blocked off is an active booking, effectively overstating the number of days the listing is available to rent. The fact that this data

has been cited as a source of information, without any clarifying statements, displays a clear lack of due diligence and potentially creates a significant future liability for the City of Victoria as City Staff have not lived up to their duty of care while assessing applicants' listings.

To demonstrate this discrepancy for Council Members, below is a picture of the Financial Reporting and Payout Summary section on the VRBO platform. Note that the dates selected are the relevant dates in 2024 that are under discussion (January 1-July 3, 2024).

Start

2024-01-01

→

End

2024-07-03

Includes

Payouts within this date range

▼

Refresh

Property ID	Address	Bookings	Nights	Gross booking amount	Deductions	Payout
		48	230	\$78,184.94	-\$6,521.76	\$71,663.18

Above, VRBO states that there were an estimated 48 bookings over 230 nights resulting in an estimated payout of \$71,663.18 to the owner.

However, the downloaded spreadsheet displays the below information: 7 total bookings for 31-nights of rentals throughout the stated period of January 1-July 3, 2024 (Appendix: Pg. 176).

Address	Reservation ID	Check-in	Check-out	Nights	Gross booking amount	Deductions	Payout
		5-Jan-24	13-Jan-24	8	2285	195.23	2089.77
		4-Apr-24	8-Apr-24	4	1465	125.18	1339.82
		18-Apr-24	21-Apr-24	3	910	77.74	832.26
		3-May-24	6-May-24	3	985	84.14	900.86
		18-May-24	21-May-24	3	1335	114.03	1220.97
		13-Jun-24	17-Jun-24	4	1580	134.9	1445.1
		29-Jun-24	5-Jul-24	6	2420	206.7	2213.3

It is clear that the License Inspector does not have a clear understanding of how AirDNA data is sourced and that the License Inspector's findings are irrelevant.

Additional supporting evidence is displayed by data gathered by Information Technology department and the provided geographically tagged photo evidence and receipts displaying purchases at Victoria locations during the period in question.

July 3, 2023 - July 3, 2024	
Card Access Data	141
Photo & Receipt Evidence	173
<b>Total Evidence</b>	<b>314</b>

For the period of July 3, 2023 - July 4, 2024:

**Card Access Data:** provides evidence that I was working from Victoria office for 141 days during the period.

**Photo/Receipt Evidence:** displays geographically tagged evidence of my living in my condo on a given date, while receipts show that I made credit card purchases in Victoria on a given date.

This evidence displays that it was impossible for me to have had my home rented for a total of 334-days during this period because I do not own or rent any other property in Victoria. I therefore must have been living in my apartment on each of the dates with gathered data.

**Claim:** *"The appellant's VRBO calendar on July 3, 2024, reflected 9 short-term rental bookings from July to September, with full availability from September 29 to December 31, 2024."*

**Response:** The bookings referenced were made prior to the rejection of my principal residence application on July 3, 2024, with the expectation that the application would be approved. These bookings do not reflect an intent to operate unlawfully but does reflect my decision to continue operating while I was waiting for the License Inspectors official decision. Further, I continued to operate during the appeal process under my existing non-principal license as it was clear the License Inspectors decision was not based on the requirements of a fair and due process.

Importantly, the License Inspector's response should be solely based on information that was available at the time of the decision to reject my application on July 3, 2024. The use of information that became available after the decision—such as additional rental offerings – is just another example of procedural issues that undermines the procedural fairness of the review process.

The data provided by the provincial government displays that I had zero bookings from January 1 – April 30, 2024. The data provided also states that the number of nights rented in 2024 was a total of 75 nights. This is well-below the City of Victoria's stated 160-night maximum per calendar year on the City of Victoria Short-Term Rental website.

Finally, as stated previously, I have been temporarily away for work on a short-term assignment in New York. My short-term rental operations are incidental and occur only during temporary absences, consistent with the principal residence framework. My principal residence status is supported by extensive documentation.

The claims in Section 43 misrepresent my principal residence status and short-term rental operations, relying on speculative data and dismissing substantial evidence provided during the application process.

44. A fundamental concern is the appellant's consistent disregard for regulations. The appellant has operated short-term rentals since 2022 and is fully aware of the City's licensing requirements and regulations, established through years licensing applications and conversations with multiple staff members. The appellant has shown he will continue to seek ways to avoid regulations, all while continuing to operate full-time short-term rentals. This assertion is further confirmed by data provided by the provincial government, which shows all bookings made on major platforms, demonstrating the appellant operated

rental activities in every month during that period. Even if granted the licence, staff have zero confidence in the appellant's willingness to act lawfully [Appendix K, L, W, X].

The License Inspector's assertion in Section 44 that I have demonstrated a consistent disregard for regulations is unfounded and misrepresents my actions and intent. My history of operating short-term rentals reflects my commitment to compliance, evidenced by timely applications, proactive communication with City staff, and efforts to align my operations with evolving regulatory frameworks.

**Claim:** *"The appellant has operated short-term rentals since 2022 and is fully aware of the City's licensing requirements and regulations."*

**Response:** I have consistently applied for and obtained the necessary licenses to operate short-term rentals, including: A valid non-principal residence license issued in 2023 and on March 18, 2024, and I have also applied for two principal residence licenses in 2024 on January 23 and April 25, 2024. My history of licensing applications demonstrates awareness and adherence to the City's regulatory requirements, not disregard for them.

**Good Faith Compliance:** My actions reflect a good faith effort to comply with the regulations despite the City's procedural delays and lack of clear guidance during the transition to the new provincial framework.

**Claim:** *"The appellant has shown he will continue to seek ways to avoid regulations, all while continuing to operate full-time short-term rentals."*

**Response:** There is no evidence of my intent to avoid the regulations. My communications and actions demonstrate consistent efforts to align with the regulatory framework. Examples include:

- Consistently acquiring the required licenses for my operations since 2021.
- Submitting two principal residence license applications and one non-principal license in 2024.
- Proactively communicating with City staff to clarify requirements and address any concerns.
- Continuing to display my issued rental license on both rental platforms throughout each application review and proceeding appeal process.

The claim that I intend to avoid regulations is speculative and unsupported by evidence.

**Short-Term Rentals Are Incidental, Not Full-Time:** My short-term rental operations are limited to periods of temporary absence from my principal residence, consistent with the intent of the regulations. The characterization of these activities as "full-time" is a misrepresentation.

**Claim:** *"Data provided by the provincial government shows all bookings made on major platforms, demonstrating the appellant operated rental activities in every month during that period."*

**Response:** The License Inspector fails to define a period for these accusations and to accurately represent the data provided by the provincial government (Appendix X of the License Inspectors Report) providing yet another example of a severe lack of attention to detail and duty of care in responding to my appeal.

The data provided by the provincial government displays that I had zero bookings from January 1 – April 30, 2024. The data provided also states that the number of nights rented in 2024 was a total of 75 nights. This is well-below the City of Victoria’s stated 160-night maximum per calendar year on the City of Victoria Short-Term Rental website.

**Claim:** *"Even if granted the licence, staff have zero confidence in the appellant’s willingness to act lawfully."*

**Response:** The claim of “zero confidence” is speculative and ignores my documented history of good faith efforts to meet regulatory requirements. I have been proactive in my efforts to apply for and maintain licenses, align operations with the regulations, and communicate with City staff, all of which demonstrate a clear commitment to compliance.

The challenges I faced in maintaining compliance were exacerbated by the City’s own procedural shortcomings, excessive delays in processing applications, and lack of clear guidance on how to navigate the evolving regulatory framework. It is unfair to attribute these challenges to a lack of willingness on my part to comply. It is just as easy for me to claim that I have zero confidence in the City of Victoria’s ability to process rental licenses in a timely manner and with any respectable level of conducted due diligence.

The claims in Section 44 misrepresent my actions and intent, relying on speculative interpretations of data and ignoring the systemic challenges caused by the City’s own processes. My documented history of licensing applications, communications with City staff, and adjustments to align with the regulations demonstrate a clear commitment to compliance.

45. The appellant has constructed a narrative based on misleading and untruthful claims to obscure their true intention of operating a full-time short-term rental, thereby circumventing regulations designed to protect long-term housing. The appellant appears to present himself as a sympathetic figure, repeatedly requesting an exception due to hardship and claiming he is part of a group wrongfully captured by the regulations. The appellant declared he only wished to offer the property on weekends and would travel to his parents properties in Vancouver or [REDACTED] during the rental period. However, the evidence gathered by staff reveal inconsistencies with these claims. The appellants advertisements reflect availability throughout the week, all year round. The AirDNA data confirms similar activity, including a revenue of \$95.6k which is consistent with full time short-term rentals. Furthermore, the appellants social media shows himself and his partner spent significant time in Europe between May and August, and most recently in New York with a caption that insinuates they now reside in New York. This information matches the appellants LinkedIn profile which states New York as his principal work location [Appendix U-Y].

**Claim:** *"The appellant constructed a narrative to obscure their true intention of operating a full-time short-term rental, thereby circumventing regulations... The appellant presents himself as a sympathetic figure, repeatedly requesting exceptions due to hardship."*

**Response:** I challenge the License Inspector to provide specific examples where I have not been truthful in my responses or during this application process. Any such examples must be substantiated with irrefutable evidence. Accusations of dishonesty are serious, and without definitive proof, they are baseless and unwarranted. I have approached this process in good faith, providing substantial documentation and detailed responses to every concern raised.

In contrast, this report contains numerous examples of falsified evidence, false statements, and misrepresentations—far too many to count. Throughout this appeal, I have meticulously detailed the inaccuracies in the License Inspector's claims, citing irrefutable evidence to support my rebuttals.

It is deeply concerning that the burden of proof has effectively been reversed in this process, where I am presumed guilty until proven innocent. I have now provided 36 unique documents to verify my principal residence status (without any documentation or evidence being requested from the License Inspector). The City of Victoria has continued to dismiss my evidence without adequate justification or a single request for clarification. This approach not only undermines the fairness of this review but also raises serious questions about the integrity of the regulatory process.

If the License Inspector's claims of my untruthfulness is evident then I would expect this to be supported by concrete examples and verifiable evidence. The lack of such evidence demonstrates that these accusations are speculative and designed to deflect from the systemic failures in the City's application and inspection processes.

I respectfully request that this matter be reviewed with the fairness and objectivity it deserves, based on the substantial evidence I have provided and the failures in due process that I have identified to City Council Members.

The claims in Section 45 misrepresent my intentions, misinterpret data, and rely on speculative conclusions to undermine my appeal. I have clearly, and objectively responded to each of the claims in this section throughout my response to the License Inspector. My actions have consistently aligned with the regulatory framework, and my principal residence status has been clearly demonstrated by a substantial amount of evidence.

46. The appellant's appeal attempts to distract from the true events by including misinformation and opinions on events that have not occurred. The appellant provides details of why he believed it would be unjustified to receive enforcement or penalties associated with his unlawful short-term rental activity. Although the appellant's non-compliance has been thoroughly established, he has yet to receive any enforcement fines

from the City of Victoria for his unlawful operations. Nevertheless, staff have continued to provide the appellant with every opportunity to voluntarily comply with the regulations.

The claim that my appeal “attempts to distract from the true events” is not only inaccurate but dismissive of the effort and evidence I have invested to address the numerous factual inaccuracies, procedural failures, and misrepresentations made by the City of Victoria and the License Inspector. I have spent over 100 hours preparing my response, not to distract Council Members, but to meticulously outline each false statement and misrepresentation, supported by irrefutable evidence. The sheer volume of inaccuracies I have uncovered underscores the necessity of this detailed response.

The License Inspector claims that staff have provided me with “every opportunity to voluntarily comply.” While I appreciate these opportunities, the City’s own procedural inefficiencies, delays, and lack of clear guidance have been the primary barriers to full compliance. My documented history of timely applications, communication with City staff, and evidence of principal residence status demonstrates my ongoing commitment to aligning my operations with the regulatory framework.

The License Inspector acknowledges that I have not received any fines for my alleged non-compliance, which I attribute to the significant procedural failures, misrepresentations, and potentially falsified information that have been presented throughout this process by the License Inspector. While I do not wish to sound threatening, I must emphasize that:

- The numerous procedural failures documented in my appeal—ranging from delays in processing to the use of post-decision evidence—demonstrate negligence in the City’s administration of short-term rental regulations.
- The inclusion of false statements, potentially falsified evidence, and mischaracterizations in the License Inspector’s report raises serious concerns about the integrity of the City’s regulatory processes.

Should the City of Victoria choose to pursue fines against me, I want to make it clear that I have gathered a substantial amount of evidence documenting these failures, and I will continue to do so. I am prepared to present a strong legal case documenting the City’s negligence and procedural shortcomings. Through the Freedom of Information Act, I am prepared to enforce my right to obtain additional records to further support my case and potentially support other applicants facing similar challenges with the City of Victoria.

The License Inspector’s assertion that my appeal seeks to distract from the true events is baseless and dismissive. My response is a direct result of the City of Victoria’s numerous procedural failures, misrepresentations, and delays, all of which have necessitated my extensive efforts to correct the record. The evidence I have provided demonstrates my good faith compliance, and legal precedents support my continued operations during this period of administrative failure.

## Legal and Administrative Precedents Supporting My Actions

Merritt v. Ontario (Attorney General), 2021 ONSC 7861:

This case established that administrative processes must be fair, transparent, and timely. Delays or failures by administrative bodies to process applications in a reasonable timeframe cannot result in undue penalties for applicants operating in good faith. My actions throughout this process align with these principles, as I have consistently demonstrated good faith compliance and engaged with City staff to resolve concerns.

### **Baker v. Canada (Minister of Citizenship and Immigration), 1999 SCC 699:**

The Supreme Court of Canada emphasized the importance of procedural fairness in administrative decision-making. The City of Victoria's delays, lack of clear guidance, and failure to engage meaningfully with the evidence I provided represent significant breaches of procedural fairness.

**Application to My Case:** These precedents support my continued operations during the City's excessive delays in processing my applications. The administrative shortcomings in this process are not grounds to impose penalties or fines, particularly when I have provided comprehensive evidence of compliance and acted in good faith throughout.

47. The *Short-Term Rental Regulation Bylaw* does not require the Licence Inspector to confirm the appellants specific place of residence. The evidence gathered indicates that the appellant does not reside at [REDACTED] Johnson Street and intends to offer full time rentals. The appellant may have been residing in New York or elsewhere. However, the regulation does not require an alternative residence or explanation be provided. The Licence inspector is solely responsible for determining if the applicant has met the requirements of the *Short-Term Rental Regulation Bylaw*.

The License Inspector and City of Victoria have consistently failed to conduct a fair and thorough examination of my principal residency status. Throughout this process, I have provided extensive, definitive supporting documentation to demonstrate that [REDACTED] Johnson Street is my principal residence. This includes 36 unique pieces of evidence, several examples of government-issued ID, workplace access logs, and a comprehensive daily timeline of my location over the past two years. These documents clearly establish that I more than meet the definition of a principal residence as outlined by the City of Victoria and the Province of B.C. Despite this, the City of Victoria has not engaged meaningfully with me or provided any substantive proof to contradict my claims.

The City of Victoria and the License Inspector had numerous opportunities to seek clarification or request additional information regarding my principal residence status. I repeatedly asked to speak with someone to help them understand my unique circumstances. I could have provided information on my temporary work assignment in New York (September to December 2024) for example. However, the License Inspector never sent a simple email or made an effort to resolve their concerns directly. Instead, they chose to focus solely on circumstantial evidence—such as Instagram posts, LinkedIn updates, and speculative AirDNA data—while disregarding the



comprehensive and irrefutable documentation I provided or could have provided while they were reviewing my application. A single conversation or request for additional documentation would have resolved these concerns, as I have demonstrated throughout my lengthy response.

The failure to engage in a meaningful dialogue, combined with the reliance on circumstantial evidence, reflects a fundamental breakdown in procedural fairness. My data and business plan align with the regulatory framework, clearly supporting that my home is offered for full occupation on a temporary basis in compliance with the regulations. The License Inspector has failed to provide any substantive evidence to challenge these facts, further highlighting the City's inability to conduct a fair and due examination of my application. This lack of engagement and reliance on speculative conclusions undermines the integrity of the application process and demands critical review by Council Members.

48. 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*.

The conclusion in Section 48 that my application was rightly refused due to contraventions of the Short-Term Rental Bylaw, Schedule D – Home Occupation, and the Zoning Regulation Bylaw is unfounded. My application and supporting documentation demonstrate compliance with these regulations, and the decision to deny my license reflects systemic procedural failures and misinterpretations by the License Inspector.

**Principal Residence Requirement:** I have provided substantial evidence to establish [REDACTED] Johnson Street as my principal residence.

**Alignment with Schedule D – Home Occupation:** My short-term rental operations align with Schedule D's intent by offering my home for full occupation only during temporary absences, such as work travel or vacations. This ensures that the property remains my principal residence and complies with the framework of "occasional use." The term "occasional use" is not explicitly defined in the bylaw, creating inconsistencies in its application. The Inspector's reliance on an unwritten "4 times per year" policy lacks legal basis and unfairly penalizes applicants like me who operate within the written regulations.

**Alignment with Regulatory Intent:** My operations preserve long-term housing availability and adhere to zoning requirements by ensuring that [REDACTED] Johnson Street remains my principal residence.

49. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for [REDACTED] Johnson Street be upheld.

This appeal is no longer simply about a decision to accept or reject my application for a short-term rental business license at [REDACTED] Johnson Street. It is an opportunity for City Council Members to address the systemic failures in the City of Victoria's Short-Term Rental Office,

Bylaw Officers, and License Inspectors. The substantial evidence I have provided demonstrates not only my compliance with the regulations but also highlights significant procedural shortcomings, misrepresentations, and a lack of fairness in the City's regulatory processes.

**Inconsistent and Inefficient Processes:** Throughout my application and appeal, the City of Victoria has demonstrated a lack of consistency and efficiency in its short-term rental licensing processes. From excessive delays to reliance on circumstantial evidence, the failures I have documented indicate systemic issues that likely extend beyond my case.

**Failure to Engage:** Despite now submitting 36 unique documents and requesting clarification multiple times, City staff and the License Inspector failed to engage meaningfully with the evidence I provided. Instead, they relied on speculative interpretations of data and circumstantial evidence, such as social media activity, rather than seeking reasonable explanations or additional documentation.

**Misrepresentation and Misuse of Evidence:** My appeal has identified numerous instances where Bylaw Officers and the License Inspector misrepresented evidence, relied on speculative data, or ignored key information that supported my principal residence status. These actions raise concerns about the integrity and impartiality of the regulatory process.

**Failure to Adhere to Procedural Fairness:** Bylaw Officers and License Inspectors are entrusted with ensuring procedural fairness, yet their approach in my case has been marked by assumptions, vague communication, and a refusal to engage directly with my evidence. This approach undermines trust in the system and highlights the need for comprehensive oversight.

**Transparency and Accountability:** The issues raised in my appeal are unlikely to be isolated to my case. They reflect systemic problems that require urgent attention from City Council Members. A thorough review of the Short-Term Rental Office, Bylaw Officers, and License Inspectors is necessary to restore transparency and accountability in the application process.

This appeal is not solely a decision about my application but a call to action for City Council Members to address the systemic failures in the City of Victoria's Short-Term Rental Office, Bylaw Officers, and License Inspectors. I respectfully urge the City Council to conduct a thorough review of these processes and implement necessary reforms to ensure transparency, accountability, and fairness for all applicants. My evidence not only supports my case but also underscores the critical need for systemic change to restore confidence in the City's regulatory framework.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

A handwritten signature in dark ink, appearing to read 'M Fay', is positioned above a faint, light-colored rectangular stamp.

Dated: November 26, 2024

Mark Fay, Manager of Bylaw and Licensing Services

## Analysis of the City of Victoria's Financial Priorities

I have reviewed the City of Victoria's 2024–2028 Financial Plan and the 2023 Statement of Financial Position, and it is evident that the City's revenues are predominantly generated from Property Tax (53.6% of revenue) and Business Tax (10.1% of revenue), which together (63.7% of revenue) form the backbone of municipal funding. These revenue generators should be prioritized and receive a somewhat proportional amount of spending which would align with the City of Victoria's priorities of economic health and community vitality.

However, despite their importance, these significant revenue sources do not receive their proportional funding from the City's total expenses. This imbalance is pronounced and raises concerns about the City's prioritization of resources.

City of Victoria Operating Budget					
Revenue	2023	2024	Change	YoY Change	% of Total Revenue
Bylaw Services	981,870	1,148,610	166,740	17.0%	0.3%
Legislative Services	60,000	60,000	0	0.0%	0.0%
Property Tax	166,257,960	180,856,000	14,598,040	8.8%	53.6%
Property Tax (Base)	164,949,670	179,450,210	14,500,540	8.8%	53.2%
Property Tax (New Dev.)	1,308,290	1,405,790	97,500	7.5%	0.4%
Corporate	28,346,950	34,074,360	5,727,410	20.2%	10.1%
Business Licenses	1,455,000	1,455,000	0	0.0%	0.4%
Corporate Resources	14,536,480	15,777,460	1,240,980	8.5%	4.7%
<b>Sub-Total</b>	<b>195,646,780</b>	<b>216,138,970</b>	<b>20,492,190</b>	<b>10.5%</b>	<b>64.1%</b>
Engineering and Public Works	46,708,090	50,487,530	3,779,440	8.1%	15.0%
Victoria Fire & Police Dept.	11,591,000	11,795,180	204,180	1.8%	3.5%
All Other Revenue	46,030,680	58,866,530	12,835,850	27.9%	17.5%
<b>Total Revenue</b>	<b>299,976,550</b>	<b>337,288,210</b>	<b>37,311,660</b>	<b>12.4%</b>	<b>100.0%</b>
Expenses	2023	2024	Change	YoY Change	% of Total Expenses
Council	938,970	980,420	41,450	4.4%	0.3%
City Managers Office	418,440	820,830	402,390	96.2%	0.2%
Bylaw Services	4,811,190	5,541,280	730,090	15.2%	1.6%
Bylaw Services	4,056,670	4,620,020	563,350	13.9%	1.4%
Short-Term Rentals	754,520	921,260	166,740	22.1%	0.3%
One-Time Expenses	205,300	94,000	-111,300	-54.2%	0.0%
Legislative Services	1,788,270	1,948,050	159,780	8.9%	0.6%
Corporate	44,162,720	52,434,720	8,272,000	18.7%	15.5%
Business Licenses	0	0	0	0.0%	0.0%
Corporate Resources	1,709,000	1,946,000	237,000	13.9%	0.6%
Business & Community Relations	7,809,900	8,491,660	681,760	8.7%	2.5%
Strategic Real Estate	1,902,030	2,388,670	486,640	25.6%	0.7%
<b>Sub-Total</b>	<b>61,831,520</b>	<b>72,605,630</b>	<b>10,774,110</b>	<b>17.4%</b>	<b>21.5%</b>
Engineering and Public Works	66,919,000	73,497,880	6,578,880	9.8%	21.8%
Victoria Police Department	69,812,890	74,506,830	4,693,940	6.7%	22.1%
Victoria Fire Department	19,153,910	19,980,680	826,770	4.3%	5.9%
<b>Sub-Total</b>	<b>155,885,800</b>	<b>167,985,390</b>	<b>12,099,590</b>	<b>7.8%</b>	<b>49.8%</b>
All Other Expenses	82,259,230	96,697,190	14,437,960	17.6%	28.7%
<b>Total Expenses</b>	<b>299,976,550</b>	<b>337,288,210</b>	<b>37,311,660</b>	<b>12.4%</b>	<b>100.0%</b>

The City of Victoria's 2024 budget only allocated \$72.6M (17.4% of expenses) to departments overseeing the operational initiatives that support the economic growth of the largest revenue generators. This disproportionate allocation of funds highlights a missed opportunity to

reinvest in areas that directly contribute to the growth of the City's largest revenue streams. Following basic principles of business and economics, the City of Victoria should focus on initiatives that strengthen housing and support businesses objectives, this will allow the tax base to expand which will lead to sustainable, long-term growth in revenue.

### **Impact on Small Business & Economic Growth**

The City's Strategic Plan emphasizes support for businesses and economic growth, yet the procedural inefficiencies and delays in the short-term rental application process undermine small operators who contribute to Victoria's economy. As a city with few large corporations—most of which maintain small satellite offices—Victoria relies heavily on small businesses to drive its economic vitality. Therefore, funds should be diverted to areas like Bylaw Services, enabling more efficient support for businesses and small operators. Without these changes, entrepreneurs may continue to open their businesses elsewhere, further weakening Victoria's economic foundation. Prioritizing these areas would not only ensure equitable support for residents but also create a more sustainable and resilient economic foundation for the future.

### **Underfunded Services**

A closer examination reveals that departments responsible for legislative and bylaw enforcement (including business licensing) —key drivers for addressing residents' needs—receive only \$7.4M (2.2%) of total spending. These services are clearly underfunded, leaving them unable to adequately support residents, manage short-term rental applications, or foster a thriving business environment. Given their critical role in generating revenue (providing business licenses) and maintaining compliance, these departments warrant increased investment to meet growing demands.

In 2024, it was widely known that the Province of B.C. would be imposing new restrictions on short-term rentals, making non-principal residence licenses unlawful. This policy shift clearly signaled there would be a significant increase in principal residence license applications, as operators sought to comply with the new regulations. Given that these applications require home inspections—a time-intensive process involving site visits and detailed written assessments—it should have been apparent that the Bylaw Services Department would face unprecedented volume demands. Despite this, the City of Victoria allocated only an additional ~\$563K to the Bylaw Services (~\$166K to Short-Term Rentals) budget. Such a modest increase is insufficient to accommodate the rising workload, likely allowing for the hiring of no more than two additional staff members dedicated to short-term rental operations.

The table below further highlights the City's failure to prioritize Bylaw Services within the 2024 budget. While Bylaw Services constitutes a critical function for ensuring compliance and supporting residents, it accounts for only 1.4% of total expenses. By comparison, recreational and aesthetic projects, such as the Greater Victoria Public Library (\$6.0M / 1.8%), retaining wall rehabilitation (\$2.4M / 0.7%), and Crystal Pool upgrades (\$3.9M / 1.2%), received a disproportionate amount of funding relative to the amount of revenue generated. Further, the City of Victoria spent \$12.9M (3.8% of total expenses) on Parks (operations, urban forestry, rehabilitation) instead of cleaning up the downtown core which generates a significant amount of income through tourism (an industry that small businesses rely on). Redirecting a portion of

these funds toward Bylaw Services would have ensured better support for the residents and property owners who contribute the majority of the City’s revenue through property taxes.

Expense	% of Total		Bylaw Services	ST Rentals
	2024 Expenses		vs. Other Expenses	vs. Other Expenses
Bylaw Services	4,620,020	1.4%		
Short-Term Rentals	921,260	0.3%		
One-Time Expenses	94,000	0.0%		
Legislative Services	1,948,050	0.6%		
<b>Sub-Total</b>	<b>7,583,330</b>	<b>2.2%</b>		
<b>Other Expenses</b>				
Greater Victoria Public Library	5,994,350	1.8%	77.1%	651%
People & Culture Administration	3,826,570	1.1%	120.7%	415%
Sustainable Plan. & Community Dev.	13,220,650	3.9%	34.9%	1435%
Permits & Inspections	1,971,250	0.6%	234.4%	214%
EV Infrastructure	8,260,000	2.4%	55.9%	897%
Climate Action	2,078,380	0.6%	222.3%	226%
Parks	12,878,940	3.8%	35.9%	1398%
Park Operations	9,129,400	2.7%	50.6%	991%
Urban Forestry	3,150,050	0.9%	146.7%	342%
Retaining Wall Rehabilitation	2,439,000	0.7%	189.4%	265%
Crystal Pool	3,964,490	1.2%	116.5%	430%
Legal Services	1,414,750	0.4%	326.6%	154%
<b>Sub-Total</b>	<b>68,327,830</b>	<b>20.3%</b>	<b>1611.0%</b>	<b>7416.8%</b>

### Impact on Downtown Residents and Property Owners

The underfunding of Bylaw Services does not just impact residents applying for rental licenses, such as myself—it also affects the safety, property values, and quality of life for downtown Victoria residents. For example, those living near Pandora Street experience daily challenges due to the City’s failure to address homelessness, drug abuse, and vandalism. My partner feels uncomfortable walking down Pandora Street to shop at Save-On-Foods because of safety concerns, and our private property is routinely vandalized (the smell of urine is also a persistent issue).

Despite these challenges, it remains impossible to get through to the Bylaw Services non-emergency line, leaving residents without critical support. By prioritizing aesthetic projects over the safety and protection of residents’ private property, the City of Victoria has failed to meet its obligations to the very people who contribute most significantly to its revenues. It is time for the City to reallocate funds to protect property owners and ensure that services such as Bylaw Services are adequately equipped to address these growing challenges.

The examples provided illustrate how the City of Victoria’s budget priorities have failed to address the most pressing needs of its residents. The City of Victoria must redirect resources to departments like Bylaw Services that directly support compliance, housing stability, and the economic health of the community. Residents and property owners should not be left to bear the consequences of the City’s misplaced priorities, especially when these services are critical to maintaining the safety and well-being of the community.