

Madison Heiser

From: Madison Heiser
Sent: Thursday, March 19, 2020 11:53 AM
To: Madison Heiser
Subject: Appeal Letter to City if Victoria Short Term Rental Letter - 704 Robleda Crescent

From: Thaddeus Monckton [REDACTED]
Sent: March 18, 2020 5:28 PM
To: str@victoria.ca
Subject: Appeal Letter to City if Victoria Short Term Rental Letter - 704 Robleda Crescent

March 18, 2020

NOTICE OF LETTER OF APPEAL - CITY OF VICTORIA AND AIR BNB 704 ROBLEDA CRES.

City of Victoria
Attn-City Clerk and Kim Ferris and Mayor of Victoria
1 Centennial Square
Victoria, BC, V8W 1P6
Legislative and Regulatory SERVICES Department

This is a formal letter of appeal denying and disagreeing with your rejection of our application for continuing to offer Air BNB Services and other rental opportunities in our home located at 704 Robleda Crescent. Victoria BC. (THIS SHORT TERM RENTAL DOES NOT OCCUPY AN ENTIRE SELF CONTAINED DWELLING UNIT).

Our short term and long term rental occupies part of our home and is completely connected to our home as per the floorplans I have provided. Guests have a suite type of living area in our home where they can spend their time as well as in the rest of our home in media rooms, music rooms, gymnasium, garage, kitchens living and dining rooms and storage. It is not designed as a self contained suite but rather is an extension of the home fully connected with all utilities under one roof and one water and power bill etc.

We use the additional living space for Air BNB, both short and long term rentals, for our families from out of town and for our grown children and the areas are used a lot when we are away since we travel 4-6 months of the year out of country so as the operator I am away as your letter stated for my work outside of Victoria.

We cooperated and allowed two city workers to enter my home and take photos and I showed them all of our shared areas and they took photos and it is very clean and obvious that THIS SHORT TERM RENTAL DOES NOT OCCUPY AN ENTIRE SELF CONTAINED DWELLING UNIT.

We do qualify and we expect to be issued the licence and we plan to operate under the guidelines as we have been all along and we feel that this is harassment by the city of Victoria and expect to be treated as taxpayers and citizens of this city with all of our rights and privileges as homeowners and residents of Victoria.

I thank you in advance for the issuance of the new business licence.

Thaddeus Monckton, Operator

Thaddeus K. Monckton

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Short Term Rental Business License Appeal
704 Robleda Crescent
Thaddeus Monckton – Operator
File # 129631 – May 29th, 2020

MAY 29th, 2020

2nd NOTICE OF LETTER OF APPEAL - CITY OF VICTORIA RE; 704 ROBLEDA

City of Victoria

Attn-City Clerk and Kim Ferris and Mayor of Victoria and Christina Havelka

1 Centennial Square

Victoria, BC, V8W 1P6

Legislative and Regulatory SERVICES Department

This is my second letter of appeal as per email from Cristine Havelka dated May 15, 2020. I would like my appeal now to be added to the new Short Term Rental Business licence Appeal Process Policy which was attached to the email from Christine.

I am attaching some supporting documents to this appeal which have been submitted previously and are now attached again for this second letter of appeal which follows this letter as attached).

We have a home fully built to code as per the city of Victoria with full occupancy permits in place in which we received the approved occupancy of single family dwelling with secondary suite. We build the home in this manner for re sale in case someone wanted a suite. We however have not rented this living area in that manner but chose to have family and friends stay with us as well as short term persons staying with us in the area and using the shared spaces in our home. This Guest area is connected to the main home by two legal doors and guests and family have access to our home and shared areas during any of their stays.

We were approved for the same license in 2019 and expected we would also be approved for it in 2020 again since nothing has changed in our home or its uses. The inspectors came for a tour this year and I showed them the living area and its connection to our home with the other amenities as we are not trying to hide anything.

One of your staff mentioned we advertised in ways that are contrary to the allowable use and that is inaccurate as we only post on Air BnB and any other sites that may have had our info must have pirated our info and posted it as we did not post anywhere else so this was not accurate.

We take short term stays and some longer term stays and family and friend stays. We do not do longer term rentals as we have had many problems in the past with long term rentals in our previous homes and my wife and I did not want to go through all the problems we have had in

the past ever again so this is why the short term stays work well for us so we can use it and others can use it when it is available and myself and my family are not using the space.

This is a formal letter of appeal denying and disagreeing with your rejection of our application for continuing to offer Air BNB Services and other rental opportunities in our home located at 704 Robleda Crescent. Victoria BC. (THIS SHORT-TERM RENTAL DOES NOT OCCUPY AN ENTIRE SELF CONTAINED DWELLING UNIT).

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We use the additional living space for Air BNB, both short and long term rentals, for our families from out of town and for our grown children and the areas are used a lot when we are away since we travel 4-6 months of the year out of country so as the operator I am away as your letter stated for my work outside of Victoria.

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I thank you in advance for the issuance of the new business license.

Thaddeus Monckton, Owner and Operator

1st Appeal - THIS WAS MY FIRST LETTER OF APPEAL DATE MARCH 18, 2020

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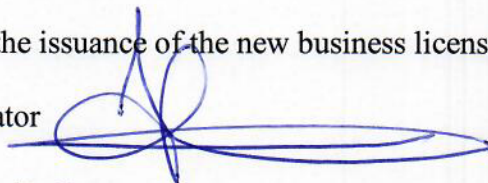
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Thaddeus Monckton, Operator



Thaddeus K. Monckton

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Thaddeus Monckton

Short Term Rental Business Licence Appeal

2 messages

Christine Havelka <chavelka@victoria.ca>

Fri, May 15, 2020 at 4:01 PM

To:

I'm writing to let you know that Council formally adopted a Short-Term Rental Business Licence Appeal Process Policy (Attached). The policy provides for a written process for Council's consideration of your appeal.

The process is now at the stage where the Licence Inspector will respond to your written submission. Noting that you have provided a response in an email from March 18, 2020, should you wish to submit additional reasons and/or supporting documents, please do so by June 1, 2020.

You may send your reasons and/or supporting documents to my attention by mail, email at legislativeservices@victoria.ca or you can drop it in the mail slot on the right side of the Pandora Avenue entrance at City Hall, #1 Centennial Square, and we will forward it to the Licence Inspector. Once we receive the response from the Licence Inspector, it will be forwarded to you. At that time you are to provide a written response to the Licence Inspector via the above email address. These documents will be a part of the report that will go to Council in the form of a staff report to a Committee of the Whole Meeting.

When this report is ready to go to a Committee of the Whole meeting, we will notify you with the meeting details and provide a copy of the report. At this time public access to City Hall is not permitted due to the COVID-19 pandemic. Live and recorded meetings can be watched at www.victoria.ca

If you require further information, please do not hesitate to contact me.

Christine Havelka

Deputy City Clerk / Manager of Legislative Services

Legislative Services

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0346 C 250.532.2394

BUSINESS LICENCE

THIS LICENCE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE BUSINESS PREMISES, IS NON-TRANSFERABLE, AND IS VOID ON CHANGE OF OWNERSHIP OR CHANGE OF LOCATION.

BUSINESS & MAILING ADDRESS:

**MONCKTON, THADDEUS
704 ROBLEDA CRES
VICTORIA BC V8S 3K5**

LICENCE NO: **00036467**

LICENCE FEE: **\$150.00**

BUSINESS LOCATION:

704 ROBLEDA CRES

EXPIRES ON: **Jan 15, 2020**

LICENCEE:

**MONCKTON, THADDEUS
704 ROBLEDA CRES
VICTORIA BC V8S 3K5**

HAS PAID THEIR REQUIRED LICENCE FEE AND IS ENTITLED TO CARRY ON THE BUSINESS DESCRIBED AS:

PRINCIPAL RESIDENT OPERATOR - OWNER

IN A LAWFUL MANNER AND THIS LICENCE IS ISSUED SUBJECT TO THE PROVISIONS OF ALL BY-LAWS OF THE CITY OF VICTORIA, NOW OR HEREAFTER IN FORCE, AND TO ALL AMENDMENTS THAT MAY HEREAFTER, DURING THE CURRENCY OF THIS LICENCE BE MADE TO SAID BY-LAWS. IN THE EVENT THE NAME OR NATURE OF THE BUSINESS IS CHANGED, OR THE ADDRESS FROM WHICH THE BUSINESS IS CARRIED ON IS CHANGED, THE CITY OF VICTORIA MUST BE NOTIFIED AT 250.361.0572 OR VIA E-MAIL AT BUSINESSLICENCE@VICTORIA.CA



1 Centennial Square
Victoria, BC V8W 1P6
www.victoria.ca

Business Licence - Invoice

ACCOUNT NUMBER: [REDACTED]
ACCESS CODE: [REDACTED]

BILLING DATE: Jan 9, 2019
DUE DATE: Jan 15, 2019

✓ PD.
Jan. 17/19
M. G. RO



OVERDUE:	\$0.00
CURRENT YEAR FEES:	\$150.00
PAYMENTS/ADJUSTMENTS:	\$0.00
PAYMENT DUE:	\$150.00

BUSINESS NAME: MONCKTON, THADDEUS
BUSINESS LOCATION: 704 ROBLEDA CRES

Licence 00036467
Type PRINCIPAL RESIDENT OPERATOR
- OWNER

Covers From
Jan 7, 2019

Covers To
Dec 31, 2019

Total Fees
\$150.00

PLEASE NOTE:

WE KNOW YOU HAVE A CHOICE, AND APPRECIATE YOU CHOOSING TO LOCATE YOUR BUSINESS WITHIN THE CITY OF VICTORIA! THANK YOU IN ADVANCE FOR SUBMITTING YOUR BUSINESS LICENCE PAYMENT.

YOUR BUSINESS LICENCE HAS BEEN APPROVED. PLEASE REMIT YOUR BUSINESS LICENCE FEE BY THE DUE DATE INDICATED.

Operating without a valid business licence may result in fines and charges of up to \$2000 per day.

For portable sign permits, the total fee includes a \$5 public use of space charge which is subject to GST (GST #R122206394).

Your valid business licence will be mailed upon full payment of this invoice.

PLEASE SEE REVERSE FOR PAYMENT OPTIONS & CONTACT INFORMATION.

KEEP THIS PORTION FOR YOUR RECORDS

DETACH THIS PORTION AND RETURN WITH YOUR PAYMENT



1 Centennial Square, Victoria, BC V8W 1P6
www.victoria.ca

PAYABLE AT MOST BANKS AND FINANCIAL INSTITUTIONS

BILLING DATE: Jan 9, 2019
DUE DATE: Jan 15, 2019
ACCOUNT NUMBER: [REDACTED]

OVERDUE:	\$0.00
CURRENT YEAR FEES:	\$150.00
PAYMENTS/ADJUSTMENTS:	\$0.00
PAYMENT DUE:	\$150.00

BUSINESS LOCATION: 704 ROBLEDA CRES



MONCKTON, THADDEUS
704 ROBLEDA CRES
VICTORIA BC V8S 3K5

OCCUPANCY COMPLETION PERMIT

The occupancy approved under this certificate refers to the construction authorized by the building permit(s) listed hereunder and such approval occupancy is applicable as of the date shown. The building or part thereof constructed under the authority of Building Permit(s) No.(s) **BP052408** may now be occupied in accordance with the approved occupancy herein described:

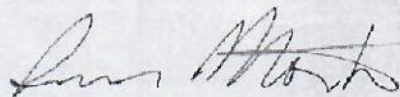
Building Address **704 ROBLEDA CRES**

Legal Description **LT 6 PL 8248 SEC FFLD VICTORIA**

Approved Occupancy **SINGLE FAMILY DWELLING WITH SECONDARY SUITE**

Permit Description **ADDITION TO REAR AND SIDE YARD. ADDITION TO FRONT
FACADE. CHANGE OF USE FROM SINGLE FAMILY DWELLING
TO SINGLE FAMILY DWELLING WITH SECONDARY SUITE**

Dated this day: **JUNE 14, 2016**



CHIEF BUILDING OFFICIAL

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



000001496

Account number
Program
Date issued

GST/HST
Dec 14, 2018

THADDEUS MONCKTON
704 ROBLEDA CRES
VICTORIA BC V8S 3K5

Subject: Reminder of overdue goods and services tax/harmonized sales tax (GST/HST) returns

We have not received the GST/HST returns shown below. Please file the overdue returns.

Overdue return(s) by filing period:

From Date	To date
Jul 01, 2018	Sep 30, 2018

If you recently filed your returns, thank you and please disregard this letter. If you filed them more than 40 days ago or need another return, please call the business enquiries line at **1-800-959-5525**.

If you have not filed your returns, we **must** receive the returns within 15 days of the date of this letter or we will have to estimate the tax you owe and take action without further notice to collect it.

If your business no longer operates and you want to close your account, please call **1-800-959-5525**. You must complete and file a return for **each** filing period. If you do not have taxable sales, tax credits, or rebates for a filing period, enter zero on the appropriate lines and submit a nil return.

For forms and guides or to find out more about your filing options, visit our website at **canada.ca/taxes-business-online**.

For more specific information on filing or making a filing arrangement or if you have any questions about this letter, call us at: **1-800-959-5525**.

For persons with hearing, speech, or visual impairments you can get this in braille, large print, or audio format. For more information about other formats, go to **canada.ca/cra-multiple-formats**.

If you use a teletypewriter, you can talk to an agent about your returns or about our filing policies by calling **1-800-665-0354**.

Thank you,

Bob Hamilton
Commissioner of Revenue

DRIVER'S LICENCE
British Columbia CAN

MONCKTON,
THAD KIMBALL

DL: [REDACTED]

Issued: 2016-Jun-21

DOB: [REDACTED]

Expires: 2021-Jul-01

Restrictions/
Endorsements:

Class: 5,6



BRITISH
COLUMBIA

Sex: M Eyes: HAZ
704 ROBLEDA CR
VICTORIA BC V8S 3K5

Hair: BRN [REDACTED]





Appl. Jan. 14, 2020

*THAD'S
Copy.*

MONCKTON, THADDEUS
704 ROBLEDA CRES
VICTORIA BC V8S 3K5

RE: 704 ROBLEDA CRES
VICTORIA BC V8S 3K5

Dec 11, 2019

Re: **Re-Applying for your 2020 Short-Term Rental Business Licence**

This is a friendly reminder that your 2019 Short-Term Rental business licence will be expiring January 15th, 2020 and you will need to re-apply for your 2020 licence if you wish to continue operating.

Short-Term Rental Business Licences are only valid for one calendar year, and will expire every year on January 15. You will need to submit a new application along with current supporting documentation every year, as you will not receive an automatic invoice prompting you to renew your licence.

Please see the NEW application form effective immediately, available on our website at www.victoria.ca/str.

Please submit your application via email to str@victoria.ca, or submit by mail or in person to:

**Bylaw & Licensing Services
625 Pandora Avenue
Victoria, BC V8W 1N8**

For more information on applying for a Short-Term Rental business licence, you can visit www.victoria.ca/str. If you have already re-applied, we thank you for your promptness.

If you have any questions or concerns, or if you no longer wish to operate a short-term rental, please contact the City of Victoria Bylaw & Licensing Services Department at 250-361-0215 or email str@victoria.ca.

Sincerely,

Bylaw and Licensing Services Department
Legislative and Regulatory Services
City of Victoria

To Contact

Telephone: **250.361.0215**
E-Mail: **str@victoria.ca**

Fax: **250.361.0205**
Web: **www.victoria.ca**

**Legislative and
Regulatory Services
Department**

**Bylaw and Licensing
Services Division**

1 Centennial Square
Victoria BC V8W 1P6



Jan 2020
T. Markerton

**SHORT-TERM RENTAL
 BUSINESS LICENCE APPLICATION**
 Legislative & Regulatory Services Department
 Bylaw & Licensing Services Division
 625 Pandora
 Victoria, BC V8W 1P6

Application must be completed in full. You can submit your completed application and supporting documentation via email to str@victoria.ca, mail it to the above address, or fax it to 250.361.0205. All related documentation and information is available at www.victoria.ca/str. For information or assistance completing this form, please contact Bylaw Services at 250.361.0215 or email str@victoria.ca.

RESIDENCE TYPE (please check all boxes that apply):

- ☒ Single Family Dwelling ☐ Duplex
☐ Single Family Dwelling with Suite ☐ Triplex
☐ Condominium/Apartment ☐ Other (please specify): _____
☐ Update my information (if you need to make any changes to your existing application)

For Definitions please see Section 2 of the Short-Term Rental Regulation Bylaw No. 18-036.

SHORT-TERM RENTAL ADDRESS:

Unit Number: _____ Address: 704 Robbada Crescent
 Postal code: V8S 3K5

Is this your Principal Residence (the usual place where an individual makes their home)?

- ☒ Yes
☐ No

✓ Attached
 If 'Yes', please attach two items verifying principal residence to confirm this declaration (Proof of principal residence must include a copy of government issued identification, as well as one other item such as a recent utility bill or mail from Medical Services Plan or Canada Revenue Agency)

Do you own this residence?

- ☒ Own
☐ Rent

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

Is this residence part of a Strata?

- ☐ Yes
☒ No

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

OPERATOR (can be the owner, tenant, or management company; Check all that apply):

TYPE:

☒ **Sole Proprietors name:** (if you plan to operate the business on your own, either under your own name or a business name):

1st ADDRESS UIMBAH MONKTON

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

N/A

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

N/A

MAILING ADDRESS:

704 Robleda Crescent, Victoria BC, V8S 3K5

PHONE NUMBER:

EMAIL:

INCORPORATION INFORMATION: (if applicable)

☐ **Incorporation Number:**

N/A

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

☐ Yes

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

MANAGEMENT INFORMATION: (if applicable)

N/A

☐ **Management Company:**

Contact Name:

Phone number:

Email:

Address:

Business Licence No.:

DESIGNATED RESPONSIBLE PERSON (if managed by an agency, the designated responsible person can be a representative from this agency):

N/A

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

Name:

Email:

Company Name (if applicable):

Address:

Phone Number:

☐ The above Responsible Person has consented to the use of his/her contact information.



Owner Consent Form Short-Term Rental

Legislative & Regulatory Services Department
Bylaw & Licensing Services Division
City of Victoria
625 Pandora
Victoria, BC V8W 1P6

This is to certify that I THADDEUS MONCKTON, as the legal owner of
(Owner)
704 Redden Crescent have read the Short-Term Rental Business Licence
(address)
application form submitted by Thaddaus Monckton and consent to the above
(Operator)
premises being used as a Short-Term Rental in compliance with City of Victoria bylaws.

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

OWNER'S NAME:	Thaddaus K. Monckton	
OWNER'S SIGNATURE:		DATE: Jan. 2, 2020
OWNER'S NAME:	Brinder K. Scott	
OWNER'S SIGNATURE:		DATE: Jan. 2, 2020
OWNER'S NAME:		
OWNER'S SIGNATURE:		DATE:

*If more than one (1) registered owner, all owners are required to sign the Owner Consent Form.



Strata Council Consent Form
Short-Term Rental
 Legislative & Regulatory Services Department
 Bylaw & Licensing Services Division
 City of Victoria
 625 Pandora
 Victoria, BC V8W 1P6

N/A.

This is to certify that I _____, as Strata Council Executive Member for
 (Strata Council Executive Member; Must not be same as Operator)
 _____, have read the Short-Term Rental Business Licence
 (Address)
 application form submitted by _____. I can confirm that our Strata has no
 (Operator)
 bylaws prohibiting the above address from operating as a Short-Term Rental in compliance with
 City of Victoria bylaws.

OPERATOR'S NAME:

OPERATOR'S SIGNATURE:

DATE:

STRATA COUNCIL EXECUTIVE
MEMBER'S NAME:

STRATA COUNCIL EXECUTIVE
MEMBER'S SIGNATURE:

DATE:

SHORT-TERM RENTAL BUSINESS LICENCE – IMPORTANT INFORMATION

Completion of this application does **not** guarantee approval of application. Approved licenses will be issued **only** upon receipt of payment of the Short-Term Rental Business Licence fee. Operating a Short-Term Rental without a valid licence is an **offence** for which penalties are prescribed. A person found guilty of an offence under this Bylaw is subject to a fine of not less than \$250.00 and not more than \$500.00 for every instance that an offence occurs or each day that it continues (Short-Term Rental Regulation Bylaw No. 18-036; Sec. 8).

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

Please see website for:

- ❖ Short-Term Rental Regulation Bylaw No.18-036
- ❖ Schedule D – Home Occupations; Zoning Regulation Bylaw No. 80-159

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

Declaration:

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

Operator's Name (Individual completing form):

Frederick H. Marchmont

Operator's Signature:



Date Signed:

Jan 2, 20 20

Licence # (office use only)

Date Stamp (office use only)