



Thaddeus Monckton

A

Short Term Rental Business Licence Appeal - Response from Licence Inspector - 704 Robleda - Monckton

1 message

Christine Havelka <chavelka@victoria.ca>

To:

Mon, Jun 22, 2020 at 12:21 PM

Good afternoon,

Attached is the letter in response from the Licence Inspector to your appeal for your Short Term Rental Business Licence at [704 Robleda Crescent](#). In accordance with the attached policy on the Appeal Process, you have seven days (July 2) to provide a submission in response to the Licence Inspector's response.

After that date, we will provide that and all of your submissions to the Licence Inspector who will then write a report for Council's consideration of your appeal. We will inform you when that report will go before Council and provide you with a copy. Please note that City Hall remains closed due to the COVID pandemic, but meetings of Council can be viewed live at www.victoria.ca under 'Council Meetings'.

Best regards,

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

**2 attachments** **Short-Term Rental Business Licence Appeal Process Policy (1).pdf**
761K **704 Robleda Cres Response to Appellant.pdf**
1410K

✓ My Response
attached.
June 24, 2020
- A/Bk/D / City
- 1 - 16 / Thaddeus.



B

Legislative and
Regulatory Services
Department

Bylaw and Licensing
Services Division

1 Centennial Square
Victoria BC V8W 1P6

June 18, 2020

Monckton, Thaddeus
704 Robleda Cres
Victoria BC V8S 3K5

Re: Short-Term Rental Business Licence Appeal – 704 Robleda Cres

Your 2020 application was rejected due to non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away.

Per Schedule A of the Zoning Bylaw:

"Self-contained Dwelling Unit" means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, kitchen and bathroom facilities.

On February 25, 2020, an inspection of 704 Robleda Cres was conducted and photos were taken confirming a self-contained suite – a separate entrance, kitchen, and bathroom.

Furthermore, you were advertising the space on FlipKey from Tripadvisor as "[a] self-contained private suite" (attached).

For these reasons, your 2020 application for a short-term rental business licence was rejected. Attached are two screenshots from your FlipKey listing, a photo of the separate entrance, kitchen and bathroom taken during the inspection of February 25th, as well as a copy of your occupancy certificate, indicating the presence of a suite at the property.

Regards,

Kim Ferris
Bylaw Officer/Business Licence Inspector
Legislative & Regulatory Services Department
City of Victoria
1 Centennial Square, Victoria B.C. V8W 1P6

To Contact

Telephone: 250.361.0726
E-Mail: str@victoria.ca

Fax: 250.361.0205
Web: www.victoria.ca

Purpose built for resale +
used as many things

Did not take connecting
door photos (1 res)

Not accurate / never advertise
there.

Never used Flip key
- legal suite for code
+ re sale
- connecting living area
- connecting door which
she has no
photo of?

U

~~Not My Ad~~ - Stolen / Fake
Privated. Ad

High End Rockland Downtown Victoria BC Suite for Rent

Home Vacation Rentals Canada British Columbia Vancouver Island Victoria Capital Regional District Victoria Victoria Apartment Home 8816301

155 Victoria Rentals



High End Rockland Downtown Victoria BC Suite for Rent – Home 8816301

Apartment 1 bedroom sleeps 3 4 nights min stay

BOOK WITH CONFIDENCE.

Pay on FlipKey to get Payment Protection for this rental. Never pay by bank or wire transfer.

KEY INFO

Child Friendly No pets allowed

Description from owner

Beautiful 1 one bedroom suite in Rockland area which is walking distance to downtown. Brand new home. You will love this self contained private suite.

From \$155 /night

Check-in Check-out

2 guests

Book now

Contact owner

Book online with Payment Protection



Not My Ad
Stolen Ad
Scam / Fake
Pirated

Description Map Availability Reviews FAQs

Description from owner

Beautiful 1 one bedroom suite in Rockland area which is walking distance to downtown. Brand new home. You will love this self contained private suite.

FAMILIES

- Great for children of all ages
- No pets allowed

BED & BATHROOM

- Bedroom 1: Queen Bed
- Beds in other rooms: Twin bed
- 1 Full bath

AMENITIES

- Wireless Internet
- Satellite TV
- Internet access

ACCESS

- Parking
- Not suitable for wheelchair users
- Secure parking

POLICIES

- Check in time: 03:00, Check out time: 12:00
- If you have any questions about check-in or check-out times, please contact the owner/manager.

Payment

This rental can only be paid for online through FlipKey using your credit/debit card or PayPal (never by bank or wire transfer).

Damage deposit: \$200.00

- Smoking
- No smoking at this property

CANCELLATIONS

From
\$155 /night

Check-in Check-out

2 guests

Book now

Contact owner

Book online with Payment Protection



Short Term Rental Business License Appeal

704 Robleda Crescent Thaddeus Monckton – Operator

3rd appeal File # 129631 – JUNE 24th, 2020

JUNE 24th, 2020

3rd 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 third 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 THIRD letter of appeal which follows this letter as attached.

RESPONSE to Letter from kim ferris dated June 18, 2020

- My home was built to code with permits and we obtained a legal suite permit for resale purposes. It was build for many purposes as outlined below.
- This area can be used as a suite with its own entrance
- This area can be used as an in law suite for friends and relatives since it is connected to the main home
- This area can be used for long term rentals
- This area can be used for short term rentals since it is connected to the main home
- This area is not simply a suite but an extension of our home and it was purpose build that way for my parents to live in but my dad died so they could not enjoy it so my mom and family have stayed there as well as other friends and also our sons who moved out moved back in and lived there and we do long term and short term rentals with Air BNB ONLY and during any of those stays guests have access to our home as outlined by many photos and floorplans.
- Your city worked kim only shows the outside door but neglected to include the connecting door photo. Very strange
- She also has an ad on flip key which is not our ad nor have we ever booked with flip key nor did I know about flip key. This ad was stolen and constructed by them as a scam I guess but it is not my ad nor do we or have we ever used them so this is ridiculous.
- We like many couples in this expensive city need to find rentals in any form to make things work financially and pay city taxes to you so thus rentals.

- This part of our home is being used as it is allowed to be and it is fully connected to our main home and also has an outside door and bathroom and kitchen of course so my guests have the option of doing their things in this area or ours.
- When we do a long term rental we close the connecting door for their privacy but any other time it is open and connected to our home and all shared areas.
- Your city worker kim did not include a photo of the connecting door which would then make it very clear that it is all connected and shared and you cannot prove anything otherwise on how we are able to use our home to gain some income to help live.
- My photos are included and labelled and a floor plan also that shows the connection that this whole home is one home with the option for a future owner to rent the area as a separate suite if they choose to do so.
- We do not do it that way but choose air bnb and shared living options within our home.
- I would appreciate the harassment to stop and simply let us live in our home without being intruded upon by your employees and their lies and not giving the full picture.
- This is all completely false and we had a business licence the first year and there was no problem and now you make problems for no reason.
- We are allowed to use our home as per your bylaws and have been doing so and we never used flip key and we always had our home all connected as per my evidence and not what your city worker included which is lying in my opinion and I am extremely angry about her behaviour and misleading information and accusations and will need to look at this further after this stupid process is over.

Thank you, Thaddeus DATED JUNE 24, 2020 above as well as photos that follow this letter.

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).

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 license 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 license.

Thaddeus Monckton, Owner and Operator

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

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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Thaddeus Monckton, Operator

Thaddeus K. Monckton

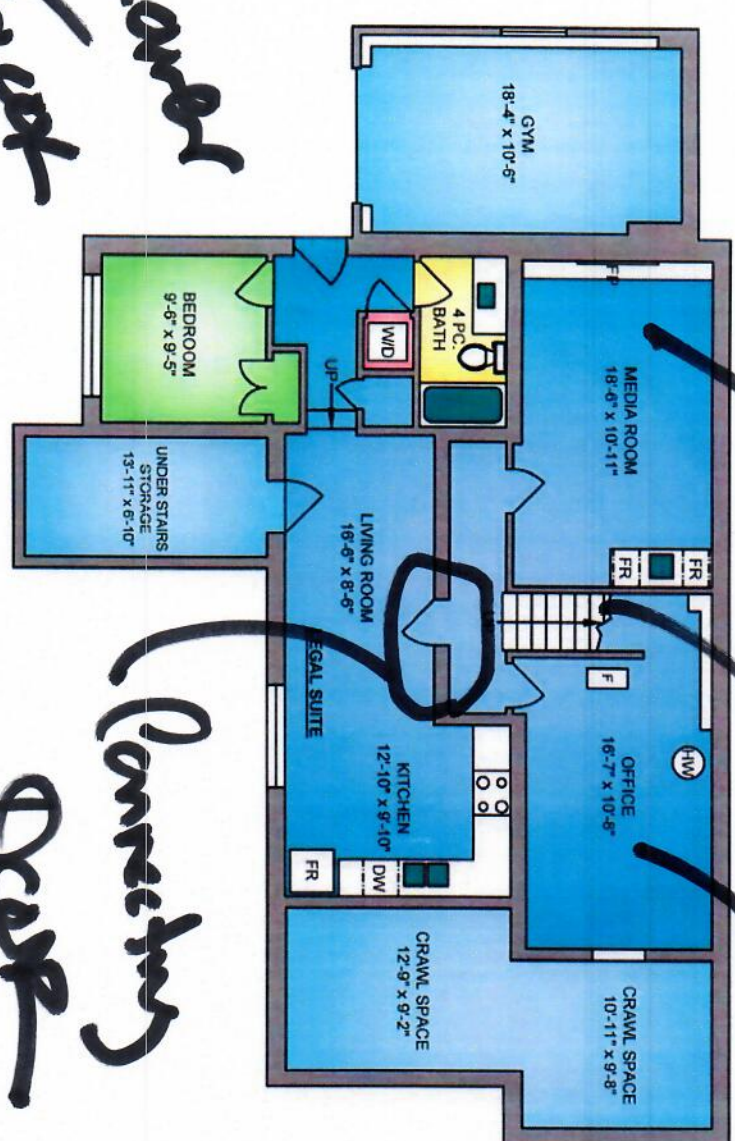




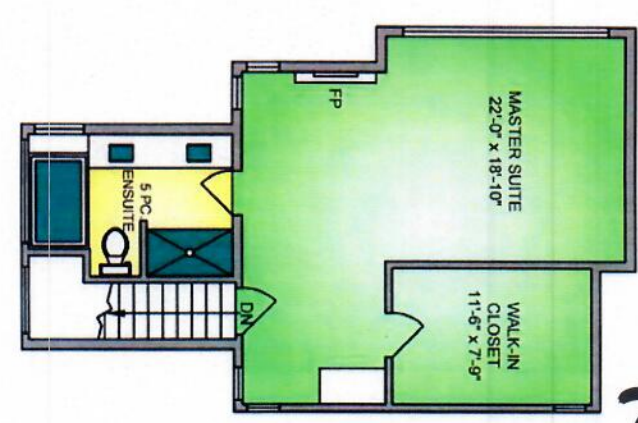
Thaddeus K. Monckton
 B.E.C., M.A.E.D. Assn.
 REALTOR® - Real Estate Professional
 www.thadmonckton.com
 Office: 250.488.4842
 Fax: 250.250.388.8036
 Tel. Free: 1-877-388-5882

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Lower
 Level



Upper Level
 Lower Level
 Top Floor



NORTH



PROPER MEASURE
 PRECISION
 250-884-9753
 matt@propermeasure.com
 www.propermeasure.com

704 ROBLFDA CRESCENT				
PREPARED FOR THE EXCLUSIVE USE OF: MONCKTON				
PLANS MAY NOT BE 100% ACCURATE. IF CRITICAL, BUYER TO VERIFY.				
FLOOR	FINISHED AREA (SQ. FT.)	GARAGE	DECK/PATIO	
MAIN	1650	473	478	
LOWER	1405	-	-	
UPPER	605	-	-	
TOTAL	3660	473	478	



Thaddeus K. Monckton
 S.E.D. M.A. Ed Assem.
 REALTOR - Real Estate Professional

MACDONALD REALTY

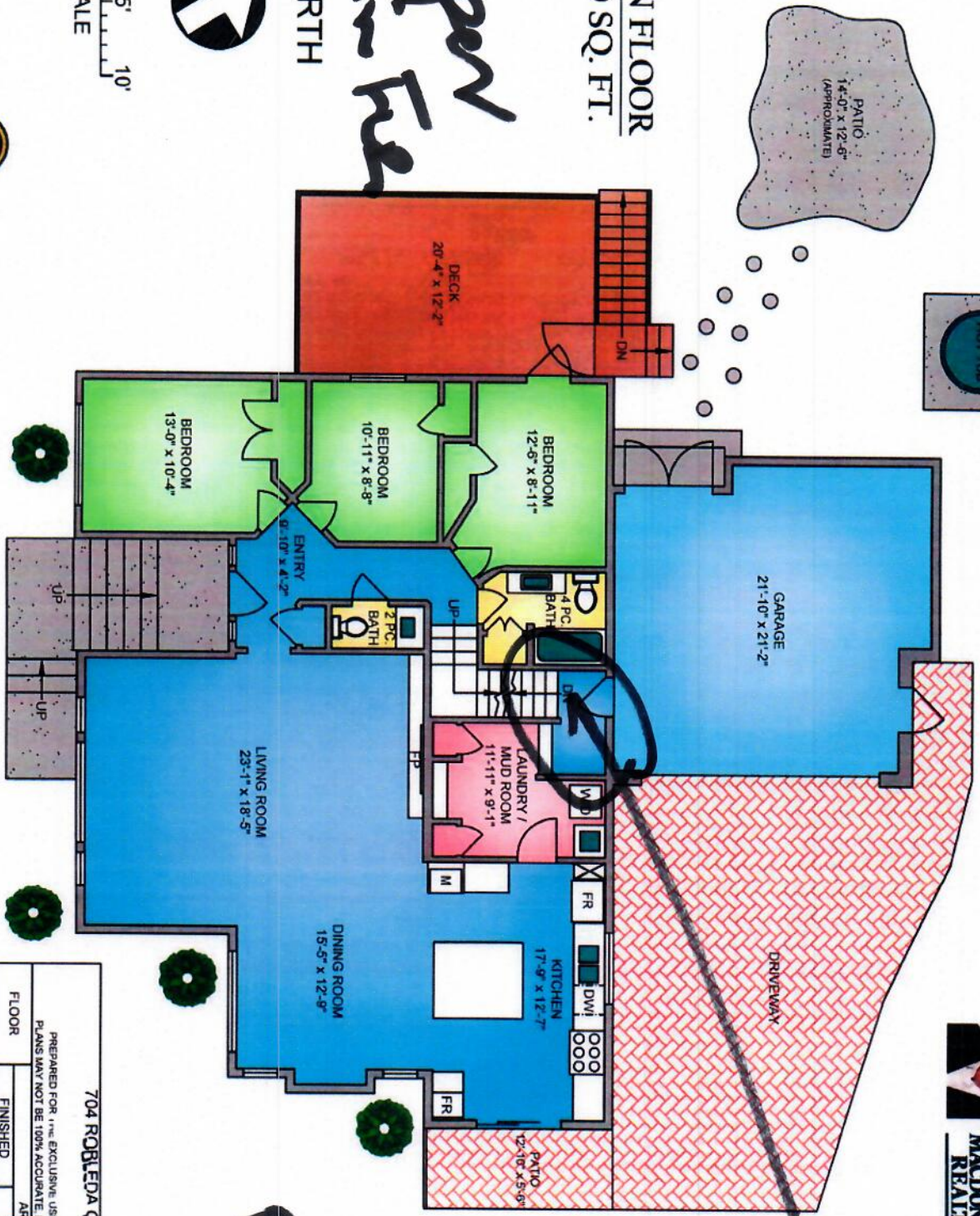
1000 22nd Street, Suite 100, Monckton, NB
 Call: 250-501-0091
 Office: 250-508-2882
 Fax: 250-398-8514
 Toll Free: 1-877-288-1882

MAIN FLOOR
 1650 SQ. FT.

Upper Main Floor



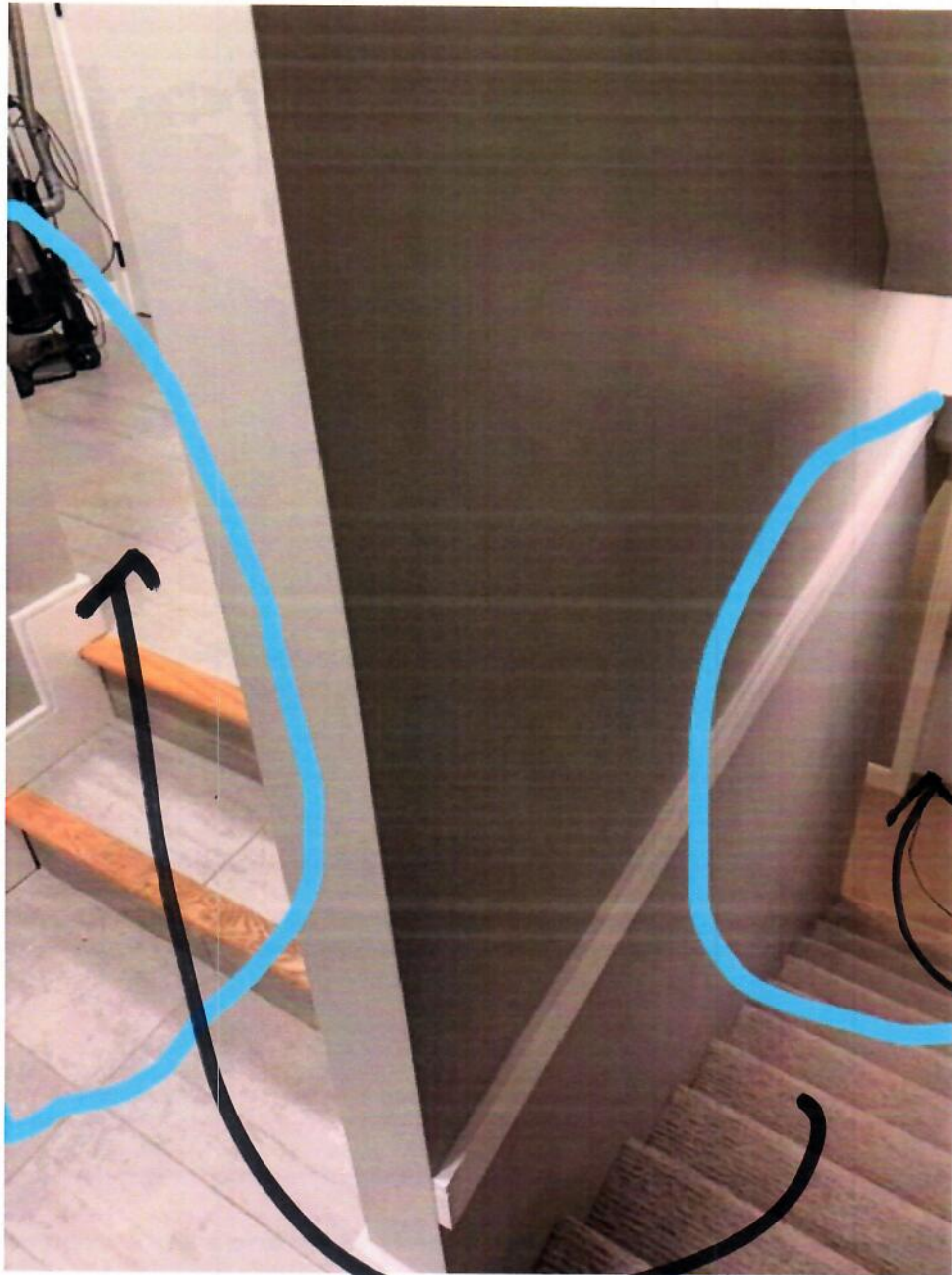
0' 5' 10'
 SCALE



Down to Lower Floor + Kitchen & Laundry Area

704 ROBLEDA CRESCENT			
PREPARED FOR THE EXCLUSIVE USE OF THE AGENT'S MONCKTON			
PLANS MAY NOT BE 100% ACCURATE. IF CRITICAL BUYER TO VERIFY			
FLOOR	FINISHED AREA (SQ. FT.)	GARAGE	DECK/PATIO
MAIN	1650	473	478
LOWER	1405	-	-
UPPER	605	-	-
TOTAL	3660	473	478

7



Stairs to upper
Floor

Door to
adad.
living
area
Lower
Floor

e

Stairs
up

Door / Connecting
to other living
area

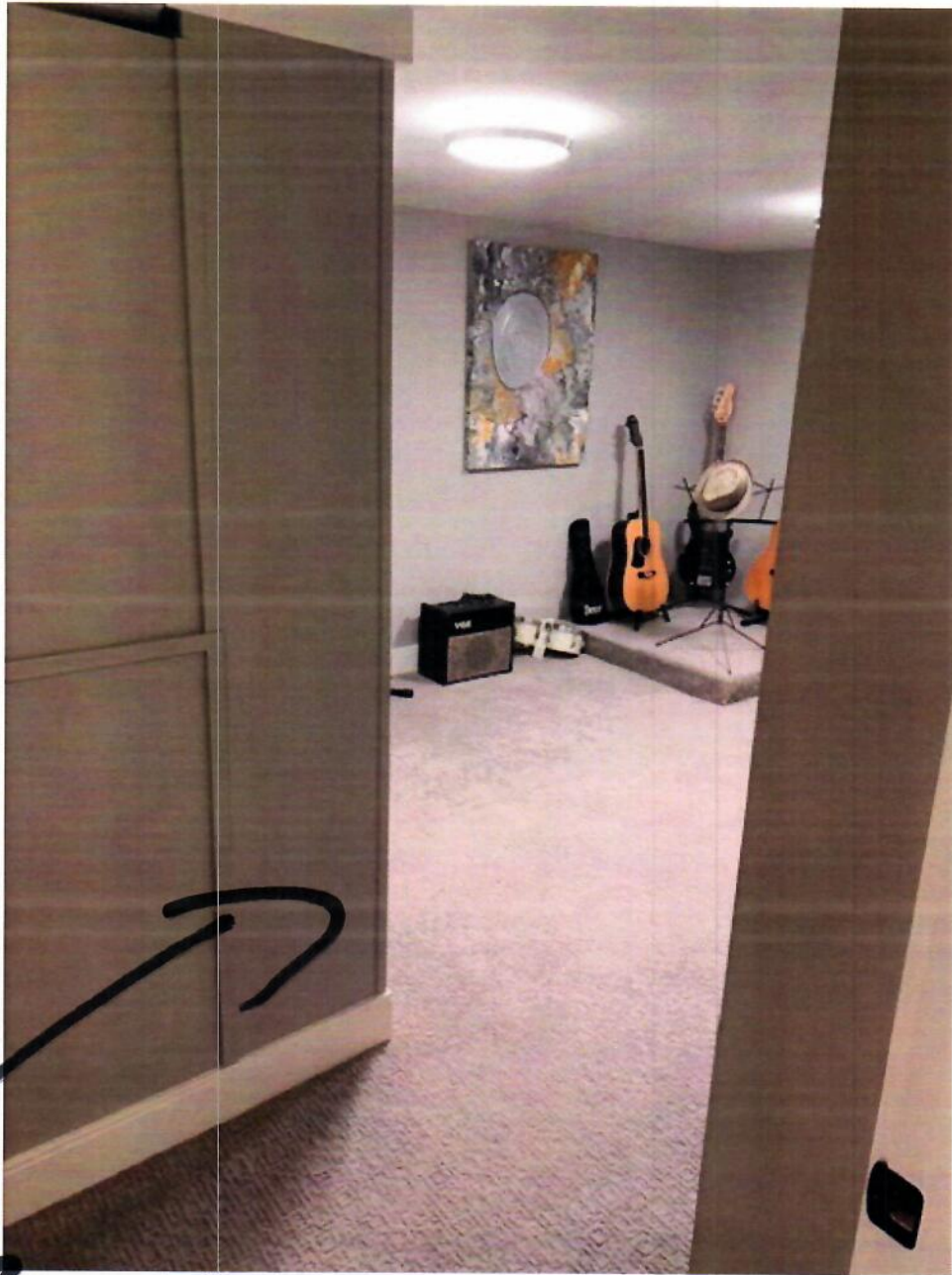
Music Room



9



Media Room
off same lower
level and Connecting
Door



Music
Room off
lower hall +
connecting door

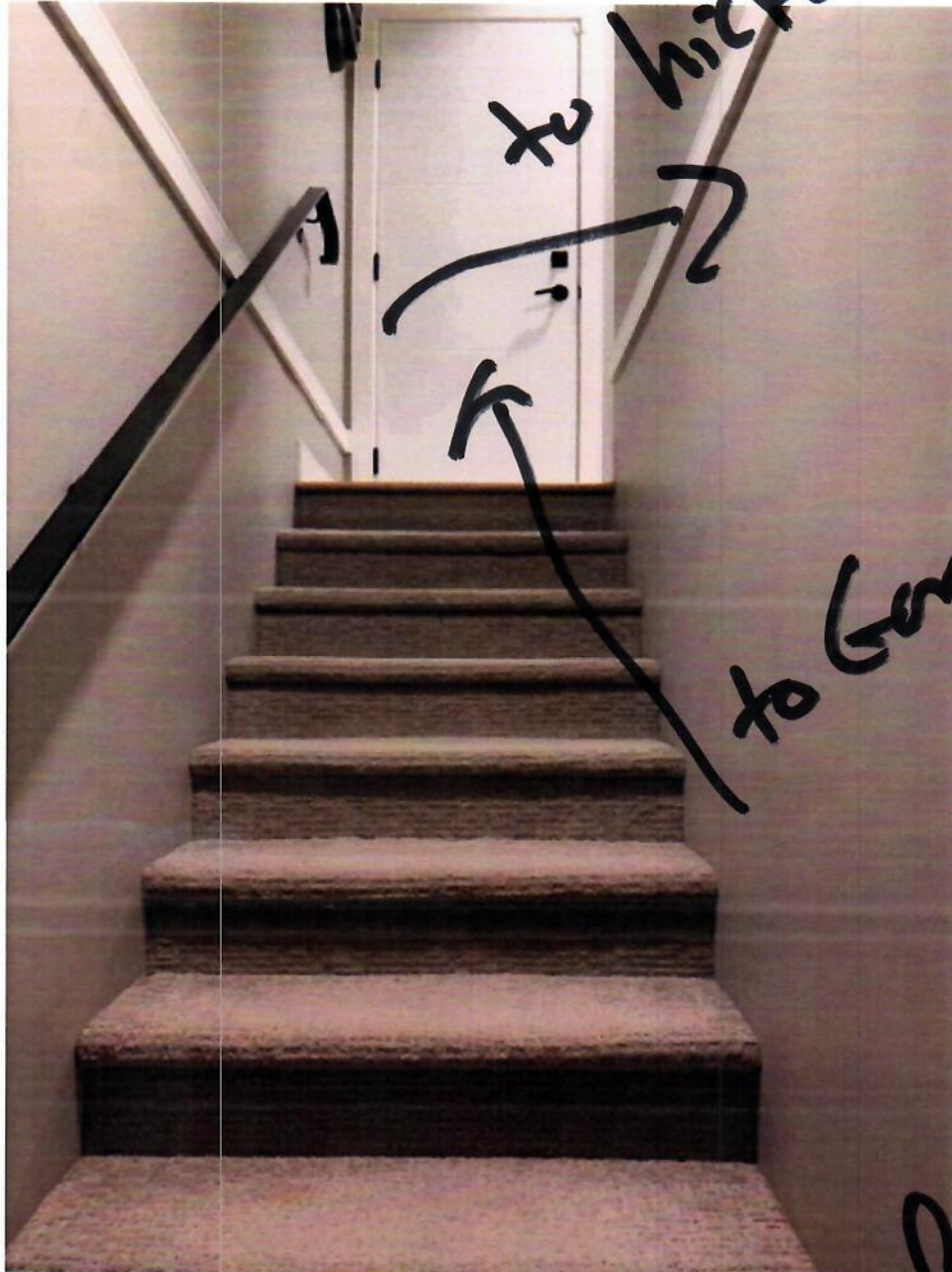
11



Connecting
Door

Media
Rm

Up Stairs
Wax Rm



12

to kitchen

to Garage

Stairs go from
lower hall +
connecting
Door

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:

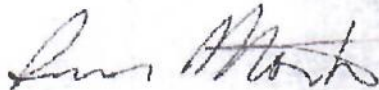
Building Address 704 ROBLEDA CRES

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.

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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

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Thaddeus Monckton, Owner and Operator

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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.

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Thaddeus Monckton, Operator

Thaddeus K. Monckton

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]