

Business Licence (Short-term Rental) Appeal re 704 Robleda Crescent

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 Thaddeus Monckton for the operation of a short-term rental at 704 Robleda Crescent.
2. The business licence was denied pursuant to section 4(b) of the *Short-term Rental Regulation Bylaw*, which states:
 4. *The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,*
...
(b) the short-term rental operation would contravene a City bylaw or another enactment.
5. 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.
6. On a reconsideration such as this, Council can apply its own judgment and may either uphold the decision to refuse the licence or grant the licence.

II. Facts

7. The appellant owns and resides at the property at 704 Robleda Crescent. The property is zoned R1-A (Single Family Dwelling). Short-term rentals are not a permitted use under this zone.
8. The property contains a single family home with a basement suite. [See attached photos]
9. The basement suite consists of a living/dinning room with a full kitchen, one bedroom and a full bathroom. It has a separate entrance from outside. There is an inside connection between the basement suite and the rest of the house. There is also an occupancy certificate for a secondary suite.
10. The basement suite contains its own kitchen facilities, with stove, fridge, kitchen sink, and counters and cabinets. [See attached photos]
11. The appellant has rented the entire basement suite as a short-term rental since at least August 2016. Between 2017 and 2019, the appellant has accepted an average of 12 to 27 short-term rental bookings per year, with stays as short as 3 days. Attached is a report from Host Compliance detailing information about the short-term rental activity at the property.

12. The appellant applied for and received a business licence to operate short-term rental in 2019. The licence was granted on the basis of the appellant's representation that the short-term rental was offered in the appellant's principal residence.
13. An inspection of the premises on February 25, 2020 revealed that the basement suite is, in fact, a self-contained dwelling and is not part of the appellant's principal residence.
14. On February 26, 2020, the Licence Inspector advised the appellant that his application for a short-term rental licence has been refused because short-term rental of a self-contained dwelling did not comply with applicable zoning.

III. Relevant Regulations

15. The City regulates short-term rentals through the *Short-term Rental Regulation Bylaw* and through provisions of the zoning bylaws. In relation to the property, the relevant zoning bylaw is the *Zoning Regulation Bylaw*, which states, in part:

17 ...

(4) *Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except*

(a) *where they are expressly permitted subject to regulation applicable in those zones;*

(b) *rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:*

(i) *the self-contained dwelling unit is occupied by the operator of the short-term rental; and*

(ii) *short-term rental complies with all regulations in Schedule D as if it were a transient accommodation.*

16. A self-contained dwelling unit is defined in the *Zoning Regulation Bylaw* as "a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities."

IV. Argument

17. When short-term regulations were initially introduced, the City was flooded with applications of business licences. In an effort to encourage compliance with regulations, these applications were processed very quickly and were not always fully screened. More careful reviews and inspections have been conducted as part of 2020 application process. Therefore, the fact that the appellant was issued a short-term rental business licence in 2019 is not an indication that a 2020 licence should also be issued.

18. Although the appellant resides in the house at 704 Robleda Crescent, the premises that are rented as a short-term rental are not part of his principal residence, because the basement suite is an independent self-contained dwelling unit.
19. It is clear that the basement suite at 704 Robleda Crescent is a self-contained dwelling unit: it has its own entrance from outside, its own full kitchen, and full bathroom – it meets all the requirements of the definition of “self-contained dwelling unit” in the *Zoning Regulation Bylaw*.
20. The self-contained nature of the basement suite is not altered by the fact that there is a connection to the rest of the house or that certain parts of the house (the “gym” and “music room”) are shared. As is acknowledged in the appellant’s submission (dated June 24, 2020) the suite is capable of different uses including as a long-term rental.
21. From the zoning perspective, it does not matter how the appellant intends to use the suite. What matters is that it is a “self-contained dwelling unit” as defined in the bylaw. Existence of an internal connection or spaces that are shared with the main dwelling does not alter that.
22. For all these reasons, the Licence Inspector submits that the appellant’s application for a short-term rental business licence had to be refused as it contravened the Zoning Regulation Bylaw.
23. One of the objectives of the City’s regulations of the short-term rentals was to address the problem of self-contained dwelling units being diverted from the housing market to a vacation rental market. This is the rationale behind the provisions of the zoning bylaw which limit short-term rentals to bedrooms within self-contained units rather than entire self-contained units.
24. The property at 704 Robleda Crescent is an example of a self-contained dwelling unit that has been lost to the regular housing market in the past, contrary to the intent behind City regulations, which prohibit rental of entire self-contained dwelling units as short-term rentals.
25. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 704 Robleda Crescent upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: September 16, 2020



Shannon Perkins, Manager of
Bylaw Services

TIME STAMP



February 25, 2020 10:27 AM

TIME STAMP



February 25, 2020 10:28 AM

TIME STAMP 



February 25, 2020 10:29 AM

TIME STAMP 

February 25, 2020 10:29 AM

TIME STAMP 



February 25, 2020 10:33 AM



TIME STAMP



LOVE

RELAX

February 25, 2020 10:34 AM

TIME STAMP 




February 25, 2020 10:34 AM

TIME STAMP 



February 25, 2020 10:32 AM

TIME STAMP 

February 25, 2020 10:32 AM

TIME STAMP



February 25, 2020 10:32 AM

TIME STAMP 



February 25, 2020 10:32 AM

TIME STAMP 

February 25, 2020 10:32 AM

TIME STAMP 

February 25, 2020 10:35 AM



TIME STAMP 

February 25, 2020 10:34 AM

TIME STAMP 



February 25, 2020 10:36 AM

TIME STAMP 

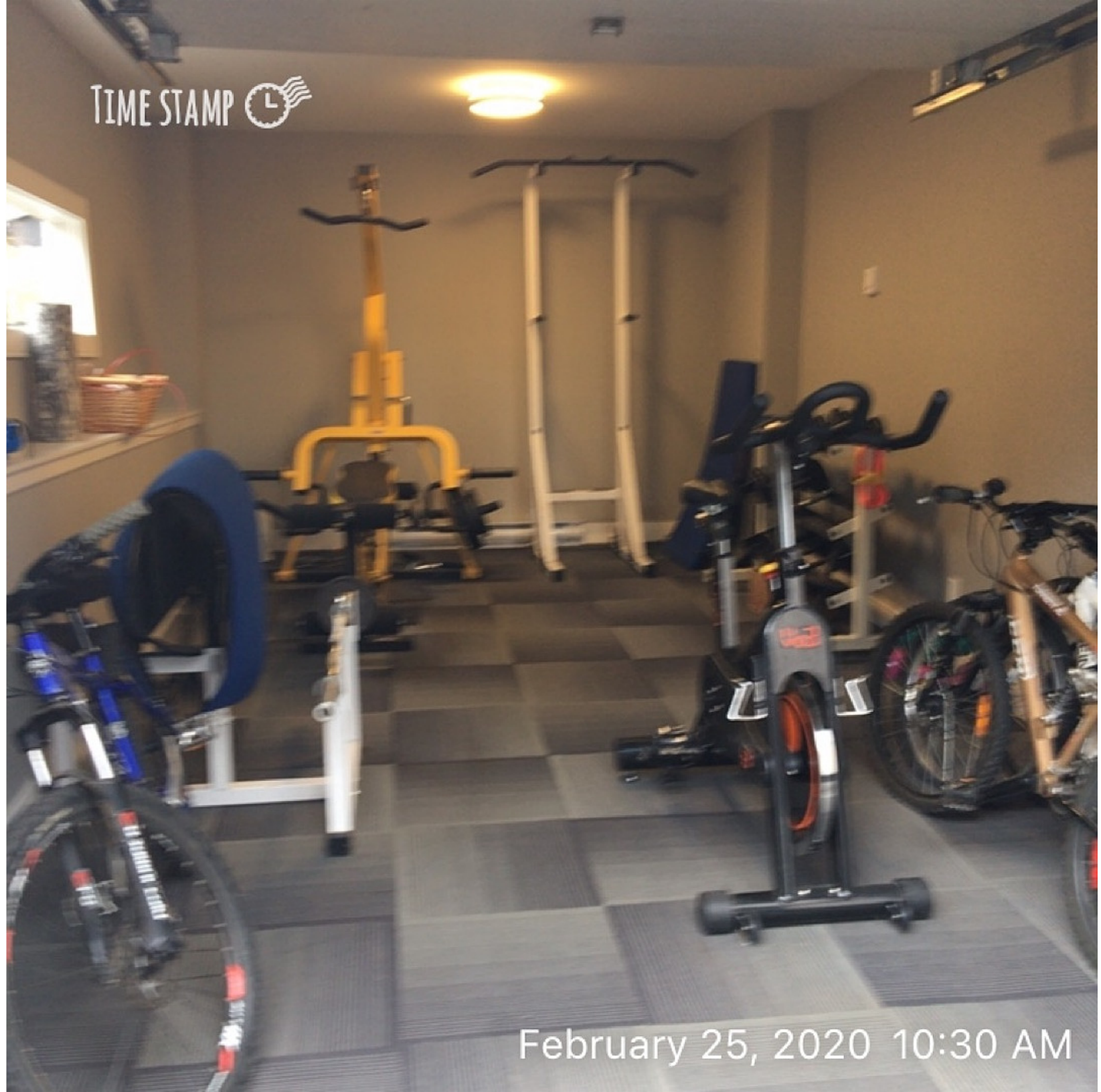


February 25, 2020 10:36 AM


TIME STAMP 

February 25, 2020 10:35 AM

TIME STAMP 



February 25, 2020 10:30 AM

TIME STAMP 

February 25, 2020 10:35 AM

TIME STAMP 

704 Rockland Avenue

Shared Guest Information:

Dear Guest

Please Enjoy our Shared Media, Gym and Music Rooms:

Full Access Through our Shared Areas in our Home:

Media Room Area is to the Left down the Hallway

Music Room Area is to the Right down the Hallway

Gymnasium Area is Accessed from Driveway

Please Enjoy Your Stay with Us

Please contact us with any questions and please enjoy
your stay with us at 704 Rockland

Sincerely, Thaddeus and Brenda, Your Hosts

February 25, 2020 10:33 AM

TIME STAMP 

704 Rockland Avenue

Shared Guest Information

Dear Guest

Please Enjoy our Shared Media, Gym and Music Rooms

Full Access Through our Shared Areas in our Home

Media Room Area is to the Left down the Hallway

Music Room Area is to the Right down the Hallway


Gymnasium Area is Accessed from Driveway

Please Enjoy Your Stay with Us

Please contact us with any questions and please enjoy
your stay with us at 704 Rockland

Sincerely, Thaddeus and Brenda, Your Hosts

February 25, 2020 10:33 AM

TIME STAMP 

704 Rockland Avenue

Shared Guest Information

Dear Guest

Please Enjoy our Shared Media, Gym and Music Rooms

Full Access Through our Shared Areas in our Home

Media Room Area is to the Left down the Hallway

Music Room Area is to the Right down the Hallway

Gymnasium Area is Accessed from Driveway

Please Enjoy Your Stay with Us

Please contact us with any questions and please enjoy
your stay with us at 704 Rockland

Sincerely, Thaddeus and Brenda, Your Hosts

February 25, 2020 10:34 AM

Rental Unit Record

704 Robleda Crescent, Victoria, BC, Canada

Active
Identified
Compliant

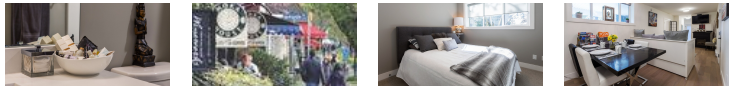


PRINT

Listing(s) Information

Flipkey - 8816301

Airbnb - 14302045



Matched Details

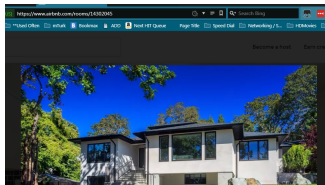
Analyst

CDZT

Explanation

Exterior matches in street view. The exterior photo caption shows the address. The house has been renovated. The Victoria BC records and map confirm the location and address and show Area-Jurisdiction-Roll 01-234-04-273-010. <http://prntscr.com/k1rsy9>

Listing Photos



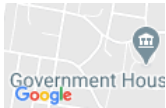
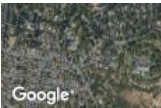
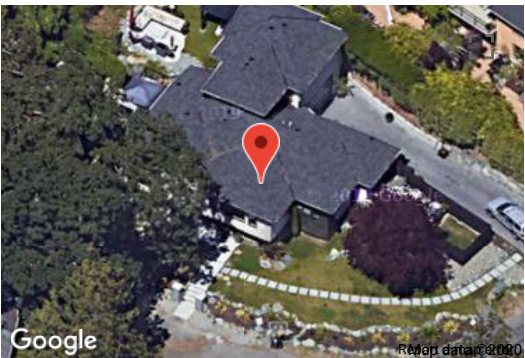
Same (renovated) exterior.

Matching 3rd Party Sources



Owner Name Match

Rental Unit Information



Identified Address

704 Robleda Crescent, Victoria, BC, Canada

Identified Unit Number

None

Identified Latitude, Longitude

48.419040, -123.346235

Parcel Number

0123404273010

Owner Address

704 Robleda Crescent, Victoria
Victoria, BC V8S 3K5, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

- 1 Documented Stay
August, 2020
- 2 Documented Stays
July, 2020
- Listing air14302045 Reposted


Listing Details

Listing URL	— https://www.airbnb.com/rooms/14302045
Listing Status	● Active
Host Compliance Listing ID	— air14302045
Listing Title	— Rockland Downtown Victoria BC-High End Guesthouse
Property type	— Guesthouse
Room type	— Private room
Listing Info Last Captured	— Sep 03, 2020
Screenshot Last Captured	— Sep 01, 2020
Price	— \$72/night
Cleaning Fee	— \$53

Information Provided on Listing

Contact Name	— Thaddeus
Latitude, Longitude	— 48.418172, -123.345391
Minimum Stay (# of Nights)	— 3
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2.0
Number of Reviews	— 75
Last Documented Stay	— 08/2020

Listing Screenshot History

 View Latest Listing Screenshot

July 8

August 7

September 1

May 5th, 2020

✕ Listing air14302045 Removed

May 2nd, 2020

📅 1 Documented Stay

March, 2020

📅 3 Documented Stays

October, 2019

📅 2 Documented Stays

September, 2019

📅 4 Documented Stays

August, 2019

📅 5 Documented Stays

July, 2019

📅 3 Documented Stays

June, 2019

📅 4 Documented Stays

May, 2019

📅 2 Documented Stays

April, 2019

📅 1 Documented Stay

March, 2019

📅 1 Documented Stay

February, 2019

📅 2 Documented Stays

January, 2019

📅 1 Documented Stay

December, 2018

● Listing fli8816301 Reposted

December 13th, 2018

✕ Listing fli8816301 Removed

December 10th, 2018

📅 1 Documented Stay

November, 2018

📅 2 Documented Stays

October, 2018

📅 3 Documented Stays

September, 2018

📅 5 Documented Stays

August, 2018

📅 2 Documented Stays

July, 2018

● Listing air14302045 Reposted

July 29th, 2018

✕ Listing air14302045 Removed

July 24th, 2018

✓ Listing fli8816301 Identified

July 10th, 2018

✓ Listing air14302045 Identified

July 10th, 2018

📅 4 Documented Stays












June, 2018

📅 2 Documented Stays

<https://appca.hostcompliance.com/property/cq30Nr5tmEWRAN4E?geoid=16000CA5917034#air14302045>

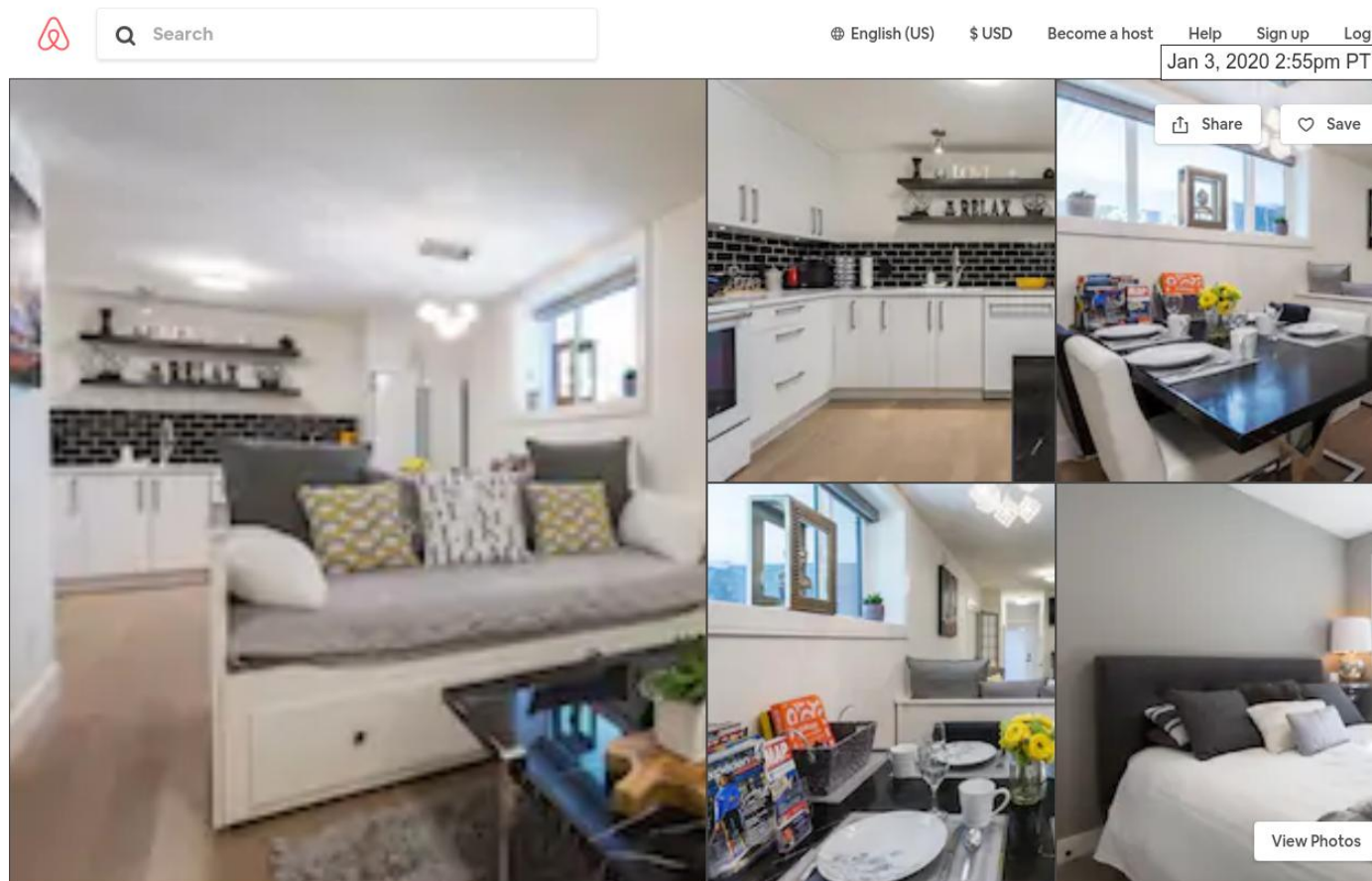
2/3

May, 2018

-  1 Documented Stay
April, 2018
-  3 Documented Stays
March, 2018
-  1 Documented Stay
February, 2018
-  1 Documented Stay
December, 2017
-  1 Documented Stay
October, 2017
-  1 Documented Stay
September, 2017
-  2 Documented Stays
August, 2017
-  2 Documented Stays
July, 2017
-  Listing fli8816301 First Crawled
June 23rd, 2017
-  Listing fli8816301 First Activity
June 23rd, 2017
-  1 Documented Stay
May, 2017
-  1 Documented Stay
March, 2017
-  2 Documented Stays
February, 2017
-  1 Documented Stay
January, 2017
-  1 Documented Stay
December, 2016
-  1 Documented Stay
November, 2016
-  2 Documented Stays
October, 2016
-  2 Documented Stays
September, 2016
-  Listing air14302045 First Crawled
September 13th, 2016
-  1 Documented Stay
August, 2016
-  Listing air14302045 First Activity
August 25th, 2016

January 03, 2020 - 03:55PM America/Vancouver

Screenshot printed at: 9/16/2020 3:57:15 PM



Rockland High End 1 Bedroom Suite -Victoria BC

Victoria

2 guests 1 bedroom 1 bed 1 bath



Thaddeus

★ Entire home

You'll have the guest suite to yourself.

🧼 Sparkling clean

18 recent guests said this place was sparkling clean.

🌟 Thaddeus is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

📍 Great location

90% of recent guests gave the location a 5-star rating.

\$69 per night

★ 4.90 (71 reviews)

Dates

01/04/2020 → Checkout

Guests

1 guest

Reserve

You won't be charged yet

🚩 Report this listing

Rockland High End Suite is a short 15 minute walk to downtown Victoria and all the attractions in Victoria. Rockland area is one of the most desirable areas in Victoria. This new 1 bedroom suite with an a day bed in the living room will accommodate up to 2-3 people and includes high end furnishings, in suite laundry, Kitchen Aid Appliances, private driveway, and access to our home and gym. We have an outdoor patio and you will enjoy our home and all it has to offer in our shared areas.

The space

The Suite is located on the lower floor of our home and is a one bedroom, one bathroom suite built in 2016 to the highest standards and is furnished very beautifully with care. You also have access to our beautiful home gym and a private driveway and entrance. The suite and living areas are on the lower level above ground and sunny and bright all the time so please enjoy our home.

Guest access

The Suite has a private entrance and also a private driveway to park your car. We have a home gym that you can use and the suite now has a private patio for our guests a table and chairs and umbrella and planter boxes. A welcoming place to our home with all shared ammenities.

Other things to note

We have a home gym that you can also access and use as well as a patio and all our home has to offer.

Hide ^

Contact host

×

Amenities

Basic

Wifi

Continuous access in the listing

Indoor fireplace

TV

Cable TV

Laptop friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

Washer

In the building, free or for a fee

Iron

Dryer

In the building, free or for a fee

Essentials

Towels, bed sheets, soap, and toilet paper

Heating

Central heating or a heater in the listing

Hot water

Family features

Bathtub

Facilities

Free parking on premises

Gym

Free, in the building or nearby

Free street parking

Dining

Kitchen

Space where guests can cook their own meals

Coffee maker

Cooking basics

Pots and pans, oil, salt and pepper

Dishes and silverware

Dishwasher

Microwave

Refrigerator

Oven

Stove

Guest access

Host greets you

Private entrance

Separate street or building entrance

Logistics

Luggage dropoff allowed

For guests' convenience when they have early arrival or late departure

Long term stays allowed

Allow stay for 28 days or more

Bed and bath

Hangers

Hair dryer

Shampoo

Bed linens

Extra pillows and blankets

Outdoor

Patio or balcony

Safety features

Fire extinguisher

Carbon monoxide detector

Smoke detector

First aid kit

Not included

Air conditioning

Sleeping arrangements



Bedroom 1
1 queen bed

Accessibility

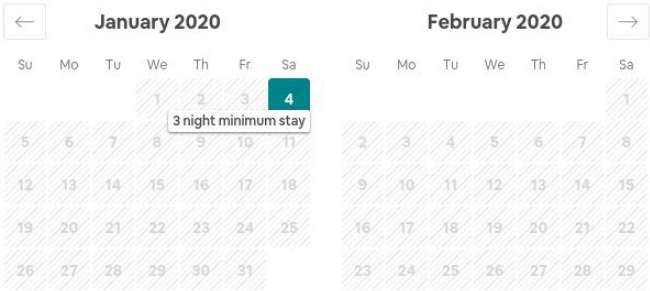
Step-free access to the bedroom

Extra space around bed

Show all

Availability

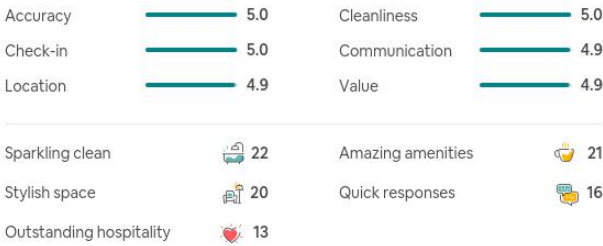
This host offers 10% off if you stay a week and a 15% monthly discount.



Clear dates

Reviews

★ 4.90 | 71 reviews



Search reviews



Ted
July 2019

Let me start with the wonderful neighborhood of beautiful homes and shaded streets. And the suite is close to the Dallas Road walks along the bay, downtown, and the Cook Street village shops and restaurants. This is the best of Victoria! Now Thaddeus and Brenda's gracious...[Read more](#)



Kimberly
June 2019

I highly recommend staying here. The hosts have thought of everything you could need and more! I like to cook and was happy to find there were pots, pans, utensils for cooking plus a whole spice rack. There were also other thoughtful amenities--a bowl in the bathroom filled...[Read more](#)



Xiaotong
June 2019

I highly recommend a stay at Thaddeus and Brenda's beautiful suite! Their home is located in a quiet neighborhood where cute deer frequent right next to the Government House, where you can enjoy beautiful flower gardens (with almost total privacy in the morning/evening). ...[Read more](#)



Carmini
May 2019

The location was perfect for us, because we were familiar with the area. It may not be close enough to downtown for others, but it worked really well for us. The apartment was nicely furnished and the kitchen was spacious and well-equipped. The host provided complimentary soap...[Read more](#)



Lynn
January 2019

Thaddeus and Brenda were excellent hosts. They were prompt in responding to questions we had and we were welcomed with a lovely snack basket. The unit was well decorated and comfortable to stay in and was located just a 5-10 minute drive from anything in the city.



Darryl
August 2018

The room was perfect. We thoroughly enjoyed our stay.



Brandon
July 2018

Amazing place to stay! The suite was cozy, fully outfitted, and was super clean. There were lots of additional amenities that helped and having a full kitchen was really nice. It can get noisy sometimes because it is downstairs but overall, it was incredible. I would definitely...[Read more](#)



Hosted by Thaddeus

Victoria, Canada · Joined in August 2016

★ 94 Reviews ✨ Verified



Thaddeus is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.



My wife and I own a career college and have traveled extensively all over the world. We have a passion for meeting people from different backgrounds and love opening up our homes to travelers. We have 5 sons, 3 dogs and 1 cat. We look forward to meeting you.

Interaction with guests

We are available at anytime to assist you with questions or direction. My cell number is (PHONE NUMBER HIDDEN) if you need anything. Thaddeus and Brenda

Languages: **English, Español**

Response rate: **100%**

Response time: **within an hour**

[Contact host](#)

Always communicate through Airbnb - To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Thaddeus's place is located in Victoria, British Columbia, Canada.

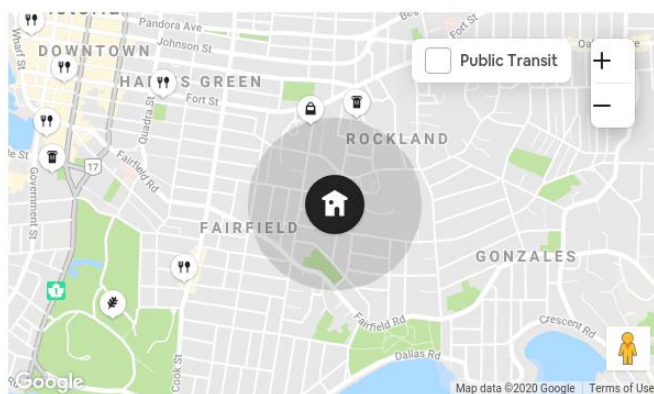
Our home and the Suite is located in the Rockland area of Victoria which is considered to be one of the most beautiful and valuable areas in Victoria. We are located very close to downtown Victoria and it is only a short 15-20 minute walk to downtown Victoria and all the amenities our city has to offer.

Getting around

You can walk downtown or take a bus or drive your car. There are bus stops located very near the home and we also have a private driveway for your car if you are driving. Rockland area within Fairfield is a very safe area and a beautiful area to walk around and to visit the beach or downtown.

[Hide](#) ^

[See guidebook](#)



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: 4PM - 12AM (midnight)

Checkout: 12PM (noon)

House Rules

No smoking

No pets

No parties or events

You must also acknowledge

Pet(s) live on property

Additional Rules

Please do not wear shoes in the unit.

Please keep the noise level down after 10pm.

No parties or events allowed.

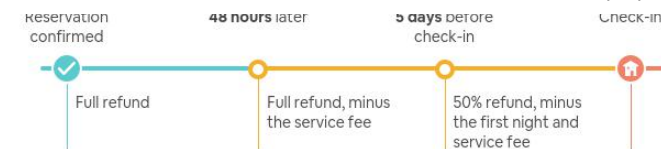
No overnight guest allowed without permission of owners.

[Hide rules](#) ^

Cancellations

Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.



[Get full details](#)

[Hide policies](#) ^

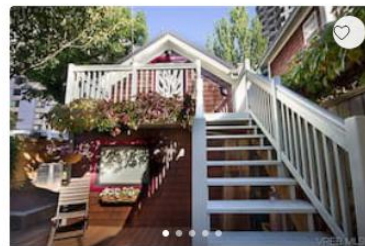
More homes you may like



Entire apartment · 2 beds
★ 4.98 (58)
Perfect Downtown Condo, free secure onsi...
\$85 / night



Entire apartment · 2 beds
★ 4.89 (217)
Luxury living
\$116 / night



Entire place · 2 beds
★ 4.87 (204)
Cute and Cozy Space Downtown
\$99 / night

Things to do near this home



HISTORY WALK
Explore Hidden Gems in Victoria
From \$24/person
4.92★ (177)



COCKTAIL TASTING
Customized & delicious whisky tasting
From \$79/person
5.0★ (1)



CULTURE WALK
Victoria Booze, Bites & Sights
From \$52/person
5.0★ (3)



WORKSHOP
Learn to Shuck Oysters in Market Square
From \$57/person
4.95★ (41)

Explore other options in and around Victoria

More places to stay in Victoria: Apartments · Houses · Bed and breakfasts · Lofts · Villas

Vancouver
Victoria
Richmond
Kelowna
Bellevue
Surrey

Portland
Whistler
North Vancouver
Burnaby
Tacoma
Salt Spring Island

Seattle
Eugene
Bellingham
Tofino
Hood River
Coeur d'Alene