

Business Licence (Short-term Rental) Appeal re 246 Wilson 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 Cindy Jansen for the operation of a short-term rental at 246 Wilson Street.
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 CJR Contract Services INC, which owns the property at 246 Wilson Street. The property is zoned R-2 (Two family dwelling). 246 Wilson Street is one-half of a duplex. Short-term rentals are not a permitted use under this zone.
8. The premises in question is a basement suite in one-half of a duplex. The appellant resides in the other half of that duplex at 248 Wilson Street.
9. The basement suite consists of a living room, a full kitchen, one bedroom and a full bathroom. It has a separate entrance from outside. There is no inside connection between the basement suite and the rest of the house. [See attached photos]
10. The basement suite contains its own kitchen facilities, with stove, fridge, microwave, dishwasher, kitchen sink, and counters and cabinets. As noted in the Airbnb ad, the premises offered for short-term rental include “1 bedroom, 1 bathroom, fully equipped kitchen and laundry” [See attached Matched Property Listing]
11. The appellant has rented the entire basement suite as a short-term rental since at least September 2014. Between 2015 and 2019, the appellants have accepted an average of 35

short-term rental bookings per year, with stays as short as 2 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 January 23, 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 April 29, 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 claims she will reside in the upstairs of the duplex at 246 Wilson Street once renovations are complete, the premises that are rented as a short-term rental are not part of her principal residence, because the basement suite is an independent self-contained dwelling unit.
19. It is clear that the basement suite at 246 Wilson Street 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. While the absence of an inside connection between the basement suite and the appellant’s residence (in the upper unit) underscores the independent nature of the basement suite, the suite contains its own separate entrance and kitchen and bathroom facilities, and would be considered a self-contained dwelling unit even if there were a connection to the rest of the house.
21. 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.
22. 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.
23. The property at 246 Wilson Street is an example of a family sized 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.
24. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 246 Wilson Street upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: September 16, 2020



Shannon Perkins, Manager of
Bylaw Services

TIME STAMP 



January 23, 2020 10:24 AM



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January 23, 2020 10:26 AM

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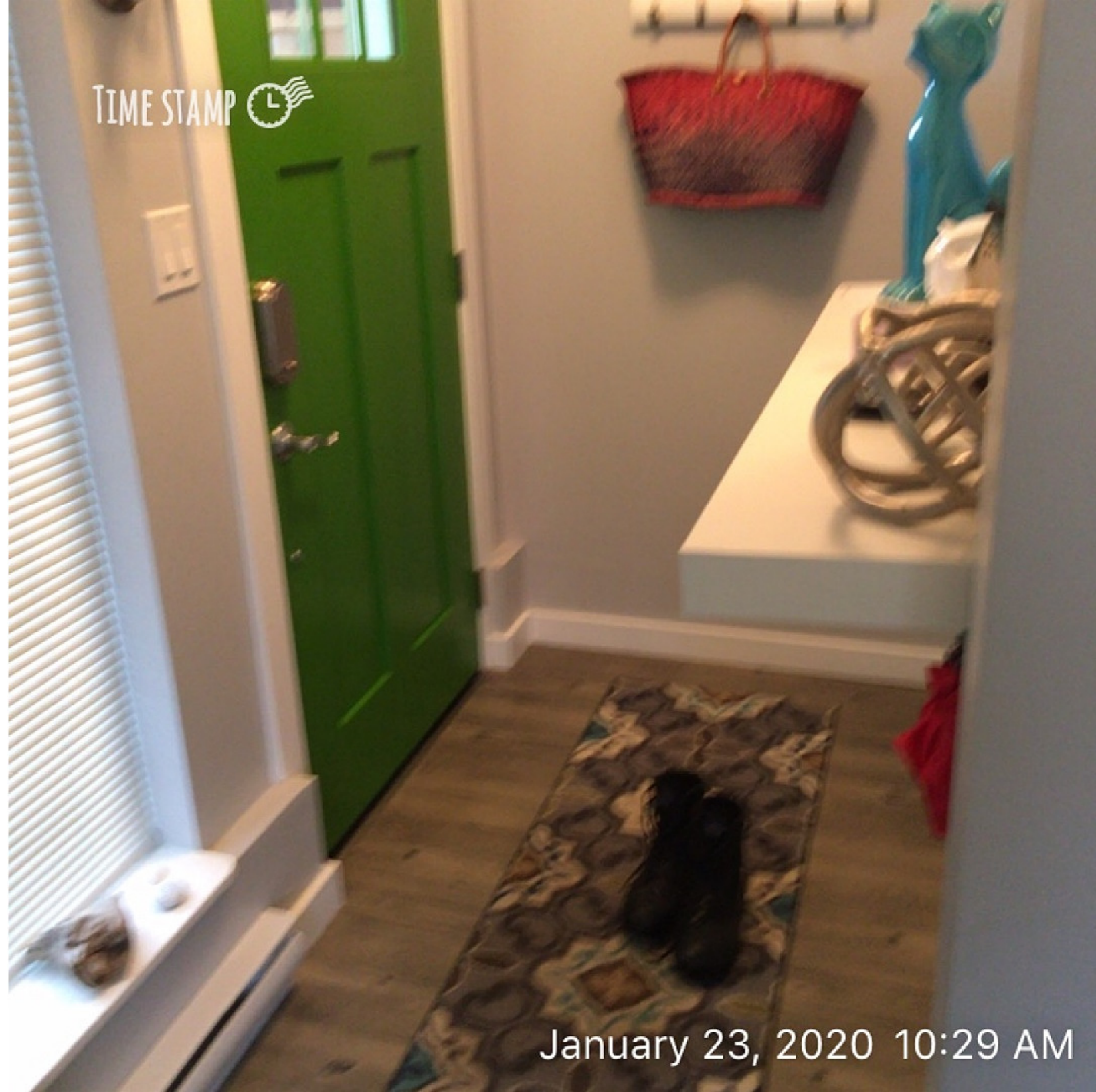


WELCOME HOME
♥ ♥
EXPLORE &
— ENJOY
QUESTIONS?
CALL #
1-250 561 7818
★ ★



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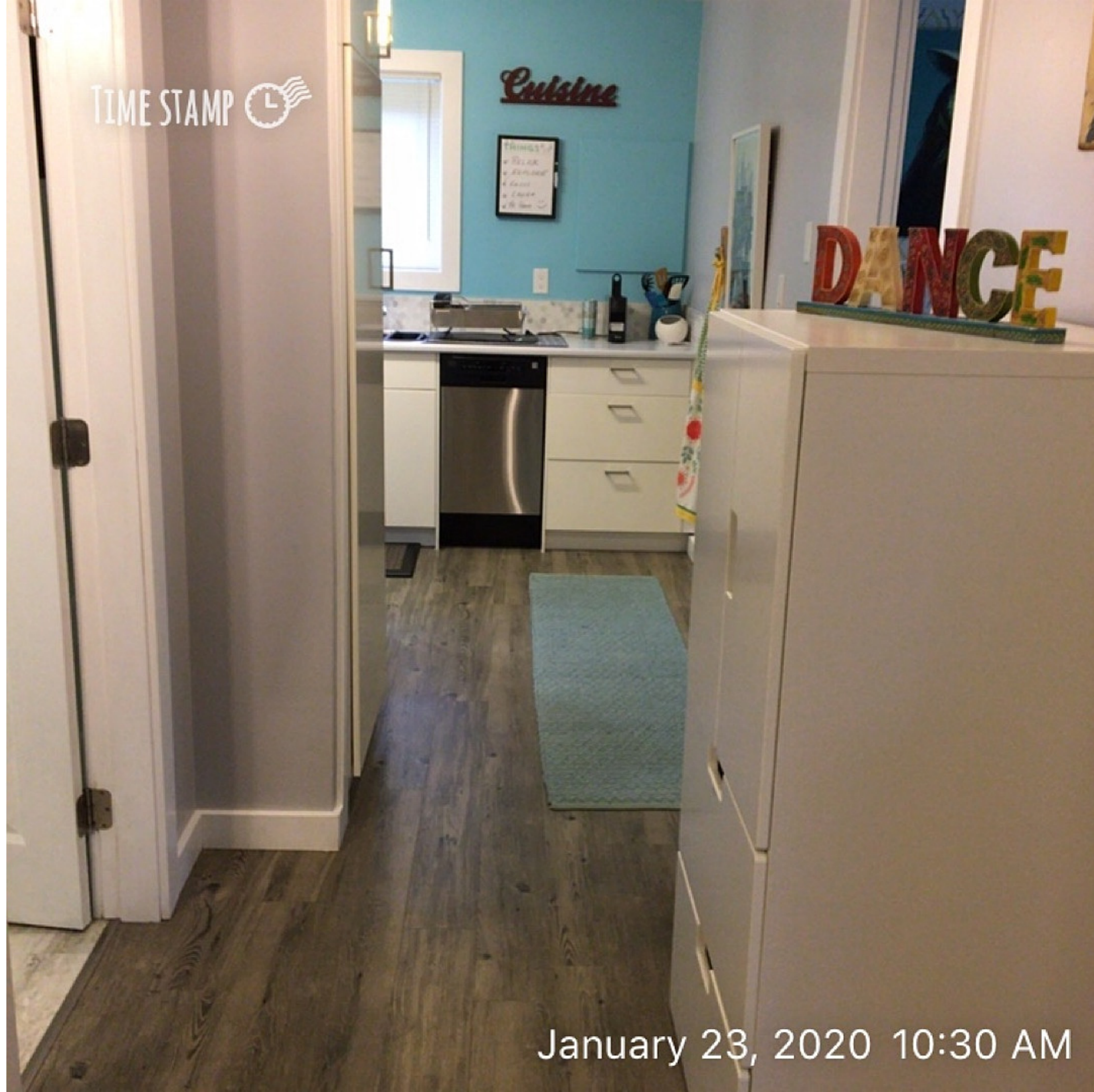
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THINGS
✓ RELAX
✓ EXPLORE
✓ ENJOY
✓ LAUGH
✓ BE HAPPY 😊

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Rental Unit Record

246 Wilson St, Victoria, BC, Canada

Removed X
Identified ✓
Compliant X

PRINT

Listing(s) Information

Airbnb - 4000182



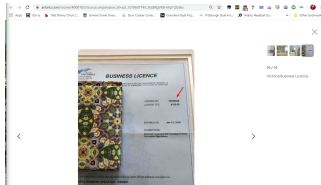
Matched Details

Analyst 7WM9

Explanation

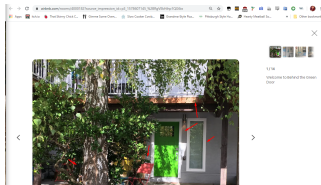
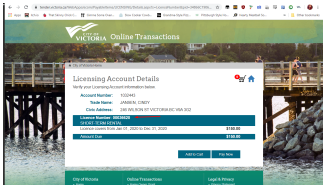
The listing has a copy of the business permit for the rental, which matches the city of victoria website, it also has an exterior shot that matches the google maps street view.

Listing Photos

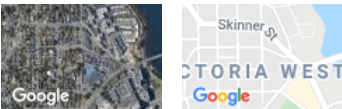
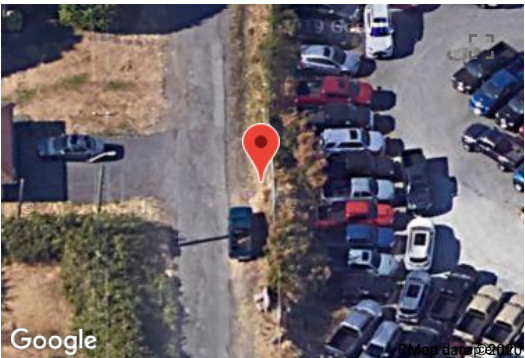


matching license number

Matching 3rd Party Sources



Rental Unit Information



Identified Address

246 Wilson St, Victoria, BC, Canada

Identified Unit Number

None

Identified Latitude, Longitude

48.434290, -123.383250

Parcel Number

000957038

Timeline of Activity

View the series of events and documentation pertaining to this property

- X Listing air4000182 Removed May 2nd, 2020
- 2 Documented Stays March, 2020
- 2 Documented Stays February, 2020
- ✓ Listing air4000182 Identified January 12th, 2020
- 1 Documented Stay

matching tree, door, red chairs, front window, and upper deck

 Owner Name Match

Listing Details

Listing URL	— https://www.airbnb.com/rooms/4000182
Listing Status	● Inactive
Host Compliance Listing ID	— air4000182
Listing Title	— Behind the Green Door
Property type	— Guest suite
Room type	— Entire home/apt
Listing Info Last Captured	— Apr 29, 2020
Screenshot Last Captured	— Apr 28, 2020
Price	— \$68/night
Cleaning Fee	— \$65

Information Provided on Listing

Contact Name	— Cindy
Latitude, Longitude	— 48.434290, -123.383250
Minimum Stay (# of Nights)	— 2
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2.0
Number of Reviews	— 188
Last Documented Stay	— 03/2020
























Listing Screenshot History  View Latest Listing Screenshot

July 0

August 0

September 0














January, 2020

-  1 Documented Stay
December, 2019
-  3 Documented Stays
November, 2019
-  3 Documented Stays
October, 2019
-  5 Documented Stays
September, 2019
-  5 Documented Stays
August, 2019
-  3 Documented Stays
July, 2019
-  7 Documented Stays
June, 2019
-  4 Documented Stays
May, 2019
-  2 Documented Stays
April, 2019
-  3 Documented Stays
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November, 2018
-  3 Documented Stays
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July, 2018
- Listing air4000182 Reposted
July 29th, 2018
- ✕ Listing air4000182 Removed
July 24th, 2018
-  4 Documented Stays
June, 2018
-  3 Documented Stays
May, 2018
-  2 Documented Stays
April, 2018
-  3 Documented Stays
March, 2018
-  2 Documented Stays
February, 2018
- Listing air4000182 Reposted

February 12th, 2018

- ✕ Listing air4000182 Removed
December 23rd, 2017
- 📅 1 Documented Stay
November, 2017
- 📅 2 Documented Stays
October, 2017
- 📅 4 Documented Stays
September, 2017
- 📅 7 Documented Stays
August, 2017
- 📅 6 Documented Stays
July, 2017
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May, 2017
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April, 2017
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February, 2017
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- 📅 3 Documented Stays
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- 📅 7 Documented Stays
September, 2016
- 📅 7 Documented Stays
August, 2016
- 📅 4 Documented Stays
July, 2016
- 📅 5 Documented Stays
June, 2016
- 📅 3 Documented Stays
May, 2016
- ✱ Listing air4000182 First Crawled
April 20th, 2016
- 📅 1 Documented Stay
April, 2016
- 📅 2 Documented Stays
March, 2016
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February, 2016
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December, 2015
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November, 2015
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October, 2015

-  4 Documented Stays
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October, 2014
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September, 2014
-  Listing air4000182 First Activity
September 23rd, 2014

March 30, 2020 - 02:37PM America/Vancouver

Screenshot printed at: 6/30/2020 3:49:38 PM

Behind the Green Door

★ 4.92 (188) · Superhost · Victoria West, Victoria, British Columbia

Share Save







Entire guest suite hosted by Cindy

2 guests · 1 bedroom · 1 bed · 1 bath

 \$54 / night

Check availability

-  **Entire home**
You'll have the guest suite to yourself.
-  **Self check-in**
Check yourself in with the keypad.
-  **Sparkling clean**
16 recent guests said this place was sparkling clean.
-  **Cindy is a Superhost**
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Modern one bedroom suite is a 20 minute walk to downtown. Conveniently located close to Westside Village. Suite offers 1 bedroom, 1 bathroom, fully equipped kitchen and laundry. This property has been completely renovated. Parking on street.


The space
Your home away from home with all the conveniences you enjoy.

Guest access
Guests can access back deck through side gate. Deck is only for use in warmer months. Please check before using

Other things to note
Relax... Enjoy:)











[Contact host](#)

Sleeping arrangements



Bedroom 1
1 queen bed


Amenities

-  Kitchen
-  TV
-  Laptop-friendly workspace
-  Iron
-  Dryer
-  Wifi
-  Cable TV
-  Washer
-  Hangers
-  Essentials

Show all 34 amenities

★ 4.92 (188 reviews)

Cleanliness	5.0	Accuracy	4.9
Communication	5.0	Location	4.8
Check-in	5.0	Value	4.9



Susan
March 2020

This place is wonderful. I look forward to staying here whenever I visit Victoria. Perfect location.



Liam
January 2020

Had a wonderful time, and this spot really met all our needs and more. The kitchen was fully supplied. There was plenty of street parking. It was great to be able to walk downtown. Thanks so much, Cindy!



Susan
December 2019

This place is amazing. It has everything you need and more.




Mark
September 2019

The place was perfect for our needs and within walking distance of everything. Thanks Cindy



Laura
September 2019

I'd been to Victoria a handful of times, but I'd never stayed in West Vic; what a charming area! My boyfriend and I explored quite a bit and didn't have any trouble finding our way around. So nice to come back to a fully equipped kitchen, a nice little DVD collection, and plenty of room for two to stretch out in at the end of a long day out and about! We'll definitely try to book here again on our next visit. Thanks!



William
August 2019

An absolutely lovely experience! The space is incredibly comfortable and welcoming, with lots of little touches that make it a great place to come back to after a day exploring....
[read more](#)

Show all 188 reviews

Select dates

Minimum stay: 2 nights

< April May >

Su Mo Tu We Th Fr Sa Su Mo Tu We Th Fr Sa

Check-in

03/31/2020

×

Checkout

https://appca.hostcompliance.com/property/bXzIvGBnapMp3xgu?geoid=16000CA5917034&key=301865

2/4

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31

1

2

Guests

1 guest

▼

[Clear dates](#)

Location



Victoria West, Victoria, British Columbia

Quiet community with many conveniences just a block away. Park, grocery, coffee shop, pharmacy, liquor store and restaurants.

More about the location



Hosted by Cindy

Joined in August 2014

★ 188 Reviews Verified Superhost

We love to travel when I'm not working. Victoria is such a beautiful walking city; my husband and I love it and hope our guests will too.

During your stay

You will receive a keycode to the property, and a meet and greet can be arranged if desired. Hosts will be available via phone, text, and email for any questions.

Cindy is a Superhost

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

Language: English

Response rate: 100%

Response time: within an hour

Contact host



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

Things to know

House rules

- ⌚ Check-in: After 4:00 PM
- ⌚ Checkout: 11:00 AM
- 🔑 Self check-in with keypad
- 🚫 Not suitable for children (2-12 years)
- 🚭 No smoking
- 🚫 No pets

[Show all](#) >

Cancellation policy

Add your trip dates to get the cancellation details for this stay.

[Add dates](#) >

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