

## Business Licence (Short-term Rental) Appeal re 4 Gorge Road East

### 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 Kirsten Van Ritzen for the operation of a short-term rental at 4 Gorge Road East.
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 is a tenant at 4 Gorge Road East. The property is zoned R1-B (Single family dwelling). 4 Gorge Road East is a single family dwelling with suite. Short-term rentals are not a permitted use under this zone.
8. The premises in question is a basement suite. The appellant resides in upper unit of the single family dwelling.
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 an 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, kitchen sink, and counters and cabinets. As noted in the Airbnb ad, the premises offered for short-term rental include “Your own ground-level entrance, open plan kitchen/living room, with a separate bedroom and full bathroom” [See attached Matched Property Listing]
11. The appellant has rented the entire basement suite as a short-term rental since at least June 2018. Between 2018 and 2019, the appellants have accepted an average of 23 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 February 2, 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 6, 2020, the Licence Inspector advised the appellant that her 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 unit above the suite at 4 Gorge Road East, 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 4 Gorge Road East 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. 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.
21. 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.
22. The property at 4 Gorge Road East 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.
23. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 4 Gorge Road East upheld.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**

Dated: November 16, 2020



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Shannon Perkins, Manager of  
Bylaw Services

Rental Unit Record

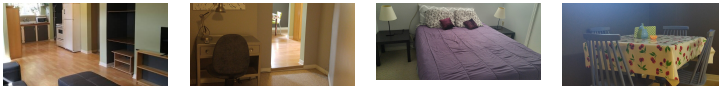
# 4 Gorge Road East, Victoria, BC, Canada

Active ●  
Identified ✓  
Compliant X

PRINT

## Listing(s) Information

Airbnb - 25107524



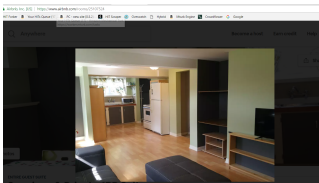
### Matched Details

**Analyst** IRHY

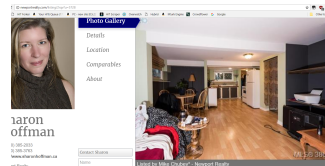
#### Explanation

Interior photos of basement kitchen, bedroom, and living area from realty site Newportrealty.com matches the listing. Google streetview of front yard matches the one shown in the listing.

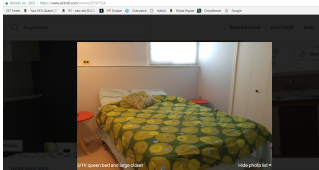
#### Listing Photos



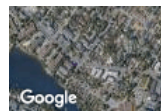
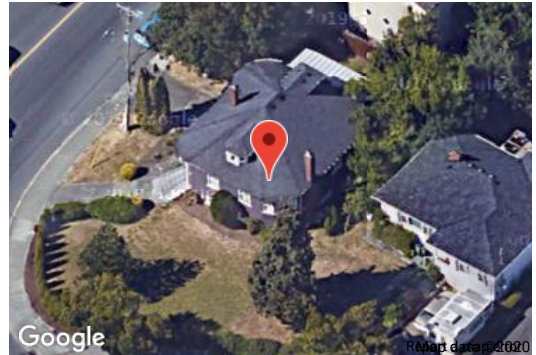
#### Matching 3rd Party Sources



Basement kitchen and main living area are identical to the listing.



## Rental Unit Information



#### Identified Address

4 Gorge Road East, Victoria, BC, Canada

#### Identified Unit Number

None

#### Identified Latitude, Longitude

48.444118, -123.389948

#### Parcel Number

0123411757089

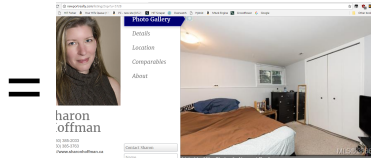
#### Owner Address

4 Gorge Rd E, Victoria  
Victoria, BC V9A 1K8, CA

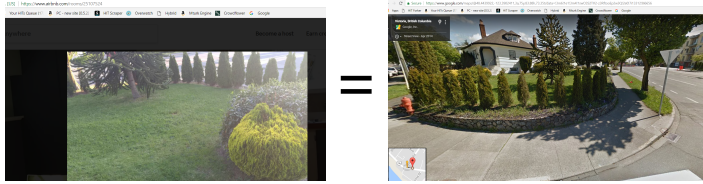
#### Timeline of Activity

View the series of events and documentation pertaining to this property

- 1 Documented Stay  
January, 2020
- 2 Documented Stays  
December, 2019
- 3 Documented Stays



Bedroom is identical including the right side closet door, outlet and window placement.



Front yard landscaping is identical to the listing.

**Owner Name Match**

**Listing Details**

Listing URL	— <a href="https://www.airbnb.com/rooms/25107524">https://www.airbnb.com/rooms/25107524</a>
Listing Status	● Active
Host Compliance Listing ID	— air25107524
Listing Title	— Spacious & private 1 Bedroom Suite
Property type	— Guest suite
Room type	— Entire home/apt
Listing Info Last Captured	— Oct 13, 2020
Screenshot Last Captured	— Oct 13, 2020
Price	— \$57/night
Cleaning Fee	— \$19

**Information Provided on Listing**

Contact Name	— Kirsten
Latitude, Longitude	— 48.443890, -123.389389
Minimum Stay (# of Nights)	— 31 *2 night minimum prior to rejection
Max Sleeping Capacity (# of People)	— 3
Max Number of People per Bedroom	— 3.0
Number of Reviews	— 46
Last Documented Stay	— 01/2020

Listing Screenshot History

View Latest Listing Screenshot

September, 2019

3 Documented Stays  
August, 2019

6 Documented Stays  
July, 2019

9 Documented Stays  
June, 2019

4 Documented Stays  
May, 2019

1 Documented Stay  
January, 2019

● Listing air25107524 Reposted  
January 1st, 2019

✗ Listing air25107524 Removed  
December 12th, 2018

2 Documented Stays  
September, 2018

7 Documented Stays  
August, 2018

✓ Listing air25107524 Identified  
July 16th, 2018

2 Documented Stays  
July, 2018

✳ Listing air25107524 First Crawled  
June 29th, 2018

6 Documented Stays  
June, 2018

● Listing air25107524 First Activity  
June 3rd, 2018

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August 7

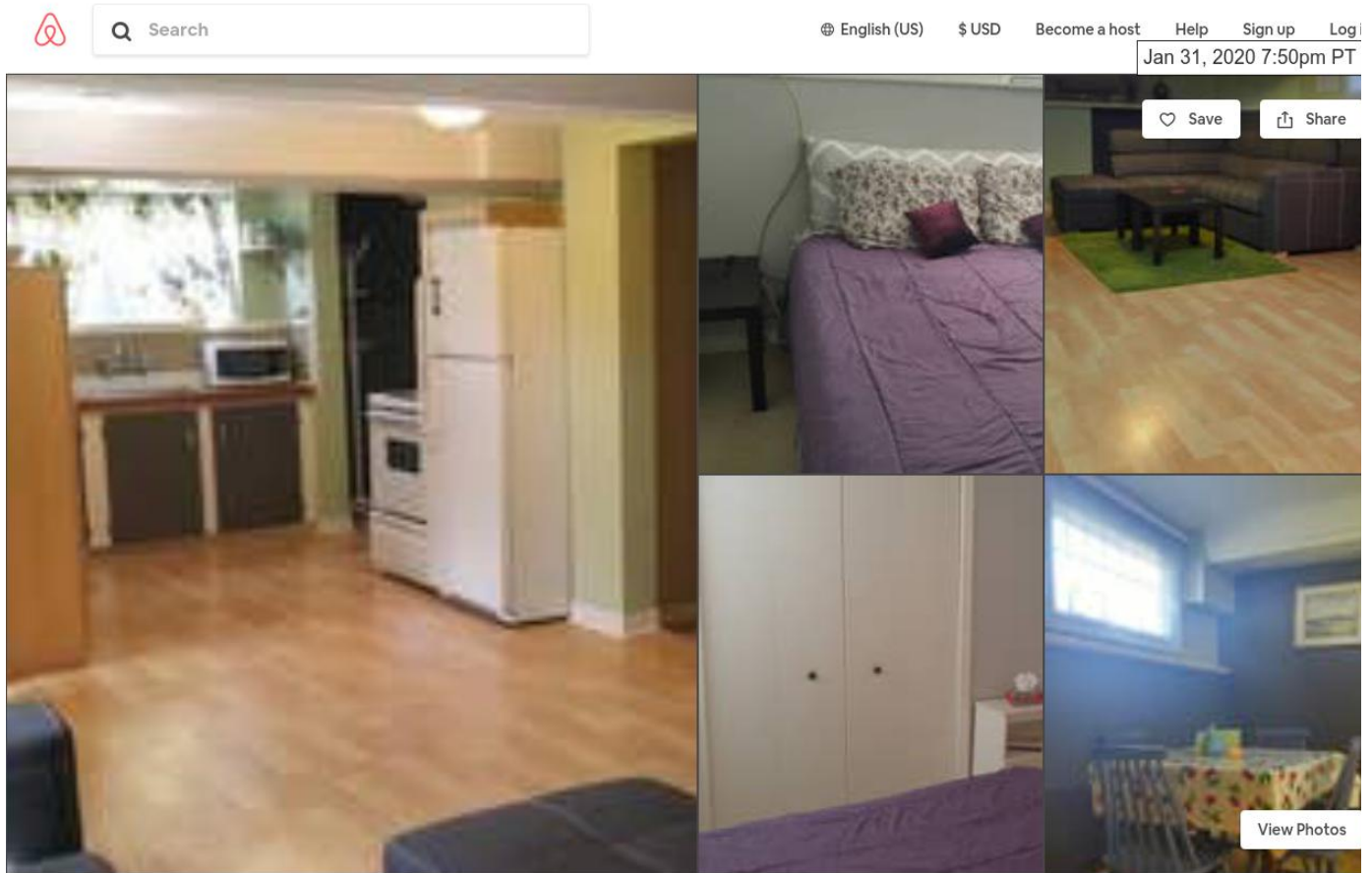
September 7

October 4

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January 31, 2020 - 08:50PM America/Vancouver

Screenshot printed at: 7/3/2020 3:40:56 PM



## Spacious & private 1 Bedroom Suite

Victoria



Kirsten

4 guests 1 bedroom 1 bed 1 bath

- Entire home**  
You'll have the guest suite to yourself.
- Sparkling clean**  
17 recent guests said this place was sparkling clean.
- Kirsten is a Superhost**  
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.
- Great location**  
95% of recent guests gave the location a 5-star rating.

\$57 per night

★ 4.85 (46 reviews)

Dates

02/02/2020 → Checkout

Guests

1 guest

Reserve

You won't be charged yet

Report this listing

Clean, spacious and private suite on the lower level of a unique Art Deco heritage home. Your own ground-level entrance leads to an open plan kitchen/living room, with a separate bedroom and full bathroom. Great location near the scenic Gorge waterway, close to Tillicum Mall and Uptown Mall for all your shopping needs. Whether you drive or catch the #11 bus it is only 10 minutes to Downtown Victoria and the beautiful Harbour.

City of Victoria Business License 00036317

### The space

A private entrance into a large, bright suite on the basement level of a two story Art Deco heritage home. This is a clean, creative and colorful space for the traveller who prefers a homey feel, not high end luxury. :) The kitchen features a full-size stove, fridge and small appliances if you wish to prepare simple meals. Big comfy sectional sofa faces a Flat screen TV with full cable package. Dedicated high speed WiFi and a desk area for your laptop. Separate bedroom with a large closet. The bathroom has a tub with a shower. Windows looking onto the gardens open for fresh air.

the gardens open for fresh air.

NOTE: for guests over 6' tall - the ceilings are 6' 10" with bulkheads in the living/dining area.

**Guest access**

Windows face the greenery of the surrounding yard, with cedar trees and a unique Monkey Puzzle Tree. The house is on a corner with an intersection. You may hear traffic noise from the living room. The bedroom & bathroom are at the back and very quiet.

**Other things to note**

Please note there is an additional fee of \$25 pp for a 3rd or 4th guest whether that is an adult or child due to the extra bedding, towels, showers, etc.

[Hide](#) ^

**Contact host**



**Amenities**

**Basic**

**Wifi**

Continuous access in the listing

**TV**

**Cable TV**

**Laptop-friendly workspace**

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

**Iron**

**Essentials**

Towels, bed sheets, soap, and toilet paper

**Heating**

Central heating or a heater in the listing

**Hot water**

**Facilities**

Free parking on premises

**Single level home**

No stairs in home

Free street parking

**Dining**

**Kitchen**

Space where guests can cook their own meals

**Coffee maker**

**Cooking basics**

Pots and pans, oil, salt and pepper



Flour and pans, oil, salt and pepper

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Dishes and silverware

---

Microwave

---

Refrigerator

---

Oven

---

Stove

**Guest access**

Host greets you

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Private entrance

Separate street or building entrance

**Logistics**

Luggage dropoff allowed

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

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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**

Garden or backyard

**Safety features**

Fire extinguisher

---

Carbon monoxide alarm

---

Smoke alarm

---

First aid kit


**Not included**

Air conditioning

---

Washer

**Sleeping arrangements**



**Bedroom 1**  
1 queen bed

**Availability**

This host offers 5% off if you stay a week and a 15% monthly discount.

←

**February 2020**

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

**March 2020**

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

→

2 night minimum stay

[Clear dates](#)

**Reviews**

★ **4.85** | **46** reviews

Communication <span style="float: right;">5.0</span>	Accuracy <span style="float: right;">5.0</span>
Check-in <span style="float: right;">5.0</span>	Cleanliness <span style="float: right;">4.9</span>
Location <span style="float: right;">4.9</span>	Value <span style="float: right;">4.9</span>



**Mukul**  
August 2019

Great stay!



**Doris**  
July 2019

A very good experience.




**Response from Kirsten:**  
thank you! happy travels.  
July 2019



**Alyssa**  
July 2019

Kirsten's place was very spacious and clean. Lots of thoughtful touches. It's a very short drive (5-7 min) from downtown Victoria, so it's very convenient to get around. There's also ample parking on the street. Kirsten was very responsive and flexible with our check in time. We...[Read more](#)



**Response from Kirsten:**  
thanks so much! glad you enjoyed your stay :)  
July 2019



**Karen**  
July 2019

We loved staying at this basement suite. It is so large and clean. And since we came during Canada Day, Kirsten gave us a very special holiday- celebration gift basket. That was fun! We highly recommend this home for visiting Victoria.



**Nathaniel**

 June 2019

Outstanding hospitality! Kirsten and Ian are very thoughtful hosts, and the suite is outstanding.

 **Pamela**  
June 2019

We had a lovely stay. The flat is conveniently located along a bus line into downtown Victoria, but we also walked the nearby trail to town a couple of times. The hosts were quick to communicate and thoughtful. The place was very clean, spacious and had everything we needed. One...[Read more](#)



**Response from Kirsten:**  
Thank you so much!! So glad you had a great trip.

June 2019

 **Kate**  
June 2019 **LAST MINUTE TRIP**

Stayed in Victoria for 3 days and everything was so close by. Had an amazing time! Kirsten was wonderful and the place was as expected! Would definitely stay again :)


1 2 3 ... 7 >

### Hosted by Kirsten



Victoria, Canada · Joined in March 2017

★ 46 Reviews  Verified

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

My spouse and I are professionals in the entertainment industry and have worked across Canada. He is an award-winning author, theatre director and TV producer. I am an actress, comedienne and theatre creator. (If you are looking for entertainment options on your visit, we can...[Read more](#)

#### Interaction with guests

We are happy to give tourist tips! My spouse and I live upstairs and are readily available if you need anything. Otherwise we are quiet (no kids or pets) and will respect your privacy.

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](#)

#### About this place

When you stay in an Airbnb, you're staying at someone's place.

This is Kirsten's place.



Ian helps host.



### The neighborhood

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

Quiet safe residential family-friendly neighbourhood with shops, pubs and restaurants nearby. Close to Tillicum Mall (movie cinema, gym, groceries, shops) and Uptown Mall (Walmart, Best Buy and more) for all your shopping needs.

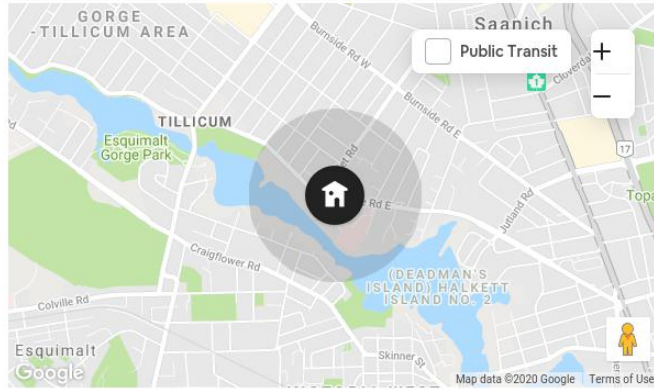
Enjoy a quiet nature walk along the beautiful Gorge Waterway to Gorge Park. Rent a kayak and get on the water, or rent a bike and discover the popular Galloping Goose bike Trail. Our home guide has all the details and lots of tourist brochures to make the most of your visit!

**Getting around**

Park in our driveway. Bus Stop for Transit Routes #8, #11, #26. (#11 Bus is direct to downtown/harbour in 10 minutes. ) YYJ Airport Shuttle has a drop off/pickup service to nearby Travelodge Inn.

[Hide ^](#)

**Show guidebook**



Exact location information is provided after a booking is confirmed.

**Things to keep in mind**

Check-in: 4:00 PM - 10:00 PM

Checkout: 10:00 AM

**House Rules**

- Not suitable for infants (under 2 years)
- No smoking
- No pets
- No parties or events

**You must also acknowledge**

Security deposit - if you damage the home, you may be charged up to \$378

**Additional rules**

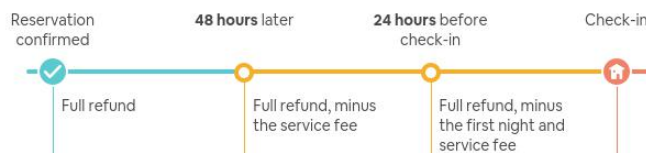
No smoking of nicotine or cannabis on the property.

[Hide rules ^](#)

**Cancellations**

**Free cancellation for 48 hours**

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.

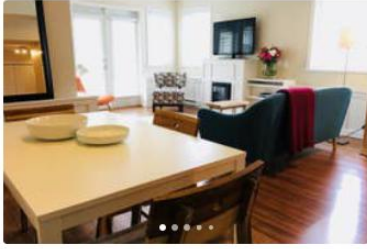


[Get full details](#)

[Hide policies ^](#)

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More homes you may like



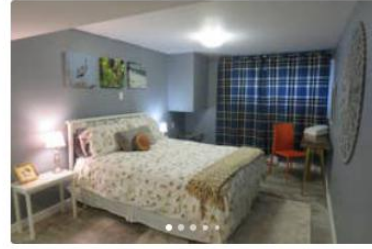
Entire guest suite · 2 beds  
Beautiful Suite in Oaklands  
\$57 / night

★4.97 (145)



Entire guest suite · 1 bed  
New, Private Suite in Victoria's Hippest Area  
\$67 / night

★4.92 (139)



Private room · 1 bed  
Lugrin Place Suite  
\$60 / night

★4.88 (113)

Things to do near this home



DINNER PARTY  
Plant Based Cookin' Class & Dinner Party  
From \$46/person · Food, Drinks included  
5.0★ (10)



PHOTO WALK  
Photoshoot in Downtown Victoria  
From \$53/person · Equipment included  
5.0★ (30)



BIKE RIDE  
VeloGuide's Discover Victoria Tour  
From \$78/person · Food, Drinks included  
5.0★ (13)



DESSERT TASTING  
Sinfully Delicious Chocolate & Churches  
From \$43/person · Food included  
5.0★ (4)

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Coeur d'Alene



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Remember to  
LOCK  
the door



February 2, 2020 2:28 PM




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OUR GUEST

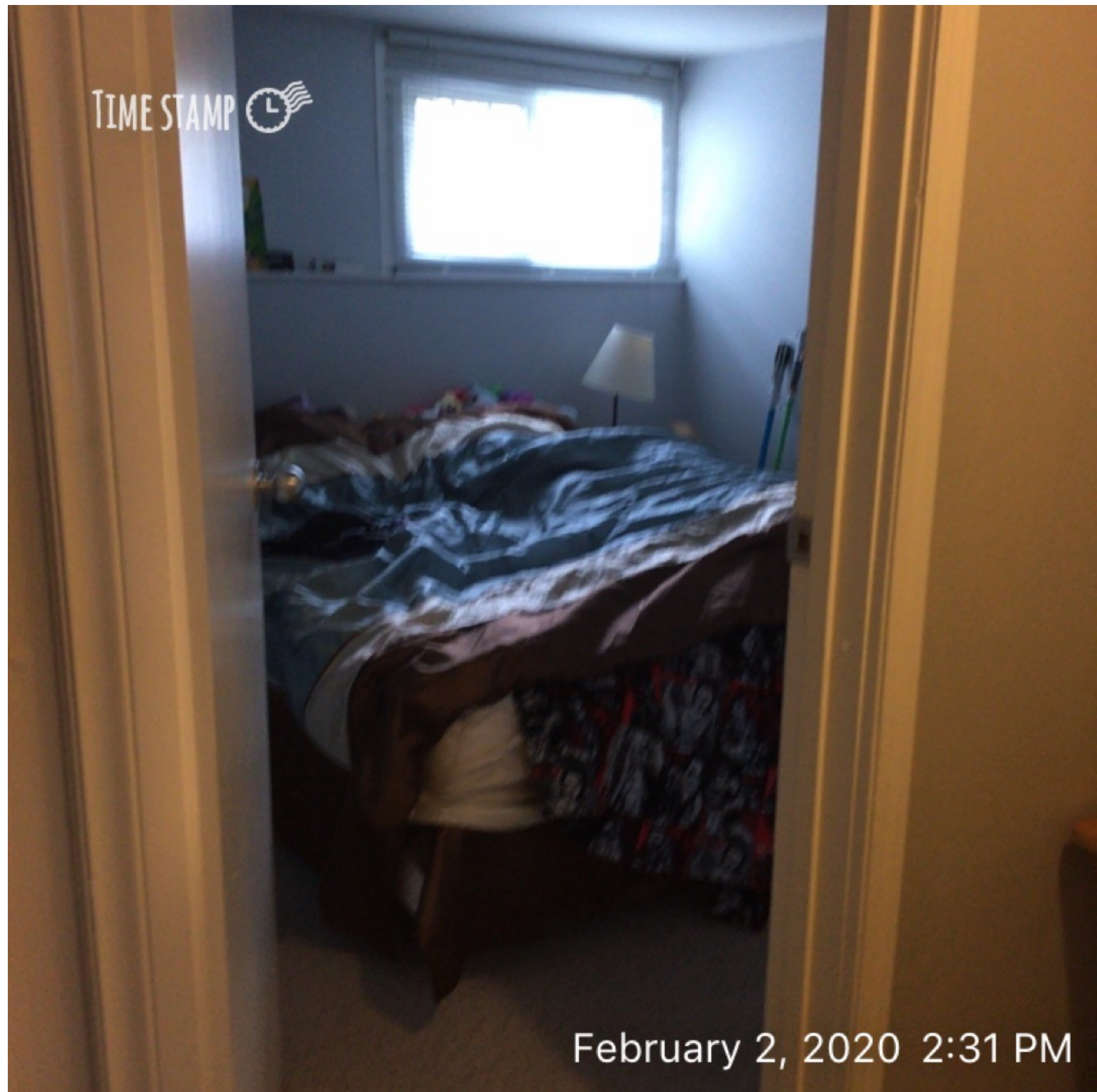
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