

Business Licence (Short-term Rental) Appeal re 2605 Belmont Avenue

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 Celine Stubel for the operation of a short-term rental at 2605 Belmont Avenue.
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 2605 Belmont Avenue. The property is zoned R1-B (single family dwelling). Short-term rentals are not a permitted use under this zone.
8. The tenant of the property has created a self-contained unit in the basement. [See attached Airbnb property listing]
9. The basement unit consists of a living room/bedroom, with a food preparation area (kitchenette), and a separate bathroom with in-suite laundry. It has a separate entrance from outside.
10. According to Airbnb listing the kitchenette includes a small fridge, microwave and a coffee maker.
11. The appellant has rented the entire basement unit as a short-term rental since at least November 2016. Since 2017, the appellant had accepted over 185 short-term rental bookings,

with stays as short as 1 day. 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 a 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. As the unit was clearly advertised as a self-contained dwelling unit, no inspection of the suite was conducted due to the COVID-19 pandemic, as inspections were halted indefinitely.
14. On March 4, 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." A kitchen is not defined in the bylaw. However, the Oxford English Dictionary defines "kitchen" as "a room where food is prepared and cooked".

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 2605 Belmont Avenue, the premises that are rented as a short-term rental are not part of her principal residence, because the basement unit is being offered and advertised as an independent self-contained dwelling unit. The appellant advertises the unit as a self-contained guest suite on Airbnb. [Matched Airbnb Property Listing Attached]
19. It is clear that the basement unit at 2605 Belmont Avenue is being offered as a self-contained dwelling unit: it has its own entrance from outside, a kitchenette with space to prepare and cook food (i.e., “kitchen”), and separate bathroom – it meets the requirements of the definition of “self-contained dwelling unit” in the *Zoning Regulation Bylaw*.
20. The appellant appears to rely on the absence of a full kitchen; however, the unit has been prepared to operate independently as a self-contained suite, and not as two bedrooms in her principal dwelling unit, as required by Schedule D of the *Zoning Regulation Bylaw*.
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 2605 Belmont Avenue 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.
24. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 2605 Belmont Avenue upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: November 23, 2020



Shannon Perkins, Manager of
Bylaw Services

Rental Unit Record

2605 Belmont Ave, Victoria, BC V8R 4A7, Canada

Active ●
Identified ✓
Compliant X

 PRINT

Listing(s) Information

Airbnb - 15634316

Airbnb - 15890991



✓ Matched Details

Analyst 9TIP

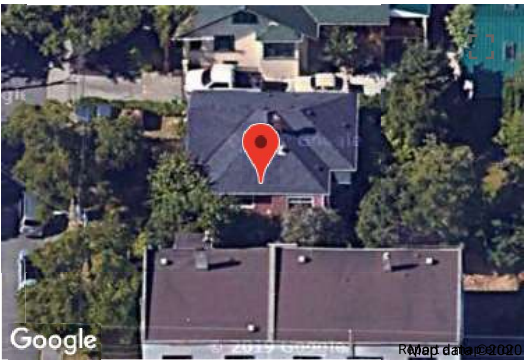
Explanation
confirmed with application

 Owner Name Match

Listing Details

Listing URL	— https://www.airbnb.com/rooms/15634316
Listing Status	● Active
Host Compliance Listing ID	— air15634316
Listing Title	— Sweet Suite in Funky Fernwood
Property type	— House

Rental Unit Information



Identified Address

2605 Belmont Ave, Victoria, BC V8R 4A7, Canada

Identified Unit Number

None

Identified Latitude, Longitude

48.436461, -123.339501

Parcel Number




0123408550018

Owner Address

2605 Belmont Ave, Victoria
Victoria, BC V8R 4A7, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

-  1 Documented Stay
March, 2020
-  2 Documented Stays
February, 2020
-  5 Documented Stays

Room type	— Entire Home
Listing Info Last Captured	— Sep 15, 2020
Screenshot Last Captured	— Sep 15, 2020
Price	— \$68/night
Cleaning Fee	— \$11

Information Provided on Listing

Contact Name	— Celine
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2.0
Number of Reviews	— 185
Last Documented Stay	— 03/2020

Listing Screenshot History


 View Latest Listing Screenshot


July 8


August 7


September 4

December, 2019


 6 Documented Stays
November, 2019

 1 Documented Stay
October, 2019


 13 Documented Stays
September, 2019


 6 Documented Stays
August, 2019


 11 Documented Stays
July, 2019


 5 Documented Stays
June, 2019


 4 Documented Stays
May, 2019


 12 Documented Stays
April, 2019


 8 Documented Stays
March, 2019


 9 Documented Stays
February, 2019


 Listing air15890991 Removed
January 28th, 2019


 1 Documented Stay
January, 2019

 3 Documented Stays
December, 2018


 3 Documented Stays
November, 2018


 2 Documented Stays
October, 2018


 5 Documented Stays
September, 2018


 9 Documented Stays
August, 2018

 13 Documented Stays
July, 2018

 Listing air15634316 Reposted
July 28th, 2018

 Listing air15634316 Removed
July 24th, 2018


 Listing air15890991 Identified
July 20th, 2018

 Listing air15890991 Reposted
July 4th, 2018
















 7 Documented Stays
June, 2018

 3 Documented Stays
May, 2018

 2 Documented Stays
April, 2018

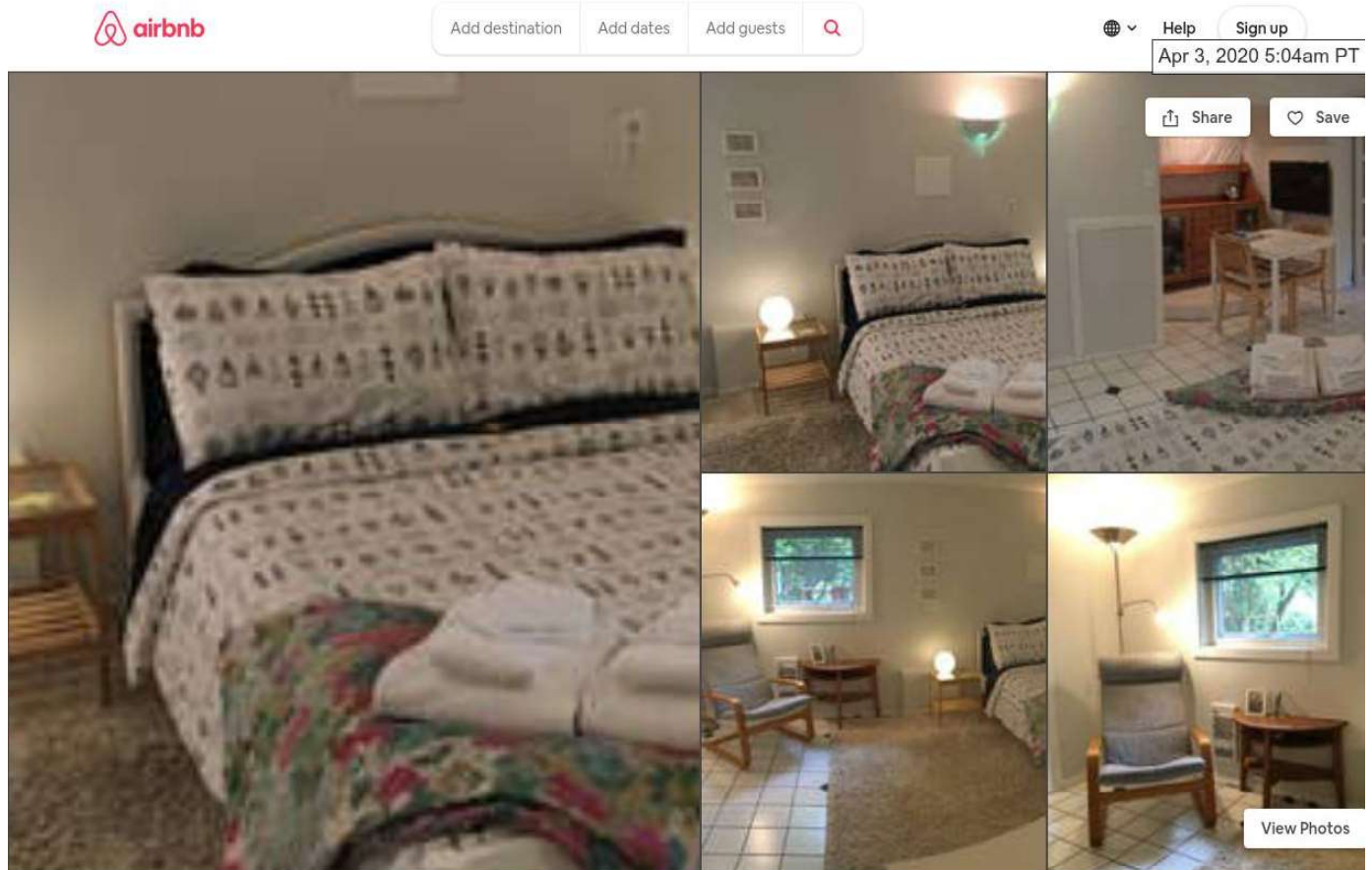
 Listing air15890991 Removed

April 25th, 2018

 1 Documented Stay
March, 2018 2 Documented Stays
November, 2017 3 Documented Stays
October, 2017 5 Documented Stays
September, 2017 7 Documented Stays
August, 2017 11 Documented Stays
July, 2017 5 Documented Stays
June, 2017 2 Documented Stays
May, 2017 5 Documented Stays
April, 2017 6 Documented Stays
March, 2017 5 Documented Stays
February, 2017 2 Documented Stays
January, 2017 Listing air15634316 First Crawled
November 13th, 2016 Listing air15890991 First Crawled
November 13th, 2016 Listing air15890991 First Activity
November 13th, 2016 Listing air15634316 First Activity
November 9th, 2016

April 03, 2020 - 05:04AM America/Vancouver

Screenshot printed at: 6/25/2020 3:13:52 PM



Sweet Suite in Funky Fernwood

Jubilee, Victoria, British Columbia



Celine

3 guests Studio 1 bed 1 bath

Entire home

You'll have the house to yourself.

Sparkling clean

12 recent guests said this place was sparkling clean.

Great check-in experience

95% of recent guests gave the check-in process a 5-star rating.

Great communication

95% of recent guests rated Celine 5-star in communication.

★ 4.75 (185 reviews)

Dates

4/4/2020 → Checkout

Guests

1 guest

You won't be charged yet

[Report this listing](#)

Your space is a private suite in the basement of our home. You'll have your own private entrance, your own bathroom and a few kitchen essentials, but no kitchen. Our home is close to public transit and parks, and steps away from a coffee shop and local general store. You'll love my place because it's cozy, and very clean. My place is good for couples and solo adventurers.

The space

This is a private suite in our basement, and we live upstairs. Your suite is beautifully clean, with fresh linens and everything you need to feel comfortable.

[Hide](#)[Contact host](#)

Amenities

Basic

Wifi
Continuous access in the listing

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

Facilities

Free street parking

Dining

Coffee maker

Dishes and silverware

Microwave

Refrigerator

Guest access

Private entrance
Separate street or building entrance

Bed and bath

Hangers

Hair dryer

Shampoo

Outdoor

Garden or backyard

Safety features

Carbon monoxide alarm

Smoke alarm

Not included

Kitchen

Air conditioning

TV

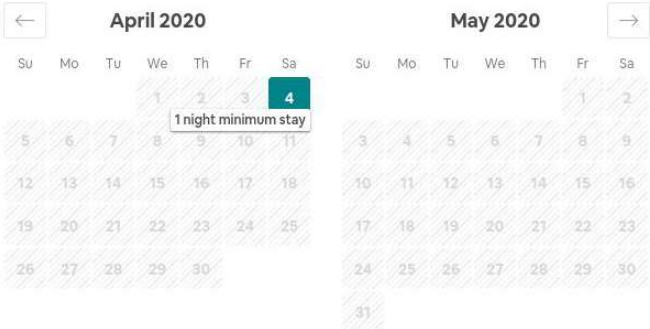
Sleeping arrangements



Common spaces
1 double bed

Availability

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



[Clear dates](#)

Reviews

★ 4.75 | 185 reviews

Search reviews 🔍

Check-in	4.9	Cleanliness	4.9
Communication	4.9	Accuracy	4.9
Location	4.8	Value	4.7

Omar
March 2020

clean family place - close to coffee place , easy access to downtown via 13min bus

Mark
February 2020

Clean stay and great place for my girlfriend and I.

Laurent
September 2019

Great place, super clean, wonderful friendly host. Bring earplugs, this is an older home and quite a bit of noise/vibration transfers through to this basement suite.

Laurent
September 2019

Great spot, many thoughtful touches, friendly host, I'm staying again in 4 days if that tells you anything!



Neeven
September 2019

Clean, efficient place if you are just looking for a place to hang your (Email hidden by Airbnb) fy bed. The only thing to note is that there are very low ceilings. My partner who is 6'6 couldn't stand up very comfortable in most of it and had to hunch down in the shower.



Matt & Melissa
July 2019

Great location close to public transit, private, clean, and has everything a solo traveler or couple would need. Please note that this lower floor apartment is right below the main living space for the family above; the sound traveled between floors more than we anticipated, but...[Read more](#)



William
June 2019

Celine's place was clean, comfortable and convenient. Easy check in. Host was a good communicator I will book this again. Easy walk to local market and coffee. Mall and "downtown Fernwood" are within range too. Access to washer/dryer was a plus.

1 2 3 ... 27 >

Hosted by Celine

Victoria, Canada · Joined in September 2013



★ 331 Reviews · Verified

I'm an actress based in Victoria and I travel often with my work. It is my sincere pleasure to share my home with travellers through Air BnB. I love the sense of community and sharing it fosters.

Languages: English

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](#)

Things to keep in mind

Check-in: After 3:00 PM

Checkout: 11:00 AM

House Rules

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 \$141

[Hide rules](#) ^

Cancellations



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Deluxe Suite with Terrace
\$172 / night



Hotel room · 1 bed
Persia Suite at the Villa Marco Polo Inn
\$162 / night



Hotel room · 1 bed
Zanzibar Suite at the Villa Marco Polo Inn
\$162 / night

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