

[REDACTED]
95 Wellington Avenue
Victoria, B. C.

March 10, 2020

**Attention: Kim Ferris
BYLAW OFFICER/BUSINESS LICENCED INSPECTOR
Legislative & Regulatory Services Department
City of Victoria
#1 Centennial Square
Victoria, B. C., V8W 1P6**

VIA HAND DELIVERY

Dear Mesdames/Sirs:

Re: [REDACTED] and 95 Wellington Avenue, Victoria, B. C.

Please accept this letter as my formal appeal of the denial of a license for operating a short term rental of the attic guest bedroom, in my family home, which I rents through AirBnB. I have successfully been approved for a license to operate the short term rental for the last two years. Now, I am being denied that licence and the reason for the denial appears to be that I am not in compliance.

I am hopeful that that the Council will exercise their discretion and grant this business license to me. In support of my appeal, I enclose for your reference:

1. The floor plan for the subject property;
2. A letter of support from [REDACTED] my immediate neighbour;
3. A letter of support from [REDACTED] also neighbours; and
4. A letter of support from [REDACTED]

My understanding is that the attic guest bedroom, which has been rented through Airbnb, has been deemed a "self-contained dwelling unit" by the bylaw enforcement officer. With all due respect, I disagree with that determination.

Please be advised of the following:

1. There are no cooking appliances or wiring for any cooking appliances in the attic or the attic bedroom;
2. There is no fire separation between the attic and the rest of the home;
3. There is no exhaust ventilation for a stove or range of any kind in the attic;
4. The attic space is connected to and forms part of the rest of the home;

5. The attic space and bedroom is occupied by me and my family for much of the year and are used by my family and guests and also is used as storage of various personal items.

I hope that a review of this decision will result in the granting of a short term rental licence to me. If it does not, please provide specifics on how I can make modifications to the attic and/or the attic bedroom so that a licence will be approved.

I trust you find the foregoing to be in order. If you have any questions or concerns with respect to this appeal please do not hesitate to contact me

Yours truly,

[REDACTED]
[REDACTED]
[REDACTED]

To Whom it May Concern:

We are writing in support of [REDACTED] appeal regarding their longstanding and previously permitted Airbnb guest rooms located at 95 Wellington Avenue. We live next door.

We have been neighbours with [REDACTED] [REDACTED] five years. Their guest bedrooms have given us no cause for concern. On the contrary, lacking guest space ourselves, we encourage out of town family and friends planning a visit to book there.

We are concerned that if the annual license is not granted as before, the space will sit empty, depriving all levels of government, local businesses, and this family, the funds generated. We are especially concerned that in its decision to deny this license the City will be adding to Victoria's housing affordability crisis by making ownership unsustainable for this young family, whom we do not want to lose as neighbours. For one, they've invested heavily in restoring their property from an eyesore to a stately home consistent with its rich history.

Of equal concern is the possibility that the [REDACTED] or whomever they are forced to sell to, will rent the space by the month to circumnavigate the need for this license. While perfect for short stays, the space in question is ill-suited as a permanent residence that affords an individual to live long-term with comfort, dignity, and comfort. There is, for example, no wiring for a stove or for laundry, and the room is directly connected to the main residence through an internal (non-fireproof) door. This is not the answer to Victoria's housing shortage.

Please reconsider their application and approve it as you have in the past. We assume the City's increased scrutiny is motivated by ideals we all share, such as wanting Victoria to have a robust stock of long-term housing, with a substantial portion of that being affordable; however, denying this family's application will not aid in these goals, and may in fact work against them.

Kind regards,

[REDACTED]

To Whom It May Concern:

I am writing in support of my neighbours, [REDACTED] at 95 Wellington Ave.

[REDACTED] have rented their two spare guest bedrooms via Airbnb for a few years now. I can't say enough how incredibly professional they manage their guests and have been completely upfront with us neighbours since Day 1.

I've witnessed first-hand how they've used the funds generated to transform an older, rundown heritage-era house into a beautiful home that increases the charm of this wonderful neighbourhood. Never once have I had an issue with any of their many guests. In fact they've all been completely respectful and have commented to me in passing how much they have enjoyed the opportunity to stay in a neighbourhood they never would have looked at previously.

Their two guest bedrooms are wonderful, however certainly not able to accommodate longer term tenants from what I've seen. It seems very strange to me that taking away the ability of [REDACTED] to offset the cost of ownership and renovating an old house could have some kind of impact on the city's housing stock – isn't that the intent of the short term rental bylaw? In addition, as someone with many contacts in the local restaurant industry, I can confidently say that the businesses in Cook Street Village, and their many employees appreciate the guests which [REDACTED] have sent their way.

Once again, I'd simply like to offer my support for their appeal. I have not witnessed any negative impact this couple's side-business has caused, and in fact have witnessed how incredibly helpful the extra income has been for them to contribute to our community as a whole.

[REDACTED]

[REDACTED]

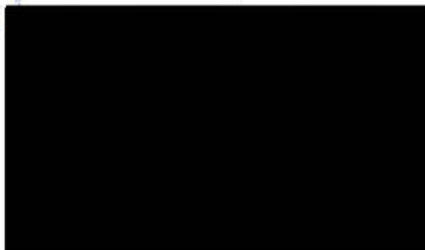
To Whom It May Concern:

I run a small cleaning service here in Victoria and the surrounding communities. I have been cleaning [REDACTED] guest bedrooms and common shared areas for a few years now and am deeply concerned at this sudden turn of events.

Naturally, I'm concerned that if this type of seemingly arbitrary shut down of their short term rental continues, I fear not only for their business but also for mine. We work for several clients, many of whom run short term rentals out of their otherwise empty spaces. If more are arbitrarily shut down, as appears to be the case here, I will have no choice but to begin laying off staff and potentially going out of business.

[REDACTED] have been operating one of the most professional short term rentals I've seen. They work from home, and as such are there to help guests whenever needed. Their guest bedrooms are clean, well-maintained, and safe. They clearly take a lot of pride in their ability to showcase Victoria, and more specifically the Fairfield & Cook Street Village neighbourhoods. Their guest bedrooms are exactly that – they are not in any way otherwise liveable/rentable 'suites.' They are unique and lend themselves perfectly to being able to rent out on a short term basis while giving them the flexibility to use the space personally as well when they choose to.

In conclusion – while I applaud the city's initiative to help make life more affordable for those of us who call Victoria home, I fail to see how shutting down this short term rental, threatening both [REDACTED] livelihood as well as potentially putting myself and my employees out of work achieves this.



Victoria's Vacation Services

[REDACTED]

Victoria BC V8Z 7B7

[REDACTED]

[REDACTED]

95 Wellington, Victoria BC

Invoice Date: Dec 16 till Jan 1, 2020

Dec 17.....Attic.....50.00

Dec 29.....Both.....50.00

* **Dec 31.....Common Areas...3.15 hrs @ 30.....94.50**

Jan 1.....Attic.....50.00

Total.....244.50

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95 Wellington

Invoice number 204

Aug 16 till Sept 1, 2019

Aug 16.....2nd floor.....50.00

Aug 17.....	Both.....	100.00
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Aug 18	2 nd floor.....	50.00
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Aug 21.....	both.....	100.00
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Aug 24.....	Both	100.00
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Aug 27.....	Both	100.00
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Aug 30.....both.....100.00

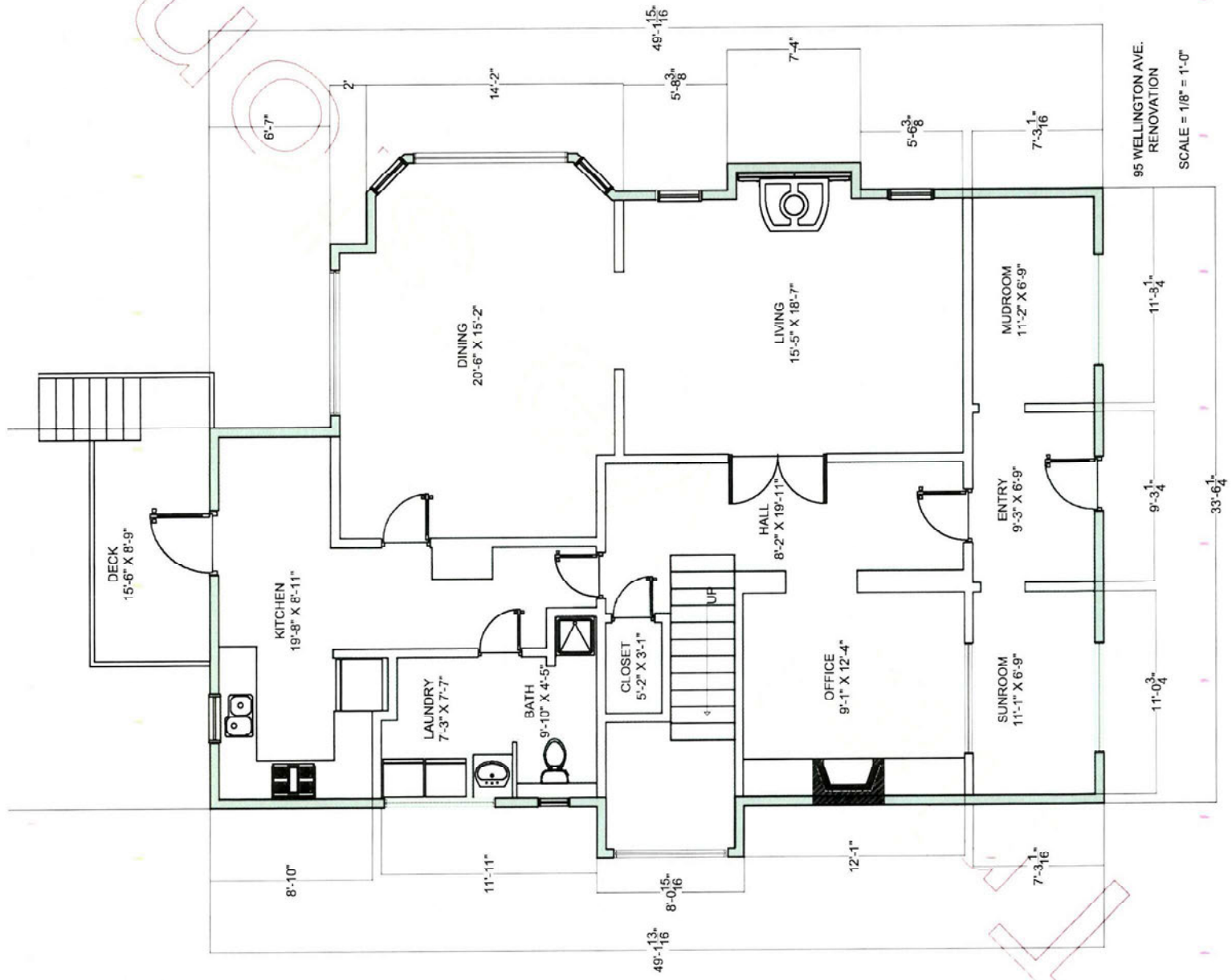
~~X~~ Aug 30....Common Areas.....1030 till 3pm.....4 hrs 15 mins@ 30.00....124.50

Total.....724.50

114

Victoria BC

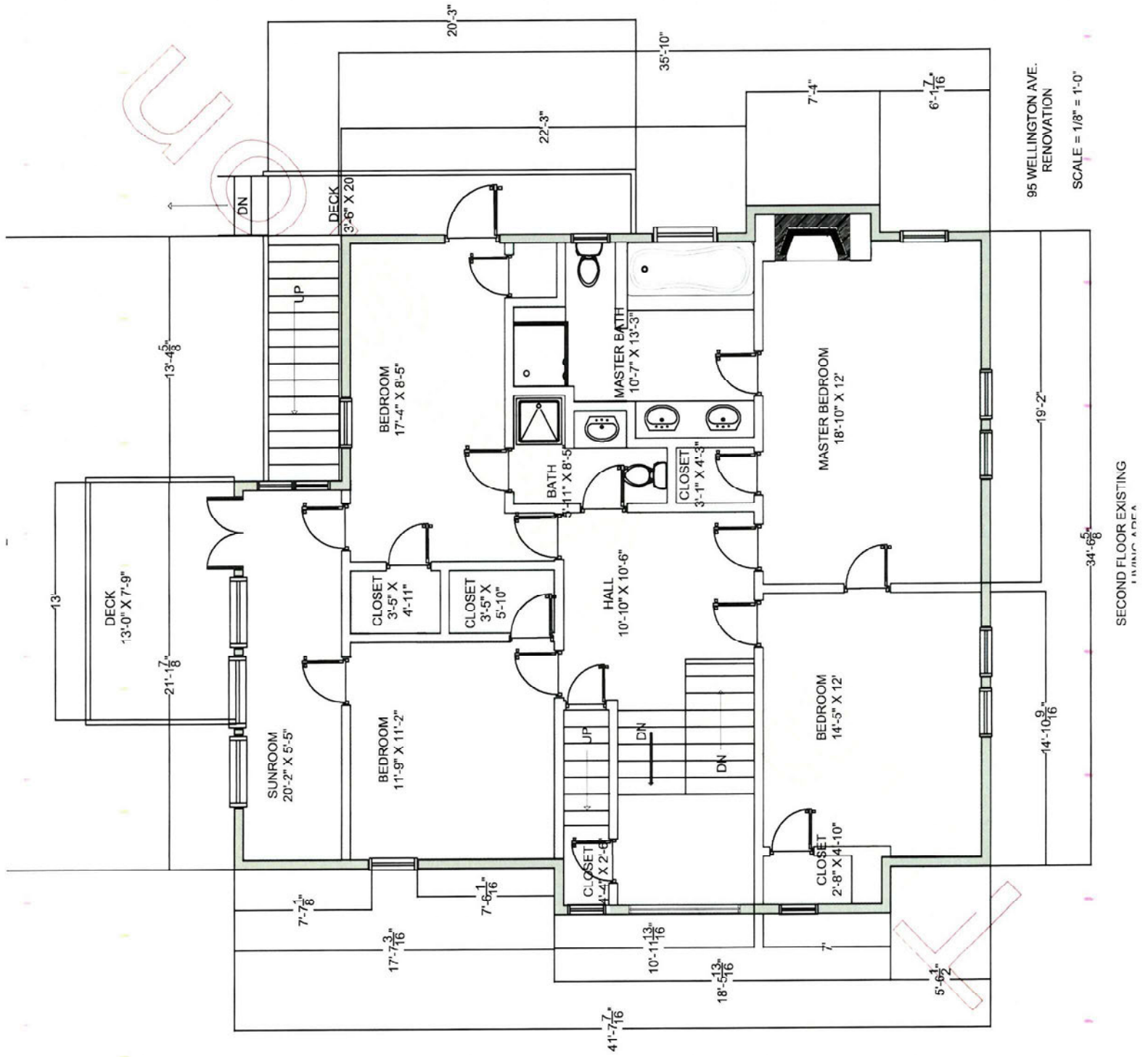
Main Floor



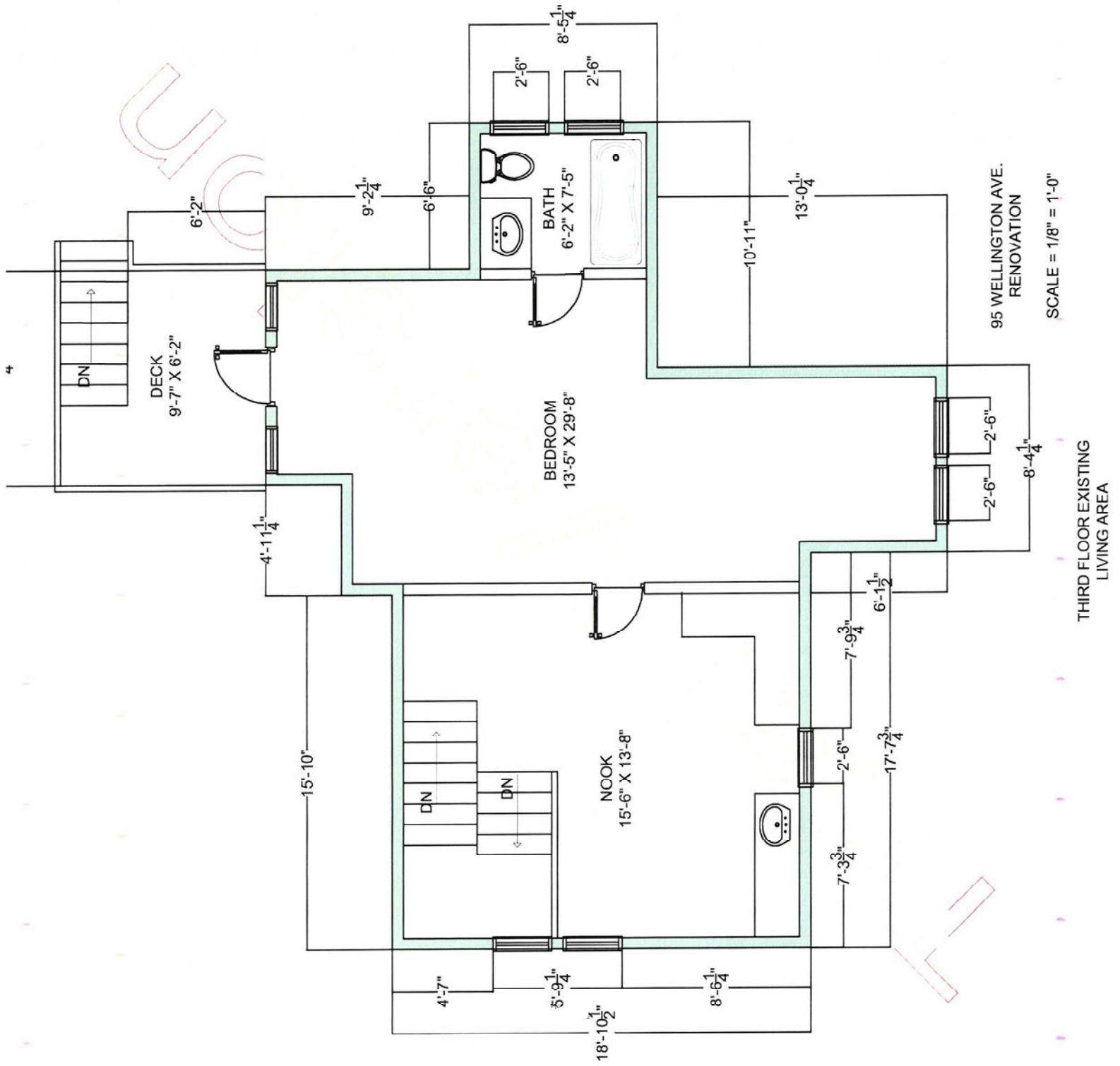
95 WELLINGTON AVE.
RENOVATION
SCALE = 1/8" = 1'-0"

FIRST FLOOR EXISTING

2nd Floor



Attic Guest Room



Christine Havelka

Subject: FW: STR appeal, 95 Wellington

From: [REDACTED] <[REDACTED]>
Sent: July 26, 2020 9:24 PM
To: Christine Havelka <chavelka@victoria.ca>
Cc: [REDACTED] Legislative Services email <LegislativeServices@victoria.ca>
Subject: Re: STR appeal, 95 Wellington

Hi there,

Given the COVID situation I'm not sure if this is the best place to be emailing in regards to our appeal? I hope this message finds the appropriate person.

On July 24th I received an update to our appeal for our STR license at 95 Wellington Ave. I'd like to respond to Bylaw Officer Ferris' comments here:

1) Yes on Feb 10th 2020 our home, including our guest bedrooms which we were renting on AirBnB were inspected. It's confusing from the photos taken, however I can assure that:

a) There are no "kitchens" - There is clearly, as evidenced by the photos Bylaw Officer Ferris included in her response, are no cooking facilities. Unless somehow a microwave and coffee maker somehow tips the scales in that regard. If that is the case, we can simply remove them - and would appreciate such direction.

b) Yes, what we refer to as a 'kitchenette' in the attic - i.e. mini-fridge, microwave, coffee-maker (as is standard in ALL hotel rooms) was undergoing a renovation at the time of inspection. This was because we need the rental income to afford our home, and our now 3 year old son has of course gotten more 'rambunctious' to say the least. The improvements made were to the floor to improve sound proofing. In addition to this, you can access the attic from the INSIDE of our home. Clearly this is not private. We simply just don't use that door when guests are renting, as they (and we) prefer they use the exterior door. Wouldn't you?

c) The room we rented on the 2nd floor of our home did NOT have a separate bathroom. There are two doors, to it, commonly known as a "Jack and Jill" style. When the room was rented, we simply closed off one of the doors. You can refer to your records from the Building Departments as we took out a permit (as we have done with every little thing in this home) to create that bathroom which clearly show this arrangement. This means the bathroom and guest bedroom are very clearly still connected to the house (not to mention the actual bedroom door!).

In addition this room also had a microwave/mini fridge/coffee maker. Which you can put in literally any room with a 110 volt plug - I don't see how that makes it a fully functioning kitchen.

2) Bylaw Officer Ferris took the time to highlight every part of our listing where we referred to our guest bedrooms as "Suites". I can assure you that is simply marketing verbiage. Guests are far more likely to book something referred to as a 'suite' as opposed to a bedroom. Just as many hotels offer 'suites' that are just rooms, not full functioning apartments. I'm sure if I referred to our guest bedrooms as a 'duplex' they wouldn't suddenly be considered as such, would they?

In conclusion these are bedrooms we use for friends and family, and rent via airbnb when not otherwise in full use as a way to afford a home in this high-cost of living city. And because we already have a legal secondary suite (of which the

airbnb funds helped create), there is no LEGAL path to create separate rentals except under the STR regulations of which we are in full compliance to any objective party.

As mentioned in our very first response to Bylaw Officer Ferris, if there's something in particular you want us to do to meet your criteria, please let us know - considering the rooms were perfectly fine the preceding 3 years.

Thank you for your time.

[REDACTED]
95 Wellington Ave.

On Mon, Jun 1, 2020 at 3:26 PM [REDACTED]

Thank you!

On Mon, Jun 1, 2020 at 3:23 PM Christine Havelka <chavelka@victoria.ca> wrote:

Good afternoon [REDACTED]

Thank you for the additional document and photos. We will forward these new items as well as the previous supporting documents to bylaw services for their response.

Best regards,

Christine

From: [REDACTED]
Sent: May 28, 2020 4:23 PM
To: Legislative Services email <LegislativeServices@victoria.ca>
Subject: STR appeal, 95 Wellington

Hi there,

I recently received notice that council has agreed to review our appeal for a STR license.

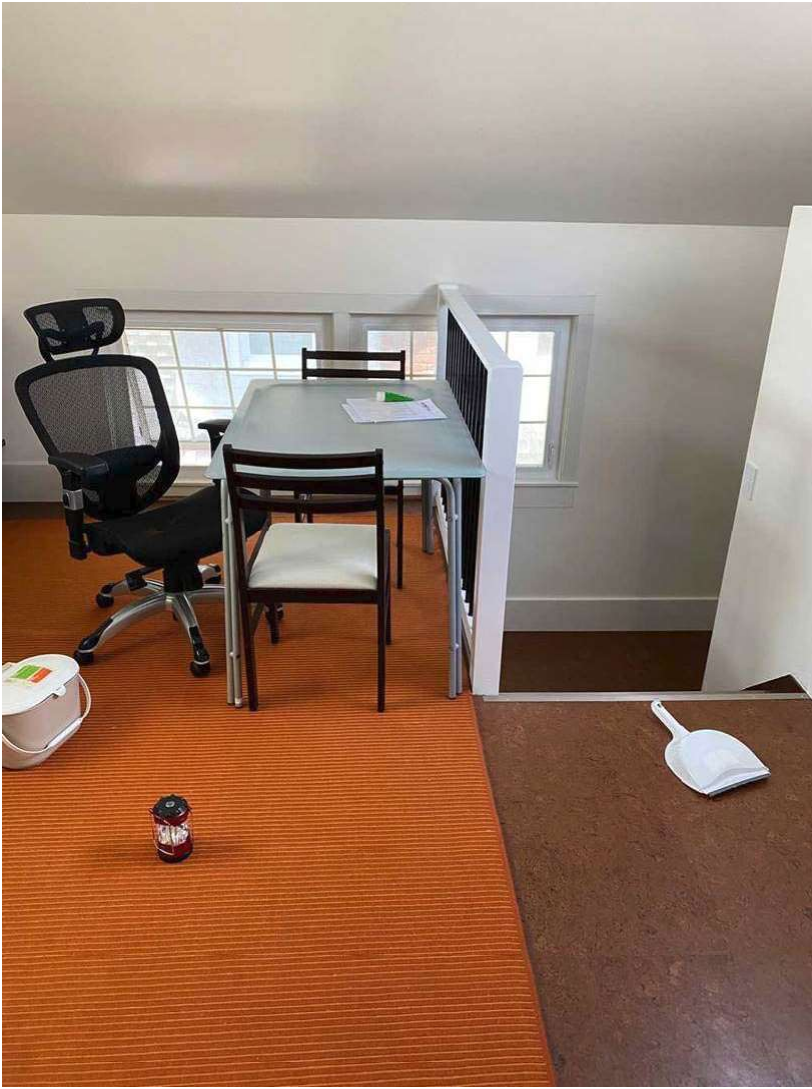
I submitted all supporting documents at the time I submitted the appeal, however I have attached a few more to this email.

Attached is a letter of support from another one of our neighbours, as well as several photos of the guest room we rent out. What we refer to as a kitchenette in our listing is clearly pictures, and you can see there are no cooking appliances. This is absolutely not a 'kitchen' rather it's a sink and countertop area - a bar, really. Also pictured you can see how the room is in our attic yet still accessible from within our home- because is part of our home which we use regularly (you'll note I forgot to clean up the kids toys before taking these).

Thank you-



















May 27, 2020

To Whom it May Concern:

We are writing in support of [REDACTED] appeal regarding their previously permitted Airbnb suite located at 95 Wellington Avenue. I used to be a renter next door and friends have enjoyed staying in their suite on many occasions. Staying with [REDACTED] has been a more viable alternative to overpriced hotel accommodations. Since my son's father resides out of town, it gets very expensive to incur ongoing hotel expenses when he comes to visit and [REDACTED] Airbnb has given my son the opportunity to see his dad more often which we are very thankful for.

The suites offered for Airbnb accommodations by [REDACTED] are small units, with basic amenities ideally suited for short durations of stay and certainly not suitable as longterm rental units. With only a microwave and no regular oven or appropriate kitchen facilities, [REDACTED] suites do not offer proper amenities required for long term rentals. The units offered for rent by [REDACTED] would be more comparable to a guest bedroom suite in a home, rather than an actual rental unit. This is what we thought the intention of Airbnb prides its business model on. [REDACTED] suite is a wonderful example of what Airbnb is supposed to and should be. It feels like you are staying with [REDACTED] a guest in their home, not in a rental unit. As a renter myself, I would be the first one to speak up about the implications of Airbnb licenses on renters as I have experienced it first-hand myself.

[REDACTED] home does not take away from the longterm rental inventory here in Victoria, rather it is an essential part of supporting and sustaining the local tourism market, which is especially essential amidst the current pandemic. As for [REDACTED] being an Airbnb owner is a way for them to own a piece of historical property here in Victoria and be able to offer guests the experience of staying with them in their home as guests, not "renters". This business also enables them to supplement their income by using their home in a resourceful, authentic way to create memorable experiences for out of town guests, who otherwise may not be able to afford to stay here. [REDACTED] have been able to create an authentic and memorable experience for their guests simply because staying in one of their suites is like staying with them in their home. That is much different than a typical rental unit, which is in a different category altogether.

We would ask that you carefully reconsider [REDACTED] application and approve it as you have done so for many years now. This will enable them to continue providing rich, authentic experiences for their guests and keeps some affordable options on the table for visitors to our city that may not otherwise be able to afford to come here.

Kind Regards,

[REDACTED]