NO. 18-036

# SHORT-TERM RENTAL REGULATION BYLAW
# A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to provide for the regulation of short-term rentals including vacation rentals in operators' principal residences where permitted under the Zoning Regulation Bylaw No. 80-159 and where permitted pursuant to section 528 of the *Local Government Act*.

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Pursuant to its statutory powers, including section 8(6) of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

1 This Bylaw may be cited as the "Short-Term Rental Regulation Bylaw".

**Definitions**

2 In this Bylaw

"operator" means a person who rents out, or offers for rent, any premises for short-term rental but does not include a person who acts as an intermediary between the short-term renal tenant and the person who receives the rent;

"principal residence" means the usual place where an individual makes their home;

"responsible person" means a person designated by the operator as the primary contact under section 6.

"short-term rental" means the renting of a dwelling, or any part of it, for a period of less than 30 days and includes vacation rentals;

"strata corporation", "strata council", and "strata lot" have the same meaning as in the *Strata Property Act*.

**Licence Required**

3 (1) A person must not carry on business as a short-term rental operator unless the person holds a valid licence issued under the provisions of this Bylaw and the Business Licence Bylaw.

(2) A person applying for the issuance or renewal of a licence to operate a short-term rental must, in addition to meeting the requirements of the Business Licence Bylaw:

(a) make an application to the Licence Inspector on the form provided for that purpose;

(b) pay to the City the applicable licence fee prescribed under subsection (3);

(c) provide, in the form satisfactory to the Licence Inspector, evidence that:

(i) the person owns the premises where the short-term rental will be offered, or

(ii) the owner of the premises where the short-term rental will be offered has consented to their use as a short-term rental;

(d) if the premises where the short-term rental will be offered are located within a strata lot, provide a letter from the strata council confirming that provision of short-term rental does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act; and

(e) provide, in the form satisfactory to the Licence Inspector,

(i) evidence that the premises where the short-term rental will be offered are occupied by the operator as their principal residence; or

(ii) provide the name and contact information for the responsible person in relation to the short-term rental premises.

(3) The licence fee for purposes of subsection (2)(b) is:

(a) $150 where the short-term rental is offered in the operator's principal residence; or

(b) $1,500 for all short-term rentals that do not qualify under paragraph (a).

**Power to Refuse a Licence**

4 The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,

(a) the applicant has failed to comply with section 3; or

(b) the short-term rental operation would contravene a City bylaw or another enactment.

**Licence Number to be Included in Advertising**

5 A person may offer to rent premises for rent as a short-term rental only if a valid business licence number is included in any advertising, listing, or promotion material that is intended to communicate availability of the premises for short-term rental.

**Responsible Person**

6 (1) A person may only operate a short-term rental in premises other than their principal residence if they designated a responsible person who, at all times that the short-term rental is operated, has access to the premises and authority to make decisions in relation to the premises and the rental agreement.

(2) A person may only operate a short-term rental if they ensures that the name and contact information of the responsible person is prominently displayed in the short-term rental premises at all times when the short-term rental is operated.

(3) The operator may be the responsible person except when subsection (5) applies.

(4) The responsible person must be able to attend at the short-term rental premises within two hours of being requested to do so.

(5) If a person who operates a short-term rental in their principal residence is going to be away during the term of the short-term rental, they must designate a responsible person and comply with this section.

**Offences**

7 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the Offence Act if that person

(a) contravenes a provision of this Bylaw;

(b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or

(c) neglects or refrains from doing anything required be a provision of this Bylaw.

(2) Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.

**Penalties**

8 A person found guilty of an offence under this Bylaw is subject to a fine of not less than $100.00 and not more than $10,000.00 for every instance that an offence occurs or each day that it continues.

**Severability**

9 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the Bylaw and the balance of the Bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

**Transition Provisions**

10 (1) In the calendar year that this bylaw is adopted only, the fee payable under section 3 shall be prorated by 1/12 for each month in that year prior to the adoption of this bylaw, including the month the bylaw is adopted.

(2) Any operator who, at the time of adoption of this bylaw, holds a valid licence for a short-term rental under the Business Licence Bylaw shall be credited with amount paid for that licence towards the fee payable under section 3.

**Commencement**

11 This bylaw comes into force on adoption.

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|---|---|---|---|---|
| READ A FIRST TIME the | **22nd** | day of | **February** | 2018 |
| READ A SECOND TIME the | **22nd** | day of | **February** | 2018 |
| READ A THIRD TIME the | **22nd** | day of | **February** | 2018 |
| ADOPTED on the | **8th** | day of | **March** | 2018 |

**"CHRIS COATES"**
CITY CLERK

**"LISA HELPS"**
MAYOR