

Business Licence (Short-term Rental) Appeal re 906 Fairfield Rd

Submission of the Licence Inspector

1. The application for a short-term rental business licence for 906 Fairfield Rd was denied upon review by the licence inspector, as it is believed to be a self-contained dwelling unit.
2. On December 10, 2020 Council considered a report from the City Clerk regarding the appeal of the Licence Inspector's denial of the Short-Term Rental Business License for 906 Fairfield Road (report and minutes attached as Appendix 1) and made the following motion:

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove and that the matter be adjourned until the report back is received.

3. As it pertains to the short-term rental business licence appeal and based on the evidence presented in the initial submission of the Licence Inspector, the unit is believed to be a self-contained suite, albeit not a legal one.
4. 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 *Zoning Regulation Bylaw*.
5. While Planning has provided a response to the motion, it is not applicable in the context of this appeal. If Council believes the unit is not a self-contained dwelling unit, the appeal should be granted. If Council does believe this is a self-contained dwelling unit, the Licence Inspector's decision should be upheld.
6. This is Planning's response:

Sustainable Planning and Community Development staff have reviewed the matter and advise that an additional unit would require a rezoning. The property is in the R1-S2 Zone, Restricted Small Lot (Two Storey) Dwelling District, which only allows one self-contained dwelling unit (single family dwelling). Additionally, any exterior changes that occurred without permit, after the heritage designation was put in place, would require a Heritage Alteration Permit.

In terms of construction feasibility, staff were unable to obtain plans, and are not able to assess whether the space would lend itself to a configuration that would meet the requirements of the BC Building Code, provided that the necessary zoning and heritage regulations were adhered to.

7. The decision to deny the business licence at 906 Fairfield Rd was not based on whether it is believed to be a legal dwelling unit, but rather that it is a self-contained dwelling unit in which someone could reside without any interaction with the appellants.
8. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 906 Fairfield Rd upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: June 8, 2021

A handwritten signature in black ink, appearing to read 'Shannon Perkins', written in a cursive style.

Shannon Perkins, Manager of
Bylaw Services