



Council Report For the Meeting October 7, 2021

To: Council **Date:** September 14, 2021
From: Curt Kingsley, City Clerk
Subject: Short Term Rental Business License Appeal for 408 Superior Street

RECOMMENDATION

That Council receive this report for information and either uphold or overturn the Licence Inspector's denial of a business licence for the short-term rental unit at 408 Superior Street.

EXECUTIVE SUMMARY

This report presents documents from the Appellants and the City's Licence Inspector for Council's consideration under the Short-term Business Licence Appeal Process Policy.

The Short-term Rental Regulation Bylaw establishes a short-term rental business licence and fee, eligibility for short-term rental business licence, the Licence Inspector's authority to refuse a licence, conditions for refusing a licence, operating requirements, offences, and penalties. The Bylaw is attached as Appendix A.

Each year short-term rental operators apply for a short-term rental business licence and a Licence Inspector determines whether to issue a licence or not. If an application is not compliant with the City's requirements for short-term rental units, a Licence Inspector may deny a business licence. In this instance, the Licence Inspector notifies the applicant of this decision and advises them how to seek Council's reconsideration as established under section 60(5) of the *Community Charter*. The City Clerk's Office coordinates the appeal process.

The Short-term Business Licence Appeal Process Policy contains for a process for the Appellants to seek an opportunity to be heard by Council for a denied business licence in accordance with the *Community Charter*, section 60(5). The Policy is attached as Appendix B. This policy establishes terms and conditions for reconsideration by Council, required documentation to submit as a part of the appeal process, next steps following Council's decision, and other matters.

The Policy establishes the following process:

1. An applicant may start an appeal by submitting a request to the City Clerk
2. The City Clerk replies to an Appellant to acknowledge the request
3. An Appellant makes a written submission (Appendix C)
4. The Licence Inspector makes a written submission in response to the Appellant (Appendix D)
5. An Appellant may also make a written submission in response to the Licence Inspectors reasons for denial of the License. (Appendix E)

6. Once this process is complete, the City Clerk's Office informs the Appellant and Licence Inspector of the date that Council will consider the appeal
7. The City Clerk's Office consolidates these documents and submits them to Council for Council to determine whether the License Inspector's denial of the License is upheld or overturned.

Council's role is to review this information and to either grant or deny an appeal. Denying an appeal means a Licence Inspector will not issue a short-term rental business licence. Granting an appeal means that the Licence Inspector will issue a short-term rental business licence as soon as practicable.

In this instance the operators at 408 Superior Street of a short-term rental unit was denied a license and has exercised the *Community Charter* right to have council reconsider the matter. The submissions of both the operator and the License Inspector are attached as appendices as noted above.

Respectfully submitted

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

Attachments

- Appendix A: Short-Term Rental Regulation Bylaw
- Appendix B: Short-term Rental Business Licence Appeal Process Policy
- Appendix C: Appellant's Submission
- Appendix D: Licence Inspector's Response to Appellant's Submission
- Appendix E: Appellant's Response to the Licence Inspector