



## COUNCIL POLICY

No.1

Page 1 of 2

<b>SUBJECT:</b>	<b>Short-Term Rental Business Licence Appeal Process Policy</b>	
<b>PREPARED BY:</b>	Monika Fedyczkowska	
<b>AUTHORIZED BY:</b>	Council	
<b>EFFECTIVE DATE:</b>	April 23, 2020	<b>REVISION DATE:</b>
<b>REVIEW FREQUENCY:</b>	Every 3 years	

### A. PURPOSE

The purpose of the Short-Term Rental Business Licence Appeal Process Policy [the Policy] is to establish a process for applicants for short-term rental business licences to have Council reconsider a Licence Inspector's decision to reject their application in accordance with section 60 of the Community Charter.

### B. DEFINITIONS

Appellant means "an applicant for a short term rental business licence who is appealing a decision by a Licence Inspector to Council"

City Clerk means "the City Clerk and delegates"

Council means "the Council of the City of Victoria"

Short-term Rental Business Licence means "a business licence established under the Short-term Rental Regulation Bylaw"

### C. POLICY STATEMENTS

Under the Community Charter, section 60(5), if a municipal officer or employee exercises authority to grant, refuse, suspend, or cancel a business licence, the applicant or licence holder who is subject to the decision is entitled to have Council reconsider the matter.

Applicants must apply for a new short-term rental business licence each year.

### D. PROCEDURES

#### 1. Appeal Procedure

- a. An Appellant may start an appeal by submitting a request for an appeal to the City Clerk within 30 days after receiving notice from a Licence Inspector of a decision to reject the short-term rental business licence.
- b. The City Clerk must reply to the Appellant to acknowledge the request for an appeal and explain the appeal process.
- c. An Appellant must make a written submission to the City Clerk within 14 days. A written submission may include:
  - i. Reasons that Council should grant the appeal to issue a short-term rental business licence
  - ii. Any supporting documents

- d. A Licence Inspector must submit a document to the City Clerk responding to the Appellant's written submission. The Licence Inspector's document must include:
  - i. Reasons for refusing to issue a short-term rental business licence
  - ii. Any supporting documents
- e. An Appellant must provide a written submission in response to a Licence Inspector's response to the City Clerk within 7 days
- f. A Licence Inspector must prepare a report for Council that includes:
  - i. Reference(s) to relevant City Bylaw provisions
  - ii. Direction to Council on what they should/should not consider, and
  - iii. The following documents:
    - 1. The Appellant's business licence application
    - 2. The letter from a Licence Inspector giving notice of refusal to issue a business licence
    - 3. The Appellant's request to the City Clerk to appeal the refusal
    - 4. The City Clerk's acknowledgment of the request
    - 5. The Appellant's written submission and any supporting documents
    - 6. The Licence Inspector's written response and any supporting documents
    - 7. The Appellant's written response to the Licence Inspector's response
- g. The City Clerk will inform the Appellant of the date that Council will consider the appeal.

2. Council's Decision

- a. Council may grant or deny an appeal by a majority vote.
- b. Council will provide reasons for a decision, which may be accomplished by way of the rationale by Council members during deliberation preceding a vote if not included specifically in the motion of Council.
- c. If Council grants an appeal, a Licence Inspector must issue the relevant business licence as soon as practicable.
- d. If Council denies an appeal, an Appellant may not make a new business licence application for a business for 3 months, unless Council unanimously votes to allow an Appellant to apply for a short-term rental business licence sooner than 3 months.

**E. REVISION HISTORY**