



Council Report

For the Meeting of June 9, 2022

To: Committee of the Whole **Date:** May 19, 2022
From: Curt Kingsley, City Clerk
Subject: Short Term Rental Business License Appeal for 1-290 Superior St

RECOMMENDATION

That Council receive this report for information and either uphold or overturn the License Inspector's denial of a business license for the short-term rental unit at 1-290 Superior St.

EXECUTIVE SUMMARY

This report presents documents from an Appellant 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 an Appellant 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 operator at 1-290 Superior Street of a short-term rental unit was denied a principal resident operator 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