

Business Licence (Bed & Breakfast) Appeal for 867 Humboldt St.

Submission of the Licence Inspector

I. Introduction

1. This is an appeal from the decision of the Licence Inspector to refuse to issue a 2024 business licence to Matthew Linnitt and Ashley Ceraldi (the “Appellants”), for the operation of a bed and breakfast at 867 Humboldt Street.
2. The business licence was denied pursuant to Section 8(1) of the *Business Licence Bylaw*, which states:

8(1) Before issuing any licence, the Licence Inspector may require evidence to his reasonable satisfaction that the applicant has complied with any and all applicable bylaws, regulations, and statutes...
3. The appeal is brought pursuant to Section 60(5) of the Community Charter, which requires that an applicant for a business licence has the right to have the staff decision to refuse such licence reconsidered by Council.
4. On a reconsideration such as this, Council can apply its own judgement and may either uphold the decision to refuse the licence or grant the licence.

II. Facts

5. The Appellants own and reside at the property at 867 Humboldt Street.
6. The property contains a single principal structure and according to an Occupancy Permit issued under BP054355 on March 23, 2022, the approved use and occupancy of this structure is single family dwelling (SFD) with 6 room bed and breakfast (see Schedule A).
7. The property is zoned RK-8, Humboldt Bed & Breakfast District. This site-specific zone permits transient accommodation, including bed and breakfast (see Schedule B).
8. In 1985, in an effort to expand and diversify the tourism economy in a manner which was complementary to low density housing, City Council amended its zoning to permit small bed and breakfast operations throughout Victoria’s neighbourhoods. To qualify, the operator had to live in a detached single-family dwelling and rent no more than 2 bedrooms (see Schedules C and F).
9. Some properties were rezoned to permit the use of more than 2 bedrooms for bed and breakfast under specific conditions (see Schedule C).

- 10.** When 867 Humboldt Street was rezoned in 1996 to create a new site-specific zone RK-8, Humboldt Bed & Breakfast District, the Council resolution included “to rezone the land known as 867 Humboldt Street to a new zone to enable the use of up to 4 bedrooms for the purposes of a bed and breakfast business” (see Schedule D).

- 11.** Some of the materials that informed the rezoning of 867 Humboldt Street (see Schedule E) included:
 - a)** A site plan dated November 17, 1995, showing 4 bed and breakfast bedrooms with water closets within the structure;
 - b)** A notice that was sent to neighbours and others regarding the public hearing of the proposed rezoning bylaw, which indicated that the purpose of the rezoning was to allow use of up to 4 bedrooms for the purpose of a bed and breakfast business;
 - c)** A report from staff outlining relevant considerations, such as the proposed increase to the zoning entitlement from two bedrooms to four bedrooms for bed and breakfast use, and the application of Council’s 1981 rezoning evaluation guidelines for bed and breakfast use;
 - d)** A report to Council, dated April 23, 1981, detailing guidelines for the evaluation of individual homes to provide bed and breakfast facilities;
 - e)** A report to Council, dated May 2, 1985, titled “Zoning Amendments to Permit Limited Bed and Breakfast use in single family dwellings”, which described limited bed and breakfast use as providing one or two bedrooms and morning meals to tourists within a single-family dwelling, and recommended a general zoning amendment to permit limited bed and breakfast throughout Victoria’s single-family areas.

- 12.** The general zoning amendment to permit limited bed and breakfast throughout Victoria’s single-family areas, as it was in force from 1996-2003, is attached (see Schedule F).

- 13.** In 1999-2000 Council embarked on a zoning compliance program for bed and breakfasts.

- 14.** In 1999, the then owners of 867 Humboldt Street wrote to the City explaining that they were in the process of obtaining the necessary change of use building permit to allow them to rent more than 4 bedrooms for bed and breakfast use (see Schedule G).

- 15.** On August 16, 2000, an Occupancy Permit was issued under BP028377 (see Schedule H) that permitted the single-family dwelling at 867 Humboldt Street to include 6 bed and breakfast units. As described below, the approved building plans depict 6 bed and breakfast bedrooms – 4 with water closets. The approved building plans do not depict 6 self-contained dwelling units.

- 16.** The approved building plans associated with BP028377 and stamped March 15, 2000 (see Schedule I), depict a single-family dwelling with:
 - a)** A living room, dining room, kitchen, 2 bathrooms, 1 owner/operator bedroom, 1 bed and breakfast bedroom (#6) on the lower floor;

- b)** A library, supply room, and 2 bed and breakfast bedrooms (#1 and #2) both with water closets on the upper floor;
 - c)** 3 bed and breakfast bedrooms (#3, #4, and #5) two of which contain water closets on the upper floor.
- 17.** There is an additional set of plans stamped March 15, 2000, depicting a renovation to the lower floor kitchen under BP028377 (see Schedule J).
- 18.** Following the change of use to SFD with 6 room bed and breakfast in 2000, a business licence was approved and issued for “Humboldt House Bed & Breakfast” under the category Transient Accommodation – Bed & Breakfast. Business licenses under that category were set on auto-renewal and the operator was mailed an invoice annually for business licence renewal.
- 19.** Traditionally in Victoria, most types of business licence applications have been processed and approved using the honour system. The expectation is that the applicant provides information that is correct. That information is then compared to what information is on City record and if both are consistent, the application is approved. In cases where there is an inconsistency, further research is done, and an investigation and/or inspection may be conducted. Many business licence types have been set to auto-renewal, a process by which licences have been automatically renewed upon payment of the invoice for the annual licencing fee, without thorough review or inspection to determine eligibility and compliance with regulations.
- 20.** Licensing records indicate that the property at 867 Humboldt Street was licensed continually as a bed and breakfast from 1996 to 2022 under 3 different owners. Upon change of ownership, a new business license application was submitted. The Appellants purchased the property on June 15, 2022, but did not submit a business license application at that time.
- 21.** On March 23, 2022, after sprinkler and fire alarm work was completed under BP054355, an Occupancy Permit was issued for a SFD with 6 room bed and breakfast (see Schedule A).
- 22.** In February 2023, the City’s Short-term Rental Coordinator identified that the owners of 867 Humboldt were advertising online and accepting bookings without a business licence. Specifically, staff identified an Airbnb listing offering “an entire rental unit” hosted by the Appellant. The listing description stated, “The suite has a full kitchen with everything you need to make meals at home, you will have access to a shared laundry room should you need it” (see Schedule K). Similar advertisements were listed on Airbnb in June 2023. The Short-term Rental Coordinator advised the Appellants to obtain a business license.
- 23.** The appellants applied for and received a business licence to operate a bed and breakfast later in the spring of 2023. While, the Short-term Rental Coordinator and the Business Licence Inspector were aware that one or more self-contained suites may exist on the property, the property was not inspected to confirm compliance with City bylaws prior to the 2023 license being granted.

24. The licence was granted on the basis of the application and Mr. Linnitt's representation that the house had 6 rooms (see Schedule L), which was consistent with the approved use and occupancy on record for the property, SFD with 6 room bed and breakfast (see Schedule A).
25. In 2023, City Staff identified that many of the licensed transient accommodations were currently operating a business under the incorrect licence type. As a result, bed and breakfast licences were removed from auto-renewal. Businesses were required to make an application for 2024, so that the City could review and ensure each property and business plan was eligible and compliant with City regulations.
26. Bed and breakfast licence holders were advised by letter that auto-renewal would not be available, and that an application for a 2024 licence would be required, and that all applications would include a property inspection (see Schedule M).
27. The Appellants applied for a 2024 bed and breakfast licence dated December 18, 2023, stating that 3 rooms were being used for transient accommodation (see Schedule N).
28. The inspection conducted on January 8, 2024, revealed that the principal structure at 867 Humboldt Street contained 6 separate self-contained dwelling units/suites with kitchens and bathrooms; 2 suites on the lower level/basement occupied by the Appellants and their family; 2 suites on the main floor – 1 suite which at the time was rented to a long-term tenant, and 1 guest suite available for rent short-term; and 2 guest suites available to rent short-term on the upper floor. The inspection also revealed that the Appellants did not serve breakfast to guests in a shared space, instead, cereal, granola bars, fruit, yogurt, and various beverages and a treat were provided in the pre-stocked kitchen within the guest suite.
29. Inspection photos and a floor plan depicting the layout observed upon inspection are attached (see Schedule O and P). The lower floor contains 2 separate dwelling units, each with a private bathroom and a defined kitchen area, and the Appellants are currently occupying both units on the lower floor with their children. It was observed that there was a space for a stove, but no stove was present at the time of the inspection in the suite being occupied by the Appellants children, however, the kitchen counter, cabinets, fridge, and kitchen sink remain. The main and upper floors each contain 2 separate self-contained dwelling units with private bathrooms and fully equipped kitchens for guest use. These are private units with locking doors accessed via interior hallways. Other than the hallways within the structure and pre-arranged access to the laundry room, there are no shared spaces.
30. There is no City record of any permits for any of the building, plumbing, and/or electrical work required to convert the structure from the approved use and occupancy, SFD with 6 room bed and breakfast, to 6 self-contained dwelling units/suites.
31. Work that is completed without permit is potentially unsafe and could pose a hazard to the occupants and the structure.

32. On January 18, 2024, the Licence Inspector advised the Appellants in writing that their application for a business licence to operate a bed and breakfast had been rejected because they were not operating a traditional bed and breakfast and the use/occupancy, and the configuration of the structure had changed significantly from what was approved.

III. Relevant Regulations

33. In relation to the property the relevant regulation is the *Zoning Regulation Bylaw*, which states in part:

16(1) *A person must not use or occupy or allow or permit another person to use or occupy, land or a building in contravention of this Bylaw.*

17(4) *Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except*

(a) where they are expressly permitted subject to regulation applicable in those zones;

(b) rental of no more than two bedrooms in a self-contained dwelling unit is occupied by the operator of the short-term rental; and

(i) the self-contained dwelling unit is occupied by the operator of the short-term rental; and

(ii) short-term rental complies with all regulations in Schedule D as if it were transient accommodation.

34. A principal residence is defined in the *Zoning Regulation Bylaw* as “the usual place where an individual makes their home”.

35. 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 bylaw, however, the Oxford English dictionary defines “kitchen” as “a room where food is prepared or cooked”.

36. A single-family dwelling is defined in the *Zoning Regulation Bylaw* as “a detached building having independent exterior walls and containing only one self-contained dwelling unit”.

37. Transient accommodation is defined in the *Zoning Regulation Bylaw* as “a) the use of land or a building for the temporary accommodation of visitors, and without limitation includes hotels, motels and bed and breakfast accommodation”.

38. With regard to the unpermitted changes to the structure the relevant regulation is the *Building and Plumbing Regulation Bylaw*, which states in part:

6(1) No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system, including excavation or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

6(2) No person shall occupy or use any building or structure:

(a) Unless a valid and subsisting occupancy permit has been issued by a building official for the building or structure; or

(b) Contrary to the terms of any permit issued or any notice given by a building official.

IV. Argument

- 39.** The Appellants purchased this property on June 15, 2022, without having confirmed the approved use/occupancy or layout of the structure on record with the City of Victoria, and do not dispute that the structure contains 6 suites, the result of extensive unpermitted work being done by the previous owner (see Appellants submission – page 2).
- 40.** Because the use and occupancy of the structure was changed without permit or permission, there is no authorization for non-conforming short-term rental use that could make the property compliant with the Short-term Rental Regulation Bylaw.
- 41.** The Appellants make much of what they allege various City staff have said, done, or not said or done since the City discovered the Appellants were operating without a business license in February 2023. Previous communications between the Appellants and City staff are not relevant to Council’s determination of whether 867 Humboldt Street is compliant with City bylaws.
- 42.** Consistent with the treatment of other bed and breakfast applications in 2023, the property at 867 Humboldt Street was not inspected nor was the application fully screened prior to a licencing decision being made in 2023. More careful reviews and inspections have been conducted as part of the 2024 application process for bed and breakfast accommodations, including 867 Humboldt Street. Therefore, the fact that the Appellants were issued a bed and breakfast licence in 2023 is not an indication that a 2024 licence should also be issued.
- 43.** 867 Humboldt Street is not a bed and breakfast in form nor function and is not compliant with the City’s bylaws.

Form

- 44.** Unlike when the property was rezoned and then renovated under building permit to allow additional bedrooms to be rented for bed and breakfast use, there is no longer a common kitchen for service of breakfast, common bathroom, library, nor other shared space other than a foyer, corridors, and a laundry room.

45. The structure has been altered so that it is no longer a single-family dwelling with 6 bedrooms available to rent for bed and breakfast. Rather, it hosts 6 self-contained dwelling units.
46. Each of the 6 units is clearly a self-contained dwelling unit. Each has a separate entrance, and its own kitchen and bathroom. Each suite meets all the requirements of the definition of “self-contained dwelling unit” in the *Zoning Regulation Bylaw*.
47. Rooms are not being rented out of a principal residence. Rooms are not being rented out of a single-family dwelling.
48. The self-contained nature of the suites is not altered by the fact that they do not all have an exterior door as the separate entrance: that is the situation in many multiple dwelling buildings.

Function

49. The Appellants have advertised and rented several self-contained suites short-term since at least February 2023. The Appellants do not dispute that they have rented out self-contained suites on a short-term basis, and if licenced plan to continue to do so.
50. The rental of self-contained suites is not consistent with the rental of bedrooms within a single-family dwelling, which by definition contains only one self-contained dwelling unit; nor is it consistent with the rental of rooms out of a principal residence.
51. The provision of breakfast is not included in the advertising of the units reviewed by City staff, and Mr. Linnitt has advised the City that the Appellants do not serve breakfast. The provision of full kitchen facilities with “everything you need to make meals at home” is inconsistent with bed and breakfast use described in the policies in place when the RK-8 zone was approved – rental of bedrooms within a single-family dwelling, and provision of a morning meal with no food service after noon.
52. The suites are capable of uses other than bed and breakfast, and 3 were being occupied on a long-term basis on January 8, 2024.

Non-compliance with City Bylaws

53. The Licence Inspector says that evidence has not been submitted to satisfactorily demonstrate, in accordance with section 8(1) of the *Business Licence Bylaw*, that the Appellants have complied any and all applicable bylaws, regulations, and statutes.
54. The Appellants claim that the current zoning is vague and that their business operation fits within the broader scope of the word “transient”, as a hotel. That argument is flawed. It is clear from the name of the zone – “RK-8 Zone, Humboldt Bed & Breakfast District”, the Council

resolutions that enabled the rezoning, and the other material associated with the rezoning application, that the zone only allows – as per Council’s clear intent when the property was rezoned in 1996 – bedrooms to be used for the purpose of bed and breakfast within a single-family dwelling (SFD).

55. The short-term rental of self-contained dwelling units is not permissible under and is in contravention of the RK-8 Zone and section 17(4) of the *Zoning Regulation Bylaw*.
56. Due to the unpermitted work completed by the previous owner, the structure is no longer an SFD, and what were originally bedrooms, some with water closets, are now self-contained dwelling units with kitchens and bathrooms. Therefore, it does not comply with the use allowed under the RK-8 Bed and Breakfast Zone.
57. Moreover, the property is not in compliance with sections 6(1) and 6(2) of the *Building and Plumbing Regulation Bylaw*. Work has been completed without permit, and the occupancy and use of the structure are significantly different than what is allowed under the Occupancy Permit.
58. As work has been completed without permit, there is no satisfactory evidence as to whether provincial codes such as the BC Building Code, Plumbing Code, or Fire Code have been complied with.
59. Work that has been completed without permit is potentially unsafe and could pose a hazard to the occupants and the structure. Areas where work has been completed without permit should not be occupied.
60. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a business licence for a bed and breakfast at 867 Humboldt Street be upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: April 25, 2024



A handwritten signature in black ink, appearing to read 'Mark Fay', is written over a horizontal line. The signature is stylized and cursive.

Mark Fay, Manager (Administration) of Bylaw Services



OCCUPANCY COMPLETION PERMIT

The occupancy approved under this certificate refers to the construction authorized by the building permit(s) listed hereunder and such approval occupancy is applicable as of the date shown. The building or part thereof constructed under the authority of Building Permit(s) No.(s) **BP054355** may now be occupied in accordance with the approved occupancy herein described:

Building Address **867 HUMBOLDT ST**

Legal Description **LT 1 PL 2632 VICTORIA**

Approved Occupancy **SINGLE FAMILY DWELLING WITH SIX ROOM BED AND BREAKFAST**

Permit Description INTERIOR ALTERATION Part 9 Bldg Group C 3 storey 120.0 sq m sprinkler / fire alarm heritage (alternate compliance methods applied to exiting)

Dated this day: **Mar 23, 2022**



[Handwritten Signature]

 CHIEF BUILDING OFFICIAL

This permit is issued pursuant to the authority contained in the City of Victoria Building Bylaw. In addition, the issuing of this Permit shall not relieve the owner or occupier from the responsibility of complying with the Zoning and Development Bylaw or any other pertinent Bylaw, Acts or Regulations. This Permit is not a representation or warranty that the Bylaws of the City of Victoria or other enactments have been complied with, since resource at the City only permit random review and inspections. The City of Victoria will accept no responsibility or legal liability should any person suffer loss, injury, or damage as a result of the building not complying with Bylaws. Accordingly, persons should make such independent investigations or inquiries as they see fit to determine whether the building complies with all relevant Bylaws or enactments.

SCHEDULE B

SCHEDULE PART 2.69

RK-8 ZONE, HUMBOLDT BED & BREAKFAST DISTRICT

- | | | |
|-------------------|---|--|
| Uses | 1 | The uses permitted in this Zone are: <ul style="list-style-type: none">(a) all of the uses permitted in the R-K Zone, Medium Density Attached Dwelling District; and(b) <u>transient accommodation</u>. |
| Parking | 2 | (1) One parking space must be provided for the <ul style="list-style-type: none">(a) each single family dwelling unit; and(b) each unit of <u>transient accommodation</u>. |
| Siting of Parking | | (2) Off-street parking spaces must be located in a <u>rear yard</u> or a <u>side yard</u> .

(3) An off-street parking space may be located behind another off-street parking space. |

Adopted May 23/96

Guidelines

Bed and Breakfast Guidelines

BED AND BREAKFAST ESTABLISHMENTS

This is an updated edition of a 1985 report, which forms the basis of Victoria's Bed and Breakfast policy.

This is provided for information purposes only.

BED & BREAKFAST

To expand and diversify the City's tourism economy in a manner which is complementary to low density housing, City Council amended its zoning in 1985 to permit small bed and breakfast operations throughout Victoria's neighbourhoods. To qualify, the operator must live in a detached (single family) dwelling and rent no more than two bedrooms. The business is restricted in the City's Zoning Bylaw Schedule "D"

i.e.:

- No food services after 12 noon
- No liquor service
- Parking on site for each bedroom rented (may be stacked on driveway)
- No signs to be displayed

Local regulations vary across the Capital Region. As of March 1999, Esquimalt and Oak Bay prohibited bed and breakfast home occupations. Sidney permitted two persons only per home. Saanich and Langford allowed the use on a scale similar to Victoria, but restricted floor area rather than number of bedrooms. Sooke permitted up to three bedrooms on urban-sized lots and also imposed a limit on number of persons.

OTHER BED & BREAKFAST OPERATIONS IN NEIGHBOURHOODS REQUIRE REZONING

Proposals that differ from the criteria listed above (e.g. detached dwellings with more than two bedrooms for rent or businesses of any size based in a duplex, townhouse or apartment), require re-zoning. In 1981 Council established the following criteria to evaluate rezoning applications:

- Proximity to major thoroughfares and bus routes, or on the perimeter of an established neighbourhood;
- Adequate site area to provide increased off-street parking;
- The building has heritage or special interest and its continued retention would be an asset to the community,

The following clause was added by City Council Nov. 9, 2000:

- Greater flexibility may be warranted in the application of the above criteria based on the characteristics of the surrounding land uses and location in the city.

Consideration will be given to:

- the impact on local parking
- the impact on the stock of affordable housing
- the numbers of similar business in the neighbourhood.

Note:

Between 1981 and 1999 about a dozen successful rezoning applications were approved. Approximately 20 more were approved during the 1999-2000-compliance program.

During 1999 City Council embarked on a zoning compliance program for Bed and Breakfasts that concluded in September 2000.

Where a compliance order applies, the following process was endorsed by Council on 8 February, 2001.

- Applicant decides to comply with City bylaw and codes.
- Applicant will provide a written undertaking that illegal uses are terminated until a business license (and all City permits) are obtained.
- Applicant submits a building permit application for the work involved in legalizing the actual use in compliance with codes. The plans will be circulated in standard building permit process:

The zoning administrator confirms any outstanding zoning issues. (If zoning administrator concludes rezoning is necessary, the applicant must give a written undertaking to comply with city bylaws and codes regardless of any rezoning outcome).

The permits and inspection staff confirm any code issues / conditions, other divisions / departments establish conditions e.g. driveway crossing, etc.

First stages of rezoning evaluation process may go concurrent with building permit application circulation. However, a standard rezoning condition will be that the public hearing will be held only after all issues:

- concerning the building permit have been cleared up and the building permit is ready for issue.
- The final public hearing occurs.
- The owner is required to obtain an occupancy permit within 180 days.
- A business license may be issued.

SCHEDULE D



RECEIVED

JUN 11 1996

PLANNING DEPARTMENT

Administration Department

MARK H. JOHNSTON, B.A., M.P.A.
Director of Administration / City Clerk

City Hall, #1 Centennial Square
Victoria, Vancouver Island
British Columbia V8W 1P6
Telephone: (604) 385-5711
FAX: (604) 361-0348

(Effective October 1 New Area Code: 250)

City of **VICTORIA** British Columbia

June 3, 1996

Ms. Mila Werbik
Humboldt House
867 Humboldt Street
Victoria BC V8V 2Z6

Dear Ms. Werbik:

SUBJECT: APC APPLICATION No. 96-07 - 867 HUMBOLDT STREET

At its meeting held on May 23, 1996, City Council adopted:

1. "Zoning Regulation Bylaw, Amendment Bylaw (No. 485)" - No. 96-38: to amend the Zoning Regulation Bylaw to create a new Zone which will permit transient accommodation and the uses in the R-K, Medium Density Attached Dwelling District, with parking requirements.
2. "Rezoning Bylaw (No. 895)" - No. 96-39: to rezone land known as 867 Humboldt Street to the new Zone to enable the use of up to four bedrooms for the purposes of a bed and breakfast business.

Please contact the Planning Department should you require any additional information on this matter.

Yours truly,

Robert G. Woodland
Administrative Manager

/lj

c: Director of Planning
Permit Clerk
Assistant Manager, Transportation

APPLICATION FOR REZONING OF PROPERTY LOCATED AT 867 HUMBOLDT STREET

(1) **Advisory Planning Commission Application No. 96-07:**

"ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 485) - NO.96-38: to amend the Zoning Regulation Bylaw to create a new Zone which will permit transient accommodation and the uses in the R-K, Medium Density Attached Dwelling District, with parking requirements.

"REZONING BYLAW (NO. 895) - NO. 96-39: to rezone land known as 867 Humboldt Street to the new Zone to enable the use of up to four bedrooms for the purposes of a bed and breakfast business.

Ms. Vlasta Booth, 867 Humboldt Street

Ms. Booth spoke on behalf of the applicant, Mila Werbik. She circulated a diagram of the site, describing the adjacent properties. She also provided photographs of the outside of the house at 867 Humboldt Street, as well as some interior views. Ms. Booth advised that the house was built in 1893, and totally renovated in 1985. It is heritage architecture that visitors to the City view as they travel along Humboldt Street from the downtown core. She advised that the applicants have canvassed the neighbourhood, and received no negative comments. They are able to provide three stacked parking places, and experience has shown that approximately 50% of their guests arrive without a vehicle.

(2) **BYLAW MOTIONS - CONSIDERATION OF THIRD READING AND ADOPTION (From Public Hearings)**

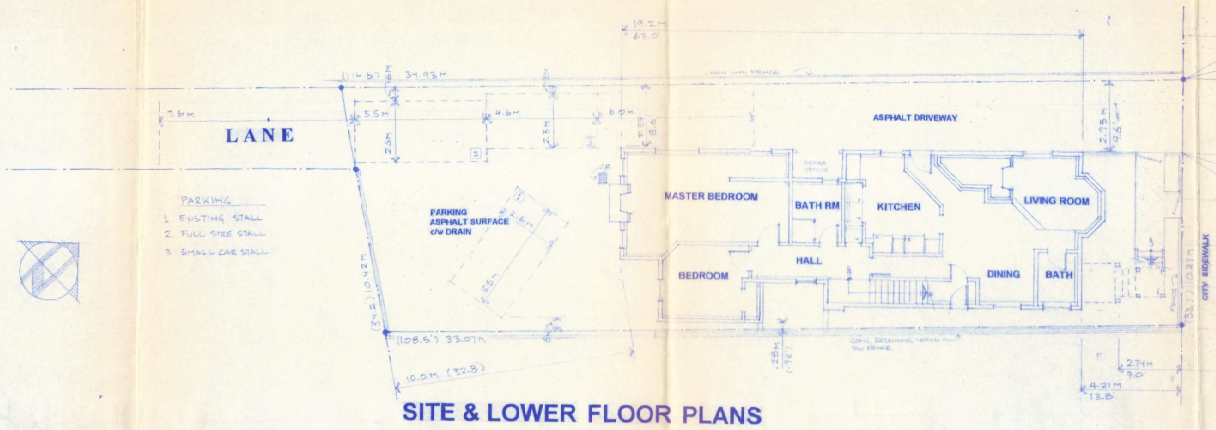
It was moved by Councillor Lowe, seconded by Councillor Lunt, that the following bylaws **be given third reading and adopted:**

"ZONING REGULATION BYLAW, AMENDMENT
BYLAW (NO. 485)" 96-38

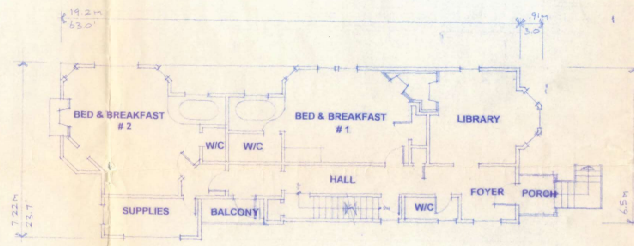
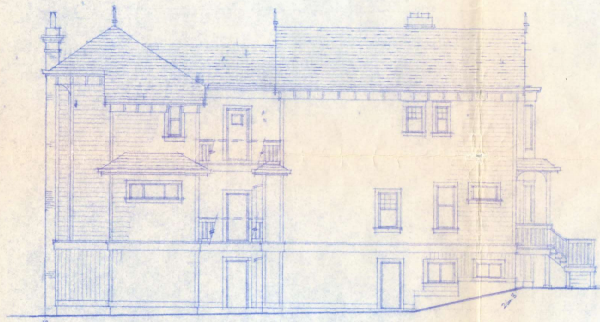
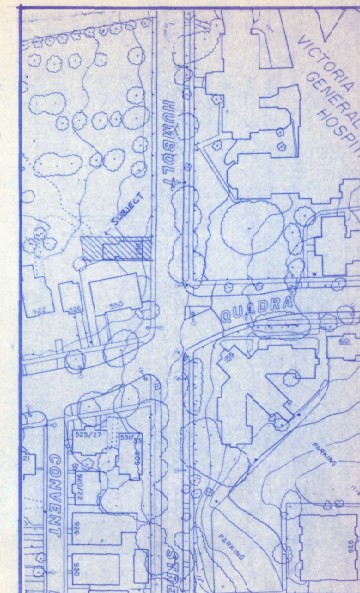
"REZONING BYLAW (NO. 895)" 96-39

Carried

SCHEDULE E
11(a)



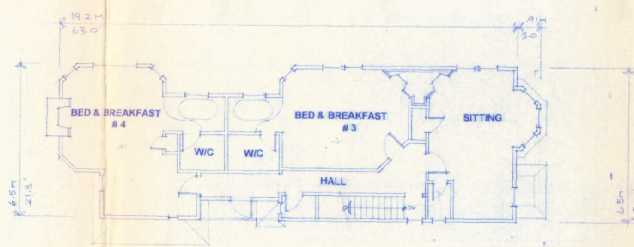
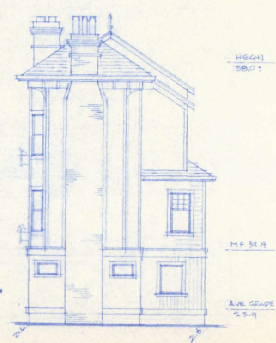
HUMBOLT STREET



LEFT SIDE ELEVATION

FRONT ELEVATION

MAIN FLOOR PLAN



RIGHT SIDE ELEVATION

REAR ELEVATION

UPPER FLOOR PLAN

SITE DATA

LEGAL DESCRIPTION
LOT - 1
DISTRICT LOT - 1998
VICTORIA CITY
PLAN - 2632

OWNERS
JARMILA WERBIK

ZONING EXISTING
R-K MEDIUM DENSITY ATTACHED DWELLING DISTRICT

PROPOSED ZONING
NEW ZONE - B & B HUMBOLT
(4 ROOM BED & BREAKFAST)

ITEMS	EXISTING	PROPOSED
ZONING	R-K	NEW ZONE
SITE AREA	349.24 sq.m.	349.24 sq.m.
LOT WIDTH	10.27 m.	10.27 m.
LOT DEPTH	34.0 m.	34.0 m.
FRONT SETBACK	2.7 m.*	2.7 m.
REAR SETBACK	10.0 m.	1.31 m.
EAST SIDERYARD SETBACK	28 m.*	28 m.
WEST SIDERYARD SETBACK	2.62 m.*	2.62 m.
SITE COVERAGE	38 %	36 %
HEIGHT	10.36 m.*	10.36 m.
FLOOR SPACE RATIO	1.01 TO 1.0	1.01 TO 1.0
FLOOR SPACE		
-GROUND FLOOR	120.90 sq.m.	120.90 sq.m.
-MAIN FLOOR	119.75 sq.m.	119.75 sq.m.
-UPPER FLOOR FLOOR	113.32 sq.m.	113.32 sq.m.
TOTAL FLOOR AREA	353.97 sq.m.	353.97 sq.m.
FLOOR SPACE RATIO	1.01 TO 1.0	1.01 TO 1.0
PARKING	1 SPACE	3 SPACES

VICTORIA DESIGN LTD

480 PENDER ST. VICTORIA, B.C. V8P 1W4 TEL: 253-2934

DRG No. PROPOSAL
SHT. No. 1 OF 1
SCALE 1/8" = 1'-0"
DATE NOV 17 98
DRAWN J.W.W.
APPROVED

PROPOSED REZONING
867 HUMBOLT STREET
VICTORIA, B.C.

207. 702

PLANNING DEPT.

address 867 Humboldt St.

APC # 96-07
ADDRESS:

RECEIVED

FEB 12 1996

PLANNING DEPARTMENT

File

96-07 11(b)

RECEIVED

May 10, 1996

MAY 13 1996

To the Owners/Occupiers
to the Lands Adjacent to 867 Humboldt Street,
Victoria, B.C.

PLANNING DEPARTMENT

**SUBJECT: REQUEST FOR REZONING OF PROPERTY
LOCATED AT: 867 HUMBOLDT STREET**

1. **APPLICATION FOR REZONING OF PROPERTY LOCATED AT 867 HUMBOLDT
STREET:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 485) - NO. 96-38

To amend the Zoning Regulation Bylaw to create a new Zone which will permit transient accommodation and the uses in the R-K Zone, Medium Density Attached Dwelling District, with parking requirements.

REZONING BYLAW (NO. 895) - No. 96-39

To rezone land known as 867 Humboldt Street to the new Zone to enable the use of up to four bedrooms for the purposes of a bed and breakfast business.

New Zone: RK-8 Zone, Humboldt Bed & Breakfast District

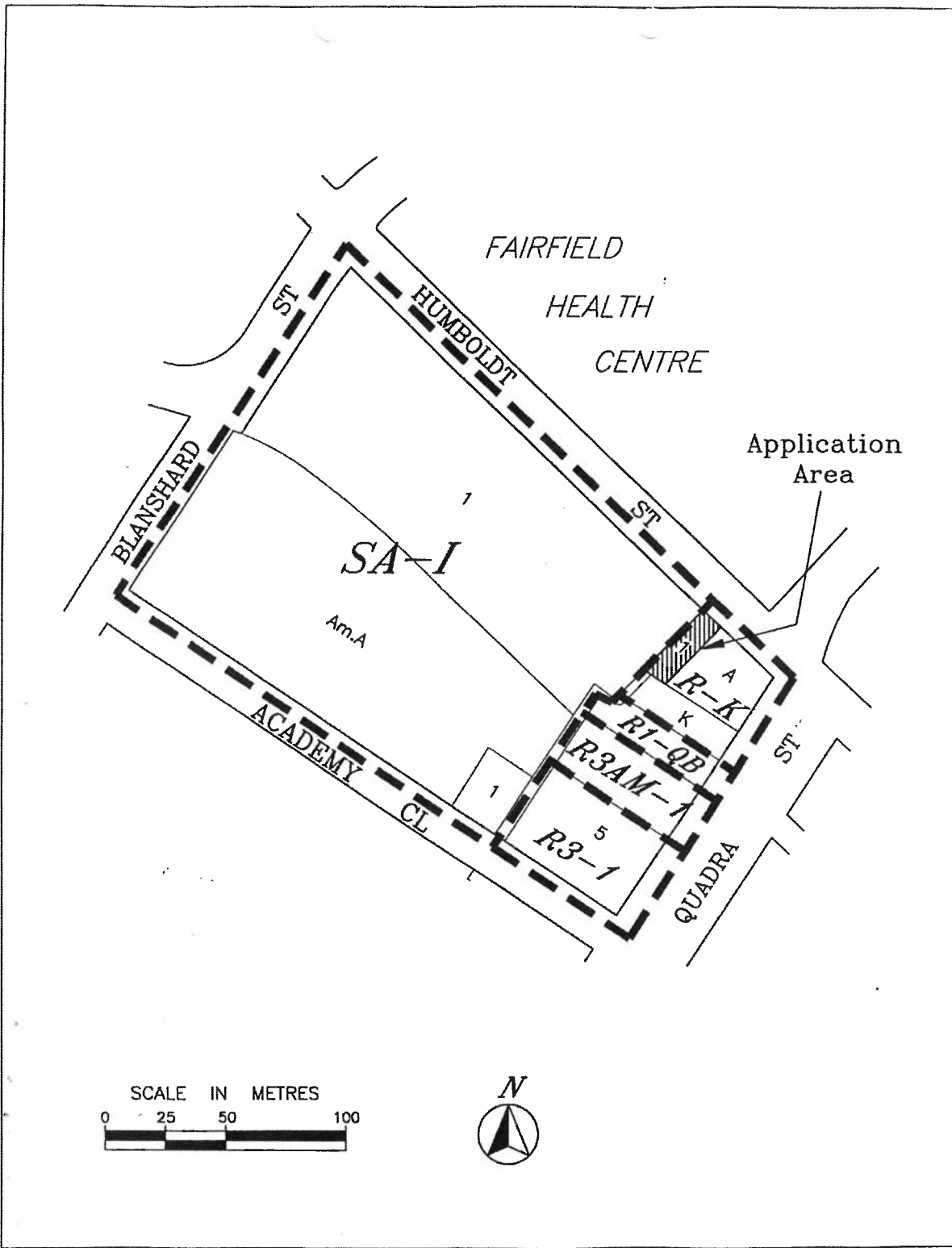
Legal description of 867 Humboldt Street:
Lot 1, District Lot 1698, Victoria City, Plan 2632

Existing Zone of 867 Humboldt Street:
R-K Zone, Medium Density Attached Dwelling District

The provisions of "Public Hearing Notification Bylaw" (No. 86-25) require that notice of the hearing on this matter must be mailed or otherwise delivered to the owners and occupiers of all real property within the area that is subject of the rezoning and within a distance of 22 metres from the subject area. All those who believe that their interest in property is affected by the above matters will be given an opportunity to be heard by City Council at a Public Hearing to be held in the Council Chamber, City Hall, on **THURSDAY, MAY 23, 1996** at 7:30 p.m.

The proposed bylaws may be inspected prior to the hearing at City Hall, #1 Centennial Square, Victoria, British Columbia, between the hours of 8:00 a.m. and 4:30 p.m. from **Monday, May 13, 1996 until Thursday, May 23, 1996**, except Saturdays and Sundays. Further enquiries may be directed to the Planning Department, Telephone 361-0382.

(SEE REVERSE FOR MAP)



March 20, 1996

TO: His Worship Mayor Bob Cross and Members of Council Assembled

FROM: Secretary, Advisory Planning Commission

RE: **APC 96-07**
867 HUMBOLDT STREET
Application of Mila Werbik to rezone Lot 1, District Lot 1698, Victoria City, Plan 2632 from R-K (medium density attached dwelling) to a new zone for Bed and Breakfast

1.0 SUMMARY

The application is to increase a current zoning entitlement of two bedrooms to four bedrooms for bed and breakfast use as outlined in the applicant's appended summary page entitled Rezoning Submission February 14, 1996. The application is consistent with the City's Official Community Plan, 1995 and with its general policies for larger bed and breakfast businesses.

At its meeting of March 19, 1996, the Advisory Planning Commission considered this application and voted unanimously to endorse Staff's recommendation.

Majority Report

- Proposal is an asset to the City.
- Provides service close to downtown for tourists.
- Applicants have done a great job with renovations of the character building.
- Great complement to the efforts of the Province to renovate St. Ann's Academy.

2.0 RECOMMENDATION

2.1 Advisory Planning Commission Recommendation

That the application be forwarded for consideration at a public hearing and that the Solicitor be instructed to prepare the necessary zoning bylaw changes as outlined in Appendix A.

3.0 BACKGROUND

3.1 The Proposal

The proposal is to allow an existing old house to be used as a dwelling unit with four bedrooms rented for bed and breakfast use. The current zone allows up to two bedrooms to be used for bed and breakfast.

Details are as follows:

Item	Proposal	Current Zone Standard
Site Area m ²	349	460 min.
Site Coverage (%)	36	40 max.
Total Floor Area m ²		
1st & 2nd storey	232	280 max.
Total building	353	420 max.
Height (m)	10.3*	7.6 max.
Setbacks (m)		
Front	2.7*	7.5 min.
Rear	10.0	8.26 min.
South Side	.93*	1.5 min.
North Side	2.59*	3.0
Parking	5**	5

* Note: existing non-conforming condition

** Parking is stacked one behind another in the rear and side yard.

3.2 Existing Site Development and Development Potential

The existing old house has been extensively renovated. The site is substandard in terms of area and width. Under the current R-K zoning the site could be developed as a new detached dwelling or a form of public building, e.g. church. The size of the house and the availability of parking appears to allow the house to be converted to a duplex subject to the City's R1-B conversion standards.

3.3 Land Use Context

The site adjoins a 16 unit apartment building (east), its rear yard abuts the rear yard of a detached dwelling. To the west is the north yard of the St. Ann's Academy office building under renovation. Opposite across Humboldt Street is the Victoria General Hospital, Fairfield. A short distance to the south fronting Quadra Street in the same block is a bed and breakfast use of similar size.

3.4 Current Development Policy

3.4.1 Official Community Plan - 1995

The site lies on the edge of an apartment residential established district in which some ancillary commercial uses and home based businesses are permitted. The Plan also states as an objective on page 4.6 "to recognize the increasing importance of visitors to Victoria's economy and encourage the expansion and diversification of services to visitors."

3.4.2 Suburban Neighbourhoods Report Fairfield Chapter 1984

The site is designated as "conservation townhouses and general residential." The policy for this area includes "adapt existing housing stock to meet the varied social and economic needs of residents (duplex, apartment, boarding, rooming, housekeeping apartments, rest homes and child care)."

3.4.3 Policy for Bed and Breakfast

In 1981 Council established a zone category and rezoning evaluation guidelines for this category of use (copy of APC April 23, 1981 report appended). The guidelines support locations that have a beneficial impact on the community, e.g. restoration of a heritage building and grounds with ample parking and privacy. Some examples of rezonings that have occurred since 1981 are:

Beaconsfield	998 Humboldt St.
Abigails	906 McClure
Dashwood	1 Cook Street
Holland House	595 Michigan
Haterly	243 Kingston
Henderson	522 Quadra St.

The Municipal Act was amended in 1985 to allow any detached dwelling to rent out up to two bedrooms for tourists.

3.4 Conclusions

The applicant has submitted letters of support from several neighbours as well as the Executive Officer of Tourism Victoria, the General Manager of the Downtown Victoria Association and the Planning and Zoning Committee Chair of the Fairfield Community Association. The applicant has also submitted registration data confirming that many of their guests arrive without cars.

4.0 STAFF RECOMMENDATION

That the application be forwarded for consideration at a public hearing and that the Solicitor be instructed to prepare the necessary zoning bylaw changes as outlined in Appendix A.

APPENDIX A

The following uses are permitted:

1. a) All the uses permitted in the R-K zone
b) transient accommodation
2. One parking space shall be provided for the principle residence, and one parking space shall be provided for each transient accommodation unit.
3. All required parking shall be sited in the rear yard or the side yard and a parking space may be located behind another parking space.


Study Case # 221

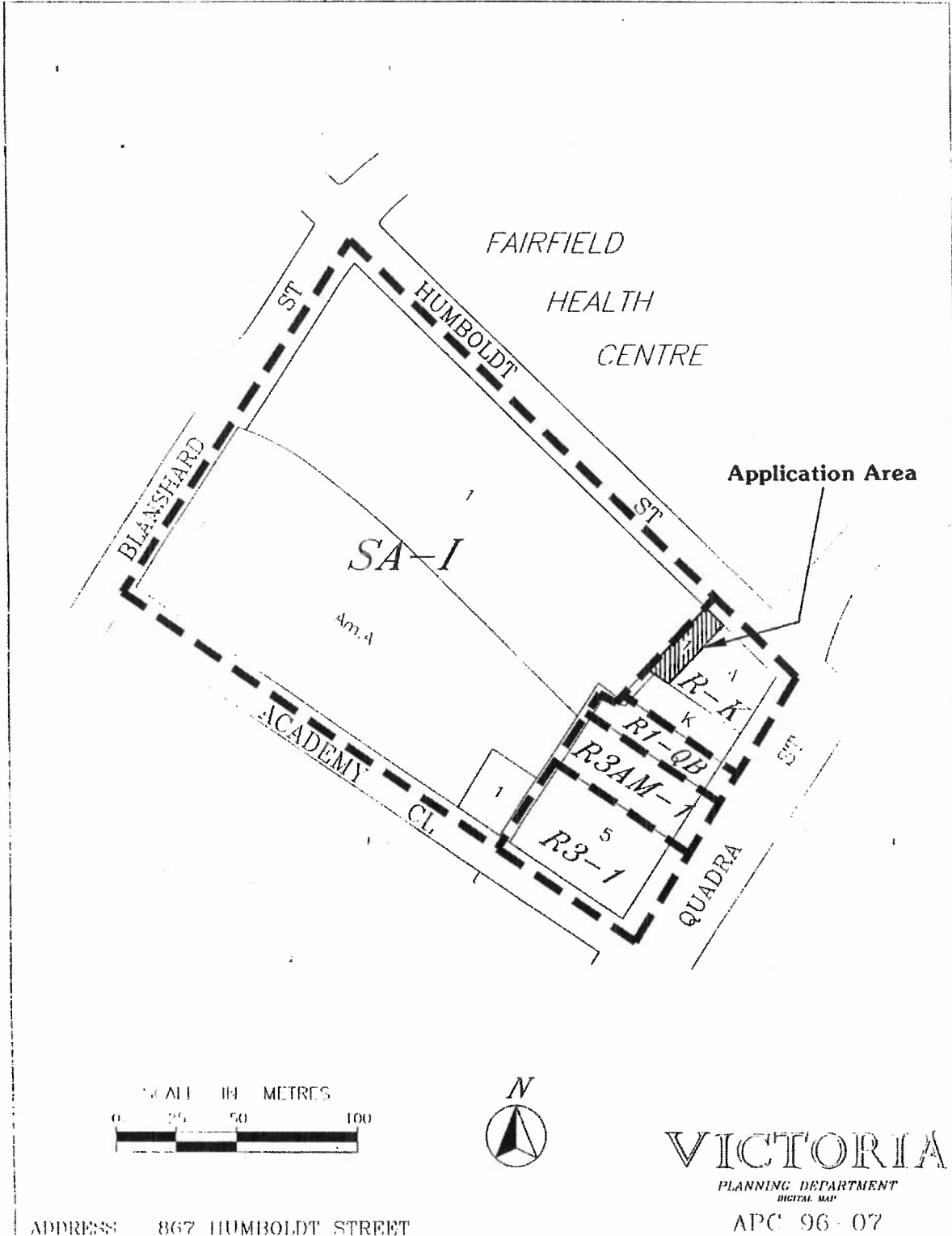
-2-

April 8, 1981

- (a) At least one parking space per rental room and one space for the residential occupancy shall be provided on the same lot as that occupied by the building. Parking spaces on any lot may be immediately behind other parking spaces;
- (b) No exterior alterations save those approved by the Board of Variance or required to meet the standards of other statutes shall be made to the building;
- (c) Advertising shall be limited to one sign not exceeding 2 sq. ft. (0.186 m²) in area stating the address and the words 'BED & BREAKFAST' only.

Respectfully submitted,


Secretary,
Advisory Planning Commission



FAIRFIELD
HEALTH
CENTRE

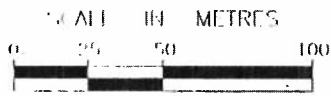
Application Area

SA-1

Am. A

ACADEMY
CL

QUADRA



VICTORIA

PLANNING DEPARTMENT
DIGITAL MAP

APC 96-07

ADDRESS 867 HUMBOLDT STREET

**867 HUMBOLDT STREET
REZONING SUBMISSION - FEBRUARY 14, 1996**

We submit this application for rezoning for 867 Humboldt St. in order to obtain a site specific Bed & Breakfast zoning in place of our present RK townhouse zoning. We believe there is a precedent of exactly the same type of zoning we are requesting that took place in 1990 for 522 Quadra St.

867 Humboldt St. was built in 1893 and was totally renovated (raised, rewired, replumbed, insulated, refinished) in 1985. The property is contiguous to the St. Ann's Academy lands and is the first real example of heritage architecture that tourists glimpse as they proceed along Humboldt St. from the downtown core. The proximity to downtown, the lack of a cohesive residential neighbourhood, and the number of commercial properties beside 867 Humboldt St. indicates that the neighbourhood will not be adversely affected by this rezoning. The original St. Joseph's hospital lands are directly across the street, the Red Cross building is diagonally across the street, and the St. Ann's Academy is beside the property. We assure the city there will be no parking problems in the area and all our neighbours indicate approval of this type of rezoning.

Letters of approval for this rezoning accompany this proposal from the Downtown Victoria Association and the Fairfield Community Association whose jurisdiction overlap in this neighbourhood.

We supply 3 stacked parking spaces on the property for this rezoning. (Actually more are possible.) The present 1986 Bed & Breakfasting bylaw allows for 2 stacked parking spaces. In actual practice we have space at the rear of the property for 3 cars to enter, park, turn around, and exit, but city parking requirements require a larger legal turn around so our application is for stacked parking. Our experience has been that approximately 50% of our guests arrive without cars so that we are sure in the short and long term we will not create any parking problems for our neighbourhood.

Visitors to our city are looking for the type of tourist accommodation that Humboldt House supplies. We feel that we are a credit to Victoria's international tourist reputation and ask that the city allow us to extend our own personal style of hospitality in the ensuing years to a larger number of tourists.

2

April 23, 1981

His Worship Mayor W.D. Tindall
and Members of Council Assembled,
City of Victoria.

Subject: Study Case # 221
R-BB Residential - Bed & Breakfast District

At its meeting of April 15, 1981 the Advisory Planning Commission considered a draft for a new zoning district 'Bed & Breakfast Accommodation'. Various individuals in the City have indicated an interest in operating a year round 'Bed & Breakfast' business.

If such a new zone is to be incorporated within the zoning bylaw - certain general criteria should be established as guidelines to the suitability, or otherwise, of individual homes to provide bed and breakfast facilities without detrimentally affecting neighbouring properties.

Suggested criteria are:

- (a) Proximity to major thoroughfares and bus routes, or on the perimeter of an established neighbourhood;
- (b) Adequate site area to provide increased off-street parking;
- (c) Adequate floorspace within the existing building to meet the proposed occupancy;
- (d) The building has heritage or special interest and its continued retention would be an asset to the community.

RECOMMENDATION:

That Council consider incorporating the following Part 1.5, R-BB Zone within the Zoning Bylaw.

Part 1.5

R-BB Zone, Single Family Dwelling - Bed & Breakfast District

Permitted Uses

1. Single Family Dwellings and customary accessory uses subject to the "R-1B Single Family Dwelling District" siting, site and parking regulations.
2. In addition buildings may be used for providing bed and breakfast transient accommodation in association with residential occupancy provided that:

SCHEDULE E

May 2, 1985

11(e)

TO: Chairman and Members
Committee of the Whole Council

FROM: Study Committee
Advisory Planning Commission

RE: Study Case #214-221
Zoning Amendments to Permit Limited Bed & Breakfast
Use in Single Family Dwellings

BACKGROUND

"Limited bed and breakfast" use is the business of providing one or two bedrooms and morning meals to tourists within a single family dwelling. (residential accessory use).

The Minister of Municipal Affairs' May 11, 1984 letter on this matter (appended), indicated preference for easing restrictions in contrast to the City's current zoning policy.

In Victoria, "bed and breakfast" use is generally prohibited except in rare cases where site specific zoning has been obtained. In 1981, Council established the "R-BB Bed & Breakfast Zone" (copy appended), along with the following criteria for its use.

- (a) Proximity to major thoroughfares and bus routes, or on the perimeter of an established neighbourhood;
- (b) Adequate site area to provide increased off-street parking;
- (c) Adequate floorspace within the existing building to meet the proposed occupancy;
- (d) The building has heritage or special interest and its continued retention would be an asset to the community.

The City's policy and zoning has failed to generate any significant community response.

Local regulations vary across the region. Oak Bay, like Victoria, prohibits bed and breakfast use, while Saanich* and the Electoral Areas* permit up to four visitors in any detached dwelling; Sidney* permits two visitors in any detached dwelling. On June 4, 1984, Esquimalt amended its zoning to permit three rooms to be rented in a self-contained dwelling unit.

The APC Study Committee concluded that to expand and diversify the City's tourism economy in a manner complimentary to residential use, it would be appropriate to permit "limited bed and breakfast" throughout Victoria's single family areas by way of a general zoning amendment.

RECOMMENDATION:

1. That the following policies be adopted by City Council:
 - (a) Bed and breakfast use permitted in any detached single family dwelling in any zone where residential is a permitted use, subject to:
 - i. limit of two bedrooms;
 - ii. no food services after 12 noon;
 - iii. no liquor service;
 - iv. parking on site for each bedroom rented (may be stacked on driveway);
 - v. no signs to be displayed.

*Unlike Victoria, Saanich, CRD and Sidney consider bed and breakfast clients to be equivalent to "roomers" or "boarders".

- (b) All bed and breakfast businesses should be encouraged to be members of a reputable registry service to ensure high standards for the community and travelers.
2. It is further recommended that if Council proceeds with these amendments, community organizations should be advised in advance of setting the public hearing.

Notes:

The "limited bed and breakfast" use should be implemented by way of a general zoning amendment, to be drafted by the City Solicitor, e.g. amendment to Home Occupation, Schedule "D".

Proposals that do not meet the criteria listed in recommendation (a) must be subject to individual re-zoning applications. (as provided for in Council's 1981 policy).

SCHEDULE D

HOME OCCUPATIONS

- | | | |
|------------------------|----|--|
| | 1. | Where <u>home occupations</u> are permitted pursuant to the provisions of this bylaw, the following conditions shall apply to the use: |
| Location | 2. | For the purposes of a <u>home occupation</u> , the location of a business is the address at which the operations of the business are managed. |
| Exception | 3. | A <u>home occupation</u> is not required to be operated wholly within a <u>dwelling unit</u> where the work is undertaken entirely off the <u>lot</u> on which the <u>dwelling unit</u> is located. |
| Prohibition | 4. | The sale of goods to customers attending on the <u>lot</u> on which the <u>dwelling unit</u> is located is prohibited. |
| Permitted Uses | 5. | The following uses are permitted as <u>home occupations</u> : <ul style="list-style-type: none"> (a) artist studio; (b) mail order, provided that no merchandise is sold to customers attending on the <u>lot</u> on which the <u>dwelling unit</u> is located; (c) making, processing and assembly of products on a small scale; (d) manufacturing agent; (e) personal and professional services, including barber, hairdresser, bookkeeper, medical therapy; (f) teaching, provided that attendance is limited to 5 persons in a detached dwelling and to 1 person in a <u>duplex</u> or <u>multiple dwelling</u>; (g) testing, servicing and repairing of goods. |
| Prohibited Uses | 6. | (1) All uses that are noxious or offensive to any other dwelling units or the general public by reason of emitting odour, dust, smoke, gas, noise, effluent, radiation, broadcast interference, glare, humidity, heat, vibration, or hazard or any other emission are prohibited. |

Prohibited Uses (continued)

- (2) The following uses are prohibited:
 - (a) except as provided in Section 11, bed and breakfast;
 - (b) car repairs and garages;
 - (c) clubs;
 - (d) kennels;
 - (e) radio dispatch services;
 - (f) restaurants;
 - (g) retail stores;
 - (h) salvage lots;
 - (i) storage lots;
 - (j) except as provided in Section 11, transient accommodation;
 - (k) in any building which has been converted from single family dwelling to duplex, multiple dwelling, boarding house, rooming house, or housekeeping apartment, pursuant to the applicable provisions of this bylaw, music teaching or any business which results in the transmission of sound.

- Stock in Trade 7 Except for one licenced vehicle, which shall be a car, van, or pickup truck, no business-related materials, including machinery or vehicles, shall be visible at any time on any lot on which a home occupation is carried out nor shall any machinery or vehicles be parked or stored on the lot unless completely enclosed within a building.

- Limitations 8. (1) Subject to this section, not more than one person shall be engaged in any home occupation and the person shall reside on the lot on which the home occupation is carried on.
 - (2) Where any lot upon which a home occupation is carried on has a boundary or portion of a boundary in common with any lot which is located in a zone which permits retail use, then no more than two persons may be engaged the home occupation where one of the persons resides on the lot on which the home occupation is carried on.

- Advertising
- (3) This section does not apply to any employees of a home occupation who at no time attend on the lot on which the home occupation is carried on, nor park in the immediate vicinity of the lot.
 - 9. No more than one home occupation shall be carried on in any dwelling unit.
 - 10. Except as expressly permitted in this bylaw, or in the Sign Bylaw, no sign or other advertising device or advertising matter may be exhibited or displayed on any lot on which a home occupation is being carried on.
 - 11. Subject to the following requirements, where any building is used as a single family dwelling, up to two bedrooms may be used for transient accommodation as a home occupation.
 - (1) Notwithstanding Section 4, meals or food services may be provided to any customers but not after 12:00 noon.
 - (2) No liquor shall be provided to any customers.
 - (3) One parking space for each room available for transient accommodation shall be provided on the lot and a parking space may be located behind another parking space
 - (4) No sign may be erected, used, or maintained for the purpose of advertising transient accommodation use within a single family dwelling.

FROM : Humboldt House B&B U... Victoria BC PHONE NO. : 2503836402
... City ... Victoria, A1 IN.: Dan Scoone

M P1

SCHEDULE G

FAX #: 250-361-0388

TOTAL # OF PAGES: 1

827 Humboldt

Humboldt House Bed & Breakfast

867 Humboldt Street Victoria, B.C. V8V 2Z6
Fax: (250) 383-6402 E-mail: rooms@humboldthouse.com
Tel: (250) 383-0152

DK
DK

96-07

November 21, 1999

City Of Victoria, Bylaw Enforcement Division
#1 Centennial Square
Victoria, BC, V8W 1P6
Attention: Dan Scoones

Dear Mr. Scoones:

Re: Bed & Breakfast Compliance Program

We have been identified on your list of "Illegal Bed & Breakfast Cases," as having extra unapproved rooms.

As you know, we underwent successful rezoning in 1996, and are approved to rent out four rooms for transient accommodation. We also have a business license and pay all of the necessary GST, PST, and 2% Municipal taxes. As you also know, we have an additional room and are just finishing the specifications to obtain the necessary Change Of Use building permit to make this room legal. Mr. Roy Thomassen (City Of Victoria Building Inspector) has informed us that we need only finish the fire escape and fire alarm system (which are both underway) to receive this permit.

We have removed the fifth, not-yet approved room from our advertising, and will not be renting it out until the change of use permit is issued. We would kindly ask you to remove our name from the list of Illegal Bed & Breakfast Cases and also inform Tourism Victoria of our status as a legal, four-room Bed & Breakfast. Perhaps we could have a letter from you for our records as well.

Thank you for your time and efficiency on this matter. We look forward to working with you in the future.

Yours sincerely,

David Booth / Jarmila [Mila] Werbik
Owners, Humboldt House B&B Inc.

FILE APC 96-07

PLAN'S

V THE CITY OF
VICTORIA



Permits and Inspections Division
Planning & Development Department
City Hall, #1 Centennial Square
Victoria, British Columbia V8W 1P6
Tel (250) 361 0342 Fax (250) 385 1128
<http://www.city.victoria.bc.ca>

OCCUPANCY/ COMPLETION PERMIT

The occupancy approved under this certificate refers to the construction authorized by the building permit(s) listed hereunder and such approval occupancy is applicable as of the date shown. The building or part thereof constructed under the authority of Building Permit(s) No.(s) 28377

may now be occupied in accordance with the approved occupancy herein described:

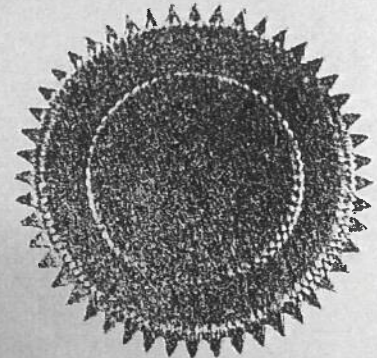
Building Address 867 HUMBOLDT STREET

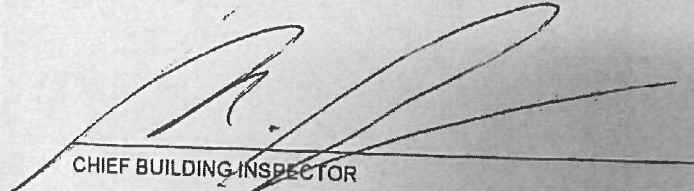
Legal Description LOT 1 PLAN 2632

Approved Occupancy SINGLE FAMILY DWELLING TO INCLUDE SIX BED &
BREAKFAST UNITS

Permit Description ALTER & CONVERT

Dated this day: Wednesday, August 16, 2000

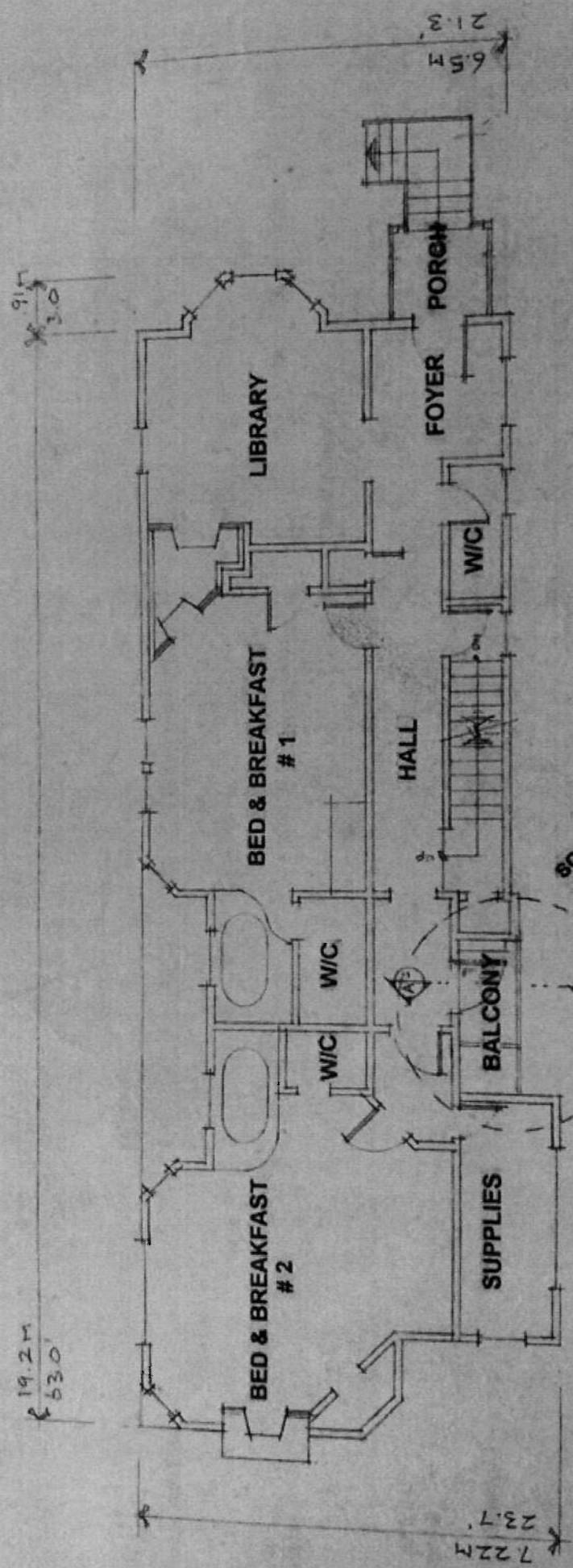



CHIEF BUILDING INSPECTOR

This permit is issued pursuant to the authority contained in the City of Victoria Building Bylaw. In addition, the issuing of this Permit shall not relieve the owner or occupier from the responsibility of complying with the Zoning and Development Bylaw or any other pertinent Bylaw, Acts or Regulations. This Permit is not a representation or warranty that the Bylaws of the City of Victoria or other enactments have been complied with, since resource at the City only permit random review and inspections. The City of Victoria will accept no responsibility or legal liability should any person suffer loss,
BUILD#03 - Occupancy/Completion Permit

Revised 04/07/98

SCHEDULE I



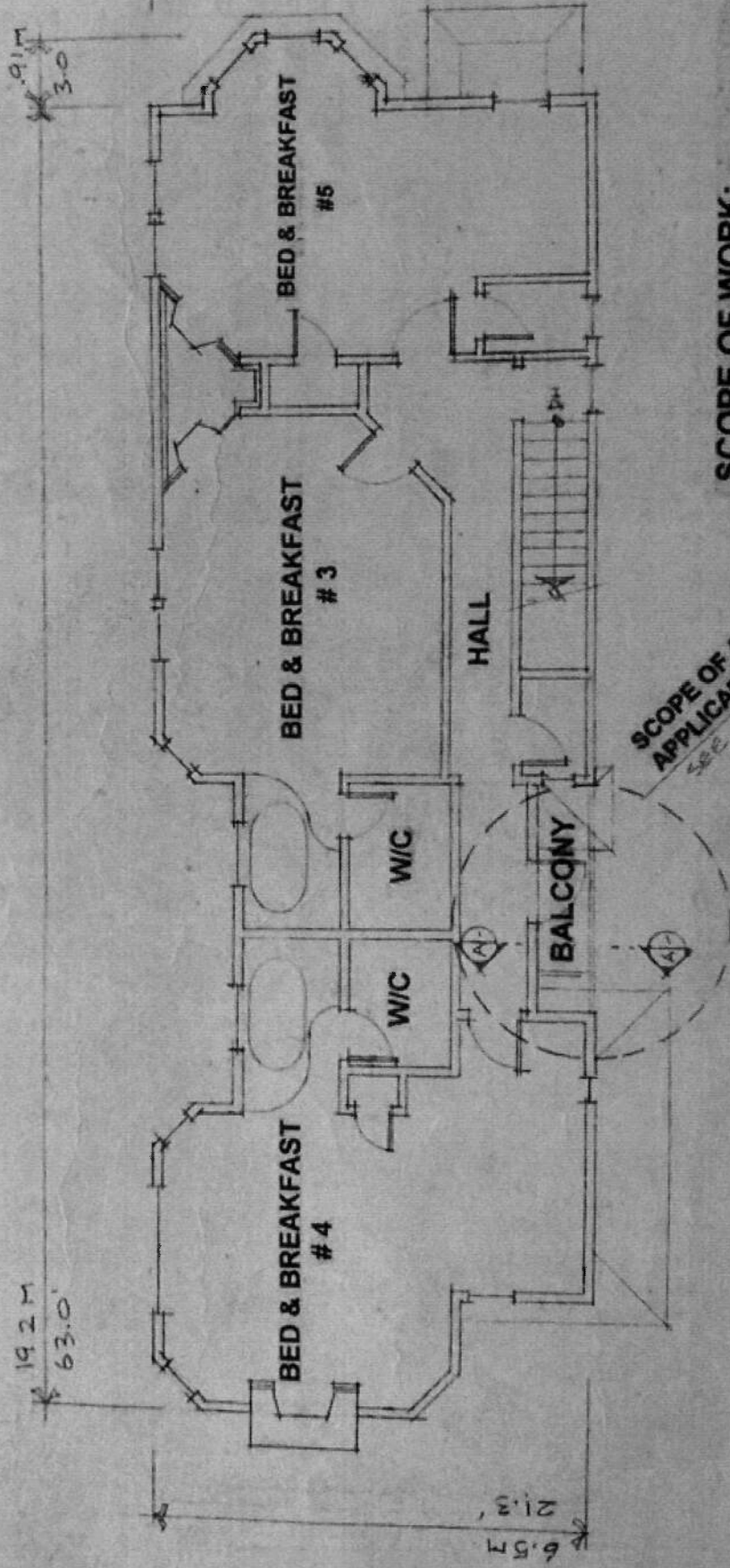
SCOPE OF AREA
APPLICABLE TO PERMIT
SEE DETAILS

MAIN FLOOR PLAN

1/8"=1'-0"

19.2M

19.2M

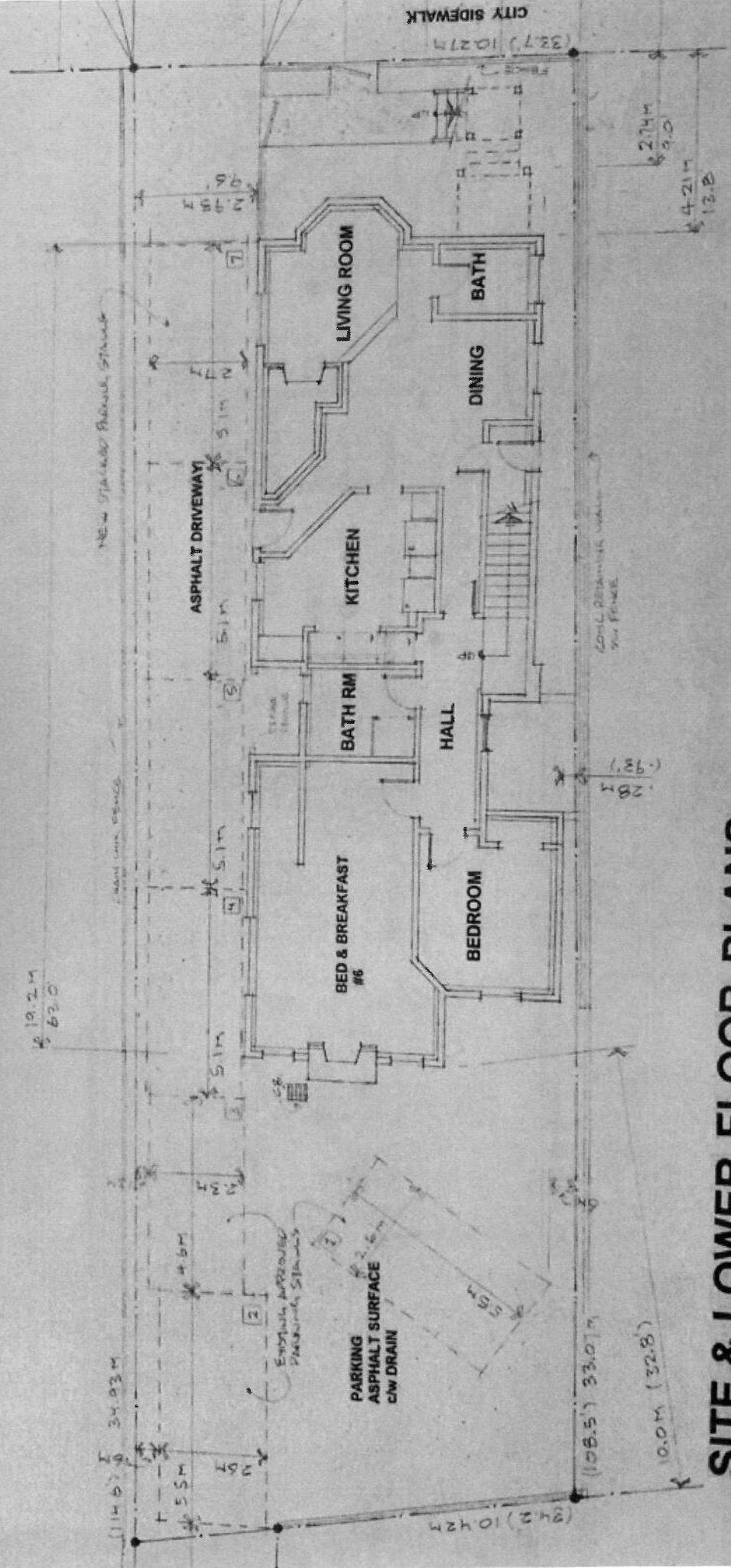


SCOPE OF WORK:

1. TO CONVERT THE EXISTING USE OF THE BUILDING TO 6 BED & BREAKFAST TRANSIENT ROOMS
NOTE: BUILDING TO BE SPRINKLERED AS PER NFPA
2. TO CONSTRUCT BALCONIES AS SHOWN
NOTE: SETBACKS & EXTERIORS AS SHOWN APPRO

SCOPE OF AREA
APPLICABLE TO PERMIT
SEE DETAILS

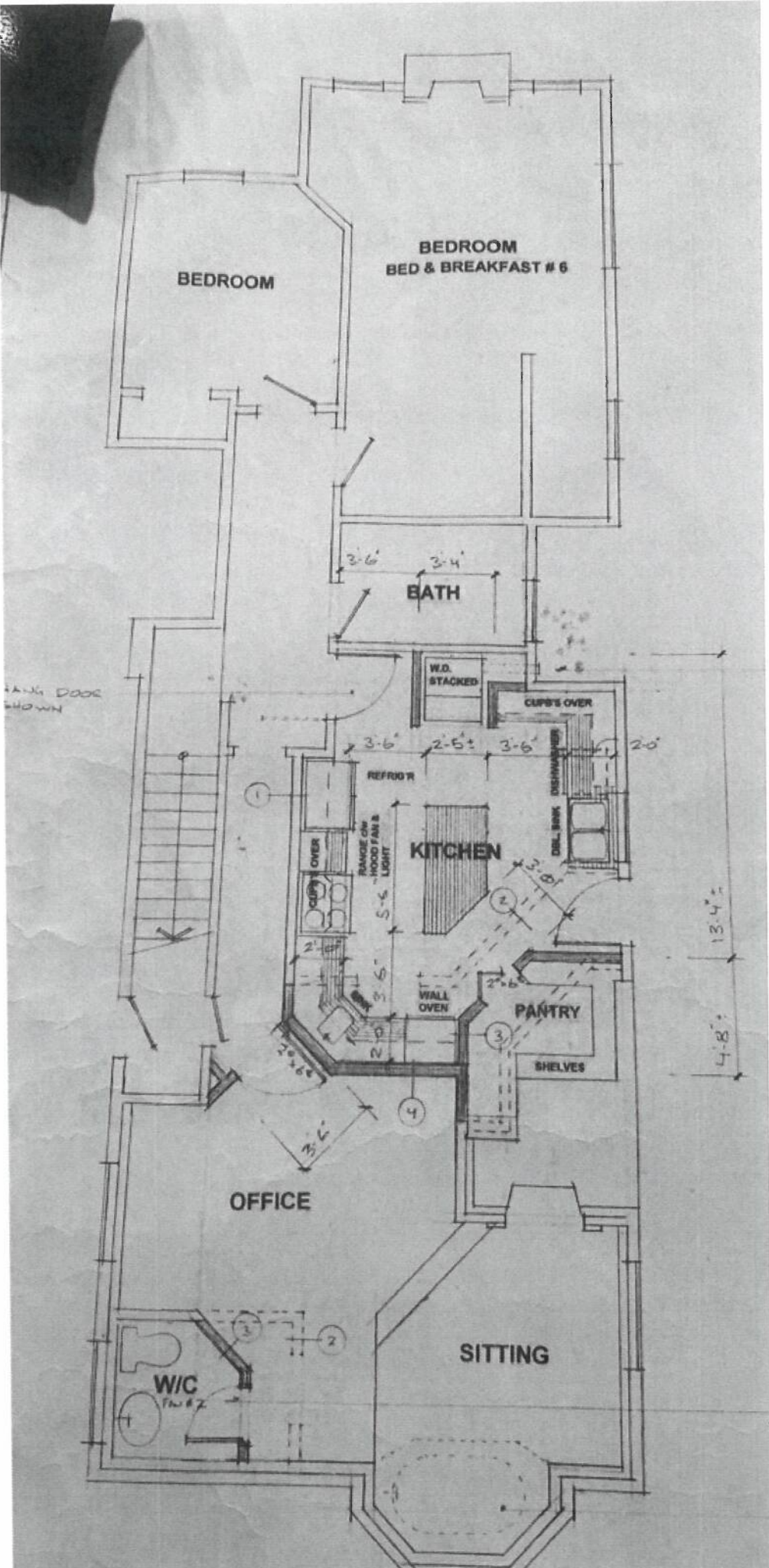
UPPER FLOOR PLAN
1/8"=1'-0"



SITE & LOWER FLOOR PLANS
 1/8"=1'-0"

19.2m

SCHEDULE J



Mikado suite at Humboldt House

SCHEDULE K

★ New · [Victoria, British Columbia, Canada](#)

[Share](#) [Save](#)



Show all photos

Entire rental unit hosted by Matthew

4 guests · 1 bedroom · 1 bed · 1 bath



Park for free

This is one of the few places in the area with free parking.

aircover

Every booking includes free protection from Host cancellations, listing inaccuracies, and other issues like trouble checking in.

[Learn more](#)

Nestled in the heart of downtown Victoria, steps away from Beacon Hill Park, the legislature and waterfront this historic house is one of the finest in Victoria.

The suite has a full kitchen with everything you need to make meals at home, you will have access to a shared laundry room should you need it.

It has a single queen bed, additional bedding options can be made available upon request.

What this place offers

- Kitchen
- Wifi
- Free parking on premises
- TV
- Washer
- Free dryer – In building
- Air conditioning

~~\$147 USD~~ **\$117 USD**
night

CHECK-IN 02-12-2023	CHECKOUT 02-13-2023
GUESTS 1 guest	

Reserve

You won't be charged yet

<u>\$147 USD x 1 night</u>	\$147 USD
<u>Special offer</u>	-\$29 USD
<u>Service fee</u>	\$17 USD
<u>Taxes</u>	\$21 USD
Total	\$156 USD

[Report this listing](#)

1038938



TRANSIENT – BUSINESS LICENCE APPLICATION

FINANCE DEPARTMENT
Business Licensing
1 Centennial Square
Victoria, B.C. V8W 1P6

For information, or assistance completing this form, please contact the Business Licence Office at 250.361.0572 or by email at businesslicence@victoria.ca. Or fax 250.361.0560. You can mail your completed application to the above address.

IMPORTANT: The information required by this application is necessary to fully evaluate your request for a Business Licence. Incomplete forms will **not** be processed. Completion of this application does **not** guarantee approval of a Business Licence. Approved licences will be issued **only** upon receipt of payment of Business Licence fee.

Conducting business without a Business Licence is an **offence** for which penalties are prescribed. The minimum penalty in this case is a fine of \$250 per day, for each day that the offence continues, pursuant to Section 4 of the Business Bylaw. Please be advised this document is subject to the Freedom of Information and Protection of Privacy Act and access can be requested.

PART A: BUSINESS LICENSE APPLICATION

TYPE OF ACCOMODATION (check one)

- HOTEL
- MOTEL
- CONDOMINIUM # OF BEDROOMS
- HOSTEL
- OTHER: Bed and Breakfast

Business Location / Address: 867 Humboldt St

Business Name / Operating Name: Humboldt House

Partnership / Sole Proprietor(s): Partnership

Limited / Incorporated Company Name: _____

Please attach documents of Incorporation and Notice of Articles. (Photo copies accepted)

Mailing Address (if different from above): _____

Phone: 6045373541 Fax: _____ Cellular: _____

Emergency Contact Name / Phone: Ashley Arden 778-316-7233

Email Address: Matthew.Linnitt@gmail.com

Web Address: _____

Proposed Business Start Date: May 1st, 2023

Detailed Business Description:

The Humboldt House Bed and Breakfast has operated for years in Victoria. The previous owners purchased the business with the intent of renovating the rooms and re-opening the business. The Covid epidemic prevented them from re-opening. After the restrictions were lifted they chose to sell the property rather than re-open. We purchased the property about 7 months ago and are now seeking a license to operate.

6 Rooms

IMPORTANT: Home Occupation means making, servicing, or repairing goods, or providing services for hire or gain by any person, wholly within a dwelling unit **occupied** by the applicant. In addition, **Schedule D – Zoning Regulation Bylaw** states, in part ‘...where any building is used as a single family dwelling, up to two (2) bedrooms may be used for transient accommodation as a home- occupation.’ <http://www.victoria.ca/EN/main/business/permits-licences/business-licences.html>

PART B: APPLICANT'S INFORMATION

Applicant's Name (Individual completing form): Matthew Linnitt

Applicant's Signature: _____ Date signed: April 4th, 20 23

IMPORTANT: Applicant has read and agrees to comply with the requirements of the Zoning Regulation Bylaw and the 'Business License Bylaw of the City of Victoria. This information is being collected for the purpose of determining the applicant's eligibility for a Business License in the City of Victoria pursuant to Bylaw(s). In providing this information you are consenting to its use for the above-mentioned purpose and declare that all information provided herein is correct. This information may be shared with applicable departments and related agencies during the approval process.

PART C: APPROVAL PROCESS (FOR OFFICE USE ONLY)

<u>DEPARTMENT</u>	<u>DATE</u>	<u>APPROVAL</u>	<u>DATE</u>	<u>COMMENTS</u>
<input type="checkbox"/> Planning	_____	_____	_____	_____
<input type="checkbox"/> Building	_____	_____	_____	_____
<input type="checkbox"/> Health	_____	_____	_____	_____
<input type="checkbox"/> Fire	_____	_____	_____	_____
<input type="checkbox"/> Police	_____	_____	_____	_____
<input type="checkbox"/> Engineering	_____	_____	_____	_____
<input type="checkbox"/> Bylaw	_____	_____	_____	_____

FINAL APPROVAL by Business Licence Inspector _____

DATE APPROVED _____, 20 _____ BUSINESS LICENCE NUMBER _____

COMMENTS



Andrew Dolan

From: Matthew Linnitt <matthew.linnitt@gmail.com>
Sent: May 3, 2023 1:20 PM
To: Business License Inspector
Cc: Nancy White
Subject: Re: Humboldt House Bed and Breakfast

Hello John,
I appreciate the heads up.

Unfortunately I never recieved that email.

Hello Nancy,

I hope I haven't provided incorrect information on the application.

My email address is matthew.linnitt@gmail.com

If it's just that single question that needs to be answered **the house has six rooms.**

Regards,
Matthew Linnitt

On Wed, May 3, 2023, 13:15 Business License Inspector <BusinessLicenseInsp@victoria.ca> wrote:

Hi Matthew

Nancy White sent you an email last week, requesting to know how many rooms, to which you have not responded to her. I have CCed her in this email for your convenience. Until you respond to Nancy White, your application will not proceed.

If you have any questions, feel free to contact me.

Regards

John Kitson

Business Licence Inspector



1 CENTENNIAL SQUARE, VICTORIA, BC V8W 1P6 | victoria.ca

Bylaw & Licensing Services | Legislative & Regulatory Department

1 Centennial Square, Victoria, BC V8W 1P6
E str@victoria.ca T 250.361.0726

«Licencee_Names»
«Licencee_Mailing_Address»

RE: «Civic_Address»

INSERT DATE

Re: **Applying for your 2024 Bed & Breakfast Business Licence**

This is a friendly reminder that your 2023 Bed & Breakfast Business Licence will expire on January 15, 2024. This letter is to inform you that the auto-renew feature for this licence type is not available this year. If you would like to continue operating a bed and breakfast, you will need to apply for your 2024 licence.

Through a preliminary online review, it has come to the City's attention that many licensed bed & breakfasts are operating as short-term rentals. We look forward to working with you to help determine which licence type is most applicable to your business. All applications will include a property inspection to confirm the eligibility of the proposed accommodation.

Regulatory Updates

In October 2023, the Province of BC introduced the *Short-Term Rental Accommodation Act*. Please review the new rules: www2.gov.bc.ca/gov/content/housing-tenancy/short-term-rentals. These new regulations include additional requirements for advertising on platforms such as Airbnb and VRBO. The City of Victoria is in the process of reviewing its Short-Term Rental Regulation Bylaw, which may impact bed and breakfast operators in the future.

To apply for your 2024 Bed & Breakfast Business Licence, please use the application form that has been included here or you can use the fillable PDF version on our website:

victoria.ca/businesslicensing

To continue advertising or operating a bed & breakfast, including honouring any 2024 bookings you have already accepted, you must apply for, receive approval and pay for your 2024 licence fee before January 15, 2024.

Please submit your application by email to businesslicence@victoria.ca, or submit it by mail or in person to:

**Business Licensing
1 Centennial Square
Victoria, BC V8W 1P6**

For more information on applying for a Bed & Breakfast Business Licence, you can visit victoria.ca/businesslicensing. If you have already re-applied, we thank you for your promptness.

If you have any questions, please contact the City of Victoria Bylaw & Licensing team at 250-361-0726 or email str@victoria.ca.

Sincerely,

Bylaw and Licensing Services Division
Legislative and Regulatory Services Department
City of Victoria

1038938



Centennial Square
Victoria, BC V8W 1P6

250.361.0572
BusinessLicensing@Victoria.ca
VICTORIA, CA

Transient Accommodation Business Licence Application

For information, or assistance completing this form, please contact Business Licensing at 250.361.0572 or by email at businesslicensing@victoria.ca. You can mail your completed application to the above address, fax it to 250.361.0214 or email it to the email address noted above.

IMPORTANT: Applications must be completed in full and accompanied by appropriate documentation. Incomplete forms will not be processed. Completion of this application does not guarantee approval of the application. Approved licences will be issued only upon receipt of payment of the business licence fee. Conducting business without a valid licence is an offence for which penalties are prescribed. The minimum penalty is a fine of \$250 per day for each day that the offence continues, pursuant to Sec. 4(a) of the Business Licence Bylaw.

Part A: Property Information

Property Address: 867 Humboldt St Victoria, BC Postal Code: V8V 2Z6

Type of Accomodation (CHECK ONE)

- Hotel
- Hostel
- Motel
- Bed & Breakfast

Number of Rooms Being Used For Transient Accomodation: 3

Coin Operated Machines

# of washers and dryers	<u>0</u>	units X \$11.00 per unit =	<u> </u>
# of other machines	<u>0</u>	units X \$15.00 per unit =	<u> </u>
Total number of machines	<u>0</u>	Total fees: \$	<u> </u>

Part B: Applicant(s) Information

Registered Owner of the Property: Yes No

Sole Proprietor's name: (If you plan to operate the business on your own, either under your own name or a business name):

Partnership name(s): (If you plan to operate the business with one or more partners):

Matthew Linnitt Ashley Ceraldi

Limited/Incorporated company name: (If you plan to operate the business as a separate legal entity, separate from yourself and your personal assets):

Mailing address: 867 Humboldt st Victoria BC, V8V 2Z6
(APARTMENT / UNIT # / STREET ADDRESS)

Phone number: 604 537-3541

Email: Matthew.Linnitt@gmail.com



1 Centennial Square
Victoria, BC V8W 1P6

250.361.0572
Business Services
Victoria, BC

Transient Accommodation Business Licence Application

Incorporation Information: (If applicable)

Incorporation number: _____

If applying as a Limited/Incorporated Company, have you included documents of Incorporation and Notice of Articles?

Yes

I authorize the City of Victoria to obtain the documents of Incorporation and Notice of Articles and acknowledge that a \$30 fee plus applicable taxes will be charged by the City of Victoria for this service [Administrative Fees Bylaw No. 04-40].

Applicant / Representative Signature: 

Date Signed: 18 Dec 2023
(DAY / MONTH / YEAR)

IMPORTANT: In providing this information, you have consented to its use for the above-mentioned purpose and declare that all the information provided herein is correct. Applicant has read and agrees to comply with the stated regulations and requirements of the Business Licence Bylaw and all other applicable City Bylaws. Licences are valid from January 16 to January 15 of the following year.

Part C: Approval Process (For Office Use Only)

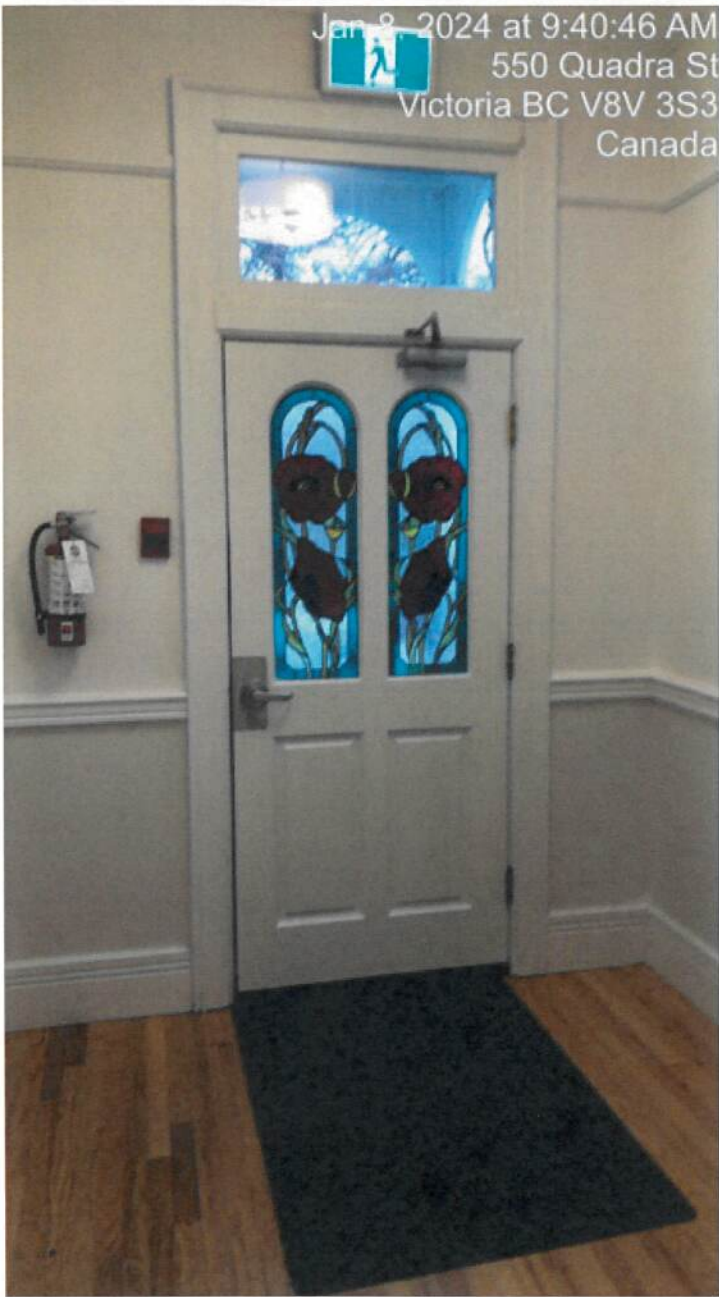
Processed By: NW

Date Signed: _____

DOCUMENTED
(DAY / MONTH / YEAR)
PUBLIC SERVICES CENTRE
CITY OF VICTORIA

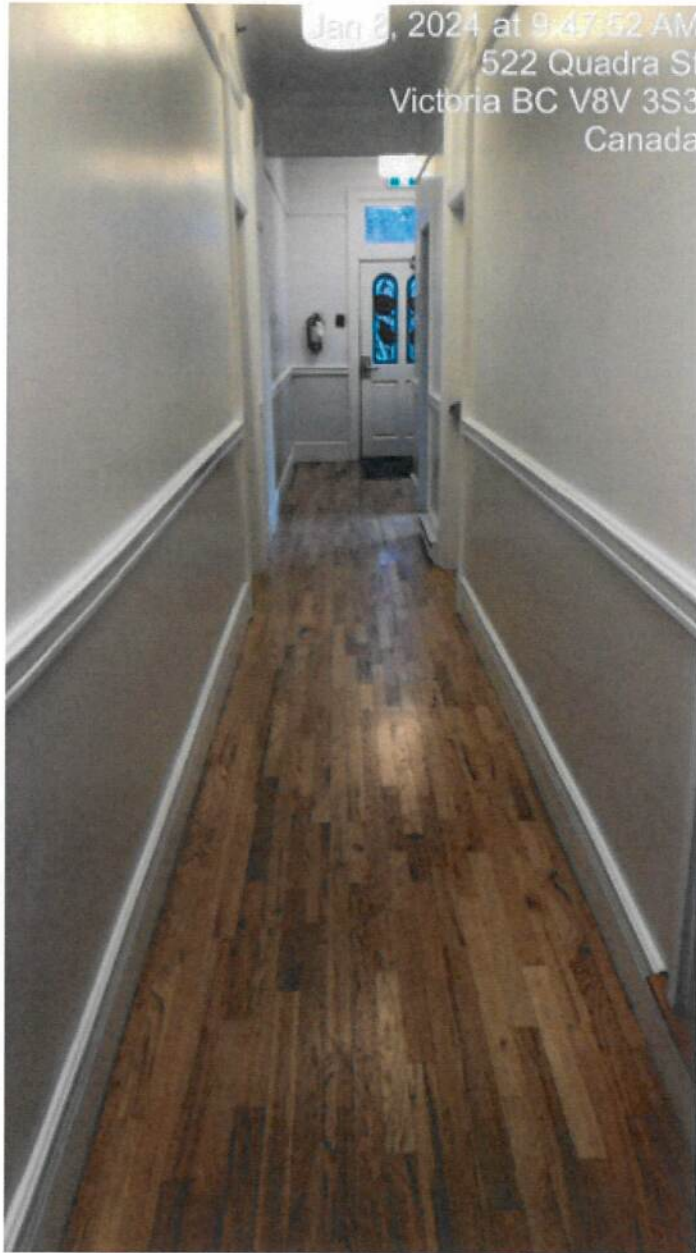
SCHEDULE O

Photo_867 Humboldt St. Matthew LINNITT_STR Inspection Main Floor_Foyer_DUARTE_20240108



Photo_867 Humboldt St. Matthew LINNIT_STR Inspection. Hall way_DUARTE_20240109

HALLWAY VIEW FROM CELEBRATION ROOM, STAIRS TO UPPER FLOOR TO THE RIGHT



Photo_867 Humboldt St. Matthew LINNITT_STR Inspection_Main Floor Hallway_DUARTE_20240108

THE HOMEOWNERS WANT TO EVENTUALLY HAVE A STALKED FRIDGE HERE WITH BREAKFAST ITEMS



Jan 8, 2024 at 9:41:15 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada

Photo_867 Humboldt St_Matthew LINNIT_STR Inspection_BTM Stairs to Upper Floor_DUARTE_20240109

OUTSIDE THE CELEBRATION ROOM, STAIRS TO THE UPPER FLOOR



VIEW FROM THE TOP OF THE STAIRS LOOKING DOWN



Photo_867 Humboldt St_Matthew LINNIT_STR Inspection_Lower, BSMT Primary Living Spaces_Parents_DUARTE_20240109

THIS IS THE SECOND HALF OF THE PRIMARY LIVING SPACE, IN THE BASEMENT, ACROSS FROM THE CHILDRENS ROOM/SUITE. LAUNDRY IS IN A SEPARATE ROOM IN BETWEEN SUITES.





Jan 8, 2024 at 9:44:16 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada

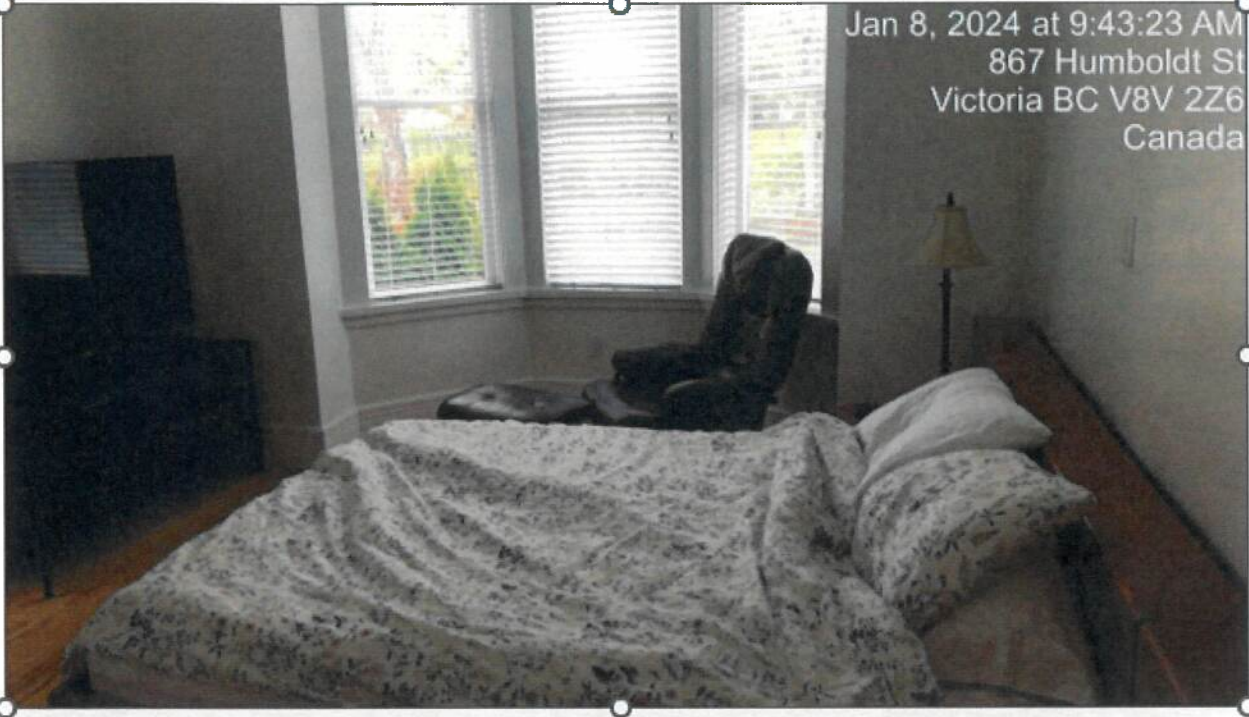


Jan 8, 2024 at 9:44:19 AM
Humboldt St
Victoria BC V8V 2Z6
Canada

MIKADO SUITE



Jan 8, 2024 at 9:43:23 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada

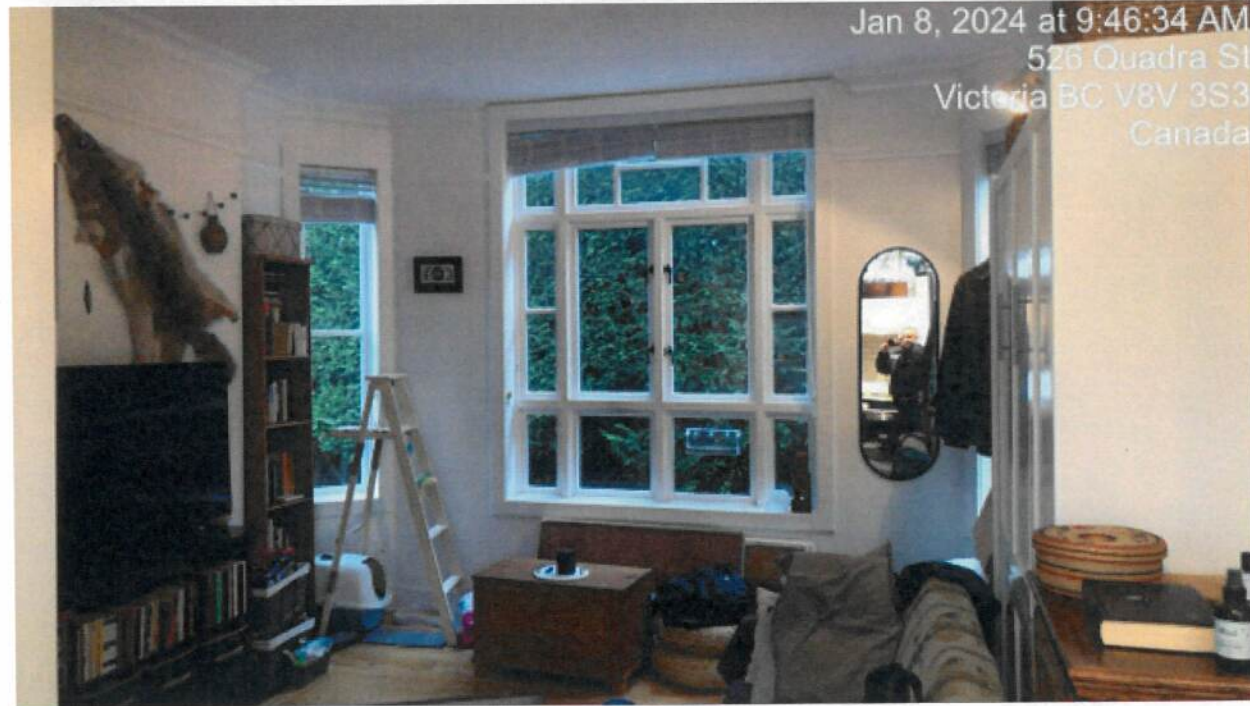


Jan 8, 2024 at 9:43:27 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada





Jan 8, 2024 at 9:46:29 AM
550 Quadra St
Victoria BC V8V 3S3
Canada

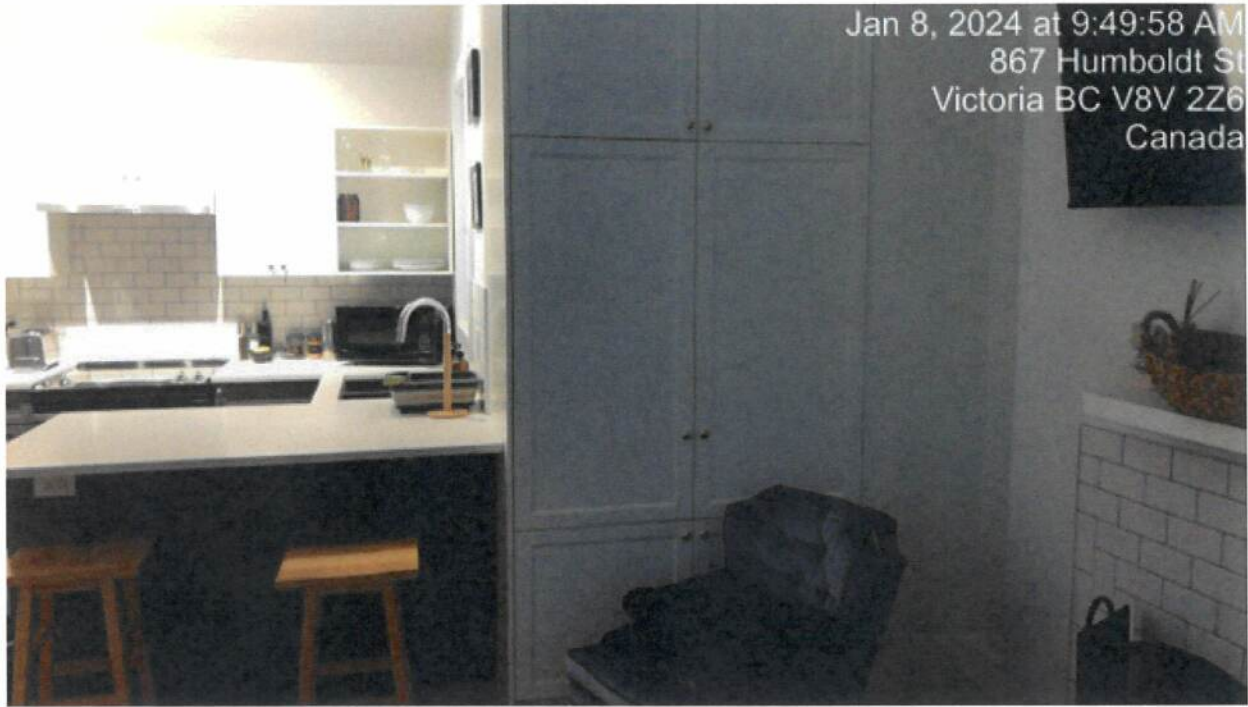


Jan 8, 2024 at 9:46:34 AM
526 Quadra St
Victoria BC V8V 3S3
Canada

CELEBRATION SUITE

Photo_867 Humboldt St. Matthew LINNITT_STR Inspection The Celebration Room Full-Time Tenant Full Bathroom_DUARTE_20240108



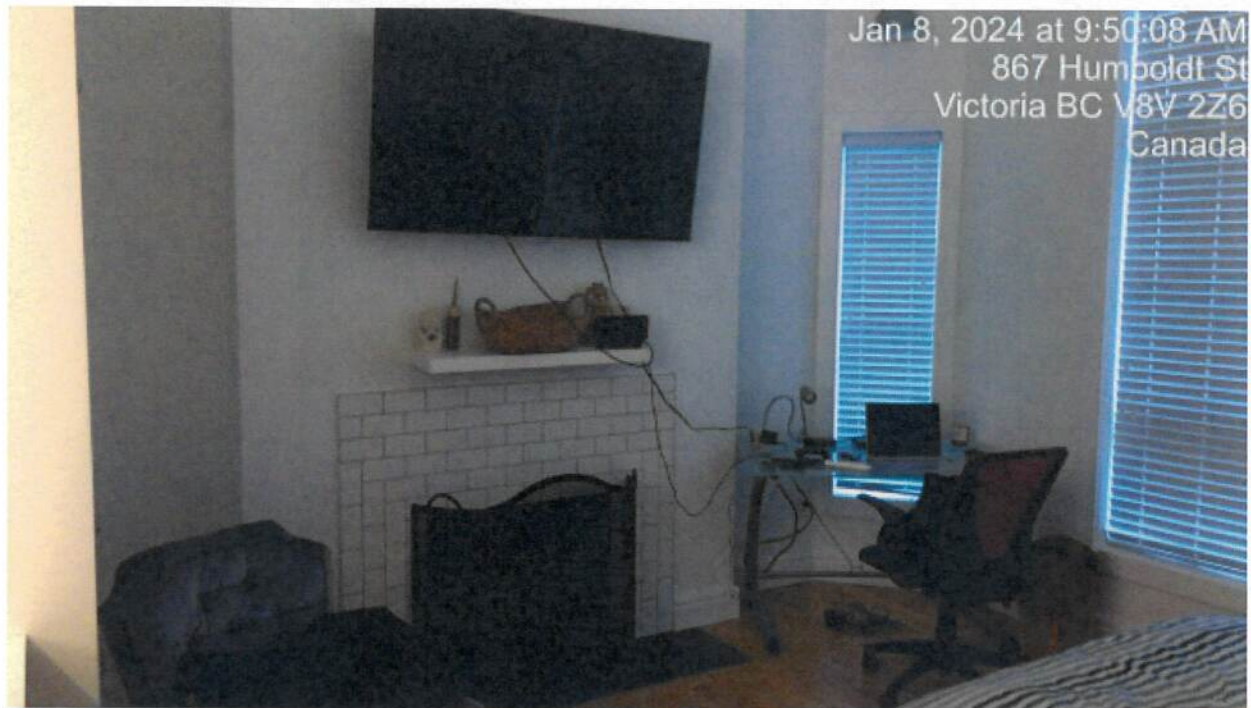


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Victoria BC V8V 2Z6
Canada

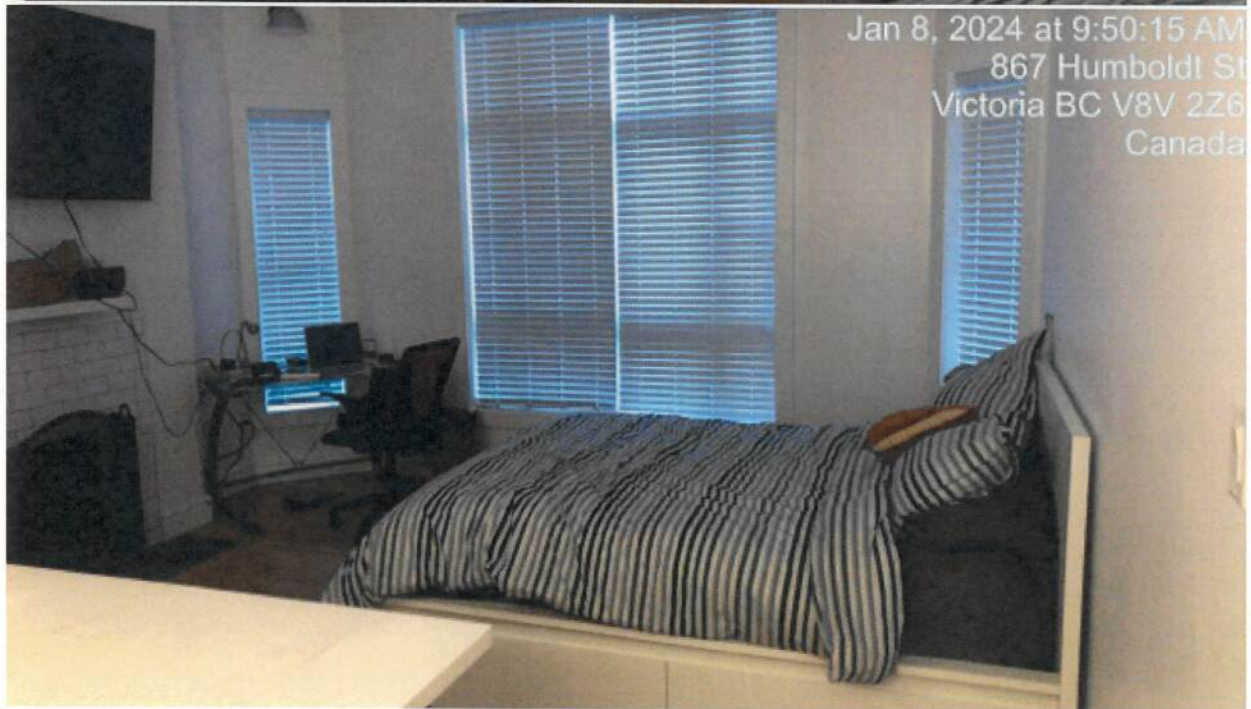


Jan 8, 2024 at 9:50:43 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada

EDWARDS SUITE

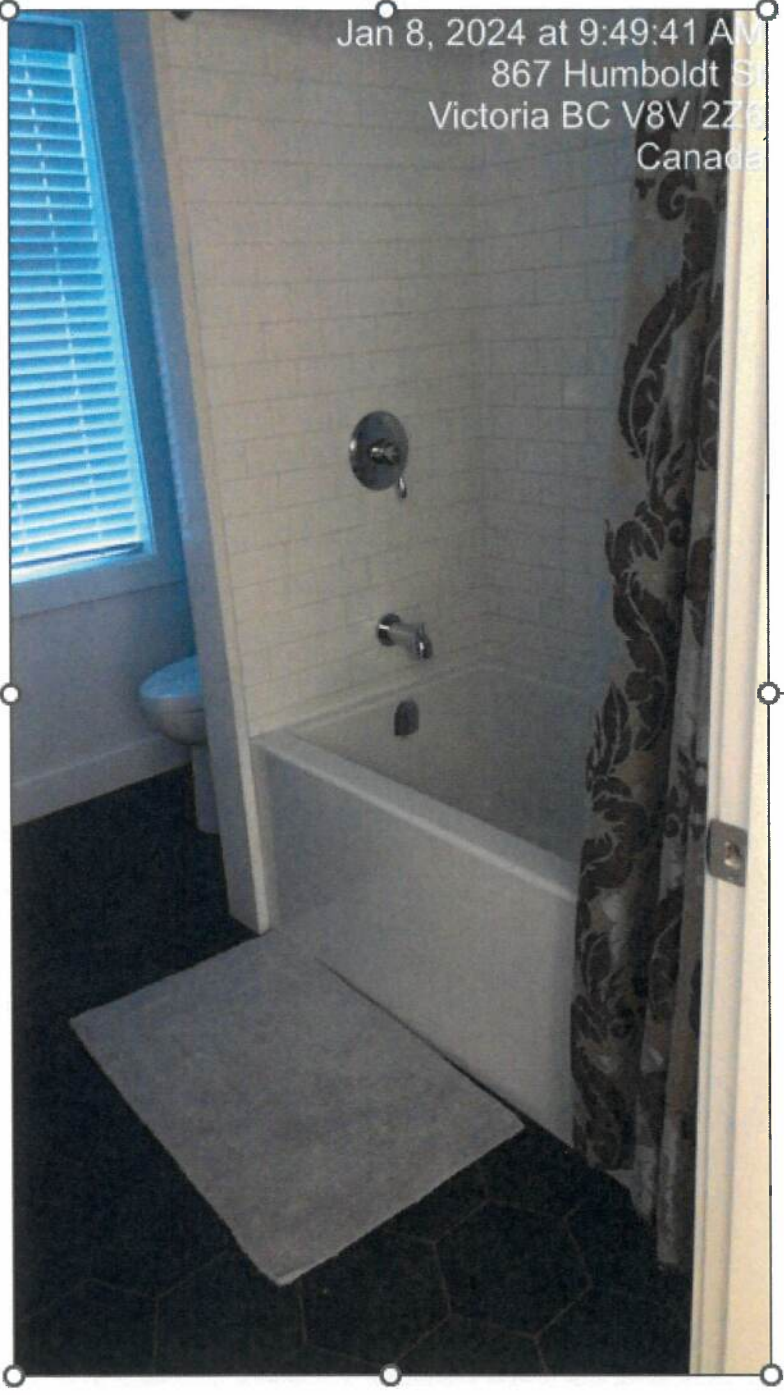


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Victoria BC V8V 2Z6
Canada



Jan 8, 2024 at 9:50:15 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada

Jan 8, 2024 at 9:49:41 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada





Jan 8, 2024 at 9:52:34 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada



Jan 8, 2024 at 9:52:47 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada

GAZEBO SUITE



Jan 6, 2024 at 9:53:33 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada

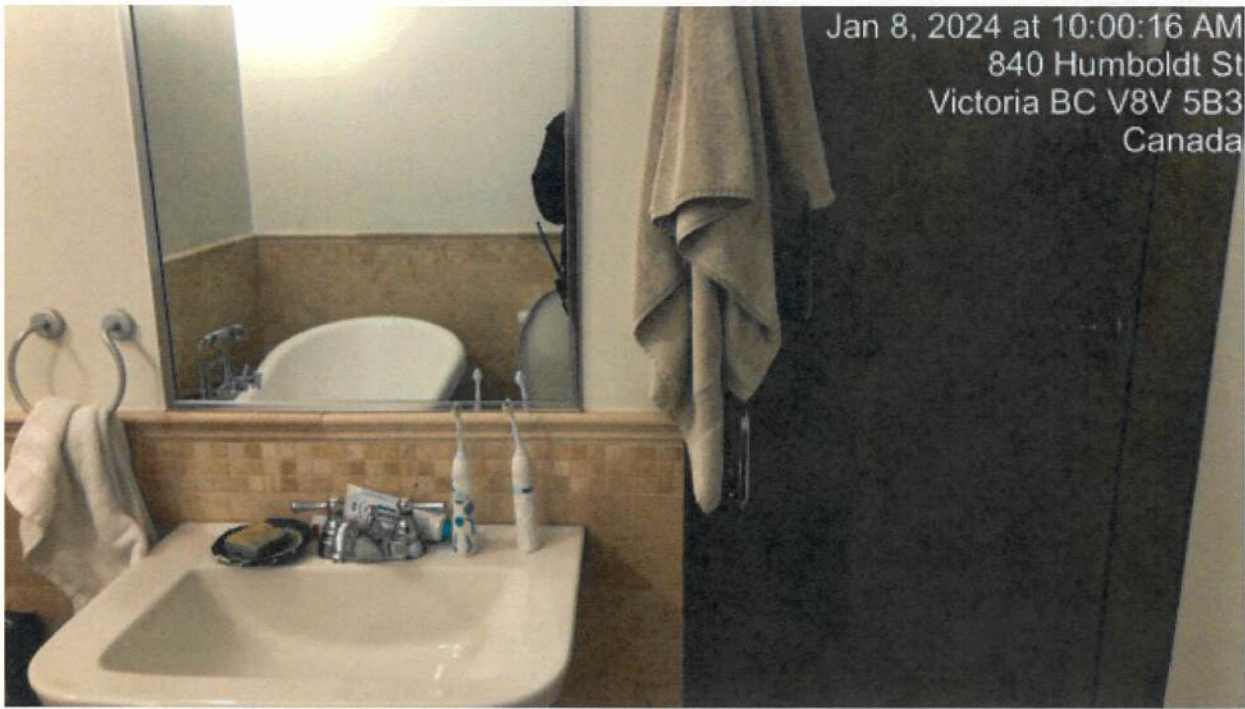


Jan 8, 2024 at 9:53:30 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada

Jan 8, 2024 at 9:53:49 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada

Jan 8, 2024 at 9:53:56 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada





Jan 8, 2024 at 10:00:16 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada



Jan 8, 2024 at 10:00:27 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada

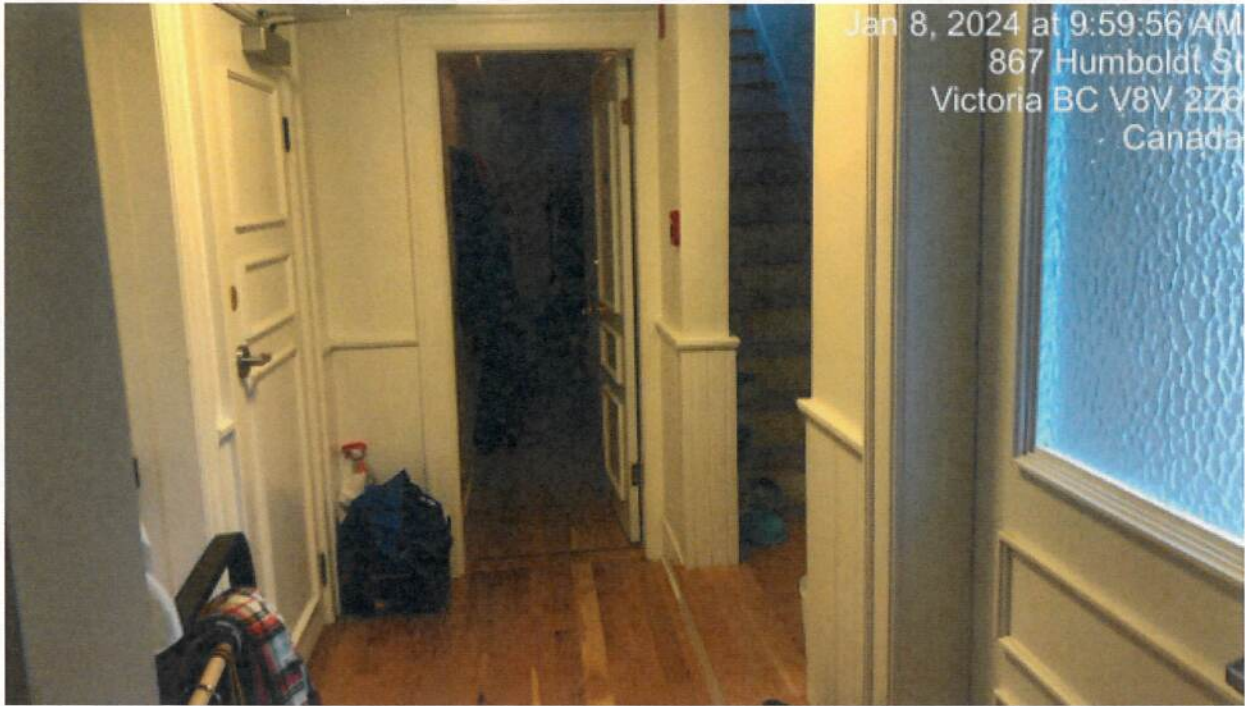
OWNERS SUITE



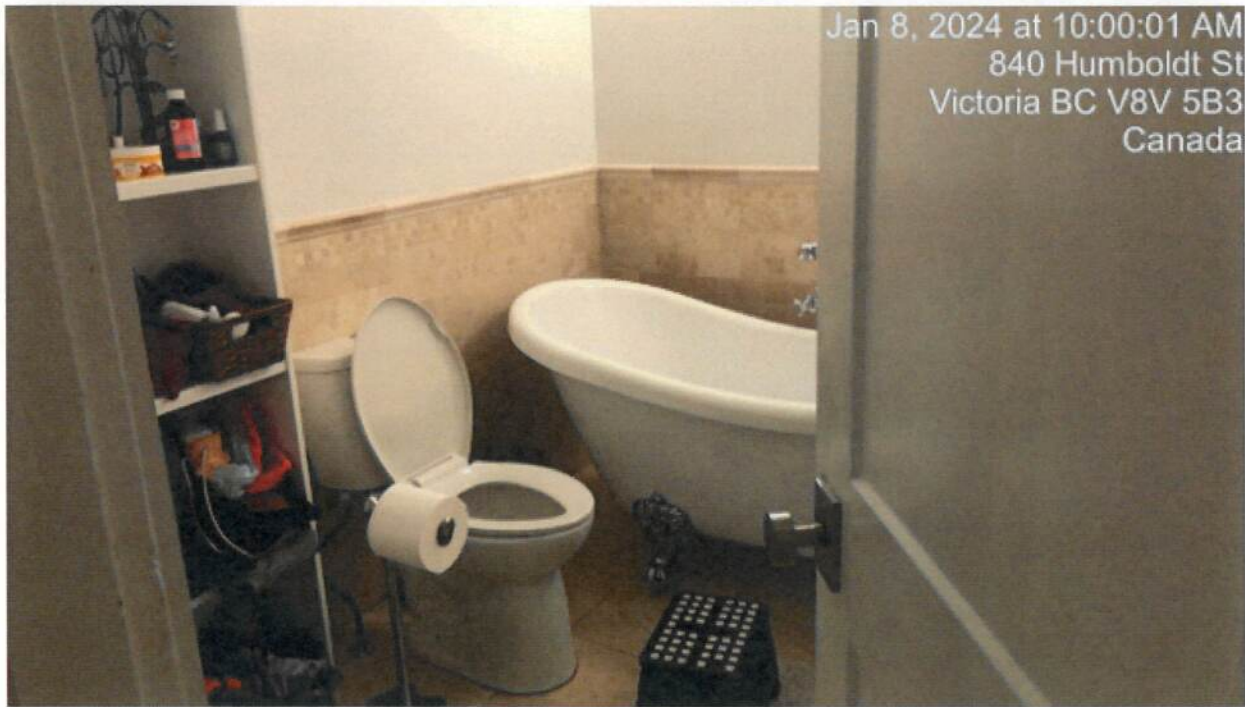
Jan 8, 2024 at 10:00:27 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada



Jan 8, 2024 at 10:00:33 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada



Jan 8, 2024 at 9:59:56 AM
867 Humboldt St
Victoria BC V8V 2Z6
Canada



Jan 8, 2024 at 10:00:01 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada

Photo_867 Humboldt St. Matthew LINNIT_STR Inspection Windsor Suite Lower, BSMT Primary Living Spaces_Childrens_DUARTE_20240109

CHILDRENS ROOM IS A SEPARATE SUITE ACROSS FROM PARENTS SUITE, ALL IN THE BSMT LEVEL

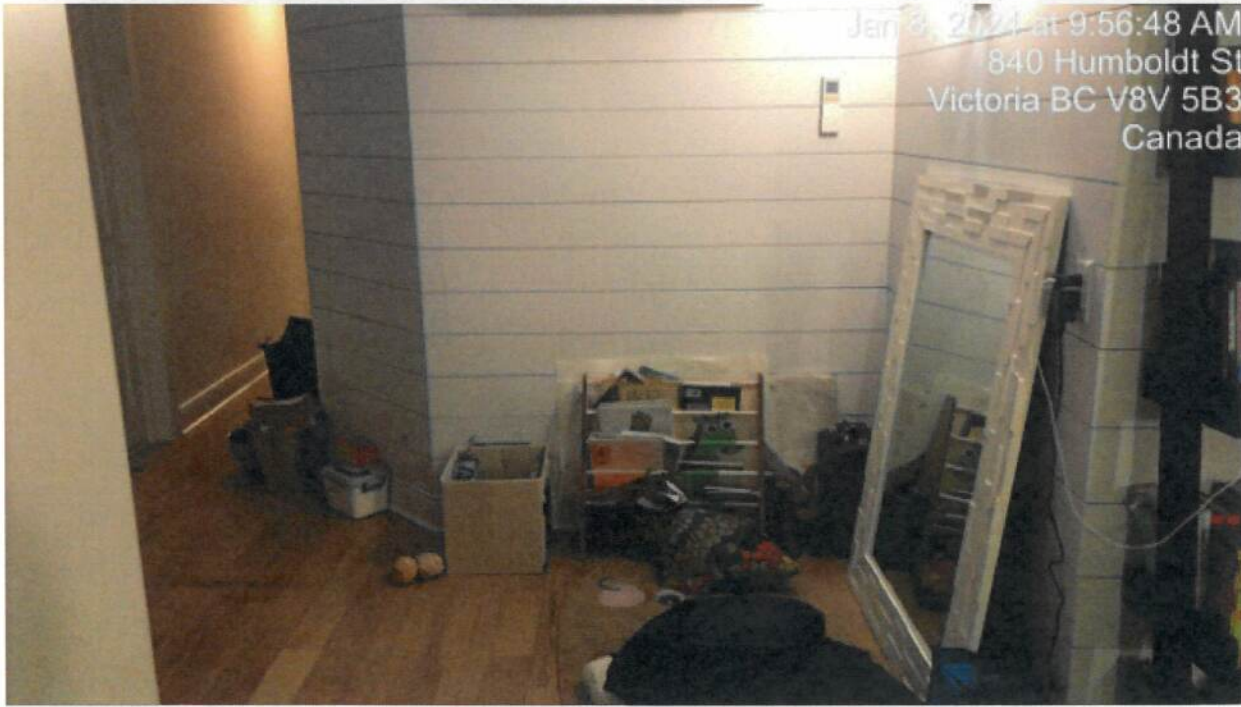


CHILDRENS SUITE

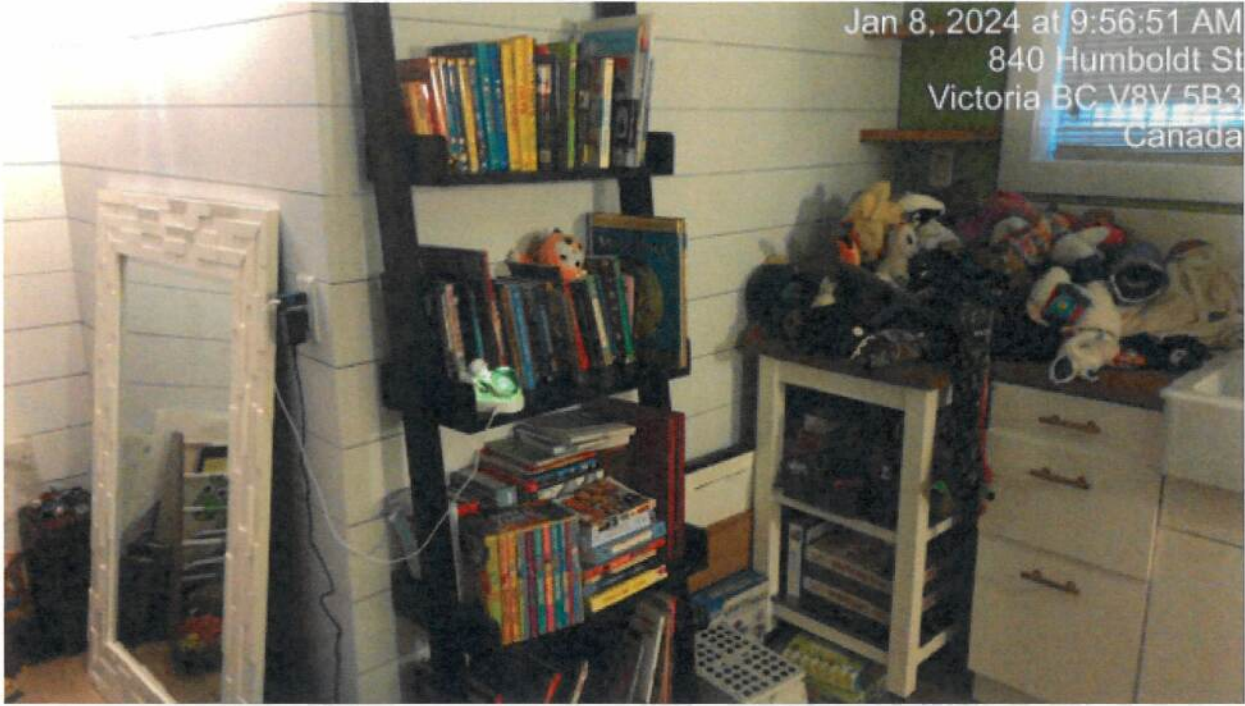
Jan 8, 2024 at 9:56:44 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada



Jan 8, 2024 at 9:56:48 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada

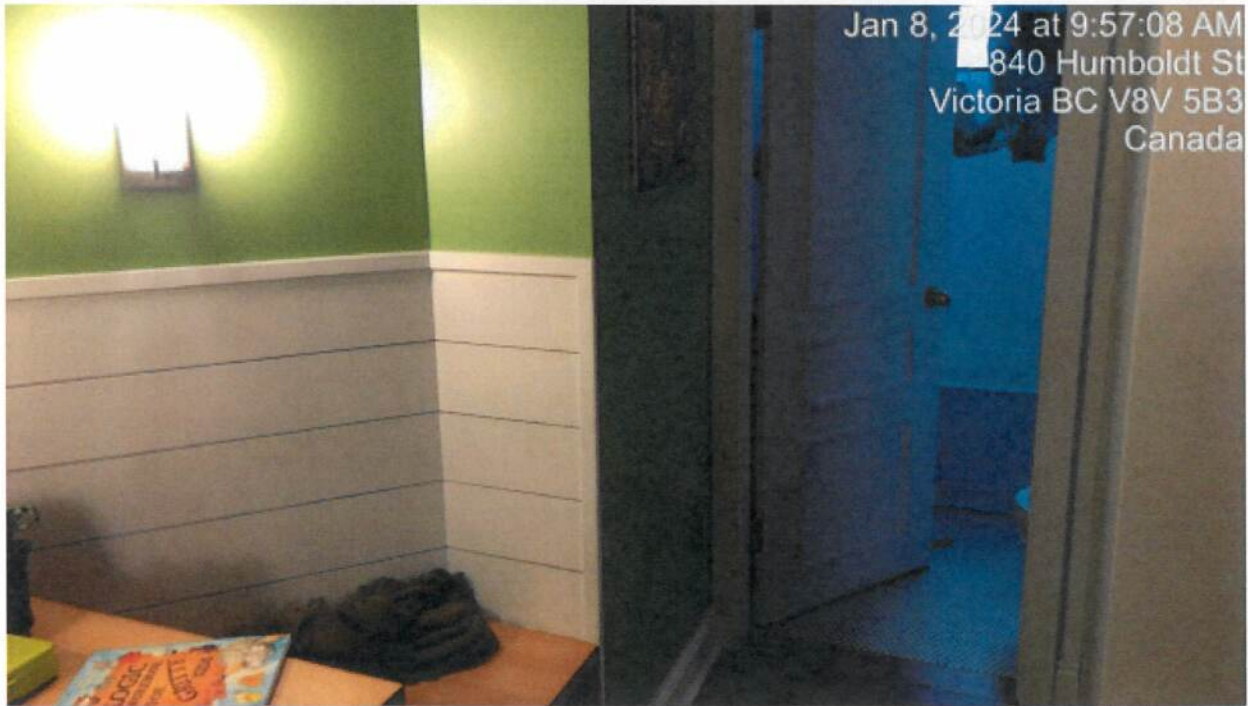


Jan 8, 2024 at 9:56:51 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada



Jan 8, 2024 at 9:56:55 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada





Jan 8, 2024 at 9:57:16 AM
840 Humboldt St
Victoria BC V8V 5B3
Canada



