

PURPOSE

The purpose of this report is to update Council on the amendments related to short-term rental regulations and seek Council's directions regarding reasonable opportunity for affected persons to make representations to Council.

BACKGROUND

The City regulates short-term rentals through its zoning regulations, as well as through the *Short-Term Rental Regulation Bylaw*, a bylaw adopted pursuant to the City's business regulation authority.

On August 3, 2023, Council directed staff to prepare a number of bylaw amendments to better regulate short-term rentals in light of experiences gained since 2018. The proposed amendments involve various changes to the *Zoning Regulation Bylaw*, the *Zoning Bylaw 2018*, and the *Short-Term Rental Regulation Bylaw*.

Although the various bylaw amendments are all related to short-term rental regulation and are intended to work together, they are subject to different procedural requirements and, therefore, have to be treated separately. Zoning bylaws are authorized under the *Local Government Act*, while business regulations rely on the authority of the *Community Charter*.

ISSUES & ANALYSIS

There are no policy issues for Council to consider at this time as Council has already provided policy directions related to requested amendments last August. The sole issue to be considered at this time relates to the process for the introduction and adoption of the business regulation amendments related to short-term rentals. Process related to zoning amendments, which include more substantial regulatory changes, has been considered by Council separately on July 11, 2024.

Under the *Community Charter*, prior to adoption of a new business regulation bylaw, or amendment to existing business regulation bylaw, Council must give persons it considers to be affected an opportunity to make representations to Council. The notice required and the form of the opportunity to make representations must be in the form and manner as Council considers reasonable.

Reasonableness of the notice and opportunity to make representations depends on the nature and significance of the proposed amendments. The more significant the change, the greater requirement for notice and opportunity to make representations. Conversely, minor changes require less notice and opportunity to make representations.

The proposed bylaw amendment is attached to this report as Appendix A. It includes a few new definitions, as well as changes to some existing definitions. It also includes language clarifying that it is the applicant's obligation to provide satisfactory evidence that premises where short-term rental will be operated are the operator's principal residence. Finally, it simplified the short-term rental licence fees by eliminating fees related to non-principal residence short-term rentals, which are no longer permitted.

These changes are intended to clarify the existing rules and enable easier and more effective administration of the *Short-Term Rental Regulation Bylaw*. However, they do not represent any change in overall policies behind short-term rental regulations. Therefore, they can be considered relatively minor.

OPTIONS & IMPACTS

Option 1: Publish Notice of Intention to Adopt the Bylaw and Allow for Written Representations (recommended)

The proposed amendments do not constitute any change in policy behind short-term rental regulations and therefore there is no need for significant consultation with anyone. Therefore, providing persons who consider themselves affected an opportunity to make written representations to Council about the proposed bylaw is reasonable in the circumstances.

The City Clerk will publish notice in a local newspaper next week indicating the intention to adopt the amendment bylaw. The notice will invite persons who consider themselves affected by the amendments to make written submissions to Council. All submissions received in response to the notice will be published (subject to usual privacy rules) as part of the agenda package for the Council meeting at which final adoption of the amendment bylaw will be considered.

Option 2: Provide Other Opportunity to Make Representations (not recommended)

Council could direct other opportunities to make representations about the amendment bylaw as long as they provide a meaningful means for persons who consider themselves affected to make representations to Council prior to final adoption of the amendments.

CONCLUSIONS

Proposed amendments to the *Short-Term Rental Regulation Bylaw* are relatively minor and do not represent any shift in policy behind the City's short-term rental regulations. Therefore, it is recommended that publication of a notice in a newspaper and opportunity to submit written representations to Council prior to consideration of final adoption of the amendment bylaw is reasonable in the circumstances.

Respectfully submitted,

Mark Fay
Manager, Bylaw and Licensing
Bylaw Services

Report accepted and recommended by the City Manager

Attachments

Appendix A: Draft *Short-Term Rental Regulation Bylaw, Amendment Bylaw (No. 1)*