

This appeal is made regarding the decision of the Licence Inspector to deny the business license for a principal residence short-term rental license at 409-595 Pandora Avenue, held by Jonathan Rennison. The decision, based on section 4(b) of the Short-term Rental Regulation Bylaw, overlooks critical aspects of my case that demonstrate compliance and address the points raised in the denial.

Dear City Council,

I am writing to address the City Council regarding the Inspector's report. It is essential that the council considers the report as it currently stands, reflecting the errors present in the copy staff provided me, rather than relying on any last-minute changes that could undermine the integrity of the process.

I want to emphasize that the copy of the inspector's report provided to me, signed and dated September 13, 2024, (please see attached photo) contains fundamental errors. Specifically, the report rejected a license for an entirely different building and unit number, which raises serious questions about its validity.

After an extensive 130-day review period (typically 30-60 days), it is alarming that not only was my unit number misdocumented, but the address of the building itself was also incorrect. Such errors raise serious questions about the thoroughness and accuracy of the inspection and review process. Having the wrong address begs the question of whether the inspector was even referencing the correct notes or report. If the inspector is simply copying and pasting addresses or making such fundamental mistakes, it highlights a significant flaw in the entire review process. This lack of attention to detail undermines the validity of the conclusions drawn regarding my eligibility. The assertion that my appeal relies solely on discrediting staff overlooks the critical impact of these inaccuracies.

As the inspector has the ability to amend the report prior to submission to the council, I am concerned that these inaccuracies may not be rectified in a transparent manner. I worry that when the council receives the final submission, it may include changes that have not been properly documented.

I urge the council to reconsider the basis of the Licence Inspector's recommendations in light of these huge inaccuracies. Addressing these errors is not a diversion; rather, it is a crucial part of ensuring that all aspects of the application process adhere to the City of Victoria Regulations. If foundational details are misrepresented, how can one expect to trust the conclusions drawn regarding my compliance and eligibility?

Definition of a principal residence from the CRA website:

A property qualifies as your principal residence for any year if it meets **all** of the following **four** conditions:

- It is a housing unit, a leasehold interest in a housing unit, or a share of the capital stock of a co-operative housing corporation you acquire only to get the right to inhabit a housing unit owned by that corporation
- You own the property alone or jointly with another person
- You, your current or former spouse or common-law partner, or any of your children lived in it at some time during the year
- You designate the property as your principal residence

According to the definition of a principal residence from the Government of BC website:

“People who have multiple homes can only claim the principal residence exemption on the **home they live in for the longest period in the calendar year.**” Video footage from security cameras at 595 Pandora Avenue clearly documents my residence at the building for 7 to 9 months of the year. Given this evidence, I struggle to understand how it could be deemed anything other than my principal residence.

I have a very unusual set of circumstances that could easily be misconstrued, and it unfortunately appears that this has happened based on the inspector’s report. I am hopeful that the council will take the time to thoroughly review my appeal letter to gain a clear understanding of my situation. Thank you in advance for considering the complexities involved as you assess my case.

Upon reviewing the inspectors report, it seems that a council member or any neutral observer might perceive my character as discredited. I will point out that typical response time for reviews or an appeal process is usually within 30 days for initial acknowledgment and 30 to 60 days for the inspector’s review. This extended timeframe is particularly concerning because, should the council deny my application, I would be unable to reapply for three months. Had the inspector responded in a timely manner, I would have had the opportunity to reapply by now if my appeal had been denied.

The inspector's report contains numerous mistakes, assumptions, and assertions that, at best, reflect speculative theories tinged with uncertainty. For instance, they inaccurately labeled my short-term rental as a 'full-time short-term rental,' based on calendar availability, which is easily contradicted by my rental calendar (attached). It is misleading to categorize my unit as such when it has never been rented out in total for more than five months (150 days) of the calendar year.

It needs to be stated, contrary to the inspectors report that suggests I may have operated all throughout 2024, I have not hosted one guest past May 1, 2024. Furthermore, I canceled any

stays that I had booked past May 1, 2024, which is documented on my Airbnb and VRBO calendars.

I want to be transparent to the council for their review about the actual number of days I have rented out my property over the four years of ownership across the two platforms I previously used, Airbnb and VRBO. I will also include screenshots (attached) of all my bookings to verify this information:

2021: I lived there full time and did not rent out short term.

2022: 149 days

2023: 99 days

2024: 15 days

I ask the council to note that my short-term rentals are not characterized by a high turnover rate like many others. Given the size of my property, I cater specifically to large families with multiple children, who often cannot visit the city otherwise, as they are reluctant to split their family members across multiple hotel rooms. This is also documented in the attached screenshots, which detail the number of adults and children for each stay.

I made it clear to the bylaw officers who conducted the inspection that I am the strata council president and requested that they note this in their report. The security cameras at the building can document my presence there for the majority of the year, which is a fact that cannot be disputed. Additionally, numerous full-time owners and residents are willing to sign notarized affidavits affirming that I live in the building for most of the year, unfortunately I was not able to have these prepared for submission with only seven days to respond to the report. I can however have those prepared and signed at council's request.

It is unjust for the bylaw officers to make assumptions about my living situation based on my minimalist lifestyle, the tidiness of my condominium, or the presence of linens and tools in my storage room. As a journeyman carpenter, having tools on hand is entirely normal and not a red flag. Additionally, signs in my home regarding shoe removal and optimal use of bathroom heaters do not indicate that I am operating a full-time short-term rental. Furthermore, the report overlooked important indicators of my residency, such as the presence of two litter boxes and my two cats. In fact, one of the bylaw officers even took a picture of my Scottish Fold cats, acknowledging their unique breed. These details are significant and demonstrate that I live in the unit, countering any assumptions made about my living situation.

Evidence from 2021, 2022, 2023, and 2024, consistently shows that I hosted for under **150** days each year. It is misleading that the inspector has focused on the total number of 'rental availability' in the calendar year rather than my actual booked and dates my unit was rented out. The inspector claims to have "zero confidence in the appellant's willingness to act lawfully." However, it's important to note that under the recent amendment to Schedule D 12 (2), "the

entire principal residence may be used for a short-term rental while the operator is temporarily away provided it is so used no more than 160 nights in a calendar year.” The amount of guest stays I have accommodated totals 77 stays in the four years I have owned the property. I have never approached the allowable number of days for a principal resident license making the inspector's assertion of zero confidence quite confusing, given that my rental history has not approached this threshold.

Context:

When I started doing part time rentals, I initially offered 30-day stays, which did not require a license at the time, and I was unaware that a license was needed for short-term rentals. Upon receiving notification in November 2022, I found myself in a financial position where I could not afford the license. After the pandemic, many considerations for concessions and relief emerged, prompting me to inquire about discontinuing hosting for the remainder of the year to alleviate licensing costs. Unfortunately, the inspector has misconstrued this inquiry in a way that attempts to discredit me. In 2023, I delayed hosting anyone until late April, believing that a license was only necessary once I began operating, not merely for advertising on short-term platforms. This was a mistake in not understanding the licensing process.

I respectfully disagree with the assertion that I have consistently disregarded regulations. My actions have always been guided by a desire to understand and comply with the licensing requirements. While I acknowledge that there may have been misunderstandings in the past, my intent has never been to evade regulations. I have taken significant steps to align myself with the requirements, including seeking guidance from staff and proactively addressing any issues that arose. It is essential to recognize that compliance (paid licenses) has often come after clarification and support from city staff, rather than willful disregard for the rules. Moreover, I have never operated my short-term rental as a full-time business, and my history should not be characterized solely by past challenges. I have made considerable efforts to become familiar with the regulations, as evidenced by my active involvement in my strata council and my encouragement of other hosts to comply. My commitment to acting lawfully is sincere, and I believe that my actions demonstrate a willingness to correct any missteps rather than a persistent pattern of non-compliance.

As it states in the inspectors report that my property was listed as available for 273 days over the last 12 months, it is essential to clarify that having an open calendar does not necessarily indicate active operation as a full-time short-term rental. Though I have never rented my place out over the fall or winter months, I have deliberately kept my calendar open to maintain flexibility in accommodating various situations. This approach would have allowed me to assist individuals in need due to emergencies, such as flooding or pending insurance claims. Thus, the open calendar serves as an option rather than a reflection of ongoing rental activity. It's important to distinguish between availability and actual bookings; my rental activity has been limited to specific periods that align with my personal circumstances and responsibilities and again, has never gone above the 160 day threshold for a principal residence license.

I have completed a total of 77 stays, in four years of ownership at 595 Pandora Ave. This number reflects under 26 hosted stays a year. I am not the type of short-term host that the Province aims to transition into long-term rentals, as my situation does not reflect that of my condominium. I do not have hundreds or thousands of completed bookings and reviews, I have a total of 39 on Airbnb and 38 on VRBO. (see attached photos)

While I do split my time between properties periodically, this does not diminish the fact that 409-595 Pandora Avenue is my principal residence. My ongoing plans for affordable housing development at my North Saanich property do not imply that I have vacated my primary home. In fact, my North Saanich property has significant issues, including seasonal flooding and a leaky roof, which I do not intend to repair as I await its development. This situation prevents me from renting it out full-time. My business plan involves residing at the North Saanich home periodically, while conducting necessary seasonal work to keep property insurance valid, which seems to have been misunderstood by the bylaw office. Furthermore, my principal residence status is supported by various forms of evidence, including security camera footage and witness accounts from neighbors. My commitment to 409-595 Pandora Avenue as my primary home remains steadfast, and my time split is a practical decision based on the circumstances surrounding my properties.

We all strive to do our best, but one thing I have learned over my three years on the strata council is that times, dates, and deadlines can sometimes be mixed up or overlooked—it's simply part of life. While assumptions by bylaw officers can occur, the video footage confirming my residence at the building is indisputable. I have missed deadlines for obtaining a Non-Principal STR license in the past, yet I was still granted the license and allowed to pay for it retroactively. In 2023, I considered applying for a Principal Resident license based on the limited days I actually planned to rent, but ultimately after talking with staff, found it easier to pursue the Non-Principal STR license at that time. I should not be penalized by the City Council or staff for previous late applications, documented stays on my calendars are not assumptions, they are facts.

While I recognize that my appeal may raise concerns about staff actions, my intention is not to discredit them but to emphasize the procedural issues that may have affected my case. The initial processing of my 2024 Principal Residence application involved more than just a simple oversight; my initial application and supporting documents were reviewed and accepted by staff, only to be later rejected. A subsequent application was lost by staff, and on my third attempt, a completely different license was issued by staff. Additionally, I presented alternative scenarios in good faith, seeking clarification and a fair assessment of my situation. Despite spending time at two properties, the focus should remain on whether I meet the eligibility requirements, which I assert I do, rather than on perceived distractions stemming from staff errors.

While I acknowledge that I have made mistakes in applying for licenses late in the past, I have always met the requirements when it comes to actual compliance. If you are willing to overlook fundamental mistakes present in the Inspector's report, I hope you will also consider overlooking my previous application errors and grant me the Principal Residence license. This would enable

me to rent my property to families when suitable, aligning my practices with the city's regulations.

Lastly, the Inspector's report raises concerns about my potential non-compliance with city bylaws. However, it's important to recognize that new provincial regulations will implement monitoring and data sharing across hosting platforms. This shift means that non-compliance will be a significant issue primarily for illegal short-term rentals, rather than for those of us operating legally under the new framework. As a compliant license holder, I am committed to adhering to all regulations moving forward.

Given the context of my residency, I respectfully request that the city council approve my principal residence business license instead of requiring me to restart the application process in three months, followed by another delay for inspection. Considering the extensive time already invested and the inaccuracies in the inspector's report, it would be more efficient and just to move forward with my current application. If the council approves my principal residence license, I will ensure my property is available on a calendar for no more than the maximum 160 days. If the council decides not to approve my principal residence license, I ask that, due to the delay in receiving the inspector's report and the numerous clerical mistakes throughout this process, including the wrong address on the inspector's report, the council allows me to restart the application process immediately.

Thank you for considering this request.

About the Host



Jonathan
 Superhost

39
Reviews

5★
Rating

9
Years hosting

	A	B	C	D	E	F	G	H	I	J	
1	Property	Unit ID	Address	Reservat	Traveler	Traveler	Booking	Check-in	Check-out	Nights	P
2	597426	167846	595 Panc	HA-BZ2H			Reserve	March 15, 2022	March 19, 2022	4	M
3	597426	167846	595 Panc	HA-YDLF5			Reserve	March 23, 2022	March 24, 2022	1	M
4	597426	167846	595 Panc	HA-DMN9			Reserve	May 27, 2022	May 31, 2022	4	M
5	597426	167846	595 Panc	HA-DHSJ			Reserve	June 13, 2022	June 17, 2022	4	J
6	597426	167846	595 Panc	HA-FL1T3			Reserve	June 24, 2022	June 27, 2022	3	J
7	597426	167846	595 Panc	HA-FL1T3			Reserve	June 24, 2022	June 27, 2022	3	J
8	597426	167846	595 Panc	HA-TDXQ			Reserve	July 2, 2022	July 5, 2022	3	J
9	597426	167846	595 Panc	HA-VWK4			Reserve	July 6, 2022	July 10, 2022	4	J
10	597426	167846	595 Panc	HA-Q1TP			Reserve	July 18, 2022	July 21, 2022	3	J
11	597426	167846	595 Panc	HA-JDD1			Reserve	August 5, 2022	August 8, 2022	3	A
12	597426	167846	595 Panc	HA-7KM1			Reserve	August 8, 2022	August 11, 2022	3	A
13	597426	167846	595 Panc	HA-4N9V			Reserve	August 12, 2022	August 16, 2022	4	A
14	597426	167846	595 Panc	HA-VS56			Reserve	August 19, 2022	August 21, 2022	2	A
15	597426	167846	595 Panc	HA-CNY9			Reserve	August 25, 2022	August 28, 2022	3	A
16	597426	167846	595 Panc	HA-9R4F			Reserve	September 2, 2022	September 5, 2022	3	S
17	597426	167846	595 Panc	HA-340Q			Reserve	September 15, 2022	September 19, 2022	4	S
18	597426	167846	595 Panc	HA-7D3V			Reserve	September 23, 2022	September 26, 2022	3	S
19	597426	167846	595 Panc	HA-JF3Lk			Reserve	September 27, 2022	September 29, 2022	2	S
20	597426	167846	595 Panc	HA-NWD.			Reserve	October 7, 2022	October 11, 2022	4	C
21	597426	167846	595 Panc	HA-1579			Reserve	December 8, 2022	December 11, 2022	3	C
22									TOTAL DAYS	63	

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Sheet 1

	A	B	C	D	E	F	G	H	I	J	B
1	Confirma	Status	Guest na	Contact	# of adul	# of child	# of infan	Start date	End date	# of nights	
2	HMFRTYH	Past gues			2	3	1	11-25-2022	11-27-2022	2	2
3	HM8DSF	Past gues			4	1	1	11-12-2022	11-15-2022	3	2
4	HM2PRJE	Past gues			3	2	0	10-28-2022	10-31-2022	3	2
5	HMHSKW	Past gues			4	3	0	10-24-2022	10-26-2022	2	2
6	HMP5TC	Past gues			3	2	1	10-14-2022	10-18-2022	4	2
7	HMNAK5	Past gues			4	2	0	10-03-2022	10-06-2022	3	2
8	HMTJPJN	Past gues			4	2	1	09-29-2022	10-03-2022	4	2
9	HMCSF5J	Past gues			4	0	0	09-12-2022	09-15-2022	3	2
10	HM5QSK	Past gues			5	2	0	08-29-2022	09-02-2022	4	2
11	HMC3HR	Past gues			3	2	0	08-21-2022	08-24-2022	3	2
12	HM3CZ2	Past gues			5	2	0	07-14-2022	07-18-2022	4	2
13	HMRPBC	Past gues			3	3	0	07-10-2022	07-13-2022	3	2
14	HMEFSB	Past gues			5	2	0	06-04-2022	06-07-2022	3	2
15	HM39HF	Past gues			4	3	0	05-22-2022	05-27-2022	5	2
16	HMZBBA	Past gues			4	1	0	05-19-2022	05-22-2022	3	2
17	HMMQB3	Past gues			6	1	0	05-08-2022	05-15-2022	7	2
18	HMWJZS	Past gues			3	3	0	04-29-2022	05-06-2022	7	2
19	HMQHXX	Past gues			5	2	0	04-24-2022	04-28-2022	4	2
20	HMYERD	Past gues			4	2	0	04-14-2022	04-23-2022	9	2
21	HM3D38	Past gues			4	3	0	04-05-2022	04-10-2022	5	2
22	HMJ3FZZ	Past gues			2	4	0	04-01-2022	04-04-2022	3	2
23	HMT2NN	Past gues			5	0	0	03-18-2022	03-20-2022	2	2
24									TOTAL DAYS	86	

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Sheet 1										
	A	B	C	D	E	F	G	H	I	J
1	Property	Unit ID	Address	Reservat	Traveler	Traveler	Booking	Check-in	Check-out	Nights
2	2597426	3167846	595 Panc	HA-1579			Reserve	December 8, 2022	December 11, 2022	3
3	2597426	3167846	595 Panc	HA-88WV			Reserve	May 17, 2023	May 20, 2023	3
4	2597426	3167846	595 Panc	HA-BS4R			Reserve	May 22, 2023	May 27, 2023	5
5	2597426	3167846	595 Panc	HA-FTLV			Reserve	June 5, 2023	June 8, 2023	3
6	2597426	3167846	595 Panc	HA-72L9			Reserve	June 23, 2023	June 27, 2023	4
7	2597426	3167846	595 Panc	HA-9TW3			Reserve	July 29, 2023	August 1, 2023	3
8	2597426	3167846	595 Panc	HA-S7JM			Reserve	August 11, 2023	August 14, 2023	3
9	2597426	3167846	595 Panc	HA-8XRR			Reserve	September 18, 2023	September 22, 2023	4
10	2597426	3167846	595 Panc	HA-12QS			Reserve	September 22, 2023	September 26, 2023	4
11	2597426	3167846	595 Panc	HA-5R1K			Reserve	November 23, 2023	November 25, 2023	2
12									TOTAL DAYS	34

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	A	B	C	D	E	F	G	H	I	J
1	Confirma	Status	Guest na	Contact	# of adul	# of chilc	# of infa	Start date	End date	# of nigh
2	HM5RC3	Past gues			3	2	0	10-11-2023	10-14-2023	3
3	HMD4BYI	Past gues			2	0	0	10-06-2023	10-08-2023	2
4	HMMYAT	Past gues			4	1	1	09-12-2023	09-15-2023	3
5	HMKZ55I	Past gues			5	3	0	08-27-2023	08-29-2023	2
6	HMFHY5	Past gues			5	2	0	08-24-2023	08-27-2023	3
7	HMBSAH	Past gues			3	1	0	08-16-2023	08-22-2023	6
8	HMXWSA	Past gues			5	3	0	08-09-2023	08-11-2023	2
9	HMY5YTE	Past gues			4	1	0	08-01-2023	08-07-2023	6
10	HMDFCX	Past gues			4	2	0	07-26-2023	07-29-2023	3
11	HMZ9BEI	Past gues			5	1	0	07-22-2023	07-26-2023	4
12	HMWCS5	Past gues			4	0	0	07-16-2023	07-19-2023	3
13	HMFKFY3	Past gues			6	3	0	07-11-2023	07-15-2023	4
14	HM8EF8S	Past gues			6	3	0	07-02-2023	07-07-2023	5
15	HMCJJCQ	Past gues			5	3	0	06-15-2023	06-18-2023	3
16	HMW4QC	Past gues			4	2	0	05-20-2023	05-22-2023	2
17	HM2SQS	Past gues			3	4	0	05-11-2023	05-15-2023	4
18	HMPCTQ	Past gues			6	3	0	04-28-2023	05-08-2023	10
19	HMFHP22	Past gues			5	3	0	04-17-2023	04-28-2023	11
20									TOTAL DAYS	76

VRBO 2024 — Locked

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Sheet 1

	A	B	C	D	E	F	G	H	I	J
1	Property	Unit ID	Address	Reservat	Traveler	Traveler	Booking	Check-in	Check-out	Nights
2	597426	3167846	595 Pand	HA-RFQM			Reserve	March 21, 2024	March 24, 2024	3
3										
4									TOTAL DAYS	3

evidenced by his actions over the years, which demonstrate a persistent pattern of non-compliance.

43. For all these reasons, the Licence Inspector submits that the appellant's application for a short-term rental business licence had to be refused as it contravened the *Short-Term Rental Bylaw, Schedule 'D' – Home Occupation and Zoning Regulation Bylaw*.
44. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 310-528 Pandora Avenue be upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: September 13, 2024



Mark Fay, Manager of Bylaw and Licensing Services



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Calendar



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Reservation manager



Performance



Property



Reviews

All stays

38 total stays

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Respond to reviews

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