

Mayor and Council

Thank you for allowing me the opportunity to speak to you this evening.

My name is Eric Ney, and I am a residential strata owner, and a resident of downtown Victoria.

I am here, once again, to ask Council to stop the commercialization of residential strata properties by...

- Stop issuing transient accommodation business licences to strata lot owners, and
- Remove transient accommodation as a permitted use from current zoning where strata properties are located.

The act of issuing a transient accommodation business licence to a residential strata lot owner has the effect of changing the current use of the property from residential to commercial.

At the March 9th Committee of the Whole meeting, Council "directed staff to provide ...the option of an "opt-in" mechanism for a City initiated rezoning to prohibit transient accommodation as a permitted use, where a **majority** of owners of units in a residential multi-unit building (condominium) downtown indicate their preference for this rezoning."

By doing so Council has made the conscious decision to

- Commercialize residential strata properties, and
- Disregard the property rights of the majority of strata lot owner's rights who have already indicated their preference for this rezoning, by opting to live in a 100% residential property.

To be clear – the majority of residential strata lot owners do not have to re-affirm their preference to the City, so they have 'opted-out already by simply owning property in a residential strata, which has been granted by way of Land Titles and the Strata Property Act.

And the City of Victoria needs to respect that decision.

Time and time again, City staff has stated that Strata corporations can create bylaws to defend against the commercialization of residential strata. However, strata corporations are not under any obligation whatsoever to create these bylaws, when the matter has been decided already by way of Land Titles and the Strata Property Act, and the City has no right to place strata corporations in a position that they are forced to take such actions.

Council's recent recommendation gives little regard to the majority of strata lot owners in downtown Victoria who have chosen to live in a residential only environment. Of the more than 2,200 strata lots in downtown Victoria, only 95 transient accommodation business licences have been issued. So why is it that less than 5% of strata lot owners get the support of this Council, and the

majority of strata lot owners are being forced to live in a commercialized environment?

Council's recommended approach would require that the City now create, record and maintain a register of strata and their decisions in this matter, because there needs to be some assurance that the City will not issue business licenses where they clearly know that the strata has bylaws preventing commercialization of their property. In short, the City most certainly cannot authorize an activity which is proscribed by a strata.

I provide the following alternative to your recommended course of action:

Remove altogether transient accommodation as a permitted use from all site specific zoning where residential strata are located. By doing so will not impede the property rights of strata lot owners, contrary to what City staff have been telling you - because strata lot owners do not have any property rights other than those granted to them by the way of the strata property act. Strata lot owners simply do not have the right to commercialize their residential strata lots.

By removing transient accommodation as a permitted use only from strata, leaves transient accommodation as a permitted use for all other non-strata properties.

This allows strata corporations to then solicit their membership to have transient accommodation as a permitted use, if the majority of their membership chooses to do so, placing all risk and obligations under the strata property act squarely on the shoulders of each individual strata corporation and not the City.

Council needs to respect the majority of residential strata lot owners, and give them fair consideration by asking staff to also provide recommendations on removing transient accommodation as a permitted use from residential strata property.

Thank you!

Eric Ney