



CITY OF WEST KELOWNA ECONOMIC DEVELOPMENT COMMITTEE AGENDA

Wednesday, January 13, 2021, 8:00 A.M.

COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE ECONOMIC DEVELOPMENT COMMITTEE MEETING TO ORDER

In response to the COVID-19 pandemic, the orders of the Provincial Health Officer and the Province of BC Ministerial Order NO. M192, the Economic Development Committee meeting space is not open to the public. The meeting is however, available to the public via a live webcast which will be archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. ADOPTION OF MINUTES

- 4.1. Minutes of the Economic Development Committee meeting held December 9, 2020 in the City of West Kelowna Council Chambers

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5. PRESENTATIONS

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. REFERRALS

- 8.1. Short Term Rental Regulations

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9. CORRESPONDENCE AND INFORMATION ITEMS

- 9.1. Economic Development & Tourism Update

- 9.2. Development Services Update

10. OTHER BUSINESS

11. ADJOURNMENT OF THE MEETING

The next Economic Development Committee meeting is scheduled for Wednesday,

February 10, 2021 at 8:00 a.m.



CITY OF WEST KELOWNA
MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE MEETING

Wednesday, December 9, 2020
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Chris Kotscha, Chair
Laurie Evans, Vice Chair
Tyler Neels
Michael Porter
Lorrie Whiteway
Nick Wizinsky

MEMBER ABSENT: Calvin Barr (arrived at 12:09 p.m.)
Krista Mallory

Staff Present: John Perrott, Economic Development & Tourism Manager
Stirling Scory, Planner II - Long Range
Hailey Rilkoff, Planner II
Natasha Patricelli, Recording Secretary
Taylor Mellen, Service Desk Technician

1. CALL THE ECONOMIC DEVELOPMENT COMMITTEE MEETING TO ORDER

The meeting was called to order at 12:03 p.m.

In response to the COVID-19 pandemic, the orders of the Provincial Health Officer and the Province of BC Ministerial Order No. M192, the Economic Development Committee meeting space was not open to the public. The meeting was webcast live and is archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

It was moved and seconded

THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the Economic Development Committee meeting held November 18, 2020 in the City of West Kelowna Council Chambers

It was moved and seconded

THAT the minutes of the Economic Development Committee meeting held November 18, 2020 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. PRESENTATIONS

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. REFERRALS

9. CORRESPONDENCE AND INFORMATION ITEMS

9.1 Short Term Rental Regulations

Highlights of the presentation include:

- Draft regulations for Short Term Rentals;
- September 29, 2020 Council directed staff to prepare a DRAFT Regulation program for Short Term Rentals;
- Council asked that regulations be based on regionally consistent practices;
- Council asked that the public be engaged prior to bylaw amendments;
- Council identified enhanced and proactive enforcement should be included in the program;

Zoning Bylaw

- Currently prohibits vacation rentals (Short Term Rentals) in all Zones;
- Agri-tourism Accommodations permitted in A1 - Agriculture Zone;
- Bed and Breakfasts permitted in Agriculture (A1), Rural Residential (RU1 - RU5) and Residential (R1 and R1L) Zones;
- Resort Apartment and Resort Townhouses Uses permitted in the C6 - Tourist and Resort Commercial Zone and CD2 Zone (The Cove);
- Key difference with a Bed and Breakfast is the expectation that the operator/host is on-site during a guest's stay;
- Bed and Breakfast regulations at a glance:

- Permitted within a Single Detached Dwelling;
- Not permitted on properties with a Secondary Suite or Carriage House;
- Up to 4 Guest Rooms (No more than 8 guests);
- Operator must be the occupant of the Single Detached Dwelling;
- Multiple bookings are permitted so different parties could book each room;
- Parking requirements on-site;
- Business Licence is required;

Regional Practices

- Reviewed regulations that have been adopted or are under consideration in other municipalities;
- Regional Municipalities: Kelowna, Lake Country, Penticton;
- Other BC Municipalities include: Gibsons, Nelson, Pemberton, Squamish and Tofino;
- Consistent regulation components include:
 - Requiring a business licence;
 - Principle residence requirement for operator;
 - Requiring on-site parking;
 - Maximum occupancies (# of bedrooms/# of guests);

Guiding Principles

- Short Term Rental regulations guided by regional goals, current context in West Kelowna and previous discussions with Council;
- Guiding Principles:
 1. Mitigate Negative Neighbourhood Impacts;
 2. Protect Long Term Rentals;
 3. Recognize Importance of Short Term Rentals for Tourism;
 4. Comprehensive Licensing;

Proposed Short Term Rental Regulations

- Proposed to be permitted in Rural Residential (RU1 - RU5) and Residential (R1 and R1L) Zones;
- Will not affect permitted uses of Resort Apartment or Townhouse;

- It's proposed that Short Term Rentals:
 - Are only permitted in Single Detached Dwellings;
 - Must be operated by the occupant of the dwelling;
 - Have a maximum occupancy of 6 guests (3 bedrooms);
 - Require off-street parking (1 space per 2 bedrooms);
- Snapshot of Proposed Short Term Rental Regulations:
 - Permitted within a Single Detached Dwelling;
 - Not permitted on properties with a Secondary Suite or Carriage House;
 - Up to 3 Guest Rooms (No more than 6 guests);
 - Operator must be the occupant of the Single Detached Dwelling;
 - Only 1 booking at a time permitted;
 - Parking requirements on-site;
 - Business Licence is required;
- Key difference is that the operator could rent out the entire dwelling while they were away;
- Short Term Rental means the accessory use of a single detached dwelling, or a portion of it, that provides temporary accommodations for paying guests for a period of less than 30 days, but does not include Bed and Breakfast;
- Bed and Breakfast Key Differences:
 - The expectation that a B&B is hosted by the operator;
 - There may be multiple bookings at a B&B; and
 - B&B's maximum occupancy is 8 guests (up to 4 rooms);

Business Licensing

- Business Licence Required: fee to be determined with goal to offset program costs;
- Required Permissions: Proof of Owner Consent and/or Strata Permission;
- Proof of Principle Residence: Through Homeowner Grant, Drivers Licence, or Government Records;
- Annual Self Evaluation Safety Audit: Initial Licencing Inspection by Fire Department;
- Identified Local Contact: To respond to issues while operator is away;

- Good Neighbour Agreement: Signed by operator to acknowledge expected code of conduct;
- Short Term Rental Operators Must:
 - Operate only within a licenced dwelling;
 - Display their licence number;
 - Display the Fire Safety Plan;
 - Only have one booking at a time;

Public & Stakeholder Engagement

- Gather feedback and provide a lens from residents;
- Neighbourhood Associations will be invited to participate;
- Community and Industry stakeholders have been identified;
- All three Council Committees will be engaged for comments;
- Ongoing input from internal departments will be required;
- Online Questionnaire launched on November 30;
- Website is: westkelowncity.ca/shorttermrentals;
- Questionnaire is available until January 3, 2021 for public and stakeholder feedback;
- Looking to understand that proposed regulations are fit for our community or if there is anything that needs more consideration or editing;

Next Steps

- Public and Stakeholder Engagement - November 30, 2020 to January 3, 2021;
- Review of engagement results - January 2021;
- Refinement of proposed regulations - January/February 2021;
- Bylaw Amendments - Starting February 2021;
 - 1st and 2nd Reading;
 - Public Hearing;
 - 3rd Reading;
 - Adoption;

- Timeline identified to have proposed regulations in place before tourism season of April/May 2021.

Highlights of the discussion include:

- Asking for clarification that there is only 1 guest at a time and that there couldn't be 2 different suites in their house? The proposed regulations only permitted in one dwelling unit, the principle dwelling. Booking only for 1 party but up to 3 bedrooms.
- The regulations state that the Operator must be occupant of the Single Detached Dwelling but they don't have to be onsite. If they're away on vacation can they rent out their primary dwelling and the suite? Short Term rentals as proposed are only permitted within single detached dwellings, not permitted on properties with Secondary Suites or Carriage Houses. While the occupant is away on holidays they could rent out their entire home. The contact would have to be someone else in the community if the owner is out of town.
- Is the good neighbour agreement done by the operator? It is a signed agreement between the operator and business licensing officer as a code of conduct, agreement to expectations that the operator would uphold all of the bylaws required and a good neighbour and would respond timely to any complaints or issues. It's an agreement.
- Expect about 20% of people will be applying, if people are non compliant will they have to be reported? Potential number of licensing numbers are based off the City of Kelowna data after regulations were in place/ Proposed regulations are similar to what is in place for City of Kelowna.
- If there is non compliance will they have to be reported? Short Term Rental Regulations includes Bylaw compliance and enforcement strategy on proactive enforcement, proposed use of a 3rd party monitoring company that would monitor all short term rental listings on various platforms and they would identify properties who didn't use the appropriate licensing. Business Licencing department would work with them to bring them into compliance or stop the use of the Short Term Rental. Neighbours can always make enquiries and could make complaints to operators who may be operating without a license.
- Is there any obligation of the operator to engage the neighbours prior to a business licence being provided? In the proposed regulations that is not part of the business licensing requirements. It's an option that could be considered, operator may need to contact neighbours within a certain radius around the residence. If it came back as a high priority from the Community and Stakeholders, through the questionnaire, it may be considered. It is a tool that was seen in other communities who have Short Term Rental Regulations.

- Strata's have their own bylaws relating to short term rentals, who is going to check that? A requirement of any business licence application is to provide owner consent or strata consent if the property is within a strata. Eligibility requirements within the business license would require a letter from the strata or strata bylaws to ensure use was permitted under the strata bylaw.
- Only permitted within a Single Detached Dwelling, not a suite in a garage? As proposed it would not be permitted on properties with a secondary suite. Properties with Secondary Suites would not be eligible for Short Term Rental Business Licence.
- A suite in a garage but not in the main dwelling is not allowed? If they have a legal secondary suite or a carriage house on the property, the property would be ineligible for Short Term Rental use.
- Intent is to help protect the longer term rentals within the City.
- If it was a room in a garage with a bathroom and no kitchen - studio suite? More research required for that specific situation. *Staff confirmed after the meeting that a Short Term Rental within a detached garage (accessory) building would not be permitted under the proposed regulations.*
- Protect the longer term rentals as well and protect secondary suites.
- If someone wanted to rent out a portion of properties for boat storage would they need a Short Term Rental Business Licence? That would be a different use - storage of goods. A home based business license would be needed for storage use on the property. The draft regulations define Short Term Rentals for accessory use of a single detached dwelling for accommodation for paying guests.
- What does septic unless written approval mean? The requirement for community sewer connection or written approval of wastewater professional is required to confirm the septic has capacity for increased usage.

9.2 P 20-01, West Kelowna Community Vision (Phase 1 OCP Review)

Highlights of the presentation include:

- Community Visioning - one of Council's Strategic Priorities 2020-2022;
- March 2020: Initially planned to start Community Engagement;
- June 2020: Redesigned project and launched engagement (online engagement due to COVID-19);
- Visioning Process is to update the Official Community Plan;
 - Community Visioning process;
 - Options;

- Draft Policy and Mapping;
- Final OCP Bylaw;
- Process timeline:
 - Listening phase in the summer/fall 2020;
 - Building our Community Vision fall/winter 2020;
 - Finalizing our Vision and Preparing for Next Stapes winter 2020/2021;
- Engagement Summary (Phase 1 - June 2020 to September 2020);
- Snapshot of Round 1 Engagement activities include: vision postcard submissions, photo contest submissions, 4 online topic meetings, 3 stakeholder meetings, kids activity books, main ideas questionnaire and weekly topic questionnaires;
- Connected with participants through: social media, questionnaires, organization outreach, posters, etc.;
- Who participated? Most were full West Kelowna residents, then came work and shop in West Kelowna, and more;
- Tracked time living in West Kelowna: most were over 21+ years and next highest was 1-5 years;
- Neighbourhood participation - Glenrosa, Smith Creek and South Bourchiere had lower rates of engagement;
- Low percentage of participation through youth and over 75 demographics;
- Older population is harder to reach and younger population is harder to engage;
- Draft vision document contains five foundational elements - our people, our connectivity, our adaptability, our prosperity and our places;
- Twenty key directions include: overview of what we heard, what we see in 2040 and sings of success;

Round 2 Engagement

- Want to hear more from the younger and older demographic;
- Open the discussion, this is a draft and we want to hear the feedback;
- Key activity: Online Feedback forms;
 - Interactive feedback forms to collect comments and suggestions;
 - 'Choose your Own' Adventure - 5 minutes to a few hours;

- Online and paper versions available;
- Key activity: Online Vision Review Workshops were held on December 1 and 2, 2020;
- Key activity: Youth Activities
 - Adapted materials focused for a youth audience;
 - Collaboration to tailor materials for in-school opportunities;
 - Working with high school and middle schools;
- Round 2 Engagement Outreach trail - used the electronic road sign for areas that needed more engagement - received good feedback;
- Working Schedule:
 - Closing engagement December 18, 2020;
 - Round 2 Engagement Summary Mid January, 2021;
 - Final Draft Community Vision Document Late January, 2021;
 - Presentation to Council Early February, 2021;
 - Presentation to Council Committees Mid February, 2021;
- Please complete online feedback forms, encourage others to participate;
- Large number of participants still hear about this project through word of mouth.

10. OTHER BUSINESS

11. ADJOURNMENT OF THE MEETING

The meeting adjourned at 12:46 p.m.

CHAIR

RECORDING SECRETARY



PROPOSED SHORT TERM RENTAL REGULATIONS

File No: P 20-16
Subject: Proposed Bylaw Amendments & Regulations

<p>CITY OF WEST KELOWNA PLANNING DEPARTMENT</p> <p>ATTACHMENT: <u>1</u></p> <p>FILE NO.: <u>P 20-16</u></p>	
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Zoning Bylaw No. 0154

SHORT TERM RENTALS

- .1 A short term rental shall only be conducted within a principal single detached dwelling.
- .2 An occupant of the single detached dwelling shall be the operator of the short term rental.
- .3 No more than 3 guest rooms are permitted in a short term rental and no more than 6 guests are permitted in a short term rental at any one time.
- .4 Guest rooms shall only be rented for rental periods of less than 1 month.
- .5 A short term rental is permitted to have no more than 1 non-internally illuminated sign to a maximum size of 3000 mm² (465 in²) that is attached to the principal single detached dwelling or located elsewhere on the parcel and a minimum distance of 1.5 m (4.9 ft) from any parcel boundary.
- .6 There shall be no exterior indication that a short term rental is in operation on any parcel, except for permitted signage and required parking.
- .7 A short term rental shall not be permitted without connection to a community sewer system unless:
 - (a) The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.
- .8 A short term rental is not permitted on a parcel that contains a secondary suite or carriage house.

PARKING REGULATIONS

USE	NUMBER OF REQUIRED PARKING SPACES
Short Term Rental	1.0 per 1 or 2 guest rooms 2.0 per 3 guest rooms

Business Licencing and Regulations Bylaw No. 0087

DEFINITIONS

“Short Term Rental” means the accessory use of a single detached dwelling, or a portion of it, that provides temporary accommodation for paying guests for a period of less than 30 days, but does not include Bed & Breakfast.

SHORT TERM RENTALS

.1 A person must not carry on business as an operator of a short term rental unless the person holds a valid licence issued under the provisions of this Bylaw.

.2 Without limiting Section 2.1, a person applying for the issuance or renewal of a licence to operate a short term rental must, in addition to meeting the requirements of Zoning Bylaw No. 0154:

- (a) Make an application to the Licence Inspector on the form provided for short term rental business licence applications;
- (b) Provide, in the form satisfactory to the Licence Inspector, evidence that:
 - a. The operator owns the dwelling where the short term rental is offered, or
 - b. The owner of the property has consented to the use of the property as a short term rental;
- (c) When the property where the short term rental is offered is located within a Strata, provide a letter from the strata council confirming that the use of the dwelling for short term rentals does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act;
- (d) Provide in the form satisfactory to the Licence Inspector, evidence that the premises where the short term rental is offered is occupied by the operator as their principal residence;
- (e) Provide the name and contact information for a Local Contact who is designated by the operator as an alternate contact for the Short Term Rental accommodation;
- (f) Submit in the form satisfactory to the Licence Inspector a Self-Evaluation Safety Audit;
- (g) Provide a floor plan of the dwelling in which the short term rental is offered, identifying the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each guest room and the location of any sofa beds (Fire Safety Plan);
- (h) Provide a parking plan which complies with the parking requirements of Zoning Bylaw No. 0154; and
- (i) Provide any other information the Licence Inspector may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

.3 The operator of a short term rental must ensure that any marketing or listing for the short term rental includes the licence number of a valid licence issued for that dwelling under this Bylaw.

.4 Should the operator of a short term rental be absent overnight from their principle residence at a time when the short term rental is rented, the operator must ensure that the name and contact information of the Local Contact is prominently displayed in the dwelling.

.5 The operator or Local Contact of a short term rental must respond or attend at the dwelling within 2 hours of being requested to do so by the Licence Inspector.

.6 An operator of a Short Term Rental must:

- (a) Operate a short term rental only within a licenced dwelling;
- (b) Display the licence inside the entry way to the dwelling;
- (c) Display in each approved guest room, and in the entryway of the Short Term rental accommodation, a fire safety plan; and

- (d) Ensure that no more than one booking is permitted for the short term rental within the dwelling at one time.

.7 An operator of a short term rental must not:

- (a) Rent out any guest rooms or provide any sleeping accommodation within any secondary suite, carriage house, vehicle, recreational vehicle, tent or accessory building; or
- (b) Allow to be used as guest rooms, any rooms that are not approved and identified on the licence application for that dwelling as guest rooms.

DRAFT

Short Term Rental Operator Good Neighbour Agreement

This agreement made this _____ day of _____, 20____

WHEREAS _____ (the "Operator"):

Wishes to demonstrate to the City of West Kelowna (the "City"), and the Citizens of West Kelowna their effort to be a responsible Short Term Rental operator within the City of West Kelowna.

Recognizes their role as a responsible operator and neighbor within the community and agrees to work with the City and its departments to resolve all concerns.

Wishes to promote West Kelowna as a vibrant, safe, and attractive community for the enjoyment of everyone, including residents, visitors, businesses, and their workers.

Recognizes that non-compliance with the Short Term Rental Operator Good Neighbour Agreement may be brought to the attention of the Business Licensing Supervisor, Licence Inspector, or City Council, and may trigger a licence suspension and/or revocation hearing.

Recognizes that Short Term Rental operators have a civic responsibility to address the conduct of their guests; and that the Good Neighbor Bylaw No. 0151, Traffic Bylaw No. 0092 and other City Bylaws require that certain standards of conduct and maintenance apply to their properties used for Short Term Rentals.

Recognizes that should the Operator's licence be suspended or cancelled and any Short Term Rental bookings and/or nuisance incidents pertaining to the operation of a Short Term Rental continue to occur and remain unresolved, the City may exercise its power to pursue additional enforcement action including increasing fines and/or legal injunctive action.

AND WHEREAS the City wishes to:

Commend the Operator for their recognition of their civic responsibilities, and commitment to fostering a good working relationship with the City and the Operator's neighbours.

Demonstrate its commitment to early resolution of disputes with the Operator in relation to this Agreement whenever possible.

NOW THEREFORE in conjunction with and in consideration of obtaining, continuing to hold, or renewing a Short Term Rental business licence, the Licensee covenants and agrees with the City to comply with the conditions set out in Business Licencing and Regulation Bylaw No. 0087.

IN WITNESS WHEREOF the parties have executed this agreement in the City of West Kelowna, Province of British Columbia, this _____ day of _____, 20____

The business Operator
by its authorized signatory
(Owner/Operator)

On Behalf of the City of West Kelowna
by its Business Licence Inspector

X. _____

X. _____

Short Term Rental Self-Evaluation Safety Audit Attestation

Please initial each section applicable to your Short Term Rental
and return to City of West Kelowna Business Licencing Department:

Owner/Operator: _____

Emergency Contact name/phone: _____

Address: _____

Phone: _____ Email: _____

- | | (initial) |
|---|-----------|
| 1. Smoke Alarms tested & logged monthly (As per BC Fire Code) | _____ |
| 2. Fire Extinguisher Service – (annual service by Certified Technician) | _____ |
| 3. Fire Safety Plan posted (review and update annually) | _____ |
| 4. Means of egress operable and unobstructed (bedroom doors & windows) | _____ |
| 5. Carbon Monoxide Alarms tested annually (as per manufactures recommend) | _____ |
| 6. Electrical installations used and maintained so as not to constitute a fire hazard | _____ |
| 7. Barbeque soap leak test (propane or natural gas) annually | _____ |
| 8. Chimney cleaning – if applicable _____ | _____ |
| 9. Interior/Exterior passage ways maintained free and clear of obstructions | _____ |

Note: The City and/or West Kelowna Fire Department may conduct random inspections annually for safety compliance.

I hereby attest that the above have been tested, inspected and maintained as required by the City of West Kelowna's Business Licence and Regulation Bylaw No. 0087 and submittal of this safety audit report checklist is assurance that the conditions are consistent with those set out within City of West Kelowna Business Licence and Regulation Bylaw No. 0087.

Owner/Operator Signature: _____ Date: _____



PROPOSED SHORT TERM RENTAL BYLAW COMPLIANCE & ENFORCEMENT PROGRAM

File No: P 20-16
Subject: Proposed Compliance & Enforcement

CITY OF WEST KELOWNA PLANNING DEPARTMENT		
ATTACHMENT:	2	
FILE NO.:	P 20-16	

Staff Resources

Staff are requesting the addition of a new position, a full time Business Licensing Supervisor. This position would be responsible for and oversee the strategic direction of business licensing services through planning, developing and monitoring internal processes. The Business Licencing Supervisor would lead the implementation of an effective Short Term Rental regulation program, and manage the proactive enforcement of these regulations.

Currently the Business License Clerk position is located at the City Hall front counter and is a shared position with the Planning Department (0.5/FTE) for each department. The existing 0.5 business licensing clerk position term position, which will be filled as of November 23, is not anticipated to be able to also handle the expected influx of Short Term Rental applications. This 0.5 FTE term position will be reviewed later in 2021 for full time status. The additional application intake and review period (Spring/Summer 2021) will initially be supplemented with the use of a casual clerk as needed.

Enhanced Enforcement Measures

Utilizing the regionally consistent practices approach to regulating short term rentals was also applied when reviewing enforcement options. The Business Licence Supervisor would have the ability to suspend or revoke a licence if compliance cannot be achieved within a reasonable time frame under the Business Licencing Bylaw.

New offences would be introduced as part of the bylaw amendments to the Business Licencing and Regulation Bylaw No. 0087, Bylaw Dispute Adjudication Bylaw No. 0093, and Municipal Ticket Information Utilization Bylaw No. 0095. It is proposed to increase the maximum daily fine for some offences, to act as a deterrent for non-compliance, from \$500 to \$1,000. It was important to ensure that the proposed regulations would be enforceable and it is proposed to introduce a graduating scale of penalties for non-compliance with the Short Term Rental regulations.

Offences which would carry the maximum daily fine of \$500 under the Bylaw Dispute Adjudication Bylaw No. 0093 and \$1,000 under the Municipal Ticket Information Utilization Bylaw No. 0095 include operating a short term rental without a licence, permitting multiple bookings at one time, and using a secondary suite or carriage house for a Short Term Rental.

Offence	Bylaw	Maximum Daily Fine		Existing	Proposed
		Bylaw No. 0093	Bylaw No. 0095		
Contravene permitted uses (specified in each Zone)	Zoning	\$500	\$1,000	X	
Contravene Short Term Rental rules (1 st Offence)	Zoning	\$250	\$250		X
Contravene Short Term Rental rules (2 nd Offence)	Zoning	\$350	\$350		X
Contravene Short Term Rental rules (Continuing Offence)	Zoning	\$500	\$1,000		X
Contravene parking and loading standards	Zoning	\$100	\$100	X	
No Business Licence	Business Licencing	\$500	\$1,000	X	X
Marketing without Licence Number	Business Licencing	\$100	\$100		X
Fail to display Local Contact information	Business Licencing	\$100	\$100		X
Fail to attend short term rental within required time period	Business Licencing	\$250	\$250		X
Fail to display business licence	Business Licencing	\$50	\$50	X	
Fail to display fire evacuation plan in each short term rental guest room	Business Licencing	\$100	\$100		X
Operate short term rental contrary to licence conditions	Business Licencing	\$500	\$1,000		X
Permit multiple bookings at one time	Business Licencing	\$500	\$1,000		X
Use secondary suite or carriage house for short term rental	Business Licencing	\$500	\$1,000		X
Use unauthorized guest room for short term rental	Business Licencing	\$500	\$1,000		X

Third Party Contractor

To mitigate impacts to staff resourcing, it is proposed that a third party company with the expertise and sophisticated software needed to cost effectively identify Short Term Rental properties be contracted. The procurement of a third party contract for these services would go through the Informal Quote or Formal Quote/Bid procurement process depending on the

level of service determined to be required. This process could take up to 6-8 weeks prior to selecting a contractor to provide the service. A third party company that is the successful proponent of this process could reasonably need an additional 4-6 weeks to implement their program.

Staff have been in contact with one potential contractor who has provided an overview of potential services and costs, with costs based on the number of listings requiring monitoring. Services proposed to be contracted include address identification of active listings, automated compliance letters for listings who are in contravention of any of the regulations, the ability to track the status and outcome of each compliance letter.

IDENTIFICATION OF SHORT TERM RENTAL PROPERTIES

Short Term Rental listings can be spread across multiple websites, with new platforms for Short Term Rental listings being introduced all of the time. There are over 50 potential platforms for listing Short Term Rentals including AirBnB, VRBO (Vacation Rentals By Owner), HomeAway, and Booking.com. Short Term Rental listings are constantly being added, changed or removed.

Without utilizing a sophisticated data base system, there would be a significant drain on staff time to identify non-compliant Short Term Rentals. Address data is usually hidden from listings, a third party contractor would use both software and human analysts to identify the exact address and owner information for each identifiable Short Term Rental.

PROACTIVE ENFORCEMENT

Staff propose the use of the third party contractor to support the necessary compliance and enforcement efforts utilizing software capable of searching multiple listings across multiple online accommodation platforms to effectively provide accurate and enforceable information. The monitoring and communication services proposed would follow the below process with the assistance of the third party contractor:

- Identified non-compliant Short Term Rental properties would initially receive a letter advising of the compliance requirements;
- If there was no response, a second letter would be sent within 30 days;
- If compliance was not achieved or if there was still no response, the property would be referred to Bylaw for enforcement action.

The Business Licencing department would work to achieve compliance with the Short Term Rental through the letter notification process. The property would be referred to the Bylaw Department for follow up enforcement if compliance could not be achieved.

It is anticipated that the use of a third party company to carry out the above noted services will significantly reduce the amount of enforcement that would normally expected to be needed by Business Licensing and Bylaw Compliance Staff to obtain compliance. Complaint based enforcement though the Bylaw Department will still be necessary and form part of the enforcement strategy, particularly as it relates to nuisance issues.



West Kelowna's DRAFT Regulations for Short Term Rentals

as of November 27, 2020

Guiding Principles

1. Mitigate Negative Neighbourhood Impacts
2. Protect Long Term Rentals
3. Recognize Importance of Short Term Rentals for Tourism
4. Comprehensive Licensing, Compliance & Enforcement

Short Term Rental

Means the **accessory use of a single detached dwelling**, or a portion of it, that provides temporary accommodation for paying guests for a period of less than 30 days, but does not include Bed & Breakfast.

B&B Key Differences

- The expectation that a B&B is **hosted** by the operator;
- There may be **multiple bookings at a B&B**; and
- B&B's **maximum occupancy is 8 guests** (up to 4 rooms)

The DRAFT Regulations propose that Short Term Rentals



Would Only be Permitted in Single Detached Dwellings



Must be Operated by the Occupant of the Dwelling



Could Have a Maximum Occupancy of 6 Guests (3 Bedrooms)



Would Require Off-Street Parking (1 space per 2 bedrooms)

Business Licencing Requirements & Regulations

Business Licence Required

Fee to be determined with goal to offset program costs

Required Permissions

Proof of Owner Consent and/or Strata Permission

Proof of Principal Residence

Through Homeowner Grant, Drivers Licence, or Government Records

Annual Self Evaluation Safety Audit

Initial Licencing Inspection by Fire Department

Identified Local Contact

To respond to issues while operator is away

Good Neighbour Agreement

Signed by operator to acknowledge expected code of conduct

Short Term Rental Operators Must

- Operate only within a licenced dwelling
- Display their licence number
- Display the Fire Safety Plan
- Only have one booking at a time

HAVE YOUR SAY

The DRAFT Regulations proposed are based on regionally consistent practices and the Guiding Principles endorsed by Council. Provide Your Feedback on the DRAFT Regulations by filling out a short Questionnaire.



What Did We Get Right?

What Needs a Little More Editing?



westkelownacity.ca/shorttermrentals

Questionnaire available for Public & Stakeholder feedback November 30 - January 3

