

CITY OF WEST KELOWNA

BYLAW NO. 0087.17

A BYLAW TO AMEND “BUSINESS LICENSING AND REGULATIONS BYLAW NO. 0087”

WHEREAS the Council of the City of West Kelowna desires to amend “THE CITY OF WEST KELOWNA BUSINESS LICENSING AND REGULATIONS BYLAW 2010 NO. 0087” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “CITY OF WEST KELOWNA BUSINESS LICENSING AND REGULATIONS AMENDMENT BYLAW NO. 0087.17, 2023”.

2. Amendments

“Business Licensing and Regulations Bylaw 2010 No. 0087” is hereby amended as follows:

2.1 By deleting all references to “District” and replacing with “City”, including the plural where applicable.

2.2 By deleting all references to “Short term accommodation” and replacing with “Short-term rental”, including the plural where applicable.

2.3 By deleting in SECTION 1 INTRODUCTION, Subsection 1.2 DEFINITIONS, the definition for “carriage house” and “secondary suite” in its entirety.

“*Carriage House*” means a detached building containing a secondary dwelling, which may also contain one or more off street parking spaces for the single detached dwelling on the same parcel or for the carriage house.

“*Secondary Suite*” means second dwelling unit which contains at least 3 rooms including a bedroom, kitchen and bathroom, but no more than 2 bedrooms, located within the structure of a single detached house that provides living accommodation based on rental periods of one month or greater.

2.4 By adding the words “Except for short-term rentals,” to Section 3 LICENCE FEES AND LICENCE PERIOD, sentence 3.2, at the beginning.

2.5 By adding the words “Except for short-term rentals” to Section 3 LICENCE FEES AND LICENCE PERIOD, sentence 3.4, at the beginning.

2.6 By deleting from Section 12 SHORT TERM ACCOMMODATIONS, sentence 12.2, in its entirety that reads:

“12.2 Without limiting Section 12.1, a person applying for the issuance of a licence to operate a short term accommodation must, in addition to meeting the requirements of the City’s Zoning Bylaw:

- a) Make an application to the Licence Inspector on the form provided for short term accommodation business licence applications;
- b) Provide, in the form satisfactory to the Licence Inspector, evidence that
 - i. The operator owns the dwelling where the short term accommodation is offered, or
 - ii. The owner of the property has consented to the use of the property as a short term accommodation;
- c) Provide, when the property where the short term accommodation is offered is located within a Strata, a letter from the strata council confirming that the use of the dwelling for short term accommodations 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 accommodation is offered is occupied by the operator as their principal residence which must include, at minimum, two of the following documents in the operators name:
 - i. Provincial Homeowners Grant;
 - ii. Driver’s Licence;
 - iii. Vehicle Registration;
 - iv. Utility Bills;
 - v. Tax Forms;
 - vi. Insurance Forms;
 - vii. Government Records; or
 - viii. Other documents satisfactory to the Licence Inspector.
- e) Provide the name and contact information for a local contact who is designated by the operator as an alternate host for the short term 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 accommodation is offered, identifying the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each bedroom and the location of any sofa beds (Fire Safety Plan);

- h) Provide a parking plan which complies with the parking requirements of the Zoning Bylaw;
- i) Submit in the form satisfactory to the Licence Inspector a Good Neighbour Agreement; and
- j) Provide any other information the Licence Inspector may purposes of ensuring compliance with the City’s bylaws and other enactments.”

and replacing it with:

“12.2. Short-term Rental Applications

Without limiting Section 12.1, a person applying for a licence to operate a short-term rental must, in addition to meeting the requirements of the City’s Zoning Bylaw:

- (a) Submit in the form satisfactory to the Licence Inspector, the City of West Kelowna’s Short-term Rental Business Licence Application Form, which specifies the application requirements including:
 - i. Title Certificate;
 - ii. Strata Consent Form (if applicable), which:
 - (a) When the Short-term rental is located within a Strata, confirms that the Short-Term Rental use of the dwelling does not contradict any bylaws of the strata corporation or applicable provisions of the *Strata Property Act*;
 - iii. Good Neighbour Agreement;
 - iv. Local Contact Information, which includes:
 - (a) Name and contact information for a local contact who is designated by the owner as an alternate host for the short-term rental;
 - v. Parking Plan, which includes:
 - (a) A site plan illustrating required parking locations and sizes on the property;
 - vi. Fire Safety Plan, which includes:
 - (a) A floor plan of the entire short-term rental unit; and
 - (b) A fire evacuation plan which includes a floor plan specific to each bedroom,

where each plan must identify the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each bedroom and the location of any sofa beds; and be posted in all bedrooms and fire exits;
 - vii. Evidence that the owner is a principal resident, which includes:

- (a) Any applicable Provincial Short-Term Rental Registration Number; or
- (b) A minimum of two (2) documents from the specified list on the application form, in the owner's name.

viii. Provide any other information the Licence Inspector may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

- (b) Following submission of the application, schedule a safety inspection with the Licence Inspector to ensure compliance with the British Columbia Building Code, British Columbia Fire Code and City Bylaws. The inspection must be completed and the property must be compliant prior to issuance of the short-term rental business license."

2.7 By deleting from Section 12 SHORT-TERM ACCOMMODATIONS, Sections 12.3, 12.4, 12.5, 12.6, 12.7, in their entirety that reads:

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

12.4 An operator of a short term accommodation may be absent overnight occasionally from their principal residence at a time when the short term accommodations is rented, provided that:

- a) the operator is absent no more than 14 days in any one month to a maximum of no more than 30 days within a calendar year;
- b) the local contact is available to interact with guests during operation and respond to any nuisance complaints; and
- c) the name and contact information of the local contact is prominently displayed in the dwelling.

12.5 The operator or local contact of a short term accommodation must respond or attend at the dwelling within 2 hours of being requested to do so by the Licence Inspector.

12.6 An operator of a short term accommodation must:

- a) Operate a short term accommodation only within a licenced dwelling;
- b) Only operate a hosted short term accommodation;
- c) Display the licence inside the entry way to the dwelling;
- d) Display in each approved bedroom, and in the entryway of the short term accommodation, a fire safety plan; and
- e) Ensure that no more than one booking is permitted for the short term accommodation within the dwelling at one time.

12.7 An operator of a short term accommodation must not:

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

and replacing it with:

“12.3 The owner of a short-term rental must:

- (a) Ensure a short-term rental has a valid business licence;
- (b) Display the short-term rental Business Licence inside the entry way of the dwelling;
- (c) Display in each approved bedroom, and in the entryway of the short-term rental, a Fire Safety Plan;
- (d) Except for Short-Term Rental (Bed and Breakfast), ensure that no more than one booking is permitted at any one time for a short-term rental; and
- (e) Ensure that any marketing or listing for the short-term rental includes the short-term rental Business License number, and any applicable Provincial Short-Term Rental Registration Number.

12.4 The owner of a short-term rental must not:

- (a) Rent out any bedrooms or provide any sleeping accommodation within any vehicle, recreational vehicle, tent or accessory building; and
- (b) Allow any rooms that are not approved and identified on the licence application to be used as bedrooms in the short-term rental.”

READ A FIRST TIME THIS
READ SECOND TIME THIS
READ A THIRD TIME THIS
ADOPTED THIS

MAYOR

CORPORATE OFFICER