

SUMMARY OF REGULATORY APPROACHES TO VACATION RENTALS IN BC

No Regulation / Not Permitted

Langford	Vacation Rentals would be permitted in zones that permit hotels. See <i>Hotel Guest Registration Act & Residential Tenancy Act</i> .
Regional District of Mount Waddington	Issue: population decline and seasonal housing vacancies. Haven't moved towards regulating vacation rentals
Sunshine Coast Regional District	Underwent planning review of regulatory options but voted to maintain no regulation.
View Royal	Do not permit vacation rentals or bed and breakfasts.
District of Sidney	Vacation rentals not regulated or specifically defined or identified in zoning bylaw. No negative issues; often properties very well maintained.
District of North Saanich	Not permitted in zoning bylaw. Complaint-driven enforcement.
Island Trust - Galiano Island	Galiano Island undergoing Vacation rental review project http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives.aspx
Regional District of Okanagan-Similkameen	RDOS v. Leach; currently reviewing definitions and implementing TUPs Staff report to Planning & Development Committee April 2012 http://www.rdosmaps.bc.ca/min_bylaws/contract_reports/CorpBd/2012/07Apr05/Planning/4_Vacation_Rentals_200312.pdf http://www.rdosmaps.bc.ca/min_bylaws/contract_reports/CorpBd/2012/17Sept6/Planning/4_Bed_and_Breakfasts.pdf
Islands Trust - Saltspring Island	Saltspring upholds prohibition of renting private homes in residential zones for less than 30 days http://www.islandstrust.bc.ca/news/pdf/newsapr132006.pdf http://www.islandstrust.bc.ca/news/pdf/newsmar212011.pdf

Temporary Use Permits

Cariboo Regional District	Green Lake Official Community Plan provides for TUPs Temporary Accommodation language in zoning bylaw, definition references Real Estate Act. No applications to date.
Islands Trust - Gabriola Island	Establishes criteria in OCP for Gabriola Island http://islandstrust.bc.ca/lrc/gb/pdf/gbbybaseocp0166.pdf
Islands Trust - Hornby Island	Hornby Island - summer, year round and commercial vacation rental options (see Guide to Conducting Vacation Hom http://islandstrust.bc.ca/lrc/ho/pdf/hovacationrentalsguidedec2012.pdf
Islands Trust - Thetis Island	TUPs for temporary accommodation http://islandstrust.bc.ca/lrc/th/pdf/thbybaseocp0088.pdf Staff report to Thetis Island Local Trust Committee 2004

Business Regulation Bylaw

Sechelt	Business License and \$1000 security deposit Defines short term residential rental and permitted in certain zones
Penticton	Business License required by property owner for rentals with more than two rooms. Vacation rentals permitted in all zones.

Zoning

Tofino	Issues: unfair tax rates Solution: increase business license fees to fund a license and enforcement officer position Zoning permits short term rental operations as secondary use in many zones
Whistler	Residential Tourist Accommodation zone Court cases setting precedent. Whistler vs. Miller and Rivera 2001 Whistler vs. Wright et al. 2003
Sun Peaks Mountain Resort Municipality	Definition of Tourist Accommodation Establishes Tourist Accommodation zones where Tourist Accommodation is principal use Establishes Tourist Bed and Breakfast zone
Fraser Valley Regional District	Temporary tourist accommodation permitted in zones within Hemlock Valley ski resort Vacation rentals not permitted in designated hazard areas.
City of Victoria	Transient Accommodation zone and definition
Islands Trust - Hornby Island	Rentals 2012) http://islandstrust.bc.ca/lrc/ho/pdf/hovacationrentalsguidedec2012.pdf

Policies

Cowichan Valley Regional District	Vacation rentals limited to Tourist Commercial C4 zones Bylaw enforcement policy to address complaints regarding non-conforming vacation rentals Recommends TUPs over zoning to regulate vacation rentals but need enabling policy in OCPs
North Pender Island Local Trust Committee	http://islandstrust.bc.ca/lrc/ng/pdf/nprptpoliciesresolutions.pdf Enforcement Policy for short term vacation rentals North Pender Island Trust Committee vs. Conconi 2009
Islands Trust - Thetis Island	Policies in OCP regarding rezoning for temporary commercial accommodation http://islandstrust.bc.ca/lrc/th/pdf/thbybaseocp0088.pdf

COMMONLY IDENTIFIED CHALLENGES	COMMONLY IDENTIFIED BENEFITS
<input type="checkbox"/> Noise and security	<input type="checkbox"/> Increased investment return for property owners
<input type="checkbox"/> Unfair tax advantage to owners operating as a business out of a residential tax class	<input type="checkbox"/> More accommodation options and prices for visitors, improving their experience
<input type="checkbox"/> Increased cost of housing for some local residents due to inflated real estate.	<input type="checkbox"/> Increased development and job creation
<input type="checkbox"/> Loss of community feel (or challenge at building it)	<input type="checkbox"/> Positive intermingling of visitors and residents
<input type="checkbox"/> Parking overflow, traffic and snow clearing challenges	<input type="checkbox"/> Offsets the cost of housing/expenses for local residents renting out a portion of their home
<input type="checkbox"/> Safety and fire hazards due to overcrowding	<input type="checkbox"/> Offsets the costs of the local property for some part-time residents renting out their property
<input type="checkbox"/> Erosion of core commercial area and commercial tax base	

Source: Sun Peaks Mountain Resort Municipality Short-Term Rentals: Ways Forward,
<https://sunpeaks.civicweb.net/Documents/DocumentList.aspx?ID=4804>

Resort Municipality of Whistler vs. Miller and Rivera 2001 BCSC 100

<http://www.courts.gov.bc.ca/jdb-txt/sc/01/01/2001bcsc0100.htm>

The Court determined that the rental of a detached dwelling to short term paying guests is not a normal and customary residential use, particularly when the zoning bylaw identifies separate zones where tourist accommodation is expressly permitted, and that the occasional use of the dwelling for temporary accommodation of visitors is neither ancillary nor subordinate to its principal, residential use.

Whistler (Resort Municipality) v. Wright et al. 2003 BCSC 1192

<http://www.courts.gov.bc.ca/jdb-txt/sc/03/11/2003bcsc1192.htm>

Bylaws that establish a clear definition of 'residential' as a fixed place of living to which a person intends to return when absent that explicitly excludes 'temporary accommodation' are more enforceable.

North Pender Island Local Trust Committee v. Conconi 2009 BCSC 328

<http://www.courts.gov.bc.ca/jdb-txt/SC/09/03/2009BCSC0328.htm>

The term 'residential' unambiguously distinguishes between commercial and residential uses.

Okanagan-Similkameen (Regional District) v. Leach 2012 BCSC 63

<http://www.courts.gov.bc.ca/jdb-txt/SC/12/00/2012BCSC0063cor1.htm>

<http://www.sms.bc.ca/2012/05/interpreting-zoning-bylaws-two-recent-cases/>

Vacation rentals provided for weekly rental of a property with full use of the primary dwelling. The Okanagan-Similkameen Regional District position was that the operation of the tourist accommodation business contravened the use as a 'single-family dwelling.' The judge accepted that the rental of the dwelling to short-term paying guests is not a normal and customary residential use in the sense of being the principal use for this type of property and concluded that vacation rentals are not permissible as a principal use. However, the bylaw provided for private visitor accommodation as a secondary use and the judge determined that the use of the property was properly characterized as a private visitor accommodation consistent with the bylaw as the owners occupied the dwelling for a longer period of time each year compared to the rentals.

highlights how a residential zone permitting a dwelling unit as a principal use and short term accommodation as an ancillary use was able to legally permit the commercial rental of the property during the year without expressly permitting 'vacation rental' as a use. The Court concluded that the current definition of a 'dwelling unit' is seen to describe a structure and does not limit the use of that structure only to residential purposes. Further, 'private visitor accommodation' was not limited to bed and breakfast in the definition. In this case, vacation rentals were permitted as a secondary use provided they were operated by the principal residents and occupied by renters less than the amount of time that the property is occupied by the owners.

Buholzer, Bill (September, 2007). *Regulating Vacation Homes*, Planning West, p16-19.

Article outlines types of vacation rentals in BC. Highlights why bylaws should state "residential" as a permitted use rather than "single-family dwelling."