



# STAFF REPORT

**TO:** Planning and Development Committee **MEETING DATE:** May 5, 2020  
**FROM:** Lesley-Anne Staats, RPP, MCIP **FILE NO:** 6440-19  
Director of Planning  
**SUBJECT: Short-Term Rental Bylaws for Consideration**

---

## RECOMMENDATIONS

**THAT the report titled Short-Term Rental Bylaws for Consideration be received;**

**AND THAT Council directs staff to obtain a legal review of the proposed bylaw amendments prior to consideration of First and Second Readings.**

---

## PURPOSE

The purpose of this report is to provide the Planning and Development Committee with three proposed bylaws for consideration that would regulate Short-Term Rental Accommodations (STR's) in Gibsons:

- Zoning Amendment Bylaw – to regulate the use and conditions of use
- Business License Amendment Bylaw – to regulate the businesses
- Notice of Enforcement Amendment Bylaw – to regulate enforcement of the use and business

The three bylaws are enclosed as Attachments A, B and C. This review is intended to confirm whether the bylaws meet the Council's intent in regulating STR's in Gibsons, before completing a legal review of bylaws, which would be followed by Council consideration of bylaws for first and second readings.

## BACKGROUND

Research has shown that short-term rental accommodations can drive significant economic growth; however, research indicates that they can also displace long-term rentals<sup>1</sup>, alter neighbourhood character and raise legitimate parking, noise, safety, garbage, and fairness concerns.

---

<sup>1</sup> Wachsmuth, David. June 20, 2019. Short-term rentals in Canada: The first comprehensive overview. <http://upgo.lab.mcgill.ca/2019/06/20/short-term-rentals-in-canada-paper/>

On July 23, 2019, Council adopted the following resolutions after receiving draft bylaw amendments for the Zoning, Business Licence, and Notice of Enforcement bylaws regulating short-term rental accommodations:

**R2019-250 Short-Term Rental Accommodation Regulations**

*THAT a public engagement process begin for the purpose of collecting short-term rental operator and stakeholder input;*

*AND THAT staff report back with feedback received from the public engagement process prior to consideration of future bylaw amendments.*

**R2019-251 Short-Term Rental Accommodation Regulations**

*THAT the notification distance for short-term rental accommodations be 100 metres.*

A public consultation process was launched in October 2019, which included online surveys and small group discussion meetings. During the consultation, 63% of the survey respondents (58 out of 91) were residents, and 37% (33 out of 91) were STR operators.

Between October 11 to November 1, 2019, a total of 91 survey responses were provided through an online survey (70 responses) and in-person small group discussions (21 participants).

The online survey received 70 responses, where 55 respondents identified as residents and 15 identified as STR operators. Four small group meetings (2 hours per meeting) were held with 21 participants on October 22 and 23. The 21 small group participants, consisting of mostly STR operators (18 out of 21), provided in-depth input on proposed regulations. It should be noted that survey respondents and discussion group participants were self-selected, based on their interest in this topic. Following the feedback received from the consultation process, a report was provided to the Council on December 3, 2019, with options for consideration of implementing regulations in two categories – hosted and un-hosted short-term rentals.

On December 3, 2019, Council directed staff to revise bylaws regulating STRs by allowing them only on hosted properties (where a resident operator is on-site during a guest stay), and deferred regulation allowing un-hosted STRs until the Sunshine Coast Housing Needs Assessment is completed (now estimated Fall 2020). The December 3, 2019 staff report with the consultation feedback is enclosed as Attachment D.

**R2019-385 Short-Term Rental Accommodation Regulations Consultation Results**

*THAT staff refine and revise bylaws, to implement short-term rental accommodation regulations and licensing using hosted short-term rental regulations;*

*AND THAT un-hosted short-term rental accommodation regulations and licensing be deferred until after completion of the Sunshine Coast Housing Needs Assessment.*

On December 19, 2019, [Host Compliance](#), a company that specializes in assisting Local Governments in North America manage short-term rentals (through drafting bylaws, enforcement, and compliance processes), did a point-in-time snapshot of the number of listings

in Gibsons, which identified 131 listings representing 91 short-term rental units, shown in Figure 1. Of the listings, 84% were in single-family homes, 11% were in multi-family homes, and 5% were unknown.

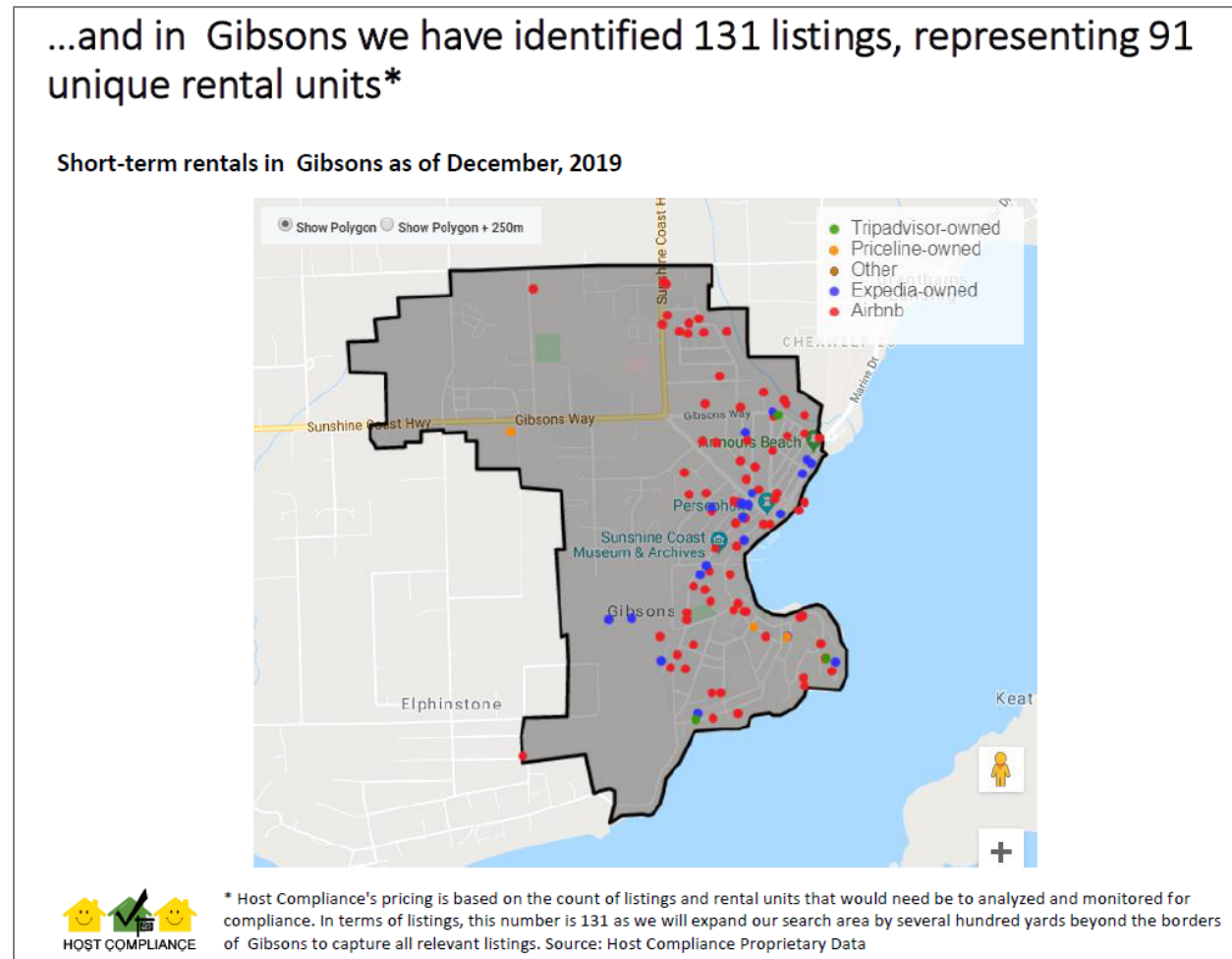


Figure 1: Host Compliance snapshot of short-term rental accommodation listings on December 19, 2019

Since Council's December 3, 2019 discussion on STR's, the topic of STR's has been discussed in subsequent Council meetings.

### Current Zoning Context

The Town's current Zoning Bylaw permits bed and breakfast use (B&B) in specific zones and limits them to single-family dwellings (not permitted in secondary suites, duplexes, townhouses, nor apartments). The B&B regulations generally allow one to two bedrooms to be rented in a home, which must be conducted by a resident in the dwelling and must provide at least 1 parking space and breakfast.

Beyond the regulations for B&Bs, the current Zoning Bylaw regulates tourist accommodation, which is described as a building that provides sleeping facilities for the transient public and may also include cooking facilities.

The Zoning Bylaw is silent on short-term rental accommodations, which are often entire houses, secondary suites within a house, or a sleeping unit in an accessory building, rented to the transient public for stays of less than 30 days. The current lack of regulations provides little guidance to short-term rental operators who wish to operate responsibly.

### **The Context for Updating the Zoning, Business Licence and Notice of Enforcement Bylaws for Short-Term Rentals**

- There is seasonal fluctuation in the number of STR units, and summer months appear to be busier. As shown in Figure 1 above, 91 unique rental unit listings were identified in December 2019, and Town staff have observed that unit numbers increase in the summer season.
- The Town hosted extensive community engagement and consultation on the topic of STRs in October and November 2019. A total of 91 online and in-person (small group discussion) survey responses provided, with 63% of the respondents self-identifying as residents and 37% identified as STR operators. Of the 91 survey respondents, 21 participated in 2-hour small group discussions, who provided in-depth input on proposed regulations (small group participants consisted mostly of STR operators (18 out of 21). The feedback received during the consultation expressed diverse community interests and perspectives, and areas of common support emerged.
- The commonality in consultation feedback included:
  - Support for the local economy – there was the recognition that STR's have benefited the Town's tourism economy, local service providers and community. STR's also provide an important service with greater accommodation options for visitors staying in Gibsons.
  - Supplemental income/ mortgage support – for owners, many who have invested in renovations and improvements specific to meeting short-term rental market demand. This supplemental income may be a consideration for a home-buyer, as it increases affordability.
  - Need for clear regulations – Desired clarity for STR operators who wish to operate responsibly, with clear business licence conditions that align with insurance and building safety requirements.
  - Maintain neighbourhood character – Desire to find a reasonable balance for allowing tourist accommodation use in residential neighbourhoods while respecting neighbourhood character and minimizing negative impacts on neighbours (such as street parking, noise, garbage, backyard fires).
  - Hosted STR's – Community residents and many operators were most supportive of hosted STR's, with a resident person who is responsible for guests during guest stays.
- During the community consultation, the feedback was most divided on measures aimed at addressing long-term housing supply.

- Consultation feedback from residents found that they generally supported the Town taking steps aimed at protecting the long-term rental housing supply. Online survey respondents were supportive of limiting STR's to those with a resident or operator on-site during guest stays (78% or 43 out of 55 survey respondents).
- In the online survey, fewer respondents were in favour of not permitting STRs in secondary suites or cottages (38% or 21 out of 55 online survey respondents).
- Staff note that the original policy intent that introduced secondary suites in 2008 was to increase the available rental housing supply. However, in the current housing market context, home prices are substantially higher and STR's provide buyers with an opportunity to obtain mortgage help, while also providing a space that could be available for friends/family visitors. STR's also deliver a unique accommodation experience that benefits the local economy.
- During the small group discussions, STR operators questioned the source of data used to link short-term rentals with loss of long-term rental housing and objected strongly to measures aimed at increasing the long-term rental housing supply. The larger context of seasonal vacation homes, vacant homes, and changes to the *Residential Tenancy Act* in 2018, were named as important factors for consideration in developing appropriate regulations for increasing the long-term housing supply. Limiting the number of STR units or restricting the type of STR units (ie. not permitting STR's in secondary suites or garden suites) on a property, were strongly opposed. Several STR operators stated that STR spaces would be left vacant (ie. cottage and suites would be reserved exclusively for friends and family use), if they were restricted, and would not become long-term rentals. Restricting the type of units and limiting the number of units permitted for STR use on properties were the most contentious topics that arose in consultation feedback, with strong emotions expressed on both sides.

## DISCUSSION

### Zoning Amendment Bylaw Update (Bylaw No. 1065-47)

The proposed zoning amendment bylaw includes new permission of STRs in single-family dwellings, duplexes, and multi-family residential buildings, except apartments. This new approach combines B&B's with STR's as the same use, as was supported in the consultation feedback. The following new/updated definitions are proposed:

**“BEDROOM”** means a room located within a dwelling unit and where the primary function is for sleeping.

**“BOOKING”** means a confirmed reservation for short-term rental accommodation or tourist accommodation uses.

**“COOKING FACILITY”** means the main means of cooking a meal or any arrangement of cooking facilities within a dwelling unit or suite and includes gas, propane, or electric ranges or stoves, microwave ovens, counter-top cooking units, hot plates, wall ovens,

*toaster ovens, electric frying pans, pressure cookers, crock pots or any other such cooking facility or any combination of such cooking facilities, and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facilities.*

**“DWELLING UNIT”** means a self-contained housekeeping unit, used or intended to be used by one or more persons containing cooking, eating, living, sleeping, and sanitary facilities.

**“HOME OCCUPATION”** means an occupation, profession, or craft carried out as an accessory use in a dwelling or accessory building to the dwelling, by a resident on the lot, but does not include Short-Term Rental Accommodation.

**“PRINCIPAL RESIDENCE UNIT”** means the dwelling unit where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.

**“SHORT-TERM RENTAL ACCOMMODATION”** means the use of a furnished dwelling unit or sleeping unit which provides sleeping accommodation for less than 30 consecutive days for transient visitors.

**“SLEEPING UNIT”** means a unit primarily used for sleeping containing sleeping and sanitary facilities and has no kitchen or cooking facilities.

**“TOURIST ACCOMMODATION”** means a building which provides sleeping accommodation for transient visitors and may include cooking and dining facilities, meeting rooms, laundromats, dry-cleaning services, spa and fitness centres, and service commercial use.

Conditions of use include:

1. Short-term rental accommodation use shall be administered by the principal resident (an owner or authorized operator) on the property, who is living in a principal residence unit during a guest booking;
2. Short-term rental accommodation use shall occupy not more than one (1) dwelling unit or sleeping unit per property for the duration of a guest stay;
3. No external indication shall exist that a dwelling unit or sleeping unit is used as short-term rental accommodation, except for a single sign not exceeding 0.3 m<sup>2</sup> (3.2 ft<sup>2</sup>) in area.
4. A valid Town of Gibsons Business Licence, and compliance with associated licence terms and conditions, is required for the conduct of a short-term rental accommodation use and must be displayed on the property.

5. Off-street, parking must be provided per Part 6 of the bylaw, except that tandem parking is permitted (1 parking space per 2 bedrooms/sleeping units).
6. For sleeping units in an accessory building, registration of Section 219 Restrictive Covenant shall prohibit the conversion of the accessory building into a dwelling unit.

Additional amendments to the zoning bylaw include:

- Deleting the definition of Boarding Use (which is a long-term rental use within a dwelling unit) as it limits long-term rental options, is difficult to enforce, and has not come up as an issue.
- Deleting the definition of Bed and Breakfast as it has been altered and combined with the definition of short-term rental accommodation. The original definition of B&B required a provision of breakfast, which was functioning to create a hosted STR, where an operator is present during guest stays.
- Introducing new definitions such as ‘bedroom’, ‘booking’, ‘cooking facility’, ‘dwelling unit’, ‘principal residence unit’, and ‘short-term rental accommodation’ to support regulating short-term rental accommodation use and to provide clarity in the regulation.
- Updating definitions such as ‘sleeping unit’, ‘home occupation’, and ‘tourist accommodation’ for clarity.
- Updating the home occupation provisions to allow not more than two home occupations in conjunction with each other.
- Updating the zoning bylaw with consequential amendments (and numerous references) that remove bed and breakfast as a home occupation.

#### *Short-Term Rentals in Secondary Suites, Garden Suites, and Accessory Buildings*

Staff note that an estimated 75% of the Business Licences previously issued for B&Bs were in secondary suites which do not conform to the Zoning Bylaw, as the Zoning Bylaw states that (S.8.9) secondary suites “must be available for use as a domicile on a year-round basis and must be rented for periods not shorter than one month”.

The feedback received through community consultation indicated that Gibsons residents prefer hosted STR’s with an operator on-site. Not allowing STR’s in secondary suites and garden suites were strongly objected to. The consultation feedback further indicated that secondary suites currently used as STRs may remain vacant if regulations are put in place prohibiting STR use within them, as many homeowners do not want to manage a long-term tenant, and prefer the flexibility of short-term rentals for availability and use by family and visitors.

Council provided direction to prohibit STR’s in “garden suites and other accommodations developed specifically as affordable housing or long-term rentals”. Although secondary suites were introduced as an affordable housing option and intended to be long-term rental units, garden suites are new-build’s and are not affordable; however, they do increase the housing stock using existing infrastructure. Staff advise against prohibiting STR’s in secondary suites

and garden suites due to the community feedback received during the consultation. Several STR operators spoke to concerns with placing a burden on them to provide long-term rentals, and that if STR was not an option, the unit may not be used for long-term rental. Several operators had concerns with not permitting STR's in accessory buildings. Three participants had a STR that would be prohibited if accessory buildings would be prohibited. In these three cases and for several STR operators with secondary suites within their residence, the additional suite or unit, is only rented occasionally, (it is often used by friends and family). In these cases, if the unit was prohibited from STR, it would not become a long-term rental.

Further to this, STR use provides a property owner/ potential purchaser with mortgage help, making the unit more affordable. To continue to allow mortgage helpers, the proposed bylaw allows a STR's in an accessory building, as a sleeping unit only, with no cooking facilities. It is estimated that approximately 25% of existing STRs are in accessory buildings. A risk in allowing STRs in accessory buildings is that in the future they may be illegally converted to dwelling units, which could unintentionally increase the density in a neighbourhood. To limit this, staff suggest requiring a S.219 Restrictive Covenant to be registered on Title to make sure the accessory building is not converted to a dwelling unit unless the property is zoned for a Garden Suite.

### **Business Licence Bylaw Update (Bylaw No. 666-10)**

Each year, the Town of Gibsons sends Business Licence renewal notices to business owners at the end of November. With Council's direction to update the STR regulations, 46 Business Licences were not renewed for the 2020 calendar year. It is staff's understanding that none of the 46 STR business licences qualify as B&B. Staff intends to issue the business licences once the 3 short-term rental related amendment bylaws have been adopted.

The Business Licence Bylaw amendment proposes the following changes:

- A new classification of business for short-term rental accommodation requiring an annual \$200 licence fee.
- A requirement to provide, as part of an application, the following:
  - Applicant's contact information
  - Operator's contact information (must reside on-site and provide proof of residence, and owners authorization, if the permanent resident on the property is not the owner)
  - Number of STR sleeping units and bedrooms
  - Number of dedicated on-site parking spaces and parking plan to scale
  - Strata Council approval (if applicable)
  - Property owner (and operator) consent to abide by short-term rental regulations
- Safety attestation form including the following requirements



- Smoke alarms installed and maintained
- Fire extinguisher installed and maintained
- Fire Safety Plan posted and updated annually
- Means of egress operable and unobstructed (bedroom doors and windows)
- Carbon Monoxide Alarms installed and maintained
- Interior/Exterior passageways maintained free and clear of obstructions
- An Operator (principal resident) on site during guest stays
- Insurance obtained for STR use
- Not more than one guest suite used at a time
- A written record of all guest names.
- A Town of Gibsons business licence with the operator's contact information will be displayed in a prominent location on the property

#### **Enforcement Bylaw Updates (Bylaw No. 1125-07)**

To enforce the Zoning and Business Licence bylaws, the Enforcement Bylaw would be amended to include offences with penalty fines of up to \$300 for each of the following violations:

- Not complying with business licence terms and conditions for operators of short-term rental accommodation.
- Refusing entry for inspection by a Town representative.
- Listing or advertising a short-term rental exceeding approved sleeping unit count on business licence.
- Operating contrary to zoning restrictions.
- Operating a short-term rental accommodation without a principal resident on the property.
- Operating a short-term rental in a secondary suite.
- Operating a short-term rental in more than one dwelling unit for the duration of the booking.
- Operating without a valid business licence.
- Not meeting required parking spaces for short-term rental accommodation.

In each offence listed above, the owner may enter into a 'compliance agreement' with Town of Gibsons (Bylaw Enforcement Officer), outlining intent and timeframe for compliance with the bylaws, and the penalties may be waived.

Enforcement is an essential part of regulating short-term rental accommodations and may require additional resources. Enforcement will be monitored to track a potential increase in workload for the Town's single Bylaw Enforcement Officer. Council need to may consider adding dedicated staff time for business licence inspections and a budget for proactive enforcement of short-term rentals.

## **POLICY / PLAN IMPLICATIONS**

### **Strategic Plan Implications**

Regulating short-term rental accommodation use in Gibsons aligns with Council's strategic plan objectives:

#### *Advocate for and Facilitate A Range of Housing Types*

- We will actively work toward increasing the supply and range of safe, secure and attainable affordable housing options

#### *Plan for Sustainable Growth*

- We will value the unique character of our Town and its neighbourhoods
- We will create spaces that promote a sense of community and are accessible to all
- We will support local business and foster a diverse economy

### **Financial Plan Implications**

There are no negative impacts to the Town's Financial Plan. Staff will monitor impacts to the Bylaw Enforcement Officer's workload to determine if additional resources are required.

### **Other Policy or Plan Implications**

Official Community Plan policy 11.2.6 is supportive of the 'sharing economy' and how to encourage this type of activity'. The 'sharing economy' refers to the sharing of assets such as vehicles, tools, real estate etc. to reduce costs and environmental impact. Policy 5.6.8 is to 'increase tourist accommodation within walking distance of the Harbour area'.

## **NEXT STEPS**

Following the PDC's and Council's consideration of the bylaws, with confirmation that the approach is as Council requested, the bylaws will then be sent to the Town's legal Counsel for review before being considered for the first readings.

The zoning amendment process requires 1-2 readings before the Public Hearing. Following the Public Hearing, two more readings are required to Adopt the bylaw, for a total of four readings. At any reading, Council may amend or defeat the zoning amendment bylaw.

### **COVID-19-related considerations for Public Hearings**

- The intent of a Public Hearing is for Council to hear community opinions on a bylaw being proposed, and for community members to hear other individuals' opinions' as well.
- Should Council proceed to a Public Hearing, it must be held in a space that allows 2 m physical distancing.
- If more than 50 people gather, Council will have to adjourn to a later date.
- Council has the option to waive a Public Hearing, per section 464(2) of the Local Government Act because the bylaw is consistent with the OCP. Should Council choose to waive the Public Hearing, a public notice would be published in two consecutive issues of the Coast Reporter stating the purpose of the zoning bylaw, the zones it would effect, and a website where information and the bylaws may be inspected.

*Guidelines for Local Governments Operating under Emergency Program Act, Ministerial Order M083 with respect to Public Hearings (March 30, 2020) – excerpt below*

- Local governments are required to hold public hearings prior to the adoption of several different kinds of bylaws including official community plans and some zoning bylaws.
- Local governments will need to think carefully about whether in some cases, delay of statutory processes requiring public hearings is the most appropriate and practical approach.
- Local governments may also want to consider whether it is appropriate to waive public hearings where they are not legally required, such as on proposed zoning bylaws that are consistent with the official community plan.
- Where a public hearing is required, members of the public who believe their property may be affected by a proposed bylaw must continue to be provided a reasonable opportunity to be heard, which can include written submissions.
- The Ministry understands the potential challenge of public hearing requirements and will be providing additional guidance in the near term.

### **RECOMMENDATIONS / ALTERNATIVES**

Staff recommendations are on page 1 of this report.

Alternatively, Council may suggest modifications or additional terms to direct staff to include for the Town's bylaw amendments to regulate short-term rental accommodation; or, Council may wish to give the bylaws first and second readings and schedule a Public Hearing.

### **Attachments**

- Attachment A – Zoning Amendment Bylaw No. 1065-47
- Attachment B – Business License Amendment Bylaw No. 666-10

- Attachment C – Notice of Enforcement Amendment Bylaw No. 1125-07
- Attachment D – December 3, 2019 Staff Report on STRs and Consultation Feedback Report

Respectfully Submitted,

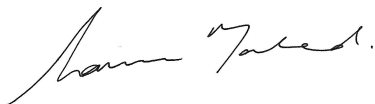


---

Lesley-Anne Staats, RPP, MCIP  
Director of Planning

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**

I have reviewed the report and support the recommendation(s).



---

Emanuel Machado  
Chief Administrative Officer

**TOWN OF GIBSONS**

**BYLAW NO. 1065-47, 2020**

A Bylaw to amend *Town of Gibsons Zoning Bylaw No. 1065, 2007*

---

**WHEREAS** the Council for the Town of Gibsons has adopted *Town of Gibsons Zoning Bylaw No. 1065, 2007*;

**AND WHEREAS** the Council deems it desirable to regulate short-term rental accommodation and amend the Zoning Bylaw;

**NOW THEREFORE** the Council, in open meeting assembled, enacts as follows:

- 1) This Bylaw may be cited as "*Short-term Rental Zoning Amendment Bylaw No. 1065-47, 2020*".
- 2) The *Town of Gibsons Zoning Bylaw No. 1065, 2007* is hereby amended by:

- a. Deleting the definitions for "Bed and Breakfast" and "Boarding Use" in Section 2.1.
- b. Inserting new and replacing the following definitions in Section 2.1 in alphabetical order:

**"BEDROOM"** means a room located within a dwelling unit and where the primary function is for sleeping.

**"BOOKING"** means a confirmed reservation for short-term rental accommodation or tourist accommodation uses.

**"COOKING FACILITY"** means the main means of cooking a meal or any arrangement of cooking facilities within a dwelling unit or suite and includes gas, propane, or electric ranges or stoves, microwave ovens, counter-top cooking units, hot plates, wall ovens, toaster ovens, electric frying pans, pressure cookers, crock pots or any other such cooking facility or any combination of such cooking facilities, and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facilities.

**"DWELLING UNIT"** means a self-contained housekeeping unit, used or intended to be used by one or more persons containing cooking, eating, living, sleeping, and sanitary facilities.

**"HOME OCCUPATION"** means an occupation, profession, or craft carried out as an accessory use in a dwelling or accessory building to the dwelling, by a resident on the lot, but does not include Short-Term Rental Accommodation.

**"PRINCIPAL RESIDENCE UNIT"** means the dwelling unit where an individual lives, makes their home and conducts their daily affairs, including, without

limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills.

**"SHORT-TERM RENTAL ACCOMMODATION"** means the use of a furnished dwelling unit or sleeping unit which provides sleeping accommodation for less than 30 consecutive days for transient visitors.

**"SLEEPING UNIT"** means a unit primarily used for sleeping containing sleeping and sanitary facilities and has no kitchen or cooking facilities.

**"TOURIST ACCOMMODATION"** means a building which provides sleeping accommodation for transient visitors and may include cooking and dining facilities, meeting rooms, laundromats, dry-cleaning services, spa and fitness centres, and service commercial use.

- c. Deleting all references to "Boarding Use".
- d. Deleting all references to "Bed and Breakfast" use.
- e. Adding Short-term Rental Accommodation use to Section 6.12 as follows:

<b>Class of Use</b>	<b>Required Parking Spaces</b>
Short-term Rental Accommodation	1 per 2 bedrooms / sleeping units

- f. Replacing Section 8.5 with the following:

### **8.5 Home Occupations**

Home Occupations are a permitted accessory use in any dwelling unit that is in compliance with this Bylaw, subject to the following regulations:

- (1) Home Occupation uses must not include vehicle repair or maintenance, body shops, metal fabrication, the sale of goods not produced on the premises, or the production or sale of highly combustible products;
- (2) Home Occupation uses must be conducted within a building permitted by this Bylaw, and must not include outdoor storage of equipment, materials, containers or finished product;
- (3) Home Occupation uses must not produce any vibration, noise, heat, glare, odours, air pollution or electrical interference discernible from the outside of the dwelling in which the Home Occupation is located;
- (4) No external indication must exist that a dwelling unit contains an accessory Home Occupation use, except for a single sign not exceeding 0.3 m<sup>2</sup> (3.2 ft<sup>2</sup>) in area;

- (5) A Home Occupation use must be conducted only by a resident or members of a family resident in the dwelling unit to which the Home Occupation use is accessory, and such use shall not occupy more than 20% of the gross floor area of such dwelling unit;
- (6) Not more than one vehicle, not exceeding 2.7 metric tonnes (3.0 tons) gross vehicle weight shall be used in the conduct of a home business, and if licensed for commercial use, shall be parked in accordance with Section 4.9(1) of this Bylaw;
- (7) Home Occupations must not involve frequent arrivals or departures by vehicles for deliveries or customer or client visits; such movements shall be limited to no more than several per day;
- (8) A Town Business License is required for the conduct of any Home Occupation.
- (9) Not more than two home occupations are permitted on a property in conjunction with one another.

g. Replacing Section 8.7 with the following:

#### **8.7 Short-Term Rental Accommodation**

Short-term rental accommodation is permitted in any zone that permits a principal residential use, except apartment buildings and properties zoned marine M-1, industrial I-1, live-work L-W, and institutional PA, ADM, PSU, PRO zones, and the following conditions must be satisfied for the establishment and continued use and operation:

- (1) Short-term rental accommodation use shall be administered by the principal resident on the property, living in a principal residence unit during a guest booking;
- (2) Short-term rental accommodation use shall occupy not more than one (1) dwelling unit or sleeping unit per property for the duration of a guest stay;
- (3) No external indication shall exist that a dwelling unit or sleeping unit is used as a short-term rental accommodation, except for a single sign not exceeding 0.3 m<sup>2</sup> (3.2 ft<sup>2</sup>) in area;
- (4) A valid Town of Gibsons Business Licence, and compliance with associated licence terms and conditions, is required to for the conduct of a short-term rental accommodation use and must be displayed on the property;
- (5) Off-street, parking must be provided per Part 6 of this bylaw, except that one parking space adjacent to the property on Town land,

where street parking is permitted, can be used and tandem parking is permitted;

- (6) For sleeping units in an accessory building, the registration of a Section 219 Restrictive Covenant shall prohibit the conversion of the accessory building into a dwelling unit;

For greater certainty, and notwithstanding other provisions of this Bylaw:

- (1) Short-term Rental Accommodation uses are permitted within single family dwellings, secondary suites, garden suites, two-family dwellings, three-family dwellings, and townhouses.
- (2) In the case of a strata, short-term rental accommodation requires approval by strata bylaws or by strata council resolution;

- h. Deleting Section 8.8;
- i. Making such consequential alterations and annotations as are required to give effect to this amending bylaw, including renumbering the Zoning Bylaw.

<b>READ</b> a first time the	####	day of MONTH,	YEAR
<b>READ</b> a second time the	####	day of MONTH,	YEAR
<b>PUBLIC HEARING</b> held the	####	day of MONTH,	YEAR
<b>READ</b> a third time the	####	day of MONTH,	YEAR
<b>APPROVED</b> pursuant to Section 52(3)(a) of the <i>Transportation Act</i> the	####	day of MONTH,	YEAR
<b>ADOPTED</b> the	####	day of MONTH	YEAR

---

Bill Beamish, Mayor

---

Lindsey Grist, Corporate Officer







# TOWN OF GIBSONS Appendix A

PO Box 340  
474 South Fletcher Road  
Gibsons BC | VON 1V0  
T 604-886-2274  
F 604-886-9735

# Short-Term Rental Accommodation Business Licence Application

This application **must** be completed in full.

You can email your completed application and supporting documentation to [planning@gibsons.ca](mailto:planning@gibsons.ca) or mail it to the above address.

<b>1. Owner Operator / Tenant Information:</b>
Name: _____
Mailing Address: _____
Email: _____ Phone Number: _____
Business Operating Name (if applicable): _____
<b>Please attach documents of Incorporation and Notice of Articles if you are using a company name (photo copies accepted)</b>
<b>2. Short-Term Rental Address:</b>
Address: _____ Postal Code: _____
Unit Number (if applicable): _____
<b>3. Property Zoning</b>
Zone: _____
<b>4. Is this your principal residence?</b> (Residential address and specific unit where you live and use for bills, identification, taxes, and insurance.)
Yes No
<b>If 'Yes', please attach two items verifying principal residence to confirm this declaration</b> (Proof of principal residence must include a scanned copy of government issued photo identification. Examples of acceptable proof of residence include a recent utility bill, drivers licence or any mail from Medical Services Plan or Canada Revenue Agency.)
<b>5. Do you own this residence?</b> (Please include ownership confirmation documentation, BC Assessment, Homeowner Grant, or statement of title).
Own Rent
<b>6. If you rent the above address, do you have the permission from the legal owner to operate a short-term rental?</b>
Yes No
<b>If 'Yes', please attach your signed <a href="#">Owner Consent Form</a> to confirm this declaration</b>

<p><b>7. Do your strata bylaws allow short-term rentals?</b></p> <p>Yes No There is no strata council for this residence</p> <p><b>If 'Yes', please attach your signed <a href="#">Strata Council Consent Form</a> to confirm this declaration</b></p>
<p><b>8. Have you previously held a Business Licence for a vacation accommodation or B &amp; B at this address?</b></p> <p>Yes No</p> <p>Business Licence Number (if applicable): _____</p>
<p><b>9. When the Owner / Tenant is not available, who will serve as the designated Responsible Person to operate as the primary contact for this short-term rental? (A person who, at all times 24hr/7 days that the short-term rental is operated, has access to the premises and authority to make decisions in relation to the premises and the rental agreement.)</b></p> <p>Name: _____ Email: _____</p> <p>Address: _____</p> <p>Phone Number: _____</p> <p>(The above Responsible Person has consented to the use of his/her contact information.)</p>
<p><b>10. Indicate how many bedrooms you are applying to use. (You must have required parking for approval).</b></p>
<p><b>11. Indicate how many parking spaces are dedicated to the short-term rental use. Please include your parking plan.</b></p> <p><b>12. Please include your signed Short Term Rental Accommodation <a href="#">self-assessment checklist and attestation form</a>.</b></p>

*The personal information collected on this form is done so pursuant to the [Community Charter](#) and/or the [Local Government Act](#) and in accordance with the [Freedom of Information and Protection of Privacy Act](#). The personal information collected herein will be used only for the purpose of processing this application or request and for no other purpose unless its release is authorized by its owner, the information is part of a record series commonly available to the public, or is compelled by a Court or an agent duly authorized under another Act. Further information may be obtained by speaking with the Town's Corporate Officer at 604-886-2274 or 474 South Fletcher Road, Gibsons.*

**Applications will not be processed unless all required documentation is attached.**

Completion of this application does **not** guarantee approval of application. Approved licences will be issued **only** upon receipt of payment of the Short-Term Rental Business Licence fee and receipt of associated documentation. Operating a Short-Term Rental without a valid licence is an **offence** for which penalties are prescribed.

**Important:** Operator has read and agrees to comply with the Town's regulations and bylaws. Licences are effective from January 1<sup>st</sup> to December 31<sup>st</sup> of the Licence year, are non-transferable, and the licence fee(s) paid are non-refundable. Short-Term Rental Business Licence's **must** be re-applied for at the start of each year. **I understand I cannot commence business until such time as a Short-Term Rental Business Licence has been approved and issued.**

Operator's Name (Individual completing form): \_\_\_\_\_

Operator's Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_, 20\_\_\_\_

## Appendix B



### Schedule E – Short-Term Rental Accommodation Attestation

Please return this form to the Town of Gibsons with your application via email [beo@gibsons.ca](mailto:beo@gibsons.ca) or at 474 South Fletcher Rd, Gibsons, BC, V0N 1V0

Owner/Operator Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Emergency Contact Name/Phone #: \_\_\_\_\_

#### Safety Measures:

- Smoke Alarms are installed and will be maintained.
- Fire Extinguisher is installed and will be maintained.
- Fire Safety Plan is posted and will be updated annually.
- Means of egress operable and unobstructed (bedroom doors & windows).
- Carbon Monoxide Alarms installed and will be maintained.
- Interior/Exterior passageways maintained free and clear of obstructions.

#### Terms and Conditions:

- An operator resides on-site and will be available during all guest stays.
- Not more than one (1) guest suite can be used for short-term rental accommodation on a property at a time.
- I will abide by the parking plan submitted with my application.
- I will include my Business Licence number in all advertising for a short-term rental accommodation.
- I will display a copy of the business licence and the Operator's name, phone number and email address in a prominent location on the property.
- I will keep a written record of all guest names and contact information.
- I will obtain insurance for the short-term rental accommodation.

**I hereby attest that the above safety measures have been tested, inspected, and will continue to be maintained, and that I will abide by the terms and conditions listed above.** Failure to adhere to these conditions may result in the business licence being suspended or revoked.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*The personal information collected on this form is done so pursuant to the Community Charter and/or the Local Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The personal information collected herein will be used only for the purpose of processing this application or request and for no other purpose unless its release is authorized by its owner, the information is part of a record series commonly available to the public, or is compelled by a Court or an agent duly authorized under another Act. Further information may be obtained by speaking with the Town's Corporate Officer at 604-886-2274 or 474 South Fletcher Road, Gibsons.*

**TOWN OF GIBSONS  
BYLAW NO. 1125-07, 2020**

A Bylaw to amend *Town of Gibsons Bylaw Notice of Enforcement Bylaw No. 1125, 2010*

---

**WHEREAS** the Council for the Town of Gibsons has adopted *Town of Gibsons Bylaw Notice of Enforcement Bylaw No. 1125, 2010*;

**AND WHEREAS** the Council for the Town of Gibsons deems it desirable to amend *Town of Gibsons Bylaw Notice of Enforcement Bylaw No. 1125, 2010*.

**NOW THEREFORE** the Council for the Town of Gibsons, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as “*Short-term rental accommodations Bylaw Notice of Enforcement Amendment Bylaw No. 1125-07, 2020*”.
2. The *Town of Gibsons Bylaw Notice Enforcement Bylaw No. 1125, 2010* is hereby amended by:
  - (a) Adding penalties for Business Licence Bylaw and Zoning Bylaw violations related to short-term rental accommodations to Schedule A, as listed on Appendix A, attached to and forming part of this bylaw;
  - (b) Making such consequential alterations and annotations as are required to give effect to this amending bylaw, including renumbering in the Bylaw Notice of Enforcement Bylaw.

**READ** a first time the                                   ##### day of MONTH,   YEAR

**READ** a second time the                               ##### day of MONTH,   YEAR

**READ** a third time the                               ##### day of MONTH,   YEAR

**ADOPTED** the   ##### day of MONTH,   YEAR

---

William Beamish, Mayor

---

Lindsey Grist, Corporate Officer

**Appendix A**  
**Violations and Penalties**  
**Pertaining to Short-Term Rental Accommodations**

<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
<b>Business Licence Bylaw 666, 1992</b>						
1125-07	Sched. E	Not complying with terms and conditions for operators of short-term rental accommodation.	\$200	\$150	\$300	Yes
1125-07	Sched. E	Refusing entry for inspection by a Town representative.	\$300	\$250	\$350	No
1125-07	Sched. E	Listing or advertising a short-term rental exceeding approved sleeping unit count on business licence.	\$200	\$150	\$300	Yes
<b>Zoning Bylaw 1065, 2007</b>						
1125-07	8.7	Operating contrary to zoning restrictions.	\$200	\$150	\$300	Yes
1125-07	8.7 (1)	Operating a short-term rental accommodation without a principal resident on the property.	\$200	\$150	\$300	Yes
1125-07	8.7 (2)	Occupying a short-term rental in more than one dwelling unit or sleeping unit for the duration of a guest stay.	\$200	\$150	\$300	Yes
1125-07	8.7 (4)	Operating without a valid business licence.	\$200	\$150	\$300	Yes
1125-07	6.12	Not meeting required parking spaces for short-term rental Accommodation.	\$200	\$150	\$300	Yes