



STAFF REPORT

TO: Planning and Development Committee **MEETING DATE:** June 16, 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 gives the following bylaws First and Second Readings:

- 1. Zoning Amendment Bylaw No. 1065-47, 2020;**

AND THAT Council gives the following bylaws First, Second, and Third Readings:

- 2. Business License Amendment Bylaw No. 666-10, 2020;**
- 3. Notice of Enforcement Amendment Bylaw No. 1125-07, 2020;**

AND FURTHER THAT an electronic Public Hearing be scheduled to begin at 5:30 pm on July 14, 2020, as authorized under Ministerial Order M139/2020 and in accordance with Section 465(3) of the Local Government Act;

PURPOSE

The purpose of this report is to provide the Planning and Development Committee with referral comments received, and incorporations from the legal review on three proposed bylaws under consideration that would regulate Short-Term Rental Accommodations (STR's) in Gibsons:

- Zoning Amendment Bylaw – to regulate the land 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.

BACKGROUND

On May 19, 2020, Council passed the following resolution:

R2020-242 Short-Term Rental Bylaws for Consideration

MOVED by Councillor De Andrade
SECONDED by Councillor Croal

THAT a legal review of the proposed bylaw amendments be obtained prior to consideration of First and Second Readings;

AND THAT a page be added to the Town website that shows all of the locations of Air B & B's with a business licence.

CARRIED

This report presents the updated amending Bylaws for consideration. Upon issuance of Business Licences under the new regime, a Town webpage will be dedicated to share locations of STR's in Gibsons. The previous staff report is on the May 5 Planning and Development Committee agenda.

DISCUSSION

Referral Comments

On May 14, 2020, staff referred the STR bylaws and May 5, 2020 staff report to the following agencies for comment. The Table below summarizes the comments received to date, and full submissions are enclosed as Attachment D:

Referral Agency	Comments Received
Vancouver Coastal Health	No comments
Gibsons and District Volunteer Fire Dept.	Safety aspects are adequate; include ticket for refusing entry of Fire Inspection
Sunshine Coast Regional District	No concerns
Ministry of Transportation and Infrastructure	No comments
Sunshine Coast Regional Economic Development Organization	No comments
Gibsons Chamber of Commerce	Consider allowing un-hosted STRs, with operator on coast. Supports STR sector for local economy.
School District 46	No comments
TOG Infrastructure Services	No concerns
TOG Building Official	No concerns

Legal Review

The legal review recommended simplifying language and reducing the number of new definitions to the zoning bylaw. For example, “principal residence unit” and “booking” was

deleted and replaced with the following requirement: “short-term rental accommodation shall be administered by a person who lives on the property full-time and must be on the property during guest stays”.

The Business Licence Bylaw amendment includes a new reference to Schedule E, to ensure the terms of the short-term rental accommodation requirements are met.

The Enforcement Bylaw was updated to include a new offence, which is refusing entry for inspection by a Fire Department representative, as requested from the Gibsons and District Volunteer Fire Department.

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

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.

Council may hold a public hearing electronically, per Ministerial Order M139/2020. Alternatively, Council may waive a public hearing if the zoning amendment is consistent with the Official Community Plan, per Section 464(2) of the Local Government Act.

Electronic Public Hearings – Ministerial Order M139/2020

Ministerial Order M139/2020 allows electronic public hearings with the following provisions, which the Town can provide on our website:

Public hearings – Local Government Act

- 15** (1) A public hearing under Part 14 [*Planning and Land Use Management*] or 15 [*Heritage Conservation*] of the *Local Government Act*, including a public hearing under section 29 (1) (b) [*land use and subdivision regulation*] of the *Islands Trust Act*, may be conducted by means of electronic or other communication facilities.
- (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
- (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,
 - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
 - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
- (3) This section applies to delegated public hearings.
- (4) This section applies despite the following provisions:
- (a) section 124 [*procedure bylaws*] of the *Community Charter*;
 - (b) section 225 [*procedure bylaws*] of the *Local Government Act*;
 - (c) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the *Islands Trust Regulation*, B.C. Reg. 119/90;
 - (d) section 2 [*electronic meetings authorized*] of the *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009;
 - (e) any applicable requirements in a procedure bylaw made under the *Community Charter*, the *Local Government Act* or the *Islands Trust Act*.

RECOMMENDATIONS / ALTERNATIVES

Staff recommendations are on page 1 of this report. Alternatively, Council may suggest changes before forwarding to Council for consideration of first and second readings.

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 – Referral Submissions

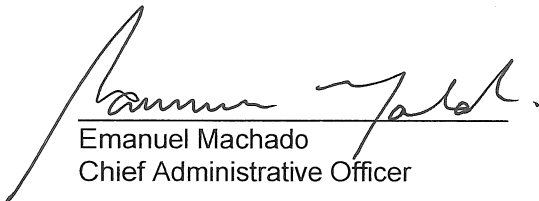
Respectfully Submitted,



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.

“**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.

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

“SLEEPING UNIT” means a unit primarily used for sleeping, containing sleeping and sanitary facilities, but 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:

Class of Use	Required Parking Spaces
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, 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, the production or sale of highly combustible products, or short-term rental accommodation;
- (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 m² (3.2 ft²) 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, but is not permitted in an apartment building unless the apartment building is located in a zone that allows Tourist Accommodation, and is not permitted in the marine M-1, industrial I-1, live-work L-W, or institutional PA, ADM, PSU, or PRO zones.

Every short-term rental accommodation operation is subject to all of the following conditions:

- (1) Short-term rental accommodation shall be administered by a person who lives on the property full-time, and that person, must be present on the property during guest stays;
- (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 m² (3.2 ft²) 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 in accordance with 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;



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 or mail it to the above address.

1. Owner Operator / Tenant Information:
Name: _____
Mailing Address: _____
Email: _____ Phone Number: _____
Business Operating Name (if applicable): _____
Please attach documents of Incorporation and Notice of Articles if you are using a company name (photo copies accepted)
2. Short-Term Rental Address:
Address: _____ Postal Code: _____
Unit Number (if applicable): _____
3. Property Zoning
Zone: _____
4. Is this your principal residence? (Residential address and specific unit where you live and use for bills, identification, taxes, and insurance.)
Yes No
If 'Yes', please attach two items verifying principal residence to confirm this declaration (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.)
5. Do you own this residence? (Please include ownership confirmation documentation, BC Assessment, Homeowner Grant, or statement of title).
Own Rent
6. If you rent the above address, do you have the permission from the legal owner to operate a short-term rental?
Yes No
If 'Yes', please attach your signed Owner Consent Form to confirm this declaration

<p>7. Do your strata bylaws allow short-term rentals?</p> <p>Yes No There is no strata council for this residence</p> <p>If 'Yes', please attach your signed Strata Council Consent Form to confirm this declaration</p>
<p>8. Have you previously held a Business Licence for a vacation accommodation or B & B at this address?</p> <p>Yes No</p> <p>Business Licence Number (if applicable): _____</p>
<p>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.)</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>10. Indicate how many bedrooms you are applying to use. (You must have required parking for approval).</p>
<p>11. Indicate how many parking spaces are dedicated to the short-term rental use. Please include your parking plan.</p>
<p>12. Please include your signed Short Term Rental Accommodation self-assessment checklist and attestation form.</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 1st to December 31st 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 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.

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

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

From: [Chris Nicholls](#)
To: [Lesley-Anne Staats](#)
Cc: [Deb Mowbray](#); [Fran Miller](#)
Subject: Follow Up Gibsons Chamber Comments - Short Term Rental Bylaw Draft
Date: Tuesday, May 19, 2020 10:49:06 AM

Good Morning Lesley-Anne:

I hope you had an enjoyable long weekend.

Now that we are "Reopening" new challenges begin.

My Board of Directors have discussed the Staff Report Draft of the Short-Term Rental Bylaws that you sent me (File 6440-19). Here are their comments.

1. The introduction of such a bylaw be done in concert with the same process that SCRD is currently planning.
2. Such introduction of a new bylaw be held off and not implemented until after this current critical Tourism season is over. (June through September). Many businesses that have missed revenue during a very important Spring are now being faced with a rush of reservations (with the travel restrictions being eased) that will be very important to reducing the negative financial impact of the Covid-19 economic implosion.
3. More discussion is required on the requirement of a property owner having to reside in rental. Many of the Air BnB, B&B, VRBO or other forms of short term rental are by owners who actually live on the property, but not in the unit (separate home or cottage) or they live away from the rental, while still on the coast.
4. Even with businesses that are Property Managers and represent many short term rentals, the feeling is that bylaws, rules and insurances can be put into place that will mitigate the infrequent challenges that sometimes occur with owners who actually live off Coast. A requirement of having on Coast representation could be a boost for local businesses.
5. We are very supportive of the short term rental sector as a viable revenue generator for local owners who spend here on the Coast. They bring much needed off coast revenue, plus it has been demonstrated that people who are able to visit here in very acceptable accommodation (no hotels, marginal motels) enjoy their visit and many have even ended up migrating to the Coast and become new contributors, investors and community supporters..

Lesley-Anne, we appreciate the opportunity to provide feedback. If there is more information that can be provided by over 600 subscribers to our Chamber News, please do not hesitate to contact me.

Best Regards,

--

Chris Nicholls

Executive Director

604-886-2325

Gibsons & District Chamber of Commerce

Advocate/Facilitate/Communicate: Sunshine Coast Prosperity

<http://www.gibsonschamber.com>

https://www.facebook.com/gibsons_and_district_chamber_of_commerce

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From: [Rob Michael](#)
To: [Lesley-Anne Staats](#)
Cc: [Chris Facchin](#)
Subject: RE: REFERRAL: Short-Term Rental bylaws
Date: Friday, May 22, 2020 4:19:26 PM

Hi Lesley-Anne,

As discussed the Gibsons & District Volunteer Fire Department has very few comments on this bylaw.

I believe the safety aspects identified are adequate and reasonable.

One small suggestion would be for enforcement to include "refusing entry for inspection by a Town representative, *including the Gibsons & District Volunteer Fire Department*".

One more item that may be of interest is the newly revised Fire Safety Act (awaiting royal assent) identifies self-inspections as a potential method of fire inspections. Might be something to consider for short term rentals, particularly as private dwellings are quite protected as far as inspections go.

Thank you,

Rob Michael, Fire Chief

Gibsons & District Volunteer Fire Department
790 North Road, PO Box 8 Gibsons, BC V0N 1V0
Phone: 604-885-6870

Visit us: www.gibsonsfire.ca

From: Lesley-Anne Staats <Lstaats@gibsons.ca>
Sent: Thursday, May 14, 2020 3:14 PM
To: Morse, Chris [SC] <Chris.Morse@vch.ca>; Chris Facchin <Chris.Facchin@scrd.ca>; Rob Michael <Rob.Michael@scrd.ca>; Dave Pady <Dave.Pady@scrd.ca>; Prihar, Rupinder TRAN:EX <Rupinder.Prihar@gov.bc.ca>; Infrastructure Email <infrastructure@gibsons.ca>; John Hardt <jhardt@gibsons.ca>; Colin Stansfield - Sunshine Coast Regional Economic Development Organization (exec@scredo.ca) <exec@scredo.ca>; Executive Director (exec@gibsonschamber.com) <exec@gibsonschamber.com>; Erica Reimer <ereimer@sd46.bc.ca>
Subject: REFERRAL: Short-Term Rental bylaws

Hello,

The Town is in the process of preparing bylaws to regulate short-term rentals through land use, business license, and enforcement regulations.

Attached is a staff report, along with bylaws (attached to the report) for your organizations comments.