

STAFF REPORT

TO: Council **MEETING DATE:** September 1, 2020

FROM: Lesley-Anne Staats, RPP, MCIP
Director of Planning **FILE NO:** 6440-19

SUBJECT: Short-Term Rental Bylaw and Public Hearing Report

RECOMMENDATIONS

THAT the report titled **Short-Term Rental Bylaw and Public Hearing Report** be received;

AND THAT Council gives **Zoning Amendment Bylaw No. 1065-47, 2020**, to regulate **Short-Term Rentals**, a Third Reading.

PURPOSE

The purpose of this report is to provide Council with a link to the YouTube video from the Public Hearing regarding the zoning amendment bylaw under consideration that would regulate Short-Term Rental Accommodations (STR's) in Gibsons.

The Public Hearings were held on Zoom on July 14, 2020 and reconvened July 21, 2020.

BACKGROUND

The following resolutions passed over 2019 and 2020 are provided for Council's background.

On July 23, 2019, Council directed staff to proceed with public engagement to collect stakeholder input on short-term rentals:

R2019-250 Short-Term Rental Accommodation Regulations

MOVED by Councillor Croal

SECONDED by Councillor Ladwig

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

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

CARRIED

R2019-251 Short-Term Rental Accommodation Regulations

MOVED by Councillor De Andrade

SECONDED by Councillor Ladwig

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

CARRIED

On December 3, 2019, staff presented a report to the Planning and Development Committee proposing regulations for both hosted (operator on site) and un-hosted (operator not on site) short-term rentals. After discussion, Council directed staff to prepare bylaw amendments to allow only hosted short-term rentals and deferred moving forward with un-hosted STRs until the Housing Needs Assessment is completed. The Housing Needs Assessment work is still underway and is expected to be completed in the Fall.

R2019-385 Short-Term Rental Accommodation Regulations Consultation Results

MOVED by Mayor Beamish

SECONDED by Councillor Croal

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.

CARRIED

On May 19, 2020, staff presented a report and bylaws to validate the direction Council had requested and prior to giving the bylaw readings, Council directed staff to obtain a legal review of the bylaws:

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

A legal review of the bylaws were completed and on June 24, 2020, Council gave the bylaws readings and scheduled a public hearing:

R2020-308 Short-Term Rental Bylaws for Consideration

MOVED by Councillor Croal
SECONDED by Councillor De Andrade

THAT the following bylaws be given First and Second Readings:

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

AND THAT the following bylaws be given 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 M192/2020 and in accordance with Section 465(3) of the Local Government Act.

CARRIED

This report presents the Public Hearing summary report and recommends next steps.

DISCUSSION

The Public Hearings were held on Zoom on July 14, 2020 and reconvened on July 21, 2020. The YouTube links to watch the Public Hearing is available online on the [Town of Gibsons YouTube Channel](#):

- Part 1 (July 14): <https://www.youtube.com/watch?v=DcOFngGvFgY>
- Part 2 (July 21): <https://www.youtube.com/watch?v=d5XlJyUbhVGI>

The Zoom report notes the following numbers of users that logged on to the Public Hearing, which includes Council and Staff:

- July 14 Total Users (includes panelists and attendees) = 78
- July 21 Total Users (includes panelists and attendees) = 49

Of those who spoke and handed in submissions pertaining to the short-term rental bylaws, the tally for respondents (duplicate speakers counted once) include eleven (11) individuals opposed to the bylaw, two (2) individuals in favour, and one (1) neutral.

Most of the opposition to the amendment bylaw pertained to the requirement that “short-term rental accommodation must be administered by a person who lives on the property full-time, and that person, must be present on the property during guest stays.” Staff note that this clause was included in the bylaw with Council direction to allow short-term rentals where a host was immediately present to manage the guests and as a result, reduce negative impacts to neighbours. This also ensures a long-term resident is on the property, which supports creating a sense of community by knowing your neighbours.

Many of those who opposed that clause, own property in Town and live elsewhere, noting the STR use of the property helps pay their mortgage. Some individuals noted that they would like to eventually live in Gibsons, have purchased property here, and the STR use supports their income so they can eventually move here. Some noted that STRs with a host on the property impacts privacy to the guests and prevents large families from gathering on the same property an staying together.

Staff note that the bylaws substantially relax the current regulations by broadening the scope to allow many more properties to have short-term rentals, albeit with clear regulations around safety in place, and fines for bylaw contraventions. There was a mix of support for the added safety measures, but also opposition to the regulatory approach with concerns raised over bylaw enforcement capabilities.

POLICY / PLAN IMPLICATIONS

Strategic Plan Implications

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

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.

Official Community Plan

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

Council may pass a Third Reading of the bylaw, may request an amendment, or defeat it. Should Council wish to amend use or density, another public hearing will be required.

Following Third Reading, the Ministry of Transportation and Infrastructure must approve the zoning amendment bylaw prior to the final Reading/Adoption.

Staff recommend proceeding with Third Reading.

RECOMMENDATIONS / ALTERNATIVES

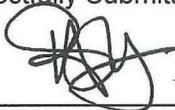
Staff recommendations are on page 1 of this report. Alternatively, Council may request that staff bring forward a report with amendments, or that the bylaw gets defeated and the regulations around B&B's remain the same.

THAT staff bring forward a report that amends Zoning Amendment Bylaw No. 1065-47, 2020 for the purpose of _____.

Attachments

- Attachment A – Public Hearing Minutes: July 14, 2020 and reconvened on July 21, 2020
- Attachment B – Zoning Amendment Bylaw No. 1065-47

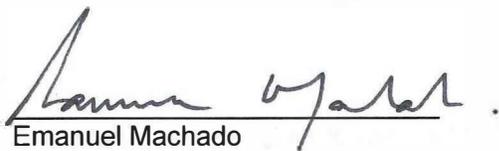
Respectfully Submitted,



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

ATTACHMENT A

Public Hearing

MINUTES

Tuesday, July 14, 2020

Reconvened Tuesday, July 21, 2020

Council Chambers, 5:30pm

Municipal Hall, 474 South Fletcher Road, Gibsons, BC

Held via Zoom per Ministerial Order No. M192,

“Local Government Meetings & Bylaw Process (Covid-19) Order No. 3”

Zoning Amendment Bylaw No. 1065-57, 2020

Official Community Plan Amendment Bylaw No. 985-27, 2020

Zoning Amendment Bylaw No. 1065-58, 2020

Zoning Amendment Bylaw No. 1065-47, 2020



PRESENT:

Mayor Bill Beamish
Councillor David Croal
Councillor Annemarie De Andreade
Councillor Aleria Ladwig
Councillor Stafford Lumley

STAFF:

Emanuel Machado, Chief Administrative Officer
Lindsey Grist, Corporate Officer
Lesley-Anne Staats, Director of Planning
Katie Thomas, Planner I
Laurie Mosimann, Recording Secretary

CALL TO ORDER

Mayor Beamish called the Public Hearing to order at 5:30pm.

OPENING STATEMENT

Mayor Beamish read an opening statement briefly introducing the proposed bylaws and providing rules governing the Hearing. He stated all persons present electronically would be given an opportunity to be heard on the matters contained in the proposed bylaws or to submit their written submissions electronically to the Corporate Officer prior to adjournment of the Hearing for Council's consideration.

ZONING AMENDMENT BYLAW NO. 1065-57, 2020 - 1037 VENTURE WAY

Introduction and Background of Bylaw

Planner, Katie Thomas, introduced the proposed Zoning Amendment Bylaw for a cannabis production facility at 1037 Venture Way. Ms. Thomas stated the following:

- The Bylaw was given 1st and 2nd Readings on June 26th, 2020;
- Resolution to hold a Public Hearing on July 14, 2020, was adopted by Council on June 26th, 2020; and,

- Notice of Public Hearing was advertised in the Coast Reporter on July 3rd and 10th, 2020.

Written Submissions

Mayor Beamish asked Corporate Officer, Lindsey Grist, to present written submissions received to date.

Mrs. Grist stated the following:

- There were two (2) written submissions received in opposition to the Zoning Amendment Bylaw regarding cannabis production at 1037 Venture Way prior to the Public Hearing which were included in the Hearing agenda.

Public Input

Mayor Beamish called a first time for presentations from the public and asked if there was anyone wishing to speak to the proposed Zoning Amendment Bylaw for cannabis production at 1037 Venture Way.

Mayor Beamish called a second time for presentations from the public and asked if there was anyone wishing to speak to the proposed Zoning Amendment Bylaw for cannabis production at 1037 Venture Way.

Mayor Beamish called a third time for presentations from the public and asked if there was anyone wishing to speak to the proposed Zoning Amendment Bylaw for cannabis production at 1037 Venture Way.

OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 985-27, 2020 ZONING AMENDMENT BYLAW NO. 1065-58, 2020 - SECONDARY SUITES

Introduction and Background of Bylaws

Planner, Katie Thomas, provided a power point presentation introducing the proposed Official Community Plan Amendment and Zoning Amendment Bylaws. Ms. Thomas stated:

- The Official Community Plan Bylaw and Zoning Bylaw were given 1st and 2nd Readings on June 24th, 2020;
- Resolution to hold a Public Hearing on July 14, 2020, was adopted by Council on June 24th, 2020; and,
- Notice of Public Hearing was advertised in the Coast Reporter on July 3rd and 10th, 2020.

Written Submissions

Mayor Beamish asked Corporate Officer, Lindsey Grist, to present written submissions received to date.

Mrs. Grist stated the following:

- There was one (1) written submission received in opposition for the proposed Official Community Plan and Zoning Amendment Bylaw regarding Secondary Suites prior to the Public Hearing which was included in the Hearing agenda.

Public Input

Mayor Beamish called a first time for presentations from the public and asked if there was anyone wishing to speak to the proposed Official Community Plan and Zoning Amendment Bylaws for Secondary Suites.

Dave Savard

In Favour

- Bylaw changes that encourage suites is a positive sign that Council is thinking of long-term housing
- Would like to see an amendment that makes it easier to declare legal suites without extra charges to property taxes and garbage fees
- Any changes we can make for long-term housing is a positive thing

Mayor Beamish called a second time for presentations from the public and asked if there was anyone wishing to speak to the proposed Official Community Plan and Zoning Amendment Bylaws for Secondary Suites.

Eric Seely

810 North Rd - In Favour

- Facing long-term housing crisis in this community and anyway we can allow homeowners to make space in their home is a welcome change

Deb Mowbray

Opted out of speaking to the proposed bylaws regarding secondary suites.

Mayor Beamish called a third time for presentations from the public and asked if there was anyone wishing to speak to the proposed Official Community Plan and Zoning Amendment Bylaws for Secondary Suites.

Mayor Beamish called a fourth time for presentations from the public and asked if there was anyone wishing to speak to the proposed Official Community Plan and Zoning Amendment Bylaws for Secondary Suites.

ZONING AMENDMENT BYLAW NO. 1065-47, 2020 - SHORT-TERM RENTALS

Introduction and Background of Bylaws

Director of Planning, Lesley-Anne Staats, provided a slide presentation introducing the proposed Zoning Amendment Bylaw and supporting Business Licence Amendment Bylaw and Bylaw Notice Enforcement Amendment Bylaw. Mrs. Staats stated:

- The Bylaw was given 1st and 2nd Readings on June 24th, 2020;

- Resolution to hold a Public Hearing on July 14th, 2020, was adopted by Council on June 24th, 2020;
- Notice of Public Hearing was advertised in the Coast Reporter on July 3rd and 10th, 2020; and,
- Following this Public Hearing Council will consider Third Reading and a Final Reading would adopt or defeat the bylaws.

Written Submissions

Mayor Beamish asked Corporate Officer, Lindsey Grist, to present written submissions received to date.

Mrs. Grist stated the following:

- There were four (4) written submissions received in favor seventeen (17) in opposition, and two (2) neutral submissions regarding Short-term Rentals prior to the Public Hearing.

Public Input

Mayor Beamish called a first time for presentations from the public and asked if there was anyone wishing to speak to the proposed Zoning Amendment Bylaw for Short-term Rentals (STR's).

- | | | |
|-------------------|------------------------------|--|
| Dave Savard | 455 S Fletcher Rd – Opposed | <ul style="list-style-type: none">• Holding a Public Hearing in the middle of summer when the people most affected are not available is not best, should be held off until fall• STR's are not a bylaw issue, it is a bylaw enforcement issue• Bylaws are in place for noise, parking, and excess traffic and the Bylaw Dept. is overwhelmed with enforcement• Bylaw Dept. is overwhelmed because people are not taking care of problems themselves |
| Blake MacLeod | 1014 Venture Way - In Favour | <ul style="list-style-type: none">• Ambiguity of who is required to be on-site, owner, tenant or licence applicant?• Mayor Beamish referred to Bylaw Section 8.7(1) ...<i>“administered by a person who lives on the property full time and that person must be present on the property during guest stays”</i>• Not everyone has what it takes to confront other people and a Bylaw Enforcement Officer is important for those folks |
| Martin DesRosiers | 264 Gower Point Rd - Opposed | <ul style="list-style-type: none">• Opposed to the requirement to have an owner on-site 24/7 |

- Due to lack of hotel rentals the option of Airbnb rentals is a positive
- People look for privacy in accommodations
- Instead of eliminating these units the Town could take the opportunity to take a small percentage of rental revenue
- Making an exception for local residents that live in close proximity to the rental should be considered or requiring a local property manager as part of the licencing process
- If the operator is not a local then double or triple the fee to licence an Airbnb
- Other municipalities have created a three strike system to weed out the Airbnb's that are problematic
- Many businesses have been formed to service the Airbnb ecosystem in Gibsons. These businesses are suffering due to the pandemic and further changes will kick them while they are down
- Tourists contribute to the local economy
- Consider units that are an anomaly such as the unit above Beachcomber Coffee; no neighbours, no adjacent residential properties, zoned commercial, staff on site 12 hrs a day 7 days a week, and have never had a complaint with the Town
- There are some unique properties that will be impacted by these broad sweeping changes

Mayor Beamish asked Mrs. Staats for clarification. Is a standalone unit in a commercial zone treated similar to a residential unit?

Mrs. Staats replied that in commercial zones apartments are allowed above commercial uses. In some commercial zones tourist accommodation is allowed and in some commercial zones tourist accommodation is not allowed. In Mr. DesRosiers' case, tourist accommodation is not a permitted use. STR's are not allowed in apartment units as the bylaw is written right now.

Shawn Rathbone 1774 Oceanbeach Esplanade - Opposed

- Not familiar with the need to have an operator on premises 24/7
- Would not want to stay where the owner is present
- Invested \$120,000 last year into the community refurbishing their property
- Bought property with the intent to have additional income from STR
- With no STR in Gibsons you will lose tourism
- Allow people the freedom to earn an income

- Eric Seally 810 North Rd - Opposed
- Local economy relies on young workers, seniors and people on fixed incomes; keep in mind that profit does not come to the detriment of others
 - Availability of rental properties is disappearing due to the appeal of STR's and the profit that can be made
 - Recognize that we have to be fair to one another and the community in a way that looks at the long-term

- Manfred Schultz 396 Skyline Dr - Opposed
Carole McDermit
- In the tourist accommodation business for 20 years in Vancouver
 - In support of STR's
 - Encourage that MRDT, PST and GST be charged
 - Good revenue source for the Town; good from an economic standpoint
 - The condition that the owner or representative has to be on the premises will make it difficult for the renters and the owners; cottages and sleeping shacks would be excluded
 - The idea that by having STR's you are eliminating long-term rentals is inaccurate
 - Party houses are not exclusive to STR's
 - Need to support tourism

Mayor Beamish asked Mrs. Staats for clarification that the bylaw provides that the owner or operator of the STR be on the property, not necessarily in the same dwelling unit. A cottage on a property could be rented as a STR and the owner live in the house, or the owner could live in the cottage and rent out the house as a STR.

Mrs. Staats replied yes that is correct.

- Meghan MacLean 633 Gower Point Rd – Opposed
- Currently operate a STR in lower Gibsons
 - Have an issue with owner being on-site; works off Coast and cannot be on premises at all times
 - Are not taking away from long-term rentals as they use the space for visiting family and friends
 - Have had no complaints of renters partying
 - In support of bylaw changes to ensure safety, higher business licencing fees and applicable taxes

- Brett Beadle Roberts Creek - Opposed
- Manages STR's on the Coast for owners that live both on and off the Coast
 - Statistics are lacking in terms of local economy, party house complaints and how STR's affect long-term housing
-

- STR's are 40-45% of the hotel tax collected on the Coast
- Lack of hotel accommodations available
- Enforcement is the key; let's have an operator tax or annual charge to cover bylaw enforcement
- Party house complaints are few

Des Delaney

Wildwood Cres - Opposed

- Bylaws are supposed to be guidelines, this is punitive, discriminatory and attacks people that have operated these businesses for years
- Lack of statistics regarding complaints
- 2nd year of operating an Airbnb with no complaints
- Continue dialogue, set up a working committee with members of the community
- Zero impact on long-term rentals
- Will have serious repercussions that could put 20 or 30 people out of business
- Opposed to bylaw as it stands now

Mayor Beamish clarified that bylaws are not guidelines. Bylaws are enforceable and must be very clear and provide clear direction.

Deb Mowbray

557 N Fletcher Rd – Opposed

- Speaking as a resident, realtor and Chair of the Gibsons and District Chamber of Commerce (GDCC)
- September 2019 GDCC poll showed high response of wanting STR's without owner on-site and a two (2) bedroom maximum
- Need to encourage tourists to keep coming
- People need affordable housing so there are issues
- Would like to see consistency among municipalities
- Likes to stay at a vacation rental where someone is not on-site
- Could commercially tax people that are using their property solely as a business
- Business licencing fee seems low
- Supports STR's to keep as much money in the community as possible

Mayor Beamish asked Ms. Mowbray for confirmation that she was speaking on behalf of the GDCC. Ms. Mowbray replied yes.

Silas White

440 S Fletcher Rd – Neutral

- Encourage Council to read all the written submissions

Mayor Beamish called a second time for presentations from the public and asked if there was anyone wishing to speak to the proposed Zoning Amendment Bylaw for Short-term Rentals.

- Eric Seely 810 North Rd - Opposed
- Supports STR's; rules should be structured on running a legitimate business
 - Full time resident on property does not mean that you are there 100% of the time but are available or can have someone else available
 - Necessary part of the economy
 - Want to avoid non residence buying properties and running them like a hotel from a distance when we have a housing availability crises, this will drive up home prices
- Manfred Schultz 396 Skyline Dr - Opposed
- Party house aspect of STR's is blown out of proportion
 - If only one (1) dwelling unit is allowed more than one family will not be able to stay together
 - Economic prospective, Vancouver had a stipulation to allow 2 or 3 rooms
 - Consider that operators could include a fee in the rental that pays a bylaw person

ADJOURNMENT

Recognizing the need for additional information, I will ask the Council for a motion to recess this Public Hearing and reconvene on July 21st, 2020, at 5:30pm via Zoom.

MOVED by Councillor Croal
SECONDED by Councillor De Andrade

CARRIED

Reconvened Tuesday, July 21, 2020
Council Chambers, 5:30pm
Municipal Hall, 474 South Fletcher Road, Gibsons, BC
Held via Zoom per Ministerial Order No. M192,
"Local Government Meetings & Bylaw Process (Covid-19) Order No. 3"

PRESENT: Mayor Bill Beamish
Councillor David Croal
Councillor Annemarie De Andreade
Councillor Stafford Lumley

REGRETS: Councillor Aleria Ladwig

STAFF: Emanuel Machado, Chief Administrative Officer
Lindsey Grist, Corporate Officer
Katie Thomas, Planner I
Laurie Mosimann, Recording Secretary

CALL TO ORDER

Mayor Beamish reconvened the Public Hearing of Tuesday, July 14th, 2020 at 5:30pm on July 21st, 2020.

OPENING STATEMENT

Mayor Beamish read an opening statement and provided the rules governing the hearing. He stated all persons present electronically would be given an opportunity to be heard on the matters contained in the proposed bylaws or to submit their written submissions electronically to the Corporate Officer prior to adjournment of the Hearing for Council's consideration.

WRITTEN SUBMISSIONS

Mayor Beamish asked Corporate Officer, Lindsey Grist, to present written submissions received after the publication of the Public Hearing agenda on July 14th, 2020.

Mrs. Grist stated the following:

There were five (5) additional written submission received in regard to the proposed bylaw for Short-term Rentals after preparation of the agenda on July 14th, 2020. Mrs. Grist proceeded to read the five (5) submissions.

Valerie Durant submitted the following email correspondence on July 14th, 2020:

Hello,

I am opposed to the Bylaw, with exception of the safety features.

I want to point out that there are many one bedroom cottages that exist on the coast as "stand alone cottages" on properties without larger or other homes on the property. They cannot be lived in all year round but make ideal unique holidays.

We are not in Gibson's but would like to have a property there at some time as we transition into our retirement.

This bylaw would prohibit us from this opportunity. I empathise and support people such as the Rathbones who will retire in Gibsons.

I feel that this is a money grab on behalf of the Township and steep fines should be levied against negligent users and instead of supporting those who are invested in the community.

This bylaw is punitive, and attacks existing property owners and future retirees and will effect the economy and livelihood of individuals who live and work in Gibsons and within the SCRD.

Regards,
Valerie

S. Clarke submitted the following email correspondence on July 14th, 2020:

Dear Mayor and Council,

Thank you for the opportunity to add my comments on the changes you are proposing with short term rentals. My observation is that these changes you propose may come as a result for problems you may be experiencing with some Airbnb rentals? When speaking with the consultant the town hired on the issue it appeared that there were only a few rentals that were problematic. I am wondering why there isn't a focus on enforcing for those and a way to shut them down if they continue to cause problems. It appears that broad reaching overall regulations are being proposed and those that have had no issue and pose no negative impact to the community are at risk of being shut down. Why has this become so extreme?

In our case we rent our primary residence a handful of times per year on Airbnb. We stay locally at our friends house when we have a rental guest. In doing so we don't displace any longer term rental opportunity. We are close by and in regular communication. We also have an adjacent neighbour who is there to monitor activity and to date have had not a single issue but rather all have been very positive. We arrange parking so that there is no impact in our neighbourhood as well.

Your new proposal requires that we be onsite during any rentals. Having had no issues not being onsite and having not displaced any longer term housing opportunity we are confused by new rules that would no longer allow us to offer our home occasionally for short term rentals. This negatively impacts us greatly. We actually recently paid our tax bill from the account we have from Airbnb rentals. It also helps us maintain our home and pay for some repairs from time to time. We are aging and this small additional revenue takes the edge off us financially to be able to afford to stay in our home. We urge you to reconsider the requirement to be onsite during a stay but rather revert to what you previously considered which was that it be our primary residence and that we have local management of it.

Our guests are a major benefit to the town as well. They shop and dine out more frequently than we do and we promote local businesses by giving them recommendations of where to go and what to do. We are their personal concierges! During a time of economic loss because of covid19 this is most welcome to our community as it also supports local jobs that tourism creates.

We do not understand how our responsible activity providing occasional short term rentals in our primary residence without issue and these benefits to ourselves and the town should now be no longer allowed. By doing so you will remove about \$6000 per year from our household income (which we need) and we don't see how you are supporting us by doing so. It appears those that are causing the problems have destroyed those that are not.

We strongly urge you to support those like us that have no negative impact and support the benefits it has for our family and our town. We love living here and it has been great to introduce new people to Gibsons in this unique and positive way. Please recognize this and adjust your proposal to support us and others like us.

Respectfully,
S. Clarke

Deb Mowbray submitted the following email correspondence on July 14th, 2020:

Hi there,

I'd like to submit the following:

On behalf of the Chamber of Commerce, I'd just like to say that in September of 2019, we polled our members whether they were for or against the changes to "max 2 bedroom in a rental" and "manager/owner must be onsite" and our response was 72% of folks were opposed to those changes.

As far as a resident goes - I live across the street from a vacation rental so I know what it is like, and I don't think that having NO vacation rental houses is the answer necessarily, but I do think that they would need to be taxed accordingly. If a property is operating commercially, then why can't we be taxing them accordingly and then at least our community benefits.

And as a Realtor, I just have to say that it would be nice if all of the municipalities worked together to keep these bylaws consistent. It is confusing to have to differentiate what rules pertain to what geographic areas.

Thanks for listening :)
Deb

Rita Koutsodimos submitted the following email correspondence on July 21st, 2020:

Dear Mayor and council,

I am writing as a resident of Gibsons in favour of the proposed bylaw to regulate short term rental accommodation. We live in lower Gibsons in the Bay area where quite a few short term rentals have popped up in recent years including the house directly across from us. The current draft of the bylaw addresses some of the most significant issues surrounding short term rentals, that is the comodification of housing at the expense of affordable housing and the impact of noise and nuisance tenants on adjacent neighbours.

My understanding is that council heard back from a number of residents who were against the bylaw presumably as it would impact their short term rental businesses directly. I strongly encourage council to ensure that the final version of the bylaw discourages the purchase of homes in our community for the purpose of short term housing. This would not only severely limit affordability of housing in Gibsons but also has the potential to hollow out our neighbourhoods and reduce the social capital that exists in places where people know their neighbours. This is a real risk for our pretty seaside town as it is such a short distance from a sizable tourist market with abundant capital. There are already affordability challenges for renters and those living below the median income here and I am very concerned that without robust regulation of short term rentals that this will only increase until Gibsons faces a similar but smaller scale version of the overwhelming affordability challenges as seen in Vancouver. This is not just a risk coming from wealthy offshore investors. As more middle class Vancourites are priced out of that housing market, some will look at our community as a way to "get into the market" and short term rentals as a way to make a profit while paying the mortgage and waiting for their equity to grow. This is the case with the owner of the house and short term rental across the street from us and I have had several Vancouver friends and colleagues who have expressed an interest in investing in the housing market in Gibsons for the purpose of building equity and sitting on the house until retirement. As much as I'd love to have my friends move here, I do not believe that it's healthy for our community to have absentee home owners and online services like Air BnB make this type of investment very easy and attractive for buyers from off coast.

The other issue of noise and nuisance tenants is well addressed in the current draft of the bylaw. Across the street from us, the majority of visitors are fine however there have been a few raucous nights and because the owner lives in Vancouver we had no idea who to call about it. On at least one occasion the police were called which shows how absentee landlords create a drain on our police services for what should be addressed by the rental owners.

Overall I support the bylaw as currently written, however if council is worried about the opposition I would suggest an amendment that grandfathers the current owners of short term rentals who live on the Sunshine coast and compels current owners of short term rentals who do not live in our community to post a local contact that can immediately address issues arising from nuisance tenants. Council may also want to make some allowances for people who are renting their homes on a short term basis while they themselves are traveling. For that group, I would suggest that they have to prove the home is their primary residence for the majority of the year (7 months?) And that they must provide a local contact to address nuisance tenants before being provided with a permit to allow short term rentals.

Thank you for thoughtfully considering how we protect the character and livability of our community by ensuring that it is affordable and inclusive for the people who call Gibsons home.

Kind regards,
Rita Koutsodimos
Gibsons, BC

Des Delaney submitted the following email correspondence on July 21st, 2020:

Mayor and council

Please consider the following regarding the proposed hosted accommodation bylaw

Fair and Reasonable

There are two different types of accommodation that are involved in this bylaw which are completely different from each other. Hosted Accommodation and stand-alone holiday accommodation are two completely different business. For example a food cart and a restaurant are completely different even though they both sell food. This proposed bylaw does not meet the standard of fairness or reasonable consideration as required for these two different type of accommodation providers

Discriminatory

The title of the Bylaw is discriminatory and the intent of the Bylaw is discriminatory. The group of residents that decide to operate hosted accommodation business are being treated differently from those that offer standard residential tenancies for the same type of accommodation. They are also subject to more onerous restrictions on how they can use their property. For example If one resident has a laneway house and a suite in addition to their principal residence on the property they are not subject to the same restrictions and economic penalties that this bylaw seeks to impose.

Credibility

This Bylaw is being driven by the Town of Gibsons not because of significant community concern but is instead mostly based on straight out prevarication and innuendo from a variety of unverifiable sources

The Mayor has taken it upon him self to compare the operators of these business to "...hoarders and exploitative resellers " based on zero verifiable information. Additionally both the Mayor and Director of Planning for some unknown reason chose to pretend a lack of knowledge of the Municipal act with relation to how a proposed bylaw is named and when it can be amended despite their long standing careers within the municipal environment and experience with Bylaw production

It is uncertain how a bylaw such as this that is designed to destroy a sector of the small business economy in this small town with no proof whatsoever of any benefits as a result can be defended to the community at large in the event this is passed in its current format

Yours Sincerely
Des Delaney
Wildwood Crescent
Gibson's

Public Input

We will now seek public input. Is there anyone wishing to speak for or against the proposed bylaws for cannabis production at 1037 Venture Way, Secondary Suites or Short-term Rentals?

- Martin DesRosiers 264 Gower Point – Short-term Rentals - Opposed
- Airbnb stats show bookings are up 43% from July 2019; Gibsons will lose out of these rentals due to lack of places to stay
 - Town should release stats on complaints of party houses to paint the picture of current state; 3 strike rule would help solve the issue of party houses
 - Why the owner on-site requirement? Eliminating dozens and dozens of units by doing so
 - STR units will not translate one to one to long-term rental units
 - Town will lose out on economic benefits and in the end may not end up with additional long-term rental units
 - Simply require a local manager or local residents within a specific distance
 - Suggests a tiered system for licencing: \$200 for owners on site, \$500 for owner in near proximity, and \$1,000 for owners that don't live here
 - Potential for a monthly required licencing model

- Rules that negatively impact the rental pool is a step backwards

Brett Beadle

Short-term Rentals - Opposed

- Stats that support the proposed bylaw should be released; number of complaints regarding parking and noise
- Main issue tends to be enforcement and compliance, challenge is to draft bylaws that are enforceable and appropriate
- Large profit comes to the Coast from MRDT
- Long-term rentals will not be considered for many of the STR units
- Airbnb is being used as a scapegoat for lack of long-term rentals
- Issues of bylaw enforcement such as parking and noise can be dealt with by an off-site operator
- Should be fair and balanced to meet everyone's concerns

Councillor Croal asked how many STR properties Mr. Beadle manages. Mr. Beadle stated currently five (5) or six (6), many home owners closed them for a while due to Covid-19.

Des Delaney

Short-term Rentals - Opposed

- Asked for clarification on the Airbnb being a home occupation and as such may not exceed 20% of the floor area of the house
- Asked for clarification that the bylaw is for rentals under 30 days
- Disturbed to hear that Business Licence fees were collected in 2019 when Airbnb licences were not required
- The proposed bylaw does not affect the operation of his business so his opposition is for all the people that will be affected by it

Mayor Beamish stated that once a rental is over 30 days it is covered by Residential Tenancy Branch.

Mayor Beamish asked Planner Katie Thomas to clarify if 20% floor space for home occupation includes STR's. Ms. Thomas replied that she would look into it and get back to Council. Mayor Beamish stated that he was not aware that floor area is considered for STR's because suites can be elsewhere on the property and not necessarily in the primary residence.

Mayor Beamish stated that last year STR's operated under the bylaw the same as a Bed and Breakfast and Council is asking for a clear definition of Airbnb. There were no licences issued in 2020. Mr. Delaney stated that he has a 2020 licence as well as many other people. Mrs. Grist stated that licences issued in 2020 were for the operation of BnB's.

- William Baker Short-term Rentals - Opposed
- Address the issue of requiring a host on-site
 - Why would we penalize those in our community who are not able to be on-site
 - Not necessary and a competitive disadvantage
 - Suggest that Council look to amend that part of Bylaw and not require a host on-site

- Dave Savard 455 S Fletcher Rd – Short-term Rentals - Opposed
- Do not have an affordable housing problem in Gibsons but do have an entitlement issue
 - People should move where they can afford to live
 - Demanding that bylaws are made to accommodate renters is ridiculous
 - Please leave Airbnb's alone

Ms. Thomas, Planner, stated that the proposed bylaw amends the home occupation regulation to remove Bed and Breakfast and the new section specific to STR's does not define a STR as a home occupation. Mayor Beamish clarified that STR's are not regulated by the 20% rule. Ms. Thomas replied, yes that is correct.

- Susanne Senger Short-term Rentals – In Support
- The idea that our children do not have a right to live here or have affordable housing in their home town is shocking
 - Shocked to hear that having access to affordable housing is entitlement
 - Fully support this bylaw, there are still kinks to work out
 - There is an affordable housing crisis in BC
 - Encourage you to keep going on this bylaw

For a second time, is there anyone wishing to speak for or against the proposed bylaws for cannabis production at 1037 Venture Way, Secondary Suites or Short-term Rentals?

- Tammy Rathbone Short-term Rentals - Opposed
- Agree with comments on entitlement
 - People could not afford the monthly rent for the amount they paid for their property, hence they rent out short-term
 - There have been no complaints from neighbours
 - Their STR generates incredible income to the community
 - To shut us down takes away every right we have
 - Do the 3 strike rule

- Brett Beadle Short-term Rentals - Opposed
- ~~Provided an example of what people need or chose to use~~ STR income for without operating illegally or beyond bylaws

And for the third and final time, is there anyone wishing to speak for or against the proposed bylaws for cannabis production at 1037 Venture Way, Secondary Suites or Short-term Rentals?

Mayor Beamish asked the Corporate Officer, Lindsey Grist, to note and present any written submissions received during the Public Hearing.

Mrs. Grist stated that there were two (2) additional written submissions received during the Public Hearing. Mrs. Grist proceeded to read the written submissions.

Dear Mayor and Council,

My family and I have stayed in AirBnB's and HomeStay all over the world. It provided us with affordable rental units in areas that hotels either didn't operate or were not available. We ALWAYS looked and booked for properties that did not have the host on site. We strongly preferred units where we had complete privacy and that meant we didn't want the host on site. It is a negative selling feature to require that the host be on site. Why would the Town of Gibsons intervene into the marketplace with rules that create a marketing restriction and thereby impair our citizens ability to be competitive in the short term rental marketplace.

I strongly urge Council to not adopt this bylaw for short term rentals or at least amend it to not require that the host be on site.

William Baker
833 Oceanmount Blvd,
Gibsons, BC

Hello,

I wish to comment on the proposed bylaw for Airbnb's.

We live in Vancouver but have a house in Gibson's which contains a long term suite, and a short term rental suite. When we purchased the house, the suite that we now use as an Airbnb was vacant, and the house was decrepit and an eyesore in the community. We invested a lot of capital in upgrading the property, and therefore increasing the property value for the homes around us. We purchased the house as a vacation home for ourselves and when we are not using it, we Airbnb it. Our Neighbours are all well aware that we run an Airbnb, and we have never had any noise complaints or any issues with our guests.

Many of the returning guests that we host at our Airbnb are friends and family of people who live in Gibson's and the surrounding areas, specifically grand parents who are visiting children and grand children on the coast. There are no other options for these visitors if this bylaw passes.

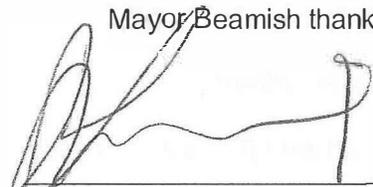
When our long term tenant moved out last year, the suite (which is very affordable), sat empty for four months until we found a qualified, reliable tenant.

Thank you for your time,
Robin.

ADJOURNMENT

Being no further input, Mayor Beamish adjourned the Public Hearing at 6:21 pm.

Mayor Beamish thanked everyone for their attendance and participation.



Lindsey Grist, Corporate Officer

ATTACHMENT B

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;
- (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) Nothing in this section affects the authority of a strata corporation;
- 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.

READ a first time the	24 TH	day of JUNE,	2020
READ a second time the	24 TH	day of JUNE,	2020
PUBLIC HEARING held the	14 TH	day of JULY,	2020
PUBLIC HEARING held the	21 ST	day of JULY,	2020
READ a third time the	####	day of MONTH,	YEAR
APPROVED pursuant to Section 52(3)(a) of the <i>Transportation Act</i> the	####	day of MONTH,	YEAR
ADOPTED the	####	day of MONTH	YEAR

Bill Beamish, Mayor

Lindsey Grist, Corporate Officer

