



ADMINISTRATIVE REPORT

Report Date: March 26, 2009  
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Meeting Date: April 9, 2009

TO: Standing Committee on City Services and Budgets

FROM: General Manager of Olympic and Paralympic Operations and Managing  
Director of Social Development in consultation with the Director of Legal  
Services

SUBJECT: 2010 Winter Games By-law Regarding Relaxation for Temporary  
Accommodation

**RECOMMENDATION**

- A. THAT Council relax the Zoning and Development By-law, generally in accordance with Appendix A, to allow owners to rent temporary accommodation in a dwelling unit or single bedroom within a dwelling unit for periods less than 30 days, from January 1, 2010 to March 31, 2010, provided that the temporary accommodation would not otherwise have been occupied by a tenant, boarder, or lodger after September 1, 2009 and that an owner renting a dwelling unit for temporary accommodation obtain a business license.

AND THAT Council instruct the Director of Legal Services to bring forward for enactment a By-law entitled "2010 Winter Games By-law", generally in accordance with Appendix A, to relax the Zoning and Development By-law and to amend the License By-law, for the purposes set out above.

- B. THAT Council request the Province to Amend the Residential Tenancy Act (RTA) to prohibit evictions between September 1, 2009 and March 31, 2010 other than by reason of tenant default.
- C. THAT Council request the Province open a Residential Tenancy Branch office in Vancouver in the downtown core or along the Broadway Corridor for twelve months encompassing the Games, including the pre and post Games period.

- D. THAT Council approve use of the estimated \$150,000 in projected temporary accommodation license revenue to fund additional legal resources to support implementation of the proposed By-law.
  
- E. THAT staff continue to monitor the impact of the proposed relaxation for temporary accommodation, and report back on additional measures necessary to mitigate negative impacts on tenants.

### ***GENERAL MANAGER'S COMMENTS***

The General Manager of Olympic and Paralympic Operations and the General Manager of Community Services recommend approval of the recommendations.

### ***COUNCIL POLICY***

Council's priority is addressing short and long term solutions to Vancouver's homelessness and affordable housing issues.

Council adopted "CityPlan: Directions for Vancouver" on June 6, 1995, and the section "Addressing Housing Costs" includes a policy to "maintain a stock of rental housing".

The Inner City Inclusive Commitment Statement ("ICI Commitment") in the bid for the 2010 Winter Olympic and Paralympic Games ("Games") pledges the Partners (Government of Canada, Province of British Columbia, City of Vancouver, and the Bid Corporation now VANOC) to work together to ensure that the legacy of the Games results in direct benefits, and minimizes adverse impacts, for the inner-city communities of Mount Pleasant, Downtown South, and Downtown Eastside, and includes five housing related commitments:

1. Protect the rental housing stock.
2. Ensure people are not made homeless as a result of the Winter Games
3. Ensure residents are not involuntarily displaced, evicted or face unreasonable increases in rent due to the Winter Games.
4. Provide an affordable housing legacy and start planning now.
5. Provide as many alternative forms of temporary accommodation for Winter Games visitors and workers as possible.

### ***PURPOSE AND SUMMARY***

The purpose of this report is two fold. First, it proposes to relax the Zoning and Development By-law to allow owners to rent out their dwelling units or single bedrooms within their dwelling units ("temporary accommodation"), from January 1, 2010 to March 31, 2010. This relaxation will help implement the ICI Commitment to provide as many forms of temporary accommodation for visitors and workers as possible. Second, it recommends measures by the Province and City to protect rental housing stock, and implement the ICI commitment to reduce the likelihood of owners evicting tenants to make way for visitors and workers.

### ***BACKGROUND***

Over the past year, staff have reviewed the need for temporary accommodation, and have determined that it is necessary, especially in light of the ICI Commitment, to provide alternate forms of accommodation for Games visitors and workers. However, there is also

concern that owners may rent out temporary accommodation at the expense of their tenants, boarders and lodgers.

Whistler faces a similar challenge. Whistler has a long standing interest in ensuring accommodation is available to its long-term workforce. However, during the Games Whistler requires additional short-term accommodation for VANOC workforce and working media. As a result, Whistler has enacted a Temporary Commercial Use Permit (TCUP) By-law to allow property owners not currently zoned for Tourist Accommodation to rent short-term accommodation to Games-related workforce. Owners are required to provide a statutory declaration that they are not displacing existing tenants. In addition, an on-line tenant registry is being developed to allow tenants to register their addresses so that municipal staff can cross reference applications for temporary accommodation.

## *DISCUSSION*

### **Accommodation Pressure**

The 2010 Winter Olympic and Paralympic Games are less than a year away and concern is increasing that traditional forms of accommodation - hotels, motels and B&B's - will be insufficient to meet the demand by Games spectators, visitors and workers including media, volunteers, staff, and contractors. It is important that we are a good host city given that visitors coming to Vancouver will generate economic benefits.

Following extensive communication by tourism authorities with the hotel community, and according to [www.2010DestinationPlanner.com](http://www.2010DestinationPlanner.com) - the official source for Games spectator accommodation - there are no hotel rooms listed as available in Vancouver during February 2010. Available data indicates that VANOC has booked roughly 80% of the 12,000 rooms in downtown Vancouver, and that many hotels are holding back the remaining rooms for their preferred clients such as essential business and tour operators. Based on a survey by Tourism Vancouver in mid March, the inventory currently available within the City of Vancouver is approximately 4.5% or about 550 rooms. Tourism B.C. is conducting a survey for the remainder of Metro Vancouver and the Fraser Valley during the week of March 30. The initial expectation is the available inventory in the remainder of Metro Vancouver and the Fraser Valley will be higher than in the City of Vancouver because VANOC has secured a large portion of their total requirements in Vancouver proper.

The total demand for Games-time accommodation remains uncertain. The total number of ticketed spectators is estimated to be in the range of 350,000 people. Of those approximately 60% are expected to come from outside of the lower mainland/sea-to-sky corridor. The number of people in each party and the length of stay for each party is unknown. VANOC and its tourism partners continue to work on defining the spectator accommodation demand at Games time, but their expectation is that traditional accommodation supply will not meet the total demand for accommodation.

VANOC is considering options to create temporary accommodation which would ensure that visitors without pre-arranged accommodation during the Games do not place pressure on low-income housing and existing homeless shelters. They are issuing a Request for Expressions of Interest (EOI) and Statements of Qualifications for a 2010 Winter Games Temporary Hostel. One or more respondents may be selected in order to combine expertise and capacity for the provision of two or more hostel-style accommodation sites. This accommodation would be for Games visitors to Vancouver who arrive without pre-arranged accommodation and who are not

able to find or afford accommodation in the commercial hotel or rental markets. Based on the Salt Lake 2002 experience, the expectation is that these visitors will either be individuals seeking employment or youth travellers arriving to take part in Games-related celebrations. Neither group is expected to have tickets for Games events. Salt Lake City staff confirmed that their Games-related impact was about 250 individuals per night. As Vancouver is a larger city, it is anticipated that there will be up to 400 individuals during the peak February dates.

Possible sources of additional visitor and workforce accommodation during the Games include vacant condominiums and other homes vacated by their owners during the Games. Individual bedrooms in homes may also provide short-term accommodation. These are potentially good sources of alternate accommodation. However, under the current Zoning and Development By-law provisions, in most cases, rentals of dwelling units (self contained accommodation including condominiums, houses, licensed secondary suites and other similar accommodation) and individual bedrooms within dwelling units are prohibited for periods less than 30 days.

### **Components of the Proposed By-law**

Given the special circumstances of the Games, and our commitment as a host city, staff is recommending that Council relax the Zoning and Development By-law to allow owners to rent out temporary accommodation during the Games, subject to measures discussed in this report to mitigate tenant displacement and minimize neighbourhood disruptions. Between January 1 and March 31, 2010, the proposed By-law would relax the Zoning and Development By-law to allow dwelling units and a bedroom in a dwelling unit to be rented as temporary accommodation for periods less than 30 days. Thus this by-law change is temporary and specific to the Games period.

#### Renting a Single Bedroom

Renting a single bedroom would be permissible only if there are no more than two guests, the operator resides in the dwelling unit, and there are no boarders or lodgers occupying the dwelling unit.

The restriction on no more than two guests in one bedroom minimizes neighbourhood impacts. Owners wanting to rent more than one bedroom must apply to the City to create a B&B. The proposal would also allow for the temporary addition of one bedroom to existing licensed B&Bs, accommodating an additional two guests. Owners renting a single bedroom would not need a business license.

#### Renting a Dwelling Unit

A dwelling unit rented on a nightly basis would be permissible only for related individuals or a maximum of five unrelated people. This provision is consistent with the requirements of the Zoning and Development By-law.

Owners wanting to rent a dwelling unit would have to obtain a business license. The temporary dwelling unit cannot have been occupied by a tenant, boarder, or lodger temporary accommodation after September 1, 2009 (to March 31, 2010).

#### Temporary Accommodation Guidelines

In addition to the proposed By-law requirements, staff will post guidelines on the City's website to outline additional measures regarding smoke alarms, minimum bedroom size, night

lights, and emergency contact information. The City currently provides similar guidelines on its website for bed and breakfasts. <http://vancouver.ca/commsvcs/Guidelines/B002.pdf>)

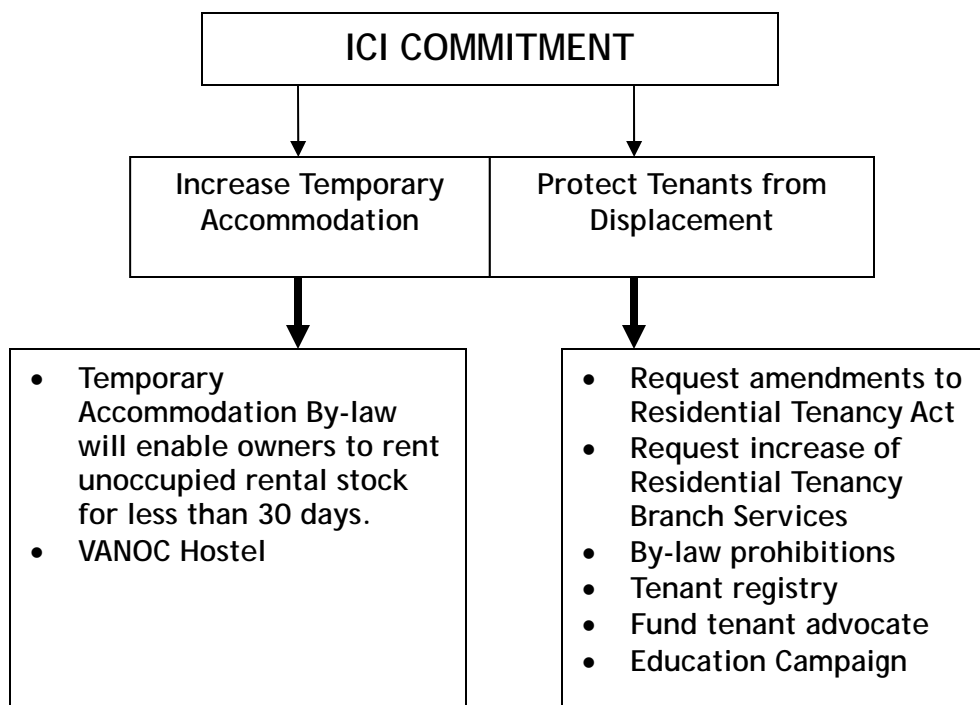
The relaxation for temporary accommodation would not affect either strata council rules prohibiting or limiting rentals, whether monthly or nightly, or the Single Room Accommodation By-law (conversion permits would still be required for any SRA designated room to be rented on a daily basis).

### **Minimizing the Risk of Tenant Displacement**

The ICI commitments contain two potentially competing goals. One states the ICI Partners should provide as many alternative forms of temporary accommodation for visitors and workers as possible; and the other that the ICI Partners must ensure residents are not involuntarily displaced, evicted, or faced with unreasonable increases in rent. While allowing temporary accommodation will increase options available to visitors and workers, it could also result in owners evicting stable, existing tenants either illegally or in bad faith in order to garner a short-term higher rent. A tight rental housing market makes this concern even more pressing.

Staff's concern is that some landlords may evict tenants in the hope of securing a significant financial gain from renting to Games visitors. A quick search through Craig's list and vacation rental websites generates a number of postings for Games accommodation with significant rents. This concern is somewhat tempered given the short duration of the Games, and the expectation is that Games visitors will seek furnished accommodation. Most of the Vancouver's rental stock is not furnished.

As shown in the diagram below, this report outlines a multi-pronged approach to increasing the supply of potential temporary accommodation supply, while also including measures to help protect tenants.



The report will now provide an overview of recommended measures to help prevent Games-related evictions of existing tenants.

Amending the Residential Tenancy Act

The responsibility for landlord/tenant relationships is clearly provincial and through the Residential Tenancy Act (RTA), the Province has the power and responsibility to prevent evictions. The effectiveness of the proposed by-law of increasing potential supply while also protecting tenants requires the Province’s leadership and participation. This report recommends the Province take action to protect existing tenants from Games-related evictions by amending the RTA on a temporary basis as noted below.

The RTA specifies conditions under which evictions may occur. This report recommends that Council request the Province to amend the RTA to prevent evictions between September 1, 2009 and March 31, 2010 for reasons such as the landlord’s renovations or the landlord’s close family members occupying the unit (tenants could still be evicted for cause such as the failure to pay rent). This change to the RTA would send a strong message to landlords about their responsibilities to tenants, and would provide access by tenants to the RTA dispute resolution process should evictions without cause occur. The proposal that the restriction on evictions commence three months before the Games reduces the likelihood that additional demand for accommodation from visitors or workers will put tenants at risk. Staff will also be working with Council to encourage other municipalities to support the proposed RTA amendment.

Other jurisdictions have enacted legislation to protect tenants. For example, Los Angeles passed a temporary ordinance for the 1984 Games prohibiting demolition and eviction in the three months prior to their Summer Games. Los Angeles also educated landlords to the reality that evictions would lead, at best, to short term profits, and also intervened when landlords attempted to illegally evict tenants.

#### By-law Prohibition

The proposed By-law will require that a tenant, boarder, or lodger must not have occupied the temporary accommodation after September 1, 2009. Not permitting occupancy by tenants or boarders and lodgers after September 1, 2009, reduces the likelihood of an owner evicting an existing tenant or leaving rental accommodation vacant leading up to the Games.

#### Funding for Tenant Advocacy

There are additional actions that can be taken to minimize tenant displacement. \$40,000 from the Olympic Legacy Reserve Social Sustainability program will be provided to a community-based organization or individual to assist tenants in resolving disputes and accessing the arbitration process. The \$40,000 will be allocated from the \$1,000,000 approved by Council on October 14, 2008 for an Olympic and Paralympic Legacy Reserve Fund and Social Sustainability Initiatives. Providing additional resources for tenant advocacy would ensure tenants facing eviction have better support to access the conflict resolution process. Staff will report back to Council on the selection of an organization or individual to carry out the advocacy work.

#### Increased Residential Tenancy Branch ("RTB") Services

At the Standing Committee of Council on Planning and Environment meeting on December 16, 2008, Council resolved to request the Province to establish a Vancouver office of the RTB either downtown or along the Broadway Corridor. In anticipation of pressure building as visitors seek accommodation, this report recommends the Province provide additional resources for a twelve month period for an RTB office in downtown or along the Broadway Corridor so that tenants and landlords may resolve disputes expeditiously. This builds on an existing partnership with the Province to provide RTB services in the Downtown Eastside five afternoons per week. The City is providing space in a City-owned building (390 Main Street), and covering operating costs, and the RTB is funding a staff person to provide information services. This request, however, is for a full office, staffed 9am-5pm from September 1, 2009 to March 31, 2010.

Other initiatives are underway to address the no displacement ICI Commitment. For example, the City in partnership with the Residential Tenancy Branch, the BC Apartment Owners and Managers Association (BCAOMA) and Tenant Resource & Advisory Centre (TRAC) has developed an education campaign to increase awareness of roles and responsibilities of landlords and tenants in the lead up to and during the Games. Part of that campaign identifies the history of past Games where many owners' expectations of Games-time rental windfalls were not realized.

#### **Implementing the Proposed By-law**

Owners wanting to rent dwelling units for temporary accommodation will be required to obtain a business license. The rental of a dwelling unit for periods greater than 30 days currently requires a business license. Licenses will be issued by the City's licensing office.

The license fee will be set at \$150, slightly more than the \$108 fee for long-term rental accommodation due to the additional administrative requirements for processing a temporary dwelling unit rental license application.

Similar to Whistler, the City will establish an on-line registry, accessible from the City's website, for tenants to register their address if they have any concerns that they may be displaced for temporary accommodation (Note: tenants do not need to register to be protected by the proposed by-law). Staff will cross reference applications against the registry. The on-line registry for tenants will also include links to direct tenants to the RTB if they believe they are being illegally evicted. Staff will work with community centres and other organizations to promote the registry and ensure internet access is accessible to those without computers. The tenant/landlord education campaign (see communications section below) will also be used to encourage tenants to add their information on the registry. Staff anticipates that license applications for temporary dwelling unit accommodation will be accepted starting June 1, 2009.

### **Monitoring and Enforcement**

To ensure compliance with the requirements of the proposed by-law, the City will assign a Property Use Inspector (PUI) to proactively monitor and enforce the proposed by-law. In the lead up to the Games, the PUI would monitor internet sites and inform owners of the City's regulations for the provision of temporary accommodation. During the Games, PUIs will respond to complaints by neighbours, as well as tenants for non-compliance with the proposed by-law.

Additional legal resources are recommended to support the proposed by-law provisions. An additional contract litigator is expected to be required for approximately eight months commencing in approximately September 2009.

Staff will monitor the situation to ascertain the level of compliance with the proposed by-law and will report back to Council should additional legal resources be required.

### **Penalties**

A person who does not comply with the proposed by-law is punishable upon conviction by a fine of \$2,000 for each offence. Further, every person who commits an offence of a continuing nature against the proposed By-law is liable to a fine not exceeding \$50 for each day such an offence is continued. These amounts are the maximum allowable under the Vancouver Charter at present. In addition to other possible remedies, the City also has the ability to seek an injunction to prevent an owner from providing temporary accommodation if a person has not complied with the provisions of the proposed by-law.

The City is seeking changes to the Vancouver Charter to increase fines for various by-law infractions. The proposed maximum fine of \$10,000 would be consistent with maximum fines available under the Community Charter. Once the new Vancouver Charter powers are in place, staff would report back to Council with a recommendation to increase the maximum fine to \$10,000.

### **Additional Measures for Future Consideration**

This report has identified some specific measures the Province can take to increase protections for tenants in the face of pressures related to the Games. The role of the City is



to monitor and ensure compliance with City by-laws and to support tenants in accessing services. The table below outlines the roles and responsibilities of the government partners, VANOC and others in increasing the supply of temporary accommodation and helping to protect existing tenants.

Partner	Role and Responsibility	
	Increase Supply	Protect Tenants
Provincial Government		<ul style="list-style-type: none"> <li>Amend Residential Tenancy Act</li> <li>Increase Residential Tenancy Branch Services for 12 month trial period</li> </ul>
City of Vancouver	<ul style="list-style-type: none"> <li>By-law to allow rentals less than 30 days.</li> </ul>	<ul style="list-style-type: none"> <li>Fund tenant advocate</li> <li>By-law prohibitions</li> <li>By-law enforcement</li> <li>Tenant registry</li> </ul>
VANOC	<ul style="list-style-type: none"> <li>Provide information on Games visitor accommodation demand</li> <li>Short term accommodation program (e.g., temporary hostel)</li> </ul>	
Tourism Vancouver	<ul style="list-style-type: none"> <li>Spectator Program</li> <li>2010 Destinations Website</li> </ul>	
Owners	<ul style="list-style-type: none"> <li>Apply for temporary Accommodation license</li> </ul>	
Tenants		<ul style="list-style-type: none"> <li>Tenant Registry</li> </ul>
Other municipalities	<ul style="list-style-type: none"> <li>Whistler Temporary Commercial Use Permit to allow short-term Games rentals</li> </ul>	<ul style="list-style-type: none"> <li>Consider supporting RTA amendment</li> </ul>

Staff will monitor the implementation of the proposed By-law, and will report back should additional measures be needed to ensure the objectives of the proposed by-law are being met which include minimizing any negative impacts on existing tenants.

Additional responses Council and/or the Province may want to consider include the appointment of an ombudsperson that would deal specifically with Olympic related impacts (on tenants, on neighbourhoods - e.g., evictions, noise, traffic, etc.); and/or they may want to consider additional resources for tenant support and relocation services which could be provided by the City (through the Tenant Assistance Program) or a non-profit organization doing similar work. Staff will report back if necessary.

### ***PERSONNEL IMPLICATIONS***

To implement and support the proposed by-law both administrative and enforcement resources will be required. An existing Property Use Inspector would be reassigned to this work, and a licensing clerk would be reassigned from within Community Services.

Additional resources in Legal Services in the form of a contract litigator and assistant are expected to be required for at least eight months.

### ***FINANCIAL IMPLICATIONS***

The license fee will be set at \$150 and staff expect in the order of 1,000 applications for temporary dwelling unit accommodation for a total expected license revenue of approximately \$150,000. The estimated 1,000 applications is approximately 10% of the annual number of licenses the City issues for dwelling unit rentals greater than 30 days, and is consistent with the scale of the expected demand for non-traditional accommodation within Vancouver.

Staff expect to begin issuing licenses June 1st, 2009 and this will provide an early indication on the revenues generated by the licenses fees. The estimated \$150,000 generated in license fees will offset approximately \$150,000 needed for additional legal resources and therefore the project will be cost neutral. Should the license fees not generate sufficient revenues to offset needed legal resources, staff will report back.

The recommended source of funds to provide a \$40,000 contribution to a non-profit tenants' advocacy group is the Olympic Legacy Reserve, Social Sustainability Program. The \$40,000 would be allocated from the \$1,000,000 approved by Council on October 14, 2008.

### ***ENVIRONMENTAL IMPLICATIONS***

The creation of new forms of temporary accommodation will provide additional opportunities to house visitors and workers. Other forms of accommodation are likely much further away from venues and activity centres. Visitors and workers housed in Vancouver will therefore be more likely to use sustainable transportation systems such as transit, walking and biking, thus minimizing environmental impacts and reducing vehicle use of the street network.

### ***SOCIAL IMPLICATIONS***

The proposed by-law and related actions will help fulfill the ICI Commitment to provide alternative accommodation for visitors and workers and will legitimize the actions of owners who wish to use their vacant accommodation for Olympic-related nightly rentals.

To meet the ICI commitment to address the potential negative impact of displacing existing tenants, the proposed By-law includes provisions to protect existing tenants, and the Province would be requested to amend the RTA to strengthen protection for tenants facing evictions during the preparation for the Games and the Games themselves.

### ***COMMUNICATIONS PLAN***

There is significant interest among both visitors and residents in temporary accommodation options.

If the proposed by-law is enacted, the City will work with its partners including Tourism Vancouver and VANOC to communicate both the opportunity to create new temporary accommodation, as well as the proposed By-law requirements. Information on the proposed by-law provisions would be posted on the City website, and would be included in community presentations in partnership with VANOC.

The City, in partnership with the RTB, the BCAOMA and TRAC has developed an education campaign to increase awareness of roles and responsibilities of landlords and tenants in the lead up to and during the Games. The campaign, will also inform tenants and landlords about the proposed by-law and encourage tenants to add their information to the city's tenant registry.

### *CONCLUSION*

It is important that sufficient accommodation is available during the Games. The proposed temporary accommodation by-law will help meet some of the demand by allowing the City to license and regulate daily rentals of residential units. The goals of the ICI Commitment encourage both the creation of alternative forms of temporary accommodation, as well as protecting tenants from eviction.

While increasing opportunities for temporary accommodation are positive, it should not be done at the expense of tenants. Council does not have power, under the Vancouver Charter, to prevent evictions. That is the Province's responsibility. This report proposes a number of actions to address this issue, including a request that the Province amend the RTA to restrict evictions. These actions will assist visitors and workers in securing accommodation, minimizing travel times to venues, and enhancing their Games time experience. They will also help ensure that protections are provided to existing tenants and the rental housing stock.

\* \* \* \* \*

## Appendix A: Draft Games By-law Regarding Relaxation for Temporary Accommodation

Council should note that if it also approves the recommendations in the report on temporary parking by or on behalf of VANOC on a portion of the East Fraser Lands which Council is also to consider on April 7, 2009 then the Director of Legal Services will create one 2010 Winter Games By-law that includes both temporary accommodation and temporary EFL parking.

### CITY OF VANCOUVER BRITISH COLUMBIA



### 2010 OLYMPIC AND PARALYMPIC WINTER GAMES BY-LAW NO. \_\_\_\_\_

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BY-LAW NO. \_\_\_\_\_

Vancouver 2010 Olympic and Paralympic Winter Games By-law

PREAMBLE

Council wishes to:

- (a) facilitate, accommodate, enhance, and secure the unique experience of the 2010 Winter Games for citizens, participants, visitors, and all others engaged with the 2010 Winter Games;
- (b) create a fair and reasonable balance between those aims and the rights and privileges which citizens of the city customarily enjoy; and
- (c) protect tenants from displacement.

For those purposes, Council has enacted the 2010 Winter Games Sign Designation and Relaxation By-law and the 2010 Winter Games Building By-law Relaxation By-law, and now wishes to further them by enacting this By-law.

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**SECTION 1  
INTERPRETATION**

**Name of By-law**

1.1 The name of this By-law, for citation, is the "2010 Winter Games By-law".

**Definitions**

1.2 In this By-law:

"Chief License Inspector" means the individual appointed by Council to be the Chief License Inspector or a person duly authorized to carry out the powers and duties of the Chief License Inspector;

"dwelling unit" has the meaning ascribed to it by section 2 of the Zoning and Development By-law;

"games period" means that period of time from January 1, 2010 to March 31, 2010;

“parent by-law” means any by-law named in the heading to any Section of this By-law;

“Section” means, for the purposes of sections 2.4 and 2.5, each of Sections 3 to 4 of this By-law;

“2010 Winter Games” means the Vancouver 2010 Olympic and Paralympic Winter Games;

“temporary accommodation” means temporary bedroom accommodation and temporary dwelling unit accommodation;

“temporary bedroom accommodation” means the use of no more than one bedroom in a dwelling unit for the purpose of accommodating no more than two guests in connection with the 2010 Winter Games in return for rent or other consideration;

“temporary dwelling unit accommodation” means the use of a dwelling unit for the purpose of accommodating:

- (a) one or more guests all related to one another by blood, marriage, or adoption, or
- (b) no more than five unrelated guests,

in connection with the 2010 Winter Games in return for rent or other consideration; and

“VANOC” means the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games established on September 30, 2003.

## **Table of contents**

1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

## **Schedules**

1.4 Schedules attached to this By-law form part of this By-law.

## **Severability**

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.



**SECTION 2  
GENERAL PROVISIONS**

**Conflicts with parent by-laws**

2.1 To the extent that this By-law expressly authorizes a relaxation or amendment of a parent by-law, such relaxation or amendment applies despite anything to the contrary in the parent by-law.

**Compliance with parent by-laws**

2.2 Except only to the extent that this By-law expressly authorizes a relaxation or amendment of a parent by-law or otherwise provides:

- (a) a person must comply with the applicable parent by-law; and
- (b) all provisions of the applicable parent by-law including those provisions with regard to powers of entry, inspection, enforcement, violations, offences, non-compliance with notices or orders, and fines or penalties apply to the relaxed or amended use or regulation under this By-law.

**Time limit**

2.3 The relaxation or amendment of any by-law under this By-law, and the rights and permissions set out in this By-law, are to expire and have no further force or effect from and after the end of the games period unless this By-law otherwise expressly provides.

**Application of relaxation or amendment**

2.4 Any provision set out in any particular Section of this By-law relaxes or amends the parent by-law identified in the heading to that Section.

**Importing of definitions**

2.5 Where any Section of this By-law that amends a parent by-law uses a term defined under section 1.2 of this By-law, any amendment or consolidation of the parent by-law is to include such definition in its definition section in the appropriate alphabetical order.

**SECTION 3  
LICENSE BY-LAW NO. 4450**

**Temporary accommodation**

3. After section 26.1, Council adds:

**"TEMPORARY ACCOMMODATION**

- 26.1A (1) Council hereby establishes the provision, during the games period, of temporary dwelling unit accommodation as a class of business.
- (2) A person who applies for a license must provide, with the application, a license fee of \$150.00 for temporary dwelling unit accommodation.
- (3) A license to provide temporary accommodation is not transferable.”

**SECTION 4  
ZONING AND DEVELOPMENT BY-LAW NO. 3575**

**Temporary accommodation**

4.1 Subject to the conditions set out in this Section 4, Council hereby relaxes the Zoning and Development By-law to permit temporary accommodation during the games period.

**Time relaxation**

4.2 The prohibition against a person using or permitting the use of a dwelling unit for a period of less than one month does not apply to temporary accommodation.

**Residence of operator**

4.3 The operator of temporary bedroom accommodation in a dwelling unit must reside in that dwelling unit.

**Boarders, lodgers, and tenants**

4.4 A person must not provide temporary accommodation:

- (a) coincidentally with the keeping of any boarders or lodgers in the dwelling unit;
- (b) that a tenant under the Residential Tenancy Act or a boarder or lodger has occupied after September 1, 2009; or
- (c) if there has been an eviction of a tenant under the Residential Tenancy Act or of a boarder or lodger in order to make temporary accommodation available.

**Bed and breakfast accommodation**

4.5 The operator of bed and breakfast accommodation may provide temporary accommodation in accordance with this By-law but must not provide temporary dwelling unit accommodation coincidentally with the keeping of any bed and breakfast guests in that dwelling unit.

**Dwelling unit lawful**

4.6 The relaxation under section 4.1 applies only in respect to dwelling units that are lawful or whose use is lawful.

**SECTION 5  
FINES FOR OFFENCES**

**Fine for offence**

5.1 Every person who commits an offence against this By-law is punishable on conviction by a fine of \$2,000.00 for each offence.

**Fine for continuing offence**

5.2 Every person who commits an offence of a continuing nature against this By-law is liable to a fine of \$50.00 for each day such offence continues.

**SECTION 6  
ENACTMENT**

**Force and effect**

6. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this                    day of                    ,  
2009

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk