

**BUSINESS LICENCE HEARING MINUTES**

**JULY 16, 2019**

A Business Licence Hearing of the Council of the City of Vancouver was held on Tuesday, July 16, 2019, at 9:33 am, in the Council Chamber, Third Floor, City Hall, to consider the recommendations by the Deputy Chief Licence Inspector to revoke the Business Licences issued to the Licencees and associated Short-Term Rental accommodations as set out in the Agenda and as recorded in the Minutes of this Business Licence Hearing.

PRESENT: Councillor Sarah Kirby-Yung, Chair  
Councillor Pete Fry  
Councillor Colleen Hardwick

CITY CLERK'S OFFICE: Denise Swanston, Meeting Coordinator  
Tamarra Wong, Meeting Coordinator

**1. Short Term Rental Accommodation – Stephanie and Raymond Robb  
1333 Lakewood Drive  
Vancouver BC, V5L 4M7**

The Business Licence Hearing Panel had before it for consideration an Evidence Brief, prepared by the City of Vancouver's Legal Department, which contained the following material (*on file in the City Clerk's Office*) and the evidence of witnesses:

<b>Tab</b>	<b>Description</b>
1	Letter from Sarah Hicks, Deputy Chief Licence Inspector, dated May 23, 2019 suspending Business Licence 19-161834
2	Warning Letter from City of Vancouver's Chief Licence Inspector dated February 25, 2019
3	Inspection Report dated April 9, 2019
4	Order dated April 18, 2019
5	<ul style="list-style-type: none"> <li>• Enquiry Centre notes dated April 26, 2019</li> <li>• Notes from 2004 and 2006 referred to in April 2019 notes</li> </ul>
6	Notes taken by Sarah Hicks of telephone conversation with Stephanie Robb on May 29, 2019
7	Letter from Stephanie Robb dated May 30, 2019
8	Notice of Hearing
9	Relevant sections of City of Vancouver by-laws: <ul style="list-style-type: none"> <li>• Section 25.1(4) of <i>Licence By-Law 4450</i></li> <li>• Section 6.4 of <i>Zoning &amp; Development By-Law 3575</i></li> </ul>

10	<ul style="list-style-type: none"><li>• Property Report</li><li>• Development Permit Application DE 404575 dated October 22, 1999</li><li>• Development and Building Permit DB 425391 issued March 9, 2007</li></ul>
----	--

Iain Dixon, Assistant Director – Regulatory Litigation, Legal Department, was present on behalf of the City of Vancouver. Raymond Robb (the “Licencee”), along with his wife and host of the Short-Term Rental (STR), Stephanie Robb, were present and represented themselves.

Mr. Dixon noted that these three Short-Term Rental (STR) licence appeals on today’s Agenda are the first to come to a Business Licence Hearing since the inclusion of Short-Term Rentals in the License By-law (No. 4450). Mr. Dixon provided an overview of the proceedings and noted that the purpose of the Panel is to rule on whether the appellants’ Licences were suspended correctly under the related by-laws. Mr. Dixon also noted that the Panel may not make exemptions to the by-law itself, as they are bound to the by-laws as approved by Council.

Sarah Hicks, Deputy Chief Licence Inspector, was present as witness on behalf of the City. Mr. Dixon reviewed the Evidence Brief and asked clarifying questions of Ms. Hicks.

Panel members and the licencee asked clarifying questions of Ms. Hicks.

Mr. Robb provided opening remarks and provided a Rebuttal package (*on file in the City Clerk’s Office*), and claimed that Mr. Dixon presented inaccurate information about the ability of the Panel to overturn a business licence suspension.

Mr. Dixon rebutted Mr. Robb’s remarks as he felt Mr. Robb’s comments impugned his character. Mr. Dixon then clarified that he had accurately relayed to Mr. Robb the Panel’s role at Business Licence Hearings.

The Licencee called Stephanie Robb as witness; Mrs. Robb provided her comments and the licencee provided additional comments.

Panel members asked clarifying questions of Mr. and Mrs. Robb.

Mr. Dixon provided closing comments, reminding the Panel that their role is to determine if the unit is allowable as an STR under the current by-laws, which it is not, and therefore Ms. Hicks’ decision to suspend the licence should be upheld.

The Licencee provided closing comments, noting that the panel should be able to make exceptions to the by-law.

## **PANEL MEMBERS DISCUSSION**

Panel members made closing comments, noting that they are sensitive to individual circumstances, but are restricted to the current by-laws. Panel members also noted that such circumstances may be worthwhile considerations for future STR discussions, and have now been brought to the attention of staff.

Following discussion, it was,

MOVED by Councillor Hardwick  
SECONDED by Councillor Fry

THAT the recommendation by the Deputy Chief Licence Inspector to suspend the Business Licence issued to Raymond Robb (the "Licencee") for the purposes of a Short-Term Rental Accommodation at 1333 Lakewood Drive, be upheld on the basis that:

- the Licencee is in contravention of the Zoning & Development By-law No. 3575 by using the detached accessory building as a living space, without approval, and installing a shower without permit or approval; and
- the Licencee is in contravention of section 25.1(14) of the License By-law No. 4450 which states, "No person shall carry on business as a Short Term Rental Accommodation Operator in an accessory building, a vehicle or an unlawful dwelling unit".

CARRIED UNANIMOUSLY

## ADJOURNMENT

MOVED by Councillor Fry  
SECONDED by Councillor Hardwick

THAT the Business Licence Hearing regarding 1333 Lakewood Drive, Vancouver, BC, be adjourned.

CARRIED UNANIMOUSLY

\* \* \* \* \*

*The Panel recessed at 11:02 am and reconvened at 11:06 am.*

\* \* \* \* \*

## 2. **Short Term Rental Accommodation – Jan Koncewicz** **2501 – 1050 Burrard Street** **Vancouver BC, V6Z 2S3**

The Business Licence Hearing Panel had before it for consideration an Evidence Brief, prepared by the City of Vancouver's Legal Department, which contained the following material (*on file in the City Clerk's Office*) and the evidence of witnesses:

Tab	Description
1	Letter from Sarah Hicks, Deputy Chief Licence Inspector, dated May 30, 2019 suspending Business Licence 19-160868
2	311 complaints: <ul style="list-style-type: none"><li>• October 27, 2017</li><li>• May 3, 2018</li><li>• September 12, 2018</li></ul>
3	Letter from Charlene Cranton, Property Use Inspector, dated October 31, 2017 to Jan Koncewicz et al.
4	Audit Notification Letter dated April 23, 2019
5	Letter from Alex Chang, counsel for Jan Koncewicz, dated May 17, 2019
6	Letter from Patrick Wilson, counsel for the Owners, Strata Plan LMS1455 dated May 21, 2019
7	Email chain between Jan Koncewicz and City staff
8	Notice of Hearing
9	Section 25.1(4) of <i>Licence By-Law 4450</i>
10	<ul style="list-style-type: none"><li>• Property Report</li><li>• Business Licence 19-160868</li></ul>

Iain Dixon, Assistant Director – Regulatory Litigation, Legal Department, was present on behalf of the City of Vancouver. Jan Koncewicz (the “Licencee”), was present and represented himself.

Mr. Dixon provided opening remarks, noting that the licensee has been unable to obtain permission from his strata to operate the Short-Term Rental (STR) and therefore is not eligible to operate the STR.

Sarah Hicks, Deputy Chief Licence Inspector, was present as witness on behalf of the City. Mr. Dixon reviewed the Evidence Brief and asked clarifying questions of Ms. Hicks.

Mr. Koncewicz provided opening comments and additional documentation to the Panel (*on file in the City Clerk’s Office*).

Mr. Dixon asked Mr. Koncewicz if he knew when the Civil Resolution Tribunal would provide a ruling on the issue with his strata; Mr. Koncewicz informed he was not sure.

Mr. Dixon provided closing comments noting that the by-law is written so that permission from the strata is required in order to operate an STR, and until that authorization is received, Ms. Hicks’ decision to suspend the licence should be upheld.

## PANEL MEMBERS DISCUSSION

MOVED by Councillor Fry  
SECONDED by Councillor Hardwick

THAT the recommendation by the Deputy Chief Licence Inspector to suspend the Business Licence issued to Jan Koncewicz (the "Licencee") for the purposes of a Short-Term Rental Accommodation at 2501 – 1050 Burrard, be upheld on the basis that:

- the Licencee is in contravention of section 25.1 (7) (a) of the License By-law No. 4450 because the licensee cannot provide strata council authorization for Short-Term Rental Accommodation.

CARRIED UNANIMOUSLY

## ADJOURNMENT

MOVED by Councillor Hardwick  
SECONDED by Councillor Fry

THAT the Business Licence Hearing regarding 2501 – 1050 Burrard Street, Vancouver, BC, be adjourned.

CARRIED UNANIMOUSLY

### 3. Short Term Rental Accommodation – Hamin Reza Hourvash 8833 Selkirk Street Unit 200 Vancouver BC, V6P 4J6

The Business Licence Hearing Panel had before it for consideration an Evidence Brief, prepared by the City of Vancouver's Legal Department, which contained the following material (*on file in the City Clerk's Office*) and the evidence of witnesses:

Tab	Description
1	Letter from Sarah Hicks, Deputy Chief Licence Inspector, dated May 23, 2019 suspending Business Licence 19-161818
2	311 record of complaint of November 3, 2017
3	Inspection Reports: <ul style="list-style-type: none"><li>• November 8, 2017</li><li>• May 28, 2018</li><li>• February 1, 2019</li></ul>
4	Audit Notification Letter from City of Vancouver's Chief Licence Inspector dated March 26, 2019
5	Case file CF-2019-003010– April 30, 2019

6	Inspection Report dated May 2, 2019
7	STR Licence Audit Meeting Script and Notes from May 2, 2019 meeting <ul style="list-style-type: none"><li>• Taken by Sarah Hicks</li><li>• Taken by Raymond Chiang</li></ul>
8	Order dated May 10, 2019
9	Letter from Hamid Reza Hourvash dated May 29, 2019 attaching 2018 and 2019 Business Licences issued to 8833 Selkirk Street Unit 200 for Short-Term Rental and calendar of Airbnb bookings for June, July and August 2019
10	Notice of Hearing
11	Section 11.32.2 of <i>Zoning &amp; Development By-Law 3575</i>
12	BC Company Summary of 1064728 B.C. Ltd (Registered owner of 8833 Selkirk) <ul style="list-style-type: none"><li>• as at November 14, 2017</li><li>• as at February 8, 2019</li><li>• as at May 10, 2019</li></ul>
13	<ul style="list-style-type: none"><li>• Property Report</li><li>• Floor plan of property</li></ul>

Iain Dixon, Assistant Director – Regulatory Litigation, Legal Department, was present on behalf of the City of Vancouver. Hamin Reza Hourvash (the “Licencee”), was present and represented himself.

Mr. Dixon provided opening comments, noting the location of the unit is zoned as commercial and therefore not eligible to be used for the purpose of a Short-Term Rental (STR).

Sarah Hicks, Deputy Chief Licence Inspector, was present as witness on behalf of the City. Mr. Dixon reviewed the Evidence Brief and asked clarifying questions of Ms. Hicks.

Mr. Hourvash asked the witness why his Business Licence was approved in the first place if it was deemed an illegal dwelling unit.

Ms. Hicks clarified that the application was a self-declaration process, and the applicant declared the unit as a lawful dwelling unit on the application.

Mr. Hourvash provided opening comments and summarized his situation.

Councillor Fry asked questions of the licencee and further clarified the role of the Panel, noting that the issue seems to lie with how Mr. Hourvash’s landlord represented the unit.

Mr. Dixon waived closing comments.

Mr. Hourvash provided closing comments, noting he would like to receive compensation until the issue is resolved and defer the suspension of the STR to not disappoint guests that have reserved the STR.

## **PANEL MEMBERS DISCUSSION**

Councillor Fry reiterated that the City is not in position to provide compensation.

Councillor Hardwick noted that the address is not currently listed as residential, and perhaps in the future, if relevant permits are obtained, Mr. Hourvash may then be able to re-apply for a STR business licence.

Following discussion, it was,

MOVED by Councillor Fry  
SECONDED by Councillor Hardwick

THAT the recommendation by the Deputy Chief Licence Inspector to suspend the Business Licence issued to Hamin Hourvash (the "Licencee") for the purposes of a Short-Term Rental Accommodation at 8833 Selkirk Street Unit 200, be upheld on the basis that:

- the Licencee is in contravention of section 11.32.2 of the Zoning & Development By-law which states "Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit", as 8833 Selkirk Street Unit 200 is not a valid address nor a lawful dwelling unit.

CARRIED UNANIMOUSLY

## **ADJOURNMENT**

MOVED by Councillor Hardwick  
SECONDED by Councillor Fry

THAT the Business Licence Hearing regarding 8833 Selkirk Street Unit 200, Vancouver, BC, be adjourned.

CARRIED UNANIMOUSLY

The Business Licence Hearing Panel adjourned at 12:19 pm.

\* \* \* \* \*