



BUSINESS LICENCE HEARING MINUTES

SEPTEMBER 29, 2020

A Business Licence Hearing of the Council of the City of Vancouver was held on Tuesday, September 29, 2019, at 9:30 am, in the Council Chamber, Third Floor, City Hall, to consider the recommendations by the Chief Licence Officer to refuse the reinstatement of the Business Licences for Short-Term Rental issued to the Licensee as set out in the Agenda and as recorded in the Minutes of this Business Licence Hearing. This Council meeting was convened by electronic means as authorized under Part 14 of the *Procedure By-law* and *Vancouver Charter* and the Minister of Public Safety and Solicitor General of the Province of British Columbia – *Emergency Program Act*, updated Ministerial Order No. M192.

PRESENT: Councillor Christine Boyle, Chair
Councillor Rebecca Bligh
Councillor Jean Swanson

CITY CLERK'S OFFICE: David Yim, Meeting Coordinator
Denise Swanston, Meeting Coordinator
Tina Penney, Deputy City Clerk

**1. 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 | Evidence book from Business Licence Hearing held on July 16, 2019 |
| 2 | Letter from Deputy Chief Licence Inspector dated July 18, 2019 |
| 3 | Order dated August 3, 2019 |
| 4 | Notice of By-Law Violation dated August 3, 2019 |
| 5 | Unlicensed short-term rental listing on Airbnb for 2501-1050 Burrard Street |
| 6 | Email chain between City staff and Appellant from January 24, 2020 to February 28, 2020 |
| 7 | Letter from the Owners Strata Plan LMS1455 dated February 11, 2020 |
| 8 | Order of the Provincial Court of British Columbia of May 28, 2020 |
| 9 | Email chain between City staff and Appellant from February 11, 2020 and July 14, 2020 |

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| 10 | Letter from Chief Licence Officer licence dated July 22, 2020 refusing the reinstatement of the business issued to the Appellant |
| 11 | Email from Appellant dated July 23, 2020 wishing to appeal the Chief Licence Officer's decision |
| 12 | Notice of Hearing dated August 28, 2020 |
| 13 | City of Vancouver Licence By-Law No. 4450, section 4(3) |

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 Licencee was not granted the Business License due to his previous offences for carrying on a business without holding a City Licence.

Koji Miyaji, Assistant Director of Community Standards, was present as witness on behalf of the City.

The Business Licence Hearing Panel asked questions to Mr. Miyaji.

Mr. Koncewicz provided opening statements and summarized his situation.
The Panel asked questions to Mr. Koncewicz.

The Panel asked clarifying questions to Mr. Miyaji on City regulations relating to Short-Term Rental.

Mr. Dixon provided closing comments noting the Panel's role is to uphold, overturn or amend the decision of the Chief License Inspector in relation to status of the Business Licence of Mr. Koncewicz.

Mr. Koncewicz provided closing comments, noting that the strata council is the cause of the suspension of his Business Licence.

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The Panel recess at 10:28 am and reconvened at 10:33 a.m.

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PANEL MEMBERS DISCUSSION

MOVED by Councillor Swanson
SECONDED by

THAT Council issue a business License to Jan Koncewiz (the “Licencee”) for the purposes of short-term rental accommodation at 2501-1050 Burrard St, on the condition that he conform to all bylaws about short term rentals in the future.

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not put

The amendment, having not received a SECONDER, was not put to vote.

MOVED by Councillor Bligh
SECONDED by Councillor Swanson

THAT Council refuse to issue a Business License to Jan Koncewiz (the “Licencee”) for the purposes of Short-Term Rental Accommodation at 2501 – 1050 Burrard Street on the basis that:

- the Licencee contravened Licence By-law No. 4450 by operating a short term rental at the Premises without a business license; and
- the Licencee pled guilty to one count of carrying on a business without a subsisting City licence at the Provincial Court of British Columbia.

amended

AMENDMENT MOVED BY Councillor Bligh
SECONDED by Councillor Swanson

THAT the following be added to the end:

THAT the Licencee may not apply for a Short Term Rental Accommodation business license before May 19, 2021 and Council direct the Chief Licence Inspector to issue the business licence upon application if the Licencee meets all other licence requirements.

CARRIED UNANIMOUSLY

The amendment having carried, the motion as amended was put and CARRIED UNANIMOUSLY.

FINAL MOTION AS APPROVED

THAT Council refuse to issue a Business License to Jan Koncewiz (the “Licencee”) for the purposes of Short-Term Rental Accommodation at 2501 – 1050 Burrard Street on the basis that:

- the Licencee contravened Licence By-law No. 4450 by operating a short term rental at the Premises without a business license; and
- the Licencee pled guilty to one count of carrying on a business without a subsisting City licence at the Provincial Court of British Columbia.

- the Licencee may not apply for a Short Term Rental Accommodation business license before May 19, 2021 and Council directs the Chief Licence Inspector to issue the business licence upon application if the Licencee meets all other licence requirements.

ADJOURNMENT

MOVED by Councillor Swanson
SECONDED by Councillor Bligh

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

CARRIED UNANIMOUSLY

The Business Licence Hearing Panel adjourned at 10:57 am.

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