



**SPECIAL COUNCIL MEETING MINUTES  
(BUSINESS LICENCE HEARING)**

**MARCH 9, 2022**

A Special Meeting of the Council of the City of Vancouver was held on Wednesday, March 9, 2022, at 6:03 pm, in the Council Chamber, Third Floor, City Hall, to consider the recommendation by the Chief Licence Inspector to suspend the Business Licence issued to Ryan MacMillan and Myleen MacMillan (the “Licencees”) for business premises located at 4010 Inverness Street, Vancouver, British Columbia (the “Premises”). This Council meeting was convened by electronic means as authorized under Part 14 of the *Procedure By-law*.

**PRESENT:** Councillor Lisa Dominato, Chair  
Councillor Pete Fry  
Councillor Rebecca Bligh

**CITY CLERK’S OFFICE:** Kirsty Colquhoun, Meeting Coordinator  
Tina Hildebrandt, Meeting Coordinator

**WELCOME**

The Chair acknowledged we are on the unceded homelands of the Musqueam, Squamish, and Tsleil-Waututh People. We thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Chair also recognized the immense contributions of the City of Vancouver’s staff who work hard every day to help make our city an incredible place to live, work, and play.

**1. Suspension of Business Licence No. 21-163613 (Short Term Rental)  
4010 Inverness Street**

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:

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| <b>Tab</b> | <b>Description</b>        | <b>Date</b> |
|------------|---------------------------|-------------|
| 1          | Notice of Hearing         | 19 Jan 2022 |
| 2          | 2021 Business Licence     |             |
| 3          | Timeline                  |             |
| 4          | Audit Notification Letter | 2 Oct 2020  |

|    |   |   |
|----|---|---|
| 5  | Audit Information and Airbnb booking calendar received from Applicant   | 29 Oct 2020                             |
| 6  | Script and Notes taken at audit meeting <ul style="list-style-type: none"><li>• by Andrew Menzies</li><li>• by Claire Thompson</li></ul>  | 2 Feb 2021                              |
| 7  | Order to provide access to property for City inspection   | 25 Feb 2021                             |
| 8  | Inspection Report   | 23 Mar 2021                             |
| 9  | Email exchanges between City and applicant: <ul style="list-style-type: none"><li>• Re: Audit Information</li><li>• Re: Audit Meeting</li><li>• Re: Operational Summary</li></ul> | 5 Nov 2020<br>15 Dec 2020<br>5 Oct 2021 |
| 10 | Notice of Licence Suspension  | 13 Oct 2021                             |
| 11 | Appeal Letter   | 22 Oct 2021                             |
| 12 | Host Compliance Data  | 31 Jan 2022                             |
| 13 | Licence By-Law No. 4450, section 25.1   |   |

Robert LeBlanc, City Prosecutor, was present on behalf of the City of Vancouver. Ryan MacMillan, the Licencee, was present on his own behalf.

Mr. LeBlanc provided opening remarks, reviewed relevant legislation as set out in sections 275 and 277 of the *Vancouver Charter*, and section 25.1(3) of *Licence By-law No. 4450*, to consider the suspension of the Short Term Rental Business license issued to Ryan MacMillan and Myleen MacMillan, the Licencees.

In support of the allegations set out in the evidence brief, Mr. LeBlanc called Koji Miyaji, Assistant Director, Community Standards, Development, Buildings and Licencing, as a witness.

Mr. LeBlanc, along with Panel members, directed questions to Mr. Miyaji who, for clarity, provided reasons why the Licencees would no longer qualify for a business licence. Mr. Miyaji explained that the Chief Licence Inspector has determined that Unit #2 of the premises is not the principal residence of the Licencees and has therefore suspended the Business Licence.

Ryan MacMillan, the Licencee, also directed questions to Mr. Miyaji.

The Licencee provided opening remarks and reviewed the reasons for starting a short-term rental.

In response to questions from Mr. LeBlanc and Panel members, the Licencee advised that he sent the additional documentation requested by staff to the Short-Term Rental Office email address and agreed to submit the additional documentation to the Panel.

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*The Business Licence Hearing recessed at 7:40 pm and reconvened at 7:45 pm.*

\* \* \* \* \*

Following the recess, the Licencee submitted two emails as additional evidence to verify that Unit #2 is his primary residence.

Mr. LeBlanc provided closing submissions based on the evidence and reviewed the reasons for the business licence suspension. Mr. LeBlanc added that the Licencee failed to provide sufficient evidence to prove that Unit #2 was his primary residence.

The Licencee provided closing comments.

### **PANEL MEMBERS DISCUSSION**

MOVED by Councillor Fry  
SECONDED by Councillor Bligh

THAT the Business Licence Hearing Panel suspend the business licence (“Business Licence”) issued to Ryan MacMillan and Myleen MacMillan (the “Licencees”) for a short-term rental accommodation at 4010 Inverness Street, Vancouver, BC, on the basis that:

- the operator is non-compliant with the conditions of the Short Term Rental license;
- the Short Term Rental Accommodation does not meet the definition or spirit of Principal Residence Unit of the operator; and
- the operator has and continues to operate without a valid Short Term Rental licence.

CARRIED UNANIMOUSLY (Vote no. 08177)

### **ADJOURNMENT**

MOVED by Councillor Bligh  
SECONDED by Councillor Fry

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Business Licence Hearing Panel adjourned at 8:13 pm.

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