

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

NOVEMBER 22, 2022

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, November 22, 2022, at 9:31 am, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Business Licence Hearing to consider the decision of the Chief Licence Inspector to cancel the business licence (“Business Licence”) issued to Gary Buchanan (the “Licencee”) for a short-term rental accommodation at 414 - 180 East 2nd Avenue (the “Premises”). This Special Council meeting was convened by electronic means as authorized by Part 14 of the *Procedure By-law* and the *Vancouver Charter*.

PRESENT: Councillor Brian Montague, Chair
Councillor Christine Boyle
Councillor Adriane Carr

CITY CLERK’S OFFICE: Lesley Matthews, Acting Deputy City Clerk
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.

**1. Business Licence No. 22-160041 (Short Term Rental)
414 - 180 East 2nd Avenue**

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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1	Notice of Hearing	8 Nov 2022	3
2	Timeline of Events and list of documents		5
3	Business Licence 22-160041 issued to Applicant for 414-180 E 2 nd	4 Jan 2022	7
4	Notice of Licence Cancellation	5 Apr 2022	8
5	Airbnb listing of unlicensed STR at 414-180 E 2 nd	3 Jun 2022	10
6	Host Compliance Information	3 Jun 2022	14
7	Title Search Report for 414-180 E 2 nd	3 Jun 2022	16

Prior Enforcements 751/753 E. 31st Ave

8	Documents relating to 751 E 31 st <ul style="list-style-type: none"> Order to cease permitting unauthorized use of 751 E 31st as STR 	2 Oct 2019	26
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	<ul style="list-style-type: none"> • Notice of By-law Violation re unlicensed STR • Airbnb listing for unlicensed STR • Warning letter re unlicensed STR • Audit notification letter • Notice of Licence Suspension re STR • Email chain between applicant and City staff • Letter of non-support re STR 	2 Oct 2019 2 Oct 2019 5 Nov 2019 7 Jun 2021 2 Jul 2021 24 Sep 2021 7 Oct 2021	28 29 31 35 38 40 47
9	Documents relating to 753 E 31 st <ul style="list-style-type: none"> • Airbnb listing for unlicensed STR • Order to cease permitting unauthorized use of 753 E 31st as STR • Notice of By-Law Violation re unlicensed STR • Warning letter re unlicensed STR 	2 Oct 2019 2 Oct 2019 2 Oct 2019 5 Nov 2019	49 57 59 60

Prior Enforcement 374 E 28th Ave

10	<ul style="list-style-type: none"> • Audit Notification letter • Email between City and Hao-Hsan Lan re cancellation of business licence • Notice of Bylaw Violation for permitting or allowing unlicensed STR • Airbnb listing for unlicensed Short-term Rental • Order to cease permitting unauthorized use of 374 E 28th for STR accommodation • Warning letter to Applicant for Failure to Comply with Licence Order • Provincial Court Sworn Information • Provincial Court Order for Hao-Hsun Lan • Provincial Court Conviction – Imposition of Fine • Notice of By-law Violation for permitting or allowing unlicensed STR • Airbnb listing for unlicensed STR • Order to cease permitting unauthorized use of 374 E 28th as STR accommodation 	12 Feb 2020 22 May 2020 29 May 2020 29 May 2020 29 May 2020 6 Jul 2020 31 Mar 2021 27 Jul 2021 10 Dec 2021 17 May 2022 17 May 2022 17 May 2022	60 65 67 69 74 76 78 79 80 81 83 91
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Applicable By-law(s)

11	Licence By-Law No. 4450, section 25.1	93
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The Business Licence Hearing Panel also had before it for consideration additional evidence submitted by COV staff at the hearing, in relation to Airbnb ads and reviews for the Premises.

Iain Dixon, Legal Services, was present on behalf of the City of Vancouver. Gary Buchanan, the Licencee, was present on his own behalf.

Mr. Dixon provided opening remarks and reviewed relevant legislation as set out in section 275 of the *Vancouver Charter* and sections 4(3), 25.1(2) and 30(1) of *Licence By-law No. 4450*.

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

Mr. Dixon, along with Panel members, directed questions to Mr. Miyaji.

The Licencee directed questions to Mr. Miyaji.

The Licencee provided opening remarks and submitted additional evidence in relation to the Premises, including a timeline of events.

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The Business Licence Hearing Panel recessed at 10:49 am and reconvened at 10:51 am.

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The Licencee responded to questions from the Panel.

Mr. Dixon provided closing submissions based on the evidence.

PANEL MEMBERS DISCUSSION

MOVED by Councillor Carr
SECONDED by Councillor Boyle

THAT the Vancouver City Council Business Licence Hearing Panel not issue a business license to Gary Buchanan (the "Licencee) for a short-term rental accommodation at 414 - 180 East 2nd Avenue because of the Licencee's conviction in Provincial Court on December 10, 2021, of doing business as a short-term rental without a license and that this conviction is sufficiently connected by the nature of the business to the requested business license at 414 - 180 East 2nd Avenue.

CARRIED UNANIMOUSLY (Vote No. 08873)

ADJOURNMENT

MOVED by Councillor Carr
SECONDED by Councillor Boyle

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Business Licence Hearing Panel adjourned at 11:09 am.

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