

EXPLANATION

A By-law to amend Zoning and Development By-law No. 3575 Regarding Short Term Rental Accommodation

Following a Public Hearing on October 24 and 26th, 2017 and a Regular Council Meeting on November 14, 2017, Council approved amendments to the Zoning and Development By-law related to short-term rental accommodation. Enactment of the attached By-law will accomplish Council's resolution.

Director of Legal Services
April 18, 2018

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Zoning & Development By-law Amendments
Re: Short Term Rental Accommodation

BY-LAW NO. _____

A By-law to amend Zoning and Development By-law No. 3575
Regarding Short Term Rental Accommodation

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

1. This By-law amends or adds to the indicated provisions of the Zoning and Development By-law.

2. In section 2 Definitions, Council:

(a) under Service Uses:

(i) strikes out the definition of "Bed and Breakfast Accommodation" and substitutes:

"Bed and Breakfast Accommodation, which means the use of one or two bedrooms in a dwelling unit as temporary accommodation where the room rate includes breakfast provided on the premises, but does not include **Short Term Rental Accommodation;**"

(ii) strikes out the definition of "Hotel" and substitutes:

"Hotel, which means premises providing temporary accommodation by way of furnished sleeping, housekeeping or dwelling units, but does not include **Bed and Breakfast Accommodation** or **Short Term Rental Accommodation;**" and

(iii) adds the following definition in alphabetical order:

"Short Term Rental Accommodation, which means the use of a dwelling unit, or one or more bedrooms in a dwelling unit, as temporary accommodation, but does not include **Bed and Breakfast Accommodation** or **Hotel.**"

3. Council strikes out section 10.21.1 and substitutes:

"Except when used for Short Term Rental Accommodation in accordance with section 11.32 of this By-law, no dwelling unit shall be used or occupied by more than one family, but it may also be used to keep a maximum of two boarders or lodgers, or a maximum of five foster or eight daycare children."

4. Council strikes out section 10.21.6 and substitutes:

"No person shall use or permit to be used any dwelling unit for a period of less than 30 days unless such unit forms part of a Hotel, or is used for Bed and Breakfast Accommodation or Short Term Rental Accommodation."

5. In section 11, Council adds:

"11.32 Short Term Rental Accommodation"

- 11.32.1 In this section 11.32,

"principal residence unit" means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills.

"booking" means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.

- 11.32.2 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.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.
- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-Law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years."

6. In the RA-1, RS-1A, RS-1B, RS-2, RS-3 and RS-3A, RS-4, RS-6, RT-1, RT-2, RT-3, RT-6, RT-7, RT-8, RT-9, RT-10 and RT-10N, RT-11 and RT-11N, RM-1 and RM-1N, RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-6, RM-7, RM-7N and RM-7AN, RM-8 and RM-8N, RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN, FM-1, C-1, C-2, C-2B, C-2C, C-2C1, C-3A, FC-1, HA1 and

HA-1A, HA-2, and HA-3 District Schedules, Council inserts in correct alphabetical order, the following as a conditional use:

“3.2.S [Service]

- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.”.

7. In the RS-1, RS-5, RS-7, RT-4, RT-4A, RT-4N and RT-4AN, RT-5, RT-5A, RT-5N and RT-5AN, RM-5, RM-5A, RM-5B, RM-5C and RM-5D, C-5, C-5A and C-6, C-7 and C-8 District Schedules, Council inserts in correct alphabetical order, the following as a conditional use:

“3.2.1.S [Service]

- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.”.

8. In section 3.2.S of the First Shaughnessy District Schedule, Council inserts in correct alphabetical order, the following as a conditional use:

“3.2.S

- Short Term Rental Accommodation, subject to the provisions of Section 11.32 of the Zoning and Development By-law”.

9. In Section 5, **Exemptions From Development Permit Requirement**, Council adds:

“**5.22** Short Term Rental Accommodation, provided that the Short Term Rental Accommodation otherwise complies with section 11.32 of the Zoning and Development By-law.”

10. 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 the By-law.

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

ENACTED by Council this day of , 2018

Mayor

City Clerk

EXPLANATION**A By-law to Amend License By-law No. 4450
Regarding Short Term Rental Accommodation**

Following a Public Hearing on October 24 and 26th, 2017 and a Regular Council Meeting on November 14, 2017, Council approved amendments to the License By-law related to short-term rental accommodation. Enactment of the attached By-law will accomplish Council's resolution.

Director of Legal Services
April 18, 2018

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BY-LAW NO. _____

**A By-law to Amend License By-law No. 4450
Regarding Short Term Rental Accommodation**

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

1. This By-law amends the indicated provisions of the License By-law.
2. Council inserts in section 2 of the License By-law, the following definitions in correct alphabetical order:

“Market” means offer for sale, promote, canvass, solicit, advertise, or facilitate Short Term Rental Accommodation, and includes placing, posting or erecting advertisements physically or online, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards, or online.

“Principal Residence Unit” means the usual dwelling unit where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.

“Short Term Rental Accommodation” means temporary accommodation in a dwelling unit, or in a bedroom or bedrooms in a dwelling unit, but does not include temporary accommodation in any Bed and Breakfast Accommodation or any Hotel.

“Short Term Rental Accommodation Operator” means a person who carries on the business of providing Short Term Rental Accommodation. ”

3. Council strikes out the definition of “Residential Rental Unit” and substitutes:

“Residential Rental Unit” includes a:

- (1) dwelling unit;
- (2) housekeeping unit which means a sleeping unit containing facilities for cooking; or
- (3) sleeping unit which means one or more rooms equipped to be used for sleeping and sitting purposes;

that a person rents, intends to rent, or customarily rents to a tenant, except for a unit in an apartment building, two-family dwelling, hotel, lodging house, rooming house, bed and breakfast, or short term rental accommodation.”

4. Council adds, as section 25.1 of the License By-law, the following:

“SHORT TERM RENTAL ACCOMMODATION

- 25.1 (1) No person shall carry on business as a Short Term Rental Accommodation Operator without having first obtained a licence to do so from the Chief Licence Inspector.
- (2) No person shall Market any Short Term Rental Accommodation unless they hold a license as a Short Term Rental Accommodation Operator for that Short Term Rental Accommodation.
- (3) No person shall carry on business as a Short Term Rental Accommodation Operator unless the Short Term Rental Accommodation being provided is the Principal Residence Unit of that person.
- (4) No person shall carry on business as a Short Term Rental Accommodation Operator in an accessory building, a vehicle or an unlawful dwelling unit.
- (5) No person may hold more than one licence as a Short Term Rental Accommodation Operator.
- (6) No corporation or society shall carry on the business of a Short Term Rental Accommodation Operator.
- (7) Before applying for a business licence, a Short Term Rental Accommodation Operator shall:
- (a) obtain strata council authorization if the Short Term Rental Accommodation is a strata lot;
 - (b) obtain authorization from the owner or landlord if the Short Term Rental Accommodation Operator is a tenant; and
 - (c) produce any such authorization to the Chief Licence Inspector if requested to do so.
- (8) A Short Term Rental Accommodation Operator shall not Market the Short Term Rental Accommodation they are licensed to provide without including their City of Vancouver business licence number in a conspicuous place in any medium or material used to Market the Short Term Rental Accommodation.
- (9) A Short Term Rental Accommodation Operator shall provide an emergency contact name and number to all guests.
- (10) A Short Term Rental Accommodation Operator shall:
- (a) post a fire safety plan by all entrances and exits to the Short Term Rental Accommodation;

- (b) have or install interconnected smoke alarms on each floor and in each bedroom of the Short Term Rental Accommodation;
 - (c) have or install an accessible fire extinguisher on each floor of the Short Term Rental Accommodation;
 - (d) have or install carbon monoxide detectors on each floor of the Short Term Rental Accommodation that contains one or more gas appliances.
 - (e) have all smoke alarms, fire extinguishers and carbon monoxide detectors in the dwelling unit inspected and tested annually, and keep a written record of such inspections and tests;
 - (f) maintain all smoke alarms, fire extinguishers and carbon monoxide detectors in the dwelling unit in working order; and
 - (g) produce inspection, testing and maintenance records to the Chief Licence Inspector or Fire Chief upon request.
- (11) A Short Term Rental Accommodation Operator shall not:
- (a) provide Short Term Rental Accommodation in a building that has more than three dwelling units, unless the building is equipped with a fire alarm system that is inspected and maintained annually;
 - (b) provide Short Term Rental Accommodation in a building that has more than ten occupants, unless the building is equipped with a fire alarm system that is inspected and maintained annually; and
 - (c) after January 1, 2023, provide Short Term Rental Accommodation in a dwelling unit that is attached to another dwelling unit, unless there is a fire separation with at least a 45 minute fire resistance rating, unless a higher resistance rating is required for the building type by the Building By-law or the Fire By-law, or an automated sprinkler system.
- (12) A Short Term Rental Accommodation Operator shall produce inspection, maintenance and construction records regarding the fire alarm system and fire separations, and any other records related to the business licence conditions of the Short Term Rental Accommodation to the Chief Licence Inspector or Fire Chief upon request.
- (13) A Short Term Rental Accommodation Operator shall give the Fire Chief or the Chief Licence Inspector, or any member of staff authorized by the Fire Chief or the Chief Licence Inspector, access to the Short Term Rental Accommodation at any reasonable hour.

5. Council inserts the following fees in Schedule A of the License By-law in correct alphabetical order:

"SHORT TERM RENTAL ACCOMMODATION OPERATOR	\$49.00 per annum"
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Severability

6. 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.

Force and effect

7. This By-law is to come into force and take effect on the date of its enactment, except that section 25.1(11) (c) shall come into force and take effect on January 1, 2023.

ENACTED by Council this day of , 2018

Mayor

City Clerk

EXPLANATION

A By-law Amending Ticket Offences By-law No. 9360 Regarding Short-Term Rental Accommodation

At a Regular Council Meeting on November 14, 2017, Council approved amendments to the Ticket Offences By-law to enable enforcement of License By-law regulations related to short-term rental accommodation. Enactment of the attached By-law will accomplish Council's resolution.

Director of Legal Services
April 18, 2018

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BY-LAW NO. _____

**A By-law to amend Ticket Offences By-law No. 9360
Regarding Short Term Rental Accommodation**

The Council of the City of Vancouver, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of By-law No. 9360.
2. Council strikes out Table 3 and substitutes the Table 3 attached hereto as Schedule 1.
3. 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.
4. This By-law is to come into force and take effect upon enactment.

ENACTED by Council this _____ day of _____, 2018

Mayor

City Clerk

Schedule 1

Table 3
License By-law

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Chief License Inspector	No business license	Section 3(1)	\$1000.00
	Failure to comply with license conditions	Section 30(2)	\$1000.00
	Market without license	Section 25.1(2)	\$1000.00