



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY	Policy No	POL – 1702
Title	Temporary Use Permits for Short Term Rentals		
Author	CAO	Reviewed By:	
Date	June 20, 2017	Version	10

### **Purpose**

The purpose of this Policy is to provide guidance for staff, elected officials and property owners regarding applications for Temporary Use Permits (TUPs) for Short Term Rentals (STRs).

Council has seen fit to regulate STRs in order to sustain the character of Lions Bay's residential zones, to reduce nuisance from noise, parking and other aspects arising from the existence of STRs, to regulate utility usage, and to be able to influence the amount of short-term vs. long-term rental accommodation available in the community.

Zoning and Development Bylaw No. 520, 2017 (the Zoning Bylaw) prohibits STRs in all zones except where authorized under a TUP. Council has delegated the authority to grant TUPs in accordance with this policy to the Chief Administrative Officer (CAO).

### **Definitions**

Dwelling Unit has the same meaning as in the Zoning Bylaw.

Secondary Suite has the same meaning as in the Zoning Bylaw.

Short Term Rentals (STRs) has the same meaning as in the Zoning Bylaw.

Temporary Use Permits (TUPs) has the same meaning as in Division 8 of the *Local Government Act*.

### **Policy**

1. TUPs for STRs shall not be granted in respect of:
  - a. houseboats,
  - b. Secondary Suites, or
  - c. premises which contain a child home care business or are located within 50 metres of a school or daycare.



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2. Without limiting the generality hereof, the TUP application form will specify a pre-inspection checklist for STRs to assist applicants in meeting the requirements. An application for a TUP must be submitted by the property owner (the “Owner”), along with a state of title certificate, and stipulate whether the Owner will be living on the applicable parcel during the STRs. Application fees are in accordance with Fees Bylaw No. 497, 2016, as amended.
3. Preference in granting TUPs will be given to Owners living on site and in Lions Bay. If the Owner does not live on site or within Lions Bay, they must employ an agent within Lions Bay to manage the STR. Twenty-four-hour per day contact information for the Owner and, if applicable, the agent, must be provided to the Municipality and all neighbouring residents within 50 metres of the property (“Neighbours”). The Owner or agent must be capable of responding to complaints made by Neighbours within one (1) hour, and by the Municipality within 24 hours. A report of the complaint and action taken shall be filed with the Municipality by the Owner or agent within 48 hours of such action.
4. The number of STR guests at any one time shall not exceed 8 on any parcel, unless the entire principal residence is rented to one party, in which case the number of STR guests at any one time shall not exceed 10.
5. All parking for STRs must be provided on the property. The number of guest vehicles shall not exceed the number of guest vehicle parking spaces on the parcel, having regard to any parking spaces required for the Owner and/or Secondary Suite tenants. In Permit Parking zones, Owners may not rely on street parking to achieve the requisite count of parking spaces.
6. Web listings for STRs shall specify the maximum number of guests and guest vehicles.
7. No more than one Dwelling Unit per parcel may be granted a TUP for STRs.
8. Premises subject to a TUP application for STRs may be inspected by the Municipality for compliance with the BC Building Code, the Lions Bay Building Bylaw and other applicable bylaws, in relation to the use intended under the application.
9. The CAO must determine if the subject property is within a Natural Hazard Assessment Area, as defined in the Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, as amended (the “OCP”). Without limiting section 17 of this Policy *[general*



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*indemnity*] if an applicant's property is within a Natural Hazard Assessment Area, the Municipality shall require, as a condition of issuing the TUP, that the Owner:

- (a) provide the Municipality with a release from and an indemnity against claims resulting from a natural hazard, in a form acceptable to the Municipality;
- (b) advise all prospective tenants in writing in advance, in a manner satisfactory to the Municipality, of the potential natural hazards and refer them to the Municipality's website for further information.

10. Decisions regarding the granting of TUPs for STRs may take into consideration the following:
- a. safety considerations identified regarding the applicable premises;
  - b. the ability of water supply, central sewage in the case of parcels so serviced and onsite wastewater disposal systems to handle the use, the proximity to and potential impacts on ecosystems;
  - c. the proximity to and impact on public rights-of-way, beaches, parks and other public use areas;
  - d. the size of
    - i. the dwelling unit;
    - ii. the parcel; andthe location of the dwelling unit on the parcel in relation to neighbouring properties;
  - e. the impact of vehicles coming and going to and parking upon the property;
  - f. the intended form of management of the STRs;
  - g. previous history of complaints regarding STRs at the property;
  - h. potential impacts upon the neighbourhood;
  - i. responses to the application received from Neighbours;
  - j. the number of TUPs already issued for STRs in the neighbourhood and in Lions Bay overall;
  - k. compliance with the Municipality's Secondary Suite regulations.
11. The CAO may require the Owner to provide a report from an authorized person under the Sewerage System Regulation to confirm that a septic disposal system is capable of handling the anticipated uses related to a TUP.
12. All TUPs shall specify quiet times between the hours of 10 pm and 8 am seven days per week and restrict the use of outdoor areas accordingly.
13. No signs indicating the STR use are permitted on or off the property.



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14. STR applications for strata units must be supported by a resolution from the strata council.
15. Security in the form of cash deposit, bond, irrevocable letter of credit or similar instrument in the amount of \$2,500 is required in conjunction with the issuance of a TUP for STRs. This security may be drawn upon by the Municipality for:
  - a. any Bylaw Notices issued under Bylaw Notice Enforcement Bylaw No. 385, as amended;
  - b. any judgements obtained or legal expenses incurred in pursuit of remedies in BC Provincial or Supreme Court;
  - c. any of the grounds permitted under section 502 of the *Local Government Act*.

If drawn upon by the Municipality, this security shall be replenished by the Owner within 30 days.

16. Owners must provide proof of insurance for the use intended, including a Broad form commercial general liability policy for a limit of not less than five million (\$5,000,000.00) dollars per occurrence with respect to third party liability claims for bodily injury, property damage, personal injury, or death with a specific rider acknowledging the use of all or part of the property as an STR, and showing the Village as an Additional Named Insured. Such insurance must stay in force and not be amended, cancelled or allowed to lapse during the term of the TUP.
17. Owners must execute the Indemnification Agreement prepared by the Municipality as a condition of being granted a TUP.
18. The term of the first TUP issued in respect of a property shall be no longer than 1 year. Within 60 days before the expiry of the term of a TUP, the Owner may apply for a 1 year renewal term. Any subsequent use of the property for STRs beyond the original or the renewal term shall be prohibited unless the Owner applies for and receives a new TUP. After the first two years, an Owner may apply for a TUP for up to 3 years, which may be renewed for an additional 3 years subject to this policy.
19. A decision of the CAO under this policy may be reconsidered by Council if, within 30 days of the CAO's decision being conveyed to the Owner in writing via email, the Owner requests a



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reconsideration in accordance with section 35 (5) of Council Procedures Bylaw No. 476, 2015, as amended.

20. The onus is on Owners to apply for TUPs; staff will follow the Municipality's enforcement policy and seek compliance as the primary objective.
21. Owners who do not have a valid TUP may be given a one week grace period to apply but shall not market their property or accept any new bookings unless and until their application has been approved.
22. The Municipality will take reasonable steps to investigate and evaluate contraventions of this Policy and of TUP conditions on a complaint basis.

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Mayor

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Corporate Officer

Adopted by Council:	July 4, 2017
Updated:	July 3, 2018
Updated:	July 17, 2018