



DEVELOPMENT APPLICATION DECISION

TYPE: Temporary Use Permit (TUP) for Short Term Rentals (STRs)

FILE NO: 3080-20-07

APPLICANT: Riley and Jason Darr

PROPERTY: 190 Mountain Drive

APPLICATION APPROVED: Yes

REASONS: The applicants submitted their application in January, 2022. Documentation was received and in due course reviewed. The Building Inspector attended for the requisite inspection and determined that pickets needed to be installed on an exterior railing. This was done and the property passed the re-inspection. The owners put up their application signage and public notice was published and also delivered to properties within 50 metres of the applicants' property, as required by the *Local Government Act* and Village of Lions Bay Development Application Procedures and Fees Bylaw No. 431, 2011, as amended.

Correspondence was received from six residents in respect of the application; two were from immediate neighbours who had spoken with the applicants about their plans and provided support for the applicants; a third supporting letter was received from the Lions Bay resident who has agreed to be their 24 hour per day – 7 day per week contact person in the event guests or neighbours need to get hold of someone to deal with any issues. The three remaining responses all asked questions about process and safeguards regarding short term rentals including:

- Number of rentals permitted during the term of the permit
- Whether the permit is transferrable in the event of sale of property
- Name of contact person in case of complaint/issue
- What oversight does Village have once they receive permit
- Concerns regarding the amount of time provided for notice
- Concerns regarding potential issues from renting whole house to up to 10 guests
- Concerns Lions Bay will be seen as a haven for short term rentals

As set out in the cover letter submitted by the applicants, they live in their home full-time with their children and are looking forward to taking some time off with the kids periodically to go camping locally, or travel to the Okanagan or Vancouver Island. Their own experiences enjoying family rentals of other properties are what they say they are looking to replicate with their own

home; renting to other families like them and taking steps to safeguard against undesirable renters by ensuring any booking platform they use will require them to review and approve the rental (i.e. no auto booking). While there is no specific limit to the number of rentals permitted during the term of a permit, their stated rationale is to recoup some of the expenses they have invested in what they describe as their 'forever home' through occasional rental opportunities.

I note that the issue of whether or not to allow short term rentals was thoroughly debated at the time of the public consultations on the introduction of Zoning and Development Bylaw No. 520, 2017. At that time, it was recognized that there were a number of short-term rentals going on in the Village and arguments were vetted on both sides of the matter with strong support for a regulated short term rental environment, along with promotion of secondary suites. This resulted in Council making the policy decision to allow short term rentals under the new Zoning Bylaw in accordance with the requirements of Policy No. 1702, including delegation of decision making to the CAO, while also promoting the inspection and registration of secondary suites to address the need for long term rentals too. The introduction of Policy No. 1702 states in part:

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.

As one reads through each paragraph of Policy 1702, it is clear that the interests of owners, guests, neighbours and the Municipality itself has been addressed in various ways. In the case of this particular application where the owners will not be on site during rentals, there will be a contact person available 24/7 to deal with any complaints or other issues with guests and the same people who received notice of this application in the mail will receive that person's name and phone number. Noise complaints are not exclusive to guests and are generally received by the Municipality in respect of residents; however, any complaints received in respect of rentals at the applicants' property will be investigated and, if warranted, tickets will be issued and recorded against the property file.

The applicant's parking plan is in accordance with the requirements of the Policy and there is plenty of space to accommodate vehicles on the property so that there will be no anticipated effects in respect of on-street parking. There are no issues with water supply or septage issues that could affect this application. If there are any outdoor water use restrictions in force during a period of rental, there are large signs indicating the restriction level and outdoor water use by renters is not expected to be an issue. There is no history of prior complaints regarding noise or any bylaw infractions at this property and there is no anticipated impact upon the

neighbourhood if this application is granted. Permits are not transferrable in the event of a sale and there are currently no other TUPs in this neighbourhood.

In addition to a \$2,500.00 deposit for security against bylaw contraventions, first time applications are only eligible for a one year TUP and a one year renewal before the Municipality will entertain a renewal application for a period of up to three years. This provides further checks and balances to see to it that applicants for short term rentals are responsible and ensure guests comply with Municipal bylaws. If they don't, then there is little likelihood of getting any renewals of the TUP.

Regulation of a previously unregulated activity was judged by Council to be preferable to a blanket prohibition and the difficulty of and resources required to enforce such a blanket prohibition. Council determined that controlled short term rentals had a place in the fabric of the community provided that property owners wishing to avail themselves of the opportunity to legitimize such uses would have to follow the requirements established by the Municipality.

I have carefully considered this application, the feedback provided by residents and the matters set out in section 10 of Policy No. 1702 and I approve the application for a one-year term, subject to submission of the requisite fees and documents to complete the process.



Peter DeJong, CAO, Village of Lions Bay

March 28, 2022

Date