
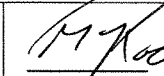


COUNCIL AGENDA/INFORMATION

<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>July 6, 09</u>	Item # <u>5</u>
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

 Director	 CAO
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DISTRICT OF WEST VANCOUVER

750 – 17TH STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Date: June 25, 2009 File: 1605-01
From: E.S. (Liz) Holitzki, Manager of Permits, Inspections and Bylaws
Subject: **2010 Winter Games - Temporary Residential Accommodation**

RECOMMENDED THAT:

1. Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4611, 2009 be introduced and read a first, second and third time.
2. The intentions of Business Licence Bylaw No. 4455, 2005, Amendment Bylaw No. 4611, 2009 be posted and advertised in accordance with section 59 of the *Community Charter*.
3. Council approve an Order of Non-Enforcement of PART1 Division 2 – Definitions – LODGER – to remove the requirement of “securing residential accommodation of more than 29 consecutive days” for “temporary accommodation” during the “Games Period” as defined in Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4611, 2009.

Purpose

The purpose of this report is to bring forward Business Licence Bylaw 4455, 2005 Amendment Bylaw No. 4611, 2009 (Appendix 1) and to secure from Council an Order of Non-Enforcement of a portion of the Zoning Bylaw to permit the rental of temporary residential accommodation during the 2010 Winter Games.

1.0 Background

1.1 Prior Resolutions

Staff provided Council with a report dated May 14, 2009 (Appendix 2) on this matter at the June 1, 2009 Council meeting outlining the proposal of amending the Business Licence Bylaw and the possibility of an Order of Non Enforcement of the Zoning Bylaw to allow for temporary accommodation for the 2010 Winter Olympics. Council passed the following resolutions:

MOVED by Lewis, seconded by Evison:

THAT

Date: June 25, 2009
From: E.S. (Liz) Holitzki, Manager Of Permits, Inspections
And Bylaws
Subject: **2010 Winter Games - Temporary Residential
Accommodation**

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1. Council receive the report titled 2010 Winter Games - Non-Enforcement of Zoning Bylaw Regulations for Temporary Residential Accommodation for consideration.
2. Council provide staff with direction to prepare the necessary Bylaw amendments to the Business Licence Bylaw No. 4455, 2005 to provide for temporary accommodation in residential zones.
3. Council provide staff with direction to prepare a report recommending an Order of Non-enforcement of Zoning Bylaw No. 2200, 1968, section 110, amending the definition of "Lodger" to permit stays of less than 29 days.

Discussion ensued regarding the purpose and duration of the exemption, public health and safety and the protection and security of lodgers.

The question was called on the motion.

CARRIED

2.0 Analysis

2.1 Discussion

In general terms, the principles behind staff's recommendations to create Bylaw amendments and request an Order of Non Enforcement to allow for temporary rental accommodation for the 2010 Winter Games are:

1. to facilitate, accommodate and secure the unique experience of the 2010, participants, visitors and all others engaged with the 2010 Winter Winter games for residents Games;
2. create a fair and reasonable balance between those aims and the rights and privileges which residents of the District customarily enjoy; and
3. protect existing tenants from unfair displacement.

As set out in the previous report, the total demand for the 2010 Games accommodation remains uncertain, the total number of ticketed spectators is estimated to be in the range of 350,000 people. Of those, approximately 60% are expected to come from outside the lower mainland. There are additional unknowns such as the number of persons in each party or the length of stay for each party. In addition to the ticketed spectators we can expect additional accommodation requirements from people working for the Olympics in the numerous venues as well as the additional relatives and supporters that will be arriving requiring accommodation. West Vancouver has virtually no traditional tourist accommodations available. The expectation is that the traditional accommodation supply in other jurisdictions will not meet the total demand for accommodation.

Date: June 25, 2009
From: E.S. (Liz) Holitzki, Manager Of Permits, Inspections
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The District's Zoning Bylaw provides for a maximum of two (2) lodgers only in a single family dwelling and the lodgers must continue this accommodation for more than twenty-nine (29) consecutive days. Staff believes that this proposed program represents a viable option to assist in providing additional rental accommodation to visitors attending the 2010 Winter Games while ensuring these accommodations will be monitored in such a way that there be provisions for the protection of existing tenants rights as well as the assurance of safety concerns for occupants and neighbouring property owners.

The recommendations will permit owners or occupiers of single family dwellings to either rent out the entire dwelling to accommodate persons attending the Winter Games or to rent out up to two bedrooms in the dwelling unit. If the option is to rent out bedrooms only, then the restrictions placed on this use would be that no cooking facilities be provided and that no more than two occupants per bedroom be permitted. In either situation, the provision of off-street parking would be mandatory to prevent parking congestion on the streets surrounding these temporary uses. Anyone wishing to rent out their dwelling unit or bedroom(s) in the dwelling unit would be required to hold a valid business licence and Bylaw Services and the Fire Inspectors would ensure basic safety issues are adhered to and parking and noise issues would not pose problems in the surround area. The recommended Business Licence fee is \$150.00 for the duration of the licence period which is January 1, 2010 to March 31, 2010 to cover both the Olympics and Paralympics.

2.2 Financial Implications

The fees generated from the recommended Business Licence fees is anticipated to cover the costs of inspections and enforcement of this program.

3.0 Options

3.1 Request additional information.

3.2 Council not allow for Temporary Accommodation for 2010 Winter Games.

Author: _____

Concurrence
(optional) _____

Appendices:

1. Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4611, 2009
2. Copy of Report to Council dated May 14, 2009 from Manager of Permits, Inspections and Bylaws – 2010 Winter Games – Non-Enforcement of Zoning Bylaw Regulations for Temporary Residential Accommodation

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District of West Vancouver

**Business Licence Bylaw No. 4455, 2005
Amendment Bylaw No. 4611, 2009**

Effective Date – [Date]

District of West Vancouver

**Business Licence Bylaw No. 4455, 2005
Amendment Bylaw No. 4611, 2009**

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District of West Vancouver

Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4611, 2009

A bylaw to provide for the granting of business licences, to fix and impose licence fees and to regulate certain businesses in the District of West Vancouver.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for business licencing and to regulate the operation of businesses in the District;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4611, 2009.

Part 2 Definitions

- 2.1 In this bylaw:

"Cooking Facilities" means equipment, devices or appliances that can be utilized to prepare a meal within a *dwelling unit* and includes a sink, counter-top, gas or electric range or stove, counter-top cooking unit, hot plate, wall oven microwave oven, convection oven, toaster oven, electric frying pan, electric wok, pressure cooker, crock pot, cabinet for the storage of food or any other such culinary facility or any combination of such culinary facilities and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facilities;

"Dwelling Unit" has the meaning ascribed to it by PART 1 Division 2 of Zoning Bylaw No. 2200, 1968;

"Games Period" means that period of time from January 1, 2010 to March 31, 2010;

“Temporary Accommodation” means temporary bedroom accommodation and temporary dwelling unit accommodation;

“Temporary Bedroom Accommodation” means the use of no more than two bedrooms in a dwelling unit for the purpose of accommodating no more than two guests per bedroom in connection to the **Games Period** in return for rent or other consideration;

“Temporary Dwelling Unit Accommodation” means the use of a dwelling unit for the purpose of accommodating:

- (a) One or more guests all related to one another by blood, marriage, or adoption, or
- (b) No more than eight (8) unrelated guests,

“Temporary Dwelling Unit ” means the rental of single bedrooms without cooking facilities or single family dwellings including apartments and condominiums, for the **Games Period**.

Part 3 Amendments

3.1 Section 5.2.1 of Business Licence Bylaw No. 4455, 2005 is amended by adding the following sections:

- (a) Council hereby establishes the provision, during the Games Period, of Temporary Accommodation as a class of business with a licence fee of \$150.00.

3.2 Section 5.4 of Business Licence Bylaw No. 4455, 2005 is amended by adding the following section:

5.4.4 Despite section 5.4.1 the validity of a Licence for Temporary Accommodation shall not exceed the Games Period.

3.3 Part 7 Specific Regulations of Business Licence Bylaw No. 4455, 2005 is amended by adding the following section:

7.7 Temporary Accommodation

7.7.1 A person carrying on the business of Temporary Accommodation must:

- (a) Reside in the dwelling in which the Temporary Bedroom Accommodation is operated; and
- (b) Not provide Cooking Facilities in a Temporary Bedroom Accommodation; and
- (c) Not provide Temporary Accommodation coincidentally with the keeping of any boarders or lodgers in the dwelling unit; and
- (d) Not provide Temporary Accommodation that a tenant under the Residential Tenancy Act or a boarder or lodger has occupied after August 1, 2009; and
- (e) Provide off-street parking for all vehicles related to Temporary Accommodation occupancies; and.
- (f) Not cause, allow or permit a noise or sound to emanate from the premises that disturbs, or is likely to disturb, the enjoyment, comfort or convenience of an individual or the public.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

Notice given under section 59 of the Community Charter on
_____, 2009 and _____, 2009

ADOPTED by the Council on [Date].

Mayor

Municipal Clerk

COUNCIL AGENDA/INFORMATION			
<input type="checkbox"/> Closed	Date: _____	Item # _____	
<input checked="" type="checkbox"/> Reg. Council	Date: <u>June 1, 09</u>	Item # <u>7</u>	
<input type="checkbox"/> Supplemental	Date: _____	Item # _____	

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DISTRICT OF WEST VANCOUVER
750 - 17TH STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Date: May 14, 2009 File: 1605-01
 From: E.S. (Liz) Holitzki, Manager of Permits, Inspections and Bylaws
 Subject: **2010 Winter Games - Non-Enforcement of Zoning Bylaw Regulations for Temporary Residential Accommodation**

RECOMMENDED THAT:

1. Council receive the report titled 2010 Winter Games - Non-Enforcement of Zoning Bylaw Regulations for Temporary Residential Accommodation for consideration.
2. Council provide staff with direction to prepare the necessary Bylaw amendments to the Business Licence Bylaw No. 4545, 2005 to provide for temporary accommodation in residential zones.
3. Council provide staff with direction to prepare a report recommending an Order of Non-enforcement of Zoning Bylaw No. 2200, 1068, section 110, amending the definition of "Lodger" to permit stays of less than 29 days.

Purpose

The purpose of this report is to seek Council Direction to relax the zoning Bylaw requirements to allow property owners to rent out their dwelling units or up to 2 bedrooms within their dwelling units (temporary accommodations), from January 1, 2010 to March 31, 2010. It also recommends measures for the District to assist in protecting long term renters from the likelihood of owners evicting them to make way for visitors or workers needing temporary accommodation during the Winter Games.

1.0 Background

1.1 History

Over the past 6 months staff has received numerous inquiries from residents and companies representing residents regarding approval requirements allowing them to rent their properties during the 2010 Winter Games. The requests range from the rental of single bedrooms in single family dwellings to the rental of entire dwelling units or condominiums/apartments. There has also been limited interest in the potential for new Bed and Breakfast operations.

Date: May 14, 2009
From: E.S. (Liz) Holitzki, Manager Of Permits, Inspections
And Bylaws
Subject: **2010 Winter Games - Non-Enforcement of Zoning
Bylaw Regulations for Temporary Residential
Accommodation**

2.0 Policy

2.1 Policy

During "Expo 86" Council passed an Order of Non-Enforcement with respect to temporary residential accommodation in general. Years later, the residual effect of this non-enforcement was a significant number of unauthorized Bed and Breakfast businesses still operating in the District. In January 1999, after significant public input, the Zoning Bylaw was amended to specifically prohibit Bed and Breakfast operations; however there were a number of existing small operations utilizing 2 or fewer bedrooms that were considered "legally established existing non-conforming uses". These operations were allowed to continue provided they obtained the required business licences and met health and safety requirements. Fourteen applications for licencing were received and processed. Over the past ten years, the number of licenced Bed and Breakfast operations has decreased to five.

2.2 Bylaw

Zoning Bylaw 2200, 1968

Section 130.02 of the current Zoning Bylaw provides specific regulations for Bed and Breakfast operations for the control of the existing operations. The bylaw does not permit the development of new operations and therefore a Zoning Bylaw amendment (Re-zone) specific to an individual property for that use is required for any new applications.

Section 130.05 of the Zoning Bylaw sets out regulations for In-Law suites which are secondary dwelling units contained within single family and two family dwelling units, that are occupied by family members of the property owner. Specific regulations and conditions are established for this use and occupancy and these suites are registered with the District and require an annual permit. Currently there are 93 In-Law suite permits issued for 2009. In-Law suites are permitted in single family and two family dwelling zones.

The definition of "lodger" can be found in section 110 of the Bylaw. A maximum of two (2) lodgers are permitted in single and two family dwellings provided there are no separate cooking facilities and the occupant rents the accommodation for more than 29 consecutive days.

Business Licence Bylaw No. 4545, 2005

Business Licence Bylaw 4545, 2004 requires licencing of room rentals in apartments, hotels and motels however it does not require the licencing of single family and two

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family dwelling units for rentals. This licencing requirements is based upon commercial facilities such as hotels or motels or long term rental facilities such as apartments and condominiums.

3.0 Analysis

3.1 Discussion

The 2010 Winter Olympic and Paralympics Games are less than a year away and concern is increasing that traditional forms of accommodation – hotels, motels and Bed and Breakfasts will not be sufficient to meet the demand by Games spectators, visitors and workers that include media, volunteers, staff and contractors. West Vancouver does not have traditional tourist accommodation such as large hotels or motels and are very limited in Bed and Breakfast operations. While the total demand for 2010 Games accommodation remains uncertain, the total number of ticketed spectators is estimated to be in the range of 350,000 people. Of those, approximately 60% are expected to come from outside the lower mainland. There are additional unknowns such as the number of people in each party or the length of stay for each party. The expectation is that traditional accommodation supply will not meet the total demand for accommodation.

The inquiries staff have received to-date include people whose homes or condominiums will be vacant during the Games and who wish to rent them out to visitors or Olympic workforce and those who want to rent out individual bedrooms. These are all potentially good sources of alternate accommodation. However, under the current Zoning Bylaw provisions rentals of portions of dwelling units such as individual bedrooms within houses, condominiums and apartments are prohibited for periods of less than 29 days. Staff is recommending consideration of this type of temporary accommodation provisions specific to the 2010 Games period.

Proposal for Temporary Residential Accommodation – 2010 Winter Games

Renting Single Bedrooms

The renting of up to a maximum of two single bedrooms, if there are a total maximum of four guests, where the operator resides in the dwelling unit, and there are no current boarders or lodgers occupying the dwelling unit. The dwelling unit itself cannot contain an unauthorized dwelling unit and must have occupancy approval.

The restriction on no more than two guests in one bedroom minimizes neighbourhood impacts.

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Accommodation**

Renting a Dwelling Unit

A dwelling unit rented on a nightly basis would be permissible only for related individuals or a maximum of eight unrelated people.

The dwelling unit cannot contain an unauthorized dwelling unit, an in-law suite, boarders or lodgers and must have occupancy approval.

Owners wanting to rent a dwelling unit would have to obtain a business licence. The temporary dwelling unit cannot have been occupied by a tenant, boarder, or lodger after August 1, 2009. Staff will rely on lease agreements to verify whether an owner is attempting to displace a tenant specifically for the purpose of capitalizing on potential revenue to be gained during the Games.

Bed and Breakfast Operations

As previously stated in this report there are currently five (5) licenced Bed and Breakfast operations in the District and the Zoning Bylaw prohibits the creation of new operations without rezoning. The creation of a Bed and Breakfast versus the rental of existing bedrooms or dwelling units involves a greater financial investment. To only allow them for this short term rental accommodation program may not be feasible. The recommendations contained in this report are only intended to support temporary accommodation for the 2010 Winter Games and not for a long term rental accommodation strategy.

Unauthorized Secondary Suites

Staff recognize there are a significant number of unauthorized secondary suites in the District. This issue will be the subject of a separate staff report in June that will deal with a long range proposal on long term accommodation strategy. The recommendations in this report deal with the provision of temporary accommodation for the 2010 Winter Games only and staff are not recommending consideration of permitting unauthorized secondary suites in single or two family dwelling units as part of this accommodation strategy.

Implementing the Proposal for Temporary Residential Accommodation

Owners wanting to rent the dwelling units or portions thereof, will be required to obtain a business licence. The licence fee is recommended to be set at \$150.00 which is intended to cover the administrative costs of processing a temporary dwelling unit rental license application. An Order of Non-Enforcement will be required to be passed by Council to relax the requirements of the 29 consecutive length of stay in the Zoning Bylaw. Amendments to the Business Licence Bylaw will be required to provide for a category, fee structure and regulations for this business use. The proposed regulations will include issues such as safety, parking and noise control requirements.

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Monitoring and Enforcement

To ensure compliance with the requirements of the proposed program, the Bylaw Services department will proactively monitor and enforce the proposed bylaw requirements. Leading up to the Games, the Bylaw department will monitor internet sites and other forms of advertising and inform owners of the District's regulations for the provision of temporary accommodation. During the Games, Bylaw Officers will respond to resident complaints as well as tenants for non-compliance with the proposed regulations.

Staff Implications:

The proposed bylaw regulations will require both administrative and enforcement resources. Depending upon the volume of applications received temporary staff may be required to assist in this program. Any additional associated costs would be absorbed by the required licencing fees.

3.2 Financial Implications

The recommended licence fee will be set at \$150.00 and staff estimate between 200 and 300 applications for temporary dwelling unit accommodation.

3.3 Consultation

Discussion have taken place with Fire Department staff to ensure public safety needs are met.

Conclusion

It is important that sufficient temporary accommodation be available during the Games. The proposed temporary accommodation bylaw will help meet some of the demand by allowing the District to licence and regulate daily rentals of residential properties to ensure public safety. West Vancouver residents who wish to provide this type of accommodation will be provided with specific guidelines and regulations and in turn neighbouring property owners will be provided with some protection with respect to noise and parking issues as specific requirements will be part of the licencing requirements. Existing tenants will be provided some protection against being evicted specifically during the duration of the Games by not issuing licences if the units have been occupied by tenants after August 1, 2009 if our bylaws are amended accordingly.

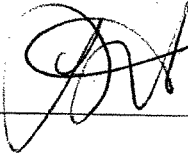
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4.0 Options

- 4.1 Request additional information.
- 4.2 Council not allow for additional temporary residential accommodation.

Author:



Concurrence
(optional)
