

## Question and Answer

### What is the timeline for when the short term rental regulatory framework will be finalized?

The timeframe for this project is tentative. Our goal is to have a short term rental licencing program by April 2022.

### Will there be a requirement for additional parking for short term rentals?

The current draft approach does not include additional parking requirements for short term rentals. However, Council has the option to add parking requirements to the draft bylaw. If there is such a requirement, a parking plan could be required as part of the application for a short term rental licence to show on-site parking.

### Will short term rentals be audited for sufficient parking?

This is not part of the current draft approach, as there are no additional parking requirements. Council has the option to add such requirements (e.g. to require an on-site parking plan or to require additional parking spaces).

### How much are the licencing fees going to be?

Such details of the licencing program are not yet solidified but initial budget estimates are based on a licencing fee of \$500.

### What are the average prices for licences in the south Okanagan?

A comparison to short term licencing fees in other municipalities are provided below.

Jurisdiction	Licence Fee	Notes
City of Kelowna	\$345-\$750	Principal Residence- \$345 ; Non-principal Residence- \$750
West Kelowna	\$500	In addition: One-time fee of \$250
Town of Oliver	\$200	
City of Penticton	\$185-\$410	Less than 30 days/year & Principal Resident: \$185; Non-resident owner & more than 30 days/year: \$255; High Occupancy (more than 6 guests): \$410
District of Squamish	\$50-\$900	
City of Nelson	\$160-\$1604	
Resort Municipality of Whistler	\$190 plus \$25 per guest unit	

### What would be the process for allowing a higher occupancy than 6 people?

The details of this have not been solidified or included in the initial framework. The City of Penticton has a process where immediate neighbours are notified and given 30 days to oppose a higher occupancy short term rental. If 40% of neighbours are opposed to the high occupancy short term rental, the applicant can reduce the occupancy to 6 people or appeal to Council.

There are other options for public consultation like a development variance permit to increase the maximum occupancy.

**Does a maximum occupancy of 6 include children/infants?**

The draft approach is for 6 guests total and would include guests of any age. This can be adults, children, and/or infants.

**Will the exterior appearance be taken into consideration?**

The draft approach does not include any requirements about the exterior appearance of a short term rental specifically. Only matters of health and safety are to be considered during an inspection.

**Will the licence and owner contact information be visible from the street so neighbours can contact the owner with issues (like after hours noise)?**

This question was put in the public survey and will be included if there is a strong level of support for such conditions. If this licence condition was included, this would follow what the City of Penticton requires. Penticton issues a decal to be publicly posted and visible from the street so neighbours know that a short term rental has been licenced.

**Will there be a limit on how many vehicles are allowed?**

There is no limit on how many vehicles would be allowed.

**Does the District know where all the short term rentals are located and will the District be contacting them for compliance?**

The District does not have the ability currently to locate short term rentals easily. We know that short term rentals are being operated within the District and have seen listings on online booking platforms like Airbnb, VRBO, Kijiji, and others. However, most online ads do not include an address so they are difficult to locate.

The District is looking to obtain compliance services that will make address identification easier and would include a streamlined way of sending compliance letters. It is a goal of part of this process to bring short term rentals into compliance with any licencing or zoning requirements put in place.

**Will there be an inspection fee?**

Such details of the licencing program are not yet solidified.

**Will hiring additional staff be part of the proposal (additional bylaw officers, for example)?**

The budget approval process for additional staff is a separate process than this review. There is an anticipated need for additional administrative staff within the Development Services Department and, if

a new position was created, this staff member would be able to assist with licencing administration and support the bylaw enforcement officer on short term rental licencing/compliance letters.

**Other municipalities require a 2-hour response 24/7, 365/year. Will this be part of the licence agreement?**

This question was put in the public survey and will be included if there is a strong level of support for such conditions.

**Will the District have enough time to do health and safety inspections for all the short term rentals before the tourist season next year?**

This will depend on how the short term rental policy review progresses and when the licencing program is implemented. We are hopeful that we will be able to put a licencing program in place by April 2022 and allow for time for health and safety inspections before the busy tourist season.

**Why did you start with Penticton for a model?**

There is no “magic bullet” solution as each community has come up with their own system based on their own guiding principles and resources. The purpose of the short term rental review is to come up with a system that works with the resources we have available. The Penticton model was a local example of a system that was relatively straight forward and presented a good starting point, as it doesn’t include a lot of complex regulations. The focus is on allowing short term rentals to operate in a safe and respectful manner.

**How did Summerland get to have so many short term rentals if they aren’t allowed?**

The emergence of short term rentals is a global phenomenon. Online booking platforms have made it much easier for more people to connect with the short term rental market and they are gaining in popularity as people become more accustomed to them. Not just in Summerland but in the entire Okanagan and throughout the world.

Short term rentals are difficult to regulate as it is a use that occurs within an existing building so there isn’t always a trigger like a building permit that would alert the District to the change of use. Also, it is difficult and time consuming to try to link advertising online through booking platforms to a specific address. So, we don’t necessarily know if or where a short term rental is operating unless we receive a complaint.

**Why aren’t current zoning laws being enforced?**

Active enforcement of short term rental use is a large undertaking and will require more resources than what is currently available. To have an effective program, we will need to be able to identify the addresses of online listings and be able to have capacity to follow up on such advertising.

In respect to short term rentals specifically, Bylaw enforcement staff has been directed to not actively enforce violations while this review is being undertaken. Violations of the good neighbour bylaw are still being enforced for vacation rentals on a complaint basis.

**How do you expect to fund enforcement?**

Bylaw enforcement is a key to the success of any short term rental program.

It is possible to recover the costs of servicing through licencing fees. Cost recovery ultimately depends on how much revenue is generated through such fees.

Allowing and licencing short term rentals presents an opportunity to recover costs and fund additional resources needed through licencing fees. Currently, short term rentals are not allowed (and therefore not licenced).

### **What authority will be delegated to the enforcement agents?**

Our bylaw enforcement officers have the authority to enforce any of the District's bylaws. Part of this review process will need to specify offences that would violate the bylaws. Most likely this would be advertising or operating a short term rental without a licence or violating a good neighbour agreement. There would also be penalties for each offence.

### **How timely will response be to unruly noise complaints?**

Response times will vary on many factors, including time of day, property location and availability of staff. Complaints during business hours will be handled by our bylaw enforcement officer. Right now, bylaw complaints after hours are directed to the RCMP.

Moving forward, response times will depend on what mechanisms are put in place.

Some options for improving the response time would be to obtain a 24/7 hotline service for receiving and handling complaints. Another option would be to provide direct contact information of the operator so that neighbours can try to resolve the issue directly with the property owner.

As a deterrent, the proposed bylaw could identify lack of response to offences as a reason to revoke or cancel a licence. This would, over time, shut down any "problem rentals".

As a further deterrent, nuisance abatement fees for ongoing attendances to properties for repeat call (over 3 attendances) could be applied under the Good Neighbour Bylaw. This would add an additional \$250 charge on top of any penalties or fines.

### **Why would you think neighbours need to know contact details?**

Having contact details available is a way for neighbours to be able to contact the property owner directly should any problems arise. Often, the property owner can respond to complaints faster than through a complaint process, as they have direct contact details for their guests.

### **If renting or "loaning" to friends and family with no advertising, would it fall under the same requirements?**

A short term rental can be rented to anyone --a complete stranger, friends or relatives. A short term rental does not need to be advertised to be a short term rental but it does need to be rented out (money exchanged).

If you are letting a friend or family member use your house while you are away without financial gain, this is not a short term rental. However, if a short term rental is suspected rather than a "loan" to friends or family, the bylaw enforcement officer will investigate these complaints further.

### **What evidence is needed for someone to lose their licence for excessive partying?**

The details of this process will come later as the draft bylaw gets more fully developed. Excessive partying isn't a bylaw offence so this action would be controlled through noise violations under the Good Neighbour Bylaw. What we would want to do is create a system where there is a policy for such offences (or repeated offences) and a way to revoke or suspend a licence.

Evidence can be many things -a complaint form, photos, videos or police reports. It is important to know that if someone does provide evidence, they may be required to verify that evidence – either by attending a hearing or through affidavit.

**Is Council willing to take on the position of arbitrator when there are issues?**

This is a question that only Council can answer. If there is a business licence program in place, the bylaw enforcement officer can suspend a licence but there are limitations to their authority. Only Council has the authority to revoke a business licence so it is possible that Council would need to become involved when there are issues that would justify revoking a licence.

**Has the District thought about how it will track poor performers? Is their option of revoking a business licence if there are repeat complaints?**

Bylaw complaints are always tracked so this process would identify poor performers.

What we would want to do is try to quantify what is considered “poor performance” in advance so expectations are understood, violations are easier to document and standards can be applied in the same way to everyone. This could be setting a response time standard or an escalation policy.

These details will come later as a bylaw gets more fully developed but staff intends for there to be an option to suspend or revoke a business licence if an operator is not abiding by their Good Neighbour Agreement. The idea behind the Good Neighbour Agreement is for short term rental operators to acknowledge their responsibility under the Good Neighbour Bylaw and to raise awareness of the expectations that short term rental operators need to operate in a respectful manner.

**If there is a maximum occupancy of a short term rental, can guests still invite people over?**

Yes, the maximum occupancy is for the number of people that can sleep there and rent the short term rental as a group. There is no mechanism to keep these guests from inviting other people over, just like how there is no limit on having people over to your house.

Under the Good Neighbour Bylaw, no noise is permitted that disturbs the peace and quiet of an individual or the public so any people you have over, need to also abide by these rules. If a large group is making too much noise, this can be reported as a bylaw violation.