

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2021-OCT-21, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor T. Brown, Acting Mayor
Councillor S. D. Armstrong
Councillor D. Bonner (joined electronically)
Councillor B. Geselbracht (joined electronically 7:02 p.m.)
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley

Staff: D. Lindsay, General Manager, Development Services
J. Holm, Director, Development Approvals
L. Bhopalsingh, Manager, Community Planning
L. Rowett, Manager, Current Planning
S. Robinson, Planning Assistant
D. Stewart, Social Planner
S. Snelgrove, Deputy Corporate Officer
A. Mac Coll, Steno, Legislative Services
K. Lundgren, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Meeting was called to order at 7:00 p.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, be adopted. The motion carried unanimously.

Mayor Krog spoke regarding the purpose of a Public Hearing, advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and advised of the standard protocols for a Public Hearing.

Mayor Krog outlined the process to accommodate members of the public who were attending in person and for those who wanted to call in to participate by phone.

3. PUBLIC HEARING REQUIREMENTS:

Lainya Rowett, Manager, Current Planning, explained the requirements for conducting a Public Hearing.

Mayor Krog declared a conflict of interest stating family member involvement and vacated the Shaw Auditorium at 7:05 p.m. Councillor Brown assumed the Chair.

4. PUBLIC HEARING FOR ZONING AMENDMENT BYLAW 2021 NO. 4500.186 AND OFF-STREET PARKING REGULATIONS AMENDMENT BYLAW 2021 NO. 7266.01

- (a) "Zoning Amendment Bylaw 2021 No. 4500.186" and "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.01"

Councillor Brown called the Public Hearing to order at 7:05 p.m.

Introduced by David Stewart, Social Planner.

Councillor Brown called for submissions from the Public:

1. Kathy Nicholls, Nanaimo, spoke in favour, and stated that she has no issue with the requirement of business licences; however, would like the option to use a carriage house on her property as an Airbnb and leave home for longer than the limited four months. She noted the flexibility that Airbnb operations offer and the additional income is helpful with the high cost of living.
2. Blake MacKenzie, EMR Vacation Rentals Inc., via telephone, spoke on behalf of a property owner in Nanaimo, and stated support for the majority of the bylaw; however, would like to see amendments to the bylaw to allow secondary vacation homes to operate as Airbnbs.
3. Calvin Kania, Nanaimo, spoke in opposition, and stated the difficulties experienced with long-term tenants. He noted that he would not have an issue with the requirement of a business licence; however, would like more clarity behind the reasoning.
4. Nathan Rotman, Airbnb representative, Toronto, spoke via telephone, and stated that Airbnb generally supports registration for hosts of Airbnbs. He stated concerns with the bylaw's primary residence restriction as there is a relatively small amount of listings and they generally only host on an occasional basis.
5. Barry Samson, Nanaimo, spoke generally in favour, and stated that Airbnbs provide a home-like experience, very different from hotels, that many travellers prefer. He noted the quality service that many Airbnb hosts are providing and concerns regarding the proposed bylaw amendment as presented.
6. Ann Dupont, Nanaimo, spoke via telephone, and stated support for the parking space regulations, noted concerns regarding housing affordability and concerns regarding restrictions on renting out the entire home.
7. Carolle MacIntosh, Nanaimo, spoke in opposition, and stated she does not support the restriction on renting out the entire home. She noted the use of her Airbnb as an income supplement and the difficulties associated with long-term tenants.

8. Shawn Hilderbrandt, Nanaimo, advised that he understands the need for Airbnb regulations; however, stated concerns regarding restrictions on renting an entire home and homeowners needing flexibility and options. He stated that Airbnb hosts are ambassadors for Nanaimo.
9. Gerard St Jean, Nanaimo, spoke in opposition, and stated the need for alternative options for Council's consideration, the use of Airbnbs in emergency situations, and difficulties associated with long-term tenants. He stated concerns regarding restrictions on guest limit.
10. Calvin Kania, Nanaimo, spoke for a second time in opposition, and stated that Airbnb hosts act as ambassadors for Nanaimo, including opening up Airbnbs for accommodation in response to COVID-19.

Councillor Brown called for submissions from the Public for a second time:

11. Christine Knudsen, Nanaimo, spoke via telephone, and stated the importance of family tourism and concerns regarding the regulation of a limit of four guests. She noted the taxes collected through Airbnb, and the difficulties associated with long-term tenants.
12. Neil McClelland, Nanaimo, spoke via telephone, and stated that he's experience more problems with long-term tenants than Airbnb tenants. He stated support for the parking regulation and business licence requirement and noted the service that Airbnb hosts provide as ambassadors of the city.

Councillor Brown called for submissions from the Public for a third time:

13. Ann Dupont, Nanaimo, spoke for a second time, via telephone, and noted the cleanliness of Airbnbs compared to some hotels.
14. Dale McEachern, Nanaimo, spoke via telephone, and stated concerns for the limit on guests and noted a more progressive proposal is needed.
15. Brian Rice, Nanaimo, spoke in favour, via telephone, and stated support for the majority of the bylaw; however, does not support the restriction on entire home rentals as many travellers prefer the privacy of an entire home. He noted the need for more protection for long-term rental landlords.
16. Blake MacKenzie, EMR Vacation Rentals Inc., spoke via telephone for a second time on behalf of a property owner in Nanaimo, and spoke regarding the City of Seattle's short-term rental regulations.
17. Donna Bolton, Nanaimo, spoke in opposition, via telephone, and stated the reliance of the income from Airbnb rentals and the services that Airbnb's offer that are not provided through hotels.
18. Carolle MacIntosh, Nanaimo, spoke for a second time, and stated that based on the comments heard at this Public Hearing, Airbnbs are not a problem to this community and advised that most Airbnb operators are in favour of some regulation.

Councillor Brown called for submissions from the Public for a final time.

No one wished to speak regarding "Zoning Amendment Bylaw 2021 No. 4500.186" and "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.01".

Ten (10) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2021-OCT-21, and no written submissions were received at the Public Hearing with respect to "Zoning Amendment Bylaw 2021 No. 4500.186" and "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.01".

Councillor Brown announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public, Councillor Brown declared the Public Hearing for "Zoning Amendment Bylaw 2021 No. 4500.186" and "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.01" be closed at 8:29 p.m.

It was moved and seconded that "Zoning Amendment Bylaw 2021 No. 4500.186" (To regulate short-term rentals) pass third reading. The motion carried.
Opposed: *Councillors Armstrong, Brown and Turley*

It was moved and seconded that "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.01" (To require one parking space for a short-term rental use) pass third reading. The motion carried unanimously.

Mayor Krog returned to the Shaw Auditorium at 8:57 p.m. and resumed the Chair.

5. REPORTS:

(a) Remedial Action Order - 3365 Departure Bay Road

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council:

1. issue a Remedial Action Order at 3365 Departure Bay Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that they may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
4. direct the remedial action to have the suite restored to its original size and configuration in accordance with the requirements of the BC Building Code and "Building Bylaw 2016 No. 7224".

The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 8:59 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

CHAIR

ACTING MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER