

ATTACHMENT A

Summary of Proposed Short-Term Rental Amendments to the Zoning Bylaw No. 4500 and the Business Licence Bylaw No. 7318

ZONING BYLAW No. 4500 | SHORT-TERM RENTALS

	Zoning Bylaw No. 4500 (Existing Regulations)	Zoning Bylaw No. 4500 (Proposed Changes)	Rationale
1.	<p>Part 5 - Definitions:</p> <p>BED AND BREAKFAST - means the partial use of a single residential dwelling for transient tourist accommodation in which rooms are rented on a short-term basis and may include the provision of breakfast served on the premises.</p>	Delete the definition of 'Bed and Breakfast'.	'Bed and Breakfast' is a historic term and is now referred to as 'short-term rental'.
2.	<p>Part 5 – Definitions:</p> <p>HOTEL - means a building which contains sleeping units used or intended to be used for the temporary accommodation of transient lodgers. A hotel may include ancillary facilities such as a restaurant, meeting rooms, convention facilities, gift shop, recreational facilities and/or pub. For the purpose of this Bylaw, HOTEL includes motels and motor hotels</p>	Amending the definition of 'Hotel' by adding the text "but does not include short-term rental accommodation".	Clarify that hotels are exempt from short-term rental regulations, which is consistent with the Provincial Bill 35 – <i>Short-Term Rental Accommodation Act</i> .

3.	Part 5 - Definitions	<p>Adding the term and definition 'Short-Term Rental Operator'.</p> <p>"SHORT-TERM RENTAL OPERATOR - means the person(s) responsible for advertising and arranging the short-term rental accommodation and who is also the business licence licensee and the primary resident."</p>	<p>Define the role of a 'short-term rental operator' to clarify that the operator must be the business licence holder and primary resident. This will also help with enforcement actions.</p>
5.	<p>Part 5 – Definitions</p> <p>SHORT-TERM RENTAL - means the temporary rental (less than 30 consecutive days) of a portion of or the entire dwelling unit, secondary suite or room located on a property that is zoned to permit residential use. This definition specifically includes Bed and Breakfast</p>	<p>Amending the definition of 'Short-Term Rental' to:</p> <p>"SHORT-TERM RENTAL - means an accommodation provided to members of the public in a short-term rental operator's primary residence, in exchange for money, for a period of less than 30 consecutive days. The accommodation may include the rental of an entire dwelling unit or bedrooms, with or without the provision of breakfast served on the property".</p>	<p>Amend the wording to:</p> <ol style="list-style-type: none"> 1) Better align with the provincial government's new definition of short-term rental (Bill 35 – Short-Term Rental Accommodation Act); 2) Clarify that short-term rental can be advertised and operated in an entire dwelling unit or bedrooms; and 3) Clarify that the provision of breakfast is optional to better align with current practices.
6.	<p>Part 5 – Definitions</p> <p>Transient Tourism Accommodation - means land, buildings, or structures used or intended to be used for the purpose of providing temporary accommodation for transients and may include a provision of parking for recreational vehicles, a provision of space for tenters, and may include the provision of accessory facilities. Specifically excluded is the rental of a space or accommodation to one party for a period which exceeds 14 days.</p>	<p>Delete the definition of 'Transit Tourism Accommodation'.</p>	<p>The term is only used within the definition of a 'Bed and Breakfast' which is proposed to be deleted and replaced with 'Short-Term Rental'.</p>

7.	<p>Section 6.16: Short-Term Rental Number of short-term rentals permitted</p> <p>“6.16.1.1 Notwithstanding 6.16.1, not more than one short-term rental shall be located within a primary residence”.</p>	<p>New regulations clarifying the number of short-term rentals permitted per primary residences where secondary suites:</p> <p>6.16.2 Where a primary residence includes a single residential dwelling with a secondary suite and/or a secondary suite in an accessory building, only one short-term rental is permitted per lot.</p> <p>6.16.3 Where a primary residence includes a multiple family dwelling with a secondary suite, only one short-term rental is permitted within the multiple family dwelling or associated secondary suite.</p>	<p>Due to the recent introduction of Small-Scale Multi-Unit Housing regulations in Nanaimo, updates are needed to clarify that:</p> <ol style="list-style-type: none"> 1) A primary residence can include a single residential dwelling with one or more secondary suites as accessory uses; 2) Where a single residential dwelling includes one or more secondary suite as accessory uses, only one short-term rental is permitted per lot; and 3) In the circumstance of a multiple family dwelling with a secondary suite, for example a duplex, only one short-term rental is permitted within the multiple family dwelling or associated secondary suite.
8.	<p>Section 6.16: Short-Term Rental</p>	<p>Define the maximum length of stay of a short-term rental to a stand-alone regulation.</p> <p>“6.16.4 A short-term rental stay must be less than 30 consecutive days”.</p>	<p>Currently, the maximum duration for a short-term rental is referenced in the definition section. Best practice is to not include regulatory requirements in a definition; therefore, a stand-alone regulation is proposed for clarity.</p>
9.	<p>Section 6.16: Short- Term Rental</p>	<p>Separate the regulations governing the operation of an entire dwelling unit from those regulating bedroom rentals.</p>	<p>This proposed change is to reflect current practices occurring in the short-term rental industry, and to ensure the Zoning Bylaw regulations are drafted such that enforcement can occur based on current industry practices, including:</p> <ol style="list-style-type: none"> 1) Reflect the options platforms are offering to hosts; and,

			2) Recognize that the operation of a short-term rental of an entire dwelling unit varies from that of bedrooms.
10.	Section 6.16: Short- Term Rental 6.16.2 and 6.16.3 – Table and regulations pertaining to the maximum number of guest rooms and guests permitted within a short-term rental.	Cap the maximum number of guests that can rent an entire dwelling unit to four (4) adults, 19 years of age or older. 6.16.5 A maximum of four (4) persons, 19 years of age or older are permitted to occupy the short-term rental at one time.	To no longer regulate the maximum number of guests based on zones. In its place: 1) establish one maximum number of guests for all zones to simplify enforcement; and 2) clarify that guests are defined as adults, 19 years of age or older, per <i>Age of Majority Act</i> .
11.	Section 6.16: Short- Term Rental	Amend the regulations governing the short-term rental of bedrooms. The new regulations are: 6.16.6 Where only bedrooms are used or intended to be used for short-term rental: 6.16.6.1 The bedrooms are permitted to operate as a short-term rental year-round (365 days per year). 6.16.6.2 A maximum of two (2) bedrooms are permitted to be rented in the primary residence; 6.16.6.3 The two (2) bedrooms must be operated as one (1) short-term rental accommodation; and 6.16.6.4 A maximum of four (4) persons, 19 years of age and older are permitted to occupy the short-term rental at one time.	These proposed changes are to reflect the differences in operating the short-term rental of bedrooms and their impacts on the surrounding residents by: 1) Recognize that when an operator is living within the unit, there is greater oversight, accountability and the potential to reduce the impacts on neighbouring residence; 2) Cap the maximum number of bedrooms, advertising and guests to reduce parking, noise and other potential impacts caused by short-term rentals; 3) Ensure each bedroom is not advertised as a separate Short-Term Rental; and 4) No longer regulate the maximum number of guests based on zones. In its place, establish one maximum for all zones to simplify enforcement efforts and clarify that guests are defined as adults, 19 years of age or older, per <i>Age of Majority Act</i> .

12.	<p>Section 6.16: Short- Term Rental</p> <p>6.16.4 – Short-Term Rentals operating within a single residential dwelling which also includes rooms for boarder and lodgers.</p>	Propose that this regulation be removed.	To simplify the compliance and enforcement of short-term rentals.
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BUSINESS LICENCE BYLAW NO. 7318

	Business Licence Bylaw No. 7318 (Existing Regulations)	Business Licence Bylaw No. 7318 (Proposed Changes)	Rationale
1.	Section 2 - Interpretation	<p>Adding the definition of “SHORT-TERM RENTAL”:</p> <p>SHORT-TERM RENTAL - means an accommodation provided to members of the public in a short-term rental operator’s primary residence, in exchange for money, for a period of less than 30 consecutive days. The accommodation may include the rental of an entire dwelling unit or bedrooms, with or without the provision of breakfast served on the property.</p>	Define “SHORT-TERM RENTAL” to support the new short-term rental business licence regulations.
2.	Section 2 - Interpretation	<p>Adding the definition of “SHORT-TERM RENTAL OPERATOR”:</p> <p>SHORT-TERM RENTAL OPERATOR - means the person(s) responsible for advertising and arranging the short-term rental accommodation and who is also the business licence licensee and the primary resident.</p>	Define the role of a ‘SHORT-TERM RENTAL OPERATOR’ to clarify that the operator must be the business licence holder and primary resident. This will also help with enforcement actions.

3.	Section 3 Business Licence Required	<p>Add the following regulation to Business Licence Requirements:</p> <p>3.2 - A short-term rental operator must not operate or advertise a short-term rental unless a business licence has been issued.</p>	To address operators that have prematurely been posting their short-term rentals prior to being issued a business licence.
4.	Section 4 – Business Licence Application	<p>By adding the following regulation:</p> <p>4.6 No person shall knowingly submit false or misleading information or documents in support of a business licence application for the purpose of obtaining a business licence.</p>	To address false and misleading information that continues to be submitted to circumvent the short-term rental regulations.
5.	Section 13 Posting Licence	<p>By adding the following regulation:</p> <p>13.2 A business licence issued for the purpose of operating a short-term rental must be kept posted in the designated and approved guest room or unit or where it can be viewed by short-term rental guests during their stay.</p>	Clarify that short-term rental operators are required like all other commercial businesses to post a valid issued business licence on the premises.
6.	Section 13 Posting Licence	<p>By adding the following regulation:</p> <p>13.3 The short-term rental business licence account number must be displayed on all short-term rental platform advertising.</p>	To align with provincial short-term rental regulations and have the ability to monitor and enforce when needed.
7.	Section 13 Posting Licence	<p>By adding the following regulation:</p> <p>13.4 Despite Section 13.1.3, a short-term rental business licence account number must not be displayed until the business licence fee has been paid and the Licence Inspector has issued the licence.</p>	To address operators that have prematurely been posting their short-term rentals prior to being issued a business licence.