

# SHORT TERM VACATION RENTALS



## What is happening?

Nightly, weekend, and weekly short term vacation rental (STR) accommodations on residential properties are increasing.

Within the Alberni-Clayoquot Regional District (ACRD) STRs are primarily concentrated within Sproat Lake and Bamfield, and mainly located on properties not zoned for rental accommodation.

## What is the issue?

Regional District staff are increasingly receiving more complaints regarding STR of properties inconsistent with zoning for single family dwellings.

Complaints include the properties being overcrowded, noisy, issues with vehicle and boat parking, public intoxication, traffic and inadequately designed sewage disposal systems.

Most vacation rentals currently do not comply within regulations set out in the Zoning Bylaw. Many properties on Sproat Lake and in Bamfield are zoned Acreage Residential (RA1 & RA2) District. These zones permit uses such as a single family dwelling and an accessory dwelling unit (secondary suite, carriage home, cabin, cottage, garden suite, etc.), provided the lot is 1 acre or greater.

An accessory dwelling unit is intended to be occupied as a permanent home, and not on a temporary/short term (less than a month) basis.

## What can be done?

A number of local governments across BC have adopted strategies and land use policies to manage STRs, which are outlined on the following boards.

Many municipalities regulate STRs through business licencing, where if a property isn't zoned to allow an STR, a business licence isn't issued and enforcement action may proceed.

Regional Districts can't issue business licences. This limits the STR regulation to land use and regulatory bylaws, and a complaint process for bylaw enforcement.

## Public consultation

The ACRD is hosting open houses in Sproat Lake and Bamfield, and providing online information to:

- inform residents on what is going on with STR rentals
- share research on what other Regional Districts and local governments are doing to manage these rentals
- gain input on the options available to the ACRD to permit, or not permit and enhance enforcement for these rentals



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REGIONAL DISTRICT**

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# OTHER REGIONAL DISTRICT EXAMPLES

## COLUMBIA SHUSWAP REGIONAL DISTRICT

- Regulates STRs within two Electoral Areas, one of which includes the Revelstoke Mountain ski resort.
- Created a vacation rental zone, defining vacation rental use as the use of a residential dwelling unit for temporary accommodation (less than four consecutive weeks) on a commercial basis.
- If a property owner wants to operate a STR, they can apply for a Temporary Use Permit (TUP) or rezone to vacation rental.
- Guiding principles for vacation rentals were established, which may be used as conditions of a TUP (ie. screening, fencing, proof of adequate sewage disposal, parking, caretaker availability, occupancy permit for the dwelling, etc.)



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

- Following a review in 2012, it was decided that TUP's were the preferred way to address vacation rental use as it provides an opportunity for community input, conditions of use (maximum occupancy, landscaping, etc.) and for regular review of an operation to ensure it's not causing conflict with adjacent residential uses.
- Community consultation before the permit is issued includes: posting a notification sign with details of the proposal, and a possible public information meeting.
- The vacation rental TUP policy applies to new vacation rentals for a term of no greater than 18 months (over one rental season).
- If it's determined that the vacation rental use is inappropriate or incompatible with the neighbourhood, the permit may be allowed to lapse early. If compatible, the property may apply for a second TUP for a period of up to three years or apply to rezone.



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# OTHER REGIONAL DISTRICT EXAMPLES

## ISLANDS TRUST - HORNBY ISLAND

The Islands Trust provides three options for STRs on Hornby Island:

- From May to September, vacation home rentals are allowed through zoning regulations on any residential or agricultural lot. Summer rentals have limitations and requirements such as: one rental per property, a maximum number of bedrooms, signs with contact information, and a letter confirming sewage capability.
- Year round vacation home rentals are permitted on lots where an owner or tenant resides in one dwelling while a second legal dwelling is made available for rental on the same property. Same regulations as summer rentals apply.
- Commercial level vacation home rentals are permitted where a property owner applies for and receives a TUP. This would accommodate year-round rentals on a single dwelling lot, a higher level of occupancy or a more frequent turnover of rentals.

## ISLANDS TRUST - GABRIOLA ISLAND

Through community consultation regarding STRs, the Islands Trust adopted a process in which property owners may apply for a TUP to allow for a STR on their property. The TUP application form for vacation rentals includes:

- an assessment of water supply and on-site sewage disposal, occupancy permit, requires copies of information posted for guests on-site regarding noise bylaws, water conservation, fire safety, garbage and control of pets.
- The applicant must also provide contact information of the owner who must reside on Gabriola Island and be available 24/7 to respond to concerns about the operation of the vacation rental.



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# OTHER LOCAL GOVERNMENT EXAMPLES

## DISTRICT OF TOFINO

After an extensive study and community consultation in 2004, short term rental regulations were established in 2005, primarily through zoning and business licence regulation bylaws.

### STRs are subject to the following:

- Must be in 1 of 6 residential zones
- Must have a valid business licence (properties with current licences are listed on Tofino's website)

- 1 per property, can't operate B&B and STR
- STR can be operated in principal or secondary dwelling
- Must provide sufficient off-street parking
- Maximum 3 sleeping units, 6 guests
- Other bylaws (public nuisance, etc.)

In 2016, Tofino launched a plan to proactively educate and enforce STR regulations.

## CITY OF NELSON

In 2016, the City engaged on STRs through consultation, education, and new regulations effective January 2017. The City focused on:

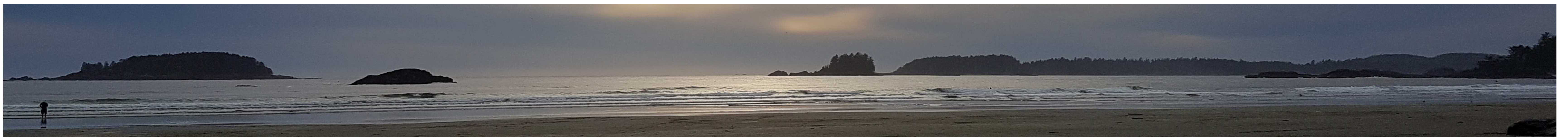
- ensuring a level playing field for accommodators
- safe accommodation facilities for visitors and tourists
- that they are meeting the housing needs of local long-term renters

The regulations establish a robust and transparent licencing mechanism, while still retaining discretion for exceptional circumstances.

City Council has made it a priority to accommodate these operations for the benefit of visitors, residents, and neighbourhoods, while at the same time mitigating the potential detrimental impacts on communities.

### STR regulations include:

- 3 types of STR licences: annual, summer (May to August), 31-day
- Cap of 110 annual licences and 40 summer licences, no cap on 31-day licences (only 1 per property per year)
- 3 types of STR dwellings: guest homes, guest rooms and guest suites (secondary or detached secondary suites)
- Except for summer licences, they all require a primary resident
- Each property can have up to 1 annual licence and another less than 6 months (summer or 31-day)
- All licences require a \$500 deposit, and building and fire inspection every 3 years
- Maximum of 2 adults per room, 4 per suite, and 6 per guest house
- Must have contact person to respond within 15 minutes to calls and lives within 30 km of the property



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# ACRD POLICY OPTIONS

The ACRD is limited in its ability to control behaviours, but has regulations pertaining to land use and noise.

The ACRD has two options for regulating STRs within land use regulations, and a third option is continuing to not permit these types of rentals and enhance enforcement.

## 1 PERMIT: REZONE THE PROPERTY

- The Regional District can require a property owner to apply for rezoning to a zoning district that would permit the operation of a STR on a permanent basis or under certain parameters, such as Cottage Residential (RC) District.
- Rezoning runs with the land until such a time that another zoning amendment is adopted by the Regional Board.

## 2 PERMIT: TEMPORARY USE PERMIT

- The property owner can apply for a temporary use permit (TUP) to allow for the operation of a STR on a temporary basis.
- The Regional District may issue a TUP, by resolution, in areas that are designated in an Official Community Plan (ie. Sproat Lake and Bamfield).
- A TUP may allow for a use that's not permitted in the Zoning Bylaw and specify conditions for which the use may be carried. The ACRD may include conditions to a TUP which can't be included in a rezoning.

- Conditions on the temporary use could include: occupancy load, length of stay and seasonal limits, sewage disposal confirmation, caretaker availability, parking, signage, etc.
- A TUP can be issued for up to three years, and renewed once for another three years, after which the property owner would need to either cease the use or apply to rezone to allow the use on a permanent basis.
- Prior to issuance of the TUP, there would be a public notification process.

## 3 NOT PERMIT: ENHANCE ENFORCEMENT

The ACRD currently deals with enforcement of non-conforming uses in the Zoning Bylaw under a complaint basis. If a complaint is received, a letter is sent to the property owner and the Bylaw Enforcement Officer works with them to resolve the issue. In circumstances where the Bylaw Enforcement Officer can't resolve the issue, the ACRD Board has the option to proceed with legal action.

**Options for strengthening enforcement action include:**

- Implementing a ticketing bylaw which would allow the Bylaw Enforcement Officer to issue fines for non-compliance
- Increased bylaw enforcement presence at Sproat Lake and in Bamfield
- Increased legal action in persistent situations





# THANK YOU & NEXT STEPS

## Thank you for your input!

### How will we use your feedback?

Input received throughout the short term vacation rentals public consultation process will be compiled into a report for the ACRD Board.

Options following Board direction could include:

- Zoning Bylaw amendment,
- policy implementation, or
- further public input

The goal is to provide clarity on land use regulations and present options to the Regional Board before the 2018 vacation rental season.

### Stay informed and involved

Residents are invited and encouraged to participate in the STR public consultation process. We want to hear from you!

Be sure to sign in at the open house and leave your email, or contact us, to stay in touch on next steps and project updates.

### Contact us!

📞 250-720-2700

✉️ [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)

🌐 [www.acrd.bc.ca/str](http://www.acrd.bc.ca/str)



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