



BYLAW RATIONALE STATEMENT

Town of Golden Bed and Breakfast and Short Term Rental Bylaw No. 1438, 2020

The purpose of this bylaw is to create a licensing process and regulations around bed and breakfasts and short term rentals.

TOWN OF GOLDEN

BYLAW NUMBER 1438, 2020

Town of Golden Bed and Breakfast and Short Term Rental Bylaw No.1438, 2020

NOW THEREFORE the Council of the Town of Golden, in open meeting assembled, enacts as follows:

PART 1 Citation

- 1.1 This bylaw may be cited as "*Town of Golden Bed and Breakfast and Short Term Rental Regulation Bylaw No .1438, 2020.*"

PART 2 Interpretation

- 2.1 Definitions:

“**Accessory use**” has the same definition described within the Zoning Bylaw.

“**Building Official**” as appointed by the Town of Golden.

“**Bylaw Enforcement Officer**” as appointed by the Town of Golden, or any Peace Officer or Police Officer.

“**Council**” means the Council of the Town of Golden.

“**Detached Secondary Residential Dwelling**” has the same definition described within the Zoning Bylaw.

“**Licence Inspector**” means the **Building Official, Bylaw Enforcement Officer** or the Manager of Development Services, RCMP, or Fire Department.

“**Marketing**” means to offer for sale, promote, canvass, solicit, advertise, book, arrange or facilitate a rental, and includes placing, posting or erecting advertisements physically or online, but does not include the mere provision of a neutral space or location for such marketing activities in newspapers, bulletin boards or online.

“**Operator**” means a person who rents out, or offers for rent, any premises for short-term rental premise but does not include a person who acts as an intermediary between the short-term rental tenant and the person who receives the rent.

“**Premises**” means an area of land, including a lot or parcel of land with or without buildings.

“**Permanent resident**” has the same definition described within the Zoning Bylaw. This bylaw also refers to the **permanent residence**.

“**Responsible person**” means a person designated by an operator as the primary contact for the **short-term rental premise**.

“**Short-term rental**” has the same definition described within the Zoning Bylaw.

“**Short-term rental premise**” means a **premises** where the Zoning Bylaw allows the use of the **dwelling unit** as a short term rental or a **bed and breakfast** pursuant other enactments.

“**Sleeping unit**” has the same definition described within the Zoning Bylaw.

“**strata corporation**”, “strata council”, and “strata lot” have the same meaning as in the Strata Property Act.

“**Zoning Bylaw**” means the Town of Golden Zoning Bylaw 1294, 2011; as amended or replaced from time to time.

PART 3 LICENSING

3.1 Each licence issued under this Bylaw shall follow the Trade License (Amendment) Bylaw Number 990, 1996" as amended or replaced and this bylaw.

PART 4 LICENCE REQUIRED

4.1 A person must not carry on business as an operator unless the person holds a valid licence issued under the provisions of this Bylaw and other **Town of Golden** bylaws.

4.2 A person applying for the issuance or renewal of a licence to operate a **short-term rental premise** must, in addition to meeting the requirements of the **Zoning Bylaw** and this \Bylaw:

- (a) make an application to the **Licence Inspector** on the form provided for that purpose;
- (b) pay to the **Town** the applicable licence fee prescribed;
- (c) provide, in the form satisfactory to the Licence Inspector, evidence that:
 - (i) the operator owns the **premises** where the **short-term rental premise** will be offered, or
 - (ii) the owner of the **premises** where the **short-term rental premise** will be offered has consented to this use of the premises;
- (d) when the **premises** where the **short-term rental premise** is offered is located within a strata lot, provide a letter from the strata council confirming that use of the premises for **short-term rental premise** does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act;
- (e) when the **premises** where the **short-term rental premise** is offered is located in a zone where **short-term rental premise** is only permitted as an **accessory use**, provide in the form satisfactory to the **Licence Inspector**, evidence that the **premises** where the **short-term rental premise** will be offered is occupied by the operator as their **permanent residence**;
 - (i) Items may include items such as claim of home owner grant, voter registration, filing of income taxes, British Columbia driver's licence, British Columbia Medical Services Plan, and British Columbia Identification Card
- (f) when the **short-term rental premise** is a **principal use**, provide the name and contact information for the **responsible person**;
- (g) submit a self-evaluation safety audit and attestation form provided for that purpose;
- (h) provide a floor plan of the **premises** upon which the **short-term rental premise** is to be conducted, identifying the location of smoke alarms and carbon monoxide alarms, fire extinguishers, fire exits, each sleeping unit, the types of bed in each sleeping unit, and the location of any sofa beds;
- (i) provide a parking plan which complies with the parking requirements of the **Zoning Bylaw**;
- (j) submit proof of registration with the Provincial Ministry of Finance for Provincial Sales Taxes PST and Municipal and Regional District Tax collection or an affidavit that an online platform will remit the taxes directly to the Province; and
- (k) provide any other information the **Licence Inspector** may require for the purposes of ensuring compliance with the Town's bylaws and other enactments either an initial licensing or at a future renewal.

- 4.3 The licence fee is:
- (a) The **Bed and Breakfast Licence**: the rental of up to three sleeping units in the operator's **permanent residence** (these rates are to be used not the rates in the Trade License (Amendment) Bylaw Number 990 1996"):
 - (i) 1 sleeping unit **\$125**
 - (ii) 2 sleeping unit **\$175**
 - (iii) 3 sleeping unit **\$225**
 - (b) **Short Term Rental Licence - Accessory Use**: where the short-term rental use is an **Accessory Use** and is offered in a residential zone in a building which includes the operator's **permanent residence** and the operator is present during the occupancy of the unit: \$;
 - (i) 1 bedrooms **\$175**
 - (ii) 2 bedrooms **\$225**
 - (iii) 3 bedrooms **\$275**
 - (c) **Short Term Rental Licence - Commercial Licence**: for all short-term rentals that do not qualify under subsection a. or b. :
 - (i) 1 bedrooms **\$200**
 - (ii) 2 bedrooms **\$250**
 - (iii) 3 bedrooms **\$300**
- 4.4 If a person submits a licence application for which additional information, documentation, inspection or compliance is required by the **Licence Inspector**, the person shall supply all required information and documentation within 30 days of the request made by the **Licence Inspector**, after which time the application may be refused and a new application for a licence required.
- 4.5 Where the **short-term rental premise** is an **accessory use**, the **operator** may not be a corporation or society.

PART 5 LICENCE INSPECTOR POWERS

- 5.1 **Council hereby authorizes the Licence Inspector to:**
- (a) grant, refuse, suspend and cancel licences under this Bylaw;
 - (b) suspend, cancel or refuse to issue licences in accordance with subsection 5.2;
 - (c) impose conditions on a licence at the time of issuance, renewal, or suspension for the purposes of ensuring compliance with all applicable enactments pertaining to the business;
 - (d) enter at all reasonable time, on any property that is subject to the regulation of this Bylaw in order to inspect and ascertain whether such regulations are being observed; and
 - (e) prepare, from time to time, forms to be used for the purpose of making applications under this Bylaw, including, but not limited to a form of licence application, information sheet, and licence transfer application.
- 5.2 In addition to Council's powers under section 60 of the *Community Charter* and the Licence Inspector's powers under other bylaws, the **Licence Inspector** may refuse to grant, suspend, cancel, revoke, or not renew a licence for a short-term rental if, in the opinion of the Licence Inspector:

- (a) the applicant for the licence has failed to comply with section 4; the short-term rental a in question would or does contravene a Town bylaw or another enactment;
 - (b) the applicant for the licence or the operator has provided false information to the Licence Inspector; or
 - (c) the operator of the **short-term rental** is not in compliance with the conditions of this Bylaw or of the licence. When a Licence Inspector suspends, cancels or refuses to issue or renew a licence, the Licence Inspector will provide the applicant for the licence or the operator with a formal letter outlining the reason(s) for the refusal.
- 5.3 An applicant for a licence or an operator may request that Council reconsider a decision of the **Licence Inspector** under subsection 5.2 by delivering a request in writing to the Coporate Officer within 30 days of the Licence Inspector’s decision being sent.
- 5.4 No person shall offer, or continue through marketing to advertise or provide any short-term rental pursuant to their licence during a period of suspension of that licence.

PART 6 MARKETING

- 6.1 The operator of a short-term rental premise must ensure that any **marketing**, publication, listing or promotional material includes the licence number of a valid licence issued for that premises under this Bylaw as well as the approved sleeping unit count.

PART 7 RESPONSIBLE PERSON

- 7.1 An operator who operates a short-term rental premise on a property with their **permanent residence** is the responsible person for that short-term rental premise.
- 7.2 An operator who operates a commercially zoned **short-term rental premises** on a property other than a property containing their **permanent residence** must designate a responsible person as part of their licence application, and must ensure the responsible person has access to the licenced premises and authority to make decisions in relation to the premises and the rental agreement, at all times that the **short-term rental premise** is operated.
- 7.3 The **operator** must ensure that the name and contact information of the **responsible person** is prominently displayed in the **short-term rental premise** at all times while the **short-term rental** is operated as well as on the sign posted on the property.
- 7.4 The **responsible person** must attend at the bed and breakfast or short-term rental within two hours of being requested by the Licence Inspector, Town official, RCMP, Fire Department, operator or a short-term rental tenant to do so.

PART 8 CONDITIONS OF LICENCE

- 8.1 An operator of a short-term rental must:
- (a) operate a **short-term rental premise** only on a licenced premises;
 - (b) operate only one **short-term rental premise** per property;
 - (c) notify neighboring property owners on all adjacent sides of the licenced premises that a **short-term rental premise** is being operated thereupon, and provide the contact information for the operator or responsible person to such neighbours;
 - (d) display the licence inside the entry way to the **short-term rental premise**;
 - (e) display in each approved **sleeping unit**, and in the entryway of the of the **short-term rental premise**, a floor plan identifying the location of smoke alarms and carbon monoxide alarms, fire extinguishers, fire exits, each approved sleeping unit, the types of bed in each **sleeping unit**, and the location of any sofa beds;
 - (f) display the responsible person’s contact information inside the entry way of the **short-term rental premise**;

- (g) Have a sign posted on the subject property visible from outside the unit in the case of **single detached dwelling** or **duplex** visible from the street, which contains, the name of the short term rental business and contact info for the **operator** or **responsible person**;
- (h) ensure the **operator** or **responsible person** is available for contact 24 hours a day during periods when the **short-term rental premise** is rented to **short-term rental** occupants, and responds to any nuisance complaint within 2 hours of notification;
- (i) notify the **Licence Inspector** within 24 hours of a change in contact information for an operator or **responsible person** and update signage both in and outside the unit and the neighbours described in subsection (c);
- (j) hold a separate licence for each premises that it operates;
- (k) comply with all applicable requirements in the Town's Zoning Bylaw and the Building Regulation Bylaw, the BC Building Code, the BC Fire Code, and related enactments;
- (l) cooperate and ensure cooperation of responsible person with **Town officials, Licence Inspector, RCMP, Bylaw Enforcement Officer**, Health Authorities and other officials during investigation of any complaint associated with the **short-term rental premise**;
- (m) facilitate periodic inspections of the **short-term rental premise** and property as requested and conducted by the **Licence Inspector** and the Fire Department.
- (n) ensure that the **short-term rental** property is compliance with the Town's bylaw regarding signage;
- (o) keep a written registry of all guests that are staying or have stayed on the **premises** as well as cleaning/maintenance personnel. and make this registry readily available to the **Licence Inspector** or Health Officials upon request; and
- (p) submit an annual self-evaluation safety audit and attestation in the form provided for that purpose by the **Licence Inspector**; and
- (q) ensure no more than one booking is permitted within the **short-term rental premise** at one time.
- (r) Ensure all required onsite parking stalls are clear of any debris, unlicensed vehicles or snow by 10 am each day and available for active use by the residents of the dwelling unit on the property and occupants of the **short-term rental premise**.

8.2 An operator of a **short-term rental premise** must not:

- (a) rent out any **sleeping units** or provide any temporary sleeping accommodation within a principal building on a property with a **detached secondary residential dwelling** or within a **detached secondary residential dwelling**, vehicle, tent, or accessory building or structure; or
- (b) allow to be used as **sleeping units**, any rooms that are not approved and identified on the licence application for that premises as **sleeping units**.

PART 9 PENALTIES

9.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who does any act which violates any of the provisions of this Bylaw, shall be guilty of an offence against this Bylaw.

- 9.2 Every person who commits an offence against this Bylaw shall be liable upon summary conviction to a fine not exceeding \$10,000 for every instance that an offence occurs or each day that it continues. Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.
- 9.3 Each day that a violation is of this Bylaw is caused or allowed to continue constitutes a separate offence.

PART 10 DUTY OF ADMINISTRATION

- 10.1 The intent of this Bylaw is to set standards in the general public interest, and not to impose a duty on the Town, its employees, **Licence Inspector, Building Official, Town Official or Bylaw Enforcement Officer** to enforce its provisions and:
- (a) a failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favor of any person; and
 - (b) the grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the issuance thereof in error is not to give rise to a cause of action.

PART 11 SEVERABILITY

- 11.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

PART 12 TRANSITION PROVISIONS

- 12.1 In 2021, any operator who, at the time of adoption of this Bylaw, holds a valid licence for a bed and breakfast under the Trade Licence Bylaw shall transition to complying with this bylaw.

PART 13 EFFECTIVE DATE

- 13.1 This Bylaw comes into full force and effect and is binding on all persons as from the date of adoption.

READ A FIRST TIME THIS 21st DAY OF JULY , 2020.

READ A SECOND TIME THIS 3rd DAY OF NOVEMBER , 2020.

PUBLIC HEARING ON THIS 17th DAY OF NOVEMBER , 2020.

READ A THIRD TIME THIS 1ST DAY OF DECEMBER , 2020.

ADOPTED THIS 1ST DAY OF DECEMBER , 2020.

MAYOR

CORPORATE OFFICER