



COUNCIL REPORT

To: Mayor and Council

Date: February 27, 2024

From: Ron Mattiussi, Interim CAO

File No: P 23-14

Subject: **P 23-14 – Short Term Rental Regulations (related bylaw amendments)**

Report Prepared by: Kandice Brzezynski – Senior Building and Licensing Official

RECOMMENDATION to Consider and Resolve:

THAT the City of West Kelowna Zoning Amendment Bylaw No. 0265.20, 2023 be given first and second reading;

AND THAT City of West Kelowna Zoning Amendment Bylaw No. 0265.20, 2023 be forwarded to a Public Hearing;

AND THAT the following amending bylaws pertaining to short term rental regulations be given first, second, and third reading:

- City of West Kelowna Business Licensing and Regulations Amendment Bylaw No. 0087.17, 2023;
- City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.52, 2023;
- City of West Kelowna Bylaw Notice Enforcement Amendment Bylaw No. 0093.54, 2023; and
- City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.79, 2023;

AND FURTHER THAT Council opt-out of the Provincial principal residence requirements for Short-Term Rentals.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

Foster Safety and Well-Being – We will pursue through direct action, advocacy, and collaboration with local and regional service providers, investments in community health,

needs-based housing, emergency preparedness, policing, and other services that foster safety and well-being in West Kelowna.

BACKGROUND

On November 14th, 2023, Council received a report on the Short Term Accommodations (STA) regulations based on a two-year review of the program which included proposed amendments that consider the new provincial Short-Term Rental (STR) regulations under Bill 35. These amendments included:

- merging the Bed and Breakfast regulations within the current STA regulations,
- incorporating the STA fee structure for Bed and Breakfasts,
- revising principal operator requirements to require the operator to be residing in the home when operating a Short-Term Rental,
- requiring the new provincial registration number for short-term rentals when in effect; and,
- requiring a safety inspection for all Short-Term Rentals.

Required updates include amendments to the Zoning, Business Licensing and Regulations, Municipal Ticketing Information Utilization, Bylaw Notice Enforcement, and Fees and Charges Bylaws.

On December 12, 2023, Council postponed consideration of first and second readings of these amendments to provide staff time to correspond with the province in regards to tourist and resort commercial zones, further understand the impacts of the proposed regulations on these zones, and to consider additional amendments to the proposed regulations.

Staff have received additional clarification from the Province on the potential impacts to tourist commercial zones, and are recommending that the City of West Kelowna opt-out of the Provincial principal resident requirements for Short-Term Rentals. This would specifically allow short term rental–resort zones to operate within the City of West Kelowna and require no further changes to the current regulations.

LEGISLATIVE REQUIREMENTS

As per *Community Charter*, Section 137, Council has the power to adopt a bylaw under the Act, including the power to amend or repeal such bylaw. A bylaw may be given up to three readings at one meeting of council and there must be at least one day between the third reading and the adoption of a bylaw.

In accordance with Section 59(2) of the *Community Charter*, prior to the adoption of Business Licensing and Regulations Amendment Bylaw No. 0087.17, notice must be given to persons who consider they are affected by the bylaw and will be provided an opportunity to make representation to Council. This will be addressed prior to adoption.

DISCUSSION

The following bylaw amendments are required to update the new short-term rental application procedures, operational requirements, fee structure, offence ticketing, and minor formatting in the related bylaws. The existing term Short Term Accommodation is updated to Short-Term Rental (STR) which includes Short-Term Rental (Bed and Breakfast) (STRB&B).

Zoning Amendment Bylaw No. 0265.20, 2023

The proposed amendments move the current Bed and Breakfast regulations to the new section of Short-Term Rental and Short-Term Rental (Bed and Breakfast). This restructures the Zoning Bylaw to have all forms of short-term rentals under the same section. Within this section, there are two models of short-term rentals which mirror the current regulations but properly articulate the difference between them. The existing Bed and Breakfast regulations are maintained with amendments to clarify the definition, fee structure, and operator attendance. The existing Short Term Accommodation regulations are maintained with amendments to consider the Provincial definition of Principal Residence and language consistency. In both STR and STR(B&B), homeowners are the only permitted operator of these types of accommodation.

Short-Term Rental (Bed and Breakfast)

Definition

Updated definitions are proposed to clarify and differentiate between the two models of STRs but illustrate that the existing Bed and Breakfast model has been maintained. The new definition for STR(B&B) is:

“A short-term rental providing visitor accommodation within a single detached dwelling by a principal resident owner in exchange for a fee for a period of time less than 30 consecutive days. The owner must reside in the dwelling during the visitors stay, provide breakfast to all visitors, provide a free-flowing and interconnected space, and have no separate kitchen/cooking facilities. Short-term Rentals (Bed and Breakfast) must meet the development regulations outlined in Section 3.20 Short-Term Rentals and Short-Term Rentals (Bed and Breakfast)”.

Operator Attendance

The current Bed and Breakfast regulations are maintained in the new Short-Term Rental (Bed and Breakfast) section by requiring the owner to be in attendance while the visitor accommodation is being rented. This regulation is anticipated to lower bylaw enforcement complaints and to ensure the traditional model of a bed and breakfast is maintained.

Fees

The fee structure for Short-Term Rentals (Bed and Breakfast) have changed to be consistent with existing short term accommodations and will be explained in greater detail under the Fees and Charges Bylaw amendments.

Short-Term Rentals

Definition

The existing STA definition is proposed to be expanded to include consideration for the new Provincial definitions as well as restricting operation to require home ownership. A Short-Term Rental means:

“a visitor accommodation provided within a single detached dwelling, secondary suite or carriage house by a principal resident and owner in exchange for a fee for a period of time less than 30 consecutive days. The owner must reside in the dwelling during the visitors stay and the rental must be in accordance with the Short-term Rental Accommodations Act.”

Fees

There are no proposed changes to the fee structure for Short-Term Rentals.

Operator Absence

The existing allowance for operators to be absent no more than 14 days in any one month to a maximum of no more than 30 days within a calendar year, is proposed to be removed and replaced with the provision to have the owner be present while the short term rental is being rented. This is anticipated to significantly reduce the bylaw complaint files, length to permit issuance, and community concern. A local contact will still be required to address any onsite issues when the owner is away for permitted reasons such as employment and appointments.

Short-Term Rental and Short-Term Rental (Bed and Breakfast)

Principal Residency

Principal residency requirements are currently vetted and approved by licencing staff which have proven to be difficult and time consuming. The regulations are proposed to be amended to additionally rely on the provincial registration system to prove principal residency, when in effect (expected late 2024). This was added to the application requirements section.

The proposed regulations restrict the operation of an STR to only those residents that are owners of the property, not renters. While the provincial regulations will allow for this, it is being recommended to remove renters from having to ability to operate STRs due to passive action on complaint files.

Rental Period

The provincial regulations allow municipalities to stipulate the rental time period for their applications. To be consistent with our process thus far, as well as other neighboring municipalities, the rental period will be proposed to stay at less than 30 days for short term rentals. This aids in ensuring that short term rentals can provide accommodations to support the labour market, health care professionals, and other workers requiring short term accommodation.

Duplex Zones

In the Duplex Residential Zone (R2), both forms of STR are proposed to be added as a secondary use “in the single-detached dwelling form only”. This will address the inadvertent omission during the drafting of Zoning Bylaw No. 0265 where it was intended to allow STAs within all single-detached dwellings. The amendment to this zone is accompanied by the deletion of a site specific text amendment that is now redundant with the addition of STR & STR(B&B) as a secondary use, in the single-detached dwelling form only.

Additional Associated Zoning Amendments

Additional amendments are required to ensure consistent language related to the new definitions (STR and STR(B&B)) is used in the agri-tourism accommodation, standard parking spaces, and tandem parking sections, as well as to update the list of permitted and secondary uses. There was no change to the regulations themselves with these language amendments.

Business Licensing and Regulations Amendment Bylaw No. 0087.17

Consistent with the proposed zoning amendments above, the Bylaw is proposed to be revised to remove all language references to Short Term Accommodation and replace with Short-Term Rental or Short-Term Rental (Bed and Breakfast).

Short-Term Rental Applications – Proof of Principal Residency

The application requirements were reorganized, and additional clarity was added to create efficiencies for licencing staff. Title certification was added as a requirement to illustrate ownership so that staff does not have to spend time proving out ownership with clients. Similarly, the requirements for proof of principal residency were amended to include the provincial registration number which the city will be able to rely on once the provincial registry is in effect. The requirement for an owner authorization form was redundant and removed as renters would no longer be permitted to operate a STR or STR(B&B). Despite the reorganization and above changes, the existing regulations are still in effect as originally approved.

Operator Regulations

The amendments to existing requirements for operators create additional clarity and easily enforced regulations. Operators of STRs and STR(B&B)s must display their business licence, post their fire safety plans, ensure marketing of their rental includes the appropriate licence numbers and market accordingly based upon the rental category (STR vs STR(B&B)). Operators of STRs and STR(B&B)s must not market for any additional area of the property that has not been approved by the licence.

Safety Inspections

As per Council direction, a safety inspection was added as a mandatory requirement for each proposed STR and STR(B&B) and the existing Self Evaluation Safety Audit form was removed as it was deemed ineffective.

Additional Related Amendments

Unrelated, definitions for carriage house and secondary suite were removed as they are now redundant within this Bylaw. The land use regulations related to operator absence/attendance, local contact response time, and restricted uses have been moved to the Zoning Bylaw to remove unrelated licensing regulations.

Ticket Information Utilization Amendment Bylaw No. 0095.52

Consistent with the amendments noted above, Schedule 2 and Schedule 5 of the Ticket Information Utilization Bylaw are proposed to be amended. Schedule 2 amendments include the removal of the offence for Bed and Breakfast as it is now incorporated under STR offences and change the graduated fine amounts for STRs to incorporate the provinces new maximum fine of \$3,000.00 for STRs. Schedule 5 is rewritten to include the new maximum fines from the province of \$3,000.00 and correct errors from the previous bylaw amendment such as adding a graduated fine for each ticketable offence.

Under this Bylaw, the maximum fine is proposed to be \$3,000.00 and must be served in person.

Bylaw Notice Enforcement Amendment Bylaw No. 0093.54

Mirroring the changes written into the Ticket Information Utilization Amendment Bylaw No. 0095.52 noted above, Schedule 2 and 5 of the Bylaw Notice Enforcement Bylaw No. 0093 are also required to be amended. However, under this Bylaw, the maximum fine, as specified in the *Local Government Act*, is \$500.00 and the fine is permitted to be mailed. The graduated offences are thus adjusted to a maximum of \$500 instead of \$3,000.00.

Fees and Charges Amendment Bylaw No. 0028.79

The proposed amendments ensure consistent language use for Short-Term Rental and Short-Term Rental (Bed and Breakfast) and illustrate a fee increase for STR(B&B). The current bed and breakfast licences will have increased fees as they merge under the new STR regulations. The business license fee for Bed and Breakfasts will change from \$60.00 annually (operating under a home-based business license) to \$500 annually

(operating under a STR license). Further, STR(B&B)s will also require a \$250.00 application fee which is non-refundable and charged at time of application submission. This is to mirror the STR(B&B) with the current STA regulations and fee structure. The anticipated impact to current Bed and Breakfast operations should be minor when considering the nightly average for short-term rentals as estimated by Harmari (\$300.88/night). There are currently 40 bed and breakfast licences that will be required to pay the new STR fees under the 2024 renewal.

Tourist and Resort Commercial Zones (C5, C6, CD2, CD7, CD8)

The provincial legislation provides that municipalities have the option to opt-out of principal residence requirements if they have a population over 10,000 in the 2021 Census and a rental vacancy rate of 3% or more for each of the two previous years. Based upon the West Kelowna Vacancy Rates released by CMHC, the City of West Kelowna has had a 3.4% rental vacancy rate in 2022 and 4.2% rental vacancy rate in 2023. By opting out, the City of West Kelowna can determine a best fit approach for residency, and can determine where principal residency applies.

Given the historic number of purpose built rental units in the City, including those located in the City's Tourist Commercial Zones - C5, C6, CD2, CD7 and CD8 (i.e. Barona Beach Resort, Boucherie Beach Cottages, Paradise Estates, The Cove Lakeside Resort, Barona Beach, Boucherie Beach Cottages, Casa Loma Resort) it is recommended that Council opt-out of the principal residency requirements, and continue to permit the operation of these units as short term rentals. It should be noted that the short term rental program operated in other zones within the City, will be maintained and include a principal resident requirement.

Should Council move forward with the opt-out process, the city will still maintain access to the provincial enforcement program. This will help the city enforce on short term rentals in areas including displaying municipal business license numbers, provincial registration numbers and the removal of advertisements that do not comply.

Once a municipality has opted-out, it will maintain the opt-out status within the legislation. However, a municipality does have the option to opt-back into the provincial legislation by March 31 of each year.

FINANCIAL IMPLICATIONS

The adjustments to fees for Bed and Breakfast are anticipated to increase annual revenues in STR licensing fees by approximately \$20,000 when considering the licence fee alone. Increases in fines are unlikely to increase annual ticketing revenue above the additional operational expenditures required to enforce the fines related to STRs.

COUNCIL REPORT / RESOLUTION HISTORY

| Date | Report Topic / Resolution | Resolution No. |
|------------|---|--------------------|
| Nov. 14/23 | THAT Council direct staff to remove the ability for a principal resident to be away from the property for 14 days in one month to a maximum of 30 days in one year; and THAT Council direct staff to require the principal resident to be present when the remainder of the dwelling is rented on a short term basis. | No. C377/23 |
| Nov. 14/23 | THAT Council direct staff to merge the Bed and Breakfast regulations with the revised Short-Term Accommodation regulations; and THAT Council direct staff to require a building inspection to be complete for every proposed Short-Term Accommodation unit. | No. C378-23 |
| Dec. 12/23 | THAT Council postpone consideration of first and second and third reading to the following bylaw amendments as related to the Short-Term Rental regulations: <ul style="list-style-type: none">• City of West Kelowna Zoning Amendment Bylaw No. 0265.20,2023,• City of West Kelowna Business Licensing and Regulations Amendment Bylaw No. 0087.17, 2023,• City of West Kelowna Ticket Information and Utilization Amendment Bylaw No. 0095.52, 2023,• City of West Kelowna Bylaw Notice Enforcement Amendment Bylaw No. 0093.54, 2023, and• City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.79, 2023. | No. C409/23 |

CONCLUSION

The proposed bylaw amendments are intended to update the short-term rental regulations in Zoning Bylaw No. 0265 and to ensure administrative consistency between the City's other related regulatory bylaws. Further, by requesting the City of West Kelowna to opt-out of the provincial requirement for principal residence of short-term rentals, it will allow the City to maintain the current short-term rental-resort zone properties. As such, it is recommended that Council consider first, second and third readings of the five proposed amendment bylaws and opt-out proposal.

Alternate Recommendation Option No. 1 to Consider and Resolve:

THAT Council postpone first and second reading of the City of West Kelowna Zoning Amendment Bylaw No. 0265.20, 2023;

AND THAT Council postpone forwarding City of West Kelowna Zoning Amendment Bylaw No. 0265.20, 2023 to a Public Hearing;

AND THAT Council postpone reading consideration for the following amending bylaws pertaining to short term rental regulations:

- City of West Kelowna Business Licensing and Regulations Amendment Bylaw No. 0087.17, 2023;
- City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.52, 2023;
- City of West Kelowna Bylaw Notice Enforcement Amendment Bylaw No. 0093.54, 2023; and
- City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.79, 2023;

AND FURTHER THAT Council postpone the decision to opt-out of the Provincial principal residence requirements for Short-Term Rentals.

Alternative Recommendation Option No. 2 to Consider and Resolve:

THAT Council not opt-out of the Provincial principal residence requirements for Short-Term Rentals.

It should be noted to Council that the deadline to opt-out of the principal residence requirements from the provincial legislation is February 29th, 2024. If Council wishes to not opt-out of the provincial principal residence requirements, the current Tourist Accommodation Zones within the City will not be permitted to continue to operate as short term rentals, where strata's permit principal residences.

REVIEWED BY

Jeremy Frick, Building and Licensing Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Ron Mattiussi MCIP RPP, Interim CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. ZBL 0265.20 Zoning Amendment Bylaw
2. B0087.17 Business Licensing and Regulations Amendment Bylaw
3. B0095.52 Ticket Information Utilization Amendment Bylaw
4. B0093.54 Bylaw Notice Enforcement Amendment Bylaw
5. B0028.79 Fees and Charges Amendment Bylaw

CITY OF WEST KELOWNA

BYLAW NO. 0265.20

A BYLAW TO AMEND "ZONING BYLAW NO. 0265"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0265" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0265.20, 2023".

2. Amendments

"Zoning Bylaw No. 0265 is hereby amended as follows:

2.1 By deleting the definition for "Short Term Accommodation" from Section 2.10 DEFINITIONS:

"SHORT TERM ACCOMMODATION means the use of a principal residence for visitor accommodation where the operator hosts guests within a single detached dwelling, secondary suite or carriage house."

and replacing it with the following definitions:

"SHORT-TERM RENTAL means visitor accommodation provided within a single detached dwelling, secondary suite or carriage house by a principal resident and owner in exchange for a fee for a period of time less than 30 consecutive days, where the rental must be in accordance with the *Short-term Rental Accommodations Act*."

"SHORT-TERM RENTAL (BED AND BREAKFAST)

Means a short-term rental providing visitor accommodation within a single detached dwelling by a principal resident owner in exchange for a fee for a period of time less than 30 consecutive days. The owner must reside in the dwelling during the visitors stay, provide breakfast to all visitors, provide a free-flowing and interconnected space, and have no separate kitchen/cooking facilities. Short-term Rentals (Bed and Breakfast) must meet the development regulations outlined in Section 3.20 Short-term Rentals."

2.2 By deleting "bed and breakfast" and "short term accommodations" from Section 3.5 PROHIBITED USES AND STRUCTURES, 3.5.1(b) that reads:

“(b) Vacation rentals other than bed and breakfast, short term accommodations, agri-tourism accommodations, and the use of resort apartments and resort townhouses;”

and replacing it with the following:

“(b) Vacation rentals other than short-term rentals and short-term rentals (bed and breakfast), agri-tourism accommodations, and the use of resort apartments and resort townhouses;”

2.3 By deleting “bed and breakfast” from Section 3.18 SECONDARY SUITES, 3.18.8, and replacing it with “short-term rental (bed and breakfast).

2.4 By deleting “bed and breakfast” from Section 3.19 CARRIAGE HOUSES, 3.19.13, and replacing it with “Short-term rental (bed and breakfast).

2.5 By deleting Section 3.20 BED AND BREAKFAST in its entirety.

2.6 By deleting Section 3.21 SHORT TERM ACCOMMODATIONS in its entirety that reads:

“3.21 SHORT TERM ACCOMMODATIONS

.1 A short term accommodation use shall only be conducted within a single detached dwelling, secondary suite or carriage house.

.2 An occupant of the property shall be the operator of the short term accommodation. For certainty, an occupant shall be a principal resident of the property.

.3 In the case of a property containing a single detached dwelling with an approved secondary suite or approved carriage house, only one dwelling may be used for the purpose of a short term accommodation.

.4 No more than two adults may occupy a bedroom and no more than four bedrooms are permitted to be used for a short term accommodation.

.5 Bedrooms shall only be rented for periods of less than one month.

.6 A short term accommodation is permitted to have no more than one non-internally illuminated sign to a maximum size of 0.3 m² that is attached to the principal single detached dwelling or located elsewhere on the parcel and a minimum distance of 1.5 m from any parcel boundary.

.7 There shall be no exterior indication that a short term accommodation is in operation on any parcel, except for permitted signage and required parking.

.8 A short term accommodation shall not be permitted without connection to a community sewer system unless:

(a) The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.”

and replacing it with the following:

“3.20 SHORT-TERM RENTALS AND SHORT-TERM RENTALS (BED AND BREAKFAST)

.1 A short-term rental use

(a) Must:

- i. Only be conducted within a single detached dwelling, secondary suite or carriage house, to a maximum of one short-term rental use per parcel, where the parcel contains more than one dwelling unit;
- ii. Be operated by an owner of the property who is also a principal resident, that must be present overnight during the visitors stay, and be present for a portion of the day , provided that:
 - a) A local contact is available to interact with guests during operation and respond to any nuisance complaints; and
 - b) The name and contact information of the local contact must be displayed prominently within the dwelling.
- iii. Be rented for periods less than 30 consecutive days;
- iv. Ensure that the owner or local contact is available to respond to the dwelling within two (2) hours of being requested to do so by the City; and
- v. Ensure one dwelling unit is maintained for the principal resident.

(b) Must not:

- i. Permit any exterior indication that a short-term rental is in operation on any parcel, except for permitted signage and required parking;
- ii. Permit more than two adults per bedroom, and
- iii. Permit more than four bedrooms for short-term rental use per dwelling.

.2 Short-Term Rental (Bed and Breakfast) use

(a) Must:

- i. Only be conducted within a single detached dwelling with no secondary dwelling unit on the same parcel;
- ii. Be operated by an owner of the property who is also a principal resident, that must be present overnight during the visitors stay, and be present for a portion of the day;
- iii. Provide breakfast to visitors;
- iv. Be rented for periods less than 30 consecutive days; and

- v. Illustrate the bedroom occupied by the principal resident.
- (b) Must not:
- i. Permit any exterior indication that a short-term rental is in operation on any parcel, except for permitted signage and required parking;
 - ii. Permit more than two adults per bedroom to a maximum of eight persons, and
 - iii. Permit more than four bedrooms for short-term rental use per dwelling.

.3 Sewer Connection

- (a) A short-term rental and short-term rental (bed and breakfast) shall not be permitted without connection to a community sewer system unless:
 - i. The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.

.4 Signage

- (a) A short-term rental and short-term rental (bed and breakfast) is permitted to have no more than one non-internally illuminated sign to a maximum size of 0.3 m², where the sign may:
 - i. The sign may be attached to the dwelling; or
 - ii. Located elsewhere on the parcel at a minimum distance of 1.5 m from any parcel boundary.”

2.7 By deleting “bed and breakfast or short-term accommodation” from Section 3.24 AGRITOURISM ACCOMMODATION, 3.24.5, and replacing it with “short-term rental and short-term rental (bed and breakfast)”.

2.8 By deleting “Bed and breakfast” from the list of Uses in Section 4.4 STANDARD PARKING SPACES, Table 4.1 – Required Parking Spaces, and replacing it with “Short-Term Rental (Bed and Breakfast)”.

2.9 By deleting “Short Term Accommodation” from the list of Uses in Section 4.4 STANDARD PARKING SPACES, Table 4.1 – Required Parking Spaces, and replacing it with “Short-term rental, not including short-term rental (bed and breakfast)”.

2.10 By deleting in PART 4 STANDARD PARKING SPACES, Section .2 Development Standards, Subsection (a) Tandem Parking, 4.4.3.(a)i, that reads:

- “i. Tandem parking is permitted only for single detached dwellings, manufactured homes, duplexes, townhouses, home-based businesses, bed and breakfasts, secondary suites, short term accommodations, and carriage houses.”

and replacing it with the following:

- “i. Tandem parking is permitted only for single detached dwellings, manufactured homes, duplexes, townhouses, home-based businesses, short-term rentals including short-term rentals (bed and breakfast), secondary suites, and carriage houses.”

2.11 By deleting “Bed and breakfast” from the list of Secondary Uses, Buildings and Structures in the following zones:

- PART 8 AGRICULTURAL ZONES, Section 8.1 AGRICULTURAL ZONE (A1), Subsection 3 Secondary Uses, Buildings and Structures, (f);
- PART 9 RURAL ZONES, Section 9.1 COUNTRY RESIDENTIAL ZONE (RU1), Subsection 3 Secondary Uses, Buildings and Structures, (b);
- PART 9 RURAL ZONES, Section 9.2 RURAL RESIDENTIAL SMALL PARCEL ZONE, subsection 3 Secondary Uses, Buildings and Structures, (d);
- PART 9 RURAL ZONES, Section 9.3 RURAL RESIDENTIAL MEDIUM PARCEL ZONE, Subsection 3 Secondary Uses, Buildings and Structures, (e);
- PART 9 RURAL ZONES Section 9.4 RURAL RESIDENTIAL LARGE PARCEL ZONE, Subsection 3 Secondary Uses, Buildings and Structures, (f);
- PART 9 RURAL ZONES, Section 9.5 RURAL RESOURCE ZONE, Subsection 3 Secondary Uses, Buildings and Structures, (j);
- PART 10. RESIDENTIAL ZONES, Section 10.5. SINGLE DETACHED RESIDENTIAL ZONE (R1), subsection 3 Secondary Uses, Buildings and Structures, (b); and
- PART 10. RESIDENTIAL ZONES, Section 10.7 LARGE PARCEL SINGLE DETACHED RESIDENTIAL ZONE (R1L), Subsection 3 Secondary Uses, Buildings and Structures, (b).

2.12 By deleting “short term accommodation” and replacing it with “short-term rental/short-term rental (bed and breakfast)” in the following zones:

- PART 8 AGRICULTURAL ZONES, Section 8.1 AGRICULTURAL ZONE (A1), Subsection 3 Secondary Uses, Buildings and Structures, (h);
- PART 9 RURAL ZONES, Section 9.1 COUNTRY RESIDENTIAL ZONE (RU1), Subsection 3 Secondary Uses, Buildings and Structures (i);
- PART 9 RURAL ZONES, Section 9.2 RURAL RESIDENTIAL SMALL PARCEL ZONE, Subsection 3 Secondary Uses, Buildings and Structures, (j);
- PART 9 RURAL ZONES, Section 9.3 RURAL RESIDENTIAL MEDIUM PARCEL ZONE (RU3), Subsection 3 Secondary Uses, Buildings and Structures, (k);
- PART 9 RURAL ZONES, Section 9.4 RURAL RESIDENTIAL LARGE PARCEL ZONE (RU4), Subsection 3 Secondary Uses, Buildings and Structures, (m);
- PART 9 RURAL ZONES, Section 9.5 RURAL RESOURCE ZONE (RU5), Subsection 3 Secondary Uses, Buildings and Structures, (m);

- PART 10 RESIDENTIAL ZONES, Section 10.5 SINGLE DETACHED RESIDENTIAL ZONE (R1), subsection 3 Secondary Uses, Buildings and Structures, (b);
 - PART 10. RESIDENTIAL ZONES, Section 10.7 LARGE PARCEL SINGLE DETACHED RESIDENTIAL ZONE (R1L), Subsection 3 Secondary Uses, Buildings and Structures, (b).
- 2.13 By deleting PART 10 RESIDENTIAL ZONES, Section 10.9 DUPLEX RESIDENTIAL ZONE (R2), Subsection 3 Secondary Uses, Buildings and Structures, a to c that reads:
- “.3 Secondary Uses, Buildings and Structures
 (a) Accessory uses, buildings and structures
 (b) Care facility, minor
 (c) Home based business, major”
- and replacing with the following:
- “.3 Secondary Uses, Buildings and Structures
 (a) Accessory uses, buildings and structures
 (b) Care facility, minor
 (c) Home based business, major
 (d) Short-term rental/Short-term rental (bed and breakfast) in single detached dwelling form only”
- 2.14 That PART 10 RESIDENTIAL ZONE, Section 10.9 DUPLEX RESIDENTIAL ZONE (R2), Subsection 10.9.4 Site Specific Uses, Buildings and Structures, be amended by:
1. Adding to the end of the title that reads Site Specific Uses, Buildings and Structures the word “Reserved”; and
 2. Deleting the following:
 “(a) On Lot 7 District Lot 2045 Osoyoos Division Yale District Plan KAP91598 (3639 Apple Way Boulevard): bed and breakfast”
- 2.15 That CD1(A-G) Comprehensive Development Zone (Westlake), CD1(E) Hillside Housing Single Family, be amended by:
1. “Deleting “Bed and Breakfast” from the list of Permitted Uses, Section 1.(c), and replacing it with “Short-term rental (bed and breakfast)”, and
 2. Deleting “Short Term Accommodation” from the list of Permitted Uses, Section 1.(f), and replacing it with “Short-Term Rental”.”

READ A FIRST TIME THIS
READ A SECOND TIME THIS
READ A THIRD TIME THIS

Approved under The Highways Act this

(Approving Officer – Ministry of Transportation)

ADOPTED THIS

MAYOR

CORPORATE OFFICE

CITY OF WEST KELOWNA

BYLAW NO. 0087.17

A BYLAW TO AMEND “BUSINESS LICENSING AND REGULATIONS BYLAW NO. 0087”

WHEREAS the Council of the City of West Kelowna desires to amend “THE CITY OF WEST KELOWNA BUSINESS LICENSING AND REGULATIONS BYLAW 2010 NO. 0087” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “CITY OF WEST KELOWNA BUSINESS LICENSING AND REGULATIONS AMENDMENT BYLAW NO. 0087.17, 2023”.

2. Amendments

“Business Licensing and Regulations Bylaw 2010 No. 0087” is hereby amended as follows:

2.1 By deleting all references to “District” and replacing with “City”, including the plural where applicable.

2.2 By deleting all references to “Short term accommodation” and replacing with “Short-term rental”, including the plural where applicable.

2.3 By deleting in SECTION 1 INTRODUCTION, Subsection 1.2 DEFINITIONS, the definition for “carriage house” and “secondary suite” in its entirety.

“*Carriage House*” means a detached building containing a secondary dwelling, which may also contain one or more off street parking spaces for the single detached dwelling on the same parcel or for the carriage house.

“*Secondary Suite*” means second dwelling unit which contains at least 3 rooms including a bedroom, kitchen and bathroom, but no more than 2 bedrooms, located within the structure of a single detached house that provides living accommodation based on rental periods of one month or greater.

2.4 By adding the words “Except for short-term rentals,” to Section 3 LICENCE FEES AND LICENCE PERIOD, sentence 3.2, at the beginning.

2.5 By adding the words “Except for short-term rentals” to Section 3 LICENCE FEES AND LICENCE PERIOD, sentence 3.4, at the beginning.

- 2.6 By deleting from Section 12 SHORT TERM ACCOMMODATIONS, sentence 12.2, in its entirety that reads:

“12.2 Without limiting Section 12.1, a person applying for the issuance of a licence to operate a short term accommodation must, in addition to meeting the requirements of the City’s Zoning Bylaw:

- a) Make an application to the Licence Inspector on the form provided for short term accommodation business licence applications;
- b) Provide, in the form satisfactory to the Licence Inspector, evidence that
 - i. The operator owns the dwelling where the short term accommodation is offered, or
 - ii. The owner of the property has consented to the use of the property as a short term accommodation;
- c) Provide, when the property where the short term accommodation is offered is located within a Strata, a letter from the strata council confirming that the use of the dwelling for short term accommodations does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act;
- d) Provide in the form satisfactory to the Licence Inspector, evidence that the premises where the short term accommodation is offered is occupied by the operator as their principal residence which must include, at minimum, two of the following documents in the operators name:
 - i. Provincial Homeowners Grant;
 - ii. Driver’s Licence;
 - iii. Vehicle Registration;
 - iv. Utility Bills;
 - v. Tax Forms;
 - vi. Insurance Forms;
 - vii. Government Records; or
 - viii. Other documents satisfactory to the Licence Inspector.
- e) Provide the name and contact information for a local contact who is designated by the operator as an alternate host for the short term accommodation;
- f) Submit in the form satisfactory to the Licence Inspector a Self-Evaluation Safety Audit;
- g) Provide a floor plan of the dwelling in which the short term accommodation is offered, identifying the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each bedroom and the location of any sofa beds (Fire Safety Plan);

- h) Provide a parking plan which complies with the parking requirements of the Zoning Bylaw;
- i) Submit in the form satisfactory to the Licence Inspector a Good Neighbour Agreement; and
- j) Provide any other information the Licence Inspector may purposes of ensuring compliance with the City's bylaws and other enactments."

and replacing it with:

"12.2. Short-term Rental Applications

Without limiting Section 12.1, a person applying for a licence to operate a short-term rental must, in addition to meeting the requirements of the City's Zoning Bylaw:

- (a) Submit in the form satisfactory to the Licence Inspector, the City of West Kelowna's Short-term Rental Business Licence Application Form, which specifies the application requirements including:
 - i. Title Certificate;
 - ii. Strata Consent Form (if applicable), which:
 - (a) When the Short-term rental is located within a Strata, confirms that the Short-Term Rental use of the dwelling does not contradict any bylaws of the strata corporation or applicable provisions of the *Strata Property Act*;
 - iii. Good Neighbour Agreement;
 - iv. Local Contact Information, which includes:
 - (a) Name and contact information for a local contact who is designated by the owner as an alternate host for the short-term rental;
 - v. Parking Plan, which includes:
 - (a) A site plan illustrating required parking locations and sizes on the property;
 - vi. Fire Safety Plan, which includes:
 - (a) A floor plan of the entire short-term rental unit; and
 - (b) A fire evacuation plan which includes a floor plan specific to each bedroom,

where each plan must identify the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each bedroom and the location of any sofa beds; and be posted in all bedrooms and fire exits;
 - vii. Evidence that the owner is a principal resident, which includes:

- (a) Any applicable Provincial Short-Term Rental Registration Number; or
- (b) A minimum of two (2) documents from the specified list on the application form, in the owner's name.

viii. Provide any other information the Licence Inspector may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

- (b) Following submission of the application, schedule a safety inspection with the Licence Inspector to ensure compliance with the British Columbia Building Code, British Columbia Fire Code and City Bylaws. The inspection must be completed and the property must be compliant prior to issuance of the short-term rental business license."

2.7 By deleting from Section 12 SHORT-TERM ACCOMMODATIONS, Sections 12.3, 12.4, 12.5, 12.6, 12.7, in their entirety that reads:

"12.3 The operator of a short term accommodation must ensure that any marketing or listing for the short term accommodation includes the licence number of a valid licence issued for that dwelling under this Bylaw.

12.4 An operator of a short term accommodation may be absent overnight occasionally from their principal residence at a time when the short term accommodations is rented, provided that:

- a) the operator is absent no more than 14 days in any one month to a maximum of no more than 30 days within a calendar year;
- b) the local contact is available to interact with guests during operation and respond to any nuisance complaints; and
- c) the name and contact information of the local contact is prominently displayed in the dwelling.

12.5 The operator or local contact of a short term accommodation must respond or attend at the dwelling within 2 hours of being requested to do so by the Licence Inspector.

12.6 An operator of a short term accommodation must:

- a) Operate a short term accommodation only within a licenced dwelling;
- b) Only operate a hosted short term accommodation;
- c) Display the licence inside the entry way to the dwelling;
- d) Display in each approved bedroom, and in the entryway of the short term accommodation, a fire safety plan; and
- e) Ensure that no more than one booking is permitted for the short term accommodation within the dwelling at one time.

12.7 An operator of a short term accommodation must not:

- a) Rent out any bedrooms or provide any sleeping accommodation within any vehicle, recreational vehicle, tent or accessory building; or
- b) Allow to be used as bedrooms, any rooms that are not approved and identified on the licence application for that dwelling as bedrooms."

and replacing it with:

“12.3 The owner of a short-term rental must:

- (a) Ensure a short-term rental has a valid business licence;
- (b) Display the short-term rental Business Licence inside the entry way of the dwelling;
- (c) Display in each approved bedroom, and in the entryway of the short-term rental, a Fire Safety Plan;
- (d) Except for Short-Term Rental (Bed and Breakfast), ensure that no more than one booking is permitted at any one time for a short-term rental; and
- (e) Ensure that any marketing or listing for the short-term rental includes the short-term rental Business License number, and any applicable Provincial Short-Term Rental Registration Number.

12.4 The owner of a short-term rental must not:

- (a) Rent out any bedrooms or provide any sleeping accommodation within any vehicle, recreational vehicle, tent or accessory building; and
- (b) Allow any rooms that are not approved and identified on the licence application to be used as bedrooms in the short-term rental.”

READ A FIRST TIME THIS
READ SECOND TIME THIS
READ A THIRD TIME THIS
ADOPTED THIS

MAYOR

CORPORATE OFFICER

CITY OF WEST KELOWNA

BYLAW NO. 0095.52

A BYLAW TO AMEND “TICKET INFORMATION UTILIZATION BYLAW NO. 0095”

WHEREAS the Council of the City of West Kelowna desires to amend “City of West Kelowna Ticket Information Utilization Bylaw No. 0095, 2009” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “CITY OF WEST KELOWNA TICKET INFORMATION UTILIZATION AMENDMENT BYLAW NO. 0095.52, 2023.”

2. Amendments

The “City of West Kelowna Ticket Information Utilization Bylaw No. 0095, 2009” is hereby amended as follows:

- 2.1 By deleting all references to “short term accommodation” and replacing it with “short-term rental”;
- 2.2 By deleting in its entirety Schedule 2 Ticket Offences for City of West Kelowna Zoning Bylaw No. 0265, 2022, which reads:

Schedule

2

Ticket Offences for City of West Kelowna Zoning Bylaw No. 0265, 2022.

| | <u>Section</u> | <u>Fine</u> |
|--|----------------|-------------|
| Contravene siting regulations (specified in each Zone) | Parts 6-14 | \$500.00 |
| Contravene permitted uses (specified in each Zone) | Parts 6-14 | 500.00 |
| Prohibited use | 3.5 (.1 to.8) | 500.00 |
| Prohibited parking | 3.6.1 | 100.00 |
| Prohibited parking | 3.6.2 | 100.00 |
| Prohibited parking | 3.7.1 | 100.00 |
| Contravene accessory use, building and structure rules | 3.9 (.1 to .3) | 100.00 |
| Prohibited fence material | 3.12.1 | 100.00 |
| Overheight fence | 3.12.2 | 100.00 |
| Contravene retaining wall fence rules | 3.12.2 | 100.00 |

| | | |
|---|-----------------------------|---------|
| Prohibited park boundary fence material | 3.12.3 | 100.00 |
| Overheight park boundary fence | 3.12.3 | 100.00 |
| Fail to screen | 3.13.1(a) (.1 to .3) | 100.00 |
| Underheight screen | 3.13.2 | 100.00 |
| Contravene screen material or gate rules | 3.13.3 (a to b) | 100.00 |
| Overheight retaining wall | 3.14.1 | 100.00 |
| Contravene lighting rules | 3.15.1(a) | 100.00 |
| Overheight lighting | 3.15.1(b) | 100.00 |
| Contravene minor home business rules | 3.16.1 (a to i) | 500.00 |
| Contravene major home business rules | 3.16.2 (a to j) | 500.00 |
| Contravene live/work unit rules | 3.17.1 | 500.00 |
| Contravene secondary suite rules | 3.18 (.1 to .9) | 500.00 |
| Contravene carriage house rules | 3.19 (.1 to .14) | 500.00 |
| Contravene bed and breakfast rules | 3.20 (.1 to .9) | 500.00 |
| Contravene agricultural worker dwelling rules | 3.22 (.1 to .6) | 1000.00 |
| Contravene temporary agricultural worker dwelling rules | 3.23 (.1 to .7) | 1000.00 |
| Contravene agri-tourism accommodation rules | 3.24 (.1 to .8) | 500.00 |
| Fail to maintain buffer | 3.25.3 (a to e) | 1000.00 |
| Contravene short term accommodation rules (first offence) | 3.21 (.1 to .9) | 250.00 |
| Contravene short term accommodation rules (second offence) | 3.21 (.1 to .9) | 350.00 |
| Contravene short term accommodation rules (continuing nature offence) | 3.21 (.1 to .9) | 1000.00 |
| Fail to surface parking and loading areas | 4.3.5 | 500.00 |
| Contravene parking and loading standards | 4.3 (.1 to .4 and .6 to .7) | 100.00 |

and replace it with:

Schedule 2

Ticket Offences for City of West Kelowna Zoning Bylaw No. 0265, 2022

| | <u>Section</u> | <u>Fine</u> |
|--|-----------------------|--------------------|
| Contravene siting regulations (specified in each Zone) | Parts 6-14 | \$500.00 |
| Contravene permitted uses (specified in each Zone) | Parts 6-14 | 500.00 |
| Prohibited use | 3.5 (.1 to .8) | 500.00 |
| Prohibited parking | 3.6.1 | 100.00 |
| Prohibited parking | 3.6.2 | 100.00 |

| | | |
|---|----------------------|---------|
| Prohibited parking | 3.7.1 | 100.00 |
| Contravene accessory use, building and structure rules | 3.9 (.1 to .3) | 100.00 |
| Prohibited fence material | 3.12.1 | 100.00 |
| Overheight fence | 3.12.2 | 100.00 |
| Contravene retaining wall fence rules | 3.12.2 | 100.00 |
| Prohibited park boundary fence material | 3.12.3 | 100.00 |
| Overheight park boundary fence | 3.12.3 | 100.00 |
| Fail to screen | 3.13.1(a) (.1 to .3) | 100.00 |
| Underheight screen | 3.13.2 | 100.00 |
| Contravene screen material or gate rules | 3.13.3 (a to b) | 100.00 |
| Overheight retaining wall | 3.14.1 | 100.00 |
| Contravene lighting rules | 3.15.1(a) | 100.00 |
| Overheight lighting | 3.15.1(b) | 100.00 |
| Contravene minor home business rules | 3.16.1 (a to i) | 500.00 |
| Contravene major home business rules | 3.16.2 (a to j) | 500.00 |
| Contravene live/work unit rules | 3.17.1 | 500.00 |
| Contravene secondary suite rules | 3.18 (.1 to .9) | 500.00 |
| Contravene carriage house rules | 3.19 (.1 to .14) | 500.00 |
| Contravene agricultural worker dwelling rules | 3.22 (.1 to .6) | 1000.00 |
| Contravene temporary agricultural worker dwelling rules | 3.23 (.1 to .7) | 1000.00 |
| Contravene agri-tourism accommodation rules | 3.24 (.1 to .8) | 500.00 |
| Fail to maintain buffer | 3.25.3 (a to e) | 1000.00 |
| Contravene short-term rental rules (first offence) | 3.20 (.1 to .6) | 500.00 |

| | | |
|---|-----------------------------|---------|
| Contravene short-term rental rules (second offence) | 3.20 (.1 to .6) | 1000.00 |
| Contravene short-term rental rules (continuing nature offence) | 3.20 (.1 to .6) | 3000.00 |
| Fail to surface parking and loading areas | 4.3.5 | 500.00 |
| Contravene parking and loading standards | 4.3 (.1 to .4 and .6 to .7) | 100.00 |
| Contravene short-term rental absent operation conditions (first offence) | 3.20.4 & 3.20.5 | 500.00 |
| Contravene short-term rental absent operation conditions (second offence) | 3.20.4 & 3.20.5 | 1000.00 |
| Contravene short-term rental absent operation conditions (continuing offence) | 3.20.4 & 3.20.5 | 3000.00 |
| Fail to attend short-term rental within required time period (first offence) | 3.20.1(d) | 500.00 |
| Fail to attend short-term rental within required time period (second offence) | 3.20.1(d) | 1000.00 |
| Fail to attend short-term rental within required time period (continuing offence) | 3.20.1(d) | 3000.00 |

2.3 By deleting in its entirety Schedule 5 Ticket Offences for District of West Kelowna Business Licencing and Regulations Bylaw 2010 No. 0087, which reads:

Schedule 5 of Bylaw
0095.04

Ticket Offences for District of West Kelowna Business Licencing and Regulations Bylaw 2010 No. 0087.

| | <u>Section</u> | <u>Fine</u> |
|---|----------------|-------------|
| No business license | 2.1 | \$1,000.00 |
| No business license for each premise | 2.2 | 100.00 |
| Fail to display business license | 2.3 | 50.00 |
| Prohibit entry of authorized person | 2.6 | 150.00 |
| Fail to keep proper books | 4.2 | 500.00 |
| Fail to supply employee information | 7.1(a) | 500.00 |
| Fail to notify change in employee information | 7.1(b) | 500.00 |
| Fail to obtain approval prior to employment | 7.1(c) | 500.00 |
| Employ individual under 19 years of age | 7.1(d) | 500.00 |
| Fail to maintain register | 9.1 | 500.00 |

| | | |
|---|------------|---------|
| | 9.2(a-h) | 500.00 |
| | 9.3(a)&(b) | 500.00 |
| Fail to submit report | 9.3(c)&(f) | 500.00 |
| Fail to maintain manual register | 9.3(e) | 500.00 |
| Amend or alter register entry | 9.4 | 500.00 |
| Fail to permit inspection of registry | 9.5 | 500.00 |
| Fail to keep register for 24 months | 9.6(a) | 500.00 |
| Fail to keep register within Province for 7 years | 9.6(b) | 500.00 |
| Fail to transfer register to new owner | 9.6(c) | 500.00 |
| Keep inventory at unauthorized location | 9.7 | 500.00 |
| Obtain property with serial number removed or altered | 9.9 | 500.00 |
| Fail to identify or tag property | 9.14(a) | 500.00 |
| Alter or remove or dispose of property | 9.14(b) | 500.00 |
| Improper disposal of goods | 9.15 | 500.00 |
| Fail to separate or identify property | 9.17 | 500.00 |
| Soliciting a specific destination | 10.1 | 200.00 |
| Soliciting towing service at scene of accident | 10.2 | 200.00 |
| Fail to keep daily record of all trips | 10.3 | 200.00 |
| Soliciting towing service at roadside check stop | 10.4 | 200.00 |
| Operate commercial passenger vehicle without Provincial licence | 11.1 | 200.00 |
| Operate a short term accommodation without a licence – first offence | 12.2 | 250.00 |
| Contravene short term accommodation rules – second offence | 12.2 | 350.00 |
| Contravene short term accommodation rules – continuing nature offence | 12.2 | 1000.00 |
| Marketing without licence number | 12.3 | 100.00 |
| Contravene absent operation conditions | 12.4 | 250.00 |
| Fail to attend short term accommodation within required time period | 12.5 | 250.00 |
| Operate short term accommodation contrary to licence conditions | 12.6 | 1000.00 |
| Use unauthorized bedroom for short term accommodation | 12.7 | 1000.00 |

and replacing it with:

Schedule 5

Ticket Offences for City of West Kelowna Business Licencing and Regulations Bylaw No. 0087, 2010

| | <u>Section</u> | <u>Fine</u> |
|---|-----------------------|--------------------|
| No business license | 2.1 | \$1,000.00 |
| No business license for each premise | 2.2 | 100.00 |
| Fail to display business license | 2.3 | 50.00 |
| Prohibit entry of authorized person | 2.6 | 150.00 |
| Fail to keep proper books | 4.2 | 500.00 |
| Fail to supply employee information | 7.1(a) | 500.00 |
| Fail to notify change in employee information | 7.1(b) | 500.00 |
| Fail to obtain approval prior to employment | 7.1(c) | 500.00 |
| Employ individual under 19 years of age | 7.1(d) | 500.00 |
| Fail to maintain register | 9.1 | 500.00 |
| | 9.2(a-h) | 500.00 |
| | 9.3(a)&(b) | 500.00 |
| Fail to submit report | 9.3(c)&(f) | 500.00 |
| Fail to maintain manual register | 9.3(e) | 500.00 |
| Amend or alter register entry | 9.4 | 500.00 |
| Fail to permit inspection of registry | 9.5 | 500.00 |
| Fail to keep register for 24 months | 9.6(a) | 500.00 |
| Fail to keep register within Province for 7 years | 9.6(b) | 500.00 |
| Fail to transfer register to new owner | 9.6(c) | 500.00 |
| Keep inventory at unauthorized location | 9.7 | 500.00 |
| Obtain property with serial number removed or altered | 9.9 | 500.00 |
| Fail to identify or tag property | 9.14(a) | 500.00 |
| Alter or remove or dispose of property | 9.14(b) | 500.00 |
| Improper disposal of goods | 9.15 | 500.00 |
| Fail to separate or identify property | 9.17 | 500.00 |
| Soliciting a specific destination | 10.1 | 200.00 |
| Soliciting towing service at scene of accident | 10.2 | 200.00 |

| | | |
|--|-------------|---------|
| Fail to keep daily record of all trips | 10.3 | 200.00 |
| Soliciting towing service at roadside check stop | 10.4 | 200.00 |
| Operate commercial passenger vehicle without Provincial licence | 11.1 | 200.00 |
| Operate a short-term rental without a licence – first offence | 12.1 | 500.00 |
| Operate a short-term rental without a licence – second offence | 12.1 | 1000.00 |
| Operate a short-term rental without a licence – continuing offence | 12.1 | 3000.00 |
| Contravene short-term rental rules – first offence | 12.2 | 500.00 |
| Contravene short-term rental rules – second offence | 12.2 | 1000.00 |
| Contravene short-term rental rules – continuing nature offence | 12.2 | 3000.00 |
| Marketing without a municipal licence number and/or a provincial registration number for short-term rentals (first offence) | 12.3(e) | 500.00 |
| Marketing without a municipal licence number and/or a provincial registration number for short-term rentals (second offence) | 12.3(e) | 1000.00 |
| Marketing without a municipal licence number and/or a provincial registration number for short-term rentals (continuing offence) | 12.3(e) | 3000.00 |
| Operate short term accommodation contrary to licence conditions (first offence) | 12.3 & 12.4 | 500.00 |
| Operate short-term rental contrary to licence conditions (second offence) | 12.3 & 12.4 | 1000.00 |
| Operate short-term rental contrary to licence conditions (continuing offence) | 12.3 & 12.4 | 3000.00 |
| Use unauthorized bedroom for short-term rental (first offence) | 12.4 | 500.00 |
| Use unauthorized bedroom for short-term rental (second offence) | 12.4 | 1000.00 |
| Use unauthorized bedroom for short-term rental (continuing offence) | 12.4 | 3000.00 |

READ A FIRST TIME THIS

READ A SECOND TIME THIS

READ A THIRD TIME THIS

ADOPTED THIS

MAYOR

CORPORATE OFFICER

CITY OF WEST KELOWNA

BYLAW NO. 0093.54

A BYLAW TO AMEND “CITY OF WEST KELOWNA BYLAW ENFORCEMENT NOTICE NO. 0093, 2010”

WHEREAS the Council of the City of West Kelowna desires to amend “City of West Kelowna Bylaw Notice of Enforcement Bylaw No. 0093, 2010” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “CITY OF WEST KELOWNA BYLAW NOTICE ENFORCEMENT BYLAW NO. 0093.54, 2023.”

2. Amendments

The “City of West Kelowna Bylaw Notice Enforcement Bylaw No. 0093, 2010” is hereby amended as follows:

2.1 By deleting all references to “short term accommodation” and replacing it with “short-term rental”;

2.2 By deleting in its entirety Schedule 2 Ticket Offences for City of West Kelowna Zoning Bylaw No. 0265, 2022, which reads:

Schedule 2

Ticket Offences for City of West Kelowna Zoning Bylaw No. 0265, 2022.

| | <u>Section</u> | <u>Fine</u> |
|--|----------------|-------------|
| Contravene siting regulations (specified in each Zone) | Parts 6-14 | \$500.00 |
| Contravene permitted uses (specified in each Zone) | Parts 6-14 | 500.00 |
| Prohibited use | 3.5 (.1 to .8) | 500.00 |
| Prohibited parking | 3.6.1 | 100.00 |
| Prohibited parking | 3.6.2 | 100.00 |
| Prohibited parking | 3.7.1 | 100.00 |
| Contravene accessory use, building and structure rules | 3.9 (.1 to .3) | 100.00 |
| Prohibited fence material | 3.12.1 | 100.00 |
| Overheight fence | 3.12.2 | 100.00 |
| Contravene retaining wall fence rules | 3.12.2 | 100.00 |

| | | |
|---|-----------------------------|---------|
| Prohibited park boundary fence material | 3.12.3 | 100.00 |
| Overheight park boundary fence | 3.12.3 | 100.00 |
| Fail to screen | 3.13.1(a) (.1 to .3) | 100.00 |
| Underheight screen | 3.13.2 | 100.00 |
| Contravene screen material or gate rules | 3.13.3 (a to b) | 100.00 |
| Overheight retaining wall | 3.14.1 | 100.00 |
| Contravene lighting rules | 3.15.1(a) | 100.00 |
| Overheight lighting | 3.15.1(b) | 100.00 |
| Contravene minor home business rules | 3.16.1 (a to i) | 500.00 |
| Contravene major home business rules | 3.16.2 (a to j) | 500.00 |
| Contravene live/work unit rules | 3.17.1 | 500.00 |
| Contravene secondary suite rules | 3.18 (.1 to .9) | 500.00 |
| Contravene carriage house rules | 3.19 (.1 to .14) | 500.00 |
| Contravene bed and breakfast rules | 3.20 (.1 to .9) | 500.00 |
| Contravene agricultural worker dwelling rules | 3.22 (.1 to .6) | 1000.00 |
| Contravene temporary agricultural worker dwelling rules | 3.23 (.1 to .7) | 1000.00 |
| Contravene agri-tourism accommodation rules | 3.24 (.1 to .8) | 500.00 |
| Fail to maintain buffer | 3.25.3 (a to e) | 1000.00 |
| Contravene short term accommodation rules (first offence) | 3.21 (.1 to .9) | 250.00 |
| Contravene short term accommodation rules (second offence) | 3.21 (.1 to .9) | 350.00 |
| Contravene short term accommodation rules (continuing nature offence) | 3.21 (.1 to .9) | 1000.00 |
| Fail to surface parking and loading areas | 4.3.5 | 500.00 |
| Contravene parking and loading standards | 4.3 (.1 to .4 and .6 to .7) | 100.00 |

and replacing it with:

Schedule 2

Ticket Offences for City of West Kelowna Zoning Bylaw No. 0265, 2022

| | <u>Section</u> | <u>Fine</u> |
|--|-----------------------|--------------------|
| Contravene siting regulations (specified in each Zone) | Parts 6-14 | \$500.00 |
| Contravene permitted uses (specified in each Zone) | Parts 6-14 | 500.00 |
| Prohibited use | 3.5 (.1 to.8) | 500.00 |
| Prohibited parking | 3.6.1 | 100.00 |
| Prohibited parking | 3.6.2 | 100.00 |
| Prohibited parking | 3.7.1 | 100.00 |
| Contravene accessory use, building and structure rules | 3.9 (.1 to .3) | 100.00 |
| Prohibited fence material | 3.12.1 | 100.00 |
| Overheight fence | 3.12.2 | 100.00 |
| Contravene retaining wall fence rules | 3.12.2 | 100.00 |
| Prohibited park boundary fence material | 3.12.3 | 100.00 |
| Overheight park boundary fence | 3.12.3 | 100.00 |
| Fail to screen | 3.13.1(a) (.1 to .3) | 100.00 |
| Underheight screen | 3.13.2 | 100.00 |
| Contravene screen material or gate rules | 3.13.3 (a to b) | 100.00 |
| Overheight retaining wall | 3.14.1 | 100.00 |
| Contravene lighting rules | 3.15.1(a) | 100.00 |
| Overheight lighting | 3.15.1(b) | 100.00 |
| Contravene minor home business rules | 3.16.1 (a to i) | 500.00 |
| Contravene major home business rules | 3.16.2 (a to j) | 500.00 |
| Contravene live/work unit rules | 3.17.1 | 500.00 |

| | | |
|---|-----------------------------|---------|
| Contravene secondary suite rules | 3.18 (.1 to .9) | 500.00 |
| Contravene carriage house rules | 3.19 (.1 to .14) | 500.00 |
| Contravene agricultural worker dwelling rules | 3.22 (.1 to .6) | 1000.00 |
| Contravene temporary agricultural worker dwelling rules | 3.23 (.1 to .7) | 1000.00 |
| Contravene agri-tourism accommodation rules | 3.24 (.1 to .8) | 500.00 |
| Fail to maintain buffer | 3.25.3 (a to e) | 1000.00 |
| Contravene short-term rental rules (first offence) | 3.20 (.1 to .6) | 100.00 |
| Contravene short-term rental rules (second offence) | 3.20 (.1 to .6) | 250.00 |
| Contravene short-term rental rules (continuing nature offence) | 3.20 (.1 to .6) | 500.00 |
| Fail to surface parking and loading areas | 4.3.5 | 500.00 |
| Contravene parking and loading standards | 4.3 (.1 to .4 and .6 to .7) | 100.00 |
| Contravene short-term rental absent operation conditions (first offence) | 3.20.4 & 3.20.5 | 100.00 |
| Contravene short-term rental absent operation conditions (second offence) | 3.20.4 & 3.20.5 | 250.00 |
| Contravene short-term rental absent operation conditions (continuing offence) | 3.20.4 & 3.20.5 | 500.00 |
| Fail to attend short-term rental within required time period (first offence) | 3.20.1(d) | 100.00 |
| Fail to attend short-term rental within required time period (second offence) | 3.20.1(d) | 250.00 |
| Fail to attend short-term rental within required time period (continuing offence) | 3.20.1(d) | 500.00 |

2.3 By deleting in its entirety Schedule 5 Ticket Offences for District of West Kelowna Business Licencing and Regulations Bylaw 2010 No. 0087, which reads:

Schedule 5 of Bylaw
0095.04

Ticket Offences for District of West Kelowna Business Licencing and Regulations Bylaw 2010 No. 0087.

| | <u>Section</u> | <u>Fine</u> |
|---|----------------|-------------|
| No business license | 2.1 | \$1,000.00 |
| No business license for each premise | 2.2 | 100.00 |
| Fail to display business license | 2.3 | 50.00 |
| Prohibit entry of authorized person | 2.6 | 150.00 |
| Fail to keep proper books | 4.2 | 500.00 |
| Fail to supply employee information | 7.1(a) | 500.00 |
| Fail to notify change in employee information | 7.1(b) | 500.00 |
| Fail to obtain approval prior to employment | 7.1(c) | 500.00 |
| Employ individual under 19 years of age | 7.1(d) | 500.00 |
| Fail to maintain register | 9.1 | 500.00 |
| | 9.2(a-h) | 500.00 |
| | 9.3(a)&(b) | 500.00 |
| Fail to submit report | 9.3(c)&(f) | 500.00 |
| Fail to maintain manual register | 9.3(e) | 500.00 |
| Amend or alter register entry | 9.4 | 500.00 |
| Fail to permit inspection of registry | 9.5 | 500.00 |
| Fail to keep register for 24 months | 9.6(a) | 500.00 |
| Fail to keep register within Province for 7 years | 9.6(b) | 500.00 |
| Fail to transfer register to new owner | 9.6(c) | 500.00 |
| Keep inventory at unauthorized location | 9.7 | 500.00 |
| Obtain property with serial number removed or altered | 9.9 | 500.00 |
| Fail to identify or tag property | 9.14(a) | 500.00 |
| Alter or remove or dispose of property | 9.14(b) | 500.00 |
| Improper disposal of goods | 9.15 | 500.00 |
| Fail to separate or identify property | 9.17 | 500.00 |
| Soliciting a specific destination | 10.1 | 200.00 |
| Soliciting towing service at scene of accident | 10.2 | 200.00 |
| Fail to keep daily record of all trips | 10.3 | 200.00 |
| Soliciting towing service at roadside check stop | 10.4 | 200.00 |
| Operate commercial passenger vehicle without Provincial licence | 11.1 | 200.00 |
| Operate a short term accommodation without a licence – first offence | 12.2 | 250.00 |
| Contravene short term accommodation rules – second offence | 12.2 | 350.00 |
| Contravene short term accommodation rules – continuing nature offence | 12.2 | 1000.00 |

| | | |
|---|------|---------|
| Marketing without licence number | 12.3 | 100.00 |
| Contravene absent operation conditions | 12.4 | 250.00 |
| Fail to attend short term accommodation within required time period | 12.5 | 250.00 |
| Operate short term accommodation contrary to licence conditions | 12.6 | 1000.00 |
| Use unauthorized bedroom for short term accommodation | 12.7 | 1000.00 |

and replacing it with:

Schedule 5

Ticket Offences for City of West Kelowna Business Licencing and Regulations Bylaw No. 0087, 2010

| | <u>Section</u> | <u>Fine</u> |
|---|-----------------------|--------------------|
| No business license | 2.1 | \$1,000.00 |
| No business license for each premise | 2.2 | 100.00 |
| Fail to display business license | 2.3 | 50.00 |
| Prohibit entry of authorized person | 2.6 | 150.00 |
| Fail to keep proper books | 4.2 | 500.00 |
| Fail to supply employee information | 7.1(a) | 500.00 |
| Fail to notify change in employee information | 7.1(b) | 500.00 |
| Fail to obtain approval prior to employment | 7.1(c) | 500.00 |
| Employ individual under 19 years of age | 7.1(d) | 500.00 |
| Fail to maintain register | 9.1 | 500.00 |
| | 9.2(a-h) | 500.00 |
| | 9.3(a)&(b) | 500.00 |
| Fail to submit report | 9.3(c)&(f) | 500.00 |
| Fail to maintain manual register | 9.3(e) | 500.00 |
| Amend or alter register entry | 9.4 | 500.00 |
| Fail to permit inspection of registry | 9.5 | 500.00 |
| Fail to keep register for 24 months | 9.6(a) | 500.00 |
| Fail to keep register within Province for 7 years | 9.6(b) | 500.00 |
| Fail to transfer register to new owner | 9.6(c) | 500.00 |
| Keep inventory at unauthorized location | 9.7 | 500.00 |
| Obtain property with serial number removed or altered | 9.9 | 500.00 |

| | | |
|--|-------------|--------|
| Fail to identify or tag property | 9.14(a) | 500.00 |
| Alter or remove or dispose of property | 9.14(b) | 500.00 |
| Improper disposal of goods | 9.15 | 500.00 |
| Fail to separate or identify property | 9.17 | 500.00 |
| Soliciting a specific destination | 10.1 | 200.00 |
| Soliciting towing service at scene of accident | 10.2 | 200.00 |
| Fail to keep daily record of all trips | 10.3 | 200.00 |
| Soliciting towing service at roadside check stop | 10.4 | 200.00 |
| Operate commercial passenger vehicle without Provincial licence | 11.1 | 200.00 |
| Operate a short-term rental without a licence – first offence | 12.3.a) | 100.00 |
| Operate a short-term rental without a licence – second offence | 12.3.a) | 250.00 |
| Operate a short-term rental without a licence – continuing offence | 12.3.a) | 500.00 |
| Contravene short-term rental rules – first offence | 12.2 | 100.00 |
| Contravene short-term rental rules – second offence | 12.2 | 250.00 |
| Contravene short-term rental rules – continuing nature offence | 12.2 | 500.00 |
| Marketing without a municipal licence number and/or a provincial registration number for short-term rentals (first offence) | 12.3(e) | 100.00 |
| Marketing without a municipal licence number and/or a provincial registration number for short-term rentals (second offence) | 12.3(e) | 250.00 |
| Marketing without a municipal licence number and/or a provincial registration number for short-term rentals (continuing offence) | 12.3(e) | 500.00 |
| Operate short term accommodation contrary to licence conditions (first offence) | 12.3 & 12.4 | 100.00 |
| Operate short-term rental contrary to licence conditions (second offence) | 12.3 & 12.4 | 250.00 |
| Operate short-term rental contrary to licence conditions (continuing offence) | 12.3 & 12.4 | 500.00 |
| Use unauthorized bedroom for short-term rental (first offence) | 12.4 | 100.00 |
| Use unauthorized bedroom for short-term rental (second offence) | 12.4 | 250.00 |
| Use unauthorized bedroom for short-term rental (continuing offence) | 12.4 | 500.00 |

READ A FIRST TIME THIS
 READ A SECOND TIME THIS
 READ A THIRD TIME THIS
 ADOPTED THIS

MAYOR

CORPORATE OFFICER

CITY OF WEST KELOWNA

BYLAW NO. 0028.79

A BYLAW TO AMEND “FEES AND CHARGES BYLAW NO. 0028”

WHEREAS the Council of the City of West Kelowna desires to amend “City of West Kelowna Fees and Charges Bylaw 2009 No. 0028” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as “CITY OF WEST KELOWNA FEES AND CHARGES AMENDMENT BYLAW NO. 0028.79, 2023.”

2. Amendments

The “Fees and Charges Bylaw No. 0028” is hereby amended as follows:

- 2.1 By deleting in Section 1, Title “City of West Kelowna Fees and Charges Bylaw 2009 No. 0028” and replacing it with “City of West Kelowna Fees and Charges Bylaw No. 0028, 2009”.
- 2.2 By deleting “Short Term Accommodation” in Schedule 16 and replacing it with “Short-Term Rental”.
- 2.3 By deleting “Application Fee” in Schedule 16 and replacing it with “Short-Term Rental Application Fee”.

READ A FIRST TIME THIS
READ A SECOND TIME THIS
READ A THIRD TIME THIS
ADOPTED THIS

MAYOR

CORPORATE OFFICER