



REPORT FOR DECISION

Report Date: September 7, 2023

Meeting Date: September 12, 2023

TO: Mayor and Council

FROM: Andrew Young, MCIP, RPP
Chief Administrative Officer, with input from
Rory Hromadnik, Director of Development Services

SUBJECT: Revised Proposal to Regulate Short-Term Rental Accommodation Units in Invermere

RECOMMENDATIONS:

THAT COUNCIL:

1. Directs that the District hold public information and engagement meetings on October 5, 2023 with Invermere residents on the proposed new Business Licencing Bylaw (with STR regulatory provisions) and supporting documents.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

The District's CAO supports the recommendations.

PURPOSE:

To present Council with the District of Invermere's revised proposed Business Licencing Bylaw (including provisions to help regulate the operation of Short-Term Rental Accommodation Units in Invermere, with supporting documents); a summary of the consultation meeting with STR Managers / Operators held in August 2023 regarding same; and a recommendation to hold public information and engagement meetings on October 5, 2023 with Invermere residents on the proposed new Business Licencing Bylaw and supporting documents.

COUNCIL'S STRATEGIC PRIORITIES ALIGNMENT:

Preparation and consideration of this report is consistent with Council's Strategic Priorities – which were recently revised and adopted on May 9, 2023.

BACKGROUND and COMMENTS:

Background:

Since the Fall 2021, Invermere Council has received several reports and background information regarding the operation of Short-Term Rental Accommodation Units (STRs) in Invermere, as well as potential options to help regulate them. The information contained in those reports includes, for example:

- Public Survey reports concerning STR operations and the public's desire to manage them;

- Short-Term Rental Regulations Options report presented to the RDEK Board in April 2022; and
- Draft Proposals to regulate Short-Term Rental Accommodation units in Invermere.

It should be noted, the Regional District of East Kootenay (RDEK) has recently published some reports and materials regarding proposals to help regulate STR operations in its jurisdiction. The RDEK has held meetings with Short-Term Rental Accommodation owners/operators regarding the proposed regulations. The RDEK has also invited public comment on its proposed STR operating criteria and revised those proposals based on public feedback.

Recent Directions:

On March 14, 2023 Council meeting as Committee of the Whole:

1. *Received the report regarding “Proposals to Regulate Short-Term Rental Accommodation Units in Invermere using a Short-Term Rental Accommodation Business Licence & Regulation Bylaw, and Temporary Use Permits;”*
2. *Directed staff to pursue a combined approach to regulate Short-Term Rental Accommodation Units (STRs) in Invermere using a Short-Term Rental Accommodation Business Licence & Regulation Bylaw, and Temporary Use Permit/s with the discussed edits to the bylaw.*
3. *Directed staff to bring the proposed bylaw for first reading to a Regular Council meeting in April (after the bylaw was reviewed by the District’s solicitors at Lidstone & Company).*
4. *Directed staff to consult with Invermere residents, businesses, and STR owners/operators regarding the proposed bylaw.*

As directed, District staff referred the draft bylaw to Lidstone & Company solicitors for review. Detailed comments on the proposed bylaw were received from the solicitors after which further revisions to the bylaw were made by staff to integrate the proposed Short-Term Rental Accommodation regulations into the District’s Business Licencing Bylaw No. 1550, 2018. That work is now completed in a draft form, and a copy of the proposed new consolidated Business Licencing Bylaw for the municipality is attached to this report for Council’s review (Attachment #1). For reference attached to this report are updated versions of the following draft documents: Short-Term Rental Business Licence application form; Annual Self-Evaluation & Audit Attestation form, and Temporary Use Permit Guide – STR Brochure (Attachments # 2, 3, & 4). Also attached for reference are copies of some related materials posted by the RDEK to its website regarding its proposals to regulate STR operations in its jurisdiction (Attachments # 5, and 6). Additional information regarding the RDEK’s work and work program concerning STRs can be found on the RDEK website:

<https://engage.rdek.bc.ca/temporaryusepermits>

On July 11, 2023 Council meeting as Committee of the Whole:

1. Received the report regarding “Proposals to Regulate Short-Term Rental Accommodation Units in Invermere using a revised Business Licencing Bylaw” including a draft Business Licencing Bylaw attached to this report; and
2. Directed that the District initiate consultations with Short-Term Rental Accommodation owners/operators, as well as Invermere residents on the proposed bylaw.

At the same meeting, Council directed staff to:

- *Initiate targeted consultation/s with Short-Term Rental Property Management firms that conduct business in the District of Invermere to ask questions about the District's proposed Business Licencing Bylaw approach to regulate the operation of STR Accommodation Units. Through the consultation/s STR Property Management firms will be asked a series of questions, such as:*
 - *Should the District amend its Zoning Bylaw to permit Short-Term Rental Accommodation (STR) Operations in single family and low-density residential zones? Should it permit STR operations in all Zones, except for Industrial and Light Industrial Zones?*
 - *Should the District regulate Short-Term Rental Accommodation operations through an amended Business Licencing Bylaw, or through a Temporary Use Permit approach similar to that being developed by the RDEK?*
 - *Under what conditions should the District consider a Temporary Use Permit to support a proposed STR Accommodation Operation (e.g., large number of habitable rooms/bedrooms; large parking demands; swimming pools; large outdoor play spaces and/or fire pits, etc.)?*
 - *Should the District prevent / reduce concentrated ownership of STRs in Invermere by individuals or private firms? Should this be done by stipulating that each STR property owner will be issued only one business licence?*
 - *Should the District consider implementing a cap on the number of STR operations in Invermere?*

As directed, District staff organized a meeting with STR Managers / Operators active in the Invermere area so that the District could hear directly from industry representatives on these and other questions. A copy of the meeting invitation (including guiding questions) is attached to this report (Attachment #7). Also attached are notes summarizing the meeting discussions and comments provided by industry representatives (Attachment #8).

Proposed Public Consultations:

The District conducted a public survey in 2021 to help determine the level of public support for regulating the operation of short-term rental accommodation units in Invermere. The survey results reported in the fall of 2021 showed strong support for regulating the operation of STRs in Invermere.

Subject to Council's review and comments on the proposed Business Licensing Bylaw, it is recommended that the District initiate consultations with Invermere residents on the proposed bylaw to help ensure it achieves the desired results and enjoys community support. It is proposed that a set of public information and engagement meetings be held on October 5, 2023 to seek public input on the proposed Short-Term Rental Accommodation Unit (STR) regulations, and other updates to the District of Invermere's Business Licencing Bylaw. For Council's reference, a copy of the draft advertisement for the October 5, 2023 meetings is attached to this report (Attachment #10).

Also attached to this report for reference purposes is a table summarizing the regulatory approaches being taken to the regulation of Short-Term Rental Accommodation Units by the District of

Invermere, the Village of Radium Hot Springs, and the Regional District of East Kootenay (Attachment #10).

Comments:

As previously reported to Council, short-term rental accommodation units are currently permitted in the following Zoning Schedules in Invermere: C-1 Downtown Commercial, C-2 Highway Tourist Commercial, CT-1 Tourist Accommodation, RES-1 Resort Recreation, RES-2 Resort Accommodation and Recreation, RES-2A Resort Accommodation and Recreation (e.g., Lake Windermere Pointe strata development), RES-3 Hotel Resort (the municipal owned resort lands), and R-3A Cluster Development - Medium Density (Pine Ridge Strata development).

Invermere's current Zoning Bylaw does not permit Short-Term Rental operations in the District's remaining Zoning schedules (e.g., R-1 Single Family Residential, R-2 Low Density Residential, R-3 Cluster Development – Medium Density, RM-1 Multiple Family (Low Density), and RM-2 Detached Townhouse (Low Density)). Council may amend the Zoning Bylaw to authorize STRs in any Zoning schedule it chooses. Doing so, however, would mean that any of the properties covered by the amended Zoning schedule/s could potentially be used for STR operations. Please note if short-term rental operations are supported in a Zoning schedule, then a Temporary Use Permit (TUP) would normally not be required for such operations in the Zone. TUP would only be considered where an application is not fully compliant with the Zoning Bylaw and Business Licensing Bylaw.

FINANCIAL, POLICY & ORGANIZATIONAL IMPLICATIONS:

There are no immediate financial, policy, or organizational implications for the District arising from this report. However, subject to Council's direction and future decisions respecting the regulation of STRs in Invermere, monies to support additional Bylaw Enforcement services and legal services may be required to help enforce the District's bylaws. It is recommended that any fines established by the District to help regulate STRs in Invermere be large enough to offset related Bylaw Enforcement work and costs, as well as discourage illegal STR operations in Invermere.

ALTERNATIVES:

As alternatives to the recommendations in this report, Invermere Council could select one or more of the following:

1. Receives the report entitled *Proposals to Regulate Short-Term Rental Accommodation Units in Invermere using a revised Business Licensing Bylaw* and refer these matters to another Committee of the Whole meeting for further review and discussion.
2. Receives the report entitled *Proposals to Regulate Short-Term Rental Accommodation Units in Invermere using a revised Business Licensing Bylaw* and take no further action on this matter (not recommended).
3. Receives the report entitled *Proposals to Regulate Short-Term Rental Accommodation Units in Invermere using a revised Business Licensing Bylaw* and put forward alternative recommendations of its own for consideration.

SUMMARY & COMMENTS:

As outlined in this and in earlier reports, strong support has been shown in the Invermere community for regulating the operation of short-term rental accommodation units in the District of Invermere. It

is recommended that the District continues to pursue the regulation of Short-Term Rental Accommodation units in Invermere through a revised (updated) Business Licensing Bylaw, the application of appropriate Bylaw Enforcement measures and fines, and Temporary Use Permits where warranted. Finally, it is recommended that the District initiate consultations with Invermere residents regarding the proposed bylaw to help ensure it achieves the desired results and enjoys community support.

**Prepared by: Andrew Young, MCIP, RPP
Chief Administrative Officer**

Attachments:

1. Proposed Business Licencing Bylaw – DOI draft
2. Short-Term Rental Business Licence application form – DOI draft
3. Annual Self-Evaluation & Audit Attestation – DOI draft
4. Temporary Use Permit Guide – STR Brochure – DOI draft
5. RDEK Short Term Rental Temporary Use Permit Community Engagement Update May 31, 2023
6. RDEK Short Term Rental Temporary Use Permit Revised Draft Criteria – June 2023
7. Invitation and Questions – STRs Key Managers Operators consultations – August 10, 2023
8. DOI Consultations w STR Managers Operators – August 10, 2023 meeting notes
9. Table Summarizing Regulatory Approaches to STRs by District of Invermere, Village of Radium Hot Springs, and Regional District of East Kootenay – Sept 7, 2023
10. Public Notice – proposed STR Regulations and Business Licencing Bylaw updates

Links to related 2021, 2022 and 2023 reports and supporting documentation follow:

- November 9, 2021 – RFD DOI Short Term Rental Survey Results
 - <https://invermere.civicweb.net/document/42462/RFD%20DOI%20Short%20Term%20Rentals%20Survey%20Results%20-%20Staff%20.pdf?handle=AD68B1A6F6E0456D82304609CC73F624>
 - <https://invermere.civicweb.net/document/42480/2021-11-05-STR-SurveySummary-V6.pdf?handle=F45EF2AC2CD24EB9AD1EA41634850053>
 - <https://invermere.civicweb.net/document/42463/2%20-%20Priorities%20for%20Action%20on%20Short-Term%20Rentals%20Re.pdf?handle=40EA1622AAB34CA1ACE76579EAAEE130>
- November 23, 2021 – Short Term Rental Project Survey Results – Written Comments
 - <https://invermere.civicweb.net/document/42624/2021-11-05-STR-SurveySummary-Appendices.pdf?handle=BBF6A73DB0A14631A625B3AE3E51D7AC>
- January 11, 2022 – Short-Term Rentals – Research & Proposed Public Consultation Plan
 - <https://invermere.civicweb.net/document/43143/RFD%20-%20STR%20Research%20and%20Public%20Consultation%202022-01.pdf?handle=C4015219D6504CE0ACA80AD7B6017F66>

- June 14, 2022 – Proposals to Regulate Short-Term Rental Accommodation Units in Invermere
 - <https://invermere.civicweb.net/document/44962/Invermere%20Short-Term%20Rentals%20Proposed%20Regulatory%20A.pdf?handle=019CCD5998E346CA8270615BC93C58C3>
 - RDEK RFD Report – Short-Term Rental Regulation Options April 7-2022
<https://invermere.civicweb.net/document/44950/2%20-%20RDEK%20RFD%20Report%20-%20Short%20Term%20Rental%20Regulation.pdf?handle=6EC869C581C2443AB3460D1AF18020B9>

- July 12, 2022 – Draft Proposals to Regulate Short-Term Rental Accommodation Units in Invermere
 - <https://invermere.civicweb.net/document/45636/RFD%20-%20Draft%20Proposals%20to%20Regulate%20STRS%20in%20Invermer.pdf?handle=37ED2BC7B8BB48008A94FD37BBDF4047>

- December 13, 2022 – Proposal to Regulate Short-Term Rental Accommodation Units in Invermere using a Short-Term Rental Business Licence and Regulation Bylaw, and Temporary Use Permits.
 - <https://invermere.civicweb.net/document/46797/RFD%20-%20Proposal%20to%20Regulate%20STRS%20in%20Invermere%20-%202020.pdf?handle=C2046347D7B24493A56C89D2D768F47F>

- March 14, 2023 – Proposals to Regulate Short-Term Rental Accommodation Units in Invermere using a Short-Term Rental Accommodation Business Licence & Regulation Bylaw, and Temporary Use Permits
 - <https://invermere.civicweb.net/document/47678/RFD%20-%20Proposals%20to%20Regulate%20STRS%20in%20Invermere%20-%20CO.pdf?handle=8ADACE9609E449DA86DA72D840F4E373>

- July 11, 2023 – Proposals to Regulate Short-Term Rental Accommodation Units in Invermere using a revised Business Licensing Bylaw
 - <https://invermere.civicweb.net/filepro/documents/47036/?preview=48950>

Proposed Public Consultation Timeline and Bylaw Adoption Process (in Brief)

Dates (Approximate)	Activity
July 11, 2023	Committee of the Whole meeting - review of proposed new Business Licencing Bylaw (with STR regulatory provisions)
August 10, 2023	Consultation meeting with STR Managers / Operators regarding proposed approaches to regulate Short-Term Rental Accommodation Units in Invermere
September 12, 2023	Regular Council meeting – present proposed new Business Licencing Bylaw (with STR regulatory provisions), summary of consultation meeting with STR Managers / Operators, and proposed date for public information and engagement meetings
September 2023	<p>Mayor Miller to discuss proposed Bylaw with media</p> <p>Issue News Release to media re proposed new Business Licencing Bylaw (with STR regulatory provisions)</p> <p>Advertising in Pioneer newspaper, on DOI Website, Facebook</p>
October 5, 2023	Proposed Public Information & Engagement meetings regarding proposed approaches to regulate Short-Term Rental Accommodation Units in Invermere
TBD	<p>Staff revises proposed new Business Licencing Bylaw (if required).</p> <p>Regular Council meeting – First Reading of proposed new Business Licencing Bylaw (with STR regulatory provisions)</p> <p>Staff prepares consequential amendments to Zoning Bylaw (e.g., establishing restrictions on number of STRs allowable in a geographic area).</p> <p>Staff prepares proposed amendments to MTI Bylaw and fines, and proposed new Bylaw Notice Enforcement (BNE) Bylaw and fines (see explanation on next page)</p>
TBD	Regular Council meeting – Second and Third Readings of proposed new Business Licencing Bylaw (with STR regulatory provisions) as amended. Consequential amendments to Zoning Bylaw given first (and possibly second) reading.

TBD	First, Second, and Third Readings of proposed amendments to MTI Bylaw and fines, along with proposed new Bylaw Notice Enforcement (BNE) Bylaw and fines.
TBD	Statutory Advertising of proposed adoption of new Business Licencing Bylaw pursuant to Section 59 (3) of the <i>Community Charter (BC)</i> . Consequential amendments to Zoning Bylaw given Public Hearing and potentially Second and Third Readings.
TBD	Regular Council meeting – Adoption of: <ul style="list-style-type: none"> • New Business Licencing Bylaw (with STR regulatory provisions) • Amendments to MTI Bylaw and fines • New Bylaw Notice Enforcement (BNE) Bylaw and fines • Consequential amendments to Zoning Bylaw



DISTRICT OF INVERMERE

BYLAW NO. _____, 2023

A bylaw to authorize the issuance of
Business Licenses, and to regulate businesses
within the boundaries of the District of Invermere

WHEREAS pursuant to the Community Charter, the Council may, by bylaw, regulate in relation to business;

AND WHEREAS the Council deems it desirable to authorize the issuance of Business Licenses and to regulate businesses;

NOW THEREFORE the Council of the District of Invermere, in open meeting assembled, enacts as follows:

1. INTERPRETATION

- 11 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time and any Bylaw referred to herein is a reference to an enactment of the Council of the District of Invermere as amended, revised, consolidated, or replaced from time to time.
- 12 Unless otherwise defined herein, all words or expressions used in this bylaw shall have the same meaning as defined in the *Local Government Act*, *Community Charter*, *Interpretation Act*, or any successor legislation when used in this bylaw.
- 13 The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

2. DEFINITIONS

“Applicant” means any person who makes an application for a Business License under the provisions of the bylaw.

“Body-Rub Parlor” includes any premises or part thereof where body-rub services are performed, offered, or solicited and includes the manipulating, touching, or stimulating by any means, of a person’s body or part thereof, but does not include medical, therapeutic, or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities or therapeutic touch technique.

“Body-Painting Studio” includes any premises or part thereof where directly or indirectly a fee is paid for any activity including the application of paint, powder, or similar materials to the body of another person.

“Business” means the:

- (a) carrying on of a commercial or industrial undertaking of any kind;
- (b) providing professional, personal, or other services for the purpose of gain or profit;
- (c) carrying on a home occupation pursuant to the bylaws of the District of Invermere; or
- (d) operating a non-profit society or organization.

“Business License” means a license or permit, issued by the municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that municipality.

“Dating Service” means any persons carrying on the business of providing information to persons, not employed by the Dating Service, desirous of meeting other persons for the purpose of social outings.

“District” means the organization of the District of Invermere or the area within the municipal boundaries as the context may require.

“License Inspector” includes the Director of Development Services and their designate, every Building Official, Plumbing Official, Fire Inspector, Bylaw Enforcement Officer, staff-person designated to manage business licensing, and the Chief Administrative Officer and their designate.

“Licensee” means a person who has received a District of Invermere Business License.

“Mobile Vendor” means any person who, from a motor vehicle, trailer, or cycle, as defined and licensed under the *Motor Vehicle Act* sells, or offers for sale food or merchandise, or who advertises or takes orders for goods or services.

“Pawnbroker” includes every person who carries on the business of taking goods and chattels in pawn.

“Retail Sale of Cannabis” means the use of a site for the sale or distribution of *cannabis*, including for medical purposes in any form, including a *medical cannabis dispensary*, but excludes a *medical cannabis production facility*.

“Secondhand dealer” or “dealer” means a person who carries on the business of retailing or wholesaling used or secondhand property, or who operates a secondhand dealer’s premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- (a) used clothing, furniture, costume jewellery, knickknacks, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery; or
- (b) used clothing, furniture, costume jewellery, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery, obtained only from or through a “registered charity” defined under the *Income Tax Act* (Canada) or by donation; or
- (c) used books, papers, magazines, vinyl records, or long-playing records (LP’s).

“Social Escort Service” includes any person carrying on the business of providing or furnishing male or female escorts for social occasions.

“Trade Show” means the business of organizing a group of merchants, suppliers, tradespeople, or professionals together as a group in one location or building for a period of up to fourteen (14) days to display and offer their products or services for sale and includes Flea Markets.

3. LICENSE REQUIREMENTS

3.1 Except as otherwise permitted in the *Community Charter*:

- (a) A person will not carry on business in the District without first having obtained and paid for a municipal Business License.

- (b) A person who owns or operates any business within the District must apply for, obtain, and hold a license for each business.
- (c) A person who carries on business from more than one premise in the District must obtain a separate license for each premise.

4. LICENSE FEE

- 4.1 A person who applies for a license must pay the applicable license fee as set out in Schedule A of this bylaw, as amended from time to time.

5. POWERS

- 5.1 The License Inspector may grant a Business License upon being satisfied that the Applicant has complied with the bylaws of the District regulating building, zoning, health, sanitation, water, life safety, nuisance, and business.
- 5.2 A person licensed or seeking to be licensed pursuant to this bylaw must admit entry to the premises for the purpose of inspection by the District or the Royal Canadian Mounted Police and must not in any way hinder or obstruct the inspection and must, on request, supply information relevant to the inspection for the purpose of determining compliance with this bylaw.
- 5.3 The License Inspector may suspend or cancel any Business License for reasonable cause.
- 5.4 The suspension of a Business License shall be made in writing, signed by the authorized staff member.
- 5.5 A notice that a Business License has been suspended under this section may be posted by the District upon the Premises whose license has been suspended.
- 5.6 A person whose Business License has been suspended may appeal a suspension of the license, and the appeal shall be governed by section 24 of this bylaw.

6. INSPECTIONS

- 6.1 The License Inspector may enter at all times on any property that is subject to this bylaw to ascertain whether regulations in this bylaw are being observed.

7. INITIAL LICENSE APPLICATIONS

- 7.1 A person must apply for a Business License on the application form prescribed by the District and must be signed by an owner or operator of the business, or the owner or operator's duly authorized agent.
- 7.2 The application for an initial Business License must include a detailed description, including existing and/or proposed floor plans of the premises in or upon which the Applicant intends to carry on business.

73 The following persons must endorse a Business License application prior to the District issuing a License:

- (a) District Fire Inspector, except for home-based businesses;
- (b) District Building Official, except for home-based businesses;
- (c) District Bylaw Enforcement Officer, except for home-based businesses; and
- (d) The Health Authority and a public health inspector where the business operates in premises serviced by a private sewage disposal system, the business involves the handling of food or drinks, or the business is a personal service establishment as defined by the Province of BC.

74 If an Applicant applies for more than one Business License the particulars of each license applied for must be included on a separate application form.

75 Application forms must be delivered to the License Inspector and must be accompanied by the associated fee as set out in the District's Fee bylaw, as amended from time to time.

8. LICENSE PERIODS

8.1 Business Licenses will be granted annually for a period commencing January 1 and expiring December 31.

9. LICENSE FORMS

9.1 The License Inspector shall prescribe the application forms for municipal Business Licensing purposes.

10. DISPLAY OF LICENSE

10.1 A licensee must keep a copy of the Business License posted in a conspicuous place on the premises in respect of which the license is used.

10.2 If the licensee has no business premises in the District the license must be carried upon the licensee's person at all times when the licensee is engaged within the District in the business for which the license was issued.

11. EFFECTS OF LICENSE

11.1 A Business License authorizes only the person named in the license to carry on only the business described in the license and only at the premises or locations described in the license.

11.2 A Business License is not a representation or warranty that the licensed business or the business premises comply with District bylaws or with any other regulations or standards.

12. LICENSE RENEWAL

12.1 The License Inspector will forward an annual business license invoice to every licensee at the address listed on the existing license.

12.2 The licensee will be responsible for maintaining a Business License for each current period.

- 123 Prior to issuing a Business License renewal, the persons listed in Section 7.3 (a) through (d) must endorse the application for renewal.
- 124 Prior to issuing a Business License renewal, applicable fees as set out in the District's Fees Bylaw, as amended from time to time, must be paid prior to January 31 in the license year.
- 125 If the Licensee does not renew their Business License as required by this bylaw, the License Inspector may cancel the license.
- 126 The receipt of a Business License will serve as a confirmation that the license has been renewed.

13. LICENSE TRANSFERS - NEW PREMISES

- 131 A person will not carry on a business upon any premises other than those described in the initial license application without making an application for a new license or for a transfer of the original license to a new premises.
- 132 Applications for the transfer of a Business License with respect to a change of premises shall be made on the form prescribed by the License Inspector.

14. LICENSE TRANSFERS - PERSON TO PERSON

- 141 Any person who acquires a business or a controlling interest in any business from any person licensed under this bylaw must not carry on such business without first having obtained approval for a transfer of the Business License – person to person.
- 142 Any person proposing to obtain a transfer of a license held by any other person is required to make application on the form prescribed by the License Inspector. The powers, conditions, requirements, and procedures, relating to the initial license application apply.

15. TRANSFER FEES

- 151 Fees payable in respect of any transfer of a Business License are set out in Schedule "A" of this bylaw, as amended from time to time.
- 152 A Business License is not required for the provision of daycare or babysitting services for up to two unrelated children, or to the children of one family, by a person who is not related to those children.

16. MOBILE VENDORS

- 16.1 Mobile Vendors must operate in accordance with the following provisions:
- (a) Mobile Vendors must obtain the necessary licensing and permit(s) from the District, the Regional Health Authority and other relevant or applicable licensing or regulatory agency approvals prior to conducting any business operation;
 - (b) All required permits and licenses must be displayed on-site during business operation;

- (c) Mobile Vendors are responsible for all garbage and recycling associated with the business and ensuring the area is free of litter;
- (d) When the hours of operation terminate, recycling and garbage containers must be removed from the premises;
- (e) Where a Mobile Vendor is catering to or delivering to a residential site, business or construction site, they must not park or stop on the travelled portion of a highway or road right of way, must not be stopped at one location longer than is necessary to serve customers, and at no time may the vendor remain stopped for longer than twenty (20) minutes at any one location, unless prior approval has been provided by the District through the Mobile Vendor Application; and
- (f) Mobile Vendors must not carry on business within 50-metres of a licensed business within a property tax-applicable structure offering similar goods, unless they receive, and provide to the District, prior written permission from the registered owner of said business.

162 In addition to the conditions set out in section 16.1, Mobile Vendors on private land must also adhere to the following requirements:

- (a) Provide a letter of permission to the District from the property owner permitting the Mobile Vendor to operate on the proposed site; and
- (b) Provide a detailed site plan showing the proposed location of the Mobile Vendor on the proposed site, which may be reviewed and approved at the discretion of the License Inspector.

163 In addition to the conditions set out in section 16.1 and 16.2, Mobile Vendors on District land must also meet the following requirements:

- (a) Complete and submit a Mobile Vendor Application, as amended from time to time, for consideration by the District;
- (b) The approved permit area will be granted in consideration of public safety, traffic, and competing, property-tax paying businesses;
- (c) Mobile Vendors must be self-contained, portable, and removed from the permit area each night;
- (d) Mobile Vendors must operate only on hours scheduled within the permit;
- (e) At any time, the District has the right to require a Mobile Vendor to vacate or relocate from the designated permit area;
- (f) No Mobile Vendors will be allowed to operate in any park when District concessions are operating unless invited to do so by the group hosting the event.

164 In addition to the other regulations as set out by the District in this bylaw, a Mobile Vendor serving or operating from a motor vehicle must adhere to the following requirements:

- (a) Mobile Vendors operating from or requiring a motor vehicle to transport the mobile vending unit must obtain Motor Vehicle Liability Insurance with a minimum coverage of five million dollars (\$5,000,000);
- (b) Mobile Vendors are required to carry a minimum of five million dollars (\$5,000,000) public liability insurance and property damage insurance with the District of Invermere saved harmless and named "additionally insured";
- (c) Proof of the required insurance must be provided to the District prior to the issuance of the Business License.

17. SOCIAL ESCORT SERVICES, DATING SERVICES, BODY-RUB PARLOUR/BODY-PAINTING STUDIO

- 17.1 Every person or individual carrying on the business of operating a Social Escort Service, Dating Service, Body-Rub Parlor, or Body-Painting Studio must:
- (a) Supply the License Inspector and the Columbia Valley Royal Canadian Mounted Police (RCMP) with the name, age, address, photo identification and description of every individual proposed to be employed or engaged in the said business together with such additional information as the License Inspector or RCMP may require;
 - (b) Notify the License Inspector within seventy-two hours of any change in personnel employed or engaged in the business;
 - (c) Not employ any person on the licensed premises unless such person is eighteen (18) years of age or older;
 - (d) Not permit any person to be on the licensed premises at any time unless such person is eighteen (18) years of age or older.

18. PAWN BROKER/SECOND-HAND DEALER

- 18.1 A person carrying on the business of or operating as a pawn broker or second-hand dealer must:
- (a) Disclose to the License Inspector the names, addresses, and photo identification of all persons who will be actively engaged in the management and operation of the business;
 - (b) Notify the License Inspector within seventy-two hours of any change in the personnel; and
 - (c) Provide the Columbia Valley RCMP with a copy of the Business License application respecting the pawn broker or second-hand dealer's business.
- 18.2 A person must not purchase or receive pawn goods or chattels, unless the person depositing the goods or chattels is:
- (a) Eighteen years of age or older;
 - (b) not under the influence of alcohol or drugs; and
 - (c) able to produce valid, photographic identification.
- 18.3 A person licensed as a pawn broker or second-hand dealer must deliver a statement of all goods and chattels purchased or received by the licensee during the previous week to the Columbia Valley RCMP prior to 9:30 a.m. on the Monday of each week. Statements will not be required on public holidays but must be submitted on the following business day and must disclose the whole period subsequent to 9:30 a.m. of the day on which the preceding statement was made. Statements shall be submitted on a form acceptable to the License Inspector and shall include the following information:
- a) A description including any descriptive mark, name, and serial number of the goods and chattels;
 - b) the price paid and whether the item was deposited in pawn or purchased;
 - c) the date and time of purchasing or receiving the goods and chattels;
 - d) the name, date of birth, address and contact telephone number of the person depositing the goods and chattels and, if available, a copy of any photographic identification produced;
 - e) if available, the make, description and license number of any vehicle used by the person depositing the goods and chattels;
 - f) the name of the employee or licensee receiving the goods and chattels; and

g) in the case of jewellery, the description of the type, colour, style of jewellery and apparent type of gem, as well as a photograph of the item.

184 A Licensee will not permit any entry made in the record of goods to be erased, obliterated, or defaced in any way or removed from the premises, except upon the request of the Royal Canadian Mounted Police and the License Inspector.

185 A Licensee will not alter, sell, exchange, or otherwise dispose of goods or chattels deposited with or delivered to the licensee until after the expiration of seven (7) clear days, exclusive of Sundays and holidays, provided that the licensee may, upon request, return goods or chattels to the person who originally deposited them with the Licensee.

186 The Licensee must keep newly received goods and chattels segregated for one week from other goods and chattels located on the premises to allow inspection at any time during regular hours by the Royal Canadian Mounted Police.

19. TRADE SHOWS

19.1 A Business License for a Trade Show will be considered to cover all vendors within the Trade Show.

19.2 Trade Shows will be limited to operating three (3) days per week at the specific premises.

19.3 The Business License for a Trade Show will be considered to cover all vendors within the show for a period not exceeding fourteen (14) days.

19.4 Trade Shows are required to carry a minimum of five million dollars (\$5,000,000) public liability insurance and property damage insurance with the District of Invermere saved harmless and named "additionally insured".

19.5 Proof of the required insurance must be provided to the District prior to the issuance of the license.

20. GARAGE/YARD SALES

20.1 A person holding a garage/yard sale at a residential premise is not required to obtain a Business License, provided that a person does not hold more than five (5) sale days per year.

21. RENTAL/LEASE OF WATERCRAFT

21.1 Operators of premises which rent, or lease watercraft must include the following statements in their rental/lease agreements with their patrons:

(a) That the hours of operation for watercraft rentals be limited to the hours between 9:00 a.m. and 9:00 p.m.;

(b) That the operators of the watercraft while on plane or overtaking keep their watercraft at least forty-five (45) metres away from all other watercraft that are on the water; if the watercraft is not on full plane, it can come up to other boats;

- (c) That rented watercraft must be operated a minimum of one-hundred fifty (150) metres away from the shoreline, and never over the littoral shelf, unless using the most direct route to and from shore, except when entering a launch point or marina; and
- (d) The name of the renter and the unit number of the watercraft which is being rented clearly recorded.

21.2 In addition to requiring that all renters have a valid license to operate the watercraft the business agent must provide the persons renting such watercraft basic operating, water safety rules and instructions on the use and operation of the personal watercraft, prior to allowing that person to operate such personal watercraft.

21.3 Operators of premises which rent watercraft must ensure that the watercraft are permanently marked with a minimum of three (3) inch high letters or numbers which identify the name of the rental operator and the unit number of the watercraft.

21.4 Operators of premises which rent watercraft must patrol the areas in which their rented watercraft are operated, in order to enforce compliance with the requirements of this bylaw.

22. RETAIL CANNABIS AND GROW OPERATIONS

22.1 Operators of retail cannabis and grow operations, including those operated by non-profit societies, will not be permitted to locate within a one hundred (100) metres radius from the nearest property line of any existing school.

22.2 Operators of cannabis dispensaries and grow operations, including those operated by non-profit societies, may only operate if permitted to do so by the Federal, Provincial, and Municipal governments.

23. SHORT-TERM RENTAL ACCOMMODATION REGULATIONS

23.1 DEFINITIONS

In this section:

Bed & Breakfast means a home-based business carried on in a single-family dwelling or an accessory building for the accommodation for sleeping purposes of transient paying guests, where the home-based business is operated by the **Principal Resident** of the **Dwelling Unit**, and where breakfast meals are provided to the **registered guests**.

Designated Person means the following:

- (a) The District's Director of Development Services;
- (b) A Bylaw Enforcement Officer of the District;
- (c) The District's Fire Chief;
- (d) The District's Building Official;
- (e) The District's Plumbing Official;

(f) The District's Chief Administrative Officer;

(g) a delegate of any of the above;

(h) any person designated by Council to be a Designated Person for the purpose of this section;

an on-duty member of the Columbia Valley Royal Canadian Mounted Police or other Peace Officer. **Director** means the person holding the position of Director of Development Services of the District and includes that person's delegate.

Dwelling Unit means a structure, building or portion thereof containing one or more **Habitable Rooms**.

Fire Chief means that person appointed to perform the duties of the chief of the Invermere Fire-Rescue Department, and includes that person's delegate.

Guest means natural person(s) occupying a Short-Term Rental Accommodation unit which they have rented.

Habitable Room means a room designed for living or sleeping, but does not include a bathroom, kitchen, storage room, laundry room, utility room or closet.

License means a Business License issued to the **Operator** of a **Short-Term Rental Accommodation Unit** in accordance with this section.

Manager means a natural person who serves as the **Responsible Person** for a **Short-Term Rental Accommodation Unit**, and which may include the **Owner** of the **Short-Term Rental Accommodation Unit**.

Marketing means to advertise, promote, canvass, solicit, arrange, or facilitate a rental of a Short-Term Rental Accommodation Unit, and includes placing, posting or erecting advertisements physically or on the internet in relation to the rental of a Short-Term Rental Accommodation Unit, but does not include the provision of a neutral space or location for such marketing activities in newspapers, bulletin boards or on the internet.

Municipal Ticket Information Bylaw means the District of Invermere Municipal Ticket Information Bylaw No. 1130, 2002 as amended from time to time and including any successor thereto.

Operator means a **Person** who rents out, or offers for rent, a **Short-Term Rental Accommodation Unit**. For certainty, an Operator does not include a **Person** who acts as an intermediary between any **Guest** and the **Person** who receives the rent for Short Term Rental Accommodation. **Owner**, when used with reference to real property, has the same meaning as defined in the *Community Charter (BC)*.

Peace Officer see Interpretation Act (BC) for Expressions defined.

Person means a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law.

Principal Residence means a **Dwelling Unit** that is inhabited by a Principal Resident for more than 184 days in the same calendar year.

Principal Resident means a natural person who inhabits a **Dwelling Unit** that is owned or leased by that person

for more than 184 days in the same calendar year.

Responsible Person means a natural person designated by an Operator under this section.

Short-Term Rental Accommodation means temporary accommodation for one or more persons for not more than twenty-eight consecutive days but does not include such accommodation at a hostel; hotel; motel or Bed & Breakfast.

Strata Corporation and Strata Lot have the same meaning as in the *Strata Property Act (BC)*.

232 GENERAL REGULATIONS

23.2.1 No person may carry-on business as an Operator, rent out, or offer to rent out a Short-Term Rental Accommodation Unit unless the person holds a valid License issued under this section. The Director may grant a License to a person or transfer a License from one person to another person if the Director is satisfied that the person seeking to hold the License has complied with the requirements of this section.

23.2.2 A person applying for the issuance or renewal of a License to operate a Short-Term Rental Accommodation Unit must do the following:

- (a) submit an application to the Director on the application form provided by the District for that purpose;
- (b) pay to the District the applicable fee prescribed in this bylaw.

23.2.3 A person seeking a License must do the following to the satisfaction of the Director:

- (a) Provide evidence that the person is the:
 1. the Owner of the Dwelling Unit where the Short-Term Rental Accommodation Unit will be offered; or
 2. documentation confirming that the person is authorized by the Owner of the Dwelling Unit where the Short-Term Rental Accommodation Unit will be offered to make the application to be an Operator of Short-Term Rental Accommodation of the Dwelling Unit;
- (b) if the Premises where the Short-Term Rental Accommodation Unit will be located is in a Strata titled property or development pursuant to the *Strata Property Act*, provide confirmation from the Strata Corporation that the Dwelling Unit may be used for Short-Term Rental Accommodation purposes under the bylaws of the Strata Corporation;
- (c) provide evidence that the Short-Term Rental Accommodation Unit will comply with all bylaws of the District of Invermere.
- (d) provide a completed Self-Evaluation Safety Audit & Attestation form;
- (e) provide a floor plan at the entry ways to of the Short-Term Rental Accommodation Unit identifying the location of smoke alarms and carbon monoxide alarms, fire extinguishers, fire exits, each Habitable Room, and the types of bed in each Habitable Room, including the location of any sofa beds;
- (f) state the maximum number of Guests that will be allowed at any given time in the Short-Term Rental Accommodation Unit;
- (g) specify the name and contact information for three Responsible Persons for the Short-Term Rental Accommodation Unit;

- (h) provide a parking plan which complies with the parking requirements of the Zoning Bylaw; and
- (i) provide any other information the Director may require for the purposes of ensuring compliance with the District's bylaws and other enactments.

23.2.4 A License issued for a Short-Term Rental Accommodation Unit may specify the following terms and conditions:

- (a) The civic address of the Short-Term Rental Accommodation Unit;
- (b) The name of the Operator;
- (c) The name, telephone number, and email address of the Responsible Persons for the Short-Term Rental Accommodation Unit;
- (d) The maximum number of Guests permitted at the Short-Term Rental Accommodation Unit; and
- (e) The number of motor vehicles that may be parked at the Real Property upon which the Short-Term Rental Accommodation Unit is located.

23.2.5 An Operator shall ensure that a Short-Term Rental Accommodation Unit is operated in accordance with the terms and conditions stated in its License and the provisions of subsections 23.5.1 and 23.5.2.

23.2.6 Each License issued under this section shall commence on January 1st of the year in which it is issued and terminate on December 31st of the same year, unless earlier renewed for the following calendar year by submission of a complete License renewal form and payment of the annual License fee prior to November 30th.

23.2.7 Every Person applying for a License shall, at the time of making the application, pay to the District a fee of **\$400.00**.

23.2.8 The License Inspector may suspend or cancel any Business License for reasonable cause.

23.2.9 The suspension of a License shall be made in writing, signed by the authorized staff member.

23.2.10 A notice that a License has been suspended under this section may be posted by the District upon the Premises whose License has been suspended.

23.2.11 A person whose License has been suspended may appeal of a suspension of the License, and the appeal shall be governed by section 25 of this bylaw.

23.3 **MARKETING**

23.3.1 No person may undertake Marketing of a Short-Term Rental Accommodation Unit except in accordance with this section.

23.3.2 The following information shall be provided in all written material used for Marketing a Short-Term Rental Accommodation Unit:

- (a) the number of the License issued for the Short-Term Rental Accommodation Unit;
- (b) the approved number of Habitable Rooms of the Short-Term Rental Accommodation Unit, and
- (c) the maximum number of Guests permitted in the Short-Term Rental Accommodation Unit.

23.4 RESPONSIBLE PERSON

- 23.4.1 The Operator of a Short-Term Rental Accommodation Unit located in the Operator's Principal Residence shall be the Responsible Person for that Short-Term Rental Accommodation Unit.
- 23.4.2 An Operator who operates a Short-Term Rental Accommodation Unit in a structure other than the Operator's Principal Residence must ensure that a Responsible Person shall be available to undertake the obligations set out in subsections 4.3 through 4.7 while the Short-Term Rental Accommodation Unit is rented to a Guest.
- 23.4.3 A Responsible Person must respond to a request for contact as follows:
- (a) within 30 minutes of a telephone call or leaving of a voicemail message, personal contact, or sending of a text message or email by a Designated Person in the event of a complaint or concerns about activities at a Short-Term Rental Accommodation Unit for which the Responsible Person has been designated in a license;
 - (b) within 30 minutes of a telephone call or leaving of a voicemail message, personal contact, or the sending of a text message, or email by a Guest who is staying in the Short-Term Rental Accommodation Unit.
- 23.4.4 Every Operator must ensure that the Responsible Person for a Short-Term Rental Accommodation Unit licensed to the Operator has sufficient means to immediately contact a Guest of the Short-Term Rental Accommodation Unit and authority to make decisions in relation to the Short-Term Rental Accommodation Unit.
- 23.4.5 The Operator of a Short-Term Rental Accommodation Unit must ensure that the name and telephone number of the Responsible Person is prominently displayed in the Short-Term Rental Accommodation Unit at all times while the Short-Term Rental Accommodation Unit is occupied by a Guest.
- 23.4.6 A Responsible Person must attend at the Short-Term Rental Accommodation Unit within thirty (30) minutes of being requested to do so by a Designated Person.
- 23.4.7 Should an Operator who operates a Short-Term Rental Accommodation Unit in their Principal Residence be absent from the Principal Residence between the hours of 10 p.m. and 7 a.m. the following day at a time when the Short-Term Rental Accommodation Unit is rented, the Operator must appoint a person to fulfill the obligations of Responsible Person under this Bylaw during that time.

23.5 CONDITIONS OF LICENSE

- 23.5.1 A Short-Term Rental Accommodation business shall only operate on real property:
- (a) Where the use is permitted pursuant to the District of Invermere's Zoning Bylaw No. 1145, 2002, as amended; or
 - (b) Where a Temporary Use Permit has been approved by the municipality, in which case the use is permitted for a period of up to three years, subject to a one-time renewal for up to three additional years.

23.5.2 An Operator of a Short-Term Rental Accommodation Unit must:

- (a) operate a Short-Term Rental Accommodation Unit only in the Dwelling Unit for which the License was issued;
- (b) ensure that a Short-Term Rental Accommodation Unit licensed under the bylaw is not used for more than twenty-eight consecutive days by the same guest/s.
- (c) display a copy of the License inside the entry way to the Short-Term Rental Accommodation Unit;
- (d) display in the entryway ~~and in each Habitable Room~~ of the Short-Term Rental Accommodation Unit, a floor plan identifying directions for egress, approved maximum occupancy, locations of fire exits, fire extinguishers, smoke alarms, and carbon monoxide alarms to the satisfaction of Invermere's Fire Chief, or their designate;
- (e) provide primary, secondary, and tertiary contact information for the Operator and or Responsible Person to the Director;
- (f) display the name and telephone number of the Responsible Person inside the entry way of the Short-Term Rental Accommodation Unit;
- (g) ensure a Responsible Person is available for contact 24-hours a day during periods when the Short-Term Rental Accommodation Unit is occupied by Guests, and will respond by attending at the Premises within thirty minutes of contact being initiated by a person concerning objectionable use of the Premises);
- (h) hold a separate License for each Short-Term Rental Accommodation Unit operated by the Operator;
- (i) allow inspections of the Short-Term Rental Accommodation Unit as requested and conducted by a Designated Person;
- (j) ensure that the Short-Term Rental Accommodation Unit and Premises are in compliance with the District's bylaws regarding signage;
- (k) keep a one-year rolling written registry of all Guests of the Short-Term Rental Accommodation Unit and make this registry available to the Director upon request;
- (l) submit an annual Self-Evaluation Safety Audit & Attestation at the time of Business License renewal in the form provided for that purpose by the Director;
- (m) ensure that not more than one booking is permitted within the Short-Term Rental Accommodation Unit at the same time.

23.5.3 No tent, boat, motor vehicle, camper, trailer, or recreational vehicle may be used as a Short-Term Rental Accommodation Unit.

23.6 ENFORCEMENT AND PENALTIES

- 23.6.1 The provisions of this section may be enforced by a Designated Person.
- 23.6.2 A Designated Person may enter any parcel or Dwelling Unit in a reasonable manner to administer this section or to undertake any inspection or investigation for the purpose of enforcing this section.
- 23.6.3 No person shall obstruct or interfere with a Designated Person who is exercising duties or authority under this section.
- 23.6.4 Every person who violates any provision of this section, or who permits any act or thing to be done in contravention of this section, or who fails to do any act or thing required by this Bylaw, is guilty of an offence under this section and shall be liable:
- (a) to a fine set out in Municipal Ticket Information Bylaw No. 1130, as amended; and
 - (b) on summary conviction to a fine of not more than Fifty Thousand Dollars (\$50,000.00), plus the costs of prosecution, in addition to any other penalties or remedies provided for in this Bylaw, in addition to any other remedy permitted by any other statute or enactment.
- 23.6.5 Any fine or penalty or remedy imposed under this Bylaw shall be in addition to and not a substitute for any other penalty or remedy imposed pursuant to any other applicable statute or enactment.
- 23.6.6 Each day an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

24 VIOLATIONS AND PENALTIES

- 24.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 24.2 Any person who violates a provision 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, commits an offence and is liable on summary conviction to a penalty not exceeding Five Thousand Dollars (\$5,000.00) plus the cost of prosecution.
- 24.3 Each day that the violation continues to exist shall constitute a separate offence.

25 APPEAL PROCEDURES

- 25.1 A person whose Business License has been suspended under this bylaw may appeal to Council and upon such appeal the License Inspector may confirm or set aside such suspension on such terms as deemed reasonable.

26 **REPEALS**

26.1 Business Licensing Bylaw No. 1550, 2018 and all of its amendments thereto are hereby repealed in their entirety.

27 **CITATION**

27.1 This bylaw may be cited as District of Invermere “Business Licensing Bylaw No. _____, 2023”.

READ A FIRST TIME this

READ A SECOND TIME this

READ A THIRD TIME this

ADVERTISED in the _____ editions of the Columbia Valley Pioneer and posted pursuant to section 59(3) of the *Community Charter*.

ADOPTED this

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Certified a true copy of Bylaw No.
this _____ day of _____, _____.

Corporate Officer

DRAFT as of 2023-09-01

Schedule A
to
Business License Bylaw No. 1550, 2018

A. NEW BUSINESS LICENSE APPLICATION FEE:

1. **The initial application fee for a Business License shall be \$150.00.** This covers any inspections that may be required and administrative time to process a new Business License. This initial Business License fee shall be reduced to **\$75.00** for any applications received after September 1st.
2. **Business License fee for Cannabis Dispensaries or grow operations shall be \$1,000.00.** This covers any inspections that may be required and administrative time to process a new Business License.
3. **Business License fee for Mobile Vendors shall be \$500.00.** This covers any inspections that may be required and administrative time to process a new Business License.
4. **Business License fee for Rental/Lease of Watercraft (when using Public access Points) shall be \$1,000.00.** This covers any inspections that may be required and administrative time to process a new Business License.
5. **Business License fee for Pawn Brokers/Second Hand Dealers shall be \$2,000.00.** This covers any inspections that may be required and administrative time to process a new Business License.
6. **Business License fee for Social Escort Services, Dating Services, Body Rub Parlor Body Painting Studio shall be \$5,000.00.** This covers any inspections that may be required and administrative time to process a new Business License.
7. **Business License fee for Short-Term Rental Accommodation shall be \$400.00. This covers inspections and administrative time to process a new Business License, and the Annual License fee.**

B. RENEWAL FEES:

All fees are for a one-year license period unless otherwise stated and are for a renewal of an existing Business License.

- | | |
|--|------------------|
| 1. All Businesses except those listed below: | \$150.00 |
| a. Carnival, Circuses, and similar commercial events | \$150.00 per day |
| b. Mobile Vendor | \$300.00 |
| c. Multi-operations (combination business) | \$150.00 |
| d. Cannabis Dispensaries or grow operations | \$500.00 |
| e. Rental/Lease of Watercraft (when using Public access Points) | \$1,000.00 |
| f. Trade Shows | \$150.00 |
| g. Pawn Brokers/Second Hand Dealers | \$1,000.00 |
| h. Social Escort Services, Dating Services Body Rub Parlor
Body Painting Studio | \$5,000.00 |
| i. Short-Term Rental Accommodation | \$150.00 |

C. TRANSFER FEES:

- | | |
|--|---------|
| Business License Transfer Fee (change of locations only) | \$75.00 |
| Business License Administrative Transfer Fee (all other changes) | \$20.00 |



Business License Application

District of Invermere
 914 8th Avenue, PO Box 339
 Invermere, BC V0A 1K0
 t: 250-342-9281 f: 250-342-2934

BUSINESS LICENSE NO: _____

BUSINESS INFORMATION *Please print clearly*

NEW CHANGE CANCEL

Business Trade Name:

Contact Person: Phone #:

Location Address: Prov: Postal:

BUSINESS DESCRIPTION

Description of
 Business: _____

Previous Business at this location:

OWNER INFORMATION

Owner Name(s):

Mailing Address: City:

BUSINESS SURVEY (PLEASE INCLUDE ANY ADDITIONAL COMMENTS ON A SEPARATE SHEET AND ATTACH)

On a scale from 1-10, how do you rate the current state of business in the community?

(1=Poor & 10=Excellent)

How many people does your business employ full time?

How many people does your business employ part time?

Do you plan to exit the business in the next 5 years? No Yes

If yes, why?

Does your business face any major barriers to growth and success?

If yes, please explain on the line below:

No Yes

DECLARATION:

I, (We) _____ hereby make application for a license in accordance with the particulars as above stated and declare that the above statement is true and correct. I undertake that if granted the license applied for, I will comply with each and every obligation contained in all the Laws and Bylaws now in force or which may hereafter come into force in the District of Invermere (including but not limited to the Business Licensing Bylaw, Fees Bylaw, Zoning Bylaw, and Building Bylaw). All parking will be contained on the property associated with the business. If this application involves the use of premises for business purposes that the premises may not be occupied until they have been inspected by the authorities concerned and a license issued. I also understand, the payment of the Business License fee in advance does not guarantee approval. I understand that information gathered through this application process is governed and routinely releasable through the Freedom of Information Protection of Privacy Act (BC).

Signature of Applicant: _____
 Name (print): _____ Date: _____

<input type="checkbox"/> Transfer Fee (location or ownership) \$ _____ <input type="checkbox"/> Non-Profit Societies (excluding Cannabis Dispensaries & Grow Operations) \$ _____ <input type="checkbox"/> Cannabis Dispensaries and/or Grow Operations \$ _____ <input type="checkbox"/> Mobile Vendor operating on public property (Mobile Vendor Application Required) \$ _____

OFFICE USE ONLY		Street Address: _____	
ROLL # _____		ZONING DESIGNATION: _____	
<input type="checkbox"/> Storefront Business		<input type="checkbox"/> Home Occupation	
<input type="checkbox"/> Non-Resident Business		<input type="checkbox"/> Agri-tourism	
APPROVALS REQUIRED	NAME	COMMENTS	DATE
<input type="checkbox"/> Director of Development Services			
<input type="checkbox"/> Fire Inspector			
<input type="checkbox"/> Bylaw Enforcement Officer			
<input type="checkbox"/> Building Official			
<input type="checkbox"/> CAO			
CONDITIONS:			

APPROVAL SIGNATURE: _____ **DATE:** _____

OFFICE USE ONLY

FOLIO #

PID #

RECEIPT #

LICENCE #



District of Invermere

914 – 8th Avenue

PO Box 339

Invermere, BC V0A 1K0

<https://invermere.net>

Tel: 250-342-9281

FAX: 250-342-2934

**SHORT-TERM RENTAL
ACCOMMODATION
BUSINESS LICENCE APPLICATION**

Registered Owner of Property Information

Registered Owner Name(s): _____

If Owner is a corporation, provide name of its President: _____

Owner Mailing Address: _____

City/Town: _____ Province: _____

Country: _____ Postal Code: _____

Telephone # _____ Cellphone # _____

Owner Email: _____

Business Operating Name (if applicable): _____

Responsible Person(s)

Are you appointing a person other than yourself to manage the Short-Term Rental Accommodation unit? (Yes / No) ____ If 'Yes', please provide details of the appointed responsible person(s) below.

Primary Responsible Person Name: _____

Local Contact telephone # _____ Local contact Cellphone # _____

Local Contact/s email: _____ and _____

Secondary Responsible Person Name: _____

Local Contact telephone # _____ Local contact Cellphone # _____

Local Contact/s email: _____ and _____

Tertiary Responsible Person Name: _____

Local Contact telephone # _____ Local contact Cellphone # _____

Local Contact/s email: _____ and _____

Short-Term Rental Accommodation Unit Address and Details

Civic Address of Unit to be rented: _____

Unit Number: _____ Postal Code: _____

Is this your principal residence (residential address and specific unit where you live and use for bills, identification, taxes, and insurance)? (Yes / No) _____

Note if 'Yes', you may be required to produce government identification to confirm this declaration.

Is the Short-Term Rental Accommodation Unit located in / on:

a. Strata Building? (Yes/No): _____ Part of a Bare Land Strata development? (Yes/No) _____

If Strata, provide name of Strata: _____

Does the Strata Corporation allow Short-Term Rental (STR) business activity? (Yes/No) _____

If 'Yes', you must include proof of Strata Council approval with your application.

Does the Strata Corporation Insurance policy cover STR business activity? (Yes/No) _____

Does your home insurance policy cover Short-Term Rental business activity? (Yes/No) _____

b. Fee Simple Property? (Yes / No): _____

Property Zoning: _____ (contact: info@invermere.net to determine whether the Property Zoning allows Short-Term Rental Accommodation Uses)

Type of Short-Term Rental Accommodation: Bed and Breakfast: _____

Tourist Accommodation: _____

Number of legal bedrooms in the unit to be rented: _____

Is the entire unit rented? (Yes/No) _____ Number of parking spaces located on the property: _____

(Note: Minimum size per parking space is 6.0 m length by 2.7m width. Parking spaces not located on the property cannot be used to calculate maximum occupancy).

Application Type:

a. Initial Application and Annual Fee: \$400.00

b. Annual Renewal: _____ Fee: \$150.00

DECLARATION

By applying for this licence I acknowledge and commit to complying with the following regulations, terms, and conditions:

1. Every holder of a licence for a Short-Term Rental Accommodation business must have one or more contact persons who are available and able to provide guest services 24 hours per day to guests in the Short-Term Rental unit.
2. Every holder of a licence for a Short-Term Rental Accommodation business must provide the District of Invermere with the name/s and telephone number/s of the contact

person/s who are available and able to provide guest services 24 hours per day to guests in the Short-Term Rental Accommodation unit, and post that information in a conspicuous place within the unit.

3. Every holder of a licence for a Short-Term Rental Accommodation business must post a copy of the Business Licence in a conspicuous place within the unit.
4. The District of Invermere has the right to inspect the Short-Term Rental Accommodation unit, upon application for a licence, or for verification of information purposes, or for enforcement purposes.
5. Guest safety requirements include posting information regarding: Fire Alarm Evacuation directions; Smoke / Fire Alarms; Carbon Monoxide Alarms; and Fire Extinguishers. These requirements shall be to the satisfaction of the Chief of the Invermere Fire-Rescue Department or their authorized designate.
6. The contact person/s for a Short-Term Rental Accommodation unit must be available to respond to any noise or other complaints received from the District of Invermere, RCMP, or the public, within a thirty (30) minute time-period (for each event).
7. Short-Term Rental Accommodation units subject to three or more violations within a one-year period may have their Business Licence revoked or suspended for a one-year period. Invermere Council reserves the right to revoke the Business Licence of a Short-Term Rental Accommodation unit and/or operator at any time should the circumstances, in Council's sole discretion, warrant revocation.

I (we) hereby make application for a Short-Term Rental Business Licence in accordance with the provisions stated above and declare that our statements to be true and correct. I (we) undertake that if granted a Short-Term Rental Accommodation Business Licence, I (we) will comply with all the obligations stated in this application, and with all of the laws and bylaws now in force or which may hereafter come into force in the District of Invermere. Business Licences are effective from January 1st to December 31st of the Licence year, are non-transferable, and the licence fee(s) paid are non-refundable. Short-Term Rental Accommodation Business Licences must be renewed at the start of each year.

I understand I cannot commence business until such time as a Short-Term Rental Accommodation Business Licence has been approved and issued.

Name and Signature of Owner/Applicant or Authorized Signatory (i.e. President):

Name: _____ Signature: _____

Date: _____ (Month, Day, Year)

Applications will not be processed unless all required documentation is attached to this application.

Completion of this application does not guarantee approval of the application. Approved licences will be issued only upon receipt of payment for the Short-Term Rental Accommodation Business

Licence and receipt of associated documentation. Operating a Short-Term Rental Accommodation Unit without a valid licence is an offence for which penalties are prescribed. A person found guilty of an offence under District of Invermere Business Licencing Bylaw No. ____, 2023 is subject to a fine for every instance that an offence occurs or each day that it continues pursuant to District of Invermere Ticket Information Utilization Bylaw No. 1130, 2002, as amended, in addition other penalties may be applied through Court action.

Collection and usage of personal information by the municipality.

Application information is being collected for the purpose of determining the Operator's eligibility for a Short-Term Rental Accommodation Business Licence in the District of Invermere pursuant to its Bylaw(s). In providing this information, you have consented to its use for the above-described purpose and declare that all the information provided herein is correct. This information may be shared with applicable District of Invermere departments and related agencies for the purpose of required inspections and approval of this licence application. The legislated authority to collect your personal information is Section 26 (c) of the Freedom of Information and Protection of Privacy Act and Section _____ of the Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. _____. If you wish to obtain further information regarding the collection of your personal information, please contact the District of Invermere's Corporate Officer.

OFFICE USE ONLY

Ownership Verified (Yes/No): _____ Folio #: _____

Zoning: _____ Description of Zone: _____

Inspection Completed (Yes/No): _____ Date of Inspection/s: _____

Comments: _____

Confirmation, if required, that Strata Corporation allows Short-Term Rental Accommodation business activity (Yes/No): _____

Maximum Adult Occupancy allowed in the Rental Accommodation Unit: _____

Are there any other Short-Term Rental Accommodation Units within 100 meters (330 feet) of this property? (Yes / No) If yes, where? _____

Off-Street Parking Spaces Stalls required: _____

Additional Strata Guest parking _____

Above Information Confirmed by: _____ (Name)

Application reviewed and Approved / Rejected by: _____ (Name)

Date: _____ (Month, Day, Year)

Reviewed by: _____ (Name)

Date: _____ (Month, Day, Year)

Applicant Notified: _____ (Month, Day, Year) by: _____



Short Term Rental Accommodation Unit Self-Evaluation Safety Audit & Attestation

Civic Address of Unit to be rented: _____

Unit Number: _____ Postal Code: _____

Registered Owner Name(s): _____

If Owner is a corporation, provide name of its President: _____

Owner Mailing Address: _____

City/Town: _____ Province: _____ Country: _____ Postal Code: _____

Telephone # _____ Cellphone # _____ Owner Email: _____

Business Operating Name (if applicable): _____

Please initial each of the following that applies to your Short-Term Rental Accommodation Unit and include this form with your application for a new, or renewal of, a District of Invermere Business Licence.

- | | Initial |
|---|--------------------------|
| 1. Smoke Alarms tested and logged monthly (as per BC Fire Code) | <input type="checkbox"/> |
| 2. Fire Extinguisher Service (annual service by Certified Technician) | <input type="checkbox"/> |
| 3. Fire Safety Plan posted (review and update annually) | <input type="checkbox"/> |
| 4. Whole building fire alarm system (if required, verified annually) | <input type="checkbox"/> |
| 5. Means of egress operable and unobstructed (bedroom doors and windows) | <input type="checkbox"/> |
| 6. Carbon Monoxide Alarms tested annually (per manufacturer's recommendation) | <input type="checkbox"/> |
| 7. Electrical installations used and maintained so as not to constitute a fire hazard | <input type="checkbox"/> |
| 8. Barbeque soap leak test (propane or natural gas) annually | <input type="checkbox"/> |
| 9. Chimney cleaning (if applicable) | <input type="checkbox"/> |
| 10. Interior/Exterior passageways maintained free and clear of obstructions | <input type="checkbox"/> |

Note: District of Invermere Bylaw Enforcement, Building, and/or Fire-Rescue Department officials may conduct random inspections to help ensure safety compliance.

I hereby attest that the above have been tested, inspected, and maintained as required by District of Invermere **Business Licencing Bylaw No. _____, 2023** and the *BC Fire Code* and the *BC Building Code*.

Owner/Applicant Name: _____ Signature: _____

Date: _____ (Month, Day, Year)

Reviewed by Invermere Fire-Rescue Department (Initials): _____ Date: _____ (Month, Day, Year)

The Permit Process (Generalized)

Review proposal with Planning staff.

Submit complete application & pay application fee. Schedule Health & Safety Inspection & pay fee.

A Notice of Development sign must be placed on the subject property prior to the submission of a TUP application.

Staff refer application to applicable Invermere departments for initial comment.

Application is considered by Development Application Review Team (DART).

Property owners and tenants within a radius not less than 100 metres of the boundaries of the subject property are notified by mail advising of the application. The proposal is also advertised in an appropriate newspaper. A Public Information Meeting may be required prior to Invermere Council consideration.

Application is considered by Council.

If a Permit is granted, Invermere staff register a Notice of Permit against the title of the property at the Land Titles Office.

For Further information, please contact
District of Invermere (DOI)

Development Services

The contents of this brochure may be subject to changes at any time. Please contact the DOI to confirm any requirements and costs.

For more information and to find mapping, Zoning Bylaws and Official Community Plans, check the DOI website
<http://invermere.net>

District of Invermere

914 – 8th Avenue

PO Box 339

Invermere, BC

VOA 1K0

T: 250.342.9281

F: 250.342.2934

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<http://invermere.net>

draft Version July 2023

Development
Services



Temporary Use Permits for Vacation Rentals



A guide to Temporary Use Permits
for vacation rentals

Why do I need a permit to operate a vacation rental?

Vacation rental uses are only permitted in designated zones in the District of Invermere (DOI).

As such, property owners in the DOI wanting to operate their home as a vacation rental unit on a property that does not comply with the DOI's Zoning and/or other bylaws must first obtain a Temporary Use Permit (TUP).

TUPs applications provide an opportunity for community input, allow for the imposition of specific conditions (i.e., maximum occupancy, landscaping, manager contact details, etc.), and allow for the regular review of an operation to ensure it is not causing undue conflict with neighbouring properties.

What is a vacation rental?

The DOI defines a vacation rental as the use of a residential dwelling unit for the commercial accommodation of paying guests for a period of less than one month.

Vacation rentals differ from bed and breakfast (B&B) operations in that B&B operations are run within a dwelling unit by the residents of the dwelling unit. B&Bs provide sleeping accommodations, but do not include cooking facilities for patrons.

How do I apply for a Vacation Rental Temporary Use Permit (TUP)?

Application forms are available at the DOI office at 914-8th Avenue in Invermere or on the DOI website at <http://invermere.net>

The application form contains a detailed list of the required materials to be included with a Vacation Rental TUP application.

What are the costs?

- TUP application fee (\$1000 TBC)
- Advertising Costs (subject to change)
- Title search issued within the past 30 days (DOI can provide for \$20 fee)
- Notification Sign (arranged between applicant & sign company)

Against what criteria is an application assessed?

An application is generally assessed according to the following criteria:

- Capability of accommodating on-site domestic water and sewage disposal;
- Mitigating measures on the property such as screening and fencing;
- Sufficient off-street parking (note: one space required per Habitable Room);
- Confirmation that the dwelling meets a minimum standard for health and safety;
- Benefits that the vacation rental provides.
- Minimal negative impacts on nearby properties.

What happens if I operate a vacation rental on my property without a TUP?

Vacation rental properties operating without a TUP are subject to fines starting at \$500 per day for non-compliance. Additional fines may be levied for other bylaw infractions (e.g., noise).

How long does it take to get a permit?

Once a complete application is received, most typical vacation rental TUP applications will take approximately 8 weeks to proceed through the evaluation and permitting process.

Additional Considerations

Since vacation rentals do not strictly fit into any one standard insurance category, it may be challenging to find the proper insurance policy for your property.

Most insurance policies are designed to cover owner-occupied properties. The vacation rental property may or may not be your primary residential residence, but if you're allowing others to rent the property for short periods of time, your insurance might not cover accident or injury suffered while others are on your property.

Your insurance policy may also require your property to conform to all local bylaws and regulations, which would include the requirement to obtain a TUP for vacation rentals operating on your property.

The DOI encourages all owners of vacation rental properties to discuss their insurance needs with a broker.

Date	May 31, 2023
Author	Justin Cook, Planner 2
Subject	Short Term Rental Temporary Use Permit Community Engagement Update

BACKGROUND

In 2021, the RDEK Board authorized staff to conduct a planning process to identify short-term rental (STR) concerns and determine management options. A process was conducted that included two newsletters, a survey, consideration of how STRs are regulated by other jurisdictions and determination of estimates on STR density and revenue in the RDEK. A Request for Decision (RFD) on regulation options was presented to the Board in April 2022. Staff were directed to proceed with a planning process to regulate STRs via temporary use permits (TUP).

A subsequent RFD was presented to the Board in February 2023, with implementation options and draft criteria. Staff undertook engagement efforts between February and May 2023 to best ensure that the implementation of an STR TUP policy would be effective at achieving conformance from STR operators. Prior to recommending the adoption of the STR TUP policy, staff have identified several modifications to the draft criteria.

The proposed TUP permitting process will be used to allow STRs to operate where temporary vacation rentals are not permitted by the zoning bylaw (such as commercial accommodation). The TUP will allow the use to be conducted for up to 3 years, with available renewal once, and allows for the RDEK to establish conditions on the use. Continuation beyond the renewal would be considered a new application.

INFORMATION

Engagement Update

Following Board direction on the proposed draft criteria, staff undertook community engagement efforts to ensure the proposed criteria was best positioned to address concerns surrounding STRs without incurring any unavoidable adverse effects. A newsletter was distributed to stakeholders and a survey was conducted through the Engage RDEK website asking for stakeholder feedback on the draft criteria.

During the Spring 2023 engagement process:

- The Short-Term Rental Implementation Project page had over 3,800 visits.
- 343 submissions regarding the Draft Criteria were received.
- The Draft Criteria document was downloaded 3,003 times by 1,644 unique individuals.
- The Newsletter was distributed to over 10,000 homes in the rural parts of the RDEK, sent electronically to RDEK email groups, and downloaded 30 times from the project page.
- The email regarding the project & reminder of the comment period deadline was sent to over 5,300 people in the email groups (the click through rate was 4%, which is strong).

Support for the draft criteria was mixed, with 39.6% of respondents in support, 51.5% of respondents not in support and 8.9% neutral regarding the mandatory requirements. Perceptions of the discretionary criteria saw 41.1% of respondents in support, 42.9% of respondents not in support and 16.1% of respondents neutral.

The direction in which respondents did or did not support the proposed draft criteria was discussed at length in many of the respondents' open-ended responses. There were two generalized themes of discontent that were prevalent in the responses: that STRs should be outright banned in the RDEK, and that no regulations of STRs should be imposed on property owners. Beyond these generalized reactions to the proposed criteria and regulating STRs through TUPs, responses tended to focus on a select few of the draft criteria.

Maximum Guests/Bedrooms

The maximum number of guests permissible in an STR was identified as a major concern of operators, especially in the resort areas at Fernie Alpine Resort, Panorama Mountain Resort, and to a lesser extent Fairmont Hot Springs Resort. Several comments highlighted the purpose-built nature of the resort areas and the homes that they owned therein being purpose built to accommodate STRs. Many respondents also commented that restricting use based on the number of bedrooms could result in their property not being permissible as an STR should their homes exceed the maximum allowable bedroom count.

Conversely, many respondents commented that the draft criteria likely allowed for a greater number of guests than desirable in areas that were more purpose built for residential. Residents in residential neighborhoods commented that the potential of allowing ten guests in an STR could result in nuisance behaviour to persist.

Outdoor Fires

There was a mixed response to the discretionary criteria to prohibit outdoor fires. Many respondents expressed concerns surrounding the risks outdoor fires pose to neighboring properties. Conversely, many respondents discussed the value that outdoor fires brought to guests as an experiential tourism amenity. Several respondents commented that fire bans and the FireSmart program exist to broadly address fire safety concerns.

Fees and Security Deposit

The cost associated with STR TUPs was a concern of many respondents. Questions regarding why pricing would be set at a certain level were prevalent. Further, many respondents expressed concern regarding the discretionary requirement to post a security deposit. Most of the concerns expressed focused on the added cost a security deposit would incur on operators and the uncertainty regarding the scope of what a security deposit could be required to cover.

Confusion Regarding Applicability

A large number of the respondents' comments focused on the applicability of the proposed STR TUP criteria on properties that had been purpose built as fully managed vacation rental properties, especially properties in condo style units operating in ski resort areas.

There were also comments that expressed concerns about what constitutes an STR. Several respondents commented that they rented out their property during a specific window each year of two months or less.

Enforcement measures that would ensure compliance with the proposed STR TUP policy were also discussed by respondents, many of whom expressed concerns regarding the RDEK's capacity to undertake enforcement efforts. These concerns also extended to strata properties and how the RDEK would act to ensure compliance with strata bylaws that prohibited STRs.

Proposed Policy Refinements

In reviewing responses to the draft criteria, staff have developed several refinements to the proposed draft criteria to help ensure a best-fit for the STR TUP policy.

Maximum Guests

Given the broad scope of property types involved in STR provision in the RDEK, allowing for differing maximum occupancy based on location is likely a more desirable approach. Upon further consideration, regulating STRs based on bedroom counts may not be the most effective means of mitigating nuisance behaviour and may result in unintended consequences regarding application review and enforcement efforts. Towards these effects, it is recommended that:

- Maximum occupancy be regulated by setting the limit on maximum number of guests alone and to not regulate the maximum number of bedrooms; and
- Resort areas and rural properties (where appropriate distance between dwellings exist) be allowed a higher maximum occupancy compared to properties in residential neighborhoods.

Maximum occupancy be set at:

- Maximum 8 guests for STR TUPs; except,
- Maximum 14 guests for STR TUPs in:
 - Resort Areas, to include lands found within:
 - Fernie Alpine Resort OCP
 - Panorama Area OCP
 - RES-AC, RES-R, and RES-MU designated areas of the Fairmont Hot Springs and Columbia Lake Area OCP
 - Rural dwelling units that are at least 60m setback to side and rear property lines

Outdoor Fires

The scope of concerns expressed regarding the requirements of fire pit regulation indicated that additional details would need to be communicated regarding what specific requirements would be involved. As such, the following a set of requirements was developed, should an STR TUP applicant indicate their intention to include a fire pit as an STR amenity.

The proposed fire pit criteria are:

- Applications must indicate the intention to allow fire pit use within the proposal;
- FireSmart adherence must be met;
- Plan and details of fire pits to be provided and reviewed with application;
- Operators responsible for guest adherence to fire bans.

Occupancy Permits

While considering the review process for STR TUP applications, staff have further identified potential complications relating to occupancy permit requirements. Occupancy of a dwelling unit is generally granted through the building inspection process, wherein once a residential building is deemed complete and up to code by a building inspector it is then habitable for residential use. While the RDEK will most likely have a record of occupancy being granted for newer homes (built post 2000), there is a likelihood that the RDEK will not have a record of occupancy being granted for older homes (especially those pre-1980s).

Given the dynamics of occupancy records, it is recommended the requirement of a record of occupancy be only applicable to accessory dwellings. If a record of occupancy being granted is made a requirement of the policy, there will likely be many homes that would need to take out a building permit and undertake a complete renovation to meet current building code standards for a record of occupancy to be issued. By limiting the scope of the requirement for a record of occupancy to accessory dwellings the burden placed on the Building Department will be minimized and limit adverse workload impacts.

Instead of occupancy permits being an STR TUP application requirement, floor/fire safety plans detailing the home layout and safety features would need to be submitted for consideration by staff. These will provide an opportunity for staff to understand the layout of a proposed STR and ensure adequate safety features exist, and, where applicable, require structural modifications to ensure the presence of essential safety features, primarily focused on fire safety.

Title Charges and Strata Bylaws

Responses indicated continued concern from respondents regarding the enforcement of property title charges (including restrictive covenants and statutory building schemes) and strata bylaws that prohibited STRs. While the RDEK may hold charges on property titles and should be involved in enforcing RDEK held title charges, title charges held by third parties are not enforceable by the RDEK and as such acting as the enforcer of third party title charges should be avoided.

For charges established under the *Land Title Act*, including restrictive covenants and statutory building schemes, the charge holder (or common holders) are responsible for the enforcement of a given title charge. Likewise, the *Strata Property Act* is self-governing legislation and it is the responsibility of the strata lot owners and other interested parties to administer and implement the provisions of the *Act*.

If necessary, title charge holders or strata lot owners may use the Civil Resolution Tribunal, a mediator, an arbitrator, or the courts to resolve conflicts. Avoiding the issuance of a permit that allows a use in contravention of a land title charge or strata bylaw is desirable, however, the RDEK has minimal tools and capacity to review and enforce conformity with title charges or strata bylaws.

It is therefore recommended that STR applications include acknowledgement from the applicant regarding the allowance of short-term rentals according to title charges and/or their strata bylaw (where applicable). This approach would help ensure that owners will undertake due diligence while preparing STR applications and help impart the understanding of their personal responsibility to adhere to title charges and strata bylaws. By placing the onus of title charges and strata bylaws on STR applicants in this way, the RDEK can avoid being involved with enforcement efforts that it does not have any authority over, or complicating and adding costs to STR application processes by adding a layer of review wherein staff could be required to track and review title charges and strata bylaws during STR application processes.

STR TUP Application Approval Processes

The adoption of an STR TUP policy will provide a standardized approval process for STR operators, however, there may be applications that do not comply within the scope of the policy. For these types of STR applications, a direct application to the Board would be required. SRT applications made to the Board can offer a broader scope of discretion, but will also require a more thorough review of the proposal by staff.

Providing an alternative approval stream can afford discretion where unique situations may exist, however, bringing an application through a Board approval process adds substantial time and costs.

The additional requirement of reviewing an application according to non-standardized requirements, preparing a Board report and public notice, along with advertising costs would all constitute additional expenses related to the application consideration process. The differences in costs between the applications covered under the STR TUP policy and an application made to the Board are discussed in the “Fees” section.

Fees

In reviewing the costs associated with STR applications and issuing permits through a delegated process, staff have determined that a \$600 STR TUP Fee for a 3-year permit would allow for cost recovery of staff time and administrative fees. Depending on the scope of a renewal application, it may be possible to offer a reduced renewal application fee as there will likely be a lower level of cost recovery required for the renewal process.

All other TUPs incur additional costs to the RDEK due to additional advertising costs, staff time in the review and consideration of non-standardized proposals, and the requirement for Board consideration processes. These additional costs are significant and result in a cost-recovery fee of approximately \$1,400. Whereas the current fee for a non-standardized TUP is set at \$1,200 within Development Applications Bylaw No. 3165, staff support maintaining the existing fee.

Detailed fee estimates:

	Delegated Intake Stream		Application for Board Resolution	
	Low	High	Low	High
Application Review	\$79	\$293	\$215	\$990
Advertising Notice of Intent	\$106	\$130	\$145	\$220
Board Approval Process			\$118	\$530
Permit Issuance	\$79	\$160	\$80	\$105
Enforcement	\$150	\$600	\$150	\$600
Total:	\$414	\$1,183	\$708	\$2,445
Weighted Average:	\$625		\$1,396	

Enforcement

Depending on the scope of accompanying bylaws adopted by the Board, the enforcement of STR TUP conditions may be challenging. The current approach to enforcement involves court injunctions for any infraction, which is labour intensive and costly. With the pending implementation of Bylaw Notice Enforcement, this will provide an additional tool for the enforcement of TUP conditions.

Many municipalities issue fines related to STR advertising in contravention of STR bylaw requirements, beyond which multiple offences may lead to a revocation of a license. The RDEK could issue fines based on contravention of STR TUP requirements in a similar manner, beyond which multiple offences may lead to a revocation of a permit.

For specific conditions relating to the improvement of a property to ensure the safety of guests, or possible conditions imposed on non-standardized TUPs, it may be desirable to require a security deposit to ensure the conditions are met following the issuance of a TUP.

Given the scope of possible conditions for which a security deposit may be required, it is recommended that an upper limit of \$1,500 be set as the maximum security deposit.

Next Steps:

Staff will undertake a final public engagement effort in advance of bringing forward the finalized STR TUP policy for Board consideration. Additional clarification regarding the scope and details of the policy will be provided to stakeholders through the Engage RDEK website along with a feedback form over the next three weeks. Following this final opportunity to receive public feedback on the scope of the STR TUP policy, staff will prepare the final policy and submit for Board consideration. Should the Board adopt the policy, staff will prepare the necessary application forms and the internal application review procedure. Staff are also currently developing a bylaw for delegated authority of STR TUP application approval to staff, which will be forthcoming in the coming months.

A public information campaign to ensure that residents and STR operators are aware of the STR TUP requirements and the process to apply for an STR TUP will be undertaken, with an anticipated application intake process beginning in the fourth quarter of 2023.

Attachments:

- Revised STR TUP Criteria – June 2023

June 2023

In order to implement a regulatory process for Short-Term Rentals (STR) within the Regional District of East Kootenay (RDEK) what types of dwelling units or homes are eligible to be issued a permit and under what conditions or considerations must be determined. The intention of the RDEK in regulating STRs is not to prohibit them, but to identify criteria under which a permit can be issued and to clarify the requirements for their continued operation.

The Criteria have been drafted and revised in consideration of feedback received through engagement processes, the latest edits to the draft criteria resulting from the spring 2023 engagement efforts. As part of the implementation process, the final Criteria will be adopted by the RDEK Board of Directors as a Short-Term Rental Temporary Use Permit (STR TUP) Policy. This policy in conjunction with the Development Applications Bylaw will guide the process for making, processing and issuing the new STR TUPs.

Draft Criteria

The two types of Criteria below will be utilized by RDEK staff as a checklist when applications are being processed and considered for issuance of the STR Temporary Use Permit (TUP).

- **Mandatory Criteria** – will apply to all STR TUP applications.
- **Discretionary Criteria** – will be considered by staff as conditions, dependent on site specific conditions and application details and resulting from the consultation process for each STR TUP. These criteria may be applied as a condition of the permit if there are property specific considerations for an individual application.



Applications that meet the criteria will be considered for authorization by a RDEK staff member who has been delegated STR TUP approval authority.



Applications that do not meet the criteria may instead be made as applications to the RDEK Board of Directors for a decision as a non-standardized TUP.



An STR application fee of \$600 for a delegated STR TUP (according to the STR TUP policy) and \$1,200 for a non-delegated TUP application STR made to the Board.

STR TUPs will be in effect for a maximum of three (3) years and may be renewed once for another three-year term. The inclusion of discretionary criteria not identified at the original time of issuance or any new criteria established by the RDEK may be considered at the time of STR TUP renewal.

In addition to the criteria identified below, STR Operators as a condition of all STR TUPs will be required to provide the following information to short term rental guests related to:

- i) RDEK Noise Control Regulation Bylaw
- ii) measures to address water conservation
- iii) fire safety regulations
- iv) storage and management of garbage and recycling

- v) on-site septic system care (if applicable)
- vi) RDEK Dog Control Regulation Bylaw (Electoral Areas F & G only)
- vii) RDEK Sale of Fireworks Regulation Bylaw

An application for a STR TUP will be considered in relation to the following **mandatory criteria**:

- a) An STR use must not alter the residential appearance of the dwelling unit.
- b) Maximum overnight accommodation:
 - a. Maximum 8 guests for STR TUPs; except,
 - b. Maximum 14 guests for STR TUPs in:
 - i. Resort Areas, to include lands found within:
 - 1. Fernie Alpine Resort OCP
 - 2. Panorama Area OCP
 - 3. RES-AC, RES-R, and RES-MU designated areas of the Fairmont Hot Springs and Columbia Lake Area OCP
 - ii. Rural dwelling units that are at least 60m setback to side and rear property lines
- c) Provision to accommodate off-street parking in accordance with the following:

Number of Guests	Minimum Number of STR Dedicated Off-Street Parking Spaces
1 - 4	One
5 - 8	Two
8 - 14	Three


- d) Identification of a manager, owner or other designated local contact who will be available by telephone at all times when the STR is in use. The name and contact information must be provided in the application and must be posted along with the STR TUP in a visible place within the residence. The contact person must consent in writing to the disclosure of their contact information by the RDEK as part of the application process.

- e) A floor/fire safety plan detailing the home layout and safety features.
- f) Where an STR is proposed to be situated within an accessory dwelling unit, a building permit authorizing occupancy of the accessory dwelling unit.
- g) An STR TUP must be located within a single-family dwelling, duplex, accessory dwelling unit or multiple family dwelling unit. STR TUPs will not be issued for a recreational vehicle, park model trailer, yurt, tent, boat or lock off unit.

- h) Acknowledgement from the applicant that an STR use is not in contravention of strata bylaws or property title charges.

Discretionary criteria on an application specific basis, subject to public feedback from the notification process or on a property specific basis:

- a) The Applications must indicate the intention to allow fire pit use within proposal, and if a fire pit is proposed:

- FireSmart adherence must be met
 - Plan and details of fire pits to be provided and reviewed with application
 - Operators responsible for guest adherence to fire bans
- b) The provision of screening or fencing to address potential impacts or to address neighboring privacy issues.
- c) The contact information for the designated local contact person must be distributed to property owners directly adjacent to the STR.
- d)  The posting of a security deposit or to ensure compliance with special conditions of a TUP permit, generally for the benefit of ensuring any work required to improve the property as a condition of the TUP be completed prior to the STR use being initiated. It is recommended the upper limit of possible security deposits be set at \$1,500.
- e) If the proposed STR is located on a property identified as containing an environmentally sensitive area, the temporary use permit will require that the applicant provide information to renters indicating the location of the sensitive areas and information on how to avoid impacting those areas.



Invermere

on the Lake

INVERMERE COUNCIL CONSULTATION WITH KEY STR MANAGERS / OPERATORS ON PROPOSED STR REGULATIONS

Meeting: August 10, 2023, 9:00 am to 12 noon
District of Invermere Municipal Office
914 – 8th Avenue, Invermere, BC

Mayor Miller and Council Members look forward to meeting with you to discuss proposed STR regulations. To help guide the meeting discussions, the District has prepared the following questions.

1. *Should Short-Term Rental Accommodation (STR) operations be permitted in single family and low-density residential zones? Should it permit STR operations in all Zones, except for Industrial and Light Industrial Zones?*

If YES, then rezoning would be needed to make that happen. If directed by Council, staff would lead and manage that process.

2. The District is considering regulating STR operations through its Business Licencing Bylaw, and using Temporary Use Permits to address cases where proposed STR operations cannot comply with the District's Zoning Bylaw and/or Business Licencing Bylaw. ***What do you think about this two-tiered approach?***

Explanation follows:

- a. Business Licencing (Normal) Approach – Invermere Council has endorsed using a Business Licencing approach to regulate STR operations in Invermere. The application process for a STR operation business licence is simple provided the proposed operation satisfies the District's Zoning Bylaw requirements. The applicant must also provide a self-evaluation safety audit & attestation form stating that the accommodation is safe to use.

For your reference, a copy of the proposed STR business licence application, and the Self-Evaluation Safety Audit & Attestation form are attached.

- b. Temporary Use Permit (Alternate) Approach – In cases where a proposed STR operation is unable to satisfy the District's Zoning Bylaw requirements (e.g., required number of parking stalls, etc.) then the property owner/agent can apply for a Temporary Use Permit (TUP). The applicant must also provide a self-evaluation safety audit & attestation form stating that the accommodation is safe to use. Applying for a TUP is straight forward; however, the application is subject to public review, the application process takes more time than the business licencing approach, and lastly is subject to detailed review by staff, and by Invermere Council.

For your reference, a copy of the District's current Temporary Use Permit application form, and the Self-Evaluation Safety Audit & Attestation form are also attached.

3. *What exceptional amenities might need to be considered under a TUP application?* Background: The majority of STR operations in Invermere do not have hot tubs, swimming pools, large outdoor play spaces and/or fire pits, but some do have these amenities. The District is thinking of handling STR amenities like these with TUPs. Does that seem like a fair process when you think about the interests of STR operators/owners and the surrounding neighbours?
4. *Should Invermere place a limit of one STR licence per owner?* Background: Currently there are no limits on the number of STRs operations that one owner can own in Invermere. Radium Hot Springs has chosen to place a limit of one STR licence per owner. In contrast, the RDEK looks like it will not place limits on STR ownership; however, the RDEK covers a large area and not one community.
5. *Should the District consider implementing a cap on the number of STR operations in Invermere?*

Other Questions for possible discussion:

- Should the District control the number and location of STRs permitted; for example, by imposing limiting distances between STR operations, and/or establishing a maximum number of STR operations allowable in a geographic area?
- Should the District limit the number of guests permitted in an STR operation?
- Should the District establish minimum on-site parking requirements tied to STR operations (e.g., 2, 3, or 4 off-street parking spaces for 2-3, 4, or 5 Habitable Rooms respectively)?
- Should the District make noise monitoring mandatory for STR operations? Background: Having noise monitoring equipment in an STR operation might help resolve complaints between the STR operator/owner and neighbours, and even help resolve disputes over potential fines.
- Should the District establish a set of escalating fines to help address poor management of Short-Term Rental Accommodation operations?
- If the District adopts a Business Licencing approach to regulate STR Operations in Invermere, how many months should STR owners/operators be given to apply for and obtain a Business Licence (i.e., implementation and compliance period)?
- What are some of the good management practices that STR managers/operators are currently doing that the District should know about? Which of those practices should new or future STR operators be expected to meet?

If you have any questions about these matters, please contact Andrew Young, MCIP, RPP, Chief Administrative Officer via email: cao@invermere.net , or telephone 250-342-9281, extension 1225

Attachments:

1. Proposed NEW Business Licencing Bylaw – draft 2023-06-13
2. STR Business Licence Application form – draft 2023-07-11
3. STR Annual Self Evaluation Audit Attestation form – draft 2023-07-11
4. STRs TUP Guide/Brochure – draft updated 2023-07-16
5. TUP – Development Application form – 2023
6. RFD – DOI Business Licencing Bylaw and STRs report – dated 2023-07-11
7. RDEK Board report re STRs – dated 2023-05-31
8. RDEK revised Criteria for STRs TUPs – June 2023

CONSULTATION MEETING NOTES

DISTRICT OF INVERMERE COUNCIL CONSULTATION WITH KEY MANAGERS / OPERATORS OF SHORT-TERM RENTAL ACCOMMODATION UNIT/S (STRs) REGARDING PROPOSED REGULATIONS

Meeting Held: August 10, 2023, 9:00 am to 12 noon.

Meeting Held at: District of Invermere Municipal Office, 914 – 8th Avenue, Invermere, BC

Attending the Meeting:

[REDACTED]

Mayor Miller, District of Invermere
Councillor Kayja Becker
Councillor Gerry Taft
Councillor Theresa Wood

Andrew Young, MCIP, RPP, Chief Administrative Officer
Kindry Luyendyk, Corporate Officer

The following meeting summary is based on notes taken by Kindry Luyendyk, Corporate Officer, and Andrew Young, CAO during the August 10, 2023, consultation meeting between Invermere Council members and Key Managers / Operators of Short-Term Rental Accommodation Units (STRs) in Invermere.

Multiple STR Units:

- Should STRs be allowed in Strata developments (e.g., Lake Windermere Pointe complex aka LWP)
- Perhaps the draft Business Licencing Bylaw text should be reworded “building/s”.

There was agreement that STRs should be allowed in strata developments (e.g., LWP) in part because these developments were designed with STRs in mind, and because the Strata Councils can help regulate the operation of STRs through strata bylaws. If the Strata Council has adopted STR management bylaws these will help ensure the proper ongoing management of STRs now and in the future.

Council members observed that it may be beneficial to deter ownership concentration of multiple STR units. It was also noted that Temporary Use Permits (TUPs) could be employed to address exceptional / unique situations that do not conform with the DOI’s Zoning and other bylaws.

It was suggested that the District of Invermere Council consider setting a limit for the R-1 and R-2 zones of one business licence per dwelling unit/building. It was also stated that there should be no large scale commercial STR operations in the District's single-family residential zones and areas.

The general feeling at the meeting was that most STR business licencing matters should be quite reasonable to address, and that exceptions could and perhaps should be handled by using TUPs.

Occupancy:

- Should consider a combination of bedrooms / persons/ parking stalls when looking at an STR.
- Observed that the maximum number of persons permissible in an STR should be 10 adults or less to help control noise and parking concerns. It was also suggested that:
 - Children older than 12 years of age should count as a person (adult) when considering the maximum number of persons allowed; and
 - Children 12 years of age and younger should not be counted as adult persons.

2 Tier Bylaw (some suggestions):

- Tier 1 business licencing process would be used to address normal and simple STR applications.
- Tier 2 business licencing process would be used to address unusual / unique STR applications (non-conforming conditions) that require more staff input, with Council input.
 - Could in time be supported by guidelines / precedents from earlier applications – which may help streamline it.
 - Could be supported by Temporary Use Permits (TUPs) where warranted (e.g., by scale of proposal, site conditions, non-conforming zoning, impacts on neighbouring uses etc).
- It was suggested that the District of Invermere employ a tiered process to help make the Business Licencing process responsive and flexible.

Fees:

- Licencing fees in the proposed Business Licencing Bylaw seem high, especially for small STR operations.
- Proposed licencing fees higher than other municipalities (currently).
- Suggested that the initial licencing fee include the normal licencing fee, plus a one-time administration fee (e.g., \$150 annual, plus \$250 one-time administration fee).
- For example, Radium Hot Spring's fee is fair:
 - First year \$400 initial fee (which includes annual licence fee plus administration fee)
 - Annual Fee thereafter is \$150.
 - So, the Administration fee is \$250 (one-time)

Parking:

- Need to ask whether the on-site parking stalls are intended for single family residential use. Is there enough to satisfy the parking demand expected?
- In a strata development, are there sufficient parking stalls available to address the residential requirements?
 - Where STRs are permitted in a strata development then sufficient parking stalls need to be available to support the expected occupancy of the STR units.

- The Strata may need to apply a blanket provision to help control the use of available parking stalls.
- The Strata may need dedicated parking spaces in the development for STR use.
- It is important to keep off-street parking requirements or approaches consistent:
 - Parking plan/s will be needed to show the designated parking stalls.
 - The number of parking stalls required in an STR should equal the number of bedrooms in the STR less one parking stall (e.g., 4 bedrooms requires 3 parking stalls).
 - Neighbourhoods in Invermere need parking plans to help support the licencing system.
 - Street parking is not to be used to address the parking needs of nearby STRs unless expressly permitted.
 - If an STR requires additional parking that it cannot provide on-site, then a process exists that can be followed to help offset the parking shortage – subject to District of Invermere review and approval.
 - For example, when a restaurant requires parking stalls which it is unable to provide on-site then a cash payment to the DOI is required for each off-site parking stall it is short.

Floor Plan/s:

- STR needs to have a floor plan of the STR posted / positioned in a visible site near the front door, and possibly the back door.
- Floor plans should not be required in every room.

Additional Comments:

- Outdoor pools (and other outdoor amenities like fire pits) could be considered in an STR but they will need to be closely monitored and there must be mandatory outdoor noise monitoring (which will require setting acceptable and not acceptable noise levels).
- It was noted that Outdoor Pools might be best dealt with through a TUP to clearly establish restrictions on them.
- Agreed that STR operator needs to provide neighbours living within 25m of the property with up-to-date contact information to help ensure prompt attention to complaints.
- Suggested that the District not require a security deposit/bonding from STR operators since this will be difficult to administer and fines can be used instead to help ensure compliance with the District's business licencing or TUP requirements.
- It was agreed that inspections of STRs by DOI staff must be allowed to help ensure compliance with the District's business licencing requirements.

Limitations:

- Should there be Limitations placed on the number of STRs in Invermere's neighbourhoods / geographical areas?
 - If a limitation is placed on the number of STRs permitted in an area, then the limitation should be reviewed after the first year of operation (and possibly after) to see if it continues to make sense (this might be done as an DOI internal process).

- Placing a cap on the number of STRs permissible in each area may result in unwanted distortions in the STR market and Real Estate market.
- *Council member/s noted that STRs in the Lake Windermere Pointe development should be factored out of the analytical data for Invermere because almost half of the STRs in Invermere are in that development. The high concentration of STRs in Lake Windermere Pointe distorts any analysis in the remainder of Invermere.*

Bylaw Enforcement:

- There are too many bylaw enforcement chances included in the proposed Business Licencing Bylaw.
 - It was suggested that the number of chances should be limited to three and after that the District of Invermere (DOI) should cancel the operator's business licence.
 - District staff explained that the proposed tiered enforcement approach starts gently but the approach does support escalating fines and actions, and the potential cancellation of a business licence when warranted. However, to cancel a business licence requires a show cause hearing before Council before more serious legal action is pursued.

Process Timeline:

- What happens to the Business Licencing process when the title of a property changes? It may take a long time for a property title change to be registered at the Land Title and Survey Authority of BC (LTSA BC).
 - Industry representatives hope there will be some flexibility in the business licencing process given to address delays in the property registration process at the LTSA. This assumes that all the other property transfer paperwork is alright.
 - It was suggested that the DOI contact the Village of Radium Hot Springs to ask how they have handled this.

Attachments:

1. Invitation with questions to guide the August 10, 2023, Consultation Meeting
2. Revised Summary Table regarding proposed Regulatory Approaches for STRs – August 31, 2023

STRs Summary of Regulatory Approaches DOI, RHS, RDEK -- 2023-09-07 w revisions

Local Government	Invermere, District of	Invermere, District of (DOI)	Radium Hot Springs (RHS), Village of	Regional District of East Kootenay (RDEK)
Short-Term Rentals - Summary of Approaches				
Approach / Characteristics	Business Licencing (PROPOSED Primary approach)	Temporary Use Permit - TUP (PROPOSED Secondary - Alternate approach)	Business Licencing (Established approach)	Temporary Use Permit (TUP)
Status	Proposed amendments to DOI Business Licencing Bylaw	TUPs supported under OCP	Established by RHS Bylaw No 466, 2021 and amended by BL 470, 2022	RDEK Board adopted STR policy on July 14, 2023
Occupancy	To be determined (TBD). <u>DOI Council has discussed setting a maximum occupancy of 10 persons (Adults) in an STR operation.</u> It is suggested that five bedrooms be the maximum number allowed in an STR in the R-2 or R-2 zones.	To be determined (TBD) as a TUP is intended to address situations that may not conform with the DOI Zoning Bylaw or other bylaws.	Adult Occupancy is stated on the STR Business Licence in bold letters and numbers	RDEK Board set the maximum number of guests for overnight accommodation in an STR as follows: <u>maximum of 10 guests.</u> Anyone wishing to apply for a higher number needs the RDEK Board's approval.
Multiple Units / licencing	Operator must hold a separate Business Licence for each STR operation. DOI Council is considering setting a limit of one business licence per STR owner.	Operator must hold a separate Business Licence for each STR operation. DOI Council is considering setting a limit of one business licence per STR owner.	STR business licences in the R 1 - Single Family Residential and R 2 - Two Family Residential zones shall be limited to one licence per individual or corporate property owner, regardless of the number of properties owned.	Operator must hold a separate TUP for each dwelling unit intended for STR operation.
Complaint Response Time	30 minute response time to STR operation complaints originating from the municipality, RCMP, or the public.	30 minute response time to STR operation complaints originating from the municipality, RCMP, or the public.	30 minute response time to STR operation complaints from the 24 emergency contact person or management company (i.e., noise) originating from the municipality, RCMP, or the public.	TUP requires STR owner contact information and availability to respond by telephone 24 hours a day and 7 days a week.

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Local Government	<u>Invermere, District of</u>	<u>Invermere, District of (DOI)</u>	Radium Hot Springs (RHS), Village of	Regional District of East Kootenay (RDEK)
Short-Term Rentals - Summary of Approaches				
Approach / Characteristics	Business Licencing (PROPOSED Primary approach)	Temporary Use Permit - TUP (PROPOSED Secondary - Alternate approach)	Business Licencing (Established approach)	Temporary Use Permit (TUP)
Key Contacts and Contact information	Licensee must display name and telephone number of Responsible Person inside the STR entry way. Must also provide primary, secondary, and tertiary contact information to DOI as backup.	Licensee must display name and telephone number of Responsible Person inside the STR entry way. Must also provide primary, secondary, and tertiary contact information to DOI as backup.	Licensee must display in a conspicuous place the name and telephone number of the contact person available to provide guest services to the STR 24 hours per day, also, 24 hour emergency contact person or management company.	Must display name and contact information for the STR manager, owner, or other designated contact, in a visible place within the STR unit and also provide it to property owners/residents within 25 m surrounding the property.
Safety Audit - Annualized	Self-Evaluation Audit and Attestation form required at time of business license application and annually at time of renewal (may include verification review by designated DOI staff)	Self-Evaluation Audit and Attestation form required at time of business license application and annually at time of renewal (may include verification review by designated DOI staff)	Self-Evaluation Audit and Attestation form required at time of business license application and annually at time of renewal signed by all property owners listed on the BC Land Registry	Confirmation provided in writing to the RDEK that the STR addresses the safety of occupants adequately (which may include verification review by an RDEK Building Inspector).
Application / Renewal Fee	\$250.00 for DOI STR business licence application review fee. This fee is not prorated and is non refundable whether the licence is approved or not. Subject to approval of the STR business licence application an annual Business Licence fee of \$150.00 is due and payable. The business licence and fee must be renewed and paid for annually.	\$1,000 for TUP application (plus cost of advertising). Subject to issuance of the TUP an DOI Business Licence is required, annual fee \$150.	\$250.00 for STR business review fee. This fee is not prorated and is non refundable whether the licence is approved or not. Subject to approval of the STR business licence application an annual Business Licence fee of \$150.00 is due and payable. That fee is reduced to \$100 if the STR business licence application is received after June 30th by a new property owner or new STR business, not if STR has been operating illegally prior to the June 30th date.	\$1,000 for TUP applications that are handled by delegated staff only; and \$2,000 for TUP applications that are considered by RDEK Board (to be formalized in future bylaw). TUPs are valid for up to 3 years. An application for a one-time renewal of the TUP may be made for a further 3 years.

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Local Government	Invermere, District of	Invermere, District of (DOI)	Radium Hot Springs (RHS), Village of	Regional District of East Kootenay (RDEK)
Short-Term Rentals - Summary of Approaches				
Approach / Characteristics	Business Licencing (PROPOSED Primary approach)	Temporary Use Permit - TUP (PROPOSED Secondary - Alternate approach)	Business Licencing (Established approach)	Temporary Use Permit (TUP)
Strata Corporation Approval	Must provide confirmation from the Strata Corporation that the STR usage is permitted	Not expected to occur, but if so the applicant must provide confirmation from the Strata Corporation that the STR usage is permitted	STR operations within Strata Titled properties or units require written, signed Strata Corporation approval letter from the applicable Strata Board. Strata approval must accompany the STR application and the number of assigned parking spots allocated to the STR applicant on strata complex property	STR TUP applicant must provide an affidavit to RDEK staff acknowledging that the subject property has no covenants on title or strata bylaws restricting the property from being used for STR purposes.
Display of Licence / Permit details	Licensee must post a copy of the Business Licence in the STR Entry way. The license must display the license number, and the maximum number of guests permitted in the STR.	Licensee must post a copy of the Business Licence in the STR Entry way. The license must display the license number, and the maximum number of guests permitted in the STR.	Licensee must post a copy of the Business Licence in a conspicuous place in the premises. The licence must display the licence number of the business. All marketing materials need to indicate the business licence number.	RDEK is not empowered to issue Business Licences
Parking Plan	Provide a parking plan that complies with the parking requirements of the DOI's Zoning Bylaw. For guidance, it is suggested the number of parking stalls required in an STR should equal the number of bedrooms in the STR less one parking stall (e.g., 4 bedrooms requires 3 parking stalls).	Provide a parking plan that complies with the parking requirements of the DOI's Zoning Bylaw. For guidance, it is suggested the number of parking stalls required in an STR should equal the number of bedrooms in the STR less one parking stall (e.g., 4 bedrooms requires 3 parking stalls).	No specific parking plan requirement identified in Bylaws 466 or 470; however, all properties have been built with appropriate parking on property or strata complex property, Bylaw 466 states that parking notices may be issued in response to parking violations.	Must provide off-street parking for the STR as follows: one off-street parking space for 1-4 guests; two parking spaces for 5-8 guests; and three parking spaces for 8-14 guests. <u>These are in addition to the minimum requirements required for a property by zoning.</u>

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Short-Term Rentals - Summary of Approaches				
Approach / Characteristics	Business Licencing (PROPOSED Primary approach)	Temporary Use Permit - TUP (PROPOSED Secondary - Alternate approach)	Business Licencing (Established approach)	Temporary Use Permit (TUP)
Non-Dwelling Units	No tent, boat, motor vehicle, camper, trailer, or recreational vehicle may be used as a Short-Term Rental Accommodation Unit.	No tent, boat, motor vehicle, camper, trailer, or recreational vehicle may be used as a Short-Term Rental Accommodation Unit.	STRs are only permitted in a residence in the C-4 Recreational Vehicle Park zone, not in a recreational vehicle.	STR TUPS will not be issued for a boat, cabin, lock off unit, park model trailer, recreational vehicle, tent, or yurt.
Neighbourliness	STR Operator must provide neighbours living within 25 m of the property with up to date contact information to help ensure prompt attention to complaints. STR operator may be required to provide a response plan detailing how concerns and complaints will be addressed.	STR Operator must provide neighbours living within 25 m of the property with up to date contact information to help ensure prompt attention to complaints. STR operator may be required to provide a response plan detailing how concerns and complaints will be addressed.	Business licence bylaw states that all other municipal bylaws must be followed, Ex: noise, parking etc	STR Operator must provide neighbours living within 25 m of the property with up to date contact information to help ensure prompt attention to complaints. STR operator may be required to provide a response plan detailing how concerns and complaints will be addressed.
Security Deposit / Bonding	Nothing required at this time other than the \$250.00 initial non refundable review fee	Nothing required at this time other than the \$250.00 initial non refundable review fee	Nothing required at this time other than the \$250.00 initial non refundable review fee	\$1,500 performance bond to ensure compliance with conditions of the STR TUP.
Floor Plan - identifying location of smoke alarms, fire exits etc.	Must be posted in STR Entry Ways	Must be posted in STR Entry Ways	Guest safety requirements include posting directions for egress, posted occupant load requirements, fire extinguishers, smoke alarm systems, and CO alarm systems where gas appliances are present. These requirements are to the satisfaction of the Bylaw Enforcement Officer.	A floor/fire safety plan detailing the home layout and safety features must be provided.

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Short-Term Rentals - Summary of Approaches				
Approach / Characteristics	Business Licencing (PROPOSED Primary approach)	Temporary Use Permit - TUP (PROPOSED Secondary - Alternate approach)	Business Licencing (Established approach)	Temporary Use Permit (TUP)
Other Restrictions	TBD - for example, should there be restrictions on the operation of hot-tubs, pools, and fire pits? Should there be a limitation on the number of STRs permitted within a geographical area ? What about mandatory noise monitoring of the STR ?	TBD - for example, should there be restrictions on the operation of hot-tubs, pools, and fire pits? Should there be a limitation on the number of STRs permitted within a geographical area ? What about mandatory noise monitoring of the STR ?	A business licence holder needs to follow all other pertaining municipal bylaws and codes	RDEK may include specific conditions in the STR TUP, for example: buildings and area to be used, hours of use, form and character of site development, environmental protection, screening and fencing requirements, etc.
Inspection/s	Must allow inspections of the STR as requested by designated person (e.g., DOI Fire Chief, Bylaw Enforcement Officer, etc.)	Must allow inspections of the STR as requested by designated person (e.g., DOI Fire Chief, Bylaw Enforcement Officer, etc.)	RHS has the right to inspect the STR business premises upon application for a license, or for verification of information purposes, or for Bylaw Enforcement purposes.	Inspection/s by RDEK staff of the STR may take place to verify compliance with the TUP terms and conditions, and to follow up on complaints.
Bylaw Enforcement - Existing or Proposed Provisions	Proposed amendments to the DOI's MTI Bylaw to establish a set of escalating fines based on the following Bylaw Enforcement activity: 1. Friendly Letter and a \$50 fine 2. Cautionary Letter and a \$500 fine 3. Probationary Letter and a \$2000 fine 4. Letter terminating Licence & \$5000 fine 5. Referral Letter to Provincial Court, and \$5000 fine; note Court Action may result in much larger fine	Proposed amendments to the DOI's MTI Bylaw to establish a set of escalating fines based on the following Bylaw Enforcement activity: 1. Friendly Letter and a \$50 fine 2. Cautionary Letter and a \$500 fine 3. Probationary Letter and a \$2000 fine 4. Letter terminating Licence & \$5000 fine 5. Referral Letter to Provincial Court, and \$5000 fine; note Court action may result in much larger fine	A person who carries on a short term rental business without holding a valid licence for that business, breaches any term or condition of their licence, or violates any provision of Bylaw No. 466 (as amended) commits an offence of the bylaw, and is liable to a fine or penalty of up to \$10,000 for each offence. STR premises that are subject to three bylaw violations in a one-year period may have their licence revoked or suspended for a one-year period. RHS Council reserves the right to revoke a licence, at any time, should the circumstances, in their opinion, warrant revocation. Some examples of potential violations include excessive noise, parking violations, and failure to adhere to guest safety requirements.	Should an STR operator fail to adhere to the RDEK's policies or the specific requirements set out in an STR TUP the RDEK may undertake enforcement action up to and including fines, impose further conditions, or cancel the STR TUP

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Short-Term Rentals - Summary of Approaches				
Approach / Characteristics	Business Licencing (PROPOSED Primary approach)	Temporary Use Permit - TUP (PROPOSED Secondary - Alternate approach)	Business Licencing (Established approach)	Temporary Use Permit (TUP)
Process and Timelines	<p>Provided the Zoning of the property allows STR use, and subject to compliance with the DOI's other applicable bylaws, the application process for a STR operation business licence is simple. The business licence might be issued in as little as 3 weeks, subject to any required inspections. Provided the Zoning allows the use then public advertising / input from neighbouring property owners and/or residents/tenants is not required.</p>	<p>Where a proposed STR operation is unable to satisfy the District's Zoning Bylaw requirements (e.g., required number of parking stalls, etc.) then the property owner/agent can apply for a Temporary Use Permit (TUP). The applicant must also provide a self-evaluation safety audit & attestation form stating that the accommodation is safe to use. Applying for a TUP is straight forward; however, the application is subject to public notification and comment requirements, potentially including posting of signage. The application process may take 2-4 months to complete. Delegation of TUP approval to DOI staff may help shorten the process timeline but this is not certain. TUP applicants may ask Council to reconsider a decision made by DOI staff to reject a proposal; if so that may add time to the application process.</p>	<p>Provided the zoning of the property allows STR use, strata approval is submitted (if applicable) and subject to compliance with RHS's other applicable bylaws, the application process for a STR business licence is simple. The business licence might be issued in as little as a few days if all information on the STR business licence application is proven correct during the review, undertaken by the approving business licence officer. However, if not proven correct (i.e., 24-hour contact is not local), it could take an extended period of time until all information needed is proven and/or subject to any required inspections, if required. Also, provided the zoning allows the operating of a STR, then public advertising / input from neighbouring property owners and/or residents/tenants is not required.</p>	<p><u>please describe the anticipated Process and Timelines for the TUP</u></p>

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Short-Term Rentals - Summary of Approaches				
Approach / Characteristics	Business Licencing (PROPOSED Primary approach)	Temporary Use Permit - TUP (PROPOSED Secondary - Alternate approach)	Business Licencing (Established approach)	Temporary Use Permit (TUP)
Process and Timelines - continued			All complaints are investigated by the Bylaw Officer and become part of the STR Business licence file. We work on a 3-strike rule, then it goes to Council to determine if the licence should be cancelled. Annually, STR business licence application needs to be reapplied for and the approval process starts over (this is because 24-hour contacts and other info could change).	



Invermere
on the Lake

NOTICE OF PUBLIC INFORMATION & ENGAGEMENT MEETINGS

regarding

Proposed Short-Term Rental Accommodation Unit (STR) regulations, and other updates to the District of Invermere's Business Licencing Bylaw

The District of Invermere is holding Information & Engagement Meetings on October 5, 2023, to seek public input on Proposed Short-Term Rental Accommodation Unit (STR) regulations, and other updates to the District of Invermere's Business Licencing Bylaw.

The public information and engagement meetings are scheduled as follows:

Thursday, October 5, 2023 (starting at 12 noon, 3:00 pm, and 6:00 pm)

Columbia Valley Centre at 646 – 4th Street, Invermere, BC

Presentations by District of Invermere Staff

will take place at: 12 noon, 3:00 pm, and 6:00 pm

Please RSVP to register for a time slot – this will help ensure the meeting size is comfortable for everyone attending, and supports discussions, and question & answer sessions.

To RSVP, please contact:

Cortney Pitts, Manager of Leisure Services

tel: 250-342-9281 ext. 1232, or by

email: events@invermere.net

If you are unable to attend one of the meetings but would like to have more information about the proposed Short-Term Rental Accommodation Unit (STR) regulations, and other updates to the District's Business Licencing Bylaw, please check the "What's New" section on our municipal website: www.invermere.net

Alternatively, more information about these proposals can be obtained by contacting the District of Invermere Municipal Office using the following contact information:

email: info@invermere.net

Telephone: 250-342-9281

FAX: 250-342-2934

Rory Hromadnik, Director of Development Services
District of Invermere, Email: planning@invermere.net
Telephone: 250-342-9281 extension 1235

Andrew Young, MCIP, RPP, Chief Administrative Officer
District of Invermere, Email: cao@invermere.net
Telephone: 250-342-9281 extension 1225