

VILLAGE OF RADIUM HOT SPRINGS

Short Term Rental Policy (Draft #2 for consultation September 2020).

Definition:

“Short term rental” or “STR” means the commercial accommodation of guests in a private residence, which could include a room, apartment, secondary suite, or house, on a temporary basis, this being 30 consecutive days or less.

Policy Statement:

The Village of Radium Hot Springs (the ‘Village’) will regulate short term rental accommodations, to allow property owners to conduct STRs, provided the necessary approval has been obtained and all Municipal regulations, are adhered to. The Village will reserve the right to reconsider a system of limiting the number of STR permits, at a future date.

Objectives and Actions:

Objective #1: Ensuring that STRs are well managed.

Actions:

- Requiring a short term rental permit (“STR Permit”) for each individual residential unit undertaking STRs (the permit fee will apply to each individual STR unit).
- Requiring the use of a local property management company or individual as a point of contact to resolve problems (the owner of a principle residence operating an STR qualifies as the local point of contact).
- Requiring maintenance of a registry of STR guests and maintenance staff.
- Requiring the use of a local property management company or online reservation platform for STR unit advertising and bookings.
- Allowing strata corporations to ban STRs entirely or develop additional requirements that supplement the Village STR requirements.

Objective #2: Ensuring that basic life safety standards are met.

Actions:

- Reserving inspection rights regarding STR Permit applications and enforcement.
- Requiring a self-evaluation safety audit and attestation form.

- Establishing and defining the basic life safety requirements regarding egress, occupant load, fire extinguishers and smoke alarm systems, etc.

Objective #3: To improve the alignment of standards for accommodators.

Actions:

- Requiring basic life safety standards for all operators.
- Requiring an effective property management system for private STR operators.
- Requiring STR Permits for private STR units.
- Incorporate supplementary fees into the STR Permit to help pay for servicing demands.
- Maintaining a registry of short term rental properties, so as to assist the Ministry of Finance in its collection of MRDT, and PST taxes.

Objective #4: Facilitating 'good neighbour' relations and behavior from STR operations.

Actions:

- Requiring minimum onsite parking and maintenance standards.
- Requiring notification of neighbouring property owners.
- Requiring a minimum response time for complaints.

Proposed STR Regulations and Estimated Permit Fee:

1. Allow short term rentals to occur in the 'R1 – Single Family Residential', 'R2 – Two Family Residential', 'R - 3 Multiple Family Residential', 'C – 1 Highway Commercial', 'C – 2 Pedestrian Commercial / Residential', and 'C – 3 Tourist Recreation Commercial' zoning areas, subject to strata corporation approval. Short term rentals are only permitted in a residence in the 'C – 4 Recreational Vehicle Park' zone.
2. Require properties to have their STR Permit number and property management contact information posted on or adjacent to the STR unit entrance.
3. Require STR units to post Village and strata STR information material, as well as the onsite parking and maintenance requirements, within each unit.
4. Require the STR Permit number to be posted on all online listings.
5. Require that the local property management company, individual or resident owner be available to receive inquiries or complaints on a 24 hour basis.
6. Require that the local property management company, individual or resident owner be available to respond to noise complaints, originating from the Village, RCMP or public, within a three-hour period.
7. STR properties subject to three violations within a one-year period may have their STR permit revoked or suspended for a one-year period. Council will reserve the right to revoke a STR Permit should the circumstances, in their opinion, warrant revocation.

8. The estimated STR Permit Fee is \$340 annually. This estimated fee may be subject to changes resulting from the consultation and decision making process.

Strata Properties Discussion:

Strata Councils have the authority to manage or direct most uses within their developments. Through its bylaws, a strata council could permit or prohibit STRs. This includes the option to levy fines in the amount of \$1,000 per day for rental violations. Further, most strata councils have hired property management and / or strata management companies to assist in the administration and management of their property and of the corporation. These contracts could be expanded to include STR administration specific to the needs of the strata property.

Each strata development is unique, with unique challenges specific to each development. These challenges may include such issues as the security of common amenities and underground parking, issues largely outside of the regulatory scope of the municipality.

Further, the legally enforceable bylaws of a strata council may be more effective in achieving STR compliance, than the municipal bylaw enforcement process, and in many cases provides stronger tools to achieve the desired results. As such, strata councils must assume a degree of responsibility for STR activity within their development.

The Village will extend its STR permitting scheme to strata properties, upon the written request of the strata corporation. Privately owned units within the strata will come under the STR bylaw requirements of the Village, once sufficient notice has been issued to strata unit owners by that strata corporation. The extension of the Village STR permitting scheme within strata developments will not alleviate the strata corporation from enforcing their own strata bylaws, especially with respect to requirements for parking, security and noise control.

Proposed Enforcement Regime:

1. Enforcement of regulations for STR properties with permits:
 - Upon receipt of a written complaint, investigation by the Bylaw Enforcement Officer, to determine if a violation occurred. If yes, issuance of a letter of violation.
 - After hours enforcement of disturbances of the peace to be handled by the RCMP.
2. The following behaviour may result in violation notices:
 - Excessive noise and disturbance.
 - Parking and snow removal violations.
 - Failure to adhere to the property management regulations.
 - Failure to adhere to the life safety standards.
 - Failure to meet the requirements of the Short Term Rental Permitting Bylaw.

3. Operation of a short-term rental property without a STR Permit:
 - Investigation of property owners who are operating without a Permit will be based upon a written complaint received from an adjacent property owner or strata corporation representative.
 - The Village Council will decide upon the appropriate response, on a case by case basis, taking into consideration factors such as staffing, financial capacity and the sufficiency of evidence to warrant legal action.