

VILLAGE OF RADIUM HOT SPRINGS

SHORT TERM RENTAL BUSINESS REGULATION BYLAW NO. 466, 2021

A bylaw to regulate short term rental businesses in the Village of Radium Hot Springs.

WHEREAS the Council of the Village of Radium Hot Springs wishes to regulate the operation of short term rental businesses in the Village, as authorized by Section 8 (6) of the *Community Charter*;

NOW THEREFORE the Council of the Village of Radium Hot Springs, in open meeting, enacts as follows:

DEFINITIONS

1. In this Bylaw:

“Business Licence Bylaw” means the Village of Radium Hot Springs Business Licence Regulation Bylaw No. 244, 2001, as amended or replaced from time to time;

“Licence” means a valid and subsisting business licence issued pursuant to the Business Licence Bylaw;

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

“Premises” means a legal parcel, including a titled strata unit;

“Short term rental business” means the business of providing temporary accommodation to paying guests in a dwelling unit, but does not include the rental of a dwelling unit for residential purposes for a month or more under a residential tenancy agreement pursuant to the *Residential Tenancy Act*; and

“Village” means the Village of Radium Hot Springs.

REGULATION OF SHORT TERM RENTAL BUSINESSES

2. No person shall carry on a short term rental business within a premises in the Village without a licence for that business.
3. Every holder of a licence for a short term rental business shall have a contact person that is available and able to provide guest services 24 hours per day to guests in the short term rental.
4. Every holder of a licence for a short term rental business shall keep the name and phone number of the contact person that is available and able to provide guest services 24 hours per day to guests in the short term rental posted in a conspicuous place in the premises in respect of which the business is carried out and for which a licence has been issued.
5. Every holder of a licence for a short term rental business shall keep a copy of the licence posted in a conspicuous place in the premises in respect of which the business is carried out and for which a licence has been issued.
6. Every holder of a licence for a short term rental business shall post their licence number in a conspicuous place on any marketing for the business.

FEES

7. The fees applicable for issuance of licences under this Bylaw are detailed in Schedule A, which forms part of this Bylaw.

COMPLIANCE

8. No person shall contravene, or permit or allow the contravention of, any term of this bylaw in relation to a short term rental business.
9. Every person who owns or operates a short term rental business must comply with all enactments applicable to the premises and the business as a term and condition of their licence. Additional 'Terms and Conditions' and the 'Enforcement Policy' are attached as 'Schedule A' to this Bylaw.
10. No licence holder shall contravene, or permit or allow the contravention of, any term or condition of their licence.

OFFENCE

11. 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 this bylaw, commits an offence of this bylaw, and is liable on conviction to a fine or penalty of up to \$10,000 for each offence.

GENERAL

12. If any portion of this bylaw is found to be invalid by a court, the invalid portion may be severed and the remaining provisions shall continue to apply.
13. The name of this bylaw for citation purposes is “Short Term Rental Business Bylaw No. 466, 2021.”

GIVEN FIRST, SECOND AND THIRD READINGS ON JULY 22ND, 2021.

GIVEN NOTICE UNDER SECTIONS 59(2)(a) and (3) OF THE COMMUNITY CHARTER ON _____

ADOPTED BY COUNCIL ON _____

Hereby certified as a true copy of Short Term Rental Business Bylaw No. 466, 2021.

VILLAGE OF RADIUM HOT SPRINGS

Schedule A to Short Term Rental Business Bylaw No. 466, 2021.

Additional Terms and Conditions:

Note: these terms and conditions do not preclude the licensee's requirement to comply with all other enactments applicable to the premises and the business.

1. The Village has the right to inspect the short term rental business premises, hereinafter referred to as the 'premises', upon application for a license, or for verification of information purposes, or for enforcement purposes.
2. Licensee's shall submit, as part of their initial and renewal applications, a self-evaluation safety audit and attestation form, as provided by the Village.
3. Guest safety requirements shall include posted directions for egress, posted occupant load requirements, fire extinguishers, smoke alarm systems, and CO2 alarm systems where gas appliances are present. These requirements shall be to the satisfaction of the Village Bylaw Enforcement officer.
4. Short term rentals are only permitted in a residence in the 'C – 4 Recreational Vehicle Park' zone, not in a recreational vehicle.
5. Short term rental business licences within the 'R1 – Single Family Residential' and 'R2 – Two Family Residential' shall be limited to one licence per individual or corporate property owner, regardless of the number of properties owned.
6. The contact person for a short term rental premises shall be available to respond to noise complaints, originating from the Village, RCMP or public, within a 30 minute time period.
7. Short term rental premises subject to three violations within a one-year period may have their licence revoked or suspended for a one-year period. Council will reserve the right to revoke a licence, at any time, should the circumstances, in their opinion, warrant revocation.

Enforcement Policy:

1. Enforcement of regulations for short term rental premises with licences:
 - 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 violations.
 - Failure to adhere to the guest safety requirements.
 - Failure to meet the requirements of the Short Term Rental Business Bylaw.
 - Failure to meet the 30 minute response upon noise complaint time limit.

3. Operation of a short-term rental premises without a licence:
 - Investigation of property owners who are operating without a licence will be based upon a written complaint received from a 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.

Fees:

1. Every person applying for a new licence for a short term rental business must, at the time of making the application, pay to the Village a fee of \$250.

2. Every person applying for a renewal of a licence for a short term rental must, at the time of making the application, pay to the Village an annual fee of \$150.

3. When ownership of a short term rental premises changes, an updated renewal application will be required. The fee will be \$100.

4. Licences shall be valid and issued for the fiscal year January 1st to December 31st. The fee for a new licence for applications received after June 30th shall be \$175.