

COMMITTEE DIRECTION REQUEST (CDR) Committee of the Whole

Date: March 18, 2025
To: Mayor Milligan and Members of Council
From: Tom Kramer, Bylaw Services
Subject: Business Licensing and Regulation Bylaw – Short Term Rental (STR) Fees

DIRECTION REQUESTED

THAT Committee direct Staff to bring forward an amendment to the Business Licensing and Regulation Bylaw No. 2028 to increase annual Short Term Rental (STR) Business License fees to \$500 for a Condo/Hotel and \$300 for a Primary Residence.

PURPOSE

To consider raising the STR Business License fees to reflect the cost associated with compliance and resources used to monitor and enforce STR investigations.

BACKGROUND

Many communities are facing issues related to the housing crisis and have enacted a variety of bylaws to manage STRs.

On May 23, 2017, the Manager of Planning at the time, Patrick Sorfleet, presented to Council the results of a community survey on Short Term Rentals (Attachment 4).

The survey asked several questions, along with:

“What should a STR license or permit cost?”

The survey found that the majority of respondents supported STR fees of over \$100.00 per year.

Reviewed by:			
Chief Administrative Officer 	Corporate Officer 	Director of Finance 	Director of Planning: 

The survey also asked:

“To what areas should the City direct any revenue from STR licenses?”

The most supported option was STR enforcement and administration.

On October 10, 2017, Council held a Public Hearing for Short Term Rental Regulation Consequential Amendment Bylaw No. 2325, 2017 (Minutes and Bylaw attached). The minutes show several letters of support for and against, and members of the community were able to voice their concerns.

On October 30, 2017, the “*Short Term Rental Regulation Consequential Amendment Bylaw No. 2325, 2017*” was adopted by Council. The License fee for an STR was set at \$100.

Regulations for Short Term Rentals

STRs are permitted in several areas within the City of Fernie, authorized by Zoning Bylaw No. 1750, and with the permitted use as a Condo/Hotel designation. The Condo/Hotel designation, for example, includes but is not limited to Silver Rock, portions of Pinnacle Ridge, and 901 2 Ave.

Other than Condo/Hotel, the first criteria for an STR is that it must be contained within the Licensee’s Principal Residence.

Schedule “C” of the Business Licensing and Regulation Bylaw No. 2028 (Business Licensing Bylaw) states:

All STR business licences are valid only for the Principal Residence which has been granted the licence. If at any time the location ceases to be the licensee’s Principal Residence, the licence terminates.

The definition of a Principal Residence according to the Business Licensing Bylaw is:

“Principal Residence” means the dwelling unit that a person resides in and that a person stipulates for legal purposes, including voter registration, filing of income taxes, British Columbia driver’s licence, British Columbia Medical Services Plan, and British Columbia Identification Card.

Therefore, only a Principal Residence is allowed to be licensed for a STR. As per the definition of an STR in Zoning Bylaw No. 1750, Carriage Suites, Garage Suites, Garden Homes, and Secondary Dwelling Units are prohibited.

STRs are not allowed in Secondary Suites and Secondary Dwelling Units. Unless it is the entire dwelling, permanent cooking facilities are not permitted in the STR Area.

The intention of City Council was to allow STRs for a Principal Residence only, and thus, they added: “Unless it is the entire dwelling, **(referring to a Principal Residence)** permanent cooking facilities are not permitted in the STR Area”. This then prevents STRs in Secondary Suites (basement suites with cooking facilities).

Due to an increase in STR complaints from the public, additional sources of identification were required to help Bylaw Enforcement Officers locate and identify illegally operating STRs.

In July 2022, an external provider, Granicus, was contracted by Bylaw Enforcement to locate and identify STR Properties. With the assistance of Granicus, Bylaw Enforcement Officers are now more capable of working with property owners to help gain compliance, monitor upcoming listed properties, and apply enforcement where needed.

The program allows Bylaw Enforcement Officers to add and update information and continue to investigate and identify properties, allowing for more accurate and current data on STRs. Currently Bylaw Enforcement Services have been able to work with identified property owners to obtain compliance and have not yet issued fines.

On December 14, 2020, new STR regulations (Schedule “C”) Amendment Bylaw No. 2414, 2020, was adopted by City Council (attached). There was an inconsistency with the STR Application Form and the adopted Regulations. The Application Form was also inconsistent with the *Short Term Rental Guide*. The revised application form was developed to reflect the changes, approved, and posted on the City of Fernie Website.

There are some STRs that received their Business License prior to the new regulations and have been receiving renewal notices automatically every year. These STRs are no longer compliant e.g., Carriage House, Secondary Suite, etc., identified through listing photos and public feedback, and thus, there is an identified and recommended need to increase the business license fees for STRs, to cover the cost of processing, monitoring, and enforcement.

DISCUSSION

Short Term Rental (STR) Business License Fees

Research has shown that the City of Fernie is charging far less for an STR business license than other communities. There are two types of STR business licenses: one for a Condo/Hotel zoning and the other for a Principal Residence. A different fee should reflect the difference between the two. A Condo/hotel is a commercial rental unit, separate from where an owner resides, and thus, most are used as commercial tourist accommodation, while a principal residence is the rental of a portion of one’s house that they occupy and live in.

The STR market has a number of advantages over the Long-Term Rental Market in that STRs produce more income for the hosts and owners of the property. Further, STRs are not governed by the *Residential Tenancies Act*, and, as such, property owners do not have the issue of dealing with evictions and uncooperative tenants.

Below are the STR fees for a variety of communities. Fernie is on the low end of the fee scale for an STR business license. An increase in the business license fee would support the costs associated with time spent by Staff processing applications, performing inspections, and most specifically enforcement, which includes the cost of the Granicus contract, which is \$9,920.00 per year.

Table: STR Fees for a variety of communities

Municipality	Primary Residence	Non-Primary Residence (Condo/Hotel)
Fernie	\$100	\$100
Golden	1 bedroom - \$175 2 bedrooms - \$225 3 bedrooms - \$275	1 bedroom - \$200 2 bedrooms - \$250 3 bedrooms - \$300
Kelowna	\$345	\$750
Kimberley	\$300 + \$75 (Manager License)	\$300 + \$75 (Manager License)
Nelson	\$200 One Guest Room \$350 Two Guest Rooms \$450 3 or more Guest Rooms \$800 Guest Home \$1,652 Guest Suite	N/A
Radium	\$400 Renewal - \$150	\$400 Renewal - \$150
RDEK	\$500 (\$1500 3-yr License)	\$500
Rossland	\$125 (1-2 rooms) + \$40 Inspection + \$150 Tourism fee	\$250 (3 or more rooms) + \$40 Inspection + \$150 Tourism fee
Squamish	\$400	\$3000
Victoria	\$150	\$1500

Currently the City of Fernie is collecting a \$100 fee for a Business License for an STR, regardless of whether it is a Primary Residence or Non-Primary Residence (Condo/Hotel).

Staff contacted Kyle Salonga, Account Executive of Granicus - STR Compliance, who indicates that some Municipalities used their median nightly rate, multiplied by a 3-night stay as the annual Business License Fee. Fernie's median rate is currently \$152 US per night, times 3 = \$456 US or approximately \$658 CAD.

Staff are proposing an increase in the Business License fee that would offset the costs for the Granicus contract, processing applications, and for the time and resources spent by Staff to enforce the STR regulations.

There are currently 236 STR Business Licenses:

- 148 Condo/Hotel
- 88 Primary Residence

Under our current Bylaw, revenue generated is as follows:

- $236 \times \$100 = \$23,600$

Under the proposed amendment, revenue generated is as follows:

- $148 \times 500 = \$74,000$
- $88 \times 300 = \$26,400$

Total proposed revenue = \$100,400

If Council chooses to move forward with the proposed increases, Bylaw Services would bring forward an amendment to the Business Licensing and Regulation Bylaw No. 2028, 2003. The fee increases would take effect January 1, 2026, with all STR Business License renewals.

Public Education

The proposed fee increases will modernize fees based on direction taken from Council's Strategic Plan. A public hearing is not required for the amendment bylaw; however, to educate the public and STR community on the proposed fee increase, Staff will:

- Create summary materials for the fee increase to be posted on the City of Fernie "Let's Talk" webpage, along with a links to supplementary materials.
- Advertise the new bylaw in the Free Press.
- Post links to "Let's Talk" through social media.
- Send information to the Chamber of Commerce so they can share it with their members.
- Inform current STR business license holders directly via mailout.
- Summarize any feedback received in future report(s) to Council.

COMPLIANCE WITH CORPORATE STRATEGIES & POLICIES

Council Strategic Plan (2023-2028)

The proposed amendment to the Business Licensing Bylaw meets the following values of Council:

- **Fiscal Responsibility:** *We are mindful that tax dollars come directly from the pockets of our community members.*
 - **Improve affordability by actively managing the overall financial burden of City services for community members.**
 - The financial burden for this service, monitoring, specifically the Granicus contract, the review process, and enforcement of STRs, is borne by the general taxpayer. This service needs to be offset by revenue generated by those that benefit from the STR regulations. Short Term Rentals generate income for owners of condo/hotels and primary residences, while Bylaw Services spends resources and time to remove illegal STRs from the pool of possible accommodation, benefiting those that comply with the regulations.

Further to these values being met, the proposed amendment to the Business Licensing Bylaw is consistent with elements of objectives to provide and enhance Quality Services, Liveable Community, and Organizational Excellence:

- **Services and Fees:** *Set policy-based support targets for municipal services and establish centralized management and annual review of fees and charges.*
- **Business Systems:** *Advance the implementation of industry-standard practices, processes, and systems to support effective operations.*

IMPLICATIONS

- There would be an increase to revenue of approximately \$76,800.
- Staff will be required to write and make amendments to the Business Licensing Bylaw, Short Term Rental Regulations.
- There are no External Agencies affected by this change, only the property owners who list their property as an STR. Public comments on STR fees were captured in the attached Survey.

CONCLUSION

The City of Fernie's STR Business License fee does not currently reflect the cost associated with ensuring compliance with the STR regulations. Illegal STRs require Staff time and resources to investigate and be brought into compliance. Currently the City of Fernie is collecting a \$100 fee for a Business License for an STR, regardless of whether it is a Primary Residence or Non-Primary Residence (Condo/Hotel). An increase in the Business License fee would offset the costs for the Granicus contract, application processing, and time and resources spent by Staff investigating and enforcing the STR regulations.

Respectfully submitted,

Tom Kramer, Bylaw Services

Attachments:

1. 2017-10-10 Regular Meeting Minutes
2. Bylaw 2325 STR Consequential Amendment
3. Bylaw 2414, 2020 Amendment #7
4. STR Survey

THE CORPORATION OF THE CITY OF FERNIE

Minutes of a Regular Meeting of Council held at 7:00 PM on October 10, 2017 in the Council Chamber at City Hall, 501-3rd Avenue, Fernie, BC.

Elected Officials

Mayor M. Giuliano
Councillor P. Iddon
Councillor J. Levesque
Councillor D. McSkimming
Councillor D. Schafer
Councillor A. Qualizza
Councillor J. Warshawsky

Appointed Staff

N. McInnis, Chief Administrative Officer
S. Garand, Corporate Officer
M. Hill, Deputy Clerk
B. Lennox, Director of Planning
S. McMahon, Director of Finance
L. Smith, Director of Leisure Services
P. Sorfleet, Manager of Planning
L. Rhodes, Communications Coordinator
T. Ruiter, Director of Fire & Emergency Services

CALL TO ORDER

Mayor Giuliano called the meeting to order at 7:01 pm.

APPROVAL OF AGENDA AND LATE ITEMS

2.1 Adoption of Agenda

Moved by Councillor McSkimming
Seconded by Councillor Warshawsky
THAT Item 10.1 Fernie Trails Alliance - Centennial Trail Request be added as a late item to the October 10, 2017 Regular Council meeting agenda and that the agenda be adopted as amended.

CARRIED

ADOPTION OF MINUTES

3.1 Minutes 09-11-2017 R

Moved by Councillor Qualizza
Seconded by Councillor Iddon
That the Minutes of the September 11, 2017 Regular Meeting be adopted as presented.

CARRIED

PUBLIC AND OTHER HEARINGS, AND CONSIDERATION OF THIRD READING OR ADOPTION OF BYLAWS AND ISSUANCE OF PERMITS WHERE APPLICABLE AFTER EACH HEARING

Mayor Giuliano read aloud the Chairperson's statement, a copy of which is attached to and forms part of these minutes.

Moved by Councillor Iddon
Seconded by Councillor McSkimming
THAT Council moves to suspend the rules to amend the Agenda.

CARRIED

Minutes of a Regular Meeting of Council held October 10, 2017

Moved by Councillor Iddon
Seconded by Councillor Schafer
THAT Item 5.3 move up to 5.2 and Item 5.4 move up to 5.3.

CARRIED

5.1 Zoning Bylaw No. 1750,
Amendment Bylaw No.187,
Bylaw No. 2323, 2017

Mayor Giuliano convened the Public Hearing for Zoning Bylaw No. 1750, Amendment Bylaw No. 187, Bylaw No. 2323, 2017 for 862 - 3 Avenue at 7:08 pm to receive submissions from the public regarding the proposed rezoning from C1- Retail Commercial to R1B - Single Detached Plus Residential.

Mayor Giuliano read aloud the Chairperson's Statement, a copy of which is attached to and forms part of these minutes. The Manager of Planning gave an overview of the re-zoning application and answered Council inquiries.

There were no written or public submissions received regarding this application. Mayor Giuliano called three times for submissions from the floor and hearing none closed the hearing closed at 7:11 pm.

Moved by Councillor Iddon
Seconded by Councillor Qualizza
THAT Council provide third reading to Bylaw No. 2323, cited as Zoning Bylaw No. 1750, Amendment Bylaw No. 187, 2017 and refer it to the Ministry of Transportation and Infrastructure for approval.

CARRIED

5.3 Development Variance
Permit Application No. DVPA-
409 for 1151 - 3 Avenue

Mayor Giuliano convened the Informal Hearing for Development Variance Permit No. DVPA-409 for 1151 - 3 Avenue at 7:11 pm to receive submissions from the public regarding the proposed variances to the minimum front yard setback and maximum eave projection into the front yard setback.

Mayor Giuliano read aloud the Chairperson's Statement, a copy of which is attached to and forms part of these minutes. The Manager of Planning gave an overview of the permit application and answered Council inquiries. The applicant of DVP - 409 made a brief statement to Council.

There were no written or public submissions received regarding this application. Mayor Giuliano called three times for submissions from the floor and hearing none closed the hearing closed at 7:14 pm.

Moved by Councillor Iddon

Seconded by Councillor Warshawsky

THAT Council authorize the issuance of Development Variance Permit No. DVP-409 to Allan Potzold and Myanne Peacock for the North Half of Lot 3, Block 37, District Lot 4588, Kootenay District, Plan 734A:

i. To vary the minimum front yard setback as set out in Section 4.2.1.4 of Zoning Bylaw No. 1750 for a single family dwelling only from 7.5 metres to 5.8 metres along a portion of the east property line.

CARRIED

5.4 Development Variance Permit Application No. DVPA-410 for 13 - Mt. Klauer

Mayor Giuliano convened the Informal Hearing for Development Variance Permit No. DVPA-410 for 13 - Mt. Klauer at 7:14 pm to receive submissions from the public regarding the proposed variances to the minimum front yard setback and maximum eave projection into the front yard setback.

Mayor Giuliano read aloud the Chairperson's Statement, a copy of which is attached to and forms part of these minutes. The Manager of Planning gave an overview of the permit application and answered Council inquiries. The applicant of DVP - 410 made a brief statement to Council.

There were no written or public submissions received regarding this application. Mayor Giuliano called three times for submissions from the floor and hearing none closed the hearing closed at 7:17 pm.

Moved by Councillor Qualizza

Seconded by Councillor Schafer

THAT Council authorize the issuance of Development Variance Permit No. DVP-410 for Lot 14, District Lot 4588, Kootenay District, Plan 9382:

i. To vary the minimum front yard setback as set out in Section 4.2.1.4 of Zoning Bylaw No. 1750 for a single-storey conversion of an attached car port to attached garage only from 7.5 metres to 6.1 metres along a portion of the south property line; and

ii. To vary the maximum eave projection into the required front yard setback as set out in Section 3.8.4(b) of Zoning Bylaw No. 1750 for a single-storey conversion of an attached car port to attached garage only from 1.0 metre to 1.81 metres.

CARRIED

Minutes of a Regular Meeting of Council held October 10, 2017

5.2 Bylaw No. 2324, Zoning Bylaw No. 1750, Amendment Bylaw No. 188, 2017 and Bylaw No. 2325, Short-Term Rental Regulations Consequential Amendments Bylaw

Mayor Giuliano convened the Public Hearing for Bylaw No. 2324, Zoning Bylaw No. 1750, Amendment Bylaw No. 188, 2017 and Bylaw No. 2325, Short-Term Rental Regulations Consequential Amendments Bylaw affecting the Business Licencing and Regulation Bylaw, Snow and Ice Removal Bylaw and Municipal Ticket Information Bylaw to receive submissions from the public regarding proposed Short-Term Rental regulations and proposed rezoning of Riverside lands included within Strata Plan NES2140 and NES2286 from R3 Medium Density Residential to a new zone R3-R Medium Density Residential - Riverside to permit Short-Term Rentals by way of adding Condo Hotel as a permitted use.

The Manager of Planning gave an overview of Bylaw 2324 and 2325. Bylaws 2324 and 2325 would provide an enforceable regulatory framework that is more permissive than our current regulations. These bylaws will allow residents to operate their principal dwellings as short-term rentals provided they acquire a license and pass life-safety inspection.

The request for decision presented at first reading on September 11th, 2017 includes detailed discussion on the particular changes proposed to each bylaw.

Section 8 of the Community Charter outlines the fundamental powers. More specifically, Sections 8(6) and 8(7) allows a Council by bylaw to regulate, prohibit and impose requirements in relation to business. Further, section 479 of the Local Government Act (LGA) allows Council to regulate the use of land, buildings, and other structures through a zoning bylaw.

The financial and budgetary consideration resulting from the adoption of the STR Bylaws was examined in detail in the report presented at first reading on September 11th, 2017. There will be financial implications resulting from the adoption of these bylaws; however, Administration believes these may be mitigated through the fee and fine changes proposed in Bylaw No. 2325.

The personnel implications resulting from the adoption of the STR Bylaws was examined in detail in the report presented at first reading on September 11th, 2017. The adoption of these bylaws will have an implication on staff resources. More specifically, the required inspections will add to the workload of the Building Department, Fire Department, and Bylaw Enforcement.

The Corporate Officer presented an overview of written submissions.

Letters in support:

- Del Cleland -Strata 2286 Board President

Letters of opposition or concern:

- Rob Klein - 17 Mount Proctor
- Bill and Jacquie Arling - 1202 9 Avenue
- Deanna Peake and Chris Dryborough - 331 9 Avenue
- Krista Turcasso - 1061 3 Avenue

Letters unclear if in opposition or support:

- Sheryl Fraser - Pinnacle Ridge
- Mike Delich - Fernie Lodging Company

Simon Howse- 15 Piedmont Drive

- is in agreement that there should be licencing, regulation and inspections for life safety issues
- believes there is a need for diverse accommodation
- is an owner of 50 rental units in town
- believes that many people will not put secondary suites or home into the long term rental pool
- is a home builder and sees many people building secondary suites into their home model
- restricting secondary suites will affect a lot of people
- sat on the OCP panel and Airbnb didn't exist when it was written
- believes that for homeowners in Fernie, without the help of short term rentals, it will be too expensive for people to own homes
- urges Council to reconsider these bylaws changes
- agrees with most of the bylaw, just not the use of secondary suites

Gordon Sombrowski - Owner of Park Place Lodge

- is an owner and a landlord
- congratulated staff on a job well done
- as a hospitality business operator, believes this will benefit the community
- believes there should be an opportunity for homeowners to rent out their home or a room
- believes that secondary suites are units that should be made available for long term rental as this is in the best interest of the community

Del Cleland - Strata 2286 Board President

- has no concerns other than making sure Council is aware of the 44-member owners that are amenable bylaw 2324
- Strata 2286 is unique because is part of the Stanford hotel
- 66% of owners live there long term
- the board wholeheartedly supports the allowance of owners to rent their units as short term rentals

Ted Raff - 19 Mount Procter Avenue

- would like to speak about personal experience living in this community and in Whistler, BC
- lived and practiced law for many years in Whistler and experienced the boom of STRs in this town
- the purpose of secondary suites purpose is to house tenants long term
- has seen the effect of STRs on a community
- Whistler was proactive and enacted bylaws similar to the ones proposed here tonight
- Council must protect secondary suites in order to keep them available for long term rentals to support the community
- believes that the owner of a STR must be on the premises or else people could subvert the system
- believes this rule will ensure a responsible person is there to take care of any issues that arise from a renter
- believes this rule will prevent a lot of the headaches that go with absentee landlords
- believes that if he buys a house in a residential home, and the surrounding area are family homes, he has the right to quiet enjoyment and not hear rowdy visitors
- knows of some lawsuits against municipalities that don't enforce noise bylaws

Paul Arcoite - Owner of The Urban Settler

- own a home in Alpine trails
- has a legal secondary suite
- rents it out 3 months out of the year for short term rentals
- wouldn't put this property on market if couldn't be a short term rental
- his main concern of this bylaw is that it will pull inventory off the market for tourists
- believes this bylaw will take away valuable tourist accommodation
- believes there is a lack of high end accommodation in Fernie
- is in favour of taxation and licensing and regulation

- need to give people economic incentive to not put a STR on the market in order to make long term rentals more viable
- City should give tax breaks to people that host long term rentals
- lives in a neighbourhood where people rent out their home on the weekends but has not had an issue with noise
- noise levels from STR renters are no different than weekend home owners in Fernie

Sadie - Raging Elk Hostel

- think that the bylaws are great
- asks that Council please consider that there is a huge staffing shortage in town, partly because of lack of housing in town
- asks that Council help keep the long-term market open by making secondary suites available for long term rental

Jill Barclay - Owner of Goldstar Cleaning Services

- STRs have been a main component of her businesses day to day cleaning work
- would like to be clear that she is not against regulation and licensing
- believes that a blanket zoning bylaw that will restrict STR's to only primary residences will hurt homeowners, businesses and tourism
- believes that there has been a 20-30% increase in STR driven business this year
- believes that STRs fill a gap that is currently not provided for by hotels in Fernie
- believes that a lot of STRs have raised the standards for accommodations offered in Fernie
- staff shortages and lack of accommodations is not a new topic and has experienced these issues for the 13 years she has been in business
- believes that Fernie have expensive housing that many jobs in town cannot support
- believes that removing STRs from the market will not solve housing or staffing issues
- does not think that most STRs will be changed to long term rentals going forward
- says that the elimination of STRs for non-primary residences homes will result in the loss of 4-5 full time year-round jobs for her company
- believes that this will also negatively affect other businesses

Anna Wilson - No Address Provided

- has a short term rental

- born and raised in Fernie
- the suite has allowed her family to afford to live in Fernie, afford to put kids in sports and participate in other activities in town
- agrees with Paul and Jill about need a variety of accommodation in town
- has never had an issue with guests or complaints from neighbours

Adam Foley - 3 Avenue

- rents his house while he is away from town
- is against any additional restrictions such as requiring the homeowner be present on the premises or restricting the number of days in a year that a home can be rented

Gary Tomlinson - 1142 10 Avenue

- lived in Whistler in the early 90's
- noted there is no employee style accommodation in Fernie
- believes it is not an issue of affordable housing, but lack of employee housing
- bylaw will affect his use of property
- he won't be renting long term
- does not think it is it fair that the City of Fernie will have these rules, but they will not apply to surrounding areas
- agrees with Simon on the need for safety and regulation
- does not like exclusion of legal suites
- would like to know how many complaints have been generated by STRs in town
- thinks that by making housing less affordable to residents, it will push the residents out of the City
- believes that Jaffray, Sparwood and Elkford will be the places that Fernie employees will have to live
- enjoys that family and friends have place to stay in secondary suite in his home
- believes that eliminating legal suites in the STR bylaw is a bad decision
- asked if there could be a limited number of businesses licences for rentals

Rob Klein - 17 Mount Procter

- believes a lot of the discussion is around legal secondary suites
- believes the bylaw is a restriction is to prevent anyone from cooking a meal in a short term rental
- is confused about what is allowed if he wants to rent out a room in his home

- believes a lot of people in town are in a similar situation as him, with a young family that has visiting grandparents
- by renting his granny suite as a STR, this lessens financial burdens on his family
- believes that this space is within your own home, you should be able to run it the way you want to
- if it is a legal suite, people should be able to rent them if they are modified to be safe
- doesn't want to rent his suite long term
- would rather put money into his home to be able to rent it on short term basis, instead of long term renting
- granny and secondary suites currently meet code, so they are safe
- if STR's can't have any sort of cooking implements, it is creating unfair competition for the hotels that can have these items

Julie Comet - Ridgemont Drive

- has rented rooms at the Royal for the last 5-6 years
- thinks that what is missing is staff accommodation
- if it existed, believes there would be no issue with accommodation for both short term and long-term needs
- staff housing is now above businesses such as the Royal, Northern and Fernie Hotel
- believes that if staff housing is sorted out, everything else will fall into place

Troy Nixon - 791 5th Avenue

- had a VRBO in alpine trails
- had 25 short term rentals last year and had no issue with those renters
- his number were available for neighbours if there was issue
- has now rented this unit to mother
- had no idea it was against the bylaw before
- is in support of regulation and taxation and making it a fair playing field
- isn't willing to put his house into long term rental market
- believes people will go somewhere else if they can't find a nice big home to rent in Fernie
- staying at a hotel for a weekend is ok, but staying for a week at a home is better
- believes people will go to Revelstoke or Kimberly if there is a lack of options in Fernie
- the City need to find a solution that makes landlords accountable, like making sure contact numbers are shared

Dan Cox - 901 Fernie

- would like to vent about this process
- has spent a lot of time on Council but struggles with the bylaw process
- has read an article in the Free Press in which the Mayor noted she had been lobbied by hotels to make changes in this industry
- has read in the Free Press that mayor met with an Airbnb group and that she was there to protect the interests of the citizens of Fernie
- heard the mayor interviewed on the radio that morning saying that she was out to protect the citizens of Fernie
- does not believe that public consultation is not the right name for what is going on at this point in the bylaw process
- can't believe that the city is trying to regulate businesses of the citizens of Fernie
- is not opposed to making the playing field legal and level and taxed
- not everyone who has a secondary suite will rent long term if the can't rent STR
- read in the paper that there are over 200 Airbnb sites offered in Fernie
- would like to know how many complaints have there been that have been referred to Council
- can't believe the cost of the regulations that will take to monitor this system will take
- believes that if a suite is legal, the safety issue has already been considered

Eric Leedense - 1422 9th Avenue

- was initially very adamant that this bylaw was good but is now has changed his mind somewhat after listening to speakers
- thinks that the current bylaw is close to achieving some good work
- doesn't want the City to meddle too much and over regulate
- likes the idea of reviewing the bylaw to make sure it is right

Peter Harrison Edge - 26 Park Lane

- doesn't own a business or a suite
- he is a resident in Fernie
- he has experienced many short term renters disturbing his peace
- believes that there is just one side being represented tonight
- is not a fan of having a new neighbour every night, even if they are quiet

- chose his neighbourhood because it was a quiet area but now it is not due to STRs
- as these are residential areas, believes that the government should have a say in what business happens in these neighbourhoods
- believes there are a lot of people in the community that feel this way

Ryland Nelson - Riverside Way

- has been helping to rent STRs from a young age
- feels that there are a lot more permanent residents in Fernie than there used to be
- went to school for tourism marketing
- runs a business that helps people rent out their home when they are away and helps about 25 clients
- believes none of these clients would put their homes into the long-term market
- thinks this bylaw is a good first step but it doesn't change much at all other than clarifying some aspects of a STR
- thinks this should continue to be discussed
- believes Airbnb and VRBO allows homes to be better used in the market

Darren Atina - 13 Ridgemont Crescent

- operates a STR in his home
- used to rent this suite long term prior to having STRs
- supports bylaw as it has been written
- thinks it is critical to restrict STRs to principal residences
- disagrees that it should be limited to the one home
- believes it should be expanded to allowed garage suites and secondary suites
- believes that by creating more STRs, there is option for people who want to visit long term to sell their second home in Fernie and open these units to the market for purchase

Andy Cohen - No Address Provided

- this is his 46th year working in tourism
- believes this issue will continue to exist no matter what bylaw is put into place
- is worried that a static bylaw will not leave room for the city to tackle new challenges that may arise
- agrees with taxation and regulation aspects of the bylaw

Paul Arcoite - The Urban Settler

- believes that staff accommodation should not be provided by or be the burden of private homeowners
- does not think the community should not expect private homeowners to supply this market
- the city should recognize that the solution should be to build staff accommodation

Mayor Giuliano called three times for submissions from the floor and hearing none closed the hearing closed at 8:22 pm.

Council discussed the definition of suites in the Official Community Plan and the Manager of Planning answered Council inquiries.

Council discussed the impact of cooking facilities in suites. The Manager of Planning noted that at this time, all cooking facilities would need to be removed to receive a Short Term Rental licence. Council discussed the possibility of amending the Official Community Plan to allow cooking facilities in suites.

Council discussed the potential impact of the bylaws on citizens and how to achieve a balance that will serve the needs of the public. The Manager of Planning reviewed data collected from the public surveys and open houses in 2017.

Council discussed the issue of long term and short term rentals and the impacts that action or inaction on short term rentals could have. Council discussed the opportunity to re-visit the bylaws to ensure they are fulfilling the needs of the community.

Moved by Councillor Levesque

Seconded by Councillor Warshawsky

THAT Council provide third reading to Bylaw No. 2324, Zoning Bylaw No. 1750, Amendment Bylaw #188, 2017 and direct Administration to refer Bylaw No. 2324 to the Ministry of Transportation and Infrastructure for approval.

CARRIED

Moved by Councillor Iddon

Seconded by Councillor Qualizza

THAT Council provide third reading to Bylaw No. 2325, Short-Term Rental Regulation Consequential Amendments Bylaw.

CARRIED

Mayor Giuliano called for a short recess at 8:49 pm.

STAFF REPORTS

7.1 Statutory Right of Way, Lot 5, Ridgemont Place -
Corporate Officer

Mayor Giuliano re-convened the meeting at 9:01 pm.

Councillor Schafer entered the meeting at 9:03 pm.

The Corporate Officer requested Council's approval to complete the grant of a statutory right of way (SRW) to BC Hydro and Power Authority (BC Hydro) as part of BC Hydro's distribution system.

At the September 11, 2017 Regular meeting Council authorized public notice in accordance with S. 26 of the Community Charter for the proposed disposition of an interest in land to grant the statutory right of way to BC Hydro and Power Authority for underground utilities located on Lot 5, District Lot 4588, Kootenay District Plan 6724 (5 Ridgemont Place) in consideration of the sum of \$29,200.

Public notice was given in accordance with s. 94 of the Community Charter and one inquiry was received from Ms. Hughes, Ridgemont Place regarding the type of structure going onto the lot and if BC Hydro would compensate for the cost to remove one of her trees should the tree roots along her property be damaged. She was advised the infrastructure is underground and BC Hydro is going to contact her to discuss a fair resolution regarding trees.

Moved by Councillor Qualizza

Seconded by Councillor Iddon

THAT Council authorize the Mayor and Corporate Officer to execute all documentation for the disposition of an interest in land being the grant of a statutory right of way to BC Hydro and Power Authority for underground utility purposes to be located on Lot 5, District Lot 4588, Kootenay District Plan 6724 (5 Ridgemont Place) in consideration of the sum of \$29,200 to be received by the City in exchange for the grant of the statutory right of way; and

THAT Council direct consideration received for the grant of the Statutory Right of Way to the Land Development Reserve Fund.

CARRIED

CORRESPONDENCE

9.1 The Council of Senior Citizens' Organizations of BC - UN International Day of the Older Person

The request from the Council of Senior Citizens' Organizations of BC - UN International Day of the Older Person was received. The City does not make proclamations.

9.2 Recycling Council of British Columbia - Waste Reduction Week

The request from the Recycling Council of British Columbia was received. The City does not make proclamations.

9.3 Community Energy Association - Climate Leadership Institute

The Community Energy Association - Climate Leadership Institute invitation was received.

9.4 Ministry of Children and Family Development - Foster Family Month

The request from the Ministry of Children and Family Development was received. The City does not make proclamations. Mayor Giuliano asked that a post be made on the City's social media account in recognition of the event.

9.5 Ministry of Public Safety and Solicitor General - Cannabis Act

The letter from Minister Farnworth was received. The Corporate Officer will send information collected from a previous public forum to the Ministry for consideration.

**REPORTS OF COMMITTEES,
COMMITTEE OF THE WHOLE
AND COMMISSIONS**

10.1 Resolution from Committee of the Whole: Fernie Trails Alliance - Centennial Trail Request

THAT Committee refer the request from the Fernie Trails Alliance regarding commitment of \$5,000 towards engineering costs for the Centennial Trail project to the regular meeting of October 10, 2017.

Moved by Councillor Iddon

Seconded by Councillor McSkimming

THAT Council include the request from Fernie Trails Alliance for a commitment of \$5,000 for the Centennial Trail project in the 2018 budget review.

CARRIED

BYLAWS

11.1 Bylaw 2297, Official Community Plan Bylaw No. 2231, 2014, Amendment No. 5, 2016 and Bylaw 2298, Zoning Bylaw No. 1750, Amendment No. 181, 2016 - Director of Planning

Councillor McSkimming excused himself from the meeting due to a business relationship with the applicant at 9:08 pm.

The Director of Planning gave a presentation on the bylaw amendment and answered Council inquiries.

Councillor Levesque exited the meeting at 9:12 pm.

Moved by Councillor Qualizza
Seconded by Councillor Warshawsky
THAT Council:

1. Approve the application submitted by Montane Developments Ltd. to amend the Official Community Plan (OCP) Bylaw No. 2231 Schedule 'B' – Land Use Designations by amending the land use designation from Natural Open Space to Neighbourhood Residential and to amend Zoning Bylaw No. 1750 Schedule 'A' – Zoning Map by amending the zoning from P2 – Parks and Open Space to R-MH – Manufactured Home Residential of a 0.415-hectare portion of Lot 1, District Lot 4589, Kootenay District, Plan NEP64864, Except Plans NEP65011, NEP66454, EPP17633, EPP44732, EPP44190 and EPP62558;

CARRIED

Moved by Councillor Schafer
Seconded by Councillor Iddon
2. Give first and second readings to Official Community Plan Bylaw No. 2231, 2014, Amendment No. 5, Bylaw No. 2297, 2016;

CARRIED

Moved by Councillor Iddon
Seconded by Councillor Warshawsky
3. Give first and second readings to Zoning Bylaw No. 1750, Amendment No. 181, Bylaw No. 2298, 2016; and

CARRIED

Moved by Councillor Qualizza
Seconded by Councillor Schafer
4. Schedule a public hearing related to Official Community Plan Bylaw No. 2231, 2014 Amendment No. 5, Bylaw No. 2297, 2016 and Zoning Bylaw No. 1750, Amendment No. 181, Bylaw No. 2298, 2016.

CARRIED

Minutes of a Regular Meeting of Council held October 10, 2017

11.2 Bylaw No.2321,
Indemnification Bylaw -
Corporate Officer

Council McSkimming entered the meeting at 9:13 pm.

The Corporate Officer provided an overview of Bylaw No. 2321 and answered Council inquiries.

At the July 24, 2017 Regular Meeting Council gave first three readings to Indemnification Bylaw No. 2321, 2017.

The City's current Indemnification Bylaw was adopted in 1987. Since that time legislation has changed requiring the City to enact a new bylaw. Particular changes in the new bylaw include references to the Municipal Act which has been repealed to the Local Government Act. The updated bylaw also reflects legislated changes that limit indemnification to exclude the payment of fines that are not a strict or absolute liability offence (s. 740 (3) and include Council's ability to seek indemnity against municipal official for actions resulting in claims where a court has determined the person guilty of dishonesty, gross negligence or malicious or willful conduct (s. 740 (6).

Moved by Councillor Qualizza
Seconded by Councillor Schafer

THAT Council adopt Indemnification Bylaw No. 2321, 2017.

CARRIED

INFORMATION ITEMS

13.1 East Kootenay Invasive
Species Council 2016 Annual
Report

The East Kootenay Invasive Species Council 2016 Annual Report was received.

13.2 Swans Brewpub Press
Release - Tom Uphill
Commemorative Beer

The Swans Brewpub Press Release - Tom Uphill Commemorative Beer was received. Councillor Qualizza asked that this story be shared on City's social media account.

13.3 BC Conservation Officer
Service - Access
Management Compliance
and Enforcement Program
August Report

The BC Conservation Officer Service - Access Management Compliance and Enforcement Program August Report was received.

13.4 Ministry of Municipal
Affairs and Housing - Climate
Action Recognition Program

The Ministry of Municipal Affairs and Housing - Climate Action Recognition Program was received. This logo will be incorporated with our electronic letterhead and on our website.

13.5 Building Official's Report -
September 2017

The Building Official's Report - September 2017 was received.

REPORTS FROM COUNCIL

- 14.1** Councillor Qualizza Has a good time meeting the new provincial ministers at UBCM and believes the event was very successful. Thanked Brett Uphill for allowing herself and Councillor Schafer in the interactive firefighting workshop. Attended a panel on Short Term Rentals and Affordable Housing that was led by four communities with extensive experience in STR regulation.
- 14.2** Councillor Schafer Had an excellent time at the interactive firefighting workshop with Councillor Qualizza. UBCM was a positive experience and it was beneficial to meet up with other communities to discuss common issues.
- 14.3** Councillor Warshawsky Had the opportunity to visit Roberts Bank and learn more about solutions to deal with dust as air pollution. Had a chance to visit a cannabis dispensary in Kitsilano and was very impressed by the owners and store. Would like to see this type of model for any future cannabis stores in Fernie. Was lobbied by Airbnb at UBCM and learned more about the power of the company. Would like to attend the workshop Building Knowledge & Capacity in BC Small Communities in Affordable Housing in Cranbrook on November 3.
- Moved by Councillor McSkimming
Seconded by Councillor Iddon
THAT Councillor Warshawsky be allowed to attend the Building Knowledge & Capacity in BC Small Communities in Affordable Housing workshop in Cranbrook on November 3, 2017.
- CARRIED
- 14.4** Councillor McSkimming Attended a meeting of the West Fernie OCP Committee and is excited by the progress that is being made.

Minutes of a Regular Meeting of Council held October 10, 2017

14.5 Mayor Giuliano

Shared a thank you card sent to Council from Sharon Switzer. Was able to meet with several Ministers at UBCM and found them to be very friendly and keen to listen. There was no firm commitment on future funding for RMI but the all-day workshop was positive. Met with the new Minister of Transportation and Infrastructure and learned the ministry is still committed to previously planned projects in Fernie. Was unable to meet with Carole James due to the Premier's speech being scheduled at a conflicting time. Believes that attending UBCM is very worthwhile because of the connections that can be made with the provincial government. Presented a plaque given to the City of Fernie for being a 30-year signatory of with the Municipal Insurance of BC.

ADJOURN

Mayor Giuliano adjourned the meeting at 9:29 pm.

Mayor Giuliano, Chair

Meredith Hill, Deputy Clerk

I hereby certify the foregoing to be the correct
Minutes of a Regular Meeting of Council
held October 10, 2017

THE CORPORATION OF THE CITY OF FERNIE

Bylaw No. 2325

*A Bylaw to amend Bylaw No. 2028 Business Licencing and Regulation Bylaw, Bylaw 1928
Snow and Ice Removal Bylaw, 2002 and Bylaw No. 2041 Municipal Ticket Information
Bylaw to support regulating Short Term Rentals*

WHEREAS pursuant to the provisions as set out in the *Community Charter*, S.B.C. c.26, the Council of the Corporation of the City of Fernie has adopted a bylaw to provide for a system of business licences, permits or approvals;

AND WHEREAS Council has deemed it desirable to establish regulations for the operation of Short Term Rental business;

AND WHEREAS the purpose of this Bylaw is to amend the Business Licensing and Regulation Bylaw No. 2028, Snow and Ice Removal Bylaw No. 1928, and Municipal Ticket Information Bylaw No. 2041 to support business licence regulation and enforcement of Short Term Rental businesses;

NOW THEREFORE the Council of the Corporation of the City of Fernie in open meeting assembled, hereby enacts as follows:

Title

1. This Bylaw may be cited as "Short Term Rental Regulation Consequential Amendments Bylaw 2325, 2017".

Business Licensing and Regulation Bylaw

2. Section 2 of the Business Licensing and Regulation Bylaw, Bylaw No. 2028 is amended as follows:

- .1 Subsection (e) of the definition of "Business", be deleted and the following substituted therefore:

(e) Rental of the whole of a Dwelling Unit or two or fewer rooms of a Dwelling Unit or a Secondary Suite or Secondary Dwelling Unit where:

ii) if the Principal Dwelling Unit contains a Secondary Suite, or there is a Secondary Dwelling Unit, the Principal Dwelling Unit and Secondary Suite or Principal dwelling unit and Secondary Dwelling Unit remains part of a single legal title; and

iii) the interval at which rent is payable and the tenancy period on the Dwelling Unit, Secondary Suite, or Secondary Dwelling Unit or rooms in a Dwelling Unit is monthly or longer.

.2 Subsection (g) of the definition of “Business” as amended, be deleted and the following definition be substituted:

(g) Employees of a business, or directors, partners or shareholders of a business or persons employed in (a) to (f) of this clause, excepting rental or property managers engaged for the rental or management of properties as set out in (e).

3. Section 2 of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be amended to add the following definitions:

“PRINCIPAL DWELLING UNIT” means a Dwelling Unit on a parcel that has the greater parcel coverage than other buildings or structures on a parcel.

“PRINCIPAL RESIDENCE” means the dwelling unit that a person resides in and that a person stipulates for legal purposes, including voter registration, filing of income taxes, British Columbia driver’s licence, British Columbia Medical Services Plan, and British Columbia Identification Card.

“SHORT-TERM RENTAL” means a business operated by a person in their Principal Residence where the whole or part of that Principal Residence is advertised or available for lease, rent or exchange for periods of less than 30 days.

“ZONING BYLAW” means Zoning Bylaw, Bylaw No. 1750, as amended and repealed and replaced from time to time.

Any capitalized term in this Bylaw shall have the same meaning as defined by Zoning Bylaw, Bylaw No. 1750, unless otherwise defined in this Bylaw.

4. Section 4(1) of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be deleted and the following substituted therefore:

4. (1) The Licence Inspector shall have the power to grant, issue, suspend, cancel or transfer Licences in accordance with and subject to the terms and conditions set out in this Bylaw or any other Bylaw of the City of Fernie.

5. Section 10(1) of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be deleted and the following substituted therefore:

10. (1) Any person issued a Business Licence under this Bylaw shall at all times keep the Licence prominently displayed in a place on the Dwelling Unit to which the public has access.

6. The Business Licencing and Regulation Bylaw, Bylaw No. 2028 be amended by adding the following as Section 12 as follows:

Short-Term Rental

12. (1) *No person shall offer or advertise for lease, rent or barter any portion of a dwelling unit for Short-Term Rental for valuable consideration unless in possession of a valid and subsisting business licence for Short-Term Rental for such dwelling unit pursuant to this bylaw.*
- (2) *Tenants who apply for a Short-Term Rental business licence for a dwelling unit must provide the Licence Inspector with written consent from the owner of the dwelling unit to operate the Short-Term Rental prior to issuance of a business licence.*
- (3) *Only one Short-Term Rental business licence may be issued for a dwelling unit.*
- (4) *No Short-Term Rental business licence shall be issued unless the regulations set out in Schedule "C" are complied with and no Short-Term Rental shall be carried out unless in compliance with the regulations set out in Schedule "C" of this bylaw.*
- (5) *All Short-Term Rental business licences are issued subject to the following conditions:*
- i. A Short-Term Rental operator shall provide two (2) parking spaces of dimensions specified in the Zoning Bylaw located on the parcel the business licence is issued for.*
- ii. Parking spaces must be cleared of snow and ice in accordance with the Snow and Ice Removal Bylaw , Bylaw 1928 .*
- iii. All licensees shall at all times provide to the City the name of a contact person and their current telephone number who is available to respond within 24 hours of being contacted by the City. Failure to respond to the City within 24 hours constitutes a violation of this Bylaw.*
- (6) *An operator of a Short-Term Rental business may employ additional staff members to assist on site with the operation of the Short-Term Rental in accordance with the following:*
- i. In commercial zones as specified b Zoning Bylaw No. 1750, up to two (2) additional staff members are permitted.*
- ii. In residential zones as specified by Zoning Bylaw No. 1750, one (1) additional staff member is permitted.*

(7) All electronic advertisements for Short-Term Rental must include the licensee's Short-Term Rental business licence number.

7. The existing Sections 12, 13, 14, 15 and 16 of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be renumbered as Sections 13, 14, 15,16 and 17, respectively.

8. Section 13.(1) and (2) of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be deleted and the following substituted therefore:

13. (1) Every holder of a licence issued pursuant to this Bylaw shall permit reasonable access to the Licence Inspector to the premises at which business is being carried on for the purpose of ensuring that the requirements of the Bylaw are being complied with.

(2) Any person who applies for a business licence and requires an inspection for building or fire code shall pay at the time of application the applicable fees as prescribed in Schedule "A" of this Bylaw. Such inspections shall not be required if the building where such business is proposed to be carried on is subject to an open and valid building permit for such type of business.

9. Section 15(1) of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be amended by inserting the following text before subsection b):

a) violates any conditions of their licence;

10. The Business Licencing and Regulation Bylaw, Bylaw No. 2028, be amended by deleting Schedule "A" substituting the following therefore:

Schedule "A"

FEES

A. Licence (Annual Fee)	\$100	
B. Change of business location	\$20	
C. Transfer of Licence to new owner	\$20	
D. Change of business name	\$20	
E. Short-Term Rental Change of Contact Number	\$20	
F. Inspection fee including initial and follow-up business		
Inspection for Fire or Building Code	\$150	
G. Additional Fire or Building Code Inspection Fee	\$150	per inspection
H. Two or more persons selling crafts, art, photography pottery and other handmade items from one location,		

commonly referred to as an artists co-op and includes
craft fairs with a duration of three consecutive days or
less

\$80

11. The Business Licencing and Regulation Bylaw, Bylaw No. 2028, be amended by adding the following as Schedule “C”:

Schedule “C”

1. All Short-Term Rental business licences are valid only for the Principal Residence which has been granted the licence. If at any time the location ceases to be the licensee’s Principal Residence, the licence terminates.
2. Any applicant for a Short-Term Rental Business licence must provide adequate evidence that the subject property is their Principal Residence by production of a copy of the previous year’s Home Owner Grant or if a tenant a government issued identification showing their address or a voter registration card.
3. No Short-Term Rental business licence shall be renewed or re-issued unless an inspection for building and fire code compliance has been conducted within the previous five (5) calendar years by the Building Official, Fire Chief, or their designate.
4. Short-Term Rental business licences shall not be transferable. For greater certainty, on sale or transfer of an interest in a dwelling unit, excepting by way of mortgage, the Short-Term Rental business licence shall terminate.
5. No Short-Term Rental business licence shall be issued unless the dwelling unit complies with all applicable bylaws of the City.

Snow and Ice Removal Bylaw

12. Snow and Ice Removal Bylaw, Bylaw No. 1928 is amended as follows:

1. Section 3 Application is amended by adding the following new subsection 3.10:

Snow Plowing of Private Parking Areas for Short-Term Rentals

3.10 Every licensee of an approved Short-Term Rental pursuant to the Business Licencing and Regulation Bylaw shall clear any snow or ice from all private parking spaces required pursuant to their licence within 48 hours of a snowfall commencing.

Municipal Ticket Information Bylaw

13. Municipal Ticket Information Bylaw No. 2041 is amended as follows:

1. Schedule 1 to Bylaw No. 2041 (Page 1 of 2 Pages) is amended by deleting the following text under Column 1 Designated Bylaws and Column 2 Designated Bylaw Enforcement Officers:

Column 1 Designated Bylaws	Column 2 Designated Bylaw Enforcement Officers
Business Licensing and Regulation Bylaw, Bylaw No. 2028 (Refer to Appendix 3 hereto)	Bylaw Enforcement Officer Building Official Director of Corporate Administration Services Director of Planning
Zoning Bylaw No. 1750 (Refer to Appendix 4 hereto)	Bylaw Enforcement Officer Building Official Director of Corporate Administration Services Director of Planning

2. Schedule 1 to Bylaw No. 2041 (Page 1 of 2 Pages) is amended by inserting the following text under Column 1 Designated Bylaws and Column 2 Designated Bylaw Enforcement Officers:

Column 1 Designated Bylaws	Column 2 Designated Bylaw Enforcement Officers
Business Licensing and Regulation Bylaw, Bylaw No. 2028 (Refer to Appendix 3 hereto)	Bylaw Enforcement Officer Building Official Director of Corporate Administration Services Director of Planning Manager of Planning
Zoning Bylaw No. 1750 (Refer to Appendix 4 hereto)	Bylaw Enforcement Officer Building Official Director of Corporate Administration Services Director of Planning Manager of Planning

3. Appendix 3 Business Licensing and Regulation Bylaw No. 2028 is deleted and replaced with the following:

Column 1	Column 2	Column 3
Carrying on business without a Licence	3. (1)	\$750.00
Transfer of Licence without notice to Licence Inspector	9. (1)	\$150.00
Change in nature, or kind of business without notice to Licence Inspector	9. (2)	\$150.00
Failure to provide two (2) parking stalls	12. (5) i	\$500.00
Failure to respond within 24 hours	12. (5) iii	\$500.00
Advertisement of Short-Term Rental without a Licence	12.1	\$750.00

4. Appendix 4 Zoning Bylaw No. 1750 is amended by deleting the following text under Column 1, Column 2 and Column 3:

Column 1	Column 2	Column 3
Unauthorized bed and breakfast	3.6.1 a)	\$100.00
Unauthorized bed and breakfast	3.6.1 b)	\$100.00
Unauthorized bed and breakfast	3.6.2 a)	\$100.00
Unauthorized bed and breakfast	3.6.2. b)	\$100.00

5. Appendix 8 Snow and Ice Removal bylaw No. 1928 is amended by adding the following text to Columns 1, 2 and 3:

Column 1	Column 2	Column 3
Failure to clear snow and ice from parking spaces	3.10	\$250.00

Effective Date

1. This Bylaw shall come into full force and effect on the day of adoption.

READ A FIRST TIME this 11th, day of September, 2017.

READ A SECOND TIME this 11th, day of September, 2017.

READ A THIRD TIME this 10th, day of October, 2017.

This bylaw was advertised in the Free Press on the 28th day of September, and 5th day of October, 2017, the City's website and notice board on the 27th day of September, 2017 in accordance with Section 59 of the *Community Charter* and an opportunity for public input was provided at the meeting held on the 10th day of October, 2017.

ADOPTED this 30th day of October, 2017.

Original signed by Mayor _____

Mayor

Corporate Officer

THE CORPORATION OF THE CITY OF FERNIE

BYLAW NO. 2414, 2020

A Bylaw to amend the Business Licensing and Regulation Bylaw No. 2028, 2006

WHEREAS Council has adopted Business Licensing and Regulation Bylaw No. 2028, 2006;

AND WHEREAS Council has deemed it appropriate to amend Bylaw No. 2028, 2006;

NOW THEREFORE, the Municipal Council of the City of Fernie, in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited as the *Business Licensing and Regulation Bylaw No. 2028, Amendment Bylaw No. 2414, 2020*.
2. Business Licensing and Regulation Bylaw No. 2028, 2006 be amended as follows:
 - .1 Section 2 Definitions of Business Licensing and Regulation Bylaw No. 2028, 2006 be amended as follows:
 - .a Insert the following new definitions, in the appropriate alphabetical order:

"Accommodation Unit" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.

"Condo/Hotel" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.

"Dwelling Unit" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.

"Dwelling Unit Secondary" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.

"Dwelling, Single Detached" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.

"Hotel" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.
 - .b Amend part (c) of the definition *Licence Inspector* by:
 - striking out the word *Current*

- .2 Schedule "C" of Business Licensing and Regulation Bylaw No. 2028, 2006 be amended as follows:
- .a Section 3 be deleted in its entirety and substituted with the following:
Applicants must ensure they conform with all regulations contained within the Short-Term Rental business licence bylaw and Short-Term Rental Self-Inspection Checklist prior to applying. Short-Term Rental business licence applicants must submit a completed Self-Inspection Checklist declaring their compliance for each item, duly signed by the business licence applicant.
- .b Insert the following section immediately following Section 3, and that subsequent sections be renumbered accordingly:

4. Short-Term Rentals are not permitted in secondary suites and secondary dwelling units. Unless it is the entire dwelling, permanent cooking facilities are not permitted in the Short-Term Rental area.

3. SEVERABILITY

- .1 If any portion of this Bylaw is found invalid by a decision of a court of competent jurisdiction the invalid portion shall be severed without effect on the remainder of the Bylaw.

Read a first time this 26th day of October, 2020.

Read a second time this 26th day of October, 2020.

Read a third time this 23rd day of November, 2020.

This bylaw was advertised in the Fernie Free Press on the 12th day of November, 2020 and on the 19th day of November, 2020, and made available on the City's website and notice boards on the 27th day of October, 2020 in accordance with Section 59 of the *Community Charter*. An informal hearing was held on the 23rd day of November, 2020 to allow for the consideration of written submissions from the public.

ADOPTED this 14th day of December, 2020.

Mayor

Corporate Officer

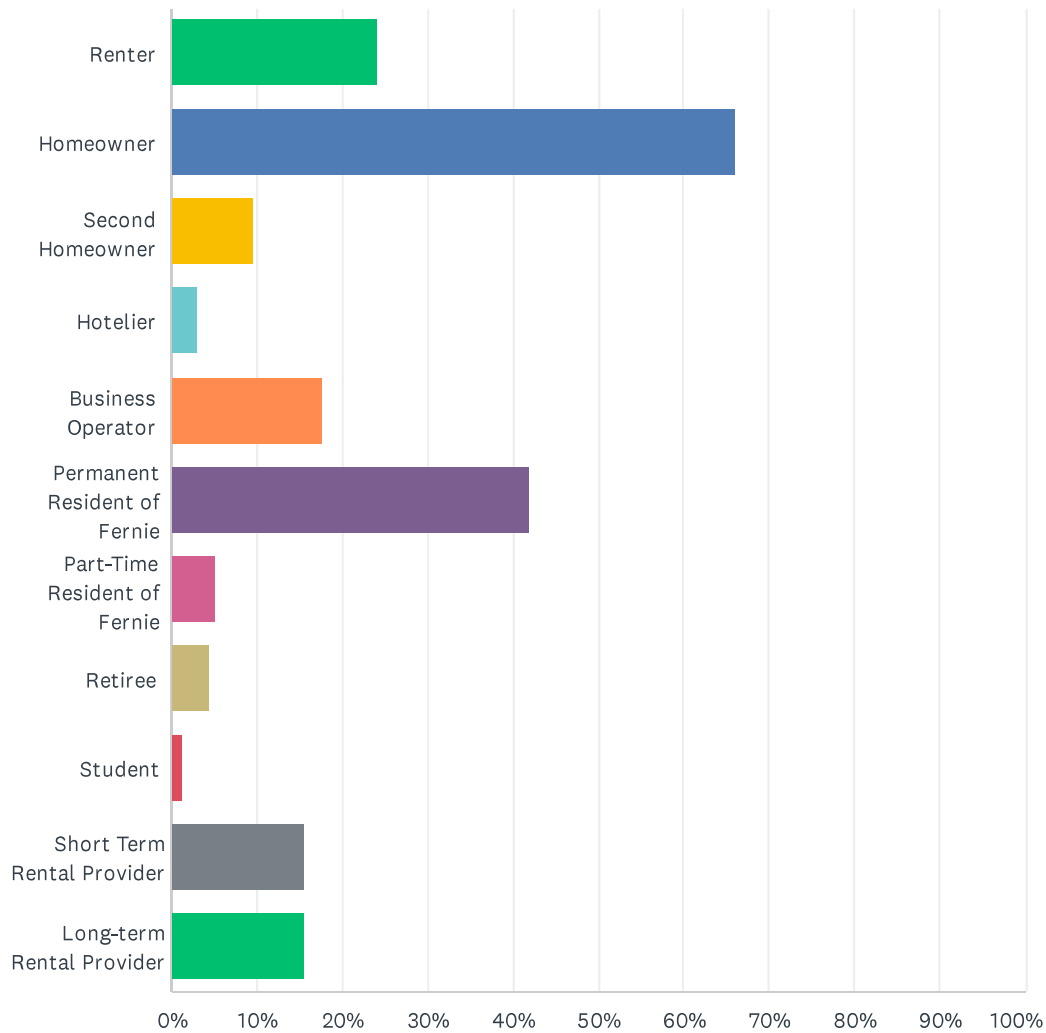
I hereby certify the foregoing to be the original Bylaw No. 2414.

Q1 Have you been impacted by short term rentals either positively or negatively? If so please describe how.

Answered: 213 Skipped: 85

Q2 Which statement(s) best describe you?

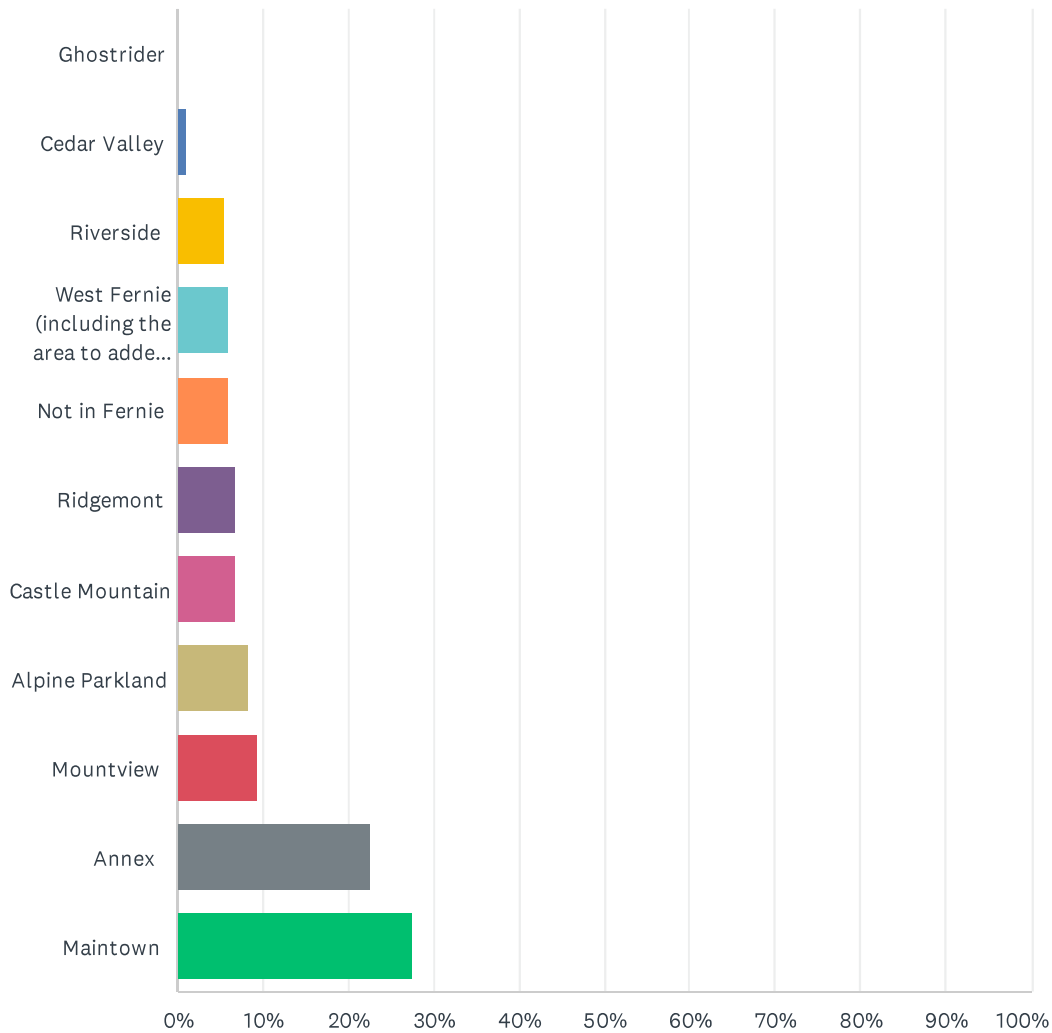
Answered: 295 Skipped: 3



ANSWER CHOICES	RESPONSES	
Renter	24.07%	71
Homeowner	66.10%	195
Second Homeowner	9.49%	28
Hotelier	3.05%	9
Business Operator	17.63%	52
Permanent Resident of Fernie	42.03%	124
Part-Time Resident of Fernie	5.08%	15
Retiree	4.41%	13
Student	1.36%	4
Short Term Rental Provider	15.59%	46
Long-term Rental Provider	15.59%	46
Total Respondents: 295		

Q3 What neighbourhood is your home in?

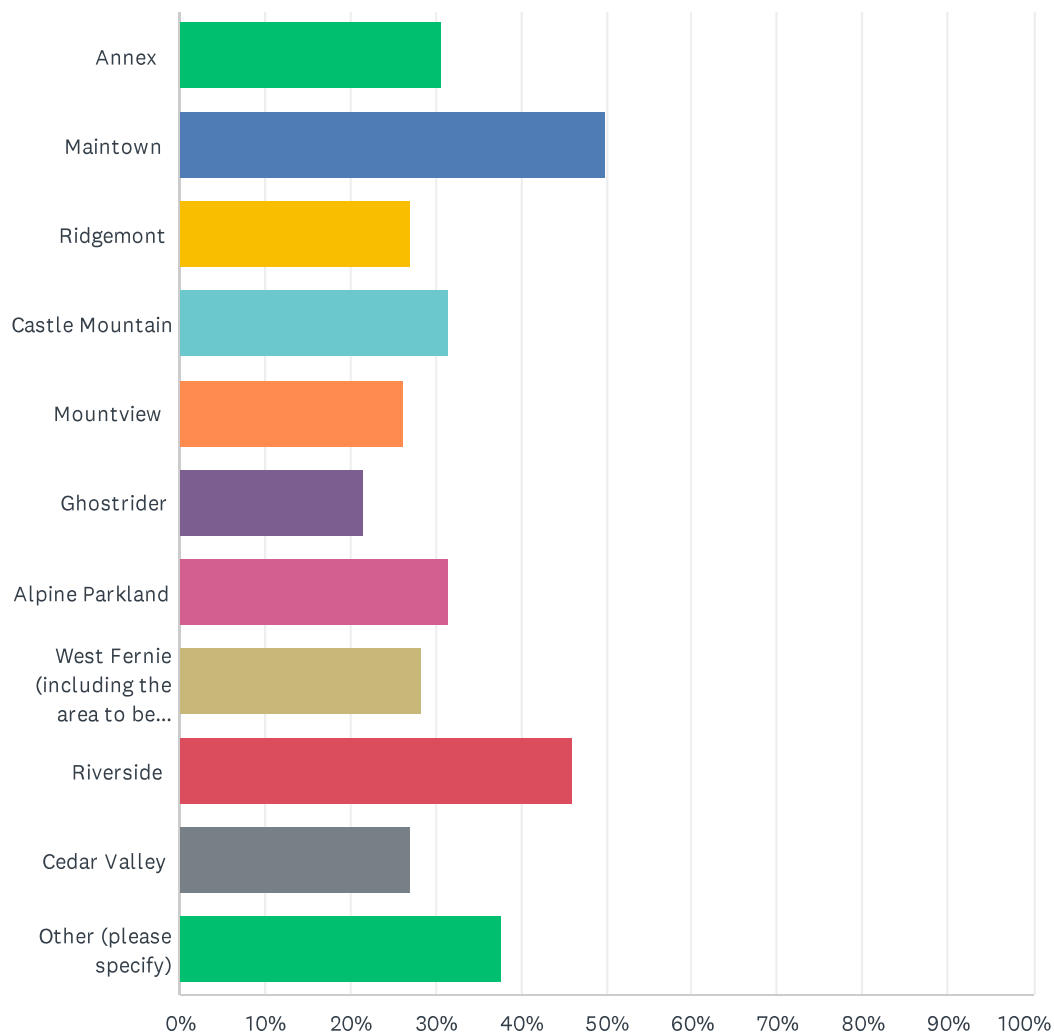
Answered: 266 Skipped: 32



ANSWER CHOICES	RESPONSES	
Ghostrider	0.00%	0
Cedar Valley	1.13%	3
Riverside	5.64%	15
West Fernie (including the area to added to Fernie)	6.02%	16
Not in Fernie	6.02%	16
Ridgemont	6.77%	18
Castle Mountain	6.77%	18
Alpine Parkland	8.27%	22
Mountview	9.40%	25
Annex	22.56%	60
Maintown	27.44%	73
TOTAL		266

Q4 Which neighbourhoods are more appropriate for Short Term Rentals?

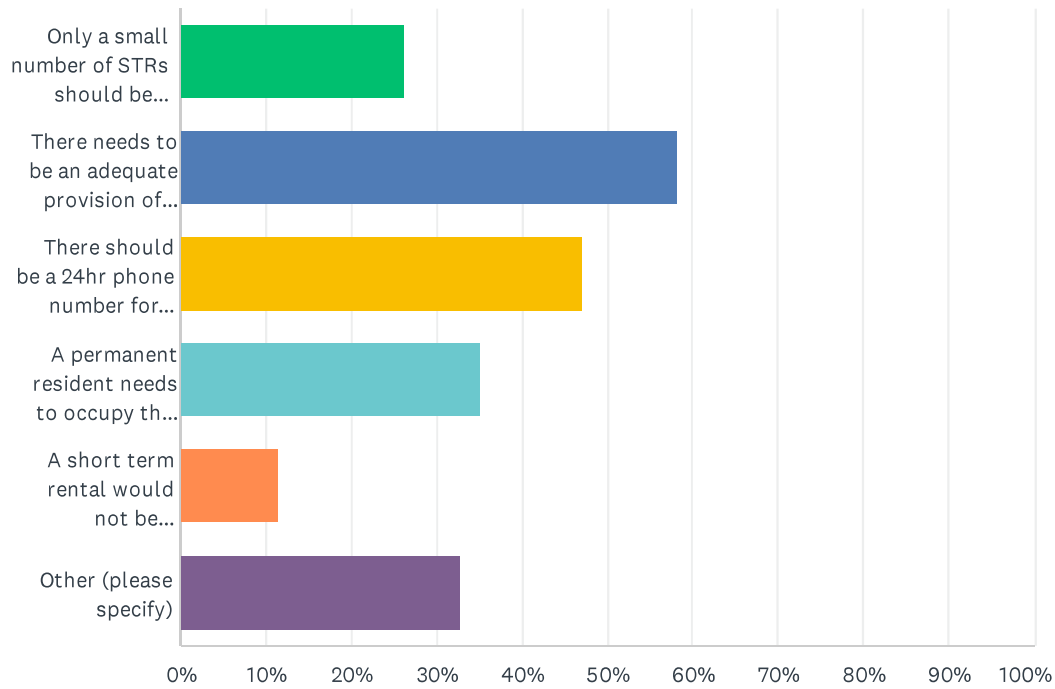
Answered: 247 Skipped: 51



ANSWER CHOICES	RESPONSES	
Annex	30.77%	76
Maintown	49.80%	123
Ridgemont	27.13%	67
Castle Mountain	31.58%	78
Mountview	26.32%	65
Ghostrider	21.46%	53
Alpine Parkland	31.58%	78
West Fernie (including the area to be added to Fernie)	28.34%	70
Riverside	46.15%	114
Cedar Valley	27.13%	67
Other (please specify)	37.65%	93
Total Respondents: 247		

Q5 Under what conditions would you accept a short term rental in your neighbourhood?

Answered: 259 Skipped: 39

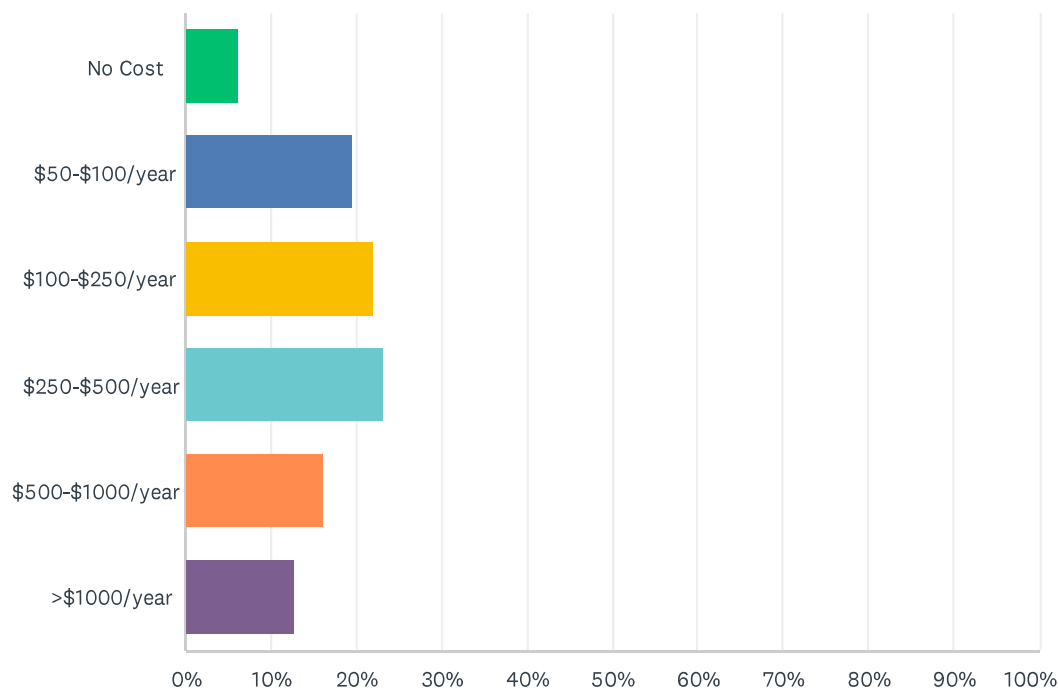


ANSWER CHOICES	RESPONSES	
Only a small number of STRs should be permitted per block	26.25%	68
There needs to be an adequate provision of parking	58.30%	151
There should be a 24hr phone number for neighbours to file complaints and get quick resolutions	47.10%	122
A permanent resident needs to occupy the dwelling unit while short term renters are present, similar to a bed and breakfast.	35.14%	91
A short term rental would not be acceptable under any conditions	11.58%	30
Other (please specify)	32.82%	85
Total Respondents: 259		

Q6 What should a short term rental license or permit cost? Many other jurisdictions charge fees or taxes where short term rentals are permitted. For example: In Fernie a Bed and Breakfast business license costs \$100.

In Nelson STRs require a license which costs between \$110 and \$800/year depending on size and scale of the rental. In Penticton they require an annual business license which costs a flat \$375. In Revelstoke site specific rezonings are required for STRs and there is an annual business license fee of \$200 +\$5/bedroom.

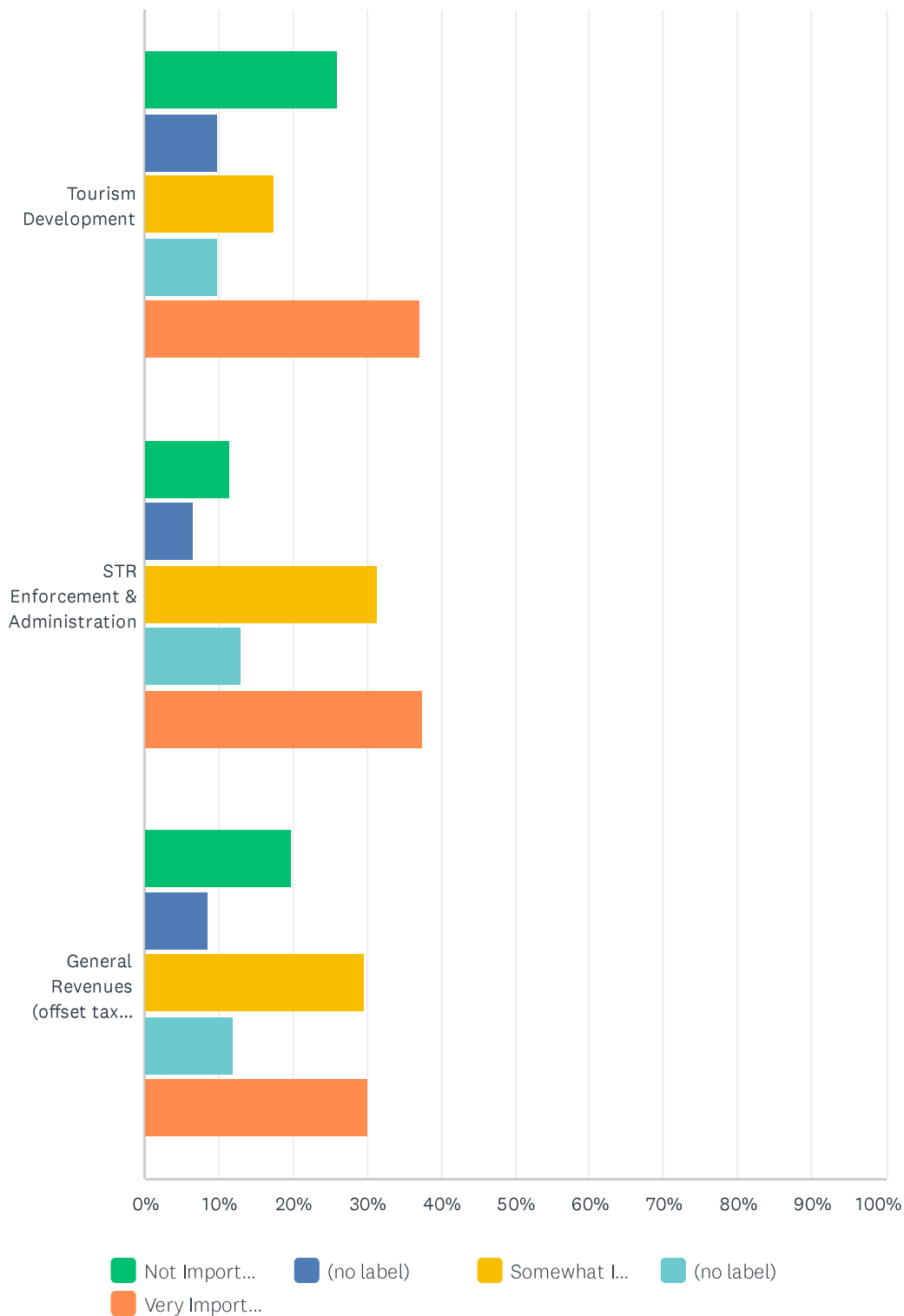
Answered: 259 Skipped: 39



ANSWER CHOICES	RESPONSES
No Cost	6.18% 16
\$50-\$100/year	19.69% 51
\$100-\$250/year	22.01% 57
\$250-\$500/year	23.17% 60
\$500-\$1000/year	16.22% 42
>\$1000/year	12.74% 33
TOTAL	259

Q7 To what areas should the city direct any revenues from STR licenses?

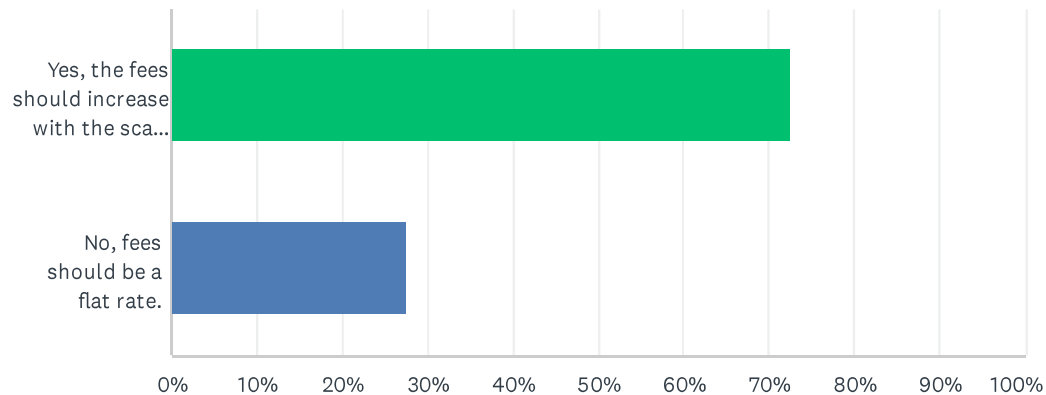
Answered: 255 Skipped: 43



	NOT IMPORTANT	(NO LABEL)	SOMEWHAT IMPORTANT	(NO LABEL)	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Tourism Development	25.96% 61	9.79% 23	17.45% 41	9.79% 23	37.02% 87	235	3.22
STR Enforcement & Administration	11.43% 28	6.53% 16	31.43% 77	13.06% 32	37.55% 92	245	3.59
General Revenues (offset tax increases)	19.92% 47	8.47% 20	29.66% 70	11.86% 28	30.08% 71	236	3.24

Q8 You indicated that there should be a licensing cost for STRs, do you think the should increase based on the scale of the rental? For example, an STR renting the whole home would have a higher fee than one renting only a bedroom..

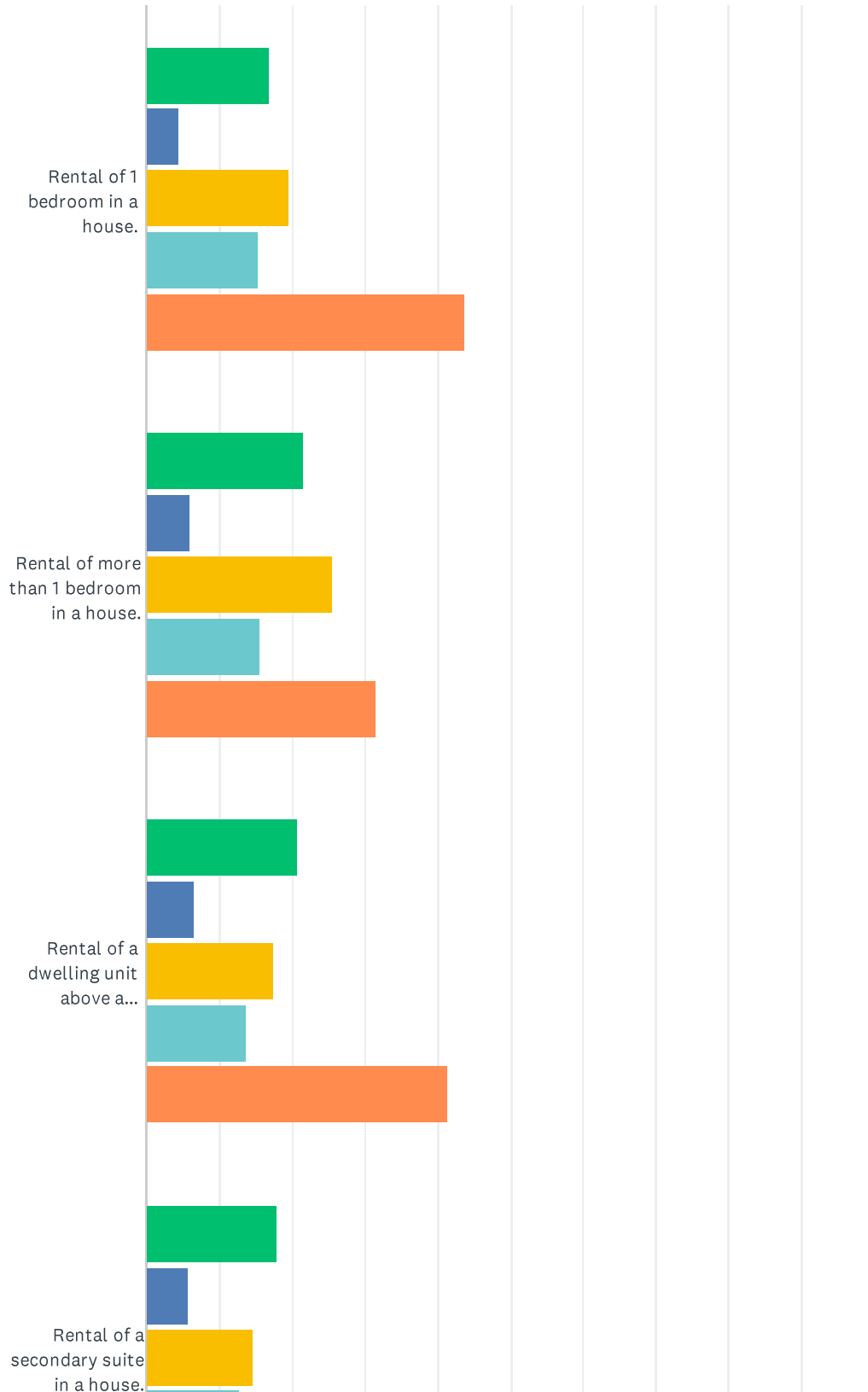
Answered: 243 Skipped: 55

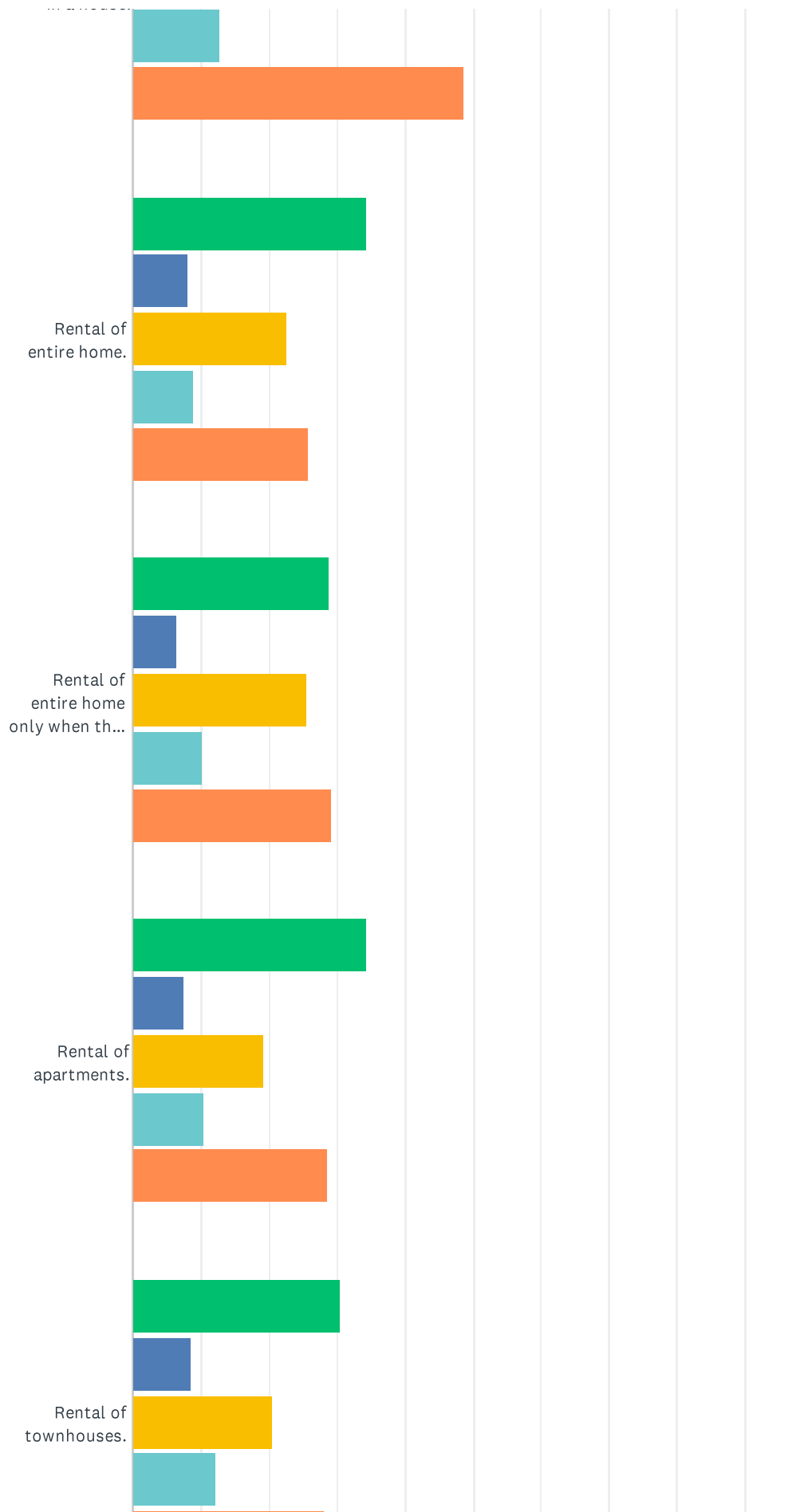


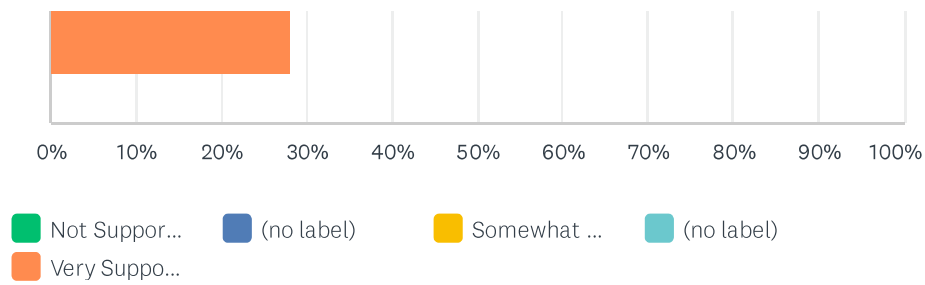
ANSWER CHOICES		RESPONSES	
Yes, the fees should increase with the scale of the STR.		72.43%	176
No, fees should be a flat rate.		27.57%	67
TOTAL			243

Q9 How supportive of short term rentals in the following scenarios are you?

Answered: 259 Skipped: 39



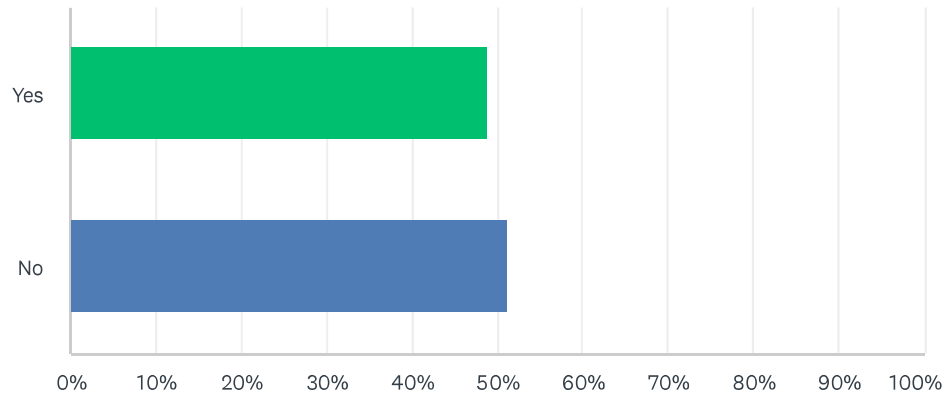




	NOT SUPPORTIVE	(NO LABEL)	SOMEWHAT SUPPORTIVE	(NO LABEL)	VERY SUPPORTIVE	TOTAL	WEIGHTED AVERAGE
Rental of 1 bedroom in a house.	16.87% 42	4.42% 11	19.68% 49	15.26% 38	43.78% 109	249	3.65
Rental of more than 1 bedroom in a house.	21.51% 54	5.98% 15	25.50% 64	15.54% 39	31.47% 79	251	3.29
Rental of a dwelling unit above a detached garage or a in a back yard cottage.	20.70% 53	6.64% 17	17.58% 45	13.67% 35	41.41% 106	256	3.48
Rental of a secondary suite in a house.	17.90% 46	5.84% 15	14.79% 38	12.84% 33	48.64% 125	257	3.68
Rental of entire home.	34.38% 88	8.20% 21	22.66% 58	8.98% 23	25.78% 66	256	2.84
Rental of entire home only when the permanent resident is away.	28.74% 73	6.30% 16	25.59% 65	10.24% 26	29.13% 74	254	3.05
Rental of apartments.	34.38% 88	7.42% 19	19.14% 49	10.55% 27	28.52% 73	256	2.91
Rental of townhouses.	30.59% 78	8.63% 22	20.39% 52	12.16% 31	28.24% 72	255	2.99

Q10 Should a permanent resident be present in a short term rental while it is occupied by short term renters? This would be similar to a Bed and Breakfast.

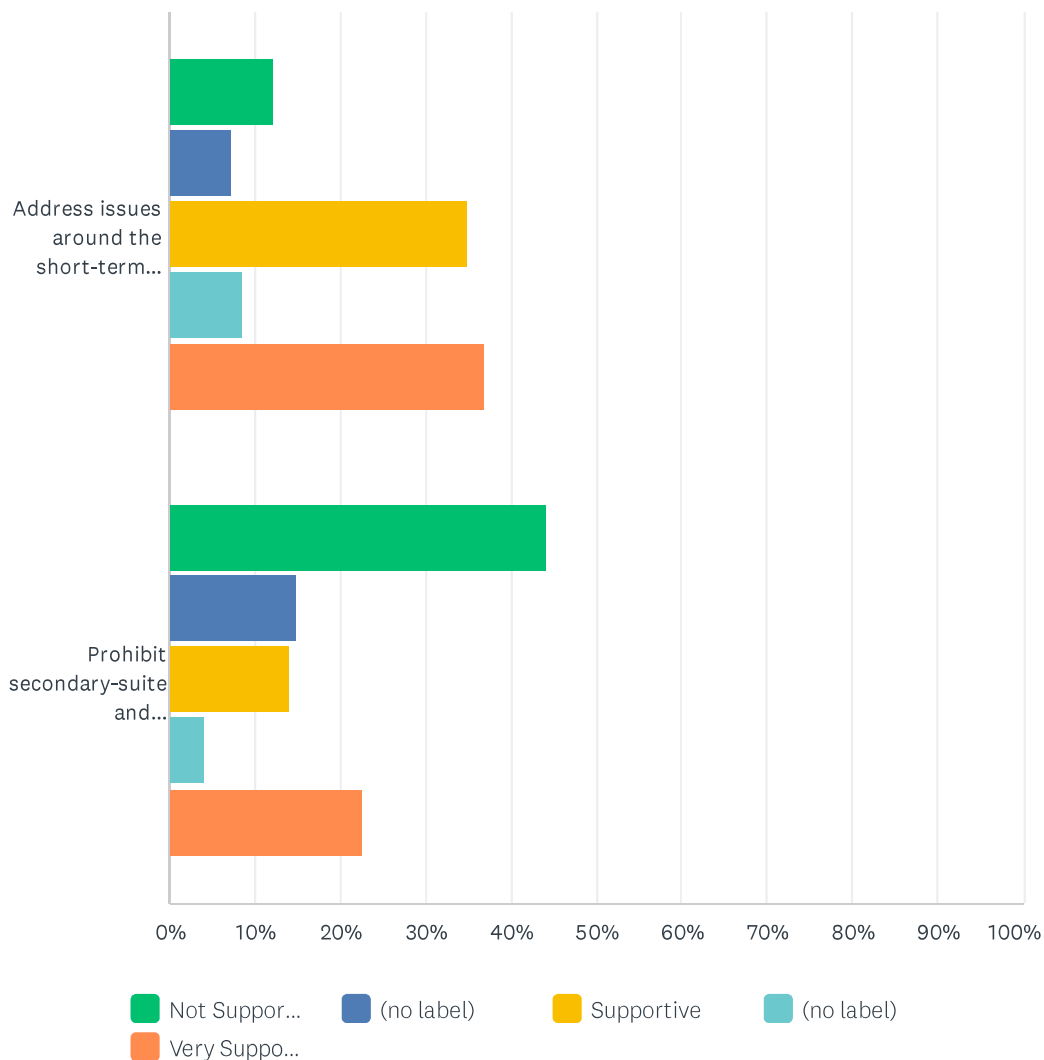
Answered: 254 Skipped: 44



ANSWER CHOICES	RESPONSES	
Yes	48.82%	124
No	51.18%	130
TOTAL		254

Q11 How supportive of the current OCP policies are you?

Answered: 249 Skipped: 49



	NOT SUPPORTIVE	(NO LABEL)	SUPPORTIVE	(NO LABEL)	VERY SUPPORTIVE	TOTAL	WEIGHTED AVERAGE
Address issues around the short-term rental of residential dwellings in the community to support and encourage affordable rental housing options for residents	12.20% 30	7.32% 18	34.96% 86	8.54% 21	36.99% 91	246	2.51
Prohibit secondary-suite and garden-homes (back yard cottages or dwelling units above a detached garage) from being used for-short term rentals.	44.13% 109	14.98% 37	14.17% 35	4.05% 10	22.67% 56	247	1.46