



City of Kelowna Public Hearing Minutes

Date:	Tuesday, March 12, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine Dehart*, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Luke Stack and Loyal Wooldridge
Members Absent	Councillor Mohini Singh
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan; Community Planning Supervisor, Laura Bentley; Business License Manager, Greg Wise; Term Appointment, Planner I, Arlene Janousek*; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:02 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030 - Official Community Plan Bylaw No. 10500*" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on Tuesday, February 26, 2019 and by being placed in the Kelowna Capital News issues of on Friday March 1, 2019 and Wednesday March 6, 2019, and by sending out or otherwise delivering 26 letters to the owners and occupiers of surrounding properties on Tuesday, February 26, 2019.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1 **Altura Rd 30, Z18-0102 (BL11759) - David & Camille Harkins**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The applicant was available for comment.

The City Clerk advised that the following correspondence was received.

Letters of Opposition and Concern:

Brent Kelly and Joanne Takahashi, Caramillo Rd

Jennifer and Terry Jones, Caramillo Rd

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the gallery came forward.

There were no further comments.

3.2 Short-Term Rental Accommodation Regulations TA19-0007 (BL11766) - City of Kelowna

Items 3.2 and 3.3 were considered concurrently.

Councillor Dehart declared a conflict of interest on items 3.2 and 3.3 as it is in direct competition with her hotel employer and she also owns property on Sunset Drive and left the meeting at 6:09 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

3.3 Short-Term Rental Accommodation Business Licence and Regulation No. 11720

Staff:

- Displayed a PowerPoint presentation summarizing the business license regulations and fees.
- Provided an overview of next steps and responded to questions from Council.

The City Clerk displayed the list of correspondence received and confirmed the list will appear in the minutes (see Schedule 'A' attached).

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Rob Ewanuk, Christleton Ave:

- Operates an Air BnB near the hospital.
- Has a legal suite, that he would like to continue to use for short term rentals.
- Supportive of Air BnB being able to operate in the City.
- Encouraged City to expand the area to those parcels adjacent to the hospital and permit suites to be included in regulations.
- Enjoys helping bring people to Kelowna, showcasing the neighbourhood.
- Responded to questions from Council.

Marilyn Strong, Burne Ave:

- Displayed a PowerPoint presentation.
- Suggested using carriage houses and secondary suites for short term rentals.
- Made reference to correspondence, including the PowerPoint slides, previously circulated to Council.
- Opposed to Text Amendment and business regulations.

Sharon Alcock, Saucier Rd:

- Agricultural zones under pressure for short term rentals and seasonal workers.

- Agriculture tourism should be permitted.

Ian Sisett, Watt Rd:

- Made complementary remarks about Councillor Hodge.
- Believes the proposed guidelines are over regulated.
- Opposed to Bylaw.
- Responded to questions from Council.

Megan Johnston, Via Centrale:

- Current long-term renter building a house in Kelowna.
- Hoping to build suite in the future, for in-laws and short-term rentals.
- Proposed regulations would mean house is not affordable and they may have to go back into long term renting.
- Suites should be included in the Bylaw.

Nicholas Aubin, Dougall Rd S

- Opposed to Bylaw.
- Provincial government has stripped landlords the ability to deal with troublesome tenants.
- In favour of adding suites to the short-term rental use.
- Encouraged Council to revisit this.
- Asked what Council is doing to lobby provincial government regarding the speculation tax.
- Cannabis use by tenants is an issue.

Randy Larue, Casorso Rd

- Opposed to the application.
- Raised concerns about stats relied upon by staff.
- Does not have an Air BnB, but is a landlord.
- Opposed to increased regulations and landlord costs.
- Encouraged Council to work with property owners for solutions.

Kelsey McLoughlin, 234 Scarboro Rd:

- Has 3 vacation rentals at Playa Del Sol.
- Opposed to business license fee as proposed, feels \$750 is a high fee.
- Unfair to charge a fee for each Air BnB unit.

Darren Turner, Grenfell Rd:

- Has a legal carriage house.
- Has had repeated problems with long term tenants.
- Built a carriage house that has been used by hospital stays, displaced people from wildfires, students.
- Air BnB a benefit to property owners and carriage homes should be included.

Gillian Krol, Lower Mission:

- Opposed to application.
- Suites should be added to Air BnB uses.
- Neighbourhood nuisances created by short term rentals is exaggerated.
- Long term rental parking is more of a problem then short term.
- Uses Air BnB while travelling.
- Business license fees are too high, as are the proposed fines.
- Should follow Lake Country business license fee.

Deena Steele, Hobson Rd

- Opposed to application, should reconsider bBylaw.
- City staff proposing bylaws that have an unbalanced approach and are overly regulatory.
- Argues that short term rental market has not had negative impact on long term ones.
- Urges Council to reconsider 2 year reconsideration down to a 1 year.

Jason Genereux, Loseth Dr:

- Long term Air BnB operator, uses a legal suite for short-term

- Questioned how many bylaw offenders were repeat offenders.
- Wanted to know about hotel vacancy rates over the summer.
- spoke to benefits to the City of participating in the Air BnB business.
- Doesn't mind paying a fee, but should reconsider opening up to suites and carriage houses.
- Responded to questions from Council.

Len Condo, Commonwealth Rd:

- Student at UBCO
- Most leases are for 12 months when students only need 8 months of housing.
- Landlords should be able to do short term rentals over the summer.
- Questioned student stats presented by staff.

Collett Kemper, Fuller Ave:

- Opposed to application.
- Landlords should be able to operate short term rental over the summer months.
- Residential Tenancy Act rules make 4 month rentals problematic.
- Should look at City of Nelson regulations.
- Application needs to be reexamined, brought back later.
- Made comments on onerous landlord tenant law in BC.

Kris Stewart, Ethel St:

- Long time Air BnB operator.
- Has not had any bylaw complaints doing short term rentals.
- Opposed to Bylaw.
- Asking Council to reconsider.
- Council can't tell property owners who they can rent to.
- City regulations unfair.
- Overhaul of residential tenancy law in BC required.

Renee Tompkins, Mustang Ct:

- Opposed to application.
- Suites should be included in the Air BnB Bylaw.
- Rents to students for 8 months, and the other 4 months wants to do rent short term.
- Urged Council to reconsider.
- Responded to questions from Council.

Jonathan Begeu, Black Mountain:

- Operates an Air BnB in a basement suite
- Opposed to application.
- Will not use suite for long term.
- In favour of suites being added to the permitted uses.
- Proposed Bylaws too restrictive.

Paul Davies, Gibson Rd:

- Opposed to application.
- Data shown does not support the application as presented.
- Suggested moratorium on Air BnB fines.
- Aggressively enforce nuisance Air BnB operations.

Courtney Clark 1309 Pridham Ave:

- Operates an Air BnB for the summer months.
- Opposed to application.
- Agrees there is a need for a license.
- Provided statistics estimating amount of fees that would be raised by the City.
- Recommended a higher occupancy tax be charged and a decrease in fees.
- Responded to questions from Council.

Sue Willis, President, Bed & Breakfast Association:

- Raised concerns with business regulations.
- Spoke to the need though for business regulations.
- Made comments on Association rules that members must follow to ensure guest safety and comfort.
- Their B&B requirements are smoke detectors, extinguishers, should also request this for short term rentals.
- Supportive of municipalities regulating short term rentals to make an even playing field.
- Responded to questions from Council.

Mark Kayban, Parkridge Pl:

- Operated short term rentals many years ago for several years.
- Opposed to Bylaw.
- Suites and carriage homes should be included for short term rental.
- Current Bylaw is too far reaching/restrictive
- Noted it is not easy to go from long term to short term based on tenancy act.
- Requests a further review of Bylaw based on interest tonight.

Louise Griffin, Lower Mission:

- Has operated a Bed & Breakfast for the last 17 years.
- Met all requirements for a Bed & Breakfast.
- Short term rentals should be licensed, safe and taxed.

Meeting recessed at 8:21 p.m.

Meeting reconvened at 8:35 p.m.

Elizabeth Freedman, Okanagan Blvd:

- Has a legal carriage house.
- Has had issues with bad long-term tenants.
- Operated Air BnB for a while previously.
- Opposed to exclusion of carriage houses in Bylaw.
- Spoke to high long-term rental rates.
- Feels there is too much regulation.
- Opposed to application.

Mark Beaulieu, Toovey Rd:

- Has an Air BnB in a suite.
- Licensed Bed and Breakfast operator.
- Opposed to regulations, too restrictive.
- Has had issues with long term tenants.
- Gets more money through the summer short term rentals than long term renters.

Colleen Green, Roanoke Ave:

- Did Air BnB last summer.
- Has had previous renters that are difficult and stuck her with bills.
- There are lots of long term rentals out there, statistics are wrong.
- Council should not be telling homeowners what to do on their property.
- Opposed to application.

Ward McAllister, Waterscapes Homes, Vancouver:

- Raised concerns with lack of notification as an out of town property owner.
- Commented favourably on subsequent conversations with staff.
- Raised concerns how proposed Bylaw impacts their development on Sunset Dr, in particular parking implications.
- Plan to bring forward redevelopment of site.
- Questioned sleeping unit definition.

Charlie Pete, Mountain Ave:

- Raised doubts as to negative impacts of long term rentals by short term rentals.
- Commented it is not homeowner's responsibility to provide affordable housing within the City.
- Provided various statistics to support his opposition to the application.
- With more developments coming in, feels long term will not be affected.
- Suites and carriage houses should be included within the Bylaw.

Dale Sivucha, GM, Coast Capri Hotel:

- Spoke to how there is a lack of accommodation for seasonal workers at the hotel.
- In favour of application and regulations.
- Raised concerns with decline in long term rental units as these are switched to short term rentals.
- Short term rentals should be viewed as equal competitors, on an even playing field.
- Hotel and Motel Association supportive of the application.

Sonia Drajoa, McKinley Area:

- Operates an Air BNB.
- Opposed to application.
- Suites and carriage houses should be included in Bylaw.
- Fees are too high.
- Reconsider regulations, for the benefits of students and vacationers.
- Questioned the complaint statistics presented.

Stacy West, Oxford Ave:

- Operates an Air BnB.
- Opposed to application.
- Suites and carriage houses should be included in the Bylaw.
- Fees are extensive and overreaching.
- Questioned the complaint statistics presented.

Christa Akins, Mountain Ave:

- Operated a Bed and Breakfast, has a business license for it and had it advertised on Air BnB.
- Suites and carriage houses should be included in the Bylaw.
- Responded to questions from Council.

Sheldon Kaszuk, Kuipers Cr:

- Feels the regulation is overreaching.
- Doesn't have an issue paying license fees.
- Suites and carriage homes should be included in the Bylaw.
- Raised question as to limit on number of bedrooms to people ratio.

Ian Love, Bay Ave:

- Raised a number of rhetorical questions.
- Opposed to the application.
- Encouraged City to create a student-property owner registry and offered to build it.
- Bylaw should be more inclusive.
- No issue with proposed fees.

Zach Ruvinsky, Cook Rd:

- Has a licensed Bed & Breakfast.
- Raised concerns with maximum number of guests (6) permitted.
- Opposed to application.

Stan Martindale, GM, Ramada:

- In favour of the application.
- Earlier Councils permitted suites and carriage houses to be rental units.
- Agrees with comments made by Dale Sivucha.

Dawn Meyer, Mitchell Rd:

- Opposed to the application.
- Notes there are numerous reasons for individuals to use short term rentals when they come to Kelowna.
- Questions nightly rent statistics presented in the report.
- Short term rentals do not generate a lot of income.

Pam Nelson, Devonian Ave:

- Lives near an Air BnB.
- Creates a negative impact on the neighbourhood.
- Frustrated with lack of apparent enforcement.
- Noted that their license has been revoked from the City.
- Responded to questions from Council.

Tak Yong, Chapman Pl:

- Opposed to the application.
- Operates an Air BnB.
- Younger people use short term rentals.
- More affordable than hotels.
- Short term rentals have opened up new demographic of visitors to Kelowna
- States the proposed regulation is too strict.
- Made comments on various multifamily developments.
- Council should not be telling homeowners what to do on their property.
- Homeowners should be able to short term rent for 4 months only.

Kelly Watt, Sutherland Ave:

- Works with Sandman Hotel.
- Here on behalf of hotel employees and as a property owner.
- There should be a holistic approach to short term rental regulations.
- Noted that year-round and seasonal employees struggle to find accommodation.
- Serious regulations are required.
- In favour of application.
- Responded to questions from Council.

Mark Amarley Wardlaw Ave:

- Air BnB operator for past seven years.
- Has operated at one time 7 units.
- Has been concerned with City direction over the past few years.
- Opposed to the application.
- If short term rentals are opened up, then the market will determine how many are needed.
- Difficulty to rent long term
- Not opposed to regulating.
- Raised concerns with proposed regulations.
- Responded to questions from Council.

Kyle Lethbridge, Marin Cr:

- Short term rentals do not negatively impact real estate.
- Opposed to the application.

Mitch Larue, Casorso Rd:

- Short term rentals help people to stay in their homes.
- Consider the winners and losers who are impacted by the proposed Bylaws – big business or the little guy.

Patty Cannon, Fuller Ave:

- Current Air BnB operator.
- Great way to supplement income.
- Various groups of people come and stay who would otherwise not stay in hotels.

- Opposed to the application.
- Encouraged Council to include suites and carriage houses in the proposed Bylaw.

Tim Lalor, Cawston Ave:

- Support Air BnB being in Kelowna.
- MRDT should be collected by everyone.
- Raised concerns with limits on number of persons per bedroom.
- Raised concerns with parking requirements.
- Opposed to the application
- Opposed to the proposed business license fees.
- Shouldn't be looking at Victoria for business license fee comparisons.
- Other areas around post-secondary institutions and hospital should be added to the Bylaw.
- Should be an amnesty for this year for short term rental operators.

Margaret Neison, Moody Ct:

- Vacation rental cleaner.
- Has never had any issues.
- Opposed to the application.

Kelly Hutchison, Glen Park Dr

- Made reference to the letter from the BCGEU, previously circulated to Council.
- Opposed to the application.

Darren Sclamp, Manhattan Dr

- Made comments on previous parking relaxation granted to Waterscapes.
- Secondary suites were exempt from DCC in an effort to create affordable housing.
- Suggested other ways to regulate non-conforming rules.
- Cited studies that showed the introduction of short term rentals created an increase in rents and decline in rental units.

Wade Thomas, Lakeshore Rd:

- Requires an Air BnB to pay for their second home.
- Short term rentals offer accommodation to those who won't stay in hotel.
- Owners responsible for behavior of guests.
- The maximum 6 people outlined in the regulations cuts certain groups out.
- Opposed to the application.
- Responded to questions from Council

Joseph Clohessy, GM Delta Grand Hotel:

- In favour of the application.
- Needs to be fair rules and fair playing field.
- Short term rentals are a business.

Allen Burke, Morgan Rd, Cheers Okanagan Tours:

- Has been renting out rooms over the summer to students for 8 years.
- Agrees there should be regulations.
- Questioned accuracy of the statistics provided.
- Supportive of the business license regulations.
- Responded to questions from Council.

Reign Burke, Morgan Rd, Cheers Okanagan Tours:

- Customer and client of hotel and Air BnB
- Agrees to regulations but not the proposed fees.

Sheldon Ambler, Stewart Rd W:

- Rents out to students and short-term rentals over the summer.
- Alright with the fees.
- Supportive of the inclusion of suites and carriage houses.

- Responded to questions from Council.

Melation, Ann Rd:

- Made comments on his experiences under communism in Hungary.
- Made comments on the creeping socialism and communism he sees in BC and in Kelowna.
- Opposed to the application.

Steve Chung, Ethel St:

- Has a legal suite.
- Made comments on issues with long term renters.
- Opposed to the enforcement regime.
- Supports the inclusion of suites and carriage homes in the Bylaw.

Radam Park:

- Opposed to the application.
- Made comments to hotel struggles, and still complain about homeowners trying to make a living.

Shaun Weimer, Graham St:

- Made comments that Air BnB is the future.
- Need to change with times and need to embrace changes.

Sheri Chung, Asher Rd:

- Renter, does not own an Air BnB
- Made comments on the purposes and intent of regulations.
- Making Air BnB unattractive with regulations.
- Responded to questions from council.

Treena Caron Piva:

- Owner of licensed property management company.
- Compliance is important.
- Concerned with liability to home owners who operate short term rentals.
- In favour of the application.
- Responded to questions from Council.

Steven Ross, Mahattan Dr:

- Air BnB has their own insurance policy to cover renters.
- Seasonal winery workers not been represented this evening.
- Bylaw needs to be open and inviting.
- Thinks there could be a third type of license to cover those currently operating unlawfully.

Michael Blair, Teasdale Rd:

- Has used Air BnB, noted it's reasonable in terms of cost.
- Cheaper than hotels.

Staff:

- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0253/19/03/12) THAT the Public Hearing continue past 11:00 p.m.

Carried

There were no further comments.

4. Termination

The Hearing was declared terminated at 11:15 p.m.

Mayor Basran

City Clerk

sf/rvh

Schedule A – Summary of Correspondence

BYLAW NO. 11766 (TA19-0007)**Short-Term Rental Accommodation Regulations****Letters of Opposition and Concern:**

Diane Varga, Lake Ave
 Alicia, Kelowna
 Jessica Orłowski & Stewart Tile, Terrace Dr
 Roen Janyk, KLO Rd
 Brian Turner, Timrick Ct
 Annika Naciuk, Terrace Hill Pl
 Chanel Rodrigues, Comox St, Vancouver
 Kathy Litt, Forestburg, Alberta
 Michael & Vivien Blair, Teasdale Rd
 Ian Royce Sisett, Watt Rd
 Yong Gao, Kelowna
 Robert Shepherd, Calgary AB
 Michelle T. Coxon, New Westminster BC
 Carla Reis, Mission Springs Cr
 Peter Enns, Keller Pl
 Gerard Fouquere, Sunset Dr
 Wendy Cary, Kelowna
 C Scott Pembleton, Burne Ave
 Kimberly Thomas, Lakeshore Rd
 Allisa C Bennett, Chapman Pl
 Laurence D.M Marshall & Larry D. Norton, Bertram St
 Treena Harley & Bill Feist, Abbott St
 Ken Ristau, Valentino Ct
 Carol Cauvin, Lakepointe Dr
 Michelle Bonnett, Kelowna
 Susan Ames & Pat Munro, Bernard Ave
 Denna Jenner & Kai Ng, Reyn Rd
 Andrew Green & Mrs. Green, Gaspardone Rd
 Grace Worrall, Kelowna
 Shaunia Hitchens, Flintoft Ave
 Collett Kemper, Kelowna
 Deana Steele, Bernard Ave
 Curt Ryane, Chute Lake Cr
 Ward S. McAllister, President, CEO Waterscapes Homes LP, Vancouver
 Karen Copp, Mugford Rd
 Kris Stewart, Ethel St
 Laura Laharty, Kelowna
 George Tebbitt, Kelowna
 Kristi Langlois, Kelowna
 Bill Hedberg, Kelowna
 Ken Cappos, Casorso Rd
 Colin & Anita Bechtel, Kelowna
 Stacy West, Kelowna
 Terry Grunau, Lake Ave
 Richard L Drinnan, Greene Rd
 Mal and Renee Tompkins, Mustang Ct
 Kevin Hamilton, Kelowna
 Meagan Jacobs, Kelowna
 Erika Podewils, Cameron Ave
 Julia Hansum, Kelowna
 Jennifer Hight, Bluebird Rd

Ken Donovel, Kelowna
 Rich Teer, Kelowna
 Maris Schoepp, Kelowna
 Sarah Havens, Lakeshore Rd
 Christine Anne Smith, Young St, Ottawa, ON
 Marilyn Strong, Burne Ave
 Dale West, Lake Ave
 Amanda Schindel, Radant Rd
 Jenny Poppitt, Swaisland Rd
 D. M. Jones, Kelowna
 Randall Paul, Portland Ave
 Laurinda Kalawarney, Kelowna

Letters of Support:

Janneke Smith, Walker Dr
 Bill Long, Manhattan Dr
 Joey Beltrano, GM Best Western Plus, Hwy 97 N
 Y Pinder, Carriage Ct
 Brian Leon, President Choice Hotels Canada, Spectrum Way Missassauga, ON
 Michael Saufferer, Kelowna Inn and Suites, Harvey Ave
 Michael Saufferer, Kelowna
 Cedric Younge, GM Fairfield by Marriott, Kelowna
 Joseph J. Clohessy, CHA, GM Delta Grand Okanagan, Kelowna
 Peter Schrod, Siesta Suites
 Mark Gilbert, Lindsay Dr
 Ginette Parenteau, Director of Sales, Best Western Plus Hotels & Suites
 Richard Newton, Quail Pl
 Danny and Wendy Knapp, Churchill Ct
 Bill Hedberg, Kelowna
 Wayne Matthewson, Monashee Pl
 Cameron Von Trump, Kelowna
 Shelagh Melvin, Whitecourt, AB
 Meg McManus, GM, Sandman Hotel & Suites, Kelowna
 Don Culic, GM Holiday Park Resort, Kelowna
 Dave & Connie Bergen, Theodora Rd
 Kelly Watt, Regional Director, Sandman Hotel, Harvey Ave
 Steve Carroll, GM, Holiday Inn Express & Suites, Powick Rd
 Dale Sivucha, GM, Coast Capri Hotel
 Natalie Corbett, GM, Accent Inns, Kelowna
 Tania Rutt, GM, Prestige Beach Hours, Abbott St
 Carla Carlson, GM, Comfort Suites
 Sherry Keeping, Director of Payroll and Accounting, Coast Capri Hotel
 Heather Schaub, GM, Casa Loma Lakeshore Resort
 Stan Martindale, GM Ramada by Wyndham, Harvey Ave
 Christa Park, Hotel Manager, Royal Anne Hotel
 Ingrid Jarrett, GM, The Royal Kelowna, Eastwood Dr
 Barbara McAlpine, Connaly Lane
 Shannon Golsof, Vimy Ave
 Jim McMillan, Maintenance Manager, Coast Capri Hotel
 Trina Hendrickson, Caps Liquor Store Manager, Coast Capri
 Alana Baker, Director, Government Relations, Hotel Association of Canada
 Jeeven Sekhon, GM, Days Inn Kelowna
 Natalie Johal, Madsen Rd
 Stephanie Smith, bcgeu
 Arlene Schuppener, The Cove Lakeside Resort
 Luke Turri, Mission Group
 Michael Henderson, Salerno Ct
 Doug Gill, Quail Run Dr