



News Release

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SALT SPRING ISLAND LOCAL TRUST COMMITTEE TAKES LEGAL ACTION ON SHORT-TERM VACATION RENTALS

VICTORIA — In a move to enforce its land use regulations regarding short-term vacation rentals, the Salt Spring Island Local Trust Committee has instructed counsel to initiate legal proceedings against Westcoast Vacations Inc, seeking an injunction restraining the company from using or offering residentially-zoned properties for commercial guest accommodation.

The move to take legal action was supported by the Islands Trust Executive Committee late in 2010, when it agreed to fund the costs of the action. The Local Trust Committee is seeking compliance with Salt Spring Island's land use bylaw, which restricts renting of residentially-zoned properties for commercial guest accommodation. To date, the company has not complied with the bylaw, despite written and verbal warnings from the Islands Trust. It claims that the bylaw does not prohibit their activities.

The Westcoast Vacations web site lists more than 60 properties on Salt Spring Island as vacation home rentals and a few bed and breakfasts. Miles Drew, Islands Trust Bylaw Enforcement Coordinator said "the web site indicates that Westcoast Vacations enters into contracts for the short-term use of the property and collects money in return for that use – like a hotel operator. We believe that many, if not all, of the properties listed as available are not zoned for commercial guest accommodation and that they are in residential zones, none of which permit this type of commercial guest accommodation."

The bylaw enforcement action does not affect legal bed and breakfasts, or legal resorts, hotels and motels in commercial zones, all of which are widely available on the island. People may also continue to rent cottages as part of a bed and breakfast operation in most zones and to rent their residential properties for periods longer than 30 days to one tenant for residential use.

"The Salt Spring Island community has said time and again that neighbourhoods should be for neighbours, and we want people to be aware that we will enforce the community's bylaw," said Linda Adams, Chief Administrative Officer. "This is an ongoing issue of concern that affects affordability of rental housing, lawful tourist accommodations and the sense of neighbourhood on Salt Spring."

Westcoast Vacations and the property owners they serve have the option of complying with the bylaw by no longer making the properties in residential zones available for short-term vacation rental. Alternatively, the property owner may apply to amend the Land Use Bylaw and Official Community Plan to legalize a short-term vacation rental.

In accordance with the Islands Trust policies regarding bylaw investigations and enforcement, enforcement actions are primarily triggered when the Islands Trust receives complaints from community members that indicate that individuals or corporations are not complying with the land use regulations that have been adopted by their locally-elected representatives. Efforts are then made to investigate complaints, educate violators and obtain voluntary compliance with a community's bylaws. In most cases, violators have a variety of options, including ceasing or amending their operations, or applying for variances or required permits.

Islands Trust staff estimate that more than 90% of its bylaw investigation files are resolved before legal action is required. Court action is only taken after other avenues to achieve compliance have failed.

In 2006, the Salt Spring Island Local Trust Committee confirmed it would uphold long-standing Official Community Plan policies and zoning regulations, which prohibit the use of private homes in rural and residential zones for commercial guest accommodation.

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