

FAQs? STVRs (Short Term Vacation Rentals)

What is an STVR?

STVR refers to the commercial use of a dwelling or cottage to provide accommodation for people for periods of less than 30 consecutive days to persons who normally maintain a residence elsewhere.

What kinds of STVRs are on South Pender?

1 STVRs as a Permitted Principal Use:

On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed (Rural Residential, Agricultural, Forestry, and Natural Resource zones). The owner/operator or manager does not have to be resident on the property.

A cottage can not be used for short term vacation rental at the same time as a dwelling on the same lot is being used for short term vacation rental as a principal use.

2 STVRS as Home Business:

This includes rental of cottages and the use of the principal residence as a Bed and Breakfast, allowing up to 3 bedrooms to be rented provided the property owner or operator or one of the employees of the home business is a resident on the lot at the time the home business is operated.

Why is the South Pender LTC reviewing STVR policy?

Almost 20 years has past since STVR policy and regulation was introduced into the OCP and LUB. The LTC believes that it is time to examine the impact the operation of STVRs have had on South Pender and consider whether there is a need for a different approach to how STVRs are regulated on the island.

What does the STVR policy review involve?

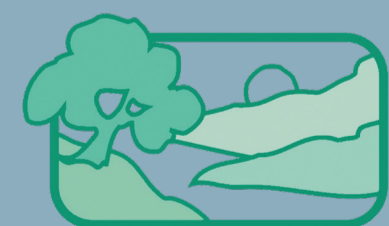
The STVR policy review will involve gathering facts about STVR impacts through research and public engagement.

Where does Bylaw 117 fit into the STVR policy review process?

Bylaw 117 is meant to be an interim step while the South Pender LTC conducts a review of STVR policy. This bylaw amendment will remain in force until it has been replaced by a future regulation informed by the STVR policy review.

How can I share my views during the review process?

The South Pender LTC has initiated a STVR review process which will include public engagement opportunities via the internet and in person. Letters sent directly to Trustees or Islands Trust staff will also be included in the policy review. Details on public engagement will be provided on the South Pender Island webpage.



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What is the history of STVR policy and regulation on South Pender Island?

STVRs have existed on South Pender Island before they were acknowledged in policy or regulation.

- 2000 -2002 OCP review discussions acknowledged need for STVRs to be recognized in policy.
- 2002 OCP amendment provided policy guidance on residential and short term rental use of both single family dwellings and cottages. Zoning regulations were developed to support OCP direction.
- 2005 Southern Gulf Islands Accommodation Inventory report identifies 12 STVRs and 1 Bed and Breakfast on South Pender Island.
- 2011 OCP Review STVR policies and regulations were not considered during this process. No changes to STVR policy were made.
- 2016 LUB Review STVR policies and regulations were not considered during this process. No changes to STVR regulations were made.

What recent discussions has the LTC had related to STVRs on South Pender?

- October 18, 2019 LTC called a special meeting and directed staff to initiate a process to remove STVR as a permitted principal use in zones where they are currently permitted as such (Rural Residential, Agricultural, Forestry, and Natural Resource zones).
- November 1, 2019 at the LTC meeting, bylaw amendment removing STVRs as a principal/outright permitted use in zones allowing single family dwellings was read for the first time.
- December 7, 2019 Community Information Meeting (CIM) held to discuss Bylaw 117.
- December 16, 2019 Bylaw 117 given First and Second reading by LTC.
- January 15, 2020 Bylaw 117 is approved by the Executive Committee of the Islands Trust.



FAQs? Bylaw Amendment 117

What is this bylaw amendment all about?

The intention of this bylaw amendment is to be an interim measure to prohibit new STVR businesses from being initiated on South Pender while the LTC engages the public in a review of existing STVR policy.

What will the bylaw amendment change?

The proposed bylaw amendment will prohibit STVRs as a principal/outright permitted use in all zones where they are currently permitted as such (Rural Residential, Agricultural, Forestry, and Natural Resource zones).

I am currently operating an STVR. Will the bylaw amendment impact my business?

No. If you have been operating an STVR business previously permitted it will become “legally non-conforming”/”grandfathered”.

What kinds of STVRs will be able to operate after the amendment is passed?

- 1 STVRs that were previously operating and will become “legally non-conforming”.
- 2 STVRs that conform to home business regulations (cottage rentals and B &Bs).

What is the process for enacting the bylaw amendment?

A bylaw amendment needs to be read three times by the LTC before it is passed. A public hearing must be held before the bylaw amendment is read for the third time. Once adopted by the LTC, the bylaw will need to be approved by the Islands Trust Executive Committee.

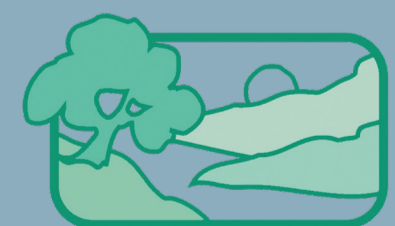
Can this bylaw amendment be changed?

This bylaw amendment is meant to be an interim step while the South Pender LTC conducts a review of STVR policy. This review will inform future changes to STVR policy and regulations.

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 117

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW No. 114, 2016

1. Section 5.1 (Rural Residential Zones) is amended under “Permitted Uses” by deleting “(1)(d) Short-term vacation rental of a dwelling;” and replaced with “rescinded”
2. Section 5.1 (Rural Residential Zones) is amended under “Conditions of Use” by deleting “(8) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “rescinded”
3. Section 5.5 (Agriculture (A)) is amended under “Permitted Uses” by deleting “(1)(d) Short-term vacation rental of a dwelling;” and replaced with “rescinded”
4. Section 5.5 (Agriculture (A)) is amended under “Conditions of Use” by deleting “(10) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “rescinded”
5. Section 5.6 (Forestry (F)) is amended under “Permitted Uses” by deleting “(1)(a) Short-term vacation rental of a dwelling;” and replaced with “rescinded”
6. Section 5.6 (Forestry (F)) is amended under “Conditions of Use” by deleting “(8) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “rescinded”
7. Section 5.7 Natural Resource (NR) under “Permitted Uses” by deleting “(1)(c) Short term vacation rental of a dwelling;” and replaced with “rescinded”
8. Section 5.7 Natural Resource (NR) under “Conditions of Use” by deleting “(7) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time” and replaced with “rescinded”



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Legal Non-Conforming

STVRs that were in operation before Bylaw 117 can continue to operate as “Legal Non-Conforming”. There is no need to ‘apply’ for non-conforming protection.

What is “Legal Non-Conforming” Use?

- Uses that were legal but no longer conform after a bylaw change (e.g. STVR as principal permitted use)
- Change of ownership does not affect non-conforming protection of a use
- A non-conforming use cannot be extended beyond the scale or to a greater degree than that at the time of bylaw adoption
- Seasonal use is considered by the legislation and would apply to STVR operations
- Structural alterations or additions may not be made to a building with a non-conforming use except with approval of the Board of Variance



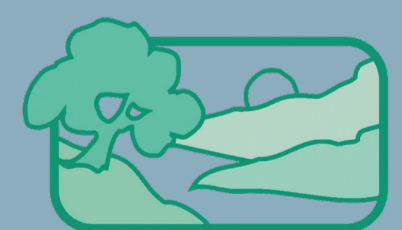
How many “legal non-conforming” STVRs are there on South Pender?

- 21 STVR operations have been identified online (AirBnB/VRBO/Home Away/Chamber of Commerce)
- Over half appear to be principal use STVRs (hard to determine)
- There may be others that do not advertise

How can an STVR operator confirm “legal non-conforming” status?

- Provide Islands Trust Staff with link to your advertised listing (AirBnB, VRBO, Chamber of Commerce, Craigslist etc)
- OR
- Connect with Islands Trust staff to identify ways to confirm “legal non-conforming” status

Staff Contact: nchadwick@islandstrust.bc.ca



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Other Islands Trust Areas & Jurisdictions

Islands Trust Areas

The islands of the Trust have taken a variety of approaches to address the use of STVRs. As each Local Trust Area (LTA) has its own Land Use Bylaw (LUB) and its own Official Community Plan (OCP), each island has taken an approach consistent with its own individual culture, history, and intensity of tourist use.

The main tools available to the LTAs under the Islands Trust Act are modifications to the OCP and associated LUBs to include STVR-specific provisions. Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.

Islands Trust STVR Regs. and Enforcement

STVR Policy Overview Table	STVRs permitted in cottages	STVRs permitted in dwellings	STVRs permitted as home occupation	STVRs permitted via TUP	STVRs permitted via zoning	B&Bs permitted	Proactive enforcement	Complaint-based enforcement
Bowen	X	X			X	X		X
Denman		X	X			X	X	
Gabriola				X		X		X
Galiano	X	X	X	X		X	X	
Gambier	X	X	X					X
Hornby	X	X	X	X	X	X	X	
Lasqueti						X		X
Mayne	X		X	X*		X	X	
North Pender	X	X	X	X		X	X	
Salt Spring						X	X	
Saturna	X		X	X		X		X
South Pender	X		X	X*	X	X		X
Thetis	X		X	X		X		X

*While permitted via TUP, this island does not have specific STVR TUP guidelines.

OCPs allow TUPs (Temporary Use Permits) to be issued for limited periods of time, and several islands have created specific guidelines for STVRs to be issued TUPs.

Bowen Island has the ability to issue business licenses to operate STVRs, as it is incorporated as a municipality and has expanded legislative powers.

Bylaw enforcement with respect to STVRs varies between islands, ranging from complaint-based to proactive. Currently, seven LTAs operate on a complaint-based system, requiring one or two written complaints from neighbours, while six others are currently using a proactive approach.

Other Jurisdictions

Policies regulating STVRs within other jurisdictions range from prohibition to no regulation. The most common practice is to permit STVRs with conditions, imposed either through a business license or a land use bylaw. Approaches commonly used in other jurisdictions include:

- Business licenses
- Zoning - site specific and/or in specific areas.
- Principle residence only
- Caps on days per year
- Temporary Use Permits (TUPs)
- Municipal & Regional District Tax (MRDT)

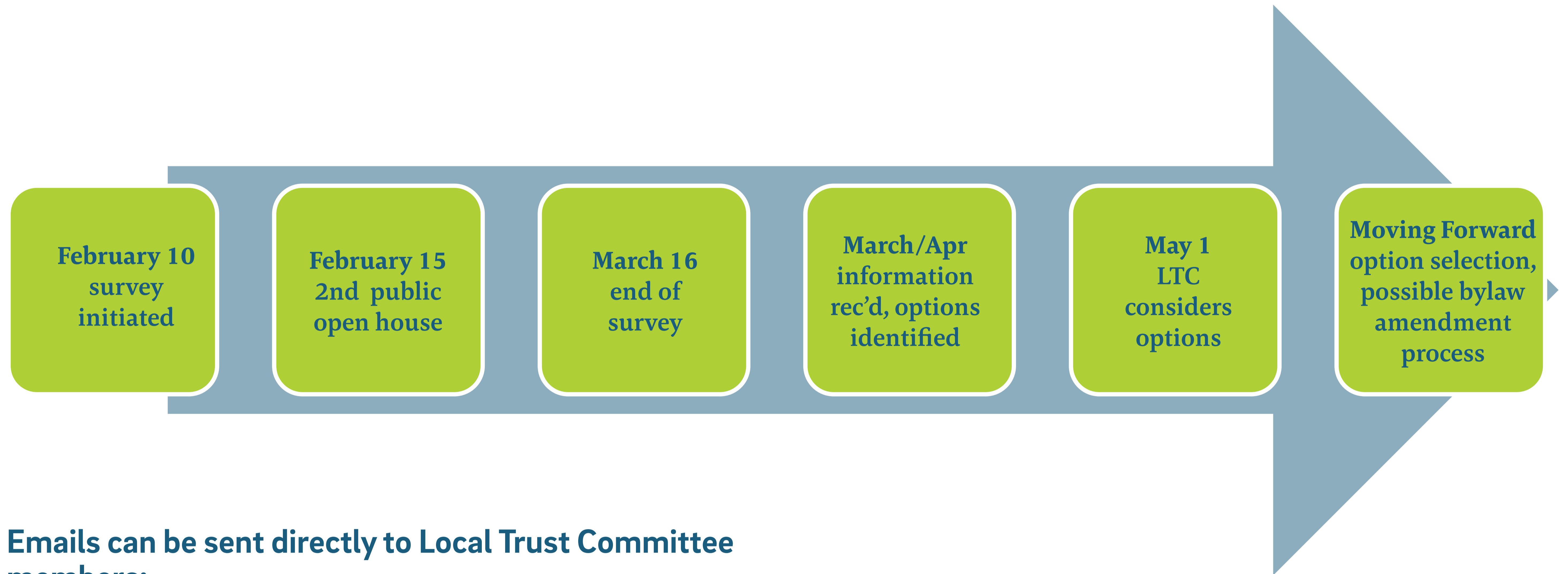


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South Pender's STVR Review Process



Emails can be sent directly to Local Trust Committee members:

Cameron Thorn
South Pender Island Trustee
cthorn@islandstrust.bc.ca
604-317-8174

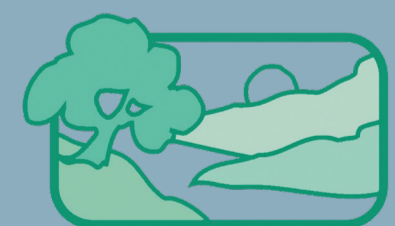
Steve Wright
South Island Trustee
stwright@islandstrust.bc.ca
250-629-6632

Laura Patrick
Local Trust Committee Chair
lpatrick@islandstrust.bc.ca
250-537-6822

And Islands Trust Staff:
Narissa Chadwick
Island Planner, Southern Team
nchadwick@islandstrust.bc.ca
250-405-5189

Islands Trusts offers a [subscription service](#) that sends e-mails about meeting agendas, meeting minutes, news releases and other topics. The South Pender Island Local Trust Committee also holds regular business meetings with town hall sessions for community input.

For more information, please visit www.islandstrust.bc.ca or call 250-405-5151 (Enquiry BC Toll-free: 1-800-663-7867 or from the lower mainland 604-660-2421).



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