

**MINUTES OF THE HORNBY ISLAND  
LOCAL TRUST COMMITTEE SPECIAL MEETING  
TO HOLD A COMMUNITY INFORMATION MEETING  
HELD ON WEDNESDAY, APRIL 6, 2011 AT 5:30 PM  
AT THE WINDSOR PARK PAVILION, 2451 WINDSOR ROAD  
VICTORIA (OAK BAY) BC**

|                        |                        |                             |
|------------------------|------------------------|-----------------------------|
| <b><u>PRESENT:</u></b> | Louise Bell            | Chair                       |
|                        | Fred Hunt              | Local Trustee               |
|                        | Tony Law               | Local Trustee               |
|                        | Brodie Porter          | Island Planner              |
|                        | Sharon Lloyd-deRosario | Planning Secretary/Recorder |

There were twenty-five (25) members of the public in attendance.

**1. CALL TO ORDER**

Chair Bell called the meeting to order at 5:40 pm and welcomed the members of the public. She advised that the meeting was being held within the Coast Salish First Nation area and then introduced herself, Local Trustees, Island Planner, and Recorder. Chair Bell explained the purpose of the meeting was to receive input and have discussion regarding Vacation Home Rentals on Hornby Island and to hold a Community Information Meeting on the Draft Official Community Plan.

**2. COMMUNITY INFORMATION MEETING**

Chair Bell gave some background as to the status to date regarding Vacation Home Rentals and the Draft Official Community Plan, then invited the trustees to speak on the subject of Vacation Home Rentals prior to the opening of the public comment portion of the meeting.

Trustee Law gave some history going back to 1996 to the present to inform the public as to how the subject of Vacation Home Rentals had come to the attention of the Local Trust Committee and subsequently placed on the Local Trust Committee work program.

Trustee Hunt welcomed everyone to Oak Bay, advising that the Local Trust Committee had held meetings on Hornby Island, and the Vancouver North Shore. He spoke about the bylaw enforcement in the bylaws and on the island. Trustee Hunt stated there initially appeared to be acceptance of the idea of an enforcement policy but opposition to the triggers of advertising and third party management had brought about the proposal in the “Enhancing the status quo” sheet; referring to the bottom right hand corner, as presented in agenda item 2.1.1.

2.1 Vacation Home Rentals

2.1.1 Enhancing the Status Quo

Planner Porter referred to the hand out called “Vacation Home Rentals on Hornby Island – Enhancing the Status Quo” and summarized the tools available to the Local Trust Committee to address vacation home rentals. He went into the technical aspects of the proposal and explained the terms of vacation home rentals as, renting less than 30 days. Planner Porter commented on the challenges associated with the increasing range of activities related to home rentals. He explained the tools that are in place today and their uses such as the Official Community Plan; Land Use Bylaw; Temporary Use Permits, and Bylaw Enforcement Policy which is addressed in the fourth column of the Enhancing the Status Quo section of the hand out.

Chair Bell invited questions from the public for clarification on the hand out.

**Karen Ross** stated that the third trigger regarding ownership may have something to do with land use planning but nothing to do with ownership.

Planner Porter explained that this is not to regulate the user but rather the use of the land; that once the enforcement triggers are defined then option three would come into play.

**Karen Ross** added that you can do what you want in policy, but asked if there was a problem on Hornby now.

Planner Porter responded that he wasn’t aware of any problems at this time, but the Local Trust Committee is taking a proactive approach for the future.

**Michael Lancaster** asked if Temporary Use Permits were a product of the Provincial or Local Government.

Planner Porter replied that Temporary Use Permits are a planning tool from the Province with guidelines falling within the authority of the Local Trust Committee.

**Care Leah** expressed her opposition to the policy, asking why this was happening and stated that Vancouver Island Health Authority and Comox Regional District are the bodies that regulate health and noise issues and asked about the 30 days limitation on occupancy.

Planner Porter explained that the elected Local Trust Committee has Vacation Home Rentals on their work program and that staff are working to support them while looking for effective management of Vacation Home Rentals

Trustee Law gave more clarity as to why the Local Trust Committee had decided to take on this topic; also adding clarity around the 30 day limit stating that it is much like the time line used for a month to month rental, for residential purposes.

**A member of the public** asked if he would be allowed to invite his whole family of twenty to Hornby for a holiday.

Planner Porter replied yes.

**Donna Tuele** asked for clarification of the meaning of Home Occupation.

Planner Porter responded that it is a requirement that the owner lives on the property.

**Donna Tuele** asked where she could read that information, she added that the interpretation of Home Occupation seems a bit loose.

Planner Porter advised the interpretation can be found in the Land Use Bylaw and *Local Government Act*; adding that the Island Planner can also be a resource.

**A member of the public** asked if it was a problem to rent out your house when away on vacation.

Planner Porter replied that your house could not be rented out for less than 30 days.

Trustee Law added that common sense prevails.

Chair Bell added that the use of a Temporary Use Permit is available in instances of commercial and industrial issues, giving an example of a problematic situation.

**Care Leah** asked why renting for over 30 days wasn't considered to be a commercial use.

Planner Porter replied that 30 days is a general standard for residential tenancy.

**Brian Smith** agreed and added that it was universal.

**Katherine Ronan** stated that there are pros and cons of a Temporary Use Permit and asked who was responsible for the structure or building.

Planner Porter responded that there are guidelines in an Official Community Plan for Temporary Use Permits. He added that Temporary Use Permits really focus on the land use element.

**Kathy** commented that as an architect, she felt there probably isn't one house built to code on Hornby Island.

Planner Porter replied that the owner is responsible for building code.

**Peter** commented before leaving, that he likes the proposal; stating that the Local Trust Committee are on the right path.

Another member of the public agreed with Peter's statement.

**Helen Grond** stated that she doesn't see this proposal working and proposed making Vacation Home Rentals a permitted use. It then becomes a homeowner benefit by legalizing and managing it as with the extra income it helps young families pay for their homes and enhances the people living on Hornby.

Trustee Law responded that it might be a good idea to form an organization like a Vacation Home Rental Association for community base monitoring, although he sees a couple of challenges with this:

- 1) a bad scenario next door to you, what do you do
- 2) will members of the Vacation Home Rental Association be accountable

A member of the public asked if there would be any penalties incurred with illegal Vacation Home Rentals.

Planner Porter explained the bylaw enforcement process stating that they are looking for voluntary compliance and if that doesn't work then the Bylaw Enforcement Officer will give options to seek compliance. It can then lead into further legal action in consultation with the Local Trust Committee and courts.

**Karen Ross** referring to residential use spoke to the economic side and security knowing they can hold on to their properties and live residentially year round; she endorsed the Official Community Plan, ½ acre lot – flip to affordable housing. If the Official Community Plan encouraged the use, it could be self regulated by best practices.

Trustee Hunt responded that it could be a permitted use in the Land Use Bylaw as opposed to an accepted use.

Trustee Law asked Planner Porter what the Local Trust Committee would have to look at to allow Vacation Home Rentals.

Planner Porter stated that it would be a challenge to allow Vacation Home Rentals as a residential permitted use in the Land Use Bylaw and have it properly implemented and regulated.

**Brian Smith** stated that this was a very good meeting and congratulated the Local Trust Committee in making sensible changes in the past stating that the island has changed since 1975 with original people farming. He added that there is very limited new economic viability; the majority of properties are owned by absent owners. He agreed with Karen Ross that the Local Trust Committee consider a permitted use in the Official Community Plan and workable in the Land Use Bylaw.

Chair Bell asked if this would be managed or regulated?

Brian Smith responded with “Non-statutory regulations”.

**Karen Rosen**, Victoria resident stated that her property on Hornby sits empty a lot of times, she says a self regulating body makes sense in keeping the economy going.

**Anna Brehmar** suggested that you don’t say you are renting but rather that you have family staying, to avoid the issue.

*Note – Chair Bell briefed the new comers arriving late on what had been discussed.*

**Mike Fenger** stated that he has a record of renting to both friends and islanders and is concerned about limiting of Vacation Home Rentals. He was at a bit of a loss as to what is going into the draft bylaw.

Chair Bell explained to Mr. Fenger that this was covered in detail earlier in the meeting previous to his arrival. Concerned with time restraints Chair Bell said that she would like to move on to the Draft Official Community Plan policies.

Trustee Law referred Mr. Fenger to item 2.1.1 of the agenda regarding the Bylaw Enforcement policies in column four to give him a clear understanding of what was going into the draft bylaw.

Trust Law went on to state that they could possibly hold a third meeting to discuss the following options:

- 1) bottom right triggers
- 2) idea of an Association being formed – look at Land Use Bylaw
- 3) allowing Vacation Home Rentals as a limited use

Trustee Law asked that if anyone had any feedback he would welcome emails up to Monday, April 18<sup>th</sup>.

## 2.2 Official Community Plan Review

Chair Bell invited comments as Planner Porter presented the Draft Official Community Plan revisions.

### 2.2.1 Draft Hornby Official Community Plan Revisions April 2011

Planner Porter addressed the revisions as referenced in the Draft Official Community Plan. There were brief discussions as needed throughout.

Members of the public made the following comments.

**Donna Tuele**, Hornby Island year round resident gave her perspective stating that business would be affected by Vacation Home Rentals; she would like to see it open up to more than 30 days.

The time frame was questioned and the Local Trust Committee stated that they would like to have all their work/bylaws completed before the end of their term in November.

**Karen Ross** spoke against the minimum parcel size in section 6.1.2 adding that it can't happen on ½ acre parcels; give people some flexibility; she doesn't see it being an issue.

Planner Porter gave clarification.

**Helen Grond** spoke regarding joint ownership allowing subdividing. She asked why it is restricted to that area; there should be equal opportunity that all could subdivide.

**Louisa Elkin** stated that the issue is not over densifying if everyone is able to do the same thing for example: subdivide. She was also pleased to see rental housing being addressed.

Chair Bell addressed section 6.3.5 (12 – 13) as being all new and asked the people take some time reviewing this after the meeting.

**Brian Smith** expressed concerns over attendance slipping in the schools and possible closure of it.

Trustee Hunt advised that Community Action Springing Together Group (C.A.S.T.) is rooted around the issues with schools.

**Helen Grond** commented that the language in the background on Vacation Home Rentals seems negative adding that 80% of businesses are directly affected by Vacation Home Rentals.

**Karen Ross** agreed with Helen's comments.

There was a discussion about how changes can be made to the Official Community Plan when new elected trustees are in place.

**Louisa Elkin** stated that it was common for people to camp on their property and rent out their dwelling and doesn't understand why the lot size is restricted, adding where people own larger lots that they don't need the added income help.

**Helen Grond** commented that the language is important and that the word "illegal" makes people look like criminals.

**Karen Ross** added why not use the words "shared activity" instead of "commercial". She added that between the Trust Council policies and the Official Community Plan, Vacation Home Rentals seems to be a gray area.

Chair Bell asked if there were any final questions; there being none she reminded people that they could send in comments via email until April 18<sup>th</sup>.

2.3 Next Steps

Chair Bell advised that there will be another meeting scheduled for the end of the month. She thanked the members of the public for their valuable input.

3. **ADJOURNMENT**

Chair Bell adjourned the meeting at 9:50 pm.

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**RECORDER**

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**CHAIR**