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STVR presentations made on North Pender Island

Christa Grace-Warrick

Short-term vacation rentals (STVR) were on the agenda at North Pender's October 27 Local Trust Committee meeting. Two delegations made presentations; one for and one against the legalization of short-term renting of residential dwellings where the owner does not live on the property. The issue is currently under discussion in the draft document of North Pender's OCP.

Presentation For

Jane Perch and Mick Collins made a presentation on behalf of the Penders' Chamber of Commerce. Twenty-five of the Chamber's 91 members are owners of residential dwellings used as STVR.

Jane Perch stated that many STVR owners bought their properties on the premise that vacation rentals were legal. However they are not legal. Despite the fact that in 1999 Trustee Round and former Trustee Wright removed from the OCP the wording prohibiting less than 30-day rentals of residences, a precedent legal case in Whistler established that removing such wording did not constitute permission for STVR usage in residential areas.

Since the beginning of North Pender's OCP Review, Trustees Round and former Trustee Wright declared a moratorium on prosecution of STVR units pending a new ruling in the OCP. Bylaw enforcement officer, Miles Drew, said he was still enforcing serious or safety complaints.

The estimated total number of residences rented out in this way on the Island is more than 80. Most STVR are owned by people who do not live on the Island at all. (Buying property for speculation and renting it in the interim became popular when the stock market went sour and housing prices were low on the Gulf Islands compared to other areas.) Short-term rentals in the summer months are more profitable than taking on year-round tenants.

The Chamber's position is that tourism (7%) was approximately an equivalent part of the economy as construction (9%). Though it was not stated what portion of tourism was attributed to STVR, Perch said that STVR provided work for females and young people, where construction provided work for males. She stated that STVR provided 50 jobs (she did not state full-time or part-time). Mick Collins stated that 40% of income earned on a STVR was

retained by the owner and 60% was 'passed along.' Perch described this revenue as a 'mortgage helper' for owners who did not live on the property. Collins said that STVR contributed \$2 million to the Pender economy.

Jane Perch had concerns that, should STVR be legalized, they should not be 'over-regulated' as this would lead to its decline. Neither she nor Collins favoured temporary use permits (TUP) as a means of regulation. Deeming TUP as too onerous and 'unreasonable.' They preferred rezoning the properties to the commercial-style usage.

Both Gabriola and Salt Spring, where STVR have become a very contentious issue, are considering TUP regulations.

Presentation Against

Peter Emmings, spokesperson for the North Pender Community Caucus, quoting from a presentation with 36 names on it, urged the trustees not to permit STVR on North Pender. He said that a change as profound as this needed to be justified, and it is not justified. The community caucus supported the current permitted exception, namely a short-term rental use as a home-based business, (ie. where the owner lived on the property).

There is currently accommodation for 300 tourists in legal commercial operations (including Otter Bay) and zoning in place to double this amount, says the Caucus' report.

He said that STVR had neighbourhood impacts. Among several examples, he cited a two bedroom cottage advertised on the internet as 'sleeping 12.' A neighbour stated that on one occasion six partying couples had occupied the building, bringing six cars to a residential street.

Neighbourhoods, Emmings stated, developed when you got to know your neighbours. 'How can you with an STVR next door?' he asked, 'these commercial-style rentals contribute to the destruction of community.' He said STVR encourage transient population and reduce the availability of long-term accommodation rentals.

Emmings, who was applauded by the 40-strong audience several times during his presentation, went on to 'debunk the preposterous theory' that STVR have a net positive impact on the Island's economy. He cited a study by Richard Kerr on Salt Spring which stated that, 'Even if only a quarter of STVRs were

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Island Tides, Box 55, Pender Island, BC, Canada.

Phone: 250-629-3660. Fax: 250-629-3838.

Email: islandtides@islandtides.com.

Website: <http://www.islandtides.com>

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converted to year-round occupancy, these year-round residents would likely spend as much money ... as is currently spent by STVR renters.... Apart from the revenues to owners and rental agencies, the net contribution of illegal vacation rentals to the economy is negative.'

In his study Kerr also stated that 'If current LUBs were enforced some of this business would be diverted to legal operators of resorts, B&Bs and motels.'

Emmings said that legalization of STVR was a 'betrayal of those who bought their homes on the understanding they were moving to a residential neighbourhood.' It was not right that, in the absence of landlords, neighbours had to monitor the activities on these premises. He said that regulation was not viable either by TUP or by setting a cap on the number of STVR in a neighbourhood. Temporary use permits, he said, would be unenforceable.

Responding to the presentations, Trustee Steeves recognized that the activity was commercial. Questioning the use of

rezoning to regulate, he asked, 'Where do you allow commercial enterprises? 'If this commercial enterprise is permitted in residential areas, what next?' He also asked, 'How does it line up with B&Bs?' (which are owner-occupied). 'How does it line up with commercially zoned accommodation?' (which pay commercial taxes and are subject to regulation.)

Trustee Round, whose term of office ends in December, said there had only been two incidences of complaints about STVR. (Yet given the hearsay complaints on the Island, it seems that people have not been reporting annoying activities to the Islands Trust complaints division; though they have certainly been talking about them.) Round said he favoured legalizing STVR and regulating them.

Trustee Steeves made a motion to refer the issue to the APC and to study the presentations in detail. Trustee Round said that this was just delaying the matter. However the motion was carried unanimously. ✍

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