



# STAFF REPORT

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**File No.:**

**To:** Mayne Island Local Trust Committee

**From:** Miles Drew, Bylaw Enforcement Officer

**CC:**

**Date:** For the Mayne Island Local Trust Committee meeting of November 2, 2009

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**Re: Mayne Island Bylaw Enforcement Policy for Short Term Vacation Rentals in Residential Zones**

**BACKGROUND:**

This report follows up on the report of September 18, 2006 which is included below. While the specific number of files has changed the basic circumstances are the same as when the original report was written. At the September 18, 2006 meeting of the Mayne Island LTC the LTC resolved to send the report to the APC for comment. It is unknown if the APC received the report but in any case the LTC has not finally dealt with the original report. STVRs continue to be an enforcement issue on Mayne Island. Several new complaints about them were made this summer. It would be very helpful if the Mayne Island LTC adopted the recommended policy as this would align its policies with those of North Pender, Saturna, and Salt Spring Island LTCs. This would permit a coordinated enforcement strategy to be exercised that will reduce costs and increase effectiveness. A coordinated approach to STVR enforcement is intended to be undertaken this fall and winter in preparation for next summer.

**THE PROPOSAL:**

This report will propose that given the limited resources available for enforcement and the high number of potential enforcement files related to short term vacation rentals that a policy be adopted which outlines a priority for enforcement of STVR files.

**ISSUES SUMMARY:**

A recent survey of vacation accommodations in residential properties on Mayne Island indicated that there may be 31 residences used for STVR. Many of these STVR are advertised in local papers, brochures, or web sites.

The current Islands Trust policy requires that any advertised activity that is not permitted in the local land use bylaw be subject to enforcement without complaint. Recently the bylaw enforcement officer received a complaint that identifies up to 8 properties which may be being used as STVRs and are advertised. It is conceivable that once enforcement starts on one or two STVRs the bylaw enforcement officer will be inundated with copies of such advertisements which will require the opening of a file.

Currently there is no way to differentiate enforcement efforts on these issues. Therefore, a STVR that is only occasionally rented and for which there are no nuisance issues identified are subject to the same enforcement efforts as a STVR which is overtly commercial in nature or for which there are related nuisance problems such as party noise, parking problems etc.

There are currently 10 active files on Mayne Island and in the whole of the Southern Gulf Islands there are only 53 files. Adding 31 new files would overwhelm the available enforcement resources of three days per week. Indeed, the latest complaint will double the number of active files on Mayne Island.

**STAFF COMMENTS:**

The proposal outlined in this report is to establish a method of prioritizing enforcement activities against STVRs on Mayne Island. The proposed enforcement policy will insure that enforcement activities are directed against overtly commercial STVRs and those that create health and safety or serious nuisances. Examples of health, safety, and nuisance issues may be building or health regulation violations, septic field problems, ongoing noise disturbances and traffic congestion cause by too many vacationers. It would also direct that enforcement be undertaken on lots with more than one dwelling used as an STVR or where camping is occurring. Thus it would address circumstances where the scale, density and intensity of vacation rental use on a lot have created a de facto resort or hotel or resulted in a loss of enjoyment to neighbouring residents.

Adoption of this policy will ensure that the most effective use of bylaw enforcement resources.

**RECOMMENDATIONS:**

The Mayne Island Local Trust Committee resolves:

1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement:

1. They are advertised on the internet, newspapers or other media;
2. They are not managed by the property owner;
3. More than one dwelling on the lot is simultaneously made available for STVR;
4. While the property is rented persons are permitted to stay in tents or trailers;
5. There are issues related to health and safety;
6. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR;
7. The owner of the property uses more than one property on Mayne Island as a STVR.

2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;

Miles Drew  
Bylaw Enforcement Officer

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