



# STAFF REPORT

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**File No.:**

**To:** Mayne Island, Local Trust Committee

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

**CC:**

**Date:** For the Mayne Island Local Trust Committee meeting of September 19 , 2011

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**Re: Update on Bylaw Enforcement on Short Term Vacation Rentals**

**THE PROPOSAL:**

The purpose of this report is to update the Mayne Island Local Trust Committee on Short Term Vacation Rental enforcement activities.

**ISSUES SUMMARY:**

The Mayne Island LTC's STVR Enforcement Policy is below:

1. 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. No enforcement actions under section 1.1 will be taken against any STVR operation that takes place in a lawful cottage or dwelling while the operator lives in a lawful dwelling or cottage on the same property.

3. 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.

In February the LTC instructed staff to implement proactive enforcement of the above policy. This spring 15 letters were sent to owners of properties requesting them to stop conducting STVR operations or alter their businesses so that they fall below the enforcement criteria. The properties were identified by researching internet web sites, by reviewing tourist brochures, and by complaints from the public. In July and in August staff attended at all the properties whose owners had not contacted us and stopped advertising and or were still advertising.

Of the original 15 properties staff discovered that 7 owners immediately adjusted their activities or that the properties were not operating STVRs. Some of the properties had new owners but the internet advertising continued to exist. Getting obsolete internet advertising deleted appears to be very difficult if not impossible. Staff is working on getting these sites removed as they give the impression that STVR operations are viable land uses on residential properties.

Four of the properties continue to advertise STVR use but staff has not been able to determine that STVRs still operate. More research is necessary to discover if the advertising is obsolete or if more enforcement is necessary.

Four of the property owners ignored the request to stop operating STVRs or to alter their business practices to comply with the enforcement policy. More communication and enforcement action will be necessary to gain compliance from these owners.

#### **STAFF COMMENTS:**

Staff intends to continue enforcement of the Mayne Island LTC's STVR enforcement policy by:

- continuing efforts to get obsolete web sites removed from the internet;
- renewing communication with owners of properties that still advertise STVR use but staff is uncertain actually still do;
- issuing demand letters from Island Trust lawyers warning property owners who continue to operate STVRs and who have not altered their practices to avoid enforcement that they may be subject to legal action and finally;
- requesting, if necessary, permission from the Mayne Island LTC to take legal action to acquire a court order to prevent unlawful STVR use by non compliant property owners.

If legal action is necessary staff will seek permission from the LTC in February of 2012.

If the LTC does not agree with these steps it may be necessary for it to change the enforcement policy and seek a report from planning staff on how STVR uses may be legalized. Staff are concerned that stopping the current enforcement activity to consider legalization now will seriously jeopardize any future attempts to prevent unlawful STVR uses. Interrupting enforcement activity

now may cause property owners who are currently ignoring requests for voluntary compliance believe that there is never any actual risk of legal action to stop their unlawful activities.

**RECOMMENDATIONS:**

That this report be received for information.

Miles Drew  
Bylaw Enforcement Coordinator

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