

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BOARD POLICY**

**POLICY:** Vacation Rentals Enforcement Policy

**AUTHORITY:** Board Resolution No. **B256/14** dated **September 4, 2014**.  
Administrative Review September 2, 2015

**POLICY STATEMENT:**

The Regional District has discretion on enforcement action with respect to contravention of bylaws that may be occurring within its jurisdiction, based on need, urgency and available resources.

The Regional District supports balancing accountability and confidentiality among the parties to a complaint process to enhance the quality of life and serve the broader public interest effectively and equitably. Confidentiality is applied on enforcement files to reduce the opportunity for intimidation and neighbourhood conflict.

**PURPOSE:**

The purpose of bylaw enforcement is to achieve voluntary compliance with Regional District of Okanagan-Similkameen bylaws. Complaints normally arise where persons do not comply with Regional District bylaws and non-compliance adversely affects or imposes on another party.

The Regional District of Okanagan-Similkameen supports the local economy and encourages entrepreneurship within its jurisdiction, but on the understanding that they have a regulatory role and have a duty to protect residential uses from being negatively impacted by vacation rentals occurring within their neighborhood. In consideration, regulations have been amended to conditionally permit the vacation rental use through issuance of a Temporary Use Permit.

It is believed that issuance of a Temporary Use Permit, which contains provisions and conditions under which the vacation rental must operate, will permit neighbors to enjoy peaceful use of their properties and support the local economy at the same time.

The Regional District of Okanagan-Similkameen shall apply this policy where vacation rentals have not obtained RDOS approval either through a zoning amendment or through issuance of a Temporary Use Permit. This Policy shall also be applied to vacation rentals operating contrary to conditions of a Temporary Use Permit issued for such use.

Vacation rentals that have one or more of the following characteristics will be subject to enforcement:

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1. They are advertised as providing accommodation for less than one month and don't have an agent of the property owner (operator) residing within the Okanagan Similkameen area;
  2. They are not managed by someone who will/can respond to complaints within a 24 hour period.
  3. Persons affiliated with the vacation rental are staying in tents, recreational vehicles or other form of similar accommodation on or near the vacation rental property.
  4. There are issues related to health and safety of the occupants or neighbouring property owners; and
  5. There is a written complaint about bona fide nuisance issues relating to noise, parking congestion or similar activity, related to the use of the property as a vacation rental.

#### **ADMINISTRATION:**

This Policy for enforcement of vacation rental uses overrides the Policy for Bylaw Enforcement Procedures if a conflict between the two is identified.

#### **DEFINITIONS:**

**"compliance"** means discontinuation of the vacation rental including ceasing all advertising offering the home and/or property for temporary accommodation for a period of less than one month. Compliance also means obtaining a Temporary Use Permit for operation of the vacation rental and maintaining the Permit in good standing.

**"vacation rental"** means the use of a residential dwelling unit for the temporary commercial accommodation of paying guests for a period of less than one month. This use does not include bed and breakfast.

#### **RESPONSIBILITIES:**

1. Manager of Development Services – shall administer the bylaw enforcement program
2. Bylaw Enforcement Coordinator – shall be the primary contact for bylaw enforcement actions; shall be the primary contact for the contractors engaged to carry out enforcement
3. Bylaw Enforcement Officer(s) shall attend at site to investigate complaints and carry out enforcement actions.

#### **PROCEDURES:**

1. In consideration that gathering evidence to prove the existence of an operating vacation rental may be difficult to obtain, complainants will be requested to assist in the gathering of evidence and will be advised that they may be requested to file an affidavit if the RDOS pursues legal challenges. Although investigation and enforcement may be initiated if the complainant does not agree to provide an affidavit

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when filing the complaint, the RDOS reserves the right to suspend or cease enforcement efforts at their discretion in situations where the complainant does not provide an affidavit upon request.

2. Due to the nature of vacation rental uses having to confirm reservations well in advance of their stay, it may be impractical to require the activity to cease until full compliance can be achieved.
3. Until such time that full compliance has been achieved, the RDOS may continue to issue tickets in situations where owners/operators are unable to control the actions of the patrons who are negatively impacting neighbouring property owners and/or residents.
4. RDOS Administration is empowered to use discretion in escalating the issuance of tickets depending on the nature of the infractions, cooperation of the owner/operator/manager of the vacation rental, and the extent of negative impact on neighbouring property owners/residents.
5. In instances where the issuance of tickets is not gaining compliance, a report will be prepared to the Board prior to taking legal action.
6. Achieving compliance and recouping outstanding fines and/or costs will be the focus of further action being taken.