

TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 May 25

FROM: GENERAL MANAGER
PLANNING AND DEVELOPMENT **FILE:** 42000 20
GENERAL MANAGER COMMUNITY SAFETY *Reference: Bylaw Amendments*

SUBJECT: ADVANCEMENT OF AMENDMENT BYLAWS RELATED TO SHORT-TERM RENTALS TO FINAL ADOPTION

PURPOSE: To provide information on the next steps to advance the proposed bylaws related to short-term rentals to final adoption.

RECOMMENDATIONS:

1. **THAT** Council rescind third reading of the following bylaws related to short-term rentals:
 - (a) *Burnaby Business Licence Bylaw 2017 (Bylaw No. 14272);*
 - (b) *Burnaby Business Licence Fees Bylaw 2017 (Bylaw No. 14273); and*
 - (c) *Burnaby Bylaw Notice Enforcement Bylaw 2009 (Bylaw No. 14274).*
2. **THAT** Council amend the following bylaws in order to change the effective date from “June 1” to “2022 August 1”, and give third reading of the bylaws as amended:
 - (a) *Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 59, 2020 (Bylaw No. 14271);*
 - (b) *Burnaby Business Licence Bylaw 2017 (Bylaw No. 14272);*
 - (c) *Burnaby Business Licence Fees Bylaw 2017 (Bylaw No. 14273); and*
 - (d) *Burnaby Bylaw Notice Enforcement Bylaw 2009 (Bylaw No. 14274).*
3. **THAT** Council authorize the City Solicitor to bring forward amended bylaws for Bylaw No. 14271, 14272, 14273, and 14274, in accordance with Recommendation 2, to the next Council meeting for consideration of final readings and adoption.

REPORT

1.0 BACKGROUND

On 2020 December 7, Council received a report from the Planning and Development Committee (PDC) which proposed amendments to the *Burnaby Zoning Bylaw 1965*, *Burnaby Business*

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Licence Bylaw 2017, Burnaby Business Licence Fees Bylaw 2017, and Burnaby Bylaw Notice Enforcement Bylaw 2009, regarding short-term rentals. At the meeting, Council authorized the preparation of a bylaw amending the *Burnaby Zoning Bylaw 1965* and its advancement to a future Public Hearing, in order to implement the regulatory framework for short-term rentals. Council also authorized the City Solicitor to bring forward bylaws to amend other related bylaws as noted above to implement the licensing, fee, and enforcement framework for short-term rentals.

On 2020 December 14, the proposed Zoning Bylaw amendments received first reading, while the amendments to the *Burnaby Business Licence Bylaw 2017, Burnaby Business Licence Fees Bylaw 2017, and Burnaby Bylaw Notice Enforcement Bylaw 2009* received first, second, and third readings.

On 2021 January 26, a Public Hearing was held for the proposed Zoning Bylaw amendments related to short-term rentals (Bylaw No. 14271). At the Public Hearing, 49 written submissions and 7 verbal submissions were received, expressing concerns related to 28 and 90 nights maximum rental periods. On 2022 January 24, Council referred the proposed bylaw to the Planning and Development Committee (PDC) for further discussion. On 2022 February 2, the PDC passed a motion to proceed with the advancement of all four bylaws related to short-term rentals (*Burnaby Zoning Bylaw 1965, Burnaby Business Licence Bylaw 2017, Burnaby Business Licence Fees Bylaw 2017, and Burnaby Bylaw Notice Enforcement Bylaw 2009*) to Final Adoption. Subsequently, the proposed Zoning Bylaw amendments received second reading on 2022 February 14.

2.0 POLICY CONTEXT

The proposed amendments to the *Burnaby Zoning Bylaw 1965, Burnaby Business Licence Bylaw 2017, Burnaby Business Licence Fees Bylaw 2017, and Burnaby Bylaw Notice Enforcement Bylaw 2009* related to short-term rentals align with the following Council-adopted policies: *Corporate Strategic Plan (2017), Official Community Plan (1998), Economic Development Strategy (2007), Social Sustainability Strategy (2011), and HOME: Burnaby's Housing and Homelessness Strategy (2021)*.

3.0 PROCEDURAL REQUIREMENTS FOR ADVANCEMENT OF BYLAWS RELATED TO SHORT-TERM RENTALS TO FINAL ADOPTION

To advance the proposed bylaws related to short-term rentals to Final Adoption, Council must grant third reading and final adoption to the bylaw proposing amendments to the *Burnaby Zoning Bylaw 1965* (Bylaw No. 14271). In addition, final adoption must be granted to the bylaws proposing amendments to the *Burnaby Business Licence Bylaw 2017* (Bylaw No. 14272), *Burnaby Business Licence Fees Bylaw 2017* (Bylaw No. 14273), and *Burnaby Bylaw Notice Enforcement Bylaw 2009* (Bylaw No. 14274), at the same time as the final adoption of the Zoning Bylaw amendments.

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Under the *Community Charter*, a bylaw comes into force on the later of the date the bylaw is adopted by Council, and a date set by the bylaw. All proposed bylaws related to short-term rentals include “2021 June 1” as the date when the bylaws come into force. This was to provide a three (3) month delay from the date when the bylaws were originally scheduled for Final Adoption, to commence the program. The delayed commencement date was proposed to allow time for development of the detailed business licence and enforcement program, including the request for proposal process to hire a third party data management firm, coordinating the reporting content and timing with the third party, training staff on the new active enforcement program, and development of materials for the business licencing process.

Given that 2021 June 1, as the date when the bylaws come into force is overdue, it is recommended that the proposed Bylaw No. 14271, 14272, 14273, and 14274 be further amended by replacing an effective date of “2021 June 1” with the new date of “2022 August 1”. The proposed delayed commencement date will provide adequate time for staff to finalize the short-term rentals implementation and enforcement program, including the business licence process, hiring a third party data management firm, and finalizing the communication materials. It should be noted that all other provisions of the bylaws will remain unchanged.

To amend the date when the amendments to the bylaws related to short-term rentals come into force, it is required that Council:

- rescind the third reading of the *Burnaby Business Licence Bylaw 2017* (Bylaw No. 14272), *Burnaby Business Licence Fees Bylaw 2017* (Bylaw No. 14273), and *Burnaby Bylaw Notice Enforcement Bylaw 2009* (Bylaw No. 14274); and
- pass a resolution to amend the effective date of the *Burnaby Zoning Bylaw 1965* (Bylaw No. 14271), *Burnaby Business Licence Bylaw 2017* (Bylaw No. 14272), *Burnaby Business Licence Fees Bylaw 2017* (Bylaw No. 14273), and *Burnaby Bylaw Notice Enforcement Bylaw 2009* (Bylaw No. 14274), from “2022 June 1” to “2022 August 1”, and give Third Reading of the bylaws as amended.

Subsequently, the City Solicitor will bring forward the amended bylaws with a new effective date of “2022 August 1” to the next Council meeting for final readings and adoption.

The requirements under the *Local Government Act* for a public hearing for the amendment to the *Burnaby Zoning Bylaw 1965* (Bylaw No. 14271) and under the *Community Charter* for public notice of the amendments to the bylaws relating to business licencing (Bylaw Nos. 14272, 14273 and 14274) have been completed, and no further public hearing or public notice are required for a change to the effective date of the amendment bylaws.

4.0 CONCLUSION

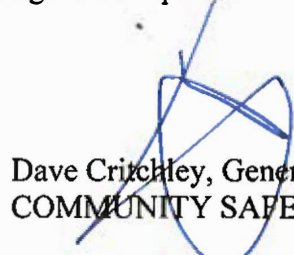
This report provides information on the next steps to advance the bylaws related to short-term rentals to Final Adoption. All proposed bylaws amending the *Burnaby Zoning Bylaw 1965* (Bylaw

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No. 14271), *Burnaby Business Licence Bylaw 2017* (Bylaw No. 14272), *Burnaby Business Licence Fees Bylaw 2017* (Bylaw No. 14273), and *Burnaby Bylaw Notice Enforcement Bylaw 2009* (Bylaw No. 14274) related to short-term rentals include “2021 June 1” as the date when the bylaws come into force. To amend the effective date of the bylaws, it is required that Council rescind the third reading of the bylaws which have received third reading, pass a resolution to amend the effective date from “2021 June 1” to “2022 August 1”, and give third reading of the bylaws as amended. Further, it is recommended that Council authorize the City Solicitor to subsequently bring forward these amended bylaws for consideration of final readings and adoption at the next Council meeting.



E. W. Kozak, General Manager
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Dave Critchley, General Manager
COMMUNITY SAFETY

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Copied to: Deputy Chief Administrative Officer and Chief Financial Officer
General Manager Engineering
General Manager Corporate Services

City Clerk
City Solicitor
Chief Building Inspector