

DISTRICT OF UCLUELET

Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022

A bylaw to amend the "The District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003".

(Amendments to Bed and Breakfast business regulations)

WHEREAS the Council of the District of Ucluelet, has adopted the *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*;

AND WHEREAS Council has deemed it desirable to amend the *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

The *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*, as amended, is hereby further amended by:

1. Text Amendment:

- A. In Section 1 - Interpretation -replace the definition of "Bed & Breakfast" with the following:
 - a. **"Bed & Breakfast"** or **"B&B"** means the accessory use of a single family dwelling where up to a maximum of three bedrooms are used or designated for use as guest rooms, provided in accordance with Section 404 of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended from time to time."

- B. In Section 1 - Interpretation - add the following definitions in appropriate alphabetical order:
 - a. **"Principal Residence – Non-Property Owner"** means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licences, personal identification, vehicle registration and utility bills."

b. **“Principal Residence – Property Owner”** means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant.”

C. In Section 4 – Fees – replace subsections 4.1.a and 4.1.b with the following:

“

1. a) All new applications for business licences shall be accompanied by the applicable application fee in the District of Ucluelet’s Fees and Charges Bylaw 922, 2003, as amended or replaced from time to time.;
- b) All new applications and renewals shall be accompanied by the applicable licence fee in the District of Ucluelet’s Fees and Charges Bylaw 922, 2003, as amended or replaced from time to time.”

D. In Section 4 – Fees – delete subsections 4.1.c and 4.1.d.

E. In Section 5 – Licenses – delete subsection 5.2.

F. In Section 7 – Periods for Licenses – replace subsection 7.1 with the following:

“1. Licenses shall be issued for the period from May 1st to April 30th of the following year.”

G. In Section 10 – Accommodation Classifications – delete subsection 10.2.

H. In Section 10 – Accommodation Classifications – add the following subsection 6:

“6. Bed & Breakfast accommodations:

- 6.1 A requirement of this Bylaw pertaining to Bed & Breakfasts does not abrogate the application of any other requirements contained herein that are generally applicable to all businesses.
- 6.2 An owner may not hold more than one (1) Bed & Breakfast licence.
- 6.3 No person shall operate a Bed & Breakfast unless the premises can be demonstrated to be that person’s Principal Residence - Non-Property Owner (in the instance where the operator does not own the property) or Principle Residence - Property Owner (in the instance where the operator does own the property).
- 6.4 Notwithstanding the requirements of Section 6.3, if the operator is the property owner, it is the first year of home ownership and home ownership occurred after the property tax deadline date, the operator must demonstrate Principle Residence - Non-Property Owner.
- 6.5 No person shall operate a Bed & Breakfast without a valid and subsisting licence.
- 6.6 No person shall offer or advertise a Bed & Breakfast without a valid licence in respect of such Bed & Breakfast.
- 6.7 Bed & Breakfasts are subject to inspection by a Licence Inspector once every three (3) years, whether or not the B&B has been continuously licensed during that period. At the discretion of the Building Official, the

inspection required at the time of initial application may be waived if the subject property has been subject to a full inspection under a Building Permit within the previous three years.

- 6.8 Any person making an application for a Bed & Breakfast Licence shall at the time of making such application, in addition to the general requirements under this Bylaw, provide:
- a. proof of ownership of the premises from which the B&B will be operated;
 - b. proof of Principal Residence – Non-Property-Owner or proof of Principal Residence – Property Owner, whichever is applicable, unless exempt under section 6.4;
 - c. contact information for the business operator and consent to allow this contact information to be made publicly available, including on-line and to guests of the B&B;
- 6.9 The operator of a B&B must remain available to respond to inquiries or problems raised by guests by phone within 15 minutes and in person within 6 hours;
- 6.10 In considering an application for a Bed & Breakfast, the Licence Inspector may:
- a. consider whether a B&B licence held by the applicant has been revoked in the preceding two (2) licence periods; and
 - b. require an inspection of the premises from which the B&B will be operated notwithstanding that, a Licence Inspector may grant approval of the application without an inspection subject to the condition that if upon subsequent inspection, the B&B fails to comply with the requirements of this Bylaw, the Licence Inspector shall suspend or cancel the licence.”

- I. In Section 10 – Accommodation Classifications – add the following subsection 7:

“7. Advertising Accommodations

- 7.1 Every online advertisement for a *Bed & Breakfast, Vacation Rental or Guest House* must disclose, in respect of the accommodation being advertised:
- a. a valid Ucluelet business licence number;
 - b. the number of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the tourist accommodation business are permitted to bring to the premises; and
 - c. the maximum permitted guest-occupancy applicable to the tourist accommodation business, pursuant to the Zoning Bylaw.
- 7.2 The Licence holder for a *Bed & Breakfast, Vacation Rental or Guest House* is responsible to display a licence sign conforming to the standard provided by the District in an exterior location near the property line and visible from the street (e.g., adjacent to the required civic address sign) showing:
- a. the business licence number;
 - b. maximum occupancy;
 - c. maximum number of guest vehicles; and,

d. a contact number for the licence holder / operator of the tourist accommodation.

J. In Section 10 – Accommodation Classifications – add the following subsection 8:

“8. Guest Bookings

8.1 Every person carrying on the business of a *Bed & Breakfast, Vacation Rental or Guest House* must provide to the District upon request, booking records as produced directly from each online listing platform used to advertise the licensed premises in the current calendar year, on any day of the year between the hours of 8:00 am and 8:00 pm.”

K. In Schedule “A” – Application and Licence Fees – delete schedule ‘A’ in its entirety.

2. Effective Date:

- A. This Bylaw comes into force and effect on the date it is adopted by the District of Ucluelet Council.
- B. Notwithstanding 2.A, the provisions of subsections **10.7 Advertising Accommodations** and **10.8 Guest Registry** come into force on May 1, 2023.

3. Citation:

This bylaw may be cited as “*District of Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022*”.

READ A FIRST TIME this day of , **2022.**

READ A SECOND TIME this day of , **2022.**

READ A THIRD TIME this day of , **2022.**

PUBLIC NOTICE GIVEN in the , **2022** and , **2022** issues of *The Westerly News*

ADOPTED this day of , **2022.**

CERTIFIED A TRUE AND CORRECT COPY of “*District of Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022.*”

Mayco Noël
Mayor

Deputy Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Deputy Corporate Officer