

Condo Smarts November 10, 2021

Short Term Rentals and accommodations: The times they are a changing

Dear Tony: I purchased 3 units in 2018 in the same building in Coal Harbour. One was for my residence and the other 2 were for investment that I have used for Air BnB. At the time of the purchase the agent told me I would be exempt from any rental bylaws because the developer filed a rental exemption. At our annual meeting in October our strata corporation passed a bylaw that prohibits short term accommodations, and I have been informed that I am not exempt from a short-term accommodation bylaw, and I will be subject to a fine of \$1,000 a day if I rent out my unit. The bylaw also prohibits my ability to list or advertise my units available on Air BnB. Why are investors not excluded from these bylaws when there was an exemption filed? Is there a difference between accommodations and rentals? CV M.

Dear CV: The rental disclosure that was filed for buildings as of January 1, 2010, exempts strata lots for the prescribed period from rental restriction bylaws, but only for the purpose of tenancies that are rentals of 30 days or longer. These are long term rentals. Short term rentals/accommodations are not tenancies under the Residential Tenancy Act. They are a business activity. Whether they are called rentals or accommodations is no difference. It is the period of the occupancy that determines the exemptions and the application and enforcement of bylaws. Unfortunately, the information that was provided to you may not have been accurate or was misunderstood. If you can confirm the information was misleading or incorrect you may have a cause of action against the agent. The strata corporation bylaw is enforceable along with the fines that prohibit short term rentals, although you are still eligible to rent your investment units for long term tenancies. As a resident of Vancouver, the municipal bylaws also apply. The Vancouver bylaw restricts short term rentals to only the principal residence of an owner, or tenant who has been granted permission of a landlord for short term rentals, and, if a strata corporation does not prohibit short term rentals. Even if your strata corporation did not prohibit short term accommodations, under the city bylaw you would not be permitted to rent your additional investment units as short-term rentals and would be subject to fines of up to \$1,000 per violation. All short-term rental operators in Vancouver must have a business licence and include their licence number in all online listings and advertising. You may only operate a short-term rental with a license in the City of Vancouver out of your principal residence if your strata corporation does not prohibit short term rentals/accommodations. Investors and strata corporations in BC need to check their local municipal office as many new bylaws are being considered and introduced that reflect similar limitations as the City of Vancouver. The objective of the municipal bylaws is to permit principal owners/tenants to enjoy the benefits of short-term rental activities, while at the same time not impacting the long-term rental housing stock. Before you advertise or post your strata lots for short term accommodations, check your strata corporation and local city bylaws. The City of Victoria and City of Kelowna for example, also require a license to operate short term rentals with varying conditions.

Tony Gioventu, Executive Director CHOA

Always include your strata plan number if you are requesting assistance.

Kindly note CHOA is a member-based, non-profit association. If your strata is not currently a CHOA member please consider joining – membership details are posted on our website at: <https://www.choa.bc.ca/about-choa/join-choa/>

Join us this Fall in the ‘Condo Classroom’: Both weekday and weekend registration options for the convenience of attendees! For more information visit our website at:
<https://www.choa.bc.ca/seminars/>

COVID-19: To prevent the spread of COVID-19 CHOA staff may be working remotely. During this time we are online and available by phone and email to assist with your strata questions. Please stay safe and healthy.