

From: Anthony Law [REDACTED]
Sent: Tuesday, February 28, 2023 1:40 PM
To: Grant Scott; Alex Allen; northinfo; Timothy Peterson
Subject: Vacation Rental meeting
Attachments: Vacation Rental Meeting - Letter to Hornby Island LTC - TLaw
28.02.2023.pdf

Hi Tim, Alex and Grant - Hornby Island LTC:

Attached is a letter for your consideration.

Thanks.

Tony Law

Tony Law



28 February 2022

Dear Alex, Grant and Tim:

After attending yesterday's meeting, I have some significant concerns about how it was conducted.

1. Lack of regard for the APC's work.

The Advisory Planning Commission, acting on a referral of the LTC, diligently worked on preparing recommendations presented in March 2022.

It is my understanding that planning staff were not available to prepare draft amending bylaws based on these recommendations so instead consultants were hired to do this work.

At yesterday's meeting, almost a year later, all that was presented were three vaguely outlined options.

The APC's work was barely referenced or acknowledged by the trustees or consultants.

A year later, no substantive progress has been made, as I see it.
(The community volunteers on the APC must be feeling quite discouraged.)

2) Untimely and disruptive poll

Immediately after the brief overview of the options a poll was conducted on preferences. This was BEFORE the question and answer period which would have given participants a better understanding of the options and some time to analyze and reflect on them while hearing other community members' perspectives on the options.

I fear that this poll unnecessarily created divisiveness rather than fostering collective problem solving.

Vacation rental operators are organized through HISTRA which has an established position with members attending yesterday likely voting for Option 1 – no change – in line with the established position

The rest of us in the community are not organized and likely have a range of perspectives, with many still no doubt seeking more information before taking a position on an option.

I fear that some will claim that because Option 1 was the most-chosen option, this indicates there should be more change.

The reality is:

Most meeting participants did not vote for Option 1, but indicated other responses.

3) Inadequate meeting preparation and facilitation

In addition to the disruptive poll, there had been inadequate preparation to enable broad participation by attendees.

The “chat” option was disabled for a good part of the meeting.

Speakers were allowed to ramble on with personal anecdotes while others didn’t have an opportunity to speak (at Trust Council meetings, speakers are given a time limit).

One speaker was given preferential treatment – advanced through the speakers list and allowed to read a prepared statement – hardly appropriate for a question and answer period in which people were asked to respond to what had just been presented.

The material presented was not available for view (either on screen or through a downloadable document) which would have enabled participants to review and refer to what they were being asked to comment on.

4) Misleading and inappropriate statements by the consultants

The consultants provided misleading and inappropriate information in response to questions and in their power point.

a) Regulation of vacation rentals

The consultants could have provided clarity about how vacation rentals are regulated elsewhere in response to Trustee Scott’s question. Instead, they presented a vague and inaccurate picture of vacation rentals happening on other islands and on Vancouver Island.

The reality is that on other islands in the Trust Area, vacation rentals are either not permitted at all or only through a temporary use permit.

And on Vancouver Island, vacation rentals are generally either not permitted (as in Comox Valley, Nanaimo and Capital Regional Districts) or are permitted through a business licence (as in Cumberland, Tofino, Ucluelet and Metchosin).

Elsewhere in BC, increasingly municipalities are using business licenses and regional districts using temporary use permits.

b) “Guest Capacity of a STVR is gauged only by bedrooms”

According to the Land Use Bylaw, guest capacity is also influenced by the number of beds: *“A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than 1.0 hectare, or more than four bedrooms if the lot has an area of 1.0 hectare or more.”*

c) “There is no clear proof that STVR’s take long term rental out of the market”

This is counter to these more authoritative conclusions:

The proliferation of short-term rental opportunities through platforms such as Airbnb has had the impact of contributing towards demand by making investment in residential real estate more desirable, and further drawing down already limited long-term rental stock in communities across the province.

- A Home for Everyone: A Housing Strategy for British Columbians, 2018 - Union of BC Municipalities

The proliferation of STRs leads to a worsening of both housing availability and affordability system-wide and over time, with non-principal dwelling unit STRs being the main culprit.

STRs are growing faster, concentrating faster, and removing housing from the long-term market faster in rural areas

In Tofino, British Columbia, approximately 18% of all housing units were lost to STR on Airbnb in 2018.

- Regulating Short-Term Rentals A Toolkit for Canadian Local Governments, June 2021 prepared for the Federation of Canadian Municipalities)

The potential for earning revenue from short-term rental use of properties (whole or in part) often supports higher property prices than local incomes can support.

The use of housing units for travellers has reduced long-term rental housing capacity at a time when housing availability and costs are already under pressure.

As 70% of B.C.’s renter households rely on secondary rental market housing, and in some communities up to 100% of rental housing is in the secondary market, there is a strong case for responding to the potential impacts of short-term rentals even in lieu of appropriate data sources.

- Priorities for Action on Short-Term Rentals, June 2021, Province of BC and Union of BC Municipalities Advisory Group

It would have been more accurate, and less biased, for the consultants to say;

“There is no clear evidence of the extent to which Hornby Island is immune from the impacts of vacation rentals upon housing affordability and availability.”

d) “STVR’s are not considered commercial uses by the province”

“Technically short-term rentals are a licence to occupy and a commercial use”.

- BC Government website

e) “Allow one ADU on every residential property”

This proposal irresponsibly promotes unrealistic expectations by ignoring the reality that the Islands Trust Policy Statement requires that *“neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater”* and that the health authority is unlikely to support additional dwellings on small lots.

Conclusion

I fear the expense of hiring consultants has not advanced the process beyond what the APC had accomplished this time last year – and they may have set things back.

It is unfortunate that a decision was made to hire consultants without more exploration of how island planners - hired by the Islands Trust to do island planning - could have been the ones to carry out this important island planning task. They they have knowledge of the islands and communities and of planning history and policy. (Couldn't contractors have been hired instead to work on the more mundane tasks of application processing? It would have been so much more productive if, say Planner Zupanec had been assigned to do this task with her strong understanding of the island, previous processes around vacation rentals and familiarity with island legislative processes). As it is, Islands Trust staff are going to have to address what this consultation process has failed to accomplish.

This letter has been somewhat critical. Sorry!

I will follow up with some constructive suggestions about moving forward.

I think this should involve Islands Trust planning staff to work closely with the APC to build on the work they have done plus whatever of value might have emerged from consultants' engagement.

I think it also involves more leadership from the LTC.

Thank you for considering this.

Sincerely,
Tony Law