

From: HISTRA Association <hornbyshortterm@gmail.com>

Sent: Saturday, December 2, 2023 2:51 PM

To: david.eby.MLA@leg.bc.ca; premier@gov.bc.ca

Cc: Patrick Lui; Michael Williams; Michelle Metzelaar-Easterly; Arifin Graham; Eulala Mills; Karen Young; Angela Hudson; Karen; Donna Tuele; Ray Therrien; northinfo; josie.osborne.MLA@leg.bc.ca; ITACS.Minister@gov.bc.ca

Subject: Urgent Appeal to Preserve Community Stability and Property Rights

Good Afternoon Premier Eby,

We represent more than 80 legally operating Vacation Rentals on Hornby Island. Most of us are full or part time residents with deep roots in this community. We are the opposite of the 'Investor' Vacation Rental owners your recent legislation was designed to affect.

On Hornby, in our current zoning bylaws, Vacation Rentals have a limited window for operation, May to September, host guests on average less than 10 weeks of the year, cannot rent to multiple groups in a single week, have limits on capacity and require appropriate signage and parking. They are well managed by current bylaws and do not remove housing from the community. Our Local Trust Committee is considering changes to these bylaws that, combined with the new Provincial law, could end ALL vacation rentals on Hornby Island. This will devastate our community – residents, workers, artists, food services, businesses and the community members who use short term rental to keep and maintain their family properties.

Our members, combined with those who have not yet joined our Association, and our guests, annually contribute \$4 million to the local economy as well as 75% of the expected \$50,000 or more in direct funding that supports affordable worker housing, through Municipal & Regional District Tax Program (MRDT) funds.

Hornby has a very long history of vacation rentals as visitor accommodation. We have only a few small cabin-style resorts and the community does not want more. The workers of Hornby also have limited access to off-island work. It is too far from Vancouver Island to commute and, at this point, we have poor internet and cell phone coverage. Many here depend on Vacation Rental visitors for their livelihoods. Removing the Vacation Rental contribution to our island will be the equivalent of removing 20% of our workforce's average income.

Vacation Rentals on Hornby are offered by a mix of full and part time residents; more than 90% say they are homes not investments. We are not the 'commercial' investors the provincial regulations are aimed at removing. We are residents who use a currently legal property right to stay in our homes in the face of rising costs.

We also have a seasonal and project-based workforce that need to be housed while they work on the island. These are often 4 to 8 week projects, and, because they have not been 'short term', have been allowed throughout the year. Hornby, like other rural and remote islands, relies on these temporary housing arrangements to keep its economic and workforce engines running. The Provincial changes to make rentals below 90 days 'short term' along with our current bylaws limiting short term rentals to May to September means that this would not be possible starting next year, creating real hardship for our community and all of its citizens

Unlike in urban areas, homes no longer allowed to offer Vacation Rentals will not create long-term housing on Hornby. Most owners live full or part time in their properties, so these homes are not available for long term rental. Many are 'family legacy' properties, having passed through two, often three generations. These families use Vacation Rentals to enable them to remain in the community. If forced to sell, most of these properties will become rarely used vacation properties, which will not create any housing. On Hornby, 95% of Vacation Rentals say they do so to pay their, largely unreduced, property taxes, 82% to allow them to support more local stores and business. More than 90% report they will not become long-term rental properties if the Vacation Rental option is closed to them.

The MRDT, added to Vacation Rentals on Hornby in 2022, provides regular and annual funding that supports affordable worker housing on Hornby. That was our main purpose in joining the MRDT program. Information about these visitor paid dollars shows that the currently operating Vacation Rentals, contribute 75% of the \$50,000 a year that will support the work of creating, expanding and maintaining affordable housing in our community. If Vacation Rentals can no longer operate that will drop to around \$10,000 and seriously damage the efforts to address our community's pressing housing needs.

We strongly support the requirement for Vacation Rental registration and the enabling of Regional Districts to provide business licensing. This is an important change that will create transparency for Vacation Rentals on Hornby and throughout the province.

We also understand there is a need to return some housing to long-term tenure. However, we strongly urge you to reconsider the changes to legal non-conforming use principle. This principle has been confirmed in case law across Canada and we feel the dollars spent defending it against class action and other lawsuits would be far better used to fund affordable and subsidized housing.

The reason the legal non-conforming use is embedded in the zoning process is to prevent retroactive injustice from being imposed upon the landowner. By removing that protection you leave every property owner in BC open to significant harms from the loss of rights they legally exercised and held when they purchased the property. We believe these protections must be upheld.

If, however, as many are loudly calling for, retracting the Vacation Rental specific change to legal non-conforming property rights is a step too far, then we urge you to consider the following:

Revise the changes to legal non-conforming rights to have them end when the property is sold at arm's length. This then protects the current family, who have operated in good faith and according to the laws, at the time a property use change is implemented. It

also ensures that governments at all levels can affect a policy shift in housing as legal non-conforming rights would not continue in perpetuity with the property.

We close with this: each community is unique in many ways and should determine where and how Vacation Rentals fit into their tourism and housing. Property owners must be protected from harm when, through no fault of their own, legal frameworks change. The context of real estate in urban centres is very different than that in rural, remote communities. Your legislation has gone partway in recognizing these realities. Fixing the harms inflicted on landowners by mitigating the change to the legal non-conforming regulations for current owners, and returning the property to current bylaw requirements at the time of an arm's length sale, can take you the rest of the way.

Sincerely,

The Hornby Island Short Term Rental Association (HISTRA) Board (www.histra.ca)

Michael Williams, Patrick Lui, Eulala Mills, Arifin Graham, Michelle Easterly, Donna Tuele, Karen Young, Angela Hudson, Ray Therrien, Karen Ross.