

## RESORT MUNICIPALITY OF WHISTLER

### ZONING AMENDMENT BYLAW (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017

#### A BYLAW TO AMEND ZONING AND PARKING BYLAW NO. 303, 2015

**WHEREAS** the Council has enacted a zoning bylaw; and

**WHEREAS** the Resort Municipality of Whistler has, since incorporation, been the grantee of numerous rental pool covenants granted under s. 219 of the *Land Title Act* and predecessor legislation, by which the grantors agreed to use buildings on the covenanted land in such a way as to ensure that the use of the buildings maximizes the number of persons able to visit and stay in the Resort Municipality of Whistler; and

**WHEREAS** the Council wishes to include in the zoning bylaw provisions related to the use of specified properties that are considered to be the core visitor accommodation bed base, that are generally consistent with the provisions in Hotel and Phase 2 rental pool covenants; and

**WHEREAS**, to the extent that the lands that are dealt with in this bylaw are subject to a land use contract, it is the Council's intention that the zoning bylaw, including the provisions that are added to the zoning bylaw by this Bylaw, will apply to those lands upon the termination of the land use contract;

**NOW THEREFORE** the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017".

2. Zoning and Parking Bylaw No. 303, 2015 is amended in Part 5 General Regulations, by changing the heading of Section 18 to "**Hotel, Inn, Lodge and Tourist Accommodation – Additional Use Regulations**" and by adding to Section 18 the following regulations:

"(4) In subsections (5) to (9):

"**Hotel and Phase 2 rental pool arrangement**" means an arrangement by which tourist accommodation properties are managed and made available for temporary lodging by visitors and unit owners in accordance with this Section 18;

"**registered owner**" means the person registered in the Land Title Office as owner in fee simple or lessee of a unit, or where there is a registered agreement for sale of the unit, the registered holder of the last registered agreement for sale;

"**unit**" means a unit of accommodation, including any guest room, sleeping unit, habitable room or rooms, or dwelling unit located within a tourist accommodation property; and

"**unit owner**" means the registered owner of a unit and the spouse, children and parents of such registered owner and the parents of the registered owner's spouse; and where there is more than one registered owner of a unit, all the registered owners and their spouses, children, parents and the parents of their spouses shall together constitute the unit owner for that unit and, where the registered owner is a corporation or corporations, all

directors, officers, shareholders and employees and the spouses, children and parents of each of them shall together with the corporation or corporations constitute the unit owner for that unit, all to the intent that no unit shall have more than one unit owner.

- (5) The properties identified in Table 5B shall be used only in accordance with subsections (6) through (8).
- (6) The properties identified in Table 5B must be used or made available for use at all times for temporary lodging by visitors to the Resort Municipality of Whistler by means of a Hotel and Phase 2 rental pool arrangement that is applicable to, at a minimum, each and every accommodation unit in the same building, or group of buildings on the same parcel or in the same strata plan, with the exception of:
  - (a) unit owner accommodation use of a unit that complies with the requirements of a Hotel and Phase 2 rental pool arrangement and any applicable covenant granted to the Resort Municipality of Whistler under s. 219 of the *Land Title Act* or predecessor legislation;
  - (b) unit owner accommodation use of a unit where the unit owner is paying the market rate for lodging on the same basis as a visitor to the Resort Municipality; and
  - (c) the use of the unit by owners of time share interests in a unit for which a documented time share arrangement such as a time share use plan or time share ownership plan filed pursuant to the *Real Estate Development Marketing Act* was in existence on May 23, 2017 provided that the use complies with the requirements of the applicable time share arrangement.
- (7) The Hotel and Phase 2 rental pool arrangement mentioned in subsection (6) must be operated by a single professional rental pool manager providing integrated booking, reception, cleaning, laundry, and other services normally associated with the provision and management of commercial tourist accommodation, to every accommodation unit in the same building, or group of buildings on the same parcel or in the same strata plan.
- (8) No use or occupancy of a property identified in Table 5B is permitted unless the lobby required by subsection (1) and Table 5A includes a front desk that provides service 24 hours per day and must be used by each guest and unit owner to register their arrival and departure, and the following facilities, in addition to the facilities required by subsection (1) and Table 5A, are provided and in operation in the building in which the property is located, or in an adjacent building comprising part of the same property:
  - (a) a uniform key entry system operated by the rental pool manager at the front desk to provide authorized access to each accommodation unit within the property or in any time share arrangement described in paragraph (6)(c);
  - (b) housekeeping and building maintenance services; and

- (c) a central telephone system operated by the rental pool manager to provide communication between the front desk and each accommodation unit.
- (9) Every rental pool manager operating a Hotel and Phase 2 rental pool arrangement described in this Section 18 requires a business licence issued by the Resort Municipality.
- (10) For certainty, Phase 2 rental pool arrangements required by this Section 18:
- (a) may include arrangements by which a strata corporation, directly or through an intermediate entity, makes all of the strata lots in its strata plan available from a common rental pool for temporary lodging by visitors and provides the services described in subsections (7) and (8) in respect of those strata lots; and
- (b) may provide for the sharing of rental revenues among tourist accommodation unit owners in any way the parties in the arrangement may determine.”

3. Zoning and Parking Bylaw No. 303, 2015 is further amended in Part 5 General Regulations, by adding to Section 19 the following table:

**Table 5B Hotel and Phase 2 Rental Pool Accommodation**

<b>Property Name</b>	<b>Plan Number</b>	<b>Subdivision Lot Numbers (Accommodation Units)</b>
Aava Whistler Hotel	19101	59
Adara Hotel	VAS1858	14-55
AlpenGlow	LMS2818	1-87
Blackcomb Lodge	VAS877	2-73
Clocktower	VAS883	2-16
Coast Blackcomb Suites	LMS2364	1-119, 121-187
Crystal Lodge – North	BCS3891	15-82
Crystal Lodge – South	LMP29105	A
Delta Whistler Village Suites	LMS2940	22-252, 254-303
Executive Inn	VAS960	3-39
Fairmont	VAP21501	7
Four Seasons Resort Whistler	BCS825	8-20, 22-250
Hilton Whistler Resort	VAS1218	4-166
Hilton Whistler Resort	VAS2359	1-126
Listel Whistler Hotel	VAS2217	4-23, 26-53, 55-104
Montebello	LMP44058	1
Mountainside Lodge	VAS1026	3-68, 70-91
Nita Lake Lodge	BCS2647	5-14, 16-82
Pan Pacific Lodge Mountainside	LMS3028	1-121
Pan Pacific Lodge Village	BCS1348	12-94
Pinnacle International Hotel	LMS2611	12-95
Powders Edge (Hilton)	VAS2126	4-9
Summit Lodge and Spa	LMP219	19

Sundial Boutique Hotel	VAS1570	18-66
Westin Resort and Spa	LMS4089	3-421
Whistler Cascade Lodge	LMS3230	1-17, 23-167
Whistler Peak Lodge	LMS1847	551-566, 570-589, 591-662, 665-680
Whistler Village Inn + Suites	VAS953	1-31, 33-68
Whistlerview	VAS963	1-9

Given FIRST and SECOND readings this 23rd day of May, 2017.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this 6<sup>th</sup> day of June 2017.

Given THIRD reading as revised this 4<sup>th</sup> day of July, 2017.

Approved by the Minister of Transportation this 6<sup>th</sup> day of July, 2017.

ADOPTED by the Council this 18<sup>th</sup> day of July, 2017.

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Nancy Wilhelm-Morden,  
Mayor

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Brooke Browning,  
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of  
Zoning Amendment Bylaw (Hotel and Phase 2  
Rental Pool Accommodation) No. 2140, 2017.

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Brooke Browning,  
Municipal Clerk