



THE RESORT MUNICIPALITY OF WHISTLER
COUNCIL POLICY

POLICY NUMBER: G-26

DATE OF RESOLUTION: May 23, 2017

NAME: Tourist Accommodation Properties Zoning and Covenant Use Provisions

1.0 SCOPE OF POLICY

This policy applies to all properties within the municipality that are zoned or are regulated by a land use contract to allow tourist accommodation or temporary lodging as a permitted use. The policy also addresses illegal rentals of residential accommodations that are not permitted tourist accommodation or temporary lodging.

2.0 PURPOSE

In broad terms, this policy is intended to clarify the Resort Municipality of Whistler's (RMOW's) position on provisions included in tourist accommodation covenants, and to provide direction on regulations that will be used to either maintain, clarify and/or reinforce those provisions.

With respect to Phase 1 covenanted properties, the policies are intended to *clarify* the covenant provisions aimed at achieving the guiding principles below. For Phase 2 covenanted properties, the policies herein are intended to *reinforce* the covenant provisions aimed at achieving the guiding principles.

3.0 BACKGROUND

3.1 Historic 'Warm Bed Policy' and Covenant Approach

Whistler's early plans created the foundation for the success of Whistler's tourism and visitor accommodation offerings – helping to ensure: an adequate supply; a mix of types in appropriate locations; and their active use (i.e., warm beds). Whistler's early Official Community Plans (OCPs) articulated the 'warm bed policy' for public beds (i.e., tourist accommodation) by stating the intent to "ensure that all tourism commercial accommodation will be maintained in the form of public beds through the registration and enforcement of restrictive covenants under the Land Titles Act...".

The early OCPs refer to the property covenants on title as the mechanism for achieving warm beds; called rental pool covenants, they help to ensure accommodations are available for visitor use by limiting owner use. The 'warm bed policy,' also supported by zoning restrictions, has helped to achieve a secure supply of overnight accommodation available to Whistler's visitors in proximity to its amenities.

Whistler's visitor accommodation mix and inventory, established over 30 to 40 years ago, now includes a diverse offering of commercial accommodations such as hotels, inns and lodges, as well as accommodations that may be used for either residential use or visitor use. This mix is important to providing the diversity of offerings to meet visitor needs, and hotels (including

Phase 2 properties), which have the most restrictive rental pool covenants to ensure availability for visitor use, are critical to Whistler's 'warm bed policy' and to a number of visitor markets such as the conference, Asian, and group markets.

The RMOW now has a variety of regulations that currently guide the way the many different accommodation types can be used and rented, and the supply, mix and availability of the inventory has generally been working well to meet diverse visitor needs and to support Whistler's tourism economy.

In recent years, Whistler's commercial accommodation sector has been experiencing stronger economic performance than before: higher occupancy rates, higher average daily room rates (ADR), and positive Returns on Investment (ROI) for unit owners.

- Paid occupancy continues to increase for both summer and winter seasons, and the number of days over 85% occupancy is increasing. At 60-65% occupancy, properties are making a good ROI and are able to reinvest/renovate.
- Visitor satisfaction is high for all accommodation types.
- Spending in the visitor accommodation sector has grown (Economic Partnership Initiative 2016 report).

3.2 Tourist Accommodation Review Project

While Whistler's accommodation inventory is working well to support visitor demand and the resort economy, trends in tourism and accommodation booking have evolved over the past five years with the proliferation of online booking platforms and their rapid growth in accommodation listings and guest bookings. The RMOW Tourism Accommodation (TA) Review project, undertaken in 2016-17, was initiated to address these evolving market trends, and a number of other drivers, including:

- Trends in accommodation booking and operations.
- Visitor trends and expectations for accommodation types, amenities and services.
- Pressures on the supply and utilization of Whistler's tourist accommodation units.
- Pressures on the supply and utilization of Whistler's residential properties for illegal nightly rentals and paid visitor stays.

The project purpose was to review and modify existing and/or develop new RMOW policies, regulations and other legal mechanisms governing Whistler's tourist accommodation properties to better meet the changing needs of Whistler's visitors and the resort community.

The project included a detailed situation analysis prior to policy and regulation review and revisions/development. The situation analysis included these key elements: a scan of the trends affecting Whistler's tourist accommodation sector; a review of Whistler's tourist accommodation policies and regulations; the development of a detailed inventory of Whistler's tourist accommodation properties; and interviews with key resort community partner organizations (Tourism Whistler, Whistler Chamber of Commerce, and Whistler Blackcomb) and tourist accommodation sector stakeholders to better understand the situation from first-hand experience.

3.3 Tourist Accommodation Inventory Overview

The TA Review project inventory process resulted in a database of properties where the zoning or land use contract permitted some form of tourist accommodation. The database includes attributes for each property, such as BC Assessment information (e.g., assessment class and assessed value), zoning, property type (strata or non-strata) and the registration numbers of rental pool covenants. In total the database comprises approximately 7,700 records each representing a titled property.

Whistler's tourism accommodation inventory, according to the three accommodation categories outlined in this policy and described below, includes: approximately 4,024 units and 31 properties within the "Hotel and Phase 2 Rental Pool Accommodations" category (hotels and Phase 2 properties); approximately 3,132 units and 55 properties within the "Tourist Accommodation Dwellings With Phase 1 Rental Pool" category (properties with Phase 1 rental pool covenants); and approximately 2,263 units and 104 properties within the "Tourist Accommodation Dwellings With No Rental Pool" category (properties without rental pool covenants).

Accommodation Categories	Properties	Accommodation Units
Hotel and Phase 2 Rental Pool Accommodations	31	4,024
Tourist Accommodation Dwellings With Phase 1 Rental Pool	55	3,132
Tourist Accommodation Dwellings With No Rental Pool	104	2,263
Total	190	9,419

4.0 GUIDING PRINCIPLES

The principles listed below guided the TA Review project and are the foundation of this Council Policy. They were drawn from existing RMOW policies, regulations and plans.

- Protect the visitor accommodation bed base.
- Maintain 'warm beds'.
- Support the visitor experience and service quality levels.
- Provide a range of accommodation types and arrangements to meet diverse visitor demographics and needs.
- Support efficient property management, operations, maintenance and reinvestment in accommodation offering.
- Provide clarity and certainty regarding tourist accommodation use requirements and rental arrangements.
- Remove RMOW from involvement in tourist accommodation property management issues.
- Prohibit nightly rentals in residential areas (i.e., properties not zoned for temporary lodging or temporary accommodation).

5.0 POLICIES

5.1 General Policies

1. Recognize, maintain and clarify distinctions within the tourist accommodation inventory for accommodation use requirements, based on specified policy objectives, guiding principles, zoning, rental pool and development covenants, and development approvals.
2. Clarify the municipality's position on various rental pool covenant provisions that are registered in favour of the municipality:
 - a) Secure provisions that are essential to maximizing the availability and use of Whistler's core accommodation base for visitor use.
 - b) Support existing owner use provisions.
 - c) Do not exercise provisions requiring municipal approval of a particular rental pool or rental agreement.
3. Where possible, implement "housekeeping" amendments to clarify and simplify existing zoning regulations.
4. Recognize and specify policies for four general categories of accommodations and identify specific properties within each, as follows:
 - a) Hotel and Phase 2 Rental Pool Accommodations category is comprised of properties listed in Schedule "1" attached, which exhibit one or more of the following characteristics:
 - i. The zoned or land use contract permitted use is hotel, inn, lodge or tourist accommodation;
 - ii. A "Phase 2" rental pool covenant is registered on title in favour of the Resort Municipality of Whistler;
 - iii. A development covenant specifying hotel use is registered on title in favour of the Resort Municipality of Whistler; and/or
 - iv. The property was developed as a hotel, inn, lodge or tourist accommodation as per the approved Development Permit.
 - b) Tourist Accommodation Dwellings With Phase 1 Rental Pool category is comprised of properties listed in Schedule "2" attached, for which the zoning or land use contract for the property permits "temporary lodging" or "temporary accommodation" and a "Phase 1" rental pool covenant is registered on title in favour of the Resort Municipality of Whistler.
 - c) Tourist Accommodation Dwellings With No Rental Pool category is comprised of properties listed in Schedule "3" attached, for which the zoning or land use contract for the property permits "temporary lodging" or "temporary accommodation" and the property is not included in either a) or b) above.
 - d) Residential Use Only Accommodations category is comprised of all properties for which the zoning permits a residential building or dwelling and does not permit any form of "temporary lodging" or "temporary accommodation".

5.2 Hotel and Phase 2 Rental Pool Accommodations

1. Recognize properties in this category as the core accommodation base for visitor use; maximize the number of persons able to visit and stay in these accommodations.
2. Secure essential use, management and operating aspects of this category by utilizing zoning and business regulations to support covenant provisions.
3. Achieve an equitable approach and consistency in applicable provisions across all properties in this category. Seek to mirror existing provisions and typical operations.
4. Amend and apply zoning and business regulations as follows:
 - a) Secure the requirement for all accommodation units within these properties to be managed and operated as a single, integrated entity.
 - b) Require all owner use and visitor use to be booked through a single, integrated rental pool.
 - c) Ensure all units are made available for rental to the public at all times except when booked for permitted owner use.
 - d) Maintain existing covenanted owner use provisions, which typically permit booked owner use of up to 56 days per calendar year (no more than 28 days in the winter season (November 15th to April 16th) and no more than 28 days in the summer season (April 16th to November 15th)) and prioritize visitor use over additional booked owner use.
 - e) Provide for existing time share arrangements that have been approved by the RMOW for select accommodation units.
 - f) Maintain existing zoning requirements under general regulations for auxiliary lobby, restaurant, assembly, entertainment and retail uses.
 - g) Secure essential facilities and services including: common lobby and front desk facilities with 24 hour service; uniform key entry system; central telephone system; housekeeping service; and building and facility maintenance.
 - h) Require a single business license for all accommodation units under the single management agreement. Do not issue or permit licensing for units on an individual basis. Require every applicant for a hotel business license for a hotel that is subject to the *Strata Property Act* to provide a resolution passed by a $\frac{3}{4}$ vote under the *Strata Property Act* authorizing the applicant to operate the hotel business.
 - i) Strictly enforce against any residential use of these properties.
 - j) Support zoning and business regulations through municipal ticketing and available adjudication processes.

5.3 Tourist Accommodation Dwellings With Phase 1 Rental Pool

1. Seek to maximize occupancy of these accommodations by owners and visitors.
2. Maintain existing covenanted owner use provisions and rental booking requirements for each property. Do not seek to establish uniform provisions across all properties through zoning or business regulations.

3. Allow for multiple rental booking and unit management arrangements for properties where the covenant does not specify a single rental pool; individual unit owners may determine booking and management arrangements for their unit on an individual basis, subject to strata bylaws and owner agreements.
4. Encourage coordinated provision of visitor services through coordinated rental reservation platforms, lobby and check-in services, uniform key systems, and emergency services. Operating models for each property are determined at the strata level.
5. Work with resort partners and stakeholders to help communicate and advance effective property management and visitor services models.
6. Require individual accommodation unit owners to obtain a business license for any tourist accommodation rental and marketing activities associated with their unit. If the activity is being conducted by an independent property management company, then this activity may be covered under the business license of that company, and an individual license is not required.
7. Monitor utilization of the units in this category on an on-going basis, to maximize use and maintain covenant warm bed objectives.

5.4 Tourist Accommodation Dwellings With No Rental Pool

1. Maintain existing zoning and permitted uses for these properties.
2. Recognize and help promote the attractiveness of unit types in this category for extended stays, and larger group and family business.
3. Encourage full utilization of these units for residential use and visitor rentals as zoning permits.
4. Require individual accommodation unit owners to obtain a business license for any tourist accommodation rental and marketing activities associated with their unit. If the activity is being conducted by an independent property management company, then this activity may be covered under the business license of that company, and an individual license is not required.

5.5 Residential Use Only Accommodations

1. Maintain and reinforce existing zoning restrictions and business regulations to prohibit any tourist accommodation or temporary lodging use of properties in this category. Limit to residential use only consistent with existing residential use definitions.
2. Seek to maximize utilization of residential properties to support employee housing needs.
3. Implement regulatory changes that will facilitate active enforcement against prohibited visitor rentals.
4. Work with property management companies and rental booking platforms and service providers to support the municipality's zoning and business regulations.
5. Enforce against illegal rentals using available tools and legislative powers. Amend business regulations to prohibit marketing of illegal rentals and adopt available adjudication processes.

6. Recognize and maintain existing bed and breakfast and pension zoned properties within residential areas. Do not support additional bed and breakfast and pension properties. Amend zoning for bed and breakfasts to have an onsite manager or operator.

Certified Correct:

B. Browning, Municipal Clerk

Schedule 1
Hotel and Phase 2 Rental Pool Accommodations

Property Name	Plan	Lots
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 Creek Lodge	VAS680	2-45
Whistler Peak Lodge	LMS1847	551-566, 570-589, 591-662, 665-680
Whistler Vale Inn	VAS549	37
Whistler Village Inn + Suites	VAS953	1-31, 33-68
Whistlerview	VAS963	1-9

Schedule 2
Tourist Accommodation Dwellings With Phase 1 Rental Pool

Property Name	Plan	Lots
Aspens On Blackcomb	LMS1151	1-233
Blackcomb Professional Building	VAS1352	2-4
Clubhouse Condominiums at Nicklaus North	LMS2627	1-18
Deer Run	LMS2614	1-3, 5-9, 12-14, 16, 18, 21, 22, 24-33
Evolution	BCS2881	2-71
First Tracks Lodge	BCS104	3-86
Fitzsimmons	VAS847	3-7, 9, 10
Fitzsimmons Walk	BCS3599	2-7, 10-15, 17-20, 23-26, 30-41
Four Seasons Private Residences	BCS1298	2-38
Glacier Lodge	VAS2266	1-41, 43-100
Glaciers Reach	LMS2887	2-127
Gondola Heights	VAS1791	1-31
Gondola Six	LMS2760	1-7
Gondola Village	VAS1469	1-88, 90-165
Granite Court	LMS2834	1-38
Greyhawk Phases I and II	LMS215	1-63
Greystone	VAS2451	1-50
High Pointe	VAS2027	1-22
Highland Condominiums	VAS1364	1-36
Horstman House	LMS4141	1-51
Intrawest Resort Club	LMS1252	1-29, 31-33, 35-123
Ironwood	VAS2558	1-37
Lake Placid Lodge	VAS2411	1, 3-106
Le Chamois	VAS2753	25-85
London Lane	VAS1799	1-14
Lost Lake Lodge	LMS3197	1-100
Marketplace Lodge	LMS1148	1-70, 72-86, 98-123
Montebello	LMS4119	1-85
Northern Lights	LMS286	1-45
Powderview	VAS2010	1-39
Rainbow Building	VAS899	2-8
Ravencrest	VAS2732	1-22
Snoland	VAS802	3-7
St Andrews House	VAS2033	12-13
Stoney Creek Lagoons	LMS2597	1-98

Schedule 2 Continued
Tourist Accommodation Dwellings With Phase 1 Rental Pool

Property Name	Plan	Lots
Stoney Creek Northstar	LMS3005	1-138
Stoney Creek Sunpath	LMS2249	1-54
Sundance	VAS2023	1-57
Symphony	LMS2613	1-50
Tantalus Lodge	VAS739	1-76
Telemark	VAS729	1-26
The Cornerstone Building	LMS2237	2
The Courtyard	VAS2330	1-22
The Hearthstone	VAS790	3-16, 17-23
The Legends	LMS4369	4-124
The Lynx	LMS1824	1-28
The Marquise	VAS2588	1-107
Tyndall Stone Lodge	LMS2383	12-59
Village Gatehouse	VAS2076	6-18
Wedgeview Centre	VAS751	3
Whistler Creek Ridge	VAS2381	1-32
Whistler Town Plaza	LMS2223	1-43, 49-96, 106-168
Wildwood Lodge	VAS2302	1-51
Windwhistle	VAS873	3-14
Woodrun	VAS2892	1-85

Schedule 3 Tourist Accommodation Dwellings With No Rental Pool

Property Name	Plan	Lots
3016 ST ANTON WAY - B&B	LMP26173	1
3137 TYROL CRES - B&B	VAP13210	33
3331 LAKESIDE RD - Pension	18346	A
7177 NANCY GREENE DR - B&B	VAP14075	30
7179 SPRUCE GROVE CIRCLE	LMP38744	28
7231 FITZSIMMONS RD N - B&B	VAP15335	2
7422 AMBASSADOR CRES - B&B	VAP13555	26
8084 PARKWOOD DR - B&B	VAP14311	110
8326 RAINBOW DR - B&B	LMP22315	1
8561 DRIFTER WAY - B&B	VAP12781	81
8597 DRIFTER WAY - B&B	VAP12781	72
ACC - Hostel	19839	46
Alpine Chalet - Pension	VAP12153	37
Alpine Greens	LMS207	1-32
Alpine Lodge - Pension	VAP14981	134
Alta Vista Chalet - Pension	VAP13210	31
AMS Lodge (UBC) - Hostel	19839	56
Arrowhead Point	LMS1691	1-22
At Natures Door	BCS587	3-26
Athlete Centre Accommodation	EPP1290	C
Athlete Centre Lodge	EPP1290	A
BCIT Lodge - Hostel	19839	44
Beau Sejour - B&B	VAP13555	28
Blackcomb Greens	LMS1121	1-46
Blueberry Drive	VAS2476	3, 4
Blueberry Drive Townhomes	LMP11757	12
Blueberry Hill	VAS2097	1, 2, 4-10, 12-27, 29-33, 35, 37-48, 50-53, 55, 56, 58-60
Blueberry Links	VAS2616	1, 3, 4-6, 15-21, 24
Brio Haus - B&B	VAP17377	2
Carleton Lodge	VAS1163	10-27, 29-41
Carney's Cottage - Pension	19023	A
Cedar Creek	LMS1989	A, B, C, D, E, F
Cedar Hollow	VAS2046	1-16
Cedar Ridge	VAS2299	1-27
Chalet Bambi - B&B	VAP18788	21
Chalet Luise - Pension	VAP21388	E
Cheakamus Hostel	EPP277	13

Schedule 3 Continued
Tourist Accommodation Dwellings With No Rental Pool

Property Name	Plan	Lots
Coast Mountain B&B	VAP13555	30
Crystal Ridge	VAS2512	1-16
Cypress at Nick North	BCS3840	1-7, 20
Cypress Drive	BCS3840	4, 8-19, 21-39
Dulacher Hof - Pension	VAP12521	12
Englewood Greens	LMS2720	1-43
Falcon Crescent	22516	2-4, 8, 9
Falcon Crescent	LMS103	13
Falcon Lane	VAS2676	1-3
Falconridge	VAS2775	1-11
Fireside Lodge - Hostel	19839	45
Forest Creek	LMS3736	1-12
Forest Trails	VAS2497	1-40
Foxglove	VAS2337	1-36
Gleneagles	LMS213	1-33
Golden Bear Place	LMS2381	30
Golden Dreams - B&B	VAP19202	4
Goldenwood Townhomes	LMS4158	1-9
Goldenwood Townhomes Phase II	LMS4158	10-24
Green Lake Estates	LMS2050	27-46
Green Lake Estates	LMS2051	1-28
Haus Landsberg - B&B	VAP17791	25
Haus Stephanie - B&B	VAP13555	8
Heron Place	VAS2464	1-3, 5-9
Highland Lodge	LMP50674	B
Horstman Estates	VAS2482	5, 10
Idylwood - B&B	VAP13852	I
Kadenwood	LMS4695	1-60
Lakecrest Townhomes	BCP18822	A
Lorimer Ridge Pension	LMP7996	B
Lot B, DL 2246	2643	B
Market Pavilion	LMS2229	1-29
Mountain Star	LMS3020	1-28
Nita Lake Estates	BCS556	1-14
Nordic	LMP49718	A, B
SFU Club Cabin	19839	61
Olympic Plaza	LMP24001	B
Painted Cliff	LMS657	1-52

Schedule 3 Continued
Tourist Accommodation Dwellings With No Rental Pool

Property Name	Plan	Lots
Pension Edelweiss - Pension	VAP15335	15
Pinnacle Heights	LMS3809	1-9
Pinnacle Ridge	VAS2065	1-44
Powderhorn	VAS2515	1-32
Riverside Campground	LMP43710	1
Snowberry	VAS2301	1-36
Snowbird	VAS2486	1-23
Snowcrest	VAS2296	1-6
Snowgoose	VAS2633	1-22
Snowridge	VAS2049	3, 20
Snowy Creek	VAS2083	1-30
Stancliff House - B&B	VAP17871	9
Stoneridge	VAS2306	1-32
Swiss Cottage - B&B	VAP19710	9
Taluswood	LMS1795	1-50
Taluswood, The Bluffs	LMS4105	1-47
Taluswood, The Heights	LMS4379	1-26
Taluswood, The Lookout	LMS4697	1-10
Taluswood, The Ridge	LMS3036	1-26
Tamarisk	VAS191	1-140
The Gables	VAS2004	1-64
The Inn at Clifftop Lane - Pension	LMP21105	59
The Peak	LMS1248	1-7, 10, 12-19, 24, 25
The Seasons	VAS695	1-13
The Woods	LMS1881	1-59
Treeline	LMS2608	1-38
Twin Lakes Village	VAS905	1-145
Valhalla	LMS920	1-58
Whistler RV Park	LICENCE # 240674	N/A
Whistler-on-the-Lake	VAS1601	1-26
Wintergreen	VAS2303	1-36