

RESORT MUNICIPALITY OF WHISTLER

TOURIST ACCOMMODATION REGULATION BYLAW NO. 2142, 2017

A BYLAW TO REGULATE COMMERCIAL TOURIST ACCOMMODATION BUSINESSES IN THE RESORT MUNICIPALITY OF WHISTLER

WHEREAS the Council of the Resort Municipality of Whistler deems it expedient to regulate the operation of tourist accommodation businesses in the Resort Municipality of Whistler;

AND WHEREAS the Council of the Resort Municipality of Whistler wishes to protect its reputation as a world class destination and resort, and prevent unlawful and unlicensed tourist accommodation businesses from operating in the Resort Municipality of Whistler;

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

1. This Bylaw may be cited for all purposes as “Tourist Accommodation Regulation Bylaw No. 2142, 2017”.

PART 1: INTRODUCTION

1. In this Bylaw:

“**Business License Bylaw**” means the *Resort Municipality of Whistler Business Licence Bylaw No. 567, 1987* as amended or replaced from time to time;

“**licence**” means a valid and subsisting business licence issued pursuant to the *Business Licence Bylaw*;

“**guest unit**” means a guest room, sleeping unit, habitable room or rooms, dwelling unit or any other *accommodation unit* within a *hotel*;

“**hotel**” means a building, group of buildings, or part of a building with a common lobby, operated as a *tourist accommodation business* and that is zoned or used as a hotel, inn, lodge or tourist accommodation pursuant to the Zoning Bylaw or a land use contract, and includes all parcels within a property that are the subject of a Hotel and Phase 2 rental pool arrangement or otherwise listed in Table 5B of the Zoning Bylaw;

“**hotel business**” means a business that markets, operates or manages a *hotel* including all guest units within the property;

“**market**” means sell, offer for sale, promote, canvass, solicit, rent, advertise, book, arrange or facilitate rental, and includes placing, posting or erecting advertisements physically or online, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards or online;

“premises” means a legal parcel, and may include more than one parcel where the parcels have a single civic address;

“Resort Municipality” means the corporation of the Resort Municipality of Whistler, or its geographic area;

“time share premises” means *premises* 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;

“tourist accommodation business” means the business of marketing or providing accommodation or lodging to paying guests, and includes *hotel businesses*, hostels, pensions, bed and breakfasts, campgrounds, recreational vehicle parks, and *vacation rental businesses*;

“tourist accommodation property” means *premises* in the *Resort Municipality* on which temporary accommodation or temporary lodging of paying guests is a permitted use pursuant to the *Zoning Bylaw* or a land use contract;

“vacation rental business” means the business of providing accommodation to paying guests in a dwelling unit, but does not include the rental of dwelling units for residential purposes for a month or more under a residential tenancy agreement pursuant to the *Residential Tenancy Act*;

“Zoning Bylaw” means the *Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015*, as amended or replaced from time to time.

2. Terms that are not otherwise defined in this bylaw have the same meaning as provided in the *Business Licence Bylaw* and *Zoning Bylaw*.

PART 2: REGULATION OF TOURIST ACCOMMODATION BUSINESSES

3. No person may carry on a *tourist accommodation business* in the *Resort Municipality* without a current *licence* for that business.
4. No person may carry on a *tourist accommodation business* in the *Resort Municipality* with respect to any *premises* other than a *tourist accommodation property*.
5. To the extent that a *tourist accommodation business* at specific *premises* is conducted through a *hotel business licence* or another form of *tourist accommodation business licence*, the owner or operator of those *premises* is not required to have a separate *licence* for that *tourist accommodation business*.
6. No person shall *market* the right to stay at a property for a term of less than 1 month, whether the right is secured by rental agreement, lease or otherwise, unless the property is a *tourist accommodation property*.

7. No person shall rent or *market* a property to another person, group or organization that rents or subleases that property to a third party for a rental or sublease period of less than 1 month, unless the property is a *tourist accommodation property*.
8. A person operating a *tourist accommodation business* as a bed and breakfast must reside in the *premises* in which the bed and breakfast is located at all times that it is being used as a bed and breakfast.
9. No person shall operate a *tourist accommodation business* within a *hotel*, except as a *hotel business*.
10. Every *hotel* must be licensed as a *hotel business*.
11. No more than one *hotel business licence* may be issued for each *hotel*.
12. Every *hotel business* must:
 - (a) have an on-site front desk that provides:
 - i. guest services 24 hours per day to every *guest unit* in the *hotel*,
 - ii. check in and out services for every *guest unit* in the *hotel*,
 - iii. keys and room access to every *guest unit* in the *hotel*, and
 - iv. a telephone switchboard connecting the front desk and all *guest units* in the *hotel*,
 - (b) provide housekeeping services to every *guest unit* in the *hotel*; and
 - (c) provide building maintenance services.
13. In addition to the information required by the *Business License Bylaw*, every applicant for a *hotel business licence* for a *hotel* that is subject to the *Strata Property Act* must provide a resolution passed by a $\frac{3}{4}$ vote under the *Strata Property Act* authorizing the applicant to operate the *hotel business*.
14. As an exception to sections 11 and 12 of this bylaw, where a *hotel* contains one or more *time share premises*, those *premises* may collectively be the subject of a single additional *hotel business licence* that provides the services required in s. 12 to each of the *time share premises* within the *hotel*, but is not required to provide those services to every *guest unit* in the *hotel*.
15. As an exception to section 13 of this bylaw, an applicant for a *hotel business licence* to manage *time share premises* within a *hotel* may provide a time share plan or other documentation that establishes the applicant's right to collectively operate the *time share premises*.

16. In addition to the information required by the *Business License Bylaw*, every applicant for a *tourist accommodation business licence* must provide the following information to the Licence Inspector at the time of license application and renewal, and thereafter when requested:

- (a) an accurate list of each of the *premises* that it intends to operate or *market* in the upcoming licence year for rental periods of less than one month, including the address and any name used to *market* the properties; and
- (b) an accurate list of each of the *premises* that it intends to operate or *market* in the upcoming licence year for rental periods of one month or more, including the address and any name used to *market* the properties.

PART 3: COMPLIANCE

17. No person shall contravene, or permit or allow the contravention of, any term of this bylaw in relation to a *tourist accommodation business*.

18. Every *person* who owns or operates a *tourist accommodation business* must comply with all enactments applicable to the *premises* and the business as a term and condition of their *licence*.

19. No licence holder shall contravene, or permit or allow the contravention of, any term or condition of their *licence*.

PART 4: OFFENCES and TICKETING

20. A person who:

- (a) carries on a *tourist accommodation business* without holding a valid *licence* for that business;
- (b) breaches any term or condition of his or her *licence*; or
- (c) violates any provision of this bylaw;

commits an offence of this bylaw, and is liable on conviction to a fine or penalty of up to \$10,000 for each offence.

PART 5: GENERAL

21. If any portion of this bylaw is found to be invalid by a court, the invalid portion may be severed and the remaining provisions shall continue to apply.

22. This bylaw may be cited as “Tourist Accommodation Regulation Bylaw No. 2142, 2017”.

23. This bylaw comes into force on the day it is adopted.

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

Given NOTICE under sections 59(2)(a) and (3) of the *Community Charter* on June 6, 2017.

ADOPTED by Council on this 18th day of July, 2017.

Nancy Wilhelm-Morden,
Mayor

Brooke Browning,
Municipal Clerk

I HEREBY CERTIFY that this is a
true copy of "Tourist Accommodation
Regulation Bylaw No. 2142, 2017".

Brooke Browning,
Municipal Clerk