

Sandy Hook Community Association

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May 27, 2004

The District of Sechelt
Attention: Mr. Bill Brown, Administrator

DELIVERED BY HAND

Re: Draft Short-Term Rental Bylaw No. 180-7

Dear Mr. Brown:

The opportunity to discuss the Draft Bylaw publicly on May 4th and to comment formally on behalf of the Sandy Hook Community Association is appreciated. (Subject headings are used hereafter for ease of reference)

Administration – General

Notwithstanding Mr. Taylor's valiant attempt to explain why the word "MAY" in the Bylaw is preferred over "MUST/SHALL/WILL", one is left with the impression that too much is being left to the discretion of the License Inspector and that opportunities for the less-than-honest operators abound.

Examples:

- "Council delegates to the License Inspector the power to ...
- "The License Inspector is authorized to devise an application form..."
- "License inspector may impose terms and conditions..."
- "License Inspector may refuse to grant, issue, renew or transfer a business license..."
- "License Inspector is "authorized to suspend or cancel a business license."
- "All premises ...may first be inspected."
- "All fees collected... he paid forthwith..." Oops! How did a "shall" slip in there? Must be because money is involved!

The point of the above is that it appears that the License Inspector, read Bylaw Officer, has been delegated a bunch of powers after which he/she can pretty well decide how diligently and in what manner those powers will be carried out. That begs the question of who supervises the License Inspector? If the answer is the Administrator then it is strongly suggested that such information should be part of the Bylaw. On the other hand if the answer is Council it is difficult to understand how that would work in practice.

Administration – Inspections

At the public meeting you had a chart showing the need for inspection of older septic systems along with the need for building and fire inspections. Most focus group members felt strongly on this issue but the Bylaw sloughs it off by saying "other provincial authorities as may be required." Few speakers at the meeting considered that good enough. One solution would be to change the wording after "authorize" to read "plus Health and other provincial authorities as may be required."

Schedule "A"

Notification of neighbours – Paragraph 1

Establishing a circular footprint within which neighbours shall be informed does not appear to be very practical in communities like Sandy Hook and Tuwanek where the terrain can be challenging and many lots are oddly shaped. A better criterion might be “adjoining properties” or “shared property lines” which would then have to include the residences on either side of a public thoroughfare.

Tenant Parking – Paragraph 2

While there is a stipulation that there be at least one parking stall on the property per sleeping room, there is nothing in the Bylaw that says those must be used. On-street parking was identified by the Focus Group as one of the major complaints for short term rental of residences. The Bylaw must make it clear to owners that their renters are required to park on private property. Paragraph 2 just doesn't do it!

Record of Tenants – Paragraph 6

The Focus Group recommendation was for a guest register as set out in the Hotel Guest Registration Act. Requiring only the names of tenants seems to defeat the intention.

Pets – Paragraph 7

The draft bylaw is very clear on the subject as is the recommendation of the Focus Group. It is hoped that the community's well-being will win out over personal feelings when or if the matter is discussed in Council. There are enough on-going dog problems in our suburbs without needlessly adding to them.

Properties managed by Local Contact – Paragraph 9

As this paragraph reads a registered owner could be the Local Contact for any number of properties. That was not the intention of the Focus Group and neither did it seem to be the intention of the staff nor of the legal advisor during discussion at the public meeting. It is strongly recommended that the wording be amended to reflect the original intent.

CONCLUSION

It is our fervent hope that when approved by Council, this Bylaw will: alleviate the concerns of community members; be understood by both citizens and the License Inspector, and; be enforceable and enforced. The License Inspector must have clear guidelines along with the requisite authority and responsibility. In its present state Draft Bylaw No. 180-7 doesn't quite cut it.

Finally, although not mentioned above, the subject of DENSITY and SEPARATION is still outstanding. The experience of many other municipalities tells us that some day it will have to be dealt with. Sooner is better than later. Many who have been involved since the first “illegals” set up shop can't help a feeling of disillusionment.

Yours truly,
Sandy Hook Community Association

Per:

Gray Waddell
President

cc. Mayor and Members of Council and the Municipal Clerk