WHISTLER

# AGENDA

## PUBLIC HEARING OF MUNICIPAL COUNCIL
## TUESDAY, JUNE 6, 2017 STARTING AT 6:00 P.M.

**In the Franz Wilhelmsen Theatre at Maury Young Arts Centre - Formerly Millennium Place**
**4335 Blackcomb Way, Whistler, BC V0N 1B4**

This Public Hearing is convened pursuant to Section 464 of the *Local Government Act R.S.B.C. 2015, c.1* to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw No. 2140, 2017 (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may, ask questions following presentations however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

As stated in the Notice of Public Hearing,

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

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

In general terms, the purpose of Zoning Amendment Bylaw No. 2140, 2017 is to amend the zoning bylaw to include provisions related to the use of specified tourist accommodation properties. The proposed provisions relate to rental pool arrangements, services requirements and visitor and owner use. The provisions reinforce existing covenants registered on these properties, under s. 219 of the *Land Title Act* and predecessor legislation. The provisions require Hotel and Phase 2 rental pool arrangements to be operated by a single professional rental pool manager providing integrated booking, reception, and other visitor 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. The provisions also require all accommodation units to be used or made available at all times for temporary lodging by visitors, except for limited unit owner use as specified in the bylaw.

| | |
|---|---|
| Submissions | Submissions by any persons concerning the proposed Bylaw. |
| Correspondence | Receipt of correspondence or items concerning the proposed Bylaw. |

**ADJOURNMENT**

**PUBLIC HEARING DOCUMENT INDEX**

Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017

| Document Type | Date | Details |
|---|---|---|
| Public Hearing Document Index | | |
| Notice of Public Hearing | | Notice of Public Hearing (scheduled June 6, 2017) |
| Proposed Bylaw | May 23, 2017 | Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodation) No. 2140, 2017 |
| Council Report 17-057 | May 23, 2017 | Administrative Report to Council requesting consideration of first and second reading for poposed bylaw No. 2140 and permission to schedule a public hearing |
| Presentation Slides | May 23, 2017 | Presentation slides for report to Council |
| Council Minutes | May 23, 2017 | Minutes of the Regular Meeting of Council of May 23, 2017 |
| Correspondence | | Correspondence will be added to the package as it is received |
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THE RESORT MUNICIPALITY OF WHISTLER
4325 Blackcomb Way TEL 604 932 5535
Whistler. BC Canada V0N 1B4 TF 1 866 932 5535
www.whistler.ca FAX 604 932 8109

# NOTICE OF PUBLIC HEARING

**TUESDAY, JUNE 6, 2017 – 6:00 P.M.**
MAURY YOUNG ARTS CENTRE (formerly MILLENNIUM PLACE)
Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

**ZONING AMENDMENT BYLAW (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017** (the "proposed Bylaw")

## SUBJECT LANDS:

The lands that are the subject of the proposed bylaw are all properties listed in the following table by property name and plan number, including all accommodation units within those properties. The accommodation units are specified in the table by lot number:

| Property Name | Plan Numbers | Lot Numbers (Accommodation Units) |
|---|---|---|
| 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 |

**PURPOSE:**

In general terms, the purpose of Zoning Amendment Bylaw No. 2140, 2017 is to amend the zoning bylaw to include provisions related to the use of specified tourist accommodation properties. The proposed provisions relate to rental pool arrangements, services requirements and visitor and owner use. The provisions reinforce existing covenants registered on these properties, under s. 219 of the *Land Title Act* and predecessor legislation. The provisions require Hotel and Phase 2 rental pool arrangements to be operated by a single professional rental pool manager providing integrated booking, reception, and other visitor 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. The provisions also require all accommodation units to be used or made available at all times for temporary lodging by visitors, except for limited unit owner use as specified in the bylaw.

**INSPECTION OF DOCUMENTS:**

A copy of the proposed Bylaw and relevant background documentation may be inspected at the Reception Desk of Municipal Hall at 4325 Blackcomb Way, Whistler, BC, during regular office hours of 8:00 a.m. to 4:30 p.m., from Monday to Friday (statutory holidays excluded).

**PUBLIC PARTICIPATION:**

All persons, who believe their interest in property is affected by the proposed bylaw will be afforded a reasonable opportunity to be heard by Council at the Public Hearing or to present written submissions prior to the public hearing.

Written comments must be addressed to "Mayor and Council", and submitted by 4:30 p.m. on June 6th 2017 to:

**Email:** corporate@whistler.ca
**Fax:** 604-935-8109
**Hard Copy:** Legislative Services Department
4325 Blackcomb Way
Whistler BC V0N 1B4

Submissions received for the proposed Bylaw will be included in the information package for Council's consideration, which will also be available on our website at www.whistler.ca with other associated information.

**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."

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**

| **Property Name** | **Plan Number** | **Subdivision Lot Numbers (Accommodation Units)** |
|---|---|---|
| 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 _____ day of _____, 2017.

Given THIRD reading this _____ day of _____, 2017.

Approved by the Minister of Transportation this _____day of _____, 2017.

Adopted by the Council this __ day of _____2017.

_____
Nancy Wilhelm-Morden,
Mayor

_____
Nikki Best, Acting
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.

_____,
Nikki Best,
Acting Municipal Clerk

WHISTLER

# REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** May 23, 2017 **REPORT:** 17-057

**FROM:** Resort Experience **FILE:** 7651

Bylaws 2140/2142/ 2152

**SUBJECT:** TOURIST ACCOMMODATION REVIEW – PROPOSED COUNCIL POLICY, ZONING AMENDMENT BYLAW, BUSINESS REGULATION BYLAW AND MUNICIPAL TICKET INFORMATION SYSTEM AMENDMENT BYLAW

## COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

## RECOMMENDATION

**That** Council endorse Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions attached as Appendix "A" to Report to Council No. 17-057; and

**That** Council consider giving first and second readings to "Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017"; and

**That** Council consider giving first, second and third readings to "Tourist Accommodation Regulation Bylaw No. 2142, 2017"; and

**That** Council consider giving first, second and third readings to "Municipal Ticket Information System Amendment Bylaw No. 2152, 2017"; and further

**That** Council authorize staff to schedule a public hearing regarding "Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017".

## REFERENCES

Appendix A: Proposed Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions

Appendix B: Tourist Accommodation Review – Tourism and Accommodation Trends

Appendix C: Tourist Accommodation Review – Accommodation Inventory Database Overview

Appendix D: Zones and Land Use Contract Areas with Tourist Accommodation Permitted Uses

## PURPOSE

This report presents priority outcomes of the Tourist Accommodation (TA) Review that was initiated June 21, 2016 and has been conducted consistent with Council direction. The priority outcomes are: 1) a new proposed Council Policy that is intended to provide clarity regarding various zoning and covenant provisions that apply to Whistler's tourist accommodation bed base (Appendix A); 2)

a proposed zoning amendment bylaw that reinforces use, management and operations provisions for specified properties that have Phase 2 type rental pool covenants or are limited to hotel use; 3) a proposed business regulation bylaw that addresses business license requirements for tourist accommodation businesses, establishes prohibitions against rental and marketing activities without a license, and includes provisions that address operating and services requirements for hotel businesses; and 4) a proposed municipal ticket information system amendment bylaw that adds infractions corresponding to the proposed business regulation bylaw. The report also presents supporting materials developed through the TA Review process.

## DISCUSSION

### Background

At its regular meeting on June 21, 2016, Council passed a resolution directing staff to proceed with the TA Review project as presented in the staff report to Council (Administrative Report to Council #16-080). The purpose of the project is to review and modify/develop Resort Municipality of Whistler (RMOW) policies, regulations and other legal mechanisms governing Whistler's tourist accommodation properties as may be needed to address a number of key issues and factors, 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; and
- Pressures on the supply and utilization of Whistler's residential properties for illegal nightly rentals and paid visitor stays.

The work program has been completed over the past ten months and has involved confidential stakeholders interviews, research into tourism and accommodation trends, creation of a comprehensive database of Whistler's tourist accommodation properties, and an extensive review of existing applicable policies, zoning, land use contracts, and rental pool and development covenants along with related legal advice. Materials that have been developed represent the situation analysis that was conducted; these materials are summarized in Appendices B to D of this report.

The remainder of this report presents the four priority outcomes of the TA Review. The first is the proposed Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions; the second is Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017; the third is Tourist Accommodation Regulation Bylaw No. 2142, 2017; and the fourth is Municipal Ticket Information System Amendment Bylaw No. 2152, 2017.

### Proposed Council Policy

The proposed Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions is presented in Appendix A.The proposed policy provides guidance as to how the RMOW will apply zoning and covenant provisions to specific tourist accommodation properties, within four general categories:

1. Hotel and Phase 2 Rental Pool Accommodations;
2. Tourist Accommodation Dwellings with Phase 1 Rental Pool;
3. Tourist Accommodation Dwellings with No Rental Pool; and
4. Residential Use Only Accommodations.

The properties included within each category are specified within the policy.

In general, the policies for each category are based on high level policy directions for each, as follows.

Hotel and Phase 2 Rental Pool Accommodations

The properties within this category are generally hotel, inn or lodge developments that have hotel use or Phase 2 covenants registered on title and are intended to be used to maximize the number of persons able to visit and stay in Whistler. These accommodations are recognized as the core tourist accommodation base.

The proposed applicable policies seek to mirror and reinforce existing zoning and covenant provisions. The policies maintain the key existing rental pool requirements and reinforce the requirement for a single, integrated rental pool for all units within a property. Provisions requiring municipal approval of a particular rental pool or rental agreement have not been included.

The proposed policies recommend maintaining the existing covenanted owner use provisions. Units are to be made available for rental to members of the public at all times, except for limited owner use as provided for within the covenants registered on the title of each property. These provisions 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)). They also prioritize visitor use over additional booked owner use. The covenanted owner use provisions are maintained through the exceptions listed in the proposed zoning amendment bylaw.

Existing zoning general regulations that establish requirements for auxiliary uses for hotel, inn, lodge and tourist accommodation properties (i.e., lobby, assembly, restaurant, entertainment and retail) would be maintained and reinforced with provisions that support visitor experience and guest service through integrated services that commonly exist for these properties (i.e., common lobby and front desk facilities with 24 hour service, uniform key entry system, central telephone system, and housekeeping and building maintenance services).

For these properties, a single business license would generally be required for the single, integrated rental pool for all accommodation units within the property. Business licenses would not be issued for individual units, and individual units would not be permitted to be booked or rented outside of the single, integrated rental pool.

Tourist Accommodation Dwellings with Phase 1 Rental Pool

The properties within this category represent a range of dwelling types including condos, townhomes and chalets, which have a Phase 1 type rental pool covenant registered on title and are intended to maximize occupancy for use by owners and visitors. These properties have zoning with specified uses that permit temporary lodging or temporary accommodation and include a wide range of provisions for owner use and rental pool requirements which generally permit greater owner use than the Hotel and Phase 2 Rental Pool Accommodations. When not in owner use, the covenants generally require that the accommodation units be made available to the general public through a rental pool. These requirements support the ‘warm bed’ objectives of the resort community.

For these properties, the proposed policy recommends a *status quo* approach that maintains existing zoning and covenanted owner use provisions and rental booking requirements for each property. The policy does not recommend 'standardizing' a uniform set of provisions and requirements across all properties through zoning or business regulation amendments.

With respect to rental pool requirements, the policy supports multiple rental booking and unit management arrangements within a property, for properties where the covenant does not specify a single, integrated 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.

Effective approaches to support visitor experience and guest services for these properties would be determined at the strata level for each property. Coordinated provision of visitor services through coordinated rental reservation platforms, lobby and check-in services, uniform key systems, and emergency services would be encouraged and effective models communicated through resort partners and stakeholders.

Individual unit owners engaged in rentals of their individual unit outside of a common rental pool would require a business license. If the unit is rented through a common rental pool or by an independent property management company, then this activity may be covered under the business license of that company, and an individual license would not be required.

Tourist Accommodation Dwellings with No Rental Pool

The properties within this category also represent a range of dwelling types including condos, townhomes and chalets, as well as bed and breakfasts, pensions, hostels, campgrounds and recreational vehicle parks; they have zoning with specified uses that permit temporary lodging or temporary accommodation, which permit short-term rentals to visitors and paying guests, but are not subject to any rental pool requirements. A majority of the dwellings have zoning that permits both residential use and tourist accommodation use when the dwelling is not being used for residential purposes. The objective for properties in this category is to maximize both residential and visitor use, including supporting Whistler's housing needs. Rental activities and arrangements are at the discretion of the unit owners, subject to any strata bylaws. Rentals to visitors and paying guests would be subject to obtaining a business license, either by the unit owner if they are conducting the rental activities, or by a property management company if this is the arrangement.

Residential Use Only Accommodations

The proposed policy also addresses the related issue of rentals to paying guests in residential properties that are not zoned for this use. Any rentals that do not meet the definition of residential use, which pertains to these properties, is illegal and may be enforced against. Residential is defined to be a fixed place of living, where there is an ongoing residential use and intent to return, and excludes any temporary accommodation defined as less than four consecutive weeks. The policy maintains a strong position against visitor rentals in residential zoned areas of the resort community to maintain the residential character of Whistler's neighbourhoods, to maximize the availability of residential accommodations for Whistler's housing needs, and to direct visitor rentals to the large number of properties within the RMOW that are zoned for this purpose.

The RMOW has actively been pursuing enforcement against illegal rentals of residential properties including working with rental booking platforms (AirBnB) and obtaining injunctions against property

owners through court proceedings. The policy recommends continued enforcement and development of further tools to support enforcement and compliance including amendments to business license regulations and the municipal ticket information system bylaw to prohibit marketing of illegal rentals and adopting available adjudication processes. For reference, the zones and land use contract areas that permit some form of rentals to paying guests, including temporary lodging or temporary accommodation, are listed in Appendix D.

## Proposed Zoning Amendment Bylaw

The proposed Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017 is a key priority of the Council Policy for the properties within the Hotel and Phase 2 Rental Pool Accommodations category. The bylaw supports the rental pool requirements and ensuring availability of units under a single professional rental pool manager providing integrated booking, reception, cleaning, laundry, and other services. A significant concern is individual unit owners seeking to operate outside of the common rental pool and management arrangement for a strata property. The municipality takes the position that for these properties, which are zoned for and have been developed and operate as hotels, inns and lodges, it is the intention of the covenants and existing zoning that every accommodation unit on the property be placed or listed in a single, integrated rental pool through which the units will be made available for rental to the public. This provides for the orderly and assured management of reservations and use of units by the public and unit owners.

The proposed bylaw maintains the existing covenanted owner use provisions. In particular, it provides for 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 R MOW.

Additionally, the bylaw provides for existing time share arrangements within these properties. Any such documented time share arrangements in place prior to first reading of the proposed bylaw would continue to be permitted under the proposed bylaw.

The proposed bylaw also addresses the provision of other commonly existing services that are considered to be essential to visitor experience and guest services including 24 hour lobby and front desk services, uniform key entry system, housekeeping and building maintenance services and a central telephone system. These are consistent with the proposed Council Policy as described above.

The proposed bylaw adds these provisions to existing General Regulations under Part 5, Section 18 of the municipality's Zoning and Parking Bylaw No. 303, 2015. The existing regulations, which pertain to hotel, inn, lodge and tourist accommodation uses, specify minimum gross floor area requirements for lobby, restaurant, assembly, entertainment and retail auxiliary uses that are to be made available for public use within each of these accommodation types. The added provisions will apply uniformly to all of the properties and accommodation units that are listed in Table 5B included in the proposed bylaw amendment.

The bylaw has been developed with legal counsel. Information related to the current zoning, applicable development and rental pool covenants, development history and current operations for the subject properties has also been considered. The bylaw language pertaining to rental arrangements and required services has also been developed having regard to zoning bylaws in other resort communities that address hotel-type operations and visitor experience and guest service objectives.

## Proposed Business Regulation Bylaw

The proposed Tourist Accommodation Regulation Bylaw No. 2142, 2017 addresses: business license requirements for tourist accommodation business activities; prohibitions against such activities without a license, including rental and marketing activities; and provisions that pertain to various types of tourist accommodation businesses including hotel businesses, bed and breakfasts and vacation rental businesses.

Consistent with existing business licensing, a business license would be required for properties conducting tourist accommodation businesses, including vacation rentals and hotels; also rental activities for an accommodation unit that are conducted by a property management or rental management company may be conducted under the license of that company and a separate license is not required.

Tourist accommodation business activities conducted independently by a unit owner as a vacation rental business would require a business license. This requirement is covered by the existing business regulation bylaw, but is not explicitly stated and has not been the usual practice.

For properties that are defined in the bylaw to be a hotel, all units are to be operated under a single hotel business license. Individual unit owners will not be eligible to obtain a business license to conduct a tourist accommodation business outside of the single hotel business license. For strata titled properties that are subject to the *Strata Property Act*, a 3/4 resolution of the strata authorizing the application is required. Hotel businesses are also required to have the specified front desk, housekeeping and building maintenance services.

The proposed bylaw also defines existing time share premises, and where such premises are located within a hotel, these premises may have a separate hotel business license, but are also required to provide the specified front desk, housekeeping and building maintenance services.

## Proposed Municipal Ticket Information System Amendment Bylaw

The proposed Municipal Ticket Information System Amendment Bylaw No. 2152, 2017 adds infractions that correspond to the provisions in the proposed Tourist Accommodation Regulation Bylaw No. 2142, 2017.

## WHISTLER 2020 ANALYSIS

| W2020 Strategy | TOWARD<br>Descriptions of success that resolution moves us toward | Comments |
|---|---|---|
| Visitor Experience | - Visitors perceive Whistler products, services and activities to be excellent value. | A primary objective of the TA Review is ensuring that the visitor experience continues to be exceptional. |
| Economic | - The Whistler economy provides opportunities for achieving competitive return on invested capital.<br>- Whistler's core accommodation base and long-term investments made in the community are protected. | The proposed regulations protect the viability of Whistler's core accommodation properties. |
| Economic | - Whistler proactively seizes economic opportunities that are compatible with tourism, | The TA Review and proposed regulations aim to address the external trends being experienced in |

| | | |
|---|---|---|
| | and effectively adapts to changing external conditions. | the online booking and accommodation sectors. |
| Economic | - Whistler holds competitive advantage in the destination resort marketplace as a result of its vibrancy and unique character, products and services. | The TA Review and proposed regulations aim to maintain Whistler's competitive advantage by supporting a diverse offering of accommodations to meet visitor needs. |
| Visitor Experience | - Whistler proactively anticipates market trends. | The TA Review and proposed regulations aim to address the external trends being experienced in the online booking and accommodation sectors. |
| Economic | - Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix. | The TA Review aims to maximize the economic benefit to the resort community as a whole and minimize any potential negative impacts on local businesses that may result from changes to tourist accommodation regulations. |
| Resident Housing | - Whistler has a sufficient quantity and appropriate mix of quality housing to meet the needs of diverse residents (Target: 75% of Whistler employees live in the resort community). | The proposed regulations continue to prohibit nightly rentals in residential areas (i.e., properties not zoned for temporary lodging or temporary accommodation). |
| Partnership | - Decisions consider the community's values as well as short and long-term social, economic and environmental consequences. | The TA Review is aligned with Whistler's values and long-term goals. |
| Built Environment | - To maintain vibrancy, Whistler Village is the core of the resort community. | The TA Review reinforces locating the majority of Whistler's core accommodation base for visitor use in Whistler Village. |

| W2020 Strategy | AWAY FROM<br>Descriptions of success that resolution POTENTIALLY moves away from | Mitigation Strategies and Comments |
|---|---|---|
| None | None | None |

## OTHER POLICY CONSIDERATIONS

The proposed Council Policy and zoning amendment bylaw are consistent with the municipality's historic objectives for creating and maintaining a 'warm bed' base or secure supply of tourist accommodation for visitors to Whistler, helping to achieve and sustain the resort community's year-round destination tourism economy. The policies are also consistent with the policies of the current Official Community Plan and the updated Official Community Plan that stands at third reading.

## BUDGET CONSIDERATIONS

There are no direct budget implications associated with the proposed policies. The proposed zoning amendment bylaw is provided for within the Planning Department's operating budget. Implementation of business license requirements for individual unit owner marketing and rental activities would be expected to result in new business license fees; these fees are established on a cost recovery basis for related administration and processing requirements. The Municipal Ticket

Information System Amendment Bylaw No. 2152, 2017 supports the tourist accommodation business regulations. Budget considerations associated with implementation of specific enforcement actions that may entail additional resource requirements would be evaluated in advance of implementation.

## COMMUNITY ENGAGEMENT AND CONSULTATION SUMMARY

The proposed Council Policy and zoning amendment bylaw have been informed by a comprehensive situation analysis that was conducted. Key components of this analysis included meetings with senior staff from Whistler's resort partners – Tourism Whistler, Whistler Chamber of Commerce, and Whistler Blackcomb – as well as extensive confidential interviews conducted with individuals representing various stakeholder groups and perspectives. Issues of concern identified informally by individual parties leading up to and during the course of the TA Review have also been taken into consideration. Staff also met with representatives from AirBnB and consulted with other resort communities. Information related to illegal tourist accommodation rentals in residentially zoned neighbourhoods has also been shared and discussed with the Mayor's Task Force on Resident Housing, with support for the proposed related policies. Consultation with legal counsel has been on-going.

The proposed zoning amendment bylaw is subject to statutory public hearing requirements, which will provide members of the public the opportunity to share their views on the proposed bylaw. This report recommends that Council authorize scheduling of this public hearing consistent with statutory requirements. Notice of the public hearing will be conducted in accordance with the *Local Government Act.*

The proposed business regulation bylaw is also subject to the requirement pursuant to s. 59(2) and (3) of the *Community Charter* to give notice of the RMOW's intention to adopt the bylaw, and to provide a reasonable opportunity for persons who consider themselves affected to be heard by Council. Generally, this opportunity to be heard may be through written or oral submissions, and it is proposed that Council accept both written and oral submissions, to be coordinated with the public hearing process for the zoning amendment.

## SUMMARY

This report presents a summary of key findings and the priority outcomes for the TA Review project: 1) proposed Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions; 2) proposed Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017; 3) Tourist Accommodation Regulation Bylaw No. 2142, 2017; and 4) Municipal Ticket Information System Amendment Bylaw No. 2152, 2017. This report recommends that Council endorse the proposed Council Policy, consider giving first and second readings to the proposed zoning amendment bylaw, consider giving first, second and third readings to the proposed business regulation bylaw and municipal ticket information system amendment bylaw, and authorize staff to schedule a public hearing for the proposed zoning amendment bylaw.

Respectfully submitted,

Mike Kirkegaard
DIRECTOR OF PLANNING
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE

**THE RESORT MUNICIPALITY OF WHISTLER**
**COUNCIL POLICY**

| **POLICY NUMBER:** | **DATE OF RESOLUTION:** |
|---|---|
| **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 ¾ 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:

_____

L. Schimek, 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 |

# TOURIST ACCOMMODATION REVIEW
## TOURISM AND ACCOMMODATION TRENDS

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# INTRODUCTION

This document provides a high level summary of some of the key trends affecting Whistler's tourist accommodation sector. The information gathered is not comprehensive or exhaustive - it presents relevant external (i.e., global, national, provincial, regional) and local (Whistler) trends from existing research that is readily available online. It contains commentary and conclusions from other research; no primary research was conducted as part of this work.

***Alternative accommodations [compared to traditional hotels] have been revolutionizing the travel industry over the past decade. First, HomeAway became the world's leading online vacation rental listing, upending traditional vacation rental management companies. Then, Airbnb disrupted HomeAway's marketplace by offering cheap stays to thrifty travelers – with online transactions built into its model. (Source: Share This! Europe: Private Accommodation and the New Rental Traveler, Phocuswright, 2014)***

# GLOBAL TRENDS

This section presents relevant trends occurring in the tourism market that may be contributing to some of the changes occurring in the tourist accommodation (TA) sector.

## DEMOGRAPHIC TRENDS

### MULTIGENERATIONAL TRAVEL

- Families are vacationing together and they want to stay together. Hotels must be able to accommodate full families, which translates to offering villas and suites with three or four bedrooms; or larger and adjoining rooms with extra beds and space for people to gather. "There is a much greater market for standalones, three- or four-bedroom units," said Cate Thero, executive vice president of sales and marketing for Replay Resorts. In the past, the large villas were sold as residences, not offered as rentals. "That is a different kind of product in many markets," she said. (Source: ULI's recent "Hotel and Resort Development: Next Wave of Innovation" conference in La Costa, California)

### BOOMER TRENDS

- Ten thousand Boomers turn 65 every single day in the US alone. 65+ is the fastest-growing demographic in the U.S. and the wealthiest demographic in the developed world.
- Vacation properties owned by Retirees are used for a longer period of time – two months or more – compared to all vacation homeowners, who only use their property for two to four weeks.
- Room/home sharing accommodation is only preferred by 3% of US Boomers. While over half prefer full full-service hotels/resorts, 20 and 30 percent also indicated a preference for B&Bs/small inns, homes/villas, timeshare condos/homes and private apartments/condos.
- Airbnb remains low on the list of accommodation preferences for Retirees, however, the company recently announced that more than 1 million of its users are now over 60, and that 10 percent of its hosts are also over the age of 60.

- After free internet access, privacy is the most desirable hotel amenity for the 65+ group of travellers. Vacation properties, especially single-family home accommodations, can offer guests more privacy in the absence of staff, B&B hosts, and other guests. 19% want suites with kitchenettes.
- However, the Resonance Consultancy research on Boomers shows that while seven percent said they'd convert an investment property into a principal residence, only one percent did. It would appear that ambitions changed as retirement approached.

  (Source: Resonance Portrait of the US Retiree Traveler 2015).

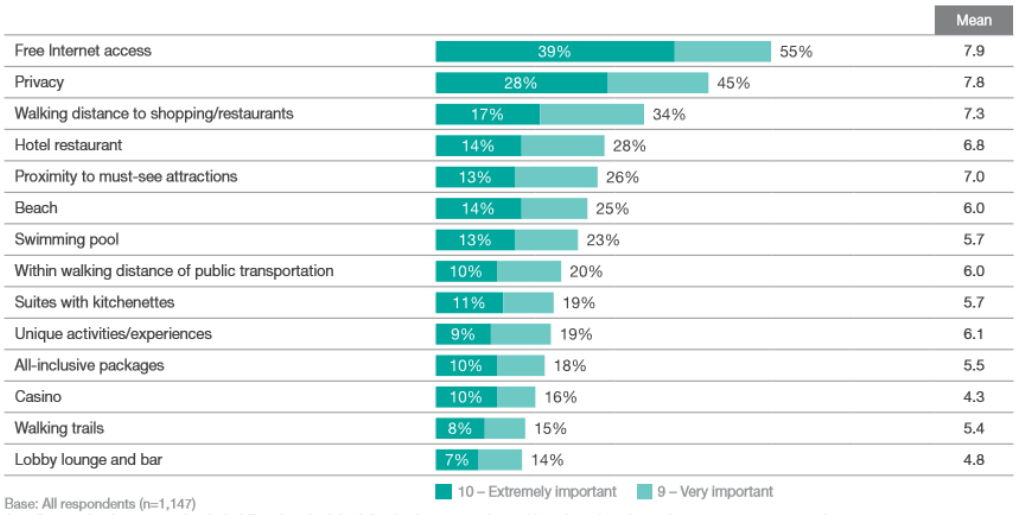
## ACCOMMODATION PREFERENCES

| | | Gender | | Net Worth | | |
|---|---|---|---|---|---|---|
| | | Male (n=598) | Female (n=549) | <$250K (n=319) | $250 - $999K (n=445) | $1 Million+ (n=279) |
| Full service hotel/resort | 57% | 54% | 60% ▲ | 53% | 60% | 59% |
| Stay with friends or family | 42% | 39% | 45% ▲ | 44% | 42% | 39% |
| Cruise ship | 38% | 37% | 40% | 32% | 39% | 41% ▲ |
| Upscale/luxury hotel/resort | 31% | 32% | 31% | 25% | 29% | 44% ▲ |
| Limited service/economy hotel/resort | 30% | 30% | 30% | 34% | 28% | 30% |
| B&b/small inn | 29% | 26% | 30% | 23% | 33% ▲ | 31% ▲ |
| All inclusive resort | 27% | 26% | 27% | 27% | 25% | 28% |
| Timeshare condo/home | 21% | 21% | 21% | 19% | 21% | 24% |
| House/villa rental | 20% | 19% | 20% | 16% | 18% | 29% ▲ |
| Apartment/condominium rental | 17% | 16% | 18% | 15% | 14% | 23% ▲ |
| Camping | 7% | 9% | 6% | 9% ▲ | 9% ▲ | 4% |
| Airbnb or other room/home sharing service | 3% | 3% | 3% | 2% | 3% | 6% ▲ |
| Hostel | 2% | 3% ▲ | 1% | 1% | 2% | 2% |
| Other | 3% | 3% | 3% | 4% | 2% | 3% |

Base: All respondents (n=1,147)
A11. While on vacation, what kind of accommodation do you prefer?

▲ Statistically significantly higher than comparison group(s)

## DESIRABLE HOTEL AMENITIES




Base: All respondents (n=1,147)
A12. On a scale of 1-10, rate the desirability of each of the following features and amenities when choosing a place to stay on your vacation, with 1 being "not desirable" and 10 being "very desirable."

### Millennials

- Millennials represent nearly a quarter of the entire U.S. population and will soon surpass the ageing Baby Boomers in size. (Resonance Consulting, 2015 Portrait of the US Millennial Traveler)
- The number of millennial travellers to Canada grew from about 1.8 million in 2008 to nearly 2.1 million in 2012. Millennials accounted for about 13% of total international arrivals to Canada in 2012. UNWTO estimates that millennials account for about 20% of global travellers. What's more, millennials are one of the fastest-growing travel segments globally. There is an opportunity for Canada to increase its share of the millennial travel market in years to come. (Source: ITS Characteristics, Statistics Canada and UNWTO)
- Why they matter: They are time-rich but cost-conscious: They travel more often and spend more time in their chosen destination, though they are more conscious of price when selecting accommodation and transportation services. Further, they add vibrancy and create a 'buzz' for destinations through their tendency to post everything about their experience online. (Source: Canada Millennial Domestic Travel Summary Report, 2015)
- Canada lacks the same network of affordable accommodation and transportation options available in other destinations that are attractive to millennial travellers, but does have millennial product offerings and a strong tourism industry. (Source: Canada Millennial Domestic Travel Summary Report, 2015)

### Single Travellers

- Visitor travelling alone (single travellers) are looking for more affordable accommodation offerings.
- These 'single travellers' represented 9% of Whistler's summer visitors in 2016, and 10% of winter visitors (2015-16 data).

### Luxury Travellers

- There is an increase in the demand for larger accommodation in the luxury market.

#### *Rosewood Hotel and Resorts (Interview Excerpt)*

**Resonance Consulting:** *More and more wealthy travelers are vacationing in groups with friends. Is this a consideration in the design of your new hotels (e.g. more suites) or are there examples of programming or amenities you've created that foster "togethering" or multi-generational experiences?*

**Radha Arora, President, Rosewood Hotels and Resorts:** *We're seeing an increasingly robust demand for suite and villa accommodations over the last few years. Guests are traveling with their families or large groups of friends, and they want to stay somewhere where they can all be together under one roof. Rosewood has responded to this demand by growing our percentage of larger suites, villas, and residences. Rosewood San Miguel de Allende, for example, features a collection of seven residences which were built for hotels guests only, and Rosewood Castiglion del Bosco boasts 10 stunning villas which are refurbished 17th and 18th century farmhouses. Las Ventanas al Paraiso, A Rosewood Resort in Cabo, also recently built and opened 12 stunning new Signature Villas. And Rosewood London debuted 44 suites when the hotel debuted in 2013. This is a trend that will continue with our forthcoming openings.*

# ACCOMMODATION TRENDS

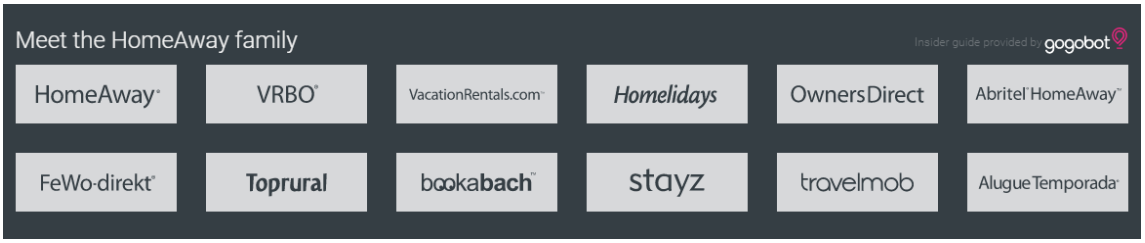
## PRIVATE 'VACATION HOME RENTAL' TRENDS

> ***Private accommodation renting is on an absolute growth tear. Back in 2010, only 8% of U.S. leisure travelers rented a private home, apartment or room while on vacation. In 2014, that figure jumped to 25%. No one can argue that Airbnb is at the heart of the recent swell in renting. The sharing economy pioneer built the business model, branded the technology that connected hosts and renters like never before – and helped bring private accommodation rentals into the mainstream. (Source: Hotels to Homes: Opening the Door to the Airbnb Traveler, Phocuswright, 2015)***

Airbnb is just one of many online platforms making it easier for people to share space in their homes – or rent their suites and vacation properties on a short-term basis. However, Airbnb has been leading the growth in private accommodation rentals, and it has grown significantly since its launch in 2008. It now has 2,000,000 listings in 191 countries. HomeAway's family of sites (see below) represent 1.2 million paid listings of vacation rental homes in 190 countries.




1 SOURCE: AIRBNB AND THE IMPACT ON THE CANADIAN HOTEL INDUSTRY, 2016




Airbnb's model has been a game-changer in the online property rental platform marketplace. Property owners can list their properties on Airbnb at no charge; instead, the guest is the one who pays for the service at the time of booking. This has helped to enable the very rapid growth in the number of Airbnb listings over such a short period, and the large inventory is why many travellers visit the site when looking to access as many accommodation options as possible when making their travel decisions.

> ***Private accommodation has undergone a remarkable transformation in the U.S. travel market over the past decade. Thanks in large part to services like HomeAway, Airbnb and leading online travel agencies such as Booking.com, the percentage of U.S. travelers who have rented a whole home or apartment has more than doubled within three years. (Source: Rentals Rising: The State of Private Accommodation in U.S. Travel, Phocuswright, 2015)***

## VHR's in the "Sharing Economy"

The industry, for which no single term has emerged, is considered part of the "sharing economy", which is described on Wikipedia as:

> *A **sharing economy** takes a variety of forms, often leveraging information technology to empower individuals, corporations, non-profits and government with information that enables distribution, sharing and reuse of excess capacity in goods and services. A common premise is that when information about goods is shared (typically via an online marketplace), the value of those goods may increase, for the business, for individuals, and for the community.*

The industry has grown far beyond its original status within the "sharing economy." It is no longer just using "excess capacity" -- a spare bedroom or two, the home a family would otherwise leave empty while on vacation, or the second home that owners visit only a few times a year. Many units now listed on these hosting sites previously housed members of the workforce. They were once homes for families, but are now tourist accommodations. They were occupied by their owners or rented long term but are now investor owned and rented for the highest rates achievable as frequently as possible for maximum profits.

2 SOURCE: VACATION HOME RENTAL REPORT, COLORADO ASSOCIATION OF SKI TOWNS, JUNE 2015

### Reasons People book with Airbnb in Canada

According to one Canadian study, the top reasons Canadian guests chose to use Airbnb for booking their accommodation was for location, value, home-like feel, and that they found one they loved that they couldn't pass up.

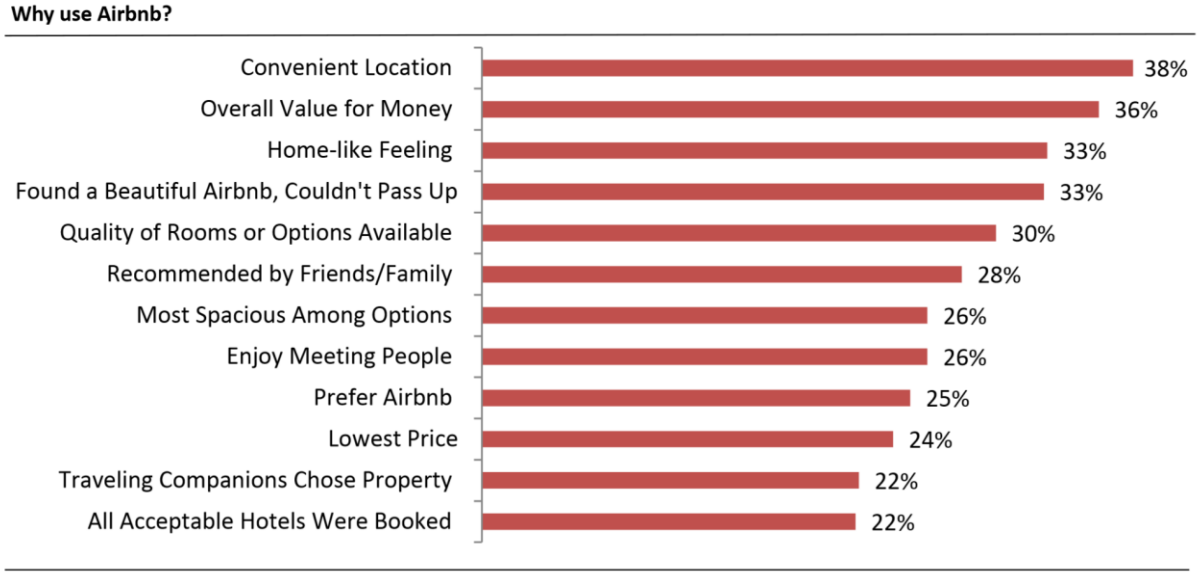



FIGURE 3: SOURCE: AIRBNB AND THE IMPACT ON THE CANADIAN HOTEL INDUSTRY (JUNE 2016)

## VACATION HOME RENTAL PRESENCE IN MOUNTAIN TOWNS

The tables below present data that was available for Canadian and US mountain towns.

| | # Airbnb listings | # VRBO listings | Average rental price (Airbnb) | Price range | Types - Airbnb |
|---|---|---|---|---|---|
| **Fernie** | 91 | 111 | $185 | $30-$840 (Abnb)<br>$70-$603 (vrbo) | Home=74 / Room=17 |
| **Golden** | 80 | 108 | $175 | $50-$575 (Abnb)<br>$58-$517 (vrbo) | Home=57 / Room=23 |
| **Harrison Hot Springs** | 104 | 55 | $156 | $18-$1429 (Abnb)<br>$100-$342 (vrbo) | Home=66 / Room=36 |
| **Invermere** | 91 | 351 | $163 | $21-$800 (Abnb)<br>$94-$512 (vrbo) | Home=74 / Room=14 |
| **Kimberley** | 50 | 86 | $135 | $21-$2000 (Abnb)<br>$59-$743 (vrbo) | Home=31 / Room=20 |
| **Osoyoos** | 85 | 152 | $172 | $21-$309 (vrbo) - lots of very cheap average night units<br>$35-$1850 (Abnb) | Home=60 / Room=23 |
| **Radium Hot Springs** | 94 | 305 | $159 | $30-$800 (Abnb)<br>$64-$477 (vrbo) | Home=66 / Room=40 |
| **Revelstoke** | 109 | 71 | $210 | $24-$1500 (boat! - Abnb)<br>$115-$729 (vrbo) | Home=75 / Room=34 |
| **Rossland** | 60 | 19 | $131 | $24-$595 (Abnb)<br>$66-$444 (vrbo) | Home=38 / Room=23 |
| **Sun Peaks** | 111 | 116 | $135 | $21-$1279 (Abnb)<br>$97-$539 (vrbo) | Home=64 / Room=43 |
| **Tofino** | 298 | 175 | $165 | $39-$1200 (Abnb)<br>$68-$773 (vrbo) | Home=200 / Room=43 |
| **Ucluelet** | 92 | 81 | $178 | $75-$350 (Abnb)<br>$76-$348 (vrbo) | Home=73 / Room=21 |
| **Valemount** | 28 | 11 | $142 | $40-$600 (Abnb)<br>$62-$308 (vrbo) | Home=16 / Room=12 |
| **Whistler** | 306 | 1396 | $244 | $46-$1526 (Abnb)<br>$43-$16,874 (!) (vrbo) | Home=300+ / Room=51 |

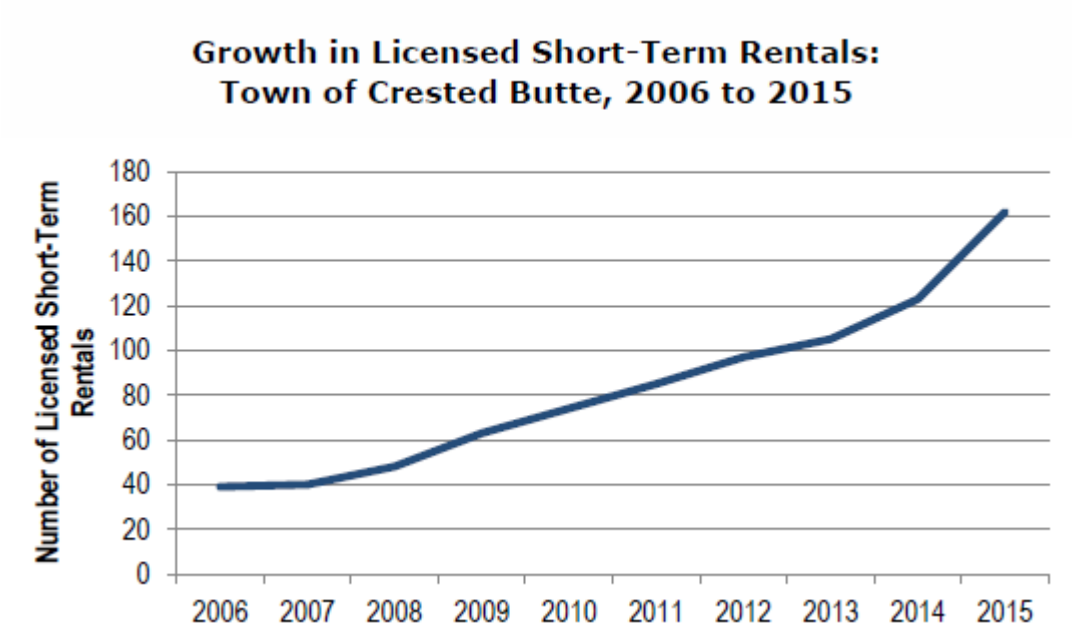
FIGURE 4: BC RESORT MUNICIPALITY AIRBNB AND VRBO LISTINGS (COLLECTED SPRING 2016 FOR RMI MEETINGS)

**VHR's Compared to Housing Units**

| | Total Housing Units 2014 Estimates | VHR Listings 2014 | Percent of Units Listed |
|---|---|---|---|
| Breckenridge | 7,187 | 2,911 | 41% |
| Crested Butte | 1,098 | 170 | 15% |
| Durango | 7,234 | 73 | 1% |
| Estes Park | 4,176 | 301 | 7% |
| Frisco | 3,167* | 184 | 6% |
| Jackson | 4,736 | N/A | N/A |
| Mt. Crested Butte | 1,575 | 819 | 52% |
| Ouray | 802 | 97 | 12% |
| Park City | 9,471* | 2,547 | 27% |
| Steamboat Springs | 9,991 | 696 | 7% |

*2000 Census figures; 2014 estimates for other towns from Colorado State Demographer.

The detail available for Crested Butte below shows the sharp rise in the number of licenced short-term/vacation property rentals available between 2006 and 2015.






## How private vacation homes differ from traditional accommodation

When compared to traditional hotel accommodation, private accommodation rentals generally fall short on a number of criteria:

- Licencing for home-sharing and individual vacation rental often does not exist
- Most home-owner insurance policies likely don't cover home-sharing activities
- Accommodations are not ensured to meet minimum quality or safety standards
- Generally do not collect sales and lodging taxes
- Are not limiting rentals to locations within permitted zones
- Commercial property taxes paid by hotels and other commercial accommodation providers are considerably higher than the residential rates paid by those sharing their homes.

(Source: Vacation Home Rental Report, Colorado Association of Ski Towns, June 2015; Airbnb and the Impact on the Canadian Hotel Industry, Ryerson University, 2016)

## WHISTLER TRENDS

Most of the information contained in this section comes from Tourism Whistler and is presented as summary statements since the data is confidential.

## COMMERICIAL ACCOMMODATION SECTOR PERFORMANCE

Whistler's commercial accommodation sector is currently experiencing stronger economic performance than in recent years: higher occupancy rates, higher average daily room rates (ADR), and a better return on investment for unit owners (Commercial accommodation data collected by Tourism Whistler is confidential).

- 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 TA types
- Spending in the visitor accommodation sector has grown (see below)

### VISITOR ACCOMMODATION SPENDING

When the consumer spending is broken down by key sectors of the commercial sector, the research shows that:

- Commercial spending in 'Visitor Accommodations' has grown $83M to $320M (from $237M), an increase of 35% with an annual growth rate of 10.6%, as shown in Table 2 below.
- 50% of the commercial spending increase is from 'Visitor Accommodations'.
- 'Restaurant and pub' spending indicates an increase of $22M.

Commercial Spending by Sector

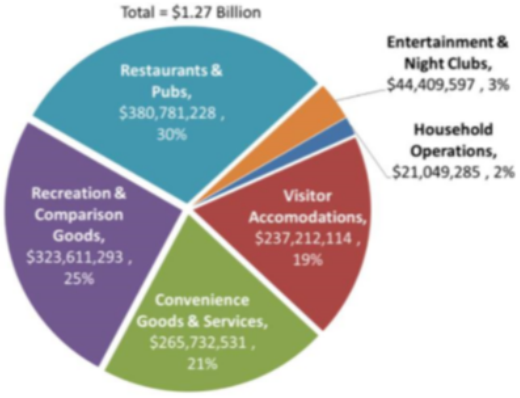



*Figure 5:* ***2011/2012 Annual Spending by Sector***

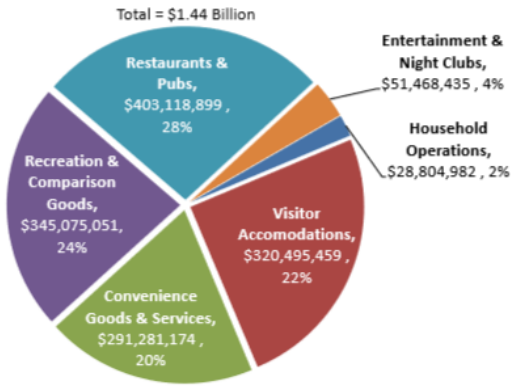



*Figure 6:* ***2014/2015 Annual Spending by Sector***

**Excludes spending on non-commercial items such as most shelter, education, transportation, and healthcare categories.*

FIGURE 6: ECONOMIC PARTNERSHIP INITIATIVE (EPI) REPORT (2016)

## Visitor Accommodation Preferences

### Summer

- While most visitors stay in hotels, condos, or rented houses, recent years have seen up to 1 in 10 visitors staying with friends or relatives.
- Campground visitors, although a small share of visitors, have also increased two points since 2011
- 2016 saw fewer day trip visitors, down eight points from 2011. The majority of this decrease was among destination visitors.
- Average length of stay has now risen for the second consecutive summer and is up an entire night from the 2010 season.
- Specific types of accommodation that have seen increasing lengths of stay are hotels, condos, and campgrounds.

### Winter

- The breakdown for type of accommodation has remained consistent with 'hotels/condos' making up the majority of accommodation type.
- Length of stay has remained consistent with no evident trends. When looking at only destination markets, length of stay has remained consistent with a slight dip in winter 2015/16 (which may be driven by an increase in day visitors during a strong snow year).
- There has been a rising trend of day trippers from the regional market over the past few winters. Again, this would be influenced by snow quality.

## Party Size

### Summer

- Overall party size has seen a small decrease, which has been even across all accommodation types.
- Number of kids per party has decreased for the third consecutive year, while the share of those who have kids has remained the same.
- The small decrease in party size is evident in both regional and destination visitors.
- The small decrease in party size is evident across all booking channels.
- VRBO books the largest party size while direct bookings have the smallest. This may be due to the fact that VRBO units are typically larger.

### Winter

- Party size has dipped slightly over the past three years, with the decrease coming entirely from regional visitors.
- VRBO has the largest party size, while OTA (online travel agency, e.g. Expedia, Hotwire) bookings have the smallest party size.

## Booking Channel Trends

### Summer

- In summer 2016 VRBO bookings accounted for 14% of all paid accommodation bookings.
- VRBO popularity has increased for both regional and destination visitors. Markets with shorter stays may be less likely to use VRBO due to minimum night stays in many VRBO rentals.
- VRBO stay length decreased in summer 2016.

### Winter

- Winter VRBO bookings have remained flat at 15% for the two years we have collected the data.

## Visitor Satisfaction & Front Desk Service in Vacation Home Rentals

Whistler visitor satisfaction with 'vacation home rental' accommodation was found to be consistent with other booking types across many different satisfaction metrics. Tourism Whistler's visitor surveys have also included questions about the existence of and guest satisfaction with front desk service.

Regarding the **existence of front desk service**, of those staying in paid accommodation it was found that:

- Roughly 60% have 24 hour on-site front desk service
- The remaining guests are spread fairly evenly between accommodation that offers the following:
- Limited front desk service
- Offsite front desk service
- No front desk service (most of these visitors are staying in a condo/chalet/house)

With respect to guest **satisfaction with the front desk service**, the survey information indicates that:

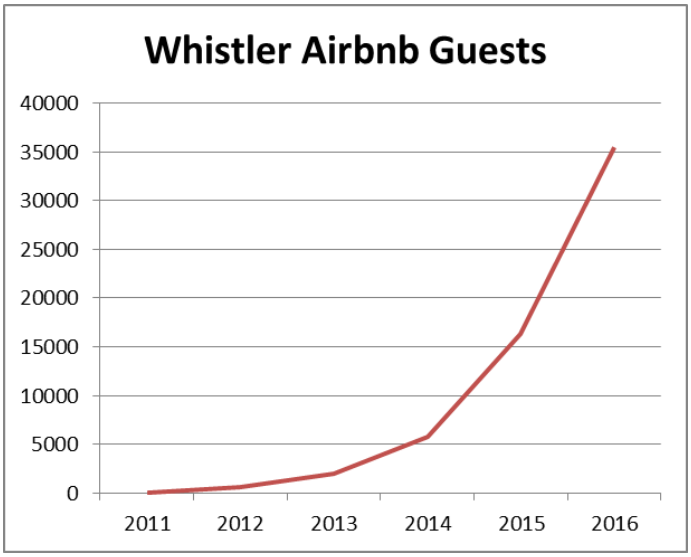
- Most visitors, in recent summer and winter seasons, were satisfied with their overall accommodation experience in Whistler
- Overall accommodation experience is consistently among the top 10 most satisfying aspects of a visitors' experience in Whistler
- Front desk service has been one of the most satisfying aspects in the accommodation sector
- When satisfaction levels are broken down by those with 24h onsite front desk service, and those that had no front desk service, the two groups did not show statistically significant differences in the overall satisfaction with their accommodation
- Visitors' satisfaction with the overall Whistler experience is very high, regardless of whether their accommodation offers front desk service

## Whistler Airbnb Trends and Profiles

Whistler Airbnb data is presented below because the Airbnb data was readily available, thanks to the company's willingness to collaborate and share information. It represents only a portion of the online short-term vacation home rentals occurring in Whistler. While there are many other online platforms used by Whistler property owners to rent their units (e.g., VRBO, HomeAway, Owner Direct, etc.), more and more vacation home owners and property management companies are using the Airbnb platform due to its ease of use and mobile-friendly application.

The number of Whistler guests booking through Airbnb increased exponentially in just four years, growing from 60 in 2011 to 35,500 in 2015. It should be noted that many of the professional property management companies market and book units through Airbnb's platform, so this growth is not only a reflection of the growth in rental by individuals. Further,

It is also important to note that of the approximately 800 active listings (according to 2016 data), nightly rental listings on Airbnb in residential zones (where nightly rentals are not permitted) represented just 67, according to a rough count done in winter 2016-17.




### *Hotel Market Disruptors are Top of Mind*

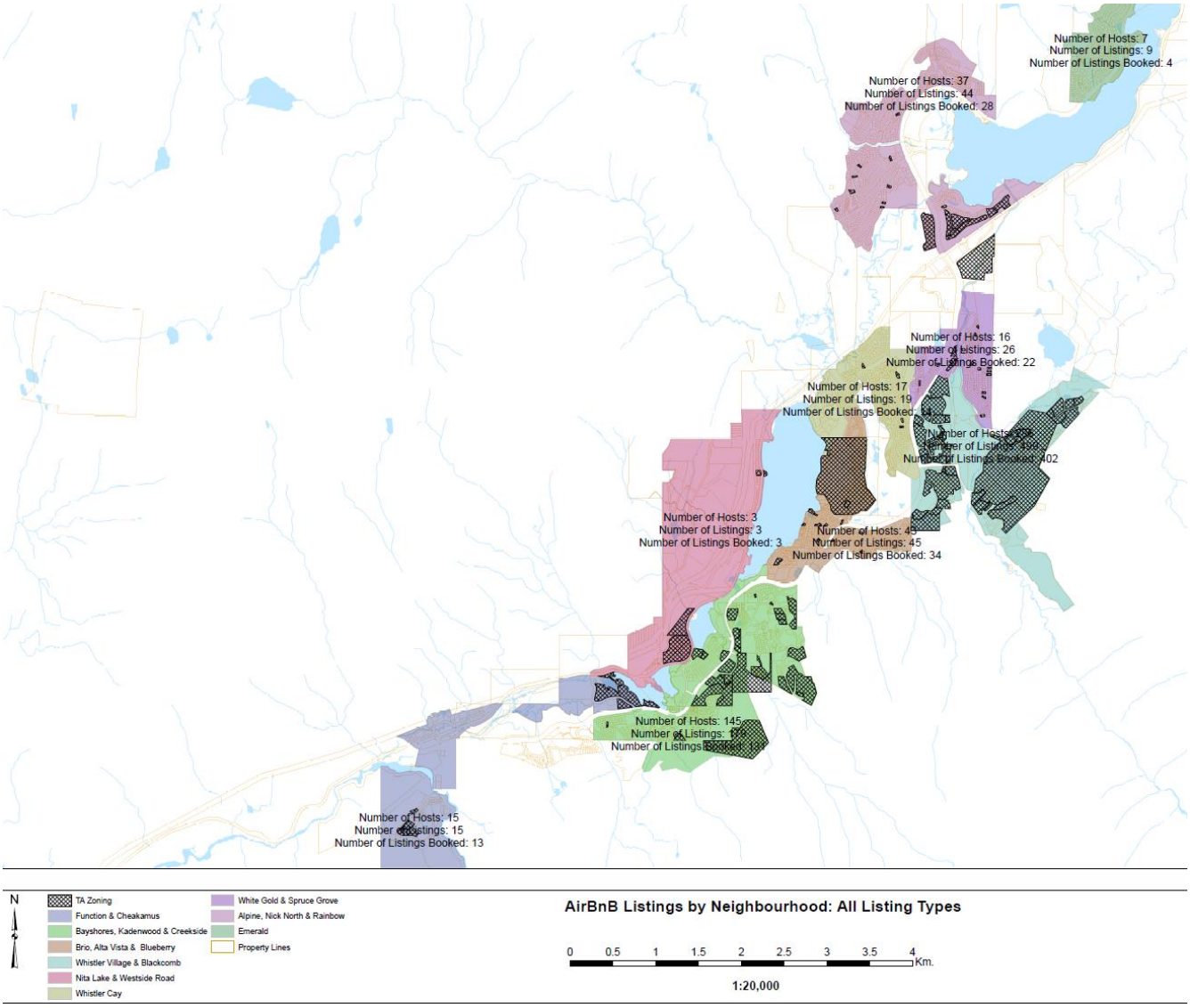
The popularity of AirBNB and other hotel-alternative services could begin to impact lodging demand in major markets globally. The conversation on these services as a threat to the traditional lodging industry will rise.

*Industry disruptors are top of mind. Fresh off the previous decade-long battle with online travel agencies (OTAs), new innovations such as AirBNB are rapidly transforming the way travelers book their accommodations. While these innovations are providing some benefit to the consumer, it has yet to be determined what impact these alternative distribution channels will have on traditional hotel performance. Owners of assets in secondary and tertiary markets for the most part do not see this as a major issue. However, the fundamental challenge is that this channel is not currently monitored and regulated.*

*Source: Colliers International Hotels 2016 Canadian Hotel Investment Report*

## AIRBNB LISTINGS BY WHISTLER NEIGHBOURHOOD

The map below indicates the number of Airbnb hosts, listings and listings booked for groupings of Whistler neighbourhoods. The hatched areas indicate zones where nightly tourist accommodation is permitted. At this time, the data cannot indicate whether the Airbnb listings are within those permitted zones or not. As previously mentioned, there were only about 67 illegal Airbnb listings in residential zones according to a rough count done at one point during winter 2016-17.



## PROFILE OF WHISTLER AIRBNB GUESTS (2016)

- The average age is 35 years
- The average group size is 3.2 people
- Most (81%) come from North America; 9% from Europe; 5% from Australia

AVERAGE GROUP SIZE

3.2 people

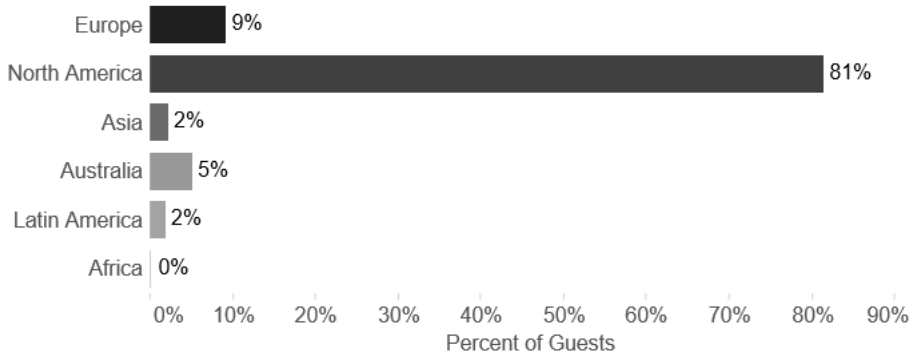
PERCENTAGE OF TRIPS THAT INVOLVE 4 OR FEWER GUESTS

87%

AVERAGE AGE OF BOOKING GUESTS

35

GUEST ORIGIN




Note: All data above is drawn from Airbnb proprietary bookings data. Data based on the one year period preceding May 1, 2016

airbnb

PROFILE OF WHISTLER AIRBNB HOSTS (2016)

## Overview of the Airbnb Community in Whistler, British Columbia, Canada

The following page captures the Airbnb community in Whistler, British Columbia, Canada

### HOSTS

AVERAGE HOST AGE

43

ANNUAL EARNINGS FOR A TYPICAL HOST

$11,100

### GUESTS

INBOUND GUEST ARRIVALS IN THE PAST YEAR

31,000

AVERAGE LENGTH OF STAY PER GUEST

3.6 nights

OUTBOUND GUEST ARRIVALS IN THE PAST YEAR

4,000

### LISTINGS

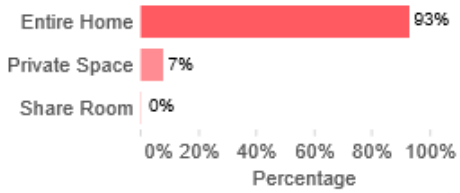
ACTIVE LISTINGS

803.0

NIGHTS HOSTED PER YEAR FOR A TYPICAL LISTING

45

CURRENTLY ACTIVE LISTINGS BY TYPE



## Appendix C

## Tourist Accommodation Review – Accommodation Inventory Database Overview

Purpose and Overview

The Tourist Accommodation (TA) database is intended to be an inventory of properties zoned to permit tourist accommodation, specifically properties with "Phase 1", "Hotel Use Only" or "Phase 2" covenants (collectively called "rental pool covenants"). 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[1]. The database also includes a summary page where individual titled properties are grouped and summarized by "accommodation property" and, if one exists, strata plan. For example, all strata units in the Westin are grouped under that name and strata plan.

Data Sources

The following were used as primary data sources for the TA database (i.e., they form the foundation of the database to which other data was "joined"):

1. An inventory of tourist accommodation properties obtained from Tourism Whistler.
2. Property data from the Resort Municipality of Whistler's (RMOW's) GIS and Tempest systems. This included zoning information, legal plan number, property type[2] and Property Identification (PID) numbers.

The following were used as secondary data sources for the TA database (i.e., this data was linked to the primary data noted above by a common field (usually the PID):

1. BC Assessment data compiled for assessment profiles (e.g., building type, use and land value).
2. Covenant information related to rental pool covenants including the covenant registration number and a hyperlink to a copy of the document.
3. Data recorded during the course of the TA review including property attributes (e.g., front desk and amenities), number of properties operating within a rental pool, services (e.g., 24 hour front desk staffing) and others.

The RMOW's bed unit inventory was also used as a validation tool to ensure properties had not been omitted from the database. Unit totals in the TA database were compared to bed unit totals in the bed unit inventory. If the totals were different, staff reviewed RMOW GIS and Tempest systems, building plans and strata plans to determine if tourist accommodation units had been omitted from the TA database or if units that were not used for tourist accommodation (e.g., retail space) had inadvertently been included in the inventory.

[1] A titled property constitutes a property that can be bought and sold and can be either a strata property or non-strata property.

[2] This is either non-strata or strata, which was determined by the plan number prefix. Plan numbers containing the letters "r" or "s" are strata plans, and all others are non-strata plans.

Rental Pool Covenants

Identifying properties with rental pool covenants was one of the most important reasons for compiling the TA database. The Land Title and Survey Authority of British Columbia (LTSA) is the official repository of covenant information in British Columbia. Property/covenant information in the LTSA database can only be searched through a two-step process that first involves purchasing PDF copies of property titles and then purchasing the covenants registered on those titles. Conclusively determining which of the approximately 7,700 properties have rental pool covenants would require obtaining copies of all 7,700 titles, then obtaining copies of all covenants registered on those titles, and finally reviewing all the covenants to identify which ones are rental pool covenants and which titles they are registered on. Such a search was determined to be cost prohibitive[3]. Instead, a grouping principle and process of elimination was used. The grouping principle presumed that if an accommodation property was stratified (e.g., the Westin) and a covenant was found on one strata unit, that same covenant was likely registered on all strata units in the same strata plan (e.g., all strata units in the Westin would be subject to the same rental pool covenant). There was no need to apply this principle to non-strata properties (e.g., the Fairmont), as these properties have only a single title. Once it was determined that an accommodation property had a rental pool covenant, it was excluded from further searches. The search method was a three step process of elimination. Each step is outlined below.

*Step One: Paper Record Search*

The RMOW has hard-copy catalogues of some covenants which include information about the covenants' purpose (e.g., rental pool), and the properties to which they apply. These catalogues were reviewed to determine if an accommodation property was noted as having a rental pool covenant. If the catalogues indicated an accommodation property had a rental pool covenant, all titled properties that made up the accommodation property were deemed to have the covenant registered on the title. The covenant was also reviewed to confirm if it was in fact a rental pool covenant. In this step, rental pool covenants were found for approximately 24% of accommodation properties and these properties were excluded from steps two and three.

*Step Two: Title and Covenant Scan*

In step two, a sample of titles from each accommodation property was compiled and scanned using a text recognition process. The text recognition process created a list of all covenants registered in favour of the RMOW (approximately 600 covenants in total). These covenants were then scanned using a separate text recognition process to identify covenants with typical rental pool covenant terms (e.g., "rental pool"). Covenants in the resulting list were reviewed by a planner to confirm they were rental pool covenants. A sub-list of these covenants was compiled and the titles noted above were scanned again, this time to determine which titles had one or more of the identified rental pool covenants registered on the title. When a title was found to have a rental pool covenant, all titled properties in the corresponding accommodation property were determined to have that covenant and excluded from step three. In this step, rental pool covenants were found for approximately 28% of accommodation properties.

[3] Copies of titles cost $11/title and copies of covenants cost $25-90/covenant. Typically a title has 2-6 covenants registered in favour of the RMOW. Purchasing titles for all 7,700 properties in the TA database would cost approximately $85,000 and the cost of obtaining copies of covenants registered on those titles would range from $400,000-1,000,000, for a total cost of approximately $485,000-$1,085,000.

*Step Three: Manual Review*

As a final step, the titles of properties from step two where rental pool covenants were not found where run through a “manual” version of step two. Each title was reviewed by a planner to identify covenants registered in favour of the RMOW. The planner then reviewed each of those covenants to identify which were rental pool covenants. As with step two, when titles had a rental pool covenant, all properties from the corresponding accommodation property were assigned the same covenant. However, no rental pool covenants were identified in step three (this was not unexpected as step three was technically redundant). Approximately 48% of accommodation properties were searched in step three (meaning they were also searched in steps one and two) and were determined not to have a rental pool covenant.

## Appendix D

## Zones and Land Use Contract Areas with Tourist Accommodation Permitted Uses

The following zone designations and land use contracts permit a specified tourist accommodation use that allows temporary lodging and temporary accommodation for paying guests. The specific use permitted and associated regulations are specified in the Resort Municipality of Whistler Zoning and Parking Bylaw 303, 2015 or the applicable land use contract registered on the title of the property. This list is subject to change as a result of zoning amendment applications.

**COMMERCIAL ZONES – PART 9**
Commercial Core One – CC1
Commercial Core One Employee – CC1-E
Commercial Core Two – CC2
Commercial Core Three – CC3

**LEISURE ZONES – PART 11**
Leisure Recreation One – LR1
Leisure Recreation Two – LR2
Leisure Recreation Four – LR4
Leisure Recreation Six – LR6
Leisure Recreation Eight – LR8
Leisure Recreation Nine – LR9

**RESIDENTIAL TOURIST ACCOMMODATION ZONES – PART 12**
Residential Tourist Accommodation One – RTA1
Residential Tourist Accommodation Two – RTA2
Residential Tourist Accommodation Three – RTA3
Residential Tourist Accommodation Four – RTA4
Residential Tourist Accommodation Five – RTA5
Residential Tourist Accommodation Six – RTA6
Residential Tourist Accommodation Seven – RTA7
Residential Tourist Accommodation Eight – RTA8
Residential Tourist Accommodation Nine – RTA9
Residential Tourist Accommodation Eleven – RTA11
Residential Tourist Accommodation Thirteen – RTA13
Residential Tourist Accommodation Fourteen – RTA14
Residential Tourist Accommodation Fifteen – RTA15
Residential Tourist Accommodation Sixteen – RTA16
Residential Tourist Accommodation Seventeen – RTA17
Residential Tourist Accommodation Eighteen – RTA18
Residential Tourist Accommodation Nineteen – RTA19
Residential Tourist Accommodation Twenty – RTA20
Residential Tourist Accommodation Twenty-One – RTA21
Residential Tourist Accommodation Twenty-Two – RTA22
Residential Tourist Accommodation Twenty-Four – RTA24
Residential Tourist Accommodation Twenty-Five – RTA25
Residential Tourist Accommodation Twenty-Six – RTA26
Residential Tourist Accommodation Twenty-Eight – RTA28
Comprehensive Residential Tourist Accommodation One – RTA-C1

**Appendix D, Continued**

**Zones and Land Use Contract Areas with Tourist Accommodation Permitted Uses**

**RESIDENTIAL MULTIPLE ZONES – PART 13**
Residential Multiple Fourteen – RM14
Residential Multiple Forty – RM40
Residential Multiple Fifty-Three – RM53
Residential Multiple Fifty-Six – RM56

**TOURST ACCOMMODATION ZONES – PART 15**
Tourist Vehicle One – TV1
Tourist Vehicle Two – TV2
Tourist Accommodation One – TA1
Tourist Accommodation Two – TA2
Tourist Accommodation Three – TA3
Tourist Accommodation Four – TA4
Tourist Accommodation Seven – TA7
Tourist Accommodation Eight – TA8
Tourist Accommodation Nine – TA9
Tourist Accommodation Ten – TA10
Tourist Accommodation Eleven – TA11
Tourist Accommodation Twelve – TA12
Tourist Accommodation Thirteen – TA13
Tourist Accommodation Fourteen – TA14
Tourist Accommodation Fifteen – TA15
Tourist Accommodation Sixteen – TA16
Tourist Accommodation Seventeen – TA17

**TOURIST PENSION ZONES – PART 16**
Tourist Bed and Breakfast One – TB1
Tourist Pension Four – TP4

**LANDS NORTH ZONES – SECTION 16**
Commercial Residential One – CR1
Commercial Residential Two – CR2
Commercial Residential Four – CR4
Commercial Mix One – CM1
Local Convenience One – LC1
Local Convenience Two – LC2
Local Convenience Three – LC3
Lodge Accommodation One – LA1
Lodge Accommodation Two – LA2
Lodge Accommodation Three – LA3
Hotel Accommodation One – HA1
Hotel Accommodation Two – HA2
Lands North Residential Tourist Accommodation One – LNRTA1
Lands North Residential Tourist Accommodation One – LNRTA2
Lands North Residential Tourist Accommodation One – LNRTA3

**LAND USE CONTRACTS** as specified within contract provisions
Bayshores, Blackcomb, Blueberry, Whistler Creek Lodge, Whistler Vale Inn

# Tourist Accommodation (TA) Review

## Proposed Council Policy, Zoning Amendment Bylaw, Business Regulation Bylaw and MTI Bylaw

Regular Meeting of Council

May 23, 2017

RESORT MUNICIPALITY OF WHISTLER
4325 Blackcomb Way
Whistler, British Columbia
Canada V0N 1B4
www.whistler.ca
TEL 604 932 5535
TF 1 866 932 5535
FAX 604 935 8109

WHISTLER

# Presentation Overview

- Presentation of materials contained in Administrative Report to Council #17-057
  - Priority outcomes of the Tourist Accommodation (TA) Review Project initiated June 21, 2016
  - Supporting background materials
- Priority outcomes
  - Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions
  - Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017
  - Tourist Accommodation Regulation Bylaw No. 2142, 2017
  - Municipal Ticket Information System Amendment Bylaw No. 2152, 2017

# PROJECT BACKGROUND

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4325 Blackcomb Way
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WHISTLER

# Context

- Whistler was built on a plan that thoughtfully and strategically identified land use and development
  - Core commercial areas – accommodation, F&B, retail, entertainment
  - Access to mountains, natural areas and amenities
- Overall goal, world class four season destination resort community
- Key factor - unique accommodation mix available to guests
  - Two types of “warm beds” to avoid vacant properties as experienced in other resorts
    1. Must be available for rent when the owner is absent
    2. Available to the public at all times except for limited owner use (28 nights in winter and 28 in summer (most hotels in village)
  - Residential housing
  - Resident restricted housing

# Context

- Approach
  - ✓ Secure visitor bed base maintains long term economic viability
  - ✓ Promotes a vibrant village core
  - ✓ Provides guests with walkable access to Mountain activities and amenities
- Model has achieved great success, many have tried to learn from our model
- Must continue to check in on our plans - ensure we maintain what is working while staying ahead of market trends and opportunities
- Tourist Accommodation Review consistent with on-going evolution

# Project Purpose

- To review and modify/develop RMOW policies, regulations and other legal mechanisms governing Whistler's tourist accommodation properties

- To address key issues and factors
  - 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 TA units
  - Pressures on supply and utilization of Whistler's residential properties for illegal nightly rentals and paid visitor stays

# Work Program Completed

1. Confidential stakeholder interviews
2. Resort partner meetings (TW, Chamber, WB, WHA)
3. Additional consultation with Mayor's Task Force on Resident Housing, AirBnB, other resorts, stakeholders
4. Review of tourism and accommodation trends
5. Comprehensive database of Whistler's tourist accommodation properties
6. Extensive review of existing applicable policies, zoning, land use contracts, and rental pool and development covenants
7. Legal counsel advice

- Completed over 10-month period consistent with Council direction

# Stakeholder Interviewees

## Hotel and Phase 2 Property Managers

- Joerg Rodig, Four Seasons
- Tony Cary-Barnard, Westin
- Norm Mastalir, Fairmont

## Phase 2 Property Owners

- Dennis Hilton and Leigh Higinbotham, Adara Hotel
- Christina MacVikor, Mountainview Accommodation/Alpenglow

## Phase 1 Property Owners

- Sandy Black, Glacier Lodge

## Property Management Companies

- Saad Hasan, Lodging Ovations
- Nathan Mcleod, Whistler Wired
- Mark Blasak, Whistler Premier
- Christina MacVikor, Mountainview Accommodation/Alpenglow
- Bob Wyper, Itrip.Net

# Stakeholder Interviewees

## Front desk/concierge service provider

- Cheryl Waters, Whistler Reception

## Online booking agencies

- Sue Chappel, Allura Direct
- Airbnb

## Other

- WRM, Property Management
- Paul Mathews, resort planning
- Jim Godfrey, public policy/administration
- Roger Soane, hotel management
- Pat Kelly, realtor
- Justin Mason, vacation sales

# TA Inventory Overview

- Large inventory of properties permit some form of Tourist Accommodation use
  - 7,700 strata lots and fee simple properties; 190 different stratas and land parcels
  - 8,922 developed TA accommodation units
  - 497 undeveloped TA accommodation units
  - 25,156 developed TA bed units
  - TA is 46% of total developed accommodation bed units and 56% of total accommodation units; remainder of is restricted to residential use only
- Diversity of permitted uses
  - Hotel, inn, lodge, tourist accommodation, temporary accommodation, temporary lodging, hostel, bed and breakfast, pension, RV park, campground, athlete's centre accommodation

# TA Inventory Overview

- Unique parcel identifiers for all properties, strata units permitted some form of TA use
- Zoning
- Copies of registered rental pool covenants
- Covenant attributes categorized
- Assessment data
- TW data
- Use and services characteristics

# TA Inventory By Category

| | Accommodation Units | Property Count |
|---|---|---|
| **Hotel/ Phase 2** | 4,024 | 28 |
| **Phase 1 Covenants** | 3,132 | 55 |
| **Other** No Covenants | 2,263 | 104 |
| **Total** | **9,052** | **185** |

- Rental Pool covenants and development covenants registered on title
- Mechanism for achieving ‘warm bed’ objectives first articulated in early OCPs – ensure accommodations are available for visitor use
- Serve as an extension of zoning

# Overall Situation

- Things are generally working well for TA inventory
  - Good mix of TA types and unit availability
  - Covenants – generally keeping beds “warm”
  - Strong economic performance – occupancy rates, ADR, ROI
  - Visitor satisfaction is high for all TA types
  - Reinvestment is occurring
  - Effective management arrangements are being developed by individual stratas
- Key areas to address/reinforce
  - Protect core accommodation base of hotel and phase 2 properties
  - Provide guidance for Phase 1 and non-covenanted TA properties
  - Address illegal nightly rentals of residentially zoned properties

OVERVIEW OF RECOMMENDATIONS

# PROPOSED COUNCIL POLICY

RESORT MUNICIPALITY OF WHISTLER
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Canada V0N 1B4
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WHISTLER

# Guiding Principles

- 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 TA use requirements and rental arrangements
- Remove RMOW from involvement in TA property management issues
- Prohibit nightly rentals in residential areas (i.e., properties not zoned for tourist accommodation use)

# General Policies

- Recognize, maintain and clarify distinctions within TA inventory for accommodation use requirements, based on specified policy objectives, guiding principles, zoning, rental pool and development covenants, and development approvals.
- Clarify RMOW position on various rental pool covenant provisions registered in favour of the municipality
  - Secure provisions essential to maximizing availability and use of Whistler's core accommodation base for visitor use
  - Support existing owner use provisions
  - Do not exercise provisions requiring municipal approval of particular rental pool or rental agreement
- Recognize and specify policies for four general categories of accommodations and identify specific properties within each
  - Hotel and Phase 2 Rental Pool Accommodations
  - Tourist Accommodation Dwellings with Phase 1 Rental Pool
  - Tourist Accommodation Dwellings with No Rental Pool
  - Residential Use Only Accommodations

# Hotel and Phase 2 Rental Pool Accommodations Overview

- Critical to Whistler's TA inventory
  - Covenant: **maximize the number of persons able to visit and stay** in the Resort Municipality of Whistler
  - Examples: Westin, Pan Pacific, Aava, Coast, Four Seasons Hotel
  - Critical to maintaining warm beds
  - Core accommodation base
    - Conferences, large corporate groups, Asian market
  - High levels of amenities and services
  - Unified and coordinated management of strata lots being made available for rental to public under common rental pool arrangement is essential

# Hotel and Phase 2 Rental Pool Accommodations Policies

- Recognize properties in category as **core accommodation base** for visitor use; maximize number of persons able to visit and stay
- Secure essential use, management and operating aspects utilizing zoning and business regulations to support covenant provisions
- Achieve equitable approach and consistency in applicable provisions; seek to mirror existing provisions and typical operations

# Hotel and Phase 2 Rental Pool Accommodations Policies

- Amend and apply zoning and business regulations
  - Reinforce requirement for all accommodation units within these properties to be managed and operated as a single, integrated entity
  - All owner use and visitor use booked through a single, integrated rental pool
  - All units made available for rental to public at all times except booked permitted owner use
  - Maintain existing covenanted owner use provisions (typically permit booked owner use up to 56 days per calendar year; prioritize visitor use over additional booked owner use)
  - Provide for existing time share arrangements
  - Maintain existing zoning requirements for auxiliary lobby, restaurant, assembly, entertainment and retail uses
  - Secure essential facilities and services
  - Require single business license per property
    - Do not issue or permit licensing for units on individual basis
    - Require resolution by ¾ vote authorizing hotel business license application
  - Support zoning and business regulations through municipal ticketing and available adjudication processes

# TA Dwellings with Phase 1 Rental Pool Overview

- Maximize use by owners and visitors
  - Covenant: **maximize the number of people occupying the accommodation**
  - Examples: Aspens, Glacier Lodge, Marketplace Lodge, Town Plaza, Legends, Montebello, Northern Lights
  - Less restrictive owner use limitations under zoning and covenants – make available to the public when not in use by owner
  - Evolving property management models and multiple rental arrangements
    - Technology and on-line booking platforms are making it easier for owners to rent individually (AirBnB and VRBO)
    - Innovative models being developed by stratas to maintain visitor experience – front desk, emergency contact, key systems

# TA Dwellings with Phase 1 Rental Pool Policies

- Clarify RMOW position on use and covenant provisions
  - Seek to maximize occupancy of these accommodations by owners and visitors
  - Maintain existing covenanted owner use provisions and rental booking requirements for each property. Do not seek to reinforce through zoning or business regulations
  - Allow for multiple rental booking and unit management arrangements; individual unit owners may determine booking and management arrangements for their unit on individual basis, subject to strata bylaws and owner agreements
  - Encourage coordinated provision of visitor services. Operating models for each property are determined at the strata level
  - Work with resort partners and stakeholders to advance effective models
  - Require individual accommodation unit owners to obtain business license for any tourist accommodation rental and marketing activities
    - If conducted by licensed independent property management company, then individual license not required
  - Monitor utilization of the units in this category on on-going basis, to maximize use and maintain covenant use objectives

# Tourist Accommodation Dwellings with no Rental Pool Overview

- Provides diversity in TA offering
  - Includes RTA dwellings that allow both residential and tourist accommodation use
  - Larger accommodation units attractive for extended stays, families and larger groups
  - Also, RV parks, camping, hostels, B&B and pensions

# Tourist Accommodation Dwellings with no Rental Pool Policies

- Maintain existing zoning and permitted uses
  - Help promote attractiveness of units for extended stays, larger groups and family business
  - Encourage full utilization of these units for residential use and visitor rentals as zoning permits
  - Require individual accommodation unit owners to obtain a business license for any tourist accommodation rental and marketing activities
    - If activity is conducted by licensed independent property management company then individual license not required

# Residential Use Only Accommodations

- Illegal nightly rentals and visitor rentals to paying guests significant issue of concern to resort community
  - Undermines residential character of neighbourhoods
  - Undermines properly zoned tourist accommodation inventory
  - Impacts availability of housing supply for residential purposes
  - Growing concern with multiple rental booking platforms and channels for marketing, and lucrative illegal rentals

# Residential Use Only Accommodations

- Reinforce regulations and enforcement of illegal TA activities
  - Maintain/reinforce existing zoning restrictions and business regulations to prohibit any tourist accommodation or temporary lodging use of properties that are restricted to residential use
  - Seek to maximize utilization of residential properties to support housing needs
  - Work with property management companies and rental booking platforms and service providers to support zoning and business regulations
  - Enforce against illegal rentals using available tools and legislative powers
    - Amend business regulations to prohibit marketing of illegal rentals and adopt available adjudication processes

# Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017

- Key priority to further secure core accommodation base:
  - Applies to all properties and accommodation units listed in bylaw – excludes Vale Inn and Whistler Creek Lodge
  - "Hotel and Phase 2 rental pool arrangement" ensures all units within a property are available to public for rental under single professional rental pool manager providing integrated booking, reception, cleaning, laundry, and other services
  - Existing permitted use of accommodation units by unit owners is maintained as provided under existing covenant
  - Existing time share arrangements within property allowed to continue to operate under separate arrangement
  - High level of services considered essential to visitor experience and guest services for core accommodation base are maintained
    - 24 hour lobby and front desk services, uniform key entry system, housekeeping and building maintenance services and a central telephone system.

# Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017

- Provisions apply uniformly to all of the properties and accommodation units listed in Table 5B of bylaw amendment
- Included under existing General Regulations applicable to hotels, inns, lodges and tourist accommodation properties (Part 5, Section 18 of Zoning and Parking Bylaw No. 303, 2015).
- Bylaw has been developed with legal counsel
  - Information related to current zoning, applicable development and rental pool covenants, development history and current operations for subject properties also considered
  - Zoning bylaws in other resort communities also considered

# TA Regulation Bylaw No. 2142, 2017

- Addresses
  - Business license requirements for tourist accommodation business activities, including marketing and rental activities
    - Business license required for tourist accommodation business activities conducted by a property management or rental management company
    - Tourist accommodation business activities conducted independently by a unit owner as a vacation rental business will require a business license
    - For properties defined in bylaw to be a hotel, all units are to be operated under a single hotel business license
    - For hotels individual unit owners not eligible to obtain business license to conduct a tourist accommodation business independently
    - For strata titled hotel properties, 3/4 resolution of strata required for application
  - Prohibitions against such activities without a license
  - Provisions for various types of tourist accommodation businesses
    - Hotel businesses required to have specified front desk, housekeeping and building maintenance services

# Municipal Ticket Information System Amendment Bylaw No. 2142, 2017

- Adds infractions that correspond to provisions in the proposed Tourist Accommodation Regulation Bylaw No. 2142, 2017 and corresponding fines ($1,000 per infraction per day)

| DESIGNATED EXPRESSION | SECTION | FINE |
|---|---|---|
| Carry on tourist accommodation business without licence | 3 | $1000 |
| Carry on tourist accommodation business with respect to premises not permitted | 4 | $1000 |
| Market property for less than 1 month | 6 | $1000 |
| Market or sublet for less than 1 month | 7 | $1000 |
| Fail to be resident at bed and breakfast | 8 | $1000 |
| Unlawful tourist accommodation within hotel | 9 | $1000 |
| Hotel not licensed | 10 | $1000 |
| Hotel without required front desk services | 12(a) | $1000 |
| Hotel without housekeeping services | 12(b) | $1000 |
| Hotel without building services | 12(c) | $1000 |
| Fail to provide required information | 16 | $1000 |
| Tourist Accommodation Business contravene term of license | 19 | $1000 |

# Summary of Overall Direction

- Is not a substantive change in policy direction
- Supports and reinforces existing zoning and covenant provisions
- Provides clarity to accommodation unit owners as to RMOW position
- Proposed bylaws are limited in scope
  - Reinforce single rental pool requirements and services for Hotel and Phase 2 properties
  - Focus on illegal nightly rentals and tourist accommodation business activities

# Recommendation

- **That** Council endorse Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions attached as Appendix "A" to Report to Council No. 17-057; and
- **That** Council consider giving first and second readings to "Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017"; and
- **That** Council consider giving first, second and third readings to "Tourist Accommodation Regulation Bylaw No. 2142, 2017"; and
- **That** Council consider giving first, second and third readings to "Municipal Ticket Information System Amendment Bylaw No. 2152, 2017"; and further
- **That** Council authorize staff to schedule a public hearing regarding "Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017".

service to the municipality and wish her all the very best in her future endeavours.

Councillor Crompton congratulated Naomi Prohaska and her father Rich who are summiting Mt. Logan at the moment. If they are successful Naomi will be the youngest person to ever summit Mt. Logan.

Councillor Maxwell thanked Simon Fraser University for providing her with a scholarship to attend the Renewable Cities Conference that was just held in Vancouver. Councillor Maxwell commented that it was great to meet people from cities all around the world who have been pursuing their renewable energy goals. Councillor Maxwell hopes to share what she learned with Council later and that it is a great opportunity for us to work with some of the other cities in that network. Councillor Maxwell commented that it was great to see other residents of Whistler at the conference some of who were speaking.

## INFORMATION REPORTS

Whistler 2017 Transportation Action Plan Recommendation
Report No.17-051
File No. 546

Moved by Councillor J. Ford
Seconded by Councillor J. Grills

**That** Council receive Information Report to Council No.17-051 regarding the recommended Whistler 2017 Transportation Action Plan.

CARRIED

## ADMINISTRATIVE REPORTS

Tender Award – 2017 Road and Trail Reconstruction Program
Report No.17-052
File No. 523.1

Moved by Councillor S. Anderson
Seconded by Councillor J. Ford

**That** the Tender Award for the 2017 Road and Trail Reconstruction Program be postponed until the next Council meeting to allow for Council and staff to review further.

CARRIED

Tourist Accommodation Review – Proposed Council Policy, Zoning Amendment Bylaw, Business Regulation Bylaw And Municipal Ticket Information System Amendment Bylaw
Report No.17-057
File No.7651, Bylaws 2140, 2142, 2152

Moved by Councillor J. Ford
Seconded by Councillor J. Grills

**That** Council endorse Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions attached as Appendix “A” to Report to Council No. 17-057; and

**That** Council consider giving first and second readings to “Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017”; and

**That** Council consider giving first, second and third readings to “Tourist Accommodation Regulation Bylaw No. 2142, 2017”; and

**That** Council consider giving first, second and third readings to “Municipal Ticket Information System Amendment Bylaw No. 2152, 2017”; and further

**That** Council authorize staff to schedule a public hearing regarding "Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017".

CARRIED

2017 Emerald Estates Water Disinfection System Upgrades
Report No.17-053
File No. 271.4

Moved by Councillor J. Ford
Seconded by Councillor S. Maxwell

**That** Council award the contract in the amount of $1,492,170.42 (exclusive of GST) to Kingston Construction Ltd. in accordance with their tender proposal dated May 4, 2017 for construction of the Emerald Estates Water Disinfection System Upgrades.

**That** Council direct staff to amend the Five-Year Financial Plan 2017–2021 to reflect this award, as well as updated cost estimates and Clean Water and Wastewater Fund grant amounts.

CARRIED

Liquor Licence Application Processing Fee Bylaw No. 2149, 2017
Report No.17-055
File No. 8292.02.01

Moved by Councillor J. Grills
Seconded by Councillor J. Crompton

**That** Council consider giving first, second, and third readings to Resort Municipality of Whistler "Liquor Licence Application Processing Fee Bylaw No. 2149, 2017".

CARRIED

Whistler Village Land Co. Ltd. – 2017 Annual Report
Report No.17-056
File No. VAULT

Moved by Councillor S. Anderson
Seconded by Councillor S. Maxwell

**That** Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolves that the Municipality, as sole shareholder of the Whistler Village Land Co. Ltd. pass the 2017 consent resolutions of the shareholders of the Whistler Village Land Co. Ltd., a copy of which is attached to Administrative Report to Council No 17-056 as Appendix "A", and that the Mayor and Municipal Clerk execute and deliver the attached resolutions on behalf of the Municipality.

CARRIED

## MINUTES OF COMMITTEES AND COMMISSIONS

Forest and Wildland Advisory Committee

Moved by Councillor J. Crompton
Seconded by Councillor S. Maxwell

**That** minutes of Forest and Wildland Advisory Committee meeting of April 12, 2017 be received.

CARRIED

May Long Weekend Committee

Moved by Councillor J. Ford
Seconded by Councillor J. Grills

DRAFT

To: corporate
Subject: RE: Bylaw regulation 2142

From: Frank.Maier [mailto:Frank.Maier@kiewit.com]
Sent: We nesday, May 31, 2017 2:00 PM
To: corporate <corporate@whistler.ca>
Subject: RE: Bylaw regulation 2142

Melissa, you are approved to change it to Mayor and council.

Regards,

Frank Maier, P.Eng
(250) 319-2278

( Kiewit

From: corporate [mailto:corporate@whistler.ca]
Sent: Wednesday, May 31, 20171:59 PM
To: Frank.Maier <F_____rank.Maier@kiewit.com>; corporate <corporate@whistler.ca>
Subject: RE: Bylaw regulation 2142

Good Afternoon Mr. Maier, thank you for your correspondence. As per our council procedure for correspondence for inclusion for the Public Hearing record all correspondence must be addressed to "Mayor and Council". Could you please respond with your approval for us to amend your address to include "Mayor" so that we can attach it to the package for the Public Hearing.

Best Regards

Melissa Kish
COUNCIL COORDINATOR
Legislative Services

RESORT MUNICIPALITY OF WHISTLER
4325 Blackcomb Way
Whistler, B.C. VON 186
TEL: 604-935-8114
E-MAIL: mkish@whistler.ca

WEBSITE: www.whistler.ca

Whistler was the proud Host Mountain Resort for the 2010 Olympic and Paralympic Winter Games

From: Frank.Maier [mailto:Frank.Maier@kiewit.com]
Sent: Wednesday, May 31, 2017 11:45 AM
To: corporate <corporate@whistler.ca>
Subject: Bylaw regulation 2142

Council,

I saw the notice for public comment and will not be able to attend (https://www.whistler.ca/sites/default/files/2017/May/events/pdf/23816/ph_notice.pdf). I own a property in Glacier's Reach and am concerned with some of the proposed changes. Below are my comments for the regulation changes.

1. I purchased a Phase 1 short term rental property for a multitude of reasons, but mainly because it gave me the highest flexibility in terms of using it myself with my family as well as renting it out. The % resolution clause to re-license a strata and force upon them a management company that will convert the strata to a hotel business with front desk personnel, housekeeping and maintenance service brings me great concern. (On a side note, I've managed my property professionally with professional cleaning and maintenance service myself for the past 5 years without issue. I do not claim the property to be my primary residence and subsequently pay full property taxes. I pay commercial Tourism Whistler fees and claim the rental income on my tax returns.) I take great pride in my management skills and providing my clients with a great accommodation as well as making cherished memories with my family. If there was such a takeover at Glacier's Reach, my family and I would lose the management abilities that made a Phase 1 property so attractive in the first place. My suggestion is to go to 100% resolution, 75% is simply not enough. Inactive owners will see this as a welcomed initiative to be more hands off, but owners like myself who actually care and do they best with what they have will be frustrated. The owners who want a property management company ·if they so choose, at a great expense of losing usage privileges as well as paying outrageous management costs (35% of revenue is standard), but that should be there choice alone. If such a resolution was passed at any strata, it would be like changing the zoning from Phase 1 to Phase 2.
2. I'm all for making sure that rental properties are properly zoned as well as safe and secure for guests. Obtaining a short term rental license (or whatever it will be called) isn't of grave concern to me as long as the process isn't cumbersome or costly. I already have a business license as short term rentals over $30K/year are not GST exempt, so to me that business license should suffice. If it is more than a simple business license, I don't think that it should be more than filling out some paperwork and submitting this to the municipality since the address will determine the zoning anyway.

I hope my comments are clear, if not please feel free to reach out to me.

Regards,


**I )Kiewit**

Frank Maier, P.Eng
Estimator- Westem Canada District

PETER KIEWIT SONS ULC
#310, 4350 Still Creek Dr. Bumaby, BC V5C OG5
(778) 375-3467 direct (250) 319-2278 cell
frank.maier@kiewit.com


rJij Before printing this e-mail ...think GREEN


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**To:** corporate
**Subject:** RE: new bylaw

-----Original Message-----
From: Annabel Kershaw [mailto:alkershaw@telus.net]
Sent: Wednesday,May 31,2017 2:02PM
To: corporate <corporate@whistler.ca>
Subject: new bylaw

It has been brought to my attention that there is a new bylaw proposed - at least I hope it is proposed and not in force yet, requiring rental properties to carry a business license.

We have a home which is legally zoned for rentals and we rent it out frequently but also use it ourselves. We would rather not however costs in Whistler are so prohibitive we have no choice. We already pay massive property taxes as well as tourism fees.
To add to our financial burden requiring a business license when we are already paying fees to Whistler Tourism for what is essentially permission to operate this business is unfair,punitive and basically a double up tax.

Although we don't have a property manager in our complex and manage the rentals ourselves, I strongly object to people being forced to use a property manager. These management firms amount to highway robbery and take such a huge percentage of income for doing basically nothing. Our unit was managed by a property management firm before we bought it and the place was in bad shape. We had to do a lot of work to bring it back to a decent rental standard. Property managers don't care. They only want money. Owners care about their homes.

It really makes me wonder who you are protecting and supporting with these new bylaws. Certainly not the owners.

I hope other people are as upset about this as we are because this is not going to help us out at all and in fact,if some of these changes are implemented,some of us might be compelled to sell.

Annabel Kershaw
Backcomb Greens
Whistler BC

**To:** corporate
**Subject:** RE: New bylaw

-----Original Message-----
From: Wolfgang Andreas Ruescher [mailto:ruescherw@shaw.ca]
Sent: Wednesday, May 31, 2017 9:16AM
To: corporate <corporate@whistler.ca>
Subject: New bylaw

Hi,

We are the owners of a suite in the Marquise since 2003.
We heard there will be a new rental bylaw.
We rent via Allura direct. My wife always takes care of the place and does all the arrangements by herself including the arranging and cleaning etc. Please let us know if this will effect us and how/ what we need to do. I'm in China and cannot attend the meeting.

Thanks for your info.

Regards,

Wolfgang

Sent from my cellphone. Pis xcuse brevity / typo.

**To:** corporate
**Subject:** RE: New By-law proposal discussion 6th June 2017

**From:** David Harper [mailto:david_harper@me.com]
**Sent:** Wednesday,May 31,2017 11:42 AM
**To:** corporate <corporate@whistler.ca>
**Subject:** New By-law proposal discussion 6th June 2017

Re the Following Proposal

*"In general terms, the purpose of the proposed Bylaw is to establish license requirements and regulations for various types of tourist accommodation businesses and business activities; prevent unlicensed and unlawful tourist accommodation business activities, including marketing and providing accommodation or lodging to paying guests for properties without proper zoning; and to establish operating and services requirements for properties defined to be hotel businesses.*

*For properties that are defined in the Bylaw to be* a *hotel, all units are to be operated under* a *single hotel business license. Individual unit owners will not be· eligible to obtain* a *business license to conduct* a *tourist accommodation business outside of the single hotel business license. For strata titled properties that are subject to the Strata Property Act,* a *3/4 resolution of the strata corporation authorizing the licence application is required. Hotel businesses are also required to have the specified front desk, housekeeping and building maintenance service.*

*A copy of the proposed Bylaw and relevant background documentation may be inspected at the Reception Desk of Municipal Hall at 4325 Blackcomb Way, Whistler, BC, during regular office hours of 8:00* a.m. *to 4:30p.m., from Monday to Friday (statutory holidays excluded)."*

I would like to register a strong objection to the proposal.

This is a sledgehammer to crack a nut and seeks to punish law abiding strata owners because of the abuse of the zoning regulations by a few people. I own a property in Glacier Lodge and bought it, in part, as it is zoned for nightly rental and the rental is part of the deal. I self manage the property, within the terms of the strata by-laws and local zoning rules. Part of my calculation in purchasing the property was the potential income from renting and the proposal looks to me like a restriction of trade and an admission by the RMOW that it has failed in enforcing the existing zoning restrictions and is therefore "passing the buck" to the law abiding property owners.

There is no comment as to the cost of the proposed licence or the level of bureaucracy related to the renewal of the licence. The alternative is to use some sort of manager for the property these managers typically take c30% of gross rent rendering the economices of renting extremely unattractive for the small / individual owner.

This proposal looks like the RMOW picking on the little guy as it has failed to fulfil its duty to enforce the existing zoning regulations. If someone is willing to ignore the zoning regulations they will also ignore the licensing regulations and the proposal will achieve nothing other than laying unnecessary bureaucracy and costs on the law-abiding owner pushing up rates and thereby making cheating the system even more attractive for the miscreants.

I have been on both side of the rental deal both renting property in Whistler and renting out property and the small / private owner is the backbone of fulfilling accommodation demand in Whistler. The proposals will damage the rental market, adversely affect capital values and not achieve the desired aim.

The RMOW would be better off finding a way to enforce the existing regulations (for the benefit of all law abiding owners and the RMOW in general) rather than targeting the good and letting the bad get away with it. This proposal is odious.

David Harper

To: corporate
Subject: RE: alluraDirect - VRBO Bylaw Changes

From: Matt Hick alluraDirect [mailto:Matt@alluraDirect.coml
Sent: Wednesday, May 31,201710:14 AM
To: corporate <corporate@whistler.ca>
Cc: Heather Boxrud <hboxrud@tourismwhistler.com>; Tory Kargl <tory@whistler.com>
Subject: alluraDirect- VRBO Bylaw Changes

To the Mayor and Council (and CCed Tory and Heather),

With the newly endorsed bylaw regulation changes around short-term rental properties, I am getting inundated with questions from hundreds of concerned and vocal alluraDirect property owners in Whistler that will be affected by the proposed changes. I dont think the intent of this bylaw change is to hinder the legal nightly-rentals, but the notice was vague enough to cause concern. I agree on the business license proposal.

Can you provide me with more information regarding how this may affect the 300+ legally zoned rental properties we have listed and what changes may happen based on these regulation changes?

As you know, alluraDirect was recently purchased from Sue Chappel in April by myself and my partner Taivo Evard, we understand and agree that illegal nightly rentals in Whistler need to be addressed ASAP. alluraDirect's goal is to remain as the largest legitimate source of legally zoned VRBO rentals in Whistler and continue to contribute back into the community where we operate, unlike the global companies that are pulling resources away.

As mentioned to Tory and Heather in our past meeting, both Taivo and myself are interested in ensuring we remain the legitimate source ofVRBO rentals in Whistler which only advertise properties that abide by the city regulations. Unfortunately the airBNB problem will most likely persist no matter what changes are made to the bylaws and enforcement procedures, the real answer is to collaborate towards a local solution that will benefit both the legally zoned Phase 1 and Phase 2 membership base and the Whistler community.

Our company has been operating for almost 20 years in Whistler, both Taivo and I also have a combined 15 years in the short-term vacation rental space here at allura.... we have ideas for possible solutions and are open any time for discussion around this topic as it is very important.

Please contact me any time by phone or email. I am also up in Whistler on Monday and Tueday next week if you would like to meet.

Matt Hick
*CEO*
Matt@alluraDirect.com | Tel (604) 707-6708

Loca1Phone:604-707-6700
Toll Free North America: 1-866-425-5872
Toll Free UK: 0-800-028-9346
Toll Free Australia: 1-800-358-152

Toll Free Hong Kong: 800-903-329
Fax: 604-873-1504

http://www.alluraDirect.com
*Book Smarter. Play Harder.*

To: Melissa Kish
Subject: RE: Concern Over Change in Nightly Rental Policy

From:timmigrant@gmail.com <timmigrant@gmail.com> on behalf of Tim Coleman <tim@timcoleman.ca>
Sent: Monday, May 29,2017 3:31PM
To:Mayor's Office; Wanda Bradbury
Subject: Concern Over Change in Nightly Rental Policy

Dear Mayor and Council,

I was recently made aware of the proposed council policy changes regarding Phase 2 properties. Before explaining my concerns I want to say that for the most part·I think you've done an excellent job in Whistler. I've seen Whistler grow over the last 20 years and somehow it hasn't lost what made it special. I.think RMOW has done a great job in offering a wonderful guest experience. The town is more beautiful than ever and full of life almost year round. I live in Vancouver,but have always loved Whistler.Ilove the mountains,the lakes,the people,the biking,the skiing. like many of you I come to Whistler for it's sheer beauty. It's from my love of Whistler that I made investing in Whistler a priority. A few years ago I purchased a small condo in the Alpenglow building. Since then we've offered our studio for nightly rentals,hosting over 500 guests, maintaining Super Host status with 87% of reviews 5 out of 5 stars. Our focus has to been to offer the best possible Whistler experience for a reasonable price. As a bonus my wife and I come to Whistler as often as possible to use our little home away from home,enjoy the mountains and the excellent restaurants.

The policy change that was proposed at the May 23rd council meeting has a significant impact for many folks that are operating short term nightly rentals without the se of a single rental pool. Some Phase 2 building strata bylaws do not require the use of a single rental pool. Since I can't see any benefit of this policy to Whistler,to visitors or to property owners I can only assume this policy is an Orwellian, protectionist reaction from RMOW prompted by Rental Pool Managers operating in Whistler. Rental Pool Managers that have been riding a gravy train for years by ripping off the Phase 2 property owners. I hope I'm wrong. One only has to look at the relative values of units and incomes received by owners between two similar buildings;one that is managed by a single Rental Pool and one that isn't. Any self managed property in Whistler is worth more than double per square foot than any Rental Pool managed property. How can RMOW endorse this blatant lack of value for property owners? Where is that value going,how can there be such a gap for what should be a very similar property?

The reason for the value gap is that rental pool managers like Resort Quest (owned by Wyndham) skim a large percentage of the rental revenue leaving the owners with barely enough income to cover their monthly expenses. Rental Pools like Resort Quest / Wyndham are multi billion dollar international companies that take from the individual property owners,and worst still offer a marginal guest experience.

I'd like to walk through the Guiding Principals of the Phase 2 covenant as written out in the "Tourist Accommodation Properties Zoning and Covenant Use Provisions". This is to demonstrate that offering property owners a choice of how to provide nightly rentals is not in contradiction of the intent of the Phase 2 covenant.

Protect the visitor accommodation bed base.

- Rentals through avenues such as Airbnb are not negatively affecting the visitor accommodation base. If anything private short term rentals are increasing the visitor accommodation base.

Maintain 'warm beds'

- See above. Before online services like VRBO,Airbnb,Craigslist,Booking.com an individual owner couldn't suitably market their property. However in today's day and age an individual property owner can easily match or exceed occupancy rates of large rental pool managers

Support the visitor experience and service quality levels.

- Having taken possession of a Resort Quest unit that was used for short term rentals I can say with certainty that the rental pool managers in Whistler don't have the visitor experience or quality in mind. The comforter and carpets were 20 years old and disgusting. Rental Pool Managers like Resort Quest consistently receive poor ratings. One only has to look at the plethora of Airbnb hosts operating in Whistler with reams of glowing reviews.We charge less,offer a beautiful renovated space,and have higher occupancy than most of the rental pool managers. We love Whistler and want to share Whistler with visitors. We have countless guests thanking us for making their stay.
- I can understand requiring a consistent feel throughout a hotel like the Hilton or the Westin etc. These buildings have management contracts in place that all owners sign.Other buildings like the Cascade Lodge etc aren't Hotels in aesthetic or bookings.These building advertise on Airbnb, VRBO,Booking.com etc.There is no consistent marketing image for these buildings.Whether these buildings have a common front desk service with property owners having a choice in self managed vs. rental pool makes little difference.

Provide a range of accommodation types and arrangements to meet diverse visitor demographics and needs.

- Allowing folks to use Phase 2 properties for private short term nightly rentals doesn't change the accommodation type. If anything removing the requirement for mandatory use of a single Rental Pool may increase the diversity available for visitor demographics and needs. The increasingly younger demographic identify with the sharing community. I can't see how a rental diversity from hotels like the Hilton and Westin to lodges offering private nightly rentals is a bad thing. This only reinforces the guiding principles of the Phase 2 covenant

Support efficient property management, operations, maintenance and reinvestment in accommodation offering.

- I am more efficient at managing my property as demonstrated by higher guest satisfaction,and lower nightly pricing. We invested more into our properties in the first 2 months than the previous Rental Pool Managers invested in the prior 18 years

Provide clarity and certainty regarding tourist accommodation use requirements and rental arrangements.

- To what end? Who is to benefit from this? It certainly isn't the property owners,and it isn't the visitors. Is this a protectionist move? Why is the municipality interfering with how property owners rent out their units? If the intent of the Phase 2 covenant is to ensure "Warm beds" to visitors allowing folks to offer private nightly rentals is not in contradiction to that end

Remove RMOW from involvement in tourist accommodation property management issues.

- Completely agree that RMOW should not be involved in accommodation property management issues. Property owners should have the choice to use the property management services they choose. In today's day and age folks can market their units without needing bloated Rental Pool Management services. If the Rental Pools offered good services,for a reasonable price, this conversation wouldn't be happening. Many owners love having rental pools to manage their units, that's great. At least allow open competition in the rental pools to prevent the complacent monopolies we have now

Prohibit nightly rentals in residential areas

- I can understand this point if the purpose is to maintain properties for residents to own / rent for a reasonable sum of money.

If the RMOW truly has visitors, Whistler, and it's property owner's interest at heart this policy needs a rethink. As it stands the only folks that will benefit from this policy are the big Rental Pool companies. Big companies that provide poor guest experiences while extracting the maximum from the Whistler economy. We should be working to boost visitors' Whistler experienceprovide value for the property owners in Whistlerand not fill the pockets of multi-billion dollar company executives. Please reconsider all the implications of the tabled policy change.

Sincerely
Tim Coleman
Unit 29-98 Begin Street
Coquitlaml BC
V3K6M9