

Vale Strata

Sent By E-mail

November 17, 2021

Resort Municipality of Whistler
4325 Blackcomb Way
Whistler, BC
V8E 0X5

Attention: Mayor and Council

Re: Strata Plan VR549 (the “Strata”) – 2110 and 2111 Whistler Road, Whistler, BC (the “Lands”) – Resort Municipality of Whistler (“Whistler”) – New Zoning for the Lands and Continuation of a Temporary Accommodation Use

We are the elected Council Members for the townhouse section of the Strata, a bare lot strata which consists of 36 townhouses (the “Townhouses”) located at 2110 Whistler Road, and the Vale Inn, which is located at 2111 Whistler Road (the “Inn”). We represent the owners of the Townhouses (the “Owners”). We write further to our previous communications with Whistler, regarding Whistler’s future rezoning of the Lands.

As you are aware, the Lands are located within the jurisdiction of Whistler and are subject to a Land Use Contract dated May 5, 1978 (the “LUC”). At the time the LUC was issued, the lands were zoned fully Tourism Commercial C2. We understand that, in accordance with the *Local Government Act*, Whistler intends to replace the LUC with municipal zoning under Whistler’s Zoning Bylaw. We further understand that Whistler has made recent amendments to its Official Community Plan that strongly suggest that Whistler is considering rezoning the Townhouses as residential, which would likely not allow a temporary rental use for the Townhouses. As set out below, the Owners strongly oppose such a change in use, in light of, among other things, the long term, historic, and lawfully permitted use of the Townhouses for temporary accommodation.

The Townhouses have always been used by the Owners, and their predecessors, for a temporary accommodation use. Such a use is expressly permitted under the LUC as a “multiple residential” use, which allows for a seasonal or temporary use of the Townhouses. Such a rental use was also specifically codified in the Strata’s bylaws and is reflected in the constructed layout of the Townhouses, which can be locked off to allow for multiple residential users. Since the establishment of the Strata, the Townhouses have been used for temporary rental accommodation. At all times, Whistler has been aware of this lawful use of the Townhouses, and has never opposed it.

In light of this long-term permitted use, the Owners are strongly opposed to any change in the zoning applicable to the Townhouses which would restrict or otherwise limit a temporary accommodation use of the Townhouses. We note that the Mayor has previously been on record confirming that such temporary use of residential properties in Whistler is “intentional”, given, among other things, the unique nature of Whistler as a resort community. The Owners simply seek a continuation of such an intention.

Respectfully, it would be unfair for the Owners to lose such a longstanding and historic use of the Townhouses, merely because of a provincial statutory requirement that the LUC be replaced by municipal zoning. It is our view that fairness demands that any new zoning for the Lands be consistent with the long term accepted use of the Townhouses for temporary accommodation.

Finally, we confirm that should Whistler rezone the Lands so as not to allow for a temporary accommodation use of the Townhouses, the Owners intend to continue this use of the Lands as a lawful non-conforming use. While the Owners would prefer that such a use be expressly continued under any new zoning for the Lands, the Owners will continue to exercise their lawful right to use the Lands for a temporary accommodation use, regardless of Whistler's replacement of the LUC with new zoning. The Owners reserve all of their rights in that regard. That said, we hope that reliance on these lawful non-conforming rights will not be necessary, and that Whistler will treat the Owners reasonably and fairly by simply continuing the existing rights of the Owners to use the Townhouses for a temporary accommodation use expressly in any new zoning that may apply to the Lands.

We look forward to Whistler's written response to the above, including whether staff intends to recommend a change in the historic use of the Townhouses, prior to any new zoning being put forward in respect of the Lands. Given the significant nature of this issue to the Owners, we request that a response be provided by **December 15, 2021**. Should you have any questions or would like to hear further from the Strata Council or the Owners, we would be pleased to appear as a delegation at an upcoming Council meeting in the near future (public or closed).

Yours truly,

Michael Fahy
Kelly Bertrand
Paul Hothersall
Matthew Koziell
Marcus Jensen
Ken Cretney