

DATE OF MEETING November 18, 2024

AUTHORED BY KASIA BIEGUN, COMMUNITY PLANNER

SUBJECT SHORT-TERM RENTAL COMPLIANCE AND ENFORCEMENT TOOLS

OVERVIEW

Purpose of Report

To present proposed amendments to Zoning Bylaw No. 4500 and Business Licence Bylaw No. 7318 to clarify short-term rental regulations and to improve the ability for compliance and enforcement actions.

Recommendation

Zoning Bylaw 2011 No. 4500

That:

1. "Zoning Bylaw Amendment Bylaw 2024 No. 4500.233" (a bylaw to amend the short-term rental regulations) pass first reading;
2. "Zoning Bylaw Amendment Bylaw 2024 No. 4500.233" pass second reading; and,
3. Council direct Staff to proceed to a public hearing for "Zoning Bylaw Amendment Bylaw 2024. No. 4500.233" prior to consideration of third reading and final adoption, as required by Section 464 (1) of the *Local Government Act*.

Business Licence Bylaw 2021 No. 7318

That:

1. "Business Licence Amendment Bylaw No. 7318.02" (a bylaw to clarify the licence terms of short-term rentals) pass first reading;
2. "Business Licence Amendment Bylaw No. 7318.02" pass second reading; and,
3. "Business Licence Amendment Bylaw No. 7318.02" pass third reading.

BACKGROUND

On 2024-MAR-11, Staff presented an update to Council on the City of Nanaimo's short-term rental regulations, and at the 2024-MAR-18 meeting, Council passed the following motion:

"direct Staff to review the "Business Licence Bylaw 2021 No. 7318"; the "Bylaw Notice Enforcement Bylaw 2012 No. 7159"; and, the "Zoning Bylaw No. 4500"; and present amendments to these bylaws to improve short-term rental compliance and enforcement tools, including increasing the fines from \$250 to \$500 per infraction, per day".

The motion is based on Staff's recommendation to improve the regulatory framework and to improve the City's ability to seek compliance and enforcement. This is an interim measure, while

staff continue to utilize the new provincial tools and data sets to assess compliance, and any impacts short-term rentals may have on Nanaimo's housing supply. |

DISCUSSION

Since the introduction of the short-term rental regulations in 2022, the short-term rental landscape has continued to transform, as have Provincial and Federal laws regulating them. Short-term rental platforms continue to evolve their business models and adjust their offerings for hosts and guests. This requires ongoing monitoring and tweaking of the City's short-term rental regulations to adapt to the changing market and legislation.

Following a review of the newest features major short-term rental platforms are offering, in addition to more recent regulatory changes other jurisdictions have enacted, Staff are proposing a series of amendments to the "Zoning Bylaw 2011 No. 4500", the "Business Licence Bylaw 2021 No. 7318", and the "Bylaw Notice Enforcement Bylaw 2012 No. 7159". The key proposed changes include:

1. Amending the "Zoning Bylaw No. 4500" short-term rental regulations to clarify operating rules and enforcement actions. The key changes include:
 - a. Defining the role of a 'Short-Term Rental Operator' to clarify that the operator must be the business licence holder and primary resident.
 - b. Clarifying that where a primary residence includes a single residential dwelling with a secondary suite and/or a secondary suite in an accessory building, only one short-term rental is permitted per lot.
 - c. Clarifying that where a primary residence includes a multiple family dwelling with a secondary suite, for example a duplex with a secondary suite, only one short-term rental is permitted within the multiple family dwelling or associated secondary suite.
 - d. Establishing separate regulations for the short-term rental of an entire dwelling versus bedroom rentals as the operations of these two types vary.
 - e. No longer regulate the maximum number of guest rooms permitted to be rented in an entire dwelling unit, and in its place, relying on regulating the maximum number of guests. This will address challenges with enforcing the maximum number of guest rooms.
 - f. Clarifying that year-round operation of a short-term rental of bedrooms is permitted, as the short-term rental operator resides in the unit, allowing for greater oversight and accountability.
 - g. Capping the maximum number of guests for entire dwelling units and bedrooms at four (4) adults irrespective of zone, to reduce parking and noise impacts on surrounding neighbourhoods.
 - h. Clarifying that two-bedroom rentals are to be advertised as one short-term rental accommodation to reduce the potential number of guests parking and noise impacts of the short-term rental use.
2. Amending the "Business Licence Bylaw No. 7318" to refine the licensing terms of short-term rentals and address minor house keeping amendments. The key changes include:
 - a. Establishing business licence requirements specific to short-term rentals and separate from licensing for other business types.

- b. Not advertising or operating a short-term rental without first obtaining a business licence.
 - c. Regulating the false or misleading information or documentation given to support a business licence application.
 - d. Posting the short-term rental business licence in a designated and approved guest room or unit, so it can be viewed by short-term rental guests during their stay.
 - e. Displaying the business licence account number on the advertising platform after the business licence has been issued.
3. Amending the “Bylaw Notice Enforcement Bylaw No. 7159” to include a list of offences with penalties that mirror the Zoning Bylaw short-term rental regulations. The proposed amendments to the Bylaw Notice Enforcement Bylaw will be brought forward for Council’s consideration, following the adoption of the Zoning Bylaw amendments.

These changes are intended to bring clarity to the roles and responsibilities of short-term rental operators, improve the ability for compliance and enforcement actions, and fine-tune the existing regulatory framework. If the proposed regulations are adopted, Staff recommend enforcing the new regulations beginning on 2025-JAN-01, to align with the business licensing renewal period.

A summary of the proposed changes with rationale for the amendments to the Zoning Bylaw and Business Licence Bylaw is provided in Attachment A. Staff will present the proposed amendments to the “Bylaw Notice Enforcement Bylaw No. 7159” for Council’s consideration once the Zoning Amendment Bylaw has received third reading. This will ensure that the revised short-term rental regulations are adopted prior to amending the list of corresponding offences and penalties.

Update On New Provincial Short-Term Rental Tools

Since its launch on 2024-JUL-15, the Province’s Short-Term Rental Portal has provided City Staff with an effective means of monitoring booking data provided by the three major short-term rental advertising platforms (Airbnb, Expedia, and Booking.com). The data provided to date includes addressing, operator name(s) and contact information, business licensing information, and advertising links. The portal has allowed Staff to easily identify short-term rentals operating without a business licence, those offering too many guest rooms, or accommodating more adult guests than what is permitted. Staff also have the ability to contact operators through the portal with regard to the specifics of non-compliance. Of the operators contacted, the majority have either applied for a business licence, edited their advertisement, or removed it entirely.

The most recent portal upgrade provides municipalities, that have signed the information sharing agreement, the ability to upload business licensing data. This has allowed Staff to compare data provided directly by the three reporting platforms and ensure that business licences have been issued, and that the business licence number reported is valid. Further data fields, and platform upgrades, are expected to be added by the end of the year/early next year. Staff will provide an update on the status of the short-term rental regulations in 2026.

NEXT STEPS

The next steps in the process are:

1. Hold a public hearing on the proposed “Zoning Bylaw Amendment Bylaw 2024 No. 4500.233” prior to third reading.
2. Advertise the Notice of Intention to proceed with the “Business Licence Amendment Bylaw 7318.02” prior to adoption.
3. Following adoption, inform existing short-term rental business licence holders of the updates to the regulatory framework, and include information in the business licence renewal invoice notices.

Staff will continue to monitor the short-term rental regulations to identify the impacts it is having on Nanaimo’s long-term housing rental stock, notably the secondary rental market. Staff will also continue to apply the new provincial tools and report back to Council with a status update in 2026.

OPTIONS

Zoning Bylaw 2011 No. 4500

That:

1. “Zoning Bylaw Amendment Bylaw 2024 No. 4500.233” (a bylaw to amend the short-term rental regulations) pass first reading.
2. “Zoning Bylaw Amendment Bylaw 2024 No. 4500.233” pass second reading.
3. Council direct Staff to proceed to a public hearing for “Zoning Bylaw Amendment Bylaw 2024. No. 4500.233” prior to consideration of third reading and final adoption, as required by Section 464 (1) of the *Local Government Act*.

Business Licence Bylaw 2021 No. 7318

That:

1. “Business Licence Amendment Bylaw No. 7318.02” (a bylaw to refine the licence terms of short-term rentals) pass first reading.
2. “Business Licence Amendment Bylaw No. 7318.02” pass second reading.
3. “Business Licence Amendment Bylaw No. 7318.02” pass third reading.
 - Advantages: This option will provide greater clarity in interpreting the regulations and improve compliance and enforcement measures.
 - Disadvantages: Will increase fines for offences relating to business licence and violations of short-term rentals.
 - Financial Implications: The increase in fines will generate additional revenue to aid with compliance and enforcement.
2. That Council provides alternate direction to Staff.

SUMMARY POINTS

- Council directed Staff to review the “Business Licence Bylaw 2021 No. 7318”; the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”; and the “Zoning Bylaw No. 4500” and present amendments to these bylaws to improve short-term rental compliance and enforcement tools, including increasing the fines from \$250 to \$500 per infraction, per day.
- Amendments are recommended to the “Business Licence Bylaw 2021 No. 7318”, the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”, and the “Zoning Bylaw 2022 No. 4500” to clarify the licensing, regulation, and enforcement of short-term rentals.
- Early use of the Provincial Short-Term Rental Portal has provided the City with an effective means of monitoring booking data, leading to an increase in compliance.

ATTACHMENTS:

ATTACHMENT A: Summary of Proposed Short-Term Rental Amendments to the Zoning Bylaw No.4500 and the Business Licence Bylaw No. 7318.

“Zoning Bylaw Amendment Bylaw 2024 No. 4500.233”

“Business Licence Amendment Bylaw No. 7318.02”

Submitted by:

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Concurrence by:

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Manager, Current Planning

Heidi Davidson
Manager, Permit Centre & Business Licensing

David LaBerge
Director, Public Safety

Jeremy Holm
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ATTACHMENT A

Summary of Proposed Short-Term Rental Amendments to the Zoning Bylaw No. 4500 and the Business Licence Bylaw No. 7318

ZONING BYLAW No. 4500 | SHORT-TERM RENTALS

	Zoning Bylaw No. 4500 (Existing Regulations)	Zoning Bylaw No. 4500 (Proposed Changes)	Rationale
1.	<p>Part 5 - Definitions:</p> <p>BED AND BREAKFAST - means the partial use of a single residential dwelling for transient tourist accommodation in which rooms are rented on a short-term basis and may include the provision of breakfast served on the premises.</p>	Delete the definition of 'Bed and Breakfast'.	'Bed and Breakfast' is a historic term and is now referred to as 'short-term rental'.
2.	<p>Part 5 – Definitions:</p> <p>HOTEL - means a building which contains sleeping units used or intended to be used for the temporary accommodation of transient lodgers. A hotel may include ancillary facilities such as a restaurant, meeting rooms, convention facilities, gift shop, recreational facilities and/or pub. For the purpose of this Bylaw, HOTEL includes motels and motor hotels</p>	Amending the definition of 'Hotel' by adding the text "but does not include short-term rental accommodation".	Clarify that hotels are exempt from short-term rental regulations, which is consistent with the Provincial Bill 35 – <i>Short-Term Rental Accommodation Act</i> .

3.	Part 5 - Definitions	<p>Adding the term and definition 'Short-Term Rental Operator'.</p> <p>"SHORT-TERM RENTAL OPERATOR - means the person(s) responsible for advertising and arranging the short-term rental accommodation and who is also the business licence licensee and the primary resident."</p>	<p>Define the role of a 'short-term rental operator' to clarify that the operator must be the business licence holder and primary resident. This will also help with enforcement actions.</p>
5.	<p>Part 5 – Definitions</p> <p>SHORT-TERM RENTAL - means the temporary rental (less than 30 consecutive days) of a portion of or the entire dwelling unit, secondary suite or room located on a property that is zoned to permit residential use. This definition specifically includes Bed and Breakfast</p>	<p>Amending the definition of 'Short-Term Rental' to:</p> <p>"SHORT-TERM RENTAL - means an accommodation provided to members of the public in a short-term rental operator's primary residence, in exchange for money, for a period of less than 30 consecutive days. The accommodation may include the rental of an entire dwelling unit or bedrooms, with or without the provision of breakfast served on the property".</p>	<p>Amend the wording to:</p> <ol style="list-style-type: none"> 1) Better align with the provincial government's new definition of short-term rental (Bill 35 – Short-Term Rental Accommodation Act); 2) Clarify that short-term rental can be advertised and operated in an entire dwelling unit or bedrooms; and 3) Clarify that the provision of breakfast is optional to better align with current practices.
6.	<p>Part 5 – Definitions</p> <p>Transient Tourism Accommodation - means land, buildings, or structures used or intended to be used for the purpose of providing temporary accommodation for transients and may include a provision of parking for recreational vehicles, a provision of space for tenters, and may include the provision of accessory facilities. Specifically excluded is the rental of a space or accommodation to one party for a period which exceeds 14 days.</p>	<p>Delete the definition of 'Transit Tourism Accommodation'.</p>	<p>The term is only used within the definition of a 'Bed and Breakfast' which is proposed to be deleted and replaced with 'Short-Term Rental'.</p>

7.	<p>Section 6.16: Short-Term Rental Number of short-term rentals permitted</p> <p>“6.16.1.1 Notwithstanding 6.16.1, not more than one short-term rental shall be located within a primary residence”.</p>	<p>New regulations clarifying the number of short-term rentals permitted per primary residences where secondary suites:</p> <p>6.16.2 Where a primary residence includes a single residential dwelling with a secondary suite and/or a secondary suite in an accessory building, only one short-term rental is permitted per lot.</p> <p>6.16.3 Where a primary residence includes a multiple family dwelling with a secondary suite, only one short-term rental is permitted within the multiple family dwelling or associated secondary suite.</p>	<p>Due to the recent introduction of Small-Scale Multi-Unit Housing regulations in Nanaimo, updates are needed to clarify that:</p> <ol style="list-style-type: none"> 1) A primary residence can include a single residential dwelling with one or more secondary suites as accessory uses; 2) Where a single residential dwelling includes one or more secondary suite as accessory uses, only one short-term rental is permitted per lot; and 3) In the circumstance of a multiple family dwelling with a secondary suite, for example a duplex, only one short-term rental is permitted within the multiple family dwelling or associated secondary suite.
8.	<p>Section 6.16: Short-Term Rental</p>	<p>Define the maximum length of stay of a short-term rental to a stand-alone regulation.</p> <p>“6.16.4 A short-term rental stay must be less than 30 consecutive days”.</p>	<p>Currently, the maximum duration for a short-term rental is referenced in the definition section. Best practice is to not include regulatory requirements in a definition; therefore, a stand-alone regulation is proposed for clarity.</p>
9.	<p>Section 6.16: Short- Term Rental</p>	<p>Separate the regulations governing the operation of an entire dwelling unit from those regulating bedroom rentals.</p>	<p>This proposed change is to reflect current practices occurring in the short-term rental industry, and to ensure the Zoning Bylaw regulations are drafted such that enforcement can occur based on current industry practices, including:</p> <ol style="list-style-type: none"> 1) Reflect the options platforms are offering to hosts; and,

			2) Recognize that the operation of a short-term rental of an entire dwelling unit varies from that of bedrooms.
10.	Section 6.16: Short- Term Rental 6.16.2 and 6.16.3 – Table and regulations pertaining to the maximum number of guest rooms and guests permitted within a short-term rental.	Cap the maximum number of guests that can rent an entire dwelling unit to four (4) adults, 19 years of age or older. 6.16.5 A maximum of four (4) persons, 19 years of age or older are permitted to occupy the short-term rental at one time.	To no longer regulate the maximum number of guests based on zones. In its place: 1) establish one maximum number of guests for all zones to simplify enforcement; and 2) clarify that guests are defined as adults, 19 years of age or older, per <i>Age of Majority Act</i> .
11.	Section 6.16: Short- Term Rental	Amend the regulations governing the short-term rental of bedrooms. The new regulations are: 6.16.6 Where only bedrooms are used or intended to be used for short-term rental: 6.16.6.1 The bedrooms are permitted to operate as a short-term rental year-round (365 days per year). 6.16.6.2 A maximum of two (2) bedrooms are permitted to be rented in the primary residence; 6.16.6.3 The two (2) bedrooms must be operated as one (1) short-term rental accommodation; and 6.16.6.4 A maximum of four (4) persons, 19 years of age and older are permitted to occupy the short-term rental at one time.	These proposed changes are to reflect the differences in operating the short-term rental of bedrooms and their impacts on the surrounding residents by: 1) Recognize that when an operator is living within the unit, there is greater oversight, accountability and the potential to reduce the impacts on neighbouring residence; 2) Cap the maximum number of bedrooms, advertising and guests to reduce parking, noise and other potential impacts caused by short-term rentals; 3) Ensure each bedroom is not advertised as a separate Short-Term Rental; and 4) No longer regulate the maximum number of guests based on zones. In its place, establish one maximum for all zones to simplify enforcement efforts and clarify that guests are defined as adults, 19 years of age or older, per <i>Age of Majority Act</i> .

12.	<p>Section 6.16: Short- Term Rental</p> <p>6.16.4 – Short-Term Rentals operating within a single residential dwelling which also includes rooms for boarder and lodgers.</p>	Propose that this regulation be removed.	To simplify the compliance and enforcement of short-term rentals.
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BUSINESS LICENCE BYLAW NO. 7318

	Business Licence Bylaw No. 7318 (Existing Regulations)	Business Licence Bylaw No. 7318 (Proposed Changes)	Rationale
1.	Section 2 - Interpretation	<p>Adding the definition of “SHORT-TERM RENTAL”:</p> <p>SHORT-TERM RENTAL - means an accommodation provided to members of the public in a short-term rental operator’s primary residence, in exchange for money, for a period of less than 30 consecutive days. The accommodation may include the rental of an entire dwelling unit or bedrooms, with or without the provision of breakfast served on the property.</p>	Define “SHORT-TERM RENTAL” to support the new short-term rental business licence regulations.
2.	Section 2 - Interpretation	<p>Adding the definition of “SHORT-TERM RENTAL OPERATOR”:</p> <p>SHORT-TERM RENTAL OPERATOR - means the person(s) responsible for advertising and arranging the short-term rental accommodation and who is also the business licence licensee and the primary resident.</p>	Define the role of a ‘SHORT-TERM RENTAL OPERATOR’ to clarify that the operator must be the business licence holder and primary resident. This will also help with enforcement actions.

3.	Section 3 Business Licence Required	<p>Add the following regulation to Business Licence Requirements:</p> <p>3.2 - A short-term rental operator must not operate or advertise a short-term rental unless a business licence has been issued.</p>	To address operators that have prematurely been posting their short-term rentals prior to being issued a business licence.
4.	Section 4 – Business Licence Application	<p>By adding the following regulation:</p> <p>4.6 No person shall knowingly submit false or misleading information or documents in support of a business licence application for the purpose of obtaining a business licence.</p>	To address false and misleading information that continues to be submitted to circumvent the short-term rental regulations.
5.	Section 13 Posting Licence	<p>By adding the following regulation:</p> <p>13.2 A business licence issued for the purpose of operating a short-term rental must be kept posted in the designated and approved guest room or unit or where it can be viewed by short-term rental guests during their stay.</p>	Clarify that short-term rental operators are required like all other commercial businesses to post a valid issued business licence on the premises.
6.	Section 13 Posting Licence	<p>By adding the following regulation:</p> <p>13.3 The short-term rental business licence account number must be displayed on all short-term rental platform advertising.</p>	To align with provincial short-term rental regulations and have the ability to monitor and enforce when needed.
7.	Section 13 Posting Licence	<p>By adding the following regulation:</p> <p>13.4 Despite Section 13.1.3, a short-term rental business licence account number must not be displayed until the business licence fee has been paid and the Licence Inspector has issued the licence.</p>	To address operators that have prematurely been posting their short-term rentals prior to being issued a business licence.

CITY OF NANAIMO

BYLAW NO. 4500.233

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 466, 469, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Bylaw Amendment Bylaw 2024 No. 4500.233".

2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

(1) In Part 5 – Definitions, by deleting the definition of 'Bed and Breakfast'.

(2) In Part 5 – Definitions, by replacing the definition of 'Hotel' with the following:

HOTEL - means a building which contains sleeping units used or intended to be used for the temporary accommodation of transient lodgers. A hotel may include ancillary facilities such as a restaurant, meeting rooms, convention facilities, gift shop, recreational facilities and/or pub. For the purpose of this Bylaw, Hotel includes motels and motor hotels but does not include short-term rental accommodation.

(3) In Part 4 – Definitions, by adding the definition of 'Short-Term Rental Operator' after the definition of 'Short-Term Rental'.

SHORT-TERM RENTAL OPERATOR - means the person(s) responsible for advertising and arranging the short-term rental accommodation and who is also the business licence licensee and the primary resident.

(4) In Part 5 – Definitions, by replacing the definition of 'Short-Term Rental' with the following:

SHORT-TERM RENTAL - means an accommodation provided to members of the public in a short-term rental operator's primary residence, in exchange for money, for a period of less than 30 consecutive days. The accommodation may include the rental of an entire dwelling unit or bedrooms, with or without the provision of breakfast served on the property.

(5) In Part 5 – Definitions, by deleting the definition of 'Transient Tourist Accommodation'.

- (6) In Part 6 – General Regulations, by deleting Sub-Section 6.16 – Short-Term Rental’ and replacing it with the following:

6.16 SHORT-TERM RENTAL

6.16.1 A Short-Term Rental is permitted to be accommodated in an entire dwelling unit or bedroom(s) provided it is located within the short-term rental operator’s primary residence.

6.16.2 Where a primary residence includes a single residential dwelling with a secondary suite and/or a secondary suite in an accessory building, only one short-term rental is permitted per lot.

6.16.3 Where a primary residence includes a multiple family dwelling with a secondary suite, only one short-term rental is permitted within the multiple family dwelling or associated secondary suite.

6.16.4 A short-term rental stay must be less than 30 consecutive days.

6.16.5 Where an entire dwelling unit is used or intended to be used for short-term rental, a maximum of four (4) persons, 19 years of age or older are permitted to occupy the short-term rental at one time.

6.16.6 Where only bedrooms are used or intended to be used for short-term rental:

- 6.16.6.1 The bedrooms are permitted to operate as a short-term rental year-round (365 days per year).
- 6.16.6.2 A maximum of two (2) bedrooms are permitted to be rented in the primary residence;
- 6.16.6.3 The two (2) bedrooms must be operated as one (1) short-term rental accommodation; and
- 6.16.6.4 A maximum of four (4) persons, 19 years of age and older are permitted to occupy the short-term rental.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7318.02

A BYLAW TO AMEND BUSINESS LICENCE BYLAW 2021 NO. 7318

The Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as “Business Licence Bylaw Amendment Bylaw 2024 No.7318.02”.

2. Amendments

“Business Licence Bylaw 2021 No. 7318 “ is hereby amended as follows:

(1) By adding the following to the Definition section:

SHORT-TERM RENTAL - means an accommodation provided to members of the public in a short-term rental operator’s primary residence, in exchange for money, for a period of less than 30 consecutive days. The accommodation may include the rental of an entire dwelling unit or bedrooms, with or without the provision of breakfast served on the property.

SHORT-TERM RENTAL OPERATOR - means the person(s) responsible for advertising and arranging the short-term rental accommodation and who is also the business licence licensee and the primary resident.

(2) By deleting Section 3 in its entirety and replacing it with the following:

“(3) BUSINESS LICENCE REQUIRED

3.1 A person, including without limitation a non-profit, must not carry on any business in the City without first obtaining either a city licence or a business licence issued by another Vancouver Island municipality to which the Inter-community business licence has been added.

3.1.1 Despite any other provision in this Bylaw, a business licence is not required for a non-profit if the business activity is carried on 12 or fewer days in a calendar year and all profit is dedicated to further the purposes of the association.

3.2 A short-term rental operator must not operate or advertise a short-term rental unless a business licence has been issued.

3.3 A separate City licence is required for each location where a business operates within the City.

3.3.1 For certainty, a commercial landlord must obtain a City licence for each building identified by a separate civic address.

- 3.3.2 Notwithstanding Section 3.3, an operator of a mobile food vending unit is only required to obtain one City licence per vending unit in operation.
- 3.4 A separate business licence is required for each different business type as defined by the North American Industry Code Standards (NAICS) or where a business offers, provides or introduces activities or services that differ substantially from that which was originally approved in the business licence.
- 3.5 Every person who owns or operates a business within the City must comply with this Bylaw, the City of Nanaimo Zoning Bylaw and other applicable bylaws, and with any and all terms, conditions, restrictions and limits of the required business licence.
- 3.6 A business licence issued under this Bylaw must not be construed as a representation by the City to the licence holder that the business or proposed Business complies with any or all applicable bylaws or other enactments. It is the sole responsibility of the licence holder to ensure compliance with City bylaws and other standards, regulations and enactments.
- 3.7 A business licence issued under this Bylaw must not be construed as a representation by the City to patrons, consumers or members of the public that in issuing a business licence, the business or proposed business complies with any or all applicable bylaws or other enactments.”
- (3) By adding the following after section 4.5:
- “4.6 No person shall knowingly submit false or misleading information or documents in support of a business licence application for the purpose of obtaining a business licence.”
- (4) By adding the following after section 13.1:
- “13.1.1 Notwithstanding 13.1, a business licence issued for a mobile-only business must be made available to a Bylaw Enforcement Officer if requested and may be in the form of an electronic copy.
- 13.2 A business licence issued for the purpose of operating a short-term rental must be kept posted in the designated and approved guest room or unit or where it can be viewed by short-term rental guests during their stay.
- 13.3 The short-term rental business licence account number must be displayed on all short-term rental platform advertising.

13.4 Despite Section 13.1.3, a short-term rental business licence account number must not be displayed until the business licence fee has been paid and the Licence Inspector has issued the licence.”

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2024 in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo, and posted on the City of Nanaimo’s website on the __ day of ____, 2024 pursuant to section 94.2 of the *Community Charter*.

ADOPTED: _____

MAYOR

CORPORATE OFFICER