

ADVOCACY UPDATE - SHORT TERM RENTALS

The City of Winnipeg has formalized their process and set up a web page to better engage all stakeholders on the issue of regulating short term rentals (STRs) <https://engage.winnipeg.ca/short-term-rentals>. The web page shows that the period for public consultation has now closed and City Staff are reviewing the information submitted and developing recommendations for Council over the next few months.

PROGRESS AT CITY HALL

The STR issue has again cycled through the process starting on June 6th with the Standing Policy Committee (SPC) followed by the Executive Policy Committee (EPC) on June 13th and finally the full Council on June 23rd. You have to admire the persistence of the various delegations that have appeared at many of the various meetings over the past year.

If you want to review the results of the above noted meetings, here are the associated links to video recordings and written documentation.

JUNE 23 COUNCIL MEETING

On the City Clerk's website in the links below look for the **REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT dated June 6, 2022**

- Agenda
 - item #7 under Reports has 9 written submissions
 - <https://clkapps.winnipeg.ca/dmis/ViewDoc.asp?DocId=21953&SectionId=&InitUrl=>
- Disposition
 - Fourth page shows the SPC report from June 6 adopted
 - <https://clkapps.winnipeg.ca/dmis/ViewDoc.asp?DocId=21960&SectionId=&InitUrl=>
- Recording
 - Delegation presentations run from 1:09 to 1:43 (h:mm)
 - <https://clkapps.winnipeg.ca/dmis/ShowVideo.asp?DocId=21962>
- Minutes
 - <https://clkapps.winnipeg.ca/dmis/ViewDoc.asp?DocId=21962&SectionId=&InitUrl=>

CCI MANITOBA POSITION STATEMENT

CCI Manitoba has been closely monitoring the issue as it has worked its way through the City Hall process. While we have not been a delegation at the public meetings we have had discussions with Council members and City staff. Over the past several months we have discussed the issue at our CCI Board and have developed a position statement on the issue.

CCI MANITOBA OBJECTIVES

CCI's objectives include protecting the safety and well being of each condominium community, including its property, assets and residents, as well as supporting the municipality's zoning, development and other goals.

PRIMARY OBJECTIVES

The primary objectives pertain to the owners of condominium units and more importantly the resident owners, who collectively have to put up with all problems and costs resulting from the operation of Short Term Rentals ("STRs").

1. No condo unit shall be occupied or be used by anyone in such a manner as to interfere with the reasonable use, occupation and quiet enjoyment of any other unit or the common elements.

2. Condominium Corporations ("CCs") shall have the autonomy to decide whether STRs are allowed in their corporation.

SECONDARY OBJECTIVES

Municipalities should:

1. Establish reasonable regulations and licensing requirements for STRs and their operators;
2. Set licensing fees to provide sustainable funding to support the necessary infrastructure for regulating and licensing STRs, including enforcement activities, both for violation of the regulations and for violations of the primary objectives stated above.

OTHER CONSIDERATIONS

The primary problem affecting condo residents is bad behavior from a (small?) proportion of the STR operators and/or their clients. If this problem didn't exist, regulation may not be necessary.

STR DEFINITION

A definition of STRs is required, possibly a broader definition as described by what is not applicable under *The Residential Tenancies Act of Manitoba* per section 3(1) <https://web2.gov.mb.ca/laws/statutes/ccsm/r119e.php#3>

Non-application

3(1) *This Act does not apply to*

(a) *living accommodation occupied on a transient basis provided in a hotel, motel, inn, tourist home or hostel, or other similar accommodation;*

(b) *living accommodation occupied as a vacation home for a seasonal or temporary period;*

CCI MANITOBA POSITION ON SHORT TERM RENTALS

CC's should be able to "opt out" by notification to the City that it has passed a By-law permitting STRs in its development without licenses. The Condominium Act (Manitoba) requires owners holding 75% (or such higher percentage in that CC's Declaration) of the voting rights in the CC vote in favor of the By-law for it to pass. Provided that ability to "opt out" is present in any applicable City By-law, CCI Manitoba is of the view that:

1. All unit owners or tenants leasing a unit as a STR in a CC that hasn't opted out (each a "**Lessor**") shall be licensed. No condominium unit in a CC that hasn't opted out should be leased as a STR without the Lessor and the unit being licensed.
2. The license application should include (i) each Lessor seeking to be licensed providing his, her, or its full contact information where the Lessor can be contacted on a 24 hour, 7 days a week basis; and (ii) if a Lessor (or it's primary contact if the Lessor is not an individual) is not a resident of the greater Winnipeg area the lessor should provide a contact person within the greater Winnipeg area. This information should be available to the public.
3. The City of Winnipeg should maintain a complaint process whereby an aggrieved party can register a complaint regarding a STR or its occupants with the City. A complaint found to be valid should cause a Lessor to be fined. After a set number of complaints the lessor's license shall be revoked.
4. Licensing fees should be set at a level to provide sustainable funding to support the necessary infrastructure for regulating and licensing STRs, including enforcement activities.
5. CCI will work with stakeholders to define what constitutes a STR. Some thoughts are: (i) less than 30 days term; (ii) less than 14 days term.

ALAN FORBES

Chair, CCI MB Advocacy Committee 🍁