Short-Term Rental Temporary Use Permit Application Procedures

How and where to apply:

Complete a Short-Term Rental Temporary Use Permit application form. These are available from the RDEK offices at:

- **19 - 24th Avenue South, Cranbrook BC**
- **1164 Windermere Loop Road, Invermere BC**

The application form is also available online at www.rdek.bc.ca and can be submitted at either RDEK office listed above, or emailed to: planningdept@rdek.bc.ca.

Application Requirements:

All Short-Term Rental Temporary Use Permit applications require the following:

1. The applicable non-refundable fee payable to the RDEK:

	Current	Effective January 1, 2025
▪ Delegated Application Fee	$1,000	$1,500
▪ Non-Delegated Application Fee	$2,000	$3,000

2. All required supporting information as identified on the application form. Required information includes floor/fire safety plan, detailed parking plan, responsible person contact information with consent to share, affidavit of understanding, and good neighbour agreement signed by all property owners.

3. If your property is in the Agricultural Land Reserve (ALR), approval from the Agricultural Land Commission (ALC) may be required. The ALC has Agri-Tourism Accommodation requirements that must be met, or an approval granted prior to the RDEK being able to issue an STR TUP.

New – Sept 2024

Look up if your property is in the ALR **-** https://www.alc.gov.bc.ca/alr-maps/

The Agricultural land Reserve Use Regulation outlines permitted farm uses and non-farm uses for your property, including Short Term Rental Use. The ALC provides interpretation of Short Term Rental activities and uses within the ALR. More information can be found here: https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/ib_06_tourist_and_agri-tourism_accommodation_in_alr.pdf

We recommend that you discuss your application with Development Services staff in advance of application submission. An appointment to meet with staff is recommended.

Cranbrook Office hours:

8:30 am to 4:30 pm
Monday through Friday, excluding holidays.

Phone: 250-489-2791
Toll Free: 1-888-478-7335

What are Short-Term Rentals (STR)?

Generally, STRs occur in buildings and units that were originally purpose-built as long-term residential units on lands zoned for residential use and are distinguished from commercial enterprises such as hotels or motels. STRs often occur in single or two family homes, town homes, or apartment units.

Where zoning does not allow for commercial accommodation the STR TUP policy now requires operators of STRs to hold permits for each STR unit they operate to ensure that units comply with zoning, units are safe for guests, and operators are responsive to any concerns that may arise.

Do I need a temporary use permit (TUP) to operate a STR?

If your zoning does not allow for commercial accommodation use(s) then a TUP is required to offer STRs on your property. Typical zoning uses that allow commercial accommodation include uses such as hotels, motels, rural retreats or guest ranches.

How does the Agricultural Land Reserve (ALR) impact my ability to operate a STR?

New – Sept 2024

The ALR Use Regulation specifies which permitted residential structures can be used for short-term tourism rental. Under Section 34 of the ALR Use Regulation short-term rental of a principal residence is not permitted unless it is operated as a Bed and Breakfast operation. Short-term rental of a secondary residence or suite may be permissible if the use is consistent with an approved agri-tourism use. Application to the Agricultural Land Commission (ALC) for a Non-Adhering Residential Use (NARU) approval is required before issuance of a STR TUP permit by the RDEK.

What are the requirements for STR Temporary Use Permit?

There are two types of STR TUP applications: a delegated STR TUP application and a non-delegated STR TUP application. Delegated applications are considered by staff within the scope of the RDEK STR TUP Policy. Non-delegated STR TUP applications are considered at the discretion of the RDEK Board and include proposals which go beyond the requirements of the STR TUP or are an application for a second permit on a single parcel of land.

Delegated application requirements:

The requirements for delegated STR TUPs are set out in the STR TUP Policy. The core criteria from the STR TUP Policy include:

Mandatory Criteria:

a. STR use must not alter the residential appearance of the dwelling unit.
b. In addition to the minimum required off-street parking spaces required by an RDEK zoning or land use bylaw, an STR TUP must provide additional parking in accordance with the following:

STR Maximum Guest Occupancy	Minimum Off-Street Guest Parking Spaces
1-4	1
5-8	2
9-10	3

c. An STR TUP must be located within a dwelling unit of a single-family dwelling, duplex dwelling unit, accessory dwelling unit or multiple family dwelling unit. STR TUPS will not be issued for a boat, cabin, lock off unit, park model trailer, recreational vehicle, tent, or yurt.

Amended – Sept 2024

d. An STR TUP may only be issued for a single dwelling unit. Where multiple dwelling units exist on a single parcel a separate application must be submitted for each dwelling unit

proposed to be used as an STR. The combined maximum guest occupancy of all STR TUPs per parcel shall not exceed the maximum occupancy allowable as per section 4.1.h.

e. An Occupancy Permit must have been issued by the RDEK for an accessory dwelling unit proposed for use as an STR.
f. Floor/fire safety plans must be submitted with an STR TUP application.
g. Identification of a manager, owner or other designated contact who will be available to address issues that may arise any time STR accommodation is being provided. The name and contact information must be provided in the application and must be posted along with the STR TUP in a visible place within the dwelling unit and provided to properties within a 25 m area surrounding the property proposed for use as an STR.
h. The maximum allowable occupancy of all STR TUPs issued per parcel shall not exceed 10 guests.

Amended – Sept 2024

Conditional Criteria:

a. STRs may offer a maximum occupancy of 10 guests (of any age) at any time (further restrictions to guest limit may pertain due to safety risks or other possible concerns).
b. The applicant must provide an affidavit to RDEK staff acknowledging that the property which they are applying for an STR TUP has no covenants on title or strata bylaws restricting the property from being used for STR accommodation.

Discretionary Criteria:

a. Potential conflict with neighbouring properties;
b. Proposed accessory uses and/or amenities;
c. Site layout and servicing considerations;
d. Other RDEK bylaws and policies; and,
e. Impact of the proposed use on the natural environment, including groundwater.

Additional conditions at the discretion of the delegated staff, as identified in the Policy may be applied to a Permit when issued. Link to full STR TUP Policy: STR TUP Policy - September 2024.

Non-delegated application requirements:

Operators who wish to apply for a STR TUP that does not conform with the requirements of the STR TUP Policy may make an application directly to the RDEK Board. These applications must include all required information contained in the delegated application, in addition to information regarding why they are not able to meet the policy requirements and a statement of why their application should be approved. The additional information provided is intended to provide the RDEK Board with information regarding the extenuating circumstances of the application and/or what mitigation efforts will be implemented to avoid complaints and enforcement efforts.

Where can I find more information?

Zoning details regarding your property can be found online through the RDEK public web map, or by accessing the applicable zoning bylaw or this land use bylaw.

Further details about specific STR TUP requirements can be found online at: RDEK STR TUP Information.

What information will I need to submit?

Refer to the STR TUP application form and schedules included in this application package for fees, documentation and information required to be submitted with an application.

Generally, the information required will be a completed application form, a current title search, floor / fire safety plans, 24/7 responsible person contact information with consent to share for STR complaint / issue

resolution, a signed Good Neighbour Agreement and a signed affidavit that you have reviewed your property title and strata bylaws (if applicable) to acknowledge that there are no third party restrictions (e.g. registered charges, covenants or bylaws) which prohibit use of your property for STR purposes.

What happens to my application?

RDEK planning staff will review your application to ensure all required information is included and that it does not contradict any RDEK bylaws. You may be requested to submit additional information in support of your application to ensure that all requirements are met.

Under certain circumstances, technical input from provincial government ministries may be required. In some cases, the application will be referred to provincial government agencies or other RDEK departments for comment. A notice will be issued according to the RDEK Public Notice Bylaw and Provincial *Local Government Act* requirements, including to neighbours and in local newspapers.

Delegated Applications:

A staff recommendation and draft permit will be prepared:

- Once the review of the application and notice requirements have been completed, RDEK planning staff will prepare a draft TUP. The Planning Supervisor will examine your application, the draft permit and the comments and recommendations made by staff.

- Should your application meet all the requirements of the STR TUP, the permit will be issued, otherwise it will be denied. When the permit is issued, it may include conditions of approval that must be met by the applicant.

If the permit is refused:

- If your application is refused by the Planning Supervisor, you may ask the RDEK Board to reconsider your permit. Reapplication for the same proposal may proceed after six months, regardless of who denies the permit.

- You may apply for a different proposal at any time. You may also make a request for reconsideration of the application provided the request is based on new information, is accompanied by the appropriate fee and application form, and is received in writing no more than 30 days after the final date of decision.

If the permit is issued:

- You may proceed with offering your dwelling unit as a Short-Term Rental, subject to any conditions for the duration of the permit.

Non-Delegated Applications:

A staff recommendation to the RDEK Board of Directors will be prepared:

- Once the review of the application and notice requirements have been completed, RDEK planning staff will prepare a staff report and recommendation to the Board. Your application will then be added to the next available RDEK Board meeting agenda.

- You may request to make a delegation to the RDEK Board regarding your application. Please follow the steps on How To Request to Present at Board to apply to be a delegate during the meeting.

- During the meeting the Board will consider your application, the recommendation put forward by staff and any correspondence received during the public notice process. The decision on the application

is decided by a vote of the Board and if approved a STR TUP will be issued, including any additional requirements or permit conditions that may be set by the Board.

If the permit is refused:

- If your application is refused by the RDEK Board reapplication for the same proposal may proceed after six months.

- You may apply for a different proposal at any time. You may also make a request for reconsideration of the application provided the request is based on new information, is accompanied by the appropriate fee and application form, and is received in writing no more than 30 days after the final date of decision.

If the permit is issued:

- You may proceed with offering your dwelling unit as a STR, subject to any conditions for the duration of the permit.

Permit Term and Renewal:

Issued permits are valid for up to three (3) years from the date of issuance. Renewal of permits is possible for an additional three (3) years and will be considered according to the same process of which they were initially granted (delegated or non-delegated).

Questions:

Call Development Services staff at **250-489-2791** or toll free at **1-888-478-7335**.

Short-Term Rental Temporary Use Permit Application Form

SECTION 1 – APPLICANT INFORMATION

Registered Owner(s):	Agent:
_____	_____
Address:	Address:
_____	_____
Phone:_____	Phone:_____
Email: _____	Email: _____

SECTION 2 – DECLARATION AND AUTHORIZATION

I / we declare that the information in this application is, to the best of my / our knowledge, true and correct.

Signature of Applicant(s): _____ Date: _____

_____

If the application is submitted by an Agent, the owner(s) must sign the following statement or provide separate written authorization:

I / we consent to this application filed by the person or company whose name appears as the agent above.

Signature of Owner(s): _____ Date: _____

_____

Personal Information requested on this form is collected under the authority of the section 26 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and will be used by the RDEK for the purpose of processing the application. Disclosure of personal information by the RDEK is subject to the requirements of FOIPPA. For questions about the collection, use or disclosure of your personal information in the RDEK, contact the Corporate Officer of the RDEK at 19 – 24th Ave S., Cranbrook BC, V1C 3H8 or 250-489-2791.

Office Use Only

File No:_____

SECTION 3 – LAND UNDER APPLICATION

Legal description of all land proposed for STR use:

Lot _____ Block_____ Plan _____ District Lot_____

Extended legal description:_____

_____

Street Address: _____

Parcel Identifier Number (PID):_____ Zoning: _____

☐ Provide Proof of Ownership – A Title Search print dated no more than 30 days before you file your application is required for all Short-Term Rental applications. These are available online at http://www.ltsa.ca/cms/. If requested, a Title Search can be obtained by the RDEK for a document fee of $17.50.

☐ Please check and initial here to consent to the RDEK conducting a Land Title Search on your behalf for a fee of $17.50.

Agricultural Land Reserve:

Is your property located in the Agricultural Land Reserve (ALR)?

☐ Yes ☐ No

If unsure, look up if your property is in the ALR - https://www.alc.gov.bc.ca/alr-maps/

The Agricultural land Reserve Use Regulation outlines permitted tourist accommodation uses related to short-term rental(s) on your property. The ALC provides interpretation of activities and uses within the ALR. More information can be found here: https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/ib_06_tourist_and_agri-tourism_accommodation_in_alr.pdf

If **Yes**, confirmation of approval from the ALC must be provided to the RDEK prior to STR TUP application being reviewed or processed.

Agricultural Land Commission (ALC) Approval Resolution No. _____

SECTION 4 – DWELLING UNIT INFORMATION

Type of Dwelling Unit:

☐ Single-Family ☐ Duplex ☐ Multi-family (e.g. townhome or apartment)

☐ Accessory (Specify Type): ☐ Carriage House ☐ Secondary Suite

☐ Other: _____

External Amenities:

☐ Hot tub

☐ Fire-pit

☐ Other: _____

*If external amenities are proposed Schedule B must be completed

Proposed Maximum Guest Occupancy: _____

*If more than 10 maximum guest occupancy, approval is throught the non-delegated stream and proposed Schedule E must be completed

SECTION 5 – SUPPLEMENTAL INFORMATION CHECKLIST [√ check appropriate box(es)]

☐ Floor/Fire Safety Plan

* Floor/Fire Safety Plan must show entire dwelling unit layout, intended room occupancy (how many beds/guests per room), egress routes and fire safety features (smoke detectors and/or alarms, sprinkler systems, fire extinguishers, etc.).

☐ Parking Plan

* Parking Plan must show location and size of all off-street parking spaces. Dimensions of parking spaces 6.0 m x 2.7 m per bylaw requirements.

Number of spaces required is residential use **plus** the number required based on guest occupancy. For example, Single Family Dwelling with 8 person occupancy is 2 + 2 = 4 off-street parking spaces required.

STR Maximum Guest Occupancy	Minimum Off-Street Guest Parking Spaces
1-4	1
5-8	2
9-10	3

Required for all applications:

☐ Schedule A - Responsible Person Contact Information Form

☐ Schedule B - Nuisance Behaviour Mitigation Efforts Form

☐ Schedule C - Affadavit of Understanding

☐ Schedule D - Good Neighbour Agreement

* Must be signed by all property owners listed on the Title Search.

Required for non-delegated applications only:

☐ Schedule E - Explanation of Inability to Meet Policy Requirements Form

Schedule A - Responsible Person Contact Information Form

1. Contact Details

Provide the name of a manager, owner or other designated contact who will be available to address issues, including complaints of nuisance behaviour, that may arise any time STR accommodation is being provided. The contact must be available or accessible by phone at all hours whenever an STR is rented.

Name or Organization/Company Name: _____

Address of STR which you are applying to be the responsible person:

_____

Contact details to be provided in an event that an issue may arise:

Phone: _____ **Email:** _____

NOTE: The name and contact information must be posted along with the STR Temporary Use Permit in a visible place within the dwelling unit and provided to properties within a 25 m area surrounding the property proposed for use an STR, in accordance with the Short-Term Rental Temporary Use Permit Policy.

2. Consent

If the designated contact is **an individual**, please provide your consent for the Regional District of East Kootenay (RDEK) to disclose your name and information in a visible place within the dwelling and to disclose to neighbours of the STR property.

I, _____ (*your name),* consent to the disclosure by RDEK of my name and contact information (as listed above) for the purpose of serving as the responsible person who may be contacted should issues arise at the STR listed above.

This consent is valid for the term of the Short-Term Rental Temporary Use Permit, unless earlier revoked by me in writing.

_____ _____

Signature Date

_____

Print Name

Personal Information requested on this form is collected under the authority of section 26 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and will be used by the RDEK for the purposes related to Short-Term Rental Temporary Use Permit. Disclosure of personal information by the RDEK is subject to the requirements of FOIPPA. For questions about the collection, use and disclosure of your personal information by the RDEK, contact the Corporate Officer at the RDEK, 19-24th Avenue South, Cranbrook, BC, V1C 3H8, 250-489-2791.

Office Use Only

File No: _____

Schedule B - Nuisance Behaviour Mitigation Efforts

Nuisance behaviour includes any behaviour or actions of guests that may have negative impacts on neighbours.

Example nuisance behaviours include:

- excessive noise in contradiction of the Noise Regulation Bylaw No. 1396
- messy premises in contradiction of the Nuisances and Unsightly Premises Regulation Bylaw No. 2750
- disruptive parking where vehicles are disruptive to the flow of pedestrians or traffic.

If your application proposes an occupancy that is greater than 10 persons, if there are other amenities proposed (e.g. hot tub or fire pit) that pose an increased likelihood of nuisance behaviour from guests, please use the space below to describe what efforts will be made to mitigate possible nuisance behaviour from guests.

Schedule C - Affidavit of Understanding

Applications will not be processed unless all required documentation is attached.

Completion of this application does not guarantee issuance of a Short-Term Rental (STR) Temporary Use Permit (TUP). Application review will commence only upon receipt of payment of the STR TUP fee and receipt of required documentation. Operating a STR without a valid permit is an offence for which penalties may be prescribed.

The issuance of the STR TUP has the sole effect of permitting a temporary use of land that is otherwise not permitted under the zoning bylaw or land use bylaw; the issuance of a STR TUP does not relieve the applicant from complying with any other applicable legal obligations and is not a representation or guarantee that the applicant is legally permitted to use the land as an STR.

Acknowledgement of no third party restrictions:

I/we have reviewed the property title and any applicable strata bylaws and hereby acknowledge that no restrictions (covenant or strata bylaw) exist prohibiting the use of the property for the provision of Short-Term Rental (STR) accommodation. I/we recognize that the issuance of an STR TUP permit by the RDEK does not nullify responsibility as property owner to adhere to registered charges, covenants or strata bylaws and that the use of the property contrary to registered charges, covenants or strata bylaws may result in legal action against the applicant(s) by the title charge holder, covenantor, or Strata Council.

Applicant Initials: _____ _____

Privacy Notification:

This information is being collected for the purpose of determining the Operator's eligibility for a STR TUP in the RDEK pursuant to the STR TUP. In providing this information, you have consented to its use for the above-described purpose and declare that all the information provided herein is correct.

This information may be shared with applicable RDEK departments and related agencies for the purpose of required inspections and approval of this application. The legislated authority to collect your personal information is Section 26 (c) of the *Freedom of Information and Protection of Privacy Act*. If you wish to obtain further information regarding the collection of your personal information, please contact corporateservicesdept@rdek.bc.ca

Important:

The applicant has read and agrees to comply with the stated regulations and bylaws of the RDEK, specifically pertinent sections of the applicable Zoning or Land Use Bylaw and the STR TUP Policy. Permits are effective for up to three (3) years from the date of issuance, applying only to the property for which the application was submitted and subject to any conditions included in the issued permit. Application fee(s) paid are non-refundable, subject to the Development Applications Bylaw.

I understand commencing business until such time as a STR TUP has been approved and issued may result in enforcement actions.

Signature of Applicant(s): _____ **Date:** _____

_____

Office Use Only

File No:_____

Schedule D – Good Neighbour Agreement

This agreement made _____ day of _____, 20_____

WHEREAS (the "Permittee(s)"): _____

_____
(Please print applicant name(s))

Has submitted an application for a Short-Term Rental (STR) Temporary Use Permit (TUP) for the civic address:

_____

Wishes to demonstrate to the RDEK, and the Citizens of the RDEK their effort to be a responsible STR accommodation operator within the RDEK.

Recognizes their role as a responsible operator and neighbour within the community and agrees to work with the RDEK and its departments to resolve all concerns.

Wishes to promote the RDEK as a vibrant, safe, and attractive community for the enjoyment of everyone, including residents, visitors, businesses, and their workers.

Recognizes that non-compliance with the STR accommodation agreement may be brought to the attention of the Compliance Officers, RDEK Staff, or RDEK Board, and may trigger a permit suspension and/or cancellation.

Recognizes that STR accommodation operators have a civic responsibility to address the conduct of their patrons and that the Noise Regulation Bylaw No. 1396, the Nuisances and Unsightly Premises Regulation Bylaw No. 2750 and other RDEK Bylaws require that certain standards of conduct and maintenance apply to their properties used for STR accommodations.

Recognizes that should the permit be suspended or canceled and any STR accommodation bookings and/or nuisance incidents pertaining to the operation of a STR accommodation continue to occur and remain unresolved, the RDEK may exercise its power to pursue additional enforcement action including fines and/or legal injunctive action.

AND WHEREAS the RDEK wishes to:

Commend the permitee for their recognition of their civic responsibilities, and commitment to fostering a good working relationship with the RDEK and the permitee's neighbours.

Demonstrate its commitment to early resolution of disputes with the permitee in relation to this agreement whenever possible.

NOW THEREFORE in conjunction with and in consideration of obtaining, continuing to hold, or renewing a STR accommodation temporary use permit, the permitee covenants and agrees with the RDEK to comply with the conditions set out in the RDEK STR TUP Policy and any issued STR TUP.

IN WITNESS WHEREOF the parties have executed this agreement in the RDEK, Province of British Columbia, this _____ day of _____, 20_____.

_____ X _____
Planning Supervisor, on behalf of the RDEK

_____ X
Permitee(s) by its authorized signatory (Owner/Operator)

Office Use Only

File No:_____

Schedule E - Explanation Of Inability To Meet Policy Criteria

If your application proposes an occupancy greater than 10 guests, is for a second permit for a parcel or if there are any other aspects of your application that exceed the criteria of the STR TUP Policy, your application cannot be considered within the scope of the delegated application stream and must instead be considered by the RDEK Board.

To aid in the Board's considerations of your application, please use the space below to describe why the proposed STR is unable to meet the criteria of the STR TUP policy or your interest in a second permit:

Office Use Only

File No:_____