Short-Term Rental Temporary Use Permit Policy

Resolution 51189, 07/2023
Department of Responsibility: Development Services

1. POLICY GUIDELINE

1.1 The intent of this policy is to provide guidance to the public and Regional District of East Kootenay (RDEK) when considering temporary use permit (TUP) applications for Short-Term Rentals (STRs).

STR TUPs are intended for use where the RDEK zoning and land use bylaws do not otherwise allow STRs. The RDEK preference for managing STRs, where it is appropriate, is with TUPs. When considering a TUP for a STR, the RDEK recognizes that the primary use of the property may be either residential or agricultural. A STR TUP is a way to allow residents and residential or agricultural property owners to use their property to participate in the tourism economy.

2. PURPOSE

2.1 The tourism economy is an important aspect of the RDEK that provides residents and visitors with amenities and services that help support the broader economy of the East Kootenays. Many residents and property owners in the Region have identified STRs as a way to participate in the tourism economy.

While the majority of STR operators are responsible and provide accommodation that is safe and does not cause nuisance to neighbours, STR regulations allow the RDEK to respond accordingly should concerns arise.

This policy provides direction regarding the conditions under which STR TUPs may be considered by RDEK staff to allow STR uses to occur on a temporary basis. An issued STR TUP contains detailed requirements and terms, at the discretion of the RDEK, which may be property specific.

TUPs allow a use on a temporary basis that would otherwise not be permitted in a zoning or land use bylaw. It is the requirement of the TUP holder to fulfill the terms of the TUP and to adhere to all other RDEK bylaws and policies. Should a TUP holder fail to adhere to the requirements they may face enforcement action including fines or cancelation of the TUP.

3. DEFINITIONS

3.1 In this policy:

Short-Term Rental (STR) means the use of a Dwelling Unit for the temporary commercial accommodation of paying guests for a period of less than 30 days. This use does not include bed and breakfast.

Dwelling Unit means a habitable room or group of habitable rooms occupied or designed to be occupied by one or more persons with a kitchen and facilities for living and sleeping.

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4. POLICY

4.1 Regulation

As designated under the *Local Government Act,* TUPs may be issued to properties within RDEK zoning, land use or Official Community Plan (OCP) areas. RDEK OCPs and land use bylaw include policy permitting issuing TUPs for a broad range of uses. TUPs may be issued by the Board by resolution, or the Board may delegate authority to issue TUPs to staff.

The purpose of this policy is to set the conditions which delegated STR TUPs may be issued by staff. Applicants who wish to apply for a STR TUP that seeks uses extending beyond those delegated to staff herein may apply for a STR TUP directly to the Board for consideration.

4.2 Term and Renewal

If the RDEK issues a STR TUP, a term limit shall apply of not greater than three years, with an opportunity to renew the STR TUP for a term of not greater than an additional three years.

Issuance of STR TUP renewals is delegated to staff, unless the Permit under application is subject to compliance investigation that may result in revocation or issuance of fines under the Bylaw Notice Enforcement Bylaw under the original Permit.

Res. 53039
06/2026

Should a STR operator fail to adhere to the policies set forth herein or of the specific requirements set forth in an issued STR TUP the RDEK may undertake enforcement action up to and including fines, the imposition of further conditions, or cancellation of the STR TUP.

4.3 Staff Delegated Application Approval Criteria

The following criteria are the basic requirements to be considered when reviewing staff delegated STR TUP applications.

4.3.1 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 a RDEK zoning or land use bylaw, a 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

Res. 51942
06/2024

c. A 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.
d. A 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 a 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 a STR.
f. Floor/fire safety plans must be submitted with a STR TUP application.

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Res. 52713 12/2025

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 100m area surrounding the property proposed for use as a STR.

Res. 51942 06/2024

h. The maximum allowable occupancy of all STR TUPs issued per parcel shall not exceed 10 guests.

Res. 52715 12/2025

(i) STR is located in Electoral Area A,B,C,E, or G. Applications in Electoral Area F are excluded from the staff-delegated application stream.

4**.3.2 Conditional Criteria**:

a. STRs may offer a maximum occupancy of 10 guests at any time.
b. The applicant must provide an affidavit to RDEK staff acknowledging that the property which they are applying for a STR TUP has no covenants on title or strata bylaws restricting the property from being used for STR accommodation.

4.3.3 Discretionary Criteria:

Staff shall use, but not be limited to, the following discretionary criteria while considering a STR TUP application:

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.

4.4 Conditions

In issuing a STR TUP, the RDEK may specify conditions including, but not limited to:

a. The buildings to be used;
b. The area of use;
c. The hours of use;
d. Form and character of any site development;
e. Environmental protection;
f. The posting of the following information in a form specified in the STR TUP at a site accessible and visible to the public:
    I. the owner or caretaker's contact information, with availability or accessibility by phone 24 hours a day and 7 days a week;
    II. RDEK Noise Control Regulation Bylaw;
    III. clear noise rules and quiet times;
    IV. measures to address and promote water conservation by guests;
    V. fire safety plan and/or regulations;
    VI. boater safety and marine patrol information;
    VII. storage and management of garbage; and,
    VIII. control of pets (if pets are permitted).
g. An issue response plan detailing how concerns and complaints will be immediately addressed;
h. Screening or fencing to address potential impacts of the STR or to address neighbour privacy issues;
i. Where appropriate, the owner or a permanent resident may be required to live on site;

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j. Confirmation of an adequate on-site sewage system capable of accommodating the STR;
k. Confirmation that the Dwelling Unit has adequate safety for occupation (which may include review by a RDEK Building Inspector);
l. A maximum occupancy per bedroom within a Dwelling Unit occupied as a STR;
m. The prohibition of the use of recreational vehicles or camping on the property or any use of accessory buildings not stipulated in a STR TUP for STR occupancy; or,
n. Other requirements that the Regional District Board may consider appropriate.

4.5 Reconsideration by RDEK Board of Directors

Pursuant to the *Local Government Act*, an applicant may apply to have the RDEK Board reconsider a delegated decision of staff to issue, amend or refuse a STR TUP. A person requesting that the RDEK Board reconsider a decision of staff Director must, within 30 business days of being notified in writing of staff's decision, give notice to the Corporate Officer in writing.

5.0 POLICY AMENDMENT

5.1 This policy may be amended by the RDEK Board of Directors as needed.

References

- Short-Term Rental Temporary Use Permit Application Procedures & Application Form