

PROPOSED

EC2024-1305
ATTACHMENT 4

BYLAW NUMBER 53M2024

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND BYLAW 32M98, THE BUSINESS LICENCE BYLAW

WHEREAS Council has considered EC2024-1305 and deems it necessary to amend the Business Licence Bylaw 32M98;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 32M98, the Business Licence Bylaw, as amended, is hereby further amended.

2. In section 58.1:

(1) subsection 58.1(1) is deleted and replaced with the following:

“58.1 (1) Short Term Rental means the *business* of providing temporary accommodation for compensation, in a *dwelling unit* or portion of a *dwelling unit*, for periods of up to 180 consecutive days, by advertising or otherwise listing with a Short Term Rental Company.”;

(2) subsection 58.1(3) is deleted and replaced with the following:

“Primary and Non-Primary Residence

(3) There shall be two classes of Short Term Rental:

(a) *Primary Residence* Short Term Rental; and

(b) *Non-Primary Residence* Short Term Rental.

(3.1) For the purposes of this section and section 58.2:

(a) “*Primary Residence*” means the usual *dwelling unit*, including any suite thereof, where an individual lives, makes their home and conducts their daily affairs; and

(b) “*Non-Primary Residence*” means any *dwelling unit* that is not a *Primary Residence*.

Licence Issuance Restrictions

(3.2) No *Non-Primary Residence* Short Term Rental *licence* shall be issued if the Purpose-Built Rental Market vacancy rate in Calgary, as shown in the

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annual Canada Mortgage and Housing Corporation Rental Market Report, is less than 2.5%.

- (3.3) Despite subsection (3.2), a *Non-Primary Residence Short Term Rental licence* for a *dwelling unit* may be issued if the *applicant* has previously held a Short Term Rental *licence* issued for that *dwelling unit* pursuant to this Bylaw.
- (3.4) No Short Term Rental *licence* shall be issued for a *dwelling unit* owned or administered by a *charitable organization* and used for the purposes of *non-market housing*.
- (3.5) For the purposes of subsection (3.4), “*non-market housing*” means property that is used to provide rental housing for income groups not served by the private market where:
 - (a) the provider has an income verification process in place to qualify its tenants for housing services; and
 - (b) the rent is no more than 90 per cent of the average market rent in Calgary as set out in the most recent Canada Mortgage and Housing Corporation Rental Market Report.”;

(3) in subsection 58.1(4.1), the words “(whether Tier 1 or Tier 2)” are deleted;

(4) subsection 58.1(4.1)(c) is deleted and replaced with the following:

“(c) if applying for a *Primary Residence Short Term Rental licence*, evidence to the satisfaction of the *Director* that the dwelling unit in which the Short Term Rental is located is the *applicant’s Primary Residence*.”;

and

(5) in subsection 58.1(11), the words “(Tier 1 or Tier 2)” are deleted.

3. The following is added after section 58.1 as section 58.2:

“Short Term Rental Company

- 58.2 (1) Short Term Rental Company means the *business* of facilitating or brokering Short Term Rental reservations via the internet and includes any *business* that:
- (a) receives payment, compensation, or any financial benefit due to, as a result of, or in connection with a person making or completing reservations of a Short Term Rental; or
 - (b) collects, accesses, or holds information on the number of nights that reservations of those Short Term Rental are made or completed.

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- (2) For clarity, Short Term Rental Company does not include an individual who facilitates or brokers reservations for a Short Term Rental that is the *Primary Residence* of that individual.

Application Requirements

- (3) In addition to other requirements for a *licence* under this Bylaw, an *applicant* for a Short Term Rental Company *licence* must provide the following to the *Director* at the time of the initial application, or at the time of the renewal of an *expiring licence*:
 - (a) the name, phone number, and e-mail address of a person responsible for responding to all communications from the *Director*,
 - (b) any other information or documents required by the *Director*.

Short Term Rental Company Responsibilities

- (4) A Short Term Rental Company must:
 - (a) ensure that each Short Term Rental *licensee* affiliated with the Short Term Rental Company is informed of the provisions of this Bylaw relating to the operation of a Short Term Rental; and
 - (b) provide to the *Director*, on a monthly basis, a current list of all Short Term rentals located in the *City* that are listed with the Short Term Rental Company, including the *licensee's* name, address and *licence number* and the number of nights during the previous month that it was rented.
- (5) At the request of the *Director*, a Short Term Rental Company must suspend or remove any Short Term Rental listing from being advertised with the Short Term Rental Company.”.

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4. In Schedule “A”, under the headings indicated, the following is deleted:

<u>Section</u>	<u>Business</u>	<u>Consultation or Approval</u>	<u>New Application Fee</u>				<u>Renewal Fee</u>			
			<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
“58.1	Short Term Rental – Tier 1	Fire	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100
	Short Term Rental – Tier 2	Fire	\$172	\$172	\$172	\$172	\$131	\$131	\$131	\$131”

and replaced with:

<u>Section</u>	<u>Business</u>	<u>Consultation or Approval</u>	<u>New Application Fee</u>				<u>Renewal Fee</u>			
			<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
“58.1	<i>Primary Residence Short Term Rental</i>	Fire	n/a	n/a	\$172	\$172	n/a	n/a	\$131	\$131
	<i>Non-Primary Residence Short Term Rental</i>	Fire	n/a	n/a	\$510	\$510	n/a	n/a	\$260	\$260
58.2	Short Term Rental Company	n/a	n/a	n/a	\$3,000	\$3,000	n/a	n/a	\$3,000	\$3,000”

5. In Schedule “C”, under the headings indicated, after:

	<u>Section</u>	<u>Specified Penalty</u>
“Fail to provide records on demand	58.1(10)	\$1000.00”

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the following is added

	<u>Section</u>	<u>Specified Penalty</u>
“Short Term Rental Company		
Failure to ensure Short Term Rental <i>licensee</i> are informed of bylaw provisions	58.2(4)(a)	\$1000.00
Failure to provide monthly list of Short Term Rental listings	58.2(4)(b)	\$1000.00

6. This Bylaw comes into force on January 1st, 2025.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____