

STAFF REPORT TO COUNCIL

Report Prepared By: Julia Dewijn, Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: May 20, 2025
File No: 3340-25-02
RE: Temporary Use Permit – 226 Buller Street

RECOMMENDATION:

That Council approve Temporary Use Permit 3340-25-02 for Lot 20, Block 45, Lot 56, Oyster District, Plan 703A (226 Buller Street) to allow Tourist Accommodation as a temporary use in a secondary suite.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce a proposal to allow Tourist Accommodation as a use for the Short-Term Rental (STR) of a secondary suite at 226 Buller Street for Council consideration. The proposed use requires a Temporary Use Permit (TUP) to authorize the use of the secondary suite as a STR.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2025-096	April 15 th , 2025	That Council give third reading and adopt "Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2025, No. 2205." <i>Motion Carried</i>
CS 2025-084	April 1 st , 2025	That Council: <ol style="list-style-type: none"> 1. Having considered section 475 of the <i>Local Government Act</i>, and in particular the matters set out in subsections (2)(A) and (b), resolve that: <ol style="list-style-type: none"> a. The Stz'uminus First Nation, Agricultural Land Commission and School District 68 are the only entities that are appropriate to consult in connection with "Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2025, No. 2205"; b. Consultation should be early but need not be ongoing; c. The consultation process described in the staff report to Council dated April 1, 2025 is sufficient in respect to the proposed Official Community Plan amendment and d. Staff be directed to refer "Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2025, No., 2205" to the Stz'uminus First Nation, Agricultural Land Commission and School District 68 as set out in the April 1, 2025 staff report to Council;

		<ol style="list-style-type: none"> 2. Give first and second readings to “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2025, No. 2205”; 3. Consider “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2025, No. 2205” in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the <i>Local Government Act</i>; 4. Consider “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2025, No. 2205” in conjunction with the Town’s Housing Needs Report and the housing information on which the report is based, pursuant to section 473(2.1) of the <i>Local Government Act</i>; 5. Direct staff to schedule a public hearing and notice of the hearing for “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2025, No. 2205”; and 6. Authorize staff to accept and process Temporary Use Permits for Short-Term Rentals prior to adoption of Bylaw 2025. <p><i>Motion Carried</i></p>
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INTRODUCTION/BACKGROUND:

Subject property

The subject property is a 557.2 square metre parcel located at 226 Buller Street. The property is currently designated Neighbourhood Residential under the “Official Community Plan Bylaw 2022, No. 2200” (OCP) and zoned Old-Town Residential (R-2) under the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”. The property is currently occupied by a single unit dwelling with a secondary suite. The secondary suite was permitted through the issuance of a building permit in February, 2017. Because the owner obtained a building permit to construct the suite, and no unpermitted alterations to the home have occurred, no renovations are required to bring the suite into compliance with the BC Building Code. The suite has been listed on AirBnB for the past ten months.

Adjacent land uses include the following:

- Northeast: a multi-unit residential building, single unit dwellings, and the Downtown area.
- Southeast: the Ladysmith Resources Centre Association/Ladysmith Seniors’ Centre, daycare, First United Church, Pharmacy and Dental offices, and the High Street Ball Field.
- South / Southwest: The Heart on the Hill Housing, single unit dwellings, daycare and Ladysmith Intermediate School.
- North: single unit dwellings.

The subject property is approximately 200 metres (3- to 4-minute walk) from 1st Avenue and 95 metres (2-minute walk) from the Ladysmith / Alderwood Transit Service at the Ladysmith Resources Centre.

A map of the subject property is provided in Attachment A.

Existing Short-Term Rental Regulations

The nightly rental of dwelling units is currently limited to the C-2, C-4, CD-7 zones and certain areas of the A-RR zone. Some residential zones (RU-1, R-1, R-2, R-2-B) permit the nightly rental of up to four guest rooms within a single unit dwelling as a bed and breakfast. Rooms in bed and breakfasts are not allowed to contain kitchens or kitchenettes and are not permitted on properties where there is already a secondary suite, coach house, two-unit dwelling, or a multi-unit dwelling.

The short-term rental of an entire dwelling unit for the nightly accommodation of paying guests has never been permitted in the Town of Ladysmith outside of zones permitting Tourist Accommodation as a use. A business license has always been required to operate Tourist Accommodations and Bed and Breakfasts.

The Short-Term Rental Accommodations Act

In late 2023, the Province of British Columbia enacted the *Short-Term Rental Accommodations Act* (STRAA) to strengthen regulations and enforcement for STRs and increase protections for long-term rental housing. The STRAA applies to STRs listed on vacation rental platforms and other websites, such as Airbnb, VRBO, Facebook Marketplace, Kijiji, and Craigslist. As part of the legislation, the Province requires that each STR host displays a valid business licence number on their listing wherever a business licence is required by the local government having jurisdiction. STR Platforms are required to share listing data with the Province every month, which in turn is shared with participating municipalities through the Short-Term Rental Portal (“STR Portal”).

The STRAA requires all STRs to register with the Province by May 1st, 2025. STR platforms are required to remove advertisements and prevent new bookings of STRs without valid provincial registration numbers on June 2nd, 2025, and platforms must cancel all existing reservations for unregistered STRs after June 23rd, 2025. Operating a STR without a valid registration number may also result in fines and/or tickets for the operator.

Ladysmith STR TUP Program

Council adopted Bylaw No. 2205 on April 15th, 2025, which amended the OCP to establish Temporary Use Permit guidelines to allow a limited number of TUPs for STRs outside of permitted zones.

Council also authorized staff on April 1, 2025 to begin accepting and processing TUP applications prior to adoption of Bylaw No. 2205. The first application (this one) was received on April 4th, 2025.

PROPOSAL:

The proposed TUP will permit Tourist Accommodation as temporary use in the secondary suite on the Subject Property. Conditions of the proposed TUP include a requirement for on-site parking for guests, at least 60 bookings per year under normal market conditions, and a valid business license.

The STR at 226 Buller Street was booked for 214 nights in the last ten months, which is one of the highest 'nights stayed' totals out of the approximate 50 active listings in Town.

A breakdown of the features of the proposed STR is provided in the list below:

- One bedroom, and a pull-out couch in the living room.
- A kitchen, including a full-sized refrigerator, range oven, coffee maker, microwave oven, kitchen sink, toaster, and cabinets.
- Projector screen and projector in the living area.
- Washing machine and dryer.
- Small grassy outdoor amenity space with seating.
- Partial ocean view from the northeast side of the property.
- Within a 10-minute walk to shopping and services in the Downtown and a 17-minute walk to the waterfront.

To allow the proposed Short-Term Rental at 226 Buller Street, a Temporary Use Permit (TUP) must be approved by Council. The owners have already submitted a business licence application which is pending approval of the TUP.

No development or changes to the building are proposed.

Attachment B includes a draft of the proposed Temporary Use Permit 3340-25-02. A Site Plan of the subject property is provided as Attachment C.

ANALYSIS:

For the reasons outlined below, staff are recommending approval of the proposal.

Zoning Bylaw

The subject property is zoned Old Town Residential – R-2 which permits bed and breakfasts as an accessory use for single unit dwellings. However, the proposed STR does not meet the bed and breakfast zoning regulations because the rental area is within a secondary suite. As such, the owners have applied for a TUP to allow a STR within a secondary suite.

Official Community Plan

The subject property is designated as Neighbourhood Residential within the OCP. This land use designation generally encourages strategic infill in this area of Town, enables a range of housing types, and supports small-scale neighbourhood-serving commercial uses.

Some key OCP objectives include the following:

- Create 10-minute neighbourhoods.
- Make active transportation the easiest and most enjoyable way to get around.
- Strengthen street life and other bustling public spaces.
- Increase housing diversity and affordability.

Housing affordability and creating active and connected neighbourhoods are priorities within the OCP. These priorities should be considered when determining whether allowances for STRs will enhance the Town's vision without adversely impacting other key objectives such as increasing the attainability of affordable, diverse housing.

Table 2, included below, highlights existing and proposed policies relating to the provision of STR accommodation within Ladysmith and staff comments connecting the policies to the proposed STR TUP.

Table 1. OCP Policy Analysis

OCP Policy Category and Policies	Comments
Part C: 3. Policies	
Diverse & Affordable Housing	
3.14. Monitor the impact of STR accommodation on long-term rental housing supply. Consider the Short-Term Rental recommendations of CVRD's Workforce Housing Strategy (2022).	The TUP program for STRs was designed to align with the CVRD's Workforce Housing Strategy from 2024. This Strategy includes actions encouraging member municipalities of the Cowichan Valley Regional District, to provide opportunities for STRs through TUPS or rezoning applications, with special consideration being given to the needs of temporary worker housing and the tourism industry. Bylaw 2205, noted above, incorporated OCP policies for issuing TUP's and considering rezoning applications for STR's
"OCP Bylaw 2022, No. 2200, Amendment Bylaw 2025, No. 2205"	
Part C. Policy 3.14	
3.14 Where Short-Term Rentals are not permitted under the Zoning Bylaw: <ul style="list-style-type: none"> • Council may issue Temporary Use Permits (TUPs) in accordance with the guidelines in Schedule A.2; or • Approve rezoning applications where the applicant can demonstrate the benefits of the tourism offering provided by the STR outweighs the loss of housing. 	This proposal is for a Temporary Use Permit and the guidelines of the proposed schedule A.2 are applied to the proposed STR in Table 2. A Temporary Use Permit is required to allow the STR on this property because the rental area would be contained within a secondary suite. Council may choose to approve the proposed TUP, approve an amended recommendation, or deny the proposal.

The new policies outlining the objectives and guidelines for Temporary Use Permit applications for STR's in the OCP outlines the following objectives:

1. To limit STRs in Ladysmith until rental vacancy rates are consistently at or above 3%.
2. To allow Temporary Use Permits for STRs that provide unique, high-quality accommodations that make Ladysmith a preferred tourism destination, while preserving generic housing stock for residents.
3. To support housing for both the travelling workforce and permanent workforce.

4. To complement regional and provincial initiatives to address the impact of STRs on the housing market.

Table 2 provides an analysis of the STR TUP guidelines in relation to the proposed STR at 226 Buller Street.

Table 2. STR TUP guideline analysis

STR TUP Guidelines	Staff Comments
<p>1. Number of TUPs issued based on the average CMHC's Rental Market Survey for Ladysmith for the preceding two years:</p> <ul style="list-style-type: none"> • 0 TUPs at a 0% residential vacancy rate. • Up to 5 TUPs at a 0 - 1% vacancy rate. • Up to 10 TUPs at a 1 - 2% vacancy rate. • No restrictions on the number of TUPs at a vacancy rate of 3% or higher. 	<ul style="list-style-type: none"> • The current average residential vacancy rate is 2.0%. Thus, up to 10 TUPs for STR (STR) allowances may be issued. • No STR TUPs have been issued, so the proposed STR meets the residential vacancy rate guideline.
<p>2. STRs should not be provided in more affordable housing units (tend to serve populations in greater need of housing, e.g., suites, apartments, older housing stock).</p>	<ul style="list-style-type: none"> • The proposed STR is located within a legal secondary suite in the Old Town neighbourhood. This area is considered a more affordable area of Town. • Because the proposed STR is located inside a secondary suite in the Old Town area, issuing a TUP could result in the temporary loss of a more affordable housing unit from the Town's rental stock. However, guideline 3 makes an exception for the subject property, as it is located within a ten-minute walk from Downtown.
<p>3. Notwithstanding guidelines 1 and 2, TUPs may be issued where the applicant can demonstrate:</p> <ol style="list-style-type: none"> a. The STR will be limited to rentals for workers temporarily working in Ladysmith; or b. The STR provides a unique, high-quality tourism offering within a ten-minute walk of Ladysmith's waterfront or Downtown. 	<ul style="list-style-type: none"> • The proposed STR is a two- to three-minute walk (75 metres) from the edge of the Downtown designation, a four-minute walk (200 metres) to 1st Avenue and a seventeen-minute walk (1.2 kilometres) of the waterfront at Transfer Beach. • Some nearby shops and services include the Vancouver Island Regional Library (300 m), Sporty Grill (250 m), Ladysmith Museum (250 m), Wild Poppy Market (350 m), and Fox and Hound (400 m). • The proposed STR provides some amenities including a small outdoor

	<p>amenity space, a partial waterfront view, but the interior of the unit appears similar to that of a standard secondary suite.</p> <ul style="list-style-type: none"> • In the Rationale Letter provided as Attachment D, the applicant states the space has been rented to temporary workers in the past. As such, this STR may serve both tourists and temporary workers.
4. STR should not provide redundant accommodation products that would otherwise be available in the conventional accommodation market.	<ul style="list-style-type: none"> • Similar tourist accommodations are limited in and near the downtown.
5. STR should accommodate guest parking on site.	<ul style="list-style-type: none"> • The proposed STR will provide 1 off-street parking space for guest parking. • The subject property has a carport and a large driveway on the lane-side that can accommodate the off-street parking requirements.
6. STRs should not generate nuisance for neighbouring properties and should have noise mitigating features and policies.	<ul style="list-style-type: none"> • The operation of a STR at the subject property is not anticipated to generate nuisance for neighbouring properties because the subject property is bordered with dense, mature vegetation and is five- to ten-meters away from the closest adjacent homes.
<p>7. The layout, form, and function of proposed STRs should ensure a comfortable, memorable and convenient guest experience, including:</p> <ol style="list-style-type: none"> a. A cohesive design theme incorporating colour schemes, furniture styles, and decorative elements. b. Privacy and ease of movement into and within the STR. c. A spacious and well-designed layout with adequate ceiling heights and lighting. d. On-site amenities that provide tourist appeal, such as ocean views, decks and patios, hot tubs, swimming pools, water access and outdoor cooking and dining areas. e. Kitchens purposely designed and equipped to maximize functionality, convenience and comfort (e.g., full-sized appliances in a “work triangle”, 	<ul style="list-style-type: none"> • The STR includes some decorative accents, including indoor plants and wall hangings. The suite contains standard kitchen appliances and furniture. • The STR is arranged in a way that promotes privacy and movement into and throughout the rental space. The outdoor amenity space is adjacent to the rear driveway, but privacy is provided from the upslope neighbouring property with dense vegetation along the property line. • The rental has standard ceiling heights (2.1m). The kitchen/living area is open concept, albeit not exceedingly spacious. • The proposed STR would have access to limited on-site amenities, including an outdoor seating area with a partial view of the ocean. Off-site amenities include 1st Avenue (three- to four-minute walk), High Street Ball Field (three-minute walk), a bus stop, and a seventeen-minute walk to Transfer Beach.

<p>sufficient storage, small appliances and groceries, and task and ambient lighting). Small kitchens and gally kitchens are generally discouraged.</p> <p>f. Divided work and living areas to support the use by the travelling workforce.</p>	<ul style="list-style-type: none"> • The STR's kitchen is sufficiently functional and lit (with natural and artificial lighting). The refrigerator and range oven are arranged next to one another and a high table can serve as both a food preparation space and dining area. There is no dishwasher in the STR, but a large kitchen sink is provided. • The high table could be used as a workspace as needed, but it is located within the living area.
<p>8. STR units must be compliant with the BC Building Code and the Town's Building Bylaw. Units constructed without permits must be brought into compliance with the BC Building Code and other safety regulations prior to the issuance of a business licence.</p>	<ul style="list-style-type: none"> • The proposed STR would be operated within a secondary suite, which received an occupancy permit on February 20, 2017. • The Building Department conducted an inspection of the suite on April 15th, 2025, for this TUP application. The Building Inspectors did not note any unpermitted construction or concerns with the secondary suite's compliance with the BC Building Code.
<p>9. TUPs may include conditions to mitigate the loss of housing stock caused by converting the residential unit to a STR, such as contributions to the Town's affordable housing reserve.</p>	<ul style="list-style-type: none"> • Due to the proximity to downtown, staff believe the benefit to local tourism outweighs the temporary loss of a residential unit to STR and no additional conditions, such as contributions to the Town's affordable housing reserve, are recommended to mitigate the temporary loss of housing stock.
<p>10. STRs should be booked for a minimum of 60 days per year under normal market conditions. TUPs may include conditions requiring a minimum number of bookings per year.</p>	<ul style="list-style-type: none"> • Staff included a condition in the TUP that the STR must be booked for a minimum of 60 days per calendar year to ensure it does not remain vacant and fails to contribute to local tourism or temporary workforce housing. • On the Province's Short-Term Rental Data Portal, 226 Buller Street is shown to have been booked for a total of 214 nights in the last ten months. This is one of the highest nights stayed totals out of all active STRs in Ladysmith.
<p>11. STRs should be available year-round and secure bookings year-round. STRs during peak season and long-term rental (more than 3 months) in the off-season may be considered. TUPs may contain conditions regulating the use during certain times of the year.</p>	<ul style="list-style-type: none"> • No time-sensitive conditions are proposed in the draft TUP as special accommodation for certain times of the year does not seem necessary, as the STR platform indicates the rental was in use as a STR throughout the previous year.

The proposed STR is generally consistent with the Official Community Plan's policies and guidelines for STR TUPs, and, for the reasons outlined in Table 2, staff anticipate the benefits to local tourism and/or temporary workers exceed the impacts of a temporary loss of a long-term rental unit.

ALTERNATIVES:

Council can choose to:

1. Deny the application for TUP 3340-25-02.
2. Defer the application to a subsequent meeting of Council.
3. Amend the conditions of TUP 3340-25-02 and approve the permit as amended.
4. Refer the application back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Newspaper notification of the proposed TUP was published in the May 15th edition of the Ladysmith Chronicle. A sign was also posted on the subject property on May 9th, 2025, and notification was sent by mail and courier on May 9th to owners and tenants of properties within 60 meters of the subject property.

A public hearing for a temporary use permit is not required pursuant to section 464(1) of the *Local Government Act*.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated to the Town Building Department for review and comment. Their comments are summarized below:

Table 1: Interdepartmental Referral Comments

Referred (Yes/No)	Department	Comments
Yes	Building Inspection	An occupancy permit was issued for the secondary suite on February 20, 2017. The secondary suite was previously approved by the Town in its current condition. No concerns were noted during the Building Inspectors' inspection of the suite on April 15 th , 2025.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

Under CPAC Terms of Reference a CPAC review of this application is not required.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Core Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input checked="" type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Not Applicable |

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):


- A. Subject Property Map
- B. Temporary Use Permit 3340-25-02
- C. Site Plan
- D. Rationale Letter

SUBJECT PROPERTY MAP

226 Buller Street



 Subject Property

0 20 60 100
 Meters



TOWN OF LADYSMITH TEMPORARY USE PERMIT

FILE NO: 3340-25-02

DATE: May 6th, 2025

Name of Owner(s) of Land (Permittee): Pavol Kubini and Ruth Urban

Applicant: Pavol Kubini

Subject Property: 226 Buller Street

1. This permit is issued subject to compliance with all Town of Ladysmith bylaws that apply to this permit.
2. This permit applies to the lands described below, and any buildings, structures, and other development thereon (hereinafter called the Lands).

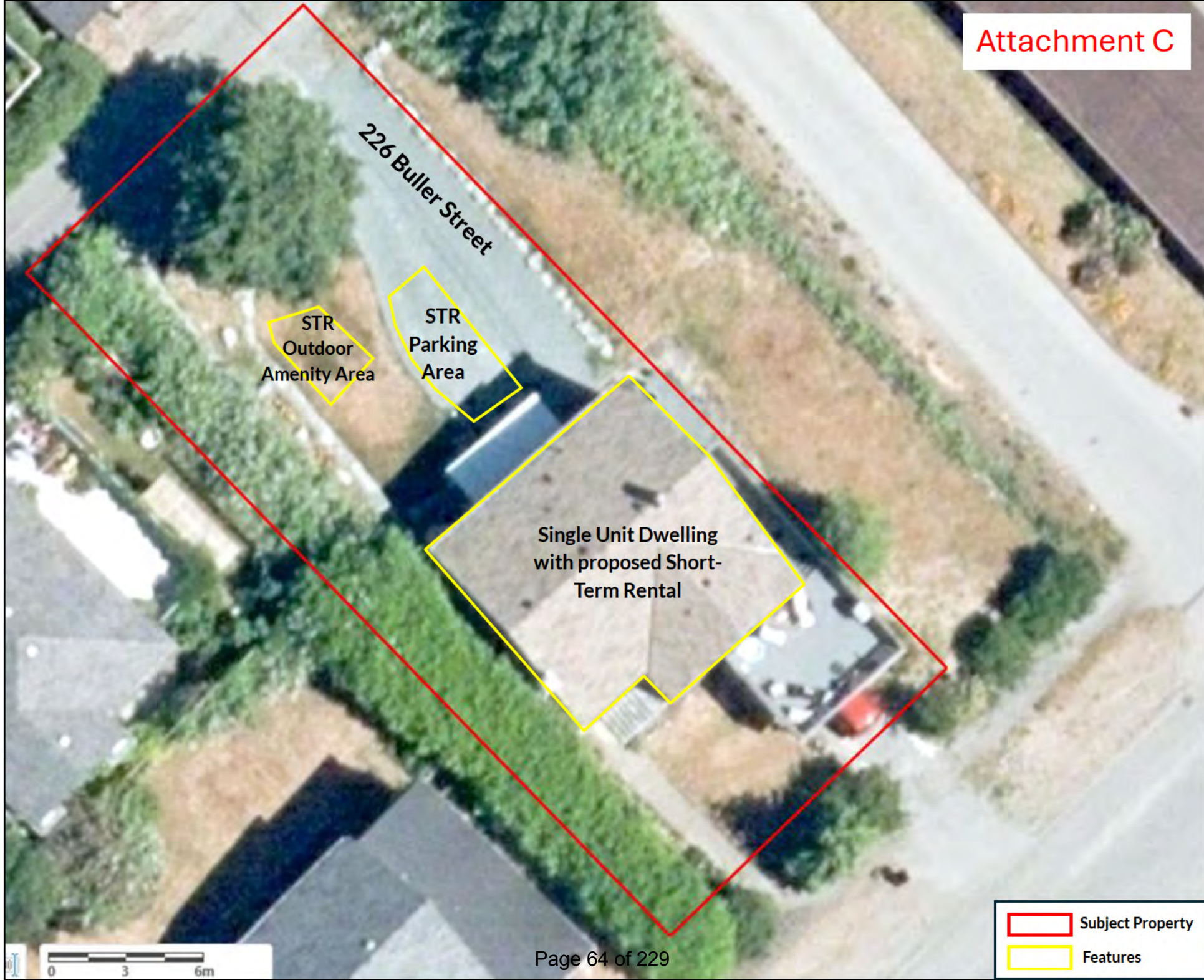
226 Buller Street (LOT 20, BLOCK 45, LOT 56, OYSTER DISTRICT, PLAN 703A)
PID: 008-545-570

3. Pursuant to section 493 of the *Local Government Act*, this permit authorizes a temporary Tourist Accommodation Use at 226 Buller Street to allow a Short-Term Rental contained in a Secondary Suite subject to the conditions contained herein.
4. The applicant shall ensure that the following conditions of this Permit (**TUP 3340-25-02**) are met:
 - a. The Short-Term Rental shall be booked for a minimum of sixty (60) days per calendar year, under normal market conditions.
 - b. A minimum of one (1) off-street parking space shall be provided for the Tourist Accommodation use.
 - c. A valid Business Licence must be obtained and maintained while the Short-Term Rental remains in operation.
5. This permit is not a building permit or a sign permit.
6. Pursuant to section 497 of the *Local Government Act*, this permit lapses **three years** from the date of issuance of this permit, unless renewed pursuant to section 7 of this Permit.

7. This Permit may be renewed once only by a Council resolution.

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE TOWN OF
LADYSMITH ON THE 6TH DAY OF MAY 2025

DRAFT



Attachment D

Rationale Letter – Short-Term Rental Temporary Use Permit Application

Re: 226 Buller Street, Ladysmith, BC

To Whom It May Concern,

We are writing to provide a rationale in support of our application for a Temporary Use Permit (TUP) to allow short-term rental of our legal suite located at **226 Buller Street** in Ladysmith, BC.

Our suite is a **fully self-contained, legal one-bedroom unit** located on the lower level of our home. It features a **private entrance** accessible from the rear parking area via a gentle interior ramp. The suite includes:

- A **separate bedroom** with a queen-size bed,
- A **pull-out couch** in the living room,
- A fully equipped **kitchen**,
- A clean and well-maintained **bathroom**,
- And a spacious **flat parking area** at the back of the house, making it convenient for guests with vehicles.

Our home is situated **on the corner of Buller Street and another quiet residential street**, just a **5-minute walk from downtown Ladysmith**. The property offers excellent privacy — we have **only one immediate neighbour**, who is fully shielded by a **large retaining wall and dense greenery**, including a tall bush that separates the properties. This thoughtful layout ensures minimal impact on our surroundings and maintains the quiet character of the neighbourhood.

The suite has proven to be an ideal accommodation for **tourists, temporary workers, and families visiting loved ones** in the area. For example, we've hosted a **temporary worker training for tug boat operations**, who stayed with us on **four separate occasions for approximately one month at a time**. We've also welcomed visitors attending **local events**, such as **(REDACTED) who came to Ladysmith for a pickleball tournament**, and guests participating in the town's **annual car show**. Several of our guests were also here to **spend time with nearby family**, including grandparents visiting their grandchildren and relatives attending family gatherings.

These guests have consistently supported the **local economy**, dining at nearby restaurants, shopping at small businesses, and exploring Ladysmith's beautiful waterfront, trails, and surrounding area.

As on-site homeowners, we take pride in offering a **clean, quiet, and welcoming space**, and are always available to ensure that our guests' stays are respectful and aligned with community standards.

We believe that our short-term rental provides a **high-quality, private, and well-managed accommodation option** that supports local tourism while minimizing impacts on our neighbourhood. We respectfully ask for Council's support of our application.

Sincerely,

Pavol Kubini & Ruth Urban