

BILL 35 – 2023

SHORT-TERM RENTAL ACCOMMODATIONS ACT

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – INTERPRETATION AND APPLICATION

Definitions

1 In this Act:

“**accessory dwelling unit**” means a building, or part of a building, that

- (a) is a self-contained residential accommodation unit,
- (b) has cooking, sleeping and bathroom facilities, and
- (c) is secondary to a primary dwelling unit located on the same property;

“**applicant**” means

- (a) a supplier host who applies for the registration of a short-term rental offer under section 6 [*short-term rental offers must be registered*], or
- (b) a platform service provider that applies for registration under section 7 [*platform service providers must be registered*];

- “business licence number”** means the number associated with a business licence;
- “business licence requirement”** means a requirement in an applicable short-term rental bylaw that a person have a business licence;
- “coordination agreement”** means an agreement described in section 4 (2) [*application of Act to participating First Nations*];
- “dwelling unit”** means a building, or a part of a building, that
- (a) is a self-contained residential accommodation unit, and
 - (b) usually has cooking, eating, living, sleeping and bathroom facilities;
- “exempt land”** means prescribed land where the principal residence requirement does not apply;
- “First Nation law”** means a law of a participating First Nation in relation to one or both of the following:
- (a) short-term rental accommodation services or similar services;
 - (b) platform services;
- “participating First Nation”** means the Nisga’a Nation or a treaty first nation, if the Nisga’a Nation or the treaty first nation has entered into a coordination agreement under section 4 [*application of Act to participating First Nations*];
- “platform”** means an online marketplace on which platform services are provided;
- “platform offer”** means a short-term rental offer made on a platform that uses the services of a platform service provider;
- “platform representative”** means a person responsible for representing a platform service provider in British Columbia;
- “platform service”** means the facilitation, provided by a platform service provider on a platform, of promotion and of transactions for reservations and payments in relation to short-term rental accommodation services located in British Columbia;
- “platform service provider”** means a person operating a platform and providing platform services;
- “platform service provider information”** means
- (a) the name, telephone number, address, email address and, if applicable, fax number of the platform service provider and the platform representative, and
 - (b) any prescribed information;
- “principal residence”** means the residence in which an individual resides for a longer period of time in a calendar year than any other place;

“principal residence requirement” means the requirement imposed under section 14 (1) [*principal residence requirement*];

“property host” means a person

- (a) who is legally entitled to possession of a property where short-term rental accommodation services are provided, and
- (b) who has responsibility for arranging for the short-term rental offer;

“registrant” means,

- (a) in relation to a short-term rental offer that is registered under Part 2 [*Registration*], the supplier host who is responsible for the short-term rental offer, or
- (b) a platform service provider that is registered under Part 2;

“registrar” means the registrar appointed under section 5 (1) [*appointment of registrar, delegation and authentication*];

“registration number” means the number assigned to a short-term rental offer or platform service provider by the registrar at the time of registration;

“registration requirement” means,

- (a) in the case of a short-term rental offer, the requirement to register that is imposed under section 6 (1) [*short-term rental offers must be registered*], and
- (b) in the case of a platform service provider, the requirement to register that is imposed under section 7 (1) [*platform service providers must be registered*];

“related bylaw” means a local government bylaw made under the *Community Charter*, the *Local Government Act* or the *Vancouver Charter*, other than a short-term rental bylaw, that restricts or otherwise impacts short-term rental accommodation services or similar services;

“residence” means any of the following:

- (a) a dwelling unit;
- (b) a secondary suite or other accessory dwelling unit;
- (c) a prescribed dwelling;

“responsible official” means a person appointed or delegated to carry out a power or duty for the purposes of a review under either of the following:

- (a) section 11 [*review of decision of registrar*];
- (b) section 29 [*review of administrative penalty*];

“secondary suite” means an accessory dwelling unit that is located in and forms part of a primary dwelling unit;

“short-term rental accommodation service” means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days or another prescribed period, if any, but does not include a prescribed accommodation service;

“short-term rental bylaw” means a local government bylaw made under the *Community Charter*, the *Local Government Act* or the *Vancouver Charter* in relation to one or both of the following:

- (a) short-term rental accommodation services or similar services;
- (b) platform services;

“short-term rental information”, in relation to a short-term rental offer, means

- (a) the name of the property host and the address of the relevant property where the short-term rental accommodation services are to be provided,
- (b) the name, telephone number, address, email address and, if applicable, fax number of each supplier host, including the property host,
- (c) if applicable, the registration number,
- (d) if required under an applicable short-term rental bylaw, the applicable business licence number, and
- (e) any prescribed information, including in relation to an owner of the relevant property;

“short-term rental offer”, in respect of a property of a property host, means an offer by a supplier host to provide short-term rental accommodation services at the property;

“similar services” means prescribed services in relation to short-term accommodation;

“supplier host”, in respect of a short-term rental offer, means

- (a) the property host, and
- (b) the following persons, if applicable:
 - (i) a person who, acting on behalf of, under the direction of or as agent of the property host, has responsibility for arranging for the short-term rental offer, which may include managing the short-term rental accommodation services;
 - (ii) a prescribed person.

Interpretation

- 2 For the purposes of this Act, a short-term rental bylaw, related bylaw or First Nation law is a short-term rental bylaw, related bylaw or First Nation law, as applicable, even if the short-term rental bylaw, related bylaw or First Nation law relates to a period of accommodation that differs from the period of time described in the definition of “short-term rental accommodation service”.

What this Act does not apply to

- 3 This Act does not apply to hotels, motels and any other accommodation service providers that may be prescribed for the purposes of this section.

Application of Act to participating First Nations

- 4 (1) This Act does not apply within the Nisga'a Lands or the treaty lands of a treaty first nation unless the Nisga'a Nation or the treaty first nation has entered into a coordination agreement under this section.
- (2) The minister may, on behalf of the government, enter into a coordination agreement with the Nisga'a Nation or a treaty first nation if the Nisga'a Nation or the treaty first nation
- (a) wishes that this Act or the regulations, or a part of this Act or the regulations, apply within the Nisga'a Lands or the treaty lands of the treaty first nation, and
- (b) wishes, in order to enforce a First Nation law as a participating First Nation, to coordinate with the minister in respect of the performance of duties, or exercise of powers, under this Act.
- (3) The minister may not delegate to any person any of the minister's powers to enter into a coordination agreement under this section.

PART 2 – REGISTRATION

Appointment of registrar, delegation and authentication

- 5 (1) The minister may appoint a registrar under the *Public Service Act*.
- (2) Employees may be appointed under the *Public Service Act*, and the registrar may retain other persons, whom the registrar considers necessary to exercise the registrar's powers and perform the registrar's duties under this Act.
- (3) The registrar may delegate to a person or class of persons any of the registrar's powers or duties under this Act.
- (4) The delegation by the registrar must be in writing and may include any terms or conditions the registrar considers advisable.
- (5) The registrar may require that, at the time an individual attempts to access services or functions of the registrar, the individual be authenticated in the prescribed manner.

Short-term rental offers must be registered

- 6 (1) Subject to the regulations, a short-term rental offer must be registered under this Part by the supplier host who is responsible for the short-term rental offer.

- (2) Subject to the regulations, an application for registration or renewal of registration in respect of a short-term rental offer must
 - (a) include the short-term rental information,
 - (b) be made in the form and manner required by the registrar, and
 - (c) be accompanied by the prescribed fee, if any.
- (3) If the principal residence requirement applies to a short-term rental offer, the application for registration or renewal of registration in respect of the short-term rental offer must include a declaration described in section 14 (2) [*principal residence requirement*].
- (4) A supplier host who applies for registration or renewal of registration of a short-term rental offer must meet all the terms, conditions and requirements imposed on the supplier host under this Act.

Platform service providers must be registered

- 7 (1) Subject to the regulations, a platform service provider must be registered under this Part.
- (2) Subject to the regulations, an application by a platform service provider for registration or renewal of registration must
 - (a) include the platform service provider information,
 - (b) be made in the form and manner required by the registrar, and
 - (c) be accompanied by the prescribed fee, if any.
- (3) A platform service provider that applies for registration or renewal of registration must meet all the terms, conditions and requirements imposed on the platform service provider under this Act.

Registration

- 8 Subject to the regulations, the registrar may, on application under section 6 or 7, grant registration or renewal of registration for a period of time not exceeding one year or any other period of time that may be prescribed.

Terms and conditions of registration

- 9 (1) The following terms and conditions are required for every registration:
 - (a) a registrant must report to the registrar, within a prescribed period of time, a change in any prescribed information;
 - (b) a registrant must comply
 - (i) with this Act and the regulations, and
 - (ii) with the terms and conditions of the registrant's registration;
 - (c) any other prescribed terms and conditions.

- (2) The registrar may
 - (a) impose on a registration any terms and conditions, other than the terms and conditions described in subsection (1), that the registrar considers appropriate, and
 - (b) amend or remove a term or condition of a registration that the registrar has imposed under paragraph (a).
- (3) The registrar must provide written reasons for a decision under subsection (2) to the applicant or registrant.

Refusal, cancellation or suspension of registration

- 10**
- (1) The registrar may, subject to the regulations, refuse to grant registration or renewal of registration if any of the following apply:
 - (a) the applicant or registrant fails in any way to comply with, or does not meet the requirements of, section 6 [*short-term rental offers must be registered*] or 7 [*platform service providers must be registered*], as applicable;
 - (b) the application is for renewal of registration and the registrar is satisfied that the registrant
 - (i) has failed to comply with a compliance order under this Act,
 - (ii) has failed to pay an administrative penalty under this Act, or
 - (iii) has otherwise contravened
 - (A) a provision of this Act or the regulations, or
 - (B) a term or condition of the registration.
 - (2) If the registrar is satisfied that, in respect of a registrant, a circumstance referred to in subsection (1) applies, the registrar may, subject to the regulations, decide to
 - (a) cancel the registration, or
 - (b) suspend the registration
 - (i) for a period of time, or
 - (ii) subject to conditions the registrar considers necessary.
 - (3) Subject to the regulations, in a decision under subsection (2), the registrar may provide that the cancellation or suspension of the registration has effect on
 - (a) a future date, or
 - (b) the happening of a future event.
 - (4) The registrar must provide written reasons for a decision under this section to the applicant or registrant.

Review of decision of registrar

- 11 (1) A person may, in accordance with the regulations, apply for a review of a decision of the registrar about the person's registration or renewal of registration.
- (2) Following the review, a responsible official may confirm, vary or set aside the decision under review.

No misrepresentation

- 12 A person must not purport to be a registrant unless the person is a registrant.

PART 3 – SPECIFIC REQUIREMENTS AND RELATED MATTERS

Division 1 – Short-Term Rental Offer Requirements

Short-term rental offer requirements

- 13 A short-term rental offer must include the following information:
- (a) if a business licence requirement applies, the valid business licence number;
 - (b) the valid registration number;
 - (c) any prescribed information.

Division 2 – Principal Residence Requirement

Principal residence requirement

- 14 (1) Subject to the regulations, if short-term rental accommodation services are provided outside the exempt land in respect of a short-term rental offer, the short-term rental accommodation services must not be provided except in one or both of the following:
- (a) in the property host's principal residence;
 - (b) in not more than one secondary suite or other accessory dwelling unit that is in a prescribed location in relation to the property host's principal residence.
- (2) If the principal residence requirement applies, the application for registration or renewal of registration for a short-term rental offer under Part 2 [*Registration*] must include, in relation to the property host's principal residence, a declaration that
- (a) is made in the form and manner required by the registrar, and
 - (b) includes any prescribed information or documents.

Requests for changes to exempt land

- 15** (1) Subject to the regulations, a local government that meets the applicable prescribed criteria may, by resolution, request that the Lieutenant Governor in Council change the exempt land to remove or add the geographic area of the local government if the local government wishes, as applicable,
- (a) that the principal residence requirement apply to the geographic area and that the geographic area be removed from the exempt land, or
 - (b) that the principal residence requirement not apply to the geographic area and that the geographic area be added to the exempt land.
- (2) The local government must convey a resolution adopted under subsection (1) to the minister, on behalf of the Lieutenant Governor in Council, on or before the prescribed date in respect of a prescribed period of time.
- (3) The Lieutenant Governor in Council may, by regulation,
- (a) prescribe criteria for the purposes of subsection (1),
 - (b) prescribe dates and periods of time for the purposes of subsection (2),
 - (c) establish procedures for a local government that meets any prescribed criteria to request a change to the exempt land,
 - (d) establish procedures for a prescribed person or entity to request a change to the exempt land,
 - (e) provide for the factors that the Lieutenant Governor in Council is to consider before making a regulation under paragraph (f) of this subsection, and
 - (f) change the exempt land.
- (4) This section does not limit the authority to make regulations under section 38 [*regulations of the Lieutenant Governor in Council*].

Relationship between principal residence requirement and certain short-term rental bylaws made under *Vancouver Charter*

- 16** (1) A provision of a short-term rental bylaw made under the *Vancouver Charter* has no effect if it is inconsistent with the principal residence requirement under this Act.
- (2) For the purposes of subsection (1), unless otherwise provided, a short-term rental bylaw made under the *Vancouver Charter* is not inconsistent with the principal residence requirement under this Act if a person who complies with the short-term rental bylaw does not, by this, contravene the principal residence requirement.

Division 3 – Requirements Respecting Platform Service Providers and Platform Offers

Platform service provider requirements

- 17** (1) Subject to the regulations, a platform service provider must do the following:
- (a) have a platform representative;
 - (b) in respect of each platform offer,
 - (i) enable the posting on the platform of the following:
 - (A) a business licence number;
 - (B) the registration number;
 - (C) any prescribed information, and
 - (ii) confirm the validity of the registration number posted in respect of the platform offer by the supplier host on the platform;
 - (c) record, maintain and disclose to the minister records of the following:
 - (i) any short-term rental information provided to the platform service provider;
 - (ii) any other prescribed information.
- (2) Subject to the regulations, a platform service provider must not provide platform services in respect of a platform offer in the following circumstances:
- (a) the platform offer is not posted with a valid registration number;
 - (b) the platform service provider has not disclosed records in respect of the platform offer to the minister in accordance with subsection (1) (c).

Procedures for local governments

- 18** (1) In this section, “**relevant local government**” means a local government that imposes a business licence requirement.
- (2) If a relevant local government determines that a platform offer is not in compliance with an applicable business licence requirement, the relevant local government may deliver a notice about the failure to comply, in accordance with the regulations, to the following:
- (a) the platform representative;
 - (b) the supplier host.
- (3) Subject to the regulations, within a prescribed period of time after the delivery of the notice under subsection (2),
- (a) a relevant local government may request that a platform service provider, within a prescribed period of time, cease providing platform services in respect of one or more of the supplier host’s platform offers that do not comply with the business licence requirement, and

- (b) the platform service provider must comply with the request of the relevant local government.
- (4) A request under subsection (3) (a) must include any prescribed information.

PART 4 – COMPLIANCE AND ENFORCEMENT

Division 1 – Director

Appointment of director and delegation

- 19**
- (1) The minister may appoint a director under the *Public Service Act*.
 - (2) Employees may be appointed under the *Public Service Act*, and the director may retain other persons, whom the director considers necessary to exercise the director’s powers and perform the director’s duties under this Act.
 - (3) The director may delegate to a person or a class of persons any of the director’s powers or duties under this Act.
 - (4) The delegation by the director must be in writing and may include any terms or conditions the director considers advisable.
 - (5) The director may not assign or delegate to the same person both the conduct of an investigation under section 22 [*investigation*] into a matter and the power, in relation to that matter,
 - (a) to impose an administrative penalty under section 26 [*administrative penalties*], or
 - (b) to review an administrative penalty under section 29 [*review of administrative penalty*].

Correction or clarification of orders

- 20**
- (1) The director may, in respect of an order made by the director under this Part,
 - (a) correct typographic, grammatical, arithmetic or other similar errors,
 - (b) clarify the order, and
 - (c) amend an obvious error or inadvertent omission in the order.
 - (2) The director may take the steps described in subsection (1)
 - (a) on the director’s own initiative, or
 - (b) at the request of the person subject to the order in relation to a clarification, error or omission described in subsection (1) (b) or (c).
 - (3) A request by a person under subsection (2) (b) must be made within 15 days after the date the order is received.

Orders final and binding

- 21** Except as otherwise provided in this Part, each of the following orders is final and binding on the person subject to the order:
- (a) a compliance order under Division 3 of this Part;
 - (b) an order imposing an administrative penalty under Division 4 of this Part.

Division 2 – Ensuring Compliance

Investigation

- 22** The director may conduct investigations to ensure compliance with this Act and the regulations.

Production of records

- 23**
- (1) The director may require a person to provide to the director, within a reasonable time, all records in the person's possession or control related in any way to an investigation.
 - (2) A person required under subsection (1) to provide records must comply with the requirement.

Division 3 – Compliance Orders

Compliance orders

- 24**
- (1) If satisfied that a person is contravening or has contravened a provision of this Act or the regulations, the director may order the person to comply with this Act and the regulations.
 - (2) A compliance order under this section must
 - (a) name the person in respect of which the order is issued,
 - (b) describe the act, omission or practice by which the person is contravening or has contravened a provision of this Act or the regulations,
 - (c) identify the provision of this Act or the regulations that is being contravened or has been contravened, and
 - (d) be dated and signed by the director.
 - (3) In a compliance order under this section, the director may order that a person take specified action within a specified period of time to remedy an act, omission or practice by which the person is contravening or has contravened a provision of this Act or the regulations.

- (4) A compliance order under this section may include an order, in respect of a supplier host and one or more of the supplier host's platform offers, that a platform service provider cease providing platform services in respect of the platform offers.
- (5) The director must serve a copy of a compliance order under this section on the person named in the order.

Filing compliance orders in Supreme Court

- 25**
- (1) The director may file a compliance order with the Supreme Court.
 - (2) A compliance order filed under subsection (1) is deemed for all purposes to be an order of the Supreme Court and enforceable as an order of the court.

Division 4 – Administrative Penalties

Administrative penalties

- 26**
- (1) Subject to the regulations, the director may order a person to pay an administrative penalty if the director has determined that the person has
 - (a) contravened a provision of this Act or the regulations,
 - (b) failed to comply with an order of the director, or a demand issued by the director for production of records, or
 - (c) failed to comply by giving false or misleading information in an investigation.
 - (2) Before the director imposes an administrative penalty on a person, the director must give the person an opportunity to be heard.
 - (3) An administrative penalty imposed under this section must be paid within the prescribed period of time.
 - (4) If a corporation contravenes this Act or the regulations or fails to comply as described under subsection (1), an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the contravention or failure is also liable under this section even though the corporation is liable for or pays an administrative penalty under this section.

Amount of administrative penalty

- 27**
- (1) An administrative penalty imposed under section 26
 - (a) may be prescribed in respect of specific contraventions or failures, and
 - (b) may not, subject to the regulations, exceed the prescribed maximum amount.
 - (2) If a contravention or failure described in section 26 (1) occurs over more than one day or continues for more than one day, separate administrative penalties, each not exceeding the maximum under subsection (1) of this section, may be imposed for each day that the contravention or failure continues.

Notice of administrative penalty

- 28** If the director imposes an administrative penalty on a person, the director must deliver to the person a notice specifying each of the following:
- (a) the contravention or failure to which the administrative penalty relates;
 - (b) the amount of the administrative penalty;
 - (c) the date by which the administrative penalty must be paid in accordance with the period of time prescribed for the purposes of section 26 (3);
 - (d) the person's right to have the order imposing the administrative penalty reviewed.

Review of administrative penalty

- 29**
- (1) A person who receives a notice under section 28 may, in accordance with the regulations, apply for a review of the matters set out in the notice.
 - (2) A review may only be based on one or more of the following grounds:
 - (a) subject to subsection (3), new evidence;
 - (b) any prescribed ground.
 - (3) A responsible official may, in a review of an administrative penalty, consider new evidence only if the responsible official is satisfied that the new evidence
 - (a) is substantial and material to the review, and
 - (b) did not exist when the administrative penalty was ordered or did exist at that time but was not discovered and could not, through the exercise of reasonable diligence, have been discovered.
 - (4) Following the review, the responsible official may confirm, vary or set aside the original order.

Recovery of administrative penalties

- 30**
- (1) An administrative penalty imposed under this Division is a debt due to the government.
 - (2) The director may file a certificate in a court that has jurisdiction and, on filing, the certificate has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed if
 - (a) a person fails to pay an administrative penalty in accordance with this Act and the regulations, and
 - (b) the time limit for payment under this Act has expired.

- (3) A certificate under subsection (2) must be in the form approved by the director, be signed by the director and set out
 - (a) the name of the person who is liable for the administrative penalty,
 - (b) the contravention or failure in relation to which the administrative penalty is imposed, and
 - (c) the amount of the administrative penalty.

Division 5 – Injunctions

Injunctions

- 31** (1) On application by the director, the Supreme Court may grant an injunction doing one or more of the following:
 - (a) restraining a person from contravening a provision of this Act or the regulations, if the court is satisfied that there are reasonable grounds to believe that the person has contravened or is likely to contravene a provision of this Act or the regulations;
 - (b) requiring a person to comply with this Act or the regulations, if the court is satisfied that there are reasonable grounds to believe that the person has not complied or is likely not to comply with this Act or the regulations.
- (2) A contravention of this Act or the regulations may be restrained under subsection (1) whether or not a penalty or other remedy is provided by this Act.
- (3) At any time before the court disposes of the injunction proceeding, the court may grant an interim injunction.
- (4) With respect to considering an interim injunction under subsection (3),
 - (a) the court must give greater weight, importance and the balance of convenience to the enforcement of this Act than to the continued provision of short-term rental accommodation services or platform services, as applicable,
 - (b) the director must not be required to post a bond or give an undertaking as to damages, and
 - (c) the director need not establish that irreparable harm will be done if the interim injunction is not issued.

PART 5 – GENERAL PROVISIONS

Delivery and service

- 32** (1) If this Act or the regulations require or authorize an order, notice, decision or other document to be delivered or served, it may be delivered or served in the following manner:
- (a) by any manner prescribed by regulation;
 - (b) by any other method specified by the court under subsection (3).
- (2) If an order, notice, decision or other document is delivered or served by a manner prescribed under subsection (1) (a), the document is deemed to have been delivered or served as provided for by regulation.
- (3) On application by any person, the Supreme Court, for the purposes of this Act, may
- (a) give directions on how to deliver to or serve a document on a person, or
 - (b) by order, dispense with service of a document if the court is satisfied that the person already has actual notice of the contents of the document and is avoiding service.
- (4) If the court makes an order under subsection (3) (b) to dispense with service of a document, the document takes effect without being served.

Collection, use and disclosure of personal information

- 33** (1) The minister may, directly or indirectly, collect and use personal information under this Act for the administration or enforcement of this Act.
- (2) The minister may disclose personal information collected under subsection (1) as follows:
- (a) in accordance with section 33 [*disclosure of personal information*] of the *Freedom of Information and Protection of Privacy Act*;
 - (b) for one or more of the following purposes:
 - (i) the administration or enforcement of this Act, the *Home Owner Grant Act* or the *Land Tax Deferral Act*;
 - (ii) the administration or enforcement of an Act of the Parliament of Canada that provides for the imposition and collection of a tax or duty;
 - (iii) the administration or enforcement of an enactment of British Columbia that provides for the imposition and collection of a tax or duty;
 - (iv) to support the enforcement by local governments of short-term rental bylaws and related bylaws;
 - (v) to support the enforcement by participating First Nations of First Nation laws;

- (vi) to support the enforcement by a prescribed person or entity of enactments that restrict or otherwise impact short-term rental accommodation services or similar services;
- (vii) to monitor and research housing assistance programs and other housing programs.

Sharing of information

- 34**
- (1) Subject to subsection (2), the minister may enter into a written agreement to share information, including personal information, with any person or group of persons for a purpose specified in section 33.
 - (2) An agreement under subsection (1) requires the prior approval of the Lieutenant Governor in Council unless the agreement is with any of the following:
 - (a) a ministry of the government of British Columbia or an agency or corporation of that ministry;
 - (b) the government of Canada, the government of a jurisdiction within Canada, or an agency or corporation of any of those governments;
 - (c) a local government;
 - (d) a participating First Nation;
 - (e) a person or entity that is prescribed for the purposes of section 33 (2) (b) (vi).
 - (3) A local government may, in accordance with an agreement under subsection (1) and any regulations made under subsection (6), collect, use and disclose personal information under this Act
 - (a) for the enforcement of short-term rental bylaws and related bylaws, or
 - (b) for a prescribed purpose.
 - (4) A participating First Nation may, in accordance with an agreement under subsection (1) and any regulations made under subsection (6), collect, use and disclose personal information under this Act
 - (a) for the enforcement of a First Nation law of the participating First Nation, or
 - (b) for a prescribed purpose.
 - (5) A prescribed person or entity may, in accordance with an agreement under subsection (1) and any regulations made under subsection (6), collect, use and disclose personal information under this Act
 - (a) for the enforcement by the prescribed person or entity of enactments that restrict or otherwise impact short-term rental accommodation services or similar services, or
 - (b) for a prescribed purpose.

- (6) The Lieutenant Governor in Council may make regulations relating to the following:
- (a) an agreement under subsection (1);
 - (b) information sharing among the minister, local governments, participating First Nations and prescribed persons or entities.

**Non-application of Part 2 of
Freedom of Information and Protection of Privacy Act**

- 35** (1) In this section, “**public body**” has the same meaning as in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*.
- (2) Part 2 [*Freedom of Information*] of the *Freedom of Information and Protection of Privacy Act* does not apply to the information specified in subsection (3) of this section.
- (3) Subject to subsection (4) of this section, a public body must not disclose any of the following information collected under this Act:
- (a) information provided by supplier hosts and platform service providers for the purpose of registration under Part 2 [*Registration*] of this Act;
 - (b) information disclosed to the minister by platform service providers under section 17 (1) (c) [*platform service provider requirements*] of this Act;
 - (c) any other information that may be prescribed for the purposes of this section.
- (4) Subsection (3) of this section does not apply to the disclosure of information by a public body in accordance with section 33 (2) or 34 of this Act.

Authority to continue use does not apply

- 36** (1) In this section:
- “**land use regulation bylaw**” has the same meaning as in section 455 [*definitions in relation to Part 14*] of the *Local Government Act*;
- “**zoning bylaw**” has the same meaning as zoning by-law in section 559 [*interpretation*] of the *Vancouver Charter*.
- (2) If a land use regulation bylaw relates to the use of land, or a building or other structure, for short-term rental accommodation services or similar services, despite section 528 [*non-conforming uses: authority to continue use*] of the *Local Government Act*, the non-conforming lawful use is not authorized to continue under that section in relation to the use of the land, building or other structure for short-term rental accommodation services or similar services.

- (3) If a zoning bylaw relates to the use of premises for short-term rental accommodation services or similar services, despite section 568 [*non-conforming use*] of the *Vancouver Charter*, the non-conforming lawful use is not authorized to continue under that section in relation to the use of premises for short-term rental accommodation services or similar services.
- (4) For the purposes of this section, a reference to “non-conforming” is,
 - (a) in respect of subsection (2) of this section, within the meaning of the *Local Government Act*, and
 - (b) in respect of subsection (3) of this section, as defined in section 559 of the *Vancouver Charter*.

Section 5 of *Offence Act* does not apply

37 Section 5 of the *Offence Act* does not apply to this Act or the regulations.

Regulations of the Lieutenant Governor in Council

- 38
- (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
 - (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
 - (a) respecting any matter for which regulations are contemplated by this Act;
 - (b) respecting periods of time or time limits, including as follows:
 - (i) authorizing a person to extend a period of time or time limit under this Act, and prescribing the circumstances in which the period of time or time limit, including an expired period of time or time limit, may be extended;
 - (ii) respecting any procedures to be followed before a period of time or time limit may be extended;
 - (c) respecting the definitions in section 1, including the following:
 - (i) providing conditions for, or excluding, the kinds of dwellings or circumstances that apply to the definition of “accessory dwelling unit”;
 - (ii) prescribing land for the purposes of the definition of “exempt land”;
 - (iii) providing for exceptions from the definition of “platform”;
 - (iv) providing for exceptions from the definition of “platform service”;
 - (v) specifying that certain persons or entities are excluded from the definition of “platform service provider”;
 - (vi) prescribing information for the purposes of the definition of “platform service provider information”;

- (vii) specifying that certain residences are excluded from the definition of “principal residence”;
 - (viii) for the purposes of the definition of “residence”, in relation to the following:
 - (A) providing conditions for, or excluding, the dwellings or circumstances that apply to the definition;
 - (B) prescribing dwellings;
 - (ix) providing conditions for, or excluding, the kinds of dwellings or circumstances that apply to the definition of “secondary suite”;
 - (x) for the purposes of the definition of “short-term rental accommodation service”, prescribing the following:
 - (A) a period of time;
 - (B) accommodation services;
 - (xi) prescribing information for the purposes of the definition of “short-term rental information”;
 - (xii) prescribing services for the purposes of the definition of “similar services”;
 - (xiii) prescribing persons for the purposes of the definition of “supplier host”;
- (d) for the purposes of section 3 [*what this Act does not apply to*],
 - (i) providing for whether a property is a hotel or motel, and
 - (ii) prescribing accommodation service providers, including providing conditions for, or excluding, circumstances for accommodation in respect of the accommodation service providers;
 - (e) respecting coordination agreements with participating First Nations for the purposes of section 4 [*application of Act to participating First Nations*];
 - (f) respecting the registrar, registration and renewal of registration under this Act, including the following:
 - (i) prescribing a manner for authentication for the purposes of section 5 (5) [*appointment of registrar, delegation and authentication*];
 - (ii) prescribing a fee for registration for the purposes of sections 6 (2) (c) [*short-term rental offers must be registered*] and 7 (2) (c) [*platform service providers must be registered*];
 - (iii) prescribing a period of time for the purposes of section 8 [*registration*];

- (iv) prescribing a period of time and information in respect of a registrant's report of changes for the purposes of section 9 (1) (a) [*terms and conditions of registration*];
- (v) prescribing other terms and conditions of registration for the purposes of section 9 (1) (c);
- (vi) relating to decision-making and decisions for the purposes of section 10 [*refusal, cancellation or suspension of registration*];
- (vii) relating to the review of a decision of the registrar for the purposes of section 11 [*review of decision of registrar*], including the following:
 - (A) the manner of applying for the review;
 - (B) the time limits for the application for the review;
 - (C) a limit on the number of times a person may apply for the review;
 - (D) matters relating to the responsible official;
 - (E) the procedures for the review;
- (g) respecting requirements relating to short-term rental offers, including prescribing information for the purposes of section 13 [*short-term rental offer requirements*];
- (h) for the purposes of section 14 [*principal residence requirement*],
 - (i) respecting the principal residence requirement, including providing for exceptions, exclusions or conditions in respect of how the principal residence requirement applies
 - (A) to persons,
 - (B) in circumstances,
 - (C) in relation to dwellings or other properties, including residences, principal residences, secondary suites or other accessory dwelling units,
 - (D) in relation to short-term rental offers, or
 - (E) in relation to platforms, and
 - (ii) prescribing locations and information or documents;
- (i) respecting requests to seek changes to exempt land for the purposes of section 15 [*requests for changes to exempt land*], including the following:
 - (i) prescribing criteria in respect of local governments;
 - (ii) prescribing dates and periods of time;
 - (iii) establishing procedures;

- (iv) prescribing persons and entities;
- (v) providing for factors;
- (vi) respecting changes to exempt land;
- (j) respecting requirements of platform service providers, including prescribing information for the purposes of section 17 [*platform service provider requirements*];
- (k) respecting procedures relating to requests made by local governments of platform service providers, including prescribing periods of time and information, for the purposes of section 18 [*procedures for local governments*];
- (l) establishing procedures for providing an opportunity to object to a demand for production of records;
- (m) respecting compliance orders, including establishing procedures for providing an opportunity to be heard;
- (n) respecting administrative penalties for the purposes of Division 4 [*Administrative Penalties*] of Part 4, including the following:
 - (i) establishing criteria for the assessment of administrative penalties;
 - (ii) prescribing specific administrative penalties that may be imposed in respect of specific provisions, contraventions or failures;
 - (iii) prescribing the maximum amount of the administrative penalties that may be imposed;
 - (iv) establishing procedures for providing an opportunity to be heard for the purposes of section 26 (2) [*administrative penalties*];
 - (v) prescribing consequences for failing to appear or provide submissions, as applicable, on an opportunity prescribed under subparagraph (iv) of this paragraph, which may include proceeding in the absence of the person who fails to appear or without their submission, as applicable;
 - (vi) providing for increased administrative penalties for repeated contraventions and specifying the period of time within which a contravention is to be considered a repeat contravention of an earlier contravention;
 - (vii) prescribing periods of time for paying administrative penalties for the purposes of section 26 (3);
 - (viii) prescribing a limitation period for imposing an administrative penalty and evidentiary matters in relation to that period;
 - (ix) establishing consequences for failing to pay an administrative penalty, which may include imposing additional penalties;

- (x) relating to the review of a decision of the director for the purposes of section 29 [*review of administrative penalty*], including the following:
 - (A) the manner of applying for the review;
 - (B) the time limits for the application for the review;
 - (C) a limit on the number of times a person may apply for the review;
 - (D) matters relating to the responsible official;
 - (E) the procedures for the review;
 - (F) prescribing the grounds for review;
 - (o) respecting the delivery or service of documents for the purposes of section 32 [*delivery and service*], including the following:
 - (i) prescribing when documents delivered or served are deemed to be received;
 - (ii) prescribing manners of delivering or serving documents;
 - (p) for the purposes of sections 33 [*collection, use and disclosure of personal information*] and 34 [*sharing of information*], as applicable, respecting the sharing of information and information-sharing agreements, including the following:
 - (i) relating to the collection, use and disclosure of personal information;
 - (ii) prescribing purposes, persons and entities;
 - (q) prescribing information for the purposes of section 35 [*non-application of Part 2 of Freedom of Information and Protection of Privacy Act*].
- (3) A regulation under this Act may do one or more of the following:
- (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) make different regulations in relation to different classes of persons, entities, local governments, properties, short-term rental offers, short-term rental accommodation services, similar services, platforms, platform service providers, accommodation services, accommodation service providers, things, circumstances, periods of time or time limits, or other matters;
 - (d) make different regulations for different geographic areas in British Columbia;
 - (e) make different regulations respecting different requirements, including the following:
 - (i) a registration requirement;
 - (ii) a principal residence requirement;

- (iii) a business licence requirement;
- (f) make regulations providing for exemptions from one or more provisions of this Act or the regulations made under it, including regulations doing one or more of the following:
 - (i) exempting a person or entity from the application under this Act of the following:
 - (A) the registration requirement;
 - (B) the principal residence requirement;
 - (ii) exempting the following:
 - (A) persons or entities;
 - (B) local governments;
 - (C) platforms;
 - (D) service providers;
 - (E) activities or circumstances;
 - (F) properties, including dwelling units, residences, principal residences or secondary suites or other accessory dwelling units.

Transitional regulations

- 39** (1) The Lieutenant Governor in Council may make regulations in respect of any matters necessary for more effectively bringing into operation the provisions of this Act and for avoiding or remedying any transitional difficulties encountered in doing so, and for that purpose disapplying or varying any provision of this Act.
- (2) The authority to make or amend a regulation under this section, but not the authority to repeal a regulation under this section, ends 2 years after the date on which this section comes into force.

PART 6 – CONSEQUENTIAL AND RELATED AMENDMENTS

Community Charter

40 *Section 14 of the Community Charter, S.B.C. 2003, c. 26, is amended*

(a) by adding the following subsections:

- (2.1) A regional district and one or more municipalities may, by bylaw adopted by the board of the regional district and by bylaw adopted by the council of each participating municipality, establish an intermunicipal scheme in relation to the regulation of business.

(2.2) Subject to the regulations, a bylaw under subsection (2.1) may provide for matters in respect of which regulations may be made under section 282 (2) (b.1) *[general regulation authority]*. ,

(b) in subsection (3) by striking out “this section, this section rather than section 13 applies” **and substituting** “subsection (1), this section applies rather than section 13”, **and**

(c) by adding the following subsection:

(4) If an intermunicipal scheme is established under subsection (2.1), this section applies rather than section 13 of this Act and section 333 *[consent required for services outside regional district]* of the *Local Government Act*.

41 Section 282 (2) is amended by adding the following paragraph:

(b.1) in relation to section 14 (2.1) *[intermunicipal service, regulatory and other schemes]*, providing for the participation of local governments in an intermunicipal scheme established under that subsection, including respecting the following:

- (i) the powers, duties and functions of the participating local governments, including the application of bylaws of one or more of the participating local governments to another participating local government;
- (ii) the delegation of the powers, duties and functions of the participating local governments, including delegation by one or more of the participating local governments to the following persons or entities of another participating local government, as applicable:
 - (A) a person or entity referred to in section 154 (1) *[delegation of council authority]* of this Act;
 - (B) a person or entity referred to in section 229 (1) *[delegation of board authority]* of the *Local Government Act*;
- (iii) any restrictions on the authority of the participating local governments;
- (iv) the process by which the participating local governments may withdraw from the intermunicipal scheme; .

Local Government Act

42 *Part 9 of the Local Government Act, R.S.B.C. 2015, c. 1, is amended by adding the following Division:*

Division 6.1 – Business Regulation

Bylaw authority in relation to business regulation

- 326.1** (1) A board may, by bylaw, regulate in relation to business under
- (a) Divisions 1 [*Purposes and Fundamental Powers*] and 3 [*Ancillary Powers*] of Part 2 of the *Community Charter*, and
 - (b) Division 9 [*Business Regulation*] of Part 3 of the *Community Charter*.
- (2) The making of a bylaw under subsection (1) is subject to
- (a) the regulations made under subsection (3), and
 - (b) Division 5.1 [*Restrictions in Relation to the Passenger Transportation Act*] of Part 3 of the *Community Charter*.
- (3) The Lieutenant Governor in Council may, by regulation, establish restrictions, conditions or requirements relating to the regulation of business under this section.

43 *Section 416 is amended*

(a) by adding the following subsection:

- (1.1) A bylaw under section 413 (1) [*bylaw enforcement: fines and other penalties*] may establish one or more of the following penalties to which a person convicted of an offence in a prosecution under the *Offence Act* is liable:
- (a) a minimum fine;
 - (b) a maximum fine of up to \$50 000;
 - (c) in the case of a continuing offence, for each day that the offence continues, either or both of
 - (i) a minimum fine under paragraph (a), or
 - (ii) a maximum fine under paragraph (b);
 - (d) imprisonment for not more than 6 months. , **and**

(b) by repealing subsection (2) and substituting the following:

- (2) If no other penalties are established in relation to an offence referred to in subsection (1.1), the penalties established by section 4 [*general penalty*] of the *Offence Act* apply.
- (2.1) In a prosecution for an offence against a regional district bylaw, the justice or court may impose all or part of the penalties applicable in relation to the offence, together with the costs of prosecution.

Vancouver Charter

44 *The Vancouver Charter, S.B.C. 1953, c. 55, is amended by adding the following section:*

Variation authority

- 2.2** In addition to any other variation authority that is specifically provided under this Act, a regulation that may be made by the Lieutenant Governor in Council or a minister under any provision of this Act may
- (a) establish different classes of by-laws, parts or areas of the city, persons, property, circumstances, things and other matters,
 - (b) make different provisions, including exceptions, for different classes referred to in paragraph (a), and
 - (c) make different provisions, including exceptions, for different by-laws, different parts or different areas of the city or different persons, property, circumstances, things and other matters.

Commencement

45 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 39	By regulation of the Lieutenant Governor in Council