

# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** A2019.011-TUP

**FROM:** Name: DAVID RYAN & DONNA WHITE  
(please print)

Street Address:

**RE:** Temporary Use Permit (TUP) Renewal – “Vacation Rental” Use  
3829 37<sup>th</sup> Street

My comments / concerns are:

- ☐ I do support the proposed use at 3829 37<sup>th</sup> Street.
- ☐ I do support the proposed use at 3829 37<sup>th</sup> Street, subject to the comments listed below.
- ☒ I do not support the proposed use at 3829 37<sup>th</sup> Street.

Written submissions received from this information meeting will be considered by the Regional District Board prior to a decision being made on this renewal application.

Please see attached pages.

Feedback Forms must be completed and returned to the Regional District  
prior to the Board meeting where the TUP will be considered.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) (“FIPPA”). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

## **Introduction**

As a neighbour of the property for which the TUP has been requested, we originally had mixed feelings concerning the TUP application. On the one hand, if an owner has moved and cannot sell the property, it seems reasonable to expect them to try to obtain some income from that property until it can be sold. However, it is also the case that if a property is put up for sale at an unrealistically high price, so that it has no realistic chance of selling, then there is no reason to reward the property owner's unrealistic price expectations by allowing a TUP for a vacation rental. As we thought about the issue further, and the property began to be used as a vacation rental despite not having a TUP in place, our feelings solidified strongly against allowing a TUP for a vacation rental. Our concerns were heightened as operation of the vacation rental was allowed to continue – without penalty for non-compliance prior to the TUP application and during the consideration of that application – revealing a number of negative effects of its operation on the neighbourhood.

## **Area description**

The proposed vacation rental is located within the east bench of Osoyoos in RDOS Area A on a non-through road. This area, which is not in the town of Osoyoos, is removed from the summer tourist crush, generally quiet and relatively peaceful. Residents are a mix of families with children, and retirees. We know most of our neighbours by name and enjoy the relaxing nature of the area. These factors contributed significantly to our decision to purchase a property here several years ago.

While there are several Air BnBs that are operated in the area, their effect on the neighbourhood is minimized because the owners live on the property and rent out a room or a level of their residences. As such, they are stewards of the property and are responsible for the behaviours that occur on their property. There are also some long-term rentals, again where the owner lives on site or the renters essentially act as owners for the period they are renting. These situations are quite distinct from a vacation rental property.

## **Recent non-compliant activity**

As we have witnessed in the subject property over the last year, groups of people show up for several days, are generally loud, often behave unpleasantly, and have little, if any, concern or respect for the neighbours and neighbourhood in which they are temporarily residing. They typically bring many vehicles (often 4), as well as boats and, of course, boat trailers. While the maximum capacity is set at 8 that would seem to refer only to the number of adults, and does not appear to date to have included any limit on accompanying children and pets.

## **Noise and traffic**

Typically, if someone on a property is noisy or behaving in an unpleasant way, it is possible to contact the property owners, point out the problems, and suggest that the behaviour be stopped. However, that is not an option with a vacation rental where no one connected with the property – owners or agent – lives on site. There is no noise bylaw in Area A, so contacting the police in the middle of the night when people are breaking a non-existent noise bylaw is pointless. In any event, during the tourist season the small Osoyoos RCMP resources are stretched to the limit and cannot be expected to respond to disturbance of the peace complaints as a priority. So, that leaves neighbours with having to just put up with disturbances. We have in the past been able to safely walk the streets and traffic is limited. However, there are no posted speed limits or streetlights. Visitors tend to view that as an invitation to drive at speeds not consistent with walking seniors, playing children, pets and wildlife. Granting a TUP would formalize this situation, with essentially no recourse for our neighbourhood. Further, to date, many of the renters of the vacation property have brought boats and accompanying boat trailers, which is not accounted for at all in the discussion of available parking places in the background document.

## **Refutation of arguments advanced by applicant and others:**

### ***(a) Unenforceable limitation of vacation rentals only to families***

In the web-based public Q&A session, the applicant, John Redenbach (who is not the owner of the property – it is owned by the Laws, who moved to Grand Forks), made a number of statements that can, at best, be described as disingenuous. He claimed that applicants for the rental property are vetted by him, and that only families are selected. That is simply not true. For example, last weekend (June 6-7, although the rental was for a longer period than that), there were at least 3 separate sets of adults. They may have been friends of each other, but they certainly were not what one would describe as a family. In any case, how can Mr. Redenbach effectively vet applicants? Applicants for the vacation rental can say whatever they think he wants to hear, and as long as they part with the money, it is hard to imagine that he would investigate them any further. The property in question is dated and in need of renovation before it could be termed an “expensive vacation rental”, as he described it in the public Q&A session. It is more likely to attract a group of individuals who want a place to party for a while than it is to attract what he describes as well-to-do families.

### ***(b) There are no demonstrated benefits to the town of Osoyoos and comments concerning potential tax revenue are irrelevant***

The arguments Mr. Redenbach and/or others have made about renters of the vacation property spending money in the town of Osoyoos is speculative at best. (The background document on the RDOS website concerning this TUP application, prepared for the RDOS APC, states: “The applicant has stated that community benefits include contributing to the local and provincial economy by bringing groups, mainly families, to town to spend money”. We are not sure where the applicant stated this – certainly not on the one-page application that is posted to the RDOS

website pertaining to this TUP application.) Regardless of the origin of this statement, as recently as June 9, with the ongoing COVID-19 pandemic, the provincial health officer is encouraging all visitors to other areas in BC to bring their own food and drink, etc., with them so that they do not have to interact with locals. It would seem therefore that, especially in the near future, but likely even in the longer term, vacation renters will not be contributing much, if anything, to the local economy. In any event, it could be equally well argued that groups who choose vacation rentals such as this property typically do so because they do not want to spend money at local restaurants, especially if it has cost them a considerable amount just to rent the property. Further, Mr. Redenbach's related argument, advanced in the Q&A session, that the spending by renters of the vacation property will also generate tax revenue (via GST and PST) is totally irrelevant – their spending will generate the same amount of tax revenue wherever the location of their spending may be. There is simply no gain at all to the local economy via these taxes.

### ***(c) Property maintenance***

It is instructive that in the TUP application (page 3), the applicant refers to the benefits of approval of a TUP for a vacation rental being “to keep the property in the best shape possible”. Property owners and responsible long-term renters are much more likely to maintain a property than vacation renters. If, for whatever reasons, owners are not going to live in a home, a rational decision would be to lower the price to reasonable market value, or look for a long-term tenant, again at a reasonable price. Why doesn't the owner of the subject property do this? The only logical answer is that they believe that they can obtain much more money by operating the property as a vacation rental. And that really is the crux of the matter – residents in the neighbourhood are negatively impacted just so the owners and their agents can make a lot of money. Why is this a good reason to allow a TUP? The only reasonable answer is that it simply is not.

### **Property values**

Perhaps an even larger issue is that there are several properties for sale in the area, and many of these are listed at what seem to be totally unrealistic prices, and in some cases they are even advertised as excellent opportunities for vacation rentals. If these properties do not sell within a certain period of time, and buyers see the vacation rental solution as being available, especially if this current TUP application is granted, there is a strong likelihood of increased vacation rental approvals in the near future. This would destroy the character of the neighbourhood, and of course, ironically, would also have the effect of lowering property values even further, potentially leading to even more applications for TUPs to operate properties as vacation rentals.

### **Conclusion**

To conclude, we strongly urge that this TUP application be denied. There are no demonstrated benefits to the community, and especially to the neighbourhood of such a TUP, but there are a



number of negative effects on the neighbourhood, especially noise, general unpleasant and disruptive behaviour, and street congestion, all of which have been demonstrated repeatedly as the vacation rentals have been occurring despite there being no TUP in place. And for all these negative effects, neighbours have no effective recourse. (For the last year, we have not even had a contact number and name of a responsible person to whom we could complain.) It is not surprising therefore, that all who spoke at the public Q&A session, other than the applicant, were in total opposition to its approval. The likelihood that granting this application will lead to more TUP applications in the neighbourhood cannot be overemphasized, and with any one TUP approval, we believe it makes it very unlikely that others will not be approved, even if they are each considered on their own merits, as was suggested in the Q&A session.

## JoAnn Peachey

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**From:** Ron [REDACTED]  
**Sent:** June 9, 2020 10:30 PM  
**To:** JoAnn Peachey  
**Subject:** Airbnb on 37th Street

Hi JoAnn:

Regarding yesterday's teleconference:

Firstly, I never spoke to any of my Neighbour's regarding the Party House Airbnb Rental that both You, and the Regional District, have allowed to destroy our once quiet neighbourhood.

What were You, and the Regional District thinking, allowing this to continue, after I brought this offensive, disruptive, unsupervised, and un-caring Airbnb operation to my neighbourhood.

I reported this Illegally run operation to your office, and directly to Mr. Pendergraft last May. I had to endure one summer from proverbial hell, now going into the second summer. Your office did nothing, except to allow them to operate, both Illegally, without any reprecusion, and under the guise of "Apply for a Temporary use Permit" and we will make it all Legal.

I took the proper route filing complaint after complaint, yet your Bylaw Enforcement Office did nothing but build an enforcement file, going into year number two.

I would most certainly have liked an "In-Person" meeting to express my feelings to You, your Board of Directors, the Law family, and their Airbnb representative "John".

Speaking of "John", 95 percent of what he spoke was a fabrication of lies, under-exaggeration, of statement of facts, that he should be ashamed to show his face in public, let alone in this neighbourhood.

He tried to "sugar coat" clients he has rented out to with zero screening, and total disregard, void of any respect for both myself, my neighbours and this beautiful neighbourhood he has destroyed.

His claims of this "Party House" being only rented and utilized for July and August is/was total fabrication. Not only is it being rented out "Year round", his choice of Renter's leaves one believing they live smack dab in some gang infested undesirable neighbourhood.

Would YOU, or your Board of Director's appreciate living, coming home to relax and unwind, finding out that when you got home, there was a non stop party happening, night after night, day after day, from May until the end of September.

I most think definitely NOT.

Would and RESORT, Hotel, Motel or any other RESPECTABLE establishment allow this to occur. You know the answer, definitely NOT. So why do YOU and the Regional District's Board of Director's believe that this type of behaviour is normal and acceptable. Myself, and my neighbour's perhaps are all wrong?

Why has he been allowed to accept booking for this summer, and more specifically for time past this recent meeting?

At the outcome of the meeting, by logical and unanimous consent of the neighbourhood, you and your Board of Director's should IMMEDIATELY done the right thing and issue a Cease and Desist order. Was/is there any reason not having done so. Unless You and the Board of Director's are not going to be true to your MORAL OBLIGATIONS, and grant the Temporary Use Permit, or allow this to continue.

I do not want to be told, "OH well the bookings have been made, and we will let them have this summer to continue, and see where it goes".

You heard every person, have their honest, un-aided(by me), unbiased opinion input into this ongoing Airbnb nightmare on 37th Street.

I expect the board to honour the wishes of the area resident's, who were 100% unanimous in their displeasure of this Party House that YOU, JOHN, and your BOARD OF DIRECTOR's, tried to shove down our throat's, on the belief all Tourist dollars benefit the Okanagan, and this neighborhood. If You and your Board of Directors believe this, you are wrong.

A COMMERCIAL operation such as this does NOT belong in a RESIDENTIAL NEIGHBOURHOOD.

This is a neighbourhood of families, children, retired people, and mostly people that bought homes here to enjoy the quiet serenity of the neighbour hood, outside of the Osoyoos tourism area. That is why we are here.

We enjoy hearing birds sing, deer walking about, squirrel's gathering food, and walking our dogs.

We do not want to hear Drunks from 0900 to 0300 in the morning. People coming and going all times of the day and night. People yelling, swearing, and Women being abused because the men are to drunk to care.

Perhaps, in Penticton, where you and your Board members live, that is normal and acceptable.

Here, neighbours still respect one another, and show respect for their neighborhood.

If YOU, who is in District Planning, and your Board Members choose to push your un-worthy policy of Airbnb, Vacation Rental's or Bed and Breakfast's, visit the effected neighbourhood and speak to the resident's first.

Don't make decision's because you think these rentals are good for Tourism.

I have sent you many articles, showing you the problems these rental's cause in both the neighbourhood, and to homeowners who live with these nightmares.

If you need someone to look after doing "potential Site survey's", make certain they know what they are doing. You cannot make these decisions sitting behind a desk or a computer monitor. You have to get out into the FIELD.

Lastly, I think YOU, YOUR BOARD OF DIRECTORS, Mr. PENDERGRAFT, and your BYLAW ENFORCEMENT TEAM, owe a big apology to not only myself, but to this entire neighbourhood.

It was all of YOU that allowed this to happen.

I can never regain the summer I lost last year, thanks to all of you and the wonderful Airbnb next door.

I will be taking this letter around the neighbourhood, as I think they have a right to know what I have written, as they after all have all spoken from the HEART.

Regardless, of the pre-determined decision, due on or before July 02, 2020, I will peruse this matter, until this Airbnb ceases operation.

Yours truly

Ron Tayfel



Ps: for all of you in the neighbourhood, thanks for caring enough to speak out.

**JoAnn Peachey**

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**From:** Greg Byron [REDACTED]  
**Sent:** June 9, 2020 10:46 AM  
**To:** JoAnn Peachey  
**Subject:** Project A2019.011-TUP 3829 27 Street Osoyoos

June 9, 2020

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, BC V2A5J9  
Attention: JoAnn Peachey

Dear Ms Peachey

**Re: Project A2019.011-TUP, 3829 37 Street Osoyoos, BC, Proposal 4 Bedroom Seasonal Vacation Rental**

We are the owners of the property directly across the street, our address is [REDACTED]. There are many concerns that we have about this proposal being approved:

- 1) It would seem that the owner of this property has been proceeding without the project being approved. In the application the period states that it is for the months of May thru September. During May and June of this year there have been several groups in the home already. During one of these the occupants were very noticeable as the level of noise was unbearable.
- 2) We feel that a vacation rental in this quiet residential neighbourhood is not appropriate. Other such vacation rentals seem to be located on the waterfront adjacent to high traffic areas.
- 3) When considering how many parking spaces there are on Mr. Law's property, there is room for as many as 10 vehicles. This would be a visual disaster and hazardous.
- 4) The makeup of the neighbourhood is changing, just within the past several years there have been families moving here with young children [REDACTED].
- 5) Property values and desirability of existing homes could be degraded if this were allowed.
- 6) We are not aware if there is a Noise Bylaw within the RDOS, in past years when there were renters in [REDACTED] and there was a loud party taking place I phoned the RCMP. Upon attending they advised me that there wasn't a noise bylaw that they could enforce.

- 7) In the application under "Describe the reasons for the proposed temporary use" the owner states "To keep property in the best shape possible". How would it be possible given that the potential traffic would create an inordinate amount of wear and tear on the house.

Residents who live on the East Bench have chosen the quiet and serenity that exists here, bringing in party going, loud, drinking individuals does not fit in with the lifestyle that we have chosen. Vacation rentals belong elsewhere.

Sincerely

Greg and Patricia Byron

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## JoAnn Peachey

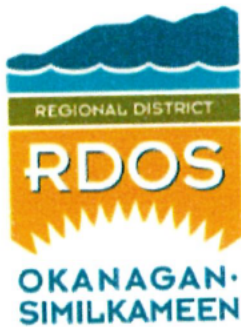
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**From:** Denise Bowes [REDACTED]  
**Sent:** June 8, 2020 3:15 PM  
**To:** Planning  
**Subject:** TUP 3829 37th Street, Area "A"

We as the homeowners of [REDACTED] DO NOT support the vacation rental use for the address above. As the homeowners do not live close to the subject property it would be difficult to govern. Parking and additional traffic is also an issue.

Keith and Denise Bowes





# APC Member Feedback Form

**Regional District of Okanagan Similkameen**  
101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** A2019.011-TUP

**FROM:** Electoral Area "A" APC Member Name:

\_\_\_\_ Bill Plaskett \_\_\_\_\_

(please print)

**DATE:** \_\_\_\_ June 4/20 \_\_\_\_\_

**RE:** Temporary Use Permit – Vacation Rental Use  
3829 37<sup>th</sup> Street— Lot 11, Plan 9792, District Lot 42, SDYD

My comments / concerns are:

- ☐ I do support the proposed vacation rental use of the subject parcel.
- ☐ I do support the proposed vacation rental use of the subject parcel, subject to the comments listed below.
- X ☐ I do not support the proposed vacation rental use of the subject parcel.

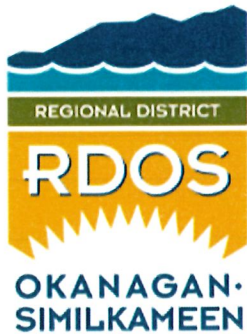
\_\_\_\_ First of all, I would like to correct the staff analysis in that water is not supplied by a community water system operated by the Town of Osoyoos, it is supplied by the Osoyoos Irrigation District. (an independent improvement district) OID is currently under a permanent boil water notice so I'm not sure how that fits with a vacation rental.

Having cleared that up, I agree with the expressed opinion that I do not support short term rentals in an RS1 zone. I would be more inclined to support a bnb as we already have some in the area.

Bill Plaskett

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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# APC Member Feedback Form

Regional District of Okanagan Similkameen  
101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** A2019.011-TUP

**FROM:** Electoral Area "A" APC Member Name:

\_\_\_\_\_ Peter Beckett \_\_\_\_\_  
(please print)

**DATE:** \_\_\_\_\_ 05/06/2020 \_\_\_\_\_

**RE:** Temporary Use Permit – Vacation Rental Use  
3829 37<sup>th</sup> Street— Lot 11, Plan 9792, District Lot 42, SDYD

My comments / concerns are:

- ☐ I do support the proposed vacation rental use of the subject parcel.
- X ☒ I do support the proposed vacation rental use of the subject parcel, subject to the comments listed below.
- ☐ I do not support the proposed vacation rental use of the subject parcel.

To the best of my knowledge there are at least four temporary vacation rentals on our street. Three of them are within earshot of our home. In the 15 years we have lived here none of these seasonal businesses has caused a major disruption to our family or any of my other neighbors.

Although the densities of the properties involved in this application is greater than those in our neighborhood, I'd be very interested in knowing what the neighbouring property owners feel about this application. If there are no major concerns I see no reason why, having satisfied the RDOS requirements to date, this property owner should not be granted a temporary use permit.

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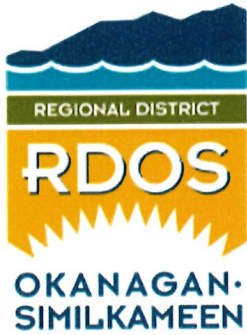
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# APC Member Feedback Form

**Regional District of Okanagan Similkameen**  
101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** A2019.011-TUP

**FROM:** Electoral Area "A" APC Member Name:

\_\_\_\_ Manfred Freese \_\_\_\_\_  
(please print)

**DATE:** \_\_\_\_ May 29, 2020 \_\_\_\_\_

**RE:** **Temporary Use Permit – Vacation Rental Use**  
**3829 37<sup>th</sup> Street— Lot 11, Plan 9792, District Lot 42, SDYD**

My comments / concerns are:

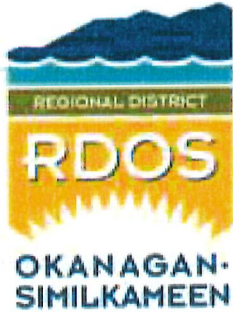
- ☐ I do support the proposed vacation rental use of the subject parcel.
- ☐ I do support the proposed vacation rental use of the subject parcel, subject to the comments listed below.
- x I do not support the proposed vacation rental use of the subject parcel.

-the subject parcel is zoned Residential Single Family Zone One (RS1) under Zoning Bylaw 2451, 2008. Neighboring residences are also zoned RS1. Short term vacation rental would be contrary to the permitted uses under this zoning.

-disturbance of the neighbors (partying, noise, garbage, etc.) is almost guaranteed.

-domestic water could also be an issue. Contrary to the statement in the Analysis, water is not supplied by the Town of Osoyoos but by an Improvement District. There is a 'Boil Water Advisory' for that area year around.

-there would be an increased risk of COVID-19 being spread by tourists coming from the coast or outside BC.



# APC Member Feedback Form

Regional District of Okanagan Similkameen  
101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** A2019.011-TUP

**FROM:** Electoral Area "A" APC Member Name:  
Grant Montgomery \_\_\_\_\_  
(please print)

**DATE:** May 27, 2020 \_\_\_\_\_

**RE:** **Temporary Use Permit – Vacation Rental Use**  
**3829 37<sup>th</sup> Street— Lot 11, Plan 9792, District Lot 42, SDYD**

My comments / concerns are:

- ☐ I do support the proposed vacation rental use of the subject parcel.
- ☐ I do support the proposed vacation rental use of the subject parcel, subject to the comments listed below.
- x I do not support the proposed vacation rental use of the subject parcel.

I'm guessing the complaint rec'd was mostly due to noise and excess vehicle parking on the street. 37<sup>th</sup> Street is a short dead end street. I would think the other Owners there deserve the right to live in a quiet, peaceful neighbourhood.

Renting the House out on a short term (daily, weekly rentals) would inevitably lead to a more "party" clientele. Without the Owner living on the property to oversee and control the actions of the guests it must be very frustrating for those living nearby. In a Bed and B'fast situation the Owners would be living on the Site while with the Short Term rentals they aren't.

Regarding Building Code issues, I recently came across an issue in the RDOS when the Owner or Manager don't live in the Building. According to your Building Inspector it was then deemed a "Boarding House" and therefore the fire separation between each room needed to be 45 mins. Fire rated doors to 30 mins. Standard residential construction wouldn't meet this.

I wouldn't have as much issue with Vacation Rental on large properties like those zoned in SH/LH, etc. but definitely not in the City type lots like RS1, etc.

**Lauri Feindell**

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**Subject:** FW: APC Report - A2019.011-TUP (Law)

**From:** [REDACTED]

**Sent:** May 27, 2020 11:22 AM

**To:** Grant [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** Re: APC Report - A2019.011-TUP (Law)

I would agree wholeheartedly with Grant regarding this proposal.

Dwayne

**Lauri Feindell**

**Subject:** FW: APC Report - A2019.011-TUP (Law)

**From:** Mark McKenney <[markmck@redhat.com](mailto:markmck@redhat.com)>

**Sent:** May 27, 2020 2:19 PM

APC Report - A2019.011-TUP (Law)

I agree with my colleagues on our APC. I do not support this application.

Mark McKenney

\_\_\_\_\_

**Lauri Feindell**

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**From:** lynne hesketh [REDACTED]  
**Sent:** May 27, 2020 4:28 PM  
**To:** Planning

Do not support short term rental on Law property.



## JoAnn Peachey

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**From:** Info  
**Sent:** June 8, 2020 9:28 AM  
**To:** Planning  
**Subject:** FW: A2019.011-TUP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** [REDACTED]  
**Sent:** June 8, 2020 9:23 AM  
**To:** Info <info@rdos.bc.ca>  
**Subject:** A2019.011-TUP

Hello all -- This is Christina & Warren Moser at [REDACTED]  
We are not in favor of the re-zoning at 3829 37st.  
Our concerns are many but here are a few.  
With this rental being high density there has been more traffic in our neighbourhood.  
Some guests have shown their lack of respect by throwing lit cigarettes on the road side ( we had to extinguish a lit cigarette and confront a guest last summer )  
With an absentee landlord there is no one to monitor the situation  
We are not against rentals but we don't appreciate a homeowner in our neighbourhood turning his house into a Motel.  
This would set a precedent for anyone who can't sell their house to turn it into a cash cow at the neighbours expense  
Also this house has been operating for quite some time without proper inspections or zoning approval

Thanks in advance

Christina & Warren Moser

**JoAnn Peachey**

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**From:** caroline bolland [REDACTED]  
**Sent:** June 4, 2020 8:29 PM  
**To:** Planning  
**Subject:** With regard to temporary use permit at 3829 37th street, area A ,Osoyoos (Lot 11,plan 9792,district lot 42, SDYD)  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

With regard to temporary use permit at 3829 37th street, area A ,Osoyoos

(Lot 11,plan 9792,district lot 42, SDYD)

My self and my wife Stuart and Caroline Bolland of [REDACTED] \$  
Are totally opposed to this application for vacation rental in the East Bench residential area.  
This property was used last year for Vacation rental purposes and noise complaints resulted in police being called to this property to stop some kind of altercation .  
There were numerous drunken parties with no consideration for the residents of this neighbourhood. Speeding vehicles going too and from this property we're a constant hazard to seniors and children in the area as the property rents to multiple family's staying in the house with several vehicles and motorcycles present.  
The owners of this property do not live in Osoyoos so there is no monitoring of events or party's at this location resulting in multitudes of people using the house in excess of a single family dwelling raising safety concerns for the surrounding properties and residents

I would respectfully request that the RDOS decline this application especially in view of the present concerns for Covid19 pandemic spread.

On a further note I would just like to mention that we never received any documentation re this properties first application for Temporary use permit Last year.

Sincerely  
Stuart and Caroline Bolland.

Sent from my iPad

## JoAnn Peachey

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**From:** caroline bolland <[REDACTED]>  
**Sent:** June 5, 2020 5:06 PM  
**To:** JoAnn Peachey  
**Subject:** Re: With regard to temporary use permit at 3829 37th street, area A ,Osoyoos (Lot 11,plan 9792,district lot 42, SDYD)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi JoAnn

Thank you for your prompt response.

The property in question had renters in it this week and is advertised on air b&b which shows it to be almost fully booked from now till September which will cause a lot of distress for the surrounding residents on the East bench

Unfortunately I am working on Monday so cannot make the conference call but my wife will be there representing us.

Thank you for passing on our comments for consideration.

Here is the attached air b&b

Thanks

Caroline and Stuart Bolland

**JoAnn Peachey**

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**From:** [REDACTED]  
**Sent:** June 6, 2020 9:53 AM  
**To:** Planning  
**Subject:** Temporary Use Permit A2019.011-TUP 37th St. Osoyoos

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good day,

We are writing this note to express our concerns over the "Air B & B" or short term rentals of the property at 3829 37th St. Osoyoos.

This is a very quiet neighbourhood and we are concerned over the excess noise and traffic that a short term rental would bring. As this is a fairly large multi bedroom rental with a pool, it would be occupied by numerous people, possibly 3-4 couples, large families, etc. Large groups tend to be loud! Some of our neighbours have seen tenants flicking cigarette butts of the balcony, a huge concern in these dry areas.

There are plenty of hotels and rentals by the lake more suited to short term renters. We choose not to live next to "spring break" 24/7 all summer.

Thanks and Regards,

Bryan and Nancy King  
[REDACTED]

## JoAnn Peachey

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**From:** [REDACTED]  
[REDACTED] June 21, 2020 10:53 AM  
**To:** JoAnn Peachey  
**Subject:** RE: Temporary use Permit - 3829 37th street, Osoyoos, Area A, (Lot 11, Plan 9792, District Lot 42, SDYD)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi JoAnn, We have just received further correspondence in the mail regarding this application. The letter states that the RDOS Board of Directors will be considering the Temporary Use Permit Application at its meeting on Thursday, July 2<sup>nd</sup>. We're not sure why this is being discussed again but our views on this application have not changed. We would like to make sure that the concerns we listed in our email below are again brought up regarding this application.

We have personally owned a vacation rental property at a resort in Osoyoos & fully understand the concerns & implications that come with a vacation rental property. We do not think it is appropriate to allow a temporary use permit for this location.  
These are our concerns:

1. The out of town location of the property owner, (no immediate response to noise complaints etc.). Even a local property manager would not be able to address these problems in a timely & immediate manner for the neighbours. By the time these concerns were addressed the vacation renters would have left the property.
2. Vacation rentals in resorts, hotels etc. have an onsite manager to respond to complaints from neighbouring units.
3. Osoyoos has numerous hotels, resorts etc. to provide accommodation for vacation rentals but is lacking in year round affordable rentals. This property would provide much needed family rental accommodation on a year round basis.
4. The East bench is a small community; many of them are seniors that rely on their neighbours for support, interaction etc. Vacation rentals would not contribute to this community.
5. Possibility of increased traffic, (not sure how many people this house would be rented to).

Thank you for reviewing our concerns.

Regards

Valerie & Peter Munro  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** JoAnn Peachey <jpeachey@rdos.bc.ca>  
**Sent:** June 8, 2020 9:13 AM  
**To:** Peter [REDACTED]  
**Subject:** RE: Temporary use Permit - 3829 37th street, Osoyoos, Area A, (Lot 11, Plan 9792, District Lot 42, SDYD)

Hi Valerie and Peter,

Thank you for your email and providing your feedback on the temporary use permit application for 3829 37<sup>th</sup> Street.

## JoAnn Peachey

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**From:** Ward, Lawrence [REDACTED]  
**Sent:** May 30, 2020 1:16 PM  
**To:** Planning  
**Subject:** Project NO. A2019.011-TUP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear RDOS Planning Board:

Regarding the application of the owners of 3829 37 Street Area "A" for a permit for vacation rental use of their property from May through September 2020 (and beyond?), we have two concerns:

(1) Considering the lack of a noise bylaw in Area A, local residents have little recourse if the vacationers occupying the residence engage in excessively noisy or unruly behaviour, thus destroying the quality of life of nearby residents. Noise travels here - we can hear boats on the lake blasting their music. This is our major concern.

(2) We noticed in the background memo submitted by Mr. Newell that the the water supply to the residence is described as follows "...onsite domestic water is provided by a community water system operated by the Town of Osoyoos." As far as we know this is a misrepresentation. The water system in this area, which to our knowledge includes the property in question, is operated by the "Osoyoos Irrigation District," not the Town of Osoyoos. Moreover, Interior Health of BC has issued a Boil Water Notice for this area that is in force year-round. There is no mention of any measures taken by owners to supply potable water to vacation residents of the property.

Sincerely,  
Lawrence and Brigitte Ward  
[REDACTED]

## RESPONSE SUMMARY

### TEMPORARY USE PERMIT NO. A2019.011-TUP

☐ Approval Recommended for Reasons  
Outlined Below

☐ Interests Unaffected by TUP

☒ Approval Recommended Subject to  
Conditions Below

☐ Approval Not Recommended Due  
to Reasons Outlined Below

The property at 3829 – 37 Street, Osoyoos, is in the Osoyoos Irrigation District (OID). This means that water for the property is supplied by the OID. During the period requested for approval for the vacation rental, from May to September, the water that the OID supplies is taken from Osoyoos Lake. The lake water is chlorinated by the OID, but because of the high volumes of water used and the nature of the lake water, the OID remains subject to a Boil Water Notice (BWN). Property owners in the OID are aware of the BWN, but potential occupants of the vacation rental would likely not be aware of the BWN or what it means. Therefore, a condition of the rental would need to be that the BWN is posted prominently in the property, along with its implications – i.e., the need to actually boil water for one minute. Of course it is possible that the house has an adequate filtration system that processes the water used, but the OID has no information about whether such systems exist in any private dwellings in the district. Even if such a filtration system is installed, the water processed through such a system would need to be tested and confirmed to meet all requirements if it is not going to be boiled.

The OID notes that the property includes a swimming pool, which uses the same OID-supplied water. The nature of this pool is unknown to the OID, that is, whether it is salt water based or if the pool water is chemically treated, but again users would need to be aware of the implications of the BWN for the pool water and potential ingestion.

The OID would also suggest that in addition to the BWN, potential renters are advised of what to do in case of emergency water issues, such as contacting the OID via its email or web addresses. The OID uses these methods to advise users of emergency water issues, but would be unable to email renters of the vacation property, so the posting in the property should also advise renters to check the OID website ([www.osoyoosirrigationdistrict.com](http://www.osoyoosirrigationdistrict.com)) for current water issues.

Signature: David Ryan

Signed By: DAVID RYAN

Agency: OSOYOOS IRRIGATION DISTRICT

Title: TREASURER, OID

Date: 5 JUNE 2020





**Interior Health**  
*Every person matters*

December 3, 2019

Regional District of Okanagan-Similkameen  
Planning Department  
101 Martin Street, Penticton, BC, V2A-5J9  
<mailto:planning@rdos.bc.ca>

Dear Regional District of Okanagan-Similkameen:

**RE: File #: A2019.011-TUP**  
**Our interests are unaffected**

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca) with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

**Mike Adams, CPHI(C)**  
Team Leader, Healthy Communities  
Interior Health Authority



## JoAnn Peachey

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**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** December 9, 2019 4:33 PM  
**To:** Planning  
**Subject:** 37 St, 3829 Osoyoos (A2019.011-TUP)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along 37 Street. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

**For more information, please refer to FBC(E)'s overhead and underground design requirements:**

**FortisBC Overhead Design Requirements**

<http://fortisbc.com/ServiceMeterGuide>

**FortisBC Underground Design Specification**

<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

Best Regards,

**Steve Danielson, AACI, SR/WA**

**Contract Land Agent | Property Services | FortisBC Inc.**

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

[FBClands@fortisbc.com](mailto:FBClands@fortisbc.com)



## JoAnn Peachey

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**From:** Ron T [REDACTED]  
**Sent:** November 20, 2019 12:56 AM  
**To:** JoAnn Peachey  
**Subject:** Fwd: What Toronto's new Airbnb rules mean for party rentals | The Star

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Just in case the RDOS is not familiar with an example of a "PARTY HOUSE RENTAL" or "TEMPORARY VACATION RENTAL" that the RDOS is trying to bring to the East Bench in Osoyoos, my next door neighbour.

If you read the entire article, this is an example of exactly what I had to put up with all summer long.

Why is the RDOS trying to make it "within the law", by issuing a Temporary use Permit, so this type of activity can go on impeded, just by the issuance of a Temporary Use Permit, in a quiet neighbourhood, specifically East Bench, Osoyoos.

Ron Tayfel

----- Forwarded message -----

From: Ron T [mailto:Ron.Tayfel@shaw.ca]

To: [REDACTED]

Subject: Fwd: What Toronto's new Airbnb rules mean for party rentals | The Star

Hi Ron T [mailto:Ron.Tayfel@shaw.ca]

<https://www.thestar.com/news/gta/2019/11/19/what-torontos-new-airbnb-rules-mean-for-party-rentals.html>

## JoAnn Peachey

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**From:** Ron T [REDACTED]  
**Sent:** November 30, 2019 12:25 PM  
**To:** JoAnn Peachey  
**Subject:** Re: Toronto 'mansion party' shooting victim sues Airbnb, property owner  
**Attachments:** image002.png

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi JoAnn.

You can forward all of those newspaper articles I sent you to the RDOS board of Directors.

That way they can see what they have been missing while they have been sleeping and doing nothing.

It seems that other cities, communities and other regulatory bodies have been Pro-Active with regards to the carnage that is being left behind by Airbnb's, Vacation Home Rental's etc.

Perhaps you can ask the Board what they have done.

You are after all in the Planning Department, are you not?  
What have you recommended to the Board, and to Bylaw Enforcement?

I can keep sending you the articles, which seem to appear on a daily basis.  
Is anyone else in that office either reading the news, or aware of what is happening.

I would be interested to hear if they are learning anything.

Ron Tayfel

On Fri, Nov 29, 2019, 10:05 AM JoAnn Peachey <[jpeachey@rdos.bc.ca](mailto:jpeachey@rdos.bc.ca)> wrote:

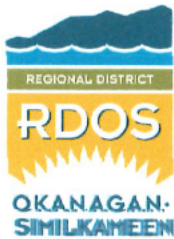
Hi Ron,

Thanks for your emails.

I would like to make a couple of comments about the temporary use permit application for 4003-37<sup>th</sup> Street:

- 1) I acknowledge your frustration with a vacation rental operating next door without approval.
- 2) The application for a temporary use permit is the outcome of enforcement action being taken. It was the property owner's choice to apply for the TUP to apply to legalize the vacation rental use and it is up to the Board to approve or deny that request.





# Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen FILE NO.: A2019.011-TUP

FROM: Name: MR. RONALD TAYFEL  
(please print)

Street Address: [REDACTED]

RE: Temporary Use Permit (TUP) Renewal – “Vacation Rental” Use  
3829 37<sup>th</sup> Street

My comments / concerns are:

- ☐ I do support the proposed use at 3829 37<sup>th</sup> Street.
- ☐ I do support the proposed use at 3829 37<sup>th</sup> Street, subject to the comments listed below.
- ☒ I do not support the proposed use at 3829 37<sup>th</sup> Street.

Written submissions received from this information meeting will be considered by the Regional District Board prior to a decision being made on this renewal application.

AS PER ATTACHED 5 pages - 2 photos

R. Tayfel

Feedback Forms must be completed and returned to the Regional District  
prior to the Board meeting where the TUP will be considered.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) (“FIPPA”). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

**Lauri Feindell**

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**Subject:**

FW: Temporary Use Permit Application - 3829-37th Street, Osoyoos, B.C.

[REDACTED]  
**To:** JoAnn Peachey <jpeachey@rdos.bc.ca>

**Subject:** Temporary Use Permit Application - 3829-37th Street, Osoyoos, B.C.

Hi Ms Peachy:

Please find my revision.

I am responding to your email regarding this Proposed Temporary Use Permit Application.

I Ron Tayfel, DO NOT SUPPORT THE PROPOSED USE APPLICATION BEING CONSIDERED FOR USE AT 3829 - 37th STREET IN EAST BENCH OSOYOOS.

For the following reasons:

I have lived next door to this property for the last approximately 20 years, residing at [REDACTED] East Bench, Osoyoos. In the past 18 years (up until the time they moved away) I have had a harmonious relationship with the Law family.

Two years ago, they moved after having built a new house in Grand Forks, B.C.

Their house on 37th Street was put on the market, unsuccessfully, numerous times without any successful sale. First but Private sale, then through various local Realtor's.

Last May of 2019, I happened to notice strangers coming and going from the residence. Subsequently, near the end of June 2019 it was discovered that that they had turned the house into an Airbnb Rental. At this time on, on or about July 30, I telephoned Area A Director Pendergraft and advised him. He advised me to contact in writing, the RDOS office in Penticton. I had done this via email, and a hard copy letter, of which I obtained a stamp on the letter as "received". This letter was delivered on July 02, 2019.

Since that time, continuing all summer long I have made numerous calls, and send various email's to the RDOS Bylaw Enforcement, and your Office, with a variety of complaints. Mostly partying, and loud music, arguments/ fighting amongst the various rental tenants. This has continued up until the end of September 2019. On any given day, all summer, the place was rented out to no fewer than 10 to 15 people.

During this time there was total disregard being shown to myself, or the neighborhood for the excessive noise and upheaval to the once quiet neighborhood.

All communicated efforts by myself, made to your office, we're written off as (there is no Noise Bylaw in place for Area A. Bylaw Enforcement did not attend, or do anything regarding any of my complaints. RDOS staff did nothing to enforce a Bylaw of their own, which I am sure there is in place to, stop this from happening all summer long.

I have made request's to your office to see any copy of a Temporary Use Permit that had been granted to this address last summer. My request's for such were not actioned by anyone in the RDOS office, in fact, I was ignored.

I complained to the Airbnb Host, as during the entire summer the Law's were not on site, supervising. The Airbnb Host did not provide me with a telephone number.

I advised the Airbnb Host about the continuous noise occurring from 10:00 AM till usually 03:00 in the morning. There was garbage being thrown on my yard, intoxicated resident's, pool toys, frisbees, balls etc all coming over the fence, and people walking on my property to retrieve the wayward items.

I was unable to open my doors and windows the entire summer as the noise and music was unbearable. My entire summer month's were a total ruin.

There was a total lack of respect shown towards myself and the neighbourhood.

What would one expect when you open up an entire house with a pool, with no rules or supervision. This type of conduct would surely not go unanswered in any local Motel or well run Vacation Rental.

So NOW the RDOS wants to give a TEMPORARY VACATION RENTAL USE PERMIT to the property owners so that this can continue this coming summer, and for many summers to come. WHY?

Yes tourism is wonderful for the economy, but at what cost. Where are my right's as a homeowner and a taxpayer. Why should I have my summer's ruined, for just a few tourist dollars?

Regarding RDOS AREA A's own Bylaw's namely:

17.0 Temporary Use Permit's

17.1 paragraph 2: "discretion of the Regional Board and are only in effect for a limited period of time".

What is defined as a limited period of time? Considering they have already utilized one summer.

17.2 OBJECTIVE

.4-"To consider allowing on-going short term vacation rental uses on properties designated RESIDENTIAL through the issuance of Temporary Use Permit's.

paragraph 17.1 states "a limited period, then 17.2 states "on-going".

-these two contradict one another.

-why, in the first place is their consideration for this being allowed in a RESEDENTIAL neighbourhood? Are all of the local Motel's and Resorts operating at 100% occupancy?

If so, then their are other communities. Are these Motel's and Resorts not operating by use of a Commercial Business Licence, and only in designated area's.

-Even though these Motel's and Resort's are in "typically commercial designated areas" would such loud noise and drunken disregard for anyone else be tolerated at such an establishment. No, this type of behaviour would not be allowed.



## 17.3 POLICIES

.4 (a) "the use must be clearly temporary or seasonal in nature".

-So this policy eliminates the rights of an adjacent, tax paying homeowner, like myself from enjoying the "summer season", in my own home, free of noise and loss of privacy, from 10:00 am to 03:00 AM all summer long, with my doors and window's closed up tight, living only by my airconditioning, as the noise is unbearable.

.4 (b) "compatibility of the proposal with adjacent uses"

-How is granting this TUP compatible with regard to my own rights, to live in peace, on my own property, when there is between 10 to 15 people partying around the clock? Am I expected to turn a blind eye and bear it, for the entire summer, for a few tourist dollars? Who picks up the garbage on my lawn, as surely that would be trespassing. What about the pool toys? Trespassing again.

.4 (d) "intensity of proposed use"

The property is listed as 4 bedrooms. Which equates to a minimum of 8 people. Most times this past summer 8 people was not the minimum, with 12 to 15 people staying, using the pool area from dawn to 03:00 am. They were not there for a quiet, least rely swim. They were there getting drunk, poolside, and getting louder the more they drank, until they either passed out or went to bed at 03:00. Meanwhile, the music could never be loud enough. Most times the music could be heard 3 or 4 houses down the street.

17.6 "In issuing a Temporary Use Permit for a short term Vacation rental, the Regional District may specify conditions, in addition to those listed under sub-section 17.3.5, including, but not limited to: 7xxix.

.6 (a) "the provision of screening or fencing in order to address potential impacts or to address neighbour privacy issues.

This is currently NOT in place. The current fencing (owned by the Law's) is totally inadequate, to both suppress the noise and my own privacy rights.

.6 (b) "the provision of the Manager or Owner's contact information, as well as a copy of any issued TUP, to each neighbour whose property is located within 100 metres of the subject property.

-and that the phone be answered by the Manager or Owner in a timely manner. That way at 03:00 AM the manager or homeowner can also be awakened.

-the best senario is that the policy be changed that the "Owner or Manager" be required to LIVE ON THE PREMISES when the home is rented.

\*\*\*The town of Oliver recently enacted this requirement\*\*\*\*\*

.6 (c) "the availability or accessibility of the Manager or Owner

In lieu of the Homeowner or Manager not being reached, RDOS should have a 24/7 contact number, so someone there can be reached at 03:00 AM.

.6 (d) "any applicable Regional District NOISE BYLAWS

Since Area A does not have any Noise Bylaw's, in allowing a "party house to co-exist in a QUIET residential neighbourhood it is clearly time to ESTABLISH AND ENFORCE a Noise Bylaw in Area A. If you are bringing the Tourist's and all their dollars up to the residential neighbourhood, to party till dawn, essentially moving them from the downtown Commercial area to the quiet residential area, NOISE BYLAW's MUST be established.

.6 (d) (iii) "measures to address water conservation.

This is a residential neighbourhood, operating under the Osoyoos Water District. Water is to be used sparingly, for Orchards and residential home use, payed for by the ratepayer's. Has the TVR obtained, and been granted a adjustment converting from residential use to commercial use?

Since I am at the end of the water line, the continual useage of between 8 to 15 people using water all day long has affected my water pressure during those peak times.  
How, and when, at whose cost will this be rectified, and when will this be done.

.6 (d)(v) "storage and MANAGEMENT of garbage.

How will the issue of garbage being strewn about my property be rectified?

.6 (e) "a maximum accommodation of ten (10) persons, with an aggregate occupancy of two (2) persons per bedroom within a dwelling unit when such dwelling unit is being occupied as a vacation rental.

We all know this is too high. And who will enforce this regulation. Is RDOS going to come out and do random bedroom checks/head counts?

Who and why should the neighbour next door (me) be subjected to having to live next door to 10 to 15 partying tourists all day long, all summer long. From 10:00 till 03:00 each and every day!!!

17.7 "As a condition of issuing a TUP, the Regional District MAY require the posting of a security so as to ensure compliance with the conditions of the permit.

That's it, a token SECURITY DEPOSIT to ruin my summer, and the benefit of owning my own home, in a once desireable QUIET neighbourhood. Sold out for a Security Deposit!!!

Further Point to Ponder

No respect, no regard for my tax dollars. Sold out for a few tourist dollars and a security deposit. Thanks!

Why is the Absentee Homeowner given more rights than me, the stay at home homeowner and taxpayer, keeping and maintaining my home and neighbourhood.

What benefit does a TVR bring to this neighbourhood?

What benefit will I receive having a TVR next door? None!

What does the RDOS stand to benefit? A secret deposit, and a Temporary Vacation permit fee. How much is that.. \$200, \$500...less. Not a lot.

A RESIDENTIAL NEIGHBORHOOD'S harbouring one PARTY HOUSE is not a good fit.

The RDOS will be seen as promoting tourist dollars for the sake of local tax paying homeowner.

Where was the DUE Diligence by both the RDOS and BYLAW ENFORCE ENTERPRISES to visit the neighbourhood last summer while this Party House was allowed to operate Illegally. Obviously the RDOS and BYLAW ENFORCEMENT OFFICERS do not care at all, except maybe if they get a security deposit, or a token lense fee.

So, who are you going to designate from the RDOS and or BYLAW Enforcement to field my calls at 03:00. When will I be provided with the phone number and contact info.

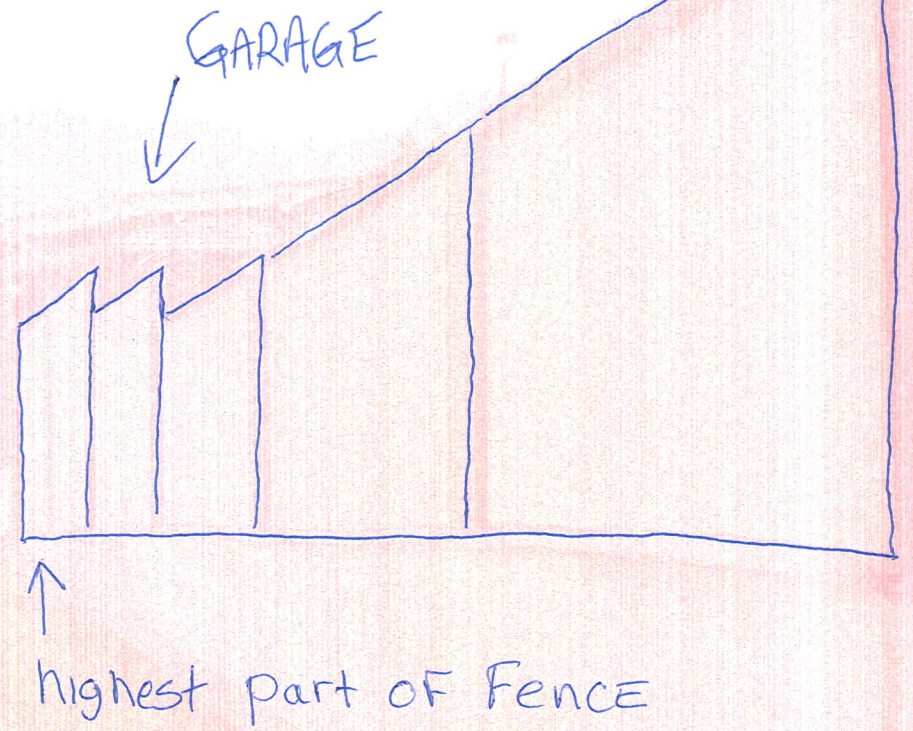
Thank you, I look forward to addressing ALL of these matters at the Osoyoos Public Information Meeting.

Ron Tayfel









## JoAnn Peachey

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**From:** Ron [REDACTED]  
**Sent:** December 3, 2019 12:36 PM  
**To:** JoAnn Peachey  
**Subject:** Re: Toronto 'mansion party' shooting victim sues Airbnb, property owner  
**Attachments:** image003.png  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi JoAnn:

I am sorry for bothering you "one last time".

With regards to your last email, quoting what you said "the board has chosen to trial new operators by limiting approval to ONE season, to provide the opportunity for an operator to do so responsibly".

The operator has had that ONE opportunity last summer. They did not act responsibly last summer, as it was an out of control Party House.

I do not appreciate that the board did nothing to close it down last summer, and that they would give the operator one more summer, to ruin my summer.

This house, and this operator is irresponsible, and does not care what goes on in the house and or the neighbourhood.

He is absent during this period of time, and only cares about one thing, which is "Money". He does not care about my privacy, my noise tolerance till 0230 in the morning, or that on any given day he rents the house out to a bunch of idiot's.

So, I have to again, sacrifice "one more summer" putting up with this.

They have had their one chance, and it was last summer.

Their one chance was a total failure.

Perhaps, the board in their wisdom, will tell the owner he has to be present, and not be living in the quiet solitude of Grand Forks while the parties are going on until 0200 to 0300 in the morning.

And perhaps, during this one chance "the Board" will find the necessity to bring in and enforce a Noise Bylaw.

Failing all of that, I am prepared to buy a couple of "Propane Cannon's", having them set to go off all day long at 10 minute intervals. They will be placed adjacent to the pool area. And since there is no Noise Bylaw, there is nothing anyone can do.

Nothing was done last summer.

Have a nice day.





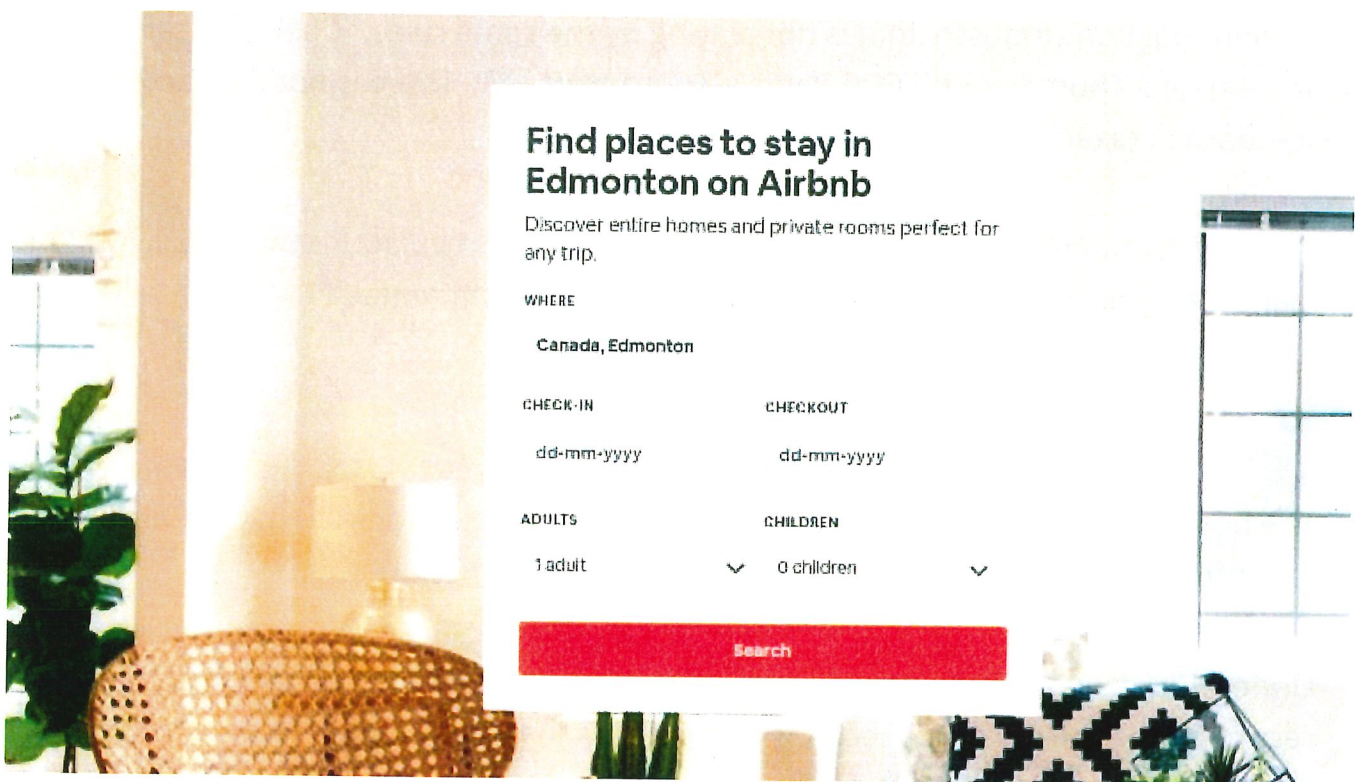
Edmonton

## 'Not playing by the same rules': Edmonton hoteliers want more regulation on short-term rentals



'We've found ourselves in a precarious situation'

CBC News · Posted: Nov 28, 2019 9:05 AM MT | Last Updated: November 28



The hotel industry wants the city to clampdown on the short-term rental market with zoning limits and new licensing fees. (Airbnb)

comments

Some of Edmonton's hoteliers say the city hasn't gone far enough in regulating the city's short-term rental industry — and some homeowners living near rental units agree.

Edmonton Destination Marketing Hotels — a non-profit marketing association representing 57 hotels in Edmonton — launched [a new online campaign](#) Thursday singling out short-term rentals and encouraging Edmontonians to write letters of complaint to city councillors.

Rentals available on sites like Airbnb, VRBO and HomeAway can cause serious problems in residential neighbourhoods, said executive director Karen Chalmers. She wants the city to start treating them like businesses.

"We've found ourselves in a precarious situation with this new entry into the accommodations industry that is not playing by the same rules," Chalmers said in an interview Thursday with CBC Radio's [Edmonton AM](#). "There is not the same standard in taxation and regulation.

"We pay commercial taxes, we have security and safety regulations that are mandated and none of those are regulated by short term rentals."

## **'Virtually no rights'**

The hotel association is lobbying for new city zoning regulations to limit the ability of short-term rentals to operate in certain residential neighbourhoods.

Under the regulations proposed by the association, owners would need a criminal record check, fire safety inspections and proof of insurance. Licences would be revoked if operators failed to verify guests in person.

The association wants the city to create a special category of business licence for short-term rentals that are not owner-occupied. It would also like Edmonton to adopt primary residence rules, meaning rentals can only be operated from a principal residence.

Such rules have already been adopted in Toronto, Vancouver and Ottawa.



Short term rentals, established without community consultation and often managed by absentee landlords, can bring noise and crime to residential neighbourhoods, Chalmers said. Their proliferation in neighbourhoods across the city has been unchecked, she said.

"I want those safeguards," she said. "Because right now, if an Airbnb opens up beside me, I have virtually no rights."

## Drunken guests

Jeff McCammon attended a news conference hosted by the association at city hall on Thursday morning. McCammon says an Airbnb rental in his Edmonton neighbourhood of Brander Gardens has been more than a nuisance.

"Over the last few years, a neighbour across the street moved out of their home to create a commercial short-term rental business in my residential neighbourhood," McCammon said.



Jeff McCammon says this house, across the street from his own in Brander Gardens, is being used for short-term rentals. (Submitted by Jeff McCammon)

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"Since its arrival, there has been a lack of security for my neighbours, my children have witnessed vulgar acts by some transient drunken guests and there has been an overall loss of community along with diminished quality of life overall for my family.

"How this Airbnb is able to operate in a residential neighbourhood and qualify for a home-based business licence is beyond me."

- [\*\*'Essentially, a hotel': Neighbour fed up with Airbnb house in southwest Edmonton\*\*](#)
- [\*\*Hoteliers urge federal candidates to tax Airbnb hosts\*\*](#)

New regulations for operators in Edmonton came into effect on Aug. 27, 2019. Operators must complete a home-based business licence application, get an inspection from Alberta Health Services and supply guests with information about the city's bylaws.

The city started investigating regulation options after multiple complaints were filed regarding disruptive and untidy short-term rental properties, complaints that coincided with a significant increase in the number of listings.

As of May, Edmonton had more than 2,400 listings. The city only had 44 listings in 2014.

## **'This is just enough'**

Angela Sun also wants Airbnb banned from residential areas. She said two Airbnb rentals across the street from her home in the Garneau neighbourhood have brought noise and crime to her previously quiet street.

"The owners are not even living in Alberta," Sun said during Thursday's news conference. "We see drunks passed out on our lawn, pounding on our door.



"There was an attempted break-in and open marijuana smoking and late-night party noise, yelling and shouting after 2 a.m."

Sun said she no longer feels safe in her own home. She said any kind of bylaw on short-term rentals will be impossible to enforce.

"We've seen it all," she said. "This is just enough. I have a four-year-old daughter. Do I feel safe living in that neighbourhood? Absolutely not."

"I do not want my family mixed with transients. They are transients. They come tonight and go the next day. They do not care."

- **Edmonton considering regulations for Airbnb, VRBO and HomeAway**

In an emailed statement to CBC News, an Airbnb spokesperson said the new city regulations should be tested before new bylaws are considered.

"It is troubling that the corporate hotel lobby is spending thousands of dollars advocating against allowing local Edmontonians benefit from the tourism industry and show visitors a more personal side of their city," an Airbnb spokesperson said in a statement.

## **More reports coming**

"The responsible approach is to allow these regulations to be implemented and assessed before demanding the city spend public money to burden Edmontonians with more red tape."

The city, however, is exploring options for increased regulation, said Coun. Aaron Paquette.

"We will be getting more reports back as time goes on and this won't be a one-off," he said. "This is something that's going to be developed in the coming months."

A further report slated to go before city council's urban planning committee next week, has been delayed until February 2020.

Paquette said he has fielded complaints about absentee landlords and a lack of taxation.

"It's definitely a debate that we're having," Paquette said. "The situation of people that are renting out homes that they don't reside in is a real issue.

"We have these large corporations who are making money off our city, but they don't pay taxes."

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# Kingston looks to fast-track short-term rental rules



Elliot Ferguson

**More from Elliot Ferguson** (<https://www.thewhig.com/author/el Ferguson>)

**Published on: December 2, 2019 | Last Updated: December 2, 2019 4:28 PM EST**

KINGSTON — City council is set to fast-track a new set of regulations for the local short-term rental market.

Councillors are to consider the new rules that, if passed on Tuesday night, would come into effect on Jan. 1.

The regulations, outlined in a 230-page report from interim chief administrative officer Lanie Hurdle, would require rental operators to pay \$180 a year to get a licence from the city, restrict rental units to primary residences, limit the number of people who can stay at them to four, require rental owners to pay a four per cent municipal accommodation tax, limit rental stays to 30 days, and cap the number of days a unit can be rented to 180 a year.

The city also proposes hiring Seattle-based company Host Compliance to oversee the regulating system.

“The proposed bylaw seeks to license and regulate short-term rental licences in order to help provide a healthy variety of accommodation options to support Kingston’s tourist industry, allow residents to use their properties to earn additional income to offset their housing costs, protect our community’s existing stock of long-term rental housing, and to respond to concerns with noise, garbage, parking and safety,” Hurdle wrote in the report.

The regulations are also meant to provide some protection for long-term rental stock and improve the city’s record-low rental vacancy rate of 0.6 per cent, the lowest rental vacancy rate in Ontario.

Since 2016, the number of short-term rental units from Airbnb or Vacation Rentals by Owner on the market in Kingston has grown by 146 per cent.

But some Airbnb hosts have said in interviews that if the new regulations force them to leave the short-term rental market, they will not put their rental units on the long-term rental market.

Airbnb host Ron Hartling said the proposed regulations are being rushed and are not evidence based. Hartling said the short-term rental market can be regulated with existing bylaws, and he also questioned the wisdom of hiring an American company to oversee the regulation system.

"This appears to fit the Wikipedia definition of doxing, which is 'the internet-based practice of researching and broadcasting private or identifying information about an individual or organization,'" he wrote in a critique of the new bylaw.

"This requires very careful consideration of the ethical and legal implications of the city hiring a foreign firm to essentially spy on its residents by intentionally violating the legal terms of access to third-party websites and databases. Blindly going ahead without seeking the views of federal and provincial privacy commissioners would set a very bad precedent for how the city relates to its residents."

## TRENDING IN CANADA

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A 19-year-old who was shot at a Toronto "mansion party" hosted in an Airbnb rental is now suing the company, the property owner and the event's alleged organizers.

"It felt like someone had just stabbed something through me," said Sean McCann, recalling the moment he was struck by gunfire. "It was a sting and a burn and then just a lot of pain."

McCann attended the party in Toronto's west end on April 26 after one of his friends saw an ad on social media charging cover for the event, which was hosted [at a mansion in Etobicoke](#).

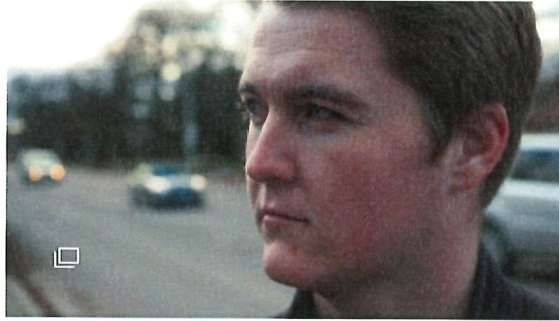
He and his friends had just finished the school year at Humber College and were looking to blow off some steam.

Shortly after arriving, McCann said he started to feel uneasy; his group decided to leave less than an hour later.

"People were smoking in the house, throwing beer cans and stuff. They were just trashing the house and it was gross," McCann said.

"People were fighting and pushing each other around and it just didn't seem great. There was one person I saw with a knife and that's when we said, 'You know what, let's go,'" he said.





Jean-François Bisson/CBC

McCann said it took a while for him and his friends to make their way through the crowded house. But then they spotted a friend in the backyard and went to say hello.

Once outside, they heard shots ring out.

"I only counted until I actually got hit, which was about four. But everyone I talked to said there was at least six afterwards," McCann said.

The bullet entered his lower back, fractured his pelvis and came out through his groin, causing nerve damage and a lot of blood loss, McCann said.

People ran to escape out the back; McCann's friends helped him over the fence and down a retaining wall.

Prior to the shooting, police had already been called to the scene because of a noise complaint. They quickly found McCann, who was rushed to hospital. He woke up there with his parents at his bedside.

"The doctors said if it had been an inch to the left, I would have been paralyzed, and an inch to the right, they said I probably would have died. And two inches down or something, I would've lost the use of my right leg," said McCann. "I got very lucky ... and I'm just thankful for that."

McCann doesn't appear to have been the intended target.

### **Lawsuit alleges negligence**

In a lawsuit filed Thursday in Ontario Superior Court, McCann alleges the shooting was the direct result of negligence on the part of Airbnb, the property owner and the party organizers.

He is seeking \$5 million in damages.

In a statement of claim, McCann alleges Airbnb "failed to investigate, vet and conduct background checks" on the person renting the property and the guest who booked it.

It also alleges the property owner, Wojciech Stasieczek, failed to vet his guests, "knew or ought to have known that the renters of the premises were using his minimally furnished rental property to throw large parties," and that he "allowed the opportunity for violence and crime to occur."



Jason Ho/CBC

The lawsuit also alleges the purported party organizers — Isabella Ibrahim and two people identified only as Jane Doe and John Doe — "allowed the opportunity for violence and

crime to occur" through a "lack of security and background checks for the guests."

When asked for comment about the lawsuit, Airbnb replied with a statement.

"The senseless violence reported has no place in the Airbnb community and we immediately removed the booking guest from our platform in April," it said. "While this listing has not been available on the Airbnb platform since September, hosting is a big responsibility and if we find that hosting activity substantially disrupts a community, we may take action against a listing — including suspension or removal."

Neither Stasieczek nor Ibrahim responded to repeated requests for comment.

After the shooting, Toronto's police chief tweeted that officers arrested two teenagers carrying guns. But no one has yet been charged. The Toronto Police Service says the investigation into the shooting remains active and open.

The April 26 event wasn't the first time that particular house had been rented out for parties.

McCann's statement of claim alleges "the premises was used for parties and large gatherings" on multiple occasions. Multiple neighbours also told CBC News loud parties continued well after the spring shooting.

According to 311 records, there have been three complaints about the property in the last year. The most recent came in late August.

#### **Violent incidents at Airbnb rentals**

In the last year, there have been at least 10 violent incidents connected to Airbnb rentals in Canada.

Earlier this year, Airbnb announced plans to ban so-called "party houses" from its platform after an Oct. 31 shooting in Orinda, Calif., [left five people dead](#). Nearly 100 guests were packed into a rental house that had been advertised for 12.

Starting next month, Airbnb will expand screening in its North American market for what it calls "high-risk reservations." [This review](#) will "help identify suspicious reservations and stop unauthorized parties before they start," it said.

But McCann says the company should have acted earlier than that Halloween incident.

"It's too little, too late. Like, I survived, but a lot of people haven't," he said. "They need to do something to make up for everything that they ignored, and I think what happened in California on Oct. 31 shouldn't have been the point where they had to say, 'OK, let's stop this.'"

"It needs to stop."

### **Canadian cities change Airbnb rules**

Cities across Canada have been grappling with complaints around short-term rentals made available through platforms like Airbnb.

In April 2018, Vancouver [brought in new rules](#) requiring all people renting their homes and condos on a short-term basis to register with the city. It says 80 per cent of Vancouver's short-term rentals are now licensed and there has been a dramatic drop in complaints.

Last week, an Ontario appeal body ruled in favour of [new bylaws for Toronto](#) that will see short-term rentals only permitted in a host's principal residence, licences required for all operators and limits placed on how long a space can be rented out.

## JoAnn Peachey

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**From:** Ron T [REDACTED]  
**Sent:** April 21, 2020 8:25 PM  
**To:** JoAnn Peachey  
**Subject:** Airbnb Rental

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi, so I am curious as to why nothing has transpired with the Airbnb Party House, that continues to operate next to me located on 37th Street in Osoyoos?

There was supposed to be a meeting, open to concerned citizens (me especially) on the Temporary Use Permit for this Party House Rental.

Due to some fabricated story that your office was told, about the house being rented to long term tenants, over the winter season, this was not the case.

The house has, and continues to operate as an Airbnb Rental.

Today, the owners were filling the pool, for what I am assuming will be another LOST SUMMER, filled with Party's till 03:00 AM, along with Drunken Patrons celebrating with loud noise, all day long!

Where is the improvements to their Fencing to at least block some of the noise, as well as to stop them from hanging over the fence, staring at my wife and myself.

It is quite intolerable that I can not open my window's and sleep at night, considering the Party goes on until 03:00 each and every morning.

When will the RDOS enact Noise Bylaw's that come into effect after 11:00 PM.

Will you provide a phone number, and Guarantee that a Bylaw Officer attends at 03:00 am.

Surely, the cost of the RCMP attending has to be borne by the RDOS, as they are the ones responsible for this unspeakable activity.

So the Covid Pandemic is occurring, and people have been advised to stay home, and not travel, does this not apply to AIRBNB renter's, or am I the only one who can not travel?

Why has no meeting been held.

Why is the Sign notifying there is a application for Temporary use being considered not visible as required, and why does it still have the wrong phone number.

Does any one care?

What is the RDOS doing, or planning to do, and WHEN!

This fiasco has been allowed, and BLESSED by the RDOS for long enough.

How about the RDOS just forgive me from paying Property taxes?

Why does this belong in a Residential neighbourhood. Where as,if this type of activity occurred in a Hotel/Motel, or Resort, the renter's would surely be told to leave.

Or is it all about promoting Tourism, taking money, and to He'll with the property owner next door??

Ron Tayfel



Ps..how come not one person from the RDOS office has attended this location, and spoken with me?

## JoAnn Peachey

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**From:** Ron T [REDACTED]  
**Sent:** April 27, 2020 2:17 AM  
**To:** JoAnn Peachey  
**Subject:** Airbnb Rental  
**Attachments:** 20191114\_140231.jpg; 20191114\_140045.jpg; 20191114\_140208.jpg; 20191114\_135947.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi JoAnn:

Before I begin, please do not take it personal, as I am not attacking you personally.

If you might consider, I bought my house 20 years ago, I have raised my daughter in this house, I have since retired in this house, and in this neighbourhood.

I have been a good neighbour, good citizen, and a taxpayer, all of my life.

I have worked continuously since I was 17 years old, never, not once collecting one single unemployment cheque, or breaking any Law's of our land.

I am a quiet citizen, one who respect's the right's of others, helps out when I can, volunteer's when I can, and do not go out of my way to bother anyone, but will step up when someone else is being wronged.

So, getting to your email:

I brought this Airbnb issue to the attention of the RDOS last June.

I have written countless email's to both yourself, and the RDOS office, and Bylaw Enforcement. Yet nothing has transpired.

At the end of my UNFORGETTABLE Summer, dealing with the PARTY HOUSE next door, a sign was installed at the REAR of the property in question, which although it is a Street, it is basically a Dead End Street, more of like a back lane. The Law's property front's on 37th Street, the main thoroughfare. That is where the sign should have been installed, albeit the sign did not even have the proper phone number. I took it upon myself to move the sign from the back of the house, to the front of the property, where it could be properly viewed. Subsequently, the sign was removed, then put back, then removed, and now, it is there, reversed and folded over.

So, being that a sign of some sort was put up last fall, why was a meeting not held till this day. The Covid 19 Pandemic was taken seriously, here as you know only about 35 days ago. Therefore there was all of last fall, the Winter, and early spring to hold and convene a simple meeting.

As you are probably aware, web-based meetings do not work.

As foremen toned, I have lived in this same house for the past 20 years, not once did I get a notice in the mail, a knock on my door, or a telephone call asking me for my thoughts, or input on Airbnb rentals in my neighbourhood, and most certainly , right next door to me.



How can the RDOS, and or the Planning Department, state that there is, quote: "there is a supportive policy for Vacation Rental's in residential areas".

Who supported this policy? And why we're the affected residential neighbour's not asked if they supported this policy. The RDOS simply cannot make an arbitrary descision on such a matter, without reviewing the consequences.

As you know, there are hundreds of similar Horror Stories, of Party House Airbnb Rentals throughout all of Canada.

You cannot simply throw an unsupervised, un-regulated "Hotel/Motel" smack dab in the middle of a quiet residential neighbourhood without consequences such as those which I have been subjected to last summer.

Then as you have stated, and again I quote: "Criteria to assess aplications includes, one of which is (MITIGATING MEASURES SUCH AS SCREENING AND FENCING; and BENEFITS THAT SUCH ACCOMMODATION MAY PROVIDE THE COMMUNITY.

No one from your office has attended the mentioned AIRBNB to attest that the fencing is adequate for this location.

Furthermore, as you know, there is no NOISE BYLAW in Area A. Why in the wisdom of the RDOS would they assume that it is acceptable that loud parties, loud music, loud conversations, would be acceptable at 03:00 in the morning?

Would it not make common sense if the RDOS is pushing this "Supportive Policy", that perhaps they should have considered enacting a Noise Bylaw before allowing a Party House Airbnb Rental to operate around the clock on a quiet RESIDENTIAL NEIGHBOURHOOD?

How long does it take for Bylaw Enforcement to "BUILD A FILE"?

I worked in Law Enforcement for 34 years, and I know that "Building a File", is the same as doing nothing, and not wanting to do anything.

No one from Bylaw Enforcement has ever come to my residence to confer with me about the absence of a Noise Bylaw, or have they ever parked outside the Airbnb after 1100 pm. Heck, they won't even give out an after hour phone number to phone in a complaint at 0300.

If in the RDOS's push for this "Supportive Policy for vacation Rental's in residential area's," why after all of my Invitations for someone to come out and speak with me, and to do a proper assessment of my concern's and the adjoining fencing, and the location of the pool area, adjacent to the front of my house, my deck, and my window's, has no one from the RDOS knocked on my door?

Why have not You,whom is in the Planning Department, or member's of the RDOS who support this "Policy", ever shown up at my front door to visit the affected properties.

One can not make effective policy descision's on Community Planning sitting behind a computer screen, or looking at Google Map's. However, a perusal at Google Map's would be a great start, which should have been done before this Airbnb was allowed to operate.

Why you ask do I not phone you? Because, I am tired of all the excuses, countless email's and the RDOS's and Bylaw Enforcement's, lack of initiative do rectify this problem, that they have created, and allow to continue.

As far as the recommendation you ask for the adjoining fencing:

The adjoining fence is broken into three tier's from East to West.

The first section is fine, the second section should be built higher by 16 inches, and the third section should be built up by 32 inches. That would make the adjoining wall level all the way across, and stop the Airbnb Party Tourist's from hanging over the fence all day long. It may drown out a little of the sound, but certainly not at 0300 in the morning.

I might add, that none of the cost will be borne by me, as I do not have a pool that requires fencing, it is not my Partying that is a requirement of my wrong doing, and it is most definitely not my noise at 0300 in the morning.

However, I might add, that the rowdiness begins usually at 0900 in the morning, and continues non stop until 0300. But of course, I have said this too many times to count.

I do not intend on spending my summer a prisoner in my own home AGAIN, and I would like this actioned before things get out of hand again for the whole summer.

Remember, it is both the RDOS, and Richard and Sandra Law that have created this nightmare, and it is up to the RDOS to correct the wrong they have done by allowing this to continue.

It is again, as I quote: "there is a SUPPORTIVE POLICIES for Vacation Rental's in RESIDENTIAL AREA's". This is the RDOS and the Planning Department's policy, and it is their responsibility to correct it. Yes, the abscent property owner is also to blame, as is their Airbnb Representative's.

I am enclosing a picture of the aforementioned fence, as again it is too much of a bother for anyone from the RDOS or the Planning Department to do a Site Survey.

Hopefully this is my last email, as by now I have gathered they are useless, and probably too much bother to read, or action.

Again, this is not a personal attack on your moral character, or lack there of. Just the fact's, that no one want's to own up to.

Ron Tayfel











