

Vancouver strata councils tackle short-term rentals head-on

Other cities are cracking down on Airbnb, which has gained a strong foothold in Vancouver

BY JOANNE LEE-YOUNG, VANCOUVER SUN AUGUST 28, 2015



Airbnb has become a popular way to generate income from real estate through short-term rentals, but it has become a headache for some Vancouver strata councils.

Photograph by: Justin Sullivan, Getty Images

VANCOUVER -- Some Vancouver strata councils, frustrated with a lack of action on the proliferation of short-term rental listings, are giving up on City Hall.

At two downtown residential towers, owners and caretakers are taking the situation into their own hands and attempting to stamp out short-term rentals such as those on Airbnb.

"The City is providing no support," said Scott Mackenzie, strata president at 930 Cambie St. "We have been dealing with the ongoing issues of Airbnbs for nearly a year."

"In one unit alone, we have had countless issues: parties, noise, damage to common space and even two weeks with a (sex worker) in the unit."

The strata, said Mackenzie, registered a complaint with the City of Vancouver, but after six months, it was asked to resolve the issue via the Strata Property Act.

"There are no mechanisms to collect fines outside of small claims court. Liens can be placed on a unit for strata fees and special levies, but cannot be placed for fines," he said.

In Vancouver, homeowners can't rent out their space for less than one month unless they are part of a hotel or have a licence to run a bed and breakfast operation. There were only 58 registered BBs in Vancouver in 2014, but a recent count of Airbnb listings ran into the thousands.

Other cities including Paris and Santa Monica are cracking down on the phenomenon, including by hiring enforcement officers.

Safety is the main issue for many strata councils, but critics of services such as Airbnb also say they are gobbling up listings from local rental markets, tightening accommodation supplies and leading to higher rental costs. "Realtors actively promote Airbnb rental income on MLS listings in an attempt to drive up property values," added Mackenzie.

This week, the strata at 930 Cambie Street is sending out a letter from their lawyers to one "problem unit. At current count, our fines for (it) are over \$8,000. ... If the owner refuses to respond, we will take them to small claims court, and/or file for a court injunction with the Supreme Court of Canada."

The letter has details about courts showing little sympathy: "For example, in the Owners of Strata Plan NW 391 v. Forsberg, 2010 BCSC 1301, the Court imposed \$38,000 worth of fines upon owners who repeatedly contravened the rental bylaws, recognizing the injustice of an owner earning rental income at the expense of his or her neighbours."

Mackenzie has also been looking to the building next door where, he said, the resident manager has been key to shutting down Airbnb listings. "They were aggressive, persistent and direct," he said.

Indeed, Susan Lerch, resident manager at 950 Cambie, said she goes online to track down listings, stalks renters as they post comments and matches their photos with what she sees via her own surveillance video. She has confronted owners and renters in the building lobby, and followed up with fine after fine.

"The highest possible fines," said Lerch, detailing some examples. "\$500 per person per time. \$200 for other things. A guest had a dog. Garbage violations.

"I've knocked on the door, or talked to them as they are opening the door," said Lerch.

Eventually, she said, "we were lucky." In this case, the owners duly paid the fines and, after some time, they put long-term tenants into their unit.

Mackenzie admires Lerch's dedication and success, but also thinks for most managers, "this puts them in a very awkward position. ... Our caretaker was threatened by problem Airbnb owners and a renter at one point. He now reports infractions, but does not want to get involved directly. ... We do not have the resources to monitor activity 24/7, and to confront the issues directly in our lobby."

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