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Municipal Regulation of Short-term Rentals in Alberta

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Executive Summary

From 2015 to 2018, revenue from short-term rentals in Alberta grew from around \$8 million to \$151 million (Canada 2019d). This increase in market activity has been facilitated by the popularity of platforms like Airbnb. As this marketplace grew, concerns mounted about the negative aspects of these transactions and policymakers have been called to regulate. In this capstone, the short-term rental regulations are examined for six Albertan municipalities: Banff, Calgary, Canmore, Edmonton, Fort McMurray and Jasper. These jurisdictions were chosen to provide a snapshot of regulatory approaches across the province and because they face unique challenges with respect to vacancy rates, tourism, geographic location and population.

To simplify the analysis, the regulations are categorized by the issues they are targeted to resolve: Housing Prices and Supply, Neighbourhood Preservation, Competitive Fairness and Safety. It is important to note that despite this categorization, many of the regulations within categories overlap and compliment regulations from other categories. None of the jurisdictions examined in this analysis have banned short-term rentals, but Banff, Canmore and Jasper are considerably more restrictive than Calgary or Edmonton. Fort McMurray does not have any regulations that pertain to short-term rentals. Recommendations for improving municipal short-term rental regulations include not missing revenue generating opportunities from short-term rental platforms, proactively enforcing regulations and ensuring that regulations match the problems faced by the municipality. To stay relevant and effective, municipalities need to revisit their short-term regulations often.

Section 1: Introduction

Over the last decade, the growth of digital platforms such as Airbnb have created a marketplace for individuals to list their private residences as accommodation. The original idea for Airbnb started when two recent graduates advertised three air mattresses in their apartment to people attending a conference in LA (Guttentag 2015). From there, the idea has grown into a digital platform for short-term rentals with over 7 million listings in over 100,000 cities across 220 countries worldwide (Airbnb n.d.-a). Often termed a “peer-to-peer marketplace”, Airbnb allows profit to be made from underutilized assets (Codagnone and Martens 2016) via a collaborative consumption model that is dominated by borrowing and renting rather than buying and selling (Hamari, Sjöklint, and Ukkonen 2016). Airbnb has become so popular that it now provides more holiday accommodation than traditional hotel chains like Marriott or Hilton (Gurran 2018).

Canada is an ideal marketplace for Airbnb to flourish because home ownership rates are high. Just over 60% of Canadian families reported a principal residence as an asset in 2016. Homes are the largest asset held by Canadians, but it is also their largest source of debt (Canada 2017). This reality makes Airbnb hosting an enticing opportunity for many Canadians, particularly Albertans who carry the highest levels of consumer debt in the country (Equifax 2020). Renting your home on a short-term basis allows for the generation of additional income. Indeed, the short-term rental market is growing in the province. In the span of 3 years, revenue from private short-term accommodation in Alberta rose from \$8,818,000 in 2015 to \$151,929,000 in 2018 (Canada 2019d).

As the short-term renting marketplace has grown in the province, so too has the awareness of the negative aspects of these transactions. Despite the benefits of short-term

renting, the activity has the effect of commercializing the neighbourhood, which when left unregulated creates a variety of challenges (Espinosa 2016). In this paper, these challenges have been summarized into four categories: Housing Prices and Supply, Neighbourhood Preservation, Competitive Fairness and Safety. Each of these areas will be explored in turn, followed by an examination of how several jurisdictions in Alberta have regulated for them.

Housing Prices & Supply

One of the biggest concerns relates to the notion that the presence of Airbnb puts upward pressure on home prices. When housing units are shifted to the short-term rental market which primarily caters to tourists, local citizens looking to purchase homes or rent long-term face higher costs. For example, research showed that the doubling of Airbnb listings in New York was associated with a 6-11% increase in property values (Sheppard and Udell 2016). Although it is hard to isolate the effect of Airbnb from other economic factors, these kinds of findings give pause to those concerned about housing affordability. As pointed out by Nieuwland and van Melik (2020), rising home prices benefit existing homeowners but present challenges for those looking to enter the market and may actually lead to a cycle where more short-term renting occurs to help new homeowners afford their home. Property owners may also elect to shift their long-term rentals to the short-term market. Due to the relatively fixed nature of total housing stock in the short-term, this leads to higher prices for long-term renters (Barron, Kung, and Proserpio 2018).

Although there has yet to be an analysis of Airbnb's effect on housing prices and supply in Alberta, a 2017 analysis by Wachsmuth and colleagues found that Airbnb has likely removed 13,700 units from the long-term rental market in Toronto, Vancouver and Montreal. This was discerned by examining how many of the 81,000 listings found across the three jurisdictions in

2016-2017 are now rented on Airbnb for more than 60 days a year. Although it is unlikely that every single property would otherwise be on the long-term rental market, many would have been, and the authors note that rentals offered for 60 days or more are the fastest growing category of listings. In Montreal, the number of units that have been converted to the short-term market is equivalent to 2-3% of the housing stock, which is on the upper end and approximately equals the rental vacancy rate in these three cities.

A correlation between the rise of Airbnb listings and increasing rents or home price have been shown in a variety of American jurisdictions such as Boston (Horn and Merante 2017), Washington (Zou 2019) and Los Angeles (Lee 2016), although different impacts tend to emerge when examined at the neighbourhood level. Barron, Kung & Perserpio (2018) caution that spurious correlations may exist given that growing populations often contribute to the rise in home prices and a rise in Airbnb listings all at once. When you consider external factors and the unique aspects of each market, it is difficult to make any sweeping claims about the impact of Airbnb. As a result, we are left with the conclusion that Airbnb will have different effects in different markets that are likely to change over time.

In the absence of empirical research on every jurisdiction, policymakers are often challenged to find ways to mitigate the potential negative impacts of Airbnb with incomplete information. Based on the available evidence, some jurisdictions such as Toronto and Vancouver have opted to restrict short-term renting to primary homes, which diminishes the incentive for secondary homes to leave the long-term market. However, not all secondary homes get rented on the long-term market, particularly vacation homes. Primary home restrictions do, however, prevent the acquisition of multiple rental properties for the purposeful conversion into short-term

rentals, which is likely positive for places with low vacancy concerns such as Toronto and Vancouver.

Neighbourhood Preservation

The next area that policy makers are commonly asked to address is that of neighbourhood preservation. Most residential neighbourhoods are not designed to accommodate an influx of overnight transient guests, particularly because this kind of guest is less likely to have the same respect for the shared resources as permanent residents. Guests have been known to host parties that cause thousands in property damage (CBC 2019d) and these kinds of gatherings have led to violence (CBC 2019b) and even death (CBC 2020a). There are reports of party attendees who take to the street with loud antics, leaving garbage and bottles in their wake and threatening neighbourhood safety by blocking fire hydrants with their cars (CBC 2019c). Even respectful guests still contribute to overcrowding and consume rivalrous resources such as parking and space in the garbage bin. Whether it's the annoyance of noise or more serious threats to the community, unregulated short-term rentals can quickly become a source of contention in a neighbourhood as hosts profit at the expense of their neighbours.

Competitive Fairness

The hotel industry has also demanded action from local policymakers as short-term rentals are argued to provide a service similar to hotels but have little to no regulatory oversight. The concern is that an uneven playing field has emerged. Whereas hotels are clearly commercial operators who are required to meet certain standards and pay commercial taxes, short-term rentals have flown under the regulatory radar. According to a Morgan Stanley survey of 4,000 travellers, 42% of Airbnb users are substituting away from hotels (Nowak 2015). Despite not being perfect substitutes, any amount of substitution can lead to concerns about fairness in the

regulatory environment. In the absence of taxation, licensing and other operating costs such as paying employees, short-term rental hosts are largely free of the operating constraints faced by hotels.

Similar to Airbnb's impact on the supply and price of housing, its impact on the competitive environment likely changes by market. This was supported by the findings of CBRE Hotels Americas Research which concluded that outside of major markets, the impact of Airbnb on the hotel industry is minimal. Out of the 59 markets they examined, only 15 have Airbnb generating more than 2% of hotel revenue (Woodworth 2016). However, individual markets can be particularly impacted. An analysis of the competitive environment in Austin, TX, estimated that Airbnb has contributed to a revenue loss of 8-10% for traditional hotels (Zervas, Proserpio, and Byers 2017).

Safety

Safety is a broad umbrella term that primarily refers to the safety of guests, but also includes neighbours, hosts and the community more broadly. There are many safety concerns that arise from unregulated short-term rentals such as overcrowding and violation of building and fire codes. All of these violations threaten safety during emergencies, but even non-emergency events such as broken appliances or leaks can pose serious dangers to guests and neighbours. From a public health perspective, short-term rentals can facilitate virus or disease transmission, which has led at least one Toronto condo board to suspend rentals during the COVID-19 pandemic (CBC 2020c). In many ways, safety and neighbourhood preservation concerns are overlapping, but there are some distinct elements. A short-term rental may be deemed compliant with safety regulations such as fire codes, but still cause considerable disruption to the neighbourhood due to other concerns such as noise or disorderly behaviour.

Short-Term Rentals in Alberta

Local policymakers across Canada have been working on short-term rental regulations to address many of the issues just raised, but Alberta has lagged behind when it comes to regulations in our major cities. According to an Angus Reid poll, Albertans are less likely than respondents in other provinces to support the idea that short-term rentals should be regulated like hotels (Angus Reid Institute 2018). Although Calgary and Edmonton now have published short-term rental regulations, Alberta's major cities were among the last to begin these discussions. Montreal and Saskatoon started such discussions in 2015, followed by Vancouver (2016), Halifax (2017), Toronto (2017), Yellowknife (2017), Ottawa (2019), Edmonton (2019), and Calgary (2019). This delay may be accounted for by the desire for less government intervention coupled with fewer challenges with respect to vacancy rates compared to other major cities. Indeed, municipalities in Alberta with greater vacancy challenges such as Banff, Canmore and Jasper began enforcing bylaws to crackdown on unauthorized short-term rentals much earlier.

In this paper, we explore the regulatory responses to short-term rental hosting in six Alberta municipalities: Banff, Canmore, Calgary, Edmonton, Jasper and Fort McMurray. Each municipality uses different naming conventions for short-term rentals: Banff uses the terms “Bed & Breakfast Homes”, Canmore refers to them as “Tourist Homes”, Edmonton and Calgary both use the term “Short-Term Rentals” and in Jasper, they are known as “Private Home Accommodations”. At the time of writing, no short-term rental bylaws exist in Fort McMurray, which is a urban service area in the municipality of Wood Buffalo. These municipalities were chosen because they represent a unique cross-section of Alberta in terms of geographic location, population, vacancy rates and tourism. Calgary and Edmonton are Alberta's largest cities whereas Banff, Canmore and Jasper are tourist hotspots. Fort McMurray was selected because it

is a northern location that receives an influx of fly-in workers. Although this list is not exhaustive, these municipalities provide a snapshot of Alberta's response to the rise in short-term rental market activity.

Although none of the six jurisdictions we examined have outright banned short-term rentals, there is a wide spectrum of regulatory responses across the province. This makes sense as each jurisdiction faces different challenges and their response should account for those differences. For example, a big city with a higher vacancy rate like Edmonton ought to respond differently than a tourist destination like Canmore, which has a vacancy rate near zero (Bow Valley Regional Housing 2019). Although higher orders of government also have a role to play in regulating short-term rentals, municipalities are best positioned to regulate for local needs. Like all municipalities in Canada, the ability of Alberta's local governments to regulate are constrained by powers ascribed to them by the province *Greenbaum v Toronto*, (1993) 1 S.C.R. 674). In Alberta, this legislation is known as the *Municipal Government Act*, RSA 2000, c M-26.

Section 2: Review of Regulatory Approaches

Data from AirDNA which provides point-in-time analytics from the Airbnb website shows that all of the jurisdictions we explored have properties listed on Airbnb. As of June 2020, Banff had 271 properties, Calgary had 14,465, Canmore had 2719, Edmonton had 6402, Jasper had 127 and Fort McMurray had 473. All of these jurisdictions had published bylaws that apply to short-term rentals with the exception of Fort McMurray. Vacancy rates in the Wood Buffalo rental market are very high (~22%) (CMHC 2020a), which may be one reason they have yet to regulate. The regulatory approaches used by different jurisdictions are categorized by the issues they are targeted to resolve: Housing Prices and Supply, Neighbourhood Preservation,

Competitive Fairness and Safety. Although, we have parsed the regulations into these categories, it will become apparent that many of the regulations work in tandem to address issues in multiple categories.

Based on our analysis, Banff, Canmore and Jasper have more restrictive regulations than Edmonton or Calgary, which makes sense given their challenges with vacancy and tourism. The regulatory approaches of all the jurisdictions are summarized as they currently are while recognizing that the effectiveness of such choices is a separate and emerging area. Recommendations for changes or improvements are discussed in the concluding section.

Regulations targeting Housing Supply and Price Preservation

Municipalities across Alberta have taken different approaches to protecting long-term housing prices and supply from the negative effects of short-term rentals (see Table 1 for a summary of common STR regulations aimed to protect housing supply used in Alberta). Despite the need for jurisdiction by jurisdiction analysis of Airbnb's impact, it is theoretically accepted that the conversion of long-term rentals into short-term rentals puts upward pressure on the prices of homes and the supply of long-term rentals. Land use or zoning bylaws are commonly used by municipalities who want to significantly limit short-term rentals due to concerns about vacancy rates and tourists. Notable examples in the province of Alberta are the towns of Canmore and Banff, which are tourists hotspots in the Bow Valley with effective residential vacancy rates near 0% (Bow Valley Regional Housing 2019).

The Town of Canmore's Land Use bylaw outlines that "tourist homes" can only be operated in mixed/commercial zones and in three small residential zones (Canmore 2017). A map of Canmore's tourist home districts can be found in Appendix 1. The majority of the town's residential area is not zoned for tourist homes, which means that most homeowners are precluded

from operating short-term rentals. In certain permitted areas, there is also a maximum number of tourist homes that will be granted permits (Canmore 2018). Given restrictive zoning, there is no requirement that tourist homes are the principal residence of the owner. The definition of principal residence changes somewhat based on location and the governing body but is generally understood to be the dwelling that is ordinarily occupied by the host for the majority of the year (Canada 2019b).

The Towns of Banff and Jasper are unique because they are located within national parks, which means hosts must meet Parks Canada eligible residency requirements to operate a short-term rental. To be an eligible resident, a host must have employment in the park and owning a rental does not qualify as employment (National Parks of Canada Lease and License Occupation Regulations SOR/92-95). This prevents non-residents from buying up local real estate for the purpose of short-term renting. The Town of Banff's Land Use Bylaw (Banff n.d.-b) treats casual short-term rental hosts the same as traditional bed and breakfast owners operating a full-time (although relatively seasonal) business. The requirements to operate are extensive and not easily accessible for a host looking to rent their home occasionally. The bylaw restricts the total number of bed and breakfast homes in each area of the town, which means that full-time operators and casual operators must compete for the available spots. Once the limit has been reached, prospective hosts must wait until an opening occurs where they can be selected for permitting via lottery. Like traditional bed and breakfasts, hosts must be live-in owners who stay on-site with guests, which also ensures that rentals are being operated out of primary residences. The Town of Jasper also has the live-in owner requirement and limits private home accommodation to certain residential zones (Jasper 2005).

Highly restrictive zoning and licensing processes are less common in larger cities. In Canadian cities with vacancy concerns such as Toronto and Vancouver, short-term renting tends to be restricted to primary residences. By preventing hosts from renting secondary homes on the short-term market, the intention and hope is that these homes will return to the long-term rental supply. Neither Calgary nor Edmonton have regulations designed to protect the long-term rental supply in the way we see in many other Canadian jurisdictions, but they also do not face the same vacancy challenges.

Calgary does not restrict renting to a host's primary residence or require hosts to be on-site, nor does the city restrict the number of short-term rentals allowed to operate at in total. Edmonton is similar to Calgary in this regard, but differs in that they require hosts sharing their primary residence to apply for a development permit as a result of operating a major home-based business (Edmonton 2017). This means that there are greater barriers to sharing your primary home than there are to renting out an entire second home in Edmonton. From the perspective of preserving long-term rental supply, this is a perplexing choice. The city's rationale for requiring development permits for primary homes is that neighbourhood and land use impacts are greater when both hosts and guests are coming and going from the property (e.g., parking, noise, garbage disposal). This same requirement does not exist for non-primary residences because the land use impacts of guests are expected to mirror those of a primary resident (Edmonton 2020b). In its current form, Edmonton's development permitting process is much more of a way to reduce neighbourhood impacts than it is an attempt to protect housing supply.

After Edmonton's business license bylaw was amended to include a short-term rental category in 2019, administration was instructed to explore development permitting for entire home rentals. Administration explored this idea and recommended against development

permitting for entire home rentals at an Urban Planning Committee meeting in February 2020. Administration cited that the number of complaints they receive about short-term rentals is relatively low and the additional resources required to permit secondary homes outweighs the benefits (Edmonton 2020b). Edmonton’s vacancy rate is around 4.5% (CMHC 2020b), which is considerably higher than places like Toronto which hover around 1.5% (CMHC 2020c). If vacancy rates in Edmonton and Calgary trend downward, the decision to not restrict short-term rentals to primary homes will need to be reconsidered.

Table 1: Summary of Common Regulations to Mitigate STR impact on Housing Supply

	Housing Supply & Rising Prices				
	Calgary	Edmonton	Banff	Canmore	Jasper
Restrict to Primary Residence			X		X
Hosts must be live-in			X		X
Restrict total no. of STRs			X	X	

Regulations targeting Neighbourhood Preservation

Short-term rentals affect neighbours and put pressure on shared neighbourhood resources. Many people in a small space quickly consume rivalrous resources and have the potential to be louder and more disruptive. Across the municipalities examined, the most commonly used regulation that addresses neighbourhood preservation is that of restricting the number of rooms that can be rented, which is intended to help mitigate some of the negative effects of overcrowding.

Edmonton’s zoning bylaw restricts the number of sleeping units that can be rented to two bedrooms and it requires that an additional parking space be provided for each sleeping unit. A quick search of the Airbnb website reveals that this restriction is not actively enforced. Many listings are available for more than two bedrooms. As mentioned previously, a development

permit is also required in Edmonton, which means neighbours will be given notice of the permit application and time to dispute it (Edmonton 2017). The business license bylaw requires that an updated copy of relevant municipal bylaws be provided to guests. This guide provides information on parking, noise and garbage collection (Edmonton n.d.).

As previously mentioned, casual hosts and full-time bed and breakfast owners are held to the same standard in the Town of Banff. A development permit is required of all operators and given the high standard, it seems unlikely that a casual host would enter the competitive process of being selected for one of the 65 spots in the town. The land-use bylaw restricts guests from parking on public streets and hosts are not able to provide more rooms than they have parking spots to maximum of 4 sleeping units (Banff n.d.-b). A development permit is also required in Canmore and the land-use bylaw restricts the number of bedrooms to a maximum of 4 (Canmore 2018)

The Municipality of Jasper is governed by the Canada National Parks Act and parliamentary approval is required for changes to become law. In fact, the Town of Jasper Zoning Regulations CRC, c 1111 makes no mention of private home accommodations at all despite it being well known that the town has applicable regulations. The town cannot wait for parliamentary approval for every change required, so instead, they use what is known as Draft 5 of the *Regulations Respecting the Use of Land in the Town of Jasper*. This policy is listed on the Parks Canada webpage and seems to be enforceable so long as it does not contravene the act. This policy restricts the live-in host to renting two bedrooms and one parking space must be provided for each room (Jasper 2005). As part of the development permitting process for this discretionary use, there is an on-site inspection by Parks Canada (Canada 2020).

The City of Calgary is more relaxed than the other jurisdictions explored and does not restrict the number of rooms or require a development permit to operate a short-term rental, although renting more than 5 rooms does require a fire inspection at the host’s expense. The business license bylaw also restricts overlapping bookings (Calgary n.d). This means that rooms cannot be simultaneously rented to different parties. This regulation reduces the strain on neighbourhood resources that would come with multiple groups occupying the same dwelling at once and is also meant to provide extra safety and security to guests.

Table 2: Summary of Common Neighbourhood Preservation Regulations

	Neighbourhood Preservation				
	Calgary	Edmonton	Banff	Canmore	Jasper
Restrict number of rooms that can be rented		X	X	X	X
Restrict overlapping bookings within a dwelling	X				
Require a development or discretionary use permit		X ¹	X	X	X

¹ Development permit is required if rental is principle residence, but not for secondary residence

Regulations targeting Competitive Fairness

Concerns about competitive fairness arise when some industry players have to pay taxes or meet standards that those providing a similar service do not. This has been an area of concern for hotel owners who are required to pay the federal Goods and Services Tax (GST), provincial sales tax (where applicable), corporate property taxes, accommodation levies and a myriad of other regulatory charges that come with operating a business such as licensing. When all of these taxes and fees are added up, hotel owners contend that unregulated Airbnb hosts get an unfair advantage. Jurisdictions across Alberta have responded differently to pressures to level the playing field when it comes to taxes, regulatory charges and licensing.

Taxation vs. Regulatory Charges

Before we examine the municipal regulations in the competitive fairness category, it is worthwhile to make the distinction between a tax, a user fee and a regulatory charge because although they are often used interchangeably, they have distinct legal differences. According to (Farish and Tedds 2014), the simplest way to distinguish a tax from a user fee or regulatory charge is to determine where the revenue goes. The revenue from tax (e.g., property tax) is not constrained and goes into general revenues. User fees are charges for the use of government services or facilities (e.g., bus tickets) and the revenue must go into cost recovery for the service. Regulatory charges (e.g., business licenses) afford users certain privileges and the revenue collected finances the regulatory system or shapes behaviour. Importantly, regulatory charges need to be reasonable and connected to the privilege being provided. To complicate matters, it is not uncommon for taxes to go by more politically amenable names such as “levies”, which is the case for the Tourism Levy in Alberta.

Table 3: Summary of Common Competitive Fairness Regulations

	Competitive Fairness				
	Calgary	Edmonton	Banff	Canmore	Jasper
Higher Property Tax				X	
Levy (provincial)	X	X	X	X	X
License of host	X	X	X	X	X

Sales Tax

Alberta does not have sales tax, but it is worth noting that of the provinces that do, only two are currently collecting provincial sales taxes (PST) through the Airbnb platform—British Columbia (8% PST) and Saskatchewan (6% PST) (Airbnb n.d). Quebec does not collect QST through the platform, but hosts are required to once their taxable income exceeds \$30,000

(Québec n.d.). Any host making over \$30,000/year, including those in Alberta, would be also be required to collect and remit GST (Canada 2019c).

Property Tax

Despite the quasi-commercial nature of short-term rentals, property taxes on short-term rentals are usually collected at residential rates due to the residential zoning of most short-term rentals. The only exception to this was the town of Canmore where there is a higher residential property tax rate for those who choose to operate what they call “tourist homes”. In 2020, the total mill rate for tourist homes was 9.02% compared to 4.84% for non-tourist residential properties (Canmore n.d.)

Levies

In Alberta, the primary levy affecting short-term rentals is the provincial levy. Hosts are required to remit 4% of the price of the stay to the Tax and Revenue Administration (Tourism Levy Act, RSA 2000, c. T- 5.5). The money collected from the levy goes into general revenues, which means that it is a tax on short-term rental accommodations and not a regulatory charge. Annually, the government will determine how much money from general revenues is allocated to Tourism Alberta, but it need not be the amount raised by the levy itself (T.Mathieson, email message to author, August 21, 2020).

Licensing

While hotels must be licensed to operate within a municipality, short-term rentals went unlicensed for a long period of time. Traditional accommodation providers have been quick to point out the uneven playing field when it comes to licensing, particularly because licensing allows municipalities to set operating standards, safety regulations and remove privileges for non-compliance. It protects those involved in the transaction and also those outside of it, who

may be negatively impacted by the unregulated activity. Of our six municipalities, five of them have a licensing framework for short-term rentals (with the exception of Fort McMurray). Short-term rental hosts are licensed via municipal business license bylaws. No Alberta municipality has created a licensing category for short-term rental platforms such as Airbnb itself. A dual-licensing approach is used in the City of Toronto where both hosts and platforms are required to register or be licensed and pay associated fees.

As of February 1st, 2020, short-term rental hosts in Calgary are required to possess a business license to rent their primary or secondary home. Calgary's licensing process has two tiers based on the number of rooms to be rented. Tier 1 is for hosts who wish to rent up to four bedrooms and Tier 2 is for hosts renting five or more bedrooms. The cost of the license is \$100 for Tier 1 hosts and \$172 for Tier 2 hosts. Tier 2 hosts are also required to complete a fire inspection as part of the license process, which is an additional \$104 (Calgary n.d.).

A business license category for short-term rentals in Edmonton was created in August 2019. Hosts are required to apply for home-based business license and hosts who live on premises must also apply for a development permit. The cost of the business license is \$94 (Edmonton 2020a) and the development permit is \$327 (Edmonton 2020c).

In Canmore, a business license to operate a short-term rental tourist home costs \$130 for local residents (Canmore 2015). Development permits are also required for all hosts and start at base price of \$310 plus an additional \$1.35 per m².

It is much more cost prohibitive to become a host in the Town of Banff. The base cost of a business license is \$176 plus an additional fee set out in Schedule G of Banff's Business License Bylaw. For bed and breakfast homes with 3 rooms or less, the additional fee is \$45.62 per pillow (\$273.72 for 3 bedrooms at double occupancy). For homes with 4 or more bedrooms,

the business license fee is 50% of the Alberta Tourism levy (Banff n.d.-a). Additionally, all hosts are required to possess a development permit, which is a base fee of \$1,500 plus \$100 per guest room (Banff n.d.-b).

In Jasper, private home accommodation hosts must apply for a development permit through Parks Canada, which is between \$50-\$100 (Canada 2019a). The permitting process is extensive and will be discussed in more detail in the section on safety regulations. Once the development permit is granted, Parks Canada will conduct a compliance inspection (Canada 2020). Once passed, the host can apply to the Municipality of Jasper for a business license at a cost of \$165 (Jasper 2008).

Regulations targeting Safety

Safety is a frequently cited concern with unregulated short-term rentals and one that is commonly addressed using licensing and permitting processes. Hosts must either attest that they will meet safety standards or demonstrate compliance via inspection. We explore the most commonly cited safety regulations that exist in bylaws pertaining to short-term rentals and summarize the most common ones in Table 4. It is also often stated or implied that hosts are not to contravene other municipal bylaws, but it can be a challenge to know what those other bylaws are. Our analysis reflects what safety regulations are made explicit to hosts in published bylaws regarding short-term rentals within our select cities. It is possible that additional safety measures are required as part of the development permitting process, but these are not clear to hosts until and unless they go through that process.

Table 4: Summary of Common Safety Regulations

	Safety				
	Calgary	Edmonton	Banff	Canmore	Jasper
Require emergency contact	X	X	*		*

Require record keeping of guests	X		X		
Restrict no. of guests per room	X	X		X	
Require additional insurance					X

**No emergency contact requirement as owners must be live in*

In the City of Calgary, the business license bylaw requires a that an emergency contact be listed for guests and bedrooms are restricted to 2 adults maximum. The bylaw also requires hosts to keep records of the full names, stay duration and email addresses of paid guests, which would allow for follow up if needed. Regulations specifically state that hosts are not to rent out rooms without egress windows (Calgary n.d). The only time an inspection would occur is if a complaint was filed or if the host was operating a Tier 2 rental, which requires a fire inspection.

Edmonton’s bylaws require hosts to list an emergency contact and also verify that the short-term rental will not be used to operate an unlicensed business (Edmonton 2020a) Although it is not listed in the licensing or zoning bylaw, Edmonton’s information guide for hosts restricts room occupancy to two people (Edmonton n.d.). As part of the business licensing process, the City of Edmonton will notify Alberta Health Services (AHS) that the short-term rental exists (Edmonton 2020a), but it is unlikely that an inspection would occur unless there is a complaint.

At first glance of Table 4, it appears that Banff, Canmore and Jasper’s listed safety regulations are perhaps more relaxed than other cities, but an important distinction is that these towns have a considerably more extensive development permitting process that apply to all hosts. This is a higher standard than we see for hosts in larger cities such as Calgary and Edmonton, where most hosts will only ever be made aware of rules by reading city websites and bylaws. For Banff, Canmore and Jasper, restating certain regulations might not seem necessary because it will be addressed during permitting whereas not restating important regulations in

Calgary and Edmonton's bylaws likely means they will never be known to hosts. Another nuance is that neither Banff nor Jasper list the requirement of an emergency contact within their bylaws, but owners must be live-in hosts which precludes the need for one. All this being said, it is always good practice for municipalities to make their requirements clear and accessible to everyone, not just those hosts willing to submit to the permitting process. This is particularly true because complaints from other citizens is one of the main ways that municipalities enforce their own rules.

Section 3: Fines & Enforcement

Municipal fines for violating short-term rental bylaws need to be severe enough to dissuade hosts from breaking them. If they are not, hosts may simply decide that the additional income is worth the risk of getting caught. This is particularly true because enforcement of bylaws tends to be on complaint basis. If a host can fly under the radar of neighbours, the likelihood of getting caught is low because most cities do not have the resources to actively enforce many of the bylaws they set.

In Calgary, a violation of any of the short-term rental regulations set out in the business license bylaw carries a fine of \$1000. This includes violations such as providing a room without a window, failing to include a business license on advertisements or allowing for overlapping bookings or more than 2 adults per room (Calgary n.d).

In Edmonton, the fines are higher and can be compounded if you operate a short-term rental out of your primary residence without a development permit. Fines for violating short-term rental regulations such as not posting an emergency contact or not providing the guest information guide which highlights important city bylaws is \$2000 per offense (Edmonton 2020a). Not possessing a valid business license will cost hosts \$400 or twice the license fee.

Furthermore, operating without a development permit (where required) is an additional fine of \$1000 (Edmonton 2017)

In Canmore, any offense related to unpermitted tourist homes carries a first-time offense fine of \$2500 and second offense fine of \$5000 (Canmore 2018). Banff also has a similar fine structure where a first-time violation of the land-use bylaw where bed and breakfast home regulations are outlined carries of a fine of not more than \$2500 (Banff n.d.-b). Operating without a business license carries an additional fine of \$500 while failing to display the license can incur a cost of \$200 (Banff n.d).

In Jasper, the ramifications of violating private home accommodation regulations are not clearly displayed on the town’s website or the Parks Canada webpage for Private Home Accommodation. In Draft 5 of *Regulations Respecting the Use of Land in Jasper*, section 2.01 states that “*enforcement provisions of the Canada National Parks Act, Section 18, shall be used to deal with infractions of these Regulations*” (Jasper 2005). Section 18 of the Canada National Parks act simply outlines that a park warden is responsible for enforcing the act. Our reading of the act would suggest that a private home accommodation would fall under Section 24(b), which carries a first-time offense fine of not less than \$5000. If correct, this would make the fines for operating a short-term rental the most severe in Jasper. Given the severity, it is reasonable to expect better advertisement of the ramifications of a violation. It is possible that the penalties are well-known in the community or are made known to prospective hosts as anyone wishing to operate a private home accommodation is required to become a member of the Jasper Home Accommodation Association (Canada 2020).

Table 5: Fines for STR related offenses

	Fines
Calgary	Violation of STR regulations: \$1000 per offense
Edmonton	Violation of STR regulations: \$2000 per offense

	Operating without a development permit (where required): \$1000
Banff	Violation of B&B regulations: up to \$2500 per offense Operating without a license: \$500
Canmore	Unpermitted tourist home: \$2500 fine for 1st offense/\$5000 for 2 nd offense
Jasper	Violation of PHA regulations: Not less than \$5000 for 1 st offense

Airbnb’s Role in Regulations and Enforcement

Beyond municipalities, the Airbnb platform also has a role to play in reducing its own negative impact. The main area that Airbnb has taken strides to mitigate adverse outcomes is safety because user trust is essential to the success of the platform. In addition to asking for the personal details of the guest making the booking, each reservation is also given a risk score before it is confirmed. This allows the Airbnb to flag potentially problematic bookings in advance. In the US, background checks are conducted on hosts and guests and globally they are checked against terrorist and other regulatory watchlists. Furthermore, any host can request a free fire and carbon monoxide detector (Airbnb n.d.-d).

Airbnb has also revised its rules in response to bookings that have garnered significant media attention due to parties or disputes that have led to violence and death. A Halloween party that killed 5 people at an Airbnb in California led the platform to ban open-invite parties (CBC 2019a). According to Airbnb’s website, parties where the guest list is open or advertised online are not permitted, nor are any parties occurring in multi-family dwellings (Airbnb n.d.-c). Airbnb will also connect neighbours with local authorities if a party is underway and disturbances brought to Airbnb’s attention can result in the suspension or removal of the user from the platform (Airbnb n.d.-b).

After three more deaths in Toronto in early 2020, the platform announced the piloting of a new rule that prevents guests under the age of 25 from renting entire homes. Based on data collected by the platform, problems are more likely to arise when entire homes are booked near

the location of the guest's permanent residence, so the rule will only apply in those scenarios (CBC 2020b). More recently, Airbnb announced a worldwide ban on parties in response to the COVID-19 pandemic. Airbnb reports that 73% of hosts on the platform already ban parties on their individual listings, but hosts will no longer be given that discretion. The party ban was accompanied by an occupancy cap of 16 guests (Airbnb 2020).

Section 4: Recommendations for Regulatory Change

Three recommendations have emerged from our analysis of regulatory approaches. They work in tandem and apply unilaterally to all Albertan jurisdictions. The recommendations are that municipalities need to stop missing revenue opportunities; they need to take a proactive approach to enforcement, and they need to regulate for the problems they have.

Don't Miss Revenue Opportunities

None of the municipalities examined have a regulatory scheme that includes the licensing of platforms themselves. This decision constrains the ability of municipalities to raise desperately needed revenue that could go towards enforcement. As Kelcey (2019) points out, although municipal revenue raising capabilities are legally limited, many municipal policymakers have allowed this to develop into an attitude of helplessness rather than innovation when it comes to new policy challenges. Without revenue, municipalities struggle to effectively enforce the regulations they implement. Without adopting regulations that are inappropriate for Alberta, our municipal policymakers should look to other jurisdictions for transferable revenue generating schemes. One such example is the dual licensing approach taken by the City of Toronto.

Toronto's approach is 'dual' in that it requires platforms to be licensed and hosts to register. It is guided by the *Licensing and Registration of Short-Term Rentals Bylaw* (Toronto

2018). Under this bylaw, short-term rental platforms are required to be licensed and pay a one-time license fee of \$5,000 plus \$1.00 for every night that gets booked through the platform (Toronto 2020). It also requires that the company have a registered business address in the province of Ontario (Toronto 2018). Beyond revenue, additional benefits of this licensing scheme are that the platform must collect and report metrics of interest to the municipality. These include the price paid for each unit, the number of nights the unit was booked and whether the unit was entirely or partially booked. The company must also grant the municipality guest access to the platform for the purpose of enforcement and inspection (Toronto 2018).

If municipalities in Alberta took a similar approach to Toronto, they could more effectively enforce the regulations they have devised because they would have additional revenue coming directly from the platform. They would also be able to devise more effective regulations from the data provided to them by the company. As it currently stands, platforms are profiting from our municipalities without paying their fair share. In some circumstances such as in Canmore, hosts are required to pay increased property taxes. This is one way to recoup some of the costs that these municipalities face as a result of short-term rental activity, but there are others. Municipalities need to get creative and not rely on property tax as their only revenue generating tool.

Take a Proactive Approach to Enforcement

Lack of revenue goes hand in hand with the next recommendation: take a proactive approach to enforcement. Complaint-based enforcement means the city is always playing defense and it unfairly makes citizens the front line of bylaw enforcement. While we all share the responsibility of ensuring our neighbourhoods and communities are safe places to live, short-term rentals are too prolific to expect reasonable levels of compliance from complaints alone.

Furthermore platforms, not citizens, should provide the resources for enforcement, which can occur if platforms are made to pay their fair share.

If we reasonably expect citizens to complain, municipalities must continue to make the regulations clear and accessible, but even when this happens, it may not be enough. The City of Edmonton has cited that the overall levels of complaints for short-term rentals are low, which should not be taken to mean they are not problematic; a point that becomes clear when listening to the public consultation hearings on the subject. Some citizens will never think to call the city, abandon a complaint if they don't get through immediately or just feel apathetic that anything will be done about it. As short-term renting continues to grow in popularity, it is not only possible, but necessary that municipalities get the revenue they need to effectively enforce their regulations.

Municipalities should also feel empowered to demand cooperation from Airbnb in the area of enforcement and compliance. For example, many municipalities require hosts to advertise the business license number on the webpage for the listing. To ease the workload of inspection, business licenses should have a designated spot on advertisements, so that listings could be sorted by license number and non-compliant hosts can be easily identified.

Implement Regulations for All Relevant Areas

At a high level, we see stricter regulations targeting Housing Prices and Supply in the municipalities with vacancy and affordability concerns and more relaxed ones in those without. However, this analysis did not examine housing affordability at the neighbourhood level, so it is possible that cities like Calgary and Edmonton may have affordability challenges in certain neighbourhoods that don't appear when we examine the city as a whole. What is right for certain parts of the city may not be right for others, which is a challenge that policymakers need to be

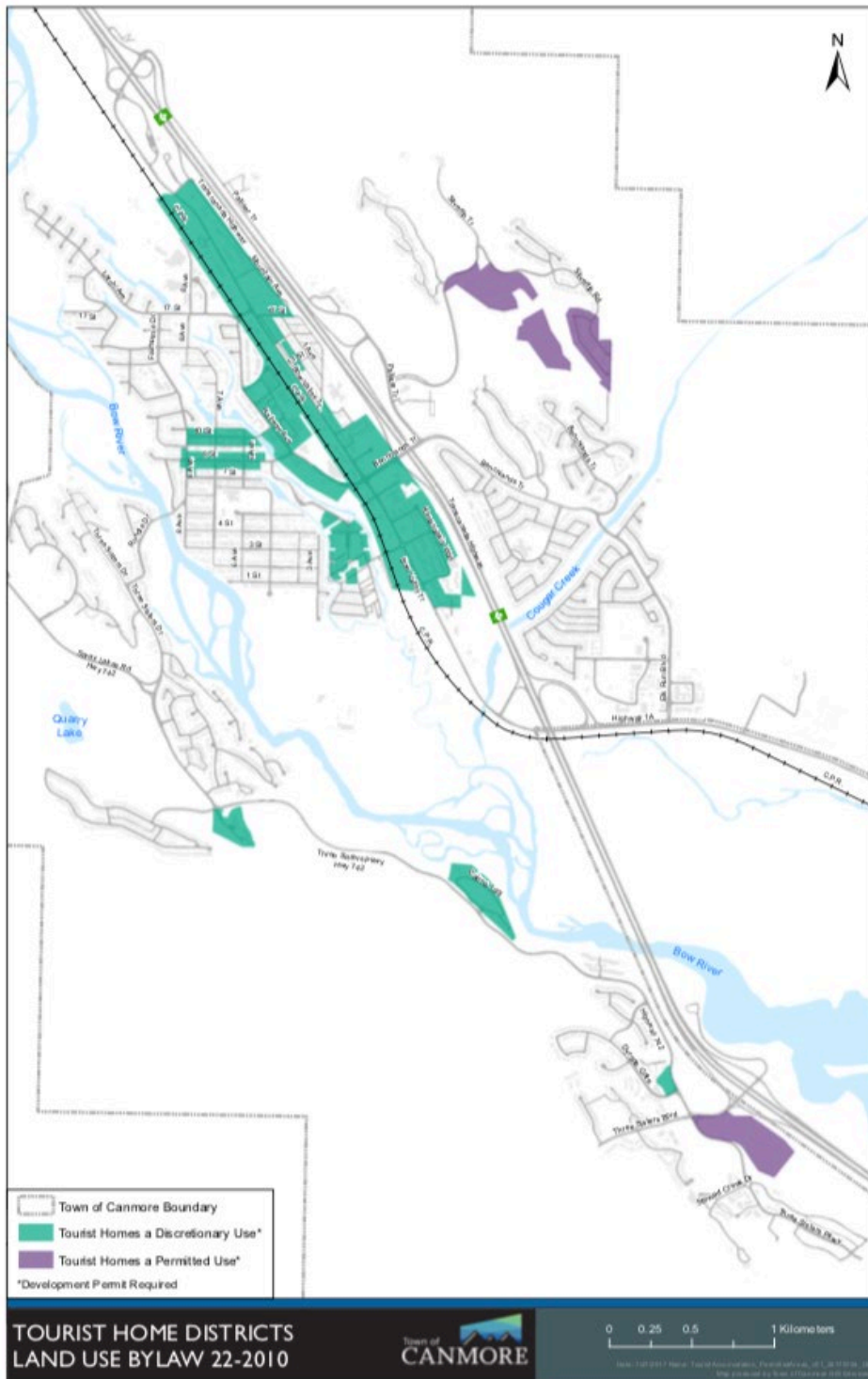
aware of. It is also important that other issues, beyond affordability, are given appropriate attention. In places where the vacancy rate is not a concern such as Fort McMurray, having no regulations means that steps are not being taken to ensure safety, preserve neighbourhoods or level the competitive playing field. While vacancy challenges are regional, the remaining regulatory categories affect all municipalities and need to be adequately addressed.

It is possible that some municipalities like Fort McMurray may be opting for no regulation because they see short-term rentals as a net benefit to the region and they may wish to encourage the activity due to the benefits it provides for tourism and fly-in workers. Importantly, research supports the notion that regulation actually serves to increase short-term rental activity because established rules lead to greater certainty for prospective hosts who are considering entering the market (Uzunca and Borlenghi 2019).

Conclusion

Features of the local economy such as vacancy rates, population and tourism change over time. As a result of these changes and the evolving nature of the tech-industry, the short-term rental regulations of today may not be relevant in just a few years or even months. If municipal policymakers are to be successful in managing the negative impacts of short-term rentals, regulations will need to be revisited often and tweaked to adapt to changes. Furthermore, policymakers will be challenged to be creative and leverage opportunities that come their way. Municipalities who do not regulate may be compromising the health of their housing supply, community safety, fairness for competitors and the character of neighbourhoods. Municipalities that take an active and authoritative approach to regulation will be poised to reap the benefits of the economic activity and revenue possibilities while providing a safe and fair environment for all stakeholders.

Appendix 1: Tourist Home Districts in Canmore



(Canmore 2017)

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