



City of Richmond



Schedule 2 to the Minutes of the Regular meeting of Richmond City Council held on Monday, February 10, 2020.

Memorandum
Community Safety Division
Business Licences

To: Mayor and Councillors
From: Carli Williams, P.Eng.
Manager, Business Licence and Bylaws
Re: **Regulatory Options related to Birth Tourism**

Date: February 4, 2020

File: 12-8000-01/2020-Vol 01

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Item #18

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At the General Purposes Committee meeting on February 3, 2020, the Committee asked staff for information about regulating activities related to "Birth Tourism". In this context, birth tourism is the label given to a number of different activities that provide accommodation and/or personal and health services for individuals or families that travel to Richmond specifically to deliver and care for a newborn child. The following memo provides information on each of the points addressed by the Committee.

Enforcement of Business Licence Bylaws

According to Business Licence Bylaw No. 7360 all commercial or industrial undertakings or services for the purpose of gain or profit must have a business licence. The City does not have the authority to prohibit "birth tourism" but the activities associated with this can be licenced and regulated through our current regulatory powers.

All reports of birth tourism or birth houses are investigated by bylaw enforcement staff. As part of their investigation, staff are instructed to identify all potential business operations in addition to compliance with building and zoning regulations. It is typical to find birth tourism operations supported by businesses that offer meal services, housecleaning or child care. Bylaw tickets are issued to any unlicensed business or service. However, the effectiveness of issuing tickets is short-lived if the impacted business applies for a business licence and there are no lawful grounds to deny issuing the licence.

Role of the City to Regulate Tenancy

The City of Richmond does not currently require licences from property owners who rent their home or a room or suite in their home other than for short term rental. To regulate specifically birthing tourism businesses separate from other long term rental, the City would have to create a new category of licences and business regulations. However, the City cannot adopt any regulation that in any way could be determined to infringe on the rights of women to rent property to live in or vacation in the City.


The current practice of bylaw enforcement staff is to ensure compliance with zoning regulations, including the maximum number of unrelated people living in a home and regulations for boarders and lodgers. In all but a handful of investigations, staff find just one family at each

location suspected of providing birth tourism and the family is usually staying at the same location for 4-6 months. This does not violate any City regulations and, upon investigation, does not appear to be different than other residential tenancies.

Provincial Role in Regulating Birth Tourism

Under the *Public Health Bylaws Regulation*, the City cannot pass any bylaws relating to the restriction or potential restriction of any individual's access to health services without the prior approval of the Minister of Health. Individuals in Richmond access health care through services provided by Vancouver Coastal Health. This includes visits to the hospital as well as home visits by public health nurses. City staff have met with Vancouver Coastal Health to educate them on City bylaws and encourage them to report locations of suspected birth tourism so that they can be investigated by bylaw enforcement staff.

In general, birth tourism is influenced by Federal legislation relating to citizenship and Provincial regulations related to access to health care services. Any questions relating to the City's approach to investigating birth tourism locations or questions about potential municipal regulation can be directed to the writer below.



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pc: SMT
Claudia Jesson, Director, City Clerk's Office