



City of Richmond

Report to Council

To: Richmond City Council

Date: February 1, 2019

From: Carli Williams, P.Eng.
Manager, Community Bylaws and Licencing

File: 12-8275-09/2019-Vol 01

Re: **Appeal of Business Licence Rejection for Lulu Bed and Breakfast - 9371 Beckwith Road**

Staff Recommendation

That the decision to reject the application for a business licence for Lulu Bed and Breakfast, at 9371 Beckwith Road, be upheld.

Carli Williams, P.Eng.
Manager, Community Bylaws and Licencing
(604-276-4136)

Att. 3

REPORT CONCURRENCE		
ROUTED TO: Law	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

Lucas (Zhi Chao) Li (the “Applicant”) has applied for a business licence to operate Lulu Bed and Breakfast at 9371 Beckwith Road (the “Property”). The application for a licence was rejected because the Applicant is not the individual owner of the Property. *Zoning Bylaw No. 8500* section 5.5.3A. states that:

“A bed and breakfast use is permitted only in a single detached housing dwelling unit where the operator is the individual registered owner of the dwelling...”

Individual registered owner is further defined as:

means with respect to land, any individual person who is:
a) *the registered owner of an estate in fee simple; or*
b) *the tenant for life under a registered life estate.*

The Property is owned by 1074193 B.C. LTD, registered to 8171 Claybrook Road in Richmond (Land Title record shown Attachment 1). The Applicant is one of two directors (company search shown in Attachment 2), neither of which list the Property as their contact address according to the company search.

The Applicant has requested that Council reconsider the decision to refuse the business licence application (Attachment 3). Under the *Community Charter* Section 60 - Business licence authority:

60 (5) If a municipal officer or employee exercises authority to grant, refuse, suspend or cancel a business licence, the applicant or licence holder who is subject to the decision is entitled to have the council reconsider the matter.

Analysis

First Application for a Business Licence

The Applicant originally made an application for a business licence for a bed and breakfast business in October 2018 but was rejected at that time due to building deficiencies and work required to comply with the Building Regulation Bylaw No. 7320. The Applicant subsequently applied for a Plumbing permit and received approval for the work undertaken.

Second Application for a Business Licence

Having complied with some of the building regulations, the Applicant again applied for a business licence. It was at this time that staff reviewed all other requirements and rejected the licence because the Property is owned by a corporation and not an individual person. The corporation and both directors are registered at addresses other than the Property that is the subject of the proposed bed and breakfast operation.

Regulations for Bed and Breakfast Businesses

Regulations for bed and breakfast businesses were updated in 2017. As part of the updates, Council directed staff to draft regulations such that bed and breakfast businesses would be operated only by property owners who also reside at the property. The regulations also make clear that corporations may not be operators of bed and breakfast businesses. This is clarified in Zoning Bylaw No. 8500, section 5.5.3 and 5.5.3A:

*5.5.3 A bed and breakfast use is permitted only in a **single detached housing dwelling unit** that is the **principal residence** of the **operator**, where the **operator** is an individual and not a corporation.*

*5.5.3A. A **bed and breakfast use** is permitted only in a **single detached housing dwelling unit** where the **operator** is the **individual registered owner** of the dwelling or the **individual registered owner's family member**.*

In addition to the regulations specific to bed and breakfast businesses, there are other regulations that apply to all businesses. In this case, there was an inspection of the home proposed to host the business and staff identified several building deficiencies. Staff acknowledge that work is underway to resolve the deficiencies but not all deficiencies were resolved at the time of writing this report.

The Applicant has further indicated that his address as listed on the company summary is out of date and that he now resides at the Property (in compliance with 5.5.3). However, even with the address updated for the Applicant (who is also the operator), the application remains in non-compliance with section 5.5.3A as the Applicant is not the **individual registered owner** as defined in the Zoning Bylaw.

Financial Impact

None.

Conclusion

The application for a business licence for Lulu Bed and Breakfast was rejected because it does not comply with section 5.5.3A of Zoning Bylaw No. 8500. The Applicant has requested that this decision be reconsidered by Council under the authority granted in the *Community Charter*.



Carli Williams, P.Eng.
Manager, Community Bylaws and Licencing
(604-276-4136)

- Att. 1: Land Title Search for 9371 Beckwith Road
- 2: BC Company Summary for 1074193 B.C. LTD.
- 3: Request from Applicant to appeal business licence rejection

TITLE SEARCH PRINT

2019-02-01, 09:50:49

File Reference:

Requestor: Tracy Christopherson

Declared Value \$1581000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District	NEW WESTMINSTER
Land Title Office	NEW WESTMINSTER
Title Number	CA5183306
From Title Number	BB1939560
Application Received	2016-05-16
Application Entered	2016-05-18
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	1074193 B.C. LTD., INC.NO. BC1074193 8171 CLAYBROOK ROAD RICHMOND, BC V7C 2L4
Taxation Authority	Richmond, City of
Description of Land	
Parcel Identifier:	009-861-271
Legal Description:	LOT 3 SECTION 22 BLOCK 5 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 13686
Legal Notations	
	ZONING REGULATION AND PLAN UNDER THE AERONAUTICS ACT (CANADA) FILED 10.2.1981 UNDER NO. T17084 PLAN NO. 61216
Charges, Liens and Interests	
Nature:	UNDERSURFACE RIGHTS
Registration Number:	92839C
Remarks:	INTER ALIA SEE 175823E
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE



**BC Registry
Services**

Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC V8W 9V3
www.corporateonline.gov.bc.ca

Location:
2nd Floor - 940 Blanshard Street
Victoria BC
1 877 526-1526

BC Company Summary

For
1074193 B.C. LTD.

Date and Time of Search: February 01, 2019 09:53 AM Pacific Time
Currency Date: November 23, 2018

ACTIVE

Incorporation Number: BC1074193
Name of Company: 1074193 B.C. LTD.
Recognition Date and Time: Incorporated on May 03, 2016 09:37 AM Pacific Time
Last Annual Report Filed: May 03, 2018

In Liquidation: No
Receiver: No

REGISTERED OFFICE INFORMATION

Mailing Address:
8171 CLAYBROOK ROAD
RICHMOND BC V7C 2L4
CANADA

Delivery Address:
8171 CLAYBROOK ROAD
RICHMOND BC V7C 2L4
CANADA

RECORDS OFFICE INFORMATION

Mailing Address:
8171 CLAYBROOK ROAD
RICHMOND BC V7C 2L4
CANADA

Delivery Address:
8171 CLAYBROOK ROAD
RICHMOND BC V7C 2L4
CANADA

DIRECTOR INFORMATION

Last Name, First Name, Middle Name:
Li, Zhi Chao

Mailing Address:
7508 BRIDGE STREET
RICHMOND BC V6Y 2S7
CANADA

Delivery Address:
7508 BRIDGE STREET
RICHMOND BC V6Y 2S7
CANADA

Last Name, First Name, Middle Name:
Wong, Hong Ling Alan

Mailing Address:
8171 CLAYBROOK ROAD
RICHMOND BC V7C 2L4
CANADA

Delivery Address:
8171 CLAYBROOK ROAD
RICHMOND BC V7C 2L4
CANADA

**CNCL - 6
(Special)**

NO OFFICER INFORMATION FILED AS AT May 03, 2018.

Williams, Carli

Subject: FW: 9371 Beckwith Rd. Bed and Breakfast License appeal

From: LI Lucas [mailto:lucas_lee@hotmail.ca]
Sent: Wednesday, 30 January 2019 23:30
To: CityClerk
Subject: Re: 9371 Beckwith Rd. Bed and Breakfast License appeal

Hello Hanieh,

I confirm I have received this email and would be attending the meeting on March 4, 4:00 pm.

Regards,

Lucas
778-885-5186

获取 [Outlook for iOS](#)

发件人: CityClerk <cityclerk@richmond.ca>
发送时间: 星期三, 一月 30, 2019 13:28
收件人 LI Lucas'
主题: RE: 9371 Beckwith Rd. Bed and Breakfast License appeal

Hello Lucas,

This is to acknowledge and thank you for your email. Our office has received your request to appeal the denial of a business licence for a bed and breakfast.

Your appeal has been scheduled for **Monday, March 4, 2019 at 4:00 p.m.** in the Anderson Room at Richmond City Hall (6911 No. 3 Road, Richmond, BC, V6Y 2C1).

Please confirm receipt of this email and your attendance at this meeting. Materials related to your appeal will be mailed to you closer to the date of the hearing.

**CNCL - 8
(Special)**

Should you have any questions, please feel free to contact me directly.

Regards,

Hanieh

Hanieh Berg | Legislative Services Coordinator

City Clerk's Office | City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1

Direct (604) 276-4163 · Fax (604) 278-5139

发件人: LI Lucas <lucas_lee@hotmail.ca>

发送时间:星期五,一月 18, 2019 23:24

收件人:cityclerk@richmond.ca

主题: 9371 Beckwith Rd. Bed and Breakfast License appeal

Hello City of Richmond,

I am writing to appeal the rejection of my application to apply for a bed and breakfast license for my home at 9371 Beckwith Rd. The original rejection reasoning was because the building contained "building and plumbing deficiencies". I have attached the letter the City sent me in this email. I fixed up the problem with all the necessary adjustments made to the home. I have attached the structural engineer's approval letter and the complete electrical inspection. The plumbing inspection has been passed as well. I have attached a copy of the email I've sent the municipal officer. The Richmond officer, Mr. Brodie Ketelsen, called me a few days later and told me that my application is rejected again, but this time for a different reason. Although I have fixed the building and plumbing deficiencies, the ownership name is in my company name and not my personal name. Even though this is my principal residence, the City would not grant a bed and breakfast under company name. I was completely surprised because before I had submit an application, I consulted the Richmond City Hall front desk lady to make sure having the property under company name would not be a problem for licensing. Also, on the first inspection, Mr. Brodie Ketelsen, listed all the problems and I made sure with him that once the building and plumbing deficiencies were fixed, the license would be granted. Unfortunately, he brought up a new problem when I got the initial problems fixed up. I can't possibly afford the property transfer tax to change the property ownership given that I've already spent over \$30,000 to fix up the building and plumbing deficiencies. I invested my savings to bring the residence up to code confidently because I thought the bed and breakfast license would be granted if I did this. My company, 1074193 BC LTD., is a small business company and I'm the sole director of this company. I hope the City would reconsider.

Thank you,

Lucas

778-885-5186

**CNCL - 9
(Special)**