



# Condominium Building Un-bans Airbnb

It has happened. A condominium building has un-banned Airbnb!! This building is Guardian South in Calgary Alberta. The board of directors appears to have appointed a short-term rental subcommittee which made some rules for Airbnb units. There are some good rules and some really bad ones.

Overall, I salute the condominium board/management for doing this. With a few tweaks, this will be a very good tool for all condo boards to use.

Here is the policy/process/sanctions in black, my comments are in red:

## POLICY

### *Restriction of Unapproved Short-Term Rental Businesses*

*1. As per Bylaw 51, the Guardian South Tower does hereby prohibit the operation of any Short-Term Rental business within the Guardian Towers, except those that are specifically approved for operation under these Rules and which maintain continuous ongoing compliance with these Rules.*

This is a good strategy for a board to control short term rentals. Generally all condos in Alberta have a business use bylaw that states that you need explicit board permission to run a business in the condo building. This is legal for a condo board to do.

### Approval Process for Operation of a Short-Term Rental Business

*Approval for operation within the Guardian Towers will be given if the Owner of a Short-Term Rental business has met the following conditions:*

- 1. Obtained and provided to the Guardian a copy of a valid City of Calgary business license for operation of the Short-Term Rental business.*
- 2. Completed and provided to the Guardian a copy of the enclosed Short-Term Rental Business Acknowledgement Form. This form provides contact information along with written acknowledgement that the suite Owner has read and agreed to operate the Short-Term Rental business in compliance with these Rules, the Guardian Bylaws, City of Calgary Bylaws, and community standards; including acceptance of the terms of the "Ongoing Compliance" and "Violations and Sanctions" requirements listed below.*
- 3. Completed and provided to the Guardian additional acknowledgement from any third-party property management or short-term rental agencies (the Agent) that will participate in marketing or operation of the Short-Term Rental business.*
- 4. The unit should have no unpaid dues or infraction fines with respect to the By-laws and any fines received by short-term rental guests must be paid within 30 days; there shall be no fines associated with the unit in order to allow the unit to continue operate short term rental business*
- 5. The Guardian South board shall reserve the right to review the continued operation of any unit that have more than 3 fines levied against it.*
- 6. Provided to the Guardian updated copies of the above licenses, forms and acknowledgements at any time they are updated, changed or re-issued, including in the event of any change in contact information for the Owner or Agents.*
- 7. The unit's owner must follow all City of Calgary Short Term Rental Regulations (attached)*

*Approval to operate a Short-Term Rental business is subject to continuous compliance with the Ongoing Compliance Requirements provided in these rules. Failure to ensure ongoing compliance will result in the sanctions provided in these rules, up to and including a permanent ban on operation of Short-Term Rental businesses by the Owner and/or Agent within the Guardian.*

*Approval for operation of a Short-Term Rental business is unit-specific. No single Owner may operate Short-Term Rental businesses in a total of more than four residential units within the Guardian Towers (inclusive of both Towers).*

This is a lot of work but all of this is fair. It is strange that they are restricting an owner from short-term renting more than 4 units.

Now comes the interesting rules:

### *Ongoing Compliance Requirements for Short-Term Rental Businesses*

*The following requirements must be met by a Short-Term Rental business on an ongoing basis, and are specifically applicable for each and every Short-Term Rental Guest and visit, of any duration.*

- 1. Building FOBs must be registered along with the Short-Term Rental business license, noting that FOB access can be terminated if deemed necessary for the safety of Guardian residents.*
- 2. Keys including building FOBs and suite keys must be handled and transferred in a secure fashion at all times. Keys must either be transferred person-to-person between the Owner / Agent and the Guest. Lock boxes containing Guardian keys may not be posted in any publicly accessible areas, whether on or off Guardian property. Keys for Short-Term Rentals shall not be handled, transferred, organized or managed by Guardian Concierge or Security personnel at any time. . Keyless entry is recommended but must be pre-approved by the Board prior to installation and a master key must be provided to the Concierge*
- 3. No employees or contractors of the Guardian including Concierge or Security personnel have been engaged to provide additional services for Short-Term Rental Guests. Owners and Agents shall not seek or request additional services by Guardian employees or contractors at any time, including but not limited to key transfer or any in-suite services.*

This is common in the short-term rental industry. This rubs me the wrong way because short-term rental units PAY CONDO FEES and these condo fees PAY CONCEIRGE AND SECURITY SALARY. I understand extra services yes but they should get what they pay for. Does a short term rental get a discount on condo fees because they can't use concierge or security? No.

- 4. Any and all public advertising or marketing materials for a Short-Term Rental unit within the Guardian must prominently include the following statement:*

*"The Guardian is a privately-owned residential condo building with no specific services or amenities for rental guests. All guests will be required to acknowledge in writing that they will comply with applicable residential Bylaws and community standards at all times during their stay."*

This rule seems a bit overbearing filled with obvious statements.

- 5. All Owners, Agents, and Guests shall comply with The City of Calgary Bylaw limit of no more than two guests per bedroom in a Short-Term Rental suite. The invitation of additional guests or visitors, or hosting parties or any other social gatherings, is strictly prohibited at all times.*
- 6. Owners and Agents must advertise a minimum rental charge of \$90/night for one-bedroom units and \$150/night for two-bedroom units.*

Rule 6 is a huge issue. As a short term rental host with 3250+ trips this will have the opposite effect as intended – A minimum rate will only encourage short stays of 1-4 nights. The board needs to encourage longer stays because longer stays are safer.

A good revision of this rule would be: For stays less than 1 week, *Owners and Agents must advertise a minimum rental charge of \$90/night for one-bedroom units and \$150/night for two-bedroom units.*

*7. Owners and Agents must provide a building orientation to all short-term rental guests providing clear information regarding suite entrance, underground parking, garbage amenities locations, etc.*

This is very unclear. Does this mean that they have to provide an in-person building orientation?

*8. The primary Guest and renter for any Short-Term Rental shall be at least 25 years of age. Younger guests or children must remain under the supervision for the primary Guest at all times.*

This is a bad rule because I have had more issues with 25-35 year olds than people 18-24.

You have to take a step back and ask: Why do you want to prevent people less than 25 from booking? The answer is noise and parties. So why don't you add a rule that you need a noise sensor or doorbell camera instead?

*9. If an Owner allows Guests to bring pets into their units, Guests must comply with the Bylaws and published Guardian Pet Rules, which restrict the type, number and size of pets that can be brought into the Guardian, and which provide guidelines for the proper care of pets at the Guardian.*

*10. Owners/Agents are advised to obtain drivers' licenses from the guests upon booking. More information is available in Guardian South Bylaws 3(m) and 62, including the provision of full names, telephone numbers and email contact information for all occupiers of the unit.*

I don't know what "Advised" means. Does this mean it is optional? Collecting drivers licenses is a huge pain in the ass and does not make the guests better.

*11. Owners are solely responsible for all the infraction fines against all applicable By-laws: any fines received from the condo management must be paid within 30 days.*

*12. Upon annual renewal of their City of Calgary business license, Owners shall furnish to the Guardian a copy of the updated license along with a copy of the official Guest Record that was maintained as per the City Bylaw for the prior year.*

Why do they need this? What is the point? You can really tell that someone who hasn't short term rented in their lives thought of this rule.

**Some rules that they could have added:**

- 1) If there is a booking less than 7 days in advance you must take a \$500 deposit.
- 2) Add Guardian South hosting account as a co-host.
- 3) Must have a noise monitoring device.
- 4) Must inform neighbors that the unit is an STR and give the neighbor contact info.
- 5) 1 night stays banned. 3-4 night minimum during winter months and 2 night minimum during summer months.

### Violations and Sanctions

1. *If any Owner, Agent or their Guest(s) are found to be in violation of applicable legal and By-law requirements, including not registering the suite as a short-term rental, the Owner is subject to a \$200 fine per day, per instance, in addition to any costs to the Corporation and other By-law fines and/or legal penalties that may be applicable as a result of the violation.*
2. *If an Owner or their Guest(s) are found to be in violation of applicable Bylaws on a cumulative total of three or more occasions, their Short-Term Rental business will be subject to review by the board*
3. *If an Agent is found to be in violation of these bylaws on a cumulative total of three or more occasions, they will be permanently restricted from operating or managing any Short-Term Rental business within the Guardian. In this event, the authorization for operation of any Short-Term Rental business associated with that Agent shall be automatically rescinded, regardless of Owner. Owners of units that were not associated with the original violations of their Agent may elect to seek re-authorization with an alternative Agent.*

Both 2) and 3) are bad sanctions because what if an agent is operating 4 units in a building and has 3 violations vs. someone that has 1 unit and has 3 violations. Very different. I had suggested that they change it to "3 instances per unit per year".

4. *Fines must be paid within 30 days in order to maintain approval from the Board to operate a short-term rental.*
5. *The Guardian shall report any observed violations of The City of Calgary Business License Bylaw, which may subject the Owner to additional sanctions or fines by The City of Calgary.*
6. *Recovery of costs to the Corporation may include, but are not limited to, the cost of re-keying of the building in the event of lost keys, repair of any damage to common areas or other suites, provision of additional staff time or security time to handle Bylaw enforcement, or any other associated cost.*