

SHORT-TERM RENTAL OPERATOR'S GUIDEBOOK



CITY OF NANAIMO
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Purpose

This guide is intended to provide information pertaining to City bylaws and regulations as well as general good neighbour practices to anyone wishing to operate a short-term rental business in the City of Nanaimo.

Short-term rental definition

A short-term rental is defined as the temporary rental (less than 30 consecutive days) of a residence, rooms within a residence, secondary suite or carriage house.

* The Province has defined a short-term rental as stays less than 90 days, however, the *Short-Term Rentals Accommodations Act* does not prevent local governments from establishing a shorter time period.

Primary residence requirement

The City of Nanaimo and the Province permit short-term rentals within a primary residence only. A primary residence is a residence where a person resides more than any other location but must be for at least eight months per calendar year.

Did you know that, in accordance with Canada Revenue Agency's primary residence requirements, a married couple or common-law partners, unless legally separated, can only designate one property as their joint primary residence in a given year?

Proof of primary residency

As part of the short-term rental business licence application requirements, you will need to provide proof that the short-term rental is your primary residence. Acceptable identification and proof of residency is a valid **BC Driver's Licence** or **BC Services Card**, **plus one of the following**:



- Home owner's grant declaration
- Voter identification card
- Vehicle insurance
- Utility or phone bill
- BC Assessment notice
- Property tax notice
- Income tax form
- Bank or credit card statement

** Please note that a temporary interim Driver's Licence is not acceptable and that the address on all documents must be the same address as the short-term rental.*

Bylaw requirements



The City of Nanaimo Zoning and Off-Street Parking Regulations Bylaws were amended in February 2022 to allow the operation of short-term rentals within the city; however, short-term rental operators should be aware that other bylaws are also relevant, such as; the Business Licence Bylaw, Animal Responsibility Bylaw, Noise Control Bylaw and Traffic and Highway Regulation Bylaw (on-street parking).

It is the responsibility of the short-term rental operator to ensure that these bylaws are adhered to and that all guests are made aware of City of Nanaimo bylaws.

Following is a summary of the pertinent bylaws. The full bylaws may be viewed online at the City of Nanaimo's website <https://www.nanaimo.ca/your-government/city-bylaws>.

Zoning Bylaw

Zones that permit a residential use also permit short-term rentals. Accommodation, however, is restricted to one short-term rental per property, a maximum of four adult guests and where the short-term rental operates within the main dwelling, a maximum of two bedrooms.

Off-Street Parking Regulations Bylaw

One additional off-street parking space is required for each guest booking.

It's important to keep in mind that the overall parking capacity of your property will be considered at time of application review and will take into account existing parking requirements, such as, a secondary suite rented to long-term tenants or a home-based business where customers or clients attend, all of which will increase the number of parking spaces required. Please refer to the Short-Terms Rental webpage for additional information <https://www.nanaimo.ca/doing-business/business-licences/short-term-rentals>.

Parking is at a premium and extremely limited in some residential areas so the required off-street (i.e. on your property) parking spot for guests ensures that neighbourhood parking needs are maintained.

Business Licence Bylaw

A business licence is required prior to operating a short-term rental and must be renewed annually as long as the short-term rental is operational. A business licence is only valid and active if licensing fees have been paid in full.

** It's important to note that the Province has introduced regulations that will require short-term rental advertising platforms to display a host's business licence number and will be providing local governments with the ability to request a host's listing be removed if a valid business licence has not been obtained or if the business licence is not active.*

Animal Responsibility Bylaw

If you intend to allow guests to bring pets, please ensure that they are aware of regulations pertaining to dogs. Dogs must not be allowed to create a noise that unduly disturbs the neighbourhood, must be leashed and under control at all times (except while in a fenced-in yard or designated off-leash dog park) and any excrement must be picked up and disposed of properly.

Noise Control Bylaw

Being a good short-term rental operator and a good neighbour means that your neighbours should not be affected by your business operations. The Noise Control Bylaw prohibits any person from making noise or sound that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood. Please ensure that your guests are aware of the bylaw and that any activity where noise or sound is clearly audible at a point of reception in a residential area between the hours of 11:00 pm and 9:00 am is an offence and may be subject to fines.

Traffic and Highways Regulation Bylaw

Providing short-term rental guest parking is a requirement of business licence approval and it is recommended that guests are advised to park in the designated spot; however, there may be occasions where you or your family must park on the street. If so, please keep in mind the on-street parking rules as regulated through the Traffic and Highways Regulation Bylaw states that a vehicle cannot be parked in front of or within 2m of a driveway, 5m of a fire hydrant or exceeding 24 hours.

Keeping your guests safe

Short-term rental operators are encouraged to implement the following safety protocols:



- Post a fire exiting plan on all floors and within each short-term rental unit.
- Ensure all smoke alarms and carbon monoxide detectors are in good working order and tested annually.
- Provide fire extinguishers, especially if kitchen use is permitted, and test annually to ensure they are maintained in good working order.
- Ensure that guests have at least two unobstructed means of egress in case of an emergency.
- Provide and post 24-hour emergency contact information.

Take some time to identify other potential risks and hazards. For example, if your guests are permitted access to a hot tub, pool, grill, barbeque or fire pit, consider eliminating obvious issues and implement a safety protocol.

Frequently asked questions

Does my short-term rental need to be inspected?

No. An inspection is not required; however, all short-term rentals must be located within a building or secondary suite that has been constructed or upgraded through the successful completion of a building permit. Secondary suites that have been installed without a building permit are considered illegal suites and are not suitable as a short-term rental.

Does the maximum number of permitted guests include children?

No. The maximum number of permitted guests refers to adult guests 19 years of age or older and does not include children.

Can I rent out my entire home as a short-term rental?

Yes, provided your home is your primary residence, you are permitted to offer your home as a short-term rental for periods of less than 30 consecutive days up to a cumulative maximum of four months in a calendar year during times when you are not residing in the residence.

Can I operate a short-term rental if I do not own my home?

Yes. With the property owner's written consent, tenants are permitted to operate a short-term rental provided all other bylaw requirements are met.

If obtaining written consent is not possible (i.e. out-of-country landlord), a signed consent from a property management company or a signed tenancy agreement permitting the operation of a short-term rental, will be considered.

If I already have a business licence for a home-based business, do I also need a short-term rental business licence?

Yes. In accordance with the Business Licence Bylaw, a business operator is required to obtain a separate business licence for each business type or entity they operate, including a short-term rental.

Can I use my recreational vehicle as a short-term rental?

No. Under Section 7.7 of the Zoning Bylaw, accommodation in a recreational vehicle whilst located on a residential lot is only permitted on a temporary basis and only when guests are non-paying. Renting or letting of recreational vehicles is not permitted.

The provincial legislation does not apply to recreational vehicle parks or campgrounds.

If I own both sides of a duplex, can I rent the unit I am not residing in?

No. Under City of Nanaimo and Provincial regulations, a short-term rental is only permitted in the primary residence (i.e. the side you reside in).

Can I rent a room in the main dwelling and one room in the secondary suite?

No. A short-term rental can only be operated in the main dwelling or the secondary suite regardless of the number of rooms being rented.

Is municipal and regional district tax (MRDT) collected on short-term rental accommodation?

Yes. A 3% MRDT for the purchase of online short-term accommodation is collected by the Province of BC on behalf of municipalities. The City of Nanaimo receives a monthly remittance, and the Online Accommodation Platforms (OAP) proceeds are used to support affordable housing in the City of Nanaimo.

Can I operate a short-term rental if I live in a strata?

Yes, provided that short-term rentals are permitted in your strata, the parking requirements are satisfied and a signed declaration from the strata council or president is received. Strata authorization forms are available on the City's Short-Term Rentals webpage.

I operate a licensed child care business in my home, can I also operate a short-term rental?

Yes, but with strict conditions. In accordance with the *Community Care Assisted Living Act*, a short-term rental is permitted if the rental hours are well outside the times that the child care facility is operated and only if a criminal record check is obtained for all guests.

Do I need a business licence if I only want to rent for 30 consecutive days or more?

No, however, other government regulations may apply and should be investigated. For instance, vacation rentals are generally exempt from the requirements of the *Residential Tenancy Act* but rental tenancy laws may still apply in some situations.

I reside out of province for a portion of the year, can I rent my entire house as a short-term rental?

Yes. Whole home rentals for guest bookings of 30 days or less are permitted for periods up to four months per year when the home is not occupied by the primary resident provided that the maximum number guests and rooms are not exceeded.

Additional information and resources

Please visit the City of Nanaimo's short-term rental webpage for additional information, forms and business licence application at <https://www.nanaimo.ca/doing-business/business-licences/short-term-rentals>.

In addition to the City of Nanaimo's requirements as presented in this guidebook, the Province has implemented new legislation to further regulate short-term rentals. Please ensure that you review the Province's requirements in addition to the information provided in this guidebook. The Province's short-term rentals webpage is <https://www2.gov.bc.ca/gov/content/housing-tenancy/short-term-rentals>.

Contact information

If you have any questions, please feel free to contact Business Licensing at 250-755-4482 or via email at business.licence@nanaimo.ca.