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To: Hornby Island Local Trust Committee; Trustees Louise Bell, Fred Hunt, and Tony Law; and Planner Brodie Porter

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**INTRODUCTION**

I am writing to express my objections to the latest round of suggested changes to the OCP regarding STVR's. I do not currently offset the costs of owning a summer home on Hornby by short-term rentals. But as a pensioner on a limited income, I may soon need to join those year-round who display exemplary ingenuity and hardiness eking out a living on Hornby and those who only manage to maintain their beloved holiday homes by generating extra STVR income.

In the interests of conciseness, I will address my views under the following topics.

Section 1. The actual practical advantages of the proposed changes:

Section 2. My responses to the many shifting arguments put forth by the Islands Trust over the last six years regarding the need for eliminating or curtailing STVR's through regulation and enforcement; and

Section 3. The negative consequences of these proposed changes to the OCP.

But first let me express one indignant reaction to this latest Trust volley. Whenever those in charge attempt to limit personal freedom and abrogate personal property rights for the common good, it is a hard sell. But calling the proposed changes "enhancing the status quo" is as insulting as it is devious. Thus, as much as I resent spending another fine day protesting, here I am, once again, submerged in the muddy trenches of this wretched six-year campaign initiated by the Trust.

My family has had a 60-year, 4-generation love affair with Hornby. But the relentless grinding of the Trust's attempts to increase its reach, *against clearly stated majority opinion and local tradition*, has become so energy-and-time-sapping that fleeing the Magic Island looks ever more attractive.

Of course such a flight may, indeed, serve the interests of those who would accelerate the transformation of Hornby from a haven for freedom-loving, nature-loving, art-loving working people, into an enclave for the wealthy few.

## **1. CHIEF ADVANTAGES OF THE PROPOSED CHANGES**

1.1 Changing the wording of the OCP or creating a LUB so as to enshrine the need for the Trust to regulate STVR's would weaken the legally defensible position of those with the temerity to continue to defy the Trust's authority in this matter and strengthen the Trust's legal position.

1.2 Controlling STVR's by means of threats of fines up to \$5,000 per day, as is now the case on Pender Island, the Trust would avoid costly litigation and reduce the risk of expensive losses therein. .

1.3 Permits, fines and successful lawsuits would generate income for the Trust.

1.4 Eliminating or limiting STVR's on Hornby would decrease tourism on Hornsby and therefore decrease traffic across Denman, thereby serving the interests of the residents of Denman and, presumably, therefore, the interests of the Denman Island Trustees who wish to be re-elected.

## **2. SEVEN ARGUMENTS PUT FORWARD BY THE TRUSTEES TO JUSTIFY THE NEED FOR REGULATING STVR's ON HORNBY & MY RESPONSES**

### **2.1 The Need to Conform to the Law**

The Trustees have repeatedly characterized the status quo of STVR's on Hornby as "illegal", "unlawful" and "occurring outside the law" and are now describing their efforts as "looking at legalizing STVR's".

This is the most galling of the Trusts' justifications. A fundamental principal of Common Law is that actions are presumed legal unless expressly prohibited by statute. No by-law prohibits STVR's on Hornby and the OCP as *it stands* clearly recognizes the legitimacy of STVR's.

If the Trust wishes to challenge the legality of STVR's on Hornby, let them take the more honourable recourse and appeal to the courts. I feel confident, given the legal opinions I have sought, that the Court would agree that STVR's on Hornby are legal. I assume the Trust believes this too and has, therefore, wisely chosen the less costly route of waging this relentless campaign to persuade us to agree with the need for empowering them with the right to regulate STVR's.

### **2.2 The Need to Remove the "Uncertainty" Entailed in the Status Quo.**

This argument was put forth at the April 6 meeting in West Vancouver by Trustee Tony Law. Since this "uncertainty" has been created by the Trustees persistent erroneous characterization of STVR's as illegal, the least costly and most efficient way of creating certainty would be a graceful admission of a well-intentioned but over-reaching error and a silence on this issue. I live in hope.

**2.3 The need to be consistent with what other Gulf Islands are doing.**

When, at age 12, I attempted to persuade my parents that shoplifting a lipstick from *Woolworth's* was no big deal because all my friends were doing it, my Dad retorted, "That's never a good-enough reason for doing anything. If your friends decide to jump off a bridge, are you going to follow them?"

**2.4 The need to provide reasonable year-round rental accommodation on Hornby.** Presumably, this notion is based on the assumption that by preventing STVR's, the homes of off-island owners would become available for local residents requiring year-round accommodation. But, really, how many people would choose to invest in land on an island off an island off an island; bear the construction and/or maintenance costs of creating housing there; undertake the responsibility and risk of being a landlord in a financially marginal rental enterprise; and continue to provide a stable tax base for a community which enjoys the lovely island to which they no longer have access?

**2.5 The need to conserve water and energy and limit sewage problems**

This argument is clearly prejudicial and divisive. I know of no objective data that supports the notion that summer folk consume more water or energy than year-round residents. In fact, common sense would indicate the reverse; for, it would be highly unusual for a dwelling to consume more water and energy during two months occupancy than during twelve especially considering the energy draw required to weather the winter months. As for sewage pollution, during the summer, the dry earth is better capable of absorbing water and waste than during the wet winter months.

**2.6 The Need to Protect Neighbours from the Disturbing Activities of Summer Tenants.** Human beings are not always considerate of their neighbours. True. But summer people have no monopoly on loud voices, blaring music, marauding pets, inconsiderate parking, strewn garbage or old cars left to rust out. These are the inevitable vicissitudes of life across the fence.

As tenant and landlady, I have been on both sides of the summer rental issue and only once had a difficulty when I rented my cottage during the winter to a local Hornby bachelor. Should I have begun a campaign to prevent or regulate winter rentals or bachelors because of this one unhappy experience?

It is now agreed even by the local Trustees, that the vast majority of STVR's provide a benefit to property owners, summer visitors, and the community at large. To empower an official authority to regulate STVR's because of the occasional problems that arise is to use a sledgehammer to nail a thumbtack.

The regulatory method being proposed would require the distressed neighbour to write a formal letter of complaint to the Trust and then wait for the Enforcement Officer to respond, undertake an investigation, and negotiate a resolution among the complaining neighbour, visitor-tenant, and property owner and/or manager. This hardly promises quick removal of parked cars, the lowering of the loud speaker, or the leashing of a roaming dog.

### **2.7 We Need to Take Regulatory Action Now to Avoid Future Problems.**

This rationale makes about as much sense as undergoing chemo-therapy in case you get cancer. Taking pre-emptive action based on fear is a high-risk strategy likely to cause as many, or more, problems than it solves. Besides, when predicting the future, it makes more sense to bet on the past. If STVR's have worked well on Hornby for more than 60 years, why assume that creative and responsible people won't continue to make sure that they work well?

## **3. NEGATIVE CONSEQUENCES OF EMPOWERING THE TRUST TO REGULATE STVR's**

3.1 Any change which empowers the Trust to regulate STVR's will weaken the current legal status of STVR's and strengthen the legal position of the Islands Trust.

3.2 Any regulatory initiative by a civic authority entails increased costs of administration. These costs will undoubtedly be passed onto the home owner in the form of increased taxation, permits, fines, and even possible legal defense costs should one persist in defying the Trust.

3.3 The proposed changes could also open the door to increased expenses for home owners in the form of mandatory required improvements to their accommodation premises – regardless of the satisfaction of the tenant or the means of the home owner.

3.4 With a likely increase in the home owner's costs and work required to meet regulatory standards, there would be an inevitable decline in the number of people willing to undertake the considerable work involved in readying their property for paying guests. This would result in a decrease in available summer accommodation which in turn would negatively impact tourism and the incomes of all the year-round residents who depend upon summer visitors and holidaying home owners to buy their services and goods.

3.5 A decrease in summer accommodation will prevent ordinary working-class families from enjoying the beauty and charm of our island and will help accelerate the transformation of Hornby into an enclave for the wealthy.

## **CONCLUSION**

I see no real benefit to myself, my family, or the Hornby community from altering the status quo in any way that entails empowering the Trust to regulate STVR's. On the contrary, I perceive negative consequences to all that I hold dear.

I have spent my personal and professional life encouraging and training people in the merits and methods of empathetic listening and democratic decision-making. I have helped people build inclusive, compassionate, and innovative teams inside marriages, families, factories, hospitals, prisons, concert halls, boardrooms and shantytowns on four continents. When I was criticized, it was for being too trusting and too optimistic.

Eventually, however, I did develop a nose for hidden agendas and manipulations. And I must say that by advancing so many spurious and shifting justifications for the need to have STVR's on Hornby outlawed or regulated by the Trust, the authors of these proposals have only succeeded in engendering my mistrust and cynicism about their motives.

The Trust has demonstrated its willingness to conduct a relentless campaign against short-term rentals on Hornby despite their legal status in common law, long-standing local tradition, and the majority opinion as expressed not only in the OCP, but also at dozens of public meetings, and in hundreds of letters like this one. This campaign is so fundamentally disrespectful of real democracy, that I find myself astonished at the behaviour of the Trust.

Moreover, everyone recognizes how hard it is to earn a living on a small island. Most of those who are doing the work of housing summer guests are doing so because they *need* the extra income to support them selves and/or maintain their island-dream homes. It is in the light of this precarious economic situation, that I am appalled by the Trust's readiness to pursue its own goals at the expense of the very people (both the full-time and part-time residents) who have contributed so much to the development of the rich culture and infra-structure of Hornby.

I can only hope that our local Trustees will eventually side with the majority on Hornby and truly represent our wishes and help us resist any further attempt by the Trust HQ to regulate our STVR's. Otherwise, for me, the Municipality of Vancouver, which seems positively redolent with compassion and democratic good will in comparison, might well become my peaceful retreat from the strife of island life under the Trust.

Yours sincerely,

A handwritten signature in cursive script that reads "Miriam Ulrych". The ink is dark and the handwriting is fluid and personal.