



Ministry of
Housing and
Municipal Affairs

**Short-Term Rental Branch
Compliance and Enforcement Unit**

Notice of Administrative Penalty

To: ARTUR WILMAN

26 March 2025



Notice of Administrative Penalty

Who I am & my authority

I am the Director of the Compliance and Enforcement Unit (the “CEU”) in the Short-Term Rental Branch (the “STRB”) appointed pursuant to section 19(1) of the *Short-Term Rental Accommodations Act* (the “Act”). Under section 26(1) of the Act, I have the authority to order a person to pay an administrative penalty if I have determined that the person has contravened a provision of the Act or the *Short-Term Rental Accommodations Regulation* (the “Regulation”).

Following an investigation under section 22 of the Act, and after providing you with an Opportunity to be Heard pursuant to section 26(2) of the Act, I have determined that you have contravened section 14(1) of the Act. As a result, I am ordering you to pay an administrative penalty pursuant to section 26(1) of the Act and delivering you this Notice of Administrative Penalty (the “Notice”) pursuant to section 28 of the Act.

The Administrative Penalty Amount is \$34,400.00.

What has been investigated

Administrative Penalty

The CEU conducted an investigation into whether, from October 2nd, 2024 until December 31st, 2024, you contravened section 14(1) (a) of the Act on numerous occasions by providing short-term rental accommodation services at your properties located at:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(the “Properties”)

all of which are “outside the exempt land” with the meaning of section 14(1) of the Act.

What the investigation found – a summary

The investigation determined through Land Title and Survey Authority that you are the principal owner of the Properties. Using online web searching of AirBNB’s website, the investigation found evidence that:

1. you are the host for facilitating the short-term rental of the Properties;
2. you had rented out the Properties through AirBNB as short-term rentals from May 1st, 2024, continuously until October 2024;
3. after you were contacted by the CEU as part of this investigation, and informed the CEU that you would take the Properties located in Victoria out of the short-term rental market, those Properties were delisted and not rented using short-term rental platforms for October and November; and
4. the Properties were relisted on AirBnB and offered as short-term rentals in December 2024.

On January 10th, 2025, Investigator Mah referred an investigation package with the results of the investigation to me for consideration of whether to take further enforcement action, including whether to impose an administrative penalty.

The investigation package was delivered to you as part of your Opportunity To Be Heard, as described below, and is also attached to this Notice for your reference.

What you submitted

An Opportunity To Be Heard (the “OTBH”) with the investigation package attached was sent to you on January 13th, 2025, detailing the matter under investigation and including all

Administrative Penalty

evidence and investigation reports from the CEU, as well as the applicable Act and Regulation. The OTBH stated that the investigation concerned which of the Properties were your principal residence for the year 2024 under the Act and, therefore, whether short-term rental offers in respect of any of those properties in 2024 were in violation of section 14(1) of the Act. The OTBH provided you with the opportunity to make written submissions pertaining to this matter pursuant to section 26(2) of the STRAA and section 17 of the Regulation. These submissions were originally due by February 7th, 2025, and a request for an extension was granted until February 21st, 2025.

A table of the submissions received from you in response to the OTBH is at Appendix A. All submissions were via email. I have reviewed these submissions in detail. Based on my review, I concluded that the submissions did not provide any evidence in respect of whether any of the Properties were your primary residence in 2024 for the purposes of the Act, nor did they provide evidence showing that the properties were not used for short-term rental accommodations. Instead, the submissions addressed the financial hardship you felt you would face by coming into compliance with the STRAA.

What I have determined to be your principal residence for 2024 under the Act

You have asserted, both in a telephone call and by email, that your principal residence for 2024 is the property at [REDACTED] in [REDACTED]. Based on the evidence before me, and as set out in more detail below, I accept your assertion and I find that you lived at the [REDACTED] for a longer period of time in the year 2024 than any other place, and your primary residence for 2024 was the [REDACTED] for the purposes of the Act.

Section 1 of the Act states that, for the purposes of the Act:

“principal residence” means the residence in which an individual resides for a longer period of time in a calendar year than any other place.

The evidence from you to the investigator is that the [REDACTED] was your principal residence in 2024. Specifically:

- 3) On Oct 2, 2024, you stated to Inspector Mah on the telephone that the [REDACTED] [REDACTED] is your principal residence. (Call Log, Exhibit F in the investigation package).

Administrative Penalty

- 3) On Oct 3, 2024, you stated to Inspector Mah via email that the [REDACTED] is your principal residence and that you live in the home (Email from Artur Wilman to Michelle Mah, Exhibit K in the investigation package).

Your assertion is supported by evidence that the investigator received from the Insurance Corporation of BC (“ICBC”). As of Oct 3, 2024, the [REDACTED] was listed as your principal residence with ICBC (email from [REDACTED] to Michelle Mah, Exhibit E in the investigation package).

However, your assertion was contradicted by three other sources in the investigation package, which I have taken into consideration.

I have considered that, on each of the Assessment Roll Reports and Title Search Prints for the Properties located in Victoria, the address of that property appears in the “Owner Address” field in the Assessment Roll Report and in the “Registered Owner/Mailing Address” field in the Title Search Print, and that on the Assessment Roll Report and Title Search Print for the [REDACTED], the address “[REDACTED]” appears in the “Owner Address” field in the Assessment Roll Report and in the “Registered Owner/Mailing Address” field in the Title Search Print. (Assessment Roll Reports & Title Search Prints, Exhibits A-D in the investigation report). As addresses in these fields are in conflict with one another, and the names of the fields did not specifically refer to the address listed as your principal residence, I considered this evidence to be of limited probative value in determining your principal residence and I do not place any weight on it. I prefer the evidence you provided to the investigator because it came directly from you, and because it is supported by the evidence from ICBC.

As well, I have considered information reported to the CEU directly from AirBnB. As a requirement under section 17 of the STRAA and since May 2024, platform service providers (AirBNB, VRBO, Expedia, etc) have been required to provide the CEU monthly data (the “Platform Reports”) which includes physical property addresses, the host name, contact information and the number of nights said property has been rented out using their individual platforms. In all of the Platform Reports provided to the CEU from AirBnB in respect of the Properties, the Property Host Address field shows an address of “[REDACTED].” (AirBnB Platform Reports, Exhibits H & M in the investigation package) This appears to be an incomplete address. A search using online applications such as Google Maps suggests that this address is in the town of [REDACTED] in Jamaica. While this is evidence that you may in fact be living in Jamaica, and that none of the Properties is your principal residence under the Act, I prefer the evidence

Administrative Penalty

you provided to the investigator because it came directly from you, and because it is supported by the evidence from ICBC. I note that, were I to find that [REDACTED], [REDACTED] is your principal residence, and that therefore none of the Properties is your principal residence, this could increase the volume of your contraventions of the Act and the potential amount of the administrative penalty.

Additionally, I have considered that in the Platform Reports in respect of the Properties for which business license information is included, there is a statement that the Property at [REDACTED], Victoria, BC, [REDACTED] (“[REDACTED]”) is your principal residence, and there are statements that the other Properties located in Victoria are not your principal residence (Air BnB Platform Reports, Exhibit M). I prefer the evidence you provided to the investigator because it came directly from you, and because it is supported by the evidence from ICBC.

You did not provide any other evidence of principal residence, either to the investigator or in the OTBH.

Based on the foregoing, I accept your assertion that the [REDACTED] was your principal residence in 2024 and I find that you lived at [REDACTED] for a longer period of time in the year 2024 than any other place, both on the balance of probabilities and as a reasonable inference from the all evidence considered together.

As a result of finding that the [REDACTED] was your principal residence for 2024, I further find that the remaining Properties that were subject to the investigation were not your principal residence for the purposes of the Act for the year 2024.

What I have determined to be contraventions of the Act or Regulation, by property

Section 14(1)(a) of the Act provides:

14 (1) Subject to the regulations, if short-term rental accommodation services are provided outside the exempt land in respect of a short-term rental offer, the short-term rental accommodation services must not be provided except in one or both of the following:

- (a) in the property host's principal residence;
- (b) in not more than one secondary suite or other accessory dwelling unit that is in a prescribed location in relation to the property host's principal residence.

Administrative Penalty

Section 5 of the Regulation provides:

5 (1) In this section, "**parcel**" has the same meaning as in section 1 of the Land Title Act.

(2) For the purposes of section 14 (1) (b) [*principal residence requirement*] of the Act, in respect of an accessory dwelling unit referred to in that paragraph, a prescribed location is on the same parcel as the property host's principal residence.

Because neither [REDACTED] nor Victoria are prescribed as "exempt land" under the Act and Regulations, short-term rental accommodation services provided at any of the Properties are only permitted if the Property is your principal residence.

Evidence from the investigation package regarding the provision of short-term rental accommodations on the Properties included:

- 1) data from AirBnB from the Platform Reports on the number of nights stayed, for the months of May through September 2024 (AirBnB Platform Reports, Exhibit M in the investigation package); and
- 2) data compiled by Investigator Mah on December 10, 2024, from a review of dates on which the Properties were scheduled for bookings through their AirBnB listings, for the month of December (Blocked Time, Exhibit N in the investigation package).

In response to the OTBH, you did not provide any evidence to dispute that the number of nights on which you provided short-term rental accommodation services in the Properties as reported by AirBnB was inaccurate, nor did you provide any evidence to show that short-term rental accommodations were not provided in the Properties on the blocked dates in December as compiled from the AirBnB listings. As such, on a balance of probabilities and as a reasonable inference from the evidence, I find that you provided short-term rental accommodation services in the Properties for the number of nights reported in the AirBnB listings, for the period of May to September 2024, and that you also provided or intended to provide such services in December 2024. As the "blocked time" in Exhibit N is not confirmation of rental dates, I have not included the December dates in considering the total days of short-term rentals provided at any of the listed properties.

Regarding the property at [REDACTED], and based on the evidence referred to above, I find that this property was rented out as short-term rental accommodation through AirBNB 143 times from May 1st 2024 until September 30th 2024. I find the AirBnB

Administrative Penalty

evidence to be probative. Further, you submitted no evidence to dispute this information. I determine that you contravened section 14(1) of the Act on 143 separate days from May 1st 2024 to September 30th 2024 by providing short-term rental accommodation in a property outside the exempt land that was not in your principal residence nor in the prescribed location in relation to your principal residence within the meaning of section 14(1) the Act.

Regarding the property at [REDACTED], and based on the evidence referred to above, I find that this property was rented out as short-term rental accommodation through AirBNB 146 times from May 1st 2024 until September 30th 2024. I find the AirBnB evidence to be probative. Further, you submitted no evidence to dispute this information. I determine that you contravened section 14(1) of the Act on 146 separate days from May 1st 2024 until September 30th 2024 by providing short-term rental accommodation in a property outside the exempt land that was not in your principal residence nor in the prescribed location in relation to your principal residence within the meaning of section 14(1) the Act.

Regarding the property at [REDACTED], and based on the evidence referred to above, I find that this property was rented out as short-term rental accommodation through AirBNB 145 times from May 1st 2024 until September 30th 2024. I find the AirBnB evidence to be probative. Further, you submitted no evidence to dispute this information. I determine that you contravened section 14(1) of the Act on 145 separate days from May 1st 2024 until September 30th 2024 by providing short-term rental accommodation in a property outside the exempt land that was not in your principal residence nor in the prescribed location in relation to your principal residence within the meaning of section 14(1) the Act.

What I considered before imposing the administrative penalty

Before I impose an administrative penalty under section 26 of the Act, section 20 of the Regulation requires me to consider all of the following:

- (a) previous enforcement actions for contraventions of a similar nature by the person;
- (b) the gravity and magnitude of the contravention;
- (c) whether the contravention was repeated or continuous;
- (d) whether the contravention was deliberate;
- (e) any economic benefit derived by the person from the contravention; and
- (f) the person's efforts to correct the contravention.

Administrative Penalty

In considering the preceding points, and upon review of the evidence in both the investigation package and your submissions in response to the OTBH, some of my considerations are as follows:

- (a) Regarding previous enforcement actions, you have no previous enforcement actions for contraventions of a similar nature.
- (b) Regarding the gravity and magnitude of the contravention, I have found that you have 3 properties that were not your principal residence in 2024 that were being used as short-term rental properties since at least May 1st, 2024.
- (c) Regarding whether the contravention was repeated or continuous, the evidence shows that the contraventions were continuous from May to September and then repeated in December. While you committed to the CEU to remove the listings from short-term rental platforms after September, you then relisted them for December of 2024.
- (d) Regarding whether the contravention was deliberate, you have stated in your submissions to the CEU that these short-term rentals were part of your short-term rental business and a vital source of income, and relisted them in December despite committing to removing them after September. I therefore find that the contraventions were deliberate.
- (e) Regarding any economic benefit derived by the person from the contravention, I find that you derived economic benefit from these short-term rentals as you stated that this was a vital source of income, and the integral piece of your short-term rental business.
- (f) Regarding your efforts to correct the contravention, you committed to the CEU that you would be removing the properties from the short-term rental portals after September, however, the evidence shows that you then put the properties back on the market in December.

In light of all these considerations under section 20 of the Regulation and the specific facts and mitigating circumstances you presented as part of your OTBH, I am only imposing an administrative penalty for the contraventions that occurred during the month of September 2024.

How I determined the penalty amount

Under the section 27(1)(b) of the Act, and section 22 and Schedule 4 of the Regulation, each contravention of section 14(1) of the Act includes an administrative penalty up to \$5000 per contravention for a first contravention. Under section 27(2) of the Act, if a

Administrative Penalty

contravention occurs over more than one day, a separate administrative penalty, not exceeding the maximum, may be imposed for each day that the contravention occurs.

Thus, the maximum administrative penalty for the contraventions in May-September 2024 for each of the Properties is as follows:

████████████████████	143 days x \$5,000 = \$715,000.00
████████████████████	146 days x \$5,000 = \$730,000.00
████████████████████	145 days x \$5,000 = \$725,000.00

The combined maximum administrative penalty for the contraventions that I have determined is \$2,170,000.00.

The purpose of an administrative penalty is to deter violations and to provide an incentive to come into compliance with the law. It is not a criminal sanction intended to punish a person or to publicly denounce their conduct. In determining the amount of this penalty, I have taken this purpose into account.

In addition, and in light of the above purpose, I have considered the following:

- 1) the factors from section 20 of the Regulation listed above;
- 2) additional mitigating factors, including your claims of financial hardship;
- 3) the matters set out in the investigation package;
- 4) all of your communications with the CEU regarding this matter, including all of your submissions in response to the OTBH as summarized in the table in Appendix A;
- 5) all other factors that I considered to be reasonable and relevant to the determination of the penalty amount.

In considering these items, I have taken into account the seriousness of the violation, your compliance history, mitigating & aggravating circumstances, economic benefits gained, public interest and deterrence. As part of this consideration, I have considered the potential economic benefit gain per night that you are offering a short-term rental. I have also considered the evidence of financial hardship that you provided in response to the OTBH, and while I find that insufficient evidence was submitted to provide a complete picture of your financial situation, there was some evidence to support your claims that you are experiencing some level of financial hardship, and I have taken that into account.

Administrative Penalty

In light of all of the above, I am determining a penalty amount of \$400 for each day of contravention in respect of each property for the month of September 2024, as follows:

████████████████████	29 days x \$400 = \$11,600.00
████████████████████	29 days x \$400 = \$11,600.00
████████████████████	28 days x \$400 = \$11,200.00

In total, I am assessing an administrative monetary penalty of \$34,400.00. This penalty is payable to the Ministry of Finance on or before May 28th, 2025.

It is my responsibility to assess each case on its unique facts and circumstances. The amount of this penalty cannot be taken as indicative of the appropriate amount of a penalty in any future case.

Request for Review

Should you wish to dispute this administrative penalty, you may request a review of the administrative penalty under section 29 of the Act. Section 29 of the Act states:

1. A person who receives a notice under section 28 may, in accordance with the regulations, apply for a review of the matters set out in the notice.
2. A review may only be based on one or more of the following grounds:
 - (a) subject to subsection (3), new evidence;
 - (b) any prescribed ground.
3. A responsible official may, in a review of an administrative penalty, consider new evidence only if the responsible official is satisfied that the new evidence
 - (a) is substantial and material to the review, and
 - (b) did not exist when the administrative penalty was ordered or did exist at that time but was not discovered and could not, through the exercise of reasonable diligence, have been discovered.
4. Following the review, the responsible official may confirm, vary or set aside the original order.

Section 26 of the Regulation provides the sole grounds on which an application for review may be based. It states:

For the purposes of section 29 (2) (b) of the Act, the following grounds are prescribed:

Administrative Penalty

- (a) the person was unable to be heard because of circumstances that could not be anticipated and were beyond the person's control;
- (b) a person who performed administrative tasks for the director made a procedural error that materially affected the decision to impose the administrative penalty or the amount of the administrative penalty;
- (c) a technical irregularity or error occurred that materially affected the decision to impose an administrative penalty or the amount of the administrative penalty;
- (d) the director did not determine an issue that the director was required to determine.

Under section 25 of the Regulation, the deadline to apply for a review of this decision is 30 days after the date of delivery of this Notice. Under section 30 of the Regulation, this Notice, delivered via email, is deemed to be received on March 29th, 2025, 3 days after the date it was sent. Therefore, your deadline to apply for a review is April 28th, 2025.

Should you request a review, please email your review request which demonstrates under which grounds you are requesting a review to [REDACTED] by the deadline. If you would like to request an extension, you may request one before the deadline; however, we cannot guarantee that an extension will be granted.

Sincerely,

[REDACTED]

Tim Turner
Director
Compliance and Enforcement Unit
Short-Term Rental Branch
Ministry of Housing and Municipal Affairs
[REDACTED]

Administrative Penalty

Appendix A – List of submissions & CEU responses

Date	Time	Drafter	Topic
13-Jan	1121	CEU	OTBH delivered
15-Jan	915	AW	Extension requested
15-Jan	942	CEU	Extension request - time needed
15-Jan	1238	AW	Extension request to March 15, 2025
15-Jan	1253	CEU	Extension granted to February 21, 2025 (additional 2 weeks)
28-Jan	1452	AW	Longer Extension request - ██████████
31-Jan	1024	CEU	Longer extension denied - AW is not a petitioner
31-Jan	1314	AW	Extension request - member of ██████████, but not petitioner
10-Feb	1526	CEU	Extension denied, explained difference between member and petitioner
11-Feb	1359	AW	Extension request because ██████████ has not completed
11-Feb	1646	CEU	AW is not a petitioner, extension beyond February 21 denied
12-Feb	945	AW	AW claimed an extension independently and questioned the validity of the STRAA
12-Feb	1119	AW	AW claiming that legislation puts AW in financial hardship, and is working to refinance properties for long term rentals
18-Feb	1522	AW	Requesting more time to provide evidence, unsure of what to provide
18-Feb	1540	AW	Forwarded previous email - no new information
18-Feb	1540	AW	Mortgage details on principal residence provided, screen capture of message exchange with AM and ██████████, screen capture of truncated exchange with ██████████), screen capture from November 2nd of email from ██████████, screen capture of ██████████ from April 23, 2024
18-Feb	1540	AW	Screen capture of overdue internet bill as of Feb 18 and notice that payment was declined for service at ██████████
18-Feb	1553	AW	ICBC decision letter ██████████
18-Feb	1558	AW	Screen capture of a ██████████, dated April 23, 2024,

Administrative Penalty

18-Feb	1601	AW	screen capture from [REDACTED] (undated), screen capture of [REDACTED] balance (no name or dates)
18-Feb	1605	AW	Statement from AW that he has nothing, and he may have to sell his house
18-Feb	1606	AW	Screen capture of property assessor valuation from [REDACTED]
18-Feb	1607	AW	Same email as above with a comment from AW that they [REDACTED]
18-Feb	1627	AW	Screen captures listing the sale and purchase of [REDACTED]
18-Feb	1643	AW	Screen capture of message exchange with [REDACTED] [REDACTED]) from September 29, 2024
18-Feb	1659	AW	Screen capture of 3 property listings that were listed on November 19, 2024, claiming he was looking for longer term rentals
18-Feb	1701	AW	Same email as 1659 with a comment that he relisted his properties for short-term rental in December to avoid falling into further financial duress
18-Feb	1725	AW	Email offering evidence of a [REDACTED], that he used to work [REDACTED] [REDACTED] and suggesting he would take this to the supreme court
18-Feb	2113	AW	Images of a Toyota truck [REDACTED] t, license [REDACTED]
19-Feb	313	AW	Email stating AW [REDACTED] [REDACTED]
19-Feb	1015	AW	Screen captures of a paystub from 2021, letter of employment from 2020, screen capture from [REDACTED]
21-Feb	1104	AW	Note of civil claim Wilmar [REDACTED], screen capture of alternative dispute resolution request for repair of 2022 Toyota Tundra
21-Feb	1108	AW	Same email as from 1104
21-Feb	1108	AW	Unpaid invoice from [REDACTED] insisting it is unpaid due to government neglect
21-Feb	1117	AW	Email from AW stating that he should "get on fentanyl and die like the rest of the ones your government has let down", and other concerns with government actions to date.
21-Feb	1119	AW	screen capture of message exchange with [REDACTED] regarding appraisal and lending amounts for an unidentified property
21-Feb	1124	AW	E mail from AW stating he is in the short-term rental business, and he has always strived to comply with regulations. Seeking assistance from government to continue operating short-term rentals within the framework of the law.