TOWN OF CANMORE AGENDA

Subdivision & Development Appeal Board Hearing Council Chambers at the Civic Centre, 902 – 7 Avenue Wednesday, June 12, 2024 at 1:30 p.m.

A. CALL TO ORDER AND APPROVAL OF AGENDA

- 1. Board and Administration Introductions
- 2. Agenda for the June 12, 2024 Subdivision & Development Appeal Board Hearing

B. APPEAL HEARING

CEZONE202300011 133 Wapiti Close Lot 76, Block 2, Plan 9811923 Operation of a Tourist Home without a Development Permit Appeal against a stop order issued by the Canmore Development Authority

- (1) Procedural Matters
 - (a) Request from Appellant to adjourn until June 27, 2024.
- (2) Introduction of Appellant
- (3) Hearing Process Outline
- (4) Development Authority Presentation
- (5) Appellant Presentation
- (6) Public Verbal Submissions
- (7) Public Written Submissions
- (8) Questions for Clarification
- (9) Closing Comments

C. CONCLUSION



NOTICE OF APPEAL Application Form

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFO	RMATION					
Municipal Address		Development Permit/Subdivision Application File Number				
APPELLANT INF	ORMATION					
Name of Appellant		Agent Name (If applicable)				
Mailing Address (for no	otification purposes)					
City	Province	Postal Code				
Phone Number (Day)		Email				
The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided on this Notice of Appeal						

APPEAL AGAINST (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

Development Permit	Subdivision Application	Stop Order
Approval	Approval	Stop Order
Conditions of Approval	Conditions of Approval	
Refusal	Refusal	

REASONS FOR APPEAL Section 678 and 686 of the Municipal Government Act requires that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (attach a separate page if required)

Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the SDAB Clerk at municipal.clerk@canmore.ca.

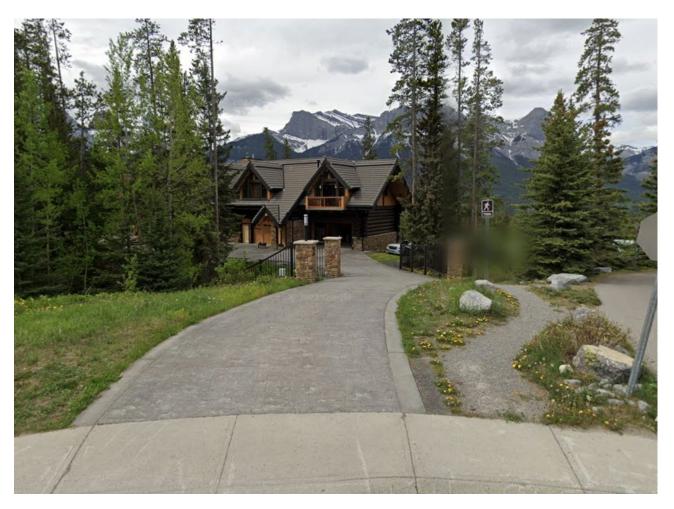
Signature of appellant/agent	Date (MM/DD/YYYY)
Jamifee Byker	

Town of Canmore | 902 - 7th Avenue, Canmore, Alberta, T1W 3K1 P: 403.678.1500 | Fax: 403.678.1534 | <u>www.canmore.ca</u> Last Updated: March 2023



SUBDIVISION AND DEVELOPMENT APPEAL BOARD

STAFF REPORT



DATE OF HEARING: REASON FOR APPEAL: LEGAL DESCRIPTION: CIVIC ADDRESS:

FILE NO.

JUNE 12, 2024 APPEAL OF A STOP ORDER (UNAUTHORIZED TOURIST HOME) LOT 76, BLOCK 2, PLAN 9811923 133 WAPITI CLOSE CEZONE202300011

EXECUTIVE SUMMARY

On April 26, 2024, Town of Canmore administration issued a Stop Order to the registered owner of 133 Wapiti Close (the property), pursuant to Section 645 of the Municipal Government Act, for the operation of a Tourist Home without an approved Development Permit.

Through the process of investigating numerous public complaints concerning this property, the Town has discovered the property being advertised on AirBNB and VRBO (attachment 4), as evidence of use of the property as a vacation rental (Tourist Home), rather than a dwelling unit.

The Planning Department recommends the Subdivision and Appeal Board uphold the Stop Order for 133 Wapiti Close. A copy of the issued Stop Order, including requirements to bring the property into compliance with the Land Use Bylaw, are included in Attachment 1 of this report.

BACKGROUND

Municipal Government Act

The authority to regulate the use and development of land and buildings is found within Division 5 of the MGA. With respect to a development land use or use of a building is not in accordance with the Town's Land Use Bylaw, section 645 of the MGA provides the municipality the ability to impose an Order to achieve compliance with the Land Use Bylaw:

645(1) ... if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

645(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

Included in Attachment I of this report includes a copy of the Stop Order issued to the applicant.

An applicant's right to appeal a Stop Order is noted in section 645(3) of the MGA. Grounds for Appeal is contained in section 685 of the MGA, and process and procedure pertaining to an appeal received to a Stop Order is outlined in section 686. Specific details pertaining to the hearing and decision of the SDAB are found in section 687 of the MGA, which are outlined in the "Options for Consideration" section of this report.

Municipal Development Plan

The Municipal Development Plan (MDP) provides broad direction on the growth and development within the community. Included in the MDP are brief descriptions of neighbourhood categories.

The Neighbourhood Residential category is described as "lands for current and future neighbourhood development of which the primary use is residential. These areas may also contain neighbourhood supporting developments such as local commercial, parks, utilities, and institutional uses."

The subject property is located in a "Neighborhood Residential" category, as reflected in the map below taken from the Municipal Development Plan:

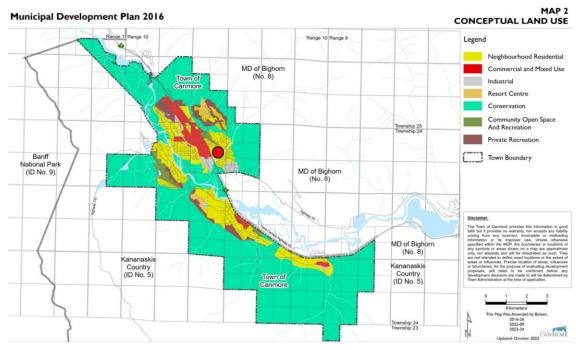


Figure 1: Conceptual Land Use Map from the Municipal Development Plan, 2016. The red dot in the Neighborhood Residential district reflects the approximate location of 133 Wapiti Close.

Land Use Bylaw

The Land Use Bylaw (LUB) provides general regulation of development, determines the Land Use Districts for properties within the Town and permitted and discretionary uses within those districts. The Land Use Bylaw also defines specific Land Uses in section 13.

Within the LUB, a Tourist Home is a defined use for select land use districts. Section 1.8.0.2 of the Land Use Bylaw states:

A Tourist Home constitutes a separate and additional development of a Dwelling Unit and requires a Development Permit for its operation.

Further, section 1.8.0.1 of Land Use Bylaw 2018-22 states:

Except as provided in this Bylaw, no person shall undertake any development unless:

- a. A Development Permit has first been issued pursuant to this Bylaw; and
- b. The development is proceeded with in accordance with the conditions of the Development Permit issued; or
- c. The development is exempted in accordance with Subsection 1.9 and is otherwise in conformance with this Bylaw.

Section 1.4.0.2 also notes that "no person shall commence development within the Town of Canmore except in compliance with (the Land Use) Bylaw."

In addition to the requirement for a Development Permit, the LUB also contains a use-specific subsection (section 8.6) dedicated to technical and operational parameters that must be respected by Tourist Home operators to ensure continued compliance with the Land Use Bylaw.

Provided below are relevant terms and their respective definitions from the Land Use Bylaw:

Dwelling Unit means a self-contained room or suite of rooms not available for public use, which normally provide sleeping, washing, sanitary and kitchen facilities, and which is intended for residential use, as opposed to vacation use. A Dwelling Unit shall not include more than one room which, due to its design, plumbing, equipment, and furnishings is or may be used primarily as a kitchen. Examples of this include upper cupboards, a full size fridge, a stove using 220V, and other aspects that may define a kitchen. A Dwelling Unit is characterized as a place in which a person or persons may reside as their primary or secondary residence, with the intent and ability to arrive and leave at their discretion, with the intent to remain for an undetermined or indefinite period (except in accordance with a tenancy agreement under the Residential Tenancies Act or the Mobile Home Sites Tenancies Act) and with the intent to return to the Dwelling Unit following absences for such reasons as vacations. A Dwelling Unit does not include a Shared Ownership Accommodation.

Residential Use residential use means the use of a property for the purpose of a residence by a person or persons, and does not include use of the property for commercial purposes. A residential use is one where the occupant has exclusive use of the specific property for an indefinite amount of time except in accordance with a tenancy agreement under the Residential Tenancies Act or the Mobile Homes Site Tenancies Act and for the use of which GST is not payable in accordance with the requirements in the Excise Tax Act of Canada.

Tourist Home means a dwelling unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a dwelling unit. The characteristics that distinguish a tourist home from a dwelling unit used as a residence may include any of the following:

- a. the intent of the occupant to stay for short term vacation purposes rather than use the property as a residence; and/or
- b. the commercial nature of a tourist home; and/or
- c. the management or advertising of the dwelling unit as a tourist home or "vacation property"; and/or
- d. the use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.

These examples do not represent an exhaustive list of operating practices that may constitute a tourist home.

Section 1.10.0.4 of the LUB notes that "the Development Authority shall not approve a Development Permit for a use that is not listed as a Permitted or Discretionary Use in the relevant Land Use District."

Previous Enforcement History

The Town's investigation into the use of this property as a Tourist Home dates to 2017. The Town issued a Stop Order in 2018 which was appealed to and upheld by the SDAB (see attachment 2). At this same time violation tickets for operating a Tourist Home were issued and appealed to Provincial Court. Subsequently the Stop Order and enforcement file for the property were closed. Previous evidence of advertising collected for the property is included in attachments 4, 5 and 6, and show continuity of advertising of the property dating back to 2017.

The Town has continued to receive public reports related to this property and has observed the same online advertisements being reposted and has therefore restarted enforcement action against the property.

EXISTING SITE

The subject site is within the RI – Residential Detached District. The purpose of the district is:

"to provide for Detached Dwelling units on standard lots with provisions to allow for Accessory Dwelling Units and other compatible residential neighbourhood uses."

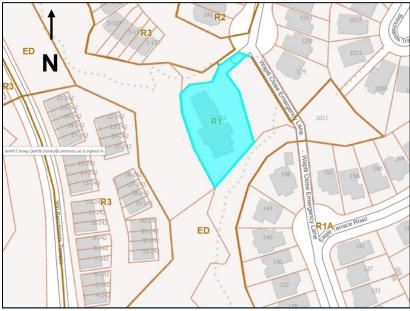


Figure 2: Land Use District Map highlighting the Subject Property.

As the property is zoned R1, Tourist Homes are neither permitted nor discretionary use in the R1 district. (See figure 3 below.)

Section 1.10.0.4 of the LUB notes that "the Development Authority shall not approve a Development Permit for a use that is not listed as a Permitted or Discretionary Use in the relevant Land Use District." Therefore the property is not eligible for approval as a Tourist Home.

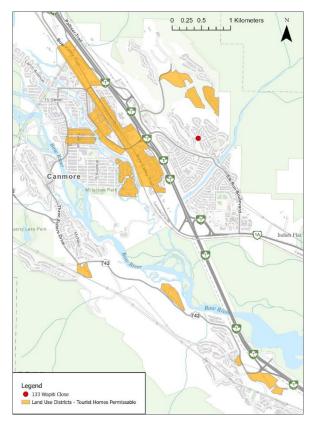


Figure 3: A map denoting different land use districts that may operate Tourist Homes, and the location of 133 Wapiti Close.

The subject property was approved to construct a detached dwelling in 2008, as part of Development Permit 2008-124 and Building Permit 2008-062. From a review of Town records, at no point was the use of a Tourist Home approved by the Development Authority.

Adjacent uses include a variety of residential dwellings, including townhomes, duplexes and detached dwellings. To the south and west portions of the subject property is Environmental District land.

BYLAW CONFORMANCE DISCUSSION

The Town began receiving recent complaints of the subject property operating as a Tourist Home in spring of 2023. Over the following months, the Town investigated this matter, which included reviewing online postings for the subject property on AirBnB and VRBO (attachment 4), and resident-submitted photographs and reports (selected photographs included in attachment 7).

The advertisements indicate use of the property in a manner which is consistent with the definition of Tourist Home in the Land Use Bylaw. Specifically, the intent of occupants to stay for short-term vacation purposes (nightly rental), the use of a system of reservations, commercial nature of use, and advertising as a vacation property. Neighbourhood reports of a pattern of use involving short-term vacation stays also helped to confirm the use of the property as Tourist Home.

On April 26, 2024, the Town issued a Stop Order for the operation of an unpermitted Tourist Home at the subject property. The Stop Order was issued via the following means:

- A copy of the Stop Order was issued via Registered Mail to the registered owner and address noted on the Certificate of Title for 133 Wapiti Close. This Stop Order was returned to the sender, and a new copy of the Order was issued via registered mail to an alternate mailing address on file with Town.
- 2) A copy of the Stop Order was also issued via registered mail to the subject property. This Order was also returned to the sender.
- 3) A copy of the Stop Order was hand-delivered (posted on-site) to the subject property.

OPTIONS FOR CONSIDERATION

Section 687 of the MGA provides that, in making a decision on an appeal to a Stop Order, the board:

- May confirm, revoke or vary the order, decision or development permit or any condition attached
 - to any of them or make or substitute an order, decision or permit of its own;
- may make an order or decision or issue or confirm the issue of a development permit even though
 - the proposed development does not comply with the Land Use Bylaw if, in its opinion, o the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

 $\circ\;$ the proposed development conforms with the use prescribed for that land or building in it.

The Planning Department proposes that the SDAB consider the following options:

- I. Confirm the Stop Order.
- 2. Confirm the Stop Order issued, while adding to, removing, or modifying the remedies for compliance, or the dates to achieve compliance, outlined in the issued Stop Order.
- 3. Revoke the Stop Order.
- 4. Postpone the application, pending submission of any additional details requested by the SDAB.

RECOMMENDATION

Planning recommends that the Subdivision & Development Appeal Board CONFIRM the Stop Order for 133 Wapiti Close and order the appellant to take mitigating measures on this matter, as described in Attachment 2.

ATTACHMENTS:

Attachment I: Stop Order (2024)

Attachment 2: Previous Board Order for Appeal No. 2018-005

Attachment 3: Certificate of Title

Attachment 4: Copies of advertising gathered April 11, 2024

Attachment 5: Copies of advertising gathered 2019

Attachment 6: Copies of advertising gathered 2017

Attachment 7: Select photographs supplied by the public

Eric Bjorge Planning and Development Supervisor

Jerritt Cloney Planning Technician



Planning & Development Department

Town of Canmore 902 - 7th Avenue Canmore, AB, T1W 3K1 www.canmore.ca

STOP ORDER (Section 645 of the *Municipal Government Act*)

Issued on April 26, 2024

File: CEZONE202300011

Issued to Hans Herchen by Registered Mail 15419 Whitemud Road Edmonton, AB, T6H 4N5

Issued to the Occupiers of: 133 Wapiti Close Lot: 76, Block 2, Plan 9811923 Canmore, AB T1W 3B2 by hand delivery and registered mail

Re: Operation of a Tourist Home without a Development Permit 133 Wapiti Close Lot 76, Block 2, Plan 9811923 (the "Property")

The Development Authority of the Town of Canmore hereby issues this Stop Order pursuant to section 645 of the *Municipal Government Act*, RSA 2000, c M-26 with respect to the Property described above.

Bylaw Contravention: Unpermitted Tourist Home

The Development Authority has identified an unpermitted Tourist Home in operation on the Property which is in contravention of Town of Canmore Land Use Bylaw (LUB) 2018-22.

The dwelling unit on the Property was found to be advertising as a Tourist Home on the following websites:

- o www.airbnb.ca ("Rocky Mountain Estate")
- www.vrbo.com ("Stunning Rocky Mountain Retreat w/ Breathtaking mountain Views; Safe and Private")

Section 1.8.0.1 of Land Use Bylaw 2018-22 states:

Except as provided in this Bylaw, no person shall undertake any development unless:

- a. A Development Permit has first been issued pursuant to this Bylaw; and
- b. The development is proceeded with in accordance with the conditions of the Development Permit issued; or
- c. The development is exempted in accordance with Subsection 1.9 and is otherwise in conformance with this Bylaw.

In addition, section 1.8.0.2 of the Land Use Bylaw states:

A Tourist Home constitutes a separate and additional development of a Dwelling Unit and requires a Development Permit for its operation.

A Tourist Home is defined in Section 13 of the Land Use Bylaw as:

Tourist Home means a dwelling unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a dwelling unit. The characteristics that distinguish a tourist home from a dwelling unit used as a residence may include any of the following:

- a. the intent of the occupant to stay for short term vacation purposes rather than use the property as a residence; and/or
- b. the commercial nature of a tourist home; and/or
- c. the management or advertising of the dwelling unit as a tourist home or "vacation property"; and/or
- d. the use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.

These examples do not represent an exhaustive list of operating practices that may constitute a tourist home.

The property falls within the R1 Residential Detached District. A Development Permit (permit no. DP2008-124) was issued on May 8, 2008 for a single detached dwelling. A Development Permit has <u>not</u> been issued to operate a Tourist Home on the Property. Additionally, a "Tourist Home" is not a use contained within either sections 3.1.1 & 3.1.2 of the Land Use Bylaw, which provide permitted or discretionary uses for the R1 Residential Detached District.

Stop Order

Section 645 of the Municipal Government Act states:

- (1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
 - (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
 - the development authority may act under subsection (2).
- (2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
 - (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

Remedies to Stop Order

Pursuant to Section 645(2) of the *Municipal Government Act*, on or before May 18, 2024 you are hereby ordered to take the following actions:

- 1. Cease all use of the lands and buildings on the Property as a Tourist Home.
- 2. Provide the Town with evidence that you have ceased all operation and advertisement of the property as a Tourist Home by:

- a. Consenting to an inspection of the Property (including the lands and within all buildings) and photographs to be taken thereof. The inspection is to take place no later than one week from May 18, 2024, that being on or before May 25, 2024; or,
- b. Preparing and submitting a Statutory Declaration by the owner(s) of the Property declaring a Tourist Home, as defined by the Town of Canmore Land Use Bylaw 2018-22, will not be operated or advertised at the Property. The Statutory Declaration shall be completed and submitted to the Development Authority no later than one week from May 18, 2024, that being on or before May 25, 2024.
- 3. Provide the Town with evidence, to the satisfaction of the Development Authority, that all reservations after May 18, 2024 to use the property as a Tourist Home, have been cancelled.

Enforcement of Stop Order

Please be advised that failure to comply with this Stop Order may result in the Town taking steps at your expense (including paying for the Town's legal expenses) to enforce this Stop Order pursuant to s. 646 of the *Municipal Government Act* or other legal action permissible by law.

Further, Part 17 of the MGA and section 1.22 of the LUB allow for the issuance of a Stop Order where a development or use of land or buildings does not comply with the MGA and the LUB. As detailed in Appendix B, these steps can apply against your property.

Please be advised that pursuant to Section 646 of the *Municipal Government Act*, in the event a person fails to comply with this Order, the Town may, in accordance with section 542, "enter on the land or building and take any action necessary to carry out the order". Section 646 also authorizes the Town to register a caveat under the *Land Titles Act* in respect of this order against the title for the Property.

Section 553 of the *Municipal Government Act* allows the Town to add the costs and expenses of carrying out an order to the tax roll of the Property.

Right of Appeal

Please be advised that pursuant to Section 685 of the *Municipal Government Act*, you have the right to appeal this Stop Order to the Subdivision and Development Appeal Board (SDAB). If you wish to exercise this right, written notice of an appeal must be received by the Secretary of the Subdivision and Development Appeal Board by emailing sdab@canmore.ca within 21 days after the date the order was made. Please note there is a \$500 fee to submit an appeal. For additional information on submitting an appeal, please visit canmore.ca/sdab.

Remedies described above are subject to the decisions made by the SDAB. Should an appeal be heard, the SDAB has the authority to add, remove or adjust remedies described within this Stop Order.

Contact

If you have any questions about this Stop Order, please do not hesitate to contact Jerritt Cloney using the contact information provided below.

Sincerely,

J Cloney

Jerritt Cloney Development Officer, Planning and Development - Town of Canmore P: 403.678.8935 E: jerritt.cloney@canmore.ca Town of Canmore 902 7th Avenue Canmore, Alberta T1W 3K1 Phone: 403.678.1500 | Fax: 403.678.1534 WWW.canmore.ca



SUBDIVISION & DEVELOPMENT APPEAL BOARD ORDER

APPEAL NO. 2018-005 BE 2017-128

ORDER OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, DATED FEBRUARY 06, 2018

(Board Members Hearing the Appeal: Councillor Vi Sandford, Mr. Ron Casey, Mr. Greg Birch, Ms. Rochelle Harding, Mr. Harry Scott)

AND IN THE MATTER of the Municipal Government Act Revised Statues of Alberta 2000, Chapter M-26, as amended;

AND IN THE MATTER of an appeal by Hans Herchen against a non-conforming use; illegal tourist home – appeal of stop order for BE2017-128.

This appeal hearing having been duly opened before the Subdivision & Development Appeal Board on February 06, 2018.

AND UPON hearing oral submissions from the Development Officer.

AND UPON hearing oral and written submissions from the public.

AND UPON having regard to the Town of Canmore Land Use Bylaw No. 22 of 2010 (Bylaw), the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended and other relevant planning documents;

DECISION BE2017-128 133 Wapiti Close Lot 76 Block 2 plan 981 1923 Non-Conforming Use: Illegal Tourist Home Appeal against a Stop Order

FINDINGS OF FACT

- 1. The subject property is in an R1 district and tourist homes are neither a permitted nor a discretionary use.
- 2. At the time the Stop Order was issued, there was an advertisement on a website listing the property as a vacation home.

- 3. The advertising of 133 Wapiti Close for short-term vacation purposes is consistent with the definition of a tourist home in Section 16 of the Land Use Bylaw 22-2010.
- 4. Two adjacent property owners spoke in opposition to the appeal.

THE BOARD THEREFORE ORDERS THAT

The appeal be DENIED and the Stop Order be UPHELD.

REASONS:

- 1. The property as of December 21, 2017 was being advertised as a tourist home.
- 2. Tourist home use in a R1 district is neither a permitted nor a discretionary use.
- 3. The Board accepts the evidence provided by adjacent property owners that the tourist home is having an adverse effect on neighbourhood amenities.

Date Signed

gall

CHAIRPERSON BON CASEY SUBDIVISION & DEVELOPMENT APPEAL

A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon or qu'estions of Jurisdiction or law pursuant Section 688 (1) & (2) of the Municipal Government Act Statutes of Alberta, 1994, Chapter M-26.1, as amended.

An application for leave to appeal to the Court of Queens Bench shall be made:

a) to a judge of the Appellant Division, and; within 30 days after the issue of the order, decision, permit or approval sought to be appeal.



LAND TITLE CERTIFICATE

S				
LINC	SHORT LE			TITLE NUMBER
0027 543 009	9811923;	2;76		131 013 517
LEGAL DESCRIPT	LION			
PLAN 9811923				
BLOCK 2				
LOT 76				
EXCEPTING THEF	REOUT ALL M	INES AND MINERALS		
ESTATE: FEE SI				
ATS REFERENCE	: 5;10;24;3	3;NE		
MUNICIPALITY:	TOWN OF CAL	NMORE		
REFERENCE NUM	BER: 061 252	084		
		REGISTERED OWNER(S)		
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
131 013 517	15/01/2013	TRANSFER OF LAND	\$2 800 000	селит емеми
151 015 517	15/01/2015	IRANSFER OF LAND	ŞZ,800,000	SETTLEMENT
OWNERS				
OWNERS				
HANS HERCHEN				
OF 15419 WHITE	EMUD ROAD			
EDMONTON				
ALBERTA T6H 41	15			
	EN	CUMBRANCES, LIENS	& INTERESTS	
REGISTRATION	/_ / /		_	
NUMBER I	DATE (D/M/Y) PARTICULARS	5 	
981 206 221	13/07/1998	CAVEAT		
		RE : RESTRICTIVE O	COVENANT	
981 206 225	13/07/1998	UTILITY RIGHT OF W	NAY	
		GRANTEE - THE TOWN	I OF CANMORE.	
		AS TO PORTION OR H	PLAN:9811924	
981 206 227	13/07/1998	RESTRICTIVE COVEN	ANT	
		AS TO PORTION OR H	PLAN:9811925	

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2 # 131 013 517

REGISTRATION		
NUMBER	DATE	(D)

NUMBER DATE (D/M/Y) PARTICULARS

131 013 518 15/01/2013 RELEASE OF DOWER RIGHTS BY - NONI HERCHEN

211 004 922 08/01/2021 CAVEAT RE : AGREEMENT CHARGING LAND CAVEATOR - BANK OF MONTREAL. 865 HARRINGTON COURT BURLINGTON ONTARIO L7N3P3 AGENT - HEATHER HEENAN

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 5 DAY OF JUNE, 2024 AT 04:17 P.M.

ORDER NUMBER: 50713193

CUSTOMER FILE NUMBER: 133 Wapiti



END OF CERTIFICATE

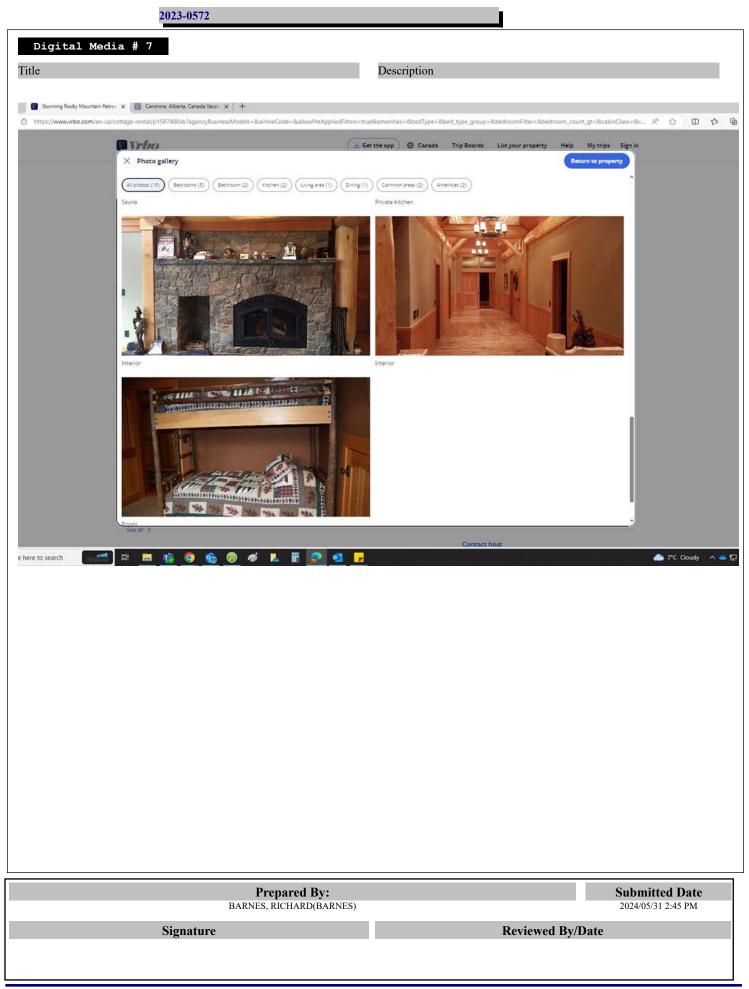
THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

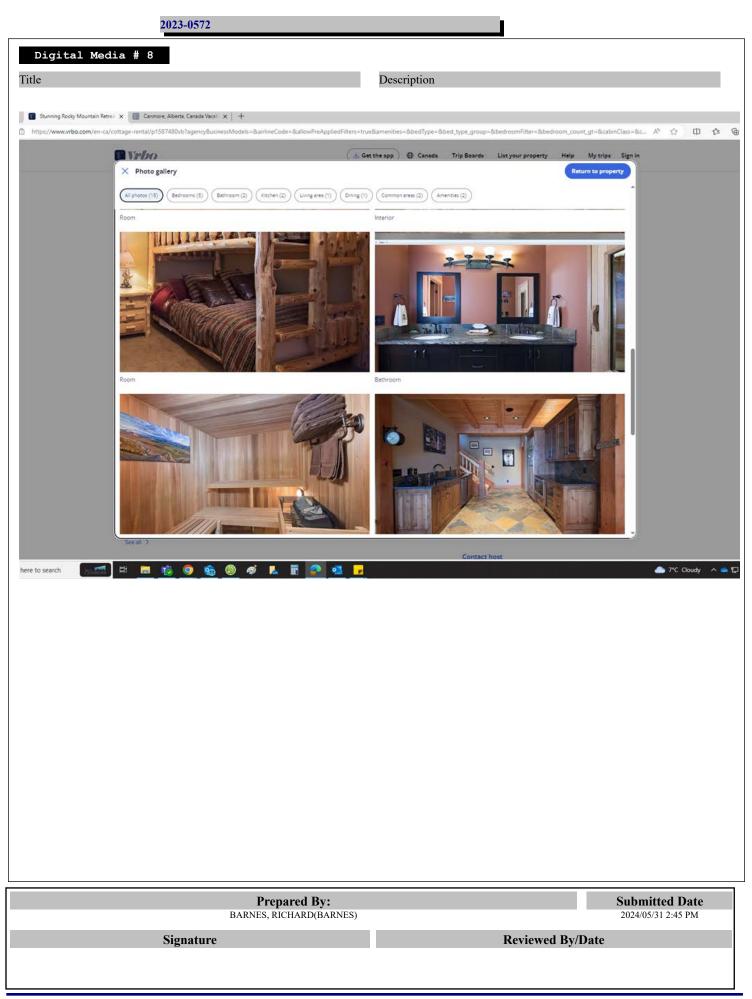
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

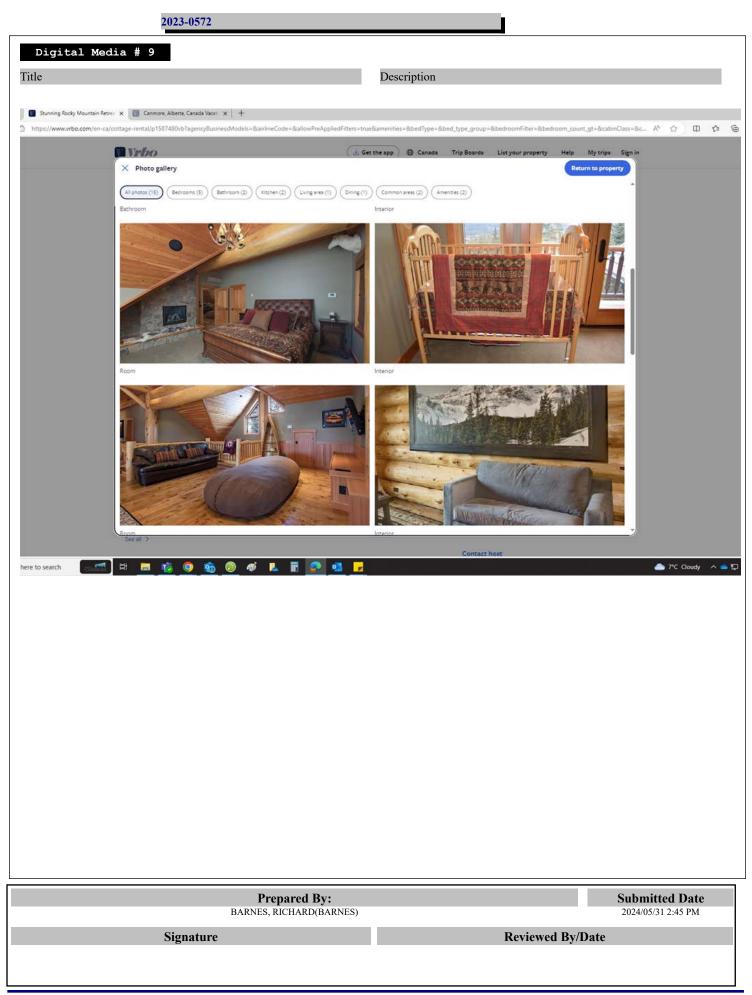
Attachment 4: Screenshots from Airbnb and VRBO listings, gathered April 11, 2024

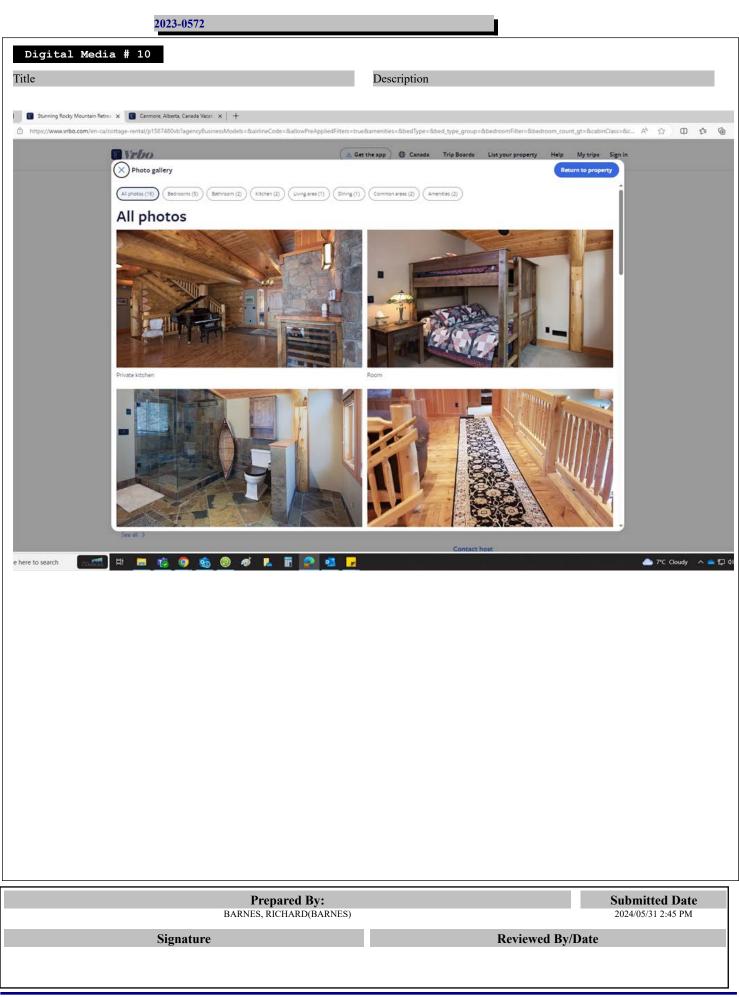
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Digital Media # Title Sunning Rocky Mountain Retre: X https://www.wrbo.com/en-ca/cottage-red	6	Description &amenities=&bedType=&bed_type_group=&bedroomFilter=&bedroom_count	t_gt=êcabinClass=8c A [®] ☆ 🗈 🗲 <table-cell></table-cell>
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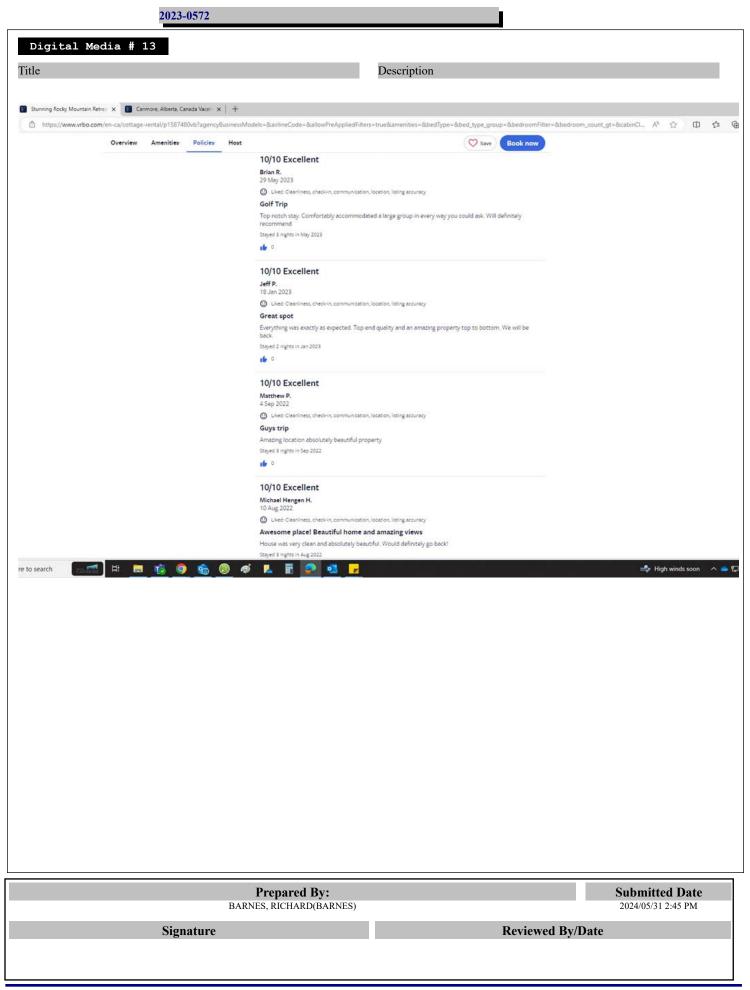






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Digital Media # 11		
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🛐 Stunning Rocky Mountain Retre: 🗴 📓 Canmore: Alberta, Canada Vacat 🗴 +		
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Overview Amenities Policies Host	Book now Save Book now Constraints, checkin, communication, location, listing accuracy Excellent Mountain Getaway This home had ample room for our families and had every spectacular amenities. Gorgeous views from the home and it was easy to access the town and surrounding natural areas. The property manager was expecisely excellent with communication during the nationwide blackout on one cell network. This home is worth it for an extrawagant stay in the mountains. Stayed 3 nights in Jul 2022 Save O	
	8/10 Good James B. 26 Jan 2022 ⓒ Liked: Cleanliness, check-in, communication, location, locati	
About the host	Hosted by Sheena	
Send a message	Contact host	
Core to Silvertip Colf Course tere to search		- High winds soon ۸ 🥌 💭 🕸
BAR	Prepared By: NES, RICHARD(BARNES)	Submitted Date 2024/05/31 2:45 PM
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Digital Media # 12		
Title	Description	
O Stunning Rocky Mountain Retrex X O Canmore, Alberta, Canada Vaca: X + + C https://www.vrbo.com/en-ca/cottage-rental/p1587480vb?agency8usinessMo	dels=8airlineCode=8allowPreAppliedFilters=true8amenities=8ibedType=8ibed_type_group=8ibedroomFilte	r=&bedroom_count_gt=&cabinCl A 公 ① 合 @
Overview Amenities Policies Host	Save Book now	
	House was very clean and absolutely beautiful. Would definitely go back! Stepse 8 ngms in Aug 2022	
	10 1	
	10/10 Excellent	
	CM. 26 JU 2022	
	 Uked: Cleaniness, checkin, communication, location, listing accuracy Great large property for family gathering 	
	The house has abundant space and has quality furnishings. We enjoyed the common spaces as well as the ample bedrooms with bunk beds	
	Stayed 7 rights in Jul 2022	
	10/10 Excellent	
	Charlie H. 14 Jul 2022	
	C Liked: Cleanliness, check-in, communication, location, listing accuracy Excellent Mountain Getaway	
	This home had ample room for our families and had every spectacular amenties. Gorgeous views from the home and it was easy to access the town and surrounding natural areas. The property manager was	
	especially excellent with communication during the nationwide blackout on one cell network. This home is worth it for an extravagant stay in the mountains.	
	Stayed 3 nights in Jul 2022	
	8/10 Good	
	James B. 26 Jan 2022	
	Ulked: Cleanliness, check-in, communication, location, listing accuracy Great vacation	
	We really enjoyed our Christmas in January with family. The house was great. Location great. We would book again	
	Stayred 3 ngints in Jan 2022	
pe here to search 🛛 🔚 🗮 🙀 🧐 🤹 🔞 🛷	k 🖩 🧟 💁 🔽	🔩 High winds soon 🛛 \land 📥 💭
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Digital Media # 14		
Title	Description	
The	Description	
Stunning Rocky Mountain Retre: X 🚺 Canmore, Alberta, Canada Vace: x +		
	dels=&LairlineCode=&LallowPreAppliedFilters=true&Lamenities=&LbedType=&Lbed_type_group=&LbedroomFilter	=&bedroom_count_gt=&icabinCL A* 🏠 🗊 🎓 🔞
Overview Amenities Policies Host	Save Book now	
	Host has indicated there is a smoke detector on the property	
	Safety features at this property include a fire extinguisher, a first aid kit, and a deadboit lock	
10 Exceptional 33 reviews	8/10 Good	
10	Dwain L. 14 Mar 2024	
Reviews are presented in chronological order, subject to a moderation process, and verified unless otherwise labelled	 Liked: Cleantiness, check-in, communication, location, listing accuracy Great meeting and family facility 	
Learn more 10 - Excellent: 30	It was great but we will not use in the future as we only need a place for 2 days and we only need 2 days for	
0 - Excedenc 30	Stayed 3 nights in Mar 2024	
6-0iay 0	16 0	
4-Poor 0	10/10 Excellent	
2 - Terriple 0	Ryan J. 11 Oct 2023	
	Cilles: Classifiess, check-in, communication, location, listing accuracy . Mountain Delight	
10/10 10/10 Cleanliness Check-in	Worknam Delight We rented the Treehouse for a week for our daughter's wedding and it exceeded our expectations. Thank you to Rebecca who was amazing and this will not be the last time we rent this property.	
9.8/10 10/10	you to redecte white was annabing and this will not be the fast thine we rent this property. Stayed 7 nights in Oct 2023	
Communication Location	ufr ○	
9.8/10 Listing accuracy	10/10 Excellent	
county accordy	Maureen E. 20 Sep 2023	
	Likel: Cleanliness, checkin, communication, location, listing accuracy Awesome!	
	Exceeded our expectations!	
	Stayed 4 rights in Sep 2023	
	10/10 Excellent Brian R.	
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Title			Description		
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	Overview Amenities Policies Host		Save Book now		
	House Rules	Check in after 4:00 PM Check out before 11:00 AM	Minimum age to rent: 21		
		Children	Events No events allowed		
		👻 Pets	à∉ Smoking		
		No pets allowed All reservations are expected to abio	Smoking is not permitted le by Alberta Covid restrictions.		
	Damage and incidentals	You will be responsible for any dama	age to the rental property caused by you or your party during your stay.		
	Cancellation		No refund		
		O Today	Check-in		
		Until No refund			
		Apr. 15 If you change or car	cel your booking you will not get a refund or credit to use for a future stay.		
	Important information	You need to know Extra-person charges may apply and Government-issued photo identifica			
		Government-issued photo identification and a credit card, debit card, or cash deposit may be required at check-in for incidental charges Special requests are subject to availability upon check-in and may incur additional charges; special requests			
		cannot be guaranteed Onsite parties or group events are strictly prohibited			
		Host has indicated there is a carbon monoxide detector on the property			
		Host has indicated there is a smoke Safety features at this property inclu	detector on the property ide a fire extinguisher, a first aid kit, and a deadbolt lock		
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Digital	Media # 16			
Title		De	scription	
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Stunning Rocky Mountai	n Retre: 🗴 🔲 Canmore, Alberta, Canada Vacat 🗴 🕴 🕂			
https://www.vrbo	.com/en-ca/cottage-rental/p1587480vb?agencyBusinessMoc	lels=&airlineCode=&allowPreAppliedFilters=true&a	menities=&bedType=&bed_type_group=&bedroomFilter=&bedroom	count_gt=&cabinCL_ A ☆ 🗘 🗘 🖆 🌘
	Overview Amenities Policies Host		Silve	
	台 Kitchenette ① Office	# Balcony	CA\$1,600 per night	
	See all rooms and beds details		Non-refundable ()	
	About this property		Ø Your dates are available	
	About this property		Apr 15	
	Stunning Rocky Mountain Retreat v Safe and Private	v/ Breathtaking mountain Views;	Travelers	
	Superb location for family or friend gatherings and re Enjoy authentic log home with all the amenities and n		2 travellers	
	Rockies with close proximity to local grocery stores, r	estaurants, shopping, skiing, golfing, and hiking trails.	Total CA \$18,068 Price details	
	Also enjoy a world class private saloon that is designe enjoying a drink, enjoying cigars and beautiful surrour ultimate experience in a private club atmosphere.	o for entertaining groups in a bespoke setting for id sound. This room is fully ventilated and the	Book now	
	We do not share photos but are confident you will be	thrilled.	You will not be charged yet	
	It's an grand experience in the heart of the Canadian R	Rockies!		
	Please contact property manager for more details. All reservations are expected to abide by Alberta Covi	d restrictions	Contact host	
	Property manager Sheena			
	Amenities	Hot tub	Ψ q Kitchen	
		Washer .	窗 Dryer	
		Free WiFi	₿● Air conditioning	
		See all 73 amenities		
	House Rules	Check in after 4:00 PM	Minimum age to rent: 21	
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Title	Description
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Overview Amenities Policies Host	
House in Canmore, A8 Stunning Rocky Mou Breathtaking mount and Private	ain Views; Safe
10/10 Exceptional See all 33 reviews >	Apr 15
3 6 bedrooms 😅 4- bathrooms	AR Sieeps 16 Z travellers CAS10,060
Popular amenities	Price details Price details Book now
Washer 5	Dryer You will not be charged yet You will not be charged yet
See all >	Contact host
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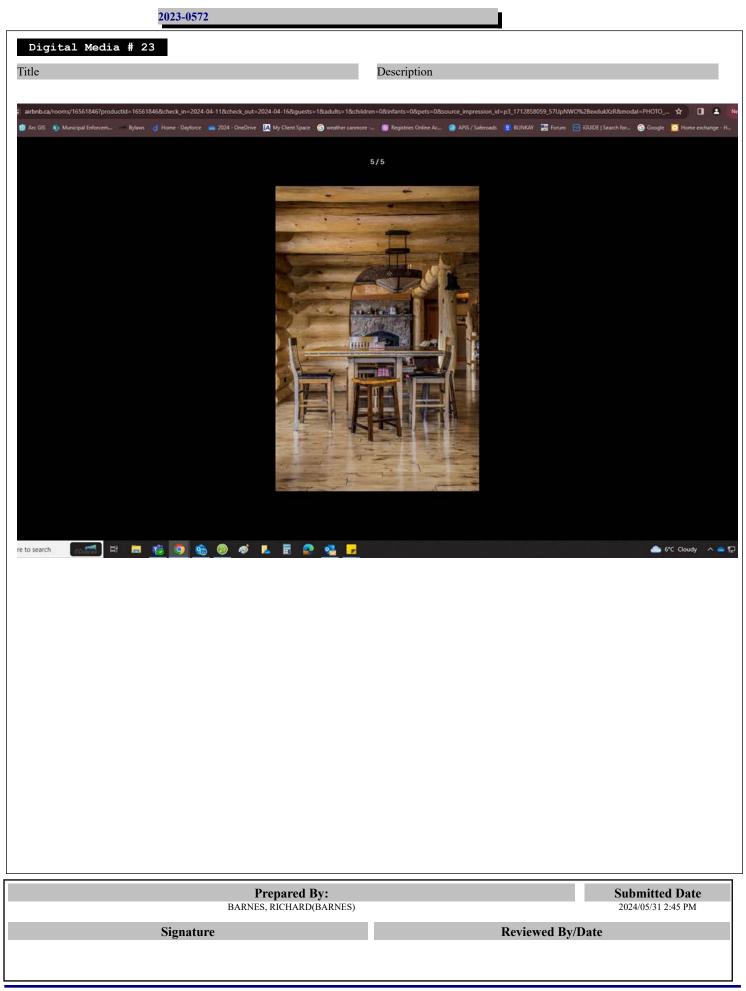
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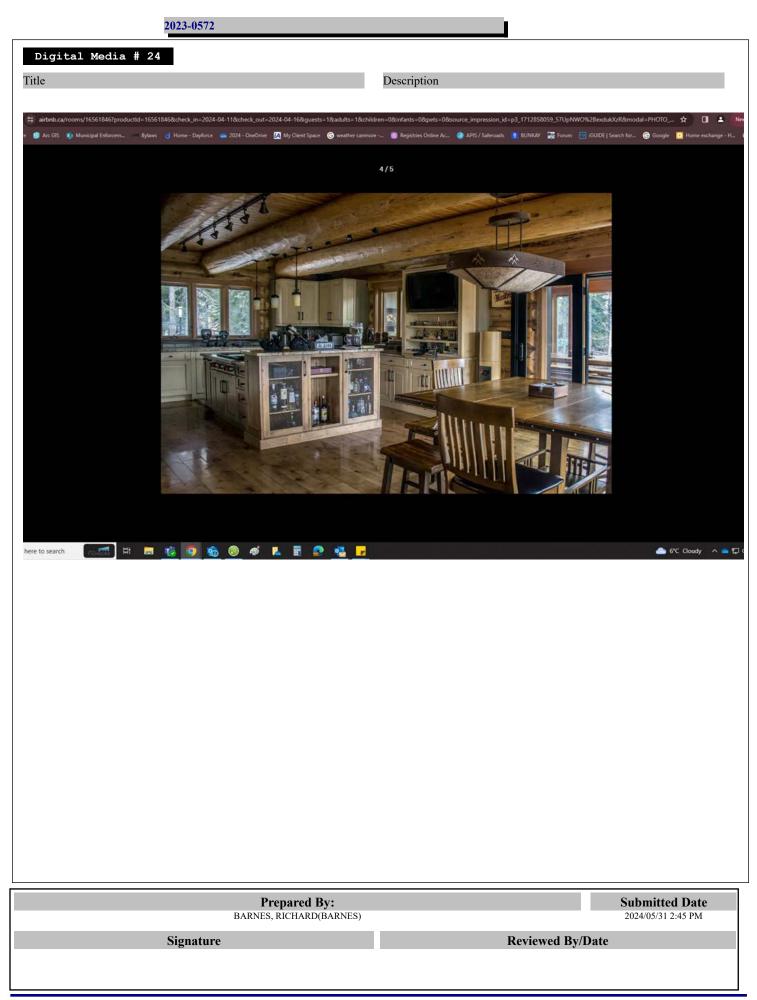
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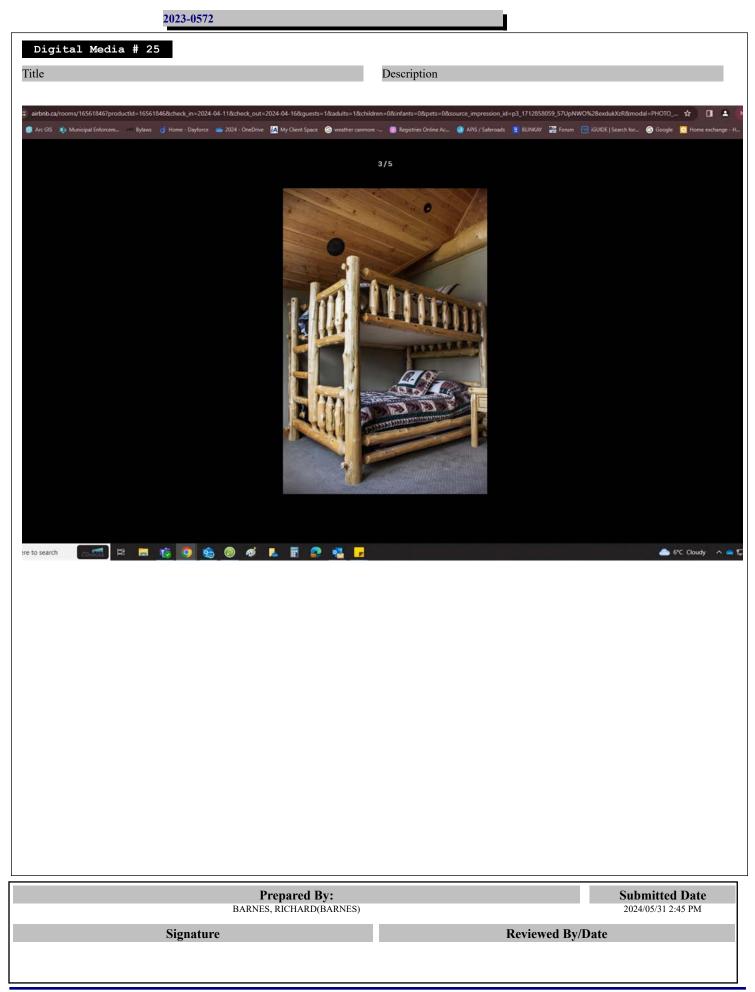
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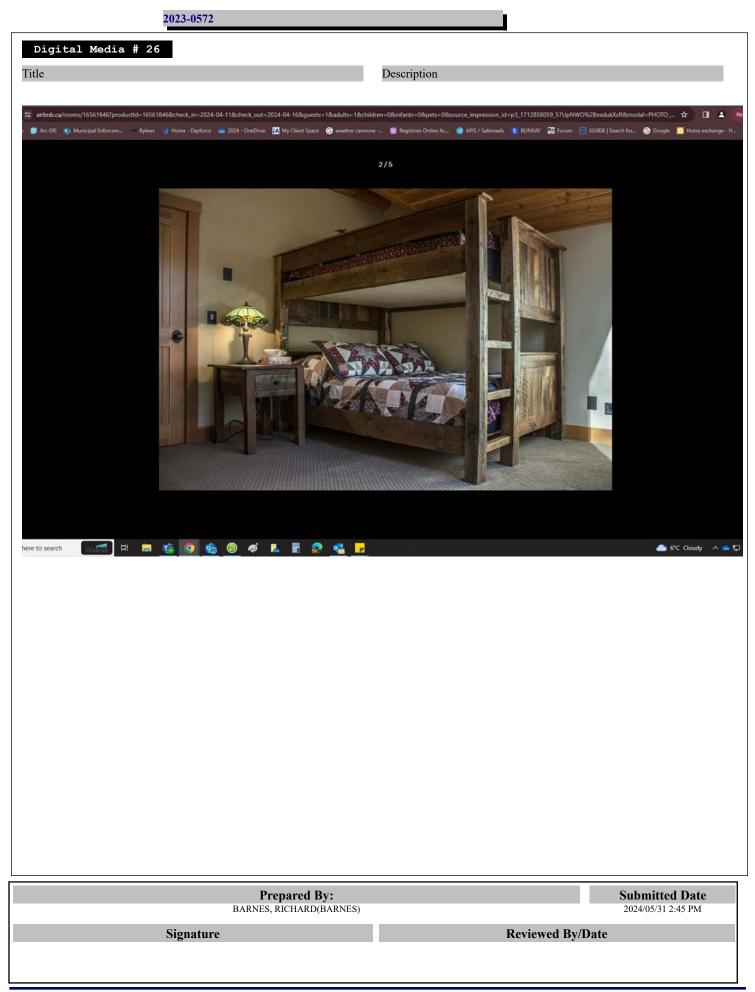
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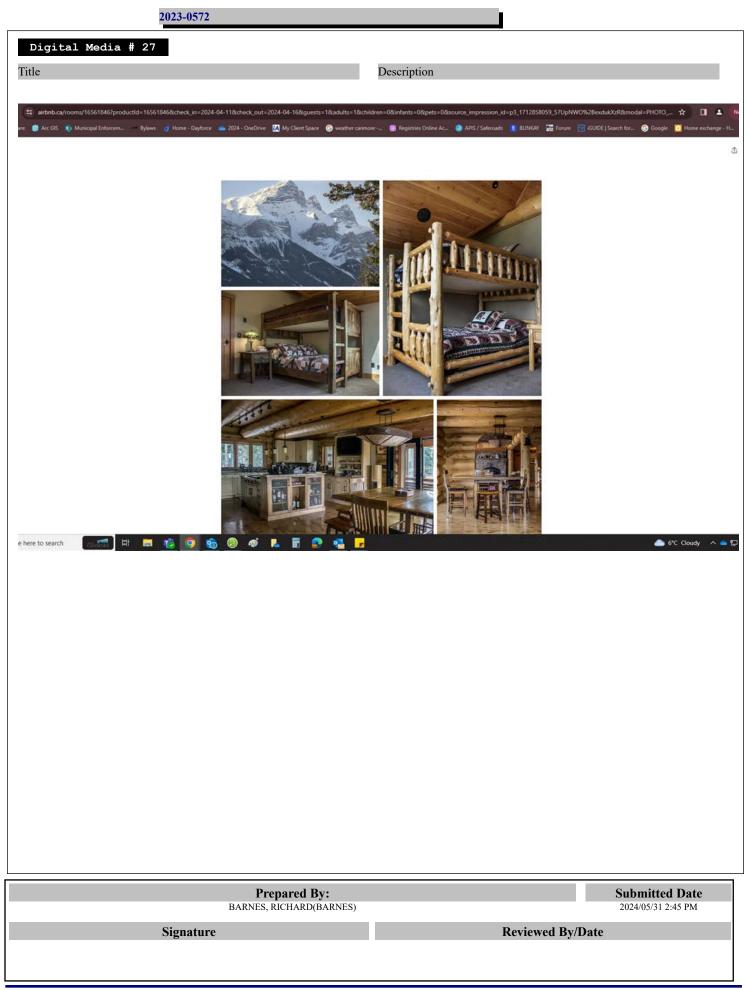
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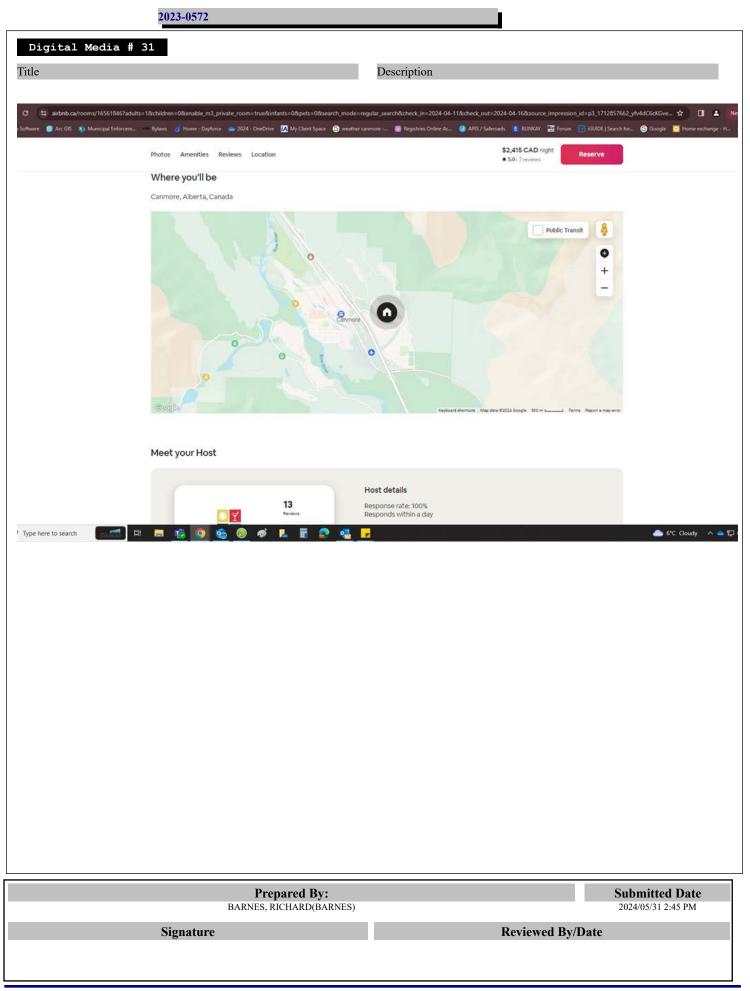




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	Request to book Your trip Dates Apr. 11 - 16 Guests Log in or sign up to book ContryPergon Canada (+1) Phone number We lad at text you to confirm your number. Standard mesage and data rates upply. Phareyy Continue Continue Continue Continue Continue Continue with email	Airbnb service fee \$1,883: Taxes \$590: Total (CAD) \$15,178.1	10 CAD 33 CAD 25 CAD
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		Host details		
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	Things to know			
	House rules Check-in after 3:00 p.m.	Safety & property Carbon monoxide alarm	Cancellation policy This reservation is non-refundable.	
	Checkout before 11:00 a.m.	Smoke alarm	Review the Host's full cancellation policy, which	
	12 guests maximum	Potential for noise	applies even if you cancel for illness or disruptio caused by COVID-19.	ns
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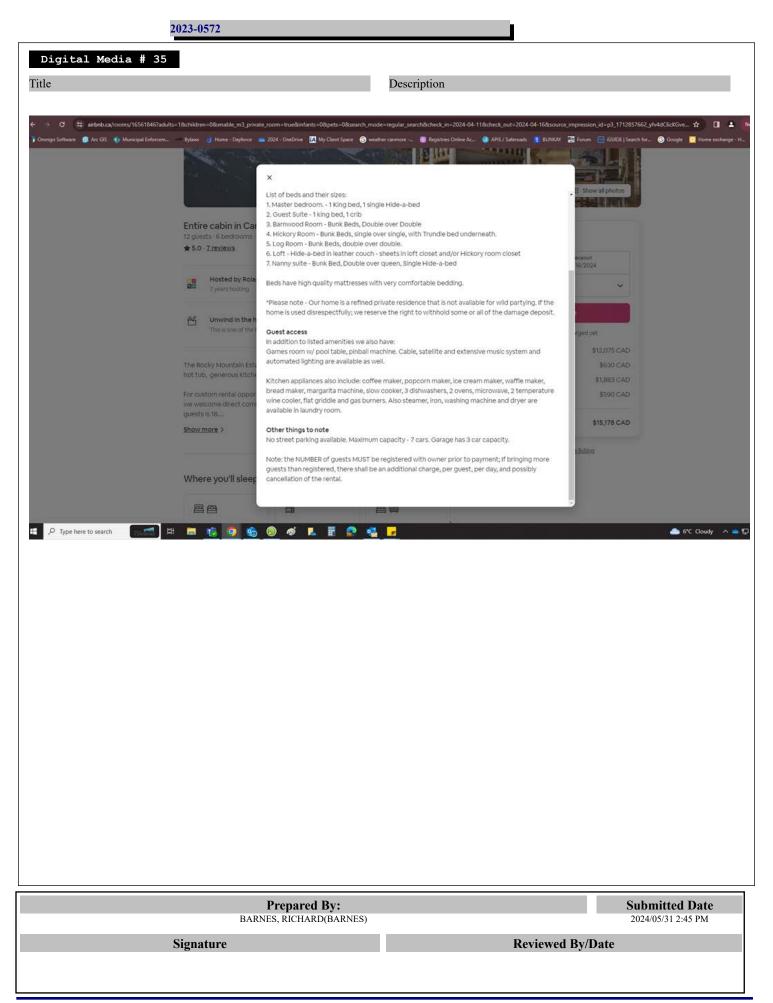
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	Aalv	* 5.0 - 7 reviews
	8 years on Airbnb ***** • August 2023 - Group trip Wonderful place, Would definitely stay here again.	New York, New York ***** - July 2023 - Group trip Highly recommend. Go with family or a group of friends. You will have an amazing experience at the house, around town and in the mountains.
	Wasif 2 years on Airbnb 	Greg Toronto, Canada ***** - February 2018 - Group trip This place is amazing!
	Vik San Francisco, California ***** · January 2018 · Group trip We had a spectacular experience staying at the Treehouse during our long weekend in Banff. The house itself is incredible and we couldn't ask for more from the owners. Would 100% Show more	Wyrna Calgary, Canada ***** December 2017 - Group trip This place is amazing. It was well supplied with dishes etc. Our family did our Christmas there. Was so nice to walk in to find it all decorated for Christmas.
	Show all 7 reviews Where you'll be Canmore, Alberta, Canada	
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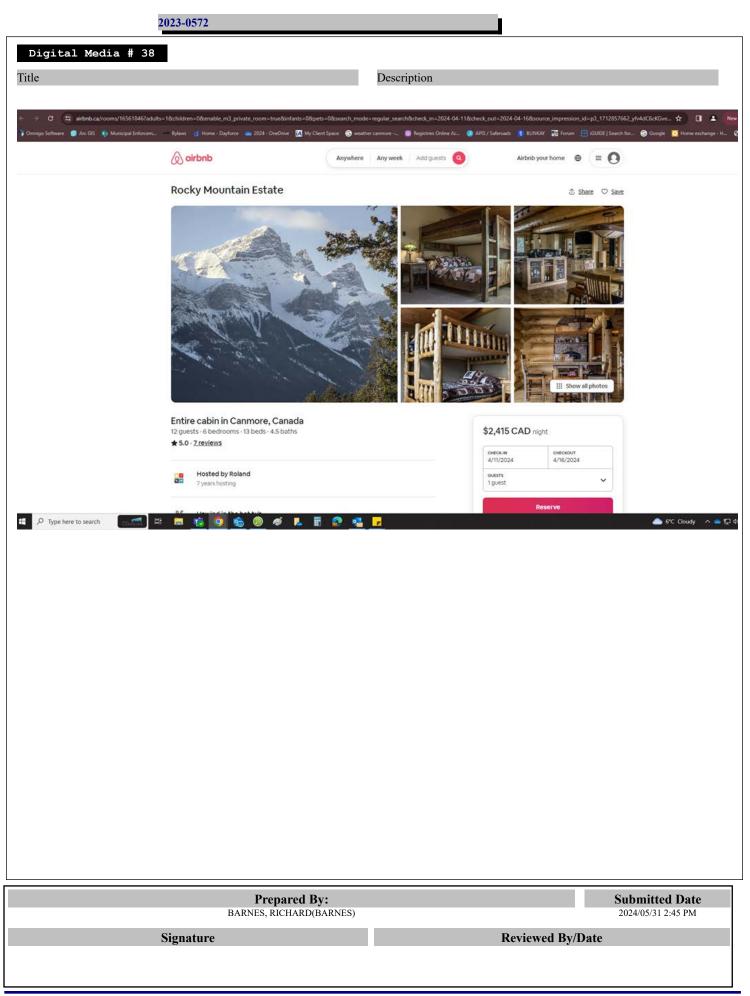
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			\$2,415 CAD night	
	What this place offers			
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		Free parking on premises	ouests 1 guest	~
	Private hot tub	עד 🕻	Reserve	
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	Backyard	Indoor fireplace	\$2,415 CAD x 5 nights \$12,075	CAD
	Show all 22 amenities		Cleaning fee \$630	
			Airbnb service fee \$1,883 Taxes \$590	
	5 nights in Canmore		Total \$15,178	CAD
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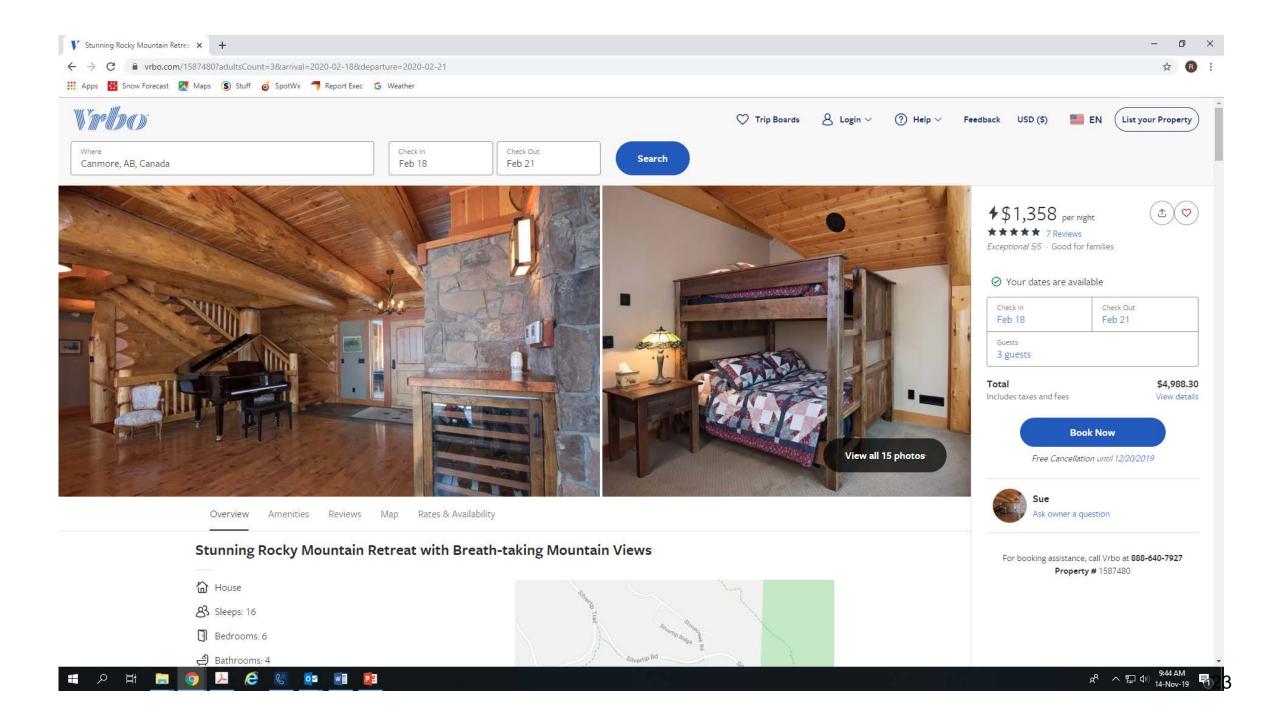
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	About this space	HALL REAL
Entire cabin 12 guests - 6 bec		
★ 5.0 - 7 review		ECKOUT
	i by Rola The space	16/2024
ala 7 years t	1. Master bedroom 1 King bed, 1 single Hide-a-bed	
	2. Guest Suite - 1 King bed, 1 crib 4 in then 3. Barnwood Room - Bunk Beds, Double over Double 4. Hickory Room - Bunk Beds, single over single, with Trundle bed underneath.	
	 Log Room - Bunk Beds, double over double. Loft - Hide-a-bed in leather couch - sheets in loft closet and/or Hickory room closet 	rged yet \$12,075 CAD
The Rocky Mour		\$630 CAD
hot tub, genero For custom rent	been leveling industry marked and mentally defined table becoming.	\$1,883 CAD \$590 CAD
we welcome din guests is 18		
Show more >	Guest access In addition to listed amenities we also have:	\$15,178 CAD
	Games room w/ pool table, pinball machine. Cable, satellite and extensive music system and automated lighting are available as well.	15ting
Where you'	Il sleer, bread maker, margarita machine, slow cooker, 3 dishwashers, 2 ovens, microwave, 2 temperature	
	wine cooler, flat griddle and gas burners. Also steamer, iron, washing machine and dryer are available in laundry room.	
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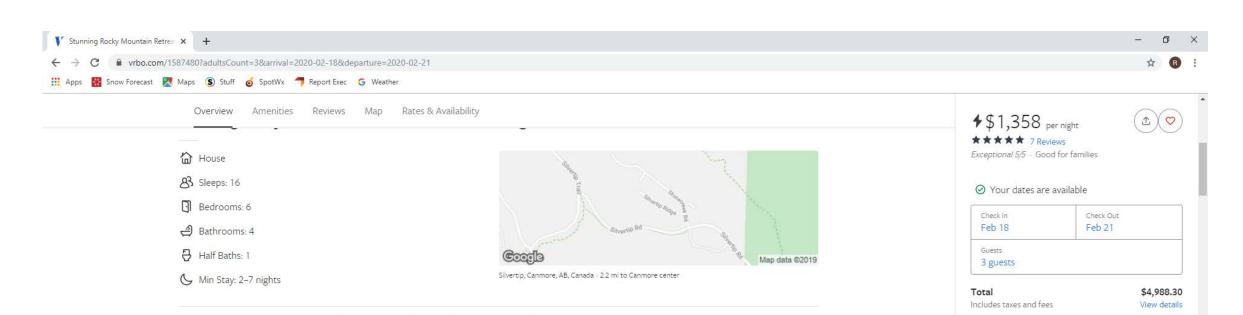
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Example 2 and a second s	
Entire cabin in Canmore, Canada 12 guests · 6 bedrooms · 13 beds · 4.5 baths \$2,415 CAD night	
★ 5.0 - Zreviews	
Hosted by Roland 04/11/2024 4/16/2024	
Hosted by Roland events 7 years hosting 1 guest V	
Compared and the second	
This is one of the few places in the area with this amenity. You won't be charged yet	
\$2,415 CAD x 5 nights \$12,075 CAD	
The Rocky Mountain Estate has 6 bedrooms. It a log home with sauna, steam room and Cleaning fee \$630 CAD hot tub, generous kitchen and dining room with fireplace. It is truly a pristine home. Airbnb service fee \$1,883 CAD	
For custom rental opportunities, please contact us directly. This is a bespoke home and Taxes \$590 CAD	
we welcome direct communication to make the trip right for you! Maximum number of guests is 18	
Show more > Total \$15,178 CAD	
Pa Report this listing	
Where you'll sleep	
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Your search Amazing pools Amazing		を 合 全 合 路 Countryside Trending Chef's kitchens Cabins Pisy Rooms	Bed & breakfasts Farms Tiny homes Lakefront Skiling
3 places in Canmore		(
Guest favourite	 \$.0(48) Guest Suite in Canmore Bianchard Mountain BnB, Your Adven 3 beds Apr, 21 – 26 	 \$ 50(3) fure Avails! Cabin Camore Rocky Mountain Estate 13 beds Apr: 11-16 	\$3,018 CAD
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Richard Williams, DO 14 November 2019 – 9.44 a.m. 133 Wapiti Close, Canmore <u>https://www.vrbo.com/1587480?arrival=2020-02-18&departure=2020-02-18&departure=2020-02-21&adultsCount=3</u> VRBO Listing No. 1587480 Online advertising captured





Premier Partner Instant Confirmation Good for families Hot Tub Air Conditioning No Smoking

Superb location for family or friend gatherings and reunions as well as business retreats.

Enjoy authentic log home with all the amenities and more. This property has breath-taking views of the Rockies with close proximity to local grocery stores, restaurants, shopping, skiing, golfing, and hiking trails.

It's an grand experience in the heart of the Canadian Rockies!

Please contact property manger for more details.

Bedrooms

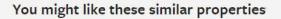
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Bedrooms: 6

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B Sleeps: 16



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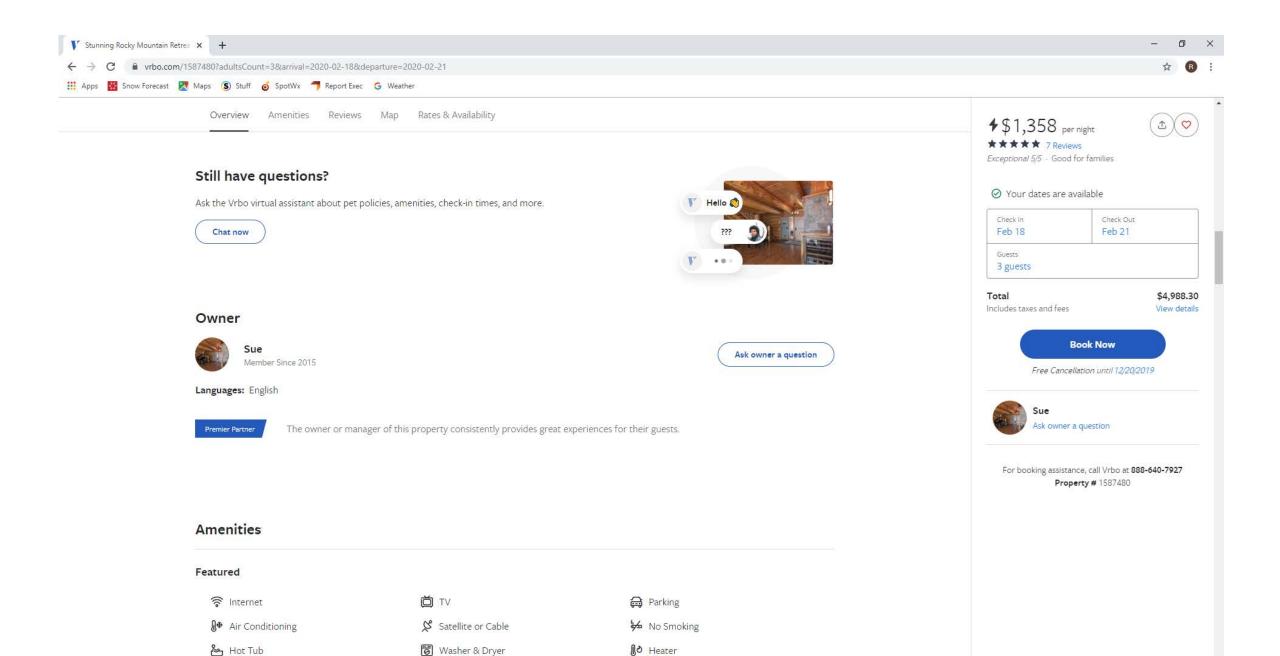
Book Now

Free Cancellation until 12/20/2019

For booking assistance, call Vrbo at **888-640-7927 Property #** 1587480

Ask owner a question

Sue



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	Overview Amenities Review	vs Map Rates & Availability		◆\$1,358 per night ① ♡
				* * * * * 7 Reviews
				Exceptional 5/5 - Good for families
	Bathrooms			⊘ Your dates are available
	Bathrooms: 4, Half Baths: 1			
				Check In Check Out Feb 18 Feb 21
				Guests
	Safety features			3 guests
	Deadbolt lock	Smoke detector	Carbon-monoxide detector	Total \$4,988.3
	First-aid kit	Fire extinguisher	Exterior lighting	Includes taxes and fees View detai
	Half - Bathroom on Main Floor			Book Now
				Free Cancellation until 12/20/2019
	General			() reconcentron on in 12/20/2012,
	Telephone	Parking	Hair Dryer	Sue
	Air Conditioning	Garage	Paper Towels	Ask owner a question
	Heating	Internet	Shampoo	
	Linens Provided	Towels Provided	Basic Soaps	For booking assistance, call Vrbo at 888-640-7927 Property # 1587480
	Washing Machine	Fitness Room / Equipment	Toilet Paper	
	Clothes Dryer	Wireless Internet	Living Room	
	Fireplace	Iron & Board		
	Gas fireplace			
	Kitchen			
	Dishwasher	Kitchenette	Ice Maker	
	Dishwasher	Kitchenette	Ice Maker	

V Stunning Rocky Mountain Retree × +

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Overview Amenities Reviews Map Rates & Availability

Kitchen

Dishwasher	Kitchenette	ice Maker
Refrigerator	Coffee Maker Keurig	Pantry Items
Stove	Toaster	Dishes & Utensils Large fully equipped kitchen. Enough dinner plates and utensils for 16 guests
Microwave	Blender	Kitchen

Coffee Grinder

Game Room

Several Board Game

Games for Kids

Games

Entertainment

Television Satellite / Cable Stereo

Outside

Porch / Veranda Deck / Patio

- 12 lawn chairs available for seating on Deck

Ski & Snowboard Mount Norquay Sunshine Village Golf Canadian Rockies Golf Banff Springs Golf Course Silvertip Golf Course

Kettle

Music Library

Pool Table

Toys

Suitability

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Check In Feb 18	Check Out Feb 21	
_{Guests} 3 guests		
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	tance, call Vrbo at 888- operty # 1587480	640-7927

4\$1,358 per night

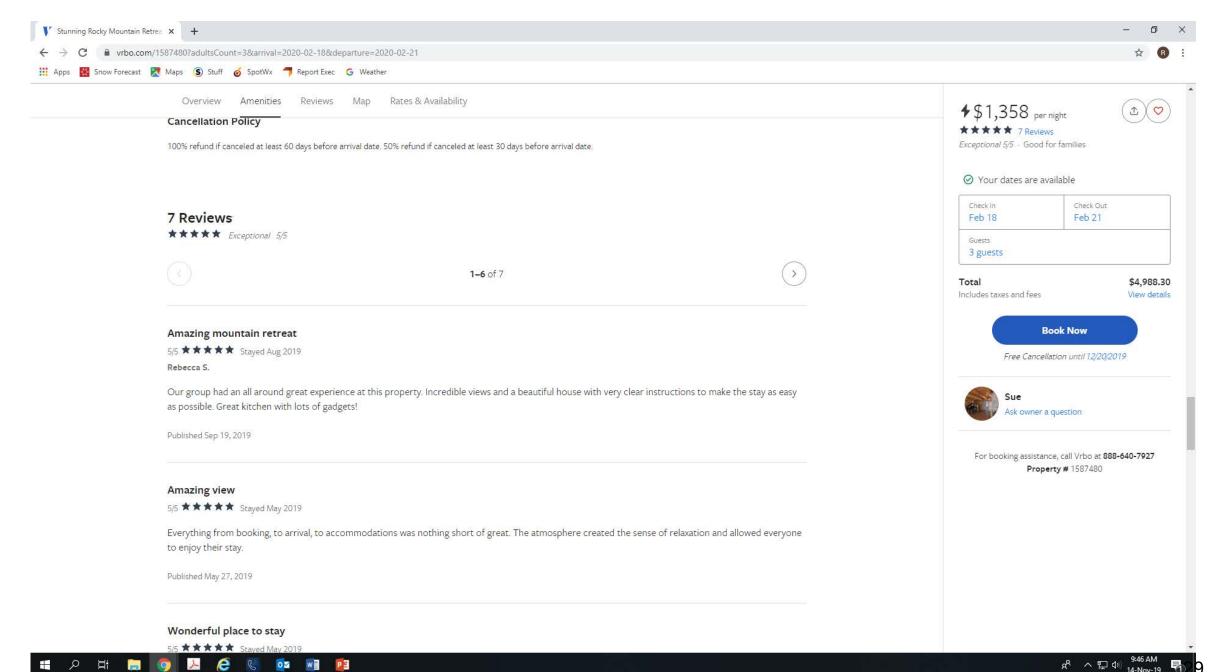
→ C	ģar (B)
Overview Amenities Reviews Map Rates & Availability	\$ \$1,358 per night
Suitability	★★★★ 7 Reviews Exceptional 5/5 - Good for families
Long-term Renters Welcome	⊘ Your dates are available
Pool / Spa	Check In Check Out Feb 18 Feb 21
Sauna Hot Tub Comfortably fits 6-8 people	Guests 3 guests
House Rules	Total\$4,988.30Includes taxes and feesView details
Check-in: 4:00 PM Check-out: 11:00 AM	Book Now
No parties/events	Free Cancellation until 12/20/2019.
X No smoking	Sue Ask owner a question
× No pets	For booking assistance, call Vrbo at 888-640-7927 Property # 1587480
✓ Children allowed	
Minimum age of primary renter: 21	
Max guests: 16	

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100% refund if canceled at least 60 days before arrival date. 50% refund if canceled at least 30 days before arrival date.





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Overview Amenities Reviews Map Rates & Availability

Wonderful place to stay

5/5 * * * * * Stayed May 2019

The home was lovely and quiet. It was chock full of lovely amenities and features!

Published Jun 2, 2019

Absolutely amazing!

5/5 ★★★★★ Stayed May 2019

Brittany W.

Wonderful accomodations with a stunning view! Everything you could want in a vacation rental. Very clean, and all the items you could possibly need to feel at home. Close to the Canmore town centre and Banff, you can enjoy a variety of activities or simply relax in this beautiful space. I would highly recommend this property and hope to be able to return to it at somepoint.

Published May 14, 2019

Think of the most EXQUISITE Tree House you could imagine ..

5/5 * * * * * Stayed Apr 2019

Shweta H.

Think about the most exquisite Tree House you could imagine, and times it by a 100! It is plush, extravagant, and the views from every vantage point are unparalleled! The details that were thought of, from a sound system that could be individualized for every room, the magical self playing grand piano, the Margaritaville, pool table, pinball machine, to a high powered mood lighting hot tub with a tv outside to boot! We really did not want to leave the Tree House to check out Canmore..or EVER! The trails by the Tree House are also wonderful for some light exploration and hiking.

Do it, it will be an experience you will cherish for the rest of your lives!

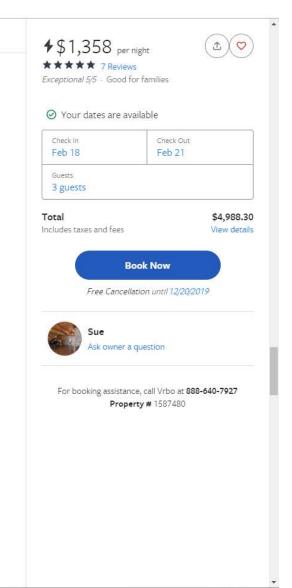
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Published May 31, 2019

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Overview Amenities Reviews Map Rates & Availability

House to check out Canmore...or EVER! The trails by the Tree House are also wonderful for some light exploration and hiking.

Do it, it will be an experience you will cherish for the rest of your lives!

Published May 31, 2019

Outstanding 5 star property

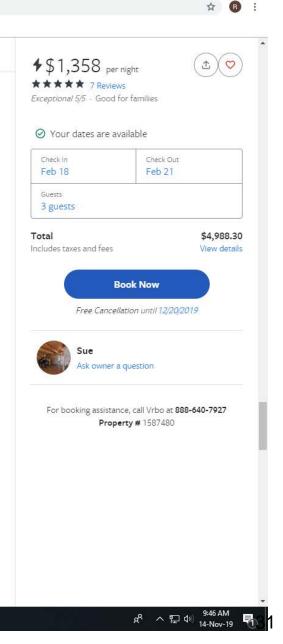
5/5 ★★★★ Stayed Apr 2019 Tara H.

We had the most amazing stay at this incredible property. Not a detail is missing here. Waking up to breathtaking views of a pink sunrise lighting up the mountain range outside of our bedroom window was the icing on the cake. It is close to Banff so we were able to enjoy a fantastic day at Sunshine mountain resort skiing. We highly recommend this property for your Canmore stay. We will be talking about this place for a very long time!

1-6 of 7

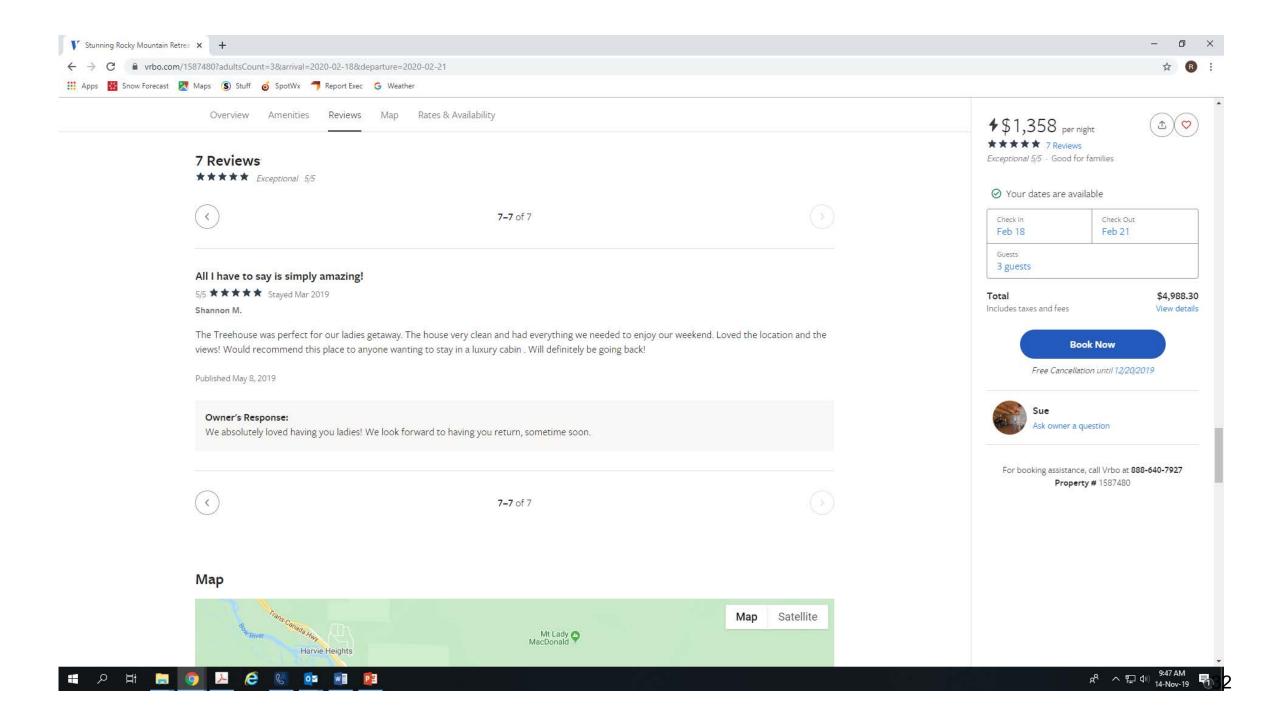
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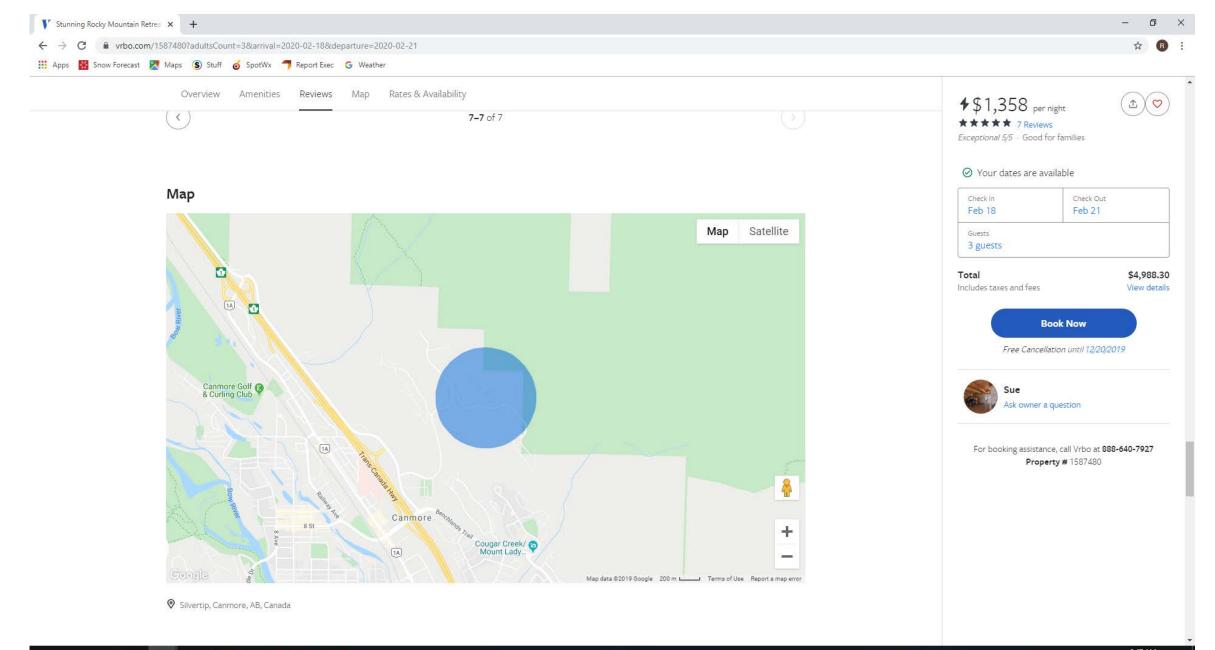
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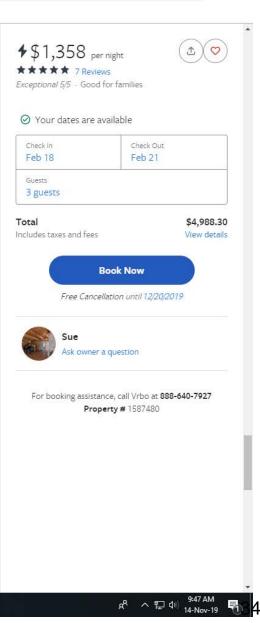
Overview Amenities Reviews Map Rates & Availability

Silvertip, Canmore, AB, Canada

Rates & Availability

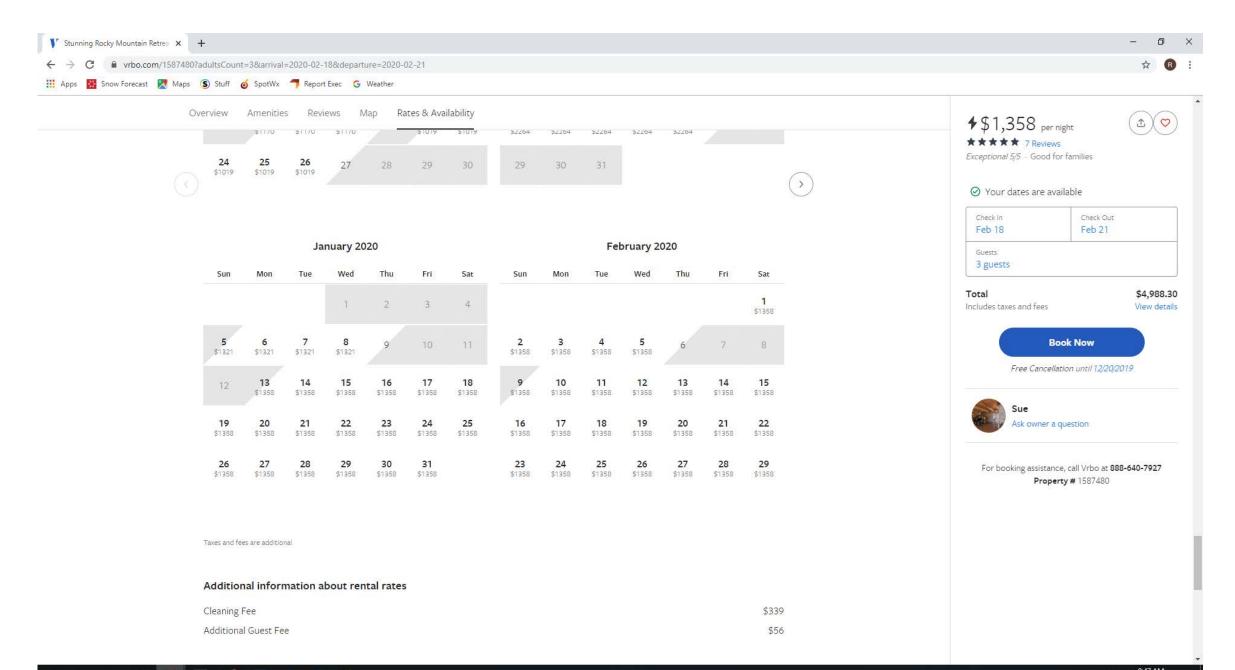
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Overview Amenities Reviews Map Rates & Availability

Silvertip, Canmore, AB, Canada

Rates & Availability

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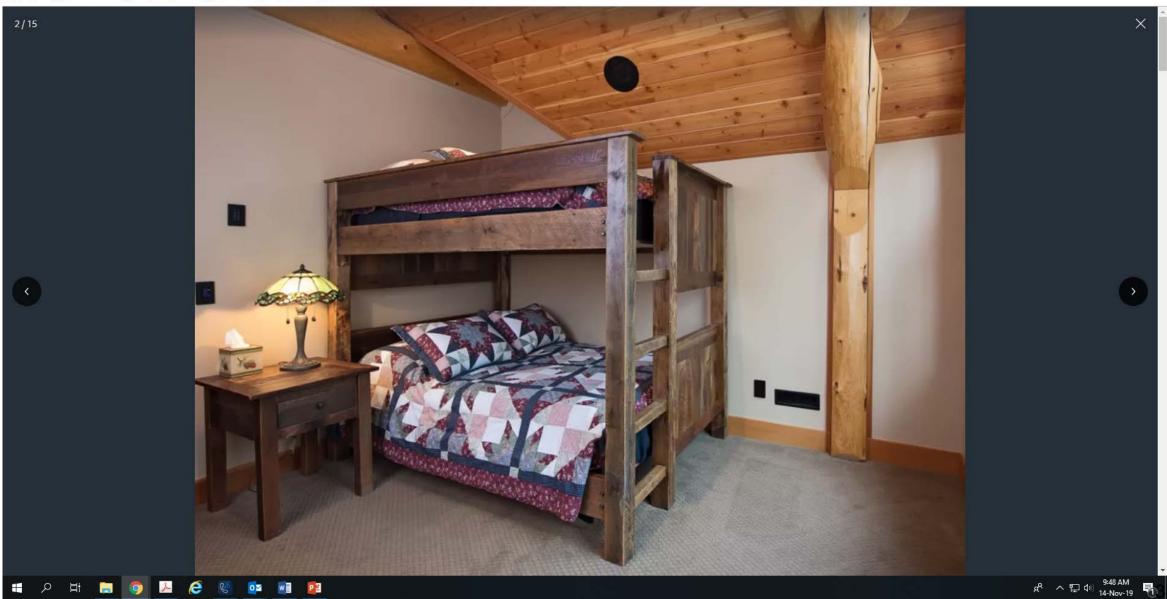
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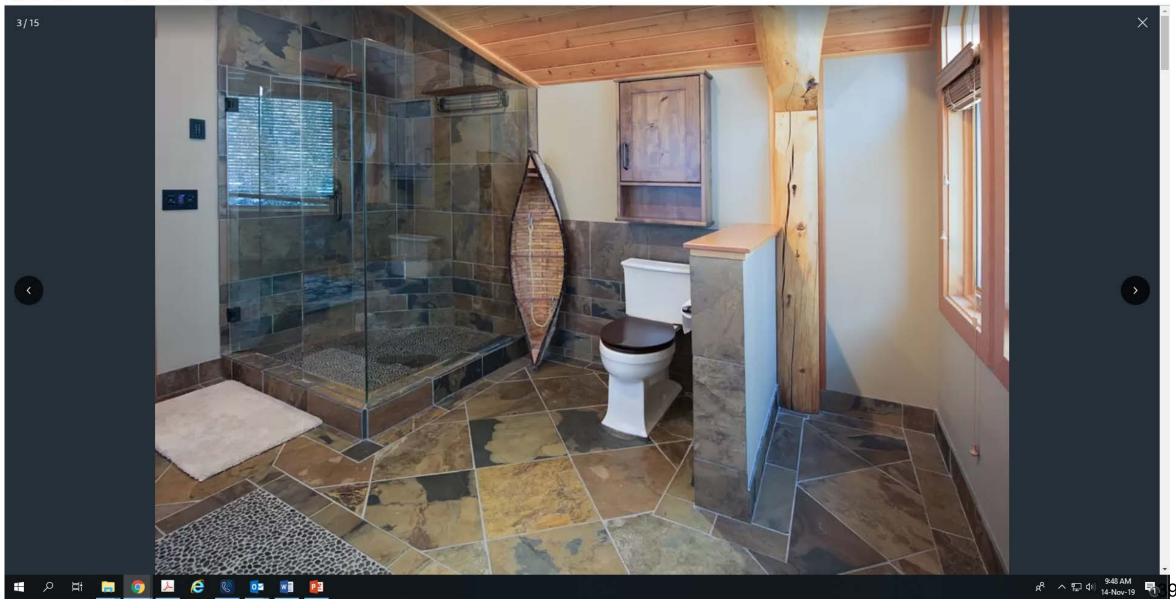


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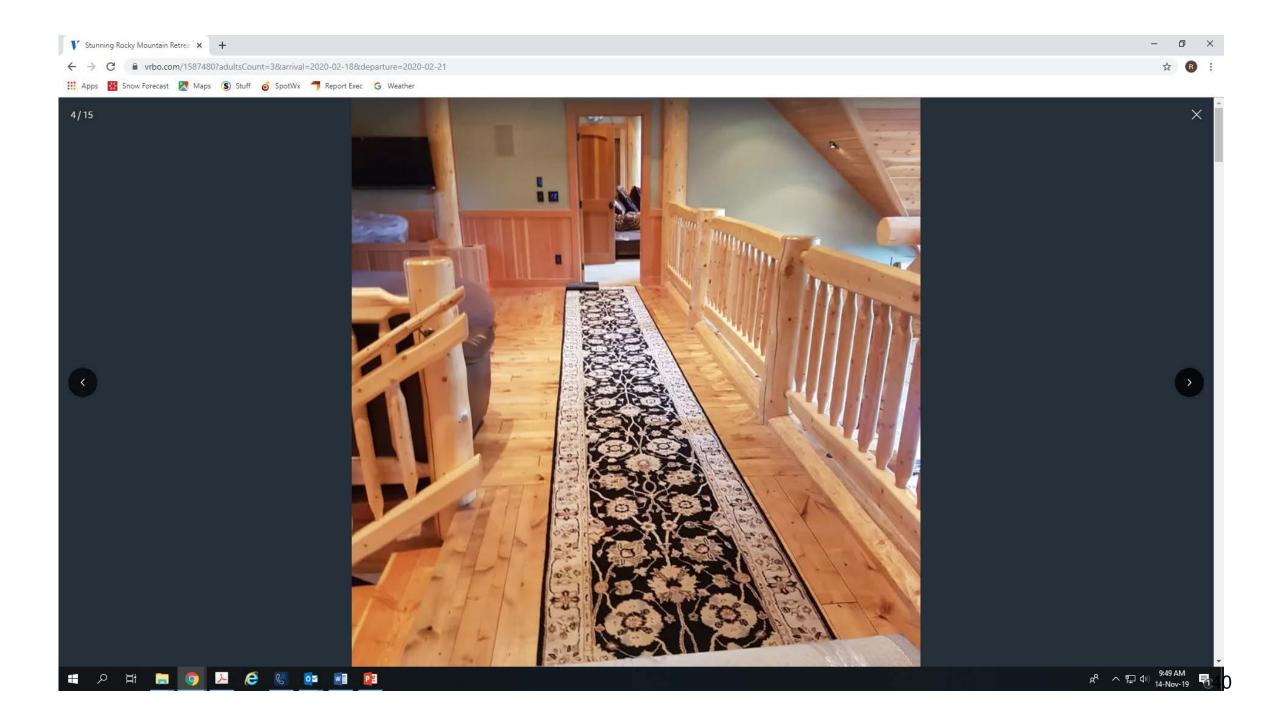
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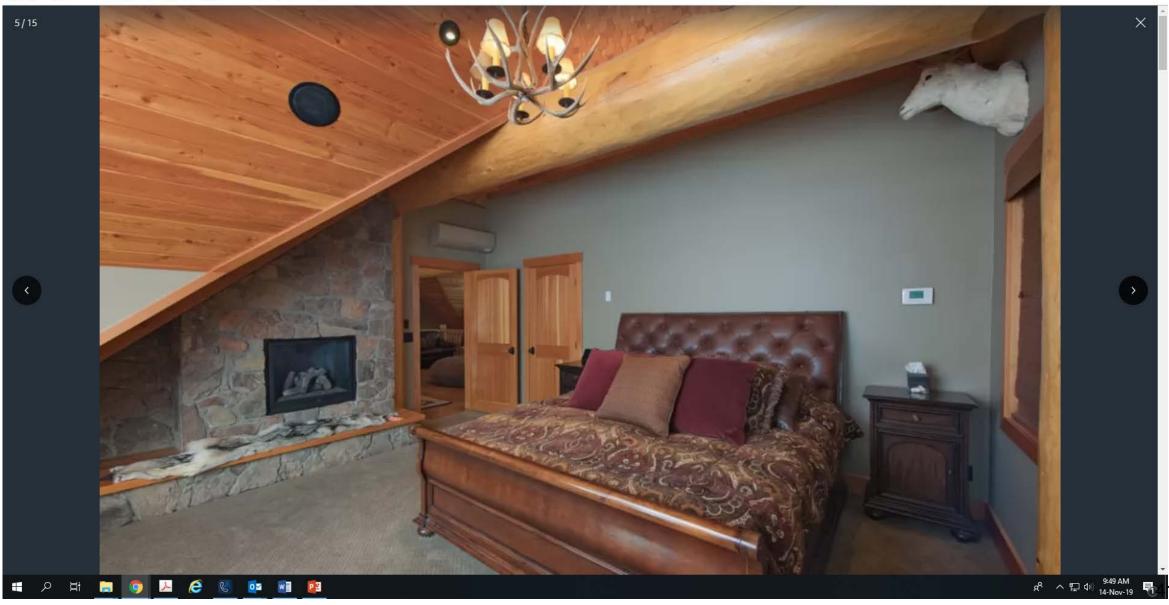


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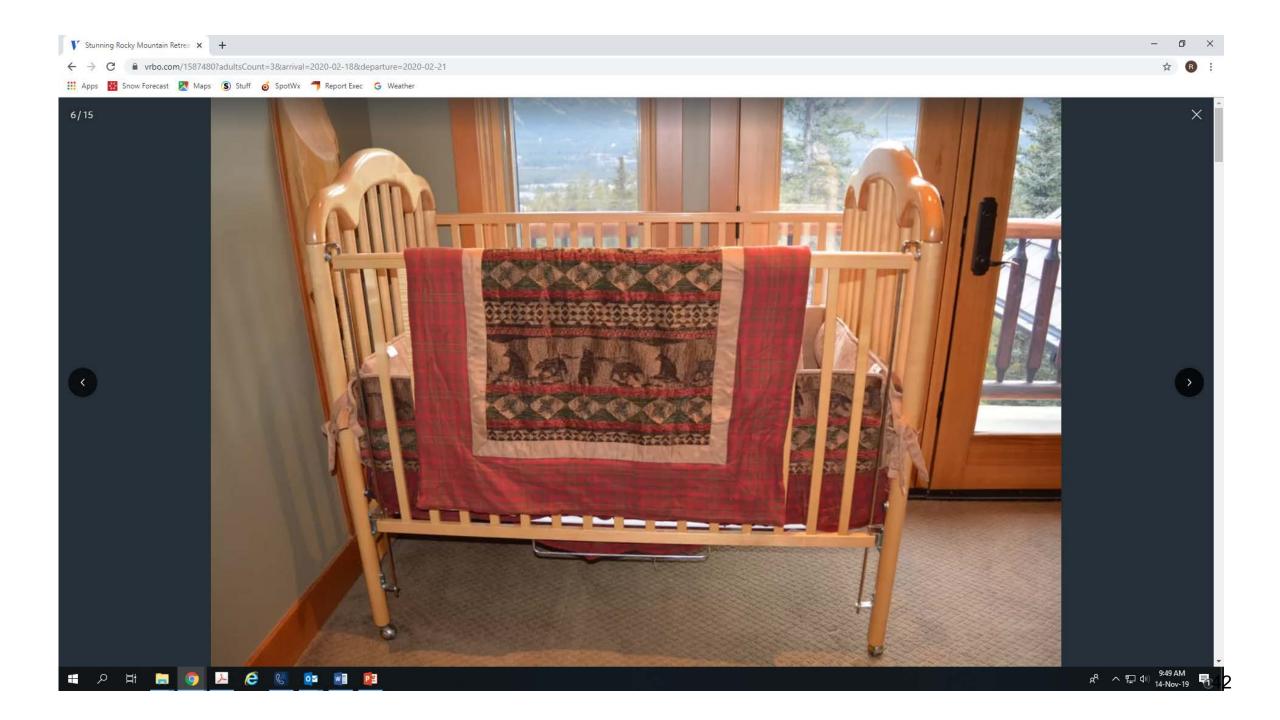


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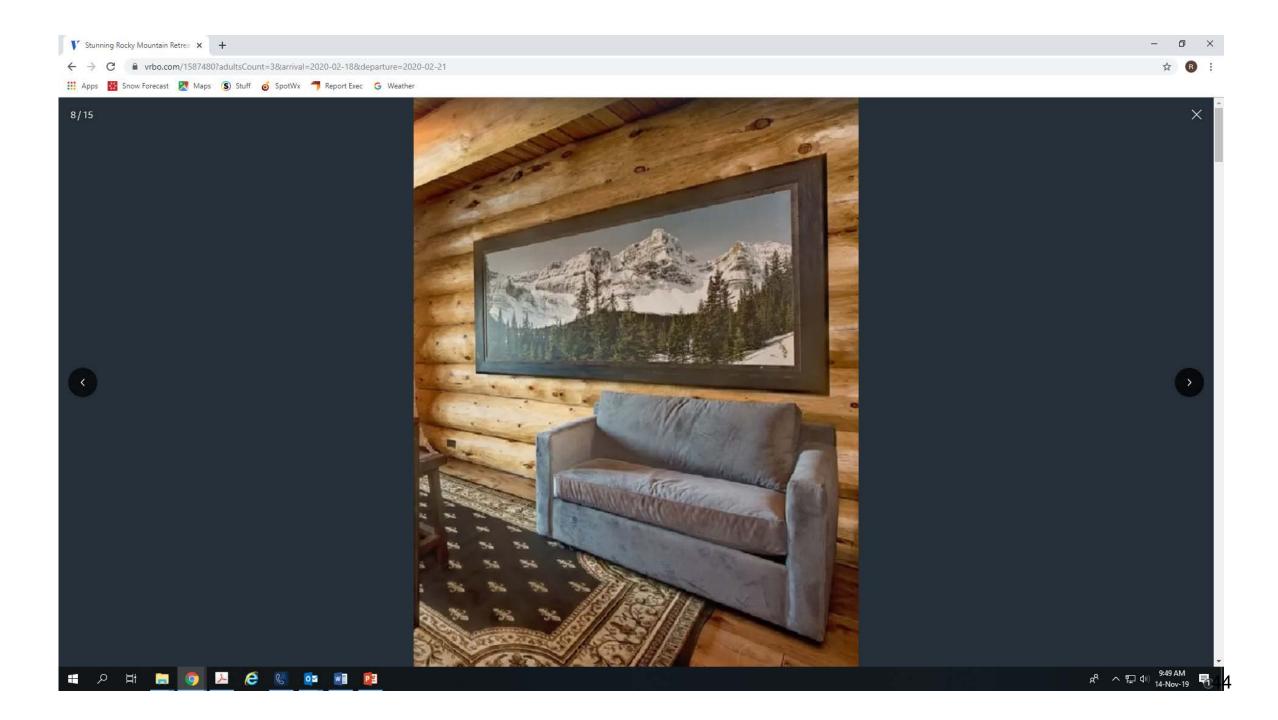


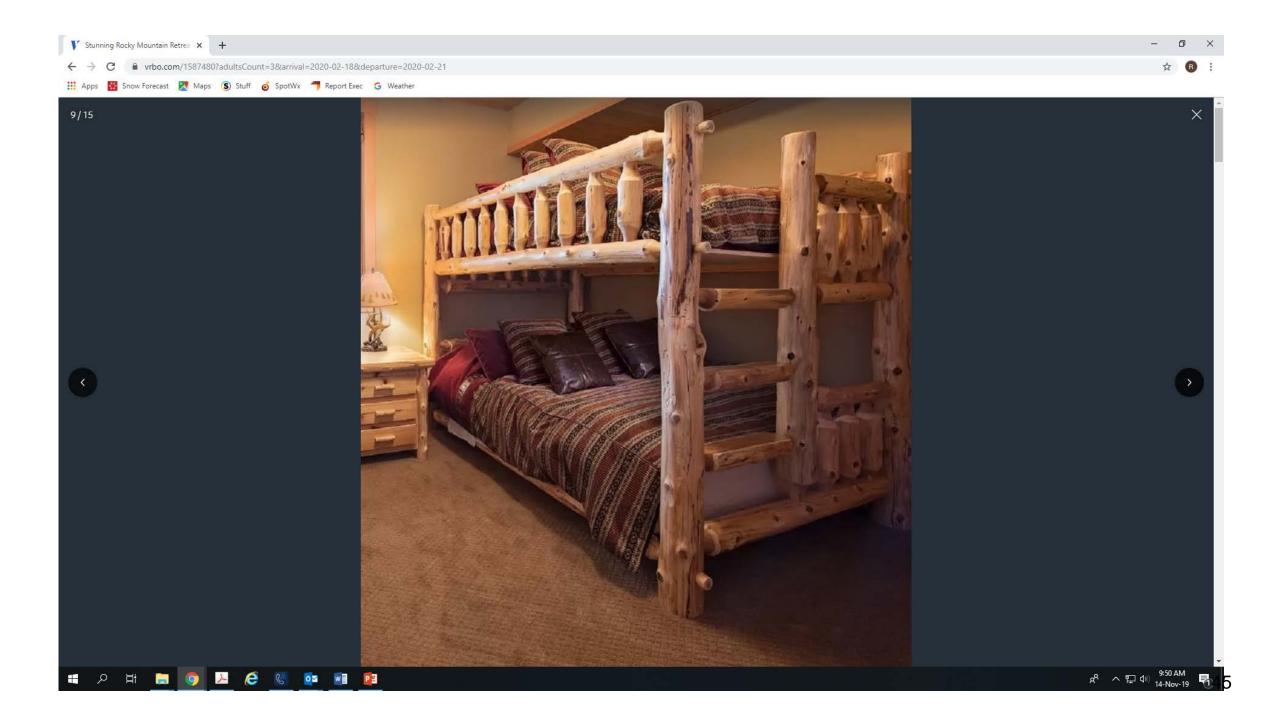
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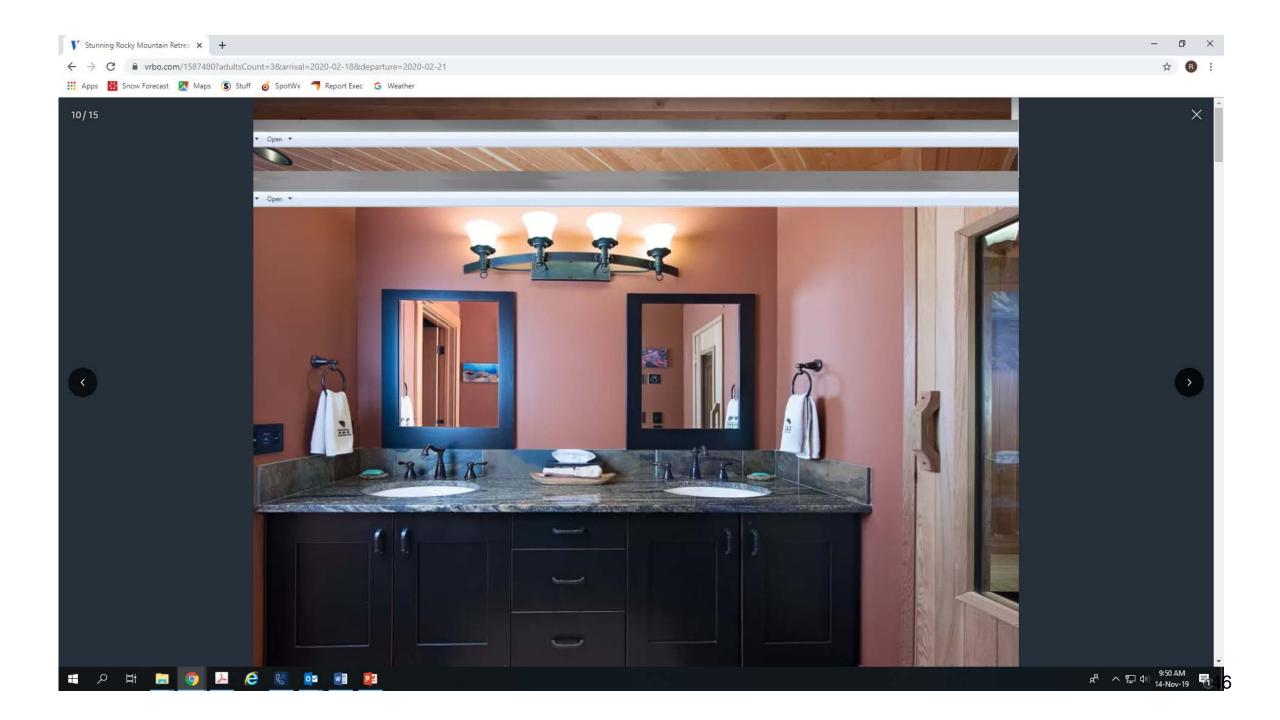
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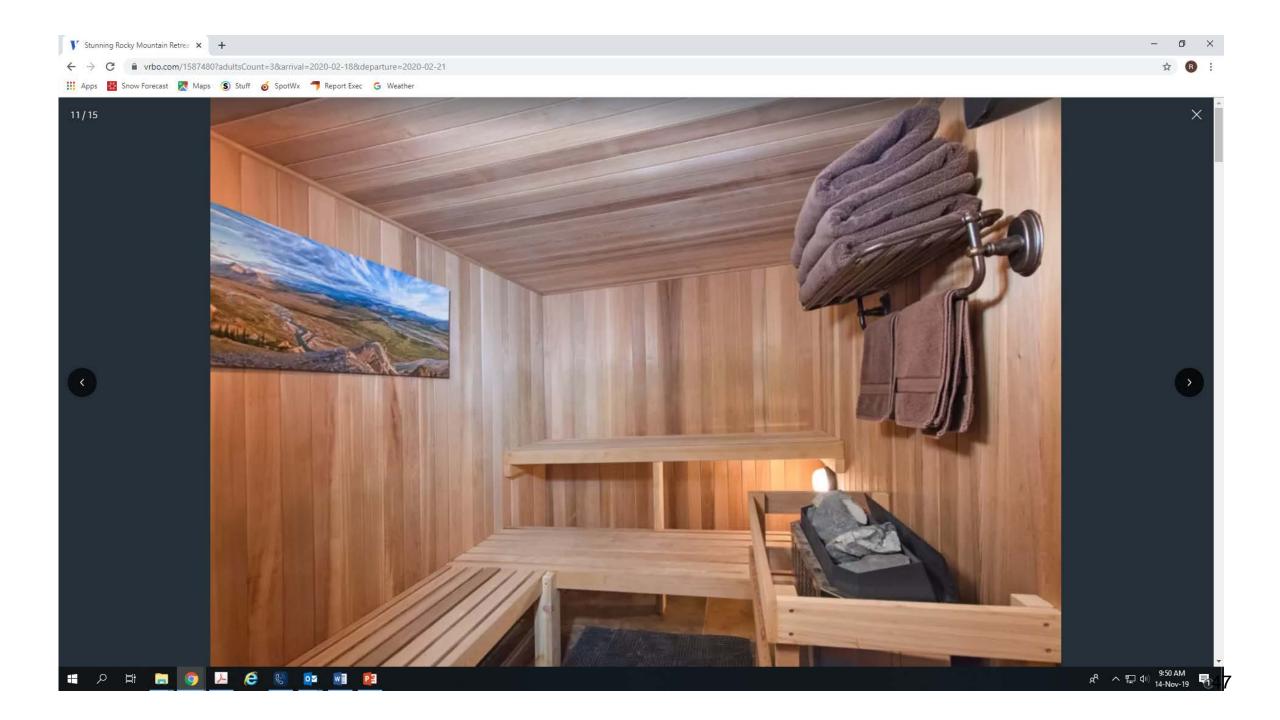


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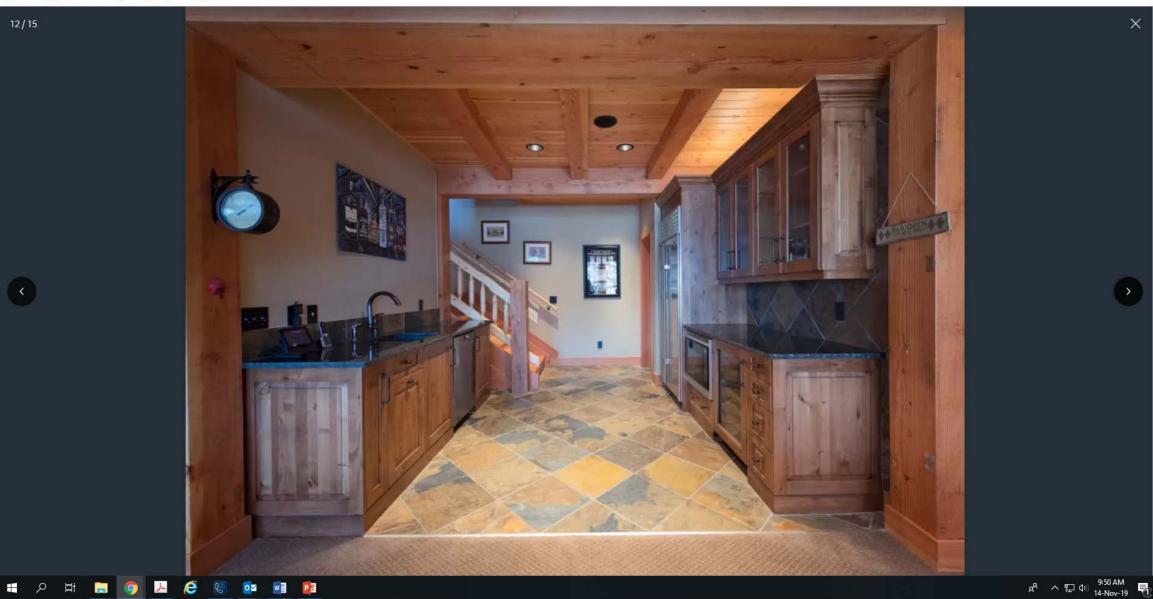








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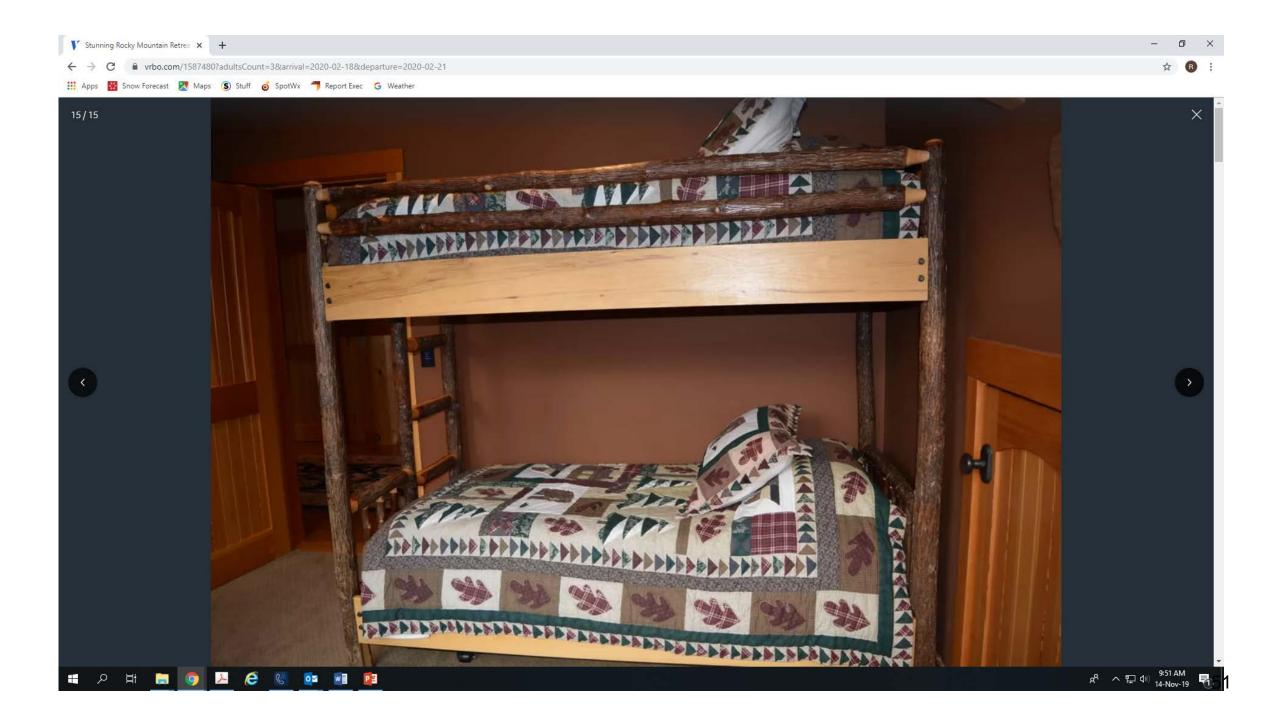
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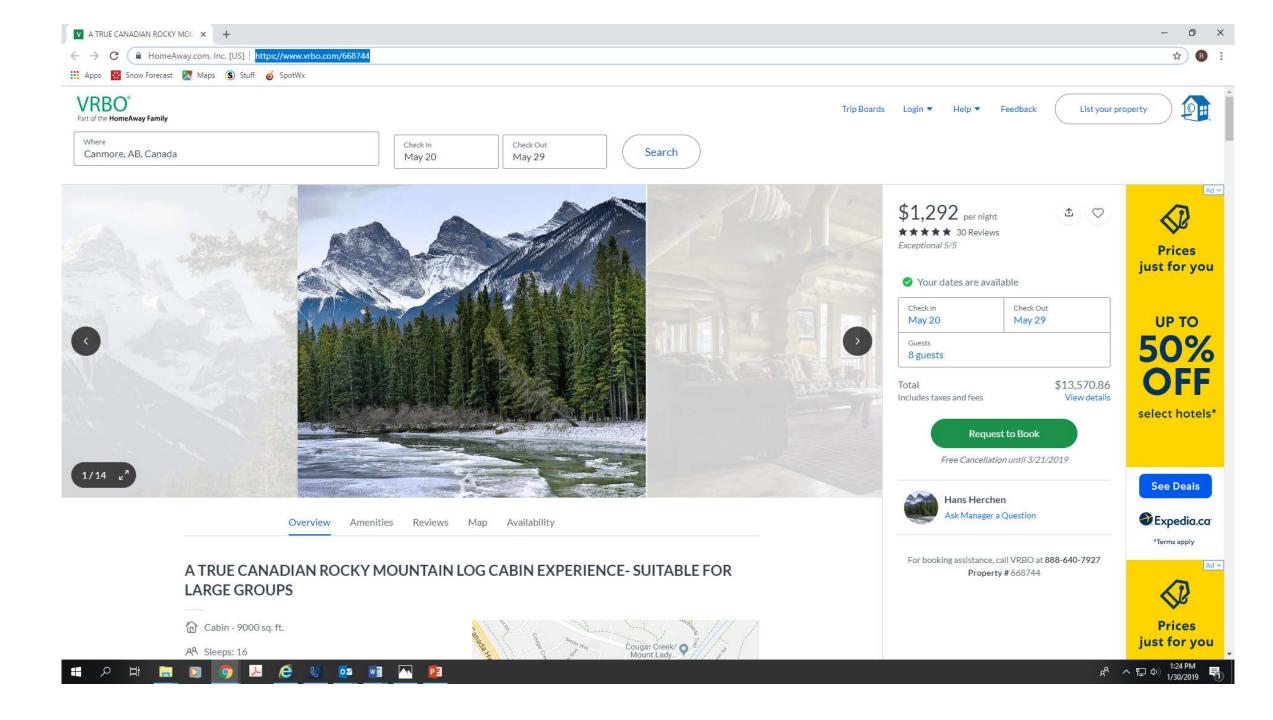
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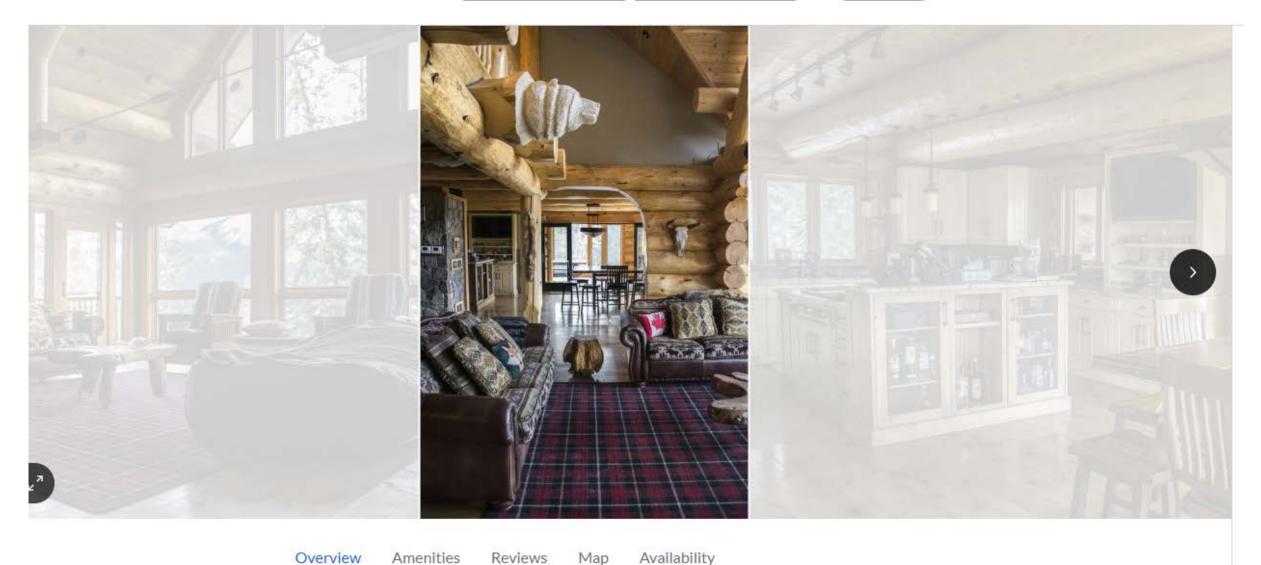
Richard Williams, DO 30 January 2019 – 1.20p.m. 133 Wapiti Close, Canmore <u>https://www.vrbo.com/668744</u> VRBO Listing No. 668744





Overview Amenities Reviews

Map Availability



Amenities

Availability Map



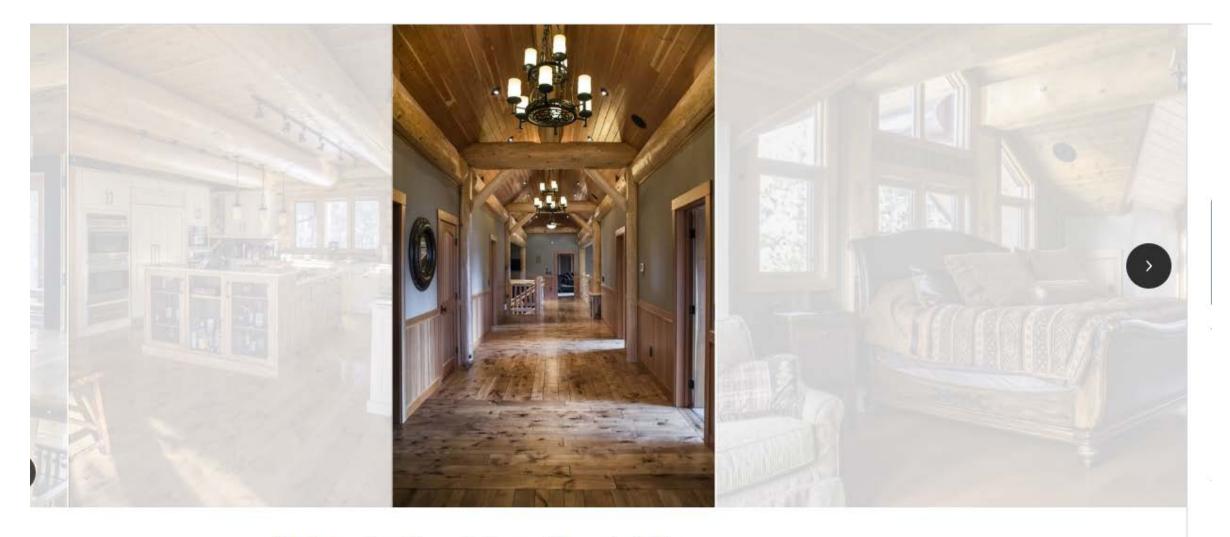
Overview Amenities Reviews Map

Availability



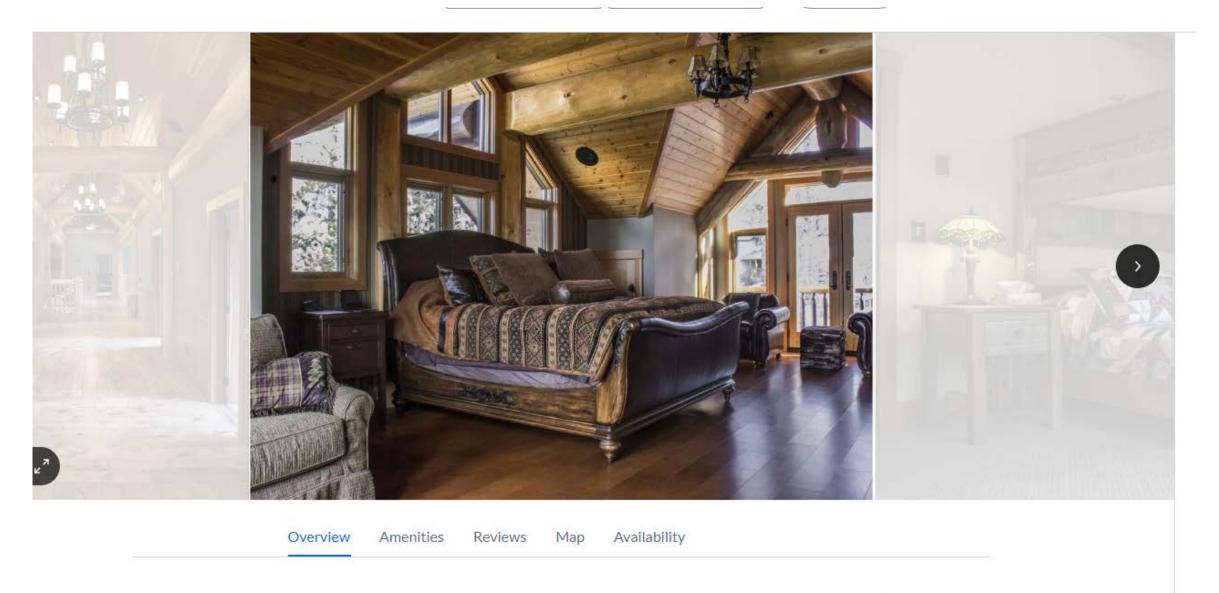
Amenities Reviews

Map Availability



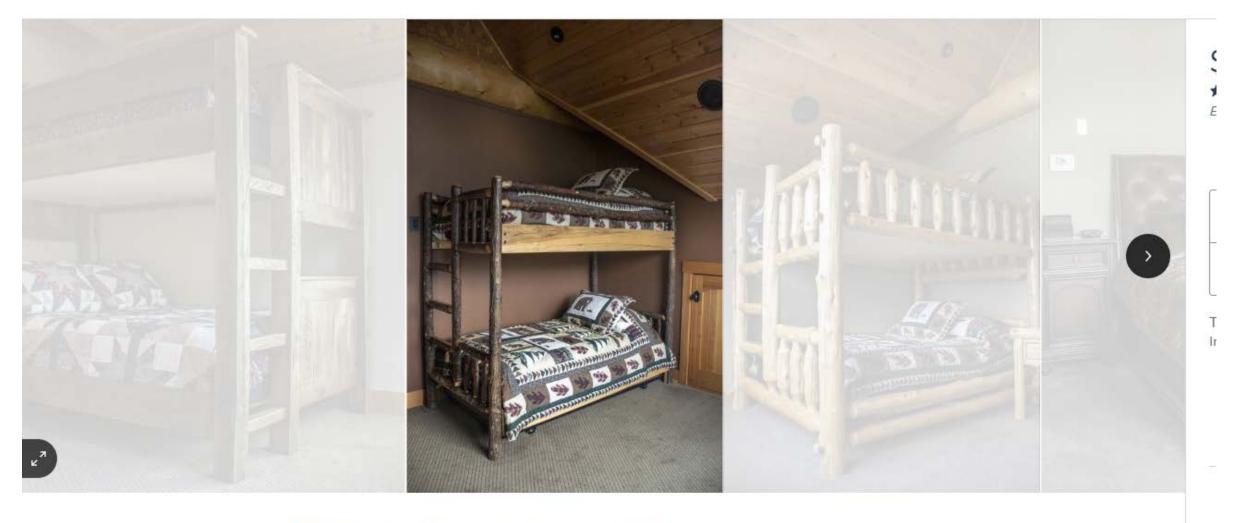
Reviews Map

Map Availability





Reviews Map Availability

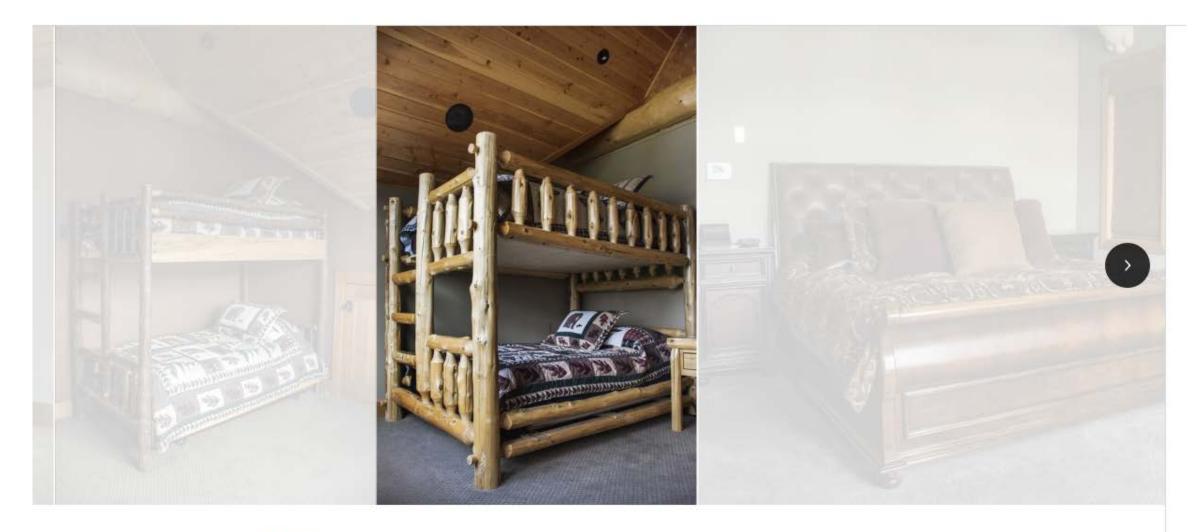


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Map Availability

A TRUE CANADIAN ROCKY MOUNTAIN LOG CABIN EXPERIENCE- SUITABLE FOR LARGE GROUPS

Cabin . 9000 sa ft



s Reviews

Map Availability

A TRUE CANADIAN ROCKY MOUNTAIN LOG CABIN EXPERIENCE- SUITABLE FOR LARGE GROUPS

Cabin, 9000 sq ft



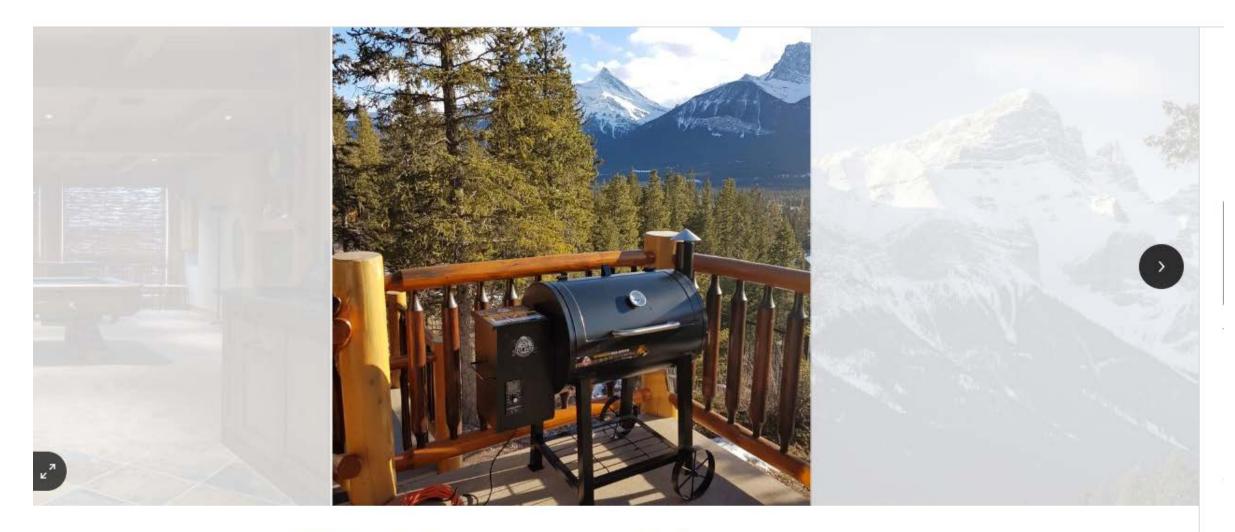


Overview Amenities Reviews Map Availability



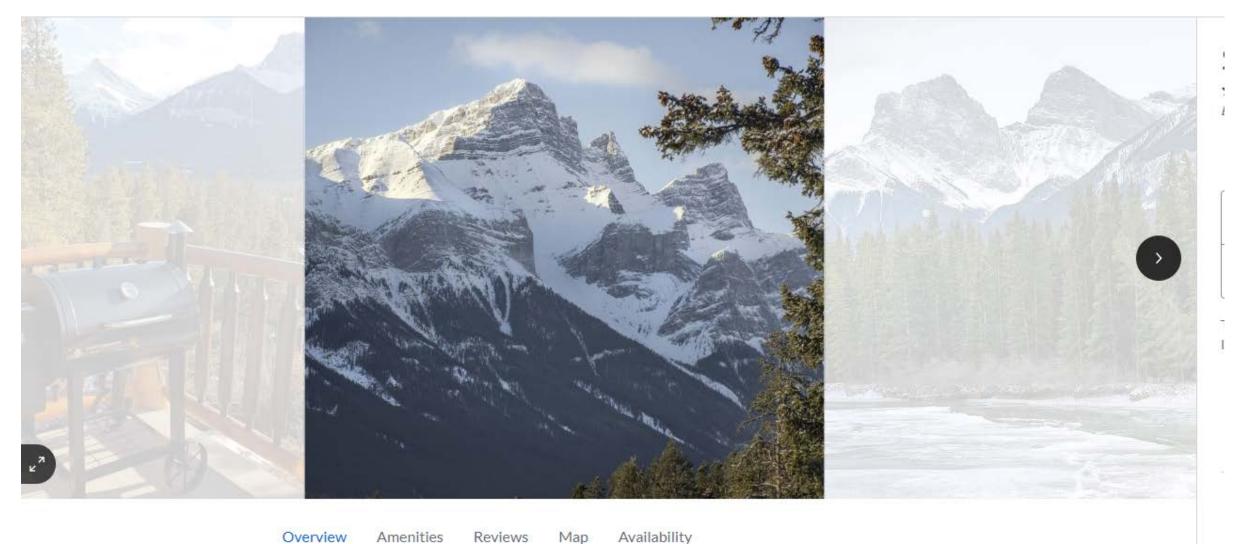
Amenities Reviews

Map Availability



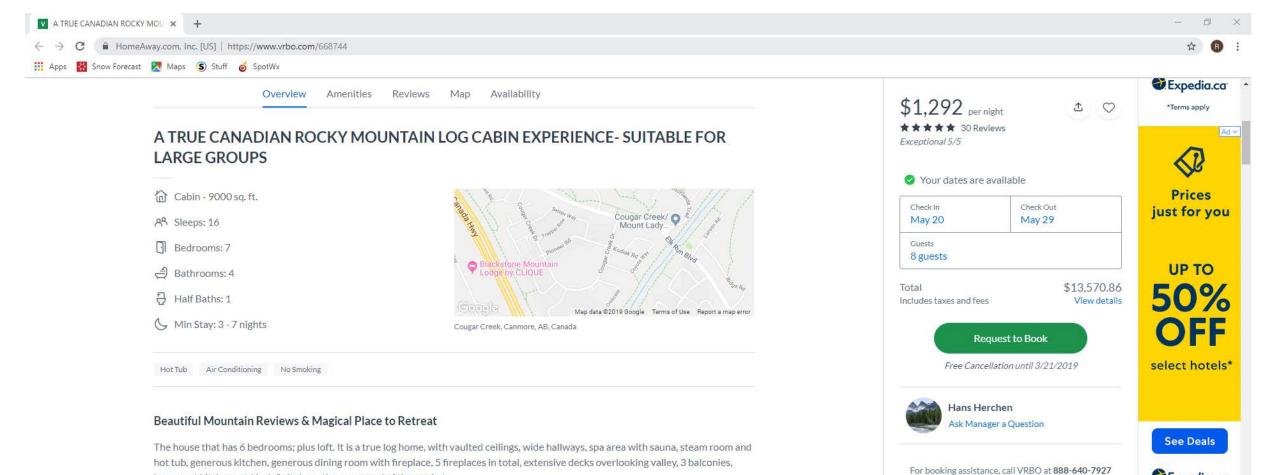
Amenities Reviews

Map Availability



Amenities

Availability Map



basement kitchen, and is definitely on the upper end of the market.

- For custom rental opportunities, please contact us directly. This is a bespoke home and we welcome direct communication to make the trip right for you!

*Please note - Our home is a refined private residence that is not available for wild partying. If the home is used disrespectfully; we reserve the right to withhold some or all of the damage deposit.

In addition to listed amenities we also have:

Games room - pool table, pinball machine. Cable, satellite and extensive music system and automated lighting are available as well. Also a den with full computer, printer, fax and scanner abilities.

Kitchen appliances also include: coffee maker, popcorn maker, ice cream maker, waffle maker, bread maker, margarita machine, slow cooker, 3 dishwashers, 2 ovens, microwave, 2 temperature wine cooler, flat griddle and gas burners. Also steamer, iron, washing machine

Expedia.ca

*Terms apply

Property # 668744

← → C 🔒 HomeAway.com, Inc. [US] https://www.vrbo.com/668744

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Overview Amenities Reviews Map Availability

a den with full computer, printer, fax and scanner abilities.

Kitchen appliances also include: coffee maker, popcorn maker, ice cream maker, waffle maker, bread maker, margarita machine, slow cooker, 3 dishwashers, 2 ovens, microwave, 2 temperature wine cooler, flat griddle and gas burners. Also steamer, iron, washing machine and dryer are available in laundry room.

No street parking available. Maximum capacity - 7 cars. Garage has 3 car capacity.

List of beds and their sizes:

1. Master bedroom. - 1 King bed, 1 single Hide-a-bed

2. Guest Suite - 1 king bed, 1 crib

3. Barnwood Room - Bunk Beds, Double over Double

4. Hickory Room - Bunk Beds, single over single, with Trundle bed underneath.

5. Log Room - Bunk Beds, double over double.

6. Loft - Hide-a-bed in leather couch - sheets in loft closet and/or Hickory room closet

7. Nanny suite - Bunk Bed, Double over queen, Single Hide-a-bed

Beds have high quality mattresses with very comfortable bedding.

Note: the NUMBER of guests MUST be registered with owner prior to payment; If bringing more guests than registered, there shall be an additional charge, per guest, per day, and possibly cancellation of the rental.

View less

Bedrooms

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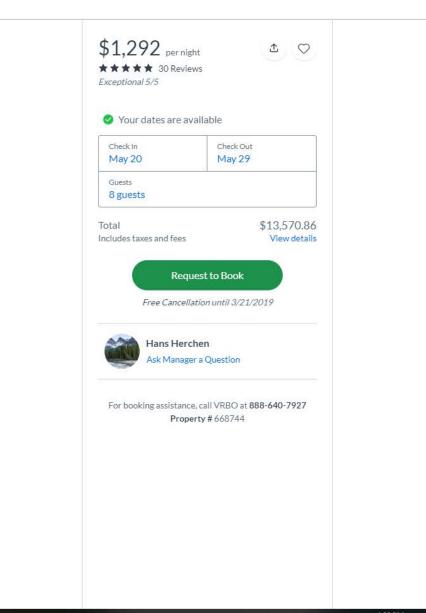
Master Suite

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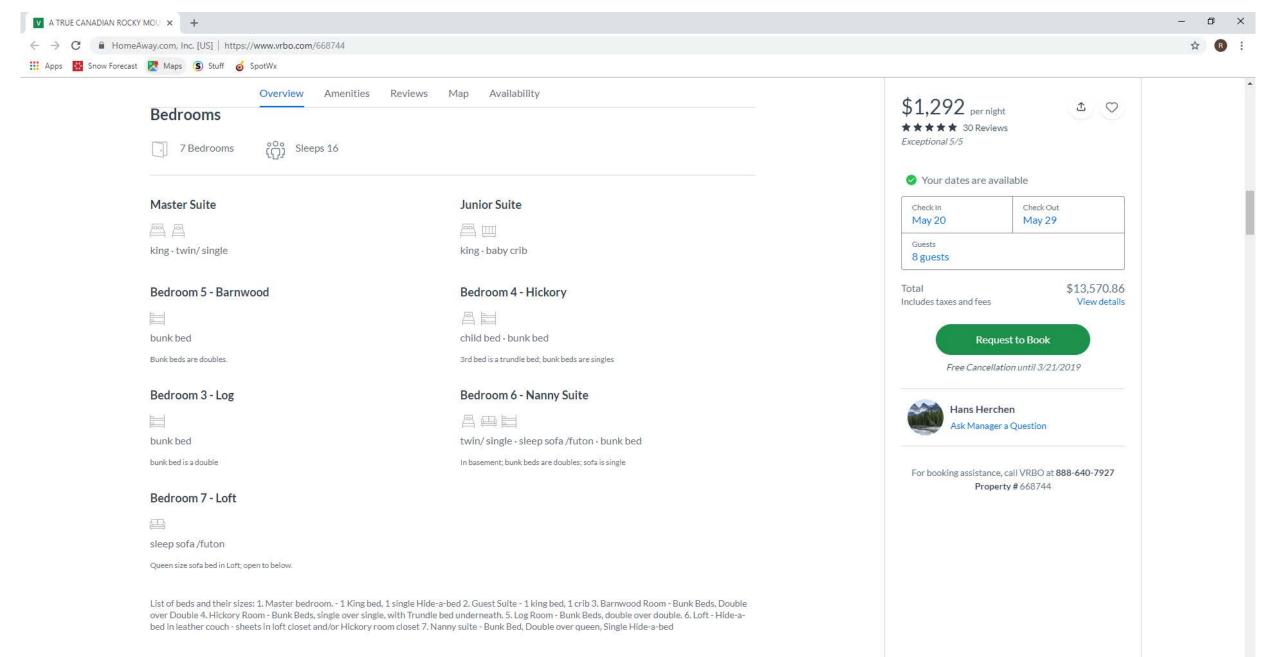
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Junior Suite

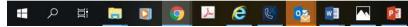


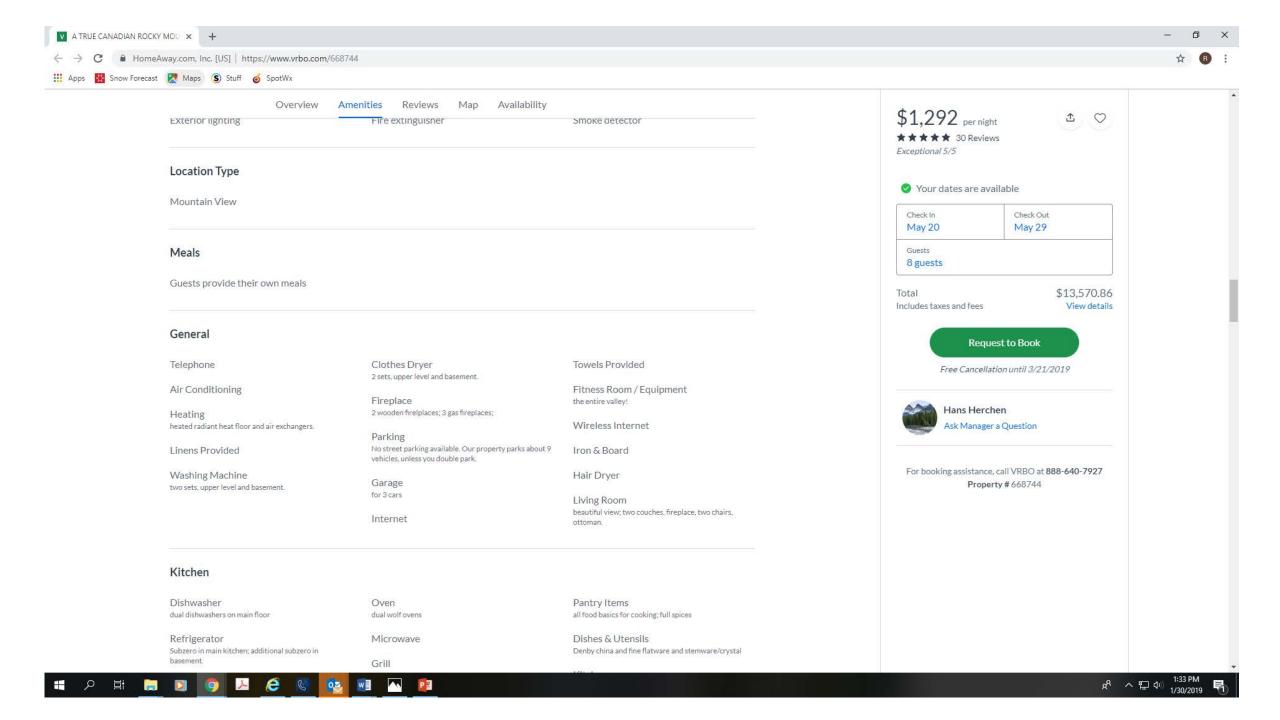
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Overview Property Manager Hans Herchen Member Since 2015	Amenities Reviews Map Availa	Ask Manager a Question	 \$1,292 per night ★★★★★ 30 Reviews Exceptional 5/5 Your dates are available
Speaks: English	Calendar last updated: Jan 30, 2019		Check In Check Out May 20 May 29 Guests
View more about Hans Herchen			8 guests Total \$13,570.8 Includes taxes and fees View detail
Amenities			Request to Book Free Cancellation until 3/21/2019
Internet Air Conditioning Hot Tub	Fireplace TV Satellite or Cable	Washer & Dryer Parking Heater	Hans Herchen Ask Manager a Question
Bathrooms 4 Bathrooms, 1 Half Bath			For booking assistance, call VRBO at 888-640-7927 Property # 668744
Bathroom 5 - main floor toilet Bathroom 1 - master suite toilet, tub, shower	Bathroom 2 - guest suite toilet, tub, shower Bathroom 3 - upper hall toilet, shower	Bathroom 4 - basement toilet, shower, steam room, and sauna in this spa area	





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Overview Amenities Reviews Map Availability \$1,292 per night \odot ★★★★★ 30 Reviews Exceptional 5/5 Dining Dining Room Dining comfy seating for 14 people Your dates are available Additional 8 lounge seats Check In Check Out May 29 May 20 Entertainment Guests 8 guests Television Stereo Music Library 7 in house integrated audio throughout house; 4 wireless ports Tune In internet radio \$13,570.86 Total available for your phone or source. Includes taxes and fees View details Satellite / Cable Pool Table Books Shaw cable. Video Library Request to Book Games Board Games Free Cancellation until 3/21/2019 Outside 40 Hans Herchen Ask Manager a Question Deck / Patio Golf Balcony Canadian Rockies Golf Banff Springs Golf Course Outdoor Grill Ski & Snowboard For booking assistance, call VRBO at 888-640-7927 Silvertip Golf Course Mount Norquay Property # 668744 Sunshine Village Suitability wheelchair inaccessible Long-term Renters Welcome Pool / Spa Spa Whirlpool Sauna Hot Tub Comfortably fits 6-8 people 1:33 PM Hi 🥽 r e ペート目の 02 w P 🗄 9 1/30/2019

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Overview Amenities Reviews Map Availability **Onsite Services** Staff Notes We also have Easel, Easel Paper, Paper Pads, Pens and Markers available for Business Retreats. As well as Photocopier, Scanner, Printer in the office. Hiking: Tunnel Mountain Trails Grassi Lakes Trails Nordic Centre House Rules Check-in: 1:00 PM Check-out: 1:00 PM X No parties/events X No smoking Smoking is fine outside. X No pets Max occupancy: 16 (16 adults)

Cancellation Policy

100% refund if capcoled at least 60 days before arrival date, 50% refund if capcoled at least 30 days before arrival date

Check In May 20	Check May 2	
Guests 8 guests		
Total Includes taxes ar	nd fees	\$13,570.86 View detail
STREET, ALL LESS	ns Herchen Manager a Question	
For booking a	ssistance, call VRBO Property # 66874	



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Overview Ame	nities Reviews Map Availability		\$1,292 per night	₫ 🗘
Cancellation Policy			↓ ↓, ∠ / ∠ per night ★ ★ ★ ★ 30 Reviews Exceptional 5/5	93
100% refund if canceled at least 60 days before an	ival date. 50% refund if canceled at least 30 days before arrival date.		🥝 Your dates are availa	able
			Check In May 20	Check Out May 29
30 Reviews ★★★★★ Exceptional 5/5			Guests 8 guests	
\Im	1-6 of 30	\bigcirc	Total Includes taxes and fees	\$13,570.80 View detail
			Request	to Book
Scenic large space in beautiful log hom	e		Free Cancellation	n until 3/21/2019
5/5 ★ ★ ★ ★ ★ Stayed Sep 2018 Iacklynn M. Edmonton, Canada				
Perfect home for 13 ladies to celebrate 20 y	ears of friendship for 3 nights with room to spare. Lots of beds y window. Close to walking trails and restaurants. \$10 taxi to		Hans Hercher Ask Manager a	
mpressive log home is an understatement. T his special occasion.	he building itself is spectacular and the location is superb. Th	x for a great place to celebrate		III VRBO at 888-640-7927 # 668744
Submitted Oct 6, 2018				
Very nice				
5/5 ★ ★ ★ ★ Stayed Jun 2018				
Richard R.				
Manager very helpful				
Submitted Jun 27, 2018				



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ペートロー 1:35 PM 1/30/2019

Amenities Reviews Map Availability

Fantastic place. Beautiful location.

Overview

5/5 ★ ★ ★ ★ ★ Stayed Feb 2018

Marcus T. Vancouver BC

I can't say enough good things about the treehouse. It's well maintained and is great for having a group of friends or family to hang out together.

Submitted Mar 5, 2018

Beautiful house; great location

5/5 ★ ★ ★ ★ ★ Stayed Jan 2018 Divya T. San Francisco, CA

The house is perfect for a group trip to Banff.

Submitted Jan 31, 2018

Beautiful home in the mountains

5/5 ★ ★ ★ ★ ★ Stayed Dec 2017 Catherine Dea C.

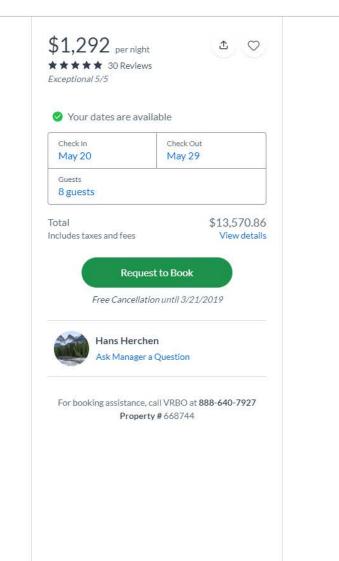
This home is not only beautifully detailed, it is warm and cozy and sophisticated.

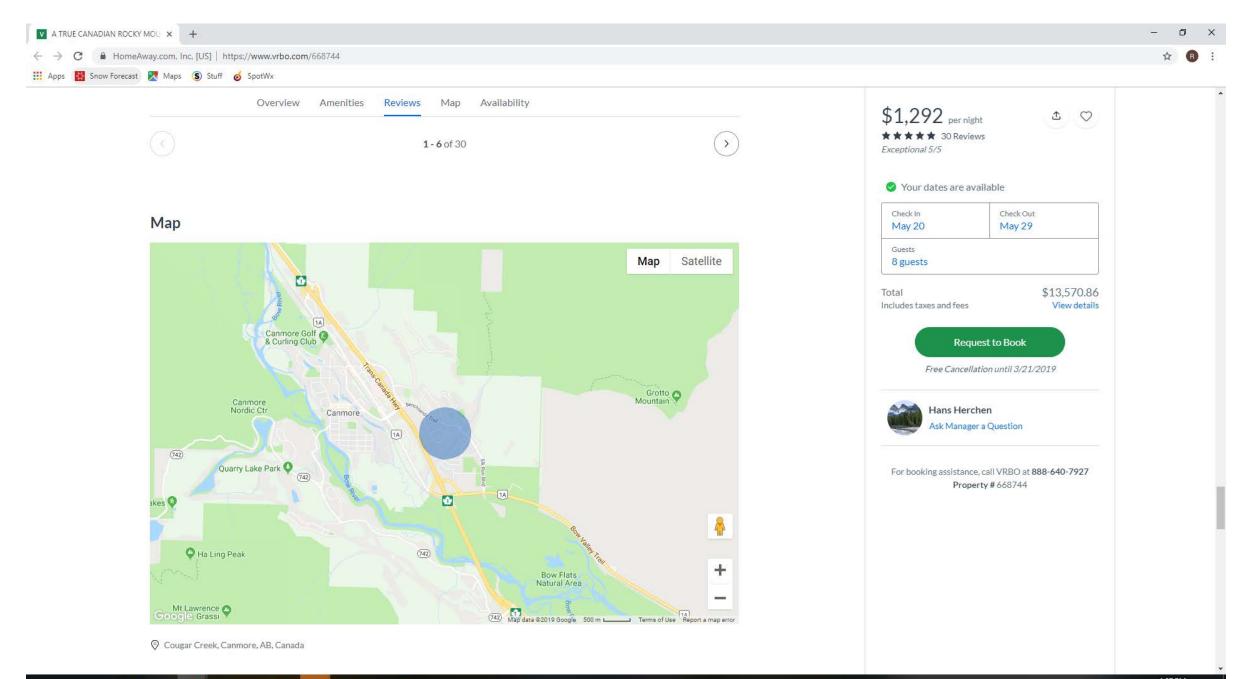
Submitted Jan 5, 2018

Great Week End get away

5/5 * * * * Stayed Nov 2017

The home is Fantastic great location. Very comfortable, has a great view, The amenities are unreal you feel like your a KING when you stay here. I would highly recommend this to anyone.





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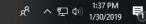
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\$1,292 per night \bullet \bigcirc ★★★★★ 30 Reviews Exceptional 5/5 Your dates are available Check Out Check In May 20 May 29 Guests 8 guests \$13,570.86 Total Includes taxes and fees View details Request to Book Free Cancellation until 3/21/2019 0.0 Hans Herchen Ask Manager a Question For booking assistance, call VRBO at 888-640-7927 Property # 668744

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Overview Amenities Reviews Map Availability 24 25 17 18 19 20 21 22 23 26 27 24 27 28 29 30 Additional information about rental rates Refundable damage deposit \$3,767 Cleaning \$339 + Tax For custom rental opportunities, please contact us directly. This is a bespoke home and we welcome direct communication to make the trip right for you!

The cost of broken items will be charged from damage deposit.

In case any extra guests are coming (that owner is not aware of), \$75/per guest/per night will be charged from the security deposit.

There is an extra \$25 charge for every used firewood bundle.

Guests will receive a 50% refund of the total cost (minus the booking fee) if they cancel at least four weeks before the start of the trip. If the guest cancels or the balance is not paid on time, the deposit (including the booking fee) cannot be refunded.

Your dates are a Check In	Check Out		
May 20	May 29		
Includes taxes and fees	quest to Book	\$13,570.86 View details	
Free Cance	llation until 3/21/2	2019	
Hans Her	chen		
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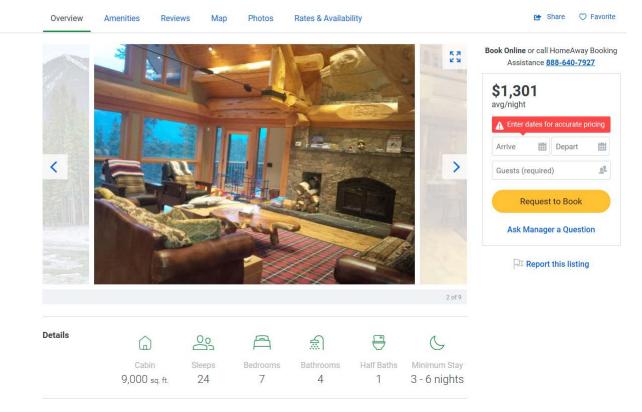
Attachment 6: Screenshots from VRBO listing, gathered December 11, 2017

Kyle Sloan Land Use Enforcement, Town of Canmore 11 December 2017 11:33am

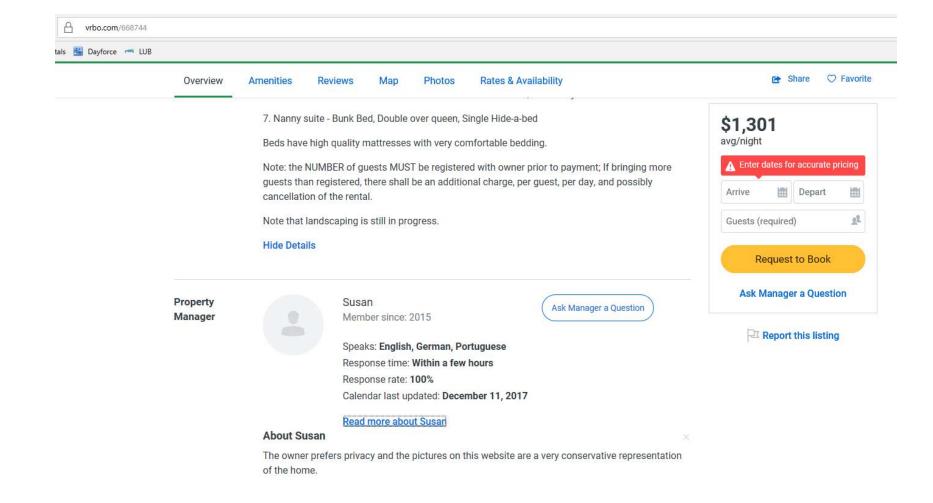
> Information obtained from: https://www.vrbo.com/668744



9000 SF Log Home Mountain Estate in Canmore

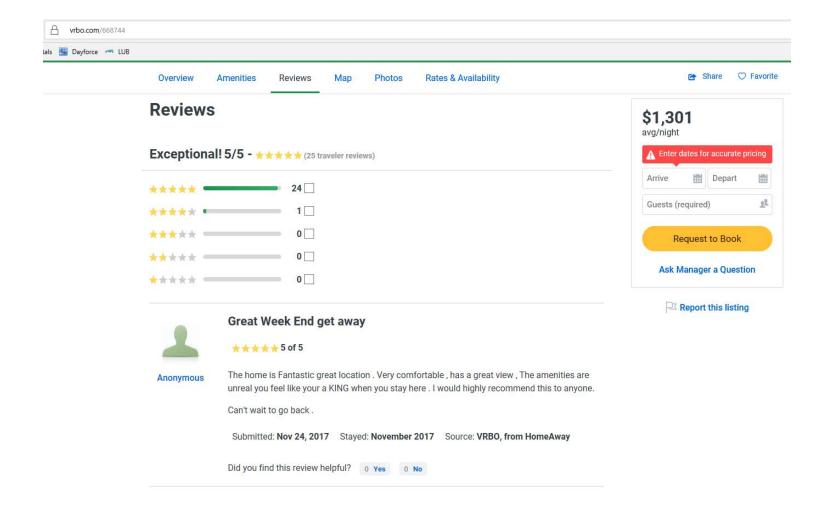


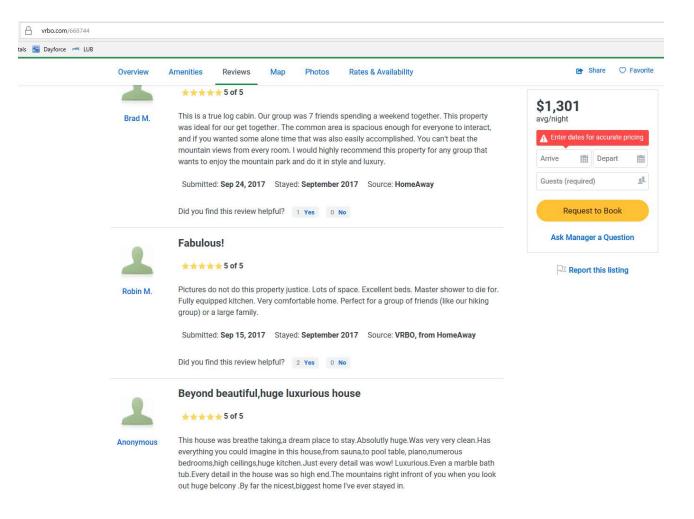
(Overview	Amenities Reviews Map Photos Rates & Availability	🖻 Share 🔿 Favorit		
100	out the operty	6 bedrooms with Mountain View, 5 bathrooms, sleeps up to 18 people	\$1,301 avg/night		
		The house that has 6 bedrooms, including one for staff, plus loft. There is a 3 car garage, 1 acre property, gated and fenced, mountain views, and no immediate neighbours. It is a true log home, with vaulted ceilings, wide hallways, spa area with sauna, steam room and hot tub, generous kitchen, generous dining room with fireplace, 5 fireplaces in total, extensive decks overlooking valley, 3 balconies, basement kitchen, and is definitely on the upper end of the market. *Please note - Our home is a refined private residence that is not available for wild partying. If the	Enter dates for accurate pricing Arrive Depart Guests (required) Request to Book		
		home is used disrespectfully; we reserve the right to withhold some or all of the damage deposit. In addition to listed amenities we also have: Games room w/ pool table, pinball machine and dartboard. Cable, satellite and extensive music system and automated lighting are available as well. Also a den with full computer, printer, fax and	Ask Manager a Question		
		scanner abilities. Kitchen appliances also include: coffee maker, popcorn maker, ice cream maker, waffle maker, bread maker, margarita machine, slow cooker, 3 dishwashers, 2 ovens, microwave, 2 temperature wine cooler, flat griddle and gas burners. Also steamer, iron, washing machine and dryer are available in laundry room.	- Report this listing		
		No street parking available. Maximum capacity - 7 cars. Garage has 3 car capacity.			
		List of beds and their sizes:			
		1. Master bedroom 1 King bed, 1 single Hide-a-bed			
		2. Guest Suite - 1 king bed, 1 crib 3. Barnwood Room - Bunk Beds, Double over Double			
		 Barnwood Room - Bunk Beds, single over single, with Trundle bed underneath. 			
		5. Log Room - Bunk Beds, double over double.			
		6. Loft - Hide-a-bed in leather couch - sheets in loft closet and/or Hickory room closet			



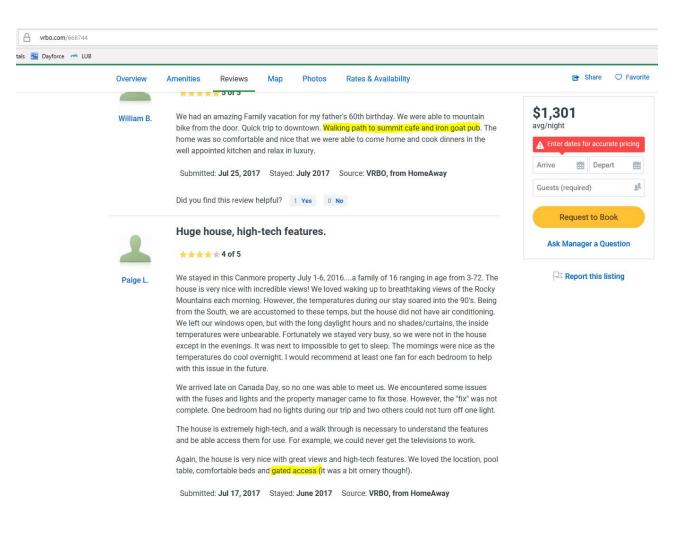
Overview	Amenities	Reviews	Мар	Photos	Rates & Availability	e 5	Share 🔿	Favorite
Cougar Creek C	abin Accommoda	tion and Amenitie	es			\$1,301		
P	Property Type:	cabin				avg/night		
	Meals:	Guests provid	e their owr	n meals		A Enter dates fo	or accurate p	oricing
	Floor Area:	9000 sq. ft.				Arrive	Depart	
	House Rules:	Max. occupan Events Allowe			non smoking only	Guests (required	1)	<u>2</u> 2
L	ocation Type:	Mountain View	v			Request	t to Book	
	Theme:	Adventure Away From It Family Romantic	All		Spa Sports & Activities Tourist Attractions	Ask Manage	Ask Manager a Question	
	General:	Clothes Dryer Fireplace Fitness Room Garage Hair Dryer Heating Internet		ent	Iron & Board Linens Provided Living Room Parking Telephone Towels Provided Washing Machine	Pt Report	this listing	9
	Kitchen:	Coffee Maker Dishes & Uten Dishwasher Kitchen Microwave	sils		Oven Pantry Items Refrigerator Stove Toaster			
	Dining:	Dining Dining <mark>R</mark> oom			seating for 14 people			
	Bathrooms:	4 Bathrooms, Bathroom 5 - 1 Bathroom 1 - 1 Bathroom 2 - 2 Bathroom 3 - 1 Bathroom 4 - 1	main floor master sui guest suite upper hall	- toilet ite - toilet , tu e - toilet , tub - toilet , shov	, shower			

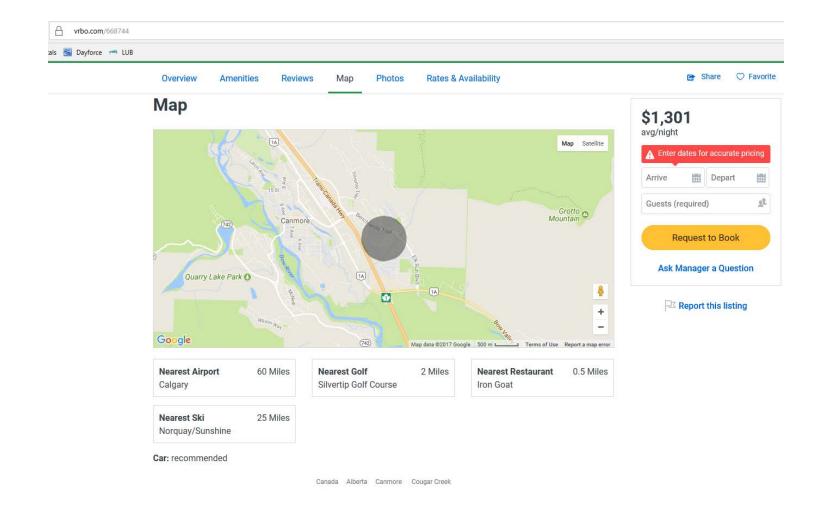
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Overview	Amenities	Reviews	Мар	Photos	Rates & Availability		🖻 Share 🗢 Favorit
	Master S Junior S Bedroom are single Bedroom Bedroom basemen Bedroom List of be Guest Sui 4. Hickory Room - B in loft clo	Master Suite Junior Suite - Bedroom 5 - E Bedroom 5 - E Bedroom 3 - L Bedroom 7 - L List of beds al Guest Suite - 1. Hickory Roc Room - Bunk B in loft closet al	drooms, Sleeps 24 ter Suite - 1 king , 1 twin/ single or Suite - 1 king , 1 baby crib com 5 - Barnwood - 1 bunk bed, Bunk beds are doubles. com 4 - Hickory - 1 child bed , 1 bunk bed, 3rd bed is a trundle bed; bunk beds ingles com 3 - Log - 1 bunk bed, bunk bed is a double com 6 - Nanny Suite - 1 twin/ single, 1 sleep sofa /futon, 1 bunk bed , In ment, bunk beds are double; sofa is single com 7 - Loft - 1 sleep sofa /futon, Queen size sofa bed in Loft; open to below. of beds and their sizes: 1. Master bedroom1 King bed, 1 single Hide-a-bed 2. t Suite - 1 king bed, 1 crib 3. Barnwood Room - Bunk Beds, Double over Double ckory Room - Bunk Beds, single over single, with Trundle bed underneath. 5. Log n - Bunk Beds, double over double. 6. Loft - Hide-a-bed in leather couch - sheets t closet and/or Hickory room closet 7. Nanny suite - Bunk Bed, Double over in, Single Hide-a-bed			bunk bed , In off; open to below. ngle Hide-a-bed 2. iouble over Double d underneath. 5. Log ther couch - sheets	\$1,301 avg/night ▲ Enter dates for accurate pricing Arrive □ Depart □ Guests (required) ▲ Request to Book Ask Manager a Question
E	Entertainment:	Books Games Music Library Pool Table			Satellite / Cable Stereo Television Video Library		Report this listing
	Outside:	Balcony Deck / Patio			Golf Outdoor Grill		
	Suitability:	Long-term Rei	nters Welc	ome	wheelchair inaccessible		
	Pool / Spa:	Hot Tub			Sauna		
Or	nsite Services:	Staff					
	Attractions:	cinemas festivals health/beauty museums	spa		playground recreation center restaurants		
Leis	sure Activities:	bird watching boating eco tourism gambling casi horseback ridi horseshoes	nos		photography scenic drives shopping sight seeing sledding walking		



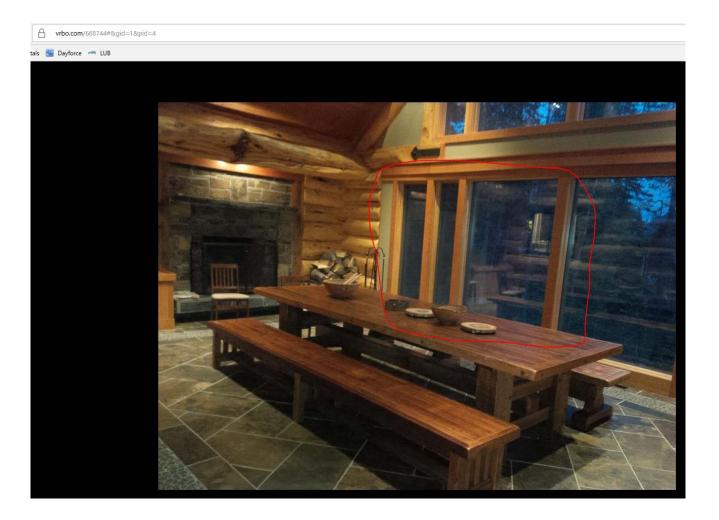


Note the highlighted parts. The gate is visible from Streetview and the path is shown on ToC maps.





This window is a match to what is shown in Pictometry. Also note the location of the fireplace and compare with next slide.





Attachment 7: Collection of Photos submitted by the Public



BYLAW ENFORCEMENT REPORT

Submission: Concerns of short-term rental being operated at 133 Wapiti Close. Emails included a link to VRBO posting (provided May 27, 2023) and the following photo, submitted September 2, 2022:





Additional photos provided to the Town, submitted on June 5th, 2023. The first photo is dated for May 5th, 2023, and the second for May 13th, 2023.









Photos received May 27th, 2023. Comment from resident includes: "lots of occupants - 5 cars in the house parking area and two on the street."

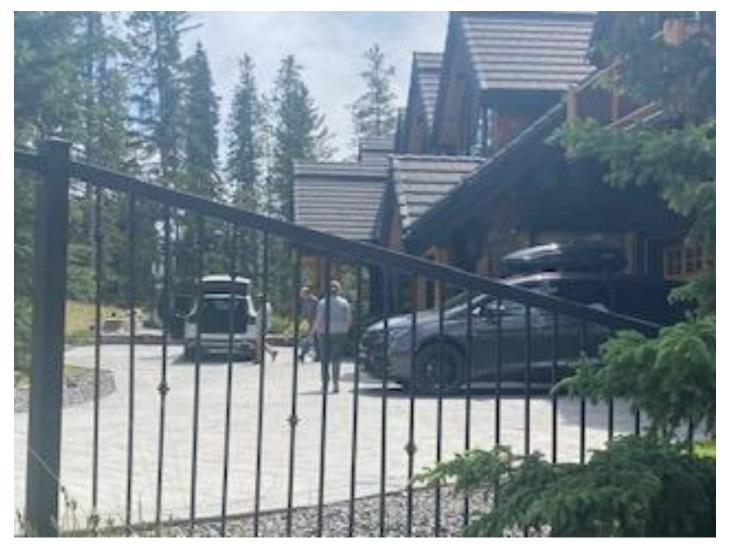








Photo submission received from member of the public on June 5th, 2023.





Photos submitted by member of the public, dated June 22, 2023, and July 2, 2023, respectively.





July 2, 2023





Submission: Several photos provided to the Town, where a Town resident claims the photo with the crib from the VRBO posting matches the exterior of 133 Wapiti Close (double doors, deck, distinct wooden railing), along with the views matching between the crib photo and the view that can be seen behind 133 Wapiti Close. Email with photos received June 15, 2023. Note that a portion of the eave can be matched between the right hand side of the crib photo and corresponding exterior photo.



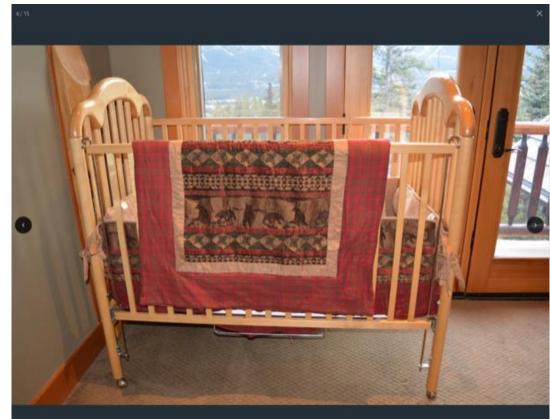




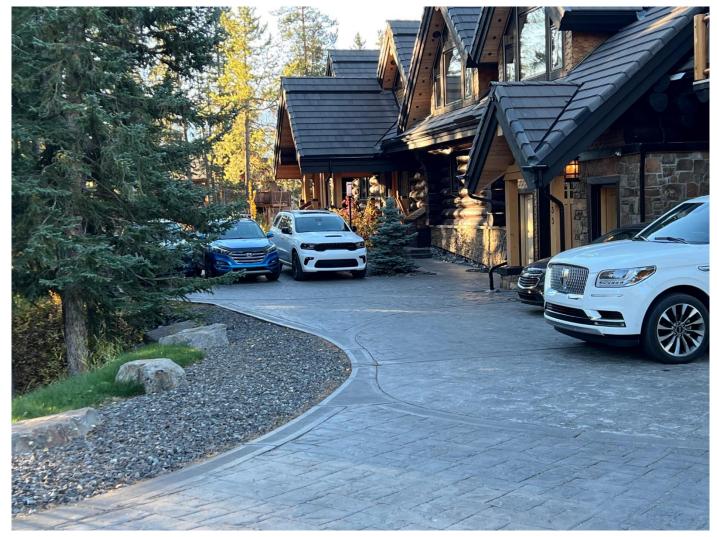
Photo submission from the public: Photo taken September 13th (2023) the group left Sunday the 17th - a party of around 16 - some cars in the garage and a bevy of cabs leaving the place.





Picture taken October 08, 2023

Caption from resident: There are 5 cars in the driveway and at least one hidden in the garage. Saskatchewan plates on at least three vehicles. Please document.



Attn Canmore Subdivision and Development Appeal Board,

I am writing as a resident of Wapiti Close to share how my family and most of my neighbours feel negatively impacted by the currently illegal operation of a tourist home at 133 Wapiti Close.

For several years, this house has been highlighted, without the address listed nor the exterior shown, on sites including Air BnB and VBRO. There has been communications between multiple visitors and local community members confirming that they are renters and not owners nor friends of the property owner. There are regular large party renters of this property that are significantly disruptive to the community, including excessive noise in the hours between 10 pm and 4 am and illegal (in front of the adjacent stop sign, blocking fire access road, etc) and excessive parking of vehicles in the quiet cul-de-sac that we all reside. There are currently 11 children 12 years and under living at Wapiti Close, and the excessive traffic and disregard for speed limits that come from some of these visitors is also a risk.

There is also a lack of infrastructure to support a tourist home designation in this neighbourhood. The needed amenities, such as a grocery store and pharmacy, are not easily accessible by foot, especially for visitors who lack a bike or insight into local amenities and pathways to even the Summit Cafe area. Compared to the regions zoned adequately for Spring Creek and Bow Valley Trail tourist homes, this tourist home doesn't make sense. Compared to a smaller basement Air BnB or a traditionally managed B&B this large home that is advertised to sleep up to eighteen is too much for our cul-de-sac to handle.

The quality of life living on Wapiti Close has been lowered by many residents who did not buy a home here with the knowledge of the disruption that comes from this rental. The current owner has been arrogant and deceitful in his communications when confronted by locals about the concerns we have with his illegal operations.

I am asking for this property's tourist home designation to be denied and for it to be monitored and fined regularly should illegal operations continue.

Thanks for listening,

Rob Owens

Rob Owens (he/him) President, Onwardup

Glen & Isene Phillips

129 Wapiti Close Canmore, Alberta, Canada T1W 3B

June 05, 2024

Town of Canmore Development Appeal Board

Re: CE Zone 202300011 Lot 76, Block 2, Plan 9811923 Operation of a Tourist Home without a Development Permit

Attn: Municipal.clerk@canmore.ca

We have resided at 129 Wapiti Close for 20 years – I have submitted multiple complaints complete with photos over the last 10 years to enforcement Canmore regarding Hans Herchen's illegal rentals of the property located at 133 Wapiti Close. As his closest immediate neighbour, we have been subjected to multiple noisy weekend party's – male stags and female stagette's involving groups more than 20 people. It is a constant parade of cars and people, most summer weekends – some respectful – some not. When you pay the fee of over \$2,000/night, many renters feel entitled to illegally park on

the street, have fires when there are fire bans, and generally disrupt the entire neighbourhood. We have very many small children under 14 years of age, at least a dozen who play on the street. The multiple cars and trucks entering and leaving 133 Wapiti Close are a hazard to these kids.

We are not zoned for short term rentals and this needs to be shut down. It sets a bad example for others that will do the same thing if Hans continues to rent. I am happy to testify if necessary. Two weeks ago, I talked to Hans who rarely shows up at his own house as there were a good 8 pickup trucks in his driveway. As you are aware, he denies renting and says they are all his good friends – yet I did show him a picture of a so-called friend and he was unable to identify her. Possibly because she was a stripper going to perform at a stag. His ads advertising his place for rent which he says is in Silvertip is up and running. His renters need to sign a nondisclosure agreement that will not allow them to post pictures of the outside of his place on social media. They are not given an actual address until just before check in. He is slick. We sincerely hope that the Town of Canmore will not let this opportunity get away on a technicality this time.

Yours traly. Glen A Phillips 129 WAPiti Close

Good morning,

Apologies for the last minute submission however we just closed on the purchase of our new property at 141 Wapiti Close. We just learned of the appeal as we are moving from Ontario. Super excited by the way!

We had heard all about the illegal Air BNB at 133 Wapiti Close however we weren't concerned as we had been told by several people that the town was shutting it down. As it definitely should be. We have learned from speaking with a few of our new neighbours exactly what happens when the property is rented out including the fact that the owner requires them not to post on social media! We are now extremely concerned for our neighboourhood along with other neighbourhoods in Canmore should the zoning be changed to Tourist Home.

It is of great concern that an owner of a property not designated Tourist Home can continue to ignore it, pay the fine, continue and then get the rezoning approved! This would set a HUGE precedent for example to all of the owners of the Silvertip residents who just vacation there. If this goes through you are basically allowing all of the Silvertip owners the ability to make their properties short term rentals! And it will continue to grow in other neighbourhoods in Canmore.

The town should also increase the fine exponentially because it obviously is not a deterrent to the property owner.

Thank you for considering our submission.

Regards, Barb and Paul Pigott 141 Wapiti Close