

K & S Harper

Naramata BC, V0H 1N1

October 31, 2022

RDOs Penticton BC Area
101 Martin St,
Penticton, BC, V2A 5J9
BY HAND

PROPERTY NOISE COMPLAINT - 3180 Bartlett Air B&B Vacation Rental, Naramata BC

Dear Sir or Madam:

It is understood that in November your office will be reviewing for extension, temporary or initial Air B&B licensing. Thus the importance of this experience to be in writing (rather than phoned in, as we have been advised) for your consideration in those deliberations.

Over the past many months we have been phoning your by-law office re the excessive noise emitted from time to time from the above noted property. Although we have a succession of many noted dates on a calendar as to when this occurred, those are not important at this time, but it was multiple over this past summer. Although there were a number of times beginning about mid-summer in 2021 that were also noisy it wasn't until the noise level accelerated beginning in May of 2022 when we began taking notes.

This began shortly after the new owners purchased the property expressly to turn it into an Air B&B. The new owners are evidently two couples who live several hundred miles away down at the coast of BC.

We waited hoping that things would come around from their initial excitement of having a new house purchase with a pool but beginning in July it became clear this was not going to settle down. Calls were made to your by-law infraction phone number of 250-492-0911 beginning in July, 2022.

On the 8th of September there was an exceptionally loud evening and I went to your offices the next morning, September 9th to enquire about the status of our earlier phone-ins and to better understand why nothing was being done about the noise infractions from the property. I spoke with several of your staff and was informed that I was going about it correctly in phoning in rather than mailing in a complaint form, the

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mailing in of such being apparently less effective?! No one in the office could tell me why nothing was being done about my call-ins.

On getting back home I called and spoke with Don Moore your senior by-law officer. He informed me that every time we had called they had investigated and found the noise level to be acceptable. How could that be was my thinking? Then it hit me. Your by-law folks were making their assessment from in front of the house, on Bartlett. At that point on the road in front of the house, the house is significantly elevated above the road grade, probably around 20 feet difference. That difference in elevation is likely important to how the noise is likely deadened before getting to the street in front. And more importantly the noise is mainly emanating from the rear of the house where a swimming pool and BBQ seems to be the main attraction. So your by-law officers were hearing a much muted level of noise than those of us off the rear of the house. Several of us neighbours had earlier chatted about the noise levels from the house, but with my home being by far the closest, they seemed to be leaving it to my wife and I to react. In speaking with Don Moore I said "... ok, in future come down Rushbury Place (the road behind the 3180 business), so you can hear the noise level at the rear – you will then be able to understand why we are complaining". He agreed that they would start doing this. However, with the end of the summer season, and no occupation of the business there has been no such opportunity and likely not again until the 2023 season.

But we do not want our use of our home and summer backyard so negatively impacted again in 2023, thus this letter.

Let it be noted that the noise level from the house makes it impossible to enjoy our deck for most of the times people are in the rear of 3180 Bartlett. Noise is primarily from very loud adult voices in the rear, occasionally unchecked children screaming, and excessively loud music, which has caused us to lose many days of enjoyment of our backyard and dinners on our deck. On numerous occasions we simply had to retreat inside our home to finish a dinner and evening in some relative quiet. On many occasions we have had to close windows and door, instead of just having our screen door in place. Even then it would often be too noisy to nap or have an early night of sleep.

It is primarily from the rear of the 3180 house that the noise travels up and down the backyards to neighbour's homes. In having spoken with neighbours several homes away from 3180 Bartlett those neighbours indicated that they have to go inside and close their windows to help deaden the sound. In one of the other closer homes the neighbour uses ear plugs. Our deck is by far the closest, being approximately 100 feet from the back yard of 3180 Bartlett.



We recently heard from a neighbour who evidently also complained about the noise on the evening of the 8th of September. This was unbeknownst to us until somewhat later in September, well after my visit to your office on September 9th. That neighbour reported that they learned in their visit to call your by-law enforcement officer instead of sending in a letter complaint. That direction they received is troubling, since as noted above, that is what we have been doing for months to no avail.

Until hearing this directive given our neighbour by someone at the RDOs, we were beginning to believe that we were going about this incorrectly as there did not seem to be any repercussions to our many complaints. Until our visit to your offices and the explanation re the complaint form, that was to be our next direction, that is completing and mailing in your website posted complaint form. However, it is reasonable, no? ... to ask why is there a complaint form if the RDOs is not reacting to it?

By the above, you can see that we now are better informed, as are your by-law folk as to how to better hear and understand what we neighbours have been putting up with over the past many months. It would be much better to have a business like a car repair shop next door – at least we would know the noise would stop around 5pm!

With the recent, September 9, 2022, telephone call with your head by-law officer, Don Moore, it was clarified, and an understanding arrived at as to where and how to better locate to hear, and thus get a better appraisal of the actual elevated noise level. The revelation that **appraisals of sound level were being taken from the wrong location** is alone hopefully enough to delay any approval of this license until we have another season of reporting. **Please do the right thing and at minimum extend the time before acceptance of full licensing for the Air B&B at 3180 Bartlett until your by-law officers, with their new knowledge of the area of sound emission from this business, are better able to appraise the real noise impact on the homes in its vicinity.**

My final point is this: if one specifically hunts in a quiet neighbourhood to find one's dream retirement home (we spent three years looking for our special spot here) should one have to worry about having a disruptive 'party house' business pop up next door that so negatively impacts not only one's ability to enjoy their home but which of course also reduces its value?

Thank you.

Stu Harper



November 7th, 2022

Grahame & Catherine Baker

Naramata,
BC V0H1N1

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To whom it may concern:

To the TUP application for 3180 Bartlett Road, Naramata. We strongly object to this application being approved .

We are hoping the RDOS take into consideration the full time residents who live in close proximity of this property & the effects in our neighborhood this has had. This particular property is a single family home which was approved for 10 guests & we are certainly paying the price of that, with multiple families, couples and groups getting together to have a good time.

It has been frustrating to say the least when you look forward to sitting on your deck on a summer evening to having to sit through partying around the pool and music played at a volume that we can hear the songs being played at this property.

It is a shame that actual full time residents of Naramata have to go inside to get away from the noise & not enjoy the beautiful area that we call home!

Please take our points into consideration when you consider this application & the number of guests you allow this rental to have. It's like a mini hotel with no resident host to keep noise at a minimum.

On Bartlett Road in close proximity to our property we have 3 homes with vacation suites & one house with a vacation rental permit but these haven't created a problem as to noise issues as an owner is on site & the vacation rental is for 4 guests only.

It would be nice to have some support from the RDOS about this issue as this problem with noise at this particular property isn't going to go away.

Many thanks,
G & C Baker



The following email was one I sent to the owners of the vacation rental close to our home out of frustration. This has been an on going problem of excessive noise, music & partying around the pool. Having so many guests at one time brings noise that disturbs the peace & quiet of the neighbourhood. In future we will not be contacting the owners directly but complete a bylaw complaint form which I wish we had completed during the other occasions of excessive noise.

Could someone from bylaw please phone me this afternoon

to explain the steps in this process
Many thanks,
Kate Baker

Kate Baker
Re: Good Neighbor Policy for 3180 Bartlett rd
Sep 8, 2022 at 8:39:44 PM
Rosemary Renstad

So summer is nearly over & part of us says thank goodness as we won't have to listen to your guests partying.

I know that you have talked about having respect, consideration and take noise - minimizing seriously but we have had to put up with noise & partying around your pool by large groups over quite a few weekends this summer.

There have been many times that we should have contacted you to inform you of noise, but didn't want to be those people always complaining.

I am writing this tonight as we have had to shut the windows to stop us from going round to your property & telling your guests to shut up!!

Our neighborhood has certainly been impacted by your Vacation Rental, so we wanted you to know we will be letting the RDOS know how allowing properties to have 10 guests in a single family dwelling impacts the area.

Grahame & Kate Baker



Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2022.028-TUP

FROM: Name: Catherine Baker
(please print)

Street Address: _____

Date: Jan 10th 2023

RE: Temporary Use Permit (TUP) Renewal – “Vacation Rental” Use
3180 Bartlett Road

My comments / concerns are:

- ☐ I do support the proposed use at 3180 Bartlett Road.
- ☐ I do support the proposed use at 3180 Bartlett Road, subject to the comments listed below.
- ☒ We do not support the proposed use at 3180 Bartlett Road.

Written submissions received from this information meeting will be considered by the Regional District Board prior to a decision being made on this application.

Neighbours living in close proximity
of 3180 Bartlett Rd ^{who} do not support
proposed use at 3180 Bartlett Rd.

Feedback Forms must be completed and returned to the Regional District
prior to the Board meeting where the TUP will be considered.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) (“FIPPA”). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

November 2022

To: Regional District of Okanagan-Similkameen

Re: TUP renewal application for 3180 Bartlett Road, Naramata, BC

As residents living in close proximity to the above property 3180 Bartlett Road, Naramata, BC we are opposed to the TUP renewal application.

This is a single family property which has been approved for up to 10 guests, as this property does not have a resident host on site noise levels go unchecked at this vacation rental causing issues in our neighbourhood.

As in RDOS bylaw 3.1 No person shall make or cause, or permit to be made or caused, any noise in Area E of the Regional District, which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.

We ask that the RDOS support our request and do NOT renew this application.

Print Name	Print Address	Signature
NANCY PHILLIPS		
RICK COSTAIN		
HELEN GREAVES		
Stu Harper		
Kathy Harper		
Pam Sirney		

November 2022

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Print Name	Print Address	Signature
Theresa Veldhoen		
Grahame & Catherine		
George Mersiadis		
CHRIS BLANN		

Lauri Feindell

Subject:

FW: TUP renewal E2022.028

From: Earl Roulston

Sent: January 31, 2023 5:43 PM

To: Evelyn Riechert <eriechert@rdos.bc.ca>; Adrienne Fedrigo <adrienne.fedrigo@gmail.com>

Subject: TUP renewal E2022.028

Hi Evelyn, Adrienne,

I am deeply concerned about this renewal. We citizens of Naramata have been told for the past 2 years that Vacation rentals are complaint driven for enforcement, so while we don't like to complain, we are starting to because the majority of residents have had enough disruption of their peace and privacy for far too many summers and we want it back.

This particular TUP has been exceptionally noisy and has received over 40 plus phone calls to the noise bylaw at SOS. As well as 13 individuals that have sent a written statement of the loss of peace and quiet they have had to endure last year.

Just how many complaints are required to not renew a TUP? 10? 30? More? It is not a wonder that the holiday home rentals don't comply. why should they, there seems to be no one in enforcement or administration willing to hold them accountable. Indeed, Colin Martin states in his Administrative Report that the noise was deemed to be within acceptable levels, further trivializing the negative position and experience that the locals have been placed into with no fault off their own.

I spoke with Adrienne this morning regarding this matter, but I also wanted to bring it to your attention, Evelyn, as you have the unenviable job of sorting out TUPs moving forward.

By allowing a really noisy TUP to be renewed it is sending a further message to the rest of the non permitted vacation rental owners, that the RDOS can't or won't do any thing to stop them.

I under stand that only Area E is having the problem of 90% non compliance and all the other Area Directors really don't care what happens here, it is not in their back yard.

I also notice that the TUP renews that should be posted are not. Clerical? Or is every one who expired Dec 31, 2022 waiting to see what the new rules will be?

Please don't let this one renew, it would be a huge step backwards,

Brenda