



# Decision

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## The Blue Mountains Short Term Accommodation Licensing Committee Meeting

**Meeting Date:** December 8, 2017  
**Meeting Time:** 9:00 a.m.  
**Location:** Town Hall, Council Chambers  
**Prepared by** Corrina Giles, Town Clerk,  
Secretary of Short Term Accommodation Licensing Committee

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### A. Call to Order

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Present: Appointed Short Term Accommodation Licensing Committee members present, including Deputy Mayor Ardiel, Councillor Michael Martin and Councillor John McGee

#### A.1 Appointment of Chair for the December 8, 2017 Meeting:

Moved by: Michael Martin                      Seconded by: Gail Ardiel

THAT Councillor John McGee be appointed as the Chair of the December 8, 2017 Short Term Accommodation Licensing Committee Meeting, Carried.

#### A.2 Approval of Agenda

Moved by: Michael Martin                      Seconded by: Gail Ardiel

THAT the Agenda of December 8, 2017 be approved as circulated, including any items added to the Agenda, Carried.

#### A.3 Declaration of Pecuniary Interest

None

### B. Appeals

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#### B.1 STA Appeal CEAPP2017-036, 116 Carmichael Crescent, The Blue Mountains Offence Date: September 25, 2016

Municipal Prosecutor Wayne DeWitt advised the Committee that By-law Enforcement would not be presenting any evidence on this matter. Mr. DeWitt asked that the Committee allow By-law Enforcement to withdraw the demerit points and the administrative penalty.

Committee Decision: THAT the Short Term Accommodation Licensing Committee withdraws the demerit points and administrative penalty in this appeal.

**B.2 STA Appeal CEAPP2017-106, 104 Arlberg Crescent, The Blue Mountains  
Offence Date: October 23, 2016**

**Committee Decision:** THAT the Short Term Accommodation Licensing Committee affirms the decision of the Manager of Building and By-law Services dated October 24, 2016

Reasons for Decision: Under the By-law 2013-50, as amended, the owner is responsible for noise infractions. The infractions are confirmed by the court decision and the Committee relies on the Provincial Offences Act conviction. The Committee accepts the evidence put forward as to the owner's practices and diligence, however, the By-law is clear that where there is a Noise By-law infraction the owner is responsible. The owner's actions do not absolve him from that responsibility. The Committee noted that it is not relevant that the owner is not involved in the Provincial Offences Act charge.

**B.3 STA Appeal CEAPP2017-172, 116 Carmichael Crescent, The Blue Mountains  
Offence Date: September 25, 2016**

**Committee Decision:** THAT the Short Term Accommodation Licensing Committee affirms the decision of the Manager of Building and By-law Services dated March 8, 2017 regarding the Noise Infraction of September 25, 2016.

Reasons for Decision: Under the By-law 2013-50, as amended, the owner is responsible for noise infractions. The infractions are confirmed by the court decision and the Committee relies on the Provincial Offences Act conviction. The Committee acknowledges receipt of Mr. Frith's statements regarding his practices and due diligence, however, the By-law is clear that where there is a Noise By-law infraction the owner is responsible. The actions of the agent, on behalf of the owner, do not absolve the owner from that responsibility.

**C. New and Unfinished Business**

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**C.1 Additions to the Agenda**

None

**D. Upcoming Meeting Dates**

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April 6, 2018, 9:00 a.m.  
Town Hall, Council Chamber

July 6, 2018, 9:00 a.m.  
Town Hall, Council Chamber

September 7, 2018, 9:00 a.m.  
Town Hall, Council Chamber

November 23, 2018, 9:00 a.m.  
Town Hall, Council Chamber

NOTE: Any of the above noted meetings may be cancelled if not required.

## **E. Adjournment**

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Moved by: Gail Ardiel                      Seconded by: Michael Martin

THAT the Short Term Accommodation Licensing Committee meeting does now adjourn at 11:37 a.m.

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Deputy Mayor Ardiel

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Councillor Martin

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Councillor McGee