

This document can be made available in other accessible formats as soon as practicable and upon request

STAFF REPORT: Planning, Building & By-law Services Department



REPORT TO: Committee of the Whole
MEETING DATE: November 10, 2014
REPORT NO.: PL.14.118
SUBJECT: Short Term Accommodation
 Licensing Program Update
PREPARED BY: Michael Benner, MCIP RPP
 Director of Planning, Building and
 Bylaw Services

A. Recommendations

THAT Council receive Staff Report PL.14.118 entitled “Short Term Accommodation Licensing Program Update”;

THAT Council direct staff to revise the implementation of Phase Two of the STA Licensing program and postpone it within the area described in Staff Report PL.14.118;

AND THAT Council direct Staff to report back to Council with an updated implementation approach for the postponed portion of the STA Licensing Program.

B. Background

The purpose of this report is to provide Council with an update on the Short Term Accommodation (STA) Licensing Program and related activities.

The STA Licensing By-law was enacted by Council on November 25, 2013 with an effective date of July 2, 2014 whereby all existing STAs were required to be licenced by that date.

Council, under the advisement of legal counsel and consultation with the public at a public meeting on June 2, 2014, amended the STA Licensing By-law No. 2013-50 requiring all existing STAs within the First Phase to submit a complete application by July 2, 2014.

Council further amended the STA Licensing By-law so that all other existing STAs within the Town were required to submit a complete application no later than December 1, 2014; thereby implementing a two phase licensing program.

The First Phase (“Phase 1”) of the STA Licensing Program included the properties identified in the 6 zones as depicted in Schedule ‘A-1’. These licensing zones are existing low density residential zones under Zoning By-law 83-40, as amended, and were identified as the initial area to be regulated under the STA Licensing By-law given complaints received by the By-Law Services Division over a number of years.

Fig. 1: STA Licensing Program: Phase 1

Schedule 'A-1'
By-law No. 2013-50



Phase Two Implementation Concerns

As noted above, the Second Phase of the Licensing Program was to cover all other STAs within the Town. These areas include both residentially zoned land and commercially zoned lands generally zoned C5 and R5 to R8.

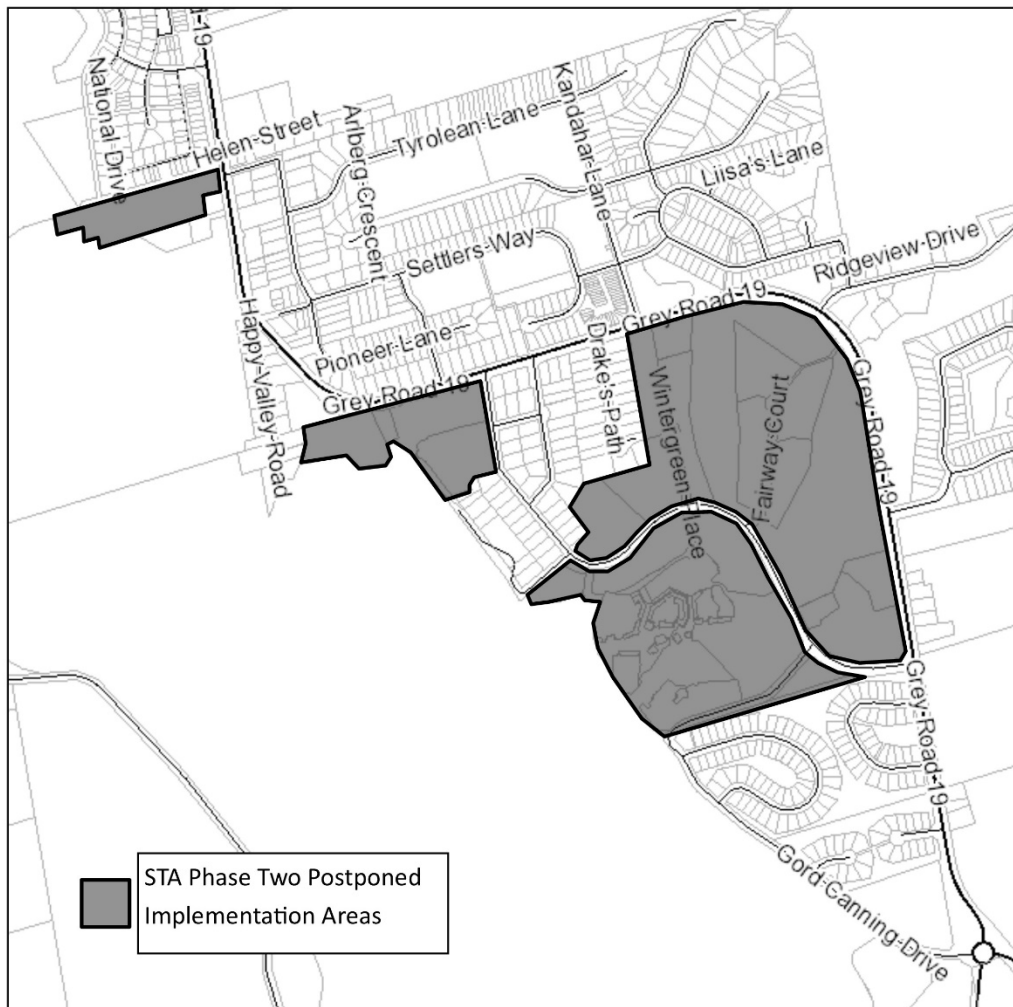
In preparing for the implementation of Phase Two, a practical concern has been raised about the distinction between STAs and Commercial Resort Units (CRU) in developments (legacy condos at the base of the ski hills, the Cachet Crossing development, etc.) that were originally designed to be used as short term rentals. More particularly, the issue appears to be the definition of CRU requiring 10 or more units to be registered with the same management company, as opposed to 10 or more units in a complex managed by any management company. The potential difficulty arises when unit holders switch from one management company to another, and the number of units held by the management company(s) is close to 10. Any addition or removal of a unit or two could render what was a CRU, suddenly becoming an STA, or vice versa.

From a review of the original Official Plan Amendment, OPA 11, that provided the policy basis for the STA program, it would also appear that the intent of the STA program was to primarily focus on residential areas.

Accordingly, staff are concerned that the method currently proposed to license STAs in commercial areas has the potential for creating confusion with residents and CRU management companies.

Staff are presently exploring various options to better address these concerns, however, it will take some time for further research and discussion. We have also discussed the notion of partially postponing the implementation of Phase Two with Mr. Longo, the Town's legal counsel, concerning the need to avoid any actual or appearance of arbitrariness in the implementation of the by-law. Mr. Longo has advised that the Town is at liberty to refine its phasing schedule, with Council's concurrence, if the Town is finding that the roll out requires additional time and/or resources to do so effectively.

Staff are, therefore, recommending that Council consider postponing the implementation of Phase Two of the STA licensing program for those areas substantially identified in Figure 2 to this report until such time as the licensing program has been reviewed for STAs and CRUs in commercial zones.



C. The Blue Mountains' Strategic Plan

This report is consistent with the Strategic Goal of providing a strong well managed municipal government

D. Environmental Impacts

N/A

E. Financial Impact

STA Licensing Phase One: 30 STA licence applications received to the end of July 31st with corresponding revenue of \$60,000.00.

STA Licensing Phase Two: Estimated 200 STA licence applications and corresponding revenue of \$400,000.00.

This report is consistent with the Strategic Goal of providing a strong well managed municipal government

F. In Consultation With

Troy Speck, CAO

G. Attached

N/A

Respectfully submitted,

Michael Benner, MCIP RPP, Director Planning, Building and Bylaw Services

For more information, please contact:

Name Michael Benner, Director Planning, Building and Bylaw Services

Email Address mbenner@thebluemountains.ca

32 Mill St. PO Box 310

Thornbury, ON NOH 2PO

P: 519-599-3131 ext. 246

1-888-258-6867

F: 519-599-7723

www.thebluemountains.ca