



**E. Financial Impact**

N/A

**F. In Consultation With**

Town Clerk

**G. Attached**

- G.1 Licensing Committee Terms of Reference (Draft)
- G.2 Licensing Committee By-law No. 2014-7

Prepared by:

Respectfully submitted by:

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Greg Miller  
Manager, Building & By-Law Services

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Troy Speck  
CAO



## Short Term Accommodation (STA) Licensing Committee

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### STA Licensing Committee Terms of Reference

**WHEREAS** Council of the Corporation of the Town of The Blue Mountains has duly enacted By-law No. 2013-50 being a By-Law to licence, regulate and govern short term accommodation uses;

**AND WHEREAS** S. 7.1 of By-law No. 2013-50 requires that Council appoint a Licensing Committee;

**AND WHEREAS** on February 19, 2014, Council passed By-law 2014-7, being a By-law to appoint a Licensing Committee pursuant to By-law No. 2013-50, being the Short Term Accommodation Licensing By-law.

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#### 1. Background:

- a) Under s. 238 of the *Municipal Act 2001*, every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.
- b) The Statutory Powers Procedure Act sets out rules of procedures that apply to proceedings of the STA Licensing Committee ("Committee").

#### 2. Authority:

- a) The Committee has been established under the authority of s. 252 of the *Municipal Act 2001*, and the Corporation of the Town of The Blue Mountains STA Licensing By-law 2013-50, as amended, which was passed on November 25, 2013 and came into force on July 2, 2014.
- b) Council enacted By-law 2014-07 establishing the Committee on February 19, 2014.

#### 3. Name of the Committee:

The name of the Committee shall be the "Licensing Committee".

#### 4. Role/Responsibilities/Mandate of the Committee:

- a) The Committee shall hear appeals as set out in Sections 4.20 and 4.21 of By-law No. 2013-50, as amended, save and except for determinations related to conformity with applicable Federal and Provincial Law and Regulations or municipal by-laws, including, but not limited to, the Property Standards By-law; the Building Code Act; the Building Code; the Fire Protection and Prevention Act; the Fire Code; or, an order of the Medical Officer of Health.

- b) The Committee shall hear appeals to the revocation of a licence as set in Section 5.23 of By-law No. 2013-50.
- c) Conform to the Code of Conduct for Members of Council (POL.COR.07.07).

**5. Term:**

The term of the members of the Licensing Committee shall coincide with the term of Council.

**6. Composition of the Licensing Committee:**

- a) All members of Council have been appointed as members of the Licensing Committee.
- b) The members of Council to sit on the Licensing Committee shall be established from time to time and be on a rotational basis.
- c) The Manager, Building & By-Law Services or the Municipal Licensing Officer shall attend Licensing Committee meetings to provide information on short term accommodation licensing related matters to the Committee.

**7. Role of the Members of the Licensing Committee:**

- a) Agree to this Terms of Reference established by Council.
- b) Review all documents, agenda and minutes presented to them before attending Licensing Committee meetings so as to provide informed discussion.
- c) The Licensing Committee may affirm, modify or rescind the decision of the Manager.
- d) The Licensing Committee may direct that the licence be issued with such terms or conditions deemed appropriate by the Licensing Committee.
- e) The Licensing Committee may, in the instance of licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Licensing Committee
- f) The Licensing Committee may suspend or revoke a licence.
- g) The Licensing Committee may review the decision of an Administrative Penalty imposed
- h) The Licensing Committee may hear during a Committee Meeting, matters related to Demerit Points imposed and measures an owner intends to implement so as to mitigate further instances of demerit points being imposed.
- i) The Licensing Committee may hear during a Committee Meeting matters related to Demerit Points imposed and may impose conditions as the Licensing Committee deems appropriate for the continued holding of the licence, suspension or revoke of the licence.

**8. Chairperson:**

- a) At each meeting, the Licensing Committee shall elect one of its members as a Chairperson for the Committee Meeting.

**9. Role of the Chairperson:**

- a) The Chairperson is responsible for making sure that each meeting is planned effectively, conducted according to the legislation and that matters are dealt with in a fair, objective and orderly manner.
- b) The Chairperson shall enforce the observance of order and decorum amongst the Committee members and the public.
- c) The Chairperson shall ensure opportunity is given to the person who has applied for a review to the Committee to appear before the Committee.

#### **10. Licensing Committee Secretary:**

The Town Clerk is appointed as the Secretary of the Licensing Committee and may delegate administrative responsibilities to the Deputy Clerk.

#### **11. Secretary's Role:**

- a) Upon notification from the Manager, Building & By-Law Services, the Licensing Committee Secretary shall coordinate/facilitate meetings of the Licensing Committee; and, prepare and disseminate the Committee's Agenda.
- b) Take minutes of the Licensing Committee meetings.
- c) Act as a Licensing Committee resource.

#### **12. Town Staff Role:**

The Manager, Building & By-law Services, and/or the Municipal Licensing Officer will attend Licensing Committee meetings so as to provide background and supporting information to the Licensing Committee.

#### **13. Quorum:**

- a) Quorum of the Licensing Committee shall be three members.
- b) No Committee meeting shall be held without the Committee Secretary in attendance.

#### **14. Licensing Committee Meetings - Notice:**

- a) Notice of a Licensing Committee Meeting will be posted to the Town website a minimum of two weeks in advance of the Meeting or Hearing.
- b) Notice of the Decision of the Committee will be posted to the Town website.

#### **15. Licensing Committee Meetings - Open to the Public:**

Licensing Committee meetings shall be open to the public however the public may not participate in the meeting.

#### **16. Location of Licensing Committee Meetings:**

All meetings will be held during regular business hours at Town Hall, 32 Mill Street, Thornbury, Ontario.

**The Corporation of The  
Town of The Blue Mountains**

**By-Law No. 2014- 7**

Being a By-law to appoint a Licensing Committee pursuant to By-law No. 2013-50, being the Short Term Accommodation Licensing By-law; to set out certain terms and conditions of said appointment; and, to set out those members of Council that would hear an appeal from the Licensing Committee, if applicable.

**WHEREAS** the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business and to regulate and govern any business carried on within the municipality;

**AND WHEREAS** Council of the Corporation of the Town of The Blue Mountains has duly enacted By-law No. 2013-50 being a By-Law to licence, regulate and govern short term accommodation uses;

**AND WHEREAS** S. 7.1 of By-law No. 2013-50 requires that Council appoint a Licensing Committee;

**AND WHEREAS** Council at its meeting of January 13, 2014 determined that the Licensing Committee shall be comprised of members of Council, minimum of 3 members, with said term of the Committee commencing upon the enactment of a By-law so as to appoint the members and terminating November 30, 2014;

**AND WHEREAS** S. 8 of By-law No. 2013-50 indicates that an appeal from a decision of the Licensing Committee resides with Council with it being noted that in accordance with S. 4.28 of By-law No. 2013-50 such appeal is final;


**AND WHEREAS** it is deemed appropriate by Council that those members of Council that adjudicated an appeal as a member of the Licensing Committee should not sit as the appeal body to a decision of the Licensing Committee;

**NOW THEREFORE** the Council of The Corporation of the Town of The Blue Mountains enacts as follows:

1. That all members of Council of the Corporation of The Town of The Blue Mountains are hereby appointed as members of the Licensing Committee in accordance with Section 7 of By-law No. 2013-50.
2. The term of the members of the Licensing Committee shall coincide with the term of Council.
3. The Licensing Committee shall sit as a committee of three members.
4. Quorum of the Licensing Committee shall be three members.
5. The members of Council to sit as the Licensing Committee shall be established from time to time and be on a rotational basis.
6. The Licensing Committee shall hear appeals as set out in Sections 4.20 and 4.21 of By-law No. 2013-50 save and except for determinations related to conformity with applicable Federal and Provincial Law and Regulations or municipal by-laws, including, but not limited to, the Property Standards By-law; the Building Code Act; the Building Code; the Fire Protection and Prevention Act; the Fire Code; or, an order of the Medical Officer of Health.
7. The Licensing Committee shall hear appeals to the revocation of a licence as set in Section 5.23 of By-law No. 2013-50.

8. An appeal of a decision of the Licensing Committee is to Council of the Corporation of The Town of The Blue Mountains.
9. Those members of Council that adjudicated an appeal as a member of the Licensing Committee shall not participate in the adjudication of an appeal to Council from a decision of the Licensing Committee and, for greater certainty, they shall not vote on the appeal to Council.
10. Decisions of Council are final.
11. Fees related to the filing of an appeal are as specified in the applicable Fees By-law.
12. This by-law shall come into effect on July 2, 2014.
13. This By-law expires on November 30, 2014.

Enacted and passed this 19<sup>th</sup> day of February, 2014.

  
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**Ellen Anderson, Mayor**  
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**C. Giles, Clerk**