

Good Afternoon Members of Council and Town Staff,

I wish to open by first commending Town Staff for the effort put into the preparation of Staff Report FAF 18.42. Time has clearly been taken to research the history of the topics addressed within the report. That time spent has resulted in the corresponding Staff Recommendations to Council.

I wish to point out the strength of the recommendations to Council are supported by fact-based arguments. It is that type of approach that has often been sadly lacking in previously charted legislative direction over the years and, at this juncture, I do wish to ask that you, as the Councillors charged with making informed decisions on behalf of all of the residents of our Community please take the time to read and understand the fact-based argument that support our position. Our opponents often support their position from an emotional platform completely void of supportable facts.

Please truly look beyond that and study the facts in order to position yourself to make the informed decision.

Total Occupant Load within STA's

The Staff Report FAF.18.42 speaks to a number of issues as it relates to total STA occupant load. The one's that I wish you to focus on are the ones that are key to understanding the facts. Those facts make up the legal position that shores up our position on Total STA Occupant Load.

Item One-The Formula for Calculating Total STA Occupant Load

The Council approved formula, known as the + 2 model occupancy model is acceptable as the method by which Total STA Occupant Load is calculated. We are not seeking any change in the basic premise of the +2 model. What we are seeking is for you to gain a full understanding as to the fact that we in the chalet and cottage STA market offer large multi-bedroom chalets in which the current occupant loads have been the legally approved standard since day one of STA Licensing. To be clear we are not seeking any changes to the current occupancy loads. Those current loads have, since day of Licensing, been endorsed and approved by The Town of Blue Mountains Building Department, The Bylaw Department and also the TBM's Fire Department. The approvals were issued as those occupancy loads are all within the Provincial Legislation, specifically the Ontario Building Code and each and every property has been equipped with the requisite fire safety equipment as mandated under Ontario Fire Code for the occupancy load limits that we operate with today.

The STA Licenses were all issued in accordance with the legislative and legal pillars as previously detailed.

All those chalet/cottage STA Licenses have been historically issued with a total occupant load that, in reality, both adhered to the + 2 formula and simultaneously mirrored the informal desired formula of the + 4 model. This has been historically achievable as a result of Town Staff having used and relied on the Interpretation Policy *POL.STAL.14.02-Premises-Definition of a Bedroom*. This

Interpretation Policy allowed for the approval and inclusion of one designated sleeping space within each STA to be defined as a bedroom. It is therefore the case that the approved formula officially known as the +2 model has, in absolute reality, been used historically in order to calculate the allowable STA total occupant load.

To calculate the total occupant load one would simply count the # of pure bedrooms within the dwelling, then add the one allowable and APPROVED sleeping space (a bedroom) (read the Interpretation Policy *POL.STAL.14.02-Premises-Definition of a Bedroom*) to come up with the total number of bedrooms for the purpose of the formula. One would then, in the case of a six bedroom STA, add one additional bedroom to represent the approved sleeping space to come up with the total bedroom count, in this example, of seven bedrooms. One then simply runs the formula of seven bedrooms X two persons per bedroom and then add the + 2 component to come up with the total occupant load of 16 persons in a six bedroom chalet.

It is important to recognize that the + 2 model works perfectly well for BMR in the condo environment. The accepted model recognizes the sleeping space as a legal bedroom space. We are simply seeking that same recognition for our chalets and that one allowable and approved sleeping space. Our chalets and cottages are often three times the square footage of a condo. So, to be very clear, we are seeking no additional people as we are literally and simply seeking to recognize that the two persons that, in essence, occupy the extra square footage which amounts to two persons occupying approximately 2500 to 3500 square feet.

Item Two-Correlation and Causation

For years now our opponents have attempted to harness fear and create non-existent causation and correlation between the number of people occupying a chalet or cottage and an increase in noise risk or, alternatively an assertion that our current occupant loads somehow lead to some sort of unacceptable change in behaviour. There is no relationship that links the occupant load in an STA and a probability of a noise disturbance impacting on a neighbour let alone a change in human behaviour.

In fact, within Staff Report FAF.18.42 this issue is spoken to by the Report's author when it is stated "*There is a certain level of increased noise and nuisance that can be expected within a CRU complex*". The CRU, on average accommodates 6 people. The average STA occupant load would be about 15 persons yet our opponents would have you believe that the more people in a chalet the greater chance of a noise complaint. Once again I would ask if anyone has ever seen a study that supports the position that links occupant load limits and noise complaints.

To further illustrate my point I can offer the fact that I have had one noise charge at a property located at 116 Carmichael Crescent. The individual charged did attend court with the intent to vigorously defend himself however the matter was ultimately settled. In this case there were twelve guests at the chalet that had an approved occupant load of 18 people.

In 2017 there were 131 reported noise complaints throughout the Municipality. It is fact that 42 of the total of 131 noise complaints, or 32.06% of the total, were against STA's from which two charges were laid. **Does anyone in the Bylaw Department know how many occupants were within those two STA's at the time of the charge ?** Amongst the BMSTA Directors we would account for approx. 10000 rental agreements or rentals. So of those 10000 reservations we received a total of 32 calls of complaint, with only two of those calls resulting in charges.

I would confidently state that the total # of occupants within the non-STA's which were the source of the other 89 complaints was considerably less than the average # of occupants within the average STA.

Please also keep in mind that the two charges in 2017 at STA's or within a licensed tourist accommodations location must be weighed against the fact that our region welcomed with open arms between 2.0M AND 2.5M visitors.

Total noise complaints	131-100%
Non STA	89-67.9%
STA	42-32.06%

Total STA Noise complaint charges-2 equates to 1.52%

The correlation of # of guests and noise charges.

Of the 10,000 rentals and approx. 120,000 guests (using the average # of guests as 12 which is low) works out to 0.00016 %

Item Three-The Proposal to Integrate *Interpretation Policy POL.STAL.14.02-Premises-Definition of a Bedroom*

In order to solve any confusion on the formula using the + 2 model to calculate total STA Occupant load Town Staff are recommending "integrating" or moving the content currently found within the *Interpretation Policy POL.STAL.14.02-Premises-Definition of a Bedroom* directly into the STA Licensing Bylaw, into The O.P. Policies and also into the ZBA. Once done, the net result of that move should be that no changes shall be made with respect to the current levels as it relates to the total STA Occupant Load. That is however based on the expectation that no wording changes or changes to the intent and the spirit currently contained within the body of the *Interpretation Policy 14.02* shall be made. This Interpretation Policy, as written today, does provide for one approved sleeping space per STA to be defined as and recognized as a bedroom.

We would ask that Staff nor Council make no changes whatsoever to *Interpretation Policy 14.02* as part of the action of moving its content into the STA Licensing Bylaw.

We would also ask that Council work cooperatively with Town Staff to craft legislation that provides the STA Industry, specifically the chalet and cottage sector, with the exact total STA Occupant Load limits that we have today. The STA occupancy load totals we have today across The Municipality, it should be noted, are at levels that they have been since day one of Licensing and also are at levels that are all lower than they have ever been.

The levels we have today meet consumer demands, adhere to with Property Standards Legislation, adhere to Ontario Building Code Legislation and meet with Ontario Fire Code Legislation.

The occupancy load totals have been factored into each and every Town Staff Inspection, including Building, Bylaw and Fire so I would have to ask what reason would exist that would demand any changes by way of a further reduction in STA Occupant Load

Responsible Person and Demerit Points

As we have said to Council for ten years now the Responsible Person or RP component of the STA Licensing Bylaw is highly likely the most important component within this stringent legislation. For ten years now it is also the case that it is, without a doubt, the most under-utilized component of the STA Licensing Bylaw.

We are therefore very pleased to commend Town Staff for recognizing this fact and crafting the recommendations as they have within Staff Report FAF-18.42.

As stated over the years, the reality is that the Responsible Person or RP mechanism works and works very well so under the proposal as tabled by Town Staff you will all now get to see just how well it works. Town Staff have always endorsed the historical actions of the RP, in real case examples in front of Council so assuming you accept Staff's recommendation then you, as Councillors, shall also in the near future hear of the successes out in the market.

Conclusion

The fact is that the STA Industry has endorsed this Licensing Bylaw and has cumulatively spent hundreds of thousands of dollars ensuring that all the subject properties are in full compliance with the requirements of the STA Licensing Bylaw and all other legislative demands, both Municipal and Provincial.

The fact is that the STA Industry, as a whole, has also amended and customized its procedural actions so as to ensure full compliance with the legislation as it is written. It is also fact that the number of complaints regarding problems has dropped to all but non-existent levels according to our discussions with Town Bylaw Staff and The O.P.P.

In light of the factual and indisputable realities of this situation we simply request that the Council endorse Staff's recommendation to streamline the process relating to STA Licensing by way of the addressing of all administrative housekeeping matters but make no substantive changes whatsoever to the matter of STA Occupant Loads based on the current levels. We can confirm that making further changes that negatively impact STA Occupant load levels would result in a negative impact on our business models, which clearly would invite costly challenges. This costly process would not be welcomed by Stakeholders or the vast majority of residents across The Municipality.

Thanks for your time and consideration.