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Staff Report

Planning & Development Services – By-law

Report To: Committee of the Whole
Meeting Date: December 5, 2016
Report Number: PDS.16.152
Subject: Short Term Accommodation (STA) Licensing Committee Appointment – Appeal number CEAPP2016-631 – Hearing date January 13, 2017
Prepared by: Luc Proulx, Municipal Licensing Officer

A. Recommendations

THAT Council receive Staff Report PDS.16.152 “Short Term Accommodation (STA) Licensing Committee Appointment – Appeal number CEAPP2016-631 – Hearing date January 13, 2017”, and;

THAT Council appoint three (3) members of Council plus one alternate, to act as the STA Licensing Committee for the January 13, 2017 Appeal Hearing date.

B. Background

The Municipal Licensing Officer (MLO) has received an application to the Short Term Accommodation Licensing Committee submitted pursuant to sec. 4.20 of Short Term Accommodation By-law 2013-50, as amended. The application is to review the decision of the MLO not to accept an STA Licence Application on the basis that insufficient proof was provided to establish that the “grandfathering” requirements afforded under sec. 34 (9) of the Planning Act were being met.

The Town Clerk is appointed as the Secretary of the Licensing Committee and has scheduled the Appeal hearing for Friday, January 13, 2017 at 09:00 AM. The Appeal Hearing date has been provided to all parties and Notice will be sent out a minimum of two weeks in advance of the date.

Staff are now seeking appointment of the Licensing Committee, plus one alternate to be available in the event a member is unable to attend because of illness or emergency. In accordance with the provisions of the STA Licensing Committee Terms of Reference (Attachment #1), Council appointment to the Committee shall be on a rotational basis.

Details of the Appeal Hearing will be provided to the appointed members at the January 13, 2017 Hearing.

C. The Blue Mountains' Strategic Plan

Goal #1: Create Opportunities for Sustainability

D. Environmental Impacts

Nil

E. Financial Impact

N/A

F. In consultation with

N/A

G. Attached

1. Licensing Committee Terms of Reference

Prepared by,

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Respectfully submitted,

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Short Term Accommodation (STA) Licensing Committee

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 Section. 7.1 of By-law No. 2013-50 requires that Council appoint a Licensing Committee;

AND WHEREAS on May 9, 2016 Council passed By-law 2016-26, being a By-law to appoint a Licensing Committee pursuant to By-law No. 2013-50, being the Short Term Accommodation Licensing By-law.

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 2016-26 establishing the Committee on May 9, 2016.

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 5.22 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.