

Good Afternoon Members of Council and Town Staff,

We are hereby responding to the content of **Staff Report No. FAF.17.104** entitled Changing the Scope of Authority of the Short Term Accommodation (STA) Licensing Committee. **The Staff Report is on the agenda for this upcoming Monday's C.O.W. Meeting and we hereby provide a copy below:**

http://www.thebluemountains.ca/public_docs/events/B.2.1%20FAF.17.104%20TA%20Licensing%20Committee%20-%20Changing%20Scope%20of%20Authority.pdf

Opening Statement

As you study the content of Staff Report No. FAF.17.105 on the topic of the issue of changing the Scope of Authority of the Short Term Accommodation (STA) Licensing Committee we feel it important that you all recognize where this initiative started. The topic or initiative of opening up or broadening the authority to each of you as sitting members of the STA Licensing Committee started with the request of individual members of the Committee (Councillors). Those requests were made directly to the STA Industry to bring this matter before Council for change. That would then be the opportunity for Council to vote in favour of expanding the level of authority and scope when it comes time to consider the due diligence defense on matters brought in front of the STA Licensing Committee.

We have done what we have been asked by Councillors in terms of bringing forth the opportunity to have Council untie their hands from behind their backs. In Staff Report FAF.17.105 Options 1 and 2 untie Councillors hands as they'd requested however Option 3 DOES NOT.

It is important to note that The STA Industry has never faced due diligence challenges on garbage, parking, nor long grass charges. It is only the inherent challenges of the rare noise complaint that has led to this issue being considered.

As it stands today the STA Committee has been shackled by the non-existent scope of authority as enacted by Council that has resulted in each Council Member having their decision-making parameters being limited to only the guilt or innocence of the individual charged. **If that individual charged, under the P.O.A., decides to settle or to plead guilty in Court, as a matter of convenience or expediency then the fate of the STA Owner is sealed without any opportunity for a fair and equitable hearing in front of the STA Committee. This is an abhorrent withholding of one's legal right to table a defence showing any level of due diligence.**

Some Important and Relevant Facts:

1. It is fact the Noise Complaints and Noise Charges continue to decrease to a near negligible level within Licensed STA's. This downward trend is one we have seen for several years now. Both O.P.P and Bylaw Dept. stats evidence this ever-increasing

downward trend as being fact. The assertion that noise stats have been trending downwards due to the existence of demerit points is not a fully accurate statement. Guests are not quitter due to demerit points, a subject that they no nothing about. Guests are quitter as a direct result of the efforts of owners and rental managers exercising higher levels of management of the issue. It is also as a result of owners and operators having employed with NoiseAware as a management tool and also security patrols which continue to be utilized. Credit for such achievements lay squarely at the feet of the STA Industry.

2. It is fact that Noise Charges are adjudicated in Court without the benefit of any hard quantitative factual data.
3. The Town's Noise Bylaw has no quantitative measurement component. Quantitative data is not used or at all present with the Municipal Noise Bylaw to support or justify a charge, only the unprovable opinion of a complainant. The Town nor the O.P.P have a radar gun for noise so it is all based on interpretation and opinion, not hard facts. Perhaps there soon shall be some quantitative components put into the Nose Bylaw as is the case with some other Municipalities.
4. The STA Industry can now produce hard quantitative data to prove or disprove facts relating to noise complaints and charges as we have access to hard quantitative data as generated by NoiseAware software within STA's.
5. By voting YES (Option 1 or 2) Council would then allow the STA Committee to make decisions under the due diligence defense which would open the door to reviewing factual NoiseAware data that is specific to the time and place of the alleged Noise complaint.

Conclusion

Simply put we are seeking and strongly recommending you vote YES to either Recommended Option 1 or 2 and a complete discounting of Option 3. By voting YES on options 1 and 2 you position yourselves to be granted the authority, as individuals, to vote at The STA Committee Hearings after having the opportunity to review, study and weigh all the facts.

Option 3 **DOES NOT** ensure that the STA Licensing Committee provide the opportunity to take all facts being provided into consideration when rendering their decision and **DOES NOT** further ensures that the STA Licensing By-law is being applied in a fair and equitable manner.

By attaching an Absolute Liability designation to noise charges this, here again, positions you to have no decision-making authority whatsoever and how could one ever apply a fair and equitable definition to a process that eliminates one's right to due process (the due diligence defense) is beyond explanation nor understanding.

You free yourself up on your scope of Authority to make decisions which is exactly what those individual Councillors had asked for so very long ago. That day is now here so why vote for Option 3 which is only an endorsement of where you are today. A vote for Option 3 is a vote for the position you are in today which is contradictory to your stated desire for change which led to the initiative being brought forward in the first place. Please VOTE NO TO OPTION 3.

You get what you want and what you asked for.....PLEASE VOTE YES TO EITHER RECOMMENDED OPTION 1 OR 2.

Thanks for your time and consideration.

Best Regards,

Stu Frith
President
BMSTA

