

July 7, 2013

Open Letter to Mayor Anderson and Members of Council, Town of the Blue Mountains

Re: STA Licensing By-Law Report by the STA Committee

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We attended the presentation on Tuesday July 2, 2013 of the STA "Stakeholder" Committee when they presented their revised draft by-law of the original By-law created by the Town of the Blue Mountains to the Planning & Building Committee.

As weekend residents of the Town of the Blue Mountains (TOBM) (which we have been for many years), we have some knowledge about the ongoing issues concerning the many STA's which have been going on for many years and it is obviously still not being dealt with. We took part in the Ontario Municipal Board (OMB) hearing in connection to the STA situation and are very aware that the OMB found in favour of the Town. We are also aware that there was a court challenge and again, the Divisional Court found in favour of the Town.

What we don't get is why the Town hasn't dealt with the situation and that the Town has obviously found themselves not in favour of the taxpayers and residents of the TOBM. We have friends and neighbours who, after dealing with illegal STA's on their streets and/or neighbourhoods (not in the suggested zoned area), dealing with threats and lawsuits by the owner/operators finally gave up, sold and moved away. Others we know are planning their exit strategies from the area, as they too are worried about the future. We feel that this is a blemish on the reputation of our community and we would certainly hesitate to recommend the TOBM to anyone interested in purchasing a property in this area until this issue is resolved.

The presentation stressed that the policing of the STA's should be done by the owner/operators, not the OPP and/or By-law enforcement. We find this laughable given the number and frequency of the incidents involving STA's. We feel that self-policing has not worked in the past and puts residents and visitors at risk. The safety of everyone is vital and safety needs to be the business of those trained to provide it—OPP, Fire, Health, etc.

We read in the material supplied from the TOBM website for the meeting, that the current STA owner/operators are suggesting that the TOBM consider exemptions and grandfathering of them. We vehemently disagree with this as it is in direct violation of the OMB and Court rulings. Single family zoned areas need to be protected if the integrity of our neighbourhoods is to be maintained. In addition, the licensing of all STA'S needs to be done, with enough revenue being generated from licensing fees so the Town, hence the taxpayer, is not subsidizing the licensing programme, in another wards, it needs to be revenue neutral.

It is time for the STA's to be inspected and brought up, if necessary, to all applicable codes, including but not limited to building, fire, and health. We feel that this will improve the quality of accommodation provided by STA owner/operators and, therefore, provide a more enjoyable environment for our visitors. This should help improve the reputation of the community and will hopefully lead to repeat visitors to our area. This is a win/win for the STA owner/operators, visitors and the Town.

We were stunned to see that the "stakeholder" committee was made up of 3 voting (out of 4 possible people apparently) persons who have direct interests in STA's. As a matter of fact, one is an STA owner/operator, one a beneficiary of the owner/operators as a security person for them and one a real estate agent who has been known to rent the STA's for the owner/operators. This committee has a massive conflict of interest in dealing with this by-law.

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We firmly believe that the zoning restrictions for STA's as recommended by the OMB ruling must remain in place, as this protects the interests of both the STA owners and operators and the residents of this area. STA's should not be able to open in single family residential neighbourhoods as this would cause both health and safety issues for the residents and visitors to the TOBM. Other locations, like Whistler, have set up their accommodation plan wherein residential accommodations are in one area, and STA's and other types of rentals are set up in another area. This apparently works very well.

We looked into Sechelt, B.C. and were surprised that this committee would use this community as a comparator to TOBM. Sechelt is only accessible by expensive ferry, is not open for business as such in the winter, and does not have the number of types of facilities that we have available to us in the TOBM. The only thing that we see is of similar nature is the size of the population. The website for Sechelt reads "Located on the Sunshine Coast north of Vancouver, Sechelt (population: 8,454) is as laidback as it is scenic, full of artists and surrounded by mountains." Does this sound like the TOBM?-- we think not. "Laidback" isn't what the TOBM is—we are vibrant, exciting, offering many activities and facilities for our diverse tourist and resident base.

We then went to the Whistler website, as it is still in B.C. but is very similar to our resort type of location. It reads: Located in the spectacular Coast Mountains of British Columbia, and just two hours north of Vancouver, Whistler is Canada's premium, year-round resort." It goes on to say that they have skiing and snowboarding, four championship golf courses, more than 200 shops, 90 restaurants and bars, accommodation galore, hiking, spas and biking. This sounds a lot more like TOBM. It also states that they are led by an elected council on behalf of 9,824 residents and two million annual visitors. We believe that these stats—population, number of visitors, 2 hours north of a major city, facilities, activities, accommodations that are available, etc. make Whistler a more reasonable comparator than Sechelt, BC. We suggest that the Town investigate the STA policies that are applied in Whistler, B.C. as they would possibly be more appropriate based on the similarities of the communities.

During the submission to the Building and Planning Committee, some of the Committee members made comments regarding controlling costs in dealing with this issue. As previously stated, the licensing fees should be set so as to make the cost to run this licensing programme revenue neutral. All penalties and fines should be used to offset the cost of administration and policing of any incidents associated with an STA property. We assume that these policing costs are significant at this time, but with proper licensing and by law enforcement, these costs should decrease over time thereby letting the police be the police.

We, as tax payers, have seen this issue go on far too long. The Town has spent considerable time, money and resources in developing its By-law and should continue to implement it as soon as possible. This STA situation was an election issue 3 years ago and it looks like it could be an election issue again in October 2014 and this is really regrettable as it shows Council cannot move forward making strong decisions. The Town needs to recognize that the residents have been very patient and supportive of the Town up to this point, but the Town must be aware that failure to resolve this issue may ultimately lead to legal action that will pit the residents against the Town. This situation would be most unfortunate given all of the effort put forth by the Town staff and representatives to date.

Thank you for your time.

Yours truly,

*Robin & Bill*

Bill and Robin Pittaway

  
Town of the Blue Mountains, ON