

**STAFF REPORT:**                      **Planning**



**REPORT TO:**                      **Mayor and Members of Council**  
**MEETING DATE:**                **February 4, 2008**  
**REPORT NO.:**                    **PL.08.15**  
**SUBJECT:**                        **Short Term Accommodation Interim Control By-law**  
**PREPARED BY:**                 **Cindy Welsh, Senior Policy Planner**

## **A. Recommendations**

**THAT Council direct staff to complete its study related to short term accommodation uses within the municipality;**

**AND THAT Council enact an Interim Control By-law on all lands zoned residential as established and declared in the Township of Collingwood Zoning By-law 83-40, as amended, and on all lands zoned residential as established and declared in the Town of Thornbury Zoning By-law 10-77, as amended, wherein and whereupon no person shall use any land, buildings or structures for the purposes of short term accommodation.**

## **B. Background**

The Town has historically, and continues, to receive numerous complaints from the public relating to short term accommodation (STA) uses including public nuisance, garbage, noise, parking concerns, overcrowding and safety. As a result of this Town staff held two public open houses regarding short term accommodation uses. The first open house took place on June 20, 2007, at which time staff presented draft short term accommodation use principles. The public had an opportunity to provide comments on these principles. The second open house took place on October 9, 2007, and allowed the public to ask questions and seek clarification from staff regarding the following draft documents:

- Amendment No. 11 to the Official Plan of the Town of The Blue Mountains;
- Two amendments to Zoning By-law No. 83-40, as amended; and,
- An amendment to Zoning By-law No. 10-77, as amended.

As per the *Planning Act* a statutory public meeting was held on October 13, 2007. The purpose of the meeting was to give the public an opportunity to make representations in respect of the draft Official Plan Amendment and the three draft Zoning By-law Amendments and to provide submissions to the Town. A total of 43 submissions were received as of October 24, 2007, in response to this public meeting. Council was circulated a package containing all comments in November, 2007. Staff are continuing to review these submissions as they relate to finalizing the draft Official Plan

Amendment and Zoning By-law Amendments and expect this work to be completed in the near future.

Since the public open houses and public meetings, staff have received a number of complaints related to short term accommodation uses including, what the public perceive to be, an accelerated creation of short term accommodation uses within areas predominately populated by detached dwellings. By-law Enforcement staff have been cataloguing these properties as well as other properties advertised for short term accommodation purposes on the Web and concur that there seems to be an increase in the number of detached dwellings available for short term accommodation use.

In addition to the draft Official Plan Amendment and draft Zoning By-law Amendments, staff have commenced work on a draft by-law to license, regulate and govern short term accommodation uses within the municipality. The work related to this licensing by-law is well developed and is expected to be completed in the near future as well.

Given that the reported and apparently problematic properties utilized for short term accommodation uses exist within detached dwelling neighbourhoods, this report recommends that Council enact an interim control by-law (ICBL) to prohibit the use of certain lands, buildings or structures within areas zoned Residential First Density (R1), Residential Second Density (R2), Residential Third Density (R3), Residential Fourth Density (R4), Residential Fifth Density (R5), Residential Sixth Density (R6), Residential Seventh Density (R7), Residential Eighth Density (R8), Village Residential (VR), Rural Residential (RUR), Estate Residential (ER), Resort Residential (RR) and Rural Estate Residential (RER) as established and declared in the Township of Collingwood Zoning By-law 83-40, as amended, and within the areas zoned Residential R1, Residential R2, Residential R3, Residential Multiple RM1 and Residential Multiple RM2 as established and declared in the Town of Thornbury Zoning By-law 10-77, as amended. Presently the precise number of properties utilized for short term accommodation uses is unknown.

### Official Plan

The Official Plan of the Town of The Blue Mountains states in Section 11.15 (4) that “Council may wish to undertake special planning studies to review any matter related to this Plan or its implementing by-laws. In some cases, where identified concerns dictate the need to provide interim development controls while studies are being conducted, Council may also consider an Interim Control By-law, in accordance with the provisions of Section 38 of the *Planning Act*”. The Official Plan therefore provides direction in this matter for a study to be undertaken.

### Interim Control By-law

Section 38 of the *Planning Act* enables a council of a local municipality to enact an interim control by-law where the Council has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies. The by-law may

be in effect for a period of time up to one year and prohibits the use of land, buildings or structures within the defined area of the by-law for, or except for, such purposes as are set out in the by-law. The by-law could be repealed prior to the one-year period if the study and implementation has been completed. The by-law could also be extended for up to an additional year in order to complete the study if necessary.

With regard to the above, Council has authorized that Town staff review the issue of short term accommodation uses and to proceed with the development of draft Official Plan policies and draft Zoning By-law Amendments through the retention of counsel. As noted previously in this report, this work is substantially completed. Notwithstanding the above, staff are of the opinion that it would be appropriate that Council direct staff to complete its study related to short term accommodation uses within the municipality.

No notice of hearing is required prior to the passing of an interim control by-law. The Clerk however must give notice of the passing of such a by-law within 30 days of its passing.

The *Planning Act* specifies that when an interim control by-law ceases to be in effect, the Council may not for a period of three years pass another interim control by-law for any lands originally included in the original interim control by-law.

This report and related recommendations have been reviewed and are supported by the Town's Senior Management Team.

## **C. Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community.

## **D. Budget Impact**

### By-law Enforcement

The Director of Building & By-law advises that the enactment of an interim control by-law will immediately result in a significant increase in work load for the Department. In this regard, the Director of Building & By-law is of the opinion that the Building & By-law Department would immediately receive numerous calls/inquiries related to the By-law and complaints requiring action related to both new and existing short term accommodation uses.

It is noted that in the instance of an ICBL, same is effective on the date it is enacted and therefore enforcement would be expected to commence immediately (Section 38 of the *Planning Act* indicates that the ICBL continues during the course of an appeal).

Should an ICBL be enacted, the Director of Building & By-law advises that a minimum of one additional Municipal Law Enforcement Officer (MLEO) and additional support staff would be required to maintain the existing service levels or an equal amount of By-

law Enforcement resources would have to be reallocated to short term accommodation uses with other enforcement services falling by the wayside.

With respect to the estimated costs related to the hiring of staff to address STA's (should Council choose this option), the Director of Building & By-law estimates that one additional Municipal Law Enforcement Officer and one-half of a support position would be necessary.

- 1 MLEO, Salary and Benefits \$75,000 per annum
- Work Station, computer, etc \$7,000
- Vehicle (other options include lease or mileage) \$35,000
- Vehicle insurance, gas, maintenance, etc. \$6,000 per annum
- ½ of a Support Position, Salary and Benefits \$25,000 per annum
- Recruitment \$7,500 (includes staff time)
- **Total First Year Cost \$155,500**

If Council extended the ICBL beyond a year, the minimum cost would be in the magnitude of \$106,000 based on 2008 dollars. The above costs do not include the costs for litigating unlawful operations.

Based on 75% of first year costs since the municipality would not be hiring for the full year the following is noted. The first year amount of approximately \$117,000 for an ICBL and enforcement represents about a 1.35% increase to the tax levy in 2008, therefore the total tax levy increase for 2008 would be 5.55% based on the proposed budget thus far. The \$106,000 ongoing expense would represent approximately an additional 1.1% increase on the proposed 2009 budget.

In addition, the Director of Building & By-law advises that fine related revenue for the By-law Program will be affected should there be a reassignment of staff resources.

#### Legal Costs

After the Clerk gives notice of passing of the ICBL, persons may appeal the By-law to the Ontario Municipal Board (OMB) within 60 days. If it is appealed to the OMB we could expect a two-day hearing at a cost of \$15,000. There are funds of \$30,000 for 2009 under "contingencies" for legal work, in the 2008 Capital Budget request for "Zoning By-law Update and Consolidation". There would also be staff time (Planning and By-law) for an OMB hearing.

### **E. Attachment**

1. Interim Control By-law entitled *Corporation of the Town of The Blue Mountains Being a By-law to establish an Area of Interim Control Pursuant to Section 38 of the Planning Act.*

Submitted by:

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