

STAFF REPORT: Planning



REPORT TO: Mayor & Members of Council
MEETING DATE: July 07, 2008
REPORT NO.: PL.08.73
SUBJECT: Short Term Accommodation – INTERIM CONTROL BY-LAW extension
**PREPARED BY: Peter Tollefsen
Director of Planning**

A. Recommendations

THAT Council receive Planning Staff Report No. PL.08.73, “Short Term Accommodation – INTERIM CONTROL BY-LAW extension”; and

THAT Council enact an amendment to Interim Control By-law No. 2008-12 to extend the time in effect to an additional six (6) months.

B. Background

As a result of the Statutory Public Meeting held on October 13, 2007, staff reported to Council with the input received and a recommendation 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.

Council did direct staff to complete a study related to short term accommodation uses within the municipality and authorized Town staff to review the issue of short term accommodation uses and proceed with the development of draft Official Plan policies and draft Zoning By-law amendments.

Council also passed By-law No. 2008-12 on February 04, 2008. The purpose and effect of this Interim Control By-law is to prohibit for a period of six months the use of any land, buildings or structures for the purposes of short term accommodation on all lands zoned Residential in the Zoning By-law (#83-40 former Township of Collingwood and #10-77 former Town of Thornbury).

Letters of appeal were filed. One from Cassels Brock and Blackwell Lawyers (Stan Makuch) on behalf of Sheldon Rosen and The Lodges at Blue Mountain Corp; and three from The Law Firm of Hacker,Gignac,Rice (Paul Peterson) on behalf of Blue Mountain Resorts Ltd., 6068057 Canada Inc. and Intrawest, see attached.

Short Term Accommodation (STA) Staff Report #PL.08.30 was submitted to Council on April 07, 2008 with a recommendation that Council authorize staff to

proceed to a second public meeting for the Official Plan Amendment and Zoning By-law Amendments; and that Council approve an amendment to the Interim Control By-law; and that staff report back to Council on the implementation of a Licensing By-law.

On April 7, 2008 Council passed By-law No. 2008-32 to amend the Interim Control (By-law No. 2008-12), by deleting the prohibition of short term accommodation on Residential R6, R7, R8 and RM1 lands.

Notice of Passing of By-law No. 2008-32 was published and as of the deadline of June 06, 2008, no letters of appeal were filed.

The four letters of appeal on the first Interim Control By-law (No. 2008-12) have been referred to the Ontario Municipal Board and a pre-hearing conference has been set for July 03, 2008 at 10:30 am at the Beaver Valley Community Centre. The Town will be represented by Leo Longo of Aird and Berlis, Solicitors. The purpose of the pre-hearing conference is to deal with preliminary and procedural matters, including:

- identification of parties and participants;
- identification of issues;
- start date and duration of the hearing.

Staff will provide a verbal update to Council of the pre-hearing conference at the meeting of July 07, 2008.

In accordance with the *Planning Act*, the Interim Control By-law (ICBL) remains in effect even when it is under appeal. By-law No. 2008-12 is in full force and effect on the day of enactment and shall expire six months there from, which would be August 04, 2008.

Work has continued with the Official Plan and Zoning By-law Amendments since February 04, 2008; however, not to a final conclusion and effect. The Official Plan Amendment for STA once passed by Council will be forwarded to the County of Grey for approval, after which it may be appealed, therefore an extension to the ICBL deadline is recommended.

Section 38(6.1) of the *Planning Act* states that if the period of time during which an Interim Control By-law in effect has expired, but there is an appeal of the by-law, the Interim Control By-law continues in effect. However, it would still be prudent to pass another amendment to the By-law to extend the "in effect" time an additional six months.

C. The Blue Mountains' Strategic Plan

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

D. Environmental Impacts

NIL

E. Budget Impact

The extension of the Interim Control By-law does not impact the budget.

F. Attachment(s)

1. Letters of Appeal
2. Draft Zoning By-law Amendment

Respectfully submitted,

Peter Tollefsen, Director of Planning

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