A. Recommendations

THAT Council receive Staff Report PDS.19.104, entitled “Short Term Accommodation Zoning By-law Public Meeting Summary Report”;

AND WHEREAS Council at the July 15, 2019 Council Meeting directed staff to consider the comments received from the July 3rd Public Meeting and report back to Council on recommended adjustments to the Short Term Accommodation land use planning framework for the Town of The Blue Mountains to ensure clarity regarding where Short Term Accommodation uses are permitted;

THAT Council authorize Staff to hold a Council Workshop and Public Open House to seek further industry and public input on modifications to the Short Term Accommodation land use planning framework including a review of the land use history of Short Term Accommodation Units in the Town, changes to the new sharing economy, tourism accommodation needs, and to gain further understanding on what has been learned in the eight years of implementation and monitoring. An options and recommendations report can then be completed with proposed changes to the land use planning framework.

B. Overview

The purpose of this report is to provide Council with an update on the comments received at the July 3, 2019 Public Meeting and to seek authorization to proceed with further public and council consultation prior to reporting back on a new draft zoning by-law.

C. Background

Town Staff initiated a review of the Short Term Accommodation (STA) Program in December 2017 with the intent to provide a fulsome review of the STA program including:

2. Creating new Zoning By-law provisions for the New Comprehensive Zoning By-law 2018-65;
3. Update the STA Licensing By-law to implement and monitor STA uses in the Town.

To date new Official Plan policies have been developed, supported by Town Council, and are awaiting formal approval from the County of Grey to be inserted into the new Town of The Blue Mountains Official Plan.

Zoning By-law provisions to be inserted into the new Comprehensive Zoning By-law 2018-65 were drafted and sent to a Public Meeting on July 3, 2019. In response, the Town received 17 written letters plus verbal comments. All comments are attached as Attachment #1 to this report. In summary, the comments were wide-ranging including:

- general support/need for the Zoning By-law update
- concerns related to where/if STA’s should be a permitted use in certain zones
- level of regulation of STA uses
- lot development requirements
- the form and function of Commercial Resort Units (CRU’s)
- the use/registration of CRU’s on different properties
- how CRU’s should be managed through Rental or Lease Management Program
- if CRU’s continue to operate as per their intended use
- general confusion/frustration to the complexity and requirements between CRU’s and STA’s.

Overall there appears to be such diverse concerns that Planning Staff would suggest that the Zoning By-law planning framework be re-examined with Council, the STA industry and the general public to ensure it is clear and addresses related matters effectively.

The Ontario Municipal Board approved the STA planning framework in June 2011. The detailed decision identified a number of points as to what is an STA, how STA uses should be regulated, and where they should be directed to/away from. The decision also provided general updates to Commercial Resort Units and Bed and Breakfast Establishments. The Board Decision was issued after a lengthy process including hearing evidence from planners, engineers, economists, OPP, the general public and other stakeholders. Staff have relied on this decision for direction on all STA related matters and will continue to do so. The Board Decision approved Official Plan Policy and Zoning By-law Provisions that have remained in effect since that decision eight years ago. Staff recommend that with changes to the tourism accommodation needs, sharing economy (AirBnB, VRBO, etc.), eight years of implementation and monitoring, plus the comments received at the July 3, 2019, Public Meeting that a more fulsome update to the land use planning framework is needed. The proposed update is not intended to be a rewrite of the entire STA program, but to simplify and bring more certainty to an STA program that has been established in the Town.

To do this, Planning Staff recommend a Council Workshop and Public Open House. Workshops occurred with previous Council, but nothing has been completed to date with the current Council. The intent of the workshop and open house is to:
1. Review the original June 2011 Board Decision and original By-laws,
2. Gain input on the current program,
3. Ask what has been learned and what issues have come forward over the past eight years
4. Ask what options can be considered for an updated STA Zoning By-law (Should the By-law be more restrictive, maintain status quo, become more flexible)
5. Assess those areas that require further clarification, and
6. Determine the community response.

From there Planning Staff intend to report back on the input received and then seek direction to develop the new STA Zoning By-law to be considered for the new Comprehensive Zoning By-law 2018-65.

Modifications and updates to the STA Licensing By-law are being considered concurrent with, but separate to the STA Zoning By-law process.

D. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Objective #1 Retain Existing Business
Objective #2 Attract New Business
Objective #3 Promote a Diversified Economy
Objective #5 Improved Visibility and Local Identity

Goal #2: Engage Our Communities & Partners
Objective #1 Improve External Communication with our Constituents
Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles
Objective #3 Manage Growth and Promote Smart Growth

E. Environmental Impacts

Nil

F. Financial Impact

None at this time

G. In consultation with

Trevor Houghton, Manager of Community Planning
Nathan Westendorp, Director of Planning and Development Services
Wayne Dewitt, By-law Enforcement
H. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting and/or a Public Information Centre which took place on July 3, 2019. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, have been provided notice of this Staff Report.

I. Attached

1. July 3, 2019 Public Meeting Comments

Respectfully submitted,

_____________________________
Shawn Postma, BES, MCIP, RPP
Senior Policy Planner

_______________________________
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma, BES, MCIP, RPP
planning@thebluemountains.ca
519-599-3131 extension 248
June 30, 2019

Shawn Postma, Senior Policy Planner
Town of The Blue Mountains
32 Mill Street, PO Box 310
Thornbury, ON N0H 2P0
*Sent via E-mail

RE: Zoning Amendment ZBLA on Short Term Accommodation Uses
Town of The Blue Mountains

Dear Mr. Postma,

This correspondence is in response to the above noted zoning amendment on short term accommodation (STA) uses. We have had an opportunity to review the proposed amendments in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose and effect of the subject zoning amendment is to update the Town’s Comprehensive Zoning By-law 2018-65 to regulate short term accommodation uses. The amendment would consolidate previous zoning by-laws and align with the Town’s new proposed official plan policies, which are awaiting a decision from the County.

The proposed zoning amendment adds or modifies a number of definitions in the Town’s zoning by-law, including but not limited to; commercial resort unit, rental or lease management program, dwelling unit, motel, seasonal dwelling, etc. The amendment would also modify section 4.31 to included detailed STA policies, as well as adding some site-specific zone exceptions. The proposed zoning provisions appear to be similar to the intent of the previous zoning by-laws, which the Town is looking to consolidate through this amendment.

STA uses are required to be on full municipal water or sewer services, which means lands where new STAs could be considered would be designated as ‘Primary Settlement Area’ or ‘Recreational Resort Area’ in the County Official Plan. Within these designations, the County Plan generally defers to the detailed land use policies and development standards of the municipal official plan or zoning by-law. The policies of the new Recolour Grey Official Plan are also very similar in this regard.
Based on the detailed nature of these zoning provisions, which apply to a very specific subset of development, on full municipal services, County staff do not perceive any PPS consistency issues with the amendment. The PPS speaks to encouraging development in settlement areas, and avoiding conflicting land uses, but does not get into providing detailed policies that conflict with what the Town has proposed through this amendment.

Of a general clarity and ease of understanding perspective, the draft zoning amendment is proposing to add the ‘RR’ column to tables 8.1 and 8.2 of the by-law. At this stage, County staff are not 100% sure what zone the ‘RR’ is referring to (e.g. is it a new recreational resort, resort residential, recreational residential, etc.). Staff cannot find an existing ‘RR’ zone in By-law 2018-65 (as available in the version on the Town’s website). The Town may wish to clarify this reference as to which zone is being referred to here. That said, based on the policy provisions themselves, which require full services, buffering, parking, etc. County staff do not see an issue with the proposed amendment, once this is clarified.

Of a minor typographical natural, the amendment to table 8.2 would appear to require a minimum lot area of 550 hectares in the RR zone. Perhaps this was instead supposed to read 550 square metres, or 0.55 hectares?

County planning staff have no further concerns with the subject amendment.

The County requests notice of any decision rendered with respect to this file.

On a related topic, County staff would note that the County has also reviewed the requested STA policies to be included in the Town’s Official Plan. In 2016 the Town deferred passing the STA policies, however the Town has recently supplied the County with updated policies to be included in the Town’s 2016 Plan. A County decision on these Official Plan policies is expected in the next 1 – 2 months.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

Scott Taylor
Senior Planner
519-372-0219 ext. 1238
scott.taylor@grey.ca
www.grey.ca

Cc Corrina Giles, Clerk, Town of The Blue Mountains
June 28, 2019

Via Email

Town of Blue Mountains
32 Mill Street, Box 310
Thornbury, ON N0H 2P0

Attention: Corrina Giles, Town Clerk

Dear Ms. Giles:

Re: Zoning Amendment to Short Term Accommodation provisions for the Blue Mountains Comprehensive Zoning By-law 2018-65

We represent Grey Condominium Corporation No. 37 (“GCC 37”), which owns property and will be impacted by the proposed amendments to the Short Term Accommodation (“STA”) provisions for the Blue Mountains Comprehensive Zoning By-law 2018-65 (the “Proposed Amendments”). The purpose of this letter is to advise planning staff for the Town of Blue Mountains (the “Town” and the “Planning Staff”) of the GCC 37’s opposition to the Proposed Amendments in their current form.

Certain unit owners at GCC 37 intend to provide written submissions and/or oral submissions at the public meeting in opposition of the Proposed Amendments in their current form. GCC 37 has consulted with these individuals and supports their submissions in opposition of the Proposed Amendments.

GCC 37 wishes to be clear that it fully supports updates to the STA provisions of the Town’s zoning by-laws to promote legal STA rentals; however, it believes that this objective can be achieved in an alternative manner which more appropriately balances the interests of those already participating in the STA space in the municipality. GCC 37 would welcome the opportunity to discuss such alternatives with the Planning Staff.
We request to be notified of all future steps in connection with the Proposed Amendments, including the decision of council on such Proposed Amendments. GCC 37 reserves its rights to appeal any such decision.

Should you have any questions with the foregoing please do not hesitate to contact me.

Yours very truly,

BAULKE STAHR McNABB LLP

Ryan Baulke

cc: Board of Directors of GCC 37
Good evening Peter, et al.,

Thank you for having taken the time to correspond with us to-date and sorry for the delay in this reply. We hope that you are able to review our thoughts/concerns on this matter and hopefully give us some guidance on the best way to proceed in taking them forward.

I have added Shawn Postma (Senior Policy Planner) & Corrina Giles (Town Clerk) to this email string as we would like this letter included as a written submission in the Public Meeting regarding this matter on July 3, 2019 and as such; reserve the right to appeal the final decision on this matter as a group and/or personally as the undersigned and/or on behalf of our respective companies as noted below.

To start; we would like to disclose and clarify that although Alex, Dave, Teresa, Vijay & myself are all currently sitting as elected directors on the board of Grey Condominium Corporation #37 (GCC37, North Creek Resort “NCR” / formerly Mountain Springs Resort “MSR” as incorrectly referenced in the current draft bylaw: I will reference as “GCC37” for the remainder of this document as the correct legal entity) we are NOT acting or corresponding at this time in our capacity as directors or representing the GCC37 board, corporation or other owners BUT in our personal capacity as concerned property owners (we hold 15 units between the 5 of us/spouses/companies) in the Town Of The Blue Mountains. The GCC37 board has taken the opinion in the past (and currently) that the corporation is not in the day-to-day unit rental business and will continue to support any and all legal operations that the unit owner in the complex may choose to undertake from time to time.

Sorry for coming to the table so late on this however, there has been a variety of information and non-town interpretations of what is going to happen floating around which is never a good thing. We feel that we have to make a representation of our perspective before it is too late (hopefully it is not yet) and are also in agreement (and undersigned on) the letter you have previously received from Peter Lister (“Lister letter”) on behalf of the many fellow unit owners who are also members of the North Creek Resort Home Owner’s Association.

Regarding the ongoing draft Proposed Short-Term Rental Property By-Law/Zoning/Official Plan process that is working its way through the various committees and meetings, we have some questions, concerns, possible solutions and thoughts on the matter that we hope can be taken into consideration:

1 – There doesn’t seem to be any mention of a transition period in the draft and we have guests that book their stays up to 18 months in advance. They are booked, confirmed, paid for and have planned their visit to the area therefore we have to honor our commitments to them.

2- With the various new proposed classes of licenses there will be situations where someone might apply for a certain class of license, be declined and then must reapply for a different class of license. With the HUGE volume of applications that are going to be coming through the town, some sort of a transition period will be needed so guests coming to the area and pre-booked guests can continue to be accommodated through the transition process.

3 – The Class “C” license, by our lay reading, seems to be an option for us where the old STA worked but then was challenged and deemed incorrect for our location. Is the intent of the bylaw and the direction to town staff going to be to issue those based on our (a collective “our” of all owner-run rental units in GCC37) current situation?

4 – Complying with the rules and adjustments from the current STA program to the new proposed rules is not an issue as, although we do not have current STA’s, we feel that we operate our units under the spirit and intent of that code. As mentioned in the “Lister letter” we are not operating in a predominantly residential area: GCC37 was built for this purpose and has been housing visitors to this area for almost 30 years.

5- That being said, in reviewing all the information, platforms and Q&A documents circulated surrounding the last municipal election; the majority of voter complaints around short term/vacation accommodations in The Town of Blue Mountains seem to be coming from residential areas which have STA’s located next to them. We feel that we are and could continue to be part of the solution to this problem. We have a location with a proven individual unit, owner-run model where visitors to the area are welcome to stay providing, they do not disturb others. As mentioned
in the “Lister letter”; since the current model of owner-run rentals started to become the majority of rentals in GCC37 the complaint calls are down significantly. We are able to many times pick up the phone and talk to a fellow unit owner if our guests are being disturbed by their guests before it becomes a real issue or a late night call to Chime Security, Shore-To-Slope (GCC37 property manager), Town Bylaw and/or the OPP.

6 – As a resort property; GCC37 has many of the requirements and concerns of both the old STA bylaw and this draft bylaw already addressed internally. We have: annual fire inspections, Chime Security providing after hours security/calls (along with an after-hours line at our property manager Shore To Slope), centralized garbage management, a centralized parking plan, internal unit occupant load rules (studio unit max 4 and loft unit max 6), a centralized snow/ice management plan as well as available transportation to/from The Village (BMVA shuttle access – takes people who have been drinking off the roads and allows groups to spend more time/money at village establishments).

7- We are supporters of the local economy: we use local contractors, pay BMVA entry fees/basic fees/VAF fees, use local suppliers and local on-site unit managers (our day-to-day “boots” on the ground) – all raising their families and paying their bills locally. In conversations for this letter with the on-site unit manager that Amy and I use: she is paying her employees $16 & $17 per hour to work 10-40 hours per week (as they choose), during the day while their kids are in school and they take great pride in the work they do for us, it shows in our units and reviews!! This is extra money going right back into the local community versus the minimum wage, overworked cleaners from outside the local area that big property management companies will bring in with their leverage and volume.

So, to summarize our situation:
We all own units in the complex at GCC37 which we personally operate with great pride and a high level of personal contact with our guests. I think we operate and have complied with both the letter and spirit of the “old” STA bylaw (Amy and I have, what I think, is the last STA that was issued in GCC37 before that system was unfortunately changed) and the intent of the new draft bylaw as well. We are hoping that there is a way through this bylaw change to a future where there is still a viable option for us to keep doing what we are doing, how we are doing it: helping people have great experiences in the Town of Blue Mountains!

Your feedback and assistance with this is greatly appreciated!

Sincerely,
Pieter Kiezebrink

For:
Alex Russillo
Dave Phillips
Teresa Masotti
Vijay & Sheri Doobay
Amy & Pieter Kiezebrink (2591113 Ontario Inc)

To: Peter Bordignon

CC: Rob Sampson, Shawn Everitt, Shawn Postma, Corrina Giles, Dave P., Vijay D., Alex R., Teresa M. & Peter Lister
Dear Ms. Giles,

The Grey Sauble Conservation Authority (GSCA) has reviewed the Application for Zoning Amendment to the Comprehensive Zoning By-law 2018-65, specific to Short Term Accommodation Uses. The GSCA has no objection to the changes proposed under this Zoning Amendment, as outlined in the Notice of Public Meeting circulated to our office on June 6, 2019.

Thank you,

Jacob Kloeze  
Planning Technician | Grey Sauble Conservation Authority  
237897 Inglis Falls Road, R.R.#4, Owen Sound, ON N4K 5N6  
Phone: (519) 376-3076 ext. 235 | Fax: (519) 371-0437 | Email: j.kloeze@greysauble.on.ca
VIA EMAIL & HAND DELIVERED

July 4, 2019

Mayor Alar Soever & Members of Council
The Blue Mountains
32 Mill Street, Box 310
Thornbury, ON   N0H 2H0

RE:   Proposed Zoning By-law Amendment Short Term Accommodation
      Public Meeting July 3, 2019

This is further to my letter of June 28, 2019 and my presentation at the July 3, 2019 Public Meeting on behalf of Blue View Chateaux, being the owner of 104 Brooker Boulevard, The Blue Mountains, respecting the subject matter.

As noted at the Public Meeting, my client’s lands are in a R2 Zone, are fully developed and contain a licensed 8 unit short term accommodation complex. Notwithstanding the foregoing, the proposed zoning by-law amendment proposes to include my client’s property within the Exception 110 lands which specifically prohibits the existing and lawful use of the lands.

With respect to the proposed zoning by-law amendment, please be advised that my client objects to same. This objection could be resolved by including the subject lands in the proposed Exception 98 lands. We believe that this is supportable based on the fully developed nature of the lands; the limited number of dwellings/buildings that abut the subject lands (limited to the north); the existing and plentiful vegetative buffering between the lands to the north and the subject lands; and, the existing lawful use of the lands for 8 licensed short term accommodation uses.

It is noted that proposed Exception 98 permits a short term accommodation use(s) with such use being excluded from the maximum number of occupants; and, the minimum distance separation from another short term accommodation use or a bed and breakfast use and applies to the lands directly to the south, Historic Snowbridge, Second Nature and the Tyrolean area. As you are aware, the lands to the south, Historic Snowbridge and Second Nature are all proposed to be included in Exception 98 and are also located in a R2 Zone.
Blue View Chateaux Comments on Draft STA Amending Zoning By-law

We look forward to discussing this matter further with Town staff.

Yours truly,

c. Shawn Postma, TOBM
   M. Faiz
VIA EMAIL & HAND DELIVERED

June 28, 2019

Mayor Alar Soever & Members of Council
The Blue Mountains
32 Mill Street, Box 310
Thornbury, ON  N0H 2H0

RE:  Proposed Zoning By-law Amendment Short Term Accommodation
     Public Meeting July 3, 2019

I am writing on behalf of Blue View Chateaux, being the owner of 104 Brooker Boulevard, The Blue Mountains, respecting the subject matter.

Comprehensive comments respecting the subject matter have been provided by myself on behalf of the Blue Mountains Short Term Owners Association. Comments contained in this correspondence are specific to proposed Exception 110 as it relates to 104 Brooker Boulevard.

The Town intends on amending Zoning By-law No. 2018-65, being the Town’s Comprehensive Zoning By-law, to bring forward/consolidate those land use regulations contained in By-law Nos. 2009-03, 2009-04 and 2009-05 as approved by the Ontario Municipal Board (OMB) in its Order dated June 22, 2011.

104 Brooker Boulevard contains 8 licensed short term accommodation premises that have been recognized by the Town as being protected by Section 34 (9) of the Planning Act (lawfully non-conforming).

Proposed Exception 110 indicates “A short term accommodation use shall not be permitted on these lands.” It is noted that this exception is not contained in By-law No. 2009-03 as approved by the Ontario Municipal Board.

If implemented, Exception 110 would make the short term accommodation uses at 104 Brooker Boulevard prohibited uses.

A simple example of one of the potential effects of Exception 110 is as follows:

Proposal - Demolish the existing pool house and construct a slightly larger pool house in the same general location in conformance with the Zone Standards.

Current Scenario - Application to the Committee of Adjustment for an expansion to a non-conforming building.
Blue View Chateaux Comments on Draft STA Amending Zoning By-law – July 3, 2019 Public Meeting

If ZBLA Enacted as Drafted - Application to amend the Zoning By-law to construct an accessory use to a prohibited use.

Not only would the process be significantly more costly and time consuming, I submit it would place a significantly higher threshold than otherwise allowed for by the Planning Act.

The above is a simple example, there are several potential negative impacts on the lands including the potential inability to finance/refinance should the use become a prohibited use.

While there may be merit for an explicit prohibition for undeveloped R2 lands where the development of short term accommodation uses may not be supportable, it is difficult to understand why it is necessary for developed, licensed and lawfully non-conforming lands.

In summary, it is submitted that Exception 110 is not consistent with By-law No. 2009-03 as approved by the OMB; that it represents an unprecedented attack on a lawfully non-conforming uses existing at 104 Brooker Boulevard; and, constitutes a collateral attack on the lawful non-conforming status of the short term accommodation premises at 104 Brooker Boulevard.

Yours truly,

David Finbow

c.

M. Faiz
July 2, 2019

To: The Mayor and Members of Council  
Town of the Blue Mountains

From: Michael Martin, Chair, Planning and Development Committee  
Blue Mountain Ratepayers Association

CC: Nathan Westendorp, Director, PDS  
Shawn Postma, Senior Policy Planner

Re: Report PDS.19.75 Zoning By-law Amendment: Short Term Accommodation Uses

I am writing on behalf of the Blue Mountain Ratepayers’ Association regarding the above-referenced Report PDS.19.75.

BMRA has expressed repeatedly and consistently at numerous Public Meetings, Council meetings and discussions with PDS staff and Councillors over the past several years that it is strongly opposed to permitting STAs as of right in any Residential Zone.

STAs were NOT permitted as of right in the original version of the Comprehensive Zoning Bylaw that was reviewed through public process. BMRA supported this approach. Unfortunately, PDS staff has decided to reverse this position at this late stage by including STAs as a permitted use in all R2 Zones.

STAs are a commercial land use. Permitting them in all R2 zones will lead to many more problems, conflicts and challenges to regulations and enforcement than we already have. It is important to remember that as of right permission is about the future, not just the present. We will effectively weaken the town’s ability to control STAs and make problems inevitable in large areas that are designated for future development. Regarding existing developed areas, proponents of an STA outside of specific properties that have been identified and approved as suitable for STAs would require a zoning bylaw amendment.

The bottom line is that the world-wide trend in STA control is moving toward increasingly clear and strict regulation. This is critically important to protect the character of established neighbourhoods and to preserve affordable long-term rental housing stock.

Respectfully, we ask Council to remove STAs as a permitted use in R2 Zones.
VIA EMAIL & HAND DELIVERED

June 28, 2019

Mayor Alar Soever & Members of Council
The Blue Mountains
32 Mill Street, Box 310
Thornbury, ON  N0H 2H0

RE:  Proposed Zoning By-law Amendment Short Term Accommodation
Public Meeting July 3, 2019

I am writing on behalf of The Blue Mountains Short Term Accommodation Owners Association (BMSTA) respecting the subject matter. BMSTA is a group of short-term accommodation (STA) owners and operators dedicated to providing the best possible experience for the visitors and residents in the Blue Mountains area.

BMSTA understands that the Town intends on amending Zoning By-law No. 2018-65, being the Town’s Comprehensive Zoning By-law, to bring forward/consolidate those land use regulations contained in By-law Nos. 2009-03, 2009-04 and 2009-05 as approved by the Ontario Municipal Board (OMB) in its Order dated June 22, 2011 (and subsequent Order respecting the “Martinek” lands).

As Council is likely aware, the OMB’s Order was issued after the hearing of evidence from qualified land use planners, a traffic and transportation engineer, an economist, the public and other stakeholders. BMSTA is of the opinion that it is critical that the proposed zoning by-law amendment respect the direction of the OMB’s Order and the approved implementing by-laws.

With respect to the proposed amendment, BMSTA offers the following comments and requests the following clarifications, confirmations and/or supporting documents/studies:

- Numerous short term accommodation premises within the Town are located in R1, R2 and R3 Zones, with their existence protected by Section 34(9) of the Planning Act.

  The proposed Zoning By-law Amendment does not explicitly recognize these uses however BMSTA notes that Section 4.23 of Zoning By-law No. 2018-65 indicates that uses may continue provided that the use existed before the date of passing of this By-law, being By-law No. 2018-65, and that said use was not contrary to any By-law in force at that time.

  BMSTA requests confirmation that short term accommodation uses protected by Section 34(9) of the Planning Act may continue in accordance with Section 34(9)
and Section 4.23 and that the Town has no intentions of attempting to remove any protections afforded to these uses.

- BMSTA understands that Section 1.5(a) is proposed to be deleted in its entirety. Given this, and in order to fully implement By-law Nos. 2009-03, 2009-04 and 2009-05, various definitions and regulations related to short term accommodation uses are proposed to be introduced by the amending by-law.

A cursory compare between By-law Nos. 2009-03, 2018-65 and the draft zoning by-law amendment has revealed that certain definitions, regulations and provisions found in By-law No. 2009-03 have not been brought forward and/or are not intended to be brought forward. Examples include:

  o Definition of residential
  o Definition of commercial
  o Definition of dwelling

BMSTA requests a listing, matrix or document compare identifying how the provisions in By-law Nos. 2009-03, 2009-04 and 2009-05 have been introduced, re-introduced or proposed to be re-introduced and the related reasoning for each.

- Section 2

Commercial Resort Unit Definition – Item d)

While BMSTA does not particularly take issue with this regulation, we find the regulation to be vague.

  i. “maximum habitation per housekeeping unit is restricted to 120 days per year” may be interpreted that the housekeeping unit cannot be inhabited for the balance of the year.

  ii. “housekeeping” and or “housekeeping unit” should be defined for the purposes of the Zoning By-law

  iii. Clarification should be provided in terms of “per year”, specifically is this a calendar year or otherwise?

  iv. If the 120 days per year is within a calendar year, is it intended to permit a housekeeping unit to be occupied for 240 consecutive days (120 days in 1 calendar year and 120 in the next calendar year)?

- Section 9

The parking requirement for a Multiple Unit Building is proposed to be altered by inserting Shared Parking and Exclusive Use Parking uses. As Shared Parking and Exclusive Use Parking are not defined, BMSTA is not certain as to what these are and/or what distinguishes one from the other.
Further, BMSTA notes that the parking standard for a Multiple Unit Building with Exclusive Use Parking was not considered or approved by the OMB.

Clarification is requested as to what these uses may be so that BMSTA can definitively evaluate the impact of this proposed change prior to the Town proceeding.

BMSTA further submits that it may be appropriate that definitions for “Shared Parking” and “Exclusive Use Parking” be considered.

Assuming that the proposed change is intended to distinguish between say a Rivergrass (“Shared Parking’) type project with unassigned parking and an apartment building type complex with assigned parking (“Exclusive Use Parking”), the parking requirements for projects with similar densities would be significantly different.

Example:

Shared Parking – Townhome project with 10 attached buildings with 4 bedrooms per building, total 40 bedrooms, with a shared parking layout = **17.5 parking spaces** (10 x 1.75 parking spaces per unit)

Exclusive Use Parking - 1 building containing 10 dwelling units with each unit containing 4 bedrooms, total 40 bedrooms = **40 parking spaces** (40 bedrooms x 1 parking space per bedroom).

BMSTA respectfully requests that the Town’s study in support of this new parking standard and the relevant justification be made available for review prior to the Town proceeding with the proposed amendment.

- Section 10 h) b.

For the Exception 98 lands, the draft by-law proposes to include new provisions related to an outdoor recreational amenity area; fencing; and, snow storage.

While these provisions were negotiated as part of the Minutes of Settlement for the “Martinek” lands, they were not considered by the OMB in general and do not form part of the OMB Order or By-law No. 2009-03.

Regarding the provisions at Section 10 h) b. re Exception 98 lands, BMSTA notes that there is no correlation between the number of occupants and the amount of outdoor recreational amenity area; the size and/or area of the parking area and the snow storage area; and, cannot anticipate justification for a 2.0 metre board fence between 2 short term accommodation uses or, for that matter, between a short term accommodation use and non-sensitive land uses.
With new short term accommodation uses being subject to site plan control pursuant to Section 41 of the Planning Act, with said section affording the Town opportunity to address such facilities, BMSTA questions why these provisions are proposed to be introduced.

BMSTA respectfully requests that the Town’s study and the relevant justification in support of these new requirements be made available for review prior to the Town proceeding with the proposed amendment.

- Section 14

Exception 100

Although these provisions were negotiated as part of the Minutes of Settlement respecting the “Martinek” lands, provisions such as fencing, outdoor recreational area and snow storage, BMSTA submit that these facilities are better addressed through the site plan approval process as per our comments above.

As an example, while BMSTA understands the desire for buffering elements between sensitive land uses and short term accommodation uses, we question why a 2.0 metre high tight board fence would be required between 2 short term accommodation use premises. Further, BMSTA notes that the provision of fencing along an interior lot line is counter to the retention of existing vegetation, the provision of new planting strips and the general nature of the community.

BMSTA requests that an exception to the fencing requirement between 2 short term accommodation uses be developed - “Where an interior lot line separates 2 short term accommodation premises, a 2.0 metre high board fence shall not be required.”

Exception 110

This general prohibition is new and is not contained within By-law Nos. 2009-03 and 2009-04.

While BMSTA understands that there may be a need for an explicit prohibition for undeveloped R2 lands where the development of STA uses may not supportable, we cannot understand why it is necessary for developed and lawfully non-conforming lands.

BMSTA’s position is that exception 110 is without precedent and is not consistent with the OMB Order, or By-law No. 2009-03 and, as a minimum, the draft by-law should be appropriately revised for those lands that are currently developed for short term accommodation uses (e.g. Blue View Chateaux property at Brooker Boulevard/Grey Road 19).
In addition to the items noted above, I have attached a summary of other matters that the Town may wish to consider prior to considering the proposed zoning by-law amendment.

Yours truly,

David Finbow

BMSTA Comments on Draft STA Amending Zoning By-law – July 3, 2019 Public Meeting
ATTACHMENT

• Section 3

The definition of “Commercial Resort Unit Complex is proposed to be deleted. This definition is currently found at various locations in Zoning By-law No. 2018-65 (Definitions of Village Commercial Resort Unit and Village Commercial Resort Unit Complex; Section 4.17 Lock Off Units; Table 7.1 Permitted Uses; Exception 4; Exception 92; and, Exception 93) and thus these should be addressed concurrent with this amendment.

• Section 4

The definition of “Rental of Lease Management Program” is difficult to read and could be improved upon. Suggestion:

Means a program that must provide centralized management for a minimum of 10 commercial resort units with said centralized management required to provide the following:

i. centralized advertising, booking, payment and accounting services;
ii. security services, 24 hours per day;
iii. housekeeping services;
iv. maintenance services; and,
v. general operations services.

• Section 5

The definition of “Dwelling Unit” should include reference to “means a building, or part of a building…”

Should the definition of “Dwelling Unit” include reference to the provision of food preparation and sanitary facilities?

Spelling error at “movile”

• Section 6

BMSTA notes that definition of “Seasonal Dwelling” currently exists within Section 3.0 of the Zoning By-law and further notes that this use does not appear to be listed as a permitted use in any Zone.

It appears that this definition does not include those dwelling units used for continuous habitation or as a permanent residence (one’s principal place of domicile); or, for recreation, not occupied or intended to be occupied as a permanent residence (e.g. ski chalets found at Osler Bluff Ski Club, Alpine Ski Club, Craigleith Ski Club).
With a large portion of the dwellings in the Town being seasonal in nature, this proposed definition has the potential to create thousands of non-conforming uses and significant workload in terms of processing applications for additions to non-conforming uses, buildings or structures.

BMSTA is unclear as to the intention or need for this definition.

- **Section 7**
  BMSTA requests confirmation that the definition of motel anticipates the provision of food preparation facilities within rooms.

- **Section 14:**
  
  Exception 98 Lands  
  Also see Schedule A-1  
  Mapping changes, now includes Hazard H Zones  
  Effectively can build an STA in a Hazard Zone!

- **Section 110 Lands**
  
  Explicit prohibition of STA’s on specific lands  
  Blue View Chateaux site at Brooker Boulevard and Grey Road 19 identified wherein 8 existing lawfully non-conforming and licensed short term accommodation premises exist.  
  Explicit prohibition of short term accommodation uses in R2 Zones is not consistent with those found in R1 and R3 Zones.

- **Schedule A-1**
  
  Mapping changes see above comments.

- **Schedule A-2**
  
  Titled “Exemption 110” versus “Exception 110”  
  See above comments respecting Blue View Chateaux site
Hi Shawn.

Thanks for clarifying that Chateau Ridge falls under the STA rule that allows self-management by owners running an STA business. I had a deal fall apart last week because we weren’t sure if that was changing and couldn’t get an answer in time.

I have a client considering a unit in Cachet Crossing (again, lost one buyer because of uncertainty around the changes), so I’m trying to sort out what the current allowances are there for short term rentals and whether a rental management company is currently required or will be required with the proposed changes.

My cell # is [redacted].

Thanks so much.

Janet

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BA, ABR, SRES
RE/MAX Four Seasons Realty Limited
67 First Street
Collingwood, ON
L9Y 0J9
Office: 705-445-8500
Direct: 705-994-5858
janet@collingwoodliving.ca
www.CollingwoodLiving.ca

Click here to watch my story of how we came to Collingwood from the big city
July 2, 2019

SENT VIA E-MAIL:

Town of The Blue Mountains
32 Mill Street, Box 310
Thornbury, ON
N0H 2P0

Attention: Ms. Corrina Giles, Town Clerk

Dear Ms. Giles,

RE: STA By-law Draft
July 3, 2019 COW
BMR Comments

We are in receipt of the Notice of Public Meeting and a draft of the proposed Zoning By-law Amendments addressing the matter of Short-Term Accommodations (STA’s).

Our position remains that the integrity of approved fundamental planning policy and principles be upheld in municipal By-law and licensing regimes. These principles include the form and function of Blue Mountain Village, recognition of established, professional rental management operations, enabling a variety of accommodation types across the community and, promoting healthy neighbourhoods through compatible development and re-development.

Several provisions of the draft By-law affect Blue Mountain Resort operations. At first read, many of the provisions do not raise serious questions. However, we are in the process of reviewing all of the details to fully assess potential impacts and anticipate a further review submission in the near future.

Yours Truly,
Blue Mountain Resorts LP

James Henry
Vice President, Hospitality

JH/al

Cc: Nathan Westendorp, TBM Planning Director
Colin Travis, Travis & Associates
June 3, 2019

Clerk – Short-term Accommodation Rental By-law
Town of Blue Mountains
32 Mill Street - PO Box 310
Thornbury, Ontario
N0H 2P0

Via Email

Re: Short-Term Accommodation Rental By-law

To: Clerk, Town of Blue Mountains

On behalf of the members of the Ontario Restaurant Hotel and Motel Association (ORHMA), we are writing regarding the Town of Blue Mountains creation of a short-term accommodation rental By-law that you will be considering this month.

Short-term accommodations, also referred to as illegal hotel rooms are an ongoing concern for the hotel community across Simcoe Region and Grey County. Municipalities across North America experience problems stemming from sharing unit rentals affecting housing availability, housing pricing and neighbourhood issues such as noise, parking and safety. Independent studies in the USA and most recently in Canada are showing that short term rentals are affecting hotel brand investment decisions while negatively influencing hotel demand.

The Town of Blue Mountains must level the playing field for hotels with the short-term rental accommodations. These rentals are currently not paying commercial property taxes to your town and meeting other rules and regulations that hotels are required to meet. These illegal rooms are also not paying HST which contributes to funding health care, education, transit and infrastructure and other benefits that the Town of Blue Mountains and Ontario residences expect.

The ORHMA strongly support a regulatory framework which includes zoning by-laws which meet the same standards of developing a hotel that levels the playing field with the hotel industry.

Competition should be encouraged. We welcome it. This is how growth occurs in every aspect of the business and how we find new opportunities. Among each other the hotel industry is highly competitive business nonetheless respects government rules. We expect all those competing to play by these rules.

The Short Term Rental sector is no longer an emerging concept as governments around the world have been implementing rules and regulations. Without rules short term rentals belong to the professional underground economy.

The key concern with the short-term accommodations is that they are being commercialized with hosts operating multiple properties as a business. Even Airbnb reports support this theory by continually boosting that “The vast majority of Airbnb’s Ontario hosts share their primary residences.” Regretfully this theory is not the practice.

In 2017 the Hotel Association of Canada released a study in partnership with the Ontario Restaurant Hotel and Motel Association (ORHMA) which spotlighted 11 key markets across Canada and examined the short-term rental market in comparison to Canada’s hotel sector. Specifically, the study had a key focus on Airbnb as the most widely used digital home-sharing platform in Canada. Results demonstrated that commercial operators are growing exponentially, far outpacing actual home sharing activity. Approximately 7-in-every-10 units on the Airbnb distribution platform are entire-home rentals, with guests having complete and sole
access of the entire unit during their stay. Over the last two years, the commercial side of Airbnb’s business – those renting multi-unit entire homes – grew by 108%. Entire home rentals as a whole, including multi-listing hosts, generated 83% of Airbnb’s revenues. Multi-unit hosts account for over 30% of all revenue generated on Airbnb in Canada.

Further, a 2017 study conducted by McGill University entitled Short-term cities: Airbnb’s Impact on Canadian Housing Markets found that Airbnb alone has removed as many as 13,700 units of housing from rental markets in Montreal, Toronto and Vancouver. In 2019, Fairbnb reported that in Toronto alone, Airbnb has taken 6,500 long-term rentals off the market. According to the Ontario Mars report “Fundamentally, home sharing is about sharing your own home, your primary residence. If it is a secondary residence or a commercial property being rented, it is no longer considered home sharing. Related to this is the maximum number of nights per year that a space is rented out”

Our recommendations for the creation of the Short-term Accommodation Rental By-law by the Town of Blue Mountains:

Ownership
- The rental unit must be the principal residence.
- The owners must reside in the unit.
- There must be only one listing per household.
- No host should be allowed to list multiple units.
- Define the cap on maximum number of rooms sold annually.
- Hosts cannot rent out their property for stays of less than 30 days unless they are registered as a hotel or a B&B as it is the case of a B&B where a resident must be present.

Safety and security
- Requirements of the fire code must be met, specifically fire alarm detectors, carbon monoxide detectors, exit routes etc.
- Insurance requirements must be met, specifically insurance that covers the rental of the facility.

Zoning issues
- Like any other business, it would be required to meet zoning, noise, parking and other bylaws.

Licencing
- Registration number issued and posted on platform
- The town would require the owner of the residence to apply for a license to meet a variety of criteria.
- Hosts register and obtain a business license and other applicable transient occupancy.
- A valid ID as proof of residence must accompany the application.

Enforcement
- To be enforced by the City of Vaughn with a penalty structure for hosts and for platforms.

Taxation
- Municipal Accommodation Tax to be collected and paid.
- The town should review the opportunity to apply commercial property assessment.

Platform accountability
- There be specific accountability measures and reporting requirements required for all platforms (i.e.: collection and remittance of tax- potential City tax). All distribution channels must indicate that all provincial and municipal licenses, permits and regulations are being fulfilled, all taxes paid, zoning laws are followed, insurance paid and room limits adhered to.
- They would be required to ensure there be only 1 listing on their sites for a rental unit.
- The registration number of each unit must be posted on the platform.
- The Ontario accommodation industry participates in a very competitive international, national and provincial marketplace. The City of Vaughn must act to encourage investment in new and reinvestment in existing hotel product to ensure the hotel industry of your town remains competitive.
Thank you for the opportunity to provide input into the Town of Blue Mountains Short-term Accommodation By-law. Should you have any questions or concerns please do not hesitate to contact me.

Yours truly,

Tony Elenis
President & CEO
Ontario Restaurant Hotel and Motel Association

cc: Mayor of Town of Blue Mountains Alar Soever

cc: Town of Blue Mountains Council
To the Town of Blue Mountains Planning Department Councillors and Mayor Alar Soever

I am writing this letter out of concern with a proposed By-Law change. By-Law No.10-77 specifically with regards to Section 34 of the planning Act RSO 1990 c. P13.

https://www.thebluemountains.ca/document_viewer.cfm?event_doc=1744

It is proposed to add a new Definition 3.95

2.102(a) “Rental or Lease Management Program” means a program that provides for the full centralized management of a minimum of ten commercial resort units including, but not limited to: a registered business that provides centralized operations and management of all commercial resort units independently from individual owner listings on online travel agency websites and shall provide a point of contact being an individual or company available on a 24 hour basis for security, housekeeping, maintenance, and accounting matters.

I am a concerned owner of a property in the form of a condominium at a commercial resort in the Town of Blue Mountain. I along with another more than sixty-unit owners are proud members of a Homeowners Association (Rental or Lease Management Program). This specific change as it currently reads, I have been told could be interpreted to require myself and the other sixty plus unit owners to use a centralized management company or Property Manager to offer our properties to guests vacationing in the Blue Mountain area. Currently, owners are able to rent out their own condos as part of our Home Owners Association. This By-law amendment will have severe impact in a negative way on tourists, the Town of Blue Mountain, local businesses and condo owners.

Below is a list of the ways that this amendment, requiring homeowners in a commercial resort to use a centralized property manager, will have a negative impact and therefore should be considered.

1. Tourists – A large number of consumers now prefer renting from homeowners directly as opposed to through a property management company. This change will take that option away from the consumer and therefore potentially see them to choose to vacation in another destination that offers this travel option. The number of travelers preferring to rent directly from the owner is increasing significantly. It is an important market in today's tourism industry. The vacation rating from customers who have stayed at our commercial resort which are owner managed, are much higher than that of a centralized property managed condo. This means they have had a better experience while at Blue Mountain and will ultimately see them eager to return and recommend to friends and family.

2. The Town of Blue Mountains – Last year was the first full year that a larger number of homeowners legally rented out their condos directly to guests and the number of calls the OPP received to the resort dropped to just 6 for the entire year from 66 in prior years. This is because homeowners care about their properties and who they rent to more so than a property manager can. We have a vested interest and therefore perform better with screening guests and ensuring that they have been informed of the rules and regulations while visiting. Since homeowners have been able to rent out their condos directly, they have been motivated to spend money on improving their condos which in turn has created jobs for renovation companies. These costly renovations have improved the image of the resort which in turn improves the image of The Blue Mountains to tourists. If this amendment is passed
homeowners will struggle to be able to afford to update their condos to keep up with the increasing expectations of the average traveller.

3. Local Business – The improvements that have been made at the resort have attracted more tourists to the area which helps a number of local business. Homeowners take the time to recommend local places for guests to eat, shop, play and enjoy. A centralized model would not be able to offer the same personalized service and promotion of local businesses. If tourists who prefer to go to destinations where they can deal with homeowners directly do not have the Town of Blue Mountain as an option, then these businesses will lose out on those clients.

4. The Condo Owners – This amendment will significantly reduce the value of the condos in our resort. Many people who purchased their condo in the past two years could lose a large part of their investment as a result of this change. The owners will also lose a large percentage of the income that they receive because they will be forced to pay a property manager. History also shows that a property Management company does not rent out owners’ condos as frequently as an owner can. A centralized management requirement will increase costs and reduce income to a level that is simply not sustainable. The people who own these condos are not millionaires or wealthy business owners. Many of them, like myself, saw an opportunity to invest in The Blue Mountains. This investment was to help a mother earn an income so she can stay at home with her children, help in saving for retirement or to help put our children through University or College. This amendment will cause people like myself to lose that security. By making this change many hardworking property owners may be forced to not just sell, but to sell at a significant loss.

We as owners of condos in a Commercial Resort Complex are in full support of the efforts that council, the town and the Mayor are doing to better police accommodations located in residential neighbourhoods. Our property is designed as a Commercial Resort and historically has been used as such to host visitors to the area. Our resort helps to keep tourists out of the residential areas and this amendment will hurt our ability to assist in that common goal.

It is my understanding that the Town is looking at this amendment to make it easier to identify whether a condo is being rented legally or illegally. I as a homeowner 100% agree that more needs to be done to stop illegal short-term rentals. However, we are proposing that this objective can be obtained without having such a negative impact on so many people. Requiring a centralized management only helps centralized management companies.

The only change to this amendment that we ask for is that it reads in a way that will still allow homeowners to rent their properties directly to guests. Requiring the Rental or Lease Management Program to have someone available on a 24-hour basis to address security, housekeeping and maintenance is reasonable, and I believe it is something most homeowners would strongly support. A list of the condos that are a part of the programs can be submitted to by-law, as well as a requirement to display in our online listings as well as in our condo, which rental program we are members of. This would make it easy for by-law to identify which units are legal and which units are not. Another option would be to provide current condo owners operating legally under the current by-law with a “grandfather” clause so as not to have such a severe financial impact on these condo owners.

This amendment was only recently announced on May 6th, 2019. I would respectfully request that before passing this amendment, and adding in this new definition 3.95 (a), council please take some
more time to evaluate how this change could negatively impact these property owners speak to the
property owners and lets look at an alternative regulation that would accomplish what the town is
seeking while not having such a negative impact on owners.

My goal as a property owner in Blue Mountain is to provide the best possible experience for my guests,
promote the Town of Blue Mountains and to provide a safe respectful place for visitors to enjoy. I know
that I can do that better than a property management company can and in turn have a positive impact
on the community.

Please find below the names, number of units owned, contact numbers and email addresses for other
homeowners (told of 40 units) who share the concerns outlined in this letter.

Respectfully,

Peter Lister

Cell:  

Condo Owners at North Creek Resort at Blue

Kristine Krafczek  
Michael Wilde 1  
Krista and Mark Wiebe 1  
Werner Stahl 1  
Summer Lengyel 4  
Jeff Lopes 4 Units  
Jon & Kate Murphy  
Cam Tullis 1 unit camtullis@gmail.com  
Tom & Tracy Eichler 1  
Dave Phillips 4 Units  
Nadia Skira 1  
Sharon and Kirk Donaldson 1  
Amy & Pieter Kiezebrink 4 units  
Justine Wiebe 1 Unit  
Joseph Arruda 1 Unit  
Jasminka Mitich 1 Unit  

Page 3 of 4
Bryan Lavery 2
Alex Russillo
Matt Swanson 1 Unit
Teresa Masotti 3 Units
Vijay Doobay 3 Units
Mickey Donev 1 Unit
Peter and Kelly Lister 1 Unit