My name is Terry Kellar of Lucille Wheeler Cr. I am the Chair of the STA committee of the Blue Mountain Ratepayers Association

Good Evening Deputy Mayor, members of Council and Staff, thank you for allowing me time to speak to you today. I would like to address staff report FAF.20.010 from agenda item G1 (CoW report Feb 25)

Since the beginning of the STA process in our town one focus for our committee is that noise problems from the STA businesses in residential areas be reduced to an acceptable level. The OMB directed the Town to make this business compatible with the residential areas they operate in. We are still not there, yet.

We have been told by the Town that if we are disturbed by the occupants of one of these business to register a complaint but it appears that some people feel we register a number of complaints that are frivolous, false or just a nuisance call. I can assure you that I haven’t met anyone that is a neighbour of one of these business that phones for no reason, I don’t know anyone that sets an alarm to wake up at Midnight or 1AM or even 2AM to phone in about noise that doesn’t exist. They call when they are disturbed.

We support the new rules that restrict the use of hot tubs, pools and fire pits after 11pm, these places are not owner occupied and are unsupervised. From my own experience and talking to neighbours of STAs equipped with a hot tub, it is a frequent source of noise late at night.

We also support the mandatory use of the “noise aware technology”, if it allows owners to be aware of and stop a potential noise problem before the neighbours are disturbed. I’m sure there are limitations but it could help.

At previous meetings we have been told that there was no correlation between noise and occupancy load. This just didn’t seem logical or what the majority of people believe (more people equals more noise). There didn’t seem to be any data to prove the statement one way or another. Recently Town staff has produced data that repudiates the previous suggestion and confirms that the large majority of noise complaints are associated with places that are licensed for 14 to 22 people.

From page 93 of FAF.20.010 I have copied the chart and added two columns to highlight the impact of a higher occupancy load.

The column on the left shows the number of STAs in each occupancy category (from data the Town provided).

The column to the right is expressing the percentage of total number of complaints to the number of units in that occupancy load.

It is clear that there are major noise problems when you get over the occupancy load of 12.
There are 6224 non STA private dwellings in the Town (from Wikipedia) and they are responsible for 179 (66% of) complaints for a of 3% likelihood of a complaint. This reflects the majority of the people in this room and in Town who get to have the relative peaceful enjoyment of their homes.

There are 253 STAs (4% of the homes in TBM) shown on this chart and they are responsible for 87 (33%) of total complaints for a percentage of 34% likelihood of a complaint ... \(11 \times\) more than non STA neighbour can expect.

There are 103 STAs with 14 or more occupants that are responsible for 75 (86%) of the STA noise complaints for a percentage of 72% likelihood of a complaint ... \(24 \times\) more than a non STA neighbour can expect. Although we don’t know exactly how many people were at these STAs when the complaints were placed ... it doesn’t matter ... it is now a proven fact that high occupancy is the problem.

Report FAF.20.010 recommends that the Town change a Bylaw on occupancy load for STAs from the existing +2 formula to a +4 formula. Because of a previous administrative decision, not supported by the Bylaw, the +4 has been allowed for many licenses.

There is little doubt that if the Bylaw had been followed and enforced with the legal +2 then the previous statistics would have shown fewer complaints.

Given the data that shows the negative effects of extra people in an STA we feel that, to promote some compatibility with neighbourhoods, the +2 must be retained.

In conclusion, the residents are looking to the Council to help protect our neighbourhoods by restricting use of STA outdoor facilities after 11, understanding that residents are not making frivolous complaints, and that relief will come with enforcing the +2 limit for the C licence.