



Staff Report

Enforcement Services

Report To: Committee of The Whole
Meeting Date: June 25, 2018
Report Number: FAF.18.114
Subject: Short Term Accommodation Licensing By-law Public Meeting Summary with Official Plan, and Zoning By-law Update
Prepared by: Kirsty Robitaille, STA Coordinator/Municipal Licensing Officer

A. Recommendations

THAT Council receive Staff Report FAF.18.114, entitled "Short Term Accommodation Licensing By-law Public Meeting Summary with Official Plan, and Zoning By-law Update";

THAT Council acknowledge the recommendation of staff to extend the Short Term Accommodation Program review process through to the September 10th, 2018 Committee of the Whole Meeting that will also include an additional Public Meeting for Public Comment.

B. Overview

This staff report provides Council with a summary of public comments that were brought forward at the Public Meeting held May 28, 2018 and provides a summary of next steps in the Short Term Accommodation project update including an extension to the programs review process.

C. Background

On May 28, 2018, the Town of The Blue Mountains held a public meeting regarding the proposed changes to the Short Term Accommodation Licensing By-law, Zoning By-law, and Official Plan Update. These documents have been brought to the attention of Council in previous staff reports FAF.18.42 and FAF.18.60 included in this report as Attachment 1 & 2. At the public meeting the public had the opportunity to provide comments regarding these proposed changes. Town staff then indicated and by way of recommendation in this report that staff would review these comments over the summer months and report back to Committee of the Whole later in the fall.

D. Analysis

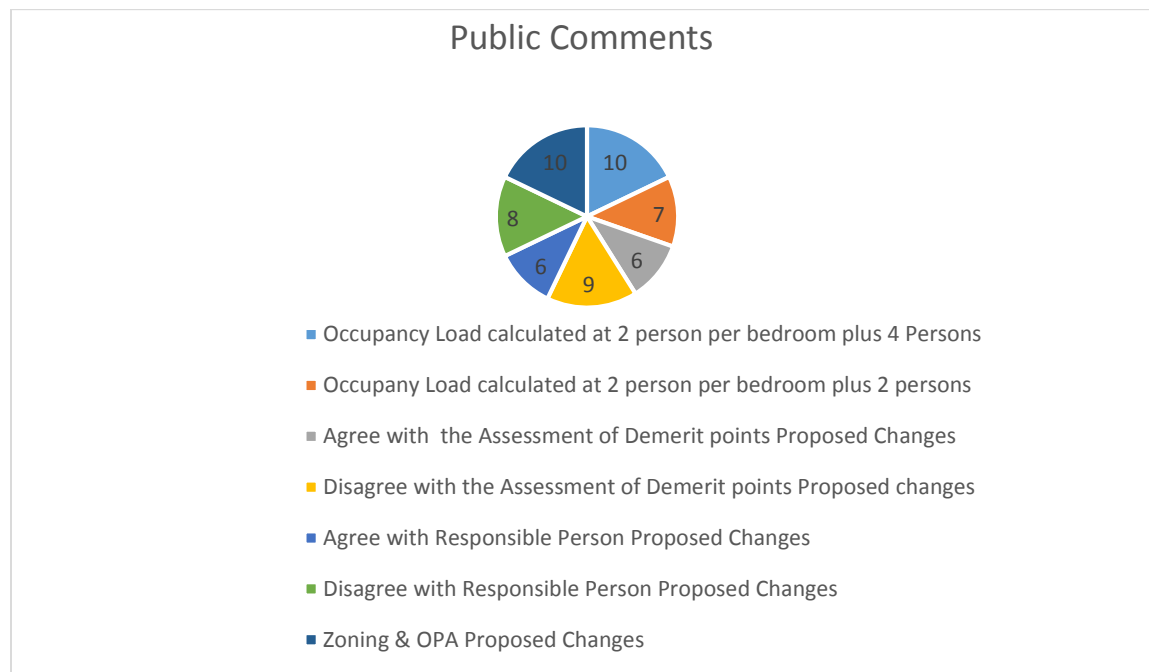
During the Public Meeting, there are clearly concerns between the Short Term Accommodation industry, stakeholders and area residents. The primary issue was that the Short Term Accommodation program and proposed changes were either too permissive or too restrictive. Of

these concerns, the most common comments received ranged from dealing with the following points;

- The use of the Responsible Person;
- Occupancy Load calculations within a Short Term Accommodation premise;
- The Assessment of Demerit Points and Penalties;
- Clarity of zoning

At this time, Staff will continue to review the concerns and comments that were brought forward at the Public Meeting and feel that it is critical to take the required time needed to thoroughly analyze the comments and proposed changes to the STA program. It is our intent to continue to engage the parties to understand the concerns and issues. Staff will also have the opportunity through this process to provide clear interpretation, implementation, purpose and enforcement of the program. Following this engagement process staff will provide follow up with a report outlining the Program and potential changes to the existing program. Written submissions were received and verbal comments were received regarding the proposed changes to these documents. These comments are contained in attachment 3 of this report.

The following chart is provided to show Council where the majority of the concerns were directed to in several of these submissions:



E. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners

F. In consultation with

Shawn Everitt, Interim Chief Administrative Officer

Shawn Postma, Senior Policy Planner

G. Public Engagement

The topic of this Staff Report has been subject to a Public Meeting which took place on May 28, 2018. The following individuals and groups have contributed comments through this Public Meeting:

Adamson, Tamara
Ahmed, Nadir
Baird, Gordon
Blue Mountain Resorts
Carter, Paul & Donna
Crossan, Robert & Ilene
Dheer, Shivraj
Finbow, David
Frith, Stuart
Jany, Marie
Kellar, Terry
Keown, Shawn
Martinek, Denis
Mittal, Akhilesh
Odumah, Godwin & Nora
Perez, Leonardo & Elhaj-Perez, Reem
Persaud, Christine
Pittaway Bill & Robin
Proudlove, Dennis & Sandy
Radjenovic, Mirko & Melissa
Rosen, Sheldon
Sampson, Rob
Shillington, Debbie
Simpson, Dan
Watt, James
Wormald, Harvey

H. Attached

1. Staff Report FAF.18.42 Short Term Accommodation Proposed Program Updates
2. Staff Report FAF.18.60 Proposed Changes to the STA Licensing By-law
3. Summary of Public Comments from Public Meeting May 28, 2018

Respectfully Submitted,

Kirsty Robitaille
STA Coordinator/Municipal Licensing Officer

Shawn Everitt
Interim Chief Administrative Officer

For more information, please contact:
stalicences@thebluemountains.ca



Staff Report

Planning & Development Services – Planning

Report To: Special Committee of The Whole
Meeting Date: March 29, 2018
Report Number: FAF.18.42
Subject: Short Term Accommodation
Proposed Program Updates
Prepared by: Shawn Postma, Senior Policy Planner, Kirsty Robitaille, STA
Coordinator/Municipal Licensing Officer

A. Recommendations

THAT Council receive Staff Report FAF.18.42, entitled “Short Term Accommodation Proposed Program Updates”;

THAT Council direct Staff to circulate notice for a public meeting to consider the attached updated Official Plan Policies, Zoning By-law regulations and Short Term Accommodation Licensing By-law that includes the staff recommendations contained in Staff Report FAF.18.42;

THAT Council revoke the current 6 licensed STA units on Delphi Lane and 3 Licensed STA units on Settlers Way immediately;

B. Overview

The purpose of this report is to provide Council with recommendations for future consideration on the Short Term Accommodation (STA) Licensing Program, as a follow up to the Staff Report FAF.17.130 “Short Term Accommodation Licensing Program Update”. This report also provides draft documents to update Official Plan policies, Zoning By-law Amendment and the Licensing By-law Amendment.

C. Background

The Short Term Accommodation (STA) program was created in June 2011 through an Ontario Municipal Board Decision that created Official Plan Amendment 11 and Zoning By-laws 2009-03, 2009-04 and 2009-05. The STA program was developed in response to the growth of the area as a tourist destination and the growing demand for a range of accommodation types. With this growth there has also been an increase in complaints from area residents about noise, parking, garbage, nuisance, mischief and vandalism to both private and public properties. The Municipal Council determined in 2007 that it needed to take steps to lessen the conflicts between permanent residents and visitors and in particular, the use of single detached dwellings in low density areas for STA uses. In January 2009 Council adopted OPA 11 and enacted the above mentioned By-laws. The documents were appealed to the Ontario

Municipal Board, and after a lengthy detailed hearing process has approved the documents subject to modifications as contained in the Board Order dated June 22, 2011. Through the Ontario Municipal Board process, the Board found that the purpose of the proposed OPA and By-laws were not to eliminate or limit access to STA units, but to regulate this type of accommodation to create a more compatible situation. The Town directed STA units to locations where servicing and appropriate levels of infrastructure are available, where the intensity of use can be better accommodated, and where future growth needs can be met. (PL080455, June 22, 2001, Page 13) The Board also determined that STA units are distinct commercial entities with the goal of making a profit, and that it is the commercial entity that has the potential to conflict with the character and stability of existing neighbourhoods because of the constant turnover of people and the difficulty that turnover brings in controlling noise and other nuisances. The Board found that the Town must ensure that compatibility is achieved between the commercial STA uses and existing residential neighbourhoods. (PL080455, June 22, 2001, Page 15).

In particular, Official Plan Amendment 11 created the policy direction that is now found under Section 3.4.2 of the 2007 Town of The Blue Mountains Official Plan. Numerous commercial accommodation types were identified including STA's, Bed and Breakfasts, Boarding or Rooming House, Tourist Cabin or Cottage, Hotel and Motels and Residential uses. OPA 11 then provided policy direction on where each of these accommodation uses can be located and how they should be regulated. New accommodation uses shall avoid disruption to adjacent residential uses through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking among other things. OPA 11 established requirements for additional Council approvals when a new STA is to be considered including Zoning By-law Amendment and Site Plan Approval to reduce any detrimental affects caused by the use of a dwelling as an STA. OPA 11 directs new STA uses to: those land use designations that permit a range of housing types; to provide mitigation measures in the form of zoning provisions and site works; and not be permitted in residential land use designations that restrict the use of land to only single detached dwellings. (OPA 11, Section 3.4.2(6)). Figure 1 below summarizes where new STA's are directed to and directed away from.

Figure 1: 2007 Official Plan Direction on locations for new STA uses.



Zoning By-law 2009-03, 2009-04 and 2009-05 created the site specific regulations for new STA's and other accommodation types. General Provisions were developed to direct STA uses to particular areas (zones), establish occupant loads, minimum separation requirements, and to require Site Plan approval to address landscaping, parking, garbage and servicing requirements. All new STA uses are subject to a site specific Zoning By-law Amendment to ensure the above items can be adequately addressed and subject to Council approval. By-law 2009-03 also identified a number of exception areas within the former Township of Collingwood exempting certain areas from the maximum occupant load and minimum separation distance requirements. These areas were specifically identified based on condominium areas that were purpose built for short term accommodation or commercial resort unit uses, and other areas that were historically used for short term accommodation uses (Tyrolean Lane and area). By-law 2009-04 established similar zoning requirements for those lands located in the former Town of Thornbury, and By-law 2009-05 modified the zoning category for Resort Residential 'RR' uses to also include Short Term Accommodation uses, while also removing the Resort Residential 'RR' zone from the Castle Glen area. The new Resort Residential 'RR' zone provided a unique zoning category and zone standards for new STA uses.

The licensing bylaw has helped with regulating and the control of Short Term Accommodation uses within the Municipality. The implementation of the Licensing By-law, Zoning and Property Standards By-law shall establish appropriate provisions related to occupant load per unit, parking requirements, noise complaints, and waste management. Since 2014 when the Licensing of STA came into effect statistics have shown a decline in noise complaints and noise charges laid for STA properties that appear directly related to the demerit point system in place.

Since June 2011 278 STA's have been recognized:

- 144 recognized by the By-laws
- 82 recognized as legal non-conforming (grandfathered).
- 43 recognized in Mountain Springs
- 9 recognized on Delphi Lane and Settlers Way

A number of issues and concerns have come forward since 2011 that have been attempted to be addressed by Town Staff, interpretation policies and Council direction. No changes have been made to the original approved OPA 11 or Zoning By-laws. The Licensing By-law was last updated in 2014 (By-law 2014-45). Other than this update to the Licensing By-law, the 2011 documents are overdue to be reviewed and updated to ensure they are modernized and align with current Planning documents. Going forward, staff also see merit in providing annual updates to Council so that minor updates and changes can be made to the STA program in incremental steps rather than a major overhaul of all documents every 5+ years.

The issues that have been identified since 2011 include the following, and have been brought to Councils attention through Staff Report FAF.17.130 dated October 23, 2017. Following this report a workshop was also held with Council in December 2017 where Council provided Staff with direction on areas of the STA program that need clarification. Below is an overview of the issues and concerns that were discussed:

1. Legal non-conforming
2. Parking
3. Minimum Distance Separation
4. Occupant Load
5. Commercial Resort Units vs. VCRU and STA
6. Assessment of Penalties and Demerit Points
7. Responsible Person
8. Interpretation Policies

In addition to working through the above issues, the planning regime has changed with the approval of the new Town of The Blue Mountains Official Plan (2016 OP). The 2016 OP deferred new policies related to STA uses until such time as the Zoning provisions could also be considered. The new Draft Comprehensive Zoning By-law is nearing completion and it is now appropriate for Council to concurrently consider new Official Plan policies, Zoning regulations and Licensing requirements. It is anticipated that the new STA updates will run alongside the new comprehensive Zoning By-law so both can be dealt with but with specific attention to both projects separately. Until the new Official Plan policies and Zoning By-law regulations are in place, the Town continues to work off of the original OPA 11 and By-laws 2009-03, 2009-04 and 2009-05 documents as approved by the OMB.

D. Analysis

Based on success and challenges of the existing STA program, it is clear that updates are required to the Official Plan, Zoning By-law and STA Licensing By-law. The fundamental basis of these updates are to:

1. Maintain the intent of the original OMB decision as described above;
2. To not become more permissive or more restrictive in the policy direction or implementation on new STA uses;
3. To provide new language in the STA documents to align with new planning documents;
4. To provide clarification and new direction on the issues listed in this report.

There continues to be a need to govern resort accommodation uses including STA's in the Town. Official Plan policies, Zoning By-law regulations and Licensing requirements are needed to ensure new STA's can be created in appropriate locations where appropriate provisions and protections can be put in place. It is noted that there is no possible way to simply insert the original OMB decision, OPA 11 and Zoning By-laws into the new planning documents. The STA documents must instead be updated to meet the modern planning framework and organization of the new documents. Through this process individual properties may see change, but the overall purpose of the program will be maintained by: directing new STA's away from low density residential areas; and, to require new STA's to pass a consistent and thorough review and where required, council approval prior to being permitted.

The sections below break down the STA program by document and describes the original objectives, known issues, and proposed direction. Town Staff will provide recommendations on

the direction that can be taken on each document, and pending endorsement from Council will then finalize the draft documents for public review, circulation and future public meeting.

Town of The Blue Mountains Official Plan

OPA 11 inserted new Official Plan policies into the 2007 Official Plan. Since that time, the 2007 Official Plan has been replaced with the new 2016 Official Plan save and except for the STA policies. The result is that development in the Town is reviewed against the 2016 OP, but any new STA applications are reviewed against the 2007 OP. The policies work, but Staff need to update the STA policy section, receive approval from the County of Grey, insert the policies into the 2016 OP and then the 2007 OP is no longer required or used.

OPA 11 directed STA's to avoid/target specific land use categories within the 2007 OP that no longer exist in the new 2016 OP. Based on the 2011 OMB decision it is the opinion of Staff that:

1. New STA's shall be directed away from existing residential developed residential areas unless it can be proven that there is no potential for an adverse land use conflict between the STA and surrounding uses.
2. New STA's may be permitted on future development residential lands. It is clear that STA's may be permitted, but the use must still be evaluated against all other STA policies and other implementing By-laws. On future development lands a Zoning By-law Amendment will be required triggering public process, ability to create specific STA buffering and other zoning requirements and ultimately a Council decision. Also, because the lands are future development, the land use conflicts that arise between STA's and residential uses can be more carefully evaluated and planned for including buffering, separation distance, etc. If STA's are not to be included on future development lands, the Zoning By-law that implements the development can include provisions that prohibit new STA's.

Staff recommend that Council direct Staff to draft a new section to the 2016 Official Plan based on the 2007 Official Plan policies and updated to align with the format of the 2016 Official Plan. The Draft section will be made available for public review, public meeting, Council adoption and Council approval.

Zoning By-law

The purpose of the STA Zoning By-law is to implement the Official Plan policies that are described above, and to mirror the STA zoning regulations that were approved through By-laws 2009-03, 2009-04 and 2009-05. Staff recognize that the Zoning By-law regulations have been effective in managing existing and new STA's throughout the Municipality. A number of issues have come forward through the implantation of the Zoning By-law, and it is the purpose of the Zoning By-law update to clarify and streamline the STA requirements. Below is a summary of zone regulations, issues and proposed direction for the new Zoning By-law:

1. Legal Non-Conforming Uses:

A legal non-conforming use (grandfathered STA) is an STA that is not permitted under the applicable zoning currently in force. Section 34(9) of the Planning Act states that a Zoning By-law does not prevent the use of any land building or structure for any purpose prohibited by the By-law if such land, building or structure was legally used for such a purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose. The intent of legal non-conforming uses is to protect the owner who had a lawfully established STA prior to the enactment of By-law 2009-03, and also to recognize that these uses should eventually cease to exist and that the lands eventually be brought back into conformity with the Zoning By-law.

It is recognized that all legal non-conforming STA's have been accounted for at this time. 9 years has passed since the enactment of By-law 2009-03, and 5 years has passed since the implementation of the Licensing By-law. Staff do not anticipate any additional legal non-conforming STA's to come forward.

A number of STA's have been deemed legal non-conforming and clarification may be required at time of license renewal to determine what aspects of the property are legal non-conforming. Aspects such as servicing, parking, occupant load, separation distance, etc. all need to be accounted for and should intensification be proposed to a legal non-conforming use, it should be demonstrated that the property can be brought into conformity with the Zoning By-law or that approval is received to vary the required sections of the By-law.

2. Parking:

2009-03 requires: (Section 5.14(a)(xxiv) Multi Unit Building = 1.75 parking spaces per unit having 4 guest rooms or less plus 1 parking space for each additional guest room

Single Detached Dwelling = 0.5 parking spaces per occupant or 1 parking space per guest room whichever is greater.

Issues: Insufficient parking provided based on occupant load, legal non-conforming uses need parking management plans, Multi Unit Buildings demand a minimum number of parking spaces similar to single detached dwellings.

Recommended Zoning: Require additional parking for Multi-Unit Buildings at a more appropriate rate. Maintain the parking requirements as established in By-law 2009-03 for single detached dwellings.

Licensing requires: A Parking Management Plan is required to indicate the size and location of all parking spaces intended to be used on the property.

Issues: Parking Management Plan is required for all licenses. Legal non-conforming uses may be deficient in required parking spaces.

There needs to be a clear connection between the number of occupants and the number of parking spaces provided.

Recommended Licensing: Clarification is needed on license requirements for legal non-conforming uses, and additional details to be provided from legal non-conforming STA's clarifying all areas of non-compliance.
Parking to be reviewed at time of license renewal.

3. Separation Distance:

Zoning By-law requires: (Section 5.24.1.(c) "no short term accommodation use shall be located closer than 120 metres in a continuous path over the shortest distance from another short term accommodation use or bed and breakfast establishment."

The Zoning By-law recognizes an exemption area to the separation distance where the 120 metre distance does not apply (mostly in the Tyrolean Village Area).

Issues: Six units at Delphi Lane "Summit Shores" and 3 units at Heritage Corners were issued an STA licence in 2015 within the prescribed 120m separation distance and are located outside of the exemption area, these units are currently in contravention of Zoning By-law No. 2009-03 Section 5.24.1 (c) as described above. Concerns have also been raised as to how the 120 metres should be measured. It is also noted that the six STA units at Delphi Lane are not a permitted use.

Recommended Zoning: Maintain the existing requirement for 120 metre separation distance between STA uses, require measurement from property line, develop mapping showing all existing STA uses and provide a 120 metre buffer distance to illustrate properties impacted by 120 metre separation distance.

Recommended Licensing:

1. THAT Council direct staff to revoke the current 6 Licensed Short Term Accommodation units on Delphi Lane and 3 Licensed Short Term Accommodation units on Settlers Way immediately, OR
2. THAT Council direct staff to discontinue the current 6 Licensed Short Term Accommodation units on Delphi Lane and 3 Licensed Short Term Accommodation units on Settlers Way upon their renewal date;

Staff Recommendation:

Staff recommend that Council Consider Option 1. Revoke the current 6 licensed STA units on Delphi Lane and 3 Licensed STA units on Settlers Way immediately

4. Occupant Load:

Zoning By-law requires: (Section 5.24.1(b)) No person can operate an STA that secures nine (9) or more occupants.

(Sections 5.24.3 and 5.24.4(b)) removes the maximum occupant load requirement described above on certain lands.

Issues: interpretation of maximum of 8 or maximum of 9 occupants, conflicts with the permitted occupant load under the licensing by-law, provision of additional sleeping areas that are not bedrooms.

Proposed Zoning: No change from the current By-law occupant load requirement. Clarification to the By-law is proposed to: modify the text to recognize a maximum of eight (8) occupants; and to provide a clear definition of a bedroom. It is noted that a new STA must continue to meet both the requirements of the Zoning By-law and Licensing By-law whichever is more restrictive. The number of bedrooms that are provided must be accepted as bedrooms by Town Staff. The additional 2 occupants permitted by the licensing By-law is intended to recognize a pull out couch in a living room

Property Standards: (Section 5.06 of Property Standards By-law 2002-18 as amended) The maximum occupant load shall be a maximum of 2 persons per bedroom plus an additional 2 persons.

Issues: Further to the Zoning issues above, it is noted that the Legal Non-conforming properties have been issued for a higher occupant load using a different formula.

Proposed Licensing:

THAT Council direct staff to maintain the Licensing By-law requirements for an Occupant Load within a Short Term Accommodation premise shall be two persons per bedroom, plus two additional persons;

AND THAT Council direct that enforcement of the Occupant load of all existing STA Licenses be issued/renewed as directed by the consolidated By-law.

Staff Recommendation:

Staff recommend that Council consider maintaining the current occupant load requirements as set out in the Zoning By-law and Licensing By-law. It is noted that Occupant Load is not limited

to the number of bedrooms available. Parking in accordance with the Zoning By-law must also be met on the property. Occupant load is calculated based on the lesser of the number of bedrooms or available parking. It is further noted that at time of STA license issue or renewal, Staff will be expecting all STA properties to meet this occupant load requirement.

5. Commercial Resort Units and Commercial Resort Unit Complexes:

Commercial Resort Units (CRU's) are individual units with kitchen/sanitary facilities that can be purchased and used by an owner for 120 days per year and the remainder of the time is part of a rental management pool. A Commercial Resort Unit Complex is a building or group of buildings containing ten or more CRU's on a single lot. CRU's exist on various commercial properties throughout the municipality, mostly concentrated around the mountain. Commercial Resort Units were a popular form of resort accommodation developed in the 1980's and 1990's. Craiglieth Shores, Mountain Springs and Cachet Crossing are all zoned with permissions for CRU's. It would appear that CRU's today are operated differently than they were originally designed for. Original CRU complexes included a central check in desk, on site laundry, on site maintenance, security, etc. comparable to a hotel. If guests had an issue with their unit or an adjacent unit they could simply call the front desk to have the issue addressed. Today more and more check-ins are completed online, there are no longer physical keys required to enter a unit, and maintenance/laundry/security can be completed by a unit owner or contracted out. The current system is not as 'complete' as the previous system as there can be gaps in service and unknown points of contact -especially after hours.

The Village Resort Area Core permits Village Commercial Resort Units (VCRU's). VCRU's are different to CRU's where a VCRU cannot be a principal residence, is serviced by a central lobby, and where a minimum 80% of the units created must not be occupied for more than 120 days. A Village Resort Unit Complex is a building or group of buildings containing 10 or more VCRU's. VCRU's exist in the Blue Mountain Village Core area with additional buildings still to be developed. VCRU's are operating appropriately and no changes are recommended to the VCRU policies or zoning requirements.

CRU's are recognized as purpose built commercial resort accommodation uses and should continue as one type of resort accommodation. There is a certain level of increased noise and nuisance that can be expected within a CRU complex versus a low density residential area of permanent residents. Issues have come forward in the change of how these developments previously operated with a central check-in desk and an overall management company. It was the overall management company that provided responsibility for many short term issues including noise, parking, garbage, nuisance and mischief.

Over time new CRU owners opted out of the central check-in and management company and became non-compliant with the Zoning By-laws as they were no longer part of a rental/lease management program with 10 or more CRU's. When complaints against a CRU unit that is not part of a rental/management program there is now a void

as to how those complaints can be addressed. Similar to STA's, there appears to be a need to have resort accommodation uses controlled in a way that can provide efficient response to complaints and concerns.

- Option 1: Individual Commercial Resort Units (or groups of CRU's less than 10) must move into compliance and become part of a Commercial Resort Unit Complex. The Commercial Resort Unit Complex does not require to have a physical check-in desk, but at a minimum a rental or lease management program must provide a point of contact that is available 24 hours a day to deal with guest questions and concerns/complaints that may arise from other units. All guests should expect a certain level of accountability and responsibility of other guests and their unit owners.
- Option 2: Council could consider implementing a CRU program similar to the STA program where CRU units that are not part of a Commercial Resort Complex can be individually licensed to ensure that a responsible person is available to respond to concerns against an individual unit. Direction will be required from Council if Town Staff should enforce the Commercial Resort Unit requirement to be part of a Commercial Resort Unit Complex, or alternatively if a Zoning By-law Amendment can be considered to permit individual Commercial Resort Units to exist and be subject to a licensing program similar to STA's. A Licensing program for CRU's in groups less than ten can developed off the framework and requirements of the STA Licensing program. Requirements for fire safety, property standards, responsible person, garbage, parking, insurance, and other items.

Staff Recommendation:

Staff recommends Option 1 and that all commercial resort units move back into compliance with the requirements of the Zoning By-law. The draft Zoning By-law attached to this report provides some clarification and additional flexibility that: Commercial Resort Units may exist in one or more buildings on one or more properties; and that a Commercial Resort Unit Complex can comprise of ten or more Commercial Resort Units in one or more buildings on one or more properties. Clarification is also proposed to define what a "Rental or Lease Management Program" is. Currently there is no definition.

6. Assessment of Penalties and Demerit Points

The STA Licensing By-law contains a list of violations which can be found under Section 6 of the By-law whereby Demerit Points and Administrative Penalties may be imposed in cases of their violation.

Currently a person who contravened any provision of the Short Term Accommodation By-law is subject to an administrative penalty and demerit points. The person that the

penalty has been addressed to may appeal the decision to the STA Committee as set out in Section 4.21.

The Committee shall hear appeals as set out in 4.20 and 4.21. Under the By-law, currently noise infractions are confirmed by the courts decision and the Committee relies on the Provincial Offence Act conviction. Once the conviction the owner is then issued demerit points and an administrative Penalty of \$250.00. Previously the appeal process has delayed the implementation of demerit points, as we have had to reschedule appeal dates over time. In some cases, the demerit points would expire.

If council approves the proposed change in this process, STA committee will no longer need to hear appeals of demerit points and administrative penalties. Instead, the owner will be charged with violating the provisions of the STA Bylaw, and will have the opportunity to argue their case in Provincial Court. For example, if a renter gets charged by OPP or By-law Enforcement under the noise By-law, staff would then proceed with a separate prosecution against the License holder of the STA.

Once staff have been notified that a Noise charge has been laid, a Summons can then be issued to the licensee under Section 5.19 of the STA Licensing By-law; "Every Licensee shall ensure that the short term accommodation premises is operated and used in a fashion such that the operation or use will not cause a disturbance"

This would also allow the Operator to present evidence of "due diligence" and if the Operator is found guilty, they would then be subject to demerit points. If they are not found guilty, no demerit points are applied.

Further to this Staff have received an legal opinion on this process and it is being recommended that council consider allowing these STA appeals be dealt through the POA courts, If this is the process that Council wish to consider, the STA Committee would then no longer have to hear noise related appeals as well as other By-law infractions such as parking, garbage, over- occupancy, etc. The Administrative penalty will not be applied because of the assign court fine.

Staff Recommendation:

Staff are recommending that the application of demerit points be done via Provincial Offences Act charges for violation of the STA Bylaw and that the current practice of the STA Committee hearing appeals of Administrative Penalties and Demerit Points be discontinued.

7. Responsible Person

During the implementation of the STA program, Council and the STA operators worked together to implement the Responsible Person (RP) system. This was to ensure that there is a responsible person available to attend to the short term accommodation premises at all times within one hour from the time of contact by way of telephone or email in event a complaint occurs. In order to facilitate this program, the bylaw

department has implemented an afterhours answering service in order to direct STA related complaints to the Responsible Person even during times when By-law coverage is not available.

Currently this system is not being used to its full potential by all residents that have a complaint against an STA premise. Over the years staff have been encouraging residents to contact the after hour service or Responsible person in event of a complaint as this was the intent of the By-law. Staff are recommending that any complaint regarding an STA premise be dealt with through the Town's after hour service as this would then prompt the Responsible Person to take action against the property and deal with the By-law infraction accordingly. It is noted that any complaint that is not dealt with through the Responsible Person (RP) program, will not lead to the assessment of demerit points and only a verbal warning will be issued to the property owner.

Staff Recommendation:

Staff Recommend that Council consider that demerit points will only be issued in the cases where the responsible person was not able to correct the issue within one hour of receiving the initial complaint.

8. Existing Interpretation Policies

Currently there are 2 Interpretation Policies with respect to the STA Program. The 2 interpretation Policy Statements include;

- POL.STAL.16.09 Parking Management Plan
- POL.STAL.14.02 STA Premises: Definition of a Bedroom

It is our intent that the Policy Statements referenced above be incorporated into the proposed Official Plan policies, Zoning By-law Amendment and Licensing By-law updates. These policy statements can provide some additional direction to areas of the STA program that require further clarification and modification.

Moving forward with the STA program, it has been discussed that the Planning Services Division take a larger role in the review of Short Term Accommodation uses for zoning compliance and site plan approval requirements. Planning Staff and By-law Enforcement Staff will coordinate together a new STA license and STA license renewal to ensure all requirements of Zoning, Property Standards and Licensing requirements can be met.

Staff Recommendation:

Staff Recommend that the above interpretation policies be integrated into the attached Zoning By-law and Licensing By-law documents and that the interpretation policies be dissolved. To aid in the review of new licenses or renewal licenses, Planning Staff and Enforcement Staff will continue to use a pre-screening review checklist for all licenses to review all aspects of zoning and licensing compliance. Elements regarding Site Plan Approval, parking, occupant load, separation distance, and legal non-conforming elements will be reviewed and licenses will be

issued in accordance with approved By-laws. Enforcement and Planning Staff will also work together to develop a 'how to: guideline' to summarize the requirements of the Official Plan, Zoning By-law, Licensing By-law and Property Standards By-law into one document.

Project Timeline

1. March 29 Special Committee of the Whole – Consideration of this Staff Report and confirm direction for the preparation of Official Plan Policies, Zoning By-law Regulations, and Licensing By-law Requirements. Documents will be updated.
2. April 16 Council - Council endorsement of recommendations from March 29 COW.
3. April 23 Committee of the Whole – Follow up Staff Report to March 29 COW report. This report will attached the revised Official Plan, Zoning By-law, Licensing By-law documents. Staff will be seeking authorization to proceed to a Public Meeting.
4. May 7 Council – Council endorsement of recommendations from April 23 COW.
5. May 28 Council – Public Meeting to receive comments on Official Plan, Zoning By-law and Licensing By-law documents.
6. June 25 Committee of the Whole – followup Staff Report attaching all comments received from May 28 Public Meeting and recommend approval of final version of Official Plan, Zoning By-law and Licensing By-law documents.
7. July 9 Council – Council will receive the recommendations from June 25 COW meeting and consider passing the Official Plan, Zoning By-law and Licensing By-law documents.

E. The Blue Mountains Strategic Plan

Goal #3 - Support healthy lifestyles

Goal #4 - Promote a culture of organizational and operational excellence

F. In consultation with

Rob Collins, Director of Enforcement Services and Fire Chief
Shawn Everitt, Interim Chief Administrative Officer
Michael Benner, Director of Planning and Development Services
Corrina Giles, Town Clerk
Blue Mountain Resorts
Blue Mountain Ratepayers Association

Blue Mountain Short Term Accommodation Owners Association
STA Operators

G. Attached

Respectfully Submitted,

Shawn Postma, MCIP RPP
Senior Policy Planner

Kirsty Robitaille
STA Coordinator/Municipal Licensing Officer

Michael Benner, MCIP RPP
Director of Planning and Development
Services

Rob Collins
Director of Enforcement Services and Fire
Chief

For more information, please contact:
info@thebluemountains.ca

2016 TOWN OF THE BLUE MOUNTAINS OFFICIAL PLAN
D-R-A-F-T SHORT TERM ACCOMMODATION POLICIES D-R-A-F-T

PREAMBLE:

In order to harmonize the OMB decision and OPA 11 to the new Official Plan we must update the STA policy section of the Plan. First and foremost, we can no longer rely on specific residential land use designations to dictate where new STAs may be located. The new Plan now encourages a mix of residential densities and housing types across the municipality. We no longer include land use designations strictly limited to single detached dwellings (save for LDR designation). We are also striving to encourage a permanent population within a range of housing density and housing types.

What is not changing is the potential for land use conflicts between STAs and residential uses. The New Plan proposes wording that remains consistent with the Board Decision and OPA 11 including the need to strictly control new STAs within existing residential areas.

The OMB decision and OPA 11 made two significant distinctions:

First: new STAs shall be directed away from existing developed residential areas unless it can be proven that there is no potential for an adverse land use conflict between the STA and surrounding uses.

Second: new STAs may be permitted on future development residential lands, but the use must still be evaluated against all other STA policies and other implementing By-laws. On future development lands a Zoning By-law Amendment will be required triggering public process, ability to create specific STA, buffering and other zoning requirements and ultimately a council decision. Also, because the lands are future development, the land use conflicts that arise between STAs and residential uses can be more carefully evaluated and planned for including buffering, separation distance, etc. If STAs are not to be included on future development lands, the Zoning By-law that implements the development can include provisions that prohibit new STAs.

The following items is a summary of the proposed Official Plan Text and Mapping changes:

1. Updated section references.
2. Maintain wording of OPA 11.
3. STA definition under OPA 11 is already included in Section E11 Glossary. Therefore 3.4.2(2) of OPA 11 is not included in the above policies.
4. B2.5(e)(i) has been updated to reflect the intent of the OMB decision and OPA 11 Section 3.4.2(6)(a). (as described in the second point above)
5. B2.5(e)(ii) has been updated to reflect the intent of the OMB decision and OPA 11 Section 3.4.2(6)(c). (as described in the first point above)
6. A New Exception is proposed to be inserted matching the former Exception 54 boundaries of OPA 11. This exception is moved from the policies section to the exceptions section consistent with the formatting of the 2016 Official Plan.

The following three (3) items are the technical changes that are proposed to be inserted into the Town of The Blue Mountains Official Plan.

ITEM 1: B2.5 SHORT-TERM ACCOMMODATION USES

The Plan recognizes that there are a variety of commercial accommodation uses within the Town. These may include *bed and breakfast establishments*, care homes, farm vacation homes and dwellings rented for short term periods. In some cases, residential dwellings may be rented in conjunction with commercial hotel operations. Such commercial accommodations may be considered appropriate in some residential areas, provided they are adequately regulated to avoid land use conflicts with the surrounding area. Unlike accommodation uses in commercial areas, as described under Section B2.2, residential neighbourhoods require special attention to ensure the quiet and undisturbed enjoyment of residential living which people expect. Therefore, it is a policy of this Plan that:

- a) Accommodation uses shall avoid disruption to adjacent residences through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking, amongst other appropriate site performance standards and operational controls. All *short term accommodation* uses shall be subject to site plan control and shall show sensitivity to surrounding residential uses.
- b) Any building used for short-term accommodation purposes shall be considered a commercial use and shall only be permitted where recognized under the implementing Zoning By-law. It is the foundation of this Plan that such uses should not be considered conventional residential uses and that appropriate regulations shall be established.
- c) Conventional residential rental accommodation in a residential dwelling for periods of thirty (30) days or greater shall not be considered a commercial accommodation use, and shall be considered a principal residential use. The provisions of this Plan for short-term accommodation uses do not apply to such leased conventional residential dwelling units.
- d) The scale and intensity of any short-term accommodation uses may affect the degree of potential disruption in the surrounding neighbourhood. Such accommodation uses should be regulated to ensure that the principal residential *character* is generally maintained. Such uses shall be directed toward a commercial or other appropriate designation and shall be prohibited within a single detached residential neighbourhood.
- e) Based on the commercial nature of this use and its potential to negatively affect adjacent residential property, new *short term accommodation* uses may:
 - i) be permitted on future development lands under the Recreational Residential Area designation and Community Living Area, or within existing Blue Mountain Village Medium Density Residential designation;
 - ii) provide mitigation measures in the form of zoning provisions and site works; and

- iii) not be permitted in existing residential plans of subdivisions which have been registered, and other existing residential areas which have been substantially developed for single detached residential dwellings.
- f) The Implementing Zoning By-law shall establish appropriate provisions related to the scale of short-term accommodation uses, parking requirements, separation distances, setbacks and buffering. The location, size and scale of the short-term accommodation use shall be regulated in a manner, which is considered *compatible* with surrounding uses. Certain types of commercial accommodation uses identified under the introductory paragraph shall be distinguished from *short term accommodation* uses, and may only be permitted by site-specific Amendment to the Zoning By-law or in zones where they are specifically listed as a permitted use.
- g) In some cases, a new STA may be prohibited where it is abutting a low density residential use and where buffering is considered inadequate to properly mitigate a land-use conflict.
- h) In addition to zoning and site plan control by-laws, and associated agreements, short-term accommodation uses may be subject, but not limited to, other municipal by-laws including on-street parking, noise, property standards and fire and safety regulations.
- i) In accordance with the Municipal Act 2001, *Council* may pass a by-law to require a business license for the operation of short-term accommodation uses.
- j) All short-term accommodation uses shall be required to connect to municipal water and sewage services in accordance with Section D1 of this Plan.

ITEM 2: B3.7.6 EXCEPTIONS

B3.7.6.14 Schedule A-5 – Short Term Accommodation Exemption Areas

“These lands may also be used for Short Term Accommodation Uses.”

ITEM 3: SCHEDULE A-4 CRAIGLEITH AND SWISS MEADOWS LAND USE PLAN

Add Exception Areas of B3.7.6.14 to Schedule A-4 as shown on the following page.

**Short Term Accommodation Areas
Exception B3.7.6.14
2016 Town of The Blue Mountains Official Plan**



Area affected by Exception B3.7.6.14



The Corporation of the Town of The Blue Mountains

By-Law Number 2018 –

Being a By-law to amend Zoning By-law No. 83-40 which may be cited as "The Township of Collingwood Zoning By-law"

Whereas the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

And Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Delete 3.31(iii) which states:

3.31(iii) Which is part of a rental or lease management program which consists of a minimum of ten (10) commercial resort units in one or more buildings on a single lot;

and replace with:

3.31(iii) Which is part of a rental or lease management program which consists of a minimum of ten (10) commercial resort units in one or more buildings;

2. Delete definition 3.32 which states:

3.32 "Commercial Resort Unit Complex" shall mean a building or group of buildings containing ten (10) or more commercial resort units which is part of a rental or lease management program on a single lot.

and replace with:

3.32 "Commercial Resort Unit Complex" shall mean a building or group of buildings containing ten (10) or more commercial resort units which is part of a rental or lease management program.

3. Add a new definition 3.95(a) as follows:

3.95(a) "Rental or Lease Management Program" means a program that provides for the management of a commercial resort unit including: rental bookings and 24-hour contact information to respond to maintenance, security and general complaints. Housekeeping, interior and exterior property management may also be provided.

4. Delete Section 5.14(a)(xxiv) Parking Requirements of By-law 83-40 which states:

5.14(a)(xxiv) Short Term Accommodation

Multiple Unit Building 1.75 parking spaces per unit having four (4) guest rooms used for sleeping or less plus 1.0 parking space for each additional guest room used for sleeping.

Single Detached Building 0.5 parking spaces per occupant or 1.0 parking space per guest room used for sleeping, whichever is greater.

and replace with:

5.14(a)(xxiv) Short Term Accommodation

- Multiple Unit Building 1.75 parking spaces per unit having three (3) guest rooms used for sleeping or less plus 1.0 parking space for each additional guest room used for sleeping.
- Single Detached Building 0.5 parking spaces per occupant or 1.0 parking space per guest room used for sleeping, whichever is greater.

5. Delete Section 5.24.1(b) which states:

5.2.4.1(b) No person shall use any land or erect, alter or use any building or structure that secures nine (9) or more occupants for the purpose of short term accommodation use.

and replace with:

5.2.4.1(b) A short term accommodation use shall have a maximum of eight (8) occupants.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2018

John McKean, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2018-____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the ____ day of _____, 2018.

Dated at the Town of The Blue Mountains, this ____ day of _____, 2018.

Corrina Giles, Clerk

The Corporation of the Town of The Blue Mountains

By-Law Number 2018 –

Being a By-law to amend By-law No. 2013-50 as amended by By-law 2014-45, a By-law to licence, regulate and govern short term accommodation uses in the Town of The Blue Mountains.

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (“Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

WHEREAS Section 9 of the Municipal Act, 2001, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues; and

WHEREAS Section 11 of the Municipal Act, 2001, provides that a lower-tier municipality may pass By-laws respecting matters within the spheres of jurisdiction set out therein; and

WHEREAS the Council of the Corporation of the Town of The Blue Mountains has enacted By-law No. 2013-50 and 2014-45 to licence, regulate and govern short term accommodation uses in the Town of The Blue Mountains; and

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it appropriate to amend By-law No. 2013-50 as amended;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That definition of “Bedroom” in Section 1.1 of By-law no. 2013-50 as amended is hereby deleted.
2. That the definition of “Building & By-law Services Division” in Section 1.1 is hereby deleted and replaced with the following:

Enforcement Services Division means the Enforcement Services Division or, in the event of organizational changes, another unit designated by Council to carry out the Division’s responsibilities for the administration and enforcement of this By-law;

3. That the definition of “Division” in Section 1.1 is hereby deleted and replaced with the following:

Division means the Enforcement Services Division;

4. That the definition of “Manager” in Section 1.1 is hereby deleted and replaced with the following:

Director means the Director, Enforcement Services, or his/her designate;

5. That the definition of “Demerit Points” be added under Section 1.1 as follows:

Demerit Points means the demerit points on a Short Term Accommodation licence

6. That the definition of “Friendly Notice” be added under Section 1.1 as follows:

Friendly Notice means a written notice outlining the details of a violation warning issued.

7. That the definition of “Infraction Notice” be added under Section 1.1 as follows:

Infraction Notice means a written notice outlining an incident that occurred at a licensed short term accommodation premise and a Certificate of Offence pursuant to the Provincial Offences Act as issued by an officer.

8. That Section 4.1 is hereby deleted and replaced with the following:

4.1 The Enforcement Services Division is responsible for the administration and enforcement of this By-law.

9. That Section 4.21 is hereby deleted.

10. That a new section 5.23 be added under GENERAL REGULATIONS with the following:

5.23 The Maximum number of occupants within a dwelling that is being operated as short term accommodation shall not exceed a total number based upon two (2) persons per bedroom plus an additional two (2) persons.

11. That a new section 5.24 be added under GENERAL REGULATIONS as follows:

5.24 A person who files a complaint regarding an short term accommodation premise shall contact the Responsible Person of that short term accommodation premise or using the Town Hall after hour service system.

12. That a new section 5.25 be added under GENERAL REGULATIONS as follows:

5.25 Demerit points will not be assessed if the Responsible Person was not contacted at the time the complaint was filed.

13. That the table in section 6.1(4)(f) be deleted and replaced with the following table:

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
Fire Protection & Prevention Act/Fire Code	FPPA	15(1)
Operating without a licence	3.1	7
Building Code Act (Construction w/o a permit)	BCA	7(2)
Sleeping in excess of maximum permitted	5.4(1) & 5.9	5
Non-availability of Responsible Person	5.14	5
Noise By-law Infraction	N/A	5
Allowing activity that causes a disturbance	5.19	5
Not providing updated information	4.4	3
Contrary to Parking Management Plan	5.10	3
Contrary to Property Management Plan	5.10	3
Not posting licence	5.12	3
Property Standards	N/A (2)	3
Long Grass	N/A (2)	2
Waste/Garbage Collection	N/A (2)	2

(1) See Sections 4.31, 5.4 and 5.7

(2) See Section 4.31

14. That a new section 6.1(5) be added as follows:

6.1(5) where a warning is issued;

- (a) A Friendly Notice issued by the Municipal Licensing Officer outlining the detail of the violation warning issued at a short term accommodation shall be sent to the short term accommodation operator/owner(s) as soon as reasonably practical after the warning having been issued by an officer.
- (b) A Friendly Notice is to serve as a reminder to the operator/owner(s) of the disturbance that occurred at the short term accommodation premise and that any future occurrence to that particular short term accommodation premise may result in the issuance of an Infraction Notice with corresponding Demerit Points.

15. That Section 6.1(2) is hereby deleted and replaced with the following:

6.1(2) Demerit Points shall remain in place until the two year anniversary of the date on which the demerit points were confirmed.

16. That a new subsection 6.1(2)(a) be added under DEMERIT POINT SYSTEM as follows:

6.1(2)(a) Demerit Points are applied on the day of conviction of any violation.

17. That Section 8.1 is hereby deleted and replaced with the following:

8.1 The Provincial Offences Court shall hear all offences.

18. That a new Section 8.2 be added under DEMERIT POINT SYSTEM as follows:

8.2 Appeals to a conviction shall be processed through a higher Court.

19. That Section 11.2, 11.3, 11.4, 11.5, and 11.6 under ADMINISTRATIVE PENALTIES are hereby deleted.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2018

John McKean, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2018-____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the ____ day of _____, 2018.

Dated at the Town of The Blue Mountains, this ____ day of _____, 2018.

Corrina Giles, Clerk



Staff Report

Enforcement Services

Report To: Committee of the Whole
Meeting Date: April 23, 2018
Report Number: FAF.18.60
Subject: Proposed Changes to the Short Term Accommodation (STA) Licensing By-law
Prepared by: Kirsty Robitaille, STA Coordinator/Municipal Licensing Officer

A. Recommendations

THAT Council receive Staff Report FAF.18.60, entitled "Proposed Changes to the Short Term Accommodation (STA) Licensing By-law";

THAT Council direct staff to proceed to a Public Meeting, as is required by the Provision of Notice and Manner of Giving Notice Policy POL.COR.07.03, to receive comments from the public on the proposed revisions to the Short Term Accommodation Licensing By-law as attached to Staff Report FAF.18.60.

B. Overview

This staff report provides Council with several updated recommendations for consideration to the Town's Short Term Accommodations Licensing By-law. The revisions are a result of Council direction, and includes updates recommended by staff.

C. Background

As reported to council through Staff Report FAF.18.42, "Short Term Accommodation Proposed Program Updates" there have been areas of concern from both residents and STA owners/operators, Staff report FAF. 18.42 identified the concerns with an overview of various options for Council to consider.

The Town's Short Term Accommodation Licensing By-law was last updated in 2014. Attachment #1 is the Current Office Consolidation of the Short Term Accommodation Licensing By-law 2013-50, as amended.

A number of housekeeping items are also proposed to the Short Term Accommodation Licensing By-law. Staff recommend repealing the current Short Term Accommodation Licensing

By-law 2013-50, as amended, and replace it with a new Short Term Accommodation Licensing By-law.

At the March 29, 2018 Special Committee of the Whole Meeting, Council provided direction to staff regarding the Short Term Accommodation Licensing By-law update.

Staff confirm that the current Office Consolidated Short Term Accommodation Licensing By-law is the template for the new Short Term Accommodation By-law, and that the changes proposed are as listed below.

Section 1.1 “Bedroom” definition - Remove

Section 1.1 “Building & By-law Services Division” definition proposed to read as follows:

Updated definition:

Enforcement Services Division means the division responsible for the administration and enforcement of this By-law;

Section 1.1 “Committee” definition – Remove

Section 1.1 “Division” definition proposed to read as follows:

Updated definition:

Division means the Enforcement Services Division

Section 1.1 “Demerit Points” definition - New

New definition

Demerit Points means the demerit points on a Short Term Accommodation licence (as outlined in Section 6.1(3) of this By-law).

Section 1.1 “Fee” definition proposed to read as follows:

Updated definition:

Fee means those fees as set out in By-law No. 2018-8 or reenacted from time to time , being the Town’s Tariff of Fees By-law;

Section 1.1 “Friendly Notice” definition - New

New definition

Friendly Notice means a written notice outlining the details of a violation warning issued.

Section 1.1 “Infraction Notice” definition – New

New definition

Infraction Notice means a written notice outlining an incident that occurred at a licensed short term accommodation premise and a Certificate of Offence pursuant to the Provincial Offences Act as issued by an officer.

Section 1.1 “Manager” Definition proposed to read as follows:

Updated Definition

Director means the Director, Enforcement Services Division, or his/her designate;

Section 1.1 “Short Term Accommodation Coordinator” definition – New

New definition

Short Term Accommodation Coordinator means the person, or persons, who have been appointed to enforce the provisions of this By-law;

Section 2.3 Section update- Proposed to read as follows:

Recommendation:

- 2.3 The determination of whether a licence application is “complete” in accordance with the requirements of this By-law shall be within the sole discretion of the Short Term Accommodation Coordinator.

Section 4.1 Section update- Proposed to read as follows:

Recommendation:

- 4.1 The Enforcement Services Division is responsible for the administration and enforcement of this By-law.

Section 4.6 Section update- Proposed to read as follows:

Recommendation:

- 4.6 Every application for a licence will be reviewed by the Short Term Accommodation Coordinator, with consultation of the Planning and Development Services staff to determine whether it meets the requirements of this By-law.

Section 4.7 Section update- Proposed to read as follows:

Recommendation:

- 4.7 As part of the review referenced at 4.6, the application will be circulated to those agencies deemed necessary and/or relevant by the Short Term Accommodation Coordinator.

Section 4.8 Section update- Proposed to read as follows:

Recommendation:

- 4.8 Those agencies referenced at 4.7 may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application by the Short Term Accommodation Coordinator. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of fees for such an inspection, the applicant shall pay the fees as required prior to the inspection.

Section 4.9 Section update- Proposed to read as follows:

Recommendation:

- 4.9 If it is determined that an application meets the requirements of this By-law and all circulated agencies, the Short Term Accommodation Coordinator shall issue the licence.

Section 4.10 Section update- Proposed to read as follows:

Recommendation:

- 4.10 If it is determined that an application does not meet the requirements of this By-law and the requirements of all of the circulated agencies, the Short Term Accommodation Coordinator shall refuse the issuance of the licence.

Section 4.18 Section update- Proposed to read as follows:

Recommendation:

- 4.18 If at any time the Short Term Accommodation Coordinator determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Short Term Accommodation Coordinator may refer the matter by way of an open session report to Council.

Section 4.19 Section update- Proposed to read as follows:

Recommendation:

- 4.19 If at any time the Short Term Accommodation Coordinator determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Short Term Accommodation Coordinator may commence with proceedings pursuant to the *Provincial Offences Act*.

Section 4.20 Section update- Proposed to read as follows:

Recommendation:

- 4.20 A person whose application for a new licence or a renewal of a licence has been refused may, within fifteen days of being notified of the Short Term Accommodation Coordinator's decision, may appeal to Council review the decision. If an application for review has not been applied for within fifteen days, the licence application will be deemed to be closed.

Section 4.21 Section removal-Pending direction to use POA Practice

Staff recommend the following Section 4.21 under Administration of the Short Term Accommodation Licensing By-law be removed as this section relates to the Committee which is proposed to be discontinued from the Short Term Accommodation Licensing By-law.

Section 4.22 Section update- Proposed to read as follows:

Recommendation:

- 4.22 A person who has applied for a review to Council of the Short Term Accommodation Coordinator's decision noted in Section 4.9 or 4.17 will be given an opportunity to make written representations or to appear before Council when it reviews the matter.

Section 4.23 Section update-Proposed to read as follows:

Recommendation:

- 4.23 Council will review the matter and may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council or, suspend or revoke a licence.

Section 4.24 Section removal-Pending direction to use POA Practice

Staff recommend the following Section 4.24 under Administration of the Short Term Accommodation Licensing By-law be removed as this section relates to the Committee which is proposed to be discontinued from the Short Term Accommodation Licensing By-law.

Section 4.25 Section Removal-Pending direction to use POA Practice

Staff recommend the following Section 4.25 under Administration of the Short Term Accommodation Licensing By-law relating to the Committee, be removed as the proposed changes to the Short Term Accommodation appeal practices have been recommended by Staff.

Section 4.26 Section Removal-Pending direction to use POA Practice

Staff recommend the following Section 4.26 under Administration of the Short Term Accommodation Licensing By-law relating to the Committee, be removed as the proposed changes to the Short Term Accommodation appeal practices have been recommended by Staff.

Section 4.27 Section update-Proposed to read as follows:

Recommendation:

- 4.27 Council will review the matter and may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council.

Section 4.30 Section update-Proposed to read as follows:

Recommendation:

- 4.30 Matters to be considered by Council, including that information identified at Section 4.29 and the location, date and time of the Hearing shall be posted to the Town's website.

Section 5.8 Section update-Proposed to read as follows:

Recommendation:

- 5.8 A person is not eligible to hold a licence unless a Renter's Code for the premises has been submitted to and approved by the Short Term Accommodation Coordinator.

Section 5.9 Section update-Proposed to read as follows:

Recommendation:

- 5.9 The owner shall operate the short term accommodation premises in accordance with the Parking Management Plan and Property Management Plan that has been approved by the Short Term Accommodation Coordinator.

Section 5.22 Section update-Proposed to read as follows:

Recommendation:

- 5.22 The Short Term Accommodation Coordinator may revoke a licence if it was issued on mistaken, false or incorrect information or issued in error.

Section 5.23 New section-Proposed to read as follows-Pending direction from Council

Recommendation:

- 5.23 The Maximum number of occupants within a dwelling that is being operated as a Short Term Accommodation shall not exceed a total number based upon a Maximum of two (2) persons per bedroom plus an additional two (2) persons or the lesser number of occupants allowed based on the number of approved parking spaces.

Section 5.24 New section-Proposed to read as follows:

Recommendation:

- 5.24 A person who files a complaint regarding a short term accommodation premise shall contact the Responsible Person of that short term accommodation premise or using the Town Hall after hour service system.

Section 5.25 New section-Proposed to read as follows:

Recommendation:

- 5.25 Demerit Points will not be assessed if the Responsible Person was not contacted at the time the complaint was filed.

Section 5.26 New Section-Proposed to read as follows:

Recommendation:

- 5.26 The Provincial Offences Court shall hear all offences.

Section 5.27 New section-Proposed to read as follows:

Recommendation:

- 5.27 Appeals to a conviction shall be processed through a high court

Section 6.1 Section update-Proposed to read as follows:

Recommendation:

- 6.1 A demerit point system is established as follows without prejudice to options otherwise available to enforce this By-law or any other By-law of the municipality or Provincial Act or Regulation including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act and the Provincial Offences Act.

Section 6.1(1) Section removal- Pending direction to use POA Practice

Staff recommend removing the following subsection 6.1 (1) (c) under Demerit Point System of the Short Term Accommodation Licensing By-law due to the proposed changes to the Administrative penalties.

Section 6.1 (2)Section update-Proposed to read as follows:

Recommendation:

- 6.1 (2) Demerit Points shall remain in place until the two year anniversary of the date on which the demerit points were confirmed.

Section 6.1(2) (a) New section-Proposed to read as follows:

Recommendation:

6.1(2) (a) Demerit Points are applied on the day of conviction of any violation.

Section 6.1(3) Section removal- Pending direction to use POA Practice

Staff recommend the following Section 6.1(3) (a) (b) (c) (d) (e) (f) under Demerit Points System of the Short Term Accommodation Licensing By-law be removed as the proposed changes to the Short Term Accommodation appeal practices have been recommended by Staff.

Section 6.1 (4) Section removal- Pending direction to use POA Practice

Staff recommend the following Section 6.1(4) (a) (b) (c) (d) (e) (f) under Demerit Points System of the Short Term Accommodation Licensing By-law be removed as the proposed changes to the Short Term Accommodation appeal practices have been recommended by Staff.

Section 6.1(3) New section-Proposed to read as follows:

Recommendation:

6.1(3) Table 1- New Section under column 1 "Allowing activity that causes a disturbance"

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
Fire Protection & Prevention Act/Fire Code	FPPA	15(1)
Operating without a licence	3.1	7
Building Code Act (Construction w/o a permit)	BCA	7(2)
Sleeping in excess of maximum permitted	5.4(1) & 5.9	5
Non-availability of Responsible Person	5.14	5
Noise By-law Infraction	N/A	5
Allowing activity that causes a disturbance	5.19	5
Not providing updated information	4.4	3
Contrary to Parking Management Plan	5.10	3
Contrary to Property Management Plan	5.10	3
Not posting licence	5.12	3
Property Standards	N/A (2)	3
Long Grass	N/A (2)	2
Waste/Garbage Collection	N/A (2)	2

(1) See 4.27, 5.4, and 5.7

(2) See 4.27

Section 6.2 New section-Proposed to read as follows:

Recommendation:

6.2 Where a warning is issued;

- (a) A Friendly Notice issued by the Short Term Accommodation Coordinator outlining the detail of the violation warning issued at a short term accommodation premise shall be sent to the short term accommodation operator/owner(s) as soon as reasonably practical after the warning having been issued by an officer.
- (b) An Infraction Notice is to serve as a reminder to the short term accommodation operator/owners(s) of the disturbance that occurred at the short term accommodation premise and that any future occurrence to that particular short term accommodation premise may result in the issuance of an infraction Notice with corresponding Demerit Points.

Section 7.0 to 7.5 Section removal- Pending direction to use POA Practice

Staff recommend the following Sections 7.0, 7.1, 7.2, 7.3, 7.4, and 7.5 under Licensing Committee of the Short Term Accommodation Licensing By-law be removed as the proposed changes to the Short Term Accommodation appeal practice have been recommended by staff.

Section 8.0 to 8.1 Section removal- Pending direction to use POA Practice

Staff recommend the following Sections 8.0 and 8.1 under Committee Appeal of the Short Term Accommodation Licensing By-law be removed as the proposed changes to the Short Term Accommodation appeal practice have been recommended by staff.

Section 9.1 Section update-Proposed to read as follows:

Recommendation:

- 9.1 In accordance with 4.22, Council may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council or, suspend or revoke a licence.

Section 9.2 Section update-Proposed to read as follows:

Recommendation:

- 9.2 Regard to the nature, severity and frequency of non-compliances related to the premises, and any other premise owned by the owner, shall be considered by Council in considering the length of a suspension and/or a revocation.

Section 11.0 to 11.6 Section removal – Pending direction to use POA Practice

Staff recommend the following Sections 11.0, 11.1, 11.2, 11.3, 11.4, 11.5 and 11.6 be hereby deleted as the proposed changes to Administrative Penalties have been recommend by staff.

D. Analysis

Though most of the current sections of the Short Term Accommodation Licensing By-law will remain in place, because of a number of Housekeeping items and proposed changes, staff recommend repealing the previous Short Term Accommodation Licensing By-law and replacing it with a new Short Term Accommodation Licensing By-law.

Staff have proposed the following timeline for Council to update the Short Term Accommodation Licensing By-law.

1. March 29 Special Committee of the Whole – Consideration of this Staff Report and confirm direction for the preparation of Official Plan Policies, Zoning By-law Regulations, and Licensing By-law Requirements. Documents will be updated.(Completed)
2. April 16 Council endorsement of recommendations from March 29 COW. (Completed)
3. April 23 Committee of the Whole – Follow up Staff Report to March 29 COW report. This report will attached the revised Official Plan, Zoning By-law, Licensing By-law documents. Staff will be seeking authorization to proceed to a Public Meeting.
4. May 7 Council – Council endorsement of recommendations from April 23 COW.
5. May 28 Council – Public Meeting to receive comments on Official Plan, Zoning By-law and Licensing By-law documents.
6. June 25 Committee of the Whole – follow up Staff Report attaching all comments received from May 28 Public Meeting and recommend approval of final version of Official Plan, Zoning By-law and Licensing By-law documents.
7. July 9 Council – Council will receive the recommendations from June 25 COW meeting and consider passing the Official Plan, Zoning By-law and Licensing By-law documents.

E. The Blue Mountains Strategic Plan

Goal #3: Engage Our Communities & Partners

Goal #4: Promote a Culture of Organizational & Operational Excellence

F. In consultation with

Rob Collins, Director of Enforcement Services and Fire Chief

Shawn Everitt, Interim Chief Administrative Officer

Shawn Postma, Senior Policy Planner

G. Attached

1. Short Term Accommodation Licensing By-law 2013-50, Office Consolidation
2. Public Meeting Notice
3. Draft Short Term Accommodation Licensing By-law

Respectfully Submitted,

Kirsty Robitaille
STA Coordinator/Municipal Licensing Officer

Rob Collins
Director of Enforcement Services and Fire Chief

For more information, please contact:
stalicences@thebluemountains.ca

The Corporation of The Town of The Blue Mountains

By-law No. 2013- 50 OFFICE CONSOLIDATION (By-law 2014-45)

A By-law to licence, regulate and govern short term accommodation uses.

WHEREAS the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business and to regulate and govern any business carried on within the municipality;

AND WHEREAS the *Municipal Act, 2001* authorizes a municipality to require the payment of licence fees and to pass By-laws to impose fees or charges for permits and services;

AND WHEREAS the *Municipal Act, 2001* authorizes a municipality to add outstanding fees and charges to the tax roll and collect them in the same manner as municipal taxes;

AND WHEREAS notice of a public meeting was given, and a public meeting was held, at which time any persons who attended had an opportunity to make representation with respect to this By-law or to provide written comments;

AND WHEREAS Council of the Corporation of the Town of The Blue Mountains has duly considered representations and written comments with respect to this By-law;

AND WHEREAS Council of the Corporation of the Town of The Blue Mountains considers it desirable to exercise its licensing powers, including the imposition of conditions as are set out in this By-law;

NOW THEREFORE the Council of The Corporation of the Town of The Blue Mountains enacts as follows:

1.0 DEFINITIONS

1.1 In this By-law:

Action means a proceeding under Part I or Part III of the *Provincial Offences Act*;

Agencies means those agencies, authorities, boards, commissions, departments and ministries that are involved in the review of an application; commenting on an application; or, where applicable, the inspection of a premise;

Agent means a person duly appointed by the Owner to act on their behalf;

Applicant includes a person seeking a licence or renewal of a licence or a person whose licence is being considered for revocation or suspension;

Bedroom means a room or area used, designed, equipped or intended for sleeping;

Building & By-law Services Division means the Building & By-law Services Division or, in the event of organizational changes, another unit designated by Council to carry out the Division's responsibilities for the administration and enforcement of this By-law;

Chief of Police means the local Ontario Provincial Police Detachment Commander;

Committee means the Committee to which Council has delegated the responsibility of handling appeals, suspensions and revocations;

Council means Council of the Corporation of the Town of The Blue Mountains;

Disturbance means an event where an action has commenced with respect to nuisance, noise or other disturbance;

Division means the Building & By-law Services Division;

Fee means those fees as set out in By-law No. 2000-90, as amended, or reenacted from time to time, being the Town's Tariff of Fees By-law;

Fire Chief means the individual appointed to this position by Council or his/her designate;

Health Unit means the Grey Bruce Health Unit;

Licence means a licence issued under this By-law;

Licencee means a person who holds a licence under this By-law;

Manager means the Manager, Building & By-law Services, or his/her designate;

Medical Officer of Health means the Medical Officer of Health of the Grey Bruce Health Unit or his/her designate;

Officer means the person, or persons, who have been appointed to enforce the provisions of this By-law and includes a provincial offences officer as defined by the *Provincial Offences Act*;

Owner means the person holding title to the lands on which the short term accommodation premises is located;

Parking Management Plan means a plan, drawn to scale, depicting the size and location of all parking spaces intended to be used for parking on the premises;

Premises means any place, premises or location, or part thereof, in which a trade, business or occupation of short term accommodation is carried on;

Property Management Plan means a plan that identifies those measures the Owner will implement so as to ensure compliance with the Town's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management;

Property Standards By-law means the Property Standards By-law of the Town enacted under S. 15.1 of the *Building Code Act* that prescribes standards for the maintenance and occupancy of property;

Renter means the person responsible for the rental of the premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

Renter's Code means a document that has been prepared by the Owner that has been approved by the Town that is agreed to in writing by a renter that sets out the roles and responsibilities of the renter, including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town By-laws that the renter must comply with including the provisions of this By-law as they relate to, amongst other things, the Parking Management Plan;

Responsible Person means the person assigned by the owner or operator of a short term accommodation premises to ensure the premises are operated in accordance with the provisions of this By-law, the licence and the relevant provisions of the Fire Code;

Short Term Accommodation means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term Accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use;

Town and **Town of The Blue Mountains** mean the Town of The Blue Mountains;

Zoning By-law means a By-law enacted under section 34 of the *Planning Act* that restricts and/or regulates the use of land.

1.2 Words or phrases contained herein and which are not defined by this By-law, are firstly to be assigned the definition or meaning attributable to them in the applicable zoning By-law and, failing such a definition or meaning, the everyday meaning of such word or phrase.

2.0 APPLICATION

- 2.1 The requirements of this By-law apply to the trade, business or occupation of providing short term accommodation within the geographic limits of the Town as of the date this By-law comes into effect (By-law 2014-45).
- 2.2 Persons who own, operate or offer a premises for short term accommodation as of the effective date of this By-law must file an application for a licence under this By-law:
- (1) no later than July 2, 2014, for existing premises located within the geographic areas identified by Schedule A-1 to this By-law; and
 - (2) no later than December 1, 2014, for existing premises located within the balance of the geographic limits of the Town (By-law 2014-45).
- 2.3 The determination of whether a licence application is “complete” in accordance with the requirements of this By-law shall be within the sole discretion of the Manager (By-law 2014-45).
- 2.4 For greater certainty, the requirements of this By-law do not apply to a hotel, motel, bed and breakfast establishment, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use as defined by the applicable zoning By-law.

3.0 LICENSING REQUIREMENTS

- 3.1 No person shall carry on any trade, business or occupation of short term accommodation unless that person has first obtained a licence (By-law 2014-45).
- 3.2 A person who obtains a licence shall comply with the regulations set out in this By-law for such licence. Failure to comply with the regulations constitutes an offence.
- 3.3 An agent of persons who own, operate or offer a premise for short term accommodation purposes without a licence shall also be personally liable for the compliance of his principal, beneficiary or persons he represents. Failure by such a person to comply with this By-law constitutes an offence.
- 3.4 Licences issued pursuant to this By-law are conditional upon compliance by the licensee with all municipal By-laws and compliance with all Provincial and Federal Laws and Regulations and any conditions imposed to the holding of the licence.

4.0 ADMINISTRATION

- 4.1 The Building & By-law Services Division is responsible for the administration and enforcement of this By-law.
- 4.2 Every application for a new licence or a renewal or extension of an existing licence shall be submitted to the Division on the forms prescribed.
- 4.3 Every application for a new licence or a renewal or extension of an existing licence shall include:
- (1) each owner, applicant and/or agent’s name, address, telephone number, facsimile transmission number and e-mail address;
 - (2) a copy of the transfer/deed evidencing the ownership of the premises;
 - (3) in the instance of an applicant or agent acting on behalf of the Owner, an Owner’s written authorization permitting the applicant or agent to act on their behalf;
 - (4) the rental agent’s or agency’s name, address and telephone number;
 - (5) in the instance of a corporation or partnership, the name, address and telephone number of each director and officer or partner of the Owner and/or rental agent or agency;
 - (6) the name, address, telephone number and e-mail address of a person who has been assigned by the owner or operator to be the responsible person for the operation and conduct of the inhabitants of the licenced short term accommodation premises;

- (7) a statement from the Owner certifying the accuracy, truthfulness, and completeness of the application;
- (8) proof of placement of insurance specific to the rental nature of the property that includes a limit of liability of not less than \$2 million per occurrence for property damage and bodily injury and includes provisions that the Town will be notified of any intended cancellation by the insurer no fewer than 15 days prior to such cancellation;
- (9) floor plans and a site plan, drawn to scale and fully dimensioned, of the short term accommodation premises depicting the use of the premises including the proposed occupancy of each room; occupant load for sleeping purposes of each room; location of smoke detection and early warning devices; location of fire extinguishers, and, related site amenities including parking, landscaping and other buildings or structures on the land;
- (10) a Parking Management Plan that complies with the applicable Town zoning by-law;
- (11) a Property Management Plan identifying measures the Owner will implement for the purpose of complying with the Town's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management;
- (12) a Renter's Code;
- (13) the prescribed fees; and,
- (14) any outstanding fees or fines owed to the Town by the Owner respecting any short term accommodation premises.

4.4 A licensee shall inform the Division of any changes to the information provided in 4.3 within a period of 15 days.

4.5 In addition to the requirements of 4.3, an applicant shall provide, if requested, evidence that the use of the short term accommodation premises is protected by virtue of S. 34(9)(b) of the *Planning Act* with such evidence including, but not be limited to, a sworn Statutory Declaration confirming the continued use of the premises for short term accommodation purposes from prior to the enactment of a By-law that prohibited such use through to the present; rental receipts, advertisements and any other records that may be relevant that are supportive of the establishment and continued use of the premises for short term accommodation purposes; and, an opinion, from a solicitor licensed to practice in Ontario, as to whether the premises is protected by virtue of S. 34(9)(b) of the *Planning Act* and, in support of that opinion, the reasons why (By-law 2014-45).

4.6 Every application for a licence will be reviewed by the Manager to determine whether it meets the requirements of this By-law.

4.7 As part of the review referenced at 4.6, the application will be circulated to those agencies deemed necessary and/or relevant by the Manager.

4.8 Those agencies referenced at 4.7 may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application by the Manager. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of fees for such an inspection, the applicant shall pay the fees as required prior to the inspection.

4.9 If it is determined that an application meets the requirements of this By-law and all circulated agencies, the Manager shall issue the licence.

4.10 If it is determined that an application does not meet the requirements of this By-law and the requirements of all of the circulated agencies, the Manager shall refuse the issuance of the licence.

4.11 A licence shall be issued to the owner of the short term accommodation premises.

4.12 A licence is valid for a period of 2 years from the date of issuance.

4.13 Adjustments in the fees prescribed shall automatically be effected each year based on the percentage change in the Consumer Price Index of Statistics Canada.

- 4.14 A licensee is not eligible for the renewal or extension of an existing licence unless the licensee has provided an application form.
- 4.15 A licence is not transferable.
- 4.16 No person shall enjoy a vested right in the continuance of a licence.
- 4.17 Licences shall remain the property of the Town.
- 4.18 If at any time the Manager determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Manager may impose an Administrative Penalty or refer the matter to the Committee.
- 4.19 If at any time the Manager determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Manager may commence with proceedings pursuant to the *Provincial Offences Act*.
- 4.20 A person whose application for a new licence or a renewal of a licence has been refused may, within fifteen days of being notified of the Manager's decision, apply to the Committee for a review of the decision. If an application for review has not been applied for within fifteen days, the licence application will be deemed to be closed. An application for a review of a decision is not complete until the fee as prescribed is paid.
- 4.21 A person who has been imposed an Administrative Penalty may, within fifteen days of being notified of the Administrative Penalty, apply to the Committee for a review of the decision. If an application for review has not been applied for within fifteen days, or if the Administrative Penalty has been paid, the Administrative Penalty levied is deemed to be confirmed. An application for a review is not complete until the fee as prescribed is paid.
- 4.22 A person who has applied for a review to the Committee of the Manager's decision noted at 4.10 or 4.18 will be given an opportunity to make written representations to or to appear before the Committee when it reviews the matter.
- 4.23 The Committee will review the matter and may affirm, modify or rescind the decision of the Manager or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Committee or, suspend or revoke a licence.
- 4.24 Decisions of the Committee as they relate to a licence refusal may be appealed to Council.
- 4.25 A person who wishes to appeal the Committee's decision to Council as noted at 4.24 shall file an application for a hearing and pay the fee as prescribed. If an application for appeal has not been applied for within fifteen days of the Committee's decision, the Committee's decision is deemed to be confirmed. An application for appeal is not complete until the fee as prescribed is paid.
- 4.26 A person who has appealed the Committee's decision noted at 4.24 will be given an opportunity to make written representations to or to appear before Council when it reviews the matter.
- 4.27 Council will review the matter and may affirm, modify or rescind the decision of the Committee or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council.
- 4.28 Decisions of Council are final.
- 4.29 Applications for licence and issued licences, along with the legal description and/or emergency number and associated owner, agent, applicant and responsible person contact information will be posted to the Town's website.
- 4.30 Matters to be considered by the Committee and/or Council, including that information identified at 4.29 and the location, date and time of the Hearing shall be posted to the Town's website.

- 4.31 Matters, notices, orders and communications related to a non-compliance under a Federal or Provincial Law or Regulations or a municipal By-law, including, but not limited to, the Property Standards By-law; the *Building Code Act*; the Building Code; the *Fire Protection and Prevention Act*; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health are not appealable to the Committee or Council.

5.0 GENERAL REGULATIONS

- 5.1 No person shall carry on any trade, business or occupation of short term accommodation for which a licence is required under this By-law unless that person has first obtained a licence.
- 5.2 No person shall carry on any trade, business or occupation of short term accommodation for which a licence is required under this By-law if the licence has expired or been revoked; or, while the licence is under suspension.
- 5.3 A person is not eligible to hold a licence if the proposed use of the land, building or structure is not permitted by the zoning By-law that applies to the property.
- 5.4 A person is not eligible to hold a licence unless the person has provided a statement prepared by the Fire Chief dated within a period of 24 months of the date of application for licence indicating that the premises conforms to the *Fire Protection and Prevention Act* and its regulations as they relate to the operation and use of the premises for short-term accommodation purposes with such statement indicating the occupant load for sleeping purposes for the premises.
- 5.5 A person is not eligible to hold a licence unless the person has provided a certificate from the Electrical Safety Authority dated within a period of 24 months of the date of application for licence indicating that the premises conforms to the Electrical Safety Code.
- 5.6 A person is not eligible to hold a licence if the person is indebted to the Town in respect of fines, penalties, judgments or any other amounts owing, including awarding of legal costs and disbursements and outstanding property taxes and late payment charges against all properties owned by the owner.
- 5.7 A person is not eligible to hold a licence if the property to be used for carrying on the trade, business or occupation does not conform with applicable Federal and Provincial Law and Regulations or municipal By-laws, including, but not limited to, the Zoning By-law; Property Standards By-law; the *Building Code Act*; the Building Code; the *Fire Protection and Prevention Act*; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health.
- 5.8 A person is not eligible to hold a licence unless a Renter's Code for the premises has been submitted to and approved by the Manager (By-law 2014-45).
- 5.9 The owner shall operate the short term accommodation premises in accordance with the Parking Management Plan and Property Management Plan that has been approved by the Manager (By-law 2014-45).
- 5.10 The owner shall keep a record of the renter with such record containing the date of entry, the length of stay, home address of the renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all times by an Officer for a period of one year (By-law 2014-45).
- 5.11 The owner shall display the licence permanently in a prominent place in the short term accommodation premises to which it applies (By-law 2014-45).
- 5.12 Each licence shall include the following:
- (1) Building/site/location address/identifier (i.e. Emergency or 911 Number);
 - (2) Licence number;
 - (3) Effective date and expiry date of the licence;
 - (4) Owner's name and contact information;
 - (5) Rental agent or agency's name and contact information;
 - (6) Responsible person's name and contact information; and,

(7) A plan, that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher and exit/egress door or window (By-law 2014-45).

- 5.13 The owner of a short term accommodation premise shall ensure that there is a responsible person available to attend to the short term accommodation premises at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail (By-law 2014-45).
- 5.14 The owner or agent of a short term accommodation premise shall ensure that each renter has been provided with the Renter's Code with the owner retaining a copy of the confirmation of receipt of the Renter's Code for a period of one year (By-law 2014-45).
- 5.15 The owner of a short term accommodation premise for which a licence is required under this By-law shall allow, at any reasonable time, an employee or agent of the Town to inspect the premises used for the purposes of short term accommodation so as to determine compliance with the requirements of this By-law, Fire Code, Building Code, Property Standards By-law or other applicable law (By-law 2014-45).
- 5.16 No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the Town while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this By-law or any other municipal By-law or Provincial legislation or regulation (By-law 2014-45).
- 5.17 No person shall construct or equip a place of business or premises used for the business so as to hinder the enforcement of this By-law (By-law 2014-45).
- 5.18 Every owner shall maintain the short term accommodation premises in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises. For the purposes of this subsection, adequate measures for the storage and disposal of waste shall mean a self enclosed building, structure or container, located outside of the short-term accommodation premises, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of (By-law 2014-45).
- 5.19 Every licensee shall ensure that the short term accommodation premises is operated and used in a fashion such that the operation or use will not cause a disturbance (By-law 2014-45).
- 5.20 Every licensee shall provide an undertaking to operate the short term accommodation premises in accordance with all Town By-laws including, but not limited to, the Town's Noise Control By-law, Property Standards By-law and Garbage Collection By-laws, and any applicable Provincial or Federal laws or statutes including the Ontario Fire Code and laws related to the making of a disturbance. Further, every licensee shall include in such undertaking a confirmation that they will require that each renter enter into a Renter's Code (By-law 2014-45).
- 5.21 No licensee or employee of a licensee shall discriminate in the carrying on of the trade, business or occupation of short term accommodation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability (By-law 2014-45).
- 5.22 The Manager may revoke a licence if it was issued on mistaken, false or incorrect information (By-law 2014-45).

6.0 DEMERIT POINT SYSTEM

- 6.1 A demerit point system is established as follows without prejudice to options otherwise available to enforce this By-law or any other By-law of the municipality or Provincial Act or Regulation including, but not limited to, administrative penalties as set out in this By-law and actions pursuant to the *Building Code Act*, *Fire Protection and Prevention Act* and the *Provincial Offences Act*.

- (1) The number of demerit points referenced in Column 3 of Table 1 below will be assessed against a short term accommodation premises in respect of the matter noted in Column 1 upon the following event respecting a contravention:
- (a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the *Provincial Offences Act*;
 - (b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - (c) the confirmation of an administrative penalty; or,
 - (d) the confirmation of an order.
- (2) Demerit points shall remain in place until the two year anniversary of the date on which the demerit points were assessed.
- (3) Meeting with the Committee
- (a) If the total of all demerit points in effect respecting a short term accommodation premises is at least seven, the Manager will require the Owner to attend a meeting with the Committee.
 - (b) Notice shall be provided by e-mail or regular mail at the address given in accordance with 4.3 a minimum of two weeks in advance of the meeting date.
 - (c) The provision of Notice as set out in 3(b) shall be deemed to be sufficient Notice with, or without, confirmation of receipt of the Notice.
 - (d) The fee payable by the Owner for the Meeting shall be as prescribed.
 - (e) The purpose of the meeting is for the Owner to identify to the Committee what steps and/or measures that they intend on implementing so as to mitigate further instances of the levying of demerit points.
 - (f) If the Owner fails to attend the meeting, the Manager shall require the Owner to attend a Hearing.
- (4) Hearing with Committee
- (a) If the total of all demerit points in effect respecting a short term accommodation premises is at least fifteen, the Manager will require the Owner to attend a Hearing with the Committee.
 - (b) Notice shall be provided by e-mail and regular mail at the addresses given in accordance with 4.3.
 - (c) The provision of Notice as set out in 4(b) shall be deemed to be sufficient Notice with, or without, confirmation of receipt of the Notice.
 - (d) The fee payable by the Owner for the Hearing shall be as prescribed.
 - (e) If the Owner fails to attend the Hearing the Committee may proceed in absentia.
 - (f) After hearing the matter, the Committee may impose conditions as they deem appropriate for the continued holding of the licence, suspend the licence or revoke the licence.

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
<i>Fire Protection & Prevention Act</i> /Fire Code	FPPA	15 (1)
Operating without a licence	3.1	7
<i>Building Code Act</i> (construction w/o a permit)	BCA	7 (2)
Sleeping in excess of maximum permitted	5.4 (1) & 5.9	5
Non-availability of Responsible Person	5.14	5
Noise By-law Infraction	N/A	5
Not providing updated information	4.4	3
Contrary to Parking Management Plan	5.10	3
Contrary to Property Management Plan	5.10	3
Not posting licence	5.12	3
Property Standards	N/A (2)	3
Long Grass	N/A (2)	2
Waste/Garbage Collection	N/A (2)	2

(1) See 4.31, 5.4 and 5.7
(2) See 4.31

7.0 LICENSING COMMITTEE

7.1 Council shall appoint a Licensing Committee.

- 7.2 The term of the Committee shall coincide with the term of Council.
- 7.3 The Committee shall be comprised of a minimum of three members.
- 7.4 Quorum of the Committee shall mean a majority (more than half) of the whole members of the Committee but shall be not less than three members.
- 7.5 The Committee shall hear appeals as set out in 4.20 and 4.21 save and except for determinations related to conformity with applicable Federal and Provincial Law and Regulations or municipal By-laws, including, but not limited to, the Property Standards By-law; the *Building Code Act*; the Building Code; the *Fire Protection and Prevention Act*; the Fire Code; or, an order of the Medical Officer of Health.
- 7.6 The Committee may hear appeals to the revocation of a licence as set out in 5.22.

8.0 COUNCIL (COMMITTEE APPEAL)

- 8.1 Council shall hear all appeals to decisions of the Committee.

9.0 REVOCATION AND SUSPENSION

- 9.1 In accordance with 4.23, the Committee may affirm, modify or rescind the decision of the Manager or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Committee or, suspend or revoke a licence.
- 9.2 Regard to the nature, severity and frequency of non-compliances related to the premises, and any other premise owned by the owner, shall be considered by the Committee in considering the length of a suspension and/or a revocation.

10.0 OFFENCE AND PENALTY PROVISIONS

- 10.1 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Municipal Act, 2001* or the *Provincial Offences Act* and to any other applicable penalties.
- 10.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 10.3 If this By-law is contravened and a conviction entered, the court may also order that the premises or part of the premises be closed to any use as short term accommodation.

11.0 ADMINISTRATIVE PENALTIES

- 11.1 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.
- 11.2 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 11.1, be liable to pay to the Town an administrative penalty in the amount of \$250.00.
- 11.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- (1) Particulars of the contravention, including to which property it applies;
 - (2) The amount of the administrative penalty;
 - (3) Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and,
 - (4) A statement advising that an administrative penalty will, unless modified or rescinded pursuant to the review process, constitute a debt to the Town.
- 11.4 A person may appeal an administrative penalty to the Committee as set out in 4.21.

- 11.5 An administrative penalty that is deemed to be affirmed constitutes a debt to the Town of each person to whom or to which the penalty notice was given.
- 11.6 An administrative penalty that is not paid may be added to the tax roll to the property to which it applies and collected in the same manner as taxes.

12.0 DELEGATION

- 12.1 For the purposes of subsection 23.2(4) of the *Municipal Act*, it is the opinion of Council that the powers delegated pursuant to this By-law are minor.

13.0 VALIDITY

- 13.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

14.0 SHORT TITLE

- 14.1 This By-law shall be known as the “Short Term Accommodation Licensing By-law”.

15.0 EFFECTIVE DATE

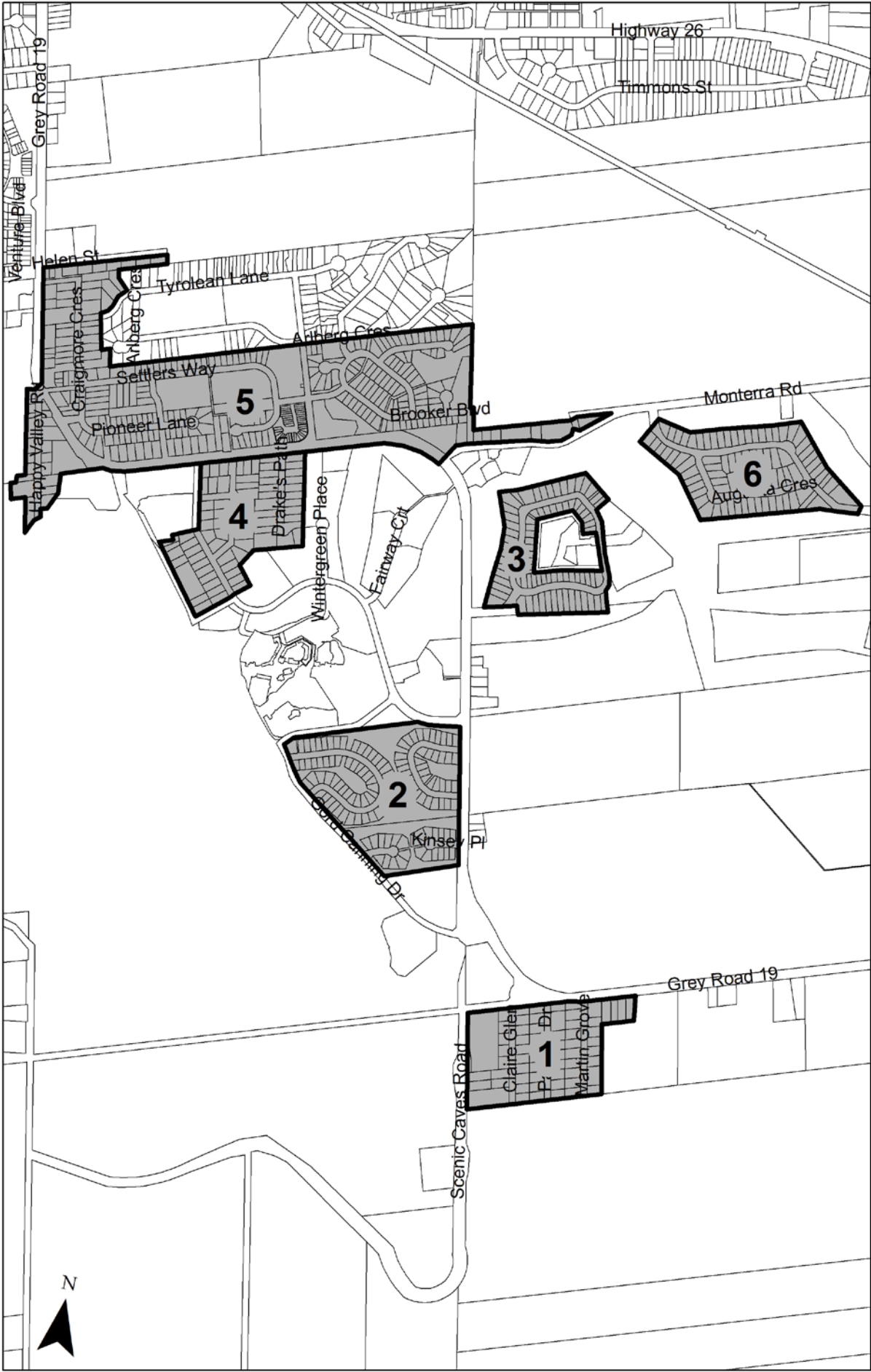
- 15.1 This By-law comes into effect on July 2, 2014.

Enacted and passed this ____ day of _____, 2013.

Ellen Anderson, Mayor

C. Giles, Clerk

Schedule 'A-1'
By-law No. _____





Notice of Public Meeting

Proposed Changes to the Short Term Accommodation Licensing By-law, Official Plan, and Zoning By-law.

May 28, 2018 at 5:00 p.m.

Town Hall, Council Chambers
32 Mill Street, Thornbury, ON N0H 2P0

What is being proposed?

The proposed changes to the Short Term Accommodation Licensing By-law 2013-50, as amended, Official Plan, and Zoning By-law relates to issues that have been identified, and have been brought to Councils attention through previous Staff Report FAF.18.42 Below is an overview of the issues and concerns that were discussed:

1. Legal non-conforming
2. Parking
3. Minimum Distance Separation
4. Occupant Load
5. Commercial Resort Units vs. VCRU and STA
6. Assessment of Penalties and Demerit Points
7. Responsible Person
8. Interpretation Policies

When will a decision be made?

It is important to note that a decision on the proposed changes to the Short Term Accommodation Licensing By-law, Official Plan and Zoning By-law has NOT been made at this point, and will NOT be made at this Public Meeting.

After reviewing comments from the Public, Staff will compile all comments received in response to the Public Meeting Notice in a follow-up Staff Report. This report will be included on the June 25, 2018 Committee of the Whole agenda. Council will consider these changes of the Short Term Accommodation Licensing By-law, Official Plan, and Zoning By-law at the July 9, Council Meeting.

How can I make my views known about this proposal?

Comments at the Public Meeting aid the Town and Council in their decision making process, so be sure to have your say!

Any person or agency may attend the Public Meeting and/or make verbal or written comments regarding the Proposed Changes to the Short Term Accommodation Licensing By-law, Official Plan and Zoning By-law.

How do I submit my comments?

If you would like to submit comments in writing or would like to be notified of a decision on this proposal, submit your written comments or request during regular office hours (Monday to Friday from 8:30 a.m. to 4:30 p.m.) to Corrina Giles, Town Clerk at:

Town Hall, 32 Mill Street, Thornbury, ON
Telephone: 519-599-3131 ext. 232

Comments can also be faxed to Corrina Giles at 519-599-7723, or emailed to townclerk@thebluemountains.ca

Please note that any submitted comments become part of the **public record**, including names and addresses. Written comments are requested by **May 25, 2018** so that they may be read at the meeting for the benefit of everyone in attendance.

The Corporation of the Town of The Blue Mountains

By-Law Number 2018 –

“Being a By-law to licence, regulate and govern short term accommodation uses”.

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (“Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

Whereas Section 9 of the Municipal Act, 2001, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues; and

And whereas the Council of the Corporation of the Town of The Blue Mountains has enacted By-law No. 2013-50, as amended to licence, regulate and govern short term accommodation uses in the Town of The Blue Mountains; and

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1.0 DEFINITIONS

1.1 In this By-law:

Action means a proceeding under Part I or Part III of the Provincial Offences Act;

Agencies means those agencies, authorities, boards, commissions, departments and ministries that are involved in the review of an application; commenting on an application; or, where applicable, the inspection of a premise;

Agent means a person duly appointed by the Owner to act on their behalf;

Applicant includes a person seeking a licence or renewal of a licence or a person whose licence is being considered for revocation or suspension;

Chief of Police means the local Ontario Provincial Police Detachment Commander;

Council means Council of the Corporation of the Town of The Blue Mountains;

Demerit Points means the demerit points on a Short Term Accommodation licence. (As outlined in Section 6.1(3) of this By-law

Director means the Director, Enforcement Services Division, or his/her designate; (as outlined in Section 6.1(3) of this By-law).

Disturbance means an event where an action has commenced with respect to nuisance, noise or other disturbance;

Division means the Enforcement Services Division

Enforcement Services Division means the division responsible for the administration and enforcement of this By-law;

Fee means those fees as set out in By-law No. 2018-8 or re-enacted from time to time , being the Town’s Tariff of Fees By-law;

Fire Chief means the individual appointed to this position by Council or his/her designate;

Friendly Notice means a written notice outlining the details of a violation warning issued.

Health Unit means the Grey Bruce Health Unit;

Infraction Notice means a written notice outlining an incident that occurred at a licensed short term accommodation premise and a Certificate of Offence pursuant to the Provincial Offences Act as issued by an officer.

Licence means a licence issued under this By-law;

Licencee means a person who holds a licence under this By-law;

Medical Officer of Health means the Medical Officer of Health of the Grey Bruce Health Unit or his/her designate;

Officer means the person, or persons, who have been appointed to enforce the provisions of this By-law and includes a provincial offences officer as defined by the Provincial Offences Act;

Owner means the person holding title to the lands on which the short term accommodation premises is located;

Parking Management Plan means a plan, drawn to scale, depicting the size and location of all parking spaces intended to be used for parking on the premises;

Premises means any place, premises or location, or part thereof, in which a trade, business or occupation of short term accommodation is carried on;

Property Management Plan means a plan that identifies those measures the Owner will implement so as to ensure compliance with the Town's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management;

Property Standards By-law means the Property Standards By-law of the Town enacted under S. 15.1 of the Building Code Act that prescribes standards for the maintenance and occupancy of property;

Renter means the person responsible for the rental of the premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

Renter's Code means a document that has been prepared by the Owner that has been approved by the Town that is agreed to in writing by a renter that sets out the roles and responsibilities of the renter, including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town By-laws that the renter must comply with including the provisions of this By-law as they relate to, amongst other things, the Parking Management Plan;

Short Term Accommodation means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term Accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use;

Short Term Accommodation Coordinator means the person, or persons, who have been appointed to enforce the provisions of this By-law;

Town and Town of The Blue Mountains mean the Town of The Blue Mountains;

Zoning By-law means a By-law enacted under section 34 of the Planning Act that restricts and/or regulates the use of land.

1.2 Words or phrases contained herein and which are not defined by this By-law, are firstly to be assigned the definition or meaning attributable to them in the applicable zoning By-law and, failing such a definition or meaning, the everyday meaning of such word or phrase.

2.0 APPLICATION

- 2.1 The requirements of this By-law apply to the trade, business or occupation of providing short term accommodation within the geographic limits of the Town as of the date this By-law comes into effect.
- 2.2 Persons who own, operate or offer a premises for short term accommodation as of the effective date of this By-law must file an application for a licence under this By-law:
- (1) no later than July 2, 2014, for existing premises located within the geographic areas identified by Schedule A-1 to this By-law; and
 - (2) no later than December 1, 2014, for existing premises located within the balance of the geographic limits of the Town.
- 2.3 The determination of whether a licence application is “complete” in accordance with the requirements of this By-law shall be within the sole discretion of the Short Term Accommodation Coordinator.
- 2.4 For greater certainty, the requirements of this By-law do not apply to a hotel, motel, bed and breakfast establishment, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use as defined by the applicable zoning By-law.

3.0 LICENSING REQUIREMENTS

- 3.1 No person shall carry on any trade, business or occupation of short term accommodation unless that person has first obtained a licence.
- 3.2 A person who obtains a licence shall comply with the regulations set out in this By-law for such licence. Failure to comply with the regulations constitutes an offence.
- 3.3 An agent of persons who own, operate or offer a premise for short term accommodation purposes without a licence shall also be personally liable for the compliance of his principal, beneficiary or persons he represents. Failure by such a person to comply with this By-law constitutes an offence.
- 3.4 Licences issued pursuant to this By-law are conditional upon compliance by the licensee with all municipal By-laws and compliance with all Provincial and Federal Laws and Regulations and any conditions imposed to the holding of the licence.

4.0 ADMINISTRATION

- 4.1 The Enforcement Services Division is responsible for the administration and enforcement of this By-law.
- 4.2 Every application for a new licence or a renewal or extension of an existing licence shall be submitted to the Division on the forms prescribed.
- 4.3 Every application for a new licence or a renewal or extension of an existing licence shall include:
- (1) each owner, applicant and/or agent’s name, address, telephone number, facsimile transmission number and e-mail address;
 - (2) a copy of the transfer/deed evidencing the ownership of the premises;
 - (3) in the instance of an applicant or agent acting on behalf of the Owner, an Owner’s written authorization permitting the applicant or agent to act on their behalf;
 - (4) the rental agent’s or agency’s name, address and telephone number;

- (5) in the instance of a corporation or partnership, the name, address and telephone number of each director and officer or partner of the Owner and/or rental agent or agency;
- (6) the name, address, telephone number and e-mail address of a person who has been assigned by the owner or operator to be the responsible person for the operation and conduct of the inhabitants of the licenced short term accommodation premises;
- (7) a statement from the Owner certifying the accuracy, truthfulness, and completeness of the application;
- (8) proof of placement of insurance specific to the rental nature of the property that includes a limit of liability of not less than \$2 million per occurrence for property damage and bodily injury and includes provisions that the Town will be notified of any intended cancellation by the insurer no fewer than 15 days prior to such cancellation;
- (9) floor plans and a site plan, drawn to scale and fully dimensioned, of the short term accommodation premises depicting the use of the premises including the proposed occupancy of each room; occupant load for sleeping purposes of each room; location of smoke detection and early warning devices; location of fire extinguishers, and, related site amenities including parking, landscaping and other buildings or structures on the land;
- (10) a Parking Management Plan that complies with the applicable Town zoning by-law;
- (11) a Property Management Plan identifying measures the Owner will implement for the purpose of complying with the Town's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management;
- (12) a Renter's Code;
- (13) the prescribed fees; and,
- (14) any outstanding fees or fines owed to the Town by the Owner respecting any short term accommodation premises.

4.4 A licensee shall inform the Division of any changes to the information provided in 4.3 within a period of 15 days.

4.5 In addition to the requirements of 4.3, an applicant shall provide, if requested, evidence that the use of the short term accommodation premises is protected by virtue of S. 34(9)(b) of the Planning Act with such evidence including, but not be limited to, a sworn Statutory Declaration confirming the continued use of the premises for short term accommodation purposes from prior to the enactment of a By-law that prohibited such use through to the present; rental receipts, advertisements and any other records that may be relevant that are supportive of the establishment and continued use of the premises for short term accommodation purposes; and, an opinion, from a solicitor licensed to practice in Ontario, as to whether the premises is protected by virtue of S. 34(9)(b) of the Planning Act and, in support of that opinion, the reasons why.

4.6 Every application for a licence will be reviewed by the Short Term Accommodation Coordinator with consultation of the Planning and Development Services staff to determine whether it meets the requirements of this By-law.

4.7 As part of the review referenced at 4.6, the application will be circulated to those agencies deemed necessary and/or relevant by the Short Term Accommodation Coordinator.

4.8 Those agencies referenced at 4.7 may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application by the Short Term Accommodation Coordinator. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance

- during the inspection. In the instance of the requirement of the payment of fees for such an inspection, the applicant shall pay the fees as required prior to the inspection.
- 4.9 If it is determined that an application meets the requirements of this By-law and all circulated agencies, the Short Term Accommodation Coordinator shall issue the licence.
- 4.10 If it is determined that an application does not meet the requirements of this By-law and the requirements of all of the circulated agencies, the Short Term Accommodation Coordinator shall refuse the issuance of the licence.
- 4.11 A licence shall be issued to the owner of the short term accommodation premises.
- 4.12 A licence is valid for a period of 2 years from the date of issuance.
- 4.13 Adjustments in the fees prescribed shall automatically be effected each year based on the percentage change in the Consumer Price Index of Statistics Canada.
- 4.14 A licensee is not eligible for the renewal or extension of an existing licence unless the licensee has provided an application form.
- 4.15 A licence is not transferable.
- 4.16 No person shall enjoy a vested right in the continuance of a licence.
- 4.17 Licences shall remain the property of the Town.
- 4.18 If at any time the Short Term Accommodation Coordinator determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Short Term Accommodation Coordinator may refer the matter by way of an open session report to Council.
- 4.19 If at any time the Short Term Accommodation Coordinator determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Short Term Accommodation Coordinator may commence with proceedings pursuant to the Provincial Offences Act.
- 4.20 A person whose application for a new licence or a renewal of a licence has been refused may, within fifteen days of being notified of the Short Term Accommodation Coordinator's decision, may appeal to Council review the decision. If an application for review has not been applied for within fifteen days, the licence application will be deemed to be closed.
- 4.21 A person who has applied for a review to Council of the Short Term Accommodation Coordinator's decision noted in Section 4.9 or 4.17 will be given an opportunity to make written representations or to appear before Council when it reviews the matter.
- 4.22 Council will review the matter and may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Council or, suspend or revoke a licence.
- 4.23 Council will review the matter and may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council.
- 4.24 Decisions of Council are final.

- 4.25 Matters to be considered by Council, including that information identified at 4.25 and the location, date and time of the Hearing shall be posted to the Town's website.
- 4.26 Matters, notices, orders and communications related to a non-compliance under a Federal or Provincial Law or Regulations or a municipal By-law, including, but not limited to, the Property Standards By-law; the Building Code Act; the Building Code; the Fire Protection and Prevention Act; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health are not appealable to the Committee or Council

5.0 GENERAL REGULATIONS

- 5.1 No person shall carry on any trade, business or occupation of short term accommodation for which a licence is required under this By-law unless that person has first obtained a licence.
- 5.2 No person shall carry on any trade, business or occupation of short term accommodation for which a licence is required under this By-law if the licence has expired or been revoked; or, while the licence is under suspension.
- 5.3 A person is not eligible to hold a licence if the proposed use of the land, building or structure is not permitted by the zoning By-law that applies to the property.
- 5.4 A person is not eligible to hold a licence unless the person has provided a statement prepared by the Fire Chief dated within a period of 24 months of the date of application for licence indicating that the premises conforms to the Fire Protection and Prevention Act and its regulations as they relate to the operation and use of the premises for short-term accommodation purposes with such statement indicating the occupant load for sleeping purposes for the premises.
- 5.5 A person is not eligible to hold a licence unless the person has provided a certificate from the Electrical Safety Authority dated within a period of 24 months of the date of application for licence indicating that the premises conforms to the Electrical Safety Code.
- 5.6 A person is not eligible to hold a licence if the person is indebted to the Town in respect of fines, penalties, judgments or any other amounts owing, including awarding of legal costs and disbursements and outstanding property taxes and late payment charges against all properties owned by the owner.
- 5.7 A person is not eligible to hold a licence if the property to be used for carrying on the trade, business or occupation does not conform with applicable Federal and Provincial Law and Regulations or municipal By-laws, including, but not limited to, the Zoning By-law; Property Standards By-law; the Building Code Act; the Building Code; the Fire Protection and Prevention Act; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health.
- 5.8 A person is not eligible to hold a licence unless a Renter's Code for the premises has been submitted to and approved by the Short Term Accommodation Coordinator.
- 5.9 The owner shall operate the short term accommodation premises in accordance with the Parking Management Plan and Property Management Plan that has been approved by the Short Term Accommodation Coordinator.
- 5.10 The owner shall keep a record of the renter with such record containing the date of entry, the length of stay, home address of the renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all times by an Officer for a period of one year.
- 5.11 The owner shall display the licence permanently in a prominent place in the short term accommodation on premises to which it applies.
- 5.12 Each licence shall include the following:

- (1) Building/site/location address/identifier (i.e. Emergency or 911 Number);
 - (2) Licence number;
 - (3) Effective date and expiry date of the licence;
 - (4) Owner's name and contact information;
 - (5) Rental agent or agency's name and contact information;
 - (6) Responsible person's name and contact information; and,
 - (7) A plan, that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher and exit/egress door or
- 5.13 The owner of a short term accommodation premise shall ensure that there is a responsible person available to attend to the short term accommodation premises at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail.
- 5.14 The owner or agent of a short term accommodation premise shall ensure that each renter has been provided with the Renter's Code with the owner retaining a copy of the confirmation of receipt of the Renter's Code for a period of one year.
- 5.15 The owner of a short term accommodation premise for which a licence is required under this By-law shall allow, at any reasonable time, an employee or agent of the Town to inspect the premises used for the purposes of short term accommodation so as to determine compliance with the requirements of this By-law, Fire Code, Building Code, Property Standards By-law or other applicable law.
- 5.16 No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the Town while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this By-law or any other municipal By-law or Provincial legislation or regulation.
- 5.17 No person shall construct or equip a place of business or premises used for the business so as to hinder the enforcement of this By-law.
- 5.18 Every owner shall maintain the short term accommodation premises in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises. For the purposes of this subsection, adequate measures for the storage and disposal of waste shall mean a self-enclosed building, structure or container, located outside of the short-term accommodation premises, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of.
- 5.19 Every licensee shall ensure that the short term accommodation premises is operated and used in a fashion such that the operation or use will not cause a disturbance.
- 5.20 Every licensee shall provide an undertaking to operate the short term accommodation premises in accordance with all Town By-laws including, but not limited to, the Town's Noise Control By-law, Property Standards By-law and Garbage Collection By-laws, and any applicable Provincial or Federal laws or statutes including the Ontario Fire Code and laws related to the making of a disturbance. Further, every licensee shall include in such undertaking a confirmation that they will require that each renter enter into a Renter's Code.
- 5.21 No licensee or employee of a licensee shall discriminate in the carrying on of the trade, business or occupation of short term accommodation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- 5.22 The Short Term Accommodation Coordinator may revoke a licence if it was issued on mistaken, false or incorrect information.

- 5.23 The Maximum number of occupants within a dwelling that is being operated as a Short Term Accommodation shall not exceed a total number based upon a Maximum of two (2) persons per bedroom plus an additional two (2) persons or the lesser number of occupants allowed based on the number of approved parking spaces.
- 5.24 A person who files a complaint regarding a short term accommodation premise shall contact the Responsible Person of that short term accommodation premise or using the Town Hall after hour service system.
- 5.25 Demerit Points will not be assessed if the Responsible Person was not contacted at the time the complaint was filed.
- 5.26 The Provincial Offences Court shall hear all offences.
- 5.27 Appeals to a conviction shall be processed through a high court.

6.0 DEMERIT POINT SYSTEM

- 6.1 A demerit point system is established as follows without prejudice to options otherwise available to enforce this By-law or any other By-law of the municipality or Provincial Act or Regulation including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act and the Provincial Offences Act.
 - (1) The number of demerit points referenced in Column 3 of Table 1 below will be assessed against a short term accommodation premises in respect of the matter noted in Column 1 upon the following event respecting a contravention:
 - (a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
 - (b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - (c) the confirmation of an order.
 - (2) Demerit Points shall remain in place until the two year anniversary of the date on which the demerit points were confirmed.

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
Fire Protection & Prevention Act/Fire Code	FPPA	15(1)
Operating without a licence	3.1	7
Building Code Act (Construction w/o a permit)	BCA	7(2)
Sleeping in excess of maximum permitted	5.4(1) & 5.9	5
Non-availability of Responsible Person	5.14	5
Noise By-law Infraction	N/A	5
Allowing activity that causes a disturbance	5.19	5
Not providing updated information	4.4	3
Contrary to Parking Management Plan	5.10	3
Contrary to Property Management Plan	5.10	3
Not posting licence	5.12	3
Property Standards	N/A (2)	3
Long Grass	N/A (2)	2
Waste/Garbage Collection	N/A (2)	2

- (1) See 4.27, 5.4 and 5.7
- (2) See 4.27

- 6.2 Where a warning is issued;
- (a) A friendly notice issued by the Short Term Accommodation Coordinator outlining the detail of the violation warning issued at a short term accommodation shall be sent to the short term accommodation operator/owner(s) as soon as reasonably practical after the warning having been issued by an officer.
 - (b) An infraction notice is to serve as a reminder to the operator/owners(s) of the disturbance that occurred at the short term accommodation premise and that any future occurrence to that particular short term accommodation premise may result in the issuance of an infraction Notice with corresponding Demerit Points.

7.0 REVOCATION AND SUSPENSION

- 7.1 In accordance with 4.22, Council may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council or, suspend or revoke a licence.
- 7.2 Regard to the nature, severity and frequency of non-compliances related to the premises, and any other premise owned by the owner, shall be considered by Council in considering the length of a suspension and/or a revocation.

8.0 OFFENCE AND PENALTY PROVISIONS

- 8.1 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Municipal Act, 2001 or the Provincial Offences Act and to any other applicable penalties.
- 8.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 8.3 If this By-law is contravened and a conviction entered, the court may also order that the premises or part of the premises be closed to any use as short term accommodation.

9.0 DELEGATION

- 9.1 For the purposes of subsection 23.2(4) of the *Municipal Act*, it is the opinion of Council that the powers delegated pursuant to this By-law are minor.

10. VALIDITY

- 10.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

11.0 SHORT TITLE

- 11.1 This By-law shall be known as the “Short Term Accommodation Licensing By-law”.
- 1. That the
 - 2. That the
 - 3. The Mayor

Upon the enactment of this By-law, By-law 2013-50, as amended will be repeal.

Enacted and passed this ____ day of _____, 2018

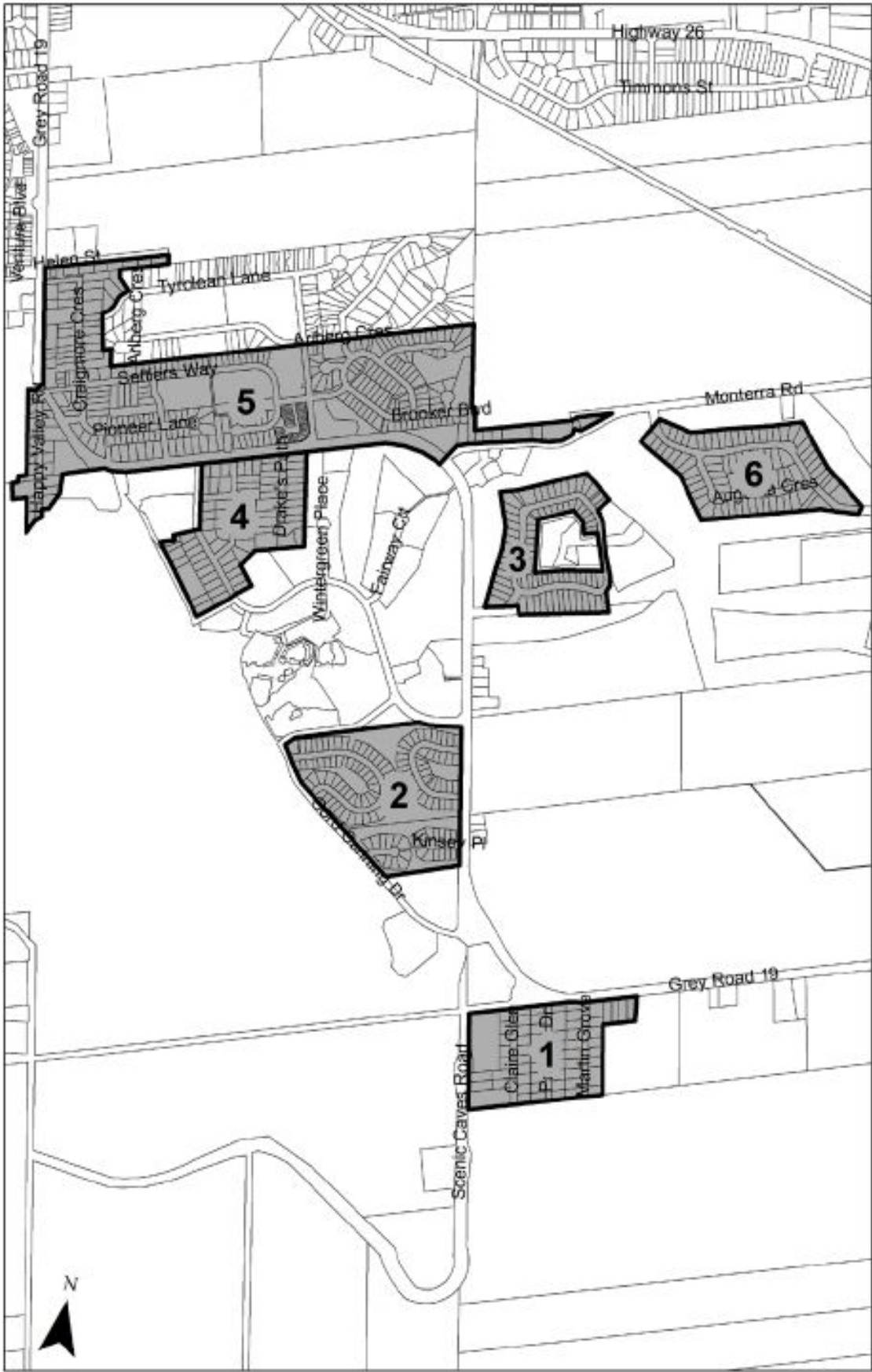
John McKean, Mayor

Corrina Giles, Clerk

Town of The Blue Mountains

Schedule A-1

By-law No. 2018-_____



Blue Mountain Resorts LP
108 Jozo Weider Boulevard, Blue Mountains, Ontario L9Y 3Z2
Phone: (705) 445-0231 | Toll Free: (877) 445-0231 | Fax (705) 444-1751
Web: www.bluemountain.ca | Email: mail@bluemountain.ca



May 28, 2018

BY EMAIL ONLY

Corrina Giles
Town Clerk
Town of the Blue Mountains
32 Mill Street, PO Box 310
Thornbury, ON N0H 2P0

Dear Corrina:

**RE: Proposed Changes to the Short Term Accommodation Licensing By-law, Official Plan & Zoning By-law
Blue Mountain Resorts LP - Comments**

May this letter serve as the comments of Blue Mountain Resorts LP (BMR) in response to the Town of the Blue Mountains' proposed changes to the Short-term Accommodation Licensing By-law, Official Plan, and Zoning By-law.

Proposed Changes to Official Plan

BMR recognizes that the proposed Section B2.5 essentially carries forward the policies of Official Plan Amendment (OPA) No. 11 verbatim. However, unlike OPA No. 11, in proposed B2.5, the first paragraph was divided and the proposed policy language is now somewhat disjointed. BMR respectfully suggests that B2.5 a) be revised to read 'Short-term accommodation uses shall avoid disruption...' rather than simply 'Accommodation uses...' or merge these two paragraphs back together to remain consistent with OPA No. 11.

To remain consistent with the 2016 Official Plan terminology, it is recommended that Section B2.5 e) i) be revised to read as follows (recommended changes are underlined):

- i) 'be permitted on future development lands under the Residential Recreational Area designation and Community Living Area, or within existing Blue Mountain Village Resort Area Medium Density Residential designation;'

Again, BMR understands that much of the proposed Official Plan language has been carried forward from OPA No. 11 verbatim. However, upon further review, it is clear that there are a large number of similar, yet varied terms used throughout this section including the following: 'commercial accommodation uses', 'commercial accommodations', 'accommodation uses in commercial areas', 'short-term accommodation purposes', 'short-term accommodation uses', 'accommodation uses' and 'short term accommodation uses'. BMR respectfully

suggests that this is an appropriate time to further scope the use of these various terms in this particular section and ultimately create a more concise 2016 Official Plan.

Proposed Changes to Zoning By-law

DEFINITIONS

BMR strongly supports the proposed change to the definition of 'Commercial Resort Unit' in Section 3.31(iii): *'Which is part of a rental or lease management program which consists of a minimum of ten (10) commercial resort units in one or more buildings;'*

Section D. Analysis, Sub-Section 5 in Staff Report FAF.18.42, states that 'the draft Zoning By-law attached to this report provides some clarification and additional flexibility that: Commercial Resort Units may exist in one or more buildings on one or more properties;...' As a result, BMR respectfully suggests that the proposed change to Section 3.31(iii) be revised to include 'on one or more properties' to provide further clarification and remain consistent with this policy direction.

BMR also strongly supports the proposed change to the definition of 'Commercial Resort Unit Complex' in Section 3.32:

'Commercial Resort Unit Complex' shall mean a building or group of buildings containing ten (10) or more commercial resort units which is part of a rental or lease management program.'

However, similar to our above comments and to remain consistent with Staff Report FAF.18.42, Section D. Analysis, Sub-Section 5, BMR recommends that the proposed change to Section 3.32 be revised to include 'on one or more properties' to provide further clarification and remain consistent with this policy direction. Furthermore, given the proposed changes to the definition of 'Commercial Resort Unit', BMR questions if the need remains to carry the 'Commercial Resort Unit Complex' definition forward and encourages Planning Staff to consider removal of this definition further.

BMR strongly agrees with the need to add a new definition to clarify what a 'Rental or Lease Management Program' is in the Zoning By-law. However, BMR respectfully submits that the proposed definition remains too vague and additional specifications such as, but not limited to, the provision of front desk/housekeeping/maintenance/security services on a 24 hour/7 days per week basis, centralized accounting program, executed Rental Management Agreement with a portion of rental income contributed toward the rental or lease management program, registered business in the province of Ontario, proof of appropriate insurance provisions, etc. be considered. The definition of 'Rental or Lease Management Program' as currently proposed would permit independent, unsophisticated STA operators to form and potentially qualify their group of properties as CRUs. BMR respectfully submits that further refinement of this definition will help ensure that only sophisticated, well-organized, and well-established rental or lease management programs qualify, as was originally intended. BMR would welcome further dialogue with Town Staff on refining this definition following the Public Meeting.

PARKING REQUIREMENTS

BMR has significant concerns over the proposed changes to the parking requirements applied to a 'Multiple Unit Building'. BMR is not aware of a current definition for 'Multiple Unit Building' contained within the Township of Collingwood Zoning By-law No. 83-40, nor does there appear to be a definition proposed for this particular term in the Town's Draft Zoning By-law, dated April 17, 2018. As a result, BMR remains unsure as to whether the various condominium developments located within the Blue Mountain Village Area would be considered a 'Multiple Unit Building' or if this term is directed more towards duplexes, triplexes, etc.

If the proposed parking requirements for a 'Multiple Building Unit' are intended to apply to condominium developments with Condominium Development agreements registered on title, BMR strongly objects to the following proposed change to Section 5.14 (a) (xxiv):

Multiple Unit Building	1.75 parking spaces per unit having three (3) guest rooms used for sleeping or less plus 1.0 parking space for each additional guest room used for sleeping
------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------

BMR remains unaware of parking supply concerns at any of the condominium developments in/around the Blue Mountain Village Area. These particular condominium developments were developed within a set of comprehensive planning tools such as site plan control where Planning Act Section 41 matters were addressed – including off-street parking facilities. Furthermore, it was well-established and accepted by the Ontario Municipal Board that approved and built condominium developments around the Blue Mountain Village Area had adequately designed and approved site plans.

BMR requests it be provided with the professional parking study and/or justification report that warrants the proposed change from 1.75 parking spaces per unit having four (4) guest rooms used for sleeping to 1.75 parking spaces per unit having three (3) guest rooms used for sleeping. Furthermore, BMR strongly questions how the Town intends to calculate and enforce this proposed policy change at condominium developments that may contain a mix of Short-term Accommodation Uses, Commercial Resort Units, and seasonal and/or permanent residential uses where the parking facilities are shared and form part of the common elements of the Registered Condominium.

Proposed Changes to Short-term Accommodation Licensing By-Law

BMR generally has no significant concerns in terms of the proposed changes to the Short-Term Accommodation (STA) Licensing By-law. However, we do offer the following comments to improve the STA Licensing By-law further – especially from an operational and/or implementation perspective.

REFERENCE TO 'DIRECTOR' AND 'SHORT TERM ACCOMMODATION COORDINATOR'

It is understood that the 'Manager' definition contained in By-law No. 2013-50 (Office Consolidation 2014-45), has been replaced and updated to 'Director' in the proposed STA Licensing By-law. The proposed definition of 'Director' carries forward the language 'or his/her designate'. BMR also recognizes that a new definition of 'Short Term Accommodation Coordinator' is being proposed. It is BMR's understanding that only one individual employed by the Town would meet the proposed definition of 'Short Term Accommodation Coordinator' at present. BMR also acknowledges that throughout a significant portion of the proposed STA Licensing By-law (Sections 2.3, 4.6, 4.7, 4.8, 4.9, 4.10, 4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 5.8, 5.9, 5.22, 6.2, and 7.1), reference is only made to 'Short Term Accommodation Coordinator'. BMR respectfully suggests that 'and/or Director' be included in the abovementioned sections, which would remain consistent with use of the term 'Manager' in By-law No. 2013-50 (Office Consolidation 2014-45) and would ensure the 'Director' is vested with the same powers as the 'Short Term Accommodation Coordinator' to interpret and/or enforce the various provisions of the proposed STA Licensing By-law.

STA LICENCE APPLICATION REQUIREMENTS

In order to improve efficiency and minimize redundancy in the processing of STA License applications and/or renewals, BMR respectfully suggests that Sections 4.3(9) (10) and (11) be revised as they apply to established condominium developments. A number of the requirements listed in this section such as site plan, parking plan, property management plan, waste collection, etc. have already been addressed and approved by the municipality through a Plan of Condominium with the necessary development agreement(s) registered on title.

As a result, from BMR's perspective it is onerous and unnecessary to request the items listed above for condominium developments.

CONSULTATION WITH PLANNING & DEVELOPMENT SERVICES

BMR strongly supports the addition of language indicating that every application for a STA licence will be reviewed in consultation with the Town's Planning and Development Services staff as per Section 4.6.

OFFENSES & DEMERIT POINT SYSTEM

BMR supports the proposed addition of Sections 5.24, 5.25, 5.26, and 5.27 and the language contained therein. Furthermore, BMR supports the proposed policy changes to the demerit point system including removal of references to 'administrative penalty' and the addition of Section 6.2 outlining the warning process including introduction of 'friendly notice' and 'infraction notice'.

From an administrative perspective, Table 1 appears to have been carried forward without revisions/updates to the sections listed in Column 2 'Reference'. BMR recommends staff update Table 1 to remain consistent with the proposed STA Licensing By-law.

OCCUPANT LOAD

While BMR is not directly impacted by the proposed changes to Section 5.23 re: calculation of occupant load, BMR does wish to offer its comments on this matter given the potential impacts to businesses in the municipality and tourism in general.

It is BMR's understanding that the interpretation of occupant load for STA licensing was previously calculated based on two persons per bedroom, two persons in a sleeping area (based on Ontario Building Code requirements wherein a sleeping area could be treated as a bedroom) plus two additional persons. Furthermore, it is BMR's understanding that this interpretation has been in place more or less since the STA Licensing regime began.

While BMR appreciates that this interpretation was not necessarily representative of Council's original intentions, it is what was originally implemented and what staff have carried forward to present. It is also important to note that, despite an additional two persons being permitted under the current occupant load interpretation, reductions to noise complaints associated with STAs have continued to decline since the STA Licensing By-law was implemented with 64 STA-related noise complaints received in 2015 and 45 STA-related noise complaints received in 2017. These noise complaint reductions must also be considered in light of significant growth to overall occupancy rates in the tourist accommodation sector throughout this area over the last several years.

To BMR's knowledge, there is no evidence to suggest that continuing to uphold the original staff interpretation to permit an additional two occupants within an STA premise will cause detrimental impacts to the community. These STAs have operated with such prescribed occupant loads for several years with very little incident. The larger STA units also cater to a niche market segment that BMR cannot accommodate – particularly larger multi-generational families. Reducing the occupant load of these particular units further constrains an already limited supply of this type of tourist accommodation. As a result, BMR respectfully submits that Council uphold staff's original interpretation of STA occupant load to maintain consistency and fairness to those units that have been licensed with such occupant loads from the outset.

GENERAL ADMINISTRATIVE COMMENTS

Section 4.20 appears to have a typo in the first sentence: '...may appeal to Council review the decision'. Based on By-law No. 2013-50 (Office Consolidation 2014-45), perhaps this should read as '...may appeal to Council for a review of the decision.'

Section 4.29 from By-law No. 2013-50 (Office Consolidation 2014-45) has been deleted from the draft STA Licensing By-law. However, references to this section appear to have been carried forward as per the proposed Section 4.25. This section references itself. However, BMR believes it is intended to reference the above Section 4.29 that was likely inadvertently not carried forward. BMR recommends staff review this missing section and update references to it accordingly.

Staff Report FAF.18.42

While BMR appreciates the proposed changes to the STA Program are contained within the draft Official Plan, Zoning By-law and Licensing By-law policies themselves, BMR does also wish to offer a few comments on the background information contained within Staff Report FAF.18.42.

COMMERCIAL RESORT UNITS AND COMMERCIAL RESORT UNIT COMPLEXES

Section D. Analysis, Sub-Section 5 of Staff Report FAF.18.42 categorizes Craighleith Shores, Mountain Springs, and Cachet Crossing as having similar permissions as they relate to Commercial Resort Units (CRUs). It is prudent for BMR to highlight that this is not entirely correct. As previously submitted to Planning Staff, Cachet Crossing is currently zoned as Village Core Commercial (C5) Zone with Exception 67. When Zoning By-law No. 99-71 was adopted, 'Commercial Resort Unit' and 'Commercial Resort Unit Complex' were deleted as permitted uses and replaced with 'Village Commercial Resort Unit' and 'Village Commercial Resort Unit Complex'. As a result, CRUs are not currently permitted within the C5-67 zoning that Cachet Crossing is subject to. As a result, Cachet Crossing cannot and should not be categorized along with Mountain Springs and Craighleith Shores as having similar zoning permissions. BMR is working with Planning Staff to correct the zoning issues associated with Cachet Crossing through the Zoning By-law project but felt it necessary to make this point of correction through this public process as well.

VILLAGE RESORT AREA CORE

BMR recognizes that Section D. Analysis, Sub-Section 5 of Staff Report FAF.18.42 indicates that Village Commercial Resort Units (VCRUs) are different than CRUs, but respectfully submits that there are even clearer distinctions between CRUs and VCRUs than what was provided in staff's background summary. BMR strongly supports that 'no changes are recommended to the VCRU policies or zoning requirements' as occupancy of VCRUs must be predominated by transient short term visitors (heads in beds) in order to support the planned function and vitality of the Blue Mountain Village. BMR agrees with the current VCRU policies applied to the Village Core and continues to strongly support that CRU policies have no place within a zone permitting VCRUs.

General Comments

SITE PLAN CONTROL BY-LAW

BMR has previously submitted to Planning Staff that the Town's Site Plan Control Area By-law No. 2010-57 (Office Consolidation By-Laws 2012-56 & 2015-18), is inconsistent with STA policies as they relate to Site Plan Control. For example, a number of residential dwelling types are generally not subject to Site Plan Control and Short-term Accommodation is not referenced in the Site Plan Control Area By-law. As a result, BMR strongly recommends that staff commence a process to update By-law No. 2010-57 (Office Consolidation By-laws 2012-56 & 2015-18), if and when the proposed STA policy changes are adopted or shortly thereafter.

COMMUNICATION

Finally, BMR wishes to express its considerable disappointment with the lack of communication and notice surrounding the Notice of Public Meeting on the Proposed Changes to the Short Term Accommodation Licensing By-law, Official Plan & Zoning By-law. BMR has been a highly active and engaged stakeholder as it relates to STA policies for well over a decade. We were a party at the Ontario Municipal Board hearing in 2010/2011 and supported the Town in the formation of the original STA policies. Since then, we have continued to remain actively involved in STA policy-related discussions.

As a result, it came as a considerable shock to find out that a public meeting was scheduled for Monday May 28, with the original Notice of Public Meeting dated May 1, 2018, during a meeting with planning staff on a different matter on May 15, 2018. BMR had received no communication from Planning or By-law Enforcement Services staff concerning the Notice of Public Meeting. There was nothing posted on the STA page of the Town's website and there was no reference to the Public Meeting on the Town's weekly e-blasts dated May 4, 11, or 18. Furthermore, the only information relating to this public meeting on the May 25 weekly e-blast was found by clicking on the 'Council – May 28, 2018' link.

Following a phone conversation with Shawn Everitt on May 22, 2018 where BMR voiced its concerns over this lack of communication, an email was received from By-law Enforcement Services staff informing us of the upcoming Public Meeting.

Given the sensitivity and controversy that has typically been associated with STA related policies, BMR respectfully suggests that communication re: this significant public meeting was seriously lacking and we expect increased diligence in this regard going forward.

BMR would appreciate acknowledgment of this submission and looks forward to further dialogue with Town Staff re: the above comments in due course. Please do not hesitate to contact me should you have any questions or concerns.

Best regards,



Lindsay Ayers
Director, Planning & Environment

Cc: Dan Skelton, President & Chief Operating Officer, Blue Mountain Resorts LP
James Henry, Vice-President Hospitality, Blue Mountain Resorts LP
Perry Ford, Director Homecowner Services, Blue Mountain Resorts LP
Andrew Siegart, President, Blue Mountain Village Association
Shawn Everitt, Interim Chief Administrative Officer, Town of the Blue Mountains
Shawn Postma, Senior Policy Planner, Town of the Blue Mountains
Kirsty Robitaille, STA Coordinator, Town of the Blue Mountains

May 28, 2018

Re: Delphi Lane STA

Dear Mayor McKean and Members of Council,

My name is Christine Persaud and I own a licensed rental property (STA) Located at Delphi Lane

My husband recently attended the town meeting regarding Delphi Lane and discovered that council was choosing to revoke our STA license at the end of the term. This is extremely disheartening because we have, in writing, confirmation that short-term rentals would be allowed on Delphi Lane. This was the whole reason we decided to purchase in Blue Mountain, on Delphi Lane.

My husband and I decided to investment in Blue Mountain because of the wonderful experiences we have had in the town. Before making this decision, we consulted with the Realtor for Delphi Lane and several staff members from the licensing department. We were assured that Delphi Lane would be allowed for Short Term rentals and getting a permit would not be an issue. After speaking with several people about this topic, we decided to make this investment. We are a young family who viewed having this investment as a way for our family to get together and enjoy the beauty of your town.

We depend on these Short Term Rental opportunities to help cover the basic costs of maintaining our house. Without this option, we would be forced to sell and feel as though we were sold this property under false pretenses. We do not understand why this has become an issue for anyone and why council would allow a specific person or people to dictate their decisions? Your job is to represent the people to the best of your ability, not use your power and status to take advantage of hardworking families. This causes emotional, financial and physical distress. I urge you to think about how the decision to revoke these licenses impact young families who are trying to build a life for themselves and reverse your decision. There are several other areas in the Blue Mountain region who have Short Term Rental accommodations and I think it is only fair that we maintain ours as well. I am also sure that there are areas where Short Term Accommodations are being done, without permits, and do not have to deal with this type of headache. The only reason we bought this property was because of the license and revoking it would be doing a great disservice to the homeowners.

We are more than willing to join with other homeowners to take action against this decision, if we have to. Again, I urge you to reconsider revoking these permits.

Thank you very much for your time,

Christine Persaud

March 28, 2018

Re: Delphi Lane STA

Dear Mayor McKean and Members of Council,

My name is Christine Persaud and I own a licensed rental property (**STA**) Located at Delphi Lane

It saddens me to have to write this email about a subject that should be a non-issue. I am an owner of a home on Delphi Lane. My husband and I decided to investment in Blue Mountain because of the wonderful experiences we have had in the town. Before making this decision, we consulted with the Realtor for Delphi Lane and several staff members from the licensing department. We were assured that Delphi Lane would be allowed for Short Term rentals and getting a permit would not be an issue. After speaking with several people about this topic, we decided to make this investment. We are a young family who viewed having this investment as a way for our family to get together and enjoy the beauty of your town.

We depend on these Short Term Rental opportunities to help cover the basic costs of maintaining our house. Without this option, we would be forced to sell and feel as though we were sold this property under false pretenses. We do not understand why this has become an issue for anyone. There is one row of housing, with no houses in front or the back. We were also informed that the Chief Building Officer confirmed that the 120-meter separation distance requirement would **NOT** be applied to the housing on Delphi Lane. How can the Town, in good conscious, do this to families? This causes emotional, financial and physical distress. **I urge you to think about how a decision to revoke these licenses impacts young families who are trying to build a life for themselves and decide against it.** There are several other areas in the Blue Mountain region who have Short Term Rental accommodations and I think it is only fair that we maintain ours as well. I am also sure that there are areas where Short Term Accommodations are being done, without permits, and do not have to deal with this type of headache. **The only reason we bought this property was because of the license and revoking it would be doing a great disservice to the homeowners.**

We have several family and friends who visit Blue Mountain yearly and were even more excited because we have this property on Delphi. If this license were to be revoked, you would be losing the funds of several faithful tourists. We would also no longer be visiting your town, not recommend the accommodations and facilities of Blue Mountain. It would not be worth it for us if we were not treated fairly in this situation. **Again, I urge you to reconsider revoking these permits.**

Thank you very much for your time,

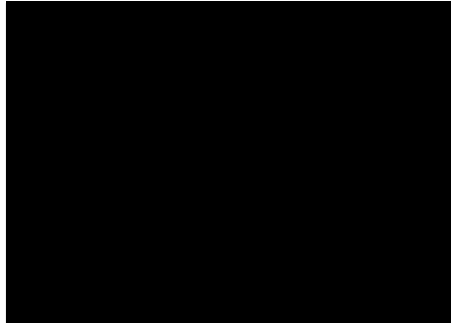
Christine Persaud

Date: March 28, 2018

Re: STA By-law Review-Letter of Comment on Total STA Occupant Load

Dear Mayor McKean and Members of Council,

My name is Dan Simpson and I own a licensed rental property (STA) located at



I understand that Council will soon be reviewing a number of components of The STA Licensing Bylaw and the enforcement protocols. A Staff Report shall be presented to The Committee of The Whole on March 29th. 2018 and ultimately too Council. One of the items within that Staff Report, that shall be under review, will be the Town's current policy on STA total occupant load limits that have been established in the STA By-law.

I just want to let you know that I strongly oppose any changes whatsoever to the current manner by which STA total occupant limits are calculated and enforced. The policy, since the enactment of the STA Bylaw, has factored in one permitted and allowable sleeping space, within each STA as a defined bedroom in addition to consideration being given to all other existing bedrooms within the dwelling. This approach resulted in the total STA occupant loads having established and accepted benchmarks since day one of STA Licensing that remain in place today. That current system is in compliance with the +2 model that has factored in the approved sleeping space as a defined bedroom. This approved system has resulted in my property being able to operate under what was informally known as the + 4 total occupancy model.

Under the above system, my property has met all the imposed Ontario Fire Code TBMFD managed fire safety requirements and there is absolutely no evidence from the OPP and within the By-law statistics that support a change to the current STA total occupant load limits.

I therefore urge you to reject any changes to the total STA occupant load limits and allow us to continue to operate as we are today which has been the case since day one of the STA Bylaw enactment. My property has operated in full compliance with the current STA bylaw, Ontario Building Code and Ontario Fire Code. The STA Licensing Bylaw, in the Blue Mountains, is already certainly the most onerous and strict STA by-law in North America.

Furthermore any proposed changes will both have a negative economic impact on my rental business and will also negatively affect the tourism experience of the large and ever-expanding portion of the tourists that travel as large groups to the Town of the Blue Mountains. These are primarily multi-cultural groups and they represent the fastest growing market demographic versus all others.

Thanks for your time and consideration.

Sincerely,

[Redacted signature block]

[Redacted contact information]

Dear Mayor McKean and Members of Council.

March 26th, 2018

RE: STA Bylaw Review – Occupancy Calculation

Recently staff held a meeting with STA owners and representatives of the ratepayers association to address a number of issues with the current STA by-law. This meeting was followed up with a staff report dated March 29, 2018. I wanted to provide council with additional information on the issue of **OCCUPANCY LIMITS** as I feel this is the most important issue and any changes to it will have significant repercussions to the tourism industry and create significant legal actions.

- 1) The current bylaw set occupancy limits at 2 people per bedroom + an additional 2 people. It further allows for an additional room in a chalet / condo to be designated as sleeping area which allowed for an overall limit of 2 people per bedroom + up to 4 people in a chalet.
 - The history behind this was based on Blue Mountain Resorts explaining to the municipality that their business model for condominiums absolutely requires the +2 model as all their accommodations have a pull out couch in the living room. It was further enhanced to + 4 which accommodated the chalet rental business, which recognized that rental chalets were designed and have operated over the last 40+ years with an occupancy of between 2 to 4 people per bedroom.
- 2) The occupancy limits in the present bylaw also reflect the demands of the market. The chalet rental market is based on accommodating groups, families, reunions, etc., tourists that want to all stay together under 1 roof. Limiting the occupancy further than the + 4 calculation will significantly damage the desirability of the chalets and the experience of the tourists. The market in Ontario has dramatically changed over the last decade, in the Spring, Summer and Fall a significant share of the tourism market has been taken over by recent immigrants to Canada, ethnic groups, etc. that enjoy travelling together as large families and the large chalets with the + 4 calculation for occupancy are the most popular among these tourists.
- 3) **The Ontario Building Code (OBC) specifically states:**
 - *2 persons per sleeping room or sleeping area. OR**
 - * The occupant load for which the space was designed (such as in the case of a room with multiple beds or with bunk beds) (See attached report from RBA Engineering)**

The vast majority of the chalets that have been licensed were designed and operated over the last 30 + years with a sleeping capacity of 2 to 4 people per bedroom.

In 2013 in order to avoid a legal challenge to the STA bylaw with respect to the occupancy limits, the STA Industry and the Municipality agreed to a reasonable solution, which was the + 4 model currently in place. This agreement reduced the sleeping capacity below the definition of the OBC but the STA industry agreed to this formula as it allowed them to still reasonably serve the demands of the travelling public.

The fire department based on the current interpretation of the occupancy limits (+4) asked for enhanced fire safety limits and all licensed properties complied with the enhanced fire safety requirement even though some of Ontario's leading engineers and fire safety experts disagreed that such enhanced requirement were required under the Ontario Fire Code.

- 4) Since the inception of STA licensing the STA industry has accommodated well over a **few hundred thousand guests** based on the current +4 occupancy limits. Over these 3 years the number of STA noise complaints and charges have continually decreased every year and are **miniscule** as compared to the few hundred thousand guests that have stayed in STA properties.

There is absolutely no evidence to support that occupancy limits should be reduced from the current interpretation with respect to noise, fire safety, garbage, etc.

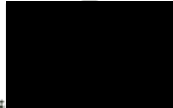
As you are aware the STA Industry has formed an association to address STA issues. A majority of the properties use Chime Security for 8 pm to 4 am patrols and have installed the Noise Aware warning system to manage their properties proactively.

The STA association cannot accept a further reduction of the occupancy limits than was agreed upon in 2013 and the Town should understand that over 150 chalet owners are prepared to band together to finance and carry out a defense of their rights as related to the Ontario Building Code and reasonable Occupancy limits.

The STA Association has started to work closely with the Blue Mountain Village Association and by relationship several other commercial entities and individuals and will be strongly advocating for fair and reasonable policies as they relate to tourism and tourism accommodations among other issues. The Blue Mountain Ratepayers Association is not the only voice in this community and I hope council recognizes this fact.


The STA Association's goal is to work with the Town to develop a fair and reasonable STA by-law.

Sincerely,



Denis Martinez
Tyrolean Village Resorts

TOBM- CURRENT POLICY

	SHORT TERM ACCOMMODATION LICENSING BY-LAW Interpretation Policy		Planning & Building Department Building & By-Law Services Division 32 Mill Street Thornbury, ON N0H 2P0 Tel.:(519) 599-3131, ext. [REDACTED] Toll Free; 1-888-258-6867 Fax: (519) 599-7723 STALicences@thebluemountains.ca
Subject Title:	STA Premises: Definition of a Bedroom		
Date Issued:	Aug. 7, 2014	Policy No.:	POL.STAL.14.02
Date Effective:	Aug. 7, 2014	By-law Ref.:	By-Law 2013-50

Policy Statement

This STA Licensing By-Law Interpretation Policy is intended to provide guidance to Building & By-Law staff when reviewing building permit applications, STA licence applications, investigating complaints and inspecting buildings as to the intended use of a room for sleeping purposes (bedroom or sleeping area).

Purpose

To provide a uniform interpretation as to the intended use of a room for sleeping purposes (bedroom or sleeping area) when applying provisions of the STA Licensing By-law and to clarify expectations for members of the public.

STA Licensing By-law Definitions & Requirements

The STA Licensing By-law does not include a definition of a bedroom or sleeping area(s).

Therefore, the following definition will be utilized and form this interpretation policy:

"Bedroom" and "Sleeping Area" each means a room or area used, designed, equipped or intended for sleeping; which is not less than 7m² (75.3ft²) where built-in cabinets are not provided and not less than 6m² (64.5ft²) where built-in cabinets are provided and shall not include a hall, bathroom; kitchen, laundry room; closet, dressing room or such similar room(s).

Interpretation

The following interpretation shall be uniformly applied:

1. A home office, library, sewing room, den, studio, loft, a games room or any other conditioned room that is proposed, may be exempt from being considered a bedroom or sleeping area provided there is no closet.
2. Where a sleeping area is intended to be located partially or wholly within a living room, dining room, family room, recreation room or similar space; **a maximum of one such sleeping area will be permitted within each dwelling.**



3. Minimum ventilation requirements as required by the building code shall be provided for every bedroom and sleeping area.

References and Related Policies

1. STA Licensing By-law 2013-50, as amended.
2. Noise By-law 2002-09, as amended.

Review Cycle

This policy will be reviewed annually by the Manager, Building & By-Law/Chief Building Official.

TOWN OF THE BLUE MOUNTAINS

Greg Miller, C.E.T., CBCO
Manager, Building & By-Law Services/CBO
Tel: (519) 599-3131 ext. [REDACTED]
Toll Free: 1-888-258-6867
CBO@thebluemountains.ca



November 21, 2013
VIA EMAIL

Town of The Blue Mountains Building Department
26 Bridge Street East
Box 310
THORNBURY ON N0H 2P0

Attn: Mr. David Finbow, MCIP, RPP, CPT
Chief Building Official

Dear David,

Re: Town of the Blue Mountains
Occupant Load Review
Proposed Licensing Bylaw
RBA File No. 13-770

1.0 INTRODUCTION

As we discussed during our telephone conversation on November 20, 2013, RBA Engineering Ltd. has been retained by the following organizations to address the proposed occupant loads that are being considered under the Short Term Licensing Bylaw being drafted by The Town of Blue Mountains within the residential dwelling units used as rental suites in the Town of Blue Mountains:

- Visit Blue Mountain,
- Tyrolean Village Resorts, and
- Blue View Chateaux Inc. Condo Corp.

Our office has been retained to review a reasonable occupant load limitation based on the design and intended use of these buildings but in keeping with current acceptable practice as outlined in the 2012 Ontario Building Code (OBC, O.Reg. 332/12).

RANDAL BROWN & ASSOCIATES ENGINEERING LTD.

2.0 DESCRIPTION OF SUBJECT PROPERTIES

The properties consist of standard homes considered as individual suites or dwelling units, that if built today, would be subject to Part 9 of the Ontario Building Code.

The properties have multiple bedrooms but may also have common family or recreation room with pull out couches or rooms designed for multiple persons through the use of single or multiple bunk beds in the spaces.

The property owners rent these income properties as dwelling units on a short term basis to families or groups for their recreational stays in the region.

3.0 CURRENT BUILDING / FIRE CODE PROVISIONS

3.1 Part 9 OBC Provisions

Part 9 of the current OBC contains occupant load criteria within the Means of Egress Subsection. Clause 9.9.1.3.(1)(a) indicates that the occupant load of a dwelling unit shall be based on two persons per sleeping room or sleeping area in a dwelling unit or suite.

Similar provisions are found in the 2012 National Building Code of Canada Sentence 9.9.1.3.(2).

However, it is noted that this provision is only provided within the means of egress section and is not required to be posted or is it intended as a maximum occupant load for the room or dwelling unit. There are also no functional statements or objectives associated with this Code provision.

3.2 Part 3 OBC Provisions

Part 3 of the OBC also contains reference to residential suite occupant loads based on two persons per sleeping room or sleeping area (3.1.17.1.(1)(b)). However, Part 3 also recognizes that an area, including a dwelling unit or suite, can have occupant loads based on the number of persons for which the area is designed (3.1.17.1.(1)(c)(i)).



3.3 Part 9 Ontario Fire Code Retrofit

As these units are operated as single individual dwellings/suites, they are not subject to applicable Part 9 Fire Code retrofit provisions.

That said, they are required to be equipped with smoke alarms (6.3.3). It is RBA Engineering's recommendation that these smoke alarms be mandated under the Bylaw to be 120V interconnected systems on a per house basis.

4.0 DISCUSSION

We understand that the Town of Blue Mountains is preparing a bylaw that is potentially limiting the occupant load of these type of facilities to 2 persons per bedroom. For example, a 4 bedroom home would be limited to an occupant load of 8 persons.

From our conversation, we also understand that the Draft bylaw will create a definition for "bedroom" which will include any room or space that is used for sleeping.

While there is no objection to establishing occupant loads for the existing properties, it is our position that any such bylaw is required to incorporate the current OBC criteria for sleeping area, which is a non defined term, such that areas such as family rooms and recreation rooms where pull out couches, futons or Murphy beds may be utilized in these sleeping areas will be included.

Furthermore, given that buildings predating the current OBC may exist in which sleeping rooms have been designed to accommodate more than 2 persons per sleeping room (such as where a single room may contain 2 or more beds or sets of bunk beds), provisions to address these scenarios should be included in accordance with good engineering practice.

We understand that these facilities are intended to be licensed by the Town of Blue Mountains and as such, the facilities maximum occupancy should be noted and available so it can be clearly communicated to renters and enforced by the landlords and the Town. One means of identifying this maximum occupant load is to have the individual fire safety plan, as required by the 2007 Ontario Fire Code, provided with floor plans indicating the designed occupant load for each room or sleeping area. As well, and as consistent with Sentence 3.1.17.1.(2), these occupant loads are to be posted in a conspicuous location (such as the back of the sleeping room doors or at the light switches in rooms containing sleeping areas).

Our clients are also in agreement of the proposed bylaw provision that the facilities being licensed be subject to fire inspections by the Chief Fire Official of the Town of Blue Mountains.

5.0 SUMMARY

In summary, this letter is intended to clarify the OBC provisions that accept that a space within a dwelling unit be based on either:

- 2 persons per sleeping room
- 2 persons per sleeping areas, or
- The occupant load for which the space was designed (such as in the case of a room with multiple beds or with bunk beds)

We trust that these occupant load calculation/establishment methodology can also be reflected in any proposed Bylaw that may affect our clients' properties in The Town of Blue Mountain.

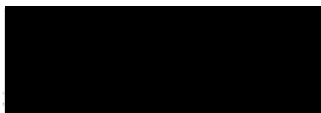
If you have any questions, please contact us.

Prepared by:



David Johnson, LEL, C.E.T., CFPS
Senior Project Manager
Associate
BCIN 18794

Reviewed by:



Randal G. Brown, P.Eng., P.E., BDS, FSFPE
Consulting Engineer
President
BCIN 18793

DJ/
bltrdj.rev.112113.13-770.doc

Randal Brown & Associates Engineering Ltd. BCIN 41761

Cc: Stuart Frith
Denis Martinek
Mark Faiz

Visit Blue Mountain
Tyrolean Village Resorts
Blue View Chateaux Inc. Condo Corp.

Date: 27/03/018

Dennis and
Sandy Proudlove

Re: STA By-law Review-Letter of Comment on Total STA Occupant Load

Dear Mayor McKean and Members of Council,

My name is Dennis Proudlove and I own a licensed rental property (STA) or Commercial Resort Unit (CRU) located at:

I understand that Council will soon be reviewing a number of components of The STA Licensing Bylaw and the enforcement protocols. A Staff Report shall be presented to The Committee of The Whole on March 29th, 2018 and ultimately too Council. One of the items within that Staff Report, that shall be under review, will be the Town's current policy on STA total occupant load limits that have been established in the STA By-law.

I just want to let you know that I strongly oppose any changes whatsoever to the current manner by which STA total occupant limits are calculated and enforced. The policy, since the enactment of the STA Bylaw, has factored in one permitted and allowable sleeping space, within each STA as a defined bedroom in addition to consideration being given to all other existing bedrooms within the dwelling. This approach resulted in the total STA occupant loads having established and accepted benchmarks since day one of STA Licensing that remain in place today. That current system is in compliance with the +2 model that has factored in the approved sleeping space as a defined bedroom. This approved system has resulted in my property being able to operate under what was informally known as the + 4 total occupancy model.

Under the above system, my property has met all the imposed Ontario Fire Code TBMFD managed fire safety requirements and there is absolutely no evidence from the OPP and within the By-law statistics that support a change to the current STA total occupant load limits.

I therefore urge you to reject any changes to the total STA occupant load limits and allow us to continue to operate as we are today which has been the case since day one of the STA Bylaw enactment. My property has operated in full compliance with the current STA bylaw, Ontario Building Code and Ontario Fire Code. The STA Licensing Bylaw, in the Blue Mountains, is already certainly the most onerous and strict STA by-

law in North America.

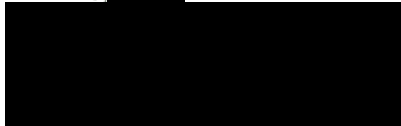
D.P. & S.P.

2/2

Furthermore any proposed changes will both have a negative economic impact on my rental business and will also negatively affect the tourism experience of the large and ever-expanding portion of the tourists that travel as large groups to the Town of the Blue Mountains. These are primarily multi-cultural groups and they represent the fastest growing market demographic versus all others.

Thanks for your time and consideration.

Sincerely

A large black rectangular redaction box covering the signature area.

From: [Corrina Giles](#)
To: [Godwin Odumah](#)
Cc: [council](#); [SMT](#); [Kirsty Robitaille](#); [Emily Beauchamp](#); [Shawn Postma](#)
Subject: RE: Short-Term Accommodations (STAs) in regards to Tonight's town meeting
Date: May-28-18 2:51:05 PM
Attachments: [image001.png](#)

Good afternoon Mr. and Mrs. Odumah,
I acknowledge receipt of your email below in response to the May 28 Public Meeting Notice and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the May 28 Public Meeting, and attached to a future staff report regarding this matter.

Kind regards,

Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario N0H 2P0
Tel: 519-599-3131 ext 232
Toll Free: 1-888-258-6867
Fax: 519-599-7723
townclerk@thebluemountains.ca



Sign up to receive up-to-date Town news, bulletins and departmental information by visiting:
<http://www.thebluemountains.ca/subscribe.cfm>

From: Godwin Odumah [REDACTED]
Sent: Monday, May 28, 2018 2:25 PM
To: Town Clerk <townclerk@thebluemountains.ca>; Sheldon Rosen
[REDACTED]
Cc: [REDACTED]
Subject: Short-Term Accommodations (STAs) in regards to Tonight's town meeting

May 28, 2018

Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains

We are writing this letter to protest the decision to not renew Short- Term Accommodation (STA) license.

We are devastated by this action because of the financial, physical and emotional burden it has put on us.

Every assurance was given to us by the builders that such a problem will not arise before we embarked on the project.

We are looking forward to a peaceful resolution of this matter.

We intend to join our fellow owners at [REDACTED] to take legal action to resolve this matter.

Sincerely,

Godwin Odumah
Nora Odumah

[REDACTED]

From: [Corrina Giles](#)
To: [Leonardo Perez](#)
Cc: [council](#); [SMT](#); [Kirsty Robitaille](#); [Shawn Postma](#); [Emily Beauchamp](#)
Subject: RE: Owners [REDACTED] Today's STA Meeting
Date: May-28-18 1:27:06 PM

Good afternoon Mr. and Mrs. Perez,
I acknowledge receipt of your comments below in response to the May 28 Public Meeting Notice, and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the May 28 Public Meeting, and attached to a future staff report regarding this matter.

Kind regards,

Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario
N0H 2P0
Tel: 519-599-3131 ext 232
Toll Free: 1-888-258-6867
Fax: 519-599-7723
townclerk@thebluemountains.ca

*Sign up to receive up-to-date Town news, bulletins and departmental information by visiting:
<http://www.thebluemountains.ca/subscribe.cfm>*

From: Leonardo Perez [REDACTED]
Sent: Monday, May 28, 2018 1:09 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Cc: Reem [REDACTED] Sheldon Rosen [REDACTED]
Subject: Fw: Owners [REDACTED] Today's STA Meeting

Good Afternoon Corrina,

Please find attached or statement for todays May/24/2018 town hall meeting in regard to the STA's.

Please confirm this was received and will be presented on our behalf.

Sincerely,

Mr. Leonardo Perez and Mrs. Reem Elhaj Perez
[REDACTED]

Sent from my BlackBerry - the most secure mobile device - via the Rogers Network

To whom this may concern,

After attending the last town meeting and given the small opportunity to discuss our situation. It was agreed by council that even though we had in writing that we were allowed short term rentals and that over 7 units were sold on that pretense. This also was told in writing to the builder and thus the units we advertised and sold as such. These sales have over \$4million and they were sold and bought based on what the town promised the builders and us, the end users. That at the end of our license date we would not be renewed and not allowed to rent short term any longer.

This has created a huge financial burden to our family and has created an enormous amount of stress to us to the point where it is affecting our peace and quality of life. It is unfathomable to us that the city is reneging on this matter considering everything is clearly outlined in writing to the builder right from day one.

We fully intend to join together with the other owners at Delphi Lane and begin legal action to sue the city. We look forward to seeing a positive outcome from a judge or we would gladly agree to the city keeping it's original agreement and allowing us to continue with our short term rentals.

Sincerely,

Mr. Leonardo Perez and Mrs. Reem Elhaj Perez

[REDACTED]

Sent from my BlackBerry - the most secure mobile device - via the Rogers Network

Emily Beauchamp

From: Kirsty Robitaille
Sent: March-28-18 10:37 AM
To: Emily Beauchamp
Subject: FW: STA By-law Review-Letter of Comment on Total STA Occupant Load

From: Nadir Ahmed [REDACTED]
Sent: March 27, 2018 12:13 PM
To: John McKean; Gail Ardiel; Bob Gamble; Joe Halos; Michael Martin; John McGee; Michael Seguin
Cc: Town Clerk; Shawn Everitt; Michael Benner; Rob Collins; Kirsty Robitaille; Greg Miller; Sheldon Rosen
Subject: STA By-law Review-Letter of Comment on Total STA Occupant Load

March 27, 2018

Re: STA By-law Review-Letter of Comment on Total STA Occupant Load

Dear Mayor McKean and Members of Council,

My name is **Nadir Ahmed** and I own a licensed rental property (**STA**) located at [REDACTED] Blue Mountains and fully managed by The Lodges at Blue Mountains Corporation Limited. I understand that Council will soon be reviewing a number of components of The STA Licensing Bylaw and the enforcement protocols. A Staff Report shall be presented to The Committee of The Whole on March 29th, 2018 and ultimately too Council. One of the items within that Staff Report, that shall be under review, will be the Town's current policy on STA total occupant load limits that have been established in the STA By-law.

I just want to let you know that I strongly oppose any changes whatsoever to the current manner by which STA total occupant limits are calculated and enforced. The policy, since the enactment of the STA Bylaw, has factored in one permitted and allowable sleeping space, within each STA as a defined bedroom in addition to consideration being given to all other existing bedrooms within the dwelling. This approach resulted in the total STA occupant loads having established and accepted benchmarks since day one of STA Licensing that remain in place today. That current system is in compliance with the +2 model that has factored in the approved sleeping space as a defined bedroom. This approved system has resulted in my property being able to operate under what was informally known as the + 4 total occupancy model. Under the above system, my property has met all the imposed Ontario Fire Code TBMFD managed fire safety requirements and there is absolutely no evidence from the OPP and within the By-law statistics that support a change to the current STA total occupant load limits.

I therefore urge you to reject any changes to the total STA occupant load limits and allow us to continue to operate as we are today which has been the case since day one of the STA Bylaw enactment. My property has operated in full compliance with the current STA bylaw, Ontario Building Code and Ontario Fire Code. The STA Licensing Bylaw, in the Blue Mountains, is already certainly the most onerous and strict STA by-law in North America.

Furthermore any proposed changes will both have a negative economic impact on my rental business and will also negatively affect the tourism experience of the large and ever-expanding portion of the

tourists that travel as large groups to the Town of the Blue Mountains. These are primarily multi-cultural groups and they represent the fastest growing market demographic versus all others. Finally I would like to state that my property at [REDACTED] is a very well maintained rental property with high end furnishings in order to provide a very comfortable stay to all the guests that visit the absolutely fantastic Town of Blue Mountains. I have made every effort to include additional amenities, including a brand new outdoor hot tub installed in November 2017 for the guests to enjoy and relax in after spending the day at the Blue Mountains Village or other great attractions that Blue Mountains has to offer. In a very short rental period my property has received excellent reviews from guests who have stayed at the property and noted a willingness to the Lodges to stay at my property in the future. Having my property managed by the Lodges at Blue Mountains ensures that it is always kept in excellent condition and any issues are promptly addressed. Thanks for your time and consideration.

Sincerely,
Nadir Ahmed
[REDACTED]

May 25, 2018

Mayor and Council

Town of the Blue Mountains

Blue Mountains, ON

RECEIVED
MAY 28 2018

TOWN OF THE BLUE MOUNTAINS

PER: _____

Dear Mayor McKean and Members of Council,

We are full-time residents of the Town of the Blue Mountains and have lived here for 18 years. We are active in the community and have attended meetings regarding STA's in our residential neighbourhoods. STAs are commercial businesses with a goal of making profits, and are not residences like their neighbours. In our opinion, the high occupancy of some of these houses has created many opportunities for the disturbances in our neighbourhood. We have also noticed that since licensing STAs and enforcing the STA Bylaw, there have been fewer disturbances.

We do not agree with opening up and changing the STA Licensing Bylaw. It is working! We also feel Town Bylaws must apply fairly to all residents and businesses, and so must be enforced by the Town By-law Enforcement Officers and the OPP.

We also disagree with the proposal to have residents contact a STA employee, especially at night, to deal with disturbances at their property. These disturbances often involve situations where many people are consuming alcohol. It is not fair to then not assess Demerit Points if a resident does not call the Responsible Person, and feels safer contacting the OPP to investigate the disturbance. This is why we pay our taxes.

We feel that Town Staff and Council should continue to oversee, investigate and determine penalties for Bylaw infractions according to the existing Noise and STA Bylaws. After-hours complaints should be dealt with by the OPP.

Our Zoning Bylaws should also work to protect residential neighbourhoods from inserting commercial businesses and incompatible housing developments into them.

Sincerely,

Paul and Donna Carter

May 21, 2018

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

Re: Staff Report Number FAF.18.42 and FAF.18.60..Proposed Changes to the Short Term Accommodation (STA) Licensing By-law. Public Meeting Response.

We are writing to you today to express our concerns about Staff Report Nos. FAF.18.42 and FAF.18.60 respectively.

The licensing by-law for Short Term Accommodation, stated on your website in part refers to the “protecting the character, amenities and maintain the quality of existing residential neighborhoods”, in addition to ensuring the safety of the STA occupants and the maintenance of the properties.

Staff Report Number FAF.18.42

The staff report refers to the revocation of the 6 licenses on Delphi Land and 3 units on Settler’s way. The report refers to the recommendation by the staff that the Council revokes these licenses immediately, which we agree with based on the facts of the situation. Thank you staff.

The staff report refers to the 2011 OMB ruling that states “the purpose of the bylaws was not to eliminate or limit access to STA units, but to regulate this type of accommodation to create a more compatible situation.” The Board also determined “that STA units are distinct commercial entities with the goal of making a profit, and that it is the commercial entity that has the potential to conflict with the character and stability of existing neighbourhoods” Based on these comments and the staff report, we agree that STA’s are commercial units as their intent is to make a profit off of their rental properties, and as commercial

units, they should be taxed as commercial or businesses vs. residential and/or personal.

Quoting the staff report “Going forward, staff also see merit in providing annual updates to Council so that minor updates and changes can be made to the STA program in incremental steps, rather than a major overhaul of all documents every 5+ years.” Why does there need to be changes to a by-law every year, minor or otherwise? We are sure staff do not review every by-law on the books every year to make minor changes to it. While major by-laws may be reviewed more often, every year is excessive and unnecessary when there is a good balanced by law in place. Many of the continual requested changes to the by law appear to be driven by the commercial unit STA owner/operators. Residents who are affected by this issue must be constantly vigilant of Town affairs in order to be able to respond to these continual proposed changes. As residents, we find this highly unusual and disturbing and would prefer a fixed review date for any changes be utilized.

Staff report states “directing new STA’s away from low density areas; and, to require new STA’s to pass a consistent and thorough review and were required, council approval prior to being permitted”. We are agree with this approach, but it must be applied to all residential areas. The Staff opinion is that 1.” New STA’s shall be directed away from existing residential developed residential areas unless it can be proven that there is no potential for an adverse land use conflict between the STA and surrounding uses”. As well, 2. “ New STA’s may be permitted on future development lands”. While it is stated that use must still be evaluated, STA’s should still not be allowed in current, past and future residential areas.

May we propose, based on the current lack of affordable housing, the Town should instead of allowing STA’s in future residential developments focus on leveraging developers to include affordable housing in their developments. STA’s should not be permitted/allowed in low density residential areas in any form as they reduce the stock of long term rental housing, hence exacerbating the current housing crisis.

As part of the Legal Non-Conforming Uses section, the report states “staff do not anticipate any additional legal non-conforming STA’s to come forward.” We would suggest that now would be the time for Council to take this opportunity to terminate this practice of licensing of legal non-conforming units immediately. In our opinion, it is surprising that grandfathered or legal non-conforming units did not have a two-year deadline to apply for exemption, as, we ask the question: How can an STA suddenly be grandfathered nine years later?

We find the staff recommendation that the occupant load, as per outlined in the Zoning By-law 83-40 Amendment 5.2.4.1(b) “A short term accommodation use shall have a maximum of eight (8) occupants.” as well as their recommendation in this Staff Report FAF.18.42 that “Occupant load is not limited to the number of bedrooms available.” There are other factors, such as parking, that also should potentially limit occupancy as noted in their Report. Should this definition be extended to legal non-conforming as the incidents of noise and nuisance complaints increases with occupancy?

In the “Assessment of Penalties and Demerit Points” section, the staff recommends that “the application of demerit points be done via Provincial Offences Act for violation of the STA bylaw ...Demerit Points be discontinued.” In our experience, the use of demerit points has significantly improved the quality of life for the residents and improved the safety of the occupants since their inception, so demerits points should be attached to the commercial STA license when a charge is laid.

In section 7..Responsible Person, the section opens stating “during the implementation of the STA program, Council and STA operators worked together to implement the Responsible Person (RP) system.” Where were the Residents during this process? Why were the Residents not part of this working together to come up with a process to help solve the issues that occur around STA’s?

Does the Town think so little of its Residents that they did not think they needed to be part of this discussion? It is common knowledge that the Residents disagreed with the suggested responsibilities of the Responsible Person from the beginning.

Next the report recommends that “demerit points will only be issued where the responsible person was not able to correct the issue within one hour of receiving the initial complaint.”. Additionally, it states “that any complaint that is not dealt with through the Responsible Person (RP) program, will not lead to the assessment of demerit points and only a verbal warning will be issued to the property owner.” Recently we attended the OMB hearing for an illegal STA located on Hwy 26. In this instance, the cleaning lady was the RP and would not answer her phone after 10:00 p.m. We are aware of two other units on Grey Rd. 19 whose RP resides in Toronto. How do these situations support this recommendation?

We have never agreed with the use of the responsible person (“RP”) as the first point of contact as they are acting in the best interest of the commercial owner/operators. The RP is not a police officer, or a by-law officer, nor does the RP have the legal authority to issue warnings or tickets. When a resident or other person(s) (i.e. visitors staying in our area) contact by-law to file a complaint, by-law can attend on site or, should the situation require, by law officers know when to draw on police resources should an incident be beyond their control or ability to control. By doing this, the safety of the by-law officer, the resident or other person(s), and the persons causing the complaint is maintained. This is of the utmost importance and the RP cannot provide assurance for safety of all.

It should be noted that typical STA rental agreements require the renter to relinquish their security deposit in the event of a complaint. When a complaint is filed with the RP, By-law or OPP, the clause becomes active which in turn represents a significant amount of money paid to the commercial STA owner/operator. In summarizing this, a negative event (complaint) results a financial gain for the commercial STA owner/operator and no negative demerit

points against his license when the RP is used. Only if OPP and/or by-law are involved does the Town know of the complaint.

To quote the Town website:

“In the event the STA premises does cause a negative impact or is, in your opinion in contravention of a Town By-law please contact the By-law Department at (number given). For afterhours noise related issues, please contact our afterhours service at (number given) OR the OPP at (number given). For emergencies and pressing matters please dial 911. Alternatively, you can contact the Responsible Person (RP) for the property. Under the STA by-law, the RP is required to attend to and respond to all issues at an STA within 1 hour of being contacted.”

This policy statement by the Town should remain in place as it gives the Complainant the choice of whom to call based on their comfort zone and the situation at hand.

By-law has established an afterhours service that refers complaints to the RP. As stated in the report, there are close to 300 recognized commercial STA entities that the Town is responsible for. An afterhours service just costs more for the tax payers and provides more opportunity for the commercial STA owner/operators to have things “fixed” as their paid representatives or RP are called. In our opinion, after-hours complaints should be made directly to the OPP. (Of course, an exception would be if By-law Enforcement were to hire additional afternoon, evening and holiday by-law officers who could then respond to a complaint.)

One question: Under current processes, a complaint is made to By-law who subsequently calls the RP. We do not understand why our by-law officials do not follow up in person for the complaint as they are essentially turning a complaint over to a party paid by the commercial STA owner/operator with a vested interest in alleviating any negative incidents or demerit points. Why are we paying by-law officers if they are not doing this as part of their jobs?

The use of the RP essentially creates a double standard where offenders can “fix” violations and suffer no consequences. It should be noted, in our opinion, that the Town does not afford regular residents this privilege in relation to by law infractions.

The Town subscribes to a premium OPP service level for our area that includes noise and nuisance issues in the community along with the many other benefits the OPP provides. Why would you pay for this service and then tell residents and other persons not to use it? We will always call the OPP if warranted.

We would encourage the Town to adopt a policy whereby all complaints lodged with By-law Enforcement be recorded on the affected license for future reference as this may prove beneficial in any future Court actions. A complaint should be recorded against the STA license as it indicates that a violation has purportedly occurred. We need to have authoritative follow up to ascertain if charges are warranted. If a charge is warranted and laid, it would be recorded against the license and demerit points levied. If a Court rules against the Town, then the demerit points would be removed from the license record. However, until a Court rules against the Town, the demerit points should be assigned to the license immediately, after all there may be no reversal of the charges or no challenge to the charge in the first place.

In summary, demerit points should be retained as a deterrent to commercial STA owner/operators to maintain and police their property and renters. The RP is an excellent management tool for the commercial STA owner/operators to utilize for the protection of their property. They should not be used by the Town as a means of policing these operations (or themselves.) The liability on the Town for advocating the use of these resources is frightening.

Staff Report Number FAF.18.60

Section 1.1

Bedroom: Removal of the Bedroom definition..in Staff report FAF.18.42, the

report recommends that the by-law requirements for an Occupant load be two persons per bedroom, plus two additional persons, so what is a bedroom? Additionally, they also recommend that By-law 83-40 state the maximum number of occupants per STA unit is 8. This is all very confusing and contradictory. Needs to be clarified, as this impacts the legal non-conforming STA's. Overall, whether new or grandfathered, maximum number of people is 10?....and may we also point out that the extra 2 persons can sleep on a pull-out couch in the living area or on single pull out chairs, or a maximum of 2 people in the living area.

Friendly Notice: This section should be modified in order that "friendly notice" is a notation placed on a license and issued whether complaint filed with RP or not, i.e. by-law filed friendly warning that grass is too long or noise complaint filed with OPP at 2 am. See further comments below.

Section 5.23: New...As per points above in Bedroom....where is the maximum number of people and reference to 83-40.. 5.2.4.1(b)?

Section 5.24: New..Do not accept this recommendation...previous comments...a person should be able to decide whom to call...it should not be a directive from the Town.

Section 5.25: New..Demerit points should always be assessed if a complaint is filed that warrants demerit points as per the chart supplied no matter how the complaint is filed and can only be reversed if challenged in Court. Demerit points should also be issued if the Town has a record of the complaint filed and the RP did not show up.

Section 6.1 (2)...Demerit points should remain in place until the two year anniversary date on which the demerit points were assessed and confirmed by by-law, not confirmed by Court challenges. In some instances, commercial STA owner/operators engage in Court challenges that are long and drawn out and may take more than a year. If a Court challenge is instigated, and the challenge is successful by the commercial owner/operator, then the demerits are reversed.

6.1(2) (a)..Demerit points should be applied the day the charge is laid, not the date of conviction, as some charges will not be challenged.

Section 6.2 NEW:

- a) Friendly Notice: Not acceptable in current format.
- b) Infraction Notice: Should always be written and issued with applicable demerit points.

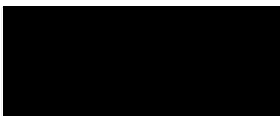
Please do not pass this section.

There needs to be one clear, concise system for the commercial STA owner/operators and the Town residents/visitors to follow. A complainant has the right to call whom they prefer...during the day By-law Enforcement or the OPP and the OPP at night. Using this process, official records are available that record the complaint filed.

Thank you for the opportunity to provide feedback on this important issue. As residents, we feel it is extremely important for the Town to retain the integrity of the residential (current and future) neighbourhoods. We participated in the OMB hearings that resulted from the interim by-law that was challenged by the STA operators at that time. Council has spent a lot of time and money on this challenge and the subsequent by-law that is in force today. We ask that Council realize how important it is not to succumb to the intense pressure of the commercial STA owner/operators as they seek to maximize their profits in this town at the expense of the Residents. We, therefore, challenge many of the suggested revisions as they do not best serve the Residents (taxpayers) of this Town.

Yours truly,

Bill & Robin Pittaway



Rob Sampson,



May 17, 2018

Ms. Corrina Giles, CMO,
Town Clerk,
Town of The Blue Mountains,
32 Mill Street, P.O. Box 310,
Thornbury, Ontario,
N0H 2P0

Dear Ms. Giles;

The purpose of this letter is to provide Council with my comments on the Short Term Accommodation (STA) Licensing Program, and the Staff Report FAF.17.130 "Short Term Accommodation Licensing Program Update". This staff report also provided draft documents to update the Official Plan policies, Zoning By-law Amendment and the Licensing By-law.

The 2016 Official Plan deferred considering new policies related to STA's until the Zoning provisions were prepared for Council consideration. As I understand it, the 2007 Official Plan has been replaced with the new 2016 Official Plan save and except for the STA policies. Development in the Town is currently reviewed against the 2016 Official Plan, but any new STA applications are reviewed against the 2007 Official Plan. The Town should attempt to close this gap in a timely manner and work solely from the revised 2016 Official Plan.

Any changes to the 2016 Official Plan needs to add clarity. Citizens and developers are entitled to know, **with clarity**, what is permitted on their lands and adjacent or area lands. Clarity minimizes the potential for dispute and lowers the risk of "one off" bylaw amendments that eventually lead to setting new precedents that drift from the intent of the Official Plan.

I fear that some of the Staff recommendations will not deliver on that objective of clarity, and Council should attend keep that in mind as they consider the Staff recommendations.

Regarding the Official Plan, Staff are proposing the following:

1. *New STA's shall be directed away from existing residential developed residential areas unless it can be proven that there is no potential for an adverse land use conflict between the STA and surrounding uses.*
2. *New STA's may be permitted on future development residential lands. It is clear that STA's may be permitted, but the use must still be evaluated against all other STA policies and other implementing By-laws. On future development lands a Zoning By-law Amendment will be required triggering public process, ability to create specific STA buffering and other zoning requirements and ultimately a Council decision. Also, because the lands are future development, the land use conflicts that arise between STA's and residential uses can be more carefully evaluated and planned for including buffering, separation distance, etc. If STA's are not to be included on future development lands, the Zoning By-law that implements the development can include provisions that prohibit new STA's.*

On the first point, I strongly encourage Council to reject these recommendations as they do not add clarity to the Official Plan STA definition. These recommendations, if implemented will create the opportunity for various interpretations by others of the exception clause and lead to the licensing of STA's in existing residential areas that were never intended to have STA approvals. I believe The Town and its residents have **already agreed that STA in existing residential areas is not allowed**. That should be the policy statement - plain and simple – no exceptions. The OMB has agreed that the frequent turnover of guests, limited parking/slamming doors/moving cars, increased garbage, partying, etc. could disturb the neighbours in existing residential areas so this type of "commercial use" should be directed away from established residential areas.

Regarding recommendation 2 – future developments - some clarity to the STA definition is required. Is the proposal referring to the new STA tourist accommodations with a max. occupancy load of 8 people as is currently defined? Or, are new forms of STAs like large lodges, hostels, inns, etc. being considered? None of the latter terms have been defined in the Official Plan or proposed new Zoning Bylaw, and I am not aware of new guidelines/definitions for these larger type tourist dwellings.

As proposed, for new developments, residents will have their say. If Council determines that STA's are not to be included on that parcel, then the Zoning Bylaw that implements the development can/will have a provision that prohibits new STAs. At least people buying lots in that development or area will be informed prior to purchasing, either way. This is new, very important for purchasers, and past due.

For further clarification, future condominium developments should be required, as part of the development agreement with the Town, to include the site specific "STA policy" in

their condominium bylaws and, if no STA is the decision, then a no STA covenant should be attached to title. This adds absolute clarity to future owners of the units and adjacent or area properties.

I will now discuss the STA Zoning Bylaw staff recommendations.

1. Legal non-conforming:

I understand that Staff believe that the current inventory of legal non-conforming has reached a static level. The target is to have these eventually conform to the Bylaws, so it would be advisable for Staff to develop a strategy to achieve that target. Council should direct Staff to assemble a detailed list of the current legal non-conforming units and what particular aspect of the property is non-conforming. Council should direct staff to come up with a plan to achieve the conforming target.

2. Parking:

The proposed parking Bylaws appear to reflect current STA parking restrictions that seem to be working. They should be maintained. However, a new term "guest room" seems to have surfaced. It is poorly defined and doesn't sound as if it is in anyway attached to 'tourist accommodations'. The term "bedroom" is used elsewhere but seems to lack definition. It seems that now the word "bedroom" will be open to interpretation.

3. Minimum Distance Separation:

Maintaining the existing requirement for 120 metre separation distance between STA uses, is critical and I would support the measurement from the furthest protruding property line. Where this rule creates new non-conforming properties, then a plan should be developed to address that non-conformity.

4. Occupant Load:

Staff are recommending:

- No change from the current By-law occupant load requirement.
- Clarification to the Bylaw is proposed to:
 - modify the text to recognize a maximum of eight (8) occupants; and
 - to provide a clear definition of a bedroom.
- a new STA must continue to meet both the requirements of the Zoning By-law and Licensing By-law whichever is more restrictive.
- The number of bedrooms that are provided must be accepted as bedrooms by Town Staff.

Subject to my comment about the definitional issue around the term "bedroom", and how this impacts overall loading, these recommendations should be supported.

5. Commercial Resort Units vs. VCRU and STA:

Staff has presented Council with two options and has recommended Option 1 - that all commercial resort units move back into compliance with the requirements of the Zoning Bylaw. This recommendation should be accepted.

6. Assessment of Penalties and Demerit Points:

Staff are recommending that the current practice of the STA Committee hearing appeals of Administrative Penalties and Demerit Points be discontinued. Staff are proposing a higher reliance on the courts and a Provincial Offences Act process. It would seem that this change might allow STA operators to use the court system to frustrate any penalty action and I would recommend that Council reject this proposal. What is the problem that is being fixed by the new proposed process? Perhaps Staff can clarify.

7. Responsible Person:

I understand that the thrust of the Staff recommendations regarding Responsible Person, is that demerit points will only be issued in the cases where the Responsible Person was not able to correct the issue within one hour of receiving the initial complaint. However, this seems to ignore the fact that there was a violation of the rules, for which some penalty is due, as would be the case for any other commercial operator in the Town facing a noise violation matter. I would suggest that Council not accept this recommendation, and Staff be asked to provide options to strengthen penalties for violations, or at least make them consistent with any other commercial operator in the Town facing a noise violation matter.

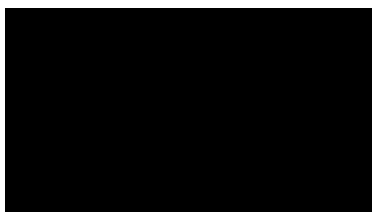
8. Interpretation Policies:

In reviewing the proposed Official Plan policies, Zoning By-law Amendment and Licensing By-law updates for STA's, it would also be helpful to understand what other jurisdictions have done or tried so that we can learn from those jurisdictions. This is particularly the case for interpretation or definition policies. Some standardization across jurisdictions would be helpful in obtaining definition clarity. I am not sure we have achieved that as yet.

As a general comment, the Town has made significant strides on the subject of STA's, and the proposed Official Plan policies, Zoning By-law Amendment and Licensing By-law updates should not be allowed to impede further progress on the subject.

While they are reported to contribute to visitor traffic and thus economic activity in the area, STA's do have a negative impact on neighbourhoods and do consume valuable rental stock that could help alleviate our attainable housing issue. There is ample opportunity in our Town to site properly zoned and regulated commercial tourist services without intruding into residential neighbourhoods. Continued and ongoing close attention to the STA issue is required by Council.

Yours truly,



Rob Sampson

From: [Corrina Giles](#)
To: [Shawn Keown](#)
Cc: [council](#); [SMT](#); [Emily Beauchamp](#); [Kirsty Robitaille](#)
Subject: RE: Today's Special Committee Of The Whole Meeting - Occupancy Load for STAs
Date: March-29-18 12:25:24 PM

Good afternoon Mr. Keown and Kirkham,
I acknowledge receipt of your email and confirm I have forwarded the same to Council for their information and consideration.

Kind regards,

Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario
N0H 2P0
Tel: 519-599-3131 ext 232
Toll Free: 1-888-258-6867
Fax: 519-599-7723
townclerk@thebluemountains.ca

Sign up to receive up-to-date Town news, bulletins and departmental information by visiting:
<http://www.thebluemountains.ca/subscribe.cfm>

-----Original Message-----

From: Shawn Keown [REDACTED]
Sent: Thursday, March 29, 2018 9:50 AM
To: John McKean [REDACTED]; Gail Ardiel [REDACTED]; Bob Gamble [REDACTED]; Joe Halos [REDACTED]; Michael Martin [REDACTED]; John McGee [REDACTED]; Michael Seguin [REDACTED]
Cc: Town Clerk <townclerk@thebluemountains.ca>; Shawn Everitt [REDACTED]; Michael Benner [REDACTED]; Rob Collins [REDACTED]; Kirsty Robitaille [REDACTED]; Greg Miller [REDACTED]; Steve Kirkham [REDACTED]; 'Stu Frith' [REDACTED]
Subject: Today's Special Committee Of The Whole Meeting - Occupancy Load for STAs

Dear Mayor McKean and Members of Council,

My name is Shawn Keown and, along with my business partner Steve Kirkham, we own a licensed STA rental property located at [REDACTED] Town of the Blue Mountains.

We purchased the chalet in 2007 as a rental investment property. As I am sure you can appreciate, ensuring our rental property operates as a viable business involves a lot of hard work, perseverance and additional infusion of capital along the way. When the initial STA licensing program was introduced (of which we support), we underwent significant additional financial investment to ensure our property met or exceeded the requirements to be a licensed STA. We also expected that all the components of the agreed to bylaw would be honoured from the Town's side going forward. In particular the ruling of STA Occupant Load, of which we base our rental rate and require in order to allow us to continue to operate successfully.

In our over 10 years of being a rental property, we have not had one noise or other complaint against our property, however what we have done is promoted Blue Mountain and all it has to offer and helped contribute to the financial success of the various retail businesses in town.

I therefore urge you to reject any changes to the total STA occupant load limits and allow us to continue to operate as we are today which has been the case since day one of the STA Bylaw enactment.

Thanks for your time and consideration.

Sincerely,

Shawn Keown

Steve Kirkham



From: Sheldon Rosen
Sent: March 27, 2018 3:32 PM
To: Sheldon Rosen
Subject: Staff Report FAF.18.42- Short Term Accommodation Proposed Program Updates
Importance: High

Let me first state that I have reviewed the Staff report 18-42 regarding potential changes to the STA Program. I must say overall I as well as my colleagues are pleased with many of the recommendations and that overall this is fair report

However, I am writing to you to speak to the issue at Delphi Lane and the staff recommendation to revoke STA licenses immediately. I am not sure how many of you know the history dating back to 2015 when I was first involved. In short, I was approached by the developers real estate agent (prior to completion and any firm sales) on my interest in being the rental manager for owners. I strongly suggested they contact the Town and get an opinion on the STA zoning and recently new Licensing Bylaws. As you will see from the email exchange below from the agent to one of the new owners (apologize it's a small screen shot from a phone) the Towns staff Greg Miller provided such an opinion. After which, my staff and I attended many meetings with potential buyers, presenting our rental management program. In all the meetings we attended, owners confirmed purchasing units on Delphi with the express intend of joining our rental management program which as you know is primarily focused on Short Term Rentals.

Most of these owners closed on their property early to mid-2017 and immediately applied for and were issued STA licenses – likely as per the authorization from Town Staff. Most of the rentals began May 2017. To date we have positive reviews from guests about the location and offering of new STA's. Regardless of the fact they are not in the core 'base of blue' /village area. I know of no complaints from immediate neighbouring properties or Town Officials. We treated them like all our STA with nightly security and RP staff.

Now it appears the Town Staff are strongly recommending the "Council revoke the current 6 licensed STA units on Delphi Lane"

I cannot explain in words the shock these owners have had when I broke the news to them. "How can they do this", "they told us we can rent" are some of the reaction.

Unlike the messaging that is coming from the BMRPA / residents, STA's are NOT "money making machines". These properties cost in the \$500,000+ range. While we have had positive rental activity owners are generally paying the bills and enjoying the odd day at their property. Then being able to one day enjoy a retirement property. These investment properties are not dramatically changing the financial position of these owners.

I have a hard time understanding the Town's position to take this action yet 43 units at Mountain Springs have been operating with a STA license when they should not have – only in the past 3 months 25 or so of those owners have found a loop hole to form a CRU group. But at least 15-20+ other units at MSR still operate illegally and yet the Town is knowingly allowing them to continue to possibly renewal of their License. Keeping in mind these MSR owners were all on our program but starting renting privately and based another email from Town Staff, they were in violation of the CRU definition and we terminated them from our program.

At least in the MSR example, owners do have choice (to be CRU) to continue to use their condos for Short Term Rentals. While Delphi owners are not given that consideration, even though the Town is largely at fault.

The complaint about Delphi Lane units seems to have come from BMRPA member who lives 12-15 minutes from that location. I am not sure how that location has affected his life at that distance. And that the Town is now trying to correct the actions of their staff to the detriment of tax payers who have invested millions into this Town.

I urge you all to consider the harm and damage you are causing these owners (and no doubt our business). Rather than face potential litigation which is bound to cost tax payers and these owners plenty plus potential issues for certain staff, why not **do the reasonable thing and admit the mistake and grant them and minor variance and allow them to continue their use their STA properties.**

Thank you for taking the time to read and consider and reasonable option.

Regards,

Sheldon Rosen

President

The Lodges at Blue Mountain

www.bluemountainlodges.ca



Definition of a Vacation Rental Manager

The Town has provided a base definition of a Rental Manager. However, given the nature of the current STA Bylaws and submission I have previously made regarding the unfair advantage the Town has created by ignoring their own bylaw, I submit to you a more detailed definition that all rental managers should be governed by.

DEPENDANT OPERATORS

"Vacation rentals and villa rentals are arranged either direct with the owner or through an agency, usually via the internet. Many owners have their own websites, but most also use listing services, which display property information and photos provided by the homeowner. Because each property owner has his or her own deposit and payment requirements, cancellation policies, key-pick-up procedures, etc., **a guest contacts the property owner directly in order to book.**"

RENTAL MANAGER

"Vacation rental agencies handle reservations and billing on the homeowner's behalf, and there is **no direct contact between the guest and the owner.** Because the fee or commission charged to an owner by an agency is higher than that charged by a listing service, the rent tends to be higher.

Most property owners contract a vacation rental management company to manage their vacation rentals. These companies handle housekeeping and property maintenance. Some management companies also act as agencies, marketing the vacation rental property and handling reservations and billing. Most vacation rental management companies work on a commission basis, meaning they do not make a guarantee to the homeowner in terms of weeks that will be rented or revenue earned.[7] Rather, they collect a commission ranging from 20% to 50% of any revenues generated.[8] sourced https://en.m.wikipedia.org/wiki/Vacation_rental

Property/Rental Managers operate, control and oversee all aspects of these units to ensure that they are running to their full potential and smoothly for the owner of the properties. It helps give accountability to those renting the properties when they have a professional to speak with regarding issues they may be having with the property. This can be long-term properties, or those looking for vacation rentals.

MOUNTAIN SPRINGS

The new home owners 'Rental Manager' operating at Mountain Springs does not comply with any of the roles defined above. They were formed for the sole purpose of getting out from the CRU classification at MSR and to basically circumvent the Bylaw. As brought to the Town's attention, this group is not a central booking agency collecting money or making reservations on behalf of owners. Each link on its website goes to individual owner listings on OTA sites (online travel agencies). There is no central contact or RP each has its own agents.

UNFAIR COMPETITION

The fact that any Rental Manager does not conduct business under these generally accepted guidelines provides them an unfair advantage, The advantage being without these overhead costs, they are flooding the market with reduced rates to guests.

A likely challenge to the Competition Bureau.

INFRASTRUCTURE

Rental Managers such as LBM, BMR and Visit Blue Mountain, have made large investments in infrastructure and employees. And those costs are covered by the commissions charged to home owners. The MSR group by contrast even publically announced they are non-profit group created to circumvent the current CRU / STA definitions. They are non for profit due to lack of infrastructure and single source accountability.

If the Town is serious about the adopted mission statement regarding the purpose of the STA bylaws – "Protecting the health and safety of the travelling public", then allowing a ghost operators to exist would not fall in line with the mission statement

I therefore would like the Town to consider at a minimum the following business practices a Rental Manager should operate under in addition to the Towns brief description.

1. A central operations management capability as it relates directly to the following:
 - Proprietary website that is managed exclusively by the CRU Rental or Lease Management Company
 - All of the OTA presence or footprint must be managed exclusively by the CRU Rental or Lease Management Company
 - Centralized Accounting System managed from a single point by the CRU Rental or Lease Management Company

- Centralized Maintenance System managed from a single point by the CRU Rental or Lease Management Company
 - Centralized security system managed from a single point by the CRU Rental or Lease Management Company
 - Centralized housekeeping system managed from a single point by the CRU Rental or Lease Management Company
2. A central consumer inquiry or assistance point of contact for voice calls, emails and text communications.
 3. Each CRU should be required to have a single Responsible Person (RP) named under a CRU Bylaw, under which the CRU Rental or Lease Management Company definition shall be provided.
 4. Each CRU Rental or Lease Management Company must maintain a minimum number of ten, units within its management program, and those units shall not and cannot be limited to location within one CRU development or on one lot.

The Town's role in this is not to create advantages for one business at the expense of others. As the Town continues to engage regulate STA/CRA businesses it has to be consistent with its policies.

DELPHI LANE

I have spoken at length about this issue at prior meetings. My position stands, that is unlawful and moreover immoral for the Town to revoke these licenses. The fact is the Town staff reviewed this site, years before issuing a license. Provided advise to potential owners and eventually issued the licenses consistent with the advise given.

I strongly oppose this decision.

Respectfully Submitted

Sheldon Rosen

President

The Lodges at Blue Mountain Corporation.

Good Afternoon Members of Council and Town Staff,

I wish to open by first commending Town Staff for the effort put into the preparation of Staff Report FAF 18.42. Time has clearly been taken to research the history of the topics addressed within the report. That time spent has resulted in the corresponding Staff Recommendations to Council.

I wish to point out the strength of the recommendations to Council are supported by fact-based arguments. It is that type of approach that has often been sadly lacking in previously charted legislative direction over the years and, at this juncture, I do wish to ask that you, as the Councillors charged with making informed decisions on behalf of all of the residents of our Community please take the time to read and understand the fact-based argument that support our position. Our opponents often support their position from an emotional platform completely void of supportable facts.

Please truly look beyond that and study the facts in order to position yourself to make the informed decision.

Total Occupant Load within STA's

The Staff Report FAF.18.42 speaks to a number of issues as it relates to total STA occupant load. The one's that I wish you to focus on are the ones that are key to understanding the facts. Those facts make up the legal position that shores up our position on Total STA Occupant Load.

Item One-The Formula for Calculating Total STA Occupant Load

The Council approved formula, known as the + 2 model occupancy model is acceptable as the method by which Total STA Occupant Load is calculated. We are not seeking any change in the basic premise of the +2 model. What we are seeking is for you to gain a full understanding as to the fact that we in the chalet and cottage STA market offer large multi-bedroom chalets in which the current occupant loads have been the legally approved standard since day one of STA Licensing. To be clear we are not seeking any changes to the current occupancy loads. Those current loads have, since day of Licensing, been endorsed and approved by The Town of Blue Mountains Building Department, The Bylaw Department and also the TBM's Fire Department. The approvals were issued as those occupancy loads are all within the Provincial Legislation, specifically the Ontario Building Code and each and every property has been equipped with the requisite fire safety equipment as mandated under Ontario Fire Code for the occupancy load limits that we operate with today.

The STA Licenses were all issued in accordance with the legislative and legal pillars as previously detailed.

All those chalet/cottage STA Licenses have been historically issued with a total occupant load that, in reality, both adhered to the + 2 formula and simultaneously mirrored the informal desired formula of the + 4 model. This has been historically achievable as a result of Town Staff having used and relied on the Interpretation Policy *POL.STAL.14.02-Premises-Definition of a Bedroom*. This

Interpretation Policy allowed for the approval and inclusion of one designated sleeping space within each STA to be defined as a bedroom. It is therefore the case that the approved formula officially known as the +2 model has, in absolute reality, been used historically in order to calculate the allowable STA total occupant load.

To calculate the total occupant load one would simply count the # of pure bedrooms within the dwelling, then add the one allowable and APPROVED sleeping space (a bedroom) (read the Interpretation Policy *POL.STAL.14.02-Premises-Definition of a Bedroom*) to come up with the total number of bedrooms for the purpose of the formula. One would then, in the case of a six bedroom STA, add one additional bedroom to represent the approved sleeping space to come up with the total bedroom count, in this example, of seven bedrooms. One then simply runs the formula of seven bedrooms X two persons per bedroom and then add the + 2 component to come up with the total occupant load of 16 persons in a six bedroom chalet.

It is important to recognize that the + 2 model works perfectly well for BMR in the condo environment. The accepted model recognizes the sleeping space as a legal bedroom space. We are simply seeking that same recognition for our chalets and that one allowable and approved sleeping space. Our chalets and cottages are often three times the square footage of a condo. So, to be very clear, we are seeking no additional people as we are literally and simply seeking to recognize that the two persons that, in essence, occupy the extra square footage which amounts to two persons occupying approximately 2500 to 3500 square feet.

Item Two-Correlation and Causation

For years now our opponents have attempted to harness fear and create non-existent causation and correlation between the number of people occupying a chalet or cottage and an increase in noise risk or, alternatively an assertion that our current occupant loads somehow lead to some sort of unacceptable change in behaviour. **There is no relationship that links the occupant load in an STA and a probability of a noise disturbance impacting on a neighbour let alone a change in human behaviour.**

In fact, within Staff Report FAF.18.42 this issue is spoken to by the Report's author when it is stated "*There is a certain level of increased noise and nuisance that can be expected within a CRU complex*". The CRU, on average accommodates 6 people. The average STA occupant load would be about 15 persons yet our opponents would have you believe that the more people in a chalet the greater chance of a noise complaint. Once again I would ask if anyone has ever seen a study that supports the position that links occupant load limits and noise complaints.

To further illustrate my point I can offer the fact that I have had one noise charge at a property located at [REDACTED]. The individual charged did attend court with the intent to vigorously defend himself however the matter was ultimately settled. In this case there were twelve guests at the chalet that had an approved occupant load of 18 people.

In 2017 there were 131 reported noise complaints throughout the Municipality. It is fact that 42 of the total of 131 noise complaints, or 32.06% of the total, were against STA's from which two charges were laid. **Does anyone in the Bylaw Department know how many occupants were within those two STA's at the time of the charge ?** Amongst the BMSTA Directors we would account for approx. 10000 rental agreements or rentals. So of those 10000 reservations we received a total of 32 calls of complaint, with only two of those calls resulting in charges.

I would confidently state that the total # of occupants within the non-STA's which were the source of the other 89 complaints was considerably less than the average # of occupants within the average STA.

Please also keep in mind that the two charges in 2017 at STA's or within a licensed tourist accommodations location must be weighed against the fact that our region welcomed with open arms between 2.0M AND 2.5M visitors.

Total noise complaints	131-100%
Non STA	89-67.9%
STA	42-32.06%

Total STA Noise complaint charges-2 equates to 1.52%

The correlation of # of guests and noise charges.

Of the 10,000 rentals and approx. 120,000 guests (using the average # of guests as 12 which is low) works out to 0.00016 %

Item Three-The Proposal to Integrate *Interpretation Policy POL.STAL.14.02-Premises-Definition of a Bedroom*

In order to solve any confusion on the formula using the + 2 model to calculate total STA Occupant load Town Staff are recommending "integrating" or moving the content currently found within the *Interpretation Policy POL.STAL.14.02-Premises-Definition of a Bedroom* directly into the STA Licensing Bylaw, into The O.P. Policies and also into the ZBA. Once done, the net result of that move should be that no changes shall be made with respect to the current levels as it relates to the total STA Occupant Load. That is however based on the expectation that no wording changes or changes to the intent and the spirit currently contained within the body of the *Interpretation Policy 14.02* shall be made. This Interpretation Policy, as written today, does provide for one approved sleeping space per STA to be defined as and recognized as a bedroom.

We would ask that Staff nor Council make no changes whatsoever to *Interpretation Policy 14.02* as part of the action of moving its content into the STA Licensing Bylaw.

We would also ask that Council work cooperatively with Town Staff to craft legislation that provides the STA Industry, specifically the chalet and cottage sector, with the exact total STA Occupant Load limits that we have today. The STA occupancy load totals we have today across The Municipality, it should be noted, are at levels that they have been since day one of Licensing and also are at levels that are all lower than they have ever been.

The levels we have today meet consumer demands, adhere to with Property Standards Legislation, adhere to Ontario Building Code Legislation and meet with Ontario Fire Code Legislation.

The occupancy load totals have been factored into each and every Town Staff Inspection, including Building, Bylaw and Fire so I would have to ask what reason would exist that would demand any changes by way of a further reduction in STA Occupant Load

Responsible Person and Demerit Points

As we have said to Council for ten years now the Responsible Person or RP component of the STA Licensing Bylaw is highly likely the most important component within this stringent legislation. For ten years now it is also the case that it is, without a doubt, the most under-utilized component of the STA Licensing Bylaw.

We are therefore very pleased to commend Town Staff for recognizing this fact and crafting the recommendations as they have within Staff Report FAF-18.42.

As stated over the years, the reality is that the Responsible Person or RP mechanism works and works very well so under the proposal as tabled by Town Staff you will all now get to see just how well it works. Town Staff have always endorsed the historical actions of the RP, in real case examples in front of Council so assuming you accept Staff's recommendation then you, as Councillors, shall also in the near future hear of the successes out in the market.

Conclusion

The fact is that the STA Industry has endorsed this Licensing Bylaw and has cumulatively spent hundreds of thousands of dollars ensuring that all the subject properties are in full compliance with the requirements of the STA Licensing Bylaw and all other legislative demands, both Municipal and Provincial.

The fact is that the STA Industry, as a whole, has also amended and customized its procedural actions so as to ensure full compliance with the legislation as it is written. It is also fact that the number of complaints regarding problems has dropped to all but non-existent levels according to our discussions with Town Bylaw Staff and The O.P.P.

In light of the factual and indisputable realities of this situation we simply request that the Council endorse Staff's recommendation to streamline the process relating to STA Licensing by way of the addressing of all administrative housekeeping matters but make no substantive changes whatsoever to the matter of STA Occupant Loads based on the current levels. We can confirm that making further changes that negatively impact STA Occupant load levels would result in a negative impact on our business models, which clearly would invite costly challenges. This costly process would not be welcomed by Stakeholders or the vast majority of residents across The Municipality.

Thanks for your time and consideration.

Date: March 26, 2018

Re: STA By-law Review-Letter of Comment on Total STA Occupant Load

Dear Mayor McKean and Members of Council,

My name is Tamara Adamson and I own a licensed rental property (STA) located at [REDACTED]

It is my understanding that the Council will be reviewing a number of components of The STA Licensing Bylaw and the enforcement protocols. It is my understanding that the Town's current policy on STA total occupant load limits will be reviewed.

I just want to let you know that I strongly oppose any changes whatsoever to the current manner by which STA total occupant limits are calculated and enforced. I purchased these properties based on specific guidelines that were provided to me at the time of my purchase and any deviation to these bylaws can seriously adversely affect me. I have set up mortgages using these calculations.

Under the above system, my properties have met all the imposed Ontario Fire Code TBMFD managed fire safety requirements and there is absolutely no evidence from the OPP and within the By-law statistics that support a change to the current STA total occupant load limits.

Based on the above information **I urge you to reject any changes to the total STA occupant load limits and allow us to continue to operate as we are today which has been the case since day one of the STA Bylaw enactment.** My property has operated in full compliance with the current STA bylaw, Ontario Building Code and Ontario Fire Code.

In my opinion any changes to these bylaws can negatively impact both myself and the overall tourism in the blue mountain area.

I have been very diligent in following all of the rules and regulations surrounding the STA licensing laws and would truly appreciate if there were no more changes made.

Thank you for your kind consideration

Sincerely,

Tamara Adamson

[Redacted]

Good afternoon, I'm Terry Kellar, Chair of the STA Committee of the Blue Mountain Ratepayers Association. I reside on [REDACTED]

The Staff report being presented today is a very large document and the time allowances permit me to only address a few of the issues it presents.

The STA Bylaws were established in response to a large outcry in the community regarding the disruptive nature of these Businesses in residential areas. The 3 primary reasons they were enacted were to ensure the health and safety of the rental customers (Building code, electrical, fire etc.), comfort (Property standards such as water, heat and parking etc.) and to protect the neighbours and neighbourhoods from nuisance such as noise, parking, garbage etc.

Any Bylaw, OP or Zoning changes need to reference and adhere to these established foundations.

We do applaud the staff and council's efforts to make changes to correct previous errors. We concur with the recommendation to immediately revoke the 9 licenses in violation of the 120 meter separation and to ensure no further licenses will be allowed in these circumstances. One of the other deputations we will hear today seems to question why someone not next to this development would be involved in this matter. I'm involved because they are in clear violation of the Bylaw and if left unchecked would have future implications on all residential zoning in our town. The developers, real estate agents and all others involved with this project should know what Zone they were building in. There may be litigation by the owner's but I not sure the town would be main defendant

Regarding the rental capacity allowed for Legal non-conforming (Grandfathered) licensing, it is clear that the Bylaw allows for 2 persons per bedroom plus a possible additional two in a sleeping area and only one sleeping area is permitted. We agree with the calculations on capacity to include actual bedroom count and ensuring parking availability.

We agree that changes need to be made for the CRU rentals but we are not sure that forcing all the indivial owners to give up the right to rent their property over to a established large operator is the right way to do it.

It is disappointing to us that we are once again revisiting some issues that have been resolved in the past, for instance the role of the RP.

Why does the industry push, promote, and demand an enhanced role for their employees regarding the RP function?? There is an obvious benefit to the owners if consequences are eliminated, reduced or delayed regarding the disruptive activities of their renters. All we need

to do if take a look at the photo which you seen that was taken of the front of an STA on Settlers Way on the March 3 weekend to understand what our residential neighbourhoods are still being subjected to. The question of the RPs role has been reviewed and resolved in the past by this Council and received concurrence from the OPP. Who keeps pushing this issue?

According to the report, Council and the STA operators worked together to implement the RP system but it doesn't acknowledge that the public never supported the notion that an untrained, unregistered, private employee of the STA operator would respond in place of an independent, professionally trained OPP officer to security issues and/or noise complaints against unruly guests staying at an STA. Please do not accept this proposal.

Some interesting facts regarding noise problems are (and I used #s provided by in another Deputation as well as from MPAC and the Licensing spreadsheet) the town receives 2M to 2.5M visitors a year (I will use the midpoint of 2.25M). Approx. 120,000 stay in STA's which means they accommodate 5.3% of the visitors but they are responsible for 32% of the noise complaints which is 6 X's more than you would statically expect. With 7277 dwellings in Town the 269 STA's are only 3.69% of the total but again they are again responsible for 32% of noise complaints which is almost 8.5 X's more than you would expect.

Now staff is recommending that it be mandated that residents MUST call the Bylaw department who will in turn notify the RP to attend to the complaint. If residents do not comply, demerit points will NOT be assigned. That totally defeats the purpose of the STA licensing bylaw by punishing the residents and not the operator. Yet every other resident in our town who doesn't live close to an STA can receive Police assistance and the offenders will be ticketed. Who benefits from this change? Not the residents who were disturbed! The RP works for the STA operator so owes no 'duty of care' to the nearby citizens who made the complaint. The RP will never admit that there was a problem, which would raise the possibility of a fine and demerit points against the owner. The residents are left with no solution as the same event can happen over and over again with new renters weekly and no consequence to the owners. To date no operator has lost his/her license however the fear of that consequence has resulted in reduced noise charges as noted in this report and an improved circumstance for most residents. Self-policing doesn't work! There was no reduction in noise problems after the STA Bylaw was approved until the Town took control and implemented the Licensing and demerit system. This proposal suggests we return to the unsuccessful self- policing method. Therefore we suggest that no change be made at this time to the current reporting system for noise issues.

This report proposes a new method of assessing demerit points for noise complaints. Currently demerit points are not assigned to the owner until a conviction is registered in provincial court against their noisy renters but under the proposed procedure a charge will be laid against the owner which will be taken to provincial court also. Now we would need two convictions before

the Town is allowed to take any actions against the owner. The system that is in place now doesn't adequately serve the residents properly as last year's noise statistics show 42 complaints and only 2 charges ... 40 times people were disturbed and no consequences to the owner, they got a free pass even though they are in violation of the bylaw Where is due process for our residential neighbourhoods? With these proposals there is more likelihood they can get off with a technicality and less likelihood of consequences to owners.

We are all aware of the improvement regarding noise and other STA issues since the demerit system has been enforced. On Page 3 of the report it is noted that since "2014 statistics have shown a decline in noise complaints that appear directly related to the demerit point system in place. So why would we want to weaken it. This proposal does not meet the purpose of the bylaw and along with the proposed changes to the RP process will **destroy** the demerit point program.

Please protect our residential neighbourhoods and not accept the proposed change to the RP and Demerit points systems.

There are other very significant issues regarding the Zoning and OP that we will address at future meetings.

Thank you

From: [Corrina Giles](#)
To: [REDACTED]
Cc: [Council](#); [SMT](#); [Emily Beauchamp](#); [Kirsty Robitaille](#)
Subject: FW: Urgent STA , Delphi lane
Date: May-30-18 1:12:08 PM
Attachments: [image001.png](#)

Good afternoon Shivraj and Akhilesh,
I acknowledge receipt of your email and confirm I have forwarded the same to Council for their information and consideration.

Kind regards,

Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario N0H 2P0
Tel: 519-599-3131 ext 232
Toll Free: 1-888-258-6867
Fax: 519-599-7723
townclerk@thebluemountains.ca



Sign up to receive up-to-date Town news, bulletins and departmental information by visiting:
<http://www.thebluemountains.ca/subscribe.cfm>

From: Shivraj and Akhilesh [REDACTED]
Sent: Monday, May 28, 2018 1:43 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Cc: Sheldon Rosen [REDACTED]; Shivraj Dheer [REDACTED]
[REDACTED]
Subject: Urgent STA , Delphi lane

To whom this may concern,

After attending the last town meeting and given the small opportunity to discuss our STA situation. It was agreed by council that even though we had in writing that we were allowed short term rentals and that over 7 units were sold on that pretense. This also was told in writing to the builder and thus the units we advertised and sold as such. These sales have over \$4million and they were sold and bought based on what the town promised the builders and

us, the end users. That at the end of our license date we would not be renewed and not allowed to rent short term any longer.

This has created a huge financial burden to our family and has created an enormous amount of stress to us to the point where it is adversely affecting our peace and quality of life. It's hard to understand why city will go back on their words (written permissions) which not just impact us but also impact credibility of city adversely.

We fully intend to join together with the other owners at Delphi Lane and begin legal action to sue the city. We look forward to seeing a positive outcome from a judge or we would gladly agree to the city keeping it's original agreement and allowing us to continue with our short term rentals.

Thanks,

Akhilesh Mittal & Shivraj Dheer.



David Finbow
Land Development & Building Code Consulting

June 4, 2018

Mayor John McKean & Members of Council
The Town of The Blue Mountains
32 Mill Street
Thornbury, ON N0H 2P0

**RE: Proposed Amendments to Short Term Accommodation (STA) Official Plan
& Zoning By-law Provisions and Licensing By-law**

I am writing on behalf of the Blue Mountains Short Term Accommodation Owners Association (BMSTA) and further to the Town's Public Meeting held on May 28, 2018 respecting the subject matter.

BMSTA is an association that is dedicated to providing the best possible experience for the visitors and residents to and in The Blue Mountains area and is committed to uniting its' members to provide the highest standards of short term rental management for the benefit of our guests, the local residents and the community as a whole.

As Council is aware, tourism plays a vital role in the local economy with approximately 2.5 million annual visitors to The Blue Mountains and area. Over the past few years we have seen an incredible increase in visits by new Canadians and diverse cultural groups who desire to visit the area as extended groups of families and/or friends. Frequently these groups want to stay together in groups and environments that can only be lawfully and safely accommodated within accommodation provided by our members. A reduction in the currently authorized occupant load may lead to instances where these groups go elsewhere to meet their recreational needs. Further, BMSTA is concerned that this reduction will severely impact The Blue Mountains and area broader tourism industry (food, retail, recreation, etc.). For reference, a reduction of 2 persons per Licenced STA, and assuming that this reduction would come into play 3 nights per week, would equate to a potential reduction of 83,928 person stay nights per annum (269 Licensed Premises x 2 Persons x 156 Nights).

With respect to the proposed amendments to the STA Official Plan and Zoning By-law Provisions and Licensing By-law, BMSTA recognizes:

- The necessity for the Town to "tweak" the policies associated with OPA No. 11 as adjudicated and approved by the Ontario Municipal Board (OMB) so as to

The Blue Mountains – STA OP, ZBL & Licensing Review

align with the structure of the 2016 Official Plan, specifically alignment with the new land use designations;

- The necessity for the Town to “tweak” the regulations associated with By-law Nos. 2009-03 and 2009-04 as adjudicated and approved by the OMB to align with the direction of the future Town wide comprehensive ZBL; and,
- The necessity for the Town to responsibly review the STA Licensing BL/ Program on an on-going basis and to address issues that come forward that are contrary to the goals/objectives of the Program and the community as a whole, including supporting economic development and economic sustainability.

As to the Town’s process and decision making respecting the subject matter, BMSTA believes that significant regard should be had to the successes achieved by the Town’s STA Program in addressing the nuisance issues previously identified by residents. In this regard, Council heard from a number of residents at the Public Meeting who spoke to these successes and noted that the Program “works”, is “successful” and that matters over the past few years are “much better”. In addition to these comments, Council was provided with the following data indicative of a very successful STA Program:

Noise Related Complaints - General Versus STA Related

Year	General	STA Related	Total
2017	89 (68%)	42 (32%)	131
2016	61 (57.6%)	45 (42.4%)	106
2015	75 (54%)	64 (46%)	139
2014	68 (46.6%)	78 (53.4%)	146
Total	293 (56.4%)	229 (43.6%)	522

As Council will note, the number of STA noise related complaints has steadily declined both in number as well as a percentage of the number of complaints received by the Town and the Ontario Provincial Police. Currently there are 269 licensed STAs (The Blue Mountains STA Licence Application Status, Updated November 2, 2017) with a total of 98,185 available rental nights (269 x 365) with an associated 42 noise related complaints – very much indicative of a successful STA Program.

The Blue Mountains – STA OP, ZBL & Licensing Review

Regarding the occupant load (OL) provisions, BMSTA respects the OMB's decision to restrict new STAs outside of the "exception areas" to 8 persons and has no objection to this being carried forward into the new Official Plan Policies and Zoning By-law Regulations. however BMSTA requests that:

- Council respect the OMB's decision/adjudication as to where OL and minimum distance separation (MDS) provisions were not problematic (Key Map Schedules A-1, A-2 and A-3 of Zoning By-law No. 2009-03) and allow the Ontario Fire Code (OFC) life safety provisions prevail;
- Council respect the "legal non-conforming" nature of those STA's that pre-existed the enactment of the Interim Control By-law on February 4, 2008 provided such STA's have lawfully continued;
- Council adopt the recommendations of Town Staff Report BL.14.17, dated June 2, 2014, so as to amend the Town's Property Standards By-law to incorporate an Ontario Municipal Best Practice "person-per-area" formula for all sleeping accommodation (dwelling, rooming house, boarding house, lodging house, motel, hotel, bed and breakfast establishment, CRU, VCRU, etc.); and,
- Town staff be enabled to continue to use its' current policies developed by By-law Enforcement Staff in consultation with the Fire and Building Departments respecting the permissible OL of legally non-conforming STAs, being 2 persons per bedroom + 2 persons per sleeping area (one sleeping area only) + 2 persons.

As to next steps in Council's review of the subject matter, BMSTA respectfully requests that Council direct Staff to report on the following:

1. The outcomes of the STA Licensing Program in mitigating noise, parking and/or garbage/debris concerns associated with STA's;
2. The outcomes of the STA Licensing Program in implementing minimum life safety measures under the Ontario Fire Code for STA's;
3. The relationship and potential beneficial outcomes, if any, on mitigating and/or reducing noise, parking and/or garbage/debris, life safety or overcrowding concerns of STA's if the permitted occupant load of a STA is reduced by two (2) persons; and,
4. In consultation with the Town's Economic Development Advisory Committee, the potential impact on the local economy of reducing the occupant load of STA's by two (2) persons.

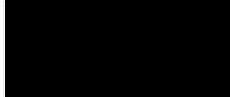
In summary, BMSTA urges Council to have regard to the multi-year collaborative process that has resulted in an effective and successful policy and regulation framework

The Blue Mountains – STA OP, ZBL & Licensing Review

for STAs; to respect the OMB adjudication on STAs, including where MDS and OL provisions were identified to not be problematic; to respect the legally non-conforming nature of STA's in the low density neighbourhoods and the related communications of Town staff and Town counsel to residents and other stakeholders that these STAs were lawfully enabled to continue; and, that Council receive input from Town staff on Items 1 – 4 noted above prior to further consideration of the subject matter.

We respectfully request that this correspondence be included in the June 18, 2018 Council Agenda Package.

Yours truly,



David Finbow (On behalf of BMSTA)

- c. S. Everitt, Interim CAO
- M. Benner, Director, Planning & Development
- S. Postma, Senior Policy Planner
- K. Robitaille, By-law Enforcement
- BMSTA

From: Corrina Giles
To: Debbie Shillington
Cc: council; SMT; Kirsty Robitaille; Emily Beauchamp
Subject: RE: STA License - [REDACTED]
Date: June-08-18 3:41:09 PM
Attachments: image008.png

Good afternoon Ms. Shillington,
I acknowledge receipt of your email and confirm I have forwarded the same to Council for their information.

Kind regards,

Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario
N0H 2P0
Tel: 519-599-3131 ext 232
Toll Free: 1-888-258-6867
Fax: 519-599-7723
townclerk@thebluemountains.ca

Sign up to receive up-to-date Town news, bulletins and departmental information by visiting:
<http://www.thebluemountains.ca/subscribe-for-updates.cfm>

From: Debbie Shillington [REDACTED]
Sent: Friday, June 8, 2018 1:57 PM
To: Corrina Giles [REDACTED]
Subject: STA License - [REDACTED]

Attn: Blue Mountains Town Council

We have received a notice for Kristy Robitaille regarding a new bylaw. Just a FYI read this notice, no formal letter stating you are losing your license or it will not be renewed as of October. Only after I inquired did she give me this information. Apparently you are using the "grandfather" clause against us as a means to take our STA license away. As you waived the grandfather clause to give us our license, I don't believe this is legal.

Thank you to the Town of Blue Mountains for making up the rules as you go along. We have complied with every detail of the STA licensing and have never had a complaint. Our guests have been more than respectful and we do not rent to under 25 or bachelor / bachelorette parties. We have spent thousands of dollars to comply with your regulations and have passed every fire/town inspection.

Kristy states that the other STA units will be allowed to continue as they are "grandfathered" in but we must comply??? What is the big difference of having 4 Sta's or 5? Can we appeal this decision and if so who do we appeal to??? The

town council went through a thorough vetting process to allow us to have this license and now they are arbitrarily taking it away.

You obviously do not think of the owners circumstances and the consequences taking this license away would have on them. We will be selling our unit, which was to be our retirement property in the next 5 years - without the STA license we will have no option. I am very disappointed that we chose Blue Mountains for retirement in the first place as the treatment we get from Town Council is certainly not fair practice and is definitely unjust.

Thanks,
Deb & Johny

Below is our correspondence from Kristy.
Good Morning Debbie,

Did you prepare an email or letter addressed to Council? I only have the email you addressed to me.

This email can be sent to our Town Clerk Corrina Giles who sends all these comments to Council. Email: [REDACTED]

Thanks, Kirsty

From: Debbie Shillington [REDACTED]
Sent: June 7, 2018 10:55 AM
To: Kirsty Robitaille
Subject: RE: STA license Settlers Way

Hello Kristy,
Did you forward our concerns to the Council?
Please let me know.
Thank you,
Deb & Johny

From: Kirsty Robitaille [REDACTED]
Sent: May-30-18 9:13 AM
To: Debbie Shillington [REDACTED]
Cc: BUCKLEY [REDACTED] Stu Frith [REDACTED]
[REDACTED]

Subject: RE: STA license Settlers Way

Good Morning Debbie,

Unfortunately this decision was made by Council , I am not in the position to make those change. The Reason is because with a New STA you have to be 120 m away from the next STA which is set out in our Town Zoning By-law. You may be able to go through a rezoning amendment to allow for this use, but I am not certain on that. I would speak with someone from the Planning Department regarding that. I would also suggest you address your concerns to Council regarding this decision as I am not able to make those changes.

I do apologize for this inconvenience.

Thanks, Kirsty

From: Debbie Shillington [REDACTED]
Sent: May 29, 2018 8:57 AM
To: Kirsty Robitaille; Luc Proulx [REDACTED]
Cc: BUCKLEY; Stu Frith [REDACTED]
Subject: STA license Settlers Way

From: Kirsty Robitaille [REDACTED]
Sent: Monday, May 28, 2018 3:47 PM
To: Debbie Shillington [REDACTED]
Subject: RE: Notice-Delphi Lane

Yes there are 4 "grandfathered" properties in [REDACTED] They are exempted for the 120 m separation distance where as new STA's have to comply. You licence will be good until the expiry , after the expiration date has passed you will be unable to rent short term. You can rent your property seasonally it just has to be more than 30 days, we do not require a licence for that.

If you have any other questions do not hesitate to contact me.

Thanks, Kirsty

From: Debbie Shillington [REDACTED]
Sent: May 28, 2018 3:43 PM
To: Kirsty Robitaille
Subject: RE: Notice-Delphi Lane

Is there another STA within the 120 meters of our unit? And are we going to lose our license?
This is important information as we will have to sell the property – please advise.

From: Kirsty Robitaille [REDACTED]
Sent: May-28-18 3:09 PM
To: Debbie Shillington [REDACTED]

Subject: RE: Notice-Delphi Lane

Debbie,

Yes this does apply to your property as this is not a "grandfathered" unit.

Thanks, Kirsty

From: Debbie Shillington [REDACTED]
Sent: May 28, 2018 9:21 AM
To: Kirsty Robitaille
Subject: RE: Notice-Delphi Lane

Thanks Kristy,
Does this apply to our Unit in Settlers Way?

From: Kirsty Robitaille [REDACTED]
Sent: May-24-18 3:50 PM
To: Debbie Shillington [REDACTED]
Subject: Notice-Delphi Lane

Good Afternoon Debbie,

Please find attached notice, if you have any questions do not hesitate to contact me.

Thanks,

Kirsty Robitaille C.P.S.O
STA Coordinator/Municipal Licensing Officer
Certified Property Standards Officer
Town of The Blue Mountains
Enforcement Services
32 Mill Street, P.O. Box 310 | Thornbury, ON N0H 2P0
Office: 519-599-3131 x309 Fax: 519-599-7723 Toll Free: 888-258-6867
[REDACTED]

Debbie Shillington



[REDACTED]

Follow me:

From: Corrina Giles
To: "denis.martinek"
Cc: council; SMT; Kirsty Robitaille; Emily Beauchamp; Shawn Postma; Lori Carscadden
Subject: RE: Last Weeks STA Public Meeting
Date: June-05-18 1:34:29 PM

Good afternoon Mr. Martinek,
I acknowledge receipt of your email below and confirm the same has been forwarded to Council and staff for their information. We will attach this correspondence to the followup staff report regarding this matter.

Kind regards,

Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario
N0H 2P0
Tel: 519-599-3131 ext 232
Toll Free: 1-888-258-6867
Fax: 519-599-7723
townclerk@thebluemountains.ca

*Sign up to receive up-to-date Town news, bulletins and departmental information by visiting:
<http://www.thebluemountains.ca/subscribe.cfm>*

From: denis.martinek [REDACTED]
Sent: Monday, June 4, 2018 2:18 PM
To: John McKean [REDACTED]; Gail Ardiel [REDACTED]
Bob Gamble [REDACTED]; Joe Halos [REDACTED]; Michael
Martin [REDACTED]; John McGee [REDACTED]; Town
Clerk [REDACTED]; Shawn Everitt [REDACTED]; Michael
Benner [REDACTED]; Rob Collins [REDACTED]; Kirsty
Robitaille [REDACTED]; Elizabeth Cornish [REDACTED]
[REDACTED]; Shawn Postma [REDACTED]; David Finbow
[REDACTED]
Cc: Mark Faiz [REDACTED]; Sheldon Rosen [REDACTED]; Jason
Rubinoff [REDACTED]; 'Israel Ellis' [REDACTED]; Stu
Frith [REDACTED]
Subject: Last Weeks STA Public Meeting

June 4, 2018

Mayor McKean and Members of Council.

The Town of the Blue Mountains

32 Mill St. Thornbury, Ont. N0H 2P0

Re: Short Term Accommodations Occupancy Limits.

I have had some time to reflect on last week's public meeting on short term accommodations and would like to add some observations. I was shocked at the level of resentment that the Blue Mountain Ratepayers Association and residents expressed and their level of attack on short term accommodations. I witnessed their presentations many years ago at the OMB hearings and agree that they did have some merit then but to hear in some cases the exact same presentations these many years after the OMB and after the full implementation of the town's STA Licensing bylaw is way off base. It is beyond reason to compare the situation pre OMB to post STA licensing and to use those exact same arguments. The recent years bylaw & police statistics do not support these arguments.

At the meeting and in conversations with BMRA ratepayers they are issuing a dire warning that Airbnb is taking over their neighborhoods. Under the current town bylaws it is basically impossible for an STA to be developed in a residential neighborhood, maybe the town needs to put out an information package detailing the town's bylaws that explains to these people in layman's terms that it is virtually impossible for a new STA to be developed in a residential neighborhoods. Maybe this would address some of the misinformation out there that residential neighborhoods are at risk. Everybody is entitled to their own opinion but the level of fear mongering and reliance on the situation that existed pre the OMB hearing, where an STA could open in any residential neighborhood, is now being used to try and put the legal STA industry out of business. There is a complete lack of reasonableness by this group, not once was there an acknowledgement by these people to the tremendous success of the STA bylaw and the miniscule level of bylaw infractions compared to the level of tourism we are experiencing. Our community has blossomed into a tourism Mecca attracting around 2.5 million visitors last year and buried within this statistic is that last year there were 42 STA noise complaints, 2 charges and 1 conviction. (131 total noise complaints were registered last year 42 STA, 89 residential) A significant portion of these STA registered noise complaints, based on our discussions with OPP and staff do not even rise to the level of being a valid complaint.

I must admit our STA Association was not prepared for the level of animosity at this public meeting and failed to convey our message about the vital role that STA's play in

tourism. It appeared to me that the ratepayers who spoke have absolutely no interest in our tourism economy and the business's it supports, it is almost as if these people have no regard for the importance and sustainability of our tourism economy that relies on these tourists that visit our community to provide employment to our residents and support the significant tax base from our local businesses.

One of the main issues being considered by the bylaw update is to reduce occupancy in STA's by 2 people. This is being proposed contrary to the successes of the bylaw and contrary to positive statistics on noise, parking, garbage and life safety. It is solely being driven by full time residents in residential neighborhoods who want to put legally operating STA's out of business.

If this proposal to reduce occupancy is approved it will have a significant negative impact on tourism in our area. SEVERAL HUNDRED less people on many weekends will be able to visit this area and buy ski tickets, visit restaurants, cideries, wineries, golf courses, attractions like Scenic Caves, Scandineve Spa, mini golf, etc. A rough calculation based on the amount that the average guest spends visiting the area, would be \$3,000,000 to \$5,000,000 per year in lost revenue.

STA's do not compete with the Blue Mountain Village & Hotels, they are a complement to the mix of accommodations offered in the area. They attract a unique mix of customers – mostly families & groups wanting to all stay together in one large place. We have seen a boom in summer & winter visits by New Canadians and Multi Cultural groups that want to visit the Blue Mountain area as large extended groups of families & friends. The proposed reduction in occupancy may seem small to you but it will have a significant adverse impact on our businesses and the tourism economy which our guests support. These guests want to rent large STA's and a reduction in occupancy will make our area less desirable as a destination.

We currently have the most comprehensive STA bylaw in North America and it has achieved everything that it was originally designed to do. It was built on the collaboration of Town Staff, OPP, Fire Department and STA operators, based on its success why would council want to make such a significant change to the occupancy levels that have legally been in place for the last 3 years ?

The proposed reduction in occupancy will cause significant damage to STA operators, (small businesses) and a host of related local businesses that rely on people staying at STA's for customers.

Sincerely,

Denis Martinek

Tyrolean Village Resorts

CC S. Everitt, CAO

C. Giles, Clerk

M. Benner. Director of Planning

S. Postma. Sr. Planner

K. Robitaille. STA

D. Finbow, Consultant

Denis Martinek

Cell Phone [REDACTED]

From: Corrina Giles
To: [REDACTED]
Cc: council; SMT; Emily Beauchamp; Kirsty Robitaille
Subject: RE: Short Term Accommodation concern
Date: June-04-18 8:30:33 AM

Good morning Mr. Baird and Ms. Jany,
I acknowledge receipt of your comments and confirm the same has been forwarded to Council for their information and consideration. Your comments will be attached to a future staff report regarding this matter.

Kind regards,

Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario
N0H 2P0
Tel: 519-599-3131 ext 232
Toll Free: 1-888-258-6867
Fax: 519-599-7723
townclerk@thebluemountains.ca

*Sign up to receive up-to-date Town news, bulletins and departmental information by visiting:
<http://www.thebluemountains.ca/subscribe.cfm>*

From: [REDACTED]
Sent: Friday, June 1, 2018 12:57 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: Short Term Accommodation concern

We attended the meeting on Monday, May 28th. With so many there, we did not get to share our concerns.

1. We are very concerned that the OPP will not be called immediately for noise complaints after hours. Giving the RP one hour to respond is not acceptable. This may also put the RP in a position they are not qualified to handle. If after the hour that the RP has to respond, it may still be determined that OPP need to be called. This would create an unacceptable delay.
2. The demerit system has been proven to work well. Why would we want to take ten steps backwards. Leave it as is.
3. Need to have a plan in place to eventually eliminate the LNCs in residential areas.
4. We are happy that there would be a maximum of 8 people per unit.

Gordon Baird and Marie Jany

My name is Harvey Wormald and my wife and I are residents at [REDACTED] TBM. The property at [REDACTED] is a licensed nonconforming PARTY PALACE.

I am dismayed at the following

11. That a new section 5.24 be added under General Regulation as follows:

5.24 A person who files a complaint regarding a short term accommodation premise shall contact the Responsible Person of a short term accommodation premise or use the town after hour Service System.

12. That a new section 5.25 be added under General Regulation as follows:

5:25 Demerit points will not be assessed if the Responsible Person was not contacted at the time the complaint was filed.

Blue Mountain staff report is mandating the community to call the responsible person or give up access to a demerit point system by exercising their civic right to file a formal complaint. This is turning the bylaw enforcement into the Blue Mountain game show designed to protect stake holders licenses and owners who don't even live in the community. The town's sole objective is control. What happened to deterrent and consequence addressing bylaw issues to make STA owners more accountable?

POLICING A PRIORITY

The noise bylaw is more than just the disturbance caused by sound. Escalating noise monitors the drug and alcohol abuse and the potential security problems that can arise.

I've have spoken with police at calls and police understand the issues. The town is insensitive to the impact excessive noise has on residents. Policing has been the most dependable and successful form of bylaw enforcement. When the police are called, they respond with the training, expertise, as an impartial authority to address the problems. TAX PAYING PROPERTY OWNERS PAY FOR POLICING!

The Blue Mountains is just about equal parts permanent residence, seasonal property owners and tourist. Permanent residents don't want to use the responsible person, seasonal property owners don't want to use the responsible person, but here it is in a town's staff report.

The Blue Mountains owns the STA license.
The Blue Mountains administers the STA bylaw.
The Blue Mountains enforces the STA bylaw.
The Blue Mountains partners with the STA industry.

A bit of a stacked deck!

How can residents and seasonal property owners have confidence in Blue Mountain's or the STA bylaw?

Ten years ago, Mr. David Finbow stated at a public meeting that the STA problem was the most emotionally charged issue residents and property owners of the Blue Mountains have ever experienced. Today the STA issue still is.

My wife and I cannot support the above sections and will not use the Responsible Person.
We urge town council not to support sections 5.24 and 5.25.

[REDACTED]

Date: 5/29/2018

Re: STA By-law Review-Letter of Comment on Total STA Occupant Load

Dear Mayor McKean and Members of Council,

My name is James Watt and I own a licensed rental property (**STA**) located at [REDACTED]
[REDACTED]

I understand that Council will soon be reviewing a number of components of The STA Licensing Bylaw and the enforcement protocols. A Staff Report shall be presented to The Committee of The Whole on May 29th. 2018 and ultimately to Council. One of the items within that Staff Report, that shall be under review, will be the Town's current policy on STA total occupant load limits that have been established in the STA By-law.

I just want to let you know that I strongly oppose any changes whatsoever to the current manner by which STA total occupant limits are calculated and enforced. The policy, since the enactment of the STA Bylaw, has factored in one permitted and allowable sleeping space, within each STA as a defined bedroom in addition to consideration being given to all other existing bedrooms within the dwelling. This approach resulted in the total STA occupant loads having established and accepted benchmarks since day one of STA Licensing that remain in place today. That current system is in compliance with the +2 model that has factored in the approved sleeping space as a defined bedroom. This approved system has resulted in my property being able to operate under what was informally known as the + 4 total occupancy model.

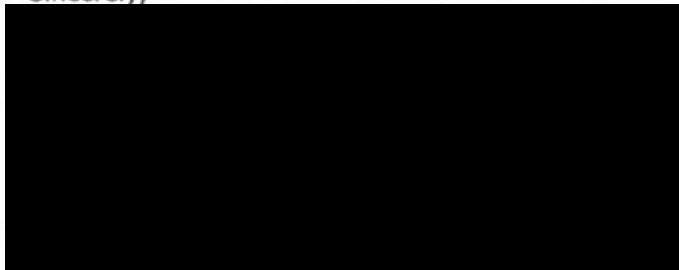
Under the above system, my property has met all the imposed Ontario Fire Code TBMFD managed fire safety requirements and there is absolutely no evidence from the OPP and within the By-law statistics that support a change to the current STA total occupant load limits.

I therefore urge you to reject any changes to the total STA occupant load limits and allow us to continue to operate as we are today which has been the case since day one of the STA Bylaw enactment. My property has operated in full compliance with the current STA bylaw, Ontario Building Code and Ontario Fire Code. The STA Licensing Bylaw, in the Blue Mountains, is already certainly the most onerous and strict STA by-law in North America.

Furthermore any proposed changes will both have a negative economic impact on my rental business and will also negatively affect the tourism experience of the large and ever-expanding portion of the tourists that travel as large groups to the Town of the Blue Mountains. These are primarily multi-cultural groups and they represent the fastest growing market demographic versus all others.

Thanks for your time and consideration.

Sincerely,



May 24, 2018

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

Please receive this letter as our response to the proposed changes to the current Short Term Accommodation (STA) Licensing By-law.

We are part-time residents of the Blue Mountains and bought our property for the quiet enjoyment of this beautiful area with our family and friends. We have several friends who have also done the same thing, and we all travel here throughout the year to enjoy our homes.

The proposed changes to the STA Licensing By-law do not enhance the existing By-law, and instead would make things more difficult and unpleasant for residents and neighbours of these commercial, rental properties. Every weekend, different groups of people rent these properties, often in large numbers, and many seem unaware they are located in quiet, residential neighbourhoods. Especially because there are different groups each time, these properties must be managed so they do not disturb their neighbours just as the existing STA and Noise By-laws state.

We do not wish to interact with the changing renters, owners or managers of STA properties. If there is a noise or other disturbance, especially at night, we will contact the OPP for assistance. They are trained to deal with these situations and our taxes pay for their role in enforcing provincial and town laws. The Town By-law Officers should also be in charge of enforcing all of our By-laws, and there should be no special treatment for the STA businesses. The Responsible Person is an employee of the STA and should be ensuring that disturbances do not occur; it is not the resident's responsibility to watch the property and inform them of problems.

We trust that Town Council will maintain the existing STA By-law and will not implement the proposed changes. We plan to enjoy our retirement property for many years and do not wish to see our neighbourhoods negatively affected by incompatible developments. Please protect our residential neighbourhoods!

Sincerely,

Mirko and Melissa Radjenovic



To: Kirsty Robitaille [REDACTED]
Cc: Sheldon Rosen [REDACTED] reem El Haj
[REDACTED]

Hi Kristy, definitely very disappointed to read the notice. We had bought the property based on the fact that we would be allowed to rent it out and use it for ourselves whenever required. I have spent a lot of money in order to ensure the guests at [REDACTED] really enjoy their mini-vacation with their families. I bought all high end appliances and furniture and back in October added a brand new hottub with a gazebo as well as fenced in the backyard for the guests privacy. This makes my family situation very stressful by no fault of my own. The town had clearly approved the STA license based on the fact that the property did qualify for STA use so I don't understand the decision to not allow us to continue our STA license beyond the expiration date early next year.

Please do forward my email to whoever is making this decision since this is not acceptable and this decision must to be reversed. I look forward to renewing the STA license in April 2019 for my property at [REDACTED] Blue Mountains.

Regards

Nadir

On Thu, May 24, 2018 at 3:32 PM, Kirsty Robitaille [REDACTED] wrote:

Good Afternoon Nadir,

Please see attached notice, if you have any questions do not hesitate to contact me.

Thanks,

Kirsty Robitaille C.P.S.O
STA Coordinator/Municipal Licensing Officer
Certified Property Standards Officer
Town of The Blue Mountains
Enforcement Services
32 Mill Street, P.O. Box 310 | Thornbury, ON N0H 2P0
Office: 519-599-3131 x309 Fax: 519-599-7723 Toll Free: 888-258-6867
[REDACTED]

This e-mail is intended only for the named recipient(s) and may contain legally privileged and confidential information which is exempt from disclosure under applicable law. Any unauthorized use, distribution or copying is strictly prohibited. If you have received this e-mail in error, or are not the intended recipient, please notify the sender immediately by reply e-mail, and permanently delete the original message. Please be aware that Internet communications are subject to the risk of data corruption and other transmission errors. By submitting your or another individual's personal information to the Town of The Blue Mountains you agree, and confirm your authority from such other individual, to our collection, use and disclosure of such personal information in accordance with the

Provided to Clerk at
May 28/18 court ntg.

May 25, 2018

Mayor and Council

Town of the Blue Mountains

Blue Mountains, ON

Dear Mayor McKean and Members of Council,

We are full-time residents of the Town of the Blue Mountains and have lived here for more than 50 years. We have attended numerous OMB Hearings and Public Meetings regarding STA rental houses in the Town. We strongly agree with other residents that these commercial businesses should not be permitted in largely residential neighbourhoods. They are incompatible with these neighbourhoods, as the OMB rulings have stated. Before licensing and enforcement of penalties, there were many more instances of noise and other disturbances to residents. The past 2 years have been much quieter since penalties were enforced.

We strongly disagree with many of the proposed changes to the STA Licensing Bylaw. Town Bylaws must apply fairly to all residents and businesses, and must be impartially enforced by the Town Bylaw Officers and the OPP.

- We do not support the proposal to have disturbances and Bylaw infractions referred to the STA employee: the Responsible Person, instead of being directly investigated by a trained law enforcement official and agent of the Town.
- We do not support discontinuing Council's responsibility and role in dealing with local STA issues through the Council's STA Appeals Committee.
- We do not support the proposal that Demerit Points will not be assessed if the Responsible Person was not contacted at the time of the complaint.
- We do support the current STA Licensing Bylaw, and the Warning regarding disturbances contained in the Renter's Code which constitutes the First Warning to renters.

Why backtrack on all the good work previously done to manage the STA problems that occur? The last 2 years have successfully shown how the system in place can work.

WHY DISMANTLE IT???

Otherwise we will all be back in these chambers and/or court, fighting this battle over and over again and nothing will have been accomplished.

Please continue to well serve and represent the residents and other businesses in this Town which look to you to provide consistent and fair enforcement of our Bylaws.

Sincerely,

Robert and Ilene Crossan

May 29, 2018

Council and Staff

Follow up to May 28 Public Meeting

I have few additional points and some takeaways from last night's Public meeting that I would like to submit the following points.

Before the meeting I heard a few residents talk about how long this 'fight' has been going on. Their answer was "Its more than 10 years".

That in of itself is troubling. But what is also troubling is the emotion is just as raw. Both sides have it!

I tried to make the point to you last night that I would really like the facts to be addressed. Emotional bias is not productive for any side of this issue

As I state a lot lately, everyone is entitled to their own opinion, but no one is entitled to their own set of facts.

Presentations like the one by Mr. Finbow that Cleary took the time to research the law and corresponding data are helpful. But the residents heckled him as if to say they are not interest in facts. Yet when he worked for the Town and crafted much of this legislation, they cheered him.

We continue to present our 24 hour security plan with licensed agents, but resident after resident dismisses this and continues to refer to an RP as an employee. Why isn't a professional solutions being acknowledged?

Why aren't you studying the economic impacts all of this has on the Town.

Why are residents concerned about the economic viability of the Town

If I can try and be objective, I truly believe the STA industry has worked with Bylaw and Fire department staff to ensure 'the health and safety of the travelling public". It's in our best interest to do so. A few weeks ago the fire department commented to me that the STA fire safety measures are now so over the top, they exceed other stricter regulations i.e. rooming and boarding rules. We have supported these measures and engage our staffs to monitor life safety. Yet the ratepayers don't see or except what has been imposed on the STA owners.

The fact that only 1/3 of all noise complaints are from STA's, is a fact. But as ratepayers, staff and council, why isn't anyone concerned about the 66% of the problem. And nothing is being done to address the bigger issue. Yet we have spent 10+ years fighting about 1/3 of the issues. And spend millions of dollars doing so.

The ratepayers do not want us to have our day in court. If they were in a legal jeopardy, I am sure they would want and expect "their day in court". It's a constitutional right!

My final take away is that it really is time for staff and council to take the emotional banter out of this issue and focus on facts. Work with both sides to develop those stats and if need be present them to both sides in an objective manner.

ITS BEEN 10+ YEARS.....ITS TIME!

Sheldon Rosen

President

The Lodges at Blue Mountain.