



Staff Report

Fire/ Enforcement Services

Report To: Council
Meeting Date: July 10, 2017
Report Number: FAF.17.89
Subject: Short Term Accommodation (STA) Program Sustainability
Prepared by: Rob Collins, Fire Chief/ Director of Enforcement Services

A. Recommendations

THAT Council receive Staff Report FAF.17.89, entitled "Short Term Accommodation (STA) Program Sustainability";

AND THAT Council authorize staff to end the "pilot" status of the STA Licensing Project, and establish the STA Licensing Program as a permanent program;

AND THAT Council authorize the three contract staff positions currently involved in the delivery of the STA Licensing program becoming permanent positions.

B. Overview

This report will analyze the STA program from the standpoint of financial performance, specifically the ability of the program to be self-sustaining.

C. Background

The Short Term Accommodation (STA) Program was established as a pilot project in 2014 with the intent of developing a self-sustaining licensing and regulating program for Short Term Accommodations within the Town. The results and outcomes of the program have previously been analyzed in a Council Workshop and Program Update, presented to Council on November 21, 2016 (attached).

This Staff Report will focus on the fiscal sustainability of the STA program, based on revenues and expenses to date, as well as projections of future numbers. Based on this analysis, a recommendation can be made to terminate the pilot project, and to go forward with a permanent program of STA Licensing and Regulation.

D. Analysis

Annual Program Costs:

The bulk of the annual STA program costs are related to salaries and benefits. The program involves partial Full Time Equivalent allocations for three positions - 100% of the Program Coordinator STA/Municipal Licensing Officer position; 25% of the By-Law Admin/Alarm Program Administrator position; and 20% of the contract MLEO position. All of these are currently contract positions. In addition, 10% of the Director of Enforcement Services position is allocated to the program. Staff have reviewed the STA budget and based on previous years actual expenditures, have revised the projected operating expenditures.

The chart below summarizes the revenue and expenses for the STA program over six years. This chart assumes that all positions will be made Full-Time Permanent once the STA program becomes a permanent program.

In addition to the salary and benefit costs, the STA program also has an operating budget, which is summarized below. These include the typical departmental budget lines, covering the cost of items such as office expenses, vehicle maintenance, health and safety, legal fees, after-hours answering service, etc.

Because most of the first wave of licenses were issued in the first year, and with the 2-year license duration, there is an imbalance in the renewal cycle. Every second year the program processes a large number of renewals, while the volume is much less on the alternate years. As a result, there are large fluctuations in annual revenue.

The number of license applications has already exceeded the Town's initial estimates, and therefore the revenue figures are higher than originally forecasted.

	2016 Actual	2017 Actual (Forecasted)	2018 Budget	2019 Budget	2020 Budget	2021 Budget	Total
Salaries & Benefits	\$109,038	\$124,000	\$141,635	\$144,145	\$147,033	\$150,000	\$815,851
Program Expenses	\$ 21,032	\$ 34,320	\$ 35,820	\$ 45,935	\$ 46,292	\$ 47,014	\$230,413
Total Expenses	\$130,070	\$158,320	\$177,455	\$190,080	\$193,325	\$197,014	\$1,046,264
Total Revenue	\$ 97,800	\$226,300	\$ 79,500	\$267,000	\$ 88,776	\$282,750	\$1,042,126

Based on the above chart, the STA program should be able to continue as a self-sustaining operation, at least for the near future. Staff anticipate that License Fees and Renewals will be sufficient to offset the operating expenses associated with the operation of the program.

This analysis does not take into account the enforcement part of the program, only the licensing and administrative functions. The enforcement of by-laws relating to the STA program is done through our regular By-law Enforcement program. Administrative penalties and fines are not accounted for in the STA revenue estimates, nor are related costs included in the

expenses. This approach is consistent with forecasting done in the past as part of the program analysis.

In order to continue to operate this program, it is recommended that the STA Program Coordinator/Municipal Licensing Officer, By-Law Admin, and MLEO contract positions be made permanent. These positions are critical to the continued viability of the STA program, and are also key to the continued efficient provision of other By-law services. As all of these positions are part of the current and projected operating budget. The financial impacts are the cost of benefits for all three positions, and an increase in the By-law Admin position and STA coordinator resulting from correcting the pay band level to match that of other positions in the organization.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Goal #2: Engage Our Communities & Partners

F. Environmental Impacts

None.

G. Financial Impact

The increase in salaries and benefits can be captured within the 2017 Approved Budget.

H. In consultation with

Ruth Prince, Director of Finance and IT Services
Jennifer Moreau, Manager of Human Resources
Troy Speck, CAO

I. Attached

- Council STA Workshop November 21, 2016

Respectfully submitted:

Rob Collins
Fire Chief/Director of Enforcement Services

For more information, please contact:
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519-599-3131 extension 258



FAF.17.89
Attachment 1

Short Term Accommodation (STA) Licensing Program

Council Workshop and Program Update

Special Meeting of Council

November 21, 2016



WORKSHOP OVERVIEW

	Topic
1.	Staff Introductions
2.	Workshop Overview
3.	STA Licensing Program Overview
4.	STA Licensing Program Status Update
5.	STA Premises Inspections
6.	STA Licensing By-law Enforcement
7.	Demerit Points & Administrative Penalties
8.	Licensing By-law: Responsible Person Provisions
9.	Options to Administer the Responsible Person Provisions
10.	Questions & Answer Session
11.	Staff Report PDS.16.128



The STA Licensing Program Overview & Status Update

STA Concerns:

- Notwithstanding the recognized need and importance of STA rentals they have nonetheless been a concern of our residents, our visitors and to the Town for a number of years and for different reasons.



The STA Licensing Program Overview & Status Update

STA Concerns

- Noise (including intoxicated public)
- Public disturbances; traffic safety and parking concerns
- Overcrowding of units
- Ontario Fire Code
- Personal safety and security issues



The STA Licensing Program Overview & Status Update

STA Concerns

- Vandalism to both private and public properties
- Loss of property values
- Irresponsible or absentee owners/operators
- Increased enforcement related issues to the OPP



The STA Licensing Program Overview & Status Update

Risk to not having measures in place to mitigate liabilities





The STA Licensing Program Overview & Status Update

The Town's Response to STA Concerns

- Interim Control By-law No. 2008-12: Feb. 4, 2008.
- Prohibited new STA uses in all residential zones in the municipality in order that a study be completed with respect to these uses and to determine whether further regulations for these uses were warranted.



The STA Licensing Program Overview & Status Update

Various Stakeholders:

- Our Full Time Residents
- Our Visitors
- STA Operators
- Real Estate Agents
- Rental Management Companies
- Agents acting on behalf of clients
- By-law / OPP



The STA Licensing Program Overview & Status Update

The Town's Response to STA Concerns

- Upon the completion of the study, Council proceeded to adopt an Official Plan Amendment and enacted various zoning by-law amendments so as to regulate STA uses.
- These amendments, all as modified, were approved by the Ontario Municipal Board on June 22, 2011.



The STA Licensing Program Overview & Status Update

The Town's Response to STA Concerns

- STA Licensing By-law No. 2013-50 enacted November 25, 2013
- Came into effect July 2, 2014
- The STA Licensing Program established



The STA Licensing Program Overview & Status Update

STA's are not permitted low density residential zones unless pre-existing.

- Only an existing STA established before February 4th 2008 may continue to operate in low density residential zones (R1, R2, R3, R4 for example).
- Provided that they can seek relief from s. 34(9) of the Planning Act - otherwise known as legal non-conforming status or "grandfathered".



The STA Licensing Program Overview & Status Update

- STA's are however encouraged in higher density residential areas and must be licenced to operate.
- These zones mostly consist of townhouse type condominium development.



The STA Licensing Program Overview & Status Update

205 STA Licences Issued to Date

Click on Sign to add
and place signatures
PDF file.

**SHORT TERM ACCOMMODATION
LICENCE NO. PRSTAL2014-
MAXIMUM OCCUPANT LOAD = 10 PERSONS**

LOCATION:		ROLL NO.:	00000
DATE ISSUED:		DATE OF EXPIRY:	

SHORT TERM ACCOMMODATION (STA) PREMISES CONTACT INFORMATION

Contact	Name	Telephone	Email
Owner:			
Rental Agent/Agency:			
Responsible Person:			

THIS LICENCE HAS BEEN ISSUED UNDER STA BY-LAW 2013-50, AS AMENDED SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
The owner of the above STA premises shall:

1. Display this Licence and floor plans of the premises permanently in a prominent place.
2. Ensure that the responsible person identified on this Licence is able to attend the premises upon request WITHIN 1 HOUR from the time of contact by telephone or email.
3. Ensure that each renter has been provided and has acknowledged receipt of the Rental Agreement/Renter's Code.
4. Ensure the renter is familiar with The Town of the Blue Mountains Noise By-law and that in the event of the notification of a complaint, the Ontario Provincial Police may, upon attendance, issue a Notice of Offence which carries with it a fine upon conviction, of \$615.00 for a first offence.
5. Retain a copy of the entered into Rental Agreement/Renter's Code for a period of one year.
6. Maintain records of renters' information including the name, date of entry, the length of stay and home address of the renter for a period of one year and shall make available to an Officer upon request.
7. Allow an employee or agent of the Town to inspect the STA premises so as to determine compliance with By-law 2013-50, as amended, the Ontario Fire Code, Ontario Building Code or Provincial Legislation or Regulations.
8. Maintain the STA 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 STA premises.
9. Ensure that the STA premises is operated and used in a fashion such that the operation of the STA will not cause a disturbance to the neighbourhood.
10. Operate the STA premises in accordance with the approved Parking and Property Management Plan issued with this Licence.

Any person who contravenes any provision of By-Law 2013-50 is guilty of an offense 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. Furthermore, an Officer who finds that a person has contravened any provision of By-law 2013-50, as amended, may issue a penalty notice addressed to that person who will be liable to pay The Town of the Blue Mountains an administrative penalty in the amount of \$250. Upon the confirmation of an administrative penalty or an Order the STA Operator will be assessed demerit points accordingly.

TOWN OF THE BLUE MOUNTAINS

Municipal Licensing Officer

DEMERIT POINT SYSTEM (Section 6.0, By-law 2013-50)	
INFRACTION	DEMERIT POINTS
Fire Protection & Prevention Act/Fire Code	15
Operating Without a Licence, Building Code (Construction w/o permit)	7
Sleeping In Excess of Max. Permitted, Non-availability of Responsible Person, Noise By-Law Infraction	5
Not Providing Updated Information, Contrary to Parking or Property Management Plan	3
Property Standards Violations	3
Long Grass; Waste/Garbage Collection	2

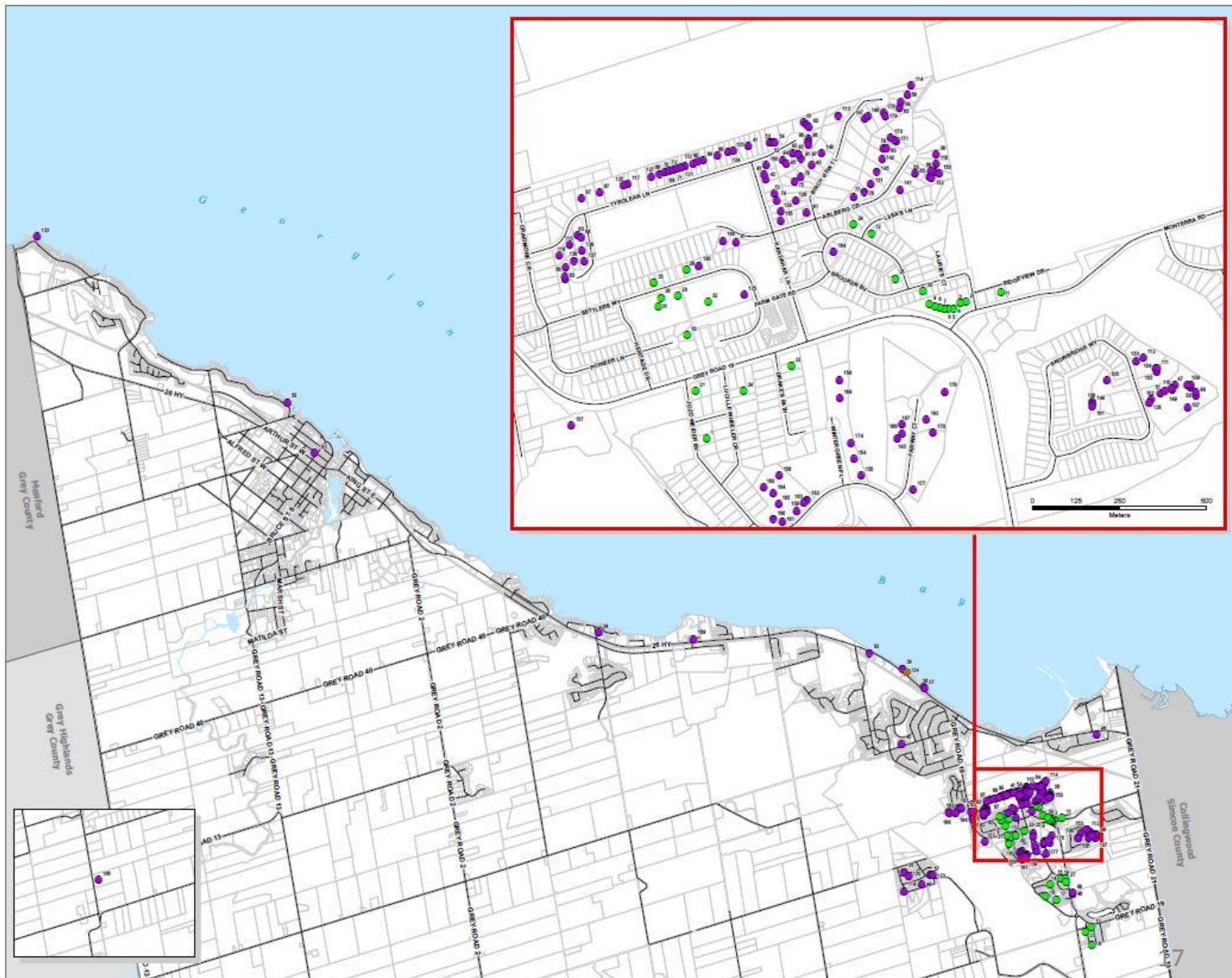
THIS LICENCE IS NON-TRANSFERABLE AND IS VALID FOR A PERIOD OF 2 YEARS FROM THE DATE OF ISSUANCE.



The STA Licensing Program Overview & Status Update

STA License	2014	2015	2016 YTD	Total
Applications Received	145	47	23	215
STA Licences Issued	0	178	27	205

Approximately 40 are in low density residential zones which have legal non-conforming status under s. 34(9) of the *Planning Act* (“grandfathered”)





STA Licence Application Status - Town of The Blue Mountains

Updated: 26-Aug-16

No.	File no. (Confidential-Internal use Only)	Address	Applicant	Owner	Owners Information (Confidential-Internal use Only)	Responsible Person	Responsible Person Address (Confidential-Internal use only)	Application Date	Licence Application Status	Inspection Status (Internal Use Only)	Maximum Sleeping Occupancy	Current Status	Licence Expiry
1	2014-139	119 Jozo Weider Blvd.	Gerald Norman	Gerald Norman	99 Bayfield St, Box 732 Barrie, ON, L4M4Y5	Gerald Norman gnorman@dlaw.ca (705) 726-2272	99 Bayfield St, Box 732 Barrie, ON, L4M4Y5	Apr. 22, 2014	COMPLETE	CONFORMS	6	Licence issued Jul. 3, 2015	Jul. 3, 2017
2	2014-153	104 Brooker Blvd., Unit 1	Mark Falz Sakkeja	Blue View Chalet - Mark Falz Sakkeja	8 Rean Drive, Toronto, ON M2K 3B9	Debbie Coulter (705) 888-1670, email: deb.coulter@gmail.com	118 Brooker Blvd, Town of The Blue Mountains, ON	Apr. 25, 2014	COMPLETE	CONFORMS	14	Licence issued Apr. 14, 2015	Apr. 14, 2017
3	2014-154	104 Brooker Blvd., Unit 2	Mark Falz Sakkeja	Blue View Chalet - Mark Falz Sakkeja	8 Rean Drive, Toronto, ON M2K 3B9	Debbie Coulter (705) 888-1670, email: deb.coulter@gmail.com	118 Brooker Blvd, Town of The Blue Mountains, ON	Apr. 25, 2014	COMPLETE	CONFORMS	14	Licence issued Apr. 14, 2015	Apr. 14, 2017
4	2014-155	104 Brooker Blvd., Unit 3	Mark Falz Sakkeja	Blue View Chalet - Mark Falz Sakkeja	8 Rean Drive, Toronto, ON M2K 3B9	Debbie Coulter (705) 888-1670, email: deb.coulter@gmail.com	118 Brooker Blvd, Town of The Blue Mountains, ON	Apr. 25, 2014	COMPLETE	CONFORMS	14	Licence issued Apr. 14, 2015	Apr. 14, 2017
5	2014-156	104 Brooker Blvd., Unit 4	Mark Falz Sakkeja	Blue View Chalet - Mark Falz Sakkeja	8 Rean Drive, Toronto, ON M2K 3B9	Debbie Coulter (705) 888-1670, email: deb.coulter@gmail.com	118 Brooker Blvd, Town of The Blue Mountains, ON	Apr. 25, 2014	COMPLETE	CONFORMS	14	Licence issued Apr. 14, 2015	Apr. 14, 2017
6	2014-157	104 Brooker Blvd., Unit 5	Mark Falz Sakkeja	Blue View Chalet - Mark Falz Sakkeja	8 Rean Drive, Toronto, ON M2K 3B9	Debbie Coulter (705) 888-1670, email: deb.coulter@gmail.com	118 Brooker Blvd, Town of The Blue Mountains, ON	Apr. 25, 2014	COMPLETE	CONFORMS	14	Licence issued Apr. 14, 2015	Apr. 14, 2017
7	2014-158	104 Brooker Blvd., Unit 6	Mark Falz Sakkeja	Blue View Chalet - Mark Falz Sakkeja	8 Rean Drive, Toronto, ON M2K 3B9	Debbie Coulter (705) 888-1670, email: deb.coulter@gmail.com	118 Brooker Blvd, Town of The Blue Mountains, ON	Apr. 25, 2014	COMPLETE	CONFORMS	14	Licence issued Apr. 14, 2015	Apr. 14, 2017
8	2014-159	104 Brooker Blvd., Unit 7	Mark Falz Sakkeja	Blue View Chalet - Mark Falz Sakkeja	8 Rean Drive, Toronto, ON M2K 3B9	Debbie Coulter (705) 888-1670, email: deb.coulter@gmail.com	118 Brooker Blvd, Town of The Blue Mountains, ON	Apr. 25, 2014	COMPLETE	CONFORMS	14	Licence issued Apr. 14, 2015	Apr. 14, 2017
9	2014-160	104 Brooker Blvd., Unit 8	Mark Falz Sakkeja	Blue View Chalet - Mark Falz Sakkeja	8 Rean Drive, Toronto, ON M2K 3B9	Debbie Coulter (705) 888-1670, email: deb.coulter@gmail.com	118 Brooker Blvd, Town of The Blue Mountains, ON	Apr. 25, 2014	COMPLETE	CONFORMS	14	Licence issued Apr. 14, 2015	Apr. 14, 2017
10	2014-378	145 Pioneer Lane	Jacqui Snyder	Jacqui Snyder	138 Indian Rd., Toronto, ON M6R2V6 snyderj@rogens.com	The Lodges at Blue Mountain, (705) 805-1452 / (705) 888-0716 rentals@bluemountainlodges.ca / guestservices@bluemountainlodges.ca snyderj@bluemountainlodges.ca	705458 Grey Road 19, Town of The Blue Mountains, ON L9Y 0P5	Jul. 28, 2014	COMPLETE	CONFORMS	10	Licence issued Feb. 23, 2015	Feb. 23, 2017
11	2014-379	110 Ridgeview Drive	Tony Micelli	Tony Micelli	123 Wimbeldon Rd., Toronto, ON M9A3B4 (416) 231-9883, (406) 460-2807 flamingo@rogens.com	Curtis Micelli, (416) 233-4347	123 Wimbeldon Road Toronto, ON M9A 3B4	Jun. 28, 2014	COMPLETE	CONFORMS	10	Licence issued Jun. 12, 2015	Jun. 12, 2017
12	2014-380	102 Lisa's Lane	Tony Micelli	Tony Micelli	124 Wimbeldon Rd., Toronto, ON M9A3B4 (416) 231-9883, (406) 460-2807 flamingo@rogens.com	Curtis Micelli, (416) 233-4347	123 Wimbeldon Road Toronto, ON M9A 3B4	Jun. 28, 2014	COMPLETE	CONFORMS	10	Licence issued Jun. 12, 2015	Jun. 12, 2017

The information contained in this report is confidential under s. 43(2) of the STA Licensing System 2015/16, as amended. For further information please contact the Municipal Licensing Office at STLicensing@bluemountains.ca

1



The STA Licensing Program Overview & Status Update

STA Licensing Fees

• Initial STA Licensing Fee (2 years)	\$2,000.00 *
• Increase in STA Premise Occupant Load	\$ 750.00 *
• Renewal STA Licensing Fee (2 years)	\$ 750.00 *
• STA Licensing Committee Appeal Fee	\$ 500.00
• Council STA Appeal Fee	\$ 500.00
• STA Licensing Committee Meeting Fee	\$ 250.00
• STA Licensing Committee Hearing Fee	\$ 250.00

* Under review



The STA Licensing Program Overview & Status Update

Objectives of the STA Licensing Program

- 1. Safety Provisions**
- 2. Health Provisions**
- 3. Neighbourhood Compatibility**



The STA Licensing Program Overview & Status Update

1. Safety Provisions

Life-safety issues/concerns such as:

- Early warning & detection
- Proper exits
- Structurally adequate deck structures
- Overcrowding
- Sleeping in Basements



The STA Licensing Program Overview & Status Update

1. Safety Provisions

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- Early warning & detection
- Proper exits
- Structurally adequate deck structures
- Overcrowding
- Sleeping in Basements



The STA Licensing Program Overview & Status Update

1. Safety Provisions

The Fire Services and By-Law Services Staff jointly implemented Enhanced Fire Safety Measures which focus on early warning detection.

- Interconnected smoke alarms in each bedroom
- Carbon monoxide detectors adjacent to bedrooms
- Exit signage
- Corridor and Emergency Lighting
- Ontario Building Code compliant egress in basements



The STA Licensing Program Overview & Status Update

1. Safety Provisions

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- Interconnected smoke alarms in each bedroom
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- Corridor and Emergency Lighting
- Ontario Building Code compliant egress in basements



The STA Licensing Program Overview & Status Update

1. Safety Provisions

A key component of ensuring that the fire safety measures are in place is the submission of a **Fire Safety Plan**.



Occupant load

1. Safety Provisions

The maximum number of occupants within a dwelling that is being operated as a STA premises shall not exceed a total number based upon:

- Two (2) persons per bedroom plus an additional two (2) persons.
- (e.g. 2 bedrooms = 6 occupants max.)



The STA Licensing Program Overview & Status Update

1. Safety Provisions

The STA Licensing By-law requires certain inspections:

- Electrical Safety Authority (ESA) inspections
- Fire Safety inspections
- Property Standards inspections



The STA Licensing Program Overview & Status Update

1. Safety Provisions

By-law Staff conduct the Fire Safety and Property Standards Inspections whereby:

- A written report summarizing the deficiencies (if any) are provided to the owner.
- They are given 15 business days to complete the items and/or provide the necessary information.



The STA Licensing Program Overview & Status Update

2. Health Provisions

Health issues/concerns such as:

- Overcrowding
- Minimum Interior Property Standards
- Conditions of Private Sewage Systems



The STA Licensing Program Overview & Status Update

3. Neighbourhood Compatibility

Issues/concerns such as:

- Minimum Property Maintenance Standards
- Waste Management
- Parking Management
- Zoning Provisions



STA Premises: Inspections

STA Premises Inspections	2014	2015	2016 YTD	Total
Property Standards/Fire Safety Inspection	0	313	59	372
Re-Inspections	0	152	9	161
Total Inspections Completed	0	465	68	533



STA Premises: Inspections

Common Deficiencies Noted

- Inadequate egress provisions in basements – some not at all!
- Inadequate smoke alarms – some STA premises found to have none or were not working.



STA Premises: Inspections

Common Deficiencies Noted

Unsafe Decks

- Approx. 75% of STA premises to date were found to have UNSAFE deck structures
- 2 storey decks attached by nails only
- Guards inadequate missing and/or unsafe



STA Premises: Inspections

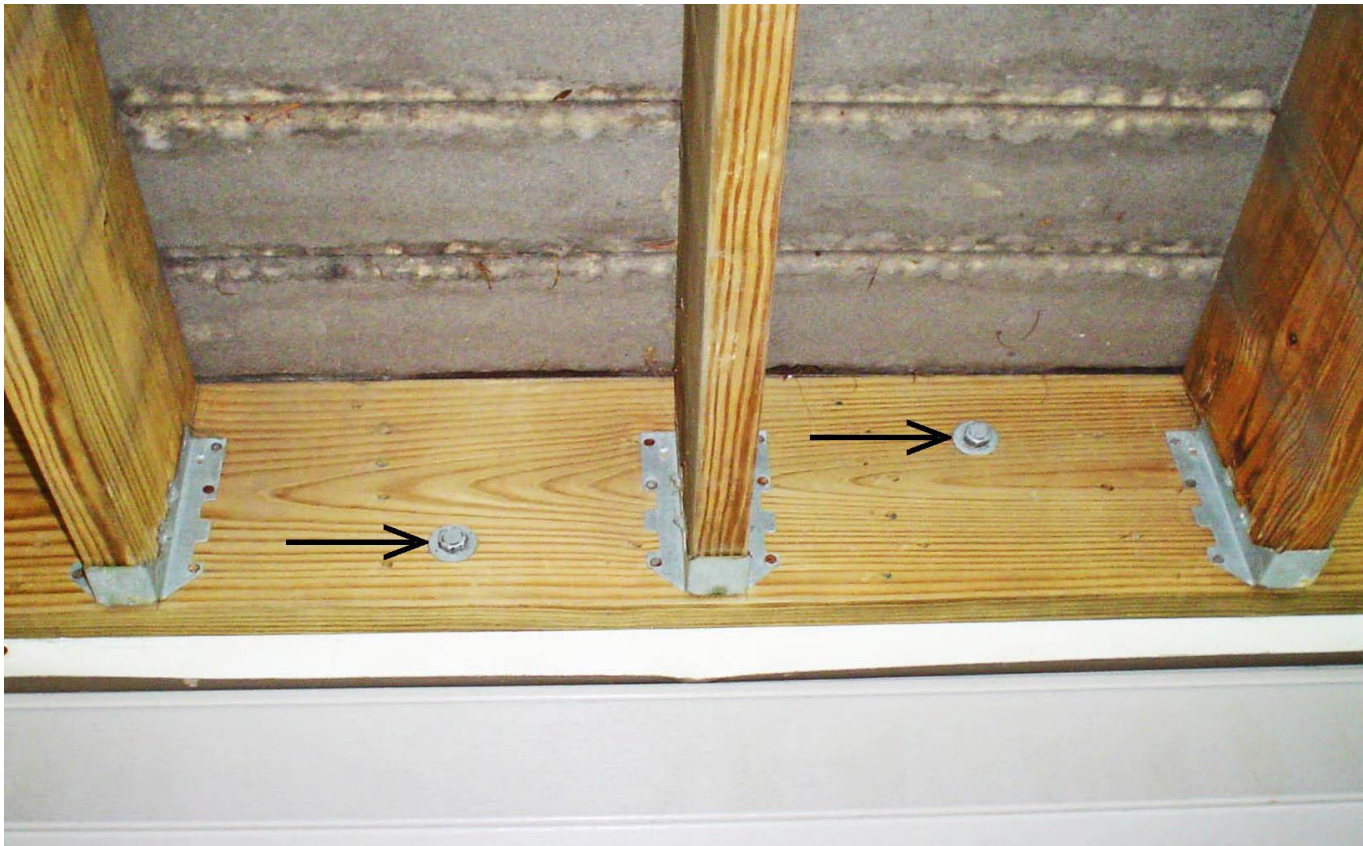
Unsafe deck connection to structure





STA Premises: Inspections

Safe deck connection to structure



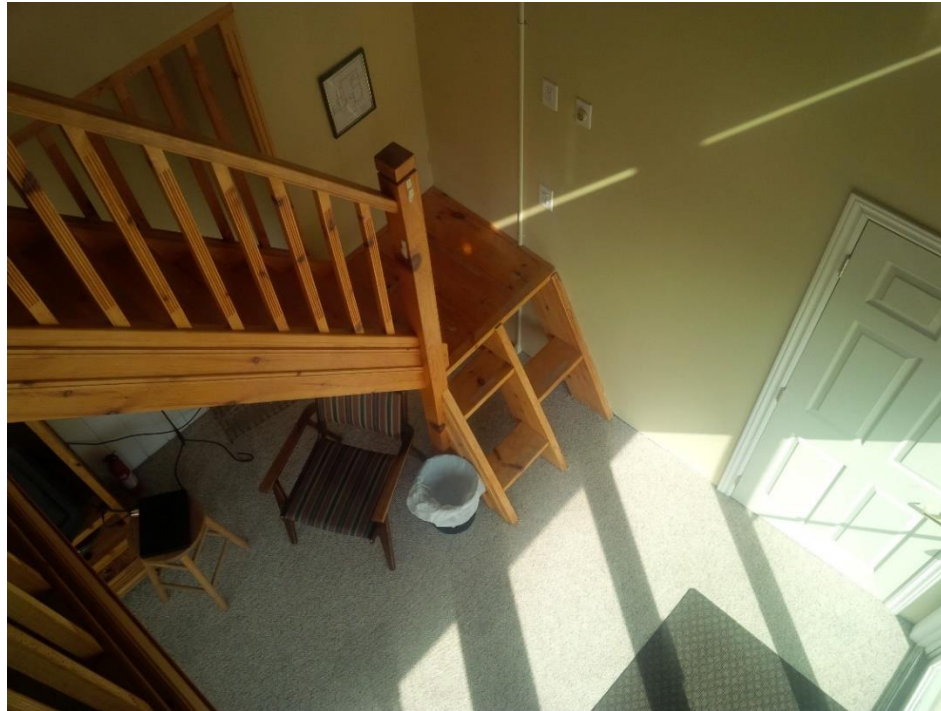




STA Premises: Inspections

Common Deficiencies Noted

- Unsafe?





STA Premises: Inspections

Common Deficiencies Noted After





STA Premises: Inspections

Other Common Deficiencies:

- Inadequate septic systems
- Missing handrails on stairs
- Missing guards around stair openings and stairs
- Loose railings
- Broken tiles in showers



STA Premises: Inspections

Inspection Blitz (Oct. 2016)

- Staff conducted an inspection blitz on 40 STA Licenced premises over a 3 day period.
- All were determined to be operating in general compliance with property standards, fire safety and the conditions for which the licences were issued, save for a few minor items that have since been resolved.
- Warnings were issued to 27 STA owners / operators or 68% of those inspected as maintenance records were not being kept or updated.



STA Premises: Inspections

Inspection Blitz (Oct. 2016)

- Communication to **ALL STA Licence holders** as a reminder to keep detailed records as required under the STA By-Law.
- Future inspections revealing inadequate record keeping may result in fines and demerit points being assessed as per the STA Licensing By-law.
- **Note:** all 178 up for renewals next year will be re-inspected and asked to produce their maintenance records.



STA Licensing By-law: Enforcement

Unlawful operations of a STA premises continues to be a priority for By-Law Services Staff.

- From July 2, 2014 to present there are a total of 270 STA investigation under investigation.



STA Licensing By-law: Enforcement

- Not only complaint driven but also through pro-active enforcement measures.
 - Checking rental websites (Airbnb/VRBO etc)
 - Site investigations & monitoring

- Over 100 STA warning letters have been issued
 - If located in an area not prohibited the owners are ordered to cease and desist the STA operation or apply forthwith for a licence.



STA Licensing By-law: Enforcement

- Where a violation of the STA By-law has been substantiated, the owner of the property in question is notified in writing to either submit a STA Licence Application or cease the rental of the dwelling on a short term basis.
- In accordance with the By-Law Services Division's enforcement policy, voluntary compliance is the preferred method of compliance and the owner is given 15 business days to respond to the "warning letter".



STA Licensing By-law: Enforcement

Charges are laid under sec. 5.1 of the STA By-law “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.”



STA Licensing By-law: Enforcement

- Over 25 charges laid
- 100% convictions registered
- Approx. \$60,000 in fines assessed YTD



STA Licensing By-law: Enforcement

	2015	2016	Total
Operating without a STA Licence	11	15	26
Pending Disposition	-	12	12
Conviction Registered	11	3	14



Demerit Points

Infraction	Demerit Points
Fire Protection & Prevention Act/Fire Code	15
Operating without a licence	7
Building Code Act (construction w/o a permit)	
Sleeping in excess of maximum permitted	5
Non-availability of Responsible Person	
Noise By-law Infraction	
Not providing updated information	3
Contrary to Parking Management Plan	
Contrary to Property Management Plan	
Not posting licence	
Property Standards	3
Long Grass	2
Waste/Garbage Collection	2



Demerit Points

Meeting with the Committee

- Accumulation of seven (7) demerit points: the Manager will require the Owner to attend a Meeting with the Committee.
- Purpose of the meeting: 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.



Demerit Points

Hearing with the Committee

- Accumulation of least fifteen (15) Demerit Points: the Manager will require the Owner to attend a Hearing with the Committee.
- 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.



Administrative Penalties

- An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.
- Any person who contravenes any provision of the STA By-law shall, upon issuance of a penalty notice be liable to pay to the Town an administrative penalty in the amount of \$250.00.



Administrative Penalties

Description	2015	2016	Total
Noise By-law Infractions	4	8	12
Administrative Penalties	1	2	3
STA Licensing Committee Appeals	0	6	6



Administrative Penalties

- A person may appeal an administrative penalty to the STA Committee
- 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.



Responsible Person Provisions

The following are the current Responsible Person (RP) provisions within the STA Licensing By-law:

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;



Responsible Person Provisions

Section 5.13 of the STA Licensing By-law states:

The owner of a short term accommodation premises 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.



Responsible Person Provisions

At centre of the RP issue is how the RP is contacted and by whom.



Responsible Person Provisions

Mr. Stu Frith in his Deputation to Council of September 7, 2016 contended that the RP mechanism is being circumvented and underutilized by some residents and as such is not being employed fully to the extent of the by-law; the RP and not the OPP is required to be called according the by-law.



Responsible Person Provisions

Mr. Frith has further indicated that a number of STA owners/operators have reported to have been contacted by this method and that issues of concerns were successfully resolved without the involvement of By-law Enforcement Staff or OPP resources.



Responsible Person Provisions

- More recently in September 2016, in response to Stu Firth's deputation, Council and Staff received a number of responses from residents who live within the vicinity of licensed STA premises and have re-affirmed their concern with contacting the RP directly.
- Among other reasons, there are no consequences or deterrent for minimizing future disturbances



Responsible Person Provisions Options to Administer

Current Administration of the RP Provisions

1. Notification from a member of the public
2. Notification from By-law Staff during normal business hours.
3. Current Standard Practice: After Normal Business Hours
4. By-law Services during after normal business hours (OPP pilot project).



Responsible Person Provisions

1. A Member of the Public Contacts the RP
 - The RP's contact information is required to be posted to the Town's website
 - Any issue with a licensed STA premises - a member of the public may contact the RP directly to communicate their concerns *should they decide to do so*.



Responsible Person Provisions

1. A Member of the Public Contacts the RP

- It is then the RP's responsibility to attend to the matter and resolve the issue within the prescribed one (1) hour time frame.
- The RP issue has been a concern that has been strongly opposed by some residents, specifically the notion of contacting the RP in any instance.



Responsible Person Provisions

The RP issue has been a concern that has been strongly opposed by some residents, specifically the notion of contacting the RP in any instance.



Responsible Person Provisions

Some residents strongly oppose the option to directly contact the RP for reasons as noted below:

- Fear of retaliation by STA owners/managers
- No consequences in the form of Demerit points/Administrative Penalties to the STA Operator and
- Because of the lack of these penalties the RP mechanism is not a deterrent;



Responsible Person Provisions

- No incentive on the owner in deterring further violations;
- The RP provisions only addresses the symptoms and is not a cure in addressing repeated nuisances; and
- Concerns that RPs are not accountable to the Town/residents and/or properly trained to deal with the issues such as unruly tenants, etc., and this could be a liability for the Town.



Responsible Person Provisions

- Lack of trust between STA operators/managers and affected residents
- A deeply rooted situation which more than likely may never be resolved.



Responsible Person Provisions

Mandating that concerned residents contact the RP when an issue concerning a licensed STA premises arises, is an option that will not be successful in every instance.



Responsible Person Provisions

1. A Member of the Public Contacts the RP

In our opinion mandating that concerned residents contact the RP when an issue concerning a licensed STA premises arises will not be successful in every instance.

Recommendation:

- ***Staff recommend to Council that notification to the RP should remain optional at the individual's discretion and that no changes to the responsible Person provisions within the STA Licensing By-law No. 2013-50, as amended, are required at this time.***



Responsible Person Provisions

2. Notification from By-law: normal business hours.

- At this time, the Town does not provide after hour By-law Enforcement services.
- Normal business hours are between
 - 7:30 AM to 4:30 PM Monday to Friday
 - 10:00 AM to 3:00 PM on Saturdays.



Responsible Person Provisions

- The RP is contacted by By-law Services Staff by telephone and/or email;
- Details including time is recorded;
- The RP attends to the situation (garbage for example);
- The RP contacts By-law Staff within one hour of being contacted to address the complaint and action taken;



Responsible Person Provisions

- In most instances, By-law Staff follow up to confirm the matter has been resolved;
- The complainant is notified of the action taken; and the by-law case is closed.



Responsible Person Provisions

3. After Normal Business Hours

- At this time, the Town does not provide By-law Enforcement services after normal business hours
- Exception: the enforcement of the Noise By-law No.2002-09; current responsibility of the OPP under the OPP Services contract with the Town



Responsible Person Provisions

3. After Normal Business Hours

OPP Noise Occurrence Procedures

- Noise complaints are received at the main OPP dispatch centre via the OPP non-emergency line (888-310-1122)
- Two OPP Officers attend to the premises, assess the situation and either issue a warning or lay charges pursuant to an infraction (charges) under the Noise By-law.



Responsible Person Provisions

3. After Normal Business Hours

OPP Noise Occurrence Procedures

- Attendance to disturbance is on a priority basis
- For example, attendance to an accident scene would take priority. Attendance to a noise complaint could take several hours in some instances.



Responsible Person Provisions

3. After Normal Business Hours

OPP Noise Occurrence Procedures

- Summary of OPP Occurrences provide to By-law Services is provided typically within 2 business days (Monday or Tuesday following the weekend).
- OPP noise occurrence reports are also provided to By-law Services on a monthly basis.



Responsible Person Provisions

3. After Normal Business Hours

OPP Noise Occurrence Procedures

Where an OPP occurrence to a licensed STA premises has been confirmed by the Municipal Licensing Officer, procedures are initiated in accordance with the established policies procedures as outlined in Policy POL.STAL.14.03, *STA Licensed Premises: Noise By-Law Infractions*.



Responsible Person Provisions

3. After Normal Business Hours

OPP Noise Occurrence Procedures

- In regards to the determination by the OPP to the laying of charges (or not) if the officers arrive and do not hear loud noise, then a statement of the complainant is required in order to initiate a charge.
- In those instances, Police cannot lay the charge and only issue a verbal warning to occupants.

	2013				2014				2015				2016			
	Occurrences		Charges		Occurrences		Charges		Occurrences		Charges		Occurrences		Charges	
	Total	STA	Total	STA	Total	STA	Total	STA	Total	STA	Total	STA	Total	STA	Total	STA
JAN	7	3	0	0	8	4	2	0	10	4	2	0	15	4	5	2
FEB	4	2	1	1	10	4	3	1	7	3	0	0	11	5	2	1
MAR	3	1	0	0	8	4	3	2	5	2	1	0	5	2	0	0
APRIL	2	1	0	0	1	0	0	0	2	2	0	0	4	1	1	1
MAY	16	9	2	1	21	12	2	2	19	11	3	1	11	5	2	1
JUNE	15	7	0	0	26	12	5	5	29	13	2	2	13	4	1	1
JULY	10	4	2	2	20	11	2	0	22	7	1	1	12	3	2	1
AUG	17	9	4	2	22	15	5	5	18	8	3	3	16	10	0	0
SEPT	7	3	5	3	11	6	0	0	14	6	0	0	4	3	1	1
OCT	5	1	1	0	8	4	4	3	2	1	0	0				
NOV	2	1	0	0	4	2	1	1	4	3	1	1				
DEC	8	4	2	0	7	4	0	0	7	4	0	0				
TOTAL	96	45	17	9	146	78	27	19	139	64	13	8	91	37	14	8
OPP Noise Occurrence Summary May – Sept (Highest Volume Period)																
Total	65		68%		100		68%		102		73%		52		60%	



Responsible Person Provisions

3. After Normal Business Hours

Highest volume of OPP occurrences during the months of May to September:

- Approximately 70% of the OPP noise occurrences during this time frame in each of the past 3 years.
- For example, during the months of May to September 2015:
 - 102 of the 139 (74%) of the total occurrences for that year
 - 45 of the 64 (70%) of the total occurrences to a STA premises.



Responsible Person Provisions

4. OPP Pilot Project

- By-law Enforcement Staff and the OPP have collaborated on a joint enforcement/patrol during after-hours,
- Noise/disturbance related complaints.



Responsible Person Provisions

3. After Normal Business Hours

- After normal business hours, the RP provisions are not utilized.
- Staff have discussed with the OPP the possibility of them contacting the RP prior to attending an occurrence, however, the OPP have confirmed that their policies and procedures precludes them from doing so, therefore, *this is not an option.*



Responsible Person Provisions

3. After Normal Business Hours

- This is a concern with some STA operators/managers as outlined in Stu Frith's deputation to Council.

"The gap is that there is no structure or plan in place to allow the RP mechanism to function and correspondingly be assessed as it relates specifically to the matter of noise."



Responsible Person Provisions

3. After Normal Business Hours

- Staff do agree that a gap does exist in relation to the administration of the RP provisions after normal business hours insofar as that the RP provisions are not being utilized.



Responsible Person Provisions

3. After Normal Business Hours

- Reviewing alternative options requires an understanding and monitoring of the current issues given that the STA licensed premises have been operating the first year under the STA Licensing Program.
- With an understanding of the scope of the issues, alternative options can be reviewed comprehensively.



Responsible Person Provisions

3. After Normal Business Hours

- It is for that reason that By-law Enforcement Staff and the OPP collaborated on a pilot project for after-hours patrol
- With an understanding of the scope of the issues, alternative options can be reviewed comprehensively.



Responsible Person Provisions

4. OPP Pilot Project

- Patrols were conducted between the hours of 10:00 PM to 4:00 AM on Friday and Saturdays of a long weekend
- Focus mainly within the Craigleith/Village area.



Responsible Person Provisions

4. OPP Pilot Project

Health & Safety and notification protocols were implemented whereby one MLEO and up to two OPP officers attended to noise related complaints.



Responsible Person Provisions

4. OPP Pilot Project

- A total of 75 patrol hours conducted over 14 shifts
- 35 Parking Infraction Notices (PINs) issued (overnight parking violations)
- 4 Parking related warnings (1 related to a licensed STA premises)



Responsible Person Provisions

4. OPP Pilot Project

11 Noise related issues attended to where:

- 8 Warnings issued to licensed STA premises
- 1 POA Charge to a licensed STA premises
- 1 Warning to a non-STA premises
- 2 complaints were determined to be frivolous (unfounded).



Responsible Person Provisions

4. OPP Pilot Project

- 1 attendance to a fireworks complaint
- For the 8 warnings issued to STA premises noted above, the RP was contacted, save and except for one instance. The RP attended as required and no further occurrences were reported for the corresponding evening.



Responsible Person Provisions Other Options

1. Third Party After-Hours Answering Service
2. Private Security Services
3. Enhanced After Hours By-law Enforcement



Responsible Person Provisions

Other Options

1. Third Party After-Hours Answering Service

- Any calls received after hours would be re-routed from the current By-law Services ext. 249 to the Huronia Alarm Answering Services (HA)
- The complainant would provide details to the HA agent
- The HA Agent would log all details of the complaint



Responsible Person Provisions

Other Options

1. Third Party After-Hours Answering Service

- HA would have available the STA Licensed Premises information including the RP contact information
- The HA agent would determine whether the complaint is related to a licensed STA premises



Responsible Person Provisions

Other Options

1. Third Party After-Hours Answering Service

- The HA agent would contact the RP and notify them to attend to the situation and document the time.
- The complainant's information would remain confidential.
- The RP would have one hour to report back the HA agent



Responsible Person Provisions Other Options

1. Third Party After-Hours Answering Service

- Occurrences received by HA would be sent to By-law Services the following day.
- Occurrences received Friday to Sunday would be sent to By-law Services the following Monday.



Responsible Person Provisions

Other Options

1. Third Party After-Hours Answering Service
 - At this time, the By-law Enforcement line (ext. 249) is set on the weekends to be forwarded to a MLEO that monitors the line.
 - An on-call premium of \$150/weekend in addition to 3.0 hours overtime is paid every weekend for a total of \$7,800.00 per year and 156 overtime hours which is paid in lieu time off rather than paid out.



Responsible Person Provisions

Other Options

1. Third Party After-Hours Answering Service

The RP issue aside, the Huronia Answering Service would provide an enhanced level of service for all calls to By-law Enforcement during after-hours at a reasonable cost and substantially less than our current costs to provide the same service.

Recommendation:

- ***Staff recommend to Council that this option be included in the 2017 budget process so as to implement 24/7 after-hours answering service for all By-law matters.***



Responsible Person Provisions Other Options

2. Private Security Services

Security Services for STA Owners/Managers

A number of STA owners/managers including VisitBlueMountain.com/STABlue, Tyrolean Village Resorts, Lodges at Blue Mountain and more recently Blue View Chalets, since the summer of 2015 have engaged Chime Security to proactively patrol their properties.



Responsible Person Provisions Other Options

2. Private Security Services

Chime Security has provided overnight weekend and some weekday overnight security patrols to respond to any issues that arise as result of any resident complaint or concern; as outlined in Stu Firth's email dated February 21, 2016.

Recommendation:

Staff recommend to Council that this option not be reviewed at this time.



Responsible Person Provisions Other Options

3. Enhanced By-law Enforcement: After-Hours

Summary of Tiny Township After-Hours By-law Enforcement

- Tiny Township currently employs summer students for after-hours By-law Enforcement
- Contracts Huronia for their after-hours answering service; the following is a summary of their program:



Responsible Person Provisions Other Options

3. Enhanced By-law Enforcement: After-Hours

Summary of Tiny Township After-Hours By-law Enforcement

- A one week in class training session is provided for all new/ returning students; By-law review, how to write a proper Part II and III infraction notices and attending a day use of force/Provincial offence session.
- Student rates approx. \$15.50/hour; Shift Supervisor \$18.50/hour



Responsible Person Provisions

3. Enhanced By-law Enforcement: After-Hours

Summary of Tiny Township After-Hours By-law Enforcement

Protocol for Attending Noise Complaints

- Huronia Alarm & Security (HAS) receives all after-hours calls
- By-law Enforcement contacted by Huronia Alarms dispatch service
- A Municipal Law Enforcement Officer (MLEO) attends to complaint



Responsible Person Provisions

3. Enhanced By-law Enforcement: After-Hours

Summary of Tiny Township After-Hours By-law Enforcement

Protocol for Attending Noise Complaints

- After 9pm two (2) MLEO's attend to a noise complaint ("buddy system")
- OPP only attend where required (uncooperative person)



Responsible Person Provisions

3. Enhanced By-law Enforcement: After-Hours

Summary of Tiny Township After-Hours By-law Enforcement

Shift Schedule

- Students start the first week of May until September (Labour Day Weekend)
- Monday – Thursday 2pm to 11pm
- Friday – Sunday 6:30pm – 3:00am
- No after-hours By-law Enforcement after the Labour Day Weekend



Responsible Person Provisions

3. Enhanced By-law Enforcement: After-Hours

Recommendation:

Staff recommend to Council that the option of employing summer co-op students be included in the 2017 budget process to be reviewed by Council.



Our Common Goal

The Town's STA Licensing Program has drastically changed the short term rental landscape:

- ✓ Safer accommodations
- ✓ Respecting our long term residents
- ✓ Reduce reliance on OPP resources
- ✓ Short term operators more accountable
- ✓ Mitigated liability risks to the Town



Challenges

A lot of work to get to where we are today

- As with any new program we have gone through lots of growing pains and challenges
- Lack of startup policy and guidelines – no other model



Challenges

A lot of work to get to where we are today

As with any new program we have gone through lots of growing pains and challenges

- Lack of startup policy and guidelines – no other model
- Resistance to change
- STA stakeholders having different and competing interests
- Managing Program costs



Leadership

STA and “short term rentals” a growing concern in North America.

- Several municipalities including Collingwood, Toronto, Mississauga, Markham, Waterloo and London amongst others have recently contacted the Town’s By-law Division inquiring on our STA program.
- A presentation has also recently been given to the Town of Collingwood Department Head’s as they face similar issues over STA rentals and are looking at avenues to regulate.



Responsible Person Provisions

Summary of Recommendations

- Notification to the RP should remain optional at the individual's discretion and that no changes to the responsible Person provisions within the STA Licensing By-law No. 2013-50, as amended, are required at this time.
- Staff recommend to Council to implement 24/7 after-hours answering service for all By-law matters and be included in the 2017 budget process.
- Staff recommend to Council that the option of employing summer co-op students be included in the 2017 budget process to be reviewed by Council.



Our Common Goal

