

Short Term Rental Update and Licensing Program DS2022-093

June 22, 2022

Background OLT and Oral Decision

- OLT hearing held from March 22-29, 2022
- Chair Sharyn Vincent issued an oral decision at the conclusion of the hearing indicating it was effective that day
- The OLT interim (oral) decision allowed the appeal and repealed By-law 2020- 073 which is no longer in effect. Additionally, the Interim Control By-law 2018-071 is also no longer in effect.
- No written decision has been issued to date as required by the Ontario Lands Tribunal Act/Rules of Practice and the Statutory Powers and Procedures Act

April 1, 2022 Council Direction

- A special meeting of Council was held on April 1, 2022
- The following motions (as outlined in the staff report) were read out during the Open Session and are recorded in the April 1, 2022 Council minutes (a public document)

Motion No. SC220401-5

Moved by Greenlaw, Seconded by Veitch

Be it resolved

1. That the confidential verbal information presented by Robin Dunn, CAO, Andria Leigh, Deputy CAO/Director, Development Services and Chris Williams, Aird & Berlis LLP re: Solicitor-client privilege; Litigation affecting the municipality (Short Term Rentals (STR), Ontario Land Tribunal (OLT)) be received.
2. That Township legal counsel and the CAO be authorized to take whatever steps are necessary to protect the Township's review/appeal options regarding the OLT oral decision rendered on March 29, 2022 pending release of the OLT's written decision.
3. That the Township staff bring forward a report outlining the licensing process, necessary resources and draft licensing by-law for Council's review and consideration.

Unanimously Carried.

April 1, 2022 Council Direction

- The following motions (as outlined in the staff report) were read out during the Open Session and are recorded in the April 1, 2022 Council minutes (a public document)

Motion No. SC220401-6

Moved by DeSousa, Seconded by Scott

Be it resolved that, further to Item 4c), Township legal counsel and staff proceed to commence an Application under the Municipal Act.

Carried.

Follow Up from April 1, 2022 Council Direction

- Based on Council's direction at the April 1, 2022 meeting a number of follow up actions have been undertaken:
 - Legal counsel has filed a Notice of Motion to Appeal the decision (pending receipt and review of the written OLT decision).
 - Township Staff are working on the required application materials to commence the applications under the Municipal Act (prosecutions) on a number of properties.
 - Staff report on licensing process and resources and draft licensing by-law included on this Council agenda for Council's consideration

Licensing Process/Program

- There is no requirement that the Township implement a licensing system for STR's –it is increasingly being employed in other municipalities
- A licensing system provides additional controls for the Township to address: occupancy limits, maximum rentals, insurance, parking, noise, garbage, rental code of conduct, penalties, suspension, and revoking of license, Ontario Building Code and Ontario Fire Code.
- A licensing by-law establishes annual licensing fees, administrative penalties and fines, inspections, and orders for by-law contraventions
- Licensing provides additional enforcement tool (in support of zoning by-law)
 - i. set fines for infractions (advertising/operating without a license) under Part 1 of the Provincial Offences Act – maximum penalty allowed is \$ 500
 - ii. Prosecution under Part III of the Provincial Courts to obtain higher fines \$25,000-\$50,000 or closure of premises

Draft Licensing

- Licenses would only be issued for Short Term Rental Accommodations that are permitted under the Township's Zoning By-law
- Dedicated STR's cannot obtain a license –should they advertise or operate they would be charged/fined under the licensing by-law (if enacted)
- Proposed Classes of licenses would only apply to short term rental accommodations permitted by the zoning by-law
- Chart of Page 3 of Draft By-law includes classes and parameters (Number of STRs operated by the same Owner, Total number of nights rented per year, Minimum number of consecutive nights of stay, Maximum number of occupants per STR) where direction from Council on these numbers was being requested

Today's report and draft licensing were brought forward as a result of Council's April 1, 2022 direction with intent for Council to review

Further direction is required from Council regarding a determination to proceed or not to proceed with a licensing program/by-law

Regardless of Council's direction on the licensing program, staff will continue with the applications under the Municipal Act as directed by Council on April 1, 2022

