

Staff Report

To: Council
From: Brent Spagnol, Director of Development Services
Meeting Date: May 13, 2026
Report No.: DS2026-061
Subject: Short Term Rental Accommodation Program-Update
Type: For Information Only
Motion No.:

Recommendation

It is recommended:

1. That Report No. DS2026-061 be received for information.

Introduction

The purpose of this report is to inform Council and to apprise the general public about the status of the Township's Short-Term Rental Accommodation Program (the program). The program is multi-faceted consisting of both legislative and policy provisions to ensure that effective instruments/tools are in place for the program to achieve the following objectives:

1. Ensure safe, healthy and peaceful neighbourhoods
2. Ensure life safety provisions are in place to manage the operation of STRAs
3. Provide effective tools for regulation and enforcement
4. Establish structured process for the establishment of STRAs
5. Establish clear land use regulations (permissions vs. prohibitions)
6. Reduce the potential for significant costs associated with litigation (Court and OLT Appeals)
7. Establish a financially sustainable program (revenue generation to cover costs)

The intent of this report is to outline the current status of the program along with the next steps to outline the implementation of the program with the goal of providing effective and factual communication prior to the roll out of various initiatives needed to implement the program.

Background

The Township has been attempting to address community issues associated with Short-Term Rental Accommodation (STRA) since 2018.

In March 2023, Council passed a motion directing staff to address the issue of Short-Term Rental activity within the municipality, and this matter has remained a significant area of focus since that time. In response, staff have undertaken research, reviewed enforcement challenges under the existing regulatory framework, and examined best practices across Ontario to identify a more effective approach for managing Short-Term Rentals.

At its meeting of September 11, 2024 Council received staff [Report DS2024-093](#) which provided an overview of the Township's efforts and evolution of the Township's actions pertaining to short term rentals including the court proceedings pertaining to the appeal of By-law 2020-073 "Commercial Accommodation" which was initiated in 2020 with the Divisional Court rendering a final decision in March 2024.

As outlined in the DS2024-093 report, since 2018 the Township has pursued enforcement proceedings and regulation under the *Planning Act* through both the Provincial Offences Court and the Ontario Superior Court in relation to Short-Term Rental activities which presented significant challenges with:

- 1) Securing accurate, reliable, and sufficient evidence to meet the legal threshold of proving beyond a reasonable doubt that a Short-Term Rental was being operated at a given property. These evidentiary limitations significantly constrained the Township's ability to achieve successful prosecutions under the previous regulatory framework.
- 2) Determining a clear threshold of when a dwelling unit being used as a rental accommodation crossed into being used for commercial accommodation.
- 3) The overall efficiency, effectiveness and overall feasibility of using this approach alone.

The decisions of the OLT also clarified that the short-term rental of a dwelling unit had to reach the threshold of commercial accommodation before it could be determined it was in violation of the Zoning By-law. It also provided some guidance on the potential threshold of evidence required.

Given the above, the Township has undertaken considerable research, community engagement, and advancement of actions to provide a program to meet the objectives listed above.

Over the last two years the Township has undertaken the following to enhance regulation and the enforcement of STRAs:

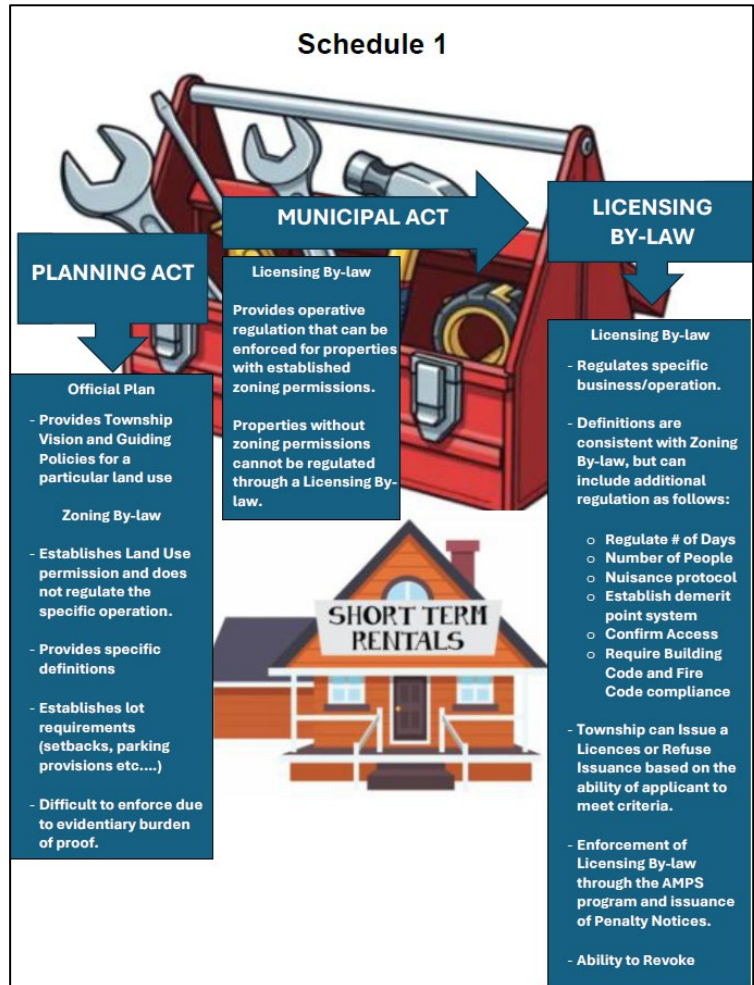
- Administrative Monetary Penalty Process direction provided on March 27, 2024-[Link to Staff Report DS2024-026](#)
- Public Education Session on Enforcement of Short-Term Rental Accommodations on October 16, 2024-[Link to Staff Report DS2024-124](#)

- Best Practice Review of Short-Term Rental Accommodations-January 22, 2025-[Link to Staff Report DS2025-004](#)
- Short Term Rental Accommodation Public Consultation Session on March 24, 2025 (In-Person Session)
- Completion of Draft Licensing By-law and acceptance by Council on August 13, 2025-[Link to Staff Report DS2025-062](#)
- Settlement Discussions and preparation of new revised Official Plan Policies to resolve Official Plan Appeals at the Ontario Land Tribunal (OLT) (January 2025 to December 2025) Resolution of the OLT appeals and Establishment of STRA Official Plans, March 30, 2026.

The work completed to date is representative of a multi-faceted approach required to establish a program that establishes clear land use policies, clear zoning provisions, and licensing provisions that allow for the enforcement of nuisances by utilizing tools provided within the Planning Act and the Municipal Act.

This report covers the following components being facilitated through the STRA program:

1. *OLT Update/Short-Term Residential Accommodation Official Plan Policies (Schedule 2-OLT Decision and STRA OP Policies)*
2. *Minutes of Settlement Details and Process*
3. *Short Term Rental Accommodation Licensing By-law Updates and Implementation*
4. *Short-Term Rental Accommodation Zoning Framework*



OLT Update/Short-Term Residential Official Plan Policies

At the time of the Official Plan approval in 2023, three appeals were filed with respect to the STRA policies. In efforts to resolve these appeals and bring the STRA Official Plan policies into force, Township staff, with the assistance of the Township Solicitor, engaged in without prejudice/confidential settlement discussions with the Parties.

Resolving the appeals was an important milestone to establish the policy framework for Short-Term Rental Accommodations in the Township as there was no Short-Term Rental Accommodation official plan policy guidance in place. Such policy guidance is needed at

the Official Plan level to lay the foundation for the Township to move forward with the other two pillars (Zoning and Licensing) to effectively manage STRAs in the municipality.

Resolution of the STRA appeals through settlement was considered to be the most financially prudent and expeditious approach, avoiding a costly hearing while enabling the timely implementation of needed STRA policies.

Formal minutes of settlement were prepared and executed with parties whom appealed Section 4.13 of the new Official Plan. The parties are listed below:

- Oro-Medonte Association for Responsible STRs (RSTRs) – Section 4.13 Short Term Rental
- Carriage Country Club Inc. – Section 4.13 Short Term Rental & Part 7: Glossary definition of Short-Term Rental Accommodation
- HSV GP Inc. – Section 4.13 Short Term Rental & Part 7: Glossary definition of Short-Term Rental Accommodation

The OLT issued a decision dated March 30, 2026 approving newly revised STRA Official Plan policies.

The newly in-force STRA Official Plan policies establish a structure and framework to guide land use planning applications and are intended to reflect the values/objectives of the Township.

An overview of the revised STRA Official Plan policies is provided below:

- Provide a definition for various types of rental arrangements.
- Recognize STRAs that advertise as permitted uses within the Village One (V1) Zone including any (V1) Exception Zone and Residential Two Exception 123 (R2*123) Zones.
- Distinguishes between Short-Term Rental Accommodations that are part of a block of rental properties managed by a condo corporation and Short-Term and individual freehold operations.
- Provides a definition of Short-Term Rental Accommodation that distinguishes between 'commercial' accommodations such as hotels and motels, residential care homes, time-share establishment, and Village Commercial Resort Units except where they are part of a rental or lease management program and STRAs within dwellings or dwelling units that advertise to the travelling public.
- Provides a definition of "advertise" and recognizes STRAs that advertise through various platforms and establishes regulations for these STRAs.
- Clarifies that rental accommodation in a residential dwelling for period of twenty-eight days (28) or more shall not be considered a short-term rental as per the Residential Tenancies Act.
- Requires rezoning amendments and approval on a site-specific basis prior to the operation of Short-Term Rental Accommodations that advertise subject to the following criteria, which is intended to address community character considerations to Council's satisfaction as follows:
 - the use does not generate conflicting land use impacts with the surrounding land uses, such as noise, garbage, etc.;

- the use is consistent with and maintains the character of the surrounding area;
 - the scale of the proposed use is suitable for the site and surrounding area;
 - adequate water and sewage services can be provided to the satisfaction of the Township;
 - appropriate access routes and/or on-site parking can be provided;
 - the shoreline and water quality are protected, if located within the Shoreline designation;
 - nuisance mitigation measures such as setbacks, buffering, and landscaping are to be implemented.
- Requires regulation for short-term rental accommodations that advertise through licensing, parking and property standards by-laws as well as Building Code, Fire and Safety Regulations and all other applicable regulations.

The resolution of the appeals has concluded the OLT process, but certain conditions of the Minutes of Settlement with the Oro-Medonte Responsible Short-Term Rentals (RSTR) group extend beyond the purview of the OLT and require a Township initiated zoning by-law amendment process to fulfill the terms of the settlement.

RSTR Minutes of Settlement Details and Process

As noted above, Minutes of Settlement (MOS) on the revised STRA Official Plan policies require the Township to facilitate the following:

- Initiate a Township rezoning process for ten (10) specific RSTR properties for consideration of Council to permit short-term rental accommodations.
- Staff to prepare a Draft By-law that outlines the extent of short-term rental accommodations for the subject properties.
- Township to circulate a Zoning By-law Amendment notice including a draft short-term rental accommodation by-law to properties within 120 metres of each property proposed to be rezoned.
- Circulation of the draft By-law to be sent to public agencies
- Township to host a statutory public meeting to receive comments from the public.
- Staff to prepare a report assessing the ability of the properties to meet the criteria outlined within the new in-force STRA Official Plan policies found within Section 4.13 (Schedule 2).
- Township Council to render Decisions for each of the specified properties.

The process is expected to take approximately three months, and the outcome is unknown. The Minutes of Settlement do not fetter Council's ability to decide (approve/refuse) on each of the ten (10) properties.

Updates to Short-Term Rental Accommodation Licensing By-law and Implementation

Township Council endorsed draft Licensing By-law for Short Term Residential Accommodations on August 13, 2025. The Licensing By-law is another important pillar in enforcing nuisances caused by STRA operators.

The Short-Term Rental Accommodation Licensing Public Consultation held on March 24, 2025 was an extremely valuable process leading to the creation of the By-law as many viewpoints were provided by attendees in person and in writing, which included residents and STRA operators.

These viewpoints assisted in the formation of municipal objectives that are being utilized to guide the Township's approach. It was from the stakeholders' comments received that the following seven (7) guiding objectives were identified:

1. Ensure safe, healthy and peaceful neighbourhoods
2. Ensure life safety provisions are in place to manage the operation of STRAs
3. Provide effective tools for regulation and enforcement
4. Establish structured process for the establishment of STRAs
5. Establish clear land use regulations (permissions vs. prohibitions)
6. Reduce the potential for significant costs associated with litigation (Court and OLT Appeals)
7. Establish a financially sustainable program (revenue generation to cover costs)

Operational aspects related to Short Term Residential Accommodations are articulated within the Township's Licensing By-law, which will establish clear parameters to regulate the intensity of short-term rental accommodations that advertise.

Revisions to the draft Short Term Residential Accommodation Licensing By-law are now planned to include provisions to ensure that short-term rental accommodation operations that advertise are secondary to the main residential use by only permitting rentals to occur for a fixed number of days per calendar year. Such, revisions to the draft Licensing By-law are to be brought to Council in late May or early June 2026 for consideration. The intent is to have the Short-Term Rental Accommodation Licensing By-law in effect in August/September 2026.

It is through the consideration of revisions to the By-law that a transition and notification period for operators with appropriate zoning permissions will be determined. Sufficient notification and time to allow operators to obtain licensing will be provided and communicated through outreach by the Township.

Implementation of Administrative Monetary Penalty System (AMPS)

Council established an Administrative Monetary Penalty System (AMPS) for most regulatory offences. The AMPS By-law will be revised to ensure that the penalty fees are applied to problematic Short-Term Rental Accommodations that are not complying with the Township's nuisance by-laws.

Platforms such as Cloudpermit and the services of Granicus will be utilized to provide management and enforcement STRAs.

Cloudpermit

Cloudpermit will provide a digital platform for the submission of license applications, complainant tracking, outward communications to complainants and internal file

connectivity so that files are available for review by applicable Township and external departments.

Granicus

Granicus is a third-party provider of enforcement services. STRA properties are identified through their “Host Compliance” platform. It is through this platform that the Township was informed that there are 298 unique STRA listings that were identified as of May 2026 in Oro-Medonte.

There is a menu of services relating to the enforcement of STRAs, including address identification, permitting and registration, tax collection, compliance monitoring, rental activity monitoring, complaints hotline services, and regulations consulting that a municipality can choose from depending on their needs.

Granicus is a service currently being utilized by the Township to search and establish an inventory of STRAs currently operating in the Township by location.

Subject to the adoption of the Licensing By-law, the services of Granicus would be expanded to support municipal law enforcement through the use of the following:

- Address Identification Module – Automated monitoring of 60+ STRA websites and on-line dashboards with complete address information and screenshots of all identifiable STRAs provided to the municipality.
- Compliance Monitoring – Ongoing monitoring of STRAs for zoning and permit compliance coupled with systemic outreach to illegal STRA operators with no licence. Granicus and Township staff can contact property owners directly to address illegal STRAs.
- 24/7 Complaint Hotline – Members of the public can use the 24/7 hotline by phone call or text to report, prove, and resolve non-emergency (i.e. noise, parking, etc.) STRA related problems in real-time. Granicus contacts the property owner or person responsible for the STRA to address the complaint. Township staff are notified when a complaint is received to take appropriate action as per the Licensing By-law.

The services needed to manage and enforce STRAs is planned to be in place and in operation within next two months and has been incorporated into the Divisions Budget.

Short-Term Rental Accommodation Zoning Framework

The Township is working through the process of updating its Zoning By-law which will need to conform to the new Official Plan including the in-force STRA policies. STRA Zoning matters are to be reviewed in more detail through a separate consultation process which is intended to improve and clarify zoning provisions.

Under the current zoning framework, short term rental accommodations are only permitted within the Village Commercial One (V1) and Residential (R2*123) Zones, which are located within Horseshoe Valley consistent with the resort and tourist operations within the settlement area.

Properties that are not zoned Village One (V1) or Residential (R2*123) are required to obtain zoning approval from Council to permit short-term rental accommodation uses through a zoning by-law amendment.

Licensing for short-term rental accommodation would only be available to properties that are zoned to permit short-term rental accommodation use and regulated/enforced on a Township-wide basis.

As outlined in staff report DS2025-088 dated August 13, 2026, ([Link to Staff Report](#)), Council has provided direction to undertake a consultation program on four zoning framework options which would be reviewed for direction as a second phase in 2027.

- Option 1- Status Quo
- Option 2- Secondary STRA Uses expanded into Agricultural/Rural Areas
- Option 3- Expand STRA Permissions to Residential Dwellings as a Secondary Use
- Option 4- Expand Permissions of STRAs as Secondary Uses on a Temporary Basis

The consultation process is being planned to proceed in 2027, and the implementation of the zoning framework is expected to be approved by Council in 2027. This phase of the STRA program includes the following:

- STRA Zoning Framework Public Consultation
- Staff Information Report compiling comments and outlining next steps
- Staff Recommendation Report seeking direction from Council
- Preparation of a Draft Zoning By-law Amendment and Report for Council consideration & Direction
- Statutory Public Meeting presenting the draft STRA Zoning By-law for receipt of comments from the public and stakeholders
- Staff Recommendation Report and Council consideration
- Council Adoption of an STRA Zoning By-law
- Commencement of Appeal Period
- By-law in full force and in effect*

*Subject to appeal rights as per the Planning Act.

Financial/Legal Implications/Risk Management

Immediate Financial implications associated with this report primarily include staff resources to move the processes forward. Potential for appeals and court proceedings exist depending on the outcomes of each process but will be examined in more detail during each stage of the STRA Program.

Policies/Legislation

- Municipal Act
- Planning Act
- Building Code Act
- Fire Protection and Prevention Act
- Residential Tenancies Act

- County Official Plan
- Township Official Plan
- Comprehensive Zoning By-law 97-95
- Township of Oro-Medonte Administrative Monetary Penalty System By-law

Consultations

- Chief Administrative Officer
- Manager of Planning
- Manager, Policy Planning/Special Projects

Related Reports

- 1) Staff Report dated February 25, 2026-[DS-2026-024-OLT Hearing Update-Official Plan Appeals-Short Term Rental Accommodation Policies](#)
- 2) Staff Report dated January 14, 2026-[DS-2026-Ontario Land Tribunal OLT-24-000037-Short Term Rental Accommodation Official Plan Appeals Update](#)
- 3) Staff Report dated August 13, 2025-[DS2025-062-Public Comments & Recommendations on Draft Short Term Rental Accommodation & Bed Breakfast Establishments Licensing By-law](#)
- 4) Staff Report dated January 22, 2025-[DS-2025-004-Options Report to Address Illegal Short-Term Rental Accommodations in Oro-Medonte](#)
- 5) Staff Report dated October 16, 2024-[Council Education Session Pertaining to Enforcement Challenges in Addressing Short-Term Rental Commercial Accommodations in the Municipality](#)
- 6) Staff Report dated September 11, 2024-[DS2024-093-Information Report on Action/Activities of the Township of Oro-Medonte to Address the Matter of Short-Term Rental Accommodations in the Municipality](#)

Conclusion

The information in this report provides an outline of the STRA program which is intended to reflect a holistic approach that utilizes all of the available tools to manage STRAs within the Township.

The resolution of the STRA Official Plan appeals and the establishment of Short-Term Rental Accommodation Official Plan policies is a significant milestone needed to establish the Township's STRA program as it allows for further Township processes to proceed which include the following:

- **Township Process**-Initiate Township Zoning By-law process for Responsible Short Term Rental properties (10) as per Minutes of Settlement (May to July)
- **Township Process**-Revise draft Short Term Rental Accommodation Licensing By-law in May/June/ 2026 for adoption by Council and to Notify stakeholders

- **Township Process**-Update Administrative Monetary Penalty System (AMPS) May /June to incorporate Short Term Rental Accommodation Licensing By-law
- **Township Process**-Short-Term Licensing By-law planned to be in effect August/September 2026
- **Township Process**-STRA Framework Process/Update Zoning By-law Updates (2027)

Council and the public can expect to see communication materials regarding the various processes in May 2026 as effective management and regulation of STRAs is a priority to the Township.

Respectfully submitted,

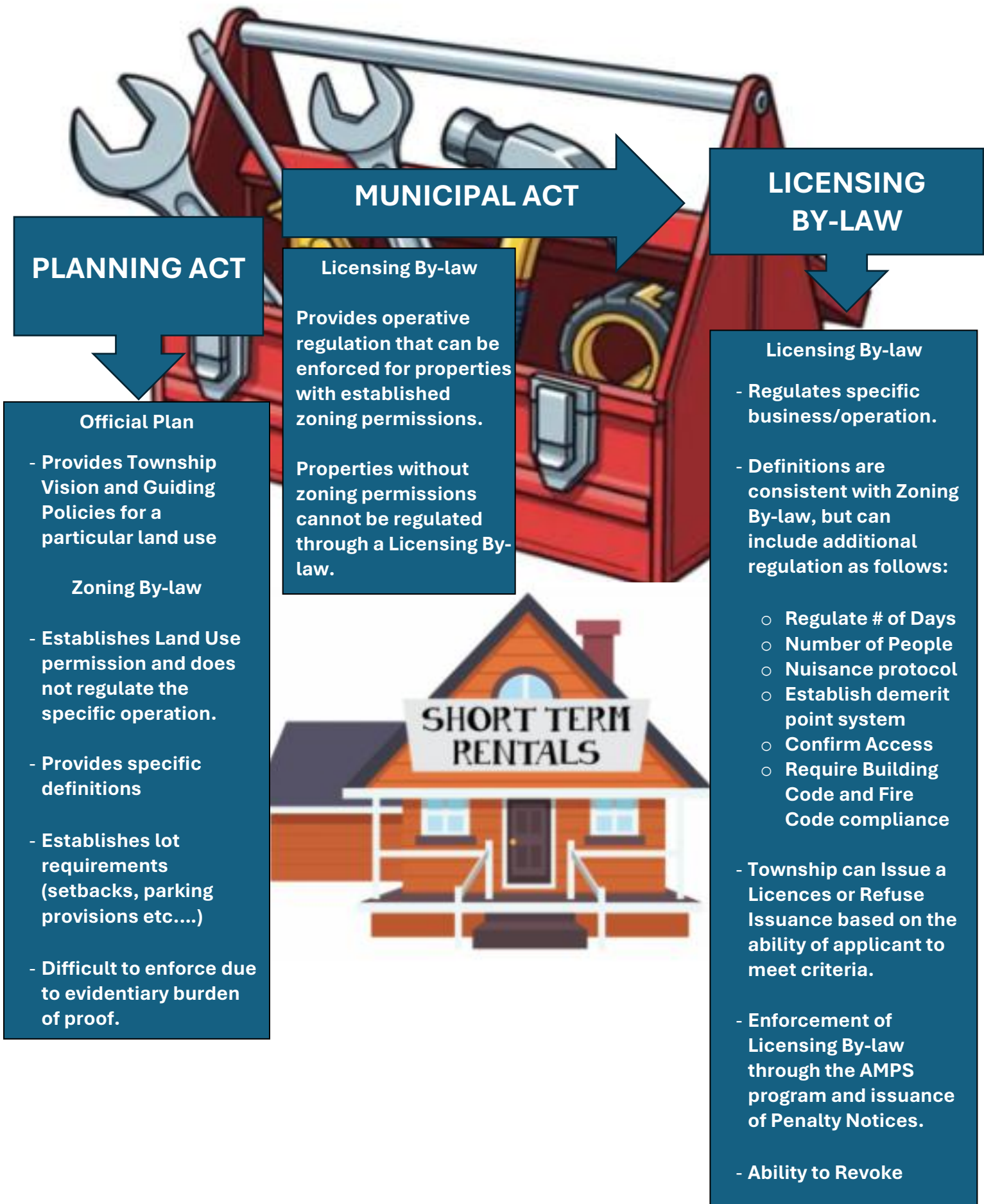
Brent Spagnol, RPP,
Director, Development Services

May 5, 2026

Approvals:
Shawn Binns, CAO

Date:
May 7, 2026

Schedule 1



Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: March 30, 2026

CASE NO(S): OLT-24-000037

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Bill Glover
Appellant:	Oro-Medonte Association of Responsible STRs
Appellant:	Stephen Schroeter
Subject:	Proposed Official Plan Amendment
Description:	To institute a new official plan for Oro-Medonte
Reference Number:	OM-OP-2201
Property Address:	Township-Wide
Municipality/UT:	Oro-Medonte/Simcoe County
OLT Case No.:	OLT-24-000037
OLT Lead Case No.:	OLT-24-000037
OLT Case Name:	Bill Glover et al v. Simcoe (County)

Heard: February 12, 2026, by Video Hearing

APPEARANCES:

Parties

Carriage Country Club Inc.

HSV GP Inc.

Oro-Medonte Association of Responsible STRs

Counsel

Samuel Judson
Andrew Jeanrie (*in absentia*)

Samuel Judson
Andrew Jeanrie (*in absentia*)

Barry Sookman
Jonathan Nehmetallah (*in absentia*)

Township of Oro-Medonte

Laura Dean
Christopher J. Williams (*in absentia*)

County of Simcoe

Will Thomson

DECISION DELIVERED BY S. DIXON AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

Background

[1] This Decision and Order results from a Hearing on the Merits of multiple appeals filed pursuant to s. 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“Act”), concerning a municipally initiated comprehensive update to the Official Plan of the Township of Oro-Medonte (“New OP”).

[2] The New OP was adopted by the Township on October 5, 2022 and approved by the County of Simcoe on November 14, 2023. The New OP introduces s. 4.13 pertaining to short-term rental (“STR”) accommodations.

[3] There are three remaining appeals in these proceedings, all of which pertain to the STR policies of s. 4.13, related glossary terms, and mapping. The remaining appellants are:

- Oro-Medonte Association of Responsible STRs (the “Association”);
- Carriage Country Club Inc.; and
- HSV GP Inc.

[4] By operation of s. 17(27) of the Act, those sections of the New OP not subject to appeal are deemed to have come into full force and effect for all lands not subject to appeal as of the day after the last day for filing a notice of appeal, being December 12, 2023 in this instance.

Settlements

[5] The Township advised the Tribunal that settlements between the Township and each of the appellants had been reached. Collectively, the settlements propose to:

1. Replace the policies of s. 4.13 of the New OP with a revised s. 4.13;
2. Define STR accommodations in the glossary of the New OP; and
3. Modify *Schedule B2 – Land Use* of the New OP to add the Horseshoe Valley Resort lands to the “Village Designation Boundary”.

[6] In support of the settlements, the Tribunal received an Affidavit of Brent Spagnol, which was marked as **Exhibit 1**. Mr. Spagnol is the Director of Development Services at the Township and a Registered Professional Planner. He has been practicing land use planning for over 20 years and has been previously qualified to provide the Tribunal with expert opinion evidence in Land Use Planning. Mr. Spagnol was so qualified once again at this Hearing.

REQUESTED RELIEF

[7] At the outset of the Hearing (and as provided for in a draft order submitted to the Tribunal), counsel for the Township submitted the following requests:

1. That the Tribunal approve the revised STR policies, definition and mapping, in principle, in the form attached as Exhibit “D” to the Affidavit of Mr. Spagnol (attached hereto as **Schedule 1**); and
2. That the Tribunal “withhold the issuance of its Final Order approving the Revised OP Schedule and Revised STR Policies until the Parties have requested in writing that the Final Order be issued.”

The Revised Policies

[8] The first request is strictly a question of the planning merits of the revised STR policies, definition, and mapping, which the Tribunal finds to meet all applicable legislative tests, be in the public interest, and represent good planning.

[9] Mr. Spagnol proffered that, concurrent to settlement discussions with the Appellants, the Township undertook a significant two-year review of its overall framework for STRs to establish the revised policies as part of a program to better manage and regulate STR uses in the Township. That review, he proffered, consisted of an analysis of best practices and considerable public consultation, resulting in seven key objectives to be considered by the Township when making decisions regarding STR permissions:

1. Ensure safe, healthy, and peaceful neighbourhoods;
2. Ensure life safety provisions are in place to manage the operation of STRs;
3. Provide an effective tool for regulation and enforcement;
4. Establish a structured process for the establishment of STRs;
5. Establish clear land use regulations (permissions versus prohibitions);
6. Reduce the potential for significant costs associated with litigation (Court and Tribunal appeals); and
7. Establish a financially sustainable program (revenue generation to cover costs).

[10] The revised policies distinguish between STRs that advertise versus those that do not. STRs that advertise are considered by the Township to be commercial uses – devoted toward business revenue, whereas those that do not advertise are considered to be residential uses. In Mr. Spagnol's opinion, utilising advertising as an indicator as to when an STR moves from

residential to commercial provides the City with an effective threshold to gauge the type and intensity of a proposed use.

[11] Residential STRs (e.g., a homeowner renting all or part of their home or cottage to a friend or colleague, without advertising) are permitted throughout the Township and do not require a planning application or STR license.

[12] Commercial STRs are permitted only within the Village One (V1) Zone, including any (V1) Exception Zone, and the Residential Two Exception 123 (R2* 123) Zone. However, site-specific zoning by-law amendments are required to permit the operation of commercial STRs. In that regard, Mr. Spagnol proffered that the revised policies establish a structure to permit commercial STRs within specific zones as of right, but require site-specific zoning by-law amendments to ensure that the following criteria – intended to address community character considerations – are met:

- The intent of the New OP is maintained;
- The STR use does not generate conflicting land use impacts with surrounding land uses;
- The STR use is consistent with and maintains the character of the surrounding area;
- The scale of the proposed STR use is suitable for the site and surrounding area;
- Adequate water and sewage services can be provided to the satisfaction of the Township;
- Appropriate access routes and/or on-site parking can be provided;

- The shoreline and water quality are protected, if located within the Shoreline designation; and
- Nuisance mitigation measures such as setbacks, buffering, and landscaping are to be implemented.

[13] Mr. Spagnol further proffered that the revised policies address previously conflicting policy directions by clarifying that commercial STRs are indeed permitted in certain residential areas. The revised policies also remove the previous requirement for proposed STRs to obtain site plan approval prior to obtaining an STR license.

[14] In Mr. Spagnol's opinion, the revised policies provide for the establishment of STRs in the Township, supporting tourism and economic well-being while preserving neighbourhood character, land use compatibility, and ensuring safe, healthy, and resilient communities through the application of criteria to identify suitable sites for commercial STRs.

[15] Accordingly, it is Mr. Spagnol's opinion that the revised policies and mapping have appropriate regard for matters of provincial interest as set out in s. 2 of the Act, are consistent with the Provincial Planning Statement, 2024, conform to the County of Simcoe Official Plan, conform to the New OP, are in the public interest, and represent good planning.

[16] Mr. Spagnol emphasised that, following considerable "efforts and angst" regarding the need for STR policies in the Township, approval of the revised policies will establish a balance between several objectives, provide STR guidance on a Township-wide basis, and provide a mechanism for the Township to move forward with zoning and licensing by-laws to establish a clear, concise, and enforceable STR framework. The Tribunal agrees.

The Withholding Request

[17] The second request (that the Tribunal withhold its Final Order until the Parties request it be issued) is a question of mechanics regarding how (or when) the revised policies come into force.

[18] The Tribunal acknowledges that requests for Interim Orders are common and are regularly used by the Tribunal to ensure various prerequisite matters are completed prior to the Tribunal's final approval of a planning instrument. Examples include, but are not limited to, the finalisation of draft wording of a planning instrument, the submission of supporting studies that are not anticipated to materially impact the contents of the instrument, and/or confirmation that outstanding comments have been addressed.

[19] Notwithstanding the commonality of Interim Orders, the requested relief in this instance struck the Tribunal as peculiar. Unlike Interim Orders that are tied to the completion of specific prerequisite matters to the approval of an instrument, the requested relief in this instance is ambiguous and void of any prerequisite matters to be fulfilled prior to final approval. It simply requests that the Tribunal withhold its Final Order until the Parties request it be issued – thereby establishing an indefinite timeline for approval.

[20] The Parties are not seeking any further modifications to the revised policies. Nor are there any outstanding studies required to support the merits of same. As noted in Mr. Spagnol's Affidavit, which includes summaries of the settlements between the Township and each appellant (no Minutes of Settlement have been filed with the Tribunal), all three appellants have agreed not to oppose the approval of the revised policies.

[21] As further noted in Mr. Spagnol's Affidavit, the Township has agreed to prepare a site-specific zoning by-law amendment to expressly permit STRs on 10 properties owned by members of the Association. Therein lies the rub – the request to withhold a Final Order approving the STR policies on a Township-wide basis is to enable the Township to advance the site-specific amendment prior to the STR policies coming into full force and effect.

[22] To that end, counsel for the Association submitted that the settlement between the Township and the Association is on a “*quid pro quo*” basis, whereby the Association will not oppose approval of the revised policies in exchange for a Township-initiated site-specific zoning by-law amendment for 10 of the Association’s properties.

[23] According to Mr. Spagnol’s Affidavit, the Minutes of Settlement between the Township and the Association specifically require, among other matters:

- That planning staff (i.e., Mr. Spagnol) provide evidence in support of the revised STR policies;
- That the Association not oppose approval of the revised policies;
- That the Township prepare the aforementioned site-specific zoning by-law amendment; and
- That the Parties request the Tribunal withhold any Final Order approving the revised policies until such time as the site-specific zoning amendment is approved by either Township Council or, in the event of appeal, the Tribunal.

[24] In accordance with the above settlement summary, the Parties have requested that the Tribunal withhold its Final Order. However, the Tribunal is not satisfied that the *quid pro quo* arrangement between the Association and the Township amounts to a justifiable prerequisite or a true condition precedent to the approval of the revised policies. The request is therefore denied.

[25] The Tribunal has a public interest mandate. Previous decisions by this Tribunal and its predecessors confirm that the appeal process is not merely a dispute between parties but a process requiring the Tribunal to exercise that mandate. In fulfilling its responsibilities, decisions of the Tribunal must transcend the interests of the immediate parties to determine whether a proposal is in the public interest.

[26] That responsibility extends to decisions on settlements. The Tribunal's consideration of a settlement between two or more parties is not merely a rubber stamp exercise. Rather, a hearing on the merits of a proposed settlement is precisely that – a hearing on the merits. To that end, it is the merits of the revised STR policies that are currently before the Tribunal for consideration. The Tribunal is not a signatory to the Association's Minutes of Settlement, nor is it charged with enforcing same.

[27] The Township has agreed to advance a site-specific zoning by-law amendment to benefit members of the Association. That amendment may not be adopted by Township Council. If it is adopted, the adoption may not be according to anticipated timelines. If anticipated timelines are achieved, there is no certainty as to whether Township Council will adopt the amendment as proposed, adopt the amendment with modifications, refuse to adopt the amendment, or fail to adopt the amendment within the timelines prescribed by the Act. As contemplated in Mr. Spagnol's settlement summary, there may be appeals of Council's decision or lack thereof. If one or more appeals are filed, there is no certainty as to how long the appeal process may take, nor whether that process will result in the Tribunal's approval of the requested site-specific zoning by-law amendment.

[28] The variables are many. Any combination of the above potential outcomes leads the Tribunal to the same conclusion: Withholding a Final Order approving Township-wide policies for an indeterminate amount of time, so that a separate planning application can be made pursuant to a separate section of the Act (and therefore a separate approval and appeal process) in accordance with a private agreement to potentially benefit 10 landowners, is not in the public interest and not a justifiable prerequisite or true condition precedent to the approval of the revised STR policies on a Township-wide basis.

ORDER

[29] **THE TRIBUNAL ORDERS THAT** the appeals are allowed in part and the Official Plan for the Township of Oro-Medonte is modified by:

1. Replacing *Section 4.13 – Short-Term Rental Accommodations*, with the introductory text and policies as set out in **Schedule 1** to this Order;
2. Adding the definition of Short-Term Rental Accommodations to *Part 7 – Glossary*, as set out in **Schedule 1** to this Order; and
3. Modifying *Schedule B2 – Land Use* as set out in **Schedule 1** to this Order.

[30] **THE TRIBUNAL ORDERS THAT** the Official Plan for the Township of Oro-Medonte is approved as modified.

[31] **THE TRIBUNAL ORDERS THAT**, by operation of s. 17(27) of the *Planning Act*, the parts of the new Official Plan for the Township of Oro-Medonte that are not the subject of an appeal are deemed to have come into effect as of December 12, 2023.

“S. Dixon”

S. DIXON
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

SCHEDULE 1

4.13 Short-Term Rental Accommodations

In order to protect and maintain the *character* of neighbourhoods and to provide for the tourism accommodation needs of the Township the following policies apply:

1. This Plan recognizes that there are a variety of forms of commercial short-term rental accommodation uses within the Township. These include *Bed and Breakfast Establishments*, Residential Care Homes, Timeshare Establishments, Village Commercial Resort Units (except where they are part of a rental or lease management program) and *Short-Term Rental Accommodations* that advertise to the travelling public provided in *dwelling units*.
2. *Short-Term Rental Accommodation* that advertise are permitted in any Village One (VI) Zone including any (VI) Exception Zone and Residential Two, Exception 123 (R2*-123) Zones, which zones may be renamed, revised or amended from time to time.
3. For the purpose of Policies 4.13.1; 4.13.2; 4.13.5; 4.13.6; and 4.13.7 "advertise" includes promote, broker, market, facilitate or offer for rent, directly or indirectly, in any medium including a platform. "Platform" means to market or broker the booking, reservation, rental or listing of a *Short-Term Rental Accommodation* on behalf of a host by means of a website or digital application.
4. Residential rental accommodation in a residential *dwelling* for a period of twenty-eight (28) days or more shall not be considered a *Short-Term Rental Accommodation* use and is considered a principal residential use. Such uses are governed through other legislation including the *Residential Tenancies Act*, as amended.
5. *Short-Term Rental Accommodation* uses that advertise should be regulated to ensure that the principal residential *character* of a neighbourhood is generally maintained and potential *negative impacts* are minimized.
6. *Short-Term Rental Accommodation* uses that advertise shall not be permitted within registered plans of subdivision and other *existing* residential areas except in accordance with the policies and criteria contained in Policies 4.13.5; 4.13.7; 4.13.8; and 4.13.9.

7. Due to the commercial nature of *Short-Term Rental Accommodation* uses that advertise and their potential to negatively impact adjacent residential properties, where a *Short-Term Rental Accommodation* use that advertises is proposed, it shall be subject to a Zoning By-law Amendment. In reviewing any proposed Zoning By-law Amendment, the following criteria shall be considered:
- i. the intent of this Plan is maintained;
 - ii. the use does not generate conflicting land use impacts with the surrounding land uses, such as noise, garbage, etc.;
 - iii. the use is consistent with and maintains the *character* of the surrounding area;
 - iv. the scale of the proposed use is suitable for the site and surrounding area;
 - v. adequate water and sewage services can be provided to the satisfaction of the Township;
 - vi. appropriate access routes and/or on-site parking can be provided;
 - vii. the shoreline and water quality are protected, if located within the Shoreline designation;
 - viii. nuisance mitigation measures such as setbacks, buffering, and landscaping are to be implemented.
8. The implementing Zoning By-law shall establish appropriate provisions related to the scale of *Short-Term Rental Accommodation* uses such as parking requirements, separation distance, setbacks and buffering. The location, size and scale of the *Short-Term Rental Accommodation* use shall be regulated in a manner, which is considered *compatible* with surrounding uses. Where mitigation measures cannot adequately address potential land use conflicts, consideration of an amendment to the Zoning By-law will not be supported by the Township.
9. In addition to zoning by-laws, *Short-Term Rental Accommodation* uses may also be subject to, but not limited to, other municipal by-laws including licensing, parking, noise, property standards, Building Code, and fire and safety regulations.

Part 7 Glossary

Short-Term Rental Accommodation (STRA): means a *dwelling or dwelling unit*, or any portion of it, that is rented for any portion of a period of less than 28 days and includes a *Bed and Breakfast Establishment*, but does not include a hotel, motel, boarding lodging or rooming house, residential care home, time-share establishment, and Village Commercial Resort Units that are part of a rental or lease management program.

