



10.2

**Short Term Rental Committee Meeting**

**July 19, 2022**

**6:30pm**

**In person & Via Zoom**

**Committee Members Present (In person & Via Zoom):** Peter Hopkins, Douglas Hunt, Erik Holmberg, Leanne Armano, Vanessa McBride, Leslie Rich, Don Gallagher, Doug Moore, Owen Lennox, Tony Best

**Committee Member Regrets:** Kim TenHoeve, Scott Buckingham, Howard Sproxton, Wanda Muirhead, Eric Klimstra

**Co-Chairs:** Peter Hopkins & Douglas Hunt

**Secretary:** Vanessa McBride

**Introductions:** Committee Members Introduced themselves

**Approval of Agenda:** Motioned by Douglas Hunt, Seconded by Erik Holmberg

**Acceptance of previous minutes:** Deferred, changes requested

- Question of lake capacity being the reason condo application was denied; rezoning was the issue not capacity
- Inaccuracy regarding letters being distributed to rental properties; the next term of council did this. 2010-2013
- In 2015, council proceeded with a legal challenge to obtain an opinion in merits of its rental by law. After many years without results, they withdrew the challenge. \* Previous minutes indicated 2011.

All updates will be reflected on the Town Rental Committee page

The former Bylaw officer completed a report in 2018 and an update was provided by Chris this year with hard data. Chris provided two reports that were previously circulated to members. He will provide a quick summary of what has been done and will accept questions afterwards.

**Chris Everitt stated:**

Started position on July 1<sup>st</sup>, 2021, so has been in the role for just over a year.

There are a large number of STR's in the township with growing numbers.

He has been fielding calls pertaining to STR's. Message delivered has been that based on the zoning bylaw and official plan they are not permitted in McKellar. The great number of rentals listed online are illegal.

Enforcement was hemmed in since the withdrawal of the court case.

Currently there is nothing that will hold up in court pertaining to STR's.

People need to understand that people didn't sign up to have new people next door every weekend or week. We need to be fair to those who live next door.

Most residents started off renting, then bought and now have one's next door.

There are lots of rentals that have never been visited as there have never been complaints.

When called for a noise or burning complaint bylaw asks are you the owner or a renter.

Personal opinion is anything less than 7 days is a STR

A clear determination needs to be made and have the ability to stand up in court for enforcement.

Carling has a bylaw in place that works.

Seguin has a bylaw in place that works.

We need to look to neighbouring communities and see what is working for them and being upheld in court.

Two weeks ago, bylaw was called to a property four nights in a row and multiple times. This was a large party of 20-30 young males. On the first instance a warning was provided, second instance a fine was given, 3<sup>rd</sup> instance happened after midnight and the OPP were called for protection. Nothing was chargeable under the OPP allowance. An additional warning was given. At 3am another complaint came in as the same party was having a BBQ and was in violation of the noise bylaws. A discussion was had again indicating this could not continue. On the 4<sup>th</sup> instance Bylaw laid charges against the owner of the property for permitting noise via electronic means and yelling. A court date has been set for August 16<sup>th</sup>. The owner can plead guilty and pay the fine or go to court.

Noise and burning bylaws are the only enforceable currently.

**Question was asked about parking bylaws:** What are the parking bylaws in the township if say 20 cars are parked somewhere?

Bylaw is specific to the street or if it's municipal. No parking signs posted. Only winter parking enforceable. If roadway is fully blocked it is enforceable or if you are parked too close to a corner.

**Garbage Bylaw:** Witnessed and thrown on roads is enforceable. Witness must be willing to appear in court.

**Step by step for registering a complaint:**

1. By phone or email
2. Bylaw will visit residence to see if proof can be seen or heard
3. Determine violation
4. Charges are discretionary
5. Prefers to provide a warning for first incidence
6. Second incident charges
7. The same applies to winter parking

Fine for violation of Winter Parking is \$25.00

Fine for violation of Noise Bylaw is \$240.00 plus victim surcharge of \$25 plus \$5.00 Court fee

Fine for violation of Burning Bylaw is \$200.00 plus victim surcharge of \$25 plus \$5.00 Court fee

For Parking the second infraction vehicle is towed and a fine is issued

Let's estimate that 100 STR's, 80 there are no issues.

Is there a core of bad apples? Yes, they are bad STR owners

They don't upgrade their septic's to accommodate their rentals.

Practices need to be put into place.

Environmental concerns need to be addressed. Education about how noise travels across water.

Cityite's want to light a fire; they don't take the time to learn what is permitted/not permitted. They want to party from arrival to when they leave. They want a party weekend, which their neighbour does not.

A property owner who lives near their rental recently warned their renters they were being too loud, this continued, and bylaw was called. The renters were warned if another call came in that charges would be laid. The owner asked bylaw if they wanted them to evict them, that is up to the owner. This was a good owner.

Why is Glenwood provided one set of rules but STR's have none? Glenwood must comply with commercial rules but STR's have none, why? Because they are commercial

Zoom question: I want to understand, if I have a rental property, I must meet insurance requirements. As part of this for example a house that has 20 people the township could see based on the property what the septic capacity is. If their septic is only meant for x number of bedrooms/people is this not already violating an enforceable bylaw?

Being a new cottage owner, I didn't know about the burning bylaws, I learned quickly when bylaw was called on me.

From 100-200 rentals how many infractions in total have you had?

For repeat offenders what tools do you have? \$2000 for second offence, next time \$5000.

When making \$4000/weekend, a \$5000 fine is not much.

If the location is the same but the group is different, do you charge them?

There are 8 weekends in the summer, moving forward 1<sup>st</sup> instance will be a warning, and a letter sent, next time charges will be laid even if the renters change.

Do you have the ability to charge the renters? Yes

Repeat offenders are now being taken to court. Last complaint I laid charges and am taking the owner to court and advised the complainer.

Large number are not a problem and not repeat offenders.

A local cleaner indicated to an individual in attendance that there are lots of issues with renters not taking care of properties.

Request was made to provide statistics on how many rentals have caused complaints,

Primary issues identified are fire and noise and these are already covered through bylaws. What are the shortcomings of the existing bylaws that are holding you back?

Bylaws don't cover every issue, and something not mentioned is not enforceable.

So, the primary issues and bylaws in place need to be addressed to handle the shortcomings.

The new fire chief has issues with bylaw: Burning is only permitted between 6pm and 10am, approval for daytime burning must be sought from the Chief to proceed. Without approval charges are laid.

To lay a charge under the Fire bylaw proof of what is being burned and when. If it's outside of the permitted times, approval not provided and if burning something not permitted, charges laid.

Changing bylaws is an extensive process. Professional staff do this.

Noise and Fire are the only effective bylaws currently.

Carling: Permits STR's

Seguin: Not permitted

**Brian Johnson:**

Director of Cottage Road Association

What is the ratio vs complaints?

The key thing is this is growing, the problem will continue to grow.

We only have one bylaw officer for enforcement.

Carling implemented a 30-day rental which really made a difference.

On a personal note, I am about to move here, Locals find cottagers to be a pain in the butt, but we can all agree we have a mutual pride and respect for the area. Respect for our neighbours. Renters are a different animal. We all have a lot of anxiety to this problem and how do we stop STR's.

OTI monitors land use in Ontario. 30-day rentals made it go away. We don't want to lose the tranquility.

Peter Hopkins requested Brian share his findings, the more information the better.

Leanne: OTL-restrictions of 30 days or longer. They are saying STR of less must be permitted.

**Point 7:** 5 questions were submitted to Chris Bordeleau, Chris will provide a written response prior to the next meeting.

**Terms of reference:** Co Chairs will review. Currently indicates 7-11 members, we have 16. Co Chairs and Secretaries need to be accepted. Changes need to be made to make it legal.

Originally 16 members identified, Douglas followed up to see who would like to continue.

Looking for advisers/expertise moving forward. Will be tabled at next meeting.

We have lots of topics to cover and lots of people. We will divide and conquer to expedite process.

Looking for members to:

1. Conduct survey of all rate payers
2. Positive and workable solutions from other municipalities that work/don't work
3. Educational process for respecting McKellar. Rental information on Fire, Noise, Environment.
4. Official document and bylaw review
5. Complaints and enforcement, zoning, fines, exceptions

Are we looking for a workable solution moving forward to ban or allow? Don't know yet. We are looking for best practices for moving forward. A collective thought process, what resources are available?

Brian: For a 6<sup>th</sup> option can we discuss the multi billion-dollar companies like Airbnb, Cottages in Canada etc. and look at their projected growth from STR's

**Additional Discussion:**

Doug will contact all members as to their continuance, or act as a resource person, and which of the six subgroups they would be interested in working on.

A ban on STR's means a ban! It means no family/friends rentals it's a ban.

Council is not in a lame duck situation but may be reluctant on making decisions for another council to take on

Additional correspondence will be shared

Zoom may not be available for upcoming meetings

**Next meetings: Tuesday August 2<sup>nd</sup> 6:30pm Community Centre**

**Tuesday August 16<sup>th</sup> 6:30pm Council Chambers**