



**Cottage Rentals:
A Made in McKellar Solution
June 2022**

1. Terms of Reference
2. Committee Members- See attached list
3. Interested ratepayers-See attached list
4. Resource materials:
 - a. June 14th CBO Report to Council
 - b. Previous redacted BLO Report
 - c. MLCA study 2017 and Coles summary
 - d. FOCA Rental Summary Report
 - e. Sequin Reports, March 18th and June 20th
 - f. Kawartha Lakes
 - g. Oliver
5. Various Articles
6. Various Websites.

Welcome!

1. Introductions
2. Approval of the Agenda
3. Council's Representatives introduction, warm up and group exercise
4. Committee Structure-
Chair, _____
Vice, _____
Secretary, _____
5. Terms of Reference
6. Reference materials package
7. Question and Answer Period
8. Open Discussion
9. **Made in McKellar Solution:**
 - a. Short term recommendations
 - b. Things to resolve
 - c. Long term solutions
10. Any other business
11. Action Items

Next meeting scheduled for _____

Terms of Reference for the Ad hoc Committee on Rental Properties

Purpose:

1. To itemize all current and historical evidence relating to rental properties in McKellar (BLO-June 18, and CBO reports Moore 2015, By Law 95-12)
2. To review other municipalities solutions to rental properties (Seguin Whitestone, Kawartha Lakes, Muskoka region and Oliver)
3. To review FOCA's position on rental properties
4. To review the study on rentals by the MCA-Jan. 19
5. To engage the public at large through a variety of means-surveys, public meetings, written submission, McKellar Facebook page
6. To gather and review all relevant Municipal documents, by laws, resolutions, reports relating to rentals
7. To define "short term rentals"
8. To make recommendations to Council on matters pertaining to resolving rental properties issues and concerns within 1 year.
9. To develop a standardized education package for all rental properties
10. To determine any and all changes to By Law regulations regarding rental properties.
- 11.

Composition:

1. 7-11 members who are McKellar ratepayers to include 1 representative of the Environmental and Lake Stewardship ad hoc committee and the Business and Economic Development ad hoc committee, 2 members of the MLCA, one member of council (non-voting), up to six volunteers through an application process approved by council. The BLO and CBO are ex officio members who will act as resources to the committee.
2. Quorum- 50% of the membership
3. Officers: chair, vice chair, and secretary-chosen from membership. The officers shall be elected by ballot, except in the case of acclamation and shall hold office until their successors have been elected.
4. Council shall appoint member(s) to the Committee for the present term of Council or until Committees mandate has been fulfilled.
5. Council has the power to remove any member (s) of the Committee at any time.
6. All members have one vote except the chair) council rep). The chair can break a tie.
7. Meet monthly or at the call of the chair.
8. Public meetings determined by the Committee with 21 days notice and follow councils procedural by laws.
9. Minutes shall be kept of the proceedings and decisions of each meeting and shall be provided to the Clerk in a timely manner for distribution to the Reeve and Council.
10. Robert's Rules of Order, latest edition, shall be the parliamentary guide for all business sessions.

Duties of Officers:

1. The Chair shall preside at all meetings of the Committee. If the Chair is absent, the Vice-Chair shall assume his/her duties. The Chair, in discussion with the Secretary, shall prepare the Agenda for each regularly scheduled meeting, copies of which will be available prior to each meeting.
2. The Secretary shall record minutes of each meeting of the Committee and shall distribute said minutes to each Committee member prior to the next meeting of the Committee.
3. The Chair shall only vote in the case of a tie.

Budget:

It is not anticipate that the Committee will incur any financial costs. The Committee may have access to the Township facilities and assistance to the Township staff for Council approved meetings and projects. Requests for staff assistance shall be made in the form of a recommendation to Council for approval. The use of such is to be considered and "in kind" contribution from the Township.

The Committee:

1. Shall set a specific list of realistic goals, objectives and overall plan.
2. Involve interested expertise.
3. Shall provide council with written reports, resolutions in a timely manner.
4. Shall recognize that Council will only act on recommendations in the form of a report adopted by resolution from the committee and forwarded to Council through the CAO/Clerk
5. Shall recognize that Council ultimately has the discretion of approving, amending or defeating a committee resolution.
6. The committee may ask Council for a legal opinion on Rental matters.

Items to be addressed:

1. To define short term rentals, related problems and issues
2. Provide accurate evidenced-based information on rental property issues and concern
3. To review the positive and negative aspects of By Law 95-12 and related municipal documents.
4. Look at the benefits and concerns with rental properties.
5. To improve By Laws that related to rental properties.
6. Review a variety of alternatives to rental issues in other similar municipalities, organizations
7. To develop an educational package for all rental properties outlining a checklist of owners and renters responsibilities and market it through websites and social media.
8. Consider options to enhance/support/control rental properties
9. Other

NOTES:

The Short Term Rental Adhoc Committee shall, by resolution of Council, exist and operates as a Committee of the Council of the Township of McKellar.

The Short Term Rental Adhoc Committee members shall be appointed by resolution of Council.

Committee Member Contact Info

Peter Hopkins	705-389-2228	peterhopkins1942@gmail.com
Kim TenHoeve	807-823-1110	kittykatztb@gmail.com
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Interested People

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Brian Johnson		brianjohnson@rogers.com
Amber Walker		Dave.amber@rogers.com
Greg Antuchiewicz		greg@a2zcottages.com
George Leach		gishvacdesign@rogers.com
Amy McCuaig		mccuaigamy@gmail.com
Paul LeBlanc		paul.shoaz@gmail.com
Steve MacDonnel		



McKellar Township Report to Council

Prepared for: Mayor and Council

Department: Building Department

Agenda Date: June 14, 2022

Report No: BP22-03

Subject: Current Standing of Short Term Rentals in the Township

Background:

A short-term rental is defined as: **all or part of a dwelling unit rented out for less than 28 consecutive days in exchange for payment.** Across the province, this definition has been used to aid townships clearly define what is considered to be a short-term rental.

Although the Township of McKellar does not have this definition in their Comprehensive Zoning By-Law 95-12 as amended, it does have the term "cottage rental" as a defined term and as a listed permitted use in the Tourist Commercial (C2) zone.

Cottage, Rental: means a tourist establishment that has a building to accommodate one or more guests that:

- a) Contains at least two rooms; and,
- b) That may or may not contain facilities for guests to prepare and cook food.

As this is a listed permitted use in the C2 (tourist Commercial) zones, I believe that the Zoning By-Law has clearly defined where a cottage rental or short-term rental is a permitted use, and where it is not. As mentioned in a report provided by the previous Chief Building Official dated July 7, 2015, the definition of a "cottage rental" has never been in the list of permitted uses within Section 7 "Waterfront Residential" zones. As this is not a listed permitted use in the Waterfront Residential Zone, and as the definition provides that, a cottage rental is a tourist establishment, I believe it would be reasonable to conclude that a cottage rental or short-term rental in any of the Waterfront Residential Zones would constitute a commercial use.

In 2011, Council passed a resolution directing the CBO to enforce the permitted use provisions of the By-Law 95-12 as amended, as they pertain to cottage rentals. It is my understanding that letters at this time were sent out to various property owners who were found to be renting their cottages. No charges were laid at this time. It appears the intent at this time was simply to inform property owners that the use was considered illegal in hopes that the property owners would cease the illegal use. (See attached template letter sent out)

The Township has previously obtained a planning opinion and a legal opinion on the matter (2011). Both the legal opinion and planning opinion concluded that there is a clear distinction between a short-term rental and long-term rental, and that the opinion of both the planner and lawyer support the fact that short-term rentals are not permitted in the Waterfront Residential Zones. None of the provisions in the Waterfront zones have changed since this time.

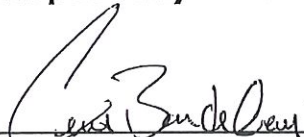
In 2015, Council decided to proceed with enforcement of a cottage rental on Lyndsey Lane. After several years in the hands of lawyers and the courts, council decided to withdraw its application to the courts and therefore no longer prosecute. I am unsure of the reasons for the withdrawal of the application.

In view of the above, Council must decide how they would like Township staff to proceed. With the opinion of a Land Use Planner and Lawyer to support the Zoning By-Law, I believe the decision must be made if Council would like to continue with enforcement of the Zoning By-Law as is, or if the Township would like to proceed with amendments to the Zoning By-Law and Official Plan.

Conclusion:

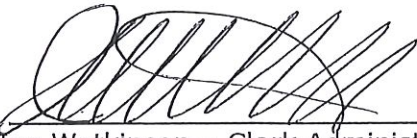
Prior to staff enforcing the provisions of the By-Law, Council should by way of resolution direct staff on whether to enforce the Provisions, or begin the process of amending the Official Plan and Zoning By-Law, with the use of a Registered Land Use Planner and a solicitor, to allow short term rentals in the Waterfront Residential Zones.

Respectfully submitted by:



Chris Bordeleau, CBCO
Chief Building Official

Reviewed by:



Ina Watkinson – Clerk Administrator

Attachments:

Report to Council from CBO– July 2015 Subject “Cottage Rental”

Planning Opinion – August, 2011 - John Jackson Planner Inc

Legal Opinion – September 14, 2011 – Chris Tzekas – WeirFoulds LLP

Template rental letter - 2011

Township of McKellar

P.O. Box 69, McKellar, Ontario P0G 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

To: Reeve & Council
FROM: Reg Moore, CBO
Date: July 07, 2015
Subject: Cottage Rental

The issue of "Cottage Rental" has reared it's ugly head again and as most of the present Council hasn't had to deal with this issue I will provide you with a brief History.

By-Law 95-12 as amended was adopted by Council on July 17th, 1995. Section 1 of the By-Law has always contained a Definition for "Cottage Rental" which was amended in By-Law No. 2009-23 as adopted by Council on December 07th, 2009. This Definition has never been in the list of permitted uses in Section 7 "Waterfront Residential". Since the Adoption of the By-Law in 1995 there were some concerns and complaints that originated because of cottages being rented, but the issue didn't really come to the forefront until 2011. The summer of 2011 exploded with complaints relating to noise, traffic, fire, trespass, littering, vandalism and public nuisance and in investigating these complaints it was found that the majority of the infractions originated from private cottages that were being rented and therefore there is an absentee Landlord. As a result of the above infractions and prior to commencing with any enforcement the Township Planner was asked for his opinion/interpretation of By-Law 95-12 as it related to the Definition of "Cottage Rental" and the permitted uses in the Waterfront Zones (see attached dated August 31, 2011). This opinion was provided to Council and as a result the Council passed the attached Resolution No. 11-247 on September 06, 2011. Prior to proceeding as per the Resolution it was decided it would be prudent to get a legal opinion to see if it supported the Planning Opinion (see attached dated September 14th, 2011).

With the above information in hand we proceeded to complete a search of all Waterfront property owners in the Township that were alleged to be renting their cottages. This search was completed mainly through previous By-Law complaints and advertizing. Once the list was compiled, a letter (see attached dated Sept. 23, 2011) was sent to each owner informing them that "Cottage Rental" was not a permitted use for their property and it must be discontinued immediately or further action would be taken. These letters generated some responses, complaints, questions etc. from owners and in some cases their Legal Council, but over all since the letters went out the By-Law complaints from neighbours close to "Cottage Rental" properties have declined.

Now to the present complaint (see attached dated May 29th, 2015). This property was under different ownership in 2011, but the owners at that time were renting their cottage and did receive a copy of the above Sept. 23, 2011 letter. It is my understanding that the present owners rented the cottage from the previous owners prior to purchasing the property. The owners (complainants) are located at #25 Lyndsey Lane and are the applicants for a Zoning By-Law Amendment to permit the construction of a Boathouse which has been appealed to the O.M.B. by the owners located at #27 Lyndsey Lane.

In view of the above it is my opinion that this complaint will not be easily resolved and may in fact be settled in Court so I would like direction from Council by way of Resolution on how to proceed. The first decision that has to be made is do we proceed with this complaint only or do you wish that the By-Law be enforced throughout the Township.

If you have any questions please feel free to contact me.



planner, inc.

70 Isabella Street Unit #110, Parry Sound, Ontario P2A 1M6
Tel: (705) 746-5667 Fax: (705) 746-1439 E-mail: jjplan@Cogeco.net

August 31, 2011

Township of McKellar
P.O. Box 69
McKellar, On
POG 1C0

Attention: Reg Moore, C.B.O.
Shawn Boggs, C.A.O.

Dear Sirs:

Re: Private Cottage Rentals
Waterfront Residential Zones

It is understood that some McKellar waterfront property owners are objecting to private cottages being rented on an ongoing basis with frequent turnovers in short term tenancies. The objections are based upon a wide range of complaints including noise, traffic, littering, public nuisance and environmental impacts. It is believed that such rentals may be contrary to the municipal zoning by-law.

Until recently, I have been encouraging Council to be careful not to wander into the realm of "people zoning". In particular, I had discouraged the municipality not to attempt to restrict specific forms of ownership including fractional and condominiums. The province agreed with my position on this matter.

However, the issue of short term cottage rentals in a single detached dwelling zone is becoming more and more defined. Attached is a decision from a recent Ontario Municipal Board decision in the Town of the Blue Mountains where the municipality defined "short term accommodation" as not permitted in certain low density residential zones.

Submissions at the hearing (also attached) brought forward the legal basis for discerning between "short term accommodation" and residential usage. In effect, any property owners that rented properties for periods less than 30 days could only do so in commercial zones.

McKellar Zoning By-law

In a residential zone, the following uses are permitted:

"Section 7 – WATERFRONT RESIDENTIAL (WF1, WF2, WF3, WF4, WF5) ZONES

7.01 Uses Permitted

No person shall within the Waterfront Residential (WF1, WF2, WF3, WF4 and WF5) Zones use any lot, or erect, alter or use any building or structure for any purpose except one of the following uses:

a) Residential Uses

- a single detached dwelling per lot of record including a home occupation;
- a mobile home;
- notwithstanding the accessory use permissions of Section 3.03(a) and the minimum building area provisions of this by-law, one (1) storage building"

This very restrictive use list would prohibit any other types of uses including "rental cottages".

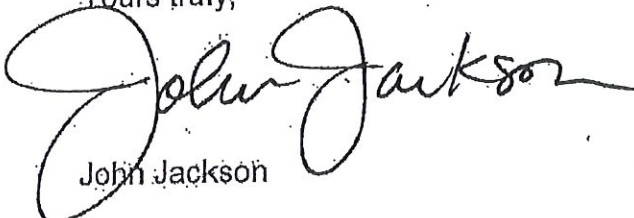
In my opinion, it is a fair and reasonable interpretation of the by-law to conclude that any cottage rentals in the WF zones for a period of less than 30 days constitutes a commercial use. The recent board decision and body of law supports this interpretation.

There remain some technical problems with enforcement and legal nonconforming uses. However, the Town of the Blue Mountains is dealing with this through a licensing by-law. The annual fee for such uses is \$1,360.00 per year per unit.

It should be noted that the appellants in the OMB decision in the Town of the Blue Mountains have filed for a leave to appeal. A leave to appeal can only be obtained if the courts determine that the board erred in a matter of law. My sense is that the request for leave to appeal is weak and not likely to be granted. A copy of this leave to appeal is also attached.

Please call if there are questions.

Yours truly,



John Jackson

JJ:dh

ISSUE DATE:

Jun. 22, 2011



PL080455

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: Proposed Official Plan Amendment No. 11
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File No.: PL090304

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Denis Martinek, Tyrolean Village Resorts Ltd.
Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: By-law No. 2009-03
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File No.: PL090152

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: By-law No. 2009-04
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File No.: PL090153

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: By-law No. 2009-05
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File No.: PL090154

IN THE MATTER OF subsection 38(4) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: Interim Control By-law No. 2008-12
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File No.: PL080455

IN THE MATTER OF subsection 38(4) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: Interim Control By-law No. 2008-67
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File No.: PL081124

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Agent</u>
Town of the Blue Mountains	L. Longo*
Sheldon Rosen and the Lodges at Blue Mountain Corporation	S. Makuch*, C. Thorne*
Blue Mountain Resorts Limited and Intrawest ULC	P. Peterson*
Denis Martinek & Tyrolean Village Resorts Ltd.	D. Slade

DECISION DELIVERED BY K. J. HUSSEY AND ORDER OF THE BOARD

These appeals relate to permissions and prohibitions for short term rental of non-owner occupied residences in the Town of the Blue Mountains.

Sheldon Rosen and the Lodges at Blue Mountain Corporation ("Appellants") have appealed Council's decision to adopt Interim Control By-laws 2008-12 and 2008-67, Amendment No. 11 to the Town of the Blue Mountains ("Town") Official Plan, and By-laws 2009-03, 2009-04 and 2009-05. Also before the Board is a site-specific appeal by Denis Martinek and Tyrolean Village Resorts Ltd. against By-law 2009-03.

Background:

The Town of the Blue Mountains is a four-season recreation and resort destination that attracts more than 730,000 visitors each year. The success of this area

as a tourist destination has created a growing demand for a range of accommodations. A housing needs study carried out in May 2010, provided information on the existing housing base. The residential housing units in the Town of the Blue Mountains can be split into two categories: those that are occupied by permanent residents and those that are occupied for seasonal recreational use. Of the 5,619 dwellings in the Town about 52% or 2,939 dwellings are permanently occupied. As one of the witnesses at this hearing observed, these numbers clearly reinforce the fundamental recreation resort base of the community as envisaged in the Official Plan, and speak to the significant role that seasonal residences play in the tourism sector. Many of these seasonal residences, originally purchased by individuals for their own use, are now being used by the vacationing public as short term accommodation ("STA") rental units. While the majority of these units are in areas that are zoned for higher density, there are some that are in low density residential areas. It is the use of single detached dwellings in low density areas for STA that is at the heart of the dispute in these proceedings.

Over the years, the Town has increasingly received complaints from its permanent residents about noise, parking, garbage, nuisance, mischief, and vandalism to both private and public properties, which is believed to be perpetrated by some occupants of STA units. At this hearing the Board received evidence from 12 individuals who reiterated those concerns and spoke of their personal experiences regarding these matters. Municipal Council decided that it needed to take steps to lessen the conflicts between the permanent residents and the visitors. Council determined that all STA units would be regulated as a distinct land use, with the intention to reduce adverse impact on the surrounding low density residential areas. To that end, several meetings were held by the Town and the public was invited to provide input on policies and regulations.

On October 13, 2007, a statutory public meeting was convened to provide notice of draft amendments to the Town's Official Plan and its two zoning By-laws, the Township of Collingwood Zoning By-law 83-40, and the Town of Thornbury Zoning By-law 10-77. At that meeting the Town received additional comments from the public to which it would give consideration. While considering these comments, on February 4, 2008, the Town passed Interim Control By-law No. 2008-12 ("ICB") to prohibit, for a period of six months, the use of any land, building or structure for the purpose of "*Short Term Accommodation*", as defined by the ICB, on all lands zoned residential.

Subsequently, By-law 2008-32 deleted the prohibition of short term accommodation on lands zoned Residential Sixth Density (R6), Residential Seventh Density (R7) and Residential Eighth Density (R8).

On April 2, 2008, a staff report entitled "Short Term Accommodation Study" was presented to Council with recommended changes to the draft OPA and ZBL amendments that resulted from the October 13, meeting. On May 12, 2008, a second statutory public meeting was held to present the changes. On July 7, 2008, Council passed Interim Control By-law No. 2008-67, which extended the prohibition period to a total of two years. This was based on staff's recommendation that more time was needed to complete the study related to STA uses, before completing the official plan and the zoning by-law amendments.

On January 12, 2009, Council adopted Amendment No. 11 to the Official Plan of the Town of the Blue Mountains (Exhibit 47), which established policies for short term accommodation and bed and breakfast uses within the Town of the Blue Mountains Official Plan. Council passed the following by-laws containing standards for short term accommodation uses:

- I. By-law 2009-03 amending zoning by-law number 83-40 of the Township of Collingwood;
- II. By-law 2009-04 amending zoning by-law number 10-77 of the Town of Thornbury; and
- III. By-law 2009-05 to amend the Township of Collingwood zoning by-law 83-40 to rezone lands indicated on Schedule A-1 from Resort Residential RR zone to Residential third density R. 3-210 Zone

These were presented as Exhibits 54, 52, and 50, respectively.

On February 27, 2009, OPA 11 was approved by the Corporation of the County of Grey.

Definition of Short Term Accommodation:

For the purposes of OPA 11 and the proposed implementing by-law amendments, *Short Term Accommodation* is defined as follows:

Short term Accommodation means a dwelling or any part thereof that operates or offers three or more bedrooms as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less throughout all or any part of the calendar year. Short term accommodation shall not mean or include a motel, hotel, bed and breakfast establishments, hospital, or similar commercial or institutional uses.

The Parties and the Issues

Blue Mountain Resorts Limited and Intrawest ULC, ("BMR"), a party to these proceedings but not an appellant, for the most part support the Town's response to regulate STA units. Historically, BMR has played a significant role in policy development for the Town's recreation and tourism industry, in which it has a large stake. BMR has developed 345 STA units of which 140 are within the BMR's rental management program. All these units would qualify for STA rental under the new policy regime. All are located in residential areas prescribed by the new regulations. During the course of the hearing, BMR proposed certain modifications to OPA 11 (Exhibit "62") and to Zoning By-laws 2009-03 (Exhibit "66"), 2009-04 (Exhibit "64"), and 2009-05 (Exhibit "51"). The Town agreed to the proposed modifications and requested the Board's approval of those instruments.

The Appellants Denis Martinek and Tyrolean Village Resorts concurred with BMR's proposal. These Appellants were satisfied that their concerns were resolved during the course of the hearing. The outstanding issues to be determined by these proceedings are, therefore, those of the Appellant Sheldon Rosen and the Lodges at Blue Mountain ("LBM").

LBM's Appeals:

Mr. Rosen is the owner of LBM and manages 80 rental properties in the area. Of these 80 properties 15 are owned by LBM and 14 are STA units. The remaining 65 STA units are owned by people who have contracted rental management services from LBM. LBM argued that the new planning regime would have an adverse impact on its ability to expand its business. Of the 80 STA units, 20 are located in low density residential zones areas in which an STA unit is not a permitted use by the proposed zoning by-laws. However, LBM could continue to operate these units, if they qualify, as legal non-conforming.

The grounds on which LBM appeals Council's decision to regulate STA units are as follows:

- The proposal attempts to regulate the user, tenure or the operation of short term rental accommodation, rather than the use of land;
- There is no proper planning justification for the Interim Control By-laws, the Official Plan and the Zoning By-law amendments. No land use study has been undertaken pursuant to Section 38 of the *Planning Act*.
- There is no evidence that demonstrates any negative impact unique to accommodations of 30 days or less.
- The proposed regulation of short-term accommodation is not consistent with the PPS and does not conform with the Town of Blue Mountain Official Plan and Strategic Plan.

The Witnesses

LBM presented the following witnesses in support of their position:

1. Paul Johnston, Land Use Planner,
2. Michael Tedesco, Traffic Engineer and Transportation Planning ,
3. Gary Stamm, Economist,

4. Christopher De'Souza, a visitor to the Town who uses the Appellant's services and facilities.

The Town and BMR presented the following witnesses in response:

5. Gord Russell; Land Use Planner
6. Sergeant Charles Watt, OPP Officer.
7. Alvaro Almuina, Traffic Engineer and Transportation Planning
8. David Finbow, Director of Planning and Building services for the Town;
9. Colin Travis, Land Use Planner retained by BMR

Thirteen City residents provided testimony on their personal experiences with problems which they allege arose from STA rental units within their neighbourhood. There was one participant who spoke against the City's proposal but acknowledged the valid concerns of the residents.

Analysis

1. People Zoning

LBM's Position:

LBM asserts that the proposed zoning by-law amendments prohibiting STA units in certain residential areas are directed at the people who use those properties rather than the use itself. This constitutes "people zoning", and is inconsistent with the *Human Rights Code* (Ontario) and the *Canadian Charter of Rights and Freedom*. The proposed zoning discriminates on the basis of income as well as place of origin; its purpose is to keep people out of the restricted areas whose place of origin is outside of the Town; its purpose is also to deny the users the right to affordable housing. In essence, the Municipality's action amounts to "NIMBYism".

The Board's Findings:

The Board is unaware that the Applicant has filed with the Court any notice of constitutional question with respect to the by-laws under consideration at this hearing. Nonetheless, the Board must consider the issue raised by the Appellant as the Board's decisions must accord with the *Code* and the *Charter*.

The Board finds based on the evidence and submissions and on the judicial decisions presented that the Municipality has acted legitimately and within its authority to distinguish between STA units (accommodations intended for the traveling or vacationing public) and permanent dwellings units, and by allocating those uses to prescribed zones in order to achieve compatibility. The distinction between transient living and permanent accommodation is recognized in a number of decisions of the Court, and by the laws of the Province, such as in the *Assessment Act* and the *Residential Tenancies Act*. The *Residential Tenancies Act* clearly distinguishes between transient living and permanent accommodation: the *Act* does not apply to living accommodation intended for the traveling or vacationing public. The proposed by-laws, like the *Assessment Act*, use a 30 day period as the defining line for transient living accommodation. The Board finds that there is no basis to preclude the Municipality from also making the distinction and defining the period for transient living accommodation.

The Board rejects the Appellant's contention that STA units provide affordable housing for its users, which the Municipality's actions would frustrate. The Board finds that STA units are, by definition, not residential housing units. They provide optional accommodation for recreation purposes. The goal of the *Human Rights Code* is to prevent discriminatory practices and systemic barriers faced by members of the society from having access to adequate and affordable housing. The Board further rejects the Appellant's allegations that this is a case of NIMBYism. The policies espoused by *Human Rights Code* on NIMBYism are intended to address serious and real concerns that persons seeking affordable housing are not subjected to restrictions from which other types of housing in an area are exempt. By contrast, in this case, the Municipality assigns to different zones STA use that is thought to be incompatible in low density residential areas. The Board finds that this is a reasonable and legitimate response to the residents' concerns and is consistent with good planning practice.

The Board finds that the Appellant's assertion that the Municipality's action is aimed at the user and not the use, to be unfounded. The Board finds nothing in the definition of "*Short Term Accommodation*", as defined above, to suggest that any personal characteristic of a potential occupant of a STA unit is central to the restrictions imposed. The Board finds that the proposed by-laws would restrict STA use in certain areas and that restriction applies, regardless of who seeks occupancy in terms of identity, race, ancestry, origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or receipt of public assistance.

LBM has raised the spectre of "people zoning" but has put before the Board no authority on any basis on which to support its assertion. Nor did LBM respond to the Municipality's argument and submissions, and the cases presented on this issue. The Municipality argued that it is lawful to distinguish between short term accommodation use and residential use for the purpose of zoning. The Municipality bolstered its argument with decisions of the Court on the question of whether a bylaw defining a "seasonal dwelling house" as a separate and distinct use of land, constitutes discriminatory people zoning. The Courts have held repeatedly that reference to continuous habitation and permanent residence relates to the use of the land and building and is not in contravention of the *Charter* or the *Code*. See, e.g., *Horseshoe the Valley LTD v. Township of Medonte* [1977] O.J. No. 2337 inch (Ont. H.C.); *Smith v. Township of Tiny (1980)*, 27 O.R. (2d) 690; aff'd. 29 O.R. (2d) 661 (C.A.); leave to Supreme Court of Canada refused 29 O.R. (2d) 66; *Neighbourhoods of Windfields Limited Partnership v. Death*, [2008] O.J No. 3298 (Ont.S.C.J.); aff'd 2009 ONCA 227 *Canmore (Town of) v. Fosseheim* 2000 ABCA 71; *Canmore Property Management Inc. v. Canmore (Town)* 2000 ABQB 654; *Whistler (Resort Municipality) v. Miller* 2001 BCSC 100; aff'd 2002 BCCA 347; *Whistler (Resort Municipality) v. Wright* 2003 BCSC 1192; *Kamloops (City) v. Northland Properties Ltd.* 2000 BCCA 344.

Therefore, the Board finds no basis for LBM's assertions that the proposed zoning by-law amendments constitute "people zoning". The Board finds that the proposed By-laws are intended to regulate the use of lands and not the persons who use it. The Board finds that the actions of the Municipality are a legitimate exercise of its authority to zone for "differing levels of use intensity and differing needs for municipal services".

2. The Interim Control Bylaw

LBM's Position:

The LBM argued that there is no proper planning justification for the Municipality to adopt Interim Control By-law 2008-12 ("ICB") and it was unnecessary and inappropriate for the Town to have passed ICB By-law 2008-67 to extend the ICB for an additional six months because the purpose and intent of the ICB had been fulfilled. The intent of the ICB enacted on February 4, 2008, was to enable Town staff to undertake a study in respect of short term accommodation uses and to draft official plan and the zoning by-law amendments to implement measures to deal with the recommendations from the study. LBM submitted that the Report referred to as "The Short Term Accommodation Study" was completed on April 7, 2008, and provided the draft Official Plan and Zoning By-law amendments to address the areas of concern. LMB argued that the Town had sufficient time to implement the Official Plan and Zoning By-law Amendments within the time frame set out in the ICB but it failed to do so.

The Board's Findings:

On the basis of the evidence presented, the Board finds that the ICB was an appropriate response by the Municipality to the growing concerns with STA uses in the community. The Board disagrees with the Appellant that there was no proper planning rationale for an ICB in this situation. After years of various responses to the residents' concerns, which proved to be insufficient to abate the complaints, the Municipality made a decision to take a different approach to the problem.

According to Mr. Finbow's testimony, starting in December 2001, the Municipality responded to the residents' complaints on STA use by advising its staff to implement fines and to inform the Ontario Provincial Police (OPP) of its desire to enforce a zero tolerance policy for breach of the Town's noise and parking by-laws. This did not prove to be as effective as Council had anticipated. The complaints continued.

Sergeant Watts of the OPP confirmed that the problems that caused the residents' disgruntlement continued. He testified that in 2003 he attended at many disturbance calls and that his police detachment received "numerous complaints" about noise, garbage and parking problems related to STA rental units. The detachment

responded by assigning Police Officers to overtime duty on certain week-ends and holiday periods, to patrol the sensitive areas. Sergeant Watts testified that he participated in discussions with residents, Town officials and STA owners, including the Appellant, in an effort to reduce the number of calls that the Police were receiving.

Eventually, in 2005 the Municipality sought legal advice on regulating and licensing STA use in residential zones, and on finding land use planning solutions that would be implemented by amending the Municipality's Official Plan and Zoning By-laws. The amendments were drafted and presented at a statutory public meeting on October 13, 2007. It was Mr. Finbow's evidence that subsequent to the October 13th public meeting the Municipality received complaints that new STA uses were being established. Staff recommended, in the February 4, 2008 report prepared for Council, enactment of a by-law to establish an area of interim control for STA use.

In view of this evidence, and the fact that the Municipality needed to consider the additional comments received at the October 13th meeting, the Board finds that the Municipality's actions were reasonable and necessary. The Board finds that the ICB and its extension afforded staff the time to carry out the study that Council directed, without the potential to compound the problem with more STA in the areas of concern. The Board finds that the study was expeditious and it followed proper planning principles.

The Study culminated in a meaningful recommendation to adopt OPA 11 and to pass Zoning by-law amendments 2009-03, 2009-04, and 2009-05, to regulate STA uses, while accommodating growth in that sector in more appropriate areas. The Board finds that this was a proper response by the Municipality to arrest the growing tension between its permanent citizens and its visitors, without eliminating the established STA units, which would become legal non-conforming uses. The Municipality concurrently developed a plan for expansion of these uses in more appropriate areas.

3. The Official Plan and the Zoning By-law Amendments

LBM's Position:

LBM argued that the proposed Official Plan and By-law amendments are inconsistent with the *Provincial Policy Statement (PPS)* and do not conform with the Town of the Blue Mountain Official Plan and Strategic Plan. LBM argued further that the decision to regulate STA units was a result of complaints from residents in the area surrounding the base of the Blue Mountain, which was developed as a resort area and not as a traditional single family area; the STA use is within the vision espoused by the current OP. LBM submits that by restricting and preventing the availability of short term accommodation, the proposed by-laws would have an adverse impact on the Town's tourist-based economy.

The PPS:

LBM argued that the proposed bylaws are contrary to sections 1.1.1, 1.4.3, and 1.7.1 of the PPS, which establishes the need for the Town to plan for an appropriate mix of residential, commercial and recreational uses, and to provide for sustainable tourism development. LBM further argued that STA is an integral component of tourism development. It is a form of accommodation that is an important and affordable component of the mix of available recreational accommodation choices, and it is an efficient use of land, resources, infrastructure and public service facilities, as those properties might otherwise be significantly underutilized.

The Town's response is that it shares these interests, as expressed in the PPS and its own Official Plan, and it is especially interested in preserving the residential-based recreational and tourism activities that are so essential to the Town's economic base. It must therefore plan land use patterns that support a strong, liveable and healthy community. The Town's position is that the Official Plan amendment and implementing Zoning By-law amendments provide policies and regulatory provisions aimed towards that purpose. The Town submitted that the proposal provides land uses where appropriate, to support and meet the long-term needs of the Town's residents and its visitors. The Town submits that through the use of cost-effective development standards, STA uses will be able to locate in areas that can accommodate their

buildings and their accessory support uses, while utilizing existing municipal services to meet the fluctuating servicing demands, and while protecting the environment and public health and safety of the users and adjacent residents.

BMR agreed and provided land use planning evidence to support the position that the proposal is consistent with the PPS and, as proposed, would continue to allow STA units to be established. BMR reiterated that STA units are an important aspect of the range of accommodation offered in the Town. However, BMR argued, there is a balance between the need to provide STA units to support the tourism economic base while at the same time, address the issues identified by residents. BMR submits that the proposed regulations do that.

The Board's Findings:

The Board agrees with the position espoused by the Town and BMR. The Board is unable to find any conflict with the Municipality's proposal and the policies of the Town's Official Plan and PPS. The purpose of the proposed official plan and zoning by-law amendments is not to eliminate or limit access to STA units but to regulate this type of accommodation to create a more compatible situation. The Town has directed STA to locations where servicing and appropriate levels of infrastructure are available, where the intensity of use can be better accommodated, and where future growth needs can be met. The Board finds that this course of action by the Municipality is in step with the policies established by the PPS for a strong, liveable and healthy community and will provide opportunities for sustainable tourism development.

The County of Grey Official Plan

LBM's Position:

LBM argued that the major focus of the County's Official Plan is to promote the economic well-being of the County and the proposed amendments especially do not conform to Sections 1.1, 1.5.4, 1.4.5, 1.4.6, and 2.5.2 of the County's Official Plan. LBM argued that proposed prohibition of STA units in certain areas is contrary to the

County's objectives to promote recreation based economic activity within the Town, the provision of adequate housing, and the efficient use of land.

The lands which are affected are located within the "Escarpment Recreation Area" designation of the Official Plan. This area is identified as the focus of growth in the County, and its importance to the tourism sector of Ontario, Grey County and the Town of the Blue Mountains is recognized in Policy 2.5.2. LBM argued that the proposed regulation of short term accommodation is contrary to those policies which seek to promote recreation based economic activity.

Similarly, for those reasons, LBM argues that the proposal does not conform to the Town of the Blue Mountains Official Plan including sections 1.3.3, 2.3, 2.5, 2.5 (i) and 3.2.1 and are in conflict with the *Places to Grow Act* and *Growth Plan*.

The Board's Findings:

The Board finds that regulation and control of STA uses within the Urban, Hamlet and Escarpment Recreation areas conform to the County of Grey's Official Plan.

The County of Grey reviewed the proposed amendments and concluded that there were no conflicts with the *PPS* or with the County's Official Plan. The County determined that the lands that would be affected by the amendments fall within the Urban, Hamlet or Escarpment recreation designations of the County's Official Plan. Within those designations, the County encourages a wide range of commercial and residential housing accommodation types suited to the level of services available. Within those designations, the County generally defers to the more detailed land use policies and development standards of the local Official Plan and Zoning By-laws.

Section 1.2 (1) of the Town's Official Plan states the purpose of the plan is to guide and manage the pattern of development and to maximize the efficient use of land, to deal with the location of specific land uses with an intent to restrict land use conflicts that would inhibit the orderly development and efficient utilization of resources within the Town. The Board finds that the proposed planning instruments are in keeping with that purpose.

The Town's Official Plan provides that all new infilling development shall be in accordance with section 3.15(1). Such infill lands shall be regulated to ensure the physical condition of the site is considered appropriate and the character of the form of development conforms to the surrounding development. Section 3.15 (6) states that redevelopment of residential lands shall generally be restricted to similar use unless the change of use, such as increased density or commercial use, is specifically provided under the Plan or the implementing zoning by-law. Most importantly, where infilling development is commercial use and permitted through the Official Plan or amendment thereto and the implementing zoning by-law, the Plan states that the character and stability of existing neighbourhoods shall generally be maintained.

In this context the Board has considered LBM's argument that STA units are dwellings and that they are compatible in any residential area. The Board, however, disagrees. The Board finds that STA units are distinct commercial entities with the goal of making a profit. They are often managed by a professional manager who uses a system of reservation, collects taxes and accepts credit cards from paying guests whose permanent residences are elsewhere and who have no right of renewal. Those premises are occupied by paying guests for a short span of time and for the purpose of allowing enjoyment of the recreational and tourist facilities in the area. This commercial entity has the potential to conflict with the character and stability of existing neighbourhoods because of the constant turnover of people and the difficulty that turnover brings in controlling noise and other nuisances. In the Town of the Blue Mountains, "the proof of the pudding is in the eating"; the evidence of conflict is categorical. The Board finds that the Town must ensure that compatibility is achieved between the commercial STA use and existing residential neighbourhoods in order to be in conformity with its Official Plan.

Section 3.17 provides for buffering to be used to enhance compatibility when introducing commercial uses into predominantly residential areas. It states:

- (1) Where different land uses abut, every effort shall be made to avoid potential conflicts between such different uses. Where deemed appropriate, buffering shall be required for the purpose of reducing or eliminating the adverse effects of one land use upon the other. The buffer may consist of open space, a berm, wall, fence, plantings or any combination of the aforesaid sufficient to accomplish the intended purpose. The use of site plan control shall be exercised where appropriate to ensure adequate buffering is provided and maintained.

(2) In some cases abutting uses which are considered incompatible may be prohibited under the zoning by-law where buffering is considered inadequate to properly mitigate land-use conflict. Incompatible mix uses on the same lot such as the residents above the commercial garage may also be prohibited.

The Board finds that in this case, Section 3.17.2 is applicable.

The Board has considered the Appellant's argument that buffering and mitigating measures can be employed to achieve compatibility in areas that the proposed amendments seek to exempt, that is, in low density residential areas.

The Board agrees with the Residents, the Town and BMR that unlike the areas zoned for medium density residential development, the expectation is that low density residential neighbourhoods are reserved for permanent dwellings. Preservation and protection of the integrity and character of these established neighbourhoods must therefore be the paramount objective when considering whether commercial uses should be established within those residential areas.

BMR's evidence is that it has developed 345 STA units within medium density residential zones where the expectations by residents are different. This approach has proven to be successful. BMR's STA units were developed within a set of comprehensive planning tools such as site plan controls for proper buffering and other mitigation measures to achieve greater compatibility. These are the same standards that the Town seeks to impose by the proposal before the Board.

The Board has considered LBM's argument that there has been no evaluation of the veracity of the complaints and no objective evaluation of the quality and quantity of the complaints. LBM argued that complaints come from a very small group in the Municipality and there is no evidence that the complaints are unique to STA uses; they can equally be related to any residential accommodation including long term rentals in the resort area.

The Board finds no reason to doubt the veracity of the residents' testimony, which was extensive, and their accounts of the problems that they have encountered over many years. The photographs that were presented in evidence clearly document the conditions of which they spoke. Sergeant Watt's evidence also left no doubt of the

protracted and difficult situation which the OPP found challenging to manage effectively because of the transient nature of the occupancy of STA units.

In light of all this, the Board finds that the Town has acted prudently in its decision to prohibit STA uses in low density residential areas.

In reaching this decision the Board considered and adopted the reasoning of Owen-Flood J. in Whistler (Resort Municipality) v. Wright supra in which he states at paragraph 52:

The defendants further contend that the prohibition on tourist accommodation in residential zones serves no legitimate municipal planning purposes. Susan Goodall, whose property abuts on the Palmer property, deposed in her affidavit that the weekly rental of the property to tourists creates excessive noise and constant turnover of large groups of people. Whether or not these complaints are well-founded, they demonstrate, in my view, a rational relationship between the prohibition on temporary accommodation in residential zones and legitimate municipal concerns. It is self evident that renting a house on a weekly basis to large groups of persons in the resort municipality has the potential for creating noise and volume concerns.

The Board finds, however, that in this case the complaints are well founded. There is convincing evidence of incompatibility and convincing evidence that the integrity and character of the low density residential neighbourhoods are being undermined by the presence of STA units in those areas. These are legitimate concerns to which the Municipality has turned its attention appropriately. The Board finds that the proposal is a reasonable response to the situation and represents good planning.

The Motions:

The Board heard several motions during the course of the hearing on which the Board made oral rulings. Below are the Board's reasons for denying these motions, for which the Parties provided motion material.

1. Motion Requesting Change of Venue:

At the start of the hearing, the Appellant LBM requested a change of venue because of an incident it characterized as a hate crime that occurred in the vicinity of

one of its properties. LBM expressed concern for the safety of its principal, Sheldon Rosen, during the course of this hearing. A police occurrence summary was filed on August 20, 2010, that noted the incident.

The request was denied. There was no evidence that the incident was in any way connected to the hearing. Further, if, as requested, the hearing had been re-located to Toronto, there would have been significant prejudice to the members of the community who demonstrated a high level of interest in this hearing, as was apparent from the significant numbers in attendance. These members of the community would be denied the opportunity to attend the hearing.

The Municipality undertook to provide an OPP Officer on site, which in the Board's view, was entirely satisfactory.

2. Motion for an Order that proposed changes to OPA 11 and ZBLA 2009-03, 2009-04 and 2009-05, are *ultra vires* and any determination on those instruments by the Board would be beyond its jurisdiction.

The Moving Party and Appellant LBM argued that changes to the as adopted planning instruments (OPA 11 and Zoning By-laws 2009-03, 2009-04 and 2009-05) that the Town intended to introduce at this hearing are fundamental. They would change the essence, the purpose and the effect of the proposed regulatory scheme [that Council intended] for STA uses in the Town. LBM argued that the Board's power was limited to modification and the proposed changes were not modifications; they went beyond simply correcting defects or reducing the impact of the performance standards in the zoning by-laws and should be declared invalid or repealed for the following reasons:

- a) No proper notice of the changes was provided to the public. The request that the changes be made by the OMB resulted from an *in camera* meeting for which proper notice was not given and for which no proper report was made.
- b) No constructive notice could be inferred regarding the proposed changes as there was no suggestion at any point in the public process regarding these amendments or the hearing of these appeals, that such changes were contemplated until just weeks prior to the

commencement of the hearing. There were significantly more properties and lands affected by these changes than by the original bylaws and therefore there was the real potential of more interested persons that are not party to this hearing.

- c) The apparent request by Council that the OMB modify OPA 11 and amend the zoning by-laws is *ultra vires* as proper notice was not given and the meeting should have been held in public; there was no resolution or bylaw respecting this in the public record.

In response, the Town argued that the Appellant's motion was premature and should only be considered after all evidence had been tendered, and only at the conclusion of the hearing. The Town argued that no request was made to the Board to revise the as-adopted planning instruments. As a courtesy to the Parties, the Town distributed revised language of what it intended to place before the Board for its consideration. The Town argued that any requested revisions or modifications to the planning instruments must be tendered as evidence by any party and only then would the Board be in an informed position to assess such requested revisions or modifications and make a ruling on the questions raised by the Appellant.

In the meantime, the Town continued to support the planning instruments that had been appealed to the Board. The Town further argued that it was not bound to pursue the distributed revisions nor was any party including the Town, prevented from requesting additional or alternative revisions based upon the evidence ultimately tendered at the hearing. Further, the Town argued that the distributed revisions were not of a fundamental nature and did not change the areas in which Town Council determined new STA uses ought not to be permitted.

The Town also argued that the Board's power to modify and amend is broad and goes beyond simply correcting defects or reducing the impact of performance standards. The Board is not required to provide any notice as a precondition of exercising its powers pursuant to subsections 17(50) and 34(26)(b) of the *Planning Act*. There are also no notice provisions in the *Planning Act* that are a precondition to any party requesting that the Board exercises its powers pursuant to those sections.

Nevertheless, the Town posted notice of the distributed revisions on its website and published these revisions in the newspapers in August 2010.

The Board denied the motion. The modifications to which LBM referred were not before the Board. It was therefore premature to make a ruling on the motion to exclude those documents. Modifications were eventually presented by BMR and were accepted by the Town. The Town also presented an amendment to By-law 2009-05 by eliminating paragraph 4. These modifications were not challenged by LBM. In any event, the Board finds that the changes proposed are not fundamental and do not change the essence, purpose or effect of the proposed regulatory scheme for STA uses in the Town. The Board finds that the changes provide clarification and eliminate ambiguities.

3. Motion for the production of notes from an in camera meeting held by Council with its Planner and Legal Counsel

LBM alleges that a request by Council that the OMB modify OPA 11 and amend the zoning by-laws was improperly done in a closed session and requested production of the notes from that meeting. The Board denied the request. The Board agreed with the Town's position that Council's instructions to its legal counsel are properly given and received in a closed session meeting of Council.

The Board's Order:

Accordingly, the Appeal is allowed in part:

1. Amendment No. 11 to the Official Plan for the Town of the Blue Mountains is modified as presented in Exhibits "62" and "68", and as modified is approved.
2. Zoning By-law 2009-03 is amended as set out in Exhibit "66", and as amended is approved.
3. Zoning By-law 2009-04 is amended as set out in Exhibit "64" and as amended is approved.

4. Zoning By-law 2009-05 is amended as set out in Exhibit "51" and as amended is approved.
5. The Appeal against Interim Control By-law No. 2008-12 is dismissed.
6. The Appeal against Interim Control By-law No. 2008-67 is dismissed.

In all other respects the Appeal is dismissed.

So Orders the Board.

"K. J. Hussey"

K. J. HUSSEY
VICE-CHAIR

PL080455

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: Proposed Official Plan Amendment No. 11
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File No.: PL090304

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Denis Martinek, Tyrolean Village Resorts Ltd.
Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: By-law Nos. 2009-03; 2009-04; 2009-05
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File Nos.: PL090152; PL090153; PL090154

IN THE MATTER OF subsection 38(4) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Sheldon Rosen, The Lodges at Blue Mountain Corporation
Subject: Interim Control By-law Nos. 2008-12; 2008-67
Municipality: Town of The Blue Mountains
OMB Case No.: PL080455
OMB File Nos.: PL080455; PL081124

OUTLINE OF SUBMISSIONS

Town of the Blue Mountains

AIRD & BERLIS LLP

Barristers and Solicitors

Commence by noting that no legal action, application or challenge to the Town's enactment of the ICBL, OPA or Zoning By-Laws has been commenced by anyone.

The right to seek to quash for illegality these planning instruments pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, s. 273 has expired.

Judicial Consideration of Short-Term Accommodation

1. Judicial decisions dealing with short-term accommodations confirm two propositions that are directly relevant to this proceeding:

(1) It is lawful for a municipal authority to distinguish between a short-term accommodation use and a residential use for purposes of zoning; and

(2) 30 days is an acceptable "bright line" between short-term accommodation uses and residential uses.

Short-Term Accommodation Zoning is Lawful

2. A municipal authority may not "people zone". In other words, a municipality may not adopt a by-law that discriminates between classes of people that may live in any building based on the relationship of those people or characteristics personal to them.

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3. In 1977, the Ontario High Court of Justice had opportunity to consider whether a by-law defining a "seasonal dwelling house" as a separate and distinct use of land constituted discriminatory "people zoning". The former Township of Medonte had adopted this definition to separate principle residences from secondary "seasonal" residences.

Horseshoe Valley Ltd. v. Township of Medonte, [1977] O.J. No. 2337 (Ont. H.C.)

4. In considering Medonte's new definition, Justice Grange directly considered what was then the Ontario Court of Appeal's recent findings in *R. v. Bell* regarding impermissible "people zoning". However, Justice Grange came to a clear conclusion that the distinction between a principle residence and a secondary "seasonal" residence was not "people zoning":

There is a distinction, of course, between the relationship of people using premises and whether they are using it as their main place of residence. But I do not think it is a distinction in principle. The restriction here may equally be prompted by consideration of schooling, sewer and water or other requirements, all of which are the direct concern of the municipality. It is for the municipality to determine the use that will be made of the property. It seems to me also that it is for the municipality to consider how much use should be made of it.

Horseshoe Valley Ltd. v. Township of Medonte, [1977] O.J. No. 2337 at QL page 4 of 4 (Ont. H.C.)

5. Justice Grange's decision accordingly supports the proposition that a zoning distinction may be made between a "principal" residence and a "seasonal" residence. This distinction is not grounded in "people zoning", but is instead grounded in other municipal concerns such as the differing need for infrastructure and services.

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6. A similar conclusion was reached by Justice Robins (as he then was) in a 1980 case involving the Township of Tiny's proposed definition of "seasonal residential" use. Justice Robins directly relied upon the above-recited passage from *Horseshoe Valley v. Township of Medonte* in holding that a municipality may regulate a distinction between normal residential uses and seasonal or "cottage-type" uses:

There appears no reason why a municipality may not regulate the use of land deemed appropriate for seasonal or cottage-type use. And, it follows, in my view, that if a municipality can determine the permitted uses in areas zoned as seasonal residential; it can likewise determine the extent to which the lands in the zone may be used. Municipal services are obviously involved and the legitimacy of zoning for such purposes seems evident. The regulation by reference to "continuous habitation" and "permanent residence" in the context of this by-law relates, in my view, to the use of the land and buildings and is not in contravention of the principle established in the Bell case.

Smith v. Township of Tiny (1980), 27 O.R. (2d) 690 at paras. 19-20 (Ont. H.C.); affd. 29 O.R. (2d) 661 (C.A.); leave to Supreme Court of Canada refused 29 O.R. (2d) 66

7. Much like Justice Grange, Justice Robins accepted that a proper zoning distinction could be made between "continuous habitation" and "seasonal or cottage-type uses", based on a differing need for municipal services. These distinctions are accepted as being the result of legitimate planning concerns.

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8. More recently, this same proposition was confirmed by Justice Howden in the case of *Neighbourhoods of Windfields Limited Partnership v. Death*. At issue was whether the City of Oshawa could distinguish between short-term rental/lodging accommodation and normal residential uses within an R1 residential zone. The City asserted that the owners of various homes within the "Windfields" neighbourhood were using their single detached dwellings as lodging houses for students, providing short-term and temporary accommodation in a neighbourhood that was not zoned for such uses. The owners responded that their tenants were occupying their houses as single housekeeping establishments, which met the definition of a "dwelling unit" and was therefore a permitted use of a single detached dwelling in an R1 zone.

Neighbourhoods of Windfields Limited Partnership v. Death, [2008] O.J. No. 3298 at (Ont. S.C.J.); aff'd 2009 ONCA 277

9. Justice Howden's analysis engaged in a detailed examination of the intent behind Oshawa's Official Plan policies and zoning restrictions with respect to uses within an R1 zone. In particular, Justice Howden noted that there is a difference of "intensity" between short-term and temporary "lodging uses" and more permanent "dwelling uses". Relying in part on Justice Robins' findings in *Smith v. Tiny*, Justice Howden held that planning for this difference in "intensity" is key to accurate planning:

Accurate planning for use intensity would be rendered meaningless if the definition of "single housekeeping establishment" could include any number of persons, each independent from each other, coming together for temporary short-term economic reasons to share the cost of accommodation.

Neighbourhoods of Windfields Limited Partnership v. Death, [2008] O.J. No. 3298 at para. 60 (Ont. S.C.J.); aff'd 2009 ONCA 277

10. This same assertion is true in the case of the Town of the Blue Mountains, which is seeking to better regulate the "intensity" and infrastructure/servicing needs of short-term accommodation by separately defining such uses and assigning them to specific zoning categories.

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11. In summary, there is a consistent line of Ontario judicial authority dating back to 1977, and affirmed as recently as 2008, holding that a municipality may separately regulate seasonal, short-term or temporary accommodation uses from residential uses. Defining a distinction between short-term accommodation use and residential use involves planning for differing levels of "use intensity" and the differing need for municipal services. Accordingly, such distinctions are not forms of impermissible "people zoning" -- they are instead legitimate planning initiatives, particularly in "resort" municipalities that experience a high demand for short-term accommodation.
 12. Resort municipalities in other provinces have similarly experienced challenges to their zoning restrictions on short-term accommodation uses. However, in each case, the Courts have held that these restrictions are legitimate exercises of municipal authority.
 13. For example, in *Canmore (Town of) v. Fossheim*, the Fossheims owned a large house and rented it to tourists on a regular basis. There were nightly, weekly or monthly rentals available, the bookings for which were handled by a corporate agent. Following complaints by neighbours, Canmore applied for a permanent injunction prohibiting the Fossheims' activities as being in violation of the Town's zoning by-law.

Canmore (Town of) v. Fossheim, 2000 ABCA 71

14. Under the relevant by-law, the Fossheims' land was zoned for single detached residential uses. The zoning by-law defined a single detached dwelling as a building containing one dwelling unit. A dwelling unit was defined as a room or suite of rooms intended to be used as a domicile. Another provision of the by-law distinguished a dwelling unit from an accommodation unit, the latter being a room or suite of rooms operated as a temporary domicile. The terms "dwelling unit" and "accommodation unit" were thus mutually exclusive -- an accommodation unit could not be a dwelling unit.

Canmore (Town of) v. Fossheim, 2000 ABCA 71 at para 12

15. Since the by-law did not define the term "temporary", the Alberta Court of Appeal extrapolated from other defined terms such as "apartment building", "hotel", "motel" and "bed and breakfast accommodation" - ultimately opining that "temporary" was meant to denote "...a rental on a short-term basis, perhaps for period of up to 30 days, with no right of renewal".

Canmore (Town of) v. Fossheim, 2000 ABCA 71 at paras. 13-16

16. The Alberta Court of Appeal acknowledged, however, that length of tenure could not end the inquiry. Homeowners may occasionally rent out or permit guests for short periods of time without turning their home into an "accommodation unit". The by-law specifically required that an accommodation unit be "operated" as such.

Canmore (Town of) v. Fossheim, 2000 ABCA 71 at paras. 17-18

17. The key then became the fact that the Fossheims' home was being marketed and leased by a professional property manager. This gave the rental use an "institutionalized commercial" aspect that fit the definition of a unit being "operated" as a temporary domicile. Since "accommodation units" were not a permitted use in the applicable zoning category, the Alberta Court of Appeal issued a permanent injunction requiring the Fossheims to comply with Canmore's zoning by-law.

Canmore (Town of) v. Fossheim, 2000 ABCA 71 at para. 18

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18. A similar ruling was handed down in *Canmore Property Management Inc. v. Canmore (Town)*. In this case, the applicant attempted to argue that a dwelling house occupied by visitors staying for a few days was used in the same manner as persons staying for longer periods in terms of eating, showering and sleeping. However, the Court held that the legislative scheme of the by-law dictated that the use of dwelling houses by people who stay a short term as visitors was fundamentally different than longer term family use. This was so from the point of view of the use of community facilities, the amenities used and the commercial nature of the use of the property.

Canmore Property Management Inc. v. Canmore (Town), 2000 ABQB 645 at paras. 22-24 and 26.

19. Similarly, in *Whistler (Resort Municipality) v. Miller*, the B.C. Supreme Court specifically held that it is untenable to suggest that the rental of a detached dwelling to short-term paying guests is a normal and customary residential use of a dwelling. This is particularly true where, as is the case in Whistler, B.C., there are established "tourist accommodation zones" that allow for the type of use contemplated by a short-term rental. These findings were upheld on appeal.

Whistler (Resort Municipality) v. Miller, 2001 BCSC 100 at paras. 21-23; aff'd 2002 BCCA 347

20. *Whistler v. Miller* was expressly followed in *Whistler (Resort Municipality) v. Wright*. Here, the municipality was applying for an injunction to prevent Wright from renting his property as short-term accommodation to tourists. Wright, among other arguments, attacked the municipality's by-law as being an *ultra vires* attempt to regulate on the basis residency, ownership or tenure, rather than on the basis of land use. The Court disagreed, holding that the by-law served legitimate planning purposes:

The defendants further contend that a prohibition on tourist accommodation in residential zones serves no legitimate municipal planning purposes. Susan Goodall, whose property abuts on the Palmer property, deposed in her affidavit that the weekly rental of the Palmer property to tourists creates excessive noise and constant turnover of large groups of people. Whether or not these complaints are well-founded, they demonstrate, in my view, a rational relationship between the prohibition on temporary accommodation in residential zones and legitimate municipal concerns. It is self-evident that renting a house on a weekly basis to large groups of persons in a resort municipality has the potential for creating noise and volume concerns.

Whistler (Resort Municipality) v. Wright, 2003 BCSC 1192 at para. 52

21. In summary, resort municipalities in other provinces have had their restrictions on short-term accommodates judicially tested. Each time, the Court has found such restrictions to be valid exercises of municipal authority, employed for a proper planning purpose.
22. The Town of the Blue Mountains has been guided by these decisions in creating its own regulations for short-term accommodation.

Use of a 30-day "Bright Line" is Lawful

23. The use of a 30-day "bright line" to separate short-term accommodation uses from residential uses not only has judicial support, but also accords with how various Ontario statutes deal with temporary accommodation properties.
24. A limitation on accommodation uses of approximately 30 days was affirmed in the Alberta and B.C. cases previously reviewed. In particular:

(1) In *Canmore v. Fossheim*, the Alberta Court of Appeal analyzed the concept of a "temporary" domicile. In the panel's opinion, "temporary" properly denotes rental on a short-term basis for a period of up to 30 days, with no right of renewal.

Canmore (Town of) v. Fossheim, 2000 ABCA 71 at para. 16

(2) In *Canmore Property Management*, the relevant zoning by-law defined a "tourist home" as a dwelling unit that is occupied for non-residential purposes for periods of less than 28 days. The definition was challenged, but the Court took no issue with the definition or its use of a time limit.

Canmore Property Management Inc. v. Canmore (Town), 2000 ABQB 645 at paras. 22-24

(3) In *Whistler v. Wright*, the defendants argued that excluding "temporary accommodation" from the definition of "residential" would prohibit owners from having friends stay on their property for periods of less than 28 days. The Court disagreed, holding that the exclusion does not prohibit any and all visitors; instead, the exclusion better defines the type of uses permitted within a residential building.

Whistler (Resort Municipality) v. Wright, 2003 BCSC 1192 at para. 50

25. Also, in *Kamloops (City) and Northland Properties Limited*, the British Columbia Court of Appeal was asked to interpret the phrase "short term lodgings". While acknowledging that often no hard and fast line can be drawn in terms of length of stay, the Court of Appeal did agree that a municipality could draw a "bright line" between accommodation uses that are less than one month and residential uses that are more than one month.

Kamloops (City) v. Northland Properties Ltd., 2000 BCCA 344 at paras. 16-18

26. The Board should also have regard to the "resort condominium property class" as defined by the general regulation to the *Assessment Act* (O.Reg. 282/98). Section 14.2 of O.Reg. 282/98 defines the "resort condominium property class" to include a unit "that is self-contained and furnished and is operated or managed in a manner to provide transient living accommodation for a fee or charge for minimum periods of less than 30 days."

Assessment Act, O.Reg. 282/98, s. 14.2(2)2

27. O.Reg. 282/98 also defines "hotel" as including land "*that contains one or more furnished, self-contained units operated or managed in a manner to provide transient living accommodation for a fee or charge for minimum periods of less than 30 days.*"

Assessment Act, O.Reg. 282/98, s. 17(2)(b)(ii)

28. It should also be noted that subsection 5(a) to the *Residential Tenancies Act, 2006* excludes the following from being a "rental unit" under the protection of the Act:

living accommodation intended to be provided to the travelling or vacationing public or occupied for a seasonal or temporary period in a hotel, motel or motor hotel, resort, lodge, tourist camp, cottage or cabin establishment, inn, campground, trailer park, tourist home, bed and breakfast vacation establishment or vacation home;

Residential Tenancies Act, 2006, s. 5(a)

29. In summary, imposing a dividing line between residential and short-term accommodation uses on the basis of the temporary nature of the use is an accepted concept at law in Ontario. Both the *Assessment Act* and the *Residential Tenancies Act, 2006* impose distinctions on residential property based on the use of such property being temporary. In fact, in the case of the *Assessment Act*, "resort condominium properties" and "hotels" are specifically defined by the use of such property for periods of less than 30 days.
30. There are also a number of Alberta and B.C. court decisions directly considering whether a municipality can exclude temporary or accommodation uses from the ambit of more general "residential" uses, based on a "bright line" time period. In these cases, the Courts have found no fault with such "bright lines" being set by a municipality at periods of between 28 and 30 days.

-
31. Accordingly, there is statutory and judicial support for the Town of the Blue Mountains' proposal to define short-term accommodation uses as accommodation uses of up to 30 days.
 32. All of these decisions and their ratios were considered and culminated into the definition and regulation of STAs that have been appealed to this Board.

CONCLUSION

Granting the relief requested at the outset of these submissions is appropriate, desirable and represents good planning.

The modified and amended planning documents before the Board:

- are consistent with the Provincial Policy Statement;
- do not conflict with the Niagara Escarpment Plan;
- conform with the County Official Plan; and
- conform with the Town's Official Plan.

The Board is directed, pursuant to section 2.1 of the *Planning Act*, to have regard to Council's decision and the supporting information that it had. The evidence reveals that a lengthy and engaged public process and studies lead up to the passage of OPA No. 11 and Zoning By-Law Nos. 2009-03, -04 and -05. Council believes there is overwhelming community support for the prohibition and regulation of STAs as set out in its planning documents. The Board is respectfully requested to respect Council's planning decision.

Vacation accommodation is different from housing accommodation.

The Town seeks to regulate vacation accommodation uses through its *Planning Act* powers. These include hotels, motels, lodges, B&Bs and STAs.

The Town is blessed as a four season recreation community. Vacationers are welcomed. Tourism is an important business sector.

A festering, on-going problem has been the use of single detached dwellings in low density residential areas for STA uses. Using these dwellings for short term accommodation for the vacationing public is a distinct commercial use which has negative impacts on such residential areas.

It is respectfully submitted that the Town has legitimately utilized its *Planning Act* powers to address this situation. The planning instruments before the Board are needed...are measured...are pragmatic...are appropriate...and deserve your support.

Respectfully submitted.

LFL

January 13, 2011

S. Boggs

From: "Chris Tzekas" <CTZEKAS@weirfoulds.com>
To: "S. Boggs" <clerk@township.mckellar.on.ca>; "John Jackson" <jjplan@cogeco.net>
Sent: Wednesday, September 14, 2011 11:17 AM
Subject: Rental Cottages

I have reviewed your e-mail, and the attached materials. I am writing to give you my thoughts. I would describe these thoughts as "preliminary", pending further discussions with you and Mr. Jackson.

As Mr. Jackson notes, the OMB's recent decision in The Blue Mountains case gives municipalities reason to believe that a legitimate land use (planning v "people") distinction can be made between short and long term cottage rentals. In that case, The Municipality defined *short term accommodation* this way:

"Short term Accommodation means a dwelling or any part thereof that operates or offers three or more bedrooms as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less throughout all or any part of the calendar year. Short term accommodation shall not mean or include a motel, hotel, bed and breakfast establishments, hospital or similar commercial or institutional uses".

This form of accommodation was then prohibited in certain residential areas (but not others).

It is of note that Blue Mountains undertook a very extensive public process before enacting these provisions, and that this process included a significant amount of public input and professional studies, over the span of a few years.

The Board's decision upheld this proposed zoning restriction, and rejected the objections to it based on "people zoning" arguments, *Charter* and *Human Rights Code* arguments, as well as more traditional planning arguments. The property owners have, as John indicates, sought leave to appeal the OMB's decision to the Divisional Court. While these applications always face hurdles, I think that there is some prospect that the application will attract the attention of the Court.

In any event, assuming that leave is denied, or that the Divisional Court sustains the Board's decision (assuming leave is granted), I think there is a

reasonable basis for concluding that a municipality can distinguish between short and long term rentals, and that it can restrict these distinct land uses to particular parts of the municipality.

A reading of By-law 95-12 would suggest to me that "rental cottages" are a commercial use that is only permitted in Tourist Commercial (C2) Zone. I say this because I cannot see any other zoning provision that refers to rental cottages. I therefore agree with John Jackson's conclusion on this point.

My concern is with the definition of "cottage, rental" that appears in your By-law. Your e-mail refers to it as a "tourist commercial establishment that has a building to accommodate one or more guests" (section 2.40). The version of the By-law that I saw on the internet refers to it simply as a "building to accommodate one or more guests" (section 2.39). I am not sure which is right.

If it is the former, I think that the principal use of most private cottages would not fall within the definition of "tourist establishment" (section 2.156). If it is the latter, I am not sure how you would distinguish such a use from a mere cottage, a single detached dwelling, a bed and breakfast, or possibly other uses. In circumstances where a building can be defined as both a cottage and a rental cottage, it is difficult to know how to distinguish between these uses (and unless the cottage was rented a significant portion of the time, it is possible for an owner to argue that the principal and defining use was "cottage", not "rental cottage").

In short, I am not certain that your By-law, as it is presently structured, would make for very simple or straightforward prosecutions. Ideally, I would recommend that the issue be clarified through amendments to the By-law. For example, I would prefer to see a clearer and better definition of "rental cottage", perhaps along the lines of the definition adopted by Blue Mountain.

I would welcome speaking to you and to John about this. However, at the moment, I am a little concerned that an all out assault on this type of use (in non-tourist zones).

ps. To deal with this inquiry, and other that might arise in future, I have opened a new file under the name "McKellar re: General". I hope and trust that this is alright, but if you have another suggestion, please let me know.

Christopher J. Tzekas |
Partner | T. 416.947.5039 | ctzekas@weirfoulds.com

S. Boggs

From: "S. Boggs" <clerk@township.mckellar.on.ca>
To: "Chris Tzekas" <CTZEKAS@weirfoulds.com>
Cc: "John Jackson" <jjplan@cogeco.net>
Sent: Tuesday, September 13, 2011 11:08 AM
Attach: JJ to Township Aug 31 11, cottage rentals.pdf; draft cottage rental letter 2011.pdf
Subject: Cottage rentals

Hi Chris. The Township is seeking your assistance to provide a legal opinion on whether a "cottage rental" use is a permitted use under the Waterfront Residential Zone in the Township's Comprehensive Zoning By-law, No. 95-12, as amended. Cottage rental is defined in By-law No. 95-12 as follows:

"2.40 Cottage, Rental: means a tourist establishment that has a building to accommodate one or more guests that:
a) contains at least two rooms; and,
b) that may or may not contain facilities for guests to prepare and cook food."

The permitted uses in the Waterfront Residential Zones are as follows:

"SECTION 7 - WATERFRONT RESIDENTIAL (WF1, WF2, WF3, WF4, WF5) ZONES

7.01 Uses Permitted

No person shall within the Waterfront Residential (WF1, WF2, WF3, WF4 and

WF5) Zones use any lot, or erect, alter or use any building or structure for

any purpose except one of the following uses:

a) Residential Uses

- a single detached dwelling, per lot of record, including a home occupation;

- a mobile home.

- notwithstanding the accessory use permissions of Section 3.03a) and the

minimum building area provisions of this by-law, one (1) storage

building.

7.02 Zone Requirements

No person shall within any Waterfront Residential (WF1, WF2, WF3, WF4 and

WF5) Zones use any lot, or erect, alter or use any building or structure except in accordance with Schedule 'B' - Zone Requirements Table as applicable to the WF1, WF2, WF3, WF4, WF5 Zones, or in accordance with the

provisions of any applicable paragraph of Section 16 - Special Provisions."

Attached is an opinion from Mr. Jackson in which he interprets a cottage rental use not to be a permitted use in the Township Waterfront zones. The Township is seeking your opinion on this matter and also whether a cottage rental use in the Waterfront Residential zones which pre-dates Zoning By-law No. 95-12 would constitute a legal non-conforming use.

The Township has drafted the attached letter which we intend to send to known offenders upon receipt of your opinion.

Thank you for your attention to the above. If you require any further information, please call.

Regards,

Shawn Boggs, AMCT
Clerk Administrator
Township of McKellar
P.O. Box 69
McKellar, ON
POG 1C0
(705) 389-2842



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

Sept. 07, 2011

Dear:

Re:

There have been a number of complaints in McKellar Township relating to noise, traffic, fire, littering, public nuisance etc. and as a result of investigating these complaints it was found that the majority originated from properties in Waterfront Residential zones which had neighbouring properties where the cottage was being rented for a short time period of less than thirty days.

As a result of the above Township Staff in consultation with the Township Planner have reviewed Comprehensive Zoning By-Law No. 95-12 as amended and found that cottage rental is not a permitted use in a Waterfront Residential Zone.

In view of the above cottage rental is not a permitted use on the above described property and must be discontinued immediately.

Yours truly,

Reg Moore CBCO
By-Law Enforcement Officer

DISCUSSION POINTS- "Rental's Meeting" -June 24/18- per Bylaw's observations.

- Increasing # of "rentals" over the last 2-3 years-"some sites" bought in 2017, apparently JUST to rent.
- Via our weekend patrols observations-average vehicles = 3-4, on site & a few @ 5-7.
- Our primary occurrences are related to "rental sites" AND/OR sites involving younger family members (teens/20's) of absentee owner; therein, Noise is generally the issue- However, IN "high/extreme" Fire status- the large fire issues increase & "fireworks" on holiday weekends occur.
- There-in, the majority of the above (fire/fireworks) violators DO NOT know/realize the areas FIRE RISK RATING system is- or even bother to look @ our posted Fire Status signs. WHY—because the site "owners" Do NOT bother to educate their "guests" per the regions Fire/Fireworks regs.
- Per the "Noise violations"- Booze/Drugs are generally involved. ** With the legalization of Marijuana- this reality WILL increase!! Therein another reality needs to be flagged- which is the potential for MORE "Fire Safety" concerns during High/Extreme status etc.

Our current "Rental" Realities:

- Until the "current in Court" decision is made (who knows when) we need to be proactive and preplan to address our current/future "deterrent tools" which can be "effective" in themselves AND NOT dependant on using "A NO RENT" clause
- Zoning Regs approach.
- WHY- (a) as ID'd above it won't impact the "legal" site use by no pay family/friends use of a site, who therein violate our Noise/ Fire Safety benchmarks, nor does it reinforce/ give us support per flagged concerns/sites re Septic over use. water quality etc
 - (b) As I'm sure Council realize- Laying/processing legal action under our "Zoning" reg's IS expensive & very time consuming! (eg) the Blue Mountain & our current Zoning case.
 - (c) From Bylaws side-our goal is Prevention via education TO "all" site owners/ their "guests" and quick/economically practical tools to get their attention on a 1st offense!

Bylaws thoughts for Council's Consideration

- Immediately-**UPDATE our-Noise / Fire / Fireworks Bylaws; where-in:**
 - (a) On a 1st site offense involving- owner/relatives/ friends OR "others": (subject to situation circumstances) an Officer can issue either a "written NOV" **Notice Of Violation** or a **POA fine** to the on-site violators.
 - (b) Then immediately issue a paper trailed letter TO the "Site OWNER", that advises them that: IF there is a 2nd validated violation at the Same site and/or owned by the same owner: then the "owner" will be held "Financially Responsible" for ALL COSTS

incurred by the Township per Bylaw/OPP/Fire Dept.-TO- Attend / Investigate / Validate/Curtail/ Process the violation – including applicable Court costs.

- (c) This approach, is similar to: the currently in place- Benchmarks for the Charging of Fire Department services where the cause of the fire was a result of a owners/ persons violation of the Municipal/Provincial Fire Regs. Therein incorporating benchmarks whereby, if the invoice is not paid in 30 days-said costs are added to the Site's Tax Bill and so forth.

NOTE (1): This Owner Pays costs approach /cost recovery format is already in McKellar's Clean Yard Bylaw and has been successfully used by the undersigned in 2014, AND has been used in other Ontario Municipalities, ALSO it currently exists and has been used in McKellar's Fire Bylaw. and- was incorporated by the undersigned in 2016/17 into Archipelago's- Fire/Fireworks/ Noise Bylaws along with (Higher than McKellar's) related fines. This "Owner pays" for Both Fire & Bylaw callouts content was quickly approved by the Superior Court's Bylaw Approval process. To Date (in Archipelago) it has been quite successful in deterring "repeat" violations.

NOTE (2): In McKellar (2016/17)-The undersigned has also been successful in dramatically reducing/terminating "REPEAT" Noise/Fire issues at 3 of our "problem" locations by my "indicating to the owners" that we would pursue the above referenced "you pay ALL bylaw Officer costs" If we have to come back again.

In closing:

In the very near future, Bylaw in coop with the Fire Chief will be presenting drafts to Council to hopefully- quickly update our existing Bylaws to incorporate the above Note (1) approach

Obviously, the current Zoning violation issue and Council's related follow ups etc will take some time; in the meantime, and possibly a lot more "expense"- the enclosed is presented as an Interim & long term use avenue to immediately provide a TOOL of Prevention for our #1 goal PUBLIC SAFETY! Especially with our current and predicted "Hot/Dry" weather pattern = more fire safety calls & more outside party weather= more Noise issues per "guests"

Respectfully

Gary

Gary Joice MLEO

A list of sites have been identified from By law calls and occurrences, plus caller complaints and online ads which is in some cases identify the general location, and photos, via WPSGN , we have been able to ID the noted "X'd" base locations. In addition per "rumor info" we believe the overall rentals (full time/part time) in in the range of 100 plus, as of 01, June, 2018 The ON0line "averaged" weekly rent rate ID'd by the ads is: \$2000.The larger bedroom sites are in the \$3000 to \$4000/week range. Bylaw's occurrence's indicate season starts June to mid Oct. Some also rent in winter, per snowmobiler's=avg owner Yr'ly income, is in \$30-\$35K+ range. IF licensing was implemented @ \$1200/yr, therein TWP's income=\$96,000/Yr.

(no fines for renting, no fine only for specific violations)-Added by Mayor P.Hopkins

RENTAL's Overview, pg 2 of 3

As profiled on page 1, there has been/ IS a number of both concerns and also some beneficial flags which arise from these stats, these include:

*BENEFITS –Persons (owning/using) these water side sites, DO spend \$\$\$ locally/annually= \$\$ to local business' (groceries/marine's/restaurants/area contractors, cleaning services, taxes etc), in addition many persons who 1st come here as "guests" then end up buying "their own" property building & moving here for retirement, or work from home etc = more tax payers etc. Also "guests" spread the word to friends etc. then more folks discover our great township and on it goes. In addition, a number of now "rental" sites are owned by the original 'back when'- persons, who's current health/financial situation leads them to NOW- renting full time or part time for the financial return vital to their maturing status

*NEGATIVES (per rentals)- The majority of the owners who rent out their water side properties are NOT year round residents, rather they are generally in 1 of 2 category's.

(a) persons who have had their cottage for many years and therein used it personally summer after summer; now as they "mature"- health prevents full summer usage + financial realities = need income assist as noted above. Unfortunately, many of the owners have NOT considered or put in place a "screening/education protocol (per local regs) TO the rentees.

(b) Many others (new/recent 2008-2017) buyers HAVE (it appears) bought the sites-specifically to RENT, therein generate substantial income in range of \$32K to 40K per YEAR! Thereby also grabbing a couple weeks for themselves in summer and same in winter literally free.

(c) Subsequently the "owners" ALSO dramatically financially benefit down the road from the property's ONGOING resale value as the areas recreational property values increase –in some cases 5-8% per year- *sure beats many investments.*

CONCERN(s) foundation (from Bylaws perspective)

- Our on-file occurrence stats- 2011-2017 definitely flags that: 70+% of our Fire /Fireworks/ Noise & "winter parking" issues-violations ARE-(guests/renters) based! Therein also, as I have tracked it a "number of" the Fire Departments major/working fires, are also traceable back to being caused by "part time" users of sites.
- Definitely, in the increasing warm/hot summers with its increasing Fire Rating's or High/Extreme status- it has also increased Bylaw & FD's Fire Safety violations. Fort McMurry's disaster, originated from an "illegal campfire" which spread underground over many weeks!!
- 90% of our "Noise/Cause disturbance calls (many after midnight) ARE rental site based!
- IN ADDITION- Our ID'd (investigated initially then passed on to "Matawa Conservation Authority" occurrence's involving SEPTIC run over ARE RENTAL site(s) and all we have flagged ARE Rental sites & all have been located immediately next to our Lakes/Water contributory's!
- Many-Property Standard / Structure "UNSAFE" conditions have also been flagged – ALL have been @ rental sites
- Occupancy loads (persons on site v/s # of bedrooms / Septic System capacity) violations are ALSO a common denominator we have flagged via our calls to sites re noise/fire/fireworks and septic odour complaint/ calls.
- Another occurrence issue that IS increasing is: ATV /Dirt Bike complaints & violations - (especially on our secondary/gravel road sector's) Again the majority are "visitor/guests" at rental locations.

The above overview of occurrence's related to guests/rental sites ARE increasing!! I believe that, PUBLIC Safety & maintaining of our environment; warrants a unified plan to offset further increase

BYLAW's- thoughts for consideration; (per our 2+ years of research)

- In reality (in my opinion) & per review of related case law, including the Blue Mountain similar situation(s), where-in: as a geographic sector becomes more of a tourist attraction- Investors, corporate and especially individuals WILL purchase recreational properties with 1 goal in mind as overviewed on page 2.
- I personally (via my homework) do NOT believe-having **just** a "NO SHORT TERM RENTING" (30 days or less) regulation in place AND economically feasible ENFORCABLE- will fully/effectively resolve the realities listed here-in.
- (for example) EVEN IF our current before the Court-case re our Zoning Regs IS successful –I strongly suspect, all it will do is have site owners get more LOW PROFILE motivated; therein the problem will not go away, it will GO UNDERGROUND (so to speak) and only get highlighted when a "serious" Public Safety Issue happens.

*As-food for thought/further indepth homework: (the following is presented for discussion)

- If we structured a "Short Term Rental" Licensing, therein incorporated Mandates such as:
 - *Occupancy loads per bedrooms/septic/validated safe water supply etc.c/w Provincial regs validations
 - *Mandate an "annual" Fire Inspection re extinguishers, electrical, clear escape routes, Fire pits, Emergency vehicle access etc.

(There-in have)

- An ANNUAL lic. Fee (say \$1000) for each location per year, with a 1st yr full property inspect of \$1500. The annual would require the site owner @ their cost-validate Septic/Fresh water validations
- PLUS "annually" OWNER pays Fire Dept. for a full "Fire Dept" inspect of the site @ \$150 per year, therein @ owners expense meet Fire Code regs.

In Turn @ \$1000 per annual lic/ Yr per site to Twp

This could generate in range of \$80,000 annual (which certainly covers Bylaw/Office oversight admin etc.

Plus the "annual" Fire Dept inspect would go to Fire Dept, income for their related inspect hr's and should have extra for their FD \$\$ needs assist.

** In reality for the Rental site Owners, it's a drop in the bucket (so to speak), especially when you consider: the Annual "rental income" averages between \$26,000 TO \$36,000++.

The above was done up in a hurry, re what is, I believe a portion of Mondays In-Camera meet. Therein I have done up the enclosed, in the event it is appropriate or helpful.

Respectfully;

Gary;

Gary Joice; MLEO

Observation notes as I read the Seguin letters

- 1: Higher response than expected from owners that rent
- 2: Seems most do not understand that from above "short term overnight guest accommodation is not a permitted land use activity". Or if they do its conditional on complaint. How can you have a Law on the books that is only applicable on complaint!!!!!!
- 3: 14 sees it as a benefit to community.
- 4: 3 Lake Associations seems negative on any change to existing, but I think not all fully understand that Seguin's Current policy is "short term overnight guest accommodation is not a permitted land use activity."
- 5: Need to distinguish between rental by Owner of single property and owner of multiple properties running as business.
- 6: Common thought is that any New Regulation will increase TAX base because of enforcement costs.
- 7: Need separation between Seasonal and Year round. I guess "Residential" covers that but again needs to be explained.
- 8: Town of Blue Mountain successful defended its regulatory approach to STRs at the Ontario Municipal Board as well as the Superior Court of Justice in 2012. Page 141
- 9: Many do not think that renters should have new expenses in order to rent (Licence), not recognizing that it puts additional expenses on municipalities, by-law, roads etc.
- 10: Education of Cottage owners is mentioned multiple times.
- 11: LJNA survey "Q11 Some municipalities have enacted by-laws to regulate or prohibit the commercialization of residential lakefront properties into short-term rentals. Should Seguin do so too?" The question does not distinguish between "traditional rentals of primarily owner-occupied cottages and short-term rentals of cottages that are purchased for or are primarily dedicated to short-term rental activity of a commercial profit making nature." So my question is did the survey responder fully understand the distinction?
- 12: I like the Otter Lake question 9, If you are a seasonal resident on the lake now, do you aspire to being a full-time or near full-time resident on the lake in the future? Response was Yes 37%, Otherwise the survey does nothing; I think the problem issue is again the word "Commercialization"

Seguin's Current policy on STCR's

On Complaint informing the owners of the properties in question that the rental of a cottage for short term overnight guest accommodation is **not a permitted land use activity** in any of the Zones detailed in Zoning By-law 2006-125. Furthermore, property owners are advised that the continued rental of the cottages for overnight guest lodging may constitute a violation of the Township Zoning By-law and will be dealt with accordingly.

Seguin Terms of Reference Work Plan

Terms of Reference & Work Plan for the Short-term Cottage Rental Study		
1	Short-term Cottage Rental Study Start Up September 2017	September 2017
2	Research and consultation with the municipalities and agencies regarding existing Short-term Cottage Rental Policies/Regulations and their enforceability successes October/November 2017	October/ November 2017
3	Policy and Regulation Options Report to Council (circulation to Lake Associations and persons requesting notice for comment)	November 2017
4	Public Meeting to consider the public input on the Study	December 2017
5	Council to review results of public meeting and provide staff direction regarding recommended approach	January 2018
6	6 Council Meeting to adopt Amendment and/or enact By-law	February 2018

Seguin Phase 2 DPS-PL-2017-138 Report (Items extracted from Muskoka Lakes Report)

(Page 2)

A legal opinion has now been received.

The opinion concludes that short term rentals of cottages should be considered residential, not commercial, and the Zoning By-law is currently of no assistance to prevent the activity. The opinion also finds no support in fact or law for the argument that Airbnb can be considered to be a franchisor and the cottage owner a franchisee.

Short Term Rental Benefits

While unfair competition and nuisance issues are a concern to staff, it is important to note that a number of governments across North America have specifically chosen to embrace the sharing economy, not enacting or in some cases loosening regulations, as short term rentals can be seen as an economic driver to their respective region. In the Township of Muskoka Lakes, where tourism is one of the largest industries, short term rentals do serve a segment of the travelling public by providing access to our region and our lakes, and can make travel easier for larger groups, and more affordable, resulting in potentially longer stays. The practice also provides a number of ratepayers with supplemental income in order to be able to retain a second home.

(Page 3)

Administration and Enforcement Difficulties

While the licensing regime noted above provides revenue that can be utilized for monitoring and enforcement, and creates a form of registry which is beneficial, difficulties in administration and enforcement will still be prevalent. Rental properties are located across 100's of different websites, with new ones continuously being added. Manual monitoring is virtually impossible, as listings are constantly added, modified or removed. Address data is hidden and protected, making it very difficult to locate the property and owner(s). Web based platforms have historically refused to exchange data or collaborate with governments. Entry into structures is prohibited unless permission by the owner is received. Start-ups such as Host Compliance noted above, are offering their services to provide monitoring and enforcement for municipalities to overcome these issues.

Seguin Phase 3 Individual Result Analysis by John Cole MLCA

OPTIONS		Count
1	Do nothing (Archipelago);	21
2	Monitor the STCR issue and use other means like the Noise By-law to address neighbourhood nuisances (Muskoka Lakes);	8
3	Continue to monitor the STCRs issue and enforce the regulations of Zoning By-law 2006-125 as they exist today on a complaint basis (Carling, Georgian Bay);	16
4	Amend the Zoning By-law to prohibit the STCRs in all Zones (McDougall);	21
5	Amend the Zoning By-law to permit STCRs only by site specific zoning by-law amendment (Puslinch); or	0
6	Amend the Zoning By-law and establish a Licensing By-law to permit STCRs, subject to specific regulations and licensing requirements (Niagara Falls, Niagara on the Lake, Blue Mountain).	10

Total 72 letters and out of those 18 (25%) indicated they were property owners that rent.

Association Responses

The following table lists the responses from Lake Cottage and Ratepayers Associations. The option totals result from my interpretation of the Letters and Survey Results. Two of the results Rankin Lake and Lake Joseph try and distinguish between the Traditional Cottage Renter and Commercial Renter, one using only multiple units as the deciding factor.

Page	Seguin Association Letters on Cottage Rental	1	2	3	4	5	6	Survey	Comments
91	Otter Lake Ratepayers Association			120				Yes	Survey no real value, Letter indicates #3 for
115	Rankin Lake Property Owners Association	20			8	6	12	Yes	For Owner Occupied that are occasionally renter
	Rankin Lake Property Owners Association	16			13	2	15		For Investment cottages that are used Strictly as STCR's
67	Lake Joseph North Association			200				Yes	Distinction Traditional Owner To aid enforcement Recommends Renter Code be developed and how to report Distinction between Primarily owner and Primarily dedicated (commercial)
	Lake Joseph North Association				160				Problem as I see it how do you distinguish. Does just 1 unit mean Traditional?
133	Seguin Estates Ratepayers (SERA)								Wants clear distinction between single occasional rental and Multi by same owner. ie commercial) again "commercial definition is problem to understand what is wanted)
140	Three Lakes Ratepayers Association				134				134 members in attendance Demanding letter that action be taken immediately
		36	0	320	315	8	27		

Detail table of all individual responses. Option results on many of the letters were assumed by myself based on the content of the letter. See OPTION Table above.

Seguin Letters on Cottage Rental	SEGUIN OPTIONS						Property owner that rents	Comments
	1	2	3	4	5	6		
Daryle Moffatt			1					enforce existing by-law on books, education
John Polkinghorne						1		Page 7 good points
Ary Vander Hoeven			1					
Sean Aylward			1				1	sees rentals as benefit to community

Mark Otto Baerlocher			1				sees rentals as benefit to community cottage owners cause more trouble than renters	
J Scott Beath	1					1	sees rentals as benefit to community	
Corinne Hagerman		1				1	Monitor infractions if not manageable then License	
BC Osborne			1				the existing bylaw that prohibits STCR should be upheld and enforced. States that same position as Otter Lake Ratepayers BUT states no change in existing rules!!!!	
Carole burden			1					
Candy Smith							do something!!!!	
Carol Wildgoose						1		
Bill Coady	1						sees rentals as benefit to community	
Cathy Ballantyne				1			By its very nature Short Term Rentals absolve the user of responsibility for the long-term well being of the people and the property of the community.	
Miles Langstaff								
Wayne Corston			1	1				
Sandro Flaquinti	1					1	sees rentals as benefit to community Recommends (http://www.cottagerental.com).	
CottageRental.com						1	Renters make complaints that cottagers make too much noise	
Sue Coxhead						1	1	sees rentals as benefit to community
Dolores Creador	1						1	sees rentals as benefit to community
Joy Crysedale				1				
Dean Curtis						1	1	Multiple units
Doug Link				1				enough issues facing our Lake Associations for educating the owners of all properties
Susan Eplett				1				I agree with the regulatory approach taken by McDougall Township
Kristen Balendra	1							enforce the existing bylaws
Donnald Fuller	1						1	Page 41
Doug Gammage						1		President Lake Roseau North Association. His view as association does not want to take position
Gary Miller	1						1	Sees rentals as benefit to community Sold because picture in Northstar
George Marshall	1							Freedom from government intervention and regulation is very important
Sheila Hill	1							anti anything government

Lynn Graydon			1	1				
Trish Gregory & Dave Summerhayes				1				Dean Curtis mentioned as renter with issue, see 21
Niki Haley-Scott		1						sees rentals as benefit to community
Jo-Anne Scott						1	1	
Howie Johnson			1	1				
Greg Johnston			1					
Karen & Mike Edwards				1		1		
Lou Kotsopoulos	1	1	1				1	
Sandy Kucharsky		1					1	Cottage owners are the problem same letter as page 41 Donald Fuller (Row 25)
joe laplante			1	1				OMB upheld Carlings
Dr. Lefa Teng University Guelph						1		sees rentals as benefit to community COLLEGE OF BUSINESS AND ECONOMICS
Pam Lloyd				1				Rental next door disastrous
Martin Chepesiuk				1				No Rentals period
Annette McArthur	1						1	Must think that rental is not prohibited
Ron McArthur	1						1	Must think that rental is not prohibited
Gerald McDole				1				
Cathie Mostowyk			1					Looks like Building Dept. gave false info. Against property purchase for purpose to rent
Marat Mukhamedyarov	1							sees rentals as benefit to community
Ross Halloran Maryrose Coleman	1							Muskoka District Rentals Inc. (www.muskokadistrictrentals.com). 100 units. Seems to not understand rental not permitted use
Nicole North	1						1	sees rentals as benefit to community
Peter Herbert			1				1	
Simon Pym				1				
jaynes cottages								Airbnb Loses Thousands of Hosts in SF as Regulation Rules Kick In Average cottage rental \$15,000 per week So instead of legislation, Jayne's Cottages supports a Renter Code of Conduct document and better enforcement.
Kitty Peck			1	1				
Richard Hood				1				
Rob McFaul	1							allow cottagers to feel free to use and rent out their cottages as they wish.
Robert Ryan	1							

Sandra Wilton (Page 129)				1				
Corey Sax	1						1	
Scott, Errol D	1							sees rentals as benefit to community
Sheila Johnson				1				next to STCR property value down
Artur Siemieniec	1							sees rentals as benefit to community
Mark Skrtich		1						
Winnie Spinney				1				
Sue sutin		1						
Sunny Point Resort								
Walker, Jim				1				Boathouse issue
Susan Eplett				1				
Walter Schneider	1							
Hamish Webster		1					1	I support "smart" short term rentals.
Leslie Webster			1					
Wendy Hill								Re/Max (Page 151) I do not think regulating, or forcing private cottage owners to 'obtain a license annually, and pay a fee annually' is fair.
mark wenn		1					1	Cottage owners are the problem same letter as page 41 Donald Fuller (Row 25)
	21	8	16	21	0	10	18	

End

March 10, 2018
John Cole MLCA



Seguin Township Report to Council

Prepared for: Township Council **Department:** Development and Protective Services
Agenda Date: March 5, 2018 **Report No:** DPS-PL-2018-019
Subject: Short-term Cottage Rental Study

1.0 Recommendation:

That Council receives this report for information and direct staff to implement Phase 5 of the Terms of Reference for the Short-term Cottage Rental Study (Public Meeting – April 2018).

2.0 Background & Purpose of Report:

At the September 5th meeting, Council discussed the possible regulation of short-term cottage rentals. Council directed staff to prepare a summary of terms of reference and a proposed time line for researching regulation of short term cottage rentals and reporting to Council. This report suffices Council's direction.

On September 18, 2017, Council received Report DPS-PL-2017-111 for information and directed staff to implement the Terms of Reference for the Short-term Cottage Rental Study. In Phase 2 of the project, staff was to research and consult with the municipalities and agencies regarding existing Short-term Cottage Rental Policies/Regulations and their enforceability successes. This report provides the findings of this research.

On November 20, 2017, Council received Report DPS-PL-2017-138 for information and directed staff to solicit comments from the public and interested parties on the Short-term Cottage Rental Study. Since that time, the Township has received in excess of 60 emails and letters from residents, lake associations and STCR operators on the project.

3.0 Financial Analysis:

The Township's solicitor may be asked to provide an opinion of the enforceability of the Council's preferred regulatory option. Such an opinion is estimated to be \$1,000.

4.0 Policies and Regulations Affecting the Study:

Sequin Official Plan

Policy C.3.1.3.7 (Resort Commercial Uses) states that the resort commercial uses permitted in the Shoreline Area designation shall be limited to existing and appropriately zoned tourist establishments and resorts, or other similar uses and facilities which are privately owned and operated to provide accommodation on a temporary basis (which includes tent and trailer camps, rental cabins and housekeeping cottages), lodges, motels, marinas or other similar recreational commercial uses.

Zoning By-law 2006-125

For the most part, non-commercially zoned lakefront properties are generally in either a Shoreline Residential Type 1 (SR1) Zone that are serviced by public roads or a Limited Service Residential (LSR) Zone that are serviced by private roads. Among other things, detached dwellings or cottages are permitted uses. Section 13 of By-law 2006-125 defines a cottage as a residential dwelling unit used or intended to be used as a seasonal recreational building pursuant to Section 9.36 of the Ontario Building Code. The By-law further defines a Dwelling Unit as a room or rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons, in which a kitchen, living quarters and sanitary facilities are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway. And, a resident is commonly understood to be a person who maintains residency (domicile) in a given place.

5.0 Work Plan for the Short-term Cottage Rental Study

As approved by Council on September 18, 2017, the Terms of Reference and Work Plan for the Short-term Cottage Rental Study are organized into six steps.

Terms of Reference & Work Plan for the Short-term Cottage Rental Study		
1	Short-term Cottage Rental Study Start Up	September 2017
2	Research and consultation with the municipalities and agencies regarding existing Short-term Cottage Rental Policies/Regulations	October/November 2017
3	Policy and Regulation Options Report to Council (circulation to Lake Associations and persons requesting notice for comment)	November 2017

4	Council to review public input on the Study	March 2018
5	Council hold a public meeting and provide staff direction regarding recommended approach	April 2018
6	Council Meeting to adopt Amendment and/or enact By-law, if required	Second Quarter 2018

6.0 Research and Consultation with Municipalities:

In November, Council received Report DPS-PL-2017-138 wherein a synopsis of how 12 municipalities are addressing the STCR issues was provided (see Appendix B). They are summarized as follows:

- a) Seguin Township – not a permitted land use activity;
- b) McDougall Township – prohibited in the Zoning By-law;
- c) Carling Township – not a conforming use;
- d) Whitestone Township – have a Licensing By-law for rental units;
- e) Township of the Archipelago – have not dealt with STCRs;
- f) Muskoka Lakes Township – enforce their existing Municipal By-laws;
- g) Georgian Bay Township – enforce their Zoning By-law;
- h) Puslinch Township – require an amendment to this By-law;
- i) City of Niagara Falls – Cottage Rental Dwellings are licensed;
- j) Niagara on the Lake – licence Short Term Accommodation units;
- k) Blue Mountain – licence Short Term Accommodation units; and,
- l) Other study sources included Cities of Toronto, Mississauga, Vancouver as well as Icompass.

7.0 Regulatory Options:

The options available to Seguin Council include:

- 1. Do nothing (Archipelago);
- 2. Monitor the STCR issue and use other means like the Noise By-law to address neighbourhood nuisances (Muskoka Lakes);
- 3. Continue to monitor the STCRs issue and enforce the regulations of Zoning By-law 2006-125 as they exist today on a complaint basis (Carling, Georgian Bay);
- 4. Amend the Zoning By-law to prohibit the STCRs in all Zones (McDougall);
- 5. Amend the Zoning By-law to permit STCRs only by site specific zoning by-law amendment (Puslinch); or
- 6. Amend the Zoning By-law and establish a Licensing By-law to permit STCRs, subject to specific regulations and licensing requirements (Niagara Falls, Niagara on the Lake, Blue Mountain).

8.0 Summary of Public Comments:

As mentioned previously, the Township received in excess of 60 emails and letters from the public regarding their opinions whether or not to regulate Short Term Cottage Rentals as a land use in Zoning By-law 2006-126. This correspondence is attached as Schedule E. In summary, the comments were divided into three groups as followings:

A. Status Quo - Do not regulate STRCs - Regulatory Options 1 & 2.

32 respondents supported this approach. Some respondents were of the opinion that STRCs were good for the local economy and help support the tax base. In this group, there was several persons who supported of taking an educational approach to improve neighbourhood relations. Still, several others were more adamant that it is not the responsibility of the Township to regulate STRCs as a land use.

B. Prohibit STRCs - Regulatory Options 3 & 4.

29 respondents supported this approach. The majority of this group generally felt that STRCs should not be permitted at all because they were seen as a commercial land use occurring in a residential area. As such, some respondents supported enforcing the Zoning By-law "as is" while several others were in favour of adding more explicit language to support the prohibition.

C. Improved Regulatory Framework for STRCs - Regulatory Option 6.

16 respondents supported this approach. The majority of this group generally felt that there was a need for an improved regulatory framework to control this land use activity.

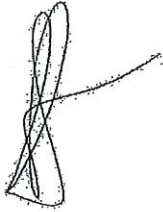
9.0 Conclusion:

In order to suffice Council's direction regarding the implementation of a Terms of Reference for the Short-term Cottage Rental Study, staff is in the process of working at completing the six step STCR work plan in a timely fashion. This involves undertaking an assessment of the public's opinions on the regulatory options currently in practice as part of Phase 4 of the Study.

As such, Council is respectfully requested to consider the findings of staff to date and to direct staff to proceed to implement Phase 5 (Public Meeting) of the study process.

Respectfully submitted

Reviewed



Steve Stone, MSc, BES, MCIP, RPP
Director of Planning & Development



Chris Madej, MA, MCIP, RPP
CAO

Schedules:

Schedule A: Public Comments
Schedule B: Research



Seguin Township Report to Council

Prepared for: Township Council
Agenda Date: November 20, 2017

Department: Development and Protective Services
Report No: DPS-PL-2017-138

Subject: Phase 2 – Research and Consultation with Municipalities as per the Terms of Reference for the Short-term Cottage Rental Study

1.0 Recommendation:

That Council receives this report for information and direct staff to implement the Phase 3 of the Terms of Reference for the Short-term Cottage Rental Study (Public Input Circulation).

2.0 Background & Purpose of Report:

On September 18, 2017, Council received Report DPS-PL-2017-111 for information and directed staff to implement the Terms of Reference for the Short-term Cottage Rental Study. In Phase 2 of the project, staff was to research and consult with the municipalities and agencies regarding existing Short-term Cottage Rental Policies/Regulations and their enforceability successes. This report provides the findings of this research.

At the September 5th meeting, Council discussed the possible regulation of short-term cottage rentals. Council directed staff to prepare a summary of terms of reference and a proposed time line for researching regulation of short term cottage rentals and reporting to Council. This report suffices Council's direction.

3.0 Financial Analysis:

The Township's solicitor may be asked to provide an opinion of the enforceability of the Council's preferred regulatory option. Such an opinion is estimated to be \$1,000.

4.0 Policies and Regulations Affecting the Study:

Seguin Official Plan

Policy C.3.1.3.7 (Resort Commercial Uses) states that the resort commercial uses permitted in the Shoreline Area designation shall be limited to existing and appropriately zoned tourist establishments and resorts, or other similar uses and facilities which are privately owned and operated to provide accommodation on a temporary basis (which includes tent and trailer camps, rental cabins and housekeeping cottages), lodges, motels, marinas or other similar recreational commercial uses.

Zoning By-law 2006-125

For the most part, non-commercially zoned lakefront properties are generally in either a Shoreline Residential Type 1 (SR1) Zone that are serviced by public roads or a Limited Service

Residential (LSR) Zone that are serviced by private roads. Among other things, detached dwellings or cottages are permitted uses. Section 13 of By-law 2006-125 defines a cottage as a residential dwelling unit used or intended to be used as a seasonal recreational building pursuant to Section 9.36 of the Ontario Building Code. The By-law further defines a Dwelling Unit as a room or rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons, in which a kitchen, living quarters and sanitary facilities are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway. And, a resident is commonly understood to be a person who maintains residency (domicile) in a given place.

5.0 Terms of Reference and Work Plan for the Short-term Cottage Rental Study

As approved by Council on September 18, 2017, the Terms of Reference and Work Plan for the Short-term Cottage Rental Study are organized into six steps.

Terms of Reference & Work Plan for the Short-term Cottage Rental Study		
1	Short-term Cottage Rental Study Start Up	September 2017
2	Research and consultation with the municipalities and agencies regarding existing Short-term Cottage Rental Policies/Regulations and their enforceability successes	October/November 2017
3	Policy and Regulation Options Report to Council (circulation to Lake Associations and persons requesting notice for comment)	November 2017
4	Public Meeting to consider the public input on the Study	December 2017
5	Council to review results of public meeting and provide staff direction regarding recommended approach	January 2018
6	Council Meeting to adopt Amendment and/or enact By-law	February 2018

6.0 Research and Consultation with Municipalities:

- a) Seguin Township – There has been two complaints in as many years in regards to short-term cottage rentals (STRC). Staff has responded to these complaints by informing the owners of the properties in question that the rental of a cottage for short term overnight guest accommodation is not a permitted land use activity in any of the Zones detailed in Zoning By-law 2006-125. Furthermore, the property owners were advised that the continued rental of the cottages for overnight guest lodging may constitute a violation of the Township Zoning By-law and will be dealt with accordingly. In addition to these actions, staff have also asked the advice of the Township’s solicitor and sought the direction of Council on how to deal with this ongoing issue. In this regard, Council directed staff to monitor the situation and encourage the property owners to actively address the concerns of the neighbours. In the first instance, the complainant moved away while the second case remains unresolved. Prosecution remains an option accordingly to the Township’s solicitor. Most recently, Council directed staff to undertake the Short-term Cottage Rental Study.

With respect to Zoning By-law 2006-125, there are nine residential zones with cottages and dwellings being permitted in all the Shoreline Residential (SR1 - SR6) and Limited Service Residential (LSR) Zones. The By-law defines a cottage as a residential dwelling unit used or intended to be used as a seasonal recreational building pursuant to Section 9.36 of the Ontario Building Code. And, a dwelling unit means a room or rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons, in which a kitchen, living quarters and sanitary facilities are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway.

Furthermore, there are five Commercial Zones of which the Resort Commercial C4 Zone is typically and most prevalently found in lake fronting locales. This Zone permits such commercial uses as existing hotels, existing motels, summer and tourist camps and cabin rental establishments. As an example, a cabin rental establishment means a tourist establishment comprised of two or more housekeeping cabins owned by the same person and rented to members of the travelling or vacationing public.

30 days

X

b) McDougall Township – Deputy Mayor Kim Dixon noted that early in 2017, they added a definition for Short Term Accommodation (STAs) in their Zoning By-law. They consider STAs to be commercial land uses which are prohibited in their Zoning By-law. Short Term Accommodation is defined as a use of a building or structure or part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for the travelling or vacationing public for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year by any individual, organization or corporation either continuously or as an aggregate in any given calendar year. Short Term Accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist establishment, cottage resort, rental cottage establishment or commercial resort. A residential or seasonal dwelling unit that rents, leases, or assigns the said dwelling for a period greater than thirty (30) consecutive calendar days through all or any part of a calendar year to the same tenant is not considered a "Short Term Accommodation" unit. STAs are also listed as not being a permitted use in any Residential (RR) Zone, or any Waterfront Residential (WF1 – WF6) Zone. McDougall has had some difficulty investigating complaints in the past few years but they have not pursued prosecution to date.

c) Carling Township – CAO/Clerk Kevin McLLwain noted that they have taken the position that this is a commercial activity as identified in the Blue Mountain case and that it is not a conforming use in the Residential/Waterfront zonings. There has been one significant STRC occurrence in the past six years but it never was prosecuted. Initially, the property owner agreed to stop renting the cottage but he has since started renting it again and, as such, it remains an open case. There are a few other violations out there but when Carling has let the owner know that they cannot have a STCR, they seem to comply for the most part. The Township investigates the operation of a STCR solely on a complaint basis. This is a very sensitive matter for Carling and currently not much has been produced in the way of documents or reports.

d) Whitestone Township – Deputy Clerk Jennifer Wadden noted that they have By-law 20-2014 for the licensing, regulating and governing of rental units in the municipality. A

Rental Unit is defined as a detached dwelling that is offered as a place of temporary residence, lodging or occupancy by way of lease, Rental Agreement or similar Commercial arrangement. A Rental Unit does not include lodging found in any Tourist Commercial (C2) Zone, including a Motel, Hotel, Rental Cottage, Tourist Cabin, Bed and Breakfast, nor does it include a property rented for two weeks or less in any calendar year, and it excludes any Rentals that exceed 30 consecutive days or more to the same tenant, throughout all or part of a calendar year. Their licensing requirements include the following:

- Proof of Ownership;
- Survey or Site Plan (sketch);
- Copy of Property's Sewage System Permit;
- Open Building Permits must be finalized;
- Registered Owner is responsible for Rental Unit Insurance;
- That all Realty Taxes have been paid;
- Confirmation that all Adjoining Properties have been informed of License Application;
- Confirmation that the Property complies with all Laws or Regulations;
- Applications filed shall be accompanied by a \$200.00 Fee.

They indicated that process 2-3 new rental unit licenses a year and renew about 15 existing licenses annually. They noted that they do not have a STCR enforcement problem at this time.

- e) Township of the Archipelago – Manager of Planning Cale Henderson noted that they have not addressed or seriously dealt with short term rentals.
- f) Muskoka Lakes Township – Director of Planning David Pink noted that they began investigating the STCR issue in 2016 with Report Short Term Cottage Rentals. The matter was raised again in March of this year wherein staff noted that STCR issue continues to be difficult to tackle. They noted that staff does have concerns that STCRs may represent unfair competition against resorts and may jeopardized neighbourhood character and enjoyment. However, they also want to be careful not to enact burdensome (both on the public and Township) and difficult to enforce regulations, that mainly serve to correct what may be only a few troublesome owners/operators. In Muskoka Lakes' case, staff is of the opinion that more diligent enforcement and where needed additional By-laws or strengthening of existing By-laws (noise, parking, property standards, etc.) together with increased fines may be successful in addressing concerns, while still supporting a long standing practice that does contribute to the growth of our region and benefits a number of ratepayers.
- g) Georgian Bay Township – Anna Dankewich, Senior Planner at the Township, noted that they have had a couple of recent compliance issues to date. However, steps to enforce their Zoning By-law regulations have been letters to the property owners to meet with staff to discuss how the use of the property can be brought into compliance. No prosecutions have been initiated.
- h) Puslinch Township – In 2017, the Township initiated a review of its Zoning By-law as noted on their web site. It is their intention to add a definition and regulations for

Short Term Accommodations. The draft regulation states that STAs are a prohibited land use unless specifically permitted by an amendment to this By-law. Where specifically permitted by an amendment to this By-law, no land, building or structure shall be used for short term accommodation, unless the land, building and structure is in compliance with the following regulations and any other applicable provisions of this By-law:

- i. Maximum occupant load – 8.
- ii. Minimum distance from any other short term accommodation or bed and breakfast establishment - 120 metres.
- iii. Short term accommodation shall not occur on the same lot as a home business, in an accessory apartment or accessory building or structure.

Short term accommodation is defined as an use of a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term Accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, hospital, or similar commercial or institutional use.

- i) City of Niagara Falls – The City’s web site identifies itself as a major tourist destination with many forms of accommodations which includes Cottage Rental Dwellings. The web site has a definition of a cottage rental dwelling which is a residential house that is rented out by the owner for short stays (traditionally, less than 28 days). The City’s web site advises that only a handful of Cottage Rental Dwellings are licensed by the municipality and have been appropriately inspected.
- j) Niagara on the Lake – In 2013, Shirley Cater, Manager of Planning for the Town noted that they amended their Official Plan via Amendment 55 to introduce new policies governing, among many things, Cottage Rentals. These policies are intend to ensure cottage rentals, villas and vacation Apartments are appropriately located, licensed and controlled to mitigate potential conflicts and maintain the character and stability of neighbourhoods. This action was taken following the Town of Blue Mountain’s successful defense of its regulatory approach to STRs at the Ontario Municipal Board and Superior Court of Justice s in 2012.

In addition to NOTL OPA 55, the Town amended their Zoning regulations via By-law 4316A1-13 wherein they established ~~rules for permitting cottage rentals, villas~~ and vacation apartments. These regulations specify that a cottage rental is the commercial use of a single detached dwelling unit with up to three bedrooms that may be rented for periods up to 28 consecutive days for a use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation, but not occupied continuously as a principal residence. A villa is similarly defined but is a dwelling having four or more bedrooms.

Other regulations for a cottage rental include:

- i. Minimum of two off street parking spaces;

Property
Manager

- ii. Minimum on site amenity space of 135 sq.m;
- iii. Fully serviced with water and wastewater;
- iv. Frontage on a public road;
- v. Maximum of one cottage rental per lot; and,
- vi. Cottage Rental must be licensed.

A summary of some of the Cottage Rental Licensing Requirements as per Municipal By-law 4634-13 include:

- i. Eligible houses must have been occupied for at least four consecutive years;
- ii. Pass all required inspections before licensing and maintain compliance with the requirements of the Official Plan, Zoning By-law, Building and Fire Codes, Noise and Public Nuisance By-law, Clean Yards and Property Standards, and Signage;
- iii. Copy of Licence and all municipal by-laws on site;
- iv. Copy of floor plan and emergency exit routes on site;
- v. Contact information for property manager and maintenance staff;
- vi. Guest registry and daily journal of guests and their vehicles;
- vii. Upon request, inspection of premises by By-law Enforcement staff;
- viii. No special events such as weddings are permitted;
- ix. Proof of Liability Insurance (\$2,000,000);
- x. Duration of Licence (4 years) which ceases immediately should the STR be sold before the licence expires;
- xi. Remediation of complaints and violations within 72 hours;
- xii. Appeals of Licence refusals, orders to comply, etc. are filed with a Licensing Appeal Committee;
- xiii. Licence Fees include a one-time fee of \$110 per room and another annual fee of \$110 per room.

The above noted actions were taken following the Town of Blue Mountain's successful defense of its regulatory approach to STRs at the Ontario Municipal Board and Superior Court of Justice s in 2012.

- k) Blue Mountain – The Town's web site acknowledges that the accommodation of recreational visitors is critical to their economy and to employment in the many recreational businesses and activities located there. STAs, including the rental of private houses, chalets and condominium units, are important to and encourages visitors. This is critical to the Town's success offering an important alternative to more traditional tourism accommodation such as hotels, motels, bed and breakfasts, and Commercial Resort Units. In this regard, the Town of The Blue Mountains Short Term Accommodation (STA) Licensing By-law (By-law No. 2013-50) came into effect July 2, 2014 and provides for a system of licensing of STA premises (premises rented on a basis of 30 consecutive days or less). The intent of the By-law is to balance the needs of property owners with those of residents looking for safe, adequate and properly maintained STA premises.

Under the STA Licensing Program, property owners must apply for and obtain a licence, and renew it bi-annually. The licence may be suspended or revoked by the Town should the property owner not comply with the provisions of the By-law. If the

STA premises is sold, the new owner must apply for a new licence, which includes providing all necessary documentation and having the necessary inspections completed. The STA Licensing requirement has been very effective in meeting the objectives of the STA Licensing By-law, including but not limited to:

- Ensuring that STA occupants are provided with safe accommodations in terms of fire, electrical and building safety;
- Ensuring that STA premises are operated and maintained in a sanitary and acceptable levels of interior conditions as per Property Standards;
- Ensuring an enhanced level of care and maintenance of STA premises and requiring STA Operators to maintain records of same;
- Identifying substandard STA premises;
- Ensuring STA Operators are apprised of their responsibilities to comply with Town by-laws and other regulations (public nuisance and noise);
- Protecting the character, amenities and maintain the quality of existing residential neighborhoods; and
- Creating a level playing field for all STA Operators and providing enhanced consumer protection.

Requirements to obtain a STA Licence include:

- Submission of complete Application
- Payment of the Licensing Fee
- Submission of the Site Plan & Floor Plans
- Proof of Insurance in accordance with the By-law
- Submission of a Parking Management Plan
- Submission of a Property Management Plan
- Renters Codes
- Pass the Fire Safety and Property Standards inspection
- Pass of the Electrical Safety Association (ESA)

Required STA Licence Fees & Charges: (As per By-Law 2017-7)

- STA Licence Fee (Non-Condo): \$2,500.00 (2 Yr.)
- STA Licence Fee (Condo): \$1,500.00 (2 Yr.)
- Licence Renewal Fee (Non-Condo): \$750.00 (2 Yr.)
- Licence Renewal Fee (Condo): \$500.00 (2 Yr.)
- STA Replacement Licence: \$50.00
- Fire and Property Standards inspection fee
 - \$75 (up to 2,500 sq.ft) and \$100.00 (>2,500 sq.ft)

Additional STA Fees that may be applicable:

- Licensing Committee Appeal Fee: \$500.00
- Council Appeal Fee: \$500.00
- Licensing Committee Meeting Fee: \$250.00
- Licensing Committee Hearing Fee: \$250.00
- Late Renewal Fee: \$500.00

Administrative Penalty System (APS) for Licensed STAs

- 15 demerit points assigned under the Licensing By-law
- For example, non-compliance with the Fire Code = 15 demerit points where Long Grass infraction is 2 demerit points
- \$250.00 Per APS Infraction
- Notice of APS Infraction is sent to Property owner & Responsible Person
- The Property owner or Responsible person can request a review of the administrative penalty by the Licensing Committee (15 days)

Enforcement of the STA regulations for Non-licensed STAs includes:

- Identification that the property is being used for STA (Less than 30 Days)
- Notice of Violation sent to property owner for non-permitted use
- By-law Officers monitor rental advertisement and property
- Evidence compiled pertaining to the illegal STA premises
- Charges are laid for infraction with \$2,500 fines per owner if convicted.

At the Conference for Ontario Professional Planners Institute in October 2017, Town staff presented their STA experiences in a workshop entitled Beyond Airbnb: Balancing Community Interests in the Sharing Economy – Lessons Learned from Regulating Short Term Accommodations in the Town of Blue Mountains. The presenters included Leo Longo, a lawyer from the firm Aird & Berlis, Denise Whaley (Town's Senior Planner), and Kristy Robitaille (Town's Municipal By-law Enforcement Officer). A summary of their presentation (appended as Schedule) is as follows:

- a. The Town of Blue Mountains has been dealing with its STA issue for 10+ years.
- b. The STAs are primarily associated with the cottage/chalet areas in the communities of Craigeleith and Blue Mountain Village.
- c. Common Issues with STAs include:
 - i. People conflicts (long term owners vs. short term renters)
 - ii. Legal non-conforming status of uses
 - iii. Accommodation over crowding
 - iv. Parking, noise, garbage, vandalism
 - v. Property standards and fire/building code infractions
 - vi. Staffing and resources
 - vii. Land use (commercial or residential)
- d. STA Study lead to the development of specific regulations
 - i. They estimate that it has cost the Town over a \$1,000,000 to study and regulate STAs since the early 2000s.
 - ii. Study lead to STAs being regulated as a commercial land use via ZB Amendment in 2011.
 - iii. STAs are accommodations less than 30 days in duration, accommodation for the travelling public, owner does not reside on the premises, includes are forms of contractual arrangements.
 - iv. OMB decision upheld the Town's by-law enactment and Court did not grant leave for appeal of the decision.
- e. STA Web based platforms include Airbnb, Hometogo, Flipkey, VRBO, Homeaway, Sonder, as well as local operations with their own websites.

- f. Powers to regulate STAs based on:
 - i. Planning Act via land use (OP policy, ZB regulation, Site Plan Control agreements)
 - ii. Municipal Act via Licensing By-law, Property Standards, Parking By-law
 - iii. Building and Fire Codes
- g. Self-help for Neighbours include:
 - i. Municipal Act – Section 440 where ratepayer can apply to the Court to have the ZB enforced.
 - ii. Rule 14.05 – Court action wherein applications are made by the public in Superior Court for constitutional challenges to the validity of statutes and regulations.
- h. STA Licensing Program
 - i. STAs only permitted in R5 to R8 Zones (medium density equivalent).
 - ii. STAs are allowed elsewhere as legal non-conforming uses.
 - iii. Licenses for Chalets = \$2,500 and for Condos = \$1,500.
 - iv. Application Requirements include Site Plan, deed/ownership confirmation, insurance, parking and property plan, rental code of conduct, accommodation/occupant loading, fire safety and ESA certificates.
 - v. Inspection Fee = \$75. These are done for electrical safety, fire code, building code, property standards, and accommodation/occupancy limits (# of bedrooms).
 - vi. Common OBC issues include improper stairs, railings, egress windows from basements, no operational smoke alarms and unsafe decks.
- i. By-law Enforcement is complaint driven.
 - i. Monitor web sites for ads with nightly rates.
 - ii. Persecutions = \$2,500 per offense.
 - iii. Use demerit system for complaints/licence violations (maximum 15 points).
 - iv. Lose of Demerit Points can be appealed by the operator to a Licensing Committee.
 - v. Administration charge leveled for loosing points.
 - vi. Accommodation/occupant load based on 2 persons per bedroom to a maximum of 8 persons.
 - vii. Licenses have to be renewed after 3 years. Licensing helps deal with legal non-conforming STAs insofar as if the license is not applied for and renewed in a timely manner, the use is deemed to have ceased.
 - viii. 260 STAs currently licensed with and 100+ STAs operating with no licence.
 - ix. STA program has one full time administrator. Program does use 2 by-law enforcement officers, a prosecutor, a Senior Planner, fire and building staff on a case by case basis.
 - x. Active enforcement files 158 in 2015, 74 in 2016 and 48 in 2017.
 - xi. 24 charges laid for violations and 23 convictions in 2016 and 19 prosecutions and convictions in 2017.
- l) Other study sources included:
 - Cities of Toronto, Mississauga and Vancouver are in the process of exploring their regulator options with respect to Short-Term Rentals.

- Icompass is a Compliance Webinar service that provides guidance on STR Ordinances and Regulatory Best Practices from an USA perspective.

7.0 Regulatory Options:

The options available to Seguin Council include:

1. Do nothing (Archipelago);
2. Monitor the STCR issue and use other means like the Noise By-law to address neighbourhood nuisances (Muskoka Lakes);
3. Continue to monitor the STCRs issue and enforce the regulations of Zoning By-law 2006-125 as they exist today on a complaint basis (Carling, Georgian Bay);
4. Amend the Zoning By-law to prohibit the STCRs in all Zones (McDougall);
5. Amend the Zoning By-law to permit STCRs only by site specific zoning by-law amendment (Puslinch); or
6. Amend the Zoning By-law and establish a Licensing By-law to permit STCRs, subject to specific regulations and licensing requirements (Niagara Falls, Niagara on the Lake, Blue Mountain).

8.0 Conclusion:

In order to suffice Council's direction regarding the implementation of a Terms of Reference for the Short-term Cottage Rental Study, staff is in the process of working at completing the six step STCR work plan in a timely fashion. This involves undertaking an assessment of the regulatory options currently in practice as part of Phase 2 of this project which is now complete.

As such, Council is respectfully requested to consider the findings of staff to date and to direct staff to proceed to implement Phase 3 – Public Comment Circulation of the study process as previously approved.

Respectfully submitted



J. Stephen Stone, MSc, BES, MCIP, RPP
Director of Planning and Development

Reviewed



Chris Madej, MA, MCIP, RPP
CAO

Schedules:

- Schedule A: DPS-PL-2017-111 Short Term Rental Report
- Schedule B: Muskoka Lakes Cottage Rental Report, March 2017
- Schedule C: Blue Mountain Short Term Rentals Information Package
- Schedule D: Niagara on the Lake Short Term Rental Application Package



Seguin Township Report to Council

Prepared for: Township Council **Department:** Development and Protective Services
Agenda Date: September 18, 2017 **Report No:** DPS-PL-2017-111

Subject: Terms of Reference for the Short-term Cottage Rental Study

1.0 Recommendation:

That Council receives this report for information and direct staff to implement the following Terms of Reference for the Short-term Cottage Rental Study.

2.0 Background & Purpose of Report:

At the September 5th meeting, Council discussed the possible regulation of short-term cottage rentals. Council directed staff to prepare a summary of terms of reference and a proposed time line for researching regulation of short term cottage rentals and reporting to Council. This report suffices Council's direction.

3.0 Financial Analysis:

The Township's solicitor may be asked to provide an opinion of the enforceability of the Council's preferred regulatory option. Such an opinion is estimated to be \$1,000.

4.0 Policies and Regulations Affecting the Study:

Seguin Official Plan

Policy C.3.1.3.7 (Resort Commercial Uses) states that the resort commercial uses permitted in the Shoreline Area designation shall be limited to existing and appropriately zoned tourist establishments and resorts, or other similar uses and facilities which are privately owned and operated to provide accommodation on a temporary basis (which includes tent and trailer camps, rental cabins and housekeeping cottages), lodges, motels, marinas or other similar recreational commercial uses.

Zoning By-law 2006-125

For the most part, non-commercially zoned lakefront properties are generally in either a Shoreline Residential Type 1 (SR1) Zone that are serviced by public roads or a Limited Service Residential (LSR) Zone that are serviced by private roads. Among other things, detached dwellings or cottages are permitted uses. Section 13 of By-law 2006-125 defines a cottage as a residential dwelling unit used or intended to be used as a seasonal recreational building pursuant to Section 9.36 of the Ontario Building Code. The By-law further defines a Dwelling Unit as a room or rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons, in which a kitchen, living quarters and sanitary facilities are provided

for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway. And, a resident is commonly understood to be a person who maintains residency (domicile) in a given place.

5.0 Terms of Reference and Work Plan for the Short-term Cottage Rental Study

The proposed Terms of Reference and Work Plan for the Short-term Cottage Rental Study are organized into six steps to be completed early in 2018.

Terms of Reference & Work Plan for the Short-term Cottage Rental Study		
1	Short-term Cottage Rental Study Start Up	September 2017
2	Research and consultation with the municipalities and agencies regarding existing Short-term Cottage Rental Policies/Regulations and their enforceability successes	October/November 2017
3	Policy and Regulation Options Report to Council (circulation to Lake Associations and persons requesting notice for comment)	November 2017
4	Public Meeting to consider the public input on the Study	December 2017
5	Council to review results of public meeting and provide staff direction regarding recommended approach	January 2018
6	Council Meeting to adopt Amendment and/or enact By-law	February 2018

It is noteworthy that public participation, specifically the involvement of the Lake Associations, will be very important to this study and will occur after Step 3.

6.0 Conclusion:

In order to suffice Council’s direction regarding the preparation of a Terms of Reference for the Short-term Cottage Rental Study, staff is suggesting a six step work plan for undertaking an assessment of the regulatory options currently in practice. As such, Council is respectfully requested to direct staff to proceed to implement the study process as outlined.

Respectfully submitted

Reviewed




J. Stephen Stone, MSc, BES, MCIP, RPP
Director of Planning and Development

Chris Madej, MA, MCIP, RPP
CAO



Seguin Township Report to Council

Prepared for: Township Council **Department:** Development and Protective Services

Agenda Date: June 15, 2020 **Report No:** DPS-PL-2020-054

Subject: Short-Term Cottage Rentals/Accommodations Discussion

1.0 Recommendation:

That Council receives this report for information and directs staff to initiate the community engagement strategy in regards to the draft regulation of short-term cottage rentals/accommodations as detailed in Schedule A.

2.0 Background & Purpose of Report:

At the June 1st, 2020 meeting, Council discussed the draft regulation for Short Term Cottage Rentals/Accommodations as outlined in Staff Report DPS-PL-2020-049. Resulting from the discussion Council directed staff to develop a community engagement strategy to further discuss the issue with the public over the summer.

3.0 Policies and Regulations Affecting the Study:

Seguin Official Plan

Policy C.3.1.3.7 (Resort Commercial Uses) states that the resort commercial uses permitted in the Shoreline Area designation shall be limited to existing and appropriately zoned tourist establishments and resorts:

Zoning By-law 2006-125

Non-commercially zoned lakefront properties are in either a Shoreline Residential Type 1 (SR1) Zone or a Limited Service Residential (LSR) Zone. Among other things, detached dwellings or cottages are permitted uses.

In Section 13 of the existing Zoning By-law 2006-125, a cottage is defined as a residential dwelling unit used or intended to be used as a seasonal recreational building pursuant to Section 9.36 of the Ontario Building Code. The By-law further defines a Dwelling Unit as a room or rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons, in which a kitchen, living quarters and sanitary

facilities are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway. And, a resident is commonly understood to be a person who maintains permanent residency (domicile) in a given place.

4.0 Regulatory Option as discussed by Council as of June 1, 2020

The Township's solicitor supports the creation and definition of a new commercial use, termed "short term accommodation":

STCR/STA Definition added to Section 13 of the Zoning By-law:

Short term accommodation means the commercial use of any type of cottage, dwelling or dwelling unit, or part thereof, that operates as or offers a place of temporary accommodation or occupancy by way of concession, permit, lease, licence, rental agreement or other similar commercial arrangement for any period less than twenty-eight (28) consecutive calendar days, throughout all or any part of a calendar year. Short term accommodation uses shall not mean or include other defined commercial uses such as a cabin rental establishment, hotel, motel, summer camp, and tourist camp or tourist establishment.

General Provision 4.38 Accessory Use of a Cottage, Dwelling or Dwelling Unit

The limited or occasional use of a cottage, dwelling or dwelling unit, and any part thereof, for a period less than twenty-eight (28) consecutive calendar days will be considered an accessory use to the permitted residential use as per Table 6.1 so long as such use does not become a Short Term Accommodation use as defined in Section 13 of this By-law.

5.0 Conclusion:

Staff requests that Council considers the above refined regulatory approach for short term cottage rental/accommodations in Seguin. With Council's direction, this draft regulation could be presented to the public this summer to discuss and comment as per the Community Engagement strategy as detailed in Schedule A.

The details of each Theme raised by respondents can be expanded as required. Staff may also follow up with respondents for additional information and details on their comments. The full text of all correspondence will be forwarded to Council for review.

SCHEDULE A to Report DPS-PL-2020-054

Short Term Cottage Rentals Community Engagement Strategy

A variety of media will be used to solicit participation and feedback from the Seguin Community regarding short term cottage rentals (STCR):

- Creation of a www.seguin.ca/stcr site. This site will contain links to background reports and the latest information, and provide an email link (stcr@seguin.ca) for residents to send comments.
- The STCR web page will also provide a mailing address and staff contact for residents who wish to write a letter alternative to e-mail.
- 2 ads will run in the Parry Sound North Star (July and August) requesting community input on STCR, as well as advertise the STCR web page and contact information.
- Social media (Twitter, Facebook) platforms will also be used to advertise the web page, and invite and encourage Seguin residents to provide feedback.
- The deadline for STCR comments will be Labour Day, September 7 2020. This will provide a full 2 months for all year round and seasonal Seguin residents to participate and provide feedback.

As comments from the public are received using the above media, staff will record the name and location of participants. A summary of comments will be extracted from each letter/e-mail to identify common themes raised through the feedback. Staff will use a table format to begin grouping common themes raised, and which can also be grouped on a lake-specific scale to identify unique situations throughout Seguin Township. The tabulations of common themes and lake-specific trends will provide a useful "snapshot" for Council to consider in future public workshops and meetings.

Example of Public Feedback Tabulation – "Themes Approach" Example

Respondent	Address	Lake	Theme 1	Theme 2	Theme 3	Theme 4
J. Smith	123 St.	Joseph	Noise	Parking	Environment	Behaviour
J. Doe	321 St.	Otter	Noise	Garbage	Boating	
B. Frapples	213 St.	Clear	Environment	Parking		
B. Ackue	132 St.	Dyson	Boating	Noise	Behaviour	Parking

All public comments received will be tracked on a spreadsheet as shown in Schedule A.

Respectfully submitted



Steve Stone, MSc, BES, MCIP, RPP
Director of Planning & Development

Reviewed



Michele Fraser
Interim Chief Administrative Officer
Chief Financial Officer/Treasurer

SS/MF/li

Attachments:
Schedule A – Community Engagement Strategy

COMMENTS CAN BE SENT UNTIL AUG. 21

Continued from page 1

cerns on behalf of his association and other associations — for the last four years.

"We were experiencing things like people not being able to get into their driveways, because there were so many cars," said Johnson, a Maintouwa Lake ratepayer. "One of the comments that was made to me was, I don't know what kind of weekend we're going to have until we come up and see how many cars that are in the driveway and the average age of those people." I thought, that's just not right."

After doing research, Johnson learned that short-term rentals are a commercial entity and, according to the township zoning bylaws, they don't belong in a Shoreline Residential I Area.

At a Seguin Lake Association meeting, the group began discussing the issue with many associations coming on board against

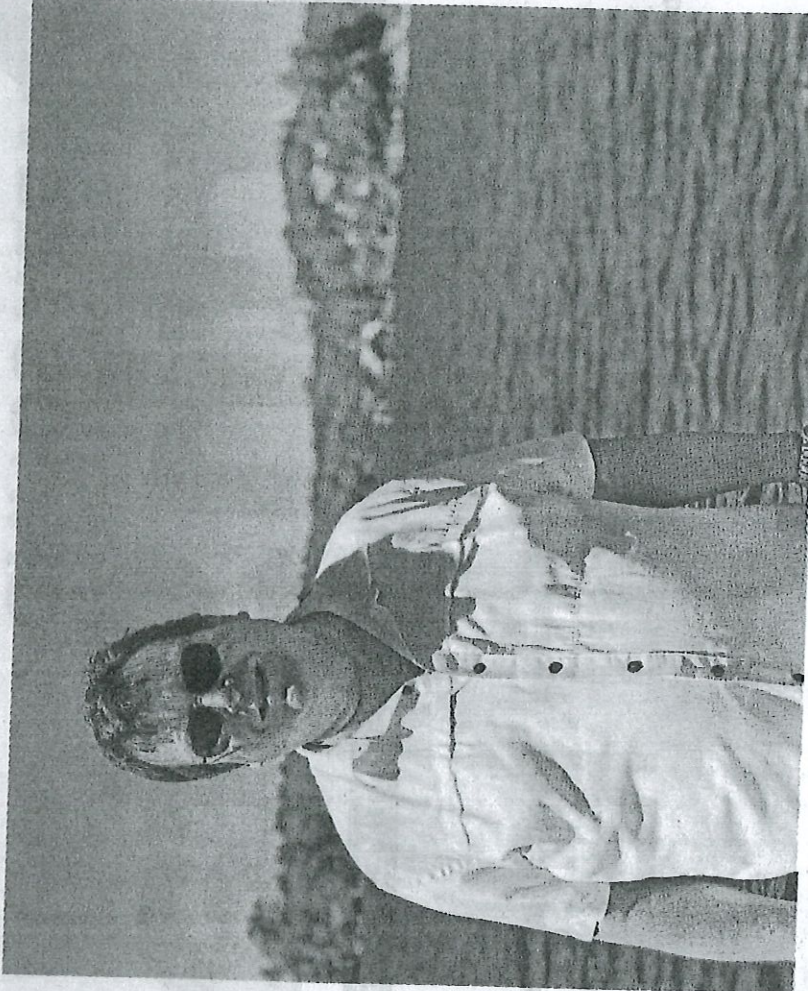
short-term rentals.

"Some of the concerns that we had (is renters) were pilfering firewood from nearby cottages, throwing their garbage around, partying until all hours of the day and night and they didn't abide by the fire ratings for fire-works," he said. "There's been a number of times my wife and I have gone out and picked up garbage, because they've just thrown bags on the side of the road."

Trying to reach out to landlords Johnson said he was met with silence and, although not all experiences with short-term renters has been negative, Johnson said most are.

On the flip side, Johnson said he's sympathetic to cottage owners who want to rent their space for one or two weeks a season, to help offset the cost of taxes.

"I don't have a problem with that," he said. "People should be able to use their cottages as they feel free



Seguin Estates Ratepayers' Association president Howie Johnson believes short-term commercial rentals have no place in Seguin Township.

and they have a vested interest in vetting their renters carefully, because these people have to come back to the cottages and live with their neighbours. There's a big difference between a commercial entity owner and a private owner. I made sure that when I was in discussions with the

township, I made that differentiation." Additionally, Johnson said these rental agencies are also cutting into resorts and properly licensed establishments' bottom line.

"(Commercial landlords) keep saying that they're a boon to the local

economy. No," he said. "People that rent spend so much money on the rental, they bring their groceries up with them, they bring beer up with them and they don't go into town. All they're really benefiting is the guy that's putting the money in his pocket — that's my opinion."

Johnson said he plans on voicing his opinion on the issue.

"It's a shame, because it brings up an element of people — sometimes, not always — that can cause an issue ... would you want something like this next to you? I don't want to shut down the little guy that has to pay his bills and needs to rent for a couple of weeks. I'm after the big outfits, the absentee landlords (that have people) come up in droves ... they pile into this small cottage and they're there for a week and they don't care what they do because they'll never see those neighbours again. The screening process, is 'Can you pay?'"

Comments will be received by the township until Aug. 21 by mail at 5 Humphrey Drive, Seguin, P2A 2W8 or by email at info@seguin.ca or by fax at 705-732-6347.

STORY BEHIND THE STORY: The short-term rental issue has been ongoing in Seguin Township for a number of years. As the issue readies for public consultation, we wanted to know how short-term rentals have affected area cottage owners and why a majority are against commercial rentals.

Stephannie Johnson/Torstar

MANY AGAINST SEGUIN SHORT-TERM RENTALS

IMPACTING YOUR
COMMUNITY

STEPHANIE JOHNSON

sjohnson@
metrolandnorthmedia.com

SEGUIN — When it comes to short-term rentals in Seguin Township, one ratepayer says it's a case of a few bad apples spoiling the bunch.

This summer, the township is looking to the public to comment on short-term accommodation and short-term cottage rentals.

Research is currently underway to provide council with regulatory options for short-term rentals in the township.

At its June 15 meeting, council discussed the draft bylaw and many said they were eager to gather public input.

"I happen to agree with (Coun.) Rod (Osborne), getting this moving along a lot more quickly. We only have four summer meetings left," said Coun. Ted Collins. "I would like to get public opinion and get their input as soon as possible, before the fall, when the majority of our citizens leave to their fall and winter residences."

Kerry Mueller, president of the Otter Lake Ratepayers Asso-

ciation, said the association believes short-term cottage rentals not only decrease enjoyment of their own properties, but create other concerns, including increased noise, boat traffic and garbage disposal issues. As well, members expressed strong concern about lake ecology and degradation of water quality.

"When a property sells to a person or company whose focus is profit, neighbours are suddenly faced with a revolving door of strangers coming and going next door," Mueller said. "The renters are understandably keen to get

the most out of their short vacation, but with no connection to the long-term health of the lake or the happiness of the neighbours, coupled with no landlord on site, problems have occurred."

Seguin Estates Ratepayers' Association president Howie Johnson said he's been following the issue — and voicing his con-

See **COMMENTS**, page 2



Responsible Cottage Rental

FOCA recognizes that occasional rental of our cottage properties has become a financial reality for some cottage owners. We hear from members interested in finding out about how to rent (and how to insure for rental), and also from those who have been frustrated by experiences with poorly-managed rental properties in their vicinity.

FOCA supports a philosophy of responsible use, that encourages cottage owners to:

- educate and inform guests about cottage country living and etiquette (see link to a [sample visitor information sheet](#), below in Related Posts)
- work with neighbours to promote harmonious relationships
- be environmental stewards by ensuring the **sustainable use** of cottage properties, recognizing the limits of the existing septic system, road capacity and other community considerations.

Looking for more information on the topic of **responsible rental**? See the article from our partners at CottageLINK Rental Management, in [FOCA's 2017 Lake Stewards Newsletter](#) (<https://foca.on.ca/2017-foca-lake-stewards-newsletter/>) (page 23: "Cottage Rental: What you should know.")

News

FOCA has been following media reports about municipalities debating the regulation of cottage rentals:

- October, 2019 – [Oro Medonte Residents rally against short-term rentals](https://cottagelife.com/realestate/oro-medonte-residents-rally-against-short-term-rentals/) (https://cottagelife.com/realestate/oro-medonte-residents-rally-against-short-term-rentals/?utm_source=Cottage+Life+Newsletter&utm_medium=email&utm_campaign=dockside+Oct31+2019&utm_source=Cottage+Life+Newsletter&EMAIL+CAMPAGN+2019+09+25+01+39+COPY+01&utm_medium=email&utm_term=0_2a49eb7b-981654c65e-230564085&mc_cid=981654c65e&mc_eid=c0ea2703f8) (Cottage Life)

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Recent Posts

[2019 Fall Seminar for Lake Associations](#)

- September, 2019 – the town of Huntsville is proposing to license and tax short-term rentals and vacation cottages by February 2020. Read the update, as reported by [Cottage Life](https://cottage.life) (https://cottage.life/general/more-regulation-coming-for-short-term-rentals-in-huntsville-including-an-accommodation-tax/?utm_source=Cottage+Life+Newsletter&utm_medium=email&utm_campaign=dockside+Occupation&utm_source=Cottage+Life+Newsletter&utm_medium=email&utm_term=0_2a4b9ab7626_2016) (<https://cottage.life/news/2019/09/25/01-39-copy-01>) (EMAIL CAMPAIGN 2019 09 25 01 39 COPY 01&utm_medium=email&utm_term=0_2a4b9ab7626_2016) (d1a0e7f047-230564085&mc_cid=d1a0e7f047&mc_eid=c0ea2703f8).
- August 1, 2019 – the City of Kawartha Lakes has created free "Short-term rental" posters (<https://www.kawarthalakes.ca/en/news/learn-more-about-short-term-rentals-in-kawartha-lakes.aspx?fbclid=IwAR11JP87AeoT30Rh4utsS5EyhjtBLOWBYWzq4VjI6l48bllHSGG-bkAP24Y>) (which include a description of fines for failure to follow local by-laws or regulations) and now has a webpage dedicated to the rental issue: <https://www.kawarthalakes.ca/en/things-to-do/short-term-rentals.aspx> (<https://www.kawarthalakes.ca/en/things-to-do/short-term-rentals.aspx>)
- February 1, 2019 – [Dysart et al considering action to control short-term rentals](http://thehighlander.ca/secondary_id/31417?id=727&fbclid=IwAR11JP87AeoT30Rh4utsS5EyhjtBLOWBYWzq4VjI6l48bllHSGG-bkAP24Y) (http://thehighlander.ca/secondary_id/31417?id=727&fbclid=IwAR11JP87AeoT30Rh4utsS5EyhjtBLOWBYWzq4VjI6l48bllHSGG-bkAP24Y) (The Highlander)
- September 18, 2018 – [Crystal Beach cottage rental crackdown continues](https://www.stcatharinesstandard.ca/news-story/8910448-crystal-beach-cottage-rental-crackdown-continues/) (<https://www.stcatharinesstandard.ca/news-story/8910448-crystal-beach-cottage-rental-crackdown-continues/>), about recent council deliberations in Fort Erie (St. Catherines Standard)
- August 15, 2018 – [City, residents to work together to resolve short term rental problems in Kawartha Lakes](https://www.mykawartha.com/news-story/8839708-city-residents-to-work-together-to-resolve-short-term-rental-problems-in-kawartha-lakes/) (<https://www.mykawartha.com/news-story/8839708-city-residents-to-work-together-to-resolve-short-term-rental-problems-in-kawartha-lakes/>) and further information posted to the [City website](https://www.kawarthalakes.ca/Modules/News/index.aspx?feedid=34469aff4dc4-444c-8de3-bdac64125e35.5128919b-2656-4b49-ba80-702d920d3575.ed9951a0-30d4-4bd6-9b59-6c53955b5cfd.1654d756-4220-408b-91d4-8de8bdc9269b.91e546f1-250c-459a-88c9-7dcf3d900b1d.0aeb4514-ffe2-4bfa-99d1-03fd69efdc6a.6f380a48-1762-4230-835b-f9ff8775031b.34b6c378-0f2e-4eb1-9152-b100b635f053.b16d4f33-864c-4570-8884-fbc5f1f303ad.3f600d81-546b-4b9e-a9a1-a67ab0b692e8&newsId=1f3c1ba0-77bf-49d3-a7fa-6eec2d476c6e) (<https://www.kawarthalakes.ca/Modules/News/index.aspx?feedid=34469aff4dc4-444c-8de3-bdac64125e35.5128919b-2656-4b49-ba80-702d920d3575.ed9951a0-30d4-4bd6-9b59-6c53955b5cfd.1654d756-4220-408b-91d4-8de8bdc9269b.91e546f1-250c-459a-88c9-7dcf3d900b1d.0aeb4514-ffe2-4bfa-99d1-03fd69efdc6a.6f380a48-1762-4230-835b-f9ff8775031b.34b6c378-0f2e-4eb1-9152-b100b635f053.b16d4f33-864c-4570-8884-fbc5f1f303ad.3f600d81-546b-4b9e-a9a1-a67ab0b692e8&newsId=1f3c1ba0-77bf-49d3-a7fa-6eec2d476c6e>)
- August 9, 2018 – [Highlands East to regulate short-term rentals](http://thehighlander.ca/highlands-east-to-regulate-short-term-rentals/) (<http://thehighlander.ca/highlands-east-to-regulate-short-term-rentals/>) (Highlander News)
- April 11, 2018 – [City of Kawartha Lakes wants public input on short term rentals](https://www.mykawartha.com/news-story/8387276-city-of-kawartha-lakes-wants-public-input-on-short-term-rentals/) (<https://www.mykawartha.com/news-story/8387276-city-of-kawartha-lakes-wants-public-input-on-short-term-rentals/>) A public meeting will be held May 3 at Kawartha Lakes City Hall to gather input on the issue
- Sept. 26, 2017 – [Seguin cottage rentals could be regulated in 2018](https://www.parrysound.com/news-story/7563727-seguin-cottage-rentals-could-be-regulated-in-2018/) (<https://www.parrysound.com/news-story/7563727-seguin-cottage-rentals-could-be-regulated-in-2018/>) (ParrySound.com)
- and a Sept. 27th response, "We need less government, not more" (<https://www.parrysound.com/opinion-story/7579994-letter-we-need-less-government-in-our-lives-than-more-says-mckellar-reader/>) (ParrySound.com)
- Sept. 26, 2017 – [Fore Erie Wades into Short Term Rental Market](https://www.niagarathisweek.com/news-story/7578749-fort-erie-wades-into-tricky-short-term-rental-market/) (<https://www.niagarathisweek.com/news-story/7578749-fort-erie-wades-into-tricky-short-term-rental-market/>) (NiagaraThisWeek.com)
- Also, a new study, released from McGill University, addresses the question of Airbnb and short-term rentals. See: <http://www.amcto.com/BLOG/September-2017/New-Report-Suggests-Airbnb-Influences-Housing-Supp> (<http://www.amcto.com/BLOG/September-2017/New-Report-Suggests-Airbnb-Influences-Housing-Supp>)

(<https://foca.on.ca/fall-seminar-2019/>)
(September 20, 2019)

Electricity Pricing
(<https://foca.on.ca/electricity-pricing/>)
(<https://foca.on.ca/electricity-pricing/>)&utm_source=Cottage+Life+Newsletter&utm_medium=email&utm_term=0_2a4b9ab7626_2016)

Federal Election 2019
(<https://foca.on.ca/federal-election-2019/>)
(July 31, 2019)

2019 Lake Stewards
Newsletter
(<https://foca.on.ca/2019-lake-stewards-newsletter/>)
(June 27, 2019)

Municipal Engagement – A
Guide for Lake
Associations
(<https://foca.on.ca/municipal-engagement-guide/>)
(May 13, 2019)

- and, the October 2017 edition of the [Muskoka Lakes Association](https://www.mla.on.ca/) (https://www.mla.on.ca/)’s “NewsBites” reports that the **Township of Muskoka Lakes** formed a steering committee to consider a proposed short-term rental licensing by-law, following an [October report](https://muskokalakes.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&Id=933) (https://muskokalakes.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&Id=933) from the Director of Planning to Council.
- [Short-Term Rental – local regulation strategies](https://municipalworld.com/feature-stories/page.php?postid=1220) (https://municipalworld.com/feature-stories/page.php?postid=1220) (Municipal World, 2017) – “...A short, non-exclusive list of issues includes: taxes, neighbourhood relations/quality of life, land use, safety, trash, parking, fire and building safety, and neighbourhood character.”
- [Ontario ruling about short-term rentals and zoning by-laws](http://www.sorbaralaw.com/short-term-rentals-zoning-laws-must-clear-non-discriminatory-effective/) (http://www.sorbaralaw.com/short-term-rentals-zoning-laws-must-clear-non-discriminatory-effective/) (Sorbara Law, 2015)
- [Wasaga Beach – Illegal cottage rental penalty](https://www.simcoe.com/news-story/4413591-beach-by-law-department-gets-first-illegal-cottage-rental-conviction/) (https://www.simcoe.com/news-story/4413591-beach-by-law-department-gets-first-illegal-cottage-rental-conviction/) (Simco.com, 2014)
- [Renting your cottage? Check the rules first.](https://www.muskokaregion.com/community-story/3572756-renting-out-your-cottage-check-the-rules-first/) (https://www.muskokaregion.com/community-story/3572756-renting-out-your-cottage-check-the-rules-first/) (MuskokaRegion.com, 2012)

5 benefits of cottage rental to rural and lakefront communities (provided by CottageLINK Rental Management, 2016):

1. Help to maintain property values
2. Support for the local economy
3. Properties are regularly maintained
4. Occupied properties are a deterrent to theft
5. Contribution to cottage country awareness.

Resources:

[Click here to download an information sheet](https://foca.on.ca/wp-content/uploads/2017/12/CLRM-Responsible-Rental-info-2016.pdf) (https://foca.on.ca/wp-content/uploads/2017/12/CLRM-Responsible-Rental-info-2016.pdf) about responsible rental (PDF, 1 page) that you can circulate to your fellow association members.

[Click here to read a blog](https://www.cottageblogger.com/the-vacation-rental-welcome-book/) (https://www.cottageblogger.com/the-vacation-rental-welcome-book/) by Heather Bayer of CLRM on the subject creating a great Welcome Binder for your cottage guests.

See more posts related to Cottage Rental, from our partners at Cottage Life Magazine:

<https://cottagelife.com/tag/cottage-rental/>
[\(https://cottagelife.com/tag/cottage-rental/\)](https://cottagelife.com/tag/cottage-rental/)

Related Posts



[Shoreline Owner’s Guide to Healthy Waterfronts](https://foca.on.ca/shoreline-owners-guide-to-healthy-waterfronts/) (https://foca.on.ca/shoreline-owners-guide-to-healthy-waterfronts/)



[FOCA’s Toolkit for Associations](https://foca.on.ca/toolkit-overview/) (https://foca.on.ca/toolkit-overview/)

[Sample: Visitor Information Sheet \(Members Only\)](https://foca.on.ca/sample-visitor-information-sheet-members-only/) (https://foca.on.ca/sample-visitor-information-sheet-members-only/)



[Waterfront Property](https://foca.on.ca/waterfront-property-owners-and-rural-economic-development/) (https://foca.on.ca/waterfront-property-owners-and-rural-economic-development/)

[Owners and Rural Economic Development \(https://foca.on.ca/waterfront-property-owners-and-rural-economic-development/\)](https://foca.on.ca/waterfront-property-owners-and-rural-economic-development/)

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Renting out your cottage? Check the rules first

Community Aug 24, 2012 by [Roland Cilliers \(/muskokaregion-author/roland-cilliers/352325ED-3345-4511-8CB4-80DEF932A757/\)](#) Huntsville Forester
MUSKOKAN - Muskoka's landlords are a little less restricted than their neighbours in Parry Sound.

A recent case in Georgian Bay has uncovered a long-standing ban against the renting of properties to short-term visitors in residentially zoned areas, including cottages. One lakefront homeowner in Carling Township was even threatened with a maximum fine of \$25,000 if they continued to contravene the ban.

Here in Muskoka, property owners can be confident that there is no such restriction. The long-held summer tradition of renting out cottages to tourists is perfectly legal in the eyes of municipal enforcement officers.

Scott Stakiw, chief bylaw enforcement officer with the Town of Bracebridge, said owners currently don't require any special zoning or licences to rent out their properties in his district.

"The Town of Bracebridge does not have a business licence requirement for rental properties at this time, although it is possible to enact such a bylaw," Stakiw said.

Muskoka Lakes, Lake of Bays, the Township of Georgian Bay, Seguin Township, Gravenhurst and Huntsville also have no restrictions on owners who wish to rent out their property.

That should come as good news to the region's many cottage landlords, as the money earned by renting out a property can be significant. Some owners credit the income from renting out their slice of Muskoka as crucial to being able to afford staying in the region. The benefits to renting may be clear, but there are substantial risks for both owners and the neighbourhood they occupy.

"In our experience, rental properties have the potential to create problems for seasonal and year-round residents given the higher turnover rate of the occupants," said Stakiw.

"Unless the property owner is very proactive in communicating the various bylaws to all of the tenants and renters, they tend to have a disproportionate amount of complaints regarding such things as noise, burning, dogs at large, et cetera."

While hosting temporary occupants who let their dogs run wild and hold raucous parties may make you unpopular with the neighbours, Bracebridge landlords can rest easy knowing that renters are held responsible for any bylaw violations they might commit, but that's not the case everywhere.

In Huntsville, it is possible for a property owner to be charged for the actions of their renters. The total fire ban, which has been in effect for several weeks, has seen its share of violators – some of which are renters.

Andrew Stillar, a Huntsville bylaw enforcement officer, said the Outdoor Burning Bylaw does allow for property owners to be fined when their renters are in violation.

"For this particular bylaw, the owner could be held responsible for the actions of someone else, even if they're not there," Stillar said.

According to bylaw officers across the region, renters are more prone to bylaw violations than full-year or seasonal residents.

"That's everything from noise complaints to garbage being left at the curb because someone may have woken up late and left it out at noon, and the garbage truck had already been by and they missed it by two hours," said Stillar.

The most common cause of complaints about renters to the bylaw office is noise. Many renters, who tend to live far away from bodies of water, don't seem to understand how clearly noise travels over a lake.

One strategy for reducing bylaw issues is to provide renters with as much information as possible. That can take the form of an information packet at the cottage, a short information session when a renter arrives or an email correspondence well in advance of a renter's arrival.

Heather Bayer, a representative with cottage rental agency CottageLINK Rental Management, said that a lot of issues can be solved with a little upfront information.

"Part of being a responsible owner is taking responsibility for educating through the information given on listings, websites and by providing information in the cottage," said Bayer.

"Things like telling them what is so different about cottage country. This might sound a bit odd, but telling them it's going to be very dark and very quiet at night. We've even had complaints from people who didn't realize it was going to be so dark and so quiet."

There are a few actions that every Muskokan landlord can take before renting, to help ensure a positive experience for themselves, their renters and their neighbours. Familiarize yourself with the local bylaws, develop a package for renters so they're aware of any of the relevant local rules, and lastly, always be careful of who you're renting to.

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5 Benefits of Cottage Rental to Rural and Lakefront Communities

1. Help to maintain property values
2. Support for the local economy
3. Properties are regularly maintained
4. Occupied properties are a deterrent to theft
5. Contribution to cottage country awareness



CottageLINK Rental Management supports a philosophy of Responsible Rental that encourages cottage owners to:

- Educate and inform rental guests about cottage country living and etiquette
- Create and share an environmental policy to foster sustainable rental practices
- Adopt a professional approach to marketing and advertising
- Work with their neighbours to promote harmonious relationships
- Create Terms & Conditions of Rental that specify their guests responsibilities during a rental period



Kawartha Lakes is known for its beautiful lakes, towns, villages and environment. That's what makes us cottage country, and it's why people love to visit us. Short Term Rentals are the perfect way for tourists and Kawartha Lakes residents to enjoy what the municipality has to offer.

However, it's important to remember By-law regulations and other information that must be followed when renting a Short Term

Rental.

What is a Short Term Rental?

Short Term Rentals are when you stay in a rental space for 30 days or less. This can include renting a private room in a home, an entire home, a seasonal property like a cottage or any other space. Short Term Rentals do not include established accommodations such as bed and breakfasts, hotels, trailer parks or campgrounds.

By-law Inspection Fees

Short Term Rental property owners are encouraged to be active hosts in ensuring that their guests enjoy an excellent stay in Kawartha Lakes and that their neighbours maintain an excellent quality of life. Please remember that Short Term Rental operators can be held accountable for the actions of their guests. If a Municipal By-law is broken, By-law fines can be charged to the individuals who violated the regulation and inspection fees can be charged to the property owner.

Occurrence	Fee
First Occurrence	No Cost
Second Occurrence	\$112
Third Occurrence	\$225
Fourth Occurrence	\$445
Fifth Occurrence	\$894
Sixth Occurrence	Fees Double

What do I need to know if I'm renting a Short Term Rental?

Fire Pit and Open Air Burns

Bonfires can be an important part of the cottage experience, but remember that they can be dangerous too. Kawartha Lakes Fire Rescue Service can implement a Burn Ban if the weather conditions make fires unsafe. Be sure to check www.kawarthalakes.ca/fire (<http://www.kawarthalakes.ca/fire>) to see view the Burn Ban status and always remember:

- Fire pits may be no more than 60 centimetres diameters and must be 15 metres from buildings and 5 metres from property lines
- Fire pits must not be under any vegetation such as trees or overhangs like porches
- Fire pits must be attended at all times
- Smoke cannot disrupt people on neighbouring properties
- Water must be readily available to extinguish the fire

Waste

Kawartha Lakes is beautiful – and we want to keep it that way. Proper disposal of garbage and recyclables is essential to keeping our community and waterways clean. Always:

- Ensure garbage is disposed of in clear bags
- Separate fiber and container recyclables
- Ensure waste is not disposed of in waterways such a lakes or rivers

Visit www.kawarthalakes.ca/waste (<http://www.kawarthalakes.ca/waste>) to learn more about proper disposal of waste and waste collection days and to view the Municipal Waste Calendar

Parking

For everyone's safety, roadways and road access must be kept clear to ensure residents, visitors and emergency vehicles have access to properties. Parking should occur entirely on the property that you are visiting, however, if parking use of the roadways occurs please be considerate of your neighbours. Ensure vehicles are parked legally on roadways and are parked on the correct property. Learn more at www.kawarthalakes.ca/parking (<http://www.kawarthalakes.ca/parking>).

Noise

Municipal By-Law can respond to noise complaints along with your local Police Service. Please be sure that you're respecting your neighbours by following these noise By-Laws:

- Amplified noise such as stereos is prohibited from 11pm to 11am
- Yelling, shouting or the playing of musical instruments is prohibited from 9pm to 7am
- Persistent noise made by any pet, such as a dog barking, is prohibited at all times

Pets

If you're bringing your dog along to your Short Term Rental property, please ensure that they are under care and control at all times, and that they don't wander on to neighbouring properties.

Fireworks

As part of **Firework By-Law 2007-236** (</en/municipal-services/resources/Major-Projects/Lindsay/2007-236-Sale-and-Setting-off-of-Fireworks.pdf>). You do not need a permit to use consumer fireworks. Requirements to follow when using consumer fireworks include:

- Children shall not discharge fireworks
- Fireworks may not be discharged into any motor vehicle, building or structure

- Fireworks shall be discharged a minimum of 30 metres from any structure or property line
- Fireworks may not be discharged during a burn ban

Visit www.kawarthalakes.ca/fire (<http://www.kawarthalakes.ca/fire>) to read the full By-law.

Property Standards

The Property Standards By-law focuses on the maintenance and occupancy of property in the municipality.

Visit www.kawarthalakes.ca/Bylaws (<http://www.kawarthalakes.ca>) to review the Property Standard By-law.

Who do I call to make a complaint about a Short Term Rental property?

If you've noticed that a Short Term Renter or a Short Term Rental property owner is violating a By-law or regulation, please let us know.

Issue	Contact Information
<p>For long grass and weeds, derelict structures, garbage on the property, a dog on the loose or a noise complaint, please call Municipal Law Enforcement.</p>	<p>Monday to Friday 8am to 4:30pm</p> <p>705-3234-9411 extension 1212</p> <p>Monday to Friday 4:30pm to 9pm or Saturday and Sunday 8am to 6:30pm</p> <p>705-928-3054</p> <p>Report a By-law infraction online: www.kawarthalakes.ca/MLEOComplaint http://www.kawarthalakes.ca/MLEOComplaint</p>

For structural alterations/additions, a building without a permit or septic concerns, please call the Municipal Building Department.	Monday to Friday 8:30am to 4:30pm 705-324-9411 extension 1288
For all emergencies, including impaired operation of a motor vehicle or watercraft, out of control burning, dangerous misuse of fireworks, illicit drug use or violence, please call your local Police Service.	9-1-1
For non-emergent burn complaints, please contact the Kawartha Lakes Fire Rescue Service.	24/7 705-324-5731 extension 500
For information on fishing licenses, fishing limits, rules and more.	Visit www.ontario.ca/fishing (http://www.ontario.ca/fishing).
For information on wildlife or bear problems.	Visit www.ontario.ca/wildlife (http://www.ontario.ca/wildlife).
To report a municipal issue, such as garbage on the roadside or road maintenance issues.	Visit www.kawarthalakes.ca/reportit (http://www.kawarthalakes.ca/reportit) For all emergencies, call 9-1-1.
To ask another question.	To contact the municipality of Kawartha Lakes, please call 705-324-9411 or toll-free at 1-888-822-2225. For after-hour Municipal emergencies, please contact 1-877-885-7337.

Printable Posters

If you are looking for information to display in your own cottage or rental property that has important By-law and emergency information, two posters are available for download below.

[Short Term Rentals - Information sheet for renters and property owners - 11x17 \(/en/things-to-do/resources/Documents/STR---Information-for-Renters-and-Owners.pdf\)](/en/things-to-do/resources/Documents/STR---Information-for-Renters-and-Owners.pdf)

[Short Term Rentals - Information Sheet for renters and property owners - 8.5x11 \(/en/things-to-do/resources/Documents/8.5x11-STR1.pdf\)](/en/things-to-do/resources/Documents/8.5x11-STR1.pdf)

[Short Term Rentals - Information sheet for resident and property owner complaints - 11x17 \(/en/things-to-do/resources/Documents/STR---Information-for-Complaints.pdf\)](/en/things-to-do/resources/Documents/STR---Information-for-Complaints.pdf)

[Short Term Rentals - Information sheet for resident and property owner complaints - 8.5x11 \(/en/things-to-do/resources/Documents/8.5x11-STR2.pdf\)](/en/things-to-do/resources/Documents/8.5x11-STR2.pdf)

History of Short Term Rentals in Kawartha Lakes

In October 2017, Council received a staff report on the implications of regulating short term rental accommodations and made the decision to proceed with public consultation on the matter. Residents and homeowner associations spoke to Council regarding their concerns about safety, noise and nuisance resulting from recent short term rentals in their areas on Pigeon, View and Scugog lakes.

As a result, Council and the municipality of Kawartha Lakes have taken several measures to address the community's concerns. Learn more about them here.

June 2019 - Council receives Short Term Rentals Update

At the June 4 Committee of the Whole, Council received an update on Short Term Rentals in Kawartha Lakes. Presented by Municipal Law Enforcement, this update included information about ongoing public education campaigns, how many calls are received about Short Term Rentals and more. Council moved to continue with monitoring Short Term Rentals and implementing an education campaign.

Read the full [presentation \(/en/living-here/resources/Council-Short-Term-Rentals-Presentation.pdf\)](/en/living-here/resources/Council-Short-Term-Rentals-Presentation.pdf) here.

August 2018 - Council makes a decision on Short Term Rentals

Council made a decision on short term residential rentals in the City of Kawartha Lakes at the August 14 Council Meeting. Council adopted the first option of the Short Term Rentals Follow Up Report (<https://pub-kawarthalakes.escribemeetings.com/filestream.ashx?DocumentId=18491>) to continue to monitor short term residential rentals and implement several amendments to City by-laws to enable Municipal Law Enforcement to better respond and track issues arising at these properties.

Read the full news release (</en/news/council-makes-a-decision-on-short-term-residential-rentals-in-the-city-of-kawartha-lakes.aspx>) in our newsroom.

June 2018 - Council receives update on Short Term Rentals

City staff have completed an extensive review of short term residential rentals in the City of Kawartha Lakes and will be providing an informational report (<https://pub-kawarthalakes.escribemeetings.com/filestream.ashx?DocumentId=15239>) to Council on the June 19 agenda on the outcomes of the review and proposed options for Council consideration.

Read the full news release (</en/news/update-on-review-of-short-term-rentals.aspx>) in our newsroom.

April 2018 - Kawartha Lakes wants public input on Short Term Rentals

The City's Municipal Law Enforcement and Licensing Division hosted a Short Term Rentals Public Forum and invited residents to attend.

Read the full news release (</en/news/city-wants-public-input-on-short-term-rentals.aspx>) in our newsroom.

October 2017 - Council to explore regulations on Short Term Rentals

At the October 10 Council meeting, Council received a staff report on the implications of regulating short term rental accommodations and made the

decision to proceed with public consultation on the matter. Staff will bring back a report on other options including costs by the end of June 2018.

Read the full [news release \(/en/news/council-to-explore-regulations-on-short-term-rentals.aspx\)](/en/news/council-to-explore-regulations-on-short-term-rentals.aspx) in our newsroom.

Contact Us

City of Kawartha Lakes

P.O. Box 9000, 26 Francis Street,

Lindsay, ON, K9V 5R8

Telephone: [\(705\) 324-9411](tel:705-324-9411)

[E-Mail the City of Kawartha Lakes](#)

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P.O. Box 9000, 26 Francis Street,

Lindsay, ON, K9V 5R8

Telephone: [705-324-9411](tel:705-324-9411)

Toll free at [1-888-822-2225](tel:1-888-822-2225)

After-hours emergencies: 1-877-885-7337

[Email Us](#)

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Town mulls over vacation rentals

By Oliver Chronicle - August 26, 2019



Town council will discuss the issue of vacation rentals at its Committee of the Whole meeting today. (File photo)

A senior staff member with the Town of Oliver has recommended that council amend its zoning bylaw to permit vacation rentals in the community.

Director of development services Randy Houle will present a report on the issue on Monday.

Houle said short-term rentals are an important form of tourist accommodation and have allowed homeowners to generate revenue to offset property costs.

But he also noted these rentals have prompted concerns and complaints, such as creating conflicts in residential neighbourhoods via noise, parking congestion and unsightliness.

Houle said 15 (54 per cent) of the vacation rentals listed in Oliver have a business licence. Sixteen are listed as secondary suites, but it is unknown how many are legal. As of Aug. 1, 28 short-term rentals were being advertised on Airbnb, VRBO and HomeAway.

In May, the Town launched a survey to solicit feedback on vacation rentals. A total of 173 "mixed" responses were received.

Responses in support included:

Several exist in neighbourhoods already and you can hardly tell they are there.

Hosts and renters are rated on various websites.

Creates a unique tourist offering.

Allows guests to shop locally.

Helps with the mortgage.

Many units would sit vacant if not allowed to rent out in the short term.

Concerns include:

Some owners are not on site to deal with problems or concerns.

Increase in traffic and on-street parking.

Creates extra garbage.

Disruptive.

Commercializes residential neighbourhoods.

Takes long-term rentals off the market.

Creates uneven playing field for hotels.

Some suggestions include:

Allow in principal residences only.

Limit the number of guests.

Ensure adequate parking.

Ensure proper taxation.

Ensure hosts deal with noise complaints appropriately.

Maximum of one rental suite per property.

Houle recommended limiting the total occupancy of vacation rentals to two per bedroom to a maximum of six.

He also recommended amendments to the business licence bylaw, including the removal of the \$750 deposit for enforcement costs . . . only if vacation rentals are operated by an owner with a principal residence on site. He noted that owners should be able to manage nuisance activities without bylaw enforcement.

Houle also recommended that the business licence fee for vacation rentals be higher than the home occupation fee of \$75. He stated the proposed fee of \$200 is on par with a hotel or motel licence fee and creates a more even playing field.

Oliver Chronicle

rentals

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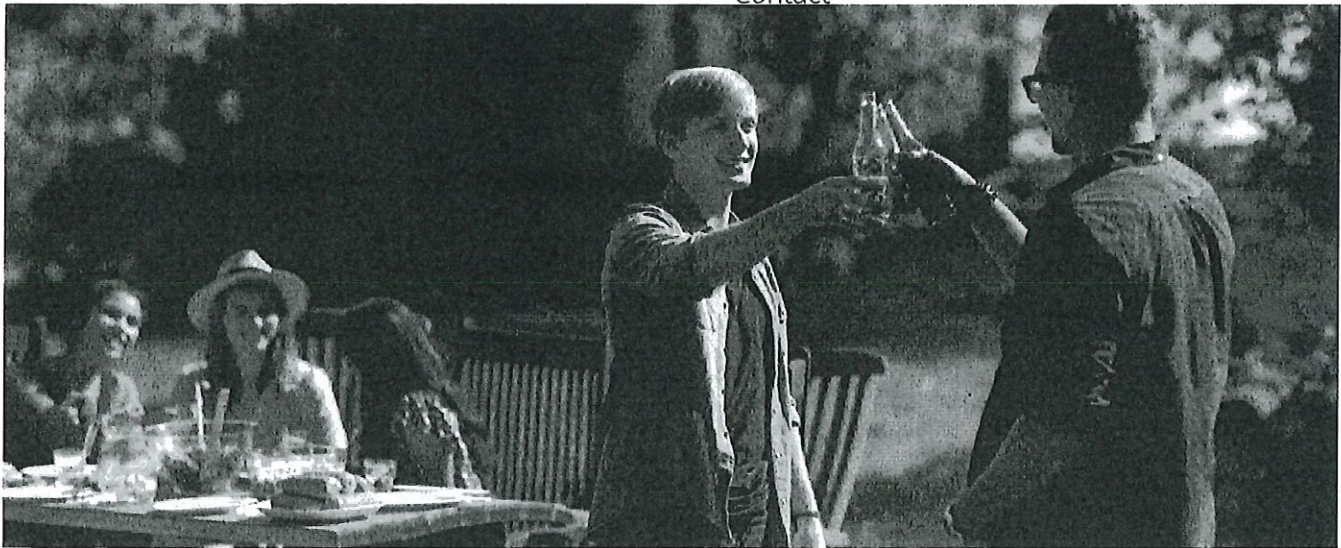
REGULATION STRATEGIES (PART 1)

BY JAMES WILSON

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How can we help?



Short-term rentals – whether through large sites such as AirBNB or HomeAway, or any of the myriad of smaller, niche options – are rapidly becoming a challenge for communities. The topic was on the agenda at the 2017 International City/County Management Association (ICMA) conference in San Antonio, consultant Ulrik Binzer gave a presentation on these challenges – and some best practices that can be applied anywhere.

Impacts of Short-Term Rentals

Binzer suggests that there is nothing inherently problematic about short-term rentals. But, that doesn't mean there aren't issues. There seems to be a debate between the existing status quo,

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cities and traditional vacation hotspots. Binzer suggests that "a short-term rental can earn up to three times the revenue of a traditional rental," while taking an apartment or house out of the equation for those who truly want to put down roots in their community. The housing issue is incredibly complicated; but, for municipalities who craft detailed regulations, there are options - including regulation of how many nights the location can be rented in a year, and framing regulations in a different way for hosted and non-hosted rentals.

Some communities have attempted a heavy-handed approach with these new services, banning them outright in an effort to avoid dealing with the issues. The reality is that bans are hard to justify and difficult to enforce, and they can also be downright unpopular. As is the case with many things, banning simply pushes it underground where it is difficult to monitor and enforce. In addition, taking the ban approach can result in a political challenge, pitting neighbours and residents against one another - and against the local council that supports such a move. When faced with this challenge, people tend to revert to extreme positions, making compromise difficult, and causing tensions and challenges that can last years.

Local Approach Essential

Binzer stresses that crafting a regulation requires a local approach. What concerns exist for residents and for the municipality? What capabilities does the municipality have to enforce them?

The following are some of the strategies being taken by communities across North America:

- residents only regulations (this is similar to recent proposal by Vancouver that will only allow short-term rentals at a person's primary residence, not at secondary

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- a local contact person who can respond to inquiries and
- customized rules for non-hosted rentals (where the homeowner or apartment renter is not onsite).

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Crafting a regulation with these (and other) thoughts in mind can help to mitigate some of the major concerns such as availability, protection and preservation of the neighbourhood, quality of life, and safety.

Part 2 will focus on the best practices for enforcement of any local regulation on short-term rentals. MW

Our Premier Partners:



Short-Term Rentals - 10 best practices for enforcement (Part 2)

<https://www.municipalworld.com/feature-story/short-term-rentals-10-best-practices-for-enforcement-part-2/>

by James Wilson
in Housing, ONLINE FEATURE

At the 2017 International City/County Management Association (ICMA) conference in San Antonio, consultant Ulrik Binzer gave a presentation on the challenges for communities addressing short-term rentals. Part 1 of this article focused on the impacts of the short-term rental market, and some key strategies for crafting a local regulation to manage the issue.

However, no matter how well designed, thoughtful, and forward thinking the regulation is, it won't enforce itself. Specifically, Binzer's research shows that the voluntary compliance rate for such regulations is low – at only about 10 to 15 percent. With this in mind, he offers the following top 10 list of best practices for enforcement.



1. Require Registration

Municipalities should have a permit system that operators need to register under in order to list their property as a short-term rental. And, the permit should be renewed annually. This not only helps with ensuring compliance, but also to manage the significant turnover of operators.

2. Be Clear

For communities looking to regulate short-term rentals, having a provision that states “if you advertise, you are operating and need to be licensed” removes any uncertainty surrounding registration.

3. Make Compliance Easy

Some communities make it exceedingly difficult to navigate the process. The easier it is for people to register and pay any fees, pay any taxes, licensing fees, etc., the more likely they are to comply.

4. Require Detailed Records

If one person or group owns multiple properties, develop a system whereby each property must be registered separately. Alternatively, provide a way to itemize the rental listings. This approach helps ensure that both operators and the municipality are clear about expectations.

5. Provide Online Access

While there is a growing expectation that governments are moving in this direction generally, short-term rental operators tend to be more technologically advanced than average citizens. So, put regulations online and make them mobile friendly. This is tied to Best Practice #3: the easier it is to comply, the more likely people are to comply.

6. Consistently Monitor for Non-Compliance

The short-term rental market has massive turnover, and simple annual inventories can miss up to 50 percent of people who list. Staying up to date on what is happening in your community is vital in not being overwhelmed.

7. Document Non-Compliance

For those who aren't going to comply with regulations, and who may fight any violation, having evidence (such as screenshots from the offending listing) are vital to ensuring that the violation cannot be challenged.

8. Deal with Violators Quickly

There is an expectation that government is slow, and there is a growing industry in teaching rental operators how to maximize their gains and evade violations. By reaching out to violators quickly and providing the evidence, you are likely to see increased compliance.

9. Make Reporting Easy

Whether it's a party at 3:00 a.m., garbage all over the lawn, or any other complaint that neighbours have about violations, make it easy for them to submit a complaint, whether by phone or online. If possible, have people document the complaints. Responsiveness is the key to this process. Have an immediate follow up – both to the complainant and the operator – to get things addressed. And, of course, document and save all of the complaints should they be needed in the future.

10. Be Firm but Fair

For serial violators, regulations sometimes just aren't enough to make it in their best interest to comply. For those who seem determined to ignore the law, use all the options at your disposal. Depending on the authority that you have, options include: fine for all violations, rather than just the ones related to violating the short-term rental regulation; have offenders sign off on the fact that they are now fully aware of the regulation; and, if you have the ability to set a variable fine schedule, make it so that repeat violations are penalized more heavily.

In an ideal world, a well-crafted regulation would be enough on its own – to ensure that there is compliance and to ensure the balance between operators and the community. In reality, however, enforcement is a necessary part of the system. Being transparent, consistent, and responsive to the community are essential parts of enforcement, and will help to ensure more harmonious relationships between renters, operators, and the community.





UNDERSTANDING THE TAX IMPLICATIONS OF PROPERTY RENTALS ON AIRBNB AND OTHER ONLINE PLATFORMS

Hendry Warren Chronicle - Tax and Accounting Simplified

April 2019

Many property owners rent out their properties to their tenants through long-term traditional rentals. However, the introduction of online platforms such as AirBnb and VRBO have made it very easy for property owners to rent their properties to guests for short-term stays which can provide significantly more income than traditional long-term rentals or can simply provide supplemental income when their property might otherwise be vacant. Income tax and sales tax implications must be considered before renting properties using these online platforms as there can be significant tax implications in doing so.

INCOME TAX

Change in Use of the Property

For income tax purposes, if you change the principal use of the property from personal-use to income-producing, this is considered a "change in use". This change in use results in a deemed disposition of the property at fair market value on the day the use changes. The deemed disposition requires that you realize and pay tax on any accrued gains up to the date of the deemed disposition. There may be no immediate tax implications if the property has been your principal residence for the whole period of ownership and no other properties were owned during the period of ownership. If you owned more than one personal-use property during the period of ownership of the property that is subject to the deemed disposition, a determination of the optimal principal residence designation should be performed to ensure optimal benefit. There



Our goal is to provide updates on topical accounting and tax issues. Information contained in this newsletter is not meant to be a comprehensive summary of the issues raised. Rather, we wish to bring what we believe to be important issues to the attention of our valued clients and readers. We would be pleased to discuss any questions that you, the reader, might have in greater detail.

is an election that can be filed with your income tax return in the year in which the change in use occurs which is referred to as a 45(2) election. The purpose of the election is to defer the deemed disposition until you ultimately sell the property. This aligns the potential tax liability with the sale, when cash is actually available to pay the taxes owing. While your election is in effect, you can designate the property as your principal residence for up to four years, even if you do not use your property as your principal residence. If this election is filed, you would not be able to claim capital cost allowance (tax

depreciation) on the property to offset the rental income while it is rented.

Similar rules apply to a “change in use” from income-producing to personal-use. There is also an election to defer the deemed disposition on this change in use, referred to as a 45(3) election.

SALES TAX

Does HST need to be charged on rental fees charged using Airbnb?

In Ontario, long-term residential rentals (rentals of more than one month) are specifically exempt from HST. Landlords of long-term residential rentals do not need to register for HST or collect HST from their tenants. Contrast this with the typical Airbnb rental which is often for a period of less than one month. These types of rentals would not qualify as long-term residential rentals and do not meet the exemption from HST. As a result, when renting properties on a short-term basis, these rentals are subject to HST and landlords must register for and collect HST from their guests.

A “small supplier” is availed of having to collect and remit HST if their gross income does not exceed the small supplier threshold of \$30,000. If your gross short-term rental income (and all other income subject to HST) does not exceed \$30,000 in the previous four calendar quarters, you are not required to register for HST or collect HST. Once your short-term rental income (and all other income subject to HST) exceeds \$30,000 in the previous four calendar quarters, you are required to register for HST and collect HST from your guests. You can register voluntarily before exceeding this threshold, but once you are registered you must collect HST from your guests going forward.

Once you become registered for HST you may be able to recover some of the HST you pay on supplies and operating costs in the form of input tax credits (ITCs). In a mixed-use property, where some of the accommodations are long-term and some are short-term, only ITCs relating to the short-term accommodation can be claimed as ITCs.

Does HST apply the Future Sale of Your Rental Property?

The activity (short-term vs long-term rentals) in which the property has been used determines whether a sale of your rental property would be subject to HST. For the purposes of the application of HST on the sale or deemed sale of a property, a “short-term” rental is considered to be a rental for a period of less than 60 days. Sales of most used residential properties are exempt from HST but using your property for



short-term rentals may impact this exemption.

If the property is used primarily (generally more than 50%) for rentals and all, or substantially all (generally more than 90%), of the rentals are short-term rentals, the eventual sale of the property (or change back to personal-use) could be subject to HST. You can potentially avoid the application of HST if you use the property for personal-use more than 50% of the time or ensure that more than 10% of the bookings/leases are for a period of more than 60 days. This is generally difficult to meet when using online platforms such as Airbnb given that the majority of the rentals are short-term.

HST Specific Change in Use Rules

There are also “change in use” rules to be aware of specifically with respect to HST. When changing the use of a property used for short-term rentals (commercial activity) to a property used for long-term rentals (exempt supply), or vice versa, a change in use could occur for the purposes of HST. As an example, a landlord who has a multi-unit residential building changes the use of the majority of the units from short-term rentals to long-term rentals. This change in use may necessitate a “self-assessment” of HST on the deemed disposition of the property whereby the landlord would be required to pay HST on the fair market value of the property on the date of the change in use. When changing the principal use of a property from long-term rentals to short-term rentals, an ITC may be available on the change in use equal to the “basic tax content” of the property.

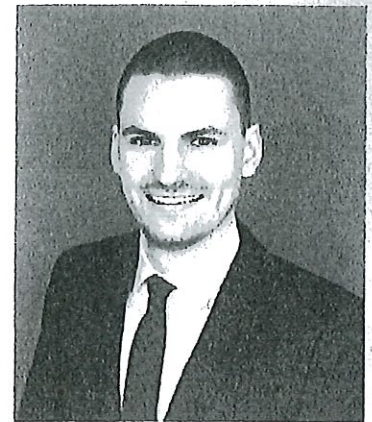
Other Taxes

This article only discusses the applicability of the goods and

services tax (GST) and harmonized sales tax (HST). Other provincial sales taxes could apply for rentals in those provinces that administer their own sales tax (British Columbia, Saskatchewan, Manitoba and Quebec). Depending on the province and municipality where your property is located, there could also be other local or hospitality taxes that apply to short-term rentals.

CONCLUSION

The income tax and sales tax implications of property rentals can be quite complex, especially when short-term rentals are involved. The items discussed in this newsletter are common issues that should be considered before beginning the rental of a property. Each taxpayer's situation can be unique, and all the facts should be considered given the many nuances when dealing with income tax and sales tax implications of rentals, particularly short-term rentals facilitated through online platforms such as AirBnB and VRBO. For more information, please feel free to contact our office to speak to one of our tax specialists.



Nicholas Raycroft
CPA, CA

Contact Us

Give us a call for more information about this article.

Hendry Warren LLP
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Ottawa, ON K1Z 5L3

(613) 235-2000

Visit us on the web at
www.hwllp.ca

OrilliaMatters: LETTER: A solution to the short-term rental problem already exists

1 message

① Paul LeBlanc <paul.shooz@gmail.com>

Tue, Apr 26, 2022 at 10:16 PM

To: "Mckellar. Mayor Peter Hopkins" <peterhopkins1942@gmail.com>

OrilliaMatters: LETTER: A solution to the short-term rental problem already exists.

<https://www.orilliamatters.com/letters-to-the-editor/letter-a-solution-to-the-short-term-rental-problem-already-exists-5295469>

② greg a2zcottages.com <greg@a2zcottages.com>

Sun, Apr 10, 2022 at 3:46 PM

To: Peter Hopkins <peterhopkins1942@gmail.com>

Hi Peter,

Here is everything we discussed and more. The mentioned municipalities in the article put a 10 person max, 24 hotline for residents to call as well as license/permit costs to name a few.

I hope this helps

<https://www.cbc.ca/news/canada/london/cottage-ontario-airbnb-vbro-1.6407851>

OrilliaMatters: Mayor says Oro-Medonte exploring appeal of short-term rental decision

1 message

③ Paul LeBlanc <paul.shooz@gmail.com>

Sat, Apr 30, 2022 at 9:31 AM

To: "Mckellar Council, Mike" <MikeonMcKellarCouncil@outlook.com>, Peter Hopkins <peterhopkins1942@gmail.com>, clerk@mckellar.ca, Reg Moore <regm529@gmail.com>

OrilliaMatters: Mayor says Oro-Medonte exploring appeal of short-term rental decision.

<https://www.orilliamatters.com/local-news/mayor-says-oro-medonte-exploring-appeal-of-short-term-rental-decision-5314220>

BlackburnNews.com: Grand Bend area looks to shore up rules for short-term rentals

1 message

④ Paul LeBlanc <paul.shooz@gmail.com>

Sat, Apr 23, 2022 at 8:24 AM

To: "Mckellar. Mayor Peter Hopkins" <peterhopkins1942@gmail.com>

BlackburnNews.com: Grand Bend area looks to shore up rules for short-term rentals.

<https://blackburnnews.com/sarnia/sarnia-news/2022/04/22/grand-bend-area-looks-shore-rules-short-term-rentals/>

⑤ From: peterhopkins1942@gmail.com

Sent: April 23, 2022 10:38 a.m.

To: paul.shooz@gmail.com

Subject: Re: BlackburnNews.com: Grand Bend area looks to shore up rules for short-term rentals

Thank you. A good article - common sense and lots of consultation. Peter. Will keep it in the file and share with everyone along with numerous similar ones.

On Sat, Apr 23, 2022 at 8:24 AM Paul LeBlanc <paul.shooz@gmail.com> wrote:

BlackburnNews.com: Grand Bend area looks to shore up rules for short-term rentals.

<https://blackburnnews.com/sarnia/sarnia-news/2022/04/22/grand-bend-area-looks-shore-rules-short-term-rentals/>



COMMUNITY ASSOCIATION

January 4, 2019

Township of McKellar Council and Staff
PO Box 69, 701 Highway 124
McKellar, Ontario P0G 1C0

Dear Council and Staff :

Between May 31, 2018 and June 20, 2018, a survey was conducted by the Manitouwabing Lake Community Association with respect to residential rentals in the Township of McKellar. A copy of the Survey Report is enclosed. It shows the responses to the 12 questions asked in the survey along with a list of all comments that were submitted by the survey respondents.

An invitation to participate in the survey was sent out by email to members of the Manitouwabing Lake Community Association and was posted on the Lake Manitouwabing Facebook Group site. The Lake Manitouwabing Facebook Group is not run by the Manitouwabing Lake Community Association.

Accompanying the invitation to participate in the survey was a link to the survey site, along with a request that each survey respondent complete the survey only one time. In addition, a configuration setting on Survey Monkey (the site which hosted the survey) was used. This setting allows a respondent using a cookie-enabled browser to only take the survey once, and provides the ability to track questionable responses.

Respondents completed the survey anonymously. While the Manitouwabing Lake Community Association cannot guarantee that no individual respondent completed the survey more than once or that it was completed solely by residents of the Township of McKellar, the Manitouwabing Lake Community Association has no knowledge or information to suggest that the survey was completed more than once by any individual or that it was completed by people who do not own property or reside in the Township of McKellar.

The views expressed in this survey and the accompanying comments are those of the respondents and not of the Manitouwabing Lake Community Association.

Yours Truly,

Philip J. Boyd, President
Manitouwabing Lake Community Association

Survey numbers - cookies

*Survey: 12/18 comments 4/12
of SurveyMonkey - 1/ household*

*Why's - Rpt 3/18 95-12
180/309 comments*


www.mlca.ca



Residential Rentals in McKellar Township Survey Report

309 Total Responses representing approx.
26.3% of year round and seasonal residences in
McKellar

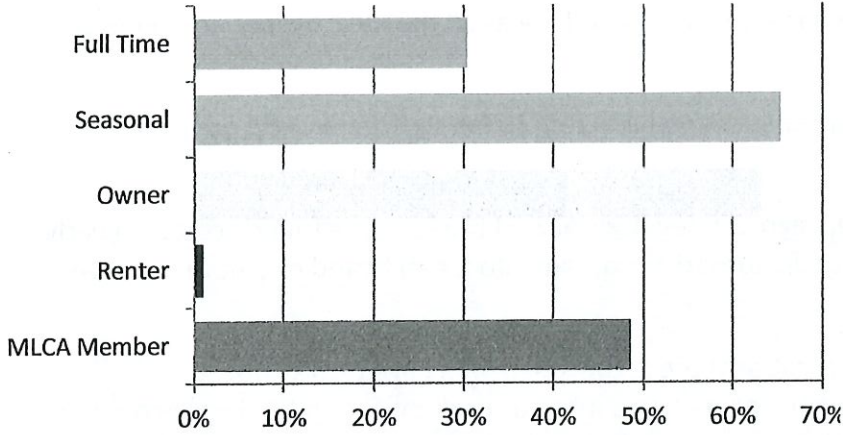
May 31st to June 20th, 2018

 SurveyMonkey

Prepared by:
The Manitowabing Lake Community Association - Public Affairs Committee. July 2018

Q1: What type of McKellar resident are you? (Please check all that apply)

Answered: 309 Skipped: 0



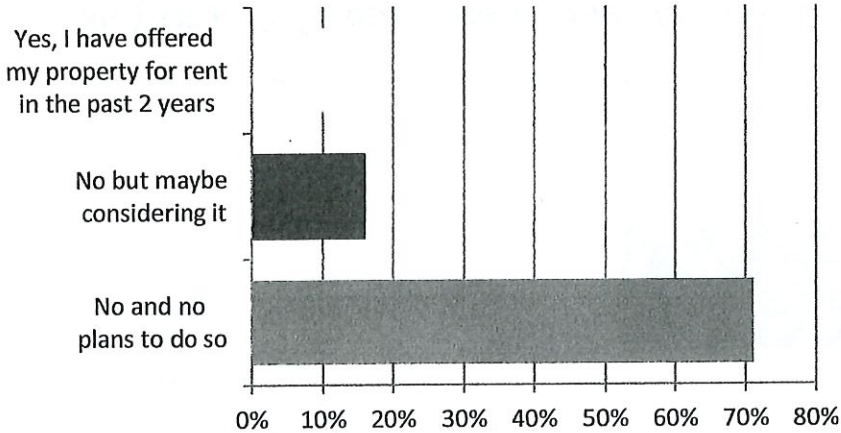
ANSWER CHOICES	RESPONSES	
Full Time	30.4%	94
Seasonal	65.4%	202
Owner	63.4%	196
Renter	1.0%	3
MLCA Member	48.5%	150

Total Respondents: 309

%*

Q2: Do you offer your residential property for rent?

Answered: 308 Skipped: 1

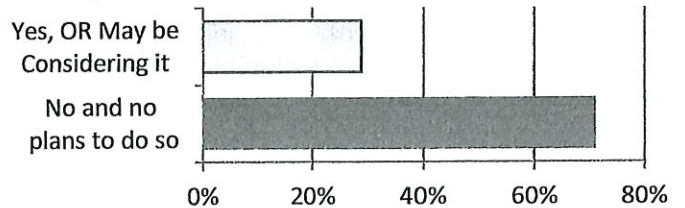


ANSWER CHOICES	RESPONSES	
Yes, I have offered my property for rent in the past 2 years	13.0%	40
No but maybe considering it	15.9%	49
No and no plans to do so	71.1%	219

Total Respondents: 308

13% of property base (1175) is 152 that may actually be renting.

28.90% of respondents either rent or want the option of renting out their property.



Q2: Sample Comments

(39 provided)

"Purchased cottage for family and to rent occasionally to offset mortgage payments."

"What I choose to do with the property I own is my business, as long as all the local bylaws are followed there shouldn't be an issue."

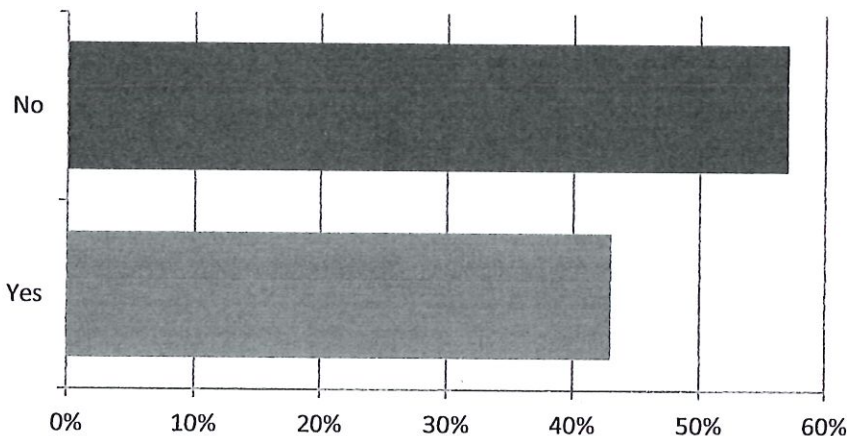
"I donate my cottage to Cottage Dreams (cancer survivors) and rent to family/friends. I do not publish is for rent on rental sites."

"... We fell in love with this area over 20 years ago and regularly visited the lake at a friends cottage yearly. We then began renting ourselves, and eventually turned our dream into a reality and purchase our own property..."

"Cottage resorts and "controlled renting" is great as there is control, owners live onsite, house rules/policies are being provided to guests upon check-in and it has a good impact on the local economy. However, short term residential rentals are the opposite as there is just no control in terms of who is renting, how many people are renting a cottage, the owners or managers are not onsite so renters are not supervised..."

Q3: Has your enjoyment of your property been interrupted by renters (e.g. noise, parking, safety)?

Answered: 309 Skipped: 0

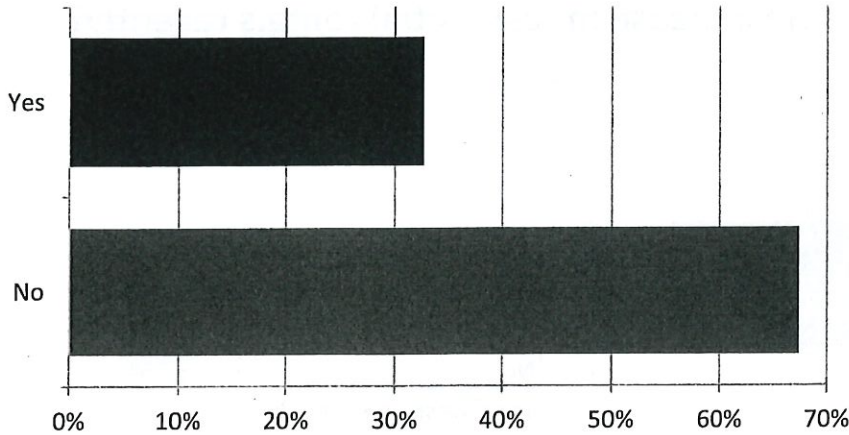


ANSWER CHOICES	RESPONSES
No	57.0% 176
Yes	43.0% 133

Total Respondents: 309

Q4: If you answered yes to question 3, did you complain to a Township representative?

Answered: 132 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	32.6%	43
No	67.4%	89

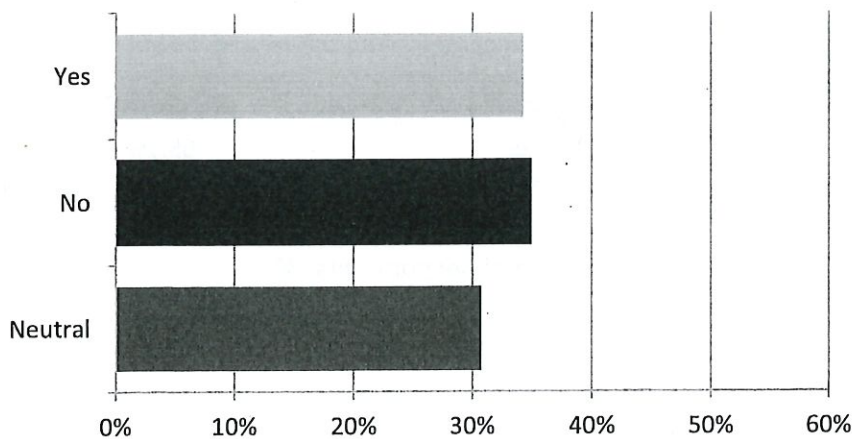
Total Respondents: 132

Q4: Sample Comments
(60 provided)

- "I have spoken with the cottage owner, who has responded appropriately with the tenants."
- "I wouldn't want my neighbors to get in trouble."
- "I have concerns about the outcome and impact to me personally if I complain."

Q5: Do you believe residential rentals are good for McKellar as a community?

Answered: 309 Skipped: 0

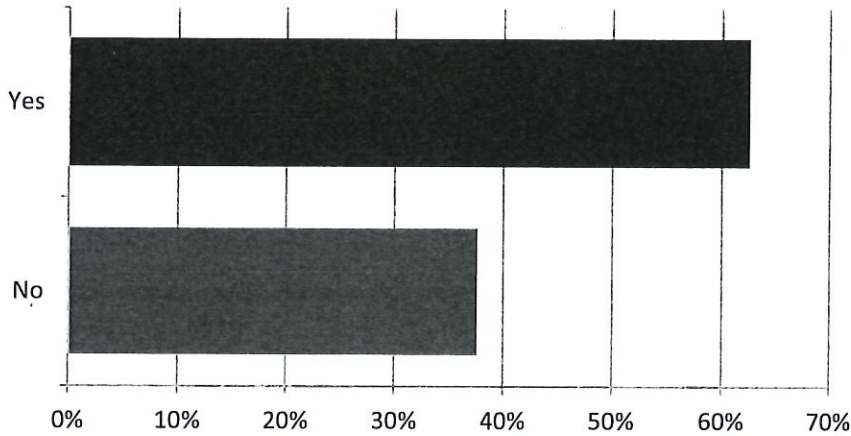


ANSWER CHOICES	RESPONSES	
Yes	34.3%	106
No	35.0%	108
Neutral	30.7%	95

Total Respondents: 309

Q6: Do you believe there has been an increase in residential rentals recently?

Answered: 309 Skipped: 0

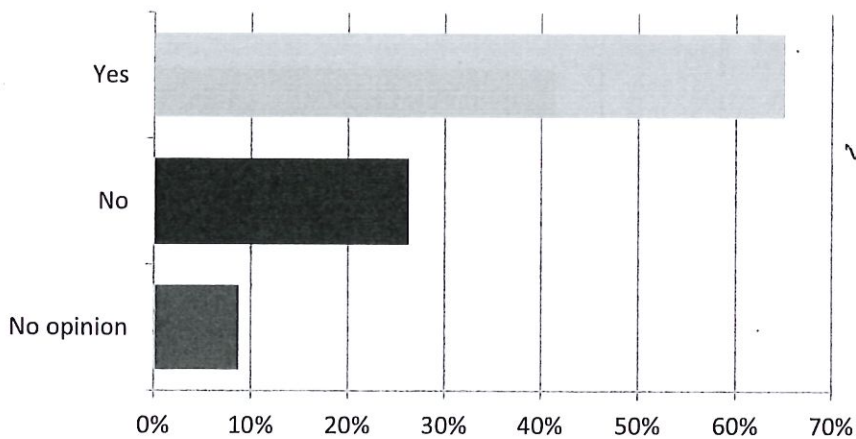


ANSWER CHOICES	RESPONSES
Yes	62.5% 193
No	37.5% 116

Total Respondents: 309

Q7: Do you believe McKellar Council should implement Regulations for residential rentals?

Answered: 309 Skipped: 0

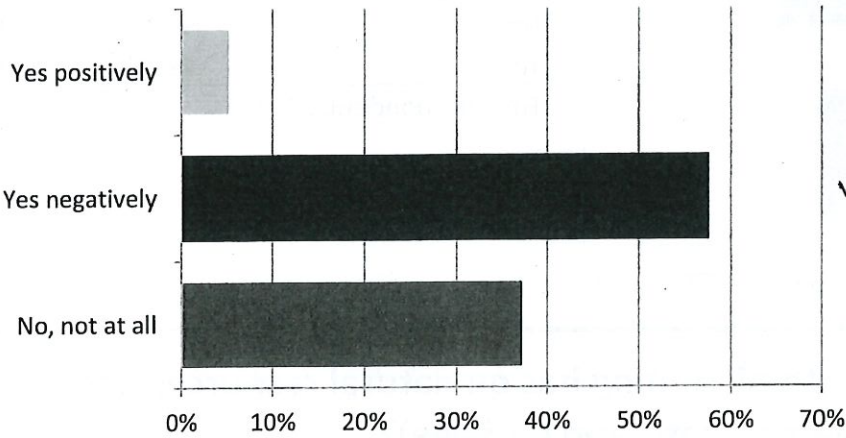


ANSWER CHOICES	RESPONSES
Yes	65.1% 201
No	26.2% 81
No opinion	8.7% 27

Total Respondents: 309

Q8: Do you believe having a residential rental property next to or near your property affects your property value?

Answered: 306 Skipped: 3

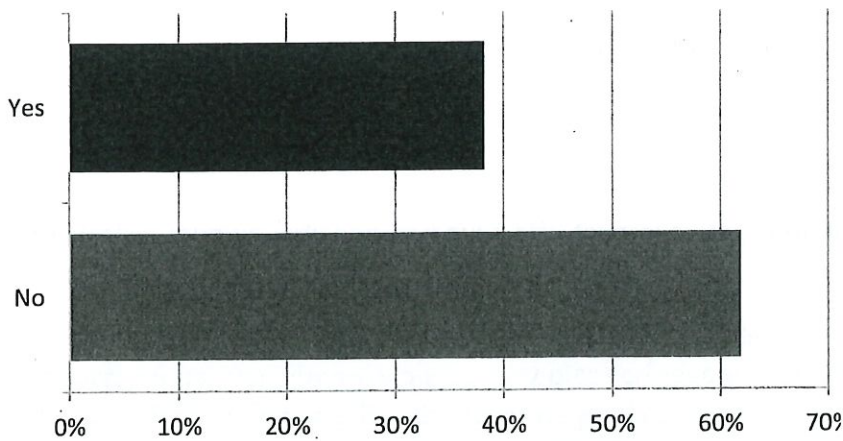


ANSWER CHOICES	RESPONSES
Yes positively	5.2% 16
Yes negatively	57.5% 176
No, not at all	37.3% 114

Total Respondents: 306

Q9: Do you believe that an owner or property manager remaining on-site should be required for short term rentals?

Answered: 299 Skipped: 10

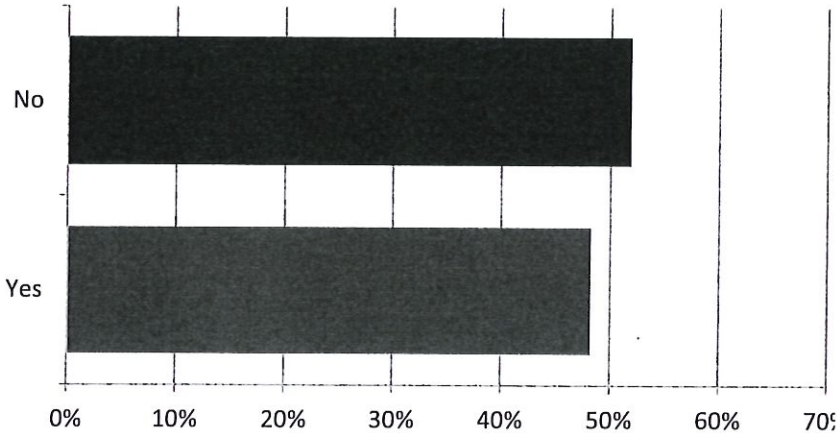


ANSWER CHOICES	RESPONSES
Yes	38.1% 114
No	61.9% 185

Total Respondents: 299

Q10: Do you believe residential rentals have an impact on your or other McKellar residents' security?

Answered: 309 Skipped: 0

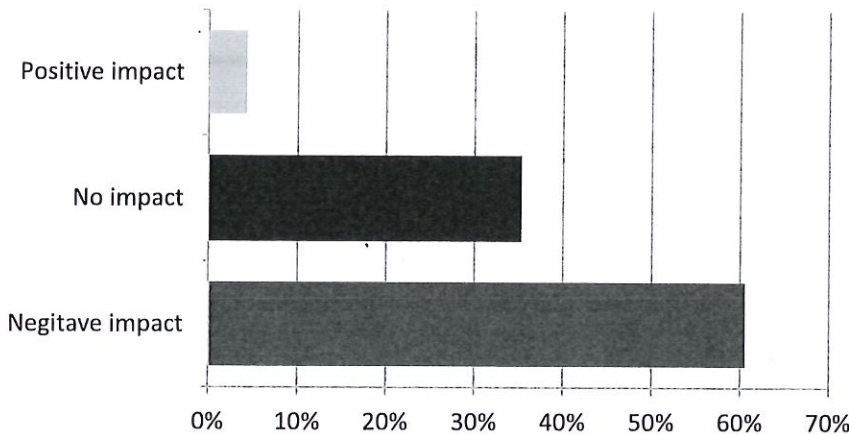


ANSWER CHOICES	RESPONSES	
No	51.8%	160
Yes	48.2%	149

Total Respondents: 309

Q11: What general impact do you think renting has on natural resources and other environmental concerns (water, septic and garbage)?

Answered: 309 Skipped: 0



ANSWER CHOICES	RESPONSES	
Positive impact	4.2%	13
No impact	35.3%	109
Negitave impact	60.5%	187

Total Respondents: 309

Q11: Sample Comments

(113 provided)

"As long as they are responsible renters, I see no negative impact. We have irresponsible owners/visitors on the lake too."

"Our next door neighbor rents his cottage, and advertises that it sleeps 16 !!..the original septic was not designed for that many people, and the property manager has said that they constantly have septic issues. Additionally, outdoor fires (which are certainly fun) seem to happen regardless whether a fire ban is on. I have called the owner several times to have him inform his renters. Fireworks set off during non permitted times are also an issue."

Q12: What other general comments would you like to provide on Residential Rentals in McKellar?

Answered: 186 Skipped: 123

This Word Cloud summarizes the most used words or phrases appearing in the 186 comments provided in question 12 of this survey.



Q12: Sample Comments
(186 provided)

"We understand and have no issue with resort rentals -- which we knew were in place and knew the location of before we joined the community. What we didn't know, and still don't know how we could have learned about, is the number and location of the Residential Rentals. We are closely watching the Residential Rental issue and are giving serious consideration looking at relocating where we spend our summer season dollars to a community that does not permit these uncontrolled rentals. We have delayed making additional investment in our current property due to the negative impact of these rentals on our enjoyment."

"I believe allowing reasonable rentals on the lake is positive over all. However I would not like to see rentals of weekend or short stays of less than 2 weeks. The owner must be accountable for poorly behaved renters with the possibility of removing rental privileges if they consistently rent to poorly behaved renters."

"... It's our property and we should be able to do as we please. Commercial renting should not be allowed however. The owner must prove that they are there a certain amount of time within bylaws."

Residential Rentals in McKellar Township Survey Report

Summary

Status of rentals in McKellar

- 28% of respondents either already rent or want the option to rent their property
- 57% have not had their enjoyment impacted by renters
- 65% believe rentals are either beneficial or have a neutral position of rentals

Work to be done

- 57% believe that renters negatively impacts their property values mainly due to renter's behaviour
- 60% believe renting has a negative impact on natural resources and the environment
- 65% believe McKellar Council has work to do on regulations for rentals

Comment #9 (by a Respondent)

"It is inevitable, and if it were licensed things like fire safety, septic capacity, knowledge of bylaws etc. could be regulated. Also this would give the bylaw officer some teeth and the tenant as well as the owner should be fined for infractions. This may help to mitigate some of the problems. It is the problems which come that should be regulated, not restricting the individuals that do this. There is also a different category of owners. Those that rent their own premises when not there, to help with costs, and those that do this as a commercial venture, often owning several for the sole purpose of receiving income. These should need proper zoning, commercial taxation, and strict regulations to ensure public safety as well as township well being."

%*

Tables are rounded to 1 decimal point for clarity.

Full Comments List

Q2 Do you offer your residential property for rent?

- 1 Very responsible renter couple of weeks per summer pays the taxes on fixed income. Well behaved tenants. No issues. Neighbours know and very supportive. Lease to them sometimes. Also reckless permanent cottage owners on this lake are the real problem. A verified concern by many of us on this side of the lake despite what the bylaw officer rather unscientifically is reporting to you.
- 2 We live onsite
- 3 Purchased cottage for family and to rent occasionally to offset mortgage payments.
- 4 We have 2 properties. One of which we rent
- 5 Guests are screened, maximum # allowed, family groups only
- 6 Rental will help with our bills. We will rent with our neighbours in mind though.
- 7 Consider a max weeks per owned property for the prospects of renting with guidelines
- 8 What I choose to do with the property I own is my business, as long as all the local bylaws are followed there shouldn't be an issue.
- 9 We have not and don't have any specific plans to do so, but would like the option down the road.
- 10 Maybe in future to family and friends only
- 11 I donate my cottage to Cottage Dreams (cancer survivors) and rent to family/friends. I do not publish is for rent on rental sites
- 12 MY neighbours are loud enough and disturb all neighbours around them- its like they are renters because they have no consideration for anyone but themselves. XXX* Lakeside Drive.
- 13 Believe that in a democracy, residents should be able to control their own economic needs and circumstances as they change from time to time. Renting your property is and should remain a residence and owners decision, not the Municipalities.
- 14 2 to 3 weeks a year, to friends and family only.
- 15 only to choice friends and family
- 16 Not currently in our plans, but possible in the future.
- 17 Would help pay the mortgage if I could use VRBO and rent for a week or two each summer.
- 18 Family and friends only. Never had a problem or complaint. Helps cover the taxes, hydro, repairs.
- 19 Renting of properties on privately maintained roads comes with liabilities. Insurance claims, disputes with neighbours, etc.
- 20 We offer our family cottage to other single families who do pay a weekly fee when we cannot be there. We are a full-time working, busy young family who are only able to take 3 weeks of holidays a year and live 5 hours away. We fell in love with this area over 20 years ago and regularly visited the lake at a friends cottage yearly. We then began renting ourselves, and eventually turned our dream into a reality and purchase our own property. All of our guests are well qualified and researched before they are accepted and are held to a strict agreement and are made well aware of township bylaws and regulations. Being a seasonal property we feel strongly that if it were to sit vacant that issues with the structure would arise unknown to us so this does help us keep maintenance up. In addition the revenue which is claimed with our income taxes is regenerated into upgrading our property and cottage. We do have local property managers who maintain the property and cottage. We have not received complaints from our neighbors and stress to our guests that while we want them to enjoy their vacation, it is crucial that our neighbors do as well.
- 21 Not the main residence. Above the garage only
- 22 I have guests
- 23 Would expect to have the option to rent through a high end rental agency.
- 24 Never rent to young adults. Families only and rental background check
- 25 For only 2 weeks to an older couple
- 26 We have rented to a couple from our church for 1 week for the last 5 yrs.
- 27 But we let friends use it
- 28 To friends & family
- 29 This may be necessary to cover expenses and mortgage.
- 30 I have used reputable company who screened renters & collected large deposit. Had no problems & no complaints from neighbours. I want to be able to rent my property in the future if needed.
- 31 I do donate a week to Cottage Dreams for cancer survivors and their family
- 32 Would like to be able to.
- 33 We rent our cottage when we are not using it to help pay for expenses however we strictly vet our renters and only rent to family's and do not allow parties or large gatherings.
- 34 We have too many family members using it and no time for renters.
- 35 We enjoy it ourselves and to help cover costs we rent
- 36 Considering/toying with home Exchange as possibility for extended vacation/travel. Does that count?
- 37 If we had known this was as common as it is, we would not be owners. Took some time to figure out that it wasn't just the occasional obnoxious group of friends with an owner.
- 38 Only to family, friends and reputable friends of family
- 39 3 weeks per year

Q4: If you answered yes to question 3, did you complain to a Township representative?

- 1 I have complained to the bylaw officer as have other nearby responsible residents about permanent cottage owner dog barking and unleashed dogs running the road and threatening residents walking the road
- 2 N/A
- 3 N/A
- 4 Trying not to spoil others fun
- 5 Have had renters beside our cottage with no issues.
- 6 NA
- 7 But I was tempted to. Have also been disturbed by other awful cottagers (family guests mostly)
- 8 the noise issue is from the Camp and golf course
- 9 new occupants to this property - cannot answer the above questions
- 10 NOT APPLICABLE
- 11 Usually relatives of the cottage owners staying up late and drinking. Had a few problems of them almost swamping the dock but talk to the owner next time I see them to let them know.
- 12 Called township about parking on my property
- 13 Called bylaw about fires during wrong times. Also increase in best activity when renters leave garbage out.
- 14 Only once and they were new neighbours who just bought and the kids liked to party the first year. Only complained because it went on for two days. Swearing and music until 3am. Besides that I usually would not complain.
- 15 yes Fire Route XXXXXXX* and had Bylaw officer out
- 16 Excessive noise and late night partying (to 3 & 4 AM) is a huge problem on our lake. One family rents the property and they invite 3 or 4 additional couples. I've seen it many times. Perhaps the biggest problem however is the impact on septic systems that are not capable of handling the huge amount of effluent.
- 17 They are not renters but all they do is yell and scream as soon as they get up and you can hear them inside their place and I can hear them in all areas of my house or property. I called and left message with township and never got a reply
- 18 We are not responsible for the shared laneway that is used to access our property. But we have had problems with renters using the road without permission, speeding and parking illegally.
- 19 Contacted bylaw officer re fireworks on days which are not permitted on numerous occasions. Not necessarily renters, sometimes it's the owners.
- 20 Probably the township would do nothing about it. Renters (XXXXXXXXXXXX* Lyndsey Lane) have sped through channel and around the lake nearly upsetting canoe with their wake. They do not appear to have any regard for the wildlife.
- 21 I have spoken with the cottage owner, who has responded appropriately with the tenants,
- 22 Hard to identify people as renters or residents, as I currently live in what I think is a voluntary rent free zone. The waterways do not fall within that zone.
- 23 I complained a few years ago. Nothing happened
- 24 However, we may in future if noise and reckless boating practices continue regularly.
- 25 Filed a formal complaint with the Township of McKellar
- 26 It was boating noise and unsafe practices. Was told it was not in their purview to police the water.
- 27 The renters were boating. Not familiar with the lake. Close to shore and rocks, and shallow areas of the lake. Loud music could be heard, but not certain it was from renters. It might of been a owner enjoying their cottage on one of the few weekends they are able to visit it.
- 28 The problems I'm experiencing have to do with reckless use of water vehicles - it is renters but it is ALSO residents. My problem would best be solved with better lake-wide posting visible to watercraft users about on-water speed limits and no-wake zones (I'm in the narrows close to McKellar)
- 29 The next door cottage was regularly rented out to 11 plus persons. They parked on my property, the road, etc. They used boats that they could not properly operate. They drank, had loud music till all hours. They had fires in high danger periods.
- 30 I wouldn't want my neighbours to get in trouble.
- 31 N/a
- 32 Not about that. But about neighbour, two doors away, yes.
- 33 Have called the bi-law officer and the police.
- 34 At the last meeting
- 35 others on Mary Jane Lake have
- 36 Not applicable for us
- 37 Usually just one or 2 weekends per year at one property
- 38 renters have used our beach, our swim raft and tow tube when we were not there and without permission. On one occasion our tube was removed from the property where it was tied to a tree and not returned. Another time the ladder to our swim raft was broken

- 39 Not applicable
- 40 mostly noise and fireworks at late hours
- 41 I have concerns about the outcome and impact to me personally if I complain
- 42 I didn't really know who to contact other than the police.
- 43 never have I heard of any complaints about renters only owners
- 44 Gary Joice is awesome
- 45 but called police once, because of suspected underage drinking
- 46 Noisy party across the road and fireworks late at night
- 47 No because I answered no to question #3. If I was impacted by renters causing a loss of enjoyment of my property I would definitely speak to a Township representative. My concern is with renters that don't have anything invested in the community so they don't care if they are disruptive/badly behaved and disrespectful.
- 48 We have made numerous complaints.....little in the way of a response.....McKellar Township indicated that they may send a letter to rental properties outlining bylaws.....this was 2/3 years ago, I don't believe this ever occurred
- 49 Contacted property owner.
- 50 N/A
- 51 Figured it would stop after the weekend when the renters leave, and it did.
- 52 Not applicable.
- 53 We don't know if any disrupters are renters or owners.
- 54 Personally delivered copy of the noise bylaws to occupants at 6:00 am and phoned the owner to advise of doing so, and why.
- 55 When noise is late at night, one would have to get out of bed, and drive to offender - if on land. Much of the noise seems to come from "party boats" cruising around the lake late at night.
- 56 I did not answer yes.
- 57 Concerned about retribution from problem owners/renters. Didn't know until very recently that there was even anyone listening, short of calling the OPP.
- 58 Called the bylaw officer after renters built large bonfire during a fire ban. Also loud partying until 4 in the morning.
- 59 We have called the bylaw officer on a few occasions about late night (after hours) fireworks.
- 60 Following numerous visits to the offending property over a two-year period by the Township's By-law Enforcement Officer and several charges having been laid, finally, we now rarely have cause to complain.

Q11: What general impact do you think renting has on natural resources and other environmental concerns (water, septic and garbage)?

- 1 the mcla mandate should not be to watchdog council but to busy itself as a lakefront organization insuring boating safety and cleanliness of our waters
- 2 Renters do not have a vested interest in our lake or environment.
- 3 If no policies and no house rules are being provided to the renter and if there is no control in short term renting whatsoever and if there no control how many people are renting a cottage then there could be possible adverse impacts on our water systems, septics, garbage, noise etc.
- 4 See much more garbage in ditches and left by mail box
- 5 If renter is not there we would be and using the septic system creating garbage. The key is to keep it cleaned up part of owners responsibility.
- 6 It's the same if owner or guests are there
- 7 You need to screen who your renters are. Any reputable cottage rental site will do that.
- 8 Hold property owner responsible for nuisance complaints
- 9 Same as a family (if rentals are done properly)
- 10 As long as they are aware of the environmental and garbage rules hopefully is fine
- 11 I feel that Mckellar could hire more by-law officers to enforce noise by-laws and respond to calls of the sort. Additionally, I believe that McKellar and constituents may benefit from the town re-visiting/re-vamping their noise by-laws.
- 12 Most cottagers have a very negative impact on waterways, wildlife and pollution
- 13 Rentals can lead to increased use of gas powered water craft which can have an effect on water quality and shoreline erosion. Septic systems designed for single family residential units can be overwhelmed by large scale rental operations resulting in water contamination.
- 14 item 9 in this survey is not a relative option. What cottager can remain on site when the property is rented to someone else. Possible if you have a multicottage facility but unlikely in most cases.
- 15 Obviously more people on the lake will impact the resources. I do not think that a few rentals will impact the lake significantly. Depends on the % of rentals.
- 16 there is no responsibility of ownership - guests are there for vacation fun and when leaving expect owner to clean up after them (have noticed on weekends garbage bags and trash is thrown on side of country roads)

- 17 Little to no respect
- 18 Unsure. My answer here is inaccurate but the survey insists on an answer
- 19 Renter may not be aware or care to dispose of garbage etc. correctly. Renter may not be aware of 'noise' pollution, safe use of watercraft etc.
- 20 Some renters do not follow the rules and are looking just to enjoy themselves. Fireworks late at night, high speeds near shoreline can be an issue as they don't own the property -although some renters do treat it as if they own the property and are conscientious.
- 21 There are good and bad renters and there are good and bad owners!!
- 22 Renters don't know the consequences of not following environmental rules/regulations.
- 23 Rents are not always concerned about the everyday aspects of Lake front living. Being garbage, septic, etc. They come rent have fun and leave with no worries.
- 24 Although we have rented a handful of times to others, we always make sure we rent to either young families or seniors. We would not want to disrupt the peace of the lake. We also value of natural environment and wish all other cottage goers did as well. My main concern is with how renters use their water toys, including boats and seadoos. Rents want to make the most of their short time on the lake and will boat loudly back and forth along our water front for hours at a time, one week at a time. This isn't always safe for birds, swimmers and non-motorized craft including SUP and kayaks. I also see people driving around the rock shoals in hazardous ways simply because they are not aware of the moe shallow areas. Any cottage goer can be loud and obnoxious... not just renters, so that is not my concern, though some cottages that are rental properties are huge, so they do have additional noise that other places do not. We are lucky to be in an area with few neighbours. We sold our last cottage on this lake, not because of renters, but because of invasive neighbours!
- 25 As long as owners ensure responsible people are renting their property
- 26 Most cottages are not used 100% of the time. If someone rents their cottage occasionally and with their own use it is probably not having any more impact than someone who lives in their cottage/house all year round
- 27 Over loading of septic systems is the biggest concern. Non-residents using our waste station. Bad behaviour on the water particularly seadoos. NOISE
- 28 Concerned with fire safety, fireworks, boating safety where there are renters.
- 29 Only slightly negative.
- 30 Garbage. Many renters will throw garbage in ditch. May not know where dump is, or dont care. Make Mcdougall dump available so renters can throw garbage out on way out towards hwy 400 instead of backtracking, which many have to do.
- 31 It's no different than having someone living there full time
- 32 80% of Renters or even property owners have no consideration or respect for the environment or others only themselves
- 33 Manitowabing Lake is already at capacity for use. Rentals mean increased use/density for the lake.
- 34 Additional use of anything usually has a negative impact on the nature.
- 35 shore erosion; destroying loon nests by making huge wake;
- 36 I believe there is a substantial impact to water safety due to higher increase of traffic by people not knowledgeable or caring of regulations and rights of others.
- 37 Increase in garbage being dumped on the road near our cottage, overloads septic systems with runoff contaminating the lake , increase in jet ski boat traffic and other boat traffic which affects our enjoyment on a quiet afternoon, wakes cause increased erosion of the shoreline, noise and light pollution is significantly increased, there could be a tipping point if enough renters come, the integrity of our cottage community will be compromised. XXXXXXXXXXXXXXXX* Sunnysore Pk Drive
- 38 Tourism and positive economic impact due to them spending time and money here. There are very few hotels.
- 39 Failure to properly instruct renters as to issues such as garbage disposal, maintaining water quality of the lake, noise and disruptions etc. should be mandatory and a significant deposit should be required by owners in case of non-compliance or property damage.
- 40 People that are not familiar with the responsibility of living close to nature and the negative impact that feeding wildlife or not taking care of the septic can have a negative impact on the environment.
- 41 What is the difference if an owner or tenant uses the property. Most tenants I see are families
- 42 I find guests of rentals are better informed the some full time residents! My renters get all information on what they can and cannot do to the lake, garbage disposal, etc. My neighbor (a full time resident) is WAY worse!!
- 43 They are renters and don't care about our community!
- 44 Driving like mad on the roads. Boating across the end of our dock when people swimming. really bad language. Fireworks when illegal. Loud music.
- 45 Bags of garbage are often left at our mailbox parking area at the end of the week, & we have concerns about septic systems being overloaded with big groups renting.
- 46 A renter has no investment in the community, and so what they put in the lake is of little concern to them. If the septic is over challenged because there are many people visiting a cottage that was not designed for so many people that is not a good outcome for the lake.
- 47 Garbage is thrown in the ditches, attracting bears, balloons are released impacting lake creatures, skeptics are overloaded, i have witnessed urination over the side of a boat directly in front of my cabin

48 There will be more waste than a family that only uses it on weekends, but it would be the same if someone was living there full-time. Both seasonal and full-time residence pay the same taxes.

49 The problems I'm experiencing have to do with reckless use of water vehicles - it is renters but it is ALSO residents. My problem would best be solved with better lake-wide posting visible to watercraft users about on-water speed limits and no-wake zones (I'm in the narrows close to McKellar)

50 My biggest concern is lack of respect for fire rating, with large bonfires and fireworks all the time.

51 Again we control the number of guests at our cottage and maintain our property and equipment including our septic system.

52 Roadside garbage Dog crap

53 High speed of watercraft such as seadoos and tubing on Robinson Bay interferes with bird nesting and damaging shoreline.

54 Renting creates income for many people in area whether buying minnows, groceries, Gas, boat canoe kayak rental. Eating out at various places or going golfing. I do have a concern that many septic whether rental, seasonal or full time residents are not up to standards of today. There is place near one of are properties I'll bet septic hasn't been pumped in in years you can see it coming out of ground. Nobody lives there to take care of place.

55 Renters unaware and less invested in the proper usage of septic systems and safe disposal of garbage

56 Sharing the beauty of Manitouwabing is a joy.

57 Having responsible renter brings in money to the township. Buying groceries, going to restaurants and using all the stores and businesses is good for the economy. Party house rentals should be banned.

58 But everything impacts the environment. Boating. Swimming. Fishing

59 Renters do not care about their environment. For example, they happily have fires when there is a fire ban and a risk of fire. They do not care about polluting the lake.

60 Most renters do not have the same invested interest in keeping our lake and environment clean and safe particularly short term renters since they just want to party so they come with excessive noise, night light pollution, irresponsible behaviour in regards to excessive boat wake which damage not only our shoreline but our dock side properties.

61 property owners who rent out their places regularly - and we all know who they are - should be required to pay additional fees for the time they rent their property to cover additional costs for the above. They should also pay any call-out fees for council officers who are called out to properties where renters are making noise and or mess.

62 Environmental impact is far greater as cottage use (septic system use) is much higher than originally designed for during sporadic seasonal use vs use every week of the summer.

63 We believe that the property owner should be responsible for pre-rental and post-rental inspection and deal with any problems with the renter. A hefty damage deposit should be received prior to renting.

64 Possible overloading of septsics.

65 Renters have too many guests, often pollute lake with cans, butts etc. I have had renters in my area, leave trash instead of going to dump, enter my property as a "swim to", sea doo endlessly near my dock. They have no respect for the environment and have no investment in the property.

66 there are residents that leave garbage out and don't care about the general upkeep of their cottage so if you implement rules for renters, then make sure owners/residents are subject to the same rules about noise, observing fire bans, garbage, water safety and educate

67 Minimal

68 Whether the cottage is occupied by owners and their families or renters and their families, the same resources and services are being consumed/used. However any owner who is renting their property must ensure that their renters respect the environment and follow the rules regarding water, septic and garbage.

69 If it is not yours, in most cases people tend not to care about these issues

70 We'd be here anyway.

71 Often they bring watercraft and do not respect low speed or no wake areas therefore creating shore erosion and need to remove tree for safety or trees in unresided area falling into the lake creating other safety issues. Also more 911 calls therefore the cost of that service increases. As well many roadside garbage dumpings

72 No more so than any other resident, we all impact our environment. Care should be taken to ensure that renters are responsible.

73 as long as renters are considerate of other property owners

74 I do not know because I have not experienced any renters in my area but if you charge renters high rates I believe that you will only get renters that respect nature and other environmental concerns.

75 The rental near me has a very old septic system that was never intended to support the huge volumes of people staying there all summer!

76 Noise, late night parties, no respect for public safety on the lake ie: boat and pwc operators coming too close to swimmers or not even having the proper license to operate said water craft.

77 It depends on the rental. I have neighbours who "own" and properties are deplorable and ones who rent and always have the place neat and looking beautiful. I guess renters or owners should be held to the same standards.

78 there is an impact as just living has an impact, renting can provide income for the owner to maintain systems that will lessen the impact.

79 Must have the proper infrastructure place to support the number of people staying/renting
80 There is only negative impact if the quantity of renters is too numerous for property and they disrespect it.
81 The renters on Lake Mary Jane have no respect for the lake and often throw cups and other junk into the lake. The amount of
garbage from every week rentals is excessive and these households should pay more for this
82 Only if the owner does not provide information on what renters need to do and rules to follow. I believe that if you give renters the
info they will follow the rules and not affect the environment
83 with proper regulation, there should not be excessive impact
84 As long as the septic was designed to capture the amount of occupants there should be no limit on renting. Municipalities should
not get involved into how home owners manage their properties as they are the owners. Residents and renters should abide by the
laws and make sure they're not disruptive and would not be opposed to penalties for those who do not. Ultimately whether the
occupancy of the home is via renters or owners, I fail to understand how this has an impact on anything?
85 Our local ecosystem's preservation is extremely important. There is a delicate balance between increasing the density of the
(summer) population and the natural environment. I would not like to see nature negatively impacted by more human traffic than it
can handle.
86 Our next door neighbour rents his cottage, and advertises that it sleeps 16 !!.....the original septic was not designed for that
many people, and the property manager has said that they constantly have septic issues. Additionally, outdoor fires (which are
certainly fun) seem to happen regardless whether a fire ban is on. I have called the owner several times to have him inform his
renters. Fireworks set off during non permitted times are also an issue.
87 Negative impact but all humans have negative impact on environment...no more than cottage owners and way less than agricultural
residents
88 Renters are not aware and don't care about environmental concerns as they are only concerned about their time there
89 I have seen where renters have dumped their trash on the side of area roads.
90 If I'm a seasonal resident and then move there permanently (which we plan to) am I negatively impacting any of this? I pay increased
fees due to being seasonal. If renting out the property assist with these additional fees, I maintain by property, septic etc and claim
on my income taxes would this not be a good thing?
91 High occupancy rentals and frequent rentals increases use and impact on the natural resources of the Lake community.
92 But, it would depend on the renter, the respect they show, and the management/contract/ instructions of the owner.
93 Responsible renters as I would think most are are of no difference than seasonal or permanent residents.
94 Depends on the conduct of the renters. Those who are ignorant of things like what a fire ban is, or boating safety are a big concern.
In addition, proper septic capacity for the number using the property must be considered.
95 garbage thrown beside the road danger from fires
96 We stress the importance of water conservation and usage for the preservation of both the septic and lake water to all our tenants.
97 Improper sized septic, huge wakes from boaters who do not slow down,
98 The 'negative impact' assumes that renters do not take as much care of the property than if they were the owners. This could be
addressed through effective regulation and enforcement (see general comment, below.)
99 As long as they are responsible renters, I see no negative impact. We have irresponsible owners/visitors on the lake too.
100 Renters generally would not be knowledgeable of septic systems capacities when larger groups are involved unless advised.
101 They are good for the local economy. They bring in many people who end up buying property here
102 Overloading of septic systems is of concern. I think some short term renters abuse the rules of boat operation in multiple ways.
Questions 5, 6, 7, & 8 could have been more directed to weekend, one or two week rentals.
103 If Septic Bed is rated for 2 bedrooms (e.g. 4 people) and weekend renter has another 10 "guests" up, then the system is definitely
over-loaded!
104 Overuse and intensive use. Renters often pack 3 or more families into a cottage meant for one.
105 I actually believe having rentals in the area can be an economic boost and encourage those who do rent, to continue.
106 Rentals seem to have more frequent large groups than owner-residents. Probably means that supporting septic regulations are not
suitable for the number of regular occupants.
107 Occupancy can be more than the septic can handle.
108 Assuming buildings would not remain empty.
109 Rentals should only be for the number of people allowed on their septic however. Lake behaviour is a separate issue and is NOT
necessarily caused by renters. CORRELATION DOES NOT MEAN CAUSATION
110 many renters go over capacity of approved structure by having additional guests in tents and trailers which puts stress on the septic
system.
111 Often rentals are larger groups than the septic system was designed for. However, I do not object to rentals, but I think the
properties should be additionally taxed and licensed by the Township, and their septic systems regularly tested by the Ministry of the
Environment and the addition taxation used to pay for those inspections.
112 Responsible owners limit guests to cottage and septic specifications. Responsible renters do the same.
113 Every long weekend there seems to be garbage lining some of the back roads, I am not sure this is from renters or owners but it
would be even more disgusting if this was being done by owners

Q12: What other general comments would you like to provide on Residential Rentals in McKellar?

- 1 I have spoken most recently to informed professionals in the both the real estate and insurance industries and your organization is definitely balking an inevitable trend lakefront ownership is already experiencing a transition Millennials are purchasing properties with every intention of renting them out part time to secure their investment similarly baby boomers pass on their properties increasingly these will be partially let out to cover costs of inheritance money they would otherwise not have this will inevitably result in a very different lakefront voter base as well as membership in the mlca... something to think about as you proceed with this agenda ... furthermore renters in my experience provide a considerable investment in our community and can be great patrons of our many attractions in the area including the festival of the sound there simply isn't enough accommodation in the area to meet these needs and this situation will only exacerbate over time responsible cottage rental governed by existing bylaw is the future for McKellar
- 2 I think rental property is a satchel for our area because it brings and come and more in knowledge about our community
- 3 Longer term rentals might be acceptable but short term rentals (less than two weeks) should be discouraged.
- 4 We've personally experienced noise issues at all hours of the night. Renters coming onto our property and docks and also not complying to speed limits.
- 5 Cottage resorts and "controlled renting" is great as there is control, owners live onsite, house rules/policies are being provided to guests upon check-in and it has a good impact on the local economy. However, short term residential rentals are the opposite as there is just no control in terms of who is renting, how many people are renting a cottage, the owners or managers are not onsite so renters are not supervised, etc This can lead to pollution of our waterways if septic tanks leak due to excessive usage or damage, noise disturbance to neighbours, potential decrease in property value if matters escalate amongst residents, etc. If short term residential rentals are continued to be allowed then the Township must establish strict bylaws such as rentals permitted if owners/managers live onsite, number of renters not to exceed septic capacities, fines issued to litterbugs, etc
- 6 Please stop these rentals.
- 7 I feel that problems should be dealt with on a complaint basis and should be dealt with immediately.
- 8 The noise issues are the largest factor to consider.
- 9 It is inevitable, and if it were licensed things like fire safety, septic capacity, knowledge of bylaws etc. could be regulated. Also this would give the bylaw officer some teeth and the tenant as well as the owner should be fined for infractions. This may help to mitigate some of the problems. It is the problems which come that should be regulated, not restricting the individuals that do this. There is also a different category of owners. Those that rent their own premises when not there, to help with costs, and those that do this as a commercial venture, often owning several for the sole purpose of receiving income. These should need proper zoning, commercial taxation, and strict regulations to ensure public safety as well as township wellbeing.
- 10 We need to make sure rentals do not turn into a "rule" rather than an exception. And we need consequences for those who rent and do not follow the rules.
- 11 Enforce the bylaws that exist.
- 12 I would approve a noise bylaw that renters would need to be a part of. If they break the bylaw they can be removed. Up to the rental agreement if they get any reimbursement.
- 13 A cottage is not zoned for commercial use so it should not be allowed.
- 14 Short term rentals should be licensed as business's, paying appropriate taxes and having fire inspections, ensuring safe drinking water and that septic tanks are able to handle the overcrowding that does occur with short term rentals. 90% of noise violations occur because of short term rentals
- 15 It isn't anyone's business if a cottage owner rents occasionally. Of course "for rent" only properties should be discouraged. Meaning owner never uses- it's just an investment
- 16 Stop rentals on Manitowabing
- 17 Our neighbours are well aware when there are renters coming. They have our phone numbers. Any issues and we deal with them immediately. Up to and including removing the renters if they are too rowdy, if there are more than the allowed 6 people, and if they aren't respecting the environment.
- 18 Owner should have greater control over his tenants. If it is rented out there should be a form with names of guests and if police or bylaws are called and there are a bunch more people than listed The owner should be informed and take care of it.
- 19 We have rented our property for 10 years. Never have we had a complaint. Our personal Cottage is next door. We hear if the renters are loud. We have never had to tell them to be quiet. McKellar should regulate the negative behaviour (noise, boating infractions, septic) on ALL cottages and not target rentals because there are non-renters exhibiting these behaviors. In our area of the bay, the non-renters are much more noisy and have larger crowds (possibly overloading the septic) than the rentals!!! Not to mention the poor boating etiquette by residents. Our renters are hardly ever in power boats so it's not them!
- 20 Rental families shop more locally, often visit retail and local restaurants, Saturday's market, library, and other local events.
- 21 Please see the general comments at question 11.
- 22 Occasionally renting (once or twice a year to friends) is much more acceptable than the large scale rentals happening as primary use of structure. Renters do not often adhere to acceptable use standards if not overseen.

- 23 Owners that routinely rent out their property should be required to follow bylaws to ensure that the rental operation has no negative impact on the community.
- 24 Renting should be permitted, a fee is assessed, rules and by laws are provided to owners / renters, may not be permitted again if rules / by laws broken, some monitoring required by by-law enforcement. Permitting is based on an honour system, if by-law officer called to a residence that is rented and no permit, then owner is fined \$500 for each offence.
- 25 establish a proper by law to deal with this in a professional manner. 1) Quantify the scope of the problem, how many short term rental properties exist.. 2) Recognize we have an existing by law that prohibits short term rental properties. 3) Determine if change is wanted, if yes pay a professional unprejudiced company who are qualified and experienced to do the analytics and propose a law that will adequately deal with a solution. It will be court tested and will research existing laws in other jurisdictions. Review the proposals and have two public meetings. Then after all due diligence present a good bylaw that is effective and monetarily is self liquidating to the taxpayers and township. Fines and licensing will cover all expenses created by the actions taken .3) Be sure all interested and effective parties are included. 4) Set a time line to effect change.
- 26 I do not think we can outlaw rentals on the lake. We may need some reasonable by-laws and/or restrictions to reduce any potential negative impacts. Key work reasonable.
- 27 new to the area and cannot make too many comments at this time
- 28 Not totally negative on this. What baggage comes with renters, dogs, motorcycles, fire restriction guidelines, property respect?? Not all renters are good??bad??
- 29 the above questions do not properly address the issues. owners can be noisy as can renters. I have not ever been impacted by renters and have owned since 1988
- 30 Rentals bring new revenue into the township, people using a cottage when it would otherwise be vacant, bring in revenue to the local merchants. As long as the tenants/renters follow the McKellar township bylaws for parking on streets, snow plowing in winter, noise, garbage, respectful use of the water/lake, etc.
- 31 Don't believe renters are any better or worse then other residents.
- 32 Owners undertaking to rent should be held responsible for the behavior of those they choose to rent their property
- 33 Unfortunately, it's other people's excessive and loud company, 5th wheel trailers that remain weekend after weekend and extra seadoos etc. brought by company that is a problem....although they're not really renters!
- 34 A short term rental to family members should be allowed but I am not in favour of commercial renters where renting is the primary usage of the cottage property. There are a few pre-existing rental properties on the lake but would not like to see this increased.
- 35 The late night partying which might be seasonal residents is annoying to us property owners who are trying to enjoy nature at it's best.
- 36 None at this time
- 37 Those who rent should have to pay higher taxes as rental incomes.
- 38 Short term rentals are the worst Fireworks go off every night with renters. Constant loud noise. Overcrowded rentals. They do not care about or respect the lake, bylaws and residents. They also have no boating/jet ski manners. Always too close to shore, too fast, huge waves in 'no wake' zones. The lake is in danger of losing its peaceful, calm aura of the past. Will likely sell if it persists.
- 39 I believe what ever measures you try to put in that it is a waste of time and money. With online platforms present and more looming..controlling this will never happen. Regardless of effort
- 40 Renters have no vested interest in the rented property and most believe they are paying too much rent and therefore have a very negative impact.
- 41 If you rent there should be a safe procedure put in place with regard to garbage, septic rules, noise and respect for surroundings. Large fines for any non compliance. Some questions asked I was not sure of like increase in rentals, etc. Impact on property values, etc.
- 42 I think you need to target the rentals that receive ongoing complaints. We all know who they are because each weekend a new group is on the beach (which is perhaps not natural) or dock with loud music playing. Happy friendly people, but it can't be enjoyable for the folks who live next door or across the river/bay.
- 43 My neighbours use their cottage as a short term rental through the summer for the weeks they can't come up. They are a young family and without the rentals would not be able to provide the cottage experience for their family. Their renters are always respectful and do not impact our enjoyment of our property
- 44 I think the renters can be controlled by having noise, maximum number of renters bylaws rather than banning renting. There are organizations like Cottage Dreams that provide a good service which could not operate if we banned renting.
- 45 ban them short term
- 46 The township must maintain strict controls and fine owners/renters who violate the bylaws. As full time residents we should not have to put up with idiots.
- 47 Rent to family only!
- 48 Noise issues late at night would be a problem. The rental we have nearby has never been an issue.
- 49 Summer short term renters have no connection to the community. Lack of connection can translate to lack of care and concern.
- 50 That should be allowed with strict guidelines and rules that are rigidly enforced.
- 51 Dont rent to younger kids.

- 52 What about requiring them to get annual permits to help pay for increased services, permit costs could vary with occupancy load (or could be denied if septic can't handle it), previous year's infractions at the location could affect price. There are lots of responsible renters and irresponsible owners so it's not just renters causing problems. Deal with the issues specifically. We are so concerned with the renters yet we allow cows and farms to pollute the lake even though the water testing PROVES year over year that they are causing dangerous ecoli levels - just because 'they've always been there'. When are we going to deal with that??
- 53 One time users of the natural space, like renters, have no incentive to be respectful regarding noise, water pollution, fire regulations or anything else. They're here for a good time, not a long time. It is up to the residents and the town council to ensure they take responsibility for their actions while visiting our lake.
- 54 Renters have no long-term investment in the community or the environment.
- 55 I think offenders should be fined and the property owner should be held financially accountable for all confirmed complaints of disturbances, damage, etc either on land or on wate by renters by way of fines on an escalating basis collected through their taxes if necessary. 1st couple of offences get a warning, 3rd offence gets a substantial fine (maybe \$1000.00) and with each subsequent offence the previous fine is doubled. ie \$1000 to \$2000 to \$4000 to \$ 8000 etc. This would help ensure that property owners don't keep renting to offenders and if they do it will quickly cut into any profits they were expecting to make. If there are no further offences for period of 3 years, then they get to start back at the beginning. Renters aren't the only offenders, many property owners are just as bad, sometimes worse.
- 56 Your questions are leading and preferential to those who medal into other owners business. If you didn't know your neighbor rented their cottage, you wouldn't have an opinion. Stop becoming big brother and developing un-enforceable laws and concentrate on infrastructure and economic development.
- 57 Renters are unknown people - security concern. Who are they? Have they vetted properly by the property owner? One should be able to allow family members or friends use/rent your cottage for a short term (1 or 2 weeks).
- 58 Rental of properties for over one month at a time, is not a concern. Weekly rentals for more than 4 weeks during the summer seems like a commercial endeavor and a source of stress on the community.
- 59 I strongly oppose cottage rentals and hope that a bylaw is passed restricting rentals under zoning regulations.
- 60 Renters bring money into the community supporting local businesses. We ourselves wouldn't have bought a cottage on the lake had we first not rented. McKellar council should do something positive and progressive with cottage renting and not squander an opportunity to show some leadership.
- 61 While allowances should be made for infrequent renting of one's cottage to family and friends etc., those owners posting their cottages on sites such as AirBNB or travel trade shows, should be licensed including paying a property tax surcharge.
- 62 Septics and garbage. A rental should be reported as such, and water testing should be done at that location on a regular basis. Since this will increase that cost it should be passed on to the landlords. OPP can control boaters, by-law officer can control noise - no one is controlling septics. A few years back we voted against a time share development - it at least would have been controlled, landlords are not. And it opens up a whole other kettle of fish - definition of a landlord is "a person that rents LAND, a BUILDING or an APARTMENT to a tenant. I can see garages rented out, small camp grounds on additional land.....our lake is at capacity now. When I hear that they will vote onto council a person in favour of rentals I shudder. The only qualification they are looking for is that? Wow
- 63 No persona; watercrafts
- 64 renters are fine. And if they are bad they are gone in a few days or weeks. Not a big deal
- 65 If done respectfully, allowing rentals is a good thing. It supports the local economy. I should have the right to rent out my property. Any issues that occur should be dealt with. (Deal with the bad rental that has noise instead of painting all rentals with the same brush!!!) We have noise bylaws lets use them rather than throwing the baby out with the bath water!
- 66 why was there not a question on what economic benefit renting would have for the lake?
- 67 I believe a system should be in place that allows for rentals but it has to put the onus for these rentals on the property owners. Valid complaints against your property, you're the one paying the fine, and a stiff one at that. That being said, no enforcement, no reason to have the laws. While I'm here, when do we get signs and enforcement of the current boating/waterway speed limit laws?
- 68 Not acceptable
- 69 Rental beside us has at least 6 bedrooms in the house and I don't know how many above the garage making for more cars, louder and they go on into the night.
- 70 Township should lay out guidelines for owners who rent their properties (etiquette, boat safety, garbage, etc.), make them responsible for their renters, and set a special property tax designation and stringent rules & building code requirements for those who rent their properties as a business.
- 71 A renter has no investment in the community, and no incentive to be considerate of their neighbours or their environment. There is often no understanding of how noise travels near or on water, while they are using the property and often very little understanding of how to use the water without endangering others or just simply being a nuisance on a seadoo doing endless circles in front of your cottage. Renters are often unaware of the noise pollution they are producing. By law officers, unless on site, are never able to deal with these situations as they occur. It is this kind of activity that is changing the nature of the lake and making residents rethink whether the lake can provide the relaxing environment that they have invested in. Measures to limit these situations are definitely needed if we are to keep the status of our lake. I cannot count how many conversations we have had about this issue among other cottagers who are unhappy with this situation. Any measures to curb this situation are definitely needed. Also running a ski-school

- from a cottage on the lake has become an outlet for just providing a wake for seadoos to do endless passes across the ski school boat wake and is turning the lake into a water race course with the accompanying noise levels.
- 72 People that rent a cottage have no vested interest in the area and they do not respect the rules.
- 73 Renters cars were parked on my property. Renters do not have boat licenses; renters using boats have driven towards me and my family while we were swimming. Renters have fires in NO BURN periods thereby threatening property and lives of residents. Weekly rentals of properties from May to October is a commercial operation; yet these owners pay residential taxes. Noise is an issue; a huge party every weekend. Renters feed the ducks and the raccoons; wild animals should not be fed. Renters leave their garbage in garbage bags at the side of the road; McKellar doesn't have curb side garbage pick-up.
- 74 Thank you for asking our input.
- 75 Responsible renting, will Allow more people to purchase a cottage on the lake which would increase property value if more people are able to buy on the lake. Renting also allows families to enjoy a Cottage life style without the cost of ownership and allows the owner to help cover the costs to maintain the cottage. The Focus should be on responsible renting. Not banning rentals.
- 76 i believe the majority of renters (not all) but usually they have too many people party all the time and don't respect our property and children in the area.
- 77 My only problem with residential rentals is that renters do not consistently follow watercraft laws. This is also true of many residents.
- 78 These rentals are NOT permitted by the zoning by-law. They are tourist commercial establishments. They should be prosecuted but McKellar refuses to act. If allowed through rezoning they should pay commercial tax. McKellar seems to overlook that these rentals are located on private roads which makes them an issue respecting liability for accidents, etc. The Township has no standards for private roads respecting maintenance, etc to allow for emergency vehicles.
- 79 I think it is ridiculous to think that owners would be able to remain onsite during short term rentals.
- 80 The people who use a rental property are usually up to partying until all hours of the night. We constantly witness unsafe boating practices. They have no respect for the neighbor's property and privacy.
- 81 Residential rental properties in our area are very expensive compared to other areas. Those that choose our area are paying a hefty price because the love and respect the area and want an enjoyable family vacation. Many of our guests have either grown up in the area and have moved away and come back to visit, others vacationed on the lake growing up. True some are new, but new is great. We ourselves are a prime example of "renters" who turned into property owners. When we were "renters" we never caused issues as we are respectable people and have an appreciation for the area. If guests are well qualified I do not see an issue with this. Having said that if any renter or seasonal and / or resident for that fact, is breaking bylaws of any sort being on land or water I would expect them to be accountable and yes property owners have a responsibility in that as well. These families that come and go throughout the season spend more revenue than we do. We do not golf every week nor do we visit the local merchants every trip, but I can bet you that our guests do. I am in favour of residential rentals and do not feel it should be of concern to anyone else unless they are being disruptive. The area I am in has 4 residential rental properties on the same road. We have been there when the owners were not and have never been disrupted or even noticed a difference.
- 82 No problem with quiet family rentals. It's the party folks who like to sing and shout in the middle of the night. How about restricting the number of cars to a residential rental?
- 83 I am one of many who rely on a couple of weeks of rental per year. My renters have never been a problem and I regularly check in with neighbours to ensure that I have good people at the lake. They all also spend a good deal of money in the area when they are there (rentals, food, gas, lco, etc)
- 84 I believe renters aren't the problem it is sometimes people in general who don't show respect to residents. Full time resident beside us when friends come up they will sometimes carry on till 3-4 in morning.
- 85 I believe that residential rentals provide a positive economic impact on the area both from a point of view of a major increase in spending in the area and from a bolstering of property values (and hence the tax base) from the ability of buyers to support their property purchase with rental income.
- 86 Renters tend to be uncertain or less interested in following proper and safe activities. Such as boating, campfires, fireworks, drone usage, water pollution and noise.
- 87 Is this just the associations way of making \$?
- 88 Renters should be subject to the same noise, water use and environmental conservation rules as all residents and be apprised of such as a condition of rental
- 89 Rentals should be regulated and the township has to be involved with maintaining the policy. Rentals should pay a fee to township to offset costs.
- 90 Over the 30 plus years we've had a cottage the cost to maintain it has soared. We on Taites island are paying big taxes now without getting anything more than 30 years ago so out of necessitie we have to rent to cover these costs
- 91 You can't outright ban this however there should be some regulations in place.
- 92 The bi laws are ignored and not enforced. This sets a terrible example. If it must continue, set the rules for 1 month minimum as they do in many places in Florida.
- 93 I think that there needs to be a recognition of the different levels of rental. For example a family renting their cottage a couple of weeks a year to good friends of the family or relatives is a completely different situation that someone running a bunch of Air BnB rental properties that are renting dozens of times a year continuously. We should allow for some limited, short-term rentals and

- ways for current owners to recover some limited costs, we should not be allowing months of rentals and investment properties. Our community needs to be for residents and owners - not interlopers who have no vested interest in anything long-term or permanent.
- 94 I believe there should be a maximum and minimum amount of time to rent. Not less than a week and not more than a month
- 95 I understand there are some cottage/residence never actually used by the owners. I don't think that should ever be allowed as "residential" rental.
- 96 I am not against rentals per se - but the owners need to be responsible and to understand that they are devaluing their own property when others misuse or abuse the lake or the area. There should be limits on the number of people allowed to stay in a rental property - just as there are in hotels. I also have concerns about the safety of some using the lake. We have had occasion where a young man from a nearby rental property on Mary Jane Lake was not positioned correctly in the canoe and toppled into the water. Luckily we were on our dock and we were able to assist him. Had no one been around who knows what might have happened. There ought to be an obligation to tell first-time cottages/lake visitors about the possible dangers. The last thing we would want is a visitor to be badly hurt or to die on our lake. The bottom line is the locals and the council know who the repeat offenders are - punish them not those who are doing the right thing.
- 97 township implement a permit at renters cost, that if the renter or rentee does not comply to established outlined guidelines permit is lost and permission denied to renter. Should include a cash holding that can be lost decided on the reports supplied by the by-law officer
- 98 We need additional enforcement IF rentals are to be permitted as I have resisted to call for municipal enforcement but am getting frustrated that my enjoyment of my property has been ruined by non-existent property owners renting out their cottage to noisy people who feel they have the right to make as much noise as the like. I understood that it is NOT permitted to rent out lakefront homes.
- 99 Ban
- 100 WE have covered this in the above questionnaire.
- 101 Possible case for registering rentals to create quick contact info for trouble spots.
- 102 After hours phone # for concerns/issues/complaints - nuisance etc. beyond resorting to contacting police.
- 103 I am strongly against renters
- 104 need to enforce clean yard by-laws. Some properties are "dumps" and have been that way for several years now. There is even watercraft in the water and left there over winter and we have to believe this impacts the marine life with gas and oil seepage into the lake; XXX* Burnetts Road is a prime example and the Township needs to do something about this and other similar properties on the lake.
- 105 It appears that renters for the most part do not care about the cottage they rent as the owner would. I also appears renters discard garbage along the roadways.
- 106 Rules/Bylaws should be established and posted in all rental properties. Owners of properties should be held accountable and warned and then fined if bylaws are violated.. Rental privileges should be revoked if violations are excessive.
- 107 I feel that overall residential rentals have a positive impact. Rentals allow more visitors to come and enjoy this beautiful area, boosting tourism. Rentals also bring more customers to local businesses, e.g. The Ridge, the McKellar store, Tait's Landing, etc. Yes, there may be problems from time to time with rentals, but certainly no more on a percentage basis than with owners. And as mentioned in an earlier response, it is the owner's responsibility to resolve any issues with their renters as quickly as possible.
- 108 they need supervision and renters should be carefully vetted before they rent so there must be some regulation by the owner and the council
- 109 None
- 110 Many cottagers who rent their properties are very responsible. Many are not. By Laws should be put in place to protect people, the environment and make sure we can all enjoy the Lake. If they are broken not only should the renter be held accountable so should the cottage owner.
- 111 please stop rentals
- 112 Although some renters are respectful as owners, there are also many disrespectful situation that could be avoided
- 113 We would have to sell if we couldn't rent for 4 weeks to help cover taxes and maintenance costs
- 114 I'm not opposed to some rentals, it is a good way to generate income to pay the expenses on a cottage property. However, noisy, rude and disrespectful renters can be a problem, as it was for us last summer. Had the owner been on hand or readily available I don't think it would have been a problem. Also, if the city had a right to evict disruptive renters, with a no money back policy would also discourage disruptive renters.
- 115 Noise restriction and fireworks restricted from 9 * 11 pm only
- 116 No
- 117 I believe owners that rent their properties should be responsible for any damage caused by renters.
- 118 I do not think it is the role of Council to regulate or mandate rentals vs. no rentals. If it is a property used as a full-time rental, they should be licensing as a business, and therefore are subject to different regulations. If need be, that can be enforced, but getting involved in blanket policy conversations about rentals or no rentals seems to be over-stepping their mandate.
- 119 It appears the rental community has no respect for noise and the environment. There has been an increase use of fireworks on any given weekend, ATV,s on residential streets, loud music and high speed on water vessels against shoreline laws. Any town or city

would not put up with this "Wild West" behaviour. McKellar must increase law enforcement with our hard earned tax dollars. People should be migrating to lakes and nature to appreciate the environment, not destroying it. Thanks.

- 120 If an owner rents their cottage or home for a week or two when they can't be there, that may be ok if inspected to ensure the septic system can handle it. And owners must be held accountable for those who ignore fire conditions and related bans. But I can't support full time rentals.
- 121 JUST SAY NO!!!
- 122 There should be enforcement of the noise bylaw. Maximum of 2 or 3 rentals per household per year.
- 123 I would assume some people may not be able to afford to stay and hold 2 households without renting. If renting isn't allowed then how is one house close to us able to have several families tents and loudspeakers with large fires and not so much as a bylaw officer coming by... I'm talking 100 people and 1 house on a specific weekend in July? But if they aren't "renting" it's ok. This survey seems to want to point fingers at renters but often they are families just like the rest.
- 124 I do not believe renters are any more disruptive or negligent as residents are. People visiting may swim, fish, shop and party a bit more but are renting a place to enjoy themselves. Perhaps residents have forgotten how to fully enjoy the lake.
- 125 who started this? Names please , where is the evidence that this is a "contentious " issue ? how many charges and fines by bylaw officers and police officers have been laid ? easy to prove and if they are a number statistically outside the norm for residential areas maybe it should be looked at , other than that stop and go fishing and get on with your lives and let others do so also
- 126 We rent through an agency that vets ALL renters and have never had a complaint. Renters help support the local economy of McKellar by using services and retail during the weekdays when we would otherwise not be at the lake. The income we gain from renters goes back into beautifying and renovating our property, which has only increased its value, and quite frankly, the value of our neighbour's property.
- 127 I am not opposed to owners renting their residences to family, friends and even strangers. Converting homes to large rental units with no intention of the owner occupying them and having them constantly rented out to large numbers of renters at the same time is something that should be restricted by the township.
- 128 It brings in tourist dollars, employment opportunities and helps bring property values up because there's income to improve the home.
- 129 Rentals have a tremendously negative impact on the enjoyment of the area. Family to family rentals are no issue as the renters have been screened and respect the area. In addition to excessive noise i have also been threatened by the renters with golf balls being shot at me and my daughter because we complained about the noise.
- 130 Rental helps businesses in the area. Its tough enough doing biz in the off season.
- 131 Some residents act worse than renters. We all need to respect each other regardless of status.
- 132 some renters become residents
- 133 Too many people, no understanding of the the laws on the lake, no consideration with loud music
- 134 They are welcome to set reasonable enjoyment bylaws but frankly have no business getting involved in how people use the home/property they legally own.
- 135 Clear, concise regulations governing residential rentals in McKellar would go a long way to alleviating the tension between owners and renters with all involved knowing what's acceptable and what is not. There also needs to be an effective, well communicated complaints process in place to address undesirable behaviours.
- 136 I thought there was (is) a bylaw preventing rentals, and, that privately zoned properties are not to be used as commercial enterprises.....my neighbour has a website for his cottage, and it is available 52 weeks per year.....clearly a commercial enterprise. It has been this way for the last 5/6 years.
- 137 Renters do not have the same values or responsibilities as owners do concerning neighbors, noise, littering, fish conservation, etc.
- 138 Property owners should be allowed to rent out their property for additional income if needed to help pay taxes & hydro especially if it's a second property.
- 139 There should be a set of bylaws to govern rentals. Then a complaint could be acted upon by the authorities!
- 140 We have a rental property across the river that holds a lot of people and sometimes they are loud but they are out having fun with their families. This rental is nonstop rental property. We rent to friends and family for a couple weeks of the year. People need to know how to treat cottage life when they come up North, and respect their neighbours. We have on the other side of us renters all the time as well and they are pretty quiet and keep to themselves.
- 141 Unsafe boating by renters on the lake.
- 142 I rented on lake for 10 years before buying a property. I hear this story over and over again. People like to try before they buy. Renters bring money to area and are potential residents in the future. We rent out cottage when we can't use it. I have never had any issues with the neighbors and rent to lovely families who love their time on the lake. I would never have bought here if i thought the policies would be so restrictive. If people misbehave then pursue them - resident or rental. Dont make blanket rules for everyone or people will move off the lake and prices will go down. I use rental money for cottage improvements which goes directly into hands of locals who then feed their families.
- 143 Don't allow it or at least regulate it and make sure renters are aware or we the residents will call the bylaw officer
- 144 Owners should have to apply for a license to rent their property. There should be a limit to renters based on number of bedrooms ie 2 people per bedroom. Rental properties should be required to comply with commercial building standards relating to septic,

electrical etc. There should be a hefty fine for noncompliance and loss of rental license. The impact on our beautiful lake from people who really don't care ie tossing cans and garbage into the lake and no respect for the wildlife could be a major problem. This is a sign of the times and McKellar needs to get on board to do responsible stewardship for keeping this area as clean and healthy for all of us to enjoy!

- 145 I believe rental in McKellar is a different matter and has less of an impact on the lake and surroundings than rental on the lakes.
- 146 It's my property and I will do with it what and how I see fit
- 147 There should be rules and regulations! And if not abided then both the owner and the renter should be charged a sum of money.
- 148 Regulations are required.
- 149 I feel if done responsibly then the impact of offering rentals is beneficial to the community and businesses. It will increase money spent at local events. Consider this if I've gone to the market once already in the summer would I go again? If I'm a cottage owner am I renting equipment from the outpost or taits? Am I playing multiple rounds at the ridge or dining at Jimmy's, Tait's or the Ridge often? Likely not. However having "tourists" come they likely would as it's something new or a treat.
- 150 I would like to see council restrict the number of times an owner can rent in the 2nd and 3rd quarters of the year.
- 151 The cottage beside me is sometimes rented out. I don't like it but I have had no problem. I think the owner must screen people carefully. They obviously show respect to the property. However, I think it would be unfair to neighbours if a cottage was rented a lot because it would be discomfoting having strangers constantly around. I think when you purchase a property and pay taxes, you are entitled to the peace and quiet, and privacy you have paid to have, especially at today's prices.
- 152 It needs to be stated that not all noisy parties and reckless boating is due to renters. I understand from conversations with the by law officer that the majority of offenses are committed by renters who are unaware of regulations and by law's or who choose to ignore them.
- 153 rentals must adhere to specific rules re bonfires, noise unleashed dogs, fishing regulations, garbage disposal
- 154 There is both an increase in noise and activity and an increase in sustained activity across a longer time period each day. There is a loss of quiet and solitude
- 155 I believe owners should be able to rent their cottages however they should be careful who they rent to and lose the privilege if there are multiple complaints.
- 156 1). Any owner should be able to 'occasionally' rent out their seasonal if needed. 2) The owner should be held responsible for ensuring they rent to responsible adults and held accountable for safety, noise, and pollution, including fines. 3) My suggestion is to review what 'property wordings' Property Insurance Companies have in place for privately owned seasonals (not listed in company names or numbers), for guidance. Insurance companies have already done their homework around this - to ensure they cover only 'occasional' rental with limitations. 4) Safety - Last summer we had young jet-skiers nearby who paid no attention to water rules - doing donuts, racing close to shore & our docks....I believe rentals should have tight restrictions around water "toys". And, as any cottage could abuse water toys; complaints should be made promptly for police to take quick action- from warnings to fines. 6) Noise (parties after midnight should be addressed by police as in any residential area.
- 157 We believe that being a responsible owner of a rental property in McKellar does not impact the safety of residents any more or less than seasonal cottage owners. However, it can actually helps the local economy especially during the summer months.
- 158 Long-term rentals should be permitted, such as for a whole summer or longer. Many families have successfully rented the same cottage year after year and respect their neighbours and the rules of the lake. But short-term rentals of a weekend, or a few days, or even a week, have caused tremendous misery for people on this lake, and should be prohibited.
- 159 Although I'm supportive of cottage rentals in principle (as a child, my parents did not own a cottage but would rent from time-to-time) I do believe that the Township (or District) should consider reasonable regulation and enforcement to ensure rental guests take as much care for the lake, property and general environment as we would expect from owners. This is not a simple thing to implement for several reasons, including (a) cost of enforcement and (b) actually identifying properties that are being rented out versus "loaned out" to friends.
- 160 You are trying to limit personal freedoms! Not sure how anyone can regulate the use of personal property? Should that become a Municipal exclusion, then people would be forced to circumvent the laws regardless. You are also limiting one's ability to maintain financial stability. I do not think this is any business of the association and / or the Municipality! You can be assured there would be numerous court cases that would be costly for both the Association and McKellar council! In closing, you cannot regulate what owners choose to do with their personal property! Just not going to happen! I think you are walking on a very slippery slope.
- 161 Very few families can afford a cottage property on their own in today's market. Offering the cottage for rent on weeks when owners are unable to be there allows for more families to enjoy owning a cottage property and giving their kids the chance to experience cottage life. Rentals also have a positive impact on the economy in McKellar - renters shop locally and spend their money on the weeks that cottage owners aren't doing this.
- 162 I think excessive noise and late partying generated by renters should be dealt with through the owners in the same manner as anywhere else.
- 163 I think it makes more sense* to punish bad behaviour, not an entire group. Places like The Ridge, The Farmers Market, Tait's Landing and Glenwood could all benefit from more customers than just full timers and cottages, especially with rising costs due to minimum wage hikes. So they don't go the way the Red Door Bakery did. The official plan basically caps the potential for new properties on lakes. So without renters, businesses have no reasonable hope of growing their customer base.

- 164 Very difficult to restrict property owners from renting out their cottage periodically. On the other hand if the property is strictly an income property they definitely should be direction and tax income for Mckellar
- 165 Most rentals create no problems and by laws are already in place to deal with noise issues. It would be a mistake to prohibit this just because of a few bad apples. These rentals are important to our local economy and tourism is a key remember generator.
- 166 Limit number of renters to design capacity of septic system Stricter controls on noise, fireworks and other bylaw infractions. Double fines after one or two infraction
- 167 It brings in revenue to the community as tourism, provincially and federally for those that have it set up as a legitimate business. It employs local people - cleaners, handy men, snow removal, etc. Improvements are made to properties which improves MPAC values and supplies are purchased locally.
- 168 Some questions refer to residential rentals, which I see as long term residential occupation. I think they "problems" cycle around short term vacation rentals.
- 169 We haven't had any issues when our neighbors have rented their cottages. We think that cottage rentals are good for the local economy.
- 170 Rentors MUST supply Noise Bylaws and other Rules re garbage disposal, washing directly in lake with soap, etc. to all renters. As well, MOT Rules re speed limits for boats, and courtesy & safety considerations for swimmers, canoers, kayakers, sailors, etc.
- 171 There should be some regulations as to the number of people allowed per cottage, tied to the size of the septic. And rental agreements should have usage and noise restrictions in them
- 172 Cottage rentals purely as a business should not be allowed at all. And the township should enforce with strong fines.
- 173 Have noticed that some very large homes are being used as rentals on the lake. Worried about overloading of septic tanks and weeping beds, shampoo and phosphates in our lake, irresponsible boating by inexperienced renters, and illegal fireworks.
- 174 I believe in today's society, there are too many rules and regulations that inhibit people from fulfilling their life's dreams. Why are we stopping people from trying to achieve their goals in the ways they know how. I believe people should be allowed to manage, live or share their properties the way they choose. They after all are the ones paying 100's of thousands, if not millions of dollars for these properties.
- 175 We understand and have no issue with resort rentals -- which we knew were in place and knew the location of before we joined the community. What we didn't know, and still don't know how we could have learned about, is the number and location of the Residential Rentals. We are closely watching the Residential Rental issue and are giving serious consideration looking at relocating where we spend our summer season dollars to a community that does not permit these uncontrolled rentals. We have delayed making additional investment in our current property due to the negative impact of these rentals on our enjoyment.
- 176 Residential rentals should be banned altogether with stiff fines for owners and renters.
- 177 I believe allowing reasonable rentals on the lake is positive over all. However I would not like to see rentals of weekend or short stays of less than 2 weeks. The owner must be accountable for poorly behaved renters with the possibility of removing rental privileges if they consistently rent to poorly behaved renters.
- 178 In the city of you want to put your home on Airbnb you can. It's our property and we should be able to do as we please. Commercial renting should not be allowed however. The owner must prove that they are there a certain amount of time within bylaws
- 179 Obviously very much against it.
- 180 We approve of rental to family & friends but the use of rental agencies does not allow for proper control.
- 181 Licensing them, and regular septic system checks as well as the bylaw officer being aware of them, and making both the renter and owner responsible for behaviour and costs.
- 182 Renters have no vested interest in the rented property and, generally, do not treat the property with the same respect that they would treat their own property.
- 183 Responsible owners limit guests to cottage and septic specifications. Responsible renters do the same.
- 184 I think there should be fines for renters (and the owner of the property) when excessive noise is being made at the property. I don't think this should disrupt peoples enjoyment of being up here, after all they are here to have fun and let off some steam but if the noise continues and gets louder into the later part of the night fines should be given out.
- 185 There are probably more important issues like lowering property taxes.
- 186 Would recommend rental properties be rezoned commercial and specific by-laws be implemented limiting the number of guests, establish health and safety standards, and a requirement that guests have boating licences, etc.

Notes:

"" Denotes comment has been edited to fulfill the commitment to not collect any personally identifiable information.

The views expressed in the comments are those of the survey respondent and not those of MLCA.