



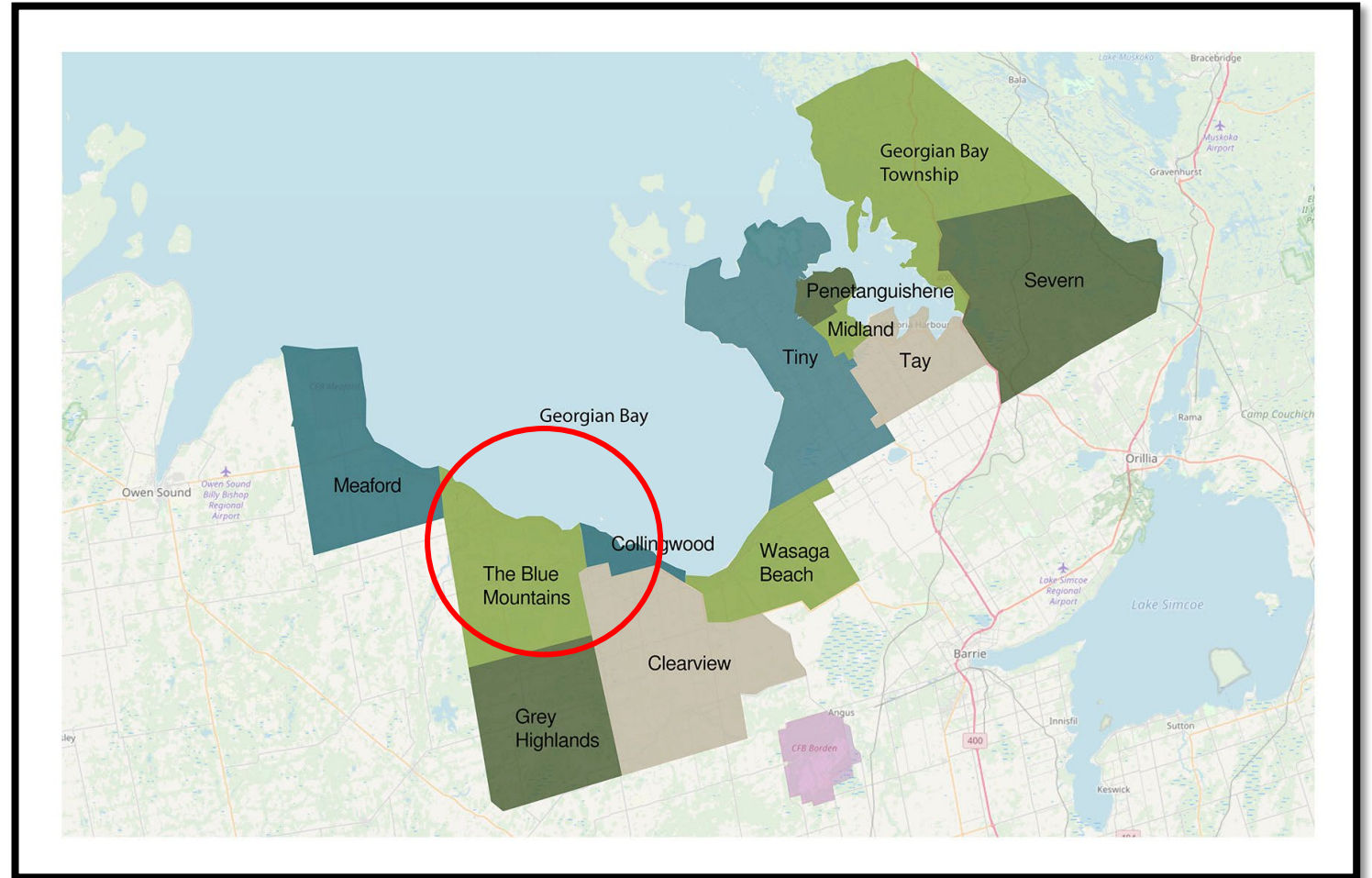
# Short Term Accommodation Licensing Program Overview

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Shawn Everitt, Chief Administrative Officer  
2023 OSUM Conference

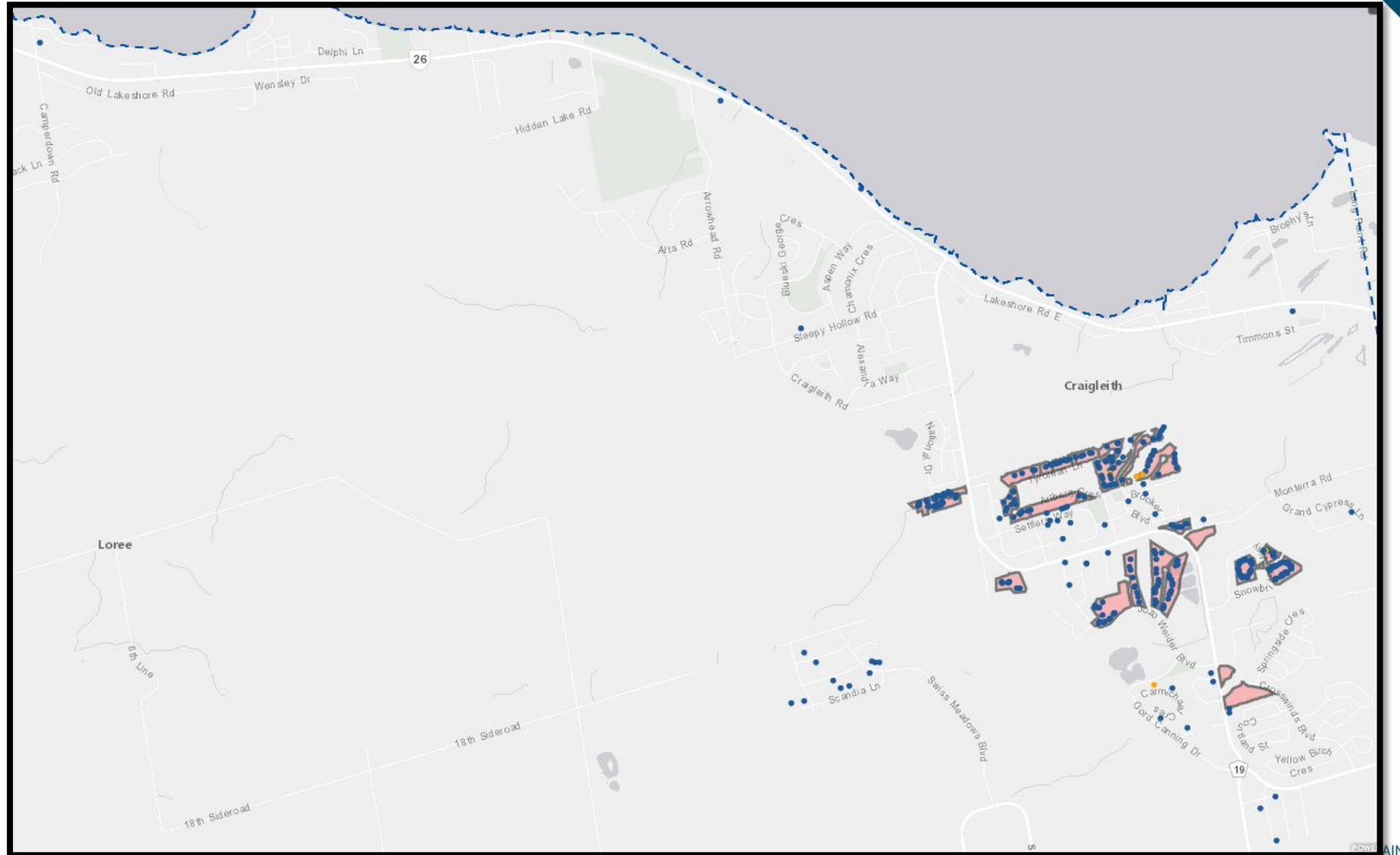
# The Blue Mountains

- Established in 1998 with the amalgamation of the Township of Collingwood and the Town of Thornbury
- The Town is now home to over 9,600 full time residents and 6,000+ seasonal and part time residents
- Internationally recognized four season tourism destination welcoming over 3 Million visitors annually



# Existing Short-Term Accommodations

The vast majority of STAs are located within the Craigleith and Resort Area



# What is a Short-Term Accommodation

## “Short Term Rental Property Unit” as defined in By-law 2021-70

- means a Building or Structure, or any part thereof
- being used for the habitation of tenants of that 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

# History of Short-Term Accommodations in The Blue Mountains

- Problems began as early as the 1970's
- Over time traditional chalets were increasingly being used for short term rentals
- Rentals became more commercialized, which led to more disruption within the community
- Issues were generally concentrated within the Craigleith Community and around the Blue Mountain Village Resort
- However issues outside of the "Exception Area" also creates concerns from residents

# History of Short-Term Accommodations in The Blue Mountains

## Types of Issues

- Land use conflicts between residents and short-term operators and their renters
- Parking Issues – on streets, lawns, neighbour's driveways, blocked driveways
- Noise – general volume, music, partying (both day and night)
- Garbage from rentals
- Vandalism and general mischief
- Property Standards and Fire Safety



# What Did The Blue Mountains Do?

## Step 1: Studied Problem and Built Planning Regulatory Framework

- Interim Control By-law (2008) prohibited new Short-Term Accommodation Uses
- Official Plan Amendments and Zoning Amendments (2009)
  - STAs are recognized as Commercial Uses
  - STAs require separation and buffering from residential uses
- Subsequent Ontario Municipal Board (OMB) Appeals
  - Interim Control By-law, Official Plan Amendment, Zoning By-law Amendments appealed by the STA Industry
- OMB decision was appealed to Courts (June 2011) and ruled in the favour of the Town

# What Did The Blue Mountains Do?

## Step 2: Program Implementation

- Short-Term Accommodation By-law, Program and Policies established by Council (2011)

## Step 3: By-law Update

- Short-Term Accommodation Licencing By-law Update (2014)

## Step 4: Shift to Licensing By-law

- Shifted to Municipal Licensing By-law supported by a Administrative Monetary Penalty Program (2018)



# What is Next

## Work Planned for 2023

- Update Municipal Licensing By-law in 2023 to address gaps and additional concerns
- Implementation By-law changes in 2024
- Continue to investigate how Commercial Rental Units (CRU's) fit into the Municipal Licensing Program
- Consideration of Establishing a Municipal Accommodation Tax for 2024

# STA Licencing By-Law (2014)

- Helped address ongoing concerns
- Two (2) interpretation policies were created to provide additional direction and clarification to areas of the STA program:
  - Policy 16.09: Parking Management Plan
  - Policy 14.02: STA Premises Definition of a Bedroom
    - **The definition of a “Bedroom” is key to determining occupancy loads**

# STA Licensing Objectives

- Occupants are provided with safe accommodations (fire, life and building safety)
- Short-Term Accommodations are operated and maintained to acceptable conditions as required by the Towns Property Standards By-law
- Short-Term Accommodation License Holders and Operators are aware of their responsibilities to comply with Town By-laws and other applicable regulations
- Protecting the character, amenities, and quality of existing neighbourhoods
- Level playing field for all Short-Term Accommodation Operators
- Enhanced consumer protection for the travelling public

# STA By-Law Update (2018)

In 2018, the Town updated the Short-Term Accommodation By-law to modernize and clarifying the associated policies:

- Updated the definition of a “bedroom” and provided clarity regarding the allowable occupant loads
- Needed to address confusion regarding if occupancy was based on two (2) person per bedroom or two (2) person per bedroom plus two (2) additional persons
- Council landed on 2 person per bedroom plus a maximum of four (4) additional person(s) where there is acceptable sleeping space. Outside of the exception area Licenses have a maximum of eight (8) people regardless of the number of bedrooms.

# Administrative Monetary Penalties

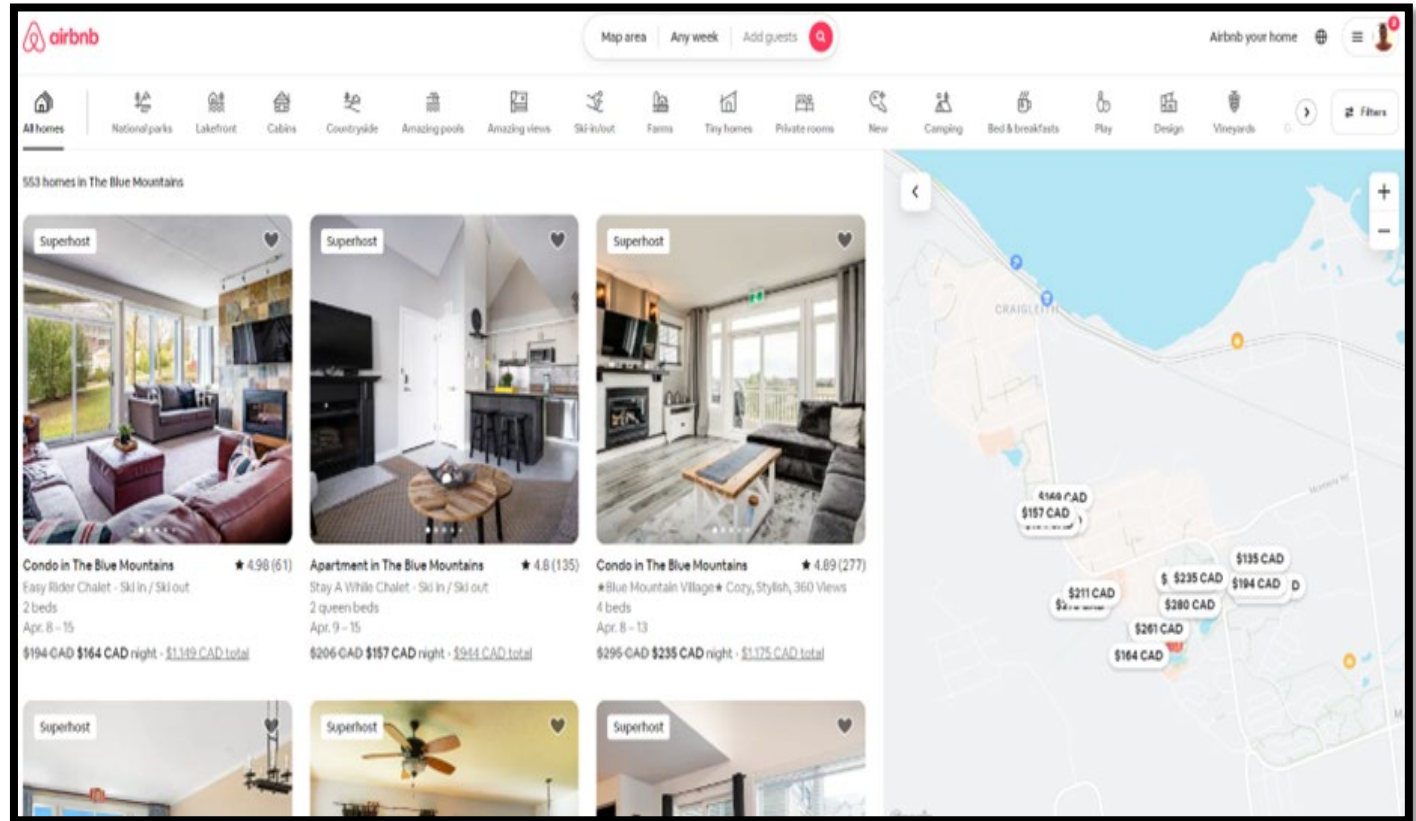
- Established in 2018 and was a “game changer” for the Town
- Allows for a monetary penalty to be imposed for contraventions of the Licensing By-law **that do not have to go through the Provincial Court**
- The Appeal process is an internal process
- If appealed the appellant first will meet with the Town’s Screening Officer, if not satisfied the appellant can bring their appeal to the Town Hearing Officers that has been retained by the Town
- Town offers virtual Screening and Hearing dates once per week

# Reports and Processes Required to Establish Administrative Monetary Penalties

- [POL.COR.21.02 Prevention of Political Interference in the AMP System](#)
- [POL.COR.21.03 Public Complaints Respecting Administration of AMPS Program](#)
- [POL.COR.21.04 Conflict of Interest in Relation to Administration of AMPS Program](#)
- [POL.COR.21.05 Financial Management and Reporting for AMP System](#)

# Enforcement

- As of 2023, the Town has 342 licenced STAs
- Enforcement is handled by a dual approach:
  - Complaint Driven
  - Proactive Monitoring of Rental Websites (AirBNB, VRBO, Home Away, etc.)





# Enforcement of Non-Licensed STAs

- Operating without a Licence (gradually becoming the focus)
  - Identify properties being used as STAs (rentals for less than 30 days)
  - Notice is sent to property owner regarding the non-permitted use
  - By-law Officers monitor the property and rental ads
  - Search for evidence at the suspected illegal STA premises
  - If evidence is produced the Town prosecutes for operating without a licence
  - \$2,500 per offence per owner under Administrative Monetary Penalties
  - Estimated 25 – 30 charged per year

# Administrative Monetary Penalties

Infraction	AMP
Exceeding Maximum Permitted Occupancy	\$500
Non-Availability of Responsible Person	\$500
Non-Availability of Rental or Lease Management Program Representative	\$500
Fail to Post License	\$500
Operate Without a License	\$2,500
Advertise Without a License – Short Term Rental Property Unit	\$500

# Administrative Monetary Penalties

Infraction	AMP
Permit an Activity that Causes a Nuisance	\$250
Use Premises Contrary to Parking Management Plan	\$500
Operating Without Functioning Noise Notification System Where Required	\$500
Use or Permit the Use of an Outdoor Hot Tub or Pool Between 2300 and 0700 Hours	\$500
Use or Permit the Use or Ignition of an Outdoor Fire or Fire Pit Without a Permit	\$500
Failure to Comply with an Order	\$500

# Highlighted AMPs

Infraction	AMP
Exceeding Maximum Permitted Occupancy	\$500
<b>This Charge is only between 0700 and 2200 unless it is creating a nuisance</b>	
Non-Availability of Responsible Person	\$500
<b>The Responsible Person is a critically important element to the Program success</b>	
Operate Without a License	\$2,500
Advertise Without a License – Short Term Rental Property Unit	\$500
<b>These two infractions allow for applying AMPs to non-licensed properties</b>	

# Highlighted AMPs

Infraction	AMP
Operating Without Functioning Noise Notification System Where Required	\$500
Use or Permit the Use of an Outdoor Hot Tub or Pool Between 2300 and 0700 Hours	\$500
Use or Permit the Use or Ignition of an Outdoor Fire or Fire Pit Without a Permit	\$500
<b>These three infractions have a focused penalty approach to potential noise generation</b>	

# Shift From Demerit Point System to Administrative Monetary Penalties

- Shift was made in 2018
- There were ongoing operational challenges related to the interpretation of policies and By-laws
- Needed to strengthen levels of accountability through a revised demerit point system and responsible person requirements
- **NOTE: Clarity and plain language is essential to avoid interpretation issues**

# Demerit Points

Infraction	Demerit Points
Exceeding Maximum Permitted Occupancy between 2200 and 0700	3
2 <sup>nd</sup> or Subsequent Offence for Exceeding Max Occupancy Between 2200 and 0700	8
Non-Availability of Responsible Person	5
Fail to Post License	3
Permit an Activity that Causes a Nuisance	1
Use Premises Contrary to Parking Management Plan	3
Operating Without Functioning Noise Notification System Where Required	3



# Demerit Points

Infraction	Demerit Points
Failure to Properly Secure a Pool or Hot Tub	5
Use or Permit the Use of an Outdoor Hot Tub or Pool Between 2300 and 0700 Hours	5
Use or Permit the Use or Ignition of an Outdoor Fire or Fire Pit Without a Permit	5
Building Code Act (construction without a permit) Conviction	7
Advertising Without a Town License Number Being Included in Advertisement	3
Fire Protection and Prevention Act/Fire Code Conviction	15
Failure to Comply with an Order	10

# Highlighted Demerit Points

Infraction	Demerit Points
Exceeding Maximum Permitted Occupancy Between 2200 and 0700	3
2 <sup>nd</sup> or Subsequent Offence for Exceeding Max Occupancy Between 2200 and 0700	8
Non-Availability of Responsible Person	5
<b>Occupancy and the Availability of the Responsible Person were key aspects from the Public concerns</b>	
Operating Without Functioning Noise Notification System Where Required	3
Failure to Properly Secure a Pool or Hot Tub	5
Use or Permit the Use of an Outdoor Hot Tub or Pool Between 2300 and 0700 Hours	5
Use or Permit the Use or Ignition of an Outdoor Fire or Fire Pit Without a Permit	5
<b>The limiting of the generation of noise or potential increase has been very successful</b>	

# Highlighted Demerit Points

Infraction	Demerit Points
Building Code Act (construction without a permit) Conviction	7
Fire Protection and Prevention Act/Fire Code Conviction	15
<b>Building Code and Fire and Health Safety are both heavily weighted demerit point infractions and Application of Demerit points do require a successful conviction</b>	

Staff with Delegated Authority can apply Demerit Points

These are appealable to Council sitting as the STA Appeal Committee

# License Fees

Description	Fee
Application Submission Fee	\$56.65
Type "A" 2-year Term (Inside exception area)	\$2,375
Type "B" 2-year Term (outside exception area) Newly Established Moratorium on New Applications	\$2,375
Type "C" 2-Year Term (Legal Non-Conforming)	\$2,425
Type "D" 2-Year Term (Bed and Breakfast) plus Planning Fee's	\$565

# License Fees

Description	Fee
Fire Inspection	\$155
Fire Re-Inspection	\$310
Fire Subsequent Re-Inspection	\$465
Re-Inspection Fee for By-law Staff	\$135
Additional Re-Inspection for By-law Staff	\$190
License Eligibility Inquiry	\$80
Replacement License Placard	\$50
Land Title Search	\$45

# Financial Impacts

Municipal	2018	2019	2020	2021	2022
Expenses	\$131,446	\$172,571	\$95,512	\$139,087	\$340,505
Revenue	\$45,148	\$193,002	\$131,444	\$227,711	\$526,598
(Surplus)/Deficit	\$86,298	(\$20,432)	(\$35,931)	(\$88,624)	(\$186,093)

- As of 2022, the Licensing Program has one (1) Licensing Coordinator for sum 330+ Licenses that span two (2) year Terms
- By-law Team has five (5) By-law Officers that deal with a range of by-law issues including STAs
- 35 hours per week three ten-hour days and one five-hour day per week
- Thursday, Friday, and Saturday we have coverage from noon to 11:00 p.m.

# Results to Date

- Municipal Licensing By-law has allowed the Town to continue regulating and controlling STA uses within the municipality with far more efficiency and consistency
- Since the Licensing By-law came in effect, noise complaints related to rental properties has decreased and continues to decrease
- By-law ensures all STAs comply with other municipal by-laws (zoning, noise, and property standards) along with Provincial legislation (Ontario Building and Fire Codes)
- By-law has also given the Town more control over problematic rental properties which helps ensure the health and safety of renters



# Reality of Trying to Control STAs

- 1) Licensing By-law should become a tool to benefit licensed properties and assist the Town with penalizing properties operating an STA without a license
- 2) Prior to 2018 the STA By-law was more like a guide to outline the program. Staff transformed the By-law to be more enforceable and able to apply penalties through an internal process that removes the lengthy and costly Provincial Court Process. Fees generated through Administrative Monetary Penalties also remain within the Town
- 3) Reality of having a Licensing By-law for STAs is that costs and resources required are significant and it takes significant efforts and commitment to establish and maintain.



# Thank you

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