



To: Mayor Cornell and Members of Council
From: Shawn Persaud, Director of Planning and Development
Planning & Development Department
Report Number: PD-042-22
Meeting Date: 12 Oct 2022
Subject: **Ontario Land Tribunal Appeal - Zoning By-law Amendment - Short Term Rental Accommodations**
Our File No: '22/D14'

Recommendation

THAT Planning & Development Report PD-042-22 regarding an Ontario Land Tribunal (OLT) appeal be received;

AND THAT Council direct staff to retain both Barriston LLP and MHBC Planning to defend the Township initiated Official Plan and Zoning By-law amendments related to short term rental accommodations.

Background/Analysis

Council for the Township of Tiny enacted By-law 22-060 on August 31, 2022 under Section 17 of the Planning Act, to adopt Amendment No. 2 to the Official Plan to establish policies for Short-Term Rental Accommodations. A Notice of Adoption was circulated on September 15, 2022 (Appendix 1). The County of Simcoe is the approval authority for all Official Plan Amendments for the Township. The Notice stated that any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision is made to the County. On September 29, 2022 the Township received a letter from the County advising the the County has received a complete Official Plan Amendment package from the Township and that the County will proceed with its review of the amendment and the supporting documentation (Appendix 2). A future decision by the County will be made regarding this Official Plan Amendment and a Notice of Decision from the County will be circulated.

Council also enacted By-law 22-061 on August 31, 2022 under Sections 24 and 34 of the Planning Act. A Notice of Passing was circulated on September 15, 2022 and the last day of appeal was October 5, 2022 (Appendix 3). As of the date of the preparation of this Report, October 3, one appeal had been received.

Staff are completing the Municipal Submission Form and compiling the “record” for submission to the OLT as per the requirements under the Planning Act.

Council direction with respect to the following matter regarding this appeal is required:

1. Determination of the participation level of the Township in respect to the appeal at the OLT;
and

2. Selection of Legal Counsel and Planning support to represent the Township.

The appellant may choose to retain the services of legal and/or planning representation at the OLT hearing to represent their individual positions/interests.

Township Position

Staff would recommend that considering that the amendments are Township initiated, that Council direct staff to defend the appeal at the OLT and retain both Legal Counsel and Planning support to represent the Township.

The Township's regularly utilized legal firm for land use planning related matters is Barriston LLP. It is recommended that Barriston LLP be retained to represent the Township especially as they have been involved with assisting the Township in the matter of short term rental accommodations. The Township's planning consultant for the preparation of the new Official Plan, new Tiny Zoning By-law and short term rental accommodation Official Plan Amendment and Zoning By-law Amendment is MHBC Planning and it is recommended that they be retained to represent the Township in this appeal.

Reviewed By Other Departments

Not applicable.

Options/Alternatives

1. Proceed as recommended in this Report; or
2. Take other action as directed by Council.

Financial Implications

There will be costs associated with retaining legal and planning representation for an OLT hearing. The costs for the Appeal are unknown and would depend on the length of the hearing, number of appellants and the number of expert witnesses involved. The 2022 budget includes \$15,000 for OLT Hearing legal fees and \$15,000 for OLT Hearing consulting fees.

As of the end of August 2022, \$6115 was spent from the OLT Hearing legal fees account and no funds were spent from the OLT Hearing consulting fees account so there is sufficient budgeted funds for the anticipated costs in 2022.

Relationship to Strategic Plan

- Deliver Exceptional Municipal Services
- Build Economic Prosperity & Opportunity

Conclusion

It is recommended that Council receives Planning & Development Report PD-042-22 and directs staff as per Option 1 of this Report.

Appendices

[Appendix 1 - Notice of Adoption - Short Term Accommodations](#)

[Appendix 2 - County of Simcoe Complete Record Letter](#)

[Appendix 3 - Notice of Passing - Short Term Rental Accommodations](#)

Haley Leblond, Director of
Finance/Treasurer

Approved - 03 Oct 2022

Robert Lamb, Chief Administrative
Officer

Approved - 03 Oct 2022

**NOTICE OF ADOPTION OF OFFICIAL PLAN AMENDMENT NO. 2
THE CORPORATION OF THE TOWNSHIP OF TINY**

TAKE NOTICE that the Council for The Corporation of the Township of Tiny enacted By-law 22-060 on August 31, 2022 under Section 17 of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended, to adopt Amendment No. 2 to the Official Plan to establish policies for Short-Term Rental Accommodations.

PURPOSE AND EFFECT OF THE PROPOSED OFFICIAL PLAN AMENDMENTS

The amendments to the Official Plan set the policy framework for the passing of an implementing Zoning By-law Amendment (By-law 22-061 passed concurrently) and a Short-Term Rental Accommodation Licencing By-law (By-law 22-017). The Official Plan policies achieve the following:

- 1) Recognize that the short-term rental of dwelling units (often cottages) has occurred for years.
- 2) Recognize that dedicated Short-Term Rental Accommodations is a more recent phenomenon that needs to be effectively managed to protect the planned function of residential areas.
- 3) Include policies requiring the Township to enact an amending Zoning By-law and a new Licencing By-law to regulate Short-Term Rental Accommodations.
- 4) Require regulations to:
 - a. Define Short-Term Rental Accommodations.
 - b. Permit Short-Term Rental Accommodations in zones that permit a dwelling unit.
 - c. Establish regulations to ensure the planned function of residential areas are maintained.
 - d. Establish regulations to ensure the character of residential areas are maintained.
 - e. Establish regulations to minimize the negative impacts of Short-Term Rental Accommodations.

A key map illustrating the location of the subject lands is not provided as the proposed amendments apply to all lands within the geographic boundaries of the Township of Tiny.

Any and all written submissions relating to this matter that were made to Council before its decision and any and all oral submissions related to this matter that were made at a public meeting, held under the Planning Act, have been, on balance, taken into consideration by Council as part of its deliberations and final decision on this matter.

REGARDING THE OFFICIAL PLAN AMENDMENT NO. 2

The County of Simcoe is the approval authority for all Official Plan Amendments for the Township of Tiny. Any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision (including the person's or public body's address, fax number or email address) is made to:


Nathan Westendorp, MCIP, RPP
Director Planning/Chief Planner
County of Simcoe, Planning Department
Email: Nathan.Westendorp@simcoe.ca

WHO CAN FILE AN APPEAL

Only individuals, corporations or public bodies may appeal the decision of the County of Simcoe to the Ontario Land Tribunal (OLT). A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of an appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the OLT, there are reasonable grounds to add the person or public body as a party.

MAILING DATE OF THIS NOTICE: September 15, 2022



Shawn Persaud, Director of Planning & Development



County of Simcoe
Planning Department
1110 Highway 26,
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300
Toll Free (866) 893-9300
Fax (705) 727-4276
simcoe.ca



September 29, 2022

** VIA EMAIL **

Sue Walton, Clerk
Township of Tiny
130 Balm Beach Road West
Tiny, ON L0L 2J0

Dear Ms. Walton,

**RE: Adopted Official Plan Amendment No. 2 (Short Term Rental Accommodations)
Applicable to the entire geographic area of the Township of Tiny
County File: TI-OPA-22002**

This letter is to confirm the record of adoption compiled by the Township of Tiny for Official Plan Amendment No. 2 was received by the County of Simcoe on September 15, 2022, and additional required documents were received on September 29, 2022. Having received the prescribed information, the County has a complete Official Plan Amendment package in accordance with Section 17(31) of the *Planning Act* as of September 29, 2022. County staff will proceed with its review of the proposed amendment and the supporting documentation.

If you have any questions or require further information, please do not hesitate to contact the undersigned at 705-726-9300 Ext. 1973 or keirsten.morris@simcoe.ca.

Sincerely,
The Corporation of the County of Simcoe

Keirsten Morris
Planner II

cc: Greg Marek, Manager of Planning – County of Simcoe
Dan Amadio, Manager of Planning – County of Simcoe
Shawn Persaud – Township of Tiny
Sandra Mattson – Township of Tiny
Pamela Zimmerman – Township of Tiny

**NOTICE OF THE PASSING OF A ZONING BY-LAW
THE CORPORATION OF THE TOWNSHIP OF TINY**

TAKE NOTICE that the Council for The Corporation of the Township of Tiny enacted By-law 22-061 on August 31, 2022 under Sections 24 and 34 of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended.

PURPOSE AND EFFECT OF THE BY-LAW

The amendments to the Zoning By-law will implement the policies of Official Plan Amendment No. 2 and establish regulations that:

- 1) Establish a definition of Short-Term Rental Accommodation that:
 - a) Includes the term secondary to identify that the primary use of a dwelling is for residential purposes and that a short-term rental accommodation use is secondary.
 - b) Categorically separates dwelling unit rental for longer periods as differing from those that are rented for 28 days or less. Rental of a dwelling unit for 28 days or less is defined as a Short-Term Rental Accommodation.
 - c) Identifies that various types of commercial accommodation types are not Short-Term Rental Accommodations.
- 2) Permits Short-Term Rental Accommodations in zones where dwelling units are a permitted use.
- 3) Establishes a minimum parking requirement of 1 parking space per two bedrooms for a Short-Term Rental Accommodation.
- 4) Prohibits a Short-Term Rental Accommodations from being located in an accessory building.

A key map illustrating the location of the subject lands is not provided as the proposed amendments would apply to all lands within the geographic boundaries of the Township of Tiny.

The rezoning is deemed to comply with the general intent and purpose of Official Plan Amendment Number 2 adopted by By-law 22-060.

Any and all written submissions relating to this application that were made to Council before its decision and any and all oral submissions related to this application that were made at a public meeting, held under the Planning Act, have been, on balance, taken into consideration by Council as part of its deliberations and final decision on this matter.

IF YOU WISH TO APPEAL TO THE ONTARIO LAND TRIBUNAL

Any person or public body may appeal the above-noted zoning by-law to the Ontario Land Tribunal by filing with the Clerk of the Township of Tiny by no later than **October 5, 2022** at 4:30 PM, a notice of appeal and the reasons for the appeal, together with the required fee of \$1,100.00 for each application appealed, paid by certified cheque or money order, made payable to the Ontario Minister of Finance.

If you wish to appeal to the Ontario Land Tribunal, a copy of an appeal form is available from their website at www.olt.gov.on.ca or by calling toll free 1-800-855-1155.

Only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

If no notice of appeal is filed in the aforesaid manner within the above described time period, the zoning by-law shall be deemed to have come into force on the day it was passed once Official Plan Amendment Number 2 is approved by the County of Simcoe.

MAILING DATE OF THIS NOTICE: September 15, 2022



Shawn Persaud, Director of Planning & Development