



Tiny
TOWNSHIP OF/CANTON DE

Minutes

Special Committee of the Whole Meeting

Short Term Rental Accommodations

7:00 p.m. - Wednesday, May 11, 2022

Virtual Meeting

The Special Committee of the Whole Meeting of the Township of Tiny was called to order on Wednesday, May 11, 2022, at 7:00 p.m., in a Virtual Meeting, with the following members present:

Present:

Mayor George Cornell
Deputy Mayor Steffen Walma
Councillor John Bryant
Councillor Cindy Hastings
Councillor Gibb Wishart

Chief Municipal Law Enforcement Officer Steve Harvey
Chief Administrative Officer Robert Lamb
Director of Finance/Treasurer Haley Leblond
Director of Planning and Development Shawn Persaud
Deputy Clerk Laura Russell
Director of Legislative Services/Clerk Sue Walton

Call to Order

A. Acceptance of Agenda

Moved by Councillor Cindy Hastings
Seconded by Councillor John Bryant

THAT the agenda for the Special Committee of the Whole Meeting regarding Short Term Rental Accommodations in the Township of Tiny be accepted as distributed.

Carried 5-0

B. Declaration of Pecuniary Interest

No member of Council declared a pecuniary interest regarding matters discussed during this meeting.

C. Deputations to Committee of the Whole - Open (20-minute allotment)

The following Open Deputations were received:

1. Yelena Vuckovic – Short term rental property owner
 - Short term rentals provide an essential service / also rents to residents of surrounding municipalities.
 - Expressed concern about the proposed licencing by-law and how it will be enforced. Feels that the entire by-law is largely redundant and not necessary.
2. Connor Harris, Rayman Beitchman LLP, on behalf of clients who own short term rental properties in Tiny

- Public discourse surrounding short term rentals and regulations with legal issues.
3. Ola Kolodij – Short term rental property owner
 - Based on By-law activity enforcement reports, feels that measures are overly restrictive. Does not feel stats in enforcement reports justifies restrictions.
 4. Neha Singla – Short term rental property owner
 - reconsider of minimum parking requirements.
 5. Jennifer Hierholzer - Property owner
 - Next door short term rental property owner does not follow the rules and has proven non-compliance. It is used strictly as a commercial business with no ties to the community.
 - Why are we allowing business in a residential area? How to enforce? Safety concerns.
 6. Debbi Galbo – Property owner
 - not in favour of short term rentals - security issues, absent and remote short term rental property owners.
 7. Barbara Moody – Property owner
 - owns cottage property, lives next door to a short term rental property with one behind.
 - becomes fearful at times, brazen trespassing, will stay away so as to not deal with issues.
 - Agrees with direction Township is taking but to consider limiting number of short term rentals in an area, as well as number of licenses issued, i.e. one per street.
 - Consider a limitation of days that can be rented and what months are allowed.
 - Pleased with proposed licencing program.
 8. Vanya Gluhic and Danielle Dorian - Real estate agents
 - Agree that short term rentals should be regulated.
 - Reviewed proposed licensing by-law and feel that regulations to this extent would be detrimental to property values.

D. Deputations to Committee of the Whole - Scheduled

D.1. Sharry Aiken - Regulation of Short term Rentals in Tiny

The Committee considered the deputation from Sharry Aiken. Ms. Aiken made the following points:

- Supports licensing regime that is being proposed in large measure with reasonable limits on the number of rentable days a year.
- Licensing by-law needs to be enforceable.
- Expressed concern regarding proof of insurance.

Moved by Deputy Mayor Steffen Walma
Seconded by Councillor Cindy Hastings

THAT the deputation from Sharry Aiken regarding the regulation of short term rentals be received as information.

Carried 5-0

D.2. Carrie Smith - Negative Repercussions of Proposed Changes

The Committee considered a deputation from Carrie Smith regarding the negative repercussions of proposed changes, noting that a balance is imperative and that restricting rentals to 92 days is a concern.

Moved by Councillor John Bryant

Seconded by Councillor Gibb Wishart

THAT the deputation from Carrie Smith regarding the negative repercussions of the proposed changes on short term rentals be received as information.

Carried 5-0

E. Presentations

E.1. Robert Lamb, Chair, Short Term Rental Accommodation Task Force

CAO Lamb provided the Committee with a presentation on the chronology of the Short Term Rental Accommodation Task Force activities to date.

Moved by Councillor Gibb Wishart

Seconded by Deputy Mayor Steffen Walma

THAT the presentation from Robert Lamb, Chair of the Short Term Rental Accommodation Task Force, regarding a chronology of the Task Force activities be received as information.

Carried 5-0

E.2. Jamie Robinson, MHBC Planning - Draft Zoning and Official Plan Recommendations

The Committee considered a memorandum dated May 11, 2022 from Jamie Robinson, Partner, MHBC Planning regarding Short term Rental Accommodations – Official Plan and Zoning By-law recommendations summary.

The proposed amendments to the Official Plan set the policy framework for the establishment of the implementing Zoning By-law Amendment and the licencing by-law.

The proposed Official Plan policies achieve the following:

- 1) Recognize that the 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 new Licencing By-law to regulate Short Term Accommodations.
- 4) Require regulations to:
 - a. Define Short Term Accommodations.
 - b. Permit Short Term Accommodations in zones that permit a dwelling unit.
 - c. Establish regulations to ensure the planned function of residential areas is maintained.
 - d. Establish regulations to ensure the character of residential areas is maintained.
 - e. Establish regulations to minimize the negative impacts of Short term Accommodations.

No concerns were expressed regarding the proposed amendments to the Official Plan.

The proposed Zoning By-law contains regulations that:

- 1) Includes a definition of Short term Rental Accommodation.
 - a) Definition includes secondary in terms of the time the dwelling unit is used as short term accommodation.
 - b) Definition categorically separates the dwelling unit rental of longer periods as differing from those that are rented for 28 days or fewer. Rental of 28 days or fewer is a short term accommodation.
 - c) Various types of commercial accommodation types are not Short term Accommodation.
- 2) Permit Short Term Accommodation in zones where dwelling units are a permitted use.
- 3) Establish a minimum parking requirement of 1 parking space per bedroom for a Short term Accommodation.

- 4) Restrict Short Term Accommodations from being located in an accessory building.

Upon discussion, the following was recommended:

Moved by Councillor Cindy Hastings
Seconded by Deputy Mayor Steffen Walma

THAT the memorandum dated May 11, 2022 from Jamie Robinson, MHBC Planning, regarding Short Term Rental Accommodation – Official Plan and Zoning By-law Recommendations Summary, be received;

AND THAT staff be directed to schedule a Statutory Public Meeting under the Planning Act to present the draft Official Plan Amendment and draft Zoning By-law Amendment.

Carried 5-0

E.3. Sarah Hahn, Barriston Law LLP - Legal Opinion re: Draft Licensing By-law

The Committee considered correspondence dated May 3, 2022 from Sarah Hahn, Barriston Law, regarding a Short Term Rental legal opinion.

The letter states that it is Barriston's opinion that the draft licencing by-law fits within the jurisdiction of the municipality to regulate businesses, provide for a system of licences, and pass by-laws with respect to the health, safety and well-being of persons. Passing this licencing by-law is within the jurisdiction and authority of the Township.

Moved by Deputy Mayor Steffen Walma
Seconded by Councillor John Bryant

WHEREAS Council considered correspondence dated May 3, 2022, from Sarah Hahn, Barriston Law LLP, regarding a legal opinion regarding short term rentals;

AND WHEREAS the correspondence advised that the Township is within its jurisdiction and authority to pass a short term rental accommodation licensing by-law;

NOW THEREFORE it is recommended that the correspondence be received as information.

Carried 5-0

F. Administration and Finance

F.1. **Consent Items – N/A**

F.2. **Matters for Consideration**

F.2.1. **Municipal Law Enforcement Report MLE-006-22 - Draft Short term Rental Accommodation Licensing By-law 22-017**

The Committee considered Report MEL-006-22 regarding the draft Short term Rental Accommodation Licensing By-law 22-017.

It was noted that although the Short Term Rental Accommodation Task Force generally supported the provisions contained within the draft by-law, there were a few key provisions that the Task Force struggled with and did not find consensus including:

1. The maximum number of licenses issued each year (Draft Licensing By-law 22-017, Section 3.5); and
2. No person shall advertise nor permit the rental of the premises for more than 92 combined days per calendar year (Draft Licensing By-law 22-017, Section 4.3 f).

Since the Task Force first reviewed these two provisions they have been the main focus of public comments on the process thus far.

As well as the above items, Council also considered the ability of the Township to enact blackout dates in a licensing by-law as well as its ability to limit the number of guests.

Upon discussion, the following was recommended:

Moved by Deputy Mayor Steffen Walma
Seconded by Councillor Gibb Wishart

THAT Municipal Law Enforcement Report MLE-006-22 regarding a draft short term rental accommodation licensing by-law be received;

AND THAT staff be directed as follows:

1. To prepare a report on the implementation of a short term rental accommodation licensing program including additional staff costs;
2. To enter into an agreement with Granicus as part of the implementation program;
3. To revise proposed By-law 22-017, a By-law to Licence, Regulate and Govern Short term Rental Accommodations, for further consideration as follows:
 - a. To set the maximum number of licenses issued at 300 [s. 3.5 of By-law]
 - b. To set the occupancy capacity at ten people per short term rental accommodation or less as sewage system permits.
4. To obtain a legal opinion on the implementation of a black out period prior to confirming the number of permitted rental days per year.

AND THAT this recommendation be presented at the May 18, 2022 Regular Meeting of Council for formal approval.

Carried 5-0

Note: This Item was ratified at the May 18, 2022 Regular Meeting of Council as directed.

G. Emergency Services - N/A

H. Planning and Development - N/A

I. Public Works (Water, Roads, Parks) - N/A

J. Committees - N/A

K. Discussion of Motion(s) of Which Notice has been Previously Given - N/A

L. Communications

L.1. Consent Items - Various Correspondence Related to Short Term Rentals

Moved by Councillor Cindy Hastings
Seconded by Councillor John Bryant

THAT the various pieces of correspondence received from Tiny residents regarding short term rental accommodations in the Township be received as information.

Carried 5-0

M. New Business - N/A

N. Confidential/Closed Session - N/A

O. Adjournment

Moved by Councillor Gibb Wishart
Seconded by Councillor John Bryant

THAT the meeting adjourns. Time: 10:53 p.m.

Carried 5-0

Sue Walton, Clerk