



March 13, 2023

Will Thomson, Director of Legal  
Services

# 2023 By-law, Legal and STA

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Council Orientation

# Presentation Outline

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Provide council with an understanding of the department organization

Introduction

Organizational Chart

Administration

By-law

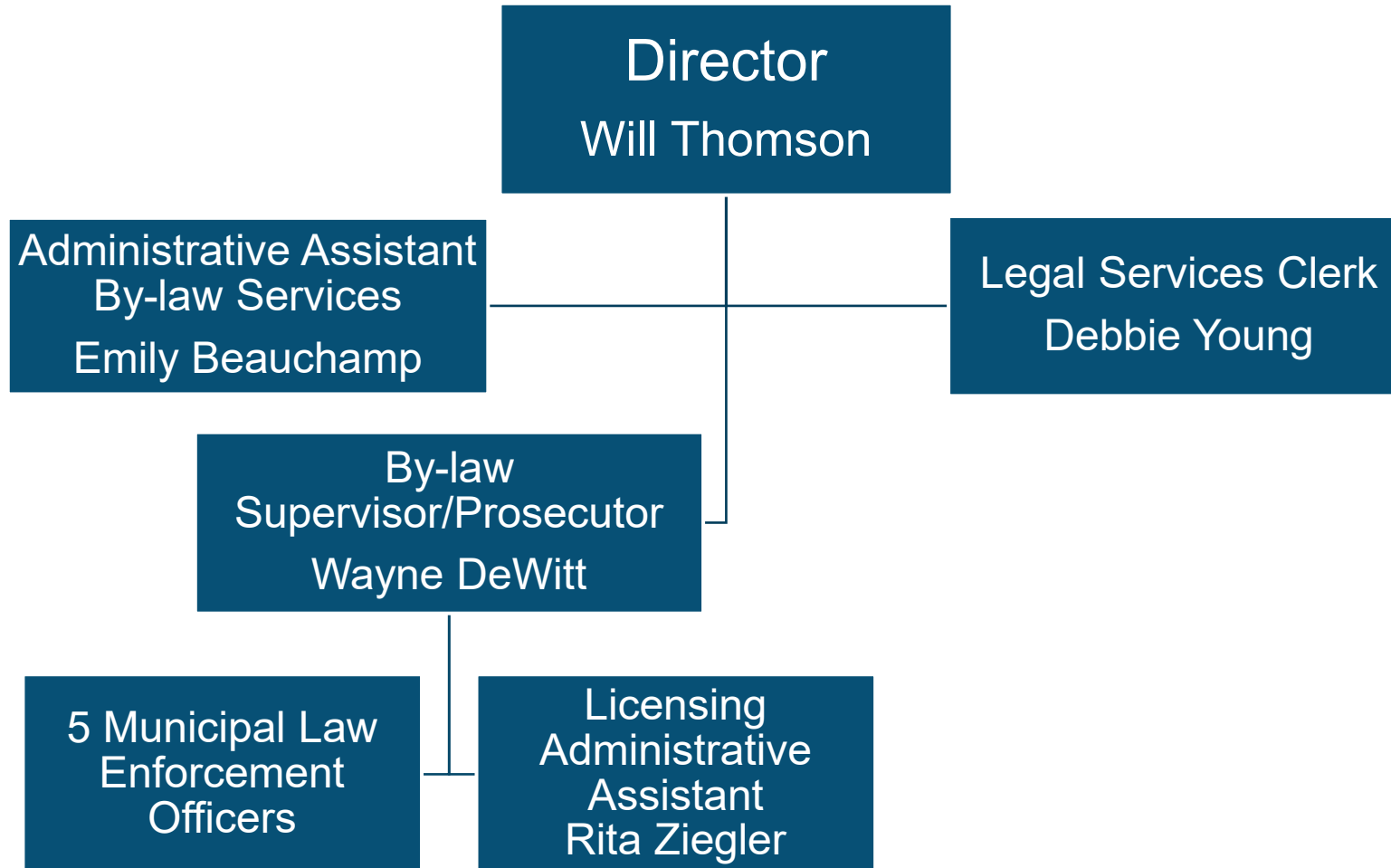
Legal

Short-Term Accommodations (STA)

Conclusion

Comments or Questions

# Organizational Chart



# **By-law Services**

# By-law Enforcement

- Parking Enforcement
  - Town lands and private property
  - Third-party security personnel have been authorized by Council to enforce parking control on private property
  - Began issuing parking AMPs in July 2022
- Administrative Monetary Penalties (AMPs)
- Short Term Accommodations
- Animal Control
  - Dog licensing
- Property Standards
- Sign By-law
- Weed Control
- Noise Control
  - Noise By-law Relief Requests

# By-law Cases by Type - 2022

Case Type	Number of Cases
Building Code Act & Ontario Building Code	36
Animal Control	66
Long Grass & Weeds	62
Municipal Works	50
Noise By-law	186
Property Standards	54
Short Term Accommodation	121
Sign By-law	26
All Other Case Types	423
TOTAL	1024

# Parking Tickets/AMPs Issued

Year	Number Issued
2017	493
2018	534
2019	1,013
2020	1,537
2021	1,712
2022	1,275

# Administrative Monetary Penalties (AMPs)

AMPs are now used to process and adjudicate by-law fines, including Short-Term Accommodation (STA) related fines and most parking tickets. AMPs allow the Town to provide an efficient and fair process for challenging tickets, while reducing the load on the Ontario court system.

AMP recipients have the option to request a review by a Screening Officer, and subsequently a Hearing Officer, who may cancel or confirm the AMP.

## STA-related AMPs issued in 2022, by infraction Type

Infraction Type	Number Issued
Advertise Without a Licence	73
Operate Without a Licence	40
Fail to Post Licence	3
Non-availability of RP	3
Permit an Activity that Causes a Nuisance	2
TOTAL	121



# Legal Services

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# Legal Department

- Freedom of Information Requests (approximately 10 requests in 2022)
- Drafting Pre-Servicing Agreements, Site Plan Agreements and Subdivision Agreements (approximately 20 agreements in 2022)
- Conducting Property Searches and registration of documents
- Assisting with the TBM acquisitions
- Providing advice to TBM departments

# Short-Term Accommodations

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# Short-Term Accommodations (STA)

**Short-Term Accommodations is defined as a property rental of less than 30 days.**

**Rentals over 30 days do not require a license.**

**Currently the TBM has 330 active Short-Term Accommodation licenses.**

**A Short-Term Accommodation License is valid for 2 years**

**Not every property in the TBM is eligible to receive a STA License. The property would have to fall in one of the approved zones in order to be eligible.**



# By-Law Regulations

- Short-Term Accommodations are regulated by By-Law 2021-70  
<https://www.thebluemountains.ca/media/19>
- Infractions to By-Law 2021-70 are regulated by By-Law 2021-71 - a comprehensive system of Administrative Monetary Penalties (AMP)  
<https://www.thebluemountains.ca/media/10473>

Violation	Penalty
Exceeding Maximum Permitted Occupancy	\$500
Non-availability of Responsible Person	\$500
Non-availability of Rental or Lease Management Program Representative	\$500
Fail to Post Licence	\$500
Operate Without a Licence	\$2,500
Advertise without a Licence – Short Term Rental Property Unit	\$500
Advertise Without a Licence – Bed and Breakfast Establishment	\$500
Failure of the Licensee of B&B's to be on Site at the Premises Between the Hours of 2300 and 0700.	\$500
Permit an Activity that Causes a Nuisance	\$250
Use Premises Contrary to Parking Management Plan	\$500
Operating Without Functioning Noise Notification System Where	\$500

# INDEMNIFICATION

## INDEMNIFICATION BY-LAW NO. 2016-35

- Applies to members or former members, employees or former employees (“Individuals”).
- The Town shall indemnify Individuals in respect of any civil, criminal or administrative action or proceeding, including appeals, by a third party for acts or omissions arising out of the scope of the Individual’s authority or within the course of the individual’s employment or office if:
  - a) The Individual acted honestly and in good faith with a view to the best interests of the Town; and
  - b) In the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the Individual had reasonable grounds for believing that his or her conduct was lawful.

## INDEMNIFICATION BY-LAW NO. 2016-35

- Town shall indemnify by:
  1. Assuming the cost of defending the Individual;
  2. Paying any damages or costs awarded against the Individual;
  3. Paying any expenses reasonably incurred by the Individual; and
  4. Paying any sum required in connection with the settlement of any action or proceedings.

Any individual involved in any action or proceeding shall co-operate fully with the Town and any lawyer retained by the Town.

# Thank you for your time

By-law and Legal Services Department

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