

The Blue Mountains  
Draft Short Term Rental  
Licensing & AMPS BL's  
Staff Report FAF.21020  
February 1, 2021

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On Behalf of The Blue Mountains

Short Term Accommodation Owners Association

- BMSTA represents approximately 70% of the licensed and legitimate short term rental business operators in the Town
- BMSTA membership is comprised of small, local business owners who employ hundreds of local residents and rely on the services of numerous local businesses owners/operators
- BMSTA submits that its members are a critical piece of the Town's tourism sector, economic vitality and stimulates economic growth in the Town

- BMSTA supports a licensing regime that is fair, reasonable and non-biased
- BMSTA notes that the short-term rental business, which has been in existence in the Town for decades, is the ONLY business subjected to the Town's licensing regime
- BMSTA submits that a fair, reasonable and non-biased licensing regime would require licenses for all businesses in order to address the health, safety, and well-being of persons, and to protect persons and property, including from a consumer protection perspective

- BMSTA is on record supportive of an AMPS Program provided it is fair and reasonable, is consistent with Provincial legislation and is non-biased
- BMSTA notes that the short-term rental business, which has been in existence in the Town for decades, is the only business that is to be addressed under the AMPS Program notwithstanding the AMPS Program is a GREAT TOOL in the Town's toolbox for numerous by-law related matters

## Draft Licensing By-law

- Support the appeal of the assignment of Demerit Points to the License Appeal Committee – fee by-law should consider the refund of fees where the appeal is upheld by the Committee
- Support the 2 + 4 OL calculation
- Support the revision to NoiseAware or equivalent detection system, for example 24 hour private security
- Support the inclusion of Meritless and Vexatious Complaints (BMSTA are hopeful that the Town will utilize this tool)

## Draft Licensing By-law

- Do not support holding the licensee responsible for the actions of their guests, especially with regard to criminal, nuisance, public drunkenness, property damage and other similar matters
- Do not support the assignment of penalties where the Responsible Person has not been contacted (note, this is contrary to the position of members of Council)
- Do not agree with the statement that Noise, Waste or Property Management issues are not designated under the AMPS BL – see Item 5 in the AMPS BL Schedule

## Draft Licensing By-law

- Parking Management Plan continues to require design by a professional engineer, architect or landscape architect notwithstanding that a home can be designed by others – request that this be revised to simply require that the plans be in accordance with what is required
- Property Management Plan includes long grass, garbage collection and assigns demerit points for non-compliance – should apply to all users and should only be an AMPS matter and not a demerit point issue
- Anticipates an application fee and a licensing fee, no information provided for these
- Numerous provisions demand policies and procedures with none presented
- No clarity in terms of whether an oversight or omission of a licensee at one licensed property is transferable to another licensed premises

## Draft Licensing By-law

- Assignment of demerit points runs for 2 years or 3 years (see 7.2 versus 11.3)?
- Allows for license suspension at 7 points and therefore 2 waste and/or long grass and/or noise violations in a 2 year period would lead to a suspension
- Continues to allow for the assignment of demerit points and an AMPS penalty
- Short Form Wordings are still unclear as to the nature of the purported violation (Example – “Failure of Licensee to be on site during the stay...”)



## Draft Licensing By-law

- The methodology for the ½ hour notification is vague and ill defined (email notification + telephone/text would be supportable) - notwithstanding commitments from members of Council, Town staff are proposing the assignment of demerit points and penalties in the instance where the responsible person is not contacted
- License suspension at 7 points and therefore 2 waste and/or long grass and/or noise violations in a 2 year period would lead to a suspension
- Continues to allow for the assignment of demerit points and an AMPS penalty
- Short Form Wordings are still unclear as to the nature of the purported violation

## Draft Licensing By-law

- Appears to clarify that the maximum permitted occupancy is related to the periods of 22:00 and 0:700 however, no clarify in terms of whether the Fire Department will apply this in the same fashion
- Outdoor hot tub and outdoor pool hours now restricted to 0700 to 2300 which is palatable to BMSTA however violations of our policies may occur that BMSTA should not be accountable for, especially if we are not notified of a violation

# Draft Licensing By-law

- Summary
  - Good progress
  - Further discussion is still required with stakeholders
  - A further public meeting is required for more fulsome discussion and to provide an opportunity to the public to speak to the changes to the Draft BL

## Draft AMPS BL

- Fails to address the submissions of BMSTA in terms of municipal best practices
- Continues to impose punitive penalties
- Continues to allow for an AMPS penalty and demerit points which BMSTA submits is contrary to the Municipal Act
- The inclusion of an AMPS respecting non-compliance with a Property Management Plan would continue to see waste, long grass and property standards matters for short-term rentals being subjected to the penalty but no other business or property in the Town
- Numerous provisions demand policies and procedures with none presented

## Draft AMPS BL

- Summary
  - Good progress
  - Further discussion with stakeholders required
  - Encourage the Town to implement AMPS provisions for all Town BL's
  - A further public meeting is required for more fulsome discussion and to provide an opportunity to the public to speak to the changes to the Draft AMPS BL