



# Staff Report

## Administration – Chief Administrative Officer

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**Report To:** COW\_Finance\_Admin\_Fire\_Community\_Services  
**Meeting Date:** September 16, 2024  
**Report Number:** FAF.24.095  
**Title:** Follow Up to the Municipal Licensing By-law and Administrative Monetary Penalties By-law Public Meeting  
**Prepared by:** Shawn Everitt, Chief Administrative Officer

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### A. Recommendations

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THAT Council receive Staff Report FAF.24.095, entitled “Follow up to the Municipal Licensing By-law and Administrative Monetary Penalties By-law Public Meeting”;

AND THAT Council approve the Municipal Licensing By-law as presented and direct staff to bring forth the final By-law for enactment on January 1, 2025;

AND THAT Council approve the amended Administrative Monetary Penalties By-law as presented and direct staff to bring forth the final amended By-law for enactment on January 1, 2025;

AND THAT Council approve the 2025 Administrative Monetary Penalties related to the amended Administrative Monetary Penalties By-law as presented for enactment January 1, 2025.

### B. Overview

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The purpose of this report is to provide Council with follow up regarding the July 9, 2024 Public Meeting which was held to receive public comments related to proposed revisions to the Municipal Licensing By-law and the Administrative Monetary Penalties By-law.

### C. Background

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Council provided staff with direction to initiate a review of the Municipal Licensing By-law to incorporate a revision relating to the Licensing Appeals Committee being modified to not include members of Council. In addition to this change, staff took the opportunity to bring forward additional suggested enhancements to both the Municipal Licensing By-law and Administrative Monetary Penalties By-law.

As part of the Town’s standard process, public consultation was undertaken in the form of a Public Meeting to receive public comments related to proposed revisions to the Municipal

Licensing By-law and the Administrative Monetary Penalties By-law. The public meeting was held on July 9, 2024 and a [video of the meeting](#) is available on the Town's website.

In preparation for the Public Meeting, Town staff held a series of internal meetings with Planning, Building, Fire, and By-law staff to draft the proposed revisions to the by-laws. Staff also met with representatives of the Short Term Accommodation (STA) Industry, Blue Mountains Ratepayers Association and the Blue Mountain Village Association to get their feedback regarding the proposed changes to the by-laws. Although this additional consultation was undertaken, Town staff want to make it clear that not all the proposed revisions, included in the attached by-laws, are supported by the groups consulted.

Staff recommend that the revisions outlined in the Analysis section of this report provide enhancements to the existing by-laws and fines that will disincentivize operating outside of the Town's licensing program.

## D. Analysis

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The key elements of the proposed Municipal Licensing By-law include the following:

- Based on Council direction, staff are recommending that the Licensing Appeals Committee be replaced with a structure similar to the current Administrative Monetary Penalties Appeals process using a Third-Party Appeals Officer to hear appeals;
- Staff are recommending the inclusion of a Type E Licence for "Commercial Rental Units" (CRUs) that would act as a registry, similar to Type D Licences currently used for Bed and Breakfast establishments while requiring CRUs to be in groupings of no less than ten (10) units;
  - Staff suggest that Council may want to consider establishing the Type E Licences beginning January 1, 2026 to allow for the continued collaboration with the those directly impacted by the new proposed CRU licensing regime.
- Staff are recommending enhancements to the requirements associated with the "Responsible Person" that would limit the number of licensed properties to five (5) per Responsible Person. Staff suggest that a Responsible Person could be responsible for a higher number of properties in situations where that Responsible Person has contracted a Security Company to provide site attendance for responding to a complaint within ½ hour to all of the properties that they are responsible for as per the By-law requirements;
- Staff are recommending the prohibition of any solid fuel burning to enhance fire and life safety measures and to address complaints related to smoke generated from the burning solid fuel specifically from campfires. Staff suggest that the use of propane and/or natural gas-fueled apparatus is a more appropriate option;
- Staff are recommending that the completion of a formal Fire Inspection be completed for those properties applying for a Type A, Type B, and/or Type C Licence for

occupancies of twelve (12) or more. Those applications being made for a Type A, Type B, and/or Type C Licence with an occupancy of eleven (11) or less, would complete a formal and legally binding Attestation Form (Attachment 4) that acknowledges full compliance with all requirements outlined in the form;

- During the Public Meeting, staff provided a formal interpretation of how occupancy for Short Term Accommodation Licences is calculated. Staff have confirmed that the calculation of occupancy is based on two (2) persons per bedroom, plus an additional four (4) persons only in areas approved through the licensing process;
- Staff are recommending the removal of references to “NoiseAware” as other noise monitoring products may now be available that can meet the requirement of providing reports of noise monitoring when requested by the Town;
- Staff are recommending that a Type “D” Licence shall not be issued to a Corporation or a Business and that the Licensee must be onsite between the hours of 2200 and 0700 during the stay of a Renter;
- Staff have also proposed additional enforcement measures relating to the modification of site plans that were included in the application process. Significant changes to site plans may impact the ability to obtain a future licence.

The key elements of the proposed Administrative Monetary Penalties By-law are:

- Staff are recommending changes to the Screening and Hearing Officer Review sections (7 and 8) that more accurately reflect the current practices;
- Staff are recommending increased fines related to non-compliance with the Municipal Licensing By-law. During the Public Meeting, it was suggested that some of the proposed fines were excessive and potentially punitive. However, the proposed fines related to “Operating as a Rental Property without a Licence” were supported by those in attendance at the Public Meeting;
- Staff have reviewed the concerns regarding the proposed fine increases and have modified the fines related to operating licensed properties.

**Table 1: Total Number of Dwellings in The Blue Mountains**

<b>Total Dwellings</b>	<b>7,902</b>
Percentage of Properties Without a License	95.4%
Percentage of Properties with License	4.6%

Staff have completed a fulsome review of noise-related concerns received by the Town over the past seven (7) years. The following Table identifies that historically there has not been a

difference regarding how by-law enforcement has managed noise concerns at private residences versus Short Term Accommodation (STA) units.

**Table 2: Noise Concerns Received by the Town over the Past Seven (7) Years**

Noise Concern Outcome	Private Residences (7 Year Average)	STAs (7 Year Average)
All Noise Concerns	75%	25%
Unfounded	31%	22.5%
Warning	60%	75%
Charged	2%	2%

**Table 3: Total STA Licences and Percentage of STA Licences by Occupancy**

Occupancy	Number of Licences	Percentage
4	36	10.11
5	3	.84
6	68	19.10
7	1	0.28
8	98	27.53
10	32	8.99
12	15	4.21
13	1	0.28
14	30	8.43
16	33	9.27
18	11	3.09
20	24	6.74
22	4	1.12
<b>Total</b>	<b>356</b>	<b>100</b>

**Table 4: Percentage of Noise-Related Concerns Related to Short Term Accommodations (STAs) Per Occupancy Level**

STA Occupancy	Call Percentage	Warned Percentage	Charged Percentage	Unfounded Percentage
4	3%	3%	0%	0%
6	2%	2%	0%	0%
8	13%	8%	3%	0%
10	8%	5%	0%	0.3%
12	3%	1%	0%	2%
14	19%	12%	0%	1%
16	21%	15%	0.5%	3%
18	7%	5.5%	0%	1%
20	16%	10%	0%	3%
22	5%	3%	0.3%	3%

**Table 5: Fire Calls to Licensed STAs (2019 – 2024)**

Year	Total Fire Calls
2019	13
2020	12
2021	11
2022	5
2023	8
2024 (as of July 31)	17

**Table 6: Top 3 By-law Concerns Related to Licensed Short Term Accommodations (STAs) Outside of Noise**

Concern Type	Ranking
Operating Contrary to the Parking Management Plan	1
Property Standards Issues	2
Animal Control Issues	3

Staff look to Council for direction regarding the level of tolerance staff should be employing when responding to noise concerns. By-law efforts to effectively pursue charges and issue demerit points related to Short Term Accommodation Licence infractions have been severely limited by the existing appeals process. Staff believe that the proposed changes to the by-laws will allow for more effective enforcement with the implementation of the Licensing Appeals Officer.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

### **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **F. Environmental Impacts**

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Staff suggest that the elimination of burning of solid fuels along with the addition of site plan modification approvals will help limit environmental impacts.

## **G. Financial Impacts**

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Staff suggest that the proposed fines for the Administrative Monetary Penalties are set at a level that supports compliance with the by-law but is not punitive based on the rental costs of Short Term Accommodations in The Blue Mountains.

## **H. In Consultation With**

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Community Services Staff

Fire Services Staff

Planning Services Staff

Short Term Accommodation Industry Stakeholders

## **I. Public Engagement**

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The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on **July 9, 2024**. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Shawn Everitt, Chief Administrative Officer, [cao@thebluemountains.ca](mailto:cao@thebluemountains.ca).

## **J. Attached**

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1. Public Comments
2. Draft Municipal Licensing By-law
3. Amended Administrative Monetary Penalties By-law
4. Draft Attestation Form
5. Noise Concern Heat Maps

Respectfully submitted,

Shawn Everitt  
Chief Administrative Officer

For more information, please contact:  
Shawn Everitt, Chief Administrative Officer

[cao@thebluemountains.ca](mailto:cao@thebluemountains.ca)  
519-599-3131 extension 234

### Report Approval Details

Document Title:	FAF.24.095 Follow Up to the Municipal Licensing By-law and Administrative Monetary Penalties By-law Public Meeting.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment-1-Public-Comments.pdf</li><li>- Attachment-2-Draft-Municipal-Licensing-By-law.pdf</li><li>- Attachment-3-Amended-Administrative-Monetary-Penalty-By-law.pdf</li><li>- Attachment-4-Draft-Attestation-Form.pdf</li><li>- Attachment-5-Noise-Concern-Heat-Maps.pdf</li></ul>
Final Approval Date:	Sep 7, 2024

This report and all of its attachments were approved and signed as outlined below:

**Shawn Everitt - Sep 7, 2024 - 3:55 PM**