

Municipal Licensing By-law Revisions Public Comments – July 9, 2024

The Blue Mountains Short Term Accommodation Owners Association (BMSTA), Received via email on July 5, 2024

The Blue Mountains Short Term Accommodation Owners Association (BMSTA) has had opportunity to review the proposed revisions to the Licensing and AMPS By-laws and provides the following comments.

INTRODUCTION

BMSTA is comprised of a group of short term accommodation and commercial resort unit owners and operators who are dedicated to working together for the betterment of the industry, guests and the community and through advocacy and education, BMSTA is committed to providing the highest standards of short term rental management. BMSTA was involved in the development of the Town's Licensing and AMPS By-laws and has continued to actively communicate with Town officials in terms of the application of the By-laws and related Town policies and procedures. In addition, BMSTA has been a key player in terms of disseminating information from Town officials and industry best practices to its members and continuously looks to promote a harmonious environment between its guests and Town residents. Regarding the proposed revisions, and in general, BMSTA acknowledges that the Town has previously indicated an interest/commitment to license commercial resort units (CRU's) but is surprised with the direction proposed in this regard (licensing the Agent/Qualified Rental Management Company versus the premises/unit) and is frankly shocked with the proposed revisions to the AMPS penalties, especially given the lack of data/events to support these proposed revisions and the explicit provisions for same contained in the Municipal Act.

LICENSING BY-LAW

1. Responsible Person

It is proposed that a responsible person be limited to 5 licenses, BMSTA questions why this limitation is proposed - especially wherein BMSTA has not experienced issues with a responsible person managing more licences than 5. The Town and BMSTA have experienced great successes with the current regulations and in the few instances where a responsible person has been contacted by the Town or OPP over the years the responsible person(s) has attended within the allocated time and issues of concern are typically quickly resolved. The current regulations permitting a responsible person to "manage" more than 5 licenses has clearly demonstrated to be manageable and effective. BMSTA's responsible persons are experienced and committed to the success of the Town's licensing program, which is of benefit of the owners, guests and the community. As to the role of the responsible person, operationally Town staff have acknowledged that if the responsible person attends and resolves an issue of concern in a timely fashion that no demerit points or penalties would be imposed. BMSTA requests confirmation that this operational practice will continue. Regarding patrol and security services and minimizing and mitigating potential concerns, BMSTA notes that it has had great success with security firms employing licensed security personnel. BMSTA would like to have further dialogue with the Town with regard to the role of licensed security personnel and incorporating requirements for the use of same embedded in the Licensing By-law.

2. Sections 11.6 and 11.7 – License Suspension/Revocation

The proposed revisions incorporate licence suspensions and/or revocation however does not speak to the length of time, BMSTA requests clarity on this matter.

3. Schedule B – Demerit Points

Many of the proposed Demerit Points appear excessive and not in line with the type or severity of the purported infraction. BMSTA requests that these be further reviewed. An example of the

severity includes 10 points (of the 15 which may lead to suspension) for an unattended barbecue.

4. Outdoor Noise Detection Systems

As BMSTA has relayed on numerous previous occasions, outdoor noise detection systems do not work. BMSTA requests that this requirement be further reviewed.

5. Prohibition of BBQ's Fueled by Wood or Wood Pellets and Assignment of

Owner/Operator Responsibility

BMSTA strongly disagrees with the assignment of 10 demerit points due to a renter utilizing a BBQ fueled by wood or wood pellets, which is not supplied by the owner/operator but rather brought to the rental property. BMSTA members provide written direction to renters that portable BBQs are not permitted on a rental property and that, if applicable, CSA certified gas BBQs are provided however to hold an owner or operator responsible for a guest's use of a portable BBQ is not supported by BMSTA. Should the Town agree with the continued practice of allowing a responsible person to resolve issues of concern in advance of the assignment of demerit points and/or an AMP, BMSTA's concerns may be mitigated.

6. Type E License

BMSTA acknowledges that the Town has previously indicated a commitment to explore the licensing of commercial resort units (CRU's) and has been generally supportive of that direction. With that being said, BMSTA has many questions related to the direction proposed under the draft and requests that Town staff be directed to meet with BMSTA and other stakeholders to further discuss the Type E Licensing provisions prior to Town staff reporting back on the proposed revisions.

7. Miscellaneous

BMSTA recommends that for accuracy, clarity and application purposes that the draft be further reviewed with regard to the following:

- Corporation Definition – inclusion of reference to incorporation under Ontario legislation
- Exception Area Definition – should be revised to “an area identified by Section 9 of the Town's Zoning By-law wherein short term accommodation uses are permitted”.
- Legal Non-Conforming Use Definition – should be revised to reference Section 34(9) of the Planning Act
- Principal Residence Definition – should simply reference “as defined by the Canada Revenue Agency”
- Commercial Rental Unit - The Town's Zoning By-law defines the types of units associated with the proposed Type E license as a Commercial Resort Unit however the proposed licensing by-law refers to these units as a Commercial Rental Unit and then goes on to state that it “is defined through the Town's Zoning By-law...” - which the Zoning By-law does not.

The South Glen Ratepayers Association, Received via email on July 5, 2024

We (18 members) support the Town's review of by-laws relating to Short Term Accommodations. In addition to the Town's recommendations we would like to endorse the proposal of the Blue Mountain Rate Payers Association. This issue is vitally important to our small area, the Price's Subdivision, because we have 3 Legal Non Confirming STA's. In addition, we are experiencing an increasing number of homeowners renting illegally on a short-term basis.

We would like to offer the following comments/recommendations:

- Increase buffering requirements for STAs that border residential properties
- No renovations or landscaping without town approval
- No firepits

- Advertising for LNC should include a warning the STA is located in a residential areas & subject to penalties for non-compliance of by-laws
- Demerit Points don't expire until the property is Demerit Point & Administrative Monetary Penalty free for two years
- Transparency around reporting. For example, when a neighbour suspects a homeowner is running an STA illegally and reports it to by-law, how/where do we find out what happened? Was the complaint valid? Will there be follow up? Were demerit points or an administrative fine given? We had this recently happen on Martin Grove. A call went into by-law. There hasn't been any feedback.
- Proof of principle residence for Type D (BnB) Licensing
- Sunset Type C licenses (LNC) in residential zoning with the sale of the property

David Finbow (BMSTA) Attended the Public Meeting on July 9, 2024

Need to see data indicating that the current requirements are not working. Support implementations that will address rogue operators. Capping the number of STAs that are able to be managed by a Responsible Person at five (5) licences is problematic for the industry. Some of the demerit point assignments are excessive. Some of the AMP fines are very excessive for license holders. No indicators or studies indicate that the current AMPs for license holders are not working. Additional dialogue with Town staff and the BMSTA is recommended.

Stu Frith Attended the Public Meeting on July 9, 2024

I am Director of Business Development for Property Valet, one of the two of the largest STA/CRU professional vacation rental management companies here at Blue, I have 20 years experience in the tourism accommodations business at Blue Mountain, most of which was spent operating my own large scale chalet management company called Visit Blue Mountain, with 60 chalets and 20 condos, at its peak. After selling that company to a competitor, I spent almost five years with Vacasa, here at Blue, in Operations Management and Business Development. I am also a founding member of the BMSTA, and spent the first five years of the BMSTA as the Association's President. I appreciate the opportunity to briefly speak to you today on three topics. The main reason that I am here today is to ask you to ask Staff to go back to the drawing board, and do a full re-think of the proposals and revisions being presented to you today. Since 2008 our position on STA legislation has always been framed around our goal of ensuring that fair and equitable legislation was considered by Council and ultimately passed in good faith and, importantly, that the legislation was reasonable. Most of the core proposed revisions that you have in front of you today and nowhere near fair or equitable and certainly not reasonable. There are a few issues within the revisions that are best described as housekeeping matters and those are, for the most part fine, however by tabling revisions of several key core and fundamental components it begs the question, why? What is the intent of reopening what are best described as bedrock policies within the STA Bylaw and what are long settled core principles all of which are working perfectly fine and have been for the past decade when licensing first became a reality. I am going to very quickly touch on two areas of such bedroom principles;

Max Occupant Load Calculations

The wording from within the all historical STA Bylaws has spoken only to how one calculates the TOTAL and maximum permissible occupant load within an STA within the dwelling unit as a whole. The wording was and has never been intended to require or legislate that only two persons or two heartbeats could legally sleep within a bedroom or sleeping space. The historical bylaws have contained a header that states The Maximum.Occupancy.within.a Dwelling.Unit; The wording pertaining to the max occupant load IS NOT INTENDED TO BE looked at through a lens whereby the law literally caps the max at two persons per bedroom. I trust each of you clearly understand the difference and therefore understand that is absolutely not what the wording specifies or is intended to convey. More importantly, this is not what the intent of all the discussions, presentations, countless staff reports and past Councillors understanding and voting intentions/decisions for the past 10+ years. I have personally had multiple conversations with some of you who sit on Council today, over the 10+ years, and you therefore know that this is an issue that has been long resolved. There are two models that have been used as the standard in

the market for the past decade, those being what have been defined and enforced as the + 2 or the + 4 occupant load model. A decade ago, during the crafting of the 1st STA Bylaw, BMR tabled the + 2 model for 2 and 3 bedroom condos that offered a pull out sofa. The + 4 model then was subsequently approved by Staff and multiple Councils under recognition that a 4,000 square foot chalet is capable of accommodating two additional persons within the entire dwelling. All the issued and active STA licences today and all over the past decade have been filtered through either the + 2 or +4 model by both Bylaw and Fire. So, I ask myself why are we here today talking about maximum permissible occupant load? Here is how the building code speaks to maximum occupant load within a dwelling unit; (1) The occupant.load.of a floor.area.or part of a floor.area, or of a building.or part of a building.shall be based on,

(b) two persons per sleeping room or sleeping area in a dwelling.unit.or suite, or

(c) the number of persons for which the area is designed

Somebody needs to step in and remove the proposed revision pertaining to maximum occupant load off the table. This is clearly a closed matter.

Responsible Person

The Responsible person or RP is a position that has always existed within the Bylaw. The RP is an individual or entity named on the STA licence application as being the individual or entity responsible for attending an STA if ever required to do so to address and resolve a reported problem. The STA Bylaw prescribes that such attendance and resolution occurs within a 30 minute period of time from the point the RP is first notified. I have two comments about the RP role as it is being proposed within the revisions before you today that the RP should be capped at a max of 5 licensed units per RP. I am not sure where to even start to unpack this one. To be super clear with each of you today, this is a prime example of staff proposing a change or revision that serves no purpose and makes no sense whatsoever. I have been associated over the past decade to between 50 and 60 STA Licences at any given single point in time and, for the most part, that remains the case today. I have had no issue whatsoever having my individual or corporate name on that number or volume of STA Licences. That is also the case historically and also today for all large scale sophisticated operators such as Property Valet, BMR, Vacasa, and Tyrolean Village Resorts. There is no valid or operational reason whatsoever to table a recommendation for such a change that has no valid purpose underpinning making the change itself. On a closing point on RP, one thing completely missing from the list of proposed revisions is a clear definition of the RP role itself. Here again, as has been the historical practice, the industry stakeholders are pleased to sit down with Staff to assist in developing clear definitions for the RP role. I should also point out that the RP has been the backbone of resolution anytime an issue has arisen within an STA, which is rare. It is an essential feature within the STA Licensing Bylaw. The final subject I must touch on today is the proposed Type E Licence or a CRU licence. CRU is the acronym for Commercial Resort Unit. For your clarity, CRU and STA are zoning definitions. They are used to label or define a rental unit however the acronym itself, in reality, describes how a property is actually used as a rental unit. Whether a property can be used as a CRU or as an STA is first determined by zoning permissions tied to the land on which the specific rental unit is located. So, as one example, a three bedroom Rivergrass unit can legally be either an STA or a CRU. So, on the land both STA or CRU use is permissible under the Zoning Bylaw (ZBL). At the end of the day, how the owner decides to manage the unit actually determines whether that example unit is an STA or a CRU. If the owner decides to manage the rental operations on their own he/she would indeed apply for and obtain an STA License. If the property owner decided to have Property Valet or BMR, manage the unit within a group of 10 or more managed units in one building or across multiple buildings then, the property itself would be defined as a CRU. For the past decade CRU's have been operating in an unlicensed environment and, it is being proposed that this now change, hence the proposal for the Type E licence. Today is not the venue for tabling policy recommendations so there shall be no deep dive about to happen. I do however wish to ask you to acknowledge and recognize that the professional vacation rental management industry, as it relates to CRU Ops management, is a highly skilled and experienced group, in Property Valet, BMR etc. My ask today is that you, as Council, direct staff to honestly, transparently and openly engage with the industry to work collaboratively to develop fair, equitable, reasonable and sensible CRU legislation. These

public-private collaborations are most often the ones that produce the outcomes that most benefit all stakeholders, the Municipality, the residents, the tourism accommodations industry, the residents and the tourists themselves. We do not recommend that legislation be crafted outside of that collaborative approach. History tells us that handling the development of new legislation without fully understanding the industry for which that legislation is intended to govern and guide never has a soft landing for any of the aforementioned stakeholders. The industry stands ready to engage today around a yet to be understood set of goals and objectives of this entire exercise of proposed revisions. There is clearly a lot of work to do on Municipal understanding and, again, the industry is here and ready to engage as a committed, knowledgeable, experienced and trusted partner.

Hai Nguyen Attended the Public Meeting on July 9, 2024

Would like to see the by-law broadened with regard to managing vexatious complaints received about the operation of Short Term Accommodations. The language in the by-law allows for either one (1) Responsible Person or two (2) Responsible Persons. Landscaping considerations for Short Term Accommodations should be left as private neighbour disputes and the proposed fine is punitive.

Betty Schiwkow Attended the Public Meeting on July 9, 2024

Operating an STA is a privilege and operators must adhere to the rules in place. All STAs, as commercial businesses, should have annual fire inspections to ensure visitor safety. Enforcement and investigative duties should remain with Town staff and/or OPP and not be provided to the Responsible Person (RP). It is important that the STA program be self-funding, including training provision for RPs. RPs should be proactively addressing issues before the neighbours are disturbed. Strong, secure and unchanging buffers between STAs and neighbouring properties is important. Do not want fire pits to be permitted at STAs for safety reasons and because they encourage late night activities outdoors. Would like outdoor activities shut down by 10:00pm and a sunset clause on all existing legal non-conforming STAs in residential areas after they are sold.

Israel Ellis Attended the Public Meeting on July 9, 2024

Co-founder of Stay At Blue Mountain, a chalet rental company. The existing STA system and by-laws are working well and the proposed changes do not recognize the hard work and partnership the Town and the STA industry share. The changes seem to favour a bias towards the STA industry and can be considered unreasonable and without cause. The new fines are punitive, with the exception of illegal operations. The proposed changes are making it difficult for the industry to operate. Would like to see the Town's statistics related to STAs. Would like to see STA operator membership in the Blue Mountains Short Term Accommodation Owners Association (BMSTA) mandatory.

Terry Keller Attended the Public Meeting on July 9, 2024

I Chair the STA Committee for the Blue Mountains Rate Payer's Association and fully support the proposed increased fines. The fines should be extended to the property management/rental group responsible for the offending STAs, not just the owner. However, if by-law enforcement is not adequate then the by-law changes will not be effective. Without consequences, the owners have no incentive to make any changes. All outdoor activities should be shut down by 10:00 p.m. in order to reduce STA noise concerns. There should be caps on the number of visitors to STAs. AMPs should escalate upon each occurrence. Grandfathering STAs is a major source of problems as they are surrounded by residential neighbours and occupancy loads for these STAs need to be reduced. If the STA does not have the available parking to match the occupancy load, the occupancy load should be reduced to match the available parking. Would like Council to direct staff to investigate why there are legal non-conforming STAs within the Town.

Josie Harper Attended the Public Meeting on July 9, 2024

As a full-time resident, I support the proposed by-law changes. Would like Council to look into the grandfathering of STAs.

Mark Badal Attended the Public meeting on July 9, 2024

In favour of the fines being proposed for the illegal STAs, however, believes raising the other fines would be punitive. Believes that outdoor cooking and bonfires should be permitted at STAs.

Mark Maskins Attended the Public Meeting on July 9, 2024

In favour of the proposed revisions. Indicated that advanced notice of the increased fines might be necessary in order to avoid potential legal challenges. Concerned with how the fire pit ban is going to be policed by the Town and if it will apply beyond STAs. Cars on streets are an issue and when an STA is being approved, parking needs to be addressed including limiting how many parking spaces allowed on the STA property and not parking in the street.

Cindy Flanagan Attended the Public Meeting on July 9, 2024

There are gaps in the STA by-laws that need to be addressed and that Official Plan policies and zoning by-law regulations, site plan control and enforcement all must align to ensure the success of the STA program. Recommended that the Town must consult with neighbouring properties before major changes to STA property site plans are undertaken. The recommended penalties for failure to seek site plan control approval are not adequate and suggested \$50,000 or \$100,000, and 15 demerit points instead of 10. Believes that commercial garbage bins should not be permitted on STA properties and that the by-law should be more specific with regard to garbage storage bin requirements and placement considerations. Illegal parking is an issue and parking management plans should require space to accommodate emergency access to the STA property. Recommended that a washroom to renter ratio should be included in the by-law and that the maximum occupancy limit of an STA be set at 16 renters. Recommended that occupancy limits be based on square footage instead of the number of bedrooms. Believes that wood burning fire pits should be banned at STA properties and that if they are permitted, they are included in the site plan and required to comply with the Town's open air burning guidelines.

Graham Flanagan Attended the Public Meeting on July 9, 2024

Recommended changing the "may be issued" wording regarding fines to "shall be issued" and that both fines and demerit points should be issued for by-law infractions instead of one or the other or warnings. Requested the Town reconsider the Responsible Person (RP) approach to by-law enforcement and recommended that the RP be removed from the STA by-law and the Town's by-law enforcement staff work past 11:00 p.m. as parties at STA properties start and continue beyond this time. Suggested that the extra enforcement costs be borne by STA licence holders through the licencing fees which should be higher. STAs should adopt a similar model to the resort and hire an independent company to monitor parking. In support of the use of noise monitoring systems, however, Noise Aware systems measure noise in decibels but does not measure tone of the sound (hertz) and are not 100% accurate. These systems can also be manipulated to give false readings. Would like to see more consultation regarding site plan controls. Recommended that the Town consider empowering their own Ombudsmen who can review the complaints of the STA licence holders or the public and further suggested the Town's Accountability and Transparency Committee start this work.

Denis Martinek – Tyrolean Village Resorts Attended the Public Meeting on July 9, 2024

BMSTA has been a part of the STA bylaw since its inception and fully supports the bylaw and the benefits it has brought to the industry and community

- 1) IN 2023 Council closed the last loophole in the official plan which potentially allowed new STA's to be created in residential neighborhoods. I believe this amendment to the OP has finally fully addressed residential residents concerns about new STA's in their neighborhoods. It is important to state that as a result of this update to the OP, a new STA can never be developed in a residential neighborhood, all new STA's are directed to the STA exemption areas identified by the Town. (Tyrolean area, North Creek Resort area and the

Condominiums around the Blue Mountain village.) Once More - a New STA can never be developed in a residential neighborhood – This is an important point when considering the update to the STA bylaw and the severity of the fines and demerit points being proposed. Given that the main concerns of residential neighborhoods has been addressed maybe the existing fines.™ demerit points are reasonable; Eg; Of P10666 fine for hot tub use instead of current P1066 fine seems excessive;

2) I WANT TO TOUCH ON WHAT IS AN STA

It is not Just accommodations for Tourists visiting the area and supporting all of our local attractions and businesses. STA's are also short term housing for Construction companies, Out of Town Contractors, The Department of National Defense sending soldiers here for Training, and the list goes on and on. A great example is the Construction company that built all of Lora Bay, the roads, water lines, sewers, they stayed with us for many months building all the infrastructure. They would check in on a Monday and go back home every Friday to be with their families for the weekend. The Town has a lot of infrastructure and housing to build in the future, STA's I am sure will play a vital role providing short term housing to these workers needed to build the infrastructure and new housing.

STAFF HOUSING

Also, more recently the Tyrolean areas, that is on full services, has developed into a provider of Staff housing. Buildings on full services are allowed switch back and forth as STA's and STAFF HOUSING. So if there is demand from Employers and servicing is in place, there is a vast pool of potential, already built, Staff Housing in the Tyrolean area.

There are currently around 250 staff housing beds in the Tyrolean area, which are the direct result of Council supporting the servicing of Arlberg Cres. and Birch View trail. Staff housing and STA's are compatible uses when located beside each other and both of these uses are very beneficial to the local economy.

The main point I want to make is that STA's should not be looked at as a bad word, they provide many different types of accommodations and short term housing that the community desperately needs. I do not think it is Council's intent to legislate STA's out of business with this new bylaw?

3) The recommendation that the new STA bylaw should include the condition: that as part of having holding an STA license you must have a contract with a licensed security company that is monitoring your property when it is rented. I have been involved in the STA business since I was around 12 years old and based on almost 50 years of experience if I had to pick one thing that makes a difference managing an STA - it is proactive security, monitoring the properties for noise, parking and garbage and talking to the guests before issues become a problem. The BMSTA members have for several years had 7 day a week security monitoring our properties and pro actively talking to the guests as they are driving around in their marked cars and uniforms. Fines and demerit points are there to be a deterrent, but nothing works like 7 day a week security and I truly believe the evidence shows that the number of fines, demerit points, warnings against licensed properties with this type of security program in place are negligible. Nothing beats a pair of eyes and ears driving around in a marked car and uniform, when it comes to making sure STA's are abiding by the bylaw. All licensed STA's should be part of this type of program so that the monthly STA bylaw stats go from miniscule to non existent.

I look forward to working with Town Staff and residents on this latest update to the bylaw to make sure it is fair and reasonable for everyone.

Additional Points mentioned:

1) Bylaw Infraction Statistics.

The bylaw statistics presented by the Ratepayers Association and the bylaw statistics the BMSTA are relying on appear to be different because there are significantly different interpretations being presented to Council. We ask for a definitive set of STA bylaw statistics to be given to the BMSTA and the Ratepayer's and that before drastic new bylaws are adopted, these statistics should be discussed with Council and Staff. The statistics should drive the bylaw update and whether such drastic fines and demerit points are warranted. The Statistics should drive the bylaw update.

2) Responsible Person.

It was suggested by some presenters that the Responsible Person function within the STA bylaw should be removed. The BMSTA strongly disagrees with this position and believes that the Responsible Person is the linchpin of the success of the STA Program over the last decade. The STA Program has been overwhelmingly successful in addressing issues with STA's in the Community and the Responsible Person function is vital for the STA program to succeed going forward.

Holly Henderson Attended the Public Meeting on July 9, 2024

Agrees with the proposed increased enforcement efforts related to illegal STA operations. However, the cumulative effect of the proposed changes will negatively impact the livelihood of those who adhere to the by-laws while operating their STA. One excessively punitive impact with fines and demerit points could wipe an operator out of a business already impacted by interest rates, climate change and the change in travel pattern since COVID. We are one of the longest standing licenced communities and should be leading the way not following those of others.

Margaret Jean Marsell Attended the Public Meeting on July 9, 2024

Believes that the proposals and increased fines are not something that a legitimate operator should be concerned about because this is intended to deter inappropriate behaviour, particularly for unlicensed operations. Overflow parking, occupancy levels and noise complaints are the biggest issues in certain areas. Recommended that the STA complaint/identifying illegal STAs process should be clearly laid out for residents.

Sean Landreth Attended the Public Meeting on July 9, 2024

I am the Founder and Chairman of Property Valet, the President of the BMSTA, Vice President of the Town of Blue Mountains Chamber of Commerce, community volunteer and home owner, and I am here today to discuss the importance of mandatory membership in the Blue Mountain Short Term Accommodation Owners Association (BMSTA) for all short-term accommodation (STA) and condo rental unit (CRU) properties in our town. The BMSTA is a dedicated committee of STA and CRU owners working collectively to enhance the standards and experiences within our industry. Our mission is clear: through advocacy and education, we strive to unite our members to provide the highest standards of short-term and vacation rental management in The Blue Mountains. This benefits not only our valued guests but also our local residents and the community at large.

Here are the key reasons why mandatory BMSTA membership is essential:

1. Standardization and Quality Control:

With BMSTA membership, all STA and CRU properties will adhere to a consistent set of high standards. This ensures a reliable and high quality experience for our guests, fostering positive reviews and repeat business.

2. Security:

Security is a top priority for the BMSTA, even though it is not currently a requirement set by the town. Our members are required to implement security measures, which is crucial for protecting guests and properties. This proactive approach not only enhances guest safety but also positively impacts the overall reputation and attractiveness of our rental properties.

3. Regulatory Compliance:

BMSTA members strictly follow the STA Bylaws set by the town and the additional guidelines established by our association. This ensures that all operations are legal and ethical, reducing the risk of fines and legal issues.

4. Community Impact:

By operating within the rules, BMSTA members contribute positively to our local community. This minimizes potential conflicts with residents and ensures that our operations are harmonious with the town's needs and expectations.

5. Revenue Generation:

BMSTA members will be the primary contributors to the Municipal Accommodation Tax (MAT). By ensuring all members collect the 4% MAT from their rentals, we can generate significant revenue for the town. To put this into perspective:

Approximate Numbers:

- STA Rental Revenue: \$27,200,000
- (340 STA's at \$80k/year approx. avg. rental revenue)
- CRU Rental Revenue: \$16,000,000
- (400 CRU's at \$40k/year approx. avg. rental revenue)
- Total Revenue: \$43,200,000
- MAT Tax (4%): \$1,728,000 annually

However, if non-members or unlicensed operators do not adhere to these standards or join our association, this potential revenue could be significantly less and so will the enjoyment of our neighbours living and staying here either short term, seasonally or all year round.

In conclusion, mandatory BMSTA membership for all STA and CRU properties will not only ensure high standards and security but also generate vital revenue for our town. By uniting under the BMSTA, we can provide a unified voice, improve guest experiences, and maintain a positive relationship with our local community. I urge the council to consider this suggestion for the benefit of The Blue Mountains, its residents, and all who visit and enjoy our beautiful community.

Administrative Monetary Penalties By-law Revisions Public Comments – July 9, 2024

The Blue Mountains Short Term Accommodation Owners Association (BMSTA), Received via email on July 5, 2024

AMPS BY-LAW

The proposed increases to the AMPS By-law are significant, in one instance an increase of 1,600% is proposed and in another instance 1,000% is proposed. In addition, fines are proposed for minor and non-consequential matters such as Failure to Post License at \$4,000, Use of Premises Contrary to Parking Management Plan at \$5,000, Failure to Properly Secure a Pool or Hot Tub Cover at \$2,500, Use of a Fire Pit without a Permit at \$5,000 and Use of a Wood or Coal BBQ at \$5,000. BMSTA made numerous submissions during the development of the Town’s current AMPS By-law with a specific focus on the AMPS fines proposed and the provisions of the Municipal Act related to an AMPS By-law:

Municipal Act – Section 434.1 (Purpose of AMPS)

- Must assist the municipality in promoting compliance with its by-laws
- Not be punitive, and
- Shall not exceed the amount reasonably required to promote compliance with a by-law of the municipality.

In response to BMSTA’s concerns with regard to how the proposed AMPS By-law would assist the municipality in promoting compliance, that the fines not be punitive and the amount of the fines not exceeding the amount reasonably required to promote compliance, Staff Report FAF.21.098 responded as follows:

ADMINISTRATIVE MONETARY PENALTIES BY-LAW	
Comment/Question	Staff Response
Fines are punitive	Staff believe the fines are reasonable in the circumstances and relative to the income generating potential of a licensed STA unit represent a fair deterrent but are not punitive.
Fines will not promote compliance	Staff believe that compliance is sought and achieved when fines are significant enough to act as a reasonable deterrent, but not so high as to be punitive.
The Town’s development of the fine structure is not consistent with municipal best practices.	Staff believe the fine structure is fair and reasonable and further that the assessment and evaluation of fine structures must be made in consideration
	of each Municipalities unique circumstances.

As Council will note, Town staff in 2021 advised that the fine structure which was ultimately adopted by Council was »reasonable.in.the.circumstances« .and »a.fair deterrent.but.are.not.punitive« ; Now approximately 3 years post the Town’s enactment of the AMPS By-law, and with no data or statistics presented that reflect that the Town has had issue with regard to promoting compliance with the Town’s Licensing By-law, Town staff are now proposing significant and extremely punitive fines. BMSTA submits that the proposed revisions to the AMPS By-law are not consistent with the Municipal Act.

SUMMARY

BMSTA provides the following summary with regard to its comments:

- BMSTA has concerns with the proposed change to the number of licenses for which a responsible person can manage.
- BMSTA has an interest in exploring with the Town the formalization/recognition and an associated requirement being entrenched within the Licensing By-law for the provision of security firms employing licensed security personnel.
- BMSTA requests that guidelines be provided related to timelines associated with the suspension and/or revocation of licences.
- BMSTA has concerns with the number of demerit points proposed to be assigned to certain non-life safety infractions.
- BMSTA has concerns with the continued requirement for outdoor noise detection systems.
- BMSTA has concerns with the assignment of offences to owners/operators of STA's and or CRU's where guests utilize unauthorized portable wood, wood pellet or coal burning BBQs.
- BMSTA has an interest, and a need, to have further discussions with Town staff regarding the proposed Type E License.
- BMSTA submits that the fines proposed under the proposed revisions to the AMPS By-law are not supported by the Municipal Act nor documented data and/or events over the past 3 years since the current fines were set.
- BMSTA has concerns with regard to various miscellaneous matters including incorrect or incomplete references within the Draft By-laws.

BMSTA requests that Town staff be directed to meet with BMSTA and other stakeholders to further discuss the above noted matters prior to Town staff reporting back on the proposed revisions to the By-laws.

Daniel Murphy, Received via email on July 12, 2024

I and many residents who live in the Condo Townhome Development MOUNTAIN HOUSE at Windfall, are absolutely in Favor of the Short Term Rental Violation Fines, being increased to \$10,000, \$15,000 and \$20,000, for the 1st, 2nd, and 3rd Offence. We have had a problem at Mountain House, with these policies being Violated and the current Fines, do not act as a deterrent.