



# Staff Report

## Administration – Chief Administrative Officer

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**Report To:** Council Meeting  
**Meeting Date:** December 2, 2024  
**Report Number:** FAF.24.155  
**Title:** Municipal Licensing By-law and AMPs By-law Revisions  
**Prepared by:** Shawn Everitt, Chief Administrative Officer

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### A. Recommendations

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THAT Council receive Staff Report FAF.24.155, entitled “Municipal Licensing By-law and AMPs By-law Revisions”;

AND THAT Council provide a six (6) month extension for the collaboration between The Blue Mountain Ratepayers Short Term Accommodation Committee and The Blue Mountains Short Term Accommodation Industry Group to finalize a joint submission for Council consideration;

AND THAT Council endorse, in principle, the proposed amendment to the Municipal Licensing By-law to change the “Licensing Appeals Committee” to “Licensing Appeals Officer” to allow for the recruitment of Licensing Appeals Officers and the development of a clear process and procedures for the hearing of Appeals under the Municipal Licensing By-law in advance of the by-law being enacted;

AND THAT Council acknowledge and approve the further consideration of the implementation of a Type “E” License for Commercial Rental Units (CRUs) for future consideration and proposed implementation on January 1, 2026;

### B. Overview

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This report provides Council with a request that staff has received regarding revisions to the Municipal Licensing and Administrative Monetary Penalties (AMPs) By-laws that arose after two (2) additional meetings were held with the Short Term Accommodation Working Group.

### C. Background

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Based on the comments received at the Public Meeting on July 9, 2024, staff provided a follow up for Council in the form of [Staff Report FAF.24.095](#) entitled “Follow Up to the Municipal Licensing By-law and Administrative Monetary Penalties By-law Public Meeting” at the September 16, 2024 Committee of the Whole meeting. At the subsequent Council meeting on September 30, 2024, Council provided the following direction:

**THAT Council receive Staff Report FAF.24.095 "Follow up to the Municipal Licensing By-law and Administrative Monetary Penalties By-law Public Meeting" for information;**

**AND THAT Council direct staff to meet with the same members of the Short Term Accommodation Working Group that met previously with staff in 2024 to discuss the final draft of the Municipal Licensing By-law and Administrative Monetary Penalties By-law prior to further Council consideration;**

**AND THAT Council endorse in principle the proposed Draft Municipal Licensing By-law as supported at the September 30, 2024 meeting of Council and direct staff to bring a final draft of the Municipal Licensing Bylaw directly to Council on November 12, 2024 for Council consideration and enactment;**

**AND THAT Council endorse in principle the proposed Draft Administrative Monetary Penalties By-law as supported on September 30, 2024 and direct staff to bring a final draft of the Municipal Licensing By-law directly to Council on November 12, 2024 for Council consideration and enactment.**

## **D. Analysis**

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The review of the Municipal Licensing By-law and the Administrative Monetary Penalties (AMP's) By-law has followed the Town's formal Public Notice and Public Meeting process. The Town held the formal Public Meeting on July 9, 2024 and [Staff Report FAF.24.095](#) was brought forward by staff as the follow up to the Public Meeting on September 16, 2024 at the Committee of the Whole meeting.

Two (2) additional meetings with the Short Term Accommodation Working Group have taken place, the most recent being held on November 12, 2024. During the two (2) meetings, a range of points were discussed and the listed items below were identified as being areas of interest that require Council consideration and direction. The recommended six (6) month extension for additional review of the two (2) by-laws is being brought forward to support the positive collaboration that has taken place thus far. This extension would push the timing out to an anticipated July of 2025 for establishing the by-laws, however, the benefit of the collaboration would be significant.

During this six (6) month extension period, staff suggest that Council consider initiating a second Public Meeting as the information brought forward may be different from what was presented at the July 9, 2024 Public Meeting. The proposed revisions to the Administrative Monetary Penalties (AMPs) and the Demerit Points that had been considered and revised by Council are of significant interest to the Working Group.

## **Points of Interest Being Discussed with the Working Group and Staff:**

### **Proposed Change to the Licensing Appeals Committee**

Staff note that the Working Group supports the proposed change from the current “Licensing Appeals Committee” to a “Licensing Appeals Officer”. This proposed change reflects Council’s direction to make this change and was the conduit to opening the Municipal Licensing By-law for review. Therefore, staff have brought forward this recommendation through the initial proposal and this proposed change was detailed in the original Public Meeting process. Staff suggest that no changes be made to the by-law at this time as there is adequate time during this proposed extension to develop a fulsome process and procedure that clearly outlines the proposed licensing Appeals Officer role. Staff note that the Licensing Appeals Officer will require multiple contract positions that will be funded through the Appeals Process User Fees and would be considered through the Fees and Charges By-law in 2025.

### **Elimination of Solid Fuel Campfires**

It has been suggested that the by-law as presented meets the acceptance of the Working Group. A licensed property would still be permitted to request, through the application process, a campfire fueled by propane or natural gas and would be required to be a certified piece of burning equipment by a regulator such as the Canadian Safety Association (CSA). It would also require inspection by the Fire Department. Staff have suggested that the main reason for recommending this change to the current by-law is to eliminate smoke generated from burning solid fuel and enhance fire prevention.

### **Use of Security Companies as Responsible Person**

One of the suggestions that was brought forward by The Blue Mountains Short Term Accommodation Owners Association was for the by-law to include the option to allow for the License Holder to have the Responsible Person (RP) enhanced by the inclusion of a Security Company that can respond to complaints on behalf of the RP. Staff have reviewed this suggestion and, in principle, support the concept. Staff believe that having a Security Company engaged in patrolling may allow for a quick and effective response to a property that has been subject to a complaint or may proactively address concerns, issues with behaviour, etc. prior to a complaint being submitted.

Currently, the Town’s answering service will call the Responsible Person (RP) and the RP then contacts the security company. In this case, it is the security company that attends and not the RP. However, currently, the RP forms that are signed state that the RP will personally attend the property. Staff suggest that if the security company is going to be attending as the RP, they should be noted on the RP form moving forward and staff would support that. This may alleviate the call to the RP and instead go directly to the security company.

The one area that needs to be determined for this proposed process to work effectively and to ensure that patrol and response by the security company is more reliable and available is to confirm and/or require that the security company works either 24/7 or ensure that the Security Company is on patrol from at least 10:00 p.m. until 7:00 a.m. Currently, staff believe that most

security companies stop operating at 4:00 a.m. This will need to be clarified as the Responsible Person is required to be available at all times and be able to respond to the property within the thirty (30) minute time allotment.

### **Additional Requests Made by the Working Group**

Additional requests received on November 12, 2024 from the Short-Term Accommodation Licensing and Administrative Monetary Penalties Working Group are included in Attachment 1 of this report. As noted previously in this report, the establishment of the Licensing Appeal Officer has been proposed and staff have recommended this within the proposed Municipal Licensing By-law.

### **Administrative Monetary Penalties By-law**

Staff identify that the proposed changes to the Administrative Monetary Penalties are substantial. Staff also note that the Working Group has committed to review and provide comments and suggestions for Council to consider through the recommended six (6) month collaboration period.

## **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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None.

## **G. Financial Impacts**

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The proposed Administrative Monetary Penalties (AMPs) have been considered and proposed by Council.

## **H. In Consultation With**

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By-law Enforcement Staff

## **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. BMSTA - BMRA Final Joint Position Statement

Respectfully submitted,

Shawn Everitt  
Chief Administrative Officer

For more information, please contact:  
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**Report Approval Details**

Document Title:	FAF.24.155 Municipal Licensing By-law and AMPs By-law Revisions.docx
Attachments:	- Attachment-1-BMSTA-BMRA-Final-Joint Position Statement.pdf
Final Approval Date:	Nov 28, 2024

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

**Shawn Everitt - Nov 28, 2024 - 12:09 PM**