

To Mayor and Council, Town of The Blue Mountains

June 11, 2021

We are responding to the proceedings of the Committee of the Whole meeting on June 1/21 re Staff Report FAF.21.098: Licensing and AMP Bylaws. We thank the Committee members for their understanding of the difficulties residents face with regular large gatherings at STAs. We agree STAs are part of the tourism industry of TBM but records show their operations comprise the greatest number of complaints. We request that Council uphold the tenets of the Official Plan and our own Strategic Priorities in protecting the quality of life for residents. We also appreciate this opportunity to address a few misconceptions that were expressed during the meeting.

We agree with that it is a privilege for STAs to be granted a licence to operate and that adherence to the requirements of the licence should be paramount for the Owner in the STA operation, and for the Town in the enforcement of the revised Bylaws.

We feel the latest revisions presented in this report conflict with some of the Town's Strategic Priorities listed at the end of every Staff Report. The Town has stated a commitment to "foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors". Our quality of life has been negatively impacted for many years, and the community feel of our neighbourhood is regularly disrupted by loud behaviour at STAs in usually quiet residential areas. Therefore, we turn to our Bylaws and their effective enforcement for support of these Town priorities.

Unfortunately, these proposed revisions **greatly weaken** the Town's effective enforcement of the Licensing & AMP Bylaws. It was stated in the meeting that the current process for dealing with evening and weekend calls for Town Bylaw Enforcement requires the after-hours Answering Service to call the RP to attend to the property and disturbance. Our direct experience with STA rentals in May, 2021 during the Provincial Stay at Home order was totally different. The agent for the Bylaw Answering Service indicated that a report would be filed with the Bylaw Dept but that the dept was closed for the night. When asked if they were going to call the OPP or RP to address the problem, the answer was no, and I was advised to call the OPP myself.

This example, and many others before it, point to significant process problems in dealing with responses for Enforcement of Town Bylaws. We strongly agree and support the Town in enforcing their own Bylaws, but this should be done by Agents of the Town. Is it logical **or legally prudent** to delegate Investigation and Enforcement duties to the Owners and Employees of the STA businesses that are **causing the disturbances**? Should not an **impartial** third party be required to attend the premises and make a judgement as to the nature and ramification of the disturbance? Why is it sufficient for Bylaw Enforcement that an owner/employee assess the disturbance often

by only a phone call from a distant location? The withholding of a security deposit may work for that particular evening or weekend, but often it doesn't. That's one party, one weekend. Where is the deterrent for the rest of the weekends in the year??

Are residents expected to "wait and see" if anyone arrives to address the disturbance? If the problem persists, what does the resident do? What recording of the incident occurs? Who reports on the disturbance? These are significant issues for residents, especially at 2am.

The management of Town assets also comes into question when our Bylaw department budget is proposed to increase to address the growing STA businesses here. The Bylaw department does not enforce Bylaws after-hours due to budget constraints. The solution has been to enlist the OPP to address late night or large parties or disturbances of various natures. It has been stated, and we agree, that Bylaw officers are unequipped to deal with large, rowdy disturbances at night. At one point, OPP officers were attending STA businesses with Bylaw officers in the evenings.

It is sufficient to use our OPP contract to enforce our Bylaws when our Town officers cannot. It is **unacceptable to delegate** Investigative Responsibilities to the owner/employee of the property in question. Why and when would a negative report ever occur?? A close look at the Demerit Point list indicates that many significant disturbances would have to be reported before any Bylaw action is taken. How does this occur when no Town agent responds?

As well, Council should be well aware of the great communication efforts the OPP has made to inform the Community of its services over many, many years. They have assured residents of their enforcement services through their participation in community meetings and presentations for residents, their responses to community questions in local papers, and through the Police Services Board and Community Policing committees. Residents widely know the Community Response Number to call for assistance (888-310-1122) and not the 911 number unless a true emergency exists. OPP records show the majority of complaints for STAs are NOT unfounded or "mischief". The OPP have also adamantly stated they will NOT call the RP for involvement in enforcement, and we support their position. The RP has a definite role in the operation of the STA as a fit and safe accommodation alternative. The RP definitely does NOT have a role in official enforcement of Town Bylaws.

The licensing program was to be self-sustaining through the fees generated. If the fees do not allow for extended evening hours for Town Bylaw officers, or where their attendance at a large party might be unsafe, the Town should continue late night Bylaw Enforcement by trained OPP officers. This has been overwhelmingly supported by

residents (see over 90% satisfaction on surveys) and has Worked! An official report is provided and records are maintained. Residents feel safe with this approach!

Unfortunately, we cannot support having a Dispatcher make the determination about who should attend a disturbance. This may be a very convenient approach, but we feel it does not address the whole underlying issue of independent, verifiable, and professional response to the disturbance in question.

With regard to the inclusion of sections on hot tubs, pools and fire pits – residents do support these inclusions, but not as a “trade-off” for other very important provisions. Rules around the use of these amenities should be included in the Renter’s Code of Conduct if they are expected to comply with them. Why would they not be included?

We appreciate the Members statements regarding the need for noise control, especially in residential areas. We totally support the excellent suggestion to include noise buffers for these STAs. This is supported and contained in the original OMB decision re STAs.

Lastly, we strongly feel the Town should uphold their own Bylaws. The existing Bylaw which was based on the OMB decisions clearly states occupancy of STAs to be 2 persons per bedroom +2. This was a compromise based upon Blue Mtn Resorts occupancy formula. The +4 option was not adopted by Council, it was just erroneously used for many licences. It is now presented as a fixed formula but has no basis in any existing Bylaws. We ask that you honour our existing Bylaw and retain the 2+2 formula, **especially for STAs in residential areas.**

Once again, we Thank You for your dedicated study of this very contentious Bylaw and request that you review our input carefully. Respectfully, our history of dealing with this portfolio extends over 20 years and we have the experience of living with the Bylaws and their varied enforcement over this time. This Council has made impressive improvements in moving this Bylaw forward, but the revisions in this current report undoes crucial strategies for success. Please review our suggestions and those contained in previous submissions to Council. We all want a Bylaw that provides safe and enjoyable experiences for everyone in our Community. Please do not endorse this Bylaw without further revisions and additions.

Betty S.Wallace

C. Neville

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+ Neighbours