



Staff Report

Legal Services

Report To: Committee of the Whole
Meeting Date: June 29, 2021
Report Number: FAF.21.129
Title: Update to Licensing and Administrative Monetary Penalties Bylaws
Prepared by: Will Thomson, Director of Legal Services

A. Recommendations

THAT Council receive Staff Report FAF.21.129, entitled "Update to Licensing and Administrative Monetary Penalties Bylaws";

AND THAT Council endorse the Licensing and Administrative Monetary Penalties By-laws and direct that the By-laws be brought forward to Council for enactment.

B. Overview

At the June 14, 2021 meeting of Council, Council passed a resolution deferring the adoption of the Licensing and Administrative Monetary Penalties By-laws subject to further clarification on three matters:

1. Clarity as to when demerit points are assigned when the Responsible Person has not been contacted;
2. A clearer definition of a "bedroom", and;
3. A defined process for complaints, which includes the Responsible Person, and a dedicated telephone number that would include calls into By-law Enforcement.

C. Background

The subject By-laws have been under review by the Town for approximately two years. The intent is to replace the existing "Short Term Accommodation Licensing By-law" with a licensing regime which will license Short Term Accommodations, as well as potential other businesses, in the future. The Administrative Monetary Penalties By-law is intended to create a system of administrative penalties as a tool to promote and encourage compliance with Town By-laws which is faster, cheaper, and simpler than typical Provincial Offences Act prosecutions.

The Administrative Monetary Penalties By-law remains unchanged from its last presentation to Council. The Licensing By-law has been updated and several clarity and housekeeping revisions have been made, which can be seen in the track-changes version attached to this report. Responses to Council's questions and the relevant changes are summarized below.

D. Analysis

Issues

1. Demerit Points

The requirement that the Responsible Person must be notified for Demerit Points to be issued has been removed. In effect, the By-law has reverted to its previous version, and the issuance of Demerit Points shall be at the discretion of an Officer or Director of Legal Services, as applicable - including potential instances where the OPP are contacted directly.

2. Definition of Bedroom

The By-law has been amended to define a bedroom as follows:

“Bedroom” means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit which is used by two (2) persons and which is equipped with a sleeping type bed and a closable, latching door for privacy. A Bedroom shall further meet the requirements for natural light as set out in the Ontario Building Code.

Important to note that a fire inspector or the Fire Chief or their designate may also reduce the occupancy of any type of unit if there is an occupancy load concern or a life safety concern.

Further, it’s important to remember that outside the exception area, the Town’s Zoning By-law limits capacity to no more than 8, and perhaps less based on the 2+4 formula. (legal non-conforming units *may* have individual occupancies, on a case-by-case basis).

3. Complaint Process

An individual has a number of mechanisms to lodge a complaint; they can call the By-law Enforcement phone number - 519-599-3131 x249 – which will be answered by Town Staff or the Town’s answering service, depending on time of day and availability. When such a call is received it is dispatched via email to enforcement staff. If the call comes in after-hours and Enforcement staff are not working, a call to the Enforcement line will not be responded to until Enforcement staff return. It is standard practice that Town Staff will alert the Responsible Person to the issue when we receive a call or complaint; Staff are working to ensure that the answering service does the same and that the contact information is current, though this added level of service may result in added expense, which will be presented and considered as part of Budget 2022.

As always, an individual can contact the OPP at any time day or night, and is encouraged to do so for any urgent, dangerous, or personal safety matters. OPP will not contact the OPP and will not necessarily contact the Town. In these cases, it is possible that OPP may attend at a property and neither the Town nor Responsible Person may know about it.

E. Strategic Priorities

1. Communication and Engagement

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

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

N/A

G. Financial Impacts

Enhanced level of service from Answering Service will result in increased costs – to be assessed and considered as part of Budget 2022.

H. In Consultation With

Wayne DeWitt, Supervisor, By-law Services

Shawn Everitt, CAO

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Will Thomson, Director

Any comments regarding this report should be submitted to Will Thomson, Director of Legal Services directorlegal@thebluemountains.ca

J. Attached

1. Attachment #1 Licensing By-law – TRACK CHANGES
2. Attachment #2 Licensing By-law – CLEAN COPY

Respectfully submitted,

Will Thomson
Director Legal Services

Shawn Everitt
Chief Administrative Officer

For more information, please contact:
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Report Approval Details

Document Title:	FAF.21.129 Update to Licensing and Administrative Monetary Penalties Bylaws.docx
Attachments:	- Attachment 1 Licensing By-law - TRACK CHANGES.docx - Attachment 2 - Licensing By-law - CLEAN COPY.docx
Final Approval Date:	Jun 22, 2021

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

No Signature found

Wayne DeWitt - Jun 22, 2021 - 2:00 PM

Will Thomson - Jun 22, 2021 - 2:02 PM

Shawn Everitt - Jun 22, 2021 - 4:27 PM