

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. CAO-2019-0018

FOR THE CONSIDERATION OF

COUNCIL

April 24, 2019

**SUBJECT: PROPOSED AMENDMENTS TO THE TOWN OF GEORGINA
OFFICIAL PLAN, AND THE KESWICK, SUTTON/JACKSON'S POINT
AND PEPPERLAW SECONDARY PLANS AND TO ZONING BY-LAW
500 PURSUANT TO THE *PLANNING ACT, R.S.O 1990, cP.13*
SHORT-TERM RENTAL ACCOMMODATION
IN THE TOWN OF GEORGINA
FILE NOS. 05.256;03.1142; 02.196**

1. RECOMMENDATIONS:

- 1. THAT Council receive Report CAO-2019-0018 prepared by Michael Smith Planning Consultants; Development Coordinators Ltd., dated April 24, 2019 respecting proposed amendments to the Town of Georgina Official Plan, and the Keswick, Sutton/Jackson's Point, and Pepperlaw Secondary Plans, and to Zoning By-law 500, regarding Short-term Rental Accommodation.**
- 2. That Council direct Staff to prepare a report addressing comments received, either in writing, or in person at the Statutory Public Meeting, pursuant to the Planning Act, for its consideration and that Council set a date for its consideration of the Staff report.**

2. PURPOSE:

The purpose of this report is:

- (a) To apprise Council and interested parties of the amendments to the Official Plan, Secondary Plans, and Zoning By-law No. 500 proposed by Michael Smith Planning Consultants; Development Coordinators Ltd. (MSPCDC) and supported by the Town's Technical Advisory Committee (TAC);**
- (b) To seek further direction from Council on the proposed amendments; and, for Council to set a date for consideration of a final report on the Short-term Rental Accommodation (STRA) regulatory framework; and,**

- (c) To provide a current working draft of the proposed Licensing By-law, pursuant to the *Municipal Act*, for context when reviewing the proposed *Planning Act* amendments.

3. **BACKGROUND:**

The following reports have led to the preparation of this report:

- Report No. CAO-2018-0003 presented to Council on February 7, 2018
- Report No. CAO-2018-0004 presented to Council on February 28, 2018
- Report No. CAO-2018-0007 presented to Council on June 6, 2018
- Report No. CAO-2018-0016 presented to Council on September 12, 2018
- Report No. CAO-2019-0009 presented to Council on February 27, 2019.

On September 6, 2017 Council received delegations and speakers on the topic of STRA and the impacts on neighbourhoods and individuals. Staff were subsequently directed to begin researching enforcement options. Staff meetings and research into this complex issue took place over the fall of 2017.

On February 7, 2018 Council received report CAO-2018-0003 and directed staff to continue with the development of a policy framework to regulate STRA (Resolution No. C-2018-0065). Council also requested that a legal opinion be obtained with respect to considering an Interim Control By-law (ICB). On February 14, 2018 staff provided Council with correspondence from Town legal counsel.

On February 28, 2018 Council received report CAO-2018-0004 and granted staff the authority to retain the services of Michael Smith Planning Consultants; Development Coordinators Ltd. (MSPCDC), to assist in research and preparation of a policy framework to regulate STRA (Resolution No. C-2018-0101).

On May 8, 2018 and May 14, 2018, MSPCDC and the TAC met to discuss the background research prepared by MSPCDC, and the future direction of the study. Following these meetings, report CAO-2018-0007 was prepared to discuss the potential, and preferred policy and regulatory framework, for STRA in the Town of Georgina (e.g. Discussion Drafts).

On May 14, 2018, Ryan Cronsberry, Manager of Municipal Law Enforcement, provided a 'Briefing Note' to Council on the "*Short-term Rental 2018 Summer Municipal Law Enforcement Initiative*". This document outlined the interim measures being undertaken, including expanding the hours of operation of the municipal law enforcement staff, while the long-term policy and regulatory framework is being undertaken.

On June 6, 2018, Council received report CAO-2018-0007 and directed staff to schedule a public information meeting.

On July 11, 2018, a Public Information Meeting (PIM) was held at the ROC to provide information on, and receive input about, regulating STRA in the Town of Georgina. A short questionnaire was posted online for the period of June 19, 2018 to August 10, 2018.

On September 12, 2018, Council received report CAO-2018-0016 and directed staff, upon receipt of a legal opinion from the Town's solicitor on the status of existing STRA, to prepare a report for Council's consideration recommending a preferred regulatory framework for STRA.

On February 27, 2019, Council received report CAO-20190-0009 and directed staff to hold a Statutory Public Meeting, pursuant to the *Planning Act*, for consideration of amendments to the Town of Georgina Official Plan, Secondary Plans, and Zoning By-law No. 500. Further Council directed that staff reach out to other York lower-tier municipalities and the Region of York to meet and form a technical working group including political representatives to approach the Province to effect legislative changes to address STRA properties. At the time of writing of this report, this meeting was scheduled for April 9, 2019.

In preparing this report, there have been discussions with interested parties including residents, existing bed and breakfast operations (B&B's) and hotels in the Town of Georgina, STRA hosts, as well as a representative of Airbnb.

All the above noted reports are available on the Town's website at:

<https://www.georgina.ca/living-here/municipal-law-enforcement/short-term-rental-accommodations>

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

As noted in Section 3 **BACKGROUND**, the Town has afforded the public the opportunity to comment at several stages of the STRA study, including the July 2018 Public Information Meeting, and at Council meetings. The public was also invited to forward comments for consideration by MSPCDC and the TAC. MSPCDC also met with interested parties, if requested.

In addition, the Town reached out to other stakeholders for input, including hotel operators and Airbnb.

4.1.1 Public Circulation

Pursuant to the *Planning Act*, a statutory public meeting is being held on April 24, 2019. In accordance with the *Planning Act*, notice of the Public Meeting on the proposed amendments to the Official Plan, Secondary Plans and Zoning By-law 500 was posted in the March 28, 2019 and April 4, 2019 edition of the Georgina Advocate newspaper.

In addition, and over and above the requirements of the *Planning Act*, mailed notice was sent to all members of the public which have expressed to MSPDC or the Town, an interest in receiving public notice. As of the writing of this report, 57 members of the public were listed as an interested party.

Only the proposed changes to the *Planning Act* documents require that a minimum of one Public Meeting be held prior to Council's consideration of the amendments listed above. This is commonly referred to as the Statutory Public Meeting. However, for context at the Statutory Public Meeting, the proposed Licensing By-law, has also been provided, which is to be implemented under the authority of the *Municipal Act* and forms the centrepiece of the STRA regulatory framework.

In accordance with the notice of public meeting, four emailed comments from the public to the Town, have been included as Attachments 8 i), 8 ii), 8 iii) and 8 iv).

Detailed analysis of written comments or comments provided at the statutory public meeting will be addressed in more detail in the next report to Council following the statutory public meeting.

4.1.2 External Agency Comments

None of the agencies circulated, as of the writing of this report, has an objection to the proposed amendments. The commenting agencies to date include Enbridge and Rogers.

5. ANALYSIS:

Report CA0-2019-0009, dated February 27, 2019, and Section 6 below, set forth the proposed regulatory framework to govern the establishment of a STRA use and its operation in the Town of Georgina. These include proposed amendments to the following policy and regulatory instruments:

- The Georgina Official Plan, 2013, as amended (GOP) – see Attachment “1”;
- The Keswick Secondary Plan, 2003, as amended (KSP) – see Attachment “2”;

- The Sutton/Jackson's Point Secondary Plan, 2013, as amended (SJPS) – see Attachment “3”;
- The Pefferlaw Secondary Plan, 1996, as amended (SP) – see Attachment “4”; and,
- Zoning By-law 500, as amended – see Attachment “5”.

STRA has been active in the Town of Georgina since the first vacation homes were built in the former Township of Georgina, Township of North Gwillimbury and Village of Sutton. Prior to the Internet, vacation rentals were conducted through newspaper advertisements, real estate companies and by word of mouth. Since the mid-1990's, B&Bs, a form of STRA, have been permitted in single detached dwellings in Georgina.

The successful implementation of a STRA program in a community must be sensitive to the community's needs and tolerance for STRA. The regulatory program must endeavour to reasonably preserve the character of neighbourhoods, and ensure the health, safety, and general well-being of both STRA renters and residents.

Overregulation and/or significant operating costs can lead to non-participation by Internet platforms and hosts and can increase the municipal costs of enforcement. It is therefore beneficial to all interested parties to find a reasonable policy and regulatory balance while respecting the interests of the Town's residents and neighbourhoods.

In considering a STRA policy and regulation program, it is important to note that not all single detached dwellings used for STRA have the same period of occupancy. Some are operated seven days a week primarily during the summer months, while others also operate during the winter (ice fishing season). Some STRA are operated only occasionally, for example, when the owner is on a vacation or periodically wants to earn some additional money.

MSPCDC estimates that the number of active STRA in Georgina during the summer of 2019 will be between 100-150. Some of these have multiple listings offering whole home or, alternatively, individual room rentals. Of the 132 active STRA listings identified during this study, concerns about the disruptive behaviour of STRA renters have been raised by the public regarding 14 listed properties. One of the common themes relative to these disruptive STRA is that they are advertised to accommodate far more guests in comparison to those listings for STRA that were not identified as being disruptive.

From our research, we believe that the most effective means of accomplishing the “reasonable policy and regulatory balance” goal, at the municipal level, is

through a combination of Official Plan/Secondary Plan amendments, Zoning By-law amendment, and a Licensing By-law.

5.1 Public Comments

Throughout the study process, the public was active in providing its opinion and input in both formal and informal consultations. STRA have a significant impact on the lives of several of Georgina's residents and must be dealt with in a manner which requires them to maintain the quiet enjoyment of their property and to maintain the character of the community, in which they are located. Though some residents were generally supportive of STRA, the majority with whom we communicated during the process were strongly opposed to STRA. The main concerns with STRA from the perspective of the public were as follows:

- Excessive noise/belligerent party goers;
- Impact on property value;
- Safety of both residents and renters;
- Excessive parking;
- Excessive garbage/poor property standards;
- Large number of persons on property;
- Impact on properties with on septic;
- Disruption of daily life (constant disruptive activity);
- Not wanting to have to be involved in the enforcement process;
- Fear of retaliation from renters when getting involved in enforcement process;
- Additional cost of and effectiveness of enforcement;
- Potential change in the character of neighbourhoods;
- Impact on affordable housing;
- Not wanting what they believe is effectively a hotel in a residential area; and,
- Properties used for STRA are not subject to commercial taxes and regulations.

5.2 Poor/Disruptive Behaviour

Most concerns with STRA were related to poor/disruptive behaviour of the renters and negligent hosts. Concern was also expressed by hosts which have operated their businesses properly and without complaint, that they not be branded the same as the negligent hosts. We believe that the proposed regulatory framework as discussed in Section 6 below, offers a balance. It is the most effective means of dealing with poor/disruptive renter behaviour and negligent hosts; and does not overly burden respectful renters and diligent hosts.

Some options proposed by the public for dealing with the issue of poor/disruptive behaviour included:

- only permitting STRA in principal residences;
- only permitting STRA in certain zones (i.e. Tourist Commercial (C5) zones); and,
- requiring a separation distance between STRA (i.e. a density factor).

However, we believe that measures such as these will have unnecessary impacts on respectful STRA hosts and renters and may not be effective in achieving the desired result.

5.3 Principal Residence

An example of this approach is the proposed requirement that a STRA only be permitted in a single detached dwelling which is the owner's "Principal Residence". When consulting with other municipalities who used principal residence as a requirement in their regulation of STRA, their primary means for determining principal residence was based on the mailing address on the property tax bill or the address on a driver's license.

We found that in the case of 10 of the 14 disruptive STRA properties, discussed in 5.2 above, that the owners listed the property as their principal residence.

There may also be difficulty in verifying principal residence where the property is owned by a corporation, which in law, is a person.

Georgina has a history of individuals living elsewhere permanently and owning a cottage in the community. As of the writing of this report, Municipal Property Assessment Corporation (MPAC) estimates there are approximately 1, 700 recreational-residential dwelling units (i.e. cottages) in the Town of Georgina.

We believe relying on "Principal Residence" will not achieve the desired effect and may prove to be overly restrictive towards respectful hosts and renters, including those who have hosted/rented in Georgina for years.

5.4 Affordable Housing

The significant majority of STRA in Georgina are located along the shoreline of Lake Simcoe which is generally the most expensive real estate in the Town. By extension, accessory rental units within these lakeshore dwellings may have higher rents, which would not be considered affordable when compared to other areas of the Town. However, a full analysis of rental housing availability and rates was not conducted as part of this study.

5.5 Bed and Breakfast as a form of STRA

While Bed and Breakfast Residences are a form of STRA and, in most cases would be operated by the principal resident, there is no requirement that the owner be present in the Bed and Breakfast Residence during its operation, nor is the owner required to provide a breakfast. For consistency and simplicity, the proposed licensing by-law employs a uniform approach for all STRA.

5.6 Comparison of Taxation between Single Family Dwelling Use and Hotel, Motel or Motor Hotel Use

If STRA, as proposed, is permitted within a single detached dwelling on lands zoned residential, they would not be permitted in a hotel, motel or motor hotel use pursuant to the Town's Tourist Commercial (C5) Zone in Zoning By-law 500. Therefore, STRA will not have a commercial tax levied against them.

In December of 2017, Ontario Regulation 435/17 entitled "*Transient Accommodation Tax*" (TAT), (also referred to as a Municipal Accommodation Tax {MAT}), came into force and effect. Previously, we understood that a TAT was to be applied to all providers of transient accommodation in the municipality. This would have included hotels, motels, and motor hotels, in addition to STRA. New information has been obtained which suggests that the TAT can be applied selectively (i.e. to STRA only). Should the Town want to explore this form of taxation, a legal review should be required to confirm its scope and application. The TAT is typically based on a percentage of the transient providers' revenue. The net revenue is to be shared with eligible tourism entities through a destination marketing program.

5.7 Consultation with Hotels

At the outset of the study, hotels in Georgina were contacted to update the Town record regarding the number of rental suites and to advise that the STRA study was being undertaken. Following the September 2018 report, at the request of Council, MSPCDC and Town Staff reached out to some hotels in Georgina to get their comments and opinions on the proposed regulation of STRA.

When asked about their general view of STRA, the hotels responded by saying that while difficult to directly measure, they have noticed an impact of STRA on their businesses. They would like to see equal application of regulations and taxation upon STRA and on hotels. At this time, hotels have a different, and higher, realty tax applied to lands zoned Tourist Commercial (C5) than STRA in residential zones. Hotels are not licenced by the Town but must adhere to numerous regulations, we were advised.

We raised the matter of a Transient Accommodation Tax (TAT), which the Town may apply to STRA and Hotels, but the hotel owners, for obvious reasons, did not want an additional tax imposed on them. As set out in 5.6 above, it appears the Town may be able to apply the TAT to STRA only.

They noted that with the proliferation of STRA, there are fewer available cleaning staff, as well as a lack of rental housing for those staff that are available.

When asked about what they are doing to address the negative impact on their businesses, they responded by saying that they were making their prices more competitive, promoting the benefits of staying in a hotel vs. a STRA (i.e. room cleaning service, safety, security, on-site staff, restaurant, etc.), as well as potentially looking to offer rooms resembling STRA (i.e. including kitchen facilities). The latter, referred to as "Residential Suites" in hotel context, would require an amendment to Zoning By-law 500.

When asked if they viewed STRA as having the same clientele base, they indicated that their clients were generally families and more mature guests looking for a getaway, or people in town for business. They viewed STRA as attracting a younger and more party-oriented crowd by contrast.

When asked about the types of accommodation offered, the hotels stated that rooms were designed to accommodate approximately 2-4 persons per room on average.

Overall, the hotels viewed STRA to have a negative impact on their businesses and expressed concern that there exists an unfair discrepancy in the regulations and taxation levied against hotels compared to STRA.

5.8 Consultation with Airbnb

On October 10, 2018, MSPCDC and members of the TAC held a telephone conference with an Airbnb representative. The goal of this conference was to receive input from Airbnb as a stakeholder in the proposed regulatory framework.

The main areas that the representative highlighted during this conference, were Airbnb's openness to cooperate with municipalities, the need for fair and sensible regulations, and the availability of existing resources to manage issues with negligent hosts.

The representative expressed that Airbnb is equally as concerned with negligent hosts as residents, since these hosts reflect poorly on the company. They brought attention to the *Neighbour Tool*, which allows for residents to lodge complaints on-line against neighbouring STRA hosts. If the complaint matches a

listing on their site, Airbnb will reach out to the host to offer guidance, and if there are continued complaints, the offending listing will be removed. The *Neighbour Tool* can be found at:

<https://www.airbnb.ca/neighbors?locale=en>

The representative was generally supportive of STRA regulation; however, they expressed that Airbnb had concerns about over-regulation. They viewed several municipalities as having regulatory frameworks and licensing fees that were overly burdensome on STRA hosts, and effectively made it unviable to operate a STRA in these municipalities.

6. REGULATORY FRAMEWORK:

6.1 Planning Act Matters

6.1.1 Proposed Official Plan/Secondary Plan Amendments

The purpose of the proposed Official Plan and Secondary Plan Amendments is to remove reference to *Bed and Breakfast Establishment* from the plans, to define STRA, and to permit STRA in all land use designations which permit a single detached dwelling. A *Bed and Breakfast Establishment* is a form of STRA and to avoid confusion, it has been incorporated as one.

A special provision is proposed to the PSP to acknowledge the prior approval, by site-specific amendment to the PSP, of a six guest-bedroom *Bed and Breakfast Establishment* on Pepperlaw Road, in Pepperlaw. The term "*Bed and Breakfast Establishment*" as it relates to this specific property has been replaced with "*Short-term Rental Accommodation*".

Note: In the Official Plan/Secondary Plan Amendments "*single detached dwelling*" is used whereas in Zoning By-law 500 "*single family dwelling*" is used. Both have the same meaning.

6.1.2 Proposed Zoning By-law 500 Amendment

The purpose of the Zoning By-law Amendment is to remove reference to *Bed and Breakfast Residence* and to permit STRA in all zones which permit a single family dwelling. The proposed Zoning By-law Amendment essentially defers to the Licensing By-law in terms of controlling STRA use. This affords a more flexible approach to deal with changes to the provisions that may be needed for enforcement of the Licensing By-law.

Special provisions have been added to acknowledge the prior approval, by site-specific amendment to Zoning By-law 500, of a six guest-bedroom *Bed and Breakfast Residence* on Pepperlaw Road, in Pepperlaw; and, a five guest-bedroom *Bed and Breakfast Residence* on Malone Road in Jackson's Point. The term *Bed and Breakfast Residence* has been replaced with "*Short-term Rental Accommodation*" and the reference to number of guest-bedrooms has been removed, in favour of a special provision in the proposed Licensing By-law discussed below. These owners were contacted, and the proposed changes discussed. Further, they were added to the interested parties list.

In addition, several properties, principally in areas zoned Rural (RU), were also approved by site-specific amendment for a *Bed and Breakfast Residence*. These site-specific amendments are proposed to be further amended by inserting *Short-term Rental Accommodation* in place of *Bed and Breakfast Residence*. These owners were added to the interested parties list.

This concludes the list and scope of those matters that are the subject of the Statutory Public meeting.

6.2 Municipal Act Matter

6.2.1 Licensing By-law

The proposed Licensing By-law contains the operational regulations which are designed to address public concerns, to the extent possible. In this regard, some regulatory provisions which would previously have been addressed in Zoning By-law 500, have been incorporated in the Licensing By-law (i.e. maximum number of persons for STRA premises rather than the number of guest-bedrooms, and some parking provisions)

Concerns regarding noise, safety of residents and renters, large number of persons on property, and disruption of daily life, will primarily be dealt with by inspection and enforcement and through the demerit point system as provided in the Licensing By-law at Attachment "6". The demerit point system will allow for STRA which have disruptive renters, and/or are run by negligent hosts, to have their licences suspended or revoked.

The Licensing By-law requires proper inspection of each property applying for licence by the relevant Town staff, such as the Fire Department and Building Division staff. This will help ensure the safety of renters.

The Licensing By-law requires the preparation and submission of a detailed site plan and floor plans by the owner which will be reviewed by a licensing

coordinator and all relevant Town staff. These plans will include a required parking layout and delineated guestrooms.

The question was asked by a member of the public, as a follow up to their email at Attachment 8(i), whether the STRA regulatory framework will apply to lands which are located on the lakeside of Lake Drive. Lakeside lands which do not contain a dwelling used for STRA, would not be licenced and would not be subject to the proposed Licensing By-law regulations. However, the lakeside lands would be subject to other applicable municipal by-laws (i.e. noise, parking or refuse by-laws). This issue will be examined more closely in the next report to Council.

Report CAO-2019-0009, it states:

“While there are relatively few STRA in Georgina, (i.e. the Township of Blue Mountains and Niagara-on-the-Lake have in excess of 300 STRA) and the existing STRA are primarily in areas that would not be considered affordable, we believe that it is still important to protect any future affordable housing within the Town of Georgina. The licensing by-law, and by extension the Official Plan/Secondary Plans and Zoning By-law, would only permit STRA in a single detached dwelling, and would not permit STRA in accessory apartments or any other type of dwelling. This should help to protect Georgina’s affordable housing stock now and in the future.”

Upon further reflection, MSPCDC and the TAC acknowledge that the predominance of STRA are in the lakeside communities of Georgina, and generally, these areas do not offer “affordable” rental accommodation. For this reason, the proposed Licensing By-law no longer contains a provision prohibiting the use of single family dwellings containing accessory apartments. In some cases, while the dwelling unit is rented for STRA, either a family or house manager may live in the accessory apartment.

Report CAO-2019-009 stated that:

“A provision in the licensing by-law is that ... only one license will be issued per host. (This) is intended to limit the number of STRA operated by individual owners to one to discourage multiple STRA ownerships”.

Upon further reflection, MSPCDC and the TAC decided that limiting the number of STRA to one host, would penalize good hosts.

In the Licensing By-law attached to Report CAO-2019-009, the operational density per STRA was listed at a maximum of three (3) persons per guestroom

up to a maximum of 4 bedrooms for a total of 12 persons, including renters, guests and hosts.

In the case of a dwelling containing only one or two guestrooms, a maximum of three - or six - persons total, respectively, was not reasonable. Some of these smaller operations may be room rentals only, rather than whole-house rentals, and a reasonable number of persons for the resident-family and guests is required.

Upon further reflection, MSPCDC and TAC determined that, as set forth in 2 (1) a) of the proposed Licensing By-law:

The maximum number of Persons, including but not limited to residents, renters and their guests, permitted on a Premises, at any one time, shall be eight (8) for a single family dwelling containing one (1) or two (2) Guest Rooms delineated on the required floor plan, and twelve (12) where there is a minimum of three (3) Guest Rooms delineated on the required floor plan.

Subsequent to the February 27, 2019 meeting, clarification was requested by some of the public as to whether the phrase “including, but not limited to residents, renters, and their guests,” also included visitors. The term “guests” was meant to include visitors. However, for simplicity we now propose that the phrase be deleted and simply provide that “The maximum number of persons, permitted on a Premises, at any one time, shall be...”

For those STRA (formerly Bed and Breakfast's by definition) located on properties which were the subject of special provisions permitting five or six guest-bedrooms, (i.e. more than the maximum four guest bedrooms permitted in a Bed and Breakfast Residence) the maximum number of persons proposed is 16 for both sites:

- (b) Notwithstanding 2(1)(a) above, the property zoned “R1-120 in Zoning By-law 500, and described as Lot 11 and Block B, Plan 168 on the North Side of Malone Avenue, which was zoned for five guest bedrooms, shall be limited to sixteen (16) persons on the Premises at any one time.*
- (c) Notwithstanding 2(1)(a) above, the property zoned “R-41” in Zoning By-law 500, and described as part of Lot 21, Concession 6 (G), on the east side of the Pepperlaw Road, which was zoned for six guest bedrooms shall be limited to sixteen (16) persons on the Premises at any one time.*

Initially, and as set out in the on-line version of the Licensing By-law posted for the Statutory Public Meeting, the maximum number of persons was proposed to

be 15 and 18, respectively. However, upon further reflection, for consistency within the licensing by-law, the next increment of four persons (i.e. 16) is proposed. To be clear however, a STRA operator with 3 or more bedrooms, which has not previously obtained a site-specific zoning amendment, will be limited to a maximum of twelve (12) persons on the premises at any one time unless a variance is approved as provided for in the Licensing By-law.

A provision has been added to the proposed Licensing By-law, since the draft by-law presented in Report CAO-2019-0009, which affords a STRA operator the opportunity to apply for a variance to the provisions of the Licensing By-law and the application will be heard by the Appeals Committee. The public will be given the opportunity to attend a meeting of the Appeals Committee to present their comments either in person or in writing before the Appeals Committee reaches a decision. The decision of the Appeals Committee is final and binding.

A *Renter's Code of Conduct* prepared by the Town will be provided to STRA hosts in conjunction with the issuance of a STRA licence. The applicant for the STRA licence will be required to review and sign the document – see Appendix 'A' to Attachment "6". The *Renter's Code of Conduct* will be an attachment to the proposed Licensing By-law and will be included in the list of documents to which a violation thereof can result in demerit points – see Appendix 'C' to Attachment "6".

Finally, the Licensing By-law, which was posted on the Town's webpage on April 9, 2019, provides for a "variance" process at Section 7(3). A public notice procedure is proposed to be developed and included in the final draft Licensing By-law to be included in the next report Council.

7. ENFORCEMENT PROGRAM:

7.1.1 Until Such Time as the Licensing By-law comes into Force and Effect

It is proposed that the Licensing By-law come into effect on January 1, 2020. In the meantime, Municipal Law Enforcement Officers will continue to take appropriate action pursuant to existing by-laws (i.e. noise, parking or refuse by-laws). Council, at its February 27, 2019 regular Council meeting, passed the following resolution:

That Council authorize the Treasurer to fund a 2019 summer enforcement program similar to the 2018 program related to short-term rental accommodations, from the tax rate stabilization reserve, not to exceed \$20,000.

The enhanced enforcement program was in place during the summer of 2018. Historically, there hasn't been a serious problem with STRA operations during the fall, winter and spring seasons, during which the regular enforcement program would be in place.

During this period a communication plan will be developed for listing on the Town's website, providing information to the public, including STRA operators.

7.1.2 Upon the Licensing By-law coming Into Force and Effect

At such time as the Licensing By-law comes into force and effect the enforcement program, pursuant to the Licensing By-law, will be implemented

The *Renter's Code of Conduct (RCC)* as proposed forms part of the Licensing By-law. It will provide that renters must abide with the *RCC*, other provisions of the STRA Licensing By-law and all existing Town of Georgina Regulatory By-laws.

Municipal Law Enforcement Officers will be able to prosecute any person on the premises of the STRA at the time of an infraction and/or the Licensee of the STRA. Officers may proceed by way of Part I (issuing tickets) under the *Provincial Offences Act*. Any violation of the *RCC* is an offence. Set fines for Part I prosecutions can be applied for up to \$1,000 and the Municipal Law Enforcement Division intends to seek substantial fines as a means for general deterrence.

The Municipal Law Enforcement Division also has the option to proceed by way of Part III when an offence has been committed. Under Part III, there is no set fine and the Officer can recommend a fine to the prosecutor. Under a by-law, the maximum fine for an individual is \$25,000 for a first offence and \$50,000 for subsequent offences. The maximum fine is \$50,000 for a corporation on its first offence and \$100,000 for subsequent offences.

Whether or not the Municipal Law Enforcement Officer proceeds against any person on the premises of the STRA or the owner, demerit points for violations may be assigned to the premises. The accumulation of demerit points can lead to the STRA licence being suspended or revoked.

If the STRA operator attempts to continue operation without a licence, municipal enforcement will act quickly and effectively to bring a legal action against the illegal STRA operator and to seek a court-ordered closure of the operation.

8. **ADMINISTRATIVE PROGRAM:**

The administrative program will be run through the Clerk's Department. A flow chart has been prepared summarizing the general procedures to be followed – see Attachment "7".

9. **FINANCIAL AND BUDGETARY IMPACT**

Administration and enforcement of regulations will increase the demand on staff time. The relevant departments have assessed their respective staffing needs and have prepared a proposed fee schedule which will form part of the Licensing By-law - see Appendix 'B' to Attachment "6".

9.1 **Proposed Licence Duration and Cost:**

Town Staff recommends a one-year licence in order to monitor the compliance rate and issues related to STRAs. The one-year licence is proposed to be effective from the date that it is issued.

Staff is recommending that an initial one-year license be priced at \$2,000.00 in order to offset the costs associated with inspection, licensing, and enforcement. Anticipated staffing costs are summarized below. In addition, staff recommends that renewal applications, after the first year of licensure, be priced at \$750.00, which reflects a reduced commitment of time and resources of licensing a previously-licensed property

Short-Term Rental Accommodation Licensing Fees Cost Summary*

Department/Position	Annual Salary Costs	Total
Clerk/Licensing Assistant	35 hours/wk. @ 28.22 plus benefits	\$66,768.52
MLEO/ Municipal Enforcement Officer plus	35 hours/wk. @ 34.68 plus benefits	\$82,052.88
Seasonal MLEO May-Sept.		\$15,000.00
Fire Prevention Officer	35 hours/wk. @ 52.39 plus benefits	\$123,970.60
		<u>\$287,792.00</u>

- \$287,792.00/130 (number of licensed units) = \$2,213.78 per unit salary cost to the Town for one year

*Costs are based on 130 Short-term Rental Accommodation Licenses per year and represent direct salaries only. They do not include other actual or potential costs such as fuel, overtime, supplies, etc.

10. **CONCLUSIONS**

In the spring of 2018, Council initiated a planning process to regulate STRA within the Town of Georgina, with a view towards supporting tourism in Georgina and striking a balance between the needs/preferences of individual property owners and the public at large.

This report, including previous reports cited in Section 3, represents the culmination of the background research undertaken by MSPCDC and Town Staff, as well as consultation with Town legal counsel and stakeholders.

Drafts of an Official Plan Amendment/Secondary Plan Amendments (Attachments "1", "2", "3", and "4") a Zoning By-law Amendment (Attachment "5") and a Licensing By-law (Attachment "6") have been prepared for public, other stakeholders and Council to review.

A recommended Renters Code of Conduct, a Fee schedule, and a Demerit Points schedule, form Appendices to proposed Licensing By-law.

In conclusion, it is recommended that Council receive this report, pursuant to the Ontario *Planning Act*, which provides information on the proposed Official Plan/Secondary Plan Amendments and Zoning By-law 500 amendment.

The proposed STRA Licensing By-law, which is implemented under the authority of the Ontario *Municipal Act* is not subject to the requirements for the Statutory Public Meeting but provides context about STRA and informs the Ontario *Planning Act* matters.

The Enforcement Program both pre- and post- implementation of the Licensing By-law are set forth in this report. An administrative process flow chart is provided for illustration at Attachment "7".

A final report, which addresses specific comments providing either in writing or in person at the Statutory Public Meeting will be provided at a time determined by Council.

Prepared by:



Michael R.E. Smith, MCIP, RPP
Michael Smith Planning Consultants;
Development Coordinators Ltd.

Reviewed and Recommended by:



Harold W. Lenters, M.Sc.Pl., MCIP, RPP
Director of Development Services

Reviewed and Recommended by:



Ryan Cronsberry
Acting Deputy Chief Administrative
Officer

Approved by:



Dave Reddon
Acting Chief Administrative Officer

Certificate of Approval

AMENDMENT NO.???

TO THE

OFFICIAL PLAN OF THE

TOWN OF GEORGINA PLANNING AREA

This official plan document which was adopted by the Council of the Corporation of the Town of Georgina is approved pursuant to Sections 17 and 21 of the Planning Act and came into force on _____, 2019.

Date: _____

**Karen Whitney, M.C.I.P., R.P.P.
Director of Community Planning
The Regional Municipality of York**

AMENDMENT NO.???
TO THE OFFICIAL PLAN OF THE
TOWN OF GEORGINA
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PART A - THE CERTIFICATION
AMENDMENT NO. ???
TO THE
OFFICIAL PLAN OF THE
TOWN OF GEORGINA PLANNING AREA

The attached explanatory text and location map, constituting Amendment No. ??? to the Official Plan of the Town of Georgina, was adopted by the Council of the Corporation of the Town of Georgina by By-law No. 2019 - <> (PL-2) pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, on the ____ day of _____, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

THE CORPORATION OF THE TOWN OF GEORGINA

IN THE

REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2019- < > (PL-2)

BEING A BY-LAW TO ADOPT AMENDMENT NO. ??? TO THE OFFICIAL PLAN OF
THE TOWN OF GEORGINA.

The Council of the Corporation of the Town of Georgina, pursuant to Sections 17 and 21
of the Planning Act, R.S.O. 1990, c.P.13, as amended, hereby **ENACTS AS FOLLOWS:**

1. That Amendment No. ??? to the Official Plan of the Town of Georgina, constituting the attached explanatory text, is hereby adopted.
2. That the Corporation of the Town of Georgina make application to the Region of York for approval of said Amendment.
3. That the Clerk of the Corporation of the Town of Georgina is hereby authorized and directed to make such application on behalf of the Corporation and to execute under the Corporate Seal such documents as may be required for the above purposes.

Read a first, second and third time and finally passed this ____ day of _____, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

PART B - THE PREAMBLE

1. TITLE

This Amendment shall be known as:

Amendment No. ???
to the Official Plan of the
Town of Georgina

Being an Amendment to the Official Plan of the Town of Georgina.

2. COMPONENTS OF AMENDMENT

Only that part of this document entitled "Part C - The Amendment", comprising the attached explanatory, constitutes Amendment No. ??? to the Town of Georgina Official Plan.

3. PURPOSE

The purpose of Amendment No. ??? is to define "Short-term Rental Accommodation" and to permit such use within all land use designations in the Town of Georgina Official Plan which permit single detached dwellings.

4. LOCATION

Amendment No. ??? applies to lands within those land use designations in the Town of Georgina Official Plan which permit single detached dwellings.

5. BASIS

Short-term Rental Accommodation has been a part of the Town of Georgina tourism infrastructure since the first vacation homes were built in the former Township of Georgina, Township of North Gwillimbury and Village of Sutton. Prior to the internet, vacation rentals were conducted through newspaper advertisements and real estate companies and by word of mouth.

Today, Short-term Rental Accommodation is generally understood to refer to individuals renting their residence, or part of their residence, for short periods of time through Internet-based platforms such as *Airbnb*. These platforms have grown significantly in popularity over the past five years. Short-term Rental Accommodation internet platforms are present in over 190 countries, and many municipalities are acting to regulate this activity. Often, municipalities seek a

balance between preserving the character of local communities and encouraging growth in home sharing to promote economic development.

It is the intent of this amendment that Short-term Rental Accommodation within a residential dwelling shall only be permitted pursuant to the implementing amendment to Zoning By-law 500 and a Short-term Rental Accommodation Licensing by-law.

In addition to Zoning and Licensing Short-term Rental Accommodation may be subject, but not limited to, other Municipal By-laws including on-street parking, noise, property standards, and fire and safety regulations.

The Keswick, Sutton/Jackson's Point, and Pepperlaw Secondary Plans will be amended to be consistent with the Official Plan policy for Short-term Rental Accommodation.

PART C - THE AMENDMENT

1. INTRODUCTION

The whole of that part of the Amendment entitled "Part C - The Amendment", which consists of the following explanatory text constitutes Amendment No. ??? to the Town of Georgina Official Plan.

2. ACTUAL AMENDMENT

- a) That Section 5.3.1.1 **PERMITTED USES** of the Official Plan is hereby amended by adding:

l) A short-term rental accommodation may be permitted in an existing single detached dwelling or as permitted by 5.3.1.12;

- b) That Sections 6.1.1, 6.2.1, 7.3.1, 7.4.1, and 7.5.1 **PERMITTED USES** of the Official Plan are hereby amended by adding at the end thereof "*Short-term Rental Accommodation*" may be permitted within a *single detached dwelling*.

- c) That Section 7.2.2 is hereby by amended by adding at the end thereof the following:

"(p) Short-term Rental Accommodation may be permitted within a single detached dwelling"

- d) That Section 12.5.10 is hereby deleted and replaced with the following:

“12.5.10 Agri-Tourism Uses:

means those farm-related tourism uses, including limited accommodation such as a *short-term rental accommodation*, that promote the enjoyment, education or activities related to the farm operation.”

- e) That Section 12.112A is hereby added to Section DEFINITIONS:

“12.112A Short-term Rental Accommodation:

means a *Short-term Rental Accommodation* as defined by the Town of Georgina Short-term Rental Accommodation Licensing By-law, as amended, revised or replaced.”

3. IMPLEMENTATION

The Official Plan Amendment will be implemented by an amendment to Zoning By-law 500, pursuant to the *Planning Act* of Ontario; and, a Licensing By-law pursuant to the *Municipal Act* of Ontario.

4. INTERPRETATION

The policies set forth in the Town of Georgina Official Plan, as amended from time to time regarding the interpretation of that plan, shall apply in regard to this Amendment.

Certificate of Approval

AMENDMENT NO.???

TO THE

**KESWICK
SECONDARY PLAN AREA**

This Secondary plan document which was adopted by the Council of the Corporation of the Town of Georgina is approved pursuant to Sections 17 and 21 of the Planning Act and came into force on _____, 2019.

Date: _____

**Karen Whitney, M.C.I.P., R.P.P.
Director of Community Planning
The Regional Municipality of York**

AMENDMENT NO.???

TO THE KESWICK

SECONDARY PLAN

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PART A - THE CERTIFICATION

AMENDMENT NO. ???

TO THE

KESWICK

SECONDARY PLAN AREA

The attached explanatory text and location map, constituting Amendment No. ??? to the Keswick Secondary Plan, was adopted by the Council of the Corporation of the Town of Georgina by By-law No. 2019 - < > (PL-2) pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, on the ___ day of _____, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

THE CORPORATION OF THE TOWN OF GEORGINA

IN THE

REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2019- < > (PL-2)

BEING A BY-LAW TO ADOPT AMENDMENT NO. ??? TO THE KESWICK
SECONDARY PLAN

The Council of the Corporation of the Town of Georgina, pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, hereby **ENACTS AS FOLLOWS:**

1. That Amendment No. ??? to the Keswick Secondary Plan constituting the attached explanatory text, is hereby adopted.
2. That the Corporation of the Town of Georgina make application to the Region of York for approval of said Amendment.
3. That the Clerk of the Corporation of the Town of Georgina is hereby authorized and directed to make such application on behalf of the Corporation and to execute under the Corporate Seal such documents as may be required for the above purposes.

Read a first, second and third time and finally passed this ____ day of _____, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

PART B - THE PREAMBLE

1. TITLE

This Amendment shall be known as:

Amendment No. ???
to the Keswick
Secondary Plan

Being an Amendment to the Keswick Secondary Plan.

2. COMPONENTS OF AMENDMENT

Only that part of this document entitled "Part C - The Amendment", comprising the attached explanatory text, constitutes Amendment No. ??? to the Keswick Secondary Plan.

3. PURPOSE

The purpose of Amendment No.??? is to define "Short-term Rental Accommodation" and to permit such use within all land use designations in the Keswick Secondary Plan which permit single detached dwellings.

4. LOCATION

Amendment No. ??? applies to lands within those land use designations in the Keswick Secondary Plan which permit single detached dwellings.

5. BASIS

Short-term Rental Accommodation has been a part of the Town of Georgina tourism infrastructure since the first vacation homes were built in the former Township of Georgina, Township of North Gwillimbury and Village of Sutton. Prior to the internet, vacation rentals were conducted through newspaper advertisements and real estate companies and by word of mouth.

Today, Short-term Rental Accommodation is generally understood to refer to individuals renting their residence, or part of their residence, for short periods of time through Internet-based platforms such as Airbnb. These platforms have grown significantly in popularity over the past five years. Short-term Rental Accommodation internet platforms are present in over 190 countries, and many

municipalities are acting to regulate this activity. Often, municipalities seek a balance between preserving the character of local communities and encouraging growth in home sharing to promote economic development.

It is the intent of this amendment that Short-term Rental Accommodation within a residential dwelling shall be considered a commercial use (i.e. not a conventional residential use) and shall only be permitted pursuant to the implementing amendment to Zoning By-law 500. Short-term Rental Accommodation shall be licenced.

In addition to Zoning and Licensing Short-term Rental Accommodation may be subject, but not limited to, other Municipal By-laws including on-street parking, noise, property standards, and fire and safety regulations.

PART C - THE AMENDMENT

1. INTRODUCTION

The whole of that part of the Amendment entitled "Part C - The Amendment", which consists of the following explanatory text constitutes Amendment No. ??? to the Keswick Secondary Plan.

2. ACTUAL AMENDMENT

- a) That Section 13.1.3.4 a) (iii) is hereby deleted and replaced with the following:

(iii) a single detached dwelling containing a Short-term Rental Accommodation use.

- b) That Section 13.1.2 **GENERAL LAND USE POLICIES** is hereby amended by adding:

"13.1.2.17 SHORT-TERM RENTAL ACCOMODATION

(a) Policies

- (i) Short-term Rental Accommodation as defined herein, may be permitted in any land use designation which permits a single detached dwelling."

- c) That Section 13.1.8.4 **Definitions** is hereby amended by inserting:

“Short-term Rental Accommodation - means a Short-term Rental Accommodation as defined by the Town of Georgina Short-term Rental Accommodation Licensing By-law, as amended, revised or replaced.”

3. IMPLEMENTATION

The Secondary Plan Amendment will be implemented by an amendment to Zoning By-law 500, pursuant to the *Planning Act* of Ontario; and, a Licensing By-law pursuant to the *Municipal Act* of Ontario.

4. INTERPRETATION

The provisions set forth in the Keswick Secondary Plan, as amended from time to time regarding the interpretation of that plan, shall apply in regard to this Amendment.

Certificate of Approval

AMENDMENT NO.???

TO THE

**SUTTON/JACKSON'S POINT
SECONDARY PLAN AREA**

This Secondary plan document which was adopted by the Council of the Corporation of the Town of Georgina is approved pursuant to Sections 17 and 21 of the Planning Act and came into force on _____, 2019.

Date: _____

**Karen Whitney, M.C.I.P., R.P.P.
Director of Community Planning
The Regional Municipality of York**

AMENDMENT NO.???
TO THE SUTTON/JACKSON'S POINT
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PART A - THE CERTIFICATION

AMENDMENT NO. ???

TO THE

SUTTON/JACKSON'S POINT

SECONDARY PLAN AREA

The attached explanatory text and location map, constituting Amendment No. ??? to the Sutton/Jackson's Point Secondary Plan, was adopted by the Council of the Corporation of the Town of Georgina by By-law No. 2019 - < > (PL-2) pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, on the ___ day of _____, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

THE CORPORATION OF THE TOWN OF GEORGINA

IN THE

REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2019- < > (PL-2)

BEING A BY-LAW TO ADOPT AMENDMENT NO. ??? TO THE SUTTON/JACKSON'S
POINT SECONDARY PLAN

The Council of the Corporation of the Town of Georgina, pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, hereby **ENACTS AS FOLLOWS:**

1. That Amendment No. ??? to the Sutton/Jackson's Point Secondary Plan constituting the attached explanatory text, is hereby adopted.
2. That the Corporation of the Town of Georgina make application to the Region of York for approval of said Amendment.
3. That the Clerk of the Corporation of the Town of Georgina is hereby authorized and directed to make such application on behalf of the Corporation and to execute under the Corporate Seal such documents as may be required for the above purposes.

Read a first, second and third time and finally passed this ____ day of _____, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

PART B - THE PREAMBLE

1. TITLE

This Amendment shall be known as:

Amendment No. ???
to the Sutton/Jackson's
Point Secondary Plan

Being an Amendment to the Sutton/Jackson's Point Secondary Plan.

2. COMPONENTS OF AMENDMENT

Only that part of this document entitled "Part C - The Amendment", comprising the attached explanatory text, constitutes Amendment No. ??? to the Sutton/Jackson's Point Secondary Plan.

3. PURPOSE

The purpose of Amendment No. ??? is to define "Short-term Rental Accommodation" and to permit such use within all land use designations in the Sutton/Jackson's Point Secondary Plan which permit single detached dwellings.

4. LOCATION

Amendment No. ??? applies to lands within those land use designations in the Sutton/Jackson's Point Secondary Plan which permit single detached dwellings.

5. BASIS

Short-term Rental Accommodation has been a part of the Town of Georgina tourism infrastructure since the first vacation homes were built in the former Township of Georgina, Township of North Gwillimbury and Village of Sutton. Prior to the internet, vacation rentals were conducted through newspaper advertisements and real estate companies and by word of mouth.

Today, Short-term Rental Accommodation is generally understood to refer to individuals renting their residence, or part of their residence, for short periods of time through Internet-based platforms such as Airbnb. These platforms have grown significantly in popularity over the past five years. Short-term Rental Accommodation internet platforms are present in over 190 countries, and many

municipalities are acting to regulate this activity. Often, municipalities seek a balance between preserving the character of local communities and encouraging growth in home sharing to promote economic development.

It is the intent of this amendment that Short-term Rental Accommodation within a residential dwelling shall be considered a commercial use (i.e. not a conventional residential use) and shall only be permitted pursuant to the implementing amendment to Zoning By-law 500. Short-term Rental Accommodation shall be licenced.

In addition to Zoning and Licensing Short-term Rental Accommodation may be subject, but not limited to, other Municipal By-laws including on-street parking, noise, property standards, and fire and safety regulations.

PART C - THE AMENDMENT

1. INTRODUCTION

The whole of that part of the Amendment entitled "Part C - The Amendment", which consists of the following explanatory text constitutes Amendment No. ??? to the Sutton/Jackson's Point Secondary Plan.

2. ACTUAL AMENDMENT

1. That Sections 13.2.5.1, 13.2.5.2, 13.2.6.1, 13.2.6.3, 13.2.6.4, and 13.2.7.1 are hereby amended by deleting "bed and breakfast".
2. That Sections 13.2.5.1, 13.2.5.2, 13.2.6.1, 13.2.6.2, 13.2.6.3, 13.2.6.4, 13.2.6.5, 13.2.6.6, 13.2.7.1, and 13.2.7.2 **PERMITTED USES** of the Secondary Plan are hereby amended by adding at the end thereof "*Short-term Rental Accommodation* may be permitted within a single detached dwelling."
3. That Section 13.2.4 is hereby amended by adding the following:

13.2.4.10 Short-term Rental Accommodation

- a) *Short-term Rental Accommodation* may be permitted in any designation which permits a single detached dwelling.
4. That Section 13.2.2.2 **PERMITTED USES** is hereby amended by adding the following:
 - (xi) *short-term rental accommodation* may be permitted within an existing

single detached dwelling or as permitted by 13.2.2.2 (e);

5. That Section 13.2.5.1.1 b) is hereby deleted and replaced with the following:

- "b) Notwithstanding Section 13.2.5.1 - Permitted Uses, on land described as Part of Lot 31, Plan 267 and shown as Item 14 on Schedule 'E' - Special Provisions, the only permitted uses shall be a women's shelter having a maximum of 30 beds, a single detached dwelling which may include an accessory apartment, a home occupation and/or a short-term rental accommodation, and accessory buildings, structures and uses to any permitted uses.

For the purposes of this Section, a women's shelter means:

"A building and premises operated for the purposes of providing secure temporary living accommodation to abused women, with or without children. Staff are available in the residence to provide supervision, counselling and other assistance, as required, on a 24 - hour basis."

6. That Section 13.2.5.1.1 c) is hereby deleted and replaced with the following:

- "c) Notwithstanding Section 13.2.5.1 - Permitted Uses, on land described as Part of Lot 1, Plan 247 and shown as Item 15 on Schedule 'E' - Special Provisions, the only permitted uses shall be a single detached dwelling which may include an accessory apartment, a home occupation and/or short-term rental accommodation, a building containing 4 dwelling units, women's shelter office space with a maximum of 3 dwelling units and accessory buildings, structures and uses to any permitted uses.

7. That Section 13.2.6.6 iii) **PERMITTED USES** is hereby deleted and replaced with the following:

- iii) single detached dwellings containing a short-term rental accommodation;

8. That Section 13.2.9 **IMPLEMENTATION** of the Secondary Plan is hereby amended by adding:

"13.2.9.11 SHORT-TERM RENTAL ACCOMODATION POLICIES

(a) Definition

- (i) means a *Short-term Rental Accommodation* as defined by the

Town of Georgina Short-term Rental Accommodation Licensing
By-law, as amended, revised or replaced.

(b) **Policies**

- (i) *Short-term Rental Accommodation* as defined herein, may be permitted in any land use designation which permits a single detached dwelling."

3. IMPLEMENTATION

The Secondary Plan Amendment will be implemented by an amendment to Zoning By-law 500, pursuant to the *Planning Act* of Ontario; and, a Licensing By-law pursuant to the *Municipal Act* of Ontario.

4. INTERPRETATION

The policies set forth in the Sutton/Jackson's Point Secondary Plan, as amended from time to time regarding the interpretation of that plan, shall apply in regard to this Amendment.

Certificate of Approval

AMENDMENT NO.???

TO THE

PEPPERLAW SECONDARY PLAN AREA

This Secondary plan document which was adopted by the Council of the Corporation of the Town of Georgina is approved pursuant to Sections 17 and 21 of the Planning Act and came into force on _____, 2019.

Date: _____

**Karen Whitney, M.C.I.P., R.P.P.
Director of Community Planning
The Regional Municipality of York**

AMENDMENT NO.???

PEFFERLAW SECONDARY PLAN

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PART A - THE CERTIFICATION

AMENDMENT NO. ???

TO THE

PEPPERLAW SECONDARY PLAN AREA

The attached explanatory text and location map, constituting Amendment No. ??? to the Pepperlaw Secondary Plan, was adopted by the Council of the Corporation of the Town of Georgina by By-law No. 2019 - < > (PL-2) pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, on the ___ day of _____, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

THE CORPORATION OF THE TOWN OF GEORGINA

IN THE

REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2019- < > (PL-2)

BEING A BY-LAW TO ADOPT AMENDMENT NO. ??? TO THE PEFFERLAW
SECONDARY PLAN.

The Council of the Corporation of the Town of Georgina, pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, hereby **ENACTS AS FOLLOWS:**

1. That Amendment No. ??? to the Pefferlaw Secondary Plan, constituting the attached explanatory text, is hereby adopted.
2. That the Corporation of the Town of Georgina make application to the Region of York for approval of said Amendment.
3. That the Clerk of the Corporation of the Town of Georgina is hereby authorized and directed to make such application on behalf of the Corporation and to execute under the Corporate Seal such documents as may be required for the above purposes.

Read a first, second and third time and finally passed this ____ day of _____, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

PART B - THE PREAMBLE

1. TITLE

This Amendment shall be known as:

Amendment No. ???
to the Pefferlaw Secondary Plan

Being an Amendment to the Pefferlaw Secondary Plan.

2. COMPONENTS OF AMENDMENT

Only that part of this document entitled "Part C - The Amendment", comprising the attached explanatory text, constitutes Amendment No. ??? to the Pefferlaw Secondary Plan.

3. PURPOSE

The purpose of Amendment No. ??? is to define "Short-term Rental Accommodation" and to permit such use within all land use designations in the Pefferlaw Secondary Plan which permit single detached dwellings.

4. LOCATION

Amendment No. ??? applies to lands within those land use designations in the Pefferlaw Secondary Plan which permit residential uses.

5. BASIS

Short-term Rental Accommodation has been a part of the Town of Georgina tourism infrastructure since the first vacation homes were built in the former Township of Georgina, Township of North Gwillimbury and Village of Sutton. Prior to the internet, vacation rentals were conducted through newspaper advertisements and real estate companies and by word of mouth.

Today, Short-term Rental Accommodation is generally understood to refer to individuals renting their residence, or part of their residence, for short periods of time through Internet-based platforms such as Airbnb. These platforms have grown significantly in popularity over the past five years. Short-term Rental Accommodation internet platforms are present in over 190 countries, and many municipalities are acting to regulate this activity. Often, municipalities seek a

balance between preserving the character of local communities and encouraging growth in home sharing to promote economic development.

It is the intent of this amendment that Short-term Rental Accommodation shall only be permitted within land use designations permitting a single detached dwelling. Short-term Rental Accommodation shall be licenced.

In addition to Zoning and Licensing Short-term Rental Accommodation may be subject, but not limited to, other Municipal By-laws including on-street parking, noise, property standards, and fire and safety regulations.

PART C - THE AMENDMENT

1. INTRODUCTION

The whole of that part of the Amendment entitled "Part C - The Amendment", which consists of the following explanatory text constitutes Amendment No. ??? to the Pefferlaw Secondary Plan.

2. ACTUAL AMENDMENT

- a) That Section 13.3.3 **GENERAL DEVELOPMENT AND SERVICING POLICIES** of the Secondary Plan is hereby amended by adding:

13.3.3.6 SHORT-TERM RENTAL ACCOMODATION POLICIES

(a) **Definition**

- (i) "means a *Short-term Rental Accommodation* as defined by the Town of Georgina Short-term Rental Accommodation Licensing By-law, as amended, revised or replaced."

(b) **Policies**

- (i) *Short-term Rental Accommodation* as defined herein, may be permitted in any land use designation which permits a single detached dwelling.

- b) That Section 13.3.4.8 **SPECIAL DEVELOPMENT AREAS** is hereby amended by deleting 13.3.4.8 (iii) a) and replacing it with the following:

“a) PART OF LOT 21, CONCESSION 6 (G)

O.P.A. 79

In that area shown in heavy outline in Schedule ‘E1 - Land Use Plan’ hereto, and designated **RESIDENTIAL SPECIAL DEVELOPMENT AREA NO. 3**, a *short-term rental accommodation* having a maximum of six guest rooms within a single detached dwelling, shall be a permitted use in addition to those uses permitted herein.”

3. IMPLEMENTATION

The Secondary Plan Amendment will be implemented by an amendment to Zoning By-law 500, pursuant to the *Planning Act* of Ontario; and, a Licensing By-law pursuant to the *Municipal Act* of Ontario.

4. INTERPRETATION

The policies set forth in the Pefferlaw Secondary Plan, as amended from time to time regarding the interpretation of that plan, shall apply in regard to this Amendment.

**THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK**

BY-LAW NUMBER 500-2019-< >

**A BY-LAW TO AMEND BY-LAW NUMBER 500, BEING A BY-LAW TO
REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND
USE OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF GEORGINA.**

Pursuant to Section 34 of the Planning Act, R.S.O., 1990, the Council of the Town of Georgina **ENACTS AS FOLLOWS:**

1. That Section 2 **DEFINITIONS** of Zoning By-law No.500, as amended, is hereby further amended by deleting Section 2.22 **BED AND BREAKFAST RESIDENCE**.
2. That Section 2 **DEFINITIONS** of Zoning By-law No. 500, as amended, is hereby further amended by adding the following:
 - 2.185 A) **SHORT-TERM RENTAL ACCOMMODATION:**
means Short-term Rental Accommodation as defined by the Town of Georgina Short-term Rental Accommodation Licencing By-law, as amended, revised or replaced.
3. That Section 2.70 **DWELLING, SINGLE FAMILY** of Zoning By-law No. 500, as amended, is hereby further amended by deleting it in its entirety and replacing it with the following:
 - 2.70 **DWELLING, SINGLE FAMILY**
means one completely detached dwelling containing one dwelling unit and may contain an accessory apartment and/or a short-term rental accommodation, provided the accessory apartment and/or short-term rental accommodation complies with Section 5.50 or 5.34 A) of this By-law respectively, and is not subject to any provisions in this by-law relating to duplex dwellings.

3. That Section 5.2 **BED AND BREAKFAST RESIDENCE** is hereby deleted.
4. That Section 5.28 (b) **NUMBER OF PARKING SPACES (MINIMUM) – RESIDENTIAL USES** is hereby amended by deleting:

bed and breakfast residence	one per each bed and breakfast guest room in addition to the spaces required for the single family dwelling
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5. That Section 5 **GENERAL PROVISIONS ALL ZONES** of Zoning By-law No. 500, as amended, is hereby further amended by adding the following:

“5.34 A) **SHORT-TERM RENTAL ACCOMODATION:**

- (a) Notwithstanding any other provision of this By-law, Short-term Rental Accommodation shall only be established and operated in accordance with the provisions of the Short-term Rental Accommodation Licensing By-law, as amended, revised and replaced.

6. That Sections 7.2, 8.2, 10.2, 11.2, 19.2, and 28.2 **PERMITTED NON-RESIDENTIAL USES** of Zoning By-law 500 are hereby amended by deleting “- bed and breakfast residence” and inserting in lieu thereof “short-term rental accommodation”.
7. That Section 7.5 **SPECIAL PROVISIONS**, subsection 7.5.59, is hereby amended by deleting “bed and breakfast residence” and replacing it with “short-term rental accommodation”
8. That Section 7.5 **SPECIAL PROVISIONS**, subsection 7.5.60, is hereby amended by deleting “bed and breakfast residence” and replacing it with “short-term rental accommodation”
9. That Section 7.5 **SPECIAL PROVISIONS**, subsection 7.5.88, is hereby amended by deleting it in its entirety.
10. That Section 10.5 **SPECIAL PROVISIONS**, subsection 10.5.34, is hereby amended by (a) deleting “(NG)” in the property reference and inserting “(G)”; (b) deleting “bed and breakfast” in the first paragraph and replacing it with “short-term rental accommodation”; and, (c) deleting the second paragraph and replacing it with the following:

“Notwithstanding Section 5.34 A), within that area shown in heavy

outline and designated "R-41" in Schedule "A" hereto, a short-term rental accommodation having a maximum of six guest rooms shall be permitted. However, the maximum number of guest rooms shall be limited to four, during any time when the number of non-resident home occupation employees exceeds two. The maintenance of a noise attenuation fence as shown in Schedule 'B-22' shall be required."

11. That Section 10.5 **SPECIAL PROVISIONS**, subsection 10.5.63 b), is hereby amended by deleting "bed and breakfast residence" and replacing it with "short-term rental accommodation".

12. That Section 18.5 **SPECIAL PROVISIONS**, subsection 18.5.10, is hereby amended by deleting the first paragraph and replacing it with the following:

"Notwithstanding Sections 2.185 A) and 18.2 in that area designated 'C5-10', only the sale and servicing of windsurfing equipment restricted to a maximum gross leasable floor area of 95 sq. metres, and operation of a short-term rental accommodation within a non-residential building shall be permitted."

13. That Section 19.4 g) **BED AND BREAKFAST RESIDENCE** is hereby deleted and replaced with the following:

"g) **SHORT-TERM RENTAL ACCOMMODATION**

Notwithstanding Sections 5 and 19.4 (a), (b) and (c), a short-term rental accommodation and accessory buildings, structures and uses thereto, shall be subject to the same lot frontage, lot area, and yard provisions as a single family dwelling in a Rural (RU) Zone.

14. That Section 28.4 g) **EXCEPTIONS TO NON-RESIDENTIAL PROVISIONS** is hereby amended by deleting "a bed and breakfast residence" and replacing it with "a short-term rental accommodation"

15. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.68, is hereby amended by deleting "bed and breakfast residence" in the second paragraph and replacing it with "short-term rental accommodation"

16. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.156, is hereby amended by deleting "bed and breakfast residence" and replacing it with "short-term rental accommodation"

17. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.173, is hereby amended by deleting "bed and breakfast residence" in the

second paragraph and replacing it with "short-term rental accommodation"

18. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.178, is hereby amended by deleting "bed and breakfast residence" and replacing it with "short-term rental accommodation"
19. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.181, is hereby amended by deleting "bed and breakfast residence" and replacing it with "short-term rental accommodation"
20. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.183, is hereby amended by deleting "bed and breakfast residence" in the second paragraph and replacing it with "short-term rental accommodation"
21. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.185, is hereby amended by deleting "bed and breakfast residence" and replacing it with "short-term rental accommodation"
22. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.186, is hereby amended by deleting "bed and breakfast residence" in the first paragraph and replacing it with "short-term rental accommodation"
23. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.187, is hereby amended by deleting "bed and breakfast residence" and replacing it with "short-term rental accommodation"
24. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.189, is hereby amended by deleting "bed and breakfast residence" in the first paragraph and replacing it with "short-term rental accommodation"
25. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.196, is hereby amended by deleting "bed and breakfast residence" in the second paragraph and replacing it with "short-term rental accommodation"
26. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.199, is hereby amended by deleting "bed and breakfast residence" and replacing it with "short-term rental accommodation"
27. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.201, is hereby amended by deleting "bed and breakfast residence" and replacing it with "short-term rental accommodation"

28. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.202, is hereby amended by deleting “bed and breakfast residence” and replacing it with “short-term rental accommodation”
29. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.225, is hereby amended by deleting “bed and breakfast residence” and replacing it with “short-term rental accommodation”
30. That Section 28.5 **SPECIAL PROVISIONS**, subsection 28.5.226, is hereby amended by deleting “bed and breakfast residence” and replacing it with “short-term rental accommodation”

READ and ENACTED this _____ day of _____, 2019

Mayor, Margaret Quirk

Town Clerk, John Espinosa

EXPLANATORY NOTE

Short-term Rental Accommodation

File: 03.???

1. The purpose of Zoning By-law No. 500-2019-XXXX (PL-5), which amends Zoning By-law 500, is to:
 - delete the definition of Bed and Breakfast Residence as outlined in Section 2.22 of Zoning By-law 500;
 - delete the general provisions associated with Bed and Breakfast Residence as outlined in Section 5.2 of Zoning By-law 500
 - delete the parking space requirements for a Bed and Breakfast Residence as outlined in Section 5.28 (b) of Zoning By-law 500;
 - delete Bed and Breakfast Residence as a permitted non-residential use in Sections 7.2, 8.2, 10.2 and 11.2 (residential zones), Section 19.2 (Camp Commercial (C6) Zone), and Section 28.2 (Rural (RU) Zone), and replace it with short-term rental accommodation;
 - permit the establishment of Short-term Rental Accommodation as defined, regulated, and licenced by the Town of Georgina Short-term Rental Accommodation By-law.
 - introduce parking requirements for Short-term Rental Accommodation; and,
 - delete Bed and Breakfast Residence provisions as outlined in Section 19.4 g)
 - delete exceptions to non-residential use provisions as outlined in Section 28.4 g)
 - update the provisions for the short-term residential accommodation (formerly *bed and breakfast residence*) permitted by site-specific zoning amendments
2. This by-law is to be read in conjunction with a Short-term Rental Accommodation Licensing By-law, passed pursuant to the *Municipal Act*, which establishes standards to ensure the orderly operation of Short-term Rental Accommodation within the Town of Georgina.
3. This by-law conforms to the Town of Georgina Official Plan, the Keswick Secondary Plan, the Sutton/Jackson's Point Secondary Plan, and the Pefferlaw Secondary Plan, all of which have been amended to incorporate Short-term Rental Accommodation policies.

**THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK**

BY-LAW NUMBER 2019-

**BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN
SHORT-TERM RENTAL ACCOMMODATIONS**

WHEREAS the Council of the Town of Georgina may, pursuant to the *Municipal Act*, 2001, S.O. 2001, c.25. as amended, (*"The Municipal Act"*), enact by-laws for the licensing, regulating and governing of businesses and occupations in the Town of Georgina;

AND WHEREAS the Council of the Town of Georgina deems it desirable to enact a by-law to Licence Short-term Rental Accommodation;

BE IT THEREFORE ENACTED BY THE COUNCIL OF THE TOWN OF GEORGINA:

1. DEFINITIONS

For the purpose of this by-law:

Agent means a Person duly appointed by an Owner or the Town to act on their behalf;

Appeal Committee means a committee of individuals which has been delegated, by Town of Georgina Council, the responsibility of handling appeals, suspensions and revocations of Licences under this by-law;

Applicant means the Person applying for a Licence or renewal of a Licence under this by-law;

Corporation means a body corporate incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporations Act*, R.S.O. 1990, c. C. 38;

Fee means a Fee as set forth in Appendix "B" of this by-law;

Guest Room means a room offered for short-term rental accommodation intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code;

Licence means the Licence issued under this by-law as proof of licensing under this by-law;

Licensee means a Person who holds a Licence or is required to hold a Licence under this by-law;

Licensing Coordinator means the Town Clerk or designated Town staff person;

Officer means a Police Officer, vention Officer, Fire Inspector, Building Inspector, Zoning Examiner, Plans Examiner, Municipal Law or Enforcement Officer;

Owner means the Person holding title to the Property on which the Short- term Rental Accommodation is located, and "Ownership" has a corresponding meaning;

Person means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a Licence under this by-law as the context requires;

Premises means the Property upon which a Short-term Rental Accommodation is operated, inclusive of buildings or structures or any part thereof used for such purpose;

Property means the land upon which a Short-term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof;

Renter means the person responsible for the rental of the Premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

Renter's Code of Conduct as set forth in Appendix "A" means a document that has been prepared by the Town that prescribes the roles and responsibilities of the renter, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Town by-laws, and adherence to the provisions of this by-law;

Short-term Rental Accommodation: means the use of a single family dwelling, as defined in Zoning By-law 500, or any part thereof, that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period equal to or less than thirty (30) consecutive calendar days, throughout all or any part of the calendar year, unless otherwise prohibited by this by-law, or any other by-law of the Town of Georgina.

Short-term Rental Accommodation uses shall not include any other form of residential dwelling, a hotel, motel, motor hotel, nursing home, private or public hospital, temporary accommodations for seasonal farm workers, a recreational vehicle park, a tent campground, or similar commercial or institutional use, as defined in Zoning By-law 500.

Town means the Corporation of the Town of Georgina in the Regional Municipality of York.

Zoning By-law means the Town's Zoning By-law Number 500, as amended, or any successor comprehensive Zoning By-law, as amended.

2. GENERAL PROVISIONS

- (1) (a) The maximum number of Persons, including but not limited to residents, renters and their guests, permitted on a Premises, at any one time, shall be eight (8) for a single family dwelling containing one (1) or two (2) Guest Rooms delineated on the required floor plan, and twelve (12) where there is a minimum of three (3) Guest Rooms delineated on the required floor plan.
- (b) Notwithstanding 2(1)(a) above, the property zoned "R1-120" in Zoning By-law 500, and described as Lot 11 and Block B, Plan 168 on the North Side of Malone Avenue, which was zoned for five guest bedrooms, shall be limited to fifteen (15) persons on the Premises at any one time.
- (c) Notwithstanding 2(1)(a) above, the property zoned "R-41" in Zoning By-law 500, and described as part of Lot 21, Concession 6 (G), on the east side of the Pepperlaw Road, which was zoned for six guest bedrooms shall be limited to eighteen (18 persons) on the Premises at any one time.

- (2) The provision of parking on the site plan referenced in Section 3 (1)(g) below shall include the following:
- (a) a minimum of three parking spaces plus one additional parking space per Guest Room;
 - (b) parking space sizes of 2.5 metres X 5.7 metres; and
 - (c) compliance with all other parking provisions as set forth in Zoning By-law 500.
- (3) All vehicles shall only be permitted in a parking area consisting of a hard- surfaced driveway (gravel, paved, concrete, interlock or similar hard surface).
- (4) The provisions of this section shall not apply when the Short-term rental accommodation is not rented.

3. LICENSING REQUIREMENTS

- (1) Every application for a new Licence, or the renewal of an existing Licence, shall include:
- (a) a completed application in the form required by the Town, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
 - (b) proof of Ownership for the Premises;
 - (c) proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
 - (d) proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:
 - (i) an article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and,
 - (ii) a list containing the names of all shareholders of the Corporation;
 - (e) in the case of an Applicant being a partnership, the names and addresses of each member of the partnership

as well as the name under which the partnership intends to carry on business;

- (f) in the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization;
 - (g) a site plan and floor plan, drawn to scale and fully dimensioned of the Premises including:
 - (i) the location of all buildings and structures on the Property;
 - (ii) the use of each room;
 - (iii) location of smoke detection and early warning devices;
 - (iv) location of fire extinguishers;
 - (v) all entrances/exits to and from the building
 - (vi) exterior decks that are appurtenant to the Premises; and related site amenities including dimensioned parking spaces, and other buildings or structures on the Property;
 - (h) proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for Property damage and bodily injury and identifies that a Short-term Rental Accommodation is being operated on the Property. The insurance coverage required herein shall be endorsed to the effect that the Town shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy;
 - (i) an Electrical Safety Authority (ESA) certificate; and
 - (j) payment of the applicable licensing Fee (Appendix "B").
- (2) Every Licensee under this by-law shall notify the Licensing Coordinator immediately of a change in any of the required documents to be filed with the Clerk's Department.

4. INSPECTION

- (1) It is the responsibility of any Person applying for a Licence to contact the Town for an inspection, which shall ensure compliance with the following where applicable:
 - (a) provisions of this by-law;
 - (b) *Building Code Act, 1992, S.O. 1992 c.23; ("Building Code Act")*
 - (c) *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ("Fire Protection and Prevention Act")*
 - (d) Property Standards By-law;
 - (e) Zoning By-law;
 - (f) any other municipal by-laws or provincial legislation that may affect the status of the application.
- (2) During the inspection process, all relevant departments of the Town may provide comment on any known matters that would assist with determination of licence eligibility.

5. PROHIBITIONS

- (1) No Person shall operate or carry on any trade, business or occupation of Short-term Rental Accommodation unless that Person has first obtained a Licence pursuant to this by-law.
- (2) No Person shall discriminate in the carrying on of the trade, business or occupation of Short-term Rental Accommodation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- (3) No Person shall fail to comply with an order issued by an Officer.
- (4) No Person shall advertise an unlicensed Short-term Rental Accommodation.
- (5) No Person shall violate the provisions of the Renter's Code of Conduct attached as Appendix "A" to this by-law.

6. ADMINISTRATION AND ENFORCEMENT

- (1) The Licensing Coordinator shall be responsible for the administration of this by-law;
- (2) Officers shall be responsible for the enforcement of this by-law;
- (3) Upon receipt of an application for a Licence, a Licensing Coordinator shall perform the following functions:
 - (a) receive and review the application in conjunction with any provision of this by-law; and,
 - (b) ensure the relevant Officers have carried out the necessary inspections to satisfy the Town that the Premises is in compliance with the provisions of this by-law.
- (4) Upon determination that a contravention of the provisions of this by-law has occurred, an Officer may issue the required notice and/or order.

7. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL

- (1) The Licensing Coordinator shall have the authority to issue, refuse to issue or renew a Licence, to revoke or suspend a Licence, or to impose terms and conditions on a Licence.
- (2) The Licensing Coordinator may refuse to issue or renew a Licence where:
 - (a) the conduct of an Applicant affords reasonable grounds for belief that the Applicant has not carried on, or will not carry on, the business in accordance with the law or with integrity and honesty;
 - (b) there are reasonable grounds for belief that the operation of the business may be averse to the public interest;
 - (c) a Licence has been previously revoked, suspended, or made subject to terms and conditions;

- (d) a Person applying for a Licence has presented a history of contravention with this by-law or other Town by-laws;
 - (e) the Renter's Code of Conduct (Appendix "A") has been violated;
 - (f) the proposed use of the Premises is not permitted by the Zoning By-law;
 - (g) the Owner is indebted to the Town in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding Property taxes and late payment charges, against an Owner's Property;
 - (h) the Property to be used for carrying on the trade, business or occupation does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the *Building Code Act*, the *Fire Protection and Prevention Act*, and the *Electricity Act*.
- (3) Notwithstanding Section 3 of this By-law, the Licensing Coordinator may issue a Licence where a variance to this by-law has been approved. The Appeals Committee, upon application of the Owner of a Premises permitting a short-term rental accommodation, may authorize such variance from the provisions of this by-law, in respect of the Owner's Premises as in its opinion is desirable for the appropriate use of the Premises and in the opinion of the Appeals Committee the general intent and purpose of the by-law is maintained. The decision of the Appeals Committee, with regard to the variance application, shall be final and binding.
- (4) The Licensing Coordinator may suspend a Licence as per Table 1 in Appendix "C" to this By-law.
- (5) The Licensing Coordinator, if satisfied that the continuation of a Licence poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a Licence for not more than 14 days. If after this period, the Licensing Coordinator is satisfied that the continuation of a Licence will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than 14 days or revoke a Licence.

- (6) The Licensing Coordinator may revoke a Licence if it was issued in error or granted based on incorrect or false information.
- (7) The Licensing Coordinator may revoke a Licence as per Table 1 in Appendix "C" to the by-law.

8. TERM OF LICENCE

- (1) A Licence issued pursuant to the provisions of this by-law shall expire one (1) year from the date it was issued, unless it is revoked in accordance with the provisions of this by-law.

9. ORDER

- (1) Where an Officer has reasonable grounds to believe that a contravention of the by-law has occurred, the Officer may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing:
 - (a) compliance within a specified period of time;
 - (b) any work that is required to be done. In the event of a default of such work being done, the Officer may direct work to be done at the Licensee's expense, and the Town may recover the expense in the same manner as municipal taxes; or
 - (c) the activity be discontinued.
- (2) Any Person who contravenes an order under this by-law is guilty of an offence.
- (3) An order under this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
- (4) Any violations of those Acts or by-laws, or any other relevant legislation, set forth in Section 5 (b) to (g) of this by-law shall be addressed pursuant to the respective remedies. In addition, demerit points will be levied against the Premises in violation of this by-law as per Table 1 in Appendix "C" to this by-law.

10. PENALTY FOR NON-COMPLIANCE

- (1) Every Person who contravenes any of the provisions of this by-law, upon conviction, is guilty of an offence and liable to a fine pursuant to the Provincial Offences Act, as amended.
- (2) Every Person who contravenes any provision of this by-law, upon conviction, is guilty of an offence, and all contraventions of the by-law are designated as continuing offences pursuant to Section 429 of the *Municipal Act*.
- (3) Every Person, other than a company who contravenes any provision of this by-law, and every director of a Corporation who knowingly concurs in such contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- (4) Where a Corporation is convicted of an offence under this by-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- (5) Where a Person has been convicted for an offence under this by-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

11. APPEAL

- (1) Where the Licensing Coordinator has denied an Applicant a Licence, a renewal of a Licence or has suspended or revoked a Licence, the Licensing Coordinator shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Appeal Panel.
- (2) A Person may appeal to the Appeal Committee in relation to the matter of notice in subsection (1). Appeals will not be permitted for any matters that have already been heard by the Appeal Panel. A request for an appeal shall be made in writing to the Licensing Coordinator, setting forth the reasons for the appeal, within 14 business days after service of the written notice and payment of the required appeal fee (Appendix "B").

- (3) Where no request for an appeal is received in accordance with subsection (2), the decision of the Licensing Coordinator shall be final and binding.
- (4) Where a request for an appeal is received, a hearing of the Appeal Panel shall be convened, and the Applicant or Licensee shall be provided reasonable written notice thereof.
- (5) After such opportunity to be heard is afforded the Person, the Appeal Committee shall make a decision. When making its decision the Appeal Committee may consider any matter pertaining to this by-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, the Appeal Committee may refuse to issue or renew a License, revoke, suspend, or impose any condition to a License. The Appeal Committee's decision is final and binding and shall not be subject to review.

Where the Appeal Committee conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 ("Statutory Powers Procedure Act") shall apply.

12. COLLECTION OF UNPAID FINES

- (1) Pursuant to Section 441 of the *Municipal Act*, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, R.S.O. 1990, c P.33, ("Provincial Offences Act") including any extension of time for payment ordered under that Section, the Licensing Coordinator may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the *Municipal Act* and may be added to the Owner's tax roll and collected in the same manner as Property taxes.

13. POWERS OF ENTRY

- (1) An officer may at any time enter on any premises and inspect any place/vehicle for the purpose of determining whether the following are complied with:

- (a) the provisions of the by-law;
 - (b) an order issued under this by-law; or
 - (c) an order made under Section 431 of the *Municipal Act*;
- (2) Where an inspection is conducted, the Officer conducting the inspection may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples, or photographs necessary for the purposes of the inspection.
- (3) The Town may undertake an inspection pursuant to an Order issued under Section 438 of the *Municipal Act*.
- (4) The Town's power of entry may be exercised by an Officer, or Agent for the Town, or by a member of the York Regional Police.

14. OBSTRUCTION

- (1) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under the *Municipal Act*, or under a by-law passed under the *Municipal Act*.
- (2) Any Person who has been alleged to have contravened any of the provisions under the *Municipal Act* or under a by-law passed under the *Municipal Act*, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered an Officer in the execution of his/her duties.

15. SEVERABILITY

- (1) In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

16. AUTHORIZATION

That the Town Clerk be authorized and directed to take the necessary actions to give effect to this by-law.

17. TITLE

- (1) This by-law may be known as the "Short-term Rental Accommodation Licensing By-law".

18. EFFECTIVE DATE

- (1) This by-law comes into effect on _____, 20__.

Mayor, Margaret Quirk

Clerk, John Espinosa

APPENDIX `A`

SHORT-TERM RENTAL ACCOMMODATION

Renter's Code of Conduct

1. Purpose of the Code

The purpose of the Renter's Code of Conduct is to acknowledge that Short-term Rental Accommodation premises are permitted in residential neighbourhoods and that the permanent residents of these neighbourhoods have the right to enjoy their own properties without nuisance. It also outlines specific requirements for Short-term Rental Accommodations and imposes responsibilities for both Owners and Renters of such properties and that Owners bear the primary responsibility of conveying this information to renters of their property.

2. Objectives of this Code

The Objective of this Code is to establish acceptable standards of behaviour for hosts and renters to minimize any adverse impacts on their neighbours and the neighbourhood.

3. Residential Area

The Renter acknowledges for themselves and on behalf of others that they will be occupying a Short-term Rental Accommodation that is located in a residential area.

4. Guiding Principles

The guiding principles for Short-Term Rental Accommodation renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbours; and
- Leave it as you find it.

5. Maximum Number of Renters and Guests:

The maximum number of renters including non-occupying guests and residents, permitted at a Short-term Rental Accommodation premises shall limited as per Section 2(1)(a) of the Short-term Rental Licensing By-law.



6. Noise and Residential Amenity:

No person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb area residents. Examples of noise that is likely to disturb residents at any time include:

- a) Loud music;
- b) Outdoor or backyard gatherings or activities involving excessive noise or disruptive behaviour;
- c) Late evening/early morning disturbances; and,
- d) Yelling, shouting, singing or conversing loudly.

Renters and their guests are not allowed to disturb neighbours or interfere with their enjoyment of their premises, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Town Noise By-law may result in legal action being taken. Failure to comply may result in demerit points in accordance with Appendix A of the Short-term Rental Accommodation by-law.

7. Access and Parking:

Please familiarize yourself and your guests with the Parking Management Plan for the premises to ensure ease of access with minimum disturbance to neighbours.

All Short-term Rental Accommodation premises will have vehicle parking requirements as part of the licensing process. Please refer to the approved Premises Parking Management Plan.

8. Recycling and Garbage:

Please familiarize yourself and your guests with the Property Management Plan, including the provisions that have been made for waste management and the day of the week in which waste collection is scheduled. It should be noted that the “putting out” of waste on a non-scheduled day is regulated by the Town’s Waste Management By-law. Waste collection information and pick up times are available on the Town of Georgina’s website.

9. Dwellings on Lots on Private Sewage Disposal Systems:

Note: Maximum occupancy of a Short-Term Rental Accommodation is based on a maximum of two persons per Guest Room. Exceeding the maximum occupancy may result in the malfunctioning of the septic system and pollution of the ground water system. This is of particular concern within 100 metres (328 feet) of Lake Simcoe and permanent streams (as discussed in the *Lake Simcoe Protection Act, 2009*.)



10. Fire and Occupant Safety:

All Short-term Rental accommodations shall have installed operating fire alarms. In Short-term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Owner shall ensure that the building is equipped with a **carbon monoxide alarm** installed outside of the sleeping areas. Further, the Owner shall regularly test the alarms to ensure that they are operational. If a renter discovers that any of the alarms are not operational the renter shall immediately notify the property owner of the deficiency.

11. Leisure Vehicle Parking:

Note: The Town of Georgina has adopted a Leisure Vehicle by-law (e.g. motor homes, boats, trailer, snowmobiles etc.) which addresses parking requirements. Parking requirements for Leisure Vehicles are addressed as part of the overall Parking Management Plan within the Short-term Rental Accommodation By-law.

12. Owner's Additional Responsibilities

All owners and renters of Short-term Rental Accommodations are responsible for compliance with all other Town of Georgina by-laws (including, but not limited to the following: Noise By-law, Waste By-law, Open Air Burning By-law, Fireworks By-law, etc.).

I, _____ having read the above, and the terms of the Short-term Rental Accommodations By-law and License, undertake to provide those persons renting my short-term rental accommodation with a copy of the Renter's Code of Conduct and to advise them to act appropriately. I also realize that a violation of the licensing agreement may result in the suspension or revocation of the short-term rental accommodation for my property.

Signature of Applicant for License

Date

APPENDIX “B” TO BY-LAW #
SHORT-TERM RENTAL ACCOMMODATION FEE SCHEDULE

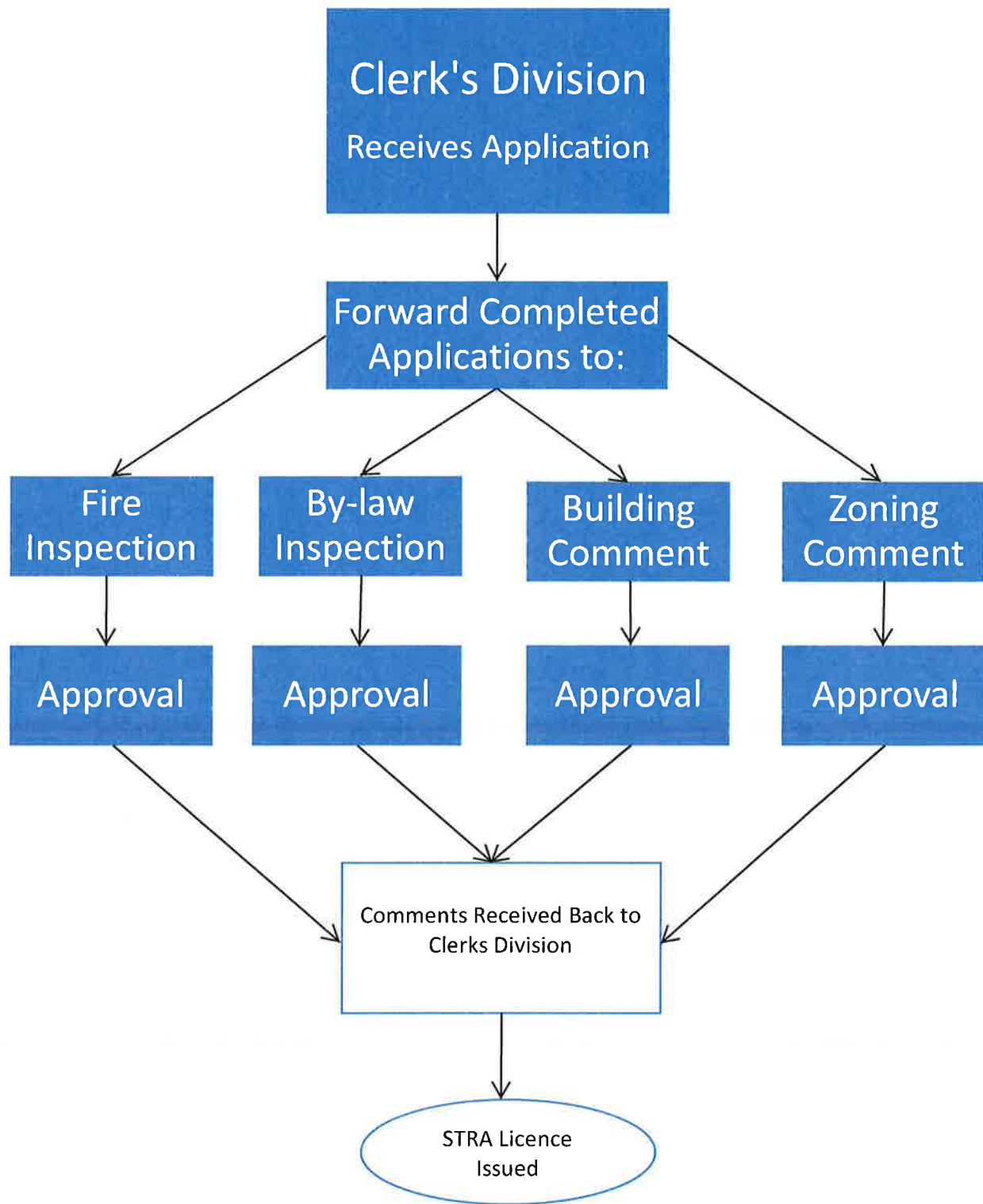
REQUIRED FEES		FEES	Expiry Date
Short-Term Rental Accommodation Licensing Fee		\$2000.00	One year from issue/ As stipulated on licence
Short-Term Rental Accommodation Renewal Fee		\$750.00	One year from issue
Licensing Committee Appeal Fee		\$300.00	
Comment and/or Inspections Obtained from:		Georgina Fire Department Municipal Law Enforcement Department of Development Services	

APPENDIX 'C' - DEMERIT POINT SYSTEM**SHORT-TERM RENTAL ACCOMMODATION**

- (1) A Demerit Point System is hereby established in accordance with Table 1, without prejudice to options otherwise available to enforce this By-law or any other bylaws of the Town, Provincial Act or Regulation including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act, and the Provincial Offences Act;
 - (a) The number of Demerit Points referenced in Column 3 of Table 1 below will be assessed against a Short-term Rental Accommodation Premises in respect of the matter noted in Column 1 upon the following event respecting a contravention:
 - (i) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
 - (ii) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - (iii) an Order not complied with; or,
 - (iv) an Order not complied with resulting in Town remediation.
- (2) A Licence may be suspended for a period not longer than six months if the total Demerit Points in effect respecting a Short-term Rental Accommodation is at least seven.
- (3) A Licence may be revoked if the total of all Demerit Points in effect respecting a Short-term Rental Accommodation is at least fifteen.
- (4) Notice of the suspension or revocation of a Licence shall be provided to the Owner in accordance with Section 7 of this By-law and a Licensee may appeal the suspension or revocation in accordance with Section 11 of this By-law.
- (5) Demerit Points shall remain in place until the two-year anniversary of the date of which the Demerit Points were assessed.
- (6) The Town shall not be liable for economic or other losses claimed by a Licensee for any reason, so long as good faith efforts were made by the Town or its representatives in exercising their judgment, or fulfilling their responsibilities, under this By-law.

Table 1

Infraction	Reference	Type	Demerit Points
Fire Protection and Prevention Act/Fire Code	FPPA/FC	Order not Complied With	3
		Part 1 or Part III	7
Open Air Burning Violation	Town Open Air Burning By-law	Cost Incurred for Illegal Fire	2
		Part 1 or Part III	4
Operating without a licence	STRA By-law	Order not Complied With	3
		Part 1 or Part III	5
Building Code Act (Order to Comply)	BCA	Order not Complied With	3
		Part 1 or Part III	7
Noise By-law Infraction	Town Noise By-law		
		Part 1 or Part III	4
Waste Collection By-law Infraction	Town Waste By-law	Order not Complied With	2
		Part 1 or Part III	4
Property Standards	Town Property Standards By-law	Order not Complied With	2
		Part 1 or Part III	4
Discharge of Fireworks	Town Fireworks By-law		
		Part 1 or Part III	4
Violation of any Provision of this By-law	STRA By-law	Order not Complied With	2
		Part 1 or Part III	4
Violation of Renter's Code of Conduct	STRA By-law	Order not Complied With	2
		Part 1 or Part III	4



From: Margaret Quirk [mailto:mquirk@georgina.ca]
Sent: Friday, March 29, 2019 7:55 AM
To: Dave Neeson <dneeson@georgina.ca>; Anita David [REDACTED]
Cc: Harold Lenters <hlenters@georgina.ca>; michael@msplanning.ca
Subject: RE: Comments - Short-Term Rental Accommodation Proposed Amendment

Thanks for your comments Dan and Anita. There is a Public Meeting scheduled for April 24th for the Short Term Rental, I would encourage you to come that evening at 7pm. The report will be available the week before and if you are unable the meeting I hope you are able to provide us with additional comments.

Thank you again for reaching out to us with your concerns.

Margaret



Margaret Quirk
Mayor | Town of Georgina
26557 Civic Centre Road, Keswick, ON | L4P 3G1
905-476-4301 Ext. 2215 | georgina.ca
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From: Dave Neeson <dneeson@georgina.ca>
Sent: March 28, 2019 9:04 PM
To: Anita David [REDACTED]
Cc: Harold Lenters <hlenters@georgina.ca>; Margaret Quirk <mquirk@georgina.ca>; michael@msplanning.ca
Subject: Re: Comments - Short-Term Rental Accommodation Proposed Amendment

Thank you, Dan and Anita.

-Dave

Dave Neeson | Councillor, Ward 3 | Town of Georgina
26557 Civic Centre Road, RR2 Keswick, ON L4P3G1 | Cell: 289-716-6772
www.georgina.ca

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On Mar 28, 2019, at 8:28 PM, Anita David [REDACTED] wrote:

Four years ago, we relocated to Georgina expecting that we would enjoy our new waterfront home, but to our dismay we discovered that our neighbour was renting out her home (where she does not reside) which resulted in having to put up with constant disruptions from short-term renters. We are therefore opposed to any short term renters in residential areas.

Upon reading the draft policy, it appears that the Town is nevertheless going to enact some accommodation for short term rentals. As a minimum, we request that the following provisions under Section 3, General Provisions remain in the policy--which states:

- (1) The maximum number of Guest Rooms delineated on the required floor plan shall be four (4)
- (2) The maximum number of Persons, including residents, permitted on a Premises shall be equal to three (3) times the number of Guest Rooms delineated on the required floor plan.

We further recommend that item (2) above include an additional restriction that the maximum number of persons permitted on the property include transient visitors that are not registered renters. We believe that this would help reduce the excessive noise and disruption that we are currently experiencing.

We are greatly concerned with our quality of life here in Georgina and we are hopeful that you will carefully consider our concerns prior to enacting any new policy.

Dan Driedzic & Anita David
[REDACTED]

From: Margaret Quirk [mailto:mquirk@georgina.ca]
Sent: Sunday, March 10, 2019 11:31 AM
To: [REDACTED]; Dave Neeson <dneeson@georgina.ca>
Cc: *Mayor & Council (incl. CAO, D-CAO & EA) <council@georgina.ca>; Harold Lenters <hlenters@georgina.ca>; Michael Smith <michael@msplanning.ca>
Subject: RE: TIME TO WAKE UP GEORGINA: Airbnb and Miami Beach Are at War. Travelers Are Caught in the Crossfire. - The New York Times

Hi Peter, thanks for your email and the link to the article. I have forwarded this along to all members of Council and staff as requested.

Regards,

Margaret



Margaret Quirk
Mayor | Town of Georgina
26557 Civic Centre Road, Keswick, ON | L4P 3G1
905-476-4301 Ext. 2215 | mquirk@georgina.ca
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From: [REDACTED]
Sent: March 10, 2019 10:31 AM
To: Margaret Quirk <mquirk@georgina.ca>; Dave Neeson <dneeson@georgina.ca>
Subject: TIME TO WAKE UP GEORGINA: Airbnb and Miami Beach Are at War. Travelers Are Caught in the Crossfire. - The New York Times

Dear Mayor
TIME TO WAKE UP GEORGINA - that's my comment - don't you see you are

Attachment 8 ii)

opening up our residential neighbourhood and the Town and yourselves down a path that you and everyone will deeply regret. Time to switch direction use your gut instincts and stop bowing to lawyers and consultants and walking this tightrope. Please circulate to Council and staff stakeholders.

Respectfully

Peter Stevens

PS: You are exhausting us.

<https://www.nytimes.com/2019/03/09/travel/airbnb-miami-beach-war.html>

Sent from my iPhone:

DoC

Peter Stevens

Airbnb and Miami Beach Are at War. Travelers Are Caught in the Crossfire.

The Florida city, like others around the country, is trying to control the home sharing market. Renters often find out their weekend home is illegal when they get a knock on the door.

On a recent Friday evening, David Igbokwe and his friends were relaxing in their Miami Beach Airbnb, listening to music and getting ready to go out to dinner.

Their plans were interrupted by a knock at the door.

“City of Miami Beach,” said Jackie Caicedo, a code compliance officer who works for the city.

Mr. Igbokwe opened the door and began answering questions: Was he from Miami Beach?

No.

Was he on vacation?

Yes.

Did he find the apartment on Airbnb?

Yes.

Ms. Caicedo had some bad news. “I’m here because, basically, this is an illegal short-term rental,” she said. “It’s in a residential area. It’s zoned in a residential area, so it’s prohibited for anyone to rent a unit for less than six months and a day.”

That same night, within a 45-minute period, Ms. Caicedo knocked on the doors of five other apartments in the building at 1300 15th Street, a two-story, eight-unit white structure. Apt. 101 had two older men who wouldn’t reveal their plans. In Apt. 103, two men in their 20s were visiting from New York City for the weekend. Apt. 104 had an Argentine family of four. Apt. 201 had an older Chilean couple on vacation for the week. In Apt. 204, a young man and woman were visiting from the nearby town of Hallandale, Fla.

All of the apartments had been illegally rented out. The property manager of an apartment building next door had called in a complaint.

Typically, when the city’s code compliance officers come across illegal short-term rentals, they ask renters to contact their hosts and ask to be relocated. In situations

where the hosts won't cooperate, guests still have to leave. On occasion, the city helps them find a new place to stay. But since Mr. Igbokwe and his friends were cooperative and leaving after just two nights, Ms. Caicedo said she would recommend that they be allowed to stay in the apartment.

But when another officer arrived the following day, the friends became annoyed. They contacted the man who had rented them the apartment on Airbnb, who went by the name of Jason, to ask for a refund, and contacted Airbnb as well. They were told that, because they did not notify anyone immediately after Ms. Caicedo's visit on Friday evening, they could not get their money back. Mr. Igbokwe said that Jason, who was friendly on the first day, seemed angry with his guests when they complained about the officers coming by. The owner of the building was fined \$40,000.

Mr. Igbokwe's rental was on the edge of a neighborhood known as Flamingo Park that has become a flash point in the battle between residents and companies that offer short-term rentals in Miami Beach, including Booking.com, VRBO, HomeAway, FlipKey and, in particular, Airbnb. Save for a few properties that have been grandfathered in, and in the City's overlay district where short-term transient rentals are allowed, the city prohibits rentals of less than six months and a day in many residential neighborhoods.

Image

"We have residential areas in our community and we have zoned them so when people purchase a home they know they are in a residential community," said Mayor Dan Gelber of Miami Beach, saying that Airbnb was knowingly flouting the law.

Airbnb, for its part, is currently suing the city, saying that its regulations are overly burdensome. "Nobody benefits when cities impose laws written with the sole intent of punishing both residents and consumers," wrote Benjamin Breit, a spokesman for the company, in an email.

In the increasingly heated war between the rental companies and communities, renters like Mr. Igbokwe and his friends, who unwittingly book rooms that are being offered illegally, are the collateral damage. They can end up out on the street, out hundreds of dollars and in need of a new place to stay, sometimes in the middle of the night.

"We 100 percent would have rented elsewhere if we'd known we couldn't stay there," Mr. Igbokwe said. "The whole thing was out of our hands, which is frustrating."

A 'Postcard Perfect' Neighborhood

It's easy to understand why tourists want to stay in Flamingo Park. It's close to the beach. It's surrounded by popular restaurants. As one tourist who didn't want to be named because she was staying in an illegal rental said while rolling her bag down the street, Flamingo Park is "postcard perfect."

An outsider might not notice, but locals walking through Flamingo Park point out the signs that homes are being rented out. There are the lockboxes on the sides of buildings, attached to bike racks or slightly hidden behind hedges. These boxes are where renters pick up the keys to their vacation homes. Sometimes these are the people wandering through the neighborhood looking a little lost, or the ones who ring the wrong buzzer because they aren't quite sure where to go.

"You get to a point where you feel like you're living in a hotel room," said Kathaleen Smarsh, a resident of Flamingo Park. "You don't know who is coming and going at all hours."

Another clue is usually heard before it's seen: The seemingly endless sound of suitcases rolling down the sidewalk, through a building's lobby or hallways, at all hours, residents said.

Then there's the loud music that residents said awakens them at night, typically blasting from Ubers, Lyft's and cabs depositing drunk young guests at their rentals, or from the homes themselves.

Increasingly, residents have filed noise complaints with the city, which brings out officers like Ms. Caicedo, who night after night knock on doors and tell renters that they're breaking the law. The code compliance department said that noise complaints are one way it finds out about illegal rentals.

"Young people often want to continue the party after they've left an actual party," Ms. Caicedo said. "Usually we only find out it's a short-term rental after we go to a place for another complaint like noise."

The department said it conducted 1,737 short-term rental investigations in the 2017-2018 fiscal year, up from 592 in 2013-2014; for the last two years any interactions have been captured on the body cameras code compliance officers wear when they're on duty.

Residents say they also have to deal with the trash left behind by renters.

"If these were mom-and-pop operations, with people renting out a room here and there, we wouldn't all notice," said Jeff Donnelly, who has lived in Flamingo Park with his wife since 1992. "We notice because these are inns without innkeeping, and the innkeeping falls on the neighbors."

Mr. Donnelly and Ms. Smarsh also said the short-term rentals are taking away long-term rentals for people who work in Miami's hotels and restaurants.

Ms. Smarsh said she and her neighbors were not motivated by renters' color or ethnic origins.

"We have neighbors from all over South America, from Europe and around this country, and we want them here," Ms. Smarsh said. "We want to see appreciation, development, growth, diversity, but it's still a neighborhood."

Fines starting at \$20,000

Short-term rentals are available on numerous sites, but with more than 5 million listings in more than 81,000 cities and 191 countries, Airbnb is the largest player in the market. The company has approximately 4,500 active listings in Miami Beach.

Airbnb has said it works with cities around the world to create reasonable regulation. It is currently suing the city of Miami Beach for a rule that went into effect in December that requires platforms only to allow posts from hosts with resort tax registration and business license numbers. The rule also requires home-sharing platforms to remove listings in neighborhoods that, like Flamingo Park, don't allow short-term rentals.

Airbnb chose to follow the second rule, which it refers to as "geofencing." The company is arguing that the city initially said it expected companies to follow either the first requirement or the second, not both.

"It came as a shock," Airbnb says in its lawsuit, that the city "expected home-sharing platforms to comply *both* with the registration-number display requirements *and* the geofencing provision." The company added that it does not review the listings that appear on its site and that it "also advises its hosts and guests to be aware of and comply with local laws."

The company declined to comment on the situation in Flamingo Park. Jason, the man who rented to Mr. Igbokwe, declined to be interviewed.

Emails and messages on booking platforms to 15 other hosts either went unanswered, or they declined to comment. The other apartments in the building Mr. Igbokwe stayed in were not listed for rent online. The guests in those apartments said they had booked at a legal property through Booking.com, but were diverted to the 15th Street building by their host. The host did not respond to a request for an interview.

"That property has never been open on Booking.com for customers," said Kimberly Soward, a spokeswoman for the company, who added, "Booking.com always abides by the applicable laws of the market we operate in."

Natalie Nichols, a longtime Miami Beach resident, is one of the rare former Airbnb hosts willing to be interviewed. She is currently suing the city over the steep fines Miami Beach imposes on homeowners. Ms. Nichols said she began renting out space in her own home as well as in another building that she has owned since 2006. But it wasn't until the financial crisis in 2008 that she depended on rentals for income.

That year, she said, "I was laid off of a pharmaceutical sales job I had for 14 years. Long-term tenants of mine quit paying rent and broke leases." Renting out her properties short term allowed her to make money and avoid foreclosure, she said, as well as to pay taxes, mortgage and insurance.

But complaints about short-term rentals grew and the city increasingly cracked down. Owners caught renting illegally are fined \$20,000 the first time they are caught, with the fine going up in \$20,000 increments for every subsequent time they are caught. On a second violation there can be an added \$25,000 enhanced fine if the home is 5,000 square feet or larger.

A \$20,000 fine was enough for Ms. Nichols, who said she sold one home and is living in the other without the income to sustain it.

“I am depleting my retirement savings, and the city has taken a business from me that should have produced income and carried me through retirement,” she said.

Rejecting a Suggested Ruse

In December, MerkAveli, an artist from Boston, traveled to Miami Beach for Art Basel. He reserved a shared room on Airbnb for a weekend but because of car trouble needed to extend his stay, which his host, a woman named Dina, welcomed. While Dina was out one morning, code compliance officers knocked on the door and told Mr. Aveli the rental was illegal and he had to leave. Dina returned to the house and tried to advise Mr. Aveli on what to say if the officers returned to ensure he’d left.

“The lady wanted me to tell housing I was her boyfriend,” Mr. Aveli said. “I did not. Instead I showed them my receipt and was sent from the spot.”

Had he known it was illegally listed, Mr. Aveli said, he would not have booked the room.

“Why was it even an option?” he asked. “It’s not right.”

Mr. Aveli ended up crashing on a friend’s couch for the remainder of his stay. Knowing that the rental had been illegal and upset about the experience, he tried to get a refund for the two nights he had stayed at the apartment.

“I contacted Airbnb and they refused to refund me,” he said. Mr. Aveli said he didn’t bother trying to get a refund from Dina directly because he was frustrated.

Mr. Breit would not comment on Mr. Aveli’s situation, but said the company wanted to “partner with Miami Beach to develop sensible and enforceable home-sharing regulations, which would help protect guests to the City against unfortunate incidents like this.”

The apartment and the host are no longer listed on Airbnb.

Even if that rental is no longer available, walking around Flamingo Park at midday, it’s clear that many other homes are: every few blocks there is a van parked on the street with its doors wide open. Inside are towels and bedding that smell freshly cleaned.

When asked if the linens are for hotels, a man laughed and said, “You a reporter? I can’t talk to you, but lots of Airbnbs around here. Good for business.”

From: John Espinosa [mailto:jespinosa@georgina.ca]

Sent: Monday, April 15, 2019 8:48 AM

To: Michael Smith <michael@msplanning.ca>; Patrice Asaph <pasaph@georgina.ca>; Harold Lenters <hlenters@georgina.ca>; Anna Geniole <ageniole@georgina.ca>; Carolyn Lance <clance@georgina.ca>

Subject: FW: Short Term Rental Accommodation Proposal

From: Anita David [REDACTED]

Sent: April 13, 2019 6:28 PM

To: John Espinosa <jespinosa@georgina.ca>

Cc: Dave Neeson <dneeson@georgina.ca>; Margaret Quirk <mquirk@georgina.ca>

Subject: Short Term Rental Accommodation Proposal

John,

As suggested by Michael Smith, and in relation to the upcoming April 24th meeting, we are forwarding our concerns with respect to the proposed Short Term Rental Policy.

Based on the information we have so far, we have the following points to raise.

- 1) Michael's comments regarding the possible exclusion of the waterfront from the policy is disappointing. We suggest that individuals using the waterfront attached to the rental be limited to the maximum number of renters allowed under the policy.
- 2) We also strongly feel that the maximum number of renters is still too high. 12 individuals on a property can create a significant amount of noise and disruption - please consider reducing the maximum to 8 (including residents). This would allow some relief for neighbours affected by short-term renters. We feel that any more than 8 is a business and not suitable in a residential area.

Your consideration of our comments will be appreciated.

Dan Driedzic, Anita David
[REDACTED]

-----Original Message-----

From: Margaret Quirk [mailto:mquirk@georgina.ca]

Sent: Friday, April 12, 2019 4:24 PM

To: Sandy Cooper [REDACTED]

Cc: Ryan Cronsberry <rcronsberry@georgina.ca>; michael@msplanning.ca; Harold Lenters <hlenters@georgina.ca>

Subject: RE: Short Term Rentals

Thank you for your email Sandy. I am sorry that you can not attend on the 24th but thank you for sending these comments. I have included the staff and consultant involved in the report for their information. I will ensure that your comments are part of the information being collected on this issue.

Thank you again for taking the time to send these comments, I know that this issue is one of concern to many people.

Regards,

Margaret

Margaret Quirk

Mayor | Town of Georgina

26557 Civic Centre Road, Keswick, ON | L4P 3G1

905-476-4301 Ext. 2215 | georgina.ca

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-----Original Message-----

From: Sandy Cooper [REDACTED]

Sent: April 11, 2019 4:33 PM

To: Margaret Quirk <mquirk@georgina.ca>; Robert Grossi <rgrossi@georgina.ca>; Mike Waddington <mwaddington@georgina.ca>; Dan Fellini <dfellini@georgina.ca>; Dave Neeson <dneeson@georgina.ca>; Frank A. Sebo <fsebo@georgina.ca>; Dave Harding <dharding@georgina.ca>

Subject: Short Term Rentals

Hello Everyone,

I have a seasonal cottage (which has been in our family since the mid 1950's) next to one of these Airbnb properties.

Since another meeting on this subject is at the end of April and I can't attend, I thought I would send you my thoughts again.

I definitely think of the home next to us as a commercial property since the owners do not live there. Commercial businesses have no place in our neighbourhoods, whether it is a rental property or another type of business. The property next door has most or all of April, May, June and the first week of July rented out (as of earlier this week, if I'm reading it correctly) and will take in around \$33,000! Great for the operator but a disaster for the neighbours. Also most of the renters we've seen have brought their own food with them to cook, so they are not going out to restaurants and spending their 'tourist dollars' as much as the Town believes.

We are not looking forward (again) to this summer, because we no longer know what to expect. Having experienced one too many overcrowded, noisy parties last year, escaping to our cottage for peace & quiet has changed.

I wish you would give more consideration to those that actually live in the homes, whether full time or seasonal in Georgina, rather than the Airbnb businesses. If the properties could be restricted to rental terms of five days or more at a time, it would likely do away with the weekend parties by younger aged groups. As it is now, almost any 10 - 12 people can afford to split the cost of two nights to party. (Having worked at a university for over 35 years, I can tell you that there is little respect for anyone or anything from this age group!)

These are my thoughts, but it is hard to keep writing when no one seems to be listening.

Sincerely,
Sandy Cooper

Sent from my iPad