

**THE CORPORATION OF THE TOWN OF GEORGINA**  
**REPORT NO. CAO-2018-0007**  
**FOR THE CONSIDERATION OF**  
**COUNCIL**  
**June 6, 2018**

**SUBJECT: REGULATION OF SHORT-TERM RENTAL ACCOMMODATION  
(STRA) IN THE TOWN OF GEORGINA  
FILE NO. 05-256**

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**1. RECOMMENDATIONS**

- 1. THAT Council receive Report CAO-2018-0007 prepared by Michael Smith Planning Consultants; Development Coordinators Ltd., dated June 6, 2018 respecting the regulation of Short-term Rental Accommodation in the Town of Georgina.**
- 2. THAT Council provide further direction to staff regarding Council's preferred Short-term Rental Accommodation regulatory framework.**
- 3. THAT a public information meeting be scheduled to provide information on and obtain input about regulating Short-term Rental Accommodation in the Town of Georgina.**

**2. PURPOSE**

The purpose of this report is:

- (a) To apprise Council of the background research conducted by Michael Smith Planning Consultants; Development Coordinators Ltd.;
- (b) To apprise Council of a range of Short-term Rental Accommodation (STRA) regulatory frameworks; and,
- (c) To seek further direction from Council.

**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

### 3.1 Report History

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, Town Staff and MSPCDC Staff met to discuss the background research prepared by MSPCDC, and the future direction of the study. Following these meetings, this report was formulated to discuss the potential and preferred policy and regulatory framework for STRA in the Town of Georgina.

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.

## 4. ANALYSIS

### 4.1 An Overview of Research Undertaken and Town Staff Input:

A preliminary internet search conducted in April 2018, indicated there are upwards of 80 STRA host sites in the Town of Georgina. This number is expected to increase due to growing popularity of STRA platforms. These STRA host sites are concentrated along the Lake Simcoe shoreline from the south end of Keswick to Port Bolster. (See website examples - Attachment 1)  
In preparing this report, regard was given to documentation recently released from the Province on the "*Sharing Economy Framework*" and "*The Home Sharing Guide for Ontario Municipalities*" – Ministry of Finance, 2018.

The Association of Municipalities of Ontario (AMO) was contacted, and its staff provided advice on information sources.

The regulatory frameworks of several municipalities were researched. For purposes of this report, the Town of the Blue Mountains, the Town of Niagara-on-the-Lake, the Town of Oakville and the City of Toronto, were used as comparators. The Town of the Blue Mountains and the Town of Niagara-on-the-Lake were contacted regarding their STRA regulatory frameworks. These two municipalities have had a zoning and licencing based regulatory framework for many years and are considered the leaders on the issue in Ontario. These municipalities, historically, have been cottage areas like Georgina.

Publications from the Large Urban Mayor's Caucus of Ontario (LUMCO) – *Navigating the Sharing Economy*; The Federation of Ontario Bed and Breakfast Accommodation – *Regulatory Proposals for Private Home Sharing and B&Bs*; and The Hotel Association of Canada – *An Overview of Airbnb and the Hotel Sector in Canada* were reviewed.

Newspaper articles and an article from the American Planning Association's magazine "Planning" entitled "*A Planner's take on the Sharing Economy*" have been reviewed.

Regard was given to an Ontario Superior Court decision - *Puslinch v. Monaghan, 2015*; an OMB decision – *The Lodges at Blue Mountain v Town of the Blue Mountains, 2011*; and legal correspondence from the Town of Georgina's solicitor.

The *Accommodation Needs Assessment – Town of Georgina*, December 2009 prepared by PKF Consulting was reviewed and an update of the number of hotel/motel rental units undertaken.

The Lake Simcoe Region Conservation Authority was consulted regarding the potential impact of STRA use of dwellings and accessory apartments serviced by private sewage disposal systems in proximity to Lake Simcoe and permanent streams.

Finally, correspondence submitted to the Town by residents which have expressed concerns regarding the operation of STRA in their neighbourhoods, have been reviewed. These concerns relate to summer STRA only.

A Technical Advisory Committee (TAC) consisting of multi-department senior staff has been established to provide advice, input and assistance in developing the appropriate regulatory framework.

#### 4.2 An Overview of the Sharing Economy and Home Sharing:

The “*sharing economy*” is an umbrella term which describes a wide variety of economic activities that have been made more accessible through technology. The common element is that they enable individuals to “*share*” their personal assets or skills.

Two well-known digital platforms are *Uber*, in the transportation market, and *Airbnb*, in the STRA market, but there are sharing economy platforms in nearly every economic sector. The Province has defined the sharing economy as follows:

*“The ‘sharing economy’ refers to people using online platforms to sell or rent underutilized property, goods, or services and rating each other’s trustworthiness through online reputation systems.”*

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.

Today, STRA 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 number and popularity over the past five years. STRA 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.

#### 4.3 An Overview of Some of the Key Issues Related to STRA:

Some of the key issues that may be addressed through policies and regulations include:

- Impact on Affordable Housing

Home sharing programs may allow Georgina home owners to make more money renting on the short-term market than on the long-term market. This can deplete available stock of long-term rentals and raise market rents.

- Tourism

Home sharing has the potential to increase the number of visitors to Georgina, provide a wider selection of accommodations, and allow a visitor to live like a local. STRA can increase the overall supply of tourist accommodations in Georgina.

- Challenges to Existing Regulations

In Georgina, there are no clear policies or regulations governing STRA in residential dwellings, save and except for bed and breakfast residences. Therefore, it is appropriate to consider a reasonable regulatory framework for the benefit of all stakeholders.

- Public Safety Concerns:

Some Georgina residents have expressed concerns/filed complaints, regarding STRA, where the visitors:

- Do not respect adjacent private and public property (e.g. litter the neighbourhood);
- Bring a party atmosphere to the community, thereby negatively impacting the enjoyment and use of neighbouring properties (e.g. increased noise, late hour activities, and parking exceedances); or,
- May be involved in criminal activity.

Other concerns include fire and building safety, and the impact on private sewage disposal systems, particularly in proximity to Lake Simcoe and permanent streams.

- Economic Opportunity:

People can generate additional income by renting out their homes or rooms in their homes, making it more affordable to live in their own residence, or off-set the cost of their vacation property.

- Competitive Advantage:

The traditional accommodation industry (hotels, motels, inns, bed and breakfast residences) may have concerns that STRA internet platforms like *Airbnb* may be taking advantage of different rules to operate in the accommodation sector with a lower operating cost. Displacing the existing hospitality and accommodation industry may result in job losses, lower wages, and loss of tax revenues for the Town.

#### 4.4 An Overview of the Scope of this Report:

Zoning By-law 500 is a Land Use Regulation By-law. It differs from a Licencing By-law or other Municipal By-laws (i.e. noise, parking, etc.). Zoning By-law 500 currently neither permits nor prohibits long-term rental accommodation or STRA as a land use. A bed and breakfast residence, which is a form of STRA, is permitted in several zones permitting residential uses in Zoning By-law 500.

A STRA is a legal land use in Canada and cannot be prohibited from establishing in the Town. However, the use can be restricted by amendment to the Zoning By-law in terms of: length of stay per STRA booking, through designating specific zoned STRA areas within the Town, or through zoning provisions (e.g. increased parking standard).

This report seeks to find a balance between encouraging STRA to promote economic growth and placing limits on the scope of STRA to preserve the character of local communities and to ensure the health and safety of STRA renters. Through the policy mechanisms (Official Plan Amendment) and regulatory framework (Zoning By-law Amendment and Licencing By-law) a reasonable balance can be achieved.

A Zoning By-Law Amendment must conform to applicable policies (Province, Region, and Town). A brief analysis is provided in this report.

This report examines different policy and regulatory frameworks and, for discussion purposes only, provides one option each of an Official Plan Amendment, Zoning By-law Amendment, and Licencing By-law (See Attachments 2, 3 and 4). Through the public consultation process and Town input, the final policy and regulatory framework will be determined by Council.

While policy and regulatory frameworks from other municipalities were considered, and while it has been said that simply borrowing from other municipalities would be more cost effective and timely, Georgina has its own unique set of circumstances (e.g. long history of cottage rental practices, winter rentals for ice fishing, and pre-existing bed and breakfast permissions). Therefore, an Official Plan Amendment, Zoning By-law Amendment, and Licencing By-law tailored to the Town of Georgina is required. Where appropriate we have utilized ideas from other municipalities, and so, the amendments and Licencing By-law may be considered hybrids.

A *Renter's Code of Conduct* will be provided to STRA hosts in conjunction with the issuance of a STRA licence. Attachment 5 is an example of a Renter's Code of Conduct based on one developed by the Town of Oakville but expanded upon for Georgina's unique circumstances.

Taxation of STRA internet platforms and hosts may be explored through the study process subject to Council direction. Bed and Breakfast residences are not currently assessed an additional STRA tax. STRA hosts however are subject to income tax from STRA earnings.

On April 27, 2017, the Province introduced legislation to amend the Municipal Act, allowing municipalities to levy a tax on the purchase of transient accommodations – Bill 127. The bill received Royal Assent on May 17, 2017 and was proclaimed into law on December 1, 2017. Ontario Regulation 435/17 was issued on December 1, 2017 which outlines the methodology of taxation.

It is intended that the *Airbnb* municipal liaison office will be contacted for its input into the study. A cooperative approach may result in mutual benefits to all stakeholders.

Finally, STRA, like other sharing economy activities, are a fact of modern life. Overregulation and/or significant operating costs can lead to non-participation by internet platforms and hosts and increase the municipal costs of enforcement. It is therefore to everyone's benefit to find a reasonable policy and regulatory balance.

#### 4.5 Policy Considerations:

Section 2.1(5) Policy Statements and Provincial Plans of the Planning Act requires that any planning decision, including that of Town Council, that affects a planning matter (e.g. Official Plan Amendment and Zoning Amendment) shall: (i) be consistent with the policy statements (PPS 2014); and, (ii) conform to the Provincial plans (Growth Plan, Greenbelt Plan, Lake Simcoe Protection Plan). The planning matter must also conform to the Region of York Official Plan. Finally, regard must also be given to the policies of the Lake Simcoe Region Conservation Authority regarding its regulated areas.

The PPS 2014, which provides an overarching policy for planning matters in Ontario states that "*Ontario's long term prosperity, environmental health, and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy, resilient communities, protecting the environment and public health and safety, and facilitating economic growth.*"

It is within this context that the "Discussion Draft" versions of the Official Plan Amendment (Attachment 2), Zoning By-law Amendment (Attachment 3), and Licencing By-law were prepared.

#### 4.6 Definitions

For the purposes of this report, the following definitions have been used to provide context.

##### 4.6.1 Accessory Apartment:

means a self-contained dwelling unit either within a single family dwelling, semi-detached dwelling or townhouse dwelling or in a detached accessory building. Only one accessory dwelling unit per property is permitted. *(Hybrid of Town of Georgina (TOG) Zoning By-law and Official Plan)*

##### 4.6.2 Accessory Dwelling or Dwelling Unit:

means a single family dwelling or one dwelling unit in a non-residential building which is used or occupied by persons which have administrative or custodial responsibility of the property in which the accessory dwelling or dwelling unit is erected. An accessory dwelling or dwelling unit occupied by persons who perform functions related to an Institutional Use on the same lot is permitted. *(TOG) Zoning By-law.*

##### 4.6.3 Bed and Breakfast Residence:

means a single family dwelling licensed as a bed and breakfast residence, in which a maximum of four guest bedrooms are let by the resident owner, up to a maximum of fifteen (15) consecutive days, to members of the travelling public. Meals may be provided for the temporary residents within the single family dwelling. *(TOG Zoning By-law Definition)*

##### 4.6.4 Guest Room:

means a room, individually offered for short-term rental accommodation, or as part of a dwelling or dwelling unit offered for short-term rental accommodation, intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Building Code of Ontario.

##### 4.6.5 Hotel, Motel or Motor Hotel:

means a building in which rooms are provided for rent to the travelling public by furnishing sleeping accommodation with or without meals, and may include meeting rooms, banquet halls, common dining room, facilities for the temporary exhibition and sale of goods on an intermittent basis, and any premises licensed under the Liquor License Act but shall not include an adult entertainment parlour, apartment dwelling, or boarding or lodging house. Rooms used as places for sleeping accommodation shall not include cooking or laundry facilities except as specifically permitted herein. *(TOG Zoning By-law Definition)*



**4.6.6 Principal Residence:**

means a property that meets all the following conditions: 1) the person has designated the property as their principal residence on their income tax filing or in other government records; 2) the person owns or rents the property alone or jointly with another person(s). (*Town of Oakville Zoning By-law Definition*)

**4.6.7 Renter's Code of Conduct:**

means a document that has been prepared by Town and provided to the owner, that is agreed to in writing by a renter, that sets out the roles and responsibilities of the renter, including behavioural expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town By-laws with which the renter must comply. (*Town of the Blue Mountains*)

**4.6.8 Short-Term Rental Accommodation:**

means a building or structure 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 Zoning By-law 500, or any other by-law of the Town of Georgina.

Short-term Rental Accommodation uses shall not include 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. (*Hybrid of Towns of Oakville and Town of the Blue Mountains, and proposed TOG Zoning By-law definitions*)

**4.7 Key Issues and Options for Official Plan and Zoning By-law Amendments**

As noted in Section 4.1.1 c) above, the primary key issues to be considered when developing policies and regulations include:

- Impact on affordable housing
- Tourism
- Challenges to existing regulations
- Public safety concerns
- Economic opportunity
- Competitive advantage

#### 4.7.1 Zoning By-law Amendment Options:

The key issues noted above have been considered in preparing the Zoning By-law tables below. Given the direction by Council, the option of taking no action has not been included, though some municipalities, having weighed the cost/benefits, have taken this approach.

**TABLE 1: Four Primary STRA Zoning By-law Options**

Option	Pros	Cons
<b>1) Prohibit in the Town of Georgina</b>	Not an option. Cannot prohibit legal uses. Therefore, cannot prohibit STRA	
<b>2) Permit in All Zones Permitting Residential Uses</b> ( <i>City of Toronto and Towns of Oakville and Niagara-on-the Lake</i> )	<ul style="list-style-type: none"> <li>• Encourages participation by platforms and hosts</li> <li>• Opportunity for more homeowners to make additional income</li> <li>• Increases tourism economic gains</li> </ul>	<ul style="list-style-type: none"> <li>▪ May affect availability of long-term rental accommodation</li> <li>▪ May increase the potential number of conflict occurrences arising from bad behavior of renters.</li> <li>▪ Increases costs of administering and enforcing regulations.</li> </ul>
<b>3) Prohibit in Certain Areas</b> ( <i>Town of the Blue Mountains</i> )	<ul style="list-style-type: none"> <li>• Allows for better control of character of neighbourhoods</li> <li>• Limit impact on traditional tourism accommodation providers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limits availability of STRA opportunities</li> <li>▪ May contribute to non-participation by platforms and hosts.</li> </ul>
<b>4) Permit by Site Specific Zoning Amendment</b> ( <i>Town of Niagara-on-the-Lake provisions for large homes</i> )	<ul style="list-style-type: none"> <li>▪ Allows for better control of character of neighbourhoods</li> <li>▪ Provides neighbours the opportunity for input into the planning process</li> <li>▪ Simplifies STRA monitoring process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Expensive, time consuming process for both owners and the Town</li> <li>▪ May contribute to non-participation leading to higher level of enforcement</li> </ul>

TABLE 2: Other Zoning By-law Provision Considerations

Option	Pros	Cons
<b>Require to be in Principal Residence</b> <i>(City of Toronto and Town of Oakville)</i>	<ul style="list-style-type: none"> <li>• Greater accountability on owner/long-term renter</li> <li>• Minimize impact on long term rental supply</li> </ul>	<ul style="list-style-type: none"> <li>▪ Numbered companies can register as owner/renter making it difficult to monitor</li> </ul>
<b>Require Separation Distance Between STRA</b> <i>(Town of the Blue Mountains)</i>	<ul style="list-style-type: none"> <li>• Minimizes impacts on character of neighbourhoods</li> <li>• Minimizes noise and parking impacts in neighbourhoods</li> <li>• Limits impact on traditional tourism accommodation providers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimizes potential number of STRA</li> <li>▪ May cause conflict and competition between neighbours seeking to home share</li> <li>▪ May contribute to non-participation leading to higher level of enforcement</li> </ul>
<b>Differentiate Whole House Rentals vs Room Rentals</b> <i>(Akin to B&amp;B approach)</i>	<ul style="list-style-type: none"> <li>• Increased specificity and control</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complicates process</li> <li>▪ May contribute to non-participation leading to higher level of enforcement.</li> </ul>
<b>Maximum Number of Persons</b> <i>(Building Code Requirement)</i>	<ul style="list-style-type: none"> <li>• Minimizes noise, parking, garbage and septic impacts</li> <li>• Conformity with Building Code Occupancy provisions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Challenging to enforce but may be administered with site plan/floor plan requirement</li> </ul>
<b>Do not Permit in Accessory Apartments</b>	<ul style="list-style-type: none"> <li>• Minimizes impact on residents in main dwelling</li> <li>• Assists in maintaining long-term rental stock</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limits number of STRA</li> <li>▪ May contribute to non-participation leading to higher level of enforcement</li> </ul>
<b>Do not Permit in Dwellings or Accessory Structures on Septic Systems</b> <i>(Town of the Blue Mountains)</i>	<ul style="list-style-type: none"> <li>• Avoids issues with over-use of septic systems due to larger number of renters/visitors</li> <li>• Avoids potential contamination of Lake Simcoe and permanent streams</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limits number of STRA</li> <li>▪ Unnecessary limitation if properly managed</li> <li>▪ May contribute to non-participation leading to higher level of enforcement.</li> </ul>

<b>Prohibit in an Accessory Apartment within dwelling or non-residential accessory building within 100 metres of Lake Simcoe or permanent stream</b>	Conforms to Section 4.15DP of the Lake Simcoe Protection Plan
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The “Discussion Draft” Zoning By-law Amendment included as Attachment 3 to this report, employs Option 2 in Table 1 above – **Permit in All Zones Permitting Residential Uses**. It has been prepared with input from the Town’s Development Services Department.

The considerations set forth in Table 2 were also considered for inclusion in the “Discussion Draft” Zoning By-law.

Given Georgina’s history of being a vacation area where cottages are rented out, the “*principal residence*” approach was not used. This approach has been used in urban areas, like the City of Toronto and Town of Oakville. The Town of the Blue Mountains and Town of Niagara-on-the-Lake, which have a vacation area history like Georgina, have not employed this requirement. Further, the City of Toronto and Town of Oakville have not had time to assess the efficacy of this approach. The City of Toronto’s Zoning By-law is under appeal, and the Town of Oakville only recently approved its Zoning By-law.

Accessory Apartments, either in a dwelling or non-residential accessory structure, are currently prohibited by Section 5.50 of Zoning By-law 500, in accordance with Section 4.15DP of the Lake Simcoe Protection Plan. Legally existing accessory apartments (i.e. pre-dating May 9, 1977) may be considered for STRA within the 100 metre setback.

#### 4.7.2 Legal Non-Conforming Uses

Section 34 (9) of the Planning Act of Ontario provides that:

##### **Excepted lands and buildings**

**(9) No by-law passed under this section applies,**

**(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; ...**

Whether a STRA is currently a permitted use pursuant to the Town's Zoning By-law 500 has not been determined in court. However, given that there is some ambiguity on the permissibility of STRA in Zoning By-law 500, the passing of a STRA Zoning By-law Amendment prohibiting STRA in certain areas may not, therefore, remove the right of the host to continue the STRA use. In such cases, the STRA would be considered a legal, non-conforming use.

The Town of Blue Mountains has confirmed that STRA existing prior to the passing of its STRA By-law were deemed to be legal uses, and upon passing of the By-law, if they were not located in an area that permitted STRA, were deemed to be a legal, non-conforming use.

If STRA is determined to be a legal, non-conforming use, the expansion of a STRA within an existing dwelling would be permitted by law, but an expansion to a dwelling to permit additional STRA would not be permitted.

The draft Zoning By-law Amendment (Attachment 3) if approved in its current form (i.e. allowing STRA in all zones where residential uses are permitted) would make the issue of legal, non-conforming use a moot point, as STRA would be a permitted use subject to licencing requirements.

#### 4.7.3 Licencing Options Table

Notwithstanding the above, regarding the legal limitations on the enforceability of a Zoning By-law (i.e. a legal, non-conforming use), a Licencing By-law would be applicable and enforceable. It is proposed that a demerit system be employed that would penalize negligent STRA hosts through potential loss of licence. Further, enforcement of the current Regulatory By-laws regarding noise and parking would continue as per the *Briefing Note* presented to Council on May 16, 2018.

A Licencing By-law allows the Town to collect information needed for enforcement and safety purposes. Information collected through the application process may include:

- (i) Applicant/Agent information (i.e. full name, municipal address, telephone number, and email address)
- (ii) Corporate information
- (iii) Proof of principal residence (if required pursuant to Zoning By-law option) and self-certification of compliance
- (iv) Proof of liability insurance
- (v) Floor Plan
- (vi) Parking Management Plan (including Leisure Vehicle Parking requirements)
- (vii) Property Management Plan
- (viii) Electrical Safety Authority Inspection
- (ix) HVAC certificate

- (x) Local Contact (an agent or representative of the STRA who is responsible for managing or addressing issues in relation to the STRA)
- (xi) Operator must comply with all applicable law, including the Building Code Act and Fire Code
- (xii) Confirmation of occupancy load as relates to private sewage systems.
- (xiii) Renter's Code of Conduct (See Attachment 5).

Table 3 below provides some options for STRA licencing By-law provisions.

TABLE 3: STRA Licencing By-law Considerations		
Option	Pros	Cons
<b>Require Site Plan</b> <i>(Town of the Blue Mountains and Town of Niagara-on-the-Lake)</i>	<ul style="list-style-type: none"> <li>• Provides detailed record including number of bedrooms, parking, etc.</li> <li>• Helps monitor and regulate STRAs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minor increase in complexity and time requirements</li> <li>▪ Would require amendment to Site Plan Control By-law</li> <li>▪ Increased cost on owner</li> <li>▪ Complicates process</li> </ul>
<b>Require Waste Management Plan</b> <i>(Town of Oakville)</i>	<ul style="list-style-type: none"> <li>• Provides information to renters on waste management schedule</li> </ul>	<ul style="list-style-type: none"> <li>▪ Increases administrative costs.</li> </ul>
<b>Demerit Point System</b> <i>(Towns of Oakville and the Blue Mountains)</i>	<ul style="list-style-type: none"> <li>• Allows for Town to manage negligent STRA hosts while minimizing impact on STRA hosts adhering to the Regulatory By-laws</li> </ul>	<ul style="list-style-type: none"> <li>▪ More complex system of regulation requiring higher level of administration</li> </ul>
<b>Require Maintenance Inspections</b> <i>(All municipalities studied – basic licence component)</i>	<ul style="list-style-type: none"> <li>• Better assurance that health and safety measures have been addressed.</li> <li>• Protects Town from liability issues</li> </ul>	<ul style="list-style-type: none"> <li>▪ Makes process more onerous</li> <li>▪ Higher municipal costs for inspections</li> </ul>
<b>Combine Potential Licencing By-Law with Bed and Breakfast By-Law</b> <i>(Town of Niagara-on-the-Lake)</i>	<ul style="list-style-type: none"> <li>• Consistent with Zoning By-law option</li> <li>• Simplifies licencing and regulating process</li> <li>• Promotes consistency and fairness among STRA</li> </ul>	<ul style="list-style-type: none"> <li>▪ Slight increase in staff time required to combine By-laws</li> </ul>

<b>Licencing Fees on Operator/Owner</b> <i>(All municipalities studied)</i>	<ul style="list-style-type: none"> <li>• Helps toward goal of making STRA regulation self-financing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potentially cost prohibitive to hosts</li> <li>▪ May contribute to non-participation leading to higher level of enforcement.</li> </ul>
<b>Licencing Fees on Advertising Platforms</b> <i>(City of Toronto and Town of Oakville)</i>	<ul style="list-style-type: none"> <li>• Helps toward goal of making STRA regulation self-financing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potentially cost prohibitive to platforms</li> <li>▪ May contribute to non-participation leading to higher level of enforcement.</li> </ul>
<b>Maximum # of Persons</b> <i>(Building Code Requirement)</i>	<ul style="list-style-type: none"> <li>• Consistent with Zoning By-law option</li> <li>• Minimizes noise, parking, garbage and septic impacts</li> <li>• Conformity with Building Code Occupancy provisions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Challenging to enforce but may be administered with site plan requirement</li> </ul>
<b>Renter's Code of Conduct</b> <i>(Towns of Oakville and the Blue Mountains)</i>	<ul style="list-style-type: none"> <li>• Improved level of renter awareness regarding By-laws</li> </ul>	<ul style="list-style-type: none"> <li>▪ Increases administrative process</li> <li>▪ No guarantee host will provide Code of Conduct to renter</li> </ul>

The "Discussion Draft" Licencing By-law included as Attachment 4 to this report, has been prepared by the Town Clerk's Division, in consultation with the Town's Municipal Law Enforcement and MSPCDC.

The considerations set forth in Table 3 were considered when preparing the "Discussion Draft" Licencing By-law. The Licencing By-law is a hybrid of the licencing by-laws of the Town of Niagara-on-the-Lake, the Town of the Blue Mountains, and the Town of Oakville, with modifications to accommodate Georgina's unique circumstances.

Table 4 provides examples of STRA Licencing Fees in three of the comparator municipalities. A licencing fee should only cover administrative and enforcement costs and not be formulated for profit. A proposed fee structure will be presented in a subsequent report.

TABLE 4: Comparator Municipality STRA Licencing Fees		
Municipality	Fee	Term
Town of the Blue Mountains	\$2,500 (Licence Fee)	2 year term
	\$1,500 (Licence Fee: Condo)	
	\$750 (Renewal Fee)	
	\$75 (Fire/Property Standards Inspection Fee)	N/A
	\$500 (Appeal Fee)	N/A
Town of Niagara-on-the-Lake	\$110 x # of Guest Rooms x 4	4 year term (Paid in lump sum or in annual payments over the 4 year term)
Town of Oakville	\$237	1 year term

This report does not address additional staffing requirements that will be required to administrate and enforce the proposed STRA regulations. Such analysis shall be undertaken following Council's decision regarding the preferred regulatory framework. For administrative monitoring of STRA and related services in Georgina, the Town may consider a consultant like "**Host Compliance**" which is an online company that specializes in identifying and monitoring STRA in communities.

## 5. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses the following strategic goal:

- Goal 1: "Grow our economy (Sustainable Economic Growth & Employment)"
- Goal 2: "Promote a high quality of life (Healthy, Safe, Sustainable Communities)"
- Goal 3: "Engage our Community & Build Partnerships (Communication, Engagement, Collaboration and partnerships)"



Goal 4: "Provide Exceptional Municipal Services (Organizational & Operational Excellence)

## **6. FINANCIAL AND BUDGETARY IMPACT**

Administration and enforcement of regulations will increase the demand on staff time. It is estimated by Host Compliance that one additional staff member is required per hundred STRA. There are more than eighty (80) STRA operating as of April 2018, and this is expected to increase with the growing popularity of STRA programs.

However, it is premature to estimate the financial and budgetary impact until the preferred regulatory framework is determined.

## **7. CONCLUSIONS**

In the spring of 2018, Council initiated a planning process to regulate STRA within the Town of Georgina, with a view towards striking a balance between the needs/preferences of individual property owners and the public at large. Through the background research process, and meetings with Town staff, a list of several viable and varied regulatory frameworks has been prepared for Council's consideration including – an Official Plan Amendment, a Zoning By-law Amendment, and a Licencing By-law.

Drafts of an Official Plan Amendment (Attachment 2), a Zoning By-law Amendment (Attachment 3) and a Licencing By-law (Attachment 4) have been prepared to initiate discussion on STRA.

The Town may also want to pursue STRA advertising platform and host taxation opportunities given recent amendments to the Provincial Municipal Act.

In conclusion, it is recommended that Council provide further direction regarding Council's preferred STRA regulatory framework and that Council set a date for a public information meeting on the proposed Official Plan Amendment, Zoning By-law Amendment and Licencing By-law. Following the public meeting, a report will be prepared for Council's consideration summarizing the public discussion. A future Statutory Public Meeting would follow at the appropriate time as required pursuant to the Planning Act for the Official Plan and Zoning By-law Amendments.

Prepared and Recommended by:



Michael Smith, RPP  
Michael Smith Planning Consultants;  
Development Coordinators Ltd.

Approved by:



Winanne Grant, B.A., AMCT, CEMC  
Chief Administrative Officer

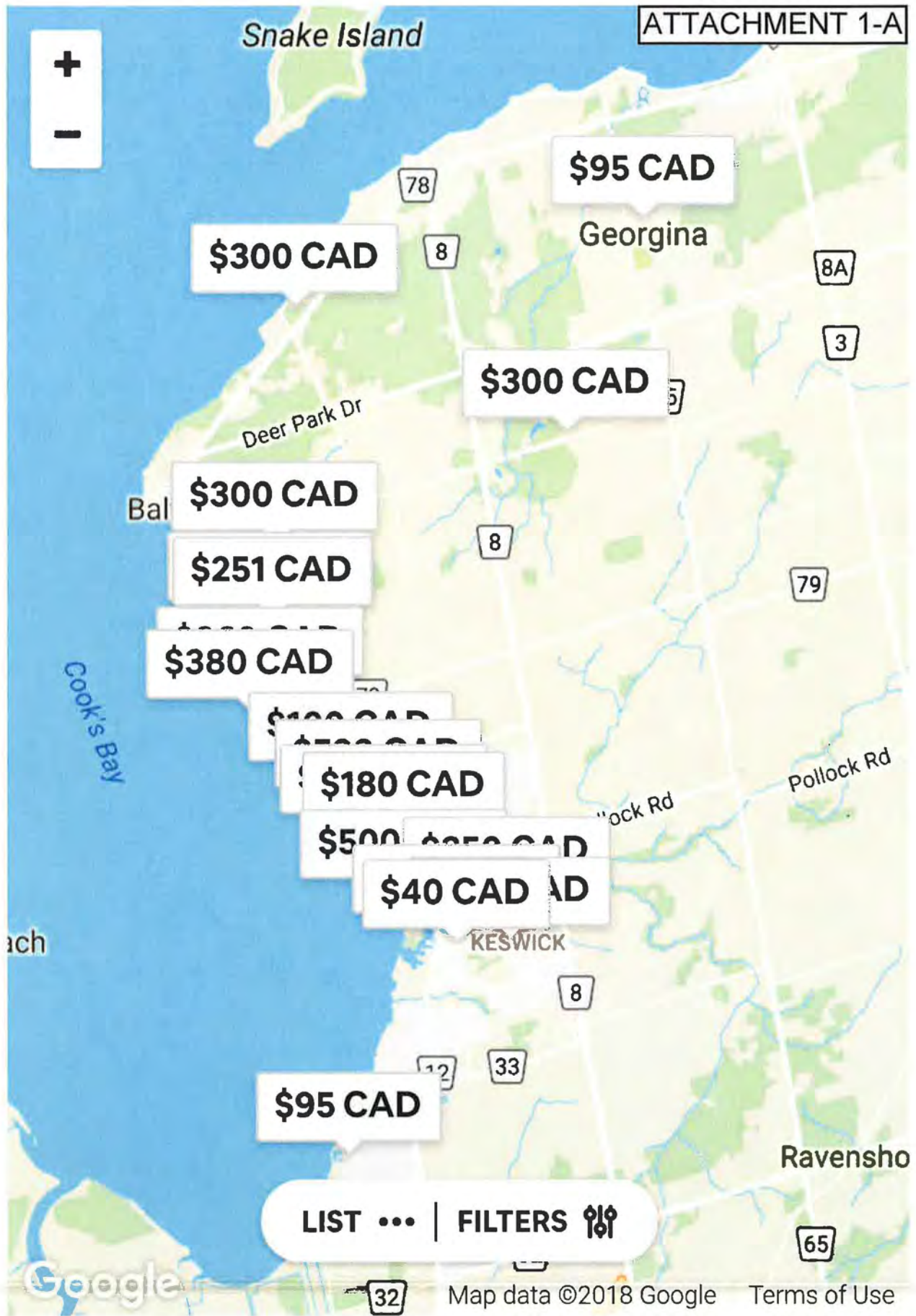
*Attachment 1 – Website examples*

*Attachment 2 – Draft Official Plan Amendment*

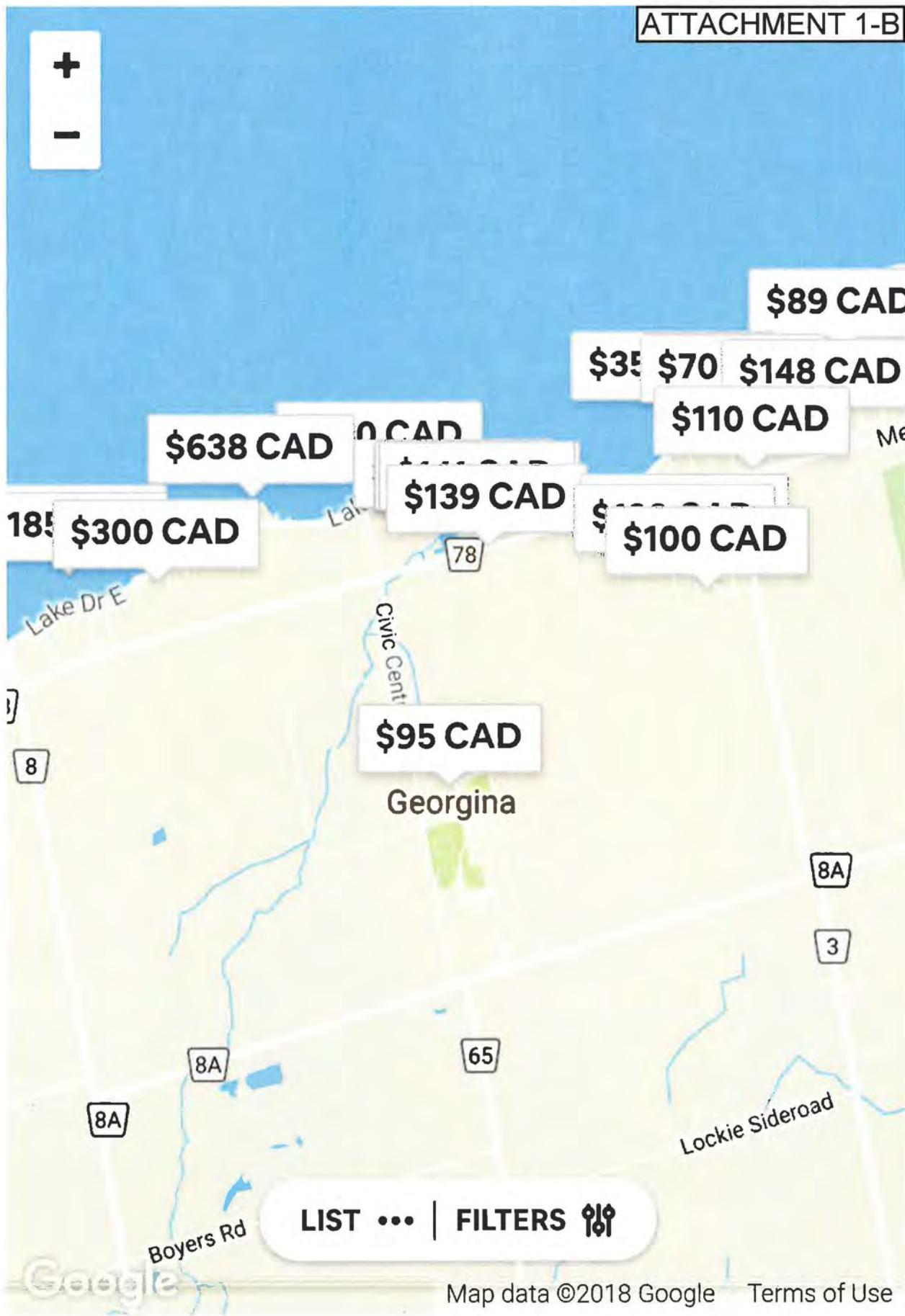
*Attachment 3 – Draft Zoning By-law Amendment*

*Attachment 4 – Licensing By-law – to be circulated under separate cover*

*Attachment 5 – Sample of 'Renters Code of Conduct'*



ATTACHMENT 1-B



ATTACHMENT 1-C





**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 \_\_\_\_\_, 2018.**

**Date:** \_\_\_\_\_

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

**ATTACHMENT 2**

**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. 2018 - < > (PL-2) pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, on the \_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Margaret Quirk, Mayor

\_\_\_\_\_  
John Espinosa, Town Clerk

**THE CORPORATION OF THE TOWN OF GEORGINA**  
**IN THE**  
**REGIONAL MUNICIPALITY OF YORK**  
**BY-LAW NUMBER 2018- < > (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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
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 text and Schedule 'A' – Location Map, constitute 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 residential uses.

### 4. LOCATION

Amendment No. ??? applies to lands within those land use designations in the Town of Georgina Official 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 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 Licencing 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 Pefferlaw 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 Sections 5.3.1, 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."
- b) That Section 7.2.2 is hereby by amended by adding at the end thereof the following:
 

“(p) Short-term Rental Accommodation shall be permitted within a dwelling”
- c) That Section 12.5.10 is hereby amended by deleting "bed and breakfast".
- d) That Section 12.112A is hereby added to Section DEFINITIONS:

“Short-term Rental Accommodation: means a building or structure 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 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.”

### **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 Licencing By-law pursuant to the *Municipal Act* of Ontario.

### **4. INTERPRETATION**

The provisions 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.

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

BY-LAW NUMBER 500-2018-< >

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:

- "2.95 A) **GUEST ROOM:**  
means a room, individually offered for short-term rental accommodation, or as part of a dwelling or dwelling unit offered for short-term rental accommodation, intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Building Code of Ontario.
- "2.185 A) **SHORT-TERM RENTAL ACCOMODATION:**  
means a building or structure 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

ATTACHMENT 3

otherwise prohibited by this by-law, or any other by-law of the Town of Georgina.

Short-term Rental Accommodation uses shall not include 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.”

3. 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
-----------------------------	---

and replacing it with:

short-term rental accommodation	For each guest room in excess of three guest rooms, one parking space shall be required in addition to all other applicable required parking provisions in this by-law
---------------------------------	--

4. 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) **Location:**

Short-term Rental Accommodation shall be permitted in any zone which permits a residential use.

**ATTACHMENT 3**

**(b) Road Access:**

Short-term Rental Accommodation shall only be permitted within a dwelling or a dwelling unit in an accessory building on a lot that has frontage on a public street or road or an access street.

**(c) Health and Safety Standards:**

Short-term Rental Accommodation shall comply with all applicable health and safety standards, including but not necessarily limited to those set out in the Ontario Building Code Act and Ontario Fire Code, including occupancy standards.

5. 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”.

This by-law shall be signed by the Mayor and Clerk, affixed with the seal of the Corporation and engrossed in the By-law book.

READ and ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Mayor, Margaret Quirk

\_\_\_\_\_  
Town Clerk, John Espinosa

**ATTACHMENT 3**



**EXPLANATORY NOTE****Short-term Rental Accommodation**

File: 03.???

1. Zoning By-law No. 500, as amended, does not address Short-term Rental Accommodation, as defined herein. The purpose of this by-law is to update Zoning By-law No. 500 with provisions related to Short-term Rental Accommodation.
2. The intent of this by-law is to acknowledge the need to balance the needs of Short-term Rental Accommodation operators and their neighbours. This by-law sets forth standards to ensure the orderly operation of Short-term Rental Accommodation within the Town of Georgina.
3. This by-law shall apply to all lands within the Town of Georgina which are zoned to permit a residential use.
4. 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 as amended to incorporate Short-term Rental Accommodation policies.

**ATTACHMENT 3**

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

**BY-LAW NUMBER 2018-**

---

**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, as amended, 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 businesses;

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

**1. DEFINITIONS**

For the purpose of this by-law:

**Action** means a proceeding under Part I or Part III of the Provincial Offences Act;

**Appeal Panel** means a panel which has been delegated the responsibility of handling appeals, suspensions and revocations;

**Applicant** means the person applying for a licence or renewal of a licence under this By-law and "application" has a corresponding meaning;

**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;

**Council** means the Council for the Corporation of the Town of Georgina;

**Disturbance** means an instance when an action has commenced with respect to nuisance, noise or other interference of the neighbours right of enjoyment of their property;

**Fee** means a fee as set forth in the Town's fees schedule, which is not prorated and is non-refundable;

**Fire Chief** means the individual appointed to the position by Council or his/her designate;

**Floor Plan** means a drawing made to scale and fully dimensioned reflecting the Short-term Rental Accommodation premises and depicting the use of the premises including the proposed occupancy of each room; occupant load for sleeping purposes of each room; and, related site amenities including parking, and other buildings or structures on the premises);

**Guest Room** means a room, individually offered for Short-term Rental Accommodation, or as part of a dwelling or dwelling unit offered for Short-term Rental Accommodation, intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth in the Building Code of Ontario;

**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 under this By-law;

**Licensing Coordinator** means Town Clerk/Clerk or designated person;

**Officer** means the person or persons who have been appointed to enforce the provisions of this By-law and includes a: Fire Prevention Officer, Fire Inspection Officer, Building Inspector, Zoning Examiner, By-law Enforcement Officer and/or Licensing Coordinator;

**Owner** means the person holding title to the lands on which the Short-term Rental Accommodation is located;

**Parking Management Plan** means a plan, drawn to scale, depicting the size and location of all parking spaces located on the premises;

**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 any place, location, land, or part thereof, in which a trade, business or occupation of Short-term Rental Accommodation is carried on;

**Property Standards By-law** means the Property Standards By-law of the Town enacted under S. 15.1 of the Building Code Act that prescribes standards for the maintenance and occupancy of property;

**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** means a document that has been prepared and approved by the Town that sets forth the roles and responsibilities of the renter, including: behavioural expectations as they relate to non-disturbance; applicable Town by-laws; and adherence to the provisions of this By-law. Such document shall be agreed to in writing by a renter.

**Short-term Rental Accommodation** means a building or structure 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 agreement 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 Zoning By-law, or any other by-laws of the Town of Georgina;

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

**Zoning By-law** means a by-law enacted under Section 34 of the Planning Act that restricts and/or regulates the use of land.

## 2. PROHIBITIONS

- (1) No person shall 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 obtain a licence who does not comply with the provisions set forth in this By-law for such licence. Failure to comply with the provisions of this By-law constitutes an offence.
- (3) 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 bases of race,

ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

- (4) No person shall advertise a Short-term Rental Accommodation without a licence.
- (5) No person is eligible to hold a licence if the proposed use of the Premises is not permitted by the Zoning By-law.
- (6) No person is eligible to hold a licence if the person is indebted to the Town in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, (delete "and" disbursements, outstanding property taxes and late payment charges, against an Owner's property.
- (7) No person is eligible to hold a licence if 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 Building Code, the Fire Protection and Prevention Act, the Fire Code, the Ontario Electrical Safety Code, and the Ontarians with Disabilities Act.

### **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 of the property on which the Short-term Rental Accommodation is situated;
  - 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 on Ontario or the Government of Canada; and,

- (ii) a certified copy of an annual return which contains a list 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 copy of the Renter's Code;
  - h) a Parking Management Plan for the property on which the Short-term Rental Accommodation is situated, that complies with the Zoning By-law and which outlines the dimensions and location of all parking spaces;
  - i) floor plans and a site plan, drawn to scale and fully dimensioned of the Short-term Rental Accommodation Premises including: the proposed occupancy of each room, occupant load for sleeping purposes of each room, location of smoke detection and early warning devices, location of fire extinguishers, and, related site amenities including parking, and other buildings or structures on the Premises;
  - j) 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; and,
  - k) payment of the applicable licensing fee.
- (2) Every person licensed under this By-law shall at all times:
- a) comply with the regulations contained in any applicable Schedules/Appendices; and

- b) notify the Licensing Coordinator immediately of a change in any of the particulars required to be filed with the Clerk's Department.

#### **4. PRE-LICENCE INSPECTION**

- (1) It is the responsibility of any person applying for a licence to contact the Town for a pre-licence inspection, which shall (delete "to") ensure compliance with the following:
  - a) provisions of this By-law;
  - b) Ontario Fire Code;
  - c) Ontario Building Code;
  - d) Property Standards By-law;
  - e) Zoning By-laws;
  - f) Ontarians with Disabilities Act; and,
  - g) any other Town by-laws that may affect the status of the application.

#### **5. LICENCE FEES**

- (1) All applications for a licence filed with the Town shall be accompanied by the required fee as established by Council.

#### **6. ADMINISTRATION AND ENFORCEMENT**

- (1) Designated Town staff assigned to such duties shall be responsible for the administration and enforcement of this By-law;
- (2) Upon receipt of an application for a licence, designated Town staff shall perform the following functions:
  - a) receive and review the application in conjunction with any provision of this By-law; and,
  - b) carry out the necessary inspections to satisfy the Town that the property is in compliance with the provisions of this By-law, including the approved site plan, Floor Plan

and Parking Management Plan, all other Town by-laws, any applicable regulations

- (3) Upon determination that a contravention of the provisions of this By-law has occurred, designated Town staff shall issue the required notice.

## **7. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL**

- (1) The Licensing Coordinator:

- a) shall receive and process all applications for licenses, and for renewal of licenses, to be issued under this By-law;
- b) shall issue licenses and renew licenses, either conditionally or unconditionally, to any person who meets the requirements of this By-law except where:
- (i) 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;
  - (ii) there are reasonable grounds for belief that the carrying on of the business may be averse to the public interest;
- c) may refuse a licence application for any licence where a licence has been previously revoked, suspended, made subject to special condition or a property applying for licence has presented a history of contravention with this Bylaw or other Town by-laws;
- d) may revoke a licence if it was issued in error, or on false or incorrect information.

- (2) The Licensing Coordinator shall provide notice of intention to revoke or suspend a licence, and shall advise the Licensee of their right to appeal where:

- a) the Licensee would be disentitled to a licence or a renewal of a licence for the reasons set forth in this by-law;



- b) the Licensee has failed to comply with the regulations required by this By-law.
- (3) The Licensing Coordinator, if satisfied that the continuation of the licence poses an immediate 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, and, shall provide the Licensee with the reasons for the suspension, either orally or in writing.

## **8. DEMERIT POINT SYSTEM**

- (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 by-laws 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) the confirmation of an order; or,
    - (iv) the confirmation of an order 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 9 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.

Column 1	Column 2	Column 3	Column 4
Infraction	Reference	Type	Demerit Points
Fire Protection and Prevention Act/Fire Code	FPPA/FC	Confirmed order	3
		Part 1 or Part III	7
Operating without a licence		Confirmed order	3
		Part 1 or Part III	5
Building Code Act (construction w/o a permit)	BCA	Confirmed order	3
		Part 1 or Part III	7
Noise By-law Infraction	Town Noise By-law	Confirmed order	2
		Part 1 or Part III	5
Contrary to the Parking Management Plan	Section 3 (h)	Confirmed order	2
		Part 1 or Part III	4
Property Standards	Town Property Standards By-law	Confirmed order	2
		Part 1 or Part III	4
<b>Ontarians with Disabilities Act</b>	<b>ODA</b>	<b>Confirmed order</b>	<b>3</b>
		<b>Part 1 or Part III</b>	<b>7</b>

## 9. APPEAL

- (1) Where the Licensing Coordinator has denied an applicant a licence, a renewal of a licence (delete "or a require for renewal") or has suspended or revoked a licence, the Licensing Coordinator shall inform the applicant or Licensee by way of written notice setting out the grounds for the decision with

reasonable particulars, and advise of the right to appeal such decision to the Appeal Panel.

- (2) Persons or applicants may appeal to the Appeal Panel 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 days after service of the written notice.
- (3) Where no request for an appeal is received in accordance with subsection (2), the decision of the Licensing Coordinator shall be deemed to be affirmed.
- (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 applicant or Licensee, the Appeal Panel may make a decision. The Appeal Panel's decision is final and not subject to review. The Appeal Panel may refuse to issue or renew a licence, revoke, suspend, or impose any condition to a licence. The Appeal Panel may consider any matter pertaining to this By-law, or any other matter that relates to the general welfare, health or safety of the public.
- (6) Where the Appeal Panel conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 shall apply.

#### 10. ORDER

- (1) Where the Licensing Coordinator has reasonable grounds to believe that a contravention of the By-law occurred, an Officer may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing;
  - a) compliance within a specified timeframe;
  - 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.

## 11. INSPECTION

- (1) The Licensing Coordinator, or an Officer may at any reasonable time inspect:
  - a) any premises or place where a business which is subject to this By-law is carried on, or where there are reasonable or probable grounds to believe a business is being carried on; or,
  - b) any goods, equipment, books, records or documents used, or to be used, by the applicant or Licensee under this By-law.
- (2) It shall be an offence to obstruct or permit the obstruction of such inspection.

## 12. PENALTY FOR NON-COMPLIANCE

- (1) Any person who contravenes any provision of this By-law 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, 2001, S.O. 2001, c.25.
- (2) Any person who contravenes any provision of this By-law 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.
- (3) 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.
- (4) 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.

### **13. COLLECTION OF UNPAID FINES**

- (1) Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of a business licensing 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, 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.

### **14. POWERS OF ENTRY**

- (1) The Town may enter onto a property at any reasonable time for the purpose of carrying out an inspection to determine 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, 2001, S.O. 2001, c. 25 as amended.
- (2) Where an inspection is conducted by the Town, 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, 2001, S.O. 2001, c. 25 as amended.
- (4) The Town's power of entry may be exercised by an employee, Officer, or agent for the Town or by a member of the York Regional Police force, as well as any person under his or her direction.

#### **15. 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 any other applicable by-law or Act.
- (2) Any person who has been alleged to have contravened any of the provisions under the Municipal Act or under any applicable by-law or 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.

#### **16. 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.

#### **17. TITLE**

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

#### **18. TERM OF LICENCE**

- (1) A licence issued pursuant to the provisions of this By-law shall expire ..... unless it is revoked in accordance with the provisions of this By-law.

**19. AUTHORIZATION**

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

**20. EFFECTIVE DATE**

(1) This by-law comes into effect on.....

THAT

Read a first, second and third time and finally passed this day of \_\_\_\_\_, 20.

\_\_\_\_\_  
\_\_\_\_\_

Draft- for discussion purposes only

# Renter's Code of Conduct

## 1. Premise of this Code

The premise of this Code is that Short-term Rental Accommodation premises are, for the most part, located in residential neighbourhoods and that the residents of these neighbourhoods have the right to enjoy their own properties without being imposed upon by nuisance from others.

## 2. Objectives of this Code

The Objective of this Code is to establish acceptable standards of behaviour for renters and their guests to minimize any adverse social or environmental 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 occupants within a dwelling that is being operated as a Short-term Rental Accommodation shall not exceed two persons per bedroom. The number of non-occupying guests permitted at a Short-term Rental Accommodation premises must not be such that it may conflict with the residential neighbourhood or amenity.

## 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 include:

- a) Loud music;
- b) Outdoor or backyard gatherings involving excessive noise;





- c) Late or early hour disturbances; and,
- d) Yelling, shouting, singing and loud conversations.

The Town of Georgina Noise By-law No. 2003-0075 (PWE-1) provides that *“No person may make, create, cause or cause or permit to be made noise likely to disturb the inhabitants.”*

Renters and their guest 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.

### 7. Functions and Parties:

- a) Short-term Rental Accommodation Renters are not to house commercial functions;
- b) So-called “party houses” conflict with residential amenity and are not permitted; and
- c) Any gathering, celebration or entertainment at a Short-term Rental Accommodation premise must not conflict with residential amenity and must comply with all the other requirements of this Code and the Town of Georgina by-laws.

### 8. 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 other residents or neighbouring properties.

All Short-term Rental Accommodation premises will have vehicle parking limits, so please refer to the Parking Management Plan for the premises.

### 9. 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 2011-0024 (PWO-1). Waste collection information and pick up times are available on the Town of Georgina’s website.

[https://www.georgina.ca/sites/default/files/page\\_assets/2018\\_waste\\_calendar\\_0.pdf](https://www.georgina.ca/sites/default/files/page_assets/2018_waste_calendar_0.pdf)



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## 10. Dwellings on Lots on Private Sewage Disposal Systems:

Note: Maximum occupancy load is based on a maximum of two persons per bedroom. Exceeding the maximum occupancy load 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 per the *Lake Simcoe Protection Act, 2009*.

## 11. Leisure Vehicle Parking:

Note: The Town of Georgina establishes controls on Leisure Vehicles (e.g. motor homes, boats, trailer, snowmobiles etc.) including parking requirements. Parking requirements for Leisure Vehicles are addressed as part of the overall Parking Management Plan within the Short-term Rental Accommodation licencing of this property.



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