



The Town of Niagara-On-The-Lake

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Report:	CS-20-012	Committee Date:	June 15, 2020
		Due in Council:	June 22, 2020
Report To:	Corporate Services Advisory Committee		
Subject:	Short Term Rental Committee and By-law Review		

1. RECOMMENDATION

It is respectfully recommended:

- 1.1 that the draft Terms of Reference for the Short Term Rental Committee, attached as Appendix I, be adopted; and
- 1.2 Council appoint 2 members of Council to the Short Term Rental Committee; and
- 1.3 that Council direct the Town Clerk to advertise in the local newspapers and social media 7 positions to be filled on the Short Term Rental Committee as resident/industry representation.

2. PURPOSE / PROPOSAL

The purpose of this report is to form a Short Term Rental Committee to assist staff in the comprehensive review of the Town's existing Short Term Rental By-law, attached as Appendix II.

3. BACKGROUND

At the December 9, 2020 Council meeting, Council approved the meeting minutes from the November 12, 2020 Glendale Task Force meeting. These minutes included the following recommendation:

"that the summary of suggested changes to the Short Term Rental By-law be referred to staff for review and consideration; and that the process include a public consultation session; and that the final by-law be brought to Council for adoption in the early spring."

Staff have reviewed the comments provided by the Glendale Task Force and provided a response and recommended action under section 4 of this report.

At the January 20, 2020 Council meeting, Council approved the following motion:

"that staff consider allowing the existing short term rental fees to be paid over two instalments for 2020; and that the short term rental licensing license fees be reviewed"

for 2021; and further that Council establish a working committee for short term rental operators to work in collaboration with Council and staff to work on issues of concerns and build a strong working relationship. "

4. DISCUSSION / ANALYSIS

Staff have reviewed the comments provided by the Glendale Task Force and have provided a summary of comments below:

Glendale Task Force Comment/ Concern	Staff Response/ Observation
Noise complaints i.e. loud parties every weekend and sometimes during the week	Staff understand the concern, but recommend this issue be addressed through enforcement of the Noise By-law, and not the STR licensing By-law.
Many people renting complete homes many unlicensed by the day with no restrictions on the number of individuals who can sleep over, which means no control on actual number of individuals staying in some homes	<p>Staff are able to, and are currently, enforcing licensed operators by reviewing advertised capacity and ensuring they fit within the license. If we were to implement a limit based on individuals rather than bedrooms, staff foresee it being difficult to monitor, enforce, and prove that the number of overnight guests exceeds what is permitted.</p> <p>Staff recommend the item be reviewed by the new committee for suggestions on how to address the issue.</p>
Single night stays means renters have no incentive to look after garbage, play by the rules of town by-laws	<p>All operators are responsible for ensuring their properties are kept clean and in repair under the property standards by-law.</p> <p>Staff recommend developing, with the committee's assistance, a "Good Neighbour Agreement" as adopted in many B.C. communities.</p>
Lack of enforcement because there are no enforcement officers after 4:30 Monday to Friday or on weekends and	The Town committed to adding additional officers for greater coverage at night and weekends. This effort ended during the

difficulty in getting actionable data to charge individuals or owners. Courts are demanding proof of rental documents such as nightly receipts from renters.	<p>COVID-19 emergency due to the closure of majority of Short Term Rental Operations.</p> <p>Staff recommend reviewing the annual fees with the Committee in order to determine appropriate enforcement levels/ service levels and funding models.</p>
Too many cottage rentals within specific areas. Too many too close together	<p>Staff will seek clarity from the Committee and legal counsel, but the Town is limited in its ability to restrict the number of operators based on a geographic area.</p> <p>The findings will be provided to the Committee for discussion.</p>
Lack of accountability by owners or owners representatives in maintaining adequate control of over guests and not enforcing Town rules	<p>All operators are responsible for behavioural contraventions by tenants and guests with the Towns Noise and Public Nuisance By-law.</p> <p>The Town currently collects Town contacts for those who live outside the community.</p> <p>Staff recommend developing, with the committee's assistance, a "Good Neighbour Agreement" as adopted in many B.C. communities.</p>
No renters code of conduct	<p>Although the Town does not provide a code of conduct for renters, it may be practical to develop a standardized document for operators to provide guests.</p>
No owners good neighbour agreements to encourage positive behaviour	<p>Staff agree this could be a useful tool to promote stronger relations between neighbours and foster better communication.</p>
Guests parking overnight on the street	<p>The Town by-law expresses that the operator is responsible for ensuring that</p>

	<p>guests park in the areas designated on the approved site plan.</p>
<p>STR software that may assist in identifying and regulating the industry. Committee recommends that these companies be asked to demo their product and services. Such demos would be non-binding but may provide the Town with another tool in regulating and enforcing a new STR by-law. These companies are believed to operate on a fee for service basis and Town would likely not require additional purchase of software and the fee for service can and should be built into the license fee for STRs.</p>	<p>Staff are open to reviewing the products and services with the Committee.</p>
<p>Residents of Niagara-on-the-Lake will be allowed to use their residences as cottage rentals providing the property being rented is their principal residence. Proof of principle residence will be required before a license is considered.</p> <p>Non-Residents of Niagara-on-the-Lake will only be allowed to own and operate STAs providing the properties are managed by a Rental Management Company (RMC) or resident located within NOTL and such contact is available 24/7 365 days of the year to address complaints.</p> <p>All cottage rentals must be managed by an RMC or the by the property owner if he/she resides in NOTL and such contact is available 24/7 365 days of the year to address complaints</p>	<p>This closely reflects the current practice. All non-local licensees of Cottage or Villa Rentals must provide a local contact to be available for contact at anytime to address emergencies or complaints.</p> <p>Staff are not aware of a certification for rental management companies or what criteria would be required to prove they are a management company. This item could be reviewed further with the Committee.</p>
<p>Any bylaw violations not handled by the RMCs/Owners will be addressed by bylaw enforcement officers or the Niagara Regional Police (NRP) and any charges laid by bylaw enforcement officers and/or the NRP shall extend to</p>	<p>In most instances this reflects current practice. If there is a violation under property standards the property owner would receive the fine. This item should be referred to the STR Committee for further clarity and discussion.</p>

the RMCs and Owner for failure to address the issue.	
Cottage rentals with pools, by virtue of the fact they are non-hosted establishments, will be required to have a pool inspection to determine compliance with the pool Bylaw and will be required to carry increased insurance	Pools would be included in the inspection as required with any application for Short Term Rental. All operators are required to provide a certificate of insurance in the amount of \$2,000,000 which includes the Town as additional insured.
Cottage rentals shall be limited to 3 bedrooms; if a home is advertising a room as a bedroom, or if it is a bedroom as defined in the building code or if it is occupied as a bedroom or if it is a room that contains Murphy bed or similar temporary bed said room shall be deemed to be a bedroom for the purposes of the bylaw.	<p>The building code provides minimum requirements for bedrooms but does not provide an explicit definition for a bedroom.</p> <p>Currently, when staff review applications, we consider any room that meets the minimum requirements of a bedroom as a bedroom. The Town zoning by-law states:</p> <p><i>BEDROOM means, for the purposes of determining the number of bedrooms in a “Bed and Breakfast Establishment”, “Cottage Rental”, “Country Inn”, “Vacation Apartment” or “Villa”, a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen, and which meets the requirements of the Ontario Building Code for a bedroom.</i></p>
STA rentals found to be advertising or operating without a license 60 days after the effective date of new bylaw will be charged with an offence under this bylaw and ordered to cease operations immediately and will be prohibited from applying for an STA licences for five years. Fines for operating illegally to be set sufficiently high to deter illegal operators.	In order for a municipality to establish set fines for violations of a specific by-law there is an application process to be followed and submitted to the Ministry of the Attorney General. If a municipality is seeking high fines or a significant increase to fines, then written reasons as to why an increase is being sought should be included in their Application. Set fines under the Provincial Offences Act are limited under Part I to a maximum of \$1000.

STAs owners who apply for a license will not be allowed to rent the accommodation space until a valid license has been issued. Failure to abide by this rule shall result in an immediate charge of operating without a valid license, denial of their license application and a five year ban on any new application by the applicant for this and any other properties they may own in the Town.	Staff can review this request with the Committee. Generally, staff start by encouraging compliance. In many cases violators simply not aware of the licensing by-law. The vast majority of operators who are found operating without a license are first informed and brought into compliance. A very small minority require issuing a fine.
Increase in annual fees for short term rental operators in order to assist with increased enforcement. Recommend \$200 per bedroom but recommend getting info on average per room rate in NOTL and determine additional costs re software, inspection and other acts.	As mentioned earlier, Staff recommend reviewing the annual fees with the Committee in order to determine appropriate enforcement levels/ service levels and funding models.
<p>Include penalties for operators advertising on various platforms without a license.</p> <p>License number must be included in all advertising material or online. Failure to do so will be considered an offence and subject to fines according the by-law</p>	This suggestion is currently under review and will be discussed with the Short Term Rental committee.
STA licenses for cottage rentals will be required to to be renewed on a yearly basis.	Currently, licences are provided on 4 year terms, with annual payments. At this time it would not be recommended to require annual renewal as this would require a significant amount of staff time to process and inspect all operators each year.
New STA Licenses will be a temporary license for the 1st year of operation and if the rental remains in good standing during that period, the next license will be issued for a 2 year period.	The existing by-law allows for a license to be revoked if there are any violations to the STR by-law, or any other Town by-laws. Staff prefer the existing language as it stronger, clear, and defensible.
Recommend restricting STRs to principle residents	Recommend this item be reviewed by the Short Term Rental committee.

Employ a demerit system for each property similar to that in long term rental proposed bylaw such that several breaches of Town bylaws may result in termination of license	<p>In some cases demerit systems can be more less restrictive as they can encourage multiple infractions. If demerits are claim based it can be hard to substantiate.</p> <p>Currently, if there is only one violation to this or any other Town by-law the license can be revoked.</p>
Give annual information to MPAC and CRA on each property operating as an STA in NOTL	The Town currently provides updated information to MPAC, but not the CRA. This can be reviewed with the Short Term Rental Committee if requested.
Draft Bylaw for AirBnB and other host companies as per Toronto.	To be reviewed by legal counsel and the Committee.

5. STRATEGIC PLAN

N/A

6. OPTIONS

N/A

7. FINANCIAL IMPLICATIONS

There are no funds budgeted or allocated for this Committee. Costs will be incurred only through the dedication of full-time staff to assist and administer the Committee.

8. COMMUNICATIONS

If approved, staff will place advertisements in the paper and on social media outlets for volunteer positions on the committee.

9. CONCLUSION

Staff are seeking approval of the terms of reference of the Short Term Rental Committee, as requested by Council. The attached terms of reference have been prepared for Council approval.

Respectfully submitted,



Peter Todd
Town Clerk



Kyle Freeborn
Director, Corporate Services (A)



Sheldon Randall
Chief Administrative Officer (I)

ATTACHMENTS



Clerk Version - Draft Terms of Reference - Short Term Rental Advisory Committee.pdf



Glendale Task Force - November 12.19.pdf



STR Summary.pdf

WEB ATTACHMENTS

ATTACHMENTS FOR LINK

First Capital of Upper Canada - 1792



Terms of Reference

Short Term Rental Advisory Committee

MANDATE:

The Short Term Rental committee reports directly to Town Council. The committee will be responsible for reviewing the Town's Short Term Rental Licensing By-law and providing recommendations to Council.

ORGANIZATION

- The Committee is established by The Town of Niagara-on-the-Lake Council (Council) in accordance with these Terms of Reference. Members are guided by these Terms of Reference.
- Members will be appointed by resolution of Council for the current four (4) year term until their successors are appointed.
- This committee will consist of two (2) members of Council and three (3) citizen appointments.
- Sub-committee for finite terms may be formed as necessary.

DUTIES & RESPONSIBILITIES

Chair

- Chair all regular meetings of the committee and exercises authority and performs duties as required.
- Ensure that decorum is maintained at each meeting and that the rules of procedure and conduct are observed in accordance with By-law No. 4675-13 (Procedure by-law for the Town).
- Ensure that all committee members are provided an opportunity to comment.
- If applicable, assure that all applicants are provided an opportunity to present and comment.
- Provides guidance and leadership to the committee in the completion of its mandate.

Vice-Chair

Assume all functions of the Chair in the Chair's absence.

Members

- Attend meeting of the committee (if unable to attend notification should be sent the staff liaison as soon as possible prior to the meeting).
- Review agendas and reports sent prior to the meeting.
- Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate.
- Are cognizant of any conflict of interest or perceived conflict in terms of issues that may service to benefit them personally.

- Act to protect the privacy of individuals with respect to personal information contained in reports and information circulated to the committee.
- Periodically review the committee Terms of Reference and recommend changes as required.

Quorum

- A majority of the members of any committee of Council shall constitute a quorum.
- If quorum is not attained, no actions or recommendations emanating from a meeting have any force or effect.

Support Staff

This committee shall be assisted by staff of the Corporate Services Department, who will provide expert advice, technical reports, background information and will prepare the recommendations of the committee.

MANAGEMENT OF THE COMMITTEE

Meeting Schedule

- This committee shall meet monthly or at the call of the Chair.
- Established meeting dates and times will not be changed unless circumstances warrant special consideration.
- Meetings will be held in public. All notices of meetings will be posted on the Town's web-calendar.

Delegation

- Subject to the section immediately below, delegations will not be permitted.
- The Committee can request to receive a delegation. The request shall be voted and approved by a majority of the members.

Conflict of Interest

- Members shall avoid conflicts of interest. Members shall take proactive steps to mitigate conflicts of interest in order to maintain public confidence in the Town and its elected officials. Members are encouraged to seek guidance from the Integrity Commissioner and/or legal advice when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest.
- All members have the duty to advise of any conflict of interest with respect to all matters before the committee. Members should decline to participate in the disposal of a matter where a real or apparent conflict is present.
- If a member has any conflict of interest on any matter and is present at a meeting at which the matter is the subject of consideration, the member:
 - Should, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - Should not take part in the discussion of any question in respect of the matter; and

- Should not attempt in any way whether before, during or after the meeting to influence the discussion of the application.

Reporting

- Minutes of this committee will be forwarded directly into the information package unless there are action items, then minutes will be forwarded directly to Council.

Remuneration

- Not applicable

Enabling Legislation

By-law No. 4675-13 (Procedure by-law for the Town)

November 21, 2019

SUBJECT: Recommendations for Consideration from:
GLENDALE TASK FORCE COMMITTEE MINUTES

MEMO TO: Committee of the Whole

FROM: Colleen Hutt, Deputy Clerk

The Glendale Task Force Committee, at their meeting of November 21, 2019, recommended and approved the following for consideration by Council:

Item No. 8.3

1. that the Glendale Task Force requests that the Community Information Board be erected at the pergola location in the Niagara-on-the-Green Park and that the Glendale Task Force hold the responsibility for the keys.

Item No. 8.5

2. that the summary of suggested changes to the Short Term Rental By-law be referred to staff for review and consideration; and that the process include a public consultation session; and that the final by-law be brought to Council for adoption in the early spring.

The minutes are attached for Council approval.



GLENDALE TASK FORCE MEETING MINUTES

Tuesday November 12, 2019

04:30 PM

PRESENT:

Councillor Stuart McCormack, Norm Arsenault Members: Lianne Gagnon, Steve Hardaker, Terry Flynn, Tom Price, Al Hosein

REGRETS:

Amarjog Johal

STAFF:

Rolf Wiens	Manager of Enforcement/Chief Building Official
Warwick Perrin	Supervisor of Enforcement
Tara Druzina	Administrative Assistant

OTHERS:

1. Call to Order

Chair Councillor Stuart McCormack called the meeting to order at 4:30 p.m.

2. Adoption of Agenda

Moved by Councillor Norm Arsenault that the agenda be adopted as presented.

APPROVED.

3. Conflict of Interest

There were no conflicts of interest at this time.

4. Previous Minutes

The minutes from the October 9, 2019 meeting were reviewed by the Committee.

5. Presentations

There were no presentations at this time.

6. Announcements

There were no announcements at this time.

7. Correspondence

There was no correspondence at this time.

8. Business

8.1 Long Term Rental DRAFT By-law Update

Warwick Perrin, Supervisor of Enforcement, noted that staff are reviewing the draft by-law. Public consultation and a report to Council is anticipated in the new year.

8.2 Review of Workplan

Councillor Norm Arsenault noted there were no changes to the workplan.

8.3 Niagara-on-the-Green Park Update

An email update from Kevin Turcotte, Manager of Parks was provided for the Committee regarding the activity at the park. Mr. Turcotte also included a request for a motion regarding the installation of the community message board. The Committee discussed the email and the motion.

Moved by Steve Hardaker that the Glendale Task Force requests that the Community Information Board be erected at the pergola location in the Niagara-on-the-Green Park and that the Glendale Task Force hold the responsibility for the keys.

APPROVED.

Moved by Terry Flynn that staff consider hardwiring the Niagara-on-the-Green Park for future installation of cameras and surveillance equipment and that public consultation be included in that review and that the matter be forwarded to the NOTL Safety Committee for review and consideration.

DEFEATED.

8.4 Glendale Community (Road) Signs Update

Staff provided the letter sent to the Niagara Region with regard to a request for community signage in Glendale. Once a response has been received it will be provided to the Committee for review.

8.5 Glendale Niagara District Plan Update

Steve Hardaker updated the Committee on the work being done on the Glendale Niagara District Plan. Mr. Hardaker noted that some of the bigger issues include density, building height and residents/jobs per hectare targets. It was noted that there is a public input meeting scheduled for November 20th, 6:00-8:00 p.m.

8.5 Short Term Accommodation

Councillor Stuart McCormack reminded the Committee that the Lord Mayor tasked the Committee with the review and possible amendment of the Short Term and Long Term Rental By-laws.

Councillor Norm Arsenault advised that he and Councillor Stuart McCormack had reviewed the current Short Term By-law and had met with a variety of stakeholders. A summary of suggested amendments and areas of consideration were presented to the Committee. The Committee discussed the summary.

Moved by Councillor Norm Arsenault that the summary of suggested changes to the Short Term Rental By-law be referred to staff for review and consideration; and that the process include a public consultation session; and that the final by-law be brought to Council for adoption in the early spring.

APPROVED.

9. New Business

9.1 Transportation Advisory Committee Update

Councillor Norm Arsenault provided an update on the Transportation Advisory Committee and recently received speed boards. He also noted that a sub-committee of the Transportation Advisory Committee has been formed to determine how best to use the boards in an effective and efficient way. Councillor Norm Arsenault will continue to update the Committee on their progress.

10. Next Meeting Date

January 8th, 2020 at 4:30.

11. Adjournment

ADJOURNMENT: 05:20 PM

OBJECTIVE:

To deliver on our strategy to deliver Smart and Balanced Growth with emphasis on the accommodation industry. To ensure that the growth of Short Term Accommodations (STAs) is well managed; that the licensing application process is clear, easy to understand and simple to process; that STAs contribute to a prosperous and diversified sector; that they contribute to the town infrastructure, add value to the industry and that the sector benefits not only the rental owners but residents as a whole.

SPECIFIC GOALS:

- Ensure that traditional residential neighbourhoods are not turned into tourist areas to the detriment of long-time residents
- Ensure any regulation of short-term rentals does not negatively affect property values (and property tax revenue)
- Ensure that homes are not turned into pseudo hotels or “party houses”
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the Town by-law Enforcement Officers or the Niagara Regional Police department
- Give permanent residents the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the above mentioned policy objectives are met and subject to all local by-laws
- Any by-law must be clear, precise, simple to understand and address these goals and objectives

WHAT ARE THE ISSUES DRIVING THE NEED TO CHANGE THE CURRENT BYLAW?

- Noise complaints i.e. loud parties every weekend and sometimes during the week
- Many people renting complete homes many unlicensed by the day with no restrictions on the number of individuals who can sleep over, which means no control on actual number of individuals staying in some homes
- Single night stays means renters have no incentive to look after garbage, play by the rules of town by-laws
- Lack of enforcement because there are no enforcement officers after 4:30 Monday to Friday or on weekends and difficulty in getting actionable data to charge individuals or owners. Courts are demanding proof of rental documents such as nightly receipts from renters.
- Too many cottage rentals within specific areas. Too many too close together
- Lack of accountability by owners or owners representatives in maintaining adequate control of over guests and not enforcing town rules
- No renters code of conduct
- No owners good neighbour agreements to encourage positive behaviour
- Street parking by overnight guests

Any definition of a Short Term Accommodation (STA) use should provide at a minimum:

1. a maximum duration of stay: <28 days
2. meant to serve the temporary accommodation needs of the travelling public – not housing
3. capture all forms of contractual relationships – e.g. lease, license, concession, permit, etc.
4. it does not mean other uses as defined in the zoning by-law
5. that it is considered a “commercial” use...or a “non-residential” use

STR software that may assist in identifying and regulating the industry include the following:

Hostcompliance.com

(registration, permitting, identification, monitoring) (US based but operates in Canada)

Harmari.com (Toronto based)

STR Helper.com (US based, not sure if they operate in Canada)

Others??

Noise Monitoring Products such as

<https://noiseaware.io>

<https://minut.com/about-point/features/>

Committee recommends that these companies be asked to demo their product and services. Such demos would be non-binding but may provide the Town with another tool in regulating and enforcing a new STA by-law. These companies are believed to operate on a fee for service basis and Town would likely not require additional purchase of software and the fee for service can and should be built into the license fee for STAs.

Potential STA definitions: (These definitions come from various other municipal by-laws and are here only for information or to potential improve the wording of our by-law)

"Short Term 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 less than thirty (28) consecutive calendar days, throughout all or any part of a calendar year. Short term accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use

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 Niagara on the Lake .

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.

That the Ontario Human Rights (OHR) sections relating to avoiding the discriminatory impacts of rental housing licensing, human rights housing overview landlords brochure and the human rights tenants brochures be used as a guide in developing a by-law with no discriminatory policies; (see links below for these files)

<http://www.ohrc.on.ca/en/room-everyone-human-rights-and-rental-housing-licensing/avoiding-discriminatory-impacts-rental-housing-licensing>

<http://www.ohrc.on.ca/en/human-rights-housing-overview-landlords-brochure>

<http://www.ohrc.on.ca/en/human-rights-tenants-brochure>

It should be noted that ALL cottage rentals are non-hosted and recommendations must be based with this in mind and the goals and objectives stated above. The following by-law update recommendations are listed in no particular order.

1. Residents of Niagara-on-the-Lake will be allowed to use their residences as cottage rentals providing the property being rented is their principal residence. Proof of principle residence will be required before a license is considered.
2. Non-Residents of Niagara-on-the-Lake will only be allowed to own and operate STAs providing the properties are managed by a Rental Management Company (RMC) or resident located within NOTL and such contact is available 24/7 365 days of the year to address complaints.
3. All cottage rentals must be managed by an RMC or the by the property owner if he/she resides in NOTL and such contact is available 24/7 365 days of the year to address complaints
4. Both RMCs and Owners will be responsible for the behaviour of their guests and shall be required to address any complaints of bylaw violations.
5. Any bylaw violations not handled by the RMCs/Owners will be addressed by bylaw enforcement officers or the Niagara Regional Police (NRP) and any charges laid by bylaw enforcement officers. and/or the NRP shall extend to the RMCs and Owner for failure to address the issue.
6. Cottage rentals with pools, by virtue of the fact they are non-hosted establishments, will be required to have a pool inspection to determine compliance with the pool Bylaw and will be required to carry increased insurance
7. Cottage rentals shall be limited to 3 bedrooms; if a home is advertising a room as a bedroom, or if it is a bedroom as defined in the building code or if it is occupied as a bedroom or if it is a room that contains Murphy bed or similar temporary bed said room shall be deemed to be a bedroom for the purposes of the bylaw.
8. STA rentals found to be advertising or operating without a license 60 days after the effective date of new bylaw will be charged with an offence under this bylaw and ordered to cease operations immediately and will be prohibited from applying for an STA licences for five years. Fines for operating illegally to be set sufficiently high to deter illegal operators.
9. STAs owners who apply for a license will not be allowed to rent the accommodation space until a valid license has been issued. Failure to abide by this rule shall result in an immediate charge of operating without a valid license, denial of their license application and a five year ban on any new application by the applicant for this and any other properties they may own in the Town.
10. Increase in annual fees for short term rental operators in order to assist with increased enforcement. Recommend \$200 per bedroom but recommend getting info on average per room rate in NOTL and determine additional costs re software, inspection and other acts.
11. Include penalties for operators advertising on various platforms without a license
12. STA licenses for cottage rentals will be required to be renewed on a yearly basis.
13. New STA Licenses will be a temporary license for the 1st year of operation and if the rental remains in good standing during that period, the next license will be issued for a 2 year period (Recommend 180 days if Toronto wins the LPAT appeal restricting STRs to principle residents)
14. License number must be included in all advertising material or online. Failure to do so will be considered an offence and subject to fines according the by-law

15. Employ a demerit system for each property similar to that in long term rental proposed bylaw such that several breaches of Town bylaws may result in termination of license
16. Give annual information to MPAC and CRA on each property operating as an STA in NOTL
17. Draft Bylaw for AIRBnB like companies as per Toronto and hold implementation till outcome of Toronto Court proceeding.

Short-Term Rental Accommodation (This is from Kelowna BC) **Good Neighbour Agreement**

This agreement made this _____ day of _____, 20____

WHEREAS _____ (the "Licensee"): Wishes to demonstrate to the Town of Niagara-on-the-Lake (the "TOWN"), and the Citizens of Niagara-on-the-Lake their effort to be a responsible short-term rental accommodation operator within the City of Niagara-on-the-Lake.

- Recognizes their role as a responsible operator and neighbour within the community and agrees to work with the Town and its departments to resolve all concerns. Wishes to promote Niagara-on-the-Lake as a vibrant, safe, and attractive community for the enjoyment of everyone, including residents, visitors, businesses, and their workers.
- Recognizes that non-compliance with the short-term rental accommodation agreement may be brought to the attention of the Town Clerk, Town Enforcement Officer, or Town Council, and may trigger a licence suspension and/or revocation hearing.
- Recognizes that short-term rental accommodation operators have a civic responsibility to address the conduct of their patrons; and that the Short Term Rental Accommodation Bylaw Nr xxxxxx, Noise Bylaw No. Xxxxx and other Town Bylaws require that certain standards of conduct and maintenance apply to their properties used for short-term rental accommodations.
- Recognizes that should the Licensee's licence be suspended or cancelled and any short-term rental accommodation bookings and/or nuisance incidents pertaining to the operation of a short-term rental accommodation continue to occur and remain unresolved, the Town may exercise its power to pursue additional enforcement action including increasing fines and/or legal injunctive action.
- AND WHEREAS the Town wishes to:
 - Commend the Licensee for their recognition of their civic responsibilities, and commitment to fostering a good working relationship with the Town and the Licensee's neighbours.
 - Demonstrate its commitment to early resolution of disputes with the Licensee in relation to this Agreement whenever possible.
- NOW THEREFORE in conjunction with and in consideration of obtaining, continuing to hold, or renewing a short-term rental accommodation licence, the Licensee covenants and agrees with the Town to comply with the conditions set out in Sections xx and xx of the Short Term Rental Accommodation Bylaw No. xxxxx IN WITNESS WHEREOF the parties have

executed this agreement in the Town of Niagara-on-the-Lake, Province of Ontario, this _____ day of _____, 20____ The business Licensee by its Authorized signatory (Owner/Operator)X.

Peter Todd, Town Clerk, On Behalf of the Town of Niagara-on-the-Lake

This is to be posted in STR and provided with confirmation of booking

Renter's Code of Conduct. (This is from the Georgina by-law)

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,

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 the number shown in the cottage rental advertisements. 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. Niagara-on-The-Lake requires adherence to its noise bylaw which prohibits disturbing noises after 10 pm; and,
- d) Yelling, shouting, singing and loud conversations.

The Town of Niagara-on-the-Lake Noise By-law xxxxxx 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. (need to use wording from our own by-law. Text above is from the Town of Georgina)

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 Niagara-on-the-Lake 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. Guests may only park on the property. No street parking is allowed. (If parking by-law gets changed to 48 hours, this may not be enforceable for renters)

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 Niagara Region Waste Management By-law xxxxx. Waste collection information and pick up times are available on the Niagara Region's website website. (Add website link here)

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.

11. Leisure Vehicle Parking: Parking requirements for Leisure Vehicles are addressed as part of the overall Parking Management Plan within the Short-term Rentals (Need staff to review this to see if it is an issue)