

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, license, 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 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)