

Bravo on the first draft of the bylaw. I like a lot of what I have read! However, there are a few areas where I could see room for improvement.

Overall the contentious areas will be

- a) The three month restriction
- b) The ability to rent trailers
- c) The fines and the need for an appeal process.

Here are my thoughts on how things could be improved. To give background, I have been reading STR zoning bylaws from all kinds of areas. Not all are a cookie cutter by any means for our rural / lake area, but they give good templates.

I will go through by area, the rationale for each change is in italics.

1.0 Definitions

Add a definition or two here. This will allow you to fine tune and ensure that some existing businesses know if they are, or are not included.

Bed and Breakfast - a residential unit that contains rooms offered for transient accommodation for a period of less than 28 consecutive nights, and may include space for the provision of meals and other connected services and facilities, and the remainder of the unit is the principal residence of the bed and breakfast operator, and is not offered for transient accommodation. The owner of a bed and breakfast provides on-site management for the rental unit.

Commercial activities. For this bylaw, these are activities hosted at a short term rental property that involve costs or monies for services provided (examples wedding, receptions, retirement parties, music events).

It is going to be really hard to prevent all parties etc.. this at least makes it easier to define what is an event that is not permitted.

Short Term Rental - ***add this***... A short term rental is not a camp, mobile home park, Bed and Breakfast, or campground as covered in the general zoning bylaw, or a group home, motel, hotel, resort or trailer camp.

2.0 Administration

How can a person appeal a ruling or fine ? The City of Ottawa by law contains some good stuff on this. For example they say.

2.11 A person may request a review by the ??? committee of a decision to revoke or fail to renew a license by requesting a review in writing within 14 days of having received the notice of refusal, suspension or revocation.

2.12 Upon receipt of the request for a review, the By law officer shall determine a date for the ??? committee to review, and give notice to the applicant of the time, date and purpose of the review. If the applicant does not attend the review, the ??? committee may proceed in the absence of the applicant, and the applicant will not be entitled to any further notice.

See Appendix A for what the City of Ottawa says about their review process...An STR association legally challenged this bylaw btw, and lost.

A really sticky one is 4.4 I would remove the three month stipulation. This will be a nightmare to administer, and to be honest I see the intent but the devil is in the details. A short term rental where the guests are polite, and the township bylaws are followed is not our problem.. It's the ones that offend are the issue. I would remove this provision.

4.7 In addition to the license on the back of the door.. Also stipulate owners must provide other information to the renters. Such as garbage collection, Burning bylaws, noise bylaws etc. Here are examples.

- Contact number for the host or agent
- Instructions for 9-1-1 service use
- Address of the nearest hospital or emergency medical service provider
- Instructions for solid waste disposal, including information on the waste collection day and, instructions for composting and recycling.
- Instructions for legal parking on the site and vicinity of the property.
- A schedule of fines for common offenses
- Information about Burning permits and fire safety.

4.9 No license will be issued until a property has been used as a single family dwelling for at least four years.

This is to stop people from building just to rent short term...

4.10 If an owner retains an agent to manage bookings and maintain the property, the agent must be registered with written authorization from the owner,, and are subject to the same rules as the owner.

4.11 In order to obtain a license, the owner must have a signed declaration that they are aware of and will comply with the requirements of the Short term rental by law.

5.1 ***We could change this to say*** Tourist or Travel Trailers or Recreational Vehicles are not permitted to be used for human habitation on properties **while** they are being used for Short Term Rentals. ***We already have this somewhat covered in our overall zoning bylaw, no RV tent trailers ,or structures can be used for human habitation within the Municipality of East Ferris for more than a period of 14 consecutive days, or 28 days in a calendar year. This is a small change, what if the owners have an RV and wish to park it there when they are in residence?? We also have the case of the farm which uses their RV to rent to provide a farm holiday for families. Perhaps we could have some provision to allow people to apply for a license to use an RV on Farm and Hobby Farm - non-lakefront – and approve it if there is enough room on the property and the septic is hooked up properly to a septic system. Or, perhaps we already have a by-law in place where they can apply to be a commercial camp – a subset of hobby farm or some such?***

5.6 ***add*** Parking should follow the guidelines in 4.3 of the general zoning by law. ***At no time should a vehicle or trailer be parked on the road – as per 4.3 in the zoning bylaw Requirements of a Parking Area- need to make this clear perhaps?***

5.9 ***I would change this to read*** Commercial activities (see definition above) are not permitted at the location of a Short Term Rental..... ***Otherwise it is really hard to define what is a birthday party vs an event vs a group sitting at a campfire??***

5.10 As owner or operator of a short term rental property you are responsible for the maintenance and standards of the property. Grass, trees bushes and hedges must be maintained to prevent unsightly or unreasonable overgrowth, the property must be kept clear of litter and debris, and garbage and recycling must be stored in a secure enclosure.

5.11 Any advertisement for the short term rental must clearly display the maximum overnight guest limit of the property, and rule prohibiting the use of RVs, campers, tourist or travel trailer, tents for overnight stays on the property.

Schedule A

My question.. is the fee of 750 enough to pay the cost of an effective by-law enforcement officer without additional tax burden on the residents? Some STRs charge 650 for one night. If you desired, you could have an original registration fee of 2000, and 750 as the yearly renewal fee or some such schedule.

Other General thoughts

In our general zoning bylaw, we have Table 5A, where we say where things can be operated. The STR line could be the same as the B&B line. If we are allowing STRs on the lakefront, why are we not allowing B&Bs? R, RE, RL, RH and RU for both?

The township will need a clear and easy to access way to register and track complaints on Short term rentals - as well as clearly showing how to contact the By Law officer. Enforcement is key here.

In addition to fines, the Township may elect to suspend a license for a violation of this by-law, and will inform the property owner or agent of the reason in writing. Some places use a demerit point system for this. I prefer the three strikes system you propose.

As mentioned before, you also need to consider a review hearing if a license is suspended. You could have a current committee take on this task, or make a new one just for this purpose.

In all... we need this bylaw – for the many reasons we have stated previously. They are not going away. Without a bylaw, we will become a target for the person who buys and runs multiple sites, to the detriment of our community. Our current tourist camps that have been in operation for years – they have had to follow regulations, it is unfair to have them compete with those running STRs with no oversight, . Much as Uber became a way for some to get around the rules of running taxis – the STR designation is sometimes a way to avoid the inspection and rules around running a Bed and Breakfast or other business.

There are people who run STRs who do it properly, and do not cause issues in the community. However, there are enough bad apples that the law is needed.

Section 46 – Review hearing

1. The Property Standards and License Appeals Committee shall hold the review hearing at the time, place, and date set out in the notice referred to in subsection (3) of Section 45.
2. A majority of three (3) members of the Property Standards and License Appeals Committee constitutes a quorum.
3. The applicant may be represented at the review hearing by counsel, and the applicant or the counsel shall have the right to adduce evidence, submit argument in support of the application for a host permit or registration or the status quo of the host permit or registration, and cross-examine witnesses adverse in interest.
4. The City shall be represented at the review hearing by either the Director or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the applicant.
5. At the review hearing, the onus shall be upon the applicant to show cause why,
 - the host permit or registration applied for should be granted,
 - the host permit or registration should not be suspended or revoked, or
 - the condition should not be placed on the host permit.
6. All review hearings shall be public hearings unless the applicant requests that the hearing be held in camera and the Property Standards and License Appeals Committee may approve the request by a simple majority in accordance with the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended.
7. The Property Standards and License Appeals Committee is authorized to make the final decision in respect of the revocation or suspension of any host permit or registration under this by-law, or the imposition of any conditions on a host permit.
8. The Property Standards and License Appeals Committee, after a hearing, may revoke a host permit or registration under this by-law for cause and without limiting the generality of the foregoing for:
 - a breach of the law,

- anything which may be in any way adverse to the public interest,
 - any other matter which the Property Standards and License Appeals Committee is authorized by law to consider, or
 - any violation of the provisions of this by-law.
9. The Property Standards and License Appeals Committee may suspend a host permit or registration under this by-law for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as provided in subsection (8).
 10. The Property Standards and License Appeals Committee may impose conditions as a requirement of obtaining, continuing to hold or renewing a host permit, including special conditions.
 11. The Property Standards and License Appeals Committee's decision shall be final and binding.

Section 47 – Property standards and license appeals committee decision

The Property Standards and License Appeals Committee shall give its decision in writing to the Director within seven (7) days of the date of the completion of the review hearing.

Section 48 – Waiver of hearing

Despite any of the provisions of this by-law, where the applicant has waived such hearing or compliance, any proceedings may be disposed of by a decision of the Property Standards and License Appeals Committee given:

- a. without a hearing; or
- b. without compliance with any other requirements of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended, or of this by-law incorporating such requirements.

Section 49 – Implementation of property standards and license appeals committee decision

1. The Director shall notify the applicant of the decision of the Property Standards and License Appeals Committee by serving a copy personally or by registered mail to:
 - the applicant at the address shown on the application, or last on file with the Director, or
 - the counsel or agent of the applicant, if any, at the address as stated to the Property Standards and License Appeals Committee.
2. If the decision rendered by the Property Standards and License Appeals Committee is to grant the applicant the host permit or registration, the host permit shall be issued or the registration shall occur.