



VIA EMAIL ONLY @ [cjiles@thebluemountains.ca](mailto:cjiles@thebluemountains.ca)

February 1, 2019

Mayor Alar Soever & Members of Council  
Town of The Blue Mountains  
32 Mill Street  
Thornbury, ON N0H 2P0

**RE: February 4, 2019 Committee of the Whole  
Draft STA Licensing By-law, Staff Report FAF.19.018 &  
Draft Property Standards By-law, Staff Report FAF.19.019**

I am writing on behalf of the Blue Mountain Short Term Accommodation Owners Association (BMSTA) with respect to the subject matter.

As Council is aware, the draft by-laws and associated Staff Reports are the culmination of many months of review, consideration, discussion and public consultation. BMSTA has been continually engaged in this process and are supportive of staff's recommendations and the draft by-laws with the following noted exceptions:

#### **1. Enforcement of Illegal STA's:**

BMSTA continues to be concerned with the lack of enforcement of illegal STA's in the community. We acknowledge that the Staff Report indicates that to-date 66 owners have been charged with infractions but note that this quantum is not specific as to the nature of the infractions. Infractions under the provisions of the STA Licensing By-law can range from a Parking Management Plan violation to a Garbage Management Plan violation to operating without a licence. BMSTA respectfully requests that staff advise Council of the number of charges that have been laid for operating illegally/without a STA Licence and the associated number of convictions obtained since the inception of the STA Licensing By-law.

BMSTA has made multiple submissions to staff and Council on the inclusion of appropriate prohibitions and related implementation mechanisms respecting the advertising of unlicensed STA's and continue to respectfully request that the STA Licensing By-law be amended accordingly, and that Council provide the appropriate resources for proactive enforcement.

The operation of illegal STA's in the Town will continue to potentially impact local neighbourhoods, present life safety risks to renters and our responding emergency services personnel and marginalize the STA Licensing Program.

## **2. Responsible Person:**

BMSTA concurs that the best means to correct a tenant's non-compliance with the Renter's Code is by way of the intervention of the Responsible Person. This intervention process has been successful in quickly resolving tenant behavior concerns. Given this, BMSTA is concerned by the suggestion in the Staff Report that late-night complaints (i.e. 11:00 a.m. to 6:00 a.m.) responded to by the OPP be treated differently.

From an operational perspective, enforcement of Town by-laws should be seamless, be it that they are being enforced by the OPP or by Town staff. BMSTA does not understand why a proven intervention method by way of the Responsible Person could not be continued in this process.

Failing the ability for the Town to bring about seamless enforcement, BMSTA respectfully submit that in no instance should demerit points or charges be levied against owners or operators if they have not been provided the opportunity to intervene.

## **3. Schedule A to the Draft STA Licensing By-law:**

BMSTA is concerned with the proposed inclusion of Schedule A from an efficiency perspective. Schedule A is a Fire Safety Requirements Checklist, see reference at Section 4.8 of the draft by-law, and is effectively an operational and communication tool.

With the form and content of operational and communication tools subject to change from time to time, and given its inclusion in the by-law, an amendment to the STA Licensing By-law will be required in each instance and thus create a timely, and costly, bureaucratic encumbrance. BMSTA is concerned with respect to the apparent inefficiency associated with this process. As Council is aware, the Town's policies/procedures and Provincial law require the provision of notice, a

minimum of 1 public meeting, subsequent report back to the Town's Committee of the Whole and Council consideration each time a change to the checklist is proposed.

BMSTA has incurred considerable consulting and opportunity costs over the past year addressing the matters before Council today and do not desire to incur these costs once again if from an operational perspective there is a need to change the checklist and thus re-open the by-law.

The Town has many operational practices and checklists in place that have not been scheduled to implementing by-laws and BMSTA is of the opinion that this is not required in this instance.

Lastly, BMSTA notes that it, and its representatives, have had many discussions with the Fire Department over the past number of years as it relates to the interpretation and application of the Fire Code and will continue to dialogue with the Fire Department as to the applicability specific requirements noted on the attached checklist.

### **Summary Comments:**

BMSTA would be remiss not to comment on the "plus four" model recommended by staff given that this issue has been the primary focus of the STA Licensing By-law review.

As noted in Staff Report FAF.19.018, the "plus four" operational model has been in place since the inception of the STA Licensing Program and the occupant load of 87 of the 257 licensed STA's has been calculated using this model. BMSTA notes that the "plus four" model is not a proposed change to the STA Licensing By-law but is the status quo and, that this model was previously presented to and accepted by Council on June 2, 2014.

It is further noted that at numerous public meetings and staff reports, and within Staff Report FAF.19.018, Chief Collins has expressed his opinion that the "plus four" occupant load model does not contribute to higher complaint statistics. This opinion is consistent with the experiences of BMSTA's owners and operators.

In addition to the lack of correlation between occupant load and complaints, BMSTA and others have made submissions and presentations related to the potential economic impact that a reduction in STA occupant load would have on the community and respectfully requests that Council be mindful of this when deliberating on the proposed changes.

DRAFT STA LICENSING AND PROPERTY STANDARDS BY-LAWS  
STAFF REPORTS FAF.19.18 & FAF.19.19

BMSTA has been continually engaged in the review process and supports the recommendations and draft by-laws subject to the exceptions noted above.

DRAFT STA LICENSING AND PROPERTY STANDARDS BY-LAWS  
STAFF REPORTS FAF.19.18 & FAF.19.19

BMSTA thanks Council for this opportunity to comment on the staff reports and draft by-laws and looks forward to the final resolution of this matter.

Yours truly,



David Finbow  
(On Behalf of BMSTA)

Reply Attention:   BMSTA  
                          c/o David Finbow  
                          [dfinbow8@gmail.com](mailto:dfinbow8@gmail.com)