

To Mayor Soever and Members of Council

Comments on Staff Report FAF.19.018 re Draft STA Licensing By-law Feb 4 COW

Background: One area that is not noted in this section is why STA bylaws were required in the first place. We must remember that these bylaws to control and license STA businesses were developed because of the *many* problems they caused, and in some cases still cause, in our residential areas. As the OMB noted there is a conflict of purposes having businesses in these areas and the Town had the right to implement restrictions. The bylaws were developed to add some protection in our neighbourhoods and the recommendations in the report will remove some of these protections. The STAs have a role in our Town however let's remember that they are not the only accommodation source for visitors.

Occupant Load:

The current bylaw occupancy load of 2 per bedroom +2 is a restriction that was arrived at after consultation with residents of this town to find an acceptable limit for residential areas. The +4 model that was adopted did not have residents input. The reason for the +2 decision was to try to protect the integrity and character of our low density residential neighbourhoods and with record levels of visitors to this town we need this protection even more.

The Staff report states that STA operators have noted that the “plus 4 model was important to their business operations” but they have also stated they charge by the unit not by the number of people renting. It has been pointed out they are economic benefits with the extra two persons but these small benefits to our economy shouldn't overrule the

needs of our citizens. Please don't sacrifice our residential neighbourhoods for a little more profit.

The report also states the "fact that the higher occupant limits did not contribute to higher complaint statistics". How do you quantify this? We have not seen any published reports or surveys that show any statistics to back this up. We know noise complaints are down but it is attributed to assigning demerit points. Last year we had 42 noise complaints, perhaps if we had the +2 model we may have had only 35. Common sense dictates that 'the more people-the more noise', additional cars, traffic etc.

The report states there are 87 units affected by the +4 model, and we know it would be easier to grant them the +4 than to hold them to the current bylaw of +2. But is this the right thing to do to these neighbourhoods? Please don't take the easy way out.

Imagine that the house next to you is an STA. You probably know the number of bedrooms. Take that number and multiply it by 2 then add 4. Is this a number you are comfortable with, does it fit your neighborhood, or would you like to see fewer people and fewer cars, less traffic and noise.

Regarding licenses that have been issued erroneously at the +4 level, we suggest that this be corrected at the review for renewal of those licenses. As we mentioned earlier, the owners have stated that their rental charges are not specific to the # of renters, so their income would not be affected. However maintaining the +2 at least sets a somewhat reasonable occupancy level for the neighbourhoods.

Use of Provincial Offenses Court:

Apparently the change to charging through a POA was to allow owners to use the due diligence defence. Due diligence was rejected by the Council in the past and let's face it, if there is noise and neighbours are disturbed then obviously the mitigation measures of the owner did not work. Security patrols and Noise measuring devices are great if it leads to action by the owner to eliminate any noise. However if in the meantime there are complaints **then noise happened** and charges against the renters and demerit points should be assigned against the license. We want to be very clear that the neighbours aren't going to go to the trouble of reporting a disturbance at 2 in the morning if there wasn't one.

Currently the process is to assign demerit points after a noise conviction. So the court has confirmed there was noise. To then require **a second court case and second conviction** before demerit points are assigned seems redundant and counterintuitive. The report also states that the present process can have delays with owners rescheduling their appeal date multiple times. The Town can totally control this by having time limits for appeals to be heard. The very few appeals that were brought to the Council committee were dealt with quickly. The demerit points were a very real deterrent to allowing noisy renters however this new process is lengthy (2 court cases before any demerit points) and it appears that demerit points under the new RP process won't ever be assigned. This report states that 'staff have dealt with relatively few STA complaints involving demerit points'. **Why** are we changing a process that was working.

Responsible Person:

This issue has been before council many many times in the past and always turned down. The role of the Responsible person should not supersede the responsibilities of the Town Bylaw Staff. And for minor infractions such as long grass, the RP program may be most appropriate. However, the very brief mention of the RP in the STA bylaw certainly does not give that role the right of self policing. And certainly the option for residents to call the police should **Never** cancel the assignment of any demerit points in either process.

If the police are called to any other home in Town on a noise issue are the residents given an hour to quiet down?

Again everyone seems to agree that the demerit point program has improved the situation for residents, and with few owner complaints, again why are we changing the process?

Non legal STA's:

We totally agree that illegal STAs need to be stopped. However along with a very significant fine, a prohibition of any chance of getting a license (if located in the permitted areas) should be a minimum of 5 years. It should also be noted that in low density residential zones any new STAs are prohibited.

The Blue Mountains Strategic Plan:

The Plan refers to 'enhancing community life' and has a Goal to "build strong neighbourhoods through sustainable neighbourhood design".

This refers not only to new developments but to our established neighbourhoods which need your protection.

Thank you for your consider of these facts and suggestions.

Regards,

Terry Kellar Chair STA Committee, BMRA