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**VIA EMAIL ONLY**

October 22, 2018

Mayor John McKean & Members of Council  
The Blue Mountains  
32 Mill Street, Box 310  
Thornbury, ON N0H 2H0

**RE: Proposed Revisions to The Short Term Accommodation Licensing By-law  
November 5, 2018 Committee of the Whole Meeting**

I am writing on behalf of The Blue Mountains Short Term Accommodation Owners Association (BMSTA) respecting the subject matter. As you are aware, BMSTA is a group of short-term accommodation (STA) owners and operators dedicated to providing the best possible experience for the visitors and residents in the Blue Mountains area.

BMSTA understands that Council has directed staff to provide further information on the following to the Committee of the Whole on November 5, 2018:

1. Occupant Load (Existing +4 Model versus +2 Model)
2. Prosecutions via Provincial Offences Court versus Committee/Council
3. Operating without a Licence and Enforcement
4. Details where infractions to Property Standards By-law are referred to Enforcement

With respect to items 1 to 3, BMSTA offers the following comments.

1. Occupant Load (Existing +4 Model versus +2 Model)
  - Per Chief Collins there is no statistical that a +4 Model versus a +2 Model is a problem.
  - BMSTA respectfully requests that Council consider the impact of potentially decreasing the current +4 Model to a +2 Model on the local economy:
    - 2 persons/night x 250 STAs x 365 days/year = 182,500 bed nights
    - 2 persons/night x 250 STAs x 104 days/year = 52,000 bed nights
  - The +4 Model provides for more affordable vacation accommodation as it helps to keep the per person cost down for families and groups that wish to visit The Blue Mountains.
  - BMSTA supports the continuation of the +4 Model.

## 2. Prosecutions via Provincial Offences Court versus Committee/Council

- Per Chief Collins the demerit points system will continue to be an important part of the STA Licensing Program.
- POA Court will allow for a due diligence defence by the defendant, be it the occupier, operator or the owner.
- There have been a limited number of prosecutions in POA Court and therefore the notion that proceeding by way of POA Court will create a backlog or be a significant impact on resources should be critically evaluated.

## 3. Operating without a Licence and Enforcement

- BMSTA continues to support proactive enforcement.
- BMSTA has significant concerns with the number of non-licensed STAs being offered through Airbnb, VRBO, Kijiji and by other means.
- BMSTA has provided the Vancouver Licensing By-law to Town staff related to the offence of advertising of non-licensed STA's:

*“No person shall Market a STA unless they hold a license...”*

*“A STA operator shall not Market a licensed STA without providing their licence number...”*

The suggested provisions would immediately serve as a detriment and be a starting point in terms of communications with advertisers in gaining their cooperation in addressing advertising of unlawful STAs.

- BMSTA requests that Council give direction to Town staff to include similar provisions in the Licensing By-law.

BMSTA notes that the proposed revisions recommended by staff are the culmination of extensive study and review by staff and Council over the past few years and encourages Council to enact the proposed by-law revisions.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

  
David Finbow

c. Shawn Everitt, Interim CAO  
Chief Collins, Director of Fire and Enforcement Services

# STA Licensing By-law Revisions



David Finbow  
(On Behalf of BMSTA)  
November 5, 2018

# The Blue Mountains Short Term Accommodation Owners Association (BMSTA)

The Blue Mountains Short Term Accommodation Owners Association (BMSTA) is a group of STA owners and operators dedicated to providing the best possible experience for the visitors and residents in The Blue Mountains Area.

- BMSTA supports a STA Licensing Program that is fair and reasonable.
- Based on the Town's own statistics and comments and, on our own experiences, the STA Licensing Program has been successful in addressing concerns previously identified by the community.
- BMSTA understands that Staff have been directed to provide further information on the following:
  - Occupant Load (Existing +4 Model versus +2 Model)
  - Prosecutions via Provincial Offences Court versus Committee/Council
  - Operating without a Licence and Enforcement
  - Details where infractions to Property Standards By-law are referred to Enforcement

- Occupant Load

- Per Chief Collins there is no statistical evidence that a +4 Model versus a +2 Model is a problem.
- Council must consider the impact of potentially decreasing the current +4 Model to a +2 Model on the local economy
  - 2 persons per night x 250 STAs x 365 days/year = 182,500 bed nights
  - 2 persons per night x 250 STAs x 104 days/year = 52,000 bed nights
- The +4 Model provides for more affordable vacation accommodation as it helps to keep the per person cost down for families and groups that wish to visit The Blue Mountains.
- BMSTA supports the continuation of the +4 Model



- Provincial Offences Court

- Per Chief Collins the demerit points system will continue to be an important part of the STA Licensing Program.
- POA Court will allow for a due diligence defence by the defendant, be it the occupier, operator or the owner.
- There is a limited number of prosecutions in POA Court and therefore the notion that proceeding by way of POA Court will create a backlog or be a significant impact on resources should be critically evaluated.

- Operating without a Licence
  - BMSTA continues to support proactive enforcement.
  - BMSTA has significant concerns with the number of non-licensed STAs being offered through Airbnb, VRBO, Kijiji and by other means.
  - BMSTA has provided the Vancouver Licensing By-law to Town staff related to the offence of advertising of non-licensed STA's.

*“No person shall Market a STA unless they hold a license...”*

*“A STA operator shall not Market a licensed STA without providing their licence number...”*

- BMSTA requests that Council give direction to Town staff to include similar provisions in the Licensing By-law.





- Lawful Non-Conforming STAs

- BMSTA previously discussed the Draft By-law with Town staff with staff providing clarification on the operational aspects of the Program.
- This clarification addressed BMSTA's concerns related to the continuation of pre-existing STA's including the degree/extent of the protections afforded to these properties by Provincial Legislation.