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VIA EMAIL ONLY

November 1, 2018

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

**RE: Staff Report FAF.18.151 – STA By-law Revision
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 has had the opportunity to review the subject staff report and are extremely concerned that:

1. The staff report fails to address the explicit direction of the Committee of the Whole (COW) at their meeting of October 10, 2018 for staff to “update the Draft Short Term Accommodation Licensing By-law as directed above and include the By-law on the November 5 COW for review, and consideration at the November 19 Council Meeting for consideration and adoption”; and,
2. The staff report recommends “that Council direct staff to initiate the Public Consultation Process including the required Public Meeting...”

As Council is aware, the COW adopted recommendations were arrived at following years of discussion, debate and consideration by the current Council, the public and stakeholders. Respectfully, it is BMSTA’s position that for the proposed revisions to the STA By-law to be deferred for an indeterminate time that it would not be in the interests of any of those that have participated in the process over the past number of years.

From a procedural perspective, it strikes BMSTA that should the COW consider the subject staff report as currently constructed that it would be a reconsideration of the previously adopted motion of the COW and that regard must be had to Section 19.0 of the Town’s Procedural By-law, specifically a two thirds vote is required (also see Section 14.2).

As to staff's deviation from the COW's recommendation, BMSTA has been advised that it is founded in staff's understanding that there is a need/requirement to proceed with a process to amend Section 5.6 of the Town's Property Standards By-law to align the occupancy provisions proposed under the staff report and related draft by-law with the Property Standards By-law (i.e. the 2 persons per bedroom plus 4 model). Respectfully, it is BMSTA's submission that the COW's recommendation of October 10th need not be ignored and that Town staff's desire in terms of alignment can be addressed in many ways including the following:

1. Council adopting a resolution directing Town staff to defer enforcement of Section 5.6 of the Town's Property Standards By-law until said section is reviewed by Council and Council has decided on the appropriateness of an amendment thereto.

OR,

2. Inserting a Section in the Draft Short Term Accommodation Licensing By-law that indicates that "Section 5.23 shall not come into full force and effect until such time that Council has enacted an amendment to the Town's Property Standards By-law respecting the occupant load provisions of short term accommodation. In the interim, the provisions of By-law 2013-50, as amended, respecting occupant load shall continue."

Lastly, BMSTA respectfully requests that staff provide at the November 5th COW Meeting the data requested by Councilor Halos at the COW Meeting on October 10th respecting the number of convictions/infractions of the STA Licensing By-law that have been registered.

BMSTA notes that the proposed revisions recommended by staff are the culmination of extensive study and review by staff, Council, the public and stakeholders over the past few years and encourages Council to enact the proposed by-law revisions during its current term.

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

Yours truly,



David Finbow
(On Behalf of BMSTA)

- c. Shawn Everitt, Interim CAO
C. Giles, Town Clerk
Chief Collins, Director of Fire and Enforcement Services