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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 10<sup>th</sup> 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 5<sup>th</sup> COW Meeting the data requested by Councilor Halos at the COW Meeting on October 10<sup>th</sup> 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



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**VIA EMAIL ONLY**

November 7, 2018

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

**RE: Short Term Accommodation (STA) Licensing By-law Review & Related Revisions**

I am writing on behalf of The Blue Mountains Short Term Accommodation Owners Association (BMSTA) respecting the subject matter.

As noted in our communication of November 1, 2018, BMSTA is extremely concerned that Staff Report FAF.18.151 considered at the November 5, 2018 Committee of the Whole (COW) Meeting failed to address the explicit direction of the COW of October 10, 2018 wherein staff were directed 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.”

With respect to the deviation from the COW’s direction of October 10, 2018, Town staff noted that they desired to address the proposed amendments to the STA Licensing By-law concurrent with the review and possible amendments to the Town’s Property Standards By-law. In this regard BMSTA notes that:

- Town staff’s stated desire to run a concurrent process is notwithstanding their comments at the October 10, 2018 COW Meeting wherein they advised that the proposed STA Licensing By-law amendments could proceed in advance of the proposed housekeeping amendments to the Property Standards By-law;
- Interim options exist for Council in terms of providing direction as to the operation of the Property Standards By-law (see BMSTA correspondence of November 1, 2018); and,
- Town staff have had numerous months to commence a process and bring forward the proposed amendments to the Property Standards By-law and to defer consideration of the draft STA Licensing By-law is not necessary, not is it fair to all of those who have participated in the process.

BMSTA, the public, staff, other stakeholders and Council have invested considerable time and money in the review of the Town's STA Licensing By-law to-date and believe that Town staff's recommended Draft STA Licensing By-law is fair and reasonable. For Council to further defer consideration of the Draft STA Licensing By-law to a further date, and to a future Council, will only result in additional costs - both financial and lost opportunity costs.

In addition to concerns related to Town staff's deviation from a direction of the COW, BMSTA has the following process/procedural concerns:

1. The COW at its meeting of November 5, 2018 adopted the minutes of the October 10, 2018 COW Meeting and thereby confirmed its direction to staff to bring the Draft STA Licensing By-law to the November 19, 2018 Council Meeting.
2. The consideration and adoption of the recommendations contained in Staff Report FAF.18.151 by the COW to defer the consideration of the Draft STA Licensing By-law at the November 19, 2018 Council Meeting is in our opinion a reconsideration of a matter contrary to Town By-law 2018-20.

Sections 14.2 of the By-law indicates that "The rules of the Council as provided for in this By-law shall be observed in the Committee of the Whole"; and, Section 19.0 indicates that "A motion to reconsider..." requires that "two thirds of the full membership of Council (being five members)"

BMSTA notes that five members of Council were present at the November 5, 2018 COW Meeting; that Chair Gamble did not vote on the recommendations contained in Staff Report FAF.18.151; and, that 4 members of Council voted in the affirmative and thus failing the five-member test.

3. Council at its meeting of November 19, 2018 will be presented with the following two conflicting recommendations from the COW:
  - i. The October 10, 2018 COW recommendation to consider the Draft STA Licensing By-law; and,
  - ii. The November 5, 2018 COW recommendation to defer consideration of the Draft STA Licensing By-law - which BMSTA submits is not properly before Council as it was a reconsideration of the same matter by the COW and therefore the October 10, 2018 recommendation must take precedence.

BMSTA respectfully requests clarification on the procedural matters raised and that Town staff ensure that the draft STA Licensing By-law be included on the November 19, 2018 Council Meeting Agenda for consideration in accordance with the October 10, 2018 recommendation of the COW.

Further concerns arising from the November 5, 2018 COW Meeting are:

1. The continued perceived notion that the proposed 2 PERSONS PER BEDROOM + 4 MODEL represents something new. In fact, this is how the STA Licensing By-law has been continually applied by Town staff and therefore represents a continuation of the Town's current practice.
2. The recommendation contained in Staff Report FAF.18.151 speaks to a "Public Consultation Process including the required Public Meeting for consideration of the draft Short Term Accommodation and draft Property Standards By-law for consideration." Without prejudice to BMSTA's opinion on the appropriateness of this recommendation, should Council consider this recommendation, BMSTA respectfully requests that Council add clarity that the public consultation process including the public meeting is specific to the draft Property Standards By-law.

The proposed revisions to the STA Licensing By-law recommended by staff are the culmination of extensive study and review by the public, staff, stakeholders and Council over the past few years and encourages this Council to enact the proposed by-law revisions.

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



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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 STAs:

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

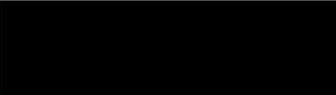
*“A STA operator shall not Market a licensed STA without providing their licence number...”*

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.

  
David Finbow

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