

Short Term Rental Accommodation and Bed and Breakfast Establishments Licensing By-law Information Session

Planning, Special Projects and Municipal Law Enforcement



Introductions

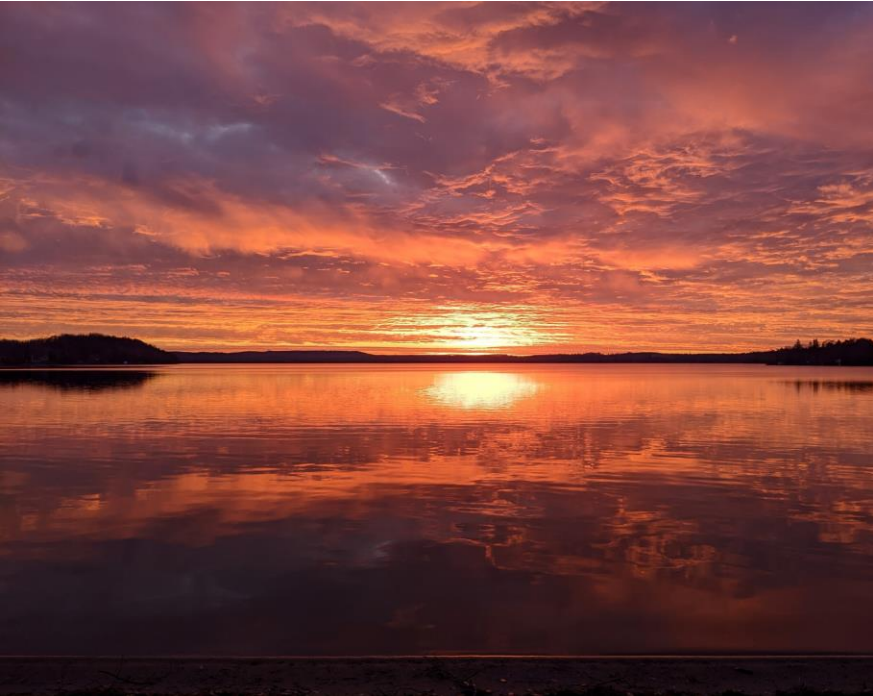
Presenters

George Vadeboncoeur, Manager, Planning Special Projects

Karen Landry, Consultant, Dray and Associates

Curtis Shelswell, Chief Municipal Law Enforcement Officer

Samantha White, Granicus Representative



Agenda

- Brief History of How we Got Here
- Where are Short-Term Rental Accommodations that operate as a Commercial Accommodation Permitted under the Zoning By-law
- Where are Bed and Breakfast Establishments permitted under the Zoning By-law
- Purpose of a Zoning By-law versus the purpose of a Licensing By-law
- Goals of the Licensing Program
- Requirements to be Licensed as a Short Term Rental Accommodation and Bed and Breakfast Establishment
- Enforcement of Licensing By-law – Municipal Law Enforcement and Granicus
- Penalties – Demerit Point System and Administrative Monetary Penalty System (AMPS)
- Next Steps
- Questions
- Break-out Tables for Questions



Short Term Rental Accommodation History

2018 – 2022 (24)

- Township enacted an Interim Control By-law so that it could review how best to regulate Short Term Rental Accommodations under the Zoning By-law
- Township enacted an amendment to the Zoning By-law to introduce a definition of “Commercial Accommodation”
- By-law was appealed to the Ontario Land Tribunal
- Ontario Land Tribunal strikes down by-law, stating “as it did not represent good planning and was not in the public interest...”.
- Township appealed Ontario Land Tribunal decision to Divisional Court
- A draft licensing by-law was proposed by staff and was received by Council. No action was taken
- March 2024 Division Court decision released which supports Ontario Land Tribunal decision

2023

- **March** - New Council approves motion requesting that staff address the issue of short term rental of dwelling units in the municipality

2024

- **August** - Council approves motion requesting an information report to formally update Council and the Community on actions taken to address Short Term Rental Accommodations
- **September** - Council receives information Report
- **October** - Council holds a public education session on the challenges of addressing illegal short term rental accommodations using the provisions of a Zoning By-law and how a Licensing By-law works to regulate legal Short Term Rental Accommodations

2025

- **January** - Council considers options report and directs staff to prepare a draft Licensing By-law for legal Short Term Rental Accommodations and Bed and Breakfast Establishments and that an information/outreach meeting on the draft licensing by-law be held to solicit public comment prior to returning for formal consideration
- **February** - Draft Licensing By-law Tabled



Zoning By-law Summary

Short Term Rental Accommodations and Bed and Breakfast Establishments in Oro-Medonte.

Zoning By-law 97-95

A Zoning By-law Regulates the Use of Land

Section 3.0 - Permitted Uses

This Section lists the uses that are permitted in each Zone. The effect of these Zones is to only permit certain uses in various parts of the municipality. Because of the nature of the Planning Act, zoning by-laws are permissive. That is, the only uses that are permitted are those that are specified in the by-law. If a use is not specifically mentioned as a permitted use in a Zone, or if it is defined in Section 6.0 of the by-law and not listed as a permitted use, then it is not permitted.

Under the Zoning By-law there are several Residential Zones:

- Residential One (R1) Zone
- Residential Two (R2) Zone
- Rural Residential One (RUR1) Zone
- Rural Residential Two (RUR2) Zone
- Shoreline Residential (SR) Zone
- Residential Limited Service (RLS) Zone

Zoning By-law 97-95

The Following Uses are Permitted in These Specific Residential Zones

Single Detached Dwellings, Semi Detached Dwellings, Townhouse Dwellings, Multiple Dwellings, Apartment Dwellings, Day Nurseries, Home Occupations, Private Home, Daycare, Residential Care Homes.

A Dwelling Unit is Defined as:

Dwelling Unit [By-law 2015-192] Means one or more rooms in a building, designed as, or intended as, or capable of being used or occupied as a single independent housekeeping unit and containing living, sleeping, sanitary and food preparation facilities or facilities for the installation of kitchen equipment and has an independent entrance. For the purposes of this By-law, **a dwelling unit does not include any commercial accommodation** or a recreational trailer.

There is also a Village One (V1) Zone

The following uses are permitted in the Village One Zone:

Apartment Dwellings, Home Occupations, Multiple Dwellings, Semi Detached Dwellings, Timeshares, Townhouse Dwellings, Village Commercial Resort Units.

Zoning By-law 97-95

A Village Commercial Unit is Defined as:

Village Commercial Resort Unit [By-law 2014-112] Means a dwelling unit in a building where culinary and sanitary services are provided for the exclusive use of the dwelling unit, and the dwelling unit may be part of a rental or lease management program which includes housekeeping services where the dwelling unit is rented or leased to other than the unit owner for a period of time under a rental or lease agreement program.

A Bed and Breakfast Establishment is Defined as:

Bed and Breakfast Establishment Means a single detached dwelling in which a maximum of three rooms are provided with or without meals for hire or pay for the travelling public. (This definition is will be updated in the New Zoning By-law to correspond with definition in the Township's new Official Plan.)

- The Township of Oro-Medonte describes a Short Term Rental Accommodation as a Village Commercial Resort Unit. (This term is will be updated in the New Zoning By-law)
- **Zoning By-law Interpretation**
- A Short Term Rental Accommodation that functions as commercial accommodation is not permitted in any residential zone. They are only permitted in the Village One Zone.
- A property owner in a residential zone that wishes to operate a Short Term Rental Accommodation as a commercial accommodation on their property must apply to the Township for a site specific Zoning By-law Amendment in order to be legal.



Draft Licensing By-law

Short Term Rental Accommodations in Oro-Medonte.

Draft Licensing By-law

In order for a Short Term Rental Accommodation that functions as commercial accommodation or a Bed and Breakfast Establishment to be eligible for a license it must be permitted under the Zoning By-law. For a Short Term Rental Accommodation, the property must be located in the VI Zone and for a Bed and Breakfast, it must be located in the Agriculture/Rural (A/RU) Zone, Private Recreation (PR) Zone or be permitted by exception to the Zoning By-law.

Municipal Licensing regulates how an activity is conducted. The Planning Act regulates the use of the property. Licensing under the Municipal Act regulates the manner in which the use is carried out on the property. The main focus of licensing is to ensure health safety of customers and service providers.

- Section 8(3) of the Act, authorizes a municipality to provide for a system of licences;
- Section 11 (2), paragraph 6 of the Act, authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

Part IV of the Act, provides that a municipality may provide for a system of licences, which includes the power to suspend a licence and may:

- | | |
|--|--|
| a) prohibit the carrying on or engaging in the business without a licence; | e) continue to hold or renew a licence; |
| b) refuse to grant a licence or to revoke or suspend a licence; | e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and |
| c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; | f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; |
| d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, | |

Draft Licensing By-law

Section 150 of the Act. In this Part, “business” means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes,

- a) trades and occupations,
- b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
- c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,**
- d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

2006, c. 32, Sched. A, s. 82.

- Section 391(1) of the Act provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;
- Section 425 of the Act authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under the Act is guilty of an offence;
- Section 429 of the Act provides that a municipality may establish a system of fines for a by-law passed under the Act;

Goals of the STRA and B&B Establishment Licensing Program



Maintain community character and a healthy environment.



Ensure rental properties are safe for occupants.



Ensure rental properties are compliant with by-laws and regulations



Provide staff with tools to remediate concerns.

Licensing Requirements

Schedule A and B to the By-law outline Licensing Requirements for STRAs and B&B Establishments. They are very similar. The main difference is that a B&B must be the primary residence of the applicant.

Requirements Include:

- a) Sewage system use approval issued by the appropriate authority that aligns with the use of the building it serves and maximum occupancy requested as part of the application. Where the applicant is unable to produce such a record, the License Issuer may require the applicant to obtain the services of a qualified individual to provide a record of the existing sewage system.
- b) A site plan of the **property** that includes:
 - i. the location of all buildings on the property and setbacks of buildings from the property lines;
 - ii. the location and dimensions of the parking area:
 - a) illustrating each parking space with minimum dimensions of three (3) metres by six (6) metres;
 - b) a minimum of 1 parking space per bedroom, or the minimum number of parking spaces as required by the Township's Zoning By-law whichever is greater;
 - c) identifying the type of hard surface (gravel, pavement, concrete, interlock or other similar type of hard surface) used for the parking area;
 - iii. the location of the driveway access to the parking area;
 - iv. the location and dimensions of the outdoor amenity area(s);
 - v. the location of fencing, landscaping or other buffering, if required;
 - vi. waste container storage area;
 - vii. the civic address and legal description of the property;
 - viii. a photograph of the front of the dwelling unit;
 - ix. the location of the sewage system and any of its components;

Licensing Requirements

- c) A floor plan of the dwelling unit with dimensions illustrating an emergency evacuation plan (fire escape route) inclusive of each bedroom that conforms to the standards of the Ontario Building Code, and illustrates the location of a smoke alarm/carbon monoxide alarm outside each bedroom, fire extinguishers in the kitchen and laundry room, exit/egress doors and windows;
 - (d) Proof of insurance by way of certificate of insurance
 - (e) Responsible Person Acknowledgement and Consent Form;
 - (f) Acknowledgement of Renter's Code of Conduct.
- 2. (a) Compliance with Township By-laws, provincial and federal legislation, as may be amended, including but not limited to:
 - i) Township's:
 - a. Zoning By-law;
 - b. Property Standards By-law;
 - a. Fire Protection and Prevention Act;
 - i) Building Code Act.
- b) Posting of an emergency evacuation plan (fire escape route) that is plaqued or framed, inclusive of each bedroom, and illustrates the location of a smoke alarm/carbon monoxide alarm outside each bedroom, fire extinguishers in the kitchen and laundry room, exit/egress doors and windows.
- c) an inspection being conducted by an Officer and the Fire Chief.

Occupancy

**Cannot exceed 2
persons per bedroom.**

**Cannot exceed the
limits of the sewage
disposal system
serving the premise**

**On-site Parking to
Match Zoning By-law
and Licensing
Requirements**

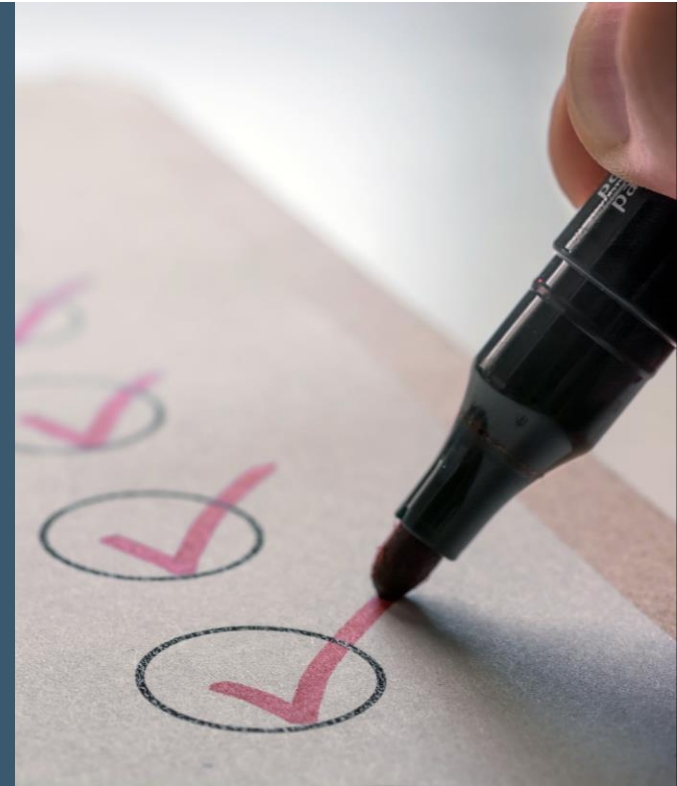


Application Process

Short Term Rental Accommodations in Oro-Medonte.

Pre-Application Checklist

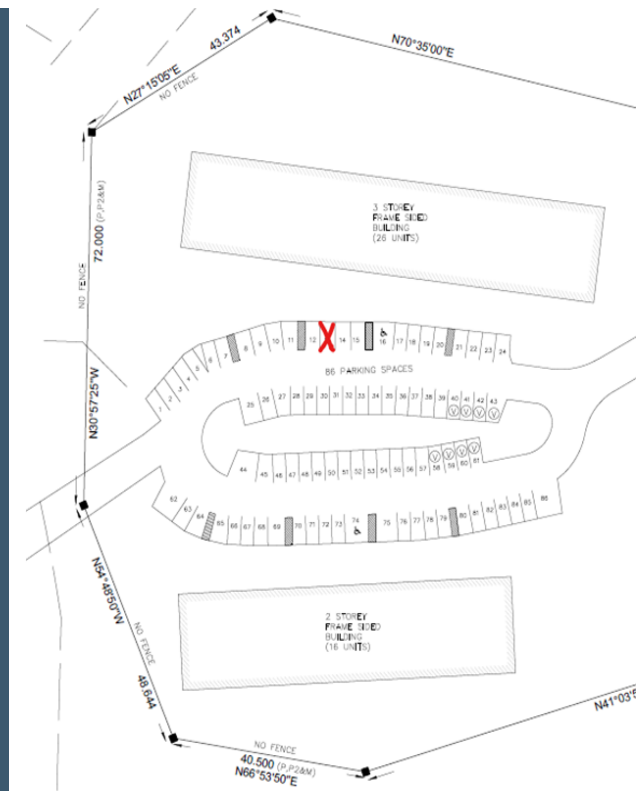
- On-line application process
- Owner Information (name, contact information)
- STRA Information (address, type of access, photographs of access)
- Applicant Information (if different from owner)
- Responsible Person Information (name, address, contact information)
- Site Map (buildings, structures, landscape features, sewage disposal system, parking areas, waste disposal)
- Floor Plan (rooms, smoke and carbon monoxide alarms, fire extinguishers, entrances and exits, fire escape routes, cooking appliances)
- Renter's Code of Conduct
- Licensee Acknowledgement
- Renter's Information Package (address, responsible person, emergency phone numbers, instructions for waste disposal, Renter's Code of Conduct, common by-law offences and penalties)



[INSERT] Pre-Application Checklist link

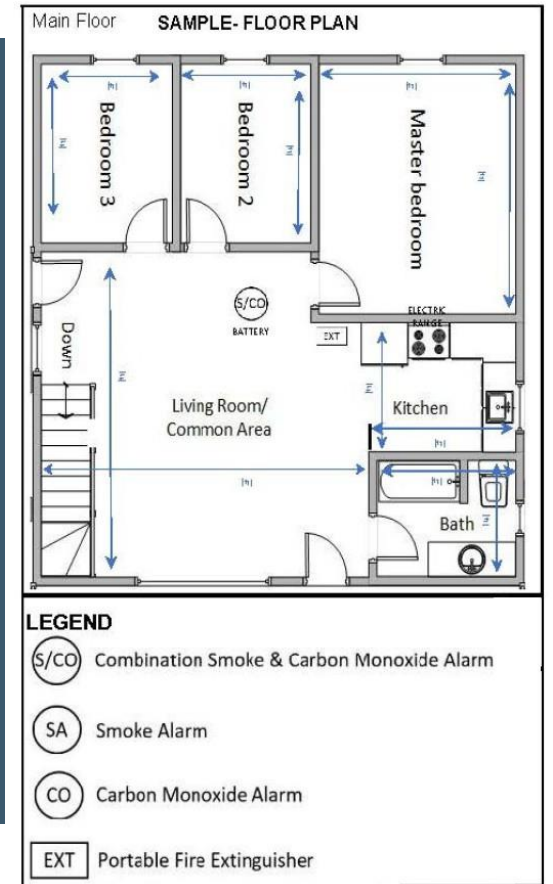
Example Site Map

- Can be drawn by using current surveys, site plans, or building permits. It can be completed by an owner, surveyor, designer, builder, or any other capable person.
- Must be drawn to scale and include all locations and dimensions of:
 - All buildings and structures
 - Septic system, if applicable
 - All landscaping features (patios, decks, firepits)
 - Parking areas
 - Waste disposal locations



Example Floor Plan

- Can be drawn by current surveys, site plans, or building permits. It can be completed by an owner, surveyor, designer, builder, or any other capable person.
- Must be drawn to scale and include all locations and dimensions of:
 - Each room and its intended use (with occupancy number)
 - Smoke and carbon monoxide alarms
 - Fire extinguishers
 - Entrances and exits, fire escape routes
 - Fireplaces
 - Cooking appliances



Example Condominium Corporation Approval

Sample

Short-Term Accommodation Licensing Service Condominium Authorization Form

This form is required if the subject property is part of a Condominium Corporation. An authorized representative (e.g., President) of the Condominium Corporation must complete this form to confirm that the Applicant is authorized to operate a Short Term Accommodation pursuant to the [redacted] Short-Term Accommodation Licensing By-law [redacted] in accordance with the Condominium Corporation's declarations, by-laws and rules. This completed form must be submitted with the Short-Term Accommodation Licence Application.

Condominium Corporation Name: [redacted]

Condominium Corporation Number: [redacted]

On behalf of the Condominium Corporation noted above, I confirm that the Applicant,
[redacted] (Applicant's Name),

located at the property

[redacted] (Property Address)

[redacted], Ontario, is authorized to operate a Short-Term Accommodation in compliance with the Condominium Corporation's declaration, by-laws, and rules and the

[redacted] Short Term Accommodation Licensing By law [redacted]

Authorized Representative Name: [redacted]

Title/Position: [redacted]

Phone: [redacted]

Email: [redacted]

Signature: [redacted]

Date: [redacted]



Double-click the image above to view the Sample.

Draft Fees

- Draft Fees have been calculated based on the anticipated number of applications, the cost to process the applications as well as the cost to enforce the Licensing By-law. Fees are based on full cost recovery.

The following fees shall be paid by an applicant:

Bed and Breakfast Licence	\$400.00
Bed and Breakfast Licence Renewal	\$150.00
Short-Term Rental Accommodation Licence	\$1,500.00
Short-Term Rental Accommodation Licence Renewal	\$1,250.00
Appeal	\$500.00
Re-inspection	\$150.00
Re-submission of Plans	\$150.00



Enforcement

Short Term Rental Accommodations in Oro-Medonte.

Enforcement Services - Granicus

- Identifies properties that are operating as a STRA and sends letters to property owners to notify them of the requirement to obtain a license to operate
- Monitors properties for compliance
- Provides 24/7 hotline for tracking concerns
- Assist staff in investigating and addressing STRA concerns



Demerit Point System (Examples)

- If a by-law is contravened, demerit points can be applied against an owner and their STRA or B&B license.
- Demerit points expire after 2 years
- Once a property accumulates 7 demerit points within a six (6) month period, the property owner's STRA or B&B licence will be suspended and will no longer be able to operate their STRA or B&B for a period of one (1) year from the date of revocation of the licence.
- Refer to By-law for comprehensive list of contraventions and demerit points

Contravention	Demerit Points
Exceed Maximum Occupancy	5
Responsible Person Fail to Respond within time within required time	4
Responsible Person Fail to Attend within required time	5
Fire Protection and Prevention Act Violation	6
Open burning, fireworks violations	4

Administrative Monetary Penalty System (AMPS) (Examples)

Contravention		2 nd Offence	3 rd Offence and beyond
Operate STRA or B&B without a license	\$1,250	\$1,750	\$2,250
Advertise STRA or B&B without a Licence	\$1,250	\$1,750	\$2,250
Fail to Respond Within Required Time.	\$750.00	\$1,000	\$1,500
Fail to Comply with Renter's Code of Conduct	\$500.00	\$750.00	\$1,000



Submitting Concerns

Short Term Rental Accommodations and Bed and Breakfast Establishments in Oro-Medonte.

Report a Concern

Submit concerns about
a STRA or B&B via
“Report a Concern” on
the Township website

Granicus will provide a
24/7 hotline for
reporting STRA
concerns

Call the By-law
Department

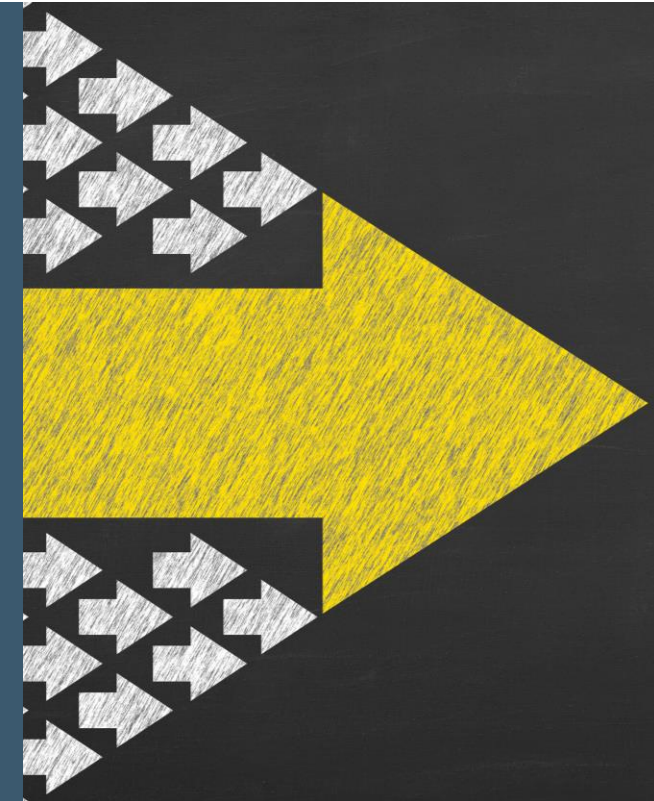


Next Steps

Short Term Rental Accommodations and Bed and Breakfast Establishments in Oro-Medonte.

Next Steps

- Receive Comments this evening and until April 4th. E-mail is: STRAinfo@Oro-Medonte.ca
- Prepare a summary of comments received and draft an Information report to Council outlining changes to draft Licensing By-law being considered
- Review Court Decision on challenge to Township of Tiny Licensing By-law initiated in late 2023 and heard in late 2024 and consider changes to draft Licensing By-law based on decision.
- Finalize Licensing By-law and prepare a report to Council with recommendations for Council consideration
- Council decision



STRA Webpage



**SCAN
ME!**



or visit: oro-medonte.ca/stra

Contacts



Comments or Questions?

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Curtis Shelswell, Chief Municipal Law Enforcement Officer

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Questions?

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Break-out Tables for Questions