



Report to Council

To: Mayor & Members of Council
From: Jessie Clark, Director of Corporate Services/Clerk, on behalf of the Short Term Rental Working Group
Date: March 8, 2022
Re: Recommendations Based upon the Short Term Rental Survey and Public Consultation

Recommendation:

That Council receive the report from the Director of Corporate Services/Clerk, on behalf of the Short Term Rental Working Group, regarding recommendations based upon Public Consultation on Short-Term Rentals; and further

That Council approve the recommendations of the Working Group for a phased approach; and further

That Council direct staff to implement the Working Group recommendations for 2022; and further

That Council thanks the members of the Working Group and dissolves the Committee.

Financial Implications:

None for 2022.

Background:

At the February 1, 2022 Council Meeting the following resolution was approved.

Resolution No. **R2022-56**
Moved by Councillor Lambshead
Seconded by Councillor Armstrong

That Council receive the report from the Director of Corporate Services/Clerk, on behalf of the Short Term Rental Working Group, regarding Summary of Public Consultation on Short-Term Rentals; and further

That Council direct the Working Group to utilize the Short-Term Rental survey and public consultation session results and bring forward a recommendation.

The Working Group spent considerable time reviewing all the public input on the Short Term Rental Licensing Consultation. In all, there were 1626 respondents to the survey, who shared over 6,500 comments, and 18 residents presented at the Special Council meeting. Feedback on the proposal was very polarized and both sides expressed strong opinions.

From the survey, support for the licensing proposal and the individual components ranged from 59% to 71%, depending on the question. This represents majority support, and it is clear that many

residents are fed up, frustrated and even angry about the impact of Short Term Rentals (STRs) on their communities. The biggest negative impacts cited are noise, party houses, fires, fireworks and health and safety (garbage, boating safety, pets). Nearly 100 people commented that STRs should be banned, zoned or limited in number.

The 59% who expressed support for the proposed licensing program does not represent an overwhelming majority, however, and those 41% in opposition are vehemently against the proposal. Their biggest concerns with the licensing proposal are that it represents too much government intervention, is not necessary for the size of the problem, or is not necessary because existing bylaws are sufficient to address the problems.

Another important finding is that the number of STRs in Trent Lakes is significantly larger than the original estimates. 300 survey respondents indicated that they rent out their properties on a short term basis, and 81% of respondents indicated there is a short term rental property in their neighborhood. This has implications for the capacity of the Municipality to manage any Short Term Rental program. Currently, staff are still working their way through the backlog created from the surging population due to COVID-19, and several complex applications and issues. These need to be resolved as the highest priority for 2022.

The Working Group (WG) acknowledges it is difficult to develop a proposal that incorporates all these diverse perspectives. After much discussion and deliberation, the WG has made considerable modifications to its proposal, and is proposing a multi-year plan for Council review and approval. While it will not meet everyone's preferred solution, the Working Group believes it addresses the largest concerns of both groups and provides a roadmap for managing the issues that arise from STRs.

Objectives:

The Working Group revisited the objectives established for delivering on its mandate and reaffirmed their validity in view of all the public input. The key objectives remain:

- Give property owners the option to utilize their properties as short term rentals to help them offset taxes and costs, and support the need for additional accommodation options in Trent Lakes
- Minimize public safety risks and the noise, garbage and parking problems that can be associated with short term rentals
- Develop a solution that is self-funding and does not increase the tax rate

Changes to the proposal:

The Working Group met several times to revisit its extensive research, benchmarking, information gathering, legal and other professional consultations, as well as to review the feedback provided through the public consultation process. New and follow up interviews were conducted with other Municipalities that have implemented STR Licensing programs, introduced nuisance bylaws, started with education only approaches or transitioned to an administrative penalty system.

The following guidelines were used to sift through all the information and to adjust the proposal:

- Attempt to balance the strong and conflicting input from the public
- Take a step back and consider a phased approach, with licensing as a potential future step

- Focus the proposal more specifically on the negative impact issues of noise, party houses, fire and fireworks
- Ensure that the proposal can be adequately resourced and successfully implemented and enforced

While the Working Group “continues to support a Licencing Program as the most effective long-term measure to address both the conflicts arising between Short Term Rentals (STR) and neighbours and the health and safety concerns associated with STRs”, it is not reasonably feasible to implement a licensing program in 2022. The numbers of short term rental properties are significantly greater than originally scoped, and directing staff to manage a licensing program would overload a resource already overcapacity. Instead, the Working Group is recommending a phased approach to Short Term Rentals.

Highlights of Revised Proposal:

Phase One - 2022

1. Review of existing Bylaws, adjustment of fines, escalators and extension of accountability to owners
2. Engagement of OPP to further assist in after-hours Bylaw enforcement
3. Review of Kawartha Guard processes and practices for bylaw enforcement
4. Review of Call Centre (TAS) processes and reporting
5. Staff to follow up with repeat offenders – conversation, warning letter
6. Development and general mailout of a Short Term Rental Information Document: Bylaws, Enforcement, Recommended Guidelines and Best Practices
7. Explore other after hours Bylaw enforcement options
8. Track and report on STR complaints

Phase Two - 2023

1. Budget for enhanced bylaw administration and enforcement
2. Introduce comprehensive new Nuisance Bylaw (Noise, parking, swearing, shouting, trespassing, littering, unlawful burning or fireworks, etc.)
3. Implement an Administrative Municipal Penalty (AMP) system for non-parking offenses
4. Possible changes to bylaw enforcement
5. Possible engagement of third party to prepare curated list of STRs in Trent Lakes

Phase Three – 2024

1. Council will revisit the implementation of a STR Licensing Program
2. Budget for, and add staff, as necessary, to support any new programs

Proposal Details:

Phase One

1. Review of existing Bylaws, adjustment of fines, escalators and extension of accountability to owners

The Municipality already has a number of bylaws in place to address situations that may negatively impact the health and safety of our residents:

- Property Standards By-Law (B2014-095, B2017-099)
- Parking By-Law (B2016-048)
- Snow Clearing By-Law (B2018-015)

- Fireworks By-Law
- Burning By-Law (B2016-051)
- Noise By-Law (B2016-062)
- Licensing of Dogs and Kennels (B2018-079)

These will be reviewed with the objective of ensuring they provide adequate protection and that fines for violations are a sufficient deterrent.

Staff will consider the addition of two new provisions in the bylaws: A schedule of escalating fines for repeat offenses and accountability extended to owners (e.g.; *any person who contravened the By-law or who caused or permitted the contravention or the owner of the land on which the contravention occurred*).

Staff will also consider introducing a site visit fine for owners, as the City of Kawartha Lakes does. If an onsite visit is required to verify or address a complaint, the owner may be charged a fee for that visit. Repeat visits could be subject to escalating fines.

2. Engagement of OPP to further assist in after-hours Bylaw enforcement
3. Review of Kawartha Guard processes and practices for bylaw enforcement
4. Review of Call Centre (TAS) processes and reporting
5. Explore other after hours Bylaw enforcement options
6. Track and report on STR complaints

Enforcement of bylaws is an important component for managing the issues that can be associated with short term rentals as well as other properties. The extensive geography and low density of the Municipality makes this challenging. Additionally, few residents formally submit complaints about bylaw violations that would trigger an enforcement official to attend and resolve.

Currently Trent Lakes, along with several other Peterborough Municipalities, employs a company to address bylaw complaints – Kawartha Guard. They are available on weekdays and follow up on complaints submitted to staff and to the after hours call centre.

For bylaw issues any time, Trent Lakes has a call centre (TAS) available 24/7 to take complaints. Urgent ones are forwarded to the OPP, while non urgent ones are referred to Kawartha Guard for follow up during the week. Trent Lakes also has a contract with the OPP to respond to Crime calls (assaults, break & enter, mischief, drug offences, etc.), enforce Provincial Statutes (Mental Health Act, Trespass to Property Act, landlord/tenant disputes, etc.), attend to Motor vehicle collisions (property damage, personal injury, fatal, etc.) and General calls for service (false alarms, lost property, missing person, etc.). Depending on resource availability and risk prioritization, the OPP also investigates bylaw complaints.

Municipal staff will meet with all these parties to review methods and procedures and identify any gaps or areas of improvement. More standardized reporting will be implemented across TAS and Kawartha Guard and STRs will be created as a separate category, where the property can be identified as such.

7. Staff to follow up with repeat offenders – conversation, warning letter

Staff will work with TAS, Kawartha Guard and the OPP to identify properties that have repeat Bylaw complaints – STR or not – in a timely manner. They will establish a process for contacting the

property owner to initiate a conversation and then issuing a warning for any future complaints.

8. Development and general Mailout of a Short Term Rental Information Booklet: Bylaws, Enforcement, Recommended guidelines and Best Practices

Based on Best Practices from other Municipalities like Selwyn and City of Kawartha Lakes, staff will develop an Information Booklet for Owners and Renters of STRs. This will be made available to all residents in the Spring of 2022. Contents will include:

- Relevant Bylaws and Fines
- Complaint Process and Enforcement for Bylaw violations
- Recommended guidelines for guests
- Safety and Health guidelines for owners

An example used by Selwyn is attached as Appendix A.

Phase Two - 2023

1. Budget for enhanced bylaw administration and enforcement
2. Introduce comprehensive new Nuisance Bylaw (Noise, parking, swearing, shouting, trespassing, littering, unlawful burning or fireworks, etc.)

A new Nuisance Bylaw (generic and not specific to STRs) will be introduced that addresses issues of, among others, unreasonable noise, use of profane or abusive language, littering, obstructive parking, unlawful burning or fireworks, disorderly or obnoxious conduct. This will assist in broadening the areas of concern that residents have raised in the past, and not be restricted to certain hours or days.

3. Implement an Administrative Municipal Penalty (AMP) system for non-parking offenses

An AMP system is a municipal alternative to the provincial court system that administers and adjudicates by-law offences. The AMP program of enforcement transfers by-law disputes from the courtroom to the municipality, giving it more flexibility and allowing for more efficient and faster resolution. An AMP is a civil penalty imposed by a contravention of a by-law. It is issued upon discovery of an unlawful event. This approach aids in reducing congestion in the courts as well as providing a more local and accessible dispute resolution system. Additionally, the Municipality keeps the total amount of the fines.

4. Possible changes to bylaw enforcement.
5. Possible engagement of third party to prepare curated list of STRs in Trent Lakes

Several Municipalities use the services of a third party organization (Granicus: Host Compliance) to compile a list of STRs in their community. Using a scan of dozens of rental websites, GIS mapping, tax databases and other sources, Host Compliance prepares a comprehensive listing of STR properties. This list would assist Trent Lakes in establishing an accurate sizing of STRs in the Municipality and allow for determining the budget and resources necessary to implement a more formal management program, such as licensing.

Phase Three – 2024

1. Council revisits the implementation of a STR Licensing Program

2. Budget for, and add staff, as necessary, to support any new programs.

Summary

Based on its work and on the input from the public consultation process, the Working Group is recommending a phased approach to Short Term Rentals. The three phases span 2022 through 2024. For 2022, the key focus is recommended to be education, monitoring and reporting, and enforcement.

Submitted by:

Approved by:



Jessie Clark, Director of Corporate Services/Clerk



Donna Teggart, CAO/Treasurer

Attachments:

Appendix A Selwyn Township STR Information Document

Appendix A

We live in a fantastic area where you can enjoy nature, lakes, trails, community events, etc. Everyone should be able to enjoy themselves and not be negatively impacted by nuisance or disrespectful behaviour. **Here are some things you need to know to be a good neighbour.**

Property Address (if you need to call 9-1-1): _____, Selwyn Township

Property Owner Name and Contact Info: _____

<p>Open Air Burning</p> <ul style="list-style-type: none"> • There is NO open air burning during a BURN BAN – watch for Fire Warning Signage and check the website for burning conditions. • Fires must be supervised by an adult at all times, attended at all times and water must be available. • Fires must be fully extinguished • Smoke cannot disrupt neighbouring properties • There is NO open air burning in 'Built up' areas including the Villages of Lakefield and Bridgenorth, Hamlets of Ennismore, Young's Point and Woodland Acres. • In other areas, you can only have a fire IF the container is located 100 feet (30m) from a building, structure, etc. • Fire pits cannot exceed 2 feet (61cm) in diameter. 	<p>Noise</p> <ul style="list-style-type: none"> • Excessive noise disturbs your neighbours and in particular noise 'carries' over waterbodies. • Noise from loud music, yelling, shouting or pets barking disturbs your neighbours – Be Respectful! • Be a good neighbor and remember you can be charged at any time of the day in the event you are creating noise that is disruptive to others.
<p>Pets</p> <ul style="list-style-type: none"> • All pets must be under the care and control of owners and they cannot roam at large onto other properties. • Keep pets on a leash or tether! • Stoop and Scoop! Your pet's waste is YOUR responsibility. 	<p>Fireworks</p> <ul style="list-style-type: none"> • Fireworks at individual properties can generate unwanted noise, and disturb pets and wildlife. • Fireworks in built-up areas can be dangerous – why take a risk? There are many public Fireworks displays ~watch these displays – they are FREE!
<p>Property Standards</p> <ul style="list-style-type: none"> • Grass is not to exceed 6 inches (15cm) in height. • Garbage and recycling are to be properly contained in containers to avoid attracting nuisance animals and generating odour, etc. • The Township has curbside garbage (2 bag limit) and recycling collection every week – it's convenient and available – use it! 	<p>Parking</p> <ul style="list-style-type: none"> • All parking should occur entirely on your property (no parking on grass). • If you need to park on the road, do NOT block your neighbour's entrance. Park on one side of the road only and make sure the parking is temporary. The road is NOT a permanent parking solution. • Do NOT park where NO PARKING zones are designated.
<p>Water Safety</p> <ul style="list-style-type: none"> • Be Water Smart – wear Personal Floatation Devices (PFDs) in a boat or for swimming. • Watch your wake – generally boats cannot exceed speeds of 10km/hour within 30m (100') of shoreline – to protect against shoreline erosion. • You cannot drive a boat if impaired – same rules apply for motor vehicles. • Watch for posted speed limits on the lakes and channels. • Police do have a Marine Patrol Unit. 	<p>Enforcement</p> <ul style="list-style-type: none"> • Police and By-law Enforcement Staff can issue fines and charges if there are violations of the Township's By-laws and/or Federal or Provincial laws. • Fines and fees can range from \$125 to \$2,000! • Criminal charges can be laid and court orders for repeat offenders can also be implemented – including fines of up to \$5,000!