

Recommendation:

That the C.A.O.-2022-15 report, dated June 21, 2022, regarding Short-Term Rentals in the Township of Douro-Dummer be received; and

That staff be directed to prepare draft nuisance by-laws in consultation with our legal representative, to be brought back to Council for approval; and

That staff investigate the opportunity to contract the enforcement of the nuisance by-laws to the City of Peterborough through the Administrative Monetary Penalty program; and

That Council direct staff to create a Terms of Reference for a Short-Term Rental working group to further investigate the options for regulation; and

That staff continue to monitor and research the issue of Short-Term Rentals in the Province of Ontario and provide additional information to Council as it becomes available; and

That further consideration of the regulation of Short-Term Rentals be considered during the development of a new Zoning By-law in 2023.

Overview:

At the Council meeting held on August 3, 2021, staff provided a report and recommendation to enhance the Township's nuisance by-laws to address some of the concerns heard regarding short-term rentals including noise, garbage, dogs at large and parking. It was also recommended that an inspection fee be put in place as an administrative charge should our by-law officer be required to attend a property. There was discussion between members of the public as well as Council and staff at that meeting and the following resolution was adopted.

Resolution Number 402-2021

Moved by: Councillor Watson

Seconded by: Councillor Watt

That staff proceed with sending warning letters to those currently in contravention of the Township's Zoning Regulations after receiving legal counsel, and further that staff move forward with a public process to address short term rentals in the township and report back to Council as soon as possible.

Carried

After a review of the current Zoning By-law there was concern surrounding the ability to defend any action that might be brought against us if we tried to enforce the by-law.

Staff did create a one-page document to share with renters and operators to try to educate both sides and in an attempt to reduce the infractions occurring.

A survey was prepared in early 2022 and a public meeting was held on April 7, 2022 in an attempt to gather feedback and comments to provide to Council as well as provide staff additional information while a solution was being researched.

On April 27, 2022, a Police Services Board meeting was held and staff along with the OPP representative and the Board members discussed ways to mitigate the issues being caused by some of the location that were being rented. It was suggested that one way to assist the OPP was to have robust by-laws with fines or penalties established which would allow for them to essentially "ticket" anyone who was in violation. The Township's current by-laws do not have set out fines and any infraction would require a court proceeding which would be costly and time consuming. While the municipality can establish by-laws with set fines through the Provincial Offences Act (POA), most recently it has been brought to our attention that there may be an alternative solution to enforcing Township By-laws through and Administrative Monetary Penalty program. Staff are continuing to investigate the process and cost of this option and will report back to Council once additional information is received.

The survey received 415 responses, 341 of which were residents of the Township of Douro-Dummer. The following was captured in the survey results.

Do you believe short term rentals should be permitted in the Township of Douro-Dummer?

Yes - 230 – representing 55%
No – 185 – representing 45%

Do you believe short term rentals should be regulated in the Township of Douro-Dummer?

Yes – 294 – representing 71%
No – 121 – representing 29%

Have you ever booked a short term rental through a service like Airbnb or Vrbo?

Yes – 223 – representing 54%
No – 192 – representing 46%

Staff put together a chart of correlations for review of some of the responses which is attached to this report and while we can't report specifically on everything, it is important to note that this survey is just one part of the public consultation and one component when making a determination on the best path forward.

Overall the data seems to be as a result of a majority of Township residents and while many categories are fairly even, the majority believe in some type of regulation of short-term rentals.

The Township in consultation with our legal counsel have reviewed the options available for enforcement and essentially there are three, enforcement of nuisance by-laws, enforcement of zoning by-law regulations and licencing.

Staff have consulted with neighbouring municipalities and other than the Township of Selwyn, no other Township in Peterborough County has implemented any mechanism for the regulation of short-term rentals as of yet. Some simply because they are not impacted and are not experiencing the same challenges we are and have little need to address the issue.

The Township of North Kawartha is working through the options to provide the best recommendation to Council.

The Township of Trent Lakes had developed a licencing model following the establishment of a Short-Term Rental Working Group but it was never implemented and has since established a phased approach on the recommendations provided by a Short Term Rental Working Group. The expected timeline will take them into 2024.

The Township of Selwyn has reviewed and revised their nuisance by-laws and established an administrative fee should property inspections be required due to complaints.

Staff have also consulted with municipalities outside of the County and have received a variety of comments and feedback about their approach and their experiences.

The Township of Oro-Medonte adopted a By-law on July 15, 2020 to provide clarity with respect to the existing prohibition on commercial accommodations in dwelling units in the Township of Oro-Medonte and added a definition for Commercial Accommodation. The By-law was appealed to the Ontario Land Tribunal (OLT) and a hearing was held from March 22 -29, 2022. At the conclusion of the hearing the Chair issued an Oral Decision which resulted in the repeal of the By-law. The Township has appealed this decision. Staff will continue to monitor this situation as it will be precedence setting for all municipalities who are considering enforcement through the Zoning By-law.

The Township of Blue Mountain has a by-law that provides a system for the licensing of short-term accommodations premises (premises rented on a basis of less than 30 days). They currently have over 400 licensed properties and employ five (5) full-time By-law Officers to provide enforcement with a long list of Administrative Monetary Penalties

(AMP) for non-compliance. They also have areas identified within their Zoning By-law specifically identifying where short-term rentals are permitted.

The Township of Sequin has been relying on their Zoning By-law to regulate short-term rentals although in speaking with them they will be monitoring the outcome of the Oro-Medonte situation and are considering revisiting their approach.

Conclusion:

There is no simple solution to address the short-term rentals and the regulation of such. Many municipalities have implemented solutions and realized changes had to occur to adapt to the current environment. Staff is requesting additional time to investigate the AMP program, to monitor some of the outcomes in other municipalities, to continue to communicate with our neighbours and gather additional data. Staff is also recommending the development of a working group to assist with providing input and recommendations to Council. In the meantime, an update of our nuisance by-laws is prudent. Staff intend to work through these by-laws with our legal representative and provide a draft to Council at a future meeting, along with enforcement options.

Financial Impact:

There is no financial impact at this time.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability:

N/A

Report Approval Details

Document Title:	Short Term Rentals in Douro-Dummer.docx
Attachments:	
Final Approval Date:	Jun 16, 2022

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Elana Arthurs was completed by workflow administrator Martina Chait-Hartwig

Elana Arthurs