

THE CORPORATION OF THE TOWN OF GEORGINA

SPECIAL COUNCIL MINUTES

Wednesday, April 24, 2019
7:00 PM

Staff:

David Reddon, Acting Chief Administrative Officer
Harold Lenters, Director of Development Services
Ron Jenkins, Director of Emergency Services/Fire Chief
Rob Wheater, Director of Corporate Services and Treasurer
John Armstrong, Acting Director of Operations and Infrastructure
Ryan Cronsberry, Acting Deputy Chief Administrative Officer
Tanya Thompson, Communications Manager
John Espinosa, Town Clerk
Carolyn Lance, Council Services Coordinator

A moment of meditation was observed.

1. CALL TO ORDER - MOMENT OF MEDITATION

"We would like to begin today's meeting by acknowledging that the Town of Georgina is located over lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples and thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship."

2. ROLL CALL

The following Members of Council were present:

Mayor Quirk	Regional Councillor Grossi
Councillor Waddington	Councillor Fellini
Councillor Sebo	Councillor Harding
Councillor Neeson	

Council recognized the victims killed or wounded, along with their families, in the terrorist suicide bombings to three churches in Sri Lanka on April 21st.

3. ANNOUNCEMENTS

- May 3rd, Udora Lions Spaghetti Dinner, Udora Hall, 5:30pm sitting
- May 4th, Udora Lions Paddle Boards and Kayak Race

- April 22-29, Pitch-In Week, encouraged everyone to clean up some litter, bags/gloves available at Civic Centre and Libraries
- Saturday, April 27th, Concert at Stephen Leacock Theatre supporting Georgina Military Museum
- Sunday, April 28th, Run/Walk for Southlake Foundation

4. INTRODUCTION OF ADDENDUM ITEM(S)

- Series of written comments concerning the subject item of this meeting

5. APPROVAL OF AGENDA

Moved by Regional Councillor Grossi, Seconded by Councillor Waddington

RESOLUTION NO. C-2019-0276

That the April 24, 2019 Council Agenda with addendum items be approved.

Carried.

6. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF *None.*

7. ADOPTION OF MINUTES *None.*

8. SPEAKERS

9. DELEGATIONS/PETITIONS *None.*

10. PRESENTATIONS *None.*

11. PUBLIC MEETINGS *None.*

(1) STATUTORY MEETING(S) UNDER THE PLANNING ACT OR MEETINGS PERTAINING TO THE CONTINUATION OF PLANNING MATTERS

Report from the Office of the Deputy Acting CAO:

- (A) Proposed Amendments to the Town of Georgina Official Plan and the Keswick, Sutton/Jackson’s Point and Pefferlaw Secondary Plans and to Zoning By-law 500 pursuant to The Planning Act, R.S.O. 1990, Cp. 13
Short Term Rental Accommodation in the Town of Georgina

Report No. CAO-2019-0018

Mayor Quirk explained the procedure for a public meeting.

Michael Smith, consultant, reviewed the report;

- statutory public meeting
- six previous reports available on the Town's website
- short-term rental accommodation definition
- approximately 100-150 short-term rental accommodations in Georgina along the full shoreline boundary of Lake Simcoe
- by definition, short-term rental accommodations includes whole home rentals, individual room rentals and extends to Bed & Breakfast accommodations, renting all or part of a single family dwelling for a short period of time
- study began one year ago, conducted extensive background research via researching various documents; Accommodation Needs Assessment, Sharing Economy Framework' and 'The Home Sharing Guide for Ontario Municipalities, Navigating the Sharing Economy, Regulatory Proposals for Private Home Sharing and B&Bs, An Overview of Airbnb and the Hotel Sector in Canada, news articles, planning journals, webinars, discussions with AMO, dozens of municipalities, Airbnb, Hotels, B&Bs, the Lake Simcoe Region Conservation Authority and the public
- stakeholders given opportunity to express their views, public information meeting held in July of 2018
- various Official Plan and Zoning Options; prohibit in the Town, permit in all designations and/or zones permitting residential uses, prohibit in certain designations and/or zones, permit by site-specific official plan amendment and/or zoning amendment; all of these options have been applied in other municipalities
- recommend to permit short-term rental accommodations in single detached dwellings in all designations and/or zones permitting residential uses
- proposed Official Plan Amendments include; removing references to B&B establishments, defining short-term rental accommodation as set out in the short-term rental accommodation licensing bylaw, permitting short term rental accommodation in any designation permitting a single detached dwelling
- proposed secondary plan amendments include; removing references to B&B establishments, defining short-term rental accommodation as defined by the short-term rental accommodation licensing bylaw, permitting short term rental accommodation in any designation permitting single detached dwellings, acknowledging site-specific amendment for a larger 6 guest room B&B in Pefferlaw but changing reference to short term rental accommodation
- proposed Zoning Bylaw 500 amendments include; removing references to B&B establishments, defining short term rental accommodation as set out in the short term rental accommodation licensing bylaw, adding short term rental accommodation to the definition of single family dwelling, permitting short term rental accommodation in any designation permitting single family dwellings, acknowledging existing site-specific zoning amendments
- Draft Licensing Bylaw; would apply to all short term rental accommodation, would provide staff with necessary administrative and enforcement powers, include a demerit point system, licencing fees, etc,

- Draft Demerit Point System; allows Town to manage negligent short term rental accommodations and renters to ensure adherence to the applicable bylaws, acts and codes, provides for immediate consequences and controls on negligent short term rental accommodation hosts
- reviewed licensing fees
- changes are proposed to licensing bylaw; no restriction on use of single detached dwelling for short term rental accommodations on basis of affordable housing considerations, no limitation on number of short term rental accommodation owned by one person, maximum number of persons on premises changed from '3 persons per guest room up to a maximum 4 guest rooms for a total of 12 persons' to include visitors, hosts, renters, guests, etc, and maximum number of persons on property having site-specific zoning amendments permitting greater number of guest rooms limited to 16 persons.
- Bed & Breakfast establishments in place and permitted throughout residential areas since 1990's
- to come into force and effect at the earliest January 1, 2020. Should there be an appeal, it would push the effective date back
- one change to licensing by-law being reviewed involves short-term rental accommodations on septic systems. Typically when a house is built, septic system is designed for 2 persons per bedroom; if got 4 bedroom house, anticipate no more than approximately 8 persons. Recommending up to 12 persons on full services, therefore revisiting provision respecting development on septic systems

Jennifer Anderson, Executive Director, speaking on behalf of the Georgina Chamber of Commerce, advised that the Chamber sent out survey to its members respecting the impact it may have on the local businesses.

Lois and Doug Andrews, 536 Pefferlaw Road, advising that they have run a Bed and Breakfast establishment from their home since 1990 and believe it will be difficult to regulate non-owner-occupied short-term rental accommodations.

Sue Jagminas, 137 Lake Drive North, provided comments including the consultant's report lacks critical information concerning the actual impact these accommodations have on local tourism, there are many negative impacts to year-round property owners, property owners should live on the premises they are renting out, and the proposed costs for implementing an onerous regulating process are too high.

Jo-Anne Kite, 125 Moore's Beach Road, Pefferlaw, advised that biggest issue is responsibility and accountability of the owners of short-term rental accommodations, the owners should be present on the properties in order to monitor the actions of their guests, there should be a limit of the number of renters on properties with septic systems and believes corporations and individuals need to be dealt with differently.

Susan Johnston, 858 Lake Drive East, reviewed the regulations imposed by Blue Mountains, Wasaga Beach and Collingwood, suggested Georgina follow their lead and feels that implementation of regulations will be difficult.

Ivy Howes, 235 Hedge Road, advised that a solution is necessary because these accommodations are here to stay, that renters generally stay on the property to enjoy the lake and do not spend money in town like tourists and pointed out that the accommodations have a huge negative impact on the year-round residents.

Peter Waring, 293 Hedge Road, advised that he rents out one or two bedrooms in his home from May to November for guests from Toronto or the United States and sends them to local restaurants, stores in order for them to contribute to the economy in this way. He is not convinced a licensing system will deal with the negative aspects as it will not make the irresponsible people any more considerate.

Steve Jacobson, 1 Pinery Lane, encouraged a limit be implemented based on the ability and recovery of individual septic systems, fencing of all rental accommodations and prohibition of smoking on the properties.

Dan Driedzic, 121 Lake Drive East, suggested that Bed and Breakfast establishments be a separate entity from short term rental accommodations and that the rental units be treated as rental units with a limit of two people per bedroom to a maximum of eight.

Michael Smith;

- The principle residence option is common; looking for a cleaner approach to regulate bad behavior
- once licensed, municipalities are responsible to ensure the properties are safe through inspections and administrative costs
- can build into the licensing by-law the requirement of an owner/manager to be at the property within an hour of a complaint being received by police

Ryan Cronsberry advised that enforcement for the upcoming 2019 summer months will include increasing staff for four hours on Fridays, Saturdays and Sundays, if noise complaint received, staff will coordinate with police and attend the offending property, enforcement of current by-laws

Michael Smith;

- the higher the licensing fee, the lower the compliance
- the cost of zoning is onerous with a higher chance of appeals; prefer a more open process with enforcement dealing with the difficult properties rather than penalizing all properties

Council;

- important that the owners are present on the premises
- important to obtain solid data on statistics respecting impacts that Airbnb's have on tourism
- tourism has huge economic impact to businesses in Georgina
- bundle of rights; people should be able to do what they want with their own property
- would like to see charging a fee to the platform itself (VRBO, etc) to try to eliminate a hesitation of people coming in to be licensed

Michael Smith;

- current Bed and Breakfast bylaw allows for a maximum of four bedrooms
- opportunity to apply municipal accommodation tax to larger units
- percentage of transient accommodation tax must go to a tourism body

Ryan Cronsberry

- there are currently two licensed Bed and Breakfast establishments in Georgina

Mr. Andrew Biggart, Town Solicitor

- an owner runs the risk of insurance being void if operating a residence as an unlicensed establishment

Harold Lenters

- legislation indicates that if a property is not currently zoned for residential use, it cannot be rezoned within 100 metres of the lake
- can replace existing septic system
- permits are typically based on two persons per bedroom in terms of occupancy and size of septic system
- would require inspection of septic system and if a review of the building permit indicates the occupancy load, an addition would not be permitted
- when dealing with Bed & Breakfast establishments, there is nothing that requires the owner to live at the premises or monitor the premises
- from a land use perspective, only permitting 1 or 2 bedrooms in a dwelling to be rented out, rather than the entire house, would ensure the owner is living in the balance of the house

Fire Chief

- Fire Code inspections include smoke alarms, CO alarms, obvious electrical hazards, wood stove installation, CO testing records if a rental accommodation

Ryan Cronsberry

Inspections to verify that all aspects of the establishment are in compliance with the by-law

Harold Lenters

Inspections ensure all work has been completed as required and permits obtained

Ryan Cronsberry

- Municipal Law Enforcement resources already at a reduced availability, may require additional staff to run the expanded program and additional hours effectively

Andrew Biggart;

- to draft a bylaw and licensing provision that requires owner occupation or residence, the Government of Canada has yet to define what a resident of Canada is
- Council can decide to allow for the properties to be licensed and how to do that, with caution

- ensuring homes are owner-occupied is not easy to enforce
- demerit system is simple; once a property owner receives a certain number of demerit points for various issues, the future use of the property as a short-term rental accommodation can simply be prohibited

Ryan Cronsberry

- the by-law couldl require fencing of short-term rental accommodation properties
- cautioned that the more requirements that are included, the higher the license fee and the higher the costs to the rental property owner

Andrew Biggart advised that Interim Control Bylaws have been challenged in court and cannot be used as an enforcement mechanism on particular properties or owners.

Moved by Concillor Waddington, Seconded by Councillor Sebpu

RESOLUTION NO. C-2019-0277

1. That Council receive Report CAO-2019-0018 prepared by Michael Smith Planning Consultants; Development Coordinators Ltd., dated April 24, 2019 respecting proposed amendments to the Town of Georgina Official Plan, and the Keswick, Sutton/Jackson's Point, and Pefferlaw Secondary Plans, and to Zoning By-law 500, regarding Short-term Rental Accommodation.
2. That Council direct Staff to prepare a report addressing comments received, either in writing, or in person at the Statutory Public Meeting by May 31st, pursuant to the Planning Act, for its consideration and that Council set a date for its consideration of the Staff report.

Carried.

- (2) STATUTORY MEETING(S) UNDER OTHER LEGISLATION *None.*
- (3) OTHER PUBLIC MEETINGS *None.*

12. REPORTS

- (1) ADOPTION OF REPORTS NOT REQUIRING SEPARATE DISCUSSION
None.
- (2) REPORTS REQUIRING SEPARATE DISCUSSION *None.*

13. DISPOSITIONS/PROCLAMATIONS, GENERAL INFORMATION ITEMS AND COMMITTEE OF ADJUSTMENT *None.*

- (1) Dispositions/Proclamations
- (2) General Information Items
 - (A) Information Items
 - (B) Briefing Notes

- (3) Committee of Adjustment Planning Matters
 - (A) Under Review
 - (B) Recommendations
 - (C) Decisions

14. MOTIONS/NOTICES OF MOTION *None.*

15. REGIONAL BUSINESS *None.*

16. OTHER BUSINESS *None.*

17. BY-LAWS *None.*

18. CLOSED SESSION *None.*

19. CONFIRMING BY-LAW

Moved by Councillor Harding, Seconded by Councillor Fellini

That the following by-law be adopted

- (1) By-law No. 2019-0039 (COU-2), a by-law to confirm the proceedings of Council on April 24, 2019.

Carried.

20. MOTION TO ADJOURN

Moved by Councillor Sebo, Seconded by Regional Councillor Grossi

That the Council meeting adjourn at 9:42pm

Carried.

Margaret Quirk, Mayor

John Espinosa, Town Clerk