

**The Corporation of the Township of Tay
Planning Act Public Meeting Minutes**

**Wednesday, February 24, 2021, 6:30 p.m.
Remote Video and Telephone Conference**

Present: Mayor Walker
Deputy Mayor La Chapelle
Councillor Raymond
Councillor Talbot
Councillor Bumstead
Councillor Warnock
Councillor Norris

Staff Present: L. Barron - Chief Administrative Officer
D. O'Shea - General Manager, Corporate Services
S. Farquharson - General Manager, Protective and
Development Services
R. Bingham – Interim General Manager, Operational
Services
C. Bonneville - Municipal Clerk
E. Smith – Communications Specialist

1. Call to Order

The Chair called the meeting to order at 6:30 p.m.

The Chair advised that this public meeting has been called to add a definition of Short Term Rental Accommodation to Tay Township's Zoning By-law. The purpose of this meeting is specific, as well as a legal requirement for any zoning by-law changes. A proper definition of Short Term Rental Accommodation in our zoning by-law is required for Council to either support or even prohibit Short Term Rental Accommodations in Tay Township. The Chair stated that there will be no debate on whether to allow Short Term Rentals, license them or even prohibit them, the only comments that will be accepted is as to whether the proposed wording of the definition is appropriate for the intended purpose.

The Chair further stated that during the last Protective and Development Services Committee Meeting, Mayor Walker directed that an ad-hoc committee be created to further research Short Term Rentals as this is a complicated issue that needs to have all opinions considered; whether for or against. Council is not predisposed towards any decision on Short Term Rentals, as not all the facts have been identified for consideration; we continue to receive input from residents to this day.

2. Approval of the Agenda

Moved by Councillor Warnock
Seconded by Councillor Talbot

That the Planning Public Meeting Agenda for February 24, 2021 be adopted as circulated.

Motion Carried.

3. Disclosure of Interest

No disclosures of interest were brought forward.

4. Statement of Public Notice

General Manager, Protective and Development Services described the method by which notice of this meeting was given and is of the opinion that the requirements of the Planning Act to provide notice have been met.

5. Correspondence Received

5.1 We received correspondence from R. Smith and M. Middelaer-Smith, 1 Fowler Lane

5.2 We received correspondence from D. Sloan, 54 Hoyt Avenue

5.3 We received correspondence from C. and W. Thielmann, 68 Grandview Road

5.4 We received correspondence from residents C. Carelse and C. Hurlbut-Carelse

5.5 We received correspondence from J. Rose, 133 Silver Birch Crescent

5.6 We received correspondence from K.Tagseth and W. Mucha, 107 Juneau Road

5.7 We received correspondence from P. Hawkins, 46 Hoyt Avenue

5.8 We received correspondence from R. and K. Masters, 35 Bayside Avenue

5.9 We received correspondence from R. Richings and B. Lachapelle, 7 Fowler Lane

5.10 We received correspondence from S. Lyons, 36 Lighthouse Crescent

5.11 We received correspondence from T. Sharma, 200 Robins Point Road

5.12 We received correspondence from J. Pedretti, 154 Robins Point Road

5.13 We received correspondence from K. Rose, 166 Mitchell's Beach Road

5.14 We received correspondence from J. Murray, 158 Robins Point Road

5.15 We received correspondence from P. Davis, 62 King Road

The General Manager, Protective and Development Services provided a summary of the comments received and advised that in reviewing the comments provided to staff, the majority of the correspondence received related to licensing and regulations through a proposed licensing By-law. Staff appreciates the public providing these comments and they will be forward to the Ad-Hoc Committee for their review and consideration as part of the Short Term Rentals regulating process.

6. Application

Staff noted that the Township is the applicant.

7. Background Report by Township Staff

7.1 PDS-2021-24 General Manager, Protective and Development Services

The General Manager, Protective and Development Services spoke to the report and advised that staff were directed to begin a public consultation process to define and add the term Short Term Rental Accommodation (STRA) to the Zoning By-law. The implementation of the proposed definition into the Zoning By-law would not have an impact on Council's decision to regulate the Short Term Rental Accommodation use through a licencing by-law. It is important to note that Staff are not proposing to establish provisions in the Zoning By-law to regulate Short Term Rental Accommodations as part of the Zoning By-law Amendment.

The establishment of a definition in the Township of Tay Zoning By-law would allow the use to be clearly defined and would support a future licencing framework to regulate STRA's, should Council determine that is the most appropriate avenue.

The General Manager, Protective and Development Services advised that Council appointed an Ad-hoc Committee responsible for reviewing the draft Short Term Rental proposed licencing framework and following a comprehensive review and public consultation the Ad-hoc Committee will provide recommendations to Council on whether it is appropriate to regulate Short Term Rentals through a Licencing Bylaw or whether the Township should continue to address concerns through our applicable bylaws.

8. Question & Clarification Period - Public

The Chair inquired if there were any questions or clarification from the audience in regards to this matter and outlined the process for those who wish to make an oral statement. The Chair noted that when General Manager, O'Shea calls upon you to speak to the application you are to give your full name and address as required for the record.

P. Hawkins, Resident, objected to the proposed definition and stated that it is premature of Council to add a STRA definition to the zoning bylaw prior to the Ad-hoc Committee conducting a review. The problems identified need to be addressed with additional regulation and to define STRAs now is like putting the cart before the horse.

J. Rose, Resident, expressed concern that the proposed STRA definition excludes the definition of a bed and breakfast and is of the opinion that bed and breakfast establishments should also be regulated in some manner as they are a form of STRA. J. Rose also stated that the definition of a bed and breakfast establishment should include a requirement that the owner also reside in the dwelling when guests are staying there.

P. Sharma, Resident, objected to the proposed definition and stated it is premature to implement a definition prior to the review process and expressed the importance of the Ad-hoc Committee to be allowed the freedom to carry out the review to determine the root cause of the problems. P. Sharma recommended that existing bylaws such as noise and open air burning be enforced to deal with the problems related to short term rental properties.

B. Chapman, Resident, spoke to the proposed Short Term Accommodations definition as it relates to Bed and Breakfast establishments and expressed concern that the stipulation that the owner must be on site is not in the Zoning By-law definition. B. Chapman stated there is no clear direction that short term rentals are of a commercial use and are not permitted in a residential zone; it is a policy without direction.

K. Tagseth, Resident, questioned quorum of Council and if any conflicts of interest were declared prior to the discussions of Short Term Rental Accommodations; as there is reason to believe that members of Council may have a vested interest. Mayor Walker advised that as part of the meeting process the Chair asked if any member of Council wishes to declare a pecuniary interest in the application and no member of council declared an interest and advised Ms. Tagseth that if there are concerns in this regard she is welcome to forward a letter to the Integrity Commissioner. K. Tagseth stated that although the Zoning By-law reads that short term rentals are not permitted in residential zones no enforcement is in place to deter operations of illegal businesses in residential zones; failure to enforce existing bylaws leave it up to the residents to police. K. Tagseth also noted that these concerns were brought forward over the last two years but Council selects to ignore concerns of the residents.

T. Sharma, Resident, is opposed to the definition as Short Term Rentals bring economic benefits to the Township and changes to regulate Short Term Rentals may stifle tourism and tourist dollars will go to Midland and Penetanguishene; bypassing Tay completely. T. Sharma recommended that instead of prohibiting or regulating Short Term Rentals the Township enforce stronger fines for those that do not adhere to the existing by-laws and if there are any changes to the by-law current Short Term Rentals should be grandfathered in and exempt from any new regulations.

M. Burton, Resident, expressed appreciation to staff for the hard work on this complex matter and for identifying the need for a Short Term Rental Accommodations definition in the zoning bylaw which will ultimately help in enforcement of Short Term Rental Accommodations. M. Burton referred to statistics provided by the Chair, Canada Urban Governance that 2/3's of Short Term Rentals are commercial short-term rental operations and that Short Term Rental operations are quickly growing across Canada. M. Burton commented that as residents in the community we need to know who our neighbours are.

D. Sloan, Resident, opposed to the proposed changes to the bylaw and is of the opinion that things are working well and not to complicate Short Term Rentals by licencing them.

J. Pedretti, Resident, opposed to the definition and questioned if Council is aware of how many people are opposed to, or in favour of, the definition. J. Pedretti also requested an explanation from staff as to their reference that Short Term Rental Accommodations is a hot topic; is it because residents are concerned about STR or is it a hot topic as it presents an opportunity for the Township to enter into some form of business. The General Manager, Protective and Development Services advised that a tally of residents opposed to, or in favour of the proposed definition, is unknown and that his comment that Short Term Rental Accommodations is a hot topic refers to Tay not being the only municipality dealing with complications of Short Term Rentals it was not intended to be a comment about generating revenue.

R. Masters, Resident, opposed to short term rental accommodations of any kind and questioned the rental of cabins or trailers within trailer

parks. The General Manager spoke to cabin rental establishments as a defined use in the zoning bylaw.

C. Graham, Resident, questioned if the Short Term Rentals definition will include single family dwellings where a Short Term Rental business is being operated. Staff advised that the proposed definition doesn't address this scenario but can be included, if needed.

M. Lund, Resident, opposed to the definition and commented that the Ad-hoc committee needs to have an opportunity to review the process properly as it is imperative for Council to hear from members of the community; let the residents dictate what they want instead of what council wants. M. Lund concluded that more input is needed before Council makes an arbitrary decision.

9. Question & Clarification Period - Council

The Chair inquired if there were any questions from Council in regards to this matter.

None were presented.

Moved by Councillor Talbot
Seconded by Councillor Warnock

That Staff Report No. PDS-2021-24 regarding Zoning By-law Amendment (2021-ZBA-01) Public Meeting for Short Term Rental Accommodation (STRA) Definition be received for information.

Motion Carried.

10. Final Statement by the Chair

The Chair reminded all those watching that if you wish notice of the passing of any By-law with respect to these applications you can email the Planning and Development Services Division at planning@tay.ca. Please be sure to include your name, address and application number 2021-ZBA-01.

11. Adjournment

Moved by Councillor Norris
Seconded by Councillor Bumstead

That this Planning Public Meeting adjourn at 7:23 p.m.

Mayor

Municipal Clerk