



AGENDA – Special Meeting of Council

Monday, April 24, 2023

10:00 AM

Magnetawan Community Centre

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|----|--|
| 1 | Call to Order |
| 2 | Adoption of the Agenda |
| 3 | Disclosure of Pecuniary Interest |
| 2 | 4 Correspondence from Ashley McCabe Request to Park and Operate Mighty Canadian Doughnuts Food Truck at the Village Green |
| 5 | Council Discussion Short Term Accommodations |
| 3 | <i>Report from Acting Deputy Clerk Erica Kellogg, Short-Term Accommodation Options</i> |
| 25 | <i>Appendix A Short-Term Accommodations Town Hall with Council July 27, 2022 Presentation</i> |
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| 45 | <i>Appendix D 1/2 Lake of Bays By-law 2021-092 Schedule "A" Short Term Rental (STR) Renter's Code of Conduct</i> |
| 46 | <i>Appendix D 2/2 Town of Gravenhurst By-law 2022-58 Schedule "A" Renter's Code of Conduct</i> |
| 47 | <i>Appendix E 1/2 Lake of Bays By-law 2021-092 Short-Term Rental Licence Suspension/Revocation</i> |
| 48 | <i>Appendix E 2/2 Lake of Bays By-law 2021-092 Demerit Points for Violations Under STR Licence</i> |
| 49 | <i>Appendix F 1/2 Granicus Modular Pricing Chart</i> |
| 50 | <i>Appendix F 2/2 Avenu Price Quote</i> |
| 6 | Adjournment |

Ashley McCabe (owner MC Doughnuts)

701 Hwy 520
Dunchurch, ON POA 1G0
(249) 878-3125

14th April 2023

Municipality of Magnetawan

4304 Highway 520, ON

To Whom it may concern,

Please accept this letter as my official request for the issuance of a hawkers and peddlers permit for my food truck (Mighty Canadian Doughnuts), legal name MC Doughnuts.

This business will be operating in the summer / fall months (no later than October 31st)

We request to park and operate the vehicle at the Village Green, located next to the LCBO.

The food truck is a professional install, fully inspected and approved for use. We will be selling doughnuts and coffee.

Sincerely,

Ashley McCabe



REPORT TO COUNCIL

To:	Mayor and Council
From:	Erica Kellogg Acting Deputy Clerk
Date of Meeting:	April 24 th , 2023
Report Title:	Short-term Accommodation Options

Recommendation: THAT Council receives and approves this report for information and directs Staff to bring back a draft Short-term Accommodation By-law to a future meeting of Council for consideration.

Background:

Provincially there has been a considerable increase in Short-term accommodation's (STA) in communities both urban and rural. The operation of STA's has reached a broader audience with the emergence of rental platforms like Airbnb, VRBO and many more. The annual revenue derived from the operation of Short-term accommodation is estimated to be \$2.8 billion in Canada with Ontario being one of the three largest provincial markets of STA's, achieving approximately \$909,421.00 annual income for operators¹.

Magnetawan has been a tourist destination with seasonal cottages for generations, in fact the population exhibits a significant increase in the summer months. As a result of historic and current transient and seasonal visitors to the area, Magnetawan's local economy experiences a benefit during these times. With the increase in private dwellings being rented out beyond the well-known extended family rental, combined with the known benefits tourism has on rural communities in general, Magnetawan is in a unique position to provide a regulatory framework that will find a balance between the changing tourism industry with the need to manage these vacation rentals.

Magnetawan has a total of 1,962 Residential properties². When evaluating the number of STA properties within the Municipality, Staff have found 374 on AirBnB, 107 on VRBO and a total of 291 properties listed on other platforms. It is to be noted, that at any given time, the number of operating STA's will fluctuate, and these listings may be duplicated on several platforms.

Through various means of public engagement, Council received comments that highlighted challenges and benefits to the community as a whole when it comes to the inclusion of STA's within Magnetawan.

In August 2021 Staff created and circulated a Short-term Accommodation survey. This survey was open for 15 months and closed November 2022, collecting 345 responses. It is important to note survey results began to be skewed towards the end of the survey since, in August of 2022 an STA operator took to social media and began to solicit for contact from “short-term rental property owner” or “are connected to one by way of being employed by them” and ‘businesses who benefit’ from the operation of STA’s. Staff began to see survey results heavily swayed in favour of no regulations being implemented and it is presumed this is due to the survey being circulated amongst operators, including operators who do not own property within the Municipality. This same individual circulated a petition, created by “Magnetawan Residents” called: “*Save Short-Term Rental Accommodations in Magnetawan*”. As of the date of this report the petition received a total of 319 signatures. This petition has never been made to available to Staff.

Additionally, a well-attended Town Hall was hosted by Council in the Magnetawan Community Centre July 2022. The Town Hall meeting included a presentation (Appendix A) in which summarized feedback and options provided as of the date of the meeting. During the March 29th, 2023 regular meeting of Council, Staff presented to Council both a Staff Report and a Planners Report (Appendix B and C). The Planners Report summarized public feedback received during the Town Hall.

The Staff Report provided statistics from 17 responding municipalities (3 of which do not permit STA’s) and 14 municipalities STA’s framework were summarized by percentage to see what the ‘majority’ were doing. After providing various means of public engagement, Council has received sufficient information and have opted to begin discussions on the framework that will form the foundation of Short-term Accommodation By-law and Licensing implementation. As it is understood Council is seeking to implement regulatory framework to license the STA market within Magnetawan, the following report offers recommendations for the framework that will address public comments.

Public Comments:

The following concerns have been raised through online surveys, a Town Hall or independent comments submitted directly to staff:

- excessive noise from parties;
- increased garbage;
- safety concerns around fire/building code;
- septic overload;

- unfair use of parking;
- safety concerns around a continuous flow of unknown guests;
- degradation of natural environment and waterways;
- commercial activity in residential areas;
- excessive speed on roadways and waterways;
- lack of parking;
- lack of respect for public and private property; and
- a loss of a sense of community.

Recommendations:

These recommendations should work to mitigate concerns brought forward during the various public engagements, while still allowing STA operators an opportunity to continue to provide a service.

1. STA operations are to be the entire dwelling, not a portion of a dwelling, room(s) of a dwelling or accessory structures

- A combined approach where one license is permitted per property and only 1 primary dwelling is defined as a permissible STA. This approach will address both intensity and density of STA's within any neighbourhood. Accessory structures such as boathouses, travel trailers, bunkies and similar accessory structures would not be permitted to be rented out.
- Permitting only the primary dwelling structure to be rented while restricting accessory structures will limit the number of guests per property by limiting the number of STA's operating on any one property. The alternative would permit property owners to either rent multiple rooms or floors within their dwelling, increase the number of STA's in operation.

To put this into context, currently a Magnetawan listing on AirBnB offers a one acre parcel where the House, Boathouse and Carriage House on the property can be rented to the same group, and the listing provides for a maximum overnight occupancy of 16 people. If the primary dwelling was the only permissible STA, the number of overnight guests would be greatly reduced.

2. Rental Duration

Short-term Accommodation is defined as offering a place of accommodation or temporary residence for a period of not more than 28 days in exchange for payment and to which the Residential Tenancies Act, 2006, S.O c, 17 does not apply.

During public engagement comments were made that Magnetawan families have been occasionally renting their cottage property to family and friends for generations. Council may wish to exempt 'mom and pop' properties who rent for less than a total of 21 days in a 365-day calendar period from the STA licensing.

3. Occupancy Restrictions

A vast majority of municipalities implementing STA regulations include occupancy limits in an effort to restrict party houses. Most municipalities restrict occupancy to no more than two persons per bedroom and no more than 2 additional occupants per additional sleeping space, which would include a pull-out couch. As Magnetawan is solely serviced by independent, private septic systems, occupancy limits will need to comply with previously approved and provided septic permits from the North Bay Mattawa Conservation Authority. Septic Permits are issued based on number of bedrooms, fixture units, and livable square footage as well as daily capacity. Therefore, if the septic permit was issued for a two-bedroom cottage, with one bathroom, most municipalities allow for a total of 6 guests – 2 per bedroom and no more than 2 additional guests per additional sleeping space.

- Occupancy limits are generally capped to ensure that party houses do not occur or overloading of a septic system does not occur. With occupancy limits paired with only the primary dwelling permitted for STA operation, concerns brought forward around parties, noise, capacity and overcrowding will be mitigated.
- Council may wish to exempt children under the age of 2 years in the occupancy calculation since children under two typically sleep with a parent or in a cot\crib when vacationing. Additionally, it is a reasonable assumption that children under 2 do not contribute septic capacity.

Current AirBnB listings in Magnetawan include a cottage with 6 bedrooms with an advertised max capacity of 18 persons and this listing is “perfect for groups, reunions & celebrations”⁶

Another listing offers users a 6 bedroom house with 10 beds and offers a capacity of 14 guests⁷.

4. Operators provide all renters with a Code of Conduct

With comments received regarding excessive noise, illegal dumping, fireworks and more, a Code of Conduct would help inform STA users how to be a good neighbour. Although a Code of Conduct will not eliminate the potential for residential disruption, it is a tool that will still allow for reasonable enjoyment for all.

- Code of Conducts could include information and consequences about waste diversion, excessive noise, property standards, Boaters Safety Guide, pet “poop and scoop”, trespassing, fire ratings and regulations along other information Council feels pertinent such as fire burning bylaw and Provincial quiet times. Two sample Code of Conducts from the Township of Lake of Bays and the Town of Gravenhurst are included as Appendix D for Council information.

In addition to public comments revolving around neighborhood and nuisance issues, Staff also received comments of concern addressing septic overload, loss of community, safety concerns and more. Implementing regulatory framework will work to mitigate these concerns.

5. STA operators obtain and provide proof of insurance, with a clear indication an STA is in operation within the property and a minimum two million dollar liability.

- The majority of municipalities who offer regulatory framework for STA operations, include the requirement for proof of insurance. STA’s can be considered a commercial venture, because rent the dwelling similar to a hotel or bed and breakfast, the requirement for commercial insurance is advised along with the inclusion the insurance provider is aware an STA is presently in operations.

Council needs to consider whether a 2-million-dollar policy is adequate or a 5 million dollar policy, especially given most cottages also have watercrafts available for use.

6. Require an onsite response time of 60 minutes and a 30-minute phone response time:

- The majority of municipalities used in the comparison report, felt that short-term rentals operated without an operator present cause an increase in nuisance issues more so than when the operator is present during the short-term accommodation operation. They require a ‘responsible person’ to be within a specific time frame to allow for a reasonable response to an event. Having a response time either in person or by phone, has the potential to de-escalate events before complaints are received by Staff. If the Municipality imposes a “three strike” rule or demerit point system, where licences can be revoked/suspended, operators would be best to arrange for a responsible person to manage events.

7. Prohibit or restrict the issuance of licenses to corporations (numbered companies) and multiple private ownership.

In Canada, 31,000 homes have been taken off the long-term market, with large commercial owners primarily operating these STA's. These companies can rent many units for lower prices than those owned by individuals, "making profit through volume and not high prices"⁴.

- When a property is purchased by corporations these are property owner who typically have purchased a property, with no intention of residing or using the property. Rather these owners choose to rent it out for short periods of time to generate income separate from their personal assets. Such uses have been referred to as "ghost hotels"⁵, as there can be significant turnover of guests and can have prolonged times when the property is unoccupied when not rented.
- Alternatively, consideration can be given to permitting 1 licence per corporation – which would include all of the 'owners' only be permitted the same 1 licence. Further, consideration can also be given to only 1 licence per family name ownership - ie married, common law, and/or familial (grand parent, parent, siblings)

8. Requirements for Attestation

To address concerns raised that touched on septic capacity/overload, fire code and building code requirements a requirement for to attest the property, structures and septic have been approved, inspected and meet Code. Moving towards attestations will reduce the burden of enforcement and inspections by the Municipality.

- Operators would be required to supply supporting documentation for septic approval, which can be kept with the attestations confirming occupancy limits and Fire Code. The Municipality reserves the right for inspections and those found in default, depending on the severity, could face demerit points and/or have their licence revoked – permanently or until rectified.
- The attestation should be accompanied by a Site Plan where the operator will attest to and indicate the location of various required safety apparatus, size and location of buildings as well as an area for adequate on site parking.
- Attestations would make the owner accepting the liability and ensuring the STA is in regulation with Fire Code, Building Code, Septic, Health Unit, etc.

The Municipality reserves the right for inspections and those found in default, depending on the severity, could face demerit points and/or have their licence revoked – permanently or until rectified.

9. Number of Licenses Issued

While it is difficult to assess the precise impact of short-term rentals on housing availability and affordability, there is anecdotal evidence that short-term rentals are reducing housing availability and tenants are being evicted so landlords can operate short-term rentals. CMHC Rental Market Report January 2023 Edition, indicates that the growth in demand for rental units “outpaced strong growth in supply, pushing the vacancy rate for purpose-built rental apartment down from 3.1% to 1.9%. This was the vacancy rate’s lowest level since 2001. Rental growth, for its part, reached a new high”⁸. If the properties were no longer used for short-term rentals, it is anticipated that they would be sold, left vacant, or rented long-term. Adding even half of these units back into the long-term rental housing market would have the potential to significantly increase the vacancy rate.

To balance residential use versus short term rentals, it is recommended to cap the number of licences issued per year, to restrict license transferring and provide an expiration date on licences;

- Considering that there are currently 374 STA’s known to be in operation under AirBnB, Council may wish to set the limit at a number relative to that.
- The licence cap could reviewed as development increases.
- A Licence that has been issued shall expire upon the earliest of the following events:
 - a) December 31st of the year issued;
 - b) Upon the sale or transfer of the Premises. For clarity, a Licence cannot be assigned or transferred to another Person; or
 - c) The Licence has been revoked in accordance with the provisions of this By-law.

Each licence will have a number, which will need to be included in advertising for STA’s. As well, it is recommended that an online map be create to advise prospective renters of the locations of the current status of STA’s in Magnetawan.

10. Revocation and Demerit Point System:

A licence program such as this will be most effective if there are monetary penalties to which operators would be subject to, in the event they are not in compliance.

- One option is a '3-strike' rule. Complaints received will account for a 'strike'. Three strikes and either the current year's license will be revoked and/or the operator will not be permitted to reapply the following calendar year. The severity and a system for substantiating complaints would be created.
- Another consideration is a demerit point system, outlining the maximum number of demerits applied and the monetary or administration penalty that can be applied. Staff have provided the Township of Lake of Bays demerit point system and license revocation and suspension schedules for information, please refer to Appendix E. A demerit system allows for corrective action.

11. Licence Fees, Municipal Accommodation Tax and Monetary Penalties

The development of a Licensing By-Law will incur Municipal administrative processing and enforcement costs. To offset these costs Staff have recommended a similar approach to other permit administration, this includes licence fees, Municipal Accommodation Tax and/or Monetary Penalties. Fees collected can also be applied to various capital projects that are directly impacted by the operation of STA's and the subsequent increase in the transient population, this may include road repairs and waste diversion efforts.

Additional costs which may be incurred for the administration and enforcement cannot be determined at this time; however, with a license system and penalties for illegal operation in place, Council can anticipate an increase in complaints. Typically, once a licencing system is implemented and becomes enforceable, residents are more apt to make a complaint since they are assured their information is private and not disclosed, making for a safer complaint process. Questions have been raised around the number of logged complaints that are directly related to the operation of STA's. Often residents feel that if the system isn't broken, or in this case, complaints are not made, why impose regulation? It is the opinion of Staff, having conducted a number of conversations with residents, that like other By-laws, complaints will begin to flow into the Municipality, since confidentiality can be provided. Previous to the proposed licensing, neighbours are not likely to complain directly to neighbours since often the comment is made, 'I still have to live with my neighbours or 'I don't want any issues with my neighbour'.

Comparable Municipalities License Fees

Operators would need to meet proposed requirements and pay an annual license fee in order to be, and remain, a registered and approved STA within the Municipality.

East Ferris	Lake of Bays	North Burce Peninsula	Whitestone	Gravenhurst	Huntsville	Gordon/Barrie Island
\$750.00 (3 months) \$1000.00 (7 months)	\$400.00- \$1000.00 per STA Class. \$300.00- \$900.00 Renewal per STA Class	\$500.00- \$1500.00 per STA Class. \$500.00- \$1500.00 Renewal per STA Class	\$200.00 annual fee, \$200.00 Administration Fee	\$750.00 application fee	\$500.00 for the primary residence 750.00 secondary residences	\$650.00 (host onsite) \$800.00 (no host on site)

The licence fee should encompass the cost of administration, which may include the use of a monitoring company, as well as investigation and should not be borne by the non STA ratepayers. The fee could be structured for those renting year-round paying a higher fee to those renting half time.

Investigation and Inspection Fees

In addition to the licencing fee, implementing a fee schedule for site inspections and complaint investigations, can be established. fees range from \$250.00 – \$500.00 per investigation or inspection would defray costs.

Penalties

In addition fees/penalties such as: operate an STA in an accessory structure, additional sleeping accommodations such as tents or trailers, refusing to rent to persons with service animals , etc. is recommended. The penalties should encompass all aspects of the licencing requirements (eg. Fire, Buildin Septic, etc) as well the Code Of Conduct (adherence Municipal Bylaws, waste diversion, Provincial Noise Regulations) as well as Accessibility and Human Rights for example.

Since the Municipality is licencing and regulating, it does bear some responsibility to ensure non-discrimination and to ensure that there is reasonable enjoyment for all residents as well as renters. Stiff penalties and denial of a licence, will certainly help promote compliance.

With municipalities offering different penalties systems, a comparative is challenging. The Municipality of East Ferris offers fines of \$500.00 - \$1,000.00 for the operation of an STA without a license or revoked license, while also providing a \$500.00 fine for exceeding capacity. The Municipality of Gordon/Barrie Island provide fines of \$1,000.00 per week for the operation of an STA absent a license.

It is recommended that administrative penalties begin at \$100 upwards to \$750 for administrative issues (sending letters, investigations); fines beginning at \$1,000 to \$5,000 for infractions and/or charges which would be heard in the Provincial Offences Court.

Municipal Accommodation Tax (MAT)

Municipal Accommodation Tax (MAT) under the authority of the *Municipal Act* under Section 400.1 and is applicable to transient accommodation in a municipality. Section 400.1(1) of the *Municipal Act* provides that, "A local municipality may, by by-law, impose a tax in respect of the purchase of transient accommodation in the municipality in accordance with this Part if the tax is a direct tax..."⁴ Further, operators are required to collect and remit MAT on all rentals before HST. Additionally, the municipality is required to pass a separate by-law to impose MAT.

Council may want to consider MATs at a later date after evaluation of the licencing system.

12. Compliance Monitoring Platform

Many municipalities are utilizing off-site, third-party compliance monitoring companies to help facilitate STA license compliance.

- Two data management companies have provided information to help determine suitability and cost, (Avenu Insight and Analytics and Granicus Appendix F). Staff are proposing to enter into a one-year agreement with either company to monitor STA operations within the Municipality. These companies will scan over 80+ platforms, collating information on historical and current operating sites, monitor these sites, identify sties by owner and location, identify fraudulent or inaccuracies within listing and provide a 24\7 hotline for reporting and resolving complaints.

- The 24/7 hotline will facilitate a call out to the ‘responsible person’ for the STA and require them to either make contact with the renter or visit the site, both within the required time frame. These complaints are logged and Council can obtain complaint reports which can be used for the demerit point system, if implemented. This system of reporting, responding and logging complaints will ease the potential response and investigation time spent by the Municipal By-law Officer. Cost of compliance monitoring can be offset by license fees collected.

Conclusion:

As Council heard during the Town Hall Meeting of July 27, 2022, that all participants that spoke were in favour of a licencing system for STA’s for the Municipality of Magnetawan. The proposed licensing program will regulate the business of operating a Short-term Accommodation and provide guiding principles for operation and use, while still allowing reasonable enjoyment of properties for both residents and renters. The STA bylaw will address the concerns brought forth to the Municipality and it will still permit the STAs to operate responsibly within the Municipality. A draft STR Licensing By-Law would apply to all properties within the Municipality of Magnetawan that are rented for time periods of less than twenty-eight (28) days and would exempt those that rent for a total of twenty-one (21) days or less in the course of a 365-calendar year. Licensing would apply to all STRs regardless of the date created – grandfathering would not be applicable. Licensing will apply.

Respectfully Submitted,

Erica Kellogg

Acting Deputy Clerk – Planning and Development

¹Statistics Canada, Measuring private short-term accommodation in Canada, March 14, 2019

²Municipal GIS & Data Integration Since 1999

³Airbnb.ca <https://www.airbnb.ca/rooms/12643124>

⁴CMHC Impact of Short-term Rental on Canadian Housing, November 23, 2020

⁵CBC, Ottawa, Article: These guys are predators’: Condo owner says home turned into Airbnb ‘ghost hotel’
<https://www.cbc.ca/news/canada/ottawa/condo-owner-violated-airbnb-ghost-hotel-1.5122219>

⁶Airbnb.ca, <https://www.airbnb.ca/rooms/38102614>

⁷Airbnb.ca, <https://www.airbnb.ca/rooms/592806379771471242>

⁸CMHC Rental Market Report, Housing Market Information, January 2023 Edition

The Municipal Act,

2. DEFINITIONS:

For the purpose of this By-law:

"Accessory Building or Structure" means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use of the main building on the same lot.

2.1

"Applicant" means the Owners of the Premises applying for a Licence or renewal of a Licence under this By-law.

"Bedroom" means a room offered for Short-Term Accommodation intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario Building Code, and/or a room with one or more beds, murphy beds, pullout beds, sofa beds, day beds, futons or similar places for sleeping.

2.2

"Boat" means any vessel, container on water, or floating accommodation, regardless of whether or not it is docked, affixed to land, or can be driven.

2.3

"Building" means a structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the Building Code Act, S.O. 1992, Chapter 23.

2.4

"Chief Fire Official" means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief or a person appointed by the Fire Marshal.

2.5

"Corporation" means a body incorporated pursuant to the laws of Ontario or Canada.

2.6

"Council" means the Council of the Corporation of the Municipality of Magnetawan.

2.7

"Dwelling Unit" means two or more rooms used, designed or intended for the domestic use of one or more individuals living as a single housekeeping unit, with living, sleeping and sanitary facilities, and kitchen facilities, having a private entrance from outside the building or from a common hallway or stairway inside or outside the building. For the purpose of this By-law, a Dwelling Unit does include a cottage but does not include an Accessory Building or Structure or a tent, trailer, mobile home, vehicle, Boat, room or suite of rooms in a boarding or rooming house, hotel, or motor home.

2.8

"Fee" means a Fee as set forth in the Municipality of Magnetawan Fee Bylaw, which is not prorated and non-refundable.

2.9

"Guest" means any person on the Premises who is not a Renter.

2.10

"**Licence**" means the licence issued under this By-law as proof of licensing under this By-law.

2.11

"**Licensed**" means to have in one's possession a valid and current Licence issued under this By-law and "Unlicensed" has the contrary meaning.

2.12

"**Licensee**" means the Owner of a Premises who holds a Licence or is required to hold a Licence under this By-law for that Premises.

2.13

"**Licensee Code of Conduct & Acknowledgment**" means a document, as set forth in Schedule "B", that has been prepared by the Municipality that prescribes the roles and responsibilities of the Licensee, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Municipal by-laws; and adherence to the provisions of this By-law.

2.14

"**Licensing Officer**" means any person or persons provided the authority by the Municipality to issue a Licence under this By-law.

2.15

"**Officer**" means a Municipal Law Enforcement Officer, Building Inspector, Police Officer or other person appointed by by-law to enforce the provisions of Municipal by-laws.

2.16

"**Owner**" means the Person holding title to the Premises where the Short-Term Accommodation is located, and "Ownership" has a corresponding meaning.

2.17

"**Parking Area**" means an area on the Premises provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.

2.18

"**Person**" means any singular or plural human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.

2.19

"**Premises**" means the Property upon which a Short-Term Accommodation is operated, inclusive of buildings or structures or any part thereof used for such purpose.

2.20

"**Property**" means the land upon which a Short-Term Accommodation is operated, exclusive of buildings or structures or any part thereof.

2.21

"**Renter**" means a person that intends to use the Short-Term Accommodation for overnight lodging, but shall not include daily visitors to the Premises.

2.22

"Code of Conduct" means a document, as set forth in Schedule "A", that has been prepared by the Municipality that prescribes the roles and responsibilities of the Renters and Guests, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Municipal by-laws, and adherence to the provisions of this By-law;

2.23

"Responsible Person" means an Owner or a Person, 18 years of age or older if an individual, duly appointed by an Owner to act on its behalf, and being responsible for ensuring the Short-Term Accommodation is operated in accordance with the provisions of this By-law, the Licence and applicable laws.

2.24

"Short-Term Accommodation" means the secondary use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, licence, rental agreement or similar arrangement for fewer than twenty-eight (28) consecutive calendar days with no on-site management throughout all or part of the year. Short-Term Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, tourist establishment, tourist cabin establishment, or similar commercial accommodation use. For the purposes of this definition, a property rented less than 21 days in a 365 calendar year will not be defined as a Short-term Accommodation.

2.25

"Municipality" means The Corporation of the Municipality of Magnetawan.

2.26

"Zoning By-law" means the Municipality's Comprehensive Zoning By-law 01-26, as amended, or any successor comprehensive Zoning By-law, as amended.

3. ADMINISTRATION:

3.1

The Licensing Officer shall be responsible for the administration of this By-law;

3.2

- a) Officers shall be responsible for the enforcement of this By-law; Upon receipt of an application for a Licence, a Licensing Officer shall perform the following functions:
receive and review the application in conjunction with any provision of this By-law; and
- b) ensure the relevant Officers have carried out the necessary inspections to satisfy the Township that the Premises is in compliance with the provisions of this by-law.

3.3

Applications for a Licence and issued Licenses will be posted on the Municipal website, including personal information such as the legal description, civic address, and Owners' and Responsible Person's contact information.

3.4

After _____, Licensees may apply for renewal of their License, however no new Licenses will be issued until the number of Licenses in the Municipality fall below 380, after which the number of Licenses shall not exceed 250.

4. PROHIBITIONS:

4.1 No Person shall operate a Short-Term Accommodation unless the Person holds a current Licence issued pursuant to this By-law.

4.2 No Person shall use or rent an Unlicensed Short-Term Accommodation.

4.3 No Person shall advertise nor permit:

- a) the use of a Short-Term Accommodation without a Licence;
- b) the rental or use of a greater number of Bedrooms than permitted by the Licence;
- c) a greater number of Renters or Guests than is permitted by the Licence;
- d) the use of more than one building with Bedrooms on the Premises;

4.4

No Person shall violate the provisions of the Code of Conduct attached as Schedule "A" to this By-law.

4.5

No Person shall violate the provisions of the Attestation attached as Schedule "B" to this Bylaw.

4.6

No Person shall fail to produce a copy of the signed Code of Conduct or Attestation upon the request of an Officer.

4.7

No Licensee or Renter shall permit more than 2 Renters on the Premises for each Bedroom and no more than 2 additional occupants per additional sleeping space identified and approved as such on the floor plans submitted with the application for the Short-Term Accommodation Licence, at any one time.

4.8

The maximum number of Guests at a Premises at any one time shall not exceed 1 Guest per Bedroom approved as such on the floor plans submitted with the application for the Short-Term Accommodation Licence, at any one time.

4.9

The maximum number of Renters on a Premises shall not exceed ten (10).

4.10

No Licensee shall rent any room other than a Bedroom that was identified and approved as such on the floor plans submitted with the application for the Short-Term Accommodation Licence.

4.11

The provisions of Section 4 shall not apply when the Premises is not rented for Short-Term Accommodation.

4.12

No Person shall contravene the Site Requirements found at Section 7 of this By-law.

4.13

Short-Term Accommodations shall comply with all applicable Municipal by-laws and provincial legislation Electrical Safety Authority, North Bay Parry Sound District Health Unit and any other applicable regulations.

5. TERM OF LICENCE:

A Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:

- a) December 31st of the year issued;
- b) Upon the sale or transfer of the Premises. For clarity, a Licence cannot be assigned or transferred to another Person; or
- c) The Licence has been revoked in accordance with the provisions of this By-law.

5.2

The Licensing Officer shall have the right to extend any active Licence for up to 1 calendar year, should there be a declared emergency that directly effects the Licensee.

5.3

Only one Licence per Premises or per owner shall be permitted.

5.4

A Licence may only be issued to the Owner of the Premises.

6. LICENSING REQUIREMENTS:

6.1

Every application for a new Licence, or the renewal of an existing Licence, shall include:

- a) a completed application in the form required by the Municipality, which shall include each Owner's name, address, telephone number, and email address;
- b) proof of Ownership for the Premises;
- c) statutory declaration signed by each and every Owner stating that the Premises is used primarily for residential purposes and that each and every Owner understands their responsibilities as a Licensee;
- d) a site diagram and floor plan, drawn to scale and fully dimensioned of the Premises identifying:
 - i. the location of all Buildings and structures on the Property;
 - ii. the location of wells, and all components of sewage systems;
 - iii. the use of each room;
 - iv. the location of smoke and carbon monoxide alarms, and early warning devices;
 - v. the location of fire extinguishers;
 - vi. the location of records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
 - vii. the location of all gas and electric appliances;
 - viii. the location of all fireplaces and fuel-burning appliances;
 - ix. all entrances/exits to and from the Buildings; and
 - x. the exterior decks and related site amenities including dimensioned parking spaces, and other Buildings or structures on the Property;
- e) a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance policy must

identify that a Short-Term Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the Municipality shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy;

- f) an electrical general inspection performed by a licensed electrical contractor dated less than 5 years old;
- g) where there are wood burning appliances, a Wood Energy Technical Transfer (WETT) report dated less than 5 years old issued by a certified WETT inspector;
- h) an annual inspection report, provided with the annual application, indicating that the chimney, flue pipes etc. have been inspected by a WETT certified chimney sweep and are safe to be utilized;
- i) an HVAC inspection report issued by an HVAC Technician. An updated report shall be required each year;
- j) the name and contact information of the Responsible Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Municipal by-law, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence; and
- k) at time of renewal: maintenance and record of tests for all smoke and carbon monoxide alarms along with the guest log/register. An Applicant shall provide payment of the applicable Fee as noted within the Municipality's Fee's and Charges By-law.

6.2

An Applicant or Licensee shall be responsible for informing the Municipality, in writing, of any changes to the information contained within the application or any deviation to the approved plans within (7) days of such change or deviation.

6.3

Nothing herein allows a Licensee to rent Bedrooms other than those identified and approved on the floor plans submitted with the application unless the Municipality has approved same.

6.4

An Applicant shall confirm that an occupancy permit, also known as "permission to occupy" has been issued for the Premises. Where this is not available, the Municipal Building Department shall be consulted. A Licence shall not be issued until the Municipality is satisfied that the necessary inspections and reports have been completed or that a safety site inspection was completed to ensure the safety of persons.

6.5

A Licensee must ensure that any listing, advertisement, etc. of the Premises includes the corresponding Licence number issued by the Municipality.

6.7

A Licensee shall be an Owner who is an individual or group of individuals and not a corporation, partnership, or business.

7. SITE REQUIREMENTS:

7.1

The provision of parking on the required site diagram shall include the following:

- a) location of the Parking Area with a minimum number of parking spaces as set out in the Zoning By-law;
- b) that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area; and
- c) compliance with all other parking provisions as set out in the Municipal Zoning By-law, as amended.

7.2

A Parking Area shall consist of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface). Vehicles may only park in the Parking Area.

7.3

The following shall be made available to Renters:

- a) A copy of the current Licence retained on site of the Premises and available for inspection by Municipal staff;
- b) A copy of the site diagram showing the current Parking Area and parking provisions for the Premises;
- c) A copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes;
- d) A copy of the Renter's Code of Conduct;
- e) A copy of the current Open-Air Burning By-law;
- f) The occupant load of the residence, posted in a conspicuous location;
- g) Emergency "911" instructions with the address of the Property clearly printed and posted in a conspicuous location;
- h) A copy of the smoke and carbon monoxide maintenance and use instructions; and
- i) Name and contact information of the Responsible Person.

7.3

All Short-Term Accommodations must provide a class A ULC listed portable fire extinguisher with a minimum rating of 2A 5B:C in any cooking area and on each floor of the Building.

7.4

Portable extinguishers shall be:

- a) kept operable and fully charged;
- b) located so that they are easily seen and shall be accessible at all times;
- c) tested and maintained in conformance with NFPA 10, "Portable Fire Extinguishers"; and
- d) inspected monthly.

7.5

The Licensee shall maintain a guest register which indicates the Renters' and Guests' names, addresses, telephone numbers, number of Renters and Guests, length of stay, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the Municipality within 24 hours upon request.

9. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL:

9.1

The Licensing Officer shall have the authority to issue, refuse to issue or renew a Licence, to revoke or suspend a Licence, or to impose terms and conditions on a Licence.

The Licensing Officer may refuse to issue or renew a Licence where:

- a) there are reasonable grounds for belief that the operation of the Short-Term Accommodation may be averse to the public interest;
- b) a Licence has been previously revoked, suspended, or made subject to terms and conditions;
- c) an Applicant has presented a history of contravention with this By-law;
- d) the proposed use of the Premises is not permitted by the Zoning By-law;
- e) the Owner is indebted to the Municipality in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes and late payment charges, against an Owner's Property; or
- f) the Premises does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.

9.2

The Licensing Officer, if satisfied that the continuation of a Licence poses a danger to the health or safety of any person, may suspend a Licence for not more than 14 days. If, after this period, the Licensing officer is satisfied that the continuation of a Licence will continue to pose a danger to the health or safety of any person, the Licensing Officer may suspend a Licence for further terms of not more than 14 days or may revoke the Licence.

9.3

The Licence Officer may revoke a Licence if it was issued in error or granted based on incorrect or false information.

10. APPEAL:

Where the Licensing Officer has denied an Applicant a Licence, a renewal of a Licence, or has suspended or revoked a Licence, the Licensing Officer shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Council.

10.1

An Owner may appeal to Council in relation to a matter set forth in a notice delivered pursuant to Section 10. Appeals will not be permitted for the issuance of demerit points until they have resulted in the suspension or revocation of a Licence. Appeals will not be permitted for any matters that have already been heard by the Council.

10.2

A request for an appeal must be made within 14 business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required appeal fee as set out in the Fees and Charges By-law.

10.3

Where no request for an appeal is received in accordance with Section 10.2, the decision of the Licensing Officer shall be final and binding.

10.4

Where a request for an appeal is received, a hearing will be held during the next available regular

meeting of Council, and the Owner shall be provided reasonable written notice thereof.

10.5

After such opportunity to be heard is afforded, Council shall make a decision. When making its decision, Council may consider any matter pertaining to this By-law, or other matter that relates to the health, safety and well-being of the public. When making its decision, Council may refuse to issue or renew a Licence, or revoke, suspend, or impose any condition to a Licence. Council's decision is final and binding.

10.7

Where Council conducts a hearing, the rules set out in the Municipal Act, 2001, S.O. 2001, c. 25 shall apply.

11. ORDERS:

If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to take actions to correct the contravention.

11.1

The order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention; and
- b) the work to be done and the date by which the work must be done, if any

11.2

An order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

11.3

An order under Section 11 may require action be taken even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

11.4

No Person shall fail to comply with an order issued pursuant to Section 11.

11.5

If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a "Discontinue Activity Order", requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to discontinue the contravening activity.

11.6

The Discontinue Activity Order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention;
 - b) the date by which there must be compliance with the Discontinue Activity Order.
- 11.9 A Discontinue Activity Order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

11.7

No Person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 11.6.

11.8

In the event the Officer is unable to serve any order under the provisions of this By-law, the order shall be posted in a conspicuous place on the Premises, and the placing of the order shall be deemed to be sufficient service of the order on the Renter or Licensee/Owner.

11.9

An order under this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

11.10 Any violations of this By-law shall be addressed pursuant to their respective remedies. In addition, demerit points will be levied against the Premises and Licensee as per Appendix "B" to this By-law.

12. ENTRY AND INSPECTION:

An Officer, Chief Fire Official or Building Inspector may, at any time, enter onto any land to determine whether this By-law is being complied with.

12.1

Every Owner shall permit the Officer, Chief Fire Official or Building Inspector to inspect any part of the Premises for the purposes of determining compliance with this By-law.

12.2

Notwithstanding any provision of this By-law, an Officer or Building Inspector shall not enter or remain in any room or place actually being used as a Dwelling Unit, unless:

- a) the consent of the occupier is obtained after the occupier has been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the *Provincial Offences Act*, R.S.O.1990, c.P.33, as amended; or
- b) a warrant is issued under the *Provincial Offences Act*, R.S.O.1990, c. P.33, as amended, is obtained.

12.3

A Fire Chief may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety pursuant to section 19(2) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended.

13. OBSTRUCTION:

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Chief Fire Official or Building Inspector exercising a power or performing a duty under this By-law.

13.1

Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer, Chief Fire Official or Building Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Officer, Fire Official or Building Inspector in the execution of their duties.

14. PENALTY:

Every Person who contravenes any of the provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention by the Corporation is guilty of an offence under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.

14.1

Every Person who contravenes the provisions of this By-law and every Director or Officer of a

Corporation who knowingly concurs in the contraventions by the corporation is guilty of an offence and liable:

- a) upon a first conviction, to a fine of not less than \$300 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended; and
- b) upon a second, or subsequent conviction, to a fine of not be less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

15. DEMERIT POINT SYSTEM

15.1

Notwithstanding any other provision of this By-law, this section does not apply to Short-Term Accommodation premises that are advertised and/or operated without a Licence, including Short-Term Accommodations for which a previously-issued Licence has expired, been revoked or is under suspension.

15.2

If at any time the Officer determines that the operation of a licensed Short-term Accommodation does not comply with any part of this Schedule as provided for in Appendix "1", other than paragraphs 6.1(a), 6.1(b) and/or 6.1(c), the Officer shall impose Demerit Points.

15.3

For greater certainty, if the Officer determines that the advertisement and/or operation of a Short-Term Accommodation does not comply with paragraphs 6.1(a), 6.1(b) and/or 6.1(c) of this Schedule, Demerit Points shall not be imposed against the Short-Term Accommodation Premises.

15.4

Demerit Points shall remain in place until the one (1) year anniversary of the date on which the Demerit Points were imposed.

15.5

Upon the transfer or sale of a Short-term Accommodation Premises by an Owner to any other Person, any existing Demerit Points shall be assigned to the Owner and, upon the issuance of a Short-Term Accommodation Licence to the Owner for a different Premises, the Demerit Points shall be imposed against that Premises.

15.6

If the total number of Demerit Points in effect respecting a Short-term Accommodation is seven (7) or more but fewer than fifteen (15), the Owner is required to provide the Officer with written confirmation of the measures to be implemented by the Owner to avoid the imposition of further Demerit Points, which measures shall be to the satisfaction of the Officer.

15.7

If the total number of Demerit Points in effect respecting a Short-term Accommodation is fifteen (15) or more, the Officer shall immediately revoke the Licence in accordance with section 3 of this Schedule.

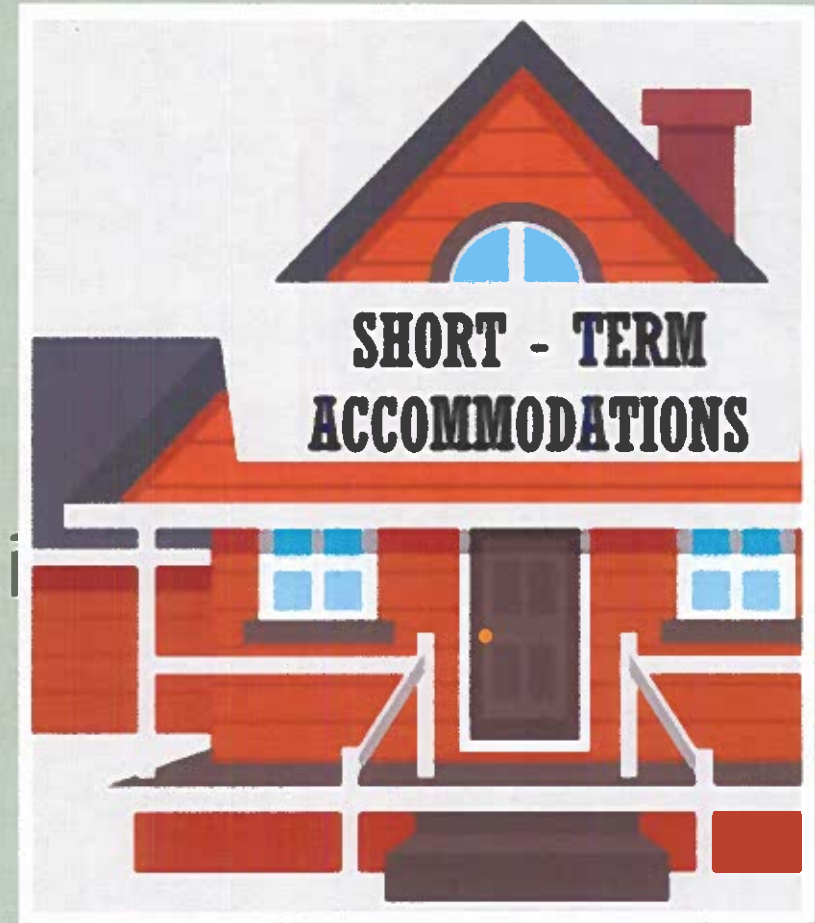


Short – Term Accommodations Town Hall with Council

Municipality of Magnetawan

Magnetawan Community
Centre

7:00pm, July 27th, 2022



Appendix A

Community Engagement to Date

Municipal Staff have conducted community engagement regarding the Official Plan and Zoning By-Law Review since 2021, which has included engagement on Short-Term Accommodations.

To date 180 surveys on Short-Term Accommodations have been received and six additional responses received directly to staff through email correspondence.

A xibnsqqa

What is a Short Term Accommodation

Generally a Dwelling Unit rented for a period of time that is less than 30 days.

- Single detached dwelling
- Part of a single detached dwelling
- Does not include traditional commercial accommodations such as campgrounds, hotels, motels, tourist establishments or bed and breakfast establishments

Types of Short Term Rentals

1. Host's Residence and Host Present
2. Host's Residence and Host Not Present
3. Not Host's Primary Residence and Host is Not Present

Existing Regulations in Municipal Documents

Township Official Plan

- No specific policies related to short term rentals
- Official Plan has some policies pertaining to tourist commercial uses.

Township Zoning By-law

- No specific provisions related to Short Term Rentals
- Definition of tourist establishment and regulations
- Definition of bed and breakfast establishment.

Magnetawan Statistics

- Total population: 1753
- Permanent dwellings: 825
- Seasonal dwellings: 892

* Statistics Canada 2020*

Statistics

- 374 properties listed on AirBnB
- 107 properties listed on VRBO
- 77 properties listed on Ontario Cottage Rentals
- 175 properties listed on Expedia.ca
- 3 properties on Sublet.com
- 13 properties on Cottage Portal
- 23 properties on Cottage in Canada
- Nightly accommodation rates on average \$360.00.
- Prices per night range from \$216.00 - \$1,251.00.

This does not include those who rent to family/friends/acquaintances without any advertising as they have been renting for years and have all return renters Randy Luck

Negative Comments Received

- Degradation of natural environment and waterways
- Commercial activity in residential area
- Occupant overload
- Excessive speed on roadways and waterways
- Pet waste along roadways
- Illegal dumping
- Lack of parking
- Increased traffic
- Devaluing of property
- Excessive noise
- Fireworks dispensed
- Lack of respect for public and private

Positive Comments Received

- Economic support for businesses
- Increased tourist activity
- Increased value of properties
- Desirable destination for travel

Considerations for Short Term Accommodations

Should the rental of a dwelling (including cottages) for less than 28 days be permitted?

Should STA's be permitted in all zones where a dwelling is permitted?

Should there be a limit on how often a dwelling can be rented?

Considerations for Short Term Accommodations (cont'd)

Enforcement

Should there be a limit on the number of STA's in an area?

Should any rental of a dwelling (including cottages) be regulated?

Impact on municipal infrastructure – roads and landfill sites prepared for a potential influx of waste created by transient tourists.

Would the Municipality consider implementing Municipal Accommodation Tax?

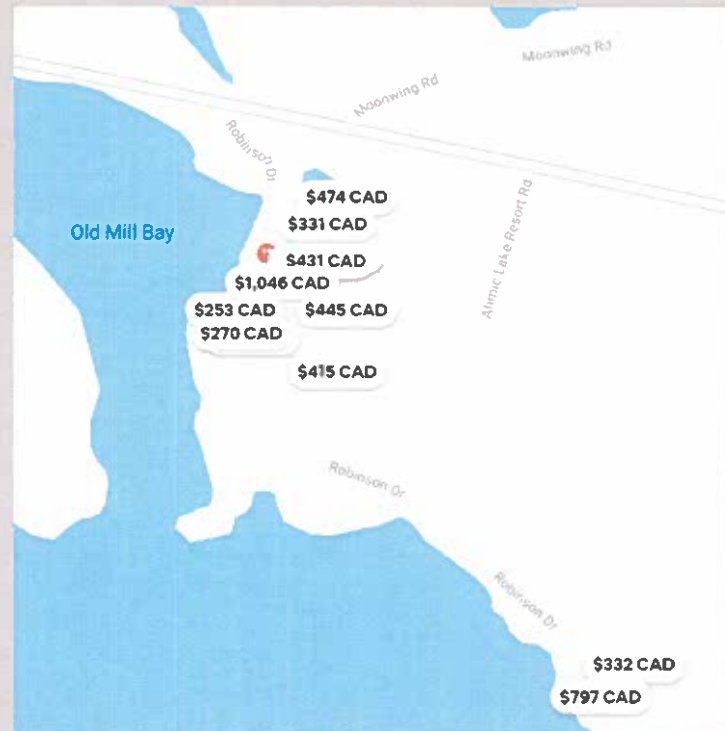
Regulation via Planning Act (Official Plan and Zoning By-law).

Regulations via Municipal Act (Licencing and Good Neighbour By-laws).


- Site inspections
- Confirmation of bedrooms
- Waste disposal capacity
- Fire safety equipment
- Egress requirements
- Overall conditions of Short-Term Accommodation
- Minimum distance separation requirements, preventing 'clustering'
- Fire Inspections
- Fire Safety Plans
- Parking
- Access
- Open Building Permits
- Proof of \$2 million coverage per rental

License Application Conditions to Consider





Appendix B

 Municipality of Magnetawan	STAFF REPORT
To:	Council
From:	Erica Kellogg – Acting Deputy Clerk – Planning and Development
	Short-term Accommodation Comparison
Report Date:	March 29 th , 2023

Recommendation:

That the Council of the Municipality of Magnetawan receives this report for information purposes only and directs Staff to prepare a Draft Licensing By-law as discussed.

Background:

Following a 2022 Town Hall meeting on Short-term Accommodation (STA), Staff received public comment on the pros and cons of Short-term Accommodation operations within the Municipality. Council directed Staff to continue to gather information, while allowing the 2022 municipal election to take place and allow the newly elected Council to revisit licensing of Short-term Accommodations.

Evaluation:

17 municipalities who either regulate or outright ban the operation of Short-term Accommodations have responded to our request for feedback on their short-term accommodation policies. Three municipalities have outright prohibited the operation of short-term accommodation.

The below information is a representation of the 14 Municipalities that responded with licensing provisions.

- 93% do not allow accessory structures to be licensed as STA's;
- 93% offer annual licenses;
- 57% require the licensed property to be in good standing with the municipality, including taxes, By-law, Zoning, etc.;
- 86% impose a penalty clause: 3-strike rule, suspension or a complete revocation of the licence;
- 79% impose occupancy limits -- typically two people per bedroom and no more than 2 additional occupants per additional sleeping space (pull out coach). Additional sleeping spaces are deemed a bedroom. A maximum occupancy ranging from 10 – 12 people overnight. Event gatherings (weddings) can be double the permitted occupancy; however, only the permitted occupancy can sleep overnight;
- 29% require licensees to include advertisement platforms used in their operation to be included on their licenses application ie. Air BnB, Virbo, Cottages Ontario, etc.;
- 35.7% require the inclusion of their license, on their advertisement platform i.e Air BnB, Virbo, Cottages Ontario;
- 36% require the license to be posted at the property, typically either in a Code of Conduct or on the back side of the front door;
- 57% permit either numbered companies and/or corporations to operate a licenced STA. Several of the comparable noted in the positive, are year round tourist destinations such as Blue Mountains, North Bruce Peninsula (Tobermory and Bruce Peninsula National Park), Gordan/Barrie Island (Manitoulin Island)
- 100% do not allow a license to be transferred;

- 43% require the host to provide a Code of Conduct to renters, providing information on being a Good Neighbour guide, a Fire Plan, impact of noise, max occupancy, various Municipal By-laws and more;
- 71% require a host to be available by phone within 30 minutes and onsite within 60 minutes;
- 64% require a Site Plan to be provided outlining all structures and parking for the subject lands;
- 86% collect or impose either Municipal Accommodation Tax, Administrative Monetary Penalty, Provincial Offence Fines or Fines under the *Municipal Act*, in addition to permit fees and inspection fees;
- 36% respondent municipalities require either a septic inspection, authority approval letter or a record of pump outs;
- 14% impose limitations on operation months, for example three or five months, non-consecutive;
- 21% respondent municipalities require Fire Department inspections prior to license approval;
- 64% require insurance with notification that an STA is in operation and a two-million liability;
- 14% require Building Code inspections by the Building Department prior to license approval;
- 21% require confirmation of adequate parking, specifically noting parking must be on a hard surface;
- 21% require a floor plan to be provided, indicating number of bedrooms, square footage, means of egress and more.

License fees vary within the comparable municipalities, ranging from the low end of \$250 and the high end of \$2300. In addition to these license fees, 85.7% of municipalities collect either, MAT, AMP/POA fines or fines under the *Municipal Act* as a means to offset inspections, compliance and processing of licensing.

Interesting notes from Staff review;

One municipality requires notice be given to renters that STA operation is located on a private road with limited services provided.

There are minimum distance requirements for STA operation, this is a means to control the density of STA operations within a given area.

One municipality required that if an STA is within 15 feet of another residential property, a 5-foot fence needs to be erected.

Some municipalities speak directly to 'event' hosting, for example, weddings, whereas daytime occupancy can increase however overnight occupancy remains as approved by the license.

There is also a restriction that travel trailers/tents cannot be placed on the STA property, restricting added occupancy outside the primary dwelling.

Hotels, motels, as well as Bed and Breakfasts are excluded from the definition of STA's.

Restrictions on the renting of part of a dwelling, opting to require the entire dwelling to be offered for rent, this supports long-term rental options.

The following are recommendations for consideration for implementation within a licensing By-law:

RECOMMENDATIONS

- STA operations are to be the entire dwelling and not a portion or room of a dwelling. In order to ensure that long-term rental challenges which currently exist are not exasperated. Density of STA operations will be managed since four operating STA room rentals within one dwelling would significantly impact the surround community;
- One licensed issued per property;
- Operators provide renters with a Code of Conduct;
- Operators obtain and provide proof of insurance, with a clear indication an STA is in operation within the property and a minimum five-million dollar liability;
- Require an onsite response time of 60-minutes and a 30-minute phone response time;

- Implement fines for non-compliance
- Implement Municipal Accommodation Tax to offset the cost for potential Staff costs when conducting inspections, compliance responses and license processing;
- Impose occupancy limits and event hosting limits;
- Require licenses to be renewed annually;
- Prohibit the issuance of licenses to corporations and numbered companies;
- Include owner's declarations for conformity with septic and fire – with the understanding that random inspections may occur to ensure compliance;
- Application submissions should include: Site Plan, Floor Plan, confirmation of septic authority approval for adequate servicing for proposed occupancy and fire safety plan;
- Licence fee
- System of penalties and revocation clause

CONCLUSION

Through various means of engagement regarding STA's and the operation of within the Municipality, members of the public have shared how STA's support the local economic environment, increase tourist activity within Magnetawan and add value to the community. We have also heard that the STA operations increase illegal dumping, increase noise, create a disruption on neighbouring residents' enjoyment of their property and have the potential to impact long term rentals and permanent population.

Implementing the above noted recommendations in conjunction with the additional provisions, Staff is of the opinion that a balanced, equitable and responsible approach to the regulation and management of Short-term Accommodations will mitigate current and future challenges, while ensuring the fabric of the Magnetawan community as a whole will be maintained for generations to come.

Respectfully submitted,
Erica Kellogg
Acting Deputy Clerk – Planning and Development



MEMO

KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

To:	Municipality of Magnetawan
From:	Jamie Robinson, BES, MCIP, RPP and Rachel Young
Date:	September 28, 2022
File:	12153DR
Subject:	Staff Report Short Term Accommodations – Options Summary

On July 27, 2022, the Municipality conducted a Town Hall Meeting to discuss Short Term Accommodations (STAs). The history of STAs, impacts and options for regulation were discussed. Residents were provided an opportunity to provide comments on the STA as part of the public forum.

Background

1. Evolution of Short-Term Accommodations

The concept of STAs has been happening for a long period of time, with cottage owners renting and loaning their places to friends, family and acquaintances that wish to experience a cottage getaway or vacation. Only recently have people been using web-based sharing platforms to outsource their cottages. This has resulted in an increase demand for rental properties and an increase in the frequency of property rental.

2. What the Municipality has done to date

Currently, there are no specific policies related to STAs within the Official Plan and no regulations in the Zoning By-law. Magnetawan has completed a survey related to STAs, which can be accessed on the Municipality's website. The Town Hall on July 27th was provided to obtain comments from the public on their experiences and opinion related to STAs.

Policy and Regulatory Framework

Magnetawan's Official Plan does not have any specific policies related to STAs however the Official Plan does have some policies related to tourist commercial uses. The Zoning By-law also has no specific provision related to STAs, although tourist establishment is defined and is regulated along with bed and breakfast. There are no provincial policy standards for STAs.

What We Heard

Through the survey conducted by the Municipality, a range of comments were provided by the public. Comments indicated that STAs provide an economic support to businesses, increase tourist activity within the area and provide an increase in property value. Other comments referenced concerns related to occupancy overload, increase noise and traffic, illegal dumping and commercial activity within residential areas.

What Occurred at the Town Meeting

Approximately 18 public members spoke at the Town Meeting on July 27th, 2022. A range of concerns and suggestions were provided.

Below are a list of concerns and suggestions from the public:

1. Fire safety, building code compliance and septic system compliance are important;
2. Concerns about potential change in character of areas with the introduction of commercial uses into residential areas;
3. Concerns that STAs can negatively impact local housing supplies;
4. Concerns with excessive noise and waste impacts on the community;
5. The ability to rent a cottage provides some operators with the ability to afford the cottage for personal use (periodic rental assists with payment of taxes and maintenance);
6. Balanced approach to the regulation of STAs is needed;
7. Three months of rental is an appropriate maximum;
8. Concerns of the potential negative impact to the community environment and natural environment resulting from the increased short term rental of cottages;
9. Interest of creating a minimum and maximum day stay for STAs;
10. Need for enforcement – fines and by-law officer;
11. Site inspections and enforcing property standards (i.e fire safety, insurance, egress requirements);
12. Support for licencing by-law;
13. Provide a reasonable licencing fee;
14. Licencing program costs and fees should be cost recovery;
15. Insurance certificates should be required;
16. Restrict the rental of accessory dwellings;

17. Regulate STAs to ensure that they do not become commercial uses within a residential area;
18. Provide a limited number of STAs within Magnetawan; and
19. Enforce septic tank regulations.

Conclusion and Options

Based on the comments received from the Town Hall, it appeared that there is general support for the regulation of STAs.

The following are options for the Municipality to consider.

1. Licencing By-law

The scope of a Licencing By-law can vary, but in general licencing by-laws can include the following:

- a. Maximum number of licences issued
- b. licencing fees
- c. Requirement for fire, building and septic inspection
- d. Maximum rental day/nights per year
- e. Minimum rental period
- f. Maximum number of guests per property
- g. Restriction on rental of accessory buildings
- h. Online tracking of licenced properties
- i. Enforcement and fine structure

2. Zoning By-law Amendment

- a. Establish definition of STA in the zoning by-law
- b. Identify specific zones where an STA is a permitted use

3. Official Plan Amendment

- a. Provide enabling policies that direct the preparation of the Licencing By-law and Zoning By-law

4. Enact Noise By-law and Property Standards By-law

- a. Regulate the amount of noise levels provide standards for properties to require lots be maintained in an orderly state

Recommendation

The comments generally supported the establishment of a licencing program that provides a balanced approach to STAs ensures the safe use of the facilities and the protection of the environment. Based on these comments, and our review to date, it is recommended that Council direct Staff proceed with Options 1, 2 and 3 and begin the process of the development of a licencing by-law, Official Plan Amendment and Zoning By-law Amendment. Staff should also be directed to provide Council with information related to the monitoring of STRs and implementation consideration for a licencing by-law.

The documents should be prepared utilizing a balanced approach that considers the comments made through the Town Hall meeting, the survey and in writing.

SCHEDULE 'A'

SHORT-TERM RENTAL (STR) – Renter's Code of Conduct

1. **Purpose of the Code**
 - Maximizes the enjoyment of all properties in the Township of Lake of Bays
 - Ensures the safe operation of a Short-term Rental Premises
 - Acknowledges residents have the right to enjoy their properties without nuisance
 - Establishes acceptable standards of behaviour for Renter(s)
 - Defines requirements for Renter accountabilities for an STR Premises
2. **Renter acknowledgement of requirements of a Short-term Rental Premises**
 - a. **Maximum Number of Renters and Guests – Posted in Licence**
 - Includes non-occupying guests & residents, two (2) per guest room
 - Exceeding occupancy may cause septic system malfunction
 - b. **Posted documents**
 - VALID STR LICENCE
 - STR PREMISES OWNER & ADDRESS
 - TYPE OF ACCESS AT STR PREMISES: (MUST CHECK ONE)
 - YEAR-ROUND MAINTAINED PUBLIC ROAD
 - SEASONALLY MAINTAINED ROAD
 - PRIVATE ROAD / RIGHT-OF-WAY
 - WATER ACCESS
 - EMERGENCY SERVICES STATEMENT: IF THE TYPE OF ACCESS TO THE STR-PREMISES IS NOT A YEAR-ROUND MAINTAINED PUBLIC ROAD, THE FOLLOWING STATEMENT MUST BE POSTED WITH THE ADDRESS:
 - "DUE TO THIS STR PREMISES NOT ACCESSIBLE BY A YEAR-ROUND MAINTAINED PUBLIC ROAD, EMERGENCY RESPONSE TIMES MAY BE DELAYED TO THIS LOCATION."
 - STR PREMISES EMERGENCY & BY-LAW CONCERN CONTACT PERSON
 - MOST RECENT INSPECTION(S)
 - SITE PLAN (BUILDING LOCATIONS, PARKING PLAN & WASTE STORAGE DETAILS)
 - RENTER'S CODE OF CONDUCT & OWNER'S CODE OF CONDUCT
 - COPY OF NOISE BY-LAW
 - COPY OF PARKING PROVISIONS (REQUIRED PORTIONS OF BY-LAWS)
 - c. **Short-term Premises shall have the following:**
 - OPERATING SMOKE ALARM(S) AS PER ONTARIO BUILDING CODE; AND
 - CARBON MONOXIDE ALARM(S) AS PER ONTARIO BUILDING CODE; AND
 - ONE (1) CLASS ABC FIRE EXTINGUISHER IN ANY COOKING AREA; AND
 - ONE (1) CLASS BC OR BETTER FIRE EXTINGUISHER ON EACH FLOOR
3. **Renter accountability while using a Short-term Premises**
 - a. The Renter acknowledges the STR has posted documents listed above (3(b))
 - b. The Renter acknowledges that their actions, if in contravention of any municipal by-law, results in a complaint against the Owner of the Premises, that demerit points may be applied to the STR Licence. These demerit points may cause their Licence to be suspended, revoked, or not renewed.
 - c. The Renter acknowledges that continued non-compliance with any by-law may result in enforcement measures being taken against themselves or the Owner. Consider some examples below:
 - Noise contrary to by-law
 - Number of people using STR Premises contrary to approved Licence
 - Allowing dog(s) off leash, on private or public property, contrary to by-law
 - Parking on the road or Premises contrary to by-law
 - Leaving garbage on Premises that creates nuisance or odour
 - Outdoor burning contrary to by-law

I, _____ having read the above, acknowledge

(PRINT FIRST & LAST NAME CLEARLY)

that I am renting this Premises from a valid STR Licence holder in the Township of Lake of Bays and undertake to conduct myself and those that are occupying this address at the same time in accordance with this code and all other applicable by-laws. I understand that my actions, if found in contravention of a by-law, may subject the STR Premises Owner(s) to Demerit points against their Licence. This may include enforcement measures against myself, other occupants or the STR Premises Owner(s).

Signature of Renter(s)

Date

Schedule 'A' to By-law No. 2022-58
Renter's Code of Conduct

Purpose of this Code of Conduct

1. Maximizes the enjoyment of all properties in the Town of Gravenhurst.
2. Ensures the safe operation of a Short-term Rental Premises.
3. Acknowledges that the Town of Gravenhurst residents have the right to enjoy their properties without nuisance.
4. Establishes acceptable standards of behaviour for Short-Term Rental Renter(s).
5. Defines requirements for Renter accountabilities for a Short-Term Rental Premises

Owners Acknowledgement of Short-term Rental Use

1. The owner acknowledges that a valid Short-Term Rental Accommodation License shall be posted in a conspicuous place.
2. The owner acknowledges that the following information is to be provided on the Premises :
 - a) the Short-Term Rental Accommodation Premises Owner & Address;
 - b) an emergency contact number for the Owner/ Responsible Person;
 - c) the Site Plan and Floor Plan(s);
 - d) a signed copy of the Town of Gravenhurst Short Term Rental Code of Conduct (signed by both the Short-Term Rental Owner and the Short-Term Rental Renter;
 - e) the type Of Access for the Short-Term Rental Premises: (Please Check One)
 - o Year-Round Maintained Public Road
 - o Seasonally Maintained Road
 - o Private Road / Right-Of-Way
 - o Water Access
3. Where the access identified under subsection 2 (e) above is not a year-round maintained road, the owner is to ensure the following **EMERGENCY SERVICES STATEMENT** is posted:

"DUE TO THIS SHORT-TERM RENTAL ACCOMMODATION NOT BEING ACCESSIBLE BY A YEAR-ROUND MAINTAINED PUBLIC ROAD, EMERGENCY RESPONSE TIMES TO THESE PREMISES MAY BE DELAYED."

Renters Acknowledgement of Short-Term Rental Use

1. The Renter acknowledges that their actions, if in contravention of any municipal by-law, may result in a complaint against the Owner of the Premises and may cause the Owners' Short-Term Rental Accommodation License to be suspended, revoked, and/or not renewed.
2. The Renter acknowledges that continued non-compliance with any by-law may result in enforcement measures being taken against themselves and/or the Owner.

Consider some examples below:

- o Noise contrary to by-law
- o Allowing dog(s) off leash, on private or public property contrary to by-law
- o Parking on the road or Premises contrary to by-law
- o Leaving garbage on Premises that creates nuisance or odour
- o Outdoor burning contrary to by-law

I, _____, acknowledge having read and understood the above,
Print First and Last Name

and;

Also acknowledge that I am renting this Premises from a valid Short-Term Rental License holder in the Town of Gravenhurst, and I will conduct myself as well as ensuring that those that are occupying this address at the same time with me are conducting themselves in accordance with this Code and all other applicable by-laws. I acknowledge that I may be subject to enforcement measures against myself, other occupants or the Short-Term Rental Accommodation License Holder and/or Owner(s).

Signature of Renter(s)

Date

SHORT-TERM RENTAL LICENCE SUSPENSION / REVOCATION

(based on demerit point system as defined within the by-law)







ACTION	OFFENCE	TIME	REMEDY TO RENEW LICENCE	APPEAL PROCESS
SUSPENDED LICENCE	Three (3) confirmed by-law violations on one (1) STR property	1 YEAR	One (1) year by-law violation-free from the date of the last offence, on this or any other property owned by same Owner	Appeal process for suspends or revoked Licences outlined in By-law. Appeals must be accompanied by payment of applicable Fees. NOTE: Failing to appear for an appeal hearing will be subject to additional Fees
	Three orders issued on one (1) STR property		One (1) year order-free from the date of the last order, on this or any other property owned by same Owner	
	Three (3) demerit points confirmed on one (1) STR property		One (1) year violation, order, and demerit point-free on the same property	
	Three (3) demerit points confirmed on one (1) STR Owner (locations may differ)		One (1) year violation, order, and demerit point-free for the same Owner	
REVOKED LICENCE	One (1) additional confirmed by-law violation or order on a property under STR suspension	Permanent	NONE	
	One (1) additional confirmed by-law violation or order against an Owner under STR suspension			
	Three (3) demerit points confirmed against a property while on STR suspension			
	Three (3) demerit points confirmed against an Owner while on STR suspension			

DEMERIT POINTS FOR VIOLATIONS UNDER STR LICENCE

As per Section 12.4 of this By-law,
 demerit points only apply to Premises that are identified under STR Classes B and C, where
 STR Class A Premises are exempt from the application of Demerit Points

ITEM	By-law Section	Short Form Wording	Demerit pts
1	3.2	Number of guests on Premises contrary to Licence	1
2	3.3	Parking contrary to approved Licence	1
3	3.5	Failure to post required documentation	1
4	3.6	Failure to provide fire extinguisher as required	1
5	3.7	Failure to respond to concern within 60 minutes	1
6	3.8	Failure to attend Premises within 24 hours	1
7	4.4	Failure to pay Fees within prescribed timelines	1
8	4.6	Failure to notify of Licence changes within 7 days	1
9	11.1	Operating STR without a Licence	1
9	11.2	Advertising STR without a Licence	1
9	11.3	Operating STR for Commercial activities	1
10	11.4	Providing false information on STR application	1
11	11.5	Operating STR contrary to STR Licence class	1
12	11.7	Renting rooms contrary to approved Licence class	1
13	11.8	Violation of Renter's code of conduct	1
14	12.1	Hinder / Obstruct an Officer while on duty	1
15	8.5	Removal of STR placard/order without consent	1
16	13.3	Contravention of an Order	1
17	13.2 (a)	Confirmed by-law contravention – Renter, Responsible Person or Persons	1
18	13.2 (b)	Confirmed by-law contravention – STR property or Premises	1

Modular pricing tailored to Magnetawan's short-term rental needs

	Address Identification	\$4,313 Per Year
	Compliance Monitoring	\$1,823 Per Year
	Permitting & Registration	\$5,000 Per Year
	Tax Collection	\$5,000 Per Year
	24/7 Hotline	\$972 Per Year
	Rental Activity Monitoring	\$2,430 Per Year

Appendix F 1/2



PRICE QUOTE for Magnetawan, ON (Valid until July 3rd, 2023)

Below are costs of each component over a 1-Year Term.

Avenu Short-Term Rental Packages

<p>Monitoring & Compliance</p> <p>Monitoring & Identification Discover and identify existing and unknown STRs through use of advanced self-service STR identification software that analyzes 80+ sites.</p> <p>Registration & Compliance Assistance to local staff to identify inaccuracies or potential fraudulent reporting practices</p> <p>24x7 Hotline Easy to report, prove, and resolve non-emergency short-term rental related problems in real-time, any day, at any hour</p> <p>Tax Payment Portal Online property owner/manager task portal for new and renewal licensing</p>	<p>Full-Service</p> <p>Everything in STR Monitoring & Compliance, PLUS:</p> <p>Advanced Tax Filing Portal Full-Service Portal for Tax Registration and Filing</p> <p>Permitting Adoption and application of a formal annual permitting requirement</p> <p>Tax Collection & Remittance Receive, post and reconcile ALL STR/Occupancy tax filings and fee payments</p> <p>Discovery & Recovery – Occupany Tax Recover funds from newly discovered STRs and bring them into full compliance</p> <p>Community Outreach Directly communicate with noncompliant STR operators about need for compliance and present proof of their rental activity</p> <p>Reporting Powerful one-click reporting tools that enable a jurisdiction to analyze the financial trends and patterns of the local STR market and lodging tax revenue</p> <p>STR Tax Audits 5% audit coverage for STR operators to ensure accurate filings against reported gross receipts and booking calendar data</p>	<p>Optional Services Add-On</p> <p>Requires Monitoring & Compliance Package: (On-Demand)</p> <p>Tax Compliance Auditing – Additional Percentage of Properties Examinations by searching for financial or management inaccuracies, inadvertent irregularities, or potential fraudulent reporting practices</p> <p>Discovery & Recovery – Additional Tax Types Recover Property Tax, Occupancy Tax, Franchise Fees, Utility Taxes etc.</p> <p>Ordinance Review & Consulting Annual comprehensive ordinance review and on-demand consulting</p> <p>Homestead/Primary Residence Verification Annual verification of homestead exemptions – qualified and unqualified, claimed and unclaimed – within identified STR community</p>
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OPTION 1: Monitoring & Compliance		
Client Name: Magnetawan, ON		
Estimated STR Count: 162	Per Property Fee	\$60
Setup Fee: \$5,000		
1. Monitoring & Identification		
2. Registration & Compliance		
3. 24x7 Hotline		
4. Tax Portal		
Annual Total		\$9,720

OPTION 2: Full-Service: Everything in Monitoring & Compliance Option, PLUS		
Client Name: Magnetawan ON		
Estimated STR Count: 162	Per Property Fee	\$255
Setup Fee: \$5,000		
1. Advanced Tax Portal	Recovery & Collections (Contingency, Minimums)	45% , \$7,000
2. Permitting	Add On: Compliance Auditing, 10% of Properties	\$20/property
3. Tax Collection & Remittance	Add On: Ordinance Review and Consulting	Further Discussion required if service needed
4. Discovery & Recovery	Add On: Homestead/Primary Residence Verification	\$15/property
5. Community Outreach		
6. Reporting		
7. Compliance Auditing – 5% of Properties	Annual Total	\$41,910