

**TO:** Mayor Gibson & Members of Council

**FROM:** Lindsay Earl, Manager of Community and Development Services

**DATE OF MEETING:** October 26, 2021

**SUBJECT:** **Draft Short-Term Rental By-law**

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**RECOMMENDATION(S):**

**THAT** Planning Staff Report PSR-011/2021 respecting a Short-Term Rental By-law be received; and

**THAT** staff be directed to commence a public consultation process regarding the draft By-law for licensing of short-term rentals prior to final Council consideration.

**EXECUTIVE SUMMARY:**

Township Council has identified a need for further regulation of short-term rental accommodations through a licensing system.

This report serves to provide Council with a draft By-law to License and Regulate Short-Term Rentals. The By-law will make licensing short-term rentals mandatory, aims to ensure compliance with Fire Code, Building Code, other applicable law and Township By-laws, and establishes a system of demerit points for violations including noise, nuisance, parking and safety which will encourage short-term rental owners into supplying a safe, responsible, and respectful accommodation.

As public consultation is an important factor in the review of the draft licensing By-law, Township staff will commence a consultation process in order to provide an opportunity for public review and input regarding short-term rental licensing.

**BACKGROUND:**

At its meeting of April 20, 2021, the Council of the Township of Wainfleet enacted the following motion:

**Resolution No. C-2021-095**

Moved by Councillor MacLellan  
Seconded by Councillor Gilmore

“THAT Administrative Staff Report ASR-010/2021 respecting Short-Term Rentals be received; and THAT staff be directed to draft a licensing By-law regulating

short-term rentals in the Township of Wainfleet for review by Council at the next available meeting.”

CARRIED

Staff has worked closely with the Township’s solicitor through the process of drafting the By-law, along with all relevant Township departments who were consulted and have reviewed the proposed draft By-law.

### **OPTIONS/DISCUSSION:**

The purpose of the draft By-law (Appendix “A”) is to license and regulate short-term rentals in the Township of Wainfleet. The key licensing regulations considered include (but are not limited to):

Definitions: definitions have been incorporated into the draft By-law. Specifically, a *short-term rental unit* means;

*“all or part of a Dwelling Unit used to provide sleeping accommodations to one or more persons other than the Owner for a period of not more than thirty (30) consecutive days, during which period the Owner does not occupy the Dwelling Unit, and in exchange for payment but does not include a Bed and breakfast, Boarding or Rooming House or Motel or Hotel as those terms are defined in Township By-law No. 034-2014, as amended from time to time”*

### **Prohibitions:**

The draft By-law states that;

- no person shall operate a short-term rental unit without holding a current and valid licence;
- no short-term rental unit shall have an occupancy limit or be occupied by a total number of persons that exceeds two (2) persons per bedroom; and
- no short-term rental unit shall be operated for a total of more than one hundred and eighty (180) days within any calendar year.

### **Administration:**

The By-law shall be administered by the License Administrator who can issue licenses, impose terms/conditions on licenses, refuse to issue or renew licences and may conduct inspections of short-term rental units (if required).

### **Applications:**

The licensing By-law will further provide the Township to maintain a record with detailed information such as ownership, contact information, parking plans and more through the application for a new license and renewal of a license. These applications will require the submission of:

- Application form

- Application fee
- Site plan including parking & refuse areas
- Floor plan
- Fire Safety Plan
- A fire safety inspection report
- A drinking water report
- A “boil-water advisory” notice to be posted in the unit (where applicable)
- A Septic System inspection report
- Insurance certificate

#### Issuance of License:

- All Licences issued or renewed pursuant to the By-law shall be valid for a period of two (2) years from the date of issuance or renewal.

#### Notice and Appeal:

- An Appeals Committee is to be appointed by Council to conduct hearings under the By-law.
- An Applicant or Licensee whose Licence has been refused, suspended or revoked may, within ten (10) days of being notified of the refusal, suspension or revocation, submit an application to appeal to the Appeals Committee for a review of the decision.

#### Demerit System:

- If at any time the Licence Administrator determines that the operation of a short-term rental unit does not comply with the By-law, other Applicable Law and/or any terms or conditions imposed on the Licence, the Licence Administrator shall impose demerit points upon the Licensee in accordance with Schedule “A” of the By-law.
- Demerit points shall remain in place for two (2) years after the date of imposition.

#### Enforcement, Offenses and Penalties:

- The Administrative Monetary Penalties for failures to comply with the By-law are set out in Schedule “B”.

#### Public Consultation

As the implementation of this draft By-law will have an impact on the local community, Staff intends on creating a Township webpage specific for gathering public input via survey/comment submissions and act as an information sharing space in which the public can access the relevant staff reports and draft By-law. Links to this website will be sent out via the Township’s social media outlets.

All comments received will be reviewed prior to staff bringing a Recommendation Report for Council’s consideration at a future meeting.

**FINANCIAL CONSIDERATIONS:**

Licensing short-term rentals will allow for the collection of fees to offset some the costs of administration for the licensing program. However, the program will significantly increase administrative staff time and resources needed to monitor and regulate the program, including administrative time in reviewing and processing applications as well as enforcement through conducting inspections and investigating complaints. Currently, we do not have sufficient staff resources to implement and enforce the proposed licensing by-law.

The collection of application fees will not fully offset additional costs to the Township through licensing alone. More specific costing implications will need to be reviewed along with a recommended fee schedule for the short-term rental license applications. This will be brought forward for Council's consideration at a future meeting.

**OTHERS CONSULTED:**

- 1) Township's Solicitor
- 2) Strategic Leadership Team

**ATTACHMENTS:**

- 1) Appendix "A" – Draft By-law to License and Regulate Short-Term Rentals in the Township of Wainfleet

Respectfully submitted by,

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Lindsay Earl, MES, MCIP, RPP  
Manager of Community and Development Services

Approved by,

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William J. Kolasa  
Chief Administrative Officer