

Michael Smith

Planning Consultants;
Development Coordinators Ltd.

19027 Leslie St., Suite 200
P.O. Box 1010
Sharon, Ontario L0G 1V0
Bus (905) 478-2588
Fax (905) 478-2488
www.msplanning.ca

March 18, 2019

Bill Jones, CMM III
Chief Administrative Officer
Municipality of Northern Bruce Peninsula
56 Lindsay Road 5
Lion's Head, ON.
N0H 1W0

Dear Mr. Jones:

RE: Proposal to assist with development of
Short-term Accommodation (STA)
Policies and Regulatory Framework
Municipality of Northern Bruce Peninsula

This proposal for planning services is submitted in accordance with the municipality's request for proposal, RFP P-001-19, issued March 5, 2019.

Online Short-term Accommodation service is the next level in the evolution of vacation rental bookings in residential areas. Historically, cottage rentals and bed & breakfast residences have been marketed through newspaper ads, postings in public places, and word of mouth. With the advent of online vacation rental services like Airbnb and VRBO, vacation renters can choose from a wide variety of vacation opportunities, and often share these experiences with friends and family. This has led to the growth in short-term accommodation. The challenge for municipalities is to minimize the impact of such activity on existing neighbourhoods through policy and regulation. Changes in land use policy and by-laws must be defensible in the event of an appeal to the Local Planning Appeal Tribunal and licensing by-laws must be defensible in court.

In the *Puslinch v. Monaghan, 2015 ONSC748* case the Township of Puslinch tried to regulate short-term rentals by describing them as a "Tourist Establishment". The Ontario Superior Court rejected this position and stated, "to the extent the Tourist Establishment by-law seeks to regulate short term use in the RR Zone, it seeks to regulate people not use and, therefore, is ultra vires the Planning Act." The lesson of the Puslinch case is that those municipalities that seek to regulate short-term rental use through their Zoning By-law need to do so in a way that is clear

Detailed invoices are mailed on a monthly basis and are payable within ten (10) days of receipt. A late payment charge of 2% per month (24% per annum) will be applied to all accounts outstanding for more than 30 days. A copy of a typical invoice is included as requested in the RFP.

Due to the significant amount of travel time from our office to your municipality (approximately 3 to 3.5 hours each way) and number of meetings required for this project, a per diem rate will be applied on any days that require travel to the municipality. This fee will include the combined time for the Principal and Planning Technician.

To save some time, at the discretion of the Chief Administrative Officer, teleconferences may be sufficient for purposes some of TAC meetings.

PER DIEM RATE:

PRINCIPAL/PLANNING TECHNICIAN \$1500.00

The budget agreed to by the Town of Georgina for its study was approximately \$60,000 to \$80,000. We are nearing the end of the process and we are on budget. Given that we have already completed most of the necessary background research and our experience with the STA issue, we believe that the cost of your study will be in the range of approximately \$50,000 to \$60,000, plus HST and 5% disbursements..

3) References

Please refer to the attached page for our lists of references and contacts.

4) Satisfaction of General Conditions

We have confirmed with the Town of Georgina's Acting Chief Administrative Officer, David Reddon, that Georgina has no concerns with our firm undertaking work on behalf of the Municipality of Northern Bruce Peninsula. There are no potential conflicts of interest, and we understand and shall abide by all the general conditions.

As a full member of the Canadian Institute of Planners and Ontario Professional Planners Institute, Michael is insured for professional liability coverage to a limit of \$5,000,000 per claim per policy period, with a \$20,000,000 annual aggregate for all claims. Legal defense coverage is subject to a policy limit of \$10,000 per claim per year, with \$1,000 deductible per claim. Alex Smith as a student member is not insured and will not be taking the lead in the study.

With regard to the General Commercial Liability, non-owned automobile coverage and standard automobile coverage we include a copy of a Certificate of Insurance setting forth our insurance limits. Finally, I have noted on page 13, item that we are not proposing to furnish an approved surety bond.

and non-discriminatory, otherwise such regulation is likely to be ineffective. (*Sorbara Law, June 2015*)

We have reviewed the RFP in detail and submit the following proposal addressing the parameters set forth therein.

1) Experience, Qualifications, Project Management

Michael Smith Planning Consultants; Development Coordinators Ltd. has been providing land use planning and development services for over thirty years. Our list of clients includes large and small development companies, municipalities, and private landowners in need of specialized, professional advice and/or assistance. We have successfully applied innovative strategies and approaches to a variety of residential, industrial, commercial, institutional and recreational initiatives.

Drawing upon their broad base of experience and knowledge in local, regional, and provincial planning, our staff of professional planners and technicians can meet your needs and requirements.

We provide project management services, coordinating consultant teams to produce official plan amendments, development area or block plans, the processing of subdivision/condominium plans from the initial layout through to registration, and coordination of site plan applications. Many private landowners come to us for help in obtaining site specific zoning, minor variance, or severance approvals. On behalf of many of our clients, we have avoided, to the extent possible, the necessity of time consuming and costly appeal hearings, utilizing effective conflict resolution practices.

Our staff include:

Michael Smith, M.C.I.P., R.P.P., Principal. Michael started the firm after several years as Director of Development Services for the Town of Georgina and as a Region of York Planner. Michael has a broad base of experience in all facets of municipal planning and land development approvals and has been successful as a professional witness before the Ontario Municipal Board/Local Planning Appeal Tribunal on many appeal hearings.

Gord Mahoney, B.A., Senior Planner, is a Candidate member in the Canadian Institute of Planners and the Ontario Professional Planners Institute. A graduate of the University of Windsor, Gord has over ten years of experience in municipal planning and land development approvals and has a vast knowledge of provincial, regional and municipal planning policies.

Laurie Allen, B.A., Office Manager, is a former municipal Planner with the Town of Georgina and has been with the firm since its inception. Laurie is a partner in the firm.

Alex Smith, Planning Technician, is a student member in the Canadian Institute of Planners and the Ontario Professional Planners Institute. Alex provides a full range of planning support services, including drafting, research and various technical planning services.

Marnie Joblin, rounds out our team by providing a full range of planning support services, including drafting, technician and clerical services.

CADD Services, are provided by a qualified draughtsman on a contract basis.

For the purposes of this study, Michael Smith and Alex Smith will be the key personnel working on the file. Their resumes are attached.

Since February 2018, our firm has worked extensively with the Town of Georgina to develop a Short-term Accommodation policy and regulatory framework (the “framework”). In preparing the framework, we consulted with and had regard to a variety of sources including:

- *The Accommodation Needs Assessment – Town of Georgina, December 2009*, prepared by PKF Consulting;
- The Association of Municipalities of Ontario (AMO);
- The Lake Simcoe Region Conservation Authority (LSRCA);
- The regulatory frameworks of several municipalities including the Town of Niagara-on-the-Lake, the Town of the Blue Mountains, the Town of Oakville, and the City of Toronto;
- The Ontario Superior Court decision - *Puslinch v. Monaghan*;
- OMB decision – *The Lodges at Blue Mountain v Town of the Blue Mountains, 2011*;
- Consultation with a Region of York Prosecutor and Town of Georgina Legal Counsel;
- Documentation released from the Province on the “*Sharing Economy Framework*” and “*The Home Sharing Guide for Ontario Municipalities*” – Ministry of Finance, 2018;
- The Large Urban Mayor’s Caucus of Ontario (LUMCO) – *Navigating the Sharing Economy*;
- The Federation of Ontario Bed and Breakfast Accommodation – *Regulatory Proposals for Private Home Sharing and B&Bs*;
- The Hotel Association of Canada – *An Overview of Airbnb and the Hotel Sector in Canada*;
- AIRDNA, an online STA metric monitoring service by Airbnb;
- Various news articles, planning journals, and webinars; and,
- Stakeholders (public, STA Hosts, Hotels, and Airbnb).

The Town of Georgina’s goal was to provide a framework that is enforceable and allows the municipality to address the issue of negligent hosts and disruptive renters without being over-regulatory, thereby penalizing good hosts and renters.

A Technical Advisory Committee (TAC), comprised of senior municipal staff members was formed at the outset of the process. As STA is a multi-departmental issue, the TAC included staff from the Development Services Department (planning and building divisions); Corporate Services Department (CAO’s office, municipal law enforcement, and clerks’ divisions) and Fire Department. Conference calls with the municipal solicitor were also required occasionally.

The TAC met at key times in the process to discuss the issues related to the implementation of the framework. York Regional Police, which assists the municipal law enforcement staff, were also consulted.

Throughout the process, we consulted directly with a few municipalities regarding their experiences with STA and implementation of their regulations. These municipalities included Oakville, the Town of the Blue Mountains, and Niagara-on-the-Lake. In addition, we researched the experiences of dozens of municipalities across North America.

Our stakeholder communication program included meetings/discussions with the public, local hotels/motels/bed & breakfasts, and representatives from Airbnb. From these consultations, we were able to focus on the main areas of stakeholder concern and tailored the framework to address these concerns to the extent possible. However, the regulatory program is only as successful as the enforcement program and in this regard, we aimed to make the framework as enforceable as possible, in addition to addressing enhanced staffing requirements.

In summary, our firm has conducted extensive background research into STA, and has experience in the process and facilitation of developing a tailor-made STA policy and regulatory framework.

2) Budget and Cost

Michael Smith Planning Consultants is committed to offering professional planning consulting services in a timely and cost-efficient manner. While we will attempt to provide you with an estimate for the basic services that will be required to proceed with your particular project, the unpredictable nature of the planning approval system, including appeals to LPAT, requires that we operate on a time spent basis only. Our current fee schedule and billing structure is as follows:

2019 HOURLY FEE SCHEDULE

PRINCIPAL	\$200.00/hr
SENIOR PLANNER	\$175.00/hr
PLANNING TECHNICIAN	\$ 90.00/hr
CLERK/TECHNICIAN	\$ 90.00/hr
CADD TECHNICIAN	\$ 90.00/hr

Standard disbursements (ie. prints, copies, mileage, drafting supplies, postage, courier, telephone, fax charges, etc.) are billed at a monthly rate of 5% of the service fees charged. Special project costs, such as blueprints, CADD plotting, or informal public meeting notices, etc. will be billed at cost. Travel time is charged at the standard hourly rate, and H.S.T. is applied to all costs. Rates are subject to an annual increase effective January 1st.

5) Proposed Work Schedule

To put our proposal in context, we set forth below a proposed work schedule, subject to the Municipality's direction. Our Georgina STA study did not include extensive economic or socio/economic analysis. However, if required we can assist in finding the appropriate consultants.

Short-term Accommodation Study Commencement	April 2019
Monitor on-going Inventory being undertaken by municipal staff of existing STAs	April 2019/April 2020
Research and consultation with municipalities, as required, regarding existing STAs Policies/Regulations and enforceability success. Meeting with municipal Technical Advisory Committee (TAC) current regulatory and enforcement programs	April – May, 2019
Policy and Regulation Options report to Council (including circulation to interested parties)	July /August 2019
TAC Meeting	July /August 2019
Public Information Meeting (PIM) and on-line survey to consider public input on Policy and Regulation Options	August/September 2019
TAC Meeting	August/September 2019
Council review of public input and direction to TAC regarding recommended approach.	October/November 2019
If required - Additional research and alternative Policy and Options report to Council (including circulation to interested parties)	November/December 2019
TAC Meeting	November/December 2019
Statutory Public Meeting on amendments to Official Plan and Zoning By-law.	January/February 2020
Council meeting to adopt amendments (official plan, zoning by-law) and to enact Licensing By-law.	March/April 2020
Preparation of Licencing Application Guide	April 2020

In conclusion, thank you for the opportunity to submit this proposal.

Yours truly,

A handwritten signature in blue ink that reads "Michael R. Smith". The signature is written in a cursive, slightly slanted style.

Michael Smith, RPP
Planning Consultant

CURRICULUM VITAE

MICHAEL ROBERT EMILE SMITH, M.C.I.P., R.P.P

A. EDUCATION

- 1973 - 1978 Bachelor of Arts Degree from York University, Atkinson College (Urban Studies Major)
- 1982 - 1983 Certificate in Public Administration, University of Toronto (2 year)

B. EMPLOYMENT

POSITIONS HELD

- 1977 - 1979 Assistant Planner, employed by the Region of York, acting as a consultant for Georgina Township for 18 months (November 1977 to May 1979)
- 1979 - 1988 Director of Development Services - (Planning, Building and Economic Development Departments) Town of Georgina
- 1988 - Present Principal - Michael Smith Planning Consultants; Development Coordinators Ltd.

RELEVANT WORK EXPERIENCE

- Municipal
1979 - 1988 Co-Authored the original Town of Georgina Official Plan (Ministry approved 1982 03 12)
- Co-wrote the Town of Georgina's original Comprehensive Zoning By-law No. 911 (approved 1980 01 31)
- Member of provincial working committee established to develop a municipal handbook and design criteria for retirement communities

Municipal 1979 - 1988	Participated on a provincial panel to review the effectiveness of the Planning Act, 1983
Consulting to Municipalities 1988 to Present	<p>Prepared Comprehensive Zoning By-law No. 500 for the Town of Georgina (1993 - 1994)</p> <p>Co-wrote Rural Severance Option Report - Town of Georgina, 1990</p> <p>Prepared report for the Town of Port Elgin on the use of holding zones, 1993</p> <p>Prepared Official Plan Amendments and Zoning By-law Amendments for specific projects when requested by a municipality</p> <p>Provided expert advice to Region of York on land expropriation matters in the Town of Georgina (2005/2006/2009)</p> <p>Represented Town of Newmarket at OMB Hearing on development matter (East Park Homes), 2007</p> <p>Represented Town of Whitchurch Stouffville at OMB Hearing on minor variance matter, 2013</p> <p>Prepared planning report on Leisure Vehicle Storage on Residential Lots for Town of Georgina, 2016</p> <p>Assisted Town of East Gwillimbury with zoning amendment for Town Works Yard, 2017</p> <p>Assisted Town of Georgina with land use and licencing analysis of Short-term Rental Accommodation and their impact on neighbourhoods and existing tourist commercial infrastructure.</p>
Consulting to Private Clients	Michael Smith Planning Consultants; Development Coordinators Ltd. is presently working in several municipalities in York and Durham Regions and Simcoe County on a variety of planning matters

Ontario Municipal Board Presented professional evidence
before the Ontario Board Municipal Board on numerous
occasions

PROFESSIONAL MEMBERSHIPS

Member of Canadian Institute of Planners (MCIP)
Member of Ontario Professional Planners Institute (OPPI)

CURRICULUM VITAE

ALEXANDER MCKENZIE ALLEN SMITH

A. EDUCATION

2014 - Present Completing 4th Year of Honour's Bachelor of Arts Degree
from the University of Toronto
(Political Science Major)

B. EMPLOYMENT

POSITIONS HELD

2014 – 2016 Part-Time Planning Technician - Michael Smith Planning
Consultants; Development Coordinators Ltd.

2017 – Present Full-Time Planning Technician – Michael Smith Planning
Consultants; Development Coordinators Ltd.

RELEVANT WORK EXPERIENCE

Consulting to
Municipalities
2015 to Present Prepared planning report on Leisure Vehicle Storage on
Residential Lots for Town of Georgina, 2016-2017.

Assisted Town of Georgina with land use and licencing
analysis of Short-term Rental Accommodation and their
impact on neighbourhoods and existing tourist commercial
infrastructure, 2018-2019.

Consulting to
Private Clients Michael Smith Planning Consultants;
Development Coordinators Ltd. is presently working in
several municipalities in York and Durham Regions and
Simcoe County on a variety of planning matters

Role as Planning
Technician Assisting with preparation of planning applications and
reports

Conducting background research and policy analysis for
planning applications and reports

Drafting of conceptual site plans and supplementary
mapping

PROFESSIONAL MEMBERSHIPS

Student Member of Canadian Institute of Planners (MCIP)

Student Member of Ontario Professional Planners Institute (OPPI)



Form of Proposal

1. Proponent Information

Michael Smith Planning Consultants;

Company Name (hereinafter called the "Proponent"): Development Coordinators Ltd.

Mailing Address: 19027 Leslie Street, Sharon, ON., L0G 1V0

Email Address: michael@msplanning.ca

Phone Number: 905-478-2588

Alt Number: N/A

Website: www.msplanning.ca

WSIB Account #: _____

HST Account #: _____

Years in Service: 30

Proponent's Representative: Michael Smith (Principal)

Authorizing Signature, Authority and Title: _____

Michael R. Smith

2. Acknowledgement to Receipt of Addenda

This will acknowledge receipt of the following addenda and, that the fee includes the provision set out in such addenda. Please list the addenda number and the date received by the Proponent.

Example: Addenda #1 received November 2, 2014

- 1) Addenda #1
- 2) Addenda #2
- 3) Addenda #3

Check here if NO Addenda received

THE PROPONENT DECLARES:



1. No person, firm or municipality, other than the Proponent, has any interest in this Proposal or in the proposed agreement for which this Proposal is made and to which it relates;
2. This Proposal is made by the Proponent without any connection, knowledge or comparison of figures, or arrangements with, or knowledge of any other corporation, firm or person making a Proposal for the same service, and is in all respects fair and without collusion or fraud;
3. No member of the Municipal Council or any other officer of the municipality will become interested directly or indirectly as a contracting party without disclosing his interest and otherwise complying with the *Municipal Conflict of Interest Act*, RSO 1990;
4. The content and requirements of this Proposal document have been read and understood.
5. That if this Proposal is accepted, the Proponent agrees to furnish an approved surety bond for the proper fulfilment of the agreement and to execute the Professional Service Agreement in duplicate within ten (10) days after being notified so to do. n/a
6. All prices are quoted in Canadian funds.

A duly completed copy of the Proponent Information, Reference List and Sub-Contractor Form as stated herein is attached hereto.

DATED March 18, 2019

SIGNATURE OF WITNESS Margaret Joblin

SIGNATURE OF AUTHORIZING PROPONENT Michael R. Smith



3. Proponent's Experience and References

Please provide three (3) references of accounts that your firm has provided similar service within the last five years. References will be equal in complexity and services requirements as outlined in this Proposal.

The municipality reserves the right to contact any and all references. The municipality defines a reference as any reference supplied within a Proposal submission, in addition to any others known to the Town.

Project title, type of work, year completed	Client	Contact Name & Phone Number
<p>Project Title: Leisure Vehicle Study</p> <p>Type of Work: Background Research, Zoning By-law Review/Amendment, Public Information Meetings, Reports/Presentations to Council, Preparation of Information Package for Public</p> <p>Year Completed: 2017</p>	<p>Town of Georgina</p>	
<p>Project Title: Short-term Rental Accommodation (STRA) Study</p> <p>Type of Work: Background Research, Official Plan/Secondary Plans/Zoning By-law/Licensing Review, Organization of Technical Advisory Committee, Meeting with Regional and Town Legal Counsel, Public Information Meetings, Reports/Presentations to Council,</p> <p>Year Completed: Ongoing</p>	<p>Town of Georgina</p>	
<p>Project Title: Northwest Sutton Development Area Plan and Plans of Subdivision</p> <p>Type of Work: Preparing Comprehensive land use, development, and servicing plan for 600 +/- residential lots and commercial users</p>	<p>Ballymore Homes</p>	