

# Northern Bruce Peninsula STA

## Public Comment & Response Matrix



#	Comment	Response
1	Concerns about regulation of STAs	The majority of the input received regarding the proposed regulations was against regulation or seeking significant modification to the regulation. The majority of those comments were generated by current owners/operators. Although regulation represents process and an additional cost for operators, the absence of regulations fails to address the issues associated with STAs and their impact on the community. Regulation of STAs continues to be a recommendation to Council.
2	Classification Categories Require Adjustment	There were concerns that the classification system was not sufficiently graduated. The classification is differentiated by intensities of the STA's. The considerations for each classification included the number of occupants, the number of units, the duration of STA utilization of the structure over the year, and the on-site presence of the owner/operator. Each of these factors is associated with the potential degree of administration and enforcement which many be required. In the report we have adjusted the recommendations to convert length of stay for Class A units to 6 nights rather than 7 days and adjusted Class b to allow a maximum of 2 units rather than 1.
3	Lack of Survey Inclusion	The survey was available at municipal locations and on the web site over an extended timeframe. The survey was not the only forum of public engagement that guided the recommendations in the report. Input was also provided at public workshops and by correspondence and email. There was also a community forum on the NBP STA Website which generated 130 comments that were taken into consideration in developing the recommendations and updates. The recommendations report was also made available for public comment.
4	Using STA to Offset Costs of Owning a Cottage	Class A rentals were established to address the segment of STA providers that rent out their own cottage for limited periods to offset cost of owning a cottage. Given the low administration fee and no licencing fee this class will allow people to offset the cost of their cottage while maintaining a regulation that ensures all members of and visitors to the community are able to enjoy the beauty and amenities of NBP.
5	By-Laws (Noise) Should Apply to All	There were concerns with the recommendations of noise and disturbance being too stringent and that they should apply to everyone. The basis for this recommendation is that short-term visitors are be more likely to party, set off fireworks, and utilize outdoor speakers and are not subject to social accommodations that occur between long-term neighbours. As STAs involve dealing with new users on a continual basis the incidence and frequency of complaints is higher and measures in licencing including a complaints resolution as well as enforcement process more directly deal with those issues. General community wide by-laws will continue to apply and be enforced in addition to STA regulations.

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6	Proposed Fees are too High	Administrative costs are intended to assist the municipality in recovering expenses associated with the licencing of STAs. Administrative deposits are intended to assist the municipality in recovering expenses associated with the complaints resolution process for STAs. They are not a penalty. We have decreased the deposit amount for Class B licences to distinguish them from Class C licences. These costs are separate and distinct from any costs or penalties arising from the enforcement process. The fees are reasonable and required to ensure appropriate resources are available for administration and complaints resolution.
7	Need for Definitions	In Section 2.1 Short-Term Accommodations are defined as: private residential dwellings (or part of dwellings) that are rented to provide accommodations to a person or persons on a temporary basis for a period of less than 30 days and to which the Residential Tenancies Act, 2006, S.O. 2006, c. 17, as may be amended from time to time, does not apply. Short-Term Accommodations do not include bed and breakfast establishments, hotels, motels, lodges or other commercially zoned accommodation uses for the travelling public. More definitions necessary for implementation would be established in the implementing by-laws.
8	Removing STAs Would Significantly Impact the Economy (Tourism)	There is no intention to remove STA's. The licencing recommendations are intended to provide for responsible operation of STAs.
9	Regulation Overall Too Strict	The recommendations are intended to provide a balance between no regulation and prohibition. The regulations have also been developed to recognize that there are different classes of STAs with different issues and needs.
10	Lack of Process Communication	The public website was provided and public engagement was offered in many different mediums. The public engagement strategy for this project has taken the form of surveys, public workshops, and an internet based public forum as well as allowing for input through emails, contact forms and correspondence. The public input process exceeds requirements established in legislation as Council wished to ensure maximum opportunity for involvement. Components of the implementation program allow for additional opportunity for public input
11	Cost to Municipality to Manage Too High	By introducing the licencing fees and administrative costs the municipality will be able to manage the administrative and complaint resolution costs.
12	Tax Clarification	The MAT (4%) is a measure employed by many municipalities to recognize that STAs are a component of the accommodation community and should contribute to local municipally incurred expenses as business operations.
13	Local Property Manager Needed	The recommendation recognizes the need for local property managers.

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14	Current Lack of Enforcement	By introducing the licencing fees and conflict resolution administrative costs, the municipality will be able to manage the administrative costs.
15	Licensing Agreement Needed	The recommendations continue to include a licencing process.
16	Not Enough Evidence Included in Report	Relevant research was undertaken to provide a background basis. This was combined with input from the community and an understanding of local issues and concerns to develop community specific recommendations which include graduated licencing.
17	Current Complaint Numbers are Overall Low	Complaints associated with STAs are a significant issue and need to be addressed. Northern Bruce Peninsula is not unique in recognizing the need to address the issues and concerns to ensure that STAs can operate in a manner that responds to community needs and issues.
18	Environmental / Health Impacts	The recommendations are intended to address environmental and health related impacts. A licencing process will also assist in implementing emergency health measures when required.
19	The Recommendations May Lead to Legal Challenges	The recommendations of the report are intended to address valid issues and concerns in an appropriate manner. While there is a potential that implementation measures may be the subject of legal action or appeals, as applicable to the various measures, the recommendations are based on sound practices and appropriate measures.
20	Too Complex	The regulations were developed to recognize that there are different categories of STAs with unique issues. This necessitated a more complex regulation, but one which responds to the issues and needs of the community.
21	Grandfathering	As a very large number of STAs have already been established in contravention of the zoning by-law and have generated issues and concerns, grandfathering is not recommended. However, phasing in of the regulatory process has been proposed.
22	Should be Inspected Licensed, Taxed and Insured	Recommendations have been established in regard to these issues.
23	Dividing Community	Divisions in the community have arisen due to issues associated with STAs. While the study process has allowed the community to provide input and opinions on the operation of STAs the differences in experiences and opinions were there before the study was initiated. The study and recommendations are intended to address the issues and concerns and ideally resolve disputes, misunderstandings and concerns by creating a process that allows the use to occur as a valued component of the community.

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24	Share Beauty of NBP	It is the intention of the recommendation report to make sure that everyone living in and visiting the community is able to enjoy the beauty of NBP respectfully.
25	Occupancy Based on Bedrooms	Occupancy is based on the total number of individuals in the unit.
26	Contact Owner with Complaint / Complaint Driven	<p>The complaint resolution process is very clearly outlined in Section 2.8 of the report. In order to provide for a complaints resolution process which involves the manager/operator as the first step in resolving a complaint it is recommended that:</p> <ul style="list-style-type: none"><li>• All licences require that the operator reside on the rental property or have a local manager (i.e. individual residing in or business located within the municipality) available at all times during the rental period;</li><li>• All units must be posted in a publicly accessible location as an STA unit and such posting shall include the licence category of the unit, maximum occupancy of the unit, and the name and phone number of the operator/manager as well as a municipal contact number for the purposes of reporting any complaints.</li><li>• The operator's/managers up-to-date contact information (name/phone number) must be posted in the unit at all times, outside the unit, and in a public registry maintained on-line by the municipality. That registry would also list the municipal contact number for complaints and encourage complainants to contact the municipality where they do not feel comfortable or safe for any reason in contacting renters or operators directly.</li></ul> <p>However, it is not appropriate, for safety and legal reasons, to require that neighbours whom have a concern must deal with the STA owner or manager. Complainants must have the ability to report their concerns to the municipality and not be directly involved in the complaints resolution process.</p>

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27	Septic Capacity for Occupants	<p>This issue is covered in Section 2.6.</p> <ul style="list-style-type: none"> <li>• All classes must provide information related to occupancy and potential sewage load and details of their sewage system to confirm capacity.</li> <li>• Class B and C licences must also maintain a record of systems pump-outs and maintenance and demonstrate that that septic tank has been pumped out and inspected in the last three years on as they apply annual for their licence</li> <li>• Class C licences must also be subject to a septic system inspection within the last three years as the apply for their annual licence.</li> </ul>
28	Insurance	Home owners must ensure that they have the proper insurance to allow STA rental.
29	5 Year Permit	The annual permit reflects the varying needs of STA operators and also the operation of the complaints resolution process.
30	Issues/Clarifications Regarding Point System	In Section 2.10 there is a licence deposit that is to be maintained on an annual basis. It is recommended that where an administrative deposit is reduced to \$0 the licence shall be withdrawn and the STA shall not be permitted to operate. Enforcement procedures would immediately be initiate should the STA continue to operate. Administrative costs are intended to assist the municipality in recovering expenses associated with the licencing of STAs as well as administering the complaints resolution process. They are not a penalty.
31	Need for a Rule Book	This is mentioned in Section 2.8 of the recommendations. In order to prevent complaints, and educate operators and users, it is recommended that each unit be required to display a municipally issued manual which outlines the conditions of rental and expectations for operators and renters. The manual would specify the category of licence issued for the unit and associated occupancy limits and conditions. The manual would set out best practices for occupants and operators as well as the various regulations applicable to the STA unit. The manual would also set out the complaints and enforcement processes.

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32	Housing Unaffordable	Housing affordability is addressed in Section 2.7. Our recommendation is to address the issue of permanent housing supply versus short term units, STAs may be regulated through as-of-right zoning in particular areas of the municipality. For example, where there is a stable neighbourhood providing housing for a permanent or seasonal population and STAs are not permitted as-of-right, a zoning by-law amendment may be required to permit an STA use. This will ensure that an appropriate range and mix of housing units remain available for permanent and seasonal populations.
33	Need a Form for Registration	There will be a form for registration once the By-law is created.
34	Should be the same Motels and BnB	STAs are distinct from other accommodation uses which are subject to other requirements in zoning and legislation.
35	Difference Between Long-term and Short-term Rentals	Comments suggested that recommendations regarding STAs are not valid in relation to long-term rental of dwellings (e.g. both are commercial endeavours). Long-term rentals are governed by separate legislation under tenant law and are recognized as a residential dwelling use as opposed to a commercial use. Short-term accommodations are considered commercial uses and the more traditional forms such as motels, hotels, guest houses, lodging homes and bed and breakfasts are regulated in zoning by-laws as well as other applicable legislation. STAs are a relatively new phenomenon and therefore require recognition in zoning as well as appropriate regulations.
36	Zoning	STAs are not permitted by current zoning. Where a use is not permitted by zoning, it is a prohibited use. If STAs are to be permitted, appropriate zoning permission and provisions must be established. Zoning does not however deal with all of the issues and regulation is therefore also recommended.