

Minutes

Meeting #: PCOW-05/2019
 Date: Tuesday, October 22, 2019
 Time: 6:30 PM
 Location: Town of Pelham Municipal Office - Council Chambers
 20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin, Mike Ciolfi, Lisa Haun, Bob Hildebrandt,
 Ron Kore, Marianne Stewart, John Wink

Staff Present: David Cribbs, Nancy Bozzato, Holly Willford, Barbara
 Wiens, Bob Lymburner, Vickie vanRavenswaay

Media: Interested parties and members of the public

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:30 pm.

2. Adoption of Agenda

Moved By Mike Ciolfi

THAT the agenda for the October 22, 2019 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Planning Act Application:

The Mayor read into the record the Notice Requirements regarding this application.

4.1 Planning Report - Presentation

4.1.1 Information Report - Proposed Short Term Rental Regulations - 2019-0094-Planning, 2019-0094-Planning

Ms. Barb Wiens, Director of Community Planning and Development provided an overview of the proposed by-laws before Council. A copy is available through the Clerk.

Members of Council requested Ms. Wiens' to provide details on the 'roundtable' discussion held at the Town and

to define the area of lands known as the Downtown and Downtown Transitional Area. In response, Ms. Wiens indicated Appendix 'A' to her report indicated a summary of all comments received at the 'roundtable' and in addition, she could provide a list of attendees. Ms. Wiens advised the Official Plan indicates the Downtown area includes the core area of Fenwick and Fonthill only and the Downtown Transitional Area includes Station Street from Highway 20 south to Summersides Blvd.

Members of Council requested Ms. Wiens' to indicate if she researched other municipalities best practices and she was asked how many short-term rentals are within Pelham. In response, Ms. Wiens indicated she has researched other municipalities, such as: Niagara-on-the-Lake, St. Catharines, Fort Erie, Blue Mountains, along with other municipalities across Canada. She further indicated she researched the City of Toronto however, is awaiting a board decision from an appeal the City received. Ms. Wiens indicated she believes there are approximately 20 short-term rentals within Pelham.

A Member of Council asked if it is possible for the Town to take a zero tolerance stance on short-term rentals. In response, Ms. Wiens indicated this is an approach Council may consider. The Member further requested if it is possible for the Town to indicate short-term rentals may only be permitted in the Downtown, Commercial and Rural Agricultural areas. In response, Ms. Weins indicated she and staff are looking for guidance from Council on this matter.

A Member of Council requested Ms. Wiens to further expand on licensing, particularly in regards to potential grandfathering, fees and enforcement. In response, Ms. Wiens indicated if Council passed a Licensing By-Law all businesses (existing or new) would require a license. She further indicated any fees charged would be an administration fee and that fees may not be punitive.

A Member asked Ms. Wiens how many of the short-term rentals in Pelham are traditional Bed and Breakfasts. In response, Ms. Wiens indicated approximately 10.

A Member requested Ms. Wiens to indicate how confident she is that there is only 20 short-term rentals in Pelham. Ms. Wiens indicated she has conducted searches on various short-term rental websites and has concluded there are approximately 20 within Pelham. She did indicate there maybe others.

A Member requested information regarding By-Law Officers and receiving noise complaints at 11:00pm. In response, Mr. Bob Lyburner, Fire Chief indicated the Town does not

have By-Law Officers working at night or on the weekends. If there is, a noise complaint at night the complainant can call the police.

A Member asked if Council determines to adopt a zero tolerance policy on short-term rentals what would happen to the existing short-term rentals within the Town. In response, Ms. Weins indicated this would be something the Town would have to work through.

A Member requested Ms. Wiens to indicate how and if the information received from the roundtable discussion impacted her presentation to Council. In response, Ms. Wiens indicated the roundtable discussion was robust with diverse conversation and dialog.

A Member asked if a Bed and Breakfast serves food is the establishment regulated under public health regulation. In response, Ms. Wiens indicated, yes the establishment would be regulated under public health regulations.

Questions arose regarding the difference between short-term accommodations and student rentals. Ms. Wiens indicated a short-term accommodation would be considered renting less than 28 days, to the same person. If a property is being rented more than 28 days it would be considered a rental and would be regulated by the Landlord and Tenant Act.

A Member requested information regarding short-term rentals in lower levels and basements of homes. In response, Ms. Weins indicated a short-term rental could rent space within the basement, however would be required to comply with the Building and Fire Code. Furthermore, Mr. Lymburner, Fire Chief indicated among other requirements a basement rental is required to have a second ingress and egress. Mr. Lymburner indicated the Fire Department would complete a site inspection prior to issuing a license.

A Member indicated they had concerns with enforcing By-laws relating to short-term rentals. In response, Ms. Wiens indicated she has spoken with many municipalities regarding enforcement and although she cannot guarantee there will be no issues, once operators realize the Town is enforcing their by-law, operators will comply.

A Member inquired, if a person wishes to buy a property in Pelham would the owner or Real Estate Agent have to declare or advise if a short-term rental is operating beside them. In response, Ms. Wiens indicated purchaser's lawyers sometimes ask the Town to confirm zoning or request a compliance letter.

A Member asked if short-term rentals pay more taxes or development charges. In response, Ms. Wiens indicated typically in other municipalities MPAC applies a surcharge to dwellings with short-term rentals to adjust the tax rate, as they are income-generating properties.

A Member stated if property owners were required to have an inspection and bring their property to regulatory standards, many homes would require renovations and this would be a deterrent.

Moved By Ron Kore

THAT Committee receive Report # 0094 for information as it pertains to the proposed Short Term Accommodations Policies and Regulations; and recommend:

THAT Committee direct Planning staff to prepare the Recommendation Report regarding the Proposed Short Term Accommodations Policies and Regulations.

Carried

4.2 Public Input

Mr. Corey Ziraldo, a resident of the Lookout subdivision stated he is in support of short-term rental accommodations in the agricultural area and for By-law officer funding. He further indicated when purchasing his home he reviewed Town planning documents and believed no short-term rentals would be allowed in his area, however to his dismay the neighboring property is a short-term rental. He stressed he and his wife have safety concerns regarding their and neighboring children.

Ms. Pat Koehler on behalf of Concerned Pelham Residents stated last summer she formed a group which surveyed Pelham election candidates on their views of 'tourist rentals' and provided the information to other Pelham residents. She indicated her group has been in contact with the Town's Planning Department and was part of the roundtable discussion. Ms. Koehler indicated rentals add to parking, garbage and crime. She stated tourist rentals should be treated as hotels. She advised she has no objection to short-term rental within the commercial or rural areas, however objects to rentals within the residential area. She furthermore, voiced concerns regarding enforcement and the licensing process.

Mr. Al Toner read Mr. Larry Sztogryn's written submission into the record. A copy of the written submission formed part of the Public Meeting Agenda package and a copy is on file with the Clerk.

The Mayor opened the floor to the public within the gallery to speak.

Mr. Joe Robbie indicated he and his wife moved to Pelham as an older couple and they question if they should stay within Pelham due to issues such as short-term rentals.

Ms. Carol Jones asked if a short-term rental property remained empty for a length of time would the property owner qualify for a vacancy rebate. Furthermore, she indicated she had insurance concerns and asked if the municipality would have any liability regarding short-term rentals. In response, Ms. Wiens indicated if a property remained vacant for a certain period of time the owner would be able to qualify for a vacancy rebate. Mr. Cribbs indicated the municipality would not attract liability for incidents on private property.

Ms. Lindy Brunarski indicated she has been operating a short-term rental at her property for the last 6 years and has hosted guests from all over the world with no issues. She further advised when she travels she prefers to stay at short-term rentals. She stated she believes there is a place for short-term rental accommodations. Furthermore, she indicated she will be happy to comply with any licensing requires the Town may issue. Ms. Brunarski also indicated she was a participant at the roundtable discussion and indicated there is an elderly couple who runs a Bed & Breakfast and this is a valuable source of income for them.

Mr. Chuck Miller stated concerns he has regarding absent owner short-term rental accommodation units. He asked questions to Ms. Wiens regarding Appendix D of her report, grandfathering, and if existing short-term rental accommodations are legal or illegal based on the current zoning by-law. In response, Ms. Wiens indicated the current zoning by-law is silent on short-term accommodations; therefore, the opinion of staff is that such rentals are allowed.

Mr. Mike Jones stated he has concerns regarding his neighbor who he believes has converted his single residential dwelling to a duplex. He is concerned the neighbor may further use his property as a short-term rental.

Ms. Esther Houghman indicated she has concerns with strangers renting short-term properties within residential neighborhoods. She questioned why it is taking the Town a long time to deal with the issue.

Mr. Kit Lefroy indicated common law provides an unfettered right to the use of ones property in peace. He further stated if one cannot use his/her property he peace that individual has the right to sue. He requested Council ban short-term rentals in the residential area.

Mr. Stewart Galloway indicated the house behind him has been converted into four units and is rented as a short-term accommodation. He stated the noise level from the rental has made their backyard unusable. Mr. Galloway indicated the proposed by-law indicates 3 rooms may be rented, however he suggests an appropriate number would be 2 rooms.

Mr. Ernie Henson indicated he moved to Pelham 39 years ago and never dreamed a short-term rental could operate beside him. He stated he does not want to have any short-term rentals in his area and believes their existence will devalue his property.

Mr. Doug Major asked if any of the input from the meeting of October 1st changed the Planning Departments proposed by-laws. In response, Ms. Wiens indicated the Planning Department is currently collecting feedback and no changes have been made.

Ms. Lisa Galloway stated it has been said there has been successful short-term accommodation rental properties but questions who evaluates success.

Ms. Cherly Crozier indicated she appreciates the community feel Pelham offers and is concerned that short-term accommodation rentals and additional development will take away from that feel.

The Mayor closed the public portion of the meeting and thanked everyone for attending and for speaking.

Moved By Bob Hildebrandt

THAT Committee receive and recommend that Council receive the public written submissions by the following individuals:

1. **Corey Ziraldo**
2. **Jim Marando**
3. **Pat Koehler on behalf of Concerned Pelham Residents**
4. **Larry Sztogryn (Al Toner)**
5. **Apollo and Joanne van Veen**
6. **Ron and Judy Riva**
7. **Blair Minnes and Rose Craig**
8. **Scott Strike**
9. **Jim and Sandy Stokes**

AND THAT Committee receive and recommend that Council receive the verbal submissions by made by the public.

Carried

4.3 Committee Input

A Member requested a timeframe as to when Council may expect to receive a report from staff on this matter. In response, Mr. Cribbs indicated the Town is still receiving public and Council input and reiterated some staff priorities from Council direction and indicated it would be several months until staff would be able to bring a report to Council. The Mayor then stated staff have been busy working on cannabis related By-Laws and referenced the extended interim control by-law.

Mr. Cribbs indicated that Council may debate the topic and provide staff with direction as how to move forward. Mr. Cribbs emphasized staff is required to provide an initial draft which is balanced and fair to each side.

A Member suggested there should be no short-term rentals or bed and breakfasts within the residential area. Other Members agreed and indicated these types of rentals should be limited within the downtown and rural areas. The Mayor added he has concerns about enforcement.

By way of Council consensus staff were directed to revise the proposed By-laws to not allow short-term rentals or bed and breakfasts within the residential areas of the Town.

5. Adjournment

Moved By Lisa Haun

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

Carried

Mayor: Marvin Junkin

Deputy Clerk: Holly Willford