

November 03, 2020

Mayor Harry Hughes
Deputy Mayor Ralph Hough
Councillor Ian Veitch
Councillor Tammy DeSousa
Councillor Cathy Keane
Councillor Shawn Scott
Councillor Randy Greenlaw

Township of Oro-Medonte,
148 Line 7 South,
Oro-Medonte, ON.
LOL 2E0

Dear Mr. Mayor, Mr. Deputy Mayor and Councillors:

Re: Illegal Short Term Rentals in the Township of Oro-Medonte

The Residents' Associations which have signed this letter below are writing concerning the ongoing and serious problem of disruptive short term rentals continuing to operate illegally in Residential zones in the Township.

We are deeply disappointed with the lack of response to our letter of August 30, 2020 (copy attached) which we sent to the senior Township administrative officials who are responsible for enforcement of the Township Zoning By-law 97-95, Robin Dunn, Andria Leigh and Curtis Shelswell.

Their failure to respond to our letter concerning enforcement action to shut down disruptive short term rentals which are operating illegally in the Township demonstrates a serious disregard for the legitimate concerns of the Residents' Associations who represent over 2,500 homeowners across the Township.

As you know, under the existing Zoning By-law, short term rentals of dwelling units are not permitted in Residential zones in the Township outside of the Village One mixed use commercial/residential zone. This conclusion, which does not rely upon the clarifying language of amending By-law 2020-073, has been repeatedly confirmed, including by Andria Leigh in her July 2020 Report DS2020-069 as well as by planning and legal expert opinions that our Associations provided at our cost to the Township.

To date, it is our understanding that no operator of a disruptive short term rental has ever been charged with a violation of the Zoning By-law. On October 14, 2020, Mr. Shelswell confirmed to Council that not even a single charge related to a violation of the Interim Control By-law has been brought since it was brought into force more than 2 years ago. In the face of numerous and frequent complaints from aggrieved residents, this failure to enforce the Zoning By-law or the Interim Control By-law is very difficult

to understand and concerning to the members of our Associations. **The problems with disruptive short term rentals have been well documented and known to Council and the Township since at least 2017.** As you know Township zoning is designed to preserve and protect the safety, character and integrity of our residential neighbourhoods and must be upheld.

We believe from the discussion at the October 14 Council meeting, that all members of Council are also concerned about the lack of enforcement action by the Township regarding disruptive short term rentals. We welcome this support for enforcement action and ask that all members of Council work to ensure that the Township takes all steps necessary to shut down these disruptive operations as soon as possible.

We are concerned about the decision of Council to approve the hiring of Host Compliance only for the purpose of gathering information for enforcement actions under Interim Control By-law 2018-071. While enforcement of the Interim Control By-law, although long overdue, would definitely be a positive step if it proceeds quickly and without delay, it must not be the only enforcement action taken by the Township.

Many of the disruptive short term rentals were in operation prior to July 2018 and can therefore only be effectively addressed by the Township taking enforcement proceedings under Zoning By-law 97-95. While we recognize that amending By-law 2020-073 has been appealed, that appeal does not affect the provisions of Zoning By-law 97-95 in place prior to that amendment and does not affect moving forward with enforcement of the existing Zoning By-law, the provisions of which are robust without the additional language of the clarifying amendment.

The continued unabated operation of disruptive short term rentals continues to exact a significant toll on the personal health and safety of neighbouring residents who have already endured far too much for far too long without any relief having been provided. It is therefore critically important that enforcement of the existing Zoning By-law and the Interim Control By-law proceed expeditiously and as soon as possible.

The Residents Associations believe that proceedings under section 440 of the Municipal Act to enforce the existing Zoning By-law and permanently restrain the operation of disruptive short-term rentals are needed. This would provide the most effective remedy and act as a deterrent to other operators of disruptive short term rentals. This was successfully done by the City of Burlington earlier this year and a similar approach is needed in Oro-Medonte as soon as possible. Enforcement proceedings involving only modest monetary penalties will only be absorbed by the operator as a cost of doing business and will not be effective.

We also have additional reservations about the decision to hire Host Compliance and their role. It is evident from the Host Compliance website, that while their services include web-based data analytics to identify short term rental property locations and listings, Host Compliance is in fact a cloud based software service operating from the United States which promotes itself as providing consulting services and solutions designed to help municipalities enact regulations in order to permit short term rentals to operate and then manage the licencing of those properties. These latter types of consulting services are clearly not relevant to the Township. In terms of their data analytics services, the locations of disruptive short term rentals are well known to the Township and any enforcement action will necessarily require local experts and evidence. We are therefore not clear as to the reasons and the motivation for hiring Host Compliance and are very concerned that the Township has hired a U.S. company that specializes in

structuring legal and regulatory frameworks for municipal jurisdictions that, unlike Oro-Medonte, have decided to permit short term rentals to operate.

The Residents Associations understand that the Township is now proceeding with a full review of the Township Official Plan and Zoning By-law and will be bringing forward new versions of these documents for public review. As you know, the lengthy and comprehensive review by the Township on short term rentals was completed less than four months ago in July 2020. That review concluded that Zoning By-law 97-95 does not permit short term rentals to operate in Residential zones outside of the Village One mixed use commercial/residential zone. The clarifying amendment in By-law 2020-073 was enacted based on this conclusion and the extensive public input provided to the Township on this matter. We trust that this Official Plan and Zoning By-law review will not lead to the introduction of changes that would be contrary to the conclusions of the recently completed rigorous and thoughtful review of short term rentals and the enactment of By-law 2020-073.

The members of our Associations are asking for an explanation as to why there has been no meaningful or effective enforcement to shut down disruptive short term rentals. Our members are very troubled and dissatisfied about this very serious situation and the negative impact that it is having on their residential neighbourhoods. **Would you therefore please be good enough to respond to the following so that we may advise the members of our Associations accordingly:**

1. ***Please confirm that you agree that the Township should proceed expeditiously and without delay to enforce the existing Zoning By-law 97-95 and the Interim Control By-law in order to shut down those short term rentals that are causing disruptions in residential areas of the Township.***
2. ***Please confirm that you agree that the Township should not make any revisions to the Official Plan or the Zoning By-law in the upcoming review process which would permit short term rentals of dwelling units to be operated in Residential zones outside of the Village One zone.***
3. ***Please confirm that you agree that the Residents' Associations be provided with a copy of the contract entered into with Host Compliance and a copy of the list of short term rental properties which are identified by Host Compliance to be operating in the Township, along with any updates to that list that may be provided on an ongoing basis.***
4. *Should you not agree with any of the above, please provide a clear explanation of your reasons as to why you disagree.*

We trust that you do agree that it is completely unacceptable for Township residents to continue to be victimized and placed at risk by the continued operation and proliferation of disruptive short term rentals operating contrary to the existing Zoning By-law. Enforcement of the existing Zoning By-law against those short term rentals that are causing disruptions is the simplest and most effective means of control.

We recognize that the work necessary in order to implement the zoning enforcement proceedings will require assistance from residents. We want to assure you that our members continue to be ready to

provide the information and assistance that will be needed by the Township to move forward with zoning enforcement actions against disruptive short term rentals. Please have Township administrative officials contact us in order to facilitate this cooperation.

The Residents' Associations look forward to your cooperation and support on this very important matter that affects all of us. These are very pressing and important issues and we therefore ask that your responses be provided without delay before November 17, 2020.

Yours truly,

Bass Lake Oro-Medonte Ratepayers Association

Shanty Bay Residents' Association

Oro-Station Ratepayers' Association

Barrillia Park Ratepayers' Association

Parkside Ratepayers' Association

Horseshoe Valley Property Owners Association

Hawkestone Ratepayers' Association

Eight Mile Point Cottagers' Association

Maplewood-Woodland Ratepayers' Association

Moon Point Ratepayers' Association

AWARE Oro-Medonte

West Oro Ratepayers' Association