

Newsletter

Volume 1 Issue 3

July 2021

PLANNER'S CORNER No. 2

Views from a 40 Year Career

"A Basic Planning Principle: Uses that are not listed as permitted, are prohibited"

In Planner's Corner No. 1, I wrote that STRs are prohibited uses in Oro-Medonte in all residential zones. Here is the first of three reasons why experienced planners and lawyers have reached this conclusion.

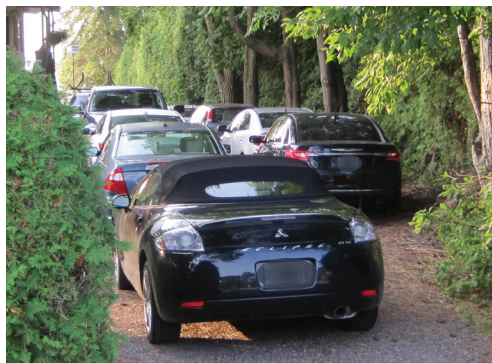
It is a fundamental principle of land-use planning that if a use is not specifically mentioned as a permitted use in a zone, or if it is defined and not listed as a permitted use, then it is not permitted. This principle is explicitly set out in Section 3 of the Oro-Medonte Zoning By-law 97-95.

"If a use is not specifically permitted in any residential zone, mentioned as a permitted use in a zone, or if it is defined in Section 6.0 of the by-law and not listed as a permitted use, then it is not permitted."

These words are clear and concise; they reinforce the principle that uses that are not listed as permitted in a zone are prohibited.

When a planner produces a zoning by-law, various zones are set out. Within each zone, a list of permitted land uses is created. These uses are those that are contemplated and considered as acceptable for that zone at the time the zoning by-law or an amendment, is created. So, when a "new" land use comes along that was not contemplated, such as an STR, the starting point must be - it is not permitted.

The courts and tribunals have found STRs to be a commercial, hotel-like use that is separate and distinct from residential use. STRs were not contemplated when the Zoning By-law was originally put in place. The growth of internet platforms promoting STRs in recent years led to Council deciding to allow STRs in only one mixed-use commercial/residential zone at Horseshoe Valley. In every other zone in Oro-Medonte, STRs are not listed as permitted. Therefore, they are prohibited. This principle of Planning protects your safety, property value and the integrity of your neighbourhood and keeps you from being someone else's unpaid night-clerk.



Photos taken by our good neighbours in Oro-Medonte.

How to Get a Free Lawn Sign (We Replace Them if Stolen)

To get a lawn sign or to replace one that has been stolen - email your name and address to goodneighboursalliance@gmail.com

Also, please sign up for our communications at goodneighboursoromedonte.ca/sign-up.

A special thanks to everyone who has a lawn sign for keeping the faith.

Ontario Land Tribunal Hearing.

On June 2, 2021, a case management conference before the Ontario Land Tribunal (which has replaced LPAT) dealt with scheduling and procedural matters. The hearing of the appeal has now been scheduled, but not until March 22, 2022. A proposed earlier hearing date before the end of 2021 was rejected by the appellant who requested that seven hearing days be set aside. With this lengthy delay and with covid-19 restrictions now being relaxed, it is expected that STR operators will be resuming operations and generating revenues to fund their appeal. Certain steps must be completed by all parties including the Alliance prior to the hearing. These steps include identifying witnesses and filing of documents, starting 90 days prior to the hearing date. The appellant and the Township also settled the outstanding document production requests that were subject of a motion before the Tribunal in April.

Reporting a Disruptive Short Term Rental.

Please see the file attached to this e-mail that explains how to report a disruptive short-term rental.

Did You Know That Many Short-Term Rentals In Oro-Medonte:

Have a yearly revenue in excess of \$100,000 EACH?

Have an average nightly rate in excess of \$950?

On average accommodate more than 10 people?

These revenues, rates and accommodations indicate that our neighbourhoods are being commercialized in defiance of the zoning by-law. Why else appeal the by-law?

And the growth continues, the number of short-term rentals peaked during the pandemic in the third quarter of 2020 at over 190. Do you believe that enforcement is working? See for yourself at AirDNA.co. If asked, put L0L2E0 in the search box.