

ANOTHER STEP FORWARD FOR HOMEOWNERS! ONTARIO SUPERIOR COURT GREENLIGHTS APPEAL OF OLT DECISION - Finds the OLT Decision Was Not Legally Justified

The Ontario Superior Court of Justice (Divisional Court) has ruled in favour of the Township of Oro-Medonte in the first stage of its appeal of the March 2022 decision of the Ontario Land Tribunal (“OLT”). The appeal by the Township was fully supported by the Good Neighbours Alliance. A copy of the Judge’s ruling may be found at [goodneighboursoromedonte.ca](https://www.goodneighboursoromedonte.ca).

This Superior Court decision clearly shows that the OLT decision contained fundamental errors in law. STRs are a commercial land use that have always been prohibited in residential zones under the Township’s Zoning By-law.

The new ruling, issued by the Superior Court on June 28, concludes that the OLT’s reasons failed to meaningfully inform what evidence and legal principles including case law were considered in issuing its decision. The Superior Court commented that the OLT reasons were brief and lacked context and detail, noting extensive evidence and submissions had been heard over six days of hearings in March 2022. The new Superior Court ruling also made a point of highlighting that the OLT failed to recognize the evidence of the Township’s land use planning expert which confirmed that the Amending By-law was good planning and was in the public interest. As a result the Court allowed the Township’s application for leave, so that the full appeal hearing can now proceed.

Previous Ontario court and tribunal decisions have all upheld zoning provisions prohibiting short term rentals in residential neighbourhoods. Notable are the decisions in *Rosen v. Corporation of the Town of The Blue Mountains* (PL080455) and *Keenan v. Niagara Falls (City)* (PL180774).

The OLT decision in March 2022 related only to the Township’s By-law Amendment passed in 2020. It did not have any impact or effect on the underlying provisions of the Zoning By-law which were in effect prior to 2020. Those pre-existing provisions make it clear that only those STRS operating within the Horseshoe Resort Condos or the Carriage Hills and Carriage Ridge developments are legally allowed. For further information see the Township’s Notice on “Short Term Accommodations” at <https://www.oro-medonte.ca/municipal-services/planning-information> under the Short Term Accommodations tab.

The Good Neighbours Alliance will continue to support the Township in its efforts to enforce the Township’s Zoning By-law and to protect the safety, security and integrity of our residential neighbourhoods.

DID YOU KNOW?

The combined income from the top three short-term accommodations in Oro-Medonte was more than \$540,000 in the year ended June 30, 2023? These and other STRs in the Township are commercial accommodation businesses operating in our residential neighbourhoods. With so much money at stake the STA operators continue to flaunt our laws, requiring that our tax dollars be spent on enforcement and defending our Zoning By-law in the judicial system.

PROTECTING YOUR NEIGHBOURHOOD: What you can do when a property goes up for sale near you.

- When a property goes up for sale, consider assisting Oro-Medonte staff and protecting your community by informing neighbours, prospective purchasers, and real estate agents that short-term accommodations (“STAs”) are not permitted. Here’s how you can help.
- Check to see if the listing states that the property can be used as a short-term rental. Unless the property has been used continuously as a short-term rental since 1997, then contact your ward councillor¹ and Curtis Shelswell, Chief Municipal Law Enforcement Officer at cshelswell@oro-medonte.ca and let them know that the public is being misled. Include a copy of the advertisement/listing and the contact information of the seller’s agent.
- To assist prospective purchasers and to put buyers’ agents on notice that STA’s are not legally permitted, consider posting a sign that states: “Short Term Rentals are NOT Permitted Here”. Signs are available free upon request at goodneighboursoromedonte.ca.



1. In matters of short term accommodations, Councillor Schell is conflicted. If you live in Ward 5, contact either the Mayor at randy.greenlaw@oro-medonte.ca or the Deputy Mayor at peter.lavoie@oro-medonte.ca for assistance.

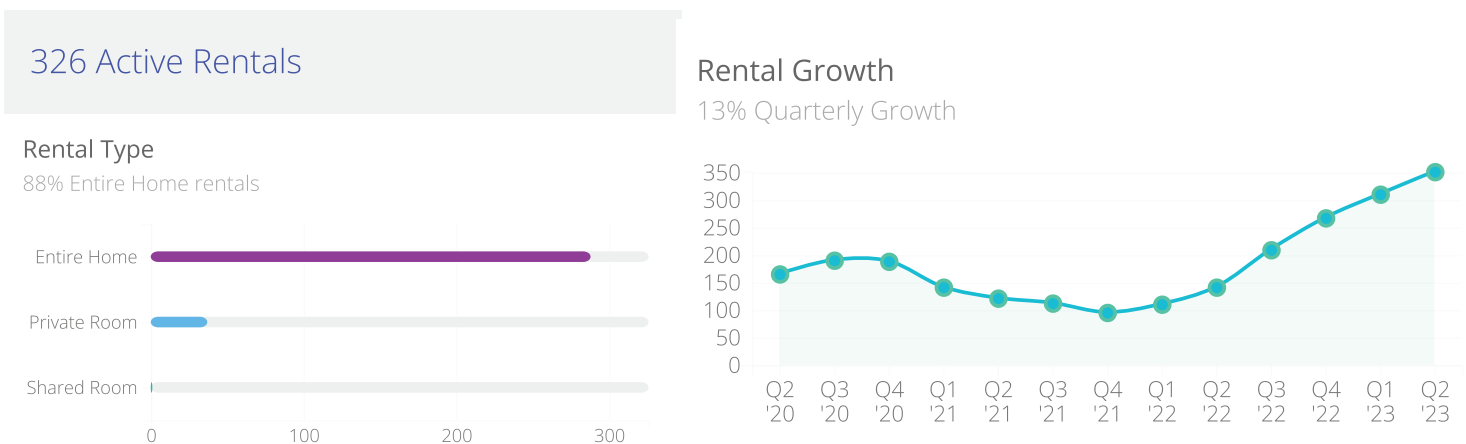
- Ask your resident’s association to send a letter or send your own letter to the listing agent stating that short-term accommodations are not permitted in residential areas. Include a copy of the advertisement and direct the real estate agent to the Township website where it states:

“It is important to understand that under Zoning By-law 97-95, short-term rental accommodations are not legally permitted within the majority of areas/zones throughout the Township.” (<https://www.oro-medonte.ca/municipal-services/planning-information> under the Short Term Accommodations tab)
- If the misrepresentation is not corrected, or your concerns are not addressed, then report the misleading advertisement to the Real Estate Council of Ontario at <https://www.reco.on.ca/complaints-enforcement/want-file-complaint/>. One realtor has already had their license suspended.

Unfortunately, enforcement is a costly but necessary action. The old expression - “an ounce of prevention is worth a pound of cure” rings true here. By being proactive and by reporting misrepresentations, we can all help reduce enforcement costs and ultimately expenditures of our hard-earned tax dollars.

THE PROLIFERATION OF STAs CONTINUES

From lows of around 100 STA operators in late 2021, we are now at 326 operators, an average quarterly growth of 13%. The following data were obtained from AirDNA, a company that aggregates information about internet platforms Airbnb and Vrbo. Here is a snapshot of short-term accommodations in Oro-Medonte as of the end of the second quarter of 2023 (June 30, 2023):



Please take a moment to read the OLT witness statements at the goodneighboursoromedonte.ca and you will understand why no one except the STR operators want short term accommodations legalized. If they are ever permitted in residential zones, short term accommodations will be extremely difficult and very costly to control.