

TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH

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Council Report

STAFF: Florence Witherspoon, Clerk

DATE: July 16, 2024

SUBJECT: Short-Term Rentals – Follow-Up

Recommendation

1. THAT Council proceed with developing a licencing program for Short-Term Rentals;

AND FURTHER THAT Council request staff prepare a proposed Terms of Reference for a Committee of Council whose mandate would be to make a recommendation to Council on a draft licencing by-law to regulate Short-Term Rentals within the Township of Ashfield-Colborne-Wawanosh.

OR

2. THAT Council confirms the status-quo; that there will be no licencing program developed to regulate Short-Term Rentals in the Township of Ashfield-Colborne-Wawanosh.

Background

At the June 4th meeting, Council was presented with the Short-Term Rental (STR) Survey. This report is being prepared as a follow-up, highlighting the following: responses from the Lakeshore Area, regulating only in the Lakeshore Area, promoting compliance via educational resources, ensuring responsibility of costs are on the owners of STRs, By-Law Enforcement Capacity to respond to complaints, and increasing fines for by-law contraventions.

Comment

Responses from Lakeshore Area **only** (west of 21 from Goderich to Amberley)

- 52% are concerned about Short-Term Rentals in their neighbourhoods.
- Do you think that Short-Term Rental Platforms should be regulated and licensed by the Township of Ashfield-Colborne-Wawanosh?
 - o 53% Agree
 - o 30% Disagree
 - o 17% Neither agree or disagree

Regulating only the Lakeshore Area

The issues are not isolated with the Lakeshore Area, although that is where most of the STRs are located, based on the survey. Arguably, rural properties could also create noise issues with setting off fireworks, as an example. It would be staff's recommendation that any possible regulation be implemented across the Township, not only the west of Highway 21.

Promoting Compliance via Educational Resources

Staff could create an educational package, advising owners of the by-laws and requesting that they share this with their tenants. The challenge becomes with who to share this information with, as we do not have a record of who operate STRs in the Township.

Responsibility of Costs on the Landowners

A key theme during the discussion on June 4th was the principle that any costs associated with STRs be the responsibility of the owner of the STR. Currently, By-Law Enforcement is paid for by the tax base, along with other expenses related to STR initiatives (survey, staff time, etc).

By-Law Enforcement Capacity to Respond to Complaints

The Township's current contract with By-Law Enforcement is for 16 hours per week (up 8 hours since the renewal in January, following a 2023 approved recommendation to increase the hours). Township staff feel that the current complaints received are manageable with the current contract.

Increasing Fines for By-Law Contravention

The challenge with increasing fines for By-Law contravention is that regardless of the amount of the fee, most charges could only be laid on the individual who made the contravention, not the owner specifically. Without 'on-call' enforcement, fines are seldomly issued. To charge a fine in circumstances where the owner is not the contravener, the Township would need a reliable witness should any charges be contested in Court.

Conclusion

It is a staff's recommendation that a licencing program would be the most effective way of managing the negative impacts of STRs. A well-established program would require education, the posting of rules, annual inspections to ensure compliance with fire and building (including septic) codes, along with other stated expectations as spelled out in a licencing by-law.

A licencing by-law ensures that the cost of the program would fall to the owners through a licencing fee. A demerit point system could be put in place that where a certain number of complaints that lead to a fine/charges would result in the revoking of the licence. Most online platforms ensure that STR owners adhere to local regulations. Should a licence be revoked by non-compliance, the result is the inability to advertise vacancies on these platforms.

Staff have been advised by many other municipalities that implementing a licencing program is no simple feat and requires the input of the community and a broad range of stakeholders to be

successful. Some municipalities have indicated that it can take up to several years before a successful program is up and running.

Should Council be interested in pursuing a licencing program, staff further recommend that a Committee of Council be established whose mandate would be to investigate and determine the most appropriate licencing program to regulate STRs in the Township, ultimately making a recommendation to Council on a program. A Terms of Reference, including possible composition of members would be prepared for the consideration of Council at a future meeting.


Others Consulted

Bruce Brockelbank, By-Law Enforcement Officer

Mark Becker, CAO

Respectfully submitted,

Approved by:



Florence Witherspoon
Clerk



Mark Becker
Chief Administrative Officer