

August 18, 2021

**SUBJECT:** Recommendations for Consideration from:  
LICENSING APPEAL COMMITTEE MINUTES

**MEMO TO:** Committee of the Whole

**FROM:** Colleen Hutt, Deputy Clerk

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The Licensing Appeal Committee, at their meeting of August 3, 2021 recommended and approved the following for consideration by Council:

Item No. 8.1 Report LAC-21-001 - 522 Mississagua Street

- 1.1 that the recommendation contained in LAC-21-001 be set aside and that the refusal be rescinded and the license be returned to the operator for 522 Mississauga Street.

The following is attached:

Appendix I - August 3, 2021 Minutes

Appendix II - LAC-21-001 - 522 Mississagua Street



## LICENSING APPEAL COMMITTEE MEETING MINUTES

Tuesday August 03, 2021

10:00 AM

### **PRESENT:**

Tony Chisholm, Janet Trogden, Margaret Louder, Taylor MaGee

### **REGRETS:**

### **STAFF:**

Ben Hopkins	Supervisor, Enforcement
Jay Plato	Deputy Fire Chief
Colleen Hutt	Acting Town Clerk
Marilena Basilone	Administrative Assistant

### **OTHERS:**

Lord Mayor Betty Disero, Councillor(s) Norm Arsenault, Allan Bisback,

### **1. Call to Order**

Acting Town Clerk Colleen Hutt called the meeting to order at 10:06 am.

### **2. Adoption of Agenda**

The following as added to the agenda under Presentations: Procedure By-law & Code of Conduct Presentation as item 5.1.

Report LAC-21-002 will not be discussed, as staff have been informed the appellant has withdrawn his appeal.

At this time discussion took place regarding the Chair and Vice Chair positions.

Tony Chisholm put his name forward as Vice Chair and Janet Trogden put her name forward as Chair.

Moved by Margaret Louder that Janet Trogden be nominated as Chair and Tony Chisholm as Vice Chair.

Moved by Tony Chisholm that the agenda be adopted, as amended.

## **APPROVED, AS AMENDED.**

### **3. Conflict of Interest**

There were no conflicts of interest declared at this time.

### **4. Previous Minutes**

### **5. Presentations**

5.1 Colleen Hutt, Acting Town Clerk  
Procedure By-law & Code of Conduct Presentation

5.2 Patrick Maloney, Sullivan Mahoney  
- 522 Mississauga Street

Mr. Maloney, provided the following details:

- On May 15, 2021 an individual on a business trip was staying at 522 Mississauga Street.
- The guest was approached by By-law and vacated premises after By-law enforcement spoke to them.
- This dwelling was not used as a STR as there was no overnight stay and no payment was made.
- The dwelling was not used as a short Term rental defined under section 2 of the Short Term Rental By-law.

Mr. Maloney requested that the Committee recommend that the revocation of 522 Mississauga Street be rescinded and have the the Short Term Rental license reissued.

### **6. Announcements**

There were no announcements at this time.

### **7. Correspondence**

There was no correspondence at this time.

### **8. Business**

#### **8.1 Report LAC-21-001 - 522 Mississauga Street**

The Committee discussed the following:

- Correspondence between owner of home and By-law Enforcement
- Evidence obtained by Municipal By-law officers
- Complaint received

The Committee agreed that the evidence obtained did not provide sufficient detail to revoke a license.

Moved by Margaret Louder that the recommendation contained in LAC-21-001 be set aside and that the refusal be rescinded and the license be returned to the operator for 522 Mississauga Street.

**APPROVED.**

**8.2 Report LAC-21-002 - 2 Confederation Drive**

This report was removed from the agenda. The appellant withdrew his appeal.

**9. New Business**

No New business.

**10. Next Meeting Date**

To be called by the Town Clerk.

**11. Adjournment**

**ADJOURNMENT: 11:18 AM**



# The Town of Niagara-On-The-Lake

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Virgil, Ontario  
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<b>Report:</b>	<b>LAC-21-001</b>	<b>Committee Date:</b>	<b>July 21, 2021</b>
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<b>Report To:</b>	<b>Licensing Appeal Committee</b>
<b>Subject:</b>	<b>522 Mississagua Street</b>

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## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 the Licensing Appeal Committee Report LAC-21-001 be e ei ed
- 1.2 the Committee confirm the decision of Town staff to revoke the short term rental license for 522 Mississagua Street;
- 1.3 the Committee confirm the decision of Council to preclude the holder of the license or any party from operating a short term rental, for one year from May 16, 2021 at 522 Mississagua Street.

## 2. PURPOSE / PROPOSAL

The purpose of this report is to provide the Committee with background information on Town's position in regard to the short term rental license.

## 3. BACKGROUND

On April 6, 2020 Town Council approved the following motion:

*"Be it resolved that pursuant to Niagara on the Lake By-law to Niagara-on-the-Lake By-law No. 4634-13, Council hereby delegates authority to the Director of Community & Development Services that in the event any party operating short term accommodations fails to comply with the order to cease operations under Ontario Regulation 82/20 Closure of Places of Non-Essential Businesses - under Emergency Management and Civil Protection Act that the Director shall have the authority:*

- 1) *to revoke any related licence if any to operate a short term rental;*
- 2) *preclude the holder of the licence or any party operating such facility from applying for a licence or reinstatement for one year from the later of the date of the succession order or an eradication of the licence; and*
- 3) *impose a fine of no more than \$750, or such increased amount as the province may set, for every day on which they operate after the date of the succession order."*

The following is a list of events that took place, leading to the issuance of the fine and revoking the license:

- May 15, 2021 (8:01 am) - the Town's Covid Complaints email address received a complaint email. The complainant stated that the short term rental at this address was being used as a rental.
- May 1 , 2021(approx. 7:00 pm) - Municipal Law Enforcement Officers attended the address. The door was answered by the renter who stated that she had rented the house for 3 days for business. In addition she showed the electronic booking to the Officers. The Officers collected photo evidence from the renter.
- May 17, 2021 (4:31 pm) - an email was sent to the operator listed on the application, asking if they had rented their property out to guests.
- May 17, 2021 (5:26 pm) - a return email was received confirming they did in fact rent their property on those dates.
- May 31, 2021 a letter was emailed to the operators advising their license was being revoked, in accordance with Council's directive.

#### **4. DISCUSSION / ANALYSIS**

At the time of this occurrence, the Town of Niagara-on-the-Lake and the Province were in a State of Emergency. Under 6(1) of Ontario Regulation 82/20 for Short Term Rentals, read as follows:

6. (1) Every person who provides short term rental accommodation shall ensure that any rentals are only provided to individuals who are in need of housing.

The Town of Niagara-on-the-Lake at every step, during the State of Emergency, has communicated by email to each licensed operator the regulations that can operate under. A copy of the communication for this period is attached as Appendix I which is dated April 5, 2021.

Based on the collection of evidence by the Municipal Enforcement Officer and the operator's confirmation of the rental, the Town Clerk in accordance with Council direction revoked the license for 522 Mississagua Street.

#### **5. STRATEGIC PLAN**

N/A

#### **6. OPTIONS**

By-law No. 4634-13, as amended, Section 5.04(3), the Committee is provided with three options in making a decision.

- Option 1 - confirm the refusal or revocation action (**Recommended**);
- Option 2 - rescind the refusal or revocation action; or
- Option 3 - modify the action and create requirements of compliance.

## **7. FINANCIAL IMPLICATIONS**

N/A

## **8. COMMUNICATIONS**

Upon the ruling of the Licensing Appeal Committee the appellant will be notified in writing.

The minutes of this Committee will be forwarded to Council for final ratification. Council may confirm, modify or rescind the recommendation made by the Licensing Appeal Committee during this time.

## **9. CONCLUSION**

It was found and confirmed that the operators were operating in contravention. Staff are requesting that the recommendations of the report be approved by the Licensing Appeal Committee and forwarded to Council for ratification.

**Respectfully submitted,**



**Colleen Hutt**  
**Acting Town Clerk**

ATTACHMENTS



Department of Corporate Services  
1593 Four Mile Creek Road  
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[www.notl.org](http://www.notl.org)

April 5, 2021

## RE: Short Term Rental Accommodations During COVID-19

The purpose of this letter is to provide Short Term Rental operators with additional details regarding Niagara-on-the-Lake's recent transition out of the Red-Control Zone of the strengthened Provincial COVID-19 Response Framework and into a provincewide Shutdown Zone.

As noted in the Town's letter of April 1, 2021, please be advised that **Short Term Rentals are NOT permitted to operate unless providing accommodation to individuals who are in need of housing.** Further details have been provided below.

### Background

Effective April 3, 2021, at 12:01 a.m., the Provincial Government imposed a provincewide Emergency Brake, moving all thirty-four Public Health units into Shutdown Zone for at least four weeks.

The Shutdown Zone introduces a number of measures affecting businesses, facilities, gathering limits, and for the purposes of this letter, Short Term Rental accommodations.

For a complete list of Shutdown restrictions and regulations, please read [O. Reg. 82/20](#), as amended by [O. Reg. 239/21: Rules for Areas in Stage 1](#).

### Shutdown Zone – Impacts to Short Term Rentals

[Schedule 1 – General Rules for Shutdown Zone](#), of O. Reg. 82/20 states:

*6. (1) Every person who provides short term rental accommodation shall ensure that any rentals are only provided to individuals who are in need of housing.*

In April of 2020, Council of The Corporation of the Town of Niagara-on-the Lake approved the following:

*BE IT RESOLVED That, pursuant to Niagara-on-the-Lake By-law No. 4634-13, Council hereby delegates authority to the Director of Community & Development Services that in the event any party operating short term accommodation fails to comply with the order to cease operation under Ontario Regulation 82/20 – Closure of Places of Non-Essential Businesses – under Emergency Management and Civil Protection Act that the Director shall have the authority:*



- 1) *to revoke any related license, if any, to operate a Short Term Rental and*
- 2) *preclude the holder of the license or any party operating such facility from applying for a license or a reinstatement for 1 year from the later of the date of the cessation order or the revocation of the license, and*
- 3) *impose a fine of no more than \$750 or such increased amount as the Province may set for every day on which they operate after the date of the cessation order.*

In order to exercise the privilege of operating a Short Term Rental in accordance with Section 6. (1) of Schedule 1 to O. Reg. 82/20 as outlined above, operators must submit the following information to Craig Larmour, Director of Community & Development Services by email at [craig.larmour@notl.com](mailto:craig.larmour@notl.com):

- Business name;
- Owner's contact information (email and cell phone);
- Number and names of the person(s) proposed to be housed;
- Proposed occupant's contact information (email and cell phone);
- Make, model and licence plate of proposed occupant's vehicle(s);
- Home address for proposed occupant(s);
- Why proposed occupant is in need of housing;
- Date of proposed occupant's arrival; and,
- Length of the proposed rental arrangement.

Please be advised that failure to provide all the above-noted information in advance of the Short Term Rental being occupied will result in:

- levying of the referenced fine;
- revocation of the related licence; and,
- 1-year delay in the ability to apply for reinstatement.

Thank you for your ongoing understanding and cooperation as it relates to these ongoing changes and impacts to your business. Town Staff remains committed to supporting you any way we can, and we will continue to provide updates as they become available.

Please feel free to reach out to me with any questions you may have.

To review all Town updates related to COVID-19, please visit [www.notl.com/COVID-19](http://www.notl.com/COVID-19), or call 905-468-3266. You can also [click here](#) to learn more about obtaining Town services.