
Bed and Breakfast Establishments and Vacation Rental Accommodations

Monday, August 13, 2018

Concept: How Might We Address Bed and Breakfast Establishments and Vacation Rental Accommodations in the Town of Pelham

Executive Summary:

This report provides background information on bed and breakfast establishments and vacation rental properties, an overview of neighbourhood impacts, the traveler and host experience, a summary of practices from other municipalities and zoning and licencing considerations.

Background:

On June 4, 2018 Committee of the Whole requested staff prepare a report on what the municipality may be able to do to regulate bed and breakfast establishments and vacation rental accommodations as a result of inquiries and complaints from a number of residents in the Lookout neighbourhood.

Over the past 10 years the phenomena of the shared economy has been growing. In the shared economy, also described as collaborative consumption, owners rent out something they are not using such as a car, house, a room, bicycle, tools, etc. This report focuses on home sharing in the form of bed and breakfast establishments and vacation rentals. On-line home sharing/home rental platforms are present in over 190 countries across the globe according to the provincial guide on Home Sharing and the growth of the home sharing economy has been rapid.

A bed and breakfast establishment is typically described as renting rooms in a dwelling that is the principal residence of the owner/proprietor for guest accommodation to the travelling public, i.e. tourists and visitors, for less than 28 days, i.e. nightly or weekly. It is usually an owner or proprietor as an occupant operated business. Most municipalities limit the number of rooms that may be for rent to 2 or 3 guest bedrooms and typically breakfast is provided by the owner/proprietor. While these uses typically operate in a single detached dwelling, they could also be found in semi-detached, townhouse and apartment dwellings so may not be exclusive to a single detached dwellings. The owner or proprietor is the host that receives the guests in their home.

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Vacation rental accommodations are dwellings that are rented for less than 28 days, i.e. short term rental, either nightly or weekly for accommodation of the travelling public, i.e. tourists and visitors. More recently we have seen apartments being rented as vacation rentals, along with townhouses so it is not limited to only single detached dwellings. With vacation rentals, the entire dwelling is either rented as one unit, or it could be that the guest rooms are rented to individuals. Vacation rentals are not owner occupied, but rather the owner is off-site. The management of the vacation rentals could be through the owner or a third party. The third party may manage more than one vacation rental.

While bed and breakfast establishments and vacation rental accommodations are typically rented to the travelling public such as tourists and visitors, they has also been an increase in the businesses traveler utilizing these type of accommodation as they are more ‘home’ like and provide an alternative to staying in a hotel. Vacation rentals are also commonly rented by a group of people, i.e. a multi-generational family such as a couple with a child or a few children and the grandparents who travel together as a family unit; two or three couples who travel together for such things as a golfing weekend, winery tours, or to attend theatre; a group of women or men who travel together for an event, i.e. stag or bachelorette party, sporting event; a family traveling together for an event, i.e. wedding, family reunion; or to a variety of individuals who prefer the alternative to hotel; etc. Vacation rentals tend to provide an alternative to staying in hotel particularly for people who are traveling in a group or family as they are able to stay as a collective in one home as opposed to individual hotel rooms, which offers greater flexibility to the group.

The term “Airbnb” is often used to describe both bed and breakfasts and vacation rentals, however it is important to note “Airbnb” is an on-line rental platform where hosts offer the short term rentals and from which the bed and breakfast establishments and vacation rentals may be rented from.

Also, renting rooms or a dwelling for less than 28 days is a short term rental or short term accommodation that falls outside of the *Landlord Tenant Act*.

Existing Town Policy and Requirements:

Town Official Plan

The Town Official Plan permits bed and breakfast establishments in single detached dwellings in the Urban Living, Downtown Transitional, Good General Agricultural and Specialty Agricultural Areas. Within the Urban Living Area, Policy B.1.17 states that

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“Bed and breakfast establishments are permitted in single detached dwellings, provided the bed and breakfast establishment:

- a) Is located within the principal residence of the owner/operator;*
- b) Preserves the character of the dwelling as a private residence; and,*
- c) Can be accommodated in terms of parking and access.*

The Implementing Zoning By-law shall define a bed and breakfast establishment and further detail the conditions under which a bed and breakfast establishment may be permitted.”

The Urban Living Area designation and policies affect the residential areas of Fonthill and Fenwick, including the areas that are subject to separate secondary plan policies.

Within the Good General and Specialty Agricultural Areas Policy B2.1.3.6 applies to bed and breakfast establishments and states that:

“New bed and breakfast establishments are permitted in a single detached dwelling in the Good General Agricultural designation, subject to the following guidelines which may be implemented in the Comprehensive Zoning By-law:

- a) The use is clearly secondary to the primary use of the dwelling as a residence;*
- b) The bed and breakfast establishment must be the principal residence of the owner and operator;*
- c) The character of the dwelling as a private residence is preserved;*
- d) Adequate parking facilities are available on the lot for the proposed use;*
- e) No more than three bedrooms are available for guests;*
- f) The proposed use will not cause a traffic hazard as a result of its location on a curve or a hill;*
- g) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal as required by the Regional Niagara Public Works Department; and,*
- h) The signage advertising the use is to be designed and located in accordance with the Town's Sign By-law.”*

The Official Plan has no policy guidance with respect to bed and breakfast establishments in the Downtown Transitional Area and also has no policy guidance with respect to vacation rental accommodations. It is important to note that the Official Plan is a policy guidance document and is not law. Decisions of Council are to conform to the policies of the Official Plan.

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Zoning By-law 1136(1987)

The Town Zoning By-law 1136(1987) as amended does not have any general zoning provisions for bed and breakfast establishments or vacation rental accommodations. The uses are not defined and are not identified as a permitted use in any zone. The Zoning By-law is silent with regards to bed and breakfast establishments and vacation rental accommodations with the exception of one site specific zoning by-law amendment for a property on Haist Street that was approved in 2002 and permits lands to be used for a 6-bed, bed and breakfast establishment. The Zoning By-law has not been updated since the Official Plan was approved to implement the policies in the Town Official Plan, particularly with respect to bed and breakfast establishments.

The Zoning By-law does have provisions for a boarding house. A boarding house is permitted in only the Residential Multiple Village 1 (RMV1) Zone and in the Residential Multiple 1 (RM1) Zone. A boarding house is defined as *“a single dwelling that contains a dwelling unit occupied by the owner of such dwelling as his principle residence together with not less than two and not more than four accessory guest rooms.”* This definition does not indicate that the guest rooms are for a short term, i.e. nightly or weekly or less than 28 days or long term stays, i.e. greater than 28 days or that it is for tourists or the travelling public. The Town solicitor has advised that given the vagueness of this definition and the fact that it is not specific for short term stays or the travelling public, it can be argued that this definition does not cover what is commonly meant as a bed and breakfast establishment and therefore would likely not stand up in a court of law if the Town were to try to enforce our by-law by saying bed and breakfast establishments are boarding houses and only allowed in the RMV1 and RM1 Zones. The solicitor has advised that the meaning of boarding house and a bed and breakfast establishment are distinct and that the zoning by-law should be amended to include a definition of such a use and where they may or may not be permitted should Council wish to establish controls for bed and breakfast establishments and/or vacation rentals.

The Zoning by-law permits hotels, motels and tourist homes in the General Commercial (GC) Zone and motels and hotels in the Highway Commercial (HC) Zone. The Zoning By-law does not define what a tourist home is but does define a hotel and motel. A hotel is defined as *“any establishment so defined by The Hotel Registration of Guests Act, as amended from time to time, and includes a motel or motor hotel.”* A motel is defined as *“a separate building or two (2) or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments and without limiting the generality of the foregoing, shall include a motor court, auto court and tourist homes within the meaning of The Tourism Act, as amended from time to time.”* It is noted that *The Tourism Act* was repealed in 2009 and *The Hotel Registration Guests Act* defines a hotel as *“a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of*

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not fewer than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as “boarding houses” or of furnishing living quarters for families and having a dining room or restaurant commonly known as “apartment houses” or “private hotels”. Single detached dwellings that have fewer than six bedrooms are therefore not considered to be a hotel. And once again, because a tourist home is not a defined use, to suggest that a bed and breakfast establishment or vacation rental is a tourist house and therefore only permitted in the commercial zones is difficult to prove.

A number of the residential zones and the agricultural and rural zones also permit a home occupation use. A home occupation is defined as *“an occupation conducted entirely within the dwelling or dwelling unit for gain or profit as an accessory use to the principle residential use by one or more persons residing therein.”* The zoning by-law also states that no more than 25% of the dwelling unit area shall be used for the purposes of the home occupation use. Again, because the by-law does not define what a bed and breakfast establishment is, it could be argued that the renting of a room as a bed and breakfast establishment could be considered a home occupation under this definition of home occupation use. However, the solicitor advises that it would be best to define a bed and breakfast establishment as a distinct use and provide specific provisions for such a use to provide better clarity.

In 2002 Council did approve a site specific zoning by-law amendment (By-law 2636-2002) to permit a bed and breakfast establishment with a maximum 6-guest rooms and 12-guest beds at 1541 Haist Street. That amendment defined a bed and breakfast establishment at that location *“as a single detached dwelling which is operated only by an occupant of the dwelling and which provides sleeping for the travelling public and may include the provision of breakfast, but shall not include a hotel, motel, boarding house dwelling, or converted dwelling.”* It is noted that this site specific zoning by-law amendment did not add this definition of bed and breakfast establishment to the definition section of the zoning by-law but rather applied it only to that specific property. It is noted that while this property does have the zoning permission to permit a bed and breakfast establishment, the property has not been used as a bed and breakfast establishment.

Sample Practices of Other Municipalities to Manage Short Term Accommodations

Town of Blue Mountains

The Town of Blue Mountains permits bed and breakfast establishments in single detached dwellings with a maximum of 3 guest rooms subject to a zoning by-law amendment and vacation rental accommodation which they term “short term accommodation” are permitted in residential zones that permit multi-unit developments, i.e. apartments, townhouses, triplex, fourplex uses are permitted, and in resort residential zones subject to a zoning by-law amendment. Short term

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accommodation has a maximum occupancy of 8 persons, is subject to site plan control, shall not be closer than 120 meters to another short term accommodation use or bed and breakfast use, be connected to municipal services and maintain a 3.0m rear and exterior side yard buffer and 1.0m interior side yard buffer. Parking requirements for short term accommodation is 1.75 spaces/4 guest rooms plus 1.0 space for each additional guest room. The parking requirements for a bed and breakfast establishment is 0.5 spaces/occupant and 1.0 space/guest room.

In addition, the Town of Blue Mountains does licence short term accommodation uses.

It is noted that the Town of Blue Mountains is currently undergoing a review and update of their official plan policies, zoning by-law requirement and licencing requirements for short term accommodation uses.

Town of Niagara-on-the-Lake

The Town of Niagara-on-the-Lake permits bed and breakfast establishments as of right in any single detached dwelling up to a maximum of 3 rented guest bedrooms. A bed and breakfast establishment of 4 or more rented guest bedrooms requires a zoning by-law amendment. Vacation rental accommodations, known as “cottage rentals” are also permitted in any zone that a single detached dwelling is permitted having a maximum of 3 guest bedrooms and vacation rental apartments are permitted in an apartment dwelling above a business and shall contain no more than 3 bedrooms. The Zoning By-law requires 1 parking space for each guest bedroom for a bed and breakfast in addition to the 2 parking spaces for a dwelling, 2 parking spaces for a vacation rental dwelling and 1 parking space for a vacation rental apartment.

In addition to the zoning requirements, the Town also licenses bed and breakfast establishments and vacation rental accommodations.

City of Niagara Falls

The City of Niagara Falls recently undertook a process to update their Official Plan and Zoning By-law with regards to bed and breakfast establishments and vacation rentals and established licencing requirements for each as well.

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Bed and breakfast establishments have long been recognized in Niagara Falls Official Plan. The Zoning By-law was recently updated to permit bed and breakfast establishments within the principal dwelling of the proprietor with up to 3 guest rooms as a home based business in single detached, semi-detached and duplex dwelling units in the urban rural and agricultural areas. Bed and Breakfast establishments up to 6 guest rooms are permitted in the Tourist Commercial, General Commercial and Central Business Commercial Zones. The Zoning By-law also requires 1 parking space per dwelling and one space per guest room.

The City's Official Plan and Zoning By-law were recently updated to address vacation rental accommodation which is defined as a dwelling or dwelling unit that is licenced to provide temporary lodging to a single group of travelers for a period of 28 consecutive days or less. Vacation rentals up to 3 bedrooms are permitted in the in the Tourist Commercial, General Commercial and the Central Business Commercial Zone as a either a stand-alone use or a unit above a commercial unit. Vacation rentals of more than 3 bedrooms or in other zones require site specific zoning by-law amendment approval. All vacation rentals are to be licenced as well.

City of St. Catharines

The City of St. Catharines Official Plan is silent with regards to bed and breakfast establishments and vacation rentals.

The City of St. Catharines Zoning By-law permits a bed and breakfast establishment of up to 4 guest rooms in a single detached dwelling and in an accessory detached dwelling in zones that permit such dwellings, i.e. residential zones and institutional zones. Meals may be provided for guests only and parking requirements are 1 space for the dwelling and 1 space for each guest room. Bed and breakfast establishments are not licenced.

Vacation rental dwelling units that are rented for less than 28 consecutive days are considered hotel in the St. Catharines Zoning By-law and are permitted in commercial, employment and medium and high density residential zone categories. Vacation rental accommodations are not licenced.

Town of Lincoln

The Town of Lincoln Official Plan permits bed and breakfast establishments residential areas, provided the use is secondary to the principle use as a residence and the character of the dwelling

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as a private residence is maintained. Within the agricultural area of the Town a bed and breakfast may have up to 6 guest rooms.

The Zoning By-law for the Town of Lincoln permits bed and breakfast establishments only in a single detached dwelling up to 3 guest rooms for the travelling public and which is owned by and is the principle residence of the proprietor. Lincoln also requires 2 parking spaces for the dwelling unit plus 1 parking space for each guest room.

Both the Official Plan and Zoning By-law are silent with respect to vacation rentals and Lincoln does not licence bed and breakfast establishments.

Impacts of Vacation Rentals and Bed and Breakfast Establishment:

Short term vacation rentals and bed and breakfast establishments can bring positive economic impact on a community as guests spend money on other visitor related amenities such as at restaurants, grocery stores and retail stores. They can also help with local residents making ends meet or seniors to stay in their homes longer through providing a source of income by renting out rooms in their homes.

Bed and breakfast establishments and vacation rentals are mainly located in residential dwelling units and by renting out as short term vacation accommodation, the space is used by tourists that otherwise might be used for living purposes. In some places, i.e. Toronto, Vancouver, this has reduced the supply of long term affordable rental housing where affordable housing is in extreme short supply. The scarcity of affordable rental housing contributes to increasing housing and rental prices overall in these areas.

Living next door or nearby to a bed and breakfast establishment and/or a vacation rental can impact the character of a neighbourhood as well depending on the density of short term vacation rental accommodations in an area. Visitors generally rent this type of accommodation for a few days, resulting in a frequent turnover of visitors every few days, especially in high tourist areas, which causes concern to neighbours as they do not get to know their neighbours and this impacts on the sense of safety and security for residents of a neighbourhood. In addition there often are related complaints about noise, parking and garbage that can increase with increasing numbers of short term vacation rentals in a community which can also cause a strain on municipal governments.

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In addition, safety concerns arise where short term accommodations are offered in multi-unit buildings where guests may not be aware of the fire exit plan. Property owners have also expressed fire safety concern where a townhouse or semi-detached unit adjoining to their unit is used as a vacation rental citing concern over increased potential for fire risk.

Also there often are water safety concerns in beachfront communities where there are a high number of short term vacation rentals.

In condominium developments there can also be issues relating to the permission of short term vacation rental accommodation being permitted by the articles of the condominium corporation.

For some communities bed and breakfast establishments and vacation rentals help to boost local tourism. Because of the price advantage, less popular tourism destinations could become more attractive with the offering of short term vacation rentals, particularly when less popular destinations are relatively close to more popular tourist destinations. Also, short term vacation rentals can fill a need for accommodation in areas where there is limited traditional accommodation available, i.e. hotels. The other side of that argument is that short term vacation accommodation can be disruptive to traditional accommodation industry and are perceived as offering unfair economic advantages in that they do not have to pay staff, are generally not regulated like hotels and in some areas do not charge tourist taxes. This allows bed and breakfast establishments and vacation rentals to offer lower rates compared to traditional tourist accommodations displacing traditional hospitality and accommodation industry which may result in job losses, lower wages and lost tax revenue.

For many municipalities, bed and breakfast establishments and vacation rentals are not taxed and therefore there is a missed opportunity for revenue generation. Some municipalities do licence short term accommodations facilities which does provide for some opportunity for revenue generation, however it is acknowledged that licencing fees are to be reasonable and not so excessive to be restrictive.

Finally, the opportunity to meet people from many different places and across the world is a benefit that hosts often cite as it broadens people's knowledge and understanding of different people, places and cultures. Many hosts develop lasting positive relationships with returning guests and

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establish new friendships that would not have otherwise happened if they had not had guests stay with them as a bed and breakfast operator or share their home as vacation rental.

Consultation with Lookout Residents Group:

Staff have met with members of the Lookout Residents Group that has recently formed on four occasions to discuss issues that they are experiencing in the Lookout neighbourhood including their concerns with respect to short term vacation rental accommodations. A 'How Might We' (HMW) fact finding session was held on July 25th, 2018, that asked the question "How Might We Understand the Impact of Airbnb's in Our Neighbourhood". 85 facts were identified. (See Appendix A) and of those facts, 5 were identified as the most significant being:

- Safety
- Hotel like activities
- Increase in traffic
- Zoning By-law does not permit hotel in R1 Zone – only permits single detached dwelling/licencing usage
- Value of house could depreciate.

Safety was the most significant issue for those that attended citing concerns for their children, not knowing their neighbours, trespassing concerns, afraid of being left alone at home, the need for security system, increased traffic and on-street parking blocking sight lines at intersections. However, it is clear that all of the facts are important and the discussion with the residents was lively and challenging with the residents feeling that the Town needs to act on restricting vacation rentals in residential areas. It is noted that during the session one resident did place all 5 of their dots on safety. There appeared to be less concern with bed and breakfast establishments where the dwelling is owner is occupied and present.

A follow-up meeting was held with members of the Lookout Residents Group after the July 25th meeting where the HMW facts were reviewed and they were informed that the facts that they identified would be shared with Council. As well as an outline of the staff report was reviewed with the Group. During this follow up meeting, members of the Group continued to express concern that staff was not acting quick enough, that staff should be enforcing the zoning by-law and that their

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preference is to ban bed and breakfast establishments and vacation rentals in the Lookout neighbourhood.

One resident has also indicated that he will seek to have his assessment reduced on the belief that the vacation rentals that he is adjacent to has devalued his home and therefore his assessment should be reduced.

The leader of the Lookout Residents Group has also initiated an on-line petition urging people to say “no” to short term rental vacation properties in the Lookout subdivision that at the time of writing this report had over 90 signatories.

Staff Comments:

The Lookout Residents Group has been the most vocal expressing their displeasure with bed and breakfast establishments and vacation rentals in their neighbourhood. Staff have also received correspondence from a resident in the Timbercreek neighbourhood expressing concern with a bed and breakfast operation in that neighbourhood and have also heard from another resident who operates a bed and breakfast establishment expressing concern over the desire of residents who wish a ban on short term vacation rental accommodations citing their positive experience as a host as well as a user.

The options available to the Town to control and manage bed and breakfast establishments and vacation rentals accommodations is through zoning control and licencing requirements. The range of zoning and licencing controls can range from very permissive to highly regulated and controlled to somewhere in the middle. Each municipality establish controls and regulations that work best for them and the issues that they are having.

Based on the research conducted, most communities are generally permissive with respect to bed and breakfast establishments in single detached dwellings up to a certain number of guest rooms and require these to be owner operated or operated by the proprietor who is a resident of the dwelling and that the residential character of the dwelling is maintained. On-site parking is to be also provided for the guests in addition to the dwelling unit. Generally, the impacts of bed and breakfast establishments can be managed through zoning and licencing requirements and because the owner and/or proprietor are on-site there is someone available to deal with complaints. The

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majority of municipalities researched do not permit these type of operations in dwelling units other than a single detached dwelling.

Vacation rentals are somewhat of a newer trend and tend to be offered in single detached dwellings, apartment dwelling units and townhouse dwelling units. However, from a residential neighbourhood perspective there is greater concern with the impacts that these type of accommodations have on adjacent and nearby uses and on the overall character of a neighbourhood. Generally, the maximum number of rooms available for rent and on-site parking requirements are typically addressed in a zoning by-law.

There is case law that has ruled that short term vacation rental accommodation, i.e. bed and breakfast establishments and vacation rentals, can be treated as a separate and distinct use and can be regulated by municipalities.

With the increase in popularity for vacation rentals and the increase in complaints associated with negative impacts of vacation rentals, municipalities are putting controls in place to manage these uses, particularly in residential neighbourhoods, through zoning and licencing requirements. Zoning can identify where these type of uses may be permitted and restrict areas in which they may be located. Licencing can deal with operational matters, i.e. the provision of contact name of responsible person managing the operation, maximum occupancy, site plan submission illustrating parking and amenity areas, compliance with Building Code, Fire Code and health regulations, inspection requirements, the keeping of a register, penalties, licencing capacity and restrictions on licencing multiple units, insurance requirements, house rules, etc.

However, it is acknowledged that even with zoning and licencing controls, municipalities do not regulate what people can put on the internet. Based on internet research of various on-line short term vacation rental platforms, vacation rental accommodations are being offered in many areas that have restricted these uses, therefore enforcement can be a challenge and virtually all municipalities deal with enforcement when complaints are received.

Based on the internet search of various on-line vacation rental platforms, it appears that in Pelham there are approximately 20 properties that are currently being offered as bed and breakfast establishments or vacation rentals on-line. Five are located in the rural agricultural area, one is the Fonthill Inn which is actually a hotel however it is a virtual hotel with no front desk for check in or

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registration so they utilize the on-line registration platform, 11 are in Fonthill and 2 are located in Fenwick.

The Lookout Residents Group has indicated their preference is to not permit these types of short term vacation rental accommodations in their residential neighbourhood. At the same time, though few have indicated that owner operated facilities may be acceptable.

Staff also received correspondence from a resident who has traveled with his family and booked accommodations through the Airbnb on-line platform and indicated that they prefer the options and choices available to them as a family with regards to the types of amenities, prices and communities that they are able to stay in. Based on their positive experience with staying in these type of accommodations they now also offer rooms in their house for rent to the travelling public.

Staff have spoken with the Town solicitor regarding the potential to place an interim control by-law that would not permit any new short term vacation rental accommodations to establish for a year to allow time to study the issue. The solicitor has advised that because the Town zoning by-law is silent with regards to bed and breakfast establishments and vacation rentals prohibiting the uses from establishing through an interim control by-law where previously there was no prohibition is in effect establishing zoning controls without any public consultation. Consequently, if challenged, the interim control by-law would likely be quashed as invalid. Therefore, the solicitor advised that the best course of action would be to amend the zoning by-law to define these uses and identify where these uses may be permitted (or not), and under what conditions. A licencing by-law would also be appropriate to establish licencing requirements for these uses if they are to be permitted.

Staff understand that there is a need for some form of regulation for bed and breakfast establishments and vacation rentals. Given the popularity of this type of accommodation, there is the potential for these to increase in numbers, however with proper controls in place, many of the negative impact of these types of accommodations can be mitigated and processes can be established to address complaints and impose penalties where there is failure to abide by licencing requirements.

A number of residents have suggested that bed and breakfast establishments and vacation rentals should be banned in the Town of Pelham. Staff has consulted with the Town solicitor who advises that an outright ban is not feasible as these uses are considered to be legal uses and the courts have

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ruled that a prohibition of a legal use is not legal, but rather regulating them through zoning and licencing can controls that determine where these uses may be located and under what requirements is legal and can withstand a court challenge. Staff understand that some residents have been adversely impacted by a few of these types of accommodations and would prefer for these uses to not be located in their neighbourhood and would like to see these uses restricted in residential neighbourhoods. This would be something that would be considered as part of a zoning by-law amendment process.

It is important to note that the Town Property Standards by-law does apply to bed and breakfast establishments and vacation rental accommodations and if there are concerns regarding property standards of properties, these can be investigated by By-law Enforcement staff once a complaint is received.

Staff recommend that amendments be made to the Town planning documents to address bed and breakfast establishments and vacation rentals so that these uses are clearly defined and that the zoning by-law establish where these may be permitted (or not) and under what conditions. It is also recommended that a licencing by-law also be established for short term vacation rental accommodations should the zoning by-law be amended to permit these uses. It is also recommended that a broad community consultation be undertaken as part of these processes to obtain input from residents, short term vacation rental providers and the accommodation industry. The issue is an important one, with many considerations, therefore it is crucial that a fulsome consultation be undertaken in order to best determine where these uses may be given consideration (or not), and under what conditions.

Further, if the Town does proceed with licencing of short term vacation rental facilities, staff will also report back to Council with respect to the impact on staffing resources to implement a licencing program. By-law Enforcement staff have limited resources and meeting the objectives of the community with respect to enforcement will be a challenge.

Alternatives:

Council could choose to not provide for zoning and licencing controls for bed and breakfast establishments and short term vacation rental accommodations.

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Prepared by: Barbara Wiens, MCIP, RPP, Director of Community Planning and Development

Reviewed by: Bob Lymburner, Fire Chief, Director of Fire and By-law Services

Recommendation:

BE IT RESOLVED THAT Council receive this report on Bed and Breakfast Establishments and Vacation Rental Accommodations report for information;

THAT Staff be directed to undertake broad community consultation and initiate the process to amend the Town Zoning By-law and introduce licencing for bed and breakfast establishments and vacation rentals.

THAT staff be directed to report back to Council with regards to the impact by-law and licencing enforcement of bed and breakfast establishments and vacation rental accommodations will have on staffing resources.