



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

**PUBLIC MEETING
(Pursuant to the Planning Act)
DURING
REGULAR COUNCIL MEETING
Council Chambers
Wednesday, June 8th, 2022
1:28 p.m.**

<u>Council Members Present:</u>	Mayor Carol Ballantyne Councillors: Cheryl Philip (Virtual), Mike Rickward and Paul Ziraldo
<u>Regrets:</u>	Councillor Liz Stermsek
<u>Staff Present:</u>	Brenda J. Fraser, CAO Clerk Treasurer Leslie Harvie, Deputy Treasurer Cindy Filmore, Deputy Clerk (Virtual) Caitlin Deevey, By-law Enforcement Officer Paul Schaefer, Fire Chief
<u>Town Planner</u>	Heather Sadler, Planner, EcoVue Planning Consultants

**7. Public Hearings (Pursuant to the *Planning Act*)
(a) Official Plan and Zoning By-law Amendments re: SHORT TERM RENTALS (STR's)**

Mayor Ballantyne stated that this portion of the Meeting is to hear submissions from the public relating to proposed amendments to the Town's Official Plan and Zoning By-law pursuant to Sections 22 and 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

We are proposing to amend our Official Plan and Comprehensive Zoning By-law No. 2022-20 to incorporate policies and definitions outlined in the October 2021 Report from our Planners, related to permitting Short-Term Rental Accommodations within the Town of Kearney. As the proposed amendments to our Official Plan and Zoning By-law will affect the entirety of the Town of Kearney, no key map is provided.

Mayor Ballantyne stated that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Kearney before the By-law is passed, the person or public body is not entitled to appeal the decision of Council of the Town of Kearney, to the Ontario Land Tribunal or may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal, unless in the opinion of the Tribunal, there are reasonable grounds to do so. Also noted was that if the public wished to be notified of the decision of Council on the proposed amendments, to make a written request to the Town.

Mayor Ballantyne then turned the meeting over to our Planner.

Town Planner Heather Sadler noted that this meeting is to consider draft documents important to manage Short Term Rentals. Ms. Sadler noted the three choices available to Council and then read the proposed Zoning By-law technical definition. The three Stage approach for managing Short Term Rentals was then presented (OPA, ZBLA, Licensing By-law). The permitted zones were listed followed by where revisions are recommended. Ms. Sadler then offered to answer questions.

Mayor Ballantyne asked if any member of Council would like to comment. Councillor Ziraldo asked why it is necessary to conduct an inspection of premises before they are allowed to rent. Ms. Sadler stated that an inspection is necessary as, as soon as you start to regulate, there is a measure of liability to license something that is suitable to be made available to the public.

Mayor Ballantyne then asked if any member of the Public wished to comment and to identify themselves for the record.

Andrew Meier, a property owner in Kearney, here as he is opposed to over regulation. He created lots for rent during his retirement, and believes in freedom and private property rights. He's read our planning reports and noted we have other By-laws to address the complaints regarding noise, garbage, parking, traffic, tenant protection, safety, reduction in the stock of housing and unfair advantage to commercial uses. He doesn't see how municipal government has the right to restrict STR's when the Federal government is out in the global market promoting this area. He would be disappointed to see Council move forward to restrict STR's.

Dell Wilson and Jillian Wilson, have two cottages, one they've rented for over 5 years, except with one issue regarding fireworks, they have had none of the potential problems listed. Creating a massive bureaucracy, to

~~regulate a nonexistent problem. Maybe there is a history of problems, but we haven't had a problem. Had more noise and parking issues from resident neighbours. Does this need regulation? Is there a problem? Are we making up a problem and making up a solution?~~

Carol Adamsthwaite, on behalf of the Watershed Foundation, noted STR's seem to be very popular on our local lakes – there are many of them. Many neighbours offer this. For some, way to help pay for taxes and maintenance expenses to keep the family cottage in the family. Owners are known to the neighbours and behave responsibly dealing with issues that arise promptly.

Increasingly, properties with large cottages bought only for investment income. Feel it's commendable that Council is attempting to address STR's. Draft BL from East Ferris seems thorough. Ideas that are liked are:

- the registry of licensed properties;
- requiring the owner to provide a local contact to deal with issues promptly;
- will be extra administration work and extra cost to enforce;
- suggested rates seem reasonable;
- fines should be a deterrent;
- during application process, septic permit to be shown, showing that the septic system is adequate – suggest that the system be pumped and operating properly when license issued;
- also provide education to avert misunderstanding;
- request for the Town to work with KWEF to distribute a welcome/information package;
- also, suggestion to provide an information workshop;
- license By-law is a good step as long as it's cost neutral for the Town and implemented impartially and efficiently.

Paul Schaefer, refer back to initial letter submitted earlier. He runs a small B & B - always present with people up. Maybe ways to address different categories of air B & B's. Very little accommodation in Kearney. People who come support local, here for family function. No problems, no complaints, not a burden on anyone. To do a broad stroke licensing fee to try to cover everything could be expensive to police efficiently.

Mayor Ballantyne then asked if there were any further comments from the public. Hearing none, Council was asked if they had any comments.

Councillor Paul Ziraldo, noted one issue being that there are a lot of Seniors who rent their properties so that they are not forced to sell. He suggested some sort of exemption for renting such as 3 or 4 one week periods to recoup money to pay their taxes.

Councillor Mike Rickward, commented that he has the same concern as Councillor Ziraldo. He never received many complaints and that it seemed to be the same cottage. He didn't think there should be a charge for people doing licensing and he has more concerns than positive

Councillor Cheryl Philip agreed with Councillors Ziraldo and Rickward that if you own and need to rent to cover taxes, you should be able to do so without a fee. She spoke to septic sizes, Provincial advertising for people to come north, Kearney being the gateway to Algonquin Park and that we have tourism here all the time.

Joanne Howard, confirmed that Council would not be making a decision today; that there were a lot of good comments; that it is hard to capture all situations; that there are a lot of privately owned, rented cottages; that she can see unfairness between unofficial and one required to obtain a license; and suggest that we go with services in place.

Andrew Mieir added that 15% of people obtain licenses with 85% going underground; there is no difference in a family reunion versus people renting for the weekend.

Caitlin Deevey, By-law Enforcement Officer (BLEO) offered to answer any questions that Council.

Councillor Rickward asked our BLEO if the current By-laws in place would be enough, to which Caitlin replied that we have several By-laws, some are enforceable /some are not" and offered to compose a pros and cons list for Council's consideration

Councillor Ziraldo noted that noise is mostly the complaint, to which our By-law Officer replied that complaints also consisted of: unauthorized gatherings (COVID related); Emergency Protection Act; dogs; Fires; Fireworks; neighbour disputes; and property line disputes.

Mayor Ballantyne asked if our BLEO received full compliance when responding to complaints, to which Caitlin noted that we are education based but at times an Order is issued. Regarding fireworks, the renter and the owner are charged. Mayor Ballantyne stated that she has been informed that when Caitlin leaves, the party starts up again, to which Caitlin said, "They should call her back".

Council then considered a Resolution which was defeated.

Councillor Rickward noted that our By-laws need to be updated, and he can't see that this is good right now.

Councillor Ziraldo suggested discussion be deferred and brought back on June 29th.

Mayor Ballantyne asked if anyone had any questions. Hearing none, this completed the Public Meeting for this Zoning Amendment. Time: 2:11 p.m.

THE CORPORATION OF THE
TOWN OF KEARNEY



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk