

Interoffice Memorandum

March 15, 2021
File No. 1209

To: Mayor and Members of Council
From: Carol Schofield, Manager, Legislative Services/Clerk
Subject: **Appointments to Business Licensing Appeals Committee
– Short Term Rentals**

The purpose of this Memorandum is to provide members of Council with information with respect to the Appeals Committee established under Business Licensing By-law No. 217-05, as amended, and in particular, the matters which may come before this Committee.

Background

The Business Licensing By-law passed in 2005 established an Appeals Committee (the “Committee”) comprised of 3 members of Council and 2 alternates, to hear Appeals under the by-law. To date, there have not been any appointments to this Committee. It is staff’s understanding that in 2005, the Committee was established in the by-law in the event it became necessary to hear an appeal, with the thought that if there were to be any, it would be regarding Refreshment Vehicles which were limited in number at that time. No appeals have been made in 15 years.

In 2019, the Business Licensing By-law was amended to include a new Schedule “13” to licence and regulate Short Term Rentals (STRs). Also in 2019, the Administrative Monetary Penalty System (AMPS) By-law was amended to designate a number of Town regulatory by-laws to be enforced under AMPS rather than as Set Fines under the *Provincial Offences Act* (POA), including Business Licensing, with the exception of Schedule “13” regulating STRs. While the penalties for STR violations are Administrative Monetary Penalties as opposed to Set Fines enforced under the POA, the appeal mechanism remains with the Committee, rather than through Screening and Hearing Officers for AMPS.

There is an Appeal currently pending for a STR violation, and accordingly, the Committee needs to be appointed to make a decision. Staff anticipates that there could be a number of appeals in the coming months.

Appeals Committee – Matters Which May Be Dealt With

Part 4 of the Business Licensing By-law provides for the Appeals Committee to make decisions with respect to the following:

1. Where the Applicant requests referral of the Application for issuance or renewal of a licence to the Committee, instead of the Coordinator determining whether or not to issue

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or renew a licence. The Committee would then hold a “**Meeting**” for the purpose of directing the Coordinator whether to issue or renew the licence, and may also impose conditions;

2. Where the Applicant has requested a referral to the Committee, and the Coordinator intends to recommend to the Committee to refuse to issue or renew a licence, the Applicant may request a “**Hearing**” and pay the \$100 Appeal Fee;

Schedule “13” – Short Term Rentals of the Business Licensing By-law provides circumstances where the Coordinator will suspend a licence or may revoke a licence. Under Schedule “13”, the Committee will make decisions with respect to the following:

3. Where a Licensee appeals and requests a “**Hearing**” if the Coordinator suspends or revokes a licence;
4. Where a Licensee appeals and requests a “**Hearing**” with regard to the issuance of demerit points and/or administrative penalties;

In addition:

5. Where a Licensee reaches 7 or more demerit points in effect, the Committee is required to hold a “**Meeting**” with the owner to identify what steps they intend to implement to mitigate further instances of awarding demerit points to the premises;
6. Where a Licensee reaches 15 or more demerit points in effect, the Committee is required to hold a “**Hearing**” which is a mandatory meeting with the owner to determine if the Short-Term Rental licence should be revoked.

Respectfully submitted,

“Original Signed”

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