

## The Municipal Corporation of the Town of Fort Erie

## **Regular Council Meeting Agenda**

Monday, May 29, 2023 - 6:00 PM

#### Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's
website (www.forterie.ca) or Cogeco "YourTV"

#### Page

- 1. Call to Order
- 2. Invocation
- 3. Roll Call
- 4. Announcements/Addenda
- 5. Declarations of Pecuniary Interest
- 6. Notice of Upcoming Public Meetings
  - (a) Public Meeting

Re: Town-Initiated Official Plan Amendment - Implementing Bill 109, the *More Homes for Everyone Act, 2022* - Monday, June 12, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, June 7, 2023.

- 7. Regional Councillor Report
- 8. Presentations and Delegations
  - (a) Fred Louws, Principal, Greater Fort Erie Secondary School
    - Re: Recognition of Accomplishments of Greater Fort Erie Secondary School Students at Skills Canada and Regional Competitions
  - (b) Paige Gismondi, Mackenzie Arts and Fran Vella, Mayor's Youth Advisory Committee

Re: Introduction of Mayor's Youth Advisory Committee
(PowerPoint Presentation)

(c) Gregory Bender, Director and William Turman, Planner, Urban and Community Planning, Planning, Transportation & Infrastructure, WSP

Re: Short Term Rental Land Use Study (Report No. PDS-41-2023) (PowerPoint Presentation)

(d) David Wachsmuth, Associate Professor, McGill University (Via Zoom)

Re: Short-Term Rental Regulations (Report No. PDS-41-2023)

(e) Karen Vandermeulen, 1639 MacDonald Drive

Re: Presentation of Petition on Short-Term Rentals in Residential Neighbourhoods (Report No. PDS-41-2023) (PowerPoint Presentation)

(f) Laura Kozloski, 4100 Erie Road

Re: Short-Term Rentals (Report No. PDS-41-2023) (PowerPoint Presentation)

(g) Scott Lamb, 1577 Stockton Lane

Re: Short-term Rental Zoning Proposal (Report No. PDS-41-2023)

## 9. Consent Agenda Items

## 9.1 Request to Remove Consent Agenda Items

## 9.2 Consent Agenda Items for Approval

#### 1. Minutes

(a) Approve - Regular Council Meeting - April 24, 2023

04.24 Regular Council

(b) Approve - Special Council Meeting - April 26, 2023

04.26 Special Council

12 - 35

36 - 37

Page	Regular Council - 29 Ma	ay 2023	Meeting Agenda
38 - 49		(c)	Approve - Council-in-Committee Meeting - May 8, 2023  05.08 Council-in-Committee
50 - 55		(d)	Approve - Council-in-Committee Meeting - May 16, 2023  05.16 Council-in-Committee
56 - 58		(e)	Approve - Special Council Meeting - May 16, 2023 05.16 Special Council
	2.	Corre	spondence
59 - 60		(a)	Proclamation - World Oceans Day Education - World Oceans Day - June 8, 2023 and World Oceans Week - June 1-8, 2023 Resolution:
			<b>That:</b> Council proclaims June 8, 2023 as "World Oceans Day" and June 1-8, 2023 as "World Oceans Week". <u>Comm(a)-OceansDay</u>
61		(b)	Proclamation - Operation Smile - Longest Day of SMILES - June 18, 2023 Resolution:
			<b>That:</b> Council proclaims June 18, 2023 as "Longest Day of SMILES". <u>Comm(b)-OperationSmile</u>
62		(c)	Proclamation - Fort Erie Museum and Cultural Heritage Advisory Committee - Decoration Day - June 2, 2023 Resolution:
			<b>That:</b> Council proclaims June 2, 2023 as "Decoration Day". <u>Comm(c)-MCHAC</u>
63 - 64		(d)	Receive & Support - Regional Municipality of Waterloo - Request Province to Protect the Privacy of Candidates and Donors on Nomination Papers and Financial Statements <a href="Comm(d)-Waterloo">Comm(d)-Waterloo</a>

(e)

65

Receive - Enbridge - Third-Party Locate Charge

Regular Council - 29 May 2023 Meeting Agenda Page		23 Meeting Agenda
		Comm(e)-Enbridge
66 - 67	(f)	Receive & Support - City of Cambridge - Highway Traffic Act Amendments <u>Comm(f)-Cambridge</u>
68 - 69	(g)	Receive & Support - The Corporation of the County of Prince Edward - Urging the Province to Pause Proposed New Provincial Planning Statement (PPS)  Comm(g)-The County
70	(h)	Receive - National Chronic Pain Society - Requesting the Province to Maintain OHIP Coverage for Chronic Pain Treatments and Care Comm(h)-Chronic Pain
	3. Boa	rd/Committee Minutes
71 - 79	(a)	Receive - Municipal Heritage Standing Committee - March 22, 2023; April 12, 2023 MHSC-March22 MHSC-April12
80 - 84	(b)	Receive - Museum and Cultural Heritage Committee - March 22, 2023; April 12, 2023 MCHAC-March22 MCHAC-April12
85 - 92	(c)	Mayor's Youth Advisory Committee - April 24, 2023  MYAC-April24
93 - 98	(d)	Receive - Senior Citizens Advisory Committee - April 4, 2023; May 3, 2023  SCAC-April4  SCAC-May3
99 - 106	(e)	Receive - Crystal Beach Business Improvement Area Board of Management - April 12, 2023; April 24, 2023 (Special) CBBIA-April12 CBBIA-April24Special
107 - 110	(f)	Receive - Community Gaming Development Corporation - April 4, 2023 CGDC April 4

111 - 116

(g) Receive & Approve Recommendations - Environmental Advisory Committee: March 8, 2023, and

March 19, 2023 regarding:

- (i) 2462 Dominion Road: That the EC Overlay Zone be removed from the subject property where the structure is proposed.
- (ii) 1 St. George Court: That the EC Overlay Zone be removed from the subject property where the detached garage is proposed.
- (iii) 4966 Brown Road: That the EC Overlay Zone be removed from the subject property where the addition to the dwelling is proposed.
- (iv) 1443 Point Abino Road South: That the EC Overlay Zone be removed from the subject property where the in-ground pool is proposed.

EAC-Mar 8 EAC-Mar 19

#### 4. Other Matters

#### **Consent Agenda Resolution**

Resolution:

**That:** Council approves the Consent Agenda Items as recommended.

## 9.3 Items Removed to be Dealt with Separately

## 10. Reports

117 - 152

PDS-39-1-2023

Proposed Draft Plan of Subdivision and Zoning Bylaw Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner - IBI Group (Tracy Tucker) - Agent (MEMO to follow via addendum)

Resolution:

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-39-1-2023 for the lands known as 613 Helena Street, and further

**That:** Council approves the 613 Helena Street Draft Plan of Subdivision dated February 23, 2023,

showing 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening as attached as Appendix "2" of Report No. PDS-39-1-2023, in accordance with the provisions of the Planning Act, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-39-1-2023, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-39-1-2023 to the applicable agencies in accordance with the requirements of the Planning Act, and further

That: Council directs Staff to submit the necessary by-law.

PDS-39-1-2023 613 Helena Street Sup Rec Report Final

PDS-39-2023 153 - 188

Proposed Draft Plan of Subdivision and Zoning Bylaw Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner - IBI Group (Tracy Tucker) - Agent (Postponed from the May 8, 2023 and May 16, 2023 Council-in-Committee Meetings - Previously Moved by Councillor Noyes as Recommendation No. 9) Resolution:

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-39-2023 for the lands known as 613 Helena Street, and further

**That:** Council approves the 613 Helena Street Draft Plan of Subdivision dated February 23, 2023, showing 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening as attached as Appendix "2" of Report No. PDS-31-2023, in accordance with the provisions of

the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-39-2023, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-39-2023 to the applicable agencies in accordance with the requirements of the *Planning* Act, and further

**That:** Council directs Staff to submit the necessary bv-law.

PDS-39-2023 613 Helena Street Rec Report

189 - 686 PDS-41-2023

Short-Term Rental Land Use Study Resolution:

That: Council receives Report No. PDS-41-2023 and approves the Town of Fort Erie Short-Term Rental Land Use Study, and further

**That:** Council directs staff to initiate formal amendments to the Town's Official Plan and Comprehensive Zoning By-law No.129-90, as amended, in order to implement the recommendations of the Town of Fort Erie Short-Term Rental Land Use Study, and further

**That:** Council directs staff to amend By-law No. 98-2022, being the Licensing By-law, to incorporate new definitions.

PDS-41-2023 STR LUS Report - Appendix 1 and 2 PDS-41-2023 -STR LUS - Appendix 3 and 4

687 - 691 PDS-42-2023

Analysis and Use of Second Opinion Clause Resolution:

That: Council revokes Policy PLA-06, Council Decisions Contrary to Staff Recommendations, and further

**That:** Council no longer requires a second opinion clause to be inserted within Planning staff reports.

PDS-42-2023 Analysis & Use of Second Opinion Clause

## 11. New Business/Enquiries

(a) Notice of Resignation - Ridgeway Business Improvement Area Board of Management - Anna Morlacchetti
Resolution:

**That:** Council accepts the resignation of Anna Morlacchetti from the Ridgeway Business Improvement Area Board of Management, and further

**That:** Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

(b) Notice of Resignation - Senior Citizens Advisory Committee - Lida Greenaway

Resolution:

**That:** Council accepts the resignation of Lida Greenaway from the Senior Citizens Advisory Committee, and further

**That:** Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

(c) Proclamation - Crossing Guard Appreciation Week - June 5-9, 2023

Resolution:

**That:** Council proclaims June 5-9, 2023 as "Crossing Guard Appreciation Week."

(d) Proclamation - June as Senior's Month 2023 Resolution:

That: Council proclaims June as "Senior's Month 2023".

#### 12. Closed Session

(a) Pursuant to Section 239 (2) (b) of the *Municipal Act, 2001* (personal matters about an identifiable individual, Including municipal or local board employees) (CONFIDENTIAL MEMORANDUM)

Re: Appointment to Boards and Committees: Crystal Beach Beautification Committee, Fort Erie Public Library Board and Senior Citizens Advisory Committee

**Resolution:** To be presented.

#### 13. Motions

(a) Mayor Redekop

Re: Enforcement of By-law No. 60-04 - Regulate, Destruction, Injury or Harvesting of Trees
Resolution:

**That:** Staff be directed to provide Council with a memo regarding By-law No. 60-04, Being a By-law to Regulate the Destruction, Injury and Harvesting of Trees in the Town of Fort Erie, with respect to the following:

- 1. The resources necessary to implement enforcement of the By-law;
- 2. The co-ordination, if any, with the Region of Niagara that would be necessary or advisable when the Town begins enforcement of the By-law;
- 3. Whether Part V is necessary or should be repealed;
- 4. Updating the cost of a permit;
- 5. If violations can be enforced by Administrative Monetary Penalty;
- 6. A projected date to commence enforcement of the By-law.
- (b) Councillor Noyes

Re: Residential Fence Height on Waterfront Properties

(To be Deferred to June 26, 2023)

#### 14. Notice of Motion

## 15. Consideration of By-laws

692 - 696 **81-2023** 

To Re-Establish the Community Health Care Services Committee, Adopt Terms of Reference and Repeal By-law Nos. 29-2018 and 66-2021 81-2023 Community Health Care Services Committee TofR

## Regular Council - 29 May 2023 Meeting Agenda

Page	•	
697 - 700	82-2023	To Re-Establish the Mayor's Youth Advisory Committee, Adopt Terms of Reference and Repeal By-law 172-05  82-2023 Mayor's Youth Advisory Committee TofR
701 - 710	83-2023	To Regulate Public Nuisances and Noise in the Town of Fort Erie and to Repeal By-law No. 30-09 83-2023 Regulate Public Nuisances and Noise
711	84-2023	To Appoint Brandon Gordonas a Temporary Municipal Law Enforcement Officer for the 2023 Summer Season 84-2023 Appoint Brandon Gordon - Temporary Municipal Law Enforcement Officer
712 - 715	85-2023	To Set The 2023 Tax Rates and to Levy Taxes for the Year 2023  85-2023 - Tax Rate By-law combined
716 - 727	86-2023	To Amend the Development Charges Interest Policy for The Town of Fort Erie  86-2023 -DC Interest Policy amendment combined
728 - 737	87-2023	To Amend the Development Charges Payment Deferral Policy for The Town of Fort Erie 87-2023 -DC Pmt Deferral Policy amendment combined
738 - 739	88-2023	To Amend By-law No. 167-09 (Insurance and Risk Management) 88-2023 To Amend Delegation of Authority By-law No. 167-09 (Insurance and Risk Management) MEMO - By-law No. 88-2023 - Amend Delegation of Authority By-law No. 167-09 (Insurance and Risk Management)
740	89-2023	To Accept and Declare Lands as Public Highway on the East Side of Buffalo Road - 592 Buffalo Road - Paljor Tenzin & Nyingtse Tenzin 89-2023 To Accept and Declare Lands as Public Highway - 592 Buffalo RD
741 - 743	90-2023	To Amend Zoning By-law No. 129-90, as amended - 525 Lake Avenue - Daniel John Read - Owner 90-2023 - ZBA 525 Lake Avenue

## Regular Council - 29 May 2023 Meeting Agenda

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744 - 746	91-2023	To Amend Zoning By-law No. 129-90, as amended Crescent Acres Subdivision (0-10747 Kraft Road) Crescent Acres Ltd. (Mark Basciano) - Owner 91-2023 - ZBA Crescent Acres Final
747 - 749	92-2023	To Amend Zoning By-law No. 129-90, as amended 3624 Hazel Street S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Owner 92-2023 - ZBA - 3624 Hazel Street (Final)
750 - 753	93-2023	To Authorize the Entry into an Encroachment Agreement with 2550663 Ontario Inc. (Greg Walker) - Owner 214 Courtwright Street  93-2023 Entry into Encroachment Agreement - 214  Courtwright Street  MEMO - By-law No. 93-2023 - Entry into  Encroachment Agreement - 214 Courtwright Street
754 - 777	94-2023	To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 72 – 214 Courtwright Street - 2550663 Ontario Inc. (Greg Walker) - Owner 94-2023 - OPA 214 Courtwright Street (Final)
778 - 780	95-2023	To Amend Zoning By-law No. 129-90, as amended 214 Courtwright Street 2550663 Ontario Inc. (Greg Walker) - Owner 95-2023 - ZBA 214 Courtwright Street (Final)
781	96-2023	To Confirm the Actions of Council at its Special Council Meeting Held on April 26, 2023, Council-in-Committee Meetings Held on May 8, 2023 and May 16, 2023 and its Council Meeting Held on May 29, 2023  96-2023 Confirmatory

## 16. Scheduling of Meetings

## 17. Adjournment



# The Municipal Corporation of the Town of Fort Erie

## **Regular Council Meeting Minutes**

Monday, April 24, 2023

#### Council Chambers

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https://www.forterie.ca/pages/CouncilAgendasandMinutes
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website (www.forterie.ca) or Cogeco "YourTV"

#### 1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

Mayor Redekop provided a land acknowledgment, which can be accessed at the following link: Land Acknowledgement

#### 2. Invocation

The Clerk read the Invocation.

#### 3. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott and Noyes

Staff: A. Herlovitch, J. Janzen, C. Mackenzie, C. Patton, C. Schofield, and K. Walsh

Also Present: Regional Councillor Insinna

#### 4. Announcements/Addenda

There was one Addendum as follows:

The deletion of Wayne Gates MPP and Owen Bjorgan as a delegation; and a revision to By-law No. 59-2023 to Amend Fees and Charges By-law No. 40-09, as amended (Building Permit, Lot Grading Review, Fill

and Site Alteration, Plumbing and Sign Permit Fees) by adding Schedule "PDS-B" – Lot Grading, Sidewalk Repair & Tracking of Construction Debris Fees and Deposits.

Mayor Redekop made the following announcement:

#### Short-Term Rental Process

I have one announcement to touch briefly upon the Short-Term Rental zoning process that we've been going through. Councillors have been receiving a lot of emails and correspondence and there seems to be some misunderstanding of where we are in the process. This has been a lengthy process, and it has taken some time to get to where we are. There was an Open House held on April t18th, which was the third Open House with respect to this process. The first being after background research, the second being after options for development discussions and then the third prior to the recommended approach. So, I think it should be made clear to the public that what was presented at the Open House isn't the final recommendation or the report, that will be coming from the consultant to the municipality. The consultants' recommendation will be provided to staff or a report will be provided to staff, staff will then craft a report that will be put before Council. That report will have recommendations reflective of what the consultant has provided, but we're part way through the creation of a sausage and to be commenting on or to be expecting that we know what the sausage is going to look like at this stage, is premature. So, I just want the public to be aware, people that have been communicating with us on one side or the other side, that we're still in the process of making the sausage. It's not done yet. When the sausage is completed and the report is put forward to Council, Council will make final decisions. We'll either be accepting recommendations, modifying the recommendations or we'll be rejecting recommendations. So, that is all scheduled to come before Council May 29<sup>th</sup>, and I would urge people in the community to appreciate the fact that no final decisions have been made yet and that we're still in the middle of that process.

## 5. Declarations of Pecuniary Interest

Councillor Flagg declared a pecuniary interest with respect to Item No. 14, By-law No. 73-2023 to exempt a certain block in Plan 59M-488 from Part Lot Control, Williams Crescent, as his son is employed with Ashton Homes as a contractor.

## 6. Notice of Upcoming Public Meetings

(a) Open House

Re: Town-Initiated Official Plan Amendment - To Amend Section 13 (Implementation) in Part - To Provide a Framework for Addressing the Recent Legislative Changes to the *Planning Act*, as a Result of Bill 109, the *More Homes for Everyone Act*, 2022 - Thursday, April 27, 2023 - 5:00 p.m. - Town Hall Atrium

## 7. Regional Councillor Report

Regional Councillor Insinna gave the following report:

#### Niagara Regional Housing

At the Niagara Regional Housing (NRH) Board of Directors meeting last week, we were updated on the progress of the NRH housing project at 745 Crescent Rd in Fort Erie. The contractor for the project is Van Horne Construction with a project manager from Niagara Regional Housing to ensure the interests of the Region are looked after. The site office and construction fencing were put in place and the topsoil was stripped to facilitate the connections to the water mains and sanitation sewers. At this time, the building foundation, footings and framework with rebar are being put in. A big hurdle was also accomplished, CMHC has approved all the preliminary funding for this build with the completion date now anticipated to be March, 2024.

#### **Homelessness Prevention Plan**

Last year the Ministry of Municipal Affairs and Housing decided to combine three of the social programs in the Province, the Community Homelessness Prevention Initiative, Home for Good and the Strong Communities Rent Supplement Program into one program called Homelessness Prevention Plan (HPP). In February of this year the Province advised that Niagara would be receiving approximately \$11 million. In order to receive this funding Regional staff had to submit an investment plan, get it approved by Regional Council, then forwarded to the Province. For the last several years the Ministry has been using the population of St Catharines and allotting the funds according to their population rather than the entire Region. After many hours of delivering presentations and lobbying by staff to Ministry directors, along with recommendations from the Auditor General, the Ministry of Municipal Affairs and Housing has decided that the previous allotments were not fair and were to be corrected. The Region will now receive another \$9.6 million for the HPP. . Regional staff will now be bringing forward an updated investment plan, the majority of the funds will be going to front

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line efforts but some will be invested in capital resources (buildings for shelters and other such projects). This funding is welcome news. Currently, Niagara Region contributes \$1.7 million of levy funding for HPP along with another \$2.3 million going toward the operation of the Bridge Housing and Permanent Supportive Housing facilities.

#### Garbage Tags

For the information of Council and residents, garbage tags will increase from \$2.50 to \$2.85 starting May 1<sup>st</sup>, 2023.

#### **Senior Services**

Senior Services is continuing their roll out of their recruiting program for volunteers at Long Term Care facilities. At Gilmore Lodge volunteers are a valuable and essential part of the care for the residents. Volunteers support a wide range of programs including meal time assistance, friendly visiting, help with cards and games, bingo, sing-a-longs, birthday parties and the list continues. Volunteers truly make a difference in the residents' lives, if you or anyone is interested in being a volunteer please contact the Senior Services department at the Region or contact Gilmore Lodge to start the process.

## 8. Presentations and Delegations

\*Presenter's speaking notes retained in Clerk's office

All visual presentations and oral presentations can be viewed as recorded at: www.youtube.com/townofforterie

\*Bobbie Paonessa, Self Advocate/Member, Board of Directors, Community Living Fort Erie

Re: Update on Services

Bobbie Paonessa provided a Video Presentation, which can be found on the Town's website.

(b) Brett Sweeney, Director of Communications, FACS Niagara and Sheryl Matthews, Trustee, Board of Directors, FACS Foundation

Re: Mountainview LemonAID Day - June 10, 2023

Ms. Sweeney provided a PowerPoint Presentation, which can be found on the Town's website.

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(c) Sam Melnychuk, 59 Haun Road

Re: Resident Access to Bay Beach and Parking at Waterfront Park for Ramp Pass Users (Absent)

(d) \*Lynda Goodridge, Bert Miller Nature Club

Re: World Migratory Bird Day

Ms. Goodridge provided a PowerPoint Presentation, which can be found on the Town's website.

(e) \*Heather Kelley, Niagara Health Coalition

Re: Fort Erie Health Care

Ms. Kelley spoke regarding Fort Erie Health Care.

## 9. Consent Agenda Items

#### 9.1 Request to Remove Consent Agenda Items

None.

## 9.2 Consent Agenda Items for Approval

#### 1. Minutes

- (a) Approve Regular Council Meeting March 27, 2023
- (b) Approve Special Council Meeting March 31, 2023
- (c) Approve Council-in-Committee Meeting April 3, 2023
- (d) Approve Special Council Meeting April 3, 2023
- (e) Approve Special Council Meeting April 17, 2023
- (f) Approve Council-in-Committee Meeting April 17, 2023

## 2. Correspondence

- (a) Receive & Support AORS Objection to New Fee Imposed by Enbridge Gas Third-Party Contractors and Other Utilities Utility Locates
- (b) Proclamation Community Living Fort Erie May as Community Living Month

**That:** Council proclaims May as "Community Living Month" and approves their flag to be flown at Town Hall. (Carried)

(c) Proclamation - Bert Miller Nature Club - World Migratory Bird Day - May 13, 2023

**That:** Council proclaims May 13, 2023 as "World Migratory Bird Day" . (Carried)

(d) Proclamation - Pride Niagara - June as Niagara Pride Month

**That:** Council proclaims June as "Niagara Pride Month" and approves their flag to be flown at Town Hall. (Carried)

(e) Proclamation - National Regional Labour Council - April 28, 2023 as National Day of Mourning

**That:** Council proclaims April 28, 2023 as "National Day of Mourning" and approves their request for flags to be flown at half-mast.

(Carried)

- (f) Receive City of Port Colborne Municipality of Trent Lakes Resolution Requesting a Change to the Municipal Oath of Office
- (g) Proclamation FACS Niagara Mountainview LemonAID Day June 10, 2023

**That:** Council proclaims June 10, 2023 as "Mountainview LemonAID Day". (Carried)

#### 3. Board/Committee Minutes

- (a) Receive Senior Citizens Advisory Committee March 1, 2023
- (b) Receive- Mayor's Youth Advisory Committee March 28, 2023
- (c) Receive Community Health Care Services Committee - February 14, 2023; March 21, 2023
- (d) Receive Accessibility Advisory Committee March 28, 2023
- (e) Receive Community Gaming Development Corporation January 31, 2023
- (f) Receive Bridgeburg Station Downtown Business Improvement Area Board of Management - March 28, 2023
- (g) Receive Ridgeway Business Improvement Area Board of Management - April 5, 2023
- (h) Receive & Approve Recommendations Environmental Advisory Committee:

November 27, 2022 regarding:

- (i) 2338 College Road: That the EC Overlay be removed from the proposed development area. January 12, 2023 regarding:
- (i) 171 Gorham Road: That the EC Overlay be removed from the subject property subject to the recommendations of the EIS and Niagara Region.
- (ii) 97 Gorham Road: That the EC Overlay be removed from the subject property subject to the recommendations contained in the Tree Preservation Plan.
- (iii) 2249 Niagara River Parkway: That the EC Overlay be removed from the area of the subject property where the septic system replacement is to occur provided a 3.00 m vegetated buffer is maintained along Houck Street. (Carried)

## 4. Reports

CAO-07/LC- Land Matters: March 16, 2023 Land Committee Meeting Minutes (Item 1) 3) being Recommendation No. 2 in

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Appendix "1" (0-12674 Hiawatha Avenue) Postponed from March 27, 2023 Regular Council Meeting -Previously Moved by Councillor Dubanow and Seconded by Councillor Christensen as Resolution No. 2A)

Please refer to Appendix "1.3" being page 9 of 13 to Report No. CAO-07/LC-04-2023 - Memorandum from MacKenzie Ceci, Senior Development Planner (as attached)

That: Council approves
Recommendation No. 2 in Appendix "2"
to Report No. CAO-07/LC-04-2023
regarding 0-12674 Hiawatha Avenue.
(Carried)

COS-03-2023

Terms of Reference Update for Committees of Council (Being Appendix "3" - Mayor's Youth Advisory Committee - Postponed from March 27, 2023 Regular Council Meeting - Previously moved by Councillor McDermott and Seconded by Councillor Christensen as Resolution No. 3 - Approved all other Terms of References)

**That:** Council approves the Terms of Reference for the Mayor's Youth Advisory Committee. (Carried)

#### 5. Other Matters

#### **Consent Agenda Resolution**

Resolution No. 1

Moved by: Councillor Christensen Seconded by: Councillor Lewis

**That:** Council approves the Consent Agenda Items as recommended. (Carried)

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## 9.3 Items Removed to be Dealt with Separately

None.

## 10. Reports

PDS-35-2023

Proposed Draft Plan of Subdivision - Crescent Park Estates (North of Evelyn Avenue & South of Orchard Avenue) - Bridge and Quarry Ltd. - Jeff Collins (Owner/Applicant)

Resolution No. 2 Moved by: Councillor Dubanow Seconded by: Councillor Flagg

That: Council approves the Crescent Park Estates Draft Plan of Subdivision dated April 12, 2023, showing 22 lots for single detached dwellings, and two blocks for daylight triangles (Blocks 23 and 24), as attached as Appendix "2" of Report No. PDS-35-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-35-2023, and further

**That:** Council directs Staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-35-2023 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

**That:** Council amends the 2023 Capital Budget to include EDGW23, being the Edgewood Avenue storm sewer connection between Daytona Drive and Lakeview Road, at a cost of \$80,000, with funding from the Development Charges Reserve for Storm Water Drainage and Control Services in the amount of \$51,200, and the Storm Refurbishing Reserve in the amount of \$28,800. **(Carried)** 

PDS-36-2023

Proposed Draft Plan of Subdivision - Shayne Avenue South (South of Evelyn Avenue & North of Edgewood Avenue) - Upper Canada Consultants -Craig Rohe (Agent) - 2842777 Ontario Ltd. - Dennis Liu (Owner)

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Resolution No. 3

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

That: Council approves the Draft Plan of Subdivision for the lands along Shayne Avenue (south of Evelyn Avenue and north of Edgewood Avenue) dated April 11, 2023, showing 23 lots for single detached dwellings, and two blocks for daylight triangles (Blocks 24 and 25), as attached as Appendix "2" of Report No. PDS-36-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-36-2023, and further

**That:** Council directs Staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-36-2023 to the applicable agencies in accordance with the requirements of the *Planning Act.* (Carried)

PDS-37-2023

Proposed Combined Official Plan and Zoning Bylaw Amendments - 214 Courtwright Street - NPG Planning Solutions Ltd. - Jeremy Tran (Agent) - 2550663 Ontario Inc, - Greg Walker (Owner)

Resolution No. 4

Moved by: Councillor McDermott Seconded by: Councillor Christensen

**That:** Council approves the amendments to the Town's Official Plan and Zoning By-law as detailed in Report No. PDS-37-2023 for the lands known as 214 Courtwright Street, and further

**That:** Council directs staff to prepare the necessary by-laws for approval subject to the Applicant receiving approval and entering into an Encroachment Agreement for parking spaces 1 and 2 as detailed on Appendix "2" of Report No. PDS-37-2023. (Carried)

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## 11. New Business/Enquiries

(a) Authorization of Attendance - Wayne H. Redekop, Mayor - Great Lakes and St. Lawrence Cities Initiative 2023 Annual Conference - June 6-9, 2023 - Chicago, Illinois

Resolution No. 5

Moved by: Councillor Noyes

Seconded by: Councillor McDermott

**That:** In accordance with the requirements of Expense Allowance Policy By-law No. 142-06, as amended, Council authorizes Wayne H. Redekop, Mayor to attend the Great Lakes and St. Lawrence Cities Initiative 2023 Annual Conference on June 6-9, 2023 at the Chicago Marriott Downtown Magnificent Mile in Chicago, Illinois. (Carried)

(b) Alter Council Meeting Schedule – May, June, July 2023

Resolution No. 6

Moved by: Councillor McDermott Seconded by: Councillor Christensen

**That:** Council alters the meeting schedule for the months of May, June and July as follows:

#### May

May 8 – Council-in-Committee Meeting

May 16 - (Tuesday) 5:30 p.m. Special Council Meeting

May 16 - (Tuesday) 6:00 p.m. Council-in-Committee Meeting

May 29 - Regular Council Meeting

#### June

June 12 - Council-in-Committee Meeting

June 26 - Regular Council Meeting

#### July

July 10 - Council-in-Committee Meeting

July 24 - Regular Council Meeting

(Carried)

(c) Change to the Municipal Oath of Office

Resolution No. 7

Moved by: Councillor Lewis Seconded by: Councillor Flagg

Whereas most municipalities in Ontario have a native land acknowledgement in their opening ceremony; and

**Whereas** a clear reference to the rights of Indigenous people is the aim of advancing Truth and Reconciliation; and

Whereas Call to Action 94 of the Truth and Reconciliation Commission of Canada called upon the Government of Canada to replace the wording of the Oath of Citizenship to include the recognition of the laws of Canada including Treaties with Indigenous Peoples; and

Whereas on June 21, 2021 an Act to amend the *Citizenship Act* received royal assent to include clear reference to the rights of Indigenous peoples aimed at advancing the Truth and Reconciliation Commission's Calls to Action within the broader reconciliation framework; and

**Whereas** the Truth and Reconciliation Commission of Canada outlines specific calls to action for municipal governments in Canada to act on, including education and collaboration;

#### Now therefore be it resolved,

**That:** Council request the Minister of Municipal Affairs and Housing that the following changes be made to the municipal oath of office:

"I will be faithful and bear true allegiance to His Majesty King Charles III and that I will faithfully observe the laws of Canada including the Constitution, which recognizes and affirms the Indigenous and treaty rights of First Nations, Inuit and Metis peoples"; and further

**That:** This resolution be forwarded to the Honourable Steven Clark, Minister, Minister of Municipal Affairs and Housing, The Honourable Doug Ford, Premier of Ontario, the Association of Municipalities of Ontario (AMO), Wayne Gates, MPP, Tony Baldinelli, MP, all Ontario municipalities and the Fort Erie Native Friendship Centre. (Carried)

(d) Appointment - Bridgeburg Station Downtown Business Improvement Area Board of Management - Nichole L'Hirondelle

Resolution No. 8

Moved by: Councillor McDermott Seconded by: Councillor Christensen

**That:** Council appoints Nichole L'Hirondelle to the Bridgeburg Station Downtown Business Improvement Area Board of Management for the period ending November 14, 2026, or until a successor is appointed. (Carried)

(e) Appointment - Accessibility Advisory Committee - Gary Kooistra

Resolution No. 9

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

**That:** Council appoints Gary Kooistra to the Accessibility Advisory Committee for the period ending November 14, 2026, or until a successor is appointed. (Carried)

(f) Appointment - Ridgeway Business Improvement Area Board of Management - Kathie Bailey and Karen DiBiase

Resolution No. 10

Moved by: Councillor Christensen Seconded by: Councillor Lewis

**That:** Council appoints Kathie Bailey and Karen DiBiase to the Ridgeway Business Improvement Area Board of Management for the period ending November 14, 2026, or until their successors are appointed. (Carried)

(g) Response to Enquiry

Re: Enquiry by Councillor Noyes at the March 27, 2023 Regular Council Meeting Regarding an Update on Broadband.

Mr. Walsh, as Acting Chief Administrative Officer, provided a summary of the Response to Enquiry which is appended to the Agenda.

(h) Councillor Christensen

Councillor Christensen moved to make a motion to waive Council Rules of Procedure to allow a motion to be presented.

Mayor Redekop advised that Councillor should bring this forward under Notice of Motion.

#### (i) Councillor Noyes

Councillor Noyes enquired regarding LCBO signage on Gorham Road, which state "Closed for a short period of time".

Mayor Redekop responded that the temporary trailer had to be moved further south in order to accommodate construction.

#### 12. Motions

(a) Councillor Dubanow

Re: Enhanced Enforcement and Penalties - Newspapers in Driveways

Resolution No. 11

Moved by: Councillor Dubanow Seconded by: Councillor Flagg

**That:** Staff are directed to prepare a report with recommendations on amendments to By-law No. 217-05, that include the following enhanced enforcement measures:

- 1. To establish a mandatory registry of companies that engage in door-to-door newspaper/circular delivery to homes and businesses within the municipality, as well as the agents who deliver such items.
- 2. To require the registration number of the company and the delivery agent to be affixed to the newspaper/circular or the delivery bags when delivered to the home or business.
- 3. To establish a progressive Administrative Monetary Penalty structure applying to both the company and the delivery agent for violations that include, but are not necessarily limited to:
  - The incorrect placement of newspapers/circulars when delivered to homes or businesses within the municipality.
  - Failure to display registration numbers on the items delivered to homes or businesses within the municipality.
  - c. Failure to register as a company or an individual delivery agent in the municipality.
  - d. Exempts newspaper and circular deliveries by Canada Post or regulated courier from mandatory registration

so long as they exclusively utilize those methods of delivery, and further

**That:** Staff are directed to notify Metroland Media (Niagara This Week/Fort Erie Post and other Niagara Daily Papers), the Fort Erie Observer and the Port Colborne-Wainfleet Monthly, of the changes proposed by Council for any comments to be included in the subsequent report.

Mayor Redekop requested a friendly amendment that the word "include" in the third line of the first substantive clause be replaced with the word "considers", which was accepted by the Mover and Seconder.

## Following acceptance of the friendly amendment, the amended Motion was voted on as follows:

**That:** Staff are directed to prepare a report with recommendations on amendments to By-law No. 217-05, that considers the following enhanced enforcement measures:

- 1. To establish a mandatory registry of companies that engage in door-to-door newspaper/circular delivery to homes and businesses within the municipality, as well as the agents who deliver such items.
- 2. To require the registration number of the company and the delivery agent to be affixed to the newspaper/circular or the delivery bags when delivered to the home or business.
- 3. To establish a progressive Administrative Monetary Penalty structure applying to both the company and the delivery agent for violations that include, but are not necessarily limited to:
  - a. The incorrect placement of newspapers/circulars when delivered to homes or businesses within the municipality.
  - b. Failure to display registration numbers on the items delivered to homes or businesses within the municipality.
  - c. Failure to register as a company or an individual delivery agent in the municipality.
  - d. Exempts newspaper and circular deliveries by Canada Post or regulated courier from mandatory registration so long as they exclusively utilize those methods of delivery, and further

**That:** Staff are directed to notify Metroland Media (Niagara This Week/Fort Erie Post and other Niagara Daily Papers), the Fort Erie Observer and the Port Colborne-Wainfleet Monthly, of the changes proposed by Council for any comments to be included in the subsequent report. **(Carried)** 

#### 13. Notice of Motion

(a) Councillor Christensen

Councillor Christensen made a motion to waive Council Rules of Procedure to allow for a motion to be presented, discussed and voted on without notice to propose the lifting of the current moratorium on licences for Short-Term Rental accommodation in the Town of Fort Erie, as follows:

**That:** The Town of Fort Erie lift the moratorium on Short-Term Rental licences on May 8, 2023, at a time deemed appropriate by staff, and further

**That:** staff be directed to reinstitute the process in place for allocating licences prior to the moratorium, and further

**That:** The number of licences be capped as originally determined by council at 250.

Mayor Redekop called a point of order that there is nothing that is compelling that would require the motion to be done without notice, and would allow Councillor Christensen to bring the Notice of Motion returnable May 29th, 2023.

Councillor Dubanow challenged the point of order, which was put to a vote without debate. The point of order ruling was defeated.

Resolution No. 11A

Moved by: Councillor Christensen Seconded by: Councillor Dubanow

**That:** Council Rules of Procedure be waived to permit Councillor Christensen to bring forward a motion without notice. **(Carried)** 

Resolution No. 11B Moved by: Councillor Christensen Seconded by: Councillor Dubanow

**Whereas** one of the Town's key priorities is promoting business, economic growth and employment opportunities, and

**Whereas** one of the Town's major business sectors is tourism, a sector that depends on visitors coming to and staying in the Town, and

**Whereas** accommodation for visitors is largely provided through Short-Term Rentals, and

**Whereas** Council set up a pilot project to determine effective approaches to managing Short-Term Rentals using a licensing approach with the number of licenses capped at 250, and

**Whereas** Council subsequently decided to conduct a Land Use Study on Short-Term Rentals to be completed by December 2022, and

**Whereas** Council set a moratorium on new licences pending completion of the Study by WPS Consulting, and

**Whereas** completion of the Study has been delayed with the Information Report projected to be considered at the May 29, 2023 meeting of Council, and

**Whereas** the moratorium is likely to continue throughout for another summer, thereby restricting the business of tourism in the Town, and

**Whereas** this is not consistent with the Town's priority of promoting business, economic growth and employment opportunities;

#### Now therefore be it resolved:

**That:** The Town of Fort Erie Council approve the removal of the moratorium on Short-Term Rental licences on May 8, 2023, at a time deemed appropriate by staff, and further

**That:** Staff be directed to follow the process for allocating licences in place prior to the moratorium, and further

Page **17** of **24** 

**That:** The number of licences be capped as originally determined by council at 250, and further

**That:** This plan be revisited upon Council's consideration of the options and recommendation of the Short-Term Rental Land Use Planning Study and decision on the matter.

Council recessed at 8:10 p.m. for 10 minutes.

Mayor Redekop gave the Chair to Councillor McDermott in order to speak to the matter.

Mayor Redekop requested a friendly amendment to remove the words "at a time deemed appropriate by staff" in the first substantive clause, which was accepted by the Mover and Seconder.

Mayor Redekop requested a further friendly amendment that a fifth recommendation be added as follows:

"That: No new licence issued before Council determines the Zoning Study, will grant any property owner "existing non-conforming use status", as the issue of Short-Term Rentals continues to be dealt with as a "pilot project" by the Town of Fort Erie."

which was accepted by the Mover and Seconder.

Following acceptance of the friendly amendments, the amended Motion was voted on as follows:

**Whereas** one of the Town's key priorities is promoting business, economic growth and employment opportunities, and

**Whereas** one of the Town's major business sectors is tourism, a sector that depends on visitors coming to and staying in the Town, and

**Whereas** accommodation for visitors is largely provided through Short-Term Rentals, and

**Whereas** Council set up a pilot project to determine effective approaches to managing Short-Term Rentals using a licensing approach with the number of licenses capped at 250, and

**Whereas** Council subsequently decided to conduct a Land Use Study on Short-Term Rentals to be completed by December 2022, and

**Whereas** Council set a moratorium on new licences pending completion of the Study by WPS Consulting, and

**Whereas** completion of the Study has been delayed with the Information Report projected to be considered at the May 29, 2023 meeting of Council, and

**Whereas** the moratorium is likely to continue throughout for another summer, thereby restricting the business of tourism in the Town, and

**Whereas** this is not consistent with the Town's priority of promoting business, economic growth and employment opportunities;

#### Now therefore be it resolved:

**That:** The Town of Fort Erie Council approve the removal of the moratorium on Short-Term Rental licences on May 8, 2023, and further

**That:** Staff be directed to follow the process for allocating licences in place prior to the moratorium, and further

**That:** The number of licences be capped as originally determined by council at 250, and further

**That:** This plan be revisited upon Council's consideration of the options and recommendation of the Short-Term Rental Land Use Planning Study and decision on the matter, and further

**That:** No new licence issued before Council determines the Zoning Study, will grant any property owner "existing nonconforming use status", as the issue of Short-Term Rentals continues to be dealt with as a "pilot project" by the Town of Fort Erie.

Mayor Redekop requested a recorded vote, the results of which are as follows:

Yes No

Councillor Christensen Councillor Flagg
Councillor Lewis Councillor Noyes
Councillor Dubanow Mayor Redekop

Councillor McDermott

(Carried)

Councillor McDermott returned the Chair to Mayor Redekop

(b) Councillor Noyes

Councillor Noyes gave notice of motion regarding the height of residential fences on the waterfront.

#### (Returnable May 29, 2023)

(c) Mayor Redekop

Mayor Redekop gave notice of motion as follows:

**That:** Staff be directed to provide Council with a memo regarding By-law No. 60-04, Being a By-law to Regulate the Destruction, Injury and Harvesting of Trees in the Town of Fort Erie, with respect to the following:

- 1. The resources necessary to implement enforcement of the By-law;
- 2. The co-ordination, if any, with the Region of Niagara that would be necessary or advisable when the Town begins enforcement of the By-law;
- 3. Whether Part V is necessary or should be repealed;
- 4. Updating the cost of a permit:
- 5. If violations can be enforced by Administrative Monetary Penalty;
- 6. A projected date to commence enforcement of the By-law.

#### (Returnable May 29, 2023)

## 14. Consideration of By-laws

Resolution No. 12

Moved by: Councillor Lewis Seconded by: Councillor Noves

By-law No. 73-2023 was removed due to Councillor Flagg's declared pecuniary interest.

Mayor Redekop requested that By-law No. 67-2023 be removed to be dealt with separately.

**That:** The by-law package containing:

58-2023: To Authorize the Entry into a Licence Agreement with the Crystal Beach Business Improvement Area Board of Management (Farmers' Market – 0 Erie Road)

59-2023: Being a By-law to Amend Fees and Charges By-law No. 40-09, as amended (Building Permit, Lot Grading Review, Fill and Site Alteration, Plumbing and Sign Permit Fees)

60-2023: To Exempt a Certain Block in Plan 59M-438 from Part Lot Control, Village Creek Drive - Block 59 (Village Creek Subdivision) – Park Lane Home Builders Limited (Debbie Hill)

61-2023: To Amend Zoning By-law No. 129-90, as amended – 229 Cherryhill Boulevard South – 1000112697 Ontario Inc. (John Lally)

62-2023: To Provide for Drainage Works in the Town of Fort Erie for the Frenchman's Creek Drain (1ST AND 2ND ONLY - PROVISIONAL)

63-2023: To Enact an Amendment to the Official Plan Adopted by Bylaw No. 150-06 for the Town of Fort Erie Planning Area -Amendment No. 70 - 3011 Point Abino Road North - Matthew Erickson & Kelsey Sutherland – Owners

64-2023: To Amend Zoning By-law No. 129-90, as amended - 3011 Point Abino Road North - Matthew Erickson & Kelsey Sutherland – Owners

65-2023: To Enact an Amendment to the Official Plan Adopted by Bylaw No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 71 - 644 Garrison Road - 2350048 Ontario Ltd. (Ben Kooh) – Owner

66-2023: To Amend Zoning By-law No. 129-90, as amended - 644 Garrison Road - 2350048 Ontario Ltd. (Ben Kooh) - Owner

68-2023: To Re-establish the Accessibility Advisory Committee, Adopt Terms of Reference and Repeal By-law Nos. 171-2002, 150-05 and 177-06

69-2023: To Adopt Terms of Reference for the Committee of Adjustment

70-2023: To Re-Establish the Museum and Cultural Heritage Advisory Committee, Adopt Terms of Reference and Repeal By-law No. 35-12

71-2023: To Adopt Terms of Reference for the Property Standards Committee

72-2023: To Re-Establish the Senior Citizens Advisory Committee and Repeal By-law Nos. 23-10 and 158-2021

74-2023: To Adopt a Neighbourhood Traffic Calming Policy and to Repeal By-law No. 1999-140

is given first and second reading.

(Carried)

Resolution No. 13

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

**That:** The by-law package containing:

58-2023

59-2023

60-2023

61-2023

63-2023

64-2023

65-2023

66-2023

68-2023

69-2023

70-2023

71-2023

72-2023

74-2023

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal. (Carried)

#### Regular Council - 24 Apr 2023 Meeting Minutes

Resolution No. 13A

Moved by: Councillor Lewis Seconded by: Councillor Noyes

**That:** By-law No. 67-2023: To Dissolve the Fort Erie Active Transportation Committee and Repeal By-law Nos. 44-10, 96-2013 and 128-2014

is given first and second reading.

(Carried)

Resolution No. 13B

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

**That:** By-law No. 67-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. (Carried)

Resolution No. 13C

Moved by: Councillor Lewis Seconded by: Councillor Noyes

**That:** By-law No. 73-2023: To Exempt a Certain Block in Plan 59M-488 from Part Lot Control, Williams Crescent - Block 39 (Peace Bridge Village Phase 2) – Ashton Homes (Western) Limited (Jason Gilmour)

is given first and second reading.

(Carried)

Resolution No. 13D

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

**That:** By-law No. 73-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. (Carried)

Resolution No. 14

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

**That:** By-law No. 75 -2023: To Confirm the Actions of Council at its Special Council Meeting Held on March 31, 2023, Council-in-Committee Meetings Held on April 3, 2023 and April 17, 2023 and its Council Meeting Held on April 24, 2023 is given first and second reading.

(Carried)

#### Regular Council - 24 Apr 2023 Meeting Minutes

Resolution No. 15

Moved by: Councillor Christensen Seconded by: Councillor Lewis

**That:** By-law No. 75-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. (Carried)

## 15. Scheduling of Meetings

Members of Council announced upcoming Boards and Committees meetings that would be occurring April 25 through May 3, 2023.

## 16. Adjournment

Resolution No. 16

Moved by: Councillor Dubanow Seconded by: Councillor Flagg

**That**: Council adjourns at 9:30 p.m. to reconvene into a Regular Meeting of Council on May 29, 2023. (Carried)

Mayor
Clerk



# The Municipal Corporation of the Town of Fort Erie

## **Special Council Meeting Minutes**

Wednesday, April 26, 2023

#### Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's
website (www.forterie.ca) or Cogeco "YourTV"

#### 1. Call to Order

Mayor Redekop called the meeting to order at 4:04 p.m.

Mayor Redekop provided a land acknowledgment, which can be accessed at the following link: <u>Land Acknowledgement</u>

#### 2. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott and Noyes

Staff: A. Carter, R. Firenze, C. Schofield

Also Present: Edward T. McDermott, ADR Chambers Inc., Integrity Commissioner

#### 3. Announcements/Addenda

None.

## 4. Declarations of Pecuniary Interest

None.

#### 5. Closed Session

Resolution No. 1

Moved by: Councillor McDermott Seconded by: Councillor Christensen

**That:** Council will now hold a Closed Session Meeting at 4:04 p.m. to consider the following:

(a) Pursuant to Section 239 (3.1) of the *Municipal Act, 2001* (for the purpose of educating and training members of the Council)

Re: Edward T. McDermott, ADR Chambers Inc., Integrity
Commissioner - Code of Conduct (Carried)

Mr. McDermott provided members of Council with training regarding Council's Code of Conduct and the *Municipal Conflict of Interest Act*. No member discussed or otherwise dealt with any matter in a way that materially advanced the business or decision-making of the Council.

Resolution No. 2

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

That: Council does now rise and reconvene from Closed Session at 6:06 p.m. without report. (Carried)

# 6. Adjournment

Resolution No. 3

Moved by: Councillor Dubanow Seconded by: Councillor Noyes

**That:** Council adjourns at 6:06 p.m. to reconvene into a Regular Meeting of Council on May 29, 2023. (Carried)

 Mayor
 Clerk

Page **2** of **2** 



# The Municipal Corporation of the Town of Fort Erie

# **Council-in-Committee Meeting Minutes**

Monday, May 8, 2023

#### **Council Chambers**

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's
website (www.forterie.ca) or Cogeco "YourTV"

#### 1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

Mayor Redekop provided a land acknowledgment, which can be accessed at the following link: Land Acknowledgement

#### 2. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis

Present (Via Zoom Teleconference): Councillor Noyes (6:04 p.m.)

Absent: Councillor McDermott

Staff: A. Carter, A. Dilwaria, J. Janzen, C. McQueen, C. Patton, K. Walsh.

#### 3. Announcements/Addenda

There was one Addendum:

Revision under Item No. 8.2 Planning and Development Services

 Reports – PDS-38-2023 – Proposed Draft Plan of Subdivision and Zoning By-law Amendment – Crescent Acres (0-10747 Kraft Road) – Crescent Acres Ltd. (Mark Basciano) – Owner – Upper Canada Consultants (Matt Kernahan) - Agent

Mayor Redekop made the following announcements:

#### **Tree Give Away**

The Town held its annual tree giveaway on Saturday, May 6th. With the help of volunteers from the Mayor's Youth Advisory Committee, the Fort Erie Horticultural Society, the Burt Miller Nature Club, and COPE, the Town gave away 830 trees of 6 native species.

#### May as Brain Tumor Awareness Month

May is Brain Tumour Awareness Month. The Town encourages people to recognize the importance of all those who work in assisting those with brain injuries and their families.

#### **Road Supervisor Certification**

Glenn Russell, a Town Hall employee, has received certification as a Road Supervisor through the Association of Ontario Road Supervisors. The Town congratulates Glenn on his hard work in obtaining this certification and appreciates his commitment to his trade.

#### **Boys & Girls Club**

My wife and I attended the Annual Boys and Girls Club Recognition Evening about a week ago and received the 2022 Outstanding Contributors Award. We are very proud of this award as we've worked very collaboratively and closely with the Boys and Girls Club, as many of you know, concerning the EJ Freeland Community Centre. The Boys and Girls Club has tremendous programmes for children and adults. The Boys and Girls Club continues to strive to improve the service they provide, and we're hoping that we can expand the hours of operation.

#### **Passing of Catherine Mindorf**

Catherine Mindorf, the Town's first Community Health Care Coordinator, passed away on May 1st. Catherine was instrumental in managing the changes from the Hospital Restructuring Programme and the new Niagara Health System; she was a professional Epidemiological Nurse with helpful insights into healthcare. She worked continuously to advance healthcare interests in Fort Erie, including involvement with Healthy Neighbourhoods, Healthy Food Programs. Catherine was one of 11 children and will undoubtedly be missed.

# 4. Declarations of Pecuniary Interest

Councillor Flagg declared a conflict of interest with Item No. 8.2 Report No. PDS-38-2023, Proposed Draft Plan of Subdivision and Zoning Bylaw Amendment – Crescent Acres (0-10747 Kraft Road) – Crescent Acres Ltd., as his residence falls within the 120-metre catchment area of the proposed subject land. He abstained from discussing and voting on the matter.

#### 5. Notice of Upcoming Public Meetings

None.

#### 6. Public Meetings

None.

#### 7. Consent Agenda Items

#### 7.1 Request to Remove Consent Agenda Items

None.

#### 7.2 Consent Agenda Items for Approval

#### **Report No. IS-10-2023**

Mayor Redekop requested clarification regarding the recommendation to extend the assignment of GM BluePlan Engineering Limited.

K. Walsh advised that GM BluePlan Engineering Limited is familiar with existing Town systems and will be integral to the integration of AWOMS.

#### **Report CAO-10-2023**

Mayor Redekop enquired if Section 1.1 (c) of the Community Health Care Services Committee Terms of Reference could be amended to included the word "Retention" after the word "Recruitment." Mayor Redekop also enquired if Section 1.2 (h) would include assisting the Niagara Health Coalition in their efforts.

C. McQueen advised that staff will include the amendment to the Terms of Reference and that Section 1.2 (h) would provide latitude in assisting the Niagara Health Care Coalition.

**IS-10-2023** Award of Software System and Services for

the Enterprise Asset and Work Order Management System (Phase III)

**That:** Council accepts and approves the proposal from PSD Citywide Inc. to provide software services for the Enterprise Asset and Work Order Management System (Contract No. ISE-22P-AWOMS) to the upset limit of \$338,788.13 (including 13% HST); and further

**That:** Council accepts and approves the proposal from GM BluePlan Engineering Limited for the extension of the assignment to provide implementation services for Phase III of the AWOMS system (Contract No. ISE-21P-AWOFSC) to the upset limit of \$524,826.24 (including 13% HST); and further

**That:** Council amends the 2022 Capital Budget to supplement the Software Services for the Enterprise Asset and Work Order Management System (Contract No. ISE-22P-AWOMS) by \$44,000 from Bridge and Culvert Reserves, \$44,000 Road Reserve, \$44,000 Water Reserves, \$44,000 Sanitary Reserves and \$44,000 Storm Reserves; and further

**That:** Council directs that the costs of implementation and maintenance of the Asset Management and Work Order System be included in future budgets. (Carried)

**IS-11-2023** Amend the 2023 Capital Budget to Add

Project EDGEW23 - Edgewood Avenue

Storm Sewer

**That:** Council amends the 2023 Capital Budget to include Edgewood Avenue Storm Sewer (EDGW23) project for \$80,000 with funding of \$51,200 from the Development Charges Reserve for the Storm Water Drainage and Control Services and \$28,800 from the Storm Refurbishing Reserve. (Carried)

CAO-10-2023 Terms of Reference Update for Community

Health Care Services Committee

**That:** Council approves the Terms of Reference for the Community Health Care Services Committee; and further

**That:** Council directs Staff to submit a by-law to Council to reestablish the Community Health Care Services Committee,

repeal By-law Nos. 29-2018 and 66-2021 and adopt the new Terms of Reference. (Carried)

**CS-03-2023** 2022 Development Charges Reserve Fund

Status

**That:** Council receives Report No. CS-03-2023 regarding the 2022 Development Charges Reserve Fund Status, for information purposes, and further

**That:** Council directs that the Development Charges Interest Policy By-law No. 110-2022, be amended to change the interest rate charged from 5% to a maximum of prime plus 1%, and further

**That:** Council directs that the Development Charges Payment Deferral Policy By-law No. 111-2022, be amended to change the interest rate charged from 5% to a maximum of prime plus 1%. (Carried)

## **Consent Agenda Recommendation**

Recommendation No. 1

Moved by: Councillor Dubanow

**That:** Council approves the Consent Agenda Items as recommended. (Carried)

# 7.3 Items Removed to be Dealt with Separately

None.

# 8. Planning and Development Services

Chaired by: Councillor Dubanow

# 8.1 Presentations and Delegations

None.

# 8.2 Reports

PDS-14-1-2023 Supplemental Information Report - Proposed Noise and Nuisance By-law

Recommendation No. 2 Moved by: Councillor Lewis **That:** Council receives Report No. PDS-14-1-2023 for information purposes, and further

**That:** Council directs that Appendix "1" to Report No. PDS-14-2023 be replaced with the proposed new Noise & Nuisance Bylaw attached to Report No. PDS-14-1-2023 as Appendix "2".

Recommendation No. 3 Moved by: Councillor Noyes

**That:** Appendix "2" Section 3.3 (d) be amended to "the operation of equipment by or on behalf of the Town for emergency projects of the Town:"

Mayor Redekop requested a friendly amendment that the verbiage be maintained in Appendix "2" Section 3.3 (d) with the word "exceptional" being added before the word "construction" and that Section 3.3 (d) be removed. This amendment was accepted by the Mover.

# Following acceptance of the friendly amendment, the amended Motion was voted on as follows:

**That:** Appendix "2" Section 3.3 (d) be amended to "the operation of equipment by or on behalf of the Town for exceptional construction projects, general maintenance projects and emergency projects of the Town;" and

That: Appendix "2" Section 3.3 (e) be removed. (Carried)

Recommendation No. 4 Moved by: Councillor Lewis

**That:** Appendix "2" Section 3.3 (h) be amended to replace the word "parade" with "event." (Carried)

Recommendation No. 5
Moved by: Mayor Redekop

**That:** Noise and Nuisance By-law No. 30-09, be repealed.

(Carried)

Following approval of the amendments, Recommendation No. 2 was voted on, as amended, as follows:

That: Council receives Report No. PDS-14-1-2023 for information purposes, and

That: Council directs that Appendix "1" to Report No. PDS-14-2023 be replaced with the proposed new Noise & Nuisance Bylaw attached to Report No. PDS-14-1-2023 as Appendix "2," as amended, and further

**That:** Noise and Nuisance By-law No. 30-09, be repealed.

(Carried)

PDS-14-2023

Proposed Noise and Nuisance By-law (Postponed from February 22, 2023) Special Council-in-Committee Meeting -Previously moved by Councillor McDermott as Recommendation No. 3 and further postponed from the April 3, 2023 Council-in-Committee Meeting)

**That:** Council approves the Noise and Nuisance By-law attached as "Appendix 1" to Report No. PDS-14-2023 and directs that Noise and Nuisance By-law No. 30-09, be repealed. (Lost)

PDS-38-2023 Proposed Draft Plan of Subdivision and Zoning By-law Amendment - Crescent Acres (0-10747 Kraft Road) - Crescent Acres Ltd. (Mark Basciano) - Owner - Upper Canada Consultants (Matt Kernahan) - Agent

Recommendation No. 6 Moved by: Councillor Noyes

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-38-2023 for the lands known as 0-10747 Kraft Road, and further

**That:** Council approves the Crescent Acres Draft Plan of Subdivision dated November 4, 2022, showing 67 lots for single detached dwellings, 4 blocks for semi-detached dwellings, 24 blocks for a total of 145 townhouse dwellings, 1 block for a watercourse, 1 block for a stormwater pond and 1 block for a future road connection as attached as Appendix "2" of Report No. PDS-38-2023, in accordance with the provisions of the Planning Act, R.S.O. 1990 c. P. 13 and the Regulations

thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-38-2023, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-38-2023 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

**That:** Council directs Staff to submit the necessary by-law.

Recommendation No. 7 Moved by: Mayor Redekop

**That:** Condition 12 of Appendix "3" be amended to replace "\$10,000.00" to "\$40,000.00." (Carried)

Recommendation No. 8 Moved by: Mayor Redekop

**That:** Condition 38 be added to Appendix "3" "That the Owner agrees to construct a sidewalk on the easterly side of Crescent Road from the northerly access egress point to Garrison Road."

(Carried)

Following approval of the amendments, Recommendation No. 6 was voted on, as amended, as follows:

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-38-2023 for the lands known as 0-10747 Kraft Road, and further

That: Council approves the Crescent Acres Draft Plan of Subdivision dated November 4, 2022, showing 67 lots for single detached dwellings, 4 blocks for semi-detached dwellings, 24 blocks for a total of 145 townhouse dwellings, 1 block for a watercourse, 1 block for a stormwater pond and 1 block for a future road connection as attached as Appendix "2" of Report No. PDS-38-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3," of Report No. PDS-38-2023, as amended, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-38-2023 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

**That:** Council directs Staff to submit the necessary by-law.

(Carried)

PDS-39-2023 Proposed Draft Plan of Subdivision and

Zoning By-law Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner - IBI Group

(Tracy Tucker) - Agent

Recommendation No. 9

Moved by: Councillor Christensen

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-39-2023 for the lands known as 613 Helena Street, and further

**That:** Council approves the 613 Helena Street Draft Plan of Subdivision dated February 23, 2023, showing 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening as attached as Appendix "2" of Report No. PDS-31-2023, in accordance with the provisions of the *Planning Act, R.S.O.* 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-31-2023, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-31-2023 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

**That:** Council directs Staff to submit the necessary by-law.

Recommendation No. 10 Moved by: Councillor Noyes

**That:** Appendix "3" Condition 12 be amended to: "That the Owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision and along the frontage of the property between the north and south entries to the satisfaction of the Town." (Carried)

#### Council-in-Committee - 08 May 2023 Meeting Minutes

Recommendation No. 11 Moved by: Mayor Redekop

**That:** Appendix "3" Condition 13 be amended to: "That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management as a functional amenity space, to service this development be submitted to the Town of Fort Erie for review and approval."

(Carried)

Recommendation No. 12 Moved by: Mayor Redekop

**That:** Appendix "3" Condition 16 be amended to delete the words "front-end." (Withdrawn)

Recommendation No. 13 Moved by: Mayor Redekop

**That:** Appendix "3" Condition 2 be amended to: "That the Owner deed Block 21, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances." (Carried)

Recommendation No. 14 Moved by: Mayor Redekop

**That:** Appendix "3" Condition 3 be amended to: "That the Owner deed Block 20, as shown on the Draft Plan to the Town for parkland purposes, free and clear of any mortgages, liens and encumbrances." (Carried)

Recommendation No. 15 Moved by: Mayor Redekop

**That:** Appendix "3" Condition 50 be added as: "That the owner deed Block 22, as shown on the Draft Plan to the Town as Environmental Protection Area free and clear of any mortgages, liens and encumbrances." (Carried)

Recommendation No. 16 Moved by: Mayor Redekop

**That:** Report No. PDS-39-2023 be postponed to the May 16, 2023 Council-in-Committee Meeting. (Carried)

PDS-40-2023 Proposed Zoning By-law Amendment -

3624 Hazel Street- S.R. Niagara

Investments Inc. (Rita and Salvatore Visca) - Owner - Robert Martin Engineering Inc.

(Robert Martin) - Applicant

Recommendation No. 17 Moved by: Councillor Flagg

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-40-2023 for the lands known as 3624 Hazel Street, and further

That: Council directs Staff to submit the necessary By-law.

(Carried)

# 8.3 New Business/Enquiries

None.

#### 8.4 Business Status Report

No changes.

#### 9. Infrastructure Services

Chaired by Councillor Lewis

# 9.1 Presentations and Delegations

None.

# 9.2 Reports

None.

# 9.3 New Business/Enquiries

None.

# 9.4 Business Status Report

No changes.

# 10. Corporate and Community Services

Chaired by Councillor Flagg

#### 10.1 Presentations and Delegations

None.

1	0.2	Rei	ports
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None.

# 10.3 New Business/Enquiries

None.

# 10.4 Business Status Report

No changes.

# 11. Scheduling of Meetings

Members of Council announced upcoming Boards and Committees meetings from May 9, 2023, through May 11, 2023.

# 12. Adjournment

Recommendation No. 18 Moved by: Councillor Dubanow

That: Council-in-Committee adjourns at 7:53 p.m.	(Carried)	
	Mayor	
	Deputy Clerk	



# The Municipal Corporation of the Town of Fort Erie

# **Council-in-Committee Meeting Minutes**

**Tuesday, May 16, 2023** 

#### Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's
website (www.forterie.ca) or Cogeco "YourTV"

#### 1. Call to Order

Mayor Redekop called the meeting to order at 6:03 p.m.

Mayor Redekop provided a land acknowledgment, which can be accessed at the following link: <u>Land Acknowledgement</u>

#### 2. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott, Noyes

Staff: A. Carter, A. Dilwaria, J. Janzen, C. McQueen, C. Patton, K. Walsh

#### 3. Announcements/Addenda

There was one Addendum as follows:

 Deletion of Item under Items No. 8.2 Planning and Development Services – Reports: PDS-39-2023 Proposed Draft Plan of Subdivision and Zoning By-law Amendment – 613 Helena Street – SS Fort Erie Inc – This report is deferred to the Regular Council Meeting of May 29, 2023.

# 4. Declarations of Pecuniary Interest

None.

# 5. Notice of Upcoming Public Meetings

(a) Open House

Re: Proposed Combined Official Plan and Zoning By-law Amendment - 1169 Pettit Road - Owner: Jeff Davis (Crystal Ridge Homes) - Agent: Susan Smyth (Quartek Group Inc.) -Thursday, May 18, 2023 - 5:00 p.m. - Town Hall Atrium

(b) Open House

Re: Proposed Zoning By-law Amendment - 0-1215 Lavinia Street - Owner: Venanzio Pingue - Agent: Aimee Powell (Powell Planning & Associates) - Thursday, May 25, 2023 - 5:00 p.m. -Town Hall Atrium

#### 6. Public Meetings

None.

#### 7. Consent Agenda Items

#### 7.1 Request to Remove Consent Agenda Items

None.

# 7.2 Consent Agenda Items for Approval

**IS-12-2023** Annual 2022 American Water Works Association (AWWA) Water Loss Audit

**That:** Council receives Report No. IS-12-2023 for information purposes. (Carried)

**IS-13-2023** Ridgeway Public Works Yard Phase Two ESA Extension

**That:** Council receives Report No. IS-13-2023 for information purposes; and further

**That:** Council authorizes an extension to the single source engineering services originally authorized in Report No. IS-13-2022 at the Council-in-Committee Meeting held on May 16, 2022 to MTE Consultants Inc. in the amount of \$114,137.89 (incl. 13% HST) in order to undertake further study on the land in support of a Record of Site Condition; and further

**That:** Council amends the 2023 General Levy Operating Budget to increase Ridgeway Works Yard Phase Two ESA project by

\$110,000 with funding from the General Levy Rate Stabilization Reserve. (Carried)

#### **Consent Agenda Recommendation**

Recommendation No. 1

Moved by: Councillor Dubanow

**That:** Council approves the Consent Agenda Items as recommended. (Carried)

# 7.3 Items Removed to be Dealt with Separately

# 8. Planning and Development Services

Chaired by Councillor Dubanow

#### 8.1 Presentations and Delegations

None.

#### 8.2 Reports

PDS-39-1-2023 Proposed Draft Plan of Subdivision and

Zoning By-law Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner - IBI Group

(Tracy Tucker) - Agent

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-39-1-2023 for the lands known as 613 Helena Street, and further

**That:** Council approves the 613 Helena Street Draft Plan of Subdivision dated February 23, 2023, showing 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening as attached as Appendix "2" of Report No. PDS-39-1-2023, in accordance with the provisions of the Planning Act, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-39-1-2023, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-39-1-2023 to the applicable agencies in accordance with the requirements of the Planning Act, and further

**That:** Council directs Staff to submit the necessary by-law.

#### Deferred to the May 29 Regular Council Meeting

PDS-39-2023

Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner - IBI Group (Tracy Tucker) - Agent (Postponed from the May 8, 2023 Council-in-Committee Meeting - Previously Moved by Councillor Noyes as Recommendation No. 9)

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-39-2023 for the lands known as 613 Helena Street, and further

**That:** Council approves the 613 Helena Street Draft Plan of Subdivision dated February 23, 2023, showing 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening as attached as Appendix "2" of Report No. PDS-31-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-39-2023, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-39-2023 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

**That:** Council directs Staff to submit the necessary by-law.

Recommendation No. 2 Moved by: Mayor Redekop

**That:** Report No. PDS-39-1-2023 and PDS-39-2023 be deferred to the May 29, 2023, Regular Council Meeting. (Carried)

# 8.3 New Business/Enquiries

None.

#### 8.4 Business Status Report

Status changes for 272 Ridge Road – ZBA – Recommendation Report to June.

#### 9. Infrastructure Services

Chaired by Councillor Noyes

#### 9.1 Presentations and Delegations

None.

#### 9.2 Reports

None.

#### 9.3 New Business/Enquiries

None.

#### 9.4 Business Status Report

No changes.

#### 10. Corporate and Community Services

Chaired by Councillor McDermott

# 10.1 Presentations and Delegations

None.

# 10.2 Reports

None.

# 10.3 New Business/Enquiries

#### (a) Councillor Dubanow

Councillor Dubanow advised that as of Friday, May 12, 2023, the United States lifted the pandemic border control policy. Councillor Dubanow gave remarks on the effect of the policy and the lifting of the policy.

Mayor Redekop advised that he met with the US Ambassador to Canada, David Cohen, and discussed the matter above. Mayor Redekop further advised that lifting the policy allows Canadian and American residents to cross the Canada-US Border more easily.

# 10.4 Business Status Report

No changes.

# 11. Scheduling of Meetings

Members of Council announced upcoming Boards and Committees meetings from May 17 through May 24, 2023.

# 12. Adjournment

Recommendation No. 3 Moved by: Councillor Dubanow

That: Council adjourns Council-in-Committee at 6:18 p.m.	(Carried)	
	Mayor	
	Deputy Clerk	



# The Municipal Corporation of the Town of Fort Erie

### **Special Council Meeting Minutes**

# Tuesday, May 16, 2023 - Immediately Following the Council-in-Committee Meeting

#### Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's
website (www.forterie.ca) or Cogeco "YourTV"

#### 1. Call to Order

Mayor Redekop called the meeting to order at 6:18 p.m.

Mayor Redekop provided a land acknowledgment, which can be accessed at the following link: <u>Land Acknowledgement</u>

#### 2. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott, Noyes

Staff: A. Carter, A. Dilwaria, J. Janzen, C. McQueen, C. Patton, K. Walsh

#### 3. Announcements/Addenda

There was one Addendum as follows:

 Addition of Item under Items No. 6 – Consideration of By-laws – By-law 79-2023: To Appoint Temporary Municipal Law Enforcement Officers for the 2023 Summer Season. The Confirmatory By-law is now By-law No. 80-2023

# 4. Declarations of Pecuniary Interest

None.

#### 5. New Business/Enquiries

(a) Proclamation - National AccessAbility Week (NAAW) - May 28 - June 3, 2023

Resolution No. 1

Moved by: Councillor Noyes Seconded by: Councillor Flagg

**That:** Council proclaims May 28 - June 3, 2023 as "National AccessAbility Week." (Carried)

# 6. Consideration of By-laws

Resolution No. 2

Moved by: Councillor Lewis
Seconded by: Councillor Flagg

**That:** The by-law package containing:

76-2023: To Authorize the Execution of a Subdivision Agreement with Centennial Homes (Niagara) Inc. (Domenic DiLalla) South Ridge Meadows Plan of Subdivision

77-2023: To Authorize the Entry into a Grant Funding Agreement for Physician Recruitment with Dr. Shalini Sharma

78-2023: To Repeal By-law No. 18-2018

79-2023: To Appoint Temporary Municipal Law Enforcement Officers for the 2023 Summer Season

is given first and second reading.

(Carried)

Resolution No. 3

Moved by: Councillor McDermott Seconded by: Councillor Christensen

That: By-laws:

76-2023

77-2023

78-2023

79-2023

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal. (Carried)

Resolution No. 4

Moved by: Councillor Flagg Seconded by: Councillor Noyes

**That:** By-law No. 80-2023: To Confirm the Actions of Council at its Special Council Meeting Held on May 16, 2023 is given first and second reading. (Carried)

Resolution No. 5

Moved by: Councillor Christensen Seconded by: Councillor McDermott

**That**: By-law No. 80-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. (Carried)

# 7. Adjournment

Resolution No. 6

Moved by: Councillor Dubanow Seconded by: Councillor Flagg

**That:** Council adjourns at 6:24 p.m. to reconvene into a Regular Meeting of Council on May 29, 2023. (Carried)

Mayor
Deputy Clerk





From: World Oceans Day Education < worldoceansdayeducation@gmail.com>

Date: April 30, 2023 at 1:00:17 PM EDT Subject: World Oceans Day June 8, 2023

#### WORLD OCEANS DAY EDUCATION

https://WorldOceansDayEducation.org

Dear Mayors;

As World Oceans Day June 8 and World Oceans Week June 1 to 8 are approaching please consider how your leadership can bring a positive impact on the waterways in and around your city or town.

#### One Earth, One Ocean, Ours To Protect

We have a list of cities and towns which have proclaimed World Oceans Day and World Oceans Week. Please advise if your city or town should be listed. Beside each which has closed garbage containers we put two asterisks. Please advise if your city/town public garbage containers have a lid preventing the wind and birds from spreading plastics and styrofoam to the waterways and harming birds and fish. The Cities, Towns, Businesses page is under the Ocean Hero in Action tab.

Remy Rodden, a recently retired teacher and biologist living in Whitehorse Yukon, renown as Canada's Environmental Singer and Songwriter is traveling to give the lessons he teaches while singing and playing guitar to children and youth (adults too). **Please contact Remy directly to schedule him.** 

https://www.remyrodden.com/ Music: https://www.remyrodden.com/music Remy@RemyRodden.com

Here are some additional ideas: Calgary Alberta hosts an Environmental Expo each year and Surrey British Columbia has events from Earth Day to World Oceans Day.

https://www.calgary.ca/environment/mayors-expo/mayors-environment-expo.html

https://www.surrey.ca/parks-recreation/surrey-parks/park-programs/environmental-extravaganza/person-programs

**Please let us know** what your city or town decides to host and we will promote the event on our website, social media and in News Releases.

RECEIVED

MAY 2 9 2023



Please remember: This planet is not ours, we are merely keepers for the next generations. Each of us can make one small change to reduce plastics and protect our rivers/lakes/oceans as well as birds and marine life.

We all live on a watershed flowing to an ocean! Each of us can make a difference.

As Dr. Sylvia Earle, a famous marine biologist has said

"No water, no life. No blue, no green."

Regards For Cleaner Oceans and Watersheds, Debbie White, Co-Founder World Oceans Day and World Oceans Week

https://WorldOceansDayEducation.org

236 970-1960





Dear Mayor Wayne Redekop,

Operation Smile Canada would appreciate your support once again by proclaiming June 18th, 2023 as the Longest Day of SMILES® in your community.

The Longest Day of SMILES® encourages community ambassadors to raise awareness and funds to help a child born with a cleft condition smile and change their life with free, safe, cleft surgery and comprehensive care. From sun-up to sun-down, from coast to coast to coast, Canadians are dedicating June 18th, 2023, and the time leading up to it, to helping children SMILE.

Operation Smile Canada is a volunteer-delivered global medical charity that exists to ensure everyone has access to safe, effective surgery that they need wherever they live in the world. Surgery that will change a child's life forever... help families, communities, countries, regions and yes, the world.

By proclaiming June 18<sup>th</sup>, 2023, as the Longest Day of SMILES® in Fort Erie and challenging other communities to do the same, you can provide waiting children with comprehensive cleft care and a hopeful future with a new smile.

Our Community Engagement & Fundraising team is happy to support you and your community should you choose to participate with us.

To submit your proclamation or to request more info, please email Candy Keillor, Community Engagement Specialist candy.keillor@operationsmile.org

To learn more about the transformational impact of Operation Smile Canada, visit: operationsmile.ca

We look forward to collaborating with you and your team to make this the best Longest Day of SMILES® yet! Together we can make a difference one smile at a time!

Keep Smiling,

Candy Keillor (she/her)

Candy Keillor

Community Engagement Specialist

RECEIVED

MAY 2 9 2023

BY COUNCIL

Mayor Wayne Redekop & Council, Town of Fort Erie, 1 Municipal Drive Fort Erie, Ontario.

Dear Mayor Redekop and Council Members,

In 2019 Council approved the request of the Museum & Cultural Heritage Committee to proclaim June 2<sup>nd</sup> as Decoration Day in the Town of Fort Erie. We then purchased a wreath which we laid at the Cenotaph at the Ridgeway Battlefield site. The Committee had voted to make this an ongoing annual event so that the Ridgeway Nine are recognized and remembered annually at the place where they fell.

We have been advised that we need to make a request each year to have Council proclaim June 2 as Decoration Day throughout the town. As we outlined in our original request there is considerable history and precedent to support this as an annual day of recognition.

The date of the Battle of Ridgeway inspired Canada's original Decoration Day. In 1870 the Volunteer's Monument was erected in Toronto in memory of those who fell at the Battle of Ridgeway. The monument was paid for by private donations. At the time it was considered to be as historically significant as Brock's Monument at Queenston Heights and the Plains of Abraham monument in Quebec. It is recognized today as Toronto's oldest public monument.

Despite the existence of the Volunteers Monument no commemorative wreath or any honorable acknowledgment was forthcoming from the Government of Canada. It wasn't until June 2, 1890 that veterans of the battle, in a form of protest, placed fresh flowers at the Monument to honor their fallen comrades. In 1891 it was estimated over fifty thousand people attended Decoration Day activities in Toronto.

In 1933 an Act of Parliament changed that official day of remembrance to November 11 to commemorate the armistice of World War I. Since then the Ridgeway Nine and the veterans of the Battle of Ridgeway have not been properly honored or remembered.

We respectfully request that Council proclaim June 2<sup>nd</sup> as Decoration Day in 2023, to ensure the continuity of recognizing and remembering the Ridgeway Nine at the battlefield site.

Thank you for your consideration of this matter.

Yours truly,

Mary McLelland-Papp Chairperson Fort Erie Museum and Cultural Heritage Advisory Committee

c.c dkelley@forterie.ca cschofield@forterie.ca fahimabegum@forterie.ca

MAY 2 9 2023

BY COUNCIL





OFFICE OF THE REGIONAL CLERK

150 Frederick Street, 2nd Floor Kitchener ON N2G 4J3 Canada Telephone: 519-575-4420 TTY: 519-575-4608 Fax: 519-575-4481

www.regionofwaterloo.ca

April 24, 2023

Area Members of Provincial Parliament Sent via email

Dear Area Members of Provincial Parliament:

Re: Councillor J. Erb Notice of Motion

Please be advised that the Council of the Regional Municipality of Waterloo at their regular meeting held on April 19, 2023, approved the following motion:

WHEREAS the Municipal Elections Act requires all individuals wishing to be a candidate in a municipal or school board election to file Nomination Paper - Form 1 with the municipal clerk;

AND WHEREAS the Municipal Elections Act requires all candidates who sought election to a municipal council or school board to file Financial Statement – Auditor's Report Candidate – Form 4 with the municipal clerk:

AND WHEREAS Form 1 requires candidates to provide their qualifying address;

AND WHEREAS Form 4 requires candidates to list the name and home address of any donor contributing over \$100.00

AND WHEREAS the Municipal Elections Act specifies that these documents are not protected by the Municipal Freedom of Information and Protection of Privacy Act, and requires the municipal clerk to make Form 4 available on a website;

AND WHEREAS there has been concern expressed about those who hold public office and those who support them that they have been the subject of unnecessary attention and excessive scrutiny;

AND WHEREAS the requirement to publish the personal home address of donors to specific candidates may discourage individuals from

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Page 1 of 2

MAY 2 9 2023

engaging in the democratic process to elect municipal and school board politicians.

THEREFORE, BE RESOVLED THAT the Regional Municipality of Waterloo calls on the Minister of Municipal Affairs and Housing for the Province of Ontario to protect the privacy of candidates and donors by removing the requirement for their street name, number and postal code to be listed on publicly available forms.

AND FURTHER THAT for verification purposes, the addresses of all candidates and all donors over \$100 be submitted to the municipal clerk on separate forms that are protected by the Municipal Freedom of Information and Protection of Privacy Act and will not be published.

AND FINALLY, that this resolution be forwarded to the Area Members of Provincial Parliament, the Association of Municipalities of Ontario, the Association of Municipal Clerks and Treasurers of Ontario, the Ontario Public School Boards' Association, the Ontario Catholic School Trustees' Association, and all Ontario municipalities.

Please accept this letter for information purposes only. If you have any questions or require additional information, please contact Rebekah Harris, Research/Administrative Assistant to Council, at <a href="mailto:RHARRIS@regionofwaterloo.ca">RHARRIS@regionofwaterloo.ca</a> or 519-575-4581.

Regards,

William Short

Regional Clerk/Director, Council and Administrative Services

WS/hk

1777773

cc: Association of Municipalities of Ontario

Association of Municipal Clerks and Treasurers of Ontario

Ontario Public School Boards' Association

Ontario Catholic School Trustees' Association

Ontario municipalities

4366498





Entridge Gas

500 Consumers Road North York, Ontario M2J 1P8 Canada

May 2, 2023

Your Worship and Members of Council,

We are writing today as we've heard from many of you regarding the introduction of a locate charge, and we'd would like to provide some context and background regarding our approach. We are also seeing a lot of misinformation circulate, resulting in misunderstanding, and we'd like to correct the record.

We, along with all underground infrastructure owners, are required to comply with the recently released regulations related to locate delivery (Bill 93). In order to recover our compliance costs and protect the interests of our customers, we introduced a locate charge for third party and for-profit locate requestors. We want to reassure you that locates for private property owners and existing natural gas customers remain at no charge.

As we shared, the third-party locate charge is currently on pause as we continue to explore pathways and consult with our stakeholders and industry partners, including a phased approach focused on the adoption of a dedicated locator model for large infrastructure owners. Within a dedicated locator model, large excavators hire their own locators trained by infrastructure owners to locate all underground utilities on their projects, which leads to significant efficiencies in locate delivery.

In addition, misinformation is circulating that Enbridge Gas operates its infrastructure in municipal right of ways at no cost – **and this is simply not true**. Enbridge pays more than \$135 million in annual municipal taxes based upon the infrastructure we operate. We also pay additional fees where required when we install new pipe or initiate work to maintain existing assets. We deliver natural gas service to approximately 3.9 million customers in 313 municipalities across Ontario, through a network of 154,000 kilometers of pipeline. We complete approximately 1.2 million locate requests annually. And, in 2023, we will invest \$550 million to maintain and add customers to our natural gas system. We are a proud contributor to the communities in which we operate, and our commitment to the safe, reliable delivery of natural gas underpins everything we do.

We encourage you to call upon the Government of Ontario to enact a dedicated locator model for large infrastructure owners, and to support a phased approach to regulation adoption. Please reach out should you have any questions.

Sincerely,

Murray Costello, P.Eng.

Director, Southeast Region Operations

ENBRIDGE GAS INC.

ms Cett

TEL: 519-885-7425 | CELL: 819-635-3984 | murray.costello@enbridge.com 603 Kumpf Drive, Waterloo, ON N2J 4A4

Mike McGivery

Michael McGwery

Director, Distribution Protection

ENBRIDGE GAS INC.

TEL: 416-758-4330 | CELL: 416-434-7920 | michael.mcgivery@enbridge.com 500 Consumers Road, North York, Ontario M2J 1P8

CC: Hon. Todd Smith, Minister of Energy

Hon. Kaleed Rasheed, Minister of Public and Business Service Delivery

Colin Best, President, Association of Municipalities of Ontario

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BY COUNC





The Corporation of the City of Cambridge **Corporate Services Department Clerk's Division** The City of Cambridge 50 Dickson Street, P.O. Box 669 Cambridge ON N1R 5W8 Tel: (519) 740-4680 ext. 4585 mantond@cambridge.ca

May 10, 2023

Re: Highway Traffic Act Amendments

Dear Ms. Mulroney,

At the Council Meeting of May 9, 2023, the Council of the Corporation of the City of Cambridge passed the following Motion:

WHEREAS speeding on our roads is a major concern in our community,

AND WHEREAS speeding can occur in all areas of our community,

**AND WHEREAS** barriers and delays to enforcement pose a danger to our community,

AND WHEREAS our municipality has limited resources to implement speed mitigation road design and re-design,

AND WHEREAS our local police service has limited resources to undertake speed enforcement.

AND WHEREAS s.205.1 of the Highway Traffic Act (HTA) provides that Automated Speed Enforcement systems (ASE) may only be placed in designated community safety zones and school safety zones.

THEREFORE BE IT RESOLVED THAT, the City of Cambridge request that the Ontario Government amend s.205.1 of the HTA to permit municipalities to locate an ASE system permanently or temporarily on any roadway under the jurisdiction of municipalities and as determined by municipalities and not be restricted to only community safety zones and school safety zones;

AND THAT a copy of this resolution be forwarded to the Ontario Minister of Transportation, the Ontario Minister of Municipal Affairs and Housing, local area MPPs, the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities.

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Should you have any questions related to the approved resolution, please contact me.

Yours Truly,

1 Man Jan

Danielle Manton City Clerk

Cc: (via email)
Steve Clark, Ontario Minister of Municipal Affairs and Housing
Local Area MPPs
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities





#### From the Office of the Clerk

The Corporation of the County of Prince Edward T: 613.476.2148 x 1021 | F: 613.476.5727

clerks@pecounty.on.ca | www.thecounty.ca

May 10, 2023

Please be advised that during the Regular Council meeting of May 9, 2023 the following resolution regarding the proposed new Provincial Planning Statement (PPS) was carried:

RESOLUTION NO. 2023-293

DATE:

May 9, 2023

MOVED BY:

Councillor Hirsch

SECONDED BY:

Councillor MacNaughton

WHEREAS the goal of increasing housing supply and reducing barriers in planning processes as set out in the recent legislative, regulatory and policy changes, including new provisions from Bill 23, More Homes Built Faster Act, 2022 is welcomed;

**WHEREAS** the proposed PPS (sections 2.6 and 4.3) would dramatically remove municipal power and renders aspects of the County's Official Plan, and other official plans throughout Ontario inoperative, terminating some local planning autonomy, and directly interfering with municipalities' ability to meet local variation and unique community needs;

**WHEREAS** the proposed PPS changes that would allow proliferation of lots with protection restricted to specialty crop areas only diminishes the purpose, uses, and integrity of rural and agricultural lands, thereby removing protection and restricting future uses of those lands;

**WHEREAS** the proposed PPS changes encourage sprawl and rural roadway strip development, rather than more fiscally and environmentally sustainable practices like intensification in established settlement areas; and

**WHEREAS** the province has announced changes will be proposed to natural heritage (section 4.1) that have yet to be published;

**THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the County of Prince Edward urges the province to:

 pause proposed changes to the PPS, particularly regarding natural heritage (section 4.1) and agricultural lands (sections 2.6 and 4.3)

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BY COUNCIL Page 68 of 781



#### From the Office of the Clerk

The Corporation of the County of Prince Edward T: 613.476.2148 x 1021 | F: 613.476.5727

clerks@pecounty.on.ca | www.thecounty.ca

 reinvest trust in the local planning authority of all 444 municipalities, recognizing that each Ontario municipality has unique landscapes, different housing needs and differing visions for local planning matters;

**THAT** our fellow municipalities be urged to voice their concerns regarding the proposed undermining of local planning authority;

AND FURTHER THAT a copy of this resolution be sent to all 444 municipalities, The Hon. Doug Ford, Premier of Ontario, The Hon. Steve Clark, Minister of Municipal Affairs and Housing; The Hon. Lisa Thompson, Ministry of Agriculture, Food and Rural Affairs, The Hon. David Piccini, Minister of Environment, Conservation and Parks, Bay of Quinte MPP, Todd Smith, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, and the Eastern Ontario Wardens Caucus.

**CARRIED** 

Yours truly,

Catalina Blumenberg, CLERK

cc: Mayor Ferguson, Councillor Hirsch, Councillor MacNaughton & Marcia Wallace, CAO





May 2023

Your Worship,

Whether you live in a large, cosmopolitan city or a small hamlet, you have been faced with the opioid crisis facing Canadians.

The National Chronic Pain Society is asking for your assistance to help patients suffering from chronic pain from becoming addicted to opioids.

Recently, the Ontario College of Physicians and Surgeons has made a decision that will lead more people who suffer from chronic pain to turn to opioids to alleviate their pain. The College is targeting community pain clinics by requiring the use of ultrasound technology in the administration of nerve block injections by licensed physicians. They are not mandating this requirement for physicians in any other capacity, such as epidurals in hospitals. This requirement will increase the time it takes to administer the nerve block and, therefore, reduce the number of patients a physician can see in a day.

Also, the Ontario Health Insurance Plan (OHIP) is proposing to reduce coverage for several vital healthcare services, including a drastic reduction in the number and frequency of nerve block injections a patient can receive. These changes have been proposed without any consultation with pain management medical professionals or with their patients. This cut will force chronic pain clinics to shut down, putting-a greater strain on family physicians and emergency rooms.

With the reduction in the number of nerve bocks being administered, many patients, looking for pain relief, will turn to overcrowded emergency rooms, opioid prescriptions from doctors or opioid street drugs.

We are asking that your Council pass a motion requesting that the Government of Ontario maintain OHIP coverage for chronic pain treatments and continue to provide much-needed care for the people of Ontario.

Further if you can please communicate that motion to the Premier, Minister of Health, Associate Minister of Mental Health and Addictions and your local MPP(s),

Thank you for your kind consideration of this matter. If you have any question, please do not hesitate to contact me at 1-800-252-1837, or by email at info@nationalchronicpainsociety.org. You may also contact me through Elias Diamantopoulos of GTA Strategies at (416) 499-4588 ext. 6, or at elias@gtastrategies.com.

Sincerely,

Leeann Corbeil, Executive Director

National Chronic Pain Society

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BY COUNCIL



# **MINUTES**

# MUNICIPAL HERITAGE STANDING COMMITTEE

#### Meeting Date, Time, and Location

March 22, 2023 - 1:45 pm in Conference Room 3

Committee Members	Council/Staff Support
David Ellsworth	Nick Dubanow, Councillor
Roxann MacKay Burton	Signe Hansen, Manager, Community Planning
Mary McLelland-Papp, Vice-Chair	Fahima Begum, Junior Community Planner
Charlene Nigh, regrets	
Keith Ratcliffe, Chair	
Elizabeth Szockyj, regrets	
Carol Walpole, regrets	

#### 1) Call to Order/Quorum

The meeting was called to order by the Chair at 1:45 pm. It is noted that a quorum was achieved.

#### 2) Approve Agenda

There was one addition to the agenda from Keith, that the Purchase of *Many Voices* books be added under New Business.

Moved By: Keith Ratcliffe

Seconded by: Mary McLelland-Papp

#### 3) Declaration of Conflicts of Interest

There were no declarations of Conflicts of Interest.

# 4) Adoption of Minutes – February 8, 2023

The Committee reviewed the minutes of February 8, 2023 and there were no further changes, and it was then

Moved By: Roxann MacKay Burton
Seconded By: Mary McLelland-Papp

That the meeting minutes of February 8, 2023, be approved.

Carried

#### 5) Municipal Register

#### **Municipal Register Review and Prioritization**

Staff presented on heritage designation timelines, and criteria for prioritizing the designated process for properties listed on the Municipal Register in order to most effectively utilize Committee, staff and consulting resources, and achieve successful designations. Some suggested criteria include:

- whether the property owner is supportive of designation
- whether historical information is readily available
- whether the property is at risk of falling into disrepair
- Town-owned properties

The Committee was supportive of such prioritization criteria and will consider them at the next Working Group meeting.

#### Meeting with Property Owners - follow up on 367 Crescent Road

The Committee discussed the benefits of collaborating with owners of properties listed in the Municipal Register after the property owners of 367 Crescent Road attended the February 8<sup>th</sup> MHSC meeting. The Committee would like to schedule a visit with the property owners to survey and evaluate their property for potential heritage designation. Staff will reach out to the property owners of 367 Crescent Road to confirm a date and time that 2-3 MHSC members can visit and assess the property. Mary has a checklist she will share with the Committee.

#### **Draft Letters for Properties on the Municipal Register**

Staff shared that 19 property owner responses have been provided so far, with 3 property owners expressing interest in designation, 8 property owners requesting more information, and 8 property owners expressing they would not like to designate their properties.

#### **Next Steps and Second Letters**

The Committee discussed how they will draft a follow-up letter for owners of properties listed on the Municipal Register. The letter is to be personalized according to the property, and whether the property owner expressed interest in designating, expressed they would like more information, expressed they are not interested in designating, or have not yet responded. Mary and Keith agreed to send the draft letter to staff for review.

# 6) Heritage Designation Pamphlet

The Committee reviewed the Heritage Designation Pamphlet to be sent with the second letter to owners of properties listed on the Municipal Register. The Committee provided design suggestions and various heritage property examples to include in the pamphlet. The Committee decided a heavier paper would be beneficial for the pamphlet to be printed on, and will determine whether to use glossy paper or matte paper based on the printing cost of each.

Staff to attain quotes for printing, the cost of which will come from the Committee budget.

# 7) Heritage Tax Rebate Program

Staff and the Committee debriefed on the 5 heritage tax rebate inspections carried out for the 2022 tax year. Roxann expressed concerns surrounding asbestos at one property, and staff confirmed they followed up with the Building Department, and outlined the scope of the inspections.

# 8) Outstanding Matters

# **Douglas Memorial Hospital**

Mary discussed how she had been reaching out to Douglas Memorial Hospital to discuss heritage designation, and Councillor Dubanow suggested she reach out to Councillor Christensen and the Community Health Care Committee for more information. Roxann expressed that since the building is not at risk of losing its heritage attributes, it is not a priority for designation currently.

# **Trees on Beatrice Road Property**

Roxann discussed that an elm tree had been cut down in the past in the Crystal Beach area. Councillor Dubanow shared that the tree on the property at Beatrice Road is not at risk at the moment. Staff expressed that the Heritage Tree By-law 171-06 needs to be re-assessed based on the changes to the Ontario Heritage Act and the new O. Reg. 569/22 Criteria for Determining Cultural Heritage Value or Interest.

# **Crescent Park Arches**

Staff confirmed an email was sent to Town staff regarding the condition of the Crescent Park Arches. The Committee discussed how the Crescent Park Arches are in poor condition.

In consideration of the current state of the Crescent Park Arches and their potential heritage value, the Heritage Committee considered the following motion, and it was

**Moved by** Mary McLelland-Papp **Seconded by** David Ellsworth

Council be requested to direct staff to have the Crescent Park Arches repaired and brought to working order.

Carried

# 3555 Yacht Harbour Road

The Committee discussed contacting the property owner based on the property owner's letter response. Mary and Keith agreed to send the draft letter to staff for review and follow-up on the property owners' interest in heritage designation.

# 9) Working Group Updates

Keith shared that the Committee completed the Heritage Designation Pamphlet at the last meeting. Roxann shared photos of the Ottway/Page Home and its significant changes over the years. Roxann will provide more information on the property for the next meeting, and the Committee will determine whether they will pursue designation for it or not. It is noted that the property owner has not responded yet whether or not they approve of designation.

The Committee plans to prioritize which heritage properties listed on the Municipal Register to first assess based on the Municipal Register Prioritization Criteria introduced at the beginning of the meeting. The Committee will identify those properties at the next MHSC meeting to determine next steps.

The next Working Group Meeting is scheduled on March 29<sup>th</sup> at 1pm in Conference Room 2.

# 10) 2023 Budget

# **Operating Budget**

Mary expressed the operating budget will be discussed at the next MCHAC meeting.

# 11) Heritage Week 2024

# February 27, 2023 Heritage Plaque Presentation

Staff and Committee members debriefed on the February 27<sup>th</sup> Heritage Plaque Presentation at the Council Meeting. Councillor Dubanow suggested the event be promoted on social media to incite more interest in heritage.

The Committee discussed plans for Heritage Week 2024. Keith suggested Museum Services provides informational materials in the Town Hall foyer. Roxann suggested the display case by the elevator be used by the MSSC for Heritage Week. Mary expressed the MSSC should plan what to have in the display case early on, and explore whether there is a specific event that can be commemorated in 2024. David suggested involving the broader community through having tables for the Native Friendship Centre, the Bertie Historical Society, other committees, and other groups with an interest in heritage.

# 12) New Business

# Many Voices Books

Staff shared there are 17 *Many Voices* books remaining from the 20 that were purchased. Keith expressed the books could be provided to the Town's schools. The Committee agreed to make a contact list including secondary schools, libraries, the Native Friendship Centre, and new MHSC members to provide *Many Voices* books to.

# MHSC Scheduling

The Committee discussed the meeting dates for 2023 and determined to meet at 1pm on the second Wednesday of the month. On days where the MSSC is meeting first, it will meet at 1pm, and the MHSC will meet afterwards.

In consideration of the availability of Committee members, the Heritage Committee considered the following motion, and it was

**Moved by** Roxann MacKay Burton **Seconded by** Keith Ratcliffe

MCHAC and MHSC meetings will begin at 1:00pm on the second Wednesday of the month. On months where the MSSC is scheduled to meet, its meetings will begin at 1:00 pm, and the MHSC and MCHAC meetings will be carried out following the MSSC meeting.

Carried

# 13) Next Meeting

April 12th in Conference Room 1, following MSSC meeting, at 1pm.

# 14) Adjournment

The Meeting was adjourned at 3:45 pm.

**Moved By:** Roxann MacKay Burton **Seconded by:** Mary McLelland-Papp



# **MINUTES**

# MUNICIPAL HERITAGE STANDING COMMITTEE

# Meeting Date, Time, and Location

April 12, 2023 - 1:50 pm in Conference Room 1

Committee Members	Council/Staff Support
David Ellsworth	Nick Dubanow, Councillor
Roxann MacKay Burton	Fahima Begum, Junior Community Planner
Mary McLelland-Papp	
Charlene Nigh	
Keith Ratcliffe	
Elizabeth Szockyj	
Carol Walpole	
Christopher Riou	

# 1) Call to Order/Quorum

The meeting was called to order by the Chair at 1:50 pm. It is noted that a quorum was achieved.

# 2) Approve Agenda

There were two additions to the agenda from Roxann, that the Letter of Decoration Day and Educational Opportunities be added under New Business.

Moved By: Roxann MacKay Burton

Seconded by: Keith Ratcliffe

There was one addition to the agenda from staff, that 204 Dufferin Street be added under New Business.

Moved By: Roxann MacKay Burton

Seconded by: Keith Ratcliffe

# 3) Declaration of Conflicts of Interest

There were no declarations of Conflicts of Interest.

# 4) Adoption of Minutes – March 22, 2023

The Committee reviewed the minutes of March 22, 2023 and Roxann requested the following change to the meeting minutes:

That the word "healthy" be removed from the following statement on page 3, "Roxann discussed that a healthy elm tree had been cut down in the past in the Crystal Beach area."

It was then

Moved By: Carol Walpole

Seconded By: Councillor Dubanow

That the meeting minutes of March 22, 2023, be approved.

Carried

# 5) Municipal Register

# **Municipal Heritage Register Prioritization List**

Staff updated the Committee on the letter responses from owners of properties listed on the Municipal Heritage Register, with 3 property owners expressing interest in designation, 9 property owners requesting more information, and 8 property owners expressing they would not like to pursue designation of their property.

Staff reviewed the Prioritization Criteria with the Committee to determine how to prioritize the properties listed on the Municipal Heritage Register. Roxann shared that members discussed prioritization at the last Working Group Meeting, with property owners who expressed an interest in designation being prioritized first, then property owners who requested more information, then property owners who have not yet responded, and finally property owners who expressed they would no like to pursue designation of their property. Roxann expressed the Committee can use the criteria to further prioritize and work through the list.

The Committee agreed to work on the 3 properties that have expressed interest in designation. Councillor Dubanow expressed that the process could be streamlined when it reaches Council and 3 designations could be presented in one Council meeting.

# **Meeting with Property Owners – Calls and Visits**

The Committee discussed scheduling meetings with the three property owners who are interested in designation. The Committee confirmed the visits will be carried out by 2-3 people.

Keith agreed to reach out to the 3 interested property owners, and staff will provide the contact information. Councillor Dubanow and Elizabeth expressed that as new members, they are interested in attending one of these visits.

### Second Letters

The Committee reviewed the second letter to be sent to owners of properties listed on the Municipal Heritage Register. The Committee agreed the letters

should only be sent to property owners who had not responded to the first letter.

The Committee agreed that phone calls should be made to property owners who requested more information, and that property owners could choose between attending a Committee meeting for more information, having 2-3 Committee members visit them at their property, or a third option of meeting in an agreed upon location, such as Town Hall.

# 6) Heritage Designation Pamphlet Approval

Staff shared the draft of the Heritage Designation Pamphlet with the Committee. Staff shared the following quotes for 250 pamphlets:

Magnolia Creative: \$185 (glossy or uncoated) VistaPrint:\$178.20 (glossy only)

The Committee approved the pamphlet design, and preferred to go with Magnolia Creative in order to support a local business.

# 7) Outstanding Matters

# **Douglas Memorial Hospital**

The Committee discussed its efforts to contact Douglas Memorial Hospital to discuss heritage designation. Councillor Dubanow suggested contacting the Mayor, Councillor Christensen and Councillor McDermott. Mary agreed to follow up with the Mayor and Councillor Christensen, while Keith will follow up with Councillor McDermott.

# **Trees on Beatrice Road Property**

Staff expressed that the Heritage Tree By-law 171-06 needs to be re-assessed based on the changes to the Ontario Heritage Act and the new O. Reg. 569/22 Criteria for Determining Cultural Heritage Value or Interest.

Councillor Dubanow shared that the municipality is looking at updating the Town's tree by-law, and there may be a heritage component that can be integrated. Mary suggested this item remains under Outstanding Matters, and Councillor Dubanow agreed to update the Committee on the progress of the tree by-law.

# 3555 Yacht Harbour Road

Mary suggested that 3555 Yacht Harbour Road is prioritized based on the research already done on the property, and contacted by phone.

# 8) Working Group Updates

Members shared that they looked at prioritizing properties based on the Prioritization Criteria, and will focus on the properties where owners have

expressed interest in designation first. It was confirmed that the purpose of the Working Group Meetings is to share and review research only.

The next Working Group Meeting is scheduled on Thursday April 20<sup>th</sup> at 1pm in Conference room 1.

# 9) Heritage Week 2024

# Promotion and planning

The Committee would like to have the Town sign changed to recognize Heritage Week 2024 closer to the date. Keith discussed having a letter written to the Clerk to have the Town recognize Heritage Week, and Mary agreed to write the letter.

# 10) Many Voices Books

# Recipients' list for distribution

The Committee confirmed they would like to gift a *Many Voices* book to 11 local schools. Chris volunteered to contact the schools and deliver the books to them.

# 11) New Business

# **Letter for Decoration Day**

Mary will send a letter to request the Town to acknowledge June 2<sup>nd</sup> as Decoration Day, related to the Battle of Ridgeway and the Fenian Raids.

# **Educational Opportunities**

Roxann inquired about potential conferences and educational opportunities for the Committee. Mary shared that this can be discussed in the Museum and Cultural Heritage Advisory Committee meeting.

### 204 Dufferin St

Staff informed the Committee that the property owner of 204 Dufferin Street inquired about the possible heritage designation of their property, and provided historical information. The Committee would like to look further into this. The Committee confirmed they will need to focus on the current 34 listed properties on the Municipal Heritage Register over the next year or two. Staff agreed to follow up with the property owner with this information.

# 12) Next Meeting

May 3<sup>rd</sup> at 1pm in Conference Room 1.

# 13) Adjournment

The Meeting was adjourned at 3:22 pm.

**Moved By:** Roxann MacKay Burton **Seconded by:** Charlene Nigh



# **MINUTES**

Museum and Cultural Heritage Advisory Committee

# Meeting Date, Time, and Location

March 22, 2023 - 1:30 pm, Conference Room 3

Committee Members	Council/Staff Support
David Ellsworth	Nick Dubanow, Councillor
Roxann MacKay Burton	Signe Hansen, Manager, Community Planning
Mary McLelland-Papp, Chair	Fahima Begum, Junior Community Planner
Charlene Nigh, regrets	
Keith Ratcliffe	
Elizabeth Szockyj, regrets	
Carol Walpole, regrets	

# 1) Executive Election

# **Election of Chair for the Museum and Cultural Heritage Advisory Committee**

Mary was nominated for the position of Chair of the Museum and Cultural Heritage Advisory Committee by Keith, and accepted the nomination. David seconded the nomination. The Committee voted unanimously for Mary as Chair of the Museum and Cultural Heritage Advisory Committee.

# Election of Chair for the Municipal Heritage Standing Committee

Keith was nominated for the position of Chair of the Municipal Heritage Standing Committee by Roxann, and accepted the nomination. Mary seconded the nomination. The Committee voted unanimously for Keith as Chair of the Municipal Heritage Standing Committee.

# **Election of Chair for the Museum Services Standing Committee**

Roxann was nominated for the position of Chair of the Museum Services Standing Committee by Mary, and accepted the nomination. Keith seconded the nomination. The Committee voted unanimously for Roxann as Chair of the Museum Services Standing Committee.

In consideration of Committee Vice Chairs, the Museum and Cultural Heritage Advisory Committee considered the following motion, and it was

# **Moved by** Roxann MacKay Burton **Seconded by** Councillor Dubanow

The Chair of the MHSC will serve as Vice Chair of the MCHAC, or in their absence, the Chair of the MSSC will serve as Vice Chair of the MCHAC.

The Chair of the MCHAC will act as Vice-Chair to both the MHSC and the MSSC.

Carried

- 2) Call to Order
- 3) Declaration of Conflicts of Interest
- 4) Agreement on Agenda
- 5) New Business
- 6) Next meeting

April 12th in Conference Room 1, following MHSC meeting.

7) Adjournment

The Meeting was adjourned at 1:45 pm.

**Moved By:** Mary McLelland-Papp **Seconded by:** Roxann MacKay Burton



# **MINUTES**

Museum and Cultural Heritage Advisory Committee

# Meeting Date, Time, and Location

April 12, 2023 -3:24 pm in Conference Room 1

Committee Members	Council/Staff Support
David Ellsworth	Nick Dubanow, Councillor
Roxann MacKay Burton	Fahima Begum, Junior Community Planner
Mary McLelland-Papp	
Charlene Nigh	
Keith Ratcliffe	
Elizabeth Szockyj	
Carol Walpole	
Christopher Riou	
·	

# 1) Call to Order

The meeting was called to order by the Chair at 3:24 pm.

It is noted that a quorum was achieved.

# 2) Declaration of Conflicts of Interest

There were no declarations of Conflicts of Interest.

# 3) Agreement or Additions on Agenda

There were no additions to the Agenda.

# 4) Meeting Minutes- March 22, 2023

The Committee reviewed the minutes of October 19, 2022 and there were no changes, and it was then

Moved By: David Ellsworth

Seconded By: Roxann MacKay Burton

That the meeting minutes of March 22, 2023, be approved.

# 5) MHSC Motions

# **Crescent Park Arches**

In consideration of the current state of the Crescent Park Arches and their potential heritage value, the Municipal Heritage Standing Committee passed the following motion for Museum and Cultural Heritage Advisory Committee ratification, and it was

Moved by Keith Ratcliffe Seconded by David Ellsworth

Council be requested to direct staff to have the Crescent Park Arches repaired and brought to working order.

Carried

# 2023 Meeting Schedule

In consideration of the availability of Committee members, the Museum and Cultural Heritage Advisory Committee considered the following motion, and it was

**Moved by** Roxann MacKay Burton **Seconded by** Keith Ratcliffe

MHSC and MCHAC meetings will begin at 1:00pm on the second Wednesday of the month. On months where the MSSC is scheduled to meet, its meetings will begin at 1:00 pm, and the MHSC and MCHAC meetings will be carried out following the MSSC meeting.

Carried

# 6) 2023 Budget

# **Heritage Designation Pamphlet Printing**

The Museum and Cultural Heritage Advisory Committee considered the following motion, and it was

Moved by David Ellsworth Seconded by Keith Ratcliffe

The Committee votes to spend up to \$225 for the creation of 250 pamphlets in matte finish, and award the contract to Magnolia Creative to support local businesses. The Committee awards this contract for the pamphlets to be delivered to the Town within 14 days.

# 7) Education and Heritage Promotion

Mary suggested the Committee uses at least \$1,000 to send Committee members to a Heritage Conference, such as the Ontario Heritage Conference in London, Ontario, or the National Trust Conference in Ottawa. Mary will look into the details of the Ontario Heritage Conference and Chris will look into the details of the National Trust Conference. (Staff subsequently confirmed that Council approved a \$2,000 budget allocation for Committee training and education, through the 2023 budget).

The Committee discussed promoting heritage through local newspapers. Keith shared how he wrote a number of articles for the Ridgeway Observer on heritage. Carol suggested the Committee highlight a recent designation in the newspaper to promote heritage designation. Roxann suggested a photo comparison of heritage properties could be displayed, with older photos beside current photos.

Roxann will contact Melinda Cheevers and the Post to determine the cost of posting articles. Mary inquired whether the Committee would like to pay a newsletter distributor to include their articles in their issues, or have the articles included for free. The Committee agreed to explore ideas for articles. Chris suggested social media could also be used to promote heritage.

# 8) Next meeting

May 3rd in Conference Room 1, following MHSC meeting.

# 9) Adjournment

The Meeting was adjourned at 3:52 pm.

Moved By: Carol Walpole Seconded By: David Ellsworth



# MINUTES



Meeting	Date,	Time,	and	Location
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Monday April 24th, 2023. Conference Room 1 4:30pm

# **Members**

# **PRESENT**

Devlin Knutt, Paige Gismondi, Hailey Hudson, Nicholas Mete, Grace Gismondi, Tristain Jagiello, Queen Ndibwami, King Ndibwami, Giulia Piazza, William Macquarie

# **ABSENT**

Mackenzie Arts, Sydney Steele, Natalie Woehl, Weston Allen, Migel Angel Plata Torres, Laura Stephany Plata Torres, Biliqees Fayemi, Mojeed Fayemi, Teslim Fayemi

# **STAFF**

Fran Vella, Adult Advisor Mayor Wayne Redekop Cole Patton Communications

1) Call to Order

The meeting was called to order by Chair, Paige Gismondi at 4:36p.m.

2) Approve Agenda

The Chair asked if the members were in agreement with the Agenda or if there are any changes/additions.

Moved by: Tristan Jagiello Seconded by: Devlin Knutt

That: The MYAC Agenda for the April 24th, 2023 meeting be accepted. (CARRIED)

# 3) Declaration of Conflict of Interest

None.

# 4) Adoption of Minutes

Committee to pass a motion to adopt the minutes of the previous meeting:

Moved by: Hailey Hudson Seconded by: Nicholas Mete

That: The minutes of the MYAC meeting March 28th, 2023 be approved.

(CARRIED)

# 5) Mayor Redekop Report/Announcements

- The Town acquired 16 acres of land near Shag Bark Trail. The woodland they got is now apart of the trail,
- At the beginning of last week Mayor met with Clean up Fort Erie and discussed the
  initiative of an all year round program about teaching people not to litter and keep
  places clean of litter. educate that it is wrong to litter. Clean up initiatives for cleaning
  around roads and other things. Trying to get it going in a cycle twice a year maybe
  becoming 4 times a year later on. Opportunity to work more in our community to
  build upon the earth day cleanup
- Mayor will bring up beach clean up to the next meeting of Clean up Fort Erie
- Mayor will let us know when the next meeting is so one of us may attend to propose the idea

# 6) Delegations

- 1. Ruth Markle from the Fort Erie Horticultural Society
  - 10 yrs president of the society, horticultural societies are presenting and going to help school
  - 3 main goals: preserve, protect and educate. Learning about plants and how to preserve them, protecting by helping the town plant more trees. Flower shows are about education.
  - They have seniors who may need help with their yard work. Thinking of a partnership between someone who wants to learn. Paid job not strictly volunteer. Students who want to do it
  - Plant sales to replace ash trees, they use the money to help them get to past secondary
  - attend the plant sales even just to talk to people
  - an advantage we will have from 21 yrs down is a free membership, meetings, events and welcome anytime

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- gilmore lodge planters, pollination plot
- the president can coordinate the student stuff, we could link it for other students to see the volunteer opportunities
- plant sales: Saturday may 20th 8 am 1 or 2 at dunn the mover
- plant sales: Saturday 27th may 8am- 1 or 2 at dunn the mover
- volunteer hours are offered
- Fran will send out invitation to attend to MYAC members and Hailey will make a social media post to advertise in the schools: promotions about the plant sale, information about the society
- Fran will also send out a summary of all the volunteer opportunities that Ruth mentioned to MYAC

# 7) Business Arising from Minutes

- 1. Parent council/Town Council ppt Mackenzie report
  - a. Pictures and blurbs
    - she invited us to the google classroom for us to join. If you haven't completed it by Wednesday, Fran will reach out separately to us.
    - if you want to be apart of the presentation you can let her know
  - b. May town council presentation
    - representatives: Paige, Hailey and MacKenzie (Fran will email all members to see who else would like to join)
- 2. Team building Mackenzie
  - Mackenzie looked at skyzone
  - include pizza pop a hour of jumping a small party room for up to a hour
  - team building
  - fits the budget that we have
  - thinking week night, there will be a survey put out for available days
  - thinking in May maybe last week of may maybe a 7-9pm
- 3. Easter Egg Hunt
  - Suggestions for next year: have posters at the physical egg hunts to promote our virtual ones and to get it out to more people, physical advertisement for everything, putting posters up at the leisure plex, libraries, Gfess has news broadcasting live every morning, maybe even use them as well. This event will also be put on the February Agenda to have more time to get it ready and advertised.
  - a. report- clues
    - the clues went to Fran, some people didn't send them, making sure clues aren't cryptic and correct
    - 30 people filled out form
  - b. winner
    - family of 5 kids, found out about it through GFESS
  - c. Review expense items for submission (expense submission attached):

Board/Committee to pass a motion to approve the submission expenses by Fran Vella for the Easter Basket.

Moved by: Nicholas Mete Seconded by: Grace Gismondi

That: the submission of expenses by Fran Vella is valid and should be submitted. (CARRIED)

- 4. Earth Day Clean up report: Hailey Hudson
  - group of members met at kraft entrance
  - we walked down the friendship trail all the way to the beach and then back around to the friendship trail
  - felt it was important for earth day to clean up
  - a success and we will do it again next year

# 8) New Business

- 1. Sub committees REPORTS:
  - a. Promotions Hailey, Sydney
    - Easter egg hunt was posted on social media to promote personal socials and at your own schools.
    - i. summer school event see below
  - b. workshop and development Mackenzie, Paige
  - c. promoting/encouragement safe community Fort Erie Tristan
    - sports hall of fame, recognition wall to recognize talented individuals in the arts but also people who have done well in anything in Fort Erie.
    - having something like that will encourage the community in youth
    - seeing, having a visual of people have made it in the world can help younger people see how it doesn't matter where you come from
    - somewhere outside the GFESS theatre or maybe out in the public where everyone could view it
    - stone pavers out in front of town hall with ceremonies
    - you don't have to leave Fort Erie to be famous
    - Tristain and Mayor will communicate and then report at next meeting
  - d. Events: Natalie, Giulia, Grace
    - summer events school video contest events. Choose the topic, school prize, and due date.
      - something to run like a summer event maybe a competition between schools and then a competition between elementary schools
      - maybe a theme on how to maintain mental health or tips on how to have a positive mental health
      - how to keep fort erie green, any sort of topic we throw out there

- Do students win or the whole school? whole school itself for team building and its for all students rather than group more inclusive if it was school wide and also would bring more attention to the event.
- we could offer a trophy, give a school a equipment piece for there school, for the next school year for them to use
- pick a sport and choose equipment from there give them a "sport package" maybe for just elementary
- students who won can choose what department they want to add to for maybe some individuality
- give them options
- secondary schools in niagara falls they gave out free airpods to the kids (maybe not in budget for us but is a guiding idea)
- we develop a smaller committee that will be in charge of the contest
- themes: mental health, partner with charity (collect donations in community whoever got most donation won), food drive
- could theme the food drive as christmas in july maybe even educational
- bring awareness to the fact that its a year round issue
- think about what high school may want to win
- Final decision: Food drive to promote awareness that it is a year round problem and not just around the holiday. Elementary competition and winning school to receive \$500 in sporting equipment for the school and a trophy to be picked up next June. High school competition: winner to receive?
- Maybe just do Elementary this year?
- 2. Town Tree Give away May 6
  - leisure plex parking lot 7:30 am
  - it is a fast event wrapping up by 11
  - MYAC helped direct people where to go and unloading trees which helped speed up the event.
  - Will you attend? Fran will send out an email asking who is going to participate. Wear your MYAC gear at the event.
- 3. Scholarship: Only change from last year is to state the funds will go to the recipient on social media posts and google form. More advertisement of the scholarship is needed! Hailey will make the social media post ASAP and Fran will send it out to the High School guidance counsellors and to Elementary principles. This will go out to Elementary and Secondary schools next week with a June 1st deadline and we will choose the recipient at the June meeting
  - MYAC members cannot apply
- 4. June meeting (Fran)
  - a. date change? Exams start the week of the 19th so I'm thinking of moving the meeting from June 19th to June 12th. This is only two weeks after our May meeting but it will just be wrap up (no new business and dinner)

- 12th will be ok
- b. End of the year dinner (Maria's catering?)
  - put out google form survey about what to eat
  - Choice will be made final at May meeting

9)	Enquiries	by Members
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None.

10) Next Meeting

The next meeting of MYAC will be held on May 29th, 2023 in Conference room #1.

# 11) Adjournment

Chair, Paige Gismondi called the meeting to adjourn at 5:48p.m.

.
Moved by:Nicholas Mete

Seconded by: Will Macquarie That: The meeting be adjourned

Minutes recorded by: Minutes approved by:

Giulia Piazza Paige Gismondi

Secretary Chair

(CARRIED)

# **Approved in Minutes**

				- 1	Mail Chq	
Committee Name:	Mayor's Youth Advisory			I	P/U Chq	Pick up
Payable To: Fran Vella		Date: April 24	th, 2023		Amount Payable	\$52.29
Address:237 Prospect Pt Rd						
Particulars	Acct#	G/L Expense	HST Reba	ite	HST	Invoice Total
Easter Basket (reciepts attached)	OG-65200-3422	\$48.58	s 3.	71	\$ 4.29	\$52.29
		\$0.00	s -			
		\$0.00	s -			
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Total Voucher			\$ -	$\Box$		\$52.29







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# Senior Citizens Advisory Committee

# Meeting Date, Time, and Location

Wednesday April 4, 2023

10:00 am

Fort Erie Lions' Seniors Centre

# Members

Rosalie Snyder, Graham Rignall, Helen Rignall, Barbara Hopkins, Bill Doyle, Eleanor Hurst, Jayne Cruikshank, Sandra Peitsch, Peter Grantham, Wayne Ostermaier, Rosalind Tarrant-Dikens, Michelle Bearss, Muriel Beckett, Councillor Joan Christensen

Regrets: Lida Greenaway, Deborah Fairlie, Maria Scott

Absent: Anna Annunziata

# 1) Welcome & Announcements

- Meeting was called to order at 10:00, everyone was welcomed by Graham Rignall
- Round table introduction was done

# 2) Introduction of Special Guests

• Catherine Mindorff of Strong Fort Erie Neighbourhood with a presentation regarding "Connecting Our Community" committee. Catherine noted that the annual "Seniors Stepping Out" event is scheduled for June 14 being hosted at Fort Erie Lions Hall. Catherine explained how this year the work load has been divided into 3 categories and there will be two volunteers required for each category. The event will run from 11 to 3 with entertainment and a lunch.

# 3) Minutes of Previous Meeting

Meeting of March 1, 2023 was reviewed with no errors or omissions.
 Motion to accept minutes was made by Doyle, 2<sup>nd</sup> by Hurst... carried

# 4) Treasurer's Report

- Report submitted by Treasurer Doyle indicating he still has nothing from the Town confirming SCAC's requested budget therefore SCAC is still with a negative balance
- SCAC has allocated \$5000.00 for the June event Motion to accept Treasurer's report made by Peitsch, 2<sup>nd</sup> by Snyder... carried

# 5) **Business Arising from Previous Minutes**

# **Review of the March event**

- Only complaint was the length of time it took to serve everyone
- Lesson learned; this is not the type of Menu for this type of event
- 99% of the attendance said they had a great time
- Lesson learned; one ad in each paper would have been sufficient as by the time the second ad was published, the event was sold out

 Also noted that for some events may not require advertising however as a Town committee we need to let the public know. Distribution of tickets, etc. is up to the person organizing the event.

# **Discussion re April**

 Nothing officially scheduled, however RCL 230 invited everyone to attend their event on April 19<sup>th</sup>. RCL 230 hosted a Canadian National Film Day event

# **Discussion re May**

- Euchre at the Leisureplex on May 15<sup>th</sup> rental fee will be charged as SCAC is only allowed one free rental annually
- Event will be catered by Mae's
- Discussion on how to include the Native Centre since they no longer have representation on the SCAC.

# Discussion re June event & follow-up on "Connecting our Community"

- See Catherine's presentation
- Seniors Stepping Out being hosted by Fort Erie Lions
- Volunteers will be needed for various committees
- Planning meeting is scheduled for Tuesday April 25<sup>th</sup> at the Lions Hall
- SCAC members who volunteered are: Rosalie, Rosaline, Sandra, Michelle, Jayne and Wayne

### **Educational Sessions**

- Deborah is doing a session on April 6<sup>th</sup> at Fort Erie Lions Centre regarding Preplanning, etc.
- Darren Flagg is doing a session on April 25<sup>th</sup> regarding Wills, POA's, etc.
- Barb has received an offer from an Employment Lawyer to do a session on Employment Laws for Seniors

# **Updating and revamping of the Event Checklist**

Postponed until next meeting due to Deborah's absence

# Discussion on the January 2022 event

- Noted lack of accessibility for the restrooms
- Discussion on reducing the price
- Suggested asking Alvin Chew to cater at a different venue that is accessible

# 6) Correspondence

- Barb received a list of the members from the Town and requested permission to show contact information within the committee. All agreed with Muriel indicating her email only
- Barb noted that correspondence had been received requesting SCAC to submit a candidate for Senior of the Year. No response

# 7) Other Business

- Noted that there is still one position vacant
- Discussion ensued regarding voting for the Executive positions, Barb to send out an email asking if anyone is interested in being nominated for one of the Executive positions
- Noted that the Terms of Reference are new and this will be reviewed and discussed at the next meeting
- Joan noted there is a Niagara wide initiative around Age-Friendly Niagara Council
  where the names and addresses of all SCAC's, in the area, have been
  requested. This information would be used by NOAA (Niagara Older Adults
  Alliance)

# 8) Next Meeting Date and Adjournment

The next meeting date has been scheduled for Wed. May 3rd, 2023 at 10:00 am

Motion for adjournment Doyle, 2<sup>nd</sup> by Grantham... carried

April 4, 2023 meeting adjourned at 11:22 am

Minutes prepared by

Barbara Highers

Minutes approved by





# Senior Citizens Advisory Committee

# Meeting Date, Time, and Location

Wednesday May 3, 2023 10:00 am

Fort Erie Lions' Seniors Centre

# **Members**

Rosalie Snyder, Graham Rignall, Helen Rignall, Barbara Hopkins, Bill Doyle, Eleanor Hurst, Jayne Cruikshank, Sandra Peitsch, Peter Grantham, Rosalind Tarrant-Dikens, Maria Scott, Michelle Bearss, Muriel Beckett, Anna Annunziata Councillor Joan Christensen

Regrets: Deborah Fairlie
Absent: Wayne Ostermaier

# 1) Welcome & Announcements

Meeting was called to order at 10:00, everyone was welcomed by Rosalie Snyder

# 2) Introduction of Special Guests

 No special guest, however, Rosalie let everyone know about the untimely passing of Catharine Mindorff which was followed with a moment of silence.

# 3) Minutes of Previous Meeting

Meeting of April 4, 2023 was reviewed with no errors or omissions.
 Motion to approve the minutes was made by Grantham, 2<sup>nd</sup> by Doyle... carried

# 4) Treasurer's Report

• No written report however Bill Doyle noted that he still has not received approval rom the Town regarding our requested budget. Bill indicated that he would stop by Town Hall and follow-up.

No motion for approval as there was no written report.

# 5) **Business Arising from Previous Minutes**

# **Finalizing May Euchre event**

- There are 110 players.
- The doors will open at 11:00 am
- Volunteers needed: 5 to 6 to help serve; 1 or 2 for admission and 2 to 3 people to punch cards for lone hands.
- Ellie collected money and unsold tickets and distributed tickets to the members attending to cover the food requirement.

# Discussion re June "Seniors Stepping Out" event

- The event is being held at Fort Erie Lions Douglas Heights Centre
- Joan contacted Teresa Murphy regarding this event and will follow up with Teresa, a board member of SFEN.
- The event is being continued with a lot of follow up with the Board members of SFEN.
- SCAC has allocated \$5,000 for this event.
- Tickets for lunch are to be given out when the guests register.
- Discussion on the recommendation of a donation box being set up, which ended with the decision to not do this as it would change the meaning of the event.

### **Educational Sessions**

- Open discussion on how important communication is.
- Barb will contact the lawyer from Employment Lawyers regarding a table at the June event
- Deborah has another possible presenter regarding Seniors Fraud
- Decided June event might be an opportunity to resource this type of presenter

# **Updating and revamping of the Event Checklist**

• The form is to be finalized and brought to the next meeting for review Motion that this event checklist be used for each event and once completed given to the Treasurer for budget purposes, was made by Fairlie, 2<sup>nd</sup> H. Rignall... carried

# Review of the new Terms of Reference

- Councillor Christensen indicated that SCAC was reflected in Appendix 6. She then reviewed and explained the changes.
- The Terms of Reference are to be reviewed every 4 years to allow for update suggestions, if any
- Discussion on item 2.1 a) does this mean that if a member has no computer or email access, they can not be a committee member.

# **Appointment of Executive**

- Motion to maintain the current Chair and Co-Chair in their respective positions was made by Peitsch, 2<sup>nd</sup> by Hurst... carried
- Motion to maintain the current Secretary and Treasurer in their respective positions was made by G. Rignall, 2<sup>nd</sup> by Annunziata

# 6) Correspondence

Barb read the email from Lida Greenaway resigning from the committee. Barb will
email Lida and let her know that she still needs to send the Town her notice of
resignation

# 7) Other Business

- Thorold SCAC has requested contact information for members of Fort Erie SCAC in preparation of a Regional get together of SCAC members.
- Discussion ensued regarding distribution of event calendars among Organization Representatives
- Discussion ensued regarding out-of-pocket expenses, particularly mileage. Joan agreed to look into the perimeters of out-of-pocket expenses.

# 8) Next Meeting Date and Adjournment

The next meeting date has been scheduled for Wed. June 7, 2023 at 10:00 am

Motion for adjournment Beckett, 2<sup>nd</sup> by Tarrant-Dikens... carried

May 3, 2023 meeting adjourned at 11:26 am

Minutes prepared by

Barbara Highers

Minutes approved by



# **Crystal Beach BIA**

# **Minutes**

Meeting Date, Time, and Location			
Wednesday April 12 <sup>th</sup> , 2023 – 6:00pm to 8:00	0pm- Fort Erie Public L	ibrary, Crystal Rid	ge Branch
Members Present			
Board Members – Kirk Fretz, Chris Hawkswe	ell, Robin Bannerman,	Carolyn Smith, Tor	m Lewis
Regrets – Melissa Dubois & Regan Greatrix		Absent -	
BIA Members – G	luest -		
1) Call to Order			
Meeting called to order by Kirk Fro	etz at	6:09 pm.	
2) Roll Call			
Recording secretary noted all attende	es.		
3) Disclosures of Pecuniary Interest			
None.			
4) Approval of Agenda			
Motion to approve the agenda as a boundaries.	mended with the add	ition of Item G) E	xtension of CBBI
Moved by Chris Hawkswell	/ Seconded by	Kirk Fretz	Carried.
5) Presentations and Delegations			
7) Fresentations and Delegations			
n/a			
6) Approval of Minutes			
/ ipproval of initiation			
Motion to approve the minutes of N			
Moved by Tom Lewis /9	Seconded by Chr	IS HAWKSWEII	Carried

# 7) Agenda Items

A) Proposed Noise and Nuisance By-law. The TOFE Staff are requesting feedback from the BIAs to ensure we capture necessary concerns

Although the TOFE consultation period may have ended, ALL are encouraged to go to, "Let's Talk Fort Erie" and submit feedback to the TOFE bylaw department ASAP. Crystal Beach's downtown core would most definitely be impacted especially where patios are concerned. "Outdoor Patios" are in the proposed bylaw under item 3.0 (j). Robin will include the proposed bylaw to all stakeholders. We question how the CB BIA ought to put forth our perspective to represent our membership?

Motion to instruct Alycia Bergeron, CB BIA Administrator, to send a letter to the TOFE capturing the concerns of the BIA regarding the proposed bylaw AND to support patios allowed to be in use from 11am to 2am Friday and Saturday nights May through September.

Moved by Chirs Hawkswell / Seconded by Carolyn Smith Carried

B) Request that speed limit be reduced to 40km/hr on Erie Road

Tom Lewis to bring the issue of speed reduction to 40 km/hr to the TOFE's attention and he will report back at the next BIA meeting. He will also investigate the speed posting along roads like Crystal Beach Drive.

C) Housekeeping: broken lamp stands that have never been repaired / replaced at the corner of Derby and Erie Rd.

Tom Lewis is well aware of this matter including two other lights located on Derby Road which have been in disrepair for over 4 years. This poses liability to the TOFE. Also included in housekeeping is garbage can overflow. All community stakeholders are encouraged to continue call waste pickup through the Region.

# D) Signage

Examples of missed signage opportunities: the corner of Erie and Ridgeway Rd. to indicate "Beach" and "Downtown Crystal Beach" / Boat Ramp / Waterfront Park / Bay Beach Entry for promotion of local businesses

Our goal is to have signage designed and created however Tom Lewis is working on "wayfinding" at a provincial level to ensure cohesion and corporate image. Tom assures us, all is in the works.

Bay Beach & Waterfront Parks— there is potential grant opportunity to be had (approximately \$5k) and there may be some opportunity for the Friendship Trail. Currently in the works is a QR code program — looking to create synergies between Ridgeway and Crystal Beach and leverage storefront QR codes for businesses and these codes could also be posted on our community picnic tables.

We would also like to look to extending complimentary WIFI service along Erie and Derby Roads (and in Ridgeway) allowing for push notifications from businesses.

# E) Fish Tournament

The TOFE is supportive of this initiative and it could run either in the spring or fall 2024. Need to confirm what time of year would be best and we need to establish a subcommittee, starting with Kirk Fretz and Tom Lewis.

F) Lunar eclipse April 8th, 2024.

The lunar eclipse is already gaining traction as confirmed by Amanda Marshall who is already receiving bookings for STR's one year in advance! This event could be a terrific way to engage with the Native Friendship Centre and Indigenous community.

Motion to secure Waterfront Park and Bay Beach for the lunar eclipse April 8<sup>th</sup>, 2024 and to include the Fort Erie Native Friendship Centre via application

# Moved by Kirk Fretz / Seconded by Robin Bannerman Carried

G) We wish to further investigate expanding the CB BIA boundaries to ensure we are including ALL Crystal Beach businesses. Chris Hawkswell to work with Alycia Bergeron on this initiative.

# 8) Reports & Correspondence

# a. Beautification Committee

Bruce Lowther brought us up to date: the flowers have been ordered and the watering grant is in place. Boots on the ground getting work done! The committee is 6 members strong and they are aiming toward Queen Victoria weekend to install. The BIA is looking to increase our support based on the increased levy. We ought to look to leverage our social media platforms to appeal to additional support for this committee – call out to students!? The committee needs week pickers.

# b. Advancing Crystal Beach

Orma Bleeks informed us the Welcome bags are ready and are destined for new community residents. The bags will include the new Crystal Beach brochures and local businesses are encouraged to contribute promotional material. In addition, ACB has identified a grant for portable toilets however, the deadline is April 20<sup>th</sup>, 2023. ACB's AGM will be held May 16<sup>th</sup> at 6:30pm at the Church located at 241 Elmwood Ave.

Motion to support the portable toilet grant application

Moved by Kirk Fretz / Seconded by Robin Bannerman Carried

### c. Friends of Crystal Beach

We need to find inquire to understand present membership and what events are coming up so that we can cross promote.

# d. Ridgeway BIA

Tom Lewis & Kirk Fretz were present at the Ridgeway BIA meeting held Wednesday April

8<sup>th</sup>,2023 where they were in support of short term rentals and providing lodging for tourists and visitors alike. ALL are encouraged to attend the meeting being hosted at the TOFE Tuesday April 18<sup>th</sup>, 2023 to discuss the status of STR's.

# e. Treasurer's Report

Tom & Kirk will contact the TOFE to provide us with actuals

# f. Councillor's Report

Tom's update 4/12/2023

### **Bay Beach**

Town of Fort Erie (TOFE) plan to start the resident pass sales in the first week of May. This year residents will be able to purchase their passes online. Alternatively, TOFE offers an in-person option, and the town will likely start pass sales at one of the arenas prior to the beach opening. These specifics will be communicated in the weeks prior to the start of sales on the TOFE site and social media as well as my social media and constituency page <a href="www.tomlewis.ca">www.tomlewis.ca</a>. TOFE intends to start formal operations on Friday, May 19th (leading into the holiday weekend). As in 2022, the operations should be similar, TOFE have not adjusted rates, hours, staffing levels, etc. for 2023.

Both the Mayor and I spoke at the Infrastructure Services meeting about the need for increased capacity at the Bay Beach Facility while ensuring a safe operating facility. For the summer of 2023 the TOFE is planning to increase the number of day passes sold to 2500 from 2000. TOFE will monitor this number to ensure this volume of day patrons mixed with resident and commercial pass holders while still being manageable. Further, TOFE will be pushing advance day pass sales early this year. The use of this advanced purchase option can ensure no patron planning to attend is turned away from the beach, regardless of capacity.

As in 2022, there will continue to be no limit on resident and commercial pass holders, TOFE did not have to turn any away in 2022. The goal of the Town is to balance the "needs" of maintaining a safe, family friendly beach environment with the wants of increased tourism and revenue generation.

Also, to note that last summer TOFE responded to over a dozen lost children reports on the beach (each was located safe), but the larger the volume the harder it is to manage an emergency (lost child, beach evacuation, etc.).

TOFE are looking forward to a great 2023 beach season, like the BIA we keep learning and adjusting each year to find the best beach operation possible.

TOFE site will be updated shortly to reflect this information.

### **WayFinding**

Discussion with TOFE staff is ongoing for signage at Erie Road and Ridgeway for Boat Launch, Bay Beach, and Business core. Hope to have more of an update at the next meeting.

# Ridgeway BIA

Kirk and I attended the most recent Ridgeway BIA and spoke with them about several key issues where we could collaborate. This was building on our prior meeting with the Chair. It is about building a working relationship with each other. When one neighborhood is successful so is the other.

The concept of signs directing visitors to the BIA's at Bay Beach, Waterfront Park, and Downtown Ridgeway/Crystal Beach was discussed. There is potentially \$5k per BIA in funding though TOFE ED to help assists with the costs for a project like this. ED has agreed to work on concepts and potential locations for BIA to consider at each site to share with BIA's

Ridgeway BIA is doing QR Code stickers for commercial windows and other spots to promote the BIA that would assist in driving people digitally to the BIAs site. CBBIA might be able work with the RBIA on this as a shared project.

# Garbage

Thank you to those who are calling in the garbage bins overflowing. If you notice bins overflowing or not being picked up or if you have any other waste related questions/concerns call the Region of Niagara Waste Info Line Monday – Friday 8:30 am to 5 pm at 905 356 4141. It is my hope that this year we are better with our housekeeping and tidiness.

# **STR Public Open House**

The Town of Fort Erie initiated a Short-Term Rental Land Use Study with the aim to develop and recommend a land use approach to directing and regulating short-term rentals within the Town's boundaries.

An initial Public Open House was held on November 23, 2022 to gather public input and opinion as part of the background phase of study work. A second Open House on February 1, 2023 allowed for the consultant to present several policy and regulatory options being considered. Public commenting was received and considered together with all prior engagement and commenting, leading to a single draft recommendation.

This third and final study Public Open House will present the draft recommendation to public and allow for any final commenting before being presented to Council at a future meeting.

This meeting is being held **in-person** at Town Hall with opening remarks and a presentation starting at 5:00pm, with a question and answer period to follow.

The presentation and question-and-answer period will be broadcast live on the <u>Town's YouTube (External link)</u>channel. All meeting materials will be made available the following day here on the Let's Talk Fort Erie Short-Term Rental Land Use Study page.

Meeting details:

Date: April 18, 2023

**Time:** 5:00 pm to 6:30 pm

Place: Town Hall, 1 Municipal Centre Drive, Fort Erie

For more information, please see the <u>Notice of Public Open House 3</u>, linked here or in the Documents section of this page.

# Noise Nuisance By-Law

TOFE is considering passing a new Noise and Nuisance Bylaw and are looking for input. The proposed bylaw with track changes can be found at <a href="http://bit.ly/3ST62m9">http://bit.ly/3ST62m9</a>. All BIA members are encouraged to read the bylaw and comment on any parts that might be an issue i.e., Patio etc.

### **Conversation with FENFC**

In my recent discussion with the FENFC ED the concept of a future Crosswalk at Erie and Ridgeway Road was discussed, and they are interested. I will be raising this with TOFE Infrastructure Staff.

We also discussed the potential for a "Blessing/Acknowledging of the Water" event in early June at Bay Beach to kick off the season. The FENFC suggested the FENFC Women's hand drum group Strong Water Singers may be interested. CBBIA should propose some dates and see about the FENFC availability. This could turn out to be a nice yearly event and good partnership with FECFC.

9) New Business and Inquiries by Members

Kirk shared the Supper Market budget to the membership to their satisfaction.

10) Next Meeting Date and Adjournment

The next meeting will be Wednesday May 10th, 2023 at 6:00pm.

Motion to adjourn. Moved by Kirk Fretz / Seconded by Tom Lewis Carried.

The meeting was adjourned at 7:57 pm.



# Crystal Beach BIA Special Meeting Minutes

# Meeting Date, Time, and Location

Saturday April 29<sup>th</sup>,2023 at 10:00am – Fretz Heating & Plumbing office, 3998 Erie Rd. Crystal Beach

# **Members Present**

Board Members – Carolyn Smith, Chris Hawkswell, Regan Greatrix, Melissa Dubois, Kirk Fretz, Robin Bannerman & Tom Lewis

Regrets – n/a Absent – n/a

# 1) Call to Order

Meeting called to order by Kirk Fretz at 10:30 am.

# 2) Agenda Items

**Farmers Market Status** 

**Background**: conversations with the TOFE began in October 2022 and were furthered in December 2022 whereby the TOFE was presented with the suggestion of expanding the, "Grove's" usage to demonstrate to the TOFE, the desire for the park *to remain a park* and to consider moving the Farmers Market to Erie Road at Oxford.

The Crystal Beach Farmers Market was started by Advancing Crystal Beach (ACB) who ran the market in the parking lot adjacent to the Crystal Chandelier where private parking was available to accommodate vendors. Sandra Lyons then took on the Farmers Market management and moved the market to the Queen's Circle for a more organic feel. The criticism associated with the Queen's Circle venue was: the lack of parking, challenges moving in and out of the market, the port-o-potties facing the circle's residential housing and the fact that visitors to the community do not know how to get in and out of the circle.

The majority of the CB BIA Board sees the value in leveraging and utilizing the "Grove" more frequently and demonstrating proof of concept and vying for the TOFE's support. We wish to test the waters so to speak.

Melissa Dubois criticized the CB BIA for its lack of communication to its membership and questioned why the BIA membership was not consulted about the suggestion to name the "Grove" as the 2023 locale of the Farmers Market. Further, why was the membership not consulted about the April 29<sup>th</sup>, 2023 special meeting? For the record, Melissa Dubois is not supportive of the Special Meeting seeking support of the Motion to name and move the Farmers Market location.

Not knowing the exact protocol in this given situation, the CB BIA Board will table this motion until the next BIA meeting scheduled Wednesday May 11<sup>th</sup>, 2023. The Motion will be presented to the attending membership and the Board whereby the motion of moving the Farmers Market from the Queen's Circle to the Grove will be presented.

# 3) **Next Meeting Date and Adjournment**

The next (regular) meeting will be Wednesday May 10th, 2023 at 6:00pm

Motion to adjourn. Moved by Kirk Fretz / Seconded by Chris Hawkswell Carried.

The meeting was adjourned at 10:35 am.



# Town of Fort Erie

# **MINUTES**

# Community Gaming Development Corporation

# Meeting Date, Time, and Location

Tuesday, April 4, 2023 at 5:30 p.m. in Conference Room #1

# **Members**

# **Board of Directors**

Rayomand Darukhanawalla - Chair Mike Foster Larry Graber – Vice-Chair Mark Lacasse – Secretary/Treasurer Margo Pinder - regrets Craig Shufelt Deanna Ward

Councillor George McDermott - regrets

# **Staff Resources**

Grace Gress, Coordinator, Gaming Compliance Sonja Bovan, Manager, Accounting Services regrets

# 1) Call to Order

Ms. Gress called the meeting to order at 5:45 pm and welcomed our new and returning board members.

# 2) | Election of Officers

Staff conducted the Election of Officers.

Resolution No. 13-23 Moved by Mike Foster Seconded by Larry Graber

**THAT:** The CGDC 2023 election of officers be opened for nominations.

(CARRIED)

# Chair

Margo Pinder nominated Rayomand Darukhanawalla for the position of Chair.

Mr. Darukhanawalla agreed to stand and was elected.

# Vice-Chair

Mike Foster nominated Larry Graber for the position of Vice-Chair. Rayomand Darukhanawalla nominated Margo Pinder for the position of Vice-Chair. Both members agreed to stand. A vote by closed ballot was conducted which resulted in Mr. Graber being elected to the position of Vice-Chair.

Resolution No. 14-23 Moved by Rayomand Darukhanawalla Seconded by Mark Lacasse

**THAT:** The ballots for the position of Vice-Chair be destroyed.

(CARRIED)

# Secretary-Treasurer

Rayomand Darukhanawalla nominated Mark Lacasse for the position of Secretary/Treasurer.

Mr. Lacasse agreed to stand and was acclaimed.

Resolution No. 15-23 Moved by Mike Foster Seconded by Craig Shufelt

**THAT:** The CGDC 2023 election of officers be closed.

(CARRIED)

Ms. Gress turned the Chair over to Mr. Darukhanawalla

# 3) Approve Agenda

Resolution No. 16-23 Moved by Craig Shufelt Seconded by Larry Graber

**THAT:** The agenda for the meeting of April 4, 2023 is adopted as presented.

(CARRIED)

# 4) Declaration of Conflict of Interest

There were no declarations of conflicts of interest.

# 5) Adoption of the Community Gaming Development Minutes of January 31, 2023

Resolution No. 17-23 Moved by Larry Graber Seconded by Mike Foster

**THAT:** The Community Gaming Development Corporation adopts the January 31, 2023 meeting minutes. (CARRIED)

# 6) | Business Arising from Minutes

There was no business arising from the minutes.

# 7) Correspondence for Board Consideration

There was no correspondence for the Board to consider.

# 8) | Financial – Grace Gress

# NET PROCEEDS AVAILABLE TO CHARITIES REPORT

The Board reviewed and discussed the documents.

#### MONTHLY EVENT SHARE

The Board reviewed and discussed the documents.

### 9) New Business

#### **April Allocations**

Resolution No. 18-23 Moved by Larry Graber Seconded by Mark Lacasse

**THAT:** The CGDC approve a budget allocation to **Friends of Lakeshore Catholic High School of \$11,935.00** for the 2024 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. *(CARRIED)* 

Resolution No. 19-23 Moved by Mike Foster Seconded by Larry Graber

**THAT:** The CGDC approve a budget allocation to **Ganawageh Urban Homes of \$45,000** for the 2024 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. (CARRIED)

Resolution No. 20-23 Moved by Craig Shufelt Seconded by Deanna Ward

**THAT:** The CGDC approve a budget allocation to **Greater Fort Erie Minor Hockey Association of \$60,000** for the 2024 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. (CARRIED)

10)	Board	<b>Enquiries</b>	and	<b>Discussion</b>
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The were no enquiries by members.

# 11) Action Item List

There are no items to be added to the action item list.

# 12) Next Meeting

The next meeting will be held on Wednesday, May 3, 2023 at 5:30 pm in Conference Room #1.

# 12) Adjournment

Resolution No. 21-23 Moved by Mark Lacasse Seconded by Craig Shufelt

**THAT:** The CGDC Board of Directors hereby adjourns at 6:19 pm.

(CARRIED)

Minutes prepared by:	Minutes approved by:	
Grace A. Gress, Coordinator, Gaming Compliance - CGDC	Rayomand Darukhanawalla, Chair CGDC	



# Town of Fort Erie



# ENVIRONMENTAL ADVISORY COMMITTEE

**Meeting Date, Time, and Location** 

5:30 PM, March 8, 2023 In-office Review

#### **Attendance**

Members present: Shannon Larocque, Brie Smalldon, Frank Raso, Nadine Litwin, Tim Seburn, Rick Stockton, David Ruttan, Councillor Lewis

Members absent: Kate Ashbridge

Others present: Daryl Vander Veen, Intermediate Development Planner

#### **Call to Order**

Shannon called the meeting to order at 5:30 PM.

**Declaration of Pecuniary Interest and General Nature** 

None.

# Review of EIS - 0-8468 Prospect Point Road North Plan of Condominium

EAC reviewed the Environmental Impact Study (EIS) and there was discussion about a vegetation corridor/tree preservation area along the south side of the property. EAC noted that linkage should be preserved to Shagbark Park to the east and recommended that the corridor be located on the north side of the property. There were also questions regarding who would be responsible for the ownership and maintenance of the corridor. It was noted that most environmental corridors are a minimum of 15 m in width.

The EIS identified some rare plants on site and EAC recommended that these species should be preserved. It was noted that the study did not include the redheaded woodpecker in the review. There did not appear to be a Tree Inventory and Preservation Plan (TIPP) included with the EIS and there was no record of plantings or what is being preserved. Further, some of the maps in the EIS did not appear correctly. EAC requested that this information be provided so comments on the EIS can be finalized.

Review of EIS - 3610 & 3624 Disher Street Proposed Consent & Zoning By-law Amendment

EAC noted that the EIS identified several trees along the northern property line that need

to be removed for the proposal. It was unclear why these trees need to be removed and it is EAC's recommendation that these trees be preserved if possible. There did not appear to be a Tree Inventory and Preservation Plan (TIPP) included with the EIS. EAC requests that a TIPP be provided including a list of the tree species and health status of trees onsite so comments on the EIS can be finalized.

# Review of Natural Heritage Assessment & Tree Inventory & Preservation Plan - 272 Ridge Road South Plan of Condominium

EAC reviewed the Natural Heritage Assessment and the Tree Inventory and Preservation Plan and did not have objections to the conclusions of the report or the TIPP. It was noted that the parkette in the centre of the development was a positive addition. EAC will review the landscaping plan and provide further comments at a future meeting.

# Review of Updated Plans and Removal of EC Overlay Zone for 2819 Colony Road

EAC reviewed the revised Tree Saving and Site Plan and noted that the revised plan was an improvement. EAC is satisfied with the location of the septic system, the driveway and the addition. EAC recommended that new plantings should be kept out of undisturbed areas. It was noted that the Applicant is still working on the detailed septic system design and a geotechnical study.

Discussion occurred regarding what native species were recommended for plantings. EAC noted several species for ground cover to be considered such as dutchman's breeches, cinquefoil, native strawberries and grasses such as oak savanna grass. For tree species, EAC noted that deep tap root trees to anchor soils, oak trees, tulip trees, and successional trees like birch should be considered. EAC will try to assist with finding additional expertise to assist with additional planting recommendations.

# **EC Removal Request - 1194 Bertie Street**

EAC noted that a site visit will be required before the EC Overlay can be lifted due to the natural heritage features that are present on site. EAC will also require submission of a detailed development plan for review for a future site visit.

# EC Removal Request - 2462 Dominion Road

EAC conducted a preliminary review of the subject property. There were no major objections however EAC noted that a site visit is required prior to removal of the EC Zone.

#### **New Business**

- EAC noted that there should be some general discussion about environmental issues in Fort Erie. This will be discussed at a future in-office meeting.
- 2. EAC noted that the Town of Fort Erie was looking to hire an Environmental

Planner position. EAC recommended that the Environmental Planner have an Ecologist background.

3. EAC noted that Brock University recently completed a report about climate change in Niagara, to be discussed further at a future in-office meeting.

# **Next Meeting**

The next meeting was tentatively set for March 19, 2023.

# **Adjournment**

The meeting was adjourned at 7:30 P.M.

Minutes prepared by: Minutes approved by:

Daryl Vander Veen Shannon Larocque Intermediate Development Planner Chair



# Town of Fort Erie



# ENVIRONMENTAL ADVISORY COMMITTEE

Meeting Date, Time, and I	Location
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10:00 AM, March 19, 2023 Site Visits

#### **Attendance**

Members present: Shannon Larocque, Brie Smalldon, Frank Raso, Nadine Litwin, Tim Seburn, Rick Stockton, David Ruttan, Kate Ashbridge

Members absent: Councillor Lewis

Others present: Daryl Vander Veen, Intermediate Development Planner

#### Call to Order

Shannon called the meeting to order at 10:00 AM.

# **Declaration of Pecuniary Interest and General Nature**

None.

Review of EIS and Site Visit - 613 Helena Street (Plan of Subdivision and Zoning Bylaw Amendment

EAC reviewed the Environmental Impact Study (EIS) and there was discussion about the environmental buffer along the periphery of the site. EAC recommended that bird friendly design be implemented for the dwellings that back onto the environmental corridor. EAC also recommends that a warning clause be included in the future subdivision agreement to prevent dumping or encroachment into the environmental corridor. EAC also recommends that native trees be used as plantings in the environmental corridor. It was also observed that there were wild turkeys on site.

The following motion was put forth by Tim Seburn and seconded by Frank Raso:

1. That EAC supports the recommendations of the EIS and conditions of the Region and NPCA. (CARRIED)

# EC Removal Request - 2462 Dominion Road

The owner has requested the removal of the EC layer from a portion of the property to facilitate construction of a structure to be used for beekeeping. It was observed that there

was no vegetation where the structure was proposed to be located.

The following motion was put forth by Brie Smalldon and seconded by Kate Ashbridge:

1. That the EC Overlay Zone be removed from the subject property where the structure is proposed. (CARRIED)

# **EC Removal Request - 1 St George Court**

The owner has requested the removal of the EC layer from a portion of the property to facilitate construction of a detached garage in the rear yard. It was observed that there was no vegetation where the structure was proposed to be located. Many birds were observed during the site visit, including rusty blackbird, robin, and red-bellied woodpecker. There were a number of dead ash trees located on site. EAC noted that the property owner should consider not removing all of the dead ash trees, and instead top some of them as they are used by woodpeckers.

The following motion was put forth by Frank Raso and seconded by Tim Seburn:

- 1. That the property owner consider planting red osier dogwood, pin oak, eastern red bud and fruiting trees.
- 2. That the EC Overlay Zone be removed from the subject property where the detached garage is proposed. (CARRIED)

# EC Removal Request - 4966 Brown Road

The owner has requested the removal of the EC layer from a portion of the property to facilitate construction of an addition to the existing single detached dwelling on the property. It was noted that there was no vegetation where the addition is proposed.

The following motion was put forth by Frank Raso and seconded by Tim Seburn:

- 1. That the property owner consider bird friendly measures on windows to prevent bird strikes.
- 2. That the EC Overlay Zone be removed from the subject property where the addition to the dwelling is proposed. (CARRIED)

# EC Removal Request - 1443 Point Abino Road South

The owner has requested the removal of the EC layer from the front portion of the property to facilitate construction of an in-ground pool. There was some question as to how the pool would be drained. EAC noted that any new plantings should consist of native plants (no invasive species). It was noted that there was no vegetation where the in-ground pool is proposed.

The following motion was put forth by Frank Raso and seconded by Nadine Litwin:

1. That the EC Overlay Zone be removed from the subject property where the in-ground

## pool is proposed. (CARRIED)

#### **New Business**

1. EAC noted that future discussion is required regarding the ownership of environmental blocks in developments and if they should be conveyed to the Town to ensure they are adequately protected and maintained over the long term. EAC suggested potentially providing a presentation or meeting with Council to discuss the issue.

# **Next Meeting**

The next meeting was tentatively set for April 19, 2023.

# Adjournment

The meeting was adjourned at 12:30 P.M.

Minutes prepared by: Minutes approved by:

Daryl Vander Veen Shannon Larocque Intermediate Development Planner Chair



# **Planning and Development Services**

 Prepared for Agenda Date
 Council-in-Committee
 Report No.
 PDS-39-1-2023

 File No.
 350308-0107 & 350309-0481

#### Subject

PROPOSED DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT 613 HELENA STREET SS FORT ERIE INC. (HUNAUN SIDDIQUI & MOHAMMAD FEROZ) - OWNER IBI GROUP (TRACY TUCKER) - AGENT

#### Recommendation

**THAT** Council approves the amendment to the Town's Zoning By-law No. 129-90 as

detailed in Report No. PDS-39-1-2023 for the lands known as 613 Helena

Street, and further

THAT Council approves the 613 Helena Street Draft Plan of Subdivision dated

February 23, 2023, showing 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening as attached as **Appendix "2"** of Report No. PDS-39-1-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in **Appendix "3"** of Report No.

PDS-39-1-2023, and further

**THAT** Council directs staff to circulate the Conditions of Draft Plan Approval in

**Appendix "3"** of Report No. PDS-39-1-2023 to the applicable agencies in

accordance with the requirements of the Planning Act, and further

**THAT** Council directs Staff to submit the necessary by-law.

# Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

#### **List of Stakeholders**

The Corporation of the Town of Fort Erie SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner IBI Group (Tracy Tucker)
Residents and Property Owners in the Town of Fort Erie

Prepared by: Submitted by: Approved by:

Original Signed Original Signed Original Signed

Daryl Vander Veen Anamika Dilwaria, M.Pl., Chris McQueen, MBA

Intermediate Development MCIP, RPP

Planner Director, Planning & Development Approvals

Chief Administrative Officer

# **Purpose**

The purpose of this report is to provide a staff recommendation to Council regarding the proposed Plan of Subdivision for 613 Helena Street. Applications for a Draft Plan of Subdivision and a Zoning By-law Amendment were submitted by Tracy Tucker of IBI Group, Agent for SS Fort Erie Inc., (Hunaun Siddiqui & Mohammad Feroz), Owner of the subject property located at 613 Helena Street. A location map showing the area subject to the applications is attached as **Appendix "1"**.

#### Background

The proposal is known as 613 Helena Street Draft Plan of Subdivision. Originally this development proposed 17 blocks intended for 116 townhouse dwellings, a block for a stormwater pond, a block for environmental lands and a block for a road widening.

Following fieldwork in conjunction with the Niagara Peninsula Conservation Authority (NPCA) to delineate the natural heritage areas on the subject property the proposal was revised. The revised development is 8.14 ha in area and proposed 19 blocks intended for 135 townhouse dwellings, a block for a stormwater pond, a block for environmental lands and a block for a road widening.

Following the Public Meeting that was held on February 13, 2023 the proposed plan of subdivision was revised further to address feedback from Council and members of the public. The current proposal now includes 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening. The total number of dwelling units has been reduced by 7 dwelling units from 135 units to 128 units. This correspondingly has lowered the

density of the developable area of the site from 52.12 units/ha to 49.42 units/ha. The revised plan of subdivision is attached as **Appendix "2"**.

The Zoning By-law Amendment application proposes to change the zoning of the subject property from Neighbourhood Development (ND) Zone to a site-specific RM1 (RM1) Zone for the proposed semi-detached dwellings and townhouse dwellings and to redefine the boundaries of the Environmental Conservation (EC) Overlay Zone on the subject property to reflect the results of the Applicant's Environmental Impact Study (EIS) Addendum. Site-specific regulations are proposed to permit reduced lot area for interior street townhouse lots, increased maximum density and removal of the requirement for a 4.50 m planting strip where it abuts a street.

The Zoning By-law Amendment component of the application has largely remained unchanged with the exception that the Applicant has agreed to eliminate the request to remove the maximum lot coverage regulations for interior and exterior townhouse dwellings. As discussed during the Public Meeting the proposed dwellings will comply with the maximum lot coverage requirements of the proposed RM1 zoning.

#### Nature of the Site

The subject property is located within the Urban Boundary on the west side of Helena Street in the Kraft neighbourhood of Fort Erie and is 8.14 ha in area. The property is municipally known as 613 Helena Street and there is an existing single detached dwelling and farm operation on the subject property.

The following are the land uses surrounding the subject property:

**North:** Vacant, wooded lands that are designated as Provincially

Significant Wetlands (PSW).

**South:** Vacant, wooded lands that are designated as PSW.

East: Two single detached dwellings and vacant, wooded lands that are

designated as PSW.

**West:** Vacant, wooded lands that are partially designated as PSW.

Staff note that the subject property does not have access to municipal servicing at the current time. The developer will be responsible for all associated costs to extend required municipal services into the subject lands. Since the planned lots are within the Urban Boundary they must be serviced by the municipal sanitary sewer and water distribution system.

# **Planning Context**

# 2020 Provincial Policy Statement (PPS)

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth to settlement areas and encourage building strong communities through the efficient use of land, resources, and infrastructure. The PPS also encourages opportunities for intensification, the redevelopment of underutilized lands, and infill development where appropriate.

This proposal is consistent with the policies of the PPS. The proposed development is located within the Urban Boundary and proposes to develop underutilized land. The proposed semi-detached dwellings and street townhouse dwellings provide for a mix of housing types. The proposal efficiently uses urban land and will be serviced with municipal water and sanitary sewer. These services will need to be extended to the site from Albany Street to the south.

#### 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within the Greater Golden Horseshoe Growth Plan Area and designated Built-up Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for efficient use of urban land and a range and mix of housing types.

This proposal is consistent with the policies of the Growth Plan. The proposed development is located within a Settlement Area and will efficiently use underutilized urban land. The proposed plan of subdivision proposes a mix of housing types and will assist the Town in achieving its density target.

# 2022 Niagara Official Plan (NOP)

The NOP notes that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage growth. The NOP promotes intensification, compact built form and a diverse range and mix of housing types. The subject property is considered to be Built-up Area under the NOP.

The proposed subdivision complies with the NOP. The proposed semi-detached and townhouse dwellings are characteristic of intensification and compact built form and will also increase the variety of housing types in the Town. The proposed development will also assist the Town of Fort Erie to achieve the minimum residential intensification target of 50% of new residential dwelling units within the Built-up Area.

# 2011 Town of Fort Erie Official Plan

Official Plan Schedule A - Land Use Plan

The subject lands are designated Urban Residential, Environmental Protection and Environmental Conservation on Schedule A of the Town's Official Plan and are located within Site Specific Policy Area 5 - Kraft Drain Area (SSPA). Section 4.9 of the Official Plan states that lands with Urban Residential designation are intended for a variety of housing forms including multi-unit residential dwellings such as semi-detached dwellings and street townhouse dwellings. The proposed land uses comply with the Urban Residential land use designation. Environmental Protection and Environmental Conservation areas are to be excluded from development.

Site Specific Policy Area 5 - Kraft Drain Area

The subject property is identified as being located within the Site Specific Policy Area (SSPA) 5 - Kraft Drain Area on Schedule A of the Town's Official Plan. The SSPA states that development within this area should be completed in association with an Environmental Planning Study (EPS) and a Neighbourhood Plan outlining how the land will be developed and serviced in accordance with the policies of the Official Plan. A Comprehensive Servicing Study and overall Storm Water Management Plan will form important components of the Neighbourhood Plan. The Frenchman's Creek Trunk Sanitary Sewer Project must be constructed prior to development proceeding.

An <u>Environmental Impact Study (EIS) Addendum</u> was completed in support of this proposal and Niagara Region and the Niagara Peninsula Conservation Authority (NPCA) are in agreement with the conclusions of the study subject to some conditions of approval that will be resolved if this proposal is approved. Environmental Protection areas will remain unchanged and the EIS recommends that a 15.00 m vegetated buffer from the Provincially Significant Wetlands adjacent to the site be implemented in the proposed subdivision. This area corresponds to the environmental block on the plan and will be zoned Environmental Conservation (EC) Overlay Zone.

The Agent has completed a <u>Functional Servicing and Stormwater Management Report</u>, a <u>Geotechnical Report</u>, a <u>Hydrogeological Investigation</u> and a <u>Water Balance Analysis</u> that outlines how the proposed subdivision will be serviced and developed.

The SSPA also states that the EPS should be prepared in association with a neighbourhood plan. This proposal is being brought forward as the subject property is an isolated pocket that is surrounded by Environmental Protection areas. There is no possibility of connection or integration with a larger neighbourhood. Although a neighbourhood plan is not yet available for the Kraft neighbourhood planning staff are of the opinion that it was not the intent of the Town's Official Plan to completely restrict development in the absence of a neighbourhood plan.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is within a petroleum resource area. There are no active wells within 75.00 metres of the subject property. The subject property is not within an area identified as having potential for mineral aggregate resources.

Official Plan Schedule C - Natural Heritage Features & Schedule C1 - Natural Hazards & Fish Habitat

Schedule C of the Official Plan identifies the west portion of the property as Provincially Significant Wetlands (PSW), Significant Natural Area and as being part of a Woodlot Over 2 Ha. The portion of the property that is subject to proposed residential development does not contain any natural heritage features. Lands to the north and south are identified as Environmentally Sensitive Area, PSW, Significant Natural Area and as being part of a Woodlot Over 2 Ha. The subject property and adjacent lands are under the regulation of the Niagara Peninsula Conservation Authority (NPCA).

Schedule C1 of the Official Plan does not identify any natural hazard area or fish habitat on or near the subject property.

Niagara Region has noted that the subject property is impacted by the Region's Core Natural Heritage System ("CNHS") consisting of the Kraft Drain Provincially Significant Wetland ("PSW") Complex and Significant Woodland.

Detailed comments from Niagara Region and the NPCA in regard to the <u>Environmental Impact Study (EIS) Addendum</u> submitted with the application are contained in <u>Report No. PDS-07-2023</u>.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan illustrates the subject property as being within area identified as having potential for archaeological resources. The Agent has completed <a href="Stage 1 & 2 Archaeological Assessments">Stage 1 & 2 Archaeological Assessments</a>. Detailed comments from Niagara Region regarding the Archaeological Assessments are contained in <a href="Report No. PDS-07-2023">Report No. PDS-07-2023</a>.

Urban Residential Land Use Designation

Subsection 4.7.4.1 Urban Residential of the Official Plan provides guidance to Council when considering medium-density residential uses and infill residential intensification on vacant land. Townhouse dwellings are considered to be medium-density residential uses in the Town's Official Plan. Planning staff has provided analysis with respect to these criteria below.

In considering medium-density and high-density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:

a. The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;

The proposed plan of subdivision features a mix of semi-detached dwellings and townhouse dwellings which will front onto public streets. Although the final dwelling designs are preliminary at this stage the future dwellings are anticipated to be harmonious with each other as they will all be part of the same subdivision. All of the dwellings are proposed to be two storeys in height. Parcels surrounding the subject property are heavily impacted by natural heritage features including Provincially Significant Wetlands and do not have much development potential. The subject property is an isolated pocket of developable land. No issues with compatible integration or impacts on lower density residential will result from this proposal.

b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;

The parcels within the proposed development will have an appropriate amount of open space, landscaping and buffering. All of the proposed dwellings meet the requirements of the Zoning By-law for landscaped area and front and rear yard setbacks under the proposed RM1 zoning. Adequate space will be available in the rear yards for outdoor amenity area. An environmental block including a 15.00 m vegetated buffer between the proposed dwellings and wetlands on adjacent parcels is also proposed around the development area to mitigate impacts to Provincially Significant Wetlands on adjacent parcels. The developer is also proposing to dedicate Block 20 of public parkland dedication purposes. This block is 0.19 ha in area.

c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;

All of the proposed dwellings will provide on-site parking via driveways and garages. The Zoning By-law requires one parking space per dwelling unit for semi-detached dwellings and street townhouse dwellings. All of the proposed units front onto public streets and parking will occur in the front yard. Adequate space will be available in the rear yard for landscaping and amenity area.

d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;

All dwelling units in the proposed development will front onto public streets. Niagara Region has confirmed in their comments that all units will be eligible for curbside pick up waste collection services.

e. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;

Driveways will be located in the front yards of the proposed dwellings and will connect directly to public streets. The Town's Subdivision Control Guidelines require the installation of a sidewalk on one side for pedestrian movement. Planning staff will recommend that the sidewalk be installed on the same side of the road as the proposed parkland block to provide internal connectivity to the park.

f. Convenient access to a collector or arterial road;

The proposed development has direct access to Helena Street, which is a Regional arterial road. Helena Street provides ready access to Garrison Road to the north and Dominion Road to the South, both of which are also Regional arterial roads. The Provincial Queen Elizabeth Way (QEW) highway is also located nearby approximately 2 km to the north.

g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;

The proposed plan of subdivision itself is isolated and is unable to integrate with a larger neighbourhood. Much of the existing Kraft neighbourhood consists of vacant, undeveloped residential land, industrial lands or wooded areas that are environmentally significant. The subject property is located close to commercial amenities along Garrison Road, although access to these amenities would occur primarily by motor vehicle. The revised plan of subdivision includes a public park that will be accessible by internal sidewalks within the development.

h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage "eyes on the street"; and

All of the proposed dwelling units will front onto and face public streets, thereby providing "eyes on the street".

i. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

Internal sidewalks for pedestrian movement will be required in accordance with the Town's Subdivision Control Guidelines. The Town will require that sidewalks are placed on the same side of the street as the proposed parkland block to ensure connectivity to the park.

Official Plan - Subdivision Control

Section 13.5 II. of the Official Plan provides some direction for Council when considering approval of a Plan of Subdivision. These are:

a. The Plan of Subdivision conforms with the policies of this Plan;

The Urban Residential land use designation permits development of semi-detached and street townhouse dwellings. The Applicant has completed an Environmental Impact Study (EIS) Addendum that provides recommendations to mitigate impacts on nearby natural heritage features including Provincially Significant Wetlands. This includes implementation of a 15.00 m vegetated buffer around the proposed dwellings to be protected by an Environmental Conservation (EC) Overlay Zone to provide adequate separation from wetlands on adjacent parcels.

 Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;

The development is located within the Urban Boundary and dwellings within will have access to emergency services and waste collection services. The development will require connection to municipal water and sanitary sewer infrastructure. Extension of these services will be required to develop the site and the cost of this extension is the responsibility of the developer. The Agent/Owner have provided a Functional Servicing and Stormwater Management Report, a Geotechnical Report, a Hydrogeological Investigation and a Water Balance Analysis that outlines how the proposed subdivision will be serviced and engineered. These technical documents will be reviewed by the Town, NPCA and Region in detail as part of the subdivision approval process if this application is approved. The proposed plan of subdivision will include internal sidewalks in accordance with the Town's Subdivision Guidelines.

c. The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and

The subject property is within the Urban Boundary and all parcels are required to be serviced via municipal water and sanitary sewer systems. Any service extensions will be at the cost of the developer.

d. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

Planning staff are of the opinion that the proposed plan of subdivision is not premature. Although there is not a neighbourhood plan in place for the subject property the subject property is within the Urban Boundary and is consistent with Provincial, Regional and Town planning policy which promote intensification and development of underutilized lands within the existing urban area. The proposed development has been modified

significantly since the original submission in 2018 and now is supportable by Town, Regional and NPCA staff. The proposed plan of subdivision is in the public interest as it will provide additional dwelling units, housing variety and financial benefit to the Town.

### Plan of Subdivision Design

The revised draft plan of subdivision is attached as **Appendix "2"** and consists of the following elements:

- 17 blocks intended for 124 street townhouse dwellings
- 2 blocks intended for 4 semi-detached dwellings
- 1 block intended for parkland dedication
- 1 block intended for a stormwater pond
- 1 block intended for environmental lands
- 1 block for a road widening of Helena Street

The draft plan features a crescent road shown as Street 'A' that connects to Helena Street in two locations. All of the proposed townhouse dwellings front onto the crescent road. The block for environmental lands encapsulates a 15.00 m buffer recommended in the Environmental Impact Study (EIS) Addendum from natural heritage features on the subject property and on adjacent lands.

Conditions of approval for the proposed plan of subdivision are attached as **Appendix** "4".

# Reduction in Number of Dwelling Units

The proposed plan of subdivision has reduced the total number of dwelling units from 135 units to 128 units. This has lowered the density of the development area from 52 units/ha to 49.42 units/ha. The overall density of the plan of subdivision is 15.72 units/ha. The reduction in units is a result of one of the townhouse blocks being dedicated for park purposes and another being converted from a block of street townhouses to two semi-detached dwellings.

#### Parkland Dedication

Many of the comments made during the Public Meeting from Council and members of the public were concerns that there are no public parks in the area. It was noted by some members of the public that the proposed subdivision should consider a park inside the development.

Planning staff reviewed the Town's Parks and Open Space Master Plan and noted that the subject property is not within the service area for any neighbourhood or community parks (the service area for a neighbourhood parks and community parks are 600 m and 1,600 m respectively). The nearest public park is Waverly Beach Park to the south,

which is a distance of nearly 900 m. Further, there is no sidewalk connection available to reach Waverly Beach Park from the subject property.

Town staff, the Region and the Agent/Owner met to discuss options to extend a sidewalk down to Waverly Beach Park. Ultimately, it was decided that a sidewalk extension south is not feasible. Although the Town can require the Agent to build a sidewalk along the frontage of Helena Street across the subject property there is no means of requiring the developer to build the remainder of the sidewalk further south. The Town could consider taking securities to help pay for future extensions of the sidewalks. However, with much of the lands to the south being constrained by natural heritage features including Provincially Significant Wetlands, it is unclear if the sidewalk would ever be constructed. It was noted that construction of a sidewalk south towards Waverly Beach Park may also require an Environmental Impact Assessment due to the close proximity of Provincially Significant Wetlands to the road allowance.

As an alternative, the Agent/Owner proposed revising the plan to dedicate a block for parkland purposes within the proposed subdivision. This is Block 20 on the plan of subdivision and the block is 0.19 ha in area. From a Town parks perspective, this park would be undersized and not ideal as the standard area requirement for a Town park is 0.50 ha. A typical neighbourhood park includes a playground, pathway, benches and shade structures.

There is a similarly sized park constructed as part of Spears Road Estates subdivision that will serve as a useful comparison. Spears Estates Park is 0.18 ha in area and features a playground, open turf area, seating and garbage receptacles. The cost of the park to the Town in 2021 was approximately \$300,000, with \$270,000 allocated for construction and \$30,000 allocated for a consultant to design the park. The estimated annual maintenance cost of the park in 2023 is approximately \$29,000.

It is noted that the park dedication of 0.19 ha is greater than 5% of the developable area of the proposed development (5% would equal approximately 0.13 ha). The Owner has agreed to dedicate Block 20 for parkland purposes even though it exceeds 5% of the developable area of the plan of subdivision.

Although the parkland block is adjacent to the stormwater management pond, the pond itself would be fenced and would not be considered part of the park itself.

# Comprehensive Zoning By-law No. 129-1990

The lands are currently zoned Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone in accordance with Zoning By-law No. 129-1990. The Agent is requesting to rezone the subject lands to a new site-specific Residential Multiple 1 (RM1) Zone to permit the proposed semi-detached and street townhouse dwellings. The Zoning By-law Amendment also proposes to refine the boundaries of the Environmental Conservation (EC) Overlay Zone on the subject

property to ensure natural heritage features are adequately protected in accordance with Regional and NPCA requirements.

# Townhouse Dwellings

The site-specific RM1 proposes regulations to permit reduced lot area for interior street townhouse lots, increased maximum density and removal of the requirement for a 4.50 m planting strip where it abuts a street. These departures are outlined in the zoning chart below and include planning staff comments.

Table 1: Zone Comparison Chart - Proposed Site-specific RM1 Zone			
Zoning Regulation	Base Regulations (RM1 Zone)	Proposed Regulations (site- specific RM1 Zone)	Planning Comments
Minimum Lot Frontage	6.00 m for a street townhouse lot 9.00 m for a street townhouse corner lot	No change	Meets requirement.
Minimum Lot Area	200.00 sq m for a street townhouse lot	155.00 sq m for a street townhouse lot	Support. The proposed townhouse dwellings meet all of the setback requirements under the RM1 zoning and will be of sufficient size to accommodate an appropriately-sized townhouse dwelling with space for parking in the front yard and amenity area in the area yard.
	270.00 sq m for a street townhouse corner lot	No change	Meets requirement.
Maximum Lot Coverage	Exterior street townhouse - 40% Interior street townhouse - 60%	No change	Meets requirement.

Zoning Regulation	Base Regulations (RM1 Zone)	Proposed Regulations (site- specific RM1 Zone)	Planning Comments
Minimum Front Yard	6.00 m to garage 3.00 m to other parts of dwelling	No change	Meets requirement.
Minimum Side Yard	1.50 m	No change	Meets requirement.
Minimum Exterior Side Yard	3.00 m 6.00 m if an attached garage or carport faces the exterior lot line	No change	Meets requirement.
Minimum Rear Yard	6.00 m	No change	Meets requirement.
Maximum Building Height	3 storeys and 12.00 m	No change	Meets requirement.
Minimum Landscaped Area	Street townhouse lots - 25%	No change	Meets requirement.
Maximum Number of Units in a Row	8	No change	Meets requirement.
Minimum Distance Between Buildings on the Same Lot	15m, except 3m between end walls and 9m between an end wall and a rear wall	No change	Meets requirement.
Maximum Density	35 units/ha	49.42 units/ha	Support. Planning staff note that the Urban Residential land use designation does not have a maximum density limit. Further, the density is higher due to much of the lot area of the subject property being comprised of environmental lands outside of the developable area.

Table 1: Zone Comparison Chart - Proposed Site-specific RM1 Zone			
Zoning Regulation	Base Regulations (RM1 Zone)	Proposed Regulations (site- specific RM1 Zone)	Planning Comments
			The overall density of the site with the environmental lands included is 15.72 units/ha.
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	No change	Meets requirement.
Planting Strips	In accordance with Section 6.21 and 4.50 m where it abuts a street, except for points of ingress/egress	Shall not apply (not required for street townhouse dwellings).	Support. All of the townhouse dwellings within this development will front onto public streets. The standard front yard and exterior side yard setbacks under the RM1 zoning provide sufficient landscaped areas between the townhouse dwellings and the street.

# Semi-detached Dwellings

Planning staff note that the proposed semi-detached dwellings fully comply with the regulations of the proposed RM1 zoning and will not require any special provisions.

# Environmental Conservation (EC) Overlay Zone

It is noted that this application will not be seeking the removal of the Environmental Conservation (EC) Overlay Zone. The proposed development area is largely outside of the existing EC zoning on the subject property. Instead, in accordance with the recommendations of the EIS Addendum, this application is proposing to increase the amount of EC zoning on the site to cover the entirety of the environmental block on the plan of subdivision (Block 22 on the draft plan). This will include the 15.00 m vegetated buffer from Provincially Significant Wetlands adjacent to the property as recommended by the EIS Addendum. Any Provincially Significant Wetlands that currently exist on the subject property will remain zoned Environmental Protection (EP) Zone.

The Town's Environmental Advisory Committee (EAC) was circulated on this application and the EIS Addendum. A site visit occurred on March 19, 2023. EAC was generally in agreement with the recommendations of the EIS Addendum. The Committee also recommended the following:

- That bird friendly design standards be incorporated into dwelling facings that back onto the vegetated buffer area;
- That pollinator plants be included as plantings in the buffer area;
- That a warning clause be added into the subdivision agreement to prevent dumping or encroachment into the vegetated buffer area;
- That native tree species be used for tree plantings.

#### **Studies**

The following studies were submitted with the Zoning By-law Amendment and Draft Plan of Subdivision applications:

- Stage 1 and 2 Archaeological Assessment;
- Environmental Impact Study Addendum;
- Phase I and II Environmental Site Assessments;
- Revised Functional Servicing and Stormwater Management Report;
- Geotechnical Report;
- Hydrogeological Investigation;
- Revised Transportation Impact Study;
- Water Balance Analysis

Staff note that the findings of these studies are discussed in detail throughout Report No. PDS-07-2023.

#### Financial/Staffing Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner.

# **Policies Affecting Proposal**

Notice of the Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the January 19, 2023 edition of the *Fort Erie Post*. Further, all property owners within 120 m of the subject property via mailed notice on January 23, 2023.

Land use policies for the subject lands are contained in the Town's Official Plan, and applicable Regional and Provincial regulations.

# **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding this Draft Plan of Subdivision and Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners. New comments received since the Public Meeting are summarized below, and are attached as **Appendix "5"**.

# **Agency Comments**

## Niagara Peninsula Conservation Authority (NPCA)

The NPCA provided some additional information regarding the proposed relocation of one of the ponds onsite and conditions of approval related to engineering matters in a follow up email. It was noted that there is flexibility where the pond can be located provided it is protected with an adequate buffer.

#### **Staff Comments**

None.

#### **Public Comments**

A public information open house was held in-person in the Atrium of Town Hall on May 11, 2022 from 5 to 6 pm. All property owners within 120 metres of the subject lands were notified of the information open house via a notice mailed by Staff on April 27, 2022. Staff and the Agent attended the information open house meeting.

A statutory Public Meeting was held in Council Chambers of Town Hall on February 13, 2023. Ten members of the public spoke in opposition to the proposal. Two written submissions in opposition the development were also submitted in advance of the meeting are were appended to the meeting minutes.

Comments and feedback from the public and Council to date are outlined below. Public comments received in writing are attached for reference as **Appendix "6"**.

# Affordable Housing

A resident expressed concern that the proposed townhouse dwellings would not contain any affordable units.

# Staff Response

The proposed semi-detached dwellings and street townhouse dwelling will introduce additional housing variety into Fort Erie's housing market. The units are not anticipated to be affordable housing units based on Canadian Mortgage and Housing Corporation (CMHC) definitions.

# Access to Schools

One resident asked how children living in this development would go to school.

#### Staff Response

Comments were received from the District School Board of Niagara confirming that children in this development would be bussed to Garrison Rd PS (Gr. JK-8) and Greater Fort Erie Secondary School (Gr. 9-12). There is no indication that there are capacity issues at the existing schools.

### Issues with Helena Street and Traffic from the Development

Another issue that was raised was the poor condition of Helena Street and potential issues with traffic.

#### Staff Response

The Applicant completed a revised Traffic Impact Study noting that Helena Street and the nearest intersections have sufficient capacity to accommodate traffic from the proposed development. The condition of the road itself is the responsibility of Niagara Region.

#### Loss of Prime Agricultural Land and Wildlife Habitat, Impacts on Wetlands

A resident commented that this proposal will result in the loss of prime agricultural land and wildlife habitat and had questions regarding the impact on wetlands in the area.

# Staff Response

Staff note that this subject property is within the urban boundary and is not considered to be prime agricultural land. Use of the land as an agricultural operation is an existing situation and is considered to be non-conforming under the zoning and Official Plan land use designation.

The Agent has prepared an Environmental Impact Study (EIS) Addendum that limits the development area to a portion of the site that is outside of natural heritage features. The Applicant is proposing a 15.00 m environmental buffer area that will be maintained to prevent impacts to natural heritage features on-site or on adjacent parcels. The NPCA, Niagara Region and the Town's Environmental Advisory Committee are in agreement that the 15.00 m buffer is appropriate to protect wetlands and other environmentally sensitive areas.

### Lack of Playgrounds or Sidewalks in the Area

A resident commented that there are no parks proposed within the development and no sidewalks for children on Helena Street.

### Staff Response

The Owner has agreed to dedicate a block for parkland dedication. This is Block 20 on the revised draft plan of subdivision and is 0.19 ha in area.

#### Lack of Medical Facilities

One resident expressed concern that the Town does not have adequate medical facilities and the nearest full-service hospital is located a significant distance.

### Staff Response

Staff acknowledge that this is an ongoing issue in Fort Erie but is largely under the mandate of the Niagara Region Public Health and Emergency Services. This development will not have a significant impact on the provision of healthcare services in the Town.

#### Neighbourhood Plan

One resident noted that there is not a neighbourhood plan in place for this area, and stated that the Town Official Plan requires a neighbourhood plan to be in place prior to development proceeding for large scale development applications.

## Staff Response

Planning staff acknowledge that the Official Plan does make repeated references to Neighbourhood Plans with respect to development in Urban Residential areas and in relation to large scale development. The Town of Fort Erie has been actively developing plans for the various neighbourhoods in the Town of Fort Erie which have taken the form of Secondary Plans. Some areas in the Town are within neighbourhoods that do not yet have active Secondary Plans in place such as Crescent Park.

The Town's Official Plan is a vision document intended to provide general policies for land use. The policies within are not intended to restrict the use of land such as a Zoning By-law nor to fully stop development. The policies exist to provide guidance and direction to Council and planning staff when considering Planning Act applications such as this proposal. The Official Plan provides various other policies and criteria to be considered with respect to Planning Act applications in the absence of a neighbourhood plan, such as Subsection 4.7.4.1 and Subsection 13.5 II as outlined in this report.

In the case of this proposal it is also notable that the subject property is surrounded on all sides by large areas of Provincially Significant Wetlands. The site is an isolated developable pocket that does not have the ability to integrate with a larger neighbourhood.

#### Swales in Rear Yard

One of the questions raised during the Public Meeting was what was the typical width of a rear yard drainage swale and how would it effect the rear yard amenity space of the proposed parcels, especially once decks and porches are added to a dwelling.

## Staff Response

The width of a typical drainage swale is 2.00 to 3.00 m. They typically do not impact a resident's use of a back yard other than not being able to construct structures on the swales that would negatively impact drainage. The swales are shallow ditches that can still be used as rear yard open space.

Planning staff note that the addition of decks or porches does not remove rear yard amenity space. The porches and decks themselves are considered to be rear yard amenity space similar to landscaped area or grassed area.

### Alternatives

Council may elect to deny the Zoning By-law Amendment and Draft Plan of Subdivision applications. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

# **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's recommendations, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or

provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

# **Communicating Results**

There are no communication requirements at this time.

# Conclusion

Planning Staff support the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications. The applications will facilitate development of a plan of subdivision containing a total of 128 dwelling units that represent a compact form of development and will provide additional housing variety to the Town. The proposal is consistent with Town, Regional and Provincial planning policies and represents good planning principles.

Planning Staff recommend that Council approves the Zoning By-law Amendment and Draft Plan of Subdivision as proposed, and direct staff to circulate the conditions of draft plan approval to the appropriate external agencies and prepare the necessary by-law.

#### **Attachments**

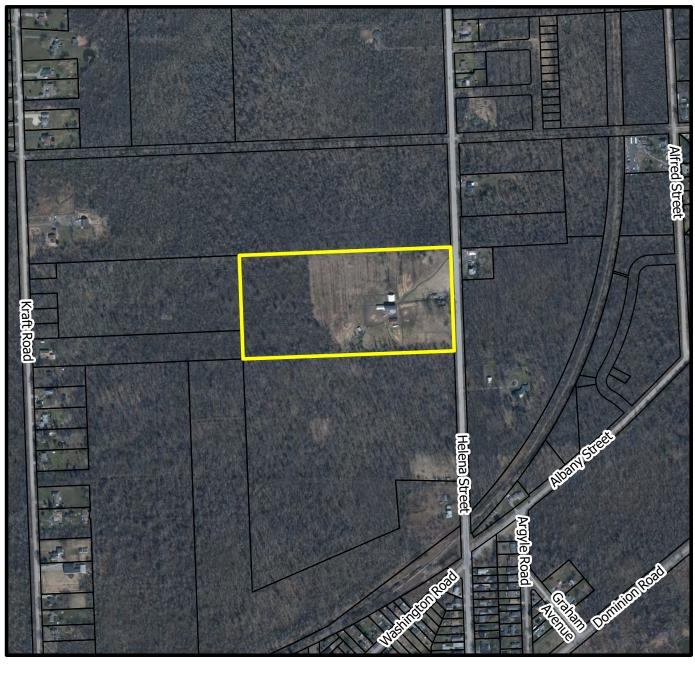
Appendix "1" - Location Plan

Appendix "2" - Revised Draft Plan of Subdivision

**Appendix "3" - Conditions of Draft Plan Approval** 

Appendix "4" - New Comments from Staff/Agencies

Appendix "5" - New Comments from the Public





# **LOCATION PLAN**

**Draft Plan of Subdivision & Zoning By-law Amendment -** 613 Helena Street

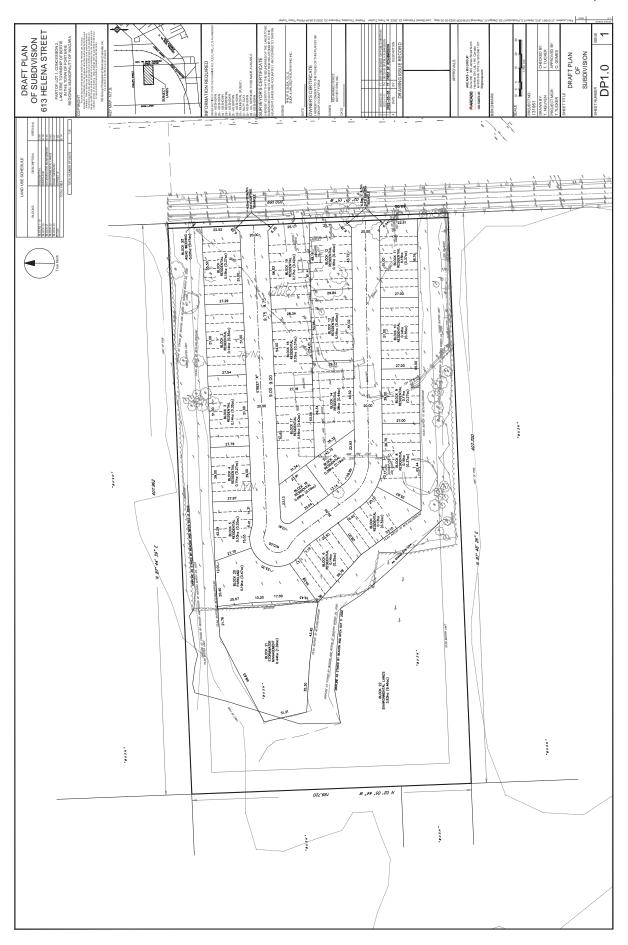


Subject Lands - 613 Helena Street

Planning and Development Services, Map Created June 8, 2022



APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-39-1-2023 DATED MAY 15, 2023



# CONDITIONS OF DRAFT PLAN APPROVAL 613 Helena Street Plan of Subdivision May 15, 2023

The conditions of final approval and registration of the 613 Helena Street Plan of Subdivision by SS Fort Erie Inc. in the Town of Fort Erie are as follows:

- 1. That this approval applies to the 613 Helena Street Draft Plan of Subdivision Part of Lot 1, Concession 2 Lake Erie, being all of PIN 64470-0131, prepared by Phillip S. Suda on February 23, 2023, showing 17 blocks for a total of 124 street townhouse dwellings (Blocks 1 to 17), 2 blocks for 4 semi-detached dwellings (Blocks 15 & 16), 1 block for parkland dedication (Block 20), 1 block for a stormwater management pond (Block 21), 1 block for environmental lands (Block 22) and 1 block for a road widening (Block 25).
- 2. That the owner deed Block 21, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.
- 3. That the owner deed Block 20, as shown on the Draft Plan to the Town for parkland purposes, free and clear of any mortgages, liens and encumbrances.
- 4. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
- 5. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as publichighways.
- 6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."
- 7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."
- 8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.
- 9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
- 10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards REGULAR MEETING Town of Fort Erie All utilities servicing the subdivision shall be underground.

Conditions of Draft Plan Approval 613 Helena Street Draft Plan of Subdivision Page 2 of 9

Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

- 11. That the streets be named to the satisfaction of the Town.
- 12. That the Owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision and along the frontage of the property between the north and south entries to the satisfaction of the Town.
- 13. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management as a functional amenity space, to service this development be submitted to the Town of Fort Erie for review and approval.
- 14. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site:
  - b) Detailed sediment and erosion control plans.
- 15. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 14 above.
- 16. That the Developer is responsible to front-end the construction of watermains, sanitary sewers and storm sewers (where required) on Helena Street from Albany Street to Phillips Street.
- 17. That the Developer submits a Landscape Plan, pursuant to the Subdivision Control Guidelines and to the satisfaction Town Staff. The Plan shall address pedestrian circulation, site landscaping, streetscape treatments, appropriate buffering of the watercourse block, and interface with Helena Street.
- 18. That the Developer submits a Streetscape Plan, pursuant to the Subdivision Control Guidelines, showing how the development will interface with Helena Street.
- 19. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required, together with a resolution from the local municipality must be received by the Region prior to the lapsing date

Conditions of Draft Plan Approval 613 Helena Street Draft Plan of Subdivision Page 3 of 9

- 20. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the mitigation measures and recommendations found in Section 8.0 of the Environmental Impact Assessment (EIA) prepared by Colville Consulting Inc. (dated July 2017) and Section 6.2 of the Environmental Impact Study (EIS) Addendum prepared by Beacon Environmental Limited (dated February 2022), including but not limited to:
  - a. That vegetation removals be undertaken between October 1 and March 14, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
  - b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
  - c. That no construction materials or equipment be located, even on a temporary basis, within the woodland/wetland features, or their buffers.
  - d. That a limit of work fence be installed on the property in the vicinity of the White Wood Aster to help avoid direct impacts.
  - e. That site appropriate low impact development (LID) practices be implemented to off-set the infiltration deficit resulting from the addition of impervious surfaces.
- 21. That permanent rear-lot fencing be installed along the 15 m buffers adjacent to natural heritage features, to the satisfaction of the Niagara Region. The fencing shall include a permanent wildlife exclusion barrier that extends below grade to contain wildlife movement to the natural heritage features and restrict access to the adjacent rear yards. A No-Gate By-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
- 22. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. The Plan should incorporate the recommendations found in both the "Environmental Impact Assessment" prepared by Colville Consulting Inc. (dated July 2017) and the "Environmental Impact Study Addendum" prepared by Beacon Environmental Limited (dated November 2022). All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
- 23. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
- 24. That a Buffer / Enhancement Plan be prepared to the satisfaction of the Niagara Region. The Plan should incorporate the recommendations found in both the "Environmental Impact Assessment" (EIA) prepared by Colville Consulting Inc. (dated July 2017) and the "Environmental Impact Study Addendum" prepared by Beacon Environmental Limited (dated November 2022). The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Buffer / Enhancement Plan should be completed by a full member of the Ontario Association of Landscape Architects. The Plan shall also include the locations and installation details associated with 5-6 bat boxes, as recommended in the EIA to help provide potential roosting habitat for bat

boxes, as recommended in the EIA to help provide potential roosting habitat for bat REGULAR MEETING OF COUNCIL -29 May 2023 Page 141 of 781

Conditions of Draft Plan Approval 613 Helena Street Draft Plan of Subdivision Page 4 of 9

species.

- 25. That the Developer provide securities to the Town of Fort Erie in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the Subdivision Agreement include provisions whereby the developer agrees that the Town may draw on the Letter of Credit, if required, to ensure installation of the plantings.
- 26. That prior to removing the existing farm buildings, surveys be conducted for Barn Swallow and Species at Risk bats in accordance with established protocols and/or through consultation with the Ministry of Environment, Conservation and Parks (MECP).
- 27. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to Regional Development Approvals, with attention to Environmental Planning, <a href="mailto:devtplanningapplications@niagararegion.ca">devtplanningapplications@niagararegion.ca</a> by September 1 of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note: At a minimum, the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.

- 28. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Buffer/Enhancement Plan, Relocation and Monitoring Plan, and Ecological Monitoring Plan.
- 29. That the Subdivision Agreement contain wording wherein the Owner agrees that the Town may draw on the Letter of Credit, if required, to ensure to installation of all required restoration works.
- 30. That a Phase One and Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the Environmental Protection Act and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
- 31. That the Owner submits a Stage 1 and Stage 2 Archaeological Assessment prepared by a licensed archaeologist (including any subsequent recommended assessments) to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of each submitted archaeological assessment, as well as applicable Letters of Acknowledgement from the MHSTCI shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed works, and must be accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearance of this condition.

the satisfaction of Niagara Region, prior to clearance of this condition.

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NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

32. That the following warning clause be included in the Subdivision Agreement with respect to the potential discovery and protection of any archaeological resources encountered during construction activities:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

- 34. That the Owner dedicates a 1.6m road widening to the Regional Municipality of Niagara along the frontage of Regional Road 122 (Helena Street) prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9.C.
- 35. That the Owner dedicates a 4.50m by 4.50m daylight triangle at the corner of Regional Road 122 (Helena Street) prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9C.
- 36. That the Owner dedicates a one-foot reserve along the frontage Regional Road 122 (Helena Street) including daylight triangles for Lots 1, 11, 21, and 37 prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9.C.
- 37. That prior to any construction taking place within the Regional Road Allowance, the applicant shall obtain a Construction Encroachment Permit and Regional Entrance Permit.
- 38. That prior to approval of the final plan or any on-site grading, the Owner shall submit a Detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2013 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
- a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means nearby overland flows will be accommodated across the site; REGULAR MEETING OF COUNCIL -29 May 2023 Page 143 of 781

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- b. Detailed erosion and sedimentation control plans;
- c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
- 39. That the Subdivision Agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the Conditions above.
- 40. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the Owner.
- 41. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the Owner and the Town.
- 42. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of Environment Conservation and Parks Approval under the Transfer of Review Program or approval through the new Consolidated Linear Environmental Certificate of Approval.
- 43. That the Owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara's Corporate Waste Collection Policy relating to the curbside collection of waste.
- 44. That a mechanism be provided (i.e. drainage easement) that would ensure the perpetual unimpeded discharge of stormwater onto the private lands.
- 45. Restoration of any disturbed areas to the satisfaction of the NPCA. NPCA Staff require that enhancements to the retained PSW be explored such as invasive species removal and native underplantings to assist with the re-establishment of native species. A Monitoring Plan is required for review by the NPCA to ensure the successful re-establishment of vegetation and the restoration of wetland functions. The NPCA would request that a 10 year period be included (ie: monitoring in years 1, 2, 3, 5, 10) to ensure objectives are achieved.
- 46. Prior to construction, detailed grading, storm servicing, stormwater management, and construction sediment control drawings shall be circulated to this office for review and approval.
- 47. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

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- 48. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- 49. The owner shall complete to the satisfaction of the Director of Engineering of the town of Fort Erie and Canada Post:
  - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - That the home/business mail delivery will be from a designated Centralized Mail Box.
    - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - b. The owner further agrees to:
    - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
    - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
    - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
    - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  - c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
- 50. That the owner deed Block 22, as shown on the Draft Plan to the Town as Environmental Protection Area free and clear of any mortgages, liens and encumbrances.

## **Clearance of Conditions**

Prior to granting prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

Niagara Region - Conditions 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 29, 40, 41, 42 & 43.

Niagara Peninsula Conservation Authority - Conditions 44, 45 & 46.
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- Bell Canada Conditions 47 & 48.
- Canada Post Condition 49.

# 1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:

- a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
- b) Section 160(2) allows certain exceptions.

#### 2. WATER AND SEWER SYSTEMS

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

#### 3. CONVEYING

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above in clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Alexander Morrison
Senior Development Planner
Niagara Region

Phone: (905) 980-6000

Email: alexander.morrison@niagararegion.ca

Taran Lennard Watershed Planner Niagara Peninsula Conservation Authority

Phone: (905) 788-3135 ext. 277

Email: tlennard@npca.ca

Juan Corvalan Senior Manager - Municipal Liaison Bell Canada

Email: planninganddevelopment@bell.ca

Andrew Carrigan
Officer, Delivery Plannning
Canada Post
Phane: (226) 268 5045

Phone: (226) 268-5915

REGULAR MEETING OF COUNCIL -29 May 2023

Conditions of Draft Plan Approval 613 Helena Street Draft Plan of Subdivision Page 9 of 9

## 5. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

### 6. SUBDIVISION AGREEMENT

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

#### 7. NOTES

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of Niagara Region.
- Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.
- Clearance requests shall be submitted to the Region in accordance with the
  Memorandum of Understanding, which stipulates that requests for formal
  clearance of conditions are to be received and circulated to the Region by the
  Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a
  copy of the Draft Agreement, and the Region is unable to provide a final
  clearance letter until the Draft Agreement is received. The Region is committed
  to reviewing submissions related to individual conditions prior to receiving the
  formal request for clearance. In this regard, studies and reports (one hard copy
  and a PDF digital copy) can be sent directly to the Region with a copy provided
  to the Town of Fort Erie.



613 Helena - Tomorrow's Meeting and Engineering CommentsTaran Lennard to Daryl Vander Veen, Anamika Dilwaria 2023-02-22 03:54 PM
From "Taran Lennard" <tlennard@npca.ca>
To "Daryl Vander Veen" <DVanderVeen@forterie.ca>, "Anamika Dilwaria" <ADilwaria@forterie.ca>

Hi Daryl & Anamika,

Due to conflicts tomorrow, neither myself of Adam (our Ecologist) will be available to meet. However, please pass along that if the applicant wishes to speak with us directly, please provide them my contact details and I'd be happy to arrange a brief meeting with them. I notice from your agenda the main item is with respect to the pond relocation. In speaking with Adam, the NPCA is open to ideas of where the pond is to be located — Staff are not set in one specific location. Provided it is protected with an appropriate buffer, the NPCA is likely going to be OK with the location chosen on the property. We are open to ideas, based on how the final layout of this subdivision appears.

The NPCA also offers the following Engineering comments. Please pass these along to the applicant:

- 1) That a mechanism be provided (i.e. drainage easement) that would ensure the perpetual unimpeded discharge of stormwater onto these private lands.
- 2) Indicate the location of the Dry Pond's Spreader Swale (as noted in the 'Scoped Environmental Impact Study Addendum' (dated November 2022) by Beacon Environmental.
- 3) The NPCA understands that the proposed Dry Pond will attenuate post development peak stormwater flows to pre-development conditions. However, the NPCA notes that the water balance study did not include an analysis of the impacts of increased post development surface water runoff volumes on the adjacent wetlands. As such, please confirm that the adjacent wetlands will not be negatively impacted by additional post development storm water runoff volumes.
- 4)(Eventual Condition of Subdivision) Prior to construction, detailed grading, storm servicing, stormwater management, and construction sediment control drawings shall be circulated to this office for review and approval.

As noted above, please advise the applicant to reach out to me should there be any questions, or if they wish to meet one on one. Thank you.

# Taran Lennard Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 277

email: tlennard@npca.ca

The NPCA is updating our Planning and Permitting Policies! To find out more visit Get Involved with NPCA

#### **NPCA Watershed Explorer**

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the <u>Staff Directory</u> and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at <u>Get Involved NPCA Portal</u>, or on social media at facebook.com/NPCAOntario & twitter.com/NPCA Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <a href="https://npca.ca/administration/permits">https://npca.ca/administration/permits</a>.

APPENDIX	( "4" TO ADN	MINISTRATIV	E REPORT	PDS-39-1-2	2023 DATED	MAY 15, 2023

#### Fw: Do not rezone 613 Helena - Public Meeting February 13

Carol Schofield to Mayor and Council

2023-02-08 04:25 PM

Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Daryl Vander Veen, Anamika Dilwaria

From Carol Schofield/FortErie
To Mayor and Council

Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan

Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Daryl Vander

Veen/FortErie@TownOfFortErie, Anamika Dilwaria/FortErie@TownOfFortErie

#### Good afternoon.

Please find below comments received regarding the above-noted development.

Respectfully submitted,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
\$\tilde{\tilde{\tilde{2}}}905-871-1600 Ext 2211

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Please consider the environment before printing this email.

---- Forwarded by Carol Schofield/FortErie on 02/08/2023 04:24 PM -----

From: "Judith Gr" <[redacted]>

To: "cschofield@forterie.ca" <cschofield@forterie.ca>

Date: 02/08/2023 02:51 PM Subject: Do not rezone 613 Helena

To Dan Vander Veen , Mayor if Fort Erie and Town Council

Im replying in response to the upcoming council meeting Feb 13 2023 on the rezoning of 613 Helene St in the town of Fort Erie. This is important piece of property not only to the numerous wildlife there but the low land is important to drainage of the that areas watershed which helps control local flooding on Kraft Road . Also the proximity to the For Erie Race track of such property that could house horses is one of the few remaining sections of land that can do so .

Please keep this property zoned as it presently is and save our conservation areas that our previous planners had the intelligence to protect.

Judith Greaves 402 Parkdale Ave Fort Erie ,On L2A4R4

Sent from my iPhone

#### Fw: Plan of Subdivision-613 Helena St - PUBLIC MEETING FEB. 13

Carol Schofield to Mayor and Council

2023-02-13 04:14 PM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Daryl Vander Veen

From Carol Schofield/FortErie
To Mayor and Council

Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan

Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Daryl Vander

Veen/FortErie@TownOfFortErie

Please refer to the written submission received below concerning the above-noted Public Meeting.

Respectfully submitted.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
\$\mathref{2}\text{905-871-1600}\$ Ext 2211

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Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 02/13/2023 04:13 PM -----

From: "Taylor Lawrie" <[redacted]>

To: "cschofield@forterie.ca" <cschofield@forterie.ca>

Date: 02/13/2023 04:10 PM

Subject: Plan of Subdivision-613 Helena St

Good afternoon,

I am writing to you today in regards to the proposed draft plan of subdivision for 613 Helena Street in Fort Erie. Me, as well as many people that I am certain you've herd from, really hope this can be reconsidered as this property is home to so many different types of wildlife. Fort Erie is being built up so much and the animals don't have a place to go. It would be a shame to see this beautiful property turn into an eyesore of yet another subdivision. On behalf of all of the wildlife and the lovely people that currently reside on the property, please please reconsider and scrap the plan of subdivision. Fort Erie is loved for the small town vibe and the farms, not the hustle and bustle of a built up city. people come here to get away from that. Again, please don't build a subdivision, or anything for that matter, on 613 Helena Street!!

Fw: Application Nos: 350308-0107 & 350309-0481

Carol Schofield to Daryl Vander Veen 2023-02-14 03:21 PM

From Carol Schofield/FortErie

To Daryl Vander Veen/FortErie@TownOfFortErie

Hi Daryl, here's a late submission for 613 Helena.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
\$\mathref{2}\text{905-871-1600}\$ Ext 2211

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Please consider the environment before printing this email.

---- Forwarded by Carol Schofield/FortErie on 02/14/2023 03:20 PM -----

From: "Nadezda Dohnalova" < [redacted]>

To: "cschofield@forterie.ca" <cschofield@forterie.ca>

Date: 02/13/2023 05:50 PM

Subject: Application Nos: 350308-0107 & 350309-0481

To whom it may concern,

I am not a big writer but me and my family are strongly against this proposal. We drive by this property every day, sometimes several times a day as we own our home near Dominion Rd. and Washington Rd. It is a home for the wildlife. We enjoy seeing deer, turkeys, fox,... as we drive by.

We were not against the development close to Waverly Beach but this one so close by is just too many. Where are we pushing the wild animals? Where they suppose to go?

Please do not develop on this property. It is home to too many animals. We must protect it.

Thank you for listening.

Nadezda Dohnalova

[redacted]



# **Planning and Development Services**

Prepared for<br/>Agenda DateCouncil-in-CommitteeReport No.PDS-39-2023May 8, 2023File No.350308-0107 & 350309-0481

## Subject

PROPOSED DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT 613 HELENA STREET SS FORT ERIE INC. (HUNAUN SIDDIQUI & MOHAMMAD FEROZ) - OWNER IBI GROUP (TRACY TUCKER) - AGENT

### Recommendation

**THAT** Council approves the amendment to the Town's Zoning By-law No. 129-90 as

detailed in Report No. PDS-39-2023 for the lands known as 613 Helena

Street, and further

THAT Council approves the 613 Helena Street Draft Plan of Subdivision dated

February 23, 2023, showing 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening as attached as

**Appendix "2"** of Report No. PDS-31-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in **Appendix "3"** of Report No. PDS-31-

2023, and further

**THAT** Council directs staff to circulate the Conditions of Draft Plan Approval in

Appendix "3" of Report No. PDS-31-2023 to the applicable agencies in

accordance with the requirements of the *Planning Act*, and further

**THAT** Council directs Staff to submit the necessary by-law.

## Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

### **List of Stakeholders**

The Corporation of the Town of Fort Erie SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner IBI Group (Tracy Tucker) Residents and Property Owners in the Town of Fort Erie

Prepared by: Submitted by: Approved by:

Original Signed Original Signed Original Signed

Daryl Vander Veen Anamika Dilwaria, M.Pl., Chris McQueen, MBA

Intermediate Development MCIP, RPP

Planner Director, Planning & Development Approvals

Chris McQueen, MBA Chief Administrative Officer

## **Purpose**

The purpose of this report is to provide a staff recommendation to Council regarding the proposed Plan of Subdivision for 613 Helena Street. Applications for a Draft Plan of Subdivision and a Zoning By-law Amendment were submitted by Tracy Tucker of IBI Group, Agent for SS Fort Erie Inc., (Hunaun Siddiqui & Mohammad Feroz), Owner of the subject property located at 613 Helena Street. A location map showing the area subject to the applications is attached as **Appendix "1"**.

## Background

The proposal is known as 613 Helena Street Draft Plan of Subdivision. Originally this development proposed 17 blocks intended for 116 townhouse dwellings, a block for a stormwater pond, a block for environmental lands and a block for a road widening.

Following fieldwork in conjunction with the Niagara Peninsula Conservation Authority (NPCA) to delineate the natural heritage areas on the subject property the proposal was revised. The revised development is 8.14 ha in area and proposed 19 blocks intended for 135 townhouse dwellings, a block for a stormwater pond, a block for environmental lands and a block for a road widening.

Following the Public Meeting that was held on February 13, 2023 the proposed plan of subdivision was revised further to address feedback from Council and members of the public. The current proposal now includes 17 blocks for a total of 124 townhouse dwellings, 2 blocks for a total of 4 semi-detached dwellings, 1 block for parkland dedication, 1 block for a stormwater management pond, 1 block for environmental lands and 1 block for a road widening. The total number of dwelling units has been reduced by 7 dwelling units from 135 units to 128 units. This correspondingly has lowered the

density of the developable area of the site from 52.12 units/ha to 49.42 units/ha. The revised plan of subdivision is attached as **Appendix "2"**.

The Zoning By-law Amendment application proposes to change the zoning of the subject property from Neighbourhood Development (ND) Zone to a site-specific RM1 (RM1) Zone for the proposed semi-detached dwellings and townhouse dwellings and to redefine the boundaries of the Environmental Conservation (EC) Overlay Zone on the subject property to reflect the results of the Applicant's Environmental Impact Study (EIS) Addendum. Site-specific regulations are proposed to permit reduced lot area for interior street townhouse lots, increased maximum density and removal of the requirement for a 4.50 m planting strip where it abuts a street.

The Zoning By-law Amendment component of the application has largely remained unchanged with the exception that the Applicant has agreed to eliminate the request to remove the maximum lot coverage regulations for interior and exterior townhouse dwellings. As discussed during the Public Meeting the proposed dwellings will comply with the maximum lot coverage requirements of the proposed RM1 zoning.

### **Nature of the Site**

The subject property is located within the Urban Boundary on the west side of Helena Street in the Kraft neighbourhood of Fort Erie and is 8.14 ha in area. The property is municipally known as 613 Helena Street and there is an existing single detached dwelling and farm operation on the subject property.

The following are the land uses surrounding the subject property:

**North:** Vacant, wooded lands that are designated as Provincially

Significant Wetlands (PSW).

**South:** Vacant, wooded lands that are designated as PSW.

East: Two single detached dwellings and vacant, wooded lands that are

designated as PSW.

**West:** Vacant, wooded lands that are partially designated as PSW.

Staff note that the subject property does not have access to municipal servicing at the current time. The developer will be responsible for all associated costs to extend required municipal services into the subject lands. Since the planned lots are within the Urban Boundary they must be serviced by the municipal sanitary sewer and water distribution system.

## **Planning Context**

## 2020 Provincial Policy Statement (PPS)

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth to settlement areas and encourage building strong communities through the efficient use of land, resources, and infrastructure. The PPS also encourages opportunities for intensification, the redevelopment of underutilized lands, and infill development where appropriate.

This proposal is consistent with the policies of the PPS. The proposed development is located within the Urban Boundary and proposes to develop underutilized land. The proposed semi-detached dwellings and street townhouse dwellings provide for a mix of housing types. The proposal efficiently uses urban land and will be serviced with municipal water and sanitary sewer. These services will need to be extended to the site from Albany Street to the south.

## 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within the Greater Golden Horseshoe Growth Plan Area and designated Built-up Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for efficient use of urban land and a range and mix of housing types.

This proposal is consistent with the policies of the Growth Plan. The proposed development is located within a Settlement Area and will efficiently use underutilized urban land. The proposed plan of subdivision proposes a mix of housing types and will assist the Town in achieving its density target.

### 2022 Niagara Official Plan (NOP)

The NOP notes that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage growth. The NOP promotes intensification, compact built form and a diverse range and mix of housing types. The subject property is considered to be Built-up Area under the NOP.

The proposed subdivision complies with the NOP. The proposed semi-detached and townhouse dwellings are characteristic of intensification and compact built form and will also increase the variety of housing types in the Town. The proposed development will also assist the Town of Fort Erie to achieve the minimum residential intensification target of 50% of new residential dwelling units within the Built-up Area.

## 2011 Town of Fort Erie Official Plan

Official Plan Schedule A - Land Use Plan

The subject lands are designated Urban Residential, Environmental Protection and Environmental Conservation on Schedule A of the Town's Official Plan and are located within Site Specific Policy Area 5 - Kraft Drain Area (SSPA). Section 4.9 of the Official Plan states that lands with Urban Residential designation are intended for a variety of housing forms including multi-unit residential dwellings such as semi-detached dwellings and street townhouse dwellings. The proposed land uses comply with the Urban Residential land use designation. Environmental Protection and Environmental Conservation areas are to be excluded from development.

Site Specific Policy Area 5 - Kraft Drain Area

The subject property is identified as being located within the Site Specific Policy Area (SSPA) 5 - Kraft Drain Area on Schedule A of the Town's Official Plan. The SSPA states that development within this area should be completed in association with an Environmental Planning Study (EPS) and a Neighbourhood Plan outlining how the land will be developed and serviced in accordance with the policies of the Official Plan. A Comprehensive Servicing Study and overall Storm Water Management Plan will form important components of the Neighbourhood Plan. The Frenchman's Creek Trunk Sanitary Sewer Project must be constructed prior to development proceeding.

An <u>Environmental Impact Study (EIS) Addendum</u> was completed in support of this proposal and Niagara Region and the Niagara Peninsula Conservation Authority (NPCA) are in agreement with the conclusions of the study subject to some conditions of approval that will be resolved if this proposal is approved. Environmental Protection areas will remain unchanged and the EIS recommends that a 15.00 m vegetated buffer from the Provincially Significant Wetlands adjacent to the site be implemented in the proposed subdivision. This area corresponds to the environmental block on the plan and will be zoned Environmental Conservation (EC) Overlay Zone.

The Agent has completed a <u>Functional Servicing and Stormwater Management Report</u>, a <u>Geotechnical Report</u>, a <u>Hydrogeological Investigation</u> and a <u>Water Balance Analysis</u> that outlines how the proposed subdivision will be serviced and developed.

The SSPA also states that the EPS should be prepared in association with a neighbourhood plan. This proposal is being brought forward as the subject property is an isolated pocket that is surrounded by Environmental Protection areas. There is no possibility of connection or integration with a larger neighbourhood. Although a neighbourhood plan is not yet available for the Kraft neighbourhood planning staff are of the opinion that it was not the intent of the Town's Official Plan to completely restrict development in the absence of a neighbourhood plan.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is within a petroleum resource area. There are no active wells within 75.00 metres of the subject property. The subject property is not within an area identified as having potential for mineral aggregate resources.

Official Plan Schedule C - Natural Heritage Features & Schedule C1 - Natural Hazards & Fish Habitat

Schedule C of the Official Plan identifies the west portion of the property as Provincially Significant Wetlands (PSW), Significant Natural Area and as being part of a Woodlot Over 2 Ha. The portion of the property that is subject to proposed residential development does not contain any natural heritage features. Lands to the north and south are identified as Environmentally Sensitive Area, PSW, Significant Natural Area and as being part of a Woodlot Over 2 Ha. The subject property and adjacent lands are under the regulation of the Niagara Peninsula Conservation Authority (NPCA).

Schedule C1 of the Official Plan does not identify any natural hazard area or fish habitat on or near the subject property.

Niagara Region has noted that the subject property is impacted by the Region's Core Natural Heritage System ("CNHS") consisting of the Kraft Drain Provincially Significant Wetland ("PSW") Complex and Significant Woodland.

Detailed comments from Niagara Region and the NPCA in regard to the <a href="Environmental Impact Study">Environmental Impact Study (EIS) Addendum</a> submitted with the application are contained in <a href="Report No. PDS-07-2023">Report No. PDS-07-2023</a>.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan illustrates the subject property as being within area identified as having potential for archaeological resources. The Agent has completed <a href="Stage 1 & 2 Archaeological Assessments">Stage 1 & 2 Archaeological Assessments</a>. Detailed comments from Niagara Region regarding the Archaeological Assessments are contained in <a href="Report No. PDS-07-2023">Report No. PDS-07-2023</a>.

Urban Residential Land Use Designation

Subsection 4.7.4.1 Urban Residential of the Official Plan provides guidance to Council when considering medium-density residential uses and infill residential intensification on vacant land. Townhouse dwellings are considered to be medium-density residential uses in the Town's Official Plan. Planning staff has provided analysis with respect to these criteria below.

In considering medium-density and high-density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:

 The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;

The proposed plan of subdivision features a mix of semi-detached dwellings and townhouse dwellings which will front onto public streets. Although the final dwelling designs are preliminary at this stage the future dwellings are anticipated to be harmonious with each other as they will all be part of the same subdivision. All of the dwellings are proposed to be two storeys in height. Parcels surrounding the subject property are heavily impacted by natural heritage features including Provincially Significant Wetlands and do not have much development potential. The subject property is an isolated pocket of developable land. No issues with compatible integration or impacts on lower density residential will result from this proposal.

b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;

The parcels within the proposed development will have an appropriate amount of open space, landscaping and buffering. All of the proposed dwellings meet the requirements of the Zoning By-law for landscaped area and front and rear yard setbacks under the proposed RM1 zoning. Adequate space will be available in the rear yards for outdoor amenity area. An environmental block including a 15.00 m vegetated buffer between the proposed dwellings and wetlands on adjacent parcels is also proposed around the development area to mitigate impacts to Provincially Significant Wetlands on adjacent parcels. The developer is also proposing to dedicate Block 20 of public parkland dedication purposes. This block is 0.19 ha in area.

c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;

All of the proposed dwellings will provide on-site parking via driveways and garages. The Zoning By-law requires one parking space per dwelling unit for semi-detached dwellings and street townhouse dwellings. All of the proposed units front onto public streets and parking will occur in the front yard. Adequate space will be available in the rear yard for landscaping and amenity area.

d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;

All dwelling units in the proposed development will front onto public streets. Niagara Region has confirmed in their comments that all units will be eligible for curbside pick up waste collection services.

e. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;

Driveways will be located in the front yards of the proposed dwellings and will connect directly to public streets. The Town's Subdivision Control Guidelines require the installation of a sidewalk on one side for pedestrian movement. Planning staff will recommend that the sidewalk be installed on the same side of the road as the proposed parkland block to provide internal connectivity to the park.

f. Convenient access to a collector or arterial road;

The proposed development has direct access to Helena Street, which is a Regional arterial road. Helena Street provides ready access to Garrison Road to the north and Dominion Road to the South, both of which are also Regional arterial roads. The Provincial Queen Elizabeth Way (QEW) highway is also located nearby approximately 2 km to the north.

g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;

The proposed plan of subdivision itself is isolated and is unable to integrate with a larger neighbourhood. Much of the existing Kraft neighbourhood consists of vacant, undeveloped residential land, industrial lands or wooded areas that are environmentally significant. The subject property is located close to commercial amenities along Garrison Road, although access to these amenities would occur primarily by motor vehicle. The revised plan of subdivision includes a public park that will be accessible by internal sidewalks within the development.

h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage "eyes on the street"; and

All of the proposed dwelling units will front onto and face public streets, thereby providing "eyes on the street".

 Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

Internal sidewalks for pedestrian movement will be required in accordance with the Town's Subdivision Control Guidelines. The Town will require that sidewalks are placed on the same side of the street as the proposed parkland block to ensure connectivity to the park.

Official Plan - Subdivision Control

Section 13.5 II. of the Official Plan provides some direction for Council when considering approval of a Plan of Subdivision. These are:

a. The Plan of Subdivision conforms with the policies of this Plan;

The Urban Residential land use designation permits development of semi-detached and street townhouse dwellings. The Applicant has completed an Environmental Impact Study (EIS) Addendum that provides recommendations to mitigate impacts on nearby natural heritage features including Provincially Significant Wetlands. This includes implementation of a 15.00 m vegetated buffer around the proposed dwellings to be protected by an Environmental Conservation (EC) Overlay Zone to provide adequate separation from wetlands on adjacent parcels.

b. Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;

The development is located within the Urban Boundary and dwellings within will have access to emergency services and waste collection services. The development will require connection to municipal water and sanitary sewer infrastructure. Extension of these services will be required to develop the site and the cost of this extension is the responsibility of the developer. The Agent/Owner have provided a Functional Servicing and Stormwater Management Report, a Geotechnical Report, a Hydrogeological Investigation and a Water Balance Analysis that outlines how the proposed subdivision will be serviced and engineered. These technical documents will be reviewed by the Town, NPCA and Region in detail as part of the subdivision approval process if this application is approved. The proposed plan of subdivision will include internal sidewalks in accordance with the Town's Subdivision Guidelines.

c. The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and

The subject property is within the Urban Boundary and all parcels are required to be serviced via municipal water and sanitary sewer systems. Any service extensions will be at the cost of the developer.

d. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

Planning staff are of the opinion that the proposed plan of subdivision is not premature. Although there is not a neighbourhood plan in place for the subject property the subject property is within the Urban Boundary and is consistent with Provincial, Regional and Town planning policy which promote intensification and development of underutilized lands within the existing urban area. The proposed development has been modified significantly since the original submission in 2018 and now is supportable by Town, Regional and NPCA staff. The proposed plan of subdivision is in the public interest as it will provide additional dwelling units, housing variety and financial benefit to the Town.

## Plan of Subdivision Design

The revised draft plan of subdivision is attached as **Appendix "2"** and consists of the following elements:

- 17 blocks intended for 124 street townhouse dwellings
- 2 blocks intended for 4 semi-detached dwellings
- 1 block intended for parkland dedication
- 1 block intended for a stormwater pond
- 1 block intended for environmental lands
- 1 block for a road widening of Helena Street

The draft plan features a crescent road shown as Street 'A' that connects to Helena Street in two locations. All of the proposed townhouse dwellings front onto the crescent road. The block for environmental lands encapsulates a 15.00 m buffer recommended in the Environmental Impact Study (EIS) Addendum from natural heritage features on the subject property and on adjacent lands.

Conditions of approval for the proposed plan of subdivision are attached as **Appendix** "4".

## Reduction in Number of Dwelling Units

The proposed plan of subdivision has reduced the total number of dwelling units from 135 units to 128 units. This has lowered the density of the development area from 52 units/ha to 49.42 units/ha. The overall density of the plan of subdivision is 15.72 units/ha. The reduction in units is a result of one of the townhouse blocks being dedicated for park purposes and another being converted from a block of street townhouses to two semi-detached dwellings.

## Parkland Dedication

Many of the comments made during the Public Meeting from Council and members of the public were concerns that there are no public parks in the area. It was noted by some members of the public that the proposed subdivision should consider a park inside the development.

Planning staff reviewed the Town's Parks and Open Space Master Plan and noted that the subject property is not within the service area for any neighbourhood or community parks (the service area for a neighbourhood parks and community parks are 600 m and 1,600 m respectively). The nearest public park is Waverly Beach Park to the south, which is a distance of nearly 900 m. Further, there is no sidewalk connection available to reach Waverly Beach Park from the subject property.

Town staff, the Region and the Agent/Owner met to discuss options to extend a sidewalk down to Waverly Beach Park. Ultimately, it was decided that a sidewalk

extension south is not feasible. Although the Town can require the Agent to build a sidewalk along the frontage of Helena Street across the subject property there is no means of requiring the developer to build the remainder of the sidewalk further south. The Town could consider taking securities to help pay for future extensions of the sidewalks. However, with much of the lands to the south being constrained by natural heritage features including Provincially Significant Wetlands, it is unclear if the sidewalk would ever be constructed. It was noted that construction of a sidewalk south towards Waverly Beach Park may also require an Environmental Impact Assessment due to the close proximity of Provincially Significant Wetlands to the road allowance.

As an alternative, the Agent/Owner proposed revising the plan to dedicate a block for parkland purposes within the proposed subdivision. This is Block 20 on the plan of subdivision and the block is 0.19 ha in area. From a Town parks perspective, this park would be undersized and not ideal as the standard area requirement for a Town park is 0.50 ha. A typical neighbourhood park includes a playground, pathway, benches and shade structures.

There is a similarly sized park constructed as part of Spears Road Estates subdivision that will serve as a useful comparison. Spears Estates Park is 0.18 ha in area and features a playground, open turf area, seating and garbage receptacles. The cost of the park to the Town in 2021 was approximately \$300,000, with \$270,000 allocated for construction and \$30,000 allocated for a consultant to design the park. The estimated annual maintenance cost of the park in 2023 is approximately \$29,000.

It is noted that the park dedication of 0.19 ha is greater than 5% of the developable area of the proposed development (5% would equal approximately 0.13 ha). The Owner has agreed to dedicate Block 20 for parkland purposes even though it exceeds 5% of the developable area of the plan of subdivision.

Although the parkland block is adjacent to the stormwater management pond, the pond itself would be fenced and would not be considered part of the park itself.

## Comprehensive Zoning By-law No. 129-1990

The lands are currently zoned Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone in accordance with Zoning By-law No. 129-1990. The Agent is requesting to rezone the subject lands to a new site-specific Residential Multiple 1 (RM1) Zone to permit the proposed semi-detached and street townhouse dwellings. The Zoning By-law Amendment also proposes to refine the boundaries of the Environmental Conservation (EC) Overlay Zone on the subject property to ensure natural heritage features are adequately protected in accordance with Regional and NPCA requirements.

## Townhouse Dwellings

The site-specific RM1 proposes regulations to permit reduced lot area for interior street townhouse lots, increased maximum density and removal of the requirement for a 4.50 m planting strip where it abuts a street. These departures are outlined in the zoning chart below and include planning staff comments.

Table 1: Zone Comparison Chart - Proposed Site-specific RM1 Zone					
Zoning Regulation	Base Regulations (RM1 Zone)	Proposed Regulations (site- specific RM1 Zone)	Planning Comments		
Minimum Lot Frontage	6.00 m for a street townhouse lot 9.00 m for a street townhouse corner lot	No change	Meets requirement.		
Minimum Lot Area	200.00 sq m for a street townhouse lot	155.00 sq m for a street townhouse lot	Support. The proposed townhouse dwellings meet all of the setback requirements under the RM1 zoning and will be of sufficient size to accommodate an appropriately-sized townhouse dwelling with space for parking in the front yard and amenity area in the area yard.		
	270.00 sq m for a street townhouse corner lot	No change	Meets requirement.		
Maximum Lot Coverage	Exterior street townhouse - 40% Interior street townhouse - 60%	No change	Meets requirement.		
Minimum Front Yard	6.00 m to garage 3.00 m to other parts of dwelling	No change	Meets requirement.		

Zoning Regulation	Base Regulations (RM1 Zone)	Proposed Regulations (site- specific RM1 Zone)	Planning Comments
Minimum Side Yard	1.50 m	No change	Meets requirement.
Minimum Exterior Side Yard	3.00 m 6.00 m if an attached garage or carport faces the exterior lot line	No change	Meets requirement.
Minimum Rear Yard	6.00 m	No change	Meets requirement.
Maximum Building Height	3 storeys and 12.00 m	No change	Meets requirement.
Minimum Landscaped Area	Street townhouse lots - 25%	No change	Meets requirement.
Maximum Number of Units in a Row	8	No change	Meets requirement.
Minimum Distance Between Buildings on the Same Lot	15m, except 3m between end walls and 9m between an end wall and a rear wall	No change	Meets requirement.
Maximum Density	35 units/ha	49.42 units/ha	Support. Planning staff note that the Urban Residential land use designation does not have a maximum density limit. Further, the density is higher due to much of the lot area of the subject property being comprised of environmental lands outside of the developable area. The overall density of the site with the environmental

Table 1: Zone Comparison Chart - Proposed Site-specific RM1 Zone					
Zoning Regulation	Base Regulations (RM1 Zone)	Proposed Regulations (site- specific RM1 Zone)	Planning Comments		
			lands included is 15.72 units/ha.		
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	No change	Meets requirement.		
Planting Strips	In accordance with Section 6.21 and 4.50 m where it abuts a street, except for points of ingress/egress	Shall not apply (not required for street townhouse dwellings).	Support. All of the townhouse dwellings within this development will front onto public streets. The standard front yard and exterior side yard setbacks under the RM1 zoning provide sufficient landscaped areas between the townhouse dwellings and the street.		

## Semi-detached Dwellings

Planning staff note that the proposed semi-detached dwellings fully comply with the regulations of the proposed RM1 zoning and will not require any special provisions.

## Environmental Conservation (EC) Overlay Zone

It is noted that this application will not be seeking the removal of the Environmental Conservation (EC) Overlay Zone. The proposed development area is largely outside of the existing EC zoning on the subject property. Instead, in accordance with the recommendations of the EIS Addendum, this application is proposing to increase the amount of EC zoning on the site to cover the entirety of the environmental block on the plan of subdivision (Block 22 on the draft plan). This will include the 15.00 m vegetated buffer from Provincially Significant Wetlands adjacent to the property as recommended by the EIS Addendum. Any Provincially Significant Wetlands that currently exist on the subject property will remain zoned Environmental Protection (EP) Zone.

The Town's Environmental Advisory Committee (EAC) was circulated on this application and the EIS Addendum. A site visit occurred on March 19, 2023. EAC was generally in agreement with the recommendations of the EIS Addendum. The Committee also recommended the following:

- That bird friendly design standards be incorporated into dwelling facings that back onto the vegetated buffer area;
- That pollinator plants be included as plantings in the buffer area;
- That a warning clause be added into the subdivision agreement to prevent dumping or encroachment into the vegetated buffer area;
- That native tree species be used for tree plantings.

## **Studies**

The following studies were submitted with the Zoning By-law Amendment and Draft Plan of Subdivision applications:

- Stage 1 and 2 Archaeological Assessment;
- Environmental Impact Study Addendum;
- Phase I and II Environmental Site Assessments;
- Revised Functional Servicing and Stormwater Management Report;
- Geotechnical Report;
- Hydrogeological Investigation;
- Revised Transportation Impact Study;
- Water Balance Analysis

Staff note that the findings of these studies are discussed in detail throughout Report No. PDS-07-2023.

### Financial/Staffing Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner.

## **Policies Affecting Proposal**

Notice of the Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the January 19, 2023 edition of the *Fort Erie Post*. Further, all property owners within 120 m of the subject property via mailed notice on January 23, 2023.

Land use policies for the subject lands are contained in the Town's Official Plan, and applicable Regional and Provincial regulations.

## **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding this Draft Plan of Subdivision and Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners. New comments received since the Public Meeting are summarized below, and are attached as **Appendix "5"**.

## **Agency Comments**

## Niagara Peninsula Conservation Authority (NPCA)

The NPCA provided some additional information regarding the proposed relocation of one of the ponds onsite and conditions of approval related to engineering matters in a follow up email. It was noted that there is flexibility where the pond can be located provided it is protected with an adequate buffer.

#### **Staff Comments**

None.

#### **Public Comments**

A public information open house was held in-person in the Atrium of Town Hall on May 11, 2022 from 5 to 6 pm. All property owners within 120 metres of the subject lands were notified of the information open house via a notice mailed by Staff on April 27, 2022. Staff and the Agent attended the information open house meeting.

A statutory Public Meeting was held in Council Chambers of Town Hall on February 13, 2023. Ten members of the public spoke in opposition to the proposal. Two written submissions in opposition the development were also submitted in advance of the meeting are were appended to the meeting minutes.

Comments and feedback from the public and Council to date are outlined below. Public comments received in writing are attached for reference as **Appendix "6"**.

## Affordable Housing

A resident expressed concern that the proposed townhouse dwellings would not contain any affordable units.

## Staff Response

The proposed semi-detached dwellings and street townhouse dwelling will introduce additional housing variety into Fort Erie's housing market. The units are not anticipated to be affordable housing units based on Canadian Mortgage and Housing Corporation (CMHC) definitions.

### Access to Schools

One resident asked how children living in this development would go to school.

## Staff Response

Comments were received from the District School Board of Niagara confirming that children in this development would be bussed to Garrison Rd PS (Gr. JK-8) and Greater Fort Erie Secondary School (Gr. 9-12). There is no indication that there are capacity issues at the existing schools.

#### Issues with Helena Street and Traffic from the Development

Another issue that was raised was the poor condition of Helena Street and potential issues with traffic.

#### Staff Response

The Applicant completed a revised Traffic Impact Study noting that Helena Street and the nearest intersections have sufficient capacity to accommodate traffic from the proposed development. The condition of the road itself is the responsibility of Niagara Region.

### Loss of Prime Agricultural Land and Wildlife Habitat, Impacts on Wetlands

A resident commented that this proposal will result in the loss of prime agricultural land and wildlife habitat and had questions regarding the impact on wetlands in the area.

#### Staff Response

Staff note that this subject property is within the urban boundary and is not considered to be prime agricultural land. Use of the land as an agricultural operation is an existing

situation and is considered to be non-conforming under the zoning and Official Plan land use designation.

The Agent has prepared an Environmental Impact Study (EIS) Addendum that limits the development area to a portion of the site that is outside of natural heritage features. The Applicant is proposing a 15.00 m environmental buffer area that will be maintained to prevent impacts to natural heritage features on-site or on adjacent parcels. The NPCA, Niagara Region and the Town's Environmental Advisory Committee are in agreement that the 15.00 m buffer is appropriate to protect wetlands and other environmentally sensitive areas.

### Lack of Playgrounds or Sidewalks in the Area

A resident commented that there are no parks proposed within the development and no sidewalks for children on Helena Street.

## Staff Response

The Owner has agreed to dedicate a block for parkland dedication. This is Block 20 on the revised draft plan of subdivision and is 0.19 ha in area.

## Lack of Medical Facilities

One resident expressed concern that the Town does not have adequate medical facilities and the nearest full-service hospital is located a significant distance.

## Staff Response

Staff acknowledge that this is an ongoing issue in Fort Erie but is largely under the mandate of the Niagara Region Public Health and Emergency Services. This development will not have a significant impact on the provision of healthcare services in the Town.

#### Neighbourhood Plan

One resident noted that there is not a neighbourhood plan in place for this area, and stated that the Town Official Plan requires a neighbourhood plan to be in place prior to development proceeding for large scale development applications.

### Staff Response

Planning staff acknowledge that the Official Plan does make repeated references to Neighbourhood Plans with respect to development in Urban Residential areas and in relation to large scale development. The Town of Fort Erie has been actively developing plans for the various neighbourhoods in the Town of Fort Erie which have taken the

form of Secondary Plans. Some areas in the Town are within neighbourhoods that do not yet have active Secondary Plans in place such as Crescent Park.

The Town's Official Plan is a vision document intended to provide general policies for land use. The policies within are not intended to restrict the use of land such as a Zoning By-law nor to fully stop development. The policies exist to provide guidance and direction to Council and planning staff when considering Planning Act applications such as this proposal. The Official Plan provides various other policies and criteria to be considered with respect to Planning Act applications in the absence of a neighbourhood plan, such as Subsection 4.7.4.1 and Subsection 13.5 II as outlined in this report.

In the case of this proposal it is also notable that the subject property is surrounded on all sides by large areas of Provincially Significant Wetlands. The site is an isolated developable pocket that does not have the ability to integrate with a larger neighbourhood.

## Swales in Rear Yard

One of the questions raised during the Public Meeting was what was the typical width of a rear yard drainage swale and how would it effect the rear yard amenity space of the proposed parcels, especially once decks and porches are added to a dwelling.

## Staff Response

The width of a typical drainage swale is 2.00 to 3.00 m. They typically do not impact a resident's use of a back yard other than not being able to construct structures on the swales that would negatively impact drainage. The swales are shallow ditches that can still be used as rear yard open space.

Planning staff note that the addition of decks or porches does not remove rear yard amenity space. The porches and decks themselves are considered to be rear yard amenity space similar to landscaped area or grassed area.

### **Alternatives**

Council may elect to deny the Zoning By-law Amendment and Draft Plan of Subdivision applications. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

## **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's recommendations, Council is advised to table its decision to consider the matter further

or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

## **Communicating Results**

There are no communication requirements at this time.

### Conclusion

Planning Staff support the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications. The applications will facilitate development of a plan of subdivision containing a total of 128 dwelling units that represent a compact form of development and will provide additional housing variety to the Town. The proposal is consistent with Town, Regional and Provincial planning policies and represents good planning principles.

Planning Staff recommend that Council approves the Zoning By-law Amendment and Draft Plan of Subdivision as proposed, and direct staff to circulate the conditions of draft plan approval to the appropriate external agencies and prepare the necessary by-law.

## **Attachments**

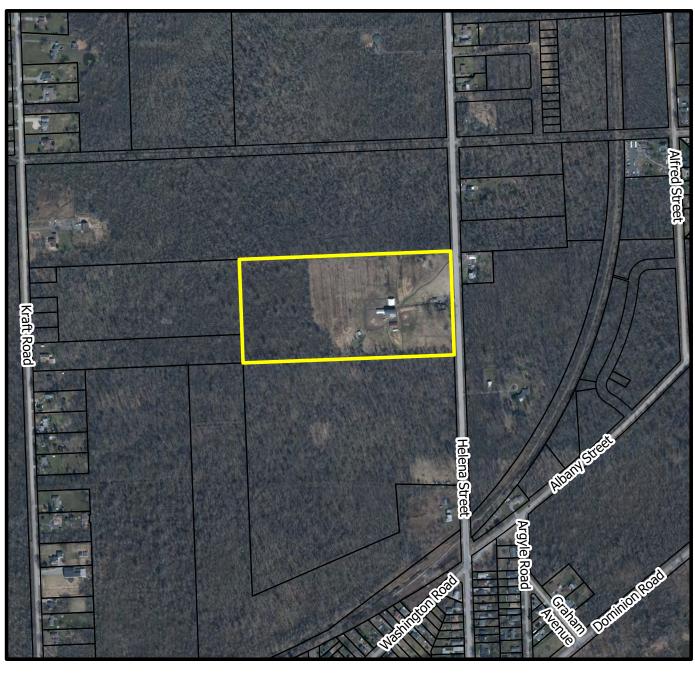
Appendix "1" - Location Plan

Appendix "2" - Revised Draft Plan of Subdivision

Appendix "3" - Conditions of Draft Plan Approval

Appendix "4" - New Comments from Staff/Agencies

Appendix "5" - New Comments from the Public





# **LOCATION PLAN**

**Draft Plan of Subdivision & Zoning By-law Amendment -** 613 Helena Street

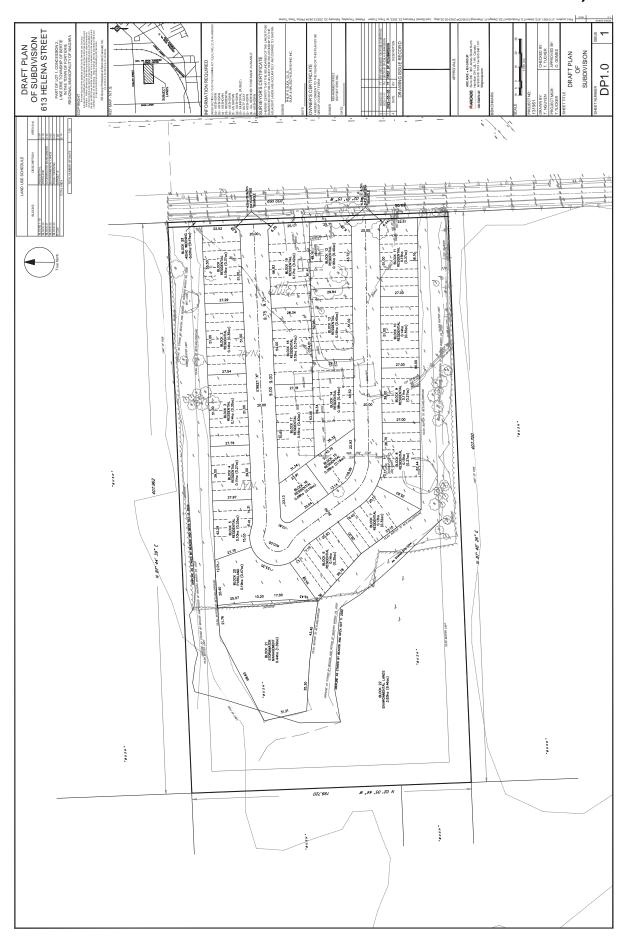


Subject Lands - 613 Helena Street

Planning and Development Services, Map Created June 8, 2022



APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-39-2023 DATED MAY 8, 2023



## CONDITIONS OF DRAFT PLAN APPROVAL 613 Helena Street Plan of Subdivision April 3. 2023

The conditions of final approval and registration of the 613 Helena Street Plan of Subdivision by SS Fort Erie Inc. in the Town of Fort Erie are as follows:

- 1. That this approval applies to the 613 Helena Street Draft Plan of Subdivision Part of Lot 1, Concession 2 Lake Erie, being all of PIN 64470-0131, prepared by Phillip S. Suda on February 23, 2023, showing 17 blocks for a total of 124 street townhouse dwellings (Blocks 1 to 17), 2 blocks for 4 semi-detached dwellings (Blocks 15 & 16), 1 block for parkland dedication (Block 20), 1 block for a stormwater management pond (Block 21), 1 block for environmental lands (Block 22) and 1 block for a road widening (Block 25).
- 2. That the owner deed Block 20, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.
- 3. That the owner deed Block 21, as shown on the Draft Plan to the Town for parkland purposes, free and clear of any mortgages, liens and encumbrances.
- 4. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
- 5. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as publichighways.
- 6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."
- 7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."
- 8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.
- 9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
- 10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards REGULAR MEETING Town of Fart Erie All utilities servicing the subdivision shall be underground.

- Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.
- 11. That the streets be named to the satisfaction of the Town.
- 12. That the Owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town.
- 13. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
- 14. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site:
  - b) Detailed sediment and erosion control plans.
- 15. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 14 above.
- 16. That the Developer is responsible to front-end the construction of watermains, sanitary sewers and storm sewers (where required) on Helena Street from Albany Street to Phillips Street.
- 17. That the Developer submits a Landscape Plan, pursuant to the Subdivision Control Guidelines and to the satisfaction Town Staff. The Plan shall address pedestrian circulation, site landscaping, streetscape treatments, appropriate buffering of the watercourse block, and interface with Helena Street.
- 18. That the Developer submits a Streetscape Plan, pursuant to the Subdivision Control Guidelines, showing how the development will interface with Helena Street.
- 19. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required, together with a resolution from the local municipality must be received by the Region prior to the lapsing date.

Impact Assessment (EIA) prepared by Colville Consulting Inc. (dated July 2017) and Section 6.2 of the Environmental Impact Study (EIS) Addendum prepared by Beacon Environmental Limited (dated February 2022), including but not limited to:

- a. That vegetation removals be undertaken between October 1 and March 14, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
- b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
- c. That no construction materials or equipment be located, even on a temporary basis, within the woodland/wetland features, or their buffers.
- d. That a limit of work fence be installed on the property in the vicinity of the White Wood Aster to help avoid direct impacts.
- e. That site appropriate low impact development (LID) practices be implemented to off-set the infiltration deficit resulting from the addition of impervious surfaces.
- 21. That permanent rear-lot fencing be installed along the 15 m buffers adjacent to natural heritage features, to the satisfaction of the Niagara Region. The fencing shall include a permanent wildlife exclusion barrier that extends below grade to contain wildlife movement to the natural heritage features and restrict access to the adjacent rear yards. A No-Gate By-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
- 22. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. The Plan should incorporate the recommendations found in both the "Environmental Impact Assessment" prepared by Colville Consulting Inc. (dated July 2017) and the "Environmental Impact Study Addendum" prepared by Beacon Environmental Limited (dated November 2022). All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
- 23. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
- 24. That a Buffer / Enhancement Plan be prepared to the satisfaction of the Niagara Region. The Plan should incorporate the recommendations found in both the "Environmental Impact Assessment" (EIA) prepared by Colville Consulting Inc. (dated July 2017) and the "Environmental Impact Study Addendum" prepared by Beacon Environmental Limited (dated November 2022). The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Buffer / Enhancement Plan should be completed by a full member of the Ontario Association of Landscape Architects. The Plan shall also include the locations and installation details associated with 5-6 bat boxes, as recommended in the EIA to help provide potential roosting habitat for bat species.

- 25. That the Developer provide securities to the Town of Fort Erie in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the Subdivision Agreement include provisions whereby the developer agrees that the Town may draw on the Letter of Credit, if required, to ensure installation of the plantings.
- 26. That prior to removing the existing farm buildings, surveys be conducted for Barn Swallow and Species at Risk bats in accordance with established protocols and/or through consultation with the Ministry of Environment, Conservation and Parks (MECP).
- 27. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to Regional Development Approvals, with attention to Environmental Planning, <a href="mailto:devtplanningapplications@niagararegion.ca">devtplanningapplications@niagararegion.ca</a> by September 1 of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.
  - Note: At a minimum, the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.
- 28. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Buffer/Enhancement Plan, Relocation and Monitoring Plan, and Ecological Monitoring Plan.
- 29. That the Subdivision Agreement contain wording wherein the Owner agrees that the Town may draw on the Letter of Credit, if required, to ensure to installation of all required restoration works.
- 30. That a Phase One and Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the Environmental Protection Act and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
- 31. That the Owner submits a Stage 1 and Stage 2 Archaeological Assessment prepared by a licensed archaeologist (including any subsequent recommended assessments) to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of each submitted archaeological assessment, as well as applicable Letters of Acknowledgement from the MHSTCI shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed works, and must be accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearance of this condition.

resource concerns have been mitigated and meet licensing and resource conservation requirements.

32. That the following warning clause be included in the Subdivision Agreement with respect to the potential discovery and protection of any archaeological resources encountered during construction activities:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

- 34. That the Owner dedicates a 1.6m road widening to the Regional Municipality of Niagara along the frontage of Regional Road 122 (Helena Street) prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9.C.
- 35. That the Owner dedicates a 4.50m by 4.50m daylight triangle at the corner of Regional Road 122 (Helena Street) prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9C.
- 36. That the Owner dedicates a one-foot reserve along the frontage Regional Road 122 (Helena Street) including daylight triangles for Lots 1, 11, 21, and 37 prior to the issuance of a building permit, to the satisfaction of Niagara Region, in accordance with Regional Official Plan Policy 9.C.
- 37. That prior to any construction taking place within the Regional Road Allowance, the applicant shall obtain a Construction Encroachment Permit and Regional Entrance Permit.
- 38. That prior to approval of the final plan or any on-site grading, the Owner shall submit a Detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2013 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
  - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means nearby overland flows will be accommodated across the site;

- c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
- 39. That the Subdivision Agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the Conditions above.
- 40. That the Owner submit a written undertaking to the Niagara Region Public Works
  Department (Development Services Division) that draft approval of this subdivision does
  not include a commitment of servicing allocation by the Regional Municipality of Niagara as
  this servicing allocation will be assigned at the time of registration and any pre-servicing will
  be at the sole risk and responsibility of the Owner.
- 41. That the Owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the Owner and the Town.
- 42. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of Environment Conservation and Parks Approval under the Transfer of Review Program or approval through the new Consolidated Linear Environmental Certificate of Approval.
- 43. That the Owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara's Corporate Waste Collection Policy relating to the curbside collection of waste.
- 44. That a mechanism be provided (i.e. drainage easement) that would ensure the perpetual unimpeded discharge of stormwater onto the private lands.
- 45. Restoration of any disturbed areas to the satisfaction of the NPCA. NPCA Staff require that enhancements to the retained PSW be explored such as invasive species removal and native underplantings to assist with the re-establishment of native species. A Monitoring Plan is required for review by the NPCA to ensure the successful re-establishment of vegetation and the restoration of wetland functions. The NPCA would request that a 10 year period be included (ie: monitoring in years 1, 2, 3, 5, 10) to ensure objectives are achieved.
- 46. Prior to construction, detailed grading, storm servicing, stormwater management, and construction sediment control drawings shall be circulated to this office for review and approval.
- 47. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

- 48. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- 49. The owner shall complete to the satisfaction of the Director of Engineering of the town of Fort Erie and Canada Post:
  - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - That the home/business mail delivery will be from a designated Centralized Mail Box.
    - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - b. The owner further agrees to:
    - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
    - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
    - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
    - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  - c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

### **Clearance of Conditions**

Prior to granting prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Niagara Region Conditions 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 29, 40, 41, 42 & 43.
- Niagara Peninsula Conservation Authority Conditions 44, 45 & 46.
- Bell Canada Conditions 47 & 48.
- Canada Post Condition 49.

- 1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:
  - a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
  - b) Section 160(2) allows certain exceptions.

### 2. WATER AND SEWER SYSTEMS

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

### 3. CONVEYING

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above in clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Alexander Morrison Senior Development Planner Niagara Region

Phone: (905) 980-6000

Email: alexander.morrison@niagararegion.ca

Taran Lennard
Watershed Planner
Niagara Peninsula Conservation Authority

Phone: (905) 788-3135 ext. 277

Email: tlennard@npca.ca

Juan Corvalan Senior Manager - Municipal Liaison Bell Canada

Email: planninganddevelopment@bell.ca

Andrew Carrigan Officer, Delivery Plannning Canada Post

Phone: (226) 268-5915

Email: Andrew.Carrigan@Canadapost.ca

### 5. REVIEW OF CONDITIONS

to Council's attention. Council will consider a request to either revise or delete conditions.

### 6. SUBDIVISION AGREEMENT

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

### 7. NOTES

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of Niagara Region.
- Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.
- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.



613 Helena - Tomorrow's Meeting and Engineering CommentsTaran Lennard to Daryl Vander Veen, Anamika Dilwaria 2023-02-22 03:54 PM
From "Taran Lennard" <tlennard@npca.ca>
To "Daryl Vander Veen" <DVanderVeen@forterie.ca>, "Anamika Dilwaria" <ADilwaria@forterie.ca>

Hi Daryl & Anamika,

Due to conflicts tomorrow, neither myself of Adam (our Ecologist) will be available to meet. However, please pass along that if the applicant wishes to speak with us directly, please provide them my contact details and I'd be happy to arrange a brief meeting with them. I notice from your agenda the main item is with respect to the pond relocation. In speaking with Adam, the NPCA is open to ideas of where the pond is to be located — Staff are not set in one specific location. Provided it is protected with an appropriate buffer, the NPCA is likely going to be OK with the location chosen on the property. We are open to ideas, based on how the final layout of this subdivision appears.

The NPCA also offers the following Engineering comments. Please pass these along to the applicant:

- 1) That a mechanism be provided (i.e. drainage easement) that would ensure the perpetual unimpeded discharge of stormwater onto these private lands.
- 2) Indicate the location of the Dry Pond's Spreader Swale (as noted in the 'Scoped Environmental Impact Study Addendum' (dated November 2022) by Beacon Environmental.
- 3) The NPCA understands that the proposed Dry Pond will attenuate post development peak stormwater flows to pre-development conditions. However, the NPCA notes that the water balance study did not include an analysis of the impacts of increased post development surface water runoff volumes on the adjacent wetlands. As such, please confirm that the adjacent wetlands will not be negatively impacted by additional post development storm water runoff volumes.
- 4)(Eventual Condition of Subdivision) Prior to construction, detailed grading, storm servicing, stormwater management, and construction sediment control drawings shall be circulated to this office for review and approval.

As noted above, please advise the applicant to reach out to me should there be any questions, or if they wish to meet one on one. Thank you.

# Taran Lennard Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 277

email: tlennard@npca.ca

The NPCA is updating our Planning and Permitting Policies! To find out more visit Get Involved with NPCA

### **NPCA Watershed Explorer**

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the <u>Staff Directory</u> and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at <u>Get Involved NPCA Portal</u>, or on social media at <u>facebook.com/NPCAOntario</u> & <u>twitter.com/NPCA Ontario</u>.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <a href="https://npca.ca/administration/permits">https://npca.ca/administration/permits</a>.

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### APPENDIX "5" TO ADMINISTRATIVE REPORT PDS-39-2023 DATED APRIL 3, 2023

### Fw: Do not rezone 613 Helena - Public Meeting February 13

Carol Schofield to Mayor and Council

2023-02-08 04:25 PM

Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Daryl Vander Veen, Anamika Dilwaria

From Carol Schofield/FortErie
To Mayor and Council

Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan

Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Daryl Vander

Veen/FortErie@TownOfFortErie, Anamika Dilwaria/FortErie@TownOfFortErie

### Good afternoon.

Please find below comments received regarding the above-noted development.

Respectfully submitted,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
\$\tilde{\tilde{\tilde{2}}}905-871-1600 Ext 2211

Our Focus: Your Future

Please consider the environment before printing this email.

---- Forwarded by Carol Schofield/FortErie on 02/08/2023 04:24 PM -----

From: "Judith Gr" <[redacted]>

To: "cschofield@forterie.ca" <cschofield@forterie.ca>

Date: 02/08/2023 02:51 PM Subject: Do not rezone 613 Helena

To Dan Vander Veen , Mayor if Fort Erie and Town Council

Im replying in response to the upcoming council meeting Feb 13 2023 on the rezoning of 613 Helene St in the town of Fort Erie. This is important piece of property not only to the numerous wildlife there but the low land is important to drainage of the that areas watershed which helps control local flooding on Kraft Road . Also the proximity to the For Erie Race track of such property that could house horses is one of the few remaining sections of land that can do so .

Please keep this property zoned as it presently is and save our conservation areas that our previous planners had the intelligence to protect.

Judith Greaves 402 Parkdale Ave Fort Erie ,On L2A4R4

Sent from my iPhone

### APPENDIX "5" TO ADMINISTRATIVE REPORT PDS-39-2023 DATED APRIL 3, 2023

#### Fw: Plan of Subdivision-613 Helena St - PUBLIC MEETING FEB. 13

Carol Schofield to Mayor and Council

2023-02-13 04:14 PM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Daryl Vander Veen

From Carol Schofield/FortErie
To Mayor and Council

Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan

Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Daryl Vander

Veen/FortErie@TownOfFortErie

Please refer to the written submission received below concerning the above-noted Public Meeting.

Respectfully submitted.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
\$\mathref{2}\text{905-871-1600}\$ Ext 2211

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----- Forwarded by Carol Schofield/FortErie on 02/13/2023 04:13 PM -----

From: "Taylor Lawrie" <[redacted]>

To: "cschofield@forterie.ca" <cschofield@forterie.ca>

Date: 02/13/2023 04:10 PM

Subject: Plan of Subdivision-613 Helena St

Good afternoon,

I am writing to you today in regards to the proposed draft plan of subdivision for 613 Helena Street in Fort Erie. Me, as well as many people that I am certain you've herd from, really hope this can be reconsidered as this property is home to so many different types of wildlife. Fort Erie is being built up so much and the animals don't have a place to go. It would be a shame to see this beautiful property turn into an eyesore of yet another subdivision. On behalf of all of the wildlife and the lovely people that currently reside on the property, please please reconsider and scrap the plan of subdivision. Fort Erie is loved for the small town vibe and the farms, not the hustle and bustle of a built up city. people come here to get away from that. Again, please don't build a subdivision, or anything for that matter, on 613 Helena Street!!

### APPENDIX "5" TO ADMINISTRATIVE REPORT PDS-39-2023 DATED APRIL 3, 2023

Fw: Application Nos: 350308-0107 & 350309-0481

Carol Schofield to Daryl Vander Veen 2023-02-14 03:21 PM

From Carol Schofield/FortErie

To Daryl Vander Veen/FortErie@TownOfFortErie

Hi Daryl, here's a late submission for 613 Helena.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
\$\mathref{2905-871-1600}\$ Ext 2211

Our Focus: Your Future



Please consider the environment before printing this email.

---- Forwarded by Carol Schofield/FortErie on 02/14/2023 03:20 PM -----

From: "Nadezda Dohnalova" < [redacted]>

To: "cschofield@forterie.ca" <cschofield@forterie.ca>

Date: 02/13/2023 05:50 PM

Subject: Application Nos: 350308-0107 & 350309-0481

To whom it may concern,

I am not a big writer but me and my family are strongly against this proposal. We drive by this property every day, sometimes several times a day as we own our home near Dominion Rd. and Washington Rd. It is a home for the wildlife. We enjoy seeing deer, turkeys, fox,... as we drive by.

We were not against the development close to Waverly Beach but this one so close by is just too many. Where are we pushing the wild animals? Where they suppose to go?

Please do not develop on this property. It is home to too many animals. We must protect it.

Thank you for listening.

Nadezda Dohnalova

[redacted]



# **Planning and Development Services**

Prepared for	Regular Council	Report No.	PDS-41-2023
Agenda Date	May 29, 2023	File No.	310201

### Subject

### SHORT-TERM RENTAL LAND USE STUDY

### Recommendations

**THAT** Council receives Report No. PDS-41-2023 and approves the Town of Fort

Erie Short-Term Rental Land Use Study, and further

**THAT** Council directs staff to initiate formal amendments to the Town's Official Plan

and Comprehensive Zoning By-law No.129-90, as amended, in order to implement the recommendations of the Town of Fort Erie Short-Term Rental

Land Use Study, and further

**THAT** Council directs staff to amend By-law No. 98-2022, being the Licensing By-

law, to incorporate new definitions.

### Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: 4 Promoting Business, Economic Growth and Employment Opportunities

Goal: 4.5 Promote Service Excellence and Efficiency/Effectiveness

Initiative: n/a

### **List of Stakeholders**

Corporation of the Town of Fort Erie Short-Term Rental Owners, Operators and related Industry Associations Fort Erie Residents

**BIAs and Business Owners** 

Short Term Rental Community Focus Group

Prepared by:	Submitted by:	Approved by:
Original Signed	Original Signed	Original Signed
Signe Hansen, OALA, CSLA, MBA Manager, Community Planning	Alex Herlovitch, MCIP, RPP Executive Advisor, Planning & Development Services	Chris McQueen, MBA, Chief Administrative Officer

### **Purpose of Report**

The purpose of this report is present and seek Council endorsement of the Town of Fort Erie Short-Term Rental Land Use Study (the 'Land Use Study'), such that formal amendments to the Town's Official Plan and Comprehensive Zoning By-Law 129-90 may be initiated pursuant to the Planning Act, in order to provide a clear policy regime and regulatory system to direct Short Term Rental (STR) operations within the Town.

WSP Canada Ltd. will present the Land Use Study to Council at the May 29, 2023 Regular Council meeting.

## Background

At its meeting of December 13, 2021, by way of Report No. PDS-106-2021, Council authorized the retention of a professional consulting team to undertake a short term rental land use study. The purpose of this study was to assess all land use designations and zones throughout Fort Erie to determine which are most appropriate to accommodate STRs as a permitted use, and to address any other policy or regulation that may be needed as related to permitted locations, size and operational restrictions. The study was not intended to assess or make recommendations relative to by-law enforcement or licensing changes or improvements. In effect, the essence of the study was to address the questions of **where** could or should STRs be recognized as a permitted use.

The Short Term Rental Land Use Study was divided into three phases:

- Background Analysis, including best practice and legal review
- Land Use Options and Recommendation
- Official Plan and Zoning Bylaw Amendments, as required

Through a public Request for Proposal procurement process, WSP Canada Ltd. (WSP) was retained to undertake the Land Use Study in August 2022, pursuant to the Town's Purchasing Policy. WSP is an international planning and engineering professional

consultant firm, with recent and relevant experience regarding short term rental land use policy.

At its meeting of August 8, 2022, by way of Report No. PDS-59-2022, Council approved the creation of a STR Community Focus Group (CFG) to ensure there was a balanced cross-section of community, industry and stakeholder feedback from across the entire Town, to help inform the study. Council appointed a 21-member Community Focus Group in October 2022.

The Community Focus Group comprised a component of an extensive consultation strategy that included members of Council, municipal staff, Business Associations/Chamber of Commerce, the Niagara Regional Police, STR platform providers and the general public.

### **Analysis**

The Short-Term Rental Land Use Study, attached as **Appendix '1'** to this Report, outlines the process and findings of Phase 1 and 2 of the work. Through this Report, staff are seeking Council approval of the study and its recommendations, after which Phase 3 will be initiated to undertake policy amendments pursuant to the Ontario Planning Act.

Public Consultation was undertaken at each phase of the work, and is summarized under each section and in 'Appendices 2', '3' and '4' of this Report.

### Phase 1: Background Research and Public Consultation

This phase included a high-level analysis of Provincial policies and relevant Acts that give authority to the Town to implement a short-term rental land use regulatory system. A review of best practices was undertaken, of six municipalities with similar populations and characteristics that have recently implemented STR policy and zoning controls. A scan of recent Ontario Land Tribunal decisions was conducted for legal precedents.

As part of this phase, the consultant also performed an assessment of the housing market, relative to affordability and whether STRs impact availability. It was concluded that the impact of STRs on housing affordability and vacancy rates is no different in Fort Erie than other municipalities across Ontario. Unlike many other municipalities, this analysis identified that Fort Erie has a significant number (1800) of 'non-usual' dwellings that are not occupied on a permanent basis, of which STRs only comprise 16% or approximately 300. The analysis identified an overall decrease in non-permanent residences between 2016 and 2021 or conversely an increase in the number of permanent residents.

#### **Public Consultation:**

At the project onset the consultant team met with members of Council and staff, as well as STR stakeholders, in order to fully understand current STR issues and implications. This included meetings with the Niagara Regional Police Services, BIAs, and STR

platform providers including Airbnb and Airdna, with general feedback summarized below:

- Members of Council expressed concern for community and social disruptions; crime and illicit activities; and dark streets and ghost hotels. Council also noted that Crystal Beach is identified as a desirable and historical location for such a use; that demographics are shifting and resident expectations changing; and that noise and parking complaints are not just a STR phenomenon.
- Town Staff (EDTS, Bylaw Enforcement and Planning) identified the need for such accommodations in destinations such as Crystal Beach; the relevance of OLT decisions on STRs; and that by-law enforcement tracking became more refined during the STR Pilot Project which demonstrated that the majority of complaints are calls about 'operating without license'.
- Niagara Regional Police identified that they do not make a distinction or categorize calls related to STRs. The NRP would benefit from knowing if the address of call is a licensed STR. The NRP and Town By-law Enforcement have open lines of communication, as can be expected between municipal and regional forces.
- Industry platforms, such as Airbnb, are working toward improvements on providing notice to potential users about Town regulations and having a license number field added so prospective guests know if the advertised site is licensed or not. Airdna\_is a platform that collects data from sites such as Airbnb and others to generate statistics on STR usage, which is used by the Town for data collection. Accuracy comes with tolerance so cannot be considered 100% accurate for both usage and locations. VRBO was invited but declined to participate in the consultation process. It is recognized more platforms exist, but the study targeted the most well known.
- Business representatives, including BIA members, the Chamber of Commerce and the Stevensville Commercial Association generally see STRs as being a net benefit to the community and in particular businesses, while still seeing the need to regulate them. They see STRs as supporting local business and being a traditional part of the mix and makeup of the Town. STRs are also seen as necessary if the Town wishes to continue to host sporting events or large events/gatherings/conferences, given the limited presence of hotels/motels.

The first Community Focus Group meeting was conducted on November 9, 2022. The first public Open House was conducted on November 23, 2022. Both meetings were held virtually through the Town's video conferencing platform and streamed live on the Town's YouTube channel. The purpose of these meetings was to present and solicit feedback on the Phase 1 background research.

With respect to the Public Open House, approximately 85 persons registered to attend and 27 persons participated with questions. The Open House has been viewed a total of 325 times since the meeting.

Consultation during this phase of the study underscored the polarized opinions and perspective relative to STRs throughout the community. The expressed concerns reflect arguments heard throughout the Pilot Program, touching on issues of licensing, enforcement and appropriate land use. As outlined in the Land Use Study and appendices to this Report, many comments addressed enforcement and infractions that are covered by existing by-laws (noise, parking, open burning, trespass), with the single largest complaint being suspected locations operating without a license. **Appendix '2'** to this Report provides a summary of all feedback received during the project (up to the April 25, 2023 commenting deadline), while **Appendix '3'** provides email correspondence received prior to April 25, 2023 and **Appendix '4'** provides correspondence received after the commenting deadline.

### Phase 2a: Land Use Options and Public Consultation

Considering the background research and community feedback gathered in Phase 1, four conceptual STR land use approaches were developed to stimulate further discussion. The four options are briefly discussed below with additional details provided in Section 3: Land Use Options Development and Assessment section of the Study.

OPTIONS	DESCRIPTION	PROs	CONs
Option 1: Zoning Approach	Permit in commercial zones that allow residential	<ul> <li>STR in commercial zones</li> <li>Boundaries already established in OP and ZBL</li> <li>Mitigates conflict btwn commercial and residential</li> </ul>	<ul> <li>Appropriate areas may not align w zones</li> <li>Does not consider edge cases</li> </ul>
Option 2: Overlay	Permit in defined geographical overlay area that may include downtown cores, waterfront, Crystal Beach	<ul> <li>Flexibility regardless of zones</li> <li>Provisions contained in one section of ZBL</li> </ul>	<ul> <li>Challenge of defining limits of overlay</li> <li>Increased complexity to ZBL</li> </ul>
Option 3a: Overlay + Owner Occupied	Option 2 above, plus as-of-right for owner occupied STRs	<ul> <li>Addresses         community         concerns re owner         responsibility</li> <li>Permits owner         occupied in most         areas of Town</li> </ul>	Owners must reside full time at STR, which may be a deterrent for renters
Option 3b: Overlay + Separation Distance	Option 2 above, plus based on a separation distance btwn licensed STRs	Addresses community concerns re high concentrations of STRs	<ul> <li>Distance would be arbitrary</li> <li>Difficult to administer</li> <li>May discourage STRs in desirable areas such as CB.</li> </ul>

### **Public Consultation:**

A second Community Focus Group meeting was conducted virtually on January 25, 2023. A second Public Open House was conducted in-person at Town Hall on February 1, 2023, and attended approximately 100 people. The Open House was live streamed on the Town's YouTube channel and watched live by approximately 60 additional persons. The video had been viewed approximately 645 additional times since the meeting. The purpose of these two meetings was to present and solicit feedback on the Phase 2 STR land use options.

Feedback received relative to Phase 2a Options is summarized below and in **Appendices '2'** through **'4'**:

- A STR should not be considered a "Home Occupation" if the owner is not present or the unit is not occupied by the owner. The Study can make recommendations to introduce new definitions, new policies and provisions to address STR separately.
- Concern regarding out-of-town investor owned and operated STRs, and to a lesser extent locally owned and operated STRs with the owner not present. There was less issue with owner occupied STRs, believing the owner would ensure compliance as a resident on the same property and in the same neighbourhood.
- Permissions for STRs on waterfront properties was divisive, with many challenging statements that waterfront dwellings have historically been used for rental properties, but rather, were generational family properties not commercially advertised for rent. Staff noted numerous submissions from persons who own and use such properties and are doing so as seasonal residences, being US citizens or GTA residents who generally do not stay year-round.
- Consistently through the consultation process, there has been a request for STR permissions in Agricultural zones.
- STRs are believed to support local businesses, the local economy, and tourism.

### Phase 2b: Land Use Recommendations and Public Consultation

In consideration of Phase 1 and Phase 2a research and community feedback, the consultant team identified Option 1: Zoning Approach to be the most suitable for the Municipality, as outlined below:

- Add a definition for STRs in the OP and the ZBL. The definition shall read as follows:
  - "Short Term Rental" (STR) means the use of all or part of a Dwelling Unit, subject to licensing by the Town, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment but does not include any type of institutional dwelling, hotels, or other similar uses".

"Short Term Rental – Owner Occupied" (STR-OO) means a Short-Term Rental that occupies all or part of a dwelling unit that is located on a property where the Owner is a full time resident. For added clarity, a Short-Term Rental - Owner Occupied can occupy an accessory apartment dwelling, converted dwelling, a secondary dwelling, a duplex, or a triplex.

- Permit STRs in commercial zones where dwelling units are also permitted. These zones include the following: C1, C2, C2A, C3, C7, CMU1, CMU2, CMU4, CMU5, and CMU6.
- Permit STRs in the R2B zone, which is located exclusively in Crystal Beach and which was created with the intent of acknowledging the historical cottage community.
- Permit STRs throughout the Town, as-of-right, only where the owner occupies the property on a full-time basis (STR-OO Owner Occupied).
- Identify a streamlined approach and application process through which to consider a STR in a zone outside of those identified above.
- Permit a maximum of one STR per residential property.

### **Public Consultation:**

A third Public Open House was conducted in-person at Town Hall on April 18, 2023, and attended approximately 80 people. The Open House was live streamed on the Town's YouTube channel and was watched live by approximately 50 additional persons. The video has been viewed approximately 388 additional times since the meeting. The purpose of this Open House was to present and solicit feedback on the Phase 2 STR land use recommendations.

In addition to comments previously gathered, feedback received at the Open House and in writing following the meeting are summarized below and in **Appendices '2'** through **'4'**:

- General opposition to and frustration with licencing restrictions and the licensing moratorium.
- Divisive opinions regarding the inclusion of waterfront properties as a permitted zone for STRs.
- A number of written submissions in support of the Phase 2b recommendations.
- Support expressed for owner occupied STRs.
- Support expressed for STRs in commercial and R2B zones.
- Specific opposition to the restriction of one STR per dwelling unit.

### Financial/Staffing and Accessibility (AODA) Implications

There are no AODA implications associated with the Land Use Study.

Phase 3 of the Land Use Study, being implementation of the recommendations through an OPA and a ZBA, could result in appeals to the Ontario Land Tribunal. The defence of appeals will have financial implications to the Town.

### **Policies Affecting Proposal**

The recommendations of the Land Use Study, if approved, will result in amendments to existing Town policy, including the Official Plan and the Zoning Bylaw, pursuant to the provisions of the Planning Act.

In addition, Licensing By-Law 98-2022, Schedule 13 may require amendment to align with the approved STR land use recommendations. Staff seek direction to undertake this exercise and have included a recommendation to this effect. Such updates may best be aligned with the proposed amendments to the Official Plan and Zoning By-law.

### **Comments from Relevant Departments/Community and Corporate Partners**

This Report outlines the extensive public consultation process undertaken as part of this study. The community was further engaged and informed by the STR Land Use Study Let's Talk Fort Erie page, that provided updates for each of the study phases.

Should an OPA and ZBA proceed, in order to implement the recommendations of the Land Use Study, further circulations and public consultation will be undertaken in the form of a Public Open House and a statutory Public Meeting, pursuant to the requirements of the Planning Act.

### **Communicating Results**

The decision of Council relative to the Land Use Study will be conveyed to community by way of Town media and the Let's Talk Fort Erie page. If approved by Council, further communication will follow relative to the OPA and ZBA, pursuant to Planning Act procedures.

### **Alternatives**

In response to strong community feedback requesting the inclusion of the Waterfront Residential and Waterfront Rural Residential as permitted zones, Council may consider adding WR (Waterfront Residential) and WRR (Waterfront Rural Residential) as

permitted zones for STRs. This alternative would effectively permit STRs along most of the waterfront between Point Abino and Netherby Road. Section 4.3 of the Study does note that no other Ontario municipality permits as of right permissions across an entire waterfront. If desirable, Council could consider adding the following recommendation:

THAT: Council permits Short-Term Rentals in Waterfront Residential (WR) and Waterfront Rural Residential (WRR) Zones and directs staff to include the formal amendments to the Town's Official Plan and Comprehensive Zoning By-law 129-90, as amended, along with the recommendations from the Town of Fort Erie Short-Term Rental Land Use Study.

### Conclusion

This study responds to Council's request to assess all land use designations and zones throughout Fort Erie to determine which are most appropriate to accommodate STRs as a permitted use. Following an extensive and divisive consultation process, a best practice review, a legal scan, and an assessment of various options, the Study presents the consultants best professional advice.

### **Attachments**

Appendix "1" - Short-Term Rental Land Use Study (WSP Canada Ltd.)

Appendix "2" - Public Commenting Summary Matrix

**Appendix "3" – Public Commenting Submissions (redacted)** 

Appendix "4" - Public Commenting Submitted after commenting deadline (redacted)





# TOWN OF FORT ERIE

# **SHORT-TERM RENTAL LAND USE STUDY**

MAY 17, 2023



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# 1 INTRODUCTION

WSP was retained to assist the Town of Fort Erie (the Town) to develop land use solutions to address Short-Term Rentals (STR). This includes conducting background research, best practices review of comparable municipalities, review of Ontario Land Tribunal (OLT) decisions, and public consultation. The intent is that this all builds towards developing Land Use Options for further consultation, resulting in recommendations to Council. This Study does not intend to address licensing or by-law enforcement issues and is focused solely on land use solutions that can be implemented through the Planning Act tools.

The Town's Licensing By-law has defined Short-Term Rentals (STR) as "all or part of a Dwelling Unit, subject to licensing by the Town, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment but does not include any type of institutional dwelling, hotels, or other similar uses". STRs are often used by vacationing members of the public but also persons travelling for work, or in need of temporary accommodation for any number of reasons. Traditional STRs are represented in different forms including motels, inns, and Bed and Breakfasts (B&Bs). Since 2008, homeowners have been renting out apartments, private rooms or entire houses and cottages to members of the public through online rental platforms such as Airbnb and Vrbo. While Airbnb is often used synonymously with STRs, there are countless other platforms and methods for homeowners to rent out their properties on a short-term basis, from general online marketplaces to traditional print media, travel agencies, and even word of mouth.

This project comprises three phases:

- Phase One includes a technical background review and issues identification,
- Phase Two includes consultation, Options development and a recommended approach.
- Phase Three, which is contingent on Council's approval of the recommendations in Phase Two, includes the development of formal amendments to the Official Plan and Zoning By-law pursuant to the Planning Act.

Phase One reviewed the ways in which STRs can be regulated by the Town, including relevant policies, regulations, previous work completed by the Town, and presented a set of case studies of other comparable municipalities that have implemented land use policies and regulations for STRs.

Phase Two built on the findings of the previous phase and is intended to discuss where STRs might be considered as a permitted use. WSP presented several preliminary Land Use Options that align with the findings of Phase One with the intent of refining the Land Use Options through consultation. Based on an assessment of the Options and consultation, recommendations were drafted for consideration by Council.

# 2 BACKGROUND

The Town of Fort Erie (the Town) is a lower-tier municipality in the Regional Municipality of Niagara (Figure 1). The Town is located at the confluence of the Niagara River and Lake Erie, approximately 150 km by highway south of Toronto at a border crossing into Buffalo, New York. The Town is comprised of several communities each with a unique character. The Town does not have a single distinctive town centre, but several local centres including Fort Erie, Ridgeway, Crystal Beach, and Stevensville. The Town has a permanent population of 32,901, as reported in the 2021 census, and an estimated 10,000 seasonal residents who are attracted to the Lake Erie shoreline and natural features of the area. The Town has always been a destination for cottage-goers and vacationers from nearby urban areas, including those from the United States of America, using traditional STRs such as hotels, bed and breakfast establishments, and cottage rentals.

The rise of online booking platforms for STRs has caused the industry to change dramatically in the last 15 years, bringing some benefits but also challenges. These online platforms enable homeowners to provide access to their homes to anyone from anywhere in the world. According to Airdna, a service that tracks STR trends and listings, there were approximately 283 active Airbnb and Vrbo listings in Fort Erie in September of this year. The number of listings varies from between 175 in the winter and over 300 in the summer<sup>1</sup>. The rapid proliferation and increased visibility of STRs being rented through online platforms has resulted in some municipalities being urged to consider land use regulation for these uses within residential areas.

<sup>&</sup>lt;sup>1</sup> Note: Airdna's data collection method is not transparent and may not be the best representation of the true number of STRs. It only tracks two listing sites, and of listings on those two sites Airdna may identify listings that the Town would not consider STRs, or listings that are never actually rented. Airdna is quoted here because their estimation was used by the Town to initiate this Study, and it can provide a starting estimate for the number of STRs.

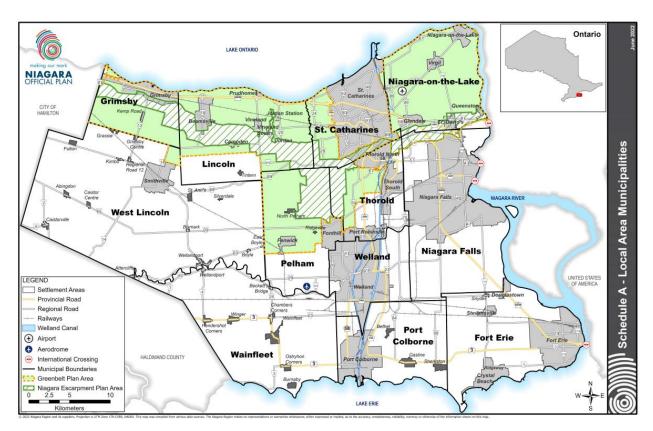


Figure 1 Niagara Official Plan, Schedule A - Local Area Municipalities. The Town of Fort Erie is shown along with its settlement areas.

Towns and cities across Canada are working to address similar concerns regarding the rapid emergence of STRs. Many jurisdictions have found unique solutions to address the issues through local land use policy tools. It is important to learn from these examples and find a solution that fits within the unique context of the Town of Fort Erie.

Section 2 reviews the Town's relevant documents and decisions, data related to Industry Service Providers, OLT decisions regarding STRs, and best practices in land use policies in comparable municipalities.

# 2.1 TIMELINE OF THE TOWN'S WORK-TO-DATE

The Town first considered direction for regulating STRs in 2018 and created a Licensing By-law in 2019. In 2020, the Town launched a Pilot Program of the STR Licensing program to begin educating the public on the STR program, enrolling STR owners into the licensing system, and collecting data on the efficacy of the by-law in regulating STRs and mitigating conflicts. The pilot was extended due to the COVID-19 pandemic, which allowed staff to provide updates on the program after one year and again after two years. During this time, multiple amendments to the Licensing By-law were introduced. In 2021,

the Town implemented a moratorium on issuing new STR licenses until such time as land use regulations can be developed and implemented.

#### STAFF REPORT NO. PDS-39-2019

This Staff Report provided a summary of preliminary work to regulate STRs, and provides recommendations on next actions to amend the Licensing By-law. Council directed Staff on July 9, 2018, to create a regulatory, licencing and enforcement framework for STRs and report back to Council. Staff proposed a framework for regulating STRs to Council on September 17, 2018, in the subsequent Staff Report No. PDS-48-2018, and Council deferred initiating the proposed amendments in Staff Report No. PDS-66-2018. On November 13, 2018, Staff returned with Staff Report No. PDS-77-2018, which provided more information and options for Council, and Council postponed a decision. Council recommended the creation of a stakeholder roundtable, which was held on March 28, 2019. On April 15, 2019, Council approved in principle, the option of licencing and enforcement as identified by participants of the roundtable and directed staff to submit a report with these recommendations.

Staff Report No. PDS-39-2019 was brought to Council in Committee on June 10, 2019, to provide recommendations on the preferred direction for amendments to the Licensing By-law and the Fees and Charges By-law, and to bring forward a new Administrative Penalty System related to STRs. The report included all the educational materials for the STR program and the amendments for the licensing by-law, and the application form for a STR licence.

#### BY-LAW NO. 113-19: TO REGULATE AND LICENCE STRS

By-law No. 113-19 was passed by Fort Erie Council on July 15, 2019, to amend Business Licensing By-law No. 217-05 to regulate and licence STRs. The By-law details the requirements for applying for a STR licence, procedures for revoking a STR licence, and the responsibilities of licence holders. The By-law sets out a system of demerit points, whereby failure to comply with any of the requirements results in demerit points for 2 years. The by-law also gives the power to apply administrative penalties for non-conformity. The current rules are discussed in Section 2.2.8 of this Report.

### STR PILOT PROGRAM REVIEW PDS-62-2020 – 1 YEAR REVIEW

In 2020, the Town launched the STR Pilot Program licences and 146 STR properties were licensed in that year. Staff Report PDS-62-2020 provided a review of the first year of the pilot program. The report addressed education of the public on the STR program, licensing, and enforcement. This staff report notes that COVID-19 Pandemic restrictions

on travel impacted the ability to provide a good measure of the success of the STR Pilot program.

The staff report provided brief analysis of public input and complaints regarding the STR program. The report indicates that licensees appreciated that they could disclose to their renters and rental agencies that they possessed a licence with the Town to operate as a STR. Staff also received numerous complaints during the first year of the pilot program, including 32 complaints regarding unlicensed STRs (of which 15 were unfounded). Bylaw Enforcement investigations into the 17 unlicensed STRs resulted in 16 becoming licensed and one STR ceasing operation.

During the pilot program, it was discovered that NRP would respond to nuisances at licensed STRs and there was no mechanism for Town by-law enforcement to be informed, resulting in no demerits or STR violations for the owner. To ensure that By-law Enforcement was collecting data on all complaints concerning STRs, including complaints responded to by police, Town By-law Enforcement developed a working relationship with the Niagara Regional Police Service (NRP). Under this relationship the Town's By-law officers would be informed of the location of noise complaints responded to by NRP, which could be compared to the record of STRs.

#### STAFF REPORT PDS-08-2021

In January 2021, Staff Report PDS-08-2021 provided options on enforcement, fees and policy changes related to STRs. This staff report provided background information on 'ghost hotels' which the report describes as a STR that is not owner occupied and is operated by a corporation but does not have a front desk or on-site staff. Staff identified that 4% of licensed STRs are operated as a ghost hotel, but that number may increase or be larger than is currently known. The report provided options for policy and land use regulations options, enforcement approach, and fee options.

On May 10, 2021, Council passed By-law No. 58-2021 further amending the Business licencing by-law No. 217-05 which provided that appeals of STR violations be dealt with by the screening and hearing processes under the Administrative Monetary Penalty System utilizing a third-party Hearing Officer rather than through the Business Licensing Appeals Committee.

On September 20, 2021, Council passed By-law No. 116-2021 to further amend the Business Licensing By-law No. 217-05, which addressed a number of housekeeping amendments.

#### STR PILOT PROGRAM 2-YEAR REVIEW STAFF REPORT NO. EDTS-04-2021

On October 4, 2021, Staff Report EDTS-04-2021 provided Council with a two-year review of the STR Pilot Program and a recommendation to put a moratorium on issuing new licences until land use controls could be implemented. The recommendation was passed. This review noted the coincidence of several pandemic public health measures and the results of the pilot. The report noted that the Economic Development and Tourism Services (EDTS) staff created a digital licencing platform for STRs, which went live on March 29, 2021, with applications for licences not being processed from January 2021 to March of that year. The system allows By-law, Fire and Building departments to see and review applications in real time, their responsibilities are shown in Table 1.

Table 1 Department Responsibilities as identified in Staff Report EDTS-04-2021

Department	Responsibility
Building Department	<ul> <li>Review each application to determine if there are any open permits or Orders against the property.</li> </ul>
By-Law Enforcement	<ul> <li>Review each application for any outstanding penalty notices, infractions and/or Orders against a property.</li> </ul>
Economic Development • Ensure completeness of the entire application.	
and Tourism Services	<ul> <li>Ensure application is in compliance with By-law</li> <li>No. 217-05 – Schedule 13.</li> </ul>
	<ul> <li>Act as a main point of contact with applicant if there are any additional requirements and coordinate with various departments in providing feedback to the applicant.</li> </ul>
Fire Services	<ul> <li>Review and approve each Fire Safety Plan.</li> </ul>
	<ul> <li>Provide inspections on an 'as-needed' basis.</li> </ul>
Planning and Development Services	<ul> <li>Provide consultation on any potential zoning matters related to a property.</li> </ul>

The report provided analysis on all aspects of the licencing program, including the results of a public survey, the locations of existing licence holders, the distribution of the number of bedrooms for licence holders, the number of listings that were not licence holders, and a breakdown of complaints received. The report suggested that a flat fee should be implemented to fund two full-time staff for implementing the program. A curfew for having additional guests at the STR and creating noise was suggested, along with annual inspections, increases in penalties, and provides two options for limiting the number of licences.

The report also detailed Land Use Controls for STRs. They noted that STRs would not typically be considered a home occupation because they are not normally owner occupied, however, Bed and Breakfasts are defined and permitted as home occupations.

### STAFF REPORT NO. PDS-106-2021

On December 13, 2021, Staff Report PDS-106-2021 was presented, providing a legal review regarding land use controls and restrictions in subdivision agreements as related to STRs. The report details stakeholder consultation that followed the release of Report No. EDTS-04-2021 on October 4, 2022, specifically engaging with 5 members of the public who made delegations to Council. The consultation resulted in some suggestions for where STRs might be permitted, including in mixed-use and commercial areas; within proximity to the Downtowns subject to restrictions; in the vicinity of the Fort Erie Racetrack; in the Crystal Beach neighbourhood; in certain waterfront areas; and near commercial and core-mixed use areas. They suggested that STRs should not be permitted in newly developed residential areas, in established residential areas and in areas near schools.

The consultation summary notes that there is a perceived difference between STRs located in a person's principal residence and a STR located in a seasonal cottage. Other issues discussed include parking, which can be regulated by the Zoning By-law; waste and garbage being left on the curb before collection day, which can be regulated by the Lot Maintenance By-law; noise, which is regulated by the Public Nuisance and Noise By-law; Natural Heritage; and diversity and inclusion. The report goes on to discuss legal options for regulation through:

- Land Use Controls
- Subdivision Agreements; and
- Restriction on issuing further licenses.

On January 4, 2022, the number of licences issued for STRs was limited to 250 in any given year, and the number of guests was restricted.

The Town issued a moratorium on new STR licences for 2022 that prohibits new licences from being distributed until the Town is able to apply new policy and regulation, which is the purpose of this project.

On August 8, 2022, Staff Report PDS-59-2022 provided direction on the formation of a Community Focus Group for the purposes of informing the STR Land Use Study.

### 2.1.1 STR PILOT PROGRAM PUBLIC CONSULTATION

A key element of this project has been consultation with the public and stakeholders to help ensure the implementation of the STR Program appropriately addresses their interests and concerns. Engagement activity undertaken prior to the involvement of WSP is summarized below. Engagement activities included an online survey, which received

253 responses, online web content, which has been visited 863 times, and an online public forum for people to share their thoughts.

# 2.1.1.1 ONLINE SURVEY



Figure 2 Summary of Fort Erie's STR Survey

The Town hosted an online survey on its website from July 2021 to September 2021 to gather opinions and inform the ongoing development of the STR pilot program. A summary of the amount of engagement with the survey is shown in 2. The survey asked an open ended long-answer question for feedback on STRs. Responses ranged from short. onesentence answers to a page and a half in length.

Respondents identified themselves as permanent residents, frequent vacationers, landlords, STR hosts, and people who mentioned that they grew up in Fort Erie. Notably

absent in these responses are current long-term renters in Fort Erie.

Several respondents noted that there is an absence of hotels in the Town, leaving a gap in overnight accommodations which STRs can fill. Many also noted that the Town has a long history of being a tourist and vacation destination reliant on vacation home rentals.

Many of the early responses in July and early August are overwhelmingly positive towards the continued offering of STRs. These responses were predominantly from visitors and hosts, many of whom do not live in the Town. In late August, more responses began to show negativity towards STRs, highlighting the negative impacts and the disruptions to daily life of permanent residents. There were a large number of negative comments from individuals who self-identified as retired.

The survey results are not considered statistically significant, and the methodology meant that respondents were self-selected, meaning only those with an interest in the subject

would have chosen to participate. This should be taken into consideration so that the interests of those who did not participate can be represented in the final recommendations.

The responses that are positive towards STRs can mostly be summarized to say that STRs support the economy, meet the needs of the travelling public, encourage people to visit, and can help in some unique cases such as providing a place to self-quarantine or host large family gatherings. Many of the supporting comments specifically supported STRs in Crystal Beach, and supported more effective enforcement.

Many of the critical, or negative responses can be summarized as saying that STR guests do not respect permanent residents. Other responses were in favour of stricter regulations for STRs. One compared STRs to Bed and Breakfast Establishments (B&Bs), where B&Bs have much stricter safety inspections. Other concerns were about out-of-town investors who are not personally invested in the town and exacerbate the issue of affordable housing, and that the complaint system does not always lead to a resolution.

These responses are not necessarily representative of the average experience or interaction related to STRs, but they provide examples of the interests and concerns of residents and stakeholders. A licensing and land use policy regime to regulate STRs will not be able to prevent all negative interactions, but it can apply checks and balances to reduce the incidence of negative interactions and improve the overall experience of residents, visitors and STR hosts.

### 2.2 POLICY CONTEXT

Any new land use regulation or policy intended to address STRs in the Town will need to be appropriate in the context of current provincial, regional, and local policy regimes. Policy documents from the Province, such as the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019) provide direction for municipalities on land use issues. The Regional Municipality of Niagara Official Plan (2022) provides more specific direction to lower-tier municipalities on land use. The current Town of Fort Erie Official Plan (2011) and the Comprehensive Zoning By-law No. 129-90 address other types of temporary accommodations, such as Hotels, B&B establishments, and cottages. By-law No. 217-05 allows the Town to licence and regulate STRs. Considering the changing landscape of STRs, this section examines how STRs are currently addressed by applicable legislation, policy, or planning documents.

### 2.2.1 MUNICIPAL ACT

The Municipal Act (2001) sets out rules for Ontario municipalities and recognizes them as a responsible and accountable level of government. The Act gives municipalities broad powers to pass by-laws and govern within their jurisdiction. The Act gives municipalities authority to regulate businesses through systems of licences (Part IV), and the ability to collect taxes (Part VIII), including a Municipal Accommodation Tax (MAT) (Part XII.1) of up to 4%. Of the 4% levied against "Transient Accommodations", 2% must be distributed to a destination marketing program entity.

Part IV of the Municipal Act sets out powers for municipalities to create licences for businesses. The municipality may provide for a system of licenses that may prohibit businesses without a licence, refuse to grant, or to revoke or suspend a licence, impose conditions as a requirement of holding a licence, and impose special conditions. Under Section 153, a municipality shall not refuse to grant a licence by reason only of the location of the business. However, a municipality may require, as a condition of obtaining a licence, that the business complies with land use control by-laws. In addition, a municipality may not refuse to grant a licence only by reason of location after a land use control by-law that restricts the location of licence-holders comes into force, but the business must have been lawful at that location prior to the by-law and it must continue to be carried out at that location.

### 2.2.2 PLANNING ACT

The Planning Act sets out rules for land use planning in Ontario. The Act gives powers and responsibilities to municipalities regarding land use planning through Official Plans (Part III) and Land Use Controls (Part V) such as Zoning By-laws. The Act sets out the requirements for how Official Plans are to be implemented and administered, and the authority of zoning by-laws to regulate land uses. The Act identifies requirements for adopting changes to official plans and zoning by-laws, such as mandatory consultation and requirements for adoption.

The Act also establishes authority for A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement, and the rules for appealing land use planning decisions at the Ontario Land Tribunal.

The tools enabled by the Planning Act, such as Official Plans and Zoning By-laws, allow municipalities to permit or restrict uses in specific areas for the purposes of clustering uses and creating a cohesive land use framework. The recent proliferation of STRs in residential dwellings has resulted in a number of land use planning disputes over the appropriateness of allowing STRs in residential areas.

### 2.2.3 PROVINCIAL POLICY STATEMENT. 2020

The Provincial Policy Statement, 2020 (PPS) is issued under the authority of Section 3 of the *Planning Act* and provides policy direction on matters of provincial interest in relation to land use planning and development. The PPS establishes provincial goals and objectives such as protecting natural resources of provincial interest, public health and safety, the quality of the natural and built environment and enhancing the quality of life.

The PPS states that part of building a strong healthy community is to accommodate a range and mix of residential types throughout municipalities. Planning authorities are required to provide an appropriate range and mix of housing options, including by creating targets for the provision of affordable housing, and by permitting and facilitating all housing options required to meet the requirements and needs of current and future residents (Section 1.4.3).

The PPS emphasizes the importance of supporting long-term economic prosperity by "providing opportunities for sustainable tourism development". Tourism is an essential part of the economic prosperity of the Town of Fort Erie and ensuring there is appropriate accommodation options for tourists is a crucial component.

STRs are a new form of limited accommodation that can serve the needs of tourism in general. The PPS permits resource-based recreational dwellings within rural lands in municipalities (Section 1.1.5.2). Recreational, tourism and other economic opportunities are to be promoted in rural areas (Section 1.1.5.3).

From a broader policy perspective, the directives in the Provincial Policy Statement (2020) require the Town to support sustainable tourism and an appropriate range and mix of housing.

# 2.2.4 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2019)

The Growth Plan for the Greater Golden Horseshoe (2019) is issued under the authority of Section 7 of the Places to Grow Act, 2005 and under Section 3 of the Planning Act and was most recently amended in August 2020. The Growth Plan builds on the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing the Greater Golden Horseshoe area. The intent of this plan is to accommodate forecasted growth in complete communities, which are well designed to meet people's needs for daily living, including meeting a full range of housing to accommodate a range of incomes and household sizes. Complete

communities also support quality of life and human health and provide a balance of jobs and housing. Local Official Plans and Zoning By-laws must conform with the Growth Plan.

According to Schedule 2, A Place to Grow Concept, Fort Erie contains areas designated as Built-Up Area, Designated Greenfield Area, Gateway Economic Zone, and Future Transportation Corridor.

Section 2.2.6, Housing, sets out policies to support housing choice by identifying a diverse range of housing options and establishing targets for affordable housing.

### 2.2.5 REGIONAL MUNICIPALITY OF NIAGARA OFFICIAL PLAN

The Regional Municipality of Niagara Official Plan (NOP), adopted by Regional Council on June 23, 2022, and approved by the Province on November 4, 2022, provides policy direction for Fort Erie and other lower-tier municipalities that fall within the boundaries of the Regional Municipality of Niagara. The local official plans are required to conform with the NOP.

The guiding principles of the NOP include the following:

- Exceptional development and communities Well-planned, high-quality development in appropriate locations that improves our communities, while protecting what is valuable.
- Diverse housing types, jobs, and population A wide mix of housing types and employment opportunities that attract diverse populations to Niagara across all ages, incomes and backgrounds.
- Thriving economy A prosperous agricultural industry and employment areas that provide jobs and grow our economy.
- Resilient urban and natural areas Areas rich in biodiversity that mitigate and adapt to climate change while strengthening Niagara's ability to recover from extreme weather events.

The NOP provides growth forecasts for each local municipality, forecasting the population of Fort Erie to grow to 48,050 and the employment to grow to 18,430 by the year 2051. Growth is intended to embody a compact built form with a mix of land uses, including residential, employment, and recreational uses. A diverse range and mix of housing types, unit sizes and densities should be supported.

Section 2.3 provides policies for housing, with the objectives being to provide a mix of housing options, to provide more affordable and attainable house options, and to plan to achieve affordable housing targets through land use and financial incentive tools.

Section 4.1.8 Rural Lands as Part of the Agricultural System states that seasonal and permanent residential development along the Lake Erie shoreline in the rural area will be permitted in accordance with local official plans and zoning by-law provisions.

### 2.2.6 TOWN OF FORT ERIE OFFICIAL PLAN

The Town of Fort Erie Official Plan (OP) was approved by Niagara Region on November 18, 2011 and has been amended several times since. This review is based on the September 1, 2021, consolidated version. The OP provides a vision, objectives and goals for the future of the town and establishes planning policies to guide development and land use.

Goals related to the economy include encouraging a range of employment opportunities, developing economic potential and enhancing the quality of life of residents. The OP identifies tourism as a key part of its diversified economy and encourages businesses that relate to the green economy and that are compatible with the historic, scenic and natural values of the Town.

Several goals of the OP relate to communities, neighbourhoods, residential, and business and employment. Strong, liveable and healthy communities and neighbourhoods that are attractive, compact, and orderly that connects different land uses and community needs are important goals. Residential goals include accommodating growth by providing a full range of housing choices, ensuring residential land uses are appropriately separated from incompatible land use, and ensuring that existing housing stock is maintained while accommodating growth.

General policies for residential areas indicate that Home Occupations (4.7.2) are accessory uses to residential dwellings operated by a resident of the dwelling. They are not permitted to generate noise, odour, traffic or negative visual impact on adjacent properties. Additionally, while bed and breakfasts are not defined or regulated, they are specifically permitted as a home occupation in several secondary plan areas. In rural residential areas, the creation of accessory apartments is subject to several policies.

The OP has no policies specifically for STRs. However, the importance of tourism and encouraging visitors to the Town is re-iterated in the goals policies of many secondary plan policies.

### 2.2.7 COMPREHENSIVE ZONING BY-LAW

The Town's Comprehensive Zoning By-law 129-90 provides regulations and development standards for different land uses. It provides definitions for several land uses that fall within the working definition of a STR, such as Bed and Breakfast (B&B) and

hotel. In addition, several defined uses are not intended to be used as STRs, such as cottages, but are often used as STRs. Defined uses are permitted within certain zones and may have specific regulations. The definitions and permitted zones for each STR and STR adjacent land-use is summarized in the tables below:

Table 2 STR uses defined and regulated in the Zoning By-law

### TYPE OF STR DEFINITION

### PERMITTED ZONE(S)

Bed and Breakfast Establishment	<ul> <li>A single detached dwelling or part thereof</li> <li>Maximum of three guest rooms</li> <li>Stays of one week or less</li> <li>Does not include institutional dwelling, hotel, motel, or a tourist establishment</li> <li>Considered as a Home Occupation</li> </ul>	<ul> <li>Agricultural A</li> <li>Rural RU</li> <li>Rural Residential RR</li> <li>Residential 1 R1</li> <li>Residential 2 R2</li> <li>Residential 2A R2A</li> <li>Residential R2B</li> <li>Residential 3 R3</li> <li>Waterfront Residential WR</li> <li>Waterfront Rural Residential (WRR)</li> <li>Neighbourhood Development (ND)</li> <li>General Commercial (C2),</li> <li>Central Business District Commercial (C2A)</li> <li>Highway Commercial (C3)</li> <li>Core Mixed Use 2 (CMU2)</li> <li>Recreational Commercial (C5)</li> <li>Rural Commercial (C7)</li> </ul>
Cottage	<ul> <li>Detached building without permanent central heating</li> <li>Used as occasional resort for recreation, rest or relaxation</li> <li>Not occupied continuously or used as a principal residence</li> </ul>	Not specifically permitted in any zone
Guest Room	<ul> <li>Room or Suite of rooms for temporary accommodation</li> <li>With or without meals</li> </ul>	Not specifically permitted in any zone

### TYPE OF STR DEFINITION

### PERMITTED ZONE(S)

	<ul> <li>For gain or profit</li> </ul>	
Hotel	<ul> <li>Established so defined in the hotel registration of guests act, R.S.O. 1990.</li> <li>Includes a motel or motor hotel</li> </ul>	<ul> <li>General Commercial (C2)</li> <li>Urban Entertainment Centre (UEC)</li> <li>Central Business District Commercial (C2A)</li> <li>Highway Commercial (C3)</li> <li>Recreational Commercial (C5)</li> <li>Core Mixed Use 1 (CMU1)</li> <li>Core Mixed Use 2 (CMU2)</li> <li>Core Mixed Use 4 (CMU4)</li> <li>Core Mixed Use 5 (CMU5)</li> <li>Core Mixed Use 6 (CMU6)</li> </ul>
Motel	<ul> <li>One or several buildings designed for the purposes of the travelling public by furnishing sleeping accommodation</li> <li>With or without food and/or refreshments</li> <li>Shall include a motor court and motor hotel</li> </ul>	<ul> <li>General Commercial (C2)</li> <li>Urban Entertainment Centre (UEC)</li> <li>Central Business District Commercial (C2A)</li> <li>Highway Commercial (C3)</li> <li>Recreational Commercial (C5)</li> <li>Core Mixed Use 1 (CMU1)</li> <li>Core Mixed Use 2 (CMU2)</li> <li>Core Mixed Use 4 (CMU4)</li> <li>Core Mixed Use 5 (CMU5)</li> <li>Core Mixed Use 6 (CMU6)</li> </ul>
Lodge	<ul><li>(undefined)</li></ul>	Urban Entertainment Centre (UEC)     Recreational Commercial (C5)

From the summary above it is evident that the Zoning By-law permits traditional overnight accommodations in the form of B&Bs and hotels in their respective and most typical zones. B&Bs are widely permitted in residential zones, but only if they are contained in a single-detached dwelling where the owner lives on-site and provides breakfast.

Newer forms of STRs using platforms like Airbnb and Vrbo present new challenges to the Town. These platforms do not discriminate or make a distinction in terms of conformity to the Zoning By-law. Their marketing often emphasizes unique accommodations as more desirable, which may encourage STRs to be developed in dwellings not identified in the Zoning By-law as being suitable for short-term accommodations. These dwellings might

be rented out temporarily by the owner who lives there permanently, a portion of the dwelling might be rented out (such as a spare room or second unit), or the dwelling may be an investment property, rented out on a full-time basis. Table 3 below provides a summary of where residential uses not defined as STR uses are permitted.

Table 3 Uses related to STRs defined and regulated in the Zoning By-law.

LAND USE	DEFINITION	PERMITTED ZONE(S)
		(-/

<ul> <li>Building Containing one or more dwelling units</li> </ul>	<ul> <li>Residential 1 (R1) Residential 2 (R2)</li> <li>Residential 2A (R2A)</li> <li>Residential 2B (R2B)</li> <li>Residential 3 (R3)</li> <li>Residential Multiple 1 (RM1)</li> <li>Residential Multiple 2 (RM2)</li> <li>Waterfront Residential (WR)</li> <li>Waterfront Rural Residential (WRR)</li> <li>Neighbourhood Development (ND)</li> <li>Existing Commercial Use* (ECU)</li> <li>Local Commercial (C1)</li> <li>General Commercial* (C2)</li> <li>Urban Entertainment Centre* (UEC)</li> <li>Central Business District (C2A)</li> <li>Highway Commercial (C3)</li> <li>Shopping Centre Commercial* (C6)</li> <li>Rural Commercial (C7)</li> <li>Core Mixed Use 1 (CMU1)</li> <li>Core Mixed Use 2 (CMU2)</li> <li>Core Mixed Use 3 (CMU3)</li> <li>Core Mixed Use 4 (CMU4)</li> <li>Core Mixed Use 5 (CMU5)</li> <li>Core Mixed Use 6 (CMU6)</li> <li>Institutional* (I)</li> <li>Existing Open Space* (EOS)</li> </ul>
<ul> <li>Suite of habitable rooms</li> <li>Located in a building</li> <li>Intended to be used in common as a single,</li> </ul>	<ul><li>(same as permitted for "dwelling" above)</li></ul>
	<ul> <li>— Suite of habitable rooms</li> <li>— Located in a building</li> <li>— Intended to be used in</li> </ul>

# LAND USE DEFINITION

# PERMITTED ZONE(S)

	independent and separate housekeeping establishment  — Contains food prep and sanitary facilities for the exclusive use of the occupants  — Has a private entrance	
Mobile Home	<ul> <li>A vehicle that can be attached to and towed by a motor vehicle</li> <li>Not including any vehicle used or intended for permanent year-round occupation</li> </ul>	
Non-Farm Residential	<ul> <li>Dwelling unit not located on the same lot as the subject farm</li> </ul>	
Permanently Mounted Camper	<ul> <li>Vehicular, portable structure designed as a temporary dwelling for travel, recreational or vacation use</li> <li>Mounted directly to the chassis of a vehicle</li> </ul>	Only where property is used as a camping area in a public park, not more than 8 months at a time,
Pick-Up Camper	<ul> <li>Vehicular, portable structure designed as a temporary dwelling for travel recreational or vacation use</li> <li>To be transported in the box of a pick-up truck</li> </ul>	Only where property is used as a camping area in a public park, not more than 8 months at a time,

#### LAND USE DEFINITION

# PERMITTED ZONE(S)

Tent Trailer	designed as a temporary	Only where property is used as a camping area in a public park, not more than 8 months at a time,
Travel Trailer	built on a chassis	Only where property is used as a camping area in a public park, not more than 8 months at a time,

<sup>\*</sup>Note: these zones permit dwellings only as an accessory use.

The way in which new methods for promoting STRs enable unique and unusual accommodations means that STRs are being associated with uses not originally intended for use as short-term accommodation for the travelling public, such as those uses defined above. As a result, amendments to the Zoning By-law may be required to address how STRs are not a use contemplated by the current Zoning By-law. These changes might include adding a definition of STR, and provisions that specifically permit or prohibit the use in certain zones or as ancillary to other uses.

# 2.2.8 LICENSING BY-LAW NO. 98-2022 TO LICENCE (REGISTER) AND REGULATE SHORT-TERM RENTAL ACCOMMODATIONS WITHIN THE TOWN OF FORT ERIE

The licensing By-law No. 98-2022 was adopted in July 2022 and amends By-law No. 217-05. It details the rights and responsibilities of licensed STR hosts. There is a cap of 250 licences issued at one time. From the Fall of 2021 to May 2023, a moratorium was in place prohibiting the issuance of new licences. STR accommodations are required to register with the Town through an application, which costs \$750 for one and two bedrooms and \$1,250 for three bedrooms. A licence lasts for one year and is renewable on an annual basis. STR operators are required to maintain records of the nights rented and the price of the rental. Licences are also non-transferrable; if the property is sold, the new owners must apply for a new licence. Licensing permits a maximum of three

bedrooms in a STR and maximum occupancy of four, six, and eight persons, for one-, two-, and three-bedroom STRs, respectively.

A STR licence also carries rules and responsibilities that can be enforced. Renters are allowed to invite guests to the STR, but the guests must leave by 11:00 pm each day. The STR owner must have a local contact person who can be available on the premises within 30 minutes of contact. STRs must be inspected annually for Fire and Building code conformity. STR owners are required to provide guests with a copy of the Town's Guests Rules information sheet, which details the Town By-laws such as recreational open-air burning, parking, noise, waste collection, and tent and/or trailer use. STRs are required to provide renters with a designated burning area in conformity with the Town's open-air burning by-law.

The penalties for infractions of the by-law are based on both a demerit points system and financial penalties and are shown in Table 44. After 7 demerit points, the licence holder is required to provide written steps on how they will prevent further infractions. After 15 demerit points, the licence is revoked.

Table 4 List of infractions and penalties for STR licence holders as of July 18, 2022.

INFRACTION	DEMERITS	PENALTIES
Operate Short-Term Rental without a licence	N/A	
First failure to comply		\$1,500.00
Each subsequent failure to comply within twelve (12) months of first failure to comply		\$2,000.00
Advertise Short-Term Rental without a licence	N/A	
First failure to comply		\$1,000.00
Each subsequent failure to comply within twelve (12) months of first failure to comply		\$1,500.00
Advertise Short-Term Rental with more than three (3) bedrooms	5	\$500.00
Advertise Short-Term Rental that exceeds maximum occupancy	5	\$500.00
Advertise Short-Term Rental without including Licence number	3	\$75.00
Failure to Display Licence	3	\$75.00
Operate Short-Term Rental without full private or municipal services	3	\$100.00

Failure to have garbage in containers with lids	3	\$150.00
Outside sleeping accommodations on site	3	\$300.00
Non-availability of Local Contact Person	10	\$500.00
Fail to maintain Renter/Occupant register	5	\$500.00
Fail to produce Renter/Occupant register	5	\$500.00
Obstruct Officer	10	\$300.00
Fail to comply with Fire Safety Plan	10	\$500.00
Noise and Nuisance	5	Penalties Imposed under By-law No. 30-09
Operate contrary to applicable Federal, Provincial and Municipal Laws	15	\$1,500.00
Fail to comply with <i>Fire Protection &amp; Prevention Act</i> , 1997 and/or Fire Code	15	Fines Imposed under FPPA/Code
Fail to comply with <i>Building Code Act, 1992</i> and/or Building Code	10	Fines Imposed under BCA
Fail to obtain valid verification of individual's need for housing	5	\$300.00
Fail to provide current and accurate information to Coordinator	2	\$150.00
Assignment of Licence	5	\$300.00
Operate with open Permit or Order	10	\$300.00
Property Standards Infraction	3	Fines imposed under By- law <u>No.186-08</u>
Fire extinguisher in enclosed compartment	2	\$150.00
Operate with more than three (3) bedrooms	15	\$1,500.00
Exceed maximum occupancy	10	\$1,000.00
Guest(s) after 11:00 p.m.	5	\$150.00

The Chief By-law Enforcement Officer may refuse to issue or renew a licence and may suspend or cancel an issued licence in some cases as determined by the Officer.

#### 2.2.9 COUNCIL'S STRATEGIC PLAN 2018-2022

On August 26, 2019, Council passed By-law No. 124-2019 to adopt the Corporate Strategic Plan for the Town, which includes several relevant priorities and objectives.

Strategic priority 1 is "Optimizing health, housing and social well-being through service access and healthy lifestyles", includes the strategic objective to "provide policy directions, support community investments and advocacy that improves access to housing mix, housing options, health services, social, recreation, education and healthy living infrastructure."

Strategic priority 3 is "attracting interest and investment through strong advocacy and promotion" includes the strategic objective to "improve Fort Erie's reputation as a vibrant, liveable community with competitive investment advantages."

Strategic priority 4 is "promoting business, economic growth and employment opportunities" includes the strategic objective regarding "implementing an effective economic development strategy that promotes and improves Fort Erie's competitive advantage, invests in strategic infrastructure and ultimately supports business development, job growth, talent attraction and the local labour market."

#### 2.2.10 OTHER REGULATORY CONTROLS

In addition to the regulations and policies already mentioned, STRs and some of the issues that arise with them are regulated through several other by-laws include the following:

#### PROPERTY STANDARDS BY-LAW NO. 186-08:

This By-law controls the maintenance of land and buildings, including garbage, debris, and the condition of buildings including structural soundness, heat, water, lighting, windows, doors, walls, stairs, guardrails, plumbing, ceilings and floors.

#### LOT MAINTENANCE BY-LAW 92-2019:

This By-law regulates refuse on a property and requires that every person shall keep their property free of refuse, no person shall dump refuse onto another person's property, and every person shall ensure that public highway, sidewalk boulevard and back lane around their property is kept free of refuse. This by-law regulates Standing water, the prohibition of graffiti, the maintenance of grass, weeds, vegetation, pests, trees and other natural growth,

#### PUBLIC NUISANCES AND NOISES BY-LAW NO. 30-09:

This By-law provides a general prohibition on noise at any time that is likely to disturb an inhabitant of the Town. The By-law includes specifically loud radios, televisions and other electronic devices, yelling, shouting, swearing and loud conversation, loud motor vehicles, and barking dogs. Additionally, nuisances are prohibited, such as attracting or feeding animals that cause a nuisance, exterior lighting that impacts adjacent lots, and garage sales.

#### OPEN AIR BURNING BY-LAW NO. 93-2020:

This By-law regulates recreational fires. The main purpose of this By-law is to reduce burning complaints and relieve the fire service from unnecessary incidents. It includes rules for the container types, size of fires, location on properties, time of day allowed for fires, weather conditions, acceptable materials to burn, required supervision, and suppression devices. Failure to comply with this by-law results in a Burn Notice. If a second Burn Notice is received within a 12-month period, the individual may receive an invoice of \$508.89 per responding fire vehicle for the first hour and \$254.95 per responding fire vehicle for each half hour thereafter. Burning Construction materials, brush, yard waste etc. is prohibited.

# 2.3 HOUSING AFFORDABILITY IMPACT ASSESSMENT

WSP retained SHS Consulting to undertake an assessment of the housing market with regards to affordability and the perceived impact of STRs. SHS looked at relevant scholarly literature of the impact of STRs to be able to qualify the results of an analysis of publicly available data on the housing market from CMHC and Statcan.

The findings of the assessment suggest that there is no significant correlation between the current concentration of STRs in Fort Erie and affordable housing. Fort Erie is home to a significant number of existing dwellings used for non-usual residents (seasonal residents or vacationers), which, according to 2021 Census data, is approximately 1,800 dwellings. Using high-end estimates of the number of STRs in the Town, 300 STR dwellings, this represents one sixth of dwellings not occupied by permanent residents. This number may be influenced by the number of cottages that are rented as STRs for very short periods of time during the year, meaning that a dwelling may be a seasonal residence for the operator and a STR in other periods. During the period between 2011 and 2021, using census data and comparing to similar municipalities, trends in housing affordability and availability reflect similar trends in other Ontario municipalities that

include both highly saturated STR markets like Prince Edward County, and nearby markets that have very few STRs like Brantford. The cost of housing everywhere in Ontario has nearly doubled in the past five years, which is not unique to areas with concentrations of STRs.

Fort Erie has seen an overall decrease in the number of dwellings occupied by non-usual residents between 2016 and 2021 while the number of households and dwellings occupied by permanent residents in the Town has increased. This is the opposite trend experienced by saturated cottage markets like Prince Edward County, and a similar trend seen by saturated markets with strong regulation, such as Blue Mountains. Additionally, there is no trend to suggest that the presence of STRs in Fort Erie are associated with a loss of affordable housing or rental units. Purpose built rental units have not changed significantly since 2011, and the rental vacancy rate has remained close to 2% and 3% from 2018 to 2021, which is an acceptable range, although it would suggest a tight rental market. A vacancy rate of 2% can be considered a tight market, and a rate of 4% indicates there is more supply than demand.

In summary, there is no evidence to support that STRs in Fort Erie are having an outsized impact on the supply and affordability of long-term housing. The issues related to affordability are of concern across the province and Canada and are also of concern to the Town. The housing market in the Town mirrors nearby markets where STRs are a much smaller share of the housing market.

# 2.4 INDUSTRY SERVICE PROVIDER PLATFORM REVIEW

There are several online platforms that allow individuals / entities to advertise and rent out their homes or rooms as STRs. What distinguishes them from other forms of short-term rental accommodations is that they provide a marketplace and facilitate transactions to make it seamless for guests and hosts. While there are several platforms, such as Airbnb and Vrbo that provide dedicated service, there are other platforms that can facilitate STRs as part of a larger marketplace of goods and services, such as Kijiji, Facebook, and others.

The most popular STR provider is Airbnb, an online marketplace for lodging which enables homeowners to rent all or part of their dwelling for vacation rentals. The platform enables homeowners to set parameters on the rental, such as what days during the year are available, and fees associated with the rental, such as a cleaning fee. This service has become ubiquitous internationally and Airbnb has become almost synonymous with vacation rentals.

Airbnb operates across planning jurisdictions and must comply with the requirements of each. They operate using a new business model and thus many municipalities may not yet have policies and by-laws to effectively regulate them. Airbnb is not generally willing to work proactively with municipalities to ensure their hosts comply with any regulations, but once regulations are implemented, they have been cooperative in supporting the regulation of individual hosts. This cooperation can be seen in areas around the world that require Airbnb units to provide a licence. However, due to the nature of how individuals can rent their own homes using Airbnb's service, there is a need for municipalities to ensure Airbnb hosts are following the rules as well.

# 2.5 LEGAL PRECEDENT SCAN

# 2.5.1 ORO-MEDONTE ASSOCIATION OF RESPONSIBLE STRS V. ORO-MEDONTE (TOWNSHIP), CASE NO. OLT-22-002196

On August 24, 2022, the OLT released a memorandum of oral decision in the matter of Oro-Medonte Association of Responsible STRs v. Oro-Medonte (Township). In 2020, the Township of Oro-Modonte, in Simcoe County, passed By-law No. 2020-073 to amend zoning provisions with the intent of regulating STRs. The Amendment was intended to respond to nuisance issues related to third party use of vacation rentals (so-called "Party Houses") within established shoreline low density residential neighbourhoods. The "Party Houses" are generally single detached houses offered for rent via Airbnb which were motivating numerous reports to Council. The Township considers such activity as commercial use and therefore not permitted in a low-density residential zone, which the amending by-law intended to clarify.

The Zoning By-law Amendment introduced a definition for a 'commercial accommodation', defined as "temporary accommodations, lodging or board and lodging, or occupancy in any building, dwelling or dwelling unit, hotel, motel, inn, bed & breakfast, or boarding house by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 28 consecutive days or less throughout any part of a calendar year. For the purpose of this By-law, commercial accommodation does not include Village Commercial Resort Units".

The new definition provided clarity to a previous amendment in 2015 that added to the definition of 'dwelling unit' a statement that a dwelling unit does not include any commercial accommodation. The appellants objected to the definition in the amendment because the 'clarification' attempts to unlawfully retroactively prohibit STRs by including them in what is in effect a distinct commercial entity.

The Tribunal granted the appeal and directed that By-law No. 2020-073 be rescinded for the following reasons:

- It could not in a timely or effective way regulate disruptive use of properties as party houses;
- The By-law would make benign occasional rentals illegal, which is contrary to the rationale in support of the established Interim Control By-law (ICBL); and
- The 'clarification' provided in the by-law was in effect a prohibition.

The decision leaves the ICBL in place with the hope that the Municipality would bring a licensing By-law into effect to specifically target the disruptive uses while permitting non-disruptive STRs.

The oral decision is relevant to the Town's efforts to regulate STRs because the Tribunal based their decision on the position that it would be an undesirable effect to render illegal the benign and non-contentious rental by owner of the family cottage for annual cottage holidays of 1-2 weeks. The Tribunal considers this type of rental to be generally self-policing and common place practice, and it is for this reason that they directed the municipality to develop a licensing by-law to specifically address the disruptive uses. The Town of Fort Erie does have a common place and established cottage industry which might be comparable to Oro-Medonte. Should the Town implement punitive measures on the common-place practice of cottage rentals, the Tribunal might find them to be bad practice.

# 2.5.2 VILLAS OF LAKE MUSKOKA LIMITED V. MUSKOKA (DISTRICT MUNICIPALITY), CASE NO. PL171437

On October 16, 2019, the Local Planning Appeal Tribunal (LPAT), published decisions and orders in the matter of Villas of Lake Muskoka Limited v. Muskoka (District Municipality). Villas of Muskoka received approval, with conditions, for a resort commercial condominium in the Township of Muskoka Lakes. The applicant appealed the decision, and in the course of hearing the appeal it was consolidated with a second, similar appeal filed by MIST Opportunities Inc. in relation to the approval of their condominium application.

The Appellant's concerns relate to the following:

- The conditions of approval for the Villas of Muskoka stipulate that the resort accommodation units shall remain as a tourist commercial accommodation and not constitute the unit owner's residence; that all units shall place their units in the mandatory rental program for a minimum of 10 weeks every year, including two

weeks minimum in the summer; These conditions represent minimum requirements.

 The conditions of approval for the MIST development were substantially the same as those for the Villas but require eight weeks every year rather than ten weeks.

The key issue was whether the conditions were sufficient to ensure the developments remained as "Resort Commercial" uses, rather than "Residential" uses, which would be contrary to the intent of the developments and the zoning of the properties as "Waterfront Commercial".

The Tribunal's decision relied on the policies of the District of Muskoka Official Plan related to commercial resort uses, which include:

- 1 Test 1: Regardless of the form of tenure, accommodation units within a resort development will be made available to the travelling public.
  - The Tribunal found that the accommodation units within the developments will be made available to the travelling public, and that the accommodation units did not meet the definition of "residence", since a "residence" is considered permanent, and not "a place of temporary sojourn".
- 2 Test 2: that regardless of the form of tenure, accommodation units within a resort development will be operated under central management on location for a profit.
  - The Tribunal found that the units would be profitable to the owners, and that they are operated under central management.
- 3 Test 3: regardless of the form of tenure, accommodation units within a resort development will provide ongoing services and recreational facilities.
  - The tribunal found this test was met by providing access to the lake, and through agreements with the nearby golf course.
- 4 Test 4: Documentation, enforceable by the municipalities, including both zoning and appropriate agreements will require commercial use and maintenance of the commercial components of the development.
  - There was agreement among the parties that should the units cease to operate as a commercial resort, a change in designation and zoning would be required to permit the use of the property as a full-time residential use.

The Tribunal's decision determined that a condominium that requires owners to let their units for a minimum of 8-10 weeks in a year can be considered a commercial resort use and not a residential use. This is largely based on the definition of residence, which applies to a permanent dwelling, something that is precluded by the requirement to rent the units out for a minimum period of time.

The Tribunal makes it clear that dwelling units that are not intended to be occupied by the principal owner throughout the year and which are managed professionally are not to be

considered a residential use. While the STRs at question in the Town of Fort Erie might not specifically resemble the commercial resorts party to this case, it may apply with how the Town considers residential uses and STRs in accommodations that are only seasonal. Relying on the Tribunals determination that a 'residential' use is one that is a permanent dwelling that is not a place of temporary sojourn, it might be inferred that seasonal dwellings are not, strictly speaking, a residential use. Conversely, dwellings intended for residential use should not be used exclusively as a STR. This decision of the Tribunal clarifies that STRs that are not used as a primary dwelling are not a residential use, but that this same evaluation would apply to any seasonal recreational dwelling.

# 2.5.3 THE LODGES AT BLUE MOUNTAIN CORPORATION V. TOWN OF THE BLUE MOUNTAINS, JUNE 22, 2011, CASE NO. PL080455

On June 22, 2011, the Ontario Municipal Board (OMB) released a decision in the matter of the Lodges at Blue Mountain Corporation V. Town of the Blue Mountains, deciding in favour of the Town implementing an ICBL temporarily restricting STRs and creating amendments to their Official Plan and Zoning By-law to regulate STRs. In the Period from 2007 to 2009, the Town of the Blue Mountains made amendments to the Zoning By-law and Official Plan which defined and regulated Short-term Accommodations (STA), which was intended to address related complaints through land use controls. The Town is a resort destination, and approximately half of the dwellings are used as permanent residences. The Appellant, the Lodges at Blue Mountains (LBM) manages 80 rental properties and multiple STAs. The new land use controls introduced to the Zoning By-law and Official Plan would make several of their STA dwellings not permitted. The grounds of the appeal are as follows:

- 1. The proposal attempts to regulate the user, tenure or the operation of short-term rental accommodation, rather than the use of land;
- 2. There is no proper planning justification for the ICBLs, the OP and the ZBLAs. No land use study has been undertaken pursuant to Section 38 of the Planning Act.
- 3. There is no evidence that demonstrates any negative impact unique to accommodations of 30 days or less.
- 4. The proposed regulation of short-term accommodation is not consistent with the PPS and does not conform with the Town of Blue Mountains Official Plan and Strategic Plan.

The Board found that the Municipality acted within its authority to distinguish between STRs and permanent dwelling units. The Residential Tenancies Act clearly distinguishes between transient living and permanent accommodation. The Board rejects the

appellant's contention that the STR units provide affordable housing. The Board finds no basis for the Appellant's assertions that the proposed ZBLAs constitute "people zoning".

The Board found the ICBL was an appropriate response by the Municipality to the growing concerns with STR uses. The municipality was responding appropriately to continued complaints.

The Board agreed that the proposal was consistent with the PPS and would continue to allow STR units to be established. The Board found that regulation and control of STR uses within the Urban, Hamlet and Escarpment Recreation areas conform to the County of Grey's Official Plan. The Board found that STR units are distinct commercial entities with the goal of making a profit, which are often managed by a professional manager who uses a system of reservation, collects taxes and accepts credit cards from paying guests whose permanent residences are elsewhere and who have no right of renewal. The Board supported the argument that low density residential neighbourhoods are reserved for permanent dwellings. The Board found that there is sufficient evidence to show that STRs are a source of incompatible uses and have resulted in the duration of negative conditions and complaints.

This decision means that STRs are considered to be non-residential commercial uses and that it is within the rights of the municipality to restrict those uses to specific areas. In developing land use controls in the Town of Fort Erie, STRs that are not a principal residence should be considered a commercial use. The Town is within its rights to consider restricting or prohibiting STRs in residential areas.

# 2.6 MUNICIPAL BEST PRACTICES AND CASE STUDIES

The challenges faced by the Town of Fort Erie relating to STRs are not unique. Numerous municipalities across Ontario and Canada are working to address similar concerns. There are many examples from municipalities across Canada from which the Town can learn.

This section will analyze several other municipalities that have each brought unique approaches to addressing STRs. It will offer general information on what approach was taken and why, as well as offer lessons specific to the Town. Case studies were selected based on a variety of factors, such as relatively similar size and cottage markets, and similarity in terms of land use tools available to the municipality. Some case studies were selected to provide a broader perspective so as not to limit the range of solutions to what is considered in southern Ontario. In particular, the municipalities analyzed in this section are:

- Town of the Blue Mountains, Ontario;
- Town of Niagara-on-the-Lake, Ontario;
- The District of Tofino, British Columbia;
- District of Alberni-Clayquot, British Columbia;
- Town of Oakville, Ontario; and the
- Town of Wasaga Beach, Ontario

#### 2.6.1 TOWN OF THE BLUE MOUNTAINS. ON

#### **BACKGROUND**

The Town of the Blue Mountains (pop. 7,000) was the first Ontario municipality to institute STR regulations, which ensured they achieve compatibility with residential neighbourhoods. The Town, located near Georgian Bay and in proximity to a prominent ski resort, was seeing significant STR activity in its residential neighbourhoods, particularly in the winter, though the resort is well-used year-round. Residents were particularly concerned about impacts from excessive street parking, garbage, nuisance, mischief and vandalism in their neighbourhoods, which is why the Town undertook the process to regulate STRs.

# **CURRENT REGIME**

In 2011, the Town created Official Plan land use policies as well as Zoning and Licensing By-laws and grandfathered the approval of 82 existing STRs.

Official Plan Amendment 11 created the general STR policy for the Town, identifying different types of STRs (i.e. Bed & Breakfasts, tourist cabins or cottages, hotels and motels etc.) and directed them to specific land use designations. The policy further required that any new STR receive Council approval, via a site-specific Zoning By-law Amendment. The policies are follows:

- a) "Accommodation uses shall avoid disruption to adjacent residences through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking, amongst other appropriate site performance standards and operational controls. All short term accommodation uses shall be subject to site plan control and shall show sensitivity to surrounding residential uses."
- b) "Any building used for short-term accommodation purposes shall be considered a commercial use and shall only be permitted where

- recognized under the implementing Zoning By-law. It is the foundation of this Plan that such uses should not be considered conventional residential uses and that appropriate regulations shall be established."
- c) "Conventional residential rental accommodation in a residential dwelling for periods of thirty (30) days or greater shall not be considered a commercial accommodation use, and shall be considered a principal residential use. The provisions of this Plan for short-term accommodation uses do not apply to such leased conventional residential dwelling units."
- d) "The scale and intensity of any short-term accommodation uses may affect the degree of potential disruption in the surrounding neighbourhood. Such accommodation uses should be regulated to ensure that the principal residential character is generally maintained. Such uses shall be directed toward a commercial or other appropriate designation and shall be prohibited within a single detached residential neighbourhood."
- e) "Based on the commercial nature of this use and its potential to negatively affect adjacent residential property, new short term accommodation uses may: (i) be permitted to locate in those residential designations permitting a range of housing types; and, (ii) provide mitigation measures in the form of zoning provisions and site works."
- f) "The Implementing Zoning By-law shall establish appropriate provisions related to the scale of short-term accommodation uses, parking requirements, separation distances, setbacks and buffering. The location, size and scale of the short-term accommodation use shall be regulated in a manner, which is considered compatible with surrounding uses. Certain types of commercial accommodation uses identified under the introductory paragraph shall be distinguished from short term accommodation uses, and may only be permitted by site specific Amendment to the Zoning By-law or in zones where they are specifically listed as a permitted use."
- g) "In addition to zoning and site plan control by-laws, and associated agreements, short-term accommodation uses may be subject, but not limited to, other municipal by-laws including on-street parking, noise, property standards and fire and safety regulations."

- h) "In accordance with the Municipal Act 2001, Council may pass a by-law to require a business license for the operation of short-term accommodation uses."
- i) "All short-term accommodation uses shall be required to connect to municipal water and sewage services in accordance with Section D1 of this Plan."
- j) "Notwithstanding the policies of this section, short term accommodation uses may be permitted on those lands identified and referenced by this subsection on Schedule A, subject to the implementing Zoning By-law."

The Town reviewed the STR regulations/framework and have defined "short term accommodation' and created several regulations. The definition is as follows:

"[A] building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way or concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use."

Section 4.1 establishes that Accessory Apartments is not permitted on the same lot used for a short term accommodation. Section 4.32 of the Zoning By-law directs that short term accommodations provisions are as required under the relevant zoning by-laws. By-law 83-40, the Zoning By-law for the Town of Collingwood, establishes several criteria including:

- STRs are not permitted in several low density residential zones;
- A maximum number of 8 occupants are permitted;
- No STR may be located within 120m "in a continuous path over the shortest distance from another short term accommodation use or bed and breakfast establishment."; and
- Certain areas exempt STRs from the maximum occupancy and minimum distance separation requirements

The licensing by-law came into effect in 2014 and the Town has since seen a decline in noise complaints made and charges laid. The requirement for those who own or operate a STR is to submit a licensing application. It also establishes a demerit point system based upon complaints, the accumulation of which may lead to the revocation of a license.

A fee of \$2,000 is required for an initial STR licence and \$750 renewal fee is required to continue operating in subsequent years.

The Town recently updated its STR program. On August 23, 2021 By-law number 2021-70 was passed, updating the licensing by-law. The Licensing By-law establishes 4 licence classes:

- Type A: STR licence within a defined Exception Area, valid for 24 months
- Type B: STR licence for STRs outside a defined Exception Area, and subject to stricter occupancy requirements;
- Type C: a legal non-conforming STR, for STRs that has a current valid licence issues prior to December 31, 2019; and
- Type D: a Bed and Breakfast licence, which has fewer requirements but expects the operator to remain onsite.

On the same date, By-law number 2021-71 was passed establishing a system of Administrative Monetary Penalties (AMPS). The monetary penalties for non-compliance are typically \$500, while the penalty for operating without a licence is \$2,500.

#### LESSONS FOR THE TOWN

The approach in the Town of the Blue Mountains is one of the most detailed and well-established, utilizing a full suite of legislative tools. By including Official Plan policies, the Town establishes how STRs fit into its broader goals and clearly demarcated the areas in which STRs are not permitted. The Zoning By-law creates specific definitions and criteria, recognizing the differences between various kinds of STRs and imposes a significant or potentially onerous task on would-be STR operators, requiring any new STR to obtain permission via a site-specific Zoning By-law Amendment and addressing landscaping, parking, garbage and servicing requirements through Site Plan Approval. The inclusion of a 120m buffer is a potentially useful tool to ensure that there are not clusters of STRs within neighbourhoods or along streets.

The licensing by-law complements this, establishing more specific guidelines related to occupant load, parking, noise and waste management.

Instead of imposing direct fines for any violations, the demerit point system gives STR owners a chance to resolve issues before facing direct penalties, only penalizing errant owners after an accumulation of issues.

#### 2.6.2 TOWN OF NIAGARA-ON-THE-LAKE, ON

#### **BACKGROUND**

Niagara-on-the-Lake (pop. 32,000) is a community with a mix of rural and settlement areas. The Shaw Festival and its proliferation of wineries make it a prime tourist destination, particularly in the warmer months. Though the Town has a more mature sector for traditional hotels, it also has a long history of inns and B&Bs and has seen a substantial increase in STRs as visitors seek out non-traditional accommodations.

In response to increased incursion of STRs into residential neighbourhoods, the Town enacted new licensing and Zoning By-laws in 2013.

#### **CURRENT REGIME**

The Town of Niagara-on-the-Lake has a Short-Term Rentals By-law and the use of a residential property for commercial purposes is not allowed under the Town Zoning, thus the running of a short term accommodation requires Council approval.

The Town also passed an Official Plan amendment, adding three new definitions of STRs (B&Bs were already accounted for in the Zoning By-law and permitted in many areas) and outlining the intent of protecting the character of residential neighbourhoods.

The OPA added the new definitions, and the Zoning By-law describes them as follows:

"VILLA means the commercial use of a single detached dwelling unit with four or more bedrooms, that may be rented for periods up to 28 consecutive days for use as a temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a "Villa" can be used as a "Single Detached Dwelling". A "Villa" use is not a "Cottage Rental". Villas located in the Agricultural Zone District are restricted to a maximum of six (6) rented room."

"COTTAGE RENTAL means the commercial use of a single detached dwelling unit with up to three (3) bedrooms, that may be rented for periods up to 28 consecutive days for use as a temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a "Cottage Rental" can be used as a "Single Detached Dwelling". A "Cottage Rental" is not a "Villa."

"VACATION APARTMENT means an "Apartment Dwelling" or a "Residential Unit" above a business on a commercially zoned property that is rented for periods up to 28 consecutive days for use as a temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a "Vacation Apartment" can be used as an "Apartment Dwelling" or as a "Residential Unit" in accordance with Section 6.48. A "Vacation Apartment" \is not a "Villa" or a "Cottage Rental"".

Section 6.10 of the By-law is amended to include more specific zoning provisions for Country Inns and Villas, and Section 6.10A has provisions for Cottage Rentals and new Section 6.58 contains provisions for Vacation Apartments. The Zoning By-law also contains Transition Provisions. Four-year licenses are granted, with a quarter of applications processed in each of the first four years (2014-17).

Requirements in the licensing by-law relate to parking, the provision of liability insurance and establishes a licensing fee or \$108 per licensed guest room per year (+ cost for display sign) and \$250 appeal fee. All licensed properties are listed on the Town's website.

#### LESSONS FOR THE TOWN

Niagara's approach of differentiating different types of STRs (e.g. cottages vs. those in residential houses) can be considered generally applicable to the Town, where waterfront cottage rentals and B&B's have long been a common part of the landscape but where rentals within neighbourhood homes are a new phenomenon. Once again, the OPA provides a policy rationale for the detailed rules established in the ZBL and licensing bylaw. Amending provisions for other types of accommodations (e.g. inns and B&B's) offers the opportunity to "level the playing field" for operators who have already been subject to licensing and other regulations.

Unlike the Town of Blue Mountains, Niagara-on-the-Lake uses fines, rather than demerit points to penalize those who contravene by-laws.

#### 2.6.3 DISTRICT OF TOFINO, BC

#### **BACKGROUND**

This small Vancouver Island community (pop. 2,000) developed its own STR regulations in response to an influx of seasonal residents and increasing rental of local homes as the population nearly quadrupled during the summer. As of July 2018, more than 200 STR units are listed on the District's website.

#### **CURRENT REGIME**

The District introduced changes to both its Zoning By-Law and licensing by-law. In the case of the former, it dictated certain zones in which STRs were permitted, thereby prohibiting them in other zones. Short-Term Rentals are defined simply:

"Temporary accommodation use located in a secondary suite, caretaker cottage, or principal residence."

The Zoning By-law also offers the following relevant definitions:

"BED AND BREAKFAST - means a business located in a single family dwelling that provides temporary accommodation to the travelling public and includes the provision of breakfast by the owner/occupant."

"GUEST HOUSE- means a building used for commercial purpose in which more than two but not more than five sleeping units are rented, with or without meals being provided, to a maximum of ten persons, other than members of the family of the present occupier, or owner, and excludes the preparation of meals within the rented units"

They are explicitly prohibited from single family dwellings used for residential purposes, in commercial or industrial zones, within multiple dwelling buildings, on any commercial, industrial or institutional zoned lands, in accessory buildings or any lot not occupied by a permanent resident. They are permitted within designated zones subject to the conditions contained in Section 4.10 of the Zoning By-law:

- a) No person shall operate a Bed and Breakfast, or Short Term Rental, commercial guesthouse or any other form of room rental from a dwelling unit that rents rooms, suites, or any other combination of rooms for temporary accommodation unless they are resident upon the property.
- b) No person shall operate a bed and breakfast, or Short Term Rental, commercial guesthouse or any other form of room rental from a dwelling unit that rents rooms, suites, or any other combination of rooms for temporary accommodation without a valid and subsisting business licence.
- c) No person shall rent out any room, suite or other combination of rooms for use as Bed & Breakfast, Short Term Rental, guest house or any other form of temporary or transient room rental, in any building or structure located on the property other than a dwelling.
- d) No person shall advertise a Bed and Breakfast accommodation without providing a breakfast.

e) An operator of a Bed and Breakfast, Short Term Rental or Commercial Guest House shall display their valid District of Tofino business licence number on any marketing, advertisements or promotions for the business.

The licensing by-law governs STR/room rentals within the same section that governs B&B's, with the same conditions as the Zoning By-law.

The same licensing fees apply to B&Bs, guest houses and STRs: the cost is \$450 for 1 bedroom and \$150 per additional room. Fines for non-compliance are charged at a rate of \$250 for each day an offence occurs.

Other proactive measures include using "Host Compliance" software to enhance enforcement by scanning STR advertisements on various platforms and then compare those results to their own licensing information.

#### LESSONS FOR THE TOWN

Like the Town of Fort Erie, Tofino had a long history of long-term vacation rentals, but short-term rentals were a new issue to consider.

As in Niagara-on-the-Lake, listing licensed STRs on the municipal website gives visitors an extra level of assurance that their prospective rental has met established criteria. A change introduced to the licensing by-law in December 2017 required any licensed properties to display their license on any advertisements or listings, adding yet another layer of assurance. As in the Town of the Blue Mountains, defining bedrooms in the policies/zoning can be helpful in regulating occupant loads.

Section 4.10.2 e) of the Tofino By-law (not shown), which requires STRs to be owned by a permanent resident, either an owner or long-term renter, is also of importance. Given local concerns about property speculators from outside the Town purchasing properties as rentals, a similar clause in the Town's by-law or another form of an "owner occupied" provision can ensure only local residents are operating STRs.

Given the inherent challenges ensuring enforcement is effective, Tofino's use of Host Compliance software also offers a potentially useful approach.

# 2.6.4 DISTRICT OF ALBERNI-CLAYQUOT, BC

#### **BACKGROUND**

As in Tofino, Alberni-Clayquot is a quiet, Vancouver Island municipality (pop. 31,000) and was inundated with complaints from residents about noise, garbage, boat parking, public intoxication and other issues as STRs increased in residential neighbourhoods. Though STRs were effectively illegal, they were particularly prevalent in specific areas and the District acted to legalize and regulate them via Temporary Use Permits.

#### **CURRENT REGIME**

Rather than requiring a rezoning, the District instead chose to utilize Temporary Use Permit (TUP), which came into effect in early 2018.

Two definitions are offered:

"short term vacation rental" means the use of a dwelling unit for the temporary commercial accommodation of paying guests for a period of less than one month. This use does not include bed and breakfast.

"dwelling unit" means habitable space consisting of one or more rooms which constitute one self-contained unit with a separate entrance and complete living facilities, occupied or intended to be occupied as a home or residence by one or more persons, including provisions for living, sleeping, cooking, eating and sanitation.

The permits effectively allow Council to permit a use not permitted in the zoning (within the designated areas), generally for up to three years, with a single further renewal permitted. Landowners may also be permitted to apply for a rezoning that permits STRs on a permanent basis.

In evaluating a TUP application, the District takes into consideration several criteria, including that the use is temporary or seasonal, that the use is compatible with adjacent uses and that there will not be a negative impact on the environment. It may also impose conditions within the TUP, including landscaping/screening, owner contact information (24/7), hours of use and environmental protection.

Failure to adhere to conditions can result in rescinding of the TUP, which comes with a \$600 fee.

#### LESSONS FOR THE TOWN

Compared to other municipalities reviewed here, the District's approach is relatively less onerous for the municipality. The entirety of the restrictions imposed on owners are contained within the TUP.

TUPs are yet another option for the Town to consider as it is another tool that requires renewal and, therefore, a "checkup" periodically, and allows a consistent range of conditions that one may choose to apply.

#### 2.6.5 TOWN OF OAKVILLE. ON

#### **BACKGROUND**

The Town of Oakville, in the suburban Greater Toronto Area (pop. 200,000) experienced a rapid growth in the number of unapproved nightly rentals offered through online

platforms as STRs were only allowed in approved hotels and B&Bs. To address these concerns, the Town proposed to make amendments to its Zoning By-law with new regulations for STRs and improved regulations for B&Bs, coming into effect in November 2018.

#### **CURRENT REGIME**

The existing B&B definition is:

"the provision of lodging units with or without meals for the temporary lodging of the traveling public."

Bed and Breakfasts were previously subject only to licensing regulations, but that requirement was removed in 2015 following a review, leaving the Zoning By-law as the source of all requirements and restrictions. These include:

- a. "A bed and breakfast establishment is only permitted within a detached dwelling."
- b. "A bed and breakfast establishment shall have a maximum of two lodging units which shall in total not exceed a maximum of 25% of the residential floor area of the detached dwelling. For the purposes of this subsection, residential floor area shall include all area within a basement."
- c. "A bed and breakfast shall be operated by the person or persons whose principal residence is the detached dwelling in which the bed and breakfast establishment is located."

The Zoning By-law further requires 1 parking space per lodging unit be provided.

The amendment to the Zoning By-law adds new definitions for STRs, incorporating B&Bs into the new regime:

"Short-Term Accommodation" or "STA" means "the provision of a dwelling unit which is used for the temporary lodging of the travelling public for a rental period not greater than 28 consecutive days or less in exchange for payment and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, hospital, couch surfing or other short-term accommodations where there is no payment;"

"Short-Term Accommodation Company" or "STA Company" means "any person who accepts, facilitates, brokers requests for, advertises, or offers Short-Term Accommodations for compensation or a fee through a website or other platform."

The amendment to the Zoning By-law adds licensing regulations for short-term accommodations including:

- Requiring that a short-term accommodation be operated by the person or persons whose principal residence is the dwelling in which the short-term accommodation is located;
- Requiring that one additional off-street parking space be provided unless it can be accommodated within an existing visitor parking space;
- Requiring that a certificate of occupancy be obtained to operate a short-term accommodation (already required for bed and breakfasts);
  - Permits short-term accommodations, subject to obtaining a license, within:
    - Residential low zones (e.g. single and semi-detached dwellings)
    - Residential uptown core zone (e.g. many dwelling types)
    - Residential medium zones (e.g. multiple attached dwellings)
    - Residential high zones (e.g. apartments)
    - Mixed use zones (e.g. apartments)
    - Accessory dwellings (e.g. second units or basement apartments);
- STAs are prohibited within the same dwelling as a bed and breakfast establishment, a lodging house, private home day care, and day care.

In the interests of leveling the playing field with existing B&Bs, the Town increased the maximum number of guest rooms from 2 to 3 and increased the permitted floor area from 25% to 30%.

Similar to the Town of the Blue Mountains, Oakville will use a demerit point system as part of its enforcement. Short-term operators must pay a \$237 annual licensing fee.

#### LESSONS FOR THE TOWN

The Town of Oakville has put together a comprehensive framework to permit and regulate private STRs through licensing and Zoning By-laws. The inclusion of STRs within the Zoning By-law assists in defining where they are permitted and what the regulations are. Amendments were also made to regulations for B&Bs to increase the number of lodging units and an increase in the current permission for total residential floor area. This reduces

competition between B&Bs and private STRs and brings them into the same regulatory framework which was a concern for local residents.

The Town combined a number of different tools to also address concerns around where they are located and how STRs are operated with a demerit system for any violations.

#### 2.6.6 TOWN OF WASAGA BEACH, ON

#### **BACKGROUND**

Located east of the Town of Blue Mountains on Georgian Bay, Wasaga Beach (pop. 21,000), has long been a prominent summer destination for visitors across the Province and the United States. STRs have become a common choice of accommodation for tourists and the travelling public. However this has resulted in an increase in neighbourhood disruptions, especially concerns about noise. Local councillors and the Mayor asked staff to explore options to tackle the issue of STRs within neighbourhoods through licensing and tough fines.

# **CURRENT REGIME**

With an increase in complaints around private STRs the Town modified its business licencing rules in 2014 to require anyone renting on a short-term basis to hold a business licence and ensure appropriate zoning. This includes cottage courts, hotels, motels and private homes. A business licence costs \$150 per year. These STR types are included in the definitions within the Business Licensing By-law 2007-38 as described below:

- 1. "Tourist Establishment" means a "building designed for the accommodation of the traveling or vacationing public wherein no room within the establishment shall be occupied by the same guest for a period of time exceeding thirty-one (31) consecutive days."
- 2. "Tourist Establishment-Lodge" means a "tourist establishment containing therein three or more guest rooms serviced by a common entrance where guest rooms may include culinary facilities and may have a separate entrance directly from outside the building, together with an office serving the patrons of the tourist establishment. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms or recreational facilities for use by the guests."
- 3. "Tourist Establishment-Boarding or Rooming House" means "a dwelling in which the owner or agent resides and in which lodging for more than three persons, other than members of the owner's or agent's family, with or without meals, is supplied for gain, but shall not include a motel, hotel, hospital,

children's home, nursing home, home for the aged, bed and breakfast or other similar establishment."

In 2016, Council updated the licensing by-laws to increase fines substantially for homeowners who operate a "Tourist Establishment", except a Bed & Breakfast, without a licence and where the property is not zoned to permit the use. The added by-laws are as follows:

- 1.d) "in the case of a conviction for operating a tourist establishment without a licence and where the offence in relation to real property that is not zoned to permit the operation of a Tourist Establishment, except a Bed & Breakfast, pursuant to the Town's Comprehensive Zoning By-law, then in addition to fines imposed..., the Municipality, having regard to the circumstances of the offence, may request the court impose an additional special fine in accordance with the table below:"
- i) "For a 1st Conviction- Where the Special Fine is requested, in addition to the regular fine, shall be calculated by multiplying the average nightly rate estimated by the court and, based on evidence presented, by a multiplier number of THIRTY times (30x)."
- ii) "For a 2nd Conviction- Where the Special Fine is requested, in addition to the regular fine, shall be calculated by the same method above except that the multiplier shall be SIXTY times (60x)."
- iii) "For 3rd and Subsequent Convictions- Where the Special Fine is requested, in addition to the regular fine, shall be calculated by the method used in ii) above except that the multiplier shall be double (2x) the multiplier used to calculate the most recent Special Fine"

The Town has also, through the implementation of their Downtown Master Plan, recently updated their Zoning By-law to restrict where STRs may be located, which are generally limited to the Beach and Downtown Core areas, where tourists and associated amenities are located. To this end, the Town has taken a very tough approach to unregulated and unlicensed STRs with very high fines. However, the Town also places effort in monitoring online advertising for rentals through its Bylaw office to inform residents that the practice is unacceptable before proceeding with prosecution.

#### LESSONS FOR THE TOWN

Wasaga Beach took an approach that focused on licensing and strict enforcement to ensure compliance by homeowners. This is similar to the Town of Niagara-on-the-Lake where fines are also used to ensure compliance. Complaints around noise and unwanted activities encouraged local councillors and the Mayor to pursue the licensing

by-laws and fee structure. Licensing by-laws have been used by a number of municipalities to regulate private STRs including Tofino, BC and Blue Mountains, ON.

Through certain zones in the Zoning By-law, the Town has restricted where STRs may be located, which may be tied to the application for a business license. For the Town of Fort Erie, encouraging Tourism and exploring a mix of accommodation options is an important objective and tough regulation around STRs could have an impact on tourism.

#### 2.6.7 SUMMARY OF CASE STUDIES

Below is a table to summarize the various tools used in the case studies listed above to address STRs.

**Table 5 Summary of Case Studies** 

JURISDICTION	OFFICIAL PLAN	ZONING BY-LAW	LICENSING BY-LAW	OTHER TOOLS USED
Town of Blue Mountains, ON	<ul> <li>General STR policy identifying types of STRs (i.e. Bed &amp; Breakfasts, tourist cabins or cottages, hotels and motels etc.</li> <li>Permitted in specific land use designations</li> </ul>	<ul> <li>Council approved Site Specific Zoning By-law Amendment is required.</li> <li>Subject to site plan control</li> <li>Not permitted in several low density residential zones</li> <li>Max. of 8 occupants</li> <li>120m over shortest distance required from another STR or B&amp;B.</li> </ul>	<ul> <li>STR License required; \$2500 licence fee with \$1000 renewal</li> <li>\$1500 fee and \$500 renewal for condo-units, respectively</li> </ul>	- NA
Town of Niagara- on-the-Lake, ON	<ul> <li>General STR policy identifying types of</li> </ul>	<ul> <li>Description and provisions of new STR types.</li> </ul>	<ul> <li>4-year licences with requirements for parking,</li> </ul>	<ul> <li>All licensed properties are listed on the Town's website.</li> </ul>

JURISDICTION	OFFICIAL PLAN	ZONING BY-LAW	LICENSING BY-LAW	OTHER TOOLS USED
	STRs: Villa, Cottage Rental and Vacation Apartment.	<ul><li>Contains transition provisions.</li></ul>	insurance and a licensing fee.	
District of Tofino, BC	– NA	<ul> <li>Definition of STR</li> <li>Prohibited in commercial, institutional or industrial zones, and within multiple dwelling buildings</li> </ul>	<ul> <li>License required for B&amp;Bs, STRs and guest house for: \$450 for 1 bedroom and \$150 per additional room</li> </ul>	<ul> <li>District uses a         Host Compliance         software which         scans STR         advertisements         on various         platforms and         compares with         licensing         information on-         hand.</li> </ul>
District of Alberni-Clayquot	- NA	<ul> <li>Landowners         can apply for a         rezoning that         permits STRs         on a         permanent         basis.</li> </ul>	- NA	<ul> <li>Temporary Use         Permits (TUP)         are issued. The         permits allow         Council to permit         use not         permitted in the         zoning for up to         3 years with a         single renewal         permitted. The         TUPs consider         whether STR is         temporary or         seasonal, that         the use is         compatible with         adjacent uses         and that there's         no negative         impact on the         environment.         Conditions can         also be imposed         with the TUP.</li> </ul>

JURISDICTION	OFFICIAL PLAN	ZONING BY-LAW	LICENSING BY-LAW	OTHER TOOLS USED
Town of Oakville	- NA	<ul> <li>Addition of new definitions for STRs incorporating B&amp;Bs and for Short-Term Rental company.</li> </ul>	<ul> <li>Licensing         regulations         include         requirement for it         to be operator's         principal         residence,         parking,         certificate of         occupancy,         permitted in         residential low,         uptown, medium         and high zones,         mixed use zones         and accessory         dwellings.</li> <li>Fee of \$44,500         per year for short         term company         and \$237 per         year for short-         term operator.</li> </ul>	- NA
Town of Wasaga Beach	– NA	<ul> <li>Appropriate zoning required to obtain business licence</li> </ul>	<ul> <li>Requires a business licence with applicable zoning.</li> <li>\$150 fee per year.</li> <li>High fines for homeowners who operate without a licence</li> </ul>	– NA

# 2.7 KEY PERSPECTIVES

There are a variety of perspectives on the presence of STRs in the Town of Fort Erie. Through the public consultation process, it is evident that there are features of STRs that present a positive contribution to businesses, owners, and visitors, and there are features

of STRs that create challenges for existing residents. Most participants agreed that a form of regulation is needed to ensure that STRs can continue to contribute in a positive way, while mitigating or eliminating the challenges they can create. Some positive features of STRs are:

- Support tourism-based businesses in the Town, which contribute to a traditional and longstanding culture of the area;
- Make housing more attainable for some by providing an additional source of income, which may also support improvements or renovations to the dwelling; and
- ➤ Provide temporary accommodations for short-term visitors where the Town currently lacks reasonable alternatives, such as hotels.

STRs have also presented challenges for the residents of the Town. Some of this input from residents includes:

- Increase in noise, parking and garbage complaints;
- Servicing capacity of properties may be inadequate for the number of occupants that are present;
- ➤ Emergence of "dark streets" streets where houses are only occupied at certain times of the year and therefore result in "dark" areas within residential areas at other times of the year;
- Perceived impacts to housing affordability and availability within the Town;
- Concerns with health and safety (fire code, insurance, etc);
- STRs not paying their fare share in property taxes; and
- Non-residents buying properties for the sole purpose of a short-term rental

The emergence of STRs has impacted both tourists and residents of the Town. There are a range of options and methods to address the concerns of residents while still supporting the positive contribution that STRs can exhibit. The issues identified herein are not definitive and represent a snapshot of positive features and drawbacks of STRs. There may be contradicting issues discussed here, which is an attempt to capture the diverse array of interests seen in the course of Phase One.

#### 2.7.1 LAND USE COMPATIBILITY CONCERNS

Residents expressed concern with the noise associated with STRs. Typically, the noise from a STR is attributed to guests who invite a group and who stay around late into the night. There is also concern for STRs being used for explicitly non-residential uses, such

as events like weddings. STRs that host private events every weekend might represent a land use conflict. Consideration should be given to if and where this is an appropriate land use and if there are additional mitigation measures that could be employed to manage this issue.

#### 2.7.2 VACATION DESTINATION

The Town of Fort Erie has historically been and continues to be a tourist destination for vacationers with a high concentration of vacation rentals. It has only been recently that new platforms have changed the way in which people can access these vacation rentals. One challenge associated with restricting STRs is that there are limited hotel and other conventional temporary accommodations in the Town, putting additional pressure on providing conventional housing as STR accommodation. The travelling public, visiting for recreation, the beaches, vacation, festivals, conventions, business, or for sports tournaments need a place to stay, which is currently, to some extent, being filled by STRs.

Any land use program to regulate STRs must take into consideration that vacation rentals have been part of the economy of the Town for a long time. Crystal Beach has historically been a resort town and continues to have a large portion of dwellings that are unsuitable for habitation during the winter season.

#### 2.7.3 PROPERTY STANDARDS AND BUILDING CODE

A common theme included concern that STRs would violate some form of property standards or building code. Features identified are that STRs might host more guests than the existing water services can handle, resulting in malfunctioning wastewater systems. Another concern is that STRs do not remove garbage correctly, or that garbage is left out at the street for an unreasonable amount of time before being collected or that the property is not being maintained in a state of good repair.

#### 2.7.4 VIOLATING EXISTING REGULATIONS AND BY-LAWS

Of the complaints received about STRs, many of them related to guests breaking existing by-laws, such as the Burning By-law 2014-018, Noise By-law 2016-021 and even the Provincial stay at home order put in place during the outset of the COVID-19 pandemic to help protect public health. There is a need to ensure that STRs are held to the same standards as other businesses, and that both guests and hosts are informed of and abide by the rules in place for all residents of the Town.

The background review also revealed that visitors sometimes showed a lack of respect for neighbouring private property, trespassing and making use of property that is not part of the STR.

#### 2.7.5 VISITOR SAFETY

There is an interest in maintaining a high standard of visitor accommodation in Fort Erie, as tourism is an important part of the local economy. STR platforms make it very easy for inexperienced or exploitative homeowners to advertise and operate a STR. Compared to similar STR businesses, such as Bed and Breakfasts, this may be associated with a higher risk to consumer safety and reduced safety standards. In addition, there are some site-specific safety concerns that should be considered, especially related to certain locations, such as the danger of a strong current in the Niagara River that visitors might not be aware of.

#### 2.7.6 MAINTAINING HOUSING FOR PERMANENT RESIDENTS

A common theme of concern in Fort Erie, which is similar to other jurisdictions, is the pattern for STRs to be located in conventional dwelling units, effectively removing them from the market for long-term residents. STR operators can earn a higher monthly return by renting out a property for a nightly fee than they can from renting it long-term, potentially discouraging property owners from providing affordable rental housing units and incenting property owners to purchase and rent more houses as STRs. The findings of the Housing Affordability Impact Assessment found that the prevalence of STRs has not had a significant impact on the affordability and accessibility of housing in the Town. The number of dwellings occupied by seasonal residents or owned as second homes has declined in the Town from 2016 to 2021, while the number of dwellings for permanent residences has increased. There are significantly more seasonal homes than STRs in the Town, limiting the amount that the STR market impacts the housing market for permanent residences.

There is a common sentiment that houses in new subdivisions should not be used for STRs, and that STRs can impact neighbourhood character.

#### 2.7.7 ABSENT OR UNACCESSIBLE HOSTS

When an issue arises at a STR, it should be resolved in a timely manner by the host to ensure the safety and comfort of guests and neighbours are not impacted. For example if the septic system were to fail, problems with heating or cooling, or a violation by a guest, a responsible person is needed to be able to address the safety concerns of the visitor.

In the case of visitors who are a threat, owners or a responsible person are required to be present for police to be able to remove those visitors from the property. In the cases where complaints were identified, that hosts who were not local to the Town would not be able to come to the STR to address the issue immediately.

#### 2.7.8 NON-TOURISM USES OF STRS

The background review and consultation has also shown that STRs are not used exclusively by the travelling public or tourists. Respondents have identified that STRs have been a vital resource for people who are self-isolating due to exposure to COVID-19, or who are isolating from members of their household who are sick. Many participants in the engagement sessions carried out to date have spoken to how STRs provide a convenient place for visiting family to stay that is comfortable and nearby.

#### 2.7.9 FINANCIAL SUPPORT

The background review and engagement have also shown that many people rely on being able to provide a STR as a means to support an increasingly unaffordable housing cost. New homeowners are interested in being able to rent out a second unit or room as a STR to be able to afford the mortgage. Renting out a STR within the principal residence may also enable some older or retired residents to remain in place.

In many engagement sessions, people commented on how renting out a dwelling unit is preferable to renting out a long-term rental unit because of the strenuous protections of the Landlord Tenant Act do not apply to STRs. In addition, STR renters are only there temporarily, reducing the amount of commitment required by a homeowner and increasing their flexibility.

# 3 LAND USE OPTIONS DEVELOPMENT AND ASSESSMENT

The Town has been implementing STR regulations through Licensing since July 2019 with the intent of reducing conflicts raised by residents and Council. However, the Town's licensing regulations are not able to regulate STRs based on location. The Town initiated this Land Use Study to determine where STRs may be permitted, which can be addressed through the Official Plan and Zoning By-law.

This section of the Report discusses the proposed Land Use Options including the process of developing preliminary Options, consulting on the preliminary Options and assessing the Options. Each of the proposed Options is initially described as a preliminary Option, which is presented here as it was presented to the public at a Public Open House held on February 1, 2023. These preliminary Options were intended for discussion and this Report includes preliminary discussion topics and general themes that are intended to help stimulate conversations with stakeholders.

Following the Public Open House to present the preliminary Land Use Options, the feedback was summarized for each Option and each Option was assessed separately.

# 3.1 BASIS FOR LAND USE OPTIONS

The OLT has determined that STRs are considered a commercial use. Traditionally, the Town's Official Plan has provided a separation between residential and commercial uses except in the case of Home-based Businesses and Home Occupations.

To address STRs as commercial uses, all of the Land Use Options discussed below include the following provisions: A definition of Short-Term Rental Accommodations will need to be added to both the Official Plan and Zoning By-law; Official Plan policies will be required to provide goals, objectives, and direction for STRs throughout the Town; and policies will need to be added to permit STRs in approved areas.

The Land Use Options described below are intended to be the conceptual foundations of a more developed land use approach that will be more developed through an OPA and ZBA, once approved by Council.

# 3.2 OPTION 1: PERMIT STRS IN SPECIFIC ZONES

#### 3.2.1 PRELIMINARY LAND USE OPTION 1

The approach proposed in this Option is to identify STRs as a permitted use within existing commercial zones, being commercial zones that also permit residential dwelling units, and to consider them as a permitted use in certain other zones which have historically been used for cottage/vacation rentals.

This Option would introduce a definition of STRs into the Zoning By-law and, at minimum, include STRs as a permitted use in core mixed use areas throughout the Town and within select commercial zones that permit dwelling units as a use.

# Strengths:

- Directly addresses the need to identify STRs as a commercial use as existing zones already separate commercial uses from residential uses.
- No need to identify new boundaries for where STRs should be permitted.
- Existing provisions and zones address mitigating conflicts between commercial uses and residential uses.

#### Weaknesses:

- The areas where STRs might be appropriate may not correspond with existing zone boundaries.
- Does not consider edge-cases where a STR might be permitted within a residential area, without changing the zoning permissions for the entire zone.

# **Community Discussion:**

The concern relative to this option is whether to include STRs as a permitted use in zones that are not explicitly intended for commercial uses. Agricultural and Rural zones permit and support commercial uses such as Home Occupations, and the Provincial Policy Statement encourages agri-tourism and on-farm diversified uses, which could include STRs.

The R2B zone is a residential zone exclusive to Crystal Beach implemented to protect the historical cottage community scale and character. This zone may be considered for STRs because uses similar to STR uses (such as vacation cottage rentals) have occurred in the R2B zone historically. A large percentage of existing licensed STRs in the Town are currently located in the R2B zone. Similarly, waterfront zones are considered desirable for visitors and tourists; many areas along the shoreline have accommodated vacation rentals or cottages notwithstanding that many have transitioned to year-round residences.

One particular issue arises about identifying the waterfront, however, and that relates to its overall scale and how that area could be considered while ensuring there is appropriate mitigation and guidance. The waterfront area has only two waterfront zones and both zones include distinct areas of the Town. Feedback and research suggest that these zones should not be considered as a single area for the purposes of regulating STRs.

Another issue for discussion is whether the zoning by-law should permit STRs as an accessory use and/or as a home occupation, where the owner occupies the dwelling on a permanent basis. The Zoning By-law currently defines "home occupation" to mean "an occupation, trade, business, profession, or craft, carried on as a secondary and incidental use within any dwelling unit and/or accessory structure, which is carried out by the residents of the dwelling in which the home occupation is located and up to one (1)

employee, and is subject to the limitations of Section 6.8 of this By-law". A STR could be considered a home occupation should it meet the requirements of the Zoning By-law as they currently are.

Section 6.8 of the Town's Zoning By-law permits home occupations within any zone that permits dwellings and provides specific requirements for home occupations, such as parking requirements, the requirement that the home occupation be clearly incidental and secondary to the main residential use, and a maximum floor area of 25% of the aggregate area of the dwelling and accessory structures or 40 m², whichever is less and not applying to "day nurseries or bed and breakfast establishments". Section 6.8(i) provides provisions for Bed and Breakfasts, a similar use to STRs. Home based businesses and home occupations are already broadly permitted in residential areas under certain conditions and this could be applied to STRs under similar criteria.

#### 3.2.2 OPTION 1 CONSULTATION FEEDBACK AND ASSESSMENT

Through consultation it was identified that the zone boundaries do not perfectly reflect where STRs could be appropriate. The Commercial Zones were generally seen as appropriate zones to permit STRs with fewer restrictions. There are some limited areas within residential zones where STRs could be appropriate, such as areas of Crystal Beach, which roughly corresponds to the R2B zone. The majority of input received indicated that permitting STRs as-of-right in waterfront areas was not supported. However, some feedback indicated that permitting STRs on the waterfront should be considered due to the waterfront being an important tourist destination and an economic driver for the Town.

# **Implementation and Administration**

This Land Use Option has the most straightforward implementation of the Options developed. It would require only minor additions to the Zoning By-law through a Zoning By-law Amendment to permit STRs in certain zones. It would include STR in the list of permitted uses for certain zones and, where appropriate and necessary, extra provisions to regulate the use. The administration of this Option would be no different to other land uses already regulated in the Zoning By-law. The commercial zones where a STR would be permitted would be limited to those commercial zones which also permit residential uses, either as the primary use of the property or as an accessory use. STRs would not be permitted in industrial zones or other zones inappropriate for residential uses.

In considering STRs explicitly as commercial uses, this Option can directly address the past OLT decisions that address STR uses. The existing zone boundaries also provide a basis in determining where STRs, as a commercial use, could be permitted. The existing

R2B zone, as advised by the Town, was developed to recognize the area as a long-standing cluster of seasonal residents or cottages. However, it is evident that cottage rentals occur, and have occurred, in other areas outside of this zone as well.

#### 3.3 OPTION 2: PERMIT STRS THROUGH AN OVERLAY

#### 3.3.1 PRELIMINARY LAND USE OPTION 2

This Land Use Option would establish an overlay in the Zoning By-law schedules to permit STRs in areas that may not necessarily align with existing zones (see example in Figure 3). The overlay area could include areas like the downtown cores of Crystal Beach, Ridgeway, Bridgeburg, Stevensville, and Fort Erie, the waterfront area, a broader area of the Crystal Beach community, and any appropriate Agricultural and Rural areas as are identified. It could include all zones within an identified geographic area. Provisions would also be introduced to regulate how STRs are permitted within the Overlay area.

#### Strengths:

- Can identify and permit STRs in all areas where deemed appropriate, irrespective
  of what the Zoning By-law permits.
- All provisions for STRs could be centralized in one section of the Zoning By-law and could apply equally across the entire Overlay.

#### Weaknesses:

- The need to determine a new boundary where STRs are appropriate.
- The basis for determining which parcels are included or excluded could erode the overlay strategy.
- Introduces complexity to the Zoning By-law.

#### **Community Discussion:**

The arbitrary and preliminary areas identified in Figure 3 and are intended only to reflect what was heard through consultation: that STRs may be appropriate in downtown areas, near major tourist amenities, and in waterfront areas. Also mentioned, but not illustrated in Figure 3, were calls for consideration of the rural and agricultural areas that may host a different experience. While it is straightforward to identify broad areas, it is difficult to gather feedback on every area/neighbourhood/street that might be appropriate or

inappropriate for STRs. Stakeholders and the Public were asked to reflect on the overlay map and comment on how it should be modified.

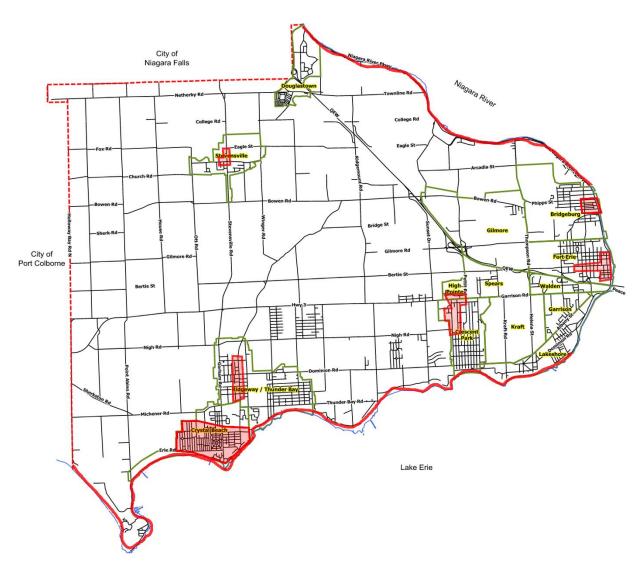


Figure 3 Option 2: Overlay. The overlay area for discussion is identified in red and includes the waterfront areas. The overlay identified here is arbitrarily defined for the purpose of illustration only and would be subject to refinement of any delineated limits if this land use approach is pursued.

#### 3.3.2 OPTION 2 CONSULTATION FEEDBACK AND ASSESSMENT

Through consultation, it was identified that the zone boundaries do not always reflect where STRs could be appropriate. As a result, an Overlay was seen as a way to identify specific areas that may be appropriate for STRs. Similar to the feedback for Option 1, the overlay was seen as appropriate in downtown core areas and mixed-use areas, and a limited area of the Crystal Beach neighbourhood. Outside of those areas, the feedback

on where to apply the Overlay requires more consideration as there are strong opinions both in favour and against.

#### Implementation and Administration

Implementing an overlay would require more significant effort than an approach that uses an existing zone, unless the overlay was extremely limited. A zoning by-law amendment would be required to implement the Overlay and add provisions to regulate STRs, as with the other Options described. The challenge with the Overlay is that individual property owners may wish to be included or excluded from the Overlay, which could erode the defensibility of the overlay.

In municipalities where an Overlay has been implemented, the identified area is often limited to one or two residential blocks and it is accompanied by other zoning provisions and licensing that permit and regulate STRs outside of the Overlay. For the purposes of this Option (to include all areas where STRs are permitted within a single Overlay), the Overlay could be proposed to be at a scale not typical for STR regulations in other Ontario municipalities. If the Overlay option is selected, a rationale for including and excluding properties should be developed for the purposes of transparency and consistency. This rationale may be based on walking distance to local amenities and attractions, the location of particular building types, or another set of standards intended to address the needs of the Town.

#### 3.4 OPTION 3A: OVERLAY AND OWNER OCCUPIED

#### 3.4.1 PRELIMINARY LAND USE OPTION 3A

This Option would create provisions that permit STRs throughout the Town, but only on properties where the Owner is a permanent resident. STRs permitted in this way might be considered Home Occupations with special provisions specific to STRs. This Option is contemplated as being used in conjunction with another Option, such as Option 2: Overlay, which would permit STRs that are not owner occupied within an Overlay area.

#### Strengths:

Directly addresses a central concern heard from stakeholders, which is that STRs
can be disruptive because guests do not always behave respectfully towards
property and owners when the owner is absent. This would ensure that the owner
is available to manage renters and be available to police their STR.

 Permits owner occupied STRs in most areas of the Town as-of-right and in areas identified through consultation to be appropriate for STRs and defined by an overlay.

#### Weaknesses:

• In areas outside of the overlay, it requires that the owner reside on the property full time, which may be less desirable for individuals looking to rent out their home.

#### **Community Discussion:**

As a result of the consultation from Phase One, we heard that in most cases, STRs are not a concern where the owner is also a permanent resident and lives at that dwelling all year. This Option must reflect specific criteria for owner-occupied STRs, which might specify the dwelling types that may be permitted to be used as a STR. For instance, a STR might be permitted on any property that has more than one dwelling unit, wherein one dwelling unit is permanently occupied by the license holder, including an accessory unit or a basement unit.

#### 3.4.2 OPTION 3A CONSULTATION FEEDBACK AND ASSESSMENT

There was general agreement from all stakeholders that owner occupied STRs are not a concern in any residential area. Many of the land use conflicts related to STRs located in residential areas could potentially be resolved if the property owner were on site to manage the STR directly. Some feedback expressed concern that this might not permit STRs in cottages, where the owner is only a resident for part of the year.

#### **Implementation and Administration**

This Option has a similar implementation to Option 2 and would include additional zoning provisions to permit STRs as a home occupation. A zoning by-law amendment would be proposed that includes the Overlay and its related provisions, and it would include additional provisions with the home occupations section. These provisions would be similar to existing home occupation provisions for Bed and Breakfast Establishments.

There is significant planning evidence to support permitted STRs as a home-based business or as a home occupation. The Town currently permits and regulates home occupations, and provides special provisions for similar uses, such as Bed and Breakfast Establishments. In addition, permitting STRs as home occupations is an accepted practice that is implemented in many municipalities across Ontario.

Should a STR be proposed outside of the overlay where the owner would not be present, they would have to seek an amendment to the Zoning By-law.

#### 3.5 OPTION 3B: OVERLAY AND SEPARATION DISTANCE

#### 3.5.1 PRELIMINARY LAND USE OPTION 3B

In addition to the overlay outlined in Option 2, this Option would create provisions that permit STRs throughout in the Town, but only on properties that are a certain distance from another STR use. The distance used could be 120 metres, for example, and be measured from the lot line of the property containing the STR.

#### Strengths:

 Addresses a concern heard from stakeholders that high concentrations of STRs in a neighbourhood exacerbates the issues associated with them.

#### Weaknesses:

- No basis to determine an appropriate separation distance between STRs.
   Generally, any distance used could be argued as arbitrary and therefore difficult to defend.
- Difficult to administer for staff, with changes in existing STRs requiring renewing distance calculations to determine suitable properties for STRs.
- May discourage concentrations of STRs in the areas that would benefit from concentrations of STRs or have historical presence of STRs such as Crystal Beach.

#### **Community Discussion:**

As there are not many examples of a separation distance being used for STRs, the distance could be argued as relatively arbitrary and difficult to justify. Should this Option be developed further, it could include different separation distances to correspond to the different levels of concentration found in other areas of the Town. For instance, a larger distance might be required in rural or agricultural areas because there are fewer dwellings but smaller in others where there is a higher concentration.

This Option could alternatively be implemented through a maximum STR density per hectare rather than a minimum separation distance. An approach like this could be implemented to introduce a soft cap on number of STRs in the Town by basing the number of STRs on the total area of the Town. Alternately, it could be refined to provide separate density maximums in different geographic areas of the Town. Determining the specific geographic areas and the maximum density would need to be carefully considered and justified.

#### 3.5.2 OPTION 3B CONSULTATION FEEDBACK AND ASSESSMENT

There was little interest in the Separation Distance requirement which would permit STRs as a primary use throughout the Town. Those who were in favour of permitting STRs generally were concerned that the implementation would be complicated or confusing and difficult to enforce.

#### **Implementation and Administration**

This Option would require implementing general provisions for a minimum separation distance in the Zoning By-law in addition to the requirements identified in Option 2. A minimum separation distance would require careful consideration to clearly indicate exactly how the measurement would be made between STRs. There is also some concern about where this criterion would be measured in the application process, for example if two proximate properties applied for a licence at the same time a process would need to be identified to determine which takes priority. Additional concern was expressed regarding discrepancies in the measurements used by different applications, which would require a standardized geographic data set.

A variation of this approach might be considered that implements a maximum density of STR uses, limiting the number of STRs in a certain area to a maximum amount. A maximum density could be based on the number of dwellings, the population of the Town, or by area. Several different density requirements could also be implemented in different areas, for example by permitting a higher density in neighbourhoods suitable for STRs and a lower density in areas where STRs should be discouraged.

While it has been implemented in other municipalities, it is not evident what would be used as the basis for determining the minimum distance or the maximum density.

#### 3.6 OTHER LAND USE TOOLS

Aside from the tools that concern where and how STRs are permitted, the Planning Act provides other tools for permitting land uses, which will be considered in the recommendations. Official Plan Amendments, Zoning By-law Amendments, and Minor Variances are all tools that can be used to permit STRs on a case-by-case basis, which requires an approval by the Town and an associated public process. However, the applications and administration costs associated with some of these tools might be seen as a challenge on top of licensing and other registration fees.

# 3.7 LAND USE OPTIONS ASSESSMENT SUMMARY

The Options are summarized in Table 6 below.

**Table 6 Options Assessment Summary** 

	OPTION 1: PERMIT STRS IN SPECIFIC ZONES	OPTION 2: PERMIT STRS THROUGH AN OVERLAY	OPTION 3A: OVERLAY AND OWNER OCCUPIED	OPTION 3B: OVERLAY AND SEPARATION DISTANCE
General Approach	- Permit STRs within existing commercial zones and consider them as a permitted use in certain other zones which have been used for cottage/vacation rentals.	- Establish an Overlay in the Zoning By-law to permit STRs that could include the downtown core areas and other appropriate areas.	- STRs permitted throughout the Town on properties where the owner is a permanent resident and as of right in an area defined by an Overlay.	- STRs permitted throu ghout the Town subject to minimum separation distances and density requirements and as of right in an area defined by an Overlay.
Strengths	<ul> <li>Directly addresses the need to identify STRs as a commercial.</li> <li>No need to identify new boundaries for where STRs should be permitted.</li> <li>Existing zoning provisions address mitigating conflicts between commercial and residential uses.</li> </ul>	- Can identify and permit STRs in all areas where deemed appropriate, irrespective of what the Zoning By-law permits All provisions for STRs could be centralized in one section of the Zoning By-law and could apply equally across the entire Overlay.	- Directly addresses the concern that STR Guests are not respectful when the STR owner is not present Permits STRs in more areas of the Town as-of-right and in areas that respond to the feedback received.	- Directly addresses the concern that high concentrations of STRs in a neighbourhood exacerbates the issues associated with them.

#### Weaknesses - The Areas - The need to - No basis to - In areas where STRs determine a outside of the determine an might be new boundary Overlay, it appropriate where STRs appropriate do requires that separation the owner not correspond are distance between STRs with existing appropriate. reside on the - The basis for zone property full or maximum determining time, which boundaries. density. which parcels may be less - May be difficult - Does not to administer. are included or desirable for consider edgecases where a excluded could individuals STR might be erode the looking to rent out their home. permitted. overlay strategy. - Introduces complexity to the Zoning Bylaw.

# **4 WHAT WE HEARD**

As part of the background data collection, Land Use Options development, Assessment, and Recommendations for this project, WSP undertook extensive consultation for the purposes of understanding issues associated with STRs in the Town, and what are acceptable pathways to addressing them in land use policy. The consultation was with a broad range of stakeholders and included the following:

- 4 workshops with Councillors, two of which were in person
- 2 meetings with Town Technical Staff
- 1 meeting with Niagara Regional Police, District Commander, Fort Erie
- 2 Community Focus Group meetings
- 2 stakeholder meetings with Business Community representatives
- 1 virtual Public Open House
- 2 in-person Public Open Houses
- 2 meetings with industry service providers and booking platforms
- Review and logging of Written Comments

We engaged in consultation throughout each stage of this Study, which influenced subsequent engagement activities. Summarized below is the feedback that contributed to each phase of the project completed to date.

#### 4.1 PHASE 1: BACKGROUND CONSULTATION

The goal of consultation in the first phase was to understand issues associated with STRs in the Town, and what are acceptable pathways to addressing them in land use policy. Consultation at this stage was broad and open ended in order to understand the full breadth of issues that a potential land use solution should address. This stage of the Study had consultation with broadest range of stakeholder groups. Here, the stakeholders are divided roughly into three groups: Council and resident groups; public servants and municipal staff; and business and industry groups.

#### 4.1.1 COUNCIL AND RESIDENT FEEDBACK

The input from Council members, the Focus Group, and from the Public Open House can generally be divided into those who support STRs with limited regulations, and those who would prefer STRs to be highly regulated or eliminated. The main concerns expressed with regard to STRs can be summarized briefly by the following:

- STRs take away from the quiet enjoyment of private properties because of noise, irresponsible renters trespassing or damaging neighbours' property, and STRs operating as event spaces. In particular, STRs that are frequently used to host large parties are unwelcome.
- STRs take away from the character of the neighbourhood, especially when they are operated like 'ghost hotels'. Residents are not able to make meaningful connection with the owner/operator because the person responsible for the STR is not a resident themselves.
- Supporting STRs is a bad allocation of taxpayer dollars, which supports infrastructure that is ultimately used by non-residents.
- STRs are fundamentally incompatible with residential uses because they are operated as a commercial use, like a hotel.

On the other hand, there were also comments that were more supportive of STRs and enabling regulations:

- Certain areas of the Town are traditionally used as vacation or cottage dwellings, such as Crystal Beach.
- STRs address a need in the Town for temporary accommodations, as there is a lack of hotel rooms. STRs in this context support conventions and sporting events hosted in the Town, as well as residents who need temporary accommodations, such as when they are renovating their home, in between residences, or need to isolate from their household due to illness.

- Providing a STR is one way for new owners or cottage owners to be able to afford increasingly unaffordable housing. This may also encourage or support owners to renovate or improve the appearance of the dwelling.
- STRs support tourism, which supports many businesses in the area.

#### 4.1.2 FEEDBACK FROM MUNICIPAL STAFF AND PUBLIC SERVICES

Town Staff were consulted to understand the current issues with STRs and considerations for implementing land use policy and regulations. Input came from Town Staff from the Planning and Development Services, Community Services, and Staff from Economic Development, Tourism Services, as well as from Niagara Regional Police (NRP).

The feedback included several standout considerations. First, NRP has no special internal procedures that recognize or respond to calls at STRs differently from any other call. In addition, NRP have no evidence to suggest a trend or a specific issue exists in Fort Erie outside of any other area in the Region. By-law enforcement staff noted that they are working to implement stronger communication with the NRP and increasing their enforcement to be able to address issues more effectively, especially later at night. They also noted that the majority of legitimate complaints they received regarding STRs were related to properties that were not licensed, with less than half of legitimate complaints being attributed to noise or disturbances on the property. By-law enforcement is also limited in their authority – aside from assigning financial penalties and fees, they would require the police to be present to evict renters from the premises, and the NRP confirmed that they require the owner or property manager to be present to evict renters.

#### 4.1.3 FEEDBACK FROM THE BUSINESS COMMUNITY AND INDUSTRY

The business community was consulted, which includes representatives from the Bridgeburg BIA, and Crystal Beach BIA, as were representatives from Airbnb and Airdna. Overall, the business community stakeholders saw STRs as being a net benefit to the community and in particular businesses, while still seeing the need to regulate them. They see STRs as supporting local business and being a traditional part of the mix and makeup of the Town. STRs are also seen as necessary if the Town wishes to continue to host sporting events or large off-site gatherings. Many of the issues are expected to be resolved through the existing licensing regime, given time, or through the market. It was, however, accepted that there are some places where a STR is not appropriate, such as in a subdivision, and some places where it is most appropriate, such as Crystal Beach and in traditional downtown core areas.

From the consultation with representatives from Airbnb and Airdna, it was learned that the closest and best estimate of the number of STRs operating in the Town is likely the number that are licensed under the Town's program. Due to the way Airdna collects information, their statistics for the number of STR listings may not represent the number of STRs in the whole year. Their data collection method may also count listings twice or include listings that are never actually rented. Airbnb was able to provide more trustworthy statistics which suggested the Town's number of licensed properties was closer to the true number of STRs than the estimate shown by Airdna. They have approximately 200 listings within the Town for the past year (2022), and of those listings, the average number of nights available for rent is 40 nights a year. Additionally, the average income from a listing in the Town is under \$10,000, which they were suggesting implies that the average STR in the Town is more likely a cottage, or a second home rather than an investment property.

# 4.2 PHASE 2: FEEDBACK ON OPTIONS AND RECOMMENDATIONS

The goal of consultation in Phase 2 was to provide feedback on the preliminary Land Use Options and the Draft Land Use Recommendations. WSP introduced the preliminary Land Use Options to a smaller subset of stakeholders, and then to a Public Open House. The Recommendations were informed by these consultation events and were subsequently presented at a Public Open House.

#### 4.2.1 FEEDBACK TO THE PRELIMINARY LAND USE OPTIONS

WSP undertook three consultation events regarding the draft Options. These events included a meeting of the Community Focus Group, a meeting with Business Community Stakeholders, and an in-person Public Open House at the Town's Municipal Centre where the four Options discussed above were presented to those in attendance. General feedback is provided below.

#### The consultation provided general agreement on several land use points:

- Some areas are generally more acceptable for STRs, such as downtown mixed-use areas, commercial zones where dwelling units are permitted, and some residentially zoned areas of Crystal Beach.
- STRs where the owner is a permanent resident are generally considered to be more acceptable and appropriate more broadly.

#### There were several areas that were more contentious:

There were varying opinions received in permitting STRs along the waterfront areas.
 Some considered it appropriate for waterfront areas within the urban area of Crystal Beach, some considered it inappropriate along the Niagara River, and others thought it was inappropriate in all waterfront residential and waterfront rural residential zones.

#### Other comment themes:

- We heard that we should be cautious with or avoid Option 3b: overlay and separation distance. The separation distance would be difficult to enforce, regulate, and administer from a technical staff approvals standpoint, and it may be seen as unfair, based more on who has a STR first, rather than on whether it is a permitted use.
- STRs should be explicitly restricted from new residential neighbourhoods.
- Definitions of STR should be carefully considered and should be explicit about its commercial nature.
- We heard from members of the public that STRs should be considered as a commercial use that is incompatible with residential uses.
- We heard from members of the public that STRs can be compatible within residential neighbourhoods by supporting homeownership for lower-income households, provide additional income for renovations and property improvements.
- STRs are important for supporting businesses and amenities, including tourismrelated business amenities, in part because the Town has very little traditional hotel/motel accommodations.

#### 4.2.2 FEEDBACK ON THE DRAFT RECOMMENDATIONS

On April 18, 2023, an in-person Public Open House was held at the Fort Erie Town Hall to introduce, explain, and obtain feedback on the Draft Recommendations. Many members of the public offered comments and questions in person, and written comments have been received from over 90 individuals following the Public Open House, which have been reviewed and help inform the recommendations.

The comments and feedback received in the Open House were in support of permitting STRs more broadly, and specifically permitting them along the waterfront. Some who were opposed to the recommendations would like to see the entire waterfront area be open to permitting STRs. Many members of the public also expressed frustration at the ongoing moratorium on new licence applications, and the how this process to regulate STRs has been drawn out. There was concern that the length of this process is a detriment to their economic interests. There was also appreciation regarding the approach to owner-occupied STRs and their intent to address OMAFRA guidelines to permit uses in agricultural and rural areas.

The majority of written comments received in the week following the Open House, to April 25, were in support of the recommendations. Of 89 written comments, 55 were fully in support of the recommendations, 30 were opposed, and 4 had other comments which were neither in support nor opposition. Of those opposed to the recommendations, 12 wanted more STRs in general, 5 wanted STRs permitted in fewer places, 5 wanted to permit STRs specifically across the waterfront, and 3 opposed the recommendations based on the process.

In summary, the feedback following the introduction of the recommendations was predominantly supportive. Those who were not in support of the recommendations had a broad range of reasons as to why.

# 5 LAND USE RECOMMENDATIONS

#### 5.1 RECOMMENDATIONS

The topic of STRs is extremely polarizing in the Town, as well as in many other municipalities across the province. The Study's recommendations are intended to be balanced, equitable, and defensible. The recommendations are based on a best practices review, legal review, community feedback and consultation, best planning practice and provincial land use requirements. While the recommendations and brief explanations are detailed below, Council has the ability to accept all recommendations, as proposed, and to direct that they be implemented into the Official Plan (OP) and Zoning By-law (ZBL). However, Council can also pass a resolution to move forward with a slightly (or even completely) different path than that which is proposed in this Report.

#### 5.1.1 DEFINING SHORT-TERM RENTALS

As discussed in this Report, the intent of this Study was to determine where STRs should be permitted in the Town. This is only enforceable where a STR has been identified (and defined) in the Town's Official Plan and Zoning By-law. Defining a STR must be carefully considered to ensure, it will only apply to land uses that are the intended target, but not to similar uses which share traits with STRs. If defined too narrowly, it may not apply to all types of STRs that are intended to be subject to the policies and regulations.

Additionally, since there are two different types of STRs, they should be identified as such, and subject to different regulations. Providing two separate definitions will allow policies

and regulations to be more targeted towards the different types of STRs and improve readability.

#### Recommendation

- Add two definitions for STRs in the OP and the ZBL that reflect the definition used in the Licensing By-law. One of these definitions should apply to STRs that are a principle use (vacant and only used as a STR) and the other definition should apply to STRs that are owner-occupied (where the owner is present at all times). Both definitions should fall under the definition in the Licensing By-law, and could read as follows:
  - "Short-Term Rental" (STR) means the use of a Dwelling Unit, subject to licensing by the Town, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment but does not include any type of institutional dwelling, hotels, or other similar uses".
  - "Short-Term Rental Owner Occupied" means a Short-Term Rental that occupies all or part of a dwelling unit that is located on a property where the Owner is a fulltime resident. For added clarity, a Short-Term Rental – Owner Occupied can occupy an accessory apartment dwelling, converted dwelling, a secondary dwelling, a duplex, or a triplex.

#### 5.1.2 USE EXISTING ZONE BOUNDARIES

The Ontario Land Tribunal (OLT) has determined that STRs are to be considered commercial uses. The Official Plan and Zoning By-law creates boundaries that clearly specify where commercial uses may be permitted so that they do not conflict with other sensitive land uses (like residential uses) or are clustered in a particular area for economic benefit.

Additionally, the Crystal Beach community has accommodated cottage rentals and acted as a resort area for over 100 years. The Crystal Beach area also has the vast majority of licensed STRs in the Town, containing approximately 75% of existing licences as of December 2022. The R2B zone exists only in Crystal Beach and was established with the intent of recognizing the built-form character of the predominantly cottage neighbourhood and the legacy that this community has represented.

#### Recommendations

- Permit STRs in existing commercial zones where dwelling units are also permitted. These zones include the following: C1, C2, C2A, C3, C7, CMU1, CMU2, CMU4, CMU5, and CMU6.
- 3 Permit STRs in the R2B zone, which is located exclusively in Crystal Beach and which was created with the intent of acknowledging the historical cottage and vacation community.

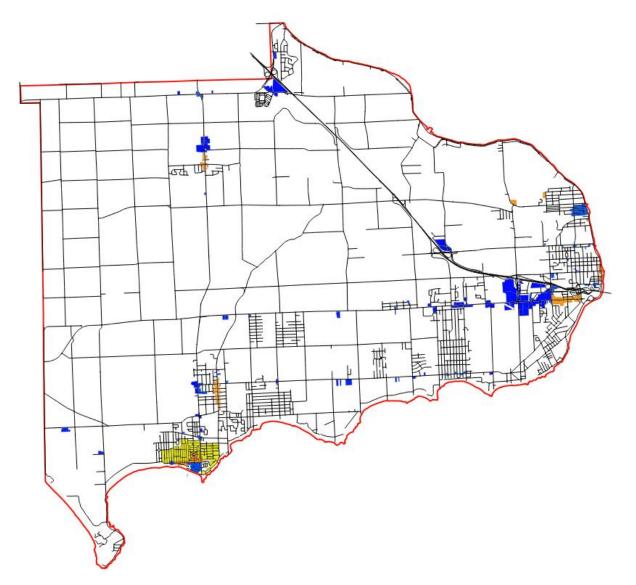
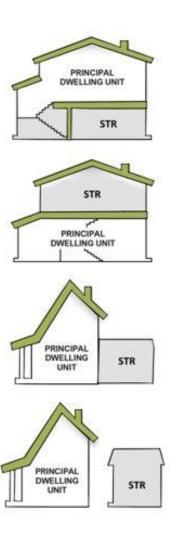


Figure 4 Map of zones where STRs are recommended to be a permitted use. Areas that are blue are commercial zones, orange areas are core mixed use zones, and yellow represents the R2B zone.

#### 5.1.3 PERMIT OWNER-OCCUPIED STRS

Based on case studies of other Ontario Municipalities, permitting STRs as a secondary use in residential areas is common. From consultation and feedback, owner-occupied STRs are seen to address most real and perceived issues with STRs. Special provisions can be identified for owner-occupied STRs in the same way that there are special provisions for Bed and Breakfasts.

The Town has policies and regulations in it's Official Plan and Zoning By-law for commercial uses in residential areas, otherwise known as home occupations, which, based on its definition and the inclusion of Bed and Breakfasts (a slightly similar use to a STR), might apply to STRs. The Official Plan defines home occupations as "a commercial enterprise permitted as an accessory use to a residential dwelling operated by a resident of the dwelling", and the Plan prohibits home occupations that "generate noise, odour, traffic or visual impacts that have an adverse effect on adjacent properties". Additionally, the Plan provides greater flexibility for home occupations in Agricultural and Rural areas in terms of size and type. More specifically in the Zoning By-law, Home Occupations are defined as "an occupation, trade, business, profession, or craft, carried on as a secondary and incidental use within any dwelling unit and/or accessory structure, which is carried out by the residents of the dwelling in which the home occupation is located and up to one (1) employee, and is subject to the limitations of Section 6.8 of this By-law." Since home occupations are permitted and already regulated in residential areas throughout the Town, STRs could be permitted under similar circumstances, such as where the owner occupies the property and/or where the STR is within a secondary dwelling unit.



#### Recommendations

- 4 Permit STRs throughout the Town where the owner occupies the property on a fulltime basis.
- 5 Permit a maximum of one STR per property on a residential property.

#### 5.1.4 APPLICATIONS TO PERMIT STRS

The existing zone boundaries do not always align with the areas or properties where a STR would be suitable. Applications to change the zoning by-law may be considered for approval by Council and require an application fee. Depending on the number and quality of applications for STRs outside of the areas where they are recommended to be permitted, these applications could introduce an overly large administrative burden, and result in a larger than anticipated barrier for applicants to establish an STR, while also not aligning with the intent of the recommendations.

#### Recommendation

Identify a streamlined process in which to consider new STRs in cases where a STR is proposed in a zone outside of those identified above – through an expedited rezoning process with reduced fees, a minor variance process or at a monthly committee meeting. Town should also consider striking a STR Committee that provides an opportunity for education on the Town's STR program, including licensing details, the application process, STR regulations and enforcement, and how complaints for STRs are managed to provide a more transparent and objective process.

#### 5.2 RATIONALE

This section is for the purposes of providing more detailed planning rationale for the land use recommendations on where and how STRs are permitted, and to address some of the concerns and feedback received throughout this process. The rationale below is intended to provide justification as to why the recommendations are appropriate, given the scope as directed by Council.

Permitting STRs within Commercial Zones where dwelling units are also permitted facilitates the grouping of commercial uses with like uses, which represents good land use planning

Permitting STRs within the commercial zones that permit dwelling units, as identified in the recommendations, is aligned with good planning practice in Ontario. Multiple OLT decisions indicate that STRs are to be considered a commercial use in land use regulations. Precedent is established in municipalities across Ontario which regulate STRs through their official plan and zoning by-law that they should be permitted in commercial zones. The PPS Section 1.7.1 guides long-term economic prosperity by supporting opportunities for sustainable tourism development. In addition, the feedback obtained through extensive consultation was overwhelmingly supportive of permitting STRs in commercial zones as a commercial use.

Permitting STRs within the Residential 2B Zone is consistent with the location historically associated with the vacationing public

Permitting STRs within the Residential 2B (R2B) Zone is aligned with good planning practice in Ontario. This is because the R2B zone corresponds to an area that has historically been a resort and cottage area, and the zone itself was established with the intent to recognize the built-form, smaller lot sizes and lot frontages of Crystal Beach that are a result of this history of use. The cottage character is indirectly recognized within the R2B zone through specific provisions directed at single detached dwellings, specifically

recognizing that the area has single detached dwellings with smaller lot sizes with narrower frontages compared to other areas of the Town. The data on existing licences indicates that approximately 75% of STRs are already located in the area as well (Figure 5). In addition, the results of consultation consistently indicated that the Crystal Beach area was an appropriate area for STRs because of its character and local businesses' reliance on the tourism economy.

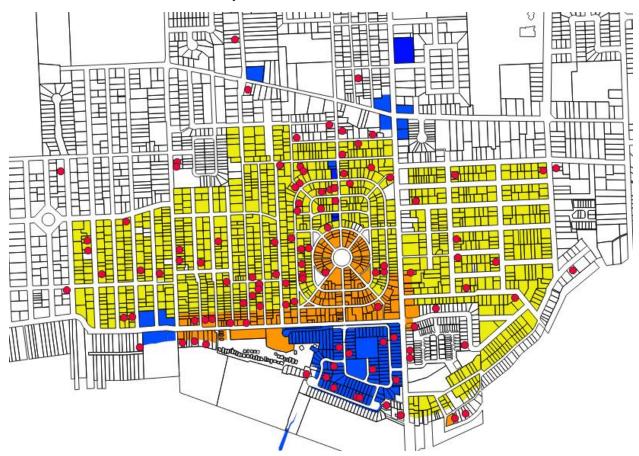


Figure 5 Recommended zones for STRs in Crystal Beach and licences issued as of Fall 2022.

The reason to establish the R2B zone as an area that historically has and currently is used by the vacationing and cottaging public is to draw parallels with related OLT decisions that influenced STR regulations. The OLT has made decisions that indicate that a) STRs (or similar uses like vacation cottage rentals) that are operating without major issues should not be prohibited without cause (Oro-Medonte Association of Responsible STRs V. Oro-Medonte (Township), Case No. OLT-22-002196), and b) "places of temporary sojourn" like cottages or resorts are not strictly speaking 'residential' use, even if the owner resides there for the majority of the year.

In the OLT case of Villas of Lake Muskoka Limited V. Muskoka (District Municipality), Case No. PL171437, the OLT determined that a residential condo with conditions that it

must be let to the travelling public for at minimum eight and ten weeks should not be considered a residential use. A key piece of evidence for this decision was that the definition of 'residence' specifically does not include "place of temporary sojourn", which when applied to the condo residences, would make it non-residential. This decision determined that two proposed condominiums where the owners would be required to let their unit out for at minimum eight and ten weeks were in fact not residential uses because it is clear the units were not intended to be occupied by the principal owner throughout the year. Applying the decision and the logic of what constitutes a 'residence' would suggest that there is an argument for considering cottages, seasonal residences, and other vacation dwellings as non-residential uses, even if the use occupied a building that in all other regards could be residential. While other municipalities in Ontario provide zoning guidance to acknowledge cottages, resorts, or vacation uses, the Town does not provide explicit land use regulation for which areas are for recreational, resort, or cottage use.

The R2B zone supports STRs because the zone was established with the intent to recognize the smaller lot sizes and narrower lot frontages that characterize the historical use of the area by vacationing members of the public and other seasonal residents. It currently is occupied by these uses and STR uses are generally seen as reasonable, through feedback. Even though the zone does not permit commercial uses, one might infer from OLT decisions that there may be some residential zones within the Town which are de-facto resort or vacation residential areas. The R2B zone in Crystal Beach appears the most likely candidate zone to permit such uses.

# Permitting STRs across the entire waterfront as-of-right (or as a permitted use) has not been considered anywhere else in Ontario and would be precedent-setting

Permitting STRs as-of-right (meaning as the primary use and not including owner-occupied STRs) across the entire waterfront, including the Waterfront Residential (WR) Zone and the Waterfront Rural Residential (WRR) Zone is not aligned with any other municipality in Ontario either with similar or completely different amenities and attributes. As established above, the OLT has determined that STRs are a commercial use and the waterfront zones are residential in nature and do not permit any commercial uses. Unlike the R2B zone, where the intent was to recognize the built-character of the historically cottage area of Crystal Beach, there is no clear land-use rationale available at this time that suggests that the waterfront zones were intended to recognize cottage or vacation rental uses. As noted, permitting STRs along the Town's waterfront would also be precedent-setting, and not something that any other municipality in Ontario has allowed. Municipalities reviewed from this perspective include Huntsville, Bracebridge, Muskoka

Lakes, Wasaga Beach, Town of the Blue Mountains, South Bruce Peninsula (Sauble Beach), Goderich, Lambton Shores (Grand Bend), and Port Colborne.

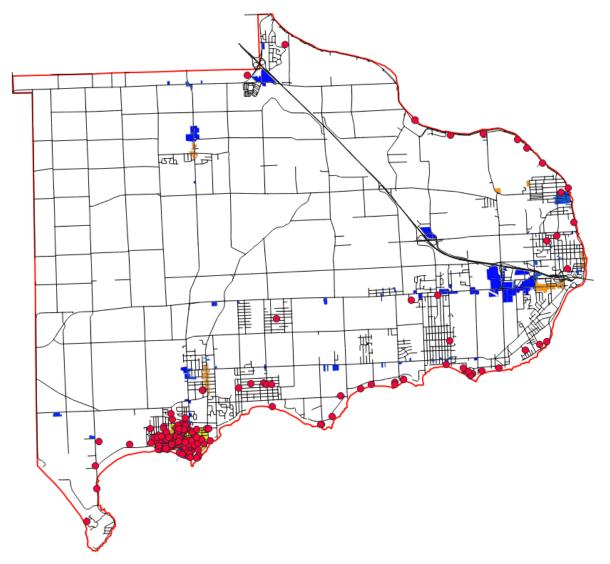


Figure 6 STR licences issued as of Fall 2022.

If the entire zone is not appropriate for STRs, defining a new zone or overlay based on more detailed analysis would be required, which is beyond the scope of this Study. The workplan requested by the Town and the data provided by the Town was not adequate to enable a comprehensive analysis for specific areas.

Feedback and consultation would also suggest that there are some residents in these areas that oppose permitting stand-alone STRs along the waterfront. While we have heard feedback that the waterfront is both a central draw for tourism and needed to support businesses in Crystal Beach, the data on existing licences indicates that fewer than 20% of all licences have been issued for STRs located in the waterfront zones

(Figure 6). In addition, we have heard through consultation from the public and the Town's staff that there are a significant number of waterfront properties that have multiple dwellings on the property, which our recommendations have considered and would be permitted as a owner-occupied STRs.

# Permitting STRs in dwellings where the owner is a permanent occupant is aligned with feedback received

Permitting STRs in dwellings or on properties where the owner is a permanent occupant is aligned with feedback received. It is a common practice across Ontario municipalities (including Prince Edward County, Toronto, Goderich, London, St. Catharines, Welland, and Hamilton) to regulate and permit STRs in owner-occupied dwellings, and consultation and feedback was supportive of permitting STRs where the owner is present. The background review suggests that supporting this type of STR can discourage the conversion of regular dwellings into vacation rentals. The Town currently regulates businesses operating within dwelling units in residential areas as 'home occupations', provided the use meets several conditions. Specific provisions are included to permit and regulate Bed and Breakfast establishments, which are a similar use to STRs, and which suggests that specific provisions could be added in a similar way for STRs. The Official Plan also indicates that it is intended that there be more flexibility in permitting home occupations in rural and agricultural areas because the distance between dwellings can mitigate the conflicts between a business use and a residential use. It is the intention of the recommendations to provide more flexibility for STRs in rural and agricultural areas to satisfy this policy in the Official Plan, and to support agriculture-related uses, including agri-tourism.

# 6 CONCLUSION AND NEXT STEPS

The purpose of this Report has been to provide a foundational understanding of the issues associated with STRs through a legal and best practice review and why they need to be regulated through land use policies and regulations, to document the process and the consultation through which the Land Use Options and recommendations were developed and assessed, and to detail the recommended land use approach. The recommendation is a combination of Options 1 and 3a which were selected based on consultation with stakeholders and the public, good planning practices, and considerations for how they would be implemented. This Report is intended to be presented to the public and to Council, where Council may decide to endorse the Land Use Approach with or without changes.

Should Council endorse the recommended Land Use Approach, WSP will commence Phase Three of this project. WSP will work with Town Staff to draft formal policies and provisions, as well as the formal notices and Official Plan and Zoning By-law amendments. Adequate notice will be issued for a Public Open House and for a Public Meeting. At the Public Meeting, Council will make a decision on adopting the Official Plan and Zoning By-law amendments.

No	DATE	NAME	SUMMARY OF COMMENTS		
	FEEDBACK IN RESPONSE TO PUBLIC OPEN HOUSE NO 1				
1	November 8, 2022	Katie Miller	Preference to minimize regulations on STRs.  Existing by-laws (noise) are enough to enforce rowdiness.  Rental properties, either long or short-term are investment properties. Investors, due to mortgage costs, are finding STR in Fort Erie better value than LTR.  Guests spend money, support restaurants and retailers.		
2	November 16, 2023	Dave McPherson	Sought Town's definition of STR. Concerned Community Focus Group imbalanced. Does not see value in CFG - has participated in prior consultation.		
3	November 17, 2022	Sherley Leibeck	2022 changes have negatively impacted ability to rent due to 3 bedroom/8 person max. Rules are harsh.  Fort Erie has been cottage country eternally.  Most are families who rent - Grandparents, parents with children.  No hotels - need STRs - they support the local economy (restaurants, shops) and employ local maintenance businesses.		
4	November 21, 2022	Adam Probst	Dedicated STRs operate as commercial enterprizes. Commercial Rentals do not belong in residential zones. If permitted, should be very limited and strict control.		
5	November 21, 2022	Reenu Jumbu	Why is Town moving to regulate? - other Towns do not.  Is the Town trying to get rid of STR?  Questions consultant integrity and believes Town not transparent.  Questions RFP and budget process.  Why increased fees?  Why not all licenses been issued?  Believes a new hotel being built by lake and Town protecting developers of hotel is conflict of interest.		
6	November 22, 2022	Doug Fraser	Should be no restrictions for owner-occupied STRs. On site owners are a deterrent to unacceptable behavior		
7	November 22, 2022	Greg Hunter	Not fair - STR owners should pay Commercial tax rate.  Not fair - STRs should be required to meet accessibility needs.  Not fair - Vacant STRs impact full-time housing supply.  STRs should be supervised 100% of the time and not burden neighbours with being the supervisors.  Not fair - to permit in some areas but not others, unfair to residents in permitted areas.  If permitted, permit everywhere.		
8	November 23, 2022	Gregor Grant	STRs are a commercial business. Unfairly putting neighbours in supervisory role. New neighbours every few days and intense use of property is disruptive to residents. By-law enforcement ineffective - not in time to witness infractions. Renters congregate at waterfront STRs from other locations/STRs - problematic to lakefront owners. Seasonal use has impact on local housing stock.		
9	November 23, 2022	Cindy Metzler	Recently purchased. Does not want in their area. Detrimental to Crystal Beach and environs.		

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10	November 23, 2022	Request to be Anonymous	STRs should be allowed in traditional cottage areas including all of Ridgeway.  Foresee need for family housing in close proximity in future and STR use covering expense until such time.
11	November 23, 2022	Nick Fraser	Difference between owner occupied and not. Owner occupied deal with nuisance immediately. Owner occupied do not take away housing that could go to full time. Owners contribute to economy year-round and guest add to that. No hotels in Fort Erie - need to have STRs but should encourage owner occupied to limit negative impacts.
12	November 23, 2022	Morgan Kerekes	Difference between owner occupied and not.  Owner occupied deal with nuisance immediately.  Owner occupied do not take away housing that could go to full time.  Owners contribute to economy year-round and guest add to that.  No hotels in Fort Erie - need to have STRs but should encourage owner occupied to limit negative impacts.
13	November 23, 2022	Heidi Schneiderman Joseph Kwasniak, Jonathan Schwartz, John Wimbs, Henny/Keith McNobb, Cindy Metzler	Group submission that do not want to be designated a 'Tourist Zone', identifying 7 specific properties.
14	November 23, 2022	Danny Bharat	Asks a series of Enforcement related questions. Would prefer to see more enforcement and steeper fines. Would like to see STRs permitted where majority already are.
15	November 23, 2022	Janet Davie	Supports STRs in the cottage area for families to enjoy vacationing in Crystal Beach as there are no hotels and having the cottages in use helps keep the area clean and friendly while also seeing the guests use the beach, shops and restaurants.
16	November 23, 2022	Teresa Lukianiec	Is not supportive of STR licensing. Is of the opinion that STRs only be permitted in Crystal Beach.
17	November 24, 2022	David Pacheco	Is supportive of permitting STRs in residential areas.  Owners should be permitted to make and benefit from investments they have made in their neighbourhoods.  Seeks information on when the process will conclude.
18	November 24, 2023	Alex Bennett	Is not supportive of STR licensing, and has purchased neighbouring property to prevent STR from operating there.  Expressed that two neighbours have sold their homes due to constant stress of living next to an STR operator.
19	December 6, 2022	Ted Banfalvi	Homeowner and represents multiple STRs in Crystal Beach, who inquired whether data from non web-based vacation/home-sharing platforms was used since web-based platforms more likely to draw in unregulated behaviour and have less vetting. Suggested minimum night stay during high season to prevent "party" atmosphere. Supportive of grandfathering current license holders, and supports enforcing bylaws on non-compliancy as opposed to denying rentals.
		FEEDBAC	CK IN RESPONSE TO PUBLIC OPEN HOUSE NO 2
20	December 16, 2022	David Pacheco	Requested the definition of STRs and the number of days it entails.
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21	January 13, 2023	Dave McPherson	A number of recommendations contained in submitted 'Short Term Rental Zoning Proposal'. Proposed dedicated Tourist Zone in Crystal Beach's historic cottage rental community. Commercial STR licenses should not be allowed in Residential Zones. Legal Non-Conforming Use / Grandfathering. Legal opinion provided.
22	January 26, 2023	Vasi Santhirarajah	Owns a property that is operated as an STR, set up for 16 people occupancy. Supportive of higher occupancy to allow families to stay together in one house. Supportive of vetting potential clients.
23	January 26, 2023	Ujjwal Jain	Allow STRs in Baywoods and Point Abino since most properties there are set up as summer homes. Some properties are not set up to be four season homes.  Allow STRs in remote areas that do not impact surrounding properties.  Avoid STRs in full-year residential neighbourhoods near Crystal Beach.
24	January 26, 2023	Ujjwal Jain	Same as #23
25	February 1, 2023	Laura Kozlowski	Allow STR operation and licensing, at least for those zoned commercial and agritourism, to carry out while the study is taking place since the tourism industry needs to begin.  Commercial-zoned STRs should be allowed to operate, and so should residential since residential-zoned properties can operate 25% home-based businesses (i.e 1 out of 4 bedrooms), as long as the owner is at the residence.
26	February 1, 2023	Leo Di Fabio	States the benefits of and investment put into their property as a rental, and would like STR permission here to continue.  Property has been rented by the Buffalo Canoe Club for many years.
27	February 1, 2023	Teri O'Neill	If Option 1 is selected, STRs should be allowed in R2B, CMU1, WWR, and WR zones. If Option 2 is chosen, the area north of Erie Rd on Point Abino Rd. should be included since it is traditional cottage area. Approved licences should not be part of the current 250 limit, and the process for application should be different. If Option 3 is chosen, STRs should not have to be the owners' principal residence since it can harm the tourism industry and investment in the area. If Option 4 is chosen, a distance parameter would have a negative impact since larger families would want to be close to each other, particularly if there are max. occupancy limits.
28	February 2, 2023	Greg Hunter	Resubmitted comments of the writer, submitted November 22, 2022. (Record #7 herein)
29	February 2, 2023	Veronica Binka	STRs should be allowed in Commercial and Agricultural zones, and have a different set of guidelines than Residential.  Changing the by-law will not increase compliance, but rather strong enforcement, consequences for renters, and a vetted property management system for operators who do not live in the area in which they're operating STRs.  Two systems for residential zoned properties (1. ones operating as a commercial rental business, and 2. ones used by owners regularly, and rented on occasion) should be licensed and monitored in different ways that are appropriate for their specific situations.
30	February 2, 2023	Ted Banfalvi	Request WSP highlight benefits of STRs on small towns. Suggest having more information on the disruptive STRs, number of complaints regarding STRs before and after the pilot program, number of STR fines and licences revoked, and statistics on unlicensed STRs. Suggested best course of action is for all STR operators to buy into the licensing program for better regulation.

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31	February 2, 2023	Wendy Barron	Concerned with STR use in her neighbourhood. Parking issues, debris, and noisy parties from STRs.
32	February 2, 2023	Wendy Barron	(map provided of area of concern)
33	February 2, 2023	Laura Kozlowski	Similar comments from writer's February 1, 2023 submission. Supports the value added from farms, and having STRs as a home-based business, based on Residential being permitted to operate 25% as a home-based business.
34	February 2, 2023	Laura Kozlowski	Writer provided link to OMAFRA site
35	February 2, 2023	Ujjwal Jain	Similar comments to those of the writer's submission of January 26. 2023.  Permit express STR approval in 2023 for any area where residents do not live for the full 12 months, or streets where 50% of residents are absent from September to April.
36	February 2, 2023	Scott Lamb	Dedicated STRs should not be located in residential areas as they are unsupervised, less regulated and can be neglected.  Owner-occupied STRs are okay, and hotels, motels or inns should be invested in.  Options should also be affordable.  Issue in new owners buying houses at high prices, only to dedicate them to rentals.
37	February 2, 2023	Janet Davie	Inquiry on whether they are permitted to license yet
38	February 3, 2023	Amanda Marshall	The EDTC and the Town's Secondary Plans promote tourism and vacation initiatives. STRs provide options where there are limited hotels and motels, as well as support front-facing services.  STRs should be permitted in the following zones: R2B, WR, WRR, RU, Commercial, CMU, Agriculture, and current licensed properties as legal non-conforming.  Overlay should include the above zones, as well as along the Niagara River, and should allow STRs on both sides of the street.  Properties not captured in the zones and overlays could be considered based on a percentage.  STRs needed for residents as well, such as when home repairs, disasters, or other causes require a temporary home.
39	February 3, 2023	Yan Zhang	Support STRs as they support the local economy, keep the properties in good shape, increase the value of real estate in the area, and the licenses bring more revenue to the Town.
40	February 4, 2023	Joe Kwasniak	We need enforcement and licensing to ensure accountability.  Issue when STR owners are out of town, and cannot immediately address issues and screen occupants.
41	February 5, 2023	Amanda Marshall	Overlay image sent.
42	February 5, 2023	Jane Pascucci	Permit STRs since some operators depend on the financial investments made on these properties in order to retire in these homes in the future.
43	February 6, 2023	Reenu Jumbu	Land Use Study should have virtual option to allow accessible engagement with the public.
44	February 6, 2023	Heidi Schneiderman	Investor-owned and non-resident STR properties contribute to the housing shortage, and can limit the number of properties available to those who are searching for properties as primary residences.

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45	February 7, 2023	Dan Silver	Town needs STRs to support tourism and small businesses, and stronger by-law enforcement can help with negative effects of STRs.  People operate various small businesses at their residences, such as wood working shops, day care centres, etc.  STR guests include full month bookings from people relocating, cyber workers, special assignment workers, and grandparents supporting new families. Eco tourism and mental health retreats also contribute to the Town.
46	February 8, 2023	Bernice ten Brinke	STRs were historically allowed in the Town and Crystal Beach. Most summer rental properties in the street grid are cottages, not full time built-up residential communities. Cottages should be permitted to be STRs.
47	February 8, 2023	Nancy Brock	Entire Waterfront should not be a permitted use for STRs since there are many generational homes there.  STRs are commercial, not home occupations, and require owners to be present, do not exceed 25% of the floor area, and do not change the character of the dwelling.
48	February 8, 2023	Mike Read	STRs have led to loud parties, trespassing, property damage, and other harms with not enough by-law enforcement. Have also led to the demise of former hotel space, rising housing costs in the GTA and gentrification.
49	February 8, 2023	Gregor Grant	STRs are commercial and should not be allowed in residential, especially waterfront residential areas, unless owner-occupied. Otherwise, they should be allowed in AG or Commercial zones.  STRs can be disruptive, empty for 9 months of the year,
50	February 9, 2023	Alex Bennett	More research required on historical waterfront rental experiences, number of by-law complaints related to STRs, home occupation by-law requiring owner to be present, and economic benefits of STR clients vs seasonal cottage owners and full time residents.  Suggest 2 STR models (owner-occupied and operator absent), with only owner-occupied allowed in residential zones.
51	February 9, 2023	Kathy Read	Oppose STRs in South Coast neighbourhood since permanent residents have a vested interest in the area, while STR occupants may have more negative interactions. STR owners should be on the property, and STRs should be in commercial zones.
52	February 9, 2923	Jennifer Birch	STR occupants cause significant harm, and are not using local businesses if they are far from downtown.  Land Use Study timing has made it difficult for US residents to participate.  STRs should only exist in Commercial and CMU zones.
53	February 9, 2023	Leo Di Fabio	Include my property in Option 3.
54	February 9, 2023	Jason Adeney	STRs should be permitted for increased revenue, job creation, tourism. property revitalization, and an increased quality of life.
55	February 9, 2023	Rolf Langer	Studies refute the claim that STRs bring economic benefits. Waterfront was not necessarily a historical rental site in the same capacity as STRs today.
56	February 9, 2023	Jack Mathias	Oppose STRs along the waterfront since it erodes the neighbourhood's atmosphere and will lower property values.
57	February 10, 2023	Jackie Senechal	STRs help beautify Crystal Beach and STR licenses provide revenue for the Town. Tourists help businesses stay afloat.

58	February 10, 2023	Charity and Glen Swords	STRs generate job opportunities, tourism and help local economy. Fort Erie has always been a cottage town first.
59	February 10, 2023	Dave MacPherson	Believes 89.5% of STRs are owned by people who are not Fort Erie residents according to their analysis.
60	February 10, 2023	Bashir Popal	Option 1 will get rid of most of the STRs in Town.  Option 2 will allow STR owners to continue to run their STRs, with those who break rules being penalized.  Option 3a will have the same negative effects as Option 1.
61	February 10, 2023	Glen Morrison	STRs encourage tourism and revenue generation that benefits the community.
62	February 10, 2023	Jackie and Kevin Winfield	STRs help with tourism, Fort Erie businesses, and job opportunities through property maintenance. While new housing is needed, it does not need to replace the small cottages used for STRs.
63	February 10, 2023	Eve Garbutt	STRs help stimulate the local economy and small businesses.
64	February 10, 2023	Kelley Bartlett	STRs help tourism, job opportunities, and the local economy. It is not feasible for STRs to need to be owner-occupied. STR owners who break the rules should be penalized and fined.
65	February 10, 2023	Anthony Polsinelli	STRs should be permitted as it is the right of property owners to choose how they want to use their property.  Has not found any issues with renters in the Crystal Beach area, and find it to be quiet.
66	February 10, 2023	Doug Swift	Waterfront residential zones were not historically rental areas, and having them operate as Home Occupations while the rest of the Residential zones does not is unfair.  STRs are commercial and should not be in residential zones.  Should focus on full-time residents as opposed to STRs.
67	February 10, 2023	Julia Le	Permit STRs without owner-occupancy so STR owners can afford to maintain their STR properties.
68	February 10, 2023	Terry Taylor	Properly managed STRs stimulate the local economy and provide access to beaches. Issues with STR properties should be handled on an individual level.
69	February 10, 2023	Edward Sale and Jennifer Peterson	STRs help renters enjoy vacations with families and manage allergies, costs, etc. STRs help tourism and stimulate local businesses. By-law enforcement should be used to mitigate negative effects.
70	February 10, 2023	Anne-Marie McGOnigle	With no hotels and one small motel, STRs have helped more visitors come to Crystal Beach, and have stimulated the economy.  Owner-occupied STRs are not feasible to many.
71	February 10, 2023	Ellie and Jim Kerr	Oppose STRs in residential areas, including waterfront residential.  Generational homeowners have made a greater financial investment than STRs to Fort Erie, particularly for the long-term.  STR occupants not as familiar with beachfront safety and etiquette, e.g. dogs off leash, bon fires and wind patterns, old tree growth etc.
72	February 10, 2023	Chris Spurrell	STRs needed to help local economy, especially with lack of hotels in Crystal Beach. Owners needing to be on-site will be detrimental to the STR business, and rather bylaw enforcement will help.  Larger groups of people and STRs in non-traditional areas should be allowed.

73	February 10, 2023	Heidi Schneiderman	Noise, parking, garbage and absentee owners are issues with STRs. Suggest Town identifies a budget for STR enforcement, a Lodging Tax and structured fines for non-compliance, and a 24/7 hotline for STR complaints that requires proof of non-compliance.  Out-of-town, dedicated STR dwellings should only be in downtown core or business districts.
74	February 11, 2023	Sarah Cordon	Cannot get a license because of moratorium
75	February 11, 2023	Trevor Pratt	R2B zoning in Crystal Beach allows increased tourist accommodation with STRs. Stringent licensing and enforcement are enough to ensure compliance.  Owners who invested significantly into their properties should be grandfathered in.
76	February 12, 2023	Eleni Tataridis	STRs should be allowed to help struggling stores and businesses in Crystal Beach, as well as to have more youth in the area in the summertime.
77	February 12, 2023	Angelos Mangos	Allow STRs to help small businesses in the summer, and ensure income for the Town and residents.  STRs also help residents who want friends and family to visit them.
78	February 13, 2023	A. Gatti	Concerns of density in Crystal Beach, noise and disruption, timing of by-law enforcement, and challenge to a sense of community regarding STRs.  Suggest incentivizing hotels along main thoroughfares and making STRs only for permanent primary residents.
79	February 14, 2023	John and Jennifer Marlette	Concerns surrounding STR occupants not having pet, water, noise or cleanliness etiquette, and commercially operated STRs should not be in residential communities, such as Bertie Bay.
80	February 15, 2023	Darryl Cox	Homes where the owners are not primary residents, but that are only utilized as STRs should not be located in residential neighbourhoods. Enforcement of STR by-laws is paramount.
81	February 15, 2023	Sarah Randall Rob McIntee	Permit our STR, in a commeciral zone adjacent to tourist amenities.
82	February 15, 2023	Jack Chessman	Stricter property management required, e.g. if an owner of multiple STRs has a property manager looking after them, this specific company should need to pass Town's approval.
83	February 15, 2023	Teresa D'Ambrosio	Permit STRs in Crystal Beach and Fort Erie for visitors enjoy the area and may need more space than in the local motel.  Helps local businesses.
84	February 15, 2023	Norm Rumfeldt	Permit STRs in Crystal Beach and Fort Erie since they help the local economy, local contractors and cleaners, and overall stimulate the economy.
86	February 17, 2023	Jasmine & Brenda Jones	Waterfront properties, summer cottage areas, and other factors also lead to empty neighbourhoods. It is not strictly an STR issue.  STRs have revitalized old cottages, and promoted housing developments, business opportunities, and big box stores.
87	February 20, 2023	Reenu Jumbu	Current STR licensees should be permanently exempt from STR Land Use Study results.  Favour a mix of Option 1 and 2, ensuring Oxford Avenue is included.  STRs are needed to help local summer businesses
88	February 21, 2023	Luc Henri	Rather than zoned, STRs should be licensed only, and the Town should only focus on unlicensed STRs that may be breaching regulations and safety.  Licensed STRs help with local businesses, and provide housing in the off season,
89	February 24, 2023	Dale and Ericka Vander Hout	Permit larger occupancy limits for STRs in order to allow larger and multi-generational families a place to stay.  There have been numerous new directives to follow, even after license was granted, such as new occupancy limits, new fire extinguisher requirements, etc.  Request more flexibility in the STR pilot program.

	FEEDBACK IN RESPONSE TO PUBLIC OPEN HOUSE NO 3				
90	April 10, 2023	Linda Sharma	STR license fees should be lowered when a property owner has one property in Crystal Beach since they likely depend on the rent to afford the property. Traditional Bed and Breakfasts are supervised by hosts, so should be allowed anywhere in Crystal Beach.  Other STRs should only be allowed within a certain radius of the area's beach/business centre, and licence fees should remain the current rate for STR owners with more than one property.  Previous license owners should be able to hold onto their licenses, but if the property is sold, new owners should need to apply again.		
91	April 18, 2023	Nena Skomrak	Should approve more STR licensing, not limit the number of licenses, after analyzing each application with a specific criteria. STRs can help increase tourism, economic prosperity, and new residents. Should have minimum restrictions in mixed commercial and residential areas.		
92	April 19, 2023	Linda Sharma	Include all waterfront (shoreline to business centre, and historical zoning), and 2-3 season cottages in the zoning for stand-alone STRs.  Fees should be proportionate to how many properties one owns, and the number of rooms available for rent in each property. Number of guests should only be limited by the number of people who can safely stay with regards to fire safety.  Violation fines should be added to property bill taxes wth citation notices emailed to STR owner, and by-law officers should inform tenants of these with a warning that further violations will result in direct fines to them and the police being called.  Maximum two rental turnovers per week from Mid June to mid September, and age restriction for renters.		
93	April 19, 2023	Barbara Anderson	Moratorium and STR By-law amendments have created financial hardships for residents and small businesses, with the BIA in Crystal Beach reporting reduced STRs have led to a sharp drop in 2022 revenue for shops and restaurants.  Limited choices regarding weekend and vacation accomodations in the Town.  Many waterfront properties are rented without following the current STR regulations.  Enforcement issues (noise, garbage, parking) have been covered under existing bylaws, and are not planning issues.  STRs are not intended to be in subdivisions, since these are not vacation homes.  Current recommendations of STRs in commercial zones, owner occupied farms/residences, and small radius of old Crystal Beach village area is too limited, and the concentration of STRs here will harm these residents.		
94	April 19, 2023	Chris DeCock	Approves of the recommendation of STR permitted use locations, and owner-occupancy outside those locations.  Recommend including beach front properties in their permitted use locations to support visitors and economy.  Need to expedite this process as moratorium is harming property owners.		
95	April 19, 2023	Larry Etherington	Disapproves of STRs being permitted in any area not zoned for commercial use, such as on the Niagara Parkway.  In favour of owner-occupied STR option.		
96	April 19, 2023	Laura Kozloski	Imperative to assist and grow small businesses for recovery from economic loss to tourism during COVID-19. Crystal Beach has historically been a great vacation site, and so we should ake advantage of tourism in the summer months. Should allow STR licenses for whomever wants it in the Crystal Beach area to generate revenue.		
97	April 19, 2023	Mark Ruzycki	Not in favour of STRs and concerned that neighbours will need to police these properties.  Would like a system of enforcement similar to Siesta Key with vehicle towing and citations for bylaw infringements. Would like cancelled licenses for habitual violators.		
98	April 19, 2023	Morgan Kerekes	Supports owner-occupied STRs being allowed throughout the Town. Inquiry on what data was used to determine boundaries. Request all of Crystal Beach, waterfront properties, and Thunder Bay neighbourhood be included in the boundaries.		

99	April 20, 2023	Ericka Vander Hout	The pilot project has removed many of the homes that rent for 1-4 summer weeks, which are likely owned by families rather than investors.  Some areas are put into commercial zones, which can lead to fees and taxation being too high for families to maintain STRs, and thus resulting in the remaining STRs being owned solely by investors.
100	April 20, 2023	Veronica Binka	Proposed changes will adversely affect people who purchased cottages outside of the designated locations. The designated R2B area is very lively with some owners not monitoring their rentals, while the areas outside the designated areas are more peaceful.  STR owners are either cottage rental businesses or owners simply offsetting expenses, and so there should be a way to accommodate owners of historically rented cottages.  By-law enforcement is needed to ensure regulations are followed.
101	April 20, 2023	Robert Hattin	Create STR Advisory Committee to implement new policies by March 2024 using this season's data and a Best Practice Review.  Immediately implement a Transition STR/Tourist Rental Policy that continuosuly updates to reflect current situation, and includes open STR/BnB licensing; 1 license for all potential rental buildings in a property; annual cost of max. \$200; violators recieve true cost of enforcement while repeat complainers recieve penalty 3rd baselss complaint; annual survey for licensees; and interim property tax break for unused cottages/houses to be turned into a full-time rental unit.  Draw in visitors from surrounding municipalities, such as Niagara Falls and Niagara-on-the-Lake, and redeploy Beach Patrol staff to other Town maintenance work, in order to create a more welcoming environment for visitors.
102	April 21, 2023	Amanda Marshall	Found the STR Land Use Recommendations at Open House 3 to be restrictive, and WRR and WR should be included in the allowed areas for STRs since the water is a main attraction for visitors.  Licensed STRs being limited to a small section of Crystal Beach will exacerbate the exisitng noise, parking and garbage problems, and restrictions will lead to an increased tourism and economic decline.
103	April 21, 2023	Rachel McIntyre	Concerns with current STR restrictions. Should focus on promoting tourism and facilitating STR operation rather than implementing occupancy limits and STR locations. Zoning regulations will lead to STR owners selling their properties, limited vacancies to support touristm, and an economic decline.
104	April 21, 2023	Silvana Simioni	Owns a STR on the waterfront that is in good standing and is well-maintained, with the hopes of retiring there in the future.  Many businesses rely on tourism, and STRs help with continued growth, investment and the economy.
105	April 21, 2023	Susan Gordon	Pleased that STRs are kept in commercially-zoned areas. Inquired about the meaning of "owner-occupied STRs", and requested the definition be explicitly added in the report.
106	April 22, 2023	Anthony Polsinelli	Purchased a property with hopes of renting it out, however are unale to acquire a license with the moratorium.  STR restrictions are unfair to property owners and local businesses.
107	April 22, 2023	Dave McPherson	Appreciate the recommended approach from a planning perspective.  Affordable housing will be affected however, with at least 400 afordable housing units that could be compromised in the Crystal Beach area, and 1,100 units west of Ridgeway. Suggest filtering to determine a number of affordable housing units that can be excluded from STRs.
108	April 22, 2023	Scott Lamb	Supports Open House 3 STR zoning recommendations, and would like a balance of protecting homeowners while stimulating development in Crystal Beach.
109	April 23, 2023	Alex Bennett	In support of limiting STRs to principal residence in residential zones, and differentiating between STRs by principal residents with occasional rentals versus STRs as a primary use.  Waterfront properties were not historically rentals, but for seasonal family use.
110	April 23, 3023	Andrea Morrow	Full support for the Open House 3 recommendations, as a permanent resident/home owner in Crystal Beach.

111	April 23, 2023	Bruce Lowther	Full support for the Open House 3 recommendations, as a permanent resident/home owner in Crystal Beach.
112	April 23, 2023	Carol Grant and Greg Grant	In support of Open House 3 recommendations, with only owner-occupied STRs allowed in residential areas, while commercial and R2B zones allow for STRs generally.  Finds the report supports residential neighbourhoods and owner-occupised STRs, and protects the Town's housing stock.
113	April 23, 2023	Chris Chow	Against the proposed changes and inquired whether their property as a Legally Non-Conforming entity can be renewed beyond 2023.  Inquired how these recommendations were reached and who, if anyone in the Crystal Beach area, was consulted, as well as who these changes benefit.  Expressed the changes will lead to a tremendous loss of income, including personal bankruptcies, loss of property, loss of employment etc.
114	April 23, 2023	Cindy Goodin	Supports the recommendations and thanks Council, staff, and WSP.
115	April 23, 2023	Erin Dowse	Supports the recommendations at Open House 3 for occasional STRs at principal residences and dedicated STRs in commercial areas. Had negative experiences living next to an STR owner.
116	April 23, 2023	Jennifer Birch	Supports the recommendations at Open House 3, with STRs identified, located in, and taxed as as commercial operations.  Shared an aerial map demonstrating how they know their neighbours and how long term residents contribute to the community through local organizations, businesses, etc.
117	April 23, 2023	Jennifer McPherson	Full support of the Open House 3 recommendations.
118	April 23, 2023	John Lauria	Supports the Open House 3 recommendations. STRs should be allowed in Crystal Beach commercial areas, but prohibited in waterfront residential areas.
119	April 23, 2023	Julie Stone	Recent investment by non-locals has driven Crystal Beach area's improvement, causing the resurgence of commercial activity in the town.  Suggest rule/fee changes regarding rentals be communicated 7 months in advance of the new rental year (May); rental licenses, including occupancy, be grandfathered; occupancy per dwelling should be limited based on the number of occupants it is insured for; and annual fee increases should align with proceeding year's cost of living/inflation.
120	April 23, 2023	Kevin Birch	Full support of the Open House 3 recommendations.
121	April 23, 2023	Laura Kormos and Dave Bergeron	Town needs to determine if it is a tourist town or not, and the study needs to show more data and comparison to other tourist areas with a beach.  People and businesses rely on STRs for their livelihoods, and so allow licenses to continue, while having a plan to enforce the rules.
122	April 23, 2023	Laura Mangan	Support the Open House 3 recommendations.
123	April 23, 2023	Layla Mofid	The Land Use Study and By-law need to be expedited and the moratorium on new licenses should be lifted in order to help economic recovery.  Content that R2B properties are included in the recommendation, but believe waterfront properties should also be included for increased revenue.
124	April 23, 2023	Phil Niswander	Support the Open House 3 recommendations.
125	April 23, 2023	Raymond Burke	Support the Open House 3 recommendations. Oppose renting in Bay Beach for anything less than 30 days.
126	April 23, 2023	Rolf Langer	Supports STRs in commercial zones, and not residential zones.
127	April 23, 2023		Support the Open House 3 recommendations.
128	April 23, 2023	Susan Fox- Priebe	Support the Open House 3 recommendations. Bay Beach waterfront is a owner-occupied, family-based community.
129	April 23, 2023	Ujjwal Jain	Areas considered for STR based on historical usage did not cover all historical usage properties.  STR is not affecting housing affordability, and the recommendations discourage homeowners who cannot afford their property full time.  All homes in the Crystal Beach area that were constructed in cottage style should be

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130	April 23, 2023	Tom McGowan	Agree with beachfront owners in preserving ability to rent by month (30 day minimum). Open to the idea of renting once short term during a given calendar month for a week in length.
131	April 24, 2023	Anthony & Karen Guiliano	Request no STRs in South Coast Village.
132	April 24, 2023	Bill Braungart	Support the Open House 3 recommendations.
		Charles &	Support the Open House of recommendations.
133	April 24, 2023	Penny Weaver	Concerns about STRs with constant parties, driveway blocked, and garbage.
134	April 24, 2023	Cynthia A Fox	Support the Open House 3 recommendations.
135	April 24, 2023	Dan Silver	Would like more transparency in the study and data. Would like more availability of housing intended to promote tourism, small businesses, and a robust social, recreational culture.
136	April 24, 2023	Darryl Cox	Concerns about the yellow zone in Crystal Beach proposed for STRs as the noise violations and disruptions are intolerable to other residents there.
137	April 24, 2023	Deborah M. Flynn	Support the Open House 3 recommendations.
138	April 24, 2023	Diana Silver	Allow more STRs on the waterfront and allow tourism throughout the town.  Concerns around opponents of STRs renting their homes to friends while discouraging affordable tourism, as well as discrimination around tourism.  Recommend allowing STRs throughout the town as long as applicants provide photos of home interior and parking details; a business plan with property management contact information and a fire safety plan; and a clean record of compliance for renewal.
139	April 24, 2023	Doug Swift	Support the Open House 3 recommendations and in favour of a commercial tourist zone that supports the town's business community, while also respecting residential zoning guidelines.  Concern that the volume of residential lots will put pressure on the affordable housing stock in Crystal Beach.
140	April 24, 2023	Ellie and Jim Kerr	Supports the Open House 3 recommendations, and the areas in which STRs are allowed within them.
141	April 24, 2023	Jennifer Marlette	Support the Open House 3 recommendations.
142	April 24, 2023	Joyanne Summerhayes and Karl Schoeffman	Support the Open House 3 recommendations.
143	April 24, 2023	Jane Pascucci	Oppose leaving Ryan Avenue out of the area where STRs will be allowed, and find the recommendations to be financially discriminatory, unilateral, and arbitrary. Concern around small businesses and tourism with limited STR locations.
144	April 24, 2023	John Pomeroy	Support the Open House 3 recommendations.
145	April 24, 2023	Josephine	Support the Open House 3 recommendations. Appreciate Ryan Avenue (South Coast
145	April 24, 2023	Ruscitti	Village) being a quiet, residential area.
146	April 24, 2023	Jennifer Prince Bronstein	Recommend modifying the long term rental regulations to only rent out one guest per 30 days, and allow for flexibility in rental affordability.
147	April 24, 2023	Jennifer Prince Bronstein	Recommend it go back to the way it was before for lakeshore properties, and limit the permits for Crystal Beach because of the noise and constant turnover.  Recommend allowing the owner to rent within the 30 day period for any time frame, since people cannot afford 30 day rentals or that much vacation time.
148	April 24, 2023	Kingman Bassett Jr.	Support the Open House 3 recommendations.  STRs are negative to prospective homebuyers, and increasing home prices for competing developers excludes families from being able to purchase a home.  STRs do not provide much healthy commerce.
149	April 24, 2023	Lora Allen	Support the Open House 3 recommendations with regards to STRs in the Crystal Beach area.
150	April 24, 2023	Lorraine Hollister-Colby	Support the Open House 3 recommendations.
151	April 24, 2023	Mike and Kathy Read	Support the Open House 3 recommendations and would like enough by-law officers hired full-time to reinforce the policies Suggest the Town have a business model that encourages businesses to employ people outside of hospitality to encourage young people as full-time residents.

April 24, 2023   Margaret   Support the Open House 3 recommendations, and expresses dedicated STRs should be calculated   April 24, 2023   Peter and Sarah Ross   Support the Open House 3 recommendations, and expresses dedicated STRs should be calculated   April 24, 2023   Peter and Sarah Ross   Support the Open House 3 recommendations.				
Support the Open House 3 recommendations, and expresses dedicated STRs should be located primarily in commercial zones.  Peter and Rebecca.  April 24, 2023 Robert D. Gloid Commercial zones.  Patricia Kore  April 24, 2023 Robert D. Gloid Commercial zones.  April 24, 2023 Robert D. Gloid Commercial zones.  Support the Open House 3 recommendations and found STRs to bring increased oncie. garbage proliferation, parties, etc.  April 24, 2023 Teresa Jankins.  Support the Open House 3 recommendations and found STRs to bring increased oncie. garbage proliferation, parties, etc.  April 24, 2023 Tina Lisi Commercial zones.  Trace Jankins Recommendations and find STRs can be disruptive.  STR license price increases and limitations on the number of guests allowed are having negative economic effects.  Recommend clearly defining and enforcing the consequences of STR policies.  Opposed to the Open House 3 recommendations, and would like summer full-time residents included in the definition of full-time residents in future permit applications.  Tracey Hagger Inquiries on how enforcement will occur for owner-occupied strates in other non-commercial areas.  Tracey Hagger Inquiries on how enforcement will occur for owner-occupied STRs, and what will happen for current STRs that do not meet the criteria.  Would like compliance encouraged through enforcement, and existing non-compliant STRs have their licenses revoked.  Support the Open House 3 recommendations and decision in areas for STRs.  Support the Open House 3 recommendations as they will strongly impact the tourism dollars people rely on for their income.  In support of relegating STRs to commercial areas exclusively and in areas will areas.  Tracey Hagger Inquiries on how enforcement will occur fo	152	April 24, 2023	Margaret	
he located primarily in commercial zones.  April 24, 2023 Peter and Robecca Support the Open House 3 recommendations.  April 24, 2023 Peter and Sarah Ross Support the Open House 3 recommendations.  Recommend STRs be allowed anywhere in the town, and enforcement should occur on a case-by-case basis. Recommend allowing 10-12 people limit depending on the number of bedrooms to a case-by-case basis. Recommendations in a case-by-case basis. Recommendations.  Robert L. Miller Jr. Jr. Support the Open House 3 recommendations, and found STRs to bring increased on search process and limitations on the number of bedrooms to a commendation and stream of the pen House 3 recommendations, and found STRs to bring increased and search process and limitations on the number of guests allowed are having negative economic effects.  Recommend clearly defining and enforcing the consequences of STR policies. Recommend clearly defining and enforcing the consequences of STR policies. Recommend clearly defining and enforcing the consequences of STR policies. Recommend clearly defining and enforcing the consequences of STR policies. Recommend clearly defining and enforcing the consequences of STR policies. Recommend clearly defining and enforcing the consequences of STR policies. Recommend clearly defining and enforcing the consequences of STR policies. Recommend the process of STR policies. Recommend to the definition of full-time residents in future permit applications. Opposed to the Open House 3 recommendations and the omission of the shoroiter income.  Tracey Hagger Inquiries on how enforcement will occur for owner-occupied STRs, and what will haptory of rentals, while allowing owner-occupied rentals in other non-commercial areas.  Tracey Hagger Inquiries on how enforcement will occur for owner-occupied STRs. and what will haptory of the process of STRs. Recommend STRs to be allo		, ,	Gartner	
April 24, 2023   Rebecta   Support the Open House 3 recommendations.	153	April 24, 2023		
McCauly April 24, 2023 April 25, 2023 April 24, 2023 April 25, 202				
Peter and Sarah Ross   Support the Open House 3 recommendations.   Recommend STRS be allowed anywhere in the town, and enforcement should occur on a case-by-case basis.   Recommend allowing 10-12 people limit depending on the number of bedrooms to accommodate for families visiting.	154	April 24, 2023		
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April 25, 2023 Debbie Probst Support the Open House 3 recommendations.	172	April 25, 2023	David Starck	
	174	April 25, 2023	Edward Burke	

175	April 25, 2023	Elisabeth Cornett	Shared a Crystal Beach Guidebook by C.J. Pilkey that outlines the boundaries of the resort area.  Found the STR Land Use Study does not take the long history of tourism in Crystal Beach into account, nor the financial impact of the absence of places for people to stay.  Agree there should be a finite number of STR licences and strict rules, including a three-strike rule for STR owners.
176	April 25, 2023	Jennifer Bassett	Support the Open House 3 recommendations and not having STR primary use residences along Erie Road and other residential areas.
177	April 25, 2023	Jennifer Prince Bronstein	Recommends allowing an Occasional Rental exemption where resident-owners can rent an entire home for a period of time within a month.
178	April 25, 2023	Mark Lacasse	Application process should be opened up after the March 31, 2023 deadline, at least for owner-occupied STRs.  250 maximum allotment should be revisited with supporting data for the eventual STRs that will be allowed.
179	April 25, 2023	Michael Militello	Fully support the Open House 3 recommendations
180	April 25, 2023	Krista Paroschy- Dyer and Colin Dyer	
181	April 25, 2023	Robin Bronstein & Kristan Carlson Andersen	Support the Open House 3 recommendations.
182	April 25, 2023	Robert Zekanovic	Suggest checking the history on which STRs have been negligent rather than treating all STRs the same.  Suggest STR owners be required to advertise no noise, partying, or other components that bring complaints.  Suggest increased punishment for potential customers and a requirement of STR owners to notify them.
183	April 25, 2023	Sarah Fox	Fully support the Open House 3 recommendations, and limiting STRs to commercial areas, or as owner-occupied STRs or in historically run STRs in the Crystal Beach area.  Agree that properties should be permitted to apply for a site-specific zoning bylaw amendment to allow that usage of the property where appropriate.
184	April 25, 2023	Shelby Allen	Support the Open House 3 recommendations. Suggest perhaps differentiating between types of short term rentals (full month rentals vs single weekend party rentals).
185	April 25, 2023	Yan Zhang	Recommend accommodating STRs for visitors, as they help small businesses and property values.  Small area zoning will put a burden on residents in the area and so do not agree with that recommendation.

RE: Short-Term Rental Land Use Study - Community Focus Group - Meeting

No.1

Katie Miller to: Chris Millar 2022-11-08 11:43 AM

From: "Katie Miller"

To: "Chris Millar" < CMillar@forterie.ca>

History: This message has been replied to.

#### Hi Chris,

Thanks for spending the time to put this together, unfortunately I am not able to attend tomorrow's meeting and no longer own a vacation rental in Fort Erie so if you can remove me from future communication.

If you would like to pass my comments on to the consultant they are below.

My thoughts are the government should not impede on the demand for vacation rentals in which The Town Of Fort Erie has effectively done by limiting the amount of homes it will allow. I understand we have a housing crisis on our hands locally however that is to do with the value of home prices as it doesn't make sense financially to rent monthly as the amount of rent vs. the costs of homes do not offer adequate ROI (Return on Investment), the short term housing market offers greater rental income thus it made it pliable. Also monthly landlords are much worse offenders of property standard issues vs. short term rentals who are reviewed on cleanliness of the property after every stay. Noise complaints can be handled as any other noise complaint.

#### Example:

I purchased homes for \$120k and rented them for 1-2k a month, my mortgage was about \$500 and with taxes etc I would break even, pay off the mortgage or make a small amount I would put back into the property to increase its value. These same homes are now \$450k rent is maybe 2-3k but a mortgage, if I were to remortgage the mortgage and expenses for the property would be 4k. Thus I'm better to take my \$450k and reinvest it in a rental property outside of the Niagara Region to get the increased ROI after all we buy rentals as an investment. IF I did want to own in in Fort Erie I would need to make it a vacation rental to achieve my 4-6k a month rental income. Regardless this house would not be a monthly rental. It would be sold or need to be an investment property.

The Vacation rentals increase \$ spent in the local economy, support our restaurants and retailers. It also opens up visibility to the area for new potential citizens to relocate here.

I realize that we need some infrastructure changes to meet the demand of traffic etc. However my opinion is that Fort Erie needs to align their decisions. If we want increased housing, economic growth and to support our small businesses then we need to deregulate short term housing as much as possible. If we want to continue to have struggling small business, limited growth and less noise, well then I guess we are on the right track with the current regulations. Either way I love Fort Erie and will continue to base my financial investment decisions on current rules & regulations. I sold my properties due to the regulations that were chosen over the last 5 years and had 100 x 5 star reviews and 0 noise complaints.

Warm Regards,



# Re: Fwd: Meeting No.1 - Town of Fort Erie Short-term Rental Land Use Study Community Focus Group Consultation

Chris Millar to: Dave McPherson 2022-11-02 04:41 PM

Cc: cmcqueen, "Wayne Redekop"

Alex Herlovitch, Signe Hansen

From: Chris Millar/FortErie
To: "Dave McPherson"

Cc: cmcqueen@forterie.ca, "Wayne Redekop" <WRedekop@forterie.ca>

Hi Dave,

As indicated I would do, please see my response to your questions from last week.

If you do manage to attend the meeting online, and as a member of the Focus Group, I would suggest your questions be raised in the group discussion. In the meantime, please see the following:

#### 1. Short-Term Rental (STR) Definition

Yes, the Town does have a definition of Short-Term Rental. It is contained in By-law 41-2021. The study may determine it should remain the same, be modified or perhaps replaced in its entirety. Resulting changes to the comprehensive Zoning By-law may see the definition added to Section 5, as the term is currently not contained therein and would be added for clarity. I am not aware of any legal challenge to the current definition.

#### 2. Community Focus Group Participants

Town staff and the consultant are aware of concerns over composition. We recognize there is a wide range of representation and interests including yourself re[resenting "a group of full-time residents". The consultant is fully aware the topic can be polarizing and will conduct an independent assessment to balance the various responses.

At the same time, this focus group is not a Committee of Council, which is responsible for preparing recommendations for Council's consideration. That is the role of the consultant, who has plenty of experience in facilitating and mediating meetings such as these and will be in a position to apply appropriate weighting or filtering in instances where inordinate bias exists or may be apparent during discussions.

I would not share in the perspective of a "larger voice" being pre-established over the ability of the consultant to weight the feedback accordingly.

#### 3. Community Focus Group Purpose

I cannot comment on something I was not privy to, nor speak to what consensus claims may have been made or based on.

The current study is specific to land use using an experienced consultant to gather input, analyze and make recommendations. I would invite you to express your concerns openly with the Focus Group.

I would, however, ask the process be given a chance whereby you may participate, express your concerns and opinions, and await the outcome. In the end, should you still believe the effort was "window dressing", you may appear as a delegate before Council once the Study is complete and recommendation(s) of the consultant are being presented to Council for consideration.

Sincerely, Chris Millar, MCIP, RPP, CNU-A

Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

"Dave McPherson" Sorry I messed that up, this should be better >... 2022-10-27 02:55:37 PM

From: "Dave McPherson"

To: "Chris Millar" < CMillar@forterie.ca>

Cc: cmcqueen@forterie.ca, "Wayne Redekop" <WRedekop@forterie.ca>

Date: 2022-10-27 02:55 PM

Subject: Fwd: Meeting No.1 - Town of Fort Erie Short-term Rental Land Use Study Community Focus Group

Consultation

#### Sorry I messed that up, this should be better

Good afternoon Chris,

Thank you for your note. I will be out of the country on November 9. While I will do my best to attend, I can't guarantee it at this juncture. In light of this, I thought I might raise several questions/concerns with respect to the process. Thank you in advance for your consideration and response.

- 1. **Short-Term Rental (STR) Definition** Will the group discuss short-term rentals as a defined term? Does the town currently have a definition? Has it been court tested or is there legal precedent? It seems to me that the committee will need to understand that definition, or potential definitions, as a foundation of the discussion vis-a-vis land use.
- 2. Community Focus Group Participants The initial list had the appearance of being weighted to the favour of STR operators. There were 5 licensed realtors, a husband-and-wife team along with 2 individuals from STR management companies and at least 1 of their clients. Have any of the STR operators had related by-law infractions in terms of STR or STR related by-laws? I know of at least 1 instance. In addition, there are several instances where it appears that applicants misrepresented themselves as residents or didn't disclose STR industry ties. How has this been addressed? From my perspective, it is important to the participant and community perception of the process that the appearance of balance be in place prior to the group work commencing. And on that note, perhaps you might consider overweighting in favour of anti-STR representatives. The STR operators are a small group. How is it fair that they have such a large voice?
- **3.** Community Focus Group Purpose A real concern is that the group is nothing more than window dressing. I was 1 of 5 individuals that participated last year in a one-on-one meeting with town staff on the issue. From my vantage point, town staff misrepresented the outcomes of those 5 meetings, claiming consensus was reached. That certainly was not the case. Please comment.

I look forward to your response.

Best regards,

Dave

On Oct 25, 2022, at 2:49 PM, Chris Millar < CMillar@forterie.ca > wrote:

Good Afternoon,

Thank you for your interest in participating as a member of the volunteer Community Focus Group on the Short-Term Rental Land Use Study currently underway for the Town of Fort Erie.

On October 17, 2022, Council approved a report regarding the composition of this Community Focus Group. All those who submitted an expression of interest are being invited to participate.

The first Community Focus Group meeting will take place **virtually on Wednesday November 9, 2022 from 10:00 am to 11:30 am**. A link to join the meeting will be provided in a separate e-mail closer to the meeting date.

There are a number of housekeeping items and guidelines we would ask you to respect for participation and duration of the Community Focus Group:

- Please log into the meeting on time. If you are unable to attend a session, please provide at least 24 hours' notice of your absence to the undersigned.
- Please participate for the duration of the Community Focus Group meetings, and engage with the Consultant and fellow participants in a respectful manner.
- Please provide opportunities for everyone to speak without interruption.
- Please be mindful that this is a study specific to land use and where STR's are best located in the Town, and to ensure your feedback is relevant to the topic. This study will not address By-law Enforcement, fines, registration or licenses.
- Participants are respectfully requested to refrain from circulating discussion or materials shared during the Community Focus Group meetings through social media or other sources that could be misinterpreted out of the study context. The study will remain work in progress until the final report is presented to Council. Working proactively together will enable quicker resolution and produce consultant recommendations in a climate of cooperation.

While not required, participants may choose to review available background reports made available to Council over the past several years. These reports can be found on the right side of the Let's Talk Fort Erie webpage and the study specific page created for the duration of this exercise. You can access the information with the following links:

https://letstalk.forterie.ca/fort-erie-short-term-rentals https://letstalk.forterie.ca/short-term-rentals-in-fort-erie-land-use-study

We look forward to your participation in this Land Use Study.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

#### STR Land Use Study Open House Comments 2

Fahima Begum Gregory.Bender, William.Turman 2023-02-10 02:35 PM

Cc Chris Millar

From Fahima Begum/FortErie

To Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department

1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

---- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:34 PM -----

From: "Sherley Leibeck'

To: "Fahima Begum" <FBegum@forterie.ca>

Date: 2022-11-17 01:20 PM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study

#### Good afternoon.

My name is Sherley Leibeck and I am interested in participating in the meeting regarding short term rentals. Please advise details.

In case there is no opportunity for comments or participation during the meeting, I would also like to share my concerns with you about the 2022 changes on the short term rental rules and how it has negatively impacted responsible homeowners with a respectable rental policy and practice like myself.

Since the 3 bedroom, 8 people maximum rule became in effect, I've had 0 new bookings. That is almost one full year without any new reservations. This is significant since I have always had reservations a year or two in advance. Fort Erie has been a cottage town since the beginning of time and many families have kept their tradition to come across the border with their children and grandchildren to enjoy our little paradise town even if only for a week. Somehow, that is now impossible to do, unless they rent multiple dwellings at a time or they find hosts that don't care to follow the rules. There are no decent hotels in Fort Erie, so cottage rentals have always been the only option for tourism unless you are fortunate enough to own one.

I understand the need to regulate to keep away unwanted crowds and parties in residential areas but many other factors should have been taken into consideration before imposing such harsh rules. I'm sure all Licensed short term rental owners share my views and it was unfortunate we were all caught off guard and unprepared for such radical changes. The economic impact in our little town will be very damaging if we push away tourism in this manner not just for the homeowners but also for the little shops, restaurants and markets that depend on it; unless that is precisely the ultimate goal of the Township (I hope not).

As it stands now, for me, it may not be worth attempting to keep the expense of the increased license fees, insurance and all the people we employ for maintenance, cleaning, grass cutting,

gardening etc just to only be able to host a few guests per year.

It may sound like it's insignificant seasonal income but it impacts not just the rentals but also the long chain of local people that are connected one way or another. We are all affected by this. Looking forward to hearing what everyone else has to say.

Please let me know how to be part of the meeting.

Best Regards;

Sherley Leibeck

Sent from my iPhone

# STR Land Use Study Open House Comments 3

Fahima Begum to: Gregory.Bender, William.Turman 2023-02-10 02:35 PM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

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Planning and Development Services Department
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----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:35 PM -----

From: "Adam Probst"

To: "FBegum@forterie.ca" <FBegum@forterie.ca>

Cc: Date: 2022-11-21 12:51 PM

Subject: Comments for, and request to register for: Short Term Rental Land Use Study

#### Hi Fahima:

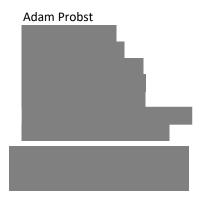
I hope your week is off to a great start.

As a community, seasonal resident for over 20 years, I would enjoy 1. Sharing my comments with you, and 2. Registering to listen in on Wednesday's virtual meeting.

#### 1. Comments:

- a. Ideal stance:
  - i. Dedicated Short Term Rental properties operate as commercial enterprises and should be defined as such, and
  - ii. Commercial rental properties are not allowed in residential zoning areas.
- b. Secondary stance:
  - i. If the Study finds STRs to be acceptable on a limited, controlled basis...then:
  - ii. Very strict zoning control should be monitored so long-established residential communities are not inundated with multi-family/multi-unit structures.
- 2. Could you please email me information to join Wednesday's meeting, to the emails above?

Thanks for all you do for the community... Sincerely, Adam Probst



## STR Land Use Study Open House Comments 4

Fahima Begum to: Gregory.Bender, William.Turman 2023-02-10 02:36 PM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

#### Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department

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----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:35 PM -----

From: "Reenu Jumbu"
To: fbegum@forterie.ca
Cc: "Rajesh Jumbu"
Date: 2022-11-21 09:51 PM

Subject: STR meeting

#### Hello,

I would like to attend the meeting on Wednesday. Please send me the link.

I have reviewed the information sent and my questions are the following?

- 1. Why is this process happening? i.e. what has made the Town of Fort Erie undertake this process? This process is not happening in other places in Ontario where people rent out houses-why in the Town of Fort Erie?
- 2. Is the goal to remove short term rentals out of this area?
- 3. How do I know that the company hired is not biased and that the process to hire them was equitable?

This process already does not seem transparent as the Town has hired this company for this purpose without community involvement. How can I be assured that this company will be providing an unbiased opinion?

- 4. Who made the decision to hire them and based on what?
- 5.. How much is the Town paying for this? Where is the money coming from?
- 6. There are already so many rules/regulations for STR, with an increase of the license fee 4 times of what it was 2 years ago, fire inspections, and a cap on the number of short term rentals. Why is the Town undertaking further measures to restrict short term rentals? Why is there money being spent to further restrict this?
- 7. Why hasn't the Town given out all of the allocated licenses for 2023?
- 8. I understand that there is a new hotel being built by the Lake and the people involved in this are not wanting STR-is this why the Town is pursuing this? Is there a conflict of interest?

I look forward to hearing back. Thank you Reenu

#### STR Land Use Study Open House Comments 6

Fahima Begum Gregory.Bender, William.Turman 2023-02-10 02:37 PM

Cc Chris Millar

From Fahima Begum/FortErie

To Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department
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---- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:37 PM -----

From: "Doug & Penny Fraser"
To: fbegum@forterie.ca
Date: 2022-11-22 09:02 PM
Subject: Short Term Rentals

#### Hi Fahima,

I know that there is much to this topic. I'm aware that adjacent land owners to STR's have complained of noise and bothersome activities. However the limits currently in place for STR's in the town are very strict and not favourable for guests who want to visit our town, or for those town residents that want to offer up accommodation services.

I believe that there should be no limitations for residents that own and occupy a property with their STR being a portion of that property/residence. With the owners on premises there is little chance that loud and intrusive guests will occupy the STR. Owners on premises are a deterrent to loud/intrusive behavior and would be available to take action if it were to happen.

Best regards, Doug Fraser Stevensville resident

# STR Land Use Study Open House Comments 5

Fahima Begum to: Gregory.Bender, William.Turman 2023-02-10 02:36 PM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

#### Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

---- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:36 PM -----

From: "Greg Hunter"

To: fbegum@forterie.ca

Cc: "Noyes, Ann-Marie" <ANoyes@forterie.ca>

Date: 2022-11-22 03:35 PM

Subject: Short Term Rental Land Use Study - My Comments - Greg Hunter

#### Hello Fahima,

Please see the attached file for my comments regarding Short Term Rental Land Use in Fort Erie. I hope you will consider these comments for your Land Use study. If you have any questions, please contact me.

Thank You, Greg Hunter



Fort Erie Short Term Rental Land Use Study.docx

# APPENDIX 3 TO ADMINISTRATIVE REPORT PDS-41-2023, DATED MAY 29, 2023 Fort Erie Short Term Rental Land Use Study - My Opinion - Greg Hunter

The guiding principle the Town of Fort Erie should use when defining regulations for Short Term Rentals (STR) is **Fairness.** The current regulations or lack there of is not fair for the following reasons;

- 1) The fact that STR property owners pay the Residential municipal tax rate instead of the Commercial tax rate is unfair to all taxpayers in the Town of Fort Erie. STR's exist primarily to earn profit for the STR property owner. In most cases, STR's are a Commercial activity occurring in areas zoned Residential. The property owner pays the Residential rate for municipal taxes while undertaking a Commercial activity. Underpayment of municipal taxes by STR property owners is not fair to all other municipal taxpayers in Fort Erie, in particular Hotel and Motel owners whose businesses are located in areas with Commercial zoning and who pay the Commercial rate for municipal taxes. This inequity enjoyed by STR property owners gives them an unfair advantage in the marketplace when compared to Hotel and Motel owners in the Town of Fort Erie.
- 2) The fact that STR properties are not subject to handicapped accessibility requirements is unfair to handicapped people. Hotel and Motel owners in Fort Erie must comply with many Federally, Provincially and Regionally legislated requirements which STR property owners do not need to comply with. The fact that STR properties do not need to comply with the same handicapped accessibility requirements as Hotels and Motels, in many cases deprives handicapped people the ability to use STR's. This is discrimination against handicapped people. Also, since reservations at Hotels and Motels are generally more expensive than at STR's, this inequity puts an unfair financial burden on handicapped people.
- 3) The fact that STR properties are unoccupied the majority of time is unfair to all people who cannot find housing. "One of the main problems we have in Fort Erie is underutilized single family housing" Mayor Wayne Redekop. Currently in Fort Erie we have a shortage of housing. One of the main reasons why is because, in many cases, we have (1) person (often a senior) living in a large, single-family house. STR's make this problem worse because single-family houses used as STR's are left unoccupied for the majority of time and make those houses unavailable to all people who cannot find a house to rent or buy.
- 4) The fact that STR's are not supervised 100% of the time by their owners or management is not fair to the residents of Fort Erie who live near the STR and want to enjoy their property. The origin of STR's occurred when a person wanted to rent out an accommodation in their own home for travellers, while the owner was living in the home. Since then, lack of regulation and enforcement has given rise to a business model where travellers are allowed to stay in residential accommodations unsupervised. Frequently, the accommodations are used for unsupervised parties which occasionally result in damage or tragedy, such as the double murder of two young girls which occurred at a STR on the Niagara Parkway in Fort Erie. The residents and home owners living near the STR become the supervisors of the STR by default. If the residents see or hear anything which causes them concern it is up to them to contact authorities, which is an unfair burden imposed on the residents of Fort Erie.
- 5) The fact that STR's may be allowed in some areas of Fort Erie but not other areas is not fair to residents living in the areas where STR's are permitted, who must endure the negative aspects of STR's and also unfair to people who own a house or houses in areas of Fort Erie where STR's are not allowed, who are deprived of the benefits of owning STR's. If STR's are allowed anywhere in Fort Erie, they should be allowed everywhere in Fort Erie, which would be fair and equitable to all residents and business owners.

# STR Land Use Study Open House Comments 7

Fahima Begum to: Gregory.Bender, William.Turman 2023-02-10 02:41 PM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

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----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:40 PM -----

From: "Gregor Grant"

To: "Fahima Begum" <fbegum@forterie.ca>

Date: 2022-11-23 09:46 AM

Subject: Fort Erie Short-Term Rental Land Use Study

Fahima, the following are my comments for the STR Land Use Study.

- 1. Short-term rentals are commercial businesses
- 2. Commercial businesses are not legal in residential areas
- 3. As such, STRs should not be permitted in, and are incompatible with, residential land use. Having had an STR beside me for several years we have experienced the negative effects of

Having had an STR beside me for several years we have experienced the negative effects of these businesses:

- STRs are profit-making businesses and owners are incented to maximize the use of the property
- Supervision of guests falls to adjacent residences and when problems arise, for financial reasons, STR owners are incented to side with unruly guests otherwise they stand to lose rental income
- As the name suggests, STR guests are short-term so the adjacent properties experience new "neighbours" every 2-3 days and the use of the property is intense for the short period of their stay causing disruption to the neighbourhood
- By-law enforcement is difficult as enforcement officers must attend the property to see
  the infraction and by the time they arrive at the property the activity may have stopped
- Capacity limits are somewhat theoretical as renters of other properties may converge at one STR — this is particularly problematic for lake-front properties
- STR properties are owned for the sole purpose of renting and are typically only rented during the warm summer months and are empty for 9 months of the year removing valuable capacity from the local housing stock.

Respectfully,

Carol & Gregor Grant

## STR Land Use Study Open House Comments 8

Fahima Begum Gregory.Bender, William.Turman

2023-02-10 02:41 PM

Cc Chris Millar

From Fahima Begum/FortErie

To Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

#### Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, Ontario L2A 256
T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527
----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:41 PM -----

From: "Cindy Metzler"

To: "fbegum@forterie.ca" <fbegum@forterie.ca>

Cc:

Date: 2022-11-23 09:51 AM

Subject: Short-Term Rentals Consultation Today

Good morning Fahima,

I would like to register to attend the meeting later today being held virtually regarding the above referenced topic. I am opposed to the operation of short-term rental properties in areas such as those surrounding our recently purchased property at Crystal Beach Drive. I believe our block and the surrounding area should be designated a non-tourist zone. The operation of short-term rentals is detrimental to our community, particularly as population growth continues in Crystal Beach and the surrounding area.

I apologize for the delayed input on this matter -- I just received the information yesterday.

Please send me the link to the meeting and register both Dennis and me for it. Thank you...Cindy Metzler

Cindy Metzler,

# STR Land Use Study Open House Comments 9

Fahima Begum Gregory.Bender, William.Turman 2023-02-10 02:42 PM

Cc Chris Millar

From Fahima Begum/FortErie

To Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

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Planning and Development Services Department
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---- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:41 PM -----

From:

To: "Fahima Begum" <FBegum@forterie.ca>

Date: 2022-11-23 11:24 AM

Subject: Short Term Rental Land Use Study - comments

Our license is . I would like to address some comments that have been made in past discussions. .

- 1 STRs should only be available in "traditional cottage neighbourhoods": All of Ridgeway can be described as such. Our neighbourhood is and only 3 houses on our block were built in the last 50 years. All the others are old homes that were originally summer cottages and have been upgraded to year-round homes over the years.
- 2 Properties on septic are undesirable: Septic systems are the financial and management responsibility of the property owner and do not represent a municipal or regional burden. Systems are inspected by the Region to obtain an STR license.
- 3 Neighbours don't like STRs: we advertise our proximity to our guests. As such we have a consistent history of quiet and courteous guests and no demerit points. The neighbours espised the property's former owner because he played loud

music for 30 years with no concern for others. The bought the property and turned it into an STR

For the record, we have elderly parents who may need a home with no stairs in the future as well as a disabled child who may need housing one day. As the primary caregiver, providing such housing close to my home office would be ideal. Like many STR owners, our STR business assists to pay the mortgage on the property until the family need must be met.

Thank you for the opportunity to participate in this study.					

## STR Land Use Study Open House Comments 10

Fahima Begum Gregory.Bender, William.Turman 2023-02-10 02:42 PM

Cc Chris Millar

From Fahima Begum/FortErie

To Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

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T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527
----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:42 PM -----

From: "Nick Fraser"

To: FBegum@forterie.ca
Date: 2022-11-23 11:27 AM
Subject: Short term rental consultation

#### Hi Fahima,

I hope it's not too late to share my thoughts before the meeting this evening.

My biggest issue with the town's current stance on short term rentals is that they treat all rentals equally.

There is a huge difference between someone operating short term rentals as a business and someone renting out rooms in their primary residence.

Every short term rental concern is mitigated by owner occupied short term rentals:

- Parties and noise: owner occupied rentals have a person on site who can address these issues immediately
- Housing affordability: owner occupied rentals do not take away a home that could go to a full time resident
- Economic development: owners live in the community year round and contribute to the local economy all year, the extra summer rental guests add even more to the local economy.

Fort Erie has next to zero hotel accommodations for tourists and a long history of cottage rentals. Short term rentals are a necessity in this town.

We should be encouraging owner occupied rentals, so that we are limiting the negative impacts of short term rentals caused by short term rental businesses.

Thanks,

Nick Fraser (Crystal Beach)

#### STR Land Use Study Open House Comments 11

Fahima Begum Gregory.Bender, William.Turman 2023-02-10 02:43 PM

Cc Chris Millar

From Fahima Begum/FortErie

To Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department

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----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:42 PM -----

---- I of warded by I affilia beguit/I official off 2025-02-10 02.42 FW --

From: "M K"

To: FBegum@forterie.ca
Date: 2022-11-23 11:48 AM
Subject: Short Term Rentals

#### Hi Fahima,

I'm sharing my thoughts before the meeting this evening.

My biggest issue with the town's current stance on short term rentals is that they treat all rentals equally.

There is a huge difference between someone operating short term rentals as a business and someone renting out rooms in their primary residence.

Every short term rental concern is mitigated by owner occupied short term rentals:

- Parties and noise: owner occupied rentals have a person on site who can address these issues immediately
- Housing affordability: owner occupied rentals do not take away a home that could go to a full time resident
- Economic development: owners live in the community year round and contribute to the local economy all year, the extra summer rental guests add even more to the local economy.

Fort Erie has next to zero hotel accommodations for tourists and a long history of cottage rentals. Short term rentals are a necessity in this town.

We should be encouraging owner occupied rentals, so that we are limiting the negative impacts of short term rentals caused by short term rental businesses.

Thanks,

Morgan Kerekes (Crystal Beach)

## STR Land Use Study Open House Comments 12

Fahima Begum to: Gregory.Bender, William.Turman 2023-02-10 02:43 PM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

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Planning and Development Services Department

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T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527
----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:43 PM -----

From: "heidi s"
To: "Fahima Begum" <fbegum@forterie.ca>

Date: 2022-11-23 12:17 PM

Subject: STR Public Open House: Zoning - a majority consensus has been reached on our block

TO: The Town of Fort Erie and WSP Canada, Inc.

DATE: November 23, 2022

RE: Short Term Rental Land Use Study - Public Open House - Majority consensus on our

residential block re: Zoning

We do NOT want our residential block on Crystal Beach Drive (not a waterfront block) to be designated a Tourist Zone.

We have reached a consensus as a majority on our block, as indicated by the names listed below.

#### We believe:

- 1. Zoning changes should reflect the wishes of the majority of residents in those areas where a "Tourist Zone" is being contemplated.
- We wish our non-waterfront section of Crystal Beach Drive NOT to be designated a
   Tourist Zone, including addresses
   Beach Drive.

Agreed and Signed,

Heidi Schneiderman

Joseph Kwasniak

Crystal Beach Drive

Jonathan Schwartz

John Wimbs

Crystal Beach Drive

Henny and Keith McNobb
Crystal Beach Drive
Crystal Beach Drive
Cindy Metzler
Crystal Beach Drive

# STR Land Use Study Open House Comments 13

Fahima Begum to: Gregory.Bender, William.Turman 2023-02-10 02:44 PM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

#### Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department

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T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527
----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:44 PM -----

From: "Danny Bharat"

To: "Fahima Begum" <FBegum@forterie.ca>

Date: 2022-11-23 03:05 PM

Subject: Re: Public Open House November 23, 2022 - Registration request & comments

#### Hi Fahima,

Looking forward to receiving the link for the call today.

Some questions that I would like to ask the town:

- 1. Why is the town taking an anti-growth stance for a community that could really benefit from increased tourism?
- 2. What is the actual incidence of any disturbances in the neighbourhood over the past 4-5 years
- 3. What was the severity of such incidents and who was impacted?
- 4. How many of those are traced to STR versus day trippers?
- Why not increase policing and generate employment, there can be heavier licensing and fines for infractions
- 6. We are on a street where the majority of the homes are licensed STR and grandfathered, why not take that into consideration and allow licensing where the majority of surrounding homes are STR anyway?

Thanks,

Danny

## STR Land Use Study Open House Comments 14

Fahima Begum to: Gregory.Bender, William.Turman 2023-02-10 02:45 PM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department

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T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527
----- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:44 PM -----

From: "Janet Davie"

To: "fbegum@forterie.ca" <fbegum@forterie.ca>

Date: 2022-11-23 04:13 PM Subject: Public Open House

Good afternoon, I am a landowner in Crystal Beach and would like to have a link to attend the Open House tonight.

As for comments or questions, I am on Innglewood Rd and would like to know about that area. I am very pro small short-term rentals for family vacations. I believe that since we do not have any hotel accommodations it would be nice to keep the flavour of small cottage rentals for family vacations in this beautiful area. This helps to keep our area clean and friendly as visitors have a nice cottage to go to at night and can enjoy the shopping, beaches and restaurants during the day.

Thank you so much for holding this open house and it would be lovely to learn about things happening in the future so please add me to your email list.

Warm regards, Janet

Janet Davie (she/her)

Re: Virtual Public Open House - Short Term Rental Land Use Study

to: Fahima Begum 2022-11-23 04:25 PM

Cc: "Chris Millar"

From: "teresa lukianiec"

To: "Fahima Begum" <FBegum@forterie.ca>
Cc: "Chris Millar" <CMillar@forterie.ca>

I am against the whole airbnb licensing but with regard to land use Short term rentals should not affect town of fort Erie proper or stevensville.

Boundry should be within the crystal beach community only if there needs to be one at all.

# Regards

Teresa, airbnb owner in crystal beach.

Life is an adventure.

Regards

Teresa

Life is an adventure.

On Nov 16, 2022, at 2:11 PM, Fahima Begum < FBegum@forterie.ca > wrote: Good Afternoon.

A virtual Public Open House is scheduled for Wednesday, November 23, 2022 starting at 6:00 pm to hear from members of the public during the background phase of the Short-Term Rental Land Use study underway by the Town and its consultant WSP Canada Inc.

Please see the attached Notice for details.

Regards, Fahima Fahima Begum, BA/BSW, MScPI Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527 **<STR Public Open House** 

Notice\_Paper.pdf>

# STR Land Use Study Open House Comments 16

Fahima Begum to: Gregory.Bender, William.Turman 2023-02-10 02:46 PM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

---- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:46 PM -----

From: "David Pacheco"

To: "Fahima Begum" <FBegum@forterie.ca>

Date: 2022-11-24 10:39 AM

Subject: Re: Short-Term Rental Land Use Study Public Virtual Open House - Meeting Information

#### HI Fahima,

Thanks for the information, I was able to connect but my connection was not the best so I connected late and my connection kept dropping. There is anyway to get the recording of this meeting to go over all the details

Anyway the big take away was that the city is not sure if they are going to allow more short rentals in residential areas which I'm completely opposed to, this is a great opportunity for many families to cash some of their investment. I have many clients that have been waiting for the city to open the application. Especially in these hard economic times the city is holding these homeowners the ability to gain some cash to help their families.

So when will the city make a final decision about allowing new applications?

David Pacheco		



Fort Erie Virtual MeetingAlex Bennett to Gregory.Bender, AHerlovitch@forterie.ca, cmillar, tlewis, wredekop, CMcQueen@forterie.ca 2022-11-24 07:16 PM

To Gregory.Bender@wsp.com, "AHerlovitch@forterie.ca" <AHerlovitch@forterie.ca>, cmillar@forterie.ca, tlewis@forterie.ca, wredekop@forterie.ca, "CMcQueen@forterie.ca" <CMcQueen@forterie.ca>

Dear Mayor Redekop, Members of Council, Mr. McQueen, Mr. Bender, Mr. Lewis and Mr. Herlovitch.

Thankyou for your efforts for last evening's Virtual meeting. I want to share with you my thoughts after hearing from one STR operator who explained that he purchased a property and subsequently acquired a license to operate. He expressed his concerns that if prevented from continuing to operate, due to new zoning enforcements, it would present an unfair financial penalty. He explained that the purchase of the property was for the purpose of running an STR and building wealth for his future retirement. He subsequently requested grand-fathering of his license to continue to operate.

I would like to share the flipside of this discussion, it is a perspective that I believe has been overlooked. In the past year, my husband and I have also purchased a cottage, the cottage is situated next door. We were disturbed to learn from the seller that a local STR operator made an offer to purchase the home. The single reason we felt the need to acquire the property was out of fear of having the STR operator purchase it instead. We feared we would face the same poor treatment that several of our neighbours had endured by this operator. If this scenario seems unlikely to reoccur, as it turns out my immediate next door neighbour within a few months after our purchase faced the exact same scenario with the same operator who made an offer to purchase the home behind her. My neighbour is facing a potential deadline to purchase in the Spring 2023. At the time of our closing, our lawyer told us that our decision to purchase was wise and that he had several other clients purchasing for the same reason.

I would like to point out, in contrast to an operator who gambled on purchasing a property under a temporary Pilot Program. We on the other hand did nothing to bring this on ourselves in any way, and as a result our retirement plans have had to be significantly adjusted. We share in the pains of unfair financial penalties. In the interim, our purchased home sits empty while we wait for a ruling from the Town before we can consider other options. Inadvertently, we are sadly contributing to Fort Erie's housing affordability issues that remain a serious concern.

Lastly, over the past 4 years, we have personally witnessed two neighbours in close proximity who lived next to operators, each of them have sold their homes due to the constant stress of living next door to an STR operator. We must keep in mind, the residents that have resorted to leaving are not being heard or contributing to these discussions.

Thank you again for hosting the live Virtual meeting last evening and allowing so many resident's to share in their unique and challenging experiences as it relates to STR's.

I look forward to your findings.

Regards, Alex Bennett

#### STR Land Use Study Open House Comments 18

Fahima Begum Gregory.Bender, William.Turman 2023-02-10 02:48 PM

Cc Chris Millar

From Fahima Begum/FortErie

To Gregory.Bender@wsp.com, William.Turman@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

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Planning and Development Services Department
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---- Forwarded by Fahima Begum/FortErie on 2023-02-10 02:47 PM -----

From: "ted banfalvi"

To: "Chris Millar" < CMillar@forterie.ca>
Cc: "Fahima Begum" < FBegum@forterie.ca>

Date: 2022-12-06 11:45 AM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck

Thank you for the reply. I have no objection to being contacted for any input. that would help. Regards, Ted.

On Tue, Dec 6, 2022 at 11:37 AM Chris Millar < CMillar@forterie.ca> wrote:

Hi Ted.

Thanks for taking the time to provide details comments.

They will be provided to WSP for their review and consideration as they process/formulate some options to return to public and stakeholders with.

As for data from AirBnB and Vrbo, we are not using their data, nor have they provided any to us. They are, however, an identified stakeholder in the study work and as such, we have met with a couple of the platform providers (including AirBnB) to discuss protocols, etc. as it relates to municipal relations.

Again, thanks for the contributions below and we look forward to your continued participation in the process.

I trust you would have no objection, should the consultant wish contact you over anything you have raised below.

In the meantime, they will be reviewing all input received as they work towards the options.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada

L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: "ted banfalvi"

To: "Fahima Begum" < FBegum@forterie.ca > Cc: "Chris Millar" < CMillar@forterie.ca >

Date: 2022-12-06 09:53 AM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck

#### Good morning Fahima Chris.

I am sending a few comments and questions regarding the land use study from the perspective of a 20+ year Crystal Beach homeowner/STR landlord and as a realtor that has managed rental bookings for 15 years for multiple homes.

- 1. I noticed that the land use study gathered most of the data for STR's through the available AIRBNB and VRBO platforms, was there any consideration for data from landlords that do not use a web-based vacation/home-sharing platform? In my experience, AIRBNB and VRBO rentals seem to be the target of unregulated behaviour, "party houses," and non-compliant tenants. Before the widespread use of online platforms, short-term rentals were used more for family-style vacations with longer stays due to the difficulty of turning over contracts, accepting payments, deposits, etc.
- 2. Has the land use study considered establishing a minimum night stay during the high season months of June, July and August? In my opinion, one or two-night stays tend to foster a "party" atmosphere and less community involvement with little to no economic investment. In my opinion, raising the minimum stay to 5 or 7 nights would curb the in-and-out nature of rentals which can be disruptive to neighbours and increase the possibility of non-compliant tenants. It's clear that the longer a tenant stays, the more they invest in the economy, and the more they will be connected to the neighbourhood and less likely to be a nuisance to the neighbours. Longer stays mean higher rental costs, which most times knocks out the weekend partiers' with lower budgets.
- 3. Regarding comments that STR's are a commercial business. This concept goes against the basic freehold right of a homeowner, where you have a basic right to rent your home. I don't see how you could remove a property's basic freehold right without violating the law. If your property is following the bylaws established, a homeowner should not have their rights denied. Enforcing bylaws on non-compliant homes is the key, not denying rentals. Bylaws exist for all homeowners for a multitude of property standards. Would the town ban lawns when one homeowner lets their weeds grow too high? Would the town ban street parking

when homeowners park on the street beyond the maximum allowed time? I would assume the town would enforce the bylaw. Banning rentals will not stop rentals; it will force rentals to be illegal, and this will create more enforcement issues than the town has now. Getting homes to be compliant with the rules and bylaws and penalizing/denying the problem homes is the key.

4. AIRBNB, VRBO, and other types of web-based booking systems make the rental process a faceless transaction where bookings happen with very little physical contractual exchange, vetting or contact with the landlord, etc. I find when potential tenants physically review contracts, rules, and potential penalties and acknowledge documents, they are more likely to follow the plan, so to speak.

In my experience, the first contact with potential tenants is an education of all the bylaws, occupancy restrictions, house rules and any penalties that could be levied from their \$1,500.00 security deposit. This happens before any booking moves forward and usually weeds out the "party tenants." Has the town considered banning the use of these platforms similar to moves by condominiums?

5. Grandfathering of current license holders is a must going forward. The community of Crystal Beach was built on homeowners providing STRs to guests for a century. Punishing existing homeowners that have been contributing to the economy would be a slap in the face and another "reactive" government move.

Thank you for this opportunity to be heard. Please do not hesitate to call or email me if you need clarity on any of my statements.

Ted.

On Wed, Nov 30, 2022 at 1:58 PM Fahima Begum < FBegum@forterie.ca wrote: Hello Ted,

Yes, that is the email to which the notice was sent, and it is on our email list. We look forward to receiving your comments.

Cheers, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

_		
From:	"ted banfalvi"	

To: "Fahima Begum" < FBegum@forterie.ca > Cc: "Chris Millar" < CMillar@forterie.ca >

Date: 2022-11-30 01:21 PM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck

Hello Fahima. Thank you for your response.

I have checked spam and my inbox and cannot seem to find the invitation. Was it sent to the email address?

Either way, can you please ensure that any further invites go to this email address? I would really appreciate it.

I will send some comments to you as soon as possible and prior to the December 7 deadline.

Regards, Ted

On Tue., Nov. 29, 2022, 2:38 p.m. Fahima Begum, < FBegum@forterie.ca wrote: Hello Ted.

Thank you for your interest in this Town initiative. I have it noted that a notice was sent to your email on November 16th at 2:11pm, but emails do sometimes end up in the wrong folder, and it's a shame the Open House missed out on your perspective.

I am happy to receive your comments and suggestions at this email, and relay them to the consultant for their consideration. I'll be receiving comments until Wednesday December 7th. That's great you have such in-depth knowledge and experience on STRs, and we look forward to your comments.

Cheers, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

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From: "ted banfalvi"

To: "Fahima Begum" < FBegum@forterie.ca > Cc: "Chris Millar" < CMillar@forterie.ca >

Date: 2022-11-25 05:08 PM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck

Hello Fahima and Chris and thank you for your email but I am curious to know why I did not receive a notice to attend this meeting. I am an STR holder and have been in discussion with Deanna about this very Land Use plan.

As a real estate agent, I represent multiple STRs in Crystal Beach for 15 years and my own home for over 20 years and have vast knowledge and experience that I can offer.

Is there a way I can have input as a non-AIRBNB or VRBO booking system? I would be happy to speak with staff or the focus group.

Thanks, Ted.

On Fri, Nov 25, 2022 at 11:54 AM Fahima Begum < FBegum@forterie.ca wrote: Good Morning,

We would like to give a big thank you to everyone who joined us for the virtual Public Open House on November 23, 2022. Staff and the consultants appreciate your participation and contributions to this background work that will lead to options development and further public engagement.

If you would like to access the virtual Public Open House presentation recording and slide deck, they are available on the <u>Short-Term Rentals in Fort Erie</u> - <u>Land Use Study</u> page on Let's Talk Fort Erie.

Regards, Fahima

Fahima Begum, BA/BSW, MScPI Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

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Ted Banfalvi
Real Estate Sales Representative
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Fax: 905-637-1070

**CHAIRMAN'S CLUB AWARD RECIPIENT 2021** 

#1 Brokerage in the GTA 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 for Sales

Statistics-Celebrating 18

years of Success\*

Casl Compliant, to unsubscribe click reply and please type "remove" in subject line.

--

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\_\_

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Casl Compliant, to unsubscribe click reply and please type "remove" in subject line.

# Fw: Virtual Public Open House - Short Term Rental Land Use Study

Fahima Begum Gregory.Bender@wsp.com 2023-02-16 08:54 AM

Cc Chris Millar

From Fahima Begum/FortErie "Gregory.Bender@wsp.com" То

Сс Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPI **Junior Community Planner** Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

---- Forwarded by Fahima Begum/FortErie on 2023-02-16 08:53 AM -----

From: "David Pacheco"

"Fahima Begum" <FBegum@forterie.ca> To:

Date: 2022-12-16 12:23 PM

Re: Virtual Public Open House - Short Term Rental Land Use Study Subject:

#### HI Fahima.

Hope all is well. I had a quick question, what is the city of Fort Erie defiance as a "short term rentals"? what are the number of days to be considered a short term rental? (like 7 days, 28 days, etc)

Please let me know

**Thanks** 

#### David Pacheco

On Tue, Nov 22, 2022 at 9:17 AM Fahima Begum < FBegum@forterie.ca> wrote: Hello David,

Thank you for your interest in this Town initiative. You have been added to the registration list and will be sent a link to join the meeting closer to the meeting date.

Please let me know if you have any questions.

Cheers, Fahima

Fahima Begum, BA/BSW, MScPI Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

From: "David Pacheco"

To: <u>fbegum@forterie.ca</u>

Date: 2022-11-21 06:07 PM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study

HI Fatima,

I'm interested in participating in this meeting, please send me the details.

Thank you

## **David Pacheco, BA**

Mortgage Agent @ Mortgage Intelligence

T 1.888.587.2221 Ext. 1 | F 1.888.931.2221

david.pacheco@migroup.ca | www.TheMortgageBrothers.ca

KW Office: 93-B Bridgeport Road East, Waterloo, ON N2J 2K2 HO: 5770 Hurontario St., Suite 600, Mississauga, ON L5R 3G5

----- Forwarded message -----

From: Fahima Begum <FBegum@forterie.ca>

Date: Wed, Nov 16, 2022 at 2:12 PM

Subject: Virtual Public Open House - Short Term Rental Land Use Study

To: Chris Millar < CMillar@forterie.ca>

Good Afternoon,

A virtual Public Open House is scheduled for Wednesday, November 23, 2022 starting at 6:00 pm to hear from members of the public during the background phase of the Short-Term Rental Land Use study underway by the Town and its consultant WSP Canada Inc.

Please see the attached Notice for details.

Regards, Fahima Fahima Begum, BA/BSW, MScPI Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

--

, Julia Lane

REGULAR MEETING OF COUNCIL -29 May 2023

#### Fort Erie Short-term Rental Zoning

Dave McPherson to: cmcqueen, Chris Millar 2023-01-13 10:34 AM

From: "Dave McPherson"

To: cmcqueen@forterie.ca, "Chris Millar" < CMillar@forterie.ca>

History: This message has been forwarded.

#### Good morning,

I have been working with a group of property owners from across Fort Erie on a proposal to create a tourist zone as a means to address zoning for short-term rentals. Our group feels that this approach would gain a good level of support across the municipality. As you are aware, I am part of the focus group looking at this situation and the proposal has been provided to WSP under separate cover. The proposal is attached for your information.

We will also be communicating directly with town council and the mayor on this issue.

I am happy to discuss if you wish.

Best regards,

Dave

David R. McPherson





FE Zoning Proposal Final.pdf

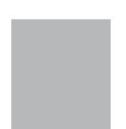
January 2023

# SHORT-TERM RENTAL ZONING PROPOSAL

# Prepared By:



FORTERIE COMMUNITY PRESERVATION COALITION



**Respectfully Submitted To:** 

The Town of Fort Erie & WSP



The Town of Fort Erie has retained WSP Canada Ltd. to conduct a land use study for Short-Term Rentals (STR). This Study began in the fall of 2022 to be completed in the spring of 2023. It is part the Town's ongoing effort in regulating and analyzing the impact of the STR industry in Fort Erie.

### SHORT-TERM RENTAL ZONING PROPOSAL

January 2023

FORT ERIE COMMUNITY PRESERVATION COALITION (FECPC)

Short-Term Rentals (STR) in Fort Erie – Land Use Study

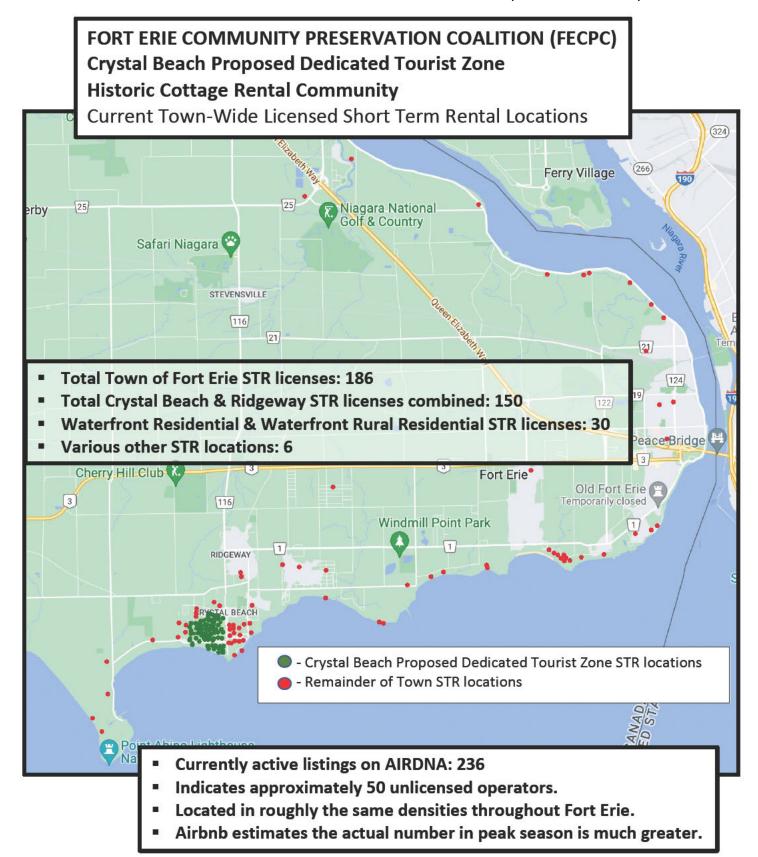
#### **INTRODUCTION**

This proposal is respectfully submitted by the Fort Erie Community Preservation Coalition.

- The FECPC is a citizen action group representing hundreds of concerned Fort Erie homeowners.
- Our group includes homeowners living in and near the neighbourhoods most impacted by the proliferation of commercial businesses; STRs.
- Our intentions and goals are to seek a compromise solution that is acceptable to a majority of Fort Erie residents in response to the influx of commercial Short-Term Rentals.
- The FECPC commends the Fort Erie Council in their forward-thinking initiation of a pilot program that is an interim regulatory structure for commercial STRs until a thorough and comprehensive evaluation of the impact to residentially zoned neighbourhoods could be conducted.
- Fort Erie is comprised of a very diverse mix of neighbourhood types and locations. Each neighbourhood deserves to protect its quality of life, standards, and expectations.
- This proposal utilizes best practices and standards in municipal land-use planning.
- Our proposal attempts to preserve the integrity, culture, and history of each unique neighbourhood throughout Fort Erie.
- Our goal is to create a set of zoning guidelines and regulations that are clear and easily enforceable.

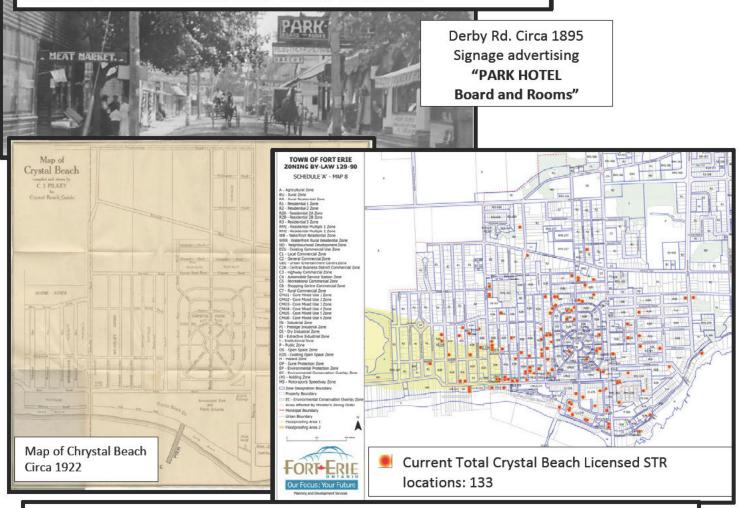
The FECPC looks forward to presenting the information within this document as part of the current <u>Short-Term Rentals in Fort Erie – Land Use Study</u>. Our team is prepared to expand and elaborate on all the points and recommendations embedded in this proposal as part of the ongoing public input process of this study.

Graciously yours,
Fort Erie Community Preservation Coalition



# Crystal Beach Proposed Dedicated Tourist Zone Historic Cottage Rental Community

**Current Licensed Short Term Rental Locations** 



Since 1888 when Crystal Beach was founded as a seasonal religious retreat the community has been tied to the concept of commercial short-term vacation rentals.

- Originally the core area was laid out as a campground, with tent sites available for rent by the week.
- As the amusement park developed in the late 19<sup>th</sup> & early 20<sup>th</sup> centuries the campground gave way to commercially operated seasonal cottage rentals.
- As the Park expanded and the popularity of the beaches grew, so too did the commercial cottage rental business and commercial amenities that supported a growing tourist market.
- When the Park finally closed in 1989 Crystal Beach fell on hard economic times.
- Eventually redevelopment began as a new generation of tourists, visitors and residents continued to enjoy the beautiful natural surroundings and the pristine beaches.
- The Town purchased Bay Beach and made many visitor amenities starting in 2001.
- The public beaches have once again made Crystal Beach, Fort Erie's premier tourist destination.
- Throughout its 135-year history Crystal Beach has relied on commercial short term cottage rentals as an integral part of its economy and culture.
- No other area in Town has been the focus of such intense tourism development for so many years



Short Term Rental Overlay Zone Proposal

Derby Rd. Circa 1920 Signage advertising "Ontario Hotel Rooms by Day or Week"

- Over 20 years of focused planning by the Town has ultimately led to the Crystal Beach Secondary Plan's adoption by Council in 2021.
- Plan incorporates countless public input opportunities in conjunction with Council, Town Planning Staff, and outside professional planning consultant's work.
- Plan recommended following the primary tenets of Smart Growth & the most current Urban Design concepts that ultimately created a solid road map for the future redevelopment of Crystal Beach



# Excerpt from:

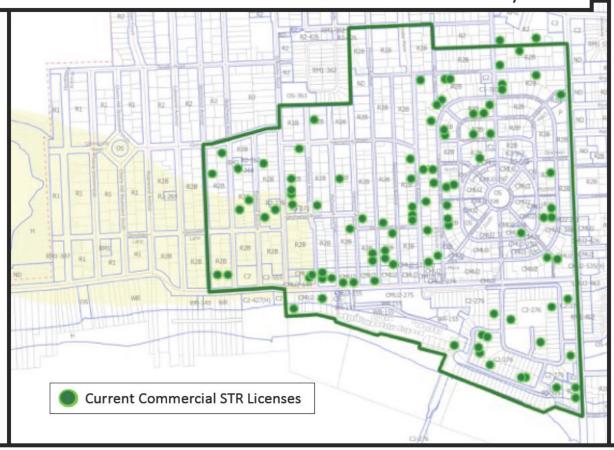
Crystal Beach Neighbourhood Plan - 2005

Page 20 (See Appendix C) This plan pre-dates the STR industry as we now know it.

5.1a11 The following basic principles will guide the implementing land use regulations: Permitted Uses: A variety of commercial uses, institutional uses and residential uses will be permitted. Bed and Breakfast Establishments and small-scale hotels will be permitted and encouraged. Single-detached and semidetached/duplex dwellings will be permitted on stand-alone properties, subject to urban design guidelines Multiple-attached dwelling units will be permitted on the second and third floor only, above a permitted commercial or institutional use. Home occupations will be permitted in singledetached and semi- detached/ duplex dwellings......

# **Crystal Beach Proposed Dedicated Tourist Zone Historic Cottage Rental Community**

Current Licensed Short Term Rental Locations Within Overlay Zone



- Current commercial Short-Term Rental (STR) licenses in Tourist Zone: 101.
- Total potential lots in Tourist Zone: Approximately 1076.
- Town By-Law limit of 250 commercial STR licenses can easily be accommodated within this zone.
- Multiple residential lots are undeveloped or underdeveloped.
- Previous studies have determined that density within residential zones in Crystal Beach is too low.
- Density could be increased to accommodate many more commercial STR opportunities.
- Previous studies determined there is more commercially zoned properties than can be supported by the anticipated population growth.
- Multiple opportunities to develop many more Short-Term Rental opportunities on planned CORE MIXED USE (CMU) properties.

#### Excerpt from:

Crystal Beach Secondary Plan – 2021 (See Appendix D)

4.22.2 Community Focus Group Secondary Plan Vision: "Our ideal Crystal Beach Neighbourhood is a friendly, social, active, healthy, sustainable, year-round community, attractive to all age groups, easily accessible with a diverse and affordable housing stock attractive to all, with well-maintained green spaces and with public beach and water access, with a thriving downtown core that supports the residents and tourists alike, befitting the South Coast of Canada."

#### **SUMMARY**

- Fort Erie's objective of developing tourist accommodations and advancing economic development can be easily met within the Proposed Dedicated Tourist Zone of Crystal Beach's Historic Commercial Cottage Rental Community.
- All other Fort Erie residential neighbourhoods have no historic connection with the tourist market and should not be considered to allow the commercial operations presented by STRs.
- Commercial operations are incompatible with residential zones. (See Appendix A)
- Residences within new subdivisions with covenants in place that prohibit shortterm rentals should not have STR licenses issued by the Town of Fort Erie.
- Commercial STR licenses should not be allowed in Residential Zones including Waterfront Residential Zones (WR) and Waterfront Rural Residential (WRR)
  - Like Crystal Beach, WR & WRR Zones began developing in the late 1800's without the accompanying commercial development.
  - WR & WRR neighbourhoods are often only accessible by private roads maintained exclusively by the homeowners within each neighbourhood association. Almost invariably their homes are on septic systems, some of which are fragile.
  - In many cases, surrounding woodlands and wetlands are owned and protected by these homeowners.
- Legal Non-Conforming Use / Grandfathering
  - Zoning by-laws cannot be retroactive and that opens the argument that the Dedicated STRs in question are grandfathered. That argument fails, because to be legal non-conforming, the illegal use must, at one time, been legal. It must have been legal prior to the passing of the zoning by-law that made it illegal. For example, if a century home that was built prior to a zoning by-law setting out various lot sizes and setbacks does not meet the minimum requirements set out in the by-law, it is deemed to comply because it pre-dated the by-law and by-laws cannot be retroactive.
  - Dedicated STRs, because they are commercial uses and have been authoritatively found to be so, were never a permitted (legal) use in a residential zone and accordingly they were never legal. They cannot be a legal non-conforming use. (See Appendix B)
- Every home that becomes a commercial STR purchased as a financial investment could otherwise be occupied by a full-time owner or full-time tenant that contributes significantly to the Town's economic and cultural development

# **APPENDIX A**

Memo:

From: Brian Miller, B.A., LL.B. Barrister & Solicitor.

To: Fort Erie Community Preservation Coalition

Re: Fort Erie Short Term Rentals Definition

The purpose of this memorandum is to provide to you a brief analysis of the issues surrounding the increase of short-term rental accommodation (STR) in traditionally residential zones, the zoning issues that are raised as a result of this activity and a roadmap to a practical plan that could be presented to Municipal Council for action on their part to address the issues.

#### **BACKGROUND**

My comments, are applicable to all Fort Erie residential zones.

Historically, residentially zoned areas were dedicated to single family use. In fact, in the earlier versions of Fort Erie's comprehensive zoning by-law 129-90 the primary "permitted use" in all residential zones was "single family use". The current version of 129-90 defines the permitted use as "detached dwelling". The policy reasons for the change are not important for the purposes of this memo, the meaning of "detached dwelling is and will be dealt with a little later.

There have always been a limited number of rentals both along Lake Erie and in Crystal Beach during the summer months and until the advent of Airbnb and similar internet on-line companies marketing short term "home sharing", these rentals were very much below the radar and not of significant concern to the neighbourhood residents. The renters generally were using the property in the same manner as the owners.

Airbnb and VRBO changed the game.

#### RECENT PROVINCIAL CHANGES TO THE PLANNING ACT

In response to the shortage of affordable rental accommodation, in 2019 Ontario amended s.16 of the *Planning Act* to permit:

(a) the use of two residential units in a detached house, semi-detached house or rowhouse; and



(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. 2019, c. 9, Sched. 12, s. 2 (1).

The effect of the amendments is to permit an "accessory dwelling unit" within the single-family home or in a building or structure ancillary to the primary structure (like many of the "bunkies" along the lakefront). Note that such additional units are "accessory dwelling units" and for the reasons set out below cannot be used as a STR under the current permitted uses in a residential zone. That has not stopped certain owners from attempting to use the vehicle created in s.16 for STR purposes.

#### SHORT TERM RENTALS (STR)

The STR market has evolved into two distinct varieties. The first closely mirrors the "accessory dwelling unit" created by the province – separate accommodation within the owner's residence or a detached unit ancillary to a detached house.

The second has been termed a "Dedicated STR". This is a detached dwelling in a residential zone and may have, but not necessarily, a second "accessory dwelling", either in the detached dwelling or an ancillary building. The detached dwelling is not the primary residence of the owner (or long- term tenant) making both the detached dwelling and the accessory dwelling unit, if any, available for STR purposes.

Both varieties are obviously located in a residential zone and the issue that has been addressed by both the Court and the Land Planning Appeal Tribunal (LPAT) is whether an STR is a permitted use in an area zoned residential where the permitted use is a detached dwelling.

#### THE ISSUES

(a) The permitted use in Fort Erie residential zones is a "detached dwelling". In the s.5 Definition section of comprehensive by-law 129-90, "**DWELLING UNIT**" means a suite of habitable rooms which:

(b)

- 1. (i) is located in a building;
- 2. (ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
- 3. (iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof, and
- 4. (iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.

While this definition tells us what a dwelling unit is, it does not tell us how the dwelling can be used. That determination has been left to the courts and LPAT.

(c) The question to be answered is "Is an SRT, either variety, a permitted use in a residential zone? The answer is no, and the reasoning most simply put is:

- 1. LPAT in the Toronto bylaw case found that a "dwelling unit" was the primary residence of the occupant, the home from which they went to work in the morning and returned to at the end of the day;
- 2. Further, the operation of an STR is a commercial venture and is not a "permitted use" in a residential zone. A STR is closer to a motel available to the travelling and/or vacationing public. That finding is supported in the case law.

#### THE WAY FORWARD

Once it has been determined that an STR is not a permitted use in a current by-law that designates a "detached dwelling" as the permitted use, the zoning by-law can be amended to include STRs as such.

The amendment would include the definition of an STR, its inclusion as a permitted use in the residential zone and licensing provisions that would protect the family quality of the neighbourhood.

An example of such a definition and amendment can be found in the City of Toronto by-law and reproduced here:

The definition of STR in the City of Toronto by-law is as follows:

Short-Term Rental means all or part of a dwelling unit, that

- (a) is used to provide sleeping accommodations for any rental period that is less than 28 consecutive days; and
- (b) is the principal residence of the short-term rental operator.

The zoning amendment would permit STRs in a dwelling unit, in up to three bed-sitting rooms in a dwelling unit, and in a secondary suite. The PR requirement also applies to a secondary suite:

the secondary suite is exclusively and separately occupied as a principal residence.

The reference to a secondary suite is necessary because of the s.16 amendment to the *Planning Act* that permits "accessory dwelling units".

# **APPENDIX B**

Memo:

From: Brian Miller, B.A., LL.B. Barrister & Solicitor.

To: FECPC

Re: Fort Erie Short Term Rental Non-Conforming Use

#### **SHORT TERM RENTALS**

I'm pleased to have this opportunity to take a few minutes and try to put the ongoing short term rental debate (STR) into legal context. Clearly, this is not a problem unique to Fort Erie and it is interesting and informative to see how municipalities across the province, indeed across the country and in the US are dealing with problems created by an industry that did not exist and this present form and size a few years ago. The enormous amount of background material gathered by this group is most informative and confirms the fact that we are all dealing with essentially the same issues. The way the issues have been dealt with varies, but there are a number of common threads.

I don't intend in this meeting to go through the list of complaints and problems STR's raise - we are all well aware of these - but let me start by looking at the various tribunals and courts in Ontario and what they have considered and/or determined to date:

A clear distinction has been drawn between two types of STRs.

- a) Initially and traditionally short-term rental accommodation was provided by the owner of a residence in extra room or rooms in their home. The defining element of this version was the fact that the owner resided in the dwelling and may or may not be present during the period of the short-term rental;
- 2. b) By contrast a second type of short-term rental accommodation has grown in which the owner not only does not reside on the premises, but the entire dwelling is available for rent. We are aware of the large commercial companies that act as agents for such owners, and through which you can book accommodation much as you would a hotel room. This second type has been termed by various tribunals and the courts as a "Dedicated STR." It is this variety, "industry", that is most troublesome.

It could be argued by the industry that we need both types of short-term rental to accommodate tourists and the travelling public. With respect, we already have short term rentals in a dwelling occupied by the owner, Bed and Breakfasts. This form of short-term rental has existed for decades, is effectively defined and dealt with in our municipal zoning by-laws, and there does not appear to be a demand or need to expand that segment of the market.

Municipalities have more recently been dealing with the question of how and what to do with the Dedicated STRs. For the most part their answer has been to regulate the industry through their zoning by-laws. The problem exists because these dedicated STRs have grown up in traditionally, single family residential neighborhoods. In these traditional neighbourhoods the primary "permitted use" is a "detached dwelling".

The first question that had to be answered, is whether or not a dedicated short-term rental is a "residential use" and would be permitted in a residential zone. This question has been answered, clearly, and unequivocally - dedicated short term rentals are not a residential use but rather are a commercial enterprise. That is the clear position of the Ontario Land Tribunal, formally LPAT, and prior to that, the OMB and the Court.

Accordingly, municipalities have the power through their zoning by-laws to virtually eliminate dedicated STRs in residential zones, while perhaps allowing STRs in owner occupied residences as the City of Toronto has done, through its zoning by-law amendments. However, because Bed-and-Breakfast accommodation serves exactly the same need as an owner occupied STR, there does not appear to be the need to create a less regulated intrusion into a residential zone – Bed and Breakfasts have served municipalities and the traveling public well. Because a Dedicated STR has been determined to be a commercial use, it can be recognized through a zoning by-law amendment to be a permitted use in selected non-residential zones within the community.

#### **NON-CONFORMING USE**

Zoning by-laws cannot be retroactive and that opens the argument that the Dedicated STR's in question are grandfathered. That argument fails, because to be legal non-conforming, the illegal use must, at one time, been legal. It must have been legal prior to the passing of the zoning by-law that made it illegal. For example, if a century home that was built prior to a zoning by-law setting out various lot sizes and setbacks does not meet the minimum requirements set out in the by-law, it is deemed to comply because it pre-dated the by-law and by-laws cannot be retroactive.

Dedicated STRs, because they are commercial uses and have been authoritatively found to be so, we're never a permitted (legal) use in a residential zone and accordingly they were never legal. They cannot be a legal non-conforming use.

#### BY-LAWS 217-05 and -98-2022

As I indicated earlier, various municipalities have attempted to tackle the problem in different ways. Fort Erie decided to set up a pilot program and to create a licensing regiment to allow short term rentals while it's studied the various issues, and how it could best move forward. The program was set up under a licensing by law passed in 2005, a by-law passed for the purpose of regulating businesses in Fort Erie. By-law 98-2022 amended that by-law to add to it provisions to specifically deal with dedicated short-term rentals.



The question is whether or not licensing a number of dedicated short-term rentals to operate in a residential zone, under the provisions of the amended licensing by-law, will allow the industry to argue that now it has a continuing right to operate in residential zone location for which it was licensed after the termination of the pilot program.

I believe that that argument will fail because the *Planning Act*, in its "interim control provisions" gives a municipality,

#### Temporary use provisions

**39** (1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. R.S.O. 1990, c. P.13, s. 39 (1).

Fort Erie has done exactly that by amending by law, 217–05, a by-law was passed under section 34 of the *Act*, by establishing a licensing regimen in Schedule 13 to By-law 98- 2022, regulating short-term rentals for a limited time, to initiate a pilot program was an initial step in a study of the serious issues being raised by the sudden and significant impact of this new industry. This was but one step in a process that includes public consultation, a focus group to provide input and a study to be carried out by a private consulting firm.

#### **MOVING FORWARD**

Where do you go from here? It seems that Fort Erie is headed in the direction of permitting dedicated STRs in some form, and in some locations and undoubtedly, will do so through a zoning by-law amendment.

The challenge is to direct that development away from establish residential neighborhoods. It would be helpful to consider the provincial policy priorities, which, while seeking to develop policies to encourage tourism, place much higher priority on the creation of housing and especially affordable housing. Affordable housing includes not only homes occupied by the owner, but also making affordable housing available to rent as a primary residence. Every home occupied by a dedicated STR takes one potential permanent residence out of the housing stock.

The goals in creating a zoning by-law amendment for Fort Erie STR's should be designed to:

- allow people to rent their homes for short periods outside existing and stabilized residential communities;
- Minimizing negative impacts on housing affordability and availability, including providing affordable rental accommodation;
- Maintaining community stability, including for vertical communities;
- Minimizing nuisances such as noise and garbage; and
- Enabling greater diversity in tourism accommodations.



# **APPENDIX C**

#### Source Excerpts:

#### **CRYSTAL BEACH NEIGHBORHOOD PLAN 2005**

#### Page 15

Residential Areas—General Background: Residential areas are the predominant land use in the Crystal Beach Neighbourhood. A gross total of 291 ha of land is designated "Residential" in the Neighbourhood Plan, representing 81.6% of the total neighbourhood area. There are currently 2155 dwelling units in the neighbourhood (with 729 being seasonal units). This results in a current net density of 9.2 units/ha. Despite the lot size and character of the core residential area, the overall neighbourhood density figure is extremely low, on the order of "estate lot" densities. This is mainly due to the size of unusually large residential parcels outside of the core area.

#### Page 20

5.1a11 The following basic principles will guide the implementing land use regulations:

Permitted Uses: A variety of commercial uses, institutional uses and residential uses will be permitted Bed and Breakfast Establishments and small-scale hotels will be permitted and encouraged Single-detached and semi-detached/duplex dwellings will be permitted on standalone properties, subject to urban design guidelines Multiple-attached dwelling units will be permitted on the second and third floor only, above a permitted commercial or institutional use Home occupations will be permitted in single-detached and semi- detached/ duplex dwellings Basic Zone Regulations: Maximum building height of 3 stories Buildings to be oriented towards the street front and sidewalk Parking to be provided at the rear of buildings and accessed from side streets where possible Minimum Separation distances will be required between first-floor residential uses & selected commercial uses such as restaurants and taverns

#### Page 37

#### 5.2 Enhancing the Urban Experience

The objective of the implementation of Urban Design Guidelines is to strive for excellence in the built environment of the core area, enhancing its unique historic features and ensuring an attractive, comfortable and convenient place for those who live and work there and to attract tourists, shoppers and those seeking recreation and entertainment, creating a unique sense of place related to the history of the neighbourhood (i.e. Crystal Beach Amusement Park) for all to enjoy within the public realm

- maintaining the small-size character of the area, with structures being one to three stories in height.
- reinforcing the transitional nature between the commercial core and the surrounding residential areas.
- ensuring an aesthetically and functionally integrated mix of residential, commercial and institutional uses

Page 38



5.2b Special Main Street Areas Background: The Neighbourhood Plan identifies Erie Road and Derby Road as the "main streets" of the neighbourhood. These two thoroughfares have historically been the commercial corridors of the village and served as the "downtown" of Crystal Beach prior to municipal amalgamation. Derby Road in particular served as the main commercial street associated with the Crystal Beach Amusement Park and was affectionately known as "Hot Dog Alley" in reference to the numerous fast-food restaurants located along the spine. As well as restaurants, a number of small hotels and rooming houses were located on Derby Road and Queens Circle, housing summer visitors to the beach and amusement park.

#### Page 56

5.3e Tourism Planning Background: The Community Focus Group identified Tourism Planning as a key element of improving the economic viability of the Neighbourhood. Crystal Beach has a 100- plus year history of being a tourist destination for both Canadians and Americans, who are drawn to the area for its beautiful sand beaches and its small-town atmosphere. However, the closing of the Crystal Beach Amusement Park in 1989 presented many challenges for the tourism industry due to the downturn in the number of visitors to the area. Since that time, Crystal Beach has not had a clear or comprehensive tourism strategy, although the public beach areas still host large numbers of "day-trippers" during the summer months.

Objectives: The development of a strategic tourism plan for Crystal Beach is important to future planning in the Neighbourhood. Like any planning, tourism planning is goal oriented, striving to achieve certain objectives by matching available resources and programs with the needs and wants of the community. It is recommended that a Strategic Tourism Study be initiated for Crystal Beach.......

Policies: 5.3e1 A Strategic Tourism Study shall be initiated for the Crystal Beach Neighbourhood, as a co-operative effort between the municipality, the Economic Tourism and Development Corporation and the Crystal Beach Improvement Area, in order to identify a clear and comprehensive plan for the promotion of the Neighbourhood.

#### Page 67

5.6 Community Focus Area—Bay Beach Property Background: The Town of Fort Erie acquired a 3.5 acre parcel of waterfront property in 2001 known as "Bay Beach". This property was previously used as a swimming beach, concession stand, and a series of cottages rented to summer visitors. The addition of the Bay Beach lands to the adjacent existing public beach at Crystal Beach provided a total of 1000 linear feet of clear, sandy beach for public use. The entire property was purchased for \$2.2 million. Originally, Town Council purchased the property with several objectives:

- Public waterfront access resulting in the Town retaining 2 acres of public beach land.
- Generate an acceptable return on investment (ROI was not defined);
- Change and enhance the image of Crystal Beach as a mixed-use destination with recreational, commercial, and residential/rental accommodation facilities and activities; and
- Realize a synergy to create investment opportunities for a year-round tourist/ recreational destination.



# **APPENDIX D**

#### Source Excerpts

#### **Crystal Beach Secondary Plan 2021**

4.22.2 Vision The Secondary Plan is the result of corporate strategic direction and comprehensive consultation. This strategic planning exercise utilized a neighbourhood planning approach including input from senior municipal staff and Ward Councillor, together with a Council endorsed Community Focus Group, who all participated in SWOC (Strengths, Weakness, Opportunities & Constraints) sessions. The sessions resulted in the following Community Focus Group Secondary Plan Vision: "Our ideal Crystal Beach Neighbourhood is a friendly, social, active, healthy, sustainable, year-round community, attractive to all age groups, easily accessible with a diverse and affordable housing stock attractive to all, with well-maintained green spaces and with public beach and water access, with a thriving downtown core that supports the residents and tourists alike, befitting the South Coast of Canada."

#### 4.22.3 Goals

Parking In effort to address the concerns over parking, the Town commissioned a parking study that would provide empirical data through collection during peak seasonal activity, in order to measure, assess and generate any recommendations that may alleviate concerns, if in fact any such concerns were validated. Council approved the "Crystal Beach 2019 Parking Study - Information Report (PDS-64-2019)" findings and recommendations on November 12, 2019. Policies of this Plan consider the findings and recommendations that were delivered with the approved parking study report, relative to new residential development, commercial parking supply and tourist generated demand. The recommendations of the study have also been a consideration of the Town's Infrastructure Services Department in addressing parking demand and location through the recently amended Parking By-law for the Crystal Beach community. Generally, the study conclusions identified that parking into the future can be accommodated within current parking availability, with the exception of Crystal Beach Waterfront Park, which should be reviewed for optimization of parking facilities in the near term.

This plan has considered community character and recommends policies aimed at striking a balance of opportunity with a land use arrangement set in place to provide choice and sustain commercial viability in a setting that is both a historical destination for seasonal tourism and year-round urban services to promote quality of life for full time residents.

#### 4.22.6 Residential - General

j) Current population is estimated at 3800 persons plus a seasonal component. Should build-out achieve full potential, the population is expected to be approximately 6000-6100 persons within the Crystal Beach Neighbourhood, representing an increase of between 55 and 60% over the long term.

I) The waterfront properties along Lake Erie and their related designation and zoning have not been identified for policy change in this Plan. They are however identified for an administrative name change to better reflect their unique presence in the Secondary Plan, from "Urban Residential" to "Waterfront Residential". The focus of residential growth identified in this Plan generally lay north of Erie Road and provides opportunity for the appropriate level of targeted intensification, unit mix and population growth to meet with minimum Secondary Plan objectives.

4.22.10 Core Mixed Use The Core Mixed Use designation is intended to recognize and delineate properties that shall be the focus of combined commercial / residential buildings and uses with a purpose of generating an identifiable and intensified area of dwellings, residents/pedestrians and commercial activity. The easterly end of Erie Road and Derby Road up to Queen's Circle will serve as a focal point or destination for permanent residents with commercial uses that provide year-round goods and services, while also benefitting from increased seasonal commercial activity. The westerly end of the designation towards the Bay Beach Waterfront Park intends to provide a similar mix of uses, but may contain more seasonal commercial activity given proximity to the public beach. Zoning may be used to reflect permitted uses that would underscore this distinction, while still affording and promoting year-round activity. Policies of this section promote intensification of commercial activity in a concentrated area of this Plan and seek opportunities for additional residential through modest, increased height for properties suitable for development or redevelopment, as the case may be, to the satisfaction of the Town.

4.22.12 Employment Lands (Industrial) The Secondary Plan does not designate any lands for industrial use. The Crystal Beach neighbourhood's history of commercial, tourism and seasonal residency did not establish an industrial district earlier in its evolution. That is not to say industrial activity was not occurring in the early years, but rather did not have a concentrated location or industrial park established that remains in use today.

#### 4.22.16.2 Active Transportation

c) The Town's Friendship Recreational Trail is located just north of the Secondary Plan Area and is recognized as being part of much broader trail systems including the Greater Niagara Circle Route, Great Lakes Waterfront Trail and Trans Canada Trail. Direct trail connections from the Friendship Recreational Trail to the Crystal Beach waterfront and tourist areas, in addition to serving the broader Plan Area for active and pedestrian choice and safety, shall be a consideration whenever development is occurring along identified active transportation routes within the Plan Area.

To Whom It May Concern,

vasi santhirarajah to: Cmillar 2023-01-26 07:18 AM

From: "vasi santhirarajah"

To: Cmillar@forterie.ca

History: This message has been replied to.

#### To Whom It May Concern,

I own a property on the parkway and operate it as an Airbnb. Since the new reduced occupancy I haven't gotten any new reservations. My house was setup for 16 people occupancy.

Most people book Airbnb so they can be together as a family in one house for few days. Otherwise they can easily book a hotel. 8 people occupancy is going to deter people away from Fort Erie. Isn't bringing more people to the city better for the economy?

I respect your concerns about the number of occupancy. But I carefully choose who I allow to stay at my house. I don't allow any parties or events. Only family gatherings. I only book for over 25 years of age. I have turned away many requests due to them not having reviews on Airbnb. The caretaker of my house lives next door and I inform my guests about that. I have been here more than 5 years and never had an issue.

It's very difficult to pay taxes and maintain the house without any income. Just because there are few owners that abuse the system, doesn't mean that the rest of us should get punished. I hope you would look into this matter and make a fair decision.

Regards,

Vasi Santhirarajah

Sent from my iPhone



Re: Fw: Fort Erie STR - Residential areas near Crystal BeachUjjwal Jain to Chris Millar 2023-01-26 12:42 PM

Cc "Fahima Begum", "Signe Hansen"

From "Ujjwal Jain"

To "Chris Millar" < CMillar@forterie.ca>

Cc "Fahima Begum" <FBegum@forterie.ca>, "Signe Hansen" <SHansen@forterie.ca>

Hi Chris,

Thanks you for the update.

Would you also be able to please advice on whether your team would modify the options as per feedback and present the new modified options on Feb 1 town hall meeting OR would the same options be presented at the town hall meeting?

Thanks,

Ujjwal Jain.

On Thu, Jan 26, 2023 at 11:44 AM Chris Millar < CMillar@forterie.ca > wrote:

Hi Ujjwal,

Thank you for your additional submission.

I am going to forward to the consultants for their information as they continue through the options development and receive comments such as yours to consider.

Again, thank you for attending yesterday.

Sincerely,
Chris Millar, MCIP, RPP, CNU-A
Senior Community Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: "Ujjwal Jain"

To: "Chris Millar" < CMillar@forterie.ca>, "Signe Hansen" < SHansen@forterie.ca>

Cc: "Fahima Begum" < FBegum@forterie.ca>

Date: 2023-01-26 11:21 AM

Subject: Re: Fw: Fort Erie STR - Residential areas near Crystal Beach

Morning Chris,

Hope you are well!

In the spirit of helping your study reach an acceptance, I wanted to provide some info on this. I would highly appreciate your feedback on this and my previous email.

I reviewed your presentation again and I realized why there was no consensus among the participants on the options that your team provided. Near to Crystal Beach, apart from a large number of cottages, there is a big residential community. Please see attached street view screenshot showing the **entrance to the community**. There are people living here year round and they have the BIGGEST issues with short term rentals. Also, as per my initial conversation with **officer Bryce Bailey**, the whole reason for doing this short term rental study was due to the complaints by the residential community near the crystal beach. In both of your options, you have indicated to allow short term rentals in those areas. Thus, there was no consensus and there will never be a consensus on those options. In April 2022, Bryce Bailey had further advised me that my house on Point Abino and Baywoods should have no issue getting a license as there is no residential community out there.

In my rural community at Point Abino and Baywoods, most homes are used only as summer homes as most properties are NOT four season properties. These were built as summer cottages only. Further, there is **NOT EVEN ONE** participant who opposed short term rental in rural communities on Point Abino and Baywoods.

Thanks, Ujjwal Jain.

On Wed, Jan 25, 2023 at 4:38 PM Ujjwal Jain wrote: Hi Chris.

Hope you had a good day!

Thank you and your team for helping the town come up with the options. The map was really small in the meeting and I could not understand the location of my property. My property address is <u>4905</u> Baywoods Road, Fort Errie, LOS1NO.

I have reviewed your zoning maps and my property is currently in the rural zone. (It is NOT a waterfront property or waterfront rural). My property will be EXCLUDED for short term rental from both options 1 and 2. I would request you to include my property in the zoning for short term rentals due to the below reasons:

- Historically, my property has been allowed to do short term rental. I became the owner of 4905 Baywoods road in Nov 2021. The previous owner had the short term rental license
- Traditionally my property is NOT set up to be a four seasonal property. It is to be used only for summer. MOST properties on Baywoods and Point Abino are only set up as summer homes. There are a total 10 homes on Baywoods street and out of 10, 8 are owned by Americans who come here in summer and winterize the property for winter.
- My property is in a remote area. I don't have many properties around me. It's not impacting other properties. Infact, the property on my front, left and right are all owned by Americans, who only come in the summer. YOU can go and check that there is no one in the home in the properties surrounding me between Sep May.

I would appreciate your thoughts and feedback on this.

Thanks,

Ujjwal Jain.

On Wed, Jan 25, 2023 at 3:41 PM Chris Millar < CMillar@forterie.ca > wrote:

Good Afternoon,

As some had inquired, attached please find the consultants slide deck from the meeting this morning. Thank you all once again for your time and attending the meeting.

Sincerely,
Chris Millar, MCIP, RPP, CNU-A
Senior Community Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

---- Forwarded by Chris Millar/FortErie on 2023-01-25 03:39 PM -----

From: "Turman, William" < <u>William.Turman@wsp.com</u>>
To: "Chris Millar" < <u>CMillar@forterie.ca</u>>
Cc: "Bender, Gregory" < <u>Gregory.Bender@wsp.com</u>>
Date: 2023-01-25 02:56 PM

Subject: Fort Erie STR Community Focus Group Meeting Presentation

Hi Chris,

Attached is a pdf of the presentation given today to the Community Focus Group.

Will



#### William Turman

Planner, Urban and Community Planning Planning, Transportation & Infrastructure *he/him* 

T+ 1 519-904-1872

WSP Canada Inc. 582 Lancaster St. W. Kitchener, Ontario N2K 1M3 Canada

wsp.com

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-LAEmHhHzdJzBITWfa4Hgs7pbKI [attachment "Screen Shot 2023-01-26 at 11.00.04.png" deleted by Chris Millar/FortErie]

# Re: Fw: Fort Erie STR Community Focus Group Meeting Presentation - Rural Zone properties

Ujjwal Jain to: Chris Millar, Signe Hansen

2023-01-25 04:38 PM

Cc: "Fahima Begum"

From: "Ujjwal Jain"

To: "Chris Millar" < CMillar@forterie.ca>, "Signe Hansen" < SHansen@forterie.ca>

Cc: "Fahima Begum" <FBegum@forterie.ca>

#### Hi Chris,

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Good Afternoon,

As some had inquired, attached please find the consultants slide deck from the meeting this morning. Thank you all once again for your time and attending the meeting.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

---- Forwarded by Chris Millar/FortErie on 2023-01-25 03:39 PM -----

From: "Turman, William" < William. Turman@wsp.com>

To: "Chris Millar" < CMillar@forterie.ca>

Cc: "Bender, Gregory" < Gregory.Bender@wsp.com >

Date: 2023-01-25 02:56 PM

Subject: Fort Erie STR Community Focus Group Meeting Presentation

Hi Chris,

Attached is a pdf of the presentation given today to the Community Focus Group.

Will



#### William Turman

Planner, Urban and Community Planning Planning, Transportation & Infrastructure he/him

T+ 1 519-904-1872

WSP Canada Inc. 582 Lancaster St. W. Kitchener, Ontario N2K 1M3 Canada

wsp.com

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From: Deanna Allen/FortErie

To: "Laura Kozloski"

Cc: "Caralee Grummett" < CGrummett@forterie.ca >, Chris Millar/FortErie@TownOfFortErie

Date: 2023-02-02 08:26 AM

Subject: Re: Fwd: STR zoning questions

Good Morning Laura,

Happy Thursday!

Thank you for providing your feedback and for also speaking at yesterday's open house.

I have cc'd Chris Millar to this e-mail so he can forward it to the meeting presenters.

Kind Regards, Deanna

#### Deanna Allen

Economic Development Officer

The Corporation of the Town of Fort Erie | Economic Development & Tourism Services 1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6

T: 905-871-1600 x 2251 | E: dallen@forterie.ca

www.forterie.ca

From: "Laura Kozloski"

To: "Caralee Grummett" < CGrummett@forterie.ca >

Cc: "Deanna Allen" < DAllen@forterie.ca >

Date: 2023-02-02 03:55 AM

Subject: Fwd: STR zoning questions

As requested at Feb 1 open house for STR, as attendees we were asked to share our comments/questions in writing. Below is my commentary, please share with the meeting presenters.

----- Forwarded message ------

From: Laura Kozloski

Date: Wed, Feb 1, 2023 at 6:58 PM Subject: STR zoning questions

To: Laura Kozloski

Send to town in writing.

This is not your average neighbourhood...any property within walking distance to a lake is golden ...we are blessed, therefore since the lake is unique to this area and the world we should allow those to stay, see and experience. Not for one but for all.

Assumption that guests should not stay in new residential areas. Newness of building shouldn't matter, instead we should focus on parking, safety and infrastructure in meeting lodging criteria.

Event uses in residential area vs commercial.

STR not for corporations? Could corps run them better or worse..matter of opinion.

Many other variable between 4 options. ie STR is not STR if owner occupied..owner occupied is BnB

Why do you need an overlay? Commercial is commercial and res can operate 25% home based business so bnb 1 of 4 bedrooms. STR in residential area with no owner present should be the only concern discussed as it is no longer a home based business unless there are 3 dwellings in one property as per Bill 23 and there is a landlord or owner on site. Also meets CRA requirements regarding write offs and tax implications.

1 to 3 dwelling in each..did you consider other provincial bylaws, that pertain to this discussion.

How are Bnb s different than STR ...should it be another discussion for res. Zoned property and ag where farmer is on-site.

Commercial and Ag zoning properties already have parameters that they live by and are already permitted under other governance options so should be excluded from this moratorium and discussion.

Residential is a different zoning ...therefore residential needs to be the discussion, not the other

Also residential according to CRA can right off up to 25 % of expenses due to home based business...Band B, as it's an occupied residence. If not accupied then applying for a license makes sense for all alternative use to residential.

As for Commercial, CMU2 it's already permitted.

As for doing this study now...bookings need to happen now. So take all the time you need but let people operate as they have been doing at least those zoned commercial and agritourism and

those who operated before all this licensing and policy change started, so that we don't discourage tourism and we can support our businesses. This community has no industry other than tourism and it's only 3 short months. We need to seize this opportunity.

Bill 23 says 3 units on a residential property

Not early on, we are late...the town timeline is not in sync with the tourism timeline.

Separating STR is discrimination. All residential zoning needs to be consistent as does commercial as does ag.



Re: STR Focus Group Feedback - ZoningLeo Di Fabio to Teri O'Neill 2023-02-01 03:56 PM

Cc "Chris Millar", "Gregory.Bender@wsp.com", "Julio Ventura"

From "Leo Di Fabio"

To "Teri O'Neill"

Cc "Chris Millar" < CMillar@forterie.ca>, "Gregory.Bender@wsp.com"

<Gregory.Bender@wsp.com>, "Julio Ventura"

History: This message has been replied to.

Thank you Teri for your well stated letter. I would like to add to it Chris and Greg that I am the owner of the property that is located at 557 Pt Abino South. It is located right at the corner of Pt Abino and Erie Road. Although my property is a rural/residential zone it does have Water and Sewers and has so for quite some time. Although Rural properties do not have city services mine does. It also has been used by the Buffalo Canoe Club as a rental for many years to aid with many American members since the home is located within  $100 \, \text{M} + \text{or}$  - from the club. The home was purchased with an existing AbnB license and has continued to operate accordingly and we have spent over 100 thousand dollars to accommodate this accordingly to meet the requirements of the city's policies and provide a safe and luxurious home. The home is currently rented for both 2023 and 2024 and I feel that the use of this home as a vacation rental or short term rental should continue.

Thank you and please feel free to contact me should you have any questions

Leo Di Fabio

Leo Di Fabio

Sales Representative Royallepage NRC/ Maxima Holdings Partner

On Wed, Feb 1, 2023 at 10:18 AM Teri O'Neill

wrote:

Good Morning,

Please find attached my feedback regarding the STR Zoning Bylaw. It is difficult to put all my thoughts down but I tried to focus at the task at hand which is the zoning. My time is very limited in writing this feedback as I am busy with year end and preparing for the upcoming season so these thoughts were written with time constraints, please excuse anything that may not be clear. I am very much happy to schedule a call at any point to further clarify any points made.

Best Regards

Teri O'Neill, Director



Perfect Stays Niagara Inc.



W: www.perfectstaysniagara.ca







STR Focus Group Feedback - ZoningTeri O'Neill to Chris Millar, Gregory.Bender@wsp.com 2023-02-01 10:18 AM
From "Teri O'Neill" <info@perfectstaysniagara.ca>
To "Chris Millar" <CMillar@forterie.ca>, "Gregory.Bender@wsp.com"
<Gregory.Bender@wsp.com>
History:This message has been replied to.

#### 1 Attachment



Feedback STR Zoning ByLaw.pdf

Good Morning,

Please find attached my feedback regarding the STR Zoning Bylaw. It is difficult to put all my thoughts down but I tried to focus at the task at hand which is the zoning. My time is very limited in writing this feedback as I am busy with year end and preparing for the upcoming season so these thoughts were written with time constraints, please excuse anything that may not be clear. I am very much happy to schedule a call at any point to further clarify any points made.

**Best Regards** 

Teri O'Neill, Director

Perfect Stays Niagara Inc.







Feedback STR Zoning ByLaw

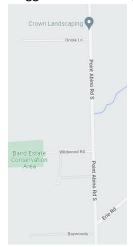
Option #1 – designated zones based on current zoning.

If it is deemed that zones should be implemented this is a great way to start and I would recommend the following zones be included to allow STR's

- R2B (light green) traditional Crystal Beach Cottage area. Many of these homes are owned as family cottages already and this historically the cottage area. Furthermore, many of these "cottages" are run down and with the rise in the STR market substantial investment has been put into some of these homes and it is revitalizing the area. This zone is close to Bay Beach, local restaurants and shops further benefiting these businesses with tourist revenue.
- CMU1 (light orange) Commercial Mixed Use. This area is already predominantly commercial
  use and STR's would be a secondary unit on the property. Not a residential area so little to no
  impact on residents. It may have an impact on long term apartment rentals however it is such a
  small area that the impact should be considered minimal. With all the other areas outside of
  these recommend zones there will be plenty of opportunity for long term apartment rental in
  other homes.
- WWR (Aqua) Waterfront Rural. Many of these homes have been vacation rentals for many years. The waterfront is a desirable amentia for travellers. These homes are large and maintenance is costly so the rental income funds repairs. A large number are American owned and have been in the family for years and they cannot use the, continuously so this helps prevent them from being vacant. My experience with these rentals is we see many Americans renting for weekly or longer stays as they are members of the BCC (Buffalo Canoe Club) furthermore many people rent so they can attend or take part in the sailing regattas.
- WR (Green) Waterfront Residential. Same principals apply as WWR

Option #2 – designated zones as mentioned above with an overlay is necessary.

An overlay of RR – Rural Residential should be included. Difficult to determine however I suggest the following points.



- Overlay that includes the area north of Erie Rd. on Point Abino Rd. South. This should include the area in this map. Again, this area is very popular with BCC members and guests. It is a traditional cottage area.
- It would be difficult to define other areas of overlay based on the RR zone however it should be considered that applicants for a licence in other areas of RR zone be considered on a case-by-case basis. For example: I-CAN-T.E.R is a Wellness and Therapeutic Center which I understand, has created three STR units for guest to stay but currently cannot rent. They should have the opportunity to submit a separate application for this "commercial" rental space. Or as another example a large farm home may want to rent their property as a rural rental based on another commercial approach. Approved licences as such should not be part of the current 250 limit as the process for application should be completely separate.

Option #3 – To add the requirement that all the STR's must be the owners principle residence has a drastic negative impact on the tourism industry and will have a substantial impact on investment in the area.

- Many of these homes are owned by Americans and have been passed down by generations of family. They have been "cottage" rentals long before the STR market flourished. These homeowners have years of repeat customers and as opposed to vacancy they should be able to rent them. Stopping these rentals will have zero impact on long term housing availability as likely they simply will not sell their family cottage. Contrary they will "lend" it to family members or friends and have less money to invest for maintenance.
- As a STR traveller I travel frequently and when I start my search I immediately look for a property that is "Entire Home" to myself. I do not want an owner there or in the unit beside me, it simply detours me from booking that property. I have 5-star ratings when I travel and having the owner their would have little impact on how I take care of the property. I DO NOT want to share the space. I also do not want to stay in someone else's space. I did this once and the owner left all her personal items there including a fridge full of food, bathroom full of personal items.
- This idea may work ok for Toronto, it will not work for Fort Erie. In Toronto, a homeowner generally will vacate their principal residence for the time it is rented so the guest has the full space. For example, I know a Toronto resident that is a snowbird, he rents his principal residence in the winter and vacates it for 6 months at a time. I am also aware of a couple with a cottage that leave their principal residence (an apartment) every weekend to go to their cottage, so they rent their apartment on weekends. Furthermore, Toronto has many hotels for people to stay in if they cannot find a STR. This would not work in Fort Erie as the homeowners would have to vacate their home in the peak season which they likely want to enjoy and find elsewhere to live.
- To implement this would kill the STR market in the area as I would say at least 99% of these homes are not the owners principal residence.

Options #4 – adding a distance parameter would have a negative impact as well. Many of my guests book cottages near each other. This became much more of a demand once the limit of 8 guests and 3 bedrooms was established. I used to book two families in a 4 bedroom house (4 adults and 5 children) or extended families in one house but now they must book two properties and they want them to be as close as possible. Having Option 1 & 2 implemented is sufficient as the zones identified with the suggested overlay do not include the traditional residential zones R1, R2 and R2A.

Additional Comments regarding STR's in general.

1. The comment that all permanent residents do not want STR's and find them disruptive is simply not true. This past Christmas I rented to an 80+year old resident that lives in an apartment in Ridgeway. She rented a cottage so her family could come for the holidays, and they all stayed. Just this past week I rented a 10 day stay to a resident of Ridgeway for his family visiting for his daughter's wedding. I rent often to families of children that attend FEIA so they have a place to

- stay when they come visit their child at school. We simply do not have the hotels necessary to accommodate they family stays.
- 2. The idea that guests staying at an STR do not frequent the restaurants is inaccurate as well. The first response I get after taking a new booking is "Can you please provide me some ideas of great restaurants in the area and things to do? This can further be confirmed by the reduced hours in the winter or closed businesses for the off season.
- 3. The idea that STR's cause an issue with garbage removal is inaccurate as well. As a property manager I have hired maintenance to pickup and take garbage away at every single checkout. The Town can request the Region do weekly pickups in the summer months and use some of the STR revenue towards this cost. I do see an issue with the Day pass beach visitors and garbage. I have seen firsthand they leave their garbage on the ground beside the car prior to leaving. This includes uneaten food, empty water bottles and dirty diapers.
- 4. In addition, many of the day pass people do not spend money in the area. They pack everything including their BBQ's, food and drinks and cook at their cars. Completely unsafe and a hazard.

I could provide many more comments about the importance of STR's to Fort Erie however the task here is to provide feedback regarding the zoning By-Law. As noted above these are my recommendations. It is very difficult to convey on paper so I am happy to schedule a call if you would like to discuss further.

Teri O'Neill Director Perfect Stays Niagara Inc.

Re: Public Open House - Short Term Rental Land Use Study 🗎

Fahima Begum to Greg Hunter

2023-02-13 12:04 PM

Chris Millar

From Fahima Begum/FortErie

To "Greg Hunter"

Cc Chris Millar/FortErie@TownOfFortErie

#### Hello Greg,

I have received these comments and will ensure they are also forwarded to the consultants. Thank you for providing again.

Cheers, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

"Greg Hunter"

Thank You for your response Fahima, Please...

2023-02-09 04:10:02 PM

From: "Greg Hunter"

To: "fbegum" <FBegum@forterie.ca>

Date: 2023-02-09 04:10 PM

Subject: Re: Public Open House - Short Term Rental Land Use Study

Thank You for your response Fahima,

Please make sure my comments in the attached file are forwarded to the consultant. I emailed these a few months ago, but I want to make sure they were received.

Thank You, Greg Hunter

From: "fbegum" <FBegum@forterie.ca>

To: "Greg Hunter"

Sent: Thursday, February 9, 2023 2:05:45 PM

Subject: Re: Public Open House - Short Term Rental Land Use Study

Hello Greg,

Thank you for your interest in and contributions to the Short Term Rental Land Use Study. Accessibility is an important area of consideration and planning, and I will ensure your comments are forwarded to the consultants. I'm happy to forward any other comments you have to the consultants for the study as well.

Best.

#### Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

From: "Greg Hunter"

To: "fbegum" <FBegum@forterie.ca>

Date: 2023-02-02 04:26 PM

Subject: Re: Public Open House - Short Term Rental Land Use Study

#### Hello Fahima,

I just finished watching the Short Term Rental Open House Meeting, which took place on Feb. 1, on Youtube. I did not hear in the verbal presentation nor see in the video slides any mention of fairness for handicapped people who wish to use Short Term Rentals. Please consider the following statement and try to build some accommodation into the Town's STR policy for handicapped people who wish to use STR's.

# The fact that STR properties are not subject to handicapped accessibility requirements is unfair to handicapped people.

Hotel and Motel owners in Fort Erie must comply with many Federally, Provincially and Regionally legislated requirements which STR property owners do not need to comply with. The fact that STR properties do not need to comply with the same handicapped accessibility requirements as Hotels and Motels, in many cases deprives handicapped people the ability to use STR's. This is discrimination against handicapped people. Also, since reservations at Hotels and Motels are generally more expensive than at STR's, this inequity puts an unfair financial burden on handicapped people.

Thank You, Greg Hunter

From: "fbegum" <FBegum@forterie.ca>
To: "Chris Millar" <CMillar@forterie.ca>
Sent: Friday, January 20, 2023 3:39:42 PM

Subject: Public Open House - Short Term Rental Land Use Study

Good Afternoon,

Please see the attached Notice for an upcoming Short-Term Rental Land Use Study **Public Open House** scheduled **February 1, 2023**, starting at **6pm** at **Town Hall**. The meeting will provide an opportunity for the Town's consultant (WSP Canada Inc.) to outline land use options being considered for a policy and regulatory framework respecting Short-Term Rental operations in the Town of Fort Erie.

Regards, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

[attachment "Fort Erie Short Term Rental Land Use Study.docx" deleted by Fahima Begum/FortErie]

#### feedback on short term rentals

veronica binka t cmillar

2023-02-02 11:46 AM

From "veronica binka"

To cmillar@forterie.ca

History: This message has been replied to and forwarded.

1 attachment



Short Term Rental letter.pdf

#### Hello Chris,

Although it should be addressed in zoning, I feel there is much more to consider than simply rentals when looking at land use and zoning. I cannot stress enough, my concerns about the fact that many people will already be adversely affected by the rising interest rates, causing prices to drop dramatically. Should they not be able to rent out their property and be forced to sell, there will definitely be more losses incurred. The same situation occurred with vacant land that was purchased with the intent of building a home, which was allowed at the time of purchase, then wetlands were designated making those properties worth much less and not to mention, not buildable. The investment made to purchase a property must be considered. Also, revenue loss for local businesses must be considered. I see this situation from many sides due to my experiences and offer my ideas in this manner with pros and cons.

Thanks for your consideration to my comments. I have attached a list of concerns and ideas.

Best Regards,

Veronica Binka

Dear Chris,

Thank you for your presentation in Fort Erie this evening regarding Short Term Rentals. It was an informative meeting with many different and interesting points of view from the public. I am offering some points to consider using my experience in the following areas as a guide. I have sat on the Official Plan & Secondary Planning committee for Wainfleet Township, been a licensed Realtor for over 50 years (now retired), an operator of a cottage rental business, prior to STR's being an issue and a current cottage owner with rental options in another municipality. Some of my points are more about the licensing but are still relevant to the topics surrounding land use here.

- 1.) A zoning by-law change affects property values. Any restriction placed on current zoning must have consideration of the detrimental affect it could have on re-sale value. This will particularly affect properties purchased, for the purpose of short term cottage rental, during the time when the Town of Fort Erie offered this option via a licensing program, then abruptly introduced a moratorium on licensing. This has already caused a burden to some. Properties that are currently zoned commercial or Agricultural with this as a permitted use should not have a change in zoning but simply have to be licensed and comply with rules. Those properties should have a completely different set of guidelines than Residential as there are often multiple units and other factors to consider like the initial purchase price.
- 2.) The key factor in changing the by-law with the expectation of compliance is enforcement. A change in the by-law will not ensure that the offenders will comply with the changes. In fact enforcement of such a by-law is difficult to police. I have personally experienced the negative impact of lacking by-law enforcement resulting in extensive losses therefore I don't feel this will impact those who will break rules unless there are severe consequences with strong enforcement. Many will operate under the radar as they may need the income.
- 3.) Accountability for any rental falls on the owner / operator and should be stressed with a list of consequences that must be reviewed in person, upon licensing. The biggest problem that a year round resident has with renters is the lack of respect. There should be contracts in place between owners and renters that impose strict rules with lack of compliance resulting in immediate eviction. If a renter expects this, they will think before they act and consider losing their accommodation as well as the fee to stay there.
- 4.) Consider 2 systems, one for Residential zoned properties operating a commercial rental business at a particular address on a regular, ongoing basis that the owner / operator's primary use is for rental income. The second system for Residential zoned properties used by the owner on a regular basis and rented out on occasion. These are 2 very different scenarios both of which I am familiar. The first would actually be a commercial business in the sense of the primary use where the second would be simply an owner of a secondary dwelling (cottage) renting out their cottage for a limited time to help cover expenses. The latter would be much more caring and on top of the situation since there would be a personal attachment, therefore less issues for the township to deal with. I feel it is unfair to lump these two scenarios together. The number of weeks per year could be set less for the second scenario and be exempt from zoning changes applicable to the first commercial business scenario. Each system could be still be licensed and monitored but in a more appropriate manner to the different type of rental situation.
- 5.) Owner / operators that do not live in the area should be required to hire a vetted property management company that is local and available to keep on top of the situation.

In closing, I do agree with allowing rentals, some as a business, which should be limited, and any that would allow a family to afford a secondary cottage property, they otherwise couldn't. Proper management and enforcement of rules is key to all of this. Educating property owners is also important as many do not understand by-laws or even know what they are, believe it or not, it's true.

Best Regards, Veronica

Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck

**Chris Millar** to ted banfalvi 2023-02-02 12:05 PM

"Fahima Begum"

Chris Millar/FortErie From

То "ted banfalvi"

Cc"Fahima Begum" <FBegum@forterie.ca>

Hi Ted.

Nice meeting you last night as well.

I will be forwarding your comments to the consultant for their record and consideration as they work towards a recommendation.

We will e-mail everyone when any new information is made available (meeting notices, reports).

Sincerely,

Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

"ted banfalvi" Chris, it was great chatting with you last night, fa... 2023-02-02 10:01:46 AM

From: "ted banfalvi"

To: "Chris Millar" < CMillar@forterie.ca> "Fahima Begum" <FBegum@forterie.ca> Cc:

Date: 2023-02-02 10:01 AM

Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck Subject:

Chris, it was great chatting with you last night, face-to-face.

As you and the WSP team asked, I wanted to share my comments and questions for review in writing.

To remind you and WSP of my background, I have owned and operated an STR in Crystal Beach since February 2002. I am a real estate agent for the past 15 years and have been managing STRs for a number of homes in CBTYC with little to no issues. I vet each tenant prior to the rental. I do not use AIRBNB or other online platforms.

Tenants are required to sign a customer service agreement, a working with a realtor form as well as a 10-page rental contract, Fort Erie rental rules and the CBTYC rental rules as well. The rental requires a \$1,500.00 security deposit which is held for any violations of the bylaws and rules during their stay. During the summer months of June through mid-September, 1-week bookings are the minimum. This limits the in-and-out behaviour that can promote "weekend party" goers and a hotel-like atmosphere. 99% of my rentals are families, and they

frequent grocery stores, and restaurants, and enjoy our great town. They come back year after year and tell their friends about Crystal Beach creating more tourism. Many of my renters have purchased homes as a result of renting and now live here either year-round or seasonally. STR operators pay local staff to clean the homes on turnover days, hire local contractors, pay their license fees, purchase equipment for upgrades etc, resulting in more dollars back into the community.

I would argue that STRs that rent longer term may contribute more to the local community than other types of property owners due to the nature of the activity. No one comes to CB to save money and pinch pennies, they come for a good time with family and friends.

#### My comments and questions:

After hearing some of the resident's concerns about disruptive STR's and reviewing WSP's slide decks that seemed to only reference the negative effects of STR's, I fear that STR licensing is being driven by the "squeaky wheel" wanting to be oiled. I didn't see much in the presentation slides about the benefits of STRs in the town. Since we are looking at both sides of the issue, can WSP come up with the benefits of STR on a small town such as Crystal Beach or Ridgeway?

If "disruptive" STRs seem to be the driving force behind licensing, I feel it is important to have more information about those properties. If we can identify a common link, there may be an alternate solutions to solving the problem.

- -Is there a way to report on the number of complaints regarding STRs before the pilot program started and now that the town has implemented the recent additions to the licensing program? These stats could help residents understand if licensing has made a difference and where we need to improve.
- -How many licensed properties have been fined or licenses revoked?
- -Are unlicensed STRs more prone to disruptive behaviour?
- -How many unlicensed STRs are known to be operating?
- -Of the disruptive reports, how many of these guests were one, two or three-night rentals, and how many were longer rentals(one week or two week)?
- -Are disruptive STRs generally family rentals, groups, parties, etc.?
- -How many of the disruptive STRs are using AIRBNB, or other online rental platforms?
- -We have seen what happens when the government steps in to license or prohibit an activity strictly, it causes an underground effect to occur. The best thing for the town is for all STR operators to buy into the licensing program. The more licensed operators, the more control the town has over the program and the more pressure on the unlicensed operators. The last thing we need is for STRs to go underground and cause more neighbour disputes and illegal tenants. Any tenant willing to rent an illegal property, will likely not be a tenant worth having in town.
- -What steps have the town taken to stop unlicensed STRs? How can the town prove the rental is not just friends and family?

As an overlay, has WSP run through a possibility of a minimum night rental as a solution to disruptive STRs? The longer the rental, the greater the benefits. Higher investment in the economy, greater connection to the community, and lesser chance for parties and group events. Have a great rest of your week. Ted.

On Tue, Dec 6, 2022 at 11:44 AM ted banfalvi		wrote:
Thank you for the reply. I have no objection	to being contacted for any	input. that would help.

Regards, Ted.

On Tue, Dec 6, 2022 at 11:37 AM Chris Millar < CMillar@forterie.ca> wrote:

Hi Ted.

Thanks for taking the time to provide details comments.

They will be provided to WSP for their review and consideration as they process/formulate some options to return to public and stakeholders with.

As for data from AirBnB and Vrbo, we are not using their data, nor have they provided any to us. They are, however, an identified stakeholder in the study work and as such, we have met with a couple of the platform providers (including AirBnB) to discuss protocols, etc. as it relates to municipal relations.

Again, thanks for the contributions below and we look forward to your continued participation in the process.

I trust you would have no objection, should the consultant wish contact you over anything you have raised below.

In the meantime, they will be reviewing all input received as they work towards the options.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: "ted banfalvi"

To: "Fahima Begum" < FBegum@forterie.ca > Cc: "Chris Millar" < CMillar@forterie.ca >

Date: 2022-12-06 09:53 AM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck

#### Good morning Fahima Chris.

I am sending a few comments and questions regarding the land use study from the perspective of a 20+ year Crystal Beach homeowner/STR landlord and as a realtor that has managed rental bookings for 15 years for multiple homes.

1. I noticed that the land use study gathered most of the data for STR's through the available AIRBNB and VRBO platforms, was there any consideration for data from landlords that do not use a web-based vacation/home-sharing platform? In my experience, AIRBNB and

VRBO rentals seem to be the target of unregulated behaviour, "party houses," and non-compliant tenants. Before the widespread use of online platforms, short-term rentals were used more for family-style vacations with longer stays due to the difficulty of turning over contracts, accepting payments, deposits, etc.

- 2. Has the land use study considered establishing a minimum night stay during the high season months of June, July and August? In my opinion, one or two-night stays tend to foster a "party" atmosphere and less community involvement with little to no economic investment. In my opinion, raising the minimum stay to 5 or 7 nights would curb the in-and-out nature of rentals which can be disruptive to neighbours and increase the possibility of non-compliant tenants. It's clear that the longer a tenant stays, the more they invest in the economy, and the more they will be connected to the neighbourhood and less likely to be a nuisance to the neighbours. Longer stays mean higher rental costs, which most times knocks out the weekend partiers' with lower budgets.
- 3. Regarding comments that STR's are a commercial business. This concept goes against the basic freehold right of a homeowner, where you have a basic right to rent your home. I don't see how you could remove a property's basic freehold right without violating the law. If your property is following the bylaws established, a homeowner should not have their rights denied. Enforcing bylaws on non-compliant homes is the key, not denying rentals. Bylaws exist for all homeowners for a multitude of property standards. Would the town ban lawns when one homeowner lets their weeds grow too high? Would the town ban street parking when homeowners park on the street beyond the maximum allowed time? I would assume the town would enforce the bylaw. Banning rentals will not stop rentals; it will force rentals to be illegal, and this will create more enforcement issues than the town has now. Getting homes to be compliant with the rules and bylaws and penalizing/denying the problem homes is the key.
- 4. AIRBNB, VRBO, and other types of web-based booking systems make the rental process a faceless transaction where bookings happen with very little physical contractual exchange, vetting or contact with the landlord, etc. I find when potential tenants physically review contracts, rules, and potential penalties and acknowledge documents, they are more likely to follow the plan, so to speak.
- In my experience, the first contact with potential tenants is an education of all the bylaws, occupancy restrictions, house rules and any penalties that could be levied from their \$1,500.00 security deposit. This happens before any booking moves forward and usually weeds out the "party tenants." Has the town considered banning the use of these platforms similar to moves by condominiums?
- 5. Grandfathering of current license holders is a must going forward. The community of Crystal Beach was built on homeowners providing STRs to guests for a century. Punishing existing homeowners that have been contributing to the economy would be a slap in the face and another "reactive" government move.

Thank you for this opportunity to be heard. Please do not hesitate to call or email me if you need clarity on any of my statements.

Ted.

On Wed, Nov 30, 2022 at 1:58 PM Fahima Begum < FBegum@forterie.ca > wrote: Hello Ted,

Yes, that is the email to which the notice was sent, and it is on our email list. We look forward to receiving your comments.

Cheers, Fahima

Fahima Begum, BA/BSW, MScPI Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

From: "ted banfalvi"

To: "Fahima Begum" < FBegum@forterie.ca > Cc: "Chris Millar" < CMillar@forterie.ca >

Date: 2022-11-30 01:21 PM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck

Hello Fahima. Thank you for your response.

I have checked spam and my inbox and cannot seem to find the invitation. Was it sent to the email address?

Either way, can you please ensure that any further invites go to this email address? I would really appreciate it.

I will send some comments to you as soon as possible and prior to the December 7 deadline.

Regards, Ted

On Tue., Nov. 29, 2022, 2:38 p.m. Fahima Begum, < FBegum@forterie.ca wrote:

Hello Ted.

Thank you for your interest in this Town initiative. I have it noted that a notice was sent to your email on November 16th at 2:11pm, but emails do sometimes end up in the wrong folder, and it's a shame the Open House missed out on your perspective.

I am happy to receive your comments and suggestions at this email, and relay them to the consultant for their consideration. I'll be receiving comments until Wednesday December 7th. That's great you have such in-depth knowledge and experience on STRs, and we look forward to your comments.

Cheers, Fahima

Fahima Begum, BA/BSW, MScPI Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

From: "ted banfalvi"

To: "Fahima Begum" < FBegum@forterie.ca >

Cc: "Chris Millar" < CMillar@forterie.ca >

Date: 2022-11-25 05:08 PM

Subject: Re: Virtual Public Open House - Short Term Rental Land Use Study recording and slide deck

Hello Fahima and Chris and thank you for your email but I am curious to know why I did not receive a notice to attend this meeting. I am an STR holder and have been in discussion with Deanna about this very Land Use plan.

As a real estate agent, I represent multiple STRs in Crystal Beach for 15 years and my own home for over 20 years and have vast knowledge and experience that I can offer.

Is there a way I can have input as a non-AIRBNB or VRBO booking system? I would be happy to speak with staff or the focus group.

Thanks, Ted.

On Fri, Nov 25, 2022 at 11:54 AM Fahima Begum < FBegum@forterie.ca wrote: Good Morning,

We would like to give a big thank you to everyone who joined us for the virtual Public Open House on November 23, 2022. Staff and the consultants appreciate your participation and contributions to this background work that will lead to options development and further public engagement.

If you would like to access the virtual Public Open House presentation recording and slide deck, they are available on the <u>Short-Term Rentals in Fort Erie - Land Use Study</u> page on Let's Talk Fort Erie.

Regards, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

--

Ted Banfalvi Real Estate Sales Representative **Right At Home Realty** 

Burlington, Ontario L7L 1V2

Website: www.tedbanfalvi.com

Office:

CHAIRMAN'S CLUB AWARD RECIPIENT 2021 #1 Brokerage in the GTA 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 for Sales Statistics-Celebrating 18 years of Success\*

Casl Compliant, to unsubscribe click reply and please type "remove" in subject line.

--

Ted Banfalvi Real Estate Sales Representative **Right At Home Realty** 

Burlington, Ontario L7L 1V2

Website: www.tedbanfalvi.com

Office: 905-637-1700

#### **CHAIRMAN'S CLUB AWARD RECIPIENT 2021**

#1 Brokerage in the GTA 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 for

Sales Statistics-Celebrating 18

years of Success\*

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--

Ted Banfalvi Real Estate Sales Representative **Right At Home Realty** 5111 New Street Burlington, Ontario L7L 1V2\_

Website: www.tedbanfalvi.com

Office: 905-637-1700

#### **CHAIRMAN'S CLUB AWARD RECIPIENT 2021**

#1 Brokerage in the GTA 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 for Sales Statistics-Celebrating 18 vears of Success\*

Casl Compliant, to unsubscribe click reply and please type "remove" in subject line.

\_\_

Ted Banfalvi Real Estate Sales Representative **Right At Home Realty** 5111 New Street Burlington, Ontario L7L 1V2\_

Website: www.tedbanfalvi.com

Office: 905-637-1700

CHAIRMAN'S CLUB AWARD RECIPIENT 2021
#1 Brokerage in the GTA 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 for Sales
Statistics-Celebrating 18
years of Success\*

Casl Compliant, to unsubscribe click reply and please type "remove" in subject line.



Fwd: Str issueWENDY C BARRON to Millar, Chris Sr Community Planner 2023-02-02 02:16 PM

From "WENDY C BARRON"

To "Millar, Chris Sr Community Planner" < cmillar@forterie.ca>

History:

This message has been replied to and forwarded.

Trying again

Sent from my iPhone

Begin forwarded message:

From: WENDY C BARRON < wbarron@verizon.net>

**Date:** February 2, 2023 at 1:59:43 PM EST

To: cmiller@forterie.ca

Cc: Barron Wendy
Subject: Str issue

Chris - this is Wendy Barron at 1069 Edgemere Lane, west of Kraft Road. We spoke at some length and I am following up with my thoughts on the str issue. At our end of Crescent Beach there are about 28 homes, mostly on Edgemere Lane from 1045 to 1141Edgemere and 9 on Maple Lane and one listed as 199 Kraft Road. The Crescent Beach Association only includes up to 1141 EdgemereLane. Not all the way to Crescent Park Rd or Cam Rd.

These homes have been family homes since the early 1900's. Many have or had the main house closest to the lake and then "back" houses built for families snd friends since that time. We were a community until the last few years when these homes have been purchased and turned them into profit making businesses. With these strs have come strangers into the area and everything from riotous noisy parties to stealing of items off the beach, to debris eVerywhere. I now face a parking lot filled with cars of people renting for a week and having all friends and family come to the house in front of me (which was built by my grandparents and lived in by family up to about 10 years ago. 1077 Edgemere). Think facing a hotel parking lot. They have become party houses with owners not living there and thus tenants r free to do as they wish. It's a nightmare. There are new owners but also rent although I've had no experience with them.

These are businesses obviously and should not be allowed in residential areas. We are not Crystal Beach nor the other end of Crescent Beach nor Waverly Beach or the town near the bridge where it is much more touristy. Our community is family oriented and should be preserved as such and not become a place whose sole purpose is to make money.

If you need any other information, please do not hesitate to call me.

I am going to email u the area map.

Thank you.

Wendy Barron

### **Map of Crescent Beach Association**

**WENDY C BARRON**  $_{0}^{t}$  Chris Millar

2023-02-02 02:06 PM

From

"WENDY C BARRON"

To "Chris Millar" < CMillar@forterie.ca>

1 attachment



IMG 2592.ipc

Might help!

Sent from my iPhone



Re: Fwd: STR zoning questionsLaura Kozloski to Chris Millar 2023-02-02 01:25 PM From "Laura Kozloski"

To "Chris Millar" < CMillar@forterie.ca> History:

This message has been replied to and forwarded.

Thank you Chris, I will send the doc I spoke of, however there are many other policies that support value added on a farm. Further I think that if CRA says you can claim up-to 25% of all household expenses for a home based business and could be asked for a site plan that shows the 25% of the property that this applies to, this should be factored into your discussions along with Bill 23 for residentially zoned parcels. I think that public input is restricted by laws and policies that already exist within the constraints of a municipality and within the greater Provincial envelope. I own a CMU2 (now Village Commercial) property in NOTL consisting of residential and business components, and I hold a provincial business license that is in line with my zoning. Therefore I don't need additional licenses I just need to meet bylaw, fire codes and signage and parking requirements in addition to liability and property insurance. It's actually really simple and doesn't restrict my commercial zoning rights and ability to operate for profit. I did not apply for STR license when it opened up because I did not think it applied to me as my property at 4100 Erie was run as a short term rental (prior to licensing) and my commercial zoning permits it. To do my due diligence I called when I was ready to start renting in May 2022 and was told no. I have been waiting ever since and have lost a significant amount of money. If short term rentals relate to residential properties, farms and commercial buildings who hold commercial mortgages and abide by other rules should not be part of your conversation. We can meet bylaw requirements but really should automatically be approved as there is no conflict regarding residential use. Generally people don't purchase stores and hotels and industrial sites and farms to live in without a business component. As for bed and breakfast they are owner or manager occupied..someone on-site who runs the business and serves breakfast. Guests don't use the kitchen. This is also a requirement of Regional health, another governance body that mandates that if you have a home based business regarding food you have to have a separate inspected kitchen just for the business with a triple sink or double sink with sanitation cycle on your dishwasher with hot water that reaches a certain temp and cannot fry without a fire suppression fan/vent over the fry area. So many factors outside of our discussion that must be followed. I speak from experience as a previous bed and breakfast owner, farmer, retailer, landlord, food scientist who catered and taught ...for 30 years. I am more than willing to assist where needed in this discussion. I would just like to move forward, grandfathered, until you come to a conclusion so that I don't miss a fourth season. Please let me know if any other opportunities to assist in moving this forward.

#### Laura

On Thu, Feb 2, 2023 at 12:37 PM Chris Millar < CMillar@forterie.ca > wrote:

Hi Laura,

Thanks for attending and speaking last evening.

I will be forwarding your comments to the consultant for their record and consideration as they work towards a recommendation.

I noted the agricultural perspective (of Provincial policy) and will be looking for discussion with them on that.

Again, thanks for taking the time to both, appear and write us.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner

Town of Fort Erie

1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: Deanna Allen/FortErie

To: "Laura Kozloski"

Cc: "Caralee Grummett" < CGrummett@forterie.ca>, Chris Millar/FortErie@TownOfFortErie

Date: 2023-02-02 08:26 AM

Subject: Re: Fwd: STR zoning questions

Good Morning Laura,

Happy Thursday!

Thank you for providing your feedback and for also speaking at yesterday's open house.

I have cc'd Chris Millar to this e-mail so he can forward it to the meeting presenters.

Kind Regards, Deanna

#### **Deanna Allen**

#### Economic Development Officer

The Corporation of the Town of Fort Erie | Economic Development & Tourism Services 1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6

T: 905-871-1600 x 2251 | E: dallen@forterie.ca

www.forterie.ca

From: "Laura Kozloski"

To: "Caralee Grummett" < CGrummett@forterie.ca>

Cc: "Deanna Allen" < DAllen@forterie.ca>

Date: 2023-02-02 03:55 AM Subject: Fwd: STR zoning questions

As requested at Feb 1 open house for STR, as attendees we were asked to share our comments/questions in writing. Below is my commentary, please share with the meeting presenters.

----- Forwarded message ------

From: Laura Kozloski

Date: Wed, Feb 1, 2023 at 6:58 PM Subject: STR zoning questions

To: Laura Kozloski

Send to town in writing.

This is not your average neighbourhood...any property within walking distance to a lake is golden ...we are blessed, therefore since the lake is unique to this area and the world we should allow those to stay, see and experience. Not for one but for all.

Assumption that guests should not stay in new residential areas. Newness of building shouldn't matter, instead we should focus on parking, safety and infrastructure in meeting lodging criteria.

Event uses in residential area vs commercial.

STR not for corporations? Could corps run them better or worse..matter of opinion.

Many other variable between 4 options. ie STR is not STR if owner occupied..owner occupied is BnB

Why do you need an overlay? Commercial is commercial and res can operate 25% home based business so bnb 1 of 4 bedrooms. STR in residential area with no owner present should be the only concern discussed as it is no longer a home based business unless there are 3 dwellings in one property as per Bill 23 and there is a landlord or owner on site. Also meets CRA requirements regarding write offs and tax implications.

1 to 3 dwelling in each..did you consider other provincial bylaws, that pertain to this discussion.

How are Bnb s different than STR ...should it be another discussion for res. Zoned property and ag where farmer is on-site.

Commercial and Ag zoning properties already have parameters that they live by and are already permitted under other governance options so should be excluded from this moratorium and discussion.

Residential is a different zoning ...therefore residential needs to be the discussion, not the other

Also residential according to CRA can right off up to 25 % of expenses due to home based business...Band B, as it's an occupied residence. If not accupied then applying for a license makes sense for all alternative use to residential.

As for Commercial, CMU2 it's already permitted.

As for doing this study now...bookings need to happen now. So take all the time you need but let people operate as they have been doing at least those zoned commercial and agritourism and those who operated before all this licensing and policy change started, so that we don't discourage tourism and we can support our businesses. This community has no industry other than tourism and

it's only 3 short months. We need to seize this opportunity.

Bill 23 says 3 units on a residential property

Not early on, we are late...the town timeline is not in sync with the tourism timeline.

Separating STR is discrimination. All residential zoning needs to be consistent as does commercial as does ag.



Fwd: Permitted Ag land use.Laura Kozloski to CMillar 2023-02-02 01:25 PM From "Laura Kozloski"

To CMillar@forterie.ca

1 Attachment



permitteduseguide.pdf

See attached for sharing, as mentioned in my previous email.

----- Forwarded message -----

From: Laura Kozloski

Date: Wed, Feb 1, 2023 at 7:02 PM Subject: Permitted Ag land use.

To:

http://www.omafra.gov.on.ca/english/landuse/facts/permitteduseguide.pdf



Fort Erie STR - Suggestions post town hall meeting 2Ujjwal Jain to Chris Millar 2023-02-02 12:21 PM

Cc "Fahima Begum", "Signe Hansen"

From "Ujjwal Jain"

To "Chris Millar" < CMillar@forterie.ca>

Cc "Fahima Begum" <FBegum@forterie.ca>, "Signe Hansen" <SHansen@forterie.ca> History:

This message has been replied to and forwarded.

Good Afternoon Team,

It was great to see you guys yesterday in the town hall meeting!

Below is my suggestion for the land use study:

Any areas where residents don't live all 12 months /Streets on which 50% of the residents are absent between September - April (E.g. Rural community in Fort Errie at Point Abino and Baywoods) - Houses in these areas should be granted express STR approval for 2023 as they are not causing any disturbances to neighbours.

Thanks, Ujjwal jain.

On Thu, Jan 26, 2023 at 1:02 PM Chris Millar < CMillar@forterie.ca> wrote:

Hi Ujjwal,

The short answer is I am not certain if the consultant is planning any modifications to what was presented yesterday.

I do know that all comments are being considered prior to any final recommendation they will advance with their study outcome, so whether or not there are any "tweaks" they feel are appropriate or can be accommodated would be forthcoming.

I will of course forward this to them for their continued awareness of your interests and concerns. There will be opportunity in future to address Council through a delegation once this study is brought forward and if Council chooses to authorize Official Plan and Zoning amendments, they will run through the normal planning process of having a Public Meeting in front of Council also, open to anyone to voice opinion. But that is still to be determined.

First, the study needs to be completed and a final recommendation of the Consultant made. Thanks again.

Sincerely,
Chris Millar, MCIP, RPP, CNU-A
Senior Community Planner
Town of Fort Erie

1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: "Ujjwal Jain"

To: "Chris Millar" < CMillar@forterie.ca>

Cc: "Fahima Begum" < FBegum@forterie.ca >, "Signe Hansen" < SHansen@forterie.ca >

Date: 2023-01-26 12:42 PM

Subject: Re: Fw: Fort Erie STR - Residential areas near Crystal Beach

Hi Chris,

Thanks you for the update.

Would you also be able to please advice on whether your team would modify the options as per feedback and present the new modified options on Feb 1 town hall meeting OR would the same options be presented at the town hall meeting?

Thanks,

Ujjwal Jain.

On Thu, Jan 26, 2023 at 11:44 AM Chris Millar < CMillar@forterie.ca>wrote: Hi Ujiwal,

Thank you for your additional submission.

I am going to forward to the consultants for their information as they continue through the options development and receive comments such as yours to consider.

Again, thank you for attending yesterday.

Sincerely,
Chris Millar, MCIP, RPP, CNU-A
Senior Community Planner
Town of Fort Erie

1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: "Ujjwal Jain"

To: "Chris Millar" < CMillar@forterie.ca>, "Signe Hansen" < SHansen@forterie.ca>

Cc: "Fahima Begum" <FBegum@forterie.ca>

Date: 2023-01-26 11:21 AM

Subject: Re: Fw: Fort Erie STR - Residential areas near Crystal Beach

Morning Chris,

Hope you are well!

In the spirit of helping your study reach an acceptance, I wanted to provide some info on this. I

would highly appreciate your feedback on this and my previous email.

I reviewed your presentation again and I realized why there was no consensus among the participants on the options that your team provided. Near to Crystal Beach, apart from a large number of cottages, there is a big residential community. Please see attached street view screenshot showing the **entrance to the community**. There are people living here year round and they have the BIGGEST issues with short term rentals. Also, as per my initial conversation with **officer Bryce Bailey**, the whole reason for doing this short term rental study was due to the complaints by the residential community near the crystal beach. In both of your options, you have indicated to allow short term rentals in those areas. Thus, there was no consensus and there will never be a consensus on those options. In April 2022, Bryce Bailey had further advised me that my house on Point Abino and Baywoods should have no issue getting a license as there is no residential community out there.

In my rural community at Point Abino and Baywoods, most homes are used only as summer homes as most properties are NOT four season properties. These were built as summer cottages only. Further, there is **NOT EVEN ONE** participant who opposed short term rental in rural communities on Point Abino and Baywoods.

Thanks, Ujjwal Jain.

On Wed, Jan 25, 2023 at 4:38 PM Ujjwal Jain wrote: Hi Chris,

Hope you had a good day!

Thank you and your team for helping the town come up with the options. The map was really small in the meeting and I could not understand the location of my property. My property address is <u>4905</u> <u>Baywoods Road, Fort Errie, LOS1NO</u>.

I have reviewed your zoning maps and my property is currently in the rural zone. (It is NOT a waterfront property or waterfront rural). My property will be EXCLUDED for short term rental from both options 1 and 2. I would request you to include my property in the zoning for short term rentals due to the below reasons:

- Historically, my property has been allowed to do short term rental. I became the owner of 4905 Baywoods road in Nov 2021. The previous owner had the short term rental license
- Traditionally my property is NOT set up to be a four seasonal property. It is to be used only for summer. MOST properties on Baywoods and Point Abino are only set up as summer homes. There are a total 10 homes on Baywoods street and out of 10, 8 are owned by Americans who come here in summer and winterize the property for winter.
- My property is in a remote area. I don't have many properties around me. It's not impacting other properties. Infact, the property on my front, left and right are all owned by Americans, who only come in the summer. YOU can go and check that there is no one in the home in the properties surrounding me between Sep May.

I would appreciate your thoughts and feedback on this.

Thanks,

Ujjwal Jain.

On Wed, Jan 25, 2023 at 3:41 PM Chris Millar < CMillar@forterie.ca>wrote:

Good Afternoon.

As some had inquired, attached please find the consultants slide deck from the meeting this morning. Thank you all once again for your time and attending the meeting.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

---- Forwarded by Chris Millar/FortErie on 2023-01-25 03:39 PM -----

"Turman, William" < William.Turman@wsp.com> From: To: "Chris Millar" < CMillar @forterie.ca> "Bender, Gregory" < Gregory.Bender@wsp.com > Cc: 2023-01-25 02:56 PM

Subject: Fort Erie STR Community Focus Group Meeting Presentation

Hi Chris,

Date:

Attached is a pdf of the presentation given today to the Community Focus Group.

Will



#### William Turman

Planner, Urban and Community Planning Planning, Transportation & Infrastructure he/him

T+ 1 519-904-1872

WSP Canada Inc. 582 Lancaster St. W.

Kitchener, Ontario

N2K 1M3 Canada

wsp.com

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Re: Dedicated STRs Do Not Belong in Residential Zones

Scott Lamb to: Alex Herlovitch 2023-02-02 05:56 PM

Cc: cmillar

From: "Scott Lamb"

To: "Alex Herlovitch" < AHerlovitch@forterie.ca>

Cc: cmillar@forterie.ca

Just to add to this - the historical precedent for cottages outside of the old "cottage motels" now long gone but some ruins - was families' renting their cottages incidental to their own use. My cottage was rented by the previous American owner to defray costs in her old age. She lived there May and June and September and rented out July and August.

The real problem is new owners buying houses at incredible prices - hello GTA and investors- and dedicating them to rentals. They are pure businesses!

Thank you again for your time.

Scott Lamb

Sent from my iPhone

On Feb 2, 2023, at 4:46 PM, Alex Herlovitch <AHerlovitch@forterie.ca> wrote:

#### Dear Mr. Lamb

Thank you for taking the time to put your thoughts and experiences into writing. You raise many interesting points regarding those who operate STRs as a business and those who rent incidental to their own use. Your input will be shared with the Town's consultant as they formulate an approach to use land use provisions to regulate short term rentals. The Town's by-law already allows for hotel and motel uses in commercial zones, however, few can afford to operate only seasonally which is why, I suspect, we have not seen a proliferation of these uses.

The consultants will be moving forward with recommendations and these will be subject to a statutory public meeting under the Planning Act. I hope that you will continue to follow this topic closely and will provide further input at that time. Sincerely

Alex

Alex Herlovitch, MCIP, OPPI Director, Planning & Development Services Town of Fort Erie, 1 Municipal Centre Drive Fort Erie, ON, L2A 2S6 905-871-1600, extension 2500

From: "Scott Lamb"

To: AHerlovitch@FortErie.ca
Cc: cmillar@forterie.ca
Date: 2023-02-02 02:11 PM

Subject: Fwd: Dedicated STRs Do Not Belong in Residential Zones

Also for you Mr. Herlovitch.

Sent from my iPhone

Begin forwarded message:

From: Scott Lamb

**Date:** February 2, 2023 at 2:07:33 PM EST

To: cmillar@forterie.ca

**Subject: Dedicated STRs Do Not Belong in Residential Zones** 

Dear Sirs,

I understand you are seeking input on potential Town of Fort Erie zoning proposals regarding where dedicated (i.e. non-owner occupied) short term rentals (STRs) belong and don't belong.

I am writing to you in my capacity as a recreational property owner in Fort Erie, where I have owned a cottage since at

Since the advent of online STRs and the sale of long time family owned private cottages to dedicated, investment driven STR owners, the quality of my life at my property and that of my friends and neighbours at their properties has declined materially.

Noise, hooliganism, loud parties, garbage proliferation etc. have become much more common. A good friend of mine had to tolerate a drunken wedding party with men urinating on his lawn. I kid you not! One nearby STR owner threatened to "buy up every house" when confronted with issues presented by his unruly guests. Unacceptable.

Instead of true neighbours we now often have large groups of rowdy party guests only concerned about "fun" while STR owners look the other way out of greed. Are there exceptions? Yes. Has regulation helped? Somewhat. However the norm is not acceptable.

Having an unsupervised "mini-hotel" on your beach or down the street is not an appropriate land use for a residential neighbourhod. I do contrast this with "old-fashioned" rentals where families let their house out for the summer, or month or two - the longer the better - to a single family. These rentals were much less problematic

and a family could afford them! Today's STR nightly rates on the other hand are extraordinary by historical standards. A house that might have rented for 2500 dollars a week as little as 5 or 6 years ago can now be rented for upwards of a thousand dolllars a night! These absentee landlord commercially run nightly rentals are another "beast" entirely and there is a risk of them spreading further and continuing to push out families and cottagers.

Please note I am all in favour of a good hotel, motel or inn. We could use a good old fashioned inn and tavern in the Town. Frankly STR proliferation make that a less likely future investment by offering less attractive, unsupervised "hotel" options that are cheaper to run because they are less regulated and can be neglected. Let's bring back some of the old hotels and inns of the past! Let's have a great vacation Town with actual inns, restaurants and bars!

I am also not averse to actual property owners renting their homes out incidental to theor own use as was typically done in the past. However dedicated STRs I strongly oppose in residential zones. If the Town wishes it may focus on and/or rezone Crystal Beach near the old amusement park and Crystal Beach as well as other commercial or mixed use zones that might attract STRs as well as hotels, motels or inns.

I am not particularly political but as a citizen, seasonal resident and lawyer I would like my voice heard and acknowledged on this issue.

When you consider this submission please think of your own home or cottage and ask what type of neigbour you would like to have.

Thank you.	
Scott Lamb	

Sent from my iPhone

#### Fw: Short term rentals update

Fahima Begum t William.Turman, Gregory.Bender 2023-02-16 09:07 AM

Cc Chris Millar

From Fahima Begum/FortErie

To William.Turman@wsp.com, Gregory.Bender@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

----- Forwarded by Fahima Begum/FortErie on 2023-02-16 09:07 AM -----

From: "Janet Davie"

To: "Fahima Begum" <fbegum@forterie.ca>

Date: 2023-02-02 02:39 PM Subject: Short term rentals update

Good afternoon Fahima, I left a voicemail for you as well and thought I would send an email so perhaps I could be added to an email list if there was one to update home owners on the progress of the situation.

I attended the virtual public open house the end of November and I was just wondering if there was any news in this area? I thought I was on an email list but I haven't seen anything come through since the November meeting, so I was hoping for a bit of an update. My hope is that we would be able to apply for a short-term rental license, so I have my fingers crossed that things are going in a good direction.?

Warm regards,

Janet Davie (she/her)

## Short-Term Rental Zoning Study - Response to options presented

a.marshall holidayhomespm.com to: Chris Millar
Cc: "fbegum@forterie.ca", "Council@forterie.ca"

2023-02-03 03:54 PM

From:

To: "Chris Millar" < CMillar@forterie.ca>

Cc: "fbegum@forterie.ca" <fbegum@forterie.ca>, "Council@forterie.ca" <Council@forterie.ca>

History: This message has been replied to and forwarded.

Dear Mr. Millar,

Please find my letter and some suggested overlays attached.

I would appreciate it if you could forward my email and attachments to Mr. Bender and Mr. Turman at WSP Consultants as well.

Let me know if you have any questions.

Regards, Amanda

# Amanda Marshall (she/her) Holiday Homes Property Management

Stevensville, ON LOS 1S0



www.holidayhomespm.com www.crystalbeachcottagerentals.com











Crystal Beach - Point Abino.png Oakhill Forest area.png Old Fort Erie.png Ridgeway.png Stevensville Overlay.png







Waverly Beach area.png Windmill Point to Crescent Beach.png Letter Short Term Rental Zoning.docx

#### Amanda Marshall

Stevensville, ON L0L 1S0

February 2, 2022

Greg Bender, WSP Consultants
Will Turman, WSP Consultants
Chris Millar, Senior Community Planner
c/o Town of Fort Erie
1 Municipal Dr.
Fort Erie, ON L2A 2S6

Dear Mr. Bender, Mr. Turman, and Mr. Millar:

RE: Short Term Rental (STR) Land Use Study

I appreciate being involved in the Short-Term Rental Land Use Study Focus Group. It is unfortunate a consensus was not able to be achieved at the two focus group meetings or the two public open houses.

While different options have been presented, non-STR supporter attendees appear to get stuck on the concept that STRs are "commercial entities" and as such, their arguments centre around that STRs should not be permitted in residential areas...period. This makes it challenging to move forward with any reasonable discussion on where STRs should or could be regardless of whether they are considered "commercial entities" or not.

With that in mind, I'd like to provide my thoughts and suggestions on STR zoning in Fort Erie.

# Tourism is vital to the economic well-being of our town.

What is a tourist? A visitor (domestic, inbound or outbound) is classified as a tourist (or overnight visitor), if his/her trip includes an overnight stay, or as a same-day visitor (or excursionist) otherwise.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> International Recommendations for Tourism Statistics 2008, page 10, s. 2.9

Mr. Bender, Mr. Turman, and Mr. Millar February 2, 2022 Page 2

The Town has numerous references to the importance of tourism (visitors/tourists) as follows:

### **Economic Development & Tourism Council**

The Town of Fort Erie has an Economic Development & Tourism Council (EDTC). While I believe the "EDTC" is managed within the Town of Fort Erie and is now a department and not a council, the information about the EDTC is still on the Town's website and identifies the EDTC's mandate (abbreviated) as follows:

The EDTC is committed to providing current, accurate, and relevant information to assist current and future residents and investors, **as well as visitors**, in their decision-making process. Be it through site location studies or analysis, marketing programs, referral services, strategic alliance matchmaking programs or **tourism showcases**.

- **Promotes** Fort Erie in the international marketplace, and as a **vacation destination**.
- Co-ordinates local economic development efforts, and tourism initiatives.

## Secondary Plans

Attracting tourists is a cornerstone of almost every secondary plan that have been approved by Council. Visitors/tourists need accommodations to stay in while visiting. The argument for restricting zoning to a particular location within Fort Erie is contradictory to every secondary plan in place except for the Douglas-Black Creek Secondary Plan, which does not mention visitors/tourists at all.

There are limited hotels and motels in the area and no imminent plans for any new ones besides the approved brewery/hotel on Erie Rd. However, not every tourist likes staying in hotels/motels, and as such, STRs are needed not only to provide a variety of accommodation choices but to fill the gaps left by the lack of hotel/motels.

STRs available throughout town encourage overnight stays which, in turn, encourages spending at front-facing services such as restaurants/shops. The front-facing services rely on permanent/seasonal residents **and** visitors/tourists spending to sustain and grow their businesses. This is not a question of either/or.

Mr. Bender, Mr. Turman, and Mr. Millar February 2, 2022 Page 3

### **Attractions and Amenities**

The Ontario government's tourism website provides an overview of Niagara's South Coast. Fort Erie is highlighted and has direct links to information on Safari Niagara, Old Fort Erie, the Fort Erie Racetrack, and Crystal Beach.

https://www.destinationontario.com/en-ca/cities-towns/niagaras-south-coast

Even the Provincial Government has identified Fort Erie has more than just the beach to visit. Limiting accommodations to a small section does not encourage tourism growth in other areas of town. Visitors should be able to stay near the attractions and amenities they are interested in. It is not just our beaches that people are attracted to.

#### Where should STRs be located?

Option 1 presented provided suggestions for discussion about where they could be.

**Starting Point**: Using tourism as my guide and looking at the historical, traditional, and potential future areas that visitors may frequent, I suggest STRs should be allowed in the following areas:

- R2B-Residential Zone B
- WR-Waterfront Rural
- WRR-Waterfront Residential
- RU-Rural Zone
- Commercial
- Core Mixed Use
- Agriculture
- All currently licensed properties that may not be in the above zones (legal non-confirming)

**Next**: Then an overlay should be added to incorporate some properties around the above zones. Please find seven (7) overlays attached. I've tried to capture as many areas as possible in my overlays. Up and along the Niagara River should be included even though I have not provided overlays of such.

Other than Dominion Road and Nigh Rd, all streets identified should allow STRs on both sides of the street. For example, Rebstock Rd. should be allowed on the north and the south side and not just the south side. Having it on one side of the street creates unnecessary confusion in administration and enforcement.

Mr. Bender, Mr. Turman, and Mr. Millar February 2, 2022 Page 4

**Also**: Other properties that have not been captured in the zones and overlays could be considered based on a percentage of properties throughout Fort Erie instead of a radius as suggested during the presentation. This would allow some STRs in primarily residential areas.

But why would we want some in primarily residential areas?

A variety of areas are needed not only for visitors but also permanent residents who are embarking on renovations or when someone has experienced a disaster such as a flood or fire. STRs are also used to house people temporarily due to work, illness, migration (moving into or out of the area but permanent home not ready yet), and personal issues like a separation/divorce. When someone needs a property other than for vacation purposes, they like to be near schools, work, and shopping so as not to disrupt their lives any more than they must.

In closing, STRs are needed throughout Fort Erie. I understand the desire for Council to allow them in certain areas and not in others. However, I ask that a balanced, thoughtful approach be implemented to ensure we are not sacrificing or stifling grow in our tourism sector which benefits all residents.

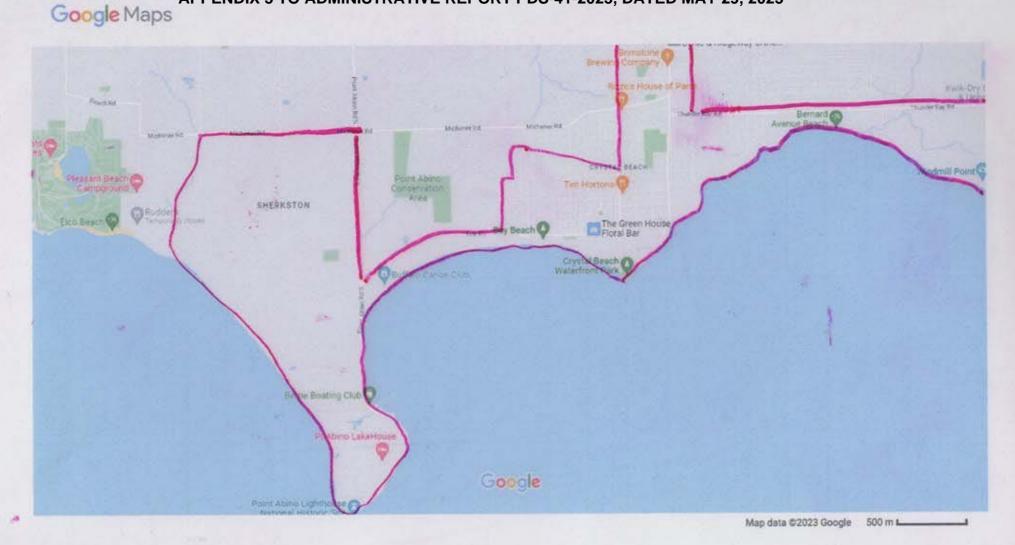
Thank you again for allowing everyone to provide feedback on your options.

Sincerely,

Amanda Marshall 1-855-300-4476

Enclosed

cc Council@forterie.ca

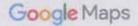


# Google Maps



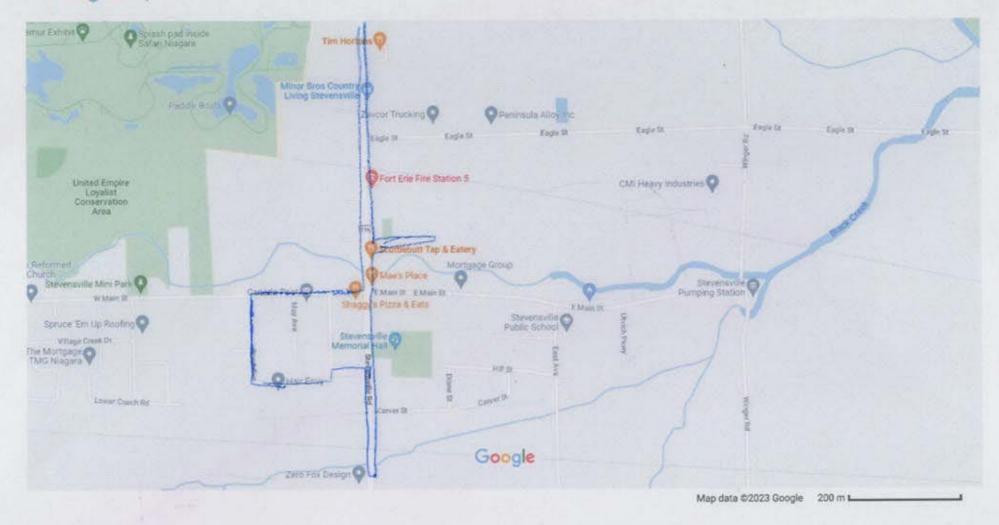
# Google Maps





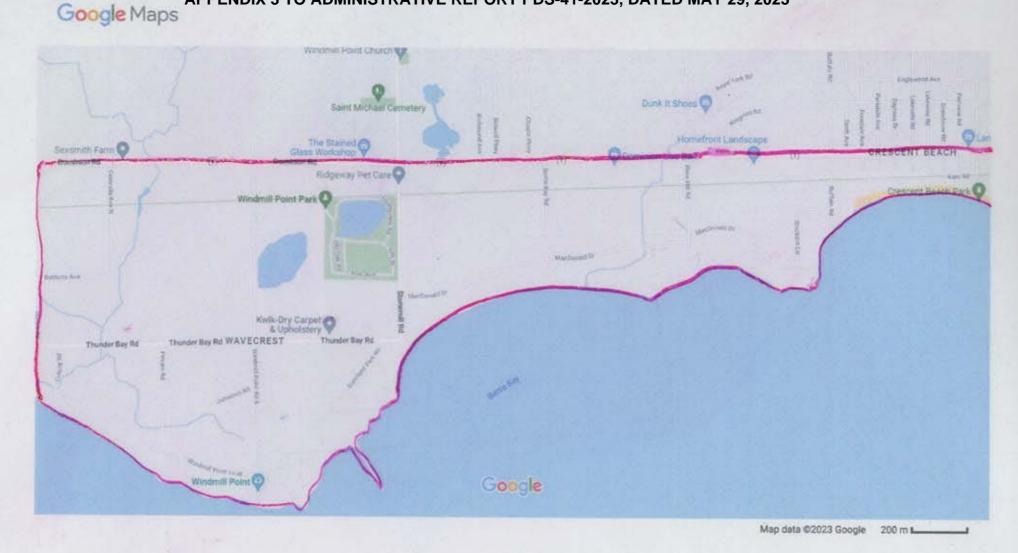


# Google Maps



# Google Maps





### Feedback from Ryan Ave

Yan Zhang to: cmillar, council, fbegum

2023-02-03 10:32 PM

From: "Yan Zhang"

To: cmillar@forterie.ca, council@forterie.ca, fbegum@forterie.ca

History: This message has been replied to.

Hello everyone,

My name is Yan

I went to the meeting on February 1st, really enjoyed it!

I found Crystal Beach from Google 2018 Black Friday we bought the house that Saturday at the open house with encouragement from a neighbor we met first time LIFETIME MEMORY

We moved in November 2019.

Love the people in town, enjoy the beautiful beach and our new house

Not many people hear about Crystal Beach. STR properly is great way to expose Crystal Beach to the world.

STR is new way of our life, anything new there are always problems, need time to find better solutions:)

We understand some guests prefer having parties at STR, we only take families by weekly. There were even two families with kids from USA rented two houses on Ryan ave at the same time! I assume they were family friends like traveling together.

Some tourists prefer modern houses rather than traditional cottages styles.

We do care our neighbours' concerns, willing to work with them in reasonable and logical way

#### STR benefits the town more than harm:

- 1. Tourists support local economy
- 2. STR's licenses bring more revenue to the Town
- 3. Keep the properties in good shape also make our community looks nice
- 4. Increase the value of real estate in the area

Win win when we do things in proper way of course.

I totally understand we tend to keep the lifestyle in old way but technology keep changing our life no matter we like it or not

Adapting new change is way of life nowadays.

I truly believe the council of Fort Erie will make the right decision for All

Thank you for your time

Yan

Sent from Gmail Mobile

### Fw: Response to Public Open House STR Land Use Study

Fahima Begum William.Turman, Gregory.Bender 2023-02-16 09:09 AM

Cc Chris Millar

From Fahima Begum/FortErie

To William.Turman@wsp.com, Gregory.Bender@wsp.com

Cc Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

----- Forwarded by Fahima Begum/FortErie on 2023-02-16 09:09 AM -----

From: "Joe Kwasniak"

To: "fbegum@forterie.ca" <fbegum@forterie.ca>

Date: 2023-02-04 12:29 PM

Subject: Response to Public Open House STR Land Use Study

To: The Town of Fort Erie and WSP Consulting,

My name is Joe Kwasniak, and I have been a full time resident at years.

When I moved here there were only three additional year-round residents at the time. There are now 15 year-round residents. Everyone moving to our street loves this town and all have been renovating or rebuilding and the town is booming.

AirBnb arrived and caused mayhem globally! No one signed up to live next to an unhinged raging partying frat house! Very few people operating a decent STR are in town, available immediately to address issues and screen the occupants. Most STR owners are out of town and are only in it for the money. I suggest consulting cleaning companies to the list of people to queery about STR "Party Houses" for a behind-the-scenes view. I have heard first-hand stories of cleaning staff arriving in the morning and the party is still going; cleaning staff complain that the out-of-town owners burden the maids with throwing out the guests, sometimes with hostile resistance from the renter.

I love sound of wind, waves and birds, that's why I love our residential street; it's directly due to this natural beauty and peaceful quiet that I chose to retire on my street. The reason we need enforcement and licensing is because many people owning STRs are running amuck! Towns all around the globe are getting a handle on this, as the internet dealt this hand, and it has been the Wild West, presenting this challenge.

Thank you for addressing the need for accountability!

Joe Kwasniak Year-Round resident

**Bridgeburg - STR Zoning** 

to: Chris Millar

2023-02-05 11:37 AM

From:

To: "Chris Millar" < CMillar@forterie.ca>

Cc: "Council@forterie.ca" <Council@forterie.ca>, "Fahima Begum" <fbegum@forterie.ca>

History: This message has been replied to and forwarded.

Cc: "Council@forterie.ca", "Fahima Begum"

Dear Mr. Millar,

I realize I had 8 overlays and only sent 7 of them.

Please find the overlay for Bridgeburg attached.

Please forward to Mr. Bender and Mr. Turman for me.

Thanks, Amanda

Amanda Marshall (she/her) Holiday Homes Property Management

Stevensville, ON L0S 1S0



www.holidayhomespm.com www.crystalbeachcottagerentals.com



Bridgeburg.png



STR Zoning Bylaw

Jane Pascucci to: CMillar, Gregory.Bender 2023-02-05 06:38 PM

From: "Jane Pascucci"

To: CMillar@forterie.ca, Gregory.Bender@wsp.com

History: This message has been replied to and forwarded.

# Good Evening,

Attached you will find a letter regarding STR zoning bylaw changes and how it affects me and my family. I appreciate your time reading it and considering the ramifications of bylaw changes.

Best regards, Jane Pascucci

--



Letter to Town of Fort Erie 2023.docx

Feedback STR Zoning Bylaw
Good evening,
My name is Jane Pascucci, and I own a home in Crystal Beach on short-term rental and personal enjoyment. I want to give some background information on how I ended up making this purchase. I had never been to Crystal Beach before. In the summer of 2018, my husband, children and cousins decided to take a holiday together. In total there were 12 of us. Having heard wonderful things about Crystal Beach, we decided to try it out. We rented two homes right beside each other down the street from Bay Beach through Airbnb. We had an amazing 7 days at the beach, enjoying the local restaurants, ice cream parlour, and taking long walks along Erie Road. We were so impressed by this picturesque small town, that we decided we wanted to spend more time here and perhaps retire here one day. In 2020, we purchased our home with the knowledge that we would be able to do short term rentals to help offset the costs and mortgage payments. This was the only way we could afford the purchase and realize our dream of retiring here down the road. We went into this venture relying on the fact that we could rent out our home to help with the payments. We hired a property manager, furnished the home, made sure we followed all of the rules and regulations put in place by the Town of Fort Erie. We only rent to families and adults over a certain age and screen all of our tenants properly. To have the Town now turn around and tell us that perhaps our home is no longer deemed to be in the proper STR zone, or that we have to live in the home to rent it out is devastating news and would mean we could no longer retire here. It is not fair at this point, when we have so much invested and vested into this dream that the Town pulls the carpet out from under us. Please consider the impact your decisions will have on the lives of people that have made financial investments based on regulations that were in place prior to 2023.
Sincerely,
Jane Pascucci

Fw: Public Open House - Short Term Rental Land Use Study

Fahima Begum to: William.Turman, Gregory.Bender 2023-02-16 09:03 AM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: William.Turman@wsp.com, Gregory.Bender@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department

1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527
----- Forwarded by Fahima Begum/FortErie on 2023-02-16 09:02 AM -----

From: "Reenu Jumbu"

To: "Fahima Begum" <FBegum@forterie.ca>

Date: 2023-02-06 08:06 PM

Subject: Re: Public Open House - Short Term Rental Land Use Study

#### Hi Fahima

Can you provide the contact information for the people who presented at this meeting. He stated he will provide people with this so we can give our feedback in writing.

#### **Thanks**

On Wed, Feb 1, 2023 at 4:17 PM Reenu Jumbu < reenuj@gmail.com > wrote:

#### HI Fahima

Thanks for your response. Given the nature of this presentation, and to truly engage all community members and stakeholders, I'm wondering why a virtual option is not possible?

And why is it a courtesy to watch on the you tube channel?

If you want to engage the public, that engagement needs to be accessible to everyone.

Otherwise, the feedback that is received is not a true representation and is biased by those who are able to attend in person.

I don't think this is being done in a fully transparent way and I have concerns about this process.

I would appreciate your input and anyone else who you feel I should contact.

Thank you

Reenu

On Wed, Feb 1, 2023 at 12:59 PM Fahima Begum < FBegum@forterie.ca wrote: Hello Reenu.

Thank you for your interest in the Open House. It will take place in person at Council Chamber, Town Hall. However, the presentation and question period will also be broadcast on the <a href="Town's YouTube">Town's YouTube</a>

<u>Channel from 6:30 pm today as a courtesy.</u> For more information, you can visit the <u>Short-Term Rental Land Use Study page</u>.

While there isn't a hybrid option for participation, you may email any comments and/or questions you have to me by next Wednesday, and I'll be sure to pass them to the consultant.

Regards, Fahima

Fahima Begum, BA/BSW, MScPI Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

From: "Reenu Jumbu"

To: "Fahima Begum" < FBegum@forterie.ca >

Date: 2023-02-01 12:53 PM

Subject: Re: Public Open House - Short Term Rental Land Use Study

Hi-

Can this meeting be joined by Zoom? Or do we need to go on the YouTube channel?

Thanks Reenu

On Fri, Jan 20, 2023 at 3:41 PM Fahima Begum < FBegum@forterie.ca > wrote: Good Afternoon.

Please see the attached Notice for an upcoming Short-Term Rental Land Use Study **Public Open House** scheduled **February 1, 2023**, starting at **6pm** at **Town Hall**. The meeting will provide an opportunity for the Town's consultant (WSP Canada Inc.) to outline land use options being considered for a policy and regulatory framework respecting Short-Term Rental operations in the Town of Fort Erie.

Regards, Fahima

Fahima Begum, BA/BSW, MScPI

Fw: Response to Public Open House

Fahima Begum to: William.Turman, Gregory.Bender 2023-02-16 09:10 AM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: William.Turman@wsp.com, Gregory.Bender@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

---- Forwarded by Fahima Begum/FortErie on 2023-02-16 09:10 AM -----

From: Fahima Begum/FortErie
To:
Date: 2023-02-15 12:35 PM

Subject: Response to Public Open House

To: "Heidi S." FBegum@forterie.ca

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

Attention: WSP, Mayor, Town Councillors & Department of Planning and Development

I believe there is a lot of useful, very recent data that ought to be taken into consideration when establishing the TOFE STR Zoning policy. Nationwide, investor-owned, non-resident STR properties have become enormously problematic for Canada by contributing to the housing shortage. See below:

"Data <u>published by Statistics Canada</u> this week shows (Feb. 6, 2023) that a significant number of residential properties across the country are owned as investment assets, meaning they are used to generate income rather than as primary residences.

The data set shows that in 2020, one-in-five houses and condos were used as investment

properties in Ontario.

Stat Can notes that owning properties for investment purposes can "limit the number of properties available to buyers who intend to use it as a primary place of residence."

Investors, according to Stat Can, can include "secondary residence owners, short-term rental owners, developers, for-profit businesses and speculators."

Notably, more than 90 percent of vacant lots across Canada are owned by investors."

Thank you for your time and attention.

Heidi Schneiderman

Dan Silver,

February 7, 2023

Mr. Chris Millar, <a href="mailto:cmillar@forterie.ca">cmillar@forterie.ca</a>

Please copy comments to:
Greg Bender, WSP Consultants
Will Turman, WSP Consultants
Town of Fort Erie

1 Municipal Drive, Fort Erie, ON L2A 2S6

Re: Comments on Short-Term Rental Land Use Study, Public Open House No.2 on February 1, 2023

#### My comments

In order to encourage and support tourism and small businesses that offer a social environment with adequate amenities to satisfy the social well being, emotional health and recreational opportunities of our residents, we require STRs to keep people spending money locally. Without a strong tourist economy our Town will not be able to sustain the small businesses that offer a fulsome sense of community to the full time residents.

I believe that STRs should be permitted far and wide with the caveat being strong by-law enforcement. The discussion of enforcement has already taken place and it is possible that enforcement requires tweaking, however, the few bad apples should not be the reason for sacrificing the benefits of the many.

In response to those who object to STRs in our Town. I empathize with your concern for privacy, safety and security. I also understand the sense of desperation and/or frustration expressed when disrespectful visitors invade your personal space. However, strong management of this important element of our economy can improve our circumstances. Support for our Town staff and politicians should lead to creative solutions.

In response to the argument that STRs are commercial entities and should not be allowed in residential neighbourhoods I offer the following reflection. We don't have to look far to find neighbours who are operating small businesses. A few examples include wood working shops, welding shops, taxi services, day care centres, etc. Some neighbours are just loud. By-law enforcement should be used to put a stop to unruly operators rather than dismantling a small and important element of our economic engine.

In response to what I perceive as a strong undercurrent of racism and prejudice, I draw your attention to many comments I've heard that speak to a dislike of big city folk visiting our small Town. I can't help but intuit the dislike for cultural diversity. I grew up local, 30 minutes from Town Hall and have lived in Ridgeway for 15 years. I've also travelled extensively and worked abroad. To be totally honest, with respect to some of the non STR supporters, the single thing that turns my stomach is their smug disdain for diversity in our Town. I am Canadian and we are a nation of diverse cultures.

Charles Darwin said, "It is Not the Strongest of the Species that Survives, it is those that Adapt to Change."

If we do not work together to maintain a vibrant tourist industry in Fort Erie, the small businesses that have revived our social and cultural shine will disappear and we will quickly become a tired and boring place to live, modeling a lacklustre future for our youth who will dream only of moving away.

Our STR is located in RR2 Ridgeway. Our guests receive a PDF of many local activities in advance of arriving and a handbook on arrival. We meet every guest after their self check-in and remind them of the by-laws that speak to respect for our neighbours, fire pit safety, parking and garbage disposal, to name just a few. We are minutes away if they require assistance. From September to April we frequently have full month bookings from people who are relocating and whose new home is not yet ready, cyber workers who like to move around, special assignment workers who are in our area for a few weeks or months and grandparents who come to stay near their children and support them following a birth. Eco tourism and small mental health retreats is another opportunity that is a growing element of local tourism and uses local catering services and are respectful to our physical and social environment. All of these people bring money to our economy and are not the tiny minority that disrupt our neighbourhoods.

From the brief explanation above, I believe that STRs should be permitted far and wide with the caveat being strong and just by-law enforcement.

Thank you for taking the time to read and reflect on my concerns on this subject.

Dan Silver

Dan Silver

# Comments - Short Term Rental Land Use Study - Public Open House Feb 1st, 2023

bernice.t to: 'Chris Millar' 2023-02-08 07:21 PM

From:

To: "Chris Millar" < CMillar@forterie.ca>

History:

This message has been replied to and forwarded.

RE: Land Use Study – to regulate and analyze the impact of the STR industry in Fort Erie,

Hello All,

I have to say that the enjoyable pleasure of offering a cottage in Crystal Beach for family rentals during the summer season has now become very challenging and stressful.

Some key consideration in formulating a proposal and recommendations for Zoning By-Laws to permit STR are as follows:

- Crystal Beach began as a tourist town before 1900, then the came the amusement park and summer cottages, many still owned by American families.
- Today Crystal Beach continues to attract volumes of tourists to the beautiful beach during the summer season.
  - STR provide these visitors accommodations to stay locally and support local area business and restaurants. Crystal beach tourism is truly seasonal and without summer tourists these businesses would barely survive.
- STR have helped the Town of Fort Erie /Crystal Beach tremendously which people may have overlooked – we have helped them pull in a lot of revenue....
  - The Town of Fort Erie has invested millions to redevelop the waterfront beach park, parking lots, streetscapes, etc. to draw in Tourists to the area.
    - The public is charged for daily beach access \$10/day/ person/ & parking fees, and this has created a lucrative business model for the Town.
    - They are capitalizing on Tourist Investments for revenue and making it difficult/ challenging for people who rent their property on a short-term basis.
  - I would strongly hope that the Town start to embrace the individual property owner's that are renting out their cottages and providing Tourist Accommodations.

I understand that the STR's may not fall within the framework of permitted use under the current zoning by-laws, however:

- Most of the summer rental properties in the street grid say Victoria Ave to Erie Rd/ Gorham to Beechwood are summer cottage properties:
  - They are just cottages and not in full time built-up residential community,
  - Let's say there are 1000 properties in this grid and 600 -700 are seasonal and 100 properties in this Crystal Beach area are licensed STR accommodations - We are spending a lot of tax money, time and resources for studies, meetings, and

reports- to define what we can and cannot rent.

- Perhaps one need to define if the short-term rental property is a truly a Dedicated STR.
  - Properties that are NOT Dedicated STR may not in fact be consider as Commercial Use.
  - If a property is primarily used by the owner and only renting during the summer

     how would this be considered a **Dedicated STR?**
- In fact, I don't believe that there are many or if any "Dedicated STR" How is that possible.
   Crystal Beach is a SEASONAL tourist town. We have influx of summer tourist; cottages get rented and then the tourism end after labor day. Property owners then have use of their cottage for the balance of the year.
- There would NO advantage in advising that STR properties be designated as the Owners primary residence or owner-occupied property – the majority are seasonal cottages.
  - This would limit STR to Bed & Breakfast or, accessory dwelling units or Secondary Suites- most of the cottages and existing STR properties do not offer this. Therefore, would limit tourist accommodations.
  - With such Zoning Bi-Law revisions the STR accommodations may cease to operate and not exist.
- The Town of Fort Erie has already put controls in place to licence, regulate and monitor STR properties.
  - If fact, over the past 2-3 years the Town of Fort Erie's continual layering of rules and control towards STR operators is heavy handed and border on discrimination. Last year regular business license fees were waved and STR operator fees were more than doubled and quadrupled.
- One may discover that the STR complaints are perhaps from people that bought cottages to
  convert to their permanent homes. They purchased in a cottage tourist location and now trying
  to persuade council to control visiting tourists, cottage rentals properties and the individuals
  that provide & offer a unique family cottage rental accommodation.

I trust that logic and consideration will prevail to permit short-term vacation rentals to continue without overlaying restrictions, limitations, and a whole bunch of complicated rules and regulations. Can we not just keep something simple and flexible without trying to twist and modify the simple enjoyment of renting a cottage property in Crystal Beach during the summer.

Best Regards, Bernice ten Brinke

From:

Sent: January 29, 2023 3:20 PM

To: 'Fahima Begum' <FBegum@forterie.ca>; 'Chris Millar' <CMillar@forterie.ca>

Subject: RE: Public Open House - Short Term Rental Land Use Study

Hello,

Please forward all related document to review prior to the meeting in the event that a Zoning Proposal

Document / review study has already been prepared.

Thanks, Bernice

From: Fahima Begum <FBegum@forterie.ca>

Sent: January 20, 2023 3:40 PM
To: Chris Millar < CMillar@forterie.ca>

Subject: Public Open House - Short Term Rental Land Use Study

#### Good Afternoon,

Please see the attached Notice for an upcoming Short-Term Rental Land Use Study **Public Open House** scheduled **February 1, 2023**, starting at **6pm** at **Town Hall**. The meeting will provide an opportunity for the Town's consultant (WSP Canada Inc.) to outline land use options being considered for a policy and regulatory framework respecting Short-Term Rental operations in the Town of Fort Erie.

Regards, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

#### Public input to STR land use study

Nancy to: Millar Chris

2023-02-08 04:12 PM

Cc: wredekop, tlewis, gmcdermott, ndubanow, dflagg, jchristensen, anoyes, tinsinna

From:

To: "Millar Chris" <cmillar@forterie.ca>

Cc: wredekop@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, ndubanow@forterie.ca, dflagg@forterie.ca, jchristensen@forterie.ca, anoyes@forterie.ca, tinsinna@forterie.ca

History:

This message has been replied to and forwarded.

To the attention of Mr. Chris Millar:

I have two objections to the subject matter presented during the Public Open House on February 1, 2023.

# 1) Each option proposed the entire Waterfront as a "permitted use" for Short Term Rentals [STR's].

a) As a designation for STR's, this overlay is the only major exception that is not an existing mixed-core use zone allowing commercial entities.

This is an arbitrary and subjective exception and does not include an analysis of the compatibility of WR or WRR waterfront neighbourhoods with STR's from a land use perspective.

b) The planners have admitted that they made an assumption based on "what they've heard": that the waterfront is traditionally and historically used for short term rentals. This generalization is false.

Many waterfront home ownerships span generations and are highly valued as family homes during our short summer seasons. Many are considered the only consistent "home" for families that have dispersed due to school, jobs, marriage or retirement in our current transient culture. They are multigenerational and place-based where family memories are created and treasured. Neighbours also have valued relationships that span generations.

These residences may occasionally be provided to friends or relatives for a couple of weeks here and there, but there is accountability, as the owners live there and for the most part, want to maintain good ongoing relationships with neighbours.

As there is no valid comparison between commercial, transaction-based, dedicated STR's and these family "Ma & Pa" rentals, the waterfront overlay is based both on a) an arbitrarily-chosen exception and b) a false assumption.

2) In response to a resident, the planning team stated that commercial businesses are allowed in residential zones and are called "home occupations".

This response was incomplete and extremely misleading.

There are many judgements made by OMB/LPAT/OLT that clearly establish STR's as commercial. "STR's are commercial operations and are incompatible with the intent and function of residential neighbourhoods".

The exception made for "home occupation" is not a universal blank check for commercial businesses to operate in residential neighbourhoods; if it were, it would allow for a myriad of other unacceptable uses, like a scrap yard, meat processing facility etc.

In the Town's zoning bylaw, 129-90: definition of a dwelling in section 5.103 is "a single independent and separate <u>housekeeping</u> establishment".

What the planning team failed to mention in their description of "Home Occupation": Exemptions for both B&B's and Home Occupations require owners on site: Section 5.166: Home Occupation is a "trade, business, profession or craft carried on as a secondary and incidental use within a dwelling unit ......which is carried out by the residents of the dwelling".

The fact that the owner is present, just like a B&B, disqualifies an STR simply because the owner is not present.

The permission for such a use is further outlined in section 6.8 of the General Provisions which among other things requires, ii). "Incidental and secondary use and does not change the character of the dwelling", iii). "Does not exceed 25% of the floor area" and v). Is operated by the occupants".

The Planning Act requires that accessory uses attached to a property must still conform to local restrictions regarding permitted uses, otherwise the very principle of zoning bylaws goes by the wayside.

Respectfully submitted,

Nancy Brock Member, board of directors Bay Beach Property Owners Association

Cc: Mayor Redekop

Members of the Town Council

## Short-Term Rental Land Use Study

Mike Read to: cmillar 2023-02-08 04:21 PM

Cc: wredekop, tlewis

From: "Mike Read"

To: <cmillar@forterie.ca>

Cc: <wredekop@forterie.ca>, <tlewis@forterie.ca>

History: This message has been replied to and forwarded.

#### Chris,

What follows are my comments following the meeting held at the Town Hall February 1, 2023 regarding short term rentals.

Please note that I reside at in Crystal Beach, which is a new <u>residential</u> development. Comments are as follows:

- 1. This is a new residential development. I know everyone on the street, and with very few exceptions we are all owners who reside here.
- 2. We have already had bad experiences with STR's on this street close to Erie Road.
- 3. These experiences include nightly loud parties, empty liquor containers being thrown on properties, hookers arriving at all hours, damage to property, street clogged with multiple cars parking for the rental, physical threats of harm, and trespass.
- 4. There is nowhere near enough bylaw enforcement. Any fines levied should hurt owners and not be a simple cost of doing business.
- 5. We shouldn't have to police these properties on behalf of absentee ownership!!!
- 6. This kind of property just doesn't belong in our neighbourhood.
- 7. People who bought these properties took a business risk. It's not ours, the town, province or federal responsibility to subsidize that risk.
- 8. To run a home business the owner <u>must reside at the residence or it is considered commercial.</u>
  This is black and white!
- 9. I DO NOT want to live in a commercial or residential/commercial zone to satisfy someone who is strictly interested in profit.
- 10. This town should be compared directly with similar towns for the correct approach. Think Niagara on the Lake, Kincardine, Goderich, Owen Sound, Brockville, etc.
- 11. Lastly, STR's have had no effect on improvements in this area. They have been instrumental in the demise of formal hotel space. Improvements here have been strictly related to rising housing costs within the GTA and the normal gentrification of underdeveloped areas throughout Ontario.

Thank you for the consideration, Mike Read

Crystal Beach

Fort Erie Short-Term Rental Land Use Study

Gregor Grant to: Fahima Begum

Cc: CMillar, "Carol Grant", "Wayne Redekop", "Joan Christensen"

From: "Gregor Grant"

To: "Fahima Begum" <fbegum@forterie.ca>

Cc: CMillar@forterie.ca, "Carol Grant" <carolagrant11@gmail.com>, "Wayne Redekop"

<wredekop@forterie.ca>, "Joan Christensen" <jChristensen@forterie.ca>

History: This message has been replied to and forwarded.

Fahima, our comments regarding the Wednesday, Feb 1, 2023 presentation by WSP are provided below.

Let us start by saying that at the meeting it was very difficult to ask questions about the report having only seen it for the first time that evening. Also, rather than repeating our previous comments we have included the email with those comments below as we don't feel they are adequately addressed in the consultants report.

Having studied the report more thoroughly, our overall impression is that there is a significant disconnect between the research and the options recommended. For example, the report acknowledges that STRs are: "considered a commercial use", "can be disruptive", and "are a challenge to the sense of community", etc., nevertheless, the report suggests they be allowed in residential areas, more specifically, waterfront residential and this seems unfair and discriminatory. In terms of the Options, while Option 1 is titled "Existing Zoning", given that the report acknowledges that STRs are a commercial use, one would have expected that STRs in residential areas would have been excluded from this option. Otherwise, Options 2, 3a and 3b seem to be based on the map of existing licensed STRs and result in largely the same (or more) potential areas for STRs. As a result, we do not support any of the options outlined.

Our view is that only owner-occupied STRs should be allowed in residential areas, including waterfront residential (subject to the same regulations as B&Bs). This is consistent with the following statement from the report; "STRs in a primary residence are preferred - STRs as a property investment are not preferred". Otherwise, STRs could be allowed in properties in agricultural or commercial zones and perhaps the R2B zone in Crystal Beach.

During the Q&A (just over 39 minutes in) a speaker suggested using existing zoning as a basis for establishing appropriate locations for STRs. She pointed out that laws/regulations already exist for Agricultural and Commercial properties and there are established rules around use of private residences for business purposes. So, rather than "reinventing the wheel", it seems to us that STRs should be allowed in areas zoned Agricultural or Commercial (as allowed by law/regulation) but only be allowed in owner-occupied dwellings in residential areas. That said, we understand that some areas in Crystal Beach are zoned R2B but we can't comment on whether that area would be appropriate for STRs. We would acknowledge though that, unlike most of Fort Erie, Crystal Beach does have a history of providing rental accommodation. Regardless, any and all STRs should be subject to regulation including capacity limits, parking, noise, and be subject to safety inspections.

In terms of what is driving businesses in Fort Erie, since the late 1800's, the primary source of "tourism" has been American's who purchase or rent seasonal properties for use, typically from

2023-02-08 06:21 PM

May to September/October. Many, but not all, are lake-front properties. More recently there has been a migration of people from Toronto looking for a quiet place to retire (us included) and, as above, some, but certainly not all, are lake-front properties. This latter group has generated a housing boom which has had a massive positive impact on the local economy. These two cohorts are looking for a quiet retreat and would be negatively impacted by the presence of STRs in their neighbourhoods. Also, it would be unfair to prohibit STRs in residential areas but allow them in lakefront residences.

Finally, the consultants asked for specific feedback on the Overlay and where, or where not, STRs should be allowed. Our main point would be that waterfront residential properties should be treated the same as any other residential property. On our section of North Shore Drive we have eight homes. Excluding the short-term rental, all but one of the residents are retired and four of the homes are occupied by Americans who have owned the properties for many, many years. The properties are long but narrow and the large groups which have occupied the neighbouring STR have often created a disruptive environment through excessive noise and the constant churn of new guests every 2 or 3 days. The report seems to suggest that STRs should not be allowed in residential areas and we agree but feel this should also include waterfront residential as the impact on those residents is the same.

Carol and Greg Grant

Ridgeway, ON

Begin forwarded message:

From: Gregor Grant

Subject: Fort Erie Short-Term Rental Land Use Study

**Date:** November 23, 2022 at 9:46:35 AM EST **To:** Fahima Begum <a href="mailto:fbegum@forterie.ca">fbegum@forterie.ca</a>>

Fahima, the following are my comments for the STR Land Use Study.

- 1. Short-term rentals are commercial businesses
- 2. Commercial businesses are not legal in residential areas
- 3. As such, STRs should not be permitted in, and are incompatible with, residential land use

Having had an STR beside me for several years we have experienced the negative effects of these businesses:

- STRs are profit-making businesses and owners are incented to maximize the use of the property
- Supervision of guests falls to adjacent residences and when problems arise, for financial reasons, STR owners are incented to side with unruly guests otherwise they stand to lose rental income
- As the name suggests, STR guests are short-term so the adjacent properties experience new "neighbours" every 2-3 days and the use of the property is intense for the short period of their stay causing disruption to the neighbourhood
- By-law enforcement is difficult as enforcement officers must attend the property to see the infraction and by the time they arrive at the property the activity may have stopped
- Capacity limits are somewhat theoretical as renters of other properties may converge at one STR this is particularly problematic for lake-front properties

• STR properties are owned for the sole purpose of renting and are typically only rented during the warm summer months and are empty for 9 months of the year removing valuable capacity from the local housing stock.

Respectfully,

Carol & Gregor Grant Ridgeway, ON

Feb 1st

**Alex Bennett** 

to: cmillar, Joan Christensen, wredekop, Gregory.Bender, gmcdermott, CMcQueen

2023-02-09 12:26 PM

"Alex Bennett" From:

To: cmillar@forterie.ca, "Joan Christensen" < jchristensen@forterie.ca>, wredekop@forterie.ca,

Gregory.Bender@wsp.com, gmcdermott@forterie.ca, CMcQueen@forterie.ca

History: This message has been replied to and forwarded.

### Good afternoon Chris,

Thank you for taking the time to discuss with me some of my concerns after the Feb  $1^{\mbox{\tiny st}}$ meeting, you were very helpful. Based on our conversation, attached is a letter with some concerns and questions that still remain unanswered.

Regards,

Alex Bennett



Wednesday FEB 1st--13.docx

To Chris Millar:

#### **Historical Waterfront Rental:**

Since the beginning of this process, the waterfront has often been referenced by Staff and STR operators as a historical rental district. It concerned me that several of the options presented on Feb. 1st will potentially allow for STR's to be permitted use on the waterfront. The only rationale I have heard to justify this is that waterfront has historically always had rentals. Before this narrative was adopted, I would like to know if long-term waterfront residents have been asked to share in their own experiences? The long-term waterfront residents that I have met claim that rentals were incidental for the most part, and they were often to friends and family, and they were nothing like the STR model that we are facing today. As one long-term resident said, the cleaning crews did not used to arrive like clock work every few days to ready the space for the new renters. Another long-term resident told me it's a new face every 24 to 48 hours, and that constant calls to By-law was never part of the historical experience. It begs the question, what do Staff/Consultants know about any historical waterfront rental experience? If a cottage was rented, then how often and for how long was the rental period? Who were the renters? Was the homeowner present? Were they for the most part friends and family through word of mouth? Did it even involve an exchange of money? In the absence of these facts, it risks being nothing more than conjecture. For the purpose of the Land Use study, we should expect more. It is troubling that it appears that this narrative has served to provide justification for future consideration to allow commercial STR's to operate in waterfront residential zones.

#### **By-Law Complaint:**

The By-law enforcement at the Town holds records of complaints. What do we know about the number of complaints specifically as it relates to Short-term rentals historically, in comparison to recent years? If there has been a surge of complaints in recent years, we must assume that historical waterfront rentals clearly did not share the same features as the Short Term rental model we know today. Perhaps the practice of cottage rentals along the waterfront was not nearly as prevalent as the narrative would like us to believe.

#### **Home Occupation By-Law:**

At all of the meetings that I have attended, the issue is raised that STR's are commercial and therefore incompatible in residential zones. The Feb 1<sup>st</sup> meeting the WSP consultant confirmed that STR's are indeed commercial operations. What he said next was very misleading. The consultant explained that commercial businesses are already allowed to operate in residential zones under the By-law 'Home Occupation' 129-90. This is the second time WSP consulting group has referenced 'Home Occupation' By-law. The consultant failed to mention that under the 'Home Occupation' By-law, the homeowner must be **present** and only 25% of the building may be used. When referencing the 'Home Occupation' By-law, it should be clearly stated that under the current 'Home Occupation' By-law, the STR **operator who is absent would not be permitted to operate in a residential zone.** 

#### Two STR Models:

I would urge the Town Planners in their efforts to construct a definition, to consider that not all STR's are the same. The STR model whereby the operator is present which more closely resembles the 'Home Occupation' By-law, and the STR model whereby the operator is absent. These models are distinctly different from one another. If the overlay option were to be adopted, allowing absentee operators to operate in waterfront residential zone, would this not be a **quantum leap** from the historical land use planning practices for the Town of Fort Erie? In order to first and foremost protect residential neighbourhoods, **all STR models whereby the operator is absent, should be not permitted to operate in residential zones.** 

#### **Economic Studies:**

Lastly, I will make a brief comment about the narrative that STR's provide significant economic windfall to the Town in the form of tourism dollars. I don't want to comment on the validity of these claims since it would be pure conjecture. I do know however that economic studies have found that permanent residents in contrast to seasonal guests bring more dollars to the local economy. What data does Fort Erie have to validate that guests from a dedicated short-term rental contributes more to the local economy compared to a seasonal cottage owner or a full time resident?

Since several of the options that have been proposed would be a significant departure from the current Planning principles in Fort Erie; I believe the answers to the questions above are needed to fully grasp the potentially wide range of repercussions.

Regards, Alex Bennett

	Short-Term Land Use Study keread20 to: cmillar	2023-02-09 01:38 PM
	Cc: wredekop, tlewis	
From:		
To:	<cmillar@forterie.ca></cmillar@forterie.ca>	
Cc:	<pre><wredekop@forterie.ca>, <tlewis@forterie.ca></tlewis@forterie.ca></wredekop@forterie.ca></pre>	
History:	This message has been replied to and forwarded.	

My husband and I purchased our home on Ryan Avenue specifically because it was a new residential subdivision away from the cottages in Crystal Beach. We wanted to live in a neighbourhood that would be occupied by full time residents like ourselves, unlike the cottage area that is predominantly seasonal with absent landowners.

I am opposed to STR's in this area of Fort Erie, specifically the South Coast neighbourhood for the following reasons:

- We have enjoyed this neighbourhood where we know everyone on the street and we have developed a real strong sense of community, which is why we chose to purchase our home here. We look out for each other and our properties. This was particularly important during Covid and most recently during this past winter's storm. Having an empty house or having revolving guests next door is of concern, especially as we are aging and may need the support of our neighbourhood friends.
- 2. We are enjoying the peacefulness this area has to offer and are very much opposed to the lifestyle changes that STR's bring to the neighbourhood. While most residents here live reasonably quiet lives, STR's are geared for people on holiday, and as such, every new set of guests are here on vacation and the potential of continuous party lifestyle/noise disrupting our neighbourhood is a very real concern.
- 3. There have been numerous negative interactions between neighbours and STR guests on this street that range from verbal interactions, unruly guests and excessive noise, street parking violations, garbage left outside for days before garbage pick up and excessive noise and other bylaw violations.
- 4. For the most part, permanent residents have a vested interest in the appearance and upkeep of their properties since they are there year round to enjoy and appreciate the look of their home and property. Many STR properties stand out due to the bare minimum of house maintenance and lawn and garden upkeep, which may negatively impact the value of the properties close by.
- 5. While you are not considering bylaw enforcement under your mandate, you cannot really consider the impact of STR's without looking at the consequences to the neighbourhood and enforcement of the regulations.
- 6. I do not want to be responsible for policing the STR's in my neighbourhood and having to call the bylaw office to report infractions when I should be enjoying my home and backyard.
- 7. I live in a residential neighbourhood and have not chosen to live in a commercial area. Full Stop.
- 8. The laws governing commercial businesses state that the owner of said business must be on the property. This is not the case with STR's that rent out the entire home. This business model should not be allowed.

- 9. I question the value that STR's actually bring to the town. To me, STR's are like renting a cottage. Guests of hotels and B&B's support local restaurants since meals (other than breakfast) are not available through their accommodations. Are STR guests actually eating in restaurants? These properties have full kitchens and people choose to rent them to cook at home to make the vacation more affordable.. Are STR guests buying groceries here or bringing them with them from home? I have always brought my groceries from home when renting a cottage, mostly because it is more convenient, but also I may not know what is available nearby and I don't always want to waste my vacation time shopping once I arrive at my destination.
- 10. Hotels and B&B's are commercial businesses, they support the town and bring in tax dollars. STR's are not charged as businesses and the town does not benefit from the revenue that may be generated. This benefits the owner of the STR, not the town.
- 11. I understand many people are in favour of STR's especially current owners of these properties or those looking to invest money in this business. When making your decision regarding land use, you should compare the models of STR's in Ontario with similar communities to ours when looking at options.

I appreciate the opportunity to voice my concerns and your consideration when rendering your decision on how land use will be designated in Crystal Beach.

Sincerely, Kathy Read

Public Land Use Feedback & Personal Sentiments

JENNIFER BIRCH to: cmillar, fbegum, AHerlovitch@forterie.ca,

Gregory.Bender

Cc: "Wayne Redekop", "Ann-Marie Noyes", jcrhistensen

From: "JENNIFER BIRCH"

To: cmillar@forterie.ca, fbegum@forterie.ca, "AHerlovitch@forterie.ca" <AHerlovitch@forterie.ca>,

Gregory.Bender@wsp.com

Cc: "Wayne Redekop" <WRedekop@forterie.ca>, "Ann-Marie Noyes" <anoyes@forterie.ca>,

jcrhistensen@forterie.ca

History: This message has been replied to and forwarded.

#### Dear Mr. Redekop, Mr. Millar, Mr. Herlovitch, Mr. Bender & Town Council,

I am writing to you to share my thoughts about the February 1, 2023 meeting.

I will start by recalling what the first resident that spoke at the meeting said about the guests that stay at his STR. He said "his guests don't want to be surrounded by tourists. His renters don't want to be beside a short term rental" Ironically, his words echo that of every resident.

#### LIVING BESIDE AN STR:

My family and I are Canadian and have been mostly full time residents of Fort Erie since 2012. We searched many areas before purchasing our property on Bertie Bay. We worked hard, saved our money and chose a place that we could afford at the time. It was a large chunk of money but we knew we needed to do this in order to secure a piece of what we thought would be a forever home. We were not just purchasing a home and waterfront property, we were purchasing privacy, a laid back lifestyle and an escape from our busy lives in the city, a place where someday we might play with grandkids. We were purchasing our dream. Like so many other owners along the waterfront, we paid the price to secure privacy, peace and quiet for our family.

As a Realtor, I made sure to do my due diligence to purchase our property where there were no Short Term Rentals allowed & no hotels nearby. I spoke to both neighbours on each side of the property to confirm their properties were not rentals before we made our big purchase. Unfortunately, after a few years our nightmare began when one of the owners next to us turned their property into a nightly rental which destroyed the peacefulness of our little neighbourhood and community. This past summer 2022 the average tenants stayed no longer than 2 days!! The turnover of strangers absolutely disrupted neighbours on both sides of this rental.

## Here are just a few of the issues we have had to endure:

Tenants invading our property using our fire pit, trampoline, swings

Tenants driving over septic beds

Tenants driving their vehicles onto the seawall

Drunk tenants falling on our porch / property - potential liability

Having to call Niagara Police multiple times because Bylaw was too busy with other STR issues

Tenants partying and being noisy until early hours of the morning

Tenants urinating on gardens

Multiple dogs running onto our property chasing our dogs

Property damage that we had to fix ourselves

17 bags of garbage left on STR property

2023-02-09 03:03 PM

Illegal dumping of garbage on neighbours yards Lack of safety Lack of peace & enjoyment This list goes on......

Ours and our neighbours privacy and right to peaceful enjoyment of our properties has been majorly compromised because this is a commercial business with NO owner on site to manage issues. Our job became managing all the issues because Bylaw has been mostly ineffective.

### HISTORICAL LAKEFRONT PROPERTIES:

There is a <u>very big misconception</u> that there is a history of Short Term Rentals along the lakefront properties and this is **FALSE**. These properties have been owned by generations of families who live along the lakeshore full time for the summer months. Some of the owners have rented out to friends or family for months at a time. This is a VERY different style of rental than the ghost hotels that are owned by groups of investors. These families are part of our community, they contribute to the local economy, they are not transient, their properties are homes and not ghost hotels.

A quick search of any STR advertising platform will show you that there are very few rentals listed along the lakefront and the ones that are listed, belong to the out of town investors. And I can <u>confidently</u> say this, because I have spent countless hours doing my own research and cross referencing to see who the owners of the STR's are and they are **not** local residents.

#### OPPORTUNITY FOR FULL TIME RESIDENTS:

The landscape is changing and there are more and more retirees and families looking to purchase full time homes along the water as well as in Fort Erie subdivisions. Within the past 5 years, we have been delighted to see that Bertie Bay has had **13 full time** families move here in addition to the other full time residents already living on our bay. This was a purposeful choice each family has made to sell their homes in other municipalities to either raise their young families or retire to a place that provides peace and quiet and a lifestyle that is hard to find in larger cities. We have a very tight knit community and we are looking to keep it that way.

### **LOCAL ECONOMY:**

I will share that from our observations of watching all the turnover at the property next door, the guests bring their own groceries (usually from Costo), they make their own meals and don't leave the property. They have told us, they are paying such a high nightly rate they feel compelled to stay at the rental. Bertie Bay and other bays are far from Crystal Beach; the guests at these far away beaches don't go out to drink at local bars or restaurants because there is no Uber or Taxi service. So contrary to what others have said, the guests that are far from downtown do not contribute at all to the local economy.

By allowing investors to scoop up homes in residential & waterfront residential areas, you are taking away the possibility of any full time families from moving in. Families who would be contributing to the economy 12 months a year.

#### **FEEDBACK FROM AMERICANS:**

I would like to ask, has the Town Council reached out to **all** the lakefront property residents to ask their opinion? Many of my US friends are questioning the timing of the Land Use study which is being conducted when many of the US residents are not around to be part of the discussion. Thankfully, there is a very large group of us who are keeping our friends and neighbours in the loop with updates about the Land Use Study.

### THOUGHTS ON STR LAND USE STUDY:

- Short Term Rentals should **NOT** be permitted in **ANY** RESIDENTIAL AREA including waterfront residential, rural or agriculture.
- Short Term Rentals should exist in the historical commercially zoned area of Crystal Beach
- Short Term Rentals should only be permitted in Commercial zones or Core Mixed Use
- Short Term Rentals are Commercial operations.
- Short Term Rentals **are** hotels and operate just like hotels with nightly rentals.
- Short Term Rentals are **NOT** home based businesses or home occupations. There is no owner living on site to manage issues.
- Like *all* businesses, Short Term Rentals should be kept in Commercial zones.
- Short Term Rentals should be taxed as Commercial businesses = revenue for the Town.
- Fort Erie needs to follow the lead **OMB/LPAT/OLT** as well as thousands of Cities and Towns across Ontario & North America that have already set the precedent for these types of operations only being allowed in Commercial zones or if in residential areas, the property must be the principal residence of the owner and the owner must live on site.

## LET ME ASK YOU?

- Do you enjoy the privacy of where you live?
- Do you look forward to relaxing in your backyard after a long week of work?
- Do you like knowing who your neighbours are?
- How safe do you feel?
- Do you feel safe letting your children or grandchildren play outside?
- Would you ever choose to live beside a hotel or motel?
- I am sure like others, you were very specific about where you purchased your residential real estate.
- I am sure that you carefully chose the right place to raise your family, or a place to retire to in the future or simply a place just to live in peace and quiet.

#### **COMMUNITY PRESERVATION:**

The backbone of any town or city is a sense of safety, security and belonging. Knowing your neighbours builds bonds that strengthen the fabric of a neighbourhood or community. Generations of families have invested their money, their time volunteering and their lives into this place we all love and enjoy. **FORT ERIE COUNCIL** & Town Planners, you are now tasked with the responsibility and the great privilege of continuing to preserve the way of life that so many of us have come to love. If you want to grow the town with full time residents who will invest in local businesses, be involved in the community and who will create a strong fabric to hold together neighbourhoods, then you need to put residents first! You should be focused on creating an environment that is conducive for full time residents to live in and not be focused on pleasing the out of town investors.

There are thousands of articles on how the invasion of STR's has changed the dynamic of neighbourhoods and how STR's have negatively impacted residential areas. Hence, the rise in Towns and Cities taking swift action to restrict STR's to only commercial areas. My hope is that Town Planners & Town Council will carefully take into consideration the precedents that have already been set by **OMB/LPAT/OLT** and follow their lead as well as all the other towns and

cities that have made their land use decisions to restrict STR's to commercial zones. I hope that you take into consideration the thoughts of *ALL* residents as well as the proposal that the Fort Erie Community Preservation Coalition has presented which was created to preserve our beautiful town and community.

Sincerely, Jennifer & Kevin Birch Macdonald Drive

Jennifer Birch Realtor ~ Right at Home Realty Inc.,

Fwd: Public Open House 2 - Short Term Rental Land Use Study materials

Leo Di Fabio to: Chris Millar 2023-02-09 03:17 PM

From: "Leo Di Fabio"

To: "Chris Millar" < CMillar@forterie.ca>

History: This message has been replied to and forwarded.

Hi Chris hope all is well, I noticed that on **Option 3** my home is not included in the area but there are homes that are in Rural Areas and do not have city services as does mine. Is this an oversight only? My home is at 557 Point Abino S and is located on the corner of Erie and Pt Abino with both water and sewers.

Thank you

Leo Di Fabio

Sales Representative Royallepage NRC/ Maxima Holdings Partner

----- Forwarded message ------

From: **Fahima Begum** < FBegum@forterie.ca>

Date: Thu, Feb 9, 2023 at 11:31 AM

Subject: Public Open House 2 - Short Term Rental Land Use Study materials

To: Chris Millar < CMillar@forterie.ca>

Good Morning,

We would like to give a big thank you to everyone who attended the Public Open House on February 1, 2023. Staff and the consultants appreciate your participation and contributions to the land use options being considered for a policy and regulatory framework respecting Short-Term Rental operations.

Materials from the meeting can be accessed from the <u>Let's Talk Fort Erie- Short Term Rentals Land Use Study</u> page.

Regards,

Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

Fort Erie - Short Term Land Use Study meeting response

Jason Adeney to: cmillar

Cc: fbegum, council

"Jason Adeney"

To: cmillar@forterie.ca

From:

Cc: fbegum@forterie.ca, council@forterie.ca

History: This message has been replied to and forwarded.

Good Afternoon, Mr. Millar. I hope this message finds you well.

In 2019 my wife and I bought a small property in Crystal Beach. Ahead of our purchase we knew that Crystal Beach wasn't a thriving beach town, but a town struggling to get back on its feet after many years of prosperity. Undeterred by this, we felt it was the right time to put down some roots and look towards a place where we could eventually retire. We liked the town and specifically we loved the beach, so purchasing a home here just made sense. We made quick friends with our neighbours, specifically a couple raising their family in a unit next to us. Not only did they welcome us with open arms, but they assured us that they would keep an eye on the property while we were away.

We knew the time we could spend at this property would be limited, so the plan was to make it available as a vacation rental when we weren't there. We immediately started making renovations and enlisted our neighbour as our on-call handyman, his first job was to give the entire house a paint job. Subsequent renovations and improvements, when out of the scope of our neighbour, have always been handed to a local tradesperson. Once we started renting the place out on weekends, his wife would be in charge of cleaning after the guests left, and getting the place ready for the next group. Over the last few years this relationship has grown, besides becoming our good friends, they have become integral parts of maintaining this property. They are well compensated for their involvement, and we've welcomed their partnership.

We don't use AirBNB because we don't want to open our house up to anyone we haven't approved. We do our best to ensure our guests are properly vetted, a process that continues to get easier every year since we seem to have more repeat visitors every year. We rent to families specifically. Families that have included a yearly visit to Crystal Beach into their vacation plans, they've made memories here with their children and their loved ones. With regularity, they tell us how much they enjoy their stay and how they can't wait to come back. When guests arrive at our property we provide them with a comprehensive welcome manual that highlights all the amazing things to do in the area, including the restaurants, and the local businesses. We make sure they know about everything because quite frankly we're incredibly proud to be part of this community and everything it's become since we purchased our home.

Personal anecdotes aside, these reasons below are among the most important points to consider. These are the reasons why adopting a viable strategy to form a partnership with STR's is so pivotal:

**Increased Revenue**: The influx of tourists looking for short-term rentals can bring a significant boost to the local economy. With the demand for affordable and accessible accommodations, short-term rentals can provide the necessary revenue to revitalize the town.

2023-02-09 04:36 PM

**Job Creation**: The growth of short-term rentals can create jobs in areas such as property management, maintenance, and cleaning services. These jobs will provide a source of income for the residents and help to stimulate the local economy.

Attracts Tourists: Short-term rental properties can attract tourists to the area, which can lead to increased spending on local businesses and restaurants. This can help to revitalize the town and bring new life to the community.

**Revitalization of Property**: The use of short-term rentals can breathe new life into the town, leading to the revitalization of underutilized or abandoned properties. This can have a positive impact on the local real estate market, providing more options for homeowners and renters alike.

**Improved Quality of Life**: Short-term rental properties can provide a comfortable and convenient place for tourists to stay, which can enhance their overall experience and encourage them to return to the town in the future. This can also improve the quality of life for the residents, who will benefit from the increased economic activity.

We understand that change can be difficult and some may be hesitant to embrace the growth of short-term rentals in the town. However, we believe that the benefits outlined above outweigh any potential concerns. In addition, proper regulation and guidelines can be put in place to ensure that the growth of short-term rentals is managed in a way that is respectful to the community and its residents, but doesn't interfere or impede the amazing transformation we've witnessed over the last few years.

While we appreciate the work being done by the WSP and Council, and we understand the importance of the process, but we believe that it is time to conclude this study and move forward with more meaningful dialogue about how to ensure cooperation between the townsfolk and short-term rental properties and focus on implementing solutions that will benefit everyone.

Further, and this speaks to one of the options put forward by the WSP, the nature of our property doesn't align with the idea of having someone live there as a primary resident, and it wouldn't be reasonable on our end to suggest to our guests that the resident of the house be on site during their stay. However, the partnership we've forged with our neighbours ensures that someone will always be there to keep an eye on the property. Additionally, we've installed cameras around the property which we use to monitor the coming and goings of our guests. To date, we haven't had a single issue arise with any of our guests causing problems. Rest assured that if it did, we would have the tools in place to manage it.

In conclusion, short-term rental properties have the potential to provide significant benefits to Fort Erie/Crystal Beach. By bringing in more tourists, generating jobs, and stimulating the local economy, short-term rentals can help to revitalize this town and bring new life to the community. If you have any questions please don't hesitate to ask. I'd be happy to provide further insight. Sincerely,

Jason Adeney

P.S. Could you please forward this message to the consultants with WSP.

**Public meeting** 

**ROLF LANGER** cmillar, wredekop, gmcdermott, ndubanow,

dflagg, jchristensen, tlewis, anoyes, tinsinna

2023-02-09 08:40 PM

"ROLF LANGER" From:

"cmillar" <cmillar@forterie.ca>, "wredekop" <wredekop@forterie.ca>, "gmcdermott" <gmcdermott@forterie.ca>, "ndubanow" <ndubanow@forterie.ca>, "dflagg" To:

<dflagg@forterie.ca>, "jchristensen" <jchristensen@forterie.ca>, "tlewis" <tlewis@forterie.ca>,

Please respond to

This message has been replied to and forwarded. History:

To Town Planners and Town Council Members,

Please find attached letter in response to the Public Meeting held Feb 1st, 2023



After many months of listening to the process (1).docx

I am a waterfront resident since 2012. Although it is not my principle residence I am here 12 months of the year. After many months of listening to the process, I have heard repeatedly, the same rationale by STR operators, Town Planning Staff and WSP consulting.

- 1) Short-term rental visitors bring overall economic benefits to the Town.
- 2) Historical rental practices have always existed along the waterfront.

1)WSP, when asked confirmed that they have not conducted their own studies to substantiate these assumptions. How these conclusions have been reached is unclear? Below is a well-researched article that draws on numerous other studies that refutes the claim that short-term rental visitors bring an overall economic benefit to the local community. Since the Town has not conducted any studies, yet other jurisdictions have conducted comprehensive cost benefit analyses, it would seem reasonable that we should rely on these findings. Consider the following analysis.

'The economic costs and benefits of Airbnb- No reason for local policymakers to let Airbnb bypass tax or regulatory obligations'.

https://www.epi.org/publication/the-economic-costs-and-benefits-of-airbnb-no-reason-for-local-policymakers-to-let-airbnb-bypass-tax-or-regulatory-obligations/

2) As far as historical rental practices along the waterfront are concerned, there are currently numerous residents who have experienced waterfront living in Fort Erie for their entire lives and they point to a very different perspective. How many residents have been asked to participate in their historical experience?

The current public beach (Bay Beach) is limited in size. It begs the question does Town Planning Staff and BIA believe that expanding the beach access will result in a monetary gain in the form of tourist dollars? For that reason, is there an agenda at the expense of waterfront residential neighbourhoods to allow for commercial STR's to operate? Why does the overlay exclusively target the waterfront? Given that many studies show that this perceived overall benefit to the community is an illusion, who then suffers and who benefits from taking this path?

While the vast majority of communities grappling with these issues are instituting tougher restrictions on STR operations. It appeared after the Feb 1<sup>st</sup> meeting that the options proposed by both Staff and WSP are moving in the direction to relax them. How does this make any sense?

Yours truly, Rolf Langer

**Short Term Rentals** 

Jack Mathias to: cmillar 2023-02-09 04:01 PM

From: "Jack Mathias"

To: <cmillar@forterie.ca>

History: This message has been replied to.

February 9, 2023

Dear Mr. Millar,

I am writing in regards to the Town and WSP meeting last week regarding the Short-Term Rental Zoning Proposal.

My wife and I own a home at which we purchased in 2016. It was my lifelong dream to own a home at Bay Beach after learning to sail there at age 15. Our concern is that the Zoning proposal is looking to allow short-term rentals all the way along the Fort Erie lakefront. Our concern is that it will significantly change what is now a nice quiet family beachfront neighborhood into an every weekend party atmosphere with Short-Term rentals.

Living along Erie Rd. comes with lots of benefits, the beautiful view, the beach, and the closeness of the community. It also comes with high taxes that provides lots of services for the Town of Fort Erie. Allowing Short-Term Rentals along the waterfront erodes the neighborhood's atmosphere that has been enjoyed for generations. Changing the uniqueness of the Fort Erie Waterfront is sure to lower property values that families have invested in and maintained for years.

We listened to the comments at the meeting and none of them seemed to be addressing these issues. The Fort Erie firefighter stood up and said that the only way he could afford a lakefront house was through short-term rentals. We share his desire to have a house on the waterfront, but it is one more example of the turnovers and the disruption that short-term renters can bring to a residential area. It might be advantageous for the Firefighter to look at a different option such as a full summer rental. We hope you would take the current quality of life into consideration when you are instituting Zoning alignment around short-term rentals and not allow them along the lakefront.

Thank you for your consideration.

Respectfully,

John & Marcia Mathias

Short Term Rentals.

Jackie Senechal to: 60 50 ... fbegum, cmillar, council, tlewis, The Lonely

Guy Boutique

2023-02-10 08:48 AM

From: "Jackie Senechal"

To: fbegum@forterie.ca, cmillar@forterie.ca, council@forterie.ca, tlewis@forterie.ca,

e.ca,

History: Thi

This message has been replied to and forwarded.

#### Hello,

This is why we are interested in this issue. My partner and I own an air b and b as well as 2 retail stores. His store is in Ridgeway, mine is in Crystal Beach. I am also in Real Estate going on 20 Years. My partner is an accountant and has a lot of stores as clients for his services.

We put in over 100 grand into the cottage when we purchased it in 2020 to make sure it was like new for renting. It now looks amazing inside and out. Short term rentals help beautify Crystal Beach by keeping them in excellent condition both inside and out. In our case it would be impossible to be on site as it is a small cottage meant for one family.

Our licensing fee has gone up from \$500 to \$1250 per year. If all short term rentals stopped and you do the math wouldn't that be a big loss to the city of Fort Erie.? all air b and b's pay the fee as well as property taxes. Being in Real Estate I had several clients looking to purchase cottages in Crystal Beach and had plans on fixing them up. When the licensing was minimized they all backed away from Crystal Beach and bought elsewhere. Seems like a great loss to me.

Owning 2 retail stores in this area is a big challenge to stay afloat. Although the locals help as much as they can, we rely heavily on tourists to help keep us afloat for the year. Already we are seeing businesses closing in our area. People that can afford to rent air B and B's are the people that can afford to shop and go to restaurants.

We are honestly not on board with any of the proposed changes given for the zoning, and it is a shame that the decision will make or break our air b and b and retail businesses, as we will discuss going elsewhere. I do understand we are a small fish in the pond with only 1 air b and b and 2 businesses but if others follow suit it may end up with a reverse reaction.

Just our thoughts to be noted.

--

Thank you Jackie Senechal (French/English Sales Representative) Right At Home Realty Brokerage

#### **Short Term Rental Benefits**

Charity Swords to: fbegum, cmillar, council, tom 2023-02-10 09:07 AM

From: "Charity Swords"

To: fbegum@forterie.ca, cmillar@forterie.ca, council@forterie.ca,

History: This message has been replied to and forwarded.

#### Hi there,

We are writing with our support for Short term rentals in Fort Erie, specifically Crystal Beach, We are a local family and we have seen significant positive changes directly related to short term rentals. The little town of Crystal Beach has come alive in the past few years because people have been welcomed with a place to stay and wonderful things to do and see. Local shops that rely on these str's have been able to keep their doors open year round and we love to visit them and shop locally to support our little community.

In turn this generates more job opportunities, brings in more tourists to spend money here and stimulates the local economy. They are revitalizing our little town and bringing new life to the area.

In turn we UNFORTUNATELY see people being forced to sell their charming cottages to make way for townhomes to house local residents who spend their vacations and money elsewhere. That charm will be gone forever and those sweet little cottages are irreplaceable. Full time residents of Crystal Beach should realize that this IS and ALWAYS WAS a cottage town first. If they want to live here year round then it needs to be embraced. I'm sure there is a solution in there somewhere to host both residents and str's.

Instead we could be like GRAND BEND.WASAGA BEACH.SAUBLE and embrace str's and realize how wonderful they are for the entire community.

Thankyou

Charity and Glen Fort Erie Residents

Re: Domicile of STR Owners

Chris Millar to: Dave McPherson

2023-02-10 10:36 AM

Cc: Fahima Begum

From: Chris Millar/FortErie

To: "Dave McPherson"

Cc: Fahima Begum/FortErie@TownOfFortErie

#### Hi Dave,

While I do confirm having spoken to Alex, there was no discussion on "Dave McPherson's assertion". I do thank you for providing your methodology and will provide same to the consultant for their information and consideration as they work towards a recommendation.

Again, we have your Coalition submission and as you had indicated to us in person on February 1, represents your groups interests.

You will be e-mailed when any information is made available or meetings having been scheduled.

Respectfully, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

"Dave McPherson" Good afternoon Chris, I was speaking to Alex B... 2023-02-09 03:18:07 PM

From: "Dave McPherson"

To: "Chris Millar" < CMillar@forterie.ca>
Cc: "Wayne Redekop" < WRedekop@forterie.ca>

Date: 2023-02-09 03:18 PM Subject: Domicile of STR Owners

#### Good afternoon Chris,

I was speaking to Alex Bennett today and she relayed to me that you were doubtful about the accuracy of my assertion that 85% of STRs are owned individuals that are not Fort Erie residents. Perhaps you would be good enough to provide me with your study that contradicts that. The following are the results from my analysis. As you will see, where domicile is identifiable, 89.5% of the owners are non-resident.

Happy to discuss.

# DOMICILES OF STR OWNER/OPERATORS This analysis uses the licenses issue by the town of Fort Erie. As of November 18 there were 186 licenses issued Assumptions Contact phone numbers provided to the town were reasonably reliable indicator of the domicile of STR owners/operators Where the domicile was not clear from the phone number the domicile was classed as undetermined

FINDINGS

Gross findings using all Fort Erie domiciles, non Fort Erie domiciles and undetermined domiciles

1 13 or 7% of the Owner/Operators were identified as Fort Erie based

2 111 or 60% were identified as non Fort Erie domiciled

3 In 33% of the cases, or 62 licenses, the domicile was not determined. Of that number 29 were represented by either Perfect Stays Niagara

Analysis using only properties where domicile was determined.

1 10.5% of Owner/Operators were Fort Erie domiciled

2 89.5% were non-residents.

Comments

There is significant room for improvement on the on-line information collected and published by the town.

2 Any argument that STRs drive extraordinary economic impact is muted by the dominance of non-resident owners where rental revenues leading to the control of the cases, and undetermined domiciles and undetermined domiciles.

An argument could be made that properties represented by property managers were owned by non-residents who are required to have lo

Dave

David R. McPherson

dilute economic impact.

	STR Public Open House - Land Use options  Bashir Popal  to: Fahima Begum, cmillar	2023-02-10 11:37 AM
	Cc:	
From:		
То:	"Fahima Begum" <fbegum@forterie.ca>, cmillar@forterie.ca</fbegum@forterie.ca>	
Cc:		
History:	This message has been replied to and forwarded.	

Good morning Fahima & Chris,

Hope you are doing well. First of all we would like to thank you for all your efforts to make sure public, including short term rental owners are part of these discussions.

We have a licensed STR in Crystal beach and have been following all the town by laws. We have great neighbours and we make sure we rent our home to 5 star guests to keep the neighbours happy and safe as well as make sure our home is in good hands.

Regarding the 4 options presented in the Open house we would like to express how option 1 will limit the number of STR in town which is already smaller than what it used to be before licensing was enforced and even less when last year only existing licenses were renewed. This will be basically getting rid of most of the STR's from the town. I don't think I should mention how important STR's have been to the development of the town. One point that I would like to bring up which I have not heard anyone mention is that we provide jobs to locals! My cleaner, my landscaper, my maintenance guys are grateful for the job opportunities in the town. Not only the restaurant owner, the boat rentals and other commercial businesses but the very own locals benefit from STR's. The huge licensing fee of \$1250 is helping the town as well. We pay full property tax and we only use the roads for a season. we pay for the local schools which our kids don't go to.

Option 2 with the overlay, is something that basically enables most of us to continue to run our STR's. If one STR owner is not following the rules, only that STR owner should be penalized and the town should possibly get his/her license revoked.

Option 3a the overlay + Owner-occupied is something that the town can enforce going forward for new licenses however the negative effect will be the same as Option 1. For me as an example, to move to crystal beach and rent part of my home is not making much sense. Will my partial home STR money pay for my mortgage? What jobs are available for me in the town? Where will my wife work? Do we have enough daycare, schools etc for my kids? How many sport complexes do we have in the town? Not even one gym in crystal beach. Is there night life for my teenage kid? The infrastructure can be built and all the things people want in a town or city can only be done if town has enough income. STR provides that income to the town through tourism.

Hope you find these points useful in your efforts and thanks once again for all you do for this town.

Regards,	
Bashir & Fahir	ma
STR license #	

In Regards to Short-Term Rentals

Morrison, Glen C to: fbegum@forterie.ca, cmillar@forterie.ca, council@forterie.ca

2023-02-10 12:51 PM

Cc: "tlewis@forterie.ca", "Charity Swords"

From: "Morrison, Glen C"

To: "fbegum@forterie.ca" <fbegum@forterie.ca>, "cmillar@forterie.ca" <cmillar@forterie.ca>,

"council@forterie.ca" <council@forterie.ca>

Cc: "tlewis@forterie.ca" <tlewis@forterie.ca>,

The pandemic and the persistent inflation since has brought many difficulties to individuals and business everywhere.

Why would council want to pursue policies that stifle investment and economic activity in the community?

STRs encourage visitors to come to our Town and spend money.

As long as the STR operators and visitors obey town by-laws and demonstrate basic human decency, what is the problem here?

The revenue generated by successful STRs is reinvested back into the community.

Money brought from visitors out of town is used to make home improvements. Improvements increase property values for everyone and enhance the aesthetic of the Town.

Most people outside of the community are surprised by the Towns position on STRs. This is a case of The Louder Minority.

We all stand to gain so much from a vibrant, open and welcoming community

As policymakers for our Town, please do not stand in the way of the economic free-will of your citizens. It is logically and morally the wrong choice.

With all due respect,

#### **Glen Morrison**

Quailty Control, Nuclear Services BWXT Canada Ltd. 581 Coronation Blvd. Cambridge, ON, N1R 5V3, Canada

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Short	term	rental	S
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kevin winfiel to: council, fbegum, cmillar

2023-02-10 01:22 PM

From:

To: council@forterie.ca, fbegum@forterie.ca, cmillar@forterie.ca

#### To Whom it may concern:

I have been hearing through different avenues that Fort Erie is limiting short term rentals and perhaps even getting rid of them in the Crystal Beach/Ridgeway area? What is going on? I think this is a very big mistake.

Why on earth would they place a limit on short term rentals or get rid of them altogether in Crystal Beach of all places? Tourism is an excellent source of revenue for the town of Fort Erie and surrounding areas.

The people that come from out of town to patronize the retail establishments are helping those poor entrepreneurs get back on their feet finally. We just got through this covid epidemic and to put a stop to short term rentals, you will actually jeopardize the tourist industry in our area. You may as well send everyone to Niagara Falls for Pete's sake. Where will they stay if you do this? Niagara Falls of course. Do you think these tourists will want to drive all the way to Crystal Beach? Not a chance. Pretty sure they will stay in the Falls.

These lovely cottages are so perfect for families to get together with their children for beach outings, shopping, as well as giving them the opportunity to enjoy our many great restaurants. The grocery stores will also benefit, and so will so many other businesses.

Who makes these rules?

The beautiful cottages that have been enhanced by upgrades etc. have created more job opportunities for the small construction and painting companies.

We have observed a large increase of tourists in the past few years and not sure why this would happen in the midst of a such a great opportunity.

We visit Elora and cute little towns like that and wonder, why is Fort Erie not doing more to promote instead of creating more and more obstacles. I think time to think more progressively

The charm of Crystal Beach is deteriorating with new construction of all the new subdivisions. New housing is necessary yes, we will always need new housing, but these are the little cottages, so really?

Are you planning to get rid of those also? To make new builds? There are areas away from the retail area that can benefit there. Corporate greed is running rampid in our town.

Time for a change.

Thankyou for listening.

Jackie and Kevin Winfield

#### Keep local short term rentals

Eve Garbutt to: fbegum, cmillar, council 2023-02-10 01:23 PM

From: "Eve Garbutt"

To: fbegum@forterie.ca, cmillar@forterie.ca, council@forterie.ca

Hello, I am writing in hopes that the town of Fort Erie makes the right decision to keep short term rentals available for rent. Short term rentals keep the town alive and stimulate the local economy by supporting small businesses in the area. Being someone who grew up in Ridgeway, I have loved seeing the recent success that str's have brought and continue to bring to local businesses. My friend was recently able to open up a very successful bakery in our very own downtown Crystal Beach and the inflow of support from external travellers to these short term rentals has kept her doors open to locals. It is exciting that str's give our little town the opportunity to shine in the eyes of travellers who can experience the charm and greatness of it all. My friends who live in areas like Toronto and Oakville have stayed in Crystal Beach in str's and say that they have always thought of it as a cottage town. It disappoints me to think that they might not be able to explore the many opportunities and excitement that our town brings to them. Please consider keeping short term rentals available as they are clearly beneficial to everyone, whether local or not.

Thank you, Eve Garbutt

#### **Short Term Rentals**

Kelley Bartlett to: fbegum, cmillar, council, tlewis

2023-02-10 03:07 PM

From:

"Kelley Bartlett"

To:

fbegum@forterie.ca, cmillar@forterie.ca, council@forterie.ca, tlewis@forterie.ca

#### Good afternoon,

Let me start off by thanking you for taking the time to read my letter. I am writing both as a tourist and as a cottage owner (along with my husband Jason) in Crystal Beach. Let me start off with a bit of background.

Friends of ours have owned a cottage in CB for quite a few years now and we would often spend a few days every summer visiting. We loved the sandy beaches, the relaxed atmosphere and the people we would meet. Fast forward a few years to the winter of 2021.....we were looking at ways to invest some money, in order to build our estate as our youngest son is Developmentally Delayed and non-verbal, and will require lifetime support - his lifetime, not just ours. We had been contemplating a rental property for a while and were initially thinking about a duplex here in Burlington, or maybe one in Hamilton. But then it struck us! Why not buy something that we can enjoy ourselves as well as rent out when we're not using it? Crystal Beach was the perfect spot..... only an hour from our home, a place we love, and a spot where we already have friends. We found a cottage on a double lot that needed some work but came fully furnished and could be used year round (with some additional insulation).

We were fortunate to get our license that spring and we spent a lot of time there getting the cottage 'guest ready'. After much cleaning and organizing and ensuring all regulations and codes were met, we were ready for rentals. We were fortunate to have guests most of that first summer and then a renter over the winter months. Last summer was a bit tougher but we did okay and again, we found a tenant for the off-season.

Since we have owned the cottage, we have given business to local business owners - including contractors, plumbers, insulation providers, pest control business, cleaners, store and shop owners, and restaurants. We encourage our guests to do the same. Tourism is such an important factor in the growth and sustainability of Crystal Beach. By bringing in tourists, we are helping to generate jobs, stimulate the local economy and allow shops and restaurants to stay open. In fact, we'd love to see even more!

In looking at the options presented I have to say that we are NOT in agreement with the one put forth by WSP having someone live on the property as a primary resident. This makes no sense to us and is completely unfeasible. I would guess that 99% of the cottages rented out as STR's could not accommodate this and as such there would either be a lot of people renting 'illegally' or many more cottages put on the market. As it is right now, the number of homes for sale in Crystal Beach is staggering. Some are 'flips' not being purchased because would-be buyers can't get a license to rent them out. Others were purchased as investment properties by people who didn't get their license in time, or didn't realize there is a moratorium on such business licenses. A couple of other points I would like to address. I've heard that some folks complain about the noise from the short-term renters. I would like to say that noise doesn't just come from 'visitors' but plenty of locals can make noise as well. I can personally vouch for that.

Another complaint I heard was that people were buying up the 'big expensive waterfront homes' and then renting them out despite not having licenses, even though the town knows they don't. I would say that the issue there is that there should be more policing of such properties. People who run STR's without the proper license should be penalized and hefty fines should be paid. It's not fair to the rest of us who abide by the rules, pay the fees, ensure codes are met, etc. To conclude, we appreciate the work you are putting into this study and we want you to know that our interests are not purely financial. We want Crystal Beach to once again be a prosperous and vital community, a place where people want to visit and a spot where we may eventually retire.

Sincerely,

Kelley and Jason Bartlett

**STR Letter** 

Anthony Polsinelli to: cmillar, Fbegum 2023-02-10 04:03 PM

From: "Anthony Polsinelli"

To: cmillar@forterie.ca, Fbegum@forterie.ca



Please find the attached in PDF format. STR Letter.pdf

To Whom it may concern,

My family and I have been coming out to the Crystal beach area for some years now. We were renting cottages for a week at a time until finally purchasing our own place in late 2020. My son and I purchased a three bedroom place with the intention of being to able to rent it out to help keep up with costs and at the same time have a place to enjoy ourselves. The first thing that we did upon purchase was contact a couple of local property management companies to understand how things are supposed to work. Upon making our selection and signing a contract with Perfect Stays Niagara to look after the renting out of our property we were hit with the news that we would not be able to acquire the proper license from the township because the moratorium put in place by the town. Upon contacting Wayne the mayor and the exchange of various emails we have been stuck waiting for this issue to be resolved and a decision made to be able to proceed with obtaining the proper license to conduct through Perfect Stays Niagara in being able to rent the cottage out. I have with my wife been spending a lot of time throughout the years at the home in crystal beach. We love the area and enjoy spending time. I will have to admit that I am tremendously upset that I as a tax payer have to pay for a beach pass. The fact that I pay property taxes there should entitle me and my family access to the beach. I have also become irritated with the fact that the town has chosen to offer paid parking on many streets including my own. I have found vehicles parked blocking my driveway not allowing me access to get in out of my own driveway. This I have dealt with on my own. I understand that permanent residences in the area may be opposed to having STR's in the area but by the same token when they pay my taxes and so forth they can decide on what I do with my property. As mentioned, we have rented in the area for years both private and through websites so people will do as they see fit. I have neighbours to my immediate sides of my property and they have never complained to me about the current situation. For as long as I have been coming to Crystal Beach I have never experienced an issue with renters in the area. As far as I am concerned we opted to purchase in the area because of the fact that we have come to know it as a very family friendly place. Unlike experiences that we have encountered in say Wasaga Beach in the past, I feel that both property management companies that we interviewed seem to be very on top of who they rent their properties to. This is something that made our decision on the Crystal Beach area more favourable. Like I said in all the years that we have rented in the area and also owned there, we have never been disturbed by the area being too loud, in fact when we sit out at night on our deck either front or back we are amazed at how quiet it is. Another concern that I find almost comical is the fact that some one or some group of people thought that it would be beneficial to turn the beach in the area into a place where people could come and pay to spend the day. These people who come up for the day contribute nothing to the local businesses and all that seems to come of it is displeasure to those that own properties in the are like myself with the parking situation. I have grown to know some of the business owners in the area and have been made very aware of their displeasure. At the end of the day people will do what they see fit with their properties within the bylaws or not. I would prefer to do things with in the by laws. I don't believe there is any law stating that I can't let family members or good friends use my place to enjoy with their families. As far as I am concerned I pay the bills there and I can give my key to whomever I see fit. Hopefully this issue will get resolved in the near future so that everyone involved and effected can move forward with what they want and need to do. To tell me that I can rent my place out long term but not short term is a joke. When you own my place you can do whatever you like with it. I would like to conclude by stating that the this is very unfair not only to property owners but more so to the local business owners being those with restaurants, stores, property management etc. This is effecting peoples lively hoods.

## Letter regarding STR Land Use Study

cmillar@forterie.ca, Gregory.Bender@wsp.com,

Doug Swift to: Wayne Redekop, fbegum@forterie.ca,

AHerlovitch@forterie.ca, cmcqueen@forterie.ca

2023-02-10 03:41 PM

From: "Doug Swift"

To: "cmillar@forterie.ca" <cmillar@forterie.ca>, "Gregory.Bender@wsp.com"

<Gregory.Bender@wsp.com>, "Wayne Redekop" < wredekop@forterie.ca>,

"fbegum@forterie.ca" <fbegum@forterie.ca>, "AHerlovitch@forterie.ca"

To All,

Attached is my letter regarding the February 1<sup>st</sup> public meeting about the STR land Use Study.

Thank You,

w

Doug Swift Letter to Town.docx

Dear Mr. Redekop, Mr. McQueen, Mr. Herlovitch, Mr. Millar, Mr. Bender,

This letter is in response to your request for input from the community on the process to date of the Town of Fort Erie's Short-Term Rental Study. Over the past few years, along with a group of concerned Fort Erie homeowners I have been closely following the Town's efforts to grapple with the influx of the Short-Term Rental (STR) industry and its well documented negative impacts on the community. I am grateful for the Town's effort to date to pause the STR licensing pilot program while giving the Council and the community the opportunity to determine the regulatory structure needed to control the proliferation of STRs throughout our residential neighbourhoods. As the Mayor has been quoted many times, one of his main priorities, as Fort Erie continues its current unprecedented growth is to "maintain the integrity of our existing neighbourhoods".

I have had the good fortune of living on the Fort Erie waterfront for all my 67 years. For most of that time I was a seasonal resident staying here for an average of 4-5 months of the year. My dream had always been to be able to live here permanently in the place I had always considered my Home. A few years ago, my wife and I were honored to be granted our permanent residency status in Canada and we plan on becoming Canadian Citizens. We are living peacefully in the home my parents built and we continue to enjoy maintaining and improving it. We are active community participants, supporting our local businesses, service providers, charitable organizations and events.

Through my personal experiences and anecdotal information from many long gone elders whose collective history goes back well over 130 years; I have experienced the evolution of our town and waterfront through the generations from its earliest days. Our beautiful waterfront and natural environment have always been irresistible draws for people to come and enjoy. The area was sparsely populated in the early days and primarily agrarian. Back then Buffalo had become a major economic force both nationally and internationally. The Fort Erie lakeshore quickly became a sanctuary for Buffalonians who wanted an idyllic escape from the noise and pollution of the heavily industrialized city. The first cottagers came by ferry, then by train and eventually by car when the Peace Bridge was finally built. Life along the lake changed little over the decades. It attracted a steady supply of like-minded families seeking a quiet peaceful life on the beach.

While evolving slightly over time, this lifestyle remains intact to this day. One of the most significant and encouraging changes is that the waterfront neighbourhoods are no longer enclaves of American summer folks anymore. For a variety of reasons Americans no longer are buying homes in Fort Erie. The trend now is that waterfront homes are being purchased almost exclusively by Canadians. The beautiful Fort Erie beaches are no longer a well-kept secret. Canadians from the GTA and the Golden Horseshoe have discovered us. Fort Erie's easy access, natural beauty, amenities and comparatively affordable real estate are drawing a wide audience that is infusing new money and economic development into Town. Ironically Buffalo is seen as one of the amenities, giving us a nearby big city experience that we can access easily while quickly escaping back to our peace and quiet in Fort Erie.

As an example, my small waterfront sub-neighborhood consists of 14 homes. Originally, they were all owned by Americans. Today, half are owned by Canadians and a majority are year-round residents. This trend is only going in one direction. More waterfront homes will be purchased by Canadians and more will become year-round homes. Our neighborhood has seen many owners come and go over the decades. We have consistently been blessed with attracting new neighbours who are drawn here for the same reasons we are. There has been a like-mindedness that develops, creating a sense of mutual respect and friendliness. Unfortunately, three years ago one of these homes was sold and converted into an STR. The disruption caused by these ghost hotels is well documented and understood so I won't belabor the issue. Needless to say, the entire neighborhood is on edge every time there is a turnover of guests. We all brace ourselves each time, you never know what chaos will show up. The place we have worked on for decades, in order to maintain a simple quality of life is destroyed every time a new group arrives to check-in to the unsupervised hotel next door.

Given my historical eyewitness account of how life on the waterfront in Fort Erie first developed and evolved over time, I was very confused at the public meeting on February 1<sup>st</sup> when the planning team mentioned that the waterfront residential neighbourhoods have historically been a "cottage rental area" like the old Chrystal Beach area. In my experience I have never known any of the homes along the lake to be rented out other than a week or so here and there to friends and family when the house would have otherwise been unused. This was often done with no money exchanged for the purposes of house sitting. My neighbours hold their homes as precious and sacred. These owners work hard to earn the right to maintain and enjoy their properties. They are very unlikely to give up the opportunity to retreat from their hectic life in the city, during the few precious weeks we have in the summertime. This land use pattern began in the late 1800s and continues uninterrupted up to this day.

When repeatedly challenged by participants about the suggestion that the waterfront was always a rental area the planning team's response was something to the effect of, "this is what we were told". They gave no indication of who told them this, but I can assure you that it wasn't from anyone who actually lived on the lakeshore. Other than old Crystal Beach, and many decades ago a small area surrounding the old Erie Beach Amusement Park, the rest of Fort Erie's waterfront was all private residences. Therefore, it is mystifying as to why the Town Staff and consultants are suggesting locating full-time, dedicated commercial STRS in all waterfront residential zones. To make this suggestion in light of the fact that they have excluded all other residential zones seems capricious and unprofessional. This option defies all professional planning principles, as well as the Town's stated goals of maintaining the integrity of our existing neighbourhoods.

The Short-Term Rental Study clearly and correctly spells out that:

- 1. STRs are considered a Commercial Use
- 2. STRs belong in certain appropriate areas
- 3. STRs can be disruptive because of disrespectful guests/events
- 4. STRs are a challenge to a sense of community

Given these acknowledgements it seems beyond the pale that a team of professional planners could rationalize indiscriminately the potential of locating these ghost hotels in a neighbourhood with no connection to the tourist accommodation industry. These precious residential zones like all residential zones in Fort Erie do no allow commercial businesses to locate in them. The planners' argument that the allowance of "Home Occupation" businesses holds no water. These STRs are typically run without any homeowner present as required under the Home Occupation definition. We can debate the legal fundamentals, (or as staff mention on Feb 1<sup>st</sup> "nuances") at a later time, but by suggesting that only the Waterfront Residential Zones qualify for STRs under Home Occupation while the rest of the Residential Zones do not, only furthers the appearance that some form of bias is influencing these options. I stand firmly by the proven fact that STRs are commercial businesses that have no place in exclusively residential neighbourhoods.

This is just one of my concerns with the process of the current Land Use Study commissioned by the Town. I fear for the end results with this and the long-term impact it will have on the quality of life throughout all of Fort Erie. My professional background has given me some unique insights as to future ramifications of the collective decisions we make today. I received my master's degree from the University of Buffalo's School of Architecture and Planning. My studies focused primarily of the concepts of Urban Design which is a discipline that combines the study of both architecture and planning. I have spent most of my career in the private sector utilizing those skills in the real estate development arena. The focus of my interest and my work was on the redevelopment of downtown Buffalo. I led several projects that have had a positive profound impact on Buffalo's cultural, social and economic revitalization.

At one point in my career, I went on sabbatical from my work in Buffalo and took the position of Executive Director of the Teton County Housing Authority in Jackson Hole Wyoming. My main responsibility was to regulate private development in this very popular seasonal tourist town. I created deed restricted affordable housing in one of the most expensive real estate markets in the world. My office worked hand-in-hand with the Director of Planning for the County, and together we worked to incentivize private developers to create affordable housing as well as use creative funding opportunities to develop the County's own affordable housing. I was also tasked to work closely with the community leaders, residents and special interest groups to develop relationships and strategic partnerships to promote the idea of publicly funded affordable housing opportunities in a very diverse community with often conflicting views on whether the government should be in the development business. Between my academic training and real-world experience, I quickly learned the profound professional responsibility that a public official has when moderating a potentially divisive topic while making well thought out recommendations that represent what is best for the community without allowing personal opinions to get in the way.

Jackson Had become unaffordable to most of the people who made a living there. The very lifeblood of a community was forced to distant towns an hour away over dangerous mountain passes to find a home they could afford. This meant, nurses, schoolteachers, first responders,

service workers, contractors, and many more all called another town their home. This dynamic was devastating to the character and cohesion of the community of Jackson Hole. The only people who could afford homes were those who had bought decades earlier before the real estate boom or those who were so wealthy that they could afford extravagant second or third homes. Most homes had been turned into Short-Term tourist rentals years before the internet and AirBNB. At that time vacation homes were typically found through the local real estate firms.

This is a scenario that I can easily envision for Fort Erie if the STR invasion is not controlled now. The desirability of our community will be destroyed if it chooses to cater to the tourist industry to the detriment of the true economic engine, which is the hundreds of full-time residents coming into town to settle in our existing housing stock and the many new subdivision, both existing and on the books for construction. These people who are here for 12 months out of the year will contribute to the local economy in a much greater way than a group of vacationers who are here for 3-4 months. It is just common sense, and any solid planning effort or economic study would show that. Unfortunately, no research has been done on the subject locally. I hear claims of the benefits of STRs to our economy with no data to back it up. A simple Google search on the subject will uncover dozens of studies done worldwide that prove that STRs do more harm than good. We need to stop listening to only one side of the story in our current Land Use Study. We have already learned these lessons about community building. Why do we insist on making the same mistakes?

Throughout this current process I hear two main voices from the community. One is speaking out to protect their individual financial investment. The other voice is speaking out to protect our community. Which voice should we listen to?

Sincerely,

Doug Swift MacDonald Dr.

#### Feedback on short-term rental properties

to: fbegum, cmillar, council

2023-02-10 06:44 PM

From: "Julia Le"

To: fbegum@forterie.ca, cmillar@forterie.ca, council@forterie.ca

Hi there,

My husband and I own a home on Schooley Road and we have had the pleasure of enjoying our home by the beach and renting it out when we are not in town. We typically rent out the summer months so families can enjoy the beautiful beach and the small, charming businesses in the neighborhood.

We continue to follow the rules and new ones that get implemented each year. However we have been hearing about some ideas being proposed such as having someone live on the property as a primary resident when renting it out. There isn't really much space for me or my husband to stay while renters are there without disturbing their enjoyment of the property. We feel this would certainly hinder our ability to rent out our beach house when we aren't there and really force us to sell the home that we enjoy on and off as a place to stay with our two growing young boys. Renting the home out helps us offset the mortgage we pay for the home and if we don't have that income, we can't afford to keep the home.

We continue to pay the short term rental license, we follow all the rules and are hopeful you can see the benefits of having short term rentals to the local economy. We also hire locally for lawn maintenance, servicing and cleaning. We are very careful about who we rent to and have Super Host status on Airbnb that we wish to continue as families in Ontario look for a more affordable place to vacation with young children.

If you have any questions, please don't hesitate to reach out.

Sincerely, Julia

Sent from my iPhone

STR Crystal Beach.

Terry Taylor to: cmillar, fbegum 2023-02-10 07:39 PM

Cc: tom

From: "Terry Taylor'

To: cmillar@forterie.ca, fbegum@forterie.ca

Cc: tom@tomlewis.ca

Hello all,

I am writing in support of the STR in Crystal Beach. It has been difficult for me to watch how difficult the town is making it for honest people to provide vacation options in this quaint cottage town.

We have lived here for just under two years and were drawn to this town because we have seen the progress on derby st and surrounding businesses and love its uniqueness.

Short term rentals when managed responsibly stimulate the local economy and provides desirable access to our beautiful beaches that not everyone can afford if they had to purchase property here.

If there are issues with specific rental properties they should be handled on an individual basis but to restrict the amount of permits, not allowing those who want to offer there properties up for others to enjoy, is not the way to go.

We are a cottage town. We must embrace that and support the people and business that rely on tourist traffic.

Thank you, Rick and Terry Taylor Crystal Beach

Sent from my iPhone

## Fwd: Feedback on the value of STRs to Fort Erie and Crystal Beach

Ted Sale to: cmillar 2023-02-10 06:51 PM

From: "Ted Sale"

To: cmillar@forterie.ca

Hi Chris, I sent this note to an incorrect email address. My apologies and we look forward to your feedback.

Ted Sale.

----- Forwarded message ------

From: **Ted Sale** 

Date: Fri, Feb 10, 2023 at 4:47 PM

Subject: Feedback on the value of STRs to Fort Erie and Crystal Beach

To: <<u>cmiller@forterie.ca</u>>, <<u>fbegum@forterie.ca</u>>

#### Good afternoon Chris and Fahima,

My wife Jennifer and I purchased a house in Crystal Beach which we use as a vacation property throughout the year. We currently have a short term rental license, and we make our place available to rent through a wonderful local property management company Perfect Stays.

Having the option for STR allows us to cover some of our costs for the property and still have a chance to enjoy the wonderful beaches, shops and restaurants of Crystal Beach and Ridgeway, until our jobs allow us to be in the area full time.

We feel that there are so many benefits that STRs bring to the town and I have captured a few of them below:

#### For the renters:

- Have an opportunity to visit a community they are interested in exploring, and stay in a private space that is safe, clean with all the bedrooms and shared spaces, like full kitchens, that come with a house.
- Families can share the rental experience and cost with other friends and family members
- People have the ability to prepare their own meals to meet their specific dietary needs, address allergies, and contain costs

## Community:

- Families bring their tourist dollars to communities that they otherwise would not, or could not visit
- Restaurants, gas stations, shops and grocery stores all benefit from the tourist dollars that the STR renters bring to Crystal Beach
- Rental property owners invest in local contractors, local property managers, services like cleaners, lawn care, repair shops, and landscape companies (we personally have invested over \$50,000 in two years of owning our house in Crystal Beach).
- Crystal Beach has been a recreational, or cottage community, for its entire existence, and so the use of our property by beachgoers is not out of line with the traditional use of houses in Crystal beach

- Between renters and our own personal our property is occupied for all 4 seasons, which brings more of our consumer dollars to the town than any of the residents of traditional cottages in the area

#### Home owners:

- We were introduced to Crystal Beach by friends who have been visiting the area for several years. We have long term plans to live more permanently in Crystal Beach, but our current jobs require us to be closer to Toronto. We could not afford to just buy the lovely house we found without the option to generate some rental revenue to offset the costs for the mortgage, upkeep and taxes.
- STR allows us the opportunity to fund these costs and still be able to enjoy Crystal Beach, and share it with our friends and family.
- Snowbirds who live in the area are able to leverage STR to allow them to continue to fund their homeownership in the community and not having to give up their homes, or downsize.

## Concerns about short term rentals and mitigations:

We understand that there is a concern from other citizens centred on noise from large groups sharing a house, or rowdy behaviour by renters:

There are many mitigations that don't remove the STR right from Fort Erie property owners:

- Bi-laws calling for quiet time after 11pm.
- Use of local property manager to engage with renters
- Fines or demerits for those STR homeowners whose renters violate rules
- Renting to families vs groups of younger adults (this is our practice)
- Renting for full weeks vs weekends (our practice during high season)
- The increased license fee of \$1200 per year per unit is available to fund added town personnel to enforce compliance including bylaw officers, or other town staff.

The other concerns we have heard are related to a sense of a "quiet way of life being disrupted" specifically by STRs.

- Can details be provided to understand exactly the behaviour that is impacting "quiet way of life"
- Is there a tracking of the number of incidents that are directly related to STRs
- Do we have metrics that show the number of similar issues that are related to homeowners, cottage owners, long term renters, day trippers, etc in other words is there evidence from 2022 that STRs contribute to these issues at a greater rate than other types of people spending time in Crystal Beach.

As Crystal Beach homeowners we support the town regulating STRs through licensing, rules, and enforcement, but we believe that the current bylaws are more than sufficient to control the behavior of both the owner and renter.

In my opinion, reducing rights for any taxpayer should be treated with the utmost of sensitivity, and decisions to change those rights should be based on real harm coming to the community, with evidence of that harm backed up by data available to all citizens and property owners.

I am putting all of this information a word document in case this needs to be shared, or printed.

Thanks for considering our thoughts, and we hope to continue enjoying the wonderful community of Crystal Beach for years to come

Edward (Ted) Sale and Jennifer Peterson



Support for STRs in Fort Erie and Crystal Beach.docx

#### Short Term Rentals in Fort Erie

Anne-Marie McGonigle to: Chris Millar

2023-02-10 08:10 PM

From: "Anne-Marie McGonigle"

To: "Chris Millar" <cmillar@forterie.ca>

Dear Mr. Miller,

I am a cottage owner in Crystal Beach.

We used to visit the area and fell in love with the town and the beach. We bought our cottage in Crystal Beach in 2018.

We rent our cottage out as both a short term and long term rental.

Since we started coming to Crystal Beach and renting out our place, we have seen a huge turn around in local businesses. I would say there have been at least a dozen open in the years since we bought our place on Cambridge Road West. One of these businesses is a wonderful Italian restaurant at the end of our street.

We have seen an increase in the number of visitors to the area and as there are no hotels and only one small motel, we attribute the increase in visitor travel to the increase in short term rentals. I am certain that if you surveyed any one of the large groups of people visiting Crystal Beach each summer, spring and fall you would find that most of these people are staying in short term rentals and that they are interested in frequenting local restaurants and stores.

In fact, we go out of our way to recommend the local businesses to our guests and use them ourselves when we stay at our cottage.

Further, we employ local contractors and cleaners to help us maintain our cottage. This is also a benefit for the town.

In essence, I think short term rental owners are helping to stimulate the local economy.

I know there was a recommendation that each short term rental should have someone live on the property full time. For us and I am sure for many others, this would not be possible. Our cottage is a small two bedroom structure with a sleep loft. We have a small lot. I don't think there is any way we could host guests and have someone live in the building without causing an inconvenience to the guests.

I hope you will ponder some of my comments and those of other short term rental owners, as you consider the next steps for short term rental units in Crystal Beach.

Sincerely,

Anne-Marie McGonigle

## Re: Fort Erie Short-Term Rental Land Use Study

Ellie Kerr to: fbegum, CMillar, wredekop, jChristensen

2023-02-10 08:13 PM

Cc: "Jimmy"

From: "Ellie Kerr"

To: fbegum@forterie.ca, CMillar@forterie.ca, wredekop@forterie.ca, jChristensen@forterie.ca

Cc:

#### Dear Fahima,

My husband and I attended the February 1, 2023 open house via YouTube. Our friends Carol and Greg Grant attended in person and submitted the below e-mail. We strongly agree with all the points made below.

STRs should not be allowed in residential areas. This should include waterfront residential as the impact on those residents is the same.

My family has owned waterfront residential property on Erie Road for five generations. We know our neighbors and all have a strong mutual respect for our properties and each other. We have contributed to the tax base of the community through the ups and downs of every economic cycle.

The area was quite downtrodden 10 to 15 years ago. The recovery is due to the migration of homeowners from Toronto looking for a quiet and more affordable place to retire. Many of our new friends, including Greg and Carol fit this description. They are the ones we can thank for the renaissance of the local area. I found it disturbing that one of the speakers during the Q&A period said that the STRs are to thank for the improvement. That is not true.

While I recognize that owners of STRs have made a financial investment and do not want it harmed, we generational homeowners have an even greater investment. We have paid taxes, water and sewer charges and utility bills year round when we only use our properties for 6 months or less per year. We do not put a strain on the school system or other government services. We have reinvested in our properties with major renovations and new construction and employed local contractors and other professionals. We continue to maintain and enhance our properties because we want and expect them to be owned for generations to come. An STR owner will never take such a longterm view.

Perhaps the most inappropriate area for STRs is on waterfront property. As Greg says, many of these houses have narrow beach fronts and STRs attract large groups of renters converging from other properties. These infrequent short term guests are not familiar with beachfront safety and etiquette. They bring their dogs and allow them off leash. Their unfamiliarity with homeowners dogs creates tension and danger. Families and large groups light bonfires on the beach and do not properly understand wind patterns and the impact on the nearby houses and many old growth trees. A party spirit exists that means alcohol, swimming and boating and loud voices carrying over the quiet lakeside to the open windows of waterfront houses where there are young families. We have experienced an **unlicensed** STR near us at good intentions of the code enforcement officer, the STR activity continued.

It does not appear that Fort Erie has the resources or is prepared to handle the impact that STRs would have if permitted on waterfront properties. 2022 was the 1st year we can recall a STR being operated on Erie Road. Yes, families have rented their houses on the beach to family and friends. They are typically month long rentals and repeat year after year. The renters become

part of the community due to the continuity of their repeat summers at the beach. Please review Greg's points in his November 23rd e-mail. We whole-heartedly agree. Ellie and Jim Kerr

On Feb 8, 2023, at 3:21 PM, Gregor Grant wrote:
Fahima, our comments regarding the Wednesday, Feb 1, 2023 presentation by WSP are provided below.

Let us start by saying that at the meeting it was very difficult to ask questions about the report having only seen it for the first time that evening. Also, rather than repeating our previous comments we have included the email with those comments below as we don't feel they are adequately addressed in the consultants report.

Having studied the report more thoroughly, our overall impression is that there is a significant disconnect between the research and the options recommended. For example, the report acknowledges that STRs are: "considered a commercial use", "can be disruptive", and "are a challenge to the sense of community", etc., nevertheless, the report suggests they be allowed in residential areas, more specifically, waterfront residential and this seems unfair and discriminatory. In terms of the Options, while Option 1 is titled "Existing Zoning", given that the report acknowledges that STRs are a commercial use, one would have expected that STRs in residential areas would have been excluded from this option. Otherwise, Options 2, 3a and 3b seem to be based on the map of existing licensed STRs and result in largely the same (or more) potential areas for STRs. As a result, we do not support any of the options outlined.

Our view is that only owner-occupied STRs should be allowed in residential areas, including waterfront residential (subject to the same regulations as B&Bs). This is consistent with the following statement from the report; "STRs in a primary residence are preferred - STRs as a property investment are not preferred". Otherwise, STRs could be allowed in properties in agricultural or commercial zones and perhaps the R2B zone in Crystal Beach.

During the Q&A (just over 39 minutes in) a speaker suggested using existing zoning as a basis for establishing appropriate locations for STRs. She pointed out that laws/regulations already exist for Agricultural and Commercial properties and there are established rules around use of private residences for business purposes. So, rather than "reinventing the wheel", it seems to us that STRs should be allowed in areas zoned Agricultural or Commercial (as allowed by law/regulation) but only be allowed in owner-occupied dwellings in residential areas. That said, we understand that some areas in Crystal Beach are zoned R2B but we can't comment on whether that area would be appropriate for STRs. We would acknowledge though that, unlike most of Fort Erie, Crystal Beach does have a history of providing rental accommodation. Regardless, any and all STRs should be subject to regulation including capacity limits, parking, noise, and be subject to safety inspections.

In terms of what is driving businesses in Fort Erie, since the late 1800's, the primary source of "tourism" has been American's who purchase or rent seasonal properties for

use, typically from May to September/October. Many, but not all, are lake-front properties. More recently there has been a migration of people from Toronto looking for a quiet place to retire (us included) and, as above, some, but certainly not all, are lake-front properties. This latter group has generated a housing boom which has had a massive positive impact on the local economy. These two cohorts are looking for a quiet retreat and would be negatively impacted by the presence of STRs in their neighbourhoods. Also, it would be unfair to prohibit STRs in residential areas but allow them in lakefront residences.

Finally, the consultants asked for specific feedback on the Overlay and where, or where not, STRs should be allowed. Our main point would be that waterfront residential properties should be treated the same as any other residential property. On our section of North Shore Drive we have eight homes. Excluding the short-term rental, all but one of the residents are retired and four of the homes are occupied by Americans who have owned the properties for many, many years. The properties are long but narrow and the large groups which have occupied the neighbouring STR have often created a disruptive environment through excessive noise and the constant churn of new guests every 2 or 3 days. The report seems to suggest that STRs should not be allowed in residential areas and we agree but feel this should also include waterfront residential as the impact on those residents is the same.

Carol and Greg Grant

Begin forwarded message:

From: Gregor Grant

Subject: Fort Erie Short-Term Rental Land Use Study

**Date**: November 23, 2022 at 9:46:35 AM EST **To**: Fahima Begum <a href="mailto:fbegum@forterie.ca">fbegum@forterie.ca</a>>

Fahima, the following are my comments for the STR Land Use Study.

- 1. Short-term rentals are commercial businesses
- 2. Commercial businesses are not legal in residential areas
- 3. As such, STRs should not be permitted in, and are incompatible with, residential land use.

Having had an STR beside me for several years we have experienced the negative effects of these businesses:

- STRs are profit-making businesses and owners are incented to maximize the use of the property
- Supervision of guests falls to adjacent residences and when problems arise, for financial reasons, STR owners are incented to side with unruly guests otherwise they stand to lose rental income
- As the name suggests, STR guests are short-term so the adjacent properties experience new "neighbours" every 2-3 days and the use of the property is intense for the short period of their stay causing disruption to the neighbourhood
- By-law enforcement is difficult as enforcement officers must attend the property to see the infraction and by the time they arrive at the property

- the activity may have stopped
- Capacity limits are somewhat theoretical as renters of other properties may converge at one STR — this is particularly problematic for lake-front properties
- STR properties are owned for the sole purpose of renting and are typically only rented during the warm summer months and are empty for 9 months of the year removing valuable capacity from the local housing stock.

Respectfully,

Carol & Gregor Grant

## Short term rental thoughts on Feb 1st meeting

Chris Spurrell to: william.turman, cmillar, gregory.bender, council, fbegum

2023-02-10 11:50 PM

From: "Chris Spurrell"

To: william.turman@wsp.com, cmillar@forterie.ca, gregory.bender@wsp.com, council@forterie.ca,

fbegum@forterie.ca

#### Hello,

Straight to the point with thoughts on the short term rental (STR) industry in Fort Erie.

- -STR's have been around for many years in Crystal Beach and Fort Erie. These overnight accommodations are necessary if we want our Town to flourish and reap the benefits of the multi million dollar industry in Ontario. Fort Erie has many shops, restaurants, grocery stores that need tourism money to flourish. Tourists provide this! The majority of our guests shop at our grocery stores and eat out a few times in our restaurants here in Crystal Beach. These establishments employ locals and help our local entrepreneurs. Some of these establishments cannot survive and be successful without tourism! For example, Big Pappis's on Derby closed its door for good this past month. Crystal Beach, and the rest of Fort Erie could be a top notch beach destination like Sauble and Wasaga if the Town allows us to grow in a tourism kind of way and we have places for people to stay.
- -Crystal Beach really does not have a hotel for potential guests to stay in. A few Bed and Breakfasts exist, but the bulk of accommodation are STR's. Beds and STR's are essential for tourism to come here and bring revenue to Fort Erie for everyone's best interest. IF STR's are restricted in any way, people have no where to stay and will look elsewhere where STR's are welcome! All that revenue will go somewhere else and our residents here in town will suffer. Crystal Beach could be so much more!! We need revenue here in Fort Erie.
- -Considering that an STR should only be a primary residence or a primary resident should be on site when renters are in is absolutely not practical. If any part of this is passed STR's are done in Fort Erie. This is not an option as we will have no STR's in this Town. My STR, I happen to live in 10 months of the year and rent out for only 2 months. This is my primary residence and I want nothing to do with restrictions like this!
- -Effective enforcement is absolutely necessary for this industry. From what I have seen the last few years here. There is NO enforcement happening. I have given many complaints to bylaw about many rules the council has enacted and NOTHING is being done about the majority of complaints I have brought up. This is exactly what the gentleman said in the meeting. Bylaw is doing nothing. I do not know what Bylaw does. For example, we had a tenant park the wrong way on our street, 1 block from bust bay beach on a long weekend. This car stayed parked the wrong way ALL weekend with NO action from Bylaw even though it was causing traffic congestion on our busy road!! The bad apples here in Town that operate STR's need to go!! Use the rules to make operating a STR not financially viable. Get rid of these landlords that don't care about Fort Erie. Bylaw needs to do their job, be swift about it and make bad apples think twice about operating here as their bottom line is not being met.
- -We have many good operators here and they should be rewarded! Perhaps with higher occupancy allowed or lower business licenses. \$1250 every year is TOOOOO expensive compared to other jurisdictions

- -We screen the heck out of our guests. Turn down all under 30, check everyone in and check everyone out. We are excellent operators and get nothing but new rules thrown on us every year. Let the good operators operate and remove the bad apples that don't seem to care about Fort Erie. Make the bad ones want to leave. Bylaw needs to do their jobs. Bylaw needs to work 24/7 in the summer to deal with issues that come up. If the bad apples are gone. Residents will not get noise and disturbance\s at the STR next door.Catch the bad apples in the act!
- -Looking at the red dots on the map showing where STR's are found in Fort Erie it appears mostly in Crystal Beach where they should be. So, I think losing the sense of community in Fort Erie is not an issue at all. There are very few STR's in the non-traditional areas of Fort Erie. There are about 20 houses on my street and half are empty most of the year. There is no sense of community on my street, one block from the beach and time of the year. What I do have is 4 short term rentals within 100m of each other. This is where they should be, where people can stay and walk to the beach.
- -I believe STR's should be in the non-traditional areas around Town. This town has hockey tournaments and families need places to stay. Hotels are not an option and staying in a beach house with no heat doesn't work in the winter. STR's need to be in year round houses with heat for hockey families for my example. I just travelled for one month and stayed many nights in STR's and we loved them and wouldn't stay anywhere else.
- -We are able to sleep 10 comfortably in beds and did so up until 2 years ago when 8 became the max allowed. We have families that won't come back as we are not allowed to rent to them now. All the revenue they were going to bring is going somewhere else now. I believe an operator's past track record and a visit to the STR showing proper space and accomodation (beds) should be considered on a one by one basis. We can sleep 10 comfortably in beds and are not allowed to. Worked perfectly for 2 years and now it is not allowed Makes no sense. The operators that can house larger groups should be allowed to!.
- -This town needs revenue and tourism brings that in and STR's are where all groups of all shapes and sizes stay.. Let the good operators operate and don't let the bad ones operate. Make it unfeasable for the bad operators to operate and complaints will go down to the point of none. There will be nothing to complain about. STR's cause no problems with good operators. Reward us!

Whatever changes are going to happen, need to happen fast. I can't imagine a second season of limbo. PLEASE make the changes happen before summer!!

Thankyou,

Chris

\_

Fw: Response to Public Open House re: STR Land Use Study: Zoning.

Fahima Begum to: William.Turman, Gregory.Bender 2023-02-16 09:10 AM

Cc: Chris Millar

From: Fahima Begum/FortErie

To: William.Turman@wsp.com, Gregory.Bender@wsp.com

Cc: Chris Millar/FortErie@TownOfFortErie

## Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527
----- Forwarded by Fahima Begum/FortErie on 2023-02-16 09:10 AM -----

From: Fahima Begum/FortErie
To:
Date: 2023-02-15 12:33 PM

Subject: Response to Public Open House re: STR Land Use Study: Zoning.

To: "Heidi S." <schneidermanheidi@gmail.com>, FBegum@forterie.ca

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

Fahima, if possible, can you please forward this email, where appropriate, to all Councillor Members, Mayor Redekop The WSP Consulting, and CC:

#### Planning & Development Services Divisions:

Alex Herlovitch, MCIP, RPP, Director, Planning and Development Services

Breanna Antonio, Coordinator, Planning and Development Services Anamika Dilwaria, M.Plan, MCIP, RPP, Manager, Development Approval Signe Hansen, OALA, CSLA, MBA, Manager, Community Planning Keegan Gennings, CBCO, Chief Building Official

Felicia Ferrusi, Administrative Assistant - Building Permits & Inspections

First and foremost, I wish to thank the Town of Fort Erie, His Worship, Mayor Wayne Redekop, our new and returning Town Councillors, and the WSP Consulting Team for providing the

opportunity for the public to participate in the Land Use Study with the meetings dated Nov 23, 2022 and January 25, 2023 followed by the invitation for members of the public to have their voice heard, as I am doing now with the following letter.

My name is Heidi Schneiderman and I have lived year-round at years. Joe, my partner of 20 years, and I both have family roots in Crystal Beach extending back over 100 years.

The word "Community" was used many times during the January 25 meeting. It can be a vague or nebulous concept, so I think it is important to define what that means, not just to me personally, but to the continuing success of our local economy, as we address issues such as STRs that are a direct result of the Town's growing popularity and increasing financial success. Otherwise "Community" can remain a hazy concept, easily minimized and dismissed.

We value deeply the relationships we have built with our neighbours and *community*; this connection is intrinsically linked to our love for Crystal Beach. Further, Community connection has served to be *life-saving* for us. When the Christmas Storm of 2022 struck, like so many reents, we had no phone, no internet and no power. However we did have loving neighbours to help us; a neighbour told us where the only gas station was open. Our generator was moments from running out of gas after 48 hours working non-stop. Fortunately, it was a safe enough drive away so we were able to refill the two gas cans we had already used up. Because of this neighbourhood connection, we could keep some lights on, we could safely eat the food in the fridge, and we could distract ourselves from the terrifying storm by dusting off an old DVD player and watching movies. But best of all, we could even keep the electric-starter gas oven working to roast a Christmas Turkey which we offered to share with our neighbours. That is "Community Connection" at work!

Further, we did not have to drain Town resources by using Emergency shelter or contacting Town Councillors. Indeed, I maintain that this friendly Neighbourhood Character is precisely what charms visitors who come for the beach; many choose to stay, returning to look for property, put down roots, and become part of the Community of Crystal Beach, just as we did 16 years ago. This sense of Community also translates in neighbourly accountability and economic prosperity for Crystal Beach on issues that would otherwise drain Town resources.

Three key issues that have the potential to drain Town resources but can be mitigated by building Community Connection and neighbourly accountability are:

- 1. Noise
- 2. Parking
- 3. Garbage

I acknowledge that concessions must be made on all sides of the STR Zoning debate. With that in mind I wish to state my position:

1. I do not support a complete ban on STRs, as studies have shown that the downtown core businesses suffer and illegal STRs pop up regardless, creating a whole new problem for Municipalities and their Residents.

- 2. I do support providing relief to Primary, Year-Round Residents who need to supplement their income to make their cost-of-living more affordable by *occasionally* renting out their property.
- 3. I do not support rental units of any kind (short term or long term) with Absentee Owners or Absentee Landlords, unavailable to address Noise, Parking or Garbage issues in person within the 10-minute STR licensed response time.
- 4. I do not support an unregulated free-for-all on STRs as this has proven [in other beach towns]\* to have deep consequences on community connection and property values causing a deleterious drain on Town resources due to emergency and non-emergency calls furthered by a loss of Town revenue connected to lower property values/property taxes.
- 5. I support that the Town identify a budget for subsequent Enforcement of Town STR Policy, *built into* the Zoning decisions made following the completion of the Land Use Study and *prior* to the resumption of issuing new STR licenses. Research demonstrates a direct correlation between the number of *potential* STR dwellings, [not just those legally operating, licensed STRs] in TBD selected Zones and the *cost* to The Town's budget required for Enforcement.
- 6. I support a Lodging Tax and structured fines equal to the severity of non-compliance, including Measurable Noise, Parking and Garbage non-compliance to offset the cost of Enforcement. I support that these structured fines be implemented *prior* to lifting the current Moratorium on issuing new STR licenses.
- 7. I support establishing a 24/7 Hotline for STR complaints using Enforcement funds. At the same time, Complainants need to provide a name, address and preferably documented proof (video, photographic) to discourage frivolous complaints, with fines levied for repeated frivolous calls, e.g. where police or By-Law officers find no violations.
- 8. I support that out-of-town investor-owned, dedicated STR dwellings are commercial businesses that ought to be zoned solely in the "Downtown Core," or "Business District" in lieu of hotels or may operate in well-isolated rural zones with large acreage (with reference to the first gentleman to comment at the microphone on January 25, 2023), if the STR operation does not disrupt neighbours.
- 9. I do not support the licensing of Commercial Businesses or Dedicated STRs operating on residential streets whatsoever.

#### NOTES I FOUND ILLUMINATING IN MY RESEARCH:

It is crucial to troubleshoot an Enforcement issue related to the current Noise By-Law; it is unmeasurable. I implore The Town to establish a Noise By-law of 30-decibel level maximum, perhaps between the hours of 11pm and 7am, and a 40-60-decibel maximum during 7am and 11pm.\*\* Further, I support a "Three Strikes and You're Out" on repeated, regular non-compliance offenses and a "One and You're Done," with immediate revocation of an STR

license on major "Party House" non-compliance, [e.g. grossly exceeding the "People limit," "Parking limit," and/or "Noise decibel limit."] This will help to alleviate the burden on Enforcement by encouraging self-regulation by STR Hosts. It will also discourage an STR operator to "build-in" the price of a fine into the cost of doing business, or having an STR operator abuse the system via the big payday of three annual House Parties before selling a property and moving on to a new property or beach town.

\*\*The World Health Organization states that for a restful sleep, you need a room where the ambient sound is 30dB or less. If you live near a nightclub, you can only get down to 30dB if the nightclub limits its sound output to the maximum of 60 dB and you have reasonably insulating windows.

Our recent growth and popularity put us in an optimal position; The Town of Fort Erie can benefit from our "late-bloomer" success; we are arriving at this STR policy crossroads after other similar regions in North America. Therefore we can learn from the trials and errors of other communities and beach towns, drafting Town STR policy accordingly.

Research into the dollar value of STRs in other beach towns has shown that ultimately STRs have served a drain on Town coffers while serving to provide financial benefits to local businesses, income support for residents and providing vast returns to predatory speculators, the latter issue proving to be highly problematic. But we can learn from this and plan ahead with the proper budget measures in place.

I heard the innacurate statement that "Crystal Beach has no hotels," repeated at the January 25, 2023, public meeting to bolster the Pro-STR arguement. Though it is true that hotels are limited in Crystal Beach, we do have a motel just steps away from our block of single-family homes at This allows lodging for individuals seeking to stay on our street. I seek Town support that no further Commercial Businesses be added to our peaceful street, Crystal Beach Drive, between Lake Street and Terrace Lane. I implore The Town and the WSP to zone the remaining block of Crystal Beach Drive NON-Commercial. I have grave concerns for future development of this motel, presently a 6-room bungalow style boutique motel as it is currently for sale so I hope this matter can be flagged, though I would like to recognize the inundation of Ward 5 issues, especially as they pertain to Provincial Bill 23.

Further, there is need for Town STR policy to be formally disclosed well-before Closing in TOFE Real Estate deals. Provincial Bill 23 has complicated the STR Land Use front. For example, a lot at just sold directly across the street from us. It is was advertised by the Real Estate Agency as a Multi-plex, however it has *never* been a legally operating 4-plex; it has no hot running water and only one non-functioning gas main. The single dwelling has four entrance doors, but no self-contained units with no legal utilities, is a rodent infested tear-down.

I met the Toronto-based Absentee Investor for this property at and his assistant indicated to me, in person, that he will lot-split and build three 6-unit buildings, all to operate as STRs, regardless of the 2023 STR moratorium and regardless of the ban on New Multi-Unit developments being used for STRs. Further, he inaccurately claimed he is friends

with an influential member of Town Administration who will acquiesce to his demands. It appears he was also encouraged (by the Real Estate agent) to capitalize on Provincial Bill 23 relief, which will push through his multi-unit dwelling, to be used as a STR revenue stream, vs. Bill 23 long-term housing. It is precisely this kind of developer who will, and already has, undermined community connection on our block.

is currently in the "Land Survey" process; I implore The Town to Red Flag this property, as our neighbourhood coalition is united against it. I also wish to find out if the Town and Town Planning and Development have allocated a budget for the Enforcement of Noise, private, off-street Parking and Garbage By-Laws for an 18-unit dwelling squeezed into a quiet block of single-family homes. I would like to be advised if the Town Planning and Development has began a multi-unit permit process at this location. Also, would these dwellings be constructed in keeping with property styles and property values on the block, not to the detriment of residential property values?

Obviously, no policy is effective without the time, budget, training and technical expertise to properly enforce the By-Laws. I hope the Zoning policy will include an estimate or recommend a Town Budget for Enforcement within the jurisdiction of all zones, and ideally, guarantee the availability of funds for Enforcement by itemizing the source for the necessary funds to Enforce By-Laws within the jurisdiction.

Studies have shown that an Enforcement budget can be effectively collected via a Lodging Tax and steep fines (levied in an enforceable manner, e.g., added to the annual Property Tax bill). Fines can serve as a deterrent for non-compliance and abuse. Non-compliance and abuse of STRs have been proven to be a given, globally, so I applaud The Town's action to limit STR. licenses. Research shows it is necessary for municipalities to allot time and budget to pursue the inevitable property owners who are non-compliant.

It's worth noting that any neighbour, STR or not, has the potential to become a bad neighbour, therefore, I would like to repeat that **measurable**, **enforceable Noise**, **Parking**, **and Garbage By-Laws must be established asap for the TOFE**, **ideally prior to the resumption of issuing STR licenses**.

After researching STR policy, I have a deepened appreciation to each and everyone of you willing to tackle this highly-charged issue and secure the future success of The Town of Fort Erie.

I recognize the complexity of balancing the needs of Year-Round Residents with Local Small Businesses, while never forgetting what attracts residents and tourists alike to our unique and friendly gem-of-a-community called Crystal Beach.

Thank you again for this opportunity, I value and appreciate the time all of you have dedicated to this complex issue.

Best Regards,



\* My opinion on STRs has evolved to one of compromise after careful thought, research, and consultation of knowledgeable experts. I have cited the link below to one of the comprehensive research studies I used as a helpful reference below. It provides useful trouble-shooting on common issues encountered by municipalities. I have strived to do my best to learn what works and what fails in the world of STR policy before arriving at my position today.

Researched recommendations for STR policies culled from Granicus, the digital civic engagement for government found at: <a href="https://granicus.com/pdfs/Whitepaper\_-A-practical-guide-to-effectively-regulating-short-term-re">https://granicus.com/pdfs/Whitepaper\_-A-practical-guide-to-effectively-regulating-short-term-re</a> ntals-on-the-local-government-level.pdf

- Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents
- Ensure any regulation of short-term rentals does not negatively affect property values (and property tax revenue)
- Ensure that homes are not turned into pseudo hotels or "party houses"
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department, perhaps by establishing and budgeting a dedicated 24/7 Hotline to report STR complaints using a name and local address along with photographic or video proof, and a fine for repeated frivolous calls from individual offenders where there was no by-law infraction.
- Give permanent residents the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the above-mentioned policy objectives are met
- Ensure that speculators do not buy up homes to turn them into pseudo hotels while still giving
  permanent residents the option to utilize their homes to generate extra income from short-term
  rentals.
- Ensure that short-term rentals are taxed in the same way as traditional lodging providers to ensure a level playing field and maintain local
- service jobs
- Ensure that the city does not lose out on hotel tax revenue that could be invested in much needed services for permanent residents

ReplyForward

Re: Short-Term Rental Inquiry: Sarah Cordon

Wayne Redekop to: Sarah Cordon 2023-02-14 08:29 AM

Cc: "Mayor and Council", Chris Millar, Chris McQueen

From: Wayne Redekop/FortErie

To: "Sarah Cordon"

Cc: "Mayor and Council" <council@forterie.ca>, Chris Millar/FortErie@TownOfFortErie, Chris

McQueen/FortErie@TownOfFortErie

History: This message has been replied to and forwarded.

Thank you for your message, Ms. Cordon. Staff has provided me with the following information that summarizes the history of the Town's involvement in regulating STRs.

Let's Talk Fort Erie is being used for all information pertaining to the Land Use Control Study work. Here is the link: <a href="https://letstalk.forterie.ca/short-term-rentals-in-fort-erie-land-use-study">https://letstalk.forterie.ca/short-term-rentals-in-fort-erie-land-use-study</a>

Also, all historical information on the STR program can be found on Let's Talk Fort Erie through the following the link: https://letstalk.forterie.ca/fort-erie-short-term-rentals

Lastly, below is a timeline for your reference.

January 1, 2020 - Short-Term Rental Program begins

**December 2020** - Short-Term Rental 2020 Pilot Program Year Review presented to Council and resulted in a change in licence fees to be implemented in 2021

**October 2021** - Short-Term Rental 2021 Pilot Program Year Review presented to Council that resulted in many program changes such as increase in licence fees, limits on the number of bedrooms and occupancy, fire and building inspections, 250 licence limit in any given year and changes to the demerit point/penalty structure. Council also directed staff to obtain a legal opinion regarding land use controls for short-term rentals and implemented a moratorium on the issuance of new licences pending receipt of a further report from staff on the matter.

**December 2021** - Council received a staff report regarding a land use control and legal review of short-term rentals. Council extended the moratorium until such time as the land use issue could be resolved. A resolution was also passed for Council consideration on the financial implications of hiring a planning consultant to facilitate and process the Official Plan and Zoning By-law amendment changes needed to impose land use controls on short-term rentals during the 2022 Operating Budget deliberations.

**February 2022** - Council approved budget for the hiring of a planning consultant.

July 2022 - WSP Canada Ltd. was retained to undertake the Short-Term Rental Land Use study.

October 2022 - A Short-Term Rental Land Use Study Community Focus Group was formed.

November 23, 2022 - Public Open House #1 on the Short-Term Rental Land Use Study

February 1, 2023 - Public Open House #2 on the Short-Term Rental Land Use Study

The study work is well underway and it is my understanding that the Short-Term Rental Land Use Study Recommendation Report will be presented to Council in Spring 2023.

Wayne

Sent from my iPad

On Feb 11, 2023, at 4:42 PM, Sarah Cordon

wrote:

Good Morning Mayor Redekop,

My partner and I are Niagara region locals. We purchased our first property in the beautiful town of Ridgeway with the intention to list it as a short term rental. We were very excited to have people stay at our quaint home and experience what this beautiful town has to offer. We purchased our property in September 2021 and consulted with Daniel Turner, who was part of the short term rental permit process at the time. Due to major renovations, it was suggested that we wait to get our licence once the house was ready. In the spring of 2022 we learned that there was a moratorium on accepting new short-term rental applications. Had I applied for my short-term rental during the pilot program in 2021, I could have been grandfathered in for the years to come.

I decided not to list the property to abide by the city's rules, causing me to have a severe loss of income. I understand that there is currently Town Council review of land use controls pertaining to short-term rentals. As mentioned in the city's website, this work is expected to be completed in early 2023. It is now February 2023 and we haven't heard anything regarding the acceptance of new short-term applications.

I was wondering if you would be kind enough to provide me with a timeline on when and/or if you will be accepting new short-term rental applications this year.

I greatly appreciate you taking the time to read this email and looking into this for me. Kindest Regards,

Sarah Cordon

**Str Consultation** 

crystalserenitycottage to: fbegum, cmillar, council 2023-02-11 12:35 PM

From: "crystalserenitycottage"

To: fbegum@forterie.ca, cmillar@forterie.ca, council@forterie.ca

## Hello,

I was in attendance at the last STR townhall meeting about STR's.

I realize I may have missed the submission deadline, but hope my comments may be considered. I believe the presence of the R2B zoning provides a unique opportunity for Crystal Beach to have the best of both worlds, increased tourist accommodation with STRs and a lively vibrant community. I believe we already have a stringent licensing and enforcement structure to deal with owners who are not compliant with the needs of the community.

In addition, I would also like to enquire about grandfathering for owners who have invested significant funds into their properties to ensure high quality accommodation for guests to the area.

Thank you for your consideration,

**Trevor Pratt** 

Sent from my Galaxy

## STR Crystal Beach input

to: fbegum, cmillar, council

2023-02-12 05:25 PM

From:

"Eleni T"

\_\_\_\_\_

To: fbegum@forterie.ca, cmillar@forterie.ca, council@forterie.ca

History: This message has been replied to and forwarded.

Good afternoon,

I am a property owner in Crystal Beach in the new Shores area of the Marz development. I own . Although we are not allowed to STR in my area i don't agree that the program is stopped or restricted. The area is very quiet almost all year round. It is so nice to have some life in the area for a couple months with people coming to stay and enjoy the beach and restaurants. I can see that this is really the only time the stores and restaurants make any money. When we go to restaurants in the winter the atmosphere is very quiet and boring and I can see how the people working struggle to survive. If you take the STR away from Crystal beach you are cutting them at their knees. I also have a young son and it is the only time the parks are full of kids as I find Crystal beach has an abundance of retiree's he never finds young children to play with outside of the summer. I don't agree with cutting the program and believe it should be continued the way it was done last year and allow people to get licenses. This is the perspective of a regular citizen we aren't all against it.

Thank you, Eleni Tataridis

Sent from my iPhone

**Short Term Rentals** 

Angelos Mangos to: Cmillar, Council, Fbegum 2023-02-12 07:32 PM

From: "Angelos Mangos"

To: Cmillar@forterie.ca, Council@forterie.ca, Fbegum@forterie.ca

History: This message has been replied to.

I am the owner of Crystal beach is a beautiful place to live and also enjoy in the summer. I see how important the STR's are for the small businesses in the summer. I don't know how they even get through the winter they either close or struggle to get by. If you take away the STR's you take money away from the town and residents. Also every summer we have so many friends and family who come to visit us and we don't have space in our house they always depend on renting an STR for their visit. I don't even know what I could suggest they do if it didn't exist. We enjoy having our friends and family rent a house close by. The town has come a long way in the last few years I purchased my home and I would love to continue to see it grow and thrive.

Thank you,

**Angelos Mangos** 

## Town of Fort Erie Short-Term Rental Land Use Study

A G to: cmillar 2023-02-13 08:54 PM

Cc: wredekop, "Tom Lewis", "Sheldon"

From: "A G"

To: cmillar@forterie.ca

Cc: wredekop@forterie.ca, "Tom Lewis" <TLewis@forterie.ca>,

History: This message has been replied to and forwarded.

## 13-February-2023

#### Hello Chris Millar

Thank you for facilitating and providing information on the Short Term Rental (STR) Land Use Study open house forum, as the past two sessions along with SHS Consulting/WSP have proven very informative. It was enlightening to hear about the various Rural/Agricultural, Commercial and Residential perspectives of property owners and citizens. As a resident of Crystal Beach for 10 years in Ward 5 (and permanently since 2020), many changes have taken place. Specifically with respect to STR, this has been an interesting Pilot Project that the Town of Fort Erie has done. From the perspective of a resident of Crystal Beach, please consider some observations, comments, concerns and suggestions to make our community more harmonious for residents and welcoming to visitors.

You have provided noteworthy comparative slides with respect to the similar communities of Prince Edward County (PEC), Town of the Blue Mountains (TBM-Collingwood) and Niagara-On-The-Lake (NOTL) and policies consistent with the Region and Province. Some of the take-aways gleaned regarding classification of STR for these communities, is that both TBM and NOTL consider these as commercial, while PEC encourages STRs in commercial zones. This is an important consideration for Crystal Beach as well.

From the presentation, the slides indicate that from 2022 statistics, of the 236 active listings, 73% were in Crystal Beach of which 94% were individuals and 6% corporations. From a permanent resident and community perspective, please see some concerns and suggestions below (some of the options presented such as making STRs only for permanent residents as is done in PEC is particularly salient).

#### Concerns

- -Density of STR in Crystal Beach (PEC limits STR density for primary owners to 15% in a radius of 150-500m)
- -Noise/disruption/disrespectful guests/events (self explanatory as several residents from the presentations have commented on this; Town of Fort Erie should provide adequate support to By-law offices for By-law violations)
- -Regulators of the By-laws (By-law officers/police) are slow to respond leaving policing to locals to contact the owners (if they respond or are available\*) pitting residents against the STR owners (it's too late once the rules are broken).
- -Challenge to sense of community and services (secondary owners and corporations who have STRs may not have the vested interest of the community first, although this may not be exclusive to these owners) Some suggestions to ameliorate these concerns may include:
- -Incentivize hotels along main thoroughfares of Erie Road, Ridgeway Road and Derby Road (especially for those visitors wanting to host events FYI these have included birthdays/stags/stagettes and even weddings at nearby STRs\*)
- -Making STRs only for permanent primary residents (as per PEC) (Current Fort Erie By-law states that

## Resident feedback on Short-term rentals in Fort Erie

Jennifer Marlette

to: cmillar@forterie.ca

2023-02-14 12:18 AM

From:

To: "cmillar@forterie.ca" <cmillar@forterie.ca>

History:

This message has been replied to.

#### Dear Mr Millar

Please find attached our thoughts and opinions regarding the ongoing debate around the suitability of Short-term Rentals in residential communities in Fort Erie.

As residents of Bertie Bay, we are saying "NO" to Short-term rentals in our beach community. Attached:

- 1. Letter of Opposition
- 2. Attachment No. 1 our previous communication to the Town of Fort Erie
- 3. Attachment No. 2 example of a recent personal experience with a STR issue email outlining circumstances and our complaint
- 4. Attachment No. 3 Research sample of current and recent STR advertising by owners in Fort Erie; data from last twelve (12) months (research sourced from <a href="mailto:airdna.co">airdna.co</a>)

We would appreciate your acknowledgement and response to the information submitted.

Yours faithfully

John & Jennifer Marlette



C Millar - Letter to Town of Fort Erie Opposing STR in Bertie Bay - J & J Marlette.pdf



Attachment No. 1 Short-Term Rental Regulatory Controls Email J & J Marlette Nov 2021.pdf



Attachment No. 2 Letter of Complaint -

- 19 Nov 2021 J & J Marlette.pdf

Attachment No. 3 Research Sample of STR Advertisement Fort Erie J & J Marlette.pdf

Mr Chris Millar Town of Fort Erie 1 Municipal Centre Drive Fort Erie ON L2A 2S6 Canada

Dear Mr Millar

## NO to Short-term Rentals on MacDonald Drive, Fort Erie (Bertie Bay)

As owners, and seasonal residents of beachfront property in Fort Erie, currently residing in Australia, we regret that we were unable to attend the town meeting held on 1 February, to participate in the current policy debate around Short-term Rentals (STR) in Fort Erie. Albeit, we did make the concerted effort to tune in via the online video link, and we therefore take this opportunity to comment accordingly, with a diverse perspective.

We have <u>attached</u> a letter submitted by us, to the Town of Fort Erie attached to an email dated 20 November, 2021 contributing to the initial discourse relating to STR in the Town of Fort Erie. We received an auto-reply email notification from the Mayor's office thanking us for our message and comments regarding STR.

We have also <u>attached</u> a letter dated 19 November 2021, submitted by us, to the managing rental agent relating to a disturbance we personally encountered as a result of exposure to a STR property in a small executive apartment complex (comprised of 18 apartments) we resided in, in Melbourne, Victoria, Australia. This email is one of several complaints submitted relating to disturbances encountered by us as a result of short-term renters within this residential complex.

As a result of our personal experience residing within a property surrounded by short-term renters, we have a unique perspective of how STR impact a small residential community.

Consequently, we are once again motivated to write directly to the Town regarding the ongoing debate around appropriate locations for STR in Fort Erie.

We remain steadfast that STR properties are not conducive to residential locations like Bertie Bay where we personally spend four (4) to five (5) months a year occupying our own Summer lakeside cottage.

Bertie Bay, located on Lake Erie, along MacDonald Drive is a small beach-side community, consisting primarily of lakeside cottages owned by long-term and seasonal residents. Many of these family-owned cottages have been passed down from generation to generation since the early 1900's, within both Canadian and American families.

Over the last several years, 2019/2020 to date, there has been a turn-over of Bertie Bay beach-side landowners. We estimate there to have been approximately twelve (12) beach properties sold during this period of time. According to HouseSigma data, there are currently two (2) properties listed for sale.

To our knowledge, there are currently 2-4 STR properties along our community's private beach.

Although our property does not share a boundary with a STR, Bertie Bay is made up of a very close community of long-term and seasonal neighbours and, at times, we have all been impacted by various uncertainties regarding STR properties and short-term renters.

From our experience, the majority of short-term renters who come to Bertie Bay, arrive with a "party" mentality. Many short-term renters have created issues for the local beach community relating to noise disturbance; trespass; traffic congestion, vehicles parked along narrow streets choking narrow roads; breach of water rules and regulations; dangerous water activities (ie. skylarking on jet skis and watercraft).

Some short-term renters have brought their dogs along with them. We have personally been impacted by the intrusion of unknown dogs running unleashed on our beach and on our front yard. Some short-term renters who rent with their dogs, appear to be oblivious to general pet etiquette on the beach, in the water and near private property. We have witnessed visiting dogs be permitted by their short-term renter owners to 'run riot' along the private beach, through private properties and behave aggressively toward the pets of local homeowners - not to mention leaving dog droppings indiscriminately on the beach and in people's yards.

Many of the short-term renters who visit the beach arrive with a total lack of understanding and awareness of water rules and regulations, together with a complete unawareness of cottage lifestyle etiquette. This ignorance places undue responsibility on long-term and seasonal cottage owners to manage and communicate non-compliance, expectations and appropriate etiquette to short-term renters. These interactions can be onerous and at times confrontational.

In our experience, there have been too numerous occasions whereby short-term renters have arrived to the beach community for weekend events, Canada Day and/or 4th July and other desirable periods during peak season; specifically with a long weekend party mentality.

These party/event weekends usually result in crowds of people arriving and the taking over a relatively small enclave. These party/event weekends have a detrimental impact on the local long-term and seasonal residents of Bertie Bay and the fabric of our small community.

The influx of short-term renters to these properties also increase the level of noise pollution and quantity of trash.

Whilst short-term renters are occupying cottages along the beach, it is not uncommon for local residents to be kept up late at night and into the early hours of the morning by loud conversation emanating from beach side gatherings around beach fires and/or loud music permeating the evening.

There has been an ongoing issue with the quantity of trash generated by short-term renters, particularly those staying for party/event weekends. There have been occasions too numerous to count, whereby mountains of trash and recycling have been left at the kerbside, prior to collection day, allowing the trash and recycling to be strewn along both the road and kerb, sometimes being blown into neighbouring properties. Of course, the short-term renter has little, to no, care or consideration for what happens to the trash once they have departed the premises. It is then left for the locals to clean up.

Short-term renters do not add to the fabric of a small community like Bertie Bay. In our experience, short-term renters have a complete disregard for the solitude and serenity sought and expected by long-term owners and seasonal residents of cottages along the beach. Short-term renters more often than not, negatively impact on our lifestyle and right to live peacefully in our own homes.

Buyers with the intent of investing in housing as a commodity and as a means of accumulating wealth in small enclaves like Bertie Bay have little to no respect, care or concern for the fabric of the local tightly-knit community.

A disproportionate number of short-term rental homes are owned and operated commercially. In the majority of instances, the owners do not occupy their MULTIPLE listings; many are not often on-site and are in many cases anonymous to the local community. Lack of enforcement, permits these commercial ventures to wear down the economic and social fabric of residential neighbourhoods.

Commercially owned and operated STR properties have no place in residential communities, particularly a small lakeside community like Bertie Bay.

These STR properties not only negatively impact on the long-term and seasonal local residents, but also diminish the availability for long-term rentals for people and families who would otherwise make long-term contributions to the community. In our opinion, the transient nature of STR is detrimental and not conducive to building and maintaining a cohesive sense of community.

The Town of Fort Erie must be wary of the "financialisation" of housing in the area, driven by wealthy interests with unlimited resources at their disposal.

An equitable pathway needs to be identified to balance the financial interests of a minority group with the <u>rights</u>, concerns and goals of the broader community.

It appears to us that the majority of opponents to restrictions on STR are primarily persons with connections to the lucrative vacation-rental, real estate and property development industries; none of whom give sufficient thought, care or consideration to local residents - they are purely money driven.

It MUST be acknowledged that the disparity between wealthy investors and the majority 95% of the rest of "we" the residents, further diminishes an egalitarian community.

Whilst we appreciate the Town has taken the initiative to engage a non-partisan consultant, after watching the most recent Open House meeting, we are of the opinion that the resulting "options" are skewed toward the STR property investors/developers and what is most advantageous for the Town (ie. the path of least resistance). It appears to us that going forward, STR properties within residential communities is a fait accompli, it's just where, how they will be disbursed and how many of them - regardless of the community outcry!

We would implore the Town of Fort Erie ensure that the local concerns of residents are not overwhelmed in favour of an opportunistic group focused only on individual or corporate financial gain and expanding their wealth prejudiciously.

Relegate STR properties to commercial locations within the Town; and <u>do not</u> allow STR to further infiltrate residential areas.

In closing, we raise the issue of compliance and enforcement of Town By-laws.

According to Schedule A to By-law No. 98-2022, 6.0 relating to "Prohibitions":

- "6.1 No Owner shall: ..... "and, commencing January 4, 2022:
- (x) operate a Short-Term Rental containing more than three (3) bedrooms. All bedrooms exceeding three (3) shall be closed off with appropriate signage posted on the door(s);
- (y) exceed maximum occupancy limits of (4) people for a one (1) bedroom Dwelling Unit, six (6) people for a two bedroom Dwelling Unit, and eight (8) people for a three (3) bedroom dwelling Unit; or
- (z) permit guests, other than occupants listed in the register described in section 5.1 of this Schedule, to remain at the Short-Term Rental Premises beyond 11:00pm each day."

How is compliance with these by-laws policed and enforced by the Town?

We would draw your attention to the attached online research sample undertaken by us, evidencing that some STR owners, exemplified by their online advertising, <u>currently</u> and during the last twelve (12) months appear to be in contravention of the stated by-law/s.

We anticipate and appreciate consideration of the points and arguments we raise. We would kindly appreciate a written response from either Mayor Redekop or the Town Planner.

Faithfully submitted,

**John E. Hawlette** Jennifer Marlette

John & Jennifer Marlette 13 February, 2023

Dear Mayor and Councillors for the Town of Fort Erie.

#### RE: Short-Term Rental Regulatory Controls

Thank you for this opportunity for us to address short-term rental regulatory controls currently under consideration at Fort Erie.

As property owners at a number of the Fort Erie Community Preservation Coalition, we write to express our concern over the emerging challenges of widespread short-term rentals, and the impact they are having on the quality of life and sense of community in Fort Erie.

Our experience offers a unique perspective as we are citizens of Australia where we live 9 months of the year as long term renters, and then spend 3 months of the year at Bertie Bay as owners. Our concern with short-term rental matters, and the debate in Fort Erie, stems directly from our experience here in Australia where the impact of short-term rentals affects us directly. At a broader level, our experience provides insight to the importance of limiting and enforcing strict controls in Fort Erie as it continues to grow and prosper into the mid 21st century and beyond.

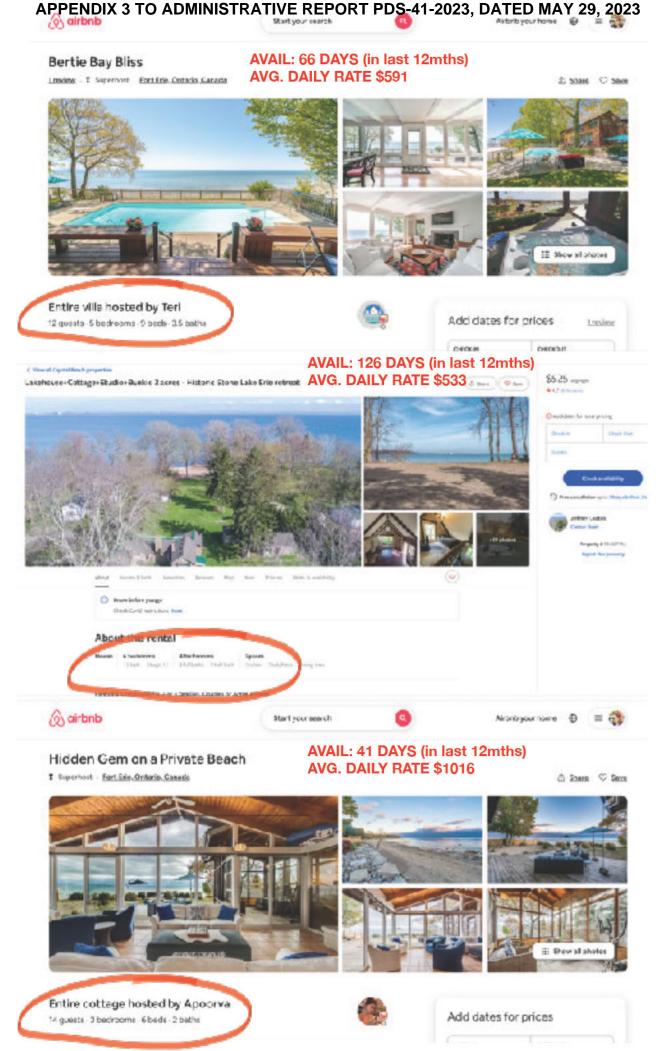
As long-term renters we have been negatively impacted by the rapid growth of the short-rental rental market. Monthly rental rates have risen sharply over the past 5 years in Australia as rental stock has quickly shifted to the lucrative online platforms facilitating quick and easy returns for landlords. The quality and quantity of viable long-term rentals has dramatically diminished. More importantly, what has also diminished is the quality of life we have enjoyed. This not only stems from the annoyances of excess trash, parking issues and noise disturbances of short-termers, but also the gradual disintegration of viable community, neighborhood affiliation, and friendships - all reliant on the long term relationships established over time. Long term renters become equal members of a community and contribute equally to it's vitality, stability and safety.

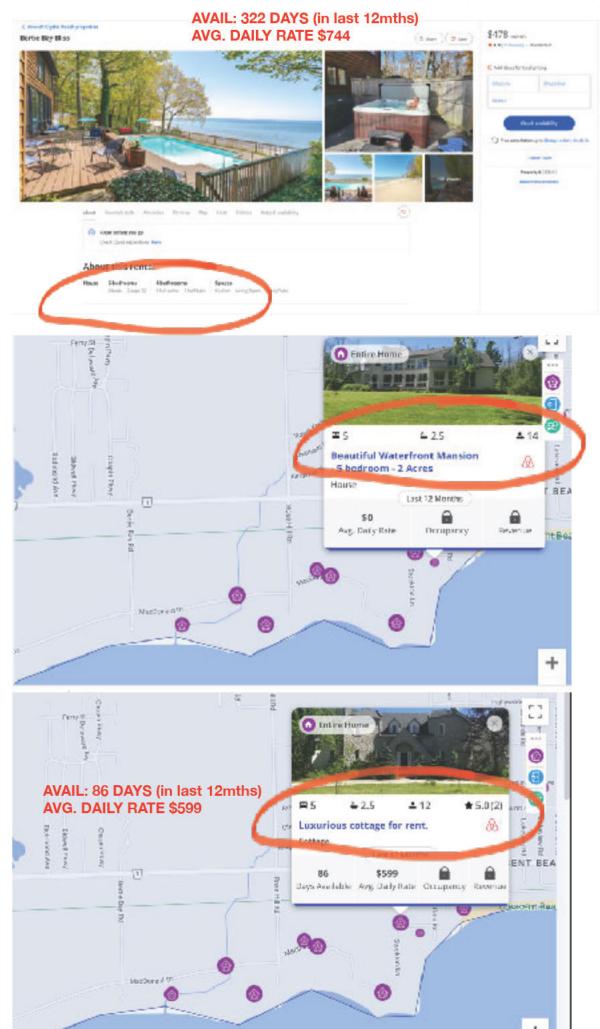
Many communities in Australia have implemented maximum annual limits on owner's placement their properties on a short-term rental sites to 180 days, which is a rather token gesture of acknowledgement of the problem. Of course that is unrelated to a place like Fort Erie where the viable holiday season is three months at best, and any listing limitation should be tightened accordingly. Our view, as related to Fort Erie, would be to deny existing short-term rentals being grandfathered into continued operation, and also to develop robust procedures aimed at reporting violations of by-laws and maintaining measures that ensure enforcement.

Thank you again for your work in establishing a framework for short-term rentals, that maintains civic pride, fosters community cooperation, and celebrates the fellowship of long standing Fort Erie residents.

Faithfully submitted, John & Jennifer Marlette

From John Marlette to ADMINISTRATIVE REPORT PDS-41-2023, DATED MAY 29, 2023 Date: 20 November 2021 at 12:27:50 pm AEDT			
To: Subject: Re: Letter of Complaint: Reply-To: John Marlette			
Dear Michelle			
Undoubtedly, you are already aware of the disquieting experience we (and many neighbouring properties in the Middle Park community) encountered on the evening of Friday, 19 November 2021 at Please be advised that, effective immediately, we will be deducting an amount of \$125 per week from our weekly rent at Unit 4 until such time as Edge Development suitably demonstrates that the behaviour of tenants, and the enforcement of bylaws at are effectively enforced. This advice of recompense stems not only from this latest disappointment, but with countless disruptions already identified to you and Edge Development over the past twelve months. If this creates a problem for you, please contact us immediately.			
Last night's episode included raucous party noise and extremely loud music emanating from one of the top apartments; a fire alarm and full building evacuation; three fire engine crews responding and entering the building; and ongoing raucous party noise and extremely loud music which continued into the early hours (3am!!!!) of the morning of Saturday, 20 November.			
However, what is most troubling in all of this are the door knocks we have experienced this morning from community neighbours questioning whether WE hosted a party last night and whether WE were responsible for creating so much neighbourhood disruption. Not only is it untenable for us to endure the disturbance of the evening itself, but also totally unfair for us to have to act as ambassador on the building's behalf to the neighbouring properties.			
We'll await communication with what action Edge Development will initiate to address this and ongoing deficiencies in tenant behaviour, and enforcement moving forward.			
Respectfully Submitted,			
John & Jen Marlette			
Original Message From: Jennifer Marlette To: John E Marlette Sent: Sat, Nov 20, 2021 11:54 am Subject: Letter of Complaint: - 19 November 2021			
Dear Michelle			
We are writing to bring to your attention the disquieting experience we (and many neighbouring properties) encountered on the evening of Friday, 19 November 2021 at - and further expect <a href="Immediate action">Immediate action</a> on behalf of Edge Development.			
As you will be aware, the disruption which occurred, included raucous party noise and extremely loud music emanating from one of the top apartments, a fire alarm and full building evacuation at approximately 9:30pm, with three fire engine crews responding. But even this was not sufficient to bring a stop to the loud music which continued into the early hours (3am!!!!) of the morning of Saturday, 20 November.			
However, what is most troubling in all of this are the door knocks we have experienced this morning from neighbours questioning whether WE hosted a party last night and whether we were responsible for creating so much neighbourhood disruption. Not only is it untenable for us to endure the disturbance of the evening itself, but also totally unfair for us to have to act as ambassador to neighbouring properties on the building's behalf.			
Please be advised that, effective immediately, we will be deducting an amount of \$125 per week from our weekly rent until such time as Edge Development suitably demonstrates that the behaviour of tenants, and the enforcement of bylaws at this creates a problem for you, please contact us immediately.			
John & Jen Marlette			





STR input Darryl Cox

to: cmillar

2023-02-15 10:30 AM

From:

"Darryl Cox"

To:

cmillar@forterie.ca

History:

This message has been replied to and forwarded.

## Hello Chris,

Thank you so much for reading this email. I will keep it very short and to the point. I am a property owner in Crystal beach on Beechwood ave. At this point I am sure you have heard all sorts of input into the issues with STR in fort erie. I would like to provide you with just two of my concerns on this contentious issue.

First, I believe that homes without permanent residents solely purchased to rent out for profit do not belong in residential neighborhoods. This is a form of business and without clear rules has become very disruptive to other property owners.

Secondly, enforcement of any bylaws pertaining to STR in the future will be paramount. There is an element of our society now that will look for and find ways to circumvent rules and ignore the spirit of STR bylaws. As such these business owners are deemed to be getting away with something by neighbours in these communities.

By dealing with these two issues effectively it is my belief that it would solve many others. Submitted for your consideration,

Darryl Cox

## 406 Schooley

Sarah Randall to: Wayne Redekop, rob mcintee, tlewis, cmillar 2023-02-15 01:28 PM

From: "Sarah Randall"

To: "Wayne Redekop" <wredekop@forterie.ca>, "rob mcintee" <mcintee87@gmail.com>,

tlewis@forterie.ca, cmillar@forterie.ca

History: This message has been replied to and forwarded.

## To Whom it May Concern,

We are requesting a short term rental license, and we are requesting it quickly. The Spring season is fastly

approaching and we need our property listed so potential clients can view the property and begin booking for the Summer months. I know that the rules state that there are no new rental licenses being issued, but we feel that there should be an exception for us and our property for many reasons.

- 1.) Our property is located at the Crystal Beach main entrance right across from the newly developed Bay Beach entrance featuring the CRYSTAL BEACH letters, a very popular spot for tourists.
- 2.) is zoned commercial. There is a licensed Air BNB across the street and behind us. There is a restaurant beside us as well. None of these current owners have any issue with us operating an Air BNB.
- 3.) We paid a premium on our property because of its location and the desire/need for tourists to stay in Crystal Beach
- 4.) We recently spent just over \$500,000 on a complete renovation.
- 5.) Most importantly we have been added to and will be featured on HGTV. It will be aired on Scott McGilvery's Vacation House Rules which highlights short term rentals.

It breaks my heart having the renovation complete and having to have it sit empty. This property was designed with a vacation getaway in mind. Crystal Beach is vastly improving, and we are seeing more tourism since the days of the Crystal Beach Amusement Park. As a local Realtor I have calls for short term rentals all the time, and unfortunately there are few and far between. We pride Crystal Beach as being a visitable community, yet we have little accommodations in Crystal Beach.

Attached in the link below are the photos of Pictures do not do it justice. Please do not penalize us for poorly run Air BNB's in the past.

Thank you and have a great day! Rob McIntee & Sarah Randall

- \* Chairman's Club 2017-2022 Top 1% in Canada
- \* Red Diamond Award for Royal LePage NRC Realty 2021- Top 2% of Niagara REALTORS
- \* 2015 & 2016 Royal LePage Diamond Award Top 3% in Canada
- \* Top 40 under 40 in 2016 Niagara Business Achievements

https://www.facebook.com/philsmithrealestate/ https://www.instagram.com/phil and sarah realestate/?hl=en

## Re: Fort Erie Short-term Rental Land Use Study

Jack Chessman to: Chris Millar 2023-02-15 03:55 PM

Cc: "Gregory.Bender@wsp.com", "William.Turman@wsp.com", "Fahima

Begum"

From: "Jack Chessman"

To: "Chris Millar" < CMillar@forterie.ca>

Cc: "Gregory.Bender@wsp.com" <Gregory.Bender@wsp.com>, "William.Turman@wsp.com"

<wi><william.Turman@wsp.com>, "Fahima Begum" <FBegum@forterie.ca>

Follow Up: Normal Priority.

### Hey

Seems like I missed one hell of a roast, guess that was everyone's 5 minutes (or more) of fame for them to rant. All kidding aside what is the bottom line here, clearly there needs to be STR but some are poorly mismanaged hence leading to noise complaints and parties.

I have a suggestion and it is to have a stricter property management process. An example being if an owner of multiple STRs has a property manager to look after and book these properties, this specific management company should have to be examined and pass the city's approval. If you have one person managing the properties on their own, they too have to fall under these specific guide lines.

This way it's not the owner on the hook it's the company they hire. If an owner is trying to save money Mis managing his/her self, they will now have to be under a stricter guideline.

Let me know your thoughts, im sure you've heard a bunch of these by now!

Thanks

Jack

Get Outlook for iOS

From: Chris Millar < CMillar@forterie.ca>

Sent: Wednesday, February 15, 2023 2:58:54 PM

To: chessman.jack95@gmail.com <chessman.jack95@gmail.com>

Cc: Gregory.Bender@wsp.com <Gregory.Bender@wsp.com>; William.Turman@wsp.com

<William.Turman@wsp.com>; Fahima Begum <FBegum@forterie.ca>

Subject: Fort Erie Short-term Rental Land Use Study

Good Afternoon Mr. Chessman,

I was notified that you had enquired through WSP about the Town's Short-term Rental land use study work and where to find information.

Please see the pages below that supply information on the Land Use Study underway in addition to some of the more recent history around STR's (right side of the pages have documents you can review).

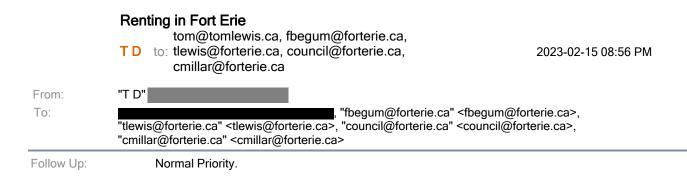
https://letstalk.forterie.ca/short-term-rentals-in-fort-erie-land-use-study https://letstalk.forterie.ca/fort-erie-short-term-rentals

I trust this helps with your request.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411



## Dear Sir,

I have been renting an Airbnb in Crystal Beach for the past 2 summers.

My family and I always enjoy visiting the area. We like to frequent the local restaurants in Crystal Beach and Ridgeway.

We enjoy the bike paths and the beach. We shop at the LCBO and the Independent and the little shops on the main street especially the chill shack and the beach mercantile.

We love the comfort of a cottage with smaller children and having a spacious place to store all our beach items and toys. The local motel is small and personally not where we would choose to vacation for a week.

We understand that there are those who oppose short term rentals in Crystal Beach but it can not be argued that the rentals have brought a lot more revenue to the town than in the past.

If it were not for the marvellous opportunity of renting a local cottage we would not be visiting Crystal Beach and the Fort Erie area.

I hope you and your colleagues will choose to make short term rentals a permanent part of Fort Frie.

I see short term rental units as working hand in hand with local businesses to make Fort Erie an outstanding tourist destination.

Sincerely,

Teresa D'Ambrosio

## Fort Erie Short Term Rentals

to: tom, tlewis, council, cmillar, fbegum

2023-02-15 09:29 PM

From:

To: tom@tomlewis.ca, tlewis@forterie.ca, council@forterie.ca, cmillar@forterie.ca,

fbegum@forterie.ca

Follow Up: Normal Priority.

## To Whom it may concern:

I am a cottage owner in Crystal Beach.

We have owned our cottage since 2018.

We rent our cottage out as both a short term and long term rental. We provide housing for people moving to the area and for people who have short term contracts in Fort Erie. We also provide short term stays for people who wish to explore what Fort Erie has to offer.

We have seen the area grow since we bought our cottage.

There has been an obvious growth in tourism. In August of 2017 when we were thinking of buying in Crystal Beach, the streets were pretty bare and many of the restaurants and shops that are thriving today were not even built.

When we go out in Crystal Beach we see people shopping at the local shops all year long and many diners at the local restaurants. There are so many diners at some restaurants that we can't even get a reservation. We certainly never experienced that phenomenon back in early 2018.

We have talked to some of the tourists and they tell us that they are staying in short term rentals.

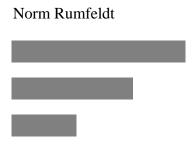
As short term rental owners we don't only support the local economy by giving Fort Erie visitors a place to stay, we also support local contractors and cleaners who help us maintain our cottage.

In essence, I think short term rental owners are helping to stimulate the local economy.

I know there was a recommendation that each short term rental should have someone live on the property full time. For us and I am sure for many others, this would not be possible. Our cottage is a small two bedroom structure with a sleep loft. We have a small lot. I don't think there is any way we could host guests and have someone live in the building without causing an inconvenience to the guests.

Thank you for taking the time to read my comments.

Sincerely,



Re:

jasmine jones to: Chris Millar 2023-02-17 10:37 AM

From: "jasmine jones"

To: "Chris Millar" < CMillar@forterie.ca>

History: This message has been replied to.

To The town of Fort Erie From Brenda Jones

/ February 11, 2023

## In regards to Short Term Rentals

One of the topics brought up was empty neighbourhoods, we live in a historically well-known beach community with many residents going south for the winter or other travels, many properties are summer cottages only, people sitting on property and retirees etc. This is not just a STR problem brought to the community but rather what happens when you live in a old border beach community that has seen many transitions over the years on a slow incline of growth.

As of recent popularity, often STR's have taken the brute of blame for what people have called as "empty neighbourhoods" however no one ever talks or complains about the vast amount of beach front empty homes ranging as far as Point Abino, and please make no mistake I have zero issues with those properties in the winters months but my point is rather why are STRs being held to a different standard than the waterfront properties properties? I would just like to see an even playing field!

It seems to be, somehow people have forgotten that we are a historically old beach community, with new growing pains! We must remember, we're learning to navigate through blending an old cottage town with new suburban subdivisions developments. Old ways and new views!

Short term rentals now have a freshly developed platform, with equal expectations and requirements to obtain a licence, these homeowners have willingly been accountable to adhere to a fair playing grounds set forth. These are the same people who have dug into their own pockets to make sure all of the requirement have been met. Individual owners have put a lot into their properties, with so much competition we've actually managed to revitalize old cottages, making picturesque a community . Not one STR but many STR's have moved our community forward, becoming the backbone to the communities growth. This movement has allowed for new visions- housing developments, businesses opportunities, big box stores to move in, but prior all we had was small businesses,

The growth has been Exponential if you have lived in the community more than 10 years, many would NOT agree we live in a community with "empty neighbourhoods" for myself; A long-term investor, I would say "it was once not that long ago I could agree with that statement"!

If this is such a concern, we should be taking a poll asking the 250 licenses that we're handed out to STR's .... How many offer housing solutions in the winter? I'd like to see a surgery or a poll to hosts. I myself have never had an opening in the winter! Each and every winter season, I have hosted to many families with need of transitioning housing.

Further more we need to be comparing ourselves like other beach communities like .....Port Dover, Long Point, Grand Bend or Wasaga Beach. Unlike comparing ourselves to somewhere like "Blue Mountain" a place that is primarily known to be a ski-town, busy in winters unlike Crystal Beach!

As a STR host, My daughter Jasmine and I have 255 positive reviews 12 winter stays in 6 years, to achieve such standards like this (that many hosts do) it takes hard work, between keeping the houses in tip top shape, our yards beautiful, many of us all hand on deck approach. Many of us hosts have essentially been community ambassadors, many of have invested wether long ago or recently; but all with the same outlook. We have believed in Crystal Beach!

With regards,

Brenda Jones

Get Outlook for iOS

## Land Use Study Feedback

Reenu Jumbu to: Gregory.Bender, William.Turman, cmillar,

council, tlewis, Fahima Begum

2023-02-20 09:29 PM

From: "Reenu Jumbu"

To: Gregory.Bender@wsp.com, William.Turman@wsp.com, cmillar@forterie.ca,

council@forterie.ca, tlewis@forterie.ca, "Fahima Begum" <fbegum@forterie.ca>

History: This message has been replied to.

#### Hello,

This email is to provide feedback regarding the Land Use Study. I understand that the feedback was to be submitted by February 10, however, I was unable to review the information by this time as it was quite short notice.

I have reviewed the options presented from the Open House and was also present at the first meeting.

I have a STR on Oxford Avenue, Crystal Beach.

Please see my comments/feedback below.

- 1. Current STR licensees should be permanently exempt from the outcome of this change. This is because current STR have already invested a significant amount of time and money to ensure their property has met the strict and expensive standards set out by the Town of Fort Erie (fire inspection, insurance requirements, providing a local contact, following all the rules set out by the town).
- 2. Out of the options provided, I am in favour of a mix between Option 1 and Option 2- which from what I understand, allows STR's in the area identified in the presentation. Of course, I would like to ensure that Oxford Avenue is included. Whether this is considered mixed use (residential and commercial) or an overlay.

My general comments are in support of STR's from a local business perspective as well as from a tourism perspective. In order to draw visitors to Crystal Beach, there must be options to stay in the area. Currently, STR's are the main option for overnight stays close to the beach. The other options are a motel far from the beach area and a new hotel. People want an OPTION of where to stay and not everyone prefers a hotel. The benefit of a STR is that it allows people/families to have the comfort of a home, to buy groceries locally, to cook, to have a bbq while staying at a cottage.

By not giving people the option for vacation/cottage rental, this does not make the area appealing for people to come. One must question: why would someone come to Crystal Beach?

As summer is the peak time for people to visit, people will use their precious vacation time to feel like they are on vacation and will go to places where they can comfortably stay for a few nights/weeks. People are unlikely to drive mid-week just for the day, because they can't find somewhere to stay (or will go to Niagara Falls instead).

Crystal Beach needs tourism to support businesses and people. Without tourists, the beach businesses will not survive with locals only. Crystal beach is a border town and should be supporting US tourists.

My house is only being used for a STR for 6-8 weeks during the year. The rest of the time, I use

it for myself. As such, I don't see how it makes sense to identify this as a commercial property for the limited use in a year. A hotel, which is used year round and has the infrastructure, staffing, etc is reasonable to be considered a commercial property.

STR is a seasonal residence for owners, just like a cottage-it's not a home based business.

I support the local economy by hiring people for cleaning, yard maintenance, any handyman/renovation work, etc. Since purchasing the house in 2018, I have spent over \$300,000 on renovations and the above, ALL of it done by local people.

I also encourage my guests to eat locally, go into Ridgeway, go to the farmer's markets, etc. It is unreasonable to expect home owners to stay on the property with guests (Option 3). These houses are small (the Town has currently restricted use to a maximum of 3 bedrooms) and many have 1 washroom. It is not reasonable to expect a family of 4 to stay in a house with another family of 4 (minimum) in such small houses, sharing a small kitchen and washroom with complete strangers. How would you regulate if the home owner is on site? it can't be expected that they are on-site 24/7?

I certainly would not stay anywhere if I had to share a house with others.

Also, with our experience of a pandemic, looking ahead to the future, it doesn't make sense to have 2 different families in a house and I don't think this is an appropriate solution.

I personally have not had any noise complaints. The Town should spend the money from STR licensing on bylaw officers if this is considered to be a problem. I do wonder, how many official complaints have been made, because when I speak to my neighbours and others, nobody has reported noise complaints. I do question the validity of this argument.

When I choose my guests, I ensure they have a positive review, I screen them and the people they are with and mostly choose families. If you go to Crystal Beach on any given day of the summer, it is mostly families who are there, as opposed to 'young, rowdy people'. These families have young children, who go to sleep early and parents stay quiet to let the kids sleep.

I have declined many reservations from people who don't seem suitable. Last year, the house was empty for 2 weeks in the summer because I was not comfortable with the reservation request. This is MY house and I want to make sure that the people staying in it are going to look after my house and be respectful to my neighbours. I do also provide a lot of detail in my message stating that I am on a quiet street and local people live in the area and they must follow the Rules by the Town and be respectful to the neighbours.

Generally, the AirBnB community is such that owners and guests are understanding of the nature of the property they are renting and respect the community they are in. I don't advertise in places such as Facebook marketplace and other cottage rental sites as I am unable to screen people there.

I am not in favour of only allowing waterfront properties as this gives those homeowners an unfair advantage based solely on their location. This would mean those home owners can charge what they like for their property as the competition is minimal. This can prevent tourism as people can't afford it and won't come to the area.

Once again, my final thoughts are that STR should be permitted in the Crystal Beach area; current STR license holders should be exempt from any changes and should be 'grandfathered' to maintain their current STR license.

Should you require any further clarification, please do not hesitate to contact me.

Thank you

	Short term rentals fort erie LuC HenRI to: Chris Millar	2023-02-21 08:56 A <b>M</b>
From:	"LuC HenRI"	
То:	"Chris Millar" <cmillar@forterie.ca></cmillar@forterie.ca>	
•	Please respond to "LuC HenRI"	
History:	This message has been replied to.	

# Luc henri

Historically, Crystal Beach has always been known as a tourist destination in the summer. STR's should not be zoned but should be licensed by the city of Fort Erie, a system implemented for safety reasons and for inspections. City of Fort Erie should only focus on the STR's that are NOT licensed that may be breaching things like safe accessibility, capacity, fire inspections etc..

Licensed STR's owners should be encouraged and supported by the city because they not only provide safe housing but they also provide income for all small local businesses in many different parts of Niagara Region. This is true in the summer season and in the off season as well.

Licensed STR's provide housing in the off season.

For example not long ago Crystal Beach was known as a run down area and 90% of the cottages were in horrible conditions. We are seeing a major transition in local businesses that have been relying on tourists. These small businesses are definitely not relying on locals that are battling the economies inflation.

Licensed STR's are definitely taking care and making these cottages safer and beautiful to live in and we are making waves for the Fort Erie's economy and it just seems like the city wants to go in the backwards direction. The city started implementing all these restrictions during a covid pandemic when historically Crystal Beach has been renting cottages for decades. It's mind blowing that during covid pandemic and recession that the city decide to clamp down on the one thing that has been building and creating income for the city. Now each year it seems like they increase the licensing fees ridiculously by over 100% instead of encouraging safe licensed accommodations for tourism that has been one of the biggest source of Fort Erie's income.

Please focus on the STR's that are not licensed. Licensed STR's take pride and are closely monitoring their property by any means available like outdoor cameras and local emergency contacts. There is a lot that goes on with the owners that care. We create work

for landscapers, cleaning services, city workers, plumbers, electricians, hvac, utilities, beach entrance fees, taxes, local shops, restaurants and the list can go on. Take a different approach about licensed STR's and focus on the ones that are giving us a bad name. Thank you for your time and consideration.

## Fort Erie Short Term Rentals

Dale & Ericka Vander Hout to: CMillar@forterie.ca, FBegum@forterie.ca

2023-02-24 01:26 PM

From: "Dale & Ericka Vander Hout"

To: "CMillar@forterie.ca" <CMillar@forterie.ca>, "FBegum@forterie.ca" <FBegum@forterie.ca>

### Good afternoon,

After the recent town hall meeting earlier this month with regards to short term rentals, I would just like to reach out to you both as you consider short term rentals in Fort Erie.

Our family found the hidden gem of Crystal Beach in 2008 and have been vacationing in the community since 2009. Simply put we call it "our happy place". Our children have grown up only knowing summer holidays in Crystal Beach and for the longest time there were tears every time we had to return home to our farm. We have made friends, fell in love with the shops and local business owners and spent many hours on the beach.

Five years ago, we took the leap to purchase our own place here and poor some love into a house that had been left abandoned and uncared for. Since our lifestyle as farmers does not give us the opportunity to live here full time, we wanted to share our Crystal Beach home with other families the way we were allowed to share other people's homes. Hopefully pass along our love for Crystal Beach to them and maybe even having our renters become our neighbours here in Crystal Beach.

We come from a community that has large families and we also have a large family. We wanted to be able to have a home here that could also welcome larger families because we know how difficult it can be able to find a proper place like that. We didn't want our children sleeping in rooms without access to outside in case of an emergency. And thankfully we found the perfect house. It is not ridiculously large, but it has been designed very well for families with five bedrooms. Previously to this year we have been able to host families that are multi generational, families with several children, families that mixed due to second marriages – families that want to be under the same roof but need more sleeping rooms to do that giving all family members appropriate privacy. We have always respected fire codes and our neighbours. We have also kept our rental periods weekly. We have also never needed to discriminate against large families until last summer. Unfortunately, some of our previously booked renters could not come because of the new capacity limit of 8 people/three bedroom for short term rentals.

We understand there were several concerns to residents about short term rentals, about the tenants that would come, about parties, etc. We just hope these disturbances didn't paint a large picture of what every short-term rental is like. We understand about the town needing to create a program that could help minimize disturbances for their residents. We just hope that this plan is inclusive to all of it's residents and tax payers.

In 2020 we got our license right away and have continued to follow each new directive the town has laid out. In 2022 we continued to follow along with each new change that were made. (Even the ones that were made after our license had been issued and site plan approved.) We just kindly ask that you reconsider the continued implications this has had on us. The fire extinguisher requirements changed, we had to purchase new fire extinguishers (two sets in one year). Our fire plan was approved, but upon inspection we had to change our fire extinguisher locations, drill new holes into walls, repair old holes, etc. The goalpost is constantly changing.

We kindly ask that as you review the plan for short term rentals and this license pilot program that you consider homes like ours's. Homes that can safely sleep 10 guests in 5 bedrooms (2 tenants per room).

Homes that are inclusive to larger families. Homes that safely give adequate privacy to all of their tenants. Homes that seek weekly rentals. Homes that promote the small shops and businesses within our community. Homes that desire to share this beautiful piece of Ontario. We just want to let you know that we appreciate you listening to our concerns and continuing to be a voice for us. Kind Regards,

Dale and Ericka Vander Hout Sent from Mail for Windows

## Comment re: STR license fees/zoning

Linda Sharma to fbegum@forterie.ca

2023-04-10 12:03 PM

From "Linda Sharma"

To "fbegum@forterie.ca" <fbegum@forterie.ca>
History: This message has been replied to.

Dear Ms. Begum,

I have been out of town and missed a few meetings. I will be unable to attend the April 18th meeting. I wondered if my suggestion below would be considered:

License fees should be lowered for STRs when a property owner has one property in Crystal Beach. Often this is the owner's own cottage and the owner is dependent on the rent to afford to keep the property. High license fees are restrictive in these cases. If "one cottage/resident" owners are driven out because of cost, corporate investors may buy up properties and we may lose the individual/unique nature of the neighbourhood.

Traditional Bed and Breakfasts should be considered "one cottage/resident" owners and should be allowed regardless of location in Crystal Beach, as guests are always supervised by their hosts.

Other STRs should be allowed only within a certain radius (zone) of the beach/business centre of the area.

Previous license holders not within the zone should be able to hold on to their licenses, but if that property is sold to new owners, a license should no longer be issued to that property.

License fees should remain at the current rate for those property owners with two or more cottages/residences who wish to rent short term, as owning more than one property and renting them is usually income driven and not just about "maintaining affordability" of one's own property.

Linda Sharma, Fort Erie Property Owner

Sent from my iPhone

#### Short term rental

Nena Skomrak to fbegum

2023-04-18 10:57 AM

From "Nena Skomrak"

To fbegum@forterie.ca

Dear Madams and Sirs

Regarding tonight meeting, I would like to add my situation and my opinions for this topic.

I have house, triplex and one unit, my husband and I , use as primary residence. We invested sufficient quantity of money to do upgrades for 2 units, to be on higher level of commodity and standard with modern efficiency and cleanliness.

We are retired couple and after hard years of work, we would like to enjoy and secured our future. The reason was , investing and not relying on any social and government help.

We own house in downtown Ridgeway, area "mix commercial and residential".. As residents of beautiful areas, Niagara Region, prosperity and economic success will be relayed to open doors to businesses, shops, restaurants, coffee, gifts shops and accommodation of any type.

This region has been attractive through past time and and for all of us , is duty to strive to get back that "Mojo".

The attentiveness is not only cause of current financial, but for future generations to stay and bring prosperity in all fields. We are facing deficits in all professional profiles, specially healthcare.

How we contracted new young people to come and live, work and succede…!!?? Only to be open and welcoming everyone, to be friendly and professional in all attractions .

We don't make money, on daily based visitors, using only our beautiful beaches, bringing own food and living behind garbage, messy streets and surrounding.

If we offer to tourists , more and better level of accommodation and service, our efforts will come out as great success in building charming, romantic towns and present stay for visitors from all around the world.

Approving MORE SHORT TERM LICENSING, with analyzing each application, condition, quality of offer , location, will bring all benefits and more money to keep our Region in great shape!!

The reason I am writing:

- \* Should not be number of licensing limited
- \*. Should each applicant be analysis and decisions bring on curtain categories
- \* Specially, (for my situation,) I'm in COMMERCIAL and RESIDENTIAL AREA, that should be minimum restrictions !!

Maybe my suggestions are not good , but could bring more , better ideas for progress and brighter future Thank you for your time reading

Hope our future will be more delightful Sincerely Nena Skomrak ,

Sent from my iPhone



Re: Comment re: STR ZoningLinda Sharma to Fahima Begum 2023-04-19 12:18 AM From "Linda Sharma"

To "Fahima Begum" < FBegum@forterie.ca>

Hi Again Ms. Begum,

I heard the host on the video stream last night tell the audience that we should email him directly with comments and concerns, but I don't know who was hosting the meeting so I'm not sure who it is I should email.

Since I sent you my comments before, and you managed to get them to WPS, I'm hoping you can do so again.

I can imagine it is a difficult job coming up with a solution for all residents, but let me say this: Crystal Beach was built as a tourist destination. The fact that it became quiet when the amusement park left, and certain residents became used to the empty streets, doesn't make its historical significance as a vacation destination disappear.

The sparse population of full time residents in the years leading up to this latest era, did nothing to improve the town's prospects. I would imagine that the council was at a loss themselves as they almost sold our public beach to the highest bidder who would have built a high rise on the water. But instead, the people of the area and others recognized the existing charm of Crystal Beach and improved the homes that stood, drawing in vacationers, and attracting businesses.

Here are my suggestions/additions to your proposed plan:

Include all waterfront in the zoning for stand-alone STRs...the zone determining points should be a radius from the shoreline, the business centre, and historical zoning. If you feel there is a problem with controlling STRs in the waterfront area, then there is a problem with controlling STRs anywhere in the town.

Include all existing 2-3 season cottages for stand-alone STRs...what else can these cottages be used for other than recreation? They were made for vacationing and lend themselves to STRs.

Here are my suggestions for recommendations you could make to the town:

In my previous email I suggested that you recommend to the town that they proportion fees with regards to how many properties one owns. I also think that you can recommend a proportioning of fees according to how many rooms are available to rent for any one property. Homes by the water are some of the largest homes, with more rooms...they will pay higher license fees which should offset the cost of more by-law officer surveillance. The only thing that should limit the number of guests is the number of people who can safely live in the home with regards to fire safety.

Recommend to the town that all property owners wishing to rent their homes must provide a phone number at which they or a representative responsible for making decisions about the property, can be reached 24-7. This way, by-law officers may call the owner directly regarding any potential violation. A phone call would receive a minimum fine if the owner is reached and rectifies the problem within 30 minutes. If the owner cannot be reached, or cannot rectify the issue and/or the by-law officer must visit the property, then a steeper fine can be issued.

Recommend to the town that violation fines (as separate costs) be added to property tax bills. A citation notice can be emailed to a mandatory email address that must be given to the Town by each owner of STRs.

Recommend, to reduce any uncomfortable interactions between the by-law officers the unruly guests, the by-law officer simply to let the guest know that the owner will receive a citation fine, let them know that property owners typically make their guests responsible for paying those fines, and if they don't cease their behaviour, the police will be called and fines will be given directly to them.

Recommend to the town that they send out a questionnaire that residents can fill out anonymously to find out who has an interest in renting their home currently so they can see how many by-law officers they will need to cover those STRs and go about figuring out the total number of allowed STRs that way. (A certain percentage over and above can be calculated to compensate for those who cannot fill out the questionnaire)

Recommend a total of two rental turnovers per unit per week maximum during peak STR months. (Mid June-mid Sept)

You could also consider recommending an age restriction to the town regarding STR rental...there is an age for driving, and an age for drinking...why not an age for responsible management of a property...even in the short term? I'm going to go out on a limb and guess that many of the noise complaints from residents have involved groups under 30 years of age without an older renter accompanying them.

Thank-you for "listening", Linda

On Apr 11, 2023, at 9:43 AM, Fahima Begum <FBegum@forterie.ca> wrote:

Good Morning Ms. Sharma,

Your comments are much appreciated and will be relayed to the consultants of this study. It is thanks to yours and the broader community's engagement that these studies can be carried out to provide recommendations.

Cheers, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

From: "Linda Sharma"

To: "fbegum@forterie.ca < fbegum@forterie.ca>

Date: 2023-04-10 12:03 PM

Subject: Comment re: STR license fees/zoning

Dear Ms. Begum,

I have been out of town and missed a few meetings. I will be unable to attend the April 18th meeting. I wondered if my suggestion below would be considered:

License fees should be lowered for STRs when a property owner has one property in Crystal Beach. Often this is the owner's own cottage and the owner is dependent on the rent to afford to keep the property. High license fees are restrictive in these cases. If "one cottage/resident" owners are driven out because of cost, corporate investors may buy up properties and we may lose the individual/unique nature of the neighbourhood.

Traditional Bed and Breakfasts should be considered "one cottage/resident" owners and should be allowed regardless of location in Crystal Beach, as quests are always supervised by their hosts.

Other STRs should be allowed only within a certain radius (zone) of the beach/business centre of the area.

Previous license holders not within the zone should be able to hold on to their licenses, but if that property is sold to new owners, a license should no longer be issued to that property.

License fees should remain at the current rate for those property owners with two or more cottages/residences who wish to rent short term, as owning more than one property and renting them is usually income driven and not just about "maintaining affordability" of one's own property.

Linda Sharma, Fort Erie Property Owner

Sent from my iPhone

# Feedback regarding the Short Term Rental Land Use Study

Barbara Ingamells to: tlewis, cmillar 2023-04-19 06:04 PM

From: "Barbara Ingamells"

To: tlewis@forterie.ca, cmillar@forterie.ca

History: This message has been replied to.

Mr. Millar and Mr. Lewis,

I attended the Public Open House on April 18th where the recommendations of the study were presented for feedback from the public and would like to give my feedback.

I am a permanent resident and live full-time on Terrace Lane where there are multiple STRs. I also own a property on Derby Rd. which has operated as an STR since 2017 and has been licensed since the STR By-Law was introduced in 2019. So, I have different perspectives as well as history with these matters. I like seeing families come here and enjoy themselves and support our local economy. I welcome them and help them.

Firstly, let me say that dealing with this issue as a land use planning issue has been lengthy and costly and appears not to be over yet. Not only that, but the moratorium that was put in place, as well as the amendments to the Short-Term Rental By-law in October 2021 which capped the number of licenses and limited the number of bedrooms, has created financial hardship for many people and small businesses in Fort Erie as a whole, and in particular, Crystal Beach.

The BIA in Crystal Beach is reporting that the reduced numbers of STR's in Crystal Beach has led to a sharp drop in revenue for shops and restaurants in 2022. Retirees will not support the economy nor will the Americans who spend only the summer months here. The Americans do their shopping at home and bring their goods over the border with them. Then they close their summer homes and do not see the impacts that a stifled economy has on the local shops and restaurants over the winter.

Many people who object to STR's are unaware that the businesses largely depend on the revenue they can make during the summer months as long as we're able to obtain full occupancy and good weather conditions. We don't want to see businesses close and Crystal Beach returning to what it was like after the park closed. We need tourists throughout Fort Erie. To say people won't get licenses in time for this season rings the death knell for certain businesses in this economy.

Secondly, to deal with the issue of STR's as a stand alone planning issue without balancing the need for diversified economic development in the area is short sighted, amateur, and lacking in vision and sadly reflects the lack of progressive thinking of many in this area. People need accommodation for their families to spend a weekend in Fort Erie or to come for a vacation. There are very limited choices with respects to hotels, motels, or camping facilities here. Historically cottages have always been rented throughout the area not just in one small section of the neighbourhood.

Thirdly, to make it a planning issue and talk about historic use without including the waterfront areas is lacking a credible approach as many waterfront properties currently rent their properties without licenses and stay under the radar. In fact both the Buffalo Canoe Club and the Bay Beach Club have cottage properties that they rent that exceed two bedrooms and do not require an STR license. Many of the waterfront properties are owned by Americans who quietly rent their properties to other Americans and are completely unaware of the need for a license or they ignore it. Try to tell them they can't. How is this discrepancy to be overcome? We can't have one set of rules for Canadian cottage owners and another for Americans. Americans now have to pay additional taxes as foreign owners and many will try to recover their costs by quietly renting to their friends.

The issues and complaints raised about STR's which created the need for Council to contract out this study were: noise, garbage, and parking. All these issues were covered under existing bylaws and were bylaw compliance issues not planning issues. These could have been readily solved by fines and the employment of adequate numbers of bylaw officers. This was pointed out at the first meeting held by Council, which I attended, to discuss this issue. It is now the expectation of the owner of the STR to police their guests and ourselves with respect to these issues if we wish to remain licensed. As far as I know this is certainly helping and it is a sensible approach.

I know that the residents in the Marz homes development did not want STR's in their subdivision and it was proposed that future subdivisions also exclude them which also seemed sensible to many. STR's should not be a way to pay for your subdivision residence where full time residents live and families live. These homes are not cottages and lots of children inhabit these homes. They are not intended to be vacation homes.

The current recommendations of STR's in commercial zones, owner occupied farms or residences, and to be confined to a small radius of the old Crystal Beach village area is going to cause problems. In the Crystal Beach historic area this will create a ghetto of STR's in a confined area where there are many full-time residents (possibly less affluent, vocal, or as visible as their wealthy subdivision/waterfront neighbours) and those residents will be very upset by being the only area where this is permitted. The

original problems originated largely in this area and resentment toward STR's will only increase which will once again bring the issue back to bylaw enforcement where it started.

This area is complex, historic, and changing. There are many competing interests and factions here and I appreciate that this is a difficult issue to address. I am providing feedback to say that the zoning report recommendations are too limited. It doesn't look at economic development needs, existing accommodation, fairness for waterfront rental issues, compliance issues, and is a quick short sighted solution which will not solve the problem except for well heeled newcomers, and certain waterfront elites. It isn't comprehensive enough and will drive rentals underground.

The study as it was presented has taken far too long to complete and fails in its attempt to understand the true nature of Fort Erie with respects to its rich tourism history and the water. If this passes it will create ongoing issues and there will be a lot of resentment in Crystal Beach and other areas of Fort Erie.

Thanks for the opportunity to give this feedback. Barb

Barbara Anderson

STR

Chris DeCock to: cmillar@forterie.ca 2023-04-19 03:46 PM

From: "Chris DeCock"

To: "cmillar@forterie.ca" <cmillar@forterie.ca>

History: This message has been replied to.

I was at the meeting last night and am please with the recommendations as our rental properties are in the Yellow designated area. I think the option of a owner occupied STr on their property is also a good thing for those outside the areas you presented.

The only change I suggest they make is to include the Beachfront properties as well as the reason people come toe CB is to be on the beach and to take away a potential customer from being able to stay on the beach is counter productive.

We know the beach needs STR to accommodate the people who want to stay and visit.

The biggest problem I see is that this study is way to slow to come up with these proposals and the moratorium on licences is in its second year now and like a lot of property owners said , it is killing them to carry these properties and having no rental income is hard. Interest rates have skyrocketed from their low when these investors bought these homes.

Please lets expedite the process and get this in front of council right away.

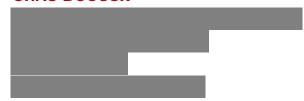
I realize you are not tasked with the price or amount of the STR licences and many of the comments were about these topics. But you are tasked with the proposal and we need it finalized and presented asap to allow us to get our licences and be able to pay our mortgages on our investments.

We have 3 such properties and after purchasing each one invested up to \$70,000 per house to improve it for rentals and thus improving the neighbourhood and the streetscape of the Beach.

We are not evil people trying to get rich, we are normal people trying to make a little extra money for now or our retirement.

**Thanks** 

### **Chris DeCock**



#### Short term rentals

larry Etherington to: cmillar

2023-04-19 12:37 PM

From: "larry Etherington"

To: cmillar@forterie.ca

History: This message has been replied to.

Good day I would like indicate my reluctance to have a business operating in any area that is not zoned for commercial use. What is the concept of having any zones at all? If all the city is going to do is allow this kind of thing to happen?

I live on the Niagara Parkway and from what I could see on the map there are locations that have been zoned specifically as primary STRs. I have put up with constant noise from people renting this property two doors away from me. Now they have put in a pool! The noise and disruption at all hours is only going to increase.

I am in favour of the owner occupying option but it appears that just because we are not in crystal beach we are looked at too far to worry about.

I have called bylaw several times and asked for a follow up call but received nothing.

The STRs should be zoned in commercially zone areas ONLY. No exceptions! I should open a Harley Davidson Repair Shop. The town of Fort Erie wouldn't be able to stop me even though I am in a residential zone. The greed of these STR owners will ruin home owners enjoyment of their own property

Larry Etherington

Sent from my iPad

Re: Fwd: STR zoning questions

Laura Kozloski to: Chris Millar 2023-04-19 12:18 AM

Cc: "Caralee Grummett", "Deanna Allen"

From: "Laura Kozloski"

To: "Chris Millar" < CMillar@forterie.ca>

Cc: "Caralee Grummett" < CGrummett@forterie.ca>, "Deanna Allen" < DAllen@forterie.ca>

History: This message has been replied to.

# Good Evening.

In response to this evening's STR presentation, I offer the following comments for consideration; I can appreciate that my input from the last meeting was recognized regarding the agricultural zoned STR considerations and the home based business STR considerations.

However, I cannot stress enough that it is dire to restore tourism to Crystal Beach after Covid to pre-Covid numbers as soon as possible. Many small business owners are and have been investing a lot of money into this small beach community within the larger Fort Erie municipality. Tourism is still down throughout the Niagara Region and a slow summer is predicted again due to increased mortgage rates, increased carbon tax, increased price of groceries and fuel and now a looming CRA strike, meaning refunds won't be issued in a timely fashion for expenses already incurred. Therefore I think it is imperative to assist and grow small businesses wherever and whenever we can.

Historically Crystal beach has been known for its tourism; many Americans would come weekly by boat to attend concerts at the dance hall, many came to attend the amusement park, cottagers stayed and both Americans and Canadians invested in beach front property. For over 100 years, individuals and families have been visiting the healing waters of Chautauqua (a religious area for good clean fun, to relax and philosophize ....just like Chautauqua in NOTL). Canada's first highway, Dominion Rd and then Hwy 3 marks this area as a significant area of Canada...Lake Erie, as a major draw for those who could afford to 'vacation". The roaring 1920's and the Deco area influence are seen throughout Crystal beach in the architecture, photos and memorabilia. Why come to Crystal Beach.....for the water of course! One of the few Great Lakes, unique to the rest of the world as a fresh water resource for good, clean fun.

Thus, for 100 years and again recently Bay Beach in Crystal Beach has been recognized as a great place to vacation during the 3 months of summer, June, July and August. A very short season of prosperity for those willing to invest. The other 7 months are very quiet for locals that choose to live here year round. What are those numbers? I think you will find that like Martha's Vineyard in Mass. and NOTL in this Region, there are many more that come for only the summer months and much fewer that reside all year. Therefore why not take advantage of the 3 months? Tourists have an expectation that they can come here and stay and that they will be welcome to enjoy their time here. Locals expect that they will enjoy peace and serenity and the amenities they need and want, ie. restaurants, grocery, shopping, florist, entertainment. None of this can sustain in these harsh economic times without taking advantage of the opportunities as they present themselves.

NOTL in comparison tried to limit the number of BandB's and realized that they cannot discriminate. One cannot say that 249 is acceptable while 251 is not acceptable, or that one

residential street is allowed while another is not. This directly impacts property values and one cannot be separate and equal (Brown vs. The Public Board of Education), therefore discrimination and open for scrutiny, and liability. They realized that they can only identify what a BnB is vs. a short term rental vs an inn/hotel/motel. They realized that their real concern is safety, occupancy rate, infrastructure capability and parking. Any noise infractions, mischief or vandalism, would be handled by insurers, or the police. Is it true that last year 91 complaints were issued and only 1 was a valid complaint?

My question, how does it benefit the consumer, the small businesses, and the town of Fort Erie to reduce or turn down tourism, especially in these financially tough times? Why try to choose who can or cannot operate? Why limit Crystal Beach at all? The tourists and locals only have 3 months to try and capture tourism dollars in order to improve properties, pay for additional costs, add to infrastructure, maintain and increase property values. Geographically Crystal Beach is only a small area of Fort Erie. Many locals live in Ridgeway, rural areas of Fort Erie or along the River...these areas generally don't see tourism like the Bay Beach area, thus, again, what is the benefit of hindering tourism in the Bay Beach area?

In summary, it is my humble opinion that we should celebrate this area of Fort Erie for what it is, we should welcome business and tourism and understand that it exists because of the lake access, we should not take sides and discriminate among homeowners, their location or their number in the kew. Instead we should offer a license to whomever wants it, thus generating revenue for Fort Erie in terms of licenses and beach passes and parking and taxes. Home and business owners prosper for 3 months and residences have their peace for 7 months. The Town is not accused of discrimination and we are open for business. Many enjoy the water instead of just a few and land value and sharing of natural resources is realized. Maybe industry, retail, entertainment, etc. can grow as it did in NOTL with the Shaw and Winery businesses that flourished once the BnB's and other types of accommodation opened up. For every dollar spent in NOTL on tourism, 80 cents went to food and lodging. Don't we want that for this little part of Fort Erie? If not, then tell the citizen's of Fort Erie why you do not want Bay Beach to prosper, or why you only want a few to enjoy this part of Lake Erie. Frankly, if that is the attitude, I don't understand it and I would like to be educated on the matter.

As I stated in my commentary at the meeting. I tried to sell my property on Erie to a builder to establish a hotel/motel or inn. I only received feedback that the value is not here in Crystal Beach yet because this is only a 3 month community. I really do not wish to sell, however, I do need to generate a profit from my commercial building in order to thrive. I have a vision to celebrate the history of this place, specifically the roaring 20's through my building's history, architecture, events and tours that I would like to plan, in partnerships with local restaurants, and other businesses. This can only be realized if we have the support from the municipality and council, to help us prosper. The tourists want us to succeed, therefore having councils' support would go a long way.

In closing, I hope that you will quickly present and get approval to allow all those who operated before Covid, who wish to continue to operate under a grandfather clause while submitting their applications for a formal license once the town has caught up with their paperwork. This would be a win wind situation for all. Depending on the number of applicants that submit, fire and bylaw will take a long time to inspect all the properties and they can offer inspection and suggestion and work with the STR businesses ongoing so that all will eventually be in compliance and there will be no fines issued during this positive process.

Should you need any further clarification or have any questions about my commentary, please don't hesitate to reach out. Further, I would love to see all STR join the local Chamber of Commerce so that the Chamber could promote this industry and highlight the unique and historical significance of our area to tourists, so that the Chamber becomes the liaison between town, businesses and patron's visiting the area.

Thank you,

Laura Kozloski

On Thu, Feb 2, 2023 at 12:37 PM Chris Millar < CMillar@forterie.ca > wrote:

Hi Laura,

Thanks for attending and speaking last evening.

I will be forwarding your comments to the consultant for their record and consideration as they work towards a recommendation.

I noted the agricultural perspective (of Provincial policy) and will be looking for discussion with them on that.

Again, thanks for taking the time to both, appear and write us.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: Deanna Allen/FortErie

To: "Laura Kozloski"

Cc: "Caralee Grummett" < CGrummett@forterie.ca >, Chris Millar/FortErie@TownOfFortErie

Date: 2023-02-02 08:26 AM

Subject: Re: Fwd: STR zoning questions

Good Morning Laura,

Happy Thursday!

Thank you for providing your feedback and for also speaking at yesterday's open house.

I have cc'd Chris Millar to this e-mail so he can forward it to the meeting presenters.

Kind Regards, Deanna

#### **Deanna Allen**

Economic Development Officer

The Corporation of the Town of Fort Erie | Economic Development & Tourism Services 1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6

T: 905-871-1600 x 2251 | E: dallen@forterie.ca

www.forterie.ca

From: "Laura Kozloski"

To: "Caralee Grummett" < CGrummett@forterie.ca>

Cc: "Deanna Allen" < DAllen@forterie.ca>

Date: 2023-02-02 03:55 AM

Subject: Fwd: STR zoning questions

As requested at Feb 1 open house for STR, as attendees we were asked to share our comments/questions in writing. Below is my commentary, please share with the meeting presenters.

----- Forwarded message -----

From: Laura Kozloski

Date: Wed, Feb 1, 2023 at 6:58 PM Subject: STR zoning questions

To: Laura Kozloski

Send to town in writing.

This is not your average neighbourhood...any property within walking distance to a lake is golden ...we are blessed, therefore since the lake is unique to this area and the world we should allow those to stay, see and experience. Not for one but for all.

Assumption that guests should not stay in new residential areas. Newness of building shouldn't matter, instead we should focus on parking, safety and infrastructure in meeting lodging criteria.

Event uses in residential area vs commercial.

STR not for corporations? Could corps run them better or worse..matter of opinion.

Many other variable between 4 options. ie STR is not STR if owner occupied..owner occupied is BnB

Why do you need an overlay? Commercial is commercial and res can operate 25% home based business so bnb 1 of 4 bedrooms. STR in residential area with no owner present should be the only concern discussed as it is no longer a home based business unless there are 3 dwellings in one property as per Bill 23 and there is a landlord or owner on site. Also meets CRA requirements regarding write offs and tax implications.

1 to 3 dwelling in each..did you consider other provincial bylaws, that pertain to this discussion.

How are Bnb s different than STR ...should it be another discussion for res. Zoned property and ag where farmer is on-site.

Commercial and Ag zoning properties already have parameters that they live by and are already permitted under other governance options so should be excluded from this moratorium and discussion.

Residential is a different zoning ...therefore residential needs to be the discussion, not the other

Also residential according to CRA can right off up to 25 % of expenses due to home based business...Band B, as it's an occupied residence. If not accupied then applying for a license makes sense for all alternative use to residential.

As for Commercial, CMU2 it's already permitted.

As for doing this study now...bookings need to happen now. So take all the time you need but let people operate as they have been doing at least those zoned commercial and agritourism and those who operated before all this licensing and policy change started, so that we don't discourage tourism and we can support our businesses. This community has no industry other than tourism and it's only 3 short months. We need to seize this opportunity.

Bill 23 says 3 units on a residential property

Not early on, we are late...the town timeline is not in sync with the tourism timeline.

Separating STR is discrimination. All residential zoning needs to be consistent as does commercial as does ag.

Short term rentals

Mark Ruzycki to: cmillar@forterie.ca 2023-04-19 05:24 PM

From: "Mark Ruzycki"

To: "cmillar@forterie.ca" <cmillar@forterie.ca>
History: This message has been replied to.

I am not in favour of STRs as I am concerned that we will need a system that will ensure that all properties involved are policed to allow for "quiet enjoyment" by residents living near these STRs. I live on Siesta Key during the winter and am privy to the system that works quite well there as approximately half the island is rented out. The local sheriff's office patrol and are not shy about vehicle towing and citations for bylaw infringements. If we can put a solid plan in place and cancel licenses for habitual violators, I have little concern about allowing the end to the moratorium.

Mark Ruzycki

# STR Land Use Planning Report Comments and Questions

to: cmillar 2023-04-19 03:33 PM

From: "M K"
To: cmillar@forterie.ca

History: This message has been replied to.

Please see my questions for the consultant below:

Thank you for hosting the Public Open House - Short Term Rental Land Use Study yesterday. I support the recommendation that owner occupied STRs should always be allowed.

- 1. What data was used for determining the boundaries?
- a. Why wasn't all of Crystal Beach proposed? For example there are areas of Crystal Beach that are not included in the proposed boundaries but these areas are still within walking and biking distance to the beach and business areas. I request all of Crystal Beach be included in the boundaries.
- b. Waterfront properties have historically been short term rentals in our town, why were they not included in the boundaries? Waterfront short term rentals are extremely attractive to visitors to stay in our town. Tourists are looking for waterfront stays, and will look else where if Fort Erie doesn't allow them. I request waterfront property be included in the boundaries.
- c. The Thunder Bay neighbourhood is also a historical cottage area in our town, why was this not included in the proposed boundaries? I request the Thunder Bay neighbourhood be included in the boundaries.
- 2. Can the report please be shared for the public? Many thanks, Morgan

### **Short Term Rental in TOFE**

Dale & Ericka Vander Hout ... CMillar(

CMillar@forterie.ca, Fahima

2023-04-20 11:22 AM

From: "Dale & Ericka Vander Hout"

To: "CMillar@forterie.ca" <CMillar@forterie.ca>, "Fahima Begum" <FBegum@forterie.ca>

### Good morning,

Some thoughts after this weeks public open house that I am hoping will be taken into consideration and passed along are the following:

- 1. Parking is a continued issue in CB. Most people come during the summer months to enjoy the beach/waterfront. If they cannot get rentals on the water will that mean more vehicle traffic looking for parking making an already congested area worse.
- 2. The pilot project has removed many of the homes from the study that would only rent for one to four weeks during the summer. Increasing the perception that short term rentals have only ever been owned by investors who only rent it out and don't enjoy their home themselves. Not regular families. We have already seen this in our own neighbourhood. Further some areas are put into commercial zones in the land zoning proposal your revealed this week, the potential for commercial tax and licenses for the homes in these areas is concerning. It has a large potential to affect many rentals that are still family owned who will not be able to afford further fees/taxation to continue to maintain their homes as short-term rentals. Thus, resulting in the remaining short-term rentals being owned sole by investors and not by families who wish to share their home with other families adjacent to the weeks they are there enjoying their summer home themselves. The tourist season in Fort Erie (Canada) is a very short window. We have owned our own home for over five years and have friends who have owned much longer. In our experience and their experience, the likelihood of finding renters before July and after labour day is very slim.

Kind Regards,

Ericka Vander Hout

### Short term rental land use study town hall

veronica binka to: cmillar 2023-04-20 01:12 PM

From: "veronica binka"

To: cmillar@forterie.ca

Hello Chris,

After attending last night's meeting, I can't say I would want your job although I truly have enjoyed studying planning, land use and zoning as a personal interest derived from my five decades as a licensed Realtor, now retired. I would like to share my thoughts on the subject, although I am not affected personally by this, other than in a positive way.

I did make some observations concluding that most people in attendance are very passionate either for or against STRs depending on whether or not they own one and how it affects them. Many do not appear to understand the difference between the licensing and the Official plan review. I fear this will also be a problem when it comes to understanding or even observing any changes to the Official plan and what it means in respect to owning a rental cottage, especially for those who pay not attention to zoning, etc.

These proposed changes will adversely affect those who purchased a cottage in areas, outside the designated locations, that were perceived to be eligible for licensing. On the other hand, the properties located just outside the designated areas that have year round residents, specifically in Crystal Beach, will enjoy a nicer quality of life. I have had the experience of living in both locations which has provided me with the understanding that the difference is quite profound, yet so close. The designated R2B area is extremely lively, sometimes very noisy with some disrespectful renters and owners not monitoring their rentals at all. The other area, where I currently live, on Willowwood, is beautifully quiet with respectful neighbours, wildlife and birds to enjoy. It is quite a contrast. Having said all this, historically, my home was previously and many others, for example on Point Abino, have been rented out by the owners for short periods of time to help cover costs.

There is a double edged sword to deal with here. One being that of the operator of a cottage rental business and that of the owner who simple offsets expenses. Historically, the latter was the case but with internet platforms, such as Airbnb, there has been a huge increase in the rental market changing the circumstances for surrounding properties. I understand the Tribunal definition but seriously, is there any way to accommodate this with a limited number of weeks for historically rented cottages other than having to go through the whole town approval process? It really doesn't seem quite fair to those historical situations.

Property owners living amidst the rental area are always going to have issues with disrespectful tenants unless the bylaw is swiftly and strongly enforced. In today's society respect is rare rather than the norm. Actually, some property owners are just as disrespectful which can be dealt with by using bylaw enhancements for quality of life. Also, must be enforced but many neighbours do not want to call on the property owner living next door or renting to year round tenants because that creates another situation. The fact that all of this is complaint driven makes it quite a difficult situation for property owners who will suffer in silence to avoid a neighbourhood

confrontation.

Then there's the small businesses that have put Crystal Beach back on the map and made it an appealing destination. They need people to come here and stay here. We do our best to support them but having owned a small seasonal business before now, I know they need more than what they're getting to keep going.

I realize many of my comments may refer to zoning or licensing but felt the need to express my views. To sum it up, if people had respect for surrounding neighbours, care and control of their properties with tenants short or long term, we would not have any of these issues to deal with. I understand land use has to be set up with boundaries, etc. but to make changes that obviously will affect some people very adversely, may want to be reconsidered.

I own a property in Seguin Township, where they have just gone through the process of determining whether or not to license or even allow short term rentals. This showed that Councillors can also be biased since the only one in favour was a person who owned a short term rental, the rest voted down licensing. They are enhancing quality of life by-laws to take care of noise, burning, etc. for all residents. They are increasing bylaw staff and enforcement to monitor the situation. Quite honestly, they just don't want the headaches of licensing after researching other areas that are having issues. Now, any property should be ineligible for rental but there are many properties that are and will continue to do so as I expect will also happen here in Fort Erie, perhaps simply to pay the bills.

Thank you for your time and all your efforts in dealing with this matter that truly does affect each and every one of us living here in one way or another.

Best Regards, Veronica

Veronica Binka

# RE: Public Open House 3 - Short Term Rental Land Use Study materials - CONSTITUENT RESPONSE

rhattin hattin.ca to: Fahima Begum

2023-04-20 11:03 PM

"Tom Lewis", "Wayne Redekop", "Chris Millar", Co: "cmcqueen@forterie.co", "George McDermott", "bob.gale@niagararegion.ca", "Nick Dubanow",

From:

To: "Fahima Begum" <FBegum@forterie.ca>

Cc:

"Tom Lewis" <TLewis@forterie.ca>, "Wayne Redekop" <wredekop@forterie.ca>, "Chris Millar" <CMillar@forterie.ca>, "cmcqueen@forterie.co" <cmcqueen@forterie.co>, "George McDermott" <GMcDermott@forterie.ca>, "bob.gale@niagararegion.ca"

#### Fahima,

Pls fwd this to Council and the other staffers involved.

Below is my suggested solution as an Exec summary, followed with the commentary critiquing the irrelevant WSP report. First I will preface who I am. I am a recent resident of CB, with a property that was amalgamated from 5 properties back in the 80s which has three buildings (5 units) remaining from the 1930s, and renovated several times over that period. I don't intend to do STR, however I don't want the Town to arbitrarily take that opportunity away from me, or the next owner given my close beach proximity. From my perspective what the Town is trying to solve is a Housing and an EcDev Opportunity issue, not Zoning Restriction matter ... the Town has little accommodation (see your own website) and that is the basis for any tourism or business growth. You cant spend \$\$ if there are no beds to keep you in our town. The other problem issues nattered about pale. In my view, there is lots of unused potential housing stock to address the *Town's #2 Strat objective of Affordable Housing*. Getting cottages winterized and on line is the fastest and cheapest way of doing that. Inexpensive, and quick, with renos paid for by the owner, if the Town gets behind it with minor incentives and cutting bureaucracy. Instead, the Town wants to clamp down on STR usage of old cottages by people who may be scofflaws with red tape. Let me offer a better proposal for you to build on.

#### Here is what I propose:

- 1. Throw out the WSP report and start all over with a FE based solution. WSP makes no sense on many levels, its late, weak, directionless, illogical ... its just bad.
- 2. Promptly form a STR Advisory committee, made up of 6 people with the initial purpose of getting baseline information on all tourist data need / supply / demo / seasonality / issues / best practices. Comprises of: 1 EcDev staff, 1 Councillor, 3 people at large, to get the anti & pro perspectives, 1 marketing / comms professional (paid). Meet monthly on an on-going basis. New policies get put in place by March of the next year to give operators time to implement new policies. Hold CAO accountable for meeting the voted goals of the STR Committee. First objective: the Committee present to Council on Current / Future State and what is possible Sept 1 overview, using this season's data. Initiate Best Practices for Tourist Rentals;
- 3. <u>Immediately</u> put in place a Transition STR / Tourist rental policy, that gets amended continuously to reflect evolving opportunities and issues.
  - a. Offer open licencing for any STR / BnB across all of FE for any STR / BnB, that qualifies

- based on known Safety parameters;
- b. 1 licence covers all potential rental buildings on a property most will be 1 unit (remember the goal is to bring overnite guests, not be a tax on the provider;
- c. annual cost of registration to be \$200 max to cover cost administration for all BnB & STR;
- d. retain the Inspection parameters as currently defined;
- e. any violators will cover true cost of enforcement; 3<sup>rd</sup> time repeat complainers also get the same cost of service penalty, if their complaints are baseless;
- f. licencees report to the STR / BnB committee with an annual survey to gather statistics on usage, demographics etc (we don't know any of this currently, only # of licences issued)
- g. provide an interim property tax break for any unused cottage / house to be turned into a full time rental unit (to encourage year round availability and address the affordable housing shortage ... it costs the Town little, yet makes use of underused stock and improves the neighbourhoods I've spent considerable \$\$ on getting my units back to rentable 4 units stood slowly rotting for 13 years)
- 4. The OPPORTUNITY is to bring some of the **7,000** cars/hr (250,000 people/wkend) that come into NIAGARA each summer weekend from Friday morning to Sunday aftn. They could visit and stay in our entire town, not just NoTL or NF. WSP didn't bother to look at people coming into the region just how to keep visitors out .... Shame. How many of those travellers do we want to come to FE, to spend their time and money? That's the opportunity;
- 5. Redeploy ToFE's large annual throng of Beach Patrol kid cops, who are often too busy on their cell phones and worrying too much about how filled up Bay Beach may be getting (the Town should worry about sewage dumping, instead of beach crowding). On more than one occasion last season, I counted about 20 young temp FE workers, as Security and Beach Patrol, doing the in / out of visitors, while neglecting to take care of the weeds on Town property that clearly are in violation of our Noxious Plants bylaw. Fix that Bay Beach water front verandah, and Bernard Beach patio, and welcome visitors, not annoy them. More ambassadors, fewer guards. The common thread here is that the Town is not welcoming of guests, but rather wishes to put in place bylaws that suck the enjoyment and length of time that people want to stay in all of FE. The aspirations of our website don't reflect the reality of our closed minded behaviours.
- 6. Have the Mayor be a team player of Council, not Rest of Council be a minor player of Team Redekop;

#### The Open House – as I saw it

I wish to comment about the past Open House on Ap 17 at FE TH where the WSP report was presented. My general comment is the report given and the meeting were **very disappointing** on many levels. **I and others, still don't understand 'what is the issue that the Town is trying to solve?"** No terms of reference, or goals, or aspirations. Just bylaw framework recommendations, <u>without basis or logic</u>, nor a timeline that is neither firm nor helpful. *Can the Town just clarify what its trying to achieve or prevent?* 

First this was an important event, long awaited. Only a few councillors attended. Kudos to those that did, and shame on those who didn't. It suggests that the Mayor's barely withheld disdain for STRs will try to be the Policy of the Day, so I have little confidence, as do most of the other citizens in attendance, that this new policy / bylaw will be more helpful to anyone, except to those closed minded residents

wanting to evolve to a bedroom burb. *Lets be like Brampton!* Why the lack of confidence some of our politicians in not showing up? NIMBYism is usually the reason, and no reason not to think otherwise. It wasn't lost on people that this long awaited report got 'the bureaucratic shuffle' – I offer my help to the Staff on how to run an Open House. Meeting started late, but ended pretty much on time, with less than 90 minutes for presentation and taking a long line of questions, that got clipped by some arbitrary end time. CAO was hungry? When does staff tell the public how long it wants to express its concerns back to the Town? Public forums go on for as long as needed, to let people feel they are heard. Oh, it wasn't evident that notes were taken by staff, so no idea what will be presented to Council on what was 'heard'. Normally, notes are taken and shown during the meeting. Its just good form. For the record, only 2 people of the nearly filled audience spoke against any STR. Everyone else was annoyed with what was presented.

So to the meat of the matter. WSP is not qualified to do this type of work and their contract terminated. They are excellent at designing roads and infrastructure, as their competence is 'zoning and land use', not EcDev or vision to creating and attracting tourism or behavioural bylaws. BY THEIR OWN ADMISSION on several occasions, they said "we didn't know here to start", and the audience picked up on their inability to either:

- a) define the problem (current state), if any;
- b) express any terms of reference for what the Future State should be.

For WSP, their only tool is a hammer (land use), so every problem is a nail (zoning). The presenters did not do a good job. Weak, ill prepared and stood dumbfounded most of the time. Those are my taxpayer \$\$ spent on these 2 guys – ask for a refund. They missed the most basic of givens: FE has 45km of shoreline, and Crystal Beach w < 10 sq km of FE's total 166 sq km area, YET CB was the main focus of the new rules. ... 6% of the total town .... How does this 6% Report Recommendation consider the other 94% fairly? How can a report be so narrow, and misguided, yet will form the basis of new policy and by-laws that affects everyone? As far as the format of the STR report, WSP says they talked to lots of people, inc police etc, but WITHOUT any presented DATA on how many or what was said, for or against. WSP jumped right to a 'solution' to an unknown problem .... 1 rental unit for any property so long as its in old Crystal Beach down NEAR the Beach or some other arbitrary selected location. They did NOT indicate the new recommendation is now in conflict w the existing BnB bylaw, (the one with waived fees ... did they know about it?), that is nearly the same as the STR recommendation but now will cost \$1200 where the other was waived fees. What's even more galling is that this report does not provide enough for any council or Town Staff to put any meat on the bones, ie rates, # of licences, density of properties, how to address the many irregular or non-conforming properties that the report excludes, nor do so in a timely manner. So much for the aspirational ethics of the Town respecting the people and their issues in a timely manner, as stated on the FE website. Simply put, you cant manage what you don't measure. What do we wish to measure?

Not withstanding WSP's incompetence on this report, it doesn't take much to extrapolate what is going to happen if the Town embraces this approach. There is no base line for determining what the issues are, and it doesn't seem like there are any substantive issues to be addressed. Everyone whispers of the murders of prostitutes and the criminals who did that and that cant be repeated. That illogical noise has to stop. WSP references 'historical context' that guides rental boundaries ... 1812 war?, Amusement park era?, Prohibition?, Crystal Meth Beach? .... Which era? A silly statement.

I predict that many renters will ignore the new bylaws, esp those on the prime waterfronts, whom the report excluded. WE ARE A WATERFRONT TOWN with many waterfront properties, from Abino to NF

boundary!!. 45 km of it. How can this report disavow any property owner from letting any friend or relative from using their property for some \$\$ offset? Expect lawsuits just on general principle from the Town telling what people can do on their property. The verbal report said that modern subdivisions abhor their neighbor allowing short term guests from enjoying the area. The idea of a family driving into a property in Ridgeway by the Lake, taking 10 minutes to unload their bags of luggage is upsetting to the neighbour is ludicrous, self centered, and just ignorant even if true. If WSP did their homework, they would know that NoTL embraces uses of housing stock just this way, throughout their town. Would the Thunder Road neighbour prefer his neighour's home be left vacant, while the vacant owner is in Europe getting a villa on HomeExchange.come? We want HomeExchange guests. Check it out. It brings in foreign capital to Canada and the Town.

The incoherence of what the Town is trying to achieve is the root of the bad report: it suggests that Noise, Parking, Garbage (NPG) are out of control with a souscon of past criminality for spice. Yet, the Town helps support the Palmwood gathering every Tues nite, where 1000 + mainly out of town people gather, parking on any patch of property, where musicians loudly play on a bandstand, with lots of garbage generated, and also has the added issues of alcohol / food preparation & distribution. I love that weekly event, ... it has a happy folksy, Bohemian vibe. Yet the Town gets cranked up about some garbage bags left over on the street / parking lot by some departing renters trying to find a place to put their trash. Maybe the Town should provide more and larger garbage bins, like most tourist towns do, AND tell the Region (Gale, Insinna & Redekop) that we want weekly pick up of garbage, not biweekly. That solves that problem. The noise & parking issues ... according to CAO McQueen, there were 123 neighbourhood complaints in 2021 to police, and 104 in 2022 – seems to be going down, despite covid disappearing. CAO didn't know if this was for the entire ToFE, or the cottage area or ??? This is basic data that needs to be understood if it's a problem or not. He didn't know if for CB area, or all of FE. That's 1 complaint every 3 days for 33,000 people. That's very low imo. If for the 8,000 people of CB, still very low. No data given of repeat violators, or repeat complainants. No context, no data, therefore 'no problem' ... and I live near the Bay Beach, where there are many active BnBs. BTW, I enjoy the throng of visitors walking to the beach. It creates the vibrancy we need ... we are not an old folks home.

By concentrating the STRs in old CB however, this will put a high concentration of STRs in that area. Im ok with that, however, this will only make those residents sensitive to STR, only more sensitive. Why aren't residences in all of Ft Erie allowed? This will provide other types of unique offers, from agri tourism, to urban, to beach mansion to old CB cottage, to downtown loft to riverfront estate. The market will sort out what people want, not the 7 temporary guests on Council. We are a free market society that does best when entrepreneurs figure out a pallet of create offerings.

WSP did not canvass beyond stakeholders in the local area. No comparison to what other evolved tourist towns and regions do, ie Italy, France, Florida, Cali, not even NoTL. STR is new to Canada ... we don't know what works and what's practical. Other tourist economic zones do, who have been at it for a lot longer than we have – talk to them. It funny, most people who travel to unique destinations mostly stay in BnB for a few days, then go to the next place. Few stay in hotels, as even the hotels are evolving to a 'villa' STR concept. We really don't want high rise hotels in most of Ft Erie, and hotels won't want to to come here – no 12 month business. That is the real problem ... seasonal accommodation. And the Town and Region are falling far short on solving that broader EcDev issue of a 12 month tourist economy, yet Thornbury and other escarpment towns are great at it.

WSP gave no idea of new costs associated with STR, so that fees and other charges could be determined. They simply wanted to throw this report over the fence to staff for them to build on. Our staff have little

history, capacity, or ability to sort this out because I don't think they know what they are trying to solve — which is the fault of those who convened this initiative. So some restrictive 'feel good' policy will be put in place, that only moves ToFE backward for enhancing 2 of its core strat plan objectives — housing and EcDev. Because this report is ill defined, late, illogical, and ultimately owners will do what they have to do to survive. Policy delayed, is policy denied, and most STRs cant go another year. The Mayor & surrogate have dragged this out long enough. He needs to focus on unreported sewage spoiling our beaches, not restricting vacationers to FE. Did you know that an unoccupied dwelling in a rural (cottage) area is 7 times more likely to be broken into than an inhabited dwelling? So, which do you prefer ... criminals or short term guests moving into properties? <a href="https://www.vivint.com/resources/article/home-burglary-statistics">https://www.vivint.com/resources/article/home-burglary-statistics</a>

In summary, I think if we boil the substance of the concerns down, they can be addressed simply and effectively by enforcing existing by-laws. However NEW bad by-laws alienate citizens .... Good ideas that create a better environment make people get on the bus. The Town gets to choose which approach it wishes to take and the outcomes of those decisions.

To the dozens on bcc, please consider talking to your councillor & Mayor, about the imposition that is about to be put upon you. In some ways, what the Town wants to do doesn't matter, because by the few councillors who showed up, you don't matter to the Town.

#### **Robert Hattin**

From: Fahima Begum <FBegum@forterie.ca>
Sent: Wednesday, April 19, 2023 11:34 AM
To: Chris Millar <CMillar@forterie.ca>

Subject: Public Open House 3 - Short Term Rental Land Use Study materials

Good Morning,

We would like to give a big thank you to everyone who joined us for the Public Open House on April 18, 2023. Staff and the consultants appreciate your participation and contributions to the draft recommendation being considered for a policy and regulatory framework respecting Short-Term Rental operations. Materials from the meeting can be accessed from the <a href="Short-Term Rentals in Fort Erie">Short-Term Rentals in Fort Erie</a> - Land <a href="Use Study">Use Study</a> page on Let's Talk Fort Erie.

In order to have your comments considered prior to the recommended approach being finalized, and to have them included in the staff's report to Council, please ensure they are submitted no later than **4:00 pm on April 25, 2023** to **cmillar@forterie.ca**. All comments received will be shared with the Consultant (WSP).

Regards, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie

### Short-Term Rental Land Use Study Recommendations Chris Millar, to: gregory.bender@wsp.com, 2023-04-21 04:27 PM william.turman@wsp.com. From: "Chris Millar" < CMillar@forterie.ca>, "gregory.bender@wsp.com" < gregory.bender@wsp.com>, "william.turman@wsp.com" <william.turman@wsp.com>, "Council@forterie.ca" <Council@forterie.ca>

Dear Mr. Millar, Mr. Bender, Mr. Turman, Honourable Mayor, and Councillors: I am writing today to voice my concerns and disappointment with WSP Consultants' short-term rental (STR) land use study recommendations that were presented at the public open house on Tuesday, April 18, 2023.

As someone who has been actively involved in this process, including being part of the Community Focus Group and attending virtual and in-person open houses, I am shocked by the recommendations put forward by WSP Consultants. While I support STRs in the following areas, R2B, C1, C2, C2A, C3, C7, CMU1, CMU2, CMU4, CMU5, and CMU6, and for owner-occupied properties, I find the recommendations to be too restrictive.

For starters, waterfront rural (WRR) and waterfront residential (WR) should be included in the recommendations.

One major concern is that the recommendations fail to consider the reason people come to Fort Erie, which is to be close to or on the water. The exclusion of WRR and WR properties from the recommendations is particularly concerning, as it ignores the main attraction that draws visitors to the area. This exclusion appears to be a cop-out, given that the consultants cited not knowing where to start or stop as the reason for the omission. Furthermore, the recommendations will only allow a handful of lakefront cottages to be licensed STRs, through legal non-confirming status, or only if a property owner is successful in getting a site-specific approval after enduring an expensive, arduous, time-consuming, zoning application process.

Again, the main selling point for tourists is our proximity to water which is echoed in the advertorial commissioned by the Town of Fort Erie which appears on Discover the Hidden Gems of Fort Erie | Nature, Beauty, Culture (globalheroes.com).

Here's a direct quote from the article:

To:

When the summer is in its prime, visitors flock to lakefront cottages to soak up every moment of the blissful solitude.

It doesn't say that visitors flock to downtown Bridgeburg or the commercial district on Garrison Rd! Why commission and pay money for an advertorial to promote Fort Erie as a place to stay when there will be limited areas in which people can stay in? The consultants said they included R2B properties as they have historically been used as cottages. While I understand that it may be simpler to use R2B as the criteria for a "historic cottage", it misses the mark on what would be considered "historical" areas in Fort Erie. The entire town, and in particular the waterfront, should be considered historic as it was settled by the American industrialists more than 100 years ago. These recommendations will have the majority of licensed STRs limited to a small section of

Crystal Beach (approximately 35 streets), exacerbating the existing noise, parking, and garbage problems in the area. A concentration of STRs in Crystal Beach is unfair to residents within that area and risks damaging the reputation of the town among tourists.

Moreover, once Fort Erie's reputation is damaged and tourism dries up, it will have a significant impact on local businesses and the wider community. The STR by-law has already restricted the number of properties, occupants, and bedrooms, and the zoning recommendations would further restrict where STRs can be in the town. Short-term rental providers have already seen a 30-50% decrease in inquiries for stays this year as compared to last. With further restrictions, we will surely see a continued decline in tourism, causing many businesses throughout the town to suffer and consequently close.

In conclusion, I urge the consultants to reconsider their recommendations and take into account why people vacation here. STRs are an important part of the local economy, and it is essential to strike a balance between accommodating visitors and preserving the quality of life for residents. The recommendations do not do that.

Thank you for your attention to this matter.

Regards,

Amanda Marshall

Amanda Marshall (she/her) Holiday Homes Property Management

1-855-300-4476



www.holidayhomespm.com www.crystalbeachcottagerentals.com

STR zoning feedback

Rachel McIntyre to: cmillar

Cc: Council

From: "Rachel McIntyre"

To: cmillar@forterie.ca
Cc: Council@forterie.ca

#### Hello Chris,

I am writing to provide my feedback on the recent discussions surrounding STR zoning in Crystal Beach.

I purchased a property in 2021 with the intention of operating a STR in the Crystal Beach area. We vacationed in the area for the first time in 2020 during the pandemic, and fell in love with the beach and the local community. The idea was for the STR to help fund the purchase, and also provide a residence for retirement when we reach that age in 15-20 years. SInce we work full time and can't be at the beach every week, a STR was the ideal solution.

Or so we thought. Since the day we obtained our STR license, we have seen decision after decision be made by the town council that adversely affects STR owners and the entire local community. Crystal Beach is reliant, almost entirely, on tourism. How the council expects the town to thrive (or even survive) without tourism is a mystery to me. Instead of limiting STRs to certain occupancy limits, or locations within the town, why not focus on promoting tourism and making STRs easier to operate? Instead of policing STRs and penalizing the compliant owners, focus on non-compliant properties. Find creative solutions to the issues that affect STRs - garbage disposal, noise management, parking. **More tourism = more dollars being spent in the community, period**.

The zoning regulations will be the nail in the coffin for the local tourism industry - nobody wants to rent a property that is a 10 minute drive from the beach. You will see STR owners selling their properties, which will result in not enough vacancies to support tourists. Businesses will close, and the town will slowly wither away. If that's what you're going for, keep pursuing your current course of action.

Sincerely,

Rachel McIntyre

2023-04-21 11:00 AM

Feedback STR

Silvana Simioni to: gregory.bender@wsp.com 2023-04-21 03:01 PM

Cc: "cmillar@forterie.ca"

From: "Silvana Simioni"

To: "gregory.bender@wsp.com" < gregory.bender@wsp.com>

Cc: "cmillar@forterie.ca" <cmillar@forterie.ca>

#### Good afternoon,

I hope this email finds you all well. My name is Silvana Simioni, I own in Fort Erie, a high end waterfront property, which is in good standing as the short-term rental, (no demerit points), I plan on keeping it that way.

The last two years I have spent lots of time and money upgrading my property, including cameras throughout, and I'm very selective as to who I rent to.

My property manager Teri O'Neill at "Perfect stays Niagara" is excellent in her screening process. This property is my investment and hopefully my retirement home one day soon.

I am aware and can respect how some local residents might fear change, but I'm very respectful of my neighbors, my guests are given plenty of instructions before arriving, furthermore my property sits far away from either neighbor.

Fort Erie, Niagara is a beautiful area, in which many businesses rely on tourism for their livelihood. I believe STR's are important for continued growth, the economy, and responsible for out of town investors driving up real estate, increasing the value of homeowners in the area.

It would be a shame for this to come to a halt, and believe with the right rules and adherences in place we can find a fair solution.

Thank you kindly for efforts, Silvana Simioni

Get Outlook for Android

### Comments on the STR Land Use Plan

Susan Gordon to: Cmillar 2023-04-21 07:18 PM

From: "Susan Gordon"

To: Cmillar@forterie.ca

History: This message has been replied to.

Hi Chris,

I wanted to send a note to say that I thought the consultants and staff did a very good job on this difficult topic, and as a life-long summer resident of Bay Beach, I was pleased to see that every intention is being made to keep commercial businesses (which STRs are) in designated commercially-zoned areas. My family has had a home on Erie Road for over 100 years, and we would be concerned about commercial STRs making their way into our very family-oriented neighbourhood along the lake.

The one question I had has to do with the definition of "owner-occupied" STRs. I was not able to attend the meeting in person, and don't know if there was additional literature handed out on site, but from watching it on Youtube, I wasn't sure what the exact definition of that term meant. I am assuming that the plan means that an owner would be living in the house while renting a portion of it, but was not sure that was absolutely specified. If that is the intent (and I hope it is), I think it would be a good idea for the report to state this definition explicitly.

Thanks again for all your hard work.

Susan Gordon

To Whom it may concern,

My family and I have been coming out to the Crystal beach area for some years now. We were renting cottages for a week at a time until finally purchasing our own place in late 2020. My son and I purchased a three bedroom place with the intention of being to able to rent it out to help keep up with costs and at the same time have a place to enjoy ourselves. The first thing that we did upon purchase was contact a couple of local property management companies to understand how things are supposed to work. Upon making our selection and signing a contract with Perfect Stays Niagara to look after the renting out of our property we were hit with the news that we would not be able to acquire the proper license from the township because the moratorium put in place by the town. Upon contacting Wayne the mayor and the exchange of various emails we have been stuck waiting for this issue to be resolved and a decision made to be able to proceed with obtaining the proper license to conduct through Perfect Stays Niagara in being able to rent the cottage out. I have with my wife been spending a lot of time throughout the years at the home in crystal beach. We love the area and enjoy spending time. I will have to admit that I am tremendously upset that I as a tax payer have to pay for a beach pass. The fact that I pay property taxes there should entitle me and my family access to the beach. I have also become irritated with the fact that the town has chosen to offer paid parking on many streets including my own. I have found vehicles parked blocking my driveway not allowing me access to get in out of my own driveway. This I have dealt with on my own. I understand that permanent residences in the area may be opposed to having STR's in the area but by the same token when they pay my taxes and so forth they can decide on what I do with my property. As mentioned, we have rented in the area for years both private and through websites so people will do as they see fit. I have neighbours to my immediate sides of my property and they have never complained to me about the current situation. For as long as I have been coming to Crystal Beach I have never experienced an issue with renters in the area. As far as I am concerned we opted to purchase in the area because of the fact that we have come to know it as a very family friendly place. Unlike experiences that we have encountered in say Wasaga Beach in the past, I feel that both property management companies that we interviewed seem to be very on top of who they rent their properties to. This is something that made our decision on the Crystal Beach area more favourable. Like I said in all the years that we have rented in the area and also owned there, we have never been disturbed by the area being too loud, in fact when we sit out at night on our deck either front or back we are amazed at how quiet it is. Another concern that I find almost comical is the fact that some one or some group of people thought that it would be beneficial to turn the beach in the area into a place where people could come and pay to spend the day. These people who come up for the day contribute nothing to the local businesses and all that seems to come of it is displeasure to those that own properties in the are like myself with the parking situation. I have grown to know some of the business owners in the area and have been made very aware of their displeasure. At the end of the day people will do what they see fit with their properties within the bylaws or not. I would prefer to do things with in the by laws. I don't believe there is any law stating that I can't let family members or good friends use my place to enjoy with their families. As far as I am concerned I pay the bills there and I can give my key to whomever I see fit. Hopefully this issue will get resolved in the near future so that everyone involved and effected can move forward with what they want and need to do. To tell me that I can rent my place out long term but not short term is a joke. When you own my place you can do whatever you like with it. I would like to conclude by stating that the this is very unfair not only to property owners but more so to the local business owners being those with restaurants, stores, property management etc. This is effecting peoples lively hoods.

STR

Anthony Polsinelli to: Chris Millar, Council 2023-04-22 12:55 PM

From: "Anthony Polsinelli"

To: "Chris Millar" <cmillar@forterie.ca>, Council@forterie.ca

Hello, please find attached a letter stating my thoughts on the STR situation in Crystal Beach.

PDF

STR Letter.pdf

To Whom it may concern,

My family and I have been coming out to the Crystal beach area for some years now. We were renting cottages for a week at a time until finally purchasing our own place in late 2020. My son and I purchased a three bedroom place with the intention of being to able to rent it out to help keep up with costs and at the same time have a place to enjoy ourselves. The first thing that we did upon purchase was contact a couple of local property management companies to understand how things are supposed to work. Upon making our selection and signing a contract with Perfect Stays Niagara to look after the renting out of our property we were hit with the news that we would not be able to acquire the proper license from the township because the moratorium put in place by the town. Upon contacting Wayne the mayor and the exchange of various emails we have been stuck waiting for this issue to be resolved and a decision made to be able to proceed with obtaining the proper license to conduct through Perfect Stays Niagara in being able to rent the cottage out. I have with my wife been spending a lot of time throughout the years at the home in crystal beach. We love the area and enjoy spending time. I will have to admit that I am tremendously upset that I as a tax payer have to pay for a beach pass. The fact that I pay property taxes there should entitle me and my family access to the beach. I have also become irritated with the fact that the town has chosen to offer paid parking on many streets including my own. I have found vehicles parked blocking my driveway not allowing me access to get in out of my own driveway. This I have dealt with on my own. I understand that permanent residences in the area may be opposed to having STR's in the area but by the same token when they pay my taxes and so forth they can decide on what I do with my property. As mentioned, we have rented in the area for years both private and through websites so people will do as they see fit. I have neighbours to my immediate sides of my property and they have never complained to me about the current situation. For as long as I have been coming to Crystal Beach I have never experienced an issue with renters in the area. As far as I am concerned we opted to purchase in the area because of the fact that we have come to know it as a very family friendly place. Unlike experiences that we have encountered in say Wasaga Beach in the past, I feel that both property management companies that we interviewed seem to be very on top of who they rent their properties to. This is something that made our decision on the Crystal Beach area more favourable. Like I said in all the years that we have rented in the area and also owned there, we have never been disturbed by the area being too loud, in fact when we sit out at night on our deck either front or back we are amazed at how quiet it is. Another concern that I find almost comical is the fact that some one or some group of people thought that it would be beneficial to turn the beach in the area into a place where people could come and pay to spend the day. These people who come up for the day contribute nothing to the local businesses and all that seems to come of it is displeasure to those that own properties in the are like myself with the parking situation. I have grown to know some of the business owners in the area and have been made very aware of their displeasure. At the end of the day people will do what they see fit with their properties within the bylaws or not. I would prefer to do things with in the by laws. I don't believe there is any law stating that I can't let family members or good friends use my place to enjoy with their families. As far as I am concerned I pay the bills there and I can give my key to whomever I see fit. Hopefully this issue will get resolved in the near future so that everyone involved and effected can move forward with what they want and need to do. To tell me that I can rent my place out long term but not short term is a joke. When you own my place you can do whatever you like with it. I would like to conclude by stating that the this is very unfair not only to property owners but more so to the local business owners being those with restaurants, stores, property management etc. This is effecting peoples lively hoods.

Response To Recommended STR Zoning

Dave McPherson to: Chris Millar

Cc: "Bender, Gregory"

From: "Dave McPherson"

To: "Chris Millar" < CMillar@forterie.ca>

Cc: "Bender, Gregory" < Gregory.Bender@WSP.com>

History: This message has been replied to.

Chris,

Please see attached.

Best, Dave

David R. McPherson





Response to STR Zoning Recommendations.pdf

2023-04-22 08:57 AM

David R. McPherson

April 22, 2023

Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Attention: C. Millar via email <a href="mailto:cmillar@forterie.ca">cmillar@forterie.ca</a>

Dear Mr. Millar,

#### **Re: Short-term Rental Land Use Recommendations**

I wanted to start by saying that I appreciate the amount of effort that has gone into getting this important work to the current stage. The recommended approach presented on Tuesday certainly has a logic to it. I think I get it from a planner perspective.

All that said, what the planning perspective doesn't talk about is the granular impact on affordable housing. By granular I mean just how many housing units are potentially impacted. The yellow zone detailed in the recommendation contains a significant number of affordable housing units. Certainly, in Crystal Beach most of the affordable housing is captured in that yellow zone. In the area bounded by Rebstock, Ridge, Graeber and Ridgeway Road there are at least 400 affordable housing units that could be compromised. In the larger area west of Ridgeway, there must be at least 1,100 units. So that's 1,500 units that are going to be under pricing pressure in terms of cost to acquire and/or long-term rental costs. It is a bit mind boggling to contemplate how difficult it would be to replace that stock.

So, as we work through this process, perhaps we need to contemplate that this issue should be addressed. At a minimum, I would suggest dropping everything east of Ridgeway Road from the yellow zone by whatever means necessary. Perhaps a filter that might be applied is to set a number of affordable housing units that can be included and by default excluded. Thank you for considering this suggestion.

Best,

David R. McPherson

cc. Greg Bender, WPS via email: Gregory.bender@WPS.com

# Strong Support for Recent STR Report and Recommendations

Scott Lamb to: Alex Herlovitch 2023-04-22 03:52 PM

Cc: cmillar

From: "Scott Lamb"

To: "Alex Herlovitch" < AHerlovitch@forterie.ca>

Cc: cmillar@forterie.ca

History: This message has been replied to.

#### Gentlemen:

Further to my email below and the recent STR zoning recommendations I would like to note my strong support.

The proposal is balanced and respectful of home owners and families as well as local tourism.

Crystal Beach was historically a tourist centre. The ability of cottage owners to rent out their own properties as was/has been done for over a hundred years makes sense.

What did NOT make sense was allowing commercial STRs in residential zones including the waterfront. That was entirely foreign and damaging to the community and affordability of both housing and rentals. On my bay the highest price ever paid was by a non-resident from Toronto who had just bought her second waterfront "mini-hotel" and who then began charging nightly rates like we were living on the French Riviera to recoup her costs. She never intended or has occupied it personally. The rates were so high that two families or groups had to share the cost and literally ten times the theoretical "nightly" rate of only a few years ago. I say "theoretical" because no one rented nightly ever.

Good job! Please proceed with protecting home owners and families while stimulating and focusing development in Crystal Beach. Pleased to have more people and related amenities in the historical centre like the "Old Days" of the park! Not party houses on quiet quiet streets!

Please pass my thoughts on to the Mayor and Council if you can.

Kind regards,

Scott Lamb

Sent from my iPhone

On Feb 2, 2023, at 4:46 PM, Alex Herlovitch <AHerlovitch@forterie.ca> wrote:

#### Dear Mr. Lamb

Thank you for taking the time to put your thoughts and experiences into writing. You raise many interesting points regarding those who operate STRs as a business and those who rent incidental to their own use. Your input will be shared with the Town's consultant as they formulate an approach to use land use provisions to regulate short term rentals. The Town's by-law already allows for hotel and motel uses in commercial zones, however, few can afford to operate only seasonally which is why, I suspect, we have not seen a proliferation of these

#### uses.

The consultants will be moving forward with recommendations and these will be subject to a statutory public meeting under the Planning Act. I hope that you will continue to follow this topic closely and will provide further input at that time. Sincerely

Alex

Alex Herlovitch, MCIP, OPPI Director, Planning & Development Services Town of Fort Erie, 1 Municipal Centre Drive Fort Erie, ON, L2A 2S6 905-871-1600, extension 2500

From: "Scott Lamb"

To: AHerlovitch@FortErie.ca
Cc: cmillar@forterie.ca
Date: 2023-02-02 02:11 PM

Subject: Fwd: Dedicated STRs Do Not Belong in Residential Zones

Also for you Mr. Herlovitch.

Sent from my iPhone

Begin forwarded message:

From: Scott Lamb

**Date:** February 2, 2023 at 2:07:33 PM EST

To: cmillar@forterie.ca

**Subject: Dedicated STRs Do Not Belong in Residential Zones** 

Dear Sirs,

I understand you are seeking input on potential Town of Fort Erie zoning proposals regarding where dedicated (i.e. non-owner occupied) short term rentals (STRs) belong and don't belong.

I am writing to you in my capacity as a recreational property owner in Fort Erie, where I have owned a cottage since 2006 at

Since the advent of online STRs and the sale of long time family owned private cottages to dedicated, investment driven STR owners, the quality of my life at my property and that of my friends and neighbours at their properties has declined materially.

Noise, hooliganism, loud parties, garbage proliferation etc. have become much more common. A good friend of mine had to tolerate a drunken wedding party with men urinating on his lawn. I kid you not! One nearby STR owner threatened to "buy up every house" when confronted with issues presented by his unruly guests. Unacceptable.

Instead of true neighbours we now often have large groups of rowdy party guests only concerned about "fun" while STR owners look the other way out of greed. Are there exceptions? Yes. Has regulation helped? Somewhat. However the norm is not acceptable.

Having an unsupervised "mini-hotel" on your beach or down the street is not an appropriate land use for a residential neighbourhod. I do contrast this with "old-fashioned" rentals where families let their house out for the summer, or month or two - the longer the better - to a single family. These rentals were much less problematic and a family could afford them! Today's STR nightly rates on the other hand are extraordinary by historical standards. A house that might have rented for 2500 dollars a week as little as 5 or 6 years ago can now be rented for upwards of a thousand dolllars a night! These absentee landlord commercially run nightly rentals are another beast entirely and there is a risk of them spreading further and continuing to push out families and cottagers.

Please note I am all in favour of a good hotel, motel or inn. We could use a good old fashioned inn and tavern in the Town. Frankly STR proliferation make that a less likely future investment by offering less attractive, unsupervised "hotel" options that are cheaper to run because they are less regulated and can be neglected. Let's bring back some of the old hotels and inns of the past! Let's have a great vacation Town with actual inns, restaurants and bars!

I am also not averse to actual property owners renting their homes out incidental to theor own use as was typically done in the past. However dedicated STRs I strongly oppose in residential zones. If the Town wishes it may focus on and/or rezone Crystal Beach near the old amusement park and Crystal Beach as well as other commercial or mixed use zones that might attract STRs as well as hotels, motels or inns.

I am not particularly political but as a citizen, seasonal resident and lawyer I would like my voice heard and acknowledged on this issue.

When you consider this submission please think of your own home or cottage and ask what type of neighbour you would like to have.

Thank you.

Scott Lamb	

Sent from my iPhone

Open House STR

Alex Bennett ...

Chris Millar, Ann-Marie Noyes, Joan to: Christensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcgueen, aherlovitch,

2023-04-23 10:38 PM

From: "Alex Bennett"

To: "Chris Millar" <cmillar@forterie.ca>, "Ann-Marie Noyes" <anoyes@forterie.ca>, "Joan

Christensen" < jchristensen@forterie.ca>, tlewis@forterie.ca, gmcdermott@forterie.ca,

dflagg@forterie.ca, gregory.bender@gmail.com, cmcqueen@forterie.ca,

Dear Mayor Redekop, Town Councillors, City Planners & WSP,

I think it is important to acknowledge that the Town in 2020 began a Pilot program that included issuing licenses for all short-term rental operations due to a relatively new phenomenon that descended upon residential neighbourhoods without warning. I believe the Town made the responsible decision to gain control and understanding, and most of all ensure safety for short-term renters in our Town. I have been following this process closely for two years, an exercise I refer to as how to put the 'genie back in the bottle' and return to residential life, as we knew it. I was pleased to hear the recent recommendations made by Town Staff to follow in the footsteps of so many neighbouring communities by limiting short-term rentals to principal residence in residential zones.

I was equally relieved to hear from Staff and WSP Consulting group to acknowledge that NOT all short-term rentals are equal. This distinction is critical and it should serve as a guide to any future decisions. An occasional rental by a principal resident is fundamentally different then the act of purchasing homes to operate as a short-term rental as the primary use. The Ontario Land Tribunal has defined this model as commercial uses, and I commend the Staff for acknowledging that they should be restricted to commercial zones since their primary use is indeed a commercial business.

Lastly, the comments at the last Open House repeated by short-term rental operators that waterfront properties historically were rentals, is inaccurate and a narrative that only serves to meet the agenda of the operator. It is critical to understand that waterfront homes historically were purchased for seasonal family use, and that these false perceptions don't drive future policy decisions.

I sincerely thank you for taking the time to hear from so many concerned residents who share in the fondness of our Fort Erie community.

Alex Bennett

STR Land Use Study

Andrea to: Chris Millar 2023-04-23 04:56 PM

"Wayne Redekop", "Ann-Marie Noyes", "Tom Lewis", "D Flagg",

"Nick Dubanow", "Joan Christensen", "G Mcdermott"

From: "Andrea"

"Chris Millar" < CMillar@forterie.ca> To:

Cc: "Wayne Redekop" <wredekop@forterie.ca>, "Ann-Marie Noyes" <anoyes@forterie.ca>, "Tom

Lewis" <tlewis@forterie.ca>, "D Flagg" <dflagg@forterie.ca>, "Nick Dubanow"

<ndubanow@forterie.ca>, "Joan Christensen" <jchristensen@forterie.ca>, "G Mcdermott"

Good afternoon Mr. Millar. As a permanent resident/home owner living in Crystal Beach I am writing to give my full support for the recommendations presented by the consultants on April 18.

Thank you,

Andrea Morrow

Sent from my iPad

STR Land Use Study

brucelowther to: CMillar 2023-04-23 04:25 PM

Cc: "Wayne Redekop", anoyes, dflagg, ndubanow, gmcdermott,

jchristenson, tlewis

From:

To: <CMillar@forterie.ca>

Cc: "Wayne Redekop" <wredekop@forterie.ca>, <anoyes@forterie.ca>, <dflagg@forterie.ca>,

<ndubanow@forterie.ca>, <gmcdermott@forterie.ca>, <jchristenson@forterie.ca>,

<tlewis@forterie.ca>

Good afternoon Mr. Millar, as a permanent homeowner and resident in Crystal Beach, I fully support the recommendations put forth by the Consulting firm.

Sincerely,

**Bruce Lowther** 

Re: Public Open House 3 - Short Term Rental Land Use Study materials

Gregor Grant to: Fahima Begum 2023-04-23 07:39 PM

Cc: CMillar, "Carol Grant", "Wayne Redekop", "Joan Christensen"

From: "Gregor Grant"

To: "Fahima Begum" <FBegum@forterie.ca>

Cc: CMillar@forterie.ca, "Wayne Redekop"

<wredekop@forterie.ca>, "Joan Christensen" <jChristensen@forterie.ca>

#### Fahima,

We are pleased with the latest consultants report. Unlike the previous report, its recommendations logically flow from the research. As well, it recognizes that Short-Term Rentals are commercial businesses and, as such, are incompatible with, and should not be allowed in, residential areas with the exception of owner-occupied residences. Otherwise, the report makes good use of existing commercial zoning to allow for STRs in those areas and the R2B zone in Crystal Beach where there has been a history of this type of land use.

One of the phrases many of the speakers at the meeting used who were opposed to the latest recommendations was "open for business" and in fact, we think the latest proposal fully respects that princIple by allowing these STRs (businesses) in Commercial Zones and in Crystal Beach where this type of land use has historical precedent.

Overall, this latest report respects the integrity of Fort Erie's residential neighbourhoods while also respecting the rights of owners who occupy their property on a full-time basis and recognizes that owner-occupied STRs address most of the issues with STRs. The other major benefit of this approach is that it protects Fort Erie's housing stock and ensures it is available for use year-round rather than just in the summer.

Respectfully,

Carol & Greg Grant

On Apr 19, 2023, at 11:34 AM, Fahima Begum < FBegum@forterie.ca > wrote: Good Morning,

We would like to give a big thank you to everyone who joined us for the Public Open House on April 18, 2023. Staff and the consultants appreciate your participation and contributions to the draft recommendation being considered for a policy and regulatory framework respecting Short-Term Rental operations. Materials from the meeting can be accessed from the Short-Term Rentals in Fort Erie - Land Use Study page on Let's Talk Fort Erie.

In order to have your comments considered prior to the recommended approach being finalized, and to have them included in the staff's report to Council, please ensure they are submitted no later than **4:00 pm on April 25, 2023** to <a href="mailto:cmillar@forterie.ca">cmillar@forterie.ca</a>. All comments received will be shared with the Consultant (WSP).

Regards, Fahima

#### **New STR Proposals**

Chris Chow to: fbegum, cmillar

2023-04-23 05:32 PM

From: "Chris Chow"

To: fbegum@forterie.ca, cmillar@forterie.ca

#### Dear Fahima and Chris,

I am writing in response to the new proposed STR changes in Fort Erie - Crystal Beach areas. Please forward to the correct party if needed.

As there are many points to be highlighted, I will itemize them below:

Some background info: I am a current owner of a property on Ryan Avenue and have been operating as a fully licensed STR for the past 2 and a half years. We utilize a full time Property Manager, who is trained and certified with TICO. Over this time, we have heard nothing but wonderful comments about our home and have not received any concerns or complaints from anyone - including any surrounding neighbours and guests. Our journey into ownership of a property in Crystal Beach was fairly straight forward - we were once visitors who found accomodations via STRs in the area and fell in love. Crystal Beach was and still is a quaint, safe, small community - with a vibrant collection of visitors in the summertime. Upon visiting the community over a period of time, we have decided to become an owner of a property where we can not only visit as often as we wished, but also to provide an excellent living space for other families to visit. Aside from being an ideal walking distance to the Beach and other shops and restaurants, our property on Ryan Ave provides a unique experience for visitors who enjoy the non-traditional cottage experience, who prefer to be in a subdivision home, with modern accommodations and plenty of clean and updated amenities.

I am very much against the proposed changes, as I have many serious concerns:

- 1. As Ryan Ave has been earmarked as a potential area to discontinue STR via a highly questionable process of zoning change, our property will become a Legally Non-Conforming entity and thus legally speaking we should be allowed to continue with our STR under lawful conditions. This is abundantly clear in law. What will you do with respect to renewing our STR licenses beyond 2023?
- 2. Where are the studies and recommendations conducted by this paid consultation company and why were certain areas targeted? How did they arrive at their conclusions for these recommendations and who did they consult to arrive at these conclusions? I have spoken to a number of people at the ground level in the Crystal beach area and no one, including small businesses, restaurants and neighbours have heard of this study being conducted. In fact, upon speaking to the aforementioned, they have all unanimously spoken against STR restriction/change proposals as the proposals would clearly reduce the number of visitors to the area and thus affect the financial bottom line for essentially ALL parties involved.
- 3. Who do these changes benefit? What's the evidence that these changes will benefit a) local citizens b) current owners of STRs in and out of the proposed ban areas c) local businesses d) government of Fort Erie? If there is a benefit to the groups above, what exactly are these benefits, what studies were conducted to conclude as such, and who was given the opportunity to review them? Why is council deciding on this matter without current STR owners' direct input?

- 4. Change in any law, including by-laws should be a direct result of valid reasons. This is the centre of any law making. Thus I ask you - I have not heard of a single valid reason for this change which targets my STR home. We have not been levied a single complaint, a demerit point, negative comment, concerns, and we have a pristine record of following ALL bylaws and policies Further, we have no record of any violations at all with Fort Erie. We have received no complaints and have been issued nothing from Fort Erie with respect to needing to perform ANY corrective measures from a complaint. In saying so, why is this by law being changed? To the point above, why change this by-law if the reasons for it are unclear? If there are reasons for this change, why were they not provided to current owners in the affected area to give an opportunity for correction prior to these discussions of terminating STR? It seems rather unfair, arbitrary and unlawful to enforce this onto a non-covenanted property as this language was never written into the building code, zoning and original purchase agreements. Again, questions need to be answered. Why Ryan Avenue? What evidence do you have that making this change in law is beneficial and reasonable to ALL homeowners on this street? What damaging events have happened over the past years on this street and why are there no alternatives other than to ban STRs on this street altogether?
- 5. A tremendous loss of income. This was briefly addressed above from the local businesses' perspectives. A reduction in available STR homes would obviously reduce the number of visitors and negatively impact tourism. This is clear. However, what is Fort Erie's plan on compensating the tremendous loss of income to the current STR owners in the affected areas? Without the income generated by STR rentals, we would not be able to continue ownership of the property. This proposed plan may cause a 'mass exodus' and force the sale of properties since many other STR owners will also not be able to continue to afford ownership? How will Fort Erie handle the fall-out when current owners may be forced to sell due to this financial discrimination? This will no doubt concurrently trigger litigations (personal, class-action, etc) against the Town for arbitrarily enforcing such irresponsible by-laws for the financial damages to be caused. Encapsulating all of this what is the Town's plan on compensating those who are affected and how did the Town arrive at these decisions?

Moreover, It is abundantly clear that:

- No reasons have been clearly provided to current owners as to why this change is even needed in the affected areas
- Your proposal to change STR zones serves to benefit a very small select group of unknown people and the Town has not disclosed those benefiting parties
- The Town has not provided any relevant reasons for these proposed changes, and have not given opportunities for ALL those who voice concerns/are against such proposals to truly be heard and have their point of view recorded and considered
- Have not considered the damage you will do to the existing goodwill of Crystal Beach and the ramifications of these proposed changes once this problematic proposal and potential execution of it is shared with members of the Media which includes and not limited to TV, Social, Newspapers, etc.
- Reiterating that the Town does not seem to have any concerns on how this will negatively devastate the financial futures of current STR owners in those proposed areas. Many implications, including and up to personal bankruptcies, loss of property, loss of job, undue stress/health concerns arising, among many others, are just a few potential problems over this irresponsible proposal.

I will be following the ongoings on this proposal and look forward to seeing my concerns properly forwarded to the appropriate parties in the Town and addressed accordingly.

Thanks,

Chris Chow

Owner of STR on Ryan Ave.

STR

Cindy Goodin

WRedekop, cmillar, ndubanow, anoyes, to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch,

2023-04-23 06:19 PM

From:

"Cindy Goodin"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

All.

Thank you to you and your staff and WSP for your professional effort with the STR study.

You have done right by the residential community. Thank you.



#### Open House Short Term Rental

**Erin Dowse** 

cmillar, ndubanow, anoyes, jchristensen, tlewis,

to: gmcdermott, dflagg, gregory.bender, cmcqueen, 2023-04-23 09:26 PM

aherlovitch, wredekop@forterie.ca,

From: "Erin Dowse"

To: cmillar@forterie.ca, ndubanow@froterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca,

tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca, gregory.bender@gmail.com,

cmcqueen@forterie.ca, aherlovitch@forterie.ca, "wredekop@forterie.ca"

Dear Mayor Redekop, Town Councillors, City Planners and WSP,

My name is Erin Dowse. I live at \_\_\_\_\_\_, and I am writing to you for the first time since the moratorium. This is my 5th year of home ownership in Fort Erie.

My first 3 years here were blissful, until a short term rental operator moved next door. I have done my best to follow the STR debates, and more recently joined the focus group and have been following the process as best as possible.

The staff proposal of April 18th struck a chord with me. I would like to applaud the staff for finally making recommendations that would allow occasional short term rentals for principal residences, while limiting dedicated STR's to commercial areas.

My experience living next to a short term rental has been awful. My neighbour who runs the STR proudly states that when he moves into a neighbourhood he takes bets on which neighbour he will "piss off first". He has no respect for any neighbours, in fact when I tried to talk to him about his rental, and how it was disrupting my life, he got very angry and shook his finger in my face and insisted he would make my life even worse by buying up all the other houses around me for short term rentals. If this gives you any insight into what I have been experiencing, you can only imagine how relieved I am about your recent proposal.

I am a good neighbour. I care about this Town. I want to be part of the close knit community I saw when I first moved here. I am now feeling optimism that the happy and peaceful place it once was will return. Thank you for all of your efforts.

Sincerely, Erin Dowse

Thank You

Wayne Redekop, cmillar, Nick Dubanow,

JENNIFER BIRCH to: Ann-Marie Noyes, jchristensen, tlewis, George McDermott, dflagg,

2023-04-23 03:26 PM

From: "JENNIFER BIRCH"

To: "Wayne Redekop" <WRedekop@forterie.ca>, cmillar@forterie.ca, "Nick Dubanow"

<ndubanow@forterie.ca>, "Ann-Marie Noyes" <anoyes@forterie.ca>, jchristensen@forterie.ca,

tlewis@forterie.ca, "George McDermott" <gmcdermott@forterie.ca>, dflagg@forterie.ca,

Mayor Redekop, Town Councillors & City Planners,

First and foremost I would like to share my **deep gratitude** to all of you on behalf of my family & many of my neighbours. Clearly every one of you have put in a copious amount of work into the STR Land Use Study and we appreciate your hard work. You have diligently listened to all the individual concerns we have shared. **Thank you for listening to each of us!!** 

While reading through our feedback, we are hoping you put yourselves in our shoes and wondered what it would be like to live next door to an STR where there's a revolving door of strangers on a nightly basis? What would it be like to have to call bylaw or Niagara Police multiple times during a weekend and throughout the summer months. But more importantly, I hope you wondered what it would be like to lose the privacy and peaceful enjoyment of your **OWN** property! If any of these thoughts went through your mind, then you can empathize with *any homeowner* who lives beside a Ghost Hotel / STR that is in a residential area.

**PDF Attachment**: I have attached a PDF to this email. It is an aerial view of our bay known as Bertie Bay which is situated between Stonemill Rd & Rosehill Rd. This is where my family and I have resided for 12 years. I have taken great pride in getting to know almost every single resident along the bay. This PDF map is an illustration of just ONE bay along the waterfront but it reflects the demographics of most bays in the area.

We currently have 18 full time residents, the rest of the majority are full time summer residents who live here 6 months of the year and some visit on weekends throughout the year. All of these residents contribute to the community on a **long term basis**. Many of us are involved with local organizations, we support local businesses throughout the year and we have deep connections with the area and some of us own small businesses in the Fort Erie area. On behalf of our bay, thank you for your recommendations, we are pleased with this outcome.

Your Research: I was very pleased to see that your research has concluded (like many other cities and towns across North America) that STR's are indeed Commercial operations and should be taxed as commercial operations and that they should be located in commercial zones and NOT in any residential areas. I was also pleased to see that you looked to other communities similar to ours that have already set restrictions on STR's. I'm sure you are also looking at neighbouring communities such as St. Catharines & Hamilton which have more recently created STR bylaws restrictions to protect residents and residential areas.

My husband and I are part of a larger group of approximately 900 residents who are committed to preserving not just the environmental integrity of the area but also protecting the fabric of our very quiet tight knit community here in Fort Erie. We all purchased our properties with the intent of a peaceful and quiet lifestyle, something that is hard to find in and around the GTA.

Fort Erie is unique - let's keep it that way!

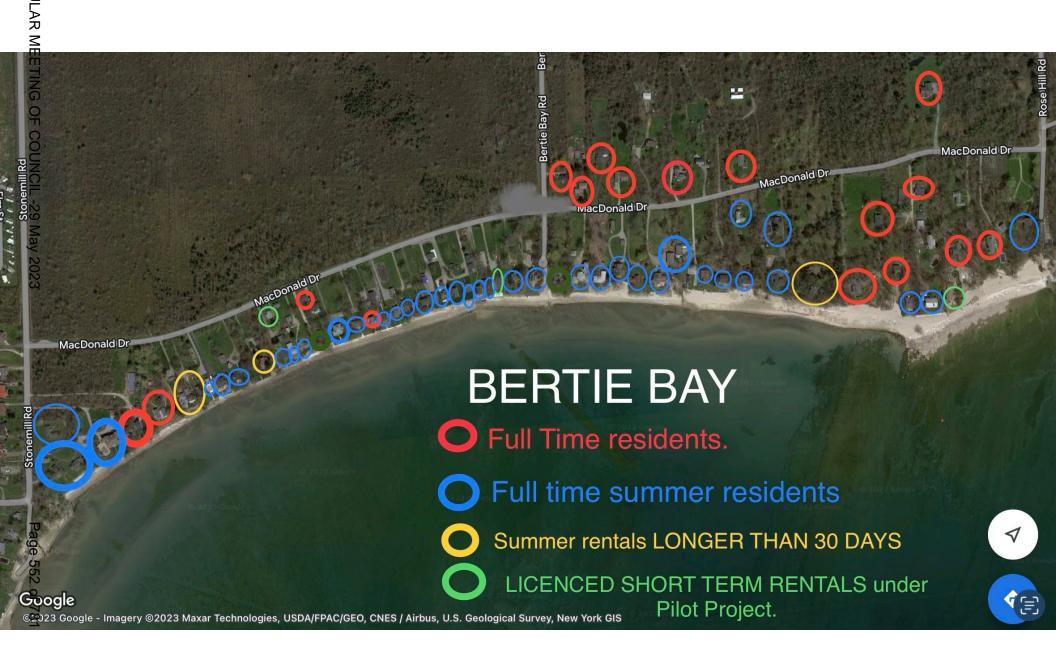
Thank You again,

Jennifer & Kevin Birch

(this was our original property, but sadly we had to move because of the long list of problems we had due to the STR next to us)

PI

nBERTIE BAY AERIAL.pdf



**Kudos** 

Jennifer McPherson to: cmillar 2023-04-23 02:52 PM

Cc: wredekop, tlewis, jchristensen, gmcdermott, ndubanow, anoyes,

dflagg

From: "Jennifer McPherson"

To: cmillar@forterie.ca

Cc: wredekop@forterie.ca, tlewis@forterie.ca, jchristensen@forterie.ca, gmcdermott@forterie.ca,

ndubanow@forterie.ca, anoyes@forterie.ca, dflagg@forterie.ca

Mr. Millar,

Great job on the STR Zoning recommendations. I am fully supportive of these recommendations.

With appreciation,

Jennifer McPherson

Short term rentals

John Lauria WRedekop, cmillar, ndubanow, anoyes,

to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch,

From: "John Lauria"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

I agree with the recently presented study on land use for short term rentals.

Short term rentals should be allowed in the commercial areas of Crystal Beach but prohibited in the waterfront residential areas

I commend the planners who have realized the problems that short term rentals can cause in residential areas .

2023-04-24 08:21 AM

# Short Term Rentals in Fort Erie Feedback stonej to: cmillar 2023-04-23 08:13 PM <cmillar@forterie.ca>

Dear Council,

From: To:

I own a house that is used for short term rentals in the Crystal Beach area.

I purchased a house in foreclosure at in 2015. Through sweat equity with my entire family, we improved this property. My family uses it seasonally and we also rent it to others - we use at Perfect Stays Niagara to manage the property.

Recent investment by non-locals has driven the improvement of the Crystal Beach area. Since my investment in 2015, I have seen notable improvement in the outside appearance of the Schooley Road area as well as the Queens Circle area. As you know, these property improvements have contributed to the recent commercial success in the area, I.e. the renovation and addition of restaurants and shops. The investment by Crystal Beach property owners has directly contributed to the resurgence of commercial activity throughout the town.

Due to the many costs of investing and maintaining a property, property owners need a stable operational environment. This includes knowledge of operating rules and costs well in advance of our 51-week booking window.

Operating Rules - Many homes of all sizes and conditions have been purchased and renovated / winterized, including insulation, heating and air conditioning. These costs are not insignificant. Owners of large properties (four or more bedrooms) were willing to invest to house their own extended/multi-generational families and to rent to similar sized groups to recoup their investment, and should not now be penalized for this investment. The 3-bedroom maximum requirement creates a severe and arbitrary hardship for owners of larger properties. I believe that occupancy limit should be tied to the number of people the property is insured for, rather than the number of bedrooms.

Costs - At the town level, operational costs include licensing and beach passes. The cost of the town licensing has increased from \$300 -\$1250 and beach passes have increased from \$10-\$100, which is not included in the licensing fee. I am booking cottage rental in advance, and I would like to know the various costs well in advance of booking (for example, all rules finalized by Oct 1 for the rental season beginning May 1 of the following year).

I understand that the town would like to receive revenue from rental activity and regulate rentals. However, this needs to be mutually beneficial to those who have spent significant amounts to buy and improve properties in Crystal Beach - investments that are now directly benefitting various business as well as the town through increased tax revenue.

I am proposing the following:

- 1. Communicate any rule or fee changes regarding rentals 7 months in advance of the new rental year (which typically starts in May) so that owners can understand their responsibilities and costs.
- 2. Grandfather any rental licenses granted (including occupancy) perpetually for those properties who have invested during harsher economic times (pre 2019), and made investments with a rate of return based on the rental rules in place at time of property purchase.
- 3. Limit the occupancy per dwelling based on the number of occupants it is insured for.
- 4. Structure annual fee increases to align with cost of living /inflation based on the proceeding year.

Thank you for your consideration.

Julie Stone	
Owner	

Thank you! STRs

Kevin Birch WRedekop, cmillar, ndubanow, anoyes,

to: jchristensen, tlewis, gmcdermott, dflagg, Gregory.Bender, cmcqueen, AHerlovitch, 2023-04-23 01:20 PM

From: "Kevin Birch"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

Gregory.Bender@wsp.com, cmcqueen@forterie.ca, AHerlovitch@forterie.ca,

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

I am very pleased with the STR Land Use Study Recommendations that were presented on April 18th. Thank you for all your hard work on this issue. I am in support of the recommendations presented and believe the recommendations show a very fair and balanced approach based on provincial planning principals.

Thank you again for all your hard work! Sincerely,

Kevin Birch

In a world where you can be anything, be kind

#### STR Comments from the April 18th meeting

Wayne Redekop, cmillar, ndubanow,

LAURA KORMOS to: anoyes, jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, Alex

2023-04-23 07:52 PM

From: "LAURA KORMOS"

To: "Wayne Redekop" <WRedekop@forterie.ca>, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca,

dflagg@forterie.ca, gregory.bender@wsp.com, cmcqueen@forterie.ca, "Alex Herlovitch"

Dave Bergeron and I came to Crystal Beach about 10 years ago. We have helped to improve the area by renovating old run down cottages and then we ventured into commercial properties and opened up and now. We don't have STRs, but they are very important to this area. We need to be a tourist town! We will lose all the momentum that **everyone** is creating to build such a wonderful community.. People and businesses have moved to this area for that reason. They will leave and it will become a sleepy town again. Some businesses have already had to leave.

#### Our points:

- 1. The city needs to decide if we are a tourist town or not! People have moved here, invested, and started business for this reason.
- 2. We agree with the other people in the meeting. The study needs more work. We are not seeing any data. If you can take the time to study other tourist areas that have a beach and provide a comparison of their rules to ours, it would make it much easier.
- 3. <u>The most Important poin</u>t. A lot of people rely on an income from STRs and the business absolutely expects the summer weekly turnover to make the business worthwhile. You have abruptly stopped income and revenue. I don't think that is fair.

Crystal Beach has been doing short term rentals for years!!!! Let life continue for everyone and take as much time as you need to sort everything out and provide data for folks to get on board with your decisions. I recommend allowing the licenses and have a plan to enforce the rules. This will shut down the problem people. Let the owners take responsibility for their guests.

- 4. The fact that you just took the waterfront out of the equation because you were not sure how to handle it, is not an answer. Take the time to figure it out properly but don't stop peoples livelihood
- 5. We need to see the city start supporting the community. Be positive and get behind the growth.

#### It is all connected

A town with tourists..... brings jobs, businesses, investors, home developers and Industry.

We enjoy the area and the community because it is a fun and upcoming area. The people we see moving to this area seem to be coming for the same reasons.

In Summary: Let STR life continue as usual and expand the study to provide data..... But do it soon so people can book. Summer is already here for STR renting and business preparing.

Thank you

Laura and Dave

# Short Term Rentals Land Use Study: Congratulations on Excellent Recommendations

Laura Mangan

WRedekop@forterie.ca, cmillar@forterie.ca, to: ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca,

2023-04-23 03:57 PM

From: "Laura Mangan"

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca", "cmillar@forterie.ca"

<cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>,

"anoyes@forterie.ca" <anoyes@forterie.ca>, "jchristensen@forterie.ca"

Dear Mayor Redekop, Town Councillors and City Planners & WSP:

I want you to know how pleased I am with the STR Land Use Study Recommendations that were presented on April 18th. I wasn't able to attend but listened on YouTube afterwards.

Thanks to all of you for all your hard work on this issue. I support the recommendations presented and believe they are a very fair and balanced approach based on provincial planning principals.

Sincerely,

Laura Mangan Miller,

Property Owner in Ridgeway

#### Comments on Short Term Rentals - Land Use Study

Layla Mofid to: Chris Millar 2023-04-23 12:43 PM

From: "Layla Mofid"

To: "Chris Millar" <cmillar@forterie.ca>

History: This message has been replied to.

#### Hi Chris.

I watched the public meeting for Short Term Rentals on April 18. Thank you very much for your hard work. I understand how difficult it must be to balance the diverse interests on this topic. Below please find my comments:

- 1. The land use study and bylaw amendments need to be expedited.
- 2. Applications for new licenses should be accepted and processed as soon as endorsement from Council is obtained. It is unreasonable to continue with the moratorium on new licenses, given that the new season is approaching and there has been a pause for a substantial amount of time. This is unfair to business owners amd property owners. Vacation rentals in Fort Erie will play an essential role in the economic recovery due to the pandemic and further delays will stunt growth in the area.
- 3. I own property in Crystal Beach and I am content that R2B is included in the recommendation. However I believe that Waterfront residential properties should also be included. Individuals who rent these dwellings bring a lot of money to the area.

Thank you for the opportunity to contribute. I would appreciate you letting me know when this recommendation is going to be brought forward to council for endorsement.

Kind regards, Layla Mofid

#### Short term rentals

Phil

WRedekop, cmillar, ndubanow, anoyes, jchristensen, to: tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen,

2023-04-23 06:15 PM

From: "Phil"

To:

WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

aherlovitch, forteriecpc

I am very pleased with the STR Land Use Study Recommendations that were presented on April 18th. Thank you for all your hard work on this issue. I am in support of the recommendations presented and believe the recommendations show a very fair and balanced approach based on provincial planning principles.

Thank you again for all your hard work!

Sincerely,

Phil Niswander

**Short Term Rental** 

Raymond Burke to: Cmillar 2023-04-23 09:08 PM

From: "Raymond Burke"

To: Cmillar@forterie.ca

Hi Chris, we were very pleased to hear about the consultant's recommendations for short term rentals. We strongly oppose renting in Bay Beach for anything less than 30 days. Thanks very much! Ray and Debbie Burke

Sent from my iPhone

Fw: Fort Erie STR Policy
Dr. Rolf Langer
to: cmillar

2023-04-23 11:22 PM

From: "Dr. Rolf Langer"

To: <cmillar@forterie.ca>

From: Dr. Rolf Langer

Sent: Sunday, April 23, 2023 10:18 PM

Dear Mr. Millar

To all council members and city planning staff.

I thank you for all of your hard work with this land use study. As more of us now live in smaller spaces, the draw to get together with friends and party in a fun location has increased. VRBO, AirBNB and other sites have given owners of properties the capability of attracting many prospective renters. The high rental rates charged ensure that only groups of people can afford this recreational option. The result of these unsupervised rental establishments has resulted in BY Law infractions more numerous than the historical average. Since complaints need to be initiated by persons in the community it has pitted neighbours against each other. I am relieved that city staff and the consulting group have accepted that this is a commercial lodging business and has no place in a residential zoning. When one buys a property in such a zone one should have the expectation of having quiet enjoyment of said property. There should not be the hidden possibility that the house next door could become a ghost hotel with many different groups occupying the property for short periods of time. I believe one of the towns goals is to " become a welcoming prosperous connected community of choice" as stated in councils vision for 2018-2022. I would suggest this will not lead us to that end. Voting to allow dedicated STR to function in residential zones will affect the whole population of our wonderful town. Voting to not allow same will affect a few hundred investors who have made the decision to go ahead without waiting to see the results of the pilot project.

Thank you again for taking the time to read and consider my comments.

**Your Truly** 

Dr. Rolf Langer

From: Alex Bennett

Sent: Sunday, April 23, 2023 6:16 PM

To: Dr. Rolf Langer

Subject: Fwd: Fort Erie STR Policy

------ Forwarded message ------From: Fort Erie Community Preservation Coalition
Date: Sun, Apr 23, 2023 at 6:13 PM
Subject: Fwd: Fort Erie STR Policy
To:

------- Forwarded message --------From: Scott Seubert

Date: Sun, Apr 23, 2023 at 5:32 PM Subject: Fort Erie STR Policy

To: WRedekop@forterie.ca <WRedekop@forterie.ca>, cmillar@forterie.ca <cmillar@forterie.ca>, ndubanow@forterie.ca <ndubanow@forterie.ca>, anoyes@forterie.ca <anoyes@forterie.ca>, ichristensen@forterie.ca <ichristensen@forterie.ca>, tlewis@forterie.ca <tlewis@forterie.ca>, gmcdermott@forterie.ca <gmcdermott@forterie.ca>, dflagg@forterie.ca <dflagg@forterie.ca>, gregory.bender@wsp.com <gregory.bender@wsp.com>, cmcqueen@forterie.ca <cmcqueen@forterie.ca>, aherlovitch@forterie.ca <aherlovitch@forterie.ca>,

Dear Mayor Redekop, Town Councillors and Fort Erie Staff,

Thank you very much for the long hours of planning, listening and consideration that you have spent working on the Town's STR policy. I believe the final product is fair to Town residents, will encourage tourism, and offers protections to residential neighbourhoods from what could become problems with unregulated STRs. I have had the attitude for a long time that zoning policies are a two-sided coin; the restrictions in the zoning by-laws prohibit some uses in some places, and at the same time offer protections to property owners about what is permitted next door or down the street.

Your policy finds the balance between protection and restriction. I think it is impressive that you have recognized traditional rental districts, and carved out specific areas for this to continue. And you have placed responsibility for compliance and 'general good behavior' exactly where it belongs, with property owners.

Again, thank you for the time and effort on this important issue.

This policy will enhance quality of life in Fort Erie for all the residents.

Sincerely,

Scott Seubert

Fort Erie STR Policy

WRedekop@forterie.ca, cmillar@forterie.ca, Scott Seubert

to: ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca,

From: "Scott Seubert"

"WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca" To:

<millar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>, "anoyes@forterie.ca" <anoyes@forterie.ca>, "jchristensen@forterie.ca"

Dear Mayor Redekop, Town Councillors and Fort Erie Staff,

Thank you very much for the long hours of planning, listening and consideration that you have spent working on the Town's STR policy. I believe the final product is fair to Town residents, will encourage tourism, and offers protections to residential neighbourhoods from what could become problems with unregulated STRs. I have had the attitude for a long time that zoning policies are a two-sided coin; the restrictions in the zoning by-laws prohibit some uses in some places, and at the same time offer protections to property owners about what is permitted next door or down the street.

Your policy finds the balance between protection and restriction. I think it is impressive that you have recognized traditional rental districts, and carved out specific areas for this to continue. And you have placed responsibility for compliance and 'general good behavior' exactly where it belongs, with property owners.

Again, thank you for the time and effort on this important issue.

This policy will enhance quality of life in Fort Erie for all the residents. Sincerely.

Scott Seubert

2023-04-23 05:32 PM

#### STR Land Use Recommendations

**SUSAN PRIEBE** 

wredekopp, cmillar, ndubanow, anoyes, to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch,

2023-04-23 05:24 PM

From:

"SUSAN PRIEBE"

To:

wredekopp@forterie.ca, cmillar@forterie.ca, ndubanow@froterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@gmail.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

Dear Town Council and Planners:

I want to thank you and your staff for all the time and effort put into the STR Land-Use Plan for the Town of Fort Erie.

I believe your recommendations represent a fair and balanced approach to managing the explosion of STR's and their intrusive nature. The Bay Beach waterfront is a unique, owner-occupied, family-based community that values quiet, small family and friend gatherings and respect for our neighbor's privacy.

Respectfully submitted,

Susan Fox-Priebe

Sent from my iPad

Re: Public Open House 3 - Short Term Rental Land Use Study materials - Feedback

Ujjwal Jain to: Fahima Begum, Signe Hansen

2023-04-23 06:39 PM

Cc: "Chris Millar"

From: "Ujjwal Jain"

To: "Fahima Begum" <FBegum@forterie.ca>, "Signe Hansen" <SHansen@forterie.ca>

Cc: "Chris Millar" < CMillar@forterie.ca>

#### Hi Chris/Fahima.

#### Hope you had a good weekend!

As you know, there was an overwhelming rejection of the proposed plan by the consultants in the 3rd meeting. After seeing the recommendation, it's clear that the feedback given in the first two meetings was not considered and the consultants still don't understand why we are doing this study. Also, the feedback given via written emails to the consultants was totally ignored. This is the feedback not just from me, but also from all the senior and more mature Fort Errie residents present in the meeting.

First of all, as per the consultants, they said they considered the areas for short term rental based on historical usage. If that is the case, then my cottage on Baywoods and point abino should also be included to allow short term rentals as my cottage has been historically rented on airbnb AND is built as a cottage style recreational property AND NOT AS A 4 SEASON Property.

#### Why are we doing this study - Fundamental question to understand?

There are about 15,000 residential homes in Fort Errie. All tourists who come to Fort Errie, only want to stay in the 300-400 cottage style homes built around the crystal beach area. Out of the approx 400 homes surrounding the crystal beach area, some homes are owned by people who can afford them as either full time summer residence (Mostly Americans) OR use it as their secondary primary residence. On the other hand, some of us are not that financially well off and want to do short term rental in our cottages.

Fort Errie is NOT a city like Toronto where short term rental is affecting housing affordability. The recommendation basically helps few very rich homeowners who can afford a cottage around the crystal beach area and use it as their primary residence while discouraging homeowners who can't afford the property full time and want to use their cottage as short term rental. The owners who do short term rentals employ cleaners, grass cutters, house maintenance staff, property management staff and 100's of people in Fort Errie.

If your recommendations are accepted by the council, all the 100's of people will lose jobs for the satisfaction of very few extremely rich homeowners who want to use their cottage only for themselves.

#### My recommendation

All homes in and around the crystal beach that were constructed in cottage style and are NOT 4 season homes SHOULD BE ALLOWED TO DO SHORT TERM RENTAL. Historically, these were the homes built for recreation/vacation style homes.

Thanks,

Ujjwal Jain.

On Wed, Apr 19, 2023 at 11:34 AM Fahima Begum < FBegum@forterie.ca wrote: Good Morning,

We would like to give a big thank you to everyone who joined us for the Public Open House on April 18, 2023. Staff and the consultants appreciate your participation and contributions to the draft recommendation being considered for a policy and regulatory framework respecting Short-Term Rental operations. Materials from the meeting can be accessed from the <a href="Short-Term Rentals in Fort Erie">Short-Term Rentals in Fort Erie</a> Land Use Study page on Let's Talk Fort Erie.

In order to have your comments considered prior to the recommended approach being finalized, and to have them included in the staffs report to Council, please ensure they are submitted no later than 4:00 pm on April 25, 2023 to <a href="mailto:cmillar@forterie.ca">cmillar@forterie.ca</a>. All comments received will be shared with the Consultant (WSP).

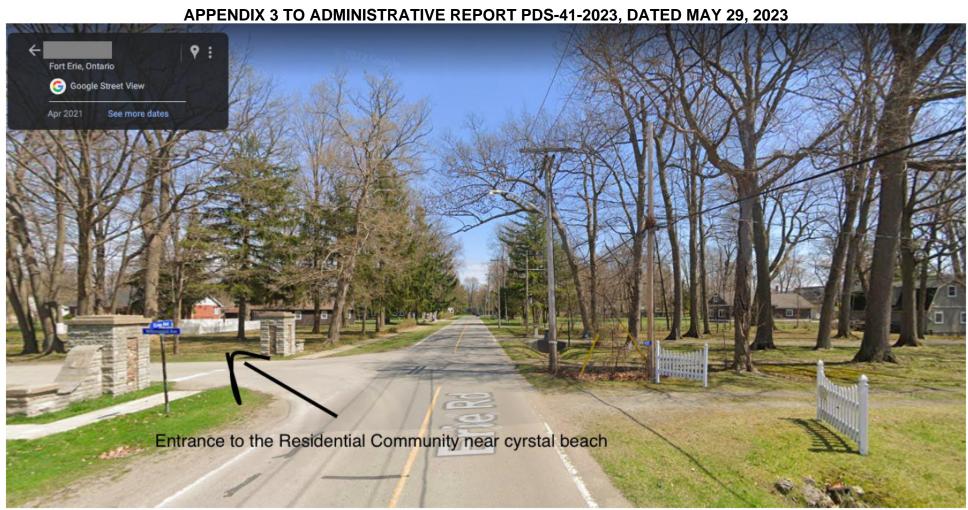
Regards, Fahima

Fahima Begum, BA/BSW, MScPI Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6



T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527 Residential\_Near\_Crystal\_Beach.png



#### McGowan feedback on planning

Gerard MCGOWAN

to: Cmillar

2023-04-23 11:42 AM

From: "Gerard MCGOWAN"

To: Cmillar@forterie.ca

History: This message has been replied to.

Dear Chris Millar: My name is Tony McGowan, and I am writing for my family. We own , and . We are mostly on board with other beachfront owners in that we very much want the ability to rent by month (30 day min) preserved. But we are also interested in the perspective of one of the commenters at the open hearing—a woman who owns in the Abino Hills, whose name I did not hear. She said that she wants to be able to rent once, short term, during a given calendar month. Is this a first draft of the compromise the area needs? We think this would work, so long as longer term rental (30 day min) is preserved. But we would add the caveat that any STRs in a discrete months NOT be back to back, and that they must be a week in length. This would address concerns about "waterfront hotels" and turn-over "churn," and allow families to occasionally and fairly rent as they have for many decades without incident.

We really appreciate your leadership on these complex issues. It is so important to find the middle ground, where the character of the area can be preserved and celebrated, even as we work together to advertise our wonderful region and to grow as a thriving, integrated, and diverse community.

Sincerely, Tony McGowan

#### Zoning STR's in South Coast Village, Crystal Beach

to: CMillar 2023-04-24 12:17 PM

From:

To: CMillar@forterie.ca

"Karen"

Good Afternoon Mr. Millar,

Our names are Anthony & Karen Guiliano and we are owners of

We wanted to reach out to you to express our concerns with STR in our residential area of Crystal Beach - South Coast Village.

We are from Oakville and bought our vacation home here in South Coast Village in 2017 from Marz homes.

We enjoy coming to the beach area for the summer and long weekends. Never have we ever considered short term rental.

This is why we purchased in a residential development.

We would ask that you please maintain our residential development WITHOUT any STR's.

The draft from a previous meeting which showed South Coast Village NOT included in the zone for STR's.

We support NO STR's as stipulated in the document and strongly recommend the council adopt this.

We look forward to spending the same quality time at our vacation home in a safe environment without STR's.

Thank you for allowing us to voice our concerns and if further insights or information are needed feel free to contact us at

Anthony & Karen Guiliano

William Braungart

WRedekop, cmillar, ndubanow, anoyes, to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch,

2023-04-24 11:01 AM

From:

"William Braungart"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

Dear Mayor Redekop, Town Councillors and City Planners
I am very pleased with the STR Land Use Study Recommendations that were presented on April 18th. Thank you for all your hard work on this issue. I am in support of the recommendations presented and believe the recommendations show a very fair and balanced approach based on provincial planning principles. Thank you again for all your hard work!

Sincerely,

Bill Braungart Property Owner

#### **Short Term Rentals**

Chuck & Penny to: CMillar

2023-04-24 12:01 PM

From: "Chuck & Penny"

To: <CMillar@forterie.ca>

#### Good Morning.

We live at in Crystal Beach. The home next to us is currently being rented as a Long Term Rental, but before that it was used as a AirBNB. The previous owners lived out of the province and didn't particularly notice or care what happened. The problems associated with it as a STR were constant parties, our driveway being blocked, and having to clean vomit, garbage and pet feces from the guests.

We currently are not experiencing any short term rental problems, but that could change at any given time should the owner of the home decide to convert it back to a STR when the current tenants' lease expires.

When we walk around the corner to Ryan Ave., we see the large number of cars and realize that our neighbours are experiencing all of the problems that we had.

Sincerely, Charles & Penny Weaver

#### STR Land Use Recommendation

WRedekop@forterie.ca, cmillar@forterie.ca, Fox, Cynthia A to: ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca,

2023-04-24 03:21 PM

From: "Fox, Cynthia A"

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca"

<cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>,

"anoyes@forterie.ca" <anoyes@forterie.ca>, "jchristensen@forterie.ca"

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

I am writing to thank you for the time and effort you have put into the issue of land use for Short Term Rentals and to express my support for the recommendations that were presented on April 18<sup>th</sup>. I believe they represent a fair and balanced approach based on provincial planning principles.

Sincerely,

Cynthia A Fox

# Response to WSP Short Term Rental Land Use Study , Recommendations for Land Use Approach - PLEASE CONFIRM RECEIPT dan to: cmillar, cmillar 2023-04-24 09:32 PM <cmillar@forterie.ca>, <cmillar@forterie.ca> Please respond to

Response to WSP Short Term Rental Land Use Study, Recommendations for Land Use Approach. April 24, 2023

To: <u>cmillar@forterie.ca</u>

From: To:

Town councillors and WSP Consultants.

I attended the April 18, 2023, Public Open House expecting to hear sound reasons and comprehensive explanations for the recommendations. I asked the consultant to share examples of the collateral information gathered during the many interviews and from background research they told us that they performed, but none were shared. The speaker offered a response that was unrelated to the request to substantiate the recommendations. Instead of being offered reasons and a logical basis for a course of action, I observed an effort to push an agenda without substantiating the validity of the recommendations. It appears that I am being asked to give you my blind trust and forgo an intelligent discussion.

It appears that the person behind this process supports a prohibitive strategy intended to limit availability of housing intended to promote tourism, small business and a robust social recreational culture in favour of a closed community for the benefit of the few. Council has previously been presented with many good reasons as to how STRs throughout the community will benefit the economy and can be operated in such a way as to respect fulltime residents, but this appears to have fallen on deaf ears.

Let me be clear. I do not have to agree with your recommendations to accept them as valid but as a citizen who pays taxes that funded these consultants I do require that they and council be accountable. Had this process actually had transparency and been open for the purpose of sharing information, you might have convinced me that your recommendations had validity. Whoever directed the consultants to withhold the evidence that would support their recommendations obviously believes that those who support small business are unworthy of consideration and respect and are second class citizens. By not sharing the data gathered from community partners during the interviews, I can't help but wonder if the discussions might very well support different recommendations. With no reasons put forth to support your recommendations there is no substance to your work.

You have insulted me with a long drawn out process that has wasted tax dollars and stalled further economic development in our Town. It appears that this political strategy of stalling is intended to cause economic hardship among those who propose continued rejuvenation of our small and fragile economy. This letter is a plea to Council to engage in proactive measures and assist small business to draw tourists who will spend money locally, allowing more of us to prosper.

Dan Silver,		
Dan Silver,		

S.t.r. project

Darryl Cox
to: cmillar

2023-04-24 06:44 PM

From:

"Darryl Cox"

To:

cmillar@forterie.ca

#### Hi Chris.

As per the towns attempt to get a handle on short term rentals the following are my concerns in this matter.

The yellow zone proposed for crystal beach will only exacerbate an already problem for the residents who have had to endure the constant violation of noise bylaws from non permanent resident properties being used as 24 hour 7 day a week business. The disruption to other residents is very real and intolerable. Even since the puplic meeting last Tuesday there has been a party that has woken up children at 3 am during a 24 hour rental. This should not be allowed to go on anymore. These properties and other like them do not have a place in this neighborhood, regardless of past history when owners and renters were more respectful of their neighbors. This neighborhood has changed and no longer is what it was back when the park was open . I will make myself available to further discuss or help find a solution to this problem if called apone.

Please reconsider

Regards

Darryl Cox

Crystal beach resident

#### **Short Term Rental Recommendations**

**Deborah Flynn** 

WRedekop@forterie.ca, dflagg@forterie.ca, to: ndubanow@forterie.ca, tlewis@forterie.ca,

gmcdermott@forterie.ca,

From: "Deborah Flynn"

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca", "dflagg@forterie.ca"

<dflagg@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>, "tlewis@forterie.ca"

<tlewis@forterie.ca>, "gmcdermott@forterie.ca" <gmcdermott@forterie.ca>,

## Good Evening,

I am writing to you in support of the recommendations recently made with regard to STR zoning. After reviewing the recommendations in some depth, I believe that they are sound. They are reasonable and rational suggestions that would not please everyone (a sign of a equitable decision) but would make a substantive step I the right direction.

I would like to thank you for your work and dedication to keeping Fort Erie a peaceful community for those of us who call it home and cherih that sense of community but also offering encouragement to the promotion of tourism and support for small business.

All the Best,

Deborah Flynn

Deborah M. Flynn, PhD Department of Psychology Nipissing University 2023-04-24 10:08 PM

STR - land-use study comments

to: cmillar 2023-04-24 04:25 PM

Cc: jchristensen

From:

To: <cmillar@forterie.ca>

Cc: <jchristensen@forterie.ca>

#### Mr. Chris Millar,

The map of Fort Erie on the Town website shows that about 2/3 of the outside boundary of the Town is on water so it's ludicrous to suggest that 90% of the waterfront should not be open to STR permits. Don't create a tourism ghetto, let tourists be dispersed throughout the town depending on what they're looking for. For example, we live in Oakhill Forest next to our own STR and our guests appreciate this. They come to us because they want to visit the beach and have a quiet backyard experience. They go out for dinner then sit on our deck watching the fireflies or enjoying a campfire. They don't behave inappropriately because they know we'll hear them and see them. We earn less during the summer because we can't accommodate tourists who want to walk to the restaurants but on the other hand we also get longer rentals at other times from people who are between homes, between jobs or experiencing marriage breakdown.

Some issues that I believe affect the debate but are not openly discussed:

The NIMBY effect – Many of the opponents to STRs seem to be affluent people from areas like Thunder Bay Colony, Point Abino and MacDonald Drive. Interestingly, some of them admit to renting their places to their friends <u>for years</u> but they don't advertise on Airbnb so they're not captured in the data that the Town obtained. Even the resident from Ryan Ave who has said twice now that his "long term renters don't know if they want to come back because there's an STR next door" is not referring to tenants governed by the Landlord Tenant Act but summer guests he has hosted for years now. So <u>many of the loudest opponents to STRs are people actually running illegal STRs</u> and they don't want to share the community with 'riffraff' who found a vacation rental using Airbnb.

The DIVERSITY issue – I've been in Fort Erie for 14 years now and I've heard many anti-Semitic and racist comments by neighbours who have lived here all their lives. At the meeting last week, the American home-owner even referred to "Canadians" moving into his neighbourhood as if it offended him. As a non-visible minority, I've personally heard very unwelcoming remarks from locals who assumed it was ok to share their narrow views with me. Discouraging affordable tourism reinforces the characterization of Fort Erie as "backward" by perpetuating this homogeneity.

The problem with Consultants – I worked for CGI Information Systems and Management Consultants for 4 years. I prepared RFP responses using boilerplate text claiming to provide custom solutions to each client then costed out consultants based on their standard rate and prepared project profitability statements. My experience was that the consulting model is not cost effective for the purchaser, it only works for the consultant. The overhead that WSP and other international consulting firms have is so high that they can't possibly commit to enough work to complete your project properly so they have to find the most expedient solution to your problem. That's why when the head consultant was asked why the waterfront was excluded from proposed locations, he basically said "because it was too hard to figure out". I'm sure he meant "because we couldn't commit to that much work for what you're paying us". WSP committed enough hours to earn its mandatory margin then retrofitted the solution by shortcutting

the work to fit the target hours. In essence, WSP likely knew what it was able to give you before it even started because it knew how little work it could do to remain profitable in addition to holding the town hall meetings that were already committed. It would be impossible for a municipality to undertake a <u>real</u> land use study using an external consultant because it could never afford the fees it would cost.

## My solution

Allow residents across Fort Erie to apply for an STR license but make the applicants provide:

- 1. Pictures of their home inside <u>AND</u> out as well as parking details and lot diagram indicating how far the seating areas on the STR property are from the nearest neighbours
- 2. A business plan including local property management contact info and fire safety plan
- 3. A clean record of compliance in order to renew.

Thanks for the opportunity to share my thoughts once again.

Diana Silver

Short Term Rental Land Use Study Recommendations

Doug Swift to: cmillar@forterie.ca, aherlovitch@forterie.ca, cmcqueen@forterie.ca, Bender, Gregory

2023-04-24 09:41 AM

"Wayne Redekop", "ndubanow@forterie.ca", "Ann-Marie Noyes",

Cc: "dflagg@forterie.ca", "gmcdermott@forterie.ca", "jchristensen@forterie.ca", "tlewis@forterie.ca"

From: "Doug Swift"

To: "cmillar@forterie.ca" <cmillar@forterie.ca>, "aherlovitch@forterie.ca"

<AHerlovitch@forterie.ca>, "cmcqueen@forterie.ca" <cmcqueen@forterie.ca>, "Bender,

Gregory" < Gregory.Bender@wsp.com>

Cc: "Wayne Redekop" <wredekop@forterie.ca>, "ndubanow@forterie.ca"

<ndubanow@forterie.ca>, "Ann-Marie Noyes" <ANoyes@forterie.ca>, "dflagg@forterie.ca"

<dflagg@forterie.ca>, "gmcdermott@forterie.ca" <gmcdermott@forterie.ca>,

Attached is my letter following the Short-Term Rental Land Use Study recommendations.

Thank you,



Douglas Swift DGS Response to STR Zoning Recommendations.pdf

April 24, 2023

Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6
Attention C. Millar via email cmillar@forterie.ca

Dear Mr. Millar,

#### **Re: Short-term Rental Land Use Recommendations**

To begin, I would like to commend you, your planning staff and WSP for your professional navigation through this very contentious and divisive process. Having worked on this issue with the Town for over two years I can attest to the thoughtful, comprehensive and balanced approach that has been taken on all levels. This study clearly has been driven by the principles of the provincial planning guidelines.

I strongly believe that the study's recently presented recommendations reflect what is truly in the entire Town's best interest. It outlines what I believe to be the best possible compromise for Fort Erie's Short-Term Rental (STR) Land Use options. It makes a strong statement that the Town respects the sanctity of the public trust that thousands of homeowners have for their residential zoning guidelines that have been in place for decades. It confirms that when residents choose a neighbourhood to invest in, they won't be subject to living next door to a commercial business interest that aims to commodify our sacred neighbourhood's character.

At the same time, your planning team has identified an appropriate commercial tourist zone in Crystal Beach that provides a more than adequate supply of potential STR locations to meet the perceived demand of our Town's business community. My only reservation is that the volume of residential lots in this zone may put undue pressure on Crystal Beach's affordable housing stock. While I understand that subdividing the selected zoning classification may have its challenges, perhaps this is the time to take a hard look at the vast data on how STRs impact affordable housing in a community.

Again, I would like to thank you for your fair and balanced study process and producing an appropriate set of recommendations for council to consider.

( /O\_A

**Douglas Swift** 

#### Public Open House - STR Land Use Study

WRedekop, cmillar, ndubanow, anoyes,

Ellie Kerr to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch, forteriecpc

2023-04-24 09:17 AM

From: "Ellie Kerr"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

Thank you for all of your work on the STR Land Use Study. We are pleased with the recommendations that were presented on April 18th. We support them and believe the recommendations show a very fair and balanced approach based on provincial planning principles.

Short-Term Rentals are commercial businesses and, as such, are incompatible with, and should not be allowed in residential areas with the exception of owner-occupied residences. It makes sense that existing commercial zoning allows for STRs in those areas and in the R2B zone in Crystal Beach where there has been a history of this type of land use.

This latest report respects the integrity of Fort Erie's residential neighbourhoods while also respecting the rights of owners who occupy their property on a full-time basis and recognizes that owner-occupied STRs address most of the issues with STRs.

A major benefit of this approach is that it protects Fort Erie's housing stock and ensures it is available for use year-round rather than just in the summer. While we respect that STR owners have made an investment in properties based on projected income streams from STRs, we also need to respect that the housing stock needs to be available for the growth of households in the community that want to live, work, raise families and operate businesses here year round. The long-term health of the community outweighs the individual investment choices made by STR owner/operators.

Thank you again for all your hard work!

Sincerely,

Ellie and Jim Kerr

## Short Term Rental Land Use Study & Recommendations

Jennifer Marlette to: undisclosed-recipients:; 2023-04-24 05:57 PM

From: "Jennifer Marlette"

To: undisclosed-recipients:;

Dear Mayor Redekop, Town Councillors, City Planners and WSP,

We were pleased to hear the Short Term Rental Land Use Study recommendations presented at the Public Open House on 18 April, 2023.

We appreciate your endeavours in investigating the issues relating to STR Land Use in the town of Fort Erie and the inclusiveness of the process.

We are supportive of the recommendations presented and have confidence that these recommendations establish an equitable approach, based on provincial planning principals.

Thank you all once again for your focus, deliberation and acknowledgement of the thoughts, desires and opinions of the majority of residents.

Sincerely yours,

John & Jennifer Marlette

STR Zoning

Joyanne Summerhayes

CMillar, WRedekop, anoyes, dflagg, ndubanow, gmcdermott, tlewis

2023-04-24 09:22 AM

Cc: "Karl"

From: "Joyanne Summerhayes"

To: CMillar@forterie.ca, WRedekop@forterie.ca, anoyes@forterie.ca, dflagg@forterie.ca,

ndubanow@forterie.ca, gmcdermott@forterie.ca, tlewis@forterie.ca

Cc:

Please be advised the we are very pleased to support the recommendations presented on STR zoning for Crystal Beach.

Thank you to the team for all the hard work and in depth analysis this project has required.

Joyanne Summerhayes/Karl Schoeffman,

# STR Proposed Framework

Jane Pascucci to: CMillar 2023-04-24 05:05 PM

From: "Jane Pascucci"

To: CMillar@forterie.ca

Dear Fahima and Chris,

Attached is my letter with comments in regard to proposed STR changes.

Thank you for your time and consideration.

--



 $J_{ane} \\ \text{Letter to Fort Erie.docx}$ 

To: cmillar@forterie.ca, fbegum@forterie.ca

I am writing to you in response to recommendations by WSP in regard to land use in Fort Erie, and more precisely Crystal Beach, put forth at the Open House on April 18<sup>th</sup>.

I am a STR homeowner on Ryan Avenue, one of the areas negatively affected by the proposed changes and I wish to express my many concerns with the proposed changes. First off I wish to let you know how I became a homeowner in Fort Erie. Four summers ago, my family and I stayed at a STR in Crystal Beach. We were impressed by this charming small town with its beautiful shoreline. We had the opportunity to become homeowners in Crystal Beach and to help this dream become viable we have been doing short term rentals for the past three years. Before embarking on this journey we made sure that STRs were allowed and we were informed that indeed they were allowed on Ryan Avenue. We then went ahead and hired a local property manager who is available 24/7 and who manages the property as her own. We have gone through all the legal and proper channels. We obtained a license, have had building inspections, submitted fire plans and made sure everything is up to standards. In the past three years, we have not had any complaints, either from neighbors, or renters, or the Town of Fort Erie nor have we lost any demerit points. Every guest that has stayed in our home has been carefully vetted and no one under the age of 28 is able to stay as this is not a party house but a place where families can come and relax and enjoy the tranquility that Crystal Beach has to offer. Many of the guests have left nothing but glowing reviews of our house, of the Town and of the Beach. Not one single complaint. Therefore, I find it hard to believe that our street has been excluded from the proposed STR areas when all around us they will be allowed to continue. How was this decision arrived at? I have not seen any data that supports this. I would like someone to explain how this proposal came to be? How does this serve the best interests of the community at large? Please show me the evidence. I strongly disagree with this proposal of leaving Ryan Avenue out of STR zone.

How does the Town plan on compensating for the loss of income for current STR owners and for small business owners in the area that will have to close their doors, take their losses, and sell their properties? I'm not sure that WSP has conducted a thorough and encompassing study of the potential affects of their short-sighted and narrow recommendations. Crystal Beach is a tourist area. Just walk down Erie Road in the months of May to September and this is quite evident. The same walk in the winter months will also prove how much Crystal Beach needs to continue being a vibrant and welcoming tourist town. Many small businesses are barely hanging on with the shut-downs during the pandemic and now with these proposed changes to zoning. Without tourists and visitors to the area Crystal Beach will suffer a slow death. I wish this study had actually focussed on how many tourists visit the area and how many available accommodations there are to house all of these visitors to the area. How many tourists unable to find a place to stay will turn around and go to Niagara Falls or the surrounding area?

I don't see how Town council will be able to go ahead with these recommendations in good conscience. May I suggest that WSP take a closer look at all of the areas that will be affected and how these changes will affect the Town of Fort Erie and its citizens, and its economical growth in the years to come. I'm not sure who will be benefitting from these recommendations and how they will benefit. All I can say is that many people will have to sell their properties and many others will think twice before purchasing a property in Crystal Beach.

I also hope that the Town takes into consideration that there will be many legal challenges made to these changes and they will be tied up in court for many years to come.

How will the Town address the financial discrimination that these unilateral and arbitrary recommendations cause to the law-abiding citizens, and not to mention the stress and anguish that is being inflicted on many? Will existing STRs be grandfathered in? How will you address legal non-conforming?

I, along with many many other citizens, will be following to see what the Town decides to do with these recommendations and my hope is that the Town and all involved parties will take their time before financially devasting the lives of many and take appropriate measures to ensure that Crystal Beach continues to grow and thrive in the years to come. I understand this is an arduous undertaking but as elected officials it is your mandate to serve all the citizens of Fort Erie.

STR Land Use Study presentation of April 18th.

WRedekop@forterie.ca,

JOHN POMEROY to: cmillar@forterie.ca, ndubanow@forterie.ca,

2023-04-24 03:06 PM

From: "JOHN POMEROY"

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca"

<cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>,
"anoyes@forterie.ca" <anoyes@forterie.ca", "jchristensen@forterie.ca"</pre>

Dear Mayor Redekop and Town Councilors,

I attended the presentation by Planning Staff on April 18<sup>th</sup> on the topic of Short-Term Rentals and am very pleased by Staff's Land Use Study recommendations. It is a challenging task that communities across Canada face in trying to balance the various needs for housing. Short-Term Rentals must fit within the framework of the demands and affordability for Long-Term Rentals and compete fairly with small hotel/motel owner/operators. I believe the recommendations show a fair and balanced approach based on provincial planning principles.

Thank you to all parties for their work on this study. Sincerely,

John Pomeroy, homeowner Ward 4

STR Zoning

Josephine R to: cmillar, wredekop@forterie.ca 2023-04-24 10:43 AM

From: "Josephine R"

To: cmillar@forterie.ca, "wredekop@forterie.ca" <wredekop@forterie.ca>

As a full time resident of Ryan Avenue (South Coast Village) in Crystal Beach I am supporting the recommendations put forward concerning STR zoning.

We live on a quiet residential street with full time homeowners and wish to keep it this way, I am in support of the recommendations that have been brought forward to the council.

Thanking you in advance Josephine Ruscitti

## Fwd: Long Term Rental Property Recommendations

Jennifer Bronstein

to: cmillar

2023-04-24 10:48 AM

From:

"Jennifer Bronstein"

To:

cmillar@forterie.ca

Dear Mr. Millar,

To help combat the frustration of lakefront property owners, I would recommend a simple solution similar to below.

Modify the long term rental regulations in order to only rent out one guest renting per 30 days, however allow the property owner to have more flexibility in what is affordable for people in time and money as far as length of the rental. This would be to the advantage of a tourist and a property owner. Allowing the owner to rent to one guest within that month any time frame, be that 1 week, 2 weeks, 3 weeks, or all 4 weeks. There is a chokehold on us property owners to require that we rent for a minimum of 30 days. Allowing a bit more flexibility would help us offset some maintenance costs on our homes while maintaining a 30 day rental period; also while reducing guest turnover.

Respectfully submitted,

Jennifer Prince Bronstein

#### Fwd: STR Presentation 4-18-23 Comments

Jennifer Bronstein to: cmillar

2023-04-24 10:49 AM

From:

"Jennifer Bronstein"

To:

cmillar@forterie.ca

#### Dear Mr. Millar

I have owned my home in Abino Hills for over 15 years and have been visiting the area for more than 50 years. I write to you today, after viewing the presentation, to express my concern regarding the Town of Fort Erie's Short Term Rental Policy; both current and proposed.

Tourism has always been the heart of the economy in Fort Erie. Vacationers have visited the area, not only to visit the town and the public beaches, but to rent their own private home to enjoy the seclusion of a private beach. Without options for lodging, tourists are likely to vacation elsewhere. Many small businesses in town rely on tourists to visit their establishments for shopping, restaurants, and leisure. New businesses that are beginning to establish and invest in Fort Erie will have little to no chance of success if there is no money coming in from tourism. The current regulations are causing the Town of Fort Erie to become a ghost town, not a flourishing successful town full of small businesses, restaurants, and retail. Without small businesses, the thousands that you have permitted to be built there will have no infrastructure to rely on.

The only avenue that many property owners can use to keep up with the maintenance costs of their property is by sometimes offsetting those costs with short-term rentals of a week or two at a time. If you deny them that right, you will see these properties go downhill in a hand car because they are unaffordable to maintain.

My recommendation is to go back to the way it was on the lakeshore properties. Limit the permits in Crystal Beach because of the noise and constant turnover. If you aren't willing to have the lakeshore owners grandfathered in as they were, then by all means, regulate the month to month rentals by allowing the owner to rent within a 30 day period the option of renting to one guest within that month any time frame, be that 1 week, 2 weeks, 3 weeks, or all 4 weeks. But you have a chokehold on these homeowners to require that they rent for a minimum of 30 days. People cannot afford 30 day rentals, nor do they have that kind of vacation time.

In conclusion, your committees, consultants, and the town planners must start from scratch and reimagine the success of this area for property owners, retailers, and all of the small businesses that make up our community and encourage others to step up and make a better future.

Respectfully submitted,

Jennifer Prince Bronstein

#### Short term rentals

kbi

WRedekop, cmillar, ndubanow, anoyes, jchristensen, to: tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch.

2023-04-24 01:17 PM

From:

То:

<WRedekop@forterie.ca>, <cmillar@forterie.ca>, <ndubanow@forterie.ca>,
<anoyes@forterie.ca>, <jchristensen@forterie.ca>, <tlewis@forterie.ca>,
<gmcdermott@forterie.ca>, <dflagg@forterie.ca>, <gregory.bender@wsp.com>,

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

My name is Kingman Bassett, Jr. I am a US citizen whose family has been summer residents of Fort Erie for four generations. Growing up I forged friendships with my Canadian neighbors that exist to this day. As an adult I was a coach for the Greater Fort Erie Youth Soccer Club for many years. Those kids and their parents were the best. You could say that Fort Erie is in my blood. Now that my children have grown and moved away, our cottage has become the attraction that brings them back every summer. It is in their blood too.

Let me tell you an anecdote that helped define my position on STRs. One summer, in the early 70's, my younger sister was complaining of a stomachache and had a low-grade fever. My father took her to our neighbor, Dr. Monte's house, two doors over to get his diagnosis. It took him no time to advise my parents to get her to a hospital, fast! My sister had acute appendicitis, in fact her appendix ruptured during the surgery to take it out. Sadly, Dr. Monte passed away years later (at 93) and his house was sold to a STR developer.

In the past few years, the unlicensed STR has hosted:

- An unchaperoned 18<sup>th</sup> birthday party featuring a PA system pumping out the most profane, racist and misogynist rap I have ever heard
- Countless bachelor and bachelorette blowouts
- Family reunions with 20 or more participants who sleep at the property

  The owners have circumvented your STR regulations by rebranding the house as a "Yoga Retreat" and frequently have more than a dozen guests staying overnight.

Luckily, my sister survived her serious medical emergency. It is too bad that her young children do not have a doctor in the neighborhood should they have one.

Thank you for your hard work finding a solution to the STR problem. Unfortunately, I could not attend the April 18<sup>th</sup>, 2023 open house meeting, but I listened to the YouTube stream with great interest. While the positions of STR owners were presented, I did not hear one example of how their business endeavors would enhance the neighborhoods of families that make up our great town. Some things I hope you will consider:

- Every resident I have talked to who lives near a STR thinks it is a bad thing.
- Prospective home buyers think that living next to a STR would be huge negative.
- Pumping up home prices as developers compete for properties exclude those families that would make great full-time neighbors
- Healthy commerce does not come from short term rentals, unless you consider T-Shirt shops and other low investment ventures a financial driver for our community
- Profits from free standing STRs leave our community and end up in the developer's hometowns I am in strong support of the Town & Planner Recommendations. I believe the recommendations will promote and protect the community spirit that is the hallmark of Fort Erie.

Respectfully, Kingman Bassett, Jr.

#### Short term rentals

loraallen@juno.com

WRedekop, cmillar, ndubanow, anoyes, to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch,

2023-04-24 04:37 PM

From:

То:

WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca, gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

## Fort Erie Council,

I am writing a quick note to let you know that I am happy to see the recommendations made with regards to short term rentals in the Bay Beach/Crystal Beach area and I strongly support the plan as written. Thank You for all your time and hard work on this matter.

Respectfully, Lora Allen

#### STR Land Use Recommendations

Jody Hollister-Colby

WRedekop, cmillar, ndubanow, anoyes, to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch,

2023-04-24 10:44 AM

From: "Jody Hollister-Colby"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

Dear Mayor Redekop, Town Councillors and City Planners &WSP,

This is my first time writing to all of you. My family has owned property at

for well over 100 years. Personally I have been fortunate enough to call this property my summer home for over 70 years. Bertie Bay has always been about the families who live(d) there. The community. Historically people moved to their summer cottages and stayed the summer. We knew our neighbors and their families. Thankfully, for the most part, that tradition continues as new families join the bay. Bertie Bay has always been residential, not commercial. I am very pleased with the STR Land Use Study Recommendations that were presented on April 18. I thank each of you for your hard work on this issue. I understand it has been grueling at times. I support the recommendations presented and believe they show a very fair and balanced approach based on provincial planning principles.

Gratefully,

Lorraine Hollister-Colby

#### STR Recommendations

Kathy Read to: Chris Millar, wredekop, anoyes, dflagg,

ndubanow, gmcdermott, jchristensen, tlewis

2023-04-24 05:18 PM

From: "Kathy Read"

To: "Chris Millar" < CMillar@forterie.ca>, wredekop@forterie.ca, anoyes@forterie.ca,

dflagg@forterie.ca, ndubanow@forterie.ca, gmcdermott@forterie.ca, jchristensen@forterie.ca,

tlewis@forterie.ca

History: This message has been replied to.

To Whom It May Concern,

We support the recommendations made by the consultants during the past Open House. We feel they have created a balance between those who do and do not want STR's in Fort Erie. Let's be honest, the people who are impacted the most by STR's are the full-time residents, who are the majority and not the minority of STR property owners. Globally, many municipalities have enforced an outright ban on Airbnb's because of the disruption they cause to neighbourhoods and the negative affect they have had on the traditional hotel trade.

We feel they addressed the issues by:

- -Designating specific areas that have historically been seasonal properties (cottages) as permitted STR areas.
- -Requiring owners to occupy the STR's thereby reducing disruptions to the neighbourhood.
- -Designating STR's commercial businesses because they are businesses.

STR property owners can still make a profit in a variety of ways. Their options may be:

- -to operate an STR if they are in the designated area
- -to rent their property as a long term rental
- -to sell their property outright

Moving forward, we would like to be reassured that the town would enforce the regulations by hiring enough by-law enforcement officers working full-time to ensure the laws are being followed and actively being enforced.

If people are concerned that small businesses are at jeopardy due to the reduction in STR's, we would suggest the town look at a business model that would encourage businesses to employ people outside of hospitality that are well-paying, full-time jobs. The future of Fort Erie needs to ensure young people can stay here as full-time residents down the road. We cannot, nor should we look at this area strictly as a seasonal beach town or retirement area.

We appreciate you taking the time to read our comments.

Sincerely, Mike and Kathy Read

Public Open House - STR Land Use Study

Margaret Gartner

WRedekop, cmillar, ndubanow, anoyes, to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch,

2023-04-24 12:16 PM

From: "Margaret Gartner"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

Thank you for all of your work on the Short Term Rentals Land Use Study. I agree with the recommendations that were presented on April 18th that allow STR in certain areas while putting limits in others.

While I don't know much about provincial planning, the recommendations do represent a fair and balanced approach.

Thank you again for everything you have done to support property owners along the Lake Erie waterfront. It is a special place,

Regards,

Margaret Gartner

# Thank you for balanced STR Plan nebrock "WRedekop@forterie.ca', 'cmillar@forterie.ca', to: 'ndubanow@forterie.ca', 'anoyes@forterie.ca', 'jchristensen@forterie.ca', 'tlewis@forterie.ca', To: ""WRedekop@forterie.ca'' <WRedekop@forterie.ca>, "'cmillar@forterie.ca''' <cmillar@forterie.ca>, "'ndubanow@forterie.ca''' <ndubanow@forterie.ca>, "'anoyes@forterie.ca''' <anoyes@forterie.ca''' Please respond to

I'd like to express my thanks to Town Planning and WSP for what I know has been a difficult process, but which on April 18 resulted in a thoughtful, balanced approach based on sound land use planning principles.

This plan adheres to the defined definition of dedicated short term rentals as Commercial Businesses that should be located primarily in commercial zones where they can best support local business, and helps to preserve the fabric of our strong residential communities.

Many thanks, once again, for all the hard work,

Nancy Brock

Bay Beach

Short Term Rentals - THANK YOU!!

McCauley, Peter WRedekop@forterie.ca,

to: cmillar@forterie.ca, ndubanow@forterie.ca, 2023-04-24 09:32 AM

anoyes@forterie.ca,

From: "McCauley, Peter"

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca"

<cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>,
"anoyes@forterie.ca" <anoyes@forterie.ca", "jchristensen@forterie.ca"</pre>

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

We are very pleased with the STR Land Use Study recommendations that were presented on April  $18^{\circ}$ . Thank you very much for all your hard work on this issue. We are in support of the recommendations and believe they show a fair and balanced approach.

Thank you again,

Peter and Rebecca McCauley

#### Disclaimer

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# STR Land Use Study Recommendations WRedekop@forterie.ca, cmillar@forterie.ca, to: ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, To: "WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca" <cmillar@forterie.ca>, "ndubanow@forterie.ca>, "cmillar@forterie.ca" <cmillar@forterie.ca>, "ndubanow@forterie.ca>, "jchristensen@forterie.ca>, "anoyes@forterie.ca" <anoyes@forterie.ca>, "jchristensen@forterie.ca" Please respond to

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

As long time home owners in the Crystal Beach area, we are very pleased with the STR Land Use Study Recommendations that were presented on April 18th. Although we could not be at the meeting, we attended by Zoom, and it is clear that a lot thought and hard work have been put into finding a fair and balanced solution to this difficult issue. Unfortunately, for the past few summers we have experienced many of the the negative effects of short term rentals, including noise and overcrowding, and feel strongly that a solution to this problem must be found. We are therefore in support of the Land Use Study recommendations, which we believe are well thought out and fair, and follow provincial planning principles.

Thank you for all your time and effort on this matter.

Sincerely, Peter and Sarah Ross

STR study

Patricia Kore to: cmillar@forterie.ca

2023-04-24 11:38 PM

From: "Patricia Kore'

To: "cmillar@forterie.ca" <cmillar@forterie.ca>

Hello Mr. Millar,

My suggestion for STRs would be for them to be able to operate in any area of Fort Erie. If an STR is breaking the rules ie they are too noisy or too many people they should pay a fine. It should be on a case by case basis.

Also I want to take the opportunity to let you know that I have had to turn away many family get togethers as they were more than 8 people. These are not party groups. They are families coming to enjoy Crystal Beach. My suggestion is to increase the number of people to 10-12 depending on # of bedrooms.

Sincerely,

Patricia Kore

WRedekop, cmillar, ndubanow, anoyes,
Robert L. Miller, Jr. to: jchristensen, tlewis, gmcdermott, dflagg,
gregory.bender, cmcqueen, aherlovitch,

"Robert L. Miller, Jr."

<WRedekop@forterie.ca>, <cmillar@forterie.ca>, <ndubanow@forterie.ca>,
<anoyes@forterie.ca>, <jchristensen@forterie.ca>, <tlewis@forterie.ca>,
<gmcdermott@forterie.ca>, <dflagg@forterie.ca>, <gregory.bender@wsp.com>,

Dear Mayor Redekop, Town Councilors and City Planners & WSP,

I am very pleased with the STR Land Use Study Recommendations that were presented on April 18th. Thank you for all your hard work on this issue. I am in support of the recommendations presented and believe the recommendations show a very fair and balanced approach based on provincial planning principals.

My family has been property owners in the Ridgeway area since the 1940s. For all that time, we have all enjoyed the hospitality and natural beauty of the area.

Limiting STRs to commercial areas will help maintain the value and appeal of the residential areas.

The massive influx of new permanent residents is certainly putting pressure on the wildlife and natural woodlands in the area, but I'm sure all the new residents are coming here to escape the conflicts of the overcrowded areas they are leaving.

Your STR proposal will help these people with a better quality of life as well.

Thank you again for all your hard work! Sincerely,

Robert L. Miller Jr. CFP

From:

To:

# Fwd: STR Land Use Study Recommendations

Robert D. Gioia to: cmillar 2023-04-24 11:06 AM

From: "Robert D. Gioia"

To: cmillar@forterie.ca

----- Forwarded message -----

From: Robert D. Gioia < rdgioia48@gmail.com>

Date: Mon, Apr 24, 2023 at 11:05 AM

Subject: STR Land Use Study Recommendations

To: < cmillar@fortie.ca>

I understand that you are seeking input on the Fort Erie zoning proposal for short term rentals (STRs).

I am writing on behalf of my family and the property we own at since 1983.

Since the advent of online STRs and the sale of long time family owned cottages to dedicated, investment driven STR owners, the quality of our life and our neighbors has declined materially. Instead of a quiet peaceful neighborhood, we have experienced large groups of party goers only concerned with fun. Noise, hooliganism, large parties, garbage proliferation etc. have become the norm.

Having an unsupervised "mini-hotel" on our beach or down the road is not appropriate land use for a residential neighborhood. The stress on the roads, surroundings and sanitary systems is immeasurable.

The proposal is balanced and respectful of home owners and families as well as local tourism. You have our strong support. I am certain this is exactly the type of neighbor you would like to have

Thank you for listening.

Robert D. Gioia

**Short Term Rental** 

WRedekop@forterie.ca, cmillar@forterie.ca,

STEVEN ROOT to: ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca,

2023-04-24 01:20 PM

From: "STEVEN ROOT"

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca"

<cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>,

"anoyes@forterie.ca" <anoyes@forterie.ca>, "jchristensen@forterie.ca"

As a lakeshore home owner, I commend the the recommendations of the Council It has been our experience that STR's can be very disruptive These recommendations are thoughtful and very professional



STR Input

Teresa Jenkins to: cmillar 2023-04-24 03:29 PM

From: "Teresa Jenkins"

To: cmillar@forterie.ca

#### Hello All,

My name is Teresa Jenkins. I am one of the owners of the Crystal Beach Motel. I attended the public open house on April 18th but due to time constraints I did not get up to speak.

When we came here 9 years ago I was shocked that the history of the place had been pretty much obliterated and it was a ghost town. Empty storefronts are finally starting to fill up ( those that have survived covid ).

Pre covid on any given summer weekend we would sell out and that was when the Clarion still existed. We would phone other establishments and try and find accommodation for people and usually the responses were nothing available within a 1-2 hour drive! The Clarion is gone, Trans Canada sold but not sure if it's coming back as a motel. Knight's Inn only has 32 rooms and looks like it is becoming a massive new build. Crystal Beach Motel, Lakeside Suites, Philco, Haven - no way to accommodate everyone who wants to stay and play. Places to stay are small and few and far between. How does it make any sense to invite the masses but kick them out at the end of the day because there is no place to stay? If they don't stay here they don't eat or shop here to the extent that they would if they spent the night.

As far as not opening up the lakefront, realistically it would seem to me that it would be a smaller percentage who would want to rent their homes.

There is also the issue of the outrageous price hike from 1 year to next for the license. AND the room restrictions - families, friends, bridal parties want to stay together. We also purchased a 7 bedroom house thinking B&B, Motel overflow .... This is an extremely seasonal town - these restrictions are unacceptable especially after the disastrous effects of covid and all its costly repercussions.

There will always be the bad eggs who spoil it for everyone ... make the consequences clearly defined and actually reinforced. With that big license fee increase they should easily be able to create a position dedicated just to STR.

Another issue is the number of "strange" properties that have grown over the years in this area and are listed and sold as multiple units or historical rentals and are purchased as such until the Town gets involved and they have no idea of their existence - despite due diligence people are ending up with massive surprises. Perhaps realtors and the newly created STR position could assist prospective buyers to could go over listings for validity before they are sold.

Bottom line, small business makes the economy stronger and supports other small business. Either the Town wants to grow and prosper and support its residents or it continues on its short sighted trajectory of wanting its cake and to eat it too.

## **Short Term Rentals**

Tina Lisi

WRedekop@forterie.ca, cmillar@forterie.ca, to: ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca,

2023-04-24 02:16 PM

From:

"Tina Lisi"

To:

"WRedekop@forterie.ca" <WRedekop@forterie.ca>, " cmillar@forterie.ca" <cmillar@forterie.ca>, " ndubanow@forterie.ca" <ndubanow@forterie.ca>, " anoyes@forterie.ca" <anoyes@forterie.ca", " jchristensen@forterie.ca"

Dear Mayor Redekop, Town Councillors and City Planners & WSP

I am **not** in support with the STR Land Use Study Recommendations that were presented on April  $18^{\circ}$ . It is my hope that the discussions and reasons put forth in objection to this study were strongly considered after this meeting and you will vote AGAINST this. This is not in the best interests of the town and will strongly impact the tourism dollars the towns people rely on for their income.

Sincerely,

Tina Lisi

Sent from Mail for Windows

## Short Term Rentals in Crystal Beach area.

Tom Allen

WRedekop, Chris Millar, ndubanow, anoyes, to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch,

2023-04-24 09:45 PM

From: "Tom Allen"

To: WRedekop@forterie.ca, "Chris Millar" <cmillar@forterie.ca>, ndubanow@forterie.ca,

anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca, gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

To: Mayor Redekop, Town Councillors, City Planners and WSP

From: Thomas Allen and family from 4399 Erie Road in Crystal Beach

We have been following the development of plans for short term rentals in the Fort Erie area. We are happy with the recommendations in the land study presented on April 18th.

The only addition I may like would be to include summer full time residents in the definition of full time residents in the future applications for permits if this goes through the way it is proposed.

Thank you for all your efforts on this and all the other town work.

Thomas Allen

STR

Tony L. WRedekop@forterie.ca, cmillar@forterie.ca, to: ndubanow@forterie.ca, anoyes@forterie.ca,

2023-04-24 03:09 PM

From: "Tony L. "

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca", "cmillar@forterie.ca"

<cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>,
"anoyes@forterie.ca" <anoyes@forterie.ca", "jchristensen@forterie.ca"</pre>

jchristensen@forterie.ca, tlewis@forterie.ca,

Dear Mayor Redekop, Town Councillors and City Planners & WSP

As a property owner and resident I was in attendance on April 18th at town hall meeting / forum regarding the short term rental standards propose by the consulting firm WSP I am **not** in support with the STR Land Use Study Recommendations that were presented during the presentation. Omitting the shoreline zone for STR in many opinions including my own is totally uncalled for, unfair to visitors, property owners and basically so many businesses that depend on the STR patrons as a source to help boost their revenue. Fort Erie and area will loose out on so much potential business.

As the consultants reasoning for omitting the shoreline and his explanation was "he did not know where to start or stop the zone" therefore it's was omitted ... i truly hope you did not pay for an answer like that, as that is unacceptable. It is my hope that the discussions and reasons put forth in objection to this study were strongly considered after this meeting and you will vote AGAINST this. This is not in the best interests of the town and will strongly impact the tourism dollars the towns people rely on for their income.

Sincerely Tony Lisi

Sent from my iPhone

	STR recommendations tracey.haggert to: cmillar	2023-04-24 09:52 AM
	Cc: forteriecpc	
From:		
To:	<cmillar@forterie.ca></cmillar@forterie.ca>	
Cc:	>	

Dear Mr. Millar,

Firstly, I want to thank you and your colleagues for the well-thought-out recommendations you generated with regards to regulating STRs in Fort Erie. You certainly took some punches at the open house last week and displayed considerable restraint and professionalism when accused of corruption and various other nonsensical crimes. Undeniably, there was a faction of the audience that attended the meeting spoiling for a fight and very loudly expressed their opinion, for whatever it was worth. That some of these individuals were unable to follow the very clear logic of your recommendations — commercial enterprises belong in commercial zones, with some limited exceptions — or understand the limits of municipal power vis a vis the OTL is not your concern. I regret not speaking out, but as the evening wore on and the room became more charged, it seemed futile. However, I did want you to know that these people represent a **very small minority** of the citizens of Fort Erie. They are understandably upset that they cannot make a quick buck at the expense of their neighbours and now seem to believe that their poor investment decisions should somehow become the responsibility of the rest of the town. The bylaws were clear, and they still chose to buy property. This is not your concern, nor mine.

The vast majority of the citizens of Fort Erie understand that STRs belong in commercial areas and that permanent members of the community make a much more significant contribution to the local economy than do short-term renters. I live across the street from an STR and can tell you firsthand that the short-term renters do not shop at our local grocery stores, visit our local restaurants or retailers. Rather, they bring their food and alcohol with them and do not leave the STR, except to visit the local beach. Perhaps more importantly, the property remains unoccupied from October to May, with neither the owner nor the management company bothering to remove the snow or otherwise check in on the property. Given that this is a solidly residential area, this property would better serve the community if it were occupied by full-time residents, who frequent local businesses throughout the year.

As a homeowner, my preference would have been to relegate the STRs exclusively to commercial areas within the town, but there is no question that your recommendations truly do address the needs of all stakeholders. By allowing for STRs in areas with a history of rentals (i.e., the zone in Crystal Beach) and allowing for owner-occupied rentals in other non-commercial areas, you are empowering investment while simultaneously protecting the integrity and character of our residential communities and the people who live there and who are entitled to the quiet enjoyment of their residential property.

I do have two concerns that I would appreciate having addressed:

1. How is enforcement to be handled in the owner-occupied STRs? Undoubtedly, there will be instances where the owner is not on the premises or where the truth is stretched somewhat with regards to the nature of the occupancy. I hope that proactive enforcement (drop-ins by

bylaw officers) and reactive enforcement (fines / refusal to renew a license) will be considered to encourage compliance.

2. Assuming the recommendations are adopted, what happens to existing STRs that do not meet the criteria? For example, I live across the street from a licensed STR, owned by a non-resident investor and if the current recommendations are accepted, this STR would be non-compliant. Is the town's intention to grandfather in existing licensees, or will the license be cancelled (unless a zoning amendment is approved for the property)?

Again, as a homeowner who would appreciate not having a commercial establishment across the street, my hope is that compliance will be encouraged through enforcement and that existing non-complaint STRs have their licenses revoked. There is no question that these residential properties would be better utilized as homes for permanent residents of the town.

Thank you for your consideration and for your measured approach to this very contentious issue. Once again, I strongly encourage you to note that the majority of the citizens appear to want the type of approach you are recommending and I hope that you, your colleagues, and our elected officials will not be swayed by the loud voices and general misplaced rage of what is truly a minority of disgruntled investors.

Sincerely,

**Tracey Haggert** 

#### Public Open House - STR Land Use Study

**Ginny Lamison** 

WRedekop@forterie.ca, cmillar@forterie.ca, to: ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca,

2023-04-24 01:45 PM

From: "Ginny Lamison"

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca"

<cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>,
"anoyes@forterie.ca" <anoyes@forterie.ca", "jchristensen@forterie.ca"</pre>

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

Thank you for all of your work on the STR Land Use Study. We are pleased with the recommendations that were presented at the April 18<sup>th</sup> meeting. We support them and believe the recommendations exhibit a very fair and balanced approach based on provincial planning principles.

Short-Term Rentals are commercial businesses and, as such, are incompatible with, and should not be allowed in residential areas with the exception of owner-occupied residences. It makes sense that existing commercial zoning allows for STRs in those areas and in the R2B zone in Crystal Beach where there has been a history of this type of land use.

This latest report respects current Fort Erie residents, while recognizing that owner-occupied STRs address most of the concerns with STRs.

A major benefit of this approach is that it protects Fort Erie's housing stock and ensures it is available for use year-round rather than just in the summer. Too many costal communities have become playgrounds for short term renters. By limiting the proliferation of STRs to commercial areas, you are helping maintain Fort Erie's character. It is vital to maintain a generous housing stock for the growth of households in the community that want to live, work, raise families and operate businesses here year round. The long-term health of the community outweighs the individual investment choices made by STR owner/operators.

Thank you again for all your hard work!

Sincerely,

Virginia G. Lamison

On behalf of co-owners: Bruce Gartner, Margaret Gartner and Ellen Kerr

	STR viviennenona to: cmillar, TLewis, JMcCaffery, wredekop	2023-04-24 07:09 PM		
From:				
То:	cmillar@forterie.ca, TLewis@forterie.ca, JMcCaffery@forterie.ca, wre	e.ca, TLewis@forterie.ca, JMcCaffery@forterie.ca, wredekop@forterie.ca		
I have expressed my concerns and disillusionment regarding the STR on my street.  has been a disruption and a party house for the past 4 years. This is a non residential				

has been a disruption and a party house for the past 4 years. This is a non residential home and strictly for business purposes. I request that tougher enforcement be a priority. I think that a list of bylaw noise rules be posted in all STR properties. No land use study would be complete without proper bylaw enforcement on weekends and through the night. This property is a 365 day a year rental and has no business in a residential area. Thank you for the opportunity to submit my concerns. Vivienne Munton-cox.

#### Response to Public Open House 3 (STR Land Use Study, April 18, 2023)

A G to: Chris Millar 2023-04-25 02:00 PM

From: "A G"

To: "Chris Millar" <cmillar@forterie.ca>

#### Dear Chris Millar

Thank you for facilitating and updating at the Public Open House 3 (STR Land Use Study) on April 18, 2023. As a resident of Crystal Beach for 10 years in Ward 5 (and permanently since 2020), many changes have taken place in this community. I believe the overreaching issues concerning land use and zoning are Bylaws. These should work for the entire municipality; residents must abide by them, and Bylaws need to be enforced or nobody will be happy/satisfied.

- □ □ □ □ □ Limits in Crystal Beach's R2 zoning to have an enforced limited distance (density) as other communities; minimum of 150-500m between any legitimate STR property as per planning information from other existing communities (PEC, NOTL etc.). (PEC limits STR density for primary owners to 15% in a radius of 150-500m)
- □ □ □ □ □ □ □ As 74% of STR are currently in "historic" Crystal Beach, this seems imbalanced, and STR along the waterfront, other parts of the municipality of Fort Erie and commercial areas should be considered to alleviate this congestion (again complying with minimum density requirements of 150-500m). There are many kilometres of shoreline and opportunities for SRT close to the water and beaches other than Crystal Beach
- Limited STR next to existing full time residents (especially in zones where owner does not live there full time)
- • • Minimum 1 week stays for STR during peak May-August in Crystal Beach to have impact on local restaurants, services, and economy (guests staying for 1 or 2 nights are self sufficient and bring all supplies, food, beverages from their homes, so is there an impact local economy for these few nights?)
- Incentivize developers (e.g., RFPs for boutique hotel with spa etc.) to build hotels on Erie and Ridge roads (what is the plan for land across from bay beach entrance being used for?). This would provide for guests staying for a few nights, or hosting events.
- Current revenue from STR applications range from approximately \$190,000 to \$300,000 based on your statistics of 250 licenses, so these funds should be allocated to ensuring STR enforcement of bylaws etc.
- □ □ □ □ □ □ □ "Historical " Crystal Beach was mainly a summer town. Currently, "cottages " have increasingly been converted to four seasons and as a result, there are more yearly Full-Time and Part-Time residents. Therefore bylaws must be enforced ensure STR are monitored. This means STR potentially all year round in Crystal Beach (zone 2B) and enforcement to reflect this.
- □ □ □ □ □ Bylaws MUST be enforced during evenings and weekends during the busy summer season (or source out a company willing to do this and bring revenue from fines from bylaw violations). Any changes going forward cannot be successful and sustainable without dedicated bylaw enforcement.
- □ □ □ □ □ Fines for violations should be given on site to guests of a STR; <u>and</u> fine owner(s) of STR who violate bylaws through their **property taxes**, thus generating income to sustain enforcement.

doing business- full stop!) (<a href="https://noiseaware.com/">https://noiseaware.com/</a>) (<a href="mailto:info@noiseaware.io">info@noiseaware.io</a>) (used by Airbnb, VRBO etc.) These devices for STR owners will notify them about their guests. (This device allows access to get real-time information, historical data and instant alerts, so you can solve noise and occupancy problems from anywhere; and defend against false noise complaints if needed).

• • • • Posting STR owners' infractions and demerit points online as public record to have transparency regarding STR owners that breach bylaws.

Hopefully everyone wants this community to thrive, be harmonious and accepting of business and tourism but this should not be at the expense of those who live in the community, whether full or part-time throughout the year. It is the **full-time and part-time residents** that truly support businesses **ALL YEAR ROUND**, and the STRs additionally during the busy beach season. Also, town resources should be used and extended as needed to fill any gaps and be able to **enforce By-law violations**. It is my hope that the result of these open houses, made possible by expressing concerns and offering solutions, will make the community better for everyone!

Respectfully submitted,

A. Gatti

**c.c.** Mayor Wayne Redekop, Ward 5 Councillor Tom Lewis

#### Short Term Rental Land Use Study Recommendations

Ann Bassett to: cmillar@forterie.ca 2023-04-25 03:30 PM

From: "Ann Bassett"

To: "cmillar@forterie.ca" <cmillar@forterie.ca>

To Mayor Redekop, Town Councillors, City Planners and WSP -

I am writing to voice my support for the well-balanced and well-targeted STR Land Use Study Recommendations presented on April 18, 2023.

My family and I have been members of the Bay Beach community for over 100 years and multiple family generations have enjoyed so many peaceful and pleasant summers along the shores of Lake Erie in our quiet residential neighborhood. I hope this peaceful environment will continue to be preserved as set forth in the Recommendations with location of dedicated STR's in existing commercial areas.

We have had some negative experiences over the last two summers with a dedicated Short-Term Rental near us with multiple renters' loud music and shouting until very late at night. If there were an owner staying on the property, I believe this type of disruptive behavior would be better controlled, or better yet, eliminated entirely. So I do support the concept of Owner Occupied STR's in residential areas.

We certainly understand the need for robust tourism to support the local Fort Erie economy, especially the businesses of Crystal Beach and Ridgeway. With that in mind, hopeful that the moratorium on issuing new, qualified STR licenses in the WSP recommended areas will be lifted very soon to provide vacationers with options for places to stay and spend their dollars this summer if at all possible.

Thank you for consideration of these comments, for your continued service and for your support for our communities.

Sincerely,

Ann Bassett

#### **Short Term Rental**

Anthony DiCienzo to: cmillar

2023-04-25 04:00 PM

Cc: WRedekop, ndubanow, anoyes, jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcqueen, aherlovitch, forteriecpc

From: "Anthony DiCienzo"

To: <cmillar@forterie.ca>

Cc: <WRedekop@forterie.ca>, <ndubanow@forterie.ca>, <anoyes@forterie.ca>,

<jchristensen@forterie.ca>, <tlewis@forterie.ca>, <gmcdermott@forterie.ca>,
<dflagg@forterie.ca>, <gregory.bender@wsp.com>, <cmcqueen@forterie.ca>,

Hi Mr. Millar, I live on Point Abino Road South and recently attended the STR presentation on Tuesday April 18, 2023. I was very disappointed to hear the consultant was recommending to remove waterfront properties from being licenced at STR'S. When asked why he removed waterfront he responded that he "did not know where to start?" He did not say that they should not be licenced but where they should be located was the issue. My recommendation is from Point Abino to the Peace bridge. Also in his presentation he said that he had to follow guidelines set out by the Ontario Land Tribunal. He showed and spoke about the guidelines and the OLT states that STR'S are permitted in areas historically used for this purpose. Later when responding to questions he said that he acknowledged that waterfront properties had been used for over 100 years. I think that should fall into the historical category. I hope you will consider the current use of waterfront and continue it in the future.

Thx Anthony DiCienzo

Short Term Rentals

Colleen Burns WRedekop, cmillar, ndubanow, anoyes,

to: jchristensen, tlewis, gmcdermott, dflagg, \_

gregory.bender, cmcqueen, aherlovitch, Fort

From: "Colleen Burns"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca, gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca, "Fort Erie

#### Good Morning!

My husband and I would like to formally support the recommendations of the Town Planners with regard to Short Term Rentals. We know the recommendations took many long hours to develop and we believe they are balanced and fair. We also believe they are in the best interest of our wonderful community.

Thank you for your care and dedication.

Sincerely,

Colleen Burns & David Parish

2023-04-25 09:01 AM

# Feedback on draft recommendation being considered for a policy and regulatory framework respecting Short -Term Rental operations

Danny Bharat to: cmillar@forterie.ca 2023-04-25 03:15 PM

Cc: "FBegum@forterie.ca", "Muneeb Ghuman", "Ainy Zahid", "Lily

Bharat"

From: "Danny Bharat"

To: "cmillar@forterie.ca" <cmillar@forterie.ca>

Cc: "FBegum@forterie.ca" <FBegum@forterie.ca>,

#### Dear Chris and the Town Council,

Thank you for sharing the proposed changes to the Official Plan and Zoning By-law regarding Short-Term Rentals (STRs) in the Town of Fort Erie. While we appreciate the efforts made to regulate STRs, we have concerns about the proposed zoning approach and its potential impact on our property.

Specifically, we object to the way the R2B zone lines have been drawn using geometry, without taking into consideration the concentration of existing STR properties. Our property on Schooley Road was purchased after diligent research, as we found that a large number of houses in the area are currently STRs, especially around our property, and will continue to be so under the grandfathering clause. However, the proposed zoning changes will prevent us and other few remaining properties from obtaining STR licenses purely due to geometry.

Moreover, you would acknowledge that Schooley Road is a popular street for parking by day visitors, causing significant vehicular and pedestrian traffic during peak season. This is an issue not related to STR, and parked cars are found right to the North end of the street during peak days, causing significant vehicular and pedestrian traffic, and a nuisance in itself to the residents. That is the summer reality of Schooley Road and also adjoining streets in Crystal Beach. However, we think it is a small price to pay for the good of the local economy and an issue only during the very short peak season.

We also believe that the rare and random issue related to STR, should be used as a pretext to unfairly take away the availability of STRs also for non-peak season renters, who are almost always quiet and out of sight, and may require bridging accommodation due to genuine reasons such home construction or repairs.

We suggest that zones be determined by the street rather than arbitrary circles on the map, taking into account the concentration of existing STRs and the actual vehicular and foot traffic. We respectfully request that you reconsider the proposed zoning changes and take into account the realities on the ground before making any final decisions.

We look forward to working with you to find a solution that is fair, equitable, and legally compliant.

Thank you for your attention to this matter.

Sincerely, Danny Bharat Jyotsna Bharat Muneeb Ghuman Ainy Zahid

STR Land Use Study / Thank you

WRedekop, cmillar, ndubanow, anoyes, **David Starck** 

to: jchristensen, tlewis, gmcdermott, dflagg,

gregory.bender, cmcqueen, aherlovitch, Cc: "Jill Swanson", "Jody "

From: "David Starck"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca,

Mayor Redekop, Town Councillors and City Planners & WSP: Good afternoon.

We are pleased with the Short Term Rental Land Use Study Recommendations that were presented on April 18th. Thank you for all your hard work on this issue. We are in support of the recommendations presented and believe the recommendations show a very fair and balanced approach based on provincial planning principles.

Thank you again for all your hard work

Sincerely, **David Starck**  2023-04-25 06:22 AM

#### STR Land Use Study

debbie probst to: cmillar

2023-04-25 08:25 AM

From: "debbie probst"

To: cmillar@forterie.ca

Dear Mayor Redekop, Town Councillors and City Planners and WSP,

How to handle Short Term Rentals in a community is an issue many towns throughout North America are facing. Thank you for your hard work on this issue to ensure the impact on residents and citizens will be a positive one!

The recommendations presented on April 18th (STR Land Use Study) seems to address the issue fairly. Many lessons will be learned with this approach, and perhaps more STR areas could be added in the future. To begin, however, I believe you are wise to start with the proposed plan which seems to strike a good balance between the need and value of tourists and the foundation of long term residents.

All of Fort Erie is such a treasure of a community—your foresight and planning will keep it as such. Thank you again for your dedication! Sincerely,

Debbie Probst

# Short Term Rental Recommendations WRedekop@forterie.ca, cmillar@forterie.ca, Edward Burke to: ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, From: "Edward Burke" To: "WRedekop@forterie.ca" <wredekop@forterie.ca>, "cmillar@forterie.ca" <cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>, "anoyes@forterie.ca" <anoyes@forterie.ca>, "jchristensen@forterie.ca" <jchristensen@forterie.ca>, Please respond to

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

My wife Martha & I have owned since 2001. For our family this is one of the most special places in the world! However, with the proliferation of short term rentals ("STR") along Erie Road we have become very concerned that the nature of this unique community of neighbors will be damaged.

We are very pleased with the STR Land Use Study Recommendations that were presented on April 18th. Thank you for all your hard work on this issue. We heartily support the recommendations presented and believe the recommendations show a very fair and balanced approach based on provincial planning principles.

Thank you again for all your hard work!

Sincerely, E.J Burke

Fort Erie Land Use Study STR

Elisabeth to: Chris Millar, tlewis@forterie.ca, wredekop@forterie.ca

2023-04-25 10:34 AM

"Turman William", "Bender Gregory", "tinsinna@forterie.ca",

Cc: "anoyes@forterie.ca", "jchristensen@forterir.ca", "dflagg@forterie.ca", "ndubanow@forterie.ca",

From: "Elisabeth"

To: "Chris Millar" <CMillar@forterie.ca>, "tlewis@forterie.ca" <tlewis@forterie.ca>,

"wredekop@forterie.ca" <wredekop@forterie.ca>

Cc: "Turman William" < William. Turman@wsp.com>, "Bender Gregory"

<Gregory.Bender@wsp.com>, "tinsinna@forterie.ca" <tinsinna@forterie.ca>,

"anoyes@forterie.ca" <anoyes@forterie.ca>, "jchristensen@forterir.ca"

In 1860 John Rebstock purchased some property in Crystal Beach and conceived the idea of establishing a summer resort. In 1908 he was successful at convincing some American investors to help finance his idea. In 1920 it began to grow and was incorporated as a Village. At its peak it was visited by over a million visitors annually in addition to approximately 20,000 regular cottagers.

A Crystal Beach Guidebook was produced by C.J. Pilkey in 1922 and clearly shows the boundaries of the resort area with land for sale and cottages to rent. I am sure you have a copy of it as it is part of Brock University's library, but I've attached it for your reference.

The heritage and history of Crystal Beach is tourism.

As you are no doubt aware in 2015 a six-month study was done by Fort Erie counsel concerning Bay Beach and the surrounding area and a community driven strategy was born. The Bay Beach Master Plan was approved by Council on January 11, 2016, along with a strategy to commence implementation of the plan.

#### **Findings and conclusion**

"Ultimately, development of the Bay Beach lands should support Crystal Beach as a mixed-use destination with recreational, commercial and residential/rental accommodation facilities and activities, and serve as a catalyst in stimulating growth and development for a year-round tourist/recreational destination."

There were Eight Key Directions.

- 1. Enhance tourism/create a catalyst for economic development in the Crystal Beach area.
- 2. Create a community focus.
- 3. Enhance public access.
- Enhance the beach experience.

- 5. Preserve and enhance the natural environment.
- 6. Optimize return on investment to enable improvements.
- 7. Infill the neighbourhood (in association with a parking strategy)
- 8. Accommodate parking.

It seems that all but number 1 have been implemented.

Specifically:

#### 'Brand' improvements and marketing of Crystal Beach.

Bay Beach has a 3.5-star rating on Trip Advisor comments.

#### Improved marketing.

On the Exploring Niagara Website, Crystal Beach is only mentioned as a small community that grows in the summer and Bay Beach as a beach that has lost its former glory.

https://www.exploringniagara.com/places\_to\_explore/parks\_beaches/crystal\_(bay)\_beach.ht ml

#### Coordinated with regional tourism priorities.

See marketing above.

# Product development: range of accommodation (boutique hotel), festivals/events, retail, and restaurants.

Existing Hotels and short-term rental licenses equate to 190 units available for short term lodging.

Hotel Philco 7 rooms with potential to expand to 10.

Lakeside suites – approximately 10 rooms

Crystal Beach Hotel - approximately 10 rooms

In addition I understand that there has been approval for an additional boutique hotel.

250 Short-term rental Licenses available with 162 licenses approved to operate.

Of the 162 licenced STRs 130 of them are currently booked for the first week of August, leaving only 32 available in one of the prime vacation weeks of the year. Without approving more licensing this season there will be lost revenue for the town and lost income for individual owners.

At this point a maximum of 930 short term visitors to Crystal Beach can be accommodated. A maximum of 5 people at Short Term Rentals and approximately 4 people per room in the hotels.

The Fort Erie website indicates that there are approximately 10,000 visitors in Fort Erie each day of the summer season.

Short-term vacation rental guests benefit the community in terms of economic benefit because guests will spend their money in other visitor related amenities such as restaurants, bars and local attractions.

According to a fourth quarter 2021 Stats Canada National Travel survey. Canadians made 51.3 million domestic trips in the quarter, up 49.0% from 2020, overnights trips have recovered more than same-day trips. In the fourth quarter of 2021, Canadians spent \$10.9 billion during domestic travel. Average spending was \$213 per trip, with Canadians spending \$105.00 per same-day trip and \$432.00 per overnight trip.

As part of the study conducted for the Fort Erie 2015 study an informal survey of beach users was undertaken to help estimate the economic impact of the beach. 18% of respondents to the survey said they came to the beach that day from Fort Erie (12% were in Crystal Beach, 6% were elsewhere in the community). Some of the respondents were renting in Fort Erie, some had cottages in Fort Erie but lived elsewhere permanently, and some lived in Fort Erie permanently. The remaining 82% of beach users were non-residents of Fort Erie, and of these, 62% lived in Canada, and 20% lived in the United States

Assuming that 30% of the tourists who visit our area would like to stay at least one night in the Crystal Beach area over the 91 days of summer. The following is the financial impact on our community.

Same day travel: 91 days X 3000 people x \$105.00 = \$28,665,000.00 Overnight stay: 91 days X 3000 people X \$432.00 = \$117,936,000.00

I have been in banking my entire life in positions ranging from Branch Manager and Process Improvement Specialist to Credit Underwriter. I have never seen a recommendation presented to interested parties with absolutely no data. I believe that the short-term land study is flawed. It does not take into account the long history of tourism in Crystal Beach, and it does not address the financial impact of the absence of places for people to stay. A land use study should not be used in isolation to make important community decisions.

The recommendation for areas to be licenced are seemingly arbitrary. People come to Crystal Beach for the beach and yet there are no short-term rentals on waterfront property.

Most other proposed areas are based on existing zoning. My property is marked with an X below and the yellow line represents the areas that are being recommended for stand-alone short-term rentals. Other than existing zoning there is no difference between my property and the one across the street.

I fail to see the point of spending the money on a study to base the recommendation on existing zones.



ars ago with the intention of remodeling and moving into it by 2025. That will most likely not happen. I had never been to the area prior to my purchase and had no idea what it had to offer, and I have lived in St. Catharines for 20 years. This speaks to the lack of advertising even in the region.

I do believe that there should be a finite number of licenses and that strict rules must be put in place that are monitored by local authorities. There should be a three-strike rule for owners who do not follow the rules and licenses should be rescinded.

This has been a disappointingly long time to wait for the outcome of a land use study that seemingly doesn't take anything into consideration but the strong voice of the people of Fort Erie who are not in favour of STR properties.

Perhaps we need someone like John Rebstock that has a vision that will make Crystal Beach a destination for travelers and will make our lovely community great again.

Thank you Elisabeth Cornett

POF

Crystal\_Beach\_Guide.pdf

DMIN<mark>ISTRATIVE REPORT PDS-41-202</mark>3, DA

# CRYSTAL BEACH GUIDE



Price 15 Cents

Compiled and Published by

C. J. PILKEY

REGULAR MEE Proge GP 700 UNCIL -29
May 2023 781

# APPENDIX 3 TO ADMINISTRATIVE REPORT POST 172023 PATED MAY 291 2023 GULAR MEETING OF COUNCIL -28ayey62823 781

## SHERRIFF'S Novelty and Souvenir Shops

Pure Wool Bathing Suits Imported Fancy Baskets Dry Goods and Notions Souvenir Post Cards Fancy Leather Goods Sweet Grass Baskets Pure Wool Sweaters Cigars and Tobacco Yarns and Linens Indian Moccasins Imported China Bathing Needs Daily Papers Dolls, Toys Art Goods



Two Stores: 3-8 Derby Road

#### PAST PRESENT FUTURE

In the spring of 1890 J. E. Rebstock, who owned some property in the vicinity of Point Abino Bay, conceived the idea of establishing a summer resort on the north side of the Bay, just west of "Nigger

Head." now Prospect Point.

He organized the Crystal Beach Steam-Boat and Ferry Company and obtained a charter from the Dominion Government to operate a ferry between the City of Buffalo and "Crystal Beach." He built a pier and chartered the Steamer "Dove" of Detroit and began the operation of a ferry service on the 16th day of July, 1890. The following year Mr. Rebstock bought the Steamer "Pearl" and placed her in the line. Shortly afterward the "Gazelle" was added.

In those days pleasure seekers were not so numerous, nor spent as much money, so the project was confronted with failure.

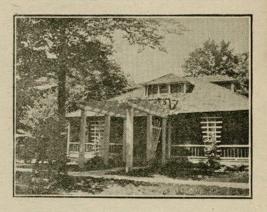
Mr. Rebstock was about the only man who had a vision of a future success but he could not interest capitalists on either side of the lake, to invest their money in the enterprise, so it was a struggle for many years, until in 1908 some Cleveland and Detroit gentlemen saw a future and became interested.

The two best excursion steamers on fresh water took the place of the old boats. The new company offered a prize for suitable names for the new boats, and "CANA-DIANA" and "AMERICANA" were chosen.

# GULAR MEETING OF COUNCIL -29 Ngay 622020 781

APPENDIX 3 TO ADMINISTRATIVE REPORT PDS-41+2023, DATED MAY 29, 2023

Catering to Refined Patronage



## Chicken Dinners

A SPECIALTY

#### ERIE ROAD

One Block West of Derby Road

Make Reservations for Parties phenomenal as the people of Buffalo felt that Crystal Beach was now a settled fact.

Today Crystal Beach is known as the "Atlantic City of the Great Lakes," and the greatest of all fresh water summer resorts.

In 1920 Crystal Beach began to take on a new lease of life. It was incorporated as a Village and since then over a million dollars has been expended in improvements, consisting in part of new subdivisions, new concrete sidewalks, new cottages on a larger and better plan, new stores and places of business, new restaurants, and a real live hot-dog-stand were built and the construction of the finest pier in Amercia commenced. A sewerage system and disposal plant is now being constructed and in a very short time will be completed.

Crystal Beach is now visited by over a million people annually in addition to the regular cottagers, of which there are about twenty thousand. The future looks exceedingly bright, with the almost sure prospect of the bridge across the Niagara, the building of a large tourist hotel, the organization of a Country Club, the reconstruction of the Amusesement Park. All this means a large expenditure of money in the next three of four years and promises a City of Crystal Beach in the near future that will astonish even the most sanguine boosters.

The Motto of the Crystal Beach Board of Trade is BOOST and WATCH US GROW.

2

AFPENDIX 3 TO ADMINISTRATIVE REPORT PDS-41, 2023, DATED MAY 29, 2023

Crystal Beach is reached by the sister

# LUNCH

#### HOME COOKING

REGULAR MEALS

SHORT ORDER

We serve a GOOD cup of COFFEE

MRS. CRONFELT, 19 Erie Road

# C. E. Kimmerle GROCERIES

MEALS

NO. 1 DERBY ROAD Corner Erie Crystal Beach is reached by the sister boats, "Canadiana," and "Americana," starting at 6:45 a.m. and nearly every hour until 11:30 p. m.

Five lines of busses running between Crystal Beach, Niagara Falls, Fort Erie, Bridgeburg, Port Colborne and Ridgeway, traversing a beautiful farming district—and it has some history for it was at Ridgeway that the Fenian invasion in 1866 came to a "Quick Stop."

The "Marion L," a small yacht, meets all boats and calls at several places in the Bay, stopping at Point Abino

#### CIVIC GOVERNMENT

Patrick Ryan, Reeve.
Charles Shepard, Councilman.
Charles Wood, Councilman.
Orlie Loomis, Councilman.
George Rebstock, Councilman.
Charles Soper, Chief of Fire Department.

Martin Strauch, Chief of Police. George Zavitz, Director of Bathing. J. H. Nagel, Superintendent of Park. Frank Millington, Clerk of Village. E. A. Buck, Treasurer. J. O. Page, Assessor. Joseph Clark, Police Justice. Col. Massie, Police Judge.

#### SOME "DONT'S" TO BE REMEMBERED

Don't park your auto on Derby Road. Don't go through the village without a bath robe if you are in bathing costume. APPENDIX 3 TO ADMINISTRATIVE REPORT PDS+41-2023; DATED MAY 29; 2023 in bathing costume.

Don't argue with the Police.

# RESTAURANT

A Good Place To Eat

FINE COFFEE and SHERK'S ICE CREAM

2 Derby Road, corner Erie

# THE OAK HILL **APARTMENTS**

have a Reputation for Cleanliness and Comfort. We will be pleased at any time to show you.

> yours truly, HENRY OGES.

Don't disrespect the "Flag".

Don't walk through the street doing the "hugging" act. It shows very bad taste.

Don't drive to the left of the middle of the street.

Don't pass to the RIGHT of a vehicle going the same way.

Don't use your CUT-OUT.

Don't drive past a horse, if signalled to STOP. The farmers have rights.

Don't drive RECKLESSLY. Be care-

ful. Safety First.

Don't drive faster than TWELVE (12) miles per hour.

Don't, OH DON'T, let the COP get you. DON'T KNOCK, BOOST.

#### NUMBERING

EXPLANATION-The village is numbered east and west from Derby Road, and north from Erie Road.

Lots lying east of Ridgeway Road are numbered east therefrom, and north from

starting point.

#### BANKS

The Imperial Bank of Canada has a branch on Derby Road, corner Erie.

#### CHURCHES

People's Community Church, Derby Road, corner Lincoln Road.

Catholic, Ridgeway Road, corner Munster Lane.

Community Church at Point Abino, services every Sunday evening.

# AFPENDIX 3 TO ADMINISTRATIVE REPORT PDS-41-2023, DATED MAY 29, 2023 The Buffalo Canoe Club is at the head GULAR MEETING OF COUNCIL -29Rage 2023 f 781

The Big Store with the Open Front

Fresh Fruit and Vegetables every morning

Baked Goods from our own Ovens

MEATS and FISH

# DUNN'S

Just North of the Post Office

#### THE ELECTRIC SHOP

HOUSE WIRING **Everything Electrical** 

ALSO

Hardware, Paints, Beaver Board

S. D. DUNN

Phone 29-G

36 Derby Road

of the Bay, and is served by the "Marion

The Buffalo Yacht Club is at Point Abino and is served by the "Marion L."

#### POST OFFICE

The post office is located at 24 Derby Road; Geo. Rebstock, Postmaster. Office, same. Police Court, same.

#### SCHOOL

Section No. 11, of the township of Bertie has the finest rural school in Ontario. Crystal Beach is in section No. 11. Light house at Point Abino.

#### ABERDEEN ROAD

30-ft.

East from 155 Derby Road

--- Belvidere --- Winooski

--- Ridgeway Road

#### ALEXANDER ROAD

30-ft.

West from 110 Derby Road to Devon Road East from 111 Derby Road to 110 Ridgeway Road

#### ASHWOOD AVE

30-ft.

North from 75 Erie Road --- 6th West of Derby

--- Birchwood

--- Glen Spring Road

--- Victoria Road

APPENDIX 3 TO ADMINISTRATIVE REPORT PDS-41-2023, DATED MAY 29, 2023 GULAR MEETING OF COUNCIL -29 biggy 2020 1781



#### Crystal Beach - Fort Erie Red Bus Line

Leave		Leave		Leave	
Crystal	Beach	Ridgew	ay Fo	rt Erie	Ferry
6:00			A.M.	7:00	A.M.
7:45	44	7:55	46	9:00	"
9:30	"	9:40	46	10:30	"
11:30	66	11:40	" .	12:50	P.M.
	P.M.	1:40	P.M.	2:30	"
3:30	66	3:40	"	4:30	"
4:45	66	4:50	46	6:00	66
6:30	"	6:40	44	7:30	"
9:00	**	9:10	"	10:00	"

SATURDAYS ONLY

12:30 A.M. 11:30 P.M. 11:40 P.M.

SUNDAY

10:40 P.M. 11:15 P.M. 10:30 P.M.

Fares: Crystal Beach 50c single and 75c return. Ridgeway 35c. single and 65c return.

Special Terms Arranged for Parties Subject to change without notice

Phone 27-Y

#### BEECHWOOD

North from Erie Road

Birchwood

\_\_\_ Glen Springs 10th St. West of Derby

#### BELFAST ROAD

30-ft.

North from 14 Queen Circle

\_\_\_ Crescent Ave

\_\_\_ Lincoln Road

\_\_\_ Cambridge Road

South from 5 Queen's Circle

12 Windsor Lane

15 Lincoln

BELVIDERE ROAD

24 Cambridge

30-ft.

North from 12 Rebstock Road

22 Aberdeen

50 Wellington 76 Humberstone

BIRCHWOOD AVENUE

30.ft

66-ft.

West from 30 Oxford Avenue

\_\_\_ Maplewood

--- Elmwood \_\_\_ Oakwood

\_\_\_ Ashwood

\_\_\_ Cherrywood \_\_\_ Schooley Road

BRUNSWICK AVENUE

East from 91 Ridgeway Road

APPENDIX 3 TO ADMINISTRATIVE REPORT PDS-41-2023, PATED MAY 29, 2023

L. BRODIE, Phm. B. **GULAR MEE** 

The Crystal Beach Druggist

New York State Graduate

PURE DRUGS, STATIONERY, CANDY RUBBER GOODS and TOILET ARTICLES

Complete Line of Eastman Kodaks and Films

TING

OF COUNCIL -29Page 8023 178

PHONOGRAPHS AND RECORDS

Prescriptions Carefully Compounded

We are showing a wonderful line of Imported Linens

THE

Mrs. Geo. S. Bradley. Prop.

CRYSTAL BEACH. ONTARIO, CANADA

Furnished Rooms

Week End Parties Accommodated Home Privileges if Desired Cakes and Pies Made to Order

No. 12 ELMWOOD AVE.,

Near Erie Road 12

CAMBRIDGE ROAD

East from 7 Derby Road

20 Relfast

50 Munster Lane

39 Crescent 75 Shannon

100 Essex

131 Derby Road North

The West side of Cambridge Road is numbered from 21 Erie Road

West from 8 Derby Road 14 Park Place

19 Shannon

25 Cambridge Road

43 Ulster Lane

63 Belfast Conway

89 Devon

131 Derby Road North

CAMBRIDGE PLACE

30-ft.

30-ft.

North from 21 Erie Road and extends to Cambridge Road

CHERRYWOOD AVENUE

30-ft.

North from 83 Erie Road --- 7th West of Derby Road

--- Birchwood

--- Glen Spring Road

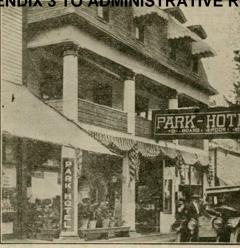
--- Victoria

CONWAY PLACE

30-ft.

East from 64 Derby Road to 56 Lincoln Road East West from 64 Derby Road to 60 Lincoln Road West

APPENDIX 3 TO ADMINISTRATIVE REPORT PDS-41-2023, DATED MAY 29, 2023 GULAR MEETING OF COUNCIL -29 bigg 2020 78



#### The New Park Hotel

B. HUGGER, Proprietor Phone Ridgeway 132

American and European Plan

Regular Dinners Chicken Dinners

and A la Carte Service

Parties and Banquets Catered to

No. 22 Derby Road

CRYSTAL BEACH

ONTARIO

14

#### CRESCENT ROAD

West from 56 Derby

Belfast

\_\_\_ Lincoln East from 57 Derby

\_\_\_ Shannon Road

\_\_\_ Lincoln Road East

#### DERBY ROAD

30-ft.

30-ft.

North from Erie Road

The centre from which the village is numbered

8 Cambridge

16 Lincoln 30 Queen's Circle

56 Crescent

64 Conway

76 Lincoln Road North

84 Cambridge Road North

94 Victoria

110 Alexander 122 Elizabeth

134 Rebstock

155 Aberdeen 183 Wellington

207 Humberstone Village limits

DEVON PLACE

20-ft.

30-ft.

North West from 72 Lincoln Road

West and extends to Devon Road

#### DEVON ROAD North from Devon Place

12 Victoria Road

23 Alexander Road

65 Elizabeth Rebstock

Harness Hardware, Furniture and Rugs

**GULAR MEETING** PAINTS AND OILS, SEEDS, BOOTS AND SHOES, BRANTFORD OF COUNCIL P28 4/183/CO278 ROOFING, ETC.

RIDGEWAY, ONT.

# WHITE'S RESTAURANT

Regular Meals 65c. Breakfast 50c.

> Chicken Dinner Home Cooking

Ice Cream Served with Cake

25 Erie Road

16

#### DOVERCOURT ROAD

North from 26 Graeber 9 (Open Street)

24 Linwood Lane

40 Fernwood Lane Duffern

#### DUFFERIN AVENUE

East from 67 Ridgeway Road 16 Englewood

#### EASTWOOD

North from Eric Road Birchwood

> \_\_\_ Glen Spring Road 9th St. West of Derby

#### ELIZABETH STREET

West from 122 Derby Road 2 Devon Elmwood

#### ELMWOOD AVENUE

North from 55 Erie Road 4th West of Derby 30 Birchwood

68 Glen Spring Road

100 Victoria Road

#### ENGLEWOOD AVENUE

North From Inner Lot 10 Linwood Lane 26 Fernwood Lane 42 Duffern

17

66-ft.

66-ft.

30-ft.

30-ft.

66-ft.

Windmill Point Dairy ERIE ROAD, CRYSTAL BEACH, ONT. R. B. EVERETT & SONS

Proprietors

We have the only Pastuerizer at the Beach

You can get either Raw or Pastuerized Milk at our Dairy

Also Butter, Buttermilk and Strictly Fresh Eggs every day

COUNCIL -29 Mgay 620728 78 Everything that we sell we guarantee to be fresh and of the best

# Leave your films

to be DEVELOPED and PRINTED

at the Midway Studio

Prompt service MIDWAY STUDIO

FRIE ROAD 40-ft. West from 2 Derby Road 23 Cambridge 30-ft 37 Oxford Maplewood 55 Elmwood Oakwood Ashwood 83 Cherrywood 66-ft 101 Schooley Road Eastwood Reechwood Westwood Lakewood East from 1 Derby Road 40-ft. 32 Ridgeway Road (Not open to 82) 82 Inner Lot 66-ft. 96 Rose Street ESSEX ROAD 30-ft. North East from 69 Lincoln Road \_\_\_ Cambridge Road --- Ridgeway Road FERNWOOD LANE 30-ft. East from 51 Ridgeway Road 27 Englewood 37 Dovercourt FRONT AVENUE On Lake Front East East from Ridgeway Road

30-ft.

GLENWOOD ROAD

North from 23 Schooley Road



# LOG CABIN

COME and SEE IT and have a sample of a DO'NUT

such as mother never made

Buy only
Log Cabin Do'Nuts
12 CAMBRIDGE ROAD

GLEN SPRINGS ROAD

30-ft.

West from 72 Oxford Avenue

7 Maplewood

15 Elmwood

23 Oakwood

\_\_\_ Ashwood \_\_\_ Cherrywood Avenue

\_\_\_ Schooley

GRACE AVENUE

50-ft.

East from Ridgeway Road, corner of Athletic Field

16 Lake, 41 Peach, 91 Graeber

16 Lake

41 Peach

91 Graeber

GRAEBER AVENUE

50-ft.

East from 13 Ridgeway Road

24 Dovercourt

44 (Widens to 66-ft.)

80 Prospect Avenue to lake shore

**HUMBERSTONE ROAD** 

66-ft.

West from Ridgeway Road
Forming the northern limits

LAKEWOOD

North from Erie Road

\_\_\_ Birchwood

--- Glen Springs Road 12th St. West of Derby.

21

The cuts in this Guide were made from Kodak Films, developed at 360 Main St., Buffalo. Take yours home. Leave them with us in the morning and get them after noon.

## Automatic Developing Co.

THIRTY ROOMS

MEETING

COUNCIL -29 Mgay 633923 f 781

PHONE 122 r 5

# ONTARIO HOTEL & BALTIMORE LUNCH

Under New Management

E. H. GREINER, Mgr.

CRYSTAL BEACH

**ONTARIO** 

22

#### LINCOLN ROAD

East and West from 16 Derby Road

#### West

- 12 Shannon
- 28 Providence Lane
- 40 Crescent 50 Belfast
- 59 Conway
- 72 Devon
- 96 Derby Road North

#### East

- 13 Belfast
- 27 Windsor
- 48 Shannon 56 Conway
- 69 Essex
- 91 Derby Road North

#### LINWOOD LANE

East from 35 Ridgewood Road Englewood

Dovercourt

#### MAPLEWOOD AVENUE

30-ft.

25-ft.

North from 45 Eric Road 3 Road West of Derby

- 30 Birchwood
- 74 Glen Springs Road

#### MUNSTER LANE

12-ft.

East from 9 Queen's Place

\_\_\_ Cambridge Road

# APPENDIX TO ADMINISTRATIVE REPORT PDS-41-2023, DATED, MAY 29, 2023 **GULAR MEETING** Pies and Cones

OUNCIL -29 kiggy @402 of 78

Are bought by all the Smiths and Jones's, Are bought by you, are bought by me, By sister Suse and brother Lee There is a reason don't you see?

# "Bobbie"

Buffalo Papers! Ever Hear His Clear Buffalo Papers! Call?

That's Bobbie! The NEWS DEALER of CRYSTAL BEACH

#### OAKWOOD AVENUE

30-ft.

North from 63 Erie Road

32 Birchwood --- Glen Springs Road

#### OXFORD AVENUE

50-ft.

North from 36 Erie Road

2nd street West from Derby Road

30 Birchwood

70 Glen Springs Road 100 Victoria Road

#### PARK PLACE

30-ft.

East from 7 Cambridge Place to Cambridge Road

#### **OUEEN'S CIRCLE**

From 30 Derby Road to 31 Derby Road

#### REBSTOCK ROAD

60-ft.

West from 128 Ridgeway Road \_\_\_ Derby Road

--- Schooley Road

#### RIDGEWAY ROAD

66-ft.

North from Lake Shore

(Numbered from Erie Road)

13 Graeber Avenue

35 Linwood 51 Fernwood

Shannon

Duffern

Roxborough

84 Essex

91 Brunswick 96 Victoria

100 Alexander

# RIDGEWAY PLANING MILL

LIMITED

LUMBER, LATH SHINGLES and CEDAR POSTS

Manufacturers and Dealers in Sash,
Doors, Blinds and all kinds of
Builders' Supplies

Distributors for

BEAVER BOARD



RIDGEWAY

**ONTARIO** 

26

128 Rebstock 156 Aberdeen 181 Wellington 206 Humberstone

ROXBOROUGH

East from 79 Ridgeway Road

SHANNON ROAD

66-ft.

30-ft-

South

South from 26 Queen's Place

11 Providence Lane Reserve D

\_\_\_ Lincoln Road \_\_\_ Cambridge

North

From 19 Queen's Circle

10 Crescent Road Reserve C

Lincoln Road
Cambridge
Ridgeway Road

TERRACE LANE 20-ft.

East from 1 Lake Avenue 41 Peach

ULSTER LANE 12-ft.

West from 8 Queen's Circle
\_\_\_ Lincoln Road

\_\_\_ Cambridge Road

SCHOOLEY ROAD 50-ft.

North from Lake Shore (Numbering from Erie Road)

24 Glenwood 29 Birchwood

# **GULAR MEETING** S COUNCIL -29 by 24023 f 78

#### APPENDIX 3 TO ADMINISTRATIVE REPORT PDS-41-2023, DATED MAY 29; 2023

#### I Beliebe

in the stuff I am handing out, and in my ability to get results. I believe that honest stuff can be passed out to honest men by honest methods. I believe in working, not weeping; in boosting, not knocking; and in the pleasure of my job. I believe that a man gets what he goes after, that one deed done today is worth two deeds tomorrow. and that no man is down and out until he has lost faith in himself. I believe in today and the work I am doing, in tomorrow and the work I hope to do, and in the sure reward which the future holds. I believe in courtesy, in kindness, in generosity, in good cheer, in friendship and in honest competition. I believe there is something doing, somewhere, for every man ready to do it. I believe I'm ready-RIGHT NOW!-To sell you a LOT on your own terms.

C. J. PILKEY
NO. 7 CAMBRIDGE ROAD

--- Glenwood Springs Road

\_\_\_ Victoria

Rebstock

#### VICTORIA ROAD

30-ft.

West from 94 Derby Road

28 Devon

42 Maplewood

52 Elmwood 62 Oakwood

\_\_\_ Ashwood \_\_\_ Cherrywood

Schooley Road

East

From 95 Derby Road to Ridgeway Road

#### WELLINGTON ROAD

30-ft.

East from 183 Derby Road

--- Belvidere --- Winooski

\_\_ Ridgeway Road

#### WESTWOOD

North from Erie Road
Birchwood
Glen Springs
11th St. West of Derby

#### WINOOSKI

30-ft.

North from 22 Rebstock Road 26 Aberdeen

54 Wellington 80 Humberstone

# APPENDIX 3 TO ADMINISTRATIVE REPORT PD\$444-2023, 49 ATEDRIMA X v29, 2023 GULAR MEETING OF COUNCIL -2971algay 20023 178

#### Beer and Porter

Cold. Pure and Refreshing

RED HOTS

SANDWICHES

CHARLES SOPER 11-13 Derby Road

### WM. HEMBRY GROCER

Home Baked Do'nuts a Specialty

NO. 7 ERIE ROAD

We Aim to Please and not to Tease

Queen's Circle

RESERVE B

Cambridge, Crescent, Belfast

RESERVE C

Lincoln, Shannon, Crescent

RESERVE D

Lincoln, Shannon, Providence

RESERVE E

Belfast, Lincoln, Windsor

RESERVE G

Cambridge and Park Place

PUBLIC PARK AND PICNIC GROUNDS South of Erie Road

ATHLETIC FIELD

South of Erie Road and East of Ridgeway Road at the end of the Midway.

PONY TRACK

At the East end of the Midway. The lake front has not been subdivided but each cottage has all it can cover, and is numbered from WEST to EAST and is on three levels.

From 1 to 49 is east of the Pier and on the lower level from 50 to 99 is from

the Pier to Schooley Road.

From 100 to 149 is EAST of the Pier.

on the second level.

From 150 to 199 is from the Pier, second

level to Scholev Road.

From 200 and up on the third level, WEST of the Pier, access to the different levels is by stairs. One opposite the Pier

BON-AIR. One at WEST end of Bath House over the top landing at Oxford Avenue on Eric Road.

There is a level cut through to Erie Road with a concrete walk reaching Erie Road at Ashwood Avenue.

The Schooley Road is a public thorofare

and is the village limit.

#### LOCALITIES

BAY BEACH

ULAR

ME

ETING OF

COUNCIL

-29 Mgay 02020 178

The West end of the Bay from Schooley to Point Abino.

DREAMLAND.

West of Schooley Avenue and North of Erie Road.

LAKE VIEW

East of Ridgeway Road and South of Rebstock Road.

POINT ABINO

Across the Bay opposite the Pier.

PROSPECT POINT

East of the Pier and Athletic Grounds.

SHORE ACRES

West of Schooley Avenue and Norht of Glen Springs Road.

McKINLEY GROVE

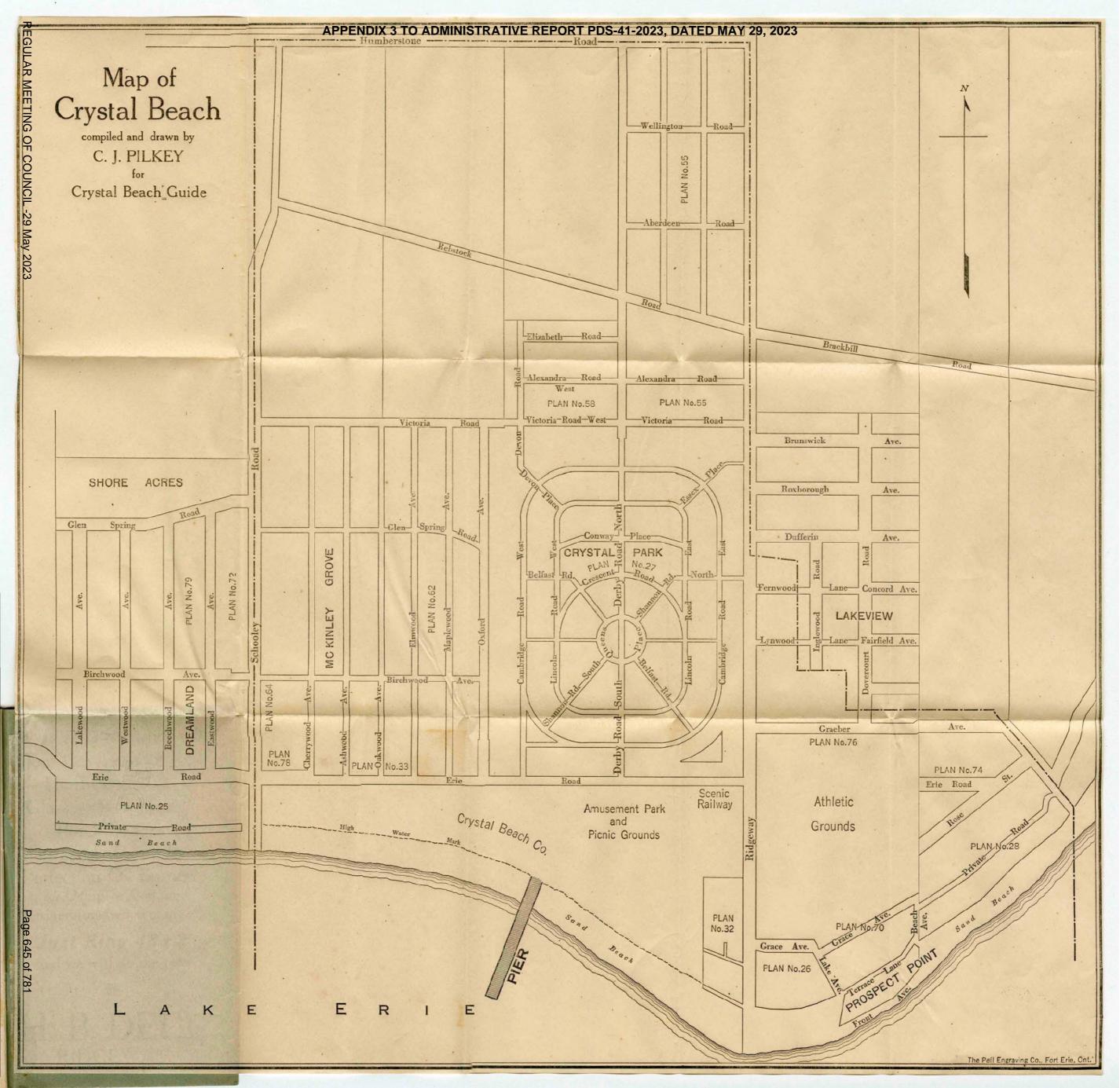
East of Schooley Avenue and North of Birchwood.

WOODLAND

North of the Eric Road and West of Cambridge.

**OUEEN'S CIRCLE** 

The centre of the Village.



**DMINISTRATIVE REPORT PDS-41-2023, DAT** 

#### INFORMATION

For any information not contained in this booklet

# Ask Rebstock

Founder and Promoter of Crystal Beach

OFFICE: POST OFFICE BUILDING

I have lots and cottages for sale on easy payments in every section of Crystal Beach

See our latest sub-divisions DREAMLAND and SHOREACRES in the BAY BEACH section. Over 200 lots sold in less than two years

## J. E. REBSTOCK

President

Crystal Park Co'y Ltd.
REGULAR MEETING @ OF COUNCIL -29

May 2023

Bassett: Short Term Rentals in Fort Erie

Jennifer Bassett WRedekop@forterie.ca, cmillar@forterie.ca,

to: ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca,

2023-04-25 12:49 PM

From: "Jennifer Bassett"

To: "WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca"

<cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>,
"anoyes@forterie.ca" <anoyes@forterie.ca", "jchristensen@forterie.ca"</pre>

I wanted to thank the staff and WSP Committee for their time and hard work on the short-term rental study. I support the study's recommendations including keeping commercial rentals, rentals that don't include owner occupation, out of the residential areas along Erie Road, as well as other similar residential areas. Our family has been owners of a property along Bay Beach on Erie Road for over 100 years. It is a family-oriented area which is special due to the enjoyment by residents who have in the past shown respect for their neighbors. In the last few years, a neighboring property has been rented out for large groups and parties, mostly on weekends. The constant blaring of music and screaming of attendees during their rental has been very disruptive. There was a professional level musical band playing one Saturday evening after their afternoon sound check which reverberated throughout the whole area. On multiple occasions there were dozens of young adults partying throughout the day and evening until about 10:30PM. This property was being rented short term and often used as a party venue. I realize that the policing of any policies will be very important as well, but the understanding that a residential area is not meant to be used for an unsupervised short-term rental (which might be utilized as a party venue) is essential.

Thank you for your time and consideration.

Jennifer Bassett

#### Short term exemption and/or long term rental stipulation suggestions Redekop Wayne, Millar Chris, ndubanow, Jennifer Bronstein to: anoyes, jchristensen, Lewis Tom, 2023-04-25 11:54 AM McDermott George P, dflagg, "Jennifer Bronstein" "Redekop Wayne" <WRedekop@forterie.ca>, "Millar Chris" <cmillar@forterie.ca>, ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, "Lewis Tom" <tlewis@forterie.ca>, "McDermott George P" <gmcdermott@forterie.ca>, dflagg@forterie.ca, Dear Mayor Redekop, Town Councilors and City Planners & WSP, I had some additional ideas to my original letter dated April 24, 2023 that I wanted to submit. I realized there could or should be a Short Term Rental exemption, Occasional Rental, for resident-owners who would like to have the opportunity to rent an entire home for a period of time each month, but only one rental opportunity per month, whether it be one week, two weeks, three weeks, or four weeks. An owner is currently allowed to rent a home for any period over 30-days. So, why not allow a rental of one, two or three weeks to only one tenant, but only once within a month or within a 30-day period, but not allowed to rent to any other person but that one tenant within that 30 day period. This would give homeowners the opportunity to recoup some money to pay for expenses and taxes, including the new Underused Housing Tax! This approach accomplishes most of the goals set out by many of the constituent by: Allowing non-commercial zone homeowners some limited ability to gain revenue, Increasing the number of available accommodations for tourists, Not allowing commercial accommodation turnover in residential zones, Placing this type of accommodation under the control of the STR licensing and enforcement

Jennifer Prince Bronstein

Thank you again for all your hard work!

From:

regime.

Sincerely,

To:

# Short-Term Rentals in Fort Erie - Land Use Study and Moratorium on Short Term Rental Applications

Mark Lacasse to: cmillar@forterie.ca 2023-04-25 12:08 PM

Cc: "Mark Lacasse"

From: "Mark Lacasse"

To: "cmillar@forterie.ca" <cmillar@forterie.ca>
Cc: "Mark Lacasse" <skatesmsl@hotmail.com>

Hi, I have been present at the last two public sessions.

Since moving to Fort Erie, I have requested many times when may I apply for a short-term rental application. The answer has always been there are only 250 allowed and a moratorium has been placed on the application process until the land use study is complete. This will be the second summer of business I have missed as a result of the Town restricting my revenue for short-term rentals since I moved here and there is still no timeline provided when applications will be allowed. At the last public forum, an attendee suggested a class-action suite should be started for restriction of revenue by the town. There is no reason the Town could not have maintained the status quo of 250 approved short-term rentals. My last count of the existing list indicates not all 250 slots have been filled.

The Town has also foregone the revenue of short-term licence fees for 2 years by this arbitrary decision.

My thoughts are that the applications process should be opened up after the March 31, 2023 deadline, at least for owner-occupied short term rental locations. Second, the 250 maximum allotments should be revisited with supporting data for the eventual number of short-term rental allotments allowed in the Town.

Regards, Mark Lacasse

#### Ft. Erie Short Term Rentals

Michael Militello

WRedekop, cmillar, ndubanow, anoyes, to: jchristensen, tlewis, gmcdermott, dflagg, gregory.bender, cmcgueen, aherlovitch,

2023-04-25 11:34 AM

From:

"Michael Militello"

To: WRedekop@

WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca, gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca, "FORT ERIE"

Dear Sirs:

As a live-long summer resident of Bertie Bay, I want to thank you for your work on the Short Term Rental Land Use Study. This is not easy work, so I appreciate the time you took to listen to all sides and to make a fair decision. And I believe the decision is fair. I am in full agreement and will support it whole-heartedly. We are fortunate to have a very special community. Thank you for keeping our community special, as I have loved it for the 64 years I have lived here. Thank you.

All the best,

Michael Militello

STR land use study

WRedekop, cmillar, ndubanow, Krystah Paroschy-Dyer to: anoyes, jchristensen, tlewis,

anoyes, jchristensen, tlewis, 2023-04-25 01:19 PM

gmcdermott, dflagg, gregory.bender,

From: "Krystah Paroschy-Dyer"

To: WRedekop@forterie.ca, cmillar@forterie.ca, ndubanow@forterie.ca, anoyes@forterie.ca,

jchristensen@forterie.ca, tlewis@forterie.ca, gmcdermott@forterie.ca, dflagg@forterie.ca,

gregory.bender@wsp.com, cmcqueen@forterie.ca, aherlovitch@forterie.ca

Dear Mayor Redekop, Town Councillors and City Planners & WSP,

We are extremely happy with the outcome of very the STR Land Use Study Recommendations that were presented on April 18th. We appreciate the effort and time it took to bring this issue to the table and make it important. We are in full support of the recommendations presented and believe the recommendations show a very fair and balanced approach based on provincial planning principals.

Thank you again for all your hard work! Sincerely,

Krista Paroschy-Dyer and Colin Dyer

Sent from my iPhone

Short Term Rental Land Use Study Recommendations

Robin Bronstein Redekop Wayne, Millar Chris, ndubanow,

to: anoyes, jchristensen, Lewis Tom, 2023-04-25 12:52 PM

McDermott George P, dflagg,

Cc: "Andersen Kristan"

From: "Robin Bronstein"

To: "Redekop Wayne" <WRedekop@forterie.ca>, "Millar Chris" <cmillar@forterie.ca>,

ndubanow@forterie.ca, anoyes@forterie.ca, jchristensen@forterie.ca, "Lewis Tom"

<tlewis@forterie.ca>, "McDermott George P" <gmcdermott@forterie.ca>, dflagg@forterie.ca,

Cc:

Dear Mayor Redekop, Town Councillors, City Planners and Consultants,

Thank you very much for your deliberate and thorough efforts to devise a solution to this very divisive topic. We understand you cannot please everyone with a solution to this problem but allowing speculative financial endeavors to override the character of neighborhoods would be the worst possible outcome.

We see the argument that STRs bring in tourism dollars for local businesses as a ruse. Every home taken out of the housing stock and converted into a dedicated seasonal short term rental eliminates one full-time resident family and thus significantly reduces the dollars spent locally. It also exacerbates the housing shortage which is driving much of the current governmental efforts across Canada and Ontario.

We are in favor of the STR Land Use Study Recommendations that were presented on April 18th.

Thank you for all your hard work on this issue. Sincerely,

Robin Bronstein & Kristan Carlson Andersen

Robert Zekanovic to: cmillar

From: "Robert Zekanovic"

To: cmillar@forterie.ca

Hi. This is Rob. I spoke at the town hall meeting last week on Tuesday.

After you heard the complaints of people who don't like STR, you should also listen to our concerns and complaints and check the history of past rentals to determine if there's been negligence, rather than punishing everyone collectively for negligence they have not even committed. Another suggestion I have which will not punish anyone is in order for the STR rental people to be allowed to do STR is that they will be required to advertise no noise, no partying and anything else the people who are against STR complain about. Another suggestion for prevention of any of the past complaints without punishing the STR is to make the punishment bigger for potential customers in case of negligence and a requirement of the STR people to notify them

2023-04-25 04:00 PM

#### Comments on the STR Land Use Plan

Sarah Fox to: cmillar@forterie.ca

2023-04-25 03:55 PM

From:

"Sarah Fox"

To:

"cmillar@forterie.ca" <cmillar@forterie.ca>

#### Dear Chris,

I was unable to attend the public open house on the Short Term Rental Land Use Stud Recommendations on April 18, but I did watch it over zoom and am fully supportive of the recommendations as presented. This is a difficult subject that generates strong emotions on all sides, but I think the consultants and staff have done an excellent job of balancing competing interests in a way that is balanced and fair..

I particularly appreciate the clear recognition that STR's are commercial undertakings and should generally be restricted to areas where that are zoned for commercial uses. At the same time, rather than banning STR's outright in residential neighborhoods, the recommendations thoughtfully recognize that there are situations where short term rentals in otherwise residential neighborhoods do not present a significant risk of disruption to neighbors and therefore should be permitted: (1) where a limited portion of a property otherwise occupied by the owner on a full-time basis is being rented out on a short term basis, and (2) in those neighborhoods in Crystal Beach where cottages have historically been rented out on a short term basis to summer vacationers. I fully agree that in those situations STRs should be allowed..

I am a fourth generation summer resident of Bay Beach. Along our stretch of the lakefront, there has never been a practice of properties being rented out on a short-term basis, and I and all of my neighbors are anxious to preserve the historic, family-oriented character of our neighborhood. However, as reflected in the comments of some of the property owners at the meeting, I recognize that there may be properties outside the designated Crystal Beach neighborhood that have a history of being rented out on short term basis, or where circumstances are such that permitting short-term rentals would not intrude on the residential character of the general area. I therefore appreciate and agree with the recommendation that properties be permitted to apply for a site-specific zoning bylaw amendment to allow that usage of the property where appropriate. I think this gives the Council the flexibility it needs to fairly deal with all concerned.

Thanks to you, your staff and the consultants for all your hard work on this issue.

I would like to request that my comments be included in staff's report to the Council

Sincerely,

Sarah Fox

#### Comments from Resident on STR topic

**Shelby Allen** 

WRedekop@forterie.ca, cmillar@forterie.ca, to: ndubanow@forterie.ca, anoyes@forterie.ca, ichristensen@forterie.ca, tlewis@forterie.ca,

2023-04-25 12:11 PM

From:

"Shelby Allen"

То:

"WRedekop@forterie.ca" <WRedekop@forterie.ca>, "cmillar@forterie.ca" <cmillar@forterie.ca>, "ndubanow@forterie.ca" <ndubanow@forterie.ca>, "anoyes@forterie.ca" <anoyes@forterie.ca>, "jchristensen@forterie.ca"

#### Dear Mayor Redekop, Town Councillors and City Planners & WSP,

I am writing today regarding the Short Term Rental Land Use Matter before the council. I have read the STR Land Use Study Recommendations that were presented on April 18<sup>th</sup>, and I am thankful for all the hard work that has gone into this to date. As a member of a family a long time residents in the Fort Erie Community on Erie Rd. this matter is of great importance to me.

I have had concerns regarding use and intended use of properties in the area for commercial short term rentals, based in negative experiences when owners have not been on site and renters have been renting for only a few days at time with intentions of partying and creating excess noise into early morning hours and leaving litter behind, or when owners are not engaging in property care and maintenance. My understanding from what I have read in the study and recommendations presented, is that short term rentals legally applies to any rentals that are 30 days or less, which encompasses far more than those prementioned instances which cause me great concern.

As a result, I find that the recommendations proposed present a fair and balanced approach that I support. In particular, if I am understanding them correctly, these recommendations allow for STRs in zones that are appropriately suited for them and in alignment with provincial planning goals, while also safeguarding principles of preserving environment and community ecosystems by containing additional conditions and regulations in appropriate areas such as owner occupation requirements and number of STR per property limits in certain zones. Unless differentiating between types of short term rentals (full month rentals vs single weekend party rentals for example) is something that can further be done at this time, which I'm uncertain if legally is an option, I think this is an excellent step and I ask the council to consider the recommendations made by the planners and WSP. I thank you all for your time and work on this matter

Thank you, Shelby Allen

# WSP Short Term Rental Land Use Study

Yan Zhang to: Chris Millar 2023-04-25 01:24 PM

From: "Yan Zhang"

To: "Chris Millar" <cmillar@forterie.ca>

#### Hello Chris,

Thank you for everyone's efforts for our beautiful Fort Erie!

We understand some residents' concerns about STR, for the better future of our Town, we believe our leaders will make visionary decisions.

The world is keeping move forward, new ideas and trends happening all the time, yes there are problems as always, to be able to let more people from all over the world enjoy our beautiful Crystal Beach we have to work on the issues instead of letting opportunities pass by :-)

We think it's selfish and shortsighted to keep the Beach for ourselves.

To accommodate the visitors STR is the best solution for families. We are willing to share our properties with people around world to enjoy, we also willing to work with the town and neighbours for any issues.

Small businesses in our town need STR to survive, STR is also good for our value of properties. Small area zoning will place a huge burden on residents of the area. We don't think it's good idea.

We appreciate for considering our opinions.

Thank you very much!

Yan Zhang

--

Sent from Gmail Mobile



2023-04-26 02:38 PM

From Meagan Opatovsky/FortErie

To Fahima Begum/FortErie@TownOfFortErie
History: This message has been replied to.

Sorry about that! Please see below! Just comments how they sold their property in Fort Erie due to the Moratorium.!

Thank you Fahima!

#### Meagan

From: "Amanda S"

To: "Bryce Bailey" <BBailey@forterie.ca>

Date: 2023-04-26 01:08 PM

Subject: Re:

#### Hi there Bryce,

Thank you for this information and for keeping us in mind. Unfortunately due to the longevity of this moratorium and the strict bylaw policies we have had to make the challenging and very upsetting decision to sell the property.

I want it to be known that we are so saddened by this. Heartbroken, really. Not only was this property something we worked very long and hard to achieve - we put so much love, care, and attention into making it our own with the hopes to share it with others who would love and respect it just the same.

We planned on being amazing hosts who care for and contribute to the community in a big way. Our neighbours were so important to us. Our guest's experiences mattered to us. We made beautiful connections with local businesses to highlight their offerings and encouraged our guests to spend money in the area. To contribute to the community to help it flourish and grow.

We would have had an entire season fully booked when we first started before we were unable to continue - and this year, a waitlist.

However due to the unforeseen road block of pausing all new licence requests, and putting such strict bylaws in place - we have found ourselves in a difficult financial position that was never part of the plan - and now it is far too long ahead to recover.

I cannot stress enough how upsetting this is for us. We took a leap and we truly feel this system failed us. It failed our family.

I'm sure this won't go anywhere and perhaps you're rolling your eyes when you read this. We don't know each other well so please forgive me if I am wrong. I hope I am wrong!

But I truly feel this stuff matters. Knowing this matters. We live in a world right now where it is so hard to get ahead and just when you think you're finally there a rug gets pulled from under.

Thank you, again, for keeping us in mind. I wish this email found us sooner. Amanda (she/her)

Fahima Begum Hi Meagan, Thanks for connecting on this! We a... 2023-04-26 02:35:22 PM

From: Fahima Begum/FortErie

To: Meagan Opatovsky/FortErie@TownOfFortErie

Date: 2023-04-26 02:35 PM

Subject: Re: Fw:

#### Hi Meagan,

Thanks for connecting on this! We are not taking comments after the deadline of April 25th, but we are collecting them as post deadline submissions. I don't see her submission attached to the email— would you be able to send it again?

Thanks so much, Fahima

Fahima Begum, BA/BSW, MScPl Junior Community Planner Town of Fort Erie

The Corporation of the Town of Fort Erie Planning and Development Services Department 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 T: 905-871-1600 x 2527 | F: 905-871-6411 ext. 2527

Meagan Opatovsky Hi Fahima, Not sure if you can still include Ama... 2023-04-26 02:23:26 PM

From: Meagan Opatovsky/FortErie

To: Fahima Begum/FortErie@TownOfFortErie

Date: 2023-04-26 02:23 PM

Subject: Fw:

Hi Fahima,

Not sure if you can still include Amanda's comments below or if the deadline is to far past!

Thank you

#### Meagan Opatovsky

Coordinator, Short-Term Rental / Business Licensing

The Corporation of the Town of Fort Erie | Economic Development & Tourism Services

1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6

T: 905-871-1600 x 2252 | E: mopatovsky@forterie.ca

---- Forwarded by Meagan Opatovsky/FortErie on 2023-04-26 02:22 PM -----

From: Bryce Bailey/FortErie

To: "Amanda S"

Date: 2023-04-26 01:52 PM

Subject: Re:

Hi Amanda,

Thank you for taking the time to write out an email and explain in depth the problems the moratorium has caused.

As you are aware, I am only enforcement and have no decision on these matters that were put into place.

I will certainly pass this along to licencing and have them be aware of your message. Unfortunately we were never able to meet and discuss these matters, but I wish you well.

All the best, Bryce

**Bryce Bailey** 

**Municipal Law Enforcement Officer, MLEO** 

The Corporation of the Town of Fort Erie 1 Municipal Centre Drive | Fort Erie, ON | L2A 2S6 bbailey@forterie.ca | 905.871.1600 Ext 2513

**Our Focus: Your Future** 



Rental StudyBrad Hutchings to cmillar 2023-04-25 04:54 PM From "Brad Hutchings"

To cmillar@forterie.ca

1 Attachment



fort erie input memo.pdf

Dear Chris, please find attached comments for consideration in the study.

Thank you

Brad

April 25, 2023c

Dear Sir/Madam Without prejudice,

I wish to express my support for rentals of waterfront properties and my objection to the recommendation against them. Waterfront rentals contribute to the growth and development of the local tourism industry and local economy. Waterfront property rentals provide an unforgettable experience that cannot be replicated by other types of accommodations, leading to repeat visitors and positive word-of-mouth advertising that can further boost tourism in the area. Waterfront properties provide stunning and captivating views that are a major draw for tourists seeking a relaxing and enjoyable vacation experience. They create jobs and generate income for local businesses, including restaurants, shops, and service providers. This has been reiterated by local business owners and could be confirmed with local contractors, cleaners, etc.

By offering waterfront rentals, a greater breadth of families from broader social economic segments can experience the unique and memorable experience of staying on the water without the significant financial wealth to support the commitment of owning a waterfront property. This broader opportunity seems to promote fairness, diversity and inclusion.

The study as presented which the Town has paid with taxpayer money appears to have limited support\fact-based information to review and seems to not be complete in its analysis. This was a common theme of concern expressed by all during the public forum. The consultant stated to properly study waterfront would require more work.

Historic residential is included, however only for a specific part of Crystal beach. Waterfront properties have a long history for renting across Lake Erie. My understanding from the forum is the Consultant and Town staff agree with this. It was stated in the forum "I understand waterfront cottages have been used for over 100 years as well". When asked about waterfront not being included; at 58.45 minutes (YouTube) "the consultant states "understands that having no waterfront is not the best thing to do but did not know where to start". This was repeated at 1.34 minutes. the answer to the question on why you did not include waterfront was "what properties do we include". I suggest this is not a consistent, fair or supported position to thereby take. The answer could be permitting waterfront across the Lake Erie shorelines for all of Fort Erie.

For clarity, I ask with respect to the reference to the Tribunal defining STRs to be commercial and permitted in commercial zoning, my understanding is this does not say that it is not permitted in residential areas or Waterfront. Many communities across Ontario, Canada permit STRs in their residential zoning, including waterfront, especially those where tourism is important. Kawartha Lakes just completed a study supporting such including waterfront. Haliburton, Muskoka, and many others permit. Niagara on the Lake is recognized as one of the nicest areas in Canada and North America, has STR cottage homes across the majority of its residential areas including on the waterfront. I suggest this should be fully and clearly communicated.

Crystal Beach is an important tourism area; however, this limit creates concentration in one area and limits tourism for Fort Erie, especially when Fort Erie has such a large breadth of area. The study did not seem to analyze the consequences of such limits and concentration.

Rural experiences are also popular for wellness a growing area of Tourism. Rural areas have limited impact on neighbours since normally these are remotely located especially in comparison to Crystal Beach. There does not seem to be a basis for why these areas are being excluded. Septic systems should not be an issue since these are required to meet occupancy levels and standards. This is benefit that addresses many that otherwise may not meet standards. Noise should be a minimal issue since the rural areas tend to be larger properties with greater distance from neighbours compared to Crystal beach.

If the concerns are primarily noise, trash, etc. these can be managed. There are tools and processes that owners can implement. Also, one should consider the degree of issue compared to owners as they also may have noise from parties, weekend warriors so to speak and trash as they leave to go back after the weekend to their primary homes and ensuring these are adhering to accordingly. I suggest the study show clearly show the statistics to understand materiality on a relative basis and adjust the same home that has multiple issues. It was stated that the policy was to also manage perception. I respectfully suggest one should not define a policy to manage perceptions rather to focus on the statistics.

In conclusion, it feels appropriate for the consultant, town, and council to further this study to consider all important factors; to then present a study including options, and recommendations with supporting facts for further input from the community prior to moving forward with its decisions.

Thank you for considering.



Re: Feedback on draft recommendation being considered for a policy and regulatory framework respecting Short-Term Rental operationsDanny Bharat to Chris Millar 2023-04-26 05:54 PM

Cc "Muneeb Ghuman", "Lily Bharat", "Ainy Zahid"

From "Danny Bharat"

To "Chris Millar" <cmillar@forterie.ca>

Cc "Muneeb Ghuman" , "Lily Bharat" , "Ainy Zahid"

Hi Chris,

Further to my previous message, and after looking at the map more carefully, not sure where falls?

It seems to be falling in R1, but that would seem be quite arbitrary - given that 2 plots down to the north, the houses on the East side of Schooley road are marked R2 and all houses south of Smalls Road and on the West side of are R2, extending to Rebstock road and beyond?



Thanks, Danny

On Wednesday, April 26, 2023 at 05:12:13 PM EDT, Danny Bharat wrote

Hi Chris,

Thanks for the calrification and the details.

I am assuming the application requirements will be consistent with what is on the website?

Greatly appreciate your very prompt and very late in the evening response.

Warm regards,

Danny

On Tuesday, April 25, 2023 at 09:55:47 PM EDT, Chris Millar <cmillar@forterie.ca> wrote:

Hi Danny (et al.)

Thank you for taking the time to write in with your comments. They have been forwarded to the Consultant for consideration, along with all comments received, and will also be included in staff's report to Council.

Just to clear on what was presented as part of the recommended approach, the R2B and CMU zones are existing defined zones. There are no circles or overlays as part of the recommended approach. The R2B and CMU would see dedicated STRs as a permitted use, subject to acquiring a license, in what has been presented. Outside of those zones, owner occupied STRs would be permitted subject to acquiring a license as well. The link below takes you to the Town's existing zoning map for the Crystal Beach area where you can see where R2B and CMU zones exist.

Hopefully that helps identify what is on the table presently.

https://www.forterie.ca/resource/files/90170F1220A4377C852579E500728ED1/%24File/Index%20Map% 20V17.0%208.pdf

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: "Danny Bharat"

To: "cmillar@forterie.ca" < cmillar@forterie.ca>

Cc: "FBegum@forterie.ca" < FBegum@forterie.ca>, "Muneeb Ghuman" , "Ainy Zahid"

, "Lily Bharat"

Date: 2023-04-25 03:15 PM

Subject: Feedback on draft recommendation being considered for a policy and regulatory framework respecting Short-

Term Rental operations

Dear Chris and the Town Council,

Thank you for sharing the proposed changes to the Official Plan and Zoning By-law regarding Short-Term Rentals (STRs) in the Town of Fort Erie. While we appreciate the efforts made to regulate STRs, we have concerns about the proposed zoning approach and its potential impact on our property.

Specifically, we object to the way the R2B zone lines have been drawn using geometry, without taking into consideration the concentration of existing STR properties. Our property on was purchased after diligent research, as we found that a large number of houses in the area are currently STRs, especially around our property, and will continue

to be so under the grandfathering clause. However, the proposed zoning changes will prevent us and other few remaining properties from obtaining STR licenses purely due to geometry.

Moreover, you would acknowledge that Schooley Road is a popular street for parking by day visitors, causing significant vehicular and pedestrian traffic during peak season. This is an issue not related to STR, and parked cars are found right to the North end of the street during peak days, causing significant vehicular and pedestrian traffic, and a nuisance in itself to the residents. That is the summer reality of Schooley Road and also adjoining streets in Crystal Beach. However, we think it is a small price to pay for the good of the local economy and an issue only during the very short peak season.

We also believe that the rare and random issue related to STR, should be used as a pretext to unfairly take away the availability of STRs also for non-peak season renters, who are almost always quiet and out of sight, and may require bridging accommodation due to genuine reasons such home construction or repairs.

We suggest that zones be determined by the street rather than arbitrary circles on the map, taking into account the concentration of existing STRs and the actual vehicular and foot traffic. We respectfully request that you reconsider the proposed zoning changes and take into account the realities on the ground before making any final decisions.

We look forward to working with you to find a solution that is fair, equitable, and legally compliant.

Thank you for your attention to this matter.

Sincerely, Danny Bharat Jyotsna Bharat Muneeb Ghuman Ainy Zahid



Re: Feedback on draft recommendation being considered for a policy and regulatory framework respecting Short-Term Rental operationsDanny Bharat to Chris Millar 2023-04-26 05:12 PM

Cc "Muneeb Ghuman", "Lily Bharat", "Ainy Zahid"

From "Danny Bharat"

To "Chris Millar" < CMillar@forterie.ca>

Cc "Muneeb Ghuman" "Lily Bharat" "Ainy Zahid"

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Warm regards,

#### Danny

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Just to clear on what was presented as part of the recommended approach, the R2B and CMU zones are existing defined zones. There are no circles or overlays as part of the recommended approach. The R2B and CMU would see dedicated STRs as a permitted use, subject to acquiring a license, in what has been presented. Outside of those zones, owner occupied STRs would be permitted subject to acquiring a license as well. The link below takes you to the Town's existing zoning map for the Crystal Beach area where you can see where R2B and CMU zones exist.

Hopefully that helps identify what is on the table presently.

https://www.forterie.ca/resource/files/90170F1220A4377C852579E500728ED1/%24File/Index%20Map% 20V17.0%208.pdf

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: "Danny Bharat"

To: "cmillar@forterie.ca" < cmillar@forterie.ca>

Cc: "FBegum@forterie.ca" < FBegum@forterie.ca>, "Muneeb Ghuman" , "Ainy Zahid"

, "Lily Bharat"

Date: 2023-04-25 03:15 PM

Subject: Feedback on draft recommendation being considered for a policy and regulatory framework respecting Short-

Term Rental operations

Dear Chris and the Town Council,

Thank you for sharing the proposed changes to the Official Plan and Zoning By-law regarding Short-Term Rentals (STRs) in the Town of Fort Erie. While we appreciate the efforts made to regulate STRs, we have concerns about the proposed zoning approach and its potential impact on our property.

Specifically, we object to the way the R2B zone lines have been drawn using geometry, without taking into consideration the concentration of existing STR properties. Our property on was purchased after diligent research, as we found that a large number of houses in the area are currently STRs, especially around our property, and will continue to be so under the grandfathering clause. However, the proposed zoning changes will prevent us and other few remaining properties from obtaining STR licenses purely due to geometry.

Moreover, you would acknowledge that Schooley Road is a popular street for parking by day visitors, causing significant vehicular and pedestrian traffic during peak season. This is an issue not related to STR, and parked cars are found right to the North end of the street during peak days, causing significant vehicular and pedestrian traffic, and a nuisance in itself to the residents. That is the summer reality of Schooley Road and also adjoining streets in Crystal Beach. However, we think it is a small price to pay for the good of the local economy and an issue only during the very short peak season.

We also believe that the rare and random issue related to STR, should be used as a pretext to unfairly take away the availability of STRs also for non-peak season renters, who are almost always quiet and out of sight, and may require bridging accommodation due to genuine reasons such home construction or repairs.

We suggest that zones be determined by the street rather than arbitrary circles on the map, taking into account the concentration of existing STRs and the actual vehicular and foot traffic. We respectfully request that you reconsider the proposed zoning changes and take into account the realities on the ground before making any final decisions.

We look forward to working with you to find a solution that is fair, equitable, and legally compliant.

Thank you for your attention to this matter.

Sincerely, Danny Bharat Jyotsna Bharat Muneeb Ghuman Ainy Zahid



Fort Erie - Short Term Land Use Study follow up.Jason Adeney to cmillar 2023-04-25 05:14 PM

Cc council, fbegum, tom

From "Jason Adeney"

To cmillar@forterie.ca

Cc council@forterie.ca, fbegum@forterie.ca, l

To the Town Counsellors and WSP Consultants.

I am writing to express my deep concern regarding the lack of movement on clarifying short-term rental (STR) policies in our town. As a resident and taxpayer, I find it completely unacceptable that Council has not taken any concrete steps towards addressing this issue despite all the taxpayer money that was spent on the land use study to ensure an informed decision was made. Rather, it appears that every chance Council gets to move something forward it would prefer to kick the can down the road and deal with it later.

Further, this lack of action is troubling as it means we are not adequately prepared for the upcoming summer season, which is the busiest time of the year for tourism. By not having clear policies in place, we are limiting the number of available accommodations for visitors and potentially driving them away to other towns that do allow for this type of rental. This would have a negative impact on our local economy, as tourism is a significant source of revenue for our town.

Council's lack of action is also preventing new businesses from getting off on the right foot. Without clear STR policies, entrepreneurs who wish to open new businesses in the town are hesitant to do so. This hesitation could result in a lack of job opportunities and economic growth for the town. Council's lack of movement is preventing existing businesses from taking important steps forward. This is a critical issue as it creates uncertainty and makes it difficult for business owners to plan for the future. Businesses need clear policies and guidelines to ensure they can operate effectively.

I urge Council to take action on clarifying STR policies and passing the required legislation to allow for this type of rental in our town. Doing so would have a positive impact on our local economy, infrastructure, and business community. Failure to act on these issues will only lead to further stagnation and missed opportunities for our town.

Sincerely,

Jason Adeney

On Thu, Feb 9, 2023 at 4:36 PM Jason Adeney

wrote:

Good Afternoon, Mr. Millar. I hope this message finds you well.

In 2019 my wife and I bought a small property in Crystal Beach. Ahead of our purchase we knew that Crystal Beach wasn't a thriving beach town, but a town struggling to get back on its feet after many years of prosperity. Undeterred by this, we felt it was the right time to put down some roots and look towards a place where we could eventually retire. We liked the town and specifically we loved the beach, so purchasing a home here just made sense. We made quick friends with our neighbours, specifically a couple raising their family in a unit next to us. Not only did they welcome

us with open arms, but they assured us that they would keep an eye on the property while we were away.

We knew the time we could spend at this property would be limited, so the plan was to make it available as a vacation rental when we weren't there. We immediately started making renovations and enlisted our neighbour as our on-call handyman, his first job was to give the entire house a paint job. Subsequent renovations and improvements, when out of the scope of our neighbour, have always been handed to a local tradesperson. Once we started renting the place out on weekends, his wife would be in charge of cleaning after the guests left, and getting the place ready for the next group. Over the last few years this relationship has grown, besides becoming our good friends, they have become integral parts of maintaining this property. They are well compensated for their involvement, and we've welcomed their partnership.

We don't use AirBNB because we don't want to open our house up to anyone we haven't approved. We do our best to ensure our guests are properly vetted, a process that continues to get easier every year since we seem to have more repeat visitors every year. We rent to families specifically. Families that have included a yearly visit to Crystal Beach into their vacation plans, they've made memories here with their children and their loved ones. With regularity, they tell us how much they enjoy their stay and how they can't wait to come back. When guests arrive at our property we provide them with a comprehensive welcome manual that highlights all the amazing things to do in the area, including the restaurants, and the local businesses. We make sure they know about everything because quite frankly we're incredibly proud to be part of this community and everything it's become since we purchased our home.

Personal anecdotes aside, these reasons below are among the most important points to consider. These are the reasons why adopting a viable strategy to form a partnership with STR's is so pivotal:

**Increased Revenue**: The influx of tourists looking for short-term rentals can bring a significant boost to the local economy. With the demand for affordable and accessible accommodations, short-term rentals can provide the necessary revenue to revitalize the town.

**Job** Creation: The growth of short-term rentals can create jobs in areas such as property management, maintenance, and cleaning services. These jobs will provide a source of income for the residents and help to stimulate the local economy.

**Attracts Tourists**: Short-term rental properties can attract tourists to the area, which can lead to increased spending on local businesses and restaurants. This can help to revitalize the town and bring new life to the community.

**Revitalization of Property**: The use of short-term rentals can breathe new life into the town, leading to the revitalization of underutilized or abandoned properties. This can have a positive impact on the local real estate market, providing more options for homeowners and renters alike.

**Improved Quality of Life**: Short-term rental properties can provide a comfortable and convenient place for tourists to stay, which can enhance their overall experience and encourage them to return to the town in the future. This can also improve the quality of life for the residents, who will benefit from the increased economic activity.

We understand that change can be difficult and some may be hesitant to embrace the growth of

short-term rentals in the town. However, we believe that the benefits outlined above outweigh any potential concerns. In addition, proper regulation and guidelines can be put in place to ensure that the growth of short-term rentals is managed in a way that is respectful to the community and its residents, but doesn't interfere or impede the amazing transformation we've witnessed over the last few years.

While we appreciate the work being done by the WSP and Council, and we understand the importance of the process, but we believe that it is time to conclude this study and move forward with more meaningful dialogue about how to ensure cooperation between the townsfolk and short-term rental properties and focus on implementing solutions that will benefit everyone.

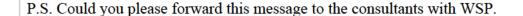
Further, and this speaks to one of the options put forward by the WSP, the nature of our property doesn't align with the idea of having someone live there as a primary resident, and it wouldn't be reasonable on our end to suggest to our guests that the resident of the house be on site during their stay. However, the partnership we've forged with our neighbours ensures that someone will always be there to keep an eye on the property. Additionally, we've installed cameras around the property which we use to monitor the coming and goings of our guests. To date, we haven't had a single issue arise with any of our guests causing problems. Rest assured that if it did, we would have the tools in place to manage it.

In conclusion, short-term rental properties have the potential to provide significant benefits to Fort Erie/Crystal Beach. By bringing in more tourists, generating jobs, and stimulating the local economy, short-term rentals can help to revitalize this town and bring new life to the community.

If you have any questions please don't hesitate to ask. I'd be happy to provide further insight.

Sincerely,

Jason Adeney



# Please forgive my tardiness.

Karen Johnson  ${}^{\rm t}_{_{\rm O}}$  cmillar@forterie.ca

2023-04-26 11:46 AM

From "Karen Johnson"

To "cmillar@forterie.ca" <cmillar@forterie.ca>

Mr. Millar,
I am not in favor of STRs on the waterfront.
I am VERY IN FAVOR of any rules inacted, being INFORCED.
Thank you.
Karen Gregory

Sent from my iPhone

Re: Strong Support for Recent STR Report and RecommendationsScott Lamb to Chris Millar, Alex Herlovitch 2023-04-26 12:51 PM
From "Scott Lamb"

To "Chris Millar" < CMillar@forterie.ca>, "Alex Herlovitch" < AHerlovitch@forterie.ca>

#### Gentleman:

Having now had the opportunity to watch the entire Open House I would like to make additional comments.

Consistent with my earlier comments there is NO historical precedent for short term waterfront rentals. Tourist rentals were in Crystal Beach and the old "lodging houses" and "motels" along the feeder roads and even the Garrison that are long gone - - except for some ruins.

I was born and raised in Niagara, have family from Buffalo, New York who owned Fort Erie cottages, spent many summer days at Sherkston Beach and others, have owned a cottage in Fort Erie since 2006 and actively spend money in the community like all residents. Let's say I know and love Niagara!

Cottages along the lakeshore were historically owned and used by families. Period. There were no absentee investors operating off of Air B and B type platforms that didn't exist (needless to say). Have a look at the titles if you like! My house was built in 1894 by a doctor from Buffalo, NY and was in the hands of his family until the 1950s. There was then a brief interim ownership until another family owned it for decades.

My first cottage experience was in a rental too I might add and my house was previously rented. However it was rented by its owners who also used the house. The rental was incidental to their own personal use. The typical rental was by the season (summer), month, or finally week if need be. The owners and their families remained part of the residential community. I have no issue with families renting their own cottages on this basis.

If there is to be a more liberal approach let it be that waterfront properties can be rented out by their otherwise resident owners incidental to their own use even if they are not physically there, perhaps for a designated maximum period to ensure that the use is actually incidental. That is the historical precedent NOT absentee investor landlords renting by the night that is clearly a purely COMMERCIAL use. Mini-hotels or inns don't belong in residential neighbourhoods and they artificially increase prices and property taxes. How many families, even well off ones can afford to pay what a business can?

This compromise option would be reasonable and reflect historical reality. It might also lead to more motels and inns. Frankly I have a hard time believing that STR investors that I am personally aware of have paid over 3 million for a single house (insane) but that they couldn't buy or build a small hotel "like the old days". The old motels and small inns were not affairs. How about tax relief for that kind of development? I would also support that.

With respect to STR renters I have no doubt they spend some money. However I suggest to you that money is dwarfed by the amount spent by full-time seasonal residents like me and my many American neighbours who actually "live" here, buy groceries, buy gas, go to the Market, eat at

restaurants regularly, shop at the stores! We are here all the time not for a few nights a year! Please consider that.

Please, please, no commercial STR properties in the quiet neighborhoods we love. They have been horribly disruptive.

Thank you again.

Scott Lamb

Sent from my iPhone

On Apr 23, 2023, at 1:20 PM, Chris Millar < CMillar@forterie.ca> wrote:

Hello Mr. Lamb,

Thank you for writing in with your comments.

They have been forwarded to the consultant for consideration and will be included in staff's report to Council.

Sincerely, Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411

From: "Scott Lamb"

To: "Alex Herlovitch" < AHerlovitch@forterie.ca>

Cc: cmillar@forterie.ca
Date: 2023-04-22 03:52 PM

Subject: Strong Support for Recent STR Report and Recommendations

#### Gentlemen:

Further to my email below and the recent STR zoning recommendations I would like to note my strong support.

The proposal is balanced and respectful of home owners and families as well as local tourism.

Crystal Beach was historically a tourist centre. The ability of cottage owners to rent out their own properties as was/has been done for over a hundred years makes sense.

What did NOT make sense was allowing commercial STRs in residential zones including the waterfront. That was entirely foreign and damaging to the community and affordability of both housing and rentals. On my bay the highest price ever paid was by a non-resident from Toronto who had just bought her second waterfront "mini-hotel" and who then began charging nightly rates like we were living on the French Riviera to recoup her costs. She never intended or has occupied it personally. The rates were so high that two families or groups had to share the cost and literally ten times the theoretical "nightly" rate of only a few years ago. I say "theoretical" because no one rented nightly ever.

Good job! Please proceed with protecting home owners and families while stimulating and focusing development in Crystal Beach. Pleased to have more people and related amenities in the historical centre like the "Old Days" of the park! Not party houses on quiet quiet streets!

Please pass my thoughts on to the Mayor and Council if you can.

Kind regards,

Scott Lamb

Fort Erie

Sent from my iPhone

On Feb 2, 2023, at 4:46 PM, Alex Herlovitch< AHerlovitch@forterie.ca> wrote:

#### Dear Mr. Lamb

Thank you for taking the time to put your thoughts and experiences into writing. You raise many interesting points regarding those who operate STRs as a business and those who rent incidental to their own use. Your input will be shared with the Town's consultant as they formulate an approach to use land use provisions to regulate short term rentals. The Town's by-law already allows for hotel and motel uses in commercial zones, however, few can afford to operate only seasonally which is why, I suspect, we have not seen a proliferation of these uses.

The consultants will be moving forward with recommendations and these will be subject to a statutory public meeting under the Planning Act. I hope that you will continue to follow this topic closely and will provide further input at that time. Sincerely

Alex

Alex Herlovitch, MCIP, OPPI Director, Planning & Development Services Town of Fort Erie, 1 Municipal Centre Drive Fort Erie, ON, L2A 2S6 905-871-1600, extension 2500

From: "Scott Lamb"

To: AHerlovitch@FortErie.ca
Cc: cmillar@forterie.ca
Date: 2023-02-02 02:11 PM

Subject: Fwd: Dedicated STRs Do Not Belong in Residential Zones

Also for you Mr. Herlovitch.

Sent from my iPhone

Begin forwarded message:

From: Scott Lamb

**Date:** February 2, 2023 at 2:07:33 PM EST

To: cmillar@forterie.ca

Subject: Dedicated STRs Do Not Belong in Residential Zones

Dear Sirs,

I understand you are seeking input on potential Town of Fort Erie zoning proposals regarding where dedicated (i.e. non-owner occupied) short term rentals (STRs) belong and don't belong.

I am writing to you in my capacity as a recreational property owner in Fort Erie, where I have owned a cottage since 2006 at

Since the advent of online STRs and the sale of long time family owned private cottages to dedicated, investment driven STR owners, the quality of my life at my property and that of my friends and neighbours at their properties has declined materially.

Noise, hooliganism, loud parties, garbage proliferation etc. have become much more common. A good friend of mine had to tolerate a drunken wedding party with men urinating on his lawn. I kid you not! One nearby STR owner threatened to "buy up every house" when confronted with issues presented by his unruly guests. Unacceptable.

Instead of true neighbours we now often have large groups of rowdy party guests only concerned about "fun" while STR owners look the other way out of greed. Are there exceptions? Yes. Has regulation helped? Somewhat. However the norm is not acceptable.

Having an unsupervised "mini-hotel" on your beach or down the street is not an appropriate land use for a residential neighbourhod. I do contrast this with "old-fashioned" rentals where families let their house out for the summer, or month or two-

the longer the better - to a single family. These rentals were much less problematic and a family could afford them! Today's STR nightly rates on the other hand are extraordinary by historical standards. A house that might have rented for 2500 dollars a week as little as 5 or 6 years ago can now be rented for upwards of a thousand dolllars a night! These absentee landlord commercially run nightly rentals are another beast entirely and there is a risk of them spreading further and continuing to push out families and cottagers.

Please note I am all in favour of a good hotel, motel or inn. We could use a good old fashioned inn and tavern in the Town. Frankly STR proliferation make that a less likely future investment by offering less attractive, unsupervised "hotel" options that are cheaper to run because they are less regulated and can be neglected. Let's bring back some of the old hotels and inns of the past! Let's have a great vacation Town with actual inns, restaurants and bars!

I am also not averse to actual property owners renting their homes out incidental to theor own use as was typically done in the past. However dedicated STRs I strongly oppose in residential zones. If the Town wishes it may focus on and/or rezone Crystal Beach near the old amusement park and Crystal Beach as well as other commercial or mixed use zones that might attract STRs as well as hotels, motels or inns.

I am not particularly political but as a citizen, seasonal resident and lawyer I would like my voice heard and acknowledged on this issue.

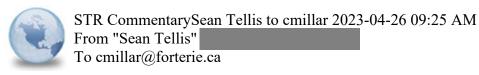
When you consider this submission please think of your own home or cottage and ask what type of neigbour you would like to have.

Thank you.

Scott Lamb

Fort Erie

Sent from my iPhone



Hi Mr. Millar,

I'm sending in feedback; primarily questions regarding the state of the Short Term Rentals in Fort Erie.

- 1. How did the town so grossly underestimate how long it would take for this study to be completed? It was initially published to be completed late 2022, then Spring 2023 and now, I'm not certain it will be done this year at all, let alone before another critical rental season or before I am forced to lose my property/livelihood.
- 2. If there is a moratorium on new licenses, why are the existing licensees allowed to renew (with zero competition for that matter)? Why not prioritize them, if and when the STR project is complete?
- 3. What is happening with the remaining 70 some licenses that are not accounted for out of the 250?
- 4. How do I go about getting special accommodations to apply for one during the moratorium?
- 5. Please show me, or direct me to the federal or provincial code that actually allows the town to threaten fines for advertising, renting, or doing any common business on my freehold property.
- 6. What considerations is the town making for the many people and businesses who are on a knife's edge financially as a result of the town taking considerably longer than expected to make any kind of progress?

I am an individual with a family simply trying to offset the cost of carrying two properties. I intend to use my property and appease the financial burden by renting it out when not in use. This is by no means a big-money making enterprise. I have a property in the R2B zone and am very concerned at the prospect of not being able to generate any revenue, or not be able to use it at all because my options are to sell or rent out for more than 30 days.

I presume letting my space out for free is not renting and I am able to let anyone I choose be a guest at my home?

Thank You in advance for actually addressing and answering each of my questions and comments.

Sean Tellis



STR commentsted banfalvi to Chris Millar, Fahima Begum 2023-04-26 02:53 PM From "ted banfalvi"

To "Chris Millar" <cmillar@forterie.ca>, "Fahima Begum" <FBegum@forterie.ca>

Hello Chris. Thank you for allowing input in the Land Use Study.

A reminder of my background before I get into my statements and questions.

I am a licensed realtor with Right At Home Realty with over 13 years of Short Term Rental booking experience. I have owned my Crystal Beach property for 21 years and operated it as a STR licensed the entire ownership. What I bring to the table is a vast experience in the STR world and how it can affect a community and its neighbours and better still how to regulate tenants. I sat on multiple committees tasked with developing rental procedures, rules and regulations for STRs in the Crystal Beach Tennis and Yacht Club. Within the club, I have managed 10+ STR properties, some for only two weeks a year, some for 10 weeks a year but always for one-week minimum rentals. Problems with tenants were almost non-existent. I fully welcomed the new STR licensing program when it came into effect, but I am troubled by the idea of commercial licensing and all that comes with that process.

Commercial licensing and commercial taxing, how will this solve the issues at hand? Can you or WSP explain the expected outcome of charging STR operators commercial taxes and fees? Is the aim of mandating higher commercial costs on STR operators to solve the problem of problem properties?

I keep hearing residents' complaining that STRs should be paying their share of taxes. I feel that a lot of residents that are against STRs tend to be a small minority willing to fight the system to stop their neighbour from renting. This way of thinking seems anti-investment, anti-tourism and anti-Crystal Beach. It's pretty clear, the town has been unable to crack down on problem properties/illegal rentals or the Land Use Study wouldn't be necessary. How will the town enforce more bylaws in regard to commercially licensed STRs? If the answer is commercial licensing, what fees do you anticipate charging operators to monitor, enforce and administer the program?

Has there been any thought into setting criteria for graduated commercial licensing of STRs? The idea that each STR is treated equally is a difficult concept to understand. Businesses have restrictions for what they can and cannot sell, hours of operation, etc. For example, will a property that is only rented to weekly tenants for less than 4 to 6 weeks a year be treated the same as a property that is rented one or two nights, year-round? Other jurisdictions place limits on minimum stays or a maximum number of rentals in a given year?

The negative impact of "super" STRs, as I call them, on the community is a problem. The one or two-night rentals are synonymous with a party atmosphere, which contrasts with the longer-term family rentals. Targeting all STRs for the same problems is not fair and equal.

If commercial licensing is the way we are headed, what sort of rebates do commercial businesses receive for creating small businesses in Fort Erie? Will these businesses be treated like other small businesses, or will they be held to a higher standard because constituents do not want renters in the town?

Can you also explain how the town landed on 30 days or less and not 28 days or less for the description of a short-term rental? I believe this has been a moving target from the initial implementation of the STR licensing program.

Lastly, I am in agreement that we need to see the data from the research, especially from the Niagara Police and the focus group.

I am happy to discuss further if necessary or volunteer to be a part of another focus group of different stakeholders.

Regards, Ted.

--

Ted Banfalvi Real Estate Sales Representative **Right At Home Realty** 5111 New Street Burlington, Ontario L7L 1V2

Website: www.tedbanfalvi.com

Office: 905-637-1700

Cell:

Fax: 905-637-1070

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Respond Re WSP Zoning PresentationTeri O'Neill to Chris Millar 2023-04-25 04:09 PM From "Teri O'Neill"
To "Chris Millar" < CMillar@forterie.ca>

#### 1 Attachment



Feedback STR Zoning ByLaw.pdf

Good Afternoon Chris,

Was hoping to send this earlier but I have been so busy and focused on inspections and getting ready for cottage season which to me is super important.

With regards to the presentation from WSP I have to say I was quite disappointed to say the least. It was very narrow minded and simple. It appeared that they took the easy way out and the simplest road with out considering the overall impact to the Town and the residents. We are all very aware of the impact of STR's and how they affect many in many different ways. By identifying zones most specially one zone, the traditional Crystal Beach area (R2B) as the main area for STR's and not really considering other areas such as waterfront and Point Abino Rd it seemed like a simple solution with no factual or statistics supporting the decision.

I submitted the attached document and never received a response or even confirmation that it was received and reviewed by WSP. Within the document I presented solutions that I felt should have been considered for many reasons. I do not want to go through it all but will highlight the very disappointing lack of consideration for an overlay in two specific areas.

- 1. Waterfront this is the reason why people cottage in the area. I manage several properties and the waterfront ones book the fastest and in the highest demand. I am sure I do not need to go into detail as to why they should be included because it is obvious and likely been covered by many submitting a response.
- 2. Point Abino Rd. South are the side streets. -This area has always been a cottage area, many of these homes are not even 4 season. They attract many members of the Buffalo Canoe Cub that are seeking this area in particular and not interested in the Bay Beach location.

I do agree that certain residential areas should be excluded unless it is a separate unit in the same home that is owner occupied. This to me is a reasonable solution whereas the owner is in the home and constantly there.

While I would love to continue this correspondence it is very time consuming and I am tired of how long this zoning review has been dragging on. Please to see the moratorium has been lifted and very much interested in seeing if WSP will review their recommendation and provide supporting documentation as to why they made such a decision.

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**Best Regards** 

Teri O'Neill, Director

TICO#50025967

Perfect Stays Niagara Inc.



W: www.perfectstaysniagara.ca





Feedback STR Zoning ByLaw

Option #1 – designated zones based on current zoning.

If it is deemed that zones should be implemented this is a great way to start and I would recommend the following zones be included to allow STR's

- R2B (light green) traditional Crystal Beach Cottage area. Many of these homes are owned as family cottages already and this historically the cottage area. Furthermore, many of these "cottages" are run down and with the rise in the STR market substantial investment has been put into some of these homes and it is revitalizing the area. This zone is close to Bay Beach, local restaurants and shops further benefiting these businesses with tourist revenue.
- CMU1 (light orange) Commercial Mixed Use. This area is already predominantly commercial use and STR's would be a secondary unit on the property. Not a residential area so little to no impact on residents. It may have an impact on long term apartment rentals however it is such a small area that the impact should be considered minimal. With all the other areas outside of these recommend zones there will be plenty of opportunity for long term apartment rental in other homes.
- WWR (Aqua) Waterfront Rural. Many of these homes have been vacation rentals for many years. The waterfront is a desirable amentia for travellers. These homes are large and maintenance is costly so the rental income funds repairs. A large number are American owned and have been in the family for years and they cannot use the, continuously so this helps prevent them from being vacant. My experience with these rentals is we see many Americans renting for weekly or longer stays as they are members of the BCC (Buffalo Canoe Club) furthermore many people rent so they can attend or take part in the sailing regattas.
- WR (Green) Waterfront Residential. Same principals apply as WWR

Option #2 – designated zones as mentioned above with an overlay is necessary.

 An overlay of RR – Rural Residential should be included. Difficult to determine however I suggest the following points.



- Overlay that includes the area north of Erie Rd. on Point Abino Rd. South. This should include the area in this map. Again, this area is very popular with BCC members and guests. It is a traditional cottage area.
- It would be difficult to define other areas of overlay based on the RR zone however it should be considered that applicants for a licence in other areas of RR zone be considered on a case-by-case basis. For example: I-CAN-T.E.R is a Wellness and Therapeutic Center which I understand, has created three STR units for guest to stay but currently cannot rent. They should have the opportunity to submit a separate application for this "commercial" rental space. Or as another example a large farm home may want to rent their property as a rural rental based on another commercial approach. Approved licences as such should not be part of the current 250 limit as the process for application should be completely separate.

#### APPENDIX 4 TO ADMINISTRATIVE REPORT PDS-41-2023, DATED MAY 29, 2023

Option #3 – To add the requirement that all the STR's must be the owners principle residence has a drastic negative impact on the tourism industry and will have a substantial impact on investment in the area.

- Many of these homes are owned by Americans and have been passed down by generations of family. They have been "cottage" rentals long before the STR market flourished. These homeowners have years of repeat customers and as opposed to vacancy they should be able to rent them. Stopping these rentals will have zero impact on long term housing availability as likely they simply will not sell their family cottage. Contrary they will "lend" it to family members or friends and have less money to invest for maintenance.
- As a STR traveller I travel frequently and when I start my search I immediately look for a property that is "Entire Home" to myself. I do not want an owner there or in the unit beside me, it simply detours me from booking that property. I have 5-star ratings when I travel and having the owner their would have little impact on how I take care of the property. I DO NOT want to share the space. I also do not want to stay in someone else's space. I did this once and the owner left all her personal items there including a fridge full of food, bathroom full of personal items.
- This idea may work ok for Toronto, it will not work for Fort Erie. In Toronto, a homeowner generally will vacate their principal residence for the time it is rented so the guest has the full space. For example, I know a Toronto resident that is a snowbird, he rents his principal residence in the winter and vacates it for 6 months at a time. I am also aware of a couple with a cottage that leave their principal residence (an apartment) every weekend to go to their cottage, so they rent their apartment on weekends. Furthermore, Toronto has many hotels for people to stay in if they cannot find a STR. This would not work in Fort Erie as the homeowners would have to vacate their home in the peak season which they likely want to enjoy and find elsewhere to live.
- To implement this would kill the STR market in the area as I would say at least 99% of these homes are not the owners principal residence.

Options #4 – adding a distance parameter would have a negative impact as well. Many of my guests book cottages near each other. This became much more of a demand once the limit of 8 guests and 3 bedrooms was established. I used to book two families in a 4 bedroom house (4 adults and 5 children) or extended families in one house but now they must book two properties and they want them to be as close as possible. Having Option 1 & 2 implemented is sufficient as the zones identified with the suggested overlay do not include the traditional residential zones R1, R2 and R2A.

Additional Comments regarding STR's in general.

1. The comment that all permanent residents do not want STR's and find them disruptive is simply not true. This past Christmas I rented to an 80+year old resident that lives in an apartment in Ridgeway. She rented a cottage so her family could come for the holidays, and they all stayed. Just this past week I rented a 10 day stay to a resident of Ridgeway for his family visiting for his daughter's wedding. I rent often to families of children that attend FEIA so they have a place to

#### APPENDIX 4 TO ADMINISTRATIVE REPORT PDS-41-2023, DATED MAY 29, 2023

- stay when they come visit their child at school. We simply do not have the hotels necessary to accommodate they family stays.
- 2. The idea that guests staying at an STR do not frequent the restaurants is inaccurate as well. The first response I get after taking a new booking is "Can you please provide me some ideas of great restaurants in the area and things to do? This can further be confirmed by the reduced hours in the winter or closed businesses for the off season.
- 3. The idea that STR's cause an issue with garbage removal is inaccurate as well. As a property manager I have hired maintenance to pickup and take garbage away at every single checkout. The Town can request the Region do weekly pickups in the summer months and use some of the STR revenue towards this cost. I do see an issue with the Day pass beach visitors and garbage. I have seen firsthand they leave their garbage on the ground beside the car prior to leaving. This includes uneaten food, empty water bottles and dirty diapers.
- 4. In addition, many of the day pass people do not spend money in the area. They pack everything including their BBQ's, food and drinks and cook at their cars. Completely unsafe and a hazard.

I could provide many more comments about the importance of STR's to Fort Erie however the task here is to provide feedback regarding the zoning By-Law. As noted above these are my recommendations. It is very difficult to convey on paper so I am happy to schedule a call if you would like to discuss further.

Teri O'Neill Director Perfect Stays Niagara Inc.



#### **Planning and Development Services**

Prepared for Regular Council Report No. PDS-42-2023

Agenda Date May 29, 2023 File No.

Subject

#### **ANALYSIS AND USE OF SECOND OPINION CLAUSE**

#### Recommendations

THAT Council revokes Policy PLA-06, Council Decisions Contrary to Staff

Recommendations, and further

**THAT** Council no longer requires a second opinion clause to be inserted within

Planning staff reports.

#### Relation to Council's 2018-2022 Corporate Strategic Plan

Not applicable.

Prepared by: Submitted by: Approved by:

Original Signed Original Signed Original Signed

Alex Herlovitch, MCIP, RPP Executive Advisor, Planning &

Development Services

Anamika Dilwaria, MCIP, RPP Director, Planning & Development Services Chris McQueen, MBA Chief Administrative Officer

#### **Purpose of Report**

Since 2001, the Planning & Development Services Department has had a procedural policy to address Council decisions which are contrary to staff recommendations. The policy provides that where Council is faced with making a decision which is contrary to the recommendation of Planning staff, Council shall defer the matter until provided with a second opinion from an outside planning firm. The procedure also speaks to a Planning recommendation which is defeated by Council.

In 2013, a motion was adopted to require the following wording to be inserted into planning reports:

Should a motion be placed before Council that does not support Planning staff's recommendation, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event the second planning opinion, obtained by the Clerk or provided by the applicant is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Municipal Board hearing. The procedures under PLA-06 shall be followed as well.

The problem is the above clause is not consistent with the policy. The policy itself creates administrative issues. Therefore, a legal opinion was obtained to determine the efficacy of the policy and of the clause itself.

#### Analysis

The policy and the clause were examined for conflicts between each other, whether Council's decision making powers would be fettered and best practices.

#### Conflicting Requirements and Fettering Jurisdiction

It was found that clause used in the report and the Town's Policy are inconsistent with each other yet they are tied together. The clause is advisory and is meant to provide the Council with discretion. Yet Policy PLA-06 must also be followed, which reads: [Council] "shall defer the matter until it is provided with a second opinion". In essence the policy removes the discretion and makes it mandatory to obtain a second opinion in order to make a decision on a planning application.

As an administrative decision maker, Council is entrusted not to fetter its discretion by binding itself to exercise powers in a particular manner. The mandatory language of Policy PLA-06 is a clear contravention in that it would bind Council to a particular course of action.

#### Requiring Applicant to Fund Second Opinion

The policy also provides that if the applicant has an opinion from an independent planning consultant which is contrary to staff's opinion, Council can use that as a second planning opinion. If Council choses to accept the applicant's planning opinion as a second opinion, there would be no need to defer the application.

If Council defers the application in order to obtain an independent second opinion, the policy requires that the applicants are to be responsible for the cost of obtaining that

opinion. This could result in the owner financing a position against the very development they propose. The effect, whether real or perceived, is a possible contravention of section 61 of the Planning Act, which provides that Council shall afford a person a fair opportunity to make representation. Accordingly the policy and use of the clause are flawed.

In addition, it was also determined that if a second opinion is to be obtained, it is the Town's lawyer who is better suited to this function rather than the Town Clerk.

#### Closed Meeting Requirement in PLA-06

The policy also requires that Council consider the second opinion in closed-session. Council meetings under the Municipal Act 2001 are to be held in open session. There are exceptions; for example, when there may be potential litigation or to receive solicitor-client advice. Based on case law, there must be "more than a mere suspicion that there will be litigation." If Council has not made a decision on a planning application because it is waiting for a second opinion, it is unclear whether the Council will need to go into closed session or whether legal advice is needed.

In summation, for the reasons outlined above, it is recommended that Policy PLA-06 and the use of the second opinion clause in reports be revoked.

#### More Typical Approach

Legal counsel is unaware of any other municipality in Ontario that has the practice of including a second opinion clause in its planning reports. Counsel expressed that more typically, if a Council takes a position contrary to staff's recommendation, the Council offers its reasons for its decision. Then in the event of an appeal to the Ontario Land Tribunal, the Council will usually give instructions as to whether it intends to defend its position. Where Council intends to defend its decision, staff would be directed to seek and retain a professional planner who is able to support Council's position. If such a professional cannot be found, defence of the position would occur through cross-examination of the other party's witnesses at the appeal hearing.

Finally, it is unnecessary for a second opinion clause to be included in the planning staff report as Council always has the option to defer a decision to seek a second opinion or to make a decision contrary to a staff position.

#### Financial/Staffing and Accessibility (AODA) Implications

There are no financial or staffing implications expected should Council follow the direction of this report

#### **Alternatives**

While it is not necessary, should Council choose to continue the practice of inserting a second opinion clause within planning reports, the clause should be rewritten by legal

counsel versed in municipal and land use planning law to ensure no contravention of open meeting rules and to properly manage costs.

#### Conclusion

Policy PLA-06 should be revoked as it is internally inconsistent and may result in Council fettering its decision making powers. Inserting a clause in planning reports to provide for obtaining a second option is unnecessary as Council always the right to defer a decision.

#### **Attachments**

Policy PLA-06.

## PLANNING DEPARTMENT DEPARTMENTAL POLICY

PL-A-06

Effective

8

Page 1 of 1

Subject

General Planning Matters - Council Decisions

Contrary to Planning Staff Recommendations

#### Policy

Council decisions must be able to withstand the scrutiny of the Ontario Municipal Board. In instances where Council is faced with making a decision contrary to the recommendation of Planning staff, it shall defer the matter until it is provided with a second planning opinion so that Council's decision is defendable. Such action is intended to enhance Council's position before the Ontario Municipal Board.

#### Procedure

- Where a recommendation by the Planning Department is defeated by a vote of Council (and before
  entertaining any other recommendation/motion) Council shall direct the Clerk to invite letter(s) of
  opinion(s) from up to three (3) planning consultant(s) to review the planning report and any other
  relevant documentation, the defeated recommendation/motion and Council's reasons with the
  objective of determining if Council's desired position is defensible before the Ontario Municipal
  Board.
- The Clerk shall present the planning consultant's opinion to Council in Closed Session as well as a cost estimate of any planning and legal fees to possibly defend the decision of Council before the O.M.B.
- After Council has deliberated the planning consultant's report, Council shall rise with report and present a motion to either support the planning report (prepared by the Department) or to proceed otherwise.
- Any planning consultant and legal fees associated with the above shall be derived from the applicant pursuant to the Planning Application Fee Schedule.
- Notwithstanding the above sections, in the case where an applicant has retained the services of a
  planning consultant and where that planning consultant does not agree with the Planning
  Department report and recommendation, it shall not be necessary for Council to retain the services
  of an independent planning consultant.

. . . . .

#### References

N/A



#### The Municipal Corporation of the Town of Fort Erie

By-law No. 81-2023

Being a By-law to Re-Establish the Community Health Care Services Committee, Adopt Terms of Reference and to Repeal By-law Nos. 29-2018 and 66-2021

**Whereas** By-law No. 29-2018, as amended, was passed to establish the Community Health Care Services Committee and its Terms of Reference; and

**Whereas** By-law No. 66-2021 was passed to amend the composition of the Community Health Care Services Committee; and

**Whereas** Report No. CAO-10-2023 was considered and approved at the Council-in-Committee Meeting held on May 8, 2023, to update Terms of Reference; and

**Whereas** it is deemed desirable to re-establish the Community Health Care Services Committee, adopt Terms of Reference and Repeal By-law Nos. 29-2018 and 66-2021;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That the Community Health Care Services Committee is re-established and it's Terms of Reference attached to and forming part of this by-law as Schedule "A" are adopted and approved.
- **2.** That By-law Nos. 29-2018 and 66-2021 are repealed.
- **3. That** the Clerk of the Town is delegated authority to affect administrative modifications to Schedule "A" that facilitate improvement of the Committee's effectiveness.
- **4. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

	Mayor
I,, the Clerk, of The Corporation of the No. 81-2023 of the said Town. Given under my hand and the seal	Town of Fort Erie, certify the foregoing to be a true copy of By-law of the said Corporation, this day of , 20

## Community Health Care Services Committee (CHCSC) Terms of Reference

#### 1. Mandate and Objectives

- 1.1. The mandate of the Committee is to:
  - a) Work to ensure that the residents of Fort Erie have access to primary care, urgent care and associated community and health care services that are required within the community
  - b) Develop an evidence-based strategy and a comprehensive business case regarding a Health Services model to effectively provide primary care, urgent care and associated community and health care services in Fort Erie; The Health Services model will ensure health care service demands are being met and services maintained and enhanced within the Town of Fort Erie prior to the closure of the Douglas Memorial Hospital and the opening of the new South Niagara Hospital in Niagara Falls
  - c) Provide guidance on the Town's Physician Recruitment and Retension program
- 1.2. The objectives of the Committee shall be as follows:
  - a) Work to ensure that the residents of Fort Erie have access to primary care, urgent care, community services and after hours health care services
  - b) With the continued shortage of Fort Erie's primary care complement, the Committee must stay apprised of the numbers of un-rostered citizens to ensure ongoing access and preventative care is available to them
  - Provide guidance on the Town's Physician Recruitment program and strategies to ensure that gaps in primary care and urgent care can be addressed (such as after-hours clinics and urgent care coverage)
  - d) Engage local healthcare providers to ensure a robust complement of physicians with faculty appointments, teaching of future providers of care, and developing a recruitment and retention initiative to ensure our providers are supported by their community
  - e) Develop a Heath Services model that provides a seamless transition of health services for the residents of Fort Erie upon closure of the Douglas Memorial Hospital and the opening of the new South Niagara Hospital, including:
    - Identify the current baseline of health care service available in Fort Erie and future health service demands to inform the establishment of achievable goals, short term and long term, that will address any health service gaps identified; and
    - ii. Address specific health care needs of the Indigenous community in the business case and establish an appropriate Health Services Facility to serve this population; and
    - iii. Develop a compelling business case to demonstrate community need to secure primary health care, urgent care and related health services for the community including the establishment of an effective Health Services Facility; and
    - iv. Engage in all necessary action, including creating partnerships with other organizations and government agencies, to ensure access for the residents to all health care services deemed necessary for a Health Services Facility; and

#### Schedule "A" to By-law No. 81-2023

- v. Identify sources of funding for any capital and/or operational costs associated with the health services required; and
- vi. Create a government relations and advocacy strategy for addressing the current and future healthcare needs of the community; and
- vii. Identify a preferred location for the Health Services Facility that will provide accessible, sustainable primary care, urgent care, and associated health services to serve all residents of Fort Erie; and
- f) Stay informed of emergency department wait times, off-load delays, wait times for specialist services, wait times for home and community care, the number of citizens using the emergency department for primary care servicing; and
- g) Assess the significance of health care service proposals and the impact of the intended outcomes of those service proposals on the residents of Fort Erie; and
- h) Engage the community in identifying, soliciting, pursuing and advocating for health care needs in Fort Erie, where appropriate; and
- 1.3. The Committee shall, following the appointment of Committee members:
  - i. Prepare a timetable for Council that will outline milestones that will result in a health care strategy for Council's consideration
  - ii. The timetable will include a mandatory quarterly report to Council to provide regular updates until the final strategy is complete
  - iii. The quarterly report may include comments on problems or concerns the Committee has experienced with current government or agency policies and/or regulations in the development of the strategy

#### 2. Membership

#### 2.1. Qualifications

- Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- b) Consideration of appointments to the Committee shall be based on representation by specific health service providers and/or demonstrated knowledge or expertise related to health services

#### 2.2. Composition

- a) The Committee shall be comprised of thirteen (13) members including representation from the following:
  - i. Town of Fort Erie, five (5):
    - Mayor
    - Coordinator, Community Health Care Services
    - Two (2) appointed Councillors, and one (1) Alternate
    - Chief Administrative Officer
  - ii. Fort Erie's Indigenous Community: two (2) and one (1) Alternate
  - iii. Hospice Niagara: one (1) and one (1) Alternate
  - iv. Niagara Health: one (1) and one (1) Alternate
  - v. Local Physicians: one (1) and one (1) Alternate
  - vi. Bridges Community Health Centre: one (1) and one (1) Alternate

#### Schedule "A" to By-law No. 81-2023

- vii. Niagara Region: one (1) and one (1) Alternate
- viii. One (1) member from the community at large
- b) Each organization listed in subsection (a) shall make written recommendations for consideration of appointment by Council
- The Local Physicians shall be recommended by a consensus of the Mayor, Coordinator,
   Health Care Services and the Chief Administrative Officer
- d) Consideration will be given to membership within the Niagara Ontario Health Team or any other health-based community planning organization

#### 2.3. Term

a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election

#### 3. Roles and Responsibilities

- 3.1. At the first meeting of the term, Committee members shall appoint a Chair, Vice-Chair and Secretary
- 3.2. Chair and Vice-Chair
  - a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
  - b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
  - c) Ensure that all committee members are provided with an opportunity to comment
  - d) Provide guidance and leadership to the Committee in the completion of its mandate
  - e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

#### 3.3. Secretary

- a) Circulate agendas and record and prepare minutes of Committee meetings
- b) Distribute the minutes to the Town Clerk
- 3.4. Committee Members
  - a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Secretary and Town Staff as soon as possible before the meeting)
  - b) Review agendas and materials before the meeting
  - c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate

#### 3.5. Town Staff

- a) Provide guidance and advice to the Committee in fulfillment of its mandate and objectives
- b) Prepare and submit reports to Council as required
- 3.6. Ad-Hoc Working Groups
  - a) The Committee is permitted to form ad-hoc working groups which may include external personnel (if required) to address any specific objectives with reporting back to the Committee (as needed)
- 3.7. Resignations and Vacancies
  - a) Notices of resignation shall be submitted in writing to the Clerk's Office and the Staff Liaison

#### Schedule "A" to By-law No. 81-2023

- b) The Committee shall self solicit to fill vacancies during the Term
- c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

#### 4. Reporting

4.1. This Committee reports to Council through its minutes and through reports prepared by Town Staff

#### 5. Meetings

- 5.1. Meeting Schedule
  - a) Generally, the Committee will meet bi-monthly or as required to conduct business to carry out its mandate and objectives
  - b) Special meetings may be held at the call of the Chair or by a call of 2/3 majority of the Committee
- 5.2. Quorum shall be seven (7) members
- 5.3. Rules of Procedure
  - a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
  - b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail
- 5.4. Agendas and Minutes
  - a) The format of agendas and minutes shall be in a form approved by the Clerk
- 5.5. Notice
  - a) Formal notice shall be given seven (7) days in advance of the meeting
- 5.6. Ad Hoc Guests
  - a) The Committee may invite additional attendees, from time to time, to address specific issues or topics

#### 6. Remuneration

6.1. The Committee operates on a volunteer basis only

#### 7. Amendments to the Terms of Reference

7.1. The Committee shall review the Terms of Reference on a bi-annual basis and make recommendations through their minutes, as needed



#### The Municipal Corporation of the Town of Fort Erie

By-law No. 82-2023

Being a By-law to Re-Establish the Mayor's Youth Advisory Committee, Adopt Terms of Reference and Repeal By-law No. 172-05

Whereas By-law No. 172-05 was passed to establish the Youth Advisory Committee; and

**Whereas** Report No. COS-03-2023 was considered and approved at the Regular Council Meeting held on April 24, 2023, to update Terms of Reference for Committees of Council; and

**Whereas** it is deemed desirable to re-establish the Youth Advisory Committee as the Mayor's Youth Advisory Committee, adopt Terms of Reference and repeal By-law No. 172-05;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- **1. That** the Mayor's Youth Advisory Committee is re-established and its Terms of Reference attached to and forming part of this by-law as Schedule "A" are adopted and approved.
- **2.** That By-law No. 172-05 is repealed.
- **3. That** the Clerk of the Town is delegated authority to affect administrative modifications to Schedule "A" that facilitate improvement of the Committee's effectiveness.
- **4. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29<sup>th</sup> day of May, 2023.

<u>-</u>	Mayor
	Clerk
I, Clerk of The Corporation of the No. 82-2023 of the said Town. Given under my hand and the seal of	Town of Fort Erie, certify the foregoing to be a true copy of By-law of the said Corporation, this day of , 20

## Mayor's Youth Advisory Committee Terms of Reference

#### 1. Mandate and Objectives

- 1.1. The Committee's mandate is to discuss, plan, and advise about issues concerning the youth of Greater Fort Erie
- 1.2. The Committee's objectives shall be to:
  - a) Inform Town Council about important issues affecting youth
  - b) Occasionally host youth workshops and forums, conduct surveys, and address concerns and needs that affect youth
  - Be positive advocates for youth so that youth are valued and seen as contributors to the community
  - d) Support events that relate to the mandate
  - e) Provide leadership experience for youth

#### 2. Membership

#### 2.1. Qualifications

- Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- b) Members shall be at least twelve (12) years of age

#### 2.2. Composition

- a) The Committee shall be comprised of a maximum of 19 youth members:
  - i. Nineteen (19) Elementary and High School Students
  - ii. Adult Advisor (1)
- iii. Mayor, Ex-Officio

#### 2.3. Term

- a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election
- 2.4. Resignations and Vacancies
  - Resignations during the Term shall be made in writing to the Committee and the Town Clerk
  - b) The Committee shall solicit vacancies during the Term
  - c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

#### 3. Roles and Responsibilities

- 3.1. At the first meeting of the school year, Committee members shall appoint the executive positions of Chair, Vice-Chair, Secretary and Treasurer
  - a) Executive positions shall be for a maximum of 2 years

#### 3.2. Chair and Vice-Chair

- a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
- b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
- c) Ensure that all committee members are provided with an opportunity to comment
- d) Provide guidance and leadership to the Committee in the completion of its mandate
- e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

#### 3.3. Secretary

a) Record and prepare minutes of Committee meetings

#### 3.4. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Secretary and Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate

#### 3.5. Adult Advisor

- a) Attends all meetings
- b) Prepare and distribute agendas to the Committee
- c) Provide guidance and advice to the Committee in fulfillment of its mandate
- d) Assists with developing and monitoring policy, procedure, and budgets
- e) Administer and manage the financial assets of the Committee
- f) Prepare budgetary documents as required by the Town Treasurer

#### 3.6. Mayor

- a) Assists Committee in reviewing applicants and Adult Advisor
- b) Communicates regularly and works with the Chair, acting as Liaison between the Committee and Council
- Attends at least every other meeting

#### 3.7. Parliamentarian

a) Maintains Committee Terms of Reference and educates Committee on Rules of Procedure

#### 3.8. Historian

a) Records, updates and maintains Committee scrapbook

#### 3.9. Resignations and Vacancies

- Notices of resignation shall be submitted in writing to the Clerk's Office and the Adult Advisor
- b) The Committee shall self solicit to fill vacancies during the Term
- c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

#### 4. Reporting

- 4.1. The Committee reports to Town Council through their minutes
- 4.2. Matters requiring approval by Town Council shall be approved by motion

#### 5. Meetings

- 5.1. Meeting Schedule
  - a) Generally, the Committee will meet monthly or as required to conduct business to carry out its mandate
  - b) Meetings will not be held in July and August (Summer Break)
  - c) The Chair may call special meetings
- 5.2. Quorum
  - a) Quorum shall consist of a majority of the current number of appointed members
- 5.3. Rules of Procedure
  - a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
  - b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail
- 5.4. Conduct
  - a) The Committee shall follow any policies of the municipality governing the ethical behaviour of members, in place from time to time
- 5.5. Agendas and Minutes
  - a) The format of agendas and minutes shall be in a form approved by the Clerk
  - b) Agendas and Minutes shall be forwarded to the Clerk's Office as soon as available

#### 6. Resources

- 6.1. The Committee will have access to Town Conference Rooms for meetings
  - Reservations of Conference Rooms are facilitated through the Executive Assistant to the Mayor/Clerk

#### 7. Remuneration

7.1. This Committee operates on a volunteer basis only

#### 8. Terms of Reference

8.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through their minutes, as needed



#### The Municipal Corporation of the Town of Fort Erie

By-law No. 83-2023

## Being a By-law to Regulate Public Nuisances and Noise in the Town of Fort Erie and to Repeal By-law No. 30-09

**Whereas** section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that a lower-tier municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, the protection of persons and property and by-laws respecting animals; and

**Whereas** section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are or could become or cause a public nuisance; and

**Whereas** section 129 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to noise and outdoor illumination, including indoor lighting that can be seen outdoors; and

**Whereas** section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the statute is guilty of an offence; and

**Whereas** section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws; and

**Whereas** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws; and

Whereas the Council of The Corporation of the Town of Fort Erie deems it necessary and desirable in the public interest to regulate public nuisances and noise in the municipality and to enact this By-law for that purpose;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

#### 1.0 SHORT TITLE

1.1 The short title of this By-law is the "Noise and Nuisance By-law".

#### 2.0 DEFINITIONS

2.1 The following terms are defined for the purposes of this By-law:

"administrative penalty" means a monetary penalty administered pursuant to Town Bylaw No. 111-2019, as amended from time to time.

- "agricultural operation" has the same meaning as in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1
- "animal" means any member of the animal kingdom other than a human.
- "clearly audible" means that the sound or noise in question is easily perceptible, without undue effort, to a disinterested person with no hearing disability.
- "construction" means erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, laying of pipe and conduit (whether below or above ground level), street and highway building, application of concrete, equipment installation and alteration, and structural installation of construction components and materials, in any form or for any purpose.
- "Council" means the Council of The Corporation of the Town of Fort Erie.
- "direct light" means light emitted directly from the lamp or reflector of a luminaire.
- "enforcement authority" means an officer and any person appointed or otherwise delegated the authority of administration and enforcement of this by-law.
- "exterior luminaire" means a luminaire that is situated outside of any building or structure, including those affixed to exterior walls or surfaces of any building or structure.
- "garage sale" means a sale conducted at a property containing a residential use by its owner or occupant of household goods belonging to the owner or occupant, as the case may be, and includes a yard sale, lawn sale and other similar events.
- "glare" means light emitted from a luminaire of sufficient intensity that (i) reduces the viewer's ability to see; or (ii) produce a sensation of discomfort, to a disinterested person with no visual disability or undue sensitivity to light.
- "highway" has the same meaning as in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 ("*Highway Traffic Act*").
- "indirect light" means light emitted from a luminaire that has been reflected or scattered off other surfaces.
- "inhabitants" means one or more persons who reside in the Town, temporarily or permanently, and may include visitors to the Town.
- "interior luminaire" means a luminaire that is situated inside of any building or structure, including those affixed to interior walls or surfaces of any building or structure, which emits light that can be seen outdoors.
- "luminaire" means a complete lighting device that includes one or more lamps enclosed in a housing and is accompanied by one or more reflectors, refractors or other similar items and, without limiting the generality of the foregoing, includes laser source lights, signal beacons, floodlights, spotlights, flashing lights, high-intensity lights and other forms of illumination.

- "motor vehicle" has the same meaning as in the Highway Traffic Act.
- "normal farm practice" has the same meaning as in the Farming and Food Production Protection Act, 1998.
- "officer" means a by-law enforcement officer of the Town, a member of the Niagara Regional Police Service, a member of the Ontario Provincial Police and any other provincial offences officer designated under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 ("*Provincial Offences Act*").
- "occupant" means a person that occupies a property and includes owners, renters and lessees.
- "order" means any notice of non-compliance issued under this By-law.
- "outdoor patio" means an outdoor area adjacent to or in any way associated with an eating establishment or tavern that is designed or used as an area for the sale and service of any food or beverage by the eating establishment or tavern.
- "owner" means the registered owner of a property.
- "persistent" means continuously for a period of ten (10) minutes or longer or intermittently for an aggregate period of ten (10) minutes or longer in any sixty (60) minute period.
- "person" means an individual, corporation, partnership or association.
- "point of reception" means any location on a property where noise originating from other than that property is received.
- "property" means any land or premises within the Town.
- "public nuisance" means any act, conduct or thing that is injurious to health, indecent, offensive to the senses of a disinterested person or that otherwise interferes with the reasonable enjoyment of life or property.
- "**Town**" means The Corporation of the Town of Fort Erie or the geographic area of the municipality, as the context requires.
- "trespassing light" means light emitted from a luminaire that is easily perceptible, without undue effort, to a disinterested person with no visual disability or undue sensitivity to light, at a property other than the one on which the luminaire is situated, and includes direct light, indirect light and glare.

#### 3.0 NOISE

- 3.1 No person shall make, cause or permit an unreasonable noise or noise that is likely to disturb inhabitants.
- 3.2 Without limiting the generality of section 3.1, noise resulting from the following acts is deemed to be unreasonable noise or noise that is likely to disturb inhabitants:

- the ringing of bells, blowing of horns or sounding of sirens on any motor vehicle except as required or authorized by law or for reasons of safety;
- (b) the operation of a motor vehicle in a manner that results in grading, grinding or rattling or other like sound or noise due to disrepair or inadequate maintenance;
- (c) the revving, racing or accelerating of a motor attached to a motor vehicle while the motor vehicle is not in motion;
- (d) the operation of any radio, television or other electronic device, musical or sound producing instrument with such volume so as to annoy or disturb inhabitants:
- (e) the operation of any radio, amplifier, speaker or similar sound producing device for the purpose of advertising a good or service in a manner that projects sound or noise into any public street or other public place;
- (f) the operation of any radio, amplifier, speaker or similar sound producing device in a manner that produces sound or noise that is clearly audible at a point of reception;
- (g) between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day, the operation of equipment used for construction;
- (h) the persistent yelling, shouting, swearing and/or speaking by any person at a volume that is clearly audible at a point of reception;
- (i) the persistent barking, howling, whining or other like sounds made by an animal kept or used for any purpose other than a normal farm practice carried on by an agricultural operation.
- (j) between the hours of 11:00PM of one day and 11:00AM of the following day, the operation of an outdoor patio in a manner that produces sound or noise that is clearly audible at a point of reception, if any part of such patio is located within 60 metres of a residential zone.
- 3.3 This By-law shall not apply to noise resulting from:
  - (a) the operation of any emergency service vehicle or ambulance while carrying out its lawful duties:
  - (b) the use of a warning device during the lawful operation of a motor vehicle;
  - (c) the operation of any railway or airport within the legislative authority of Parliament;
  - (d) the operation of equipment by or on behalf of the Town for exceptional construction projects, general maintenance projects and emergency projects of the Town;
  - (e) the collection or disposal of garbage, waste or recyclable material by the Town or the Regional Municipality of Niagara;
  - (f) the reasonable use of equipment for snow removal and yard maintenance on private property;

- (g) any parade or event hosted, authorized or approved by the Town, provided that the parade or event is carried on in accordance with all terms and conditions of the authorization or approval;
- (h) the reasonable use of a radio, amplifier, speaker or similar sound producing device in a public place during a special event hosted, authorized or approved by the Town, provided that the event is carried on in accordance with all terms and conditions of the authorization or approval;
- (i) any discharge of fireworks that complies with the fireworks by-law of the Town;
- sports, exercise or recreational activities or events at public parks or public beaches where such activities or events have been authorized or approved by the Town and are carried on in accordance with all terms and conditions of the authorization or approval;
- (k) the operation of bells or chimes in relation to any religious or military ceremony;
- (I) activities that are part of a normal farm practice carried on by an agricultural operation; and
- (m) activities carried out in compliance with a permission granted under federal or provincial legislation, including but not limited to an environmental compliance approval.

#### 4.0 LIGHTING

- 4.1 No person shall use or operate, or cause or permit the use or operation of, any exterior luminaire or interior luminaire in a manner that emits direct light, indirect light or glare such that it creates and/or results in trespassing light.
- 4.2 No person shall use or operate, or cause or permit the use or operation of, any exterior luminaire or interior luminaire in a manner that emits direct light, indirect light or glare such that it affects the operation of a motor vehicle on a highway by any person.
- 4.3 This By-law shall not apply to direct light, indirect light or glare resulting from:
  - (a) the operation of any emergency service vehicle or ambulance while carrying out its lawful duties:
  - (b) the use of vehicular lights during the lawful operation of a motor vehicle;
  - (c) the operation of equipment by or on behalf of the Town for construction projects, general maintenance projects and emergency projects of the Town;
  - (d) the operation of equipment by or on behalf of the Town for Town maintenance operations including but not limited to snow removal, street sweeping, line painting, grass cutting, tree and shrub pruning, mulching and field maintenance;

 the reasonable use of luminaires during a special event hosted, authorized or approved by the Town, provided that the event is carried on in accordance with all terms and conditions of the authorization or approval;

- (f) sports, exercise or recreational activities or events at public parks or public beaches where such activities or events have been authorized or approved by the Town and are carried on in accordance with all terms and conditions of the authorization or approval;
- (g) activities that are part of a normal farm practice carried on by an agricultural operation; and
- (h) activities carried out in compliance with a permission granted under federal or provincial legislation.

#### 5.0 PUBLIC NUISANCE

- 5.1 No person shall cause or permit a public nuisance.
- 5.2 Without limiting the generality of section 5.1, the following acts, conduct and things are deemed to be a public nuisance:
  - (a) loitering in a public place after a request from an enforcement authority to leave;
  - (b) fighting;
  - (c) using profane or abusive language or gestures;
  - (d) littering;
  - (e) defacing, damaging or vandalizing public or private property;
  - (f) spitting, expectorating, urinating or defecating in a public place;
  - (g) public drunkenness or public intoxication;
  - (h) conducting a garage sale at any property that does not have a residential use under Town By-law No. 129-90;
  - (i) conducting a garage sale between the hours of 6:00 p.m. of one day and 8:00 a.m. of the following day;
  - (j) conducting a garage sale more than four (4) times per calendar year;
  - (k) the attracting and or feeding of animals domesticated or otherwise in such a way that is causes damage or otherwise creates a nuisance or disturbance to another person or another persons property, other than as part of a normal farm practice carried on by an agricultural operation
  - (I) obstructing, interfering with or otherwise impeding the movement of persons or motor vehicles;
  - (m) obstructing or attempting to obstruct an enforcement authority in the course of his or her duties; and
  - (n) any act, conduct or thing prohibited by sections 3.2, 4.1 or 4.2 of this By-law.

- 5.3 Notwithstanding any other provisions in this By-law, the restrictions listed in Section 5.2(k) shall not apply to:
  - (a) properties zoned for agricultural or open space uses that are involved in dairying, animal husbandry, the raising of poultry, vermiculture, aquaculture, equestrian centres, riding stables and zoological theme parks.

#### 6.0 ADMINISTRATION AND ENFORCEMENT

- 6.1 This By-law shall be administered and enforced by the Town and enforcement authorities.
- 6.2 An enforcement authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act*, 2001.
- 6.3 An enforcement authority may, at all reasonable times, enter upon and inspect any property to determine if this By-law is being complied with.
- 6.4 For the purposes of an inspection under section 6.3 of this By-law, an enforcement authority may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, require information from a person concerning a matter related to the inspection and/or take photographs, samples, measurements necessary for the purposes of the inspection and may also include being accompanied by a person possessing special or expert knowledge.
- 6.5 An enforcement authority who is satisfied that there has been a contravention of this By-law may make an order requiring the person who contravened the By-law or caused or permitted the contravention and/or the owner or occupant of the property where the contravention occurred to discontinue the contravening activity and/or to bring the property into compliance with this By-law.
- 6.6 No person shall fail to comply with an order made under section 6.5.
- 6.7 An order made under section 6.5 shall set out the municipal address and/or legal description of the property, reasonable particulars of the non-compliance and the work required to correct it and the date(s) by which there must be compliance with the order.
- 6.8 An order made under section 6.5 may be served by regular mail if the order is also posted at the property, registered mail or hand delivered to the last known address of the person to whom it is issued, by email to the last known email address of the person to whom it is issued, or by posting the order at the property where the contravention occurred.
- 6.9 Where any person fails to comply with an order made under section 6.5 by the prescribed date(s), the Town may do any matter or thing necessary to bring the property into compliance with this By-law at the expense of the person in default of the order.

By-law No. 83-2023 Page 8

6.10 The Town may recover the cost of any matter or thing done pursuant to section 6.8 of this By-law by adding the cost to the tax roll and collecting it in the same manner and with the same priority as municipal taxes.

6.11 No Person shall obstruct or hinder, or attempt to obstruct or hinder, an enforcement authority in the exercise of a power or the performance of a duty under this By-law.

#### 7.0 OFFENCES AND PENALTIES

- 7.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act*, 2001 and the *Provincial Offences Act*.
- 7.2 Where an enforcement authority is satisfied that a person has failed to comply with any provision of this By-law, the enforcement authority may issue a penalty notice imposing an administrative penalty in the amount as established in Schedule "A" to this By-law.
- 7.3 Administrative Penalty By-law No. 111-2019, as amended or replaced from time to time, applies to each administrative penalty issued pursuant to this by-law.
- 7.4 Every person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty By-law No. 111-2019, be liable to pay to the Town an administrative penalty in accordance with that By-law.

#### 8.0 GENERAL

- 8.1 In the event of a conflict between this By-law and the provisions of another Town by-law, the provisions of this By-law shall prevail.
- 8.2 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such sections or parts shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.
- 8.3 This By-law shall be read with all changes in number or gender as are required by context.
- 8.4 Any reference to legislation or Municipal By-laws in this By-law includes the legislation or By-law and any amendment, replacement, subsequent enactment or consolidation of such legislation or By-law.
- 8.5 The Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.
- 8.6 By-law No. 30-09 is repealed.

By-law No. 83-2023 Page 9

8.7 This By-law shall come into force and effect on the date of passage.

Read a first, second and third time and finally passed this 29th day of May, 2023.

	NA.
	Mayor
	Clerk
I,, Clerk of The Corporation of the No. 83-2023 of the said Town. Given under my hand and the seal	e Town of Fort Erie, certify the foregoing to be a true copy of By-law of the said Corporation, this day of , 20

### SCHEDULE "A" to Noise and Nuisance By-law No. 83-2023

#### **Administrative Monetary Penalties**

For the purposes of this By-law:

Column 1 ("Description of Offence") in the table sets out the short form wording to be used in a Penalty Notice for a contravention of the designated provisions listed.

Column 2 ("Section") in the table lists the specific section of the provision that has been contravened.

Column 3 ("Penalty Tier 1") sets out the Administrative Monetary Penalty amounts that are payable for contraventions of the designated provisions listed in Columns 1 and Column 2.

Column 4 ("Penalty Tier 2") sets out the Administrative Monetary Penalty amounts that are payable for a second (2<sup>nd</sup>) contravention of the designated provisions listed in Columns 1 and Column 2 by the same person within a one (1) year period since the previous offence conviction.

Column 5 ("Penalty Tier 3") sets out the Administrative Monetary Penalty amounts that are payable for a third (3<sup>rd</sup>) contravention of the designated provisions listed in Columns 1 and Column 2 by the same person within a one (1) year period since the previous offence conviction.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Offence	Section	Penalty <b>Tier 1</b>	Penalty Tier 2	Penalty <b>Tier 3</b>
Unreasonable noise or noise likely to disturb inhabitants	3.1	\$250.00	\$350.00	\$450.00
Noise deemed to be unreasonable or likely to disturb inhabitants	3.2 (a-j)	\$250.00	\$350.00	\$450.00
Trespassing light	4.1	\$250.00	\$350.00	\$450.00
Light affecting operation of motor vehicle on highway	4.2	\$250.00	\$350.00	\$450.00
Public nuisance	5.1	\$250.00	\$350.00	\$450.00
Act, conduct or thing deemed to be a public nuisance	5.2 (a-n)	\$250.00	\$350.00	\$450.00
Fail to comply with an order	6.6	\$500.00	\$600.00	\$700.00
Obstruct an officer	6.11	\$300.00	N/A	N/A



#### The Municipal Corporation of the Town of Fort Erie

By-law No. 84-2023

#### Being a By-law to Appoint Brandon Gordon as a Temporary Municipal Law Enforcement Officer for the 2023 Summer Season

Whereas the *Police Services Act*, R.S.O. 1990, c. P.15, section 15 provides that a municipal council may appoint persons to enforce the by-laws of the municipality and that municipal law enforcement officers are peace officers for the purpose of enforcing municipal by-laws; and

**Whereas** the *Municipal Act*, 2001, S.O. 2001, c. 25, section 101 provides that a municipal law enforcement officer may provide evidence in the impoundment of parked vehicles; and

**Whereas** it is deemed desirable to appoint temporary Municipal Law Enforcement Officers for the 2023 summer season:

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That Brandon Gordon is appointed a temporary Municipal Law Enforcement Officer for The Corporation of the Town of Fort Erie and is also appointed a temporary Provincial Offences Officer while in the discharge of his duties until on or about September 30, 2023 or as may be extended by the Chief Administrative Officer.
- 2. That the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29<sup>th</sup> day of May, 2023.

			Mayor
			-
			Deputy Clerk
I, No. 84-2023 of the said	, Clerk of The Corporat d Town. Given under my hand and	tion of the Town of Fort Erie, certify the the seal of the said Corporation, this	foregoing to be a true copy of By-law day of , 20



#### The Municipal Corporation of the Town of Fort Erie

By-law No. 85-2023

#### Being a By-law to Set The 2023 Tax Rates and to Levy Taxes for the Year 2023

**Whereas** Section 312(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, (the "Act") provides for the purposes of raising the general local municipality levy, a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality rateable for local municipality purposes; and

**Whereas** Section 312(6) of the *Act* provides that the tax rates to be levied under subsection (2) or (4) are subject to the following restrictions:

- 1. The rates must be set so that, when they are levied on the applicable assessment rateable for local municipality purposes, an amount equal to the general local municipality levy or special local municipality levy, as the case may be, is raised.
- 2. The rates on the different classes of property must be in the same proportion to each other as the tax ratios established under section 308 for the property classes are to each other; and

**Whereas** Section 257.7 (1) of the *Education Act* R.S.O. 1990, c. E.2, as amended, (the "*Education Act*") provides that every municipality shall, subject to the regulations, in each year, levy tax at the rates prescribed under Section 257.12 of the *Education Act*, on residential and business property in the municipality, according to the last returned assessment roll; and

**Whereas** Section 257.12 (1) of the *Education Act* provides that the Minister of Finance may make regulations prescribing the tax rates for school purposes for the purposes of Section 257.7; and

**Whereas** The Regional Municipality of Niagara through by-law sets the tax ratios and tax rate reductions for prescribed property classes for the 2023 taxation year; and

**Whereas** The Regional Municipality of Niagara through by-law sets the tax rates for the Region Levy, Waste Management and Transit; and

**Whereas** the Minister of Finance has by Ontario Regulation 576/22 prescribed the tax rates for school purposes; and

**Whereas** it is necessary for the Municipal Council of The Corporation of the Town of Fort Erie, pursuant to the *Act*, to levy on the whole rateable property according to the last returned assessment roll for the 2023 tax levy for the Town of Fort Erie, the sums set forth for various purposes in Schedule "A" attached to and forming part of this by-law;

**Now Therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That for the Year 2023, the levy upon the assessment classes of the rates of taxation pursuant to current value assessment for general purposes as set out in Schedule "A" attached to and forming part of this by-law, is approved and adopted.
- **2. That** the levy provided for in Schedule "A" attached to this by-law shall be reduced by the amount of the interim levy for 2023 as approved by By-law No. 2-2023.
- **That** payments in lieu of taxes due to The Corporation of the Town of Fort Erie shall be based on the assessment roll and the tax rates for the Year 2023.
- 4. That in the case of railway right-of-way and utility transmission corridor taxes due to The Corporation of the Town of Fort Erie in accordance with the regulations as prescribed by the Minister of Finance, pursuant to the Act, the actual amount due to The Corporation of the Town of Fort Erie shall be based on the assessment roll and the tax rates for the Year 2023 as approved by regulation.
- **5. That** the following due dates and tax rates are established for the following assessment classes for the final tax levy for 2023:
  - a) Due on each of June 30, 2023 and September 28, 2023:

<u>Class</u>	<u>2023 Rate</u>
Residential	1.618793%
Pipelines	3.374926%
Farmlands and Managed Forests	0.404698%
Commercial, no education (PBA)	2.543004%

b) Due on each of July 31, 2023 and September 28, 2023:

<u>Class</u>	<u>2023 Rate</u>
Multi-residential	3.040612%
Commercial occupied	3.423004%
Commercial, excess/vacant	3.232279%
Industrial, occupied	4.735035%
Industrial, excess/vacant	4.445910%

Non-payment of the amount on the dates stated above shall constitute default and any subsequent installments shall forthwith become payable.

**6.** That the minimum tax bill shall not be less than \$10.00.

- 7. That taxes shall be paid on or before the due date of each installment to the Treasurer of the Town of Fort Erie at 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6, or at most financial institutions, in accordance with the provisions of this by-law.
- **8. That** a penalty of one and one-quarter percent (1.25%) of the amount of each installment shall be imposed on the first day of default and an interest charge of one and one-quarter percent (1.25%) imposed on the first day of each calendar month thereof in which default continues until the taxes are paid as prescribed by Section 345 of the *Act*.
- **9. That** the Treasurer is authorized to accept part payment from time to time on account of any taxes due, and to give a receipt of such part payment. No part payment shall be accepted on account of taxes in respect of which a tax arrears certificate is registered under the *Act*, except under an extension agreement entered into under Section 378 of the *Act*.
- **10. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

	Mayor
	Deputy Clerk
I,, the Clerk, of The Corpo true copy of By-law No. 85-2023 of the said Town. Given under m , 20	ration of the Town of Fort Erie certify the foregoing to be a my hand and the seal of the said Corporation, this day of

CVA 263.67

#### CORPORATION OF THE TOWN OF FORT ERIE 2023 TAX RATES

Property Class	RTC/RTQ	Tax	Town	Region	Waste Mgmt	Transit	Education	Total	Current
Ш	Code	Ratio	Tax Rate	General/Police	Tax Rate	Tax Rate	Tax Rate	Tax Rate	Value Assessmt
Residential & Farm	RT	1.0000	0.700915%	0.623692%	0.076757%	0.064429%	0.153000%	1.618793%	\$ 3,733,901,870
Mu <del>lti</del> Residential	MT	1.9700	1.380803%	1.228673%	0.151211%	0.126925%	0.153000%	3.040612%	\$ 42,365,000
Commercial occupied (note 1)	CT;DT;ST;GT	1.7349	1.216017%	1.082043%	0.133166%	0.111778%	0.880000%	3.423004%	\$ 222,695,864
Gereral rate only (PBA)	CM	1.7349	1.216017%	1.082043%	0.133166%	0.111778%	0.000000%	2.543004%	\$ 26,256,000
eccess land (note1)	CU;DU;SU;GU	1.7349	1.124816%	1.000890%	0.123178%	0.103395%	0.880000%	3.232279%	\$ 5,785,188
varant land (note1)	CX	1.7349	1.124816%	1.000890%	0.123178%	0.103395%	0.880000%	3.232279%	\$ 18,262,700
Industrial (note 2)	IT;LT	2.6300	1.843406%	1.640310%	0.201871%	0.169448%	0.880000%	4.735035%	\$ 43,990,954
exoess land (note 2)	IU:LU	2.6300	1.705152%	1.517287%	0.186731%	0.156740%	0.880000%	4.445910%	\$ 1,003,541
vacant land (note 2)	IX;LX	2.6300	1.705152%	1.517287%	0.186731%	0.156740%	0.880000%	4.445910%	\$ 5,853,400
Pipelines	PT	1.7021	1.193027%	1.061586%	0.130648%	0.109665%	0.880000%	3.374926%	\$ 17,104,000
Farmands	FT	0.2500	0.175229%	0.155923%	0.019189%	0.016107%	0.038250%	0.404698%	\$ 56,233,300
Ma <del>na</del> ged Forests	TT	0.2500	0.175229%	0.155923%	0.019189%	0.016107%	0.038250%	0.404698%	\$ 982,700
'.									\$ 4,174,434,517
Note: 1: Commercial Class includes pro									<u>.</u>
Note 2: Industrial Class includes proper	ties assessed as Larg	ge Industria	l - Niagara cons	olidated this optio	nal class in 2007				

Town		Region	W	aste Mgmt	Transit		Education		Total
Levy	Ge	neral/Police		Levy	Levy		Levy	2023 Lev	
\$ 26,171,478	\$	23,288,047	\$	2,866,031	\$ 2,405,716	\$	5,712,872	\$	60,444,144
\$ 584,977	\$	520,527	\$	64,061	\$ 53,772	\$	64,818	\$	1,288,155
\$ 2,708,020	\$	2,409,665	\$	296,555	\$ 248,925	\$	1,959,724	\$	7,622,888
\$ 319,277	\$	284,101	\$	34,964	\$ 29,348	\$	-	\$	667,691
\$ 65,073	\$	57,903	\$	7,126	\$ 5,982	\$	50,910	\$	186,993
\$ 205,422	\$	182,790	\$	22,496	\$ 18,883	\$	160,712	\$	590,301
\$ 810,932	\$	721,588	\$	88,805	\$ 74,542	\$	387,120	\$	2,082,987
\$ 17,112	\$	15,227	\$	1,874	\$ 1,573	\$	8,831	\$	44,617
\$ 99,809	\$	88,813	\$	10,930	\$ 9,175	\$	51,510	\$	260,237
\$ 204,055	\$	181,574	\$	22,346	\$ 18,757	\$	150,515	\$	577,247
\$ 98,537	\$	87,681	\$	10,791	\$ 9,057	\$	21,509	\$	227,575
\$ 1,722	\$	1,532	\$	189	\$ 158	\$	\$ 376		3,977
\$ 31,286,414	\$	27,839,448	\$	3,426,167	\$ \$ 2,875,887		8,568,897	97 \$ 73,996,81	

\$ 76,886 \$ 150,142

TAX IMPACT

ע		Town	Region		E	ducation	Total
lway Right of Way	WT	\$ 133.36	\$ 144.47		\$	291.60	\$ 569.43
Right of Way	UT	\$ 190.12	\$ 205.97		\$	436.50	\$ 832.59
		2023	2022	Increase			Г

usiness Improvement Areas			Tax	c Levy	Ass	sessment	Rate			
	\$	49,625	\$	53,761	\$		\$ 	\$ 110,091	\$ 213,477	
76.07	\$	14,462	\$	15,668		n/a	 n/a	\$ 33,205	\$ 63,335	

38,092

	2023	2022	Increase
	Tax Rate	Tax Rate	(Decrease)
Residential & Farm	1.618793%	1.525506%	6.12%
Multi-Residential	3.040612%	2.856837%	6.43%
Commercial occupied (note 1)	3.423004%	3.261160%	4.96%
General rate only (PBA)	2.543004%	2.381160%	6.80%
excess land (note1)	3.232279%	2.903986%	11.30%
vacant land (note1)	3.232279%	2.903986%	11.30%
Industrial (note 2)	4.735035%	4.489691%	5.46%
excess land (note 2)	4.445910%	3.948237%	12.60%
vacant land (note 2)	4.445910%	3.948237%	12.60%
Pipelines	3.374926%	3.216142%	4.94%
Farmlands	0.404698%	0.381377%	6.12%
Managed Forests	0.404698%	0.381377%	6.12%

Business Improvement Areas	T	ax Levy	Assessment	Rate
Bridgeburg BIA	\$	40,700		
Commercial occupied			\$ 14,075,317	0.259579%
Commercial vacant/excess land			\$ 1,635,400	0.240111%
Industrial occupied			\$ -	0.393506%
Industrial vacant/excess land			\$ 65,000	0.363993%
Ridgeway BIA	\$	35,000		
Commercial occupied			\$ 11,911,396	0.290564%
Commercial vacant/excess land			\$ 145,000	0.268772%
Crystal Beach BIA	\$	30,000		
Commercial occupied			\$ 6,856,222	0.372317%
Commercial vacant/excess land			\$ 1,098,900	0.344393%
Industrial occupied			\$ 122,000	0.564409%

\$ 35,163 \$



## The Municipal Corporation of the Town of Fort Erie By-law No. 86-2023

Being a By-law to
Amend the Development Charges Interest Policy for The

**Town of Fort Erie** 

**Whereas** By-law No. 110-2022 was passed by the Municipal Council of the Town of Fort Erie on August 22, 2022 to adopt a Development Charges Interest Policy for the Town of Fort Erie, and

**Whereas** Report No. CS-03-2023 was considered at the Council-in-Committee Meeting held on May 8, 2023, change the interest rate charged from 5% to a maximum of prime plus 1%, and

**Whereas** it is deemed desirable to amend the Development Charges Interest Policy for the Town of Fort Erie;

**Now Therefore** the Council of The Corporation of the Town of Fort Erie enacts as follows:

- **1. That** Schedule "A" of By-law No. 110-2022 is repealed and replaced with Schedule "A" attached hereto as Schedule "A" and forming part of this by-law, is adopted and approved.
- 2. That the Clerk of the Town is authorized to affect any minor modifications corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May 2023.

	Mayor
-	Deputy Clerk
I,, the Clerk, of The Corporat true copy of By-law No. 86-2023 of the said Town. Given under my , 20 .	ion of the Town of Fort Erie certify the foregoing to be a y hand and the seal of the said Corporation, this day of

# Development Charges Interest Policy

August 22, 2022

(as amended, May 29, 2023)



The Corporation of The Town of Fort Erie

#### 1. Article 1 - Purpose

The purpose of this policy is to preserve the Town's ability to fund the cost of growth related capital needs with Development Charges (DC), to promote the Town's objective for growth to pay for growth as much as the *Development Charge Act* (Act) allows and to establish the form and timing of interest applicable to DC payable in accordance with section 26.1 and 26.2 of the Act on setting and calculating interest rates.

#### 2. Article 2 - Definitions

For this policy, the following terms are defined:

Act: means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended, revised, re-enacted or consolidated from time to time, and any successor statute.

Development Charge Installment Payments: means the timing of payment and collection of development charges for rental housing, institutional and non-profit housing as required under section 26.1 of the Act.

Development: means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof according to one or more of the actions referred to in subsection 2(2) of the Act, and includes redevelopment.

Development Charge(s): means the Town's development charges, including any area-specific development charges.

Institutional Development: means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and without limiting the generality of the foregoing includes churches, places of worship, public or private schools, day nursery, public or private hospital, children's home, nursing home, home for the aged or infirm, monastery, convent, and training school.

Interest Rate(s): means the interest rate(s) authorized in this policy used for application under Section 26.1(7) and or Section 26.2(3) of the Act.

Non-profit Housing Development: means development of a building or structure intended for use as residential premises by,

a) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing;

- a corporation without share capital to which the Canada Not-for-profit
   Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act. O. Reg. 454/19, s. 3

Rental Housing Development means: development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises. O. Reg. 454/19, s. 3 (1).

Town: means The Corporation of the Town of Fort Erie.

#### 3. Article 3 – Policy Statement

The fundamental principle of funding growth-related capital costs is that 'growth should pay for growth.' This policy serves to ensure that there is compensating interest income to fund the lost revenue that will result from the DC rate freeze and deferred payment requirements in accordance with the Act.

#### 4. Article 4 – Application

This Policy applies to development applications that are eligible for the regulated development charges freeze and/or deferral provided in Section 26.2 and Section 26.1 of the Act.

#### 5. Article 5 - Background

The Town of Fort Erie collects development charges under the authority of the Act in order to fund growth related capital expenditures resulting from new development. In December 2019, certain sections of Schedule 3 of Bill 108 *More Homes, More Choice Act*, 2019 (as amended by Bill 138) were proclaimed and came into force on January 1, 2020 which amended certain sections of the Act. The DC amendments include changes to when the DC is calculated, when it becomes payable and gives municipalities the authority to apply interest to DC amounts owing.

Section 26.2 (3) of the Act permits a municipality to charge interest from the date the DC is calculated to the date the DC is paid in full.

Section 26.1 (7) of the Act permits a municipality to charge interest on the instalments required by subsection (3) from the date the DC would have been payable in accordance with section 26 to the date the instalment is paid.

#### 6. <u>Article 6 – Legislative Framework – Calculation of Development Charges</u>

6.1 Timing for development charge calculation amount under section 26.2 of the Act:

The current Development Charge By-law requires development charges to be calculated and paid at the time of building permit issuance. However, recent amendments to the legislation that have occurred since the passage of the Town's current Development Charges By-law now requires the development charge to be calculated as follows:

Under subsection 26.2 (1) of the Act, the total amount of a development charge (i.e. rate) is determined under The Town of Fort Erie's Development Charge By-law in effect on:

- 6.1.1. The day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act was made in respect of development that is the subject of the DC, or
- 6.1.2. If clause 6.1.1 does not apply, the day an application for an amendment to a bylaw passed under section 34 of the Planning Act was made in respect of the development that is the subject of the DC, or
- 6.1.3. If neither clause 6.1.1 nor 6.1.2 applies, the date the development charges would have been payable under section 26 of the Act which is normally building permit issuance unless permitted otherwise through section 26.1 of the Act.

#### 6.2. DC By-law not in effect

- 6.2.1. Under subsection 26.2 (2) of the Act, subsection 26.1 (1) applies even if the by-law under which the development charge would be determined is no longer in effect on the date the development charge is payable.
- 6.3. Interest under section 26.2 of the Act
  - 6.3.1. Under subsection 26.2 (3) of the Act, a municipality may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate, from the date of the application referred to in clause 6.1.1 or 6.1.2 to the date the development charge is payable.

- 6.3.2. The prescribed maximum interest rate is prime plus one percent as calculated under subsections 26.2 of the Act.
- 6.4. More than one application

If a development was the subject of more than one application referred to in 6.1.1 and 6.1.2 the later one is deemed to be the applicable application for the purposes of section 26.2 of the Act.

6.5. Exception, prescribed amount of time elapsed

The dates as determined under sections 6.1.1 and 6.1.2 do not apply if any part of a development to which section 26.1 applies if, on the date the first building permit is issued for the development, more than 2 years has elapsed since the application referred to in clause 6.1.1 or 6.1.2 was approved as defined in section 11.2 O. Reg. 82/98.

### 7. Article 7 - Legislative Framework - Development Charge Installments

7.1. Installment payments under section 26.1 of the Act and as defined in O. Reg 82/98.

Bill 108 amends the Act so that certain types of development qualify for deferred payment of development charges as follows:

Under subsections 26.1 (1), (2) and (3) of the Act, development charges shall be paid in equal annual installments, beginning at the earlier of first occupancy or occupancy permit issuance date under *the Building Code, Act,* 1992 for:

- 7.1.1. Rental housing development that is not non-profit housing as defined under section 11.1 (1) of O. Reg 82/98 as per section 3 (a) of the Act;
- 7.1.2. Institutional development as defined under section 11.1 (2) if O. Reg. 82/98 as per section 3 (a) of the Act; and
- 7.1.3. Non-profit housing development as defined under section 11.1 (3) of O. Reg. 82/98 as per section 3 (b) of the Act.
- 7.2. A non-profit housing development under 7.1.3 shall pay their first payment at occupancy and the following 20 anniversaries after that date (21 equal payments).

- 7.3. Both a Rental housing development and institutional development as described under 7.1.1 and 7.1.2 shall pay their first payment at occupancy and the following five anniversaries after that date (six equal payments).
- 7.4. All other development shall pay their development charges upon the issuance of a building permit unless an early or late payment agreement has been entered into under subsection 27 (1) of the Act.
- 7.5. Interest under section 26.1 of the Act:
  - 7.5.1. Subsection 26.1 (7) of the Act allows a municipality to charge interest on the installments from the date the development charges would have been payable under section 26 of the Act, to the date the installment is paid, at a rate not exceeding the prescribed maximum interest rate.
  - 7.5.2. The prescribed maximum interest rate is prime plus one percent as calculated under subsections 26.1 of the Act.

### 8. Article 8 - Policy

- 8.1. The application made date for the purposes of 6.1 of this Policy and 26.2 of the Act shall be determined by the Town of Fort Erie and provided to the Region as information.
- 8.2. The applicant shall be notified of the application approval date for the purposes of Section 26.2 of the Act by the Town of Fort Erie.
- 8.3. Application Appeal
  - Should any decision by the Town on the application(s) as noted under section 6.1.1 (Site Plan Control Area application) and 6.1.2 (Zoning By-law Amendment application) be appealed, The Town's decision regarding how interest charges were calculated will stand until final resolution of the appeal.
  - 8.3.1. Should a decision on an unapproved application be successfully appealed, the application made date will apply to section 6.1.1 or 6.1.2 of this policy and the application approval date shall be the date the appeal is approved.
  - 8.3.2. Should a decision on an approved application be upheld, the application made date will apply to section 6.1.1 or 6.1.2 of this policy and the application approval date shall be the date the decision is upheld.

- 8.3.3. Should a decision on an approved application be successfully appealed or a decision on an unapproved application be upheld, the application made date will not apply to sections 6.1.1 and 6.1.2 of this policy.
- 8.4. Interest on Development Charges for Subsection 26.2(3) of the Act

Interest will be charged at the rate established in Appendix "A" to this Policy on the development charge, from the date of the application referred to in clause 6.1.1 or 6.1.2 of this policy, to the date the development charge is payable. The non-compounding interest calculation will be used to determine the accrued interest to be charged.

8.5. Final Determination of Total Payable Development Charges

On the day the development charge(s) is first payable, the final determination of the total payable development charge(s) shall be made.

8.6. Transition

Clauses 6.1.1 and 6.1.2 do not apply in the case of an application made before January 1, 2020 as per subsection 26.2 (6) of the Act.

8.7. Acknowledgment Letter

For all eligible development under section 26.1 of the Act an Acknowledgement Letter will be provided to the applicant / property owner at the time of building permit issuance outlining the terms of the development charge annual installments as per the Act and Town policy.

- 8.8. Notice of Occupancy
  - 8.8.1. The person responsible to pay development charges shall notify both the Town of Fort Erie and Niagara Region in writing within five business days of the building first being occupied unless an occupancy permit has been issued by The Town of Fort Erie for the purposes of section 26.1 of the Act.
  - 8.8.2. Under subjection 26.1 (6) of the Act, failure to comply with the occupancy notice requirement under 8.7.1 will result in the development charge including any interest payable becoming payable immediately.
  - 8.8.3. If the person responsible to pay development charges receives an occupancy permit issued by The Town of Fort Erie, the Town will

notify the Niagara Region within five business days for the purposes of section 26.1 of the Act.

- 8.9. Interest on Installments for Subsection 26.1 (7) of the Act
  - 8.9.1. Interest will be charged on installments at the rate found in section 8.13 from the date the development charge would have been payable in accordance with section 26 of the Act and The Town's Development Charges by-law.
  - 8.9.2. Interest that will be generated from section 8.8.1 will be fully allocated to the Town's DC reserves and prorated by category.
- 8.10. Schedule of Installment Payments
  - 8.10.1. The Town of Fort Erie will provide an Installment Payment Schedule to the person required to pay development charges for the Town's portion of Development Charges once notified of occupancy. The Niagara Region will provide a separate schedule for Regional Development Charges.
  - 8.10.2. Acknowledgement of the Installment Payment Schedule and the first installment payment shall be due within 15 days of the Installment Payment Schedule being provided. It will be the responsibility of the person responsible to pay development charges to provide payment in a prompt and timely manner as per the schedule, no further notification of upcoming payments will be given.

### 8.11. Development Charge Grants

For developments that are in receipt of a Town development charge grant or credit, the amount that shall be used for the purpose of determining installment payments shall be the net amount of Town development charges payable.

### 8.12. Termination of the Installment Schedule

The remaining balance of all development charges shall be payable within 15 days immediately following the notification / determination of any of these trigger events:

- a. Change of use to a development type that is not eligible for development charge installments under the Act, as of the day the change is made.
- b. Sale or transfer of ownership.

c. If the balance of Town development charges owing plus any accrued interest as per the installment schedule is paid to The Town of Fort Erie.

### 8.13. Unpaid Development Charges

- 8.13.1. If any development charges (including interest) are unpaid, those development charges (including interest) may (at the discretion of the Treasurer) be added to the tax roll and collected in the same manner as taxes, in accordance with section 32 of the Act.
- 8.13.2. Interest on late payments added to the tax roll shall incur the applicable taxation interest rate (as provided under section 345 of the Municipal Act, 2001).

### 8.14. Interest Rates Used

- 8.14.1. An interest rate shall be used for the purposes of section 26.1 and 26.2 attached as Appendix "A" to this policy and shall be made available on the Town's website under the development charges page.
- 8.14.2. The established interest rate in an Agreement which has been entered into, shall remain in effect until the final payment under the Agreement is received.
- 8.15. Late Payment Penalty and Interest on unpaid Development Charge
  - 8.15.1. All development charge installment (including interest) that are unpaid as per the criteria established under section 26.1 of the Act, will be subject to a Town administration fee as per the Town's Fees and Charges by-law and may also be added to the tax roll and collected in the same manner as taxes, in accordance with section 32 of the Act.
  - 8.15.2. Interest on late payments added to the tax roll shall incur the applicable taxation interest rate (as provided under section 345 of the *Municipal Act, 2001*).

### 8.16. Agreements

8.16.1. Under section 26.1 of the Act, the development charges shall be paid in equal annual installments for eligible development.

### 9. Article 9 - Roles and Responsibilities

- 9.1. Treasurer or designate shall:
  - 9.1.1. Administer this policy, including but not limited to:
    - a. Reviews and updates Development Charges Interest Policy as necessary every five years or upon the expiry of a Town's Development Charge By-law and submits any necessary changes for Council Approval.
    - b. Monitor compliance and adherence to this policy.
    - c. Prepare the agreement and execution with applicant.
    - d. Perform all interest calculations.
    - e. Creates necessary guiding strategies, supporting frameworks and procedures as required to administer this policy, which may be amended from time-to-time.
- 9.2. Chief Building Official or designate shall:
  - 9.2.1. Enforce this policy, including but not limited to:
    - a. Inform the Treasurer when the total amount of the development charge excluding interest is determined under this policy.
    - b. Inform the Treasurer if a development qualifies to have their development charge rate frozen under section 26.2 of the Act.
    - Inform the Treasurer if a development qualifies to have their payments deferred under section 26.1 of the Act.

# Appendix "A" to Development Charges Interest Policy

# Town of Fort Erie Development Charges Interest Rates

Interest Rate Type	Interest Rate to Be Applied
As permitted under Section 26.2 of the Act - DC Freeze Interest Rate	Maximum of prime plus 1%, per annum, non- compounding
As permitted under Section 26.1 of the Act - DC Deferral Interest Rate	Maximum of prime plus 1%, per annum, non- compounding
Non-profit housing development as defined under section 11.1 (3) of O. Reg. 82/98 for purposes of Section 26.1 and 26.2 of the Act	0%



By-law No. 87-2023

# Being a By-law to Amend the Development Charges Payment Deferral Policy for The Town of Fort Erie

Whereas By-law No. 111-2022 was passed by the Municipal Council of the Town of Fort Erie on September 19, 2022 to adopt a Development Charges Payment Deferral Policy for the Town of Fort Erie, and

Whereas Report No. CS-03-2023 was considered at the Council-in-Committee Meeting held on May 8, 2023, to change the interest rate charged from 5% to a maximum of prime plus 1%, and

Whereas it is deemed desirable to amend the Development Charges Payment Deferral Policy for the Town of Fort Erie:

**Now Therefore** the Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That Schedule "A" of By-law No. 111-2022 is repealed and replaced with Schedule "A" attached hereto as Schedule "A" and forming part of this by-law, is adopted and approved.
- 2. **That** the Clerk of the Town is authorized to affect any minor modifications corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May 2023.

	Mayor
	Deputy Clerk
I,, the Clerk, of The Corporate true copy of By-law No. 87-2023 of the said Town. Given under my , 20 .	tion of the Town of Fort Erie certify the foregoing to be a y hand and the seal of the said Corporation, this day of

# Development Charges Payment Deferral Policy

September 19, 2022

(as amended, May 29, 2023)



The Corporation of The Town of Fort Erie

### 1. Article 1 - Purpose

This policy will establish guidelines related to applications for, and the administration and issuance of, Town development charge deferral agreements pursuant to section 27 of the *Development Charge Act*, 1997 c. 27, as amended.

### 2. Article 2 - Definitions

For this policy, the following terms are defined:

Act: means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended, revised, re-enacted or consolidated from time to time, and any successor statute.

CAO: means the Chief Administrative Officer of the Town from time to time, or the holder of the office exercising the functions presently performed by the said CAO, and includes his or her designate.

Development: means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof according to one or more of the actions referred to in subsection 2(2) of the Act, and includes redevelopment.

Development Charge(s): means the Town's Development Charges, including any area-specific development charges.

Interest Rate(s): means the interest rate(s) authorized in this policy used for application under Section 27 of the Act.

Non-profit Housing Development: means development of a building or structure intended for use as residential premises by,

- a) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing;
- b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act. O. Reg. 454/19, s. 3

Town: means The Corporation of the Town of Fort Erie.

Treasurer: means the Director, Corporate Services of the Town from time to time, or the holder of the office exercising the functions presently performed by the said Director, and includes his or her designate.

### 3. Article 3 - Policy Statement

A policy governing the payment deferral of Town-wide development charges in support of specific types of development.

### 4. Article 4 – Application

This Policy will apply to all landowners, developers and/or builders who apply to the Town for a deferral of development charges applicable to their proposed development. The Policy is intended to assist applicants to proceed with their proposed development and also assist in the provision of services that contribute to a strategic goal of the Town (e.g. affordable and special needs housing). An application for approval of a deferral request is required in accordance with this Policy. For the purpose of this Policy, an addition or alteration to a building which has the effect of substantially increasing the size or usability thereof shall mean an addition or alteration which is greater than 46.5 square metres (500 square feet).

### 5. Article 5 - Background

Development charges are calculated and collected on land and structures being developed in accordance with the Act and the Town's Development Charges By-law. The collection of development charges typically occurs at the issuance of a building permit. Section 27(1) of the Act allows for the deferral of development charges beyond the timeline stipulated in the Town's Development Charges By-law.

### 6. Article 6 - Policy

This policy establishes principles and practices for deferral of Town's development charges.

# **ELIGIBILITY REQUIREMENTS**

- 6.1. The following development types will be eligible for Town's development charges deferral under this policy:
  - 6.1.1. Affordable housing developments that received funding through an agreement with Niagara Regional Housing or designated agency of Niagara Region, the Canada Mortgage and Housing Corporation (CMHC) or other affordable housing provider as outlined in the Town's DC By-law.
  - 6.1.2. Developments that have received conditional/pending approval for Town Development Charge grants and where the total Town development charges for the project exceeds the minimum threshold.

- The deferral amount under this clause will be capped at the amount of the conditional/pending grant.
- 6.1.3. Developments that Town staff have identified as eligible for a future Municipal Capital Facility Agreement for which Town Development Charges will be exempted (subject to conditions under *Municipal Act, 2001*, section 110 and subsequent Town Council approval).
- 6.1.4. Development charges deferrals may be available if there is a strategic and significant direct economic benefit to the Town from the proposed development, the Treasurer and Director, Planning and Development Services or their designate can recommend a deferral of the development charges to Council. Determination of the strategic and significant direct economic benefit is at the discretion of the Treasurer and CAO or their designate.
- 6.1.5. Total development charges eligible for deferral must not be less than \$50,000 and to a maximum of \$1,000,000.
- 6.2. Notwithstanding the aforementioned eligibility criteria, a deferral request may be refused if actual net Development Charges reserve is in a deficit.
- 6.3. Any Development to which section 26.1 of the Act applies (upon the date that the section is proclaimed) and that opts to pay Town development charges in installment in accordance with section 26.1 of the Act, shall not be entitled to also avail itself of the deferral under this Policy.
- 6.4. Applicants for a deferral of development charges must comply with all the conditions that are determined as necessary for development (e.g., Planning Act), agree to any other conditions imposed by the Treasurer on the deferral authorization and enter into an agreement with the Town, which the Town may register on title.

### **DEFERRAL APPLICATION PROCESS**

- 6.5. Under the terms of this Policy, an individual that is required to make payment of Town Development Charges may submit a complete application package to the Treasurer requesting a Town development charges deferral agreement prior to the payment of development charges for the development.
- 6.6. The complete application shall include the following:
  - 6.6.1. Explanation for deferral request;
  - 6.6.2. Evidence of compliance with eligibility criteria;

- 6.6.3. Drawing of each level within the building, including the Gross Floor Area;
- 6.6.4. Proposed building uses and timing of occupancy;
- 6.6.5. The applicant will fill out a Development Charges Deferral Agreement Information Form; and
- 6.6.6. Any other additional materials as requested by the Treasurer.
- 6.7. An application made under this Policy will only be accepted if complete and the prescribed administrative fee has been provided to Town as outlined in the Town's Fee and Charges By-law as amended from time to time.
- 6.8. If the request does not comply with the Policy, the Town will refuse the application and advise the applicant accordingly.
- 6.9. If approved, a deferral agreement will be prepared to include the terms and conditions required by both the Treasurer and Director, Planning and Development Services or designate and to secure payment of the deferred charges by providing an irrevocable Letter of Credit with a financial institution, acceptable to the Treasurer.
- 6.10. If the Town Development Charges have already been paid by the applicant, the applicant is not eligible for a deferral agreement under this Policy.
- 6.11. In the event that the development charges become payable, the development charges deferred shall be payable in accordance with the deferral agreement executed with Town and shall be based on the development charge rate that is in effect at the time of building permit issuance.

### INTEREST

- 6.12. An annual interest rate shall apply to the amount of Town development charges deferred. The interest rate used for the purposes of section 27(1) as allowed under Section 27(3) is attached as Appendix "A" to this policy.
  - 6.12.1. All interest shall be calculated using the development charges calculated at the time of building permit issuance, until the date upon which the development charges have been paid.
  - 6.12.2. All interest shall accrue and be non-compounded.

6.12.3. Interest that will be generated from section 6.12.1 will be fully allocated to the Town's Development Charges Reserve and prorated by category.

### **TERMS**

- 6.13. The maximum deferral term shall not exceed the period as outlined below:
  - 6.13.1. Developments eligible for deferral under 6.1.1 shall see the deferral period capped at the length of time that the units remain affordable housing (as outlined in the funding agreement).
  - 6.13.2. Developments eligible for deferral under 6.1.2 shall not see the deferral period exceed 2 years from the date that the Town Development Charges are otherwise payable.
  - 6.13.3. Developments eligible for deferral under 6.1.3 shall not see the deferral period exceed the length of time anticipated for the Town to designate the development (or any part thereof) as a Municipal Capital Facility.
  - 6.13.4. A Development Charge deferral agreement will be executed detailing the duration and interim payments (if any) due over the deferral period and any other conditions or terms required. The approved deferral of development charges may be set out in other development agreements if appropriate.
- 6.14. Authority to execute deferral agreements on behalf of Town resides jointly with the Treasurer and Town Solicitor (or their respective designates authorized in writing to act on their behalf in their absence).
- 6.15. Approval for a Town development charge deferral under this Policy will be rescinded and associated agreement terminated if the building permit for the development is not issued within 6 months of the date of execution of the agreement.
- 6.16. The applicant must register the executed agreement on title of the subject lands at their expense within 30 days of agreement execution or risk default or cancellation of the agreement. Proof of agreement registration on title must be provided within 30 days of the agreement being executed by all parties.
- 6.17. All future deferral requests and agreements entered into by Town after the effective date of this Policy must conform to this Policy. All previous deferral

agreements will be grandfathered under the terms and conditions under which they were approved and executed.

## 6.18. Termination of the Deferral Agreement

The remaining balance of all development charges shall be payable within 15 days immediately following the notification or determination of any of these trigger events:

- a. Change of use from the use approved for the deferral.
- b. Sale or transfer of ownership, unless an assumption agreement is entered into with the Town.
- c. Any other material default as defined in the agreement(s).
- d. Any late payment would deem the agreement in default.

### 6.19. Unpaid Development Charges

- 6.19.1. If any development charges (including interest) are unpaid, those development charges (including interest) may be recovered by either drawing on the Letter of Credit or (at the discretion of the Treasurer) be added to the tax roll and collected in the same manner as taxes, in accordance with section 32 of the Act). All uncollected development charges added to the tax roll will be subject to a Town administration fee as per the Town's Fees and Charges by-law.
- 6.19.2. Interest on late payments added to the tax roll shall incur the applicable taxation interest rate (as provided under section 345 of the *Municipal Act*, 2001).

### 7. Article 7 – Roles and Responsibilities

- Corporate Services Department and Planning and Development Services
   Department
  - 7.1.1. Reviews and updates Development Charges Payment Deferral Policy as necessary every five years or upon the expiry of a Town's Development Charge By-law and submits any necessary changes for Council Approval.
  - 7.1.2. Determining whether a request meets the deferral criteria.

- 7.1.3. Ensuring the preparation of the deferral agreement in conjunction with the Town Solicitor.
- 7.1.4. Determining the amount to be secured by letter of credit, if necessary.
- 7.2. Treasurer and Director, Planning and Development Services or their designate shall be responsible for:
  - 7.2.1. Make decisions on applications for a deferral in accordance with this Policy.
  - 7.2.2. Calculate the development charges due on the proposed development.
- 7.3. Treasurer or designate shall be responsible for:
  - 7.3.1. Ensuring the preparation of the deferral agreement to the satisfaction of the Treasurer.
  - 7.3.2. Overall administration of the deferral agreements and letter of credit(s).
  - 7.3.3. Ensuring that instalments and final development charges payments are made, in accordance with the agreement.
  - 7.3.4. Approving department operating procedures and processes under this Policy.
  - 7.3.5. Is delegated authority to be responsible for developing and implementing forms for this policy.
- 7.4. Town Solicitor and Town's Law Clerk or their designate shall be responsible for:
  - 7.4.1. Preparing the deferral agreement, and if appropriate, the necessary clauses within a subdivision, site plan or other development agreement.
  - 7.4.2. Registering the deferral agreement on title if applicable.
  - 7.4.3. Ensuring the deferral is adequately secured in a form satisfactory to the Treasurer.

# Appendix "A" to Development Charges Payment Deferral Policy

# Town of Fort Erie Development Charges Interest Rate

Interest Rate Type	Interest Rate to Be Applied
As permitted under Section 27(3) of the DCA -	Maximum of prime plus 1%,
Agreement, early or late payment	per annum, non-
	compounding



By-law No. 88-2023

# Being a By-law to Amend By-law No. 167-09 (Insurance and Risk Management)

**Whereas** By-law No. 167-09 adopts certain insurance and risk management policies and delegations of authority; and

Whereas By-law No. 167-09 delegates authority to the Town Clerk and/or Town Solicitor to: settle claims for minor damages; direct the Town's Insurance Adjuster to settle or deny claims under the amount of the Town's insurance deductible; retain and instruct defence counsel in regards to insured claims under the Town's insurance deductible; retain and instruct defence counsel and settle claims up to a maximum amount of \$25,000 including costs in regards to uninsured claims; and to execute on behalf of The Corporation of the Town of Fort Erie any releases required for claim settlements within the scope of their settlement authority ("the Delegated Authorities"); and

**Whereas** in the absence of a Town Clerk and/or Town Solicitor, it is necessary to delegate the above noted Delegated Authorities to the Town Treasurer; and

Whereas it is deemed necessary to amend By-law No. 167-09 accordingly;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That By-law No. 167-09 is amended to include a provision that in the absence of a Town Clerk and/or Town Solicitor the Delegated Authorities specified in By-law No. 167-09 are delegated to the Town Treasurer.
- 2. That the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

			Mayor
			Deputy Clerk
I, , Clerk of The Corporation of the Town			
88-2023 of the said Town. Given under my hand and the seal of the	ne said Corporation, this	day of	, 20



# Interoffice Memorandum

May 29, 2023 File No. 211102/2110201

To: Mayor and Council

From: Jonathan Janzen, Director – Corporate Services/Treasurer

Subject: Delegation of Authority to Town Treasurer

(Insurance and Risk Management)

Included in the Council package for May 29, 2023 is By-law No. 88-2023 to amend Town of Fort Erie By-law No. 167-09, being a by-law to adopt certain insurance and risk management policies and delegations of authority. The amendment to By-law No. 167-09 aims to address a situation wherein the Town Clerk and/or Town Solicitor is absent and delegate certain authorities to the Town Treasurer.

The existing by-law establishes specific insurance and risk management policies, as well as delegations of authority. It currently grants authority to the Town Clerk and/or Town Solicitor to perform various tasks related to claim settlements, retention of defense counsel, and execution of necessary releases. However, the absence of a Town Clerk and/or Town Solicitor poses a challenge in carrying out these responsibilities effectively.

Therefore, it has been deemed necessary to amend By-law No. 167-09 to include the delegation of the aforementioned authorities to the Town Treasurer in the absence of the Town Clerk and/or Town Solicitor. This amendment ensures continuity in managing claims and risk-related matters during any temporary vacancy in the positions of Town Clerk and/or Town Solicitor and enables the Town to maintain a streamlined and efficient process for addressing insurance claims and risk management.

The proposed amendment to By-law No. 167-09 is as follows:

That in the absence of a Town Clerk and/or Town Solicitor, the Delegated Authorities specified in By-law No. 167-09 shall be delegated to the Town Treasurer.

By delegating these authorities to the Town Treasurer, we can ensure that the necessary actions are promptly taken to settle claims for minor damages, handle claims under the Town's insurance deductible, retain and instruct defense counsel, and execute claim settlements within the defined scope of settlement authority ("the Delegated Authorities"). The Town Treasurer possesses the requisite knowledge and expertise to fulfill these responsibilities effectively.

All of which is respectfully submitted,

"Original Signed

Jonathan Janzen, CPA, CA Director – Corporate Services/Treasurer



By-law No. 89-2023

# Being a By-law to Accept and Declare Lands as Public Highway on the East Side of Buffalo Road 592 Buffalo Road – Paljor Tenzin & Nyingtse Tenzin

**Whereas** pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B10/23 F.E., the owners are required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a road widening on the east side of Buffalo Road, gratuitously, free and clear of all encumbrances; and

**Whereas** the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

**Whereas** it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Buffalo Road;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That the acceptance of land from Paljor Tenzin and Nyingtse Tenzin, legally described as Part of Lots 699 & 700, Plan 440, Bertie; designated as Part 3 on Reference Plan 59R-17694; Fort Erie, being part of PIN 64208-0150 (LT) (the "Lands"), for road widening purposes, free and clear of all encumbrances, is authorized and approved.
- **2. That** the Lands are established, laid out, declared and assumed as public highway forming part of Buffalo Road, for public use.
- **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.
- **4. That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.
- 5. That the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

	Mayor
	Deputy Clerk
	of Fort Erie, hereby certify the foregoing to be a true copy of By-
law No. 89-2023 of the said Town. Given under my hand and the s	seal of the said Corporation, this day of , 20



By-law No. 90-2023

# Being a By-law to Amend Zoning By-law No. 129-90, as amended 525 Lake Avenue Daniel John Read - Owner

Whereas an application was received from Doug Giles of A.J. Clarke & Associates Ltd. on behalf of Daniel John Read (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 525 Lake Avenue; and

**Whereas** a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on March 20<sup>th</sup>, 2023; and

**Whereas** it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-32-2023 considered and approved at the Council-in-Committee meeting held on April 17<sup>th</sup>, 2023;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 525 Lake Avenue as shown on the attached Schedule "A" from "Residential 2B (R2B) Zone" to "Residential 3 (R3-778) Zone".
- **2. That** By-law No.129-90, as amended, is further amended by adding to "Section 13 Residential 3 (R3) Zone" Subsection "Exceptions to the Residential 3 (R3) Zone" the following exception:

# "R3-778 (90-2023) 525 Lake Avenue

These lands are zoned "Residential 3 (R3-778) Zone" and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential 3 (R3) Zone" by this by-law shall apply to those lands zoned "Residential 3 (R3-778) Zone" subject to the following special provisions:

- a) Minimum Unit Frontage 9.20 m
- b) Minimum Lot Area 241.00 sq m
- c) Maximum Lot Coverage 35.50%
- d) Minimum Interior Side Yard 1.57 m
- e) Maximum Building Height 3 storeys, 9.50 m
- f) That notwithstanding the Parking Area Regulations in Subsection 6.20 (A) for Residential Uses (other than listed herein) in Section 6 General Provisions the Minimum Parking Requirement shall be 2.00 parking spaces per dwelling unit to be

By-law No. 90-2023 Page 2

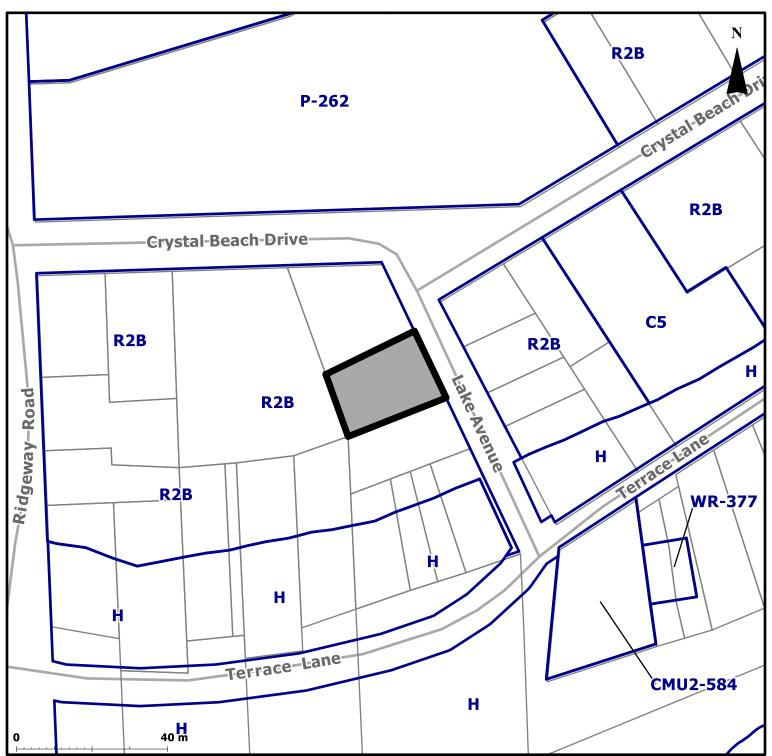
provided in the front yard."

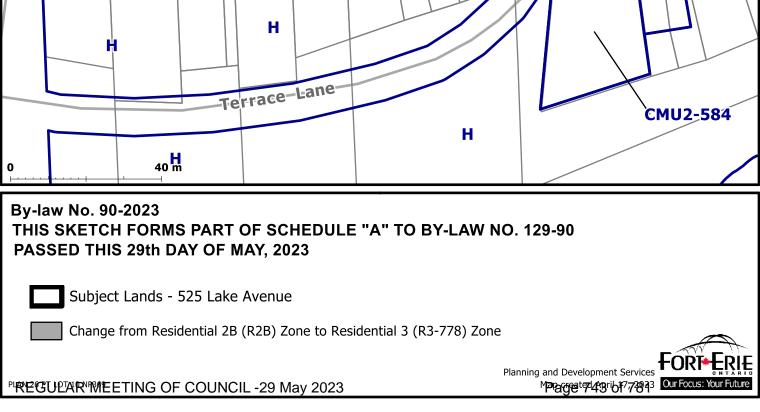
**3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

	Mayor
	Deputy Clerk
I, , Clerk of The Corporation of the Town of Fort Er the said Town. Given under my hand and the seal of the said Corp	ie, certify the foregoing to be a true copy of By-law No. 90-2023 of oration, this day of , 20
_	

### **SCHEDULE "A"**







By-law No. 91-2023

Being a By-law to Amend Zoning By-law No. 129-90, as amended Crescent Acres Subdivision (0-10747 Kraft Road)

Crescent Acres Ltd. (Mark Basciano) - Owner

**Whereas** an application was received from Matt Kernahan of Upper Canada Consultants on behalf of Crescent Acres Ltd. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 0-10747 Kraft Road; and

**Whereas** a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on February 27, 2023; and

**Whereas** it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-38-2023 considered and approved at the Council-in-Committee meeting held on May 8, 2023;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 0-10747 Kraft Road and shown as Parts 1 and 2 on the attached Schedule "A" from "Open Space (OS) Zone", "Residential 2 (R2) Zone", "Residential Multiple 1 (RM1) Zone" and Environmental Conservation (EC) Overlay Zone" to "Residential Multiple 1 (RM1-779) Zone" (Part 1) and from "Residential Multiple 1 (RM1) Zone" and Environmental Conservation (EC) Overlay Zone" to "Environmental Protection (EP) Zone" (Part 2).
- 2. That By-law No.129-90, as amended, is further amended by adding to "Section 14 Residential Multiple 1 (RM1) Zone" Subsection "Exceptions to the Residential Multiple 1 (RM1) Zone" the following exception:

# "RM1-779 (91-2023) 0-10747 Kraft Road, Crescent Acres (Part 1)

These lands are zoned "Residential Multiple 1 (RM1-779) Zone", and all of the provisions that relate to lands zoned "Residential Multiple 1 (RM1) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 1 (RM1-779) Zone" subject to the following special provision:

 Notwithstanding the list of "Permitted Uses" in Subsection 14.2, the lands may also be used for a stormwater management facility. By-law No. 91-2023 Page 2

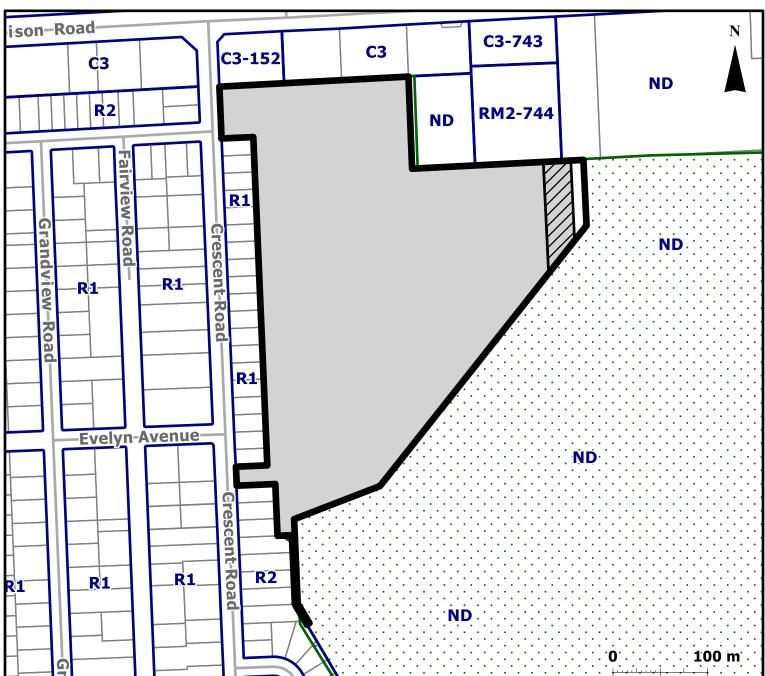
b) Notwithstanding the requirements of Subsection 14.3, street townhouse dwellings shall be subject to the following special provisions:

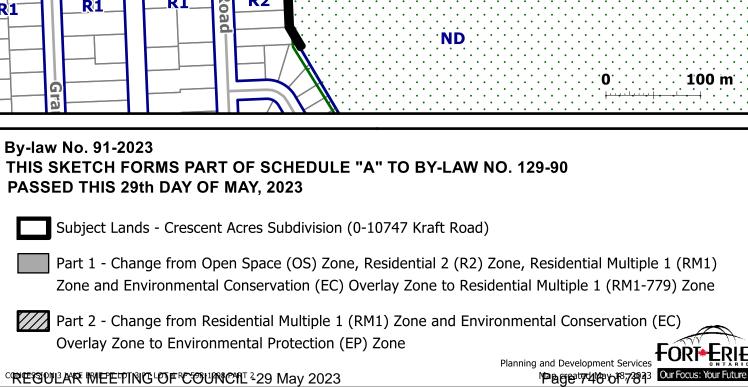
- i. Minimum Lot Area 180.00 sq m for an interior lot and 215.00 sq m for a corner lot.
- ii. Minimum Interior Side Yard 1.20 m.
- iii. The Maximum Lot Coverage requirement is deleted.
- iv. The Planting Strip requirement where it abuts a street is deleted.
- c) Notwithstanding the requirements of Subsection 12.3, single detached dwellings shall be subject to the following special provisions:
  - i. The Maximum Lot Coverage requirement is deleted.
- d) Notwithstanding the requirements of Subsection 13.4, semi-detached dwellings shall be subject to the following special provisions:
  - i. Minimum Lot Frontage 8.00 m for an interior lot.
  - ii. Minimum Interior Side Yard 1.20 m."
- 3. That the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

	Mayor
	Deputy Clerk
I, , Clerk of The Corporation of the By-law No. 91-2023 of the said Town. Given under my hand and the	Town of Fort Erie, certify the foregoing to be a true copy of ne seal of the said Corporation, this day of , 20
-	

### **SCHEDULE "A"**







By-law No. 92-2023

Being a By-law to Amend Zoning By-law No. 129-90, as amended 3624 Hazel Street S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Owner

**Whereas** an application was received from S.R. Niagara Investments Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 3624 Hazel Street; and

**Whereas** a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on April 3<sup>rd</sup>, 2023; and

**Whereas** it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-40-2023 considered and approved at the Council-in-Committee meeting held on May 8<sup>th</sup>, 2023;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- **1. That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 3624 Hazel Street and shown as Parts 1 and 2 on the attached Appendix "1" from "Residential 1 (R1) Zone" to "Residential 2A (R2A-781) Zone" (Part 1), and "Residential 1 (R1) Zone" to "Residential 3 (R3-782) Zone" (Part 2).
- **2. That** By-law No.129-90, as amended, is further amended by adding to "Section 12 Residential 2A (R2A) Zone" Subsection "Exceptions to the Residential 2A (R2A) Zone" the following exceptions:

# "R2A-781 (92-2023) 3624 Hazel Street (Part 1)

These lands are zoned "Residential 2A (R2A-781) Zone", and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential 2A (R2A) Zone" by this by-law shall apply to those lands zoned "Residential 2A (R2A-781) Zone" subject to the following special provisions:

- i. Minimum Front Yard Setback (Lot 6) 21.3 m
- ii. Minimum Setback Between Driveway and East Lot Line (Lot 6) 4.4 m
- iii. Minimum Rear Yard Setback 10.0 m"

**3. That** By-law No.129-90, as amended, is further amended by adding to "Section 13 – Residential 3 (R3) Zone" Subsection – "Exceptions to the Residential 3 (R3) Zone" the following exceptions:

"R3-782 (92-2023) 3624 Hazel Street (Part 2)

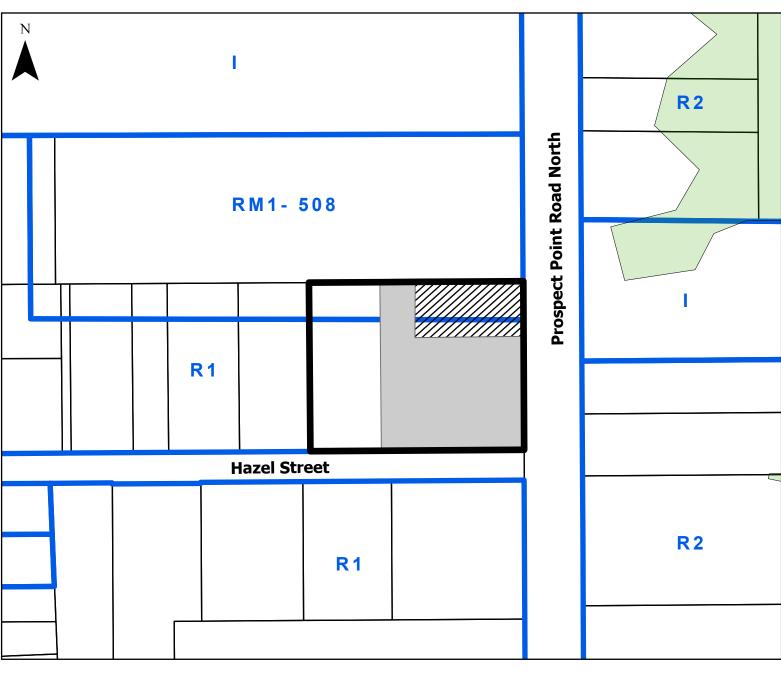
These lands are zoned "Residential 3 (R3-782) Zone", and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential 3 (R3) Zone" by this by-law shall apply to those lands zoned "Residential 3 (R3-782) Zone" subject to the following special provisions:

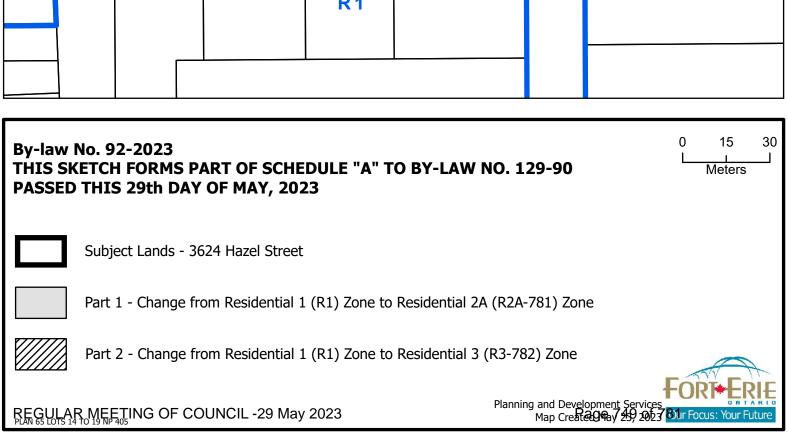
- i. Notwithstanding the list of Permitted Uses in Subsection 13.2, the lands may only be used for the construction of a semi-detached dwelling
- ii. Minimum Unit Frontage 9.4 m
- iii. Minimum Interior Side Yard Setback 1.57 m, except where no private garage or carport is provided, a minimum side yard setback of 3.0 m is required
- iv. Minimum Rear Yard Setback 10.0 m"
- **4. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

	Mayor
	Deputy Clerk
I, , Clerk of The Corporation of the Town of Fort Erie, the said Town. Given under my hand and the seal of the said Corp, 20	certify the foregoing to be a true copy of By-law No. 92-2023 of coration, this day of

# **APPENDIX "1"**







By-law No. 93-2023

Being a By-law to Authorize the Entry into an Encroachment Agreement with 2550663 Ontario Inc. (Greg Walker) - Owner 214 Courtwright Street

**Whereas** at the Regular Council meeting held on April 24, 2023, Council considered and approved Report No. PDS-37-2023, recommending the approval of a combined Official Plan and Zoning Bylaw Amendment for the lands known municipally as 214 Courtwright Street, subject to the approval of the encroachment of two parking spaces on the Town's municipal road allowance appurtenant to 214 Courtwright Street and entering into an Encroachment Agreement; and

**Whereas** By-law No. 89-07, as amended, establishes a policy for encroachments on municipal road allowances ("the Municipal Road Allowance Encroachment Policy"); and

**Whereas** in accordance with the Municipal Road Allowance Encraochment Policy, the Town's Land Committee has reviewed and deliberated on the request to permit the encroachment relative to 214 Courtwright Street and recommends the entry into an Encroachment Agreement in relation thereto, subject to the Owner being responsible for all associated costs; and

**Whereas** it is deemed desirable to enter into an Encroachment Agreement with 2550663 Ontario Inc. for the property located at 214 Courtwright Street;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That the entry into an Encroachment Agreement with 2550663 Ontario Inc. to permit the encroachment of two parking spaces onto the municipal road allowance apperetunant to 214 Courtwright Street, in a form acceptable to the Town's Solicitor, is authorized and approved, subject to the Owner being responsible for all associated costs and fees.
- 2. That the Mayor and Clerk are authorized and directed to execute the Encroachment Agreement and any other documents necessary to implement the intent of this By-law, and to affix the corporate seal thereto.
- **3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

Mayor
Deputy Clerk

I, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 93-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

REGULAR MEETING OF COUNCIL -29 May 2023 Page 750 of 781



# Interoffice Memorandum

May 29, 2023 File No. 211102/2110201

To: Mayor and Council

From: Rosanna Firenze, Law Clerk

Subject: Approval of Encroachment Agreement for 214 Courtwright Street

Included in the Council package for May 29, 2023 is By-law No. 93-2023 to authorize the entry into an Encroachment Agreement with 2550663 Ontario Inc. (Greg Walker) with respect to the encroachment of two parking spaces on the municipal road allowance appurtenant to 214 Courtwright Street.

During the Council meeting held on April 24, 2023, Council approved Report No. PDS-37-2023, which recommended the approval of a combined Official Plan and Zoning By-law Amendment for the property located at 214 Courtwright Street. The purpose of this memo is to outline the details of the approved amendment and the subsequent requirement for an Encroachment Agreement.

The Official Plan designation for 214 Courtwright Street is proposed to change from Policy Area 4 - Bridgeburg Core Mixed Use Area to a Site Specific Policy Area, allowing for the development of a stand-alone residential apartment building. Additionally, the Zoning By-law Amendment proposes changing the zoning from General Commercial (C2-418) Zone to a site-specific Residential Multiple 2 (RM2) Zone, enabling the construction of a residential apartment building and ensuring compliance with the Zoning By-law.

Part of the Zoning By-law Amendment acknowledges the existing deficiency in on-site parking spaces for the number of dwelling units in the building. The recommendation made by the Planning staff is to approve four on-site parking spaces, as depicted in the attached Appendix "1", however, two of the parking spaces (1 & 2 on the site plan) encroach into the Town's road allowance.

Considering the encroachment, the Planning staff has recommended the approval of an Encroachment Agreement, which will allow the utilization of the two parking spaces encroaching into the Town's road allowance. This agreement ensures that the encroachment is properly regulated and establishes the responsibilities of all parties involved.

In accordance with By-law No. 89-07, as amended, which sets forth the Municipal Road Allowance Encroachment Policy, the Town's Land Committee has thoroughly reviewed and deliberated on the request to permit the encroachment at 214 Courtwright Street. The Land Committee, taking into account the policies outlined in the aforementioned by-law,

recommends entering into an Encroachment Agreement with 2550663 Ontario Inc., the owner of the property.

To proceed with the Encroachment Agreement, the owner of 214 Courtwright Street will be responsible for all associated costs as outlined in the Municipal Road Allowance Encroachment Policy.

In light of the above, it is recommended that the Council authorize the entry into an Encroachment Agreement with 2550663 Ontario Inc. for the property located at 214 Courtwright Street, subject to the conditions set forth in the Municipal Road Allowance Encroachment Policy.

All of which is respectfully submitted,

"Original Signed"

Rosanna Firenze Law Clerk

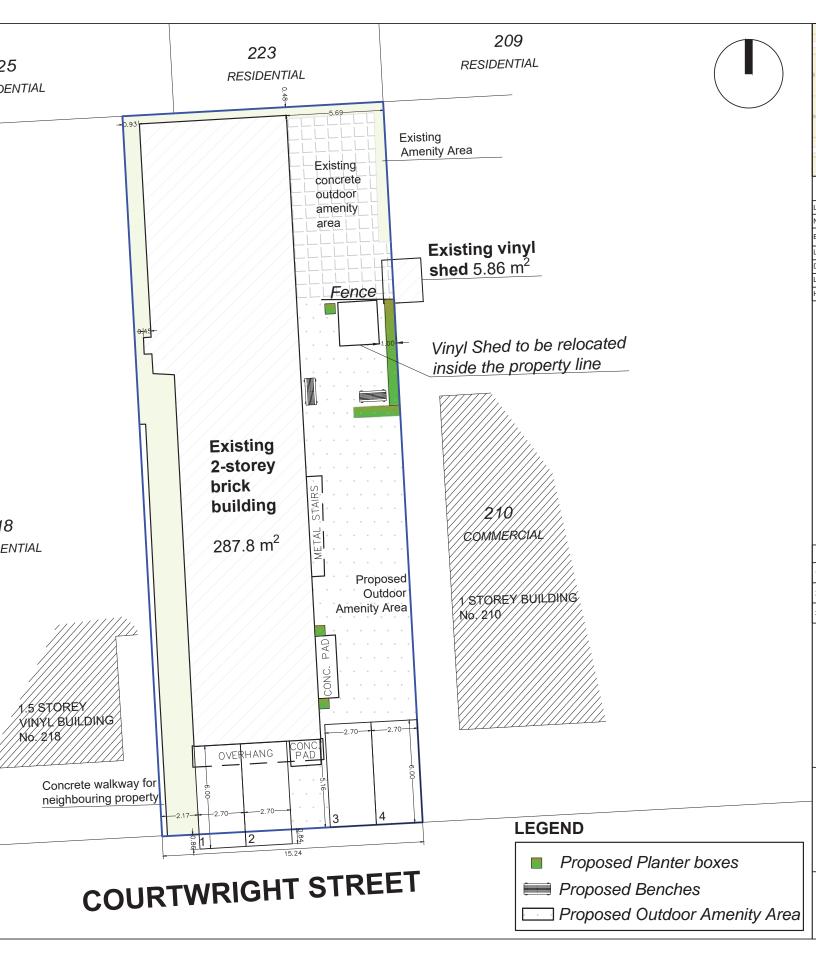
Attachment: Appendix "1" - Site Plan

cc: Chris McQueen, Chief Administrative Officer

Anamika Dilwaria, Director of Planning and Development Services

Daryl Vander Veen, Intermediate Development Planner

### **APPENDIX "1"**





By-law No. 94-2023

Being a By-law to Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area

Amendment No. 72 214 Courtwright Street 2550663 Ontario Inc. (Greg Walker) - Owner

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:

- 1. **That** amendment No. 72 to the Official Plan for the Town of Fort Erie attached to and forming part of this by-law as Schedule "A" is adopted and approved.
- 2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
- 3. **That** the Clerk of the Town of Fort Erie is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

		Mayor
		Deputy Clerk
l, Clerk of The Corporation of the Town o 94-2023 of the said Town. Given under my hand and the seal of th	egoing to be a true o	copy of By-law No. , 20

# **AMENDMENT NO. 72**

# TO THE

# **OFFICIAL PLAN**

# **FOR THE**

# **CORPORATION OF THE TOWN OF FORT ERIE**

### **CONTENTS**

# PART "A" - THE PREAMBLE

Section 1 - Title and Components

Section 2 - Purpose of Amendment

Section 3 - Location of this Amendment

Section 4 - Basis of this Amendment

Section 5 - Implementation and Interpretation

# PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

Schedule "A" - Land Use Plan

# PART "C" - THE APPENDICES

Appendix 1 - Notice of Public Information Processes

Appendix 2 - Public Meeting Minutes

Appendix 3 - Circulation Comments

### PART "A" - THE PREAMBLE

#### **SECTION 1**

#### TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 72 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 72 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

#### **SECTION 2**

#### **PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the land use designation of the subject lands shown on Schedule "A" attached hereto from "Policy Area 4 - Bridgeburg Core Mixed Use Area" to "Site Specific Policy Area 47 - 214 Courtwright Street" to permit a stand-alone residential apartment building with five dwelling units, 100% residential use on the ground floor and a density of 78 units/ha.

#### **SECTION 3**

#### LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are municipally known as 214 Courtwright Street as shown on Schedule "A" attached hereto.

#### **SECTION 4**

#### **BASIS OF THIS AMENDMENT**

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

#### a) The need for the proposed use:

The proposed Official Plan land use designation will recognize the existing building at 214 Courtwright Street and permit the existing use of the building as a stand-alone residential apartment building. The proposed residential use fits well with the Official Plan objective of encouraging additional dwelling units in the Bridgeburg downtown area and provision of rental units.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

The non-conforming building is an existing situation. Aside from some minor changes to the parking area the proposed Amendments will bring the existing use into conformity with the Official Plan and Zoning By-law.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The building at 214 Courtwright Street is an existing situation and will not be altered as a result of the applications. Some relief from the Zoning By-law is required to recognize the existing building footprint and the deficient parking on site. Four on-site parking spaces may be accommodated provided an encroachment agreement with the Town is obtained to permit some limited extension of two of the parking spaces into the road allowance. There are no natural heritage features on or in the vicinity of the site.

- d) The location of the area under consideration with respect to:
- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;

#### Schedule "A" to By-law No. 94-2023

Adequate municipal services are available to service the dwelling units and there is an abundance of commercial and public amenity areas within reasonable walking distance. Downtown Bridgeburg is located a distance of 150 m away to the northeast and public amenity area along Niagara Boulevard is located a distance of 500 m to the east. The subject parcels front onto a travelled road and have access to sidewalks and on-demand transit services from the municipality.

### e) The compatibility of the proposed use with uses in adjoining areas:

Residential use of the property is compatible with the single detached dwellings to the north and west and the building itself is established having achieved a degree of compatibility with adjacent parcels. The building also serves as an adequate buffer between the single detached dwellings along the north side of Courtwright Street and the commercial operations located at 210 Courtwright Street and 541 Central Avenue to the east. In general, the proposed use is compatible with the area which has a wide range of residential, commercial and other land uses associated with the area in the vicinity of downtown Bridgeburg.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

There is no evidence to suggest that the existing building or proposed use as a residential apartment building will have significant depreciating or deteriorating effects upon adjoining properties.

g) The potential effect of the proposed use on the financial position of the Municipality:

Continued use of the building for residential dwellings will have a positive effect on the financial position of the property via property taxes.

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

No adverse impacts on the intent or the implementation of the Environmental Protection Act are anticipated. The uses and buildings on the subject properties are existing and there are no natural heritage features on the parcel.

## Schedule "A" to By-law No. 94-2023 **SECTION 5**

#### **IMPLEMENTATION AND INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

#### Schedule "A" to By-law No. 94-2023

#### PART "B" - THE AMENDMENT

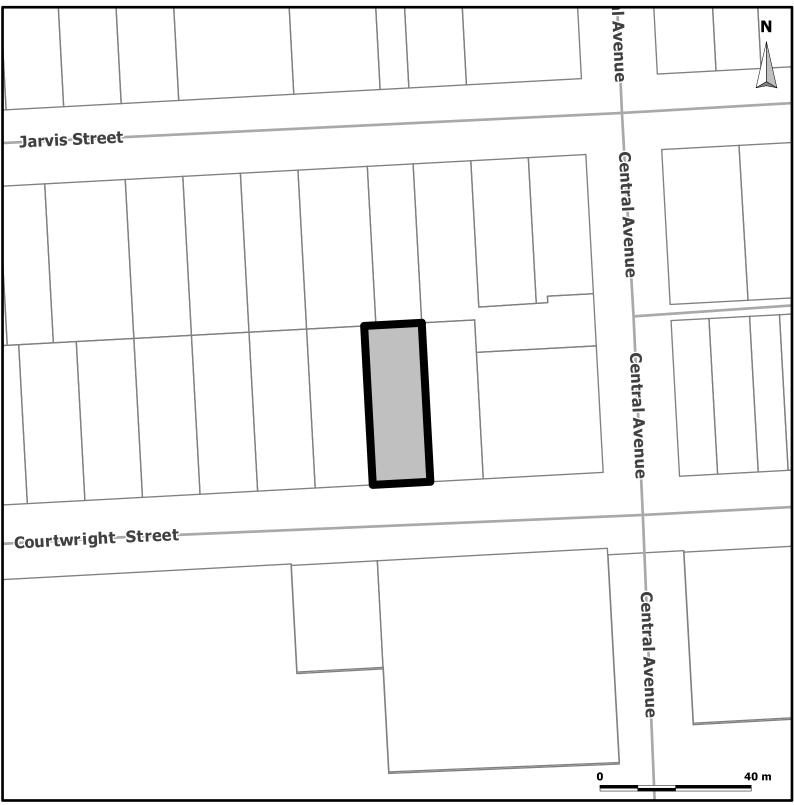
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 72 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands described as Site Specific Policy Area 47 on Schedule "A" attached hereto are hereby redesignated to:

#### Site Specific Policy Area 47 - 214 Courtwright Street

- a) The lands designated on Schedule "A" as "Site Specific Policy Area 47" shall generally be governed by the Core Mixed-Use policies of Section. 4.15.8 of the Bridgeburg Secondary Plan and Section 4.8 of the Official Plan.
- b) Notwithstanding the Core Mixed-Use policies of Section 4.15.8 of the Bridgeburg Secondary Plan Section 4.8 of the Official Plan, the following shall apply:
  - i. The subject lands may be used for a stand-alone residential apartment building with five dwelling units and a maximum density of 78 units per hectare.
  - ii. Residential uses are permitted to occupy up to 100% of the ground floor.

#### SCHEDULE "A" TO BY-LAW NO. 94-2023



By-law No. 94-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 29th DAY OF MAY, 2023

Subject Lands - 214 Courtwright Street
Change from Policy Area 4 - Bridgeburg Core Mixed Use Area to Site Specific Policy Area 47

Planning & Development Services
Planning & Development Services
Planning & Development Services
Pager 262 Not 78 1023
OUT FORUS NOT FULLY

## Schedule "A" to By-law No. 94-2023

## PART "C" - THE APPENDICES

Appendix 1 - Notice of Public Meeting

Appendix 2 - Public Meeting Minutes

Appendix 3 - Circulation comments



# NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owner: 2550663 Ontario Inc. (Greg Walker)
Agent: NPG Planning Solutions (Jeremy Tran)
214 Courtwright Street (Crescent Acres Subdivision)
Proposed Combined Official Plan and Zoning By-law Amendment
Application

APPLICATION NOS: 350302-0164 & 350309-0557

**DATE:** February 27, 2023

TIME: 6:00 PM

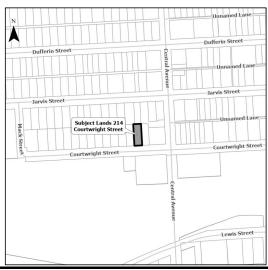
LOCATION: This will be a hybrid meeting. Members of the

public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre

Drive OR Virtually via Zoom.

#### LOCATION OF SUBJECT LANDS





#### **PROPOSAL**

A Combined Official Plan and Zoning By-law Amendment is requested to bring an existing non-conforming two storey apartment building into conformity with the Bridgeburg Secondary Plan/Town Official Plan and the Zoning By-law. The existing building has five dwelling units and a home occupation (a barber shop). A site plan is attached as Schedule "1" to this notice.



The land use designation of the subject property is proposed to change from Policy Area 4 - Bridgeburg Core Mixed-Use Area to a Site Specific Policy Area (SSPA) that permits stand-alone residential use of the property. An Official Plan Amendment is required as the current Policy Area 4 - Bridgeburg Core Mixed-Use Area designation does not permit stand-alone residential use of 78 units per hectare on the subject lands and also does not permit residential dwellings to occupy 100% of the ground floor.

The subject property is currently zoned General Commercial (C2-418) Zone. The zoning is proposed to change to a site-specific Residential Multiple 2 (RM2) Zone that permits a residential apartment building. Further, the proposed RM2 zoning will contain special provisions to permit the existing setbacks, building footprint, a reduced number of parking spaces and the location and dimensions of the parking spaces on site.

#### **HAVE YOUR SAY**



Input on the proposal is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.

Residents can participate in the Council meeting in person in Council Chambers, OR

virtually via Zoom (audio/video via web or by telephone). The link for the Zoom meeting will be provided on the Town's website an hour before the Council meeting.

The Town of Fort Erie Council meeting live webcast will be streamed at www.youtube.com/townofforterie or click on the YouTube icon on the home page of the Town's website (<a href="https://www.forterie.ca">www.forterie.ca</a>).

#### **GETTING MORE INFORMATION**

Input on the Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the Public Meeting or by making a written submission to the Town. Please note that unless you do one of the above, you may not be able to appeal the decision later.

A copy of the Information Report will be available to the public by 5:00 PM on **Wednesday**, **February 23**<sup>rd</sup>, **2023**. The Information Report will be available in the Council agenda portion of the Town's Web Site: <a href="www.forterie.ca">www.forterie.ca</a> or by contacting Daryl Vander Veen, Intermediate Development Planner.

#### **CONTACT INFORMATION**

Daryl Vander Veen, Intermediate Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2509

Or by e-mailing your comments to: <a href="mailto:dvanderveen@forterie.ca">dvanderveen@forterie.ca</a>

#### PROVIDING YOUR COMMENTS OR REQUESTING A NOTICE OF DECISION

To provide input in writing, or to request written notice of the decision for the Draft Plan of Subdivision and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a>

#### PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding the application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.

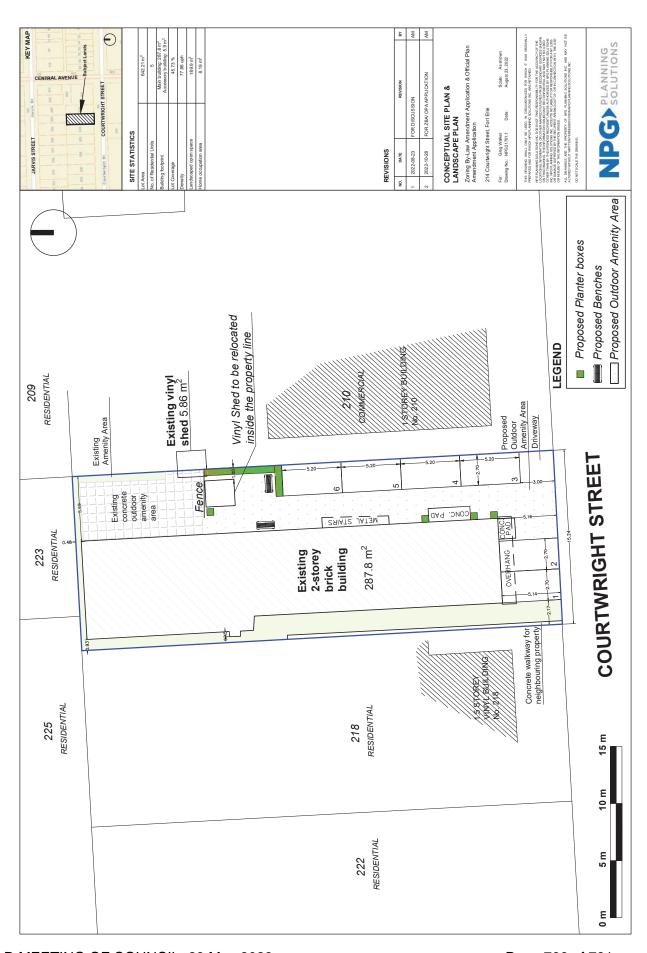


If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca

Notice dated at the Town of Fort Erie this 6th day of February, 2023.

## SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "1" SCHEDULE "1"





# The Municipal Corporation of the Town of Fort Erie

## **Regular Council Meeting Minutes**

Monday, February 27, 2023

#### Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's
website (www.forterie.ca) or Cogeco "YourTV"

#### 1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the Credit, and Anishinaabe people, many of whom continue to reside in this area.

#### 2. Invocation

The Clerk read the Invocation.

#### 3. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Lewis, McDermott and Noyes

Regrets: Councillor Flagg; RC Insinna

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton, C. Schofield, Daryl Vander Veen and K. Walsh

#### 4. Announcements/Addenda

There were two Addenda as follows:

Regular Council - 27 Feb 2023 Meeting Minutes

Resolution No. 1

Moved by: Councillor Dubanow Seconded by: Councillor Noyes

**That:** Council receives for information purposes Report No. PDS-15-2023 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for Crescent Acres Subdivision (0-10747 Kraft Road).

(Carried)

(b) Proposed Combined Official Plan and Zoning By-law Amendment

> Re: 214 Courtwright Street - Owner: 2550663 Ontario Inc. (Greg Walker) - Agent: NPG Planning Solutions (Jeremy Tran). The Applicant is proposing to bring an existing non-conforming two storey apartment building into conformity with the Bridgeburg Secondary Plan/Town Official Plan and the Zoning By-law. The existing building has five dwelling units and a home occupation (barber shop). The land use is proposed to change from Policy Area 4 - Bridgeburg Core Mixed-Use Area to a Site-Specific Policy Area (SSPA) that permits stand-alone residential use of the property. An Official Plan Amendment is required as the current Policy Area 4 - Bridgeburg Core Mixed-Use Area designation does not permit stand-alone residential uses and also does not permit residential dwellings on the ground floor. The zoning is proposed to change from General Commercial (C2-418) Zone to a site-specific Residential Multiple 2 (RM2) Zone that permits a residential apartment building. Further, the proposed RM2 zoning will contain special provisions to permit the existing setbacks, building footprint, a reduced number of parking spaces and the location and dimensions of the parking spaces on site.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Regular Council - 27 Feb 2023 Meeting Minutes

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Jeremy Tran, NPG Planning Solutions, Agent for the applicant was unable to attend; however, colleagues, Jesse Auspitz and Max Fedchyshak, provided a PowerPoint presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or ask questions.

No members of the public came forward.

All visual presentations and oral presentations of the members of the public who spoke can be viewed as recorded at: <a href="www.youtube.com/townofforterie">www.youtube.com/townofforterie</a>

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

PDS-16-2023

Proposed Combined Official Plan and Zoning Bylaw Amendment - 214 Courtwright Street - NPG Planning Solutions Ltd. - Jeremy Tran (Agent) - 2550663 Ontario Inc. - Greg Walker (Owner)

Resolution No. 2

Moved by: Councillor Christensen Seconded by: Councillor McDermott

**That:** Council receives for information purposes Report No. PDS-16-2023 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 214 Courtwright Street. (Carried)



RE: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557) CARRIGAN, Andrew to Daryl Vander Veen 2023-01-26 01:13 PM

From "CARRIGAN, Andrew" < andrew.carrigan@canadapost.postescanada.ca> To "Daryl Vander Veen" < DVander Veen@forterie.ca>

Good Afternoon,

CPC has no comments regarding this application.

Thank you

**Andrew Carrigan** | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

Please consider the environment before printing this email.

From: Daryl Vander Veen < DVander Veen@forterie.ca>

Sent: January-20-23 9:23 AM

Subject: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

This email is from an EXTERNAL sender. Please be CAUTIOUS, particularly with links and attachments. | Ce courriel est d'un expéditeur EXTERNE. Soyez PRUDENT, en particulier avec des liens et des pièces jointes.

Good morning,

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.

The following are submitted for review and are attached as PDF documents to this email:

- 0. Final Pre-consultation Agreement PA-2021-106 (214 Courtwright Street).pdf
- 1. Complete Application Letter.pdf
- 2. Application Form.pdf
- 3. Planning Justification Report.pdf
- 4. Site Plan.pdf
- 5. Survey.pdf
- 6. Location Map.pdf



RE: [External] Request for comments - proposed Combined Official Plan and Zoning Bylaw Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)Municipal Planning to 'Daryl Vander Veen' 2023-02-03 12:38 PM

From "Municipal Planning" < Municipal Planning@enbridge.com>
To "Daryl Vander Veen" < DVanderVeen@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

#### Jasleen Kaur

Municipal Planning Coordinator **Engineering** 

#### **ENBRIDGE**

TEL: 437-929-8083 500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: Daryl Vander Veen < DVander Veen@forterie.ca>

Sent: Friday, January 20, 2023 9:23 AM

**Subject:** [External] Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

#### **CAUTION! EXTERNAL SENDER**

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate? DO NOT click links or open attachments unless you are 100% sure that the email is safe. Good morning.

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.

Re: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

Keegan Gennings to Daryl Vander Veen

2023-01-29 09:12 PM

From Keegan Gennings/FortErie

To Daryl Vander Veen/FortErie@TownOfFortErie

#### Hi Daryl,

I have reviewed the proposed official plan and zoning by-law amendment and I have no comments.

#### Regards,

Keegan Gennings C.B.C.O Chief Building Official Town of Fort Erie 905-871-1600 ext. 2515

Daryl Vander Veen Good morning, A complete application was rece... 01/20/2023 09:23:08 AM

From: DVanderVeen@forterie.ca

To:

Date: 01/20/2023 09:23 AM

Subject: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment

application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and

350309-0557)

#### Good morning,

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.

The following are submitted for review and are attached as PDF documents to this email:



## **Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7 (905) 980-6000 Toll-free:1-800-263-7215

#### Via Email

February 2, 2023

Region Files: D.18.01.ZA-23-0012

D.10.01.OPA-23-0005

Daryl Vander Veen Intermediate Development Planner Planning & Development Services Town of Fort Erie 1 Municipal Centre Drive Fort Erie, ON, L2A 2S6

Dear Mr. Vander Veen:

Re: Regional and Provincial Comments

**Local Official Plan & Zoning By-law Amendment Applications** 

Town Files: 350302-0164 & 350309-0557

Applicant / Owner: 2550663 Ontario Inc. (c/o Greg Walker)
Agent: NPG Planning Solutions Inc. (c/o Jeremy Tran)

214 Courtwright Street

**Town of Fort Erie** 

Regional Planning and Development Services staff have reviewed the materials that were circulated with the Local Official Plan and Zoning By-law Amendment Applications for 214 Courtwright Street. The Region received its circulation from the Town of Fort Erie on January 20, 2023.

The property is designated 'Special Policy Area 4 – Bridgeburg Core Mixed Use Area' under the Bridgeburg Secondary Plan within the Town's Official Plan, and is zoned 'General Commercial (C2-418) Zone' under the Town's Zoning By-law 129-1990.

The Applicant is proposing the Amendments to permit the existing standalone residential use of the property that consists of a non-conforming apartment building with no commercial use. The existing land use and zoning of the property does not allow for stand-alone residential uses, nor dwelling units on the ground floor. The subject Amendments propose a 'Site-Specific Policy Area' and a 'Site-Specific Residential Multiple 2 (RM2) Zone' to permit the existing residential uses and to address deficiencies associated to lot coverage, various setbacks, parking spaces, and to recognize the home occupation on site.

D.18.01.ZA-23-0012 D.10.01.OPA-23-0005 February 2, 2023

A virtual pre-consultation meeting for this proposal occurred on October 14, 2021. The following comments are offered from a Provincial and Regional perspective to assist the Town with its consideration of these Applications.

## **Provincial and Regional Policies**

The subject property is located within the Urban Area of the Town of Fort Erie and are designated 'Settlement Area' under the *Provincial Policy Statement*, 2020 ("PPS") and 'Delineated Built-Up Area' under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, 2020 Consolidation ("Growth Plan") and *Niagara Official Plan*, 2022 ("NOP").

Provincial and Regional policies direct growth to Settlement Areas and the Delineated Built-Up Area in order to promote an efficient use of existing municipal servicing infrastructure and public service facilities. Infill development within the Delineated Built-Up Areas that respects the scale and transition to the surrounding urban fabric is encouraged. Regional staff acknowledge that the Amendment Applications seek to permit the existing non-conforming residential uses that exist on the property and that no new development is proposed at this time.

Regional staff has reviewed the "*Planning Justification Report*" ("PJR") prepared by NPG Planning Solutions Inc. (dated November 24, 2022) and find its analysis to be sufficient. The PJR details that the existing development is a 2-storey rental apartment building that contains 5 residential dwelling units, with 3 units located on the main floor, and 2 units on the 2<sup>nd</sup> floor. The Report describes that the Municipal Property Assessment Corporation ("MPAC") recognizes the building as having 4 units, which suggests that the one of the ground floor residential units was converted from a previous commercial use to a residential use. Based on available information and imagery of the property, it is surmised that this conversion occurred around 2009.

Provincial and Regional policies promote development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The existing building on the subject property is a residential use that offers rental units of a marginal housing type (apartment units) in Niagara. As such, staff is supportive of the proposed Amendments, subject to the comments below.

## Land Use Compatibility & Site Condition

The property is located in proximity to several nearby stationary (commercial) and transportation-related (rail corridor) noise sources. The PPS states that major facilities (transportation corridors and employment uses) and sensitive land uses (residential) should be appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety.

D.18.01.ZA-23-0012 D.10.01.OPA-23-0005 February 2, 2023

The proposed Applications seek to legalize the existing standalone residential use of the building into conformity with the Town's Official Plan and Zoning By-law. The proposal is technical in nature, as it does not propose any new development or modifications to the existing building footprint.

The PJR that accompanied these Applications states that the occupants of the building have not experienced any adverse impacts associated to surrounding land uses. The Report also confirms that a commercial unit had once existed on the ground floor of the building and was converted into a residential unit around 2009.

At the pre-consultation meeting, staff had identified that a Record of Site Condition ("RSC") may be needed for the site due to the former commercial use and its conversion to a more sensitive (residential) use. Regional staff defer to the Town's Chief Building Official with respect to whether a RSC is needed for the site.

As such, staff does not offer any requirements with respect to land use compatibility and site condition for the proposed Applications at this time, subject to any local requirements and provisions. Standard warning clauses with respect to potential adverse impacts from nearby land uses will be requested at the time of the future Site Plan Agreement.

#### **Waste Collection**

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick-up day, and that the following limits are not exceeded (property is within the BIA):

- Garbage bags or cans 4 maximum per unit (collected every-other-week).
- Recycling blue / grey boxes or carts no limit (collected weekly).
- Organics green bins or carts no limit (collected weekly).

If the above mentioned waste collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not the Region. Notwithstanding the above comment, the site remains eligible for Regional curbside recycling and green bin collection.

D.18.01.ZA-23-0012 D.10.01.OPA-23-0005 February 2, 2023

#### Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Local Official Plan and Zoning By-law Amendment Applications, as the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies. Town staff should be satisfied that all local requirements and provisions are met, including whether a RSC is necessary for the site.

Given the site-specific nature of the Local Official Plan Amendment Application, the Amendment is exempt from Regional Council approval in accordance with NOP Policy 7.4.1.6, the Memorandum of Understanding, and Regional By-law No. 2019-73.

Should you have any questions related to the above comments, please contact the undersigned at <a href="mailto:Alexander.Morrison@niagararegion.ca">Alexander.Morrison@niagararegion.ca</a>. Please send the Notice of Council's Decision on these Applications when available.

Respectfully,

Mai

Alexander Morrison, MCIP, RPP Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region Chris Pirkas, Development Approvals Technician, Niagara Region

#### Re: Question about encroachment agreement for 214 Courtwright Street, Bridgeburg, Fort Erie

Rosanna Firenze to Alex Herlovitch

2023-03-29 08:24 PM

Daryl Vander Veen, Anamika Dilwaria

From Rosanna Firenze/FortErie

To Alex Herlovitch/FortErie@TownOfFortErie

Cc Daryl Vander Veen/FortErie@TownOfFortErie, Anamika Dilwaria/FortErie@TownOfFortErie

#### Hi All.

Certainly an exception can be made and it is at Council's sole discretion to permit the continued use of an existing encroachment. I cannot confirm one way or another as to whether Council would permit this, but I can say that Council, for the most part, accepts the Land Committee's recommendations. I am not a voting member of the Committee, however, Alex, you are, and if you would be in support of such an encroachment, then that's one person out of six voting members.

The Encroachment Policy is intended to allow for the consideration of encroachments on a case by case basis. In this particular case, it appears that Planning Staff are in support of an encroachment agreement and that you may wish to make this a condition of ZBA approval. Under these circumstances, its possible that encroachment would be permitted to continue. Also, under these circumstances and in regards to the \$500 non-refundable application fee, you could also request Council to waive the fee (administration fee only, not the annual fee).

These are my thoughts, hope this helps.

Regards,

Rosanna Firenze
Law Clerk, Corporate Services
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

2905-871-1600 Ext 2213

Alex Herlovitch Hi Rosanna Let me put it another way. While the... 03/29/2023 08:21:58 AM

From: Alex Herlovitch/FortErie

To: Daryl Vander Veen/FortErie@TownOfFortErie

Cc: Anamika Dilwaria/FortErie@TownOfFortErie, Rosanna Firenze/FortErie@TownOfFortErie

Date: 03/29/2023 08:21 AM

Subject: Re: Question about encroachment agreement for 214 Courtwright Street, Bridgeburg, Fort Erie

#### Hi Rosanna

Let me put it another way. While the Town may not be generally in favour of



## The Municipal Corporation of the Town of Fort Erie

By-law No. 95-2023

## Being a By-law to Amend Zoning By-law No. 129-90, as amended 214 Courtwright Street 2550663 Ontario Inc. (Greg Walker) - Owner

Whereas an application was received from Jeremy Tran of NPG Planning Solutions Ltd. on behalf of 2550663 Ontario Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 214 Courtwright Street; and

**Whereas** a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on February 27<sup>th</sup>, 2023; and

**Whereas** it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-37-2023 considered and approved, at the Regular Council meeting held on April 24<sup>th</sup>, 2023;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 214 Courtwright Street as shown on the attached Schedule "A" from "General Commercial (C2-418) Zone" to "Residential Multiple 2 (RM2-780) Zone".
- 2. That By-law No.129-90, as amended, is further amended by adding to "Section 15 Residential Multiple 2 (RM2) Zone" Subsection "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exception:

#### "RM2-780 (95-2023) 214 Courtwright Street

These lands are zoned "Residential Multiple 2 (RM2-780) Zone" and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential Multiple 2 (RM2) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 2 (RM2-780) Zone" subject to the following special provisions that apply for the existing apartment dwelling:

- a) Notwithstanding the Parking Area Regulations in Subsection 6.20 (A) for Apartment Dwellings the Minimum Parking Requirement for the subject property shall be four (4) parking spaces for the existing five (5) five dwelling units and one (1) home occupation. A maximum of two (2) parking spaces are permitted to encroach onto the road allowance subject to an encroachment agreement with the Town.
- b) Notwithstanding the Ingress and Egress regulations in Subsection 6.20 (D) the requirement for an ingress and egress driveway is deleted (0.00 m driveway).

By-law No. 95-2023 Page 2

c) Notwithstanding the Parking Area Location on Lot regulations in Subsection 6.20 (I) the minimum distance of parking areas shall be 0.00 m from the front street line (Courtwright Street), 2.10 m from the west interior lot line and 0.00 m from the east interior lot line.

- d) Notwithstanding the Landscaping and Planting Strip requirements of Subsection 6.21

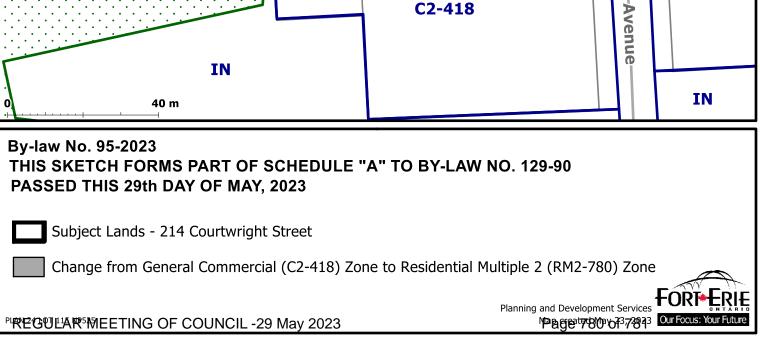
   (a) and (b) the minimum width of a planting strip along adjacent to a Residential Zone shall be 0.50 m along the west interior lot line and 0.40 m along the rear lot line.
- e) Notwithstanding the Landscaping and Planting Strip requirements of Subsection 6.21 (g) the minimum required open space area in the front yard shall be 20%.
- f) Notwithstanding the Permitted Uses in Subsection 15.2 the existing apartment dwelling with five (5) dwelling units and one (1) home occupation is permitted.
- g) Notwithstanding the Regulations for Apartment Dwellings and Assisted Living House in Subsection 15.3 the following special provisions shall apply:
  - i. Minimum Lot Frontage 15.24 m
  - ii. Maximum Lot Coverage 46%
  - iii. Minimum Front Yard 5.14 m
  - iv. Minimum Side Yard 0.50 m west side, 5.40 m east side
  - v. Minimum Rear Yard 0.40 m
  - vi. Minimum Floor Area Per Dwelling Unit as existing
- h) Notwithstanding the Minimum Distance Between Any Abutting Residential Zone and Driving Lanes or Parking Areas in Subsection 15.4 (a) and (b) the following special provisions shall apply:
  - i. The requirement for a driving lane and the minimum setback from an abutting Residential Zone is deleted.
  - ii. No parking area shall be closer than 2.10 m to the western lot line abutting the Residential Zone to the west."
- **3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of May, 2023.

Mayor
Deputy Clerk
, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 95-2023 of e said Town. Given under my hand and the seal of the said Corporation, this day of , 20

#### SCHEDULE "A" TO BY-LAW NO. 95-2023







## The Municipal Corporation of the Town of Fort Erie

By-law No. 96-2023

Being a By-law to Confirm the Actions of Council at its Special Council Meeting Held on April 26, 2023, Council-in-Committee Meetings Held on May 8, 2023 and May 16, 2023 and its Council Meeting Held on May 29, 2023

**Whereas** it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That the actions of Council at its at its Special Council Meeting held on April 26, 2023, Council-in-Committee Meetings held on May 8, 2023 and May 16, 2023 and its Council Meeting held on May 29, 2023 including all motions, resolutions and other actions are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of any authority.
- 2. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
- 3. That the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required.
- **4. That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.
- 5. That the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29<sup>th</sup> day of May, 2023.

	Mayor	
		Deputy Clerk
I, law No. 96-2023 of the said Town 20	e Town of Fort Erie, certify the foreg seal of the said Corporation, this	oing to be a true copy of Byday of ,