

Committee of the Whole (2) Report

DATE: Tuesday, March 8, 2022

WARD(S): ALL

**TITLE: AMENDMENTS TO ADMINISTRATIVE MONETARY PENALTIES,
SHORT-TERM RENTAL AND MUNICIPAL ACCOMMODATION
TAX BY-LAWS**

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This report seeks approval for amendments to the Administrative Monetary Penalty, Short-Term Rental and Municipal Accommodation Tax, Short-Term Rental by-laws, to eliminate redundancies thereby increasing transparency and consistency across the by-laws that regulate Short-Term Rentals.

Report Highlights

- In accordance with the City's By-law Strategy, staff continue to review by-laws on a cyclical basis; however, as issues, challenges and opportunities arise, staff also bring forward recommended by-law amendments.
- Staff are recommending that MAT-related provisions in the Short-Term Rental By-law that also exist in the MAT, Short-Term Rental By-law be eliminated and that administrative monetary amounts, under both by-laws, be consistent at \$750 for an offence.
- The recommendations to eliminate redundant provisions are intended to add further clarity for the public with respect to penalty amounts.

Recommendations

1. That the recommendations in Attachment 1 of this report be adopted in their substantive form; and
2. That all by-law amendments brought before Council for approval be in a form satisfactory to the City Solicitor.

Background

The Short-Term Rental By-law and the MAT, Short-Term Rental By-law work in tandem to regulate short-term rental activities and provide a means for the City to require collection and remittance of the Municipal Accommodation Tax. To ensure effective administration of both by-laws, it is important that the matter of the Municipal Accommodation Tax and related offences and penalties be dealt with consistency in both by-laws. Accordingly, this report seeks to eliminate some redundancies and inconsistencies between the two by-laws.

Previous Reports/Authority

[Administrative and Monetary Penalties By-law 063-2019](#) (consolidated), approved by City Council on May 1, 2019.

[Municipal Accommodation Tax By-law 029-2019](#), approved by City Council on March 19, 2019.

[Short Term Rental By-law 158-2019](#) (consolidated), approved by City Council on November 19, 2019.

Analysis and Options

There are five amendments being recommended with this report which are intended to align the Short-Term Rental and MAT, Short-Term Rental by-laws.

The first recommendation is to remove the provision outlining that it is an offence for a short-term rental owner to not collect the Municipal Accommodation Tax and meet all requirements under the Municipal Accommodation Tax By-law. This provision is redundant as an offence for non-compliance already exists within the MAT, Short-Term Rental By-law. Having the same provision in two by-laws is unnecessary, can create confusion, and be a source of administrative errors internally.

The second recommendation is that provisions for administrative monetary penalties be added to the MAT, Short-Term Rental By-law. The Administrative Monetary Penalties By-law and related processes have been in use at the City since 2009 as an alternative to the traditional enforcement of the Licensing and Parking By-laws, under the *Provincial Offences Act*, R.S.O. 1990, c. P.33. Because the system acts as a way to mitigate the instances that offences end up in the lengthy provincial offences court

system, it is preferable that, where appropriate, offences for as many by-laws as possible be dealt with through the internal administrative appeals process.

The third recommendation is technical in nature, to make the MAT, Short-Term Rental a designated by-law under the Administrative Monetary Penalties By-law.

The fourth and fifth recommendations are to correct two typographical errors resulting in incorrect section references within the By-law.

The recommendations in this report are being made in the interest of transparency, to mitigate the potential for administrative errors, and to streamline operations through consistency across by-laws.

Financial Impact

There is no financial impact to the City's budget as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

There are no specific broader impacts or regional considerations beyond those what has already been discussed in this report.

Conclusion

The recommendations in this report are expected to provide further precision and clarity to the language in the by-laws that regulate short-term rentals, and thus enhance transparency and accessibility to the public. This meets Council's Good Governance strategic priority.

For more information, please contact: Gus Michaels, Deputy City Manager, Community Services.

Attachments

1. Proposed By-law Amendments

Prepared by

Alexandra Scarr, Policy Implementation Specialist, Extension 8448

Approved by

A handwritten signature in blue ink, appearing to read "Gus Michaels".

Gus Michaels, Deputy City Manager,
Community Services

Reviewed by

A handwritten signature in black ink, appearing to read "Nick Spensieri".

Nick Spensieri, City Manager