



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL AGENDA
MAY 10, 2022 – 7:00 P.M.
COUNCIL CHAMBERS

C10/22

- 1. Call to Order**
- 2. National Anthem**
- 3. Land Acknowledgement Statement**
- 4. Disclosures of Interest and the General Nature Thereof**
- 5. Mayor's Announcements & Remarks**
- 6. Councillor's Announcements & Remarks**
- 7. Adoption of Previous Council Minutes**
 - a) Minutes of the regular meeting of Council held April 5, 2022
 - b) Minutes of the special meeting of Council held April 8, 2022
- 8. Public Meeting**
- 9. Delegations**
 - a) Yar Diduch, Board Member, FACS Niagara Foundation Re: Request to proclaim Sunday, June 12, 2022, Mountainview LemonAID Day
- 10. Staff Reports & Recommendations**
 - a) Administrative Staff Reports
 - i. ASR-012/2022 Re: 2022 Property Tax Rates
 - b) By-law Enforcement Staff Reports
 - i. Memorandum Re: Summer Municipal By-law Enforcement Officer

c) Community & Development Services

- i. CDS-002/2022 Re: Draft Short-Term Rental By-law/Public Comments

d) Drainage Staff Reports

- i. DSR-003/2022 Re: Request for Drain Improvement, Chambers Corner Drain Extension
- ii. DSR-004/2022 Re: Petition for Drainage Works, Newhouse Drain

e) Fire Staff Reports

- i. FSR-005/2022 Re: 2022 First Quarter Review

f) Public Works Staff Reports

- i. PWSR-008/2022 Re: Award of Tender for 2 Hybrid SUV's
- ii. PWSR-009/2022 Re: Award of Tender for Recreation Tractor
- iii. PWSR-010/2022 Re: Award for Engineering Services for Belleview Beach Road, Beach Road East and Hill Avenue
- iv. Memorandum: Canada Summer Games Bicycle Time Trials

11. Review of Correspondence

12. By-laws

- a) By-law No. 020-2022 being a by-law to establish estimates and tax rates for the year 2022
- b) By-law No. 021-2022 being a by-law to protect, prohibit, regulate and control municipally-owned properties providing lakeshore access in the Township of Wainfleet
- c) By-law No. 022-2022 being a by-law to appoint a Municipal By-law Enforcement Officer for the Township of Wainfleet

13. Notices of Motion

14. Closed Meeting

- a) Item under Section 234 (2)(f) of the Municipal Act, 2001, advice that is subject to solicitor-client privilege, including communications necessary for that purpose - 1 item (Advice respecting draft Short Term Rental By-law)
- b) Item under Section 234 (2)(e) of the Municipal Act, 2001, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 1 item (An update on a litigation matter)
- c) Item under Section 234 (2)(k) of the Municipal Act, 2001, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 1 item - (A negotiation matter)
- d) Item under Section 234 (2)(c) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board – 1 item (An acquisition of land matter)
- e) Minutes of the closed meetings of Council held March 29, 2022 and April 5, 2022

15. Rise & Report

16. By-law to Confirm the Proceedings of Council

- a) By-law No. 023-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its meetings held April 8, 2022 and May 10, 2022.

17. Adjournment



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET REGULAR MEETING OF COUNCIL MINUTES

C08/2022
APRIL 5, 2022 – 7:00 P.M.
COUNCIL CHAMBERS

PRESENT:	K. Gibson	Mayor
	D. Cridland	Councillor (Electronic Participation)
	T. Gilmore	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	M. Ciuffetelli	Deputy Clerk
	A. Dashwood	Administrative Assistant
	L. Earl	Mngr. of Community & Development Services
	L. Gudgeon	Manager of Human Resources
	S. Ivins	Planner
	M. Jemison	Drainage Superintendent
	R. Nan	Manager of Operations
	M. Tardif	By-law Enforcement Officer

1. **Call to Order**
Mayor Gibson called the meeting to order at 7:18 p.m.
2. **National Anthem**
Due to technical issues, the National Anthem was not played.
3. **Land Acknowledgement Statement**
Mayor Gibson acknowledged that the land on which we gather is the traditional territory of Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.
4. **Disclosures of Interest and the General Nature Thereof**
Councillor MacLellan declared an interest on the following agenda items:
 - 10. F) ii. PWSR-005/2022 Re: Award of Tender for Lakeshore Road
 - 10. F) iii. PWSR-006/2022 Re: Award of Tender for Gents Road BridgeThe interest was declared as Councillor MacLellan's employer bid on the contracts listed in the reports.
5. **Mayor's Announcements & Remarks**
Mayor Gibson provided the following remarks:
 - Please note that meeting proceedings are being broadcast live, recorded and made available through the Township website and youtube.com

- All are encouraged to attend our Drainage Open House that is scheduled for April 12 from 7-9 p.m. in the Moore Room at the Wainfleet arena. The Open House will provide information about scheduled drain maintenance for 2022 and engineering updates. The Niagara Peninsula Conservation Authority will also be presenting information on the Big Forks Creek and Beaver Creek Flood Plain Mapping Project.
- The Township will be hosting our 4th Annual Community Open House and Free Skate at the Arena on Wednesday, April 13 from 5 to 8 p.m.. The Township, Arena, Fire Department and Library will have information about the programs and services in Wainfleet, set up in the main foyer and many community groups like the Fall Fair, Marshville Festival, Wainfleet Historical Society, Wainfleet Lions and many sporting groups will have information in the Moore room and the Wainfleet Seniors Group will be set up in the Friendship room. Hope to see you all there.
- “I was pleased to attend the 2022 State of the Region address with Chair Bradley, on March 29th at the Ball’s fall’s Conservation area. It was an excellent event with many positive outcomes and an excellent opportunity to review some high level strategic accomplishments of this term as well as some vision toward the future as we turn the corner as a community and as a region, from the last two years of the pandemic. Highlights included some good perspective on hospitals and long-term care, the efforts to establish Niagara as a centre of excellence for health; housing affordability; responsible growth, the promotion of the agricultural sector, transportation ties to larger urban centres and efforts to capitalize on remote work trends to attract more diverse business investment to the area. I noted that the Chair mentioned Wainfleet specifically twice during the event in recognition of our unique attribute and challenges relative to our larger neighbours. All in all this was a very fulsome event and I was very pleased to represent the Township.”
- I will be away from April 12-May 2. Deputy Mayor MacLellan will assist in carrying out Mayoral responsibilities until my return.
- Council will hold a Special Meeting of Council at 9:00 a.m. this coming Friday, April 8, 2022 to discuss the Central Fire Station Tender results and Financial Plan.
- The next regular meeting of Council will be held May 10, 2022 at 7:00 p.m.

6. Councillor's Announcements & Remarks

7. Adoption of Previous Council Minutes

Resolution No. C-2022-058

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

"THAT the minutes of the meetings of Council held March 8, 14, 16 and 22 be adopted as circulated."

CARRIED

8. Public Meeting

N/A

9. Delegations

a) Joanna Mataya – Community Living Port Colborne (60th Anniversary)

Joanna was unable to attend in person, however the following motion was considered and approved:

Resolution No. C-2022-059

Moved by Councillor MacLellan
Seconded by Councillor Van Vliet

"THAT the Council of the Corporation of the Township of Wainfleet hereby proclaim the Month of May as Community Living Month."

CARRIED

b) Cam McLean – Wainfleet Resident (Deeks Road Repairs)

Resolution No. C-2022-060

Moved by Councillor MacLellan
Seconded by Councillor Van Vliet

"THAT the delegation presentation from Cam McLean respecting Deeks Road Repairs be received for information."

CARRIED

10. Staff Reports & Recommendations

a) Administrative Staff Reports

i. ASR-011/2022 Re: COVID-19 Impact Report

Resolution No. C-2022-061

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

“**THAT** Administrative Staff Report ASR-011/2022 respecting COVID-19 Impact Report be received as information.”

CARRIED

b) **Building Staff Reports**

- i. BSR-002/2022 Re: Extension of Conditional Building Permit – 11605 Beach Road West

Resolution No. C-2022-062

Moved by Councillor Gilmore
Seconded by Councillor MacLellan

“**THAT** Building Staff Report BSR-002/2022 respecting the extension of Conditional Building Permit – 11605 Beach Road West be received; and

THAT the Township of Wainfleet amend the Conditional Building Permit Agreement with Kevin Baum to allow for an extension of the existing conditional permit compliance date to December 31, 2022.”

CARRIED

c) **Community & Development Services**

- i. CDS-001/2022 Re: Municipal Beach By-law

Resolution No. C-2022-063

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

“**THAT** Community & Development Services Staff Report CDS-001/2022 be received as information; and

THAT the draft Municipal Beach By-law appended to this report be presented to Council for adoption at the next available meeting for consideration.”

CARRIED

d) Drainage Staff Reports

- i. DSR-002/2022 Re: 2021-2022 Drainage Program Update

Resolution No. C-2022-064

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

“THAT Drainage Staff Report DSR-002/2022 respecting the Township’s 2021-2022 Drainage Program Update be received;

THAT the 2022 municipal drain maintenance program be approved.”

CARRIED

e) Planning Staff Reports

- i. PSR-001/2022 Re: Site Plan Application – File SP02/2021W
31950 Sugarloaf Street (NCDSB & DSBN)

Resolution No. C-2022-065

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

“THAT Planning Staff Report PSR-001/2022 be received; and

THAT Site Plan Application SP03/2021W be approved subject to the execution of a site plan agreement; and

THAT the Mayor and Clerk be authorized to execute a site plan agreement between the Corporation of the Township of Wainfleet, the Niagara Catholic District School Board and the District School Board of Niagara.”

CARRIED

- ii. MEMORANDUM Re: 2023 Niagara Ortho-Photography Project Letter of Intent

Resolution No. C-2022-066

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

“THAT the Memorandum from the Planner respecting 2023 Niagara Ortho-Photography Project letter of intent be received as information.”

CARRIED

f) Public Works Staff Reports

i. PWSR-004/2022 Re: Local Authority Services Municipal Buying Group

Resolution No. C-2022-067

Moved by Councillor MacLellan
Seconded by Councillor Van Vliet

“THAT Report PWSR-004/2022 regarding the Local Authority Services Municipal Buying Group be received, and

THAT Council authorize Township staff to utilize the Local Authority Municipal Buying Group program for future purchases when available.”

CARRIED

ii. PWSR-005/2022 Re: Award of Tender for Lakeshore Road, Drainage and Road Improvements

At this point in the meeting, Councillor MacLellan left the Council Chambers and did not partake in discussions due to his declared conflict of interest earlier in the meeting.

Resolution No. C-2022-068

Moved by Councillor MacLellan
Seconded by Councillor Van Vliet

“THAT Public Works Staff Report PWSR-005/2022 respecting Award of Tender for Lakeshore Road, Drainage and Road Improvements be received; and

THAT Council direct the Manager of Operations to engage the services of Rankin Construction to complete the Lakeshore Road Drainage and Road Improvements.”

CARRIED

iii. PWSR-006/2022 Re: Award of Tender for Gents Road Bridge Replacement

Councillor MacLellan remained outside of the Council Chambers and did not take part in discussions due to his declared conflict of interest earlier in the meeting.

Resolution No. C-2022-069

Moved by Councillor Gilmore
Seconded by Councillor Van Vliet

“THAT Report PWSR-006/2022 respecting the Gents Road Bridge Replacement be received; and

THAT Council authorize the Manager of Operations to engage the services of Anthony's Excavating to complete the replacement of Gents Road Bridge.”

CARRIED

Councillor MacLellan returned to the Council Chambers.

iv. PWSR-007/2022 Re: Consideration of Electric Vehicle

Resolution No. C-2022-070

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“THAT Report PWSR-007/2022 respecting the Consideration of Electric Vehicle be received; and

THAT Council direct the Manager of Operations to proceed with tendering for 2 hybrid gas/electric non-plug-in AWD SUV's.”

CARRIED

v. MEMORANDUM Re: Purchase of Roadside Mower

Resolution No. C-2022-071

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“THAT the Memorandum from the Manager of Operations respecting Purchase of Roadside Mower be received; and

“THAT Council authorize the Manager of Operations to proceed with the purchase of the Case Maxxum 115 Tractor with the Bengal Brute boom mower, Rear mower, Side flail mower and additional components – total of \$306, 518.68.”

CARRIED

11. Review of Correspondence

- a) C-2022-070 – Report PW 15-2022 – Moving Transit Forward – Initial Transition Activities and Next Steps

Councillor Cridland asked that this matter be deferred to the closed meeting portion of the agenda under Section 2(b) of the Municipal Act, 2001 personal matters about an identifiable individual, including municipal or local board employees – a matter pertaining to appointment to agencies, boards and committees)

12. By-laws

None.

13. Notices of Motion

None.

14. Closed Meeting

Resolution No. C-2022-072

Moved by Councillor MacLellan

Seconded by Councillor MacLellan

“THAT Council now move into closed session to discuss:

- a) Item under Section 2(b) of the Municipal Act, 2001 personal matters about an identifiable individual, including municipal or local board employees – 2 items (Staffing Matters and an Appointment to Agencies, Boards and Committees)

CARRIED

15. Rise & Report

Council met in closed session to receive information from staff on a staffing matter respecting identifiable individuals.

Council considered candidates for the Niagara Region, Moving Transit Forward Committee and directed staff to prepare a motion for consideration in open session.

Resolution No. C-2022-073

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“THAT Correspondence received from the Niagara Region respecting Moving Transit Forward – Initial Transition Activities and Next Steps be received; and

THAT Councillor Donna Cridland be appointed as Wainfleet representative to sit on the Transit Commission Board, based on the criteria outlined in Report PW 15-2022.”

CARRIED

16. By-law to Confirm the Proceedings of Council

Resolution No. C-2022-074

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“**THAT** By-law No. 019-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its meetings held March 14, 16, 22 and April 5, 2022 be read and passed this 5th day of April 2022.”

CARRIED

17. Adjournment

There being no further business, the meeting was adjourned at 9:56 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET SPECIAL MEETING OF COUNCIL MINUTES

C09/2022
APRIL 8, 2022 – 9:00 A.M.
COUNCIL CHAMBERS

PRESENT: K. Gibson Mayor
D. Cridland Councillor
T. Gilmore Councillor
J. MacLellan Councillor
S. Van Vliet Councillor

STAFF PRESENT: W. Kolasa Chief Administrative Officer
M. Ciuffetelli Deputy Clerk
M. Alcock Fire Chief
A. Dashwood Administrative Assistant
L. Gudgeon Manager of Human Resources
M. Luey Manager of Corporate Services/Treasurer

PROJECT TEAM: E. Raimondo
D. Schram
A. Mantecon
Eric D'Uva

C09/22

1. **Call to Order**
Mayor Gibson called the meeting to order at 9:00 a.m.
2. **Land Acknowledgement Statement**
Mayor Gibson acknowledged that the land on which we gather is the traditional territory of Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.
3. **Disclosure of Pecuniary Interest and the General Nature Thereof**
None.
4. **Staff Reports & Recommendations**
 - a) FSR-004/2022 Re: Central Fire Station Tender Results & Financial Plan

Resolution No. C-2022-075

Moved by Councillor Van Vliet

Seconded by Councillor Cridland

“THAT Fire Staff Report FSR-004/2022 respecting the Central Station Fire Station Tender Results and Financial Plan be received; and

THAT Council authorize the Mayor and Clerk to enter into an agreement with TRP Construction Ltd. for the construction of the Wainfleet Fire & Emergency Services Central Fire Station, and to include the Pre-cast fire Cisterns as quoted.”

CARRIED UNANIMOUSLY

Resolution No. C-2022-076

Moved by Councillor Gilmore

Seconded by Councillor Cridland

“**THAT** a serial debenture method be used as the financing strategy for the Wainfleet Fire & Emergency Services Central Fire Station Project.”

CARRIED

Resolution No. C-2022-077

Moved by Councillor Cridland

Seconded by Councillor Gilmore

“**THAT** the serial debenture be for a term of 20 years.”

CARRIED

5. **Closed Meeting**
None.

6. **Rise & Report**
None.

7. **Adjournment of Meeting**
There being no further business, the meeting was adjourned at 9:52 a.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



TOWNSHIP OF WAINFLEET

DELEGATION REQUEST FORM

Please fill out and return no later than 4:30 p.m. on the Tuesday prior to the meeting you wish to appear. Completed forms are to be submitted to the Clerks Department and can be dropped off or emailed to mciuffetelli@wainfleet.ca

If you are speaking to an item listed on the agenda, the deadline for submission is 12:00 p.m. on the day of the scheduled meeting.

Name: Yar Diduch, Board member, FACS Niagara Foundation	
Address: 82 Hannover Drive, St Catharines ON L2W 1A4	
Telephone: 905-937-7731	E-mail: foundation@facsnigara.on.ca

Date of Meeting: May 10, 2022

Subject Matter to be Discussed:	Mountainview LemonAID Day, Sunday, June 12th
Action Requested:	We are asking the Township of Wainfleet to proclaim Sunday, June 12th Mountainview LemonAID Day

Have you previously spoken on this issue?

Yes ☐ No ☒

If an individual has previously appeared as a delegation, a further delegation from the same individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have material for distribution at the meeting?

Yes ☐ No ☒

If yes, specify:

Do you have a copy of your notes/presentation to attach?

Yes ☒ No ☐

If yes, specify:

Delegations are required to provide the Clerk's Department presentation materials for publication in Council's agenda package.

☒ I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments, will become public documents and listed on Township meeting agendas and posted to the Township's website.

Y. Diduch

Signature

Date

Mountainview LemonAID Day



Sunday, June 12, 2022



Kids Helping Kids

Mountainview LemonAID Day is a community driven event, encouraging kids to help kids by raising funds to send children to summer camps.

On Sunday, June 12, teams of kids will set up lemonade stands across Niagara to ask for donations.



MOUNTAINVIEW
LEMONAID

FAMILY AND CHILDREN'S SERVICES NIAGARA

Mountainview LemonAID Day

Video



Click this link:

<https://youtu.be/1z-vQuoJWhA>

Give “Summer Smiles”

Because of generous sponsors, all funds raised will send vulnerable children and youth to summer camps this July and August.

After two-pandemic years, these kids need the positive experiences that camps offer more than ever!



100 Stands & 100%

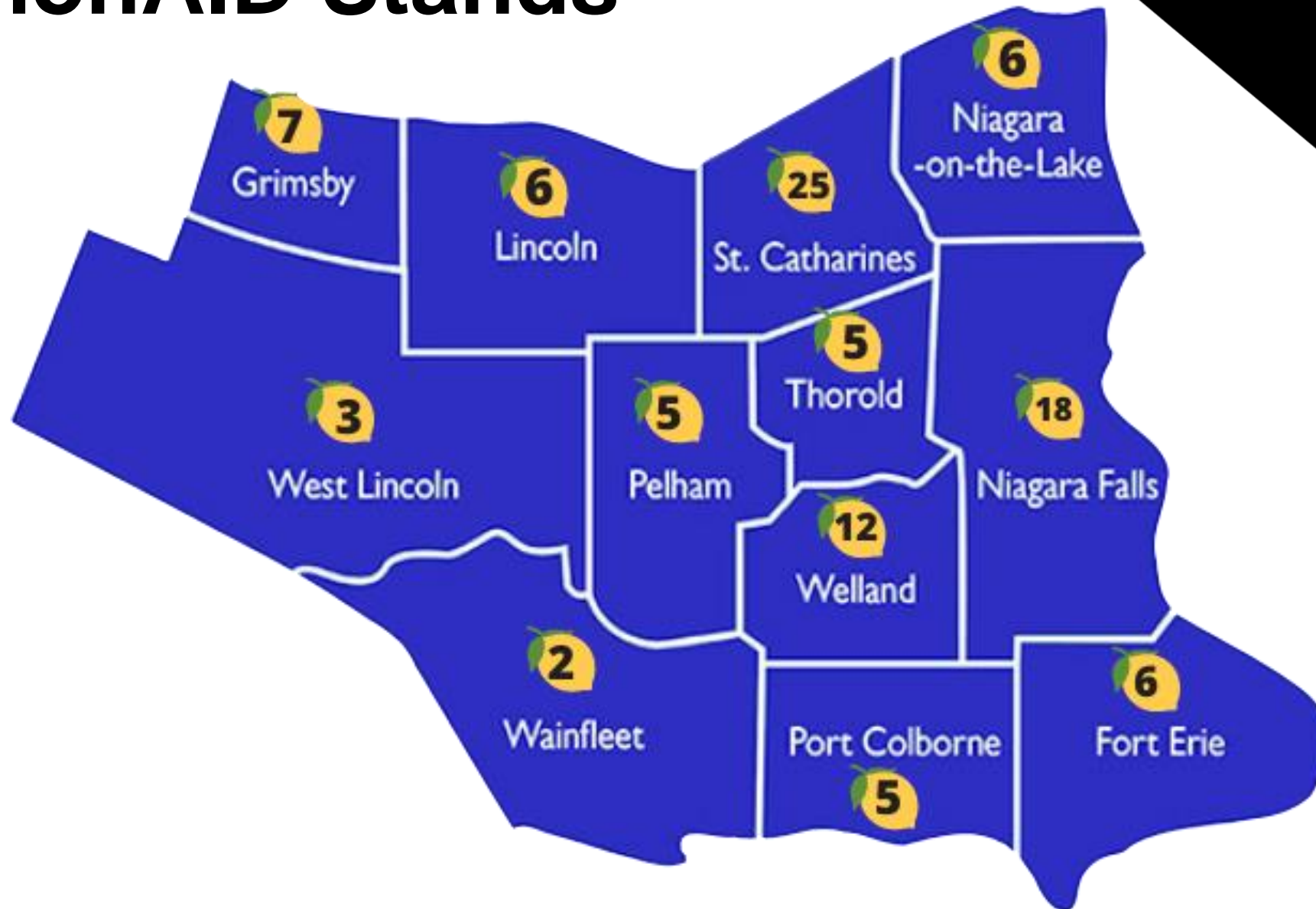
Each of 100 “Teams” across Niagara Region will receive:

- ✓ LemonAID Stand & Banner
- ✓ Four (4) T-Shirts & Hats
- ✓ Lemonade Concentrate
- ✓ Pitchers & Stickers
- ✓ 100 cups & more

Every dollar (100%) raised by kids will send other kids to camp!



LemonAID Stands





**Please Proclaim
SUNDAY, JUNE 12**



We Need Your Support!

- ✓ Proclaim Sunday, June 12
Mountainview LemonAID Day
- ✓ Encourage the community
- ✓ Participate on Sunday, June 12

Register today at

www.facsniagarafoundation.org

For more information, please contact
905-937-7731 or
foundation@facsniagara.on.ca



MOUNTAINVIEW
LEMONAID
FAMILY AND CHILDREN'S SERVICES NIAGARA



PROCLAMATION

The Corporation of the Township of Wainfleet

proclaims **SUNDAY June 12, 2022**

“**MOUNTAINVIEW LEMONAID DAY, 2022**”

- WHEREAS** *Family and Children's Services (FACS) Niagara* has been dedicated to protecting and supporting children and improving the lives of vulnerable children, youth, and families across the Niagara Peninsula since 1898; AND
- WHEREAS** *Mountainview Building Group* and other generous sponsors are supporting *FACS Niagara Foundation* in these efforts by encouraging children and families to give back to their community by registering online and setting up a lemonade stands across the **Township of Wainfleet** and the Niagara Peninsula on Sunday, June 12th; AND
- WHEREAS** *Mountainview Building Group* and other great community sponsors have generously provided 100 LemonAID Day Kits, so every family and child have the resources needed to successfully participate, and so that ALL the funds raised by children go directly to sending vulnerable children supported by FACS Niagara to summer camps; AND
- WHEREAS** by instilling the values of community, generosity and goodwill in the next generation, *Mountainview Building Group* and other generous sponsors are helping build a brighter future for Niagara; AND
- WHEREAS** **The Township of Wainfleet** commends the hundreds of young children for their philanthropy and hard work, generosity, goodwill, and for making our community a much better place to live.
- THEREFORE, BE IT RESOLVED** THAT the Council of the **Township of Wainfleet** hereby encourages children of the **Township of Wainfleet** to participate in the annual *Mountainview LemonAID Day*; AND Encourages all citizens of the **Township of Wainfleet** to support these children in their efforts by generously donating in person or online to the *Mountainview LemonAID Day* stands, AND help send 450 children from Niagara Peninsula to experience summer camp in 2022; AND

THAT the Council of the Township of Wainfleet hereby proclaims Sunday, June 12, 2022 as *Mountainview LemonAID Day* in the Township of Wainfleet

Dated this 10th day of May, 2022

Mayor Kevin Gibson
Township of Wainfleet



TO: Mayor Gibson & Members of Council

FROM: Mallory Luey, Manager of Corporate Services/Treasurer

DATE OF MEETING: May 10, 2022

SUBJECT: 2022 Property Tax Rates

RECOMMENDATION(S):

THAT ASR-012/2022 be received;

AND THAT Council consider the by-law attached to this report as Appendix "A", to provide for Final Property Tax Rates for the 2022 taxation year at the May 10, 2022 Regular Meeting of Council.

EXECUTIVE SUMMARY:

The purpose of this report is to approve the Township of Wainfleet tax rates for 2022. On March 22, 2022, Council approved the Township of Wainfleet's 2022 operating budget levy requirements of \$7,800,647. The attached by-law provides for the levying of taxes for the 2022 taxation year as required under the authority of Section 312 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended.

BACKGROUND:

Property assessments for the 2022 property tax year will continue to be based on the fully phased-in January 1, 2016, current values. This is the result of the Ontario Government postponing the scheduled assessment update in response to the Covid-19 Pandemic. Property assessments for the 2022 and 2023 tax years will continue to be based on assessed values as at January 1, 2016, or the same as the 2020 & 2021 tax years if no changes have been made to the property since that time.

The final tax levy is calculated by multiplying the Township tax rates shown on Schedule "B" of the accompanying By-law by the assessments for each of the respective property classes. The assessments used are those found in the December 2021 returned assessment roll as provided by the Municipal Property Assessment Corporation (MPAC) for the 2022 taxation year. The final tax bill amounts are then adjusted for any applicable:

- Credits or amounts outstanding
- Phase-in amounts calculated according to Bill 140 and the Municipal Act
- Amounts paid as part of the interim bills

The final property tax bill due dates are the last business day of the months of:

- July and September for those paying by cash, cheque, debit, through a mortgage company, on-line through a banking institution, on-line third party credit card provider or on the installment-based Pre-Authorized Payment plan
- July, August, September, October and November for those registered in the Township's monthly Pre-Authorized Payment plan

Establishing these due dates assists the Township in securing sufficient tax revenue cash flows to meet its statutory payment obligations to the Region of Niagara and the Boards of Education. Further, to adequately provide services and fund the operations of Township facilities.

The Township provides a number of payment options to assist property taxpayers in meeting the Council-approved due dates:

- Payments by mail,
- Pre-Authorized Payment – on installment due date or 10 month installment plan,
- Payments through mortgage companies,
- Payments through financial institutions,
- On-line credit card payments through third party provider,
- Cash, debit and cheque/post-dated cheques.

Under the provisions of the Municipal Act, tax bills must be issued no later than 21 days prior to the first installment due date. To meet this requirement, tax bills will have to be mailed no later than July 8, 2022. Also, legislation requires 10 days notification of withdrawal dates and amount for those on a pre-authorized payment plan.

OPTIONS/DISCUSSION:

- 1) Council direct staff to proceed with the required by-law authorizing the Township of Wainfleet 2022 tax rates. (Recommended)
- 2) Council direct staff to not to proceed with the required by-law authorizing the Township of Wainfleet 2022 tax rates. (Not Recommended)

FINANCIAL CONSIDERATIONS:

The establishment of the final tax rates allows for the collection of revenue to implement Council's budget decisions.

OTHERS CONSULTED:

- 1) Niagara Region

ATTACHMENTS:

- 1) Appendix "A" – Draft Tax Levy By-law

Respectfully submitted by,

Approved by,

Mallory Luey
Manager of Corporate Services/Treasurer

William J. Kolasa
Chief Administrative Officer

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BYLAW NO. 020-2022

Being a bylaw to establish estimates and
tax rates for the year 2022.

WHEREAS the Council for the Corporation of the Township of Wainfleet has in accordance with Section 290 of the *Municipal Act*, S.O. 2001 Chapter 25 prepared a budget including estimates of all sums for the purposes of the municipality boards, commissions or other body;

AND WHEREAS the levy for all purposes has been set at Sixteen Million, Five Hundred and Sixty-Six Thousand, and Forty-Six Dollars (\$16,566,046.00) which includes:

- (a) \$7,800,644.00 being the net levy required by the Township of Wainfleet as set out in Schedule "A" attached hereto.
- (b) \$6,323,919.00 as set out in Regional Municipality of Niagara By-law 2022-13 pursuant to Section 289 (1) of the *Municipal Act*, 2001, S.O. 2001, C 25.
- (c) \$655,209.00 as levied by the Regional Municipality of Niagara for Waste Management Services for the Township of Wainfleet (Schedule "C" of Regional Municipality of Niagara By-law 2022-13).
- (d) \$1,786,274.00 as calculated by applying the rates for School Board purposes as set out in Ontario Regulation 400/98 and any amendments thereto.

AND WHEREAS certain regulations required reductions in certain tax rates for certain classes or subclasses of property;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

- 1. **THAT** a tax rate of 0.01563575 is hereby adopted to be applied against the whole of the assessment for real property in the Residential Class.
- 2. **THAT** a tax rate of 0.02931833 is hereby adopted to be applied against the whole of the assessment for real property in the Multi-Residential Class.
- 3. **THAT** a tax rate of 0.01563575 is hereby adopted to be applied against the whole of the assessment for real property in the New Multi-Residential Class.
- 4. **THAT** a tax rate of 0.00390894 is hereby adopted to be applied against the whole assessment for real property in the Farmlands Class.

5. **THAT** a tax rate of 0.03327207 is hereby adopted to be applied against the whole assessment for real property in the Commercial Class.
6. **THAT** a tax rate of 0.02667207 is hereby adopted to be applied against the whole assessment for real property in the Commercial – On Farm Business Class.
7. **THAT** a tax rate of 0.02960126 is hereby adopted to be applied against the whole assessment for real property in the Commercial Excess/Vacant Unit Class.
8. **THAT** a tax rate of 0.02960126 is hereby adopted to be applied against the whole assessment for real property in the Commercial Vacant Land Class.
9. **THAT** a tax rate of 0.03327207 is hereby adopted to be applied against the whole assessment for real property in the Shopping Centre Class.
10. **THAT** a tax rate of 0.02960126 is hereby adopted to be applied against the whole assessment for real property in the Shopping Centre Excess/Vacant Land Class.
11. **THAT** a tax rate of 0.03327207 is hereby adopted to be applied against the whole assessment for real property in the New Construction Commercial Class.
12. **THAT** a tax rate of 0.04589813 is hereby adopted to be applied against the whole assessment for real property in the Industrial Class.
13. **THAT** a tax rate of 0.03929813 is hereby adopted to be applied against the whole assessment for real property in the Industrial – On Farm Business Class.
14. **THAT** a tax rate of 0.04589813 is hereby adopted to be applied against the whole assessment for real property in the New Construction Industrial Class.
15. **THAT** a tax rate of 0.04033341 is hereby adopted to be applied against the whole assessment for real property in the Industrial Excess/Vacant Unit Class.
16. **THAT** a tax rate of 0.04033341 is hereby adopted to be applied against the whole assessment for real property in the Industrial Vacant Land Class.
17. **THAT** a tax rate of 0.03280940 is hereby adopted to be applied against the whole assessment for real property in the Pipeline Class.
18. **THAT** a tax rate of 0.00390894 is hereby adopted to be applied against the whole assessment for real property in the Managed Forest Class.
19. **THAT** a tax rate of 0.05027459 is hereby adopted to be applied against the whole assessment for real property in the Landfill Class.
20. **THAT** a tax rate of 0.01172682 is hereby adopted to be applied against the whole assessment for real property in the Farmland Awaiting Development Class.

21. **THAT** every owner shall be taxed according to the tax rates in this bylaw and such taxes shall become due and payable in two (2) installments and the due dates shall be:

- July 29th and September 30th 2022 for properties that are not subject to capping protection.

The tax payable shall be the whole of the 2022 tax liability less the interim taxes divided by two (2) where applicable with the final installment so payable in whole dollars, that is without cents.

22. On all taxes of the levy, which are in default on the 1st day of the month immediately following the due date a penalty of 1.25 percent shall be added and thereafter a penalty of 1.25 percent will be added on the first day of each and every month the default continues, until December 31, 2022.
23. On all taxes in default on January 1, 2023, interest shall be added at the rate of 1.25 percent per month for each month or fraction thereof in which the default continues.
24. Penalties and interest added in default shall become due and payable and shall be collected as if the same had originally been imposed and formed part of such unpaid tax levy.
25. The Collector shall mail or cause to be mailed the notice of taxes due to the residence or place of business of such person indicated on the last revised assessment roll, a written or printed notice specifying the amount of taxes payable.
26. Taxes are payable at the Township of Wainfleet Municipal Offices, Wainfleet, Ontario, on-line or at any major financial institution in Ontario. All payments are to be made in Canadian funds only.
27. This bylaw shall come into force, take effect and be passed upon the final passage thereof.

BY-LAW READ AND PASSED THIS 10TH DAY OF MAY, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" TO BYLAW NO. 020-2022

	Tax Levy	Total Tax Levy	Share %
Township Purposes			
General purposes	\$7,800,644		
Total Township Purposes		\$7,800,644	47%
Regional Purposes			
General purposes	6,323,919		
Waste Management purposes	655,209		
Total Regional Purposes		6,979,128	42%
Education Purposes			
English Public	1,458,207		
English Separate	303,831		
French Public	9,815		
French Separate	14,421		
Total Education Purposes		1,786,274	11%
Total Tax Levy		\$16,566,046	100%

SCHEDULE "B" TO BYLAW NO. 020-2022

2022 TAX RATES- TOWNSHIP OF WAINFLEET

Description	Code	Wainfleet Tax Rate	Region Tax Rate	Waste Management Tax Rate	Education Tax Rate	Total 2022 Tax Rate
Residential/Farm	RT	0.00744490	0.00603552	0.00062533	0.00153000	0.01563575
Multi-Residential	MT	0.01466646	0.01188997	0.00123190	0.00153000	0.02931833
New Multi-Residential	NT	0.00744490	0.00603552	0.00062533	0.00153000	0.01563575
Farmland	FT	0.00186123	0.00150888	0.00015633	0.00038250	0.00390894
Farmland Awaiting Development	R1	0.00558368	0.00452664	0.00046900	0.00114750	0.01172682
Commercial	CT	0.01291616	0.01047102	0.00108489	0.00880000	0.03327207
Commercial - On Farm Business	C7	0.01291616	0.01047102	0.00108489	0.00220000	0.02667207
Commercial Vacant Unit	CU	0.01097874	0.00890037	0.00092215	0.00880000	0.02960126
Commercial Vacant Land	CX	0.01097874	0.00890037	0.00092215	0.00880000	0.02960126
New Construction Commercial	XT	0.01291616	0.01047102	0.00108489	0.00880000	0.03327207
Shopping Centre	ST	0.01291616	0.01047102	0.00108489	0.00880000	0.03327207
Shopping Centre Vacant Unit	SU	0.01097874	0.00890037	0.00092215	0.00880000	0.02960126
Industrial	IT	0.01958009	0.01587342	0.00164462	0.00880000	0.04589813
Industrial - On Farm Business	I7	0.01958009	0.01587342	0.00164462	0.00220000	0.03929813
Industrial Vacant Unit	IU	0.01664308	0.01349240	0.00139793	0.00880000	0.04033341
Industrial Vacant Land	IX	0.01664308	0.01349240	0.00139793	0.00880000	0.04033341
New Construction Industrial	JT	0.01958009	0.01587342	0.00164462	0.00880000	0.04589813
Pipeline	PT	0.01267197	0.01027306	0.00106437	0.00880000	0.03280940
Managed Forests	TT	0.00186123	0.00150888	0.00015633	0.00038250	0.00390894
Landfill Sites	HT	0.02188996	0.01774600	0.00183863	0.00880000	0.05027459



Memo

To: Mayor Gibson & Members of Council
From: Mark Tardif, By-law Enforcement Officer
Date: May 10, 2022
Re: Summer Municipal By-law Enforcement Officer

By-law No. 020-2022 is being presented for the consideration of Council to provide for the appointment of the Township's annual summer Municipal By-law Enforcement Officer under the Police Services Act.

The Township regularly recruits a summer student to be utilized during the busy summer season to assist with:

- increased demands for proactive parking enforcement,
- addressing an increase in complaints received, and
- participating in special projects and research initiatives.

In order for the student to legally enforce applicable Township by-laws and be classified as a Municipal By-law Enforcement Officer, an appointment by-law must be formally approved by Council.

The officer will receive a fulsome orientation to the Township's by-laws and enforcement protocols – and will be available from May through September. The recruitment of the student has been accounted for in the Township's 2022 Operating Budget.

**COMMUNITY & DEVELOPMENT SERVICES
STAFF REPORT**

CDS-002/2022

TO: Mayor Gibson & Members of Council

FROM: Lindsay Earl, Manager of Community & Development Services

DATE OF MEETING: May 10, 2022

SUBJECT: **Draft Short-Term Rental By-law-Public Comments**

RECOMMENDATION(S):

THAT Community & Development Services Staff Report CDS-002/2022 be received; and

THAT a revised draft Short-Term Rental By-law be presented to Council for adoption at the next available meeting for consideration.

EXECUTIVE SUMMARY:

Township Council has identified a need for further regulation of short-term rental accommodations through a licensing system.

Staff have worked closely with the Township's solicitor in drafting the licensing By-law. As public consultation is an important factor in the review of the draft licensing By-law, Township staff received public comments and held a virtual open house in order to provide an opportunity for public review and input regarding short-term rental licensing.

This report serves to provide Council with a summary of the public comments received on the draft By-law to License and Regulate Short-Term Rentals.

Further changes to the draft By-law will be required. In its current draft form, the By-law will make licensing short-term rentals mandatory, aims to ensure compliance with Fire Code, Building Code, other applicable law and Township By-laws, and establishes a system of demerit points for violations including noise, nuisance, parking and safety which will encourage short-term rental owners into supplying a safe, responsible, and respectful accommodation.

BACKGROUND:

Staff has worked closely with the Township's solicitor through the process of drafting the By-law, along with all relevant Township departments who were consulted and have reviewed the proposed draft By-law (attached as Appendix "A"). The draft By-law was brought forward for Council's information in Report PSR-011/2021 on October 26, 2021. At that meeting, Council enacted the following motion:

Resolution No. C-2021-242

Moved by Councillor Cridland

Seconded by Councillor Van Vliet

“THAT Planning Staff Report PSR-011/2021 respecting a Short-Term Rental By-law be received; and

THAT staff be directed to commence a public consultation process regarding the draft By-law for licensing of short-term rentals prior to final Council consideration.”

A Public Open House was held virtually on January 18, 2022. The commenting period was open to the Public from December 23, 2021 until February 4, 2021 via the Township’s website. All public comments received are attached as Appendix “B”.

Many comments included complaints regarding specific properties as well as concerns with garbage, harassment, lack of respect, lack of privacy, parking and private laneways, excessive noise and fireworks, prohibiting pets, prohibiting the use of pools and hot tubs during evening hours and concerns regarding camping tents and trailers. Many of these items have been addressed in the draft By-law, are addressed through other existing Township By-laws, or are not subject to or are difficult to enforce through Township by-laws.

OPTIONS/DISCUSSION:

Below is a summary of the public comments received as well as staff comments and recommendations for Council’s consideration on a number of items to be addressed prior to revising the draft By-law and preparing the Application Package & Program for Short-Term Rentals.

The Licence Application

Types of Comments Received	Staff Comments	Council’s Consideration
<ul style="list-style-type: none"> • No numbered companies-owners name and address must be provided • STR must be property owner’s primary residence • Applications should be annually not every 2 years • The Township should prohibit short-term rentals • The Township should not regulate short-term 	<p>Staff concur with the licence application requiring the owners name and address.</p> <p>Some municipalities (i.e. Toronto) have required that the STR be the owner’s primary residence.</p> <p>Staff have reviewed the function of the program and agree that the applications should be on an annual basis (not every 2 years).</p>	<p>As the renewal process will not be as onerous as the initial applications. Staff request that Council consider amending the draft By-law to require applications be made annually.</p>

rentals and keep status quo		
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Definitions

Types of Comments Received	Staff Comments	Council's Consideration
<ul style="list-style-type: none"> The definition of "Dwelling Unit" should be revised. A Dwelling is NOT a room within a dwelling (no hoteling), no renting of partial or individual rooms within a dwelling, not a tent, not a trailer "Dwelling Unit" the word Unit should be eliminated as the word unit implies smaller areas than a dwelling i.e. a room. What is definition of "Bedroom"? Why are bed & breakfasts not included in STR's? 	<p>In the draft By-law "Dwelling Unit" means one or more rooms designed and used or intended to be used as a home by one or more persons and usually containing cooking, living, sleeping and sanitary facilities, and does not mean or include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house or in a hotel or motel." Staff notes that individual rooms or apartments may be rented under the draft By-law and changes are not needed.</p> <p>Staff agree that a definition of a "Bedroom" is required.</p> <p>The Official Plan permits Bed and Breakfast establishments in all of the Township's residential area designations as well as within the rural and agricultural area provided a number of criteria has been met. A traditional bed and breakfast operation is when property owner rents one or more bedrooms in the dwelling and is also present in the dwelling.</p>	<p>Staff are satisfied that the current definition of "Dwelling Unit" meets the intention of the By-law and would not recommend changes.</p> <p>Staff will draft a new definition for "Bedroom" to be included in the revised draft By-law.</p>

Limiting Number of Occupants

Types of Comments Received	Staff Comments	Council's Consideration
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<ul style="list-style-type: none"> • Not exceed 2 ppl per bedroom plus 2 (i.e. 3 bedroom = 8 ppl) and 8 day guests • Limit of 2 adults per bedroom, not people, as sometimes a couple with child may occupy a single bedroom • What if the bedrooms have 2 double beds, bunk beds, dens, lofts or a pull-out couch? It is fair to allow 2 more in some situations • Limit to 3 bedrooms • Limit to # of occupying guests not rooms • Fold out couches should not be included/ considered a bedroom • Limit # of rooms to 3 and 8 ppl max including day visitors • Limit to 2 ppl or less if septic is not current standard • Occupancy should be determined by the Chief Building Official • Limit time of non occupying guest (07:00-23:00 hrs only) • Do not permit visitors • Do not permit large parties/weddings 	<p>Staff notes that section 4.5 of the draft By-law states that “No Short-Term Rental Unit shall have an occupancy limit or be occupied by a total number of persons that exceeds two (2) persons per bedroom”. Staff has reviewed the public comments and other short-term rental by-laws and note that some local municipalities limit the number of bedrooms in a short-term rental to a maximum of 3. Staff identified concerns about enforcing a restricted number of bedrooms, as well as accommodating the larger homes where the septic was designed for the additional bedrooms.</p> <p>Staff notes that day visitors and non-occupying guests have not been considered in the draft By-law. Staff have indicated that this should be included as standard rules as other municipalities have included this requirement.</p>	<p>Staff request that Council consider amending the draft By-law to permit 2 people per bedroom plus an additional 2 people. With the addition of the “Bedroom” definition, lofts, dens and pull-out couches will not be considered bedrooms.</p> <p>Staff request that Council consider amending the draft By-law to include non-occupying guests be permitted on the property but not remain past 11:00pm each day.</p>
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Timing for Rentals

Types of Comments Received	Staff Comments	Council's Consideration
<ul style="list-style-type: none"> • Over 31 days not applicable? • Should be less than 28 days 	The definition of “Short-Term Rental Unit” means all or part of a Dwelling Unit used to provide sleeping accommodations	Staff will amend the draft By-law to remove the annual 180 day rental limit.

<ul style="list-style-type: none"> • Not necessary to limit # of days if run properly • 180 days doesn't make sense. Limit to desired season April-sept • 180 days reduced to 120 or 90 days • Minimum of 7 days for rentals. 	<p>to one or more persons other than the Owner for a period of not more than thirty (30) consecutive days, during which period the Owner does not occupy the Dwelling Unit..." Staff notes that any rental longer than a month would be considered a long-term rental.</p> <p>Section 4.7 of the draft By-law states that "No Short-Term Rental Unit shall be operated for a total of more than one hundred and eighty (180) days within any calendar year."</p> <p>Staff have reviewed this requirement and concur that monitoring the number of rental days will be difficult from an administration perspective. Further, some rentals operate year-round, so limiting the season would be inappropriate.</p> <p>Staff would not recommend including minimum and maximum number of days a rental can operate (i.e. full weeks vs. weekend rentals).</p>	
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Inspections - Fire, Water and Septic

Types of Comments Received	Staff Comments	Council's Consideration
<ul style="list-style-type: none"> • All the required inspections should have the same limit of 60 maybe even 90 days • We need a template for fire safety plan and more details about smoking 	<p>Staff notes that there is some public confusion regarding who is responsible for the reports regarding fire, water and septic. Please note that the draft By-law will be revised to make it clear that the</p>	<p>Staff will revise the draft By-law as necessary for clarity. Staff will draft the application package with required information available for the public.</p>

<p>detectors, fire extinguishers</p> <ul style="list-style-type: none"> • Inspections and cost concerns • How is FPPA applied (does not have provisions for STR) what is specifically regulated in new by-law? • which company is permitted to provide the test results? • Posting a Boil Water Advisory in every room is totally unnecessary. It should only be required in areas where water is accessible, such as kitchen and bathrooms. • If water test is potable, do they need notices • If they have a cistern and purchase water, do they need water testing • septic inspection could be done every 4 years, as the cottages are mostly seasonal and there is no need to empty it every 2 years, usually every 6 or so. • Septic tanks that are grandfathered in and do not meet current standards should not be allowed for short-term rentals- class 4 only and not holding tanks • Every two years for a septic inspection is excessive • Are inspections needed for holding tanks? • are fees going to cover costs for fire inspection, 	<p>applicant will be responsible for submitting a water quality test result as well as a 3rd party septic inspection report as part of the initial application process. Staff are working on including appropriate timelines for reporting requirements for renewal applications. The Township application fees will cover the cost of staff time to review the submitted 3rd party reports and carryout follow-up inspections including fire, building and by-law inspections to ensure compliance with FPPA, the OBC and other by-laws.</p> <p>Staff will be providing templates and checklists as part of the complete application package.</p> <p>Staff agree that that the Boil Water Advisory notices will only have to be posted in rooms that contain plumbing. The draft By-law will be amended to reflect this.</p>	
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water inspection, septic inspection and other requirements?		
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Administration

Types of Comments Received	Staff Comments	Council's Consideration
<ul style="list-style-type: none"> • A complaint structure for reporting problems needed • A public list of addresses that were refused licenses • A public list of addresses that obtain licenses • A public list of rentals should not be shared • Are the licenses reported to the CRA • Insurance for commercial purposes should be required • Grandfather rule for established cottage business (multiple cottages) • How to deal with commercial rentals (with multiple rentals on one property) • Licenses should be annual and renewed by March 31 • Insurance should be 2 million liability minimum and the certificate should state issued as a STR • On-line application portal will make it easy • Responsible person should be no less than 30 min away • 2 hr window for response is not necessary and cannot be guaranteed to 	<p>Staff will implement an on-line tool for the administration of the Short-Term Rental Program. The digital application, checklists, forms and templates will be made available.</p> <p>A complaint portal will also be utilized.</p> <p>Staff suggest that a list of addresses with current licences be posted on the website as this is the standard practice among other local municipalities.</p> <p>Properties that have commercial designations are not subject to the short-term rental program. Should a residentially designated property have multiple rental units, each unit will require an annual licence.</p> <p>Proof of insurance for use as a Short-Term Rental Unit has been included in the draft By-law.</p> <p>With respect to the response time, staff maintain that a 2 hour window is adequate for the landowner to address any situations that may arise.</p>	<p>Staff recommend including a provision in the draft By-law to have a local contact as a responsible person available to address any situations that may arise.</p>

attend (i.e. resides out of town). Issues can be dealt with through phone or email	Staff recommend including a provision to have a local contact as a responsible person available to address any situations that may arise.	
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Compliance/Enforcement

Types of Comments Received	Staff Comments	Council's Consideration
<ul style="list-style-type: none"> • When is it ever “permitted by law” for an Administrator to enter the premises to do an inspection compliance? Even police need a search warrant to do so • Penalties for non-compliance to include fines and shutdown periods • Penalties should be a significant deterrent • The costs of policing these units should be borne by the STRs only for bylaw enforcement • Who will be the administrator, need to hire a new position? • Weekend and evening hours for enforcement are required • May require additional staff-but its spent better enforcing existing by-laws with more staffing • Regularly enforced or complaint driven? • Need enforcement of illegal rental properties 	<p>The Municipal Act would provide the Licence Administrator or an Officer at any reasonable time and when permitted by law, enter any Short-Term Rental Unit for the purpose of carrying out an inspection to determine if the Short-Term Rental Unit is in compliance with this By-law and may make any order necessary to bring the Short-Term Rental Unit into compliance.</p> <p>Staff are satisfied with the Penalty Fines and Demerit point system as proposed in the draft By-law.</p> <p>Staff suggest additional enforcement for advertising STR's that are not licensed. As an administrative task, it will be fairly easy exercise to implement upon review of on-line rental sites.</p> <p>A new full-time position will need to be created in the By-law division in which such person will be responsible for the administration, inspection and enforcement of the STR program. The position</p>	<p>The draft By-law will be revised to include enforcement for advertising a STR without a licence as well as advertising STR without licence # displayed.</p> <p>The additional full-time employee is discussed under financial considerations below.</p>

	will need to have alternative hours of work (afternoons, evenings, weekends and holidays) during peak season.	
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Options for Consideration

- 1) Council shall provide direction to staff on the following (Recommended):
 - Support for annual application and renewals
 - Number of occupants
 - Permitting guests and timing
 - Fees
- 2) Council may choose to provide alternative direction to staff.

FINANCIAL CONSIDERATIONS:

Licensing short-term rentals will allow for the collection of fees to offset some the costs of administration for the licensing program. However, the program will significantly increase administrative staff time and resources needed to monitor and regulate the program, including (multiple departments such as planning, building, by-law and fire) administrative time in reviewing and processing applications as well as enforcement through conducting inspections and investigating complaints. Currently, we do not have sufficient staff resources to implement and enforce the proposed licensing by-law.

As outlined above, a new full-time position will need to be created (By-law division) to be responsible for the administration, inspection and enforcement of the STR program. The position will need to have alternative hours of work (afternoons, evenings, weekends and holidays) during peak season. The collection of application fees may not fully offset additional costs to the Township through licensing alone. However, costing implications have been reviewed along with an annual recommended fee schedule as follows:

Township of Wainfleet annual Short-Term Rental licence fees (recommended):

1-2 Bedrooms	\$750
3+ Bedrooms	\$1,000

Staff suspect that should the municipality receive an average of 100 applications annually, the majority of licensing fees will offset the additional staffing salary as needed. These fees remain consistent with other local Municipal fees for the Short-Term Rental Applications (annually) outlined below:

Municipality	Application	Fees
Fort Erie	1-2 Bedroom 3 Bedroom (max)	\$750 \$1250
Niagara Falls		\$500 (\$250 renewal)
Niagara on the Lake		\$274 per room
Pelham	3 Bedroom max	\$300 per bedroom
St. Catharines		\$500
Thorold		\$500 (\$400 bi-annual renewal)
Welland	3 Bedroom max	\$1029.50 (\$500 base/ \$247 zoning/ \$250 +hst fire review)

OTHERS CONSULTED:

- 1) Township In-house Solicitor
- 2) Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix "A" - Draft By-law to License and Regulate Short-Term Rentals in the Township of Wainfleet
- 2) Appendix "B" - Public Comments Received

Respectfully submitted by,

Lindsay Earl, MES, MCIP, RPP
Manager of Community and Development Services

Approved by,

William J. Kolasa
Chief Administrative Officer

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. XXXX

Being a By-law to Licence and Regulate Short-Term
Rentals in the Township of Wainfleet.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 151 of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business or any activity, matter or thing for which a by-law may be passed under sections 9 and 11 of the statute;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes a municipality to create offences for the contravention of its by-laws;

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 section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter onto any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction, order or condition of a licence;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet considers it necessary and desirable to regulate and licence Short-Term Rentals as described herein;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet enacts as follows:

1. SHORT TITLE

1.1. This By-law shall be known as the “Short-Term Rental Licensing By-law”.

2. DEFINITIONS

2.1. For the purposes of this By-law:

“**Administrative Monetary Penalty**” means a monetary penalty administered pursuant to Township By-law No. 027-2019, as amended from time to time.

“**Agent**” means a Person duly appointed by an Owner or Licensee to act on behalf of the Owner or Licensee in relation to a Short-Term Rental Unit.

“**Appeals Committee**” means a committee duly appointed by the Township or Council to conduct hearings under this By-law.

“**Applicable Law**” means all applicable by-laws of the Township and Niagara Region and all applicable provincial and federal statutes and regulations.

“**Applicant**” means a Person applying for a new Licence or the renewal of a Licence under this By-law.

“**Application Form**” means a form prepared by the Township to obtain from Applicants the information necessary for the issuance of a Licence.

“**Building Code Act**” means the *Building Code Act*, 1992, S.O. 1992, c. 23.

“**Building Code**” means Ontario Regulation 332/12 established under the *Building Code Act*.

“**By-law**” means this Short-Term Rental Licensing By-law.

“**Council**” means the Council of the Township.

“**Dwelling Unit**” means one or more rooms designed and used or intended to be used as a home by one or more persons and usually containing cooking, living, sleeping and sanitary facilities, and does not mean or include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house or in a hotel or motel.

“**Electrical Safety Code**” means Ontario Regulation 164/99 established under the *Electricity Act*, 1998, S.O. 1998, c. 15, Sched. A.

“**Fees and Charges By-law**” means Township By-law No. 011-2019, as amended from time to time.

“**Fire Code**” means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*.

“Fire Protection and Prevention Act” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4.

“Fire Safety Plan” means a written document that sets out the actions to be taken in the event of a fire emergency at a Short-Term Rental Unit, a floor plan for the Short-Term Rental Unit including the location of all emergency exits and all fire-related safety equipment, contact information for the Licensee and/or the Agent of the Licensee, and an undertaking of the Licensee to comply with all applicable laws in relation to fire safety.

“Licence” means a licence issued under this By-law for the operation of a Short-Term Rental Unit.

“Licence Administrator” means the by-law enforcement officer authorized by the Township to administer this By-law or his/her designate.

“Licensee” means any Person who holds a valid and current Licence issued under this By-law.

“Niagara Region” means the Regional Municipality of Niagara.

“Officer” means any by-law enforcement officer appointed by Council for the purpose of enforcing by-laws of the Township or any provincial offences officer, member of the Niagara Regional Police Service and/or member of the Ontario Provincial Police.

“Owner” means any Person that is a registered owner of a Property.

“Person” means an individual, firm, corporation, association or partnership.

“Property” means any land or premises within the Township.

“Qualified Inspector” means a person who has the qualifications set out in Division C, Section 3.3, Article 3.3.3.1 and Article 3.3.3.2 of the Building Code but does not include any person employed by the Township.

“Short-Term Rental Unit” means all or part of a Dwelling Unit used to provide sleeping accommodations to one or more persons other than the Owner for a period of not more than thirty (30) consecutive days, during which period the Owner does not occupy the Dwelling Unit, and in exchange for payment but does not include a Bed and breakfast, Boarding or Rooming House or Motel or Hotel as those terms are defined in Township By-law No. 034-2014, as amended from time to time.

“Township” means the Township of Wainfleet.

3. APPLICATION

3.1. This By-law shall apply to all Short-Term Rental Units within the Township.

4. PROHIBITIONS

- 4.1. No Person shall operate a Short-Term Rental Unit without holding a current and valid Licence issued in accordance with this By-law. For greater certainty, in the event that a Property contains more than one Dwelling Unit to be used as a Short-Term Rental Unit, each Dwelling Unit shall be considered a separate Short-Term Rental Unit for which a current and valid Licence is required.
- 4.2. No Person shall contravene or fail to comply with a term or condition of a Licence issued in accordance with this By-law.
- 4.3. No Person shall falsely hold himself, herself or itself out to be a Licensee.
- 4.4. No Person shall cause or permit any vehicle to be parked on any part of a Property where a Short-Term Rental Unit is situated other than in a designated driveway as shown in a site sketch submitted to and approved by the Township pursuant to section 6.4 or section 6.5 of this By-law or on an adjacent roadway where parking is permitted.
- 4.5. No Short-Term Rental Unit shall have an occupancy limit or be occupied by a total number of persons that exceeds two (2) persons per bedroom.
- 4.6. No Short-Term Rental Unit shall be operated during any period in which a building permit that has been issued to the Owner in relation to the Property where the Short-Term Rental Unit is situated remains open.
- 4.7. No Short-Term Rental Unit shall be operated for a total of more than one hundred and eighty (180) days within any calendar year.

5. ADMINISTRATION

- 5.1. This By-law shall be administered by the Licence Administrator, who shall perform all administrative functions conferred upon him or her by this By-law and without limitation may:
 - (a) receive and process all applications for new Licences and renewals of Licences under this By-law;
 - (b) issue Licences in accordance with this By-law;
 - (c) impose terms and/or conditions on Licences in accordance with this By-law;
 - (d) refuse to issue or renew a Licence, revoke a Licence or suspend a Licence in accordance with this By-law; and
 - (e) conduct inspections of Short-Term Rental Units in accordance with this By-law.

6. APPLICATIONS FOR NEW LICENCE AND RENEWAL OF A LICENCE

- 6.1. Every application for a new Licence or a renewal of a Licence shall be submitted in accordance with this By-law and shall be accompanied by the full Licence fee as set out in the Fees and Charges By-law.
- 6.2. There shall be a separate Licence application for each Short-Term Rental Unit. In the event that a Property contains more than one Dwelling Unit to be used as a Short-Term Rental Unit, each Dwelling Unit shall be considered a separate Short-Term Rental Unit for which a separate Licence application is required.
- 6.3. Every Applicant for a new Licence or a renewal of a Licence shall be the Owner of the Property where the Short-Term Rental Unit is situated or the Agent of the Owner. However, only the Owner of the Property is eligible to become a Licensee. For greater certainty, any Licence issued pursuant to this By-law shall be issued only to the Owner and not to an Agent or any other Person.
- 6.4. Every application for a new Licence shall include a completed Application Form and the following information and documents:
 - (a) the name and contact particulars of the Owner including address, telephone number and email address;
 - (b) the name and contact particulars of any Agent including address, telephone number and email address;
 - (c) the municipal address and legal description of the Short-Term Rental Unit;
 - (d) a site sketch depicting the location of the Short-Term Rental Unit, including any proposed garbage and refuse area(s), designated driveway(s) and/or adjacent roadway parking, which is subject to approval by the Licence Administrator prior to issuing a Licence;
 - (e) a floor plan of the Short-Term Rental Unit clearly indicating the location and number of rooms;
 - (f) the proposed total occupancy limit in accordance with section 4.5 of this By-law, which is subject to approval by the Licence Administrator prior to issuing a Licence;
 - (g) a Fire Safety Plan;
 - (h) a fire safety inspection report from Township Fire Services dated within sixty (60) days of the date of the application confirming that the Property and its proposed use as a Short-Term Rental Unit comply with the *Fire Protection and Prevention Act* and the Fire Code, which report shall be prepared at the expense of the Applicant and/or Owner;
 - (i) a report dated within thirty (30) days of the date of the application confirming that the drinking water at the Short-Term Rental Unit is potable and safe for consumption;

- (j) a proposed form of “Boil Water Advisory” notice to be posted in all rooms of the Short-Term Rental Unit in a conspicuous and visible location, which is subject to approval by the Licence Administrator prior to issuing a Licence;
 - (k) a report from a Qualified Inspector dated within thirty (30) days of the date of the application confirming that the septic system at the Short-Term Rental Unit is functional;
 - (l) proof of insurance for use as a Short-Term Rental Unit;
 - (m) consent for the Township to use any information, database and/or registry available to it to verify information provided by the Applicant or to enforce the provisions of this By-law;
 - (n) where the Applicant is an Agent, an authorization and consent form signed by the Owner authorizing the Agent to act on the Owner’s behalf; and
 - (o) a statement signed by the Owner certifying the accuracy, truthfulness and completeness of the application.
- 6.5. Every application for a renewal of a Licence shall include a completed Application Form and the following information and documents where applicable:
- (a) the name and contact particulars of the Owner including address, telephone number and email address;
 - (b) the name and contact particulars of any Agent including address, telephone number and email address;
 - (c) the municipal address and legal description of the Short-Term Rental Unit;
 - (d) a fire safety inspection report from Township Fire Services dated within sixty (60) days of the date of the application confirming that the Property and its proposed use as a Short-Term Rental Unit comply with the *Fire Protection and Prevention Act* and the Fire Code, which report shall be prepared at the expense of the Applicant and/or Owner;
 - (e) a report dated within thirty (30) days of the date of the application confirming that the drinking water at the Short-Term Rental Unit is potable and safe for consumption;
 - (f) a report from a Qualified Inspector dated within thirty (30) days of the date of the application confirming that the septic system at the Short-Term Rental Unit is functional;
 - (g) if there have been no changes to the site sketch, floor plan, Fire Safety Plan or electrical wiring, a statement signed by the Owner declaring that there have been no such changes;
 - (h) if there have been changes to any of the site sketch, floor plan, Fire Safety Plan or electrical wiring, such updated documents as are necessary to satisfy the requirements of section 6.4 of this By-law;
 - (i) proof of insurance for use as a Short-Term Rental Unit;

- (j) consent for the Township to use any information, database and/or registry available to it to verify information provided by the Applicant or to enforce the provisions of this By-law;
 - (k) where the Applicant is an Agent, an authorization and consent form signed by the Owner authorizing the Agent to act on the Owner's behalf; and
 - (l) a statement signed by the Owner certifying the accuracy, truthfulness and completeness of the application.
- 6.6. Notwithstanding section 6.5, the Licence Administrator may require the Applicant for a renewal of a Licence to include in the application anything that is required under section 6.4 where, in the opinion of the Licence Administrator, the renewal application is substantially different than the initial application or if circumstances warrant it.
- 6.7. Where a Licensee fails to submit an application to renew a Licence no less than ninety (90) days prior to its expiration, the application to renew the Licence will be processed as a new application under section 6.4.
- 6.8. The submission of an application to renew a Licence does not authorize, entitle or permit the Applicant to continue operating the Short-Term Rental Unit after the expiration of the existing Licence.

7. REVIEW OF APPLICATION AND PREMISES INSPECTION

- 7.1. The Licence Administrator shall receive all Licence applications and shall maintain a record to document all applications received and all Licences issued pursuant to this By-law. The Licence Administrator shall further establish and maintain a registry of all Short-Term Rental Units in the Township.
- 7.2. Upon receipt of a complete application as set out in section 6 of this By-law, the Licence Administrator may require such additional information and/or documents as the Licence Administrator determines are reasonably necessary to ascertain if the Applicant is entitled to a Licence under the provisions of this By-law.
- 7.3. Upon receipt of a complete application as set out in section 6 of this By-law and any additional information or documents required by the Licence Administrator in accordance with section 7.2 of this By-law, the Licence Administrator may require an inspection of the Short-Term Rental Unit to ascertain if the Applicant is entitled to a Licence under the provisions of this By-law.

8. ISSUANCE OF LICENCE

- 8.1. The Licence Administrator shall issue a new Licence or a renewal of a Licence to any Owner who meets the requirements of this By-law.

- 8.2. Notwithstanding section 8.1 of this By-law, the Licence Administrator may at any time impose such terms and conditions on a Licence as the Licence Administrator considers appropriate in the circumstances, including but not limited to terms and conditions pertaining to the size, location or particulars of the Short-Term Rental Unit, and may refuse to issue or renew a Licence or may suspend or revoke a Licence in accordance with sections 9 and 10 of this By-law.
- 8.3. The Licence fee paid by the Applicant for a new Licence or a renewal of a Licence is non-refundable if a decision is made by the Licence Administrator to refuse to issue or renew a Licence or to suspend or revoke a Licence.
- 8.4. Every Licence issued under this By-law shall be in the form that is prescribed by the Township and shall include without limitation the following information:
- (a) the Licence number;
 - (b) the municipal address of the Short-Term Rental Unit;
 - (c) the name, address and telephone number of the Owner/Licensee; and
 - (d) the date on which the Licence was issued and the date on which it expires.
- 8.5. All Licences issued or renewed pursuant to this By-law shall be valid for a period of two (2) years from the date of issuance or renewal, as the case may be.
- 8.6. Licences issued or renewed pursuant to this By-law are not transferable to any Owner or Short-Term Rental Unit other than those identified on the Licence. An otherwise valid Licence shall automatically expire upon a change in ownership of the Property where the Short-Term Rental Unit is situated.
- 8.7. Licences issued or renewed in accordance with this By-law are conditional upon the Licensee's compliance with this By-law, all Applicable Law and any terms or conditions imposed on the Licence.

9. REFUSAL TO ISSUE OR RENEW A LICENCE

- 9.1. The Licence Administrator may refuse to issue a new Licence or a renewal of a Licence where:
- (a) the past conduct of the Owner or the Agent of the Owner affords the Licence Administrator reasonable grounds to believe that the Owner or Agent has not or will not operate the Short-Term Rental Unit with honesty and integrity and/or in accordance with this By-law and all other Applicable Law;
 - (b) the Licence Administrator reasonably believes that an application or other document submitted by or on behalf of the Owner contains false information;
 - (c) the Licence Administrator reasonably believes that issuing a Licence may be adverse to the public interest;
 - (d) the Licence Administrator reasonably believes that issuing the Licence may pose a threat to the health and safety of persons or property;

- (e) a Licence issued to the Owner was suspended or revoked under section 10 of this By-law within the previous two (2) years;
- (f) a Short-Term Rental Unit or the Property on which it is situated is in violation of or is subject to any order or orders made under Applicable Law including any by-law of the Township or Niagara Region, the *Building Code Act*, the Building Code, the *Fire Protection and Prevention Act* and/or the Fire Code;
- (g) the Owner owes any fine or fee to the Township in relation to the Short-Term Rental Unit; or
- (h) the Owner of the Property or the Property on which the Short-Term Rental Unit is situated is indebted to the Township by way of fines, administrative penalties, judgments and/or past due property taxes.

10. SUSPENSION OR REVOCATION OF LICENCE

10.1. The Licence Administrator may suspend or revoke a Licence at any time where:

- (a) the Licence was issued or renewed in error;
- (b) the Licensee contravenes the provisions of this By-law;
- (c) the Licensee fails to comply with the requirements of this By-law, all other Applicable Law and/or any terms or conditions imposed on the Licence;
- (d) the Short-Term Rental Unit and/or the Property on which it is situated do not comply with the provisions of this By-law or other Applicable Law;
- (e) the total number of demerit points imposed upon a Licensee in accordance with section 13 of this By-law exceeds the prescribed maximum;
- (f) the Licensee fails to pay any property taxes, administrative penalties or fines owing to the Township within the prescribed time;
- (g) the Licence Administrator reasonably believes that the Short-Term Rental Unit being licensed poses a threat to the health and safety of persons or property; or
- (h) the Licence Administrator becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Licence Administrator refusing to issue or renew the Licence.

10.2. The Licence Administrator may suspend a Licence for a period of time and subject to such terms and conditions that the Licence Administrator considers appropriate.

11. NOTICE AND APPEAL

11.1. Where the Licence Administrator refuses to issue or renew a Licence or suspends or revokes a Licence, the Licence Administrator shall provide written notice to the Applicant or Licensee of the decision and of the grounds on which the Licence was refused, suspended or revoked.

- 11.2. The written notice required under section 11.1 of this By-law shall be sent to the Applicant or Licensee by registered or regular mail, personal service or email to the last known address of the Applicant or Licensee and shall be deemed to have been served on the fifth day after it was mailed or, in the case of email, on the day that it was sent.
- 11.3. An Applicant or Licensee whose Licence has been refused, suspended or revoked may, within ten (10) days of being notified of the refusal, suspension or revocation, as the case may be, submit an application to appeal to the Appeals Committee for a review of the decision.
- 11.4. An application to appeal to the Appeals Committee shall be submitted in writing to the Licence Administrator and shall be accompanied by the full appeal fee as set out in the Fees and Charges By-law.
- 11.5. Where no application to appeal is submitted to the Licence Administrator within the prescribed period, the decision of the Licence Administrator shall be final.
- 11.6. On appeal, the Appeals Committee may affirm, vary or reverse the decision of the Licence Administrator and may direct the Licence Administrator to issue, renew or reinstate a Licence.
- 11.7. The appeal fee paid by the Applicant for an application to appeal to the Appeals Committee shall be refunded in full if the Appeals Committee varies or reverses the decision of the Licence Administrator.
- 11.8. The decision of the Appeals Committee is final.
- 11.9. Matters arising during the course of an appeal that are not provided for in this By-law shall be governed by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.
- 11.10. No Person whose appeal from a decision to refuse, suspend or revoke a Licence has been finally decided by the Licence Administrator or the Appeals Committee shall apply for a Licence for one (1) year after the date of the final decision.

12. LICENCE CONDITIONS

- 12.1. The following conditions are attached to every Licence issued under this By-law:
- (a) the Short-Term Rental Unit is lawfully constructed;
 - (b) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of the Licence shall be posted in a conspicuous interior location within one (1) metre of the primary entrance to the Short-Term Rental Unit;
 - (c) when a Dwelling Unit is occupied as a Short-Term Rental Unit, the Licensee shall ensure that no vehicle is stopped or parked on any part of the Property except in accordance with the site sketch submitted with the application;

- (d) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of the Fire Safety Plan shall be posted in a conspicuous interior location within one (1) metre of the primary entrance to the Short-Term Rental Unit;
 - (e) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of an approved Boil Water Advisory notice shall be posted in a conspicuous and visible location in each room of the Short-Term Rental Unit;
 - (f) the Licensee shall ensure compliance with all Applicable Law;
 - (g) the Licensee shall allow, at any reasonable time and when permitted by law, the Township to inspect the Short-Term Rental Unit to ensure compliance with this By-law;
 - (h) the Licensee shall ensure that the Licensee or the Agent of the Licensee is available to attend at the Short-Term Rental Unit at all times within a period of no more than two (2) hours after being contacted by telephone or email; and
 - (i) the Licensee shall maintain records in relation to the operation of the Short-Term Rental Unit, including the dates of use and the number of occupants, and shall submit said records to the Licence Administrator upon request.
- 12.2. The Licence Administrator may, at any time during the term of a Licence, impose such additional terms and conditions as the Licence Administrator determines are necessary and appropriate to give effect to the purposes of this By-law.
- 12.3. Where a Licensee is dissatisfied with a term or condition imposed by the Licence Administrator in accordance with section 8.2 or section 12.2 of this By-law, the Licensee may request a review of the term or condition by the Appeals Committee in accordance with section 11 of this By-law.

13. DEMERIT SYSTEM

- 13.1. If at any time the Licence Administrator determines that the operation of a Short-Term Rental Unit does not comply with this By-law, other Applicable Law and/or any terms or conditions imposed on the Licence, the Licence Administrator shall impose demerit points upon the Licensee in accordance with Schedule "A", which is attached hereto and forms part of this By-law.
- 13.2. Demerit points shall remain in place for two (2) years after the date of imposition.
- 13.3. Where a total of ten (10) demerit points is imposed upon a Licensee in relation to one Short-Term Rental Unit, the Licence for that Short-Term Rental Unit shall be suspended for a period of three (3) months from the date on which the tenth demerit point is imposed.
- 13.4. Where the Licensee fails to correct the violations that resulted in the imposition of the demerit points within the suspension period, the Licence for that Short-Term Rental Unit shall be revoked.

- 13.5. Where a total of fifteen (15) demerit points is imposed upon a Licensee in relation to two or more Short-Term Rental Units owned by the Licensee, the Licences for all Short-Term Rental Units shall be suspended for a period of three (3) months from the date on which the fifteenth demerit point is imposed.
- 13.6. Where the Licensee fails to correct the violations that resulted in the imposition of the demerit points within the suspension period, all Licences shall be revoked.
- 13.7. A Licensee may submit an application to appeal to the Appeals Committee for a review of a decision to impose demerit points and/or to suspend or revoke one or more Licences under this section in accordance with section 11 of this By-law.

14. ENFORCEMENT

- 14.1. For the purposes of enforcing this By-law, the Licence Administrator or an Officer may exercise any power, authority or remedy granted to the Township pursuant to the *Municipal Act, 2001* and the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 ("*Provincial Offences Act*").
- 14.2. The Licence Administrator or an Officer may, at any reasonable time and when permitted by law, enter any Short-Term Rental Unit for the purpose of carrying out an inspection to determine if the Short-Term Rental Unit is in compliance with this By-law and may make any order necessary to bring the Short-Term Rental Unit into compliance.
- 14.3. Where the Owner of a Short-Term Rental Unit fails to comply with an order made pursuant to section 14.2 of this By-law within the time prescribed in the order, the Township may carry out any work necessary to bring the Short-Term Rental Unit into compliance, which work shall be done at the expense of the Owner.
- 14.4. No Person shall hinder or obstruct the Licence Administrator or an Officer carrying out an inspection for the purposes of enforcing this By-law, nor shall any Person hinder or obstruct the Township or its agents from carrying out any work necessary to bring a Short-Term Rental Unit into compliance with this By-law.

15. OFFENCES AND PENALTIES

- 15.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 15.2. Where an Officer is satisfied that a Person has failed to comply with any provision of this By-law, the Officer may issue a penalty notice imposing an Administrative Monetary Penalty. The Administrative Monetary Penalties for failures to comply with this By-law are set out in Schedule "B", which is attached hereto and forms part of this By-law.

15.3. Township By-law No. 027-2019, as amended by Township By-law Nos. 079-2019 and 005-2020, Being a By-law to Establish an Administrative Monetary Penalty System for Non-Parking Related Offences, applies to each Administrative Monetary Penalty issued pursuant to this By-law.

16. GENERAL

16.1. In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used with a reference to any gender shall be deemed to include all genders.

16.2. If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall remain in full force and effect.

16.3. If there is a conflict between a provision of this By-law and a provision of any other by-law of the Township, the provision that establishes the higher standard shall prevail.

16.4. Any reference to legislation in this By-law includes the legislation referred to and any amendments, replacement, subsequent enactment or consolidation of such legislation.

16.5. This By-law shall come into full force and effect on the date on which it is passed.

Schedule “A”

License to Regulate Short-Term Rentals Demerit Point System

Type of Infraction	By-law Section	Demerit Points
Failure to comply with the Fire Protection & Prevention Act	6.4 (h)	10
Failure to comply with the Fire Safety Protocol	6.3 (g) & 12.1 (d)	10
Obstruction of Inspection	14.4	5
Failure to comply with the Ontario Building Code Act	6.4 (k) & 12.1 (a)	10
License number not posted	12.1 (b)	4
Failure to comply with Orders under EMCPA	12.1 (e)	5
Failure to comply with the Reopening Ontario Act	12.1 (e)	5
Failure to comply with the Open Air Burn By-law	12.1 (e)	2
Failure to comply with the Health Protection and Promotion Act	6.4 (i) & (j) & 12.1 (e)	4
Failure to comply with the Nuisance By-law	12.1 (e)	2
Failure to comply with the Noise By-law	12.1 (e)	2
Failure to comply with the Fireworks By-law	12.1 (e)	2
Non-Availability of Responsible Person	6.4 (b)	3
Not providing updated information	6.4 (l)	3
Failure to comply with the Parking By-law	6.4 (d) & 12.1 ©	2
Failure to comply with the Zoning By-law	6.4 (f)	2
Failure to comply Property Standards By-law	12.1 (e)	2
Failure to comply with the Clean Yards By-law	6.4 (d)	2
Failure to comply with the Fence By-law	12.1 (e)	2

Schedule “B”

License to Regulate Short-Term Rentals Short Form Wording and Administrative Penalties

Section	Short Form Wording	Penalty
4.1	Operate a Short-Term Rental without a License in accordance with this by-law.	\$1,500.00
4.2	Non-Compliance with conditions of the License.	\$1,000.00
4.3	Park on property not in approved location.	\$500.00
4.5	Occupancy limits exceed permitted 2 persons per bedroom.	\$750.00
4.6	Operating short term rental unit while a building permit has been issued at the property.	\$750.00
4.7	Operating short term rental unit over 180 days in one calendar year.	\$750.00
14.2	Fail to comply with order.	\$1000.00
14.4	Hinder or obstruct an officer carrying out an inspection or work.	\$1,500.00

Ashley Jenkins

From: William Kolasa
Sent: October-31-21 7:21 PM
To: Lindsay Earl
Subject: FW: Short-term rental bylaws
Attachments: Wainfleet council October 30,2021.docx

fyi

-----Original Message-----

From: Rico Leone [mailto:]
Sent: October 31, 2021 7:17 PM
To: Council <Council@wainfleet.ca>
Cc: William Kolasa <WKolasa@wainfleet.ca>
Subject: Short-term rental bylaws

Please find attached our comments on the short-term draft bylaws.

Rico Leone

October 30,2021

Wainfleet Council

My wife and I tuned into the council meeting of October 26, 2021 with great interest, hoping to gain some knowledge and insight into the logic behind the draft for Short-Term Rental Bylaws. It seems the intent of the bylaws was to license the owners of STRs and have them continue to operate in residential zones. Many of the bylaws address infractions and penalties for the infractions, however there was nothing there to stop the STRs from operating in a residential zone.

These particular bylaws are legitimizing the operation of a commercial venture in a residential zone. They are making a present non-conforming business conforming at the expense of the present conforming property owners. The properties and rights of the present property owners must be protected and not devalued due to the operation of short-term rental units next door. When we built our home on our residentially zoned lot 30 years ago all the properties around us were zoned residential and the homes were inhabited by the owners and their family. Today, of the 13 homes within 200 meters of our home, 5 are operated as STRs by absentee landlords. This change occurred in the last 5 years. I would venture to say that as soon as one of these owner-occupied homes comes up for sale it will be turned into a short-term rental by the new absentee owner.

What will Wainfleet look like 10, 20, 40 years from today? Who will support our local hardware store, hairdresser, bakery, restaurant, garden centers, farmers' market, food drives, etc.? Will Wainfleet have a school, a community centre? Can you see the deterioration of the community fabric?

It has been said that STRs bring in tourist dollars that support local businesses. I can tell you first hand that this is not the case. I have watched the tenants move in around 3pm and unload their coolers with their food, cases of beer, beach umbrellas, canopy and chairs, boom box etc. They are here to party for 2 or 3 days, so they don't have time to do any shopping or sightseeing locally. They don't contribute anything of positive value to the community except heartaches for our neighbours. This is usually repeated every 2 or 3 days throughout the summer months.

First and foremost, we must resolve if short-term rentals are a commercial operation or not. If one is renting accommodations for profit, like a hotel or motel, then we believe that it is definitely a commercial venture. By Ms. Lindsay Earl's own statement at the council meeting that many times the owners are from outside of this area and they have an agent managing their STRs, implies that this is a commercial operation. That being the case, these present draft bylaws are legitimizing the operation of a commercial venture in a residential zone. They are making a non-conforming business in a residential zone conforming. The Webster Dictionary defines residence as "the place where one actually lives as distinguished from one's domicile or a place of temporary sojourn". Hence any residential zone bylaw establishes community areas where people live not stay.

Under normal circumstances, if I wanted to operate a commercial venture on my residential property, I would have to apply for a zoning change and go through all the vetting process before that zoning change is granted or denied. Therefore, if these STR owners wish to operate in a residential zone, they should apply for a zoning change.

However, there is a compromise. Make a requirement that the Short-Term Rental property must be the owner's primary residence. This keeps the house a residence where people live not stay and thus

conforms with the residential neighbourhood. The owner can rent rooms to supplement their income and there are no rowdy parties every 2 or 3 days. This bylaw has been implemented by many other communities such as the Town of Pelham, the City of St. Catharines, the Town of Collingwood, the City of Toronto and many others.

Town of Pelham

Short Term Accommodations are not permitted in residential zones.

The zoning amendment permits short-term accommodation rentals, including bed and breakfast establishments, and short-term rentals of entire dwelling units in the agricultural, special rural, neighbourhood commercial, central commercial and commercial rural zones subject to meeting licensing requirements.

City of St. Catharines

The property must operate first and foremost as a full-time residence, with the resident temporarily renting out the entire dwelling unit on an occasional basis. The property cannot function solely as a STR. The STR is the primary residence of the operator (owner / tenant).

Town of Collingwood

The town of Collingwood does not allow for short term accommodations unless the home is approved as a Bed and Breakfast.

Subsection 4.22.2, of Zoning By-law No. 2010-40, as amended states: Except for a bed and breakfast, no dwelling unit shall be used as short- term accommodation.

Town of Wasaga Beach

Short-Term accommodations are NOT permitted in Residential zones. Only traditional Bed and Breakfast establishments are permitted in residential areas.

City of Toronto

Short-term rentals can only be in people's principal residence – this is the home people live in and the address they use for bills, identification, taxes, and insurance.

Under the City of Toronto Short-Term Rental Bylaw (PG24.8), short-term rentals are permitted in Toronto if your listing is your principal residence.

In closing we trust that council and staff will protect the rights of the current residents of Wainfleet as other communities have done and not the selfless wants of absentee landlords. That would be the right thing to do.

Best regards,

Rico and Florence Leone

10341 Lakeshore Road West

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: December-28-21 8:11 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday December 28th 2021 8:10 PM with reference number 2021-12-28-001.

- **First Name**
David
- **Last Name**
Hahn
- **Address**
50861 O'Reillys Road
- **Phone Number**
- **Email**
- **Comment**
I recently moved to this great community, leaving NOTL where I lived for more then 20 yrs. One of the many reasons I came here was there were fewer by laws, regulations and control by government. NOTL introduced new by laws all the time. It was always was about "good reasons" for community, for fire safety, for heritage, but it just meant more red tape, more confusion and increasing taxes.

Please do put through this short term bylaws.

Thanks

Dave Hahn

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-05-22 1:57 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Wednesday January 5th 2022 1:56 PM with reference number 2022-01-05-002.

- **First Name**

Chris

- **Last Name**

Giankos

- **Address**

11223 Harborview rd

- **Phone Number**

- **Email**

- **Comment**

Good afternoon,

Short term rentals continue to be topic of discussion especially on the road where i reside. I dont believe that they should be welcomed due to various concerns that i have personally witnessed due to my location.

1. They overcrowd the home with predominately party goers looking to escape the city causing excessive noise and garbage on their stay. Most often they leave the garbage out on an off pick up week which welcomes fox, raccons and rats.

2. The capacity limits on their septic systems. Possibly bumping their inspections up with the conservation authority to quarterly would suffice?

3. The occupants of the airbnb on our road have on multiple occasions have been demeaning and harrassing to the immediate neighbors. The street is quiet as most are retiree folk and they should not have to put up with the lack of respect someone has knowing their stay is short term.

4. Having short term rentals allowed further promotes the street turning into a

party zone as folks pass away and or move out. I understand that i can not tell someone what to do with their investment however im sure if rolls were reversed and i were to have an airbnb beside them in the gta the same feelings would be had.

If there is an allowance to have one then maybe a tax accociated with the rental should be placed on the owner to have further improvements in our community.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-10-22 10:40 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Monday January 10th 2022 10:39 AM with reference number 2022-01-10-001.

- **First Name**
Kim
- **Last Name**
Beauparlant
- **Address**
10759 Lakeshore Rd. W
- **Phone Number**
- **Email**
- **Comment**
We are deeply concerned about the prospect of having a short term rental set up in our neighbourhood. I have heard many stories about loud parties every night, garbage left at the curb any day of the week to blow all over the neighbourhood, loss of privacy. Please take whatever steps you can to protect our lifestyle and the quiet township that we love!

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-09-22 11:55 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Sunday January 9th 2022 11:54 PM with reference number 2022-01-09-006.

- **First Name**
André
- **Last Name**
Germain
- **Address**
11237 Harbourview Rd.
- **Phone Number**
- **Email**
- **Comment**
I think these "short-term" rentals in our township should be outlawed and forbidden, period! They are disruptive of everything we permanent residents hold dear. We are a rural community. There are commercial resorts everywhere where big-city folks can go to party. We who live here along the lake don't need or want their intrusion.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-09-22 8:21 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Sunday January 9th 2022 8:20 PM with reference number 2022-01-09-004.

- **First Name**
Edward
- **Last Name**
Barry
- **Address**
11558 Hwy 3
- **Phone Number**
- **Email**
- **Comment**
I support limiting the number of people at short term retails such as this suggests

LIMIT THE NUMBER OF BEDROOMS TO 3
LIMT THE NUMBER OF OCCUPYING GUESTS & LIMIT THE HOURS OF NON
OCCUPYING GUESTS FROM 0700-2300HRS
LIMITS THE PROBLEMS

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-09-22 10:09 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Sunday January 9th 2022 10:08 PM with reference number 2022-01-09-005.

- **First Name**

John

- **Last Name**

Ryerse

- **Address**

111410 Lakeshore rf

- **Phone Number**

- **Email**

- **Comment**

The owners of each property should post a performance bond and each de it point should be assigned a dollar value that way they will be less likely to turn a blind eye to unsavoury behaviour.

Also we should completely ban fireworks given the large number of horses and cows in our community. We gain nothing by letting people use them.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-09-22 7:43 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Sunday January 9th 2022 7:41 PM with reference number 2022-01-09-001.

- **First Name**
Mark
- **Last Name**
Turner
- **Address**
11161 Churchill Ave
- **Phone Number**
- **Email**
- **Comment**
Septic tanks that are grandfathered in and do not meet current standars should not be allowed for short term rentals they must be required to have holding tanks only.
I have a short term rental next to me and guests have been bringing dogs that trespass, bark excessivley and releive them on my property and are also not on leashes.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-09-22 7:57 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Sunday January 9th 2022 7:55 PM with reference number 2022-01-09-003.

- **First Name**
Mark
- **Last Name**
Turner
- **Address**
11161 Churchill Ave
- **Phone Number**
- **Email**
- **Comment**
In addition to my previous comments short term rentals have visitors and parties in excess of the 2 people per bedroom that use the facility i.e. septic this should be restricted to the 2 people per bedroom or less when septic is not current standard

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-10-22 4:20 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Monday January 10th 2022 4:18 PM with reference number 2022-01-10-002.

- **First Name**

Kim

- **Last Name**

Litchfield

- **Address**

11485 Cook Lane

- **Phone Number**

- **Email**

- **Comment**

I have personally seen the significant impact a short term rental had on Harbourview Road this past year as we have family who live on the road. We see a minimum of 6 cars vehicles every weekend, too many people to count and a "party" environment all the time which no neighbour including any member of council would ever want to live with.

The proposed license system will not deter property management companies or individuals from short-term rentals as there is no criminal ramifications and any fines that will exceed their profit from rentals. Fines have been included in the regulation but again the impact on the property owner does not outweigh the profit...if all the fines were issued against an owner it would be \$7750. At \$200 a night for 180 days is a \$36,000 income. Many are more expensive than \$200 night with owners having higher profit margins so the impact will be minimal through fines.

What are the implications if an applicant or Licensee whose license has been refused, suspended or revoked? Revoking a license will not stop property management companies or individuals continuing to rent their units under the radar. The penalties have to be significant and must be implemented quickly to

minimize the negative impact to the residences in the area. Waiting for months on inspections and appeals does not help the situation.

I understand the desire to put in a bylaw but in reading the proposed regulations, I do not see some of the recommendations in the Ontario Guide to Municipalities that may assist in making short term rentals barrable.

<https://www.ontario.ca/page/home-sharing-guide-ontario-municipalities>

- Limit home-sharing to principal residences.
- Limit the number of days a unit can be rented so (i.e. Collingwood area, short-term rentals are banned and you cannot rent a vacation for less than 30-days).

I do see a maximum of 180 days but there is not limit to the time of the year when current tax paying residence would like to enjoy their property. At a minimum, there should be a sizable restriction on the number of days that can be rented in the desirable seasons (April - Sept).

The other questions areas: how will the township enforce this bylaw? What administration costs will cover the licensing program and enforcement activities? If money is being made by the township as a result of this licensing program, will the taxes of property owners without a license decrease? services increase? If not, there is no benefit to any of the non rental residents. It only deters people from living here. There are generations who have owned cottages and homes in Wainfleet who will be impacted negatively. Long term owners will provide a tax base that is reliable who keep property value high. Short term rentals can be eliminated completely without an impact on tourism within the community.

Please put yourselves in the shoes of the neighbours - think about the invasion of privacy, use of their private beach access, witnessing rude and in appropriate behavior repeatedly potentially in front of children and/or grandchildren.

Ask yourself:

- Would you like to live through that for even one weekend?
- Would you want someone partying all night beside you, using your ramp or stairs, new people every weekend? Even if you reduce the occupancy ie. a 3 bedroom to 2 people, that is 6 NEW people next to you every weekend and weekdays in the summer.
- Would you feel safe in anyway?
- Would you enjoy your property?
- Would you want to have to call the police for noise complaints each time or contact the township to report the contravention of the bylaw?
- Would you want to see the value of your home decrease?
- Would you enjoy seeing a property not maintained every day if the rental market decreases in the future?
- Would you see or experience anything positive as a resident?

With all that in mind, would you expect your township to establish a bylaw preventing this from happening? I think most home owners in any community would say yes to this last question.

The critical question on the table is... will this proposed bylaw truly prevent these situations from happening?

Sincerely a concerned Wainfleet resident.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: k g
Sent: January-10-22 3:55 PM
To: Lindsay Earl; William Kolasa
Subject: For Submission STR
Attachments: daudelin submission (1). Limiting the number of bedrooms, will limit the number of guest and this will further limit the number of problems. .docx

Hello Lindsay,

Here is our submission for the Township regarding STR By-laws.

This submission is for the Public Record from
John and Leslie Daudelin
11263 Harbourview Road
Port Colborne, Ontario
L3K5V4
Telephone

We could not figure out a way to attach the document to the submission form on the website unfortunately.
We found it easier to provide our comments and suggestions this way.

Thank you,
Leslie and John Daudelin

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. XXXX

Being a By-law to Licence and Regulate Short-Term
Rentals in the Township of Wainfleet.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 151 of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business or any activity, matter or thing for which a by-law may be passed under sections 9 and 11 of the statute;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes a municipality to create offences for the contravention of its by-laws;

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 section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter onto any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction, order or condition of a licence;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet considers it necessary and desirable to regulate and licence Short-Term Rentals as described herein;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet enacts as follows:

1. SHORT TITLE

1.1. This By-law shall be known as the “Short-Term Rental Licensing By-law”.

2. DEFINITIONS

2.1. For the purposes of this By-law:

“Administrative Monetary Penalty” means a monetary penalty administered pursuant to Township By-law No. 027-2019, as amended from time to time.

“Agent” means a Person duly appointed by an Owner or Licensee to act on behalf of the Owner or Licensee in relation to a Short-Term Rental Unit.

“Appeals Committee” means a committee duly appointed by the Township or Council to conduct hearings under this By-law.

“Applicable Law” means all applicable by-laws of the Township and Niagara Region and all applicable provincial and federal statutes and regulations.

“Applicant” means a Person applying for a new Licence or the renewal of a Licence under this By-law.

“Application Form” means a form prepared by the Township to obtain from Applicants the information necessary for the issuance of a Licence.

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23.

“Building Code” means Ontario Regulation 332/12 established under the *Building Code Act*.

“By-law” means this Short-Term Rental Licensing By-law.

“Disturbance” means an event where an action has commenced with respect to nuisance, and/or noise;

Council” means the Council of the Township.

“Dwelling Unit” means one or more rooms designed and used or intended to be used as a home by one or more persons and usually containing cooking, living, sleeping and sanitary facilities, and does not mean or include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house or in a hotel or motel.

“Electrical Safety Code” means Ontario Regulation 164/99 established under the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A.

“Fees and Charges By-law” means Township By-law No. 011-2019, as amended from time to time.

“Fire Code” means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*.

“Fire Protection and Prevention Act” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4.

“Fire Safety Plan” means a written document that sets out the actions to be taken in the event of a fire emergency at a Short-Term Rental Unit, a floor plan for the Short-Term Rental Unit including the location of all emergency exits and all fire-related safety equipment, contact information for the Licensee and/or the Agent of the Licensee, and an undertaking of the Licensee to comply with all applicable laws in relation to fire safety.

“Guest” means a non-occupying person who is visiting the paying renter/occupant at the short term rental dwelling premises

“Licence” means a licence issued under this By-law for the operation of a Short-Term Rental Unit.

“Licence Administrator” means the by-law enforcement officer authorized by the Township to administer this By-law or his/her designate.

“Licensee” means any Person who holds a valid and current Licence issued under this By-law.

“Niagara Region” means the Regional Municipality of Niagara.

Occupant Definition***

“Officer” means any by-law enforcement officer appointed by Council for the purpose of enforcing by-laws of the Township or any provincial offences officer, member of the Niagara Regional Police Service and/or member of the Ontario Provincial Police.

“Owner” means any Person that is a registered owner of a Property.

“Person” means an individual, firm, corporation, association or partnership.

“Property” means any land or premises within the Township.

“Qualified Inspector” means a person who has the qualifications set out in Division C, Section 3.3, Article 3.3.3.1 and Article 3.3.3.2 of the Building Code but does not include any person employed by the Township.

“Renter” means the person responsible for the rental of the premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

“Responsible Person”**** (to support demerit system Schedule A Local contact person)

“Short-Term Rental Unit” means all or part of a Dwelling Unit used to provide sleeping accommodations to one or more persons other than the Owner for a period of not more than thirty (30) consecutive days, during which period the Owner does not occupy the Dwelling Unit, and in exchange for payment but does not include a Bed and breakfast, Boarding or Rooming House or Motel or Hotel as those terms are defined in Township By-law No. 034-2014, as amended from time to time.

Short Term Rental Premises or Premise Definition means any dwelling unit and associated land in or on which a short term rental is carried on.

“Township” means the Township of Wainfleet.

“Trailer” means a “Trailer” as defined in the Zoning By-law;(does Wainfleet have a bylaw addressing “trailer”)

***Definitions should include the following; Nuisance By-law, Noise By-law, Property Standards By-law, Zoning By-law, Clean Yards By-law and Fence Bylaw including all reference numbers

***Definition of Occupant is also required in order to clearly define who/what/when and in order to be able to enforce Occupancy Limit and Guest time limits

***Definition of Local Contact Person required to support Schedule A

***Definition of Responsible Person with response time

3. APPLICATION

3.1. This By-law shall apply to all Short-Term Rental Units within the Township.

4. PROHIBITIONS- **May we suggest using No Owner Shall to and then list the below**

No Owner Shall:

4.1. No Person shall operate a Short-Term Rental Unit without holding a current and valid Licence issued in accordance with this By-law. For greater certainty, in the event that a Property contains more than one Dwelling Unit to be used as a Short-Term Rental Unit, each Dwelling Unit shall be considered a separate Short-Term Rental Unit for which a current and valid Licence is required.

4.2. No Person shall contravene or fail to comply with a term or condition of a Licence issued in accordance with this By-law.

4.3. No Person shall falsely hold himself, herself or itself out to be a Licensee.

- 4.4. No Person shall cause or permit any vehicle to be parked on any part of a Property where a Short-Term Rental Unit is situated other than in a designated driveway as shown in a site sketch submitted to and approved by the Township pursuant to section 6.4 or section 6.5 of this By-law or on an adjacent roadway where parking is permitted.
- 4.5. No Short-Term Rental Unit shall have an occupancy limit or be occupied by a total number of persons that exceeds two (2) persons per bedroom. **No Owner shall: Operate a Short-Term Rental exceeding maximum occupancy limits of four (4) people for a one bedroom dwelling unit, six (6) people for a two bedroom dwelling unit, and eight (8) people for a three bedroom dwelling unit. *allowing four (4) for a one bedroom allows "mom and pop" with up to two (2) children which provides young small families to enjoy a one bedroom unit.**
- 4.6. **No owner shall 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);**
- 4.7. **No Owner of a short term rental shall permit guests to remain on the Short-Term Rental Premises from 11pm to 7am.**
- 4.8. **No owner of a short term rental shall permit the use of an outdoor hot tub or outdoor pool between the hours of 11pm and 7am**
- 4.9. No Short-Term Rental Unit shall be operated during any period in which a building permit that has been issued to the Owner in relation to the Property where the Short-Term Rental Unit is situated remains open.
- 4.10. No Short-Term Rental Unit shall be operated for a total of more than one hundred and eighty (180) days within any calendar year. **Recommend one hundred twenty (120) days.**
- 4.11. **No Short-Term Rental Owner shall permit tents on the Short-Term Rental Premises;**
- 4.12. **No Short-Term Rental Owner shall permit a Trailer to be used for sleeping accommodations on the Short-Term Rental Premises;**
- 4.13. **No Short-Term Rental Owner shall fail to ensure that there is a Local Contact Person; Responsible Person**
- 4.14. **No Short-Term Rental Owner shall permit a disturbance at a Short-Term Rental Premises;**

5. ADMINISTRATION

- 5.1. This By-law shall be administered by the Licence Administrator, who shall perform all administrative functions conferred upon him or her by this By-law and without limitation may:

- (a) receive and process all applications for new Licences and renewals of Licences under this By-law;
- (b) issue Licences in accordance with this By-law;
- (c) impose terms and/or conditions on Licences in accordance with this By-law;
- (d) refuse to issue or renew a Licence, revoke a Licence or suspend a Licence in accordance with this By-law; and
- (e) conduct inspections of Short-Term Rental Units in accordance with this By-law.

6. APPLICATIONS FOR NEW LICENCE AND RENEWAL OF A LICENCE-we suggest having a deadline for applications and fees. All applications should be rec'd no later than.....license runs until.....Those wishing to apply after the season starts could be prorated. Everyone's license should come due the same day and end the same day. They could run annually or bi-annually and the list needs to be public and available for public enquiries. Licensing should be yearly with yearly proof of insurance akin to most professional memberships. Collecting fee every year generates income for township.

- 6.1. Every application for a new Licence or a renewal of a Licence shall be submitted in accordance with this By-law and shall be accompanied by the full Licence fee as set out in the Fees and Charges By-law.
- 6.2. There shall be a separate Licence application for each Short-Term Rental Unit. In the event that a Property contains more than one Dwelling Unit to be used as a Short-Term Rental Unit, each Dwelling Unit shall be considered a separate Short-Term Rental Unit for which a separate Licence application is required.
- 6.3. Every Applicant for a new Licence or a renewal of a Licence shall be the Owner of the Property where the Short-Term Rental Unit is situated or the Agent of the Owner. However, only the Owner of the Property is eligible to become a Licensee. For greater certainty, any Licence issued pursuant to this By-law shall be issued only to the Owner and not to an Agent or any other Person.
- 6.4. Every application for a new Licence shall include a completed Application Form and the following information and documents:
 - (a) the name and contact particulars of the Owner including address, telephone number and email address;
 - (b) the name and contact particulars of any Agent including address, telephone number and email address;
 - (c) the municipal address and legal description of the Short-Term Rental Unit;

- (d) a site sketch depicting the location of the Short-Term Rental Unit, including any proposed garbage and refuse area(s), designated driveway(s) and/or adjacent roadway parking, which is subject to approval by the Licence Administrator prior to issuing a Licence;
- (e) a floor plan of the Short-Term Rental Unit clearly indicating the location and number of rooms;
- (f) the proposed total occupancy limit in accordance with section 4.5 of this By-law, which is subject to approval by the Licence Administrator prior to issuing a Licence;
- (g) a Fire Safety Plan;
- (h) a fire safety inspection report from Township Fire Services dated within sixty (60) days of the date of the application confirming that the Property and its proposed use as a Short-Term Rental Unit comply with the *Fire Protection and Prevention Act* and the Fire Code, which report shall be prepared at the expense of the Applicant and/or Owner;
- (i) a report dated within thirty (30) days of the date of the application confirming that the drinking water at the Short-Term Rental Unit is potable and safe for consumption;
- (j) a proposed form of "Boil Water Advisory" notice to be posted in all rooms of the Short-Term Rental Unit in a conspicuous and visible location, which is subject to approval by the Licence Administrator prior to issuing a Licence;
- (k) a report from a Qualified Inspector dated within thirty (30) days of the date of the application confirming that the septic system at the Short-Term Rental Unit is functional;
- (l) proof of insurance by way of certification showing a minimum limit of two million dollars (2,000,000) in commercial general liability for a rental property for the terms of the licence with endorsement that notice in writing of at least thirty (30) days prior to cancelation, exploration, or variation thereof will be given to the town by the insurance underwriter. proof of insurance for use as a Short-Term Rental Unit; If a 2 year license is used you need to have proof of insurance in the second year. Having yearly license would simplify things as proof of yearly renewal of insurance policy like any homeowner policy etc.
- (m) consent for the Township to use any information, database and/or registry available to it to verify information provided by the Applicant or to enforce the provisions of this By-law; acknowledgement and consent to the posting of the following information on the township website i. municipal address of the premises ii. legal description of the premises iii. contact information of the owner, agent, applicant and responsible person.
- (n) where the Applicant is an Agent, an authorization and consent form signed by the Owner authorizing the Agent to act on the Owner's behalf; and
- (o) a statement signed by the Owner certifying the accuracy, truthfulness and completeness of the application.

- 6.5. Every application for a renewal of a Licence shall include a completed Application Form and the following information and documents where applicable:
- (a) the name and contact particulars of the Owner including address, telephone number and email address;
 - (b) the name and contact particulars of any Agent including address, telephone number and email address;
 - (c) the municipal address and legal description of the Short-Term Rental Unit;
 - (d) a fire safety inspection report from Township Fire Services dated within sixty (60) days of the date of the application confirming that the Property and its proposed use as a Short-Term Rental Unit comply with the *Fire Protection and Prevention Act* and the Fire Code, which report shall be prepared at the expense of the Applicant and/or Owner;
 - (e) a report dated within thirty (30) days of the date of the application confirming that the drinking water at the Short-Term Rental Unit is potable and safe for consumption;
 - (f) a report from a Qualified Inspector dated within thirty (30) days of the date of the application confirming that the septic system at the Short-Term Rental Unit is functional;
 - (g) if there have been no changes to the site sketch, floor plan, Fire Safety Plan or electrical wiring, a statement signed by the Owner declaring that there have been no such changes;
 - (h) if there have been changes to any of the site sketch, floor plan, Fire Safety Plan or electrical wiring, such updated documents as are necessary to satisfy the requirements of section 6.4 of this By-law;
 - (i) proof of insurance for use as a Short-Term Rental Unit;
 - (j) consent for the Township to use any information, database and/or registry available to it to verify information provided by the Applicant or to enforce the provisions of this By-law;
 - (k) where the Applicant is an Agent, an authorization and consent form signed by the Owner authorizing the Agent to act on the Owner's behalf; and
 - (l) a statement signed by the Owner certifying the accuracy, truthfulness and completeness of the application.
- 6.6. Notwithstanding section 6.5, the Licence Administrator may require the Applicant for a renewal of a Licence to include in the application anything that is required under section 6.4 where, in the opinion of the Licence Administrator, the renewal application is substantially different than the initial application or if circumstances warrant it.
- 6.7. Where a Licensee fails to submit an application to renew a Licence no less than ninety (90) days prior to its expiration, the application to renew the Licence will be processed as a new application under section 6.4.

- 6.8. The submission of an application to renew a Licence does not authorize, entitle or permit the Applicant to continue operating the Short-Term Rental Unit after the expiration of the existing Licence.
- 6.9. All owners shall include the valid current license number on all i. advertisement and promotional materials ii. websites iii. contracts and agreements entered into with a renter. The valid current license number shall also be posted in a conspicuous location on the dwelling.

7. REVIEW OF APPLICATION AND PREMISES INSPECTION

- 7.1. The Licence Administrator shall receive all Licence applications and shall maintain a record to document all applications received and all Licences issued pursuant to this By-law . The Licence Administrator shall further establish and maintain a registry of all Short-Term Rental Units in the Township and shall be posted on the website. (applicants would have already given consent in 6.4(m) to release the information)
- 7.2. Upon receipt of a complete application as set out in section 6 of this By-law, the Licence Administrator may require such additional information and/or documents as the Licence Administrator determines are reasonably necessary to ascertain if the Applicant is entitled to a Licence under the provisions of this By-law.
- 7.3. Upon receipt of a complete application as set out in section 6 of this By-law and any additional information or documents required by the Licence Administrator in accordance with section 7.2 of this By-law, the Licence Administrator may require an inspection of the Short-Term Rental Unit to ascertain if the Applicant is entitled to a Licence under the provisions of this By-law.

8. ISSUANCE OF LICENCE

- 8.1. The Licence Administrator shall issue a new Licence or a renewal of a Licence to any Owner who meets the requirements of this By-law.
- 8.2. Notwithstanding section 8.1 of this By-law, the Licence Administrator may at any time impose such terms and conditions on a Licence as the Licence Administrator considers appropriate in the circumstances, including but not limited to terms and conditions pertaining to the size, location or particulars of the Short-Term Rental Unit, and may refuse to issue or renew a Licence or may suspend or revoke a Licence in accordance with sections 9 and 10 of this By-law.
- 8.3. The Licence fee paid by the Applicant for a new Licence or a renewal of a Licence is non-refundable if a decision is made by the Licence Administrator to refuse to issue or renew a Licence or to suspend or revoke a Licence.

- 8.4. Every Licence issued under this By-law shall be in the form that is prescribed by the Township and shall include without limitation the following information:
- (a) the Licence number; **NUMBER OF BEDROOMS, NUMBER OF MAX OCCUPANTS**
 - (b) the municipal address of the Short-Term Rental Unit;
 - (c) the name, address and telephone number of the Owner/Licensee; and
 - (d) the date on which the Licence was issued and the date on which it expires.
- 8.5. All Licences issued or renewed pursuant to this By-law shall be valid for a period of **ONE (1) year** two (2) years from the date of issuance or renewal, as the case may be. **Fire, Water and Septic inspection could be every two years.**
- 8.6. Licences issued or renewed pursuant to this By-law are not transferable to any Owner or Short-Term Rental Unit other than those identified on the Licence. An otherwise valid Licence shall automatically expire upon a change in ownership of the Property where the Short-Term Rental Unit is situated.
- 8.7. Licences issued or renewed in accordance with this By-law are conditional upon the Licensee's compliance with this By-law, all Applicable Law and any terms or conditions imposed on the Licence.

9. REFUSAL TO ISSUE OR RENEW A LICENCE

- 9.1. The Licence Administrator may refuse to issue a new Licence or a renewal of a Licence where:
- (a) the past conduct of the Owner or the Agent of the Owner affords the Licence Administrator reasonable grounds to believe that the Owner or Agent has not or will not operate the Short-Term Rental Unit with honesty and integrity and/or in accordance with this By-law and all other Applicable Law;
 - (b) the Licence Administrator reasonably believes that an application or other document submitted by or on behalf of the Owner contains false information;
 - (c) the Licence Administrator reasonably believes that issuing a Licence may be adverse to the public interest;
 - (d) the Licence Administrator reasonably believes that issuing the Licence may pose a threat to the health and safety of persons or property;
 - (e) a Licence issued to the Owner was suspended or revoked under section 10 of this By-law within the previous two (2) years;
 - (f) a Short-Term Rental Unit or the Property on which it is situated is in violation of or is subject to any order or orders made under Applicable Law including any by-law of the Township or Niagara Region, the *Building Code Act*, the Building Code, the *Fire Protection and Prevention Act* and/or the Fire Code;
 - (g) the Owner owes any fine or fee to the Township in relation to the Short-Term Rental Unit; or

- (h) the Owner of the Property or the Property on which the Short-Term Rental Unit is situated is indebted to the Township by way of fines, administrative penalties, judgments and/or past due property taxes.

10. SUSPENSION OR REVOCATION OF LICENCE

10.1. The Licence Administrator may suspend or revoke a Licence at any time where:

- (a) the Licence was issued or renewed in error;
- (b) the Licensee contravenes the provisions of this By-law;
- (c) the Licensee fails to comply with the requirements of this By-law, all other Applicable Law and/or any terms or conditions imposed on the Licence;
- (d) the Short-Term Rental Unit and/or the Property on which it is situated do not comply with the provisions of this By-law or other Applicable Law;
- (e) the total number of demerit points imposed upon a Licensee in accordance with section 13 of this By-law exceeds the prescribed maximum;
- (f) the Licensee fails to pay any property taxes, administrative penalties or fines owing to the Township within the prescribed time;
- (g) the Licence Administrator reasonably believes that the Short-Term Rental Unit being licensed poses a threat to the health and safety of persons or property; or
- (h) the Licence Administrator becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Licence Administrator refusing to issue or renew the Licence.

10.2. The Licence Administrator may suspend a Licence for a period of time and subject to such terms and conditions that the Licence Administrator considers appropriate.

11. NOTICE AND APPEAL

11.1. Where the Licence Administrator refuses to issue or renew a Licence or suspends or revokes a Licence, the Licence Administrator shall provide written notice to the Applicant or Licensee of the decision and of the grounds on which the Licence was refused, suspended or revoked.

11.2. The written notice required under section 11.1 of this By-law shall be sent to the Applicant or Licensee by registered or regular mail, personal service or email to the last known address of the Applicant or Licensee and shall be deemed to have been served on the fifth day after it was mailed or, in the case of email, on the day that it was sent.

11.3. An Applicant or Licensee whose Licence has been refused, suspended or revoked may, within ten (10) days of being notified of the refusal, suspension or revocation, as the case may be, submit an application to appeal to the Appeals Committee for a review of the decision.

- 11.4. An application to appeal to the Appeals Committee shall be submitted in writing to the Licence Administrator and shall be accompanied by the full appeal fee as set out in the Fees and Charges By-law.
- 11.5. Where no application to appeal is submitted to the Licence Administrator within the prescribed period, the decision of the Licence Administrator shall be final.
- 11.6. On appeal, the Appeals Committee may affirm, vary or reverse the decision of the Licence Administrator and may direct the Licence Administrator to issue, renew or reinstate a Licence.
- 11.7. The appeal fee paid by the Applicant for an application to appeal to the Appeals Committee shall be refunded in full if the Appeals Committee varies or reverses the decision of the Licence Administrator. **Do NOT return the fee to challenge the license decision. Court cases/appeals don't return the fees. Time is money and people should expect to pay to challenge the decision. Unless there is some legal reason you'd be doing so.**
- 11.8. The decision of the Appeals Committee is final.
- 11.9. Matters arising during the course of an appeal that are not provided for in this By-law shall be governed by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.
- 11.10. No Person whose appeal from a decision to refuse, suspend or revoke a Licence has been finally decided by the Licence Administrator or the Appeals Committee shall apply for a Licence for one (1) year after the date of the final decision.

12. LICENCE CONDITIONS

- 12.1. The following conditions are attached to every Licence issued under this By-law:
- (a) the Short-Term Rental Unit is lawfully constructed;
 - (b) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of the Licence shall be posted in a conspicuous interior location within one (1) metre of the primary entrance to the Short-Term Rental Unit;
 - (c) when a Dwelling Unit is occupied as a Short-Term Rental Unit, the Licensee shall ensure that no vehicle is stopped or parked on any part of the Property except in accordance with the site sketch submitted with the application;
 - (d) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of the Fire Safety Plan shall be posted in a conspicuous interior location within one (1) metre of the primary entrance to the Short-Term Rental Unit;
 - (e) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of an approved Boil Water Advisory notice shall be posted in a conspicuous and visible location in each room of the Short-Term Rental Unit;
 - (f) the Licensee shall ensure compliance with all Applicable Law;

- (g) the Licensee shall allow, at any reasonable time and when permitted by law, the Township to inspect the Short-Term Rental Unit to ensure compliance with this By-law;
 - (h) the Licensee shall ensure that the Licensee or the Agent of the Licensee is available to attend at the Short-Term Rental Unit at all times within a period of no more than **ONE (1)** two (2) hours after being contacted by telephone or email; and **The owner of STR should have a person respond on site within 1 hour ***consider removing Responsible Person as per demerit system Schedule A**
 - (i) the Licensee shall maintain records in relation to the operation of the Short-Term Rental Unit, including the dates of use and the number of occupants, **names and home address of renters/occupants/guests to be kept on site (for reference should bylaw require it during unscheduled visit)** and shall submit said records to the Licence Administrator upon request. ***failing to have the home address may result in damage to property/person being untraceable.**
- 12.2. The Licence Administrator may, at any time during the term of a Licence, impose such additional terms and conditions as the Licence Administrator determines are necessary and appropriate to give effect to the purposes of this By-law.
- 12.3. Where a Licensee is dissatisfied with a term or condition imposed by the Licence Administrator in accordance with section 8.2 or section 12.2 of this By-law, the Licensee may request a review of the term or condition by the Appeals Committee in accordance with section 11 of this By-law.
- 13. DEMERIT SYSTEM-Some municipalities double the demerit point penalty for second offences of noise and nuisance infractions. We would suggest the same.**
- 13.1. If at any time the Licence Administrator determines that the operation of a Short-Term Rental Unit does not comply with this By-law, other Applicable Law and/or any terms or conditions imposed on the Licence, the Licence Administrator shall impose demerit points upon the Licensee in accordance with Schedule "A", which is attached hereto and forms part of this By-law.
- 13.2. Demerit points shall remain in place for two (2) years after the date of imposition.
- 13.3. Where a total of ten (10) demerit points is imposed upon a Licensee in relation to one Short-Term Rental Unit, the Licence for that Short-Term Rental Unit shall be suspended for a period of three (3) months from the date on which the tenth demerit point is imposed.
- 13.4. Where the Licensee fails to correct the violations that resulted in the imposition of the demerit points within the suspension period, the Licence for that Short-Term Rental Unit shall be revoked.
- 13.5. Where a total of fifteen (15) demerit points is imposed upon a Licensee in relation to two or more Short-Term Rental Units owned by the Licensee, the Licences for

all Short-Term Rental Units shall be suspended for a period of three (3) months from the date on which the fifteenth demerit point is imposed.

13.6. Where the Licensee fails to correct the violations that resulted in the imposition of the demerit points within the suspension period, all Licences shall be revoked.

13.7. A Licensee may submit an application to appeal to the Appeals Committee for a review of a decision to impose demerit points and/or to suspend or revoke one or more Licences under this section in accordance with section 11 of this By-law.

14. ENFORCEMENT

14.1. For the purposes of enforcing this By-law, the Licence Administrator or an Officer may exercise any power, authority or remedy granted to the Township pursuant to the *Municipal Act, 2001* and the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 ("*Provincial Offences Act*").

14.2. The Licence Administrator or an Officer may, at any reasonable time and when permitted by law, enter any Short-Term Rental Unit for the purpose of carrying out an inspection to determine if the Short-Term Rental Unit is in compliance with this By-law and may make any order necessary to bring the Short-Term Rental Unit into compliance.

14.3. Where the Owner of a Short-Term Rental Unit fails to comply with an order made pursuant to section 14.2 of this By-law within the time prescribed in the order, the Township may carry out any work necessary to bring the Short-Term Rental Unit into compliance, which work shall be done at the expense of the Owner.

14.4. No Person shall hinder or obstruct the Licence Administrator or an Officer carrying out an inspection for the purposes of enforcing this By-law, nor shall any Person hinder or obstruct the Township or its agents from carrying out any work necessary to bring a Short-Term Rental Unit into compliance with this By-law.

15. OFFENCES AND PENALTIES

15.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.

15.2. Where an Officer is satisfied that a Person has failed to comply with any provision of this By-law, the Officer may issue a penalty notice imposing an Administrative Monetary Penalty. The Administrative Monetary Penalties for failures to comply with this By-law are set out in Schedule "B", which is attached hereto and forms part of this By-law.

15.3. Township By-law No. 027-2019, as amended by Township By-law Nos. 079-2019 and 005-2020, Being a By-law to Establish an Administrative Monetary Penalty

System for Non-Parking Related Offences, applies to each Administrative Monetary Penalty issued pursuant to this By-law.

16. GENERAL

- 16.1. In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used with a reference to any gender shall be deemed to include all genders.
- 16.2. If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall remain in full force and effect.
- 16.3. If there is a conflict between a provision of this By-law and a provision of any other by-law of the Township, the provision that establishes the higher standard shall prevail.
- 16.4. Any reference to legislation in this By-law includes the legislation referred to and any amendments, replacement, subsequent enactment or consolidation of such legislation.
- 16.5. This By-law shall come into full force and effect on the date on which it is passed.

Schedule "A"

License to Regulate Short-Term Rentals Demerit Point System

Type of Infraction	By-law Section	Demerit Points
Failure to comply with the Fire Protection & Prevention Act	6.4 (h)	10
Failure to comply with the Fire Safety Protocol	6.3 (g) & 12.1 (d)	10
Obstruction of Inspection	14.4	5
Failure to comply with the Ontario Building Code Act	6.4 (k) & 12.1 (a)	10
License number not posted	12.1 (b)	4
Failure to comply with Orders under EMCPA	12.1 (e)	5
Failure to comply with the Reopening Ontario Act	12.1 (e)	5
Failure to comply with the Open Air Burn By-law	12.1 (e)	2
Failure to comply with the Health Protection and Promotion Act	6.4 (i) & (j) & 12.1 (e)	4
Failure to comply with the Nuisance By-law	12.1 (e)	2
Failure to comply with the Noise By-law	12.1 (e)	2
Failure to comply with the Fireworks By-law	12.1 (e)	2
Non-Availability of Responsible Person Licensee or Agent ***remove wording Responsible Person otherwise you need definition of Responsible Person	6.4 (b)	3
Not providing updated information	6.4 (l)	3
Failure to comply with the Parking By-law	6.4 (d) & 12.1 ©	2
Failure to comply with the Zoning By-law	6.4 (f)	2
Failure to comply Property Standards By-law	12.1 (e)	2
Failure to comply with the Clean Yards By-law	6.4 (d)	2
Failure to comply with the Fence By-law	12.1 (e)	2
Exceeding Occupancy limit	4.5	5
Failure to vacate guest 11-07	4.7	5 crux of party house
Use of outdoor hot tub or outdoor pool between 11pm-07am	4.8	3

DRAFT

Schedule "B"

License to Regulate Short-Term Rentals Short Form Wording and Administrative Penalties

Section	Short Form Wording	Penalty
4.1	Operate a Short-Term Rental without a License in accordance with this by-law.	\$1,500.00
4.2	Non-Compliance with conditions of the License.	\$1,000.00
4.3 4.4	Park on property not in approved location.	\$500.00
4.5	Occupancy limits exceed permitted 2 persons per bedroom. Exceeding maximum occupancy limit for license. Having guests between the 11pm-7am hours.***	\$750.00 \$750.00
*4.6??	Operating short term rental unit while a building permit has been issued at the property.	\$750.00
*4.7??	Operating short term rental unit over 120 days in one calendar year.	\$750.00
14.2	Fail to comply with order.	\$1000.00
14.4	Hinder or obstruct an officer carrying out an inspection or work.	\$1,500.00

- Above * denotes in event our additions would change numbers

- Limiting the number of bedrooms to three
- Limits the number of guests
- Limits the number of problems

- We believe that the fee structure should be based on the Fort Erie fee structure. 1&2 bedroom 750 dollars per year and 3 bedroom 1250 dollars per year.
- Having reviewed the draft bylaw for the regulation of STR in the Township of Wainfleet we believe the best way to avoid problems is by limiting the number of occupying and non occupying guests which may best support the initiative to prevent party houses and large party like gatherings. No commercial use i.e. weddings for non residents on STR premises, bachelor/bachelorette parties should be permitted.
- Having a 3 bedroom limit with a maximum guest limit of 8 people would be our best defense to preventing party houses from being established or continuing to operate.
- This format for regulating STR would benefit all parties involved. It allows cottage owners to generate income while not sacrificing the peace, harmony, fit and characteristics of the existing neighborhood.
- Every license posted must include the license number, number of bedrooms and max occupancy limit so that bylaw, renters and owners or their agents know the limits.

-

DRAFT

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-10-22 9:13 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Monday January 10th 2022 9:12 PM with reference number 2022-01-10-003.

- **First Name**
Rosanna
- **Last Name**
Millar
- **Address**
11240 Harbourview Road, Port Colborne L3K 5V4
- **Phone Number**
- **Email**
- **Comment**
Looks good. To clarify, is "short term" a rental for less than 30 days or a minimum of a 30 day period? The latter would be best in my opinion. Are these licences going to be reported to CRA?
Regards,
Rosanna

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-10-22 9:39 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Monday January 10th 2022 9:38 PM with reference number 2022-01-10-004.

- **First Name**
Rosanna
- **Last Name**
Millar
- **Address**
11240 Harbourview Road, Port Colborne L3K 5V4
- **Phone Number**
- **Email**
- **Comment**
Since these places are generating income are they going to be rezoned from residential to commercial? Will their property taxes be reflective of the rezoning? Will they have to provide proof of insurance reflecting property being used as a business?
Rosanna

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-11-22 5:20 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday January 11th 2022 5:19 PM with reference number 2022-01-11-003.

- **First Name**

Jacqueline

- **Last Name**

Allen

- **Address**

10325 Lakeshore Road

- **Phone Number**

- **Email**

- **Comment**

Investors, developers, home owners, and retirees are targeting the Niagara region like never before as this is one of the last affordable areas in Southern Ontario. We already know its treasures. Lake Erie is gift. So, how do we align commerce, growth and development while maintaining the integrity of our community. This requires overarching goals and plans far reaching but so affected by daily decisions and ongoing challenges - while also looking to satisfy short, mid and long term goals.

I doubt anyone is looking to dampen the opportunity for new commerce and growth in our community and I for one would like to better understand what this looks like in terms of plans and vision. Begs the question, what types of processes, laws and bi-laws do we need to have in place to ensure development and planning is executed responsibly, ethically and environmentally. How is this plan being worked and safe guarded. I do realize the gift of where we live and I am no expert but I do endeavour to learn more going forward.

Let's talk about Lake Erie as a segue to the current issue surrounding bi-laws for short term rentals in Wainfleet.

Her history and connections to the canal are long and and she borders two

countries. She supports the fisheries and much trade and acts as a gateway to industry. She is a living thing and her gift to us, outside of industry - old and new - is her many beautiful beaches both public and some private - for all of us to enjoy,

There is a price of admission for this, we pay taxes and for those who reside on the shoreline - we pay considerably more taxes - which help fund things for everyone in this great Wainfleet community. We willingly pay this price of admission plus several hundreds of thousand more dollars to build storm walls with rock and steel to help keep the lake from eroding our shorelines. These are homes and cottages that we have invested in for our families, for family time - picnics, bbq's , swimming, beach combing, early evening bonfires with our families to enjoy the lake and beach and lovely views in a tranquil respectful way. We value and respect our neighbours as they do us in return and all of us, respect our community. This is an investment in our wellbeing , our health, happiness and gratitude and we revere and respect this privilege we afford to ourselves and others. Our investments are not based on greed and how we can rape all the money out of our properties by offering short term rentals week in and out or weekend after weekend .

We are courteous residents who wave and say hello to those who walk our beaches. We respect one another's privacy and properties - all here for the same reasons . We listen to the silence and the surf and the birds and to the children playing and laughing in the water. We value and appreciate all that this is. Somehow these last few years we have become hostage to - all inclusive party rental homes - short term rentals - who are bulging beyond capacity - multiple beds in living and dining rooms, setting up auxiliary sleeping tents on side lawns and the beach and blasting us several days in a row with caustic loud music containing foul lyrics, on top of their own use of foul language and yelling. A walk on the beach in the morning finds us skirting empty cans, beer bottles, water bottles, food wrappers and burned out firework debris. Just a tide or breeze away from blowing on neighbouring properties, and worse into the lake. In light of MIA landlords, we the neighbours clean this up and for the remainder of the week drive by the garbage on the roadside that hasn't been properly stored and strewn about by animals. Every evening seems to end in a firework display with more yelling, loud music and swearing - such a lovely evening on the beach for the rest of us. Another night of urinating openly off of the rental home's decks into our neighbours yards . This after a day of a flotilla of rafts playing loud music, yelling and swearing and where empty cans, beer bottles and cigarette butts are dropped in the water as they float by our homes. Most neighbours are intimidated and scared to approach - these are big groups we know nothing about. In broad day light I have stopped these neighbouring renters from taking our firepit and chairs and wood - and felt slightly threatened at the abuse I received back. Now they are renting jet skis and operating them with no common sense driving too fast and too close to the shore and swimmers and kayakers. I have spend 4 years on this lake after a good 25 on another lake and I have seen some terrible things happen when people who don't know what they are doing operate watercraft - who have no respect for others on the water and usually a few beers in - makes for a very

anxious time for others on the water.

What drew us here is the community, the people, the beautiful beaches and the peacefulness and respect the neighbours have for one another. Never felt I had to worry about belongings in my backyard.

This is what will happen - this beauty and tranquility we all treasure in our community and our beaches and that attract like minded responsible neighbours and guests will evaporate. People will no longer want to invest in the area as homeowners or cottagers - who wants to invest in a community who has no control over short term rentals , who is going to want to stay and pay taxes that aren't supporting the interests of the residents in this community. I have not even touched on our ecological welfare and how this is being affected now and in the long term. Now is the opportunity to put some serious constraints in place, bi-laws, rules whatever it takes before we lose this special place we have been gifted as a community. If there ever is a time to err on the side of caution - this is it. While we can look at what other communities have put in place, I believe foremost, we all need to look at what we want for our community and plan accordingly. What do we need to instill to safeguard the things we cherish in our community, for our growing community and our children. No one is looking to dampen the opportunity to develop commerce and growth but let's have a plan for what growth, commerce and development looks like for us and at what cost. What is the vision for our community and how do we grow and protect it while realizing the vision. Development not done well hurts us all. Let's begin with short term rentals - this is a quickly growing trend and is changing the face of our community in a negative way. I reiterate, this is a special place - we are a less hidden treasure - let's choose wisely how we grow and protect our community for generations to come. What bi laws will work for us - specifically for us for today and tomorrow

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-11-22 6:04 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday January 11th 2022 6:02 PM with reference number 2022-01-11-005.

- **First Name**

Marion

- **Last Name**

Morrison

- **Address**

11269 Harbourview Road WAINFLEET

- **Phone Number**

- **Email**

- **Comment**

My name is Marion Morrison. I live at 11269 Harbourview Rd., Wainfleet. Harbourview Rd. is a dead end street in a quiet residential neighbourhood of single family dwellings. The majority of the residents are retirees who have lived here for many years. I was a cottage owner in Morgan's Point for several years, and in August 2019, I purchased my current home for my retirement.

The property next door to me at 11267 Harbourview Rd. was purchased as an Air B and B in October 2020, although initially the owner attempted to deceive her neighbours by pretending she and her family would be living there full time. She and her mother fabricated an elaborate web of lies over the course of several months to give the impression this would be a permanent residence. In June 2021, it came to my attention from a neighbour that the house has been listed as an Air BnB rental since October 2020. The owner, who advertises on her website that she is a property investor, has never lived in it the house, and rarely visits. The Air BnB website lists the house for \$1969.00 a night, minimum 2 night stay. There is a cleaning fee of \$275.00, and a service fee of anywhere from an additional \$175.00 per day, depending on the number of nights booked. Although the house was sold as a 4 bedroom house, the ad boasts that it sleeps 15. The house was fully occupied all through the spring, summer and most of the fall, with

groups ranging in numbers from 10 to 25. Frequently, one group would be gone by 11:00 a.m. and the next would show up by 3:00 p.m. the same day. The owner rented the house to capacity for the entire summer, even when Ontario was in a lockdown, ignoring that indoor gatherings were restricted to just 5 people. (I submitted 3 separate by-law complaints to the Township during this time period, but they were not investigated until after Covid restrictions were lifted, and the owner subsequently faced no sanctions or fines.)

From researching her Air BnB bookings, I have estimated that throughout 2021 the owner has likely collected \$150,000.00 in revenue. The amount could be closer to \$200,000.00 because she also rented to groups who did not show up on the Air BnB rental booking site.

At the end of this submission, I have included a few examples to demonstrate how my life has been disrupted by this rental business operating next door. Unfortunately, I share a boat ramp with this property.

Issues and Concerns with the Current STR Draft

Why are we considering issuing rental licences in the first place?

I first wish to point out that this whole process completely ignores what effect STR's will have on the community. The only purpose of the By-law is to "encourage short term rental owners into supplying a safe, responsible and respectable accommodation". I have seen no discussion about how our community will be enhanced by allowing rental businesses, essentially hotels, to be operated in residential neighbourhoods. There has also been no discussion around how rental businesses will change the character of the neighbourhood. With the above mentioned rental in mind, this is clearly a business - the owner has no commitment or vested interest in the community or the well-being of the permanent residents. The renters are short term and therefore have no connection to the community. The sheer numbers of people staying at any given time does not fit the character and quality of this residential, single family dwelling neighbourhood. This particular house has been modified to become a multi-family dwelling in a neighbourhood where most families consist of 2 to 5 people. Aside from the environmental impact of allowing a multi-unit house to operate (well water, septic systems, lack of sufficient parking, increase in garbage, recycling, etc.) the constant influx of large groups of strangers is disruptive to the permanent residents. It also brings an increase in problems, and subsequently calls for service (By-Law, Police).

If we must allow Short Term Rentals to operate within our residential neighbourhoods, limit the number of rentable rooms to 3 and maximum 8 occupants.

Allow rental properties a maximum number of 8 guests, and limit the number of non-paying (non-registered) guest/visitors to not allow the total number of people at the house to exceed 8. (e.g. 6 renters and 2 visitors, or 4 renters and 4

visitors, 8 renters and 0 visitors). If there is nothing specific in the By-law to address maximum numbers allowed to be in the house and on the premises, there will be nothing enforceable if the renters decide to host a large party, or to circumvent the maximum number of paying guests and allow more than 8 people to stay at the rental property. Limit the numbers of rooms that can be rented to 3. If the house has been modified to accommodate more than 3 bedrooms, the extra rooms and sleeping areas shall be closed off.

Parking issues and road safety

In October 2021, the house was rented for a wedding with approximately 25-30 vehicles lining the street, parked on the grass and narrow roadway. A call to By-law left me feeling defeated yet again. While I now understand that the residents on Harbourview Road can apply to be included in the parking by-law to prohibit on-street parking, and subsequently be able to have it enforced by the Township, I don't believe the onus should be on the existing taxpayers/property owners to seek remedy for an issue created by a rental business that opens up in a residential single family dwelling setting. We have never needed a parking by-law here because no one was renting to large groups of people who need to block the roadway with their cars. Overflow/on-street parking (that which the rental property cannot accommodate) should not be permitted at all. The onus should be on the rental owner to provide enough parking on the rental property. The STR by-law should include an enforceable clause that restricts the number of vehicles to the number of parking spots available on the property. This makes more sense than putting the onus on the permanent residents to go through the onerous process of seeking to have a by-law put in place, and then further having to repeatedly call and hope to have it enforced. This in itself is unlikely, since most violations will occur outside of the By-law officers' office hours, and won't likely be enforced after the fact (See above re 3 By-law complaints). Other cottage communities' STR by-laws include rules around parking to prevent on-street parking. There shall be one parking spot on the property for each bedroom being rented with on-street parking forbidden. This allows for traffic to flow safely and freely with no disruptions for permanent residents. This would also eliminate the need for By-law officers to respond for parking complaints. Instead, the property owner can be notified by By-law to immediately remedy the situation and be issued the appropriate number of demerit points for any violations.

Financial impact of STR's on our community – what's in it for us?

Other communities who have implemented Short Term Rental By-laws have incorporated a surplus tax for those homes which are strictly investment properties. Permanent residents, who wish to rent out their cottage occasionally when they are not using it themselves are not taxed. This keeps it fair for those who do it to help with their mortgage and upkeep, and have a stake in the community, as opposed to those who use the rental property strictly as a source of revenue. For owners who wish to claim "permanent residency", I would suggest they must be able to prove they occupy the home for at least 90 days of the year.

And while there is nothing in the draft about rental licencing fees, other communities have structured the fees based on the number of rooms being rented. Considering the financial impact these rental properties have on our community, the licences should be structured accordingly, and of an amount that will offset all of the costs incurred to manage the licensing system. In South Bruce Peninsula, an excellent use of the revenues collected for licencing and taxes is put toward Harmari STR, software designed to help the municipality administer the rental properties to ensure compliance. This takes the burden off the local By-law officer who already has a full portfolio.

Additionally, the proposed 180 day rental period is pretty much the entire cottage season. That doesn't leave much time for permanent residents to enjoy their own properties without the constant turnover of renters next door. Could this number be scaled back to 120 or even 90 days? This still allows for ample rental income, and lets the permanent residents enjoy at least some of the summer in peace.

Minimizing disruption for the permanent residents = less problems = less complaint driven enforcement = less work for By-law and Police

Rather than simply referring to already existing bylaws for noise, nuisance, fireworks, etc., in the Demerit Point System chart (Schedule A), there should be a clause that holds the property owner directly responsible for any guests, including non-paying visitors, for behaviour that is offensive, vexatious, intimidating or harassing toward neighbours, including but not limited to sexual harassment, public drunkenness, public urination, profanity, loud yelling and screaming. Any breaches should carry the option of requiring the guests to immediately vacate the premises. I believe this clause is essential because there is nothing in the By-law that prevents the renters from hosting a large scale event or party.

Also, the owner should be required to ensure any guest with dogs or cats ensure animals are leashed while outdoors, and ensure animal feces is picked up and disposed of properly.

Additionally, information gleaned from other communities' by-laws:

Guests should not be permitted to use fireworks at all.

Use of outdoor hot tubs and pools shall not be permitted between 11:00 p.m. and 7:00 a.m.

Use of outdoor patio areas and beach front used after 11:00 p.m. shall be in accordance with the noise by-law.

No use of outdoor speakers

No large events (Weddings, Parties, Concerts)

And lastly, I ask members of Council to put themselves in my shoes and think

about how it would feel to experience a complete loss of privacy and safety because of a wealthy investor who has no interest in maintaining the character and integrity of an established community- minded neighbourhood. If we see this by-law enacted as it is, there will be a sharp increase in complaint driven enforcement because it is too vague and incomplete. The onus should not fall to the permanent residents to police their own neighbourhoods, and subsequently become the problem. A few critical additions and changes would create a by-law that is more inclusive, proactive and enforceable. It would accommodate and support those who wish to rent their homes while still keeping the interests of the permanent residents front and centre, and maintain the character of the neighbourhood.

Questions and Concerns about the Implementation of the By-law

Who will be tracking the rental bookings to ensure compliance?

Will the onus be on the community to police their neighbours and call by-law for every infraction?

Will there be a public list of licences posted with details around occupancy limits / dates of occupancy?

What I Did Last Summer – Examples of What It’s Like to Live Next Door to A Rental Business

These are a few examples of what I endured this past summer. There are many more examples, but I’ve only included a few to give you a sense of the loss of enjoyment of my home.

In the early spring of 2021, the house was rented to two people for approximately three months. Other than allowing their cat to roam freely and do its business on the neighbours’ properties, they were quiet enough. Throughout the spring, summer and fall of 2021, however, the house was constantly occupied by renters ranging in groups between 10 to 25 or more people. A large portion of this short term occupancy occurred during periods of a provincially mandated lockdown, with indoor gathering restrictions being limited to five people. Despite this, renters did not wear masks and did not practice social distancing, nor did the owner make any attempt to comply with the restrictions. The majority of the renters were from the Toronto area, and it was obvious from the numerous vehicles parked in the driveway and on the road that the people renting were not all from the same household. The renters and the property owner were in blatant violation of the provincial Emergency Act[1]. As previously mentioned, I share a boat ramp with this property, and that is my only access to the lake. The concerns for my health and the very real possibility of becoming infected with Covid became a daily concern for me, and greatly impacted my ability to enjoy my property. Besides the health concerns, I also suffered a complete loss of privacy, with a turnover of large groups of new renters every few days, with no down time in between

tenants. All summer long and into the fall, I was subjected to loud music, public intoxication, public urination both in the lake and on the property, fireworks displays beside my house, loud hot tub parties late into the night, and barking dogs running loose on the property. On one occasion, I was sexually harassed by several men renting the house. As I made my way down my side of the boat ramp with my paddleboard, I had to walk a "gauntlet" of catcalls and wolf whistles by the intoxicated group of 8 to 10 men.

One weekend when a large group of males were renting, I called Niagara Public Health in an attempt to enforce the Covid gathering restrictions. I had done some research during the previous week, and was advised the Covid Enforcement Team was more likely prepared to deal with Covid violations than the local By-law office. Unfortunately, the enforcement teams were occupied at the vaccination clinics, so the call defaulted to police. The NRPS attended but the officer refused to enforce the provincial emergency regulations, citing his personal opinion that the provincial regulations were "unenforceable". This was during a time period when other jurisdictions were diligently enforcing the public gathering restrictions in an effort to prevent the spread of Covid. With no consideration for my personal safety and showing a severe lack of judgement, the officer spoke to me in front of the group of men, most of whom had been consuming alcohol since early morning. The officer did nothing to address the Covid violation, and simply left. For the remainder of that weekend, I feared retaliation as the group of men became louder and more boisterous as they continued to consume large amounts of alcohol. With just a few metres separating the two houses, my options for being outside to safely enjoy the weather and my property were limited. I had been shut down once again, and the rental property was permitted to continue to operate in contravention of provincially mandated regulations.

The final straw for me was coming home after a day away and finding a large group of renters had pretty much taken over the beach and waterfront in front of my home with their jet skis moored directly in front of my bedroom window. A neighbour had earlier alerted me that these renters appeared to be considering using my driveway to launch their watercrafts. She knew I wasn't at home, so she confronted them and informed them my driveway is private property. (The rental house does not have any driveway access to the shared boat ramp). My neighbour directed the renters to the public boat ramp 500 meters down the road. I had previously been forced to put a makeshift barrier across my driveway to restrict the number of vehicles using it as a public turn-around. Had this not been in place, I am quite certain the renters would have freely used my private driveway. My suspicion was confirmed when one of the men approached me later while I was out cutting grass and asked if I would move my vehicle so they could use my driveway to bring their jet skis in at the end of the day. When I directed him to the public launch, the male got angry and stormed away. He and his male friend then got on the jet skis and circled around repeatedly in the water directly in front of my house in an effort to annoy and intimidate me. This harassment continued when I later went in the water for a swim.

I did communicate my concerns to the property owner, but it is clear that this

rental home is strictly a business for her, so it is not surprising that she did nothing to address my concerns.

After this incident, I began to spend more and more time away from my home. I felt helpless to do anything. The property owner didn't care – she was making lots of money taking advantage of other landlords who were obeying the Covid lockdown restrictions; Wainfleet By-law, Niagara Regional Police and Niagara Public Health didn't help me when I tried to address the Covid concerns. No one cared that I was being deprived of my rights as a taxpayer to enjoy my own property. The constant groups of renters and the invasive loss of privacy began to affect my physical and mental health. Sadly, my house was no longer my home. The only saving grace has been the arrival of cold weather. The fall and winter months have been wonderful, with only a handful of renters since November. Unfortunately, I and my neighbours are already dreading the invasion of privacy and large groups of partiers the spring and summer months will bring. I do not want to spend my retirement policing the hotel next door. It is not my nature to complain, but out of necessity, we have formed our own neighbourhood watch to monitor the groups constantly coming and going. I have been forced to erect "no trespassing" signs to allow me a small measure of privacy on my beachfront, although I am still in full view of strangers every time I go out to my deck or down to the water. I recently installed security cameras, an expense I really can't afford, but had to do so to protect my personal safety and to have a mechanism in place to record the renters who trespass on my property.

The problems I've endured are primarily caused by large groups of renters who have no investment in the community, and therefore do not respect or understand the nature of this residential neighbourhood. In fact, the renters I did speak with were very surprised to learn that nearly everyone on this street lives here year round. Another group was disappointed to find out that there is no nightlife, or "beach" atmosphere. I reiterate my opinion that a large Air BnB hotel-like rental simply does not fit the character of this neighbourhood.

While I was disappointed upon reading the rather tepid draft of this by-law, I commend Council and all the community partners who have identified the need to enact some legislation to deal with the impact of rental businesses in residential neighbourhoods. I believe more research is necessary to create a by-law that will be proactive in its approach to enforcement rather than complaint driven. My own amateur research of recently implemented STR by-laws in other cottage and waterfront communities reinforces my belief that much more work needs to be done before we can adopt this legislation. The burden and impact of property investors seeking financial gain should not be permitted to overshadow the rights of permanent residents and taxpayers to enjoy their homes.

Respectfully submitted,

Marion Morrison

Staff Sergeant (Ret.)

Waterloo Regional Police

[1] Emergency Management and Civil Protection Act

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Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-11-22 11:00 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday January 11th 2022 10:59 AM with reference number 2022-01-11-002.

- **First Name**

Rose

- **Last Name**

Crumb

- **Address**

12687 LAKESHORE RD

- **Phone Number**

- **Email**

- **Comment**

Our family is completely in support of the STR bylaw. We retired to Wainfleet along the lake in a residential area. Shortly thereafter, an out of town family purchased two cottages in very close proximity and have been operating them as rentals. Our quiet peaceful safe neighbourhood has been negatively affected. Problems include: large groups of people who are noisy, disrespectful, parking on roads and any driveway they can find, horrible language, dangerous bonfires during windstorms, outdoor knife throwing toward the beach, barking dogs. So lovely for the owners to collect their money and not be here to experience the problems. The police have been called and the firemen and they have attended the property several times. Perhaps the owners should pay for the police and firefighters to attend or at the very least be notified when our resources are being used for their gain. I believe a limit on the number of guests including a timeframe for evening visitors would be helpful. Hopefully, septic requirements will be inspected as the smell from overfilled holding tanks leeching into the ground is horrendous. Living beside a hotel is not what we envisioned in our retirement with strange people coming and going at all hours. Some of the renters are nice families and very respectful. However, the majority are not in this category. Thank you.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-12-22 11:13 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Wednesday January 12th 2022 11:11 AM with reference number 2022-01-12-001.

- **First Name**
David
- **Last Name**
Dick
- **Address**
11209 Harbourview Rd., Port Colborne L3K 5V4 Ontario
- **Phone Number**
- **Email**
- **Comment**
Here are a few of my concerns about short term rentals:
 - Noise and nuisance provisions, obscenities, etc.
 - Minimal required spacing between short term rentals to assure that an entire block does not turn into a short term rental district, eg. Long Beach area.
 - Requirements for notifying neighbours, or even for their agreement.
 - A compliant structure through which close neighbours can report problems and issues to the town, or possibly even a mediation structure for disputes.
 - Enforcing no camping or tents on larger lots.
 - No short term rentals in Private Laneways.Thank you for your consideration on these topics.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-13-22 3:30 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Thursday January 13th 2022 3:29 PM with reference number 2022-01-13-004.

- **First Name**

joseph

- **Last Name**

sandelli

- **Address**

10337 lakeshore road W.

- **Phone Number**

- **Email**

- **Comment**

With regard to STRs I would like to start with Wainfleet's Official Plan after considerable legal fees which was drawn up in around 2011 to be in force for 30 years. The theme throughout in a multiplicity of areas was for: protection of...lifestyle, will build on...peaceful safe and quiet environment,intent of council to encourage the...pleasant living environment for Wainfleet residents, maintaining the character of established neighborhoods , the intent of the plan is to protect and enhance the existing character of Wainfleets hamlets and residential areas...and improve the quality of life of existing and future residents, the objective of this plan to...enhance the liveability.

STRs in their current form are growing more rapidly here The experience in other centres with this phenomenon has proved to be mostly negative with fear of violence, loud uncontrolled parties involving lack of sleep and privacy and contravention of department of health issues with covid as a result of overcrowding the STR property . All of this contravenes the intent of Wainfleet's Official plan. I note Wainfleet staff and council have come forth with some ideas of regulations but I would add to and defer to the New STR regulations for Toronto which have been drawn up after longer negative exposure to add to our regulations They are in essence

People wont be able to list their properties on STR sites if it is not a principle

residence

STR rental operators will be required to display their registration # on all advertisement and listings

Registered SRT operators will be required to collect a 4% municipal accommodation tax

STR rental companies such as AirBnV Expedia etc will be required to obtain a licence to do business in the city Note the STR company can only list licenced locations-----

STRs = renting out for less than 28 days

There additionally will be fines for non compliance and loss of licence for repeat offenders.

Policing these units costs should be borne by the STRs only for bylaw enforcement.

Finally historically there are a number of folks who have let family and responsible friends use their cottages for periods in the summer over the years where I think they can still be reasonably accommodated

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-13-22 5:33 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Thursday January 13th 2022 5:32 PM with reference number 2022-01-13-006.

- **First Name**

Randall

- **Last Name**

Shermet

- **Address**

12103 Augustine, Wainfleet

- **Phone Number**

- **Email**

- **Comment**

I am very concerned that the by-law is open for abuse. I believe there should allowance of 2/bedroom with a maximum occupancy of 8 people for a 3 bedroom rental. The maximum number allowed in any unit should be dictated by the number of bathrooms which is regulated by the capacity of the septic system.

Licenses should be revoked if there any by-law infringements such as noise and nuisance.

Licenseses should provide proof of insurance annually as well.

I understand that Fort Erie has a much more comprehensive by-law. Wainfleet should use this as a template.

I have seen it on Augustine where short term renters are noisy and have no regard for property or neighbours. I do not wish this to become the norm.

Best regards,

Randy Shermet

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-13-22 5:24 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Thursday January 13th 2022 5:23 PM with reference number 2022-01-13-005.

- **First Name**
Sherry
- **Last Name**
Torkos
- **Address**
12883 Old Lakeshore Road West, Wainfleet, ON L0S1V0
- **Phone Number**
- **Email**
- **Comment**
Hello,

I am hoping to attend the virtual meeting next week. We purchased a cottage last year and have been renting it out seasonally on AIRBNB. We screen potential renters carefully as we have close neighbours. We don't allow smoking, parties, pets, fireworks and other potential nuisances to neighbours.

I have put together a list of some questions/concerns we have about the proposed by-law:

1. We have concerns about the proposed occupancy limits of 2 people per bedroom. We have 3 bedrooms. One is a loft that accommodates 4 people. It is a spacious area and is not crowded.
2. We have questions about how you are applying the FPPA as it does not currently have provisions for short term rentals. We are aware that residential homes require smoke alarms and CO alarms and we also have put a fire extinguisher in our rental. What fire safety requirements or items are you potentially going to regulate in this new by-law.

3. Who is the agency that will provide the report on portable water. Will the water be tested by providing a water sample from Region?
4. Our septic system was inspected a few years ago when the town came around and did all septic and holding tanks in our area. What will be involved in the inspection for this new by-law?
5. Will the short-term rental licensing fee cover the costs of fire safety inspection, water inspection, septic inspection and all the other requirements in this proposed legislation?

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-15-22 1:58 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Saturday January 15th 2022 1:56 PM with reference number 2022-01-15-001.

- **First Name**

Rico

- **Last Name**

Leone

- **Address**

401 Enterprise Drive

- **Phone Number**

- **Email**

- **Comment**

It seems these bylaws are to make accommodation for short term rentals to operate in zoning that they are not presently permitted. This is being done without consultation with the residents of the areas in which the STRs operate. Most of these STRs operate in residential areas and are not conforming to the residential zoning. Why are the neighbouring property owners not being consulted? When the people purchased or built their homes in a residential zone area they expected that zoning to remain residential. The present property owners did not consent to having a boarding house pop up next door. If a change was requested, neighbouring property owners would be consulted and the request would have to go through the proper vetting process. Why are these STRs being permitted to operate in these residential areas at the expense of the neighbouring property owners loss of peace and privacy and devaluation of property.

This bylaw must include " the property is the owners primary residence" This will keep the property residential and stop the wild parties.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-17-22 5:37 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Monday January 17th 2022 5:35 PM with reference number 2022-01-17-007.

- **First Name**

Brian & Patricia

- **Last Name**

Frith

- **Address**

33425 Case Rd., Lowbanks, On N0A 1K0

- **Phone Number**

- **Email**

- **Comment**

Since Short Term Rental Unit is defined at less than 30 days, is it correct that rentals of 31 days plus do not involve the proposed By-Law or require any licencing?

What constitutes a B&B? If breakfast is provided, does that qualify the rentals to be a B&B and not involve the proposed By-Law?

Why was no attempt made to make certain the public or Lakeshore owners aware of this proposed By-Law other than the website? Couldn't an insert have been added along with our tax bills so people could be better informed and prepared? Makes one think The Township was trying to avoid any negative feedback or resistance to their plan?

You have not mentioned the fee for the licence or the cost to owners of all the required inspections. We along the Lakeshore have already had a sewer inspection when the Water/Sewer Line was proposed. Why yet another? What if the any inspectors are so back-logged with inspections that they cannot get to us prior to commencing of rentals? Covid has stopped short term rentals in the past or limited occupancy to one family. If this was to happen again, the licence and inspection fees would be more money spent for nothing.

4.5 Bedroom occupancy to 2 people for bedroom? What if the bedrooms have 2 double beds, bunk beds or a pull-out couch is provided? Isn't it fair to allow more

in some situations?

6.4 Posting a Boil Water Advisory in every room is totally unnecessary. It should only be required in areas where water is accessible, such as kitchen and bathrooms. Further, if a water treatment appliance is connected to the entire water system and tests prove water potable and safe for consumption, to only require safe signs should be posted. Due to Covid, Niagara Region and Township were (and presently again now) not open to doing water testing. (For some reason unknown to me, they can't even provide a safe drop off). It was necessary to travel out of town twice to a private water testing site to pick up sample bottles and pay to have it done.

8.3 If I pay the licence fee and the Administrator makes a decision to refuse issue, the fee is non-refundable. Please explain?

12.1 What is the Open Air Burn By-Law? Does this change according to weather/dryness?

12.2 How can the Administrator impose additional terms and conditions at their discretion after the Licence has been approved and payment received? How can a contract be altered at anytime by one member of the contract and the other be forced to comply? Doesn't seem legal.

14.2 When is it ever "permitted by law" for an Administrator to enter the premises to do an inspection compliance? Even police need a search warrant to do so.

14.3 What is an example of work deemed necessary to bring the Short Term Rental into compliance at Owners expense?

What percentage of renters caused problems in Wainfleet during the past few summers? Can't our own paid By-Law Officer handle the complaints? Or if necessary, our local police? The Township should also be aware of all the positive things renters bring to Wainfleet. Making it like Canadas's Wonderland? Please, what kind of unjustified, negative thinking is that?

One of our American renters has volunteered to play the organ at Morgan's Point Church for 4-5 weeks for several years to give the Church organist a break and to help out one of our small local churches that struggle to stay open. Other renters bring a lot of positives to Wainfleet by spending money at our local gas stations, watersport equipment rental, restaurants, golf courses, Putt-Putt golf, chocolate store, Avondale & Burnaby stores for food or LCBO, Festivals and others. The Township of Wainfleet should be saying a big "THANK YOU" to the Landlords rather than taxing them more with By-Laws and inspections. Sure, there are some bad eggs amongst renters like anywhere else. Deal with them appropriately, not penalize good landlords and renters. As a long-time resident of Wainfleet, I love Wainfleet and am proud to have people visit and enjoy our great Township as well as supporting our local vendors. Is our Council not equally proud of our Township that they might be willing to share our lovely area along the shores of Lake Erie? How sad the Township is trying to curtail this and many people will be forced to stop renting or perhaps sell their long-loved summer homes due to high taxes and shoreline protection costs with no hopes of self supporting with a couple months of rentals. Will the next owners from Toronto or elsewhere care for Wainfleet like the locals do? I suspect not!!

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Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-17-22 4:29 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Monday January 17th 2022 4:28 PM with reference number 2022-01-17-006.

- **First Name**

Lindsay

- **Last Name**

Frith

- **Address**

13007 Lakeshore Road, Wainfleet

- **Phone Number**

- **Email**

- **Comment**

To Whom It May Concern,

This letter includes my initial comments regarding the Township of Wainfleet's draft By-law to Licence and Regulate Short-Term Rentals in the Township of Wainfleet (draft by-law). My comments are centred around five key themes:

- Need and rationale for the by-law.
- Evaluation of Options for Consideration as presented in the April 20, 2021 Administrative Staff Report.
- Adequacy of consultation on the draft by-law.
- Lack of information regarding implementation and logistics of the by-law (assuming it is passed by Council).
- Errors and debatable specifications within the draft by-law.

Need and rationale for the by-law.

Township staff have a proposed a draft by-law for short-term rentals when the need for such a by-law is unsubstantiated. In the April 20, 2021 Administrative Staff Report, it is stated "It is understood some concerns have been raised with respect to short term rental and activities associated with their use, however Township staff have received very few formal written complaints to date with

respect to short term rentals in the Township (outside of concerns that can be addressed via the Township's existing regulatory by-laws)." This same report also lists the existing regulatory by-laws that are in place that serve to regulate short-term rental uses. With limited reports of issues associated with short-term rentals and the existence of existing by-laws which can be enforced by the Township, the need for a by-law specifically regulating short-term rentals seems unnecessary. This is especially true given the information within the October 26, 2021 Planning Staff Report which notes the collection of application fees associated with licensing short term rentals will not offset the cost of hiring staff resources to process applications and enforce the proposed draft by-law. It would appear the Township will be creating a new staffing position to deal with a non-issue, when money may better be allocated to enforcing the existing by-laws should any complaints be made (specific to short-term rentals or otherwise).

Staff first presented the concept of a short-term rental by-law to the Mayor and Council Members in April 2021, with the draft by-law presented in October 2021. Between the months of April to October, the Township had the opportunity to collect direct and relevant details regarding complaints/issues surrounding short-term rentals as the summer months would represent the prime rental months for the Lake Erie shoreline (which was identified as the location of the majority of short-term accommodations in the April 20, 2021 Administrative Staff Report). Could the Township elaborate on the number of issues report for short-term rentals during this time period? Were reports on by-law enforcement for Clean Yards, Fireworks, Noise Control, Open Air Burning, Public Nuisance, etc., reviewed to determine which were applicable to short-term rentals? Why was information of the 2021 prime rental season not report in the October 26, 2021 Planning Staff Report? Can the Township confirm the number of written complaints that have been received to date regarding short-term rentals? Having specific numbers of complaints would certainly help to substantiate the need for a by-law regulating short-term rentals, or would show that the need is simply not demonstrated.

Evaluation of Options for Consideration as presented in the April 20, 2021 Administrative Staff Report.

The April 20, 2021 Administrative Staff Report presents four options for consideration, including Status Quo, Prohibit Short-Term Rentals in the Township, Regulate via Official Plan and/or Zoning By-law Amendments, and Regulate via Licensing Framework. It is unclear how the Township evaluated the four options as there are no evaluation criteria or analysis presented in determine the Regulate via Licensing Framework as the recommended option. Surely some type of analysis was conducted. In order to support an unbiased and transparent evaluation, can the analysis be made available to the public for review and comment?

Adequacy of consultation on the draft by-law.

The October 26, 2021 Planning Staff Report specifically notes that public consultation is an important factor in the review of the draft by-law, however the Township has not followed the most basic principles of a good consultation program.

While the Township did create a webpage specific to the draft by-law, the public was not notified of this webpage for those who don't have social media and/or visit the Township's webpage on a regular basis. I only heard of the draft by-law from word of mouth. Many of the cottages owned along the Lake Erie shoreline within Wainfleet are not owned by residents of Wainfleet, and a number of them may be owned by citizens of the United States. If consultation is an important factor in this draft by-law as purported by the Township, then why has the Township not done a mail-out notifying property owners of their opportunity to participate? It could be as simple as including a flyer with property taxes.

The Township has not done an adequate job of allowing opportunities for participation in the consultation process. The fact that the virtual public open house is held at 4:00 pm further substantiates this – I personally am taking time off of work to participate in the public meeting. Watching a recorded meeting after the fact does not allow for active participation. The Township could have offered several sessions during various times of the day to accommodate consultation opportunities. For this reason, if there are limited attendees at the virtual public open house, this should not be a signal to the Township that there is a lack of interest, merely that the Township has done a poor job at outreach and accommodation. While it is acknowledged that COVID-19 has changed the way public consultation is conducted, the Township is still required to meet the standards of the Accessibility for Ontarians with Disabilities Act in terms of how information is made available and presented.

The Home-Sharing Guide for Ontario Municipalities (Ministry of Finance 2018), which is appended to the April 20, 2021 Administrative Staff Report, lists a number of potential stakeholders with whom municipalities may want to consult. Noted that the key word here is "may", but there is quite a list of stakeholders some of whom may be interested in the Township's proposed draft by-law. Can the Township confirm the stakeholders from the Home-Sharing Guide for Ontario Municipalities which have been contacted in regard to the draft by-law? Many consultation programs also include a specific contact name and number for the public wishing to obtain further information regarding a proposal. The Township's website only includes forms without allowing for specific out reach to a staff member. Is there a particular reason why no name or contact information was provided?

Can the Township confirm if a Record of Consultation will be made available publicly and/or will a comment-response table be provided for all comments submitted?

Lack of information regarding implementation and logistics of the by-law. Again, with statements that consultation is an important factor in the review of the by-law, comprehensive information needs to be presented for comment. Key details have been omitted, such as:

- What is the anticipated implementation date of the by-law?
- With the Township have sufficient resources to process applications in advance of the rental season (assuming implementation will occur prior to this summer)?

- What is the anticipated review timeline for applications?
- What is the cost for licensing?
- What is the cost for the fire safety inspection report?
- Does the Township Fire Services have capacity to undertake fire safety inspections as it is a volunteer service?

As the Township reports that there is currently (i.e., as of October 26, 2021 Planning Staff Report) not sufficient staff recourse to implement and enforce the proposed licensing by-law it would seem that implementation will not be in the near future. If that's the case, then the Township has the opportunity to delay the consideration of the draft by-law until after this year's prime rental season (i.e., the summer months), in order to gather more evidence to demonstrate the need for this by-law and to gather further input from stakeholders and property owners.

Errors and debatable specifications within the draft by-law.

Please confirm the By-law Section references in the table of Schedule A. By-law Section 12.1(e) states: "when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of an approved Boil Water Advisory notice shall be posted in a conspicuous and visible location in each room of the Short-Term Rental Unit;". In the table of Schedule A, By-law Section 12.1(e) is listed with the following Types of Infractions which are unrelated to a Boil Water Advisory notice:

- Failure to comply with Orders under EMCPA [in addition, EMCPA needs to be defined]
- Failure to comply with the Reopening Ontario Act
- Failure to comply with the Open Air Burn By-law
- Failure to comply with the Nuisance By-law
- Failure to comply with the Noise By-law
- Failure to comply with the Fireworks By-law
- Failure to comply with the Property Standards By-law

I have not completed a thorough review of the draft by-law for errors so recommend the Township take another comprehensive examination of the entire draft by-law.

Is there a particular reason why a Boil Water Advisory notice needs to be posted in every room, such as bedrooms where there is no access to water? Furthermore, if water results confirm there is no issue with drinking water, there should be caveat in the draft by-law that Boil Water Advisory notices do not need to be posted. We personally have invested in a sterilizing system to ensure our water is safe to drink, as evidenced by water sample analysis that we have personally paid for since COVID-19 has restricted access to Niagara Region's existing water testing programs.

Closure

In 1936 my great-grandparents built a small cottage on their Lake Erie property. Subsequently, my grandparents built a cottage on the adjacent property. These properties have been passed to my parents and I. While we are fortunate enough to be able to own cottage properties and still maintain principle residences, maintaining cottages is a costly endeavour. In addition to new windows, roofs,

etc. over the years, in September 2021 we installed a new stormwater wall to protect the properties and cottages at a cost of \$100,000. Our existing stormwater wall was crumbling and with the increased frequency of storms over the past several years, it seemed negligent not to repair the wall before the next big storm comes and potentially does irreparable damage. We rent our cottages, primarily for July and August, in order to recuperate some of the costs of owning cottages. Adding more red tape to rentals and another cost to license them may just be the proverbial straw that breaks the camel's back, compelling us to sell. We are not nameless Air BnB owners out to make a fortune renting to large groups regardless of the damage or nuisance they may cause. My parents and I are local residents of Wainfleet and Smithville who, like many other cottage renters, are trying to preserve our family's heritage to pass along to future generations. Please carefully consider if a short-term rental by-law is necessary in Wainfleet. The evidence presented in in the April 20, 2021 and October 26, 2021 reports seems to support otherwise.
Sincerely,

Lindsay Frith
13007 Lakeshore Road, Wainfleet

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-18-22 10:50 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday January 18th 2022 10:49 AM with reference number 2022-01-18-001.

- **First Name**

Joan

- **Last Name**

Davison

- **Address**

10157 Cedar Crest Rd

- **Phone Number**

- **Email**

- **Comment**

Good Afternoon Council and Staff

My name is Joan Davison, I live at 10157 Cedar Crest Rd Wainfleet

My perspective comes as a Wainfleet resident whose family has lived on the same Lake Erie property dating back to the early 1900s

I will start by saying I strongly support a By Law focusing on STRs

I have experienced the negative changes from our past "cottage community" landscape

The changes are not going away and will continue to impact existing residential communitieswe must be Ready

While I support a strong By-Law, the current draft is cumbersome with the potential to be expensive and difficult to enforce

For me the goal of this bylaw is have rules and consequences only to secure compliance

Here are my 5 suggestions/ideas toward that goal.

1. Dwelling Definition: redefine the term Dwelling as a separate fully functioning living accommodation including its own kitchen, bathroom, bedrooms and living area. A Dwelling is NOT a room within a dwelling (no hoteling), no renting of partial or individual rooms within a dwelling, not a tent, not a trailer

2. STR Dwelling Definition:- any dwelling rented out for any period of time between May 1st to Oct 31st that has more than one tenant/renter (within that six month period). This definition targets the most disruptive timeframe and it allows for renting of properties under leasing agreements as housing vs vacationing ... the word Unit should be eliminated as the word unit implies smaller areas than a dwelling ie a room.

3. Occupancy/Capacity for STR Dwelling:

Recommend NOT to exceed a standard of 2 people per bedroom plus 2

Ex. 3 bedroom dwelling, occupancy capacity = 8

Re: day guests suggest not to exceed dwelling capacity

Ex. 3 bedroom house = 8 people and no higher than 8 day guests

4. Licence and Penalties

Set an appropriate fee for an Annual Licence not every two years

The licence must include the Owners name and contact information, (not a numbered company) and can include an additional contact person with all their contact info but not either or

Approved licence should include the signature by the Owner that they are in compliance with all regulations well listed in the draft bylaw

Penalties for non-compliance to include fines and shutdown periods .

For example first non compliance a set fine and 1 week shutdown

All fines paid in full before resuming any rental activity

Increase level of penalty (fines and shutdowns) if subsequent non-compliance occurs ex. after 3rd then heavier fine with full shutdown for remainder of season

And finally

5. Given that the STR disruptive and chaos issues mainly being identified are in the residential areas along Lakeshore Road, I want to suggest that this By Law be initiated specifically to the Lakeshore Residential (LSR) communities or perhaps even sections of LSR

If broadening is required that can be done in the future

Thank you for the opportunity to provide input to this important and urgent matter so that we in Wainfleet can be ready before May 1st 2022.

Sincerely

Joan Davison

Cedarcrest@sympatico.ca

905-835-7978

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-18-22 12:19 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday January 18th 2022 12:17 PM with reference number 2022-01-18-003.

- **First Name**
Howard
- **Last Name**
Augustine
- **Address**
12155 lakeshore
- **Phone Number**
- **Email**
- **Comment**
Why is bed and breakfast excluded?
Are bed and breakfasts regulated and licensed in wainfleet?
Are b and b's covered under existing bylaw?

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-18-22 1:12 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday January 18th 2022 1:10 PM with reference number 2022-01-18-005.

- **First Name**

Jonas

- **Last Name**

Tomiuck

- **Address**

10357 Lakeshore rd west

- **Phone Number**

- **Email**

- **Comment**

The short term rentals are an evasive violation of personal enjoyment toward the permanent residents and neighbours alike. Each rental increment, whether 1 day or weeks, continually introduce themselves with their own ideas of what their dream vacation looks like without regard to excessive noise, all night partying, adding dozens of guests & ripping off fireworks at 1am to celebrate our Tuesday being their Saturday with ASBOLUTELY NO regard to neighbours every day lives and work schedules.

They continue to feel entitled due to their Rental fee that they can party and vacation as if at a resort with no rules or regulation. I have been in multiple verbal arguments and near physical altercations after being threaten and having my 9 year old niece told to "F off and suck it up" for crying because she could not sleep til 5am with a set of renters... And any sense of regret or remorse these renters feel when they sober up ... its a blank slate the next day for the new renters coming in without any regard of previous events.

Multiple call have been made to the bylaw officers, but nothing has come of it.

As these owners rent and profit, it comes at a cost.....cost of personal enjoyment of ones own home and beyond.....

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-18-22 12:30 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday January 18th 2022 12:29 PM with reference number 2022-01-18-004.

- **First Name**

KATE

- **Last Name**

Ostryhon-Lumsden

- **Address**

11580 Beach Road East

- **Phone Number**

- **Email**

- **Comment**

I have read the proposed by-law and have a few comments:

Will there be a list of dwellings refused licensing

Are fees comparable to other municipalities

Should an applicant be charged if not granted a license-perhaps have a processing fee

Is limiting the number of days necessary-if the short term rental is run properly the number of days should not be an issue

Posting the Boil Water Advisory should be posted in all rooms with a water source-

I am not sure necessary in a living room or a bedroom. Hopefully this boil water finally gets addressed-unbelievable that still exists this many years in a community in Southern Ontario!

In item 14.2 hopefully there are grounds to enter and proper notice. Guests should not wonder if a stranger will be entering the premises at any moment. This is a basic right of a citizen of Ontario.

Thank you for your consideration. I believe reasonable rules and regulations are required and should be applied to all short term rental properties including bed and breakfasts and larger resort type establishments. Perhaps the by-law officer will need to adjust their work schedule to accommodate weekend infractions. I suspect the weekends are when neighbouring properties have the most

difficulties. I look forward to the virtual meeting today.
Kate

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-19-22 9:50 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Wednesday January 19th 2022 9:48 AM with reference number 2022-01-19-002.

- **First Name**
Mark
- **Last Name**
Turner
- **Address**
11161 Churchill Ave
- **Phone Number**
- **Email**
- **Comment**
Was interesting to hear the comments yesterday. As a former health and safety coordinator in industry i was tasked to ensure the heath and safety of our employees as well as our community surrounding the facility. Due diligence is required by the Occupational Health and Safety Act. There are many examples of employers who have put profit ahead of safety and that has a cost associated with it. We need bylaws that protect the community and make the owners and property managers responsible for the behaviour of renters as to not disrupt the health, safety and serenity of permanent residents. Take the responsibility off the permanent resident and bylaw officer.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: Rico Leone
Sent: January-20-22 9:54 AM
To: Council
Cc: William Kolasa; Lindsay Earl
Subject: STR By-Laws
Attachments: Wainfleet Council January 18 2022 .docx

As a follow up to Tuesdays Virtual Open House on STRs I have attached a copy of my presentation for future reference

Best Regards

Rico Leone



Please consider the environment before printing this e-mail.

January 18, 2022

Mr. Mayor, Councilors and Town staff.

My name is Rico Leone and along with my wife Florence live at 10341 Lakeshore Road. We have reviewed the proposed bylaws presented to govern Short Term Rental properties in Wainfleet and offer the following. It seems that the intent of the bylaws is to license the owners of STRs and have them continue to operate in residential zones. Many of the bylaws address infractions and penalties for the infractions, however there is nothing there to stop the STRs from operating in a residential zone.

Imagine living next door to a house where you have 8 to 10 new neighbours every 2 to 3 days. The renters move in around 3 pm, party on the beach that evening and into the early morning, resume the partying the following afternoon, into the evening and early morning and then they are gone by noon the following day. The cleaning crew comes in and cleans up the place and it starts all over again at 3 pm. That is what we and many other residents of the Lakeshore experience from Victoria Day to Thanksgiving Day.

It has been said that STRs bring tourist dollars into the community that supports the local economy. I can tell you firsthand that this is not the case. Absolutely not. I have watched the tenants move in, and unload their coolers with their food, cases of beer, beach umbrellas, canopy and chairs, boom box and other beach toys. They are here to drink, play loud music and party for 2 or 3 days. They don't have time to do any local shopping or sightseeing. I have had to take my visiting grandchildren into the house to shelter them from the F-Bombs that were being hurled. They don't contribute anything of positive value to the community except heartaches for the neighbouring residents. Are these the people you want as your neighbours?

First and foremost, we must resolve if short-term rentals are a commercial operation or not. If one is renting accommodations for profit, like a hotel or motel, then we believe that it is definitely a commercial venture. Ms. Lindsay Earl stated at the council meeting when these bylaws were presented, that many times the owners are from outside of this area and they have an agent managing their STRs. To me this implies that this is a commercial operation. That being the case, the present draft bylaws are legitimizing the operation of a commercial venture in a residential zone. They are making a non-conforming business, in a residential zone, conforming at the expense of the present conforming property owners. The properties and rights of the present property owners cannot be overlooked and must be protected, and their properties not devalued due to the operation of short-term rental units next door. The Webster Dictionary defines "residence" as "the place where one actually lives as distinguished from one's domicile or a place of temporary sojourn". Hence the term "residential zone". It establishes community areas where people live not stay. Remember, live not stay!

Under normal circumstances, if I wanted to operate a commercial venture on my residential property, I would have to apply for a zoning change and go through all the vetting process before that zoning change is granted or denied. Therefore, if these STR owners wish to operate in a

residential zone, they need to follow the same protocols all Fleeters have to follow. They need to apply for a zoning change.

When we built our home over 30 years ago, all the properties around us were zoned residential and the homes were inhabited by the owners and their families. They are the people who support and send their children to local schools, attend local churches, support our hardware store, hairdresser, bakery, restaurant, garden center, farmers' market, food drives and so on? Today, of the 13 homes within 200 meters of our home, 5 are operated as STRs by absentee landlords. This change occurred in the last 5 years. I would venture to say that as soon as one of these owner-occupied homes comes up for sale it will be turned into a short-term rental by the new absentee owner. What will Wainfleet look like 10, 15, 20 years from today? Will Wainfleet have a school, a Community Centre, a farmer's market? Can you see the deterioration of the community fabric?

There is only 1 way to stop this. Make it a requirement that the Short-Term Rental property must be the owner's primary residence. This keeps the house a residence where people live not stay and thus conforms with the residential neighbourhood. The owner can rent up to 3 rooms to supplement their income and there are no rowdy parties every 2 or 3 days. This bylaw has been implemented by many other communities such as the Town of Pelham, the City of St. Catharines, the Town of Collingwood, the Town of Wasaga Beach the City of Toronto and many others.

As leaders of the community, you have a difficult decision to make. You need to decide whether the Town of Wainfleet is a resident friendly community. A community whose residents know and look after their neighbours, are active in community functions, support locally owned businesses, contribute to food drives, and their children attend local schools. Or a community that is dark during the winter months and party central in the summer months all orchestrated by absentee landlords who collect rents from outside the community and spend it in the community in which they live and contribute absolutely nothing to the Town of Wainfleet. Which community do you want to govern?

In closing we trust that council and staff will enact bylaws that protect the rights and sanctity of the current and future residents of Wainfleet as other communities have done and not the selfless wants of absentee landlords. It must be a requirement that the STR property is the owner's primary residence. That would be the right thing to do.

Thank you for the opportunity to be heard and we look forward to a timely and favourable resolution.

Rico and Florence Leone

10341 Lakeshore Road West

Town of Pelham

Short Term Accommodations are not permitted in residential zones. The zoning amendment permits short-term accommodation rentals, including bed and breakfast establishments, and short-term rentals of entire dwelling units in the agricultural, special rural, neighbourhood commercial, central commercial and commercial rural zones subject to meeting licensing requirements.

City of St. Catharines

The property must operate first and foremost as a full-time residence, with the resident temporarily renting out the entire dwelling unit on an occasional basis. The property cannot function solely as a STR. The STR is the primary residence of the operator (owner / tenant).

Town of Collingwood

The town of Collingwood does not allow for short term accommodations unless the home is approved as a Bed and Breakfast. Subsection 4.22.2, of Zoning By-law No. 2010-40, as amended states: Except for a bed and breakfast, no dwelling unit shall be used as short-term accommodation.

Town of Wasaga Beach

Short-Term accommodations are NOT permitted in Residential zones. Only traditional Bed and Breakfast establishments are permitted in residential areas.

City of Toronto

Short-term rentals can only be in people's principal residence – this is the home people live in and the address they use for bills, identification, taxes, and insurance. Under the City of Toronto Short-Term Rental Bylaw (PG24.8), short-term rentals are permitted in Toronto if your listing is your principal residence.

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-21-22 6:46 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Friday January 21st 2022 6:44 AM with reference number 2022-01-21-001.

- **First Name**
Larry
- **Last Name**
Fisher
- **Address**
12156 Walnut Hill Rd, R.R. #2
- **Phone Number**
- **Email**
- **Comment**
Tents or tent trailers should not be allowed on Short Term Rental properties.
Motor homes with bedrooms should not be allowed.
Pull out couches and Murphy beds should not be considered a bedroom.
If a short term rental owner is allowing renters to bring any kind of motorized watercraft like boats and motor and Sea Doos they will need to identify who all is certified to handle a watercraft.
Short Term Rental Owners should ensure that Renters bringing watercraft has the proper personal protective devices including life jackets.
Short Term Rental Owners will need to supply Renters where watercraft can be launched from.
Short Term Rental Owners will need to verify Renters with watercraft have appropriate insurance coverage

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-22-22 1:22 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Saturday January 22nd 2022 1:21 PM with reference number 2022-01-22-001.

- **First Name**
Gordon
- **Last Name**
Swift
- **Address**
12645 Lakeshore Road
- **Phone Number**
- **Email**
- **Comment**
How much is the license fee?
When will applications be available?

Thank you

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-22-22 2:17 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Saturday January 22nd 2022 2:16 PM with reference number 2022-01-22-002.

- **First Name**

William

- **Last Name**

Duquin

- **Address**

87 Chatham Avenue

- **Phone Number**

- **Email**

- **Comment**

This proposal is going to put a hardship on US property owners that have been unable to occupy their property for over two years. The boarder requirement for the PCR test has cost me \$140 each time I make a trip to check my property. The damage to the beach and well on the beach added an additional cost. In the past I would rent my cottage for a couple of weeks to offset the taxes.

Adding a license fee and inspection fee at this time would add additional financial stress.

The proposal recommends fire inspections and evacuation plans. Can the inspection and evacuation plan be done at no cost for the first two years?

The plan also calls for a septic inspection. I have a holding tank so do I still needed an inspection?

The plan calls for water testing. If I install a cistern and have water delivered do I need water testing?

The plan calls for insurance; please explain the limits?

It is very disappointing that after paying taxes on time for property that I was usable to use for over two years, that I had to find out from a neighbor that this proposal has been under consideration for over one year. Why wasn't a notice included with the tax bill?

William Duquin
12886 Old Lakeshore Rd

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-23-22 4:16 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Sunday January 23rd 2022 4:15 PM with reference number 2022-01-23-003.

- **First Name**

Cathy Larry

- **Last Name**

Boggio

- **Address**

12743 Lakeshore Rd Wainfleet Ontario

- **Phone Number**

- **Email**

- **Comment**

We operate a STR as well as live next door to an Airbnb during the summer. We rent out an apartment over our garage across from our cottage mostly during the week and save it for family and friends on weekends as over flow from cottage. But we only ever allow 2 people because there is only one bed. There can be a child up to 2 years of age as well. The Airbnb next door has hardly been a problem for us. Different dogs each 3 or 4 days can be annoying because we have dogs and they have to get used to them but it's not that bad. To be honest the owner has had wilder and louder parties than any of his renters. So we actually have preferred the renters. I can understand when the STR is a party house and would not want it next door. What we believe is that those owners should have consequences for their renters behaviour then they will get better renters. Our neighbour does make sure the allowed amount of people are only there but he lives fairly close and we tell him as well if there were a lot of people. We have his number to complain if they are making too much noise or are being disrespectful. Maybe this is why we don't have a problem with an Airbnb being next door. The same goes for our Airbnb we are across the road and I make sure the renters know that and I have a list of rules that they have to abide by. We had no issues whatsoever. But that's why. We are close by and we have rules. I think the problem arises when the owner has no connection with the property and never

goes and never sees it and lives too far away. There should be fines to those owners that don't have rules and are not concerned with how they behave. They would quickly make sure that they have rules and they are followed. These fines have to be substantial in order for the negligent owners to care. As the offences increase the fine increases. I have a problem with all the inspections and the time and cost to all of them. Again we are responsible present property owners and this is not necessary. What types of fire regulations will be expected. Shouldn't be anymore than a regular home owner? The other issue is the renting for no more than 180 days. I rent out by the night from May thru Sept but then I have people live in it all winter if they are building a house or renovating or have a summer trailer somewhere. Would this mean I couldn't do that? Those kinds of rentals are in high demand. I prefer to have someone living on the property to watch over it all winter. We also want to be assured that the license fee won't be as high as we are hearing it will be. It should be similar to other municipalities near us. When they say these renters don't support local restaurants and businesses that's not true. I think every one of our renters either went out 1 or 2 nights for dinner or lunch and also did some shopping. There are no decent hotels in Port Colborne or Wainfleet and these STR's bring people into our communities. Otherwise no one would stay. They would come in for the day and leave. We use Airbnb's a lot in our travels. We like the ability to make our own breakfast or the occasional dinner. We like our own space. I think the biggest issue here is the owners who don't have rules or could care less about what the renters do or say to neighbours. Why punish all STR hosts, lets punish the ones that don't comply and are not present as owners. These are my opinions and I welcome regulation but make it agreeable to both sides.

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-23-22 10:40 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Sunday January 23rd 2022 10:39 AM with reference number 2022-01-23-001.

- **First Name**
Laurie
- **Last Name**
FILSON
- **Address**
10557 Maplewood Dr., Port Colborne L3K 5V44
- **Phone Number**
- **Email**
- **Comment**
Since some of the short term rentals will be at or near the Lake could something be added about protection of Water and the Quarry and beach?

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-25-22 7:52 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Tuesday January 25th 2022 7:51 AM with reference number 2022-01-25-001.

- **First Name**

Anna

- **Last Name**

Kasowski

- **Address**

11660 Belleview Beach Rd

- **Phone Number**

- **Email**

- **Comment**

Wainfleet needs a STR bylaw. But it hold be FAIR to both sides : owners and the neighbors.

There is around 100 STR s that you can find on renting platforms, but what about the people that rent their houses or cottages only to family and friends, without advertising, for only couple weeks in a year ? My house insurance without any additional costs, allows me to rent my house for up to 4 weeks! So maybe there should be a different way to include these situations in the proposed bylaw ?

1. There should be a limit of 2 ADULTS per bedroom, not people, as sometimes a couple with chi may occupy a single bedroom
2. All the required inspections should have the same limit of 60 maybe even 90 days, as during COVID there are delays with everything.
3. We need a template for fire safety plan (like Fort Erie] and more details about smoking detectors, fire extinguishers etc (like Pelham)
4. Water safety which company is permitted to provide the test results and water advisory should be only posted in rooms when water is used (kitchen , bathroom).
5. Septic inspection; which company can do inspection, we need the list (when I was buying my house we did the septic inspection, it was a joke, guy emptied the

bed, look inside , and said it's working), and maybe this inspection could be done every 4 years , as the cottages ate mostly seasonal and there is no need to empty it every 2 years, usually every 6 or so.

6. Wainfleet already has noise bylaw that can not be enforced, because the bylaw staff don't work late at night or weekends. So when STR next door are having party at night, setting fireworks on the beach ; what should I do ? Police has no time for it, bylaw officer will not get my message till Monday ! So we need to fix that (port Colborne bylaw officers work till 9:45 pm, and proposed new bylaw will extend their hours)

So please be fair when making changes to the draft of new bylaw. Also I would like to be notified by email about next steps in this process

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-27-22 11:59 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Thursday January 27th 2022 11:58 PM with reference number 2022-01-27-002.

- **First Name**
John
- **Last Name**
Steigerwald
- **Address**
10567 Lakeshore Rd Wainfleet
- **Phone Number**
- **Email**
- **Comment**
Only allowing two people per "bedroom" doesn't allow for a den with a fold out couch. Would that room be a bedroom if we replaced the fold out with a bed?

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-27-22 8:23 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Thursday January 27th 2022 8:22 AM with reference number 2022-01-27-001.

- **First Name**
Samantha
- **Last Name**
Brace
- **Address**
11273 Harbourview Rd, Wainfleet, ON L0S 1V0
- **Phone Number**
- **Email**
- **Comment**
Good Morning:

I am a summer resident on Harbourview Road. My husband and I also own and manage Bracewood Cottages at 12289 Lakeshore Road. We live in the area during the summer so that we are close to the cottages if there are any issues. I can understand the complaints that have come in regarding the STR on Harbourview. The house is 3 doors down from us and has been a nightmare since the current owners bought it. But please don't paint all STR owners with the same brush. Many STR owners are responsible, and have been a part of the Wainfleet community for years.

I would respectfully request that you provide an option for a grandfathering clause for certain properties. Bracewood Cottages has four cottages, and has been a cottage rental business since it was built many years ago. Chester Ward was the owner for 25 years, and we have owned it for the past 11 years. We have never had a complaint from the neighbours, and in fact the neighbours are friends with the families that rent from us - families that used to rent from the Wards, and have continued to rent with us. Everyone has their set week, and if they do not follow the property rules, they are not welcome to return. In the 11 years we have

owned the property, we only had to cancel one group of guests. The majority of extremely respectful of the area, and treat the cottages like their second home. Our neighbours - Hodges Lodges - are in a similar situation to us, and in fact we often have families that rent from both of us if they need the space, or have become friends with the other renters that have the same designated week.

We do not usually rent on AirBNB/ VRBO because our guests are repeat customers. However, the past two years have been very difficult to navigate as the majority of our guests are from the US and were not able to cross the border. This year ALL of our American guests are returning (we have held their deposit for the past 2 years). They are good people. And we are good citizens. We keep the property clean, and put substantial money into upkeep, not to mention hiring local contractors to support the work that we do.

Please consider our request. I would love to speak with you further about the STR issues in Wainfleet, from the perspective of a resident and also as an owner. And please do consider the grandfathering clause. There are a few cottage businesses that are in similar situations to us (property originally designed for cottage rentals, and have held that status for many years).

One other thing - I am a little concerned about potable water. We are on Long Beach water and pay a substantial amount of money for the service. However, it has been under a boil advisory for 3 years. I am not sure that owners should be penalized for this. Shouldn't the company (Clearford) have resolved the issues by now?

Thank you.
Samantha Brace

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-28-22 10:35 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Friday January 28th 2022 10:33 AM with reference number 2022-01-28-001.

- **First Name**

Patrick

- **Last Name**

Leach

- **Address**

12885 Old Lakeshore Road, Wainfleet

- **Phone Number**

- **Email**

- **Comment**

Your worship, council and Town of Wainfleet officials, thank you for giving the residents this opportunity to share our input regarding the proposed Short Term Rental By-Law. I am against the formation of the By-Law primarily because there are several by-laws already in place that address the issues raised against STR. These by-laws need to be enforced as enacted and not ignored.

Having said that, I understand that this by-law is a go whether not the residents are in agreement.

My wife and I purchased our cottage in July 2011 on Old Lakeshore Road. My wife, Sherry Torkos, grew up in Wainfleet on Harbourview Road and wanted our son to have the same experience, being close to the water and nature. We live in Fort Erie, but stay at our cottage all summer. When we purchased our property there were two short term rentals across the road from us. We enjoyed meeting the renters and our son played with the many children that came. Occasionally, we had to deal with late nights, noise and some beach cleanup, but overall it wasn't a problem.

Our biggest challenge over the last three years, is that we have endured severe

storms, property damage, and loss of our beach. We pay very high taxes for owning lakefront, yet there has been no help from any government entity, including the Town of Wainfleet. It has been a very difficult time. To see the creation of a very heavy handed by-law is distressing. We need your help not excessive regulations, inspections and further costs. We have already spent \$100,000 constructing shoreline protection.

In 2020 we purchased the cottage to our east, a decision that came about over our need to have shoreline protection. The owner of this adjacent property is a US citizen. Initially he was on board to do shoreline protection, but at the last minute (permits already submitted) he decided to sell his cottage. After having sustained major damage to his property over the years, he could no longer afford to pay his taxes, maintain his property, and pay for shoreline protection. If this neighbour didn't do a wall, we would have been devastated by the storms. All of the other properties to the east had retaining walls. So we were put in a position where we felt we had to buy his property and put in a wall to protect our investment. Unfortunate the other neighbour to the west, also backed out of the wall project last minute and he suffered severe building damage to his cottage. While this doesn't pertain to the issue at hand -- please understand that your decision will impact us financially and cause hardship.

We opened our Short Term Rental last year out of necessity to maintain these properties and be able to pay the taxes. We are very responsible owners and take great measures to be considerate to our neighbours. We strictly vet potential renters and do not allow parties, pets, and day guests. We rent to families only with a maximum occupancy of 8 (of which only 4 adults are permitted). We have rejected several potential renters that do not meet our requirements. Again, our cottage is next door and we keep a close eye on what is happening at our rental property. I feel this by-law is penalizing all owners for the acts of a few.

I reviewed the council session that was posted online. Some valid points were raised, but many were clouded by their anger at negligent STR owners. In watching, I think the Town and residents have submitted and identified a need for more staffing and enforcement of all EXISTING BY-LAWS. These by-laws should be enforced rather than creating new by-laws.

The current Municipal departments (like all Municipalities) are understaffed, unsupported, unappreciated, and underpaid. The By-Law, Building and Fire Service are already understaffed without increasing their work with this new by-law. The Town has one by-law officer who does not work weekends (as stated in meeting). If you (the Municipality) have identified a staffing shortage -- it should be budgeted and corrected. The shortage is not because of the STRs; you can't enforce by-laws with one staff member. The Niagara Regional Police are greatly understaffed in the entire Region, and don't want to enforce by-laws (in my experience). The STRs shouldn't be the piggy bank to finance issues identified. STRs have been a part of the Wainfleet shoreline forever.

Although the fees are not stated in the By-Law, I've heard the amount proposed is

approximately \$1500. In the meeting, the advocates for the by-law seem to be under the impression that the Town can make some money off the STRs. My understanding of the Municipal Act doesn't permit financial gain for inspections. The fees are to be transparent and only for costs of the services (re: fire inspection 2 visits $\$75 \times 2 = \150 and so on).

As this by-law is currently written, it is very heavy handed and invasive. Furthermore, it looks like it was developed to shut STRs down all together. In the by-law, you are doubling down on existing legislation. The Fire Protection and Prevention Act (FPPA) and Fire Code have legal enforcement of infractions. The Fire Code has severe fines and even jail time in its enforcement, but is intended to encourage compliance rather than enforcement. The FPPA is not intended to be piggy backed onto a Municipal By-Law demerit system. The abuse of legislation could have a very negative impact to the powers of the Fire Service if the courts see it. While I don't believe the FPPA directly deals with STRs, other than smoke and carbon monoxide alarms, I do see value in having Fire Safety evaluations. Staffing again becomes a serious concern. How is this service going to be provided in such a short time frame. The Ontario Building Code (OBC) doesn't apply to these buildings at all. The Building Code builds the structure and the Fire Code maintains it. The Building Code would apply to the installation of a new septic system, but if nothing is changing why have the OBC on the demerit system. Again, the Building Code Act has an enforcement system.

The proposed parking infractions have a penalty that is shocking (\$500) and carries demerit points as well. Where did that figure come from? I don't believe the fines for parking in a barrier free parking space are even that much. Parking is an issue for almost every area along the lake, not due to STRs. This parking fee is unacceptable. I say this for others, not for our property. We have 3-4 parking spaces and have never have an issue, but others are not so fortunate.

Some cottages may not have potable water. I believe some cottages use a jug water systems for drinking water. The water testing is again, excessive. Signage could be posted at faucets, but each individual owner has different services and is responsible for the safety of their guests. We invested in a complete water filtration system to ensure our guests had safe drinking water.

The septic systems along the lake were all inspected approximately 5 years ago. The Town of Wainfleet did not impose this requirement on the remainder of the Town, only the waterfront owners. Any outstanding deficiencies from those inspections should be dealt with and no further testing should be required. If the Town identifies a property that has increased their occupancy beyond the capability of the system in service -- please deal directly with those individuals. For example, in the meeting a property was discussed where the owner has advertised an occupancy of 15 guests. I do not know the property, but if this is an increase from its original intended use -- deal with that property. Our property has not changed and if anything we have reduced the use. We have a maximum occupancy of 8 persons (no more than 4 adults). The previous owners hosted their entire family at their cottage, often with as many as 12 adults. The requirement of

inspections every two years is excessive and unreasonable. Are you going to require all residents along the lake to have inspections every two years? Are you going to require septic inspections for the remainder of the residents of Wainfleet? Again, it seems that STR are being targeted and penalized for the action of few.

What provisions do you have in place to make sure a complaint is justified and not from a neighbour calling to get demerit points issued against another neighbour? The goal to remove a STR from your neighbourhood would be simple -- if enough demerit points are received then removal of license or denial of reapplication occurs in two years.

In watching your council meeting, while I understand some STR owners and renters may not be kind to their neighbours, complaints that someone's privacy is gone, doesn't seem valid. I certainly don't have any privacy along the water. People walk along our beach everyday. Rather than chase them away, we enjoy meeting new people and their dogs. People like to complain. I'm sure the residents beside your new public beach aren't happy with hundreds of people showing up at the beach. I know we don't care for the weekend warriors at the Long Beach Conservation Park, drinking, partying and showing up with numerous loud, obnoxious stand-up jet skis. Please don't reward complaints! Use your current by-laws, reach out to STR owners and talk to them about the concerns. The more neighbours fight, the more complaints you'll get. By-Law, Police and Fire Services personnel deal with neighbour disputes everyday. They are like babysitters.

I, again, think the by-law and requirements are very excessive and punish all for the misdeeds of a few. As you continue forward, I hope you take these comments and suggestions into consideration. If you are going to impose inspections, then do it for the original license only. The original fee could be higher, as more work is needed, but reapplication should require only verification of status quo (no changes). Owners are responsible for the health and safety of their guests. If a STR septic system, potable water, smoke and/or carbon alarms etc. are not working, the owner is responsible.

Imposing this by-law for this season is far too ambitious. STR owners have already been booking for the summer season. We have 75% of July and August booked now. With one By-Law Officer and a part time Fire Prevention Officer how do you get 120 properties done when your by-law is in the redraft stage? I realize this puts the Council in a tough spot — owners want less regulations; the advocates for by-laws want STR owners heavily regulated. I heard one speaker suggest that STR owners should have to live in the rental with the guests, that's unreasonable.

Despite what some residents said in the meeting, owners of STRs do provide revenue to the Town. The speakers at the meeting only talked about alcohol and food purchases. It was said that the renters only show up to party. That has not been the case at all for our rental. We don't allow parties or loud music. We recommend our renters shop and dine locally. We promote local businesses in our

guest book and in our online listing. We have hired multiple contractors from Wainfleet to work on our rental. We just had a local contractor install a gas fireplace and HVAC system in our STR. We also promote local farmer's markets and leisure activities. STRs bring all kinds of business to landscapers, property managers, plumbers, electricians, cleaning services and many jobs for Fleeters.

I hope that the individuals voting for this By-Law will lead by example -- do as they say! If they believe the Town of Wainfleet needs a by-law, then I hope when they personally travel -- they only use STRs that are licensed and not be like Boris Johnson, do as I say not as I do.

Lastly, I was a little shocked to hear that the Town's plan is to keep the Town quiet and small. I grew up in Fort Erie and know first hand how that idea goes. Fort Erie chased every business out of town when I was young (Ford, Toyota etc). The forefathers planned to keep their small town. They got it, the biggest border crossing with a 30,000 population. Now they all wonder why their grandchildren don't live in Fort Erie -- no jobs. I really like Wainfleet. Towns that resist change die. The Region is growing rapidly. Welland is building homes like crazy. Land is scarce and pricey. When people sell their STRs because of this by-law -- it won't be to children of Wainfleet, but to more Toronto people. The cost of homes are outrageous and our kids can't compete. Eventually, the Town of Wainfleet will face the same buy-out all towns are facing. Wainfleet will change -- everything does.

I thank you for your time and ear.

Respectfully,

Patrick Leach

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-31-22 10:14 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Monday January 31st 2022 10:12 AM with reference number 2022-01-31-002.

- **First Name**

Lydia

- **Last Name**

Hiller

- **Address**

11405 Morgan's Point Road

- **Phone Number**

- **Email**

- **Comment**

My name is Lydia Hiller. I live at 11405 Morgan's Point Road, Wainfleet. Morgan's Point Road is a dead end street in a quiet residential neighbourhood of single family dwellings and cottages. The majority of the residents on my street are adults and retirees who have lived here permanently or seasonally for many years. I owned this cottage for several years and made it my permanent home in Nov 2019 for my retirement.

Wainfleet is a small rural community with very few businesses or profitable tourist attractions making it a poor venue for hotel like rentals, many of which have been progressively emerging in our neighbourhoods. There are no benefits for the community.

I understood that the original Air B and B type of short term rental was a way for home owners to supplement their finances by occasionally renting out the home that they occupy. This has grown into a money making empire for a select few property investors and it is changing the characteristic of our neighbourhood that to this point has very few, if any, multiple dwellings. There may only be a few owners who are exploiting this process but they are the ones who have created the problems that the law needs to regulate.

If STR legislation does not regulate these property investors, they will continue to exploit the neighbourhood by modifying smaller homes to sleep 15 plus people.

Aging demographic and damaging storms are creating a larger turnover in homes and if it is not regulated accordingly many of these homes will be turned into more of the multiple dwellings we have already seen.

I have seen several homes in the neighbourhood that were purchased solely as commercial enterprises that are frequently being rented to large groups as Short Term Rentals. One, in particular, 11267 Harbourview Road, has been operating unrestrained during covid lockdowns and despite reports to three different agencies no punishment has been administered. This home was occupied (not by the owner or family) the weekend of Jan 29, 30, 2022 during the most recent lockdown that prohibited short term rentals of this nature.

These property investors have no interest in this community and in many cases are compromising our privacy and the lawful right to enjoy our property.

The only financial benefit is to the property investors. This is driving up the price of real estate and MPAC assessments and eventually our taxes. Since many of us have chosen to retire here that news is only good for the capitalists who own these commercial properties.

In a town where many of us are unable to increase the footprint of our own homes, greedy investors are being allowed to turn single family homes into multiple dwellings that overload water and septic systems that cannot sustain the burden of multiple users. I am concerned about what will eventually happen to our local environment and water. There are a finite number of homes along our shoreline but these materialistic investors are altering the footprint of our rural community.

It is not only our privacy and serenity that is being taken away from our rural community. With the increase of outsiders seeking vacation rentals in our community, there has been an increase in vehicle traffic and unsafe, often dangerous driving behaviour. Many of us living on the no exit streets have had to barricade our driveways to prevent these tourists from parking in or using our driveways to turn around in. None of this is a benefit to our quiet community but has become more and more problematic with outsiders who descend upon us. There is more garbage pollution on the roads and gasoline and garbage in the water. I have watched people openly urinate on the beach area of Morgan's Point. Very few dogs are ever on a leash and I have watched owners allow their dogs to defecate on the roadside and on peoples' properties and walk away without cleaning it up. I have had to clean up dog feces on my property and I have had unleashed misbehaved dogs accost me and my neighbours on our own property. Many people choose Morgan's Point to launch their fireworks and build bonfires. In such a heavily treed area, this compromises the safety of my own home. Much of this behaviour is by people who do not live here. They are only visiting for a short time so they have no vested interest in our community.

Hopefully by regulating the owners and making them accountable and minimizing the occupancy we can minimize many of these circumstances.

I would like to be assured that the proposed STR guidelines include a limit to the amount of guests allowed in or on the property during a rental visit.

As a resident of this neighbourhood, these are some of the concerns I have:

Will there be a person overseeing the new law?

Will the public have access to the information of which properties are short term rentals?

Will Bylaw or police actually be empowered to enforce or act on complaints? Will it be enforcement driven or complaint driven? When I have called bylaw in the past I was told I need to make frequent complaints in order for the problem to be brought before Council.

I have also witnessed on several occasions, a lack of willingness by police to follow through on investigations and enforce appropriate laws. Will there be any mandate for authorities to act on infractions? On numerous occasions I have seen police attend my neighbourhood for criminal offences and have left without doing anything.

Will the tracking and compliance documents be made public so that we, as a community can see that the bylaw is working to protect us? Will the community have access to information when enforcement has been done?

Will there be a provision to immediately evict renters from a property that has no licence or is in violation of the bylaw? This would prevent continuation of the offence and send a clear message to vacationers seeking illegal rental properties. Will there be increased fines for repeat offenders to deter the ones that can offset the cost of the fine with their high priced rental?

Thank you for considering my submissions.
Respectfully submitted,
Lydia Hiller

[This is an automated email notification -- please do not respond]

Ashley Jenkins

From: noreply@esolutionsgroup.ca
Sent: January-31-22 9:44 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Hello,

Please note the following response to Have Your Say has been submitted at Monday January 31st 2022 9:43 AM with reference number 2022-01-31-001.

- **First Name**

Marion

- **Last Name**

Morrison

- **Address**

11269 Harbourview Rd. Wainfleet

- **Phone Number**

- **Email**

- **Comment**

This is a follow up to a previous submission. In my earlier submission, I addressed my concerns with respect to on-street parking for a large rental house next door to me at 11267 Harbourview Rd, and the need to prohibit cars from blocking the narrow roadway.

On Wednesday January 26, 2022, there was a house fire on my street that destroyed a home. During the initial response, there were 20 to 25 emergency vehicles including large trucks and several utility service vehicles. One of the newspaper articles actually referred to the need for the emergency vehicles to reverse down the narrow roadway. Had there been vehicles parked on the roadway, as was frequently the case in the summer, these trucks would not have been able to pass. Additionally, there were demolition equipment and dump trucks brought in after the fire was extinguished. This street is very narrow and cannot accommodate overflow parking from this large Air BnB.

After participating in the Virtual STR presentation on January 18, I have some additional concerns with respect to property owners who will continue to disregard the bylaw once it is enacted. This past weekend, (January 28-31), the Air BnB next door was rented out, despite the fact Ontario was still in Stage 2, and short term rentals were only allowed to be rented to those in need of housing. This is at

least the 4th time this property owner has flouted provincially mandated Covid restrictions and rented out the house. I won't bother submitting a bylaw complaint because this owner has never been held accountable. (During the summer, I submitted 3 separate complaints when this owner continued to rent her house to large groups when Ontario was still in a lockdown). As a further invasion to my privacy, I arrived home after being away for the day, and one of the renters came to my door, repeatedly knocking and ringing my doorbell. I did not answer the door because I had no idea who they were, why they were there, and the person was not wearing a mask. I was very upset at yet another intrusion on my privacy by a stranger renting the house next door. It's bad enough that the property owner is able to monitor my movements on her cameras, and it's absolutely frightening to have one of her renters come to my door within minutes of my arrival home.

Because this property owner clearly has no regard for Provincial mandates, she won't likely abide by any bylaws. The amounts she is charging to rent her property will easily defray the costs of any fines, if she is even ever issued a fine. So it begs the question: Will there be a mechanism within the bylaw itself to allow Bylaw and / or police to demand all occupants vacate when the owner continues to defy licence requirements? Otherwise, the problem will continue until the owner "has her day in court". I am assuming she will be allowed to dispute any fines, and this process takes time. In the meantime, she will continue to allow large groups to rent the property, thus continuing the behaviour that is disrupting her neighbours.

Additionally, will there be something within the fine schedule to allow for increasing penalties when an owner continues to defy the bylaw?

What can neighbours do if she continues to rent the property without a licence? Who will enforce it, and who will be monitoring for compliance? Is there anything enforceable to prevent an owner from renting? Will there be public access to the list of issued licences? Will the owner be obligated to publicly report when the property will be rented, and how many people will be there?

According to Wikipedia, Wainfleet is still considered to be a rural community with 29 people per square km, compared to 232 per square kilometer in Niagara Region. (2016 Census). The population of Wainfleet in 2016 was 6372. There were 2977 residences within the township, with 2413 of those occupied full time. This is a small community, and on my street, most of the homes are occupied by 1 or 2 permanent residents. There is only one home with 3 occupants. There are no large families, no apartments or rooming houses and no multi-family homes. Having a large hotel catering to groups of 25 or more people, for large scale events, simply does not fit the character of the neighbourhood.

Lastly, considering the small and sparsely populated demographic of Wainfleet, I would suggest we follow Fort Erie's bylaw and limit the number of STR licences in the township. Recognizing the reality that more properties will likely turn over and become investment rentals as our current population ages or moves on because of climate change affecting our shoreline, and increasing insurance costs, it is important to rein in the number of rentals now. Fort Erie limits annual licences to 250. The population of Fort Erie in 2016 was 30,710. Wainfleet's population is less

than 1/3 of that. As indicated in the preamble to the current draft, there are approximately 100 rental properties in our township. Considering that the proposed costs associated with operating a rental will likely deter some who have been renting, I would suggest allowing 75 would still be very reasonable and far more manageable from a bylaw perspective. We need to preserve the sanctity of this rural community for the residents who have chosen Wainfleet as their home.

Respectfully submitted,
Marion Morrison

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 2, 2022 4:48 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Wednesday February 2nd 2022 4:47 PM with reference number 2022-02-02-003.

- **First Name**
Chris

- **Last Name**
deRuiter

- **Address**
11235 Harbourview Rd

- **Phone Number**

- **Email**

- **Comment**
How can this happen? A draft bylaw has already been written. Is it a done deal and the town planner has to treat Short Term Rentals (STR) as normal residences that can be controlled using bylaws and a demerit system? Are we going to loose our neighbourhood?

It's not all peace and quiet when two families with kids arrive at a STR for a fun filled holiday playing outside all day and they are noisy. Then a day later, another family with a dog arrives and are even louder than the previous. And then a bunch of nice young people arrive with their seadoos and it's non stop up and down the lake and oh, there's always a boom box in the background. The home owners next door can't do a thing because no laws are broken...it's like groundhog day. Horrible, no one should ever have to live with this.

It's a fundamental right to have peace and quiet in a residential neighbourhood. You develop a relationship with your neighbours. You know them and they know you. You don't have a new group every 3 days. It's also quite conceivable that you could have a STR on both sides of you. What a nightmare that would be. It is obvious that STR's are not compatible with residential, especially a residential area made up of all retired seniors and by and large, the majority of the landowners on the lake are seniors.

Hotels are zoned differently than residential homes. Hotels however have far more control over their occupants than an STR owner or agent would have. STR's on the lake are magnets to party goers and these STR's are businesses. A planners job is to properly control development so do it...properly plan this development.

Who will benefit from STRs? The township will have to hire a Licence Administrator and there won't be enough fees to cover their salary and benefits. A bylaw officer will have to be on call to answer complaints in the middle of the night on weekends. Property values will drop because no one will want to live next to a STR. Wainfleet doesn't have a grocery store so there's no benefit there but it has a beer store that would benefit minimally. The STR owner will make a killing. Most importantly, the neighbours health and happiness will be affected by loud kids, pain in the ... dogs or unruly parties. Where's the benefit for the township and it's residents?

The effectiveness of STR Bylaws must also be questioned. A bylaw is like a speed limit. Very few speeders are ticketed. You can't ticket kids for being kids. It's difficult to ticket guests who are on the beach and/or have arrived with sleeping bags and boom boxes. There are always ways around the parking issue and the number of people allowed per bedroom. Make as many hoops as you want to control the STR business and the STR owner's will jump through or over every hoop.

STR's are a lucrative business. They are organized and there's going to be a lot more of them if allowed. We, the residents, are the ones who will suffer.

Does Wainfleet have the courage to do the right thing for it's residents?

Chris and Susan deRuiter
11235 Harbourview Rd
Port Colborne

PS

It is well documented that STRs have become a major problem throughout Ontario. The local Harbourview nightmare hotel has 5 beds, I'm told it sleeps 15, charges \$1900 a day and has had as many as 25 people partying on site. It has had as many 12 cars parked along the road and was STR was rented all summer. It has ruined the summer for the next door neighbour and her complaints went unanswered. The owner lives in Brampton and they "love" Harbourview and are looking for another house for their... grandmother. Would you want an STR next door?

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 2, 2022 12:21 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Wednesday February 2nd 2022 12:20 PM with reference number 2022-02-02-002.

- **First Name**
Gordon
- **Last Name**
Swift
- **Address**
12645 Lakeshore Road
- **Phone Number**
- **Email**
- **Comment**
Hello

How much is the proposed fee?
When will applications be available?

Thank you

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 3, 2022 9:55 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Thursday February 3rd 2022 9:54 PM with reference number 2022-02-03-007.

- **First Name**
Brian
- **Last Name**
Frith
- **Address**
33425 Case Rd., Lowbanks, On
- **Phone Number**
- **Email**
- **Comment**
If passed, why wouldn't the new bylaw pertain to all long term, short term rentals as well as all B&B's rather than singling out just one? If the concern is for health and safety of all renters as well as neighbours and environmental concerns, then it should encompass them all. Fire & safety, safe water and proper septic disposal is not only a concern of short term rentals. Wainfleet must address ALL rentals & B&B's or none.

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 3, 2022 8:31 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Thursday February 3rd 2022 8:30 PM with reference number 2022-02-03-006.

- **First Name**
Christine
- **Last Name**
Reio
- **Address**
11265 Harbourview Road
- **Phone Number**
- **Email**
- **Comment**
The idea of having short term rentals in your area does suck. However, I feel that should be allowed within reason. Perhaps its a limited number of weeks, or a limited number of guests. (My next door neighbour has an AirBnB....not my fav thing, but also not my business. If it gets to be too much, I can put up a fence)

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 3, 2022 2:00 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Thursday February 3rd 2022 1:58 PM with reference number 2022-02-03-001.

- **First Name**

Jacquie

- **Last Name**

Allen

- **Address**

10325 Lakeshore Road Wainfleet

- **Phone Number**

- **Email**

- **Comment**

I couldn't have responded any better than Rico Leone has with regard to the STR's. I did comment sharing my sentiments prior to the last meeting and ask that you again read Rico's response as it is logically and fairly stated . Please do not let us be subjected to another season of tyranny, noise and complete disrespect to us, our neighbours and our community, neighbourhoods and beaches because this is exactly what we have been subjected to these last few years.

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 3, 2022 5:54 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Thursday February 3rd 2022 5:52 PM with reference number 2022-02-03-005.

- **First Name**

Jason

- **Last Name**

Liddard

- **Address**

31097 willson rd

- **Phone Number**

- **Email**

- **Comment**

I do not agree with the township enforcing regulations in regards to STR's. Most of us live here due to how welcoming things are here. The township does not need to pass redundant laws that are already under the NRPS enforcement.

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 3, 2022 5:47 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Thursday February 3rd 2022 5:45 PM with reference number 2022-02-03-004.

- **First Name**

Joanne

- **Last Name**

Barrick

- **Address**

10845 Lakeshore Road

- **Phone Number**

- **Email**

- **Comment**

After listening to speakers at the virtual open forum, I feel a need to speak up. No home owner should have to sacrifice their quality of life so that neighbouring renters can be loud and party, be rude, be obnoxious, urinate or defecate, litter or cause damage to properties.

When we vacation, we have signed many rental agreements that prohibit this type of behavior. We should be and are a township that supports our own. Please consider Wainfleet residents when making these decisions that impact only a few, but impact in such ways that not one of us would ever want for ourselves.

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 3, 2022 4:26 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Thursday February 3rd 2022 4:24 PM with reference number 2022-02-03-002.

- **First Name**
Katharina

- **Last Name**
Krause

- **Address**
10331 Lakeshore Road

- **Phone Number**

- **Email**

- **Comment**
We have greatly enjoyed our life here in Wainfleet until the unregulated and unsupervised STRs (1,2, or 3 nights) sprung up in our single family residential area. Where we initially found rest and peace after a day of hard work or on our well deserved days of rest on the weekends and during summer breaks we now live with constant worries about what large groups of renters will move into the STRs next door on a daily basis. We ask council to create a bylaw that prohibits absentee landlords to rent out their cottages as STR and install a minimum rental period of 7 days for cottages in cottage designated areas. All rentals in residential areas must only be permitted where the primary home owner is a registered resident of Wainfleet, living full time on site and has his or her home regulated and licensed as Bed and Breakfast in a single family residential home and area. The Bed and Breakfast regulations must provide for neighbours to feel safe and able to find peace and relaxation on their properties, inside as well as outside their houses.

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 3, 2022 4:34 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Thursday February 3rd 2022 4:33 PM with reference number 2022-02-03-003.

- **First Name**

Mary

- **Last Name**

Barchiesi

- **Address**

10233 Camelot

- **Phone Number**

- **Email**

- **Comment**

I am speaking on behalf of the Barchiesi family and the McAvoy family (my mother) at Camelot Drive. We have two homes and a cottage. Approx 400ft of private beach frontage.

Concerns;

- As unsupervised rentals increase theft increases. We have been subject to theft of beach toys, paddles, kayaks etc on many occasions by renters down the way. (Proven - we addressed the renters)
- Unsupervised rentals create beach fires left unsupervised at 2,3, and 4am. Wainfleet does not have fire hydrants when fire breaks out.
- Septic systems must match the number of people in the building. Unsupervised rentals create a venue for many unknown guests who come and stay.
- Until owners can prove repeated rental responsibly, yearly application must be enforced.
- 1,2,3 day rentals are a disaster waiting to happen. We have saved drunk drowning renters, our house and cars have been broken into, our children were exposed to verbal abuse, nude exposure on the beach, open oral sex on the beach and on rough days renters leave everything at the waters edge. We end up with their garbage, toys, tents, umbrellas etc on our private beach. Many STRs vacate after 3 days leaving everything on the beach including garbage creating an environmental issue.

- Wood we have placed on our retaining wall for family beach fires is regularly stolen by STRs in the night. They smash beer bottles into the fires another environmental issue.
- Wainfleet needs to create a space where residents can post and communicate neighbourhood rental problems so we are all aware of the issues, the areas where they are taking place and what is or can be done to resolve issues. Awareness of this issue needs to be ongoing public knowledge so we can keep our family and neighbours safe. We hope you will take this information into consideration when creating the bylaw. Please help us keep our homes safe and peaceful.

Thank you

Mary Barchiesi

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 4, 2022 4:44 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Friday February 4th 2022 4:42 PM with reference number 2022-02-04-005.

- **First Name**

Cindy

- **Last Name**

Adams

- **Address**

11623 Burnaby Rd

- **Phone Number**

- **Email**

- **Comment**

To whom it may concern. Some thoughts on short term rentals.

1) Current noise bylaws need to be enforced and should be amended if need be and not just focus on S.T.R.'s.

2) All rental properties and commercial businesses should need to be inspected if safety is your real concern.

3) Cottage rentals along the lake have been a tradition in Wainfleet ; many are seasonal residential and pay more taxes. This will be cost prohibitive to many whom only rent out a few weeks .

4) Perhaps focus on rentals less than one week.

5) Airbnb and VRBO have a complaints dept.

6) Info re rentals should not be shared with anybody

7) It appears many seasonal residential cottages have become full time residences with influx of owners with different expectations.

8) If the owner does not ever stay there and it is viewed as commercial perhaps this is a better way to handle this; if this is your real intent.

9) It does look like a money grab for town, do you intend to hire more staff?

10) Family cottage renters do bring tourist dollars to our town

I feel more input and thought needs to be put into this proposed bylaw.

Sincerely,
Cindy Adams

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 4, 2022 3:56 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Friday February 4th 2022 3:55 PM with reference number 2022-02-04-004.

- **First Name**

Michael

- **Last Name**

Leone

- **Address**

10122 Cedar Crest

- **Phone Number**

- **Email**

- **Comment**

Good Day Mr. Mayor, Councilors and Town staff

As a long-time resident of Wainfleet, moving here from Welland in the early 1990's when my parents decided to make a better home for their family. I was going into grade 10 at the time and my sister into grade 7, both my parents continued their jobs in the Niagara Region. Fast forward to 2006, I married my wife Kendra and we bought our 1st home in Welland. 3 years later we too moved (back) to Wainfleet to grow our family. 1 more fast forward to now, we are still living in Wainfleet, so are my parents (at times too close and other times too far from eachother 😊), we have 2 lovely children, both in school in Wainfleet. The common denominator so far has been:

Wainfleet has something that keeps on attracting Wellanders (if that is even a word) to being proud Fleeters'.

Wainfleet being a place to live with your family and grow your family.

At the STR virtual open house on January 18, 2022, we heard a variety of personal opinions, experiences, realities, and unknown futures of STR's. The future unknown is key here to make sure that the measures put into place to manage STR's is correct.

An STR is a business as a cost is being paid for a service offered, and a business cannot operate in a residentially zoned area. The present draft is allowing for a business to operate in a residentially zoned area. This needs to be reviewed and addressed. As presently to run a business out of a residential property I would have to get the zoning

change which would allow for a review which would ultimately be granted or denied. A way this can be managed is to require the STR property much be the primary residence of the owner. This will help to manage the house to remain a residential dwelling, not a commercial dwelling.

I trust that staff and council will do the right thing and weigh heavily on the side of caution with the grey areas of the STR draft policy. Keeping what we all have, and know right now in place the best we can. All of our families depend on Wainfleet being the place it has always been to raise families, give back to the community and support locally.

Regards,
Michael Leone

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: Shelly Ann Ramlochan
Sent: February 4, 2022 10:05 AM
To: S T. R
Subject: Proposed Short Term Rental By-Law

Follow Up Flag: Follow up
Flag Status: Flagged

Honourable Mayor Gibson and Council Members,

I am the owner of 11267 Harbourview Road and the Short Term Rental Host that is indicated in the e-mail of Leslie Daudelin, dated April 28, 2021. I refute the statements made indicating that my home and septic system are not up to city standards and do welcome a walk through of our beloved Lake House. The property was purchased with the intention of being our families Cottage and as we are not yet in a position to transition to it on a full time basis have decided to offer it for Short Term Rental to share this one of a kind shoreline with other families. This past summer we were able to host Physicians, Families in need and have even provided a week stay as part of the Children's Aid Auction all at no cost. Our Intention was not and never has been to "run a business" from a Residential Location.

In the time that we have owned this property we have been the victims of constant accusations, racist remarks and have been made to endure slander on many Social Media outlets. To which Police have issued Cautions. An example of this slander is the above noted letter dated April 28, 2021 as we had yet to host our first guest through Airbnb until June 2021. Our earlier reviews were friends and family we had offered free stays to ensure the home would be ready for "real guests". I ask how you as Townspeople and Official Representatives can allow people that behave in such a manner to have such a large impact on Community Decisions.

Upon booking we provide our Guests a Guide Book that outlines our favorite local Amenities to help support the Town, find attached. We are not a party house and guests are made to sign the House Rules prior to their stay, found on page 5 of the Guide Book, which states "Let's be Respectful of our neighbours". To further discredit these allegations, by-law never issued us any penalties.

Over the last few weeks I've been in contact with other Short Term Rental hosts in Wainfleet that have been hosting for upwards of 20 years with no issues. This causes me to believe that this is a blatant personal attack on "outsiders" whether that be taken in relation to my ethnicity or my geographical location.

If the Short Term by-law is to be made effective I ask you for a 1 year implementation period as I have already secured bookings for this summer and any cancellations will affect my Hosting Status and cause me additional undue hardship as there will be cancellation fees.

In regards to the by-laws themselves I ask that you consider the following:

Section 4.4 Although parking outside of the driveway is not encouraged, why is it a tiered system between Short Term Rentals and other properties that park boats and trailers on their grass? How would you know if it is a Short Term renter or the owners/our personal guests staying.

Section 4.5 Instead to read "Maximum Occupancy" means the maximum number of occupants permitted on the premises as determined by the Chief Building Official. In correlation to other Municipalities.

Section 4.7 Does the 180 days Operated refer to the booking dates available or specifically to the number of Guests Hosted and their stay duration?

Sections 6.4 (h)(i)(k) can we make these a consistent date.

6.5(e) is this applicable to a property such as mine that has a water filtration system that negates the boil water advisories.

12.1 (h) why would attending at the property within a 2 hour period be a necessity when all issues can be resolved over the phone or by e-mail. As a full-time employed mother I cannot guarantee that I will constantly be within a 2 hour radius, especially with traffic on the QEW.

The city has all the by-laws and man power to regulate the Community effectively already, as such this by-law is just an undue hardship for the Town to endure. I expect constant unfounded reports and allegations to be made against my home. For example by-law was contacted when I was at my own home over Christmas with my Parents and Children alleging we were breaking Covid mandates. We all live in the same household and were a total of 5 people, I ask why are you empowering such people.

I take this opportunity to thank you for your hardwork in drafting this by-law but ask that a Short Term Rental Registry be created, not a by-law enacted. I further ask that a criteria be shared regarding the policies as they relate to Short Term Renters and non fee paying Guests of my family. This will save myself and the Township both time and money.

I look forward to seeing the outcome of this situation and ask that I be considered a member of the Wainfleet community.

Best Regards.

Shelly Ann Ramlochan [Guide Book.pdf](#)



Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 4, 2022 9:45 AM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Friday February 4th 2022 9:43 AM with reference number 2022-02-04-003.

- **First Name**

Teri

- **Last Name**

O'Neill

- **Address**

1001 Forks Rd. Wainfleet, ON L0S1V0

- **Phone Number**

- **Email**

- **Comment**

As a successful property manager for short term rentals I appreciate the opportunity to provide some feedback. While my focus has been properties in the Town of Fort Erie over the past several years I am expanding into the Wainfleet area. I have lots of experience with the development of licencing for STR's.

I support that a By-Law be implemented in the area at it provides a mechanism to ensure the rentals are maintained and operated safely while promoting tourism in the area. Feedback I would like to provide.

1. The licencing should be an annual licence renewed by March 31 for the calendar year. I am not sure the reasoning behind 2 year licences. Having them reviewed annually would allow for better maintenance control, review and correction of demerit points and homeownership changes very frequently at this moment.
2. While I understand the requirement to limit occupancy I believe we would be able to better target the family dynamic by allowing 2 per bedroom plus and additional 2 for common space of bunkbed rooms. So 2 bedroom (Occupancy 6), 3 bedroom (occupancy 8) etc. What I have witnessed with the occupancy limits set in Fort Erie is that it has done the complete opposite as they intended and many families are not returning to the area.
3. What is the definition of a bedroom? Are we to assume a separate room with a door

and an access window?

4. Having a responsible person within 30 minutes of the property is key to ensuring maintenance and any other issues can be dealt with in a timely manner.

5. I am not sure the intent with the 180 day maximum. If the property is not a permanent residence for someone it is better to have it occupied and not empty. Just for an example, I went to a property a few days ago to prepare for a guest arriving. Upon arrival I found the sump pump had burnt out and the basement would have flooded. If I have not had an upcoming rental the house would have not been checked as the owner is out of the country. For the most part winter rentals are few and far between and I have rented for emergency housing needs only (monthly or longer.)

6. For the insurance it should include a minimum \$2 million liability and the certificate of insurance should state it is insured as a STR

7. An online application portal should be implemented for ease of applying.

Happy to have any further discussion.

Teri

Perfect Stays Niagara

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 4, 2022 5:25 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Friday February 4th 2022 5:24 PM with reference number 2022-02-04-006.

- **First Name**

Art and Ann

- **Last Name**

Hasznosy

- **Address**

11205 Golf Course Road

- **Phone Number**

- **Email**

- **Comment**

Unless Wainfleet institutes a STR bylaw with some enforceable teeth we will find ourselves in the situation like so many municipalities have faced before adopting stringent bylaws. I have talked to a number of local realtors that have and are receiving never ending calls from people/corporations outside the township looking for potential properties to be bought as STR. It is my understanding that these potential purchasers have no interest in living nor taking part as citizens of our community but rather using our rural landscape to forward their own "money making" agendas. I have seen first hand what neighbors have experienced with some of these "party houses" and no one should be subjected to having to deal with these abuses. It would appear that most of these travesties occur when there is an absentee owner.

That being said I come from a family where my Grandparents rented out cottages but they had their primary residence on site and were always present in case of any problems which were few and far between. Problems seem to have just arisen since properties are being bought up and treated as commercial moneymaking facilities with what would appear to be total disregard for neighbors and the Wainfleet lifestyle.

I would hope that any bylaw that is enacted would be totally enforceable would it not make sense to have a "hotline" where concerns/complaints could be filed and possibly a bylaw officer that could be on call outside traditional business hours as that is when it seems as though most of the problems occur?

I will be most interested in perusing staff's final draft of bylaw and ensuing discussion with Council.

Thank you for allowing my input.

[This is an automated email notification -- please do not respond]

Lindsay Earl

From: noreply@esolutionsgroup.ca
Sent: February 6, 2022 3:06 PM
To: S T. R
Subject: New Response Completed for Have Your Say

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please note the following response to Have Your Say has been submitted at Sunday February 6th 2022 3:04 PM with reference number 2022-02-06-001.

- **First Name**
Rick
- **Last Name**
Jowett
- **Address**
11157 churchill ave
- **Phone Number**
- **Email**
- **Comment**
Good Day,

I would like to provide my input into the short term rental discussion.

My first comment is I wish I would have known about the virtual meeting on 01/18/22. The fact that I did not know about it indicates to me that communication from the Township to the Residents can be improved. I would suggest a monthly email newsletter be sent to Residents communicating bullet items to consider or be informed about. Relying on Residents having to constantly visit a web site to check on things is not a good solution.

My main comment is that I believe STR's are a hard sell and thus should not be allowed, or if allowed they should be highly restricted. To better understand my theme please see the Pro's and Con's outlined below.

Pros:

- Allows property owners the ability to generate income

Cons:

- Allows property owners to generate income in a Residential zoned area while collecting Commercial revenue
- Noise past 10PM constantly
- Partying all hours of the day and night
- Over loading antique sewage septic systems and increasing EColli risk to our drinking water
- Strangers looking at me, my children, and my wife
- Public intoxication
- Trespassing
- Verbal harassment
- Sexual harassment
- Public urination
- Pet noise and defecation issues
- Unenforceable by-laws because Wainfleet does not have a Police department
- Theft
- Vandalism
- Retaliation
- Intimidation
- Loss of community
- Loss of peace
- Loss of security
- Loss of Commercial Tax Revenue

As you can see its is a hard sell to support STRs for the community of Wainfleet from a pure Pro vs. Con analysis.

By-Law Concerns:

STR's with by-laws is risky because by-laws cannot be enforced effectively. Wainfleet does not have a Police Dept. When someone at a STR violates a by-law, how does that work. Do I phone someone and they rush out and enforce it? At 10PM on a Friday night? At 3AM? Let's be realistic, by-laws are a paper Tiger. Sounds good in a document but in reality is flawed. The same can be said for "rental agreements", there is no teeth in them so renters will violate them at will.

Rent to Offset Expenses Concerns:

As far as needing to rent your home or cottage so you can pay for expenses. Let's be honest, if you have enough money to own a lakefront property (or one row back from the lake) which is worth north of \$1 Million, do you really need a few thousand dollars via rental income to pay taxes, I doubt it. I think it's just code for let me keep making money as a commercial enterprise at a residential tax rate. It's a game, its cheating at your neighbors expense. If you really are struggling to pay your expenses for a Million dollar property then maybe you should sell it to someone who can afford it.

In Summary:

The best solution is simply to not allow STR's, because a Pro vs. Con analysis simply does not support it. If STR's must be allowed, I really think the most elegant solution has already been suggested several times, do not allow a STR unless the property owner will be on premises and lives there full time. This will self-police most if not all the negatives of STRs, lower the enforcement burden on the Township, and lower the anxiety level on the Residents. And I would also level a commercial tax rate on STR properties, because it is a commercial enterprise. This just seems fair. Combining these two elements into the by-laws still allows for STR's but highly restricts them in favor of protecting the taxpaying

Wainfleet resident.

My Background:

I am a Canadian citizen who's family settled in Wainfleet in 1901 on a farm on the Feeder Canal, and has owned the property at 11157 Churchill Ave since 1952. I have 5 AirBnB neighbors in my small community of Sunset Bay. We have never rented our property nor would we ever do such a thing to our neighbors.

Have a Great Day!

Rick Jowett

[This is an automated email notification -- please do not respond]

DRAINAGE STAFF REPORT

DSR-03/2022

TO: Mayor Gibson & Members of Council

FROM: Mark Jemison, Drainage Superintendent

DATE OF MEETING: May 10, 2022

SUBJECT: Request for Drain Improvement, Chambers Corner Drain Extension

RECOMMENDATION(S):

THAT Drainage Staff Report DSR-003/2022 regarding a request for a drain improvement, Chambers Corner Drain Extension, be received as information;

AND THAT Council accept the Request for Drain Improvement and authorize staff to prepare and distribute the necessary notices in accordance with Section 78(1) *Drainage Act*;

AND FURTHER THAT Council appoint Spriet Associates Engineering under the *Drainage Act* to improve the Chambers Corner Drain Extension.

EXECUTIVE SUMMARY:

The Chambers Corner Drain Extension was created in 2021 to facilitate the construction of the Central Fire Station. An improvement request has been submitted under Section 78 of the Drainage Act to enclose the open ditch.

BACKGROUND:

Through the engineering and design of the Central Fire Station the need for an improved drainage outlet was identified. The Chambers Corner Drain Extension formalized an existing 250m long ditch flowing across a neighbouring property and allowing access to the Chambers Corner Municipal Drain.

A request pursuant to Section 78 of the *Drainage Act* has been received from a property owner located on the drain. The request would have the effect of enclosing the open ditch, reducing future open ditch cleanouts and improving the appearance of the involved properties.

OPTIONS/DISCUSSION:

- 1) Council accept the Request for Improvement and authorize staff to prepare the necessary notices in accordance with the *Drainage Act* (recommended).

- 2) Do not support the Request for Improvement (Not recommended).

FINANCIAL CONSIDERATIONS:

If approved by Council, the Township will be required to carry the costs of the project until the report is completed and the costs are allocated to the appropriate property owners in accordance with the engineer's report prepared pursuant to the *Drainage Act, R.S.O. 1990*.

As per the *Drainage Act, R.S.O. 1990*, final actual costs to the Township will only be those assessed to the roads and lands of the Township identified in the engineer's report for any maintenance or improvements completed on the drain as outlined in the Section 78 report. A Section 78 engineering report is 100% billable and eligible for grant from OMAFRA.

OTHERS CONSULTED:

- 1) Strategic Leadership Team

ATTACHMENTS:

- 1) Request for Drain Improvement
2) Chambers Corner Drain Extension (2021) Plan Drawing

Respectfully submitted by,

Approved by,

Mark Jemison
Drainage Superintendent

William J. Kolasa
Chief Administrative Officer

**Notice of Request for Drain
Major Improvement
Drainage Act, R.S.O.
1990, c. D.17, subs. 78 (1.1)**

To: The Council of the Corporation of the Township of Wainfleet

Re: Chambers Corner Drain Extension
(Name of Drain)

In accordance with section 78 (1.1) of the *Drainage Act*, take notice that I, as owner of land affected, request that the above mentioned drain be improved.

The Major Improvement Project work being requested is (check all appropriate boxes):

- ☐ Changing the course of the drainage works;
- ☐ Making a new outlet for the whole or any part of the drainage works;
- ☐ Constructing a tile drain under the bed of the whole or any part of the drainage works;
- ☐ Constructing, reconstructing or extending bridges or culverts;
- ☐ Extending the drainage works to an outlet;
- ☐ Improving or altering the drainage works if the drainage works is located on more than one property;
- ☒ Covering all or part of the drainage works;
- ☐ Consolidating two or more drainage works; and/or
- ☐ Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement.

Provide a more specific description of the proposed drain major improvement you are requesting:

Enclose the open ditch with subsurface tile to reduce maintenance and look cleaner

Property Owners

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.

Property Description

Con 4 pt lot 20

Ward or Geographic Township

Township of Wainfleet

Parcel Roll Number

271400000813400


If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner of the property may request a drain improvement.

Ownership

Sole Ownership

If you need to provide additional information, please attach along with this form.

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
Aarts, Leon & Aarts, Judith		2022/04/25

Enter the mailing address and primary contact information of property owner below:

Last Name Aarts	First Name Leon	Middle Initial P
--------------------	--------------------	---------------------

Mailing Address

Unit Number	Street/Road Number 41719	Street/Road Name Millrace	PO Box 136
City/Town Wainfleet	Province Ontario		Postal Code L0S 1V0
Telephone Number	Cell Phone Number (Optional)	Email Address (Optional)	

To be completed by recipient municipality:

Notice filed this 26 day of April 20 22

Name of Clerk (Last, First Name) Ciuffetelli, Meredith	Signature of Clerk 
---	--

DRAINAGE STAFF REPORT

DSR-004/2022

TO: Mayor Gibson & Members of Council
FROM: Mark Jemison, Drainage Superintendent
DATE OF MEETING: May 10, 2022
SUBJECT: Petition for Drainage Works, Newhouse Drain

RECOMMENDATION(S):

THAT Drainage Staff Report DSR-004/2022 regarding a Petition for Drainage Works, Newhouse Drain, be received as information;

AND THAT Council accept the Petition for Drainage Works and authorize staff to prepare and distribute the necessary notices in accordance with Section 5(1) *Drainage Act*;

AND FURTHER THAT Council appoint Spriet Associates Engineering under the *Drainage Act* to facilitate the Newhouse Drain.

EXECUTIVE SUMMARY:

The Township has received a petition submitted under Section 4 of the Drainage Act to formalize an existing private ditch in the area of Highway 3, Perry Road and Wills Road as a Municipal Drain. Petitions submitted under Section 4 of the Drainage Act are a starting point which allows landowners to find relief from drainage related issues.

BACKGROUND:

The petitioner has historically maintained the existing ditch on private property to facilitate drainage. Having discussed the ongoing ditch maintenance with Township Staff and the Ministry of Transportation (MTO) several times in recent years, petitioning for a municipal drain provides a long-term strategy to meet the drainage needs of the area.

As described in the petition, the drainage works starts south of Highway 3 in Lot 28/29, Concession 4, crossing Highway 3 via a 48" culvert before outletting into the Big Forks municipal drain. The general drainage area is located in between the watershed areas for the East Kelly and McCallum municipal drains.

The petition submitted under Section 4 of the *Drainage Act* would formalize and improve the existing ditch to facilitate drainage for the petitioner. The new municipal drain would also provide a schedule for future maintenance to assess costs equitably across the watershed, including the MTO. The appointed engineer reviews the petition and holds an on-site meeting to determine the petition's validity. The flow chart identified in

Attachment 3 shows the steps involved, which has many similarities to the Section 78 Drainage Report updates process.

OPTIONS/DISCUSSION:

- 1) Council accept the Petition for Drainage Works and authorize staff to prepare the necessary notices in accordance with the *Drainage Act* (recommended).
- 2) Do not support the Petition for Drainage Works (Not recommended).

FINANCIAL CONSIDERATIONS:

The Township will be required to carry the costs of the project until the report is completed and the costs are allocated to the appropriate property owners in accordance with the Drainage Act.

As per the *Drainage Act, R.S.O. 1990*, final actual costs to the Township will only be those assessed to the roads and lands of the Township identified in the engineer's report for any maintenance or improvements completed on the drain as outlined in the Section 4 report. A Section 4 engineering report is 100% billable and eligible for grant from OMAFRA.

OTHERS CONSULTED:

- 1) Strategic Leadership Team

ATTACHMENTS:

- 1) Petition for Drainage Works
- 2) Mapping
- 3) Section 4 Flow Chart

Respectfully submitted by,

Approved by,

Mark Jemison
Drainage Superintendent

William J. Kolasa
Chief Administrative Officer

Petition for Drainage Works by Owners
Form 1

Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the Township of Wainfleet

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

See attached

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name) <u>Newhouse</u>	(First Name) <u>Bob</u>	Telephone Number <u>905-899-4440</u>
---	----------------------------	---

Address Road/Street Number <u>43069</u>	Road/Street Name <u>Wells Road</u>
---	---------------------------------------

Location of Project Lot <u>28, 29</u>	Concession <u>4</u>	Municipality <u>Wainfleet</u>	Former Municipality (if applicable)
---	------------------------	----------------------------------	-------------------------------------

What work do you require? (Check all appropriate boxes)

- ☐ Construction of new open channel
☐ Construction of new tile drain
☒ Deepening or widening of existing watercourse (not currently a municipal drain)
☐ Enclosure of existing watercourse (not currently a municipal drain)
☐ Other (provide description ▼)

Name of watercourse (if known)

Estimated length of project

250 m

General description of soils in the area

- Sandy loam - to clay

What is the purpose of the proposed work? (Check appropriate box)

- ☐ Tile drainage only
 ☐ Surface water drainage only
 ☒ Both

Petition filed this 27 day of April, 2022

Name of Clerk (Last, first name)

Cuffetelli, Meredith

Signature

Meredith Cuffetelli

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description <u>Con 4 Pt Lots 28 and 29</u>
Ward or Geographic Township	Parcel Roll Number
<u>Wainfleet</u>	<u>2714 000 00908501.0000</u>

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

☒ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
---	-----------

Name of Corporation	I have the authority to bind the Corporation.
---------------------	---

Position Title	Date (yyyy/mm/dd)
----------------	-------------------

Number	Property Description <u>Con 4 Pt Lots 28 and 29</u>
Ward or Geographic Township	Parcel Roll Number
<u>Wainfleet</u>	<u>2714 000 00908501.0000</u>

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

☒ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
---	-----------

Name of Corporation	I have the authority to bind the Corporation.
---------------------	---

Position Title	Date (yyyy/mm/dd)
----------------	-------------------

☒ Check here if additional sheets are attached

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D. 17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.

Bob Newhouse

To: Bob Newhouse
Subject: Petition for Drainage Works

The area of Land

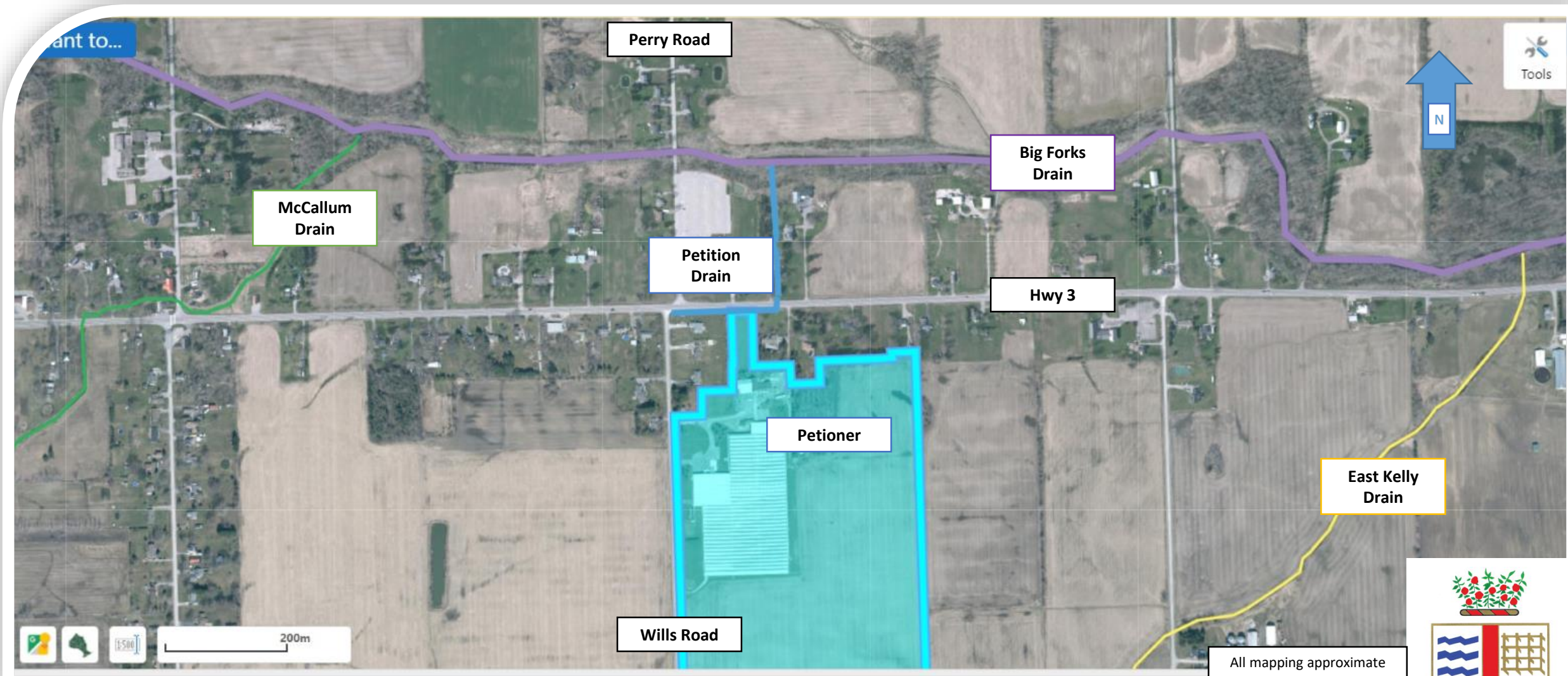
The lands that are most significantly requiring drainage improvements are Lots 28 and 29, Concession 4 . This property has frontage on Hwy 3, and Wills Road. As per details of the water shed boundaries, the surface water drains via Wills Road to the North, and easterly along Hwy 3 via an MTO ditch. A 48" culvert crosses Hwy 3 in a northly direction, discharging onto private property. There is a natural waterway that empties to the Big Forks Creek. Presently the MTO drain on the South Side of Hwy 3 needs cleaning, as well the private waterway on the North Side of the road requires cleaning and or repair of partially plugged culverts. Newhouse Onions Limited has had ongoing concerns and conversations with the MTO, however, to date no action has been taken to improve the drainage.

A farm tile drainage outlet discharges into the MTO ditch near the Hwy culvert crossing. For the tile drainage to be effective, clear drain is required.

Newhouse Onions Limited

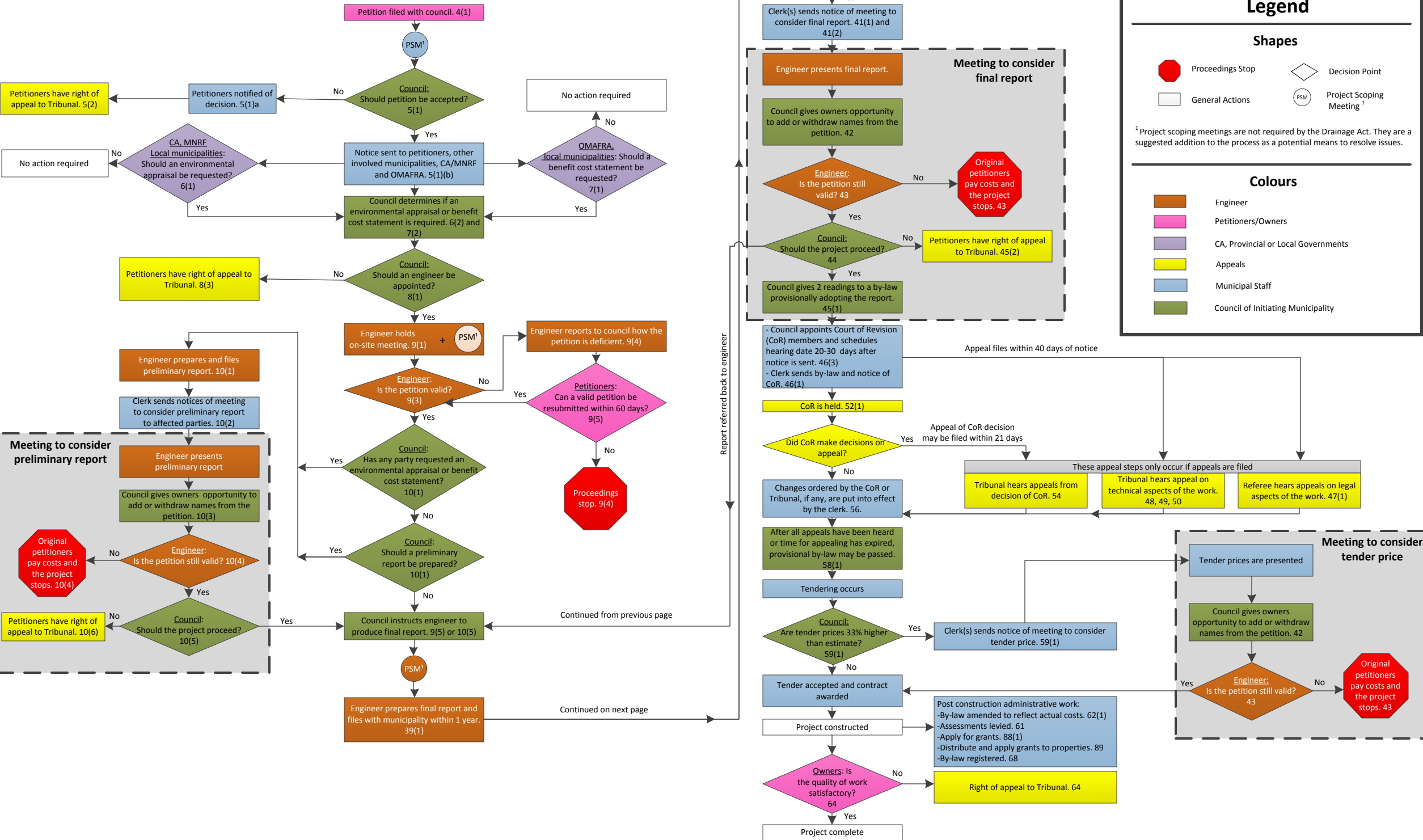
43069 Wills Rd Wainfleet, ON L0S 1V0
P: 905-899-4440 F: 905-899-4441 C: 905-658-5444

Attachment 3 – Newhouse Drain Mapping



PETITION DRAIN PROCEDURES

SECTION 4 OF THE DRAINAGE ACT



FIRE STAFF REPORT

FSR-005/2022

TO: Mayor Gibson & Members of Council
FROM: M. Alcock, Fire Chief/CEMC
DATE OF MEETING: May 10, 2022
SUBJECT: 2022 First Quarter Fire & Emergency Services Review

RECOMMENDATION(S):

THAT Fire Staff Report FSR-005/2022 respecting 2022 First Quarter Fire & Emergency Services Review be received for information.

EXECUTIVE SUMMARY:

This report includes a summary of Fire Department activity within the Township of Wainfleet for the first quarter of 2022 (January - March).

ADMINISTRATION

Human Resources

On January 4, 2022 the Executive Assistant to Fire & Emergency Services started their new part time position. This dedicated position has already proven beneficial for the efficient and timely operations of the Fire Department.

Health & Safety

The Joint Health & Committee met on January 12, 2022. Facilities, Apparatus, Equipment, Training & Operations were discussed. 2022 annual policy review to be completed and posted at each station. SDS binders to be digitized and accessed via station computers and tablets. Four members of the JHSC to complete certification training by the end of 2022.

Promotions

On January 3, 2022, WFES recognized the hard work of the probationary class of 2021 with a Recruit Graduation and Officer Promotion. WFES promoted nine probationary members to various classes of firefighters and promoted two members to the rank of Lieutenant for Station 3 (Burnaby) and Acting Lieutenant for Station 2 (Wainfleet).



Recruitment

The Recruit class of 2022 began their training on January 6, 2022. Below is a list of the training topics covered during the 1st Quarter of 2022.

Key Date	Benchmark
January 6, 2022	Orientation Evening
January 13, 2022	Human Resources, Health & Safety, and Policy review
January 20, 2022	The Working Mind – First Responder (Mental Health resiliency)
January 28/29, 2022 February 4/5, 2022	First Aid/Medical Response Training
February 10, 2022	Intro. Into the Fire Service – Organization & Operations
February 18, 2022	Radio Communications
February 19, 2022	PPE, SCBA, Portable Fire Extinguishers
February 24, 2022	Building Construction
March 4, 2022	Fire Dynamics & Flow Path
March 5, 2022	Ropes, Knots & Ground Ladders
March 10, 2022	Forcible Entry
March 25/26, 2022	Search & Rescue
March 31, 2022	Tactical Ventilation

FIRE PREVENTION & PUBLIC EDUCATION

PUBLIC EDUCATION

March 19, 2022 - Public First Aid & CPR course

WFES personnel provided a Red Cross First Aid & CPR course to approximately 20 members of the public.



FIRE PREVENTION, INSPECTIONS, ENFORCEMENT, INVESTIGATIONS

Date	Property Type	Reason	Result
January 4, 2022	Commercial/ Residential	Follow Up Inspection	Compliant
January 25, 2022	Multi-Unit Residential	Contractor Request	Issues detected and corrected on site.
January 28, 2022	Residential	Post Fire Investigation	Area of Origin located, Suspected Cause to be confirmed.
February 1, 2022	Residential	Request	Smoke/CO Alarm expired, Replacement installed by FD
February 2, 2022	Residential	Request	Smoke/CO Alarm expired, Replacement installed by FD
February 4, 2022	Residential	Follow Up Inspection	Compliant
March 2, 2022	Multi-Unit Residential	Contractor Request	Compliant
March 13, 2022	Agricultural/ Commercial	Post Fire Investigation	Area of Origin located, Suspected Cause to be confirmed.
March 31, 2022	Assembly	Request	Provided Recommendations

OPERATIONS**Automatic Aid**

The Automatic Aid agreement with Port Colborne went live on February 22, 2022. The first use of the new agreement was in response to a structure fire on March 12, 2022, where Port Colborne provided a tanker on the initial alarm.

Mutual Aid

Date	Mutual Aid Received/Provided	Municipality	Reason
January 26, 2022	Received	Port Colborne	Residential Structure Fire
March 12, 2022	Received	Haldimand Pelham	Agricultural/ Commercial Structure Fire
March 13, 2022	Provided	West Lincoln	Barn Fire
March 30, 2022	Received	Haldimand Port Colborne	Residential Kitchen Fire

Niagara Region originally placed a weight restriction on the bridge that crosses Oswego Creek on Regional Road 45. This weight restriction impacted emergency service vehicles and a "Modified Mutual Aid" plan was put in place with Haldimand County to address those impacts.

On January 24, 2022, Niagara Region fully closed the bridge to a vehicular traffic, including emergency vehicles, further reinforcing the need for the plan.

Should WFES be called to any property impacted by the closure, Dispatch will automatically notify Haldimand County, who will provide a Pumper and a Tanker from Station 6 (Canborough) and a Tanker from Station 9 (Dunnville)

OPERATIONS**Emergency Responses (4th Quarter)**

Number	Date	Response Type Description	Address
22-001	02-Jan-22	Fire – Heavy Machinery	O'Reillys Rd. S.
22-002	05-Jan-22	Gas Leak - Propane	Regional 27 Rd.
22-003	06-Jan-22	Medical Assist - Respiratory Condition	Walnut Hill Rd.
22-004	07-Jan-22	Medical Assist - Respiratory Condition	Highway 3
22-005	12-Jan-22	Motor Vehicle Collision	Regional Road 27
22-006	16-Jan-22	Call cancelled on route	Burnaby Rd.
22-007	19-Jan-22	Motor Vehicle Collision	Concession 1 Rd.
22-008	19-Jan-22	Medical Assist – Cardiac	Old River Rd. W.
22-009	21-Jan-22	Activated Alarm – Equipment Malfunction	Lee St.
22-010	22-Jan-22	Medical Assist - VSA	Regional Road 27
22-011	26-Jan-22	Fire – Residential Structure	Harbourview Rd.
22-012	27-Jan-22	Motor Vehicle Collision	Regional Road 27
22-013	30-Jan-22	Medical Assist - VSA	Highway 3
22-014	31-Jan-22	Carbon Monoxide - False Alarm	Hill Ave.
22-015	03-Feb-22	Activated Alarm – Accidental Activation	Winger Rd.
22-016	04-Feb-22	Medical Assist - VSA	Highway 3
22-017	09-Feb-22	Fire – Chimney Fire	Bell Rd.
22-018	10-Feb-22	Medical Assist – Other	Highway 3
22-019	11-Feb-22	Activated Alarm – Accidental Activation	Lee St.
22-020	12-Feb-22	Other pre fire conditions (no fire)	Youngs Rd. N.
22-021	14-Feb-22	Motor Vehicle Collision	Canborough Rd.
22-022	14-Feb-22	Fire – Heavy Machinery	Highway 3
22-023	17-Feb-22	Other Medical/Resuscitator Call	Highway 3
22-024	18-Feb-22	Asphyxia, Respiratory Condition	Concession 6 Rd.
22-025	20-Feb-22	Asphyxia, Respiratory Condition	Highway 3
22-026	23-Feb-22	Medical Assist - VSA	Bell Rd.
22-027	26-Feb-22	Motor Vehicle Collision	Highway 3
22-028	26-Feb-22	Motor Vehicle Collision	Highway 3
22-029	01-Mar-22	Alcohol or drug related	Bellevue Beach Rd.
22-030	05-Mar-22	Open air burning/unauthorized controlled burning	Wellandport Rd.
22-031	12-Mar-22	Fire – Agricultural/Commercial Structure	Highway 3
22-032	13-Mar-22	Assisting Other FD: Mutual Aid	Vaughan Rd, West Lincoln
22-033	17-Mar-22	Carbon Monoxide - Equipment Malfunction	Regional Road 27
22-034	18-Mar-22	Fire – Chicken Coop	Side Road 18
22-035	18-Mar-22	Motor Vehicle Collision	Regional Road 27
22-036	19-Mar-22	Call cancelled on route	Station Rd.
22-037	19-Mar-22	Motor Vehicle Collision	Traver Rd.
22-038	27-Mar-22	Medical Assist – Cardiac	Highway 3
22-039	28-Mar-22	Medical Assist – Cardiac	Regional Road 27
22-040	30-Mar-22	Public Assist - Gas Leak - Natural Gas	Lakeshore Rd.
22-041	30-Mar-22	Fire – Kitchen Fire	Lakeshore Rd.

APPARATUS & EQUIPMENT**Apparatus**

At 23 years old, Engine 2 (1999 International), is beginning to show its age through several minor repairs being required. Upon inspection, it has been recommended that the air-lines and fittings that operate the braking system be fully inspected and replaced as required.

Tanker 3 (2018 International) continues to have exhaust system issues. Staff are working with both the service shop and the manufacturer to have this addressed through warranty.

Car 2 (2014 GMC) required a full tune up, and some other repairs.

All other apparatus continue to be cycled through for their annual safety inspections.

Equipment

Annual testing and maintenance was completed on all Self Contained Breathing Apparatus (SCBA). Bi-annual air sampling and calibration was completed on the Breathing Air Compressor & Fill Station.

FACILITIES**Existing Stations**

Council approved the Capital budget in March of 2022, which included a continuance of repairs and investments into Stations 3 (Burnaby) and 4 (Schwoob). These projects include:

Station	Description
Station 2 (Wainfleet)	Storage Cabinets
Station 3 (Burnaby)	Repair of Concrete Sidewalk
Station 4 (Schwoob)	PPE Storage
Station 4 (Schwoob)	Paint
Station 4 (Schwoob)	Floor repairs & Coating
Station 4 (Schwoob)	Foundation Repair

Central Fire Station Project

Work continues on the Central Fire Station project.

Below is a list of key dates that have occurred.

Date	Benchmark
December 12, 2021	Project Manager selected and begin review of the project
January 25, 2022	Project Charter approved by Council
February 11, 2022	Tender & Bid Documents issued and Bid period opens
February 15, 2022	Mandatory site meeting for all bidders
March 22, 2022	Tender Closing Date (moved from February 24, 2022)

TRAINING & CERTIFICATION**Regular/Weekly Training**

Personnel continue to conduct weekly training utilizing various facilities, and props available to the department. Suitable training facilities continue to be a need and personnel continue to find creative solutions until a centralized facility can be provided.

Below is a list of topics covered during Q1 of 2022.

Lead Topic	Sub-Topics and Description
Personal Protective Equipment	Annual Respirator Fit Testing
Post Incident Analysis (PIA)	Review of FD operations at Harbourview Structure Fire
Medical	Theory & Practical - First Aid & Basic Life Support (CPR & AED)
Technical Rescue	Practical - Shore Based Ice Rescue – “Reach, Throw, Go”, PPE, Safety Lines, Tools, Techniques.
Fire Ground Operations	Practical – Demonstrate Forcible Entry techniques – Forcing a door, cutting window bars, etc.
Automatic Aid Operations	Review of PCFD Station access & Fill Site operations
Firefighter Survival & Rescue	Theory – MAYDAY Operations, Firefighter accountability, On-Deck Crews, Firefighter Rescue, Emergency Communications Procedures
Fire Ground Operations	Conduct a Primary Search of structure
Fire Ground Operations	Perform safe operations of hoisting various equipment utilizing different ropes & Knots

PRIORITIES

The priorities for the first quarter of 2022 include:

- Recruit Training Program
- Investigate Alternate Training Facilities and Options
- Develop 2022 Capital & Operating Budgets
- Continue work on Central Fire Station
- Continue work on Community Risk Assessment and Gap Analysis

OPTIONS/DISCUSSION:

None.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

- 1) Fire Services Leadership Team
- 2) Deputy Fire Chief – Shawn Schutten
- 3) Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix “A” - Year to Date Incident Statistics

Respectfully submitted by,

Approved by,

Morgan Alcock
Fire Chief/CEMC

William Kolasa
Chief Administrative Officer

APPENDIX "A" TO FSR-005/2022

WAINFLEET FIRE & EMERGENCY SERVICES 2022 MONTHLY DISPATCHES BY DETERMINANT

[illegible]

TO: Mayor Gibson & Members of Council

FROM: R. Nan, Manager of Operations

DATE OF MEETING: May 10, 2022

SUBJECT: Award of Tender for 2 Hybrid SUVs

RECOMMENDATION(S):

THAT Public Works Staff Report PWSR-008/2022 respecting Award of Tender for 2 Hybrid SUVs be received;

AND THAT Council authorize the Manager of Operations to purchase 2 Hybrid SUVs from Mike Knapp Ford, being the only bid submitted.

EXECUTIVE SUMMARY:

The 2021 approved budget included the purchase of 2 fleet vehicles with an upset limit of \$64,000.00. As opposed to the traditional internal combustion engine vehicles proposed by staff, Council directed that staff investigate the acquisition of hybrid vehicles. Accordingly, staff prepared a tender package in accordance with the Township's procurement policy and the results of the tender opening are indicated below.

BACKGROUND:

Staff prepared a tender package and specifications for 2 Hybrid SUVs to replace the Building and By-law pick-up trucks presently in the fleet and approaching end of life. The new SUVs will be placed in the Community and Development services department and the existing trucks will be advertised and sold on GovDeals (online marketplace that provides services to government, educational and related entities for the sale of surplus assets to the public).

During the tender closing on April 29, 2022, the Township received 1 single bid. The results of the Tender are listed below. Prices indicated do not include HST

Company	Make and Model	Price
Mike Knapp Ford	Ford Escape	\$37,963.00 per vehicle

On May 3, 2022, after the close of the tender, a second bid was received at the offices that was not clearly marked as to contents. Staff are unable to accept or consider the late bid based on our procurement policy.

OPTIONS/DISCUSSION:

1. Award the tender to the lowest bidder (Recommended).
2. Prepare an alternative tender which will include a gas engine rather than a hybrid to attract additional bidders.

FINANCIAL CONSIDERATIONS:

Council approved \$64,000.00 for the purchase of 2 SUVs during 2022 budget deliberations. The purchase of the 2 Hybrid SUVs with HST excluded is \$75,926.00. Purchasing 2 Hybrid SUV would require additional financing from reserves. It is expected that cost savings on fuel may be realized over time to offset the additional upfront cost of the hybrid vehicles, particularly in light of the current upward pressure on fuel prices. A variety of publications speak to the cost recovery potential of hybrid vehicles, particularly during a period of rising gas prices:

- [Consumer Reports](#)
- [Driving.ca](#)

OTHERS CONSULTED:

Strategic Leadership Team

ATTACHMENTS:

None.

Respectfully submitted by,

Approved by,

Richard Nan, CRSI
Manager of Operations

William J Kolasa
Chief Administrative Officer/Clerk

PUBLIC WORKS STAFF REPORT**PWSR-009/2022**

TO: Mayor Gibson & Members of Council

FROM: R. Nan, Manager of Operations

DATE OF MEETING: May 10, 2022

SUBJECT: Award of Tender for Recreation Tractor

RECOMMENDATION(S):

THAT Public Works Staff Report PWSR-009/2022 respecting Award of Tender for Recreation Tractor be received;

AND THAT Council authorize the Manager of Operations to purchase a new Compact Utility Tractor with Loader and grooming Mower from Ben Berg Farm and Industrial Equipment being the only bid submitted.

EXECUTIVE SUMMARY:

The 2022 approved budget included the purchase of a Recreation Tractor with an up-set limit of \$64,000.00. Staff prepared a tender package in accordance with the Township's procurement policy and the results of the tender opening are indicated below.

BACKGROUND:

Staff prepared a tender package and specifications for a Recreation Tractor to replace the 1960s era John Deere presently in the fleet. The New tractor will be equipped with a front bucket and a triple 48" grooming mower to assist in cutting the 16 acres of Township soccer fields and baseball diamonds. Staff will be able to utilize the current forks and diamond groomer to perform the infield maintenance and be able to relocate bleachers and other heavy items, when needed.

The results of the Tender are listed below. Prices indicated do not include HST

Company	Make and Model	Price
Ben Berg Farm and Industrial Equipment	2022 L4701 Kubota Tractor and Land pride Mower	\$ 67.000

OPTIONS/DISCUSSION:

1. Award the tender to the only bidder (Recommended).
2. Council may request staff to initiate another tender to try and attract additional bidders.

FINANCIAL CONSIDERATIONS:

Council approved \$64,000 for the purchase of a Recreation Tractor during the 2022 budget deliberations. The purchase of the Recreation Tractor is \$3,000 above the budgeted amount and will require additional funds be allocated from reserves.

OTHERS CONSULTED:

Strategic Leadership Team

ATTACHMENTS:

None.

Respectfully submitted by,

Approved by,

Richard Nan, CRSI
Manager of Operations

William J Kolasa
Chief Administrative Officer/Clerk

TO: Mayor Gibson & Members of Council

FROM: Richard Nan, Manager of Operations

DATE OF MEETING: May 10, 2022

SUBJECT: Award for Engineering Services for Belleview Beach Road, Beach Road East and Hill Avenue

RECOMMENDATION(S):

THAT Report PWSR-010/2022 respecting Award for Engineering Services for Belleview Beach Road, Beach Road East and Hill Avenue be received;

AND THAT Council direct the Manager of Operations to engage the services of Urban and Environmental Management to perform engineering services for the design for Belleview Beach Road, Beach Road East and Hill Avenue Reconstruction.

EXECUTIVE SUMMARY:

During 2022 budget deliberations, staff presented a project proposing to retain an Engineering firm to design the improvements and reconstruction of roads and drainage on Belleview Beach Road, Beach Road East and Hill Avenue. Sections of these roads sustained severe flooding on the road and private properties during recent storm events.

Staff prepared a request for proposals for engineering services for the design and the preparation of tender documents in anticipation of tendering the reconstruction of Belleview Beach Road, Beach Road East and Hill Avenue. Staff additionally included a provisional item to include the contract administration to monitor the project (once the reconstruction effort was underway). Additional studies such as geotechnical, environmental compliance and permit acquisition will be conducted as well during the engineering process. Staff anticipated \$30,000 for the geotechnical, environmental compliance and permits which will be utilized under the current budget allocation and additional funds will be requested during the construction proposal for 2023 to cover the remaining contract administration. At this stage, staff do not anticipate that a full environmental assessment will be required as the project is an improvement in nature, but will seek the approvals as required.

Two (2) submissions were received by the Township and the results are attached below.

BACKGROUND:

Staff presented a project for engineering to Belleview Beach Road, Beach Road East and Hill Avenue during the 2022 budget deliberations. As indicated in the project submission, staff identified significant damage to the surface of the existing roads and private properties on the 3 adjoining roadways close to Lake Erie.

The existing Beach Road East is constructed on the southerly portion of the municipal right-of-way and will not allow for drainage improvements to assist with roadside drainage. The current roads consist of narrow laneways and do not allow for proper traffic flow and will be redesigned for 2 way traffic as well as proper drainage for the road base and abutting property owners.

According to the Township Procurement Policy, staff prepared a request for proposals for Engineering services for the design and preparation of tender documents in preparation of tendering the reconstruction of Belleview Beach Road, Beach Road East and Hill Avenue.

The results of compliant proposals were evaluated based on the following evaluation criteria:

EVALUATION CRITERIA	WEIGHT
Company Profile	20%
Project Experience and Locations	20%
Design Philosophies and Methodologies	20%
Value Added Services	5%
Time to Complete	10%
References Review	20%
Quality of Submission	5%
TOTAL	100%

Both submissions demonstrated that they were both qualified in the performance of the project. The average scoring during the evaluation review of this project are shown below:

Company	Average Evaluation Score
K.T Howe Engineering	217/300
UEM Urban and Environmental Management	239/300

The submitted price results of the request for proposals for the design and preparation of Contract Documents only are shown below:

Company	Quote for Engineering Only
Kerry T. Howe Engineering Limited	\$ 65,500.00
UEM Urban and Environmental Management	\$ 66,197.25

Company	Combined quote for Engineering and Contract Administration
Kerry T. Howe Engineering Limited	\$ 180,000.00
UEM Urban and Environmental Management	\$ 136,297.25

Staff additionally included a provisional item in the RFP for construction administration of the project, once awarded. The provisional item quotation is \$114,500 from K.T Howe Engineering and \$ 70,100 from Urban and Environmental Management for Contract Administration.

Staff are recommending that Urban and Environmental Management be awarded the project for Engineering and Contract Administration based on the higher score for the proposal and the lowest overall price for Engineering and Contract Administration.

Staff included a budget of \$140,000 for engineering and are proposing to include the additional funds required for contract administration during the subsequent budget proposal for construction during the 2023 budget deliberations.

OPTIONS/DISCUSSION:

1. Award the Project to the firm with the highest score performed during the evaluation review Urban and Environmental Management for Design and Contract preparation of Marshville Drive reconstruction. (Recommended).
2. Award the Project to the firm with the highest score performed during the evaluation review Urban and Environmental Management for Design and Contract preparation as well as Contract Administration of Marshville Drive reconstruction.
3. Award the Project to next scoring firm UEM Urban and Environmental Management for Design and Contract preparation of Marshville Drive reconstruction.
4. Award the Project to UEM Urban and Environmental Management for Design and Contract preparation as well as Contract Administration of Marshville Drive reconstruction.

FINANCIAL CONSIDERATIONS:

The Budget approval for 2022 allocated \$140,000 for the Project and will cover the expenditure for the required studies and engineering. Staff will be requesting additional funds in 2023 Construction phase of the project to cover the additional funds required for the remainder of the contract administration.

OTHERS CONSULTED:

- 1) Manager of Corporate Services/Treasurer
- 2) Strategic Leadership Team

ATTACHMENTS:

None

Respectfully submitted by,

Approved by,

Richard Nan
Manager of Operations

William J. Kolasa
Chief Administrative Officer



Memorandum

To: Mayor Gibson and Members of Council
From: Richard Nan, Manager of Operations
Date: May 10, 2022
Re: Canada Summer Games Bicycle Time Trials

As Council is aware, the Township of Wainfleet participated in the successful bid to host the Canada Summer Games throughout the Niagara Region and all 12 area Municipalities.

The Township will be hosting a Torch run to Commemorate the starting of the summer games on Saturday, July 9, 2022, at 9:00 am starting in the Arena Parking Lot. It will be a unique event with participants from the Mayor and Members of Council, a team of staff and members at large, and will culminate with all participants riding the last leg of the event on a hay wagon.

The Township will additionally be hosting our local "13 for 13 Cultural Festival" event on Tuesday, August 16, 2022, with our partners from the Great Canadian Territory of Nunavut. The public will be entertained with music from Juno award-winning artist [Susan Aglukark](#) and our own local artists, the [Great Lakes Swimmers](#). Members of the public will also be able to support our local farmers market vendors and be able to join students from Nunavut as they perform a few special games.

The Township was also originally scheduled for a practice baseball venue, but unfortunately the events have been relocated to other venues.

Canada Summer Games Bicycle Time Trials

Staff have recently been informed that the city of Port Colborne will be hosting a Bicycle Time Trials Race beginning and ending at H.H. Knoll Lakeview Park in Port Colborne.

The race organizers were apparently unfamiliar with specific municipal boundaries and have just realized that part of the planned race route crosses into the Township of Wainfleet. The race route will begin at H.H. Knoll Lakeview Park, travel westerly along Lakeshore Road, north on Cement Plant Road, westerly across Highway 3, southerly down Bessie Road, and then proceed eastwards along Lakeshore Road back into Port Colborne.

Participants will first ride their bicycles along the route on Tuesday, August 15, 2022, to become familiar with the turns, and course configuration. The Time Trials Race is scheduled for Tuesday, August 16, 2022, and consists of approximately 30 female riders entering the course at staggered times beginning at 10:00 am, to be followed by approximately 40 Male participants who will begin their staggered start at 12:00 noon.

Upon receiving a message last week, staff contacted the organizers immediately to try and determine the implications for the Township, the necessary race requirements and the anticipated Township involvement. Staff advised the organizers that:

- Council approval would be required for support/approval,
- An appropriate agreement would have to be entered into with the municipality,
- Road occupancy permits would be required for use of Township roads,
- Emergency plans would need to be developed in consultation with our Fire Chief and emergency services agencies including EMS, Niagara Regional Police, OPP and MTO due to the involvement of Hwy 3.

Staff have additionally been advised that necessary permits have been applied for from the MTO (for the Highway 3 portion of the route) and our neighboring municipality and the Township will be included in the circulation of those permits.

Staff are anticipating minimal costs associated with the event as the event takes place during working hours and believe that the event marshals would be responsible for set up and tear down of all associated road closure materials that may be provided by the Township. Upon further discussions, staff will review and finalize any additional requirements from Operations and Fire Department personnel or equipment. Staff additionally inquired as to whether there might be funding to compensate the Township for any expenses that may be incurred by the Township as a result of the time trial races; and staff were advised that games committee they would look into it.

Staff have requested a meeting with the race organizers, our neighboring municipality, as well as emergency personnel from our local Fire Department and all other emergency service providers to review an emergency plan

Financial Implications

At this early stage, staff are anticipating only costs associated with the delivering and retrieving road closure signage, but will advise Council after further discussion with the organizers.

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BYLAW NO. 020-2022**

Being a bylaw to establish estimates and
tax rates for the year 2022.

WHEREAS the Council for the Corporation of the Township of Wainfleet has in accordance with Section 290 of the *Municipal Act*, S.O. 2001 Chapter 25 prepared a budget including estimates of all sums for the purposes of the municipality boards, commissions or other body;

AND WHEREAS the levy for all purposes has been set at Sixteen Million, Five Hundred and Sixty-Six Thousand, and Forty-Six Dollars (\$16,566,046.00) which includes:

- (a) \$7,800,644.00 being the net levy required by the Township of Wainfleet as set out in Schedule "A" attached hereto.
- (b) \$6,323,919.00 as set out in Regional Municipality of Niagara By-law 2022-13 pursuant to Section 289 (1) of the *Municipal Act*, 2001, S.O. 2001, C 25.
- (c) \$655,209.00 as levied by the Regional Municipality of Niagara for Waste Management Services for the Township of Wainfleet (Schedule "C" of Regional Municipality of Niagara By-law 2022-13).
- (d) \$1,786,274.00 as calculated by applying the rates for School Board purposes as set out in Ontario Regulation 400/98 and any amendments thereto.

AND WHEREAS certain regulations required reductions in certain tax rates for certain classes or subclasses of property;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

- 1. **THAT** a tax rate of 0.01563575 is hereby adopted to be applied against the whole of the assessment for real property in the Residential Class.
- 2. **THAT** a tax rate of 0.02931833 is hereby adopted to be applied against the whole of the assessment for real property in the Multi-Residential Class.
- 3. **THAT** a tax rate of 0.01563575 is hereby adopted to be applied against the whole of the assessment for real property in the New Multi-Residential Class.
- 4. **THAT** a tax rate of 0.00390894 is hereby adopted to be applied against the whole assessment for real property in the Farmlands Class.

5. **THAT** a tax rate of 0.03327207 is hereby adopted to be applied against the whole assessment for real property in the Commercial Class.
6. **THAT** a tax rate of 0.02667207 is hereby adopted to be applied against the whole assessment for real property in the Commercial – On Farm Business Class.
7. **THAT** a tax rate of 0.02960126 is hereby adopted to be applied against the whole assessment for real property in the Commercial Excess/Vacant Unit Class.
8. **THAT** a tax rate of 0.02960126 is hereby adopted to be applied against the whole assessment for real property in the Commercial Vacant Land Class.
9. **THAT** a tax rate of 0.03327207 is hereby adopted to be applied against the whole assessment for real property in the Shopping Centre Class.
10. **THAT** a tax rate of 0.02960126 is hereby adopted to be applied against the whole assessment for real property in the Shopping Centre Excess/Vacant Land Class.
11. **THAT** a tax rate of 0.03327207 is hereby adopted to be applied against the whole assessment for real property in the New Construction Commercial Class.
12. **THAT** a tax rate of 0.04589813 is hereby adopted to be applied against the whole assessment for real property in the Industrial Class.
13. **THAT** a tax rate of 0.03929813 is hereby adopted to be applied against the whole assessment for real property in the Industrial – On Farm Business Class.
14. **THAT** a tax rate of 0.04589813 is hereby adopted to be applied against the whole assessment for real property in the New Construction Industrial Class.
15. **THAT** a tax rate of 0.04033341 is hereby adopted to be applied against the whole assessment for real property in the Industrial Excess/Vacant Unit Class.
16. **THAT** a tax rate of 0.04033341 is hereby adopted to be applied against the whole assessment for real property in the Industrial Vacant Land Class.
17. **THAT** a tax rate of 0.03280940 is hereby adopted to be applied against the whole assessment for real property in the Pipeline Class.
18. **THAT** a tax rate of 0.00390894 is hereby adopted to be applied against the whole assessment for real property in the Managed Forest Class.
19. **THAT** a tax rate of 0.05027459 is hereby adopted to be applied against the whole assessment for real property in the Landfill Class.
20. **THAT** a tax rate of 0.01172682 is hereby adopted to be applied against the whole assessment for real property in the Farmland Awaiting Development Class.
21. **THAT** every owner shall be taxed according to the tax rates in this bylaw and such taxes shall become due and payable in two (2) installments and the due dates shall be:

- July 29th and September 30th 2022 for properties that are not subject to capping protection.

The tax payable shall be the whole of the 2022 tax liability less the interim taxes divided by two (2) where applicable with the final installment so payable in whole dollars, that is without cents.

22. On all taxes of the levy, which are in default on the 1st day of the month immediately following the due date a penalty of 1.25 percent shall be added and thereafter a penalty of 1.25 percent will be added on the first day of each and every month the default continues, until December 31, 2022.
23. On all taxes in default on January 1, 2023, interest shall be added at the rate of 1.25 percent per month for each month or fraction thereof in which the default continues.
24. Penalties and interest added in default shall become due and payable and shall be collected as if the same had originally been imposed and formed part of such unpaid tax levy.
25. The Collector shall mail or cause to be mailed the notice of taxes due to the residence or place of business of such person indicated on the last revised assessment roll, a written or printed notice specifying the amount of taxes payable.
26. Taxes are payable at the Township of Wainfleet Municipal Offices, Wainfleet, Ontario, on-line or at any major financial institution in Ontario. All payments are to be made in Canadian funds only.
27. This bylaw shall come into force, take effect and be passed upon the final passage thereof.

BY-LAW READ AND PASSED THIS 10TH DAY OF MAY, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" TO BYLAW NO. 020-2022

	Tax Levy	Total Tax Levy	Share %
Township Purposes			
General purposes	\$7,800,644		
Total Township Purposes		\$7,800,644	47%
Regional Purposes			
General purposes	6,323,919		
Waste Management purposes	655,209		
Total Regional Purposes		6,979,128	42%
Education Purposes			
English Public	1,458,207		
English Separate	303,831		
French Public	9,815		
French Separate	14,421		
Total Education Purposes		1,786,274	11%
Total Tax Levy		\$16,566,046	100%

SCHEDULE "B" TO BYLAW NO. 020-2022**2022 TAX RATES- TOWNSHIP OF WAINFLEET**

Description	Code	Wainfleet Tax Rate	Region Tax Rate	Waste Management Tax Rate	Education Tax Rate	Total 2022 Tax Rate
Residential/Farm	RT	0.00744490	0.00603552	0.00062533	0.00153000	0.01563575
Multi-Residential	MT	0.01466646	0.01188997	0.00123190	0.00153000	0.02931833
New Multi-Residential	NT	0.00744490	0.00603552	0.00062533	0.00153000	0.01563575
Farmland	FT	0.00186123	0.00150888	0.00015633	0.00038250	0.00390894
Farmland Awaiting Development	R1	0.00558368	0.00452664	0.00046900	0.00114750	0.01172682
Commercial	CT	0.01291616	0.01047102	0.00108489	0.00880000	0.03327207
Commercial - On Farm Business	C7	0.01291616	0.01047102	0.00108489	0.00220000	0.02667207
Commercial Vacant Unit	CU	0.01097874	0.00890037	0.00092215	0.00880000	0.02960126
Commercial Vacant Land	CX	0.01097874	0.00890037	0.00092215	0.00880000	0.02960126
New Construction Commercial	XT	0.01291616	0.01047102	0.00108489	0.00880000	0.03327207
Shopping Centre	ST	0.01291616	0.01047102	0.00108489	0.00880000	0.03327207
Shopping Centre Vacant Unit	SU	0.01097874	0.00890037	0.00092215	0.00880000	0.02960126
Industrial	IT	0.01958009	0.01587342	0.00164462	0.00880000	0.04589813
Industrial - On Farm Business	I7	0.01958009	0.01587342	0.00164462	0.00220000	0.03929813
Industrial Vacant Unit	IU	0.01664308	0.01349240	0.00139793	0.00880000	0.04033341
Industrial Vacant Land	IX	0.01664308	0.01349240	0.00139793	0.00880000	0.04033341
New Construction Industrial	JT	0.01958009	0.01587342	0.00164462	0.00880000	0.04589813
Pipeline	PT	0.01267197	0.01027306	0.00106437	0.00880000	0.03280940
Managed Forests	TT	0.00186123	0.00150888	0.00015633	0.00038250	0.00390894
Landfill Sites	HT	0.02188996	0.01774600	0.00183863	0.00880000	0.05027459

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 021-2022

Being a By-law to protect, prohibit, regulate and control municipally-owned properties providing lakeshore access in the Township of Wainfleet.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws respecting the public assets of the municipality, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS section 115 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws prohibiting the smoking of tobacco or cannabis in public places;

AND WHEREAS section 425 of the *Municipal Act, 2001*, authorizes a municipality to create offences for the contravention of its by-laws;

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 the Council of the Corporation of the Township of Wainfleet has deemed it to be in the public interest to enact this by-law to regulate, control and prohibit certain activities on municipally-owned properties providing lakeshore access to protect such properties and the enjoyment of their use by the public;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet enacts as follows:

1. SHORT TITLE

- 1.1. This By-law shall be known as the "Lakeshore Access Property By-law".
- 1.2. This By-law applies to the lands described in Schedule "A", which is attached hereto and forms part of this By-law.

2. DEFINITIONS

- 2.1. For the purposes of this By-law:

"**Animal**" means any member of the animal kingdom, other than a human and includes both domesticated and non-domesticated animals, including but not limited to dogs, cats, birds, horses, cattle and other animals.

“Authorized Sign” means any sign, notice, placard or other informational device that is posted, placed or erected by the Township in, upon or in relation to any Lakeshore Access Property.

“Council” means the Council of the Corporation of the Township of Wainfleet.

“Deposit” means to throw, leave, place or dispose of Litter in any location other than in a designated Litter receptacle.

“Emergency Personnel” means any Officer and any other enforcement, rescue, medical response or emergency services personnel;

“Lakeshore Access Property” means all lands described in Schedule “A” that are owned by the Township including waterfront beach lands, beach lands that are not immediately adjacent to the water, designated beach parking areas, whether or not said parking areas are located adjacent to any beach lands owned by the Township, and Township road allowances, including but not limited to road allowances adjacent to beach access points where roadside parking is permitted.

“Litter” includes any and all kinds of trash, garbage, rubbish, waste and refuse.

“Motor Vehicle” includes automobiles, motorcycles, motor assisted bicycles, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), dune buggies, golf carts, tractors and any other vehicles that are propelled or driven by any means other than muscular power.

Lakeshore Access Property “Officer” means any by-law enforcement officer appointed by Council for the purpose of enforcing by-laws of the Township or any provincial offences officer, member of the Niagara Regional Police Service, Ontario Provincial Police, Royal Canadian Mounted Police and/or Canadian Coast Guard.

“Person” means an individual, firm, corporation, association or partnership.

“Permissible Tent” means any portable shelter or temporary structure including a camping tent, gazebo, sun shelter, canopy or windbreak that is less than or equal to twenty-eight (28) square feet in size.

“Prohibited Tent” means any portable shelter or temporary structure including a camping tent, gazebo, sun shelter, canopy or windbreak that is more than twenty-eight (28) square feet in size.

“Service Animal” has the same meaning as in the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

“Smoke” means to hold, inhale and/or exhale any lighted tobacco or cannabis product including but not limited to pipe tobacco, cigarettes, cigars and cigarillos.

“Township” means the Corporation of the Township of Wainfleet.

“Vape” means to inhale and/or exhale the vapour produced by a lighted electronic cigarette or other similar device regardless of the product or substance being vapourized and includes holding an electronic cigarette or other similar device, whether or not the device is lighted.

3. PROHIBITED CONDUCT

- 3.1. No Person shall start or tend to a fire on any Lakeshore Access Property.
- 3.2. No Person shall defecate, urinate or otherwise leave human waste on any Lakeshore Access Property.
- 3.3. Subject to section 4, no Person shall bring, permit or allow an Animal on any Lakeshore Access Property.
- 3.4. Subject to section 4, no Person shall erect or use a Prohibited Tent on any Lakeshore Access Property.
- 3.5. No Person shall erect or use a Permissible Tent within six (6) feet of any other Permissible Tent on any Lakeshore Access Property.
- 3.6. No Person shall erect or use a Permissible Tent on any Lakeshore Access Property between the hours of 9:00 p.m. and 8:00 a.m.
- 3.7. Subject to section 4, no Person shall use or possess a glass container on any Lakeshore Access Property.
- 3.8. No Person shall use a barbeque, hibachi, or other cooking or heating appliance, regardless of whether it is fueled by coal, propane, alcohol, benzene, methane, gasoline, wood or any other fuel, on any Lakeshore Access Property.
- 3.9. No Person shall use a generator or other similar device, regardless of whether it is fueled by gas, diesel, propane or any other fuel, on any Lakeshore Access Property.
- 3.10. No Person shall possess or consume any beverage containing alcohol on any Lakeshore Access Property.
- 3.11. No Person shall Smoke or Vape on any Lakeshore Access Property other than a part of a Lakeshore Access Property that is situated on, and wholly contained within, a Township road allowance.
- 3.12. No Person shall Deposit or cause the Deposit of any Litter on any Lakeshore Access Property.
- 3.13. No Person shall remove, damage, deface or alter any part of any Lakeshore Access Property including but not limited to beach lands and/or any landscaping features, natural vegetation, fencing or Authorized Signs situated thereon.
- 3.14. No Person shall disobey an Authorized Sign on any Lakeshore Access Property.
- 3.15. No Person shall hit, strike or otherwise propel with an implement or instrument any golf ball, baseball or similar projectile or sporting equipment on any Lakeshore Access Property. For greater certainty, this provision does not prohibit Persons from propelling sporting equipment such as footballs, flying discs and other similar equipment through muscular power without the use of an implement or instrument.
- 3.16. No Person shall engage in riotous, boisterous, threatening, or indecent conduct and/or use abusive, threatening or profane language at any Lakeshore Access Property.

- 3.17. No Person at a Lakeshore Access Property shall cause or permit to be caused any noise that is likely to disturb other users of the Lakeshore Access Property whether such noise is created by a radio, sound equipment, loudspeaker or other similar devices unless such noise is caused in relation to, and only for the duration of, any activity, function, event or gathering that is authorized by the Township or by Council.
- 3.18. Subject to section 4, no person shall operate a Motor Vehicle on any Lakeshore Access Property.
- 3.19. No Person shall display, sell or rent or offer for sale or rent any merchandise of any nature or kind, for immediate or future delivery, or offer any art, skill or service to be exercised or performed immediately or in the future, or solicit any trade, occupation or business of any kind at any Lakeshore Access Property, without the prior written permission of the Township or Council.

4. EXEMPTIONS

- 4.1. This By-law does not apply to Emergency Personnel while performing or training for their duties.
- 4.2. Section 3.3 of this By-law does not apply where the Animal is:
- (a) a Service Animal in the course of performing or training for its duties; or
 - (b) an Animal used by Emergency Personnel in the course of performing or training for the Animal's duties.
- 4.3. Sections 3.4, 3.5 and 3.6 of this By-law do not apply to any Permissible Tent or any portable shelter or temporary structure that would otherwise be a Prohibited Tent that are erected or used in relation to, and for the duration of, any activity, function, event or gathering that is authorized by the Township or by Council.
- 4.4. Notwithstanding section 3.4 of this By-law, the Township and/or an Officer may permit a Prohibited Tent to be erected or used on a Lakeshore Access Property where, in the assessment of the Township or the Officer, the use of a Prohibited Tent is reasonably required due to the age, medical needs, special needs or caregiving duties of the Person or Persons that erected and/or used the Prohibited Tent.
- 4.5. Notwithstanding section 3.7 of this By-law, the Township and/or an Officer may permit a Person to use or possess a glass container on a Lakeshore Access Property where, in the assessment of the Township or the Officer, the glass container is purposefully designed for medical or caregiving purposes and is reasonably required due to the age, medical needs, special needs or caregiving duties of the Person or Persons in use or possession of the glass container.

5. ENFORCEMENT

- 5.1. This By-law shall be enforced by an Officer.
- 5.2. For the purposes of enforcing this By-law, an Officer may exercise any power, authority or remedy granted to the Township pursuant to the *Municipal Act, 2001* and the *Provincial Offences Act, R.S.O. 1990, c. P. 33* ("*Provincial Offences Act*")

- 5.3. No Person shall hinder or obstruct an Officer from exercising a power or performing a duty under this By-law.
- 5.4. An Officer who has reasonable grounds to believe that a Person has contravened any provision of this By-law may require that Person to provide identification that includes the name, date of birth and address of the Person. Failure to provide sufficient or any identification shall constitute an offence pursuant to section 6 of this By-law.

6. PENALTY

- 6.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as provided for in the Municipal Act, 2001 and the Provincial Offences Act.
- 6.2. The fines approved under the Provincial Offences Act are set out in "Schedule B", which is attached hereto and forms part of this by-law.

7. GENERAL

- 7.1. If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall remain in full force and effect.
- 7.2. If there is a conflict between a provision of this By-law and a provision of any other by-law of the Township, the provision that establishes the higher standard shall prevail.
- 7.3. Any reference to legislation in this By-law includes the legislation referred to and any amendments, replacement, subsequent enactment or consolidation of such legislation.
- 7.4. This By-law shall come into full force and effect on the date on which it is passed.

BY-LAW READ AND PASSED THIS 10TH DAY OF MAY, 2022

Kevin Gibson, MAYOR

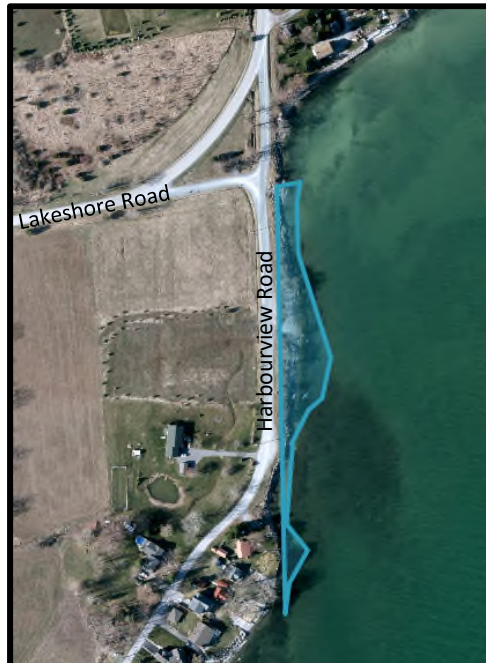
M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" - BY-LAW NO. 021-2022
Lakeshore Access Properties

Reebs Bay Beach Lakeshore Access Property



Harbourview Road Lakeshore Access Property



Side Road 18 Lakeshore Access Property



Augustine Road Lakeshore Access Property



Daley Ditch Road Lakeshore Access Property



PART I PROVINCIAL OFFENCES ACT

Township of Wainfleet

Schedule "B" to By-law No 021-2022 Lakeshore Access Property By-law

Set Fine Schedule

<u>Item</u>	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Offence Creating Provision or defining Offence	<u>Column 3</u> Set Fine
1.	Start or tend to a fire on any Lakeshore Access Property	Section 3.1	\$300.00
2.	Defecate, urinate or otherwise leave human waste on any Lakeshore Access Property	Section 3.2	\$300.00
3.	Allow an animal on any Lakeshore Access Property	Section 3.3	\$300.00
4.	Erection of a tent on any Lakeshore Access Property	Section 3.4	\$300.00
5.	Erection of a tent on any Lakeshore Access Property within 6 feet of another tent	Section 3.5	\$300.00
6.	Erection of tent on a Lakeshore Access Property between the hours of 9:00pm- 8:00am	Section 3.6	\$300.00
7.	Use or possess a glass bottle on any Lakeshore Access Property	Section 3.7	\$300.00
8.	Use any type of barbeque on a Lakeshore Access Property	Section 3.8	\$300.00
9.	Use any type of generator on any Lakeshore Access Property	Section 3.9	\$300.00
10.	Deposit or cause to be deposited any type of litter on any Lakeshore Access Property	Section 3.12	\$300.00
11.	Remove or damage or deface any item or part of any Lakeshore Access Property	Section 3.13	\$300.00
12.	Disobey an Authorized Sign on any Lakeshore Access Property	Section 3.14	\$300.00
13.	Hit, strike or otherwise propel any sporting equipment on any Lakeshore Access Property	Section 3.15	\$300.00
14.	Engage in any type of boisterous or indecent Activity on any Lakeshore Access Property	Section 3.16	\$300.00
15.	Cause noise likely to disturb others on a Lakeshore Access Property	Section 3.17	\$300.00
16.	Operate any motor vehicle on any Lakeshore Access Property	Section 3.18	\$300.00

17.	Display, sell or rent, or offer to display, sell or rent any merchandise of any kind on a Lakeshore Access Property	Section 3.19	\$300.00
18.	Hinder or obstruct an officer exercising or performing their duties under this By-law	Section 5.3	\$500.00
19.	Fail or refuse to provide Identification to an Officer upon contravention of a provision of this By-law	Section 5.4	\$300.00

Note: The general penalty provision for the offences listed above is section 2, section 4 and section 5 of By-law No.021-2022, a certified copy of which has been filed.

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. 022-2022

Being a by-law to appoint a Municipal By-law
Enforcement Officer for the Corporation of the
Township of Wainfleet.

WHEREAS authority is granted pursuant to Section 15 of the *Police Services Act, R.S.O. 1990, Chapter P.15*, as amended, to municipal councils to appoint persons to enforce the by-laws of the municipality who shall be peace officers for the purpose of enforcing municipal by-laws;

AND WHEREAS Council deems it necessary and in the public interest to appoint a new By-law Enforcement Officer for the Township of Wainfleet;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet
HEREBY ENACTS AS FOLLOWS:

1. **THAT** Amanda Whincop is hereby appointed as a Municipal By-law Enforcement Officer for the Corporation of the Township of Wainfleet.
2. **THAT** the said Municipal By-law Enforcement Officer shall be responsible for the enforcement of all by-laws enacted by the Council of the Corporation of the Township of Wainfleet.
3. **THAT** Bylaw 014-2021, being a by-law to appoint a By-law Enforcement Officer and Property Standards Officer for the Corporation of the Township of Wainfleet, shall be and hereby is rescinded.
4. **THAT** this by-law shall come into force and take effect on the date of the final passing thereof.

BY-LAW READ AND PASSED THIS 10TH DAY OF MAY, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 023-2022

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its special meeting held April 5, 2022 and its regular meeting held May 10, 2022.

WHEREAS Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its special meeting held April 8, 2022, and the regular meeting held May 10, 2022, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - (i) any actions required by law to be taken by resolution, or
 - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

BY-LAW READ AND PASSED THIS 10th DAY OF MAY, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK