

To: Mayor and Members of City Council

From: Nick Anastasopoulos,
Chief Building Official & Director of Building & By-law Department

Date: October 22nd, 2019

Subject: Short-term Accommodations Update

This memo provides an update from the October 8, 2019 meeting of the Planning and Development Committee when the Building & By-law Department was directed to provide a summary of next steps regarding the potential licensing of short-term accommodations. This direction arose through discussion on item PB-71-19, Short-term Accommodations.

The City of Burlington Zoning By-law 2020 does not regulate or define short-term accommodations and does not prohibit the rental of dwelling units for a short period of time. The *Municipal Act* (Part IV, Section 150 (12.1)) permits a municipality to licence a business and licence without the permitted land use control by-laws under the *Planning Act*. Therefore, it is permissible under the *Municipal Act*, to licence short-term accommodations without zoning provisions in place as it is not a mandatory requirement.

The Building & By-law Department has conducted a review of practices in relation to short-term accommodations. This review has raised many points of consideration that will require further analysis to understand the Burlington market as it relates to short-term accommodations.

The review considered numerous articles, by-laws (zoning and licensing) and reports from various municipalities to obtain a better understanding how municipalities have addressed this complex matter. In comparing this information, it is quite apparent that short-term accommodations are a multifaceted matter and raises issues that need further exploration including the following:

- Impact on affordable housing;
- Possible taxation via 'The Stronger Healthier Ontario Act Budget Measures 2017';
- Defining uses and the integration into land use control by-laws;
- Staffing implications.

To ensure the City of Burlington is transparent in its determinations/recommendations, additional time is required to give staff the ability to continue to reach out to municipal partners to gain further understanding of how their experience with current implementation of zoning by-law & licensing amendments are addressing the short-term accommodations matters.

It is recommended that the Building & By-law Department be provided time to connect with local municipalities to examine the effectiveness of current practices and any potential innovative improvements in relation to the licensing of short-term accommodations. This review will also examine other similar short-term rentals such as bed & breakfast, boarding & lodging establishments.

A staff team will be initiated immediately and will focus efforts on drafting a comprehensive licensing by-law to successfully regulate (not prohibit) short-term accommodations. Amendments to the existing licensing by-law will be drafted including specific conditions/requirements for short-term accommodations. The team will also collaborate with Fire Services, Corporate Communications and seek other stakeholders and community input.

It is anticipated that this work will be concluded by Q2-2020 in which time the Building & By-law Department will deliver a licensing by-law with appropriate requirements for short-term accommodations for Council approval.

Regards

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Building & By-law Department