

FAQ RE SHORT – TERM RENTALS

1) *Why is Whitestone working on a new Short-Term Rental By-Law? What problems have we experienced with short-term property rentals under our existing Rental By-Law No. 20-2014 ?*

The three main problems experienced with our current short-term rental regime are:

(i) **Low uptake on rental permits**

As of March 2024, there were 20 rental permits in force in the Municipality. It is estimated that this number represents less than 20% of the total number of properties actually being rented short-term. The remaining properties are being rented in contravention of By-Law 20-2014, which requires the owner of a property to be rented for a short term to first obtain a permit from the Municipality. Some ratepayers may not realize that rental permits are required in Whitestone.

(ii) **Increasing / escalating complaints from neighbours of rental properties**

The majority of short-term rentals occur without complaint or incident. Most ratepayers who rent their properties want to protect their assets and maintain good relations with their neighbours, and therefore screen their renters carefully and enforce appropriate behaviour. However, the Municipality has seen an increase in the number of “absentee landlords” who purchase (sometimes multiple) properties for continuous short-term rental. Since they rarely, if ever, occupy the premises, these landlords may be less concerned with the impacts of their rentals on the neighbours. Such rentals generate the bulk of the complaints to police, fire, and by-law enforcement officers.

(iii) **Unenforceability of the By-Law**

The Municipality has experienced difficulty enforcing the current rental by-law.

2) *What are the most common complaints from neighbours concerning short-term rentals?*

(i) **Too many people in / on the rental property**

Rental properties are typically advertised as having a specific capacity in terms of sleeping accommodation. However, casual renters of a vacation property may invite a larger number of persons to join them, resulting in people tenting outside, vehicles parked on the driveway or roadway or adjacent properties, too many people in a limited waterfront area, excessive noise, etc. More occupants than the property is designed for can also overload the septic system and saturate the filter bed, polluting the environment.

(ii) **Excessive Noise**

Perhaps the most common complaint about casual renters is excessive noise: music blaring, loud partying at all hours of the night, etc. that interferes with the neighbours' quiet enjoyment of their properties.

(iii) **Trespassing**

Since they are at the rental premises for only a short time, casual renters may not have the same respect for the neighbours and their properties that the permanent owners of

the rental property would have. And since they are not as familiar with the properties in the neighbourhood, even if they are considerate they may not realize when they are intruding on the property of others. (Property boundaries in cottage country are often difficult to discern for the uninitiated.) The result: inadvertent, and sometimes deliberate, trespassing.

(iv) Excessive Vehicle and Boat Traffic

Many vacation properties have narrow shared driveways that, in some cases, pass close by other properties. In such situations, excessive vehicle traffic associated with short-term rentals may interfere with the neighbours' quiet and safe enjoyment of their properties and the shared driveway. All-terrain vehicles using such driveways are a common cause of friction. (The same applies to excessive boat traffic to/from a limited waterfront area, especially involving jet-powered personal watercraft, although this is beyond municipal jurisdiction to regulate).

(v) Disrespect for the Environment

Casual renters are sometimes careless of the environment by failing to comply with outdoor burning regulations, leaving behind garbage / refuse for others to clean up, damaging shoreline, abusing wildlife, etc.

3) *Why is it difficult to enforce the current short-term rental by-law?*

The current By-Law (20-2014) is enforced only through charges laid under Part 3 of the Provincial Offences Act. There is no schedule of offences and associated set fines.

The principal offence under the by-law is renting without a permit. In order to obtain a conviction, it is necessary to prove in a court of law that the owner of the property was renting it for a fee (as opposed to permitting friends / relatives to use it for free). Those renting the property are often reluctant to testify that a rental fee has changed hands.

Offering (advertising) a property for rental is not an offence under the by-law. Without attempting to make a rental reservation, it is often difficult to determine from a listing exactly which property is being offered. (The provincial and federal governments have been petitioned by municipalities to enact legislation that would require rental agencies to refuse to list properties that do not possess a short-term rental licence where one is required by the municipality.)

Other offences include failing to post required information in the rental premises.

4) *What changes to the by-law are being considered to address the enforceability issues?*

- Define short-term rental clearly in a way that distinguishes it from long-term rental and from rental as a hotel / motel / B&B / resort (commercial activities)
- Make advertising / offering a property for short-term rental without a permit an offence
- Add a schedule of offences and associated set fines for Part 1 of the POA.

5) *What changes to the by-law are being considered to improve the overall short-term rental experience for everyone?*

- Limit rental occupancies to the design capacity of the property and its septic system, determined at the time of permit issuance
- Ensure adequate access to property and parking as a condition of rental permit
- Make property owner responsible for conduct of renters according to a published code of conduct
- Ensure availability of owner or agent to respond to a complaint during rental

6) *Has the Municipality reviewed other municipal short-term rental by-laws with a view to identifying best practices ?*

Yes. We have reviewed recent short-term rental by-laws from a number of other Ontario cottage country municipalities, including the following which provided some good models for Whitestone revisions:

- Township of Algonquin Highlands (Haliburton County)
- Town of Georgina (York County)
- Town of Huntsville (District of Muskoka)
- Township of Lake of Bays (District of Muskoka)
- Township of Northern Bruce Peninsula (Bruce County)
- Township of Tiny (Simcoe County)