

## Summary of Written and Oral Submissions

### Zoning By-law Amendments to Permit the Short-Term Rental of Residential Dwelling Units City-Wide

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendments to Permit the Short-Term Rental of Residential Dwelling Units City-Wide (ACS2021-PIE-EDP-0005), prior to City Council's consideration of the matter on April 28, 2021.

The final Summary will be presented to Council for approval at its meeting of May 12, 2021, in the report titled 'Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of April 28, 2021'. Please refer to the 'Bulk Consent' section of the Council Agenda of May 12, 2021 to access this item.

Note: The Planning Committee and the Community and Protective Services Committee held a Special Joint Meeting on April 22, 2021 to consider two interrelated reports, being 'Zoning By-law Amendments to Permit the Short-Term Rental of Residential Dwelling Units City-Wide (ACS2021-PIE-EDP-0005)' and 'Short-Term Rental By-law (ACS2021-EPS-PPD-0001)'. As the reports were considered concurrently and the subject matter is related, in addition to those outlined in the Consultation Details section of the reports, the following outlines the written and oral submissions received between the publication of the reports and prior to City Council's consideration:

#### Number of delegations/submissions

Number of delegations at Committee: 7

Number of written submissions received by the joint Committee between April 22 (the date the report was published to the City's website with the agenda for this meeting) and April 28, 2021 (committee meeting date): 32

#### Primary concerns, by individual

**Cheryl Parrott, Co-chair, Hintonburg Community Association** (oral and written submission)

- most new high-rise apartment buildings are advertising furnished apartments for short- and long-term stay while some had a provision of a minimum 30 day stay, others mention nothing; some of these are in residential zones or in areas where a hotel is not a permitted use; By-law Services should monitor these rental platforms to ensure that the minimum 30-day stay is being adhered to and it is not just empty wording in an ad that is disregarded and allows a short-term rental

- there are many short-term rental listings presently on the market in Ottawa, and many of those units could instead permanently house people
- enforcement, follow-up and sanctions are key to this being effective legislation; it should move ahead quickly to be in place when travel restrictions are eased post pandemic

(other comments in support, noted in the section below)

**Nathan Rotman, Public Policy, Airbnb** (oral submission)

- with so many people and small businesses suffering during the pandemic, this is not the time to consider additional restrictions on short-term rentals, which provide individuals the opportunity to earn extra income and help support the economic recovery of the city; the City should delay implementing the proposed By-law until winter of 2022
  - it's important to consider how travel and tourism can play a vital role in Ottawa's economic recovery; in particular, there is a tremendous opportunity for individuals to leverage their homes, their most expensive and valuable asset, to earn extra income
  - in 2019, 52% of Airbnb hosts said they host because it helps them make ends meet
  - as restaurants, attractions and small businesses struggle during the pandemic, Ottawa Council can take steps to support economic recovery for the community and for small businesses while bolstering government revenues with small changes to the short-term rentals framework
  - the anticipated post-pandemic travel is a significant opportunity for tourism destinations like Ottawa, and limiting the city's supply of short-term rentals just before the reintroduction of travel is a mistake that will limit restaurant, small business and attraction recovery, which is sorely needed
- if the by-law is adopted by Council, Airbnb will work with the City to engage and educate its host community on their obligations under the by-law, which will involve the creation of a mandatory license field where hosts will have to enter the City-approved license before being eligible to continue listing their short-term rental on the platform but the City should immediately begin discussions with other platforms to ensure compliance or risk failure with the by-law (in Toronto, where Airbnb is the only licensed platform, other platforms have continued to operate without being licensed with the City)
- Airbnb has offered to use their new city portal to support the City with real-time

access to listings, data and their compliance tool, where By-law officials would be able to see each active Airbnb listing and request the removal of non-compliant listings in the city with the click of a mouse; however, while they can commit to removing listings which pose an immediate health and safety risk within 24 hours, regular data sharing and the creation of the mandatory license field should significantly reduce the enforcement burden on the City and, as such, Airbnb requests a 7-day notice period for listing removals, rather than the 3-day requirement indicated in the by-law, which does not seem feasible based on their experience in Toronto and other jurisdictions

- the draft by-law creates unnecessary red tape and friction for host registration in section 13 in respect of the requirements for landlord consent and for a host to supply a floor plan; these kinds of requirements are unnecessary and only create confusion and additional paperwork for hosts while providing the City administration only with additional work and no useful information to support compliance or enforcement
- the restriction of short-term rentals to “primary residences” should be reconsidered; it would prevent parents of a university student from short-term renting their secondary unit or basement unit when their child is away at school and would stop those with a secondary suite whose parents are snowbirds from using their occasional home as a path of economic security and important income
- those who are counting on this policy to serve as a pathway to solving the city’s housing crisis will be disappointed; in Vancouver, which put in place a similar primary residence restriction, the City reported that 2000 short-term rentals were removed from the city when the policy came into place yet the city saw only an increase of 300 long-term rental units, and, while the data in Toronto is not readily available yet, according to one study of the housing market, rental prices remained static from January to February of 2021, following the removal of thousands of short-term rental units in that city
- home-sharing can be a force for good in neighbourhoods by creating economic opportunity for everyone, not just those fortunate enough to own a home in increasingly expensive cities

**Tony Miller, President, Ottawa Small Landlord Association (OSLA)** (oral submission and slide presentation)

- the by-law will not likely achieve the City’s goals of increasing rental vacancy rates or improving housing affordability
  - at the time of writing, the consultant’s report said there were 1236 short-term rental units and if all of those were converted to long-term rentals it would only

amount to a fraction of the projected shortfall of 18,000 to 19,000 units required - in annual terms it would amount to a one-time gain of one years' worth of the shortfall out of the 17 years of increased growth in supply required to close the gap, which is not a huge impact

- what is likely to happen and has happened so far to those units is that some will be or have been converted to long-term rentals but many will be converted to medium-term rentals (60 days to 6 months) because of new construction delays, healthcare workers, people who need to take self-isolation periods, gaps in closing dates during home sales, and diplomatic relocations; some will likely be sold because of economics, where the numbers don't work for investors and because many do not want to return to the long-term rental market because of the delays with the Landlord and Tenant Board (LTB); some will remain short-term rentals that comply with the by-law, and some will remain short-term rentals and not comply
- OSLA is concerned around the exclusion of corporations from the definition of "principal residence" because many small landlords purchase properties under corporations and move into them as part of their overall plans and goals
- a key reason small landlords turn to short-term rentals is because of the delays at the Landlord and Tenant Board, which are significant, so short-term rentals could still be attractive to those who will not comply with the by-law because of those delays and the lack of legal recourse at the Landlord and Tenant Board
- OSLA supports the ability to register prohibitions against rental properties so that renters won't be given host permits if not desired by the owner but tenants who choose to rent out units or rooms as short-term rentals typically do so without landlords' consent or knowledge, so that prohibition won't help small landlords when tenants don't comply
- OSLA requests that: the definition of "principal residence" be amended to include small landlords with corporations; small landlords be exempted from fines or penalties when tenants rent out whole units or rooms without the landlord's permission because of the lack of timely legal recourse from the LTB; the Mayor write to the Premier and the provincial Minister for Housing and urge the province to repair the LTB so it meets its service delivery standards

(other comments in support, noted in the section below)

**Nicole Robinson, Davidson Houle Allen LLP** (oral and written submission)

- it is important to be clear that condominium corporations will continue to have authority to govern short-term rentals in their communities (separate and apart from

the municipal regulations)

- in addition to the service being proposed, a provision should be included in the by-law along the following lines: “Any short-term rental of a unit in a condominium may also be prohibited or further regulated by the governing documents (including the Declaration, By-laws or Rules) of the particular condominium corporation.”; this should help avoid any confusion or disputes arising during this pilot project respecting jurisdiction over short-term rentals in condominiums
- with respect to flexibility in regulation, right now condominiums can choose to prohibit or permit short-term rentals in their communities or permit them with certain restrictions, so it is requested this separate licensing or permit process for condominiums would allow them to continue with those flexible approaches

**Heather Pearl, Co-chair, Champlain Park Community Association (CPCA)** (oral and written submission)

- there is ample evidence, not only in Ottawa, but worldwide, that Airbnb-type platforms quickly morphed from providing a service used primarily by people sharing their own homes, to serving absent, anonymous and unreachable consortiums of owners; these consortiums run their business in residential neighbourhoods, according to a “disaggregated hotel” model, which has been to the detriment of the neighbourhoods and has resulted in loss of life; they remove much needed rental units that should be providing long-term housing and thus add to the housing crisis
- these consortiums have been unaccountable for the substantial damage that they do; the CPCA hopes that the addition of two enforcement officers will be sufficient to do the job required to clean up this “industry”
- from a public safety perspective the regulations could be further tightened through measures such as:
  - ❖ further defining “principal residence” for short-term rental purposes as ‘the residence owned by the person’, to help mitigate the potential for renters, acting on behalf of disaggregated hotel owners, to run operations on their behalf
  - ❖ limiting the number of rentable bedrooms to three, in accordance with the current Bed and Breakfast by-law provisions; this is a reasonable number that works whereas oversized dwelling units can have up to 8 bedrooms, leading to problems with noise, litter and traffic; the bedroom limit would help to reduce the potential for the units to be turned into full time hotels with one renter claiming the address as a “principal residence.”; travelers drive to their destinations and while hotels have dedicated parking spaces to handle the traffic, residential

neighbourhoods do not

- ❖ requiring that principal residents who are travelling or not on site when the residence is rented ensure the neighbours have a contact for emergency responses if something goes wrong; Bylaw officers are perennially overworked and therefore, under-available; absentee owners do not have the ability to vet their clients or control their actions, nor do Airbnb-type platforms
- ❖ limiting the number of days per year to a maximum of 90 that a property can be rented as a short-term rental; by definition, a short term rental is not rented out full time, and attempts to slide around the rules might be less likely if there were a cap, to be further reduced if problems persist
- ❖ requiring people who are running commercial operations in residential areas to pay a higher property tax
- provided a history of problems that the Champlain Park community has experienced with short-term rentals

(other comments in support, noted in the section below)

**Martin Bellefleur** (written submission)

- owner-occupied duplexes should also be considered “primary residence” as a whole
  - they live and share the premises with their guests
  - these owners are very well connected with their neighborhood and community and plenty of their neighbors have been using their hospitality to host members of their family before and especially since the pandemic has begun
  - there are very few owner-occupied duplexes and all of them have a genuine desire of being part of their surrounding community and be accepted by neighbors
  - not allowing these owner-occupied duplexes to offer their separate units for short term rental would produce way more harm than benefits, as it will penalize a whole neighborhood of a place where loved ones can safely stay and be close by
  - in many instances these units will remain fully furnished and not offered for rental; they will very likely be kept for personal usage...a total loss across the board

**Residents of Old Courtland Park** (written submission)

(Pat Lamanna; Diane Larocque; Elizabeth Cooke; Tim Patterson; Jane Lund; Elizabeth Anderson; Susan Baker; Helen McGuire Hogan; Maya Walker; Taylor Lamanna; Mounir

Sami; Janet Murray; Rosanna Calvano; Rick Palmer; Fritz Clarke; Krystal Larocque; Gerold Stengele; Ed Hogan; Julio Calvano; Marilyn Clarke; Ross Hadwen; Glenn Walker)

- the City is trying to bring some control to an internet rental business operating in residential neighbourhoods, like Airbnb, which was never legal and remains unregulated
  - this new rental industry evolved as people have monetary gains by under-cutting traditional short-term rentals, like hotels and bed & breakfast, which, over the years has led to residential neighbourhoods like Old Courtland Park being endangered due to: inadequate parking; near road accidents due to speeding; extreme noises; out-of-control group parties; and Covid-19 violations during the pandemic; in some communities it has even led to gun deaths
  - these are serious issues on which this proposed City bylaw is weak, and actually will not resolve these dangers
    - it is the antipathy of street friendly neighbourhoods that the City purportedly wants to promote
    - they do not want to see the elimination of streets as safe places to walk and play
    - in Old Courtland Park, speeding Airbnb guests have dramatically downgraded the safety of the neighbourhood
    - the City should view safe neighbourhoods as just as worthy of preserving as the opportunity for someone to make a profit through short-term rentals
    - in addition, this practice hurts availability and affordability of houses in the city, for ordinary middle class people
- rooming houses are comparable to the issue of short-term rentals
  - developers have moved into Old Courtland Park, buying up single family residential properties and either renting them to students or renting them as Airbnb
  - these developers have already gotten around the City's bylaw, which allows for single family homes to only be rented to one person, and are renting these houses out to students until they get enough capital to demolish them and put up new and denser housing, which the City wants to allow by declaring Old Courtland Park to be part of the Inner Urban Transect (in its very unpopular and unsupported draft Official Plan)
  - basically, developers have created "student rooming houses" in the neighbourhood

- they have no problem with having students as neighbours, as long as it is done legally
- when the first illegal rooming house appeared in their neighbourhood about six years ago, the situation was petitioned to City Hall; it has since been the subject of numerous complaints about noise, open trash receptacles, and on at least one occasion violence, requiring involvement of the police; the City deemed this student residence illegal, as they classified it as a rooming house and not located on an arterial road, but the developers found a loophole by renting each house out to one person who then sublet it to 4 or 5 others; they asked for this loophole to be plugged but six+ years later nothing has changed, except for more houses bought by developers using the same loophole
- other investors also rent out through Airbnb, even advertising that street parking is legal; they normally do not live in the residences, and may maintain that a relative lives there
- investors also bought corner lots to develop with more than one house, as they knew the City would allow such intensification well in advance of this information being made public, which is not exactly in the spirit of democracy
- with this experience, they are very concerned that the proposed bylaw on short-term rentals will still allow developers, investors, and their renters to continue to rent to multiple people; for example, as in the illegal rooming houses, the Airbnb house can be rented to one person who in turn rents rooms out to several other people on shorter terms, collecting the rent for the owner; there is a house in Old Courtland Park that has set up 10 rooms specifically for Airbnb, with the owner not present/living in it
  - as with the monthly rentals, an owner of a house being used for short-term rentals can hire a host who in turn rents rooms out, collecting rents for the owner; the proposed bylaw does not disallow this and in fact, seems to allow the owner to have multiple short-term rentals in one house; i.e. a different short-term rental for each room; if so, in either instance, it seems the proposed bylaw would indirectly allow for rooming houses
- comments about specific provisions in the proposed Short-term Rentals By-law:
  - the host permit fee is far too low at \$110 and is good for two years.
  - houses all have multiple rooms and if set up for short-term rentals they have commercial characteristics and are more disruptive, which is exactly what has been happening in some of the short-term rentals in their community (more disruption, more cars and traffic, more noise, more partying, etc.); six By-law officers will never be able to patrol and control these activities in a city the size of



Ottawa, and the minimum fine of not exceeding \$500 is far too low for investors and developers using short-term rentals

- the bylaw should allow a permit to be rescinded or denied if the location is not amenable to preserving safety and tranquility in a given neighbourhood, as opposed to permits only being denied once infractions occur; they would also like more details on the “measures to address illicit short-term rentals and other violations associated with them”.
  - the proposed bylaw uses the term “operator”, but they cannot find a definition for this term; if anybody can be an operator, it seems to allow an owner to have multiple units and assign an operator to each one or to them all
  - unless the proposed bylaw allows only owner-occupied units to do short-term rentals, it will not achieve its goal of preserving housing stock for residents
  - it seems there would not be much difference between short-term rentals and bed and breakfasts in the proposed bylaw; somehow these should be connected to neighbourhoods and traffic, and permits be disallowed if, for example, it causes traffic or safety risks due to its location in the neighbourhood
  - while the bylaw appears to indicate an owner can only place their principal residence as a short-term rental, it is not clear if an investor can also apply for a short-term rental permit and have a host rent out rooms, etc.
- made the following recommendations: that short-term rentals not be allowed in residential neighbourhoods; if this is completely impossible, then allow short-term rentals in residential neighbourhoods only if the owner is present and living in the home as their primary residence during the short-term rental; that the City closes the loophole currently going on in renting a house to multiple tenants

**Akeel** (written submission)

- the City should ensure the rules have teeth and that violators are prosecuted; they need to learn from Toronto where they have similar bylaws that apparently have become too easy to circumvent

**Roberto D. Aburto, Gowling WLG, on behalf of 13388201 Canada Inc, operating as Ottawa Short Term Rental Association Inc.** (written submission)

- the City lacks the legal authority under the *Planning Act* to implement several of the measures recommended in the staff report and contained in the proposed amendments, including:
  - Extinguishment of nonconforming rights:
    - contrary to the claims contained in the staff report, the proposed

amendments will give rise to legally nonconforming rights to properties across the city, currently offering short-term temporary lodging; nonconforming rights are created when a use legally exists on the day that a by-law purporting to prohibit that use comes into force; it is a trite principle of planning law that zoning by-laws cannot retroactively prohibit permitted land use

- short-term rentals are not currently prohibited under Zoning By-law 2008-250, and accordingly, non-principle residence may claim non-conforming rights to continue operation where short-term rental use was in existence prior to the enactment of the temporary amendments; despite the claims of staff, there is in fact no basis under Ontario law for determining that short-term rentals are not a residential use subject to the statutory and common law protections for legally nonconforming rights
- any attempt by the City to prosecute or retroactively prohibit legally nonconforming will, in their view, be ultra vires the City's authority under the *Planning Act* and vulnerable to challenge before the Local Planning Appeal Tribunal and/or the Superior Court; furthermore, the City's attempt to prohibit short-term rentals in non-principle residences will, in the short term, give rise to a perverse incentive on the part of owners to establish short-term rental use now, in order to be able to claim legally non-conforming rights
- no authority to regulate land use based on duration of stay:
  - the proposed amendments seek to regulate land use not based on the type of use – which is plainly residential – but rather based on the duration of the occupants' stay; there is no basis in the *Planning Act* or the case law for a municipality to regulate land use on this basis; accordingly, it is their view that the definition of “short term rental” and the provisions that distinguish short term rental use from other residential uses are ultra vires the City's authority under the *Planning Act* and vulnerable to challenge before the Local Planning Appeal Tribunal and/or the Superior Court
- the proposed amendments do not constitute good planning; this includes that there is no principled nexus as between the requirement that each unit be owner-occupied

**Kati Lyon** (written submission)

- if the City of Ottawa intends to dictate to property owners who and when they can rent out their units and in particular, that they would not be able to rent out their properties on a short-term basis such as a month or two months, the City needs to consider the huge financial burden being imposed on owners and indicate whether it is willing to

reimburse these costs when it tells owners they cannot obtain any kind of revenues, at least the taxes and Ottawa Hydro costs; for example, in a downtown rental unit, owners pay \$1,900 monthly - \$600 in condo fees (moderate), \$300 (or more, to Ottawa Hydro), \$300 in taxes, \$500 in mortgage costs, \$200 in general up-keep

- it is hard enough to find renters these days, particularly long-term renters, so, if the unit stays empty for several months, you can have a \$20,000 loss or even more because of City regulations; this is unfair and reimbursement measures should be considered at the same time, if the City interferes in private-sector activities

**Karen Petticrew** (written submission)

- the reference to “residence of the bed and breakfast operator” should be more specific to the “owner” of the residence; otherwise, a “principal tenant” who may be a long-term tenant, could be seen as the “operator” (a situation they are experiencing personally), meaning the owner does not have to live there or be present and therefore he/she has no daily control or supervision of the other tenants and short-term rentals would be allowed; this also encourages Airbnb operator/owners to have more than one property for short-term rentals, as is the case with the owner of the short-term rental location next door to them
- close the loophole in the By-law that allows short-term rentals if there is a long term tenant, or “principal tenant”, which is the situation they are dealing with at the Airbnb next door; otherwise, a “principal tenant” could be seen as the “operator” and short-term rentals would be allowed
- permits should be required for every rental property and should be required to be posted and visible at every short-term rental property; the general public should be able to access these permits on the Ottawa.ca website; otherwise, a person could be charged with trespassing by a hostile owner if they go onto the rental property to view the permit
- business taxes should be applied to short-term rental properties
- Ottawa By-law should have more authority to enforce the By-Law or a dedicated office should be established to oversee short term rentals in the city
- regular compliance inspections should be conducted by By-law, especially if complaints are received and the consequences for non-compliance and how they will be applied should be identified
- short-term rentals should not be allowed in established residential neighbourhoods because of (based on my personal experience) excessive traffic/speeding and parking issues, excessive noise, loud parties, security/safety issues, littering issues,

property maintenance/neglect issues, hostility from owners/tenants, COVID non-compliance, etc.

- provided details on personal experience/trouble with an Airbnb property in their neighbourhood, including hostility from the property owner and tenants, security issues, personal safety issues, noisy parties, absence of the owner, property management/neglect issues, traffic/speeding and parking issues, absence of garbage/recycling, abandoned former tenant vehicle, COVID noncompliance, etc.
- the By-law should not be set up to support only the owners; the neighbours also pay City taxes and don't want their property values to decline or to have to deal with hostile 'neighbours'

#### **Joshua Bassett** (written submission)

- supports any policy limiting short-term rentals in Ottawa but stresses the necessity of up-zoning across Ottawa, around the downtown area in particular, as there is absolutely no reason wealthy homeowners in the downtown area should benefit from zoning restrictions at the cost of affordable housing for the most vulnerable; this is incredibly unethical government intervention serving the interests of a rich minority and borders on regulatory capture even
- there are knock-on effects of this policy, since it doesn't stop at artificially constraining housing supply (see Ricardo's law of rents for proof of the above argument); limiting the housing supply in the city centre also directly results in urban sprawl, which is horrible for the environment and results in financially insolvent suburbs, which require disproportionately expensive infrastructure investment; the policymakers of Ottawa should remember this fact every time there just isn't enough funding to support certain projects or proposals in this city; wealthy landowners in the city centre are being subsidized in the forms of skyrocketing property values, subsidizing suburbs as a consequence of them being forced out of the city by the former group, and all of these subsidies come out of the pockets of our most vulnerable
- through lack of foresight for the consequences of zoning the City has inadvertently achieved the same results as if they were assets of regulatory capture by wealthy landowners

#### **Primary reasons for support, by individual**

##### **Michael Crockatt, President & CEO, Ottawa Tourism** (oral submission)

- the by-law strikes the right balance of providing rental accommodation options that visitors expect while reducing community nuisance stemming from unregulated activity, levelling the short-term accommodation playing field and benefitting the

community's long-term housing supply

- Ottawa Tourism exists to serve the community and to drive economic impact for the benefit of local businesses and residents and supports the commonsense initiatives proposed in this report
- visitors are looking for a variety of accommodation options when they travel, and the commonsense initiatives proposed in this report will ensure that short-term accommodations can play a role in preserving the identity and vibrancy of the neighbourhoods in which they are located
- the tourism industry's post-pandemic recovery is going to be a long one – measured in years, not months; recent forecasts indicate that tourism demand might not reach 2019 levels again until 2025, so the city has plenty of existing accommodation capacity to handle the anticipated demand during this period and during this pilot program as well
- this is a good time for the pilot before the tourism sector returns to some sense of normalcy, post pandemic
- Ottawa Tourism supports the City's position that an increase in the percentage of the Municipal Accommodation Tax (MAT) is not required at this time; while that might mean slightly less MAT revenue to Ottawa Tourism's sales and marketing activities in the short-term in order to cover the enforcement costs for the City, they believe that during the period of this pilot that gap will close and incremental MAT revenue generated by hotels and regulated operations will more than offset the enforcement costs

**Steve Ball, President, Ottawa Gatineau Hotel Association** (oral submission)

- supported the proposed regulations as good measures to level the playing field for the short-term rental industry
  - hotels have been severely impacted by the pandemic because of border restrictions and travel bans, with over 10% of the local hotel room inventory now permanently off the market, which is well over 1000 rooms; several hotels remain closed, waiting for some sign of recovery, and about 80% of hotel staff have been laid off
  - Airbnb is currently listing about 1754 active rentals, primarily in the Byward Market and Lowertown, which is down considerably from pre-pandemic times, but it has held fairly steady over the past year, meaning most of these units are likely commercial rentals where the host does not live on site
  - as we come out of the pandemic, short-term rental companies will be

encouraging more people to pursue hosting as an attractive and profitable business opportunity, as evidenced in the heavy investment in tv commercials by Airbnb and Expedia promoting travel and the use of short-term rentals for accommodation, ads that are also designed to attract hosting for those that want to consider this; this promotion is understandable and is also what drives investors to buy up properties for commercial use on short-term rental sites, and ultimately is what is being proven to be the best revenue generations for the platforms and the biggest problem for cities to deal with, so enacting clear and concise short-term rental regulations in Ottawa has never been more important and has never been timelier

- it is critical to the success of the by-law that staff have the time to build out their teams and prepare for execution of these regulations as the tourism sector heads toward recovery; hosts that choose to use short-term rental platforms now and in the future need to have a regulatory framework to reference and should be compelled by law to comply with these carefully crafted rules
- travelers don't visit a destination to stay at a hotel or in an Airbnb, they travel to experience the great things a city has to offer, and Ottawa Tourism is ready to go when the restrictions are lifted so the short-term rentals industry needs a level playing field and a clear understanding of what short-term rental rules are
- experience across Canada and around the world has proven time and again that once short-term rental rules are enacted though, they will need to be dutifully enforced for the preservation of the community

**Cheryl Parrott, Co-chair, Hintonburg Community Association** (oral and written submission)

- residents have expressed concerns with the negative effects of some short-term rentals for many years, including tenant renovations, garbage, parking, noise, parties, guests verbally abusive to neighbours, shootings and murders
- a number of secondary units were being rented as short-term rentals, which added to the rapid decrease in affordable long-term rental stock in the community and across the City; they are pleased to see that the proposed by-law will prohibit these units from being used as short-term rentals
- now is a good time to implement the by-law, before travel restrictions are eased post pandemic

(other comments involved concerns, noted in the section above)

**Tony Miller, President, Ottawa Small Landlord Association (OSLA)** (oral submission and slide presentation)

- OSLA appreciates the overall goals of the by-law, which will likely take care of the parking, garbage, and nuisance issues that happen with short-term rentals, with sufficient enforcement
- OSLA supports the ability to register prohibitions against rental properties so that renters won't be given host permits if not desired by the owner

(other comments involved concerns, noted in the section above)

**Heather Pearl, Co-chair, Champlain Park Community Association (CPCA)** (oral and written submission)

- the proposed measure are desperately needed and the CPCA is happy to support them, as a community that spent two years dealing with a 'ghost hotel'

(other comments involved concerns, noted in the section above)

**Carol Schwartz** (written submission)

- all the hotels and motels within Ottawa should be consulted
- all short-term rentals should require a permit system that would be approved by the City of Ottawa
- all money they receive should be taxable and the taxes for this home should be much higher so that City can ensure that the property is always kept in pristine condition

**Anne Bell** (written submission)

- supports stricter laws on Airbnbs and other short-term rentals, as the situation right now for homebuyers and renters in Ottawa is serious; noted personal experience with loss of tenancy because owners have sold or converted long-term rental properties to short-term rentals
- trying to find suitable rental accommodation can be incredibly stressful due to the poor and limited quality of rentals in the city
- for homebuyers, there is a limited supply of homes available for those who need them, while home prices reach new heights
- while renters and homebuyers continue to struggle, AirBnB hosts and investors continue to profit
- short-term rentals are damaging to this city and its residents, removing important housing and rental stock from the market and harming the security and finances of anyone seeking a long-term place to call home; for any resident of Ottawa, short-term

rentals are often disruptive to the sense of community they have come to expect and steady streams of strangers, loud parties, and violence are the most damaging

- the City's proposed rules are a good first step in mitigating this problem and the City should move swiftly to implement these changes and ensure homes are for the residents of Ottawa to call home; affordable and accessible shelter must come before investment and profit

**Alex Santos** (written submission)

- the situation right now for homebuyers and renters in Ottawa is dire, with a limited supply of homes available for those who need them, while home prices reach staggering new heights
- while renters and homebuyers continue to struggle, Airbnb hosts and investors have reaped the financial rewards of our broken system
- short-term rentals are incredibly damaging to this city and its residents, removing important housing and rental stock from the market and harming the security and finances of anyone seeking a long-term place to call home
- for existing homeowners, short-term rentals can be disruptive to the sense of community they have come to expect
- some people are now resorting to Airbnb to subsidize their expensive mortgage costs
- many of the short-term renters downtown have brought problems such as drugs and alcohol consumption, vandalism, theft, loud noises and essentially destroying community surroundings for a selfish temporary enjoyment
- Ottawa's current policies have allowed investors to profit from this situation at the expense of everyday, hardworking families
- the proposed rules are a good first step in mitigating this damage and should be swiftly implemented to ensure homes are for the residents of Ottawa to call home, not for-profit vehicles for wealthy investors

**Carol Miksik** (written submission)

- the situation right now for homebuyers and renters in Ottawa is dire; there is a limited supply of homes available for those who need them, while home prices reach staggering new heights
- while renters and homebuyers continue to struggle, Airbnb hosts and investors have reaped the financial rewards of our broken system
- short-term rentals are incredibly damaging to this city and its residents, removing important housing and rental stock from the market and harming the security and



finances of anyone seeking a long-term place to call home

- for existing homeowners, short-term rentals can be disruptive to the sense of community they have come to expect.
- the proposed rules are a good first step in mitigating this damage and should be swiftly implemented to ensure homes are for the residents of Ottawa to call home, not for-profit vehicles for wealthy investors

**Erik Miksik** (written submission)

- the situation right now for homebuyers and renters in Ottawa is dire
- there is a limited supply of homes available for those who need them, while home prices reach staggering new heights
- while renters and homebuyers continue to struggle, Airbnb hosts and investors have reaped the financial rewards of our broken system
- short-term rentals are incredibly damaging to this city and its residents, removing important housing and rental stock from the market and harming the security and finances of anyone seeking a long-term place to call home
- for existing homeowners, short-term rentals can be disruptive to the sense of community they have come to expect
- the proposed rules are a good first step in mitigating this damage and should be swiftly implemented to ensure homes are for the residents of Ottawa to call home, not for-profit vehicles for wealthy investors
- in addition, more effective city planning is immediately needed to ensure there is a sufficient mix and supply of housing; the City's planning department has utterly failed the residents of this city; restrictive zoning laws should be removed to allow for a smarter mix of types of residential units; the City should also look into vacant property taxes, as well as lowering the property tax burdens on purpose built apartment buildings (efficient for delivery of services) and increase the tax burden on single-unit residential properties (inefficient for delivery of services, inefficient use of space), or, alternatively, should explore a split land/property as an effective way of ensuring single-unit residential properties pay a fairer share of the city's budget compared to renters

**Anne Taylor** (written submission)

- as a resident of Ottawa (especially one who recently went through the process of purchasing a home), suggested it is incredibly important to put stricter rules on Airbnbs; a larger inventory of homes available for purchase and long term rental is

needed, and those homes need to be more affordable

**Deborah Jackson** (written submission)

- spoke of negative first-hand experience with Airbnb (as a host) and noted many hosts turn to Airbnb in frustration with horrendous Landlord tenant rules that, in her opinion, aid and abet tenants to commit criminal acts against landlords, by defrauding them of rent, threatening them and damaging property; suggested the government doesn't seem to have the administrative resources to handle the volume of crimes against landlords

**Dana Michael Lyle** (written submission)

- noted negative personal experience with an unsupervised Airbnb, with which their property shares a common wall and driveway, including issues with property maintenance, garbage, snow clearing and driveway access, unrestricted flow of visitors (including during Covid-19 restrictions), and countless types of service and delivery vehicles that frequent the property, without the long-term renter living living on the premises since purchased three years ago
- the City has ignored the ongoing issue and their rights as taxpayers and owners to a quality of living once enjoyed before this was allowed to happen
- asked for documentation to show the value of their property and neighbouring properties has not been compromised or devalued because the City allows a flop house to operate in their driveway

**John Dickie, Eastern Ontario Landlord Organization (EOLO)** (oral and written submission)

- EOLO supports the staff report on short-term rental regulation, the key issue for EOLO's members being the way the report proposes to address the use of long-term rental units as short-term rental units
- almost all landlords want to make sure that tenants cannot rent out their rental units to strangers to the rental buildings and the City staff recommendation provides ample and cost-effective means for landlords to enforce their leases and their rules prohibiting the short-term rental use of long-term rental homes

**Guy Holmwood-Bramwell** (written submission)

- the situation right now for housing in Ottawa is dire
- there is a limited supply of homes available for those who need them, while home prices reach staggering new heights
- short-term rentals remove important housing and rental stock from the market and

are harming the security and finances of anyone seeking a long-term place to call home

- for existing homeowners, short-term rentals can be disruptive to the sense of community they have come to expect
- Ottawa's current policies have allowed investors to profit from this situation at the expense of every day, hardworking families
- the proposed rules are a good first step in mitigating this damage and the City should move swiftly to implement these changes and ensure homes are for the residents of Ottawa to call home

**Gabrielle Jacobs** (written submission)

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**Gergely Orosi** (written submission)

- this is an unregulated market and he has witnessed firsthand that hosts often misrepresent and/or double book their accommodations
- the situation right now for homebuyers and renters in Ottawa is dire
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- for existing homeowners, short-term rentals can be disruptive to the sense of community they have come to expect
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**Julia Farrow-Simpson** (written submission)

- has firsthand experience with skyrocketing housing market and both rental and purchase rates that make it a struggle for the average person; this will be a country and a city of the upper class owning everything, and everyone else having to rent at absorbent prices
- the situation right now for homebuyers and renters in Ottawa is dire
- there is a limited supply of homes available for those who need them, while home prices reach staggering new heights
- while renters and homebuyers continue to struggle, Airbnb hosts and investors have reaped the financial rewards of our broken system
- short-term rentals are incredibly damaging to this city and its residents, removing important housing and rental stock from the market and harming the security and finances of anyone seeking a long-term place to call home
- for existing homeowners, short-term rentals can be disruptive to the sense of community they have come to expect
- Ottawa's current policies have allowed investors to profit from this situation at the expense of everyday, hardworking families
- the proposed rules are a good first step in mitigating this damage and the City should move swiftly to implement these changes and ensure homes are for the residents of Ottawa to call home, not for-profit vehicles for wealthy investors

**Jason Leslie** (written submission)

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- short-term rentals are incredibly damaging to this city and its residents, removing important housing and rental stock from the market and harming the security and finances of anyone seeking a long-term place to call home
- for existing homeowners, short-term rentals can be disruptive to the sense of community they have come to expect
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**Jeff Tee** (written submission)

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- short-term rentals are incredibly damaging to this city and its residents, removing important housing and rental stock from the market and harming the security and finances of anyone seeking a long-term place to call home
- for existing homeowners, short-term rentals can be disruptive to the sense of community they have come to expect
- Ottawa's current policies have allowed investors to profit from this situation at the expense of everyday, hardworking families
- the proposed rules are a good first step in mitigating this damage and the City should move swiftly to implement these changes and ensure homes are for the residents of Ottawa to call home, not for-profit vehicles for wealthy investors

**Kevin B** (written submission)

- hopes the City takes a tough line on anyone that is using a secondary residence as a temporary rental for income; these houses add no value to the community and only support investors

**Kendra Eyben** (written submission)

- the situation for renters and home buyers in the city is very serious; has personally

seen many long-term rental apartment units converted to short-term rentals, a situation that was a contributing factor in their own search for alternative housing when, because of the conversion, the level of crime and violence in the building they were living in skyrocketed and they no longer felt safe living there

- many residents in the same situation are unable to afford the monthly rental increase required to seek better and safer accommodation, much less to buy a home in Ottawa in the current market
- for homebuyers, there is a limited supply of homes available for those who need them, while home prices reach new heights
- while renters and homebuyers continue to struggle, AirBnB hosts and investors continue to profit
- short-term rentals are damaging to this city and its residents, removing important housing and rental stock from the market and harming the security and finances of anyone seeking a long-term place to call home
- for any resident of Ottawa, short-term rentals are often disruptive to the sense of community they have come to expect, as they witnessed in their previous residence
- the City's proposed rules are a good first step in mitigating this problem and they should be implemented swiftly to ensure homes are for the residents of Ottawa to call home; affordable and accessible shelter must come before investment and profit

**Kevin Ulug** (written submission)

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Ottawa to call home, not for-profit vehicles for wealthy investors

**Kevin Watson** (written submission)

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**Mike Britton** (written submission)

- imposing stricter laws on Airbnbs is only the first in a series of steps we need to take if we want the younger generation of Ottawans to ever be able to own land in their own city; hopes these changes get implemented and that further measures are introduced to stop or even punish real estate speculation

**Robert Brocklebank** (written submission)

- supported both the proposed Zoning and By-law to implement the short-term rental changes and appreciated that the two interconnected measures had been brought together to Committee for discussion; the zoning amendments and the establishment of a regulatory regime are appropriately considered as two aspects of a unified Ottawa response to the issue of short-term rentals
- the requirement that short-term rentals be limited to principal residences (other than rural vacation properties) is the right approach to take; he personally lives next to a “ghost hotel”, a duplex owned by a numbered company which, in turn, is owned by a local investor and, while on the whole, his experience has not been all bad, the negative aspect of “ghost hotels” is that, unlike a real hotel, there is no personnel on the spot with a comprehensive responsibility for the operation

- the owner is in a distant part of town and does not regularly visit the premises; the management company seems to have a contract which limits its responsibility; the cleaning staff appear from time to time, but their interest is only the interior of the building; periodically a person appears to take out garbage; all of these people seem to be part of the “gig economy” – they are paid to do a specific task only and have no wider interest
- because no one seems to take a comprehensive responsibility, there is a garbage problem between collections, when it is not properly secured and is accessible to local wildlife and the person hired to take garbage out to the street does not appear to have any responsibility to clean up the trash scattered by animals nor to obtain proper containers or building to secure the garbage
- there is no landscaping as such so there is no one caring for what is not in the building; this situation will improve when inhabitants of principal residences become the responsible parties
- hopes that data collected in the three-year pilot project will be shared with the public to permit a reasoned discussion when the pilot comes up for renewal; one of the issues that should be examined as the pilot progresses is the experience with property managers versus direct management by residents
  - in most cases in which the inhabitant is present and is renting out some portion of the dwelling, property managers may play a less prominent role – the inhabitant will in many cases provide the management of the property, but in the case of whole dwelling rentals, the usual resident is absent – in effect, creating a “ghost hotel” with no front desk or night manager; those cases, in which responsibility rests with the property manager, warrant attention in the pilot project

**Effect of Submissions on Planning Committee Decision:** Debate: The joint committee spent three hours and 15 minutes in consideration of the item.

Vote: The joint committee considered all submissions in making its decision and carried the report recommendations as presented, as well as the following two motions:

- ❖ A motion to amend report ACS2021-PIE-EDP-0005 (Zoning By-law Amendments to Permit the Short-Term Rental of Residential Dwelling Units City-Wide) to include a recommendation in respect of the requirement to prepare a Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* ‘Explanation Requirements’, as follows:

THEREFORE BE IT RESOLVED that the report be amended to include the following recommendation:



“That the Community and Protective Services Committee and Planning Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* ‘Explanation Requirements’ at the City Council Meeting of April 28, 2021,” subject to submissions received between the publication of this report and the time of Council’s decision.”

- ❖ A motion to amend the report ACS2021-EPS-PPD-0001 (Short-Term Rental By-law) to correct language in the ‘Discussion’ section of report, with respect to Maclaren Municipal Consulting, under the last paragraph of the subsection ‘The Principal Residence Requirement’, as follows:

THEREFORE BE IT RESOLVED that prior to consideration by the Joint Committee and Council, the language in the ‘Discussion’ section of report ACS2021-EPS-PPD-0001, under the last paragraph of the subsection ‘The Principal Residence Requirement’ (page 12 of the report as posted with the agenda), be changed from:

‘As a result of the above, staff recommend that the principal residence requirement is an integral part of Ottawa’s regulatory regime. **This is supported by** Maclaren Municipal Consulting’s final report, **which noted that** “Limiting short-term rentals to principal residences is a theme shared by reforms in other jurisdictions, including the leading Canadian examples of Vancouver and Toronto. These large cities with the most acute housing issues have not allowed short-term rental of attached units. Generally, the tightest regulations are found in cities with severe housing shortages or massive tourist flows.” (Maclaren Municipal Consulting, Regulation of Short-Term Accommodation, p. 20)’

to

‘As a result of the above, staff recommend that the principal residence requirement is an integral part of Ottawa’s regulatory regime. **This requirement has been adopted in other jurisdictions where concerns exist about short-term rental use and availability of housing supply, as noted in Maclaren Municipal Consulting’s final report:** “Limiting short-term rentals to principal residences is a theme shared by reforms in other jurisdictions, including the leading Canadian examples of Vancouver and Toronto. These large cities with the most acute housing issues have not allowed short-term

rental of attached units. Generally, the tightest regulations are found in cities with severe housing shortages or massive tourist flows.” (Maclaren Municipal Consulting, Regulation of Short-Term Accommodation, p. 20)’

## **Ottawa City Council**

Number of additional written submissions received by Council between April 22 (Planning Committee consideration date) and April 28, 2021 (Council consideration date): 0

### **Effect of Submissions on Council Decision:**

Council considered all submissions in making its decision and carried the report recommendations as presented with the following amendment to the Short-term Rental By-law report:

THEREFORE BE IT RESOLVED that the number of persons permitted to sleep in any short-term dwelling unit be limited to 10.

Council also provided the following direction to staff:

That the General Manager of Emergency and Protective Services provide a memorandum to Members of Council by September 1, 2022, to provide information on: compliance with the Short-Term Rental By-law by hosts, platforms, and property managers; relevant enforcement activities including data; and the nature and volume of service requests received.