

## **Township of North Kawartha Terms of Reference**

### **Committee Name:**

Short Term Rental Advisory Committee  
(hereinafter referred to as "The Committee")

### **Committee Type:**

Advisory Committee of Council subject to in-effect Procedure By-Law, as applicable.

### **Background:**

At the regular meeting of Council held on November 15, 2022, Motion 22 – 440 was passed by North Kawartha Council as follows:

"That Council direct staff to bring back a report outlining a draft terms of reference for a new Comprehensive Zoning By-Law Committee and Short Term Rentals Committee."

### **Mission, Scope and Objectives:**

The Committee will act in an advisory capacity to Council in matters pertaining to the operation of short term rentals in the Township of North Kawartha and will be responsive to the needs of the Township, the North Kawartha Community and property owners.

The Committee will have due regard for the following:

- Township of North Kawartha Strategic Plan
- Township of North Kawartha Strategic Economic Development Plan
- County and Township Official Plan and Zoning By-Laws
- Township Enforcement By-Laws (Noise, Property Standards etc...)
- Township Procedure By-Law
- Applicable Legislation
- Applicable Township of North Kawartha Policies and Procedures
- Available resources

The Committee will communicate and collaborate in a professional and respectful manner with other levels of government, ministries, agencies, municipalities, applicable groups and associations as approved by Council.

- **Jurisdiction and Limits of Committee:** The Committee's work will be limited to short term rentals within the geographic boundaries of the Township of North Kawartha (the Township). The Committee is tasked with providing recommendations to Council with respect to Short Term Rental's (STR's) in the Township. The Committee will not consider banning STR's as part of its mandate.
- **Research and Benchmarking:** The Committee shall conduct a comprehensive review of current regulations and definitions related to short term rentals in North Kawartha and in similar municipalities in Ontario. The focus for this research should be on rural, tourism dependent Municipalities within Central and Eastern Ontario. The examination will include a study of

successful models and best practices for Municipalities that have STR regulations in place. This research must also include a review of any negative impacts and issues (legal, regulatory, economic, financial, property values, public sentiment) that have occurred.

- **Nuisance Behavior:** The Committee's recommendations shall primarily focus on addressing nuisance behavior associated with short term rentals. This may include but is not limited to noise disturbances, parking issues, waste management, environmental, and other challenges.
- **Economic Development and Tourism:** The Committee shall recognize the significant, positive impact that STR rentals have on the Township's local economy and businesses. This must be given due consideration in the development of any proposed program and or regulations.
- **Impact to housing Supply:** The Committee shall include potential impacts to the Township's long term housing supply in their research and recommendations.
- **Financial, Operational, and Administrative Impacts:** The Committee shall include an analysis of the financial, operational, and administrative impacts for any of its recommendations to Council. This must include detailed information on the expected financial impact to the Municipality, ratepayers, and renters.
- **Impact to Municipal Tax Base:** Consideration must be given to the impact of any proposed program or regulations on the Municipal tax base.
- **Revenue Generating Tools:** The Committee shall consider a variety of revenue tools available to the Municipality including the Municipal Accommodation Tax, Licensing fees, and fines in order to fully or partially fund any of its recommendations. The use of any new revenue tools must be fair, reasonable, and balanced.
- **Land Use Planning:** The Committee shall review the County of Peterborough's Official Plan, and the Township of North Kawartha's land use schedules and make recommendations for which zones STR's should be allowed in.
- **Number of Properties to be rented:** The Committee shall consider and make recommendations around the number of properties a person or entity can rent on a short term basis. This review must also address the use of multiple numbered corporations that are owned or controlled by the same person(s).
- **Education:** Create a plan for public education.
- **Enforcement:** The Committee must present a credible plan on how the Township can enforce any new program or regulations.
- **Impact to Traditional Roofed Accommodation:** The Committee shall consider the needs of traditional roofed accommodation, and assess the

impact of any new program or regulation on traditional roofed accommodations.

- **By-Laws in Place:** The Township already has by-laws in place to deal with certain nuisance behavior (i.e. noise by-law for excessive noise). The Committee shall complete a review of the Townships current by-laws as they relate to STR's, and make recommendations to strength those existing by-laws to better address nuisance behavior that can result from STR's.
- **Final Report:** The Committee shall provide a final report to Council that includes the following:
  - An overview of existing practices and regulations related to short term rentals in North Kawartha and in other jurisdictions in central and eastern Ontario.
  - A set of recommendations for Council consideration with respect to short term rentals in North Kawartha.
  - An assessment of the financial, operational, and administrative impact of each recommendation or program.
  - Proposed enforcement mechanisms to ensure compliance with the existing and proposed program or regulations.
  - An evaluation of the potential impact on traditional roofed accommodations.
  - An evaluation of the potential impact on the Townships long term housing supply
  - Recommendations on the number of STR's, and location based on the Township's current zoning by-laws.
  - Any proposed amendments or updates to the Township of North Kawartha's comprehensive zoning bylaw 26-2013 as amended.
  - Any proposed amendments or updates to the Township of North Kawartha's by-laws.
  - Any new bylaws to be proposed relating to STR's.
  - A proposed '*Short-Term Rental Information Document*' for the public which may include current by-laws applicable to Short Term Rentals (noise etc...), enforcement, recommended guidelines / best practices and responsibilities for property owners who currently operate a STR.

**Term:**

The term of the Committee shall be until the completion of its mission or for the term of current Council, whichever comes first. Council has the authority to dissolve the Committee at any time or remove a member from the Committee if deemed necessary.

**Composition:**

The Committee membership shall comprise a total of five (5) members, with two (2) members being North Kawartha Council members and three (3) members being members of the public appointed by Council.

The Chief Administrative Officer shall be an ex-officio member of the Committee with the ability to participate and provide guidance to the Committee but will not be a voting member.

The Secretary for the Committee shall be the Clerk or designate or a member of the Committee elected to be Secretary.

Municipal staff resources include but are not limited to the Chief Building Official, Junior Planner and Economic Development Officer.

**Remuneration:**

Council and Committee members will be paid according to the in-effect By-Law to Establish Rates of Remuneration for Council and its Boards and Committees of the Township of North Kawartha. Staff will be paid as per their regular salary arrangement. Volunteers will not be paid. Mileage will be provided at the current mileage rate at the Township of North Kawartha and in keeping with current policy.

**Reporting Relationships**

The Committee will report to Council through the Chair and shall make recommendations to Council. A copy of the "unapproved" minutes of each meeting shall be submitted to Council for information as soon as reasonable.

**Reports:**

Written reports will be provided to Council at regular meetings of Council, as deemed necessary, when direction from Council or approvals or decisions of Council are required.

**Meeting Procedures:**

The Committee is subject to the Township's in-effect Procedure By-Law, as may be amended from time to time.

Committee meetings shall be held monthly, at the call of the Chair, save and except the lack of a quorum or to accommodate Christmas and summer holidays.

Notice of meetings shall be posted at a minimum on the North Kawartha website. The Committee Secretary may provide any additional notice as deemed appropriate or desirable.

At the call of the Chair, meetings may be held virtually, in a hybrid format or in-person in the North Kawartha Council Chambers, 280 Burleigh Street, Apsley.

Meetings shall be open to the public with the exception of any requirement for a meeting to be closed to the public as set out in Section 239 of the Municipal Act.

## Schedule "A" to By-Law 2023-0064

The Committee shall have due regard and consideration for any delegations or professionals that Council may deem appropriate.

Agendas and minutes shall be prepared for all meetings as set out in the Township's Procedure By-Law. All Committee minutes and recommendations shall be provided to Council at the next reasonable meeting of Council.

Recommendations to Council will not be acted upon until approved by motion of Council.

### **Roles, Responsibilities and Resources:**

#### **Role of the Chair**

"Committee Chair" means the Chairperson of the Committee, appointed by Council, who shall have the same powers during a Committee meeting as the Head of Council during Council meetings"

The Chair shall be a voting member of the Committee.

The Chair is responsible for but not limited to the following:

- Calling the meeting to order and welcome those in attendance
- Chairing the meeting and maintaining order and decorum.
- Providing an opportunity for every member to participate.
- Determining the business to be added to the Agenda and approving meeting Agendas.
- Ensuring that the mission, objectives and outcomes for the Committee are clearly defined and that their achievement is well documented.
- Presenting recommendations of the Committee to Council.

#### **Role of the Co-Chair / Vice-Chair**

The Co-Chair, elected by the Committee, shall assume the Role of the Chair in the Chair's absence.

#### **Role of the Secretary**

The Secretary for the Committee shall prepare and circulate agendas and maintain minutes of the meetings. The Secretary will submit all agendas and minutes to the Chair for review prior to distribution.

#### **Role of Committee Members**

Committee members will fully participate in the discussion at meetings, will research and contribute information, provide new information and complete tasks as assigned by the Committee.

To support full participation, a member who misses three consecutive meetings, without prior approval from the Chair, will be removed from the Committee and the position may be re-advertised.

#### **Role of Municipal Staff**

Municipal staff will assist the Committee by attending meetings, providing guidance and undertaking research as may be required.

## **Volunteers**

Volunteers may be engaged for special projects upon Council approval.

## **Code of Conduct / Conflict of Interest**

Members are subject to the provisions of the Council Code of Conduct and the Municipal Conflict of Interest Act and shall declare any direct or indirect pecuniary interest in a matter before the Committee and shall refrain from participating in any discussion or votes pertaining to the matter that they may have an interest in.

## **Decision Making**

The following principles shall guide the recommendations of the Committee:

- The Committee shall operate in a professional, non-judgmental manner, respecting individual rights and confidentiality, employing no fault discussion and reaching consensus.
- The Committee will strive for consensus with consensus being defined as being able to live with and support a decision, which does not necessarily require total agreement.
- The Committee's recommendations to Council shall be made by motions that are moved, seconded and duly passed by a majority of members voting in favour.
- At any meeting of the Committee, a quorum shall consist of a presence of the majority of all members of the Committee. In the case of a Committee comprised of five (5) members, the majority shall be three (3) members present.
- The Chair shall allow for and control participation in discussion by all members present.
- When a matter is put to a vote, all voting members of the Committee shall vote unless prohibited by Statute. A decision can only be passed by a majority of the voting members present voting in favour.
- Where a Member elects not to vote, the action shall be considered to be a negative vote to the motion.

## **Municipal Resources**

The Committee will be supported in its mission with appropriate municipal resources.

## **Sub-Committees/Working Groups/Public Open Houses:**

Upon approval of Council:

- The Committee may establish sub-committees/working groups to support a specific scope of work. Public members of the sub-committee/working group shall be selected in accordance with the current by-law to adopt a policy for public appointments to North Kawartha Boards and Committees. Members shall be accountable through the Committee to Council.
- The Committee may hold public consultations (ie. on-line surveys etc...). Council will hold a Public Open House once final recommendations have been received from the Committee.

**Budget and Procurement:**

The Committee is not responsible for budget and all requests for funding must be made through Council. The in effect Procurement by-law must be followed to obtain prices or quotations. Approval of Council shall be required prior to the expenditure of any funds.

**Errors / Omissions:**

The non-receipt of any notice by any member does not invalidate any resolution passed or any proceedings taken at the meeting provided a quorum is present.

**Amendments**

Amendments to the Terms of Reference can only be made by Council.

The Committee may review and make recommendations to Council regarding the Terms of Reference at any time.