



The Corporation of the Township of Brock
Committee of the Whole Minutes

April 19, 2022
Virtual Meeting

Members Present: Mayor John Grant
Regional Councillor Smith
Ward 1 Councillor Michael Jubb
Ward 2 Councillor Claire Doble
Ward 3 Councillor Walter Schummer
Ward 4 Councillor Cria Pettingill
Ward 5 Councillor Lynn Campbell

Staff Present: CAO, Ingrid Svelnis
Clerk/Deputy CAO Fernando Lamanna
Deputy Clerk Maralee Drake
Clerk's Assistant Deena Hunt
Fire Chief Rick Harrison
Director of Public Works Paul Lagrandeur
Chief Building Official Richard Ferguson
Interim Director of Finance/Treasurer Sheila Strain
Planner Debbie Vandenakker
Manager Facilities and IT, R. Wayne Ward
Supervisor, By-law Enforcement & Animal Services Sarah Jones

1. Call to Order & Moment of Silence - 10:00 a.m.

Mayor Grant called the meeting to order at 10:00 a.m. and a quorum was present.

2. Land Acknowledgement

It is important to begin each public gathering with a Land and Territorial Acknowledgement, to recognize the Indigenous people for being good stewards of the land and environment, here where we are meeting today. The Township of Brock has traditionally been a hunting and fishing ground for First Nations people. We reside on and benefit from the Williams Treaty Territories, on the land of the Mississaugas and Chippewas. May we share the land as long as the sun rises, the grass grows and river flows.

3. Disclosure of Pecuniary Interest and Nature thereof

None.

4. Presentations

4.1 Durham Greener Homes Program

Ian McVey, Manager of Sustainability
Durham Region

Ian McVey, Manager of Sustainability, Durham Region, provided a presentation with respect to Durham Region's Climate Action Plans which include the Durham Community Climate Adaptation Plan 2016, and the Durham Community Energy Plan. The presentation focused on:

- Key Action - make homes energy efficient through a residential energy retrofit program
 - focus on energy efficiency and GHG emissions reductions through deep retrofits including:
 - replacement of windows and doors with high performance models
 - interior/exterior insulation
 - updating heating and cooling systems - fuel switching
 - solar panels etc.
- Funding
 - Federation of Canadian Municipalities CEF Program to provide \$2 million in grant funding plus \$1.5 million in credit enhancement (4 year funding)
 - local credit unions to provide loan capital

- incentives for applicants will be made available through Durham Region, Federal Government, and energy company rebates
- Book a free meeting consultation with a home energy coach
- Currently concentrating on single family home retrofits
- Durham College, Whitby Campus School of Skilled Trades - April 28, 2022 launch event

Training and Capacity Building

- Canadian Home Builders Association
- Heating Refrigeration and Air Conditioning Institute
- Durham Local Energy Efficiency Partnerships initiative (LEEP)

At year 4, a successful program will have created a pool of qualified home energy performance contractors. Longer-term retrofits to include water efficiency, stormwater management, and green roofs. Future consideration will be given to other building sector segments such as single family rental housing, multi-unit residential housing, and small commercial businesses.

Resolution: COW-2022-043

Moved by Regional Councillor Smith

BE IT RESOLVED THAT the Greener Homes Program presentation by Ian McVey, Manager of Sustainability, Durham Region, be received.

CARRIED

5. Delegations / Petitions

None.

6. Sub-Committees

6.1 Finance Committee (Councillor Schummer - Chair)

The Director of Finance advised that the final tax rate will be slightly lower due to a correction in assessment growth.

6.2 Operations Committee (Councillor Pettingill - Chair)

None.

6.3 Parks, Recreation and Facilities Committee (Councillor Jubb - Chair)

None.

6.4 Tourism & Economic Development Committee (Councillor Doble - Chair)

None.

6.5 Protection Services Committee (Councillor Campbell - Chair)

None.

6.6 Building and Planning Committee (Regional Councillor Smith - Chair)

6.6.1 Report 2022-PCA-006, Alternative Land Needs Scenario Report for Envision Durham

Planner

Resolution: COW-2022-044

Moved by Mayor Grant

BE IT RESOLVED THAT report 2022-PCA-006 be approved and; THAT staff be directed to provide the report to Brad Anderson, Principal Planner in the Planning and Economic Development Department of the Region of Durham for consideration in the Regional Municipal Comprehensive Review process / Envision Durham.

CARRIED

6.7 General Government Committee (Mayor Grant- Chair)

6.7.1 Report 2022-GG-006, Election Sign By-law

Clerk/Deputy CAO

Resolution: COW-2022-045

Moved by Councillor Campbell

BE IT RESOLVED THAT Report Number 2022-GG-006, entitled “Election Sign By-law”, be received, and;

THAT Council direct the Clerk/Deputy CAO to prepare and present Election Sign By-law Number 3114-2022, attached as Appendix ‘1’ to Report Number 2022-GG-006, for consideration and adoption at the Council meeting to be held on April 25, 2022; and

THAT By-law Number 2781-2018-AP be repealed in its entirety, upon adoption of the proposed Election Sign By-law Number 3114-2022.

CARRIED

Amending Motion

Amendment:

Resolution: COW-2022-046

Moved by Councillor Jubb

BE IT RESOLVED THAT Motion COW-2022-045 be amended and that the timing for election signs placement be changed to 36 calendar days prior to Voting Day, within By-law Number 3114-2022.

CARRIED

Amended Main Motion

Resolution: COW-2022-045

Moved by Councillor Campbell

BE IT RESOLVED THAT Report Number 2022-GG-006, entitled "Election Sign By-law", be received, and;

THAT Council direct the Clerk/Deputy CAO to prepare and present Election Sign By-law Number 3114-2022 as amended, attached as Appendix '1' to Report Number 2022-GG-006, for consideration and adoption at the Council meeting to be held on April 25, 2022; and

THAT By-law Number 2781-2018-AP be repealed in its entirety, upon adoption of the proposed Election Sign By-law Number 3114-2022.

6.7.2 Report 2022-GG-007, Short-Term Rentals and Proposed By-laws

Supervisor By-law Enforcement & Animal Services

Councillor Schummer left the meeting at 12:30 p.m. and rejoined at 1:01 p.m.

Resolution: COW-2022-047

Moved by Councillor Pettingill

BE IT RESOLVED THAT Report Number 2022-GG-007, entitled “Short-Term Rentals and Proposed By-laws”, be received; and

THAT Council direct the Clerk/Deputy CAO to prepare and present Public Nuisance By-law Number 3017-2022; Noise By-law Number 3018-2022; Fireworks By-law Number 3019-2022; and Burning By-law Number 3020-2022, attached as Appendix ‘1’, Appendix ‘2’, Appendix ‘3’, and Appendix ‘4’ to Report Number 2022-GG-007, for consideration and adoption at the Council meeting to be held on April 25, 2022; and

THAT By-law Number 2389-2011-PP, By-law Number 2535-2014-PP, By-law Number 2915-2019 and all amendments thereto, be repealed, upon adoption of proposed by-laws: Public Nuisance By-law Number 3017-2022; Noise By-law Number 3018-2022; Fireworks By-law Number 3019-2022; and Burning By-law Number 3020-2022.

CARRIED

Amending Motion

Amendment:

Resolution: COW-2022-048

Moved by Councillor Schummer

BE IT RESOLVED THAT Motion COW-2022-047 be amended, and that fireworks sales period be extended out to the previous length of 14 days with By-law Number 3019-2022.

CARRIED

Amended Main Motion

Resolution: COW-2022-047

Moved by Councillor Pettingill

BE IT RESOLVED THAT Report Number 2022-GG-007, entitled “Short-Term Rentals and Proposed By-laws”, be received; and

THAT Council direct the Clerk/Deputy CAO to prepare and present Public Nuisance By-law Number 3017-2022; Noise By-law Number 3018-2022; Fireworks By-law Number 3019-2022, as amended; and Burning By-law Number 3020-2022, attached as Appendix '1', Appendix '2', Appendix '3', and Appendix '4' to Report Number 2022-GG-007, for consideration and adoption at the Council meeting to be held on April 25, 2022; and

THAT By-law Number 2389-2011-PP, By-law Number 2535-2014-PP, By-law Number 2915-2019 and all amendments thereto, be repealed, upon adoption of proposed by-laws: Public Nuisance By-law Number 3017-2022; Noise By-law Number 3018-2022; Fireworks By-law Number 3019-2022; and Burning By-law Number 3020-2022.

CARRIED

7. Public Questions and Clarification

The Clerk/Deputy CAO provided Committee of the Whole with highlights from public submissions.

7.1 Public Questions and Clarification - Kevin Thompson

Comments on Brock Township drafts of STRs and related By-laws

(1) The background section 2.0 of Short Term Rentals Report (2022-GG-007) includes a discussion on the advantages and disadvantages of STRs. The steady increase of STRs has implications well beyond neighbour disruption. In a recent article (Dec 02, 2021 Growing Pains: Short-term rentals are prompting concerns around the world) the Economic Policy Institute points out by gobbling up possible properties for long-term renters or owners, STRs raise the cost of housing for potential long-term residents. In another recent CBC article (Apr 10, 2022 Ontario Lakeside Towns take on short-term rentals to preserve their way of life) it indicates that if enough of the community's home get bought up by absentee landlords who operate short-term rentals, it would alter the centuries-long tradition of neighbours helping neighbours that keeps the community bonded together. The fear in this context is that the communities with the weakest oversight on STRs will be the ones that attract them, especially when lakeside opportunities exist.

(2) Almost every article one can read about STRs brings you to the conclusion that a regulatory licensing framework is necessary to manage

the problems of STRs. So far, we have had a “warning” approach which has done nothing over the last 5 years to stop the disruptive nature of the “party house” STRs. The owners (and renters) of these commercial operations just shrug off these warnings and carry on. Neighbours increasingly feel unsafe and certainly don’t think the exposure of their families to continuous alcohol and drug fueled behaviors, including prostitutes is appropriate. With the high nightly rates being charged, I don’t believe \$350 minimum fees will be enough.

(3) There appears to be an expectation of significant reliance on neighbouring residents to report by-law violations. In the aforementioned CBC article, the municipality of Lambton Shores has put in place a 24/7 hotline to make it easier for local residents to support law enforcement. Does our communications process include a 24/7 hotline? Will it be anonymous?

(4) Noise by-law. The test for prohibitive noise in schedule 1 is based on whether it is audible from the interior of a residence or business whose occupant has made every reasonable attempt to mitigate the reception of the noise. Consideration should be given for an outdoor test as well such that neighbours can enjoy their property, meet with family and friends, and have regular voice conversations that is not disrupted by neighbouring activities. This is particularly important during this covid pandemic period as people are encouraged to gather and meet outdoors.

(5) The updated by-laws and new nuisance bylaw appear to be comprehensive. Their effectiveness will depend on enforcement and whether or not the magnitude of the financial penalties is large enough.

7.2 Public Questions and Clarification - Don Dalzell

For Report 2022-GG-007, Short-Term Rentals and Proposed By-laws in Committee of The Whole 4/19/2022 10:00:00 a.m.

I am in support of the proposed by-law amendments addressing STRs. We live in an area zoned residential, yet last summer our neighbour operated a commercial entity renting for upward to \$2000 per night. Some families were ok but many renters overindulged in alcohol and marijuana and carried on until early hours of the morning with excessive noise and profanity. Until you live beside a STR you really do not comprehend how disruptive it can be to your well being, safety and health.

7.3 Public Questions and Clarification - Helen Poletes

(In reference to short term rental bylaw Report 2022-GG-007) I am concerned by the commercialization of homes as hotels without any restrictions. Consider:

1. occupant capacity that considers fire escapes, sprinklers and fire code compliance as a hotel. Maximum 8 occupants or 4 bedrooms
2. maximum parking for the property not on right of ways/ sidewalk allowances eg. one parking spot per bedroom
3. if hoteling, the zoning should not be residential
4. maximum days to rent adjusted for seasonality
5. be a principal residence of owner otherwise commercial in nature
6. decks/patios per hotel safety codes with maximum capacity
7. maximum number of people on property during the day especially outside, maximum cars based on size of lot
8. music playing out loud, fires outsidePlease consider these point at your upcoming meeting.
9. fine of \$1000/day rented or 50% of advertised rate for infractions and leans on property if not paid
- 10.local tax on rental to cover enforcement
- 11.HST as per current rules
- 12.define the short term/medium term rental
- 13.designated areas where they are allowed with maximum number of short term rentals allowed in a town
- 14.no camping outside on vacant private lots without sanitation facilities
- 15.cannot create a nuisance for surrounding properties
- 16.no signage
- 17.24/7 property management by permanent resident

7.4 Public Questions and Clarification - Kristen Engel

1. Are by-law officers given the authority to ticket on site or will it just be a warning? Howmany warnings before enforcement?

2. Now that 288 Morrison is classified on line as a "villa" is there any way we can control occupancy?
3. If garbage, like last year, and I mean gross garbage, is dumped on my lawn, who is responsible for picking it up...we are all scared around here that if we say something, we will get hurt.
4. If doggy nonsense is on my lawn like last year, who is responsible for picking it up? I know I pick up my own doggy nonsense but should I have to pick up after the renter's dogs?
5. My understanding, to date, is that fireworks are allowed on May 24 and July 1st only and must stop by 11 pm so who do we contact when random fireworks are being lit off ie. during the day and after midnight?
6. As for the fire burning, I understand that once again, rightfully so, each property needs a burn permit, which I applied for this morning. How will this be enforced?
7. Regarding the noise, is there any way we can control this during the work day? I deal with and I have said this before, I work from home and am often on the phone with patients and I should not have to explain to them what the noise is they are hearing, just not professional. I have 2 dogs and yes they bark, especially when a stray animal is in my back garden, duly noted but everyone knows that there must be something in my backyard.

I am looking forward to hearing things during tomorrow's meeting. We are not perfect people in any sense of the word but we all around here are respectful. I actually don't care about people coming up, renting, and enjoying the lake. What I do care about is that those that do come up for enjoyment, respect the fact that this is a quiet neighbourhood, we work together and I believe that the respect is all we want to have restored. I know you are working hard to get some new regulations in place and I truly thank you for that! I look forward to hearing what is talked about tomorrow. Thank you.

7.5 Public Comments and Proposed Bylaws - Elaine Buckstein

Thank you for the opportunity to comment on the staff report dated April 10, 2022 dealing with short term rentals in the Township. As President of the Shoreline Ratepayers Association, we have not had the opportunity to share this report with our members in the short time since its release and this meeting, but the report and any responses will be provided at a later

date. At the outset, I must state that I'm personally disappointed that the report does not recommend a licensing scheme.

Your proposal completely ignores the survey results found in your "Let's Talk Brock Short Term Rental Survey" of 68.5% of respondents who indicated that Brock should permit and regulate STR accommodation through a licensing by-law. The comparison is made to other sharing economy models for ride services and food services; both of these are singular, short events where a residence is visited, a service provided (or begun) and it ends quickly. The business is conducted at the residence but it does not continue over a time period, like a rental of a property for a week or month. In addition, both of those businesses are regulated and most often licensed for their purpose as a taxi service or restaurant. If problems arise, a resident has recourse to the owner through the regulations. That is the benefit of a licensing scheme—the business owner can be held responsible or revocation of the license ensues.

While your report refers to the licensing scheme of other municipalities, it seems to dismiss the concept because it is not cost recovery and doesn't eliminate the problem of "party house" situations. I would submit your proposal to instead rely solely on nuisance noise, fireworks and burn by-laws leaves the adjacent neighbours of these unregulated businesses to fend for themselves and become complainants in court elsewhere in the Region, incurring their own expenses and loss of enjoyment of their property.

Why would you support allowing a property owner to run a business from their home without any regulations? I believe any Bed & Breakfast businesses in Brock are regulated and the use meets the Zoning By-law and annual permits and regular inspections are required. No financial requirements are made of this property owner and most importantly, no requirement to be on site in order to deal with any issues that arise, unlike a B&B. The rental of a residence is a business investment, yet here it is ignored for its impact on a community.

I also offer the following comments on the draft by-laws, for staff consideration: As for the draft public nuisance by-law, the definition of "Owner" or "Person" does not include a Corporation, and as the subject properties may be held in this manner, should be included. The prohibitions to the by-law are "sponsor, conduct, host, create, continue, allow, participate, or permit any activity that constitutes a public nuisance...." If the property owner claims he/she/it provided the by-

laws and Township information to the User, does the Township Prosecutor and legal counsel believe this to be a valid defence? If the property is rented out all summer long to various Users, this defence wears thin on the neighbours, who lose the enjoyment of their own properties.

Regarding the Noise By-law and Schedule 1: Please review sections 1 and 2 as these provisions refer to volume that is audible from the interior of the residence or business whose occupant has made every reasonable attempt to mitigate the reception of the noise? I think the test is whether the noise is clearly audible in another dwelling unit within the same residence or a building on an adjacent property.

Regarding the Fireworks By-law, would section 2.9 include discharge of fireworks from a dock? This has been an issue in previous summers along the Shoreline Area. Also, is it correct that the property owner would need to provide written permission to a User of consumer fireworks from that property, per section 3.2?

Regarding the Burn By-law, it seems that "Shoreline Area" is removed as a separate defined Area, but can a Recreational Burn Permit be obtained for use in this Area? Also, will seasonal permits still be issued to property owners?

Resolution: COW-2022-049

Moved by Councillor Campbell

BE IT RESOLVED THAT Committee break for a recess at 1:34 p.m.

CARRIED

8. Closed Session

Mayor Grant reconvened the meeting at 1:45 p.m. and a quorum was present.

Councillor Jubb was absent.

Resolution: COW-2022-050

Moved by Regional Councillor Smith

That Committee of the Whole proceed into a Closed Meeting of Municipal Council at 1:45 p.m. to discuss the following matters:

- a proposed or pending acquisition or disposition of land by the municipality or local board pursuant to Section 239(2)(c) of the Municipal Act - Potential purchase of land

CARRIED

8.1 Potential Land Purchase

8.2 Councillor Jubb joined the Closed Session at 1:58 p.m.

9. Rise from Closed Session

Resolution: COW-2022-051

Moved by Councillor Pettingill

BE IT RESOLVED THAT Committee of the Whole rise & report from the Closed Meeting of Municipal Council at 2:48 p.m.; and,

THAT Committee endorse all direction provided to staff at the Closed Meeting of Municipal Council held on April 19, 2022.

CARRIED

10. Other Business

Committee members identified recent and upcoming community events.

11. Adjournment

Resolution: COW-2022-052

Moved by Councillor Jubb

BE IT RESOLVED THAT the meeting of Council adjourn at this time 2:51 p.m.

CARRIED

Mayor

Clerk