



COMMITTEE OF THE WHOLE MEETING MINUTES

On Tuesday, November 5, 2019

At Town Hall Council Chambers, 2nd Floor, 30 King Street East

COMMITTEE MEMBERS PRESENT		STAFF PRESENT
Chair:	Matt Harper	Shellee Fournier, CAO
Members:	Ted Lojko	Penny Kelly, Clerk/CEMC
	Dave Anderson	Brenda Guy, Manager of Planning and Development
	Adrian Haird	Melanie Kirkby, Treasurer
	Mike Kench	Kari Lambe, Manager of Community Services
	Dennis O'Connor	Steve Tiernan, Fire Chief
	David Osmond	
Regrets:		Paul McMunn, Manager of Public Works

1.	Call Meeting to Order Councillor Harper chaired the meeting. The meeting was called to order at 6:37 PM.
2.	Disclosure of Pecuniary Interest & General Nature Thereof **Councillor Kench declared a pecuniary interest with respect to correspondence listed as Item #9, entitled "Forbes Bros. Telecommunications / Construction – Information Package for Freedom Mobile Inc. Telecommunications Facility Proposal – 5110 County Road 2", as his parents own the property.
3.	Approval of Minutes – October 15, 2019 Moved by: Deputy Mayor Osmond BE IT RESOLVED THAT THE COMMITTEE OF THE WHOLE ADOPTS THE MINUTES FROM THE TUESDAY, OCTOBER 15 TH , 2019 MEETING. CARRIED – UNANIMOUS
4.	Public Question / Comment (Only addressing Reports on Agenda) • There being none, the Chair moved on to the next order of business.
**Delegations were dealt with at this point.	
5.	Disclosure of Additional Items
	1. Council Informal Drop-In Centre – Deputy Mayor Osmond
	2. Thousand Islands Area Residents Association (TIARA) Correspondence – Councillor Harper (Attached)

6.	Public Meeting – None
7.	Unfinished Business
COW-FIN-2019-39 – Eastern Ontario Cell Gap and Capacity Expansion Project	
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS A BY-LAW, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN AN AGREEMENT WITH EASTERN ONTARIO WARDENS CAUCUS (EOWC), EASTERN ONTARIO REGIONAL NETWORK INC. (EORN), AND EASTERN ONTARIO MAYORS COMMITTEE (EOMC) FOR THE EASTERN ONTARIO CELL GAP AND CAPACITY EXPANSION PROJECT, AS PRESENTED IN REPORT COW-FIN-2019-39.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
COW-RECM-2019-21 – Gananoque Intermediate Secondary School (GISS) Electronic Sign Update	
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE GANANOQUE INTERMEDIATE AND SECONDARY SCHOOL (GISS) ELECTRONIC SIGN UPDATE FOR INFORMATION, AS PRESENTED IN COW REPORT RECM-2019-21.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
COW-RECM-2019-22 – Ontario Trillium Foundation (OTF) Tennis Court Grant Application	
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO REAPPLY TO THE ONTARIO TRILLIUM FOUNDATION FOR A CAPITAL GRANT FOR THE CONSTRUCTION OF TENNIS COURTS, AS PRESENTED IN COW REPORT RECM-2019-22.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
8.	Delegations
	<p>1. Cataraqi Region Conservation Authority (CRCA) – Katrina Furlanetto, Incoming General Manager and Geoff Rae, General Manager – Draft 2020 Budget Presentation</p> <ul style="list-style-type: none"> • Katrina Furlanetto, Cataraqi Region Conservation Authority (CRCA) Incoming General Manager, presented a PowerPoint presentation entitled “Draft 2020 Budget and Capital Forecast” to the Committee of the Whole.
	<p>Cataraqi Region Conservation Authority (CRCA) – Municipal Levy – Refer to Budget Deliberations</p> <p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE CATARAQUI REGION CONSERVATION AUTHORITY (CRCA) 2020 DRAFT BUDGET AS PRESENTED,</p> <p>AND FURTHER, REFER THEIR REQUEST FOR FUNDING WITH RESPECT TO THE MUNICIPAL LEVY IN THE AMOUNT OF \$42,648.79, TO THE 2020 BUDGET DELIBERATIONS.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>

9.	Presentations By Staff (Others) – None
10.	Correspondence
	1. Accounts Payable – October 9 to October 23, 2019
2.	Royal Canadian Legion Branch 92 – Free Parking in Gananoque for Veterans
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE SUPPORTS THE ROYAL CANADIAN LEGION BRANCH 92, CORRESPONDENCE DATED OCTOBER 22, 2019, REQUESTING FREE PARKING IN GANANOQUE FOR VETERANS,</p> <p>AND FURTHER, REQUESTS STAFF TO BRING BACK A REPORT TO THE COMMITTEE OF THE WHOLE FOR CONSIDERATION REGARDING THE IMPLEMENTATION OF THIS INITIATIVE, AND TO INCLUDE PERSONS WITH DISABILITIES.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
3.	Chris McDonald – Water Meters <ul style="list-style-type: none"> • This item was addressed during the Council Meeting of Tuesday, November 5, 2019.
4.	Absolutely Hair & Spa – Special Peoples Christmas Dinner Party – Request for Donation
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES A COUNCIL GRANT IN THE AMOUNT OF \$250.00, TO ABSOLUTELY HAIR AND SPA TO SUPPORT THE SPECIAL PEOPLES CHRISTMAS DINNER PARTY.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
5.	St. John Ambulance – Brockvegas for A Cause Fundraising Event – Request for Donation
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES A COUNCIL GRANT IN THE AMOUNT OF \$250.00, TO SUPPORT THE ST. JOHN AMBULANCE “BROCKVEGAS FOR A CAUSE FUNDRAISING EVENT”.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
6.	The United Communities and Families of the Upper St. Lawrence and Lake Ontario Region – Extreme Water Levels of the Upper St. Lawrence River and Lake Ontario
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO SEND A LETTER TO THE THOUSAND ISLAND AREA RESIDENTS’ ASSOCIATION (TIARA) RECOGNIZING RECEIPT OF THEIR CORRESPONDENCE AND STATE THAT COUNCIL SUPPORTS, IN PRINCIPLE, THEIR CAMPAIGN REGARDING EXTREME WATER LEVELS ON THE UPPER ST. LAWRENCE RIVER AND LAKE ONTARIO.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>

7. Ministry of Finance – 2020 Ontario Municipal Partnership Fund (OMPF) Allocations	
	<p>Budget Deliberations – Amend Motion #19-198 Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE AMENDS MOTION #19-198, ENTITLED “2020 BUDGET DELIBERATIONS” TO REMOVE “1.5%” AND REPLACE WITH “2%”, WITH RESPECT TO THE TAX LEVY.</p> <p style="text-align: right;">CARRIED – 6 Ayes, 1 Nay</p>
	8. Association of Municipalities Ontario (AMO) – Announcement by the Minister of Municipal Affairs and Housing
	9. Forbes Bros. Telecommunications / Construction – Information Package for Freedom Mobile Inc. Telecommunications Facility Proposal – 5110 County Road 2
	10. Minutes – Police Services Board (PSB) – August 9, 2019
	11. Minutes – Gord Brown Memorial (GBM) Canada 150 Advisory Panel – October 8 and 22, 2019
	12. Minutes – Municipal Heritage Advisory Panel – September 19, 2019
11.	Staff Reports
COW-LIB-2019-04 – Gananoque Public Library Quarterly Report	
	<p>**Mr. Chris McDonald presented the Library’s Quarterly Report.</p> <p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE GANANOQUE PUBLIC LIBRARY QUARTERLY REPORT, AS PRESENTED IN COW REPORT LIB-2019-04.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
COW-FIN-2019-40 – Ministry of Municipal Affairs and Housing (MMAH) Financial Indicator Review	
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH) FINANCIAL INDICATOR REVIEW, AS PRESENTED IN COMMITTEE OF THE WHOLE REPORT FIN-2019-40.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>
COW-UTIL-2019-04 – Drinking Water Quality Management Standard (DWQMS) Operations Plan	
	<p>Moved by: Deputy Mayor Osmond AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE, ENDORSES THE OPERATIONAL PLAN (V2.0 2019) IN ACCORDANCE WITH THE <i>SAFE DRINKING WATER ACT</i>, 2002 (SDWA) AND THE REGULATIONS AND OTHER INSTRUMENTS MADE UNDER THAT ACT, AS PRESENTED IN COW REPORT UTIL-2019-04.</p> <p style="text-align: right;">CARRIED – UNANIMOUS</p>

COW-UTIL-2019-05 – Emergency Watermain Break – Budget Deviation

Moved by: Deputy Mayor Osmond

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE AUTHORIZES A BUDGET DEVIATION, TO AN UPSET LIMIT OF \$27,500, FOR EMERGENCY WATERMAIN REPAIR ON KING STREET EAST AND, THE PURCHASE AND INSTALLATION OF A 300 MM INSERTION VALVE ON THE WATERMAIN CONNECTING KING STREET EAST TO PINE STREET, AS PRESENTED IN COMMITTEE OF THE WHOLE REPORT UTIL-2019-05.

CARRIED – UNANIMOUS

COW-CD-2019-12 – Amend Development Permit By-law No. 2010-065 – Include Short Term Accommodations (Distributed November 5, 2019 and Attached)

Moved by: Deputy Mayor Osmond

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES FOR INFORMATION AND COMMENTS, THE DEVELOPMENT PERMIT BY-LAW PROPOSED AMENDMENT REGULATING SHORT TERM ACCOMMODATIONS, AS PRESENTED IN COW REPORT CD-2019-12.

CARRIED – UNANIMOUS

12. Discussion of Additional Items

1. Council Informal Drop-In Centre – Deputy Mayor Osmond

Moved by: Deputy Mayor Osmond

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE CONTINUE THE INFORMAL DROP-IN CENTRE SESSIONS EFFECTIVE DECEMBER 2019, SIX (6) MONTHS.

CARRIED – UNANIMOUS

2. Thousand Islands Area Residents Association (TIARA) – Councillor Harper

- This item was dealt with under Correspondence, Item #6.

13. Next Meeting – November 19, 2019

14. Questions from the Media – None

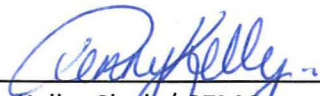
15. Adjournment

Moved by: Deputy Mayor Osmond:

Be it resolved that the Committee of the Whole hereby adjourns the November 5th, 2019, meeting at 7:58 PM.

CARRIED – UNANIMOUS


Matt Harper, Chair


Penny Kelly, Clerk / CEMC



October 18, 2019

Dr. Pierre Béland, Chair,
Canadian Section, International Joint Commission,
234 Laurier Avenue West, 22nd Floor,
Ottawa K1P 6K6. e-mail mageauc@ottawa.ijc.org.

Ms. Jane Corwin, Chair,
American Section, International Joint Commission,
1717 H Street NW, Suite 835
Washington, DC 20006. e-mail lawsonc@washington.ijc.org.

Mr. Terence Bowles, President and CEO,
St. Lawrence Seaway Management Corporation,
202 Pitt Street,
Cornwall ON K6J 3P7 e-mail pleblanc@seaway.ca

Dear Dr. Béland, Ms. Corwin and Mr. Bowles,

As winter approaches, we in the 1000 Islands are extremely concerned at the high water levels in the St. Lawrence River: almost a foot and a half higher than normal for this time of year. As you are well aware, municipalities, individuals and businesses along the St. Lawrence River and Lake Ontario suffered great losses in 2017 and 2019 due to flooding, and are genuinely alarmed at the prospect of more destructive flooding in 2020.

In view of this situation, the Thousand Islands Area Residents Association (TIARA) urges the International Joint Commission (IJC) to immediately require the Seaway to schedule intermittent shipping closures, allowing times when the International Lake Ontario St. Lawrence River Board (ILOSRLB) can increase outflows to bring the River's water level down at least a foot before freeze-up. This "patterning" would be only fair, given that the IJC *reduced* the outflows over two full days to permit Lake St. Lawrence boaters to haul out their boats. By comparison, the 1000 Islands and Lake Ontario potentially stand to suffer far more damage from spring flooding if water levels are not reduced now, an unfairly disproportionate burden.

The IJC has stated that it was a coincidence that Plan 2014 came into effect just when the Great Lakes experienced record-breaking precipitation in 2017 and 2019, but it was inevitable that Plan 2014 (already unpopular in some quarters) would be blamed for the severe flooding that ensued.

To restore and preserve the reputation and integrity of Plan 2014, we urge the IJC to run and publish a simulated comparison between Plan 1958DD and Plan 2014 to demonstrate its assertion there would only have been a very small difference in water levels under each plan in 2019.

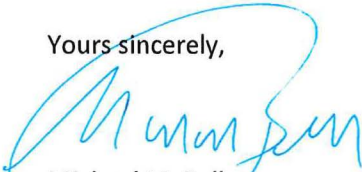
481 Thousand Islands Parkway, Lansdowne ON K0E 1L0 Canada

Directors: Charles Baker • Roswitha Baker • Laura Bell • Michael Bell • Mike Bell
Martin Bordt • Blu Mackintosh • Jennifer Macklem • Marion MacLeod • Christina McCarthy
Pierre Mercier • Margot Miller • Brian Reynolds • Elisabeth Sterken • Jonathan Thorburn

Further, TIARA urges the IJC to use the results of the online survey run by the Great Lakes St. Lawrence River Adaptive Management (GLAM) Committee to review the Plan's regulations and decide whether changes should be considered. We further suggest, although they may be contentious, that the IJC undertake a series of public engagement sessions throughout the watershed to solicit local knowledge about the flooding and to rebuild citizen trust. We also advise the IJC to seriously consider commissioning an independent study of Plan 2014, to further the rebuilding of trust. Perhaps the public engagement sessions could be incorporated into the process of the independent study.

Founded in 1975, TIARA is a 44-year old, all-volunteer grassroots organization of some 250 members, both Canadian and American, whose mandate is to preserve and improve the character of the Thousand Islands with emphasis on the environment. We are currently completing our document to nominate the upper St. Lawrence as a Canadian Heritage River.

Yours sincerely,



Michael M. Bell
Co-President

On behalf of Martin Bordt, Co-President, and the entire TIARA Board of Directors

***Position of D. McWilliam and R. Pfeiffer on IJC Intransigence
October 23, 2019***

Dan McWilliam Formal Complaint to Canadian Human Rights Commission
File No. 100004478
Filed October 3, 2019

Main Claim:

By failing to reduce water levels as it could have in 2017 and 2019, the International Joint Commission (IJC) has unjustly violated the rights of those of the riparian culture on the shores of Lake Ontario and the upper (Thousand Islands region of the) St. Lawrence River.

Major Theses Central to the Claim:

- A. There is a distinct riparian culture exemplified in the lives of the hundred thousand people living along the shores of the Lake and River.
- B. **Known water levels are essential** to the perpetuation of this culture.
- C. **The IJC is responsible for maintaining water levels that are livable** for those in this riparian culture.
- D. **Its failure to take appropriate steps** to keep water levels within the range of the past century **has caused a blatant and unjust violation of the rights** of citizens as they are stated in its governing documents.

A. Distinct Riparian Culture

- 1. **A culture is encompassed by the social behavior and norms of knowledge, beliefs, arts, laws, customs, capabilities and habits of people in a society.** Those living on the shores and islands of the Lake and the River share a literature, a history, a mythology, common riparian values, work and pastimes that center around assumptions of tolerable water levels.
- 2. **UNESCO** has designated the Frontenac Arch, which includes the 1000 Islands, as a Biosphere Reserve for our “natural and **cultural heritage.**”
- 3. **This riparian culture is unique** in being purely voluntary, and integrating people of national, ethnic, economic, and religious differences, and continuing to the present for many generations.

B. Known Water Levels are Essential for this Riparian Culture

1. Tens of thousands of houses built along this water were built with government permits supporting the assumption, guaranteed by government information and the security of paying taxes for over a century, of the range of water levels. The record high water of 2017 and 19 have had a devastating effect on many thousands of these houses and their facilities, some of which are over a century old.
2. More properties are for sale now than ever before, disrupting families to an unprecedented degree.
3. It has been the stability and predictability of Lake Ontario and St. Lawrence River water levels over the past few centuries that has brought so many people to their shores. Occasional flooding has always been tolerated. But Plan 2014 embodies an acceptance of flooding beyond levels of recorded history.

C. IJC is Responsible to Maintain Tolerable Water Levels

1. An international committee of six, three from each country, it and **it alone governs**, (solely via a mandate of unanimity) **the outflows** of the Moses-Saunders Dam, which is the only means of regulating water levels in the Lake and River.
2. **Since late 2016, the IJC has controlled outflows according to the dictates of Plan 2014**, which it claims to be definitive. However, it has never allowed any means for modifying its dictates due to any clear and pressing need.
3. Jose Dupuis, Acting Director for Strategic Governance and Ministerial Correspondence for the Government of Canada has stated recently, “**The Government of Canada has full confidence in Plan 2014**, which represents a major step toward more effective trans-boundary water governance by both Canada and the United States.”

D. IJC's Failure is a Violation of the Rights of Members of the Riparian Culture

1. The Operating Principles of the IJC specify “**If damages result from any plan, they should not fall disproportionately** on any one geographic area or interest group.” The burden of Plan 2014 falls directly on the shoulders of the members of the riparian culture upstream of the Moses-Saunders Dam.
2. The Operating Principles of the IJC state: “**If damages are anticipated, mitigation and compensation measures should be in place** prior to implementation.” No such measures have ever been put forth even though the IJC anticipated widespread flooding prior to the adoption of Plan 2014.

3. The Operating Principles of the IJC state: “**Any plan should be developed in an open process with wide public participation.**” Lawsuits now pending maintain that Plan 2014 was developed in secret by a group that only consulted with environmental advocates. Frank Scirememmano (a member of the IJC Board and study groups) has stated that Plan 2014 was nothing like the plan presented to the working group, and that many changes were made in secret.
4. To date, the **IJC** has refused to admit responsibility for damages to shoreline residents and structures, despite the fact that its **own report (GLAM) states that after the 2017 flooding, 90% of NY shore dwellers reported some degree of flooding to their property, yet no corrective measures were implemented** to avoid the catastrophic events of 2019.

Considerations on the Above:

1. **Outflows** of the Moses-Saunders Dam **were adjusted** beyond the stated limits in 2017 and 2019 only **after the trigger levels** had been reached, **which was too late** to avert serious damage or destruction to over 3,000 shoreline properties.
2. The IJC has repeatedly stated that the two record high water flooding events are due to climate change and global warming, and not Plan 2014 or the **IJC’s failure to take remedial steps**. In fact, it took none outside of those specified in Plan 2014.
3. There has **always been occasional flooding** in the Lake and the River. But **the current** extreme, record **flooding of 2017 and 2019 was** predicted, allowed for, and intended by Plan 2014, and **accepted by the IJC as a tolerable consequence**. The IJC’s acceptance of a 400% increase of high water events is an intolerable failure of responsibility.
4. Climate Change and Global Warming might have influenced the water levels of 2017 and 2019 to some degree. But the failure of the IJC to take any countermeasures is **a failure to protect the rights** of the citizens and their riparian culture.
5. The **IJC has refused to recognize the complaints** of residents of riparian lands that have suffered directly. It offers no response beyond denial. It has stated: “These unfortunate events are solely due to climate change.” This intransigence is inappropriate for a government agency and violates our rights as citizens.
6. **A legal action filed in the Supreme Court of the State of New York** on October 10, 2019 attributes the negligence of the IJC to disastrous results caused by flooding that is **invasive**, and amounts to **trespassing** on private land, and

has created an **unwarranted spate of private nuisances**. It seeks over one hundred million dollars in compensation.

7. A newly formed group, the **United Communities of the Upper St. Lawrence and Lake Ontario**, presented information on the disaster to the **IJC** on October 11, 2019, and is moving toward filing suit, as are groups from the south side of Lake Ontario.
8. **FINALLY,**
Our rights as citizens, people, members of a unique riparian culture centered around Lake Ontario and the Upper St. Lawrence River, are flagrantly and unjustly violated by the abject failures of the IJC.



COW Report – CD-2019-12

Date: November 5, 2019

IN CAMERA

Subject: Development Permit By-law Proposed Amendment – Regulating Short Term Accommodations

Author: Brenda Guy, Manager of Planning & Development

OPEN COUNCIL

RECOMMENDATION:

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES FOR INFORMATION AND COMMENTS, THE DEVELOPMENT PERMIT BY-LAW PROPOSED AMENDMENT REGULATING SHORT TERM ACCOMMODATIONS, AS PRESENTED IN COW REPORT CD-2019-12.

STRATEGIC PLAN COMMENTS:

Sector 6 – Governance – Strategic Initiative #4 – Town Council will ensure openness and transparency in its operation.

BACKGROUND:

The Town of Gananoque is seeking to implement a Municipal Accommodation Tax (MAT) to include various types of Short Term Accommodations.

The Official Plan for the Town currently permits a range of activities in residential areas including home-based businesses, local commercial, Bed and Breakfasts, Heritage Tourist Inn, group homes, churches, schools, community facilities and open space.

The Development Permit By-law permits Heritage Tourist Inn and Bed and Breakfasts within Residential designations.

INFORMATION/DISCUSSION:

With the Municipal Accommodation Tax (MAT) by-law coming into force and effect on December 31st 2019), the policies and licensing of establishments require consideration and review in conjunction with the existing policies.

The current Development Permit By-law definition and summary of provisions:

Bed and Breakfast Establishment

Means an owner occupied private residential dwelling that is the owner's principal residence and in which the owner has control of the environment. It provides temporary accommodations not exceeding 28 consecutive days and amenities and services auxiliary to guest accommodation including the preparation and service of breakfast for an all-inclusive fee.

- Bed and Breakfast Provisions:
 - Offer up to three (3) guest rooms

- Shall serve its guests only, and shall not offer services to non-guests
- May offer breakfast to the registered guests
- Subject to a Class III Development Permit for parking requirements and inspections

Heritage Tourist Inn

Means a building with historic and architectural merit on a large property in which no more than six guest rooms are made available for the temporary (no more than 30 days) accommodation of the travelling public. Such an establishment may offer meals to guests staying at the Inn, but shall not offer services to non-guests.

- Heritage Tourist Inns
 - Offer up to six (6) guest rooms
 - Shall serve its guests only, and shall not offer services to non-guests
 - May offer breakfast to the registered guests
 - Subject to a Class III Development Permit for parking requirements and inspections
 - Heritage Resource Assessment to confirm the heritage and architectural merit of the existing built form

The Town's current By-law does not define Short Term Accommodations. In an effort to achieve the same level playing field, consideration should be given to the current definitions and provisions for Bed and Breakfast and Heritage Inns, as well as, determine the definition of a Short Term Accommodation.

Currently, the approach that Staff have taken with respect to Short Term Accommodations renting private rooms (ie: AirBnB, VRBO) is to follow the Bed and Breakfast provisions of the by-law. If the Town receives a complaint and/or a listing is identified on a website and the owners are renting out a room, staff undertakes an inspection. If the property is not an approved Bed and Breakfast or Heritage Tourist Inn and it is apparent that these services is being offered, staff issue compliance letters to property owners. The property owners, should they wish to continue, are requested to apply for a Class III Permit under the Development Permit By-law. Conditions of Bed and Breakfast would include parking as well as inspections by the Fire Department.

To date, staff have not been able to regulate the rental of an entire house or apartment.

Staff note that the posting of individual homes on tourism related websites are not monitored on a weekly basis, however, the Town has seen a significant increase from 2018 to 2019. Most of the sites reviewed in 2018, were previously approved under the Bed and Breakfast or Heritage Tourist Inn provisions.

There are provisions in the Development Permit By-law for secondary suites and this is on the radar of the Provincial government in an effort to provide affordable housing. The intent of the secondary suites is not for the purpose of tourism related activity but living accommodations. The concern is that the ability to offer apartments and/or dwelling units, in all areas, can further impact the affordable housing stock.

Staff presented suggestions to the Planning Advisory Committee on October 28, 2019 in regards to the Short Term Accommodations and proposed locations within the Town.

Following a productive and lengthy discussion, Planning Advisory Committee proposed the following, in conjunction with the current definitions and provisions. Accommodation means Bed and Breakfast and/or Heritage Tourist Inns and/or Short Term:

- All accommodations shall be owner-occupied
- All accommodations may or may not include a kitchen
- All accommodations may be located in a single family dwelling (not accessory buildings)
- All accommodations shall be required to obtain a Class III Permit

Note: Short Term Accommodations that do not meet the above criteria will be considered illegal.

The intent of this report is to provide a draft By-law to Council and the public. The formal Public Meeting is scheduled to take place on Tuesday, November 19, 2019. At that time, Council may pass the by-law. It should be noted that there is a 20 day-appeal period.

APPLICABLE POLICY/LEGISLATION:

Official Plan
Development Permit By-law

FINANCIAL CONSIDERATIONS:

None

CONSULTATIONS:

Planning Advisory Committee

ATTACHMENTS:

Draft By-law

APPROVAL	<hr/> <p>Brenda Guy, Manager of Planning and Development</p> <hr/> <p>Melanie Kirkby, Treasurer</p> <p><i>Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council's own policies and guidelines and the Municipal Act and regulations.</i></p> <hr/> <p>Shellee Fournier, CAO</p>
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CORPORATION OF THE TOWN OF GANANOQUE

BYLAW NO. 2019-XXX

**BEING A BY-LAW TO AMEND THE DEVELOPMENT PERMIT BY-LAW NO. 2010-065, TO
INCLUDE SHORT TERM ACCOMMODATIONS**

WHEREAS the Council for the Corporation of the Town of Gananoque passed By-law No. 2010-065, being a Development Permit By-law regulating land use and development on lands within the Town of Gananoque;

AND WHEREAS By-law No. 2019-058, being a By-law to establish the Municipal Accommodation Tax (MAT) was passed on June 18, 2019;

AND WHEREAS the Committee of the Whole review COW Report CD-2019-12

AND WHEREAS the Council of the Corporation of the Town of Gananoque deems it expedient to amend said Development Permit Bylaw 2010-065.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GANANOQUE
HEREBY ENACTS AS FOLLOWS:**

1. That the Council hereby repeal the entire Section 3.21 Heritage Tourist Inns and replace as follows:

3.21 Heritage Tourist Inn, Bed and Breakfast, Short Term Accommodations

All Heritage Tourist Inns, Bed and Breakfast and Short Term Accommodations:

- Shall serve its guests only, and shall not offer services to non-guests
- Shall provide one (1) parking space per guest room in addition to the required residential parking requirements
- Shall be located within the principal residence, and be accessory to a single family dwelling use
- Shall not be located in any secondary units or accessory secondary units.
- Shall be subject to a Class III Development Permit
- Shall conform to the provisions of the Ontario Building Code.
- Shall prior to commencing operation of the business, obtain a license in accordance with the Municipal Act "following inspection of the premises by the Town Chief Building Official/Development Officer and Fire Department Official.

In addition to the above, the follow provisions shall apply to a Bed and Breakfast:

- Shall only be located in a Single Family Dwelling
- May offer up to three (3) guest rooms
- May offer breakfast to the registered guests

In addition to the above, the follow provisions shall apply to a Heritage Tourist Inn:

- Shall be located in a building that is of heritage and architectural merit of the existing built form
- May offer up to six (6) guest rooms
- May offer breakfast to the registered guests
- A Heritage Resource Assessment shall be required to confirm the heritage and architectural merit of the existing built form by a qualified professional.

Short Term Accommodations

- Shall not be permitted in any designation unless the proper approvals have been obtained.
- May include approved Bed and Breakfast Establishments and Heritage Tourist Inns.

2. That Section 4.1 Uses be amended to add the following:

Discretionary Uses: Short Term Accommodations

3. That Section 5.1 Uses be amended to add the following:

Discretionary Uses: Short Term Accommodations

4. That Section 5.2 Uses be amended to add the following:

Discretionary Uses: Short Term Accommodations

5. That Section 5.3 Uses be amended to add the following:

Discretionary Uses: Short Term Accommodations

6. That Section 5.5 Uses be amended to add the following:

Discretionary Uses: Short Term Accommodations

7. That Section 15 Definitions remove and replace the following:

Bed and Breakfast Establishment

Means an owner-occupied private single family dwelling that is the owner's principal residence and in which the owner has control of the environment. It

provides temporary accommodations **for no more than three (3) guest rooms to the travelling public** not exceeding 28 consecutive days and amenities and services auxiliary to guest accommodation and may include the preparation and service of breakfast for an all-inclusive fee.

Heritage Tourist Inn

Means an owner-occupied building with historic and architectural merit on a large property in which no more than six (6) guest rooms are made available for the temporary (no more than 28 days) accommodation of the travelling public. Such an establishment may offer meals to guests staying at the Inn, but shall not offer services to non-guests.

8. That Section 15 Definitions add the following:

Accommodation Unit

Means a room or suite of rooms within a bed and breakfast establishment **or short term accommodation** designed to provide accommodation, which **may or may not** include a kitchen. An accommodation unit is not a dwelling unit.

Short Term Accommodations

Means a portion of a dwelling or dwelling unit, that is owner-occupied and rented for a period of less than 28 days and may include a Bed and Breakfast, Heritage Tourist Inn, but does not include a motel, hotel or accommodations where there is no payment exchanged.

9. That this by-law come into full force and effect on the date of passing.

READ THREE TIMES and finally passed this XX day of XXXXX, 2019.

Ted Lojko, Mayor

Penny Kelly, Clerk