

Submitted by Concerned Residents on Popeye Lake

As one of the first waterfront communities in Elliot Lake to be experiencing Short Term Cottage Rentals (STR) , we would like to now request that the practice be banned as a permitted use within the residential shoreline zoning/community.

The current bylaw specifically lists the following (excerpt):

“Section 21.A SHORELINE RESIDENTIAL “RS” ZONE

Limited municipal service standards apply to this zone.

21A.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Single Family Dwelling
- Seasonal/Recreational Dwelling
- Structures accessory to the above uses

Shoreline residential uses are permitted on the following lakes:

McCarthy Lake, Pecors Lake, Depot Lake, Marshland Lake, Popeye Lake, Trout Lake, Rossmere Lake, Grandeur Lake, Dunlop Lake and Quirke Lake.

21A.2 Requirements

Each lot may contain not more than one single family dwelling or seasonal/

Through the city clerk, it is our understanding that the city does currently permit Short Term Rental activity in general, and is contemplating a “housekeeping” update to the above zoning bylaw *to specifically allow* this practice to continue.

The experiences on Popeye lake indicate the practice of churning vacation rentals in a residential neighbourhood is a community cancer.

The neighbourhood community on Popeye Lake is currently suffering 3 Short Term Rental properties:

- 18 Popeye Lane ("The Firefly")
- 38 Popeye Lane ("The Dream Cottage")
- 72 Popeye Lane ("The Sweet Pea")

Starting with the 2018 sale of a personal residence at 72 Popeye Lane, the problems started in 2019 with this property being made available for short duration rentals and fissioned quickly to the management of 38 Popeye and 18 Popeye as STRs. [The STR property manager also approached the sellers of 80 Popeye Lane to add a fourth property...however the low-ball offer was - fortunately - rebuffed.]

Currently 3 of 17 lots are operating predominantly as commercial STR's ("short term" is generally considered a rental period of 30 days or less), each with multiple, and elaborate websites.

These homes are not the primary residences of the owners.

The principal issues experienced within the community from these STR's are summarized here:

- Excessive Noise (at all hours)
 - Screaming & shouting, cursing, loud music blaring (through loudspeakers located at waterfront), and even racing dirt bikes
- Excessive Occupation (one example: upwards of 14 people have been noted to occupy 72 Popeye Lane multiple times, Note: the median property occupation for residences on Popeye Lake is 2 people)
- Water Pollution (gas and motor oil spills, abandoned goods) → this is our community drinking water, there is no municipal supply
- Littering (into the lake as well as on the roads and in ditches)
- Tenant nuisance behaviour (inebriation, inappropriate gesturing, dangerous bravado (including on boats & snowmobiles), rudeness)
- Community safety
 - Tenants trespassing on local private property
 - Continual prevalence / abundance of transient strangers
 - Continual rentals during pandemic

The situation is not unlike having several fraternity houses in the neighbourhood, except that every turnover regenerates the party anew! The STR's can turnover multiple times in a week.

In addition to, and because of, the above noisome nuisances, the properties nearby to these STR hotels are devalued. Any survey quickly reveals that NO ONE wants a short term rental next door to their own home (would you?) and real estate agents must ethically disclose the operation of these businesses.

The community disruptions noted above are, frequently, common to many STR's and have been well documented by many other neighbourhoods that have experienced this scourge of short term rental activity. Those communities to first experience the STR plague have already either banned or severely limited this practice. Please find (below) a short appendix of various communities across Canada & the US that have banned or limited this plague to protect their communities.

Additional Notes:

1. It may be helpful to remember that Popeye Lake was promoted and sold by the city as a Private / Limited Development community which, originally, also had been marketed as a quiet lake. The quiet lake motor (VORR) restrictions were unable to be obtained from Transport Canada, however the city did invest in the creation of a portage-style launch (canoes, kayaks) and sacrificed Lot 14 (861 Stanrock) solely for this purpose. The city's earnest intention to support and maintain a small, private development is clear. Neither the city nor the purchasing property owners here were ever anticipating 3 hotels to be allowed to operate on Popeye Lake.
2. Additionally, the current bylaws for all waterfront property owners include specific regulations designed to curtail excessive occupation (example: lot development is limited to a single residence with no additional structures containing plumbing facilities / no multi-residential apartments nor additional habitable structures). Allowing the operation of short-term, high-occupancy, high-changeover hotel operations in this zone significantly departs from those bylaw intentions.

3. The primary designation of this zone is “Residential” and the commercial exploitation of property churned for financial gain exceeds an acceptable definition of residential use.
4. It was mentioned that STR’s are required due to a shortage of hotels in Elliot Lake. This burden should not be unfairly placed on the backs of the residents who made substantial investments in a different dream being sold by the city & Lakeshore Properties. Furthermore, rampantly introducing STR’s reduces/replaces the market demand which can make attracting a true, viable commercial hotel to our city even more difficult.

We therefore respectfully request that the bylaw and planning committee:

- ➔ Repeal “short term rental” as a permitted use for Popeye Lake (Residential Shoreline) zoning properties. (Please note that this request is not intended to include traditional bed and breakfast establishments, nor the very infrequent letting of one’s personal property to another single family household – i.e. house swapping or similar rarity).

If a complete ban is considered as unapproachable or untenable at this time then perhaps the following alternative suggestions can be considered:

- ➔ Implement a temporary moratorium on short term rentals while further research and community feedback can be solicited, accumulated and reviewed
- ➔ Restrict STR’s by type, duration, times of year and number of “guests”
 - Recommended Example: Allow in Primary residences only with host onsite, not for more than 30 days per year, not during local school holidays and restrict occupation to a limit of 5 guests (Aside: all guests being from the same household is strongly recommended).

Additional reference material was provided in the original problem identification emails sent to mayor and council members on April 11, 2021. The affected community has accumulated pictures, testimonials, supporting emails to corroborate the principal issues and is continuing to document occurrences. We would welcome the opportunity to speak with anyone on the planning committee to present our experiences and recommendations. If you would like any further information or have any questions, please direct them to Nancy Doner. Mobile: 647 746-1660. Email: Nancy.Doner@sympatico.ca. Mailing Address: 2 Popeye Lane, Elliot Lake, P5A 2S9

Appendix - How STR Concerns Have Been Managed Elsewhere

Locality: Seguin Township (Parry Sound area) - banned commercial operations of STR's
This news article is from March 2021

The Township of Seguin started issuing notices to stop short-term cottage (STCR) rentals this week.

In a statement released early Monday, Township officials said notices have started going out to property owners violating the Township Zoning By-law by offering STCR.

“Township staff has started contacting rental property owners to advise them that they are in violation of the zoning by-law and that they should immediately cease renting their cottages for short-term accommodation purposes”, said Jason Inwood, Seguin’s Chief Administrative Officer.

Inwood and his administration have issued letters to known property owners violating the by-law, directing them to cease rentals at their properties.

Seguin Council addressed the Zoning By-law on several occasions in recent months and over the past two years has heard many concerns about STCR and sought public feedback.

The Council said despite a mix of opinions related to STCR's it stands behind the current Zoning By-law that prohibits STCR's in residential areas.

Seguin Township has recently settled several challenges to the Zoning By-law in relation to STCR's.

In all circumstances, the property owners agreed to cease operations immediately after the cases were reviewed by legal counsel.

Locality: Toronto – this city requires registration and municipal taxes to be paid, and places restriction to rental of primary residence only, & also limits by # of days per year

This is from Toronto city website – should you want to research further:

<https://www.toronto.ca/community-people/housing-shelter/short-term-rentals/short-term-rental-operators-hosts/>


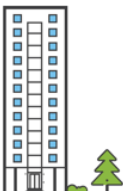
Know the Regulations

- You are only allowed to short-term rent your principal residence.
 - This is the residence where you live and the address you use for bills, identification, taxes and insurance.
 - You can only have one principal residence at a time, therefore you cannot legally run more than one short-term rental.
- You can be a homeowner or a renter in any housing type, for example house, apartment or condominium, etc.
 - You should ensure that you are allowed, by your condominium or landlord, to short-term rent your residence.
- You can rent up to three bedrooms in your principal residence for an unlimited number of nights per year or the entire home for a maximum of 180 nights per year.
- Your home must be in a residential area in the city.
 - If you are a Bed and Breakfast (B&B) operator, you can continue to operate under existing zoning permissions for “tourist homes”.
- You can host a short-term rental in a secondary suite or laneway suite, as long as the suite is your principal residence.

Other Regulated STR markets – these are a few US-based localities (as STR’s have operated there longer, this information is provided just for comparison and review purposes to see how other locations have grappled with their STR curse.) This summary can be found at: <https://www.2ndaddress.com/research/short-term-rental-laws/>

COMPARED:

Short-Term Rental Laws Across the Country

City	Summary	Take Effect	Fine	STR License Fee	Additional Cost
New York	<ol style="list-style-type: none"> 1. Can't rent out entire apartment (hosts must be present) 2. Can't advertise an apartment 3. Up to 2 paying guests 	May 2011	\$1,000 - \$7,500 (illegal advertising of apartments)	N/A	<ol style="list-style-type: none"> 1. Sales and use tax 2. Hotel room occupancy tax
San Francisco	<ol style="list-style-type: none"> 1. Must register as a business and as a short-term rental 2. Hosts must be permanent residents 3. Up to 90 nights a year without hosts 4. No income-restricted affordable housing 	Feb. 2015	≥ \$484 (per day)	\$250	<ol style="list-style-type: none"> 1. Transient occupancy tax 2. Business personal property tax
Los Angeles	<ol style="list-style-type: none"> 1. Must obtain licenses 2. Must be primary residence 3. Up to 120 days a year 	July 2019	≥ \$500 (per day)	\$89	Transient occupancy tax
Washington DC	<ol style="list-style-type: none"> 1. Must obtain license, additional "vacation rental" endorsement for renting out an entire unit 2. Must be primary residence 3. Up to 90 nights a year without hosts 	Oct 2019	\$500 - \$6,000 (per violation)	TBD	Transient lodging tax
Chicago	<ol style="list-style-type: none"> 1. Short-term rental platforms must obtain license 2. Hosts with 1 home-share unit register through the rental platform 3. Hosts with ≥ 1 home-share unit must obtain license from city of Chicago 4. Vacation rental must obtain license 	March 2017 (host registration)	\$1,500 - \$3,000 (per day)	\$0 - \$250	Hotel accommodation tax
Boston	<ol style="list-style-type: none"> 1. Must obtain license 2. Must be primary residence or an secondary unit at their primary residence 3. No income-restricted units 	Jan. 2019	\$100 - \$300 (per day)	\$25 - \$200	Same tax as hotel
Seattle	<ol style="list-style-type: none"> 1. Short-term rental platforms must obtain license 2. Hosts must register as a business and as a short-term rental 3. Up to 2 units 4. If operate 2 units, one must be primary residence 	Sep. 2019	\$500 - \$1,000 (per violation)	\$75	<ol style="list-style-type: none"> 1. Retail sales tax 2. Lodging tax 3. Business and occupation tax