

**CHAUTAUQUA RESIDENT'S ASSOCIATION**  
**PRESENTATION TO THE COMMITTEE OF THE WHOLE**  
**THE TOWN OF NIAGARA ON THE LAKE**  
**Monday, March 21, 2022**

**REMARKS BY BRIAN CROW, PRESIDENT**

Good Evening, Lord Mayor and members of the Town Council. I speak to you tonight representing the Chautauqua Resident's Association which comprises 100 households. Over the past several months we have been engaged in consultation with our residents regarding their concerns over the increased proliferation of short-term rental accommodation in our storied area. While this issue is not unique to Chautauqua, we believe that it is extremely important that Councilors understand our depth of concern, the steps we have taken to examine the issue and ask you to consider the recommendations which have been thoughtfully developed within our community.

Chautauqua is a very unique residential community within Niagara on the Lake. It is a close and mutually supportive group of people who deeply care about the well being of their environment, their neighbourhood and each other. It is what gets lost behind the numbers. We pull together over issues of mutual concern whether they be assisting those confronting difficulties or developing sensible solutions to issues which have the potential to create an imbalance in our community. Just in the past few weeks residents helped Margaret get needed medical care and assist with household errands when she broke her ankle slipping on the side of the street; shovelled snow for Ruth when she broke her arm; offered support to Stephanie and her family as they coped with the tragic loss of Shane; and have been providing assistance to Neil and Jody as they cope with a significant medical issue. In short, Councillors – residents demonstrate that we care every day!

One of our most serious concerns is placing in jeopardy the critical balance between residents and visitors that has allowed us to maintain our amazing community while at the same time affording visitors a great experience. The problem which is tipping the scale is the growth in short term rental accommodations. Over the past several years this issue has expanded to the point that currently over 10% of our homes are short-term rentals representing 8% of all STRs in Niagara on the Lake. A minimal estimate indicates that STRs have displaced 40-50 residents from our valued community. Many long term rentals have been converted to STRs reducing the affordability for some to live here. The demand of STRs adds to the increased property costs. There is no question that we are experiencing a "hollowing out" process due to the number of non-owner-occupied short-term rentals operating in the Chautauqua neighbourhood.

In order to properly address this issue, the CRA structured a short-term rentals committee comprised of knowledgeable residents, representative of Chautauqua, supplemented by individuals from elsewhere in NOTL. Also, individual residents provided their perspectives on Short Term Rentals. This Committee carefully studied the problems and submitted their recommendations to the CRA Executive. The result of this consultation process is the report we distributed to you on Thursday and to which I refer this evening.

We consider short term rental accommodations to be un-hosted homes being offered for very short rental periods. These rental units, while operating under a town licence, nevertheless tend to house visitors many having little or no regard for the community. By any definition these are commercial establishments that should be subjected to the identical criteria applied to all commercial enterprises in Niagara on the Lake.

We specifically recommend the following:

**1. THAT THE PROPERTY TAX FOR NON-OWNER-OCCUPIED SHORT-TERM RENTALS BE BASED ON COMMERCIAL RATES**

Not paying commercial realty taxes makes non-owner-occupied short-term rentals, more profitable and encourages the growth in numbers.

The Oxford Dictionary defines commercial as “concerned with or engaged in commerce ... making or intended to make a profit.” A short-term rental recently listed for sale stated that the annual short-term rental revenue was \$100,000 per year. Councillors – this is clearly a commercial operation.

Non-owner-occupied short-term rentals should be treated in the same manner as all other NOTL small business operations that currently DO pay commercial property tax. After all the Canadian Revenue Agency policy states that a tax system “does not leave avenues for tax avoidance open to certain types of corporations, at the expense of tax fairness.” In other words, the playing field must be level.

If Provincial legislation doesn't allow the Town to charge commercial tax on residential zoned housing, allow us to suggest an alternative. The town does have the power to license and charge fees. The Town could set the annual fee on non-owner operated STRs at the equivalent of the difference between commercial and residential realty tax.

I would like to add that we support the Town's STR Committee recommendation to exclude corporations and numbered companies as well as to limit the number of STR's that a household can own.

**2. THAT THE MUNICIPAL ACCOMMODATION TAX APPLY TO ALL NON-OWNER OCCUPIED STR'S**

**3. THAT THERE BE A MAXIMUM NUMBER OF SHORT-TERM RENTAL UNITS ALLOWED IN CHAUTAUQUA CAPPED PER AREA/STREET (*number to be determined*)**

We ask that the Town create a formula for density in Chautauqua to determine the maximum number of short-term rentals to reverse the negative effects on our community

**4. THAT THERE IS A MAXIMUM NUMBER OF GUESTS IN EACH STR SET AT THE LESSER OF: TWO (2) GUESTS MULTIPLIED BY THE NUMBER OF LICENSED BEDROOMS, OR ONE (1) CAR PER LICENSED BEDROOM UP TO THE MAXIMUM NUMBER OF ON-SITE PARKING SPACES**

We recommend that the 'plus 2' guests be dropped from the current definition. The number of parked cars also need to be addressed in the maximum allowed because of our small lots and narrow laneways.

**5. THAT THERE IS STRONG ENFORCEMENT WITH MEANINGFUL PENALTIES THAT ENCOURAGE STRICT ADHERENCE TO THE RULES**

Enforcement is improving and we understand that work shifts will now include weekends and evenings. Experience here proves that with significant penalties adherence improves, even lessening enforcement effort.

**6. THAT SHORT-TERM RENTAL LICENSES BE NON-TRANSFERABLE**

It is the owner that is licensed and responsible for adherence to the regulations and if the owner changes the licence is cancelled

Councillors, I'm confident that our report together with my comments this evening, have conveyed how serious the residents of Chautauqua consider the Short-Term Rental Issue to be in our community. Like your committee, we have spent countless hours in discussion prior to presenting these solid recommendations for your consideration. Other communities in Ontario and around the world have taken steps to mitigate the negative hollowing out effects of this disturbing trend. Its time that Niagara on the Lake took definitive action to protect, preserve and grow our neighbourhoods.

Thank you for your time. I will respond to your questions and comments.