

THE CORPORATION OF THE TOWN OF WASAGA BEACH

**MINUTES OF THE REGULAR MEETING OF
TOWN COUNCIL**

**Held Tuesday, June 24, 2014 at 7:00 p.m.
In the Council Chambers**

PRESENT:

C. Patterson	Mayor
D. Foster	Deputy Mayor
R. Anderson	Councillor
M. Bercovitch	Councillor
N. Bifulchi	Councillor
G. Watson	Councillor
S. Wells	Councillor
G. Vadeboncoeur	CAO
T. Nicholson	Clerk
P. Archdekin	Deputy Clerk
R. Kelso	Manager of Planning & Development
N. Wukasch	Planner
N. Ainley	Planner

1. CALL TO ORDER

Mayor Patterson called the meeting to order at 7:00 p.m.

Mayor Patterson advised that Councillor Wells will be a few minutes late.

2. DISCLOSURE OF PECUNIARY INTEREST

Deputy Mayor Foster declared a Pecuniary Interest with respect to Community Services Minutes, Special Events Section D) Terry Fox Run as he is an organizer of this event.

Councillor Wells declared a previously declared Pecuniary Interest with Committee of the Whole Report of June 17, 2014, Resolutions 2014-10-01 and 2014-10-02 as the proponent is an immediate family member.

3. ADOPTION OF MINUTES

MOVED BY G. WATSON

SECONDED BY M. BERCOVITCH

RESOLUTION NO. 2014-11-01

RESOLVED THAT the Minutes of the Regular Meeting of Council Meeting held Tuesday, June 10, 2014 at 7:00 p.m. in the Council Chambers, are hereby adopted as circulated.

CARRIED

Mayor Patterson inquired if there were any questions.

Deputy Mayor Foster thanked him for the presentation and inquired of the community shared kitchen. Mr. Henriques advised it is what's called a training kitchen and they will provide training as they do now at the RecPlex on food preparation and good food.

Councillor Bercovitch noted the Food Bank is bursting at the seams and if the space you are allocating is going to be small it will not be any use. Mr. Henriques stated the CHC have an excellent architect and they have been to the Food Bank to see their current space and arrangement. CHC has expertise to draw on for what is required to operate a first rate Food Bank.

Mayor Patterson noted that when CHC opened there were two (2) doctors; he questioned the current status. Mr. Henriques advised that one doctor left on their own accord and the other is on medical leave. Right away they brought in doctors and have been looking after the needs of the clients. They have reviewed the model of care and have one (1) doctor on staff and four (4) nurse practitioners. Nurse practitioners can do 90% of the work of a family physician. The one (1) doctor and four (4) nurse practitioners were provided without requesting additional funds. Client feedback is that they "love" it. Where it can take up to three (3) weeks to see a physician, they are seeing people within (2) two days, even the same day in some cases. With the quality of care and how often you see the same provider have a direct impact on the ER at the Hospital.

Mayor Patterson thanked Mr. Henriques for the presentation and the success on obtaining \$6.1 million. He and Councillor Bifulchi have enjoyed their work on the team.

PETITION

a) Received from Residents of Blue Water with respect to Section 4.3.5. of Zoning By-Law No. 2003-60

MOVED BY N. BIFOLCHI

SECONDED BY M. BERCOVITCH

RESOLUTION NO. 2014-11-02

RESOLVED THAT the Petition from the Residents of Blue Water with respect to File No. A09/14, Committee of Adjustment, Zoning By-Law #2003-60, be received and referred to the Committee of Adjustment for consideration.

CARRIED

PUBLIC MEETING

Pursuant to Sections 17, 21 and 34 of *the Planning Act*, a Public Meeting to be held with respect to Tourist Establishment Official Plan and Zoning Changes
Tourism Accommodation Conversions to Residential Uses

Proposed Amendments to the Town of Wasaga Beach Official Plan and Comprehensive Zoning By-Law 2003-60

Mayor Patterson advised that Notice of Public Meeting was published in the Wasaga Sun Newspaper on June 5, 2014. This provided more than 20 days of notice for the public meeting and this meeting is therefore properly constituted as required by the *Planning Act*. Signs were also posted on affected properties, and Notices were mailed to those property owners and surrounding properties in accordance with the *Planning Act*.

The proposed amendments have been initiated by the Town following a review of Tourism Accommodation policy; therefore, apply to lands used for Tourism Accommodation purposes within the Town of Wasaga Beach.

The purpose of the draft Town-initiated Official Plan Amendment and Zoning By-Law Amendment is to allow seasonal or temporary use of Tourist Establishments and to recognize the conversion of specific tourism accommodations to permanent residential land uses.

The draft Official Plan Amendment proposes to re-designate four properties, located at Mosley Street and 32nd Street, from District Commercial and Residential to High Density Residential.

The draft Zoning By-Law Amendment proposes to:

1. Change the definition of a "Tourist Establishment" to allow seasonal or temporary use;
2. Change the definition of "Dwelling Unit" to more effectively prohibit short-term tourist rental use;
3. Rezone thirteen (13) Tourism Accommodation properties which have converted to full-time residential uses, by placing them in various Residential Zones.

The effect of the amendments is to:

1. Remove the 31 day time limit for Tourism Establishment rentals, and allow them to be rented for seasonal or temporary periods of time, provided they meet the Town's Business Licensing requirements to do so.
2. Recognize the full conversion of former tourism accommodation properties to permanent residential rental housing uses.

The following written correspondence was received as a result of the circulation of the Notice of Public Meeting:

Letters of Support:	None
Letters of No objection:	Simcoe County District School Board
Letters of Concern:	None
Letters of Objection:	None

The Mayor asked the Town Clerk, Ms. Nicholson, if she had received any further letters or correspondence in regard to this application. The Clerk responded that further correspondence had been received and referred to the Planning to summarize.

Mr. Wukasch advised that two emails from public bodies had been received: NVCA had no objection but asked how the Town is considering the Provincial Policy Statement through these amendments: the County has asked the Town to identify how the conversion of the residential units follows the Intensification Policies of the Province.

Mayor Patterson advised the public that this was their public meeting. Staff has worked on these recommendations for about a year and a half. This meeting is the opportunity to speak to the residents and the comments will be recorded and referred back to Development Committee. Council is aware of some issues and are open to listen to comments, which will be reviewed. It was noted that three Planning Department staff were in attendance; Nathan Wukasch, Planner, who has taken the lead on this project, Ray Kelso, Manager of Planning and Development and Nick Ainley, Junior Planner. Mr. Wukasch made a brief presentation to provide further details with respect to the proposed amendments.

Mr. Wukasch, through a PowerPoint presentation, presented the results of the process. Prior to this Public Meeting there was an Open House held between 5-7 p.m. Mr. Wukasch spoke to the background of the Tourism Accommodation Amendments and Conversions to Residential Uses. The goals are health and safety under the *Building Code*, *Fire Code* and Property Standards By-Law; Land Use Conformity to the Official Plan and Zoning By-Law and addressing housing needs and providing flexibility for businesses, as the Town responds to community business and housing needs.

Mr. Wukasch spoke to the current definition of a tourist establishment, being that no room may be occupied by the same guest for a period exceeding 31 consecutive days.

Mr. Wukasch spoke to the policy and land use reviews that have taken place since March of 2013 that have led to this Public Meeting to present the recommendations.

A Housing Strategy Implementation Committee was formed to include staff from Municipal Law Enforcement, Fire, and Building, and Councillors. This Committee prepared the recommendations being presented.

The purpose of this amendment is twofold: One is to change the Zoning By-Law Town wide to remove the 31 day restriction and allow establishments to be used for seasonal or temporary period. The second are site specific changes for thirteen (13) former tourist establishments operating as rental housing; nine (9) properties for a Zoning By-Law changes and four (4) properties for Official Plan and Zoning changes.

Mr. Wukasch advised there was consultation with property owners and it has been a very transparent discussion. Twenty three (23) properties are to remain commercial and thirteen (13) now function as rental housing. Those thirteen (13) are the ones to be converted. The Town has identified standards for those to meet including having a kitchen, sink, fridge, cooking facility and counter space as minimum standard as well as meet *Fire Code* and electrical safety standards. Four (4) properties are for an Official Plan Amendment and nine (9) are for a Zoning Amendment.

The four (4) site specific properties are at Mosley and 32nd and are high density apartment buildings and a few cottages. The proposed change is to high density to reflect the current use.

The other nine (9) are for rezoning and Official Plan Amendment to reflect their current residential use.

The residential conversions are not for new development, just recognizing what is happening now and what has happened for a number of years, which meets a rental housing need in the community. There will be inspections of the properties before they are rezoned to confirm that they contain appropriate kitchens and meet *Fire Code* and electrical safety standards. They are also subject to the Town's Property Standards By-Law.

For the properties remaining commercial, it is business as usual and they are licensed and inspected on an annual basis. A land use review was presented at this meeting and in the future it will be discussed how to better license businesses that wish to rent on a temporary or seasonal basis.

The Town is not in the business of regulating tenancy. The Provincial *Residential Tenancies Act* regulates the relationship between landlords and the people staying in their establishments.

Staff will bring the comments back to Housing Strategy Implementation Group and Development Committee and based on comments and final review will present to Council in the future.

Mayor Patterson thanked Mr. Wukasch for the presentation.

The Mayor asked if there was anyone present that wanted to provide input either in support of, or in opposition to, the proposed amendment. If so, they were asked to please stand and clearly state their name and address in order that it may be correctly entered into the records of the meeting proceedings.

Eddie Sharples - 145 River Road East; stated he was against this proposal; doesn't see a need for this when there is a need for more places for tourists and believes these changes will decrease property value.

Ken Douglas - 21 Sunnidale Road North; advised he is a neighbor of two (2) properties, Whispering Waves and Shady Lane. These two (2) properties are imbedded in an R1 developing area; not a main commercial route. There are brand new homes, some very significant. These properties have been evolving as older places have been purchased and new homes put up on them. He is against the proposal as it will extend the life of these two as tourist properties rather than let them evolve into new homes and businesses. If someone wants to buy and develop, they would be expected to meet the same standards as he had when he built. By allowing this change Council is really imbedding some properties that would not meet current standards to continue to exist in an area that is evolving rapidly. These properties are doubled banked and this goes back to density with two or three buildings on the property and he is not permitted to do that. Council is facilitating the continuation or creating legal non-conforming situations where it doesn't exist. He has concern for legitimizing an illegal current use of properties. Properties will be upgraded to meet a basic standard and heat was not mentioned as a criteria. He has low confidence in the By-Law Department to enforce those requirements as there are so many in contravention and as a Town not doing anything about it. This undermines the faith to enforce property standards on these properties. Mr. Douglas noted he regrets not being in attendance at the Public Meeting for the Sunnidale Road affordable housing proposal because he is far more in favour of new affordable housing built to Code. It is a far better and more acceptable approach than the proposal being recommended.

Vincent Stabile - 98 32nd Street North; stated he lives five (5) doors away from the proposed changes to the intersection and it is regrettable he did not able to attend the Open House. His neighbor is here also and they are both in objection to changes. With high density whether a good cause or not, he wondered about the number of new residents expected. If there are none and this is simply to recognize the current use, if the By-Laws have not been enforced, you don't grandfather something just because you have not been able to control it. He is fairly new to the neighbourhood and commented that he owns one of the best homes on the street. He is aware that interested parties inquired if they could have a Bed & Breakfast and they were told no. When you increase the density or allow continued high density it becomes a rooming house. 32nd Street and Mosley has turned into a little ghetto; there are cars all over the place. He asked what the ultimate goal is of Council. There are owners who keep a lovely property. What is the benefit for the Town changing from commercial to residential; the tax base is lower; does the value of property go up or down; is MPAC involved, have they even been consulted; what does the Town benefit other than a conforming use to a non-conforming use because the Town can't control it. This area already is dealing with a seniors residence and a couple of apartments across the road. If you change those to high residential how does that, in principal, conform with what the Town did a few years ago by not permitting people to rent their cottages unless it was long term. Let's plan something with an affordable housing build and then you have some element of control and newness. You can't tell someone to put a kitchen here and there, it will be below standards. You don't allow \$1million homes to be built and then shove high density under their noses. Current use does not permit it. One house looks like a barn and has four (4) apartments in it. He questioned if that is the kind of use Council wants.

Sandra Boland - 40 River Road East; stated that passing a Zoning By-Law will preserve substandard housing in Wasaga Beach. Abby Cottages at 25 River Road East is operating without a business license. There has not been an inspection to see if it meets standards. The Cottage Court has full time residents contrary to the By-Law and they also advertise daily and weekly online. Ms. Boland circulated pictures of Abby Cottages showing the current state of disrepair. The Town is considering changes to the Zoning By-Law to buildings that do not meet *Building Code* or Property Standards. There is no external cladding over particle board and the appearance is appalling. The Town spent \$1million to enhance the beach front directly over the bridge and now the Town is considering a Zoning By-Law change that would hold the property to a less standard instead of creating decent affordable housing. It supports substandard housings and buildings that have seen better days. This is unacceptable. For Council to consider rezoning in a limited scope will result in grandfathering of slum-like properties. Our community deserves better. This community needs affordable housing and these need to have complete standards inside and out. Low income residents deserve a decent place to live and these must be held to Fire Safety Codes by Town By-Laws. The Town has expressed a need for overnight commercial and gave a special designation of two townhomes on River Road East in the last two years. Why now is Council contradicting itself by considering Zoning changes. This is a prime tourist area. Do we really need low income housing in the heart of the Blue Flag beach area? Is this the best use for the property? Council should consider; does this make sense. Council should ensure properties meet or exceeded standards within the current Zoning before passing any Zoning amendments. Only at this point should it be considered or enacted.

Janet Bowden - 280 River Road East has lived there 5 years. At one time it was for tourists as well as full time housing people. Now it is all full time residents. Ms. Bowden stated she is in support of these amendments as it provides more housing options for her. These properties would be brought up to standards. The Fire Department comes every (3) three months and knows the people who live in them. Ms. Bowden advised that the owner is putting on new siding. Ms. Bowden stated again that she is in favour of this and affordable housing would be nice as there is only one affordable residence available in Town. There are some new townhouses, but she can't afford to live in them. It is all well and good to want new buildings, but they just are not affordable. To tear down and try to build up to standards she knows she could not afford to live in them. Ms. Bowden agreed the places may look worn and in need of paint. Ms. Bowden stated she does not live in mold, has a kitchen, can cook and has a suitable place to live and hopes that when other places are brought up to standard, it is done properly.

Mark Bolton – represents his mother who lives near Crystal Village for four (4) years and he owns 3 and 9 Old Mosley Street. He wants to ensure the places are brought up to standards. There is lots of high density in Crystal Village and lots of activity – legal or not. Currently there is a fence around it and he would like to keep it that way. Everyday people walk an easement between 12th and 13th Streets and park on his property and cross his property continually. Big heavy trucks have wrecked his driveway. He agreed that everyone has the right to a home; however, his property value has gone down. He spoke to the trash container that is on Town property and wanted that and the fence be looked after.

Tim Martin - 57 Sandy Coast; is against these changes, but is supportive of affordable housing. He noted the Abby's Cottages pictures is how they look right now. There is no way people should live in those conditions, but people do live in there. He felt Council needs to do something to move into more affordable clean housing. He stated that a family lived in the unit in the picture in the winter with very little heat. People move in, but the buildings should be flattened. It is appalling. It looks like a "native reserve" with the same conditions people live in there.

Chris Georgiou - 11 Sandy Coast; spoke against the proposal. You can't rent out decrepit cottages. We have a destination location with the beach and once that is gone it can't be replaced. He felt this was a catastrophic disaster and there is no going back.

Patrice McCammon - 9 Sandy Coast; inquired if Council will vote on each property individually or as a block of changes.

Mr. Wukasch noted that no decisions are being made at this meeting. The By-Law is drafted to include all recommendations; however, they can look at different options to present to Council.

Gail Michalenko of the Georgian Triangle Housing Resource Centre advised that she tries to find people affordable housing in the community and appreciates that we need affordable housing and better standards for the housing. People do live in these places. For some property owners there is opportunity to receive a grant under the County of Simcoe's Ontario Renovate Program and hopes that the owners not currently up to standards will take advantage so they meet acceptable standards. Heating and the rest of the items previously mentioned are required. Unfortunately, they do meet people that are in not properly heated places.

The neighbourhoods will not be different by the proposed changes; these changes will just ensure that the properties are in a proper state and if designated as permanent residences, these people will now have rights under the *Residential Tenancies Act*. With the changes the owners must comply with the *Residential Tenancies Act*. There are pros and cons and she appreciates the concerns expressed. Ms. Michalenko noted that this is not introducing a new situation because these places are being currently occupied that way.

David Schindler - 28 Sandy Coast; Council is trying to fix a situation that is happening already and he hopes that there is no rush to make them legitimate. The lady that spoke on behalf of the amendment, needs a good and decent place to live. If Council is going to do this, make every possible effort to ensure they come up to the very best standards we can. We all need a place live. If there is a sense the Town is rushing, this is a difficult sell. It appears some property owners would like to do this sometimes but not all the time. He thinks that people in affordable housing come May 24 and need a place to live. Affordable housing is essential and communities have to be mixed accommodations and affordable housing is needed. He asked that Council consider doing the right thing and wants to see property owners improve and make their places safe.

Mayor Patterson noted that there are inspections by the Fire Department, Building and By-Law departments. Mr. Wukasch noted that all the establishments are inspected on an annual basis by the By-Law Department and Licensing requires an annual Fire inspection to ensure compliance.

Vincent Stabile thanked Ms. Michalenko of the Georgian Triangle Housing Resource Centre for getting up and speaking and advised that once the properties are converted the Town loses control because they are not responsible to administer the *Residential Tenancies Act*. There is a Board to deal with it and the Town does not continue to be involved. The gentleman advised that he is a Lawyer, Judge and Adjudicator with MPAC and enforces Orders under the *Landlord and Tenant Act* through the Board. He sees these problems, but they are beyond Council and they do not get to control. The annual inspections are too far and too few apart. These landlords know the ropes. Council wants to accommodate some property owners here and we need people to live somewhere healthy, but did not feel they were going about it the right way. The gentleman suggested Council get a strategy for affordable housing and properly state what it is. Abby's Cottages are not up to "snuff". The beach has attracted people for decades, retirees provide economic input and some of these properties have had their "hay day". What this should be about is best use. MPAC talks about highest and best use. He recommended Council proceed with caution and a lot of care as total control is lost when it goes under the *Residential Tenancies Act*.

Carolyn Sharples - 145 River Road East; spoke to the conditions of the places and inquired who does these inspections as two (2) doors down the roof is ready to cave in and what about fire plans as there is no one that lives there to enforce them.

Craig Holmes - 75 Savannah Crescent; indicated he could reiterate all the same comments as previously stated. He asked if Council had been into the facilities and been in and entered into these premises, or has that been left to the Committee doing the housing project. He respectfully requested that Council actually go in to the premises and then have another meeting. Mayor Patterson advised that he has visited them and that is when a lot of the inspections began. He admitted he was shocked by what he saw.

The members of Council have all lived in Town a long time and have seen how these places have changed. The community is growing and these commercial properties have been here a long, long time and Council is now dealing with them on a one to one basis.

Paul Zlatar - 154 River Road East; inquired if the people living in these places are illegally living in them because of the structure.

Mr. Wukasch responded that the properties in question are being used in a way that doesn't comply with the By-Law so staff are proposing to amend the By-Law to be more flexible and recognize those uses that have fully converted to current uses.

Mr. Zlatar inquired if they are leased to the users and why has it had to be taken to this point to be able to deal with this situation. Mr. Wukasch responded that the legislation that governs landlord tenant relationships in Ontario is the *Residential Tenancies Act*. That is Provincial legislation the Town has no jurisdiction in. The Town has the Zoning By-Law that distinguishes between tourist accommodations and residential use and sometimes those lines are very blurred. He suggested that illegal is a strong word as properties are operating in non-compliance with the Zoning By-Law and Council is looking at how it works to see if it can be changed.

Mr. Zlatar questioned if that is the right thing to do. Mayor Patterson noted we can't go back 10 years and Council is dealing with it now. Mr. Zlatar inquired of rental units. Mayor Patterson stated that is private enterprise. The properties are not in compliance and through our Planning and By-Law Departments have been meeting with the operators. It is a major undertaking that has taken 1.5 years and Council is seeking input from the public. Mr. Zlatar inquired if these people have enough capital funding or will this get passed then stall longer to clean up the mess. Mayor Patterson advised they will be told to meet inspection standards.

Mr. Wukasch noted that these establishments have been licensed for a number of years, so they have met the standards of licensing and for health and safety purposes.

Marilyn Douglas - 21 Sunnidale Road North; appreciates the Mayor has been through the properties; however, Mr. Wuskasch admitted to her that he has not been inside these properties and that concerns her. She felt the standards are very incomplete and doesn't include heat, insulation, rot or mold or such conditions. Mr. Wukasch indicated the kitchen means a sink, some kind of fridge and some kind of cooking device, such as a toaster oven, microwave or hot plate. Ms. Douglas felt this cannot be fire safe.

Mayor Patterson noted that to get a Business License, the property has to pass inspection.

Mr. Wukasch indicated he has not personally been inside the units on the properties as the Town has By-Law and Fire Department staff that has that role as part of their responsibilities and they carry out the inspections. Planning staff meet with those staff and review their findings. With respect to the kitchens, those are the current standards identified in the By-Law; fridge; some kind of cooking facility, sink and sanitary facilities. If a property that is being converted doesn't meet those minimum dwelling standards, they will have to before being converted to residential use or issued a commercial business license.

Marilyn Douglas inquired about heat. The standards mentioned don't include heat. Mr. Wukasch advised that he will speak with the Property Standards Officer to determine the minimal standards; however, believed that heat was assumed as it is a basic human right.

Sandra Boland spoke to the new booklet on Accessory Uses – Apartments. People can have an apartment, if they get a building permit as an accessory use. Why are the standards not the same for affordable housing?

Mayor Patterson responded by saying a lot of accommodations have been around a long time and the Town has grown quite a bit. The Town is working to clean it up. Those businesses still exist from years ago.

Alexandra Georgiou - 11 Sandy Coast; she found it unacceptable that we live in Canada and staff didn't think about heat. She is a Landlord in Florida and has to provide heat and no one considered it here. She said doing all this is just wasting peoples time to try to create good living facilities out of shacks.

Mr. Wukasch responded by noting that was not a fair statement; heating is a basic human right and the Town receives complaints and responds if the heat goes off.

Mayor Patterson then asked two more times if there was anyone who wished to comment or ask a question and stated that this was their public meeting. He noted that staff has worked for a year and a half on this to try and raise the standards for those operating illegally and Council is trying to deal with those accommodations. The comments are recorded and will be referred back to Development Committee for consideration.

Hearing no further comments, Mayor Patterson asked members of Council if they had any questions or comments with regards to the proposed applications.

Mayor Patterson advised that the comments received will be referred back to Development Committee where a decision will be made whether to recommend the proposed amendments proceed further through the approval process.

The Mayor advised that if anyone would like to receive the Notice of Decision for the proposed Official Plan and Zoning By-Law Amendments, to make a written request to the Clerk of the Town of Wasaga Beach.

Mayor Patterson then closed the Public Meeting.

The Mayor called for a ten minute break, then Council reconvened.

5. CORRESPONDENCE – Received for Information - None

CORRESPONDENCE – Requiring Action