

Section of Draft By-law	Stakeholder Comments	Staff Response	Suggested Change to Draft By-law
<p>9. (1) The Licence Issuer may require any one or more of the following as part of the Application:</p> <p>(a) proof of citizenship, permanent resident status or other employment authorization issued by the Government of Canada.</p>	<p>Airbnb- This has not been a requirement in other Canadian Municipalities in the past.</p>	<p>Staff reviewed this comment and agreed to remove the requirement from the By-Law.</p>	<p>Subsection has been removed</p>
<p>9. (1) The Licence Issuer may require any one or more of the following as part of the Application:</p> <p>(b) a statement from the Applicant as to whether charges against the Applicant are pending under all federal and provincial legislation and municipal by-laws, including but not limited to the Criminal Code of Canada, the <i>Controlled Drugs and Substances Act</i>, the <i>Building Code Act, 1992</i>, the <i>Fire Protection and Prevention Act, 1997</i>, the City's Zoning By-law, this By-Law.</p>	<p>Airbnb- This has not been a requirement in other Canadian Municipalities in the past.</p>	<p>This section of the By-Law lists additional items that may be required by the Licence Issuer, this is done to not limit the Licence Issuer if the items listed are required as part of the issuance of a licence. This section does not form part of the standard licence requirements. Staff suggest this remain in the By-Law.</p>	<p>No change</p>
<p>9. (1)The Licence Issuer may require any one or more of the following as part of the Application:</p> <p>(e) a letter of approval by Medical Officer of Health.</p>	<p>Airbnb- We have many questions and are very concerned by this requirement. What conditions and requirements is the Medical Officer of Health looking for in a private home?</p>	<p>This section of the By-law lists additional items that may be required by the Licence Issuer, this is done to not limit the Licence Issuer if the items listed are required as part of the issuance of a licence. This section does not form part of the standard licence requirements. Staff suggest this remain in the By-Law.</p>	<p>No change</p>

<p>15. Notwithstanding the requirements set out in Sections 8, 9 and 10, every Application for a Licence or Licence renewal as a Short-Term Rental Host shall include:</p> <p>(1) the address of the Short-Term Rental property, together with a declaration that the Short Term Rental is the Applicant's Principal Residence;</p> <p>16. For the purpose of this By-law, a Short-Term Rental Host shall be deemed to have only one Principal Residence at any time.</p>	<p>Fairbnb-</p> <p>1. Principal Residence Requirement:</p> <p>This is good. No secondary or investment properties should make it onto the platforms. That's where the problems start. For neighbourhood cohesion as well as housing market impacts. Keep it at home-sharing. Not allowing secondary suites and basement apartments is a great way to preserve housing stock for long-term tenants.</p> <p>Greater Toronto Apartment Association-</p> <ul style="list-style-type: none"> I also noted that STRs generally contravene the Residential Tenancies Act (RTA) by requiring a safety deposit and/or damage deposit. The RTA strictly prohibits safety and/or damage deposits. The RTA allows for last month's deposit. <p>Expedia-</p> <p>For the purpose of this By-law, a Short-Term Rental Host shall be deemed to have only one Principal Residence at any time. WE WOULD PREFER TO SEE THIS EXPANDED TO INLCUDE SOME LEVEL OF NON-PRINCIPAL RESIDENCES (LIMITATIONS COULD BE INCLUDED).</p> <p>Airbnb- Primary residence restriction: Our main area of concern with this proposal is with regard to the primary residence restriction. Brampton has a relatively small number of listings and most of those listings are already private rooms in the</p>	<p>Staff reviewed all the comments pertaining to STRs being limited to the principal residence only and see it as an appropriate approach to balance the stock of short-term and long-term rentals in the City, similar to other GTA municipalities. Over the past few years the City has seen a rise in the number of short-term rentals properties along with the increase in party-houses.</p>	<p>No change</p>
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	<p>homes of our hosts. As I mentioned earlier, Airbnb hosts come from all walks of life and only host on an occasional basis, especially in Brampton.</p> <p>Our host community relies on the income they earn from home sharing to make ends meet. During a very difficult economic crisis that is expected to last for some time, we are surprised that Brampton would work to further limit the earning potential of these individuals and families in the city. They're normal everyday people who live and work in your community. They're parents with children away at school, snowbirds who rent their home in the winter when, in better times, they left the city for warmer destinations. They're individuals who often can't put their home on the long-term secondary rental market for a variety of reasons and are trying to make ends meet to support their families while living in a challenging and expensive real estate market.</p> <p>Between the pandemic job losses and a Canada-wide housing bubble, it is imperative that people be able to leverage their most expensive and valuable asset as a tool of economic empowerment and growth.</p>		
<p>15. Notwithstanding the requirements set out in Sections 8, 9 and 10, every Application for a Licence or Licence renewal as a Short-Term Rental Host shall include: (2) a floorplan outlining what part(s) of the property will be used as Short-Term Rental, the square footage</p>	<p>Airbnb- Short-term rentals are taking place in homes. The home is already built, having been provided with the appropriate permits. This is a redundant and burdensome requirement.</p>	<p>The reason behind this section is to obtain information from the Host as to which areas of the home will be rented out as a short term rental. The concern is bedrooms in the basement may be rented out without a proper egress in the event of a fire. If the entire dwelling is to be rented out each time, then this would not be required. If bedrooms are</p>	<p>No change</p>

<p>of the dwelling, and any such documentation required for determining occupancy limits in accordance with the City's Minimum Maintenance By-Law 104-96 enacted under s.15.1 of the <i>Building Code Act, 1992</i> that prescribes standards for the maintenance and occupancy of property as amended, or any successor by-law;</p>		<p>individually rented then the Host would be required to identify them on a floor plan.</p> <p>An applicant can request floor plans through the City's Building Department through the following link for a nominal fee.</p> <p>www.brampton.ca/EN/residents/Building-Permits/homeowners/Pages/Request-a-Document.aspx</p>	
<p>18. Short-Term Rentals are not permitted in Multi-unit dwellings.</p>	<p>Airbnb- This would be the most restricted bylaw in Canada if this passed. This provision discriminates against lower-income individuals and those living in condominiums and apartments from engaging in home sharing to make ends meet.</p> <p>Greater Toronto Apartment Association- "PART VIII– GENERAL REQUIREMENTS 18. Short-Term Rentals are not permitted in multi-unit dwellings." This prohibition will assist in retaining purpose-built rental housing as long term housing instead of removing rental units from the housing inventory.</p> <p>Expedia- Short-Term Rentals are not permitted in multi-unit dwellings.</p>	<p>Staff agree to remove this section, as the By-Law has now been revised to require the rental property to be the principal residence of the property owner. Part VI, Section 15 (3) requires any tenants of multi-unit dwellings that declare the unit as their principal residence to obtain written consent from the property owner to rent the unit as a STR.</p> <p>This meets the Committee's concerns that the long-term rental units would not be used as short-term rentals.</p>	<p>This section was removed and the draft By-Law was re-numbered accordingly.</p>

		AGAIN, WE SEE THIS AS VERY EXCLUSIONARY AND WOULD RECOMMEND THE CITY ALLOW SOME LEVEL OF STR OPERATION IN MULT-UNIT BUILDINGS.		
19.	No more than three (3) Bedrooms are to be rented in the principal residence.	<p>Airbnb- In a City where there are many multi-generational families living together we are very surprised to see this requirement. While we have no opposition to following regular building requirements, such as 2 adults per room, we find this requirements unnecessary. Many of our guests in Brampton come for family gatherings and this limitation will require them to seek more listings for their families.</p> <p>Fairbnb- Maximum number of rooms to be rented: 3-bedrooms per dwelling unit invites property owners to install a ‘caretaker’ in one unit. This person will register the property as a principal residence and rent out the rest of the building full-time, year-round. Most people don’t have 3 bedrooms to spare to begin with. One bedroom per dwelling unit is recommended to maintain home-sharing. Don’t turn housing into party hostels.</p>	<p>Staff reviewed the comments and feel it’s appropriate to maintain the 3 bedroom cap as noted in the By-Law. Recently the City updated its Lodging House definition to 4 or more bedrooms to comply with Building and Fire Code requirements, and want to ensure the By-Law does not conflict with lodging house definition.</p> <p>If a Host rents an entire dwelling with more than 3 bedrooms to accommodate their family, it would be permitted under the By-Law.</p> <p>Staff have revised the wording to provide clarity.</p>	No change
26.	No Short-Term Rental Host shall rent a property as an Entire-Unit for a total of more than one hundred and eighty (180) nights per calendar year.	<p>Airbnb- Night caps are complex and costly to enforce- governments are required to invest money and resources into compliance systems. Japan is an example of how difficult it is for a jurisdiction to efficiently and effectively enforce night caps without expensive and cumbersome compliance frameworks.</p>	<p>The feedback is split between the stakeholders, staff wanted a number of days that was reasonable without being too restrictive.</p> <p>The enforcement of the number of nights will be assisted by Policy staff moving forward with acquiring the software services of a third party to assist with</p>	No change

	<p>Furthermore, enforcement shifts compliance problems from good platforms to bad platforms- as nights compliance frameworks are created, non-compliant off-shore platforms can facilitate compliance evasion and regulatory flight, requiring either further compliance investment or simply, a change of policy. London is an example of how hard it is for regulators to enforce rules in a competitively neutral way.</p> <p>Fairbnb-</p> <p>180 nights per calendar year is a recipe for disaster:</p> <p>180 days invites commercial activities. The rental income per night that can be fetched on the short-term rental market is much higher than on the long-term market. A 180-night cap allows for super hosts and profiteers to rake in enough money that they will withhold that property from residential use. 180 days ensures that you will lose housing stock to quasi-hotel use in residential areas. No one who wants to live next to a ghost hotel. If balancing occasional home-sharing with housing availability and neighbourly peace is an objective, reducing the total number of nights to 60-90 per calendar year would be appropriate. It allows for some extra cash when away on vacation, provides some flexibility, but prevents most unnecessary and negative impacts on housing availability and sense of community.</p> <p>Inside Airbnb-</p>	<p>obtaining data related to short-term rentals to support the STR Licensing program. A formal request for proposal will be issued in Q3 2021 to hire the services of the third party.</p> <p>In addition, Sections 52 and 53 require Hosts to track the number of nights and make it available for the City's audit.</p>	
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	<p>1. The 180 nights calendar year restriction for entire-unit rentals is too generous and will incentivize commercial use</p> <p>Without even considering the ability to enforce a 180 night calendar year restriction for entire-unit rentals (see #2), this relatively large cap:</p> <ul style="list-style-type: none"> - normalizes commercial activity in residential neighbourhoods - incentivizes and rewards commercial use by non-residents, if they can exceed their housing expenses within the cap - provides an additional revenue and incentive stream for investors treating housing as a commodity, capital gain or safe-haven <p>Most cities that wish to restrict entire-unit rentals to occasional use by the legal permanent resident opt for caps between 30 and 90 nights per calendar year, which is more in line with reasonable definitions of "home sharing".</p> <p>2. No mechanism to measure/enforce 180 night calendar year restrictions for Entire-Unit Rentals</p> <p>How would the City measure and/or enforce this requirement?</p> <p>Cities typically require: hosts to submit a regular report; platforms to submit a regular report (preferred); and/or platforms to block calendars once a listing has reached the limit.</p>		
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	In addition, hosts do and will create multiple listings to bypass a yearly requirement, so your Bylaw should try to address these expected behaviours, either via tracking the registration number across listings and via data reporting.		
Restricting the number of consecutive days to 28 days for Short-Term Rentals	<p>Residents: Concern is that with the set up as proposed, because these would be weekly or biweekly rentals of unknown duration, they would be captured under the short term rental by-law, and they would run into issues due to how long they would be rented for in terms of consecutive days. As accommodation is a protected service, and newcomers are a protected class (citizenship is protected), this would likely be in violation of the Ontario Human Rights Code. I think the planning department needs to take more time to address this problem, and ensure it does not adversely affect protected classes. Medium term rentals need to be properly considered when working on the short term rental licensing by-law, because the line between short and medium term rental is often a bit murky.</p> <p>There are circumstances where individuals are required to travel for work over longer periods of time that exceed 28 days this prevents property owners renting on the STR platforms.</p>	<p>The intent of this By-Law is to regulate housing that is being rented for shorter durations, similar to hotels. A STR host is able to rent their property on a nightly, weekly, bi-weekly or 28-consecutive day block to either the same individual or different individuals. The intent of the By-Law is not to regulate who is booking STRs but the number of days per calendar year to ensure the property is being rented for shorter durations and not being taken off the long-term market.</p> <p>Staff will also be reviewing the STR program after the first year and will assess the requirements and determine whether any changes are required.</p>	No change – explanation provided to address resident concerns
Two-unit dwellings	The City is already experiencing problems with illegal basement apartments. Why does the By-Law permit them in two-unit dwellings?	Staff reviewed this concerned and found it difficult to restrict an owner/tenant of two-unit dwelling, which is their principal residence, from participating in the STR program when multi-units are permitted.	No change

		<p>The applicant is required to comply with all the requirements of the STR program to ensure that adequate and safe accommodations are being provided to the renters.</p> <p>This can also assist the City to evaluate whether any structural changes were made to the two-unit dwelling from the original two-unit registration application.</p>	
<p>PART XVI – INSURANCE 66 (1) Every Person shall, before the issuance of a Licence to him or her, provide proof of Commercial General Liability insurance against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence insuring him or her against liability imposed by law for any loss or damage resulting from the carrying on of the business to which the Licence relates.</p>	<p>Expedia- THIS IS AN EXCESSIVE AMOUNT OF INSURANCE. WE INITIALLY SAW THIS SAME AMOUNT IN CITIES LIKE TORONTO AND OTTAWA, BUT THE CITY DECIDED TO LOWER IT TO \$1M AS IS THE STANDARD INDUSTRY PRACTICE.</p> <p>Airbnb- Insurance: Airbnb provides \$1 million in liability insurance to our hosts. We encourage you to reduce this requirement to meet the national standard.</p> <p>While Airbnb and many of our hosts support regulation like host registration, the additional restrictions considered in Brampton are extreme, cumbersome and unnecessary. The city is taking an approach that is fundamentally more restrictive than other cities like Calgary, Vancouver or Mississauga where we have worked closely to achieve an unprecedented degree of cooperation between the platform and the city officials.</p>	<p>The insurance requirement is consistent with all licence categories. Risk management reviewed our insurance requirements and agreed with the amount specified.</p>	<p>No change</p>

<p>67. (1) The Licence Issuer or Inspector, may enter on any land and building or structure thereon, at any reasonable time for the purpose of carrying out an inspection to determine whether any one or more of the following are being complied with:</p> <ul style="list-style-type: none"> (a) the provisions of this By-law; (b) an order made under this By-law; (c) a condition of a Licence issued under this By-law; or (d) an order made under section 431 of the <i>Municipal Act, 2001</i>. 	<p>Airbnb- While we do not oppose reasonable bylaw compliance requirements. Inspections of properties are outside of the national standard if done without cause.</p> <p>While parties and events are banned in Airbnb listings, Airbnb provides neighbours with a 24/7 phone line where individuals who are experiencing a nuisance from an Airbnb listing may contact us for a remedy. We work closely with bylaw officials to ensure that hosts understand their responsibilities and are in compliance with local health and safety requirements.</p>	<p>Staff reviewed this comment and feel it's appropriate to leave-in this section of the By-law to allow inspectors the authority to enter a property for a compliance inspection where necessary to ensure compliance with the requirements of this By-law.</p>	<p>No change</p>
<p>59. Any Licence issued under this By-law shall be posted on the property of the business of the Short-Term Rental, to which the Licence relates in a conspicuous place that is clearly visible to the public.</p>	<p>Airbnb- Posting a licence that is visible to the public could put hosts at risk of vandalism or theft. We encourage the city to remove this requirement. We are happy to share examples where host properties have been targeted.</p>	<p>Staff reviewed this section and agreed to remove it from the requirements if it causes a potential risk to the safety of hosts.</p>	<p>This section was removed and the draft By-Law was re-numbered accordingly.</p>
<p>The effect of STRs on neighbourhoods</p>	<p>Resident: Concerned about the increase in the number of STR ruining the neighbourhood character. The City should consider limiting STR to designated areas and restricting the number of STRs registered.</p>	<p>Staff feel that limiting to the principal residence is a step in the right direction to reduce the number of STRs operating in neighbourhoods. Through the 'best practice' review there are municipalities that have taken a zoning approach to regulate the location of STRs. However, at this time the City feels the Business Licencing approach is suitable.</p>	<p>No change</p>

		Staff will be reviewing the program after a year and will evaluate if any elements of the registration process needs to be amended.	
How will City staff ensure they'll be able to enforce the measures put in place?	<p>Resident: How will the City monitor the 180 days?</p> <p>How will you be certain that the person who says that they are the owner is actually the owner? By-Law officers can't ask for ID as I understand when they go to illegal rooming houses.</p> <p>They should have to produce receipts with dates of rental.</p> <p>What are the penalties if they breach the rules?</p> <p>Regarding the response that the "tenant" is the principal dweller, they often don't care for the home at all, and we have the same problems with trash, noise etc. The owner should have to occupy the house.</p>	<p>Staff realize it is difficult to monitor the 180 days therefore, we intend to use the data retrieved from the third party data provider to confirm the number of days and cross-reference with the records provided by the applicant.</p> <p>The City has the right under the Licensing By-Law to ask for identification for proof of ownership/principal residence, along with a signed declaration to prove they occupy the dwelling/unit as part of the application process. If the applicant is renting they are required to provide a letter from the property owner providing consent to rent the unit as a STR.</p> <p>Minimum fine under Part III of the <i>Provincial Offences Act</i> is \$500 to a maximum fine of \$100,000.</p> <p>The owner is 100% responsible for the maintenance of the property. If tenants are failing to maintain the property charges are laid (i.e. nuisance, property maintenance by-laws, zoning land use provisions are still applicable).</p>	No change
Revoking Licenses and Enforcement Measures	Resident – Explain a situation when a licence is revoked?	There is a threshold on the number of the convictions the individual may have	No change

	<p>Are the conditions clear and measures enforced? Concerned about individuals proceeding to operate when convictions have been laid. More has to be done to revoke licences and heavy fines are to be applied.</p>	<p>had and whether there are health and safety issues/concerns. Complaints will be enforced and action will be taken by the Enforcement Division and Clerk's Office.</p>	
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