

EMAIL

SUBJECT: Official Rebuttal from John Pinter in regards to Ken Westhuis complaint regarding the business operations at 5359 River Road.

FROM: John Pinter

TO: jdiodati; alfred; wcampbell; kcraitor; ioannoni; vkerrio; joycemorroco; vpietrangelo; mstrange; wthomson; 'Joseph Hughes'; Kenneth Westhues; Alex Herlovitch

07 May 2017 17:55

To Whom it May Concern:

First of all I would like to thank you for the opportunity to weigh in on the impending public debate regarding the licensing of Bed & Breakfasts, Vacation Rentals, and alternative forms of Tourist Accommodation inside the City of Niagara Falls. It is certainly not my style to broadcast a message to public officials out of the blue but since you, Ken Westhuis, chose to include our Mayor, Alderman, and Planning Department officials in your official complaint regarding our Bed and Breakfast operations, I will naturally defend our operations in that very same public form, but also add some valuable insight for public officials when the time comes to approve new provisions to the official plan.

The hypocrisy of your attempt to portray commercialization as an evil in the River Road Satellite District.

Before I elaborate on this section of my rebuttal, I will extract a few excerpts from your diatribe for the benefit of our audience.

“ It was our view that Mr. Pinter’s plan to renovate and enlarge the building would not do significant further damage to the residential character of this neighbourhood, beyond the 8 guest rooms that had been approved since 2001”

“The property at 5411 River Road is being openly used for no other purpose than a commercial one. It is a business, an inn, a mini-hotel. This is contrary to law because it is zoned R2, assessed and taxed as a residential property, and not subject to any fire or health regulations that apply to tourist accommodations. No matter how well or poorly the business is run, it is still illegal. That is why we are reporting this violation to you, and asking prompt remedial action.”

“Both the D’Souzas and Mr. Pinter are aware, however, that we cannot accept any illegal use of the property next door to our home, and that we are intent on maintaining this residential neighbourhood in keeping with the Official Plan and relevant by-laws.”

Your comments addressing the potential damage to the residential nature of the neighborhood via our development at 5359 River Road are **borderline laughable**. The commercialization of the River Road Satellite District by the Bed & Breakfast community began as early as the 1920’s. In fact, the house located just two doors north of your home was known as the Buttery Inn in the 1920’s. Our Niagara Grandview Manor building has been in operation since 1961 and is the Niagara Region’s oldest continual operating Bed & Breakfast.

The emergence of the Bed and Breakfast industry at the dawn of the Internet in the late 1990’s was the driving force in the revitalization of River Road and many of the other streets running perpendicular to this artery. I have been a resident of the city since 1970 and began my involvement with the hospitality industry at the very same time. Over the last three decades, I have watched various entrepreneurs purchase and renovate so many of the residences in this district. In virtually every instance where there is a commercial establishment in place via a Bed and Breakfast or a Home Sharing Enterprise, the overall curb appeal of that residence exceeds what is to be found directly adjacent as occupied by ordinary residents. If you compare Simcoe Street between River Road and the Olympic Torch Trail and the continuation of Simcoe Street west of Ontario Street it is plain to see what the effects of commercialization have done to the overall appearance to the eastern half of Simcoe Street. The western half of Simcoe Street is a poor cousin to the “commercialized” version abutting River Road.

The River Road Satellite District and The Official Plan read as follows:

4.2.5 The River Road Satellite District shall continue to function as an established residential area with many older homes offering Bed & Breakfast facilities. Alternative accommodations of this nature are appropriate for this area providing the residential character of the neighborhood is maintained.

The area between River Road and the Olympic Torch Walking Trail, while zoned R2, has also been designated as a Bed and Breakfast zone by the City of Niagara Falls and basically absolves any resident wishing to operate a Bed and Breakfast from obtaining any rezoning requirements. Every single house and multi-unit building could qualify as a Bed and Breakfast in this zone as long as they meet the prerequisite set of requirements set forth by the City of Niagara Falls such as Fire and Safety. That special zoning was in place long before your arrival in the City of Niagara Falls in 2010 and I find it **egregious** that you voluntarily moved into an area where commercially driven enterprises are specifically permitted and have operated for over 100 years and yet you attempt to put your own potential spin on the legislation put forth by the wisdom of previous city planners and elected officials.

Ken, you moved into an area which has the capacity to have single house operating as a Tourist Establishment. Moreover, I believe that the City of Niagara Falls will also designate the same

River Road Satellite District as a qualifying zone for *Vacation Rentals* and *Alternative Tourist Type Lodging*. Technically, it is already written in the "Official Plan" as prescribed by section 4.2.5. The explosion of the "Sharing Economy" on the Internet has led to an rapid growth of Alternative Tourist Accommodation options. The nature of the sharing economy and its ability to connect the consumer with the supplier will continue to mold the cosmetic makeup of the accommodation inventory in this city and around the world. To ignore or deny these types of accommodation options would in fact have a negative economic impact on this city as this type of "Alternative Accommodation" actually helps to draw and house visitors. The City of Niagara Falls, like so many other jurisdictions around the world, is struggling to keep up with technological advances transforming tourism and the hospitality industry. However, I do believe that the planning department and council will put forward a policy which will result in a positive impact on our city. I would suggest that you get ready for an explosion in the quantity of vacation rentals in this satellite district especially if the City of Niagara Falls chooses to restrict those operations to this zone.

Your comments regarding the Residential Tenancy Act

I think you are insulting the intelligence of our Planning Department, Mayor, and City Council by suggesting that we are violating the Residential Tenancy Act at 5411 River Road. That act was certainly not written to describe a relationship between a leased house and the operation of a Bed and Breakfast. Ken, do you really think that these people are that stupid to take a quote out of context and act upon it?

Your Views are Short Sighted!

I find your views and opinions to be extremely short sighted. As I stated earlier, I believe that the entire River Road Satellite District will be rezoned to accept both Bed and Breakfast establishments as well as those other "Alternative Forms of Accommodations" labelled as acceptable in the Official City Plan for this zone. Those alternative forms of accommodation will likely include apartments, hostels, and vacation rentals. The commercial nature of those activities will lead to improvements in both the infrastructure of the housing units as well as the landscapes required to attract tourists and thus provide continual support to the construction, maintenance, and landscape industries here in Niagara.

I truly believe that we operate the most professional managed short term accommodation service in the city and that any home owner should be very happy to have us as neighbors instead of the alternative where Vacation Rental operations are conducted by an absentee owner and guests are welcomed to a home via a keyed entry system and set of instructions. Absentee owners have virtually no control over the guests or their actions whereas we do operate a 24/7/365 presence at our respective properties and monitor guest behavior. In the three years that we have been operating our business, we have maintained good relations with all our neighbors and have to yet to have any formal type of complaint levied against us as a result of having maintained a Bed and Breakfast establishment. In fact, the "commercial" nature of our operations often leads us to provide snow removal services to which our other

neighbors can claim benefit. Too bad, you don't see that because you are in Florida during the winter.

Moving Forward into the Future

Ken, I can confidently say that you will have a licensed Bed and Breakfast establishment as your immediate neighbor to the north in 2017 and to the south of you in 2018. What we choose to call the property and the marketing terminology for communicating the messages are our business and not yours! You can expect a professionally run operation which will accept the standards laid out in the next revision to the city bylaws dealing with Vacation Rentals and Bed and Breakfast operations. Once the City of Niagara Falls has laid out a ground work for a universal set of standards for these industries and can demonstrate a rightful and thorough enforcement of those universal standards, we will be more than happy to comply with those regulations as the home at 5411 easily complies with the current regulations.

For the City of Niagara Falls to be successful in adapting revisions to the Official Plan, they should take the following suggestions into serious consideration.

1. Regardless of what type of accommodation service is provided, the proprietor of the said establishment should be under the same scrutiny from Fire, Safety, and Public Health officials as any other hotel, motel, inn, or B&B.
2. Entry into the Alternative Accommodation Industry should follow the same path as any other legitimate business like Niagara Grandview Manor where the costs to have the building rezoned exceeded \$25,000. It is simply not fair to allow any proprietor to essentially be in business within one hour on Airbnb.com or Homeaway with no licensing or inspection protocols and to compete with organizations which have obtained the proper permits via the current or future application procedures.
3. Alternative Accommodation application should also demonstrate the same minimum standards in terms of percentage of green space, parking requirements, lighting, and the various under requirements that any or all legitimate accommodation providers abide by.
4. Enforcement has to be universal. Without universal enforcement, it makes it increasingly difficult to compete in an open market place when the cost of business is not universally shared.

The continued transformation of River Road.

The commercialization of the River Road Satellite District gives an economic purpose to the very residents who currently reside in the area and to those who wish to pursue a dream of owning a Bed and Breakfast or Vacation Rental. With no commercialization or commercialization, but not in my backyard, rearing its ugly head, the way is paved for the next dynamic to hit River Road.

Ken, as you are well aware, TIME DEVELOPMENTS is now proposing to build 390 Condo Units on the adjacent 2 acre parcel of land between Hiram and John streets along River Road. The nature of this development and those that will follow will transform the street scape into a positive new dynamic mixing historical properties with modern architecture. As many of the properties along River Road are situated on large parcels of land, it is feasible for developers to consolidate those parcels much in the same way as TIME DEVELOPMENTS has and the net result will be higher density buildings. You have become fixated on the Vacation Rental aspect of the properties in our area. Be very careful that you do not end up with a small mini tower directly adjacent to your property!

In Conclusion

First and foremost, let me express my sentiment in saying how disappointed I am in your current course of action via this complaint which you chose to broadcast to all city officials. You are obviously upset that a Bed and Breakfast establishment is now directly adjacent to your home. Given the fact that you supported us in the purchase of the house at 5427 River Road which happens to be on the other side of your property, I find this turnabout of opinion basically bizarre to say the least. I have no idea why you chose not to speak to me regarding your concerns especially when I sat in front of you at the open house for TIME DEVELOPMENTS open house.

John Pinter, Niagara Historical Inns