

Documents for OLT-21-001728 beyond those submitted by the City to OLT in its Municipal Record

Submitted by Kenneth Westhues

15 August 2022

Relevant to Issue 1a

Pp. 3-6 Letter from Anne and Kenneth Westhues to Alex Herlovitch, with copies to Mayor and Councillors, registering formal complaint against use of 5411 River Road as VRU, 1 May 2017.

Pp. 7-11 Letter from John Pinter to Mayor, Councillors, Westhues and others, "To Whom It May Concern," defense of his business against complaints and calling for commercialization of the River Road neighbourhood, 7 May 2017.

Pp. 12-14 Email from Niagara Falls City CAO Ken Todd to Westhues, Mayor, Members of Council, Senior Staff about John Pinter's tourist operation in the River Road District, 27 August 2019.

P. 15 "About" page of Niagara Historic Inns, 8 August 2022, showing its mailing address as 5401 River Road.

Pp. 16-18 Examples of ads on VRBO (Vacation Rental by Owner) for 5411 River Road in 2021 and 2022.

Relevant to Issue 3

Pp. 19-22 Email chain about a barefoot drunken reveller lodged at 5411 River Road invading the Westhues home about 12:30 AM on 31 July 2021: email from Westhues to Mayor, Councillors, and others; response from Enforcement Officer Gerald Spencer; response to Spencer from Westhues; all emails dated 31 July 2021.

Relevant to Issue 4c

P. 23 Map of the City of Niagara Falls sent by City Clerk Bill Matson to all Members of Council, subsequently copied to Westhues, showing the zones in the City where VRUs are permitted, 15 September 2021.

Relevant to Issue 4g

Pp. 24-27 Email from Director of Planning Alex Herlovitch to all Members of Council and Senior Staff with attachment showing ads for 5411 River Road, 5401 River Road, and 4465 Eastwood as vacation rentals, 10 August 2021.

P. 28-30 Airbnb advertisement, 10 August 2021, "Two Adjacent 4 bedroom Vacation Rentals Sleeps 20," 5401 and 5411 River Road, "Entire villa hosted by John, 16 guests, 8 bedrooms, 9 beds, 5 baths."

Relevant to Issue 4h

Pp. 31 Chart showing vacancy rates for rental housing, core area of Niagara Falls, 2013-2021, compiled from CMHC statistics by K. Westhues, August 2022.

Relevant to Issue 4i

P. 32 Cease-and-desist letter, City to the owners of 5411 River Road, 14 September 2017.

Pp. 33-34 Cease-and-desist letter, City to the owners of 5411 River Road, 12 February 2021.

Pp. 35-38 Email chain: Westhues to Herlovitch, with copies to Mayor, Councillors, CAO and solicitor, reporting apparent misrepresentation of ownership of properties in the OPA/ZBA application, and replies from Herlovitch to Westhues, May 2021.

SENT AS EMAIL ATTACHMENT FROM [kwesthue@uwaterloo.ca] TO [aherlovitch@niagarafalls.ca], with copies to Mayor Diodati and Members of Council, also to Alfred DSouza and John Pinter

5419 River Road
Niagara Falls, Ontario L2E 3H1

1 May 2017

Mr. Alex Herlovitch
Director of Planning, Building, & Development
City of Niagara Falls, Ontario

Dear Mr. Herlovitch:

This letter is to report and register a formal complaint about an egregious violation of our city's Zoning By-law 79-200, and of related municipal and provincial land-use regulations. Please confirm your receipt of this letter and forward it to whichever city staff have responsibility to investigate the violation reported here and see to its prompt correction.

We address this letter to you because you had major involvement in Council's passage of Official Plan Amendment 116 and By-law 2015-51, which allows John Pinter's property at 5359 River Road to be used as an inn with a maximum of 12 guest rooms. We have read online your letter of 5 June 2015 in this regard to Jennifer Vida of Upper Canada Consultants.

We supported Mr. Pinter's application for that amendment and spoke in favour of it at a meeting at City Hall. 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. We admired, moreover, Mr. Pinter's respect for our city's history, his plan to retain the building's original architecture in the additions to be made, and his pledge to maintain high standards in his operation of the inn.

Our complaint does not concern the property at 5359 River Road, except in so far as Mr. Pinter has illegally broadened what Council approved in 2015, applying it to an additional dwelling he has gained control of, namely the house at 5411 River Road, adjacent to of our own home.

Background

The property at 5411 River Road, like ours and almost all others in this neighbourhood, is zoned R2, residential. It was owner-occupied when we bought our own home in 2010. Since late 2012, it has been occupied by tenants, legally so far as we know, and our relations with them have been cordial. So have our relations with the owners, Alfred and Collette DSouza, who live in Markham.

Mr. DSouza informed us six weeks ago, on 15 March, when we were still at our condo in Florida, that "we have leased our house to Mr. John Pinter who runs the B&B on River Road and we

believe he knows Ken. Mr. Pinter has assured us that he will maintain our property and its surroundings well and will keep our neighbours happy.”

What we have found since our return from Florida is that Mr. Pinter is using this property in a way that is contrary to law, as an extension of his inn, now called Grandview Manor, at 5359 River Road. Please find as an appendix to this letter screenshots of his advertisement on the Grandview Manor website of the house at 5411 River Road. He has named it “Niagara Riverview Inn” and described it as including three bedrooms and “Complimentary Breakfast.” Guests who stay at 5411 River Road apparently walk up the street to eat at 5359 River Road.

Since our return from Florida, we have observed that the house at 5411 River Road is being used as “a commercial establishment catering to the needs of the traveling or vacationing public by supplying overnight accommodation” – this is how By-law 2015-51 defines an inn. The cars parked in the driveway have had license plates from Ontario, Virginia, Michigan, Quebec, and elsewhere. We have observed people staying in the house walking up toward Grandview Manor for breakfast.

A check of reservations on the Grandview Manor website shows that the “Niagara Riverview Inn” is unavailable for many dates during the coming tourist season, which leads us to believe that the property is actively being rented to tourists.

We are aware that Council has directed city staff to prepare a policy on vacation rentals. We are glad for that, and look forward to introduction of a fair and effective policy. The present complaint, however, does not rely on any possible new by-law, but on existing by-laws. 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.

Other apparent violations of municipal and provincial law

The use for which 5359 River Road has been approved, namely as an inn, may include the provision of food, according to By-law 2015-50. We believe it is therefore entirely legal for Mr. Pinter to serve breakfast to his guests at 5359 River Road, but only to those guests. The by-law states explicitly that a restaurant is not a permitted use. It is therefore illegal for Grandview Manor to provide food to others. Providing breakfast to guests lodged at 5411 River Road, the “Niagara Riverview Inn” is therefore illegal in a second way. These guests are not only sleeping illegally but eating illegally. Mr. Pinter is in effect operating Grandview Manor as a restaurant.

The use to which 5411 River Road is being put is also likely in violation of Ontario’s Residential Tenancies Act, which provides in Section 134.3.a that “no tenant and no person acting on behalf of the tenant shall, directly or indirectly, sublet a rental unit for a rent that is payable by one or more subtenants and that is greater than the rent that is lawfully charged by the landlord for the rental unit.” If the moneys paid to Mr. Pinter by his guests exceed the money paid by Mr. Pinter to the DSouzas, this would appear to be a clear violation of the Residential Tenancies Act.

Although we know from Mr. DSouza that he has been aware from the start that Mr. Pinter intends to use 5411 River Road for a commercial purpose, we are unsure to what extent legal culpability for the violations of law involved in the current use of this property rests with the DSouzas, and to what extent with Mr. Pinter. What matters to us is that the illegal use of this property cease forthwith, and that it be returned to the residential use for which it is zoned, the use it was put to until now, since long before we moved here in 2010.

Finally, a glance at the Grandview Manor website shows that this business appears to be accommodating tourists and travellers at additional properties zoned R2 in this immediate neighbourhood. The report and complaint in this letter, however, concerns only 5411 River Road, the property immediately adjacent to our home. This is the property that we know most about and whose use affects us most directly.

Addresses

The city should have from its tax records the mailing addresses of both the DSouzas and Mr. Pinter. The postal address we have for Mr. DSouza is: 9 Ramona Blvd. Markham ON, L3P 7T9. The postal address we have for Mr. Pinter is: 3490 Cardinal Dr, Niagara Falls ON, L2H2X3.

Conclusion

We regret having to make this complaint. When Alfred and Collette DSouza took possession of 5411 River Road in 2012, we welcomed them to this neighbourhood, and we have maintained friendly relations with them. When Mr. Pinter took possession of 5359 River Road in 2014, intending – so we thought – to operate the property as a B&B, we took him a potted plant as a gesture of welcome, and we have supported his imaginative overhaul of that property.


Both the DSouzas 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. As a gesture of good will, and toward maintaining friendly relations, we are copying this letter by email to them. We are also copying Mayor Diodati and members of Council.

Thank you for your attention to this letter, and for all your work on behalf of this city. We will be glad to provide further information, and look forward to hearing from you.

Sincerely,

Handwritten signatures of Kenneth and Anne Westhues in black ink. The signature on the left is 'KENNETH WESTHUES' and the signature on the right is 'Anne Westhues'.

Kenneth and Anne Westhues



Niagara Riverview Inn 3 Bedroom Vacation Rental with Complimentary Breakfast, Sleeps 6

If you're looking for a fabulous Niagara Vacation Rental, then look no further. This three bedroom home offers warm inviting décor and provides a welcoming feel to your group or extended family gatherings. Niagara Riverview Inn is located on River Road and is just 5 doors down from our sister property, Niagara Grandview Manor. The Falls, Casino Niagara, Clifton Hill and many other attractions are within a 10 minute walk. Shopping and pharmacies are also just a short walk away.

The home comfortably sleeps 6 persons in a total of 3 bedrooms (Queen Beds) and is serviced by a single bathroom. The home is centrally heated air-conditioned. Built in 1965, this bright and airy home is typical of the architectural period with a split level design, hardwood floors, large bay window overlooking the Niagara River.

COMMON SPACES

After a day of experiencing Niagara's fabulous scenery, our guests can retreat to the large living room complete with numerous couches, reclining chairs, and writing desks. All the modern comforts of home are here including a large flat screen TV, Blue Ray Player, radio, complimentary Wi-Fi, patio, and more. The large dining area is perfect for board or card games and makes a great space to reflect on the days experiences.

DECKS AND PATIOS

This home features a large patio and offers a great vantage point to admire the rock strata of the Niagara Gorge. The rear yard patio is cozy and tucked amongst pine trees offering sha

AVERAGE NIGHTLY RATE
\$156⁶⁰
CAD

26 Wed **\$152¹⁰** CAD 27 Thu **\$161¹⁰** CAD

[BOOK NOW](#)

Amenities and Services

- Alarm clock
- Cable TV
- DVD Players
- Hairdryer
- Multi-Storey Property
- Patio / Balcony
- Shower Tub Combo
- Wireless Internet
- All Rooms with AC
- Coffee Maker
- Full Private Bath
- Internet Access
- Multiple Beds in Multiple Rooms
- Riverview
- Split Level - With 4 - 6 Stairs
- Bed Lamp
- Drinks in room
- Gorge View Room
- Microwave
- No Smoking
- Rooms have TV
- Very Quiet


Other Availabilities JULY 2017

| SUN | MON | TUE | WED | THU | FRI | SAT |
|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| | | | | | | |
| 9 <input type="checkbox"/> \$386 | 10 <input type="checkbox"/> \$386 | 11 <input type="checkbox"/> \$386 | 12 <input type="checkbox"/> \$386 | | | |
| 16 <input type="checkbox"/> \$386 | 17 <input type="checkbox"/> \$386 | 18 <input type="checkbox"/> \$386 | 19 <input type="checkbox"/> \$386 | 20 <input type="checkbox"/> \$386 | | |
| | 24 <input type="checkbox"/> \$386 | 25 <input type="checkbox"/> \$386 | | 27 <input type="checkbox"/> \$386 | 28 <input type="checkbox"/> \$413 | 29 <input type="checkbox"/> \$431 |
| 30 <input type="checkbox"/> \$386 | | | | | | |

- Private balcony
- Free Parking & Wifi
- Superb Gorge View

1 King Bed [+ Room Details and Flexrate calendar](#)

Multiple Beds Rooms



Niagara Riverview Inn 3 Bedroom Vacation Rental with Complimentary Breakfast, Sleeps 6


Your Bonus offer : Book Direct and Recieve a Bonus Gift

Gift includes organic personal care items from NEOB, chocolates courtesy of Chocolate FX, contemporary romance CD Set, 2 for 1 Passes to Bird Kingdom, Wine Tasting Vouchers, and a bottle of Niagara Wine!

AVERAGE NIGHTLY RATE
\$156⁶⁰
CAD

[BOOK NOW](#)


- Superb Breakfast Included
- River and Gorge View
- Free Wifi & Parking
- Walk to the Falls




1 King Bed

Multiple Beds in Multiple Rooms [+ Room Details and Flexrate calendar](#)

Multiple Beds Rooms



Niagara Grandview Hennepin Room – Garden Level with Two double beds and direct



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 attracts 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

From: Ken Todd <ktodd@niagarafalls.ca>

Sent: 27 August 2019 14:06

To: Kenneth Westhues; Jim Diodati; CouncilMembers

Cc: Alex Herlovitch; LegalServices; Bill Matson; Donna Jaques; Gerald Spencer; Andrew Bryce

Subject: RE: Request to address Council about multi-building motel

I would like to provide Council and Mr. Westhues with an update on Mr. Pinter's properties , some of which are caught up in the LPAT hearing related to Vacation rentals that is currently scheduled for April, 2020.

The properties owned by Mr. Pinter are located in a zoning designation in the River Road area that permits Bed and Breakfast operations. Currently the Grandview Manor on River Road and a dwelling at 5395 River Road have active bed and breakfast licenses. The other properties owned by Mr. Pinter (5401,5411, and 5427 River Road and 4465 Eastwood Crescent are operating as Vacation rentals and are not licensed under our current Bed and Breakfast by-law. At an LPAT pre-hearing earlier in August related to the Vacation Rentals by-law and the new Bed and Breakfast by-law recently passed by Council, the Board approved Council's new by-law related to Bed and Breakfast operations which now requires that the owner must live on the site. The Vacation Rental by-law is still under appeal and set for a full hearing in April, 2020.

Now to Mr. Westhues complaints. As I understand the issue the complaint is as follows:

- Mr. Pinter is operating various vacation rental dwellings in the River Road/Eastwood area in non-compliance with the existing by-laws
- Mr. Pinter's guests from the various properties are utilizing the Grandview Manor by being served breakfast in the mornings and therefore Mr. Pinter is operating a restaurant from the Grandview Manor site.
- Mr. Pinter is using property adjacent to Mr. Westhues property as a staff parking area.

I will try to address the concerns and what Mr. Westhues options are.

Over the past several months Mr. Pinter has been working with City staff to resolve the zoning issues. In March a pre-consultation meeting for a re-zoning application by Mr. Pinter was held with Planning staff and staff outlined what needed to be done to bring the properties into compliance. The Grandview Manor is subject to a Special Policy Area designation that limits the

use of the property to a 12 room inn. If Mr. Pinter would like to continue to use the other dwelling units he owns in the area as vacation rental properties, and/or use the other dwelling units as satellite units to the main Inn, a Zoning By-law Amendment and an Official Plan Amendment would be required. Mr. Pinter indicated at the pre-consultation in March that he would like to use the additional properties (5395, 5401, 5411 and 5427 River Road and 4465 Eastwood Cres.) as satellite accommodations linked to the Grandview Inn at 5359 River Road. The Grandview Inn would be used as the check in facility and would provide breakfast to guests at the satellite buildings.

In the meantime, as these discussions with Mr. Pinter were taking place, Gerald Spencer and his By-law Enforcement staff have been actively investigating illegal vacation rental units across the City. There are many other vacation rental locations in residential areas where noise, parking, and garbage are causing great concern to neighbours. Without the new by-law in place, enforcement can be a challenge. Due to the fact that Mr. Pinter is in active conversations with staff about re-zoning his properties, staff have focused their enforcement efforts on other problem properties. In the meantime the hearings related to the Vacation rentals continue as the by-law is under appeal.

Mr. Pinter has engaged Planning Consultants who are currently finalizing the planning submissions and undertaking surveys of all the properties for proper legal descriptions. We expect this work to be submitted in September. Subsequent to that, neighbourhood public meetings will be held related to the application and ultimately a report to Council.

The complaints outlined above by Mr. Westhues are being addressed through the Planning process. At the appropriate time, Mr. Westhues and the rest of the neighbours will have an opportunity to voice their opinions on the application at public meetings. Should the rezoning application not be successful before Council, staff will take the necessary steps to enforce the current zoning by-law, keeping in mind that the Vacation rental by-law is still under appeal, and will not be heard by LPAT until April, 2020.

My advice to Mr. Westhues is that he and the neighbours participate in the formal planning public meeting process that will take place this fall and voice their concerns about the application in front of Council at that time. Typically the City's past practice has been that since Mr. Pinter has commenced the planning process, engaged professional planners and is doing

any required background reports, the formal planning process, including public meetings, should be allowed to be completed before any independent public input is received by Council or enforcement takes place.

As such, I believe it is premature for Mr. Westhues or the neighbours to appear before Council on September 10.

Ken Todd | Chief Administrative Officer | City of Niagara Falls

4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 5100

Niagara Historic Inns is an owner & operator of a number of historic Inns and vacation rentals along the River Road and Eastwood Avenue corridor. The group consists of a combination of historic properties and comfortable vacation homes which all include a complimentary cooked to order breakfast courtesy of Chef Joseph Hughes. In addition to the fine culinary offerings at breakfast, Niagara Historic Inns features on site property management. From our friendly guest service agents to our versatile Chef and Innkeeper Joseph Hughes, we stand at your service in the event of any type of equipment failure.

- ▶ Multilingual Staff
- ▶ Complimentary Bicycle Rentals
- ▶ Courteous and Friendly Guest Reception
- ▶ Gourmet cooked to order breakfast
- ▶ Cable TV
- ▶ Free WiFi
- ▶ Free Parking



Screen capture, "About" page of "Niagara Historic Inns":
<http://www.niagarahistoricinns.com/about.aspx>
Downloaded 8 August 2022
Two properties currently shown: 4465 Eastwood and 5401 River Road

Booking Policies



Special Promotions

See this Month's Getaway



Our Locations



Enjoy Our Amazing Breakfast

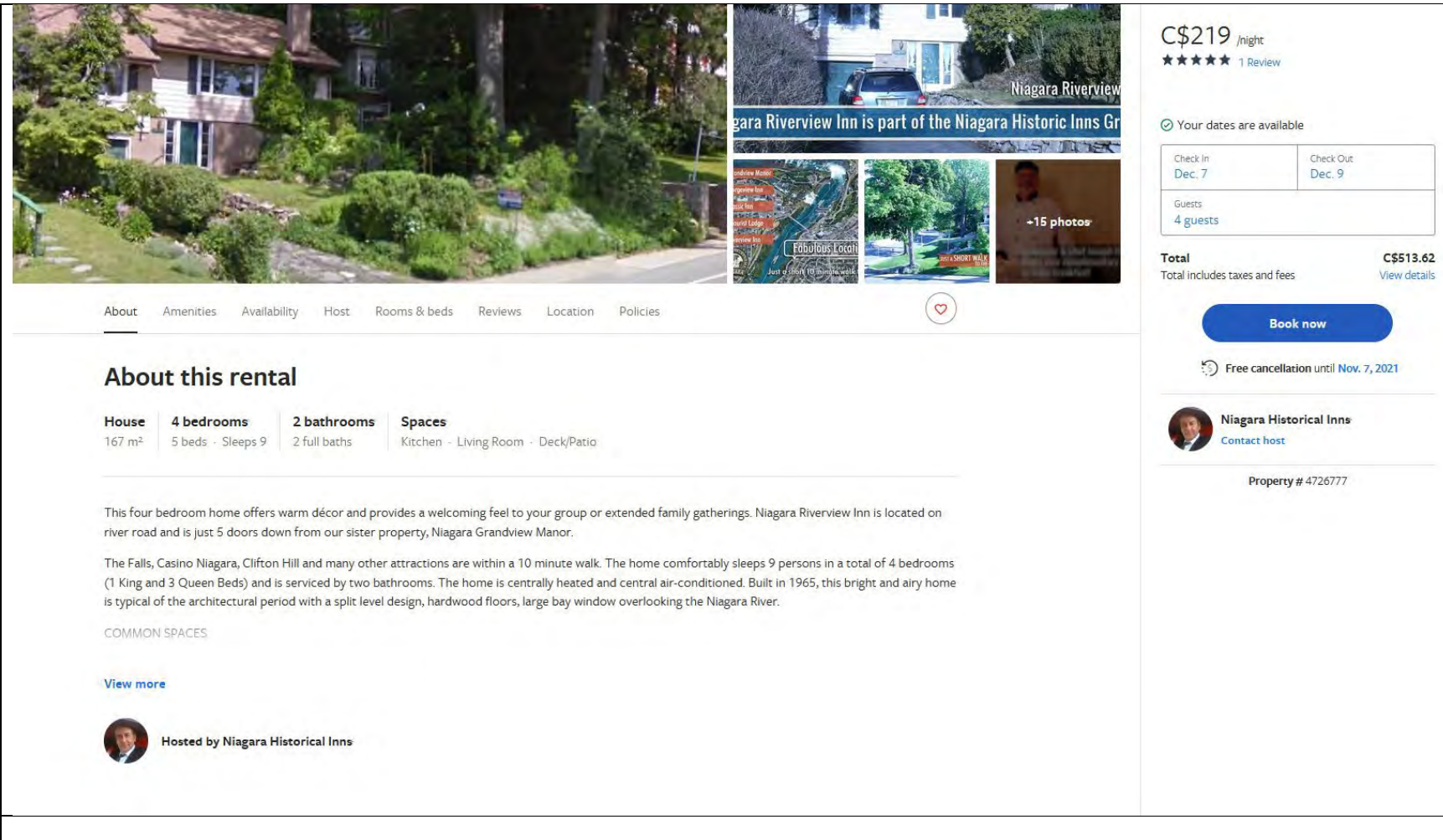


Complimentary Bicycles



Prepared by K. Westhues for **OLT-21-001728**, August 2022

VRBO (Vacation Rental by Owner), 2 November 2021



C\$219 /night
★★★★★ 1 Review


Your dates are available

| | |
|--------------------|---------------------|
| Check In Dec. 7 | Check Out Dec. 9 |
| Guests 4 guests | |

Total C\$513.62
Total includes taxes and fees [View details](#)

[Book now](#)

[Free cancellation until Nov. 7, 2021](#)

 **Niagara Historical Inns**
[Contact host](#)

Property # 4726777

About Amenities Availability Host Rooms & beds Reviews Location Policies

About this rental


| | | | |
|------------------------------------|--|------------------------------------|---|
| House 167 m ² | 4 bedrooms 5 beds · Sleeps 9 | 2 bathrooms 2 full baths | Spaces Kitchen · Living Room · Deck/Patio |
|------------------------------------|--|------------------------------------|---|

This four bedroom home offers warm décor and provides a welcoming feel to your group or extended family gatherings. Niagara Riverview Inn is located on river road and is just 5 doors down from our sister property, Niagara Grandview Manor.

The Falls, Casino Niagara, Clifton Hill and many other attractions are within a 10 minute walk. The home comfortably sleeps 9 persons in a total of 4 bedrooms (1 King and 3 Queen Beds) and is serviced by two bathrooms. The home is centrally heated and central air-conditioned. Built in 1965, this bright and airy home is typical of the architectural period with a split level design, hardwood floors, large bay window overlooking the Niagara River.

COMMON SPACES

[View more](#)

 Hosted by Niagara Historical Inns

The screenshot shows a Vrbo listing page for a property in Niagara Falls, Ontario, Canada. The listing is titled "Niagara Riverview Vacation Rental - Closest to Falls- Free Breakfast". The main image shows a large, two-story house with a brick chimney and a green lawn. To the right of the main image are three smaller images: a view of the house from a different angle, a map showing the location near the Falls, and a photo of a man, likely the host. The price is listed as C\$398/night. The listing includes a "Check-in" and "Check-out" date selector, a "Guests" field, and a "Search" button. Below the main image, there are tabs for "About", "Follow", "Amenities", "Reviews", "Rooms & beds", "Location", "Availability", and "Host". The "About this rental" section provides details about the property, including the number of bedrooms (4), bathrooms (2), and spaces (Kitchen, Living Room, Deck/Patio). The text describes the property as a four-bedroom home with warm décor, centrally heated, and centrally air-conditioned. It is located on river road and is just 5 doors down from the sister property, Niagara Grandview Manor. The Falls, Casino Niagara, Clifton Hill, and many other attractions are within a 10-minute walk. The home comfortably sleeps 9 persons in a total of 4 bedrooms (1 King and 3 Queen Beds) and is serviced by two bathrooms. The home is built in 1965 and is typical of the architectural period with a split-level design, hardwood floors, large bay window overlooking the Niagara River. The listing is hosted by Niagara Historical Inns. A red watermark is overlaid on the page, reading "Screen capture 19 May 2022" and "https://www.vrbo.com/en-ca/cottage-rental/p4726777?noDates=true&uni_id=5699082".

Vrbo Trip Boards Login Sign up Help Feedback CAD (CA) 🇨🇦

Niagara Falls, Ontario, Canada Check-in Check-out Guests Search

Canada / Ontario / Niagara Falls

Niagara Riverview Vacation Rental - Closest to Falls- Free Breakfast

Share Save **C\$398** /night ★ 5 (15 reviews) · Excellent

Add dates for total pricing

[Check availability](#)

Free cancellation up to 30 days before check-in

Niagara Historical Inns
CLASSIC HOME
Property # 4726777

+ 15 photos

About Follow Amenities Reviews Rooms & beds Location Availability Host

About this rental

| | | | |
|--------------------|-------------------|--------------------|------------------------------------|
| House | 4 bedrooms | 2 bathrooms | Spaces |
| 167 m ² | 1 beds · Sleeps 9 | 2 full baths | Kitchen · Living Room · Deck/Patio |

This four bedroom home offers warm décor and provides a welcoming feel to your group or extended family gatherings. Niagara Riverview Inn is located on river road and is just 5 doors down from our sister property, Niagara Grandview Manor.

The Falls, Casino Niagara, Clifton Hill and many other attractions are within a 10 minute walk. The home comfortably sleeps 9 persons in a total of 4 bedrooms (1 King and 3 Queen Beds) and is serviced by two bathrooms. The home is centrally heated and central air-conditioned. Built in 1965, this bright and airy home is typical of the architectural period with a split-level design, hardwood floors, large bay window overlooking the Niagara River.

COMMON SPACES

[View more](#)


Hosted by Niagara Historical Inns

Screen capture 19 May 2022
https://www.vrbo.com/en-ca/cottage-rental/p4726777?noDates=true&uni_id=5699082

VRBO (Vacation Rental by Owner), 6 June 2022

Canada | Ontario | Niagara Falls
Share Save

Niagara Riverview Vacation Rental - Closest to Falls- Free Breakfast




C\$389 avg/night
5 (16 reviews) exceptional

Add dates for total pricing

Guests:

Check availability

Free cancellation up to 30 days before check-in



Niagara Historical Inn
Cassius Falls

Property # 4726777

About Policies Amenities Reviews Rooms & beds Location Availability Host

About this rental

House

167 m²

4 bedrooms

5 beds · Sleeps 9

2 bathrooms

2 full baths

Spaces

Kitchen · Living Room · Deck/Patio

The best location in Niagara located just a few minutes walk to the Falls

This four bedroom home offers warm decor and provides a welcoming feel to your group or extended family gatherings. Niagara Riverview Inn is located on river road and just a short ten minute walk to the Falls, Casino Niagara, Clifton Hill and many other attractions.

The home comfortably sleeps 9 persons in a total of 4 bedrooms (1 King and 3 Queen Beds) and is serviced by two bathrooms. The home is centrally heated and central air-conditioned. Built in 1965, this bright and airy home is typical of the architectural period with a split level design, hardwood floors, large bay window overlooking the Niagara River.

Guests can retreat to the large living room complete with numerous couches, reclining chairs, and writing desks. All the modern comforts of home are here including a large flat screen TV, cable TV, Blue Ray Player, radio, complimentary Wi-Fi, patio, and more. The large dining area is perfect for board or card games and makes a great space to reflect on the days experiences.

ENJOY A COMPLIMENTARY BREAKFAST

Breakfast is delivered each morning to the house and consists of a hot entree, fresh muffins, fruits, yogurts, juice and coffee.

Guest access

Enjoy relaxing on the rear deck with plenty of chairs and the shade provided by a large number of trees. The front porch is a perfect place to relax and enjoy the cool breezes provided by the Niagara river and Gorge.

In addition, the home is close to a public park with plenty of open green space, two tennis courts, and children's play area.

Our house rules: primary renter must be 25 or older, no smoking, no parties or events, no pets.

Screen capture, 6 June 2022, showing dates already booked in June and July

https://www.vrbo.com/en-ca/cottage-rental/p4726777?noDates=true&uni_id=

Response to Gerald Spencer re: "Intruder after midnight"

Kenneth Westhues <kwesthues@uwaterloo.ca>

Sat 7/31/2021 6:23 PM

To: CouncilMembers <councilmembers@niagarafalls.ca>; Jim Diodati <jdiodati@niagarafalls.ca>

Cc: Alex Herlovitch <aherlovitch@niagarafalls.ca>; Sam Valeo <svaleo@niagarafalls.ca>; Ed Lustig <elustig@niagarafalls.ca>; Bill Matson <billmatson@niagarafalls.ca>; Ichieca@niagarafalls.ca <Ichieca@niagarafalls.ca>; Patrick Vernon <pvernon@niagarafalls.ca>; gspencer@niagarafalls.ca <gspencer@niagarafalls.ca>; Serge Felicetti <sfelicetti@niagarafalls.ca>; Debra Jones <debrajones@niagarafalls.ca>; Mike Formica <mformica@niagarafalls.ca>

Bcc: Carolyn Ioannoni <carolynioannoni@me.com>; Lori Lococo <lori.lococo@bell.net>; Dr. Anne Westhues <awesthue@hotmail.com>; Linda Babb <lind.babb@gmail.com>; Linda Manson <writeon@sympatico.ca>; Debra Jackson-jones <dljacksonjones1@gmail.com>; John Garrett <j.garrett@sympatico.ca>; Gary Burke <gbburke@sympatico.ca>; Ken Crossman <kcrossman@cogeco.ca>; Liz Benneian <abetterniagara@gmail.com>; Frank De Luca <theproblemsolver@live.ca>

Dear Members of Council,

This is further to the email I sent at 1:37 AM about the barefoot stranger barging into our kitchen after midnight last night, mistaking our home for the (illegal) vacation rental he was looking for. Anne and I appreciate the sympathetic responses we have received from Councillor Thomson, from the police, and from numerous residents of the River Road Neighbourhood.

Gerald Spencer, by contrast, the city's Manager of Municipal Law Enforcement, responded not sympathetically but defensively (see his email below). He did not copy me on his email, but thankfully, a kind recipient forwarded Mr. Spencer's email to me.

Mr. Spencer misread my email. The inn at 5359 River Road is indeed, as he claims, under construction. Rooms there, so far as I know, are not being rented to tourists. My email was not about this property, which is owned by Richard Xue.

My email was about guests being lodged in the two homes at 5401 and 5411 River Road. The first is owned by John Pinter, the second leased by him. Nobody lives in either dwelling. Both are currently advertised on airbnb as vacation rentals. The man who invaded our home last night went to 5411 River Road after I chased him out. He appeared to be part of the group that was having a loud party after midnight behind 5401 River Road.

Mr. Spencer says I should have sent my email to staff. I have done so repeatedly. Indeed, I emailed Mr. Spencer, with copies just to other staff, at 11:34 last night, asking if he would allow Mr. Vernon to meet with me. In the past, Mr. Spencer has refused to meet with me himself.

Mr. Spencer says any suggestion that staff have turned a blind eye to by-law violations

is "ridiculous." The public record speaks for itself. I am happy, on request, to provide specific references.

There are currently four vehicles parked at 5401 River Road, with Ontario license plate numbers CJLR-855, BFWT-733, AY-74078, and BVXN-561. At 5411 River Road, one vehicle, CTSA-159, has been parked all day in the parking/construction lot John Pinter built at the back of the lot.

If guests lodged in these or any other vacation rentals in this city infringe in any way residents' right to peaceful enjoyment of their property, complaints should be directed not only to city staff but also to the Mayor and Members of Council. As Mr. Spencer's response to my email last night shows, staff by themselves are not up to the task of by-law enforcement.

Kind regards to all.

Ken Westhues
5419 River Road
Niagara Falls, Ontario L2E 3H1

From: Gerald Spencer <gspencer@niagarafalls.ca>
Sent: Saturday, July 31, 2021 8:06 AM
To: Patrick Vernon <pvernon@niagarafalls.ca>
Cc: CouncilMembers <councilmembers@niagarafalls.ca>; Jim Diodati <jdiodati@niagarafalls.ca>; Alex Herlovitch <aherlovitch@niagarafalls.ca>; Sam Valeo <svaleo@niagarafalls.ca>; Ed Lustig <elustig@niagarafalls.ca>; Bill Matson <billmatson@niagarafalls.ca>; Patrick Vernon <pvernon@niagarafalls.ca>; Serge Felicetti <sfelicetti@niagarafalls.ca>; Debra Jones <debrajones@niagarafalls.ca>; Mike Formica <mformica@niagarafalls.ca>
Subject: Re: [EXTERNAL]-Intruder after midnight

Good Morning All,

The inn has been under building permit for quite some time. Building inspection staff and by-law enforcement staff have been there and conducted inspections. The interior of the property minus three rooms are all under construction. There is no evidence that there has been any activity since the cease an desist orders were issued . Staff attended an impromptu inspection after receiving a complaint from a resident and again nothing .. the rooms were not being used .

Mr. Westhues could of sent an email to staff or through the complaints intake line after counting 7 vehicles and allegedly illegal operations earlier in the day and staff would of investigated. An email was sent to me personally and others and to council at 137 am in the morning .

Any personal suggestions that staff in some way have shown favouritism or someone turned a blind

eye is ridiculous .

I am currently away on vacation until Tuesday. I spoke to staff and an inspection will be conducted this morning.

Gerald

From: Kenneth Westhues <kwesthues@uwaterloo.ca>
Sent: Saturday, July 31, 2021 1:37 AM
To: CouncilMembers <councilmembers@niagarafalls.ca>; Jim Diodati <jdiodati@niagarafalls.ca>
Cc: Alex Herlovitch <aherlovitch@niagarafalls.ca>; Sam Valeo <svaleo@niagarafalls.ca>; Ed Lustig <elustig@niagarafalls.ca>; Bill Matson <billmatson@niagarafalls.ca>; Ichieca@niagarafalls.ca <ichieca@niagarafalls.ca>; Patrick Vernon <pvernon@niagarafalls.ca>; gspencer@niagarafalls.ca <gspencer@niagarafalls.ca>
Subject: Intruder after midnight

Dear Members of City Council,

This email is directed in particular to the Mayor and to those Councillors who have steadfastly supported John Pinter in his illegal tourist operation along River Road. It is just after 1:00 AM on Saturday morning, 31 July.

Mr. Pinter sold the large inn, Niagara Grandview Manor, last winter, but has continued to operate as vacation rentals the house he owns at 5401 River Road and the house he leases at 5411 River Road, just north of Anne's and my home at 5419 River Road. This is in violation of the city's by-laws and of the cease-and-desist order Council passed last February.

Tonight he rented 5401 and 5411 River Road to a group of guys for a party. I counted seven cars, one of them almost blocking River Lane.

At 12:15 AM, just after midnight, I was in the kitchen at the back of our house having a snack before going to bed. I heard someone trying to get into the front door, which I had already locked. Moments later a barefoot man burst into the kitchen through the back door, which I had not yet locked. He appeared shocked to see me, said he had the wrong house. I told him to get out. He made a hasty exit. I followed him. He went into 5411 River Road.

By that time the party behind 5401 River Road had gotten loud. I phoned the police, filed a report about the noise and the intruder. A police officer came promptly. He told me the partiers were compliant and immediately took the party inside. The police

Supplemental Documents, OLT-21-001728, Westhues, August 2022 --- Page 22
report is available to any of you on request.

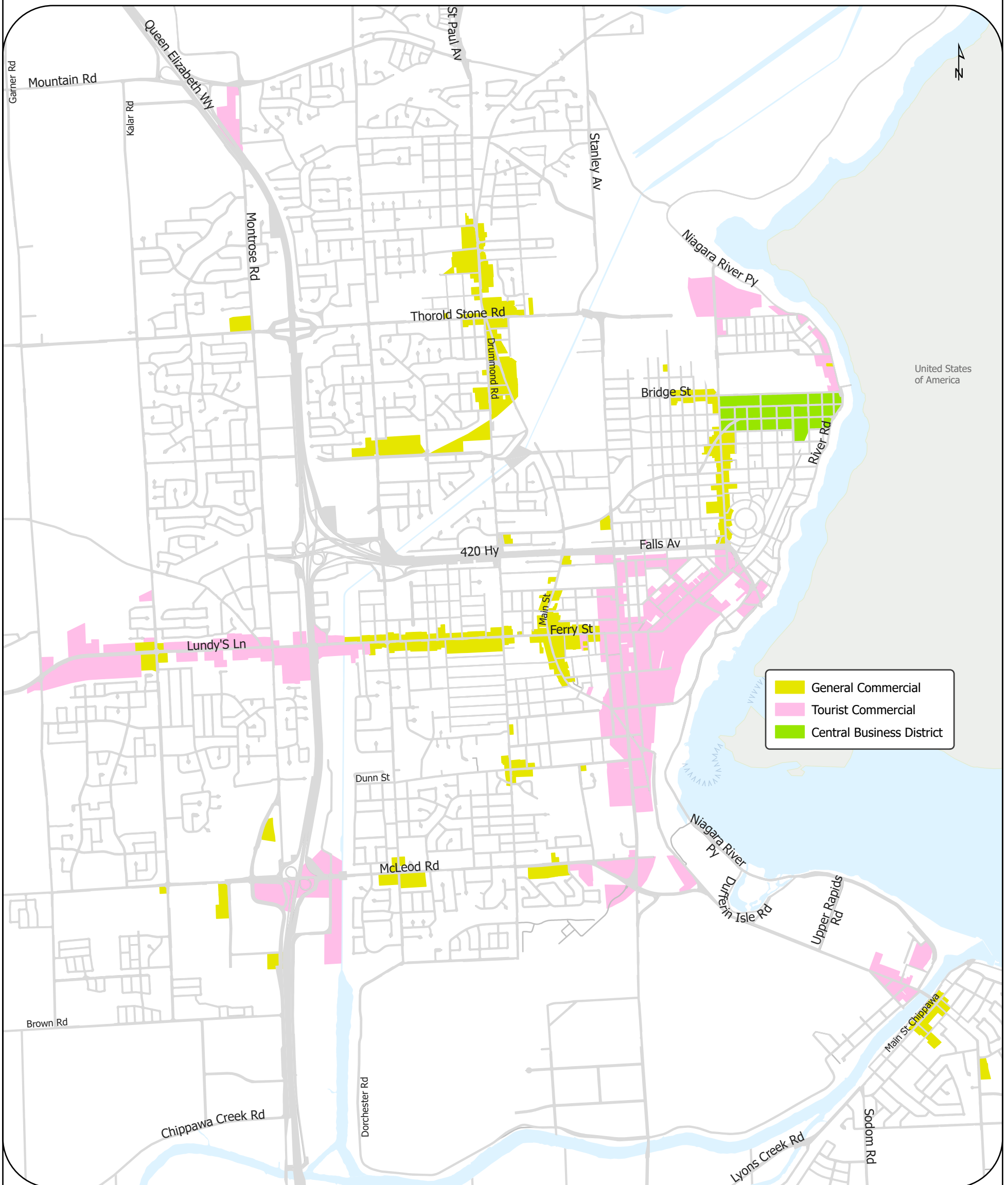
The police officer who came this evening asked me if I have informed the city of these illegal vacation rentals. As all of you know, I and others have been informing the city of these illegal vacation rentals for the past four years. Tonight is a good time to inform the city once more, and to ask that you enforce the by-laws without partiality or favouritism.

Kind regards.

Ken Westhues
5419 River Road
Niagara Falls, Ontario L2E 3H1



Permitted Location for Vacation Rental Unit



Supplemental Documents, OLT-21-001728, Westhues, August 2022 --- Page 24
----- Original message -----

From: Alex Herlovitch <aherlovitch@niagarafalls.ca>

Date: 2021-08-10 8:01 a.m. (GMT-05:00)

To: CouncilMembers <councilmembers@niagarafalls.ca>, SeniorStaff
<seniorstaff@niagarafalls.ca>

Subject: Vacation Rentals

Vacation rentals listed on-line as of 8 AM this morning.

More Niagara Falls Vacation Rentals

vrbo.com/en-ca/search/keywords:niagara-falls-ontario-canada/page:2/arrival:2021-10-13/departure:2021-10-16/minNightlyPrice/0?filterByTotal...

Know before you go COVID-19 travel restrictions, including testing and quarantine, are changing rapidly. [Check restrictions](#)

Vrbo

Trip Boards Log in Sign up Help Feedback CAD (C\$) EN List your Property

Where: Niagara Falls, Ontario, Canada

Check-in: 21-10-13 Check-out: 21-10-16 Guests: 5 Guests

Filters Popular Price Rooms & spaces

Property 1: Sleeps 5 - 2 bedrooms - 3 beds. Free cancellation until 14-Aug. C\$162 /night. C\$970 total. (0 reviews)

Property 2 (marked): House - 1.7 km to Niagara Falls center. **Eastwood Tourist Lodge With Complimentary Breakfast**. Sleeps 9 - 4 bedrooms - 4 beds. **4465 Eastwood**. Free cancellation until 13-Sep. Good! 3.9/5. C\$306 /night. C\$1,181 total. (7 reviews)

Property 3: House - 1.5 km to Niagara Falls center. **Gorgeous B&B European Style Suite - Walk to the Niagara Falls**. Sleeps 5 - 2 bedrooms. Free cancellation until 14-Aug. C\$152 /night. C\$931 total. (1 review)

Map showing locations in Niagara Falls, Ontario, Canada.

Windows taskbar: 25°C Mostly cloudy 7:54 AM 8/10/2021

Top 50 Niagara Falls Vacation Rental

vrbo.com/en-ca/search/keywords:niagara-falls-ontario-canada/arrival:2021-10-13/departure:2021-10-16?adultsCount=5&petIncluded=false&fl...

Know before you go COVID-19 travel restrictions, including testing and quarantine, are changing rapidly. [Check restrictions](#)

Vrbo Trip Boards Log In Sign up Help Feedback CAD (C\$) EN List your Property

Where: Niagara Falls, Ontario, Canada | Check-in: 21-10-13 | Check-out: 21-10-16 | Guests: 5 Guests

Filters Popular Price Rooms & spaces

Niagara Riverview Vacation Rental - Closest to Falls- Free Breakfast

House - 1.7 km to Niagara Falls center

Sleeps 9 - 4 bedrooms - 5 beds

5411 River Road

★ 4.6 (43)

C\$276 /night
C\$1,081 total

Free cancellation until 13-Sep

★ 5.0 (1)

Clifton Hill Luxury Condo 3A - Luxury Listing Two bedroom Condo

Condo - 0.5 km to Niagara Falls center

Sleeps 7 - 2 bedrooms - 4 beds

★ 4.0 (2)

C\$188 /night
C\$798 total

Free cancellation until 12-Oct

https://www.vrbo.com/en-ca/cottage-rental/p472677?uni_id=5699082&adultsCount=5&arrival=2021-10-13&departure=2021-10-16

25°C Mostly cloudy 7:51 AM 8/10/2021



Top 50 Niagara Falls Vacation Rental

vrbo.com/en-ca/search/keywords:niagara-falls-ontario-canada/arrival:2021-10-13/departure:2021-10-16?adultsCount=5&petIncluded=false&fi...

Know before you go COVID-19 travel restrictions, including testing and quarantine, are changing rapidly. [Check restrictions](#)

Vrbo Trip Boards Log In Sign up Help Feedback CAD (C\$) EN List your Property

Where: Niagara Falls, Ontario, Canada | Check-in: 21-10-13 | Check-out: 21-10-16 | Guests: 5 Guests

Filters Popular Price Rooms & spaces

Fabulous Niagara Gorgeview Vacation Rental With Complimentary Breakfast

House - 1.6 km to Niagara Falls center

Sleeps 9 - 4 bedrooms - 3 beds

5401 River Rd

Good! 3.7/5
★ 3.7 (11)

Free cancellation until 13-Sep

C\$289 /night
C\$1,127 total

Niagara Vacation Dream Home

House - 2.5 km to Niagara Falls center

Sleeps 15 - 5 bedrooms - 8 beds

Very Good! 4.2/5
★ 4.2 (5)

Free cancellation until 13-Sep

C\$366 /night
C\$1,652 total

https://www.vrbo.com/en-ca/cottage-rental/p4979521?unit_id=6198302&adultsCount=5&arrival=2021-10-13&departure=2021-10-16

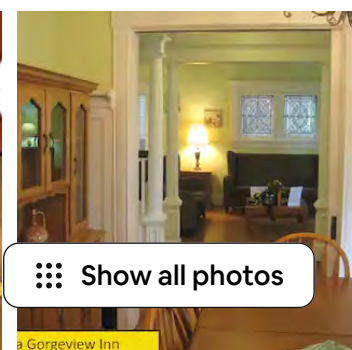
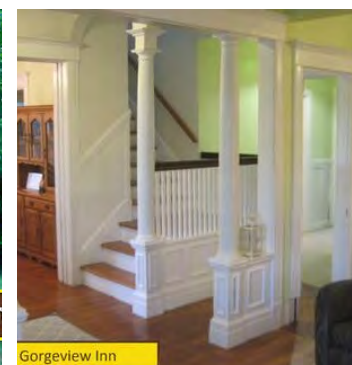
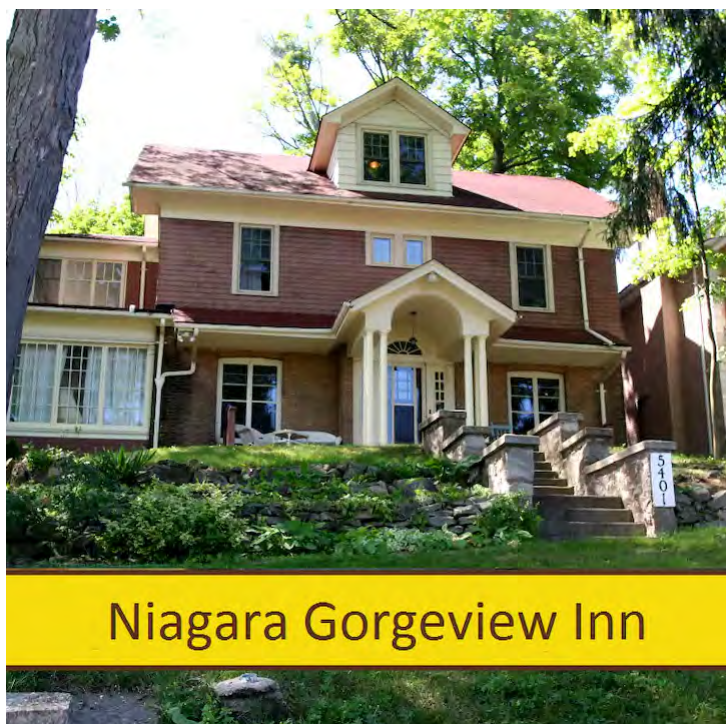
25°C Mostly cloudy 7:53 AM 8/10/2021



Two Adjacent 4 Bedroom Vacation Rentals Sleeps 20

★ 4.50 · 6 reviews · [Niagara Falls, Ontario, Canada](#)

[Share](#) [Save](#)



Show all photos

Entire villa hosted by John

16 guests · 8 bedrooms · 9 beds · 5 baths



Park for free

This is one of the few places in the area with free parking.

Experienced host

John has 1671 reviews for other places.

Great communication

90% of recent guests rated John 5 stars in communication.

\$555 CAD night

★ 4.50 · 6 reviews

| | |
|-------------------------------|-------------------------------|
| CHECK-IN 10-19-2021 | CHECKOUT 10-21-2021 |
| GUESTS 2 guests | |

Those dates are not available

[Change dates](#)

[Report this listing](#)



Every booking includes free protection from Host cancellations,

About this space

Large families and groups can enjoy the convenience of two adjacent 4 bedroom vacation rentals situated on River Road. Enjoy a total of 8 bedrooms, 5 bathrooms, 2 kitchens, living and dining areas. The Niagara Gorgeview Inn also offers a beautiful landscaped rear yard with deck. Perfect for family gathering and relaxation. Located directly on River Road with a great view of the Niagara River and Gorge, guest can enjoy the short walk to the falls, clifton hill, and most attractions.

The space

If you're looking for a fabulous Niagara Vacation Experience then look no further. Enjoy the comfort and convenience of having two 4 bedroom vacation rentals which are adjacent to one another and are situated in a fabulous located on River Road.

NIAGARA GORGEVIEW INN & NIAGARA RIVERVIEW INN

A great solution for larger families and groups. Enjoy the comfort and convenience of having two adjacent 4 bedroom vacation rentals. Located along historic River Road and just a short ten minute walk to the falls, these two rentals offer a total of 8 bedrooms, 5 bathrooms, two complete common areas of kitchens, dining, and living areas. Our Niagara Gorgeview Inn also has a beautifully landscaped rear yard with a large deck for family gatherings.

Niagara Gorgeview Inn - This four bedroom home, built originally in 1912, offers warm décor and provides a welcoming feel to your group or extended family gatherings. The home comfortably sleeps up to ten persons in a total of 4 bedrooms (1 King Bed, 1 Queen Bed, 1 Double Bed and finally a room with 1 Queen Bed and 1 Single Bed) and is serviced by a two second floor bathrooms and a 3 piece bathroom with shower on the main floor. There is an additional sofa bed in the living room. The home is centrally heated and central air-conditioned. Built in 1912, this bright and airy home is typical of the Arts and Craft architectural period with large oak baseboards, hardwood floors, natural oak window and door moldings, leaded glass windows, interior arches, and front porch vestibule. These treasured characteristics have been lovingly restored to their original glory.

Supplemental Documents, OLT-21-001728, Westhues, August 2022 --- Page 30
listing inaccuracies, and other issues like trouble checking in.

[Learn more](#)

Large families and groups can enjoy the convenience of two adjacent 4 bedroom vacation rentals situated on River Road. Enjoy a total of 8 bedrooms, 5 bathrooms, 2 kitchens, living and dining areas. The Niagara Gorgeview Inn also offers a beautiful landscaped rear yard with deck. Perfect for family gathering and relaxation. Located...

[Show more >](#)

Where you'll sleep



Bedroom 1
1 king bed



Bedroom 2
1 queen bed, 1 single bed



What this place offers

CMHC Rental Market Survey

Housing Market Information Portal

[https://www03.cmhc-schl.gc.ca/hmip-pimh/en/TableMapChart/Table?TableId=2.1.31.3&GeographyId=1160&GeographyTypeId=3&DisplayAs=Table&GeographyName=St.%20Catharines-Niagara#TableMapChart/116004/5/Niagara%20Falls%20\(Core\)](https://www03.cmhc-schl.gc.ca/hmip-pimh/en/TableMapChart/Table?TableId=2.1.31.3&GeographyId=1160&GeographyTypeId=3&DisplayAs=Table&GeographyName=St.%20Catharines-Niagara#TableMapChart/116004/5/Niagara%20Falls%20(Core))

Vacancy Rate for Niagara Falls Core Area

October 2013 4.9%

October 2014 4.4%

October 2015 3.3%

October 2016 2.5%

October 2017 2.5%

October 2018 na

October 2019 .5%

October 2020 1.8%

October 2021 1.5%



REGISTERED MAIL

Dear

Re: 5411 River Road, Niagara Falls

It is my information that you are the owners of the above-captioned property. It is my further information that the property is being operated as a cottage rental dwelling. That is to say, being used for short term vacation rentals. Operation of a cottage rental dwelling at 5411 River Road, in the City of Niagara Falls is forbidden by the comprehensive zoning by-law of the City of Niagara Falls, By-law No. 79-200, as amended.

Unless immediate steps are taken to cease the operation of a cottage rental dwelling at 5411 River Road, in the City of Niagara Falls, the City will pursue every legal avenue available to it, to ensure that such operation is brought to an end.

Such steps would consist of removing the property from any internet service or other advertising medium offering cottage rental dwellings for let, and submitting a sworn undertaking to the City of Niagara Falls in a form acceptable to the City of Niagara Falls, indicating that 5411 River Road has ceased to be used as a cottage rental dwelling and will not be used for a cottage rental dwelling at any time in the future for so long as the two of you, or either one of you, owns all or any part of 5411 River Road, Niagara Falls.

Kindly govern yourselves accordingly.

Yours truly,

Jamie Cerminara
Municipal Law Enforcement Officer

- c. Gerald Spencer, Manager of Municipal Enforcement Services, Municipal Prosecutor
Ken Beaman, City Solicitor
Alex Herlovitch, Director of Planning, Building & Development

Working Together to Serve Our Community

Planning, Building & Development
Municipal Enforcement Services



February 12, 2021

REGISTERED MAIL

D'SOUZA, ALFRED
D'SOUZA, COLLETTE
9 RAMONA BLVD
MARKHAM ON L3P 7T9

Dear Sir/Madam :

Re: 5411 RIVER RD., NIAGARA FALLS, ON

It is my information that you are the owners of the above-captioned property. It is my further information that the property is being operated as a cottage rental dwelling by renting rooms to tourists either in whole or part. That is to say, being used for short term vacation rentals. Operation of a cottage rental dwelling at **5411 RIVER RD**, in the City of Niagara Falls is forbidden by the comprehensive zoning by-law of the City of Niagara Falls, By-law No. 79-200, as amended.

Unless the dwellings are functioning as licenced owner occupied Bed and Breakfasts in accordance with Zoning By-law No. 79-200, as amended, all operations of renting rooms to tourists or rentals of less than 28 days are to cease and desist. Any operation of an unlicenced facility beyond the date of the letter is in contravention of the direction issued by City Council on February 9, 2021.

Unless immediate steps are taken to cease the operation of a cottage rental dwelling at **5411 RIVER RD** in the City of Niagara Falls, the City will pursue every legal avenue available to it, to ensure that such operation is brought to an end.

Such steps would consist of canceling any advance bookings, removing the property from any internet service or other advertising medium offering cottage rental dwellings for let, and submitting a sworn undertaking to the City of Niagara Falls in a form acceptable to the City of Niagara Falls, indicating that **5411 RIVER RD** has ceased to be used as a cottage rental dwelling and will not be used for a cottage rental dwelling at any time in the future for so long as the two of you, or either one of you, owns all or any part of **5411 RIVER RD**, Niagara Falls.

Working Together to Serve Our Community

Planning, Building &
Development Department
Building Services
Ext 4257 Fax 905-374-7500
svaleo@niagarafalls.ca

Kindly govern yourselves accordingly.

Regards,

A handwritten signature in black ink, appearing to read 'Patrick Vernon', with a long horizontal flourish extending to the right.

Patrick Vernon
Municipal Law Enforcement Officer

/jm

U:\Land Manager\ByLaw\Complaints\Letters\Generic Letter-BNO20210039.doc

SENT AS EMAIL ATTACHMENT, kwesthue@uwaterloo.ca to aherlovitch@niagarafalls.ca

Mr. Alex Herlovitch
Director of Planning, Building, & Development
City of Niagara Falls, Ontario

Inquiry about ownership of Niagara Grandview Manor

Dear Mr. Herlovitch:

Thank you for the notice of public meeting on 1 June 2021 for the Niagara Grandview Manor revised application, and for the documentation posted online in a Dropbox file. Your notice is dated 30 April 2021.

As we did for the initial application last December, Anne and I plan to submit comments on the revised submission to you and City Council.

Before sending those comments, I have questions about the ownership of two of the subject properties: 5359 River Road (the huge main building) and 4465 Eastwood (the small single-family home across the lane from the main building).

So far as I can tell from the Ontario Land Registry and Corporations Canada, the information about these two properties in the revised application is false, and the true owner of the larger property did not sign the official, notarized application dated 22 April 2021.

Information on City of Niagara Falls website

I was led to investigate ownership by the line at the top of your notice of meeting: "Owner: 1907782 Ontario Inc. and 11409433 Canada Inc. (John Pinter)." This gives the impression that John Pinter is the owner of both these numbered companies.

I then checked the revised application itself and found that it gives the same impression. On page 3, it identifies John Pinter as the owner of 1907782 Ontario Inc. and 11409433 Canada Inc. At the top of page 7, in the space marked "Owner's name," the names shown are "11409433 Canada Inc. 1907782 Ontario Inc. o/a Niagara Historic Inns John and Isabella Pinter." Just below that, in the space marked "Signature of Owner," only one signature appears, Mr. Pinter's.

Information from provincial and federal records

According to the Ontario Land Registry, Mr. Pinter is indeed the owner of 4465 Eastwood, through his numbered company, 1907782 Ontario Inc. He is not, however, the owner of 5359 River Road. He is the *former* owner. The Registry shows that on 2 March 2021, Mr. Pinter's company, 1907782 Ontario Inc., sold this property for \$3.65 million to 11409433 Canada Inc., a company owned by an entirely different individual.

The new owner of 5359 River Road, as best I can determine, is Qiyang Xue (aka Richard Xue), the sole director of 11409433 Canada Inc.

I am unable to find Mr. Xue's name or signature in any of the documentation for the revised application. Unless I'm missing something, this means that the revised application misrepresents ownership of the main property.

Who is the new owner?

Qiyang Xue (aka Richard Xue) lives at 220 Scrivener Drive, Aurora, Ontario L4G 0Z1. The company through which he appears to own Niagara Grandview Manor, 11409433 Canada Inc., was incorporated in May 2019. Mr. Xue is the sole director of one other corporation at the same address, and is one of multiple directors for seven other corporations in the GTA.

To judge by his Facebook page, Niagara Grandview Manor appears to be a particularly prized possession of Mr. Xue. He describes his occupation as "Real Estate Development & Hospitality." There are several pictures of the inn. For the cover photo, he has superimposed a picture of himself on a picture of the inn, as shown below:



Additional false information

According to the Ontario Land Registry, the revised application dated 22 April 2021 misrepresents not only ownership of 5359 River Road but also the encumbrances on this property.

Appendix A of the revised application lists two encumbrances: a first mortgage from CIBC and a second mortgage from Unimor Capital.

According to the Ontario Land Registry, there are two current encumbrances: a mortgage of \$1.175 million obtained on 2 March 2021 from Stercus Accidit Investment Corporation, and a mortgage of \$1.047 million obtained on 2 March 2021 from 1907782 Ontario Inc. (Mr. Pinter's company). The CIBC mortgage is shown as discharged on 26 April 2021.

Similarly, Appendix A of the revised application gives untrue information about the encumbrances on 4465 Eastwood. It says there are two mortgages, one from CIBC and another from Unimor Capital. According to the Ontario Land Registry, both these encumbrances were discharged in 2019. There are two current encumbrances: one for \$1.9 million from Stercus Accidit Investment Corporation on 22 November 2019, and one for \$79.9 thousand from Darva Canada Inc. on 9 March 2020.

Questions

Everybody, me included, sometimes makes mistakes. I would ask first that you review for yourself the provincial and federal governmental records, and confirm to the members of Council, with a copy to me, that my reading of these records is correct.

Then secondly, if my reading is correct that the revised application misrepresents the ownership and encumbrances on 5359 River Road, can you please inform the members of Council, with a copy to me, of what action, if any, you believe the city should take in this regard.

Please let me know at your earliest convenience, since the date of the public meeting scheduled for 1 June 2021 is fast approaching.

I'll copy this letter to all members of Council, also to Mr. Todd as CAO and to Mr. Lustig as Acting City Solicitor, since you will undoubtedly want to consult with them before you reply.

Respect and kind regards,

A handwritten signature in black ink that reads "Kenneth Westhues". The signature is written in a cursive, slightly slanted style.

Kenneth Westhues
5419 River Road
Niagara Falls, Ontario L2E 3H1

RE: Inquiry about ownership of Niagara Grandview Manor

Alex Herlovitch <aherlovitch@niagarafalls.ca>

Fri 5/7/2021 12:57 PM

To:

- Kenneth Westhues <kwesthues@uwaterloo.ca>

Cc:

- Ed Lustig <elustig@niagarafalls.ca>;
- Ken Todd <ktodd@niagarafalls.ca>;
- CouncilMembers <councilmembers@niagarafalls.ca>;
- Jim Diodati <jdiodati@niagarafalls.ca>

Hello Mr. Westhues

Thank you for bringing to my attention the matter of ownership regarding 5359 River Road and 4465 Eastwood Crescent and the related mortgages. I will refer the matter to our Legal Department to see whether they are able to provide the necessary details to confirm your findings. We will follow-up based on what is presented to this department.

Sincerely

Alex

Alex Herlovitch, MCIP, OPPI

Director of Planning, Building & Development, City of Niagara Falls Ontario

Email: aherlovitch@niagarafalls.ca | Phone: 905-356-7521, extension 4231

RE: Inquiry about ownership of Niagara Grandview Manor

Alex Herlovitch <aherlovitch@niagarafalls.ca>

Fri 5/7/2021 4:51 PM

To:

Kenneth Westhues <kwesthues@uwaterloo.ca>

Cc:

Ed Lustig <elustig@niagarafalls.ca>;
Ken Todd <ktodd@niagarafalls.ca>;
CouncilMembers <councilmembers@niagarafalls.ca>;
Andrew Bryce <abryce@niagarafalls.ca>

Hello Mr. Westhues

Further to my earlier email response to you, I wish to confirm that I am now in possession of title and mortgage information associated with Amendment file AM-2019-022. I have contacted the agent for the applicant and have asked that corrections and revisions be made to the application and to make a resubmission to this Department as soon as possible.

Again, thank you for bringing this to our attention.

Sincerely

Alex

Alex Herlovitch, MCIP, OPPI

Director of Planning, Building & Development, City of Niagara Falls Ontario

Email: aherlovitch@niagarafalls.ca | Phone: 905-356-7521, extension 4231