

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.

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