

# SHORT-TERM RENTAL

## Proposals for regulatory amendments by the Town of Sutton

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A reasonable and practical approach

Presentation on September 22, 2022



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## The current situation in Quebec

As elsewhere, the extent of short-term residential rentals has changed consumer travel patterns. Not only has it created new competition for hotels, B&Bs and inns, but it has also significantly reduced the number of long-term rentals. The Government of Quebec has acted by making regulatory changes:

- On March 25, 2021, the new [Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions](#) (formerly Bill 67) allows owners of principal residences to do in short-term rentals, but also allows municipalities to prohibit or limit the number of such rentals in certain zones of their territory.

1

Current  
situation

## The current situation in Quebec (continued)

➤ At the same time, the [Tourist Accommodation Act](#) (formerly Bill 100) was passed on October 7, 2021, to replace the Act respecting Tourist Accommodation Establishments. It came into force on September 1, 2022. Its covers the following:

- Three categories of facilities:
  - ✓ primary residence facilities,
  - ✓ youth tourist accommodations
  - ✓ general tourist accommodation establishments which include secondary residences, known as *tourist residences*.
- The registration number, category and name of the establishment must be displayed at the entrance, in advertisements and on websites. Any violation will be subject to a fine.
- The registration of a tourist accommodation establishment may be suspended or cancelled if the manager or guests of the establishment have been convicted of at least two or more violations within a twelve-month period of any municipal by-law relating to use, nuisance, sanitation or safety.

1

Current  
situation

## The current situation in Sutton

1

### Current situation

- A Short-Term Rental Policy, adopted on October 3, 2013, allowed for short term rentals throughout the territory except for one street.
- On April 6, 2022, the council repealed this policy, which was no longer adapted to the current context and was, moreover, not binding. It was even contrary to the Zoning By-law which defines the zones in which commercial accommodation activities are permitted, namely use C-507.

Use C-507: *"Hotel establishments where the principal activity is the accommodation of visiting and short-stay customers, such as tourist homes and inns with fewer than 15 rooms."*

## The current situation in Sutton (continued)

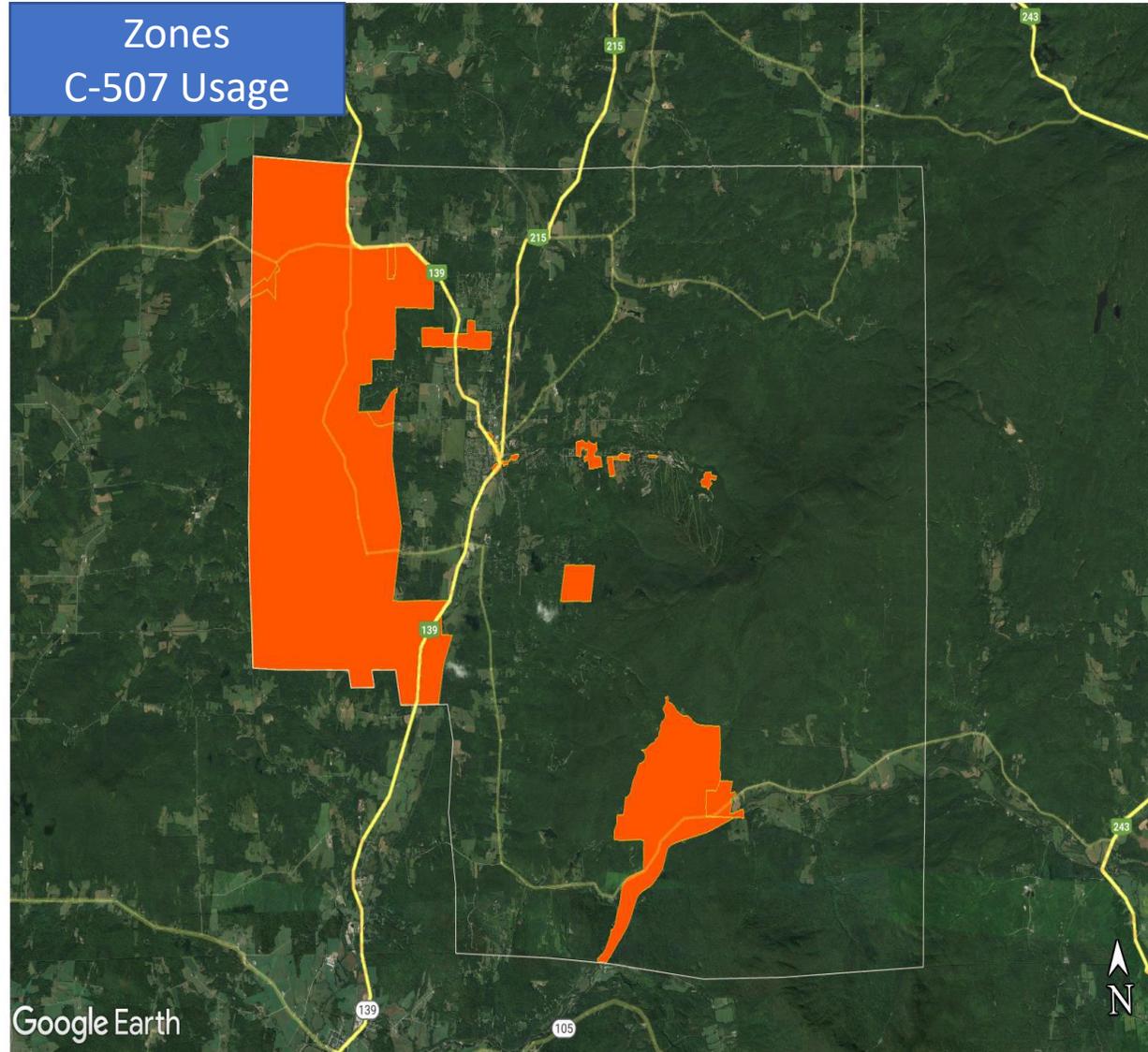
1

### Current situation

- The new situation created by the repeal of the Policy is temporary as it does not address all concerns related to short-term rentals. The Town plans to submit as quick as possible amendments to regulate tourist accommodations.
- Pending new amendments, short-term rentals (31 days or less) of a principal residence are still permitted throughout the territory, subject to compliance with the Tourist Accommodation Act and obtaining a certificate of principal residence from the Corporation de l'industrie touristique du Québec (CITQ).
- Short-term rental of a secondary residence is only permitted in zones where the C-507 use is authorized. Owners meeting these criteria must request a classification certificate from the CITQ, as well as a certificate of occupancy for short-term rentals from the Town of Sutton.

1

Current  
situation



The C-507 use is authorized in 16 zones of the Sutton territory, with restrictions in certain ones.

**1**

**Current situation**

**CITQ ACCREDITATIONS IN SUTTON (August 2022)**

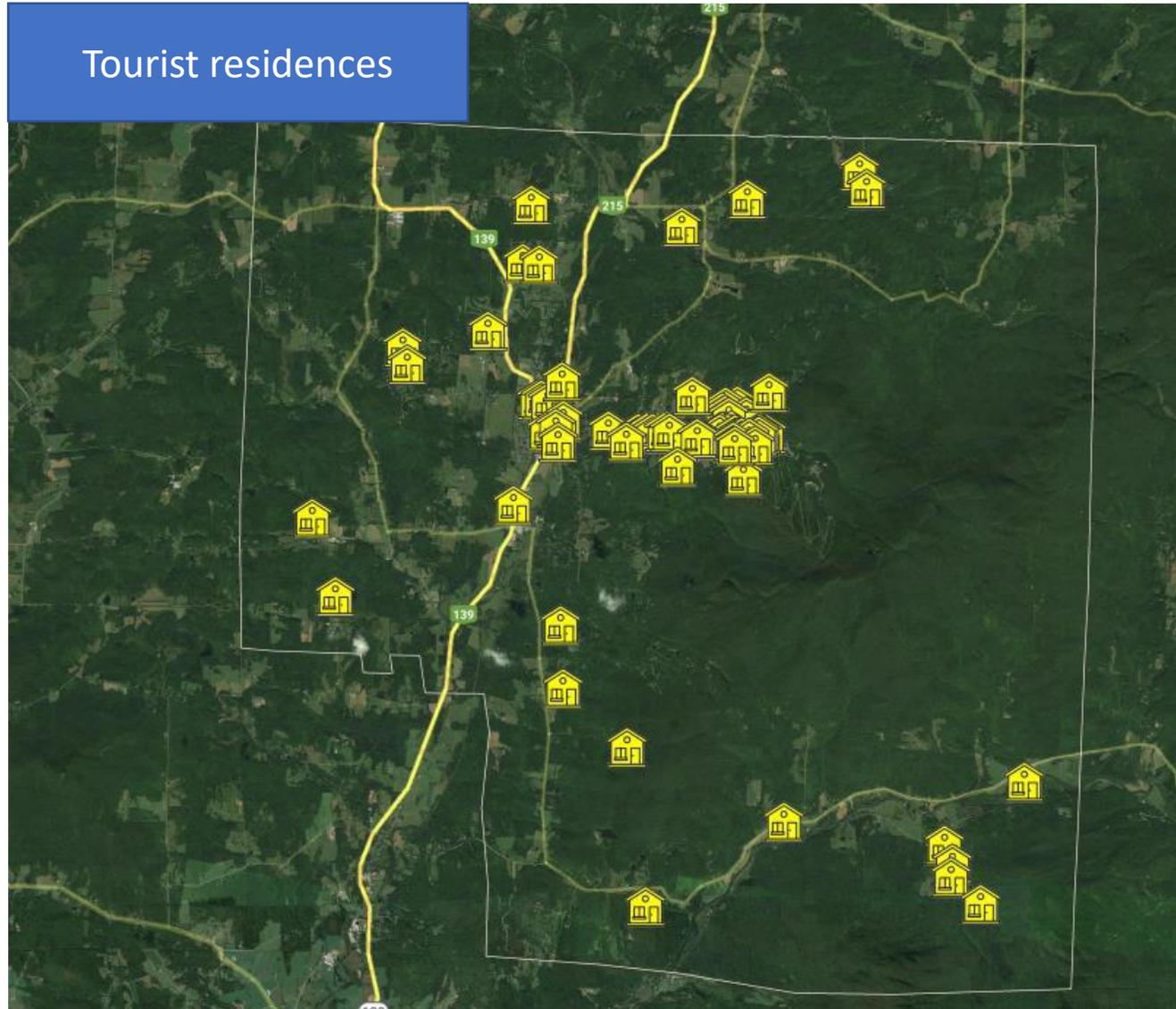
[Link to the accredited housing map](#)

		Maple Street's Zones	Conditional use Zones	Village's Zones	Agricultural Zones	Conservation Zones
Tourism homes	79	35	25	12	7	0
Principal residence establishments	18					
Hotel establishments	5					
B&B	4					
Vacation centers	2					
<b>TOTAL</b>	<b>114</b>					

1

Current  
situation

Tourist residences



79 tourist residences  
(secondary residences)  
accredited by the CITQ for  
short-term rentals

(August 2022)

## The sharing of responsibilities

1

### Current situation

- Ministère du Revenu du Québec: An investigation is initiated by the Ministère when a municipality files a complaint. However, Revenu Québec does not have the authority to enforce municipal regulations.
- Corporation de l'industrie touristique du Québec (CITQ): CITQ receives and verifies applications for classification attestations for all tourist accommodation establishments subject to the Tourist Accommodation Act, as well as principal residence attestations, where applicable.
- Municipality: The Town receives and reviews applications for Certificates of Occupancy for all short-term rentals, including secondary residences' rentals. It is also responsible for enforcing its by-laws.

2

Proposals

Zoning  
By-law

## Definition of a **principal residence**

*An establishment where accommodation in the manager's principal residence is provided for one person or a single group of related persons at a time by means of a single reservation and does not include meals served on the premises.*

The principal residence is the residence where the manager, a natural person, ordinarily resides and where the operator's family and social activities are centered, including when it is not used as a principal place of residence, and the address of which corresponds to the address that the operator provides to government departments and agencies.

2

Proposals

Zoning  
By-law

## Definition of a **tourist residence**

*An establishment, other than a principal residence, where accommodation is offered in furnished apartments, houses or cottages, including a self-catering service.*

2

Proposals

Zoning  
By-law

## Key criteria for a **principal residence**

- Short-term rental of a principal residence would be allowed throughout the territory.
- The owner should obtain an accreditation from the CITQ and a certificate of authorization from the municipality.
- A natural person could not own, in whole or in part, more than one building where a principal place of residence is permitted as an accessory use.
- A legal person could not operate a principal residence as an accessory use.
- The maximum capacity would be at two (2) travelers per bedroom without exceeding the capacity of the septic installations.
- A minimum of one (1) parking space per bedroom, plus one (1), should be provided for the private property and not on a private or public street.
- The use of recreational vehicles, trailers, tents, tent-trailers or similar items would be prohibited.
- The use of ATVs, motocross and snowmobiles by travelers would be prohibited.

## Key criteria for a **tourist residence**

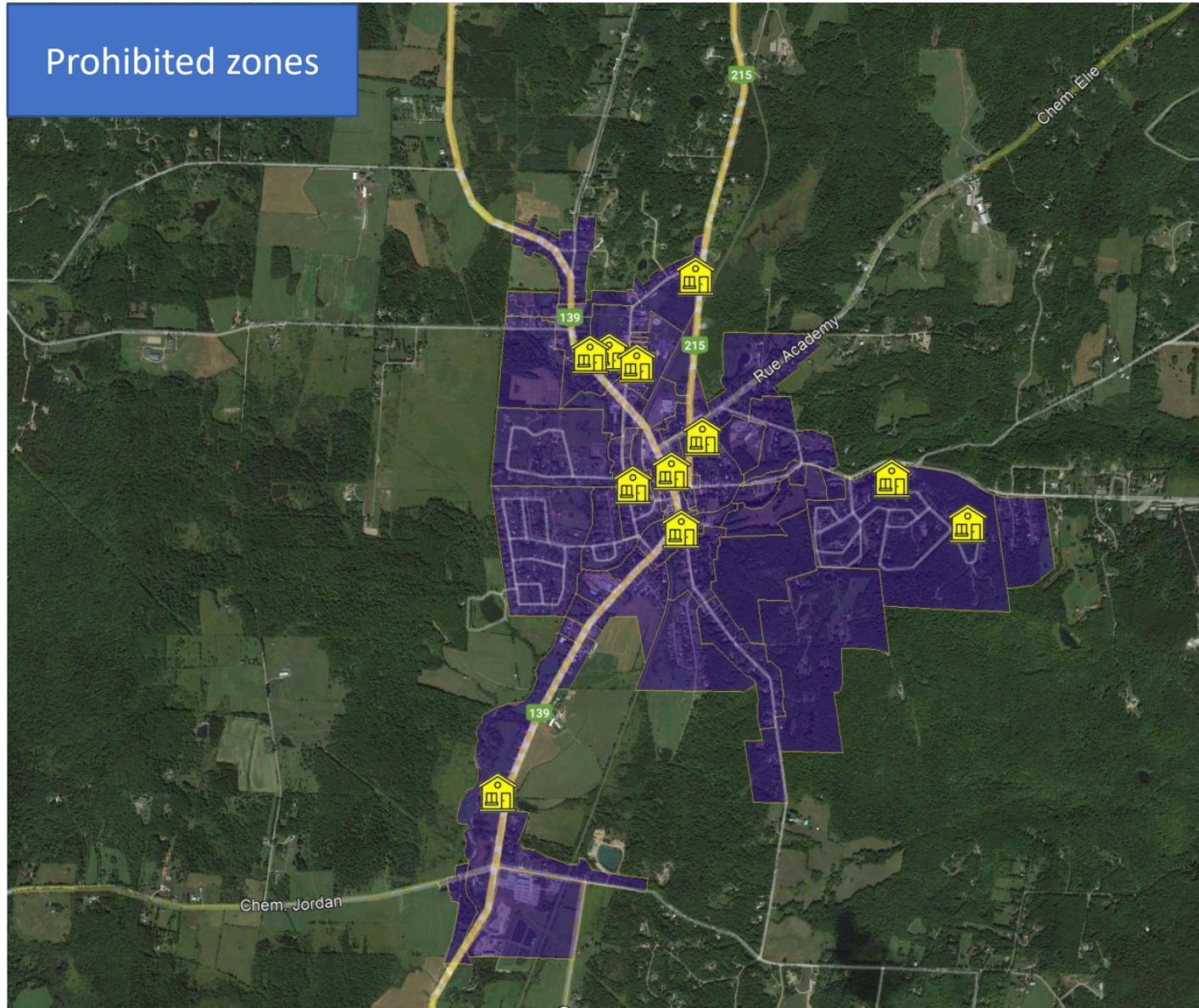
- Short-term rentals in tourist residences **would not be allowed** in the following areas:
  - Urbanization perimeter of the village core;
  - Agricultural zone (A);
  - Conservation zone (CONS).

2

Proposals

Zoning  
By-law

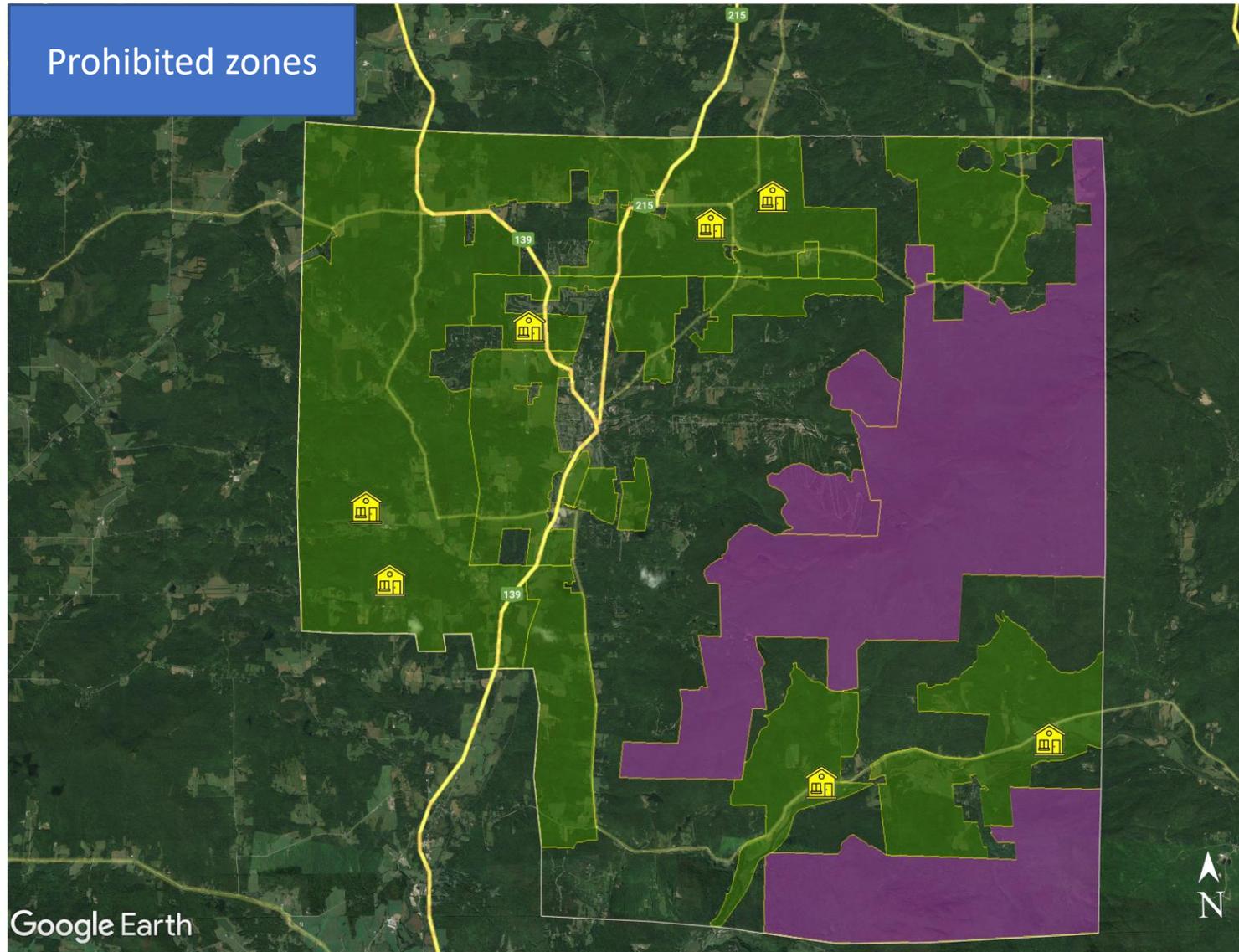
2  
Proposals  
Zoning  
By-law



 Urban perimeter in the village core

*12 tourist residences  
accredited by the CITQ  
(August 2022)*

2  
Proposals  
Zoning  
By-law



-  Agricultural zone
-  Conservation zone

*7 tourist residences  
accredited by the CITQ, all  
in the agricultural zone  
(August 2022)*

## Key criteria for a **tourist residence** (continued)

- Short-term rentals in a tourist residence **would only be permitted** on the Mountain portion of Maple Street as outlined below:
- The previous general principles applicable to a principal residence would also apply, with adaptations, to a tourist residence.

2

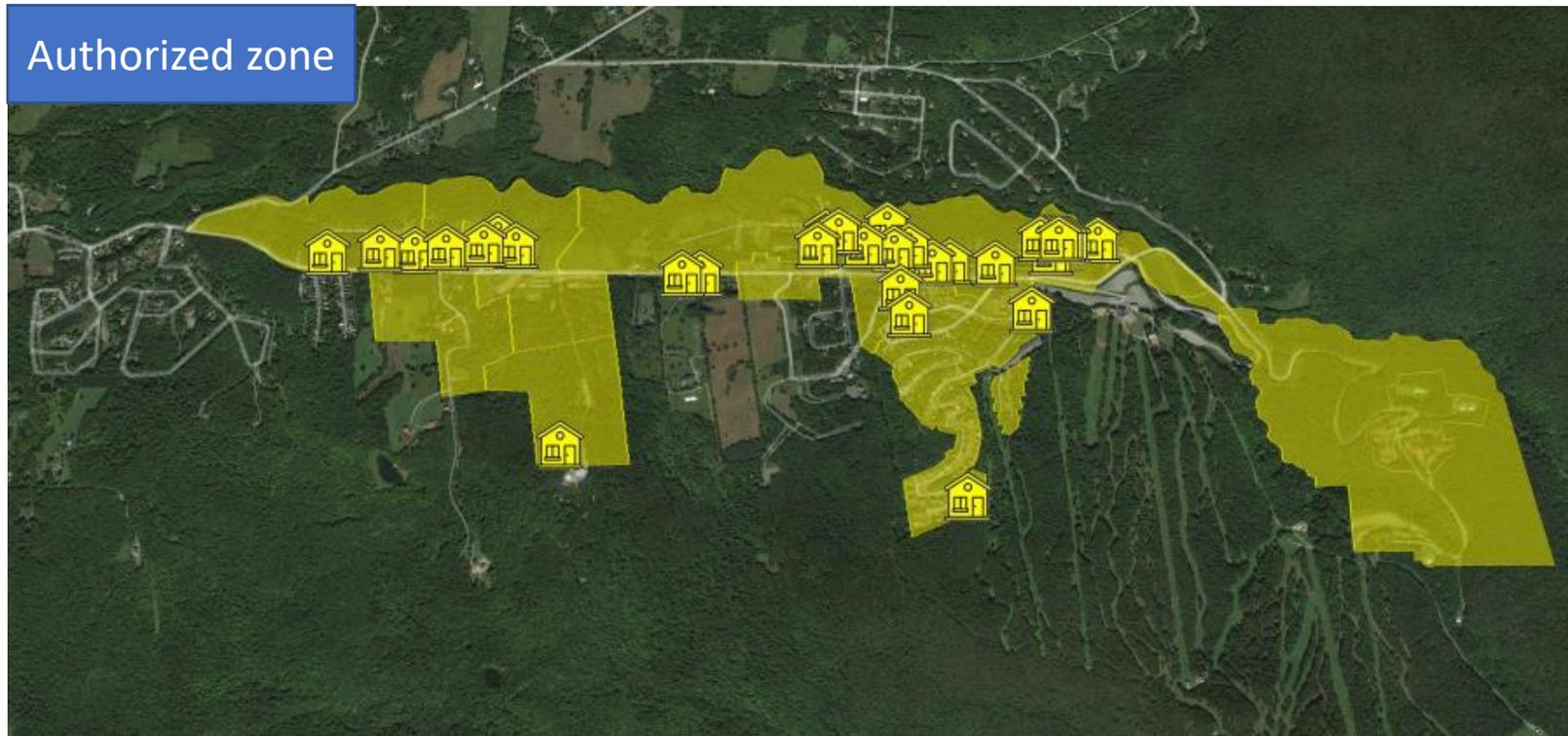
Proposals

Zoning  
By-law

2

Proposals

Zoning  
By-law



 Mountain portion  
of Maple Street

*35 tourist  
residences  
accredited by the  
CITQ  
(August 2022)*

2

Proposals

Zoning  
By-law

## Key criteria for a **tourist residence** (continued)

- Short-term rentals in tourist residences would only be permitted inside the main building in the Mountain portion of Maple Street.
- The property should obtain an accreditation from the CITQ and a certificate of authorization from the municipality.
- A natural person could not own, in whole or in part, more than one building where a tourist residence establishment is permitted as an accessory use.
- A legal person or tenant could not operate a tourist residence as an accessory use.
- The maximum capacity would be at two (2) travelers per bedroom without exceeding the capacity of the septic installations.
- A minimum of one (1) parking space per bedroom, plus one (1), should be provided for the private property and not on a private or public street.
- The use of recreational vehicles, trailers, tents, tent-trailers or similar items would be prohibited.
- The use of ATVs, motocross and snowmobiles by travelers would be prohibited.

## Key criteria for evaluating a conditional use of a **tourist residence**

3

Proposals

By-law on  
Conditional  
Use

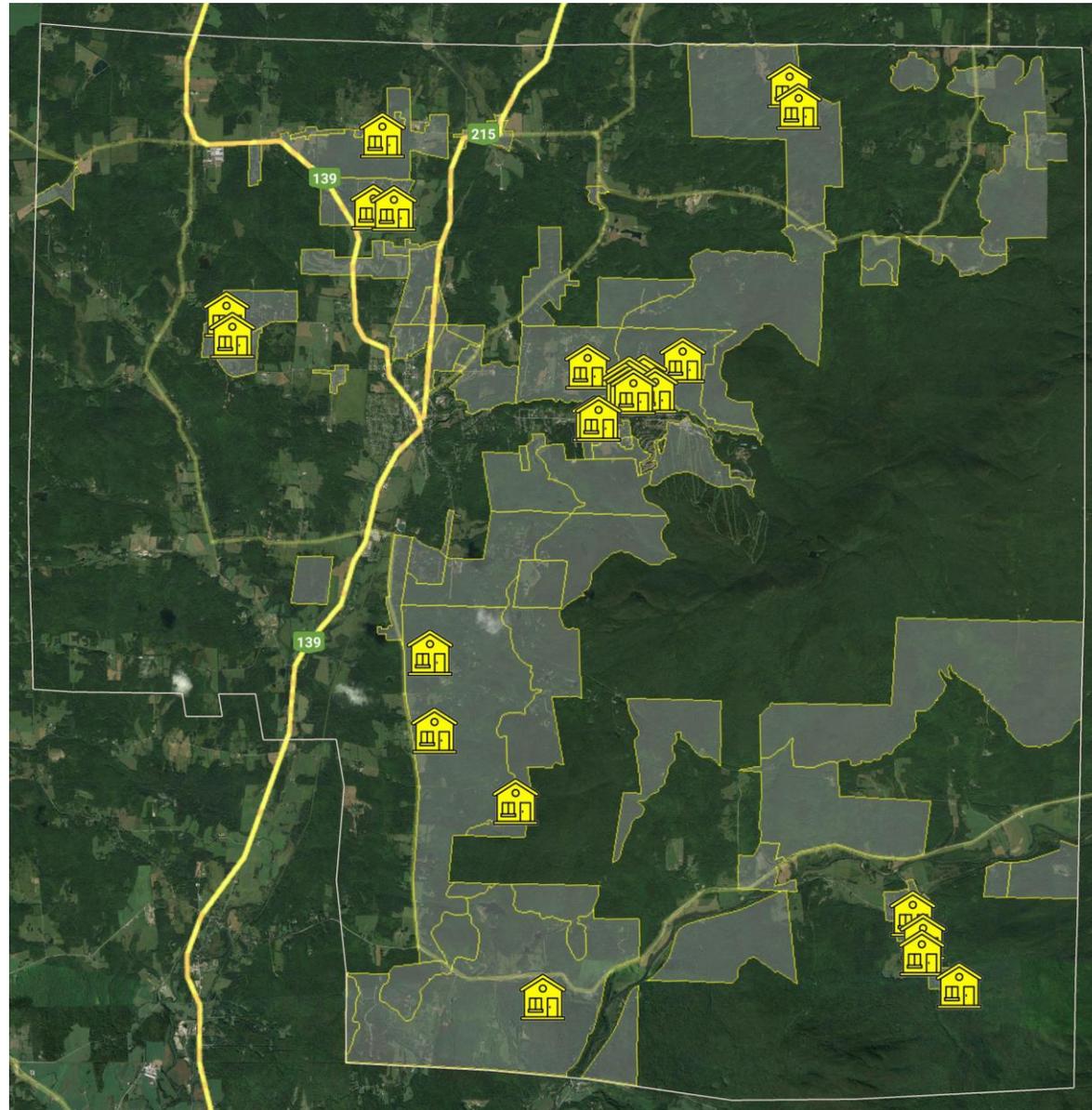
- No short-term rentals in tourist residences would be authorized in the following zones:
  - Urban perimeter in the village core
  - Agricultural zone (A);
  - Conservation zone (CONS);
- Short-term rentals of tourist residences could exceptionally be permitted outside these three zones, provided that the objectives and criteria applicable to a conditional use are respected.
- The general principles of the Zoning By-law applicable to a tourist residence would also apply to a tourist residence authorized as a conditional use.

# SHORT-TERM RENTAL

3

Proposals

By-law on  
Conditional  
Use



Uniques zones where a conditional use could be submitted.

*25 tourist residences accredited by the CITQ (August 2022)*

3

Proposals

By-law on  
Conditional  
Use

## Key criteria for evaluating an application for conditional use as regards a **tourist residence**

- A tourist residence would only be permitted in detached single family dwellings existing at the time of the coming into force of the by-law, having only one dwelling unit and a maximum of three (3) bedrooms.
- A minimum separation distance of 300 meters should be observed between the proposed tourist residence and any other existing tourist residence with a valid municipal certificate of authorization and a CITQ accreditation.
- The tourist residence should be located at least 20 meters from the property line.
- A dense wooded strip of at least 5 metres wide would be necessary in the interior boundaries of the property. Where a wooded strip is not possible, a dense hedge of at least 2 metres in height would be necessary at the property line.
- The minimum lot size to operate a tourist residence as an accessory use would be 5,000 m<sup>2</sup>.

4

Proposals

Other tourist accommodations

## **B&B, hotels and other accommodation establishments**

Commercial tourist accommodations under uses C-506, C-507 and C-508 would be maintained and authorized in the same zones as today.

They could be subject to future regulatory changes as part of the revision of the urban plan and regulations, but they would be treated differently from principal and secondary accommodation residences as regards short-term rental purposes.

5

## Stages of the process

-  Presentation and discussion with Town Council (September 7, 2022)
-  Town's proposals announced at press conference (September 22, 2022)
-  Publication of the information documents available on the website (September 22, 2022)
-  Meeting with citizens and exchanges on regulatory proposals (September 29, 2022)
-  Period of time for receiving comments from citizens (until November 4, 2022)
-  Report submitted regarding the results of the consultation (November 15, 2022)
-  Integration in a modifying of the urban plan (by December 31, 2022)
-  Adoption of urban planning regulations in accordance with the plan (2023)

5

## Stages of the process

### Meeting with citizens and collection of comments

Following the press conference, the Town of Sutton will publish on its website the presentation document of the regulatory proposals issued by the the Town of Sutton, as well as a more detailed document on the analysis of the issue that served to reflect on.

A public meeting will be held on Thursday, September 29, 2022, from 7 p.m. to 9 p.m., to present the regulatory proposals to the public and to answer questions.

There will then be a comment period until November 4, 2022, during which time citizens may submit their views either by mail or by email to [urbanisme@sutton.ca](mailto:urbanisme@sutton.ca).