



**Department of Administration**  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 • Fax: 905-468-2959

[www.notl.com](http://www.notl.com)

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**SHORT TERM RENTAL APPEAL HEARING**  
**282 East West Line**  
**January 30, 2024**

- **Appendix I** – 33 Mary Street – Denial Letter
- **Appendix II** – 33 Mary Street – Appeal Request
- **Appendix III** – 33 Mary Street – STR Appeal Notice

**May 09, 2024**

**Darren Feener**

**Attn: Darren Feener**

**RE: Short Term Rental – 33 Mary Street**

Thank you for your application for a Short Term Rental located at 33 Mary Street to permit a three (3) bedroom Cottage Rental. Staff appreciate the time and effort it takes to submit a complete application. Unfortunately, your application as submitted has been denied as a Cottage Rental is not permitted on a property that includes a secondary residential unit.

Under the Comprehensive Zoning Bylaw No. 4316-09, as amended, Section 6.10(e), notes that;

*A maximum of one “Cottage Rental” per lot is permitted and no other use of the property is permitted, including secondary residential units or suites, a second “Cottage Rental”, “Villa”, or secondary uses;*

For that reason, a Short Term Rental license cannot be issued to properties that are not in compliance with the Town’s current bylaws.

Section 4.05 of the Short Term Rental By-law 4634-13, as amended, notes:

*It is the responsibility of any person applying for a license to coordinate with the Town Clerk, to arrange for an inspection of the property as a condition to and prior to receiving a license to ensure compliance with the following:*

- (a) provisions of this by-law;*
- (b) Ontario Fire Code;*
- (c) Ontario Building Code;*
- (d) Property Standards By-law;*
- (e) Clean Yards By-law;*
- (f) Zoning By-laws; and*
- (g) Ontario Electrical Safety Code; and -4634C-20*
- (h) any other Town by-laws that may affect the status of the application.*

The denial of this application does not prevent you from re-applying under a different classification. The alternative option would be a Bed and Breakfast in the main dwelling.

A Bed and Breakfast is occupied full time by either an owner or tenant and up to three (3) additional rooms are rented out. Please note; a Bed and Breakfast would require enough parking spaces for each room being rented as well as two (2) parking spaces for the occupant(s) and one (1) parking space for the detached dwelling unit.

If you do not agree with the denial of your Short Term Rental application, you may appeal this decision. The appeal process is outlined in the Town's Short Term Rental By-law 4634-13, as amended, in Section 5.03 Appeal, which states;

*1. An applicant, whose application has been refused, or a Licensee, whose license has been revoked, and is not satisfied with the terms or conditions as to why this action was taken, may apply to appeal this decision with the Licencing Appeal Committee.*

*2. Every person who initiates an appeal of a decision made under Section 4.02 and Section 5.02 of this By-Law shall submit a notice of appeal;*

*(a) within 14 days of a refusal or revocation;*

*(b) with the non-refundable required fee as detailed in the Town's Annual User Fees, and;*

*(c) by registered mail to the Town Clerk and Municipal Law Enforcement Officer.*

If you have any questions, please contact the undersigned.

Sincerely,



**April Smith**  
**Municipal Law Enforcement Officer**

Town of Niagara-On-The-Lake

1593 Four Mile Creek Rd

PO Box 100 Virgil, ON L0S 1T0

905-468-3266 EXT. 278

[april.smith@notl.com](mailto:april.smith@notl.com)

**From:** [Grant Bivol](#)  
**To:** [Shaunna Arenburg](#)  
**Subject:** FW: Appeal  
**Date:** June 13, 2024 2:41:30 PM

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**Grant Bivol**

**Manager of Legislative Services/Town Clerk**

[grant.bivol@notl.com](mailto:grant.bivol@notl.com)

Town of Niagara-on-the-Lake  
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P.O. Box 100, Virgil, ON L0S 1T0  
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**From:** Darren [REDACTED]  
**Sent:** Wednesday, May 15, 2024 4:43 PM  
**To:** Grant Bivol <[grant.bivol@notl.com](mailto:grant.bivol@notl.com)>  
**Subject:** Re: Appeal

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Ok...my grounds for appeal is that I built a secondary residence on my property because it was the right thing to do!

Nobody is living in it and I have no immediate intentions on renting it or living in it..I just want a short term license for the main dwelling.

Cheers Darren

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**From:** Grant Bivol <[grant.bivol@notl.com](mailto:grant.bivol@notl.com)>  
**Sent:** Wednesday, May 15, 2024 4:36:55 PM  
**To:** Darren [REDACTED]  
**Subject:** RE: Appeal

Thank you, Mr. Feener,

You can pay at Town Hall or send a cheque. You must also state the grounds or reason for your

appeal under the by-law.

## Grant Bivol

### Manager of Legislative Services/Town Clerk

[grant.bivol@notl.com](mailto:grant.bivol@notl.com)

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**From:** Darren [REDACTED]  
**Sent:** Wednesday, May 15, 2024 4:01 PM  
**To:** Grant Bivol <[grant.bivol@notl.com](mailto:grant.bivol@notl.com)>  
**Subject:** Re: Appeal

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Grant, I sent an email that I'm appealing the decision.  
I just need to know how to get you the money...

Here is a copy of what I wrote.

Hi, my name is Darren Feener from  
33 Mary st. And I will be appealing my application for short term rental that was denied.  
I'm hoping that I can see the council for the next meeting at the end of the month.  
Please reach out to me and let me know if there is space to hear my appeal for the next  
upcoming meeting.

Cheers Darren

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**From:** Grant Bivol <[grant.bivol@notl.com](mailto:grant.bivol@notl.com)>  
**Sent:** Wednesday, May 15, 2024 3:56:14 PM  
**To:** Darren (SlipperyCoin) <[feenerd@gmail.com](mailto:feenerd@gmail.com)>  
**Subject:** RE: Appeal

We can accept an email as your intention to appeal however you must outline your grounds or

reasons for appeal and submit the required fee.

## Grant Bivol

### Manager of Legislative Services/Town Clerk

[grant.bivol@notl.com](mailto:grant.bivol@notl.com)

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**From:** Darren [REDACTED]  
**Sent:** Wednesday, May 15, 2024 3:34 PM  
**To:** Grant Bivol <[grant.bivol@notl.com](mailto:grant.bivol@notl.com)>  
**Subject:** Re: Appeal

You don't often get email from [feenerd@gmail.com](mailto:feenerd@gmail.com). [Learn why this is important](#)

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Did you include the appeal application?

Cheers Darren

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**From:** Grant Bivol <[grant.bivol@notl.com](mailto:grant.bivol@notl.com)>  
**Sent:** Wednesday, May 15, 2024 3:10:03 PM  
**To:** Darren [REDACTED]  
**Cc:** April Smith <[april.smith@notl.com](mailto:april.smith@notl.com)>; Erin Montanaro, C.P.S.O, MLEO(C), CMM II Property Standards Professional, MLE Professional <[erin.montanaro@notl.com](mailto:erin.montanaro@notl.com)>; Jay Plato <[Jay.Plato@notl.com](mailto:Jay.Plato@notl.com)>; Shaunna Arenburg <[shaunna.arenburg@notl.com](mailto:shaunna.arenburg@notl.com)>  
**Subject:** RE: Appeal

Good afternoon Mr. Feener,

Thank you for your call today regarding appealing the denial of your short-term rental licence. As per our conversation, to bring your matter forward at a hearing before Council, you need to complete the appeal documentation and submit the prescribe fee. It is my understanding that this was explained to verbally by the By-Law Enforcement Officer who also followed up in

writing to you on Friday, May 10. (I have attached a copy of that email hereto for your reference.) I draw to your attention as well that the attachment notes that you have a deadline to submit your appeal. Once you have completed the appeal requirements, the Town can look to scheduling a hearing date. For your reference, at present we are likely looking at a June timeframe to conduct a hearing. If you have any additional questions, please feel free to reach out.

## Grant Bivol

### Manager of Legislative Services/Town Clerk

[grant.bivol@notl.com](mailto:grant.bivol@notl.com)

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**From:** Darren [REDACTED]  
**Sent:** Friday, May 10, 2024 5:06 PM  
**To:** Clerks <[clerks@notl.com](mailto:clerks@notl.com)>  
**Subject:** Appeal

Some people who received this message don't often get email from [feenerd@gmail.com](mailto:feenerd@gmail.com). [Learn why this is important](#)

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Hi, my name is Darren Feener from 33 Mary st. And I will be appealing my application for short term rental that was denied. I'm hoping that I can see the council for the next meeting at the end of the month. Please reach out to me and let me know if there is space to hear my appeal for the next upcoming meeting.

Cheers Darren

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**MEETING NOTICE  
SHORT TERM RENTAL APPEAL  
HEARING  
33 MARY STREET**

**MEETING INFORMATION**

The purpose of this notice is to advise of a Meeting to hear an appeal pursuant to Section 5.03: Appeal, Subsection 1, of By-law No. 4634-13 - A By-law for the licencing, regulating and governing of Short Term Rentals in the Town of Niagara-on-the-Lake. The hearing will be conducted in accordance with the Short Term Rental Appeal Procedure.

**HEARING DATE**

Date: Tuesday June 18, 2024

Time: 6:00 p.m.

Place: Meeting to be held Electronically via Video Conference OR at Town Hall 1593 Four Mile Creek Road, Virgil, ON.

You are hereby notified by way of this notice of the hearing, and should you not attend the Appeal Hearing (Council Meeting), Council may proceed in the applicants' absence and the applicant will not be entitled to any further notice in the appeal proceeding.

**NOTE**

You are invited to attend this meeting electronically or in person and provide input regarding this matter. To participate and make an oral presentation during the hearing, you must confirm with Town Staff as noted below.

Please contact Grant Bivol, Town Clerk, [grant.bivol@notl.com](mailto:grant.bivol@notl.com) or 905-468-6418. Please confirm as soon as possible, but no later than 12 noon on Monday, June 17, 2024.

Following confirmation, you will be provided with instructions to attend the meeting.

Written comments on this matter are also encouraged and must be submitted to Grant Bivol, Town Clerk, at 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0 or email at [grant.bivol@notl.com](mailto:grant.bivol@notl.com) referencing this matter. Unless indicated otherwise, all submissions, including personal information, will become part of the public record.

For further information on this matter please contact Corporate Services at 905-468-3266.

Shaunna Arenburg, Deputy Clerk

Dated at the Town of Niagara-on-the-Lake this 13<sup>th</sup> day of June, 2024.