Niagara Escarpment Commission
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Niagara Escarpment Commission
An agency of the Government of Ontario

August 14, 2024

To: Upper and Lower Tier Municipalities within the Niagara Escarpment Plan Area

Re: Revised position with respect to short-term accommodations within the Niagara Escarpment Plan Area of Development Control

The Niagara Escarpment Commission (NEC) is reaching out to all municipalities (upper and lower tier) within the Niagara Escarpment Plan area to let you know about a recent decision of the Commission regarding short-term accommodations.

In the past, the NEC has taken the position that the rental of a primary dwelling for the purposes of short-term accommodations within the plan area was a commercial activity and not a permitted use listed for any land use designations in Part 1 of the Niagara Escarpment Plan. The Commission has recently reviewed this position from the perspective that the rental of a single dwelling for a few days is consistent with the rental of the same dwelling on a month-to-month basis and/or the use of the dwelling by the owner. With this interpretation, the NEC has determined that the rental of a single dwelling, or a legally established secondary dwelling unit within or attached to the primary dwelling, are consistent with the permitted use of the dwelling by the owner and that a Development Permit from the NEC is not required to initiate rentals.

You can find a summary of the NEC position within the staff report on our website in our policy interpretation and guidance document section here.

This decision also acknowledges that municipalities are in the best position to regulate short-term rentals within their jurisdiction. The NEC would note, however, that since zoning does not apply within the Area of Development Control, that the regulation of short-term accommodations by municipalities within the NEP should be done through bylaws outside of zoning.

The NEC had a number of compliance occurrences along the escarpment related to short term accommodations. NEC compliance staff will be notifying affected landowners of the Commission's decision and that a Development Permit from the NEC is not required to initiate rentals. NEC staff will remind landowners that additional approvals or authorizations may be required from other agencies, such as local municipalities.

For questions or information, please contact Sandy Dobbyn, Senior Strategic Advisor at sandy.dobbyn@ontario.ca or 226-668-2781.

Sincerely,

Shawn Carey
Director