




Hamilton

COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	July 21, 2022
SUBJECT:	Residential Pool Rental Platforms (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY: SIGNATURE:	Monica Ciriello Director, Licensing & By-law Services Planning and Economic Development Department 
SUBMITTED BY: SIGNATURE:	Kevin McDonald Director, Healthy & Safe Communities Public Health Services 
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director, Planning Planning and Economic Development Department 

In July 2021, the Ministry of Health and Long Term Care (MOHLTC) hosted a meeting with Public Health Units across the Province to discuss the emerging residential pool rental platform trend. The MOHLTC informed Hamilton Public Health Service (PHS) there were an estimated 41 “Swimply” residential pool rentals operating in the City of Hamilton.

From 2021 to 2022, the City received several complaints regarding residential pool rentals (which operate similar to a short-term home rental) where backyard pools are

rented to the public. PHS has investigated one complaint related to a private swimming pool rental.

In Ontario, public pools and spas (i.e., hot tubs) are regulated under the Ontario *Health Protection and Promotion Act, R.S.O. 1990, c.H.7* (the “Act”) and are subject to health and safety requirements in R.R.O 1990, Reg. 565: Public Pools (the “Public Pools Regulation”) under that Act, as well as other applicable requirements such as the Ontario Building Code and local Zoning By-Laws. The Public Pools Regulation is in place to protect public health and reduce bathers’ exposures to potential dangers and risks in aquatic settings including water borne disease outbreaks, drowning or injury.

City departments including Licensing and By-Law Services, Public Health Services, Zoning, Building, Planning and Legal have consulted with other jurisdictions and have concluded that the rental of a private backyard pool is considered a class “B” public pool under the Public Pools Regulation and is only permitted in certain zones. In addition, the Ontario Building Code differentiates between a pool that is accessory to a residential use (i.e. used by the homeowner) and a pool that is used for commercial purposes (i.e. a pool associated with a hotel, campground, institutional or similar use).

Within Hamilton Zoning By-law No. 05-200 and the former Community Zoning By-laws, the rental of a private backyard pool is considered Commercial Recreation or a similar defined use. This use is not permitted within most Residential Zones.

If a complaint is made related to the use of private pools for commercial purposes as class “B” public pools, Licensing and By-law Services staff would advise the property owner to contact the Planning Division to apply for and receive a Zoning Verification. If the Zoning Verification confirms the commercial use of the pool is permitted, the property owner would be required to contact Public Health to inspect and ensure compliance under the *Health Protection and Promotion Act*.

If the applicable Zoning By-law does not permit the use of the private pool as a commercial use, then Licensing and By-Law Services would enforce the Zoning By-Law by issuing a Notice of Zoning Violation to seek voluntary compliance to stop using the private pool as a commercial use, followed by the progressive enforcement approach in the event the property owner continues the zoning contravention.

Communications will be working with Licensing and By-Law Services, Public Health Services and Planning to ensure the community is aware of the requirements.

To demonstrate, explain and encourage compliance; residents requiring further information to the zoning and/or provincial regulations can be directed to the following:

Pool Rental – Contact Information

Pool Rental Use	Please direct the customer to Zoning by email to ZoningInquiry@hamilton.ca or by phone to 905-546-2424 extension 2719.
Pool Rental <u>Complaint</u>	Please direct the customer to Municipal Law Enforcement; by email at mle@hamilton.ca or by phone 905-546-2782.
Public Pool Requirements	Please direct the customer to Public Health Services; by email at safewater@hamilton.ca or by phone 905-546-2189.

If you require any further information on the above matter, please contact Richard MacDonald from Public Health by email at Richard.MacDonald@hamilton.ca, Emily Coe from Planning by email at Emily.Coe@hamilton.ca or Kim Coombs from Municipal Law Enforcement by e-mail at Kimberly.Coombs@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

N/A