



STATEMENT OF APPEALS COMMITTEE HEARING

History

On January 8, 2024, Krzysztof Gajowski and Nicole Gajowski (the "**Appellants**") as Owner/Applicant of 993 Kenshore Lane, Harrow, Ontario (the "**Property**") were ordered by Order Reference Number 08-Jan-2024-018, to cease operating and advertising a Short-Term Rental Unit immediately.

On April 11, 2024, the Appellants as Owner/Applicant of the Property, were issued an Administrative Monetary Penalty by Formal Notice (the "**Formal Notice**"), Reference Number 11-April-2024-008, in the amount of \$1,500.00.

On April 18, 2024, by Appeal Request Form (the "**Appeal Request Form**"), the Appellant as Owner/Applicant of the Property, in accordance with s. 2.2 d) of By-Law 2025, submitted a Request for Appeal to the Formal Notice.

Grounds for Appeal

By Appeal Request Form, dated April 18, 2024, the Appellants as Owner/Applicant of the Property, Request for Appeal to the Formal Notice on the following ground(s):

- "ONCE RECEIVED THE ORDER TO REMEDY VIOLATION OF SHORT-TERM RENTAL UNIT LICENSING BY-LAW 2023 OPERATING/ADVERTISING WITHOUT A LICENCE OF JANUARY 8TH, 2024, SHORTLY AFTER ON JANUARY 20TH WE CEASED OPERATING AND ADVERTISING THE PROPERTY AS A SHORT TERM RENTAL ON AIRBNB WHICH IS THE ONLY PLATFORM WE FUNCTION FROM. SINCE THEN OUR PROPERTY HAS BEEN UNLISTED. WE WERE NOT AWARE A LICENCE WAS NEEDED TO OPERATE A SHORT TERM RENTAL UNIT UNTIL THIS NOTICE WAS GIVEN AS WE HVE BEEN OPERATIONAL LONG BEFORE DECEMBER 31, 2022 WHEN THIS PROHIBITION CAME INTO PLACE. WITH THIS SAID THE WE ARE UNAWARE OF WHY ENFORCEMENT ACTION HAS BEEN TAKEN AGAINST THIS PROPERTY AND THE ISSUANCE OF ADMINISTRATIVE MONETARY PENALTIES ARE GIVEN AS WE HAVE GIVEN FULL COMPLIANCE AND ARE IN THE MIDST OF APPLYING FOR A SHORT TERM RENTAL UNIT LICENCE ISSUED BY



THE TOWN OF ESSEX. IN LIGHT OF THE ABOVE REASONS, WE RESPECTFULLY REQUEST THAT THE ADMINISTRATIVE MONETARY PENALTY BE WAIVED. WE ARE COMMITTED TO COMPLYING WITH THE BY-LAW AND ARE WILLING TO PROVIDE ANY FURTHER INFORMATION OR CLARIFICATION AS NEEDED.”

Convening of Appeals Committee

According to s. 7.4 of By-Law 2025:
Where a request for an appeal is received in accordance with subsection 7.2 of this By-Law, a hearing of the Appeals Committee shall be convened, and the Applicant or Licensee shall be provided with reasonable written notice thereof.

Reasonable Notice

By this Statement, Krzysztof Gajowski and Nicole Gajowski, Owner/Applicant of 993 Kenshore Lane, Harrow, Ontario, take notice that the Appeals Committee Hearing with regard to the Appeal Request Form will take place at 33 Talbot Street South, Essex, Ontario, on **July 16, 2024 at 5:00 PM.**

Relevant Sections of By-Law 2025

s.1.23	s. 2.0	s. 3.1
s. 7.2	s. 8.0	s. 9.0



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Relevant Sections of By-Law 2025

s.1.23	s. 2.0	s. 3.1
s. 7.2	s. 8.0	s. 9.0



Reference Number

11-April-2024-008

FORMAL NOTICE

Short-Term Rental Unit Licensing By-Law 2025

Issuance of Administrative Monetary Penalty

Name of Person Served with Penalty Notice: Gajowski, Krzysztof
Municipal Address or Legal Description of Property: 993 Kenshore Lane, KINGSVILLE, ON N9Y 3X5 PLAN 1474 LOT 3
Roll Number: 3754 610 000 01300 0000

TAKE NOTICE THAT the above noted person is liable to pay to the Town of Essex the following administrative penalty(s) for the following reason(s) prescribed in Schedule "E" to By-Law Number 2025 of The Corporation of the Town of Essex:

Infraction	Offence Section	Administrative Penalty
Advertising a Short Term Rental Unit without a licence	Section 2.2 d)	\$1,500.00

The above noted administrative penalty will, unless cancelled or reduced pursuant to the appeal process, constitute a debit of the person to the Town, and if not paid by May 13, 2024, on which date the administrative penalty shall become due and payable, it may be collected in the same manner as municipal taxes for the above noted property.

Appeal – In accordance with Sections 7.2 and 7.3 of By-Law Number 2025, a person upon whom this penalty notice has been served may make a request to the Appeals Committee within seven (7) days after service of the penalty notice is given, using the attached form, setting out the reasons for the appeal. In the event that a request for an appeal is not received, the decision of the Town of Essex shall be deemed to be confirmed.

Distribution of Order – Section 10.1 of By-Law No. 2025 permits an order to be served in an approved manner determined by the Officer, including by posting the order on the property.

Questions regarding this order should be directed to the Town of Essex By-Law Enforcement Division at 519-776-7336 ext. 1412.

April 11, 2024
Date Notice Served


Signature of By-Law Enforcement Officer

Personal information contained on this order, collected under the authority of the Municipal Act, 2001, as amended, will be used for enforcement purposes relating to Town of Essex By-Law Number 2025. Questions should be directed to the Clerk of the Town of Essex.



Reference Number

08-Jan-2024-018

ORDER TO REMEDY

**Violation of Short-Term Rental Unit Licensing By-Law 2025
Operating/Advertising Without Licence**

Municipal Address or Legal Description of Property: 993 Kenshore Lane. Kingsville, Ontario. N9Y 3X5 PLAN 1474 LOT 3
Roll Number: 3754 610 000 01300 0000
Name of Owner/Occupant (attach separate list if required) Krzysztof Gajowski

TAKE NOTICE THAT Sections 2.1 a) and 2.2 d) of By-Law Number 2025 of The Corporation of the Town of Essex prohibits all individuals, corporations, partnerships, or associations from operating or advertising a premises as a Short-Term Rental Unit within the boundaries of the Town of Essex without a valid Short-Term Rental Unit Licence issued by the Town of Essex.

This property has been identified as a Short-Term Rental Unit and is in contravention of By-Law Number 2025 of The Corporation of the Town of Essex.

REQUIRED ACTION

**CEASE OPERATING AND ADVERTISING THIS PROPERTY
AS A SHORT-TERM RENTAL UNIT IMMEDIATELY.**

There must be compliance with the required action(s) of this order, before January 24th, 2024.

Failure to do so will result in enforcement action taken against this property, including the issuance of administrative monetary penalties of \$1,500.00 per violation.

Distribution of Order – Section 10.1 of By-Law No. 2025 permits an order to be served in an approved manner determined by the Officer.

For more information on the application process for a Town of Essex Short-Term Rental Licence, please visit www.essex.ca/STRs or contact the Planning Department at 519-776-7336 ext. 1414. *All licencing fees may be further amended and designated in the Town's Fees and Charges By-Law from time to time.

Questions regarding this Order to Remedy should be directed to the Town of Essex By-Law Enforcement Department at 519-776-7336 ext. 1409.

M. Diemer

Issuing Officer

Jan 08-24

Date Order Served

[Signature]

Signature of By-Law Enforcement Officer

Personal information contained on this order, collected under the authority of the Municipal Act, 2001, as amended, will be used for enforcement purposes relating to Town of Essex By-Law Number 2025. Questions should be directed to the Clerk of the Town of Essex.



APPEAL REQUEST FORM

Town of Essex Appeals Committee

Property Standards Appeals must be submitted using the Property Standards By-Law Notice to Appeal Form which can be obtained by contacting By-Law Enforcement at bylaw@essex.ca or 519-776-7336 ext. 1409.

The undersigned hereby requested the Appeals Committee of The Corporation of the Town of Essex to consider this application in respect to the following, as amended:

Table with 2 columns: Appeals and Fee to appeal (Must accompany request). Includes checkboxes for various by-laws and a handwritten date 'April 11 2024' and reference '11-April-2024-008'.

The undersigned certifies that the information contained herein, on which this request is based, to be true and the owner is aware of this appeal request.

Applicant Information

Applicant/Agent: Nicole Gajowski
Address: 799 Puce Rd, Essex, ON N8M 2X7
Telephone Number: [Redacted]

Property Owner Information

Owner(s): Krzysztof Gajowski
Address: 799 Puce Rd, Essex, ON N8M 2X7
Telephone Number: [Redacted]

Subject Property Address:

993 Kenshore Lane, Kingsville, ON N9Y 3X5



Provision(s) of By-Law for Requested Appeal:


Provision sections 2.1 a) and 2.2 d) of By-Law Number 2025 of The Corporation of the Town of Essex prohibits all individuals, corporations, partnerships, or associations from operating or advertising a premises as a Short-Term Rental Unit within the boundaries of the Town of Essex without a valid Short-Term Rental Unit Licence issued by the Town of Essex

Reason(s) for Appeal:

Once received the Order to Remedy Violation of Short-Term Rental Unit Licensing By-Law 2025 Operating/Advertising Without Licence on January 8th 2024, shortly after on January 20th we ceased operating and advertising the property as a short term rental on Airbnb which is the only platform we function from. Since then our property has been unlisted. We were not aware a license was needed to operate a Short Term Rental Unit until this notice was given as we have been operational long before December 31, 2022 when this prohibition came into place. With this said the we are unaware of why enforcement action has been taken against this property and the issuance of administrative monetary penalties are given as we have given full compliance and are in the midst of applying for a Short-Term Rental Unit License issued by the Town of Essex.

In light of the above reasons, we respectfully request that the administrative monetary penalty be waived. We are committed to complying with the by-law and are willing to provide any further information or clarification as needed.

For the purposes of the Municipal Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body any information contained in respect to this request for the purposes of processing this request.



Signature of Applicant/Agent

April 18, 2024

Date

NOTE: Please attach further information, if required.

Completed Appeal Request Form will only be accepted as follows:

By Mail or in-Person to:
Town of Essex
Legal and Legislative Services
33 Talbot Street South, Essex, ON N8M 1A8

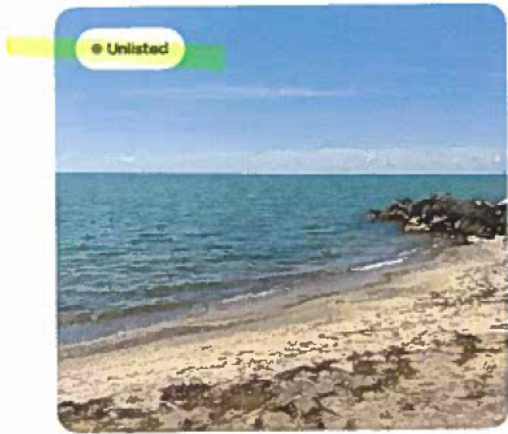
By email to:
clerks@essex.ca

Appeal Requests will not proceed without payment of the applicable fee. Cheque or money order is to be made payable to The Town of Essex.

Our AIRBNB listing: Erie Haven Cottage, 993 Kenshore Lane



Your listing



Erie Haven Cottage
Kingsville, ON

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