



STATEMENT OF APPEALS COMMITTEE HEARING

History

On January 8, 2024, Zubair Shakeel (the "**Appellant**") as Owner/Applicant of 4896 4th Concession, Essex, Ontario (the "**Property**") was ordered by Order Reference Number 08-Jan-2024-013, to cease advertising a Short-Term Rental Unit without a licence.

On April 11, 2024, the Appellant as Owner/Applicant of the Property, was issued an Administrative Monetary Penalty by Formal Notice (the "**Formal Notice**"), Reference Number 11-April-2024-009, in the amount of \$1,500.00.

On April 16, 2024, by Appeal Request Form (the "**Appeal Request Form**"), the Appellant as Owner/Applicant of the Property, in accordance with s. 7.2 of By-Law 2025, submitted a Request for Appeal to the Formal Notice.

Grounds for Appeal

By Appeal Request Form, dated April 16, 2024, the Appellant as Owner/Applicant of the Property, Request for Appeal to the Formal Notice on the following ground(s):

"THE RECENT BOOKING THAT LED TO INFRACTION OCCURRED DUE TO UNINTENTIONALLY LEAVING THE DATES OPEN, WHILE ALL OTHER DATES FOR NEXT 6 MONTHS WERE BLOCKED. THIS UNINTENTIONAL ERROR LED TO AUTOMATED BOOKING BY A GUEST. PLEASE NOTE THAT OVERSIGHT WAS NOT DELIBERATE BUT RATHER A TECHNICAL GLITCH THAT LED UNINTEDED CONSEQUENCE. THE LISTING WAS PROMPTLY REMOVED TO PREVENT ANY FURTHER BOOKINGS THRU AIR BNB SITE.

WE UNDERSTAND AND REMAIN COMMITTED TO ADHERENCE TO ALL BY-LAWS AND ENSURING COMPLIANCE. THE SUBJECT INCIDENT WAS UNINTENTIONAL ERROR. WE GIVE UNDERTAKING TO REMAIN IN COMPLIANCE WITH ALL RULES AND REGULATIONS. THANKING YOU FOR CONSIDERING OUR REQUEST TO FORGIVE THE PENALTY."



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8
p: 519.776.7336 f: 519.776.8811 | essex.ca

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, Zubair Shakeel, Owner/Applicant of 4896 4th Concession, Essex, Ontario, take notice that the Appeals Committee Hearing with regard to the Appeal Request Form will take place at 33 Talbot Street South, Ontario, on **July 16, 2024** at **5:00 PM**.

Relevant Sections of By-Law 2025

| | | |
|--------|--------|--------|
| s.1.23 | s. 2.1 | s. 3.0 |
| s. 7.0 | s. 8.0 | s. 9.0 |

**CORPORATION OF THE TOWN OF ESSEX**

33 Talbot Street South, Essex, Ontario, N8M 1A8

p: 519.776.7336 f: 519.776.8811 | essex.ca**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:

Appeals☐ Animal Care and Control By-Law No. 1966☐ Kennel Licensing By-Law No. 2221☒ Short-Term Rental Unit By-Law No. 2025☐ Taxicab Licensing By-Law No. 1052☐ Fortification By-Law No. 2210☐ Tree Management By-Law No. 2205**Fee to appeal (Must accompany request)**☐ No Fee☐ \$300.00☒ \$150.00☐ \$150.00☐ \$300.00☐ \$300.00

☐ Order provided on APR 11, 2024,

in regard to SHORT TERM RENTAL INFRACTION, SECTION 2.2d

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: SHAKEEL ZUBAIR

Address: 4896, 4th CONCESSION RD. E, HARROW

Telephone Number: [REDACTED]

Property Owner Information

Owner(s): SAME AS ABOVE

Address: _____

Telephone Number: _____

Subject Property Address:

SAME AS ABOVE

CON 4 PT LOT 17 RP 12R 6462 PART 3



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8
p: 519.776.7336 f: 519.776.8811 | essex.ca

Reference Number
11-April-2024-009

FORMAL NOTICE
Short-Term Rental Unit Licensing By-Law 2025
Issuance of Administrative Monetary Penalty

| |
|--|
| Name of Person Served with Penalty Notice: Shakeel, Zubair |
| Municipal Address or Legal Description of Property: 4896 4 th Concession Rd CON 4 PT LOT 17 RP 12R6462 PART 3 |
| Roll Number: 3754 790 000 00700 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.



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8
p: 519.776.7336 f: 519.776.8811 | essex.ca

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

SEC 7-2 & 7-3 OF BY-LAW # 2025

Reason(s) for Appeal:

The recent booking that led to infraction occurred due to unintentionally leaving the dates OPEN, while all other dates for next 6 months were blocked. This unintentional error led to automated booking by a guest. Please note that oversight was NOT deliberate but rather a technical glitch that led to unintended consequences. The listing was promptly removed to prevent any further bookings thru Air bnb site.

We understand and remain committed to adherence to all by-laws and ensuring compliance. The subject incident was unintentional error.

We give undertaking to remain in compliance with all rules & regulation.

Thanking you for considering our request to forgive the penalty.
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

APR / 16 - 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.



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8

p: 519.776.7336 f: 519.776.8811 | essex.ca

Reference Number

08-Jan-2024-013

ORDER TO REMEDY

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

Municipal Address or Legal Description of Property:

4896 4th Concession Rd. RR2. Harrow, Ontario. N0R 1G0
CON 4 PT LOT 17 RP 12R6462 PART 3

Roll Number: 3754 790 000 00700 0000

Name of Owner/Occupant (attach separate list if required)

Zubair Shakeel

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.