



**VIGILANCE LAC-BROME**

**A PLEA AGAINST AIRBNB-TYPE RENTALS  
IN THE TOWN OF BROME LAKE**  
(ORIGINAL FRENCH VERSION TRANSMITTED TO THE MUNICIPAL COUNCIL ON JUNE 14, 2022)

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## INTRODUCTION

This plea against Airbnb-type rentals in the Town of Brome Lake (hereafter "**TBL**") is not intended to be an exhaustive analysis of the subject, but rather an overview of the experiences of other municipalities similar to TBL or in more urban centres. *Vigilance Lac-Brome*, unlike TBL, does not have access to certain fundamental data that would allow it to make a more in-depth or scientific analysis, such as the number of residences per electoral district of TBL, the number of permits issued, the occupancy rate of hotels or B&Bs in the region, etc.

This plea is intended to be a tool for the elected officials of the Burcombe administration as they reflect on the signing of the register held on May 27-28, 2022, during which 373 people indicated their opposition to by-law 596-12.

## CONTEXT

The first version of by-law 596-12 authorized short-term rentals such as Airbnb or other platforms (hereinafter collectively referred to as "**Airbnb**") throughout the territory of TBL.

The by-law was accompanied by several dimensional and other restrictions, which were modified following the public consultation held on February 28, 2022, at the *Centre Lac-Brome*. It should be noted in passing that the requirement of a 20-metre space between an Airbnb residence and its neighbour was removed from the final version of the by-law<sup>1</sup>. Also, during the said public consultation, several citizens expressed their opposition to any Airbnb rental. Despite this, their position was not retained.

It should be noted that there are over 950 listings on the Airbnb site (Brome Lake). A closer analysis shows, however, that many of these listings are outside of the TBL jurisdiction.

That said, there is no doubt that there is a disproportionate number of Airbnb listings in our town.

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<sup>1</sup> [https://lacbrome.ca/download/news\\_documents/596-12-second-projet-corrected-English-version.pdf](https://lacbrome.ca/download/news_documents/596-12-second-projet-corrected-English-version.pdf);

## **THE DIFFERENT POSITIONS**

An extensive study by the *University of Calgary*<sup>2</sup> summarizes the diametrically opposed positions on the subject of Airbnb:

*"On the one hand, it is seen as offering substantial benefits, such as an income stream for hosts, local economic revitalization, improved accommodation supply, and competition-driven innovation. On the other, it is viewed as problematic and frequently denounced for driving disruption in housing markets (e.g., long-term rentals), competing unfairly with traditional hospitality providers, and spurring gentrification, over-tourism, and reductions in resident well-being." (p. 2)*

To better verify the alleged beneficial effect of Airbnb on the local economy, we would need to know the occupancy rate of existing hotels, inns and B&Bs. Subject to further analysis of this data, it is likely that the arrival of Airbnb is simply shifting the tourism offer from one type of accommodation to another.

Conversely, disruptions in the housing market and reduced well-being of residents are well-documented phenomena.

## **ADVERSE EFFECTS OF AIRBNB**

The renowned *School of Urban Planning*, at McGill University, published in 2019 a very interesting study on the effects of short-term rentals<sup>3</sup>.

The main conclusion of that study is that the growth of Airbnb has come at the expense of the affordable availability of housing in cities around the world, both by facilitating the conversion of flats and houses into Airbnb rentals and by increasing the economic value of properties hosting Airbnb, whether full or part-time<sup>4</sup>.

Also, this phenomenon of transfer of vocation in the available housing would only exacerbate the labour shortage. On this subject, the Mayor of L'Anse-Saint-Jean, Mr. Richard Perron, expressed himself as follows:

*"Affordable housing is almost non-existent in L'Anse-Saint-Jean," says Mayor Richard Perron. The problem was present during the campaign of the outgoing municipal councillor last fall. He*

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<sup>2</sup> Managing Airbnb: A Cross-Jurisdictional Review of Approaches for Regulating the Short-Term Rental Market, Anna Cameron [anna.cameron2@ucalgary.ca](mailto:anna.cameron2@ucalgary.ca); Mukesh Khanal [mukesh.khanal@ucalgary.ca](mailto:mukesh.khanal@ucalgary.ca); Lindsay M. Tedds [lindsay.tedds1@ucalgary.ca](mailto:lindsay.tedds1@ucalgary.ca); [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4009268](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4009268); ("Calgary");

<sup>3</sup> Short-term rentals in Canada: Uneven growth, uneven impacts June 14, 2019, Jennifer Combs, Danielle Kerrigan, and David Wachsmuth, School of Urban Planning, McGill University, <https://upgo.lab.mcgill.ca/publication/short-term-cities/> ("McGill");

<sup>4</sup> McGill, p. 3;

considers that the "Airbnb effect" is harming the economic development of his community. "People who want to settle here permanently can't find a house. They could hold jobs and contribute to the municipality's dynamism 12 months a year, not just during the three months of the summer, like the tourists," laments this Rio Tinto Alcan retiree."<sup>5</sup> (translation by Vigilance Lac-Brome)

Some also link Airbnb to gentrification, arguing that the financial incentives Airbnb offers to homeowners lead to the displacement of low-income residents in favour of tourists<sup>6,7</sup>.

Thus, while some believe that Airbnb allows homeowners to supplement their income, the data indicates a more nuanced reality as a very large proportion of Airbnb in rural areas are owned by so-called commercial landlords who own more than one (1) property reserved exclusively for Airbnb accommodation. Indeed, 48% of Airbnb revenues in rural Canada<sup>8</sup> would be generated by commercial owners.

These numbers should come as no surprise, as during the February 28, 2022, public consultation, one person, speaking in favour of Airbnb, claimed owning more than ten (10) residences in Brome Lake, reserved exclusively for Airbnb, and wanted to become the largest Airbnb host in the region.

## **NOISE AND NUISANCE**

A Nanos public opinion survey (2018) commissioned by a hotel association found that more than 50% of respondents believed that short-term rentals had a negative impact on neighbourhood quality of life<sup>9</sup>. This is undoubtedly the aspect most feared by opponents of Airbnb and with good reason.

Indeed, there are many horror stories in several municipalities in Quebec where Airbnb visitors have been partying until the wee hours of the morning. As Mr. Jean-Denis Asselin, a resident of Lac Clair in Saint-Côme, so aptly put it, these tourists do not come here to read "*Marcel Proust*".

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<sup>5</sup> <https://lactualite.com/lactualite-affaires/la-guerre-des-chalets>;

<sup>6</sup> See: P. Desmarais, Le phénomène Airbnb bienfait ou calamité pour les locataires, *Le Comité logement du Plateau Mont-Royal (CLPRM)*,

[https://clpmr.com/wp-content/uploads/2016/11/CLPMR\\_phenomene\\_airbnb\\_FINAL\\_web.pdf](https://clpmr.com/wp-content/uploads/2016/11/CLPMR_phenomene_airbnb_FINAL_web.pdf); ("Desmarais")

<sup>7</sup> See: <https://www.ledevoir.com/societe/transports-urbanisme/708726/immobilier-saint-come-serre-la-vis-a-airbnb>;  
[https://www.ledevoir.com/societe/transports-urbanisme/670587/fronde-de-municipalites-touristiques-contre-la-location-a-court-terme?utm\\_source=recirculation&utm\\_medium=hyperlien&utm\\_campaign](https://www.ledevoir.com/societe/transports-urbanisme/670587/fronde-de-municipalites-touristiques-contre-la-location-a-court-terme?utm_source=recirculation&utm_medium=hyperlien&utm_campaign); See also:

<https://lactualite.com/lactualite-affaires/la-guerre-des-chalets>

<sup>8</sup> McGill, p. 13;

<sup>9</sup> Calgary, p. 7

To convince the sceptics, we need only listen to Michel, a listener on Nathalie Normandeau's 98.5fm call-in show, who described the horror of the Airbnb rental next to his home<sup>10</sup>.

Finally, it should be noted that the Airbnb phenomenon was documented in a series of three (3) articles by *Catherine Belleau-Arsenault* published in the newspaper *Le Mouton Noir*, in which she gave an overview of the situation in small municipalities in Quebec<sup>11</sup>.

Here are some other examples to consult:

- Municipalité de Saint-Côme

<https://www.ledevoir.com/societe/transports-urbanisme/708726/immobilier-saint-come-serre-la-vis-a-airbnb>;

- Iles-de-la-Madeleine

[https://www.ledevoir.com/societe/transports-urbanisme/670587/fronde-de-municipalites-touristiques-contre-la-location-a-court-terme?utm\\_source=recirculation&utm\\_medium=hyperlien&utm\\_campaign=corps\\_texte](https://www.ledevoir.com/societe/transports-urbanisme/670587/fronde-de-municipalites-touristiques-contre-la-location-a-court-terme?utm_source=recirculation&utm_medium=hyperlien&utm_campaign=corps_texte);

- Fédération québécoise des municipalités

<https://ici.radio-canada.ca/nouvelle/1480957/location-airbnb-projet-loi-49-municipalites>;

- Saint-Sauveur (Quebec City)

<https://monsaintsauveur.com/2019/des-citoyens-preoccupes-par-airbnb-dans-saint-sauveur/>

- Sainte-Marguerite-du-Lac-Masson

<https://www.journalaccs.ca/actualite/citoyens-ont-ras-bol-chalets-loues-aux-touristes/>

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<sup>10</sup> <https://www.985fm.ca/nouvelles/economie/489012/les-municipalites-devraient-elles-interdire-les-airbnb>;

<sup>11</sup> <https://www.moutonnoir.com/2022/05/quels-sont-les-impacts-dairbnb-en-region-1>;  
<https://www.moutonnoir.com/2022/05/airbnb-quels-sont-les-lois-et-reglements-qui-lencadrent-2>;  
<https://www.moutonnoir.com/2022/05/airbnb-en-gaspesie-et-au-bas-saint-laurent-3>;

- Saint-Faustin-Lac-Carré

<https://laurentides.cime.fm/nouvelles/politique/230692/bruit-excessif-et-location-illegale-saint-faustin-lac-carre-reengage-gardaworld>;

- Petite-Rivière-Saint-François

<https://www.lecharlevoisien.com/2022/05/01/le-non-lemporte-a-prsf-aucune-residence-de-tourisme-de-plus-au-fief-du-massif>;

## **INEFFECTIVE RESTRICTIONS**

To date, efforts by municipalities in Canada to monitor and even "*police*" the Airbnb market have been hampered by enforcement difficulties due in large part to a lack of staff, the dynamic nature of the market, and the constant proliferation of listings<sup>12</sup>. Thus, many municipalities use complaint-based systems, which are essentially based on the delation of citizens.

The Burcombe administration, through its Director General Gilbert Arel, has already indicated that TBL would only hire one cadet to audit Airbnb's across its large territory. A doomed exercise, if ever there was one.

Faced with the difficulty of "*policing*" the by-laws, several neighbouring municipalities (Sutton, Austin, Magog, Shefford, Bromont, Waterloo) have instead chosen to limit Airbnb to few sectors or to ban them everywhere on their territory.

In the Laurentians, the municipality of St-Donat has divided its territory into small sectors where Airbnb is permitted. Elsewhere in the Laurentians, a significant number of municipalities<sup>13</sup> have chosen to either limit or prohibit short-term rentals.

Here are a few examples:

### **- Municipalities that restrict short-term rentals in the Laurentians**

- Arundel (permitted only in the Pa-10 zone (Crystal Falls));
- Ivry-sur-le-Lac (permitted in a commercial zone, tourist residences are in the C-2 use class under the special business use);
- Kiamika (permitted in certain areas only);

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<sup>12</sup> Calgary, Pp. 33-34

<sup>13</sup> <https://ameliedube.ca/fr/ou-faire-de-la-location-court-terme-dans-les-laurentides>;

- Lachute (permitted in certain areas only);
- La Conception (permitted in certain areas only);
- Lantier (permitted in one area only, 8V);
- Macaza (permitted in certain areas only);
- Montcalm (permitted in one area only, 13M);
- Mont-Tremblant (permitted in certain areas subject to certain standards);
- Morin-Heights (permitted in certain areas only);
- Notre-Dame de Pontmain (permitted in certain areas only);
- Piedmont (permitted in certain areas only);
- Rivière-Rouge (permitted in certain areas only);
- Saint-Adèle (permitted only on *de L'héritage* Street. For the rest of the territory, rental is permitted for a minimum period of 120 consecutive days);
- Saint-Aimé-du-Lac-des-Îles (permitted in certain areas only);
- Sainte-Anne-des-Lacs (permitted in the C-100 commercial zone, but not in the conservation zone);
- Saint-Colomban (permitted in certain areas only);
- Saint-Faustin-Lac-Carré (permitted in certain areas only);
- Saint-Sauveur (permitted in certain areas only);
- Val-David (permitted in certain areas only);
- Val-des-Lacs (permitted in certain areas only);
- Val-Morin (permitted in certain areas only);
- Wentworth-Nord (permitted in certain areas only).

- **Municipalities that prohibit short-term rentals in the Laurentians**

- Barkmere (short-term rental is an activity qualified as "*commercial*", and no commercial activity is allowed);
- Notre-Dame-du-Laus (prohibited everywhere, with rare exceptions);
- Estérel (prohibited everywhere);
- Saint-Hippolyte (prohibited everywhere).

In sum, many municipalities in Quebec have chosen to allow short-term rentals in certain areas only, others have chosen to ban them altogether.

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## VIGILANCE LAC-BROME PROPOSAL

*Vigilance Lac-Brome* is of the opinion that short-term rentals should, in principle, be prohibited on the entire TBL territory.

In return, TBL could, exceptionally, allow this type of rental in very targeted, more crowded areas, where hotels and inns already exist. In such cases, however, the minimum distance of 20 metres between the rented property and any other neighbour should be maintained. Finally, severe fines (similar to those imposed by the City of Whistler in British Columbia) should be imposed for the first offence as a deterrent.

In conclusion, *Vigilance Lac-Brome* endorses the comments of Mr. Philippe T. Desmarais<sup>14</sup>:

*"This is why we propose instead to ban rental accommodation using tourist accommodation platforms such as Airbnb completely in order to protect the rental accommodation stock. We are not against renting out one's accommodation under this formula when it only happens once or twice a year, but it seems illusory to us to believe in an effective framework that only tackles the "super-landlords". **A total ban does not eliminate the means of circumventing the law, but it adds a moral and legal pressure that is not currently present. The blurring of what is legal and what is not disappears. It becomes clear to everyone that it is simply not allowed to "do" Airbnb. Ultimately, this becomes part of the norm and makes it easier to regulate practices.** We can thus maintain, improve and adjust part of what is already provided for by Bill 67 (inspections and fines). This is easier to manage given the elimination of the vagueness surrounding tourist accommodation platforms."* (translation by *Vigilance Lac-Brome*)

In other words, the outright ban has the merit of being clear which makes it easier to enforce and monitor.

Respectfully submitted,

**VIGILANCE LAC-BROME**

**MME LOUISE POTVIN**  
**MME CHANTAL BRODEUR**  
**M. MARC ROLLAND**  
**ME ELISABETH LAROCHE**  
**ME BENOÎT G. BOURGON**

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<sup>14</sup> Le Comité logement du Plateau Mont-Royal (CLPRM), Le phénomène Airbnb bienfait ou calamité pour les locataires ?, **Philippe T. Desmarais**;