

# The Corporation of the Municipality of Bluewater

## By-Law Number XX-2022

Being a By-law to licence, regulate and govern the operation of Short-Term Rentals

Whereas subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c. 25 ("*Municipal Act*") provides that a municipal power shall be exercised by by-law; and

Whereas section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act; and

Whereas pursuant to section 11 of the *Municipal Act*, Council is exercising its authority with respect to business licensing in the interest of health and safety, well-being of persons, consumer protection, and nuisance control; and

Whereas pursuant to the provisions of Part IV of the *Municipal Act*, the Council of the Corporation of the Municipality of Bluewater may provide for a system of Licences with respect to businesses; and

Whereas subsection 151(1) of the *Municipal Act* provides that a municipality may provide for a system of Licences with respect to business and may:

- a) Prohibit the carrying on or engaging in the business without a Licence;
- b) Refuse to grant a Licence or revoke or suspend a Licence;
- c) Impose conditions as a requirement of obtaining, continuing to hold or renewing a Licence;
- d) Impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a Licence;
- e) Impose conditions, including special conditions, as a requirement of continuing to hold a Licence at any time during the term of the Licence; and
- f) Licence, regulate or govern real and Personal Property used for the business and the Persons carrying it on or engaged in it; and

Whereas subsection 151(5) of the *Municipal Act* provides that subsection 151(1) applies with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9 and 11 as if it were a system of licences with respect to a business; and

Whereas section 23.1 of the *Municipal Act* establishes rules for the delegation of a municipality's powers and duties, and section 23.2 permits a municipality to delegate certain legislative and quasi-judicial powers; and

Whereas the Council for the Corporation of Bluewater is of the opinion that the delegation of legislative powers under this by-law to the Manager and Appeals Committee including without limitation the power to issue and impose conditions on a licence are powers of a minor nature having regard to the number of people, the size of the geographic area and the time period affected by the exercise of the power, in accordance with subsection 23.2(4) of the *Municipal Act*; and

Whereas sections 390 to 400 of the *Municipal Act* authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it; and

Whereas section 436 of the *Municipal Act* authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence; and

Whereas section 429 of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*; and

Whereas section 444 of the *Municipal Act* provides that the municipality may make an order requiring the person who contravened the by-law or cause or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence; and

Whereas the Council for the Corporation of the Municipality of Bluewater has deemed it necessary and desirable to regulate the Short-Term Rental of property in the Municipality of Bluewater; and

Whereas the Municipality of Bluewater has implemented a system to Licence the operation of the Short-Term Rental properties in the Municipality of Bluewater;

Now therefore the Council of the Corporation of the Municipality of Bluewater enacts as follows:

## **1.0 DEFINITIONS**

“Agent” means a person duly appointed by the Owner to act on their behalf;

“Appeals Committee” means the body duly appointed by by-law to conduct hearings under this by-law;

“Applicant” means the person applying for a licence or renewal of a licence under this by-law, and “application” has a corresponding meaning;

“Bedroom” means a room or area used, designed, equipped or intended for sleeping and as defined by the Ontario Building Code;

“Building Code/Building Code Act” means the current Ontario Building Code Act regulation as amended;

“Business” means any business wholly or partly carried on within the Municipality even if the business is the business being carried on from a location outside the Municipality, and includes trades and occupations, exhibitions, concerts, festivals and organized public amusements; the sale or hire of goods or services on an intermittent or one-time basis; and the display of samples, patterns or specimens of goods for the purpose of sale or hire;

“Business Address” means the place from which the business operates including street address, street name, municipality and postal code;

“Council” means the Council for The Corporation of the Municipality of Bluewater;

“Dwelling” means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit;

“Fee” means as set out in the Municipal Fees and Charges By-Law;

“Fire Protection and Prevention Act” means the current Fire Protection and Prevention Act regulation as amended;

“Habitable Room” means a room within a Dwelling Unit designed to provide living, dining, sleeping, bathroom or kitchen accommodation for Persons. This definition shall not include any Private Garage, Carport, Cellar, unheated Porch or veranda, unfinished Attic, unfinished Basement, or any space used for the service and maintenance of a Dwelling or for vertical travel between Storeys.

“Licensee” means a person licensed under this by-law or a person required to be licensed under this by-law;

“Lodging Unit” means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation and may contain bathroom facilities;

“Manager” means the Chief Administrative Officer, Manager of Development Services or designate;

“Market” means to offer for rent, promote, canvass, solicit, advertise, or facilitate a Short-Term Rental, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards, or online;

“Municipality” means The Corporation of the Municipality of Bluewater;

“Occupancy” means the maximum number of renters in a Short-Term Rental at any given time;

“Officer” means any person authorized by the Municipality to enforce by-laws and includes a Municipal Law Enforcement Officer appointed to enforce the by-laws of the Municipality or a police officer while in the course of his or her duties;

“Owner” means a person who is on title as an owner of a building or parcel of land identified on the parcel register from the Land Registry Office and includes a person who alone or with others has a right to possess or occupy premises where a business is located, or a lessee who actually does not own, possess or occupy the premises upon which a business is located, or a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises;

“Owner-occupied Short-Term Rental” means a Short-Term Rental being offered in a dwelling where the owner or tenant is permanently residing and includes Bed & Breakfast establishments;

“Person” includes an individual, a corporation, a partnership, and an association, and includes an Owner, Licensee, Responsible Person, or an Applicant for a Short-Term Rental Licence under this by-law as the context requires;

“Premises” means any place, premises or location, or part thereof, in which a trade, business or occupation of Short-Term Rental is carried on;

“Responsible Person” means an agent or representative of an Owner who is responsible for managing or addressing issues in relation to the Owner’s Short-Term Rental;

“Renter” means any person occupying the Short-Term Rental by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

“Renter’s Code of Conduct” means a document that has been prepared by the Owner that has been approved by the Municipality that sets out the roles and responsibilities of the Renter, including behavioural expectations as they relate to non-disturbance; and, which identifies applicable Municipal by-laws that the Renter must comply with including the provisions of this by-law as they relate to, amongst other things, the Parking Management Plan, occupancy limits, noise, etc.

“Revoked” means a licence that has been declared null and void by the Manager;

“Short-Term Rental” (STR) means all or part of a legally established dwelling that operates or offers a place of temporary residence, lodging or occupancy by way of a rental agreement or similar commercial transaction for a period of less than thirty (30) consecutive nights

throughout all or any part of a calendar year, and includes an owner-occupied Short-Term Rental, but does not include a motel, hotel, hospital, campground, couch surfing or other short-term accommodations where there is no payment;

“Short-Term Rental Licence” means the certificate issued under this by-law as proof of licensing under this by-law;

“Suspended” means a licence that is temporarily inactive until such time as set out by the Manager or Appeals Committee;

“Tenant” means the person responsible for the Premises operating under a long-term lease.

## **2.0 PROHIBITIONS**

**2.1** No person shall, without being licensed, operate or permit a person to operate or support the operation of a Short-Term Rental:

- (a) without a Short-Term Rental Licence to do so issued under this by-law;
- (b) under any other name than the one endorsed on their Short-Term Rental Licence;
- (c) except in accordance with this by-law and the regulations set out in this by-law;
- (d) while their Short-Term Rental Licence is under suspension;
- (e) except in accordance with the terms and conditions of their Short-Term Rental Licence.

**2.2** No person shall Market, operate, or provide a Short-Term Rental in:

- (a) any structure or Dwelling other than a Habitable Room
- (b) a motor vehicle or trailer;
- (c) an unlawful residential unit;
- (d) community housing;
- (e) a boat;
- (f) a building or unit where Short-Term Rentals have been prohibited under this section of the by-law;
- (g) where a Licence to operate a Short-Term Rental has not been issued.

**2.3** No person shall,

- (a) transfer or assign a Short-Term Rental Licence;
- (b) obtain a Short-Term Rental Licence by providing mistaken, false or incorrect information;
- (c) enjoy a vested right in the continuance of a Short-Term Rental Licence, and upon the issue, renewal, cancellation or suspension thereof, the Short-Term

Rental Licence shall be the property of the Corporation of the Municipality of Bluewater;

- (d) obstruct or permit the obstruction of an inspection pursuant to this by-law.

### **3.0 ADMINISTRATION**

**3.1** The administration of this by-law is assigned to the Manager who shall generally perform all the administrative functions conferred upon them by this by-law, and without limitation may:

- (a) receive and process all applications for Short-Term Rental Licences and renewals of Short-Term Rental Licences under this by-law;
- (b) issue Short-Term Rental Licences in accordance with the provisions of this by-law;
- (c) impose terms and conditions on Short-Term Rental Licences in accordance with this by-law and as necessary to give effect to this by-law; and
- (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this by-law.

### **4.0 LICENSING REQUIREMENTS**

**4.1** Every application for a Short-Term Rental Licence and Short-Term Rental Licence renewal shall be made to the Manager on the forms provided by the Manager without limitation, every application for a Short-Term Rental Licence or a Short-Term Rental Licence renewal shall include the following information:

- (a) A completed application that will include each Owner, Applicant and/or Agent's name, municipal address, telephone number, and email address;
- (b) Payment of the applicable licensing fee as identified in the Bluewater Fees and Charges By-Law;
- (c) Proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
- (d) Proof that the corporation is legally entitled to conduct business in Ontario, if the Applicant is a corporation, including but not limited to:
  - (i) articles of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada, and
  - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation;
- (e) The names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the Applicant is a partnership;

- (f) A copy of proof of ownership of the property on which the Short-Term Rental is situated, which may include a copy of the transfer/deed, a copy of the parcel register from the Land Registry Office, and/or such other evidence as may be required by the Manager;
- (g) In the instance of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization permitting the Applicant or Agent to act on their behalf.
- (h) If a Tenant, the consent of the Owner of the property.
- (i) The name, address, telephone number and email address of the Responsible Person for the operation and conduct of the inhabitants of the Short-Term Rental.
- (j) A photograph of the front of the Short-Term Rental.
- (k) Proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury and identifies that a Short-Term Rental is being operated on the Premises.
- (l) A site plan, drawn to scale and fully dimensioned, of the Short-Term Rental Premises including the location, dimensions and surfacing of parking area, landscaping, all buildings or structures on the land, septic tank and septic bed dimensions, and well locations (if applicable).
- (m) A Parking Management Plan for the Short-Term Rental, in accordance with this by-law and to the satisfaction of the Manager;
- (n) The requested Occupancy for the Short-Term Rental, in accordance with this by-law and to the satisfaction of the Manager;
- (o) The licence number of any current or previously licensed Short-Term Rental Licence.
- (p) A Plan for Fire Safety including a layout of the interior of the Short-Term Rental with locations for all smoke alarms, carbon monoxide alarms, location of fire extinguishers and all exits.
- (q) Proof of septic system maintenance, inspections and pump-out servicing within the last three years.
- (r) A sworn declaration that:
  - (i) The Owner will comply with the Parking Management Plan;
  - (ii) The Short-Term Rental is in compliance with the *Building Code Act, 1992* and any regulation made under it, including the *Building Code*;
  - (iii) The Short-Term Rental is in compliance with the *Fire Protection and Prevention Act, 1997*, and any regulations made under it, including the *Fire Code*;
  - (iv) The Owner confirms they will require each renter to abide by the Renter's Code of Conduct; and

- (v) The Owner confirms the accuracy, truthfulness, and completeness of the information submitted.
- (vi) The Owner confirms that they will maintain liability insurance as required through this by-law while the Short-Term Rental is being operated as a Short-Term Rental.

**4.2** Every person licensed under this by-law shall at all times:

- (a) Comply with the regulations contained in this by-law;
- (b) Notify the Manager in writing within 10 days of any changes to the information provided pursuant to section 4.1 of this by-law.

## **5.0 General Regulations**

**5.1** A Parking Management Plan shall comply with the following requirements:

- (a) The number of parking spaces required for the Short-Term Rental is as follows:
  - (i) One (1) space when the Short-Term Rental is occupied by 1-4 Renters;
  - (ii) Two (2) spaces when the Short-Term Rental is occupied by 5-8 Renters;
- (b) Parking spaces must be a minimum of 3m by 1.5m per space. The surfacing must be asphalt, gravel, concrete, or another similar hard surface and cannot be grass or other landscaped space.
- (c) The parking spaces required by section 5.1(a) of this by-law must be provided on the Short-Term Rental Premises;

**5.2** The Occupancy requirements shall comply with the following regulations:

- (a) The maximum Occupancy permitted for the Short-Term Rental shall be determined by reference to the number of Bedrooms in the Short-Term Rental, and the maximum Occupancy shall not exceed two (2) persons per Bedroom plus a total of two (2) persons to a maximum of eight (8) persons per Short-Term Rental at any given time, unless the septic design limits the number of occupants/bedrooms then maximum occupancy will be based on septic design.

**5.3** Every Person operating a Short-Term Rental shall:

- (a) ensure the Short-Term Rental is operated in accordance with the Parking Management Plan, Occupancy requirements, Plan for Fire Safety, and Renter's Code;
- (b) display the Short-Term Rental Licence in a prominent place in the Short-Term Rental to which it applies;
- (c) display the Plan for Fire Safety in a prominent place in the Short-Term Rental to which it applies;



- (d) ensure that the Responsible Person is available to attend the Short-Term Rental at all times within a period of no greater than thirty (30) minutes from the time of contact by way of telephone or e-mail;
- (e) ensure that each Renter has been provided with the Renter's Code of Conduct with the owner retaining a copy of the confirmation of receipt of the Renter's Code for a period of one year;
- (f) maintain the Short-Term Rental in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the Short-Term Rental. For the purposes of this subsection, adequate measures of the storage and disposal of waste shall mean a self-enclosed building, structure or container, located outside of the Short-Term Rental, which is of a sufficient size that will store the garbage and waste generated by the Premises until such garbage and waste is disposed of;
- (g) ensure that the Short-Term Rental is operated and used in such a fashion that the operation or use will not cause a breach or contravention of any current municipal by-law;
- (h) Provide to at least one Renter of the Short-Term Rental an information package containing the following information:
  - i. contact information for the Responsible Person who is available to receive communications from any Renter during the rental period;
  - ii. instructions for use of the 9-1-1 emergency system, which includes the municipal address for the Premises;
  - iii. the name and address of the nearest hospital or emergency medical services providing emergency care;
  - iv. Plan for Fire Safety;
  - v. non-emergency contact for the Ontario Provincial Police;
  - vi. instructions for solid waste disposal, to include information on the applicable waste collection day and instructions for composting and recycling;
  - vii. a schedule of common offences and related fines associated with Renter activities, to be provided by the Manager;
  - viii. a copy of the Short-Term Rental Licence, and occupancy limits, parking rules, and any conditions imposed on the Short-Term Rental Licence;

**5.4** Any Licensee for the Short-Term Rental shall indemnify and save harmless the Municipality of Bluewater from any and all claims, demands, causes of action, loss, costs, or damages that the Municipality of Bluewater may suffer, incur, or be liable for resulting from the performance of the Licensee as set out in the by-law whether with or without negligence on the part of the Licensee, the Licensee's employees,

Managers and agents.

## **6.0 ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL**

- 6.1** The Manager shall receive and process all applications for Short-Term Rental Licences and for renewal of a Short-Term Rental Licence pursuant to this by-law;
- 6.2** The Manager may request comments from other departments or agencies in respect of the Short-Term Rental;
- 6.3** The Manager may require an inspection of the Short-Term Rental prior to making a determination on the Application;
- 6.4** The Manager may impose terms and conditions on Short-Term Rental Licences in accordance with this by-law and as necessary to give effect to this by-law;
- 6.5** The Manager shall issue Short-Term Rental Licences and renewal of Short-Term Rental Licences, either conditionally or unconditionally, to any person who meets the requirements of this by-law except where:
  - (a) the existing licence has been Suspended or Revoked pursuant to this by-law; and
  - (b) the applicant is indebted to the Municipality in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing.

## **7.0 TERM OF LICENCE**

- 7.1** A Short-Term Rental Licence issued pursuant to this by-law shall expire on the date that is one (1) year after the date of the issuance of the Short-Term Rental Licence unless it is renewed or Revoked in accordance with the provisions of this by-law.

## **8.0 SUSPENSION OR REVOCATION**

- 8.1** The Manager shall provide notice of intention to revoke or suspend a Short-Term Rental Licence and shall advise the Licensee of their right to appeal where:
  - (a) The licensee would be disentitled to a licence or a renewal of a licence for the reasons set out in this by-law;
  - (b) The licensee has failed to comply with the regulations required by this by-law;
  - (c) The licence was issued in error.
- 8.2** Notwithstanding section 8.1, if satisfied that the continuation of the Short-Term Rental Licence poses an immediate danger to the health or safety of any person, the Manager may, for a period of time and upon such conditions as are considered appropriate and without a hearing, suspend the Short-Term Rental Licence immediately, provide the Licensee with the reasons for the suspension, either orally or in writing, and refer the matter to Appeals Committee for resolution.

## **9.0 APPEALS**

### **9.1 The Appeals Committee:**

- (a) Council shall appoint an Appeals Committee.
- (b) The term of the Appeals Committee shall coincide with the term of Council.
- (c) The Appeals Committee shall be comprised of XX members of Council, the Mayor as ex-officio, and XX members from the community at large.
- (d) Community members shall apply through the Municipality's committee application process, as prescribed in By-Law xx-xxxx;
- (e) Council shall adopt by by-law the terms of reference outlining the governance and operation of the Appeals Committee.
- (f) In accordance with Section X(X), the Committee may affirm, modify or rescind the decision of the Manager or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Committee or suspend or revoke a licence.

**9.2** Where the Manager has denied an applicant a Short-Term Rental Licence or a request for renewal of a Short-Term Rental Licence, or Suspended or Revoked a Short-Term Rental Licence, the Manager shall inform the Applicant or Licensee by way of written notice setting out the grounds for the decision with reasonable particulars and advise of the right to appeal such decision to the Committee.

**9.3** Licensees or Applicants may appeal to the Committee in relation to matters noted in section 9.1; appeals will not be permitted for any other matters including, without limitation:

- (a) Matters, notices, orders, and communications related to a non-compliance under a federal or provincial law or regulations or any other legislation outside of this by-law;
- (b) Singular fines and issuance of demerit points as set out in this by-law;

**9.4** A request for an appeal of a matter noted in section 9.1 shall be made in writing to the Manager setting out the reasons for the appeal and shall be accompanied by the appeal Fee within fourteen (14) days after service of the written notice of the Manager's decision.

**9.5** The Appeals Committee shall meet within fourteen (14) days after receiving the application for appeal.

**9.6** The Licensee may be permitted to continue operation during the appeals process until such time as a decision is rendered by the Appeals Committee.

**9.7** Where no request for an appeal is received in accordance with section 9.3, the decision of the Manager shall be deemed to be affirmed.

**9.8** Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Applicant or Licensee shall be provided reasonable written notice thereof.

**9.9** After such opportunity to be heard is afforded the Applicant or Licensee, the Committee may make a decision in respect of which the hearing was held or the opportunity for hearing afforded. The Committee's decision is final and not subject to review. The Committee may refuse to issue or renew a licence, revoke, suspend, or impose any conditions upon a licence. The Appeals Committee may consider any matter pertaining to the licensing requirements in Section 4, the Regulations in Section 5, and/or the grounds for refusal in Section 6, or any other matter that relates to the general welfare, health or safety of the public.

**9.10** Where the Appeals Committee conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 shall apply.

## **10.0 ORDER**

**10.1** Where the Manager has reasonable grounds to believe that a contravention of this by-law has occurred, the Manager may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing:

- (a) compliance within a specified timeframe;
- (b) any work that is required to be done, and in default of such work being done, the work may be done at the Licensee's expense and the Municipality's may recover the expense by in the same manner as municipal taxes; or
- (c) the activity be discontinued.

**10.2** Any Person who contravenes an order under this by-law is guilty of an offence.

**10.3** An order under this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

## **11.0 DEMERIT POINT SYSTEM**

**11.1** A demerit point system is established, without prejudice to and without precluding the use of options otherwise available to enforce this by-law or any other by-law of the Municipality or Provincial Act or Regulation including, but not limited to, set fines, and actions pursuant to the *Building Code Act*, *Fire Protection and Prevention Act*, and the *Provincial Offences Act*.

**11.2** The number of demerit points referenced in Column 3 of Table 1 below may be

assessed against a Short-Term Rental in respect of the matter noted in Column 1 upon the following event respecting a contravention:

- (a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the *Provincial Offences Act*;
- (b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
- (c) the confirmation of a guilty plea or uncontested fine where payment has been made;
- (d) the confirmation of an order; or,
- (e) the confirmation of an order resulting in Municipality remediation.

- 11.3** A Short-Term Rental Licence may be Suspended for a period of not longer than six months if the total of all demerit points in effect respecting the Short-Term Rental is at least seven (7).
- 11.4** A Short-Term Rental Licence may be Revoked if the total of all demerit points in effect respecting the Short-Term Rental is at least fifteen (15).
- 11.5** Notice of the suspension or revocation of a Licence shall be provided to the Owner in accordance with Section 12 of this by-law and a Licensee may appeal the suspension or revocation in accordance with Section 9 of this by-law.
- 11.6** Demerit points shall remain in place until the two-year anniversary of the date on which the demerit points were assessed.

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
(1) Exceed permitted occupancy	5.2(a)	4
(2) Second of subsequent offense for exceeding maximum occupancy	5.2(a)	4
(3) Non-availability of responsible person	5.3(d)	4
(4) Property Standards By-Law Conviction related to Premises		5
(5) Noise By-Law Conviction related to Premises		5
(6) Open Air Burning By-Law Conviction related to Premises		5
(7) Advertising Short-Term Rental without a Licence	2.2(g)	4
(8) Operating Short-Term Rental without a Licence	2.1(a)	4

(9) Using or permitting Premises to be used contrary to the Parking Management Plan	5.1(a,b,c)	4
(10) Building Code Act Order/Conviction		7
(11) Fire Protection and Prevention Act/Fire Code Order/Conviction		7
(12) Non-Compliance with other Municipal By-law not listed		3

## 12.0 NOTICES/ORDERS

**12.1** Any notice or order issued pursuant to this by-law may be given in writing in any of the following ways and is effective:

- (a) on the date on which a copy is delivered to the Licensee to whom it is addressed;
- (b) on the fifth day after a copy is sent by mail to the Licensee's last known address;
- (c) upon the sending of a copy by e-mail transmission to the Licensee's last known e-mail address, or
- (d) posting it on the Premises, on the date of the posting.

**12.2** For the purpose of section 12.1, the Licensee's last known address, last known e-mail address shall be deemed to include those provided pursuant to Section 4.1 of this by-law.

## 13.0 INSPECTION

**13.1** The Manager or an officer may, at any reasonable time inspect:

- (a) any premises for which an application for a Short-Term Rental Licence has been submitted in whole or in part;
- (b) any premises for which a Short-Term Rental Licence has been issued;
- (c) any premises, vehicle, or place where a business which is subject to this by-law is carried on or where there are reasonable or probable grounds to believe a business is carried on;
- (d) any goods, equipment, books, records or documents used or to be used by the Owner, Applicant, or Responsible Person under this by-law.

**13.2** It shall be an offence to obstruct or permit the obstruction of such inspection.

**13.3** The Licensee may be required to pay an inspection Fee.

## 14.0 DELEGATION

**14.1** Pursuant to Section 23.2 of the Municipal Act, Council hereby delegates to the Appeals Committee the power to make the final decision in respect of which a hearing was held, and it is the opinion of Council that this delegated power is of a minor nature.

This delegation may be revoked by Council at any time.

## **15.0 OFFENCE AND PENALTY PROVISIONS**

- 15.1** Any person who contravenes any provision of this by-law, including failing to comply with an order made under this by-law, is guilty of an offence and is liable to a fine as prescribed in Schedule 'A', and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the *Municipal Act, 2001*.
- 15.2** A Manager or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the *Municipal Act, 2001*.
- 15.3** Any Person who is charged with an offence under this by-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to the following fines:
- (a) The minimum fine for an offence is \$500.00 and the maximum fine for an offence is \$10,000.00.
  - (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offence is not limited to \$50,000.00; and
  - (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all fines for each included offence is not limited to \$50,000.00.
- 15.4** If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 15.5** If this by-law is contravened and a conviction entered, the court may also order that the premises or part of the premises be closed to any use as a Short-Term Rental.
- 15.6** In addition to any other remedy, it may have at law, the Municipality shall be entitled to enforce this by-law in accordance with Section 442 and 446 of the *Municipal Act, 2001*, as amended.

## **16.0 COLLECTION OF UNPAID FINES**

**16.1** Pursuant to Section 441 of the *Municipal Act*, if any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, including any extension of time for payment ordered under that Section, the Licensing Commissioner may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the *Municipal Act* and may be added to the person's tax roll and collected in the same manner as property taxes.

## **17.0 REFERENCES**

**17.1** References in this by-law to any legislation or by-law means as may be amended or replaced from time to time and include any regulations thereunder.

## **18.0 SEVERABILITY**

**18.1** In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

## **19.0 SHORT TITLE**

**19.1** This by-law shall be known as the "Short-Term Rental Licensing By-Law".

## **20.0 EFFECTIVE DATE**

**20.1** This by-law comes into effect on the 1<sup>st</sup> day of September, 2022.

~~By law read a first and second time this.~~

~~By law read a third time and finally passed this.~~

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~~Paul Klopp, Mayor~~

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~~Chandra Alexander, Clerk~~



Schedule A to By-Law Number xx-2022

Part 1 - Provincial Offenses Act

Set Fine Schedule

<b>ITEM:</b>	<b>Column 1 - Short Form Wording</b>	<b>Column 2 – Offense Creating Provision</b>	<b>Column 3 – Set Fine</b>
1	Permit to operate STR without license	Sec. 2.1. (a)	500
2	Operate a STR with suspended license	Sec. 2.1. (d)	500
3	Market a STR without license	Sec. 2.2.	400
4	Transfer assigned license	Sec. 2.3. (a)	400
5	Obstructing an inspection of property	Sec. 2.3.(d)	250

DRAFT