

Appendix 'A'

The Corporation of the Municipality of Trent Lakes

By-law No. B2024-XXX

A by-law to license, regulate and govern Short-Term Rental Accommodations

Whereas pursuant to subsection 8(1) of the *Municipal Act, 2001* the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

And Whereas pursuant to section 9 of the *Municipal Act, 2001*, a municipality has the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other act;

And Whereas section 11 of the *Municipal Act, 2001*, provides a lower-tier municipality with broad authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property including consumer protection;

And Whereas without limiting section 9, 10 and 11, section 151 of the *Municipal Act, 2001*, authorizes a municipality to provide for a system of licenses with respect to a business or any activity, matter, or thing for which a by-law may be passed under section 9 and 11 of the *Municipal Act, 2001*;

And Whereas sections 391 of the *Municipal Act, 2001* 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 434.1 of the *Municipal Act, 2001* authorizes a municipality to impose a system of administrative penalties;

And Whereas section 436 of the *Municipal Act, 2001* 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 compliance with a by-law, direction or order of the municipality or a condition of a license issued under a by-law passed under the *Municipal Act, 2001*;

And Whereas section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

And Whereas the Council of the Corporation of the Municipality of Trent Lakes deems it desirable to exercise its authority to implement a system of licences with respect to Short-Term Rental Accommodations, as defined in this By-law;

Now Therefore the Council of The Corporation of the Municipality of Trent Lakes hereby enacts as follows:

1.0 Definitions

- 1.1 **Accessory Building or Structure** means a detached building or structure that is not used for human habitation and the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith. For the

purpose of this By-law, Accessory Building or Structure does not include a Guest Cabin.

- 1.2 **Accommodation Room** means a room offered for short-term rental accommodation intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set out in the Ontario Building Code.
- 1.3 **Administrative Monetary Penalty System (AMPS) By-law** means the Municipality's Administrative Monetary Penalty System By-law B2023-051, as amended, or any successor administrative monetary penalty system by-law.
- 1.4 **Administrative Penalty** means a monetary penalty imposed for a contravention of this By-law and as established by the Administrative Monetary Penalty System By-law.
- 1.5 **Applicant** means the Owners of the Property applying for a License or renewal of a License under this By-law.
- 1.6 **Application** means the prescribed form, Fee, supporting plans and materials which are required to be submitted in order to apply for a License or renewal of a License under this By-law.
- 1.7 **Building** means a structure occupying an area greater than 10 sq. m. (107.6 sq. ft.) consisting of a wall, roof and floor, or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto.
- 1.8 **Building Code** means O. Reg. 332/12.
- 1.9 **Building Code Act, 1992** means the Building Code Act, 1992, S.O. 1992, c. 23.
- 1.10 **By-law Summary Sheet** means a summary of all applicable by-laws provided by the Municipality.
- 1.11 **Committee** means a committee of individuals which has been delegated, by the Municipality of Trent Lakes Council, the responsibility of determining appeals under this By-law. For the purpose of this By-law, the Committee shall be the Appeals Committee.
- 1.12 **Comprehensive Zoning By-law** means the Municipality's Comprehensive Zoning By-law B2014-070, as amended, or any successor comprehensive zoning by-law.
- 1.13 **Corporation** means a body incorporated pursuant to federal or provincial corporations legislation.
- 1.14 **Demerit Point** means a mark that is added to a License for a contravention of this By-law as set out in in Schedule A.
- 1.15 **Director** means the Director of Building and Planning/Chief Building Official or their delegate.
- 1.16 **Dwelling** means a building or part thereof containing one or more dwelling units but does not include a tent, park model trailer, houseboat, bunkhouse or a room or suite of rooms in a rooming

house, hotel, motel, tourist home or institution.

- 1.17 **Dwelling, Single Detached** means a detached dwelling containing not more than one Dwelling Unit which is intended to be used for continuous habitation.
- 1.18 **Dwelling Unit** means a suite operated as a housekeeping unit, use or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities. The word “suite” in this definition means “a single room or series of rooms of complementary use, and operated under a single tenancy”.
- 1.19 **Electricity Act, 1998** means the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A.
- 1.20 **Fee** means a fee as set forth in the Municipality’s Fees and Charges By-law, which is not prorated.
- 1.21 **Fire Code** means O. Reg. 213/07.
- 1.22 **Fire Protection and Prevention Act, 1997** means the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4.
- 1.23 **Floor Plans** are the drawings that are required to be submitted by the Applicant and approved by the License Issuer as part of a complete Application. The requirements for Floor Plans are set out in clause 4.3I.
- 1.24 **Guest Cabin** means a building comprised of a room or suite of rooms designed or used without profit or gain in providing temporary accommodation to guests or relatives of the property owner, as the sole use. A Guest Cabin shall not contain cooking or sanitary facilities and shall be detached from and clearly accessory to the main building. Despite the foregoing, where the Property is Licensed, a Guest Cabin may be used for profit or gain in providing temporary accommodation and will be counted as an Accommodation Room.
- 1.25 **License** means a Short-Term Rental Accommodation License issued in accordance with this By-law.
- 1.26 **Licensee** means a Person who holds a License.
- 1.27 **License Issuer** means the Director and any individual(s) who are delegated the authority by the Director to be responsible for the administration of this By-law and to issue Licenses under this By-law.
- 1.28 **Maximum Occupancy** means the maximum number of Occupants permitted to temporarily reside at, lodge in or occupy a Short-Term Rental Accommodation.
- 1.29 **Municipal Act, 2001** means the Municipal Act, 2001, S.O. 2001, c. 25.
- 1.30 **Municipality** means the Corporation of the Municipality of Trent Lakes in the County of Peterborough.
- 1.31 **Municipal Freedom of Information and Protection of Privacy**

Act means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56.

- 1.32 **Occupant** means the Person or Persons who temporarily reside at, lodge in or occupy a Short-Term Rental Accommodation. Occupant shall not include daily visitors to the Property or the Owner.
- 1.33 **Officer** means a Police Officer, Chief Fire Official, Fire Inspector, Chief Building Official, Building Inspector, Planner, License Issuer, or Municipal Law Enforcement Officer.
- 1.34 **Owner** means the Person registered on title to the Property on which the Short-Term Rental Accommodation is located and Ownership has a corresponding meaning.
- 1.35 **Penalty Notice** means a notice given to a Person pursuant to the Administrative Monetary Penalty System By-law.
- 1.36 **Person** means an individual, directors, partnership, group or association, organization, company, corporation or cooperative which may include the Owner, any Person authorized by the Owner to act on their behalf, or any Occupant.
- 1.37 **Property** means the lot upon which a Short-Term Rental Accommodation is operated, inclusive of Buildings or structures or any part thereof used for such purpose.
- 1.38 **Provincial Offences Act** means the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
- 1.39 **Responsible Person** means the Person responsible to ensure the Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the License, any by-laws of the Municipality and any provincial and federal laws.
- 1.40 **Self-Certification Checklist** means a certification document that includes all health and safety requirements, wherein the owner shall certify that components are complied with at the time of application and shall be inspected at a later date by the Municipality.
- 1.41 **Short-Term Rental Accommodation** means the use of a Single Detached Dwelling that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period equal to or less than twenty-eight (28) consecutive calendar days, throughout all or any part of the calendar year. Short-Term Rental Accommodations shall not be permitted in any other form of residential dwelling including a: duplex, triplex, or other multi-unit residential dwelling. For greater clarity, the following are not considered Short-Term Rental Accommodations for the purpose of this By-law: a Bed and Breakfast, hotel, motel, motor hotel, nursing home, private or public hospital, tourist trailer park, hunt camp, seasonal camp, camping park or similar commercial or institutional uses, as defined in the Comprehensive Zoning By-law.
- 1.42 **Site Plan** means the drawing that is required to be submitted by

the Applicant and approved by the License Issuer as part of a complete Application. The requirements for a Site Plan are set out in clause 4.3k.

- 1.43 ***Statutory Powers and Procedures Act*** means the Statutory Powers and Procedures Act, R.S.O. 11990, c. S. 22.s.

2.0 Administration

- 2.1 The License Issuer or their delegate shall be responsible for the administration of this By-law.
- 2.2 The License Issuer's authority shall include the authority to issue, renew, refuse to issue, refuse to renew, revoke or suspend a License or to impose terms and conditions on a License.
- 2.3 Any relevant department of the Municipality may provide comments on an Application in order to assist the License Issuer to exercise their authority under section 2.2.

3.0 General License Provisions

- 3.1 A License is required to operate a Short-Term Rental Accommodation anywhere in the Municipality.
- 3.2 A Person who owns, operates, advertises or offers a Property as a Short-Term Rental Accommodation as of the effective date of this By-law, shall cease operation of the Short-Term Rental Accommodation effective December 31, 2024 and not recommence until such time as the License Issuer has issued a License for the Property.
- 3.3 Licenses shall not be transferred or assigned by the Licensee.
- 3.4 Only one License shall be issued per Property.
- 3.5 The Municipality shall post on its website a list of issued Licenses, along with the relevant legal description and municipal address of the Property, the name of the Owner, and the contact information for the Responsible Person.
- 3.6 No Person shall have a vested right to the issuance or renewal of a License. All Licenses issued, renewed, suspended or revoked remain the sole property of the Municipality.
- 3.7 Maximum Occupancy shall be determined by the number of Accommodation Rooms in the Short-Term Rental Accommodation and confirmation by the Applicant that the septic system is adequately sized for the number of Accommodation Rooms. The Maximum Occupancy shall not exceed two (2) Occupants per Accommodation Room, up to a maximum of ten (10) Occupants per Property.

4.0 New Application Requirements

- 4.1 Complete Applications for a new License shall be filed during the intake period, between October 1st and December 15th, for a License for the following year. Any Applications which are not complete or not received during this intake period, will be subject to a Late Application Fee.

- 4.2 Despite Subsection 4.1, if the Owner has obtained the Property after the intake period, the Owner may apply for a new License outside of the intake period and, subject to the proof of ownership confirming the transfer date outside of the intake period, the Owner will not be subject to a Late Application Fee.
- 4.3 Every application for a new License shall be submitted by the Applicant and shall include:
- a. a completed Application on the form required by the Municipality, which shall include each Owner's name, Property address, mailing address, telephone number, facsimile transmission number, and email address.
 - b. proof of Ownership of the Property.
 - c. proof that the Owner is at least eighteen (18) years of age.
 - d. in the case of an Owner being a Corporation,
 - i. a copy of Articles of Incorporation, and if there has been a change to the list of officers and directors, a current Corporate Profile Report;
 - ii. the business location/address of a representative that can legally accept communications on behalf of the Corporation;
 - iii. two (2) pieces of government-issued identification (one must be photo ID) for each officer/director;
 - e. 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 that has the following:
 - i. address of the Property being insured and identifies that a Short-Term Rental Accommodation is being operated on the Property; and
 - ii. the inclusion of any wood burning appliances.

The insurance coverage required herein shall be endorsed to the effect that the Municipality shall be given at least thirty (30) days' notice, in writing, of any cancellation or material variation to the policy.
 - f. where the Short-Term Rental Accommodation is serviced by a private sewage system,, documentation to the satisfaction of the License Issuer, that the sewage system is of an adequate capacity to accommodate the Maximum Occupancy of the Short-Term Rental Accommodation and further, that such private sewage system complies with all Provincial standards.
 - g. for Properties with private sewage systems that are twenty (20) years or older, additional inspections or reports by a qualified person may be required to the satisfaction of the License Issuer.
 - h. for a Property that provides a potable water supply, not on a municipal water system, that draws drinking water from a well or a body of water, documentation of a passed water quality test for the Property indicating the water is potable and safe for

consumption, dated within one (1) year from the date of the Application. The test is to be performed by a Public Health Unit.

- i. for a Property without a potable water supply, a sworn attestation by the Owner that they will ensure adequate warnings are communicated to the Occupants and posted at the Property to advise that the water is not safe for consumption.
- j. a Site Plan, drawn to scale and legible, including the following:
 - i. lot size and shape with dimensions
 - ii. name and location of road
 - iii. location and use of all Buildings and structures
 - iv. location of sewage system tank and bed
 - v. size of sewage bed
 - vi. well location and type of well or other water source
 - vii. the proposed parking area.
 - viii. location of driveway
 - ix. if located on a body of water, name of entity to be labelled
- k. Floor Plans, drawn to scale with a straight edge and legible, including the following:
 - i. floor plan of all levels of a Building, including basement
 - ii. each floor plan to show all rooms labelled, including all Accommodation Rooms
 - iii. location of smoke alarms and carbon monoxide detectors on all floors and type (ie. Hardwired or battery operated)
 - iv. location of any wood burning appliances, wood stove and fireplaces
 - v. location of all decks, landings and stairs serving the Property
 - vi. window locations for all Accommodation Rooms, including window sizes for any Accommodation Rooms in the basement requiring an egress window
 - vii. The location of ABC fire extinguisher(s) on all floors
 - viii. location of all egress doors, including patio doors and required windows used for exits
- l. the name and contact information of the Responsible Person who can be readily contacted within thirty (30) minutes and respond to a contravention of any Municipal by-law, including attendance at the Property within ninety (90) minutes of being notified of the occurrence. This shall include proof that the Responsible Person is at least eighteen (18) years of age.

- m. completion of the Self-Certification Checklist to the satisfaction of the License Issuer.
- n. an indemnity in favour of the Municipality from and against claims, demands, losses, costs, damages, actions, suits or proceedings that arise out of, or are attributable to, the Short-Term Rental Accommodation, which shall be in a form satisfactory to the License Issuer.
- o. payment of the Application Fee.

5.0 Inspection

- 5.1 Following the issuance of a License, the License Issuer shall coordinate an inspection of the Property to satisfy the Municipality that the Property is in compliance with the provisions of this By-law, other by-laws of the Municipality and any relevant provincial and federal statutes and regulations.
- 5.2 If the inspection carried out pursuant to section 5.1 confirms that the Property is not in compliance, the License Issuer shall revoke or suspend the License.
- 5.3 A Licensee who has had their License revoked or suspended pursuant to section 5.2 may attempt to bring the Property into compliance and may request that the Municipality re-inspect the Property, subject to the Re-inspection Fee. The License Issuer shall coordinate a re-inspection of the Property to satisfy the Municipality that the Property is in compliance as described in section 5.1.

6.0 Renewals

- 6.1 The Licensee shall ensure that an application to renew a License has been submitted to the Municipality between October 1st and December 15th. Failure to apply for a renewal within this time frame shall result in a revocation of the License. Where a License has been revoked, any subsequent Application shall be treated as a new Application and shall be subject to the requirements of part 4 of this By-law.
- 6.2 A License may be renewed by the same Licensee up to two consecutive years without the need for a Property inspection. The License shall expire upon the fourth anniversary of the issuance of the initial License issued pursuant to the Application filed under part 4.0 of this By-law. Where a License has expired, any subsequent Application shall be treated as a new Application and shall be subject to the requirements of part 4.01 of this By-law.
- 6.3 The Director shall have the right to extend any License which has not been revoked or expired for up to one (1) calendar year should there be a municipally, provincially, or federally declared emergency that directly impacts the Licensee or Property.

7.0 Renewal Application Requirements

- 7.1 Every Application for a renewal of an existing License shall include:

- a. a complete Application on the form required by the Municipality, which shall include an affidavit from the Owner confirming no changes have been made to the Site Plan or Floor Plans since the date of the Property inspection carried out pursuant to part 5.0 of this By-law.
- b. proof of insurance as described in part 4.0 of this By-law.
- c. proof of potable water supply as described in part 4.0 of this By-law.
- d. payment of the applicable License Renewal Fee.

8.0 Issuance and Renewal

- 8.1 Upon receipt of an Application for the issuance of a License or renewal of a License, a License Issuer shall perform the following functions:
 - a. receive and review the Application and any supporting materials to determine compliance with this By-law; and
 - b. for Applications for new Licenses, coordinate the required Property inspection to satisfy the Municipality that the Property is in compliance with the provisions of this By-law, other by-laws of the Municipality and any relevant provincial and federal statutes and regulations.
- 8.2 Upon determination by the License Issuer that the Application satisfies the requirements of this By-law, a License shall be issued or renewed as the case may be and shall remain valid until December 31st of the following year, unless revoked or suspended.
- 8.3 A License Issuer shall have the authority to impose additional terms and conditions on a License at any time.

9.0 Refusal

- 9.1 The License Issuer may refuse to issue or renew a License where:
 - a. in the opinion of the License Issuer, in their absolute discretion, the use of the Property for a Short-Term Rental Accommodation is likely to present health and/or safety risks;
 - b. the Applicant or Property has previously been issued a License that has been revoked, suspended or made subject to terms and conditions;
 - c. the Applicant or Property has presented a history of non-compliance with this By-law or other Municipal by-laws or federal or provincial statutes or regulations;
 - d. the Applicant or Property is the subject of or an active investigation regarding contravention of any Municipal by-law or federal or provincial statutes or regulations;
 - e. the Applicant is unable to satisfy any requirement of this By-law, including sewage system requirements;

- f. the Applicant is indebted to the Municipality in respect of fines, penalties, judgements or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes and late payment charges, against any property owned by the Owner within the Municipality;
- g. the Property does not comply with relevant Municipal by-laws or statutes or regulations, including but not limited to the following: the Comprehensive Zoning By-law; the Municipality's Property Standards By-law; the *Building Code Act, 1992*; the Building Code; the *Fire Protection and Prevention Act, 1997*; the Fire Code; and relevant regulations made pursuant to the *Electricity Act, 1998*.
- h. the Property has or is subject to:
 - i. an open building permit which directly affects the operation of the Short-Term Rental Accommodation;
 - ii. an outstanding order issued by the Municipality's Fire or Building Department; or
 - iii. a Property Standards order or any other order issued by the Municipality or other government body.
- i. four (4) or more Demerit Points have been imposed, and remain in effect, against the License.

9.2 When the License Issuer refuses to issue or renew a License pursuant to section 9.1, the Owner may apply for a new License during the next intake period.

9.3 Notwithstanding section 9.1 of this By-law, the License Issuer shall issue a License where a variance to this By-law has been approved by the Committee that would allow Property to comply with this By-law and there are no other reasons why the License Issuer should refuse the issuance of the License.

9.4 Any Committee-approved variances to this By-law shall be non-transferrable and only apply to the Owner of the Property at the time the License was issued.

10.0 Suspension

10.1 If at any time the License Issuer is satisfied that the continuation of a License poses a danger to the health and safety of any Person may suspend a License for not more than fourteen (14) days.

10.2 If, after the period identified in section 10.1, the License Issuer continues to be satisfied that the continuation of a License will pose a danger to the health and safety of any Person, the License Issuer may suspend the License for any amount of time that is deemed necessary to eliminate the danger posed by the continuation of the License.

10.3 The License Issuer shall suspend a License if a Licensee has:

- a. an open building permit which directly affects the operation of the Short-Term Rental Accommodation;

- b. an outstanding Order issued by the Municipality's Fire or Building Department;
- c. a Property Standards order or any other order issued by the Municipality or other government body.

11.0 Revocation

- 11.1 The License Issuer may revoke a License if satisfied that the continuation of a License poses an unavoidable danger to the health and safety of any Person.
- 11.2 The License Issuer may revoke a License if it was issued in error or granted based on incorrect or false information.
- 11.3 If any changes or deviations described in section 15.4 result in the Property no longer being in compliance with this By-law, the License Issuer shall revoke the License.
- 11.4 If the Owner of the Property does not permit the inspection as described in part 5.0, the License Issuer may revoke or suspend the License.

12.0 Expiration

- 12.1 A License shall expire upon the earliest of the following events:
 - a. December 31st of the License year;
 - b. Upon the sale or transfer of the Property to a Person other than the Licensee;
 - c. The License has been revoked in accordance with the provisions of this By-law.

13.0 Refunds

- 13.1 In the case of withdrawal of an Application, the License Issuer shall determine the amount of paid Application Fees that may be refunded to the Applicant, if any.
- 13.2 Requests for a refund shall be made in writing within six (6) months of the date of submission of the Application in order to be eligible for a refund of any Fee.
- 13.3 5% of the Application Fee paid by the Applicant shall be non-refundable.
- 13.4 Where an Application Fee has been paid and no Property inspection pursuant to part 5.0 has occurred, and the Applicant wishes to withdraw the Application, up to 50% of the Application Fee paid by the Applicant may be refunded.
- 13.5 No refunds shall be issued after any Property inspection pursuant to part 5.0 has occurred.

14.0 Prohibitions

- 14.1 No Person shall use, operate, advertise or offer a Short-Term Rental Accommodation without a License or with a revoked, suspended or expired License.

- 14.2 No Person shall use, operate, advertise or offer a Short-Term Rental Accommodation in contravention of the approved Site Plan or Floor Plans or any terms and conditions imposed on a License.
- 14.3 No Person shall, while occupying or operating a Short-Term Rental Accommodation, contravene any Municipal by-law or any provincial or federal statutes or regulations.
- 14.4 No Person shall fail to produce a copy of the License upon the request of an Officer.
- 14.5 No Person shall use, operate, advertise or offer a Short-Term Rental Accommodation so as to exceed the Maximum Occupancy permitted by a License.
- 14.6 No Licensee or Responsible Person shall fail to respond to an emergency or contravention of any Municipal by-law, including attendance at the Property within ninety (90) minutes of being notified of an occurrence.
- 14.7 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 14.8 No Person shall provide false information on an Application.
- 14.9 No Person shall fail to comply with an Order issued by an Officer pursuant to this By-law.

15.0 Responsibilities

- 15.1 The Licensee shall ensure the following are made available to all Occupants:
 - a. a copy of the current License, including the approved Site Plan and Floor Plans, which shall be posted on the interior side of the main entry door and remain visible to Occupants and for inspection by Municipal staff;
 - b. emergency 911 instructions with the address of the Property clearly printed and posted in a conspicuous location;
 - c. name and contact information of the Responsible Person clearly printed and posted in a conspicuous location;
 - d. a copy of the By-law Summary sheet provided by the Municipality clearly printed and posted in a conspicuous location;
 - e. where the Property is serviced by a Class 5 sewage system (holding tank), instructions shall be clearly printed and posted in a conspicuous location provided detailing the action to be taken in the event the holding tank goes into alarm;
 - f. All Short-Term Rental Accommodations shall provide an ABC fire extinguisher on all floors.
- 15.2 The Licensee shall ensure that any listing, advertisement, etc. includes:
 - a. the corresponding License number issued by the Municipality;

- b. the approved occupancy issued per the License;
 - c. for Properties without a potable water supply, a warning that water is not safe for consumption;
 - d. the type of access to the Short-Term Rental Accommodation, where one of the following must be identified:
 - i. Year-round maintained public road
 - ii. Seasonally maintained road
 - iii. Private road/right-of-way
 - iv. Water access only
 - e. for Properties that are not served by a year-round maintained public road, a warning that emergency response times may be delayed due to limited service to the Property.
- 15.3 The Licensee is responsible for ensuring adequate and legal parking on the Property for the permitted occupancy of the Short-Term Rental Accommodation.
- 15.4 The Licensee shall be responsible for informing the Municipality, in writing, of any changes to the information contained within an Application including any changes to or any deviation from the approved Site Plan or Floor Plans, within seven (7) days of such change or deviation.
- 15.5 Every Person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to an Officer upon request. A Person who fails to comply shall be deemed to have hindered or obstructed the Officer under Section 14.7 of this By-law.

16.0 Appeals and Variances

- 16.1 Appeals under this By-law and requests for variances to this By-law shall be heard by the Committee.
- 16.2 The provisions of the Statutory Powers and Procedures Act shall apply to all hearings by the Committee conducted under this By-law. The Committee may pass rules for the practice and procedure of the Committee.
- 16.3 Where the License Issuer has refused to issue, refused to renew, revoked or suspended a License or has imposed terms and conditions on a License, the License Issuer shall inform the Owner, in writing, setting forth the grounds for the decision with reasonable particulars and shall advise of the Owner's right to appeal such decision to the Committee.
- 16.4 An Owner may appeal to the Committee in relation to the License Issuer's decision in section 16.3. Within fourteen (14) days of service of the written decision, the Owner shall submit to the Municipality, in writing, a request for an appeal, as well as the associated Appeal Fee.
- 16.5 Appeals shall not be permitted for the imposition of Demerit

Points.

- 16.6 Appeals shall not be permitted for any matters that have already been heard by the Committee.
- 16.7 Appeals shall not be permitted for the issuance of an order pursuant to section 17.7 or 17.8.
- 16.8 Where no appeal is received pursuant to section 16.4, the decision of the License Issuer shall be final and binding.
- 16.9 Where an appeal is received pursuant to section 16.4, a hearing of the Committee shall be convened. The Owner shall be provided notice thereof.
- 16.10 An Owner may apply to the Committee, in writing, for a variance to any provision of this By-law.
- 16.11 Where the Committee receives an application for a variance made in accordance with section 16.10, a hearing of the Committee shall be convened. The Owner shall be provided notice thereof.
- 16.12 All Committee hearings convened under this By-law shall be held in public, unless determined otherwise in accordance with the Statutory Powers and Procedures Act.
- 16.13 At the hearing, the Committee shall hear the Applicant and every other Person who desires to be heard.
- 16.14 On appeal pursuant to section 16.4, the Committee may confirm, vary or reverse the decision of the License Issuer. When making its decision, the Committee may consider any matter pertaining to this By-law or any other matter that relates to the general welfare, health or safety of the public. The Committee's decision is final and binding and shall not be subject to review.
- 16.15 Upon consideration of variance applications made pursuant to section 16.10, the Committee may authorize such variances from the provisions of this By-law, in respect of the Property as in its opinion are desirable for the appropriate use of the Property and, in the opinion of the Committee, the general intent and purpose of this By-law is maintained. The Committee's decision is final and binding and shall not be subject to review.
- 16.16 No decision of the Committee is valid unless it is concurred in by the majority of the members of the Committee that heard the matter. The decision of the Committee shall be in writing and shall set out the reasons for the decision.
- 16.17 Any authority or permission granted by the Committee may be for such time and subject to such terms and conditions as the Committee deems advisable and as are set out in its decision.
- 16.18 When a person who has been given written notice of a hearing does not attend at the appointed time and place, the Committee may proceed with the hearing in their absence and the person may not be entitled to any further notice of the proceedings.
- 16.19 The Clerk shall, no later than fourteen (14) days from the

Committee making a decision, send one (1) copy of the decision to:

- a. The Owner; and
- b. Each person who appeared at the hearing in person or via agent and who filed with the Clerk a written request for notice of the decision.

17.0 Enforcement

Entry and Inspection

- 17.1 For the purpose of this section, Property does not include a building containing a Dwelling Unit(s).
- 17.2 An Officer or their designate(s) may, at any time, enter onto a Property, to determine whether this By-law is being complied with.
- 17.3 No Person shall refuse to permit an Officer or their designate(s) to inspect a Property for the purposes of determining compliance with the By-law.
- 17.4 An Officer or their designate(s) may enter upon a Property at any reasonable time to direct or require that a matter or action be done and, in default of that matter or action being done, to do such matter or action in accordance with this By-law.
- 17.5 A Person exercising power of entry on behalf of the Municipality under this By-law may be accompanied by any Person under their direction including Law Enforcement Services, other Municipal employees, agents or authorities as deemed necessary.
- 17.6 The Municipality may undertake an inspection pursuant to an order issued under Section 437 of the Municipal Act, 2001. Where an inspection is conducted, the Officer conducting the inspection may:
 - a. Require the production of relevant documents or things for inspection;
 - b. Inspect and remove relevant documents or things for the purpose of making copies or extracts;
 - c. Require information from any Person concerning a relevant matter including their name, address, phone number and identification; and
 - d. Make examinations, take tests, samples or photographs, alone or in conjunction with a Person possessing special or expert knowledge, necessary for the purposes of inspection.

Orders

- 17.7 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened this By-law, the Owner or the Person who caused or committed the contravention of this By-law, to discontinue the contravening activity.

- 17.8 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened this By-law or the Owner of the Property where the contravention occurred, to do work to correct the contravention.
- 17.9 An order made under section 17.7 or section 17.8 shall set out:
- a. the reasonable particulars of the contravention adequate to identify the contravention and the location of the Property on which the contravention occurred;
 - b. the work to be done pursuant to an order made under section 17.8; and
 - c. the date by which there must be compliance with the order.
- 17.10 In the event of a default of such work being done, the Officer shall direct the work to be done at the Licensee's expense and the Municipality shall recover the expense in the same manner as municipal taxes.
- 17.11 The order shall be posted in a conspicuous place on the Property.
- 17.12 No Person shall fail to comply with an order issued by an Officer pursuant to section 17.7 or section 17.8.
- 17.13 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.
- 17.14 Where an Officer has placed or caused the placing of a placard or document containing the terms of an order upon the Property under the authority of any legislation or provisions of this By-law, no Person shall remove such placard except with the consent of the Officer who issued the order.
- 17.15 Once an order has been served in accordance with this By-law, an order shall remain in effect on a Property until the order has been complied with.

18.0 Penalties, Offences and Fines

Administrative Penalties

- 18.1 The Administrative Monetary Penalty System By-law applies to this By-law.
- 18.2 Instead of laying a charge under the Provincial Offences Act, an Officer who finds that a Person has contravened any provision of this By-law may issue a Penalty Notice under the Administrative Monetary Penalty System By-law to the Person who contravened this By-law.
- 18.3 The Penalty Notice shall be given to the Person to whom it is addressed as soon as is reasonably practicable and shall include the following information:
- a. Particulars of the contravention, including to which Property it applies;

- b. The amount of the Administrative Penalty; and
 - c. A statement advising that an Administrative Penalty will constitute a debt to the Municipality.
- 18.4 A Person who has been issued a Penalty Notice shall pay the Administrative Penalty within fifteen (15) days from the date the Penalty Notice was issued.
- 18.5 An Administrative Penalty that is deemed to be confirmed may be added to the tax roll of the Property on which the contravention of this By-law occurred.

19.0 Demerit Point System

- 19.1 This By-law established a Demerit Point System as set out in Schedule A, without prejudice to options otherwise available to enforce this Bylaw or any other Municipal by-law, provincial act or regulation.
- 19.2 The number of Demerit Points referenced in Schedule A shall be imposed against a License upon confirmation by an Officer to the License Issuer that an Administrative Penalty issued under the Administrative Monetary Penalty System By-law has been paid.
- 19.3 A License Issuer shall revoke a License or refuse to issue or renew a License where four (4) or more Demerit Points are imposed, and remain in effect, for contraventions with respect to the Property.
- 19.4 Upon the revocation of a License under section 19.3, the License shall be revoked for the remainder of the License year plus one (1) additional calendar year.
- 19.5 Notice of the revocation or refusal to issue or renew a License pursuant to section 19.3 shall be provided to the Licensee in accordance with this By-law and a Licensee may appeal the revocation or refusal to issue or renewal a License in accordance with section 16.4 of this By-law.
- 19.6 The Licensee shall be notified in writing if and when the number of demerit points respecting a Property changes.
- 19.7 Demerit points shall remain in place for one (1) year from the date of which the contravention has been resolved.

20.0 Service of Documents

- 20.1 The service of any document, order or decision pursuant to this By-law, including a Penalty Notice, when served in any of the following ways, is deemed effective service:
- a. Immediately, when a copy is delivered by personal service to the Person to whom it is addressed;
 - b. On the fifth (5th) day following the date a copy is sent by registered mail or by regular mail to the Person's last known address;
 - c. Immediately upon the conclusion of a copy by facsimile

transmission to the Person's last known facsimile transmission number;

- d. Immediately upon sending a copy by electronic mail (i.e. email) to the Person's last known electronic email address; or
- e. By any other method deemed reasonable.

20.2 For the purposes of this By-law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the Municipality as may be required by any form, practice or policy under this By-law.

20.3 If a notice document that is to be given or delivered to a Person under this By-law is mailed to the Person at the Person's last known address appearing on the records of the Municipality as part of a proceeding under this By-law, or sent electronically to an email address that was provided by the Person, there is an irrebuttable presumption that the notice or document is given or delivered to the Person.

20.4 A Person shall keep their contact information for service current by providing any change in address, facsimile, or electronic mail address to the License Issuer, immediately.

21.0 Interpretation

21.1 Any reference in this By-law to legislation, regulations, by-laws, policies or rules is to such legislation, regulations, by-laws, policies or rules as amended, extended, re-enacted or replaced from time to time.

22.0 Short Title

22.1 This by-law may be referred to as the "Short-Term Rental Accommodation Licensing By-law".

23.0 Severability

23.1 Should any provision, or any part of a provision of this By-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this By-law, and every other provision of the By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

24.0 Compliance with the Municipal Freedom of Information and Protection of Privacy Act

24.1 All information submitted to the Municipality for the purpose of this By-law will be collected and maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act and will be used in the administration and enforcement of this By-law.

25.0 Schedules

25.1 Schedule A, as attached, shall form part of this By-law.

26.0 Effective Date

26.1 This By-law shall come into force on the date it is passed.

Read a first, second and third time and passed this XXth day of XXXXX, 202X.

Terry Lamshead, Mayor

Jessie Clark, Clerk

Draft

Schedule A – Demerit Point System

Item	Short Form Wording	Provision Creating or Defining Offence	Demerit Points
1	Use, operate, advertise or offer a Short-Term Rental Accommodation without a License or with a revoked, suspended or expired License.	14.1	2
2	Use, operate, advertise or offer a Short-Term Rental Accommodation in contravention of the approved Site Plan or Floor Plans or any terms and conditions imposed on a License.	14.2	2
3	Contravene any Municipal By-law or any provincial or federal statutes or regulations while using or occupying a Short-Term Rental Accommodation.	14.3	2
4	Fail to produce a copy of the License upon the request of an Officer.	14.4	1
5	Exceed the Maximum Occupancy permitted by a License.	14.5	2
6	Fail to respond to an emergency or contravention of any Municipal by-law, including attendance at the Property within ninety (90) minutes of being notified of an occurrence.	14.6	1
7	Hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.	14.7	2
8	Provide false information on an Application.	14.8	1
9	Fail to comply with an order issued by an Officer.	14.9	2

Table 1

Short-Term Rental Accommodation Licensing By-law

Table 1: By-law B2024-XXX Short-Term Rental Accommodation Licensing By-law					
	Column 1	Column 2	Column 3	Column 4	Column 5
ITEM	SHORT FORM WORDING	Section	First Offence	Second Offence	Third Offence
1	Use, operate, advertise or offer a Short-Term Rental Accommodation without a License or with a revoked, suspended or expired License.	14.1	\$1,000.00	\$3,000.00	\$10,000.00
2	Use, operate, advertise or offer a Short-Term Rental Accommodation in contravention of the approved Site Plan or Floor Plans or any terms and conditions imposed on a License.	14.2	\$1,000.00	\$3,000.00	\$10,000.00
3	Contravene any Municipal By-law or any provincial or federal statutes or regulations while using or occupying a Short-Term Rental Accommodation.	14.3	\$1,000.00	\$3,000.00	\$10,000.00
4	Fail to produce a copy of the License upon the request of an Officer.	14.4	\$1,000.00	\$3,000.00	\$10,000.00
6	Exceed the Maximum Occupancy permitted by a License.	14.5	\$1,000.00	\$3,000.00	\$10,000.00
7	Fail to respond to an emergency or contravention of any Municipal by-law, including attendance at the Property within ninety (90) minutes of being notified of an occurrence.	14.6	\$1,000.00	\$3,000.00	\$10,000.00
8	Hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.	14.7	\$1,000.00	\$3,000.00	\$10,000.00
9	Provide false information on an Application.	14.8	\$1,000.00	\$3,000.00	\$10,000.00
10	Fail to comply with an order issued by an Officer.	14.9	\$1,000.00	\$3,000.00	\$10,000.00

Short-Term Rental Accommodation Licensing

Application Fee	\$1,000.00	
Late Application Fee	\$1,000.00	
Renewal Fee	\$500.00	
Re-inspection Fee	\$300.00	
Appeal Fee	\$250.00	
Short-Term Rental Accommodation Licensing By-law B2024-XXX		

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