

**THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 4634-13

**A BY-LAW FOR THE LICENCING, REGULATING AND
GOVERNING OF SHORT TERM RENTALS IN THE TOWN OF
NIAGARA-ON-THE-LAKE AND TO REPEAL BY-LAW 4422-10
AND BY-LAW 4016-06 AND AMENDMENTS**

WHEREAS Subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the Act) provides that the powers of a Municipality under any act shall be interpreted broadly so as to confer broad authority on Municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to Municipal issues;

AND WHEREAS Section 9 of the 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 Act;

AND WHEREAS Section 11 of the Act authorizes a Municipality to pass by-laws respecting health, safety and well-being of persons, parking on property, structures including fences and signs;

AND WHEREAS Section 151 of the Act authorizes a Municipality to provide for a system of licenses with respect to a business including issuance and suspension;

AND WHEREAS Section 425 of the Act authorizes a Municipality to create offences;

AND WHEREAS Section 429 of the Act authorizes a Municipality to establish a system of fines or offences under a by-law of a Municipality passed under the Act;

AND WHEREAS Section 436 of the Act authorizes a Municipality to pass by-laws providing that the Municipality may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order or license;

AND WHEREAS Section 444 of the Act provides that a Municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct a contravention;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has engaged in public consultation, including public meetings and direct consultation with representatives of the business community and Short Term Rental industry;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake considers it advisable that such licencing, regulating and governing take place in regard to Bed and Breakfast Establishments, Country Inns, Cottage Rentals, Villas and Vacation Apartments;

AND WHEREAS the Corporation of the Town of Niagara-on-the-Lake has reviewed its requirements with regard to such establishments and wishes to repeal By-law 4016-06 its amendments and By-law 4422-10.

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE, as follows:

SECTION 1: DEFINITIONS AND INTERPRETATION

If any of the following definitions are defined as per the Town's Zoning By-law, the most current version of the definition from the Zoning By-law will apply.

BED AND BREAKFAST ESTABLISHMENT means a single-detached dwelling with no more than three (3) guest bedrooms for overnight guest lodging, where only breakfast is included, for the temporary accommodation of the traveling or vacationing public and includes the living accommodation of the residents of the dwelling. Such establishment shall be licensed by the Town of Niagara-on-the-Lake and shall not include a restaurant, hotel, motel, boarding or rooming house, nursing home, or any home licensed, approved or supervised under any general or special Act. The principal use of the dwelling unit shall be for residential purposes and the bed and breakfast establishment shall be an ancillary use to the main residential use. Guest bedrooms shall not be suites.

BUILDING means any structure consisting of walls, foundation and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods or materials and shall exclude a boundary wall or fence and any vehicle as defined herein.

VILLA means the commercial use of a single detached dwelling unit with four or more bedrooms, that may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for

more than 28 days), a “Villa” can be used as a “Single Detached Dwelling”. A “Villa” use is not a “Cottage Rental”. Villas located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms.

COTTAGE RENTAL means the commercial use of a single detached dwelling unit with up to three (3) bedrooms that may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a “Cottage Rental” can be used as a “Single Detached Dwelling”. A “Cottage Rental” use is not a “Villa”.

COUNCIL means the Council of the Corporation of the Town of Niagara-on-the-Lake.

COUNTRY INN means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms and providing lodging and only breakfast to overnight guests. Country Inns located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms. (A Country Inn shall only be permitted by way of a site specific zoning by-law amendment and shall be subject to the same licencing requirements as Bed and Breakfast Establishments.)

DWELLING means a building or part thereof used or intended to be used as a residential unit.

DWELLING, SINGLE DETACHED means a single detached building which is freestanding, separate, and has independent exterior walls and contains one dwelling constructed for year round habitation by one or more persons.

FEE means as set out in the Town of Niagara-on-the-Lake Annual User Fees and Rates Schedule, which is not prorated.

LICENSEE means the person who holds a current license to operate a Short Term Rental.

MUNICIPAL LAW ENFORCEMENT OFFICER means a person appointed by the Council of the Town to enforce this and other by-laws.

OPERATING means the offering or providing of accommodation for hire, the accepting of reservations or the allocation of rooms. Operate has a corresponding meaning.

OWNER means any person who is a registered owner, has a legal or equitable interest, has a legal right to obtain possession, or who has control or management of any property, land, building or structure.

PLATFORM means any software or application or telecommunications platform to accept, facilitate, broker requests for, advertise, or offer Short-Term Accommodations.

PRINIPAL RESIDENCE means a property that is owned or rented alone or jointly with another person, where the person(s) is ordinarily a resident and has designated the property as their principal residence on their income tax filing and in other government records.

PROPERTY means any lot, block or other area in which land is held or into which it is subdivided, including the buildings and structures thereon.

PROPERTY MANAGER means an agent or representative of an Owner who does not reside in the Town of Niagara-on-the-Lake, who is responsible for managing or addressing issues in relation to the Owner's Short-Term Accommodation.

RENTER'S CODE OF CONDUCT means a document that has been prepared by the Owner that has been approved by the Town that sets out the roles and responsibilities of the renter, including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town 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.

RESIDENTIAL UNIT means a set of self-contained habitable rooms located in a building or structure that is used or intended for use as a residential premises which contains kitchen and bathroom facilities that are intended for the exclusive use of the unit and has a private means of egress to the outside of the building or structure, or from a common hallway or stairway inside the building or structure in which it is located.

ROOM means a singular space within a building comprised of a floor, a ceiling and walls that is capable of being occupied and used by a person(s). It may include such features as closets, cupboards and private sanitary facilities (an ensuite) a sitting area and only one sleeping area. A sleeping area is an area within a room that contains a bed(s) and is not separated by walls containing doors.

SHORT TERM RENTALS means the use of a building for overnight guest lodging for a period of not more than 28 days and includes Bed and

Breakfast Establishment, Cottage Rentals, Villas, Country Inns and Vacation Apartments.

SUITE OR SUITE OF ROOMS means rooms that are common to each other (adjacent and interconnected) and served with one or more entrances and capable of being occupied and used by person(s). These rooms may include such features as closets, cupboards and private sanitary facilities (an ensuite), sitting areas and sleeping areas.

TOWN means the Corporation of the Town of Niagara-on-the-Lake.

TOWN CLERK means the Town Clerk or his/her designate as appointed by the Council of the Town.

VACATION APARTMENT means an “Apartment Dwelling” or a “Residential Unit” above a business on a commercially zoned property that is rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days) a “Vacation Apartment” can be used as an “Apartment Dwelling” or as a “Residential Unit”. A “Vacation Apartment” is not a “Villa” or a “Cottage Rental”.

SECTION 1.01

Unless otherwise specified, words importing the singular include the plural and vice versa and words importing gender include all genders and the past, present or future tense or other related form of defined term shall have the same meaning as the defined term.

SECTION 2: GENERAL PROVISIONS

- 1 Only the following persons may apply for and hold a license to operate a Short Term Rental:
 - (a) the Registered Owner or the Lessee of the building, provided that when the Registered Owner or the Lessee is a Corporation, the principal shareholder of the Corporation shall apply, with the consent of the Owner. In the event that the Corporation’s share structure is such that the largest shareholders hold an equal amount of shares in the Corporation, then any of the largest shareholder may apply for and hold a license, or
 - (b) the Lessee of a commercially zoned property,

2. No person shall use or operate any Short Term Rental unless they hold a current license issued pursuant to this by-law. In Short Term Rentals, the following is applicable:
 - (a) Bed and Breakfast Establishments may only be rented as individual bedrooms for licencing purposes;
 - (b) Country Inns may only be rented as individual bedrooms for licencing purposes;
 - (c) Cottage Rentals and Villas may only be rented as an entire dwelling unit for licencing purposes (individual rooms cannot be rented);
 - (d) Vacation Apartments may only be rented as an entire dwelling unit for licencing purposes (individual rooms cannot be rented).
3. Only buildings that have been occupied as a single detached dwelling for a minimum of four (4) years shall be eligible for a license. Any additions or extensions to the building that expand the number of rooms will not allow the Licensee to apply to increase the number of guest rooms available for rent until that portion of the addition or extension has been occupied for four (4) years. For greater clarity, this requirement does not apply to Vacation Apartments.
4. All municipal taxes, water and hydro accounts for the property must be current and not in arrears and outstanding Building Permits issued must be closed and final before a license will be issued.
5. Short Term Rentals must be fully serviced with water and sewage services approved by the Town or Regional Public Health Department.
6. Short Term Rentals must front onto a Public Road or the Niagara Parkway.
7. A Bed and Breakfast Establishment or Country Inn, while in operation, must be occupied and operated on a full time basis by the licensee while paying guests occupy or have the right to occupy guest bedrooms. In the case of an emergency or short term vacation, the Licensee may appoint a representative to occupy the site on a full time basis up to a maximum of 30 days.

8. In addition to compliance with all of the aforementioned provisions of this By-law, the Zoning By-law, Official Plan, Ontario Fire Code, Health Regulations, the Building Code and other Town By-laws, a Short Term Rental shall also be operated in compliance with the following provisions:
- (a) A Bed and Breakfast Establishment or Country Inn may provide and serve breakfast only. No other meal shall be offered or served on the premises. No cooking or cooking appliances shall be permitted in licensed rooms. Bottle warmers, kettles and coffee makers are not considered cooking appliances for the purposes of this by-law. Breakfast is defined as a meal served typically between the hours of 6:00 a.m. and noon local time.
 - (b) No liquor shall be provided to Short Term Rental guests in contravention of the Liquor License Act for the Province of Ontario.
 - (c) The Owner and / or Licensee, in conjunction with tenants and guests of a Short Term Rental, may be held responsible for behavioral contraventions by tenants and guests with the Towns Noise and Public Nuisance By-law.
9. Short Term Rentals shall be operated in compliance with the following provisions:
- (a) The following shall be made available to guests:
 - i) a copy of the current license; and
 - ii) a copy of the current Town Noise By-law; and
 - iii) a copy of the current Town Public Nuisance By-law; and
 - iv) a copy of the current parking provisions as the Town's Zoning By-law; and
 - v) a copy of the approved floor plans identifying the rooms and also showing exit routes; and
 - vi) information in each Licensed Room, Vacation Apartment, Cottage Rental, Villas indicating it is duly licensed and listing the rate of rental.
 - vii) a copy of the Renter's Code
 - viii) a copy of the Good Neighbours Agreement
 - (b) Only signs in accordance with the Town's current Sign By-law shall be displayed.

~~(c) — Each Licensee shall provide contact information of a responsible person, within the Town, who maintains the property and manages guests.~~

~~(c) If the Short Term Rental is not occupied by the licensee while managing guests, each Licensee shall provide contact information of the property manager that will be available to attend to the Short Term Rental at all times within a period of no greater than thirty (30) minutes-hour from the time of contact by way of telephone or e-mail;~~

(d) Each Licensee shall keep a daily register in the form of either a day journal or a sequentially numbered guest registration form. The day journal shall have a separate date on each page with enough space provided for each guest to register. Both the Day Journal and/or the Guest Registration Form shall contain the guest name, the guest assigned room if applicable, the guest home address and home telephone number, the date and duration of stay, the guest's vehicle make, license plate number, and the Province or State in which the vehicle is registered. The daily register must be kept current and be available for inspection.

(e) The Licensee, upon request from a Municipal Law Enforcement Officer, shall present the Day Journal or a sequentially numbered Guest Registration Form for inspection.

(f) The Municipal Law Enforcement Officer may require access to the licensed premises between the hours of 8:00 a.m. and 6:00 p.m. The provision of access is a requirement of this by-law to verify the health and safety of the premises and to verify compliance.

(g) The Licensee shall be responsible for ensuring that guests park in the areas designated on the approved site plan.

10. No Short Term Rental shall be used for the hosting of weddings and receptions or any other similar commercial activity. In the event that a Licensee wishes to host a Special Event, such as a family wedding or a not-for-profit charitable function, the Licensee shall provide prior notification to the Town by submitting a Special Events Notification Form as set out in Schedule "C" to this by-law.

11. A Short Term Rental may only be operated in a person's principal residence, with the exception of a Vacation Apartment.

12. No person shall advertise a Short-Term RentalAccommodation without a license.
13. No person shall advertise a Short Term Rental without including a the valid license number issued by the Town of Niagara-on-the-Lake for the property.
14. All Short Term Rentals must post signage, visible from the roadway, indicating the property is a Short Term Rental and includes the Town's 24/7 Customer Service number.

SECTION 3: PARKING

1. Parking requirements for Short Term Rentals shall be based on the requirements needed as per the provisions in the Zoning By-law applicable at the time of application plus any additional requirements based on the type of license being applied for:
 - (a) a Bed & Breakfast and Country Inn will require extra spaces for any additional registered vehicles belonging to an inhabitant or employee of the dwelling;
 - (b) a Villa will require a parking space per guest room as per the zoning requirements;
 - (c) a Vacation Apartment rental requires a minimum of one parking space which is clearly marked and signed as a designated parking space for the Vacation Apartment Rental;

The total number of parking spaces available must be shown on the plan submitted with the Application showing the dimensions and setbacks of all spaces. The total number of available spaces shall be determined according to the zoning criteria in place at the time of the initial Application for License provided that the property has been continually used, under the authority of a license since the time of the initial Application for License. In the event that the property has not been continually used under the authority of a license since the initial application then the total number of available spaces shall be determined according to the zoning criteria in place at the time of the current application held by the Licensee. In addition to parking requirements in the zoning by-law for guest rooms, the applicant shall provide for at least one parking space for each vehicle registered to the property.

SECTION 4: LICENSE APPLICATION

1. An Application for a license for a Short Term Rental shall be submitted to the Town Clerk, and shall include a clear and legible site plan [except for Vacation Apartments, see Section 3:1(b)] drawn to scale and shall include:
 - (a) the location of the building on the property with setbacks indicated from all property lines,
 - (b) the location and dimension of the parking area and the required parking spaces,
 - (c) driveway access to the required parking spaces, and
 - (d) the location and dimensions of the outdoor amenity area, shall be as required in the current zoning by-law provisions.
2. An Application for a Vacation Apartment may use the site plan attached to the registered site plan agreement on title. In the case where there is no site plan registered on title, then Section 4: 1. (a) to (c) applies to Vacation Apartments.
3. The Application will require proof of separate liability insurance coverage for Short Term Rentals for a minimum of Two Million Dollars (\$2,000,000). As well “The Corporation of the Town of Niagara-on-the-Lake” shall be shown as an “Additional Insured”. Proof is also required to be supplied to the Town Clerk for the additional years of the License or should the policy be cancelled.
4. An Application for a Bed and Breakfast Establishment and Country Inn shall include a list of motor vehicles that are used and/or stored on-site by the residents of the licensed premises along with the license plate numbers of the said vehicles. The Licensee shall notify the Town Clerk of any changes within seven (7) days;
5. The Application will identify on it the number of full-time occupants of a Bed and Breakfast Establishment or Country Inn;

~~6. The Applicant shall pay the required licencing fee as per Schedule “A” attached to this by-law.~~

6. The Applicant shall pay the required licensing fee as set out in the Town of Niagara-on-the-Lake Annual User Fees and Rates Schedule, which is not prorated;

7. Upon receipt of a completed Application and the payment of the fee, the Town Clerk shall do the following:
 - (a) in the case of a new Application, the Clerk shall forward the Application to the Community & Development Services Department and to the Fire Department;
 - (b) in the case of a renewal Application, the Clerk shall forward the Application to the Community & Development Services Department;
 - (c) in the case of both new and renewal Applications, the Clerk shall forward the Application to the Niagara Regional Public Health Department for Country Inns, Villas, and for all other Applications not on municipal water or Applications that have a pool as required by the Niagara Regional Public Health.
8. Upon receipt of satisfactory responses to all of the inquiries by the Town Clerk under this By-law and compliance with all other provisions of the By-law the Town Clerk shall issue a license, which shall expire at midnight on December 31st as noted on the license.
9. The Licensee shall be responsible for informing the Town Clerk in writing of any changes to the approved information contained within the Application or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing herein allows a Licensee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a License unless the Town has approved same.
10. The submission of false or misleading information in the Application for a license will void the Application. Any license issued on such an Application is automatically revoked.

SECTION 4.01: LICENSE TIME PERIOD

1. An application which has been approved and for which a license has been issued pursuant to this by-law, such license shall expire upon the earliest of the following events:
 - (a) midnight on December 31st of the fourth year of the license; or
 - (b) the sale of the Short Term Rental identified on the license.
2. During the transition period and for the purposes of Licencing, reference shall be given to Schedule D.

3. When a Short Term Rental has been sold, the new owner has one year from the possession date to apply for a license in order to maintain legal non-conforming status.

SECTION 4.02: LICENSE ISSUE AND DENIAL

1. A license shall be issued if the completed application conforms to the provisions of this by-law, every other by-law of the Town, including but not limited to Property Standards, Clean Yards, Fences, Swimming Pools, Signs, Noise and Nuisance, the Ontario Building Code and regulations made there under and the Ontario Fire Code, and if all required fees are paid. The Town Clerk and Municipal Law Enforcement Officer assigned such duties may:
 - (a) refuse a license application for any license if the information submitted on the application is incomplete or incorrect; or
 - (b) refuse a license application for any license where all the required fees have not been paid; or
 - (c) refuse a license application for any license where a license has been previously revoked, suspended, made subject to special condition or a property applying for license has presented a history of contravention with this or other Town by-laws.

SECTION 4.03: LICENSE REFUNDS AND PENALTIES

1. If a license application is denied, the application fee will be refunded to the applicant.
2. If no inspections for the purposes of receiving a license have been booked on the applicant's part, the fee may be refunded to the applicant upon request.
3. Should an applicant wish to cancel their license during the four year term, as long as the Licensee advises in writing that they have not operated in the year they are requesting a refund, a full refund for the years remaining of the license will be refunded. Applicants must request a refund no later than June 1st in the year they are requesting the refund.

SECTION 4.04: LICENSE FEES

- ~~1. All applications for a license filed with the Town shall be accompanied by the fee for each license as established by Council from time to time by resolution and as specified in Schedule A to this by-law.~~

1. All applications for a license filed with the Town shall be accompanied by the fee for each license as set out in the Town of Niagara-on-the-Lake Annual User Fees and Rates Schedule, which is not prorated.

2. During the transition period of having all licensed establishments on a four year license, the fee will be based on a one year license times the amount of years to be licensed and the number of rooms.

SECTION 4.05: PRE-LICENSE INSPECTION

1. It is the responsibility of any person applying for a license to coordinate with the Town Clerk, to arrange for an inspection of the property as a condition to and prior to receiving a license to ensure compliance with the following:

- (a) provisions of this by-law;
- (b) Ontario Fire Code;
- (c) Ontario Building Code;
- (d) Property Standards By-law;
- (e) Clean Yards By-law;
- ~~(f) Zoning By-laws; and~~
- ~~(f) Ontario Electrical Safety Code; and~~
- (g) any other Town by-laws that may affect the status of the application.

SECTION 5: ADMINISTRATION AND ENFORCEMENT

1. The Town Clerk and/or any Municipal Law Enforcement Officer, and/or Fire Services assigned such duties shall be responsible for the administration and enforcement of this by-law.

2. Upon receipt of an application for a license, the following functions shall be performed:

- (a) receive and review the application in conjunction with any regulation governed by this by-law;
- (b) carry out inspection as may be necessary to satisfy that the property is in compliance with the provisions of this by-law, all other Town By-laws, any regulations and the approved plans; and
- (c) if the application conforms to the provisions of this by-law, all other by-laws of the Town and all regulations, then the Town Clerk and/or the Municipal Law Enforcement Officer shall retain one (1) copy for the file and issue a license;
- (d) issue the required notice whenever contraventions are found with the provisions of this by-law.

3. The Municipal Law Enforcement Officer is empowered, upon presentation of proper credentials, to enter onto land and/or at any reasonable time to inspect any building, structure or property for the purposes of carrying out an inspection to determine whether this by-law or a notice or an order issued is being complied with. Such inspections shall be carried out during business hours, being between 8:00 a.m. and 6:00 p.m., unless an emergency situation exists where public safety is in question.

SECTION 5.01: VIOLATIONS

1. When, in the opinion of the Town Clerk or a Municipal Law Enforcement Officer, a violation of this by-law has occurred or exists, the Town Clerk or a Municipal Law Enforcement Officer shall issue a written compliance notice to the alleged violator. The notice shall specify those sections of the by-law which are in violation and shall state that the violator has seventy-two (72) hours from the delivery of the notice in which to correct the alleged violation, failing which the Town may correct the alleged violation at the expense of the Owner / Occupier.
2. Service of any notice under this section shall be carried out by personal service upon the violator by the Town Clerk or a Municipal Law Enforcement Officer or by hand delivering the notice to the address of the Owner of the property as listed in the assessment roles of the Municipality.

SECTION 5.02: LICENSE SUSPENSION, REVOCATION

1. The license to operate a Short Term Rental may be revoked, suspended or made subject to special conditions, ~~including monetary payment, by resolution of Council for~~ by the Town Clerk for:
 - (a) any breach of the provisions of this by-law; or
 - (b) any breach of the provisions of any other Town by-law or regulations; or
 - (c) refusal to comply with any notice of violation within 72 hours.

SECTION 5.03: APPEAL

1. An applicant, whose application has been refused, or a Licensee, whose license has been revoked, and is not satisfied with the terms or conditions as to why this action was taken, may apply to appeal this decision with the Licencing Appeal Committee.
2. Every person who initiates an appeal of a decision made under Section 4.02 and Section 5.02 of this By-Law shall submit a notice of appeal;

- (a) within 14 days of a refusal or revocation;
- (b) with the non-refundable required fee as detailed in Schedule A of this by-law, and;
- (c) by registered mail to the Town Clerk and Municipal Law Enforcement Officer.

SECTION 5.04: LICENCING APPEAL COMMITTEE

1. Council shall appoint at large, by a resolution of Council no fewer than three (3) persons of the Municipality to the Licensing Appeal Committee for a term of office concurrent with Council.
2. The Licensing Appeal Committee shall receive all notices of appeal and hold a hearing with every person who initiates an appeal of a decision made under Section 4.02 and Section 5.02 of this By-Law.
3. The Licensing Appeal Committee shall, by majority vote, make a ruling at the conclusion of the hearing, on the date of hearing, and report to the appellant, in writing, forthwith, the decision to:
 - (a) rescind the refusal or revocation action;
 - (b) confirm the refusal or revocation action, or
 - (c) modify the action and create requirements of compliance.
4. Once the recommendation of the Licensing Appeal Committee has been made, such decision shall be carried through to Council for final ratification. Council may confirm, modify or rescind the recommendation made by the Licensing Appeal Committee during this time.

SECTION 5.05: PENALTY FOR NON-COMPLIANCE

1. Every person who contravenes any provision of this by-law is guilty of an offence and all contraventions of this by-law are designated as continuing offences pursuant to section 429 of the Municipal Act, 2001, S.O. 2001, c.25.
2. Every person who contravenes any provision of this by-law is guilty of an offence for each day or part of a day that the offence continues and on conviction is liable to a fine as set out in Schedule B of this by-law for each offence, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33 and the Municipal Act, 2001, S.O. 2001, c.25.
3. Every Director or Officer of a Corporation who knowingly concurs in the contravention of this by-law is guilty of an offence for each day or part of a

day that the offence continues and on conviction is liable to a fine as set out in Schedule B of this by-law for each such offence, as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33 and the Municipal Act, 2001, S.O. 2001, c.25.

4. Where a person has been convicted for an offence under this by-law, the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
5. Neither the granting of a license nor the approval of an application or an inspection made by the authority having jurisdiction shall in anyway relieve the Owner / Occupant of the property from full responsibility for fulfilling the work or required maintenance in accordance with the provisions of this by-law.

SECTION 6: CONFLICT AND SEVERABILITY

1. If any portion of this by-law is found to be in conflict with any other provision of any zoning, building, fire, safety or other by-law of the Town or regulations, the provision which establishes the higher standard shall prevail.
2. Should any section, clause or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part hereof, other than the part which was declared to be invalid.

SECTION 6.01: REPEAL

1. By-law 4016-06 and it's amendments and By-law 4422-10 shall be and are hereby repealed.

SECTION 6.02: EFFECTIVE DATE

This by-law shall come into full force and effect of the final date of passage hereof at which time all by-laws that are consistent with the provisions of this by-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 6th DAY OF MAY 2013

LORD MAYOR DAVE EKE

TOWN CLERK HOLLY DOWD

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Schedule “A”

Fees

SHORT TERM RENTALS

Appeal Fee \$250.00 (Non-refundable)

\$108 per licensed guest room per year

- ~~Operators shall pay their license fee for the years they are licensed, unless they wish to be invoiced annually. Invoices to be sent out in October, prior to the next licensing year. Should the fee not be collected in due course, the necessary steps will take effect to recommend the license be revoked.~~

SCHEDULE “B”:

PART I PROVINCIAL OFFENCES ACT

Schedule “B”

PART I PROVINCIAL OFFENCES ACT

ITEM #	COLUMN 1: Short Form Wording	COLUMN 2: Provision creating or defining offence	COLUMN 3: Set Fine
1	Operate/ Advertise a Short Term Rental without a current license	2(2) 2(12)	\$1000
2	Advertising a Short Term Rental without license number displayed	2(13)	\$1000
2	Failure to respond to complaint within thirty (30) minutes	2(9)(c)	\$500

NOTE: The penalty provision for the offences indicated above is Section 5.05 of By-law No. 4634-13, a certified copy of which has been filed.

SCHEDULE “C”

Special Event Notification Form

SPECIAL EVENT NOTIFICATION FORM

**MUNICIPAL
ADDRESS:**_____

**LICENSED
OWNER**_____

**DATE OF
EVENT:**_____

**DESCRIPTION OF
EVENT:**_____

() I WILL NOT HAVE PAYING GUESTS ON SITE DURING EVENT

() I WILL HAVE PAYING GUESTS ON SITE DURING THIS EVENT

SIGNATURE:_____

**DATE
SUBMITTED:**_____

**NOTE:
THIS FORM TO BE DELIVERED TO THE TOWN CLERK NO LATER THAN
SEVEN (7) DAYS PRIOR TO EVENT TAKING PLACE.**

SCHEDULE "D"

License Transition Periods

All existing licenses issued for operation in 2020 and prior will be permitted to continue to operate until the expiry of their term. The following applies to renewal applications for licenses where the Short Term Rental is not the operator's principal residence:

- 1) Any renewal licenses for a Short Term Rental where the property is not the Licensee's Principal Residence will be issued for a period up to December 31, 2023.
- 2) New applications for short term rentals operating in 2021 and onward will not be included in the transition period and will be required to adhere to the provisions of the by-law.
- 3) Should a change in ownership occur during the transition period, any application supplied by the new owner will not be included in the transition period and will be required to adhere to the provisions of the by-law.

~~In Order to transition all applicants or licensed owners into a four year license, the following applies:~~

- ~~a) All applications will be renewed as of January 1, 2014 upon proper application.~~
- ~~b) Applications will be divided into four groups.~~
- ~~c) A quarter of the applications will be licensed for one year with an expiry date of December 31, 2014. This group will then re-apply January 1, 2015 for a new four (4) year license.~~
- ~~d) A quarter of the applications will be licensed for two years with an expiry date of December 31, 2015. This group will then re-apply January 1, 2016 for a new four (4) year license.~~
- ~~e) A quarter of the applications will be licensed for three years with an expiry date of December 31, 2016. This group will then re-apply January 1, 2017 for a new four (4) year license.~~
- ~~f) A quarter of the applications will be licensed for four years with an expiry date of December 31, 2017. This group will then re-apply January 1, 2018 for a new four (4) year license.~~