



Staff Report

Department: Community & Growth - By-law
To: Mayor and Members of Council
Meeting Date: February 25, 2026
Report No: CSR-2026-020
Report Title: Short Term Rental By-law Options

Recommendation:

That Staff Report CSR-2026-020, Short-Term Rental By-law Options, dated February 25, 2026, be received; and

- 1. That Staff be directed to develop a Short-Term Rental By-law consistent with Option 3, modeled on the Town of Gravenhurst framework, as outlined in Attachment #7 of Staff Report CSR-2026-020.**

Background:

At the September 16, 2020 Regular Council meeting, Resolution #2020-201 (Attachment #1) was passed which directed Staff to report on regulatory options for licensing, registration, taxation and enforcement of Short Term Rentals within the Town of Midland. Through research by Staff, there are many different iterations of Short Term Rental By-laws and Staff are seeking further direction from Council on what provisions and aspects of a Short Term Rental By-law they would like to see in a future draft.

Analysis:

Staff have conducted research into other Short Term Rental By-laws in Ontario. Each municipality is relatively similar with a majority of By-laws imposing licensing requirements on Short Term Rental Accommodations (STRA) in varying forms. The chart below describes which surrounding municipalities have existing STR regulations, which are in the process and which do not have any regulations:

Municipality	Existing By-law
Township of Tiny	Yes- By-law 2022-017
Town of Penetanguishene	Yes- By-law 2022-58
Township of Tay	None
Township of Georgian Bay	Yes- By-law 2023-116
Township of Oro-Medonte	In progress

Municipality

Township of Springwater

Town of Wasaga Beach

Existing By-law

Yes- By-law 2024-068

Yes- Via Zoning By-law. Currently reviewing a potential Licensing By-law

Aside from the Township of Tay, all other municipalities in the surrounding area have or are considering Short Term Rental Licensing By-laws. Below are some highlights from the surrounding municipalities By-laws related to STRA's:

Licensing Regulations

Option 1: Township of Tiny- Attachment #2

The Township of Tiny created a robust licensing By-law which originated in 2022. Through their process, there was an appeal filed through the Ontario Superior Court of Justice by the "Tiny Township Association of Responsible STR Owners along with 6 other individuals which challenged that the By-law was *ultra vires* meaning that it went above and beyond the scope of what a municipality can pass by-laws on. This hearing was conducted on October 4, 2024 and a decision was provided by the Honourable Justice H. Leibovich on March 24, 2025 in which they dismissed the entire application and the By-law stood as is. This decision was not only a major win for the Township of Tiny but also many other Ontario municipalities that have or are considering creating Short Term Rental Licensing By-laws as this now forms case law precedent to support certain provisions that are included within any Short Term Rental Licensing By-law.

Some highlighted provisions within the Township of Tiny By-law are as follows:

1. Limited the number of licenses to 300.
2. Prohibition that stays can't be less than 6 consecutive days from April 15-October 15.
3. Prohibition that a Premise can't be rented more than once in every six day period from October 16-April 14.
4. Prohibition that a STR can't be rented out for more than 92 combined days in a calendar year.

There are common licensing requirements within this By-law such as a site diagram/site plan and a floor plan needing to be provided, insurance, a Responsible Person requirement, and certain inspection documents that are required for a license application which are dependent on the features included in each Premise.

This By-law also has a demerit point system similar to a driver's license demerit point system. Each contravention that is confirmed by way of either an Order not being complied with, or a conviction being registered and not appealed through the Provincial Offences Court results in demerit points being imposed on the associated license. After a certain amount of demerit points are imposed on a license, that license would be at risk of being suspended or revoked.

This type of STRA Licensing By-law is most common for municipalities that are either combating many problem STRA type of properties or have an abundance of STRA's within their municipality.

The Town of Penetanguishene (Attachment #3), Township of Georgian Bay (Attachment #4), and the Township of Springwater (Attachment #5) all have similar types of provisions within their By-laws.

Licensing and Zoning

Option 2: Town of Blue Mountains- Attachment #6

The Town of Blue Mountains is one of the first municipalities in Ontario to create a By-law surrounding STRA's. They began in the early 2000's with a By-law and it has since evolved into a comprehensive By-law that is intertwined with their Zoning By-law. Through the years, the Town of Blue Mountains made changes to their Zoning By-law by designating areas of their municipality with specific zones to operate STRA's from and have been successful in doing so over the years. This has now allowed the municipality to control exactly where STRA's are permitted through the Zoning By-law while also imposing stringent licensing requirements for each STRA in the municipality. The licensing requirements are relatively the same as the above example By-laws however there are some unique provisions depending on which "type" of license one would require.

Registry

Option 3: Town of Gravenhurst- Attachment #7

The Town of Gravenhurst has gone a slightly different direction than others in that they simply enforce a registry style STRA By-law rather than a licensing type of By-law with the many different provisions. Their model still has some provisions, like the others, such as requiring a site plan of the property, a responsible person, and an application however, do not have any provisions surrounding inspections or proof that a septic system is proper, the property is compliant with the Fire Code/Building Code, etc. This is intended to allow for the Town to have a registry of properties without the requirement of inspection documents from fire, building or otherwise. This model eliminates the need for extra staff and lessens the administrative burden as all that needs to be done is to register a property with the Town so they are aware that the property is being used as a STRA.

This is the recommended option of Town Staff.

Municipal Accommodation Tax (MAT)

Pending the passing of a future STRA Licensing By-law or any of the above options, STRA's could then be included within the Municipal Accommodation Tax By-law. Currently, the only businesses that are subject to MAT are Hotels and Motels. STRA's are commonly included in a MAT By-law however in order for that to happen, a licensing or registration type of By-law associated with STRA's would need to be implemented. Currently, the definition of Short Term Rental Accommodation within the MAT By-law does not include Bed and Breakfast establishments. If Council wishes to include Bed and Breakfast establishments, the definition of STRA within the MAT By-law will need to be amended.

Items to Consider

1. In completing high level research on multiple STR web platforms, Staff have found that the current number of STRA's in the Town of Midland is approximately 20.

2. By-law Staff have not received any complaints in the past 2 years related to a short term rental property.
3. How Council wishes to be able to accurately locate STRA's in the municipality. With platforms not providing addresses, it would be extremely difficult for Staff to find each property that is operating a STRA in the municipality on their own. There is software such as Granicus or Hamari to name a few, that provide an address identification and monitoring software. There is an additional cost in having these programs used as part of an STRA program.
4. Potential hiring of additional Staff depending on how robust the licensing provisions and administrative tasks will be for the municipality.
5. What the cost of a license should be? Additional research can be conducted by Staff to investigate what each surrounding municipality charges for a license and be presented in a future report to Council.
6. Does Council wish to include Zoning amendments as part of this process? If so, may elongate the process of implementation due to appeal periods under the Planning Act. Staff do not recommend this.
7. What provisions are desired to be in a draft By-law? Does Council wish to include inspection requirements related to septic systems, Building Code compliance and Fire Code compliance?
8. What type of public engagement does Council wish to have to get feedback from any proposed regulations.

There are many different factors to consider when creating a STRA Licensing By-law. Staff is requesting feedback from Council on this matter to help guide Staff in a direction that meets the goals of the municipality and Council.

Stakeholder Considerations/Impacts:

N/A

Options/Alternatives:

1. Council can choose not to proceed with a draft By-law and discontinue this process.
2. Council can choose to include any of the above considerations.
3. Council can choose to include additional items to be incorporated into the draft By-law.

Financial Impact:

As this report is intended to gather feedback and additional information, there is no financial impact at this time. Depending on the direction of Council, there may be some financial impacts such as the

cost of software, the cost of administering the By-law, the cost of a license and the cost of any related inspections. These would be described in more detail within a future report.

Council's Strategic Plan:

This recommendation is consistent with the following Council Strategic Priorities:

- Stabilize and Streamline Service Delivery
- Enhance Town Safety

Conclusions:

Staff recommend that a model framework similar to that used by the Town of Gravenhurst serve as an initial step towards establishing a regulatory structure for STRA. Upon receiving direction from Council, Staff will prepare a detailed licensing framework and presented it at a future Council meeting.

Prepared by: Rob Kennedy, Manager, Municipal Law Enforcement

Reviewed by: Steve Farquharson, Executive Director, Community and Growth

Approved by: Rhonda Bunn, Chief Administrative Officer

Attachments:

[Attachment #1- Resolution No. 2020-201 re. licensing on short term rental](#)

[Attachment #2- Township of Tiny- Short-Term Rental Accomodation By-law 22-017](#)

[Attachment #3- Town of Penetanguishene- 2022-58-STR Licensing By-law](#)

[Attachment #4- Township of Georgain Bay- STR-By-law-2023-116](#)

[Attachment #5- Township of Springwater- 2024-068-Short-Term-Rental-By-law](#)

[Attachment #6- Town of Blue Mountains- 2021-70-STR By-law](#)

[Attachment #7- Town of Gravenhurst 2022-058 - Regulate Short Term Rentals](#)



The Corporation of the Town of Midland

Resolution No. 2020-201
Date: September 16, 2020

MOVED BY: B. Prost

SECONDED BY: *Oschevski*

That Staff report to Council on regulatory options for licencing, registration, taxation and enforcement of short term rentals and "ghost hotels" in the Town of Midland.

Carried: ☒ Defeated: ☐ Deferred: ☐



MAYOR or CHAIR



The Corporation of the Township of Tiny

By-law 22-017

A By-law to Licence, Regulate and Govern
Short-Term Rental Accommodation

Passed: August 11, 2022

As Amended / Repealed by By-law Number:

Repealed By / Amended By	By-law No.	Passed on:
Amended by	22-067	August 31, 2022
Amended by	22-082	November 9, 2022

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW 22-017

A By-law to Licence, Regulate and Govern Short-Term Rental Accommodation

WHEREAS the Council of the Township of Tiny may, pursuant to the *Municipal Act*, 2001, S.O. 2001, c.25. as amended, enact by-laws for the licensing, regulating and governing of businesses and occupations in the Township of Tiny;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 8(1), a municipality under this or any other Act 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 and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 8(3), authorizes a municipality to:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licenses respecting the matter;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 9, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 11(2), paragraph 6 of the *Municipal Act*, authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 23.1 authorizes a municipality to delegate its powers and duties;

AND WHEREAS pursuant to *Municipal Act*, Part IV, Section 151, provides that a municipality may provide for a system of licenses with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to 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 the Council of the Corporation of the Township of Tiny deems it desirable that such licensing, regulation and governing takes place with regard to short-term rental accommodations as defined in this By-law;

NOW THEREFORE the Council of the Corporation of The Township of Tiny hereby ENACTS AS FOLLOWS:

1. TITLE:

- 1.1 This By-law shall be known and may be cited as the "Short-Term Rental Accommodation Licensing By-law".

2. DEFINITIONS:

For the purpose of this By-law:

- 2.1 **"Accessory Building or Structure"** means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use of the main building on the same lot.
- 2.2 **"Applicant"** means the Owners of the Premises applying for a Licence or renewal of a Licence under this By-law.
- 2.3 **"Bedroom"** means a room offered for Short-Term Rental Accommodation intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario Building Code, and/or a room with one or more beds, murphy beds, pullout beds, sofa beds, day beds, futons or similar places for sleeping.
- 2.4 **"Boat"** means any vessel, container on water, or floating accommodation, regardless of whether or not it is docked, affixed to land, or can be driven.
- 2.5 **"Building"** means a structure occupying an area greater than ten square metres 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 related thereto.
- 2.6 **"Chief Fire Official"** means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief or a person appointed by the Fire Marshal.
- 2.7 **"Committee"** means a committee of individuals which has been delegated, by Township of Tiny Council, the responsibility of handling appeals, suspensions and revocations of Licenses under this By-law.
- 2.8 **"Corporation"** means a body incorporated pursuant to the laws of Ontario or Canada.
- 2.9 **"Council"** means the Council of the Corporation of the Township of Tiny.
- 2.10 **"Dwelling Unit"** means two or more rooms used, designed or intended for the domestic use of one or more individuals living as a single housekeeping unit, with living, sleeping and sanitary facilities, and kitchen facilities, having a private entrance from outside the building or from a common hallway or stairway inside or outside the building. For the purpose of this By-law, a Dwelling Unit does include a cottage but does not include an

Accessory Building or Structure or a tent, trailer, mobile home, vehicle, Boat, room or suite of rooms in a boarding or rooming house, hotel, or motor home.

- 2.11 **"Fee"** means a Fee as set forth in the Township of Tiny Fee By-law, which is not prorated and non-refundable.
- 2.12 **"Guest"** means any person on the Premises who is not a Renter.
- 2.13 **"Licence"** means the licence issued under this By-law as proof of licensing under this By-law.
- 2.14 **"Licensed"** means to have in one's possession a valid and current Licence issued under this By-law and "Unlicensed" has the contrary meaning.
- 2.15 **"Licensee"** means the Owner of a Premises who holds a Licence or is required to hold a Licence under this By-law for that Premises.
- 2.16 **"Licensee Code of Conduct & Acknowledgment"** means a document, as set forth in Schedule "B", that has been prepared by the Township that prescribes the roles and responsibilities of the Licensee, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws; and adherence to the provisions of this By-law.
- 2.17 **"Licensing Officer"** means any person or persons provided the authority by the Township to issue a Licence under this By-law.
- 2.18 **"Officer"** means a Municipal Law Enforcement Officer, Building Inspector, Police Officer or other person appointed by by-law to enforce the provisions of Township by-laws.
- 2.19 **"Owner"** means the Person holding title to the Premises where the Short-Term Rental Accommodation is located, and "Ownership" has a corresponding meaning.
- 2.20 **"Parking Area"** means an area on the Premises provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.
- 2.21 **"Person"** means any singular or plural human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.
- 2.22 **"Premises"** means the Property upon which a Short-Term Rental Accommodation is operated, inclusive of buildings or structures or any part thereof used for such purpose.
- 2.23 **"Property"** means the land upon which a Short-Term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof.

- 2.24 **"Renter"** means a person that intends to use the Short-Term Rental Accommodation for overnight lodging, but shall not include daily visitors to the Premises.
- 2.25 **"Renter's Code of Conduct"** means a document, as set forth in Schedule "A", that has been prepared by the Township that prescribes the roles and responsibilities of the Renters and Guests, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws, and adherence to the provisions of this By-law;
- 2.26 **"Responsible Person"** means an Owner or a Person, 18 years of age or older if an individual, duly appointed by an Owner to act on its behalf, and being responsible for ensuring the Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the Licence and applicable laws.
- 2.27 **"Short-Term Rental Accommodation"** means the secondary use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, licence, rental agreement or similar arrangement for fewer than twenty-eight (28) consecutive calendar days with no on-site management throughout all or part of the year. Short-Term Rental Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, tourist establishment, tourist cabin establishment, or similar commercial accommodation use. For the purposes of this definition, a secondary use shall mean secondary in terms of time the Dwelling Unit is used as a Short-Term Rental Accommodation.
- 2.28 **"Township"** means The Corporation of the Township of Tiny.
- 2.29 **"Zoning By-law"** means the Township's Comprehensive Zoning By-law 06-001, as amended, or any successor comprehensive Zoning By-law, as amended.
- 3. ADMINISTRATION:**
- 3.1 The Licensing Officer shall be responsible for the administration of this By-law;
- 3.2 Officers shall be responsible for the enforcement of this By-law;
- 3.3 Upon receipt of an application for a Licence, a Licensing Officer shall perform the following functions:
- a) receive and review the application in conjunction with any provision of this By-law; and
 - b) ensure the relevant Officers have carried out the necessary inspections to satisfy the Township that the Premises is in compliance with the provisions of this by-law.
- 3.4 Applications for a Licence and issued Licenses will be posted on the Township's website, including personal information such as the legal description, civic address, and Owners' and Responsible Person's contact information.

- 3.5 After November 15, 2021, Licensees may apply for renewal of their License, however no new Licenses will be issued until the number of Licenses in the Township fall below 300, after which the number of Licenses shall not exceed 300.

4. PROHIBITIONS:

- 4.1 No Person shall operate a Short-Term Rental Accommodation unless the Person holds a current Licence issued pursuant to this By-law.
- 4.2 No Person shall use or rent an Unlicensed Short-Term Rental Accommodation.
- 4.3 No Person shall advertise nor permit:
- a) the use of a Short-Term Rental Accommodation without a Licence;
 - b) the rental or use of a greater number of Bedrooms than permitted by the Licence;
 - c) a greater number of Renters or Guests than is permitted by the Licence;
 - d) the use of more than one building with Bedrooms on the Premises;
 - e) the rental of the Premises for fewer than 6 consecutive days between April 15 – October 15;
 - f) the rental of the Premises more often than once in every six-day period from October 16 – April 14; or
 - g) the rental of the Premises for more than 92 combined days per calendar year.
- 4.4 No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this By-law.
- 4.5 No Person shall violate the provisions of the Licensee Code of Conduct & Acknowledgment attached as Schedule "B" to this By-law.
- 4.6 No Person shall fail to produce a copy of the signed Renter's Code of Conduct or Licensee Code of Conduct & Acknowledgment upon the request of an Officer.
- 4.7 No Licensee or Renter shall permit more than 2 Renters on the Premises for each Bedroom identified and approved as such on the floor plans submitted with the application for the Short-Term Rental Accommodation Licence, at any one time.
- 4.8 The maximum number of Guests at a Premises at any one time shall not exceed 1 Guest per Bedroom approved as such on the floor plans submitted with the application for the Short-Term Rental Accommodation Licence, at any one time.
- 4.9 The maximum number of Renters on a Premises shall not exceed ten (10).
- 4.10 No Licensee shall rent any room other than a Bedroom that was identified and approved as such on the floor plans submitted with

the application for the Short-Term Rental Accommodation Licence.

- 4.11 The provisions of Section 4 shall not apply when the Premises is not rented for Short-Term Rental Accommodation.
- 4.12 No Person shall contravene the Site Requirements found at Section 7 of this By-law.
- 4.13 Short-Term Rental Accommodations shall comply with all applicable Municipal by-laws and provincial legislation.

5. TERM OF LICENCE:

- 5.1 A Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
 - a) December 31st of the year issued;
 - b) Upon the sale or transfer of the Premises. For clarity, a Licence cannot be assigned or transferred to another Person; or
 - c) The Licence has been revoked in accordance with the provisions of this By-law.
- 5.2 The Licensing Officer shall have the right to extend any active Licence for up to 1 calendar year, should there be a declared emergency that directly effects the Licensee.
- 5.3 Only one Licence per Premises shall be permitted.
- 5.4 A Licence may only be issued to the Owner of the Premises.

6. LICENSING REQUIREMENTS:

- 6.1 Every application for a new Licence, or the renewal of an existing Licence, shall include:
 - a) a completed application in the form required by the Township, which shall include each Owner's name, address, telephone number, and email address;
 - b) proof of Ownership for the Premises;
 - c) a statutory declaration signed by each and every Owner stating that the Premises is used primarily for residential purposes and that each and every Owner understands their responsibilities as a Licensee;
 - d) a site diagram and floor plan, drawn to scale and fully dimensioned of the Premises identifying:
 - i. the location of all Buildings and structures on the Property;
 - ii. the location of wells, and all components of sewage systems;
 - iii. the use of each room;
 - iv. the location of smoke and carbon monoxide alarms, and early warning devices;

- v. the location of fire extinguishers;
 - vi. the location of records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
 - vii. the location of all gas and electric appliances;
 - viii. the location of all fireplaces and fuel-burning appliances;
 - ix. all entrances/exits to and from the Buildings; and
 - x. the exterior decks and related site amenities including dimensioned parking spaces, and other Buildings or structures on the Property;
- e) a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance policy must identify that a Short-Term Rental Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the Township shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy;
- f) an electrical general inspection performed by a licensed electrical contractor dated less than 5 years old;
- g) where there are wood burning appliances, a Wood Energy Technical Transfer (WETT) report dated less than 5 years old issued by a certified WETT inspector;
- h) an annual inspection report, provided with the annual application, indicating that the chimney, flue pipes etc. have been inspected by a WETT certified chimney sweep and are safe to be utilized;
- i) an HVAC inspection report issued by an HVAC Technician. An updated report shall be required each year;
- j) the name and contact information of the Responsible Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Township by-law, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence; and
- k) at time of renewal: maintenance and record of tests for all smoke and carbon monoxide alarms along with the guest log/register.
- 6.2 An Applicant shall provide payment of the applicable Fee as noted within the Township's Fee By-law.
- 6.3 An Applicant or Licensee shall be responsible for informing the Township, in writing, of any changes to the information contained within the application or any deviation to the approved plans within (7) days of such change or deviation.
- 6.4 Nothing herein allows a Licensee to rent Bedrooms other than those identified and approved on the floor plans submitted with the application unless the Township has approved same.

- 6.5 An Applicant shall confirm that an occupancy permit, also known as "permission to occupy" has been issued for the Premises if the Building was constructed on or after October 26, 1986. Where this is not available, the Township Building Department shall be consulted. A Licence shall not be issued until the Township is satisfied that the necessary inspections and reports have been completed or that a safety site inspection was completed to ensure the safety of persons.
- 6.6 A Licensee must ensure that any listing, advertisement, etc. of the Premises includes the corresponding Licence number issued by the Township.
- 6.7 A Licensee shall be an Owner who is an individual or group of individuals and not a corporation, partnership, or business, except where section 6.8 applies.
- 6.8 Corporate Owners may be permitted to become a Licensee at the discretion of the Licensing Officer, if staff is satisfied in its sole discretion that the property is used and held primarily for residential purposes.

7. SITE REQUIREMENTS:

- 7.1 The provision of parking on the required site diagram shall include the following:
- a) location of the Parking Area with a minimum number of parking spaces as set out in the Zoning By-law;
 - b) that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area; and
 - c) compliance with all other parking provisions as set out in the Township Zoning By-law, as amended.
- 7.2 A Parking Area shall consist of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface). Vehicles may only park in the Parking Area.
- 7.3 The following shall be made available to Renters:
- a) A copy of the current Licence retained on site of the Premises and available for inspection by Township staff;
 - b) A copy of the site diagram showing the current Parking Area and parking provisions for the Premises;
 - c) A copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes;
 - d) A copy of the Renter's Code of Conduct;
 - e) A copy of the current Township Noise By-law;
 - f) A copy of the current Open-Air Burning By-law;
 - g) A copy of the current Fireworks By-law;
 - h) The occupant load of the residence, posted in a conspicuous location;
 - i) Emergency "911" instructions with the address of the Property clearly printed and posted in a conspicuous location;
 - j) A copy of the smoke and carbon monoxide maintenance and use instructions; and
 - k) Name and contact information of the Responsible Person.

- 7.4 All Short-Term Rental Accommodations must provide a class A ULC listed portable fire extinguisher with a minimum rating of 2A 5B:C in any cooking area and on each floor of the Building.
- 7.5 Portable extinguishers shall be:
- a) kept operable and fully charged;
 - b) located so that they are easily seen and shall be accessible at all times;
 - c) tested and maintained in conformance with NFPA 10, "Portable Fire Extinguishers"; and
 - d) inspected monthly.
- 7.6 The Licensee shall maintain a guest register which indicates the Renters' and Guests' names, addresses, telephone numbers, number of Renters and Guests, length of stay, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the Township within 24 hours upon request.

8. INSPECTION:

- 8.1 It is the responsibility of any Applicant to contact the Township for an inspection, which shall ensure compliance with the following, where applicable:
- a) the provisions of this By-law;
 - b) the Ontario Building Code Act, 1992, S.O. 1992 c.23; including Sewage System;
 - c) the Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4;
 - d) the Zoning By-law; and
 - e) any other municipal by-laws or provincial legislation that may affect the safety and well-being of persons or eligibility of the application or Licence.
- 8.2 During the inspection process, all relevant departments of the Township may be circulated and provide comments on any known matters that would assist with the determination of Licence eligibility.

9. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL:

- 9.1 The Licensing Officer shall have the authority to issue, refuse to issue or renew a Licence, to revoke or suspend a Licence, or to impose terms and conditions on a Licence.
- 9.2 The Licensing Officer may refuse to issue or renew a Licence where:
- a) there are reasonable grounds for belief that the operation of the Short-Term Rental Accommodation may be averse to the public interest;
 - b) a Licence has been previously revoked, suspended, or made subject to terms and conditions;
 - c) an Applicant has presented a history of contravention with this By-law;

- d) the proposed use of the Premises is not permitted by the Zoning By-law;
 - e) the Owner is indebted to the Township 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 an Owner's Property; or
 - f) the Premises does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.
- 9.3 The Licensing Officer, if satisfied that the continuation of a Licence poses a danger to the health or safety of any person, may suspend a Licence for not more than 14 days. If, after this period, the Licensing Officer is satisfied that the continuation of a Licence will continue to pose a danger to the health or safety of any person, the Licensing Officer may suspend a Licence for further terms of not more than 14 days or may revoke the Licence.
- 9.4 The Licence Officer may revoke a Licence if it was issued in error or granted based on incorrect or false information.

10. APPEAL:

- 10.1 Where the Licensing Officer has denied an Applicant a Licence, a renewal of a Licence, or has suspended or revoked a Licence, the Licensing Officer shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Committee.
- 10.2 An Owner may appeal to the Committee in relation to a matter set forth in a notice delivered pursuant to Section 10.1. Appeals will not be permitted for the issuance of demerit points until they have resulted in the suspension or revocation of a Licence. Appeals will not be permitted for any matters that have already been heard by the Committee.
- 10.3 A request for an appeal must be made within 14 business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required appeal fee as set out in the Fees and Charges By-law.
- 10.4 Where no request for an appeal is received in accordance with Section 10.3, the decision of the Licensing Officer shall be final and binding.
- 10.5 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Owner shall be provided reasonable written notice thereof.
- 10.6 After such opportunity to be heard is afforded, the Committee shall make a decision. When making its decision, the Committee may consider any matter pertaining to this By-law, or other

matter that relates to the health, safety and well-being of the public. When making its decision, the Committee may refuse to issue or renew a Licence, or revoke, suspend, or impose any condition to a Licence. The Committee's decision is final and binding.

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

11. ORDERS:

11.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to take actions to correct the contravention.

11.2 The order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention; and
- b) the work to be done and the date by which the work must be done, if any.

11.3 An order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

11.4 An order under Section 11.1 may require action be taken even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

11.5 No Person shall fail to comply with an order issued pursuant to Section 11.1.

11.6 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a "Discontinue Activity Order", requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to discontinue the contravening activity.

11.7 The Discontinue Activity Order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention;
- b) the date by which there must be compliance with the Discontinue Activity Order.

11.9 A Discontinue Activity Order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

11.10 No Person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 11.6.

11.11 In the event the Officer is unable to serve any order under the provisions of this By-law, the order shall be posted in a conspicuous place on the Premises, and the placing of the order shall be deemed to be sufficient service of the order on the Renter or Licensee/Owner.

11.12 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.

11.13 Any violations of this By-law shall be addressed pursuant to their respective remedies. In addition, demerit points will be levied against the Premises and Licensee as per Appendix "B" to this By-law.

12. ENTRY AND INSPECTION:

12.1 An Officer, Chief Fire Official or Building Inspector may, at any time, enter onto any land to determine whether this By-law is being complied with.

12.2 Every Owner shall permit the Officer, Chief Fire Official or Building Inspector to inspect any part of the Premises for the purposes of determining compliance with this By-law.

12.3 Notwithstanding any provision of this By-law, an Officer or Building Inspector shall not enter or remain in any room or place actually being used as a Dwelling Unit, unless:

a) the consent of the occupier is obtained after the occupier has been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the *Provincial Offences Act*, R.S.O.1990, c.P.33, as amended; or

b) a warrant is issued under the *Provincial Offences Act*, R.S.O.1990, c. P.33, as amended, is obtained.

12.4 A fire inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety pursuant to section 19(2) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended.

13. OBSTRUCTION:

13.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Chief Fire Official or Building Inspector exercising a power or performing a duty under this By-law.

13.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer, Chief Fire Official or Building Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Officer, Fire Official or Building Inspector in the execution of their duties.

14. PENALTY:

- 14.1 Every Person who contravenes any of the provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention by the Corporation is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 14.2 Every Person who contravenes the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contraventions by the corporation is guilty of an offence and liable:
- a) upon a first conviction, to a fine of not less than \$300 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended; and
 - b) upon a second, or subsequent conviction, to a fine of not be less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 14.3 For the purpose of continuous offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 14.4 Despite Section 14.3 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.
- 14.5 For the purpose of multiple offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 14.6 Despite Section 14.5 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.

15. DEMERIT POINT SYSTEM

- 15.1 A Demerit Point System has been established in accordance with Table 1, without prejudice to options otherwise available to enforce this By-law or any other by-laws of the Township, provincial act or regulation, including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act, and the Provincial Offences Act.
- (a) The number of Demerit Points referenced in Column 3 of Table 1 will be assessed against a Short-Term Rental Accommodation Premises and Licensee in respect of the

- (i) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
 - (ii) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - (iii) an Order not complied with;
 - (iv) an Order not complied with resulting in Township remediation; or
 - (v) an observation by an Officer.
- 15.2 A Licence may be suspended for a period of six months if the total Demerit Points in effect respecting a Short-Term Rental Accommodation is seven or more.
- 15.3 A Licence may be revoked if the total of all Demerit Points in effect respecting a Short-Term Rental Accommodation is fifteen or more.
- 15.4 Notice of the suspension or revocation of a Licence shall be provided to the Licensee in accordance with this By-law and a Licensee may appeal the suspension or revocation in accordance with Section 11 of this By-law.
- 15.5 Demerit Points shall remain in place until the two-year anniversary of the date of which the Demerit Points were assessed.
- 15.6 The Township shall not be liable for economic or other losses claimed by a Licensee for any reason, so long as good faith efforts were made by the Township or its representatives in exercising their judgment, or fulfilling their responsibilities, under this By-law.

16. SEVERABILITY:

- 16.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such and the remainder of this By-law shall be valid and shall remain in force.

17. EFFECTIVE DATE:

- 17.1 This By-law shall come into force and effect on October 4, 2022.

BY-LAW READ A FIRST, A SECOND AND THIRD TIME AND FINALLY PASSED THIS 11TH DAY OF AUGUST, 2022.

THE CORPORATION OF THE TOWNSHIP OF TINY



MAYOR, George Cornell



CLERK, Sue Walton

Schedule "A"

SHORT-TERM RENTAL ACCOMMODATION Renter's Code of Conduct

Licensed Premises

Municipal Address: _____

All Owner Names: _____

Responsible Person's Name: _____

Responsible Person's phone number: _____

1. Purpose of the Code

The purpose of the Renter's Code of Conduct is to acknowledge that Short-Term Rental Accommodation Premises is permitted in residential neighbourhoods and that other residents of these neighbourhoods have the right to enjoy their properties without nuisance. It also outlines specific requirements for Short-Term Rental Accommodations and imposes responsibilities for both Licensees and Renters of such Premises and that Licensees bear the primary responsibility of conveying this information to Renters of the Premises.

2. Objectives of this Code

The objective of this Code is to establish acceptable standards of behaviour for Owners and Renters to minimize any adverse impacts on their neighbours and the neighbourhood while protecting the health, safety and well-being of people.

3. Residential Area

The Renters acknowledge for themselves and on behalf of Guests that they will be occupying a Short-Term Rental Accommodation that is located in a residential area.

4. Guiding Principles

The guiding principles for Short-Term Rental Accommodation Renters are:

- The Premises that you are occupying is a home;
- Treat the Premises as your own;
- Respect the neighbours of the Premises; and
- Leave the Premises as you find it.

5. Maximum Number of Renters and Guests:

The maximum number of Renters including Guests permitted at a Short-Term Rental Accommodation premises shall be limited as per the Short-Term Rental Accommodation Licensing By-law.

6. Noise and Residential Amenity:

No person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb others. Examples of noise that is likely to disturb others at any time include:

- a) Loud music;
- b) Outdoor or backyard gatherings or activities involving excessive noise or disruptive behaviour;
- c) Late evening/early morning disturbances; and
- d) Yelling, shouting, singing or conversing loudly.

Renters and Guests are not allowed to disturb neighbours or interfere with their enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Township Noise By-law may result in charges or legal action being taken.

7. **Access and Parking:**
Please familiarize yourself and your Guests with the on-site parking available on the Premises to ensure ease of access with minimum disturbance to neighbours. All Short-Term Rental Accommodation Premises have vehicle parking requirements as part of the licensing process.
8. **Garbage and Recycling:**
Please familiarize yourself and your Guests with the provisions that have been made for waste management and the day of the week in which waste collection is scheduled. It should be noted that the “putting out” of waste on a non-scheduled day is regulated by the County of Simcoe Waste Management By-law. Waste collection information and pick up times are available on the County of Simcoe’s website.
9. **Dwelling Units on Lots on Private Sewage Disposal Systems:**
Note: Maximum occupancy of a Short-Term Rental Accommodation is based on a maximum of two persons per Bedroom. Exceeding the maximum occupancy may result in the malfunctioning of the septic system and pollution of the ground water system.
10. **Fire and Safety Precautions:**
All Short-Term Rental Accommodations must have operating smoke alarms in accordance with the provisions of the Ontario Fire Code. In Short-Term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Licensee must ensure that the Building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Licensee must regularly test the alarms to ensure that they are operational. If a Renter discovers that any of the alarms are not operational, the Renter shall immediately notify the Licensee of the deficiency. No person shall disable a smoke and/or carbon monoxide alarm.

I, _____ having read the above, acknowledge that I am renting this Premises from a valid Licensee in the Township of Tiny and undertake to conduct myself and those that are occupying this Premises at the same time in accordance with this Code and all other applicable by-laws. I understand that my action, if found in contravention of a by-law, may subject the Licensee to Demerit Points against their Licence and may include enforcement measures against myself, Guests or the Licensee(s).

_____ Signature of Renter(s)	_____ Date
_____ Signature of Renter(s)	_____ Date
_____ Signature of Renter(s)	_____ Date
_____ Signature of Renter(s)	_____ Date
_____ Signature of Renter(s)	_____ Date

Schedule "B"

SHORT-TERM RENTAL ACCOMMODATION Licensee Code of Conduct & Acknowledgment

Licensed Premises

Municipal Address: _____

Name of Licensees: _____

1. The Premises identified above shall be operated in accordance with the Short-Term Rental Accommodation Licensing By-law, and all applicable acts, regulations and other municipal by-laws.
2. The Licensee shall ensure that a copy of the Renter's Code of Conduct and copy of the Licence are posted inside the Premises and visible for inspection by the Renters at all times.
3. Nothing herein allows the Licensee to rent part of a Premises other than those identified on the Licence, based on the submitted documentation and site diagram.
4. The Licensee will be held responsible for contraventions of any municipal by-law, act or regulation by people found using the Premises, and may be subject to demerit points, fines or other enforcement measures.
5. Entry and inspection by any Officer or their designate and any accompanied authorities or agent of the Township may occur as outlined in the By-law and for the purposes of:
 - a) carrying out any inspection; or
 - b) determining compliance with any by-law; or
 - c) verifying complaints received under a by-law; or
 - d) verifying compliance with an order issued or Licence; or
 - e) requiring a matter or thing be done.
6. The Licensee is responsible for renewing a Licence by forwarding any required application and supporting documents as per the By-law prior to the expiry date of the Licence.
7. The Licensee is responsible for informing the Township in writing of any changes to a Premises within seven (7) days of such change or deviation.
8. The submission of false or misleading information to the Township may void an application, cause the current Licence to be revoked or cause a Licensee to be subject to further enforcement measures.
9. All Licensees are responsible for compliance with all other Township of Tiny by-laws (including, but not limited to, the following: Noise By-law, Open Air Burning By-law, Parking By-law, etc.).
10. All Short-Term Rental Accommodations must have operating smoke alarms in accordance with the provisions of the Ontario Fire Code. In Short-Term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Licensee must ensure that the Building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Licensee must regularly test the alarms to ensure that they are operational. If a Renter discovers that any of the alarms are not operational, the Renter shall immediately notify the Licensee of the deficiency.

I, _____ having read the above, and the terms of the Short-Term Rental Accommodation Licensing By-law and

Licence, undertake to provide Renters with a copy of the Renter’s Code of Conduct and to require signatures as necessary. I also realize that a violation of the Short-Term Rental Accommodation Licensing By-law may result in the suspension or revocation of the Short-Term Rental Accommodation for the Premises.

Signature of Licensee

Date

Signature of Licensee

Date

Signature of Licensee

Date

Signature of Licensee

Date

Signature of Licensee

Date

Schedule "C"

Demerit Point System

Table 1			
Infraction	Reference	Type	Demerit Points
Fire Protection and Prevention Act/Fire Code	FPPA/OFC	Order not Complied With	4
		Part 1 or Part III conviction	8
Open Air Burning Violation	Township Open Air Burning By-law	Cost Incurred for Illegal Fire	2
		Part 1 or Part III conviction	4
Operating without a Licence	Short-Term Rental Accommodation Licensing By-law	Order not Complied with	3
		Part 1 or Part III conviction	5
Building Code Act (Order to Comply)	BCA	Order not Complied With	4
		Part 1 or Part III conviction	8
Noise By-law Infraction	Township Noise By-law	Observed by Officer	1
		Part 1 or Part III conviction	4
Waste Collection By-law Infraction	County Waste By-law	Order not Complied With	2
		Part 1 or Part III conviction	4
Property Standards	Township Property Standards By-law	Order not Complied With	2
		Part 1 or Part III conviction	4
Discharge of Fireworks	Township Fireworks Bylaw	Observed by Officer	1
		Part 1 or Part III conviction	4
Host does not respond within 1 hour of request by Township	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		Order not Complied With	2
		Part 1 or Part III conviction	4
Violation of any Provision of this By-law	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		Order not Complied With	2

		----- Part 1 or Part III conviction	----- 4
Violation of Renter's Code of Conduct	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		----- Order not Complied With	----- 2
		----- Part 1 or Part III conviction	----- 4
Obstruction of Officer	Short-Term Rental Accommodation Licensing By-law	Observed by Officer	7
		Part 1 or Part III conviction	15

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW 22-067

**A By-law to Amend By-law 22-017 to Licence, Regulate and Govern
Short-Term Rental Accommodation**

WHEREAS the Council of the Township of Tiny enacted By-law 22-017 to Licence, Regulate and Govern Short-Term Rental Accommodations at its meeting of August 11, 2022, effective October 4, 2022;

AND WHEREAS Section 3 Administration, Item 3.5 references an incorrect date (November 15, 2021);

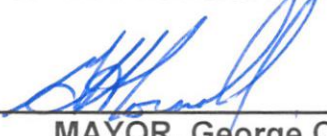
NOW THEREFORE the Council of the Corporation of The Township of Tiny hereby ENACTS AS FOLLOWS:

1. THAT Section 3.5 of By-law 22-017 be deleted and replaced with the following:

“After November 15, 2022, Licensees may apply for renewal of their License, however no new Licenses will be issued until the number of Licenses in the Township fall below 300, after which the number of Licenses shall not exceed 300.”

**BY-LAW READ A FIRST, A SECOND AND THIRD TIME AND FINALLY
PASSED THIS 31st DAY OF AUGUST 2022.**

THE CORPORATION OF THE TOWNSHIP OF TINY



MAYOR, George Cornell



CLERK, Sue Walton

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW 22-082

Being a By-law to amend By-Law 22-017 to Licence, Regulate and Govern Short-Term Rental Accommodation

WHEREAS the Council of the Township of Tiny enacted By-law 22-017 to Licence, Regulate and Govern Short-Term Rental Accommodations at its meeting of August 11, 2022, effective October 4, 2022;

AND WHEREAS the Township deems it necessary and desirable to amend Sections 6.1(e) and 7.6 of By-law 22-017;

NOW THEREFORE the Council of the Corporation of The Township of Tiny hereby ENACTS AS FOLLOWS:

1. THAT Section 6.1(e) of By-law 22-017 be deleted and replaced with the following:

e) a certificate 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. Such insurance policy must identify that a Short-Term Rental Accommodation is being operated on the Premises. The Licensee must also agree in a statutory declaration to notify the Township in writing immediately, and in any event no later than 4 days after becoming aware, of any cancellation or material variation to the policy.

2. THAT Section 7.6 of By-law 22-017 be deleted and replaced with the following:

7.6 The Licensee shall maintain a guest register showing the property address and licence number which indicates the following information for each rental: check-in and check-out dates, the number of Renters and Guests, confirmation that the renters have been given and have signed the required documents, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the Township within 24 hours upon request.

READ A FIRST AND SECOND TIME THIS 9th DAY OF NOVEMBER 2022

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF NOVEMBER 2022.

THE CORPORATION OF THE TOWNSHIP OF TINY



MAYOR, George Cornell



CLERK, Sue Walton



TOWNSHIP OF/CANTON DE
Tiny



TOWNSHIP OF/CANTON DE
Tiny
FIRE AND EMERGENCY SERVICES



130 BALM BEACH ROAD WEST
TINY, ONTARIO L0L 2J0
(705) 526-4204 | 1-866-939-8469
FAX (705) 526-2372

FIRE & EMERGENCY SERVICES

October 17, 2025

RE: New Carbon Monoxide (CO) Alarm Requirements Effective January 1, 2026

Dear Short-Term Rental Operator,

This letter serves as a reminder of upcoming changes to the Ontario Fire Code regarding carbon monoxide (CO) alarms and how this may affect your Short-Term Rental license application for 2026.

Carbon Monoxide (CO) Alarm Requirements – Effective January 1, 2026

On June 2, 2025, the Solicitor General of Ontario approved Ontario Regulation 87/25 under the *Fire Protection and Prevention Act, 1997 (FPPA)*, which introduces amendments to the Ontario Fire Code (O. Reg. 213/07).

The Township of Tiny would like to draw your attention to Section 2.16 of the Fire Code, which specifies requirements for the installation and maintenance of carbon monoxide (CO) alarms in residential occupancies, including short-term rentals.

When CO Alarms Are Required

A carbon monoxide alarm is required in any residence that contains:

- A fuel-burning appliance,
- A fireplace (woodstove),
- An attached garage, or
- Is served by a forced-air fuel-burning appliance located outside the building.

Where CO Alarms Must Be Installed

Where any of the above conditions exist, CO alarms must be installed:

- Adjacent to each sleeping area, and
- On every storey (floor) of the dwelling unit that does not contain a sleeping area.

Permitted Power Sources

CO alarms may be:

- Permanently connected to an electrical circuit with no disconnect switch,
- Battery-operated, or
- Plugged into an electrical receptacle.

If your short-term rental is affected by these changes, please ensure that:

- All required CO alarms are installed in compliance with the new Fire Code requirements by January 1, 2026.
- Your floor plans are updated to reflect any new CO alarm locations and are uploaded to Granicus at the time of your renewal application.

Please take the necessary steps to ensure your short-term rental property is compliant with the upcoming Fire Code amendments and that all required documentation is prepared for your next license renewal. These measures help ensure the safety of guests and compliance with provincial and municipal fire safety standards.

Your cooperation and continued commitment to maintaining a safe rental environment in the Township of Tiny are greatly appreciated.

For more information contact:

Division Chief Chris Robillard
Tiny Fire and Emergency Services
E: cmrobillard@tiny.ca | T: 705-322-1161

Sincerely,

The Corporation of the Township of Tiny



Dave Flewelling
Director of Fire & Emergency Services/Fire Chief



THE CORPORATION OF THE TOWN OF PENETANGUISHENE

BY-LAW NUMBER 2022-58

Being a By-law to License, Regulate and Govern Short-term Rental Accommodations

WHEREAS the Council of the Town of Penetanguishene may, pursuant to the *Municipal Act*, 2001 S.O. 2001, c. 25. as amended, enact by-laws for the licensing, regulating and governing of businesses and occupations in the Town of Penetanguishene;

AND WHEREAS pursuant to *Municipal Act*, Part II, section 8. (1), a municipality under this or any other Act 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 *Municipal Act*, Part II, Section 8 (3), authorizes a municipality to:

- a) Regulate or prohibit respecting the matter;
- b) Require persons to do things respecting the matter;
- c) Providing for a system of licenses respecting the matter.

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 9, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 11 (2), paragraph 6 of the *Municipal Act*, authorizes a municipality to pass a By-law respecting the health, safety and well-being of Persons;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 23.1 authorizes a municipality to delegate its powers and duties;

AND WHEREAS pursuant to *Municipal Act*, Part IV, Section 151, provides that a municipality may provide for a system of Licenses with respect to a business and may:

- a) Prohibit the carrying on or engaging in the business without a License;
- b) Refuse to grant a License or to revoke or suspend a License;
- c) Impose conditions as a requirement of obtaining, continuing to hold or renewing a License;

- 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 License;
- e) Impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License; and
- f) License, regulate or govern real and Personal Property used for the business and the Persons carrying it on or engaged in it;

AND WHEREAS pursuant to Section 434.1 of the Municipal Act, a municipality has the authority to impose a system of administrative penalties and fees as an additional means of encouraging compliance with this By-law;

AND WHEREAS the Council of the Corporation of the Town of Penetanguishene deems it desirable that such licensing, regulation and governing takes place with regard to the Short-term Rental Accommodation as defined in this By-law;

NOW THEREFORE the Council of the Town of Penetanguishene hereby enacts as follows:

1. DEFINITIONS

For the purposes of this By-law:

- 1.1 “Accessory Building or Structure”** means a detached building or structure, the use of which is incidental to, subordinate to and exclusively devoted to the principal use in the main building located on the same lot.
- 1.2 “Administrative Monetary Penalty”** means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2022-___, as amended
- 1.3 “Agent”** means a person duly appointed by an owner or the Town to act on their behalf.
- 1.4 “Applicant”** means the person applying for a License or renewal of a License under this By-law.
- 1.5 “Building”** means a structure occupying an area greater than (10) ten square metres consisting of a wall, roof and floor or any of them or a structure system serving the function thereof including all associated works, fixtures and service systems.
- 1.6 “Committee”** means a committee of individuals which has been delegated, by the Town of Penetanguishene, the responsibility of handling appeals, suspensions, and revocations of Licenses under this by-law.
- 1.7 “Corporation”** means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, of the *Corporations Act*, R.S.O. 1990, c. C. 38;

- 1.8 “Dwelling Unit”** means one or more habitable rooms designed, occupied or intended to be occupied as living quarters as a self-contained unit and shall, at a minimum, contain sanitary facilities, a kitchen and accommodation for sleeping.
- 1.9 “Existing”** means existing as of the date this by-law takes effect.
- 1.10 “Fee”** means a Fee as set forth in the Fee’s and Charges By-law which is not prorated and non-refundable.
- 1.11 “Guest 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 forth by the Ontario Building Code. A Guest Room shall not include any tent, trailer, boat, or any other similar structure.
- 1.12 “License”** means the License issued under this by-law as proof of licensing under this by-law.
- 1.13 “Licensed”** means to have in one’s possession a valid and current license issued under this by-law and unlicensed has the contrary meaning.
- 1.14 “Licensee”** means a Person who holds a License or is required to hold a License under this by-law.
- 1.15 “Licensing Officer”** means any person or persons provided the authority by the Town to issue a license under this by-law.
- 1.16 “Non-Conforming Use”** means an existing use that is not permitted use in the zone in which that said use is situated as of the date of passing of this by-law.
- 1.17 “Nuisance”** means an activity or behavior that causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public.
- 1.18 “Occupant”** means a person that intends to use the Short-term Rental Accommodation for overnight lodging but shall not include daily visitors to the property.
- 1.19 “Officer”** means a Police Officer, Fire Inspector, Building Inspector, Zoning Examiner, Municipal Law Enforcement Officer.
- 1.20 “Owner”** means the Person holding title to the Property on which the Short-term Rental Accommodation is located, and “Ownership” has a corresponding meaning.

- 1.21 “Parking Area”** means an area of land, accessory to a permitted use, not located within a street or highway that is used for the parking of motor vehicles that bear a license plate with a currently valid sticker, but shall not include any area where motor vehicles, commercial motor vehicles or tractor trailers for sale, maintenance or repair are kept or stored.
- 1.22 “Person”** means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a License under this by-law as the context requires.
- 1.23 “Property”** means the land upon which a Short-term Rental Accommodation is operated, exclusively of buildings or structures or any part thereof.
- 1.24 “Renter”** means the person responsible for the rental of the Premise by the way of concession, permit, lease, license, rental agreement or similar commercial arrangement.
- 1.25 “Renter’s Code of Conduct”** means a document, as set forth in Schedule “A” that has been prepared by the Town that prescribes the roles and responsibilities of the renter, including but not limited to behavioral expectations as they relate to non-disturbance of neighbours, compliance with applicable Town by-laws, and adherence to the provisions of this by-law.
- 1.26 “Responsible Person”** means the owner (must be 18 years of age) or agent assigned by the owner or licensee of the Short-term Rental Accommodation dwelling to ensure the Short-term Rental Accommodation dwelling is operated in accordance with the provisions of this By-law, the license, and all other applicable laws.
- 1.27 “Short-term Rental Accommodation”** means a dwelling or dwelling unit, that in whole or in part, is rented or available for rent with the intention of financial compensation for an occupancy period of not more than 28 consecutive days but shall not include a bed and breakfast establishment, hotel, motel or any other use otherwise defined by the Town’s Zoning By-law.
- 1.28 “Town”** means the Corporation of the Town of Penetanguishene.
- 1.29 “Zoning By-law”** means the Town of Penetanguishene Zoning By-law 2000-02, as amended, or any successor comprehensive Zoning By-law, as amended.

2. ADMINISTRATION:

- 2.1** The Licensing Officer shall be responsible for the administration of this by-law.

- 2.2 Officers shall be responsible for the enforcement of this by-law.
- 2.3 Upon receipt of an application for a License, a Licensing Officer shall perform the following functions:
 - a) Receive and review the application in conjunction with any provisions of this by-law, and
 - b) Ensure the relevant Officers have carried out the necessary inspections to satisfy the Town that the Premises is in compliance with the provisions of this by-law.
- 2.4 Applications for license and issued licenses, along with the legal description, civic address and associated owner, responsible person contact information will be posted on the Town website.
- 2.5 Persons who own, operate, License or offer a Premises for short-term accommodation as of the effective date of this By-law, must file an application for a license under this by-law.

3. *PROHIBITIONS*

- 3.1 No person shall use or operate any Short-term Rental Accommodation dwelling unless he or she holds a current license issued pursuant to this by-law.
- 3.2 No person shall use or operate any Short-term Rental Accommodation dwelling with a revoked, suspended, or expired license.
- 3.3 No person shall advertise a Short-term Rental Accommodation without a license.
- 3.4 No person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this by-law.
- 3.5 No person shall transfer or assign a license issued under this by-law.
- 3.6 The maximum number of Persons, including but not limited to residents or occupants, permitted to stay overnight lodging on any license premise, shall be restricted to 2 persons per guest room and be delineated on the required floor plan. Rooms with murphy beds or pullout couches shall be included as a guest room. Licensee shall not operate with occupancy loads greater than eight (8) persons.
- 3.7 No licensee shall rent any guest room in a Short-term Rental Accommodation dwelling other than a guest room that was identified and approved as such on the floor plans submitted with the application for the Short-term Rental Accommodation License.

- 3.8 The provisions of this section shall not apply when the Short-term Rental Accommodation is not rented.
- 3.9 Short-term Rental Accommodations shall comply with all applicable Municipal By-laws and provincial legislation.

4. TERM AND RENEWAL OF LICENCES AND REGISTRATIONS

- 4.1 A license or registration issued pursuant to the provisions of this by-law shall be for a period of the year in which it is issued and shall expire on the 30th day of April in each calendar year, or
 - a) Upon the sale or transfer of the Short-term Rental Accommodation dwelling to a person other than a licensee;
 - b) A Short-term Rental Accommodation license cannot be assigned or transferred from the Licensee to another party;
 - c) The license has been revoked in accordance with the provisions of this by-law.
- 4.2 Where a person holding a license registration issued under this by-law fails to apply for the renewal of their license or registration by the date required, the person shall pay a late renewal administration fee in addition to all other applicable fees.
- 4.3 Where a person holding a license or registration issued under this by-law fails to renew it within 90 days of the renewal date, it shall be cancelled, and the person shall be required to apply for a new license or registration under this by-law and pay all applicable fees.

5. LICENSING REQUIREMENTS

- 5.1 Every application for a new License, or the renewal of an existing License, shall include:
 - a) A completed application in the form required by the Town, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
 - b) 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;
 - c) Proof of Ownership for the Premise;
 - d) Proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
 - e) Proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:

- i. An article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
 - ii. A list containing the names of all shareholders of the Corporation;
 - iii. In the case of an Applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
 - iv. In the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization.
- 5.2 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 Accommodation is being operated on the Property. The insurance coverage required herein shall be endorsed to the effect that the Town shall be given at least 10 days' notice in writing of any cancellation or materials variation to the policy.
- 5.3 Every person shall operate a Short Term Rental Accommodation in accordance with the approved site plan and floor plan, drawn to scale and fully dimensioned of the Premises included:
 - a) The location of all buildings and structures on the Property;
 - b) The use of each room;
 - c) Location of smoke detection and early warning devices;
 - d) Location of fire extinguishers;
 - e) All entrances/exits to and from the building;
 - f) Exterior decks that are appurtenant to the Premises; and related site amenities including dimensioned parking spaces, and other buildings or structures on the Property.
 - g) Septic and well locations, if applicable.
- 5.4 A Licensee shall provide to the Town the name and contact information of the Owner or Owner's Agent (responsible person) who can readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Town By-law and shall make the responsible person available on site of the Short-term Rental Accommodation dwelling within sixty (60) minutes of being notified of the occurrence.
- 5.5 Where the dwelling unit containing the STR is serviced by private well and/or septic, proof must be provided, to the satisfaction of the Town, that the private water and septic system are of an adequate capacity to accommodate the maximum occupancy of the unit and further, that such private services comply with all Provincial standards for portable water and septic systems.
- 5.6 Payment of the applicable fees as noted within the Town's Fee By-law.
- 5.7 The Licensee shall be responsible for informing the Town in writing of any changes to the approved information contained within the license

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.

- 5.8 Copies of documentation supporting the application for legal non-conforming status for the operation of a Short-term Rental Accommodation to the satisfaction of the Licensing Officer (e.g. documents verifying financial contributions of the rental and/or other documents as may be applicable).
- 5.9 A Licensee must ensure that any listing, advertisement, etc. includes the corresponding License number issued by the Town.
- 5.10 A Licensee shall be an Owner who is an individual or group of individuals and not a corporation, partnership, or business, except where section 5.11 applies.
- 5.11 Corporate Owners may be permitted to become a Licensee at the discretion of the Licensing Officer, if staff is satisfied in its sole discretion that the property is used and held primarily for residential purposes.

6. SITE REQUIREMENTS

- 6.1 The provision of parking on the site plan drawing shall be in compliance with the parking provisions as set forth in the Town Zoning By-law.
- 6.2 No person shall park a vehicle other than in a parking area which consists of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface).
- 6.3 Every person shall make the following available to guests:
 - a) A copy of the current license retained on site of the Short-term Rental Accommodation dwelling and available for inspections by Town staff.
 - b) A copy of the current Town Noise By-law.
 - c) A copy of the current Parking provisions for Short-term Rental Accommodation dwellings as described in the Town's Zoning By-law, as amended.
 - d) A copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes.
 - e) A copy of the Renters Code of Conduct.
- 6.4 All Short-term Rentals Accommodation dwelling units must provide a class ABC fire extinguisher in any cooking area and a class BC or better on each floor of the unit.

7. INSPECTION

- 7.1 It is the responsibility of any Person applying for a License to contact the Town for an inspection, which shall ensure compliance with the following where applicable:
- a) Provisions of this by-law;
 - b) Ontario Building Code Act, 1992, S.O. 1992 c.23 ("Building Code Act")
 - c) Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ("Fire Protection and Prevention Act")
 - d) Property Standards By-law;
 - e) Zoning By-law;
 - f) Any other municipal by-laws or provincial legislation that may affect the status of the application.
- 7.2 During the inspection process, all relevant departments of the Town may provide comment on any known matters that would assist with determination of license eligibility.

8. *ISSUANCE OF LICENSE SUSPENSION AND GROUNDS FOR REFUSAL*

- 8.1 The Licensing Officer shall have the authority to issue, refuse to issue or renew a License, to revoke or suspend a License, or to impose terms and conditions on a License.
- 8.2 The Licensing Officer may refuse to issue or renew a License where:
- a) if, in the opinion of the Licensing Officer in his, her, or their absolute discretion, that the use of the Property for Short Term Rental Accommodation is likely to cause a significant public nuisance due to excessive noise, violations of applicable property standards or property maintenance, or other reasons;
 - b) A License has been previously revoked, suspended, or made subject to terms and conditions;
 - c) A Person applying for a License has presented a history of contravention with this By-law or other Town By-laws;
 - d) The Renter's Code of Conduct (Schedule "A") has been violated;
 - e) The proposed use of the Premises is not permitted by the Zoning By-law;
 - f) The Owner is indebted to the Town 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 an Owner's Property;
 - g) The Property to be used for carrying on the trade, business or occupation does not with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, the Fire Protection Act, and the Electricity Act.

- 8.3 The Licensing Officer may revoke a license where three (3) or more contraventions or complaints have been received by the Town within a six (6) month period or where four (4) or more contraventions or complaints have been received by the Town within a twelve (12) month period. The validity of a complaint is at the discretion of the Officer based on an investigation of the complaint.
- 8.4 The Licensing Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a License for not more than fourteen (14) days. If after this period, the Licensing Officer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than fourteen (14) days or revoke a License.
- 8.5 The Licensing Officer may revoke a license if it was issued in error or granted based on incorrect or false information.

9. *APPEAL*

- 9.1 Where the Licensing Officer has denied an Applicant a License, a renewal of a License, or has suspended or revoked a License, the Licensing Officer shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Committee.
- 9.2 A person may appeal to the Committee in relation to the matter of notice in subsection (1). Appeals will not be permitted for any matters that have already been heard by the Committee. A request for an appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, within 14 business days after service of the written notice and payment of the required appeal fee (Fees and Charges By-law).
- 9.3 Where no request for an appeal is received in accordance with subsection (2), the decision of the Licensing Officer shall be final and binding.
- 9.4 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Applicant of License shall be provided reasonable written notice thereof.
- 9.5 After such opportunity to be heard is afforded, the Committee shall make a decision. When making its decision the Committee may consider any matter pertaining to this by-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, the Committee may refuse to issue, or renew a License, revoke, suspend, or impose any condition to a License. The Committee's decision is final and binding and shall not be subject to review.

- 9.6 Where the Committee conducts a hearing, the rules set in the Statutory Powers Procedure Act, R. S.O. 1990, c. S.22 ("Statutory Powers Procedure Act") shall apply.

10. ORDERS

- 10.1 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 who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to take actions to correct the contravention.
- 10.2 The Order shall set out:
- 10.2.1 Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
- 10.2.2 The work to be completed and the date by which the work must be complete.
- 10.3 An Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 10.4 An Order under Section 10.1 may require action be taken even though the facts which constitute the contravention of this by-law were present before this By-law making them a contravention came into force.
- 10.5 No person shall fail to comply with an Order issued pursuant to Section 10.1.
- 10.6 If an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order, known as a Discontinue Activity Order, requiring the person who contravened this by-law 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.
- 10.7 The Discontinue Activity Order shall set out:
- 10.7.1 Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
- 10.7.2 The date by which there must be compliance with the Discontinued Activity Order.

- 10.8 A Discontinue Activity Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 10.9 No person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 10.6.
- 10.10 In the event the Officer is unable to serve an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient service of the Order on the property owner.
- 10.11 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. ENTRY AND INSPECTION

- 11.1 An Officer, or their designate may at reasonable times, enter upon lands, premises, buildings or place where a License has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance to this By-law.
- 11.2 Every person shall permit the Officer, or their designate to inspect any land for the purpose of determining compliance with this By-law.
- 11.3 The Town's power of entry may be exercised by an Officer, or Agent for the Town and this person may be accompanied by any person under their direction, including Law Enforcement Services.
- 11.4 During any inspection carried out under this By-law, an Officer may be accompanied by other Town of Penetanguishene employees, Agents or authorities as deemed necessary.
- 11.5 The Town may undertake an inspection pursuant to an order issued under provisions of this By-law or Section 438 of the *Municipal Act*.
- 11.6 It is responsible of any person applying for a License to either, contact the Town for an inspection or provide required documentation, which shall ensure compliance with the following where applicable:
 - a) Provisions of this By-law;
 - b) Ontario Building Code Act, 1992, S.O. 1992, c.23;
 - c) Ontario Fire Protection Act, 1997, S.O. 1997, c.4;
 - d) Electricity Act, 1998, S.O. 1998, c. 15, Sched. A;
 - e) Applicable Zoning By-law;
 - f) Any other municipal by-laws or provincial legislation.

- 11.7 During the inspection process, all relevant departments of the Town may provide comment on any known matters that would assist with determination of License eligibility.
- 11.8 Inspections that requested by the Licensee at address violations under the by-law that confirm at the end of the inspection the violation remains against the Licensee, may be subject to pay a “Non-compliance Re-inspection Fee” as per the Fee & Charges By-law, which may be amended from time to time.

12. OBSTRUCTION

- 12.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Fire Official, Building Inspector exercising a power or performing a duty under this By-law.
- 12.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer, Fire Official or Building Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Officer, Fire Officer or Building Inspector in the execution of his duties.

13.0 ADMINISTRATIVE PENALTIES

- 13.1 Administrative Monetary Penalty By-law 2022-___, as amended, applies to this By-law.
- 13.2 Every Person who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2022-___ is liable to pay the Town an Administrative Monetary Penalty for a first contravention, second contravention, and any contravention thereafter as set out it in the Administrative Monetary Penalty By-law 2022-___.
- 13.3 Any Person who is issued a Penalty Notice for a contravention of this By-law under the Administrative Monetary Penalty By-law 2022-___, as amended, shall not be charged under the Provincial Offences Act for the same contravention.

14. PENALTY PROVISIONS

- 14.1 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 14.2 Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of

the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "D" attached to this By-law.

- 14.3 Each individual contravention constitutes a new offence.
- 14.4 Each day a contravention continues constitutes a new offence.
- 14.4 Every Person, other than a company who contravenes any provision of this by-law, and every director of a Corporation who knowingly concurs in such contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- 14.5 Where a Corporation is convicted of an offence under this by-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 14.6 Where a Person has been convicted for an offence under this by-law by a court of competent jurisdiction, 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.

15. SEVERABILITY

- 15.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

16. SCHEDULES

- 16.1 That the following are attached hereto and form part of this Agreement:
 - a) Schedule "A"- Renter's Code of Conduct
 - b) Schedule "B"- Responsible Person Contact
 - c) Schedule "C"- Fee Schedule
 - d) Schedule "D"- Set Fines

17. SHORT TITLE

- 17.1 That this By-law shall be referred to as the "Short-term Rental Licensing By-law".

18. EFFECTIVE DATE

18.1 This By-law shall come into full force and effect on January 1, 2023.

19. REPEAL

19.1 That By-law 2022-39 is hereby repealed.

BY-LAW read a first, second and third time and finally passed by Council on the 9th day of November, 2022.



DEPUTY MAYOR Anita Dubeau



CLERK Stacey Cooper

Renter's Code of Conduct
Schedule A to By-law 2022-58

1. Premise of this Code

The purpose of the Renter's Code of Conduct is to acknowledge that Short-term Rental Accommodation premises may be permitted in residential neighbourhoods and that the permanent residents of these neighbourhoods have the right to enjoy their own properties without nuisance. Short Term Rental Accommodations shall not cause public nuisance.

It also outlines specific requirements for Short-term Rental Accommodations and imposes responsibilities for both Owners and Renters of such properties and that Owners bear the primary responsibility of conveying this information to renters of their property.

2. Objectives of this Code

The objective of this Code is to establish acceptable standards of behavior for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbors and neighborhood.

3. Residential Area

The Renter acknowledges for themselves and on the behalf of others that they will be occupying a short-term rental accommodation.

4. Guiding Principles

The Guiding Principles for short term accommodation renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbours; and,
- Leave it as you find it.

5. Maximum number of Renters and Guests

The maximum number of occupants within this dwelling that is being operated as a short-term rental accommodation shall not exceed _____ **occupants**. (Please note that the maximum number of occupants permitted under Bylaw 2022-58 is 8 Occupants or less based on the approved occupant number stated in the terms/conditions of your STR licence.)

The number of non-occupying guests permitted at a short-term accommodation premises must not be such that it may conflict with the neighbourhood, amenity and off-street and on-street parking capacities or restrictions.

6. Noise and Residential Amenity

No person shall make noise so as to cause a disturbance or conduct themselves in an antisocial behaviour. Examples of noise that is deemed to be a disturbance include:

- a) Loud music;
- b) Outdoor or backyard gatherings involving excessive noise;

Renter's Code of Conduct
Schedule A to By-law 2022-58

- c) Late or early hour disturbances; and,
- d) Yelling, shouting, hooting or other boisterous activity.

Renters and their guests are not allowed to disturb neighbours or interfere with their enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Towns Noise Bylaw (where applicable) or the Short-term Rental Accommodations Bylaw may result in enforcement action by the Town of Penetanguishene Bylaw Enforcement division, or the Ontario Provincial Police.

7. Municipal Bylaws

The Town of Penetanguishene has enacted and enforces regulatory bylaws that govern the use of properties, roadways and activities within the township. While renting a short-term rental accommodation you are required to ensure you and your guests comply with all the applicable Municipal Bylaws.

- a. Short-term Rental Accommodations Bylaw 2022-58
- b. Property Standards Bylaw 2020-31
- c. Parking Bylaw 2022-02
- d. Noise Bylaw 2011-66
- e. Fireworks Bylaw 2011-89
- f. Open Air Burning Bylaw 2012-66
- g. Dog Licensing and Control Bylaw 2011-51
- h. County of Simcoe Solid Waste Management Bylaw No. 6256

For a complete list of all regulatory bylaws please visit the Town website at of Penetanguishene.

8. Parties and Events

- a) Disruptive parties and events are strictly prohibited.
- b) Non-occupying guests shall not conflict with the residential amenity of the area or cause nuisance.
- c) Any gathering, celebration, or entertainment at a short-term rental accommodation premise must not conflict with residential amenity, shall not cause any nuisance, and must comply with all the other requirements of this Code and the Town of Penetanguishene by-laws.

Use for Additional Parking (Non-occupying Guests/visitors)

Please note that non-occupying guests and visitors may or may not have access to parking on the rental property. Please ensure that all guests and visitors park in appropriate areas. There may also be available on-street parking, please ensure all posted 'No parking' restrictions are followed, vehicles do not obstruct driveways, fire hydrants, sidewalks or the safe movement of traffic and access for emergency vehicles. Please also note that if your rental occurs during the winter months the parking of vehicles cannot interfere with snow removal, road maintenance (sanding/salting) or be parked on a roadway from November 1st to April 1st, between 1:00 a.m. to 7:00 a.m.

Renter's Code of Conduct
Schedule A to By-law 2022-58

9. Garbage, Organics & Recycling

1- Garbage

Please dispose of all garbage in the bins provided (indicate location), do not leave garbage outside or at the roadside for collection. The property manager will ensure garbage is removed or placed for roadside collection by the County of Simcoe (if applicable).

2- Organics (Green Bin)

Please dispose of all organic waste (if applicable) in the provided containers (indicate location), do not leave organics outside or at roadside for collection. The property manager will ensure organics are removed or placed for roadside collection by the County of Simcoe (if applicable).

3- Recycling

Please dispose of all recycling (if applicable) in the provided containers (indicate location), do not leave recycling outside or at roadside for collection. The property manager will ensure recycling is removed or placed for roadside collection by the County of Simcoe (if applicable).

Please enjoy your stay but have consideration for others.

Acknowledgement of Code of Conduct

I _____ CERTIFY THAT:
(Print Name)

I have entered into a rental agreement for a Short-term Rental Accommodation located at _____, Town of Penetanguishene, ON, and acknowledge that I have been provided a copy of the Renter's Code of Conduct and confirm that all guests will comply with the terms conditions found within the code of conduct, all municipal by-law's of the Town of Penetanguishene and any applicable Ontario Provincial Statutes.

Date

Signature



Schedule B
Responsible Person Consent Form
Short-Term Rental Accommodation (STR) Licence Application
By-law 2022-58

As required by the *Short-Term Rental Accommodation Licensing By-law 2022-*, Section 5.4, the owner of Short-term rental accommodation premises shall ensure that there is a responsible person available respond to a complaint or contravention within **30 minutes** to attend the Short-term Rental Accommodation premises at all times within a period of no greater than **60 minutes** from the time of contact by way of telephone or e-mail.

The by-law defines a “Responsible person” *as the person assigned by the owner or operator of Short-term rental accommodation premises to ensure the premises are operated in accordance with the provisions of this by-law, the licence and the relevant provisions of the Fire Code;*

Responsible Person Consent

I _____ CERTIFY AND ACKNOWLEDGE THAT:
(Print Name)

I have been appointed by the owner as a “Responsible Person” in accordance with the licensing requirements to operate a Short-term Rental Accommodation at _____, Town of Penetanguishene, Ontario. I understand and consent that my name, phone number and e-mail address will be published on the Town of Penetanguishene website and available to the general public. I further confirm that when contacted by telephone or e-mail by a member of the public, Town of Penetanguishene, enforcement officer/agency or the Ontario Provincial Police, I will be available to attend the Short-term Rental Accommodation within one (1) hour of being contacted to ensure its operation is in compliance with the licence and applicable municipal and provincial law.

Date

Signature

Notice of Collection: The personal information recorded on this form is collected and maintained in accordance with MFIPPA - the Municipal Freedom of Information and Privacy Protection Act and will be used in the administration and enforcement of the Short-Term Rental Accommodations Licensing Bylaw. Questions about the collection of personal information may be addressed to the Records and Information Coordinator, Town of Penetanguishene, 10 Robert Street West, P.O. Box 5009, Penetanguishene, ON L9M 2G2, 705-549-7453



Schedule "C"
Short-term Rental Accommodation By-law 2022-58

DESCRIPTION	FEE
Application Fees	
Three or more guest rooms	\$900.00
Two or less guest rooms	\$500.00
Renewal Fees (annual)	
Three or more guest rooms	\$900.00
Two or less guest rooms	\$500.00
Administrative	
Licensing Committee Appeal Fee (per appeal)	\$500.00
Re-inspection	\$100.00
Re-submission of plans	\$100.00

Schedule “D”
 By-law No. 2022-58: Being a By-law to License, Regulate and Govern Short-term Rental Accommodations
 Town of Penetanguishene
 Part I - Provincial Offences Act

Page 1 of 1

Item	COLUMN 1 Short-form Contravention Description	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Violation of Renters Code of Conduct	3.4	\$500.00
2	Failure to provide copy of Renters Code of Conduct	6.3	\$500.00
3	Hinder or obstruct inspection	12.1	\$500.00

NOTE: The penalty provision for the offences indicated above is Section 14 of By-law # 2022-58, a certified copy of which has been filed.

Township of Georgian Bay Office Consolidation

This is a consolidation of the Township's **Short-Term Rental By-law** being **By-law No. 2023-116, as amended**. This is an electronic reproduction made available for reference and information purposes only. It is not an official version of the By-law. Official versions of all by-laws can be obtained by contacting the Clerks Department at (705) 538-2337 or **clerks@gbtownship.ca**. If there are any discrepancies between this consolidation and By-law No. 2023-116, as amended, the By-law(s) shall prevail.

By-law No. 2023-116, as amended by

By-law No.	Amendments	Date Enacted
2025-011	Red Strike Outs = Removed Yellow Highlights = Added	February 3, 2025

**THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BAY**

BY-LAW 2023-116

Being a By-law to register, regulate and govern
Short-Term Rentals ("STR") in the Township of
Georgian Bay

(Short-Term Rentals)

WHEREAS the Council of the Township of Georgian Bay may, pursuant to the *Municipal Act*, 2001, S.O. 2001, c.25. as amended, ("*The Municipal Act*"), enact by-laws for the Registration regulation and governing of businesses and occupations in the Township of Georgian Bay; and

WHEREAS pursuant to Section 9 of the *Municipal Act* Part II, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

WHEREAS pursuant to Section 10 of the *Municipal Act*, a municipality has the authority to implement business licencing in the interest of health and safety, well-being of Persons, consumer protection and nuisance control; and

WHEREAS Sections 390 to 400 of the *Municipal Act* enables a municipality to pass By-laws for imposing Fees or charges to permits and services provided or done by them; and

WHEREAS pursuant to Section 434.1 of the *Municipal Act*, a municipality has the authority to impose a system of administrative penalties and Fees as an additional means of encouraging compliance with this By-law; and

WHEREAS Section 436 of the *Municipal Act* permits 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, order, or register; and

WHEREAS Section 444 of the *Municipal Act* provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may

make an order requiring the Person who contravened the by-law 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 Township of Georgian Bay deems it desirable that such registration, regulation, and governing takes place regarding Short-Term Rentals as defined in this By-law; and

WHEREAS pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of registering, regulating, and governing with respect to Short-term Rentals;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BAY ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purpose of this By-law:

- 1.1. **Administrative Penalty** refers to a financial penalty, commonly referred under an Administrative Monetary Penalty System (AMPS), authorized under section 434.1 (1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, issued to Person, Owner, Agent or Licensee who has contravened or failed to comply with any provision of a municipal by-law;
- 1.2. **Agent** means a Person duly appointed by an Owner or the Township to act on their behalf;
- 1.3. **Applicant** means the Person applying for a Registration or renewal of a registration under this By-law;
- 1.4. ~~**Building** means any enclosed structure on land or in water used or intended to be used for shelter or the occupation of Persons, animals, chattels, goods, materials or equipment, other than a fence or wall.~~ **Building** refers to the definition in the current Township of Georgian Bay Zoning By-law;
- 1.5. **By-law Enforcement Officer** means a Municipal Law Enforcement Officer of the Corporation of the Township of Georgian Bay who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.

- 1.6. **Commercial activities**, for the purposes of this By-law, means activities being hosted at subject property that involve costs or monies for services provided (Examples: weddings, receptions, retirement party, music event, etc.).
- 1.7. **Corporation** means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporations Act*, R.S.O. 1990, c. C. 38;
- 1.8. **Day** means any part of a calendar day;
- 1.9. ~~**Dwelling Unit** means a suite of habitable rooms located within a Building and operated as a household unit, used, or intended to be used exclusively as a domicile by one or more Persons that contains cooking, dining, living, sleeping and sanitary facilities exclusively for the use of the occupants.~~ **Dwelling Unit** refers to the definition in the current Township of Georgian Bay Zoning By-law;
- 1.10. ~~**Dwelling** means a residential Building designed for occupancy by one or more Persons, containing no more than one Dwelling unit as its principal use.~~ **Dwelling** refers to the definition in the current Township of Georgian Bay Zoning By-law;
- 1.11. **Fee** means a Fee payable under this By-law or the Fees and Charges By-law, which may be amended from time to time, and is not prorated.
- 1.12. **Guest Log** means a document, provided on the Township website, which indicates date of inspection, name of person who completed inspection, check in and check out date, number of renters in dwelling during stay, confirmation that renters were given and signed required documents, as well as smoke and carbon monoxide alarm inspection after check-out.
- 1.13. ~~**Guest Room** means a room, within a Dwelling, offered for Short-term Rental intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code;~~ **Guest 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 forth by the Ontario Building Code. A Guest Room shall only include rooms within a Dwelling, Sleeping Cabin,

or Sleeping Area;

- 1.14. **Light Rental Host** means a Register who is operating a Short-Term Rental for 21 or less days in a calendar year.
- 1.15. **Officer** means a Police Officer, Fire Inspector, Building Inspector, Planner, or Municipal Law Enforcement Officer;
- 1.16. **Owner** means the Person holding title to the Property on which the Short-term Rental is located, and "Ownership" has a corresponding meaning;
- 1.17. **Parking Area** means the use of an area of land, Building or structure for the parking of motor vehicles associated with a principal use on the same lot. A parking area may include related aisles, parking spaces, and ingress and egress lanes, but does not include any part of a road. The definition shall also include dock spaces for the purposes of mooring vessels;
- 1.18. **Person** means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a Licence under this By-law as the context requires;
- 1.19. **Premises** means the Property upon which a Short-term Rental is operated, inclusive of Buildings or structures or any part thereof used for such purpose;
- 1.20. **Property** means the land upon which a Short-term Rental is operated, exclusive of Buildings or structures or any part thereof;
- 1.21. **Registration** means the Registration issued under this By-law as proof of Registration under this By-law;
- 1.22. **Registered** means to have in one's possession a valid and current registration issued under this By-law and unregistered has the contrary meaning;
- 1.23. **Register** means a Person who holds registration or is required to hold a registration under this By-law;
- 1.24. **Register Issuer** means any Person or Persons provided the authority by the Township to issue a register under this By-law.
- 1.25. **Regular Rental Host** means a Register who is operating a

Short-Term Rental for 22 or more days in a calendar year.

- 1.26. **Renter** means the Person Responsible for the rental of the Premises by way of concession, permit, lease, Registration, rental agreement or similar commercial arrangement;
- 1.27. **Renter's Code of Conduct** as set forth in Schedule 'A', and may be amended from time to time, means a document that has been prepared by the Township that prescribes the roles and responsibilities of the Renter, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Town by-laws, and adherence to the provisions of this By-law;
- 1.28. **Responsible Person** means the Owner (must be 18 years of age or older) or Agent assigned by the Owner or Register of the Short-term Rental Dwelling to ensure the Short-term Rental Dwelling is operated in accordance with the provisions of this By-law, the Registration and applicable laws;
- 1.29. **Set fine** refers to a financial penalty issued to Person, Owner, Agent or Register who has contravened or failed to comply with any provision of a municipal by-law;
- 1.30. ~~**Short-Term Rental (STR)** means a primary Dwelling or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, Registration, rental agreement or similar arrangement for thirty (30) consecutive calendar days or less. Short term Rental uses shall not mean or include a bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, motel, resort, boat, vessel or similar commercial or institutional uses defined in the Comprehensive Zoning By-law 2014-75, as amended; or any successor, as amended.~~ **Short-Term Rental (STR)** means a Premises or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, Registration, rental agreement or similar arrangement for thirty (30) consecutive calendar days or less. Short-term Rental uses shall not mean or include a bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, motel, resort, boat, vessel or similar commercial or institutional uses defined in the Comprehensive Zoning By-law 2014-75, as

amended; or any successor, as amended;

1.31. ~~Township means the Corporation of the Township of Georgian Bay in the District of Muskoka.~~ **Sleeping Area** refers to the definition in the current Township of Georgian Bay Zoning By-law;

1.32. **Sleeping Cabin** refers to the definition in the current Township of Georgian Bay Zoning By-law;

1.33. **Township** means the Corporation of the Township of Georgian Bay in the District of Muskoka.

2. **APPLICATIONS**

- 2.1. The requirements of this By-law apply to the business or occupation of providing Short-Term Rentals within the geographic limits of the Township of Georgian Bay;
- 2.2. Persons who own, operate, Registered or offer a Premises for Short-Term accommodation as of the effective date of this By-law, must file an application for a Registration under this By-law.
- 2.3. The determination of whether a registered application is "complete" in accordance with this By-law shall be within the discretion of the Registration Issuer, or as a result of a review from an appeal received by the Township.
- 2.4. For greater certainty, the requirements of this By-law will not apply to a motel, bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, resort, boat or vessel or similar commercial or institutional use as defined under the Zoning By-law.

3. **GENERAL PROVISIONS**

- 3.1. Short-term Rental Dwellings shall comply with all applicable Municipal By-laws and provincial legislation.
- 3.2. The maximum number of Persons, including but not limited to residents, renters and their guests, permitted on a Premises, at any one time, shall be restricted to 2 Persons per Guest Room above the age of 2 as stated in an approved registration.

- 3.3. The provision of parking on the site plan referenced shall include the following:
- a) a minimum of one parking space per Guest Room;
 - b) parking space sizes of 3 metres by 6 metres;
 - c) For water access properties, an accessible dock must be used for vessel mooring; and
 - d) compliance with all other parking provisions as set forth in the applicable Zoning By-law.
- 3.4. All vehicles shall only be permitted in a parking area consisting of a hard-surfaced driveway (gravel, asphalt, concrete, interlock, or similar hard surface). If property is water access, an accessible dock must be used for boat mooring.
- 3.5. The following shall be posted on the interior of each STR Premises, visible to guests and made available for inspection:
- a) Copy of current STR Registration
 - b) Premises address (and phone number if applicable)
 - c) Guest Log, which can be found on the Township website and printed. The host must maintain the guest log which indicates date of inspection, name of person who completed inspection, check in and check out date, number of renters in dwelling during stay, confirmation that renters were given and signed required documents, as well as smoke and carbon monoxide alarm inspection after check-out.
 - d) Type of access to the STR Premises, where one of the following must be checked:
 - a. Year-round maintained public road
 - b. Seasonally maintained road
 - c. Private road / Right-of-way
 - d. Water access
 - e) If the type of access to the Short-Term Rental Premises is NOT a year-round maintained public road, the following Emergency Services Statement will be posted within the address: "Due to

this STR Premises not accessible by a year-round maintained public road, emergency response times may be delayed to this location.”

- f) Owner name and contact information.
 - g) Responsible Person for Emergency and By-law concerns (if different to details contained in section (f)).
 - h) Copy of approved Site Plan (including parking management plan), Waste Disposal plan, Floor Plan, and Sustainability Plan.
 - i) A copy of the Renters Code of Conduct, to be signed by each renter upon arrival.
 - j) QR code, provided on Township Short-Term Rental webpage, which will navigate renter to Township website of frequently requested by-laws.
- 3.6. All Short-term Rental Dwellings must provide a class ABC fire extinguisher in any cooking area and a class BC or better on each floor of the establishment.
- 3.7. ~~An Owner or Owner's Agent (Responsible Person) will respond within sixty (60) minutes to an emergency or contravention of any Township By-law. The phone number provided in the application must be that of a phone that receives text messages so all forms of communications can be achieved.~~ An Owner or Owner's Agent (Responsible Person) must be on site at the property within sixty (60) minutes in response to an emergency or contravention of any Township By-law.
- 3.8. The provisions of this By-law shall not apply when the Short-term Rental is not rented or if rented for 30 days or more consecutively.

4. **REGISTRATION REQUIREMENTS**

- 4.1. Every application for a new registration, or the renewal of an existing registration, shall include:
- a) A completed application, in the form required by the Township, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email

address;

- b) Proof of Ownership for the Premises;
- c) Proof that the Applicant is at least eighteen (18) years of age or older, if the Applicant is an individual;
- d) A completed Responsible Person Consent Form;
- 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 and identifies that a Short-Term Rental is being operated on the Premise;
- f) proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:
 - i. an article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
 - ii. a list containing the names of all shareholders of the Corporation;
 - iii. in the case of an Applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
 - iv. in the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization;
- g) Provide information related to occupancy and potential sewage load and details of sewage system to confirm capacity. As well as record of system pump-outs and maintenance and demonstrate septic tank has been inspected by a qualified person per the Building Code and Building Code Act every 3 years as part of application to the Township; septic inspector shall not be an inspector for the Township.
- h) Site plan drawn to scale and fully dimensioned of the Short-Term Rental property identifying;
 - i. Parking Management Plan (refer to section 3.3);
 - ii. All buildings and structures on the property;
 - iii. The location of the septic system;
 - iv. Exterior decks and staircases;

- v. Docks located on waterfront (if applicable);
 - i) Floor plan drawn to scale and fully dimensioned of the Short-Term Rental identifying;
 - i. Each room and its intended use;
 - ii. Location of all smoke and carbon monoxide alarms;
 - iii. Location of all fire extinguishers;
 - iv. All entrances and exits from the buildings and structures;
 - v. Fire escape routes;
 - j) Waste disposal plan which will provide detail on where garbage is to be kept, who is responsible for removing it from property (host or renter), and how often it will be disposed of.
 - k) Sustainability plan regarding reduction of energy and food waste and identified efforts to reduce their carbon footprint will result in the reduction of registration fee indicated in the Fees & Charges By-law. The following are examples of what an appropriate sustainability plan should include:
 - i. Reduce carbon footprint
 - ii. Planting trees/pollinator gardens
 - iii. Managing food waste
 - iv. Reduce energy consumption
 - v. Unlock thermostat
 - vi. Improve insulation/windows/doors
 - vii. Promote local culture
 - viii. Purchase local
 - ix. Support Indigenous knowledge
- 4.2. Payment of the applicable Fees referred to in the Fees and Charges By-law, which may be amended from time to time.
- 4.3. A Short-term Rental Registration that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
- a) The date that is one (1) year after date of the issuance of the Registration; or
 - b) Upon the sale of an STR Premises to a Person other than a Registrant.
 - c) Upon the transfer of an STR Registration to another party.

- 4.4. The Registrant shall be responsible for informing the Township in writing of any changes to the approved information contained within the Registration application or any deviation to the approved plans within (7) days of such change or deviation. Nothing herein allows a Registrant to rent rooms other than those identified and approved on the application for registration unless the Township has approved same.

5. **ADMINISTRATION AND ENFORCEMENT**

- 5.1. The Register Issuer shall be responsible for the administration of this By-law;
- 5.2. Officers shall be responsible for the enforcement of this By-law;

6. **REGISTRATION – APPLICATION & ISSUANCE**

- 6.1. Upon receipt of an application for Registration, a Registrant Issuer shall perform the following functions:
- a) receive and review the application as per any provision of this By-law;
 - b) receive and review any documents attached to the application; and
- 6.2. Upon determination by the Registrant Issuer that information requirements and all regulatory and by-law requirements of the Township are met, registration shall be issued and remain valid for one (1) year, unless revoked.
- 6.3. The Registrant Issuer shall have the authority to impose additional terms and conditions on a registration.
- 6.4. Registration issued pursuant to the provisions of this By-law shall expire one (1) year from the date it was issued unless it is revoked in accordance with any provisions of this By-law.

7. **REGISTRATION – SUSPENSION & REVOCATION**

- 7.1. The Registrant Issuer shall have the authority to refuse to issue or renew registration, or to revoke or suspend a Registration where:

- a) there are reasonable grounds for belief that the operation of a Short-term Rental at a specific Premises may be averse to the public interest;
 - b) the Premises has had a Registration that has been previously revoked, suspended, or made subject to terms and conditions;
 - c) the Applicant has had a Registration that has been previously revoked, suspended, or made subject to terms and conditions;
 - d) a Premises or Applicant applying for a Registration has presented a history of contravention with this By-law, other Township by-laws, or Provincial and Federal Legislation;
 - e) the Renter's Code of Conduct has been violated at this Premises with known knowledge of the host;
 - f) the Owner is indebted to the Township 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 an Owner's Property, unless any of these fees were imposed directly to the renter;
 - g) the Property to be used for carrying on the trade, business or occupation does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.
- 7.2. Notwithstanding section 7.1 of this By-law, the Registrant Issuer may issue registration where a variance to this By-law has been approved. Council, upon application of the Owner of a Premises permitting a Short-term Rental, may authorize such variance from the provisions of this By-law, in respect of the Owner's Premises as in its opinion is desirable for the appropriate use of the Premises and in the opinion of Council the general intent and purpose of the by-law is maintained. The decision of Council regarding the variance application, shall be final and binding.

- 7.3. The Registrant Issuer shall notify the Applicant/Registrant of what action is being taken under the authority of section 7.1 or section 7.2 within thirty (30) days of the determination of said action.
- 7.4. The Registrant Issuer, upon confirming a registrant has received an emergency order issued under section 8.4 of this By-law, may, for the time and such conditions as are considered appropriate, suspend a registration for not more than 14 days. If after this period, the Registrant Issuer is satisfied that the continuation of registration will continue to pose a danger to the health or safety of any Person, they may further suspend for not more than 14 days or revoke a Licence.

8. **ORDERS – GROUNDS FOR ISSUANCE**

- 8.1. Where an Officer has reasonable grounds to believe that a contravention of the by-law has occurred, the Officer may serve an order on the Registrant setting out the reasonable particulars of the contravention and directing:
- a) compliance within a specified period of time;
 - b) any work that is required to be done. In the event of a default of such work being done, the Officer may direct work to be done at the Registrant's expense, and the Town may recover the expense in the same manner as municipal taxes; or
 - c) the activity be discontinued.
- 8.2. 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.
- 8.3. Service of any notice or order to an Owner/Agent, directing the Owner/Agent to bring the Premises into compliance, shall be carried out under the provisions in section 15 of this By-law.
- 8.4. When an Officer deems a violation under this By-law to pose an immediate risk to health or public safety, the provisions in section 15 may be waived and an emergency order shall be issued and may posted on the property requiring immediate action or other remediation. The Owner/Agent shall comply with an emergency order within the period specified on the emergency order.

- 8.5. Where an Officer has placed or caused the placing of a placard or order containing the terms of an order upon the Premises under the authority of the Building Code Act or provisions within this By-law, no Person shall remove such placard except with the consent of the Officer who issued the order.
- 8.6. Once served upon an Owner/Agent in accordance with sections of this By-law, an order shall remain in effect on a Premises until the order has been complied with or for the duration of the calendar year.
- 8.7. Every person shall comply with an Order issued by an Officer.

9. **GROUND FOR APPEAL – Registration & ORDERS**

- 9.1. Where the Registrant Issuer has denied an Applicant a Registration, a renewal of a Registration, or has suspended or revoked Registration, the Registrant Issuer shall inform the Applicant or Registrant by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Township Clerk.
- 9.2. Any Owner/Agent or Register who has been served with an order and who is not satisfied with the terms or conditions of the order, may appeal to the Township of Georgian Bay within fifteen (15) days after being served with the order, by:
 - a) sending a notice of appeal, setting forth the reasons for the appeal, by registered mail to the Township Clerk; or
 - b) in Person to the Township Clerk to set forth reasons for the appeal and to request an appeal date; and
- 9.3. If an emergency order is issued on a Premises to an Owner/Agent, the appeal process in section 9.2 shall not apply.
- 9.4. Where no request for an appeal is received in accordance with subsection 9.2, the decision of the Register Issuer shall be final and binding.
- 9.5. Where a request for an appeal is received, the request will be added to the agenda of the next available Council meeting, and

the Applicant or Register shall be provided reasonable written notice thereof.

- 9.6. If the Owner/Agent fails to appear at the appointed time for their request to appeal, the order shall be final and binding.
- 9.7. After such opportunity to be heard is afforded the Person, Council shall make a decision. When making its decision Council may consider any matter pertaining to this By-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, Council may refuse to issue or renew a Registration, revoke, suspend, or impose any condition to a Registration. Council's decision is final and binding and shall not be subject to review.
- 9.8. Where Council conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 ("Statutory Powers Procedure Act") shall apply.

10. ENTRY AND INSPECTION

- 10.1. The Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) may at reasonable times, enter upon land, Premises, Buildings, or place where a Registration has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance to this By-law.
- 10.2. Every Person shall permit the Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) to inspect any land for the purposes of determining compliance with this By-law.
- 10.3. The Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) may enter upon lands at any reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done, to do such matter or thing in accordance with this By-law.
- 10.4. The Township's power of entry may be exercised by an Officer, or Agent for the Township and this Person may be accompanied by any Person under their direction, including Law Enforcement Services.

- 10.5. During any inspection carried out under this By-law, an Officer may be accompanied by other Township of Georgian Bay employees, Agents or authorities as deemed necessary.
- 10.6. The Township may undertake an inspection pursuant to an order issued under provisions of this By-law or Section 438 of the *Municipal Act*.
- 10.7. During an inspection to ensure compliance of this by-law, if an officer or agent observes any further issues, the owner shall ensure compliance with the following where applicable:
 - a) provisions of this By-law;
 - b) Ontario Building Code Act, 1992, S.O. 1992 c.23; ("Building Code Act")
 - c) Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ("Fire Protection and Prevention Act")
 - d) Electricity Act, 1998, S.O. 1998, c. 15, Sched. A ("Electricity Act")
 - e) Applicable Zoning By-law;
 - f) any other municipal by-laws or provincial legislation.

11. **PROHIBITIONS**

- 11.1. No Person shall use or operate any Short-term Rental Dwelling unless they hold a current Registration issued pursuant to this By-law.
- 11.2. No Person shall advertise a Short-term Rental without a municipal issued Registration number.
- 11.3. No Person shall use or operate any Short-term Rental Premises for Commercial activities.
- 11.4. No Person shall provide false information on an application form to apply for a Short-term Rental Application.

- 11.5. No Person shall allow a Premises under their Ownership or care and control to be operated in contravention of the Registration that has been approved.
- 11.6. No Person shall allow a Premises under their Ownership or care and control to be operated in contravention of the Site plan that has been approved.
- 11.7. No Person shall allow for any overnight occupation on a Short-term Rental Premises other than within a guest room that was identified and approved with the Application for the Short-term Rental Registration.
- 11.8. No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule 'A' to this By-law.
- 11.9. No person shall offer a place of temporary residence, lodging or occupancy by way of concession, permit, lease, registration, rental agreement or similar arrangement on the Premises unless the Primary Dwelling is rented concurrently to the same guests.

12. **OBSTRUCTION**

- 12.1. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.
- 12.2. No Person, who has been alleged to have contravened any of the provisions of this By-law, shall fail to identify themselves to the Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) upon request.

13. **PENALTIES**

- 13.1. Every Person who contravenes any provision of this By-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 13.2. Every person who contravenes a provision of this By-law shall, upon the issuing of a Penalty Notice under the Administrative Monetary Penalty System By-law, be liable to pay the Township

an Administrative Monetary Penalty in the amount set out in the Administrative Monetary Penalty System By-law.

- 13.3. Each day a contravention occurs constitutes a new offence.
- 13.4. Every Person, other than a company who contravenes any provision of this By-law, and every director of a Corporation who knowingly concurs in such contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- 13.5. Where a Corporation is convicted of an offence under this By-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 13.6. Where a Person has been convicted for an offence under this By-law by a court of competent jurisdiction, 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.

14. COLLECTION OF UNPAID FINES

- 14.1. Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of this 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 Register Issuer 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 Owner's tax roll and collected in the same manner as Property taxes.

15. SERVICE OF DOCUMENTS

- 15.1. The Municipality may serve any document under this By-law, within thirty (30) days of becoming aware of the alleged offence, personally to the Person named on the notice, by registered or

regular mail addressed to the Person to whom the document is to be given at the Person's last known address, and by email transmission to the Registers email address given with the most recent application received by the Township.

- 15.2. Service by registered or regular mail under subsection 15.1 shall be deemed to have been made on the fifth day after the day of mailing.
- 15.3. A Person's last known address includes the address provided by the Person to the Municipality as identified in the property tax file.

16. **SEVERABILITY**

- 16.1. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- 16.2. The Clerk is authorized to make changes to this By-law after enactment by Council to correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.

17. **SCHEDULES**

- 17.1. The schedules attached to this By-law form part of this By-law.

18. **SHORT TITLE**

- 18.1. This By-law shall be known as the "Short-Term Rental Registration By-law".

19. **TOWNSHIP NOT LIABLE**

- 19.1. The Township assumes no liability for property damage or Personal injury resulting from remedial action or remedial work undertaken with respect to any Person or property that is subject of this By-law.

This By-law shall come into full force and effect as of January 1, 2024, 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 AND ENACTED in Open Council this 11th day of December 2023.

PETER KOETSIER, MAYOR

KAREN WAY, CLERK

Schedule 'A'

Renter's Code of Conduct

Purpose of this Code of Conduct

1. Maximizes the enjoyment of all properties in the Township of Georgian Bay.
2. Ensures the safe operation of short-term rental premises.
3. Acknowledges that the Township of Georgian Bay residents have the right to enjoy their properties without nuisance.
4. Establishes acceptable standards of behaviour for short-term rental renter(s).
5. Defines requirements for renter accountabilities for a short-term rental premises.

Owners Acknowledgement of Short-Term Rental Use

1. The owner acknowledges that a valid Short-Term Rental Registration shall be posted in a conspicuous place.
2. The owner acknowledges that the following information is to be provided on the premises:
 - a. Premises address (and phone number if applicable)
 - b. Type of access to the STR Premises:
 - i. Year-round maintained public road
 - ii. Seasonally maintained road
 - iii. Private road / Right-of-way
 - iv. Water access
 - c. Guest Log
 - d. If the type of access to the STR premises is NOT a year-round maintained public road, the following Emergency Services Statement will be posted within the address:
"Due to this STR Premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location."

- e. Owner name and contact information
- f. STR responsible person contact information for emergency and by-law concerns (if different than owner contact information).
- g. Copy of approved Site Plan, Floor Plan, Waste Disposal Plan, and Sustainability Plan.
- h. A copy of the Renters Code of Conduct, to be signed by each renter upon arrival.
- i. QR code (provided on Township's Short-Term Rental webpage) which will navigate renter to Township website of frequently requested by-laws.

Renters Acknowledgement of Short-Term Rental Use

1. The renter acknowledges that they have observed and reviewed all the information posted and displayed by the owner as per the owner's Acknowledgment of Short-term Rental Use.
2. The renter acknowledges that their actions, if in contravention of any municipal by-law, may result in a complaint against the owner of the premises and may cause the owners' Short-Term Rental Registration to be suspended, revoked, and/or not renewed.
3. The renter acknowledges that continued non-compliance with any by-law may result in enforcement measures being taken against themselves and/or the owner.
4. Review the following on the Township's website through the QR code provided in the premise:
 - a. Noise By-law
 - b. Animal Control By-law
 - c. Parking By-law
 - d. Burning By-law
 - e. Clean Yard By-law
 - f. Fireworks By-law

The Corporation of the Township of Springwater

By-law 2024-068 as amended by By-law 2025-048

Being a By-law to License and Regulate Short Term Rentals within the Township of Springwater.

(License and Regulate Short Term Rentals)

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, provides that 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 and to enhance a municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality has the capacity rights, powers and privileges of a natural person for the purpose of exercising authority under the Municipal Act and any other Act;

AND WHEREAS pursuant to section 11 of the Municipal Act, 2001, S.O. 2001, c.25, Council is exercising its authority in the interest of health and safety, and 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 Township of Springwater may provide for a system of license with respect to businesses;

AND WHEREAS Section 151(1) of the Municipal Act, provides that a municipality may provide for a system of licenses with respect to a business and may:

- a) Prohibit the carrying on or engaging in the business without a License;
- b) Refuse to grant a License or to revoke or suspend a License;
- c) Impose conditions as a requirement of obtaining, continuing to hold or renewing a License;
- 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 License;
- e) Impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License; and
- f) License, regulate or govern real and Personal Property used for the business and the Persons carrying it on or engaged in it;

AND WHEREAS sections 390 to 400 of the Municipal Act authorizes 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 responsible 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 license;

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 Township of Springwater has deemed it necessary and desirable to regulate the Short-Term Rental of property in the Township of Springwater;

AND WHEREAS the Township of Springwater has implemented a system to license the operation of the Short-Term Rental properties in the Township of Springwater;

NOW THEREFORE the Council of The Corporation of the Township of Springwater enacts as follows:

1. Definitions

1.1 For the purpose of this by-law, the following definitions shall apply:

“Accessory Building or Structure” means a detached building or structure, the use of which is incidental to, subordinate to and exclusively devoted to the principal use in the main building located on the same lot.

“Agent” means a person duly appointed by an Owner(s) or the Township to act on their behalf.

“Applicant” means the person applying for a License or renewal of a License under this By-law.

“Bedroom” means a room offered for Short-Term Rental intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario

Building Code, and/or a room with one or more beds, murphy beds, pullout beds, sofa beds, day beds, futons or similar place for sleeping.

“Building” means a structure occupying an area greater than (10) ten square metres consisting of a wall, roof and floor or any of them or a structure system serving the function thereof including all associated works, fixtures and service systems.

“Council” means the Council for the Corporation of the Township of Springwater

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

“Fee” means a Fee as set forth in the Fees and Charges By-law.

“Guest” means any person on the Premises who is not a Renter that intends to use the Short-Term Rental Premise for overnight lodging or day visits.

“License” means the License issued under this by-law as proof of licensing under this by-law.

“Licensed” means to have in ones’ possession a Valid and current license issued under this by-law and unlicensed has the contrary meaning.

“Licensing Officer” means any Person provided the authority by the Township to issue a license under this by-law, including designates.

“Nuisance” means an activity or behaviour that when consistent or repetitive causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public.

“Officer” means a Police Officer, Fire Inspector, Fire Chief, Chief Building Official, Building Inspector, or Municipal Law Enforcement Officer, or any of their designates.

“Order” means an Order to Comply issued under this by-law or any other legislation including, but not limited to, the *Building Code Act, 1990*, *S.O. 1992, c.23* or *Fire Protection and Prevention Act, 1997*.

“Owner” means the person holding title to the property and who holds the license on which the Short-term Rental Premise is located, and “Ownership” has a corresponding meaning.

“Person” means one or more individuals, a corporation, a partnership, or an association, and includes an Owner or an Applicant for a License under this by-law as the context requires.

“Property” means the land upon which a Short-term Rental Premises is operated, exclusively buildings or structures or any part thereof.

“Renter” means the person responsible for the rental of the Premise by the way of concession, permit, lease, license, rental agreement or similar commercial arrangement.

“Renter’s Code of Conduct” means a document, as set forth in Schedule “A” that has been prepared by the Township that prescribes the roles and responsibilities of the Renter and Guests, including but not limited to behavioural expectations as they relate to non-disturbance of neighbours, compliance with applicable Township by-laws, and adherence to the provisions of this by-law.

“Responsible Person” means the Owner or Agent (must be 18 years of age) assigned by the Owner of the Short-term Rental Premises to ensure the Short-term Rental Premises is operated in accordance with the provisions of this by-law, the License, and all other applicable laws.

“Short-term Rental Premises / Premises” means a dwelling or dwelling unit, that in whole or in part, is rented or available for rent with the intention of financial compensation for an occupancy period of fewer than twenty-eight (28) consecutive calendar days but shall not include a bed and breakfast establishment, hotel, motel, or any other use otherwise defined by the Township's Zoning By-law.

“Township” means the Corporation of the Township of Springwater.

“Valid” means currently in effect and not expired.

2. Administration

- 2.1 The Licensing Officer shall be responsible for the administration of this by-law.
- 2.2 Officers shall be responsible for the enforcement of this by-law.
- 2.3 Every application for a new license or a renewal or extension of an existing License shall include:
 - (a) each Owner, Applicant and/or Agent’s name, address, telephone number, facsimile transmission number and email address.
 - (b) a copy of the transfer/deed evidencing the ownership of the Short-term Rental Premises, if requested by the Township.
 - (c) 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.
 - (d) in the instance of an Owner being a corporation or partnership, the name, address and telephone number of each director and officer or partner.

- (e) a statement from the Owner certifying the accuracy, truthfulness, and completeness of the application.
 - (f) proof of placement of insurance specific to the rental nature of the Property that includes a limit of liability of not less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury and includes provisions that the Township will be notified of any intended cancellation by the insurer not fewer than fifteen (15) days prior to such cancellation.
 - (g) Floor plans and a site plan that complies with the applicable Township Zoning By-law., drawn to scale and fully dimensioned, of the Short-term Rental Premises depicting the use of the Premises including the proposed occupancy of each room; occupant load for sleeping purposes of each room; location of smoke detection and early warning devices; location of fire extinguishers, and related site amenities including parking, landscaping and other buildings or structures on the land, septic and well locations, if applicable;
 - (h) Where there are wood burning appliances, a Wood Energy Technical Transfer (WETT) report dated less than 5 years old issued by certified WETT inspector.
 - (i) An annual inspection report, provided with the annual application, indicating that the chimney, flue pipes have been inspected by a WETT certified chimney sweep and are safe to be utilized.
 - (j) An HVAC inspection report issued by an HVAC Technician. An updated report shall be required each year, if applicable.
 - (k) Schedule 'A', Renter's Code of Conduct.
 - (l) The prescribed application fees.
 - (m) Any outstanding fees or fines owed to the Township by the Owner respecting the Short-term Rental Premises.
- 2.4 An Owner shall inform the Licensing Officer or designate of any changes to the information provided in subsection (2) within a period of 10 days.
- 2.5 Every application for a License will be reviewed by the Licensing Officer to determine whether it meets the requirements of this By-law.

- 2.6 As part of the review referenced in subsection 2.5, the application will be circulated to those agencies deemed necessary and/or relevant by the Licensing Officer.
- 2.7 Those agencies referenced in subsection 2.6 may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application by the Licensing Officer. The Applicant shall cooperate and facilitate the inspection of the Premises in a timely manner and shall be in attendance during the inspection.
- 2.8 If it is determined that an application does not meet the requirements of this by-law and the requirements of all of the circulated agencies, the Licensing Officer shall not issue the License.
- 2.9 A License is valid for a period of one (1) year from the date of issuance.
- 2.10 An Owner is not eligible for the renewal or extension of an existing License unless the Owner has provided an application form and has met all requirements of this by-law.

3. Licensing Requirements

- 3.1 No Person shall carry on any trade, business or occupation of a Short-term Rental Premises, nor advertise a Short-term Rental Premises, unless that Person has first obtained a License from the Township.
- 3.2 A minimum rental of two (2) consecutive nights and no minimum night rental where the premises are owner occupied is required for the rental of a Short-term Rental Premises.
- 3.3 A Person who obtains a License shall comply with the regulations set out in this by-law for such License. Failure to comply with the regulations constitutes an offence.
- 3.4 An Agent or Owner of a Short-term Rental Premises without a License shall be personally liable for the compliance of the Premises, Renters, Occupants and Guests. Failure by such a Person to comply with this by-law constitutes an offence.
- 3.5 Licenses issued pursuant to this by-law are conditional upon compliance by the Owner with all municipal by-laws and compliance with all provincial and federal laws and regulations and any conditions imposed to the holding of the License.

4. General Prohibitions

- 4.1 No Person shall use or operate any Short-term Rental Premises unless they hold a current License issued pursuant to this by-law.
- 4.2 No Person shall use or operate any Short-term Rental Premises with a revoked, suspended, or expired License.
- 4.3 A Person is not eligible to hold a License if the proposed use of the land, building or structure is not permitted by the zoning by-law that applies to the Property.
- 4.4 A Person is not eligible to hold a License if the Property does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law; the Property Standards By-law; the Building Code Act, 1992; the Building Code; the Fire Protection and Prevention Act, 2007; the Fire Code; the Ontario Electrical Safety Code; or an order of the Medical Officer of Health.
- 4.5 No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this by-law.
- 4.6 The Owner shall operate the Short-term Rental Premises in accordance with the site plan that has been approved by the Licensing Officer.
- 4.7 The Owner shall keep a log of each rental of the Short-term Rental Premises that includes the date of entry, the length of stay and confirmation of receipt of the Renter's Code of Conduct with such log readily available for inspection at all times by an Officer, for a period of two years.
- 4.8 The Owner shall display a copy of the license in a prominent place in the Short-term Rental Premises to which it applies at all times, whether or not the Short-term Rental Premises is being rented.
- 4.9 The Owner of a Short-term Rental Premises shall ensure that there is a Responsible Person available to attend to the Short-term Rental Premises at all times within one hour from the time of contact by way of telephone or email.
- 4.10 The Owner of a Short-term Rental Premises shall ensure that each Renter has been provided with the Renter's Code of Conduct by completing a confirmation of receipt of the Renter's Code of Conduct. The Owner shall retain a copy of the confirmation of receipt of the Renter's Code of Conduct for a period of two years.
- 4.11 The Owner of a Short-term Rental Premises for which a License is required under this by-law shall allow, at any reasonable time, an employee or Agent of the Township to inspect the Premises used for the purposes of Short-term Rental Premises so as to determine compliance with the requirements of this by-law, Fire Code, Building Code, Property Standards By-law or other applicable law.

- 4.12 No Person shall obstruct, hinder or otherwise interfere with an authorized employee or Agent of the Township while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this by-law or any other municipal by-law or provincial legislation or regulation.
- 4.13 The maximum number of Guests at a Premises at any one time shall not exceed two (2) Guests per Bedroom approved as such on the floor plans submitted with the application for the Short-Term Rental License, at any one time.
- 4.14 Notwithstanding clause 4.13, the maximum number of Renters on a Premises shall not exceed ten (10). Children aged 12 years and under are not considered as part of the maximum ten (10).
- 4.15 No Person may transfer or assign a License issued under this by-law.
- 4.16 No Person shall advertise, promote, broker, or offer the use or occupation or use of a Short-term Rental Premises without a Valid License.
- 4.17 Every Owner shall maintain the Short-term Rental Premises 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 Premises.
- 4.18 Every Owner shall ensure that the Short-term Rental Premises is operated and used in a fashion such that the operation or use will not cause a disturbance.
- 4.19 Every Owner shall provide an undertaking to operate the Short-term Rental Premises in accordance with all Township by-laws including, but not limited to, the Township's Noise By-law, Property Standards By-law and any applicable provincial or federal laws or statutes including the Ontario Fire Code, The Ontario Building Code, and laws related to the making of a disturbance. Further, every owner shall include in such, undertaking a confirmation that they will require that each Renter enter into a Renter's Code of Conduct.
- 4.20 The Licensing Officer may revoke a license if it was issued on mistaken, false or incorrect information.

5. License Terms and Conditions

- 5.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law and such other by-laws of the Township, as the case may be.
- 5.2 An Owner of a Short-term Rental Premises shall notify the Township in writing within three (3) days of any changes to the contact information for the

Responsible Person, or of any material changes to the information provided in an application form.

- 5.3 Any record required by this By-law shall be produced by the Owner upon request of an Officer.

6. License Refusal, Revocation or Suspension

- 6.1 The Licensing Officer shall have the authority to issue, refuse to issue or renew a License to revoke or suspend a License.

- 6.2 The Licensing Officer may refuse to issue or renew a License where:

- a) The applicant or Owner has failed to comply with requirements set out in this By-law or any of the applicable Schedules to this By-law;
- b) The applicant or Owner has failed to pay a fine or fines imposed by a Court for convictions for breach of this or any other Township By-law, or provincial offence related to the Short-term Rental Premises;
- c) The applicant or Owner has failed to comply with any term, condition, or direction of the Licensing Officer, or has failed to permit any investigation by an Officer;
- d) The applicant or Owner has submitted an application or other documents to the Township containing false statements, or incorrect, incomplete, or misleading information;
- e) The applicant or Owner is carrying on or engaging in activities that are, or will be, in contravention of this By-law, or any other applicable law;
- f) There is or has been a breach or violation of the Renter's Code of Conduct

- 6.3 Where the application for a License has been revoked, suspended or cancelled, the fees paid by the applicant or Owner in respect to the License, shall not be refunded.

- 6.4 Where a License has been revoked, suspended, or cancelled, the Owner shall return the License to the Licensing Officer within two (2) days of service of the notice of the decision.

- 6.5 When a revoked, suspended, or cancelled License has not been returned, an Officer may enter upon the Premises, (excluding entry into a Dwelling Unit) for the purpose of receiving, taking, or removing the said License.

- 6.6 The Licensing Officer, if satisfied that the continuation of a License poses a danger to the health and safety of any Persons, may for this time and such conditions as are considered appropriate, suspended a License for not more than 14 days. If after this period, the License Officer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than 14 days or revoke a License.

7. Grounds for Appeal

- 7.1 Where the Licensing Officer has denied an Owner(s) a Short-Term Rental License or a request for renewal of a Short-Term Rental Licence, or suspended or revoked a Short-Term Rental License, the Licensing Officer shall inform the Owner(s) 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 Council.
- 7.2 Owner(s) may appeal to Council in relation to matters noted in section 7.1; appeals will not be permitted for any other matters including, without limitation:
- (a) Matters, notices, orders and communications related to a noncompliance 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.
- 7.3 A request for an appeal of a matter noted in section 7.1 shall be made in writing to the Licensing Officer setting out the reasons for the appeal within fourteen (14) days after service of the written notice of the Licensing Officers decision.
- 7.4 Council shall meet within thirty (30) days after receiving the application for appeal.
- 7.5 The Owner(s) may be permitted to continue operation during the appeals process until such time as a decision is rendered by Council.
- 7.6 Where no request for an appeal is received in accordance with section 7.3, the decision of the Licensing Officer shall be deemed to be affirmed.
- 7.7 Where a request for an appeal is received, a hearing of Council shall be convened, and the Owner(s) shall be provided reasonable written notice thereof.
- 7.8 At such hearing Council shall receive a report, either verbally, or in writing, from the Licensing Officer and from such other officers or employees of the Municipality who may be involved in the matter being considered by Council.
- 7.9 At the hearing before Council, the Owner(s), as applicable, either personally or through an agent or solicitor shall be afforded the opportunity to present such material and evidence relevant to the issue before Council as they may deem

appropriate, and they may ask questions of any person presenting evidence or a report to Council relevant to the said issues.

- 7.10 For the purposes of this by-law, a quorum of Council shall be a majority of the members of Council, and a decision by the majority of members present shall be the decision of Council.
- 7.11 Council may, after having heard all the evidence and submissions made to it by the Owner(s), as applicable, and the Licensing Officer, debate the matter and reach its decision.
- 7.12 After such opportunity to be heard is afforded the Owner(s), Council may make a decision in respect of which the hearing was held or the opportunity for hearing afforded. Council's decision is final and not subject to review. Council may issue a License, renew a license, refuse to issue a license, refuse to renew a license, revoke, suspend, or impose any conditions upon a license. Council may consider any matter pertaining to the Licensing Requirements in Section 3 the General Prohibitions in Section 4 and/or the License Refusal, Revocation or Suspension in Section 6 or any other matter that relates to the general welfare, health, or safety of the public.
- 7.13 Where Council conducts a hearing, the rules set out in the *Statutory Powers Procedure Act, R.S.O. 1990, c.S.22* shall apply.

8. Demerit Point System

- 8.1 A demerit point system has been established in accordance with Schedule 'C', without prejudice to options otherwise available to the Township to enforce this By-law or any other by-laws of the Township, provincial act or regulation, including, but not limited to, actions pursuant to the *Building Code Act, Fire Protection and Prevention Act*, and the *Provincial Offences Act*.
- 8.2 The number of demerit points referenced in Column 1 of Schedule 'C' will be assessed by the Officer against a Short-term Rental Premises and License in respect of the matter noted in column 1 upon the following event respecting a contravention:
 - (i) the expiry of the period for appealing a fine imposed, pursuant to Part I or Part III of the *Provincial Offences Act*;
 - (ii) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - (iii) an Order not complied with
 - (iv) an Order not complied with resulting in Township remediation; or

(v) an observation by an Officer.

- 8.3 A License may be suspended for a period of six months if the total demerit points in effect respecting a Short-term Rental Premises is seven or more.
- 8.4 A License may be revoked if the total of all Demerit Points in effect respecting a Short-term Rental Premises is fifteen or more.
- 8.5 Demerit points shall remain in place until the two-year anniversary of the date of which the demerit points were assessed.
- 8.6 The Township shall not be liable for economic or other losses claimed by an Owner for any reason, so long as there was no bad faith of the Township or its representatives in exercising their judgement, or fulfilling their responsibilities, under this By-law.

9. Right of Entry

- 9.1 An Officer may, at reasonable times, enter upon the property, premises, buildings, or place where a License has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance with this By-law.
- 9.2 An Officer may enter upon lands at any reasonable time to direct or require that a matter or thing be done in accordance with this By-law.
- 9.3 The Township's power of entry may be exercised by an Officer, Chief Fire Official or Building Inspector of the Township.

10. Obstruction

- 10.1 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.
- 10.2 Any Person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of their duties.

11. Penalty

- 11.1 Every person who contravenes any provision of this by-law, or fails to comply with an order issued pursuant to this by-law, is guilty of an offence and liable to a fine of:

- (a) On a first offence, no more than \$50,000; and
- (b) On a second offence and each subsequent offence, not more than \$100,000,

And such other penalties as provided for in the *Provincial Offences Act* and the *Municipal Act*.

- 11.2 Where a corporation contravenes any provision of this by-law or fails to comply with an order issued pursuant to this by-law, and every director or officer of a corporation who commits, concurs, assents to, or acquiesces to such contravention, is guilty of an offence and is liable to a fine of

- (a) On a first offence, no more than \$50,000; and
- (b) On a second offence and each subsequent offence, not more than \$100,000,

And such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act*.

- 11.3 In addition to any penalty otherwise provided for in this by-law, every person convicted of an offence under this by-law is liable to a fine of not more than \$10,000 for each day during which the offence continues.

- 11.4 Upon conviction of any penalty imposed under this by-law may be collected under the authority of the *Provincial Offences Act*.

- 11.5 If a person is convicted of an offence for contravening a provision of this by-law or an order made under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to correct the contravention in such manner and within such period as the court considers appropriate.

12. Severability

- 12.1 If any court of competent jurisdiction declares any section or part of this by-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such and the remainder of this by-law shall be valid and shall remain in force.

13. Effective Date

- 13.1 This by-law shall come into force and effect on January 1, 2025.

Read a First, Second and Third Time and Finally Passed this 18th day of September 2024.

Original signed by:

Jennifer Coughlin, Mayor

Renée Ainsworth, Clerk

Schedule “A”
Short Term Rental License
Renter’s Code of Conduct

Licensed Premises

Municipal Address:

All Owner Names:

Responsible Person’s Name:

Responsible Person’s Phone Number:

1. Purpose of the code

The purpose of the Renter’s Code of Conduct is to acknowledge that a Short-term Rental Premises is permitted and that other residents have the right to enjoy their properties without nuisance. It also outlines specific requirements for Short-term Rental Premises and imposes responsibilities for both Owners, Agents, and Guests of such Premises and that Owners bear the primary responsibility of conveying this information to Renters of the Premises.

2. Objective of this Code

The objective of this code is to establish acceptable standards of behaviour for Owners, Agents, and Guests to minimize any adverse impacts on their neighbours and the neighbourhood while protecting the health, safety and well-being of people.

3. Guiding Principles

The guiding principles for Short-term Rental Premises Renters are:

- The Premises that you are occupying is a home;
- Treat the Premises as your own;
- Respect the neighbours of the Premises, and;

- Leave the Premises as you find it.

4. Maximum Number of Renters, Occupants and Guests

The maximum number of Renters and Occupants including Guests permitted at a Short-term Rental Premises shall be limited as per the Short-Term Rental Licensing By-law.

As per Section 4.13, the maximum number of renters shall not exceed 10. Children aged 12 years and under are not considered as part of the maximum ten (10).

5. Noise and Residential Amenity

No Person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb others. Examples of noise that is likely to disturb others at any time include:

- a) Loud music;
- b) Outdoor or backyard gatherings or activities involving excessive noise or disruptive behaviour;
- c) Late evening/early morning disturbances; and
- d) Yelling, shouting, singing or conversing loudly.

Renters, Occupants and Guests are not allowed to disturb neighbours or interfere with their enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Township Noise By-law may result in charges or legal action being taken.

6. Access and Parking

Please familiarize yourself and your Guests with the on-site parking available on the Premises to ensure ease of access with minimum disturbance to neighbours. All Short-term Rental Premises have vehicle parking requirements as part of the licensing process.

7. Garbage and Recycling

Please familiarize yourself and your Guests with the provisions that have been made for waste management and that day of the week in which waste collection is scheduled. It should be noted that the “putting out” of waste on a non-scheduled day is regulated by the County of Simcoe Waste Management By-law. Waste collection information and pick up times are available from the County of Simcoe.

8. Fire and Safety Precautions

All Short-Term Rentals must have operating smoke alarms in accordance with the provision of the Ontario Fire Code. In Short-Term Rentals which have a fuel-fired appliance or solid fuel-fired appliance installed or in an attached storage garage, the Owner must ensure that the building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Owner must regularly test the alarms to ensure that they are operational. If a Renter discovers that any of the alarms are not operational, the Renter shall immediately notify the Owner of the deficiency. No person shall disable a smoke and/or carbon monoxide alarm.

I, _____ having read the above, acknowledge that I am renting this Premises from a valid Owner in the Township of Springwater and undertake to conduct myself and those that are occupying this Premises at the same time in accordance with this Code and all other applicable by-laws. I understand that my action, if found in contravention of a by-law, may affect the License renewal, and may include enforcement measures against myself, Owner(s), Renter(s) and Guest(s).

Schedule “B”

Short Term Rental License

Owner Code of Conduct & Acknowledgement

Licensed Premises

Municipal Address:

Name of Owner(s):

1. The Premises identified above shall be operated in accordance with the Short-Term Rental Licensing By-law, and all applicable acts, regulations and other municipal by-laws.
2. The Owner shall ensure that a copy of the Renter's Code of Conduct and copy of License are posted inside the Premises and visible for inspection by the Renters at all times.
3. Nothing herein allows the Owner to rent part of a Premises other than those identified on the License, based on the submitted documentation and site diagram.
4. The Owner will be held responsible for contraventions of any municipal by-law, act or regulation by people found using the Premises, and may be subject to fines or other enforcement measures.
5. Entry and inspection by any Officer or their designate and any accompanied authorities or Agent of the Township may occur as outlined in the By-law and for the purposes of:
 - a. Carrying out any inspection; or
 - b. Determining compliance with any by-law; or
 - c. Verifying complaints received under a by-law; or
 - d. Verifying compliance with an order issued or License; or
 - e. Requiring a matter or thing be done.
6. The Owner is responsible for renewing a License by forwarding any required application and supporting documents as per the By-law prior to the expiry date of the License.

7. The Owner is responsible for informing the Township in writing of any changes to a Premises within seven (7) days of such change or deviation.
8. The submission of false or misleading information to the Township may void an application, cause the current License to be revoked or cause an Owner to be subject to further enforcement measures.
9. All Owners are responsible for compliance with all other Township of Springwater by-laws.
10. All Short-Term Rental Premises must have operating smoke alarms in accordance with the provisions of the Ontario Fire Code. In Short-Term Rental Premises which have a fuel-fired appliance or solid fuel-fired appliance installed or in an attached storage garage, the Owner must ensure that the building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Owner must regularly test the alarms to ensure that they are operational.

I, _____ having read the above, and the terms of the Short-Term Rental Licensing By-law and License, undertake to provide Renters with a copy of the Renter's Code of Conduct and to require a signature as necessary. I also understand that a violation of the Short-Term Rental Licensing By-law may result in the suspension or revocation of the Short-Term Rental License for the Premises.

Schedule “C”

Short Term Rental License

Demerit Point System

Table 1		
Infraction	Reference	Demerit Points
Fire Protection and Prevention Act/Fire Code Infraction	FPPA/OFC	15
Building Code Act, 1992 (construction without a permit)	BCA	7
Operating without a license	Short Term Rental Licensing By-law 2024-068 Section 3.1	7
Non-availability of responsible person	Short Term Rental Licensing By-law 2024-068 Section 4.8	7
Noise By-law Infraction	Short Term Rental Licensing By-law 2024-068 Section 4.21	5
Not providing updated information	Short Term Rental Licensing By-law 2024-068 Section 4.10	5
Contravention of Site Plan	Short Term Rental Licensing By-law 2024-068 Section 4.8	5
Not posting license	Short Term Rental Licensing By-law 2024-068 Section 5.2	3
Property Standards	Short Term Rental Licensing By-law 2024-068 Section 4.21	5
Long Grass	Short Term Rental Licensing By-law 2024-068 Section 4.21	5

Waste/Garbage Collection	Short Term Rental Licensing By-law 2024-068 Section 4.19	5
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The Corporation of the Town of The Blue Mountains

By-Law Number 2021 – 70

Being a By-law to Regulate and License Businesses in the Town of The Blue Mountains

Whereas Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended hereinafter referred to as the “*Municipal Act*” provides that a municipality has the capacity, rights, powers, and privileges of a natural Person for the purpose of exercising the authority under the Act;

And Whereas Section 8 (3) of the *Municipal Act*, authorizes a municipality to provide for a system of Licenses;

And Whereas Section 9 of the *Municipal Act*, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

- a) enable municipalities to govern their affairs as they consider appropriate; and
- b) enhance their ability to respond to municipal issues;

And Whereas Section 11 (2), paragraph 6 of the *Municipal Act*, authorizes a municipality to pass a By-law respecting the health, safety, and well-being of Persons;

And Whereas Section 151 of the *Municipal Act*, provides that a municipality may provide for a system of Licenses with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a License;
- b) refuse to grant a License or to revoke or suspend a License;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a License;
- 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 License;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License; and
- f) License, regulate or govern real and Personal Property used for the business and the Persons carrying it on or engaged in it;

And Whereas Section 434.1 of the *Municipal Act*, provides that a municipality may require a Person to pay an Administrative Monetary Penalty if the municipality is satisfied that the Person has failed to comply with a By-law of the municipality passed under the *Municipal Act*;

And Whereas Section 23.1 of the *Municipal Act*, authorizes a municipality to delegate its powers and duties;

And Whereas the Council of the Corporation of the Town of The Blue Mountains has deemed it necessary and expedient to regulate and License the Short-Term Rental of Property in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains has implemented a system to License the operation of Short Rental Properties in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains wishes to continue the licensing of Short-Term Rental Properties within the context of a much broader licensing framework;

Now Therefore the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1.0 Definitions

In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2021-~~71~~, as amended;

“Agent” means a Person authorized in writing by an Owner to act on the Owner’s or group of Owner’s behalf;

“Applicant” means a Person who files an application for a License;

“Building” means a structure occupying an area greater than 10 square metres 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 services system appurtenant thereto;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Council” means Council for the Town;

“Director of Community Services” means the Director of Community Services for the Town or any Person designated by the Director of Community Services or any Person designated by the Chief Administrative Officer;

“Director of Finance and IT Services” means the Director of Finance and IT Services and Treasurer for the Town or any Person designated by the Director of Finance and IT Services or any Person designated by the Chief Administrative Officer;

“Director of Legal Services” means the Director of Legal Services and the Town Solicitor for the Town or any Person designated by the Director of Legal Services or any Person designated by the Chief Administrative Officer;

“Director of Operations” means the Director of Operations for the Town or any Person designated by the Director of Operations or any Person designated by the Chief Administrative Officer;

“Director of Planning and Development Services” means the Director of Planning and Development Services for the Town or any Person designated by the Director of Planning and Development Services or any Person designated by the Chief Administrative Officer;

“Exception Area” means a specific area of the Town as designated in Town’s Zoning By-law where Short Term Rental Units are considered a permitted use;

“Fire Chief” means the Fire Chief for the Town or any Person designated by the Fire Chief;

“Fit for Duty” means the condition of a Person who has been designated to respond and that is able to respond not under the influence of any legal or illegal drug, alcohol, or medication that will hinder response and resolution performance or compromise their safety or the safety of others;

“License” means a License issued by the Town pursuant to this By-law;

“License Issuer” means a Town employee delegated authority by Council as the Person responsible for issuing a License;

“License Number” means a number assigned to a License by the Town;

“Licensee” means a Person issued a current valid License pursuant to this By-law;

“Nuisance” means an activity or behavior that when consistent or repetitive causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public;

“Officer” means a police officer, Municipal Law Enforcement Officer, the Fire Chief, Chief Building Official, or other Person appointed by By-law to enforce the provisions of this By-law;

“Owner” means the registered owner of the lands or Premise or his or her authorized agent that is in lawful control of the lands or Premise;

“Parking Management Plan” means a plan completed by the property owner, a licensed professional engineer, architect, landscape architect, professional planner, surveyor, draftsman, or equivalent, which shall include:

- a) the scale of the drawings in metres;
- b) the area that is designated for the parking of vehicles;
- c) the size of each parking space;
- d) the location of all driveways and access to the Premises; and,
- e) the lot lines of the Premises, including dimensions of the Premises.

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Premises” means land, Property or any part thereof including any and all Buildings or other structures thereon;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Renter” means the Person responsible for the rental of the Premise by way of concession, permit, License, rental agreement or similar commercial arrangement;

“Rental or Lease Management Company” means any person who accepts, facilitates, manages, brokers requests for, advertises, or offers Short-Term Accommodations for compensation or a fee through a website or other platform

“Town” means The Corporation of The Town of The Blue Mountains or the land within the geographic limits of the Corporation of The Town of The Blue Mountains as the context requires

“Zoning By-law” means any By-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2.0 Application and General

2.1 This By-law shall apply throughout the whole of the Town.

2.2 This By-law may be referred to as the “Licensing By-law”.

2.3 No Person shall own, operate, or carry on a business or activity identified in this By-law at Schedule A hereto other than in accordance with the terms and conditions of a License issued pursuant to the terms and conditions of this By-law.

2.4 No Person shall advertise, promote, broker, or offer for rent or lease any business or activity identified in this By-law without a current valid License and no Owner shall permit any of the foregoing without a current valid License.

2.5 No Person shall alter or modify or permit the alteration or modification of a License.

2.6 No Person shall use, or attempt to use, a License issued to another Person or Property.

- 2.7 No Person shall own, operate, or carry on any business or activity in any other name other than in the name that appears on the License.
- 2.8 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Town is guilty of an offence.
- 2.9 No Person who is issued a License pursuant to this By-law shall contravene any provision set out in this By-law, any other municipal By-law, federal or provincial Act, Statute, or any other legislation applicable to a licensed Premise or Activity.
- 2.10 No Person shall remove an order or placard posted on a Premise under this By-law, except an Officer.
- 2.11 No Person shall own, operate, or carry on a business or activity while a License is under an administrative suspension.
- 2.12 No Person shall cause or permit to be caused a Nuisance on a Premises.
- 2.13 Transition

- a) This Section applies to Licenses issued under By-law 2013-50 & 2014-45 ("Existing License")
- b) Upon the coming into force of this By-law, any Existing License shall be continued under, and subject to this By-law on the following terms:
 - i. Any Existing License issued to a Premises within the Exception Area shall be continued as a Type A License
 - ii. Any Existing License issued to a Premises outside the Exception Area shall be continued as a Type B License
 - iii. Any Existing License issued to a Legal Non-Conforming Premises shall be continued as a Type C License
 - iv. Any Existing License issued to a Principle Residence being used as a Bed and Breakfast Establishment shall be continued as a Type D License
- c) Any Existing License which is continued under this By-law shall expire on the same date the Existing License was set to expire.
- d) Any business or Premises which was not previously subject to an Existing License shall have ninety (90) days from the coming into force of this By-law to obtain the required License.
- e) Any Existing License which is continued under this By-law shall not be subject to the Fees and Charges under this By-law until such time that a new License is issued under this By-law.
- f) The Corporation of the Town of The Blue Mountains By-laws 2013-50 and 2014-45 shall be revoked upon this By-law coming into force.
- g) This By-law shall come into force on the day it is passed.

3.0 Application for a License

- 3.1 A Person making an application for a License or for a renewal of a License shall submit:
- a) a complete application in the form provided by the Town;
 - b) when applicable, the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
 - c) all required documents, and obtain all required approvals and inspections as outlined in the applicable Schedule to this By-law;
 - d) the required License application fee, approval, and inspection fees.

3.2 Acceptance of a License application does not constitute approval of the application or oblige the Town to issue a License.

3.3 A License fee shall be paid by a Person at the time the License is issued by the License Issuer.

4.0 Licenses

4.1 The License Issuer is hereby delegated authority to issue a License in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.

4.2 The License Issuer is hereby delegated authority to impose additional conditions on a License that are reasonable and taking into consideration:

- a) the health, safety, and well-being of Persons;
- b) the impact on a neighbouring Property or neighbouring Property owner;
- c) the past conduct of an applicant or Licensee;
- d) the impact to the Town or the need within the Town if supported by Policy and or By-law, as approved and adopted by Town Council, if applicable.

A condition imposed under this Section may be appealed to the Licensing Committee as outlined in Sections 8,9,10 of this By-law.

4.3 A License issued by the Town is not transferable.

4.4 A License issued pursuant to this By-law is valid for a period of time as outlined in the applicable Schedule(s) to this By-law.

4.5 Every License shall remain at all times the Property of the Town;

4.6 No Person shall enjoy a vested right in any License or the continuance of any License.

4.7 A License shall be issued by the License Issuer:

- a) upon the requirements of this By-law being met;
- b) upon submission of the documents as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;
- c) upon obtaining the required approvals and inspections required by this By-law and as outlined on the applicable Schedule(s) to this By-law;

4.8 The License Issuer shall not issue a License if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the Property subject to the License application.

4.9 A License shall only be issued by the License Issuer to the registered owner of the Property unless otherwise required by the Schedule relating specifically to the License Type.

4.10 A License issued shall include the following:

- a) the municipal address;
- b) License type;
- c) License number;
- d) effective date and expiry date of the License;
- e) Licensee name and contact information;
- f) responsible person name and contact information.

5.0 License Terms and Conditions

5.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.

5.2 A licensee shall notify the Town within fifteen (15) days of any changes to the:

- a) business name;
- b) location of the business Premise;
- c) ownership of the business;
- d) a change in the Licensee's policy of liability insurance;

and such changes shall be subject to submission of the necessary documentation to the Town.

5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).

5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6.0 Licenses Administrative Suspensions

6.1 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.

6.2 An administrative suspension of a License without a hearing shall be imposed for:

- a) fourteen (14) days if the Town is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises.

Before any suspension is imposed, the Town shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given a opportunity to respond, and such suspension may be lifted at the discretion of the Town, upon receipt of the Licensee's response.

6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.

7.0 Licenses Grounds for Refusal, Revocation or Suspension

7.1 An applicant or Licensee may be granted a License upon meeting the requirements of this By-law except where:

- a) the past or present conduct of any Person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the Person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or
- b) the Applicant or Licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal By-law or Provincial or Federal Statute associated with the carrying on of such business; or

- c) the Applicant or Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law or provincial offence related to the licensed Premise; or
 - d) the Applicant or Licensee has failed to comply with any term, condition or direction of the License Issuer or Officer or has failed to permit any investigation by the License Issuer or Officer; or
 - e) the applicant or Licensee has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or
 - f) the issuing of a License would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
 - g) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or
 - h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant of Licensee is licensed, in contravention of this By-law, or any other applicable law; or
 - i) the Applicant or Licensee has not paid the required License fees; or
 - j) the Applicant or Licensee has accumulated fifteen (15) demerit points against the Property in accordance with Section 11.7; the Applicant or Licensee or Owner has outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town or other Government Authority for the subject Property.
- 7.2 The License Issuer may revoke, suspend, or refuse to issue a License, where the Applicant or Licensee would not be entitled to a License on any grounds set out in this By-law.
- 7.3 Where the application for a License has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in the respect of the License, shall not be refunded.
- 7.4 Where a License has been revoked, suspended, or cancelled, the Licensee shall return the License to the License Issuer within two (2) days of service of the notice of the decision.
- 7.5 When a revoked, suspended or cancelled License has not been returned, an Officer may enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking, or removing the said License.
- 8.0 Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing**
- 8.1 With the exception of Section 6.2, before a License is refused, revoked, suspended or cancelled written notice shall be given to the Applicant or Licensee.
- 8.2 Notice shall be served to the Applicant's or Licensee's last known address or email address filed with the Town and shall:
- a) contain sufficient information to specify the nature of, or reason for, any recommendation;
 - b) inform the Applicant or Licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and
 - c) inform the Applicant or Licensee that if no written request is received, the Licensing Appeal Committee may proceed and make any decision with respect to the License.
- 8.3 On receipt of a written request for a hearing from an Applicant or Licensee, the Clerk shall:

- a) schedule a hearing; and
- b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
- c) post notice of the hearing on the Town's website at least twenty (20) days prior to the hearing date.

8.4 Service of any notice on the Applicant or Licensee under this By-law shall be made by Personal delivery, ordinary mail, or email transmission. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of Personal service or on the date the email is sent.

9.0 Establishment of Licensing Appeal Committee

9.1 Council is hereby established as the Licensing Appeal Committee and shall hear and render decisions regarding the refusal, revocation or suspension of a License, and the imposing of terms and conditions on a License.

9.2 The decision of the Licensing Appeal Committee shall be final and binding.

10.0 Hearing Process

10.1 The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, shall apply to all hearings conducted under this By-law, and the Licensing Appeal Committee may pass rules for the practice and procedure of the Committee.

10.2 A hearing shall be held in public, unless determined otherwise in accordance with the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, and the Licensing Appeal Committee shall hear the Applicant or Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.

10.5 When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in his absence, and the Person shall not be entitled to any further notice of the proceedings.

10.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:

- a) the Applicant or Licensee; and
- b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

11.0 Demerit Point System

11.1 The Demerit Point System established on Schedule B to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation of a License.

11.2 A Licensee may be assessed demerit points as outlined in Schedule B for a contravention of this By-law or as a result of an Administrative Monetary Penalty imposed by the Town

or a fine or conviction imposed by a Court for a breach of this By-law, or a By-law as identified in Schedule B.

- 11.3 A Licensee shall be given Notice forthwith upon any Demerit Points being issued against their Property. Any Demerit points issued pursuant to this By-law may be appealed to the License Appeal Committee in accordance with Sections 8,9, 10 of this By-law.
- 11.4 Subject to Section 11.2 of this Bylaw, Demerit points accumulated by a Licensee shall remain in place against the Licensee for a period of two (2) years from the date the demerit points were imposed.
- 11.5 Where Demerit points have been accumulated by the Licensee and remain in place, the License Issuer may take into account the Demerit points and may reduce the term of a new Licence or impose additional conditions on a new Licence, including a reduction in the maximum permitted occupancy, as if it was a condition as imposed under section 4.2.
- 11.6 A Licence may be suspended for a period of not longer than six months if the total Demerit points in effect respecting a Licence is greater than 7.
- 11.7 A Licence may be revoked if the total of all Demerit points in effect is greater than 15.
- 11.8 Notice of a suspension or revocation under this section shall be provided to the Owner or Licencee in accordance with section 8.2 of this By-law and an Owner or Licencee may appeal the suspension or revocation in accordance with sections 8, 9, and 10 of this By-law.

12.0 Fees

- 12.1 The fees for any License application, inspections and approvals required pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and is payable upon submission of an application.
- 12.2 The fees for any License to be issued pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and are payable upon the issuing of a License.

13.0 Orders

- 13.1 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened this By-law, or who has caused or permitted the contravention, or the Owner or Licensee of the Premises on which the contravention has occurred, to discontinue the contravening activity.
- 13.2 An Order under section 13.1 shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention;
 - b) the location of the Premise on which the contravention occurred; and
 - c) the date by which there must be compliance with the Order.
- 13.3 An Order to discontinue a contravening activity made under this section may be served Personally, registered mail to the last known address or by email transmission to:
- a) the Person the Officer believes contravened this By-law; and
 - b) such other Persons affected by the Order as the Officer making the Order determines.
- 13.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of Personal delivery or email transmission.

13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the Premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.

13.6 Any Person who contravenes an Order under this by-law is guilty of an offence or subject to an Administrative Monetary Penalty.

14.0 Enforcement and Penalty Provisions

14.1 The enforcement of this By-law shall be conducted by an Officer.

14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- a) the By-law is complied with;
- b) the License, or the term or condition of a License, or the term or condition of this By-law is complied with;
- c) the approved plans are complied with;
- d) a direction or order made under the *Municipal Act, 2001*, or this By-law is complied with.

14.3 For the purposes of an inspection under this By-law, an Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection; and
- d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

14.4 All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.

14.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.

14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.

14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.

14.8 Every Person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

- a) on a first offence, to a fine not more than \$50,000.00; and
- b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00

14.9 Every Person who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

14.10 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.

14.11 Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.

14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

14.13 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

15.0 Administrative Monetary Penalties

15.1 Administrative Monetary Penalty By-law 2021-71, as amended, applies to this By-law.

15.2 Every Person who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2021-71 is liable to pay the Town an Administrative Monetary Penalty in the amount set out in the Administrative Monetary Penalty By-law 2021-71.

15.3 Any Person who is issued a Penalty Notice for a contravention of this By-law under the Administrative Monetary Penalty By-law 2021-71, as amended, shall not be charged under the *Provincial Offences Act* for the same contravention.

16.0 Severability

If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17.0 Singular and Plural Use

In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

18.0 Schedules

The Schedules attached to this By-law form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.
Enacted and passed this 23rd day of August, 2021


Alar Soever, Mayor
Corrina Giles, Town Clerk

Town of The Blue Mountains

Schedule A of By-law No. 2021-10

Licensing Types

Type A	Short Term Rental Property License within the Exception Area as prescribed in Schedule C to this By-law
Type B	Short Term Rental Property License as prescribed in Schedule D to this By-law
Type C	Legal Non-Conforming Short Term Rental Property License as prescribed in Schedule E to this By-law
Type D	Bed & Breakfast License as prescribed in Schedule F to this By-law

Town of The Blue Mountains

Schedule B of By-law No. 2021-10

Short Form Wordings and Associated Demerit Points

For the purpose of Section 11 of this By-law:

- a) the Designated Provisions column in the following table lists the provisions of this By-law that are hereby designated as being subject to the demerit point system;
- b) the Short Form Wording column in the following table sets out the nature of the violation;
- c) the Demerit Points column in the following table sets out the Demerit Points imposed for a contravention of this By-law, or for a Conviction under a Town By-law pursuant to a License, and as referenced in the below chart.
 - i. For greater certainty, Conviction means a fine, charge, or conviction has been entered pursuant to Part I or Part III of the Provincial Offences Act or in the Ontario Court of Justice, and the time for appealing said fine. Charge, or conviction has expired.

Item	Section	Short Form Wording	Demerit Points
1	Type A, B, C Licence - Section 2.4	Exceed Maximum permitted occupancy between 2200 and 0700 hours	3
2	Type A, B, C Licence - Section 2.4	2 nd or subsequent offence for exceeding maximum permitted occupancy between 2200 and 0700 hours	8
3	Type A, B, C Licence - Section 2.9	Term and Condition of License - Non-availability of Responsible Person	5
4	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Waste Collection By-law (16-03, as amended) Conviction related to Premises	5
5	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Property Standards By-law (2002-18 as amended) Conviction related to Premises	5
6	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Noise By-law (2002-9, as amended) Conviction related to Premises	5
7	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Second or subsequent contravention related to the Premises under the Noise, Waste Collection or Property Standards By-laws	10
8	Type A, B, C Licence - Section 2.6 Type D License - Section 2.5	Fail to post License	3
9	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Advertising without a Town License number being included in Advertisement	3
10	Type D License - Section 2.5	Failure of the Licensee to be on site during the stay of a renter during the hours of 2300 and 0700 hours	5
11	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Permitting an activity that causes a Nuisance	1

12	Type A, B, C Licence - Section 2.7	Using or permitting Premises to be used contrary to Parking Management Plan	3
13	Type A, B, C Licence - Section 2.7	Operating without functioning noise notification system where required	3
14	Type A, B, C Licence - Section 2.10	Permit the operation or occupation of an outdoor hot tub or outdoor pool outside the hour of 0700 and 2300	5
15	Type A, B, C Licence - Section 2.11	Failure to properly or adequately secure a Pool or Hot Tub	5
16	Type A, B, C Licence - Section 2.11	Ignite or permit the ignition of an outside fire or provision of a fire pit without authorization provided by License	5
17	Building Code	Building Code Act (construction without a permit) Conviction	7
18	Type A, B, C Licence - Section 2.2 Type D License - Section 2.3	Fire Protection and Prevention Act/Fire Code Conviction	15
19	Type A, B, C, D Licence – Section 13 of this By-law	Failure to comply with an Order	10

Town of The Blue Mountains

Schedule C of By-law No. 2021-10

Type A License

Short Term Rental Property License within the Exception Area

In this Schedule C of the By-law:

1.0 Definitions

“Bedroom” means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit which is equipped with a sleeping type bed and a closable, latching door for privacy. A Bedroom shall further meet the requirements for natural light as set out in the Ontario Building Code, and if located in a basement, must provide for adequate means of egress, as approved by the Fire Department;

“Dwelling Unit” means a suite operated as a housekeeping unit, used, or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Exception Area” means a specific area of the Town as designated in Town’s Zoning By-law;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Renter’s Code” means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the Parking Management Plan.

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Short Term Rental Property Unit” or “STRPU” means a Building or structure, or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement, or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type A” means a License for a Short-Term Rental Property Unit in an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type A License is a License to operate a Short-Term Rental Property Unit in the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type A License, shall submit the following:

- a) An inspection approved by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
- b) a Renter’s Code;

- c) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
 - d) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premises;
 - ii. the legal description of the Premises;
 - iii. the contact information for the owner, agent, applicant and Responsible Person;
 - e) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.
 - f) The Parking Management Plan
- 2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type A License is subject to the following:
- a) compliance with the Town's Zoning By-law;
 - b) complete fire safety requirements checklist;
 - c) compliance with the Fire Code;
 - d) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, carbon monoxide alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town;
 - e) confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.
- 2.3 A Type A License is valid for a period of 24 months, or longer at the Town's sole discretion from the date on which it is issued;
For additional clarity, if a Licence is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.
- 2.4 The Maximum Occupancy within a dwelling unit for a Type A License shall be calculated as follows:
- a) two (2) Persons per Bedroom;
 - b) and four (4) additional Persons.
- 2.5 The maximum occupancy calculated under Section 2.4 of this Schedule C of this Bylaw may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan, or occupancy load issues identified by a fire inspector
- 2.6 A Licensee of a Type A License shall:
- a) be the registered owner of the Property;
 - b) provide and maintain on the Premises a self-enclosed Building, structure, or container for the disposal of garbage and waste;
 - c) designate a Responsible Person;
 - d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
 - e) display the License in a prominent place on the interior of the licensed premise;
- and,

- f) post the fire safety instructions next to the License displayed on the interior of the licensed premise.

2.7 Every Person who owns or operates a Short-Term Rental Property Unit under a Type A License shall:

- a) operate the Premises in accordance with the approved:
 - i. Renter's Code;
 - ii. Parking Management Plan;
 - iii. maximum occupancy calculation;
- b) operate the Premises in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- e) not make, cause, or permit a disturbance or Nuisance;
- f) provide the Renter with a copy of the Renter's Code;
- g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which exit, and emergency lighting is checked or maintained;
 - viii. annual gas or wood fired appliances, chimneys, vents, and flue inspections.
- h) maintain the records required by subsection (g) for a minimum of two (2) years;
- i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements entered into with a Renter;
- j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.
- k) not permit the use or occupation of an outdoor hot tub and or outdoor pool outside the hours of 0700 and 2300 exclusively.
- l) ensure that hot tub is covered and secured when not in use, and pools are properly secured at all times.
- m) not permit the ignition of any outdoor fire other than an approved outdoor barbeque for the purposes of preparing and cooking of food unless authorized

by formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.

- 2.8 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.
- 2.9 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be available by email and telephone, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

Town of The Blue Mountains

Schedule D of By-law No. 2021-10

Type B License

Short Term Rental Property License Outside of the Exception Area

1.0 Definitions

In this Schedule D of the By-law:

“Bedroom” means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit which is equipped with a sleeping type bed and a closable, latching door for privacy. A Bedroom shall further meet the requirements for natural light as set out in the Ontario Building Code, and if located in a basement, must provide for adequate means of egress, as approved by the Fire Department;

“Dwelling Unit” means a suite operated as a housekeeping unit, used, or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Renter’s Code” means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the Parking Management Plan.

“Short Term Rental Property Unit” or “STRPU” means a Building or structure, or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement, or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type B License” means a License for a Short-Term Rental Property Unit outside an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type-B License is a License to operate a Short-Term Rental Property Unit outside of the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type B License shall submit the following:

- a) An inspection approved by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;
- b) a Renter’s Code;

- c) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
 - d) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premise;
 - ii. the legal description of the Premise;
 - iii. the contact information for the Owner, Agent, Applicant and Responsible Person;
 - e) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.
 - f) The Parking Management Plan
- 2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type B License is subject to the following:
- a) compliance with the Town's Zoning By-law;
 - b) complete fire safety requirements checklist;
 - c) compliance with the Fire Code;
 - d) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, carbon monoxide alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town; and
 - e) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.
- 2.3 A Type B License is valid for a period of 24 months, or longer at the Town's sole discretion from the date on which it is issued;
For additional clarity, if a Licence is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.
- 2.4 The Maximum Occupancy within a Dwelling Unit for a Type B License be calculated as follows:
- a) the number permitted under the Town's Zoning By-law; and
 - b) in any event the Maximum Occupancy shall not exceed:
 - i. two (2) Persons per Bedroom; and
 - ii. four (4) additional Persons.
- 2.5 The Maximum Occupancy calculated under Section 2.4 of this Schedule D of this By-Law may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan, or occupancy load issues identified by a fire inspector
- 2.6 A Licensee of a Type B License shall:
- a) be the registered owner of the Property;
 - b) provide and maintain on the Premise a self-enclosed Building, structure, or container for the disposal of garbage and waste;
 - c) designate a Responsible Person;

- d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
- e) display the License in a prominent place on the interior of the licensed Premise; and,
- f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise;

2.7 Every Person who owns or operates under a Type B License shall:

- a) operate the Premise in accordance with the approved:
 - i. Renter's Code;
 - ii. Parking Management Plan;
 - iii. maximum occupancy calculation;
- b) operate the Premise in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- e) not make, cause, or permit a disturbance or Nuisance;
- f) provide the Renter with a copy of the Renter's Code;
- g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which exit, and emergency lighting is checked or maintained;
 - viii. annual gas or wood fired appliances, chimneys, vents, and flue inspections.
- h) maintain the records required by subsection (g) for a minimum of two (2) years;
- i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements entered into with a Renter;
- j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.
- k) not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.
- l) ensure that hot tub is covered and secured when not in use, and pools are properly secured at all times.
- m) not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food unless authorized by

formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.

- 2.8 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.
- 2.9 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be available by email and telephone, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

Town of The Blue Mountains

Schedule E of By-law No. 2021- 10

Type C License

Legal Non-Conforming Short Term Rental Property License

1.0 Definitions

In this Schedule E of the By-law:

“Bedroom” means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit which is equipped with a sleeping type bed and a closable, latching door for privacy. A Bedroom shall further meet the requirements for natural light as set out in the Ontario Building Code, and if located in a basement, must provide for adequate means of egress, as approved by the Fire Department;

“Dwelling Unit” means a suite operated as a housekeeping unit, used, or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Renter’s Code” means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the Parking Management Plan.

“Short Term Rental Property Unit” or **“STRPU”** means a Building or structure, or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement, or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type C License” means a License for a Short-Term Rental Property Unit for a Legal Non-Conforming Short Term Rental Property Unit;

2.0 Terms and Conditions

2.1 This Type C License is a License to operate a Legal Non-Conforming Short Term Rental Property Unit.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type C License shall submit the following:

- a) An inspection approved by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;

- b) a Renter's Code;
- c) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
- d) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premise;
 - ii. the legal description of the Premise;
 - iii. the contact information for the Owner, Agent, Applicant and Responsible Person;
- e) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code;
- f) a valid current License issued under the previous By-law that has not expired.
- g) The Parking Management Plan

2.3 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type C License is subject to the following:

- a) a Type C License may only be issued by the License Issuer where the applicant has a current valid License issued prior to December 31, 2019;
- b) complete fire safety requirements checklist;
- c) compliance with the Fire Code;
- d) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, carbon monoxide alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town; and,
- e) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.4 The Maximum Occupancy within a Dwelling Unit subject to a Type C License shall be calculated as identified by the Town as part of the Legal Non-Conforming review process.

The Maximum Occupancy may be reduced at the direction of the Fire Chief or their designate if, in the opinion of the Fire Chief or their designate, the Maximum Occupancy as calculated in this Section presents a life safety risk.

2.5 A Type C License is valid for a period of 24 months, or longer at the Town's sole discretion from the date on which it is issued;
For additional clarity, if a Licence is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.

2.6 A Licensee of a Type C License shall:

- a) the registered owner of the Property;
- b) provide and maintain on the Premise a self-enclosed Building, structure, or container for the disposal of garbage and waste;
- c) designate a Responsible Person;
- d) display the License in a conspicuous place on the licensed Premise in close proximity to the entrance of the Property and visible to the public at all times;

- e) display the License in a prominent place on the interior of the licensed Premise; and,
- f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise.

2.7 Every Person who owns or operates a Type C License shall:

- a) operate the Premise in accordance with the approved:
 - i. Renter's Code;
 - ii. Parking Management Plan;
 - iii. maximum occupancy calculation;
- b) operate the Premise in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- e) not make, cause, or permit a disturbance or Nuisance;
- f) provide the Renter with a copy of the Renter's Code;
- g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which exit, and emergency lighting is checked or maintained;
 - viii. annual gas or wood fired appliances, chimneys, vents, and flue inspections.
- h) maintain the records required by subsection (g) for a minimum of two (2) years;
- i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements entered into with a Renter.
- j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.
- k) not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.
- l) ensure that hot tub is covered and secured when not in use, and pools are properly secured at all times.
- m) not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the licensing process.

- 2.8 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premise.
- 2.9 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be available by email and telephone, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

Town of The Blue Mountains

Schedule F of By-law No. 2021- 70

Type D License

Bed & Breakfast License

1.0 Definitions

In this Schedule F of the By-law:

“Bedroom” means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit which is equipped with a sleeping type bed and a closable, latching door for privacy. A Bedroom shall further meet the requirements for natural light as set out in the Ontario Building Code, and if located in a basement, must provide for adequate means of egress, as approved by the Fire Department;

“Bed and Breakfast Establishment” or **“B & B”** means a Building used as a residence that operates or offers no more than three guest rooms as places or temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the Principal Residence of the establishment’s proprietor. Bed and Breakfast Establishment shall not mean or include motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses;

“Dwelling Unit” means a suite operated as a housekeeping unit, used, or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Renter’s Code” means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the Parking Management Plan.

“Type D License” means a License for a Bed and Breakfast Establishment.

2.0 Terms and Conditions

2.1 This Type D License is applicable to properties operated as a Bed & Breakfast Establishment.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type D License shall submit the following:

- a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;
- b) a Renter’s Code;
- c) an executed Site Plan Agreement, where required by the *Planning Act*;

- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a Bed & Breakfast for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter; and,
- e) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.
- f) The Parking Management Plan

2.3 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law, the issuing of a Type D License is subject to the following:

- a) compliance with the Town's Zoning By-law endorsed by the Director of Planning and Development Services;
- b) complete fire safety requirements checklist;
- c) compliance with the Fire Code;
- d) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, carbon monoxide alarm, extinguisher, exit/egress doors or windows on the Premise to the satisfaction of the Town; and,
- e) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.4 A Type D License is valid for a period of two (2) years from the date on which it is issued;

2.5 A Licensee of a Type D License shall:

- a) be the registered owner of the property;
- b) ensure that the Premise is the Principle Residence of the Licensee;
- c) be on site at the premise during the stay of a Renter during the hours of 2300 and 0700 hours, except in the case of emergencies;
- d) display the License in a conspicuous place on the licensed premise in close proximity to the entrance of the property and visible to the public at all times;
- e) display the License in a prominent place on the interior of the licensed Premise;
- f) be responsible for the operation of the premise, the conduct of the Renter and the occupants of the Premise;
- g) operate the Premises in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- h) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- i) not make, cause, or permit a disturbance or Nuisance;
- j) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements entered into with a Renter;
- k) keep a written record of the following:

- i. the date of entry;
- ii. the length of stay of a Renter;
- iii. the home address of a Renter;
- iv. confirmation including the date of receipt of the Renter's Code by the Renter;
- v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
- vi. the dates on which fire extinguishers are checked or maintained;
- vii. the dates on which exit, and emergency lighting is checked or maintained;
- viii. annual gas or wood fired appliances, chimneys, vents, and flue inspections.

THE CORPORATION OF THE TOWN OF GRAVENHURST

BY-LAW 2022-58

Being a By-law to License and Regulate Short Term Rentals Within the Town of Gravenhurst

WHEREAS Section 8 of the *Municipal Act* provides that the powers of the Municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance the municipality's ability to respond to municipal issues;

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 purposes of exercising authority under the *Municipal Act* and any other Act;

AND WHEREAS Section 151 and 160 of the *Municipal Act* provides that a municipality may provide for a system of licenses with respect to a business and pass by-laws licensing businesses under any section of the *Municipal Act* or any other Act;

AND WHEREAS Section 434.1 of the *Municipal Act*, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality passed under the *Municipal Act*;

AND WHEREAS the Council for the Town of Gravenhurst deems it necessary and expedient to establish regulations to control business activities relating to short term rentals in the Town of Gravenhurst in the interest of public safety and consumer protection;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 In this by-law:

- a) **Agent** means a person authorized in writing by an Owner(s) to act on the Owner(s).
- b) **Applicant** means a person who has applied for a license under this by-law.
- c) **Building** means a structure occupying an area greater than 10 square metres 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 services system appurtenant thereto.
- d) **Dwelling Unit** shall mean a suite of habitable rooms which:
 - i) is located in a building;
 - ii) is used or intended to be used in common by the occupants as a single, independent, and separate housekeeping establishment; and
 - iii) contains food preparation and sanitary facilities provided for the exclusive common

use of the occupants thereof.

- e) **Fee** means as set out in the Town of Gravenhurst User Fees and Services Charges By-law as amended from time to time.
- f) **Floor Plan** means a diagram of the arrangement of rooms in any one story of a building.
- g) **Guest Room** means a room, within a Dwelling Unit, offered for Short-term Rental Accommodation which meets the standards for a bedroom, as set for the Ontario Building Code.
- h) **Hard Surface Driveway** means a driveway constructed of gravel, pavement, concrete, interlock or similar hard surface.
- i) **License** means a license issued pursuant to this By-law.
- j) **Licensee** means the holder of a License issued pursuant to this By-law.
- k) **Municipal Law Enforcement Officer** means an Officer of the Corporation of the Town of Gravenhurst who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.
- l) **Nuisance** means an activity or behavior that when consistent or repetitive causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public.
- m) **Officer** means a Municipal Law Enforcement Officer, a Police Officer, Fire Inspector, Building Inspector or Planner.
- n) **Owner** means the registered owner(s) of the Property on which Short-term Rental Accommodation occurs, and "Ownership" has a corresponding meaning.
- o) **Order** means an Order to Comply issued under this By-law or any other legislation including, but not limited to, the Building Code Act, 1992, S.O. 1992, c. 23 or the Fire Protection and Prevention Act, 1997
- p) **Person** means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a License under this By-law as the context requires;
- q) **Premises** means the property upon which Short-term Rental Accommodation occurs or is intended to occur inclusive of Buildings or structures or any part thereof used for such purpose.
- r) **Principal Residence** means a person's permanent lodging place to which, whenever absent he or she intends to return;

- s) **Renter** means the person responsible for the Short-Term Rental Accommodation by way of concession, permit, license, rental agreement, or similar commercial arrangement.
- t) **Renters Code of Conduct** as set forth in Schedule "A", means a document that has been prepared by the Town that prescribes the roles and responsibilities of the Renter, including but not limited to:
 - i) behavioural expectations as they relate to non-disturbance of neighbours;
 - ii) compliance with applicable Town By-laws, and
 - iii) adherence to the provisions of this By-law.
- u) **Responsible Person** means the Owner or Agent of the Owner which person is identified and responsible for ensuring a Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the license for such STRA and applicable laws.
- v) **Site Plan** means a scaled and detailed plan depicting the full extent of the Premises and which includes the location and dimensions of all buildings and structures on the property, the location of any septic systems including the tank and distribution pipes, the location of any wells and the location of the required and permitted parking spaces.
- w) **Short Term Rental Accommodation (or STRA)** means the use of a dwelling unit 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, unless otherwise prohibited by this By-law or any other By-law of the Town of Gravenhurst.
- x) **Town** means the Corporation of the Town of Gravenhurst.
- y) **Valid** means currently in effect and not expired.

2.0 GENERAL PROVISIONS

- 2.1. No person shall park a vehicle other than within a parking space which consists of a hard surfaced driveway and in such locations as permitted under the applicable zoning (see Town of Gravenhurst Comprehensive Zoning By-law).
- 2.2. The following shall be posted on the interior of the Short-Term Rental Accommodation Premises, visible to all guests and made available for inspection:
 - a) a copy of the current Short-Term Rental Accommodation License; and
 - b) a copy of the Renters Code of Conduct (See Schedule "A").

3.0 GENERAL PROHIBITIONS

- 3.1 No Person shall offer, provide, make available and/or permit the occupation or use of a dwelling unit for Short-Term Rental Accommodation:
- a) without a license issued in relation to or for such dwelling unit; and
 - b) other than in accordance with the terms and conditions of such license and this By-law.
- 3.2 No Person shall advertise, promote, broker, or offer the use or occupation of a dwelling unit as Short-Term Rental Accommodation without a valid License.
- 3.3 No Person shall offer, provide, make available and/or permit the occupation or use of a dwelling unit for Short-Term Rental Accommodation in contravention of any Provincial Restriction or Order.
- 3.4 No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this by-law.
- 3.5 No Person shall alter or modify or permit the alteration or modification of a License.

4 APPLICATION FOR A LICENSE

- 4.1 A Person making an application for a License or for an application for the renewal of a License, shall submit:
- a) A completed application in the form required by the Town, which shall include the name of the Owner(s), Applicant(s) and/or Agent name their corresponding address, telephone number and email address and the Civic Address (including unit number if applicable) of the dwelling unit to be used for Short Term Rental;
 - b) Proof of Ownership for the Premises;
 - c) Proof that the Applicant, if the Applicant is an individual, is at least eighteen (18) years of age;
 - d) Proof that the Applicant, if the Applicant is a corporation, is a valid existing corporation;
 - e) A signed copy of the Short-Term Rental Municipal Accommodation Tax (MAT)-Tax Return Form;
 - f) A site plan as defined in Section 1.1 (v).
- 4.2 An Owner of a Short-Term Rental shall provide to the Town at the time of submitting an application and maintain as current thereafter, the name and contact information of the Responsible Person who can be readily contacted by the Town within thirty (30) minutes

and respond to an emergency or contravention of any Town By-law, including attendance on Premises (upon which Short-Term Rental Accommodation occurs) within sixty (60) minutes of being notified of the occurrence.

- 4.3 Payment of the applicable licensing fee as noted within the Town's Fees and Service Charges By-law.

5. LICENSES

- 5.1 A license shall be issued by the Town upon the requirements of this By-law being met.
- 5.2 A license issued by the Town is not transferable.
- 5.3 A license issued pursuant to this By-law is valid from January 1 to December 31 of the year that it was issued.
- 5.4 The Licensing Officer shall not issue a License if the Owner(s) or Applicant(s) have any outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town in relation to the Premises for or to which the license application applies.

6. LICENSE TERMS AND CONDITIONS

- 6.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law and such other by-laws of the Town as the case may be.
- 6.2 An Owner of a Short-Term Rental Accommodation shall notify the Town in writing within three (3) days of any changes to the contact information for the Responsible Person:
- 6.3 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

7 LICENSE REFUSAL, REVOCATION OR SUSPENSION

- 7.1 The License Officer shall have the authority to issue, refuse to issue or renew a License, to revoke or suspend a License.
- 7.2 The Licensing Officer may refuse to issue or renew a License where:
- a) the Applicant or Licensee has failed to comply with requirements set out in this By-law or any of the applicable Schedules to this By-law;
 - b) the Applicant or Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town, or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law, or provincial offence related to the licensed Premise;
 - c) the Applicant or Licensee has failed to comply with any term, condition, or direction of

the Licensing Officer, or has failed to permit any investigation by an Officer;

- d) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information;
- e) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, in contravention of this By-Law, or any other applicable law;
- f) there is or has been a breach or violation of the Renters Code of Conduct;

- 7.3 Where the application for a License has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in respect to the License, shall not be refunded.
- 7.4 Where a License has been revoked, suspended, or cancelled, the Licensee shall return the License to the Licensing Officer within two (2) days of service of the notice of the decision.
- 7.5 When a revoked, suspended, or cancelled License has not been returned, an Officer may enter upon the Premise, (excluding entry into a Dwelling Unit) for the purpose of receiving, taking, or removing the said License.
- 7.6 The Licensing Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a License for not more than 14 days. If after this period, the License Issuer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than 14 days or revoke a License.

8 RIGHT OF ENTRY

- 8.1 A Municipal Law Enforcement Officer, the Chief Building Official or their designate(s), the Fire Chief or their designate(s) may at reasonable times, enter upon land, Premises, Buildings, or place where a License has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance to this By-law.
- 8.2 A Municipal Law Enforcement Officer, the Chief Building Official or their designate(s), or Fire Chief or their designate(s) may enter upon lands at any reasonable time to direct or require that a matter or thing be done in accordance with this By-law.
- 8.3 The Town's power of entry may be exercised by an Officer, or Agent for the Town; and this Person may be accompanied by any Person under their direction, including Law Enforcement Services.

9 ADMINISTRATIVE PENALTIES

- 8.4 An Officer may issue an Administrative Penalty to the Person, Owner, Agent or Licensee

found in contravention of any provision of this By-law.

8.5 Any Person who contravenes any provision of this By-law, is responsible for any fines and fees imposed under the Administrative Monetary Penalty System By-law.

8.6 Any Person who has been found in contravention of this By-law may request a review if the matter is in accordance with the Administrative Monetary Penalty System By-law.

10 OBSTRUCTION

10.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

10.2 No Person, who has been alleged to have contravened any of the provisions of this By-law, shall fail to identify themselves to the Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) upon request.

11 OFFENCE

11.1 Every Person who knowingly makes a false statement in an application, declaration or affidavit required by this By-law or the Town, is guilty of an offence.

11.2 Every Person guilty of an offence under this By-law may be subject to one or more of the following:

11.3 Each day a contravention occurs constitutes a new offence.

12 VALIDITY AND SEVERABILITY

12.1 Should any section clause or provision of the 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 thereof, other than the part which was declared to be invalid.

13 FORCE, EFFECT AND REPEAL

13.1 This by-law shall come into effect on January 1, 2023.

14 SCHEDULES

14.1 The schedule attached to this By-law form part of this Bylaw:

a) Schedule "A" – Renter's Code of Conduct

READ a FIRST, SECOND and THIRD time and finally passed this 31st day of May, 2022.



Deputy Mayor



Clerk

**Schedule 'A' to By-law No. 2022-58
Renter's Code of Conduct**

Purpose of this Code of Conduct

1. Maximizes the enjoyment of all properties in the Town of Gravenhurst.
2. Ensures the safe operation of a Short-term Rental Premises.
3. Acknowledges that the Town of Gravenhurst residents have the right to enjoy their properties without nuisance.
4. Establishes acceptable standards of behaviour for Short-Term Rental Renter(s).
5. Defines requirements for Renter accountabilities for a Short-Term Rental Premises

Owners Acknowledgement of Short-term Rental Use

1. The owner acknowledges that a valid Short-Term Rental Accommodation License shall be posted in a conspicuous place.
2. The owner acknowledges that the following information is to be provided on the Premises :
 - a) the Short-Term Rental Accommodation Premises Owner & Address;
 - b) an emergency contact number for the Owner/ Responsible Person;
 - c) the Site Plan and Floor Plan(s);
 - d) a signed copy of the Town of Gravenhurst Short Term Rental Code of Conduct (signed by both the Short-Term Rental Owner and the Short-Term Rental Renter;
 - e) the type Of Access for the Short-Term Rental Premises: (Please Check One)
 - Year-Round Maintained Public Road
 - Seasonally Maintained Road
 - Private Road / Right-Of-Way
 - Water Access
3. Where the access identified under subsection 2 (e) above is not a year-round maintained road, the owner is to ensure the following **EMERGENCY SERVICES STATEMENT** is posted:

"DUE TO THIS SHORT-TERM RENTAL ACCOMMODATION NOT BEING ACCESSIBLE BY A YEAR-ROUND MAINTAINED PUBLIC ROAD, EMERGENCY RESPONSE TIMES TO THESE PREMISES MAY BE DELAYED."

Renters Acknowledgement of Short-Term Rental Use

1. The Renter acknowledges that their actions, if in contravention of any municipal by-law, may result in a complaint against the Owner of the Premises and may cause the Owners' Short-Term Rental Accommodation License to be suspended, revoked, and/or not renewed.
2. The Renter acknowledges that continued non-compliance with any by-law may result in enforcement measures being taken against themselves and/or the Owner.

Consider some examples below:

- Noise contrary to by-law
- Allowing dog(s) off leash, on private or public property contrary to by-law
- Parking on the road or Premises contrary to by-law
- Leaving garbage on Premises that creates nuisance or odour
- Outdoor burning contrary to by-law

I, _____, acknowledge having read and understood the above,
Print First and Last Name

and;

Also acknowledge that I am renting this Premises from a valid Short-Term Rental License holder in the Town of Gravenhurst, and I will conduct myself as well as ensuring that those that are occupying this address at the same time with me are conducting themselves in accordance with this Code and all other applicable by-laws. I acknowledge that I may be subject to enforcement measures against myself, other occupants or the Short-Term Rental Accommodation License Holder and/or Owner(s).

Signature of Renter(s)

Date