

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2024-049-LI

BEING A BY-LAW to license, regulate and govern Short-Term Rentals in the Town of Whitchurch-Stouffville.

WHEREAS Part IV of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the "*Municipal Act*") states that a municipality may provide for a system of licenses with respect to businesses; and

WHEREAS Section 11 of the *Municipal Act*, states that a municipality may pass by-laws in the interest of health and safety and well-being of persons, and protection of persons and property, including consumer protection; and

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

WHEREAS Section 391 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 434.1 of the *Municipal Act*, states that a municipality may provide for a system of administrative penalties and fees as an additional means of encouraging compliance with a by-law; and

WHEREAS Section 398 of the *Municipal Act*, authorizes a municipality to add fees and charges imposed by the municipality to the tax roll for any property for which the owners are responsible for paying the fees and charges, and collect them in the same manner as municipal taxes; and

WHEREAS the Council of The Corporation of the Town of Whitchurch-Stouffville ("Council") considers it advisable that such licensing, regulation, and governing take place with regard to short-term rentals in the interest of health and safety and well-being of persons, and protection of persons and property, including consumer protection.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. That any persons who own or operate a Short-Term Rental within the Town of Whitchurch-Stouffville, shall be subject to all relevant regulations contained in Schedule A hereinafter set out, and such Schedule A forms part of this By-law; and
2. That the short title of this By-law be known as the "Short-Term Rentals" By-law; and

3. This By-law shall come into force and effect on May 1, 2024.

READ a first and second time this 1st day of May, 2024.

READ a third time and passed this 1st day of May, 2024.

“Iain Lovatt”
Iain Lovatt, Mayor

“Becky Jamieson”
Becky Jamieson, Clerk

Schedule A

RULES AND REGULATIONS FOR SHORT TERM RENTALS

1. DEFINITIONS

For the purposes of this By-law:

Administrative Monetary Penalty: means a monetary penalty imposed for contravention of this By-law and as set out in By-law 2024-039-RE, as amended or replaced from time to time.

Appeals Committee: means a Committee appointed by Council to hear appeals pursuant to specific Town By-laws.

Appellant: a Person applying to the Appeals Committee.

Applicant: a Person applying for a Licence under this By-law, including an appointed Agent by the Owner to act on their behalf.

Bed and Breakfast Establishment: means an establishment that provides sleeping accommodation (including meals, services, facilities, and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single detached dwelling that is the principal residence and is occupied of the proprietor of the establishment.

Business: means Short-Term Rentals

Council: means the Council of The Corporation of the Town of Whitchurch-Stouffville.

Dwelling Unit: means one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants.

Expiry Date: shall be one year from the date upon which the Short-Term Rental Licence was issued.

Fees and Charges By-law: means the Town of Whitchurch-Stouffville's Fees and Charges By-law as amended or replaced from time to time.

Floor Plan: means a plan identifying the dimensions of all rooms, spaces or common areas and how they will be used, and the location of smoke alarms, carbon monoxide alarms, and fire extinguishers.

Garden Suite: means a detached self-contained dwelling that is comprised of a kitchen, bathroom and living area as defined and authorized under section 39.1 of the *Planning Act*. The Garden Suite shall be ancillary to an existing principal dwelling unit that is located on the same lot, and it represents a form of independent living, but who may require support from the occupants of the principal dwelling. The Garden Suite shall be permitted as a temporary use on the residential lot and shall be sited in accordance with the zone provisions established for the lands.

Guest(s): means the Person(s) paying to rent a Short-Term Rental from an Owner and shall include all invitees of the Person(s) and/or attendees at the Premises.

Guest Room: means a singular space within a building comprised of a floor, a ceiling and walls that is capable of being occupied and used by a Guest(s) for Short-Term Rental accommodation which conforms to the minimum standards for a sleeping room; bedroom, den or loft, where people sleep, as set forth by the Ontario Building Code.

Inspector: means a Building Official, Municipal Law Enforcement Officer, or Chief Fire Official or designate, appointed by the Town.

Licence: means the certificate issued under this By-law as proof of licensing under this By-law.

Licensee: means any Person that is listed on a License as being authorized by the Licence to carry on the business specified therein and includes any Person otherwise responsible for or obligated by the Licence.

Licensing Officer: means a Person appointed by Council to issue Licences, and/or their designate.

Lot: means a parcel of land which is legally capable of being conveyed independently of any abutting land, and which is:

- i) shown as a lot or block on a registered plan of subdivision; or
- ii) described in a Transfer/Deed of Land of legal effect registered in the Land Registry Office for the Land Titles Division or the Registry Division of York Region.

Market: means sell, offer for sale, promote, canvass, solicit, rent, advertise, book, arrange or facilitate sale or rental, and includes placing, posting, or erecting advertisements physically or online

Municipal Law Enforcement Officer: means a Person appointed by Council to enforce this and other by-laws.

Owner: means the Person holding title to the lands on which the Business is located.

Person: includes, but is not limited to, an Owner, individuals, a corporation and the heirs, estate trustees or other legal representatives of a Person to whom the context can apply according to law.

Premises: means any place or location, or part thereof, in which a Short-Term Rental is carried on.

Responsible Person: means the Person assigned by the Owner of a Short-Term Rental to ensure the Premises are operated in accordance with the provisions of this By-law, the Licence, and the relevant provisions of all applicable law.

Short-Term Rental: means the use of a Dwelling Unit or any part of a Dwelling Unit for temporary overnight Guest accommodation for any rental period of not more than 28 consecutive days in exchange for payment. This includes a Bed and Breakfast Establishment. This does not apply to a hotel, motel, retirement home or Garden Suite as defined by the Town's Zoning By-law and this By-law.

Short-Term Rental Code of Conduct: means a document outlining the roles and responsibilities of the Guests, including behavioural expectations as they relate to non-disturbance; and that the Guest(s) must comply with the provisions of this By-law and any other applicable laws.

Site Plan: means a plan showing site dimensions, boundaries, and features of the Premises, with the location of all buildings, structures, uses, and parking thereon. This can be a property map or survey with all of the above noted.

Town: means The Corporation of the Town of Whitchurch-Stouffville and/or the geographic area within the Town of Whitchurch-Stouffville, as the context requires.

Zoning By-law: means a document that controls the use of land in the Town by implementing the objectives and policies of the Town's Official Plan, being Comprehensive Zoning By-law 2010-001-ZO, as amended or replaced from time to time.

2. SHORT-TERM RENTAL REGULATIONS

- 2.1 No Person shall market or permit a Person/Business to market, operate or make available a Short-Term Rental unless that Person has first obtained a Licence from the Town.
- 2.2 A Person who obtains a Licence shall comply with all federal, provincial and regulations set out in this By-law. Failure to comply with the regulations constitutes an offence.
- 2.3 No Person shall operate a Short-Term Rental at more than one Premise within the Town
- 2.4 Every Short-Term Rental Premise shall meet the requirements of the Ontario Fire Code and have municipal addresses installed in accordance with By-law 2022-024-RD, as may be amended or replaced from time to time.
- 2.5 No Person who has or is required to have a Licence under this By-law shall obstruct or hinder the making of any inspection under this By-law, or cause or allow such an inspection to be obstructed or hindered.
- 2.6 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.
- 2.7 No Person, who has been alleged to have contravened any of the provisions of this By-law shall fail to identify themselves to the Licensing Officer, Chief Building Official, Municipal Law Enforcement Officer, Chief Fire Official or their designate(s) upon request.
- 2.8 No Person shall withhold, destroy, conceal or refuse to furnish any information, books, papers, documents, or things relevant to the subject matter of an application or an inspection.
- 2.9 No Person licensed pursuant to this By-law shall discriminate against any member of the public.
- 2.10 Every Short-Term Rental Licence issued shall be deemed to be a personal Short-Term Rental Licence to the Licensee therein named. The Short-Term Rental Licence is not transferable.

- 2.11 No Person shall be licensed under this By-law unless they are:
 - i. at least eighteen (18) years of age; and
 - ii. a citizen of Canada, a permanent resident or in possession of a valid employment authorization issued by the Government of Canada.
- 2.12 The determination of whether a Licence application is complete in accordance with the requirements of this By-law shall be within the sole discretion of the Licensing Officer.
- 2.13 Short-Term Rentals shall only be permitted to operate within one (1) legally established Dwelling Unit on a Lot, subject to the Town's approval and compliance with all applicable Town By-laws.
- 2.14 The maximum number of Persons permitted on a Short-Term Rental Premise shall be two (2) Persons per Guest Room, up to a maximum of ten (10) Persons at any time, provided that the Short-Term Rental is not renting by the Guest Room.
- 2.15 If the Short-Term Rental is rented by the Guest Room, no more than two (2) rooms with a maximum of two (2) Persons in each Guest Room shall be rented simultaneously.
- 2.16 A Short-Term Rental cannot be sleeping accommodations within any structure that is not in compliance with the Ontario Building Code, or within any vehicle, tent, boat, recreational vehicle or accessory building.
- 2.17 Any Guest Rooms that are not identified on the Business Licence application are not permitted to be used. No Short-Term Rental may occur in a space that is not an identified Guest Room.
- 2.18 The maximum number of Guest Rooms and Guests as identified in subsection 2.13 may be exceeded if in the opinion of the Chief Fire Official and Chief Building Official, the Short-Term Rental does not present a safety risk, and is approved by the Licensing Officer.
- 2.19 No Licensee shall rent Short-Term Rental accommodation to a number of people which exceeds the occupancy limit of their dwelling.
- 2.20 A maximum number of ten (10) parking spaces permitted at the Short-Term Rental shall be the total number of spaces available on the private driveway, including the garage, if any.
- 2.21 The minimum parking if renting per Guest Room is one (1) space for each two (2) Guest Rooms. The minimum parking if renting the entire Dwelling Unit is one (1) space for each four (4) Person occupancy.
- 2.22 The Licensee shall:
 - i. Display the Licence permanently in a prominent place in the Short-Term Rental to which it applies and shall post the Licence number on any marketing, advertisements or promotions for the Short-Term Rental.
 - ii. Ensure that there is a Responsible Person available to attend the Short-Term Rental at all times and available to respond to concerns raised by Guests, neighbours or a Municipal Law Enforcement Officer

within a period of no greater than one hour from the time of contact by way of telephone or email.

- iii. Ensure that each Guest has been provided with:
 - a. the Short-Term Rental Code of Conduct;
 - b. emergency contact information of a Responsible Person;
 - c. instructions on what to do in the event of an emergency;
 - d. a Floor Plan and Site Plan of the Short-Term Rental; and
 - e. the maximum number of occupants allowed at any time.
- iv. Ensure Guest Rooms are equipped with working smoke alarms and carbon monoxide alarms, installed and maintained in accordance with the Ontario Fire Code and manufacturer's instructions, and tested on a regular basis.
- v. Keep a record of the Guest(s) with such record containing the name, address, date of entry, the length of stay and confirmation of receipt of the Short-Term Rental Code of Conduct with such record readily available for inspection at all times by an Inspector for a period of one (1) year from the date of rental.
- vi. Ensure that the Short-Term Rental Licence number is included on all invoices, contracts, receipts and/or similar documents issued.
- vii. Maintain the Short-Term Rental in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the Short-Term Rental. For the purposes of this subsection, adequate measures for the storage and disposal of waste shall mean a self-enclosed building, structure or container, located outside of the Short-Term Rental, which is of a sufficient size that will store the garbage and waste generated by the Premises until such garbage and waste is disposed of.
- viii. Ensure that the Short-Term Rental is operated and used in a fashion such that the operation or use will not cause a disturbance or a nuisance to the neighbourhood. The Licensee shall be responsible for any penalties issued for non-compliance of Town By-laws.
- ix. Ensure that all advertisements of the Short-Term Rental include their valid Town Licence number.
- x. Ensure any changes to the number or locations of Guest Rooms shall be provided to the Licensing Officer through a Licence amendment application, prior to those Guest Rooms being used by the Short-Term Rental Licence.

3. LICENCES AND RENEWALS

- 3.1 Every Applicant shall submit with the applicable fee established in the Town's Fees and Charges By-law, a completed application on the prescribed form to the Licensing Officer and shall provide the information requested thereon, including but not limited to:
 - a. Proof that the Applicant is at least eighteen (18) years of age;
 - b. Proof that the Applicant is a citizen of Canada, a permanent resident or in possession of a valid employment authorization issued by the Government of Canada;

- c. Proof of general liability insurance in the minimum amount of \$2,000,000;
 - d. Sketch of floor plans identifying all rooms and common areas with dimensions and location of smoke alarms, carbon monoxide alarms and fire extinguishers. Fire extinguisher minimum size 2A:10BC (5 pound ABC extinguisher);
 - e. Site Plan of the property showing site dimensions with the location of all buildings, structures and parking; and
 - f. Consent of the Owner of the property (if an applicant is a tenant).
- 3.2 In the case of an application by a partnership, such application may be submitted by one of the partners, provided that the application shall be signed by all of the partners, and in the case of an application by a corporation, such application shall be submitted by an officer of the corporation.
- 3.3 New Short-Term Rental Premises shall be inspected by Inspector(s) prior to the issuance of a Short-Term Rental Licence.
- 3.4 The Licensing Officer may request a copy of the transfer/deed providing proof of ownership of the property on which the Business is situated.
- 3.5 Renewals shall be received by the Expiry Date. Any renewals received up to 30 days after the Expiry Date shall be subject to late fees. Any renewals not received within 30 days of the Expiry Date shall be deemed expired, and deemed to be in non-compliance and subject to penalties. Any application received thereafter shall be considered a new application.
- 3.6 Upon renewal, Applicants shall submit a sworn statement declaring that there have been no changes to the Short-Term Rental Premise as approved in the original application.
- 3.7 Every five (5) years an inspection shall be performed when a renewal is processed.
- 3.8 Any Short-Term Rental Licensee who has failed to renew their Short-Term Rental Licence in any year, but has continued to operate the Short-Term Rental, shall be liable to pay all renewal fees and late fees that would have been payable in respect of any year for which the Short-Term Rental Licence was not renewed.
- 3.9 When an application for a Short-Term Rental Licence or a renewal of a Short-Term Rental Licence is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, the Licensing Officer shall issue a Short-Term Rental Licence and the Applicant shall thereby be licensed.
- 3.10 A Short-Term Rental Licensee shall notify the Licensing Officer about any changes to their Short-Term Rental Licence and a Short-Term Rental License will be re-issued as required. No Person shall modify a Short-Term Rental Licence.
- 3.11 No Person shall enjoy a vested right in the continuance of a Short-Term Rental Licence and the value of a Short-Term Rental Licence shall be the property of the Town and shall remain so irrespective of the issuance, renewal, suspension, or revocation thereof.

- 3.12 The Applicant is responsible for meeting the licensing requirements contained in this By-law and confirms the accuracy, truthfulness and completeness of the information submitted.

4. LICENSING OFFICER

4.1 The Licensing Officer shall:

- (i) receive and process all completed applications for Short-Term Rental Licences and renewals of Short-Term Rental Licences to be issued under this By-law;
- (ii) sign and issue Short-Term Rental Licences to Persons who meet the requirements of this By-law;
- (iii) refuse to issue, and may suspend or revoke Short-Term Rental Licences to Persons who do not meet the requirements of this By-law;
- (iv) impose conditions on a Short-Term Rental Licence at the time of issuance, renewal or suspension for the purposes of ensuring compliance with all applicable enactments pertaining to the Short-Term Rental.
- (v) receive all amendments regarding Short-Term Rental Licences and re-issue Short-Term Rental Licences as required;
- (vi) maintain a registry of all Short-Term Rentals licensed under this By-law; and
- (vii) prepare from time to time, forms to be used for the purpose of making applications under this By-law.

5. INSPECTION

5.1 Inspectors and/or the Licensing Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with this By-law, a direction or order, or a condition of a Short-Term Rental Licence.

5.2 Short Term Rentals shall be inspected by Inspector(s) upon initial application of a Short-Term Rental License, prior to issuance, and upon any amendments regarding Short-Term Rental Licenses and re-issuance of a Short-Term Rental License.

5.3 Every five (5) years an inspection shall be performed when a renewal is processed.

6. REFUSAL, SUSPENSION AND REVOCATION

6.1 The Licensing Officer may refuse to issue or renew a Short-Term Rental Licence where:

- i. the Applicant or Licensee has failed to comply with the requirements set out in this By-law;
- ii. 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;

- iii. 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;
 - iv. the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information;
 - v. 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;
 - vi. there is or has been a breach or violation of the Short-Term Rental Code of Conduct.
- 6.2 The Licensing Officer may suspend a Short-Term Rental Licence where there is reason to believe that a breach of this By-law has occurred.
- 6.3 The Licensing Officer may revoke the Short-Term Rental Licence at any time after licensing if:
- (i) the conditions leading to a suspension have not been remedied after fourteen (14) days after a notice has been served; or
 - (ii) where false or mistaken information has been provided in relation to its application for a Short-Term Rental License.
- 6.4 The Licensing Officer shall provide written notice to the Applicant or Licensee of any refusal, suspension, or revocation:
- (i) setting out the grounds and giving conditions;
 - (ii) signed by the Licensing Officer; and
 - (iii) informing the Applicant or Licensee of their right to a hearing if a written request for such a hearing is received within ten (10) days following the date of notice served.
- 6.5 The Licensing Officer shall serve the written notice in person or by email or registered mail addressed to the Applicant or Licensee at the last address given by that person to the Licensing Officer. When written notice is given by registered mail, service shall be deemed effective five (5) days from the date of mailing.
- 6.6 The Licensing Officer may reinstate the Short-Term Rental Licence once the conditions leading to the refusal, suspension, or revocation have been remedied.
- 6.7 A Licensee whose Short-Term Rental Licence has been suspended or revoked shall return the Short-Term Rental Licence issued by the Licensing Officer within twenty-four (24) hours of notice served. The Licensing Officer and/or Inspector may enter upon the Short-Term Rental Premises of the Licensee for the purpose of receiving or

removing the said Licence, and the Town shall not be liable for any revenue the Licensee loses as a result of any suspension, revocation, or refusal to renew a Short-Term Rental Licence in accordance with this By-law.

- 6.8 No Person whose Short-Term Rental Licence has been suspended or revoked shall refuse to deliver the Short-Term Rental Licence to the Licensing Officer and/or Inspector or in any way obstruct or prevent the Licensing Officer and/or Inspector from receiving or taking the same.

7. APPEALS

- 7.1 An Applicant or Licensee may appeal a refusal of an application or an application for renewal, suspension or revocation of a Short-Term Rental Licence.
- 7.2 Written request for an appeal hearing shall be received by the Licensing Officer and shall include:
- (i) contact information of Appellant, including complete mailing address, phone number, and current email;
 - (ii) mailing date;
 - (iii) signature of Appellant;
 - (iv) any supporting documentation; and
 - (v) appeal fee as set out in the Town's Fees and Charges By-law.
- 7.3 On receipt of a written request from an Appellant, the Licensing Officer shall convene an Appeals Committee hearing, and shall contact the Appellant by phone or email, at least 14 days before the date fixed for such hearing, setting out the time and place thereof.
- 7.4 The Appellant and any other interested Person may appear at the appeal hearing and present oral or written evidence relating to the Application or Short-Term Rental Licence.
- 7.5 The Licensing Officer shall send by email or registered mail, a written notice of the Appeals Committee decision, and upon the mailing of such written notice the decision shall take effect.

8. OFFENCE

- 8.1 Every Person who contravenes any provision of this By-law is liable for the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2024-039-RE, as amended or replaced from time to time.
- 8.2 Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law 2024-039-RE, as amended or replaced from time to time.
- 8.3 Any penalties issued for non-compliance of various Town By-laws by Persons renting the Short-Term Rental Premises may be assessed to the Licensee of the Short-Term Rental.

9. SEVERABILITY

Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.