

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE
BY-LAW NUMBER 2022-032-LI

BEING A BY-LAW to license, regulate, and govern
certain businesses in the Town of Whitchurch-Stouffville
and to repeal By-laws 2013-120-LI, 2012-121-LI, 2011-
089-LI, and 2010-038-RE.

WHEREAS Part IV of the *Municipal Act*, 2001 S.O. 2001., c.25, (“Municipal Act”) as amended, 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 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 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 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 certain businesses in the interest of health and safety and well-being of persons, and protection of persons and property, including consumer protection.

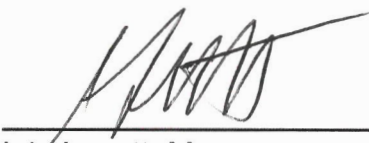
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. That any persons who owns or operates a certain business within the Town of Whitchurch-Stouffville as identified in this by-law, shall be subject to all relevant regulations contained in the schedules hereinafter set out and such schedules form part of this by-law:
Schedule A: Rules and Regulations for Certain Businesses requiring Licensing
Schedule B: Short-Term Rentals
Schedule C: Second Suites
Schedule D: Tourist Camps and Trailer Camps; and
2. That the short title of this by-law be known as the “Licensing By-law”; and
3. That by-laws 2013-120-LI, 2012-121-LI, 2011-089-LI, and 2010-038-RE are hereby repealed; and

4. Notwithstanding the repeal of By-laws 2013-120-LI, 2012-121-LI, 2011-089-LI, and 2010-038-RE and all amendments thereto, those By-laws shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this By-law; and
5. That every provision of this by-law is declared to be severable from the remainder of the by-law, and if a court of competent jurisdiction shall declare any provision of this by-law invalid, such declaration shall not affect the validity of the remainder thereof.

READ a first and second time this 6th day of April, 2022.

READ a third time and passed this 6th day of April, 2022.



Iain Lovatt, Mayor

Gillian Angus-Traill, Clerk

SCHEDULE A – RULES AND REGULATIONS FOR CERTAIN BUSINESSES REQUIRING LICENSING

Each Business is subject to the provisions listed under their specific schedules of the Licensing By-law, in addition to the provisions of this Schedule A.

Note: The first letter of all defined terms in this by-law is capitalized.

1. DEFINITIONS

For the purposes of this by-law:

Appeals Committee: 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.

Business: Short-Term Rentals, Second Suites, Kennels, and Tourist Camps and Trailer Camps.

Camping Lot: the part of a Tourist Camp or Trailer Camp that is to be occupied by a trailer, tent, cabin, mobile home or other recreational vehicle.

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

Dwelling: a single detached residential building.

Dwelling Unit: 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 the date upon which Licences issued pursuant to this by-law expire, being December 31 each year.

Floor Plan: 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.

Guest(s): the Person(s) paying to rent a Short-Term Rental from an Owner.

Guest Room: 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.

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

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

Licensee: a Person licensed under this by-law.

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

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

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

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

Premises: any place or location, or part thereof, in which a Business is carried on.

Responsible Person: 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.

Second Suite: an accessory second Dwelling Unit in a Dwelling.

Short-Term Rental: the use of a Dwelling Unit or part of a Dwelling Unit for temporary overnight Guest accommodation for a period of not more than 28 consecutive days, and shall not include a hotel, motel, retirement home, or bed and breakfast establishment as defined by the Zoning by-law.

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

Site Map: a plan showing site dimensions, boundaries, and features of the Premise, with the location of all buildings, structures, uses, and parking.

Tourist Camp: land equipped with cabins used or maintained for the overnight accommodation of the public, and land used or maintained to provide accommodation for tents, mobile homes or other recreational vehicles to be occupied by the public.

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

Trailer Camp: land upon which any vehicle, which is so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and which is used for the living, sleeping or eating accommodation of Persons therein, is placed, located, kept or maintained, notwithstanding that such vehicle may be jacked up or that its running gear may be removed.

Zoning By-law: a document that controls the use of land in the Town by implementing the objectives and policies of the Town's Official Plan.

2. GENERAL REGULATIONS

- 2.1 No Person shall operate a Business listed under this by-law unless that Person has first obtained a Licence from the Town.
- 2.2 A Person who obtains a Licence shall comply with the regulations set out in this by-law for such Licence. Failure to comply with the regulations constitutes an offence.

- 2.3 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.
- 2.4 No Person shall obstruct the Licensing Officer or an Inspector in the execution of their duties.
- 2.5 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.
- 2.6 No Person licensed pursuant to this by-law shall discriminate against any member of the public.
- 2.7 No Person licensed to carry on certain Businesses under this by-law shall advertise or promote or carry on such Business under any name other than the name endorsed upon his Licence.
- 2.8 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 landed immigrant or in possession of a valid employment authorization issued by the Government of Canada.
- 2.9 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.

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 information requested thereon.
- 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 Licenses shall be inspected by Inspector(s) prior to the issuance of a 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 the application 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 Licence.
- 3.7 Every five (5) years an inspection shall be performed when a renewal is processed.

- 3.8 Any Licensee who has failed to renew their Licence in any year, but has continued to operate the licensed Business, shall be liable to pay all renewal fees and late fees that would have been payable in respect of any year for which the Licence was not renewed for that Business.
- 3.9 When an application for a Licence or a renewal of a 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 Licence and the Applicant shall thereby be licensed.
- 3.10 A Licensee shall notify the Licensing Officer about any changes to their Licence and a License will be re-issued as required. No Person shall modify a Licence.
- 3.11 No Person shall enjoy a vested right in the continuance of a Licence and the value of a 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 Licences and renewals of Licences to be issued under this by-law;
 - (ii) sign and issue Licences to Persons who meet the requirements of this by-law;
 - (iii) refuse to issue, and may suspend or revoke Licences to Persons who do not meet the requirements of this by-law;
 - (iv) receive all amendments regarding Licenses and re-issue Licences as required; and
 - (v) maintain a registry of all Businesses licensed 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 a by-law, a direction or order, or a condition of a Licence.
- 5.2 Businesses shall be inspected by Inspector(s) upon initial application of a License, prior to issuance, and upon any amendments regarding Licenses and re-issuance of a 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 Licence that does not meet the registration requirements in this by-law.
- 6.2 The Licensing Officer may suspend a Licence where there is reason to believe that a breach of this by-law has occurred.
- 6.3 The Licensing Officer may revoke the 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 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 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 Licence once the conditions leading to the refusal, suspension, or revocation have been remedied.
- 6.7 A Licensee whose Licence has been suspended or revoked shall return the Licence issued by the Licensing Officer within twenty-four (24) hours of notice served. The Licensing Officer and/or Inspector may enter upon the Business Premises of the Licensee for the purpose of receiving or removing the said Licence.
- 6.8 No Person whose Licence has been suspended or revoked shall refuse to deliver the 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 Licence, or an administrative penalty as set out in accordance with the Town's Fees and Charges By-law.
- 7.2 Written request for an appeal hearing shall be received by the Licensing Officer and 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 Licence.
- 7.5 The Licensing Officer shall send by 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 AND PENALTY

- 8.1 Any Person who contravenes any provision of this by-law, including every director or officer of a corporation who concurs in such a contravention, is guilty of an offence, and upon conviction pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, is liable to:
- (i) a penalty, in the case of Persons other than corporations, not to exceed \$25,000.00 for a first offence, and \$50,000 for any subsequent offence;
 - (ii) a penalty, in the case of corporations, not to exceed \$50,000.00.
- 8.2 No Person shall provide false information or give a false statement to an Officer, employee and/or Agent of the Municipality in the lawful exercise of a power or duty under this By-law.
- 8.3 No Person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or Agent of the Municipality in the lawful exercise of a power of duty under this By-law.
- 8.4 Every Person shall comply with any Order of Notice issued under the authority of this By-law.
- 8.5 A Municipal Law Enforcement Officer who finds that a Person has contravened any provisions of this by-law may issue a penalty notice addressed to that Person.
- 8.6 Any Persons who contravenes any provisions of this by-law shall, upon issuance of a penalty notice pursuant to subsection 8.7, be liable to pay to the Town an administrative penalty as listed under the Town's Fees and Charges By-law, as amended.
- 8.7 The penalty notice shall be given to the Person to whom or to which it is addressed as soon as it is reasonably practicable and shall include the following information:
- (i) Particulars of the contravention, including to which property it applies;

- (ii) The amount of the administrative penalty;
 - (iii) Information respecting the process by which the Person may exercise the Person's right to request a review of the administrative penalty; and
 - (iv) A statement advising that an administrative penalty will, unless modified or rescinded pursuant to the review process, constitute a debt to the Town.
- 8.8 A Person may appeal an administrative penalty to the Appeals Committee as set out in Section 7 – Appeals.
- 8.9 An administrative penalty that is deemed to be affirmed constitutes a debt to the Town of each Person to whom or to which the penalty notice was given.
- 8.10 An administrative penalty that is not paid may be added to the tax roll to the property which it applies and collected in the same manner as taxes.
- 8.11 Applicable fees for administration and/or enforcement activities under this by-law, including but not limited to Notices/Orders, Inspection/Re-inspection, Court, etc., shall be subject to the rates and fees set out in accordance with the Town's Fees and Charges By-law, as amended.

SCHEDULE B – SHORT-TERM RENTALS

1. SPECIFIC REGULATIONS

- 1.1 Every Owner operating a Short-Term Rental shall Licence the Short-Term Rental with the Licensing Officer pursuant to this By- law.
- 1.2 Short-Term Rentals shall only be permitted within a Dwelling Unit or a licensed Second Suite.
- 1.3 The maximum limit of overnight Guests in a Short-Term Rental shall be two (2) Persons per Guest Room, up to a maximum of ten (10) overnight Guests.
- 1.4 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 will be rented simultaneously.
- 1.5 The maximum number of Guest Rooms and Guests as identified in subsection 1.3 may be exceeded if in the opinion of the Fire Chief and Chief Building Official, the Short-Term Rental does not present a safety risk.
- 1.6 The maximum number of 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.
- 1.7 The Licensee shall:
 - (i) Display the Licence permanently in a prominent place in the Short-Term Rental to which it applies.
 - (ii) Ensure that there is a Responsible Person available to attend the Short-Term Rental at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail.
 - (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 Map of the Short-Term Rental.
 - (iv) Ensure Guest Rooms are equipped with working smoke alarms, installed as per the manufacturer's instructions.
 - (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.
 - (vi) 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.

- (vii) 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.
- (viii) Ensure that all advertisements of the Short-Term Rental include their valid Town Licence number.

SCHEDULE C – SECOND SUITES

1. SPECIFIC REGULATIONS

- 1.1 Every Owner of a Dwelling containing a Second Suite shall Licence the Second Suite with the Licensing Officer pursuant to this By- law.
- 1.2 A Second Suite is not permitted in semi-detached houses, town houses, or row houses.
- 1.3 The Licensee shall:
 - (i) Display the Licence permanently in a prominent place in the Second Suite to which it applies.
 - (ii) Ensure that there is a Responsible Person available to attend the Short-Term Rental at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail.
 - (iii) Maintain the Second Suite 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 Second Suite. 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 Second Suite, 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.
 - (iv) Ensure that the Second Suite is operated and used in a fashion such that the operation or use will not cause a disturbance or a nuisance to the neighbourhood.
 - (v) Ensure that all advertisements of the Second Suite include their valid Town Licence number.

SCHEDULE D – TOURIST CAMPS AND TRAILER CAMPS

1. SPECIFIC REGULATIONS

- 1.1 Every Owner of a Tourist Camp or Trailer Camp shall Licence the Tourist Camp or Trailer Camp with the Licensing Officer pursuant to this By- law.
- 1.2 The Licence will permit the occupancy of any Camping Lots on the Premises between April 1st and October 31st of any year. Any occupancy between November 1st and March 30th will be deemed in violation of this by-law.
- 1.3 The Licensee shall:
 - (i) Display the Licence permanently in a prominent place in the Tourist Camp or Trailer Camp to which it applies.
 - (ii) Not allow trailers, mobile homes, tents or cabins, whether on a temporary or full-time basis, to be situated on lots other than those designated as Camping Lots.
 - (iii) Not amend the Site Map submitted to the Licensing Officer in any way without prior approval from the Licensing Officer.
 - (iv) Ensure that the Tourist Camp or Trailer Camp is operated and used in a fashion such that the operation or use will not cause a disturbance or a nuisance to the neighbourhood.
 - (v) Ensure that all advertisements of the Tourist Camp or Trailer Camp include their valid Town Licence number.