

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW 43 OF 2022

BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN THE OPERATION OF SHORT-TERM RENTALS

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c. 25 (“*Municipal Act*”) provides that a municipal power shall be exercised by by-law;

WHEREAS section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act;

AND WHEREAS pursuant to section 11 of the *Municipal Act*, Council is exercising its authority with respect to business licensing in the interest of health and safety, 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 Municipality of Lambton Shores may provide for a system of Licences with respect to businesses;

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

- a) Prohibit the carrying on or engaging in the business without a Licence;
- b) Refuse to grant a Licence or 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 subsection 151(5) of the *Municipal Act* provides that subsection 151(1) applies with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS section 23.1 of the *Municipal Act* establishes rules for the delegation of a municipality’s powers and duties, and section 23.2 permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Council for the Corporation of Lambton Shores is of the opinion that the delegation of legislative powers under this by-law to the Director and to the Appeals Committee including without limitation the power to issue and impose conditions on a licence are powers of a minor nature having regard to the number of people, the size of the geographic area and the time period affected by the exercise of the power, in accordance with subsection 23.2(4) of the *Municipal Act*;

AND WHEREAS sections 390 to 400 of the *Municipal Act* authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it;

AND WHEREAS section 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 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 Municipality of Lambton Shores has deemed it necessary and desirable to regulate the Short-Term Rental of property in the Municipality of Lambton Shores;

AND WHEREAS the Municipality of Lambton Shores has implemented a system to Licence the operation of the Short-Term Rental properties in the Municipality of Lambton Shores;

NOW THEREFORE the Council of the Corporation of the Municipality of Lambton Shores enacts as follows:

1.0 DEFINITIONS

“Agent” means a Person duly appointed by the Owner to act on their behalf;

“Appeals Committee” means the body duly appointed by by-law to conduct hearings under this by-law;

“Applicant” means the Person applying for a licence or renewal of a licence under this by-law, and “Application” has a corresponding meaning;

“Bed and Breakfast Establishment” means the provision of Lodging Units within a Dwelling with or without meals for the temporary lodging of the travelling public;

“Bedroom” means a room or area used, designed, equipped or intended for sleeping and as defined by the Ontario Building Code;

“Business” means any business wholly or partly carried on within the Municipality even if the business is being carried on from a location outside the Municipality, and includes trades and occupations, exhibitions, concerts, festivals and organized public amusements; the sale or hire of goods or services on an intermittent or one-time basis; and the display of samples, patterns or specimens of goods for the purpose of sale or hire;

“Council” means the Council for The Corporation of the Municipality of Lambton Shores;

“Director” means the Chief Administrative Officer of the Municipality, the Director of Corporate Services, or designate;

“Dwelling” means a place of residence with one or more Habitable Rooms containing or providing access to a separate kitchen and bathroom facilities for private use as a single housekeeping unit on the same property as the Short-Term Rental;

“Fee” means as set out in the Municipal Fees and Charges By-Law;

“Habitable Room” means a room within a Dwelling designed to provide living, dining, sleeping, bathroom or kitchen accommodation for Persons. This definition shall not include any private garage, carport, cellar, unheated porch or veranda, unfinished attic, unfinished basement, or any space used for the service and maintenance of a Dwelling or for vertical travel between storeys.

“Licensee” means a Person licensed under this by-law or a Person required to be licensed under this by-law;

“Lodging Unit” means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation and may contain bathroom facilities;

“Market” means to offer for rent, promote, canvass, solicit, advertise, or facilitate a Short-Term Rental, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards, or online;

“Municipal Agent” means a third-party contractor hired by the Municipality for the purpose of compliance monitoring and complaint resolution related to Short-Term Rentals;

“Municipality” means The Corporation of the Municipality of Lambton Shores, and “Municipal” has a corresponding meaning;

“Officer” means any Person authorized by the Municipality to enforce by-laws and includes a Municipal Law Enforcement Officer appointed to enforce the by-laws of the Municipality or a police officer while in the course of his or her duties;

“Owner” means a person (or persons) on title as the owner(s) of a building or parcel of land identified on the parcel register from the Land Registry Office;

“Owner-occupied Short-Term Rental” means a Short-Term Rental being offered in a primary Dwelling where the Owner or Tenant is permanently residing while the Premises is being used or operated as a Short-Term Rental, or a single legal accessory Dwelling on the same property as a primary Dwelling where the owner or Tenant is permanently residing while the Premises is being used or operated as a Short-Term Rental, and includes a Bed and Breakfast Establishment;

“Parking Management Plan” means the plan developed in accordance with section 5.1 of this by-law;

“Person” includes an individual, a corporation, a partnership, and an association, and includes an Owner, Licensee, Responsible Person, or an Applicant for a Short-Term Rental Licence under this by-law as the context requires;

“Plan for Fire Safety” means the plan setting out a layout of the interior of the Short-Term Rental with locations for all smoke alarms, carbon monoxide alarms, fire extinguishers and exits;

“Premises” means any place, premises or location, or part thereof, in which a trade, Business or occupation of Short-Term Rental is carried on;

“Responsible Person” means an Agent or representative of an Owner or Tenant, if applicable, who is responsible for managing or addressing issues in relation to the Owner’s Short-Term Rental;

“Renter” means any Person occupying the Short-Term Rental by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

“Renter’s Code” means a document that has been prepared by the Owner that has been approved by the Municipality that sets out the roles and responsibilities of the Renter, including behavioural expectations as they relate to non-disturbance; and, which identifies applicable Municipality by-laws that the Renter must comply with including the provisions of this by-law as they relate to, amount other things, the Parking Management Plan, occupancy limits, noise, and nuisance.

“Revoked” means a licence that has been declared null and void by the Director;

“Short-Term Rental” means all or part of a legally established Dwelling that operates or offers a place of temporary residence, lodging or occupancy by way of a rental agreement or similar commercial transaction for a period of less than thirty (30) consecutive nights throughout all or any part of a calendar year, but does not include an Owner-occupied Short-Term Rental, motel, hotel, hospital, campground, couch surfing or other short-term accommodations where there is no payment;

“Short-Term Rental Licence” means the certificate issued under this by-law as proof of licensing under this by-law;

“Suspended” means a Short-Term Rental Licence that is temporarily inactive until such time as set out by the Director or by the Appeals Committee;

“Tenant” means the Person responsible for and in possession of the Premises under a long-term lease.

2.0 PROHIBITIONS

2.1 No Person shall operate or permit a Person to operate or hold themselves out as being licensed to operate a Short-Term Rental:

- (a) without a Short-Term Rental Licence to do so issued under this by-law;
- (b) under any other name than the one endorsed on their Short-Term Rental Licence;
- (c) except in accordance with this by-law and the regulations set out in this by-law;
- (d) while their Short-Term Rental Licence is under suspension;
- (e) except in accordance with the terms and conditions of their Short-Term Rental Licence.

2.2 No Person shall Market, operate, or provide a Short-Term Rental in:

- (a) any structure other than a Habitable Room;
- (b) a motor vehicle or trailer;
- (c) an unlawful residential unit;
- (d) community housing;
- (e) a docked boat;
- (f) a building or unit where Short-Term Rentals have been prohibited under this section of the by-law;
- (g) in a Dwelling where a Licence to operate a Short-Term Rental has not been issued.

2.3 No Person shall,

- (a) transfer or assign a Short-Term Rental Licence;

- (b) obtain a Short-Term Rental Licence by providing mistaken, false or incorrect information;
- (c) enjoy a vested right in the continuance of a Short-Term Rental Licence, and upon the issue, renewal, cancellation or suspension thereof, the Short-Term Rental Licence shall be the property of the Corporation of the Municipality of Lambton Shores;
- (d) obstruct or permit the obstruction of an inspection pursuant to this by-law.

3.0 ADMINISTRATION

- 3.1 The administration of this by-law is assigned to the Director who shall generally perform all of the administrative functions conferred upon them by this by-law, and without limitation may:
- (a) receive and process all applications for Short-Term Rental Licences and renewals of Short-Term Rental Licences under this by-law;
 - (b) issue Short-Term Rental Licences in accordance with the provisions of this by-law;
 - (c) impose terms and conditions on Short-Term Rental Licences in accordance with this by-law and as necessary to give effect to this by-law; and
 - (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this by-law.

4.0 LICENSING REQUIREMENTS

- 4.1 Every Application for a Short-Term Rental Licence and Short-Term Rental Licence renewal shall be made to the Director on the forms provided by the Director. Without limitation, every Application for a Short-Term Rental Licence or a Short-Term Rental Licence renewal shall include the following information:
- (a) A completed Application that will include each Owner, Applicant and/or Agent's name, municipal address, telephone number, and email address;
 - (b) Payment of the applicable licensing fee as identified in the Lambton Shores Fees and Charges By-Law;
 - (c) Proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
 - (d) Proof that the corporation is legally entitled to conduct business in Ontario, if the Applicant is a corporation, including but not limited to:
 - (i) articles of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada, and
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation;

- (e) The names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the Applicant is a partnership;
- (f) A copy of proof of ownership of the property on which the Short-Term Rental is situated, which may include a copy of the transfer/deed, a copy of the parcel register from the Land Registry Office, and/or such other evidence as may be required by the Director;
- (g) In the instance of an Applicant or Agent acting on behalf of the registered Owner, the registered Owner's written authorization permitting the Applicant or Agent to act on their behalf.
- (h) If a Tenant, the consent of the registered Owner of the property.
- (i) The name, address, telephone number and email address of the Responsible Person for the operation and conduct of the inhabitants of the Short-Term Rental.
- (j) A photograph of the front of the Short-Term Rental.
- (k) 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 Premises.
- (l) A site plan, drawn to scale and fully dimensioned of the Short-Term Rental Premises, including the location, dimensions and surfacing of parking area, landscaping, and all buildings or structures on the land, septic and well locations if applicable.
- (m) A Parking Management Plan for the Short-Term Rental, in accordance with this by-law and to the satisfaction of the Director;
- (n) The requested occupancy for the Short-Term Rental, in accordance with this by-law and to the satisfaction of the Director;
- (o) The licence number of any current or previously licensed Short-Term Rental
- (p) A Plan for Fire Safety;
- (q) Proof of septic system maintenance, inspections and pump-out servicing within the last three years.
- (r) A sworn declaration by the Owner, and if there is a Tenant, by the Owner and the Tenant, that:
 - (i) The Short-Term Rental will comply with the Parking Management Plan;
 - (ii) The Short-Term Rental is not subject to an order made pursuant to the *Building Code Act, 1992*, and any regulation made under it, including the Building Code;
 - (iii) The Short-Term Rental contains functioning smoke alarms, carbon monoxide alarms, fire extinguishers, and exits;

- (iv) The Owner and Tenant if applicable confirms they will require each Renter to abide by the Renter's Code of Conduct; and
- (v) The Owner and Tenant if applicable confirms the accuracy, truthfulness, and completeness of the information submitted.
- (vi) The Owner and Tenant if applicable confirms that they will maintain liability insurance as required through this by-law while the Short-Term Rental is being operated as a Short-Term Rental.

4.2 Every Person licensed under this by-law shall at all times:

- (a) Comply with the regulations contained in this by-law;
- (b) Notify the Director in writing within 10 days of any changes to the information provided pursuant to section 4.1 of this by-law.

5.0 General Regulations

5.1 The Parking Management Plan shall comply with the following regulations:

- (a) The number of parking spaces required for the Short-Term Rental is as follows:
 - (i) One (1) space when the Short-Term Rental is occupied by 1-4 Renters;
 - (ii) Two (2) spaces when the Short-Term Rental is occupied by 5-10 Renters;
- (b) Parking spaces must be a minimum of 2.7 m by 5.5 m per space. The surfacing must be asphalt, gravel, concrete, or another similar hard surface and cannot be grass or other landscaped space.
- (c) The parking spaces required by section 5.1(a) of this by-law may be provided on the Short-Term Rental Premises or alternatively off-Premises on a site within 1,000m of the Short-Term Rental, or to the satisfaction of the Director;

5.2 The occupancy shall comply with the following regulations:

- (a) The maximum occupancy permitted for the Short-Term Rental shall be determined by reference to the number of Bedrooms in the Short-Term Rental, and the maximum occupancy shall not exceed two (2) Persons per Bedroom plus a total of two (2) Persons to a maximum of ten (10) Persons per Short-Term Rental.
- (b) Children who are aged 12 and under at the time of the rental shall not be included in the occupancy calculation described in 5.2(a).

5.3 Every Person operating a Short-Term Rental shall:

- (a) ensure the Short-Term Rental is operated in accordance with the Parking Management Plan, permitted occupancy, Plan for Fire Safety, and Renter's Code;
- (b) display the Short-Term Rental Licence in a prominent place in the Short-Term Rental to which it applies;

- (c) display the Plan for Fire Safety in a prominent place in the Short-Term Rental to which it applies;
- (d) ensure that the Responsible Person is available to respond to concerns at the Short-Term Rental at all times, either in Person or by telephone, within a period of no greater than thirty (30) minutes from the time of contact by way of telephone or e-mail, through the Municipality or Municipal Agent;
- (e) ensure that each Renter has been provided with the Renter's Code with the owner retaining a copy of the confirmation of receipt of the Renter's Code for a period of one year;
- (f) 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;
- (g) ensure that waste and recycling bins are placed at the road no earlier than 5:00 p.m. on the evening preceding the collection;
- (h) ensure that the Short-Term Rental is operated and used in such a fashion that the operation or use will not cause a breach or contravention of any current municipal by-law;
- (i) Provide to at least one Renter of the Short-Term Rental an information package containing the following information:
 - (i) contact information for the Responsible Person who is available to receive communications from any Renter during the rental period;
 - (ii) instructions for use of the 9-1-1 emergency system, which includes the municipal address for the Premises;
 - (iii) the name and address of the nearest hospital or emergency medical services providing emergency care;
 - (iv) Plan for Fire Safety;
 - (v) non-emergency contact for the Ontario Provincial Police;
 - (vi) instructions for solid waste disposal, to include information on the applicable waste collection day and instructions for composting and recycling;
 - (vii) a schedule of common offences and related fines associated with Renter activities, to be provided by the Director;
 - (viii) a copy of the Short-Term Rental Licence, and occupancy limits, parking rules, and any conditions imposed on the Short-Term Rental Licence;

5.4 Any Licensee for the Short-Term Rental shall indemnify and save harmless the Municipality of Lambton Shores from any and all claims, demands, causes of action, loss, costs, or damages that the Municipality of Lambton Shores may suffer, incur, or be liable for resulting from the performance of the Licensee as set out in the by-law whether with or without negligence on the part of the Licensee, the Licensee's employees, directors and Agents.

6.0 ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL

6.1 The Director shall receive and process all applications for Short-Term Rental Licences and for renewal of a Short-Term Rental Licence pursuant to this by-law;

6.2 The Director may request comments from other departments or agencies in respect of the Short-Term Rental;

6.3 The Director may require an inspection of the Short-Term Rental prior to making a determination on the Application;

6.4 The Director may impose terms and conditions on Short-Term Rental Licences in accordance with this by-law and as necessary to give effect to this by-law;

6.5 The Director shall issue Short-Term Rental Licences and renewals of Short-Term Rental Licences, either conditionally or unconditionally, to any Person who meets the requirements of this by-law except where:

- (a) the existing licence has been Suspended or Revoked pursuant to this by-law;
- (b) the Applicant has a total of seven or more demerit points in effect pursuant to section 11 of this By-law; or
- (c) the conduct of the Applicant affords reasonable grounds for belief that the Applicant has not carried on, or will not carry on the Short-Term Rental in accordance with the law or with integrity and honesty;
- (d) the Applicant is indebted to the Municipality in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing.

7.0 TERM OF LICENCE

7.1 A Short-Term Rental Licence issued pursuant to this by-law shall expire on the date that is one (1) year after the date of the issuance of the Short-Term Rental Licence unless it is renewed or Revoked in accordance with the provisions of this by-law.

8.0 SUSPENSION OR REVOCATION

8.1 The Director shall provide notice of intention to revoke or suspend a Short-Term Rental Licence and shall advise the Licensee of their right to appeal where:

- (a) The Licensee would be disentitled to a licence or a renewal of a licence for the reasons set out in this by-law;
- (b) The Licensee has failed to comply with the regulations required by this by-law;
- (c) The Licence was issued in error.

8.2 Notwithstanding section 8.1, if satisfied that the continuation of the Short-Term Rental Licence poses an immediate danger to the health or safety of any Person, the Director may, for a period of time and upon such conditions as are considered appropriate and without a hearing, suspend the Short-Term Rental Licence immediately, provide the Licensee with the reasons for the suspension, either orally or in writing, and refer the matter to Appeals Committee for resolution.

9.0 APPEALS

9.1 Where the Director has denied an Applicant a Short-Term Rental Licence or a request for renewal of a Short-Term Rental Licence, or Suspended or Revoked a Short-Term Rental Licence, the Director shall inform the Applicant or Licensee 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 the Appeals Committee.

9.2 Licensees or Applicants may appeal to the Appeals Committee in relation to matters noted in section 9.1; appeals will not be permitted for any other matters including, without limitation:

- (a) Matters, notices, orders, and communications related to a non-compliance 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;

9.3 A request for an appeal of a matter noted in section 9.1 shall be made in writing to the Director setting out the reasons for the appeal and shall be accompanied by the appeal Fee within fourteen (14) days after service of the written notice of the Director's decision.

9.4 The Director may permit the Licensee to continue operation during the appeals process until such time as a decision is rendered by the Appeals Committee.

9.5 Where no request for an appeal is received in accordance with section 9.3, the decision of the Director shall be deemed to be affirmed.

9.6 Where a request for an appeal is received, a hearing of the Appeals Committee shall be convened, and the Applicant or Licensee shall be provided reasonable written notice thereof.

9.7 After such opportunity to be heard is afforded the Applicant or Licensee, the Appeals Committee may make a decision in respect of which the hearing was held

or the opportunity for hearing afforded. The Appeals Committee's decision is final and not subject to review. The Appeals Committee may affirm, modify, or rescind the decision of the Director. The Appeals Committee may refuse to issue or renew a licence, revoke, suspend, or impose any conditions upon a licence. The Appeals Committee may consider any matter pertaining to the licensing requirements in Section 4, the Regulations in Section 5, and/or the grounds for refusal in Section 6, or any other matter that relates to the general welfare, health or safety of the public.

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

10.0 ORDER

10.1 Where the Director has reasonable grounds to believe that a contravention of this by-law has occurred, the Director may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing:

- (a) compliance within a specified timeframe;
- (b) any work that is required to be done, and in default of such work being done, the work may be done at the Licensee's expense and the Municipality's may recover the expense by in the same manner as municipal taxes; or
- (c) the activity be discontinued.

10.2 Any Person who contravenes an order under this by-law is guilty of an offence.

10.3 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.

11.0 DEMERIT POINT SYSTEM

11.1 A demerit point system is established, without prejudice to and without precluding the use of options otherwise available to enforce this by-law or any other by-law of the Municipality or Provincial Act or Regulation including, but not limited to, set fines, and actions pursuant to the *Building Code Act, 1992*, *Fire Protection and Prevention Act, 1997*, and the *Provincial Offences Act*.

11.2 The number of demerit points referenced in Column 3 of Table 1 below may be assessed against a Short-Term Rental in respect of the matter noted in Column 1 upon the following event respecting a contravention:

- (a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the *Provincial Offences Act*;
- (b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
- (c) the confirmation of a guilty plea or uncontested fine where payment has been made;

- (d) the confirmation of an order; or,
 - (e) the confirmation of an order resulting in Municipality remediation.
- 11.3 A Short-Term Rental Licence may be Suspended for a period of not longer than six months if the total of all demerit points in effect respecting the Short-Term Rental is at least seven (7).
- 11.4 A Short-Term Rental Licence may be Revoked if the total of all demerit points in effect respecting the Short-Term Rental is at least fifteen (15).
- 11.5 Notice of the suspension or revocation of a Licence shall be provided to the Owner in accordance with Section 12 of this by-law and a Licensee may appeal the suspension or revocation in accordance with Section 9 of this by-law.
- 11.6 Demerit points shall remain in place until the two-year anniversary of the date on which the demerit points were assessed.

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
(1) Exceed permitted occupancy	5.2(a)	4
(2) Second or subsequent offense for exceeding maximum occupancy	5.2(a)	4
(3) Non-availability of Responsible Person	5.3(d)	4
(4) Property Standards By-Law 67-2001 Conviction related to Premises		5
(5) Fireworks By-Law 16-2008 Conviction related to Premises		5
(6) Noise By-Law 30-2002 Conviction related to Premises		5
(7) Open Air Burning By-Law 60-2009 Conviction related to Premises		5
(8) Market Short-Term Rental without a Licence	2.2(g)	4
(9) Operate Short-Term Rental without a Licence	2.1(a)	4
(10) Using or permitting Premises to be used contrary to the Parking Site Plan	5.1(a), (b),(c)	4
(11) Building Code Act Order/Conviction		7
(12) Fire Protection and Prevention Act/Fire Code Order/Conviction		7

12.0 NOTICES/ORDERS

- 12.1 Any notice or order issued pursuant to this by-law may be given in writing in any of the following ways and is effective:
- (a) on the date on which a copy is delivered to the Licensee to whom it is addressed;
 - (b) on the fifth day after a copy is sent by mail to the Licensee's last known address;
 - (c) upon the sending of a copy by e-mail transmission to the Licensee's last known e-mail address, or
 - (d) posting it on the Premises, on the date of the posting.
- 12.2 For the purpose of section 12.1, the Licensee's last known address, last known e-mail address shall be deemed to include those provided pursuant to Section 4.1 of this by-law.

13.0 INSPECTION

- 13.1 The Director or an Officer may, at any reasonable time inspect:
- (a) any Premises for which an application for a Short-Term Rental Licence has been submitted in whole or in part;
 - (b) any Premises for which a Short-Term Rental Licence has been issued;
 - (c) any Premises, vehicle, or place where a business which is subject to this by-law is carried on or where there are reasonable or probable grounds to believe a business is carried on;
 - (d) any goods, equipment, books, records or documents used or to be used by the Owner, Applicant, or Responsible Person under this by-law.
- 13.2 It shall be an offence to obstruct or permit the obstruction of such inspection.

14.0 DELEGATION

- 14.1 Pursuant to Section 23.2 of the Municipal Act, Council hereby delegates to the Appeals Committee the power to make the final decision in respect of which a hearing was held, and it is the opinion of Council that this delegated power is of a minor nature. This delegation may be revoked by Council at any time.

15.0 OFFENCE AND PENALTY PROVISIONS

- 15.1 Every Person who contravenes any of the provisions of this by-law, and every director of a corporation who 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.

- 15.2 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.
- 15.3 Pursuant to section 447 of the *Municipal Act, 2001* where an Owner is convicted of knowingly carrying on or engaging in a business in respect of any Premises or part of any premises without a Short-Term Rental Licence, or a Person is convicted of any other contravention of this by-law and the court determines that the Owner of the Premises or part of the Premises in respect of which the conviction was made know or ought to have known of the conduct which formed the subject-matter of the conviction or any pattern of similar conduct, the court may order that the Premises or part of the Premises be closed to any use for a period not exceeding two years.
- 15.4 In addition to any other remedy, it may have at law, the Municipality shall be entitled to enforce this by-law in accordance with Section 442 and 446 of the *Municipal Act, 2001*, as amended.

16.0 COLLECTION OF UNPAID FINES

- 16.1 Pursuant to Section 441 of the *Municipal Act*, if any part of a fine for a contravention of a business licensing 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 Licensing Commissioner 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 Person’s tax roll and collected in the same manner as property taxes.

17.0 REFERENCES

- 17.1 References in this by-law to any legislation or by-law means as may be amended or replaced from time to time and include any regulations thereunder.

18.0 SEVERABILITY

- 18.1 In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

19.0 SHORT TITLE

- 19.1 This by-law shall be known as the “Short-Term Rental Licensing By-Law”.

20.0 EFFECTIVE DATE

20.1 This by-law comes into effect on the 1st day of February 2023.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED this 7th day of June, 2022.

Mayor

Clerk