

**THE CORPORATION OF THE  
TOWNSHIP OF WAINFLEET**

**BY-LAW NO. 026-2023**

Being a By-law to Licence and Regulate Short-Term  
Rentals in the Township of Wainfleet.

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute 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** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

**AND WHEREAS** section 11 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** section 151 of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business or any activity, matter or thing for which a by-law may be passed under sections 9 and 11 of the statute;

**AND WHEREAS** section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

**AND WHEREAS** section 425 of the *Municipal Act, 2001* authorizes a municipality to create offences for the contravention of its by-laws;

**AND WHEREAS** section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

**AND WHEREAS** section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter onto any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction, order or condition of a licence;

**AND WHEREAS** the Council of the Corporation of the Township of Wainfleet considers it necessary and desirable to regulate and licence Short-Term Rentals as described herein;

**NOW THEREFORE** the Council of the Corporation of the Township of Wainfleet enacts as follows:

**1. SHORT TITLE**

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

**2. DEFINITIONS**

2.1. For the purposes of this By-law:

“**Administrative Monetary Penalty**” means a monetary penalty administered pursuant to Township By-law No. 027-2019, as amended from time to time.

“**Agent**” means a Person duly appointed by an Owner or Licensee to act on behalf of the Owner or Licensee in relation to a Short-Term Rental Unit.

“**Appeals Committee**” means a committee duly appointed by the Township or Council to conduct hearings under this By-law.

“**Applicable Law**” means all applicable by-laws of the Township and Niagara Region and all applicable provincial and federal statutes and regulations.

“**Applicant**” means a Person applying for a new Licence or the renewal of a Licence under this By-law.

“**Application Form**” means a form prepared by the Township to obtain from Applicants the information necessary for the issuance of a Licence.

“**Bed and Breakfast**” means a Short-Term Rental Unit that is situated at the Primary Residence of the Owner and, where the Primary Residence contains more than one (1) Dwelling Unit, is located in the Dwelling Unit occupied by the Owner.

“**Building Code Act**” means the *Building Code Act, 1992*, S.O. 1992, c. 23.

“**Building Code**” means Ontario Regulation 332/12 established under the *Building Code Act*.

“**By-law**” means this Short-Term Rental Licensing By-law.

“**Council**” means the Council of the Township.

“**Dwelling Unit**” means one (1) or more rooms designed and used or intended to be used as a home by one (1) or more persons and usually containing cooking, living, sleeping and sanitary facilities, and does not mean or include a tent, Trailer, Mobile Home, or a room or suite of rooms in a Boarding or Rooming House or in a Motel or Hotel as those terms are defined in Township By-law No. 034-2014, as amended from time to time.

“**Electrical Safety Code**” means Ontario Regulation 164/99 established under the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A.

**“Fees and Charges By-law”** means Township By-law No. 013-2023, as enacted, amended or replaced from time to time.

**“Fire Code”** means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*.

**“Fire Protection and Prevention Act”** means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4.

**“Fire Safety Plan”** means a written document that sets out the actions to be taken in the event of a fire emergency at a Short-Term Rental Unit, a floor plan for the Short-Term Rental Unit including the location of all emergency exits and all fire-related safety equipment, contact information for the Licensee and/or the Agent of the Licensee, and an undertaking of the Licensee to comply with all applicable laws in relation to fire safety.

**“Licence”** means a licence issued under this By-law for the operation of a Short-Term Rental Unit.

**“Licence Administrator”** means the by-law enforcement officer authorized by the Township to administer this By-law or his/her designate.

**“Licensee”** means any Person who holds a valid and current Licence issued under this By-law.

**“Local Contact Person”** means a Person duly appointed by an Owner, Licensee or Agent who will attend at the Short-Term Rental Unit within forty-five (45) minutes of being contacted by the Township and who will, upon each such attendance, ensure that the Short-Term Rental Unit is operated in accordance with the provisions of this By-law and the conditions of the Licence.

**“Niagara Region”** means the Regional Municipality of Niagara.

**“Occupant”** means any Person present at a Short-Term Rental Unit and **“Occupancy”** shall have a corresponding meaning.

**“Officer”** means any by-law enforcement officer appointed by Council for the purpose of enforcing by-laws of the Township or any provincial offences officer, member of the Niagara Regional Police Service and/or member of the Ontario Provincial Police.

**“Owner”** means any Person that is a registered owner of a Property.

**“Person”** means an individual, firm, corporation, association or partnership.

**“Primary Residence”** means a Property containing one (1) or more Dwelling Units that is identified as the principal residence of the Owner for income tax purposes and which is occupied by the Owner.

**“Property”** means any land or premises within the Township.

**“Qualified Inspector”** means a person who has the qualifications set out in Division C, Section 3.3, Article 3.3.3.1 and Article 3.3.3.2 of the Building Code but does not include any person employed by the Township.

**“Short-Term Rental Unit”** means all or part of a Dwelling Unit used to provide sleeping accommodations to one (1) or more persons other than the Owner for a period of not more than thirty (30) consecutive days in exchange for payment but does not include a Boarding or Rooming House or Motel or Hotel as those terms are defined in Township By-law No. 034-2014, as amended from time to time.

**“Township”** means the Township of Wainfleet.

### 3. APPLICATION

3.1. This By-law shall apply to all Short-Term Rental Units within the Township.

### 4. PROHIBITIONS

- 4.1. No Person shall operate a Short-Term Rental Unit at any Property purchased by the Owner on or after June 21, 2022, being the date on which Township of Wainfleet Interim Control By-law No. 031-0222 was passed, unless the Property on which the Short-Term Rental Unit is situated has been owned by the Owner for not less than two (2) years prior to the date of the application for a Licence under this By-law. For greater certainty, this provision does not apply to Short-Term Rental Units operated at a Property owned by the Owner prior to June 21, 2022.
- 4.2. No Person shall operate a Bed and Breakfast at a Property other than the Primary Residence of the Owner and, where the Primary Residence contains more than one (1) Dwelling Unit, in any Dwelling Unit other than that occupied by the Owner.
- 4.3. No Person shall operate a Short-Term Rental Unit without holding a current and valid Licence issued in accordance with this By-law. For greater certainty, in the event that a Property contains more than one Dwelling Unit to be used as a Short-Term Rental Unit, each Dwelling Unit shall be considered a separate Short-Term Rental Unit for which a current and valid Licence is required.
- 4.4. No Person shall advertise a Short-Term Rental Unit without a Licence or for which a Licence has expired, been revoked or is under suspension.
- 4.5. No Person shall operate a Short-Term Rental Unit without a Licence or for which a Licence has expired, been revoked or is under suspension.
- 4.6. No Person shall falsely hold himself, herself or itself out to be a Licensee.
- 4.7. No Person shall contravene or fail to comply with a term or condition of a Licence issued in accordance with this By-law.

- 4.8. No Person shall advertise a Short-Term Rental Unit with more than one (1) stay period within seven (7) consecutive days. Notwithstanding the foregoing, a Bed and Breakfast may advertise more than one (1) stay period within seven (7) consecutive days where the Property at which it is situated is occupied by the Owner for the duration of the stay period(s).
- 4.9. No Person shall operate a Short-Term Rental Unit with more than one (1) stay period within seven (7) consecutive days. Notwithstanding the foregoing, a Bed and Breakfast may operate with more than one (1) stay period within seven (7) consecutive days where the Property at which it is situated is occupied by the Owner for the duration of the stay period(s).
- 4.10. No Person shall advertise a Short-Term Rental Unit that contains more than three (3) bedrooms. All bedrooms in excess of three (3) shall be closed off with appropriate signage posted on the door(s).
- 4.11. No Person shall operate a Short-Term Rental Unit that contains more than three (3) bedrooms. All bedrooms in excess of three (3) shall be closed off with appropriate signage posted on the door(s).
- 4.12. No Person shall advertise a Short-Term Rental Unit with an Occupancy that exceeds the maximum Occupancy limits of two (2) people per bedroom. (Six (6) people for a three (3) bedroom unit, four (4) people for a two (2) bedroom unit, and two (2) people for a one (1) bedroom unit).
- 4.13. No Person shall operate a Short-Term Rental Unit with an Occupancy that exceeds the maximum Occupancy limits of two (2) people per bedroom. (Six (6) people for a three (3) bedroom unit, four (4) people for a two (2) bedroom unit, and two (2) people for a one (1) bedroom unit).
- 4.14. No Person shall cause or permit any vehicle to be parked on any part of a Property where a Short-Term Rental Unit is situated other than in a designated driveway as shown in a site sketch submitted to and approved by the Township pursuant to section 6.4 or section 6.5 of this By-law.
- 4.15. No Short-Term Rental Unit shall be operated during any period in which a building permit that has been issued to the Owner in relation to the Property where the Short-Term Rental Unit is situated remains open.

## **5. ADMINISTRATION**

- 5.1. This By-law shall be administered by the Licence Administrator, who shall perform all administrative functions conferred upon him or her by this By-law and without limitation may:
  - (a) receive and process all applications for new Licences and renewals of Licences under this By-law;
  - (b) issue Licences in accordance with this By-law;

- (c) impose terms and/or conditions on Licences in accordance with this By-law;
- (d) refuse to issue or renew a Licence, revoke a Licence or suspend a Licence in accordance with this By-law; and
- (e) conduct inspections of Short-Term Rental Units in accordance with this By-law.

## **6. APPLICATIONS FOR NEW LICENCE AND RENEWAL OF A LICENCE**

- 6.1. Every application for a new Licence or a renewal of a Licence shall be submitted in accordance with this By-law and shall be accompanied by the full Licence fee as set out in the Fees and Charges By-law.
- 6.2. There shall be a separate Licence application for each Short-Term Rental Unit. In the event that a Property contains more than one Dwelling Unit to be used as a Short-Term Rental Unit, each Dwelling Unit shall be considered a separate Short-Term Rental Unit for which a separate Licence application is required.
- 6.3. Every Applicant for a new Licence or a renewal of a Licence shall be the Owner of the Property where the Short-Term Rental Unit is situated or the Agent of the Owner. However, only the Owner of the Property is eligible to become a Licensee. For greater certainty, any Licence issued pursuant to this By-law shall be issued only to the Owner and not to an Agent or any other Person.
- 6.4. Every application for a new Licence shall include a completed Application Form and the following information and documents:
  - (a) the name and contact particulars of the Owner including address, telephone number and email address and, where the Owner is not the Local Contact Person, the name and contact particulars of the Local Contact Person including address, telephone number and email address;
  - (b) the name and contact particulars of any Agent including address, telephone number and email address;
  - (c) the municipal address and legal description of the Short-Term Rental Unit;
  - (d) a site sketch depicting the location of the Short-Term Rental Unit, including any proposed garbage and refuse area(s) and designated driveway(s), which is subject to approval by the Licence Administrator prior to issuing a Licence;
  - (e) a floor plan of the Short-Term Rental Unit clearly indicating the location and number of rooms;
  - (f) the proposed total Occupancy limit in accordance with section 4.13 of this By-law, which is subject to approval by the Licence Administrator prior to issuing a Licence;

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- (g) a Fire Safety Plan;
  - (h) a fire safety inspection report from Township Fire Services dated within sixty (60) days of the date of the application confirming that the Property and its proposed use as a Short-Term Rental Unit comply with the *Fire Protection and Prevention Act* and the Fire Code, which report shall be prepared at the expense of the Applicant and/or Owner;
  - (i) a report dated within thirty (30) days of the date of the application confirming that the drinking water at the Short-Term Rental Unit is potable and safe for consumption;
  - (j) a proposed form of “Boil Water Advisory” notice to be posted in all rooms of the Short-Term Rental Unit in a conspicuous and visible location, which is subject to approval by the Licence Administrator prior to issuing a Licence;
  - (k) a report from a Qualified Inspector dated within thirty (30) days of the date of the application confirming that the septic system at the Short-Term Rental Unit is functional and adequate for the maximum Occupancy of the Short-Term Rental Unit;
  - (l) proof of insurance for use as a Short-Term Rental Unit;
  - (m) consent for the Township to use any information, database and/or registry available to it to verify information provided by the Applicant or to enforce the provisions of this By-law;
  - (n) where the Applicant is an Agent, an authorization and consent form signed by the Owner authorizing the Agent to act on the Owner’s behalf;
  - (o) where section 4.1 of this By-law applies, documentation to establish, to the satisfaction of the Township, that the Property on which the Short-Term Rental Unit is situated has been owned by the Owner for not less than two (2) years prior to the date of the application;
  - (p) where the Short-Term Rental Unit is a Bed and Breakfast, documentation to establish, to the satisfaction of the Township, that the Property and, where applicable the Dwelling Unit, at which the Bed and Breakfast is located is the Primary Residence of and, where applicable, the Dwelling Unit occupied by, the Owner; and
  - (q) a statement signed by the Owner certifying the accuracy, truthfulness and completeness of the application.
- 6.5. Every application for a renewal of a Licence shall include a completed Application Form and the following information and documents where applicable:
- (a) the name and contact particulars of the Owner including address, telephone number and email address and, where the Owner is not the

- Local Contact Person, the name and contact particulars of the Local Contact Person including address, telephone number and email address;
- (b) the name and contact particulars of any Agent including address, telephone number and email address;
  - (c) the municipal address and legal description of the Short-Term Rental Unit;
  - (d) a fire safety inspection report from Township Fire Services dated within sixty (60) days of the date of the application confirming that the Property and its proposed use as a Short-Term Rental Unit comply with the *Fire Protection and Prevention Act* and the Fire Code, which report shall be prepared at the expense of the Applicant and/or Owner;
  - (e) a report dated within thirty (30) days of the date of the application confirming that the drinking water at the Short-Term Rental Unit is potable and safe for consumption;
  - (f) a report from a Qualified Inspector dated within thirty (30) days of the date of the application confirming that the septic system at the Short-Term Rental Unit is functional and adequate for the maximum Occupancy of the Short-Term Rental Unit;
  - (g) if there have been no changes to the site sketch, floor plan, Fire Safety Plan or electrical wiring, a statement signed by the Owner declaring that there have been no such changes;
  - (h) if there have been changes to any of the site sketch, floor plan, Fire Safety Plan or electrical wiring, such updated documents as are necessary to satisfy the requirements of section 6.4 of this By-law;
  - (i) proof of insurance for use as a Short-Term Rental Unit;
  - (j) consent for the Township to use any information, database and/or registry available to it to verify information provided by the Applicant or to enforce the provisions of this By-law;
  - (k) where the Applicant is an Agent, an authorization and consent form signed by the Owner authorizing the Agent to act on the Owner's behalf;
  - (l) where the Short-Term Rental Unit is a Bed and Breakfast, documentation to establish, to the satisfaction of the Township, that the Property and, where applicable the Dwelling Unit, at which the Bed and Breakfast is located is the Primary Residence of and, where applicable, the Dwelling Unit occupied by, the Owner; and
  - (m) a statement signed by the Owner certifying the accuracy, truthfulness and completeness of the application.



- 6.6. Notwithstanding section 6.5, the Licence Administrator may require the Applicant for a renewal of a Licence to include in the application anything that is required under section 6.4 where, in the opinion of the Licence Administrator, the renewal application is substantially different than the initial application or if circumstances warrant it.
- 6.7. Where a Licensee fails to submit an application to renew a Licence no less than ninety (90) days prior to its expiration, the application to renew the Licence will be processed as a new application under section 6.4.
- 6.8. The submission of an application to renew a Licence does not authorize, entitle or permit the Applicant to continue operating the Short-Term Rental Unit after the expiration of the existing Licence.

## **7. REVIEW OF APPLICATION AND PREMISES INSPECTION**

- 7.1. The Licence Administrator shall receive all Licence applications and shall maintain a record to document all applications received and all Licences issued pursuant to this By-law. The Licence Administrator shall further establish and maintain a registry of all Short-Term Rental Units in the Township.
- 7.2. Upon receipt of a complete application as set out in section 6 of this By-law, the Licence Administrator may require such additional information and/or documents as the Licence Administrator determines are reasonably necessary to ascertain if the Applicant is entitled to a Licence under the provisions of this By-law.
- 7.3. Upon receipt of a complete application as set out in section 6 of this By-law and any additional information or documents required by the Licence Administrator in accordance with section 7.2 of this By-law, the Licence Administrator may require an inspection of the Short-Term Rental Unit to ascertain if the Applicant is entitled to a Licence under the provisions of this By-law.

## **8. ISSUANCE OF LICENCE**

- 8.1. The Licence Administrator shall issue a new Licence or a renewal of a Licence to any Owner who meets the requirements of this By-law.
- 8.2. Notwithstanding section 8.1 of this By-law, the Licence Administrator may at any time impose such terms and conditions on a Licence as the Licence Administrator considers appropriate in the circumstances, including but not limited to terms and conditions pertaining to the size, location or particulars of the Short-Term Rental Unit, and may refuse to issue or renew a Licence or may suspend or revoke a Licence in accordance with sections 9 and 10 of this By-law.
- 8.3. The Licence fee paid by the Applicant for a new Licence or a renewal of a Licence is non-refundable if a decision is made by the Licence Administrator to refuse to issue or renew a Licence or to suspend or revoke a Licence.

- 8.4. Every Licence issued under this By-law shall be in the form that is prescribed by the Township and shall include without limitation the following information:
- (a) the Licence number;
  - (b) the municipal address of the Short-Term Rental Unit;
  - (c) the name, address and telephone number of the Owner/Licensee; and
  - (d) the date on which the Licence was issued and the date on which it expires.
- 8.5. All Licences issued or renewed pursuant to this By-law shall be valid for a period of one (1) year from the date of issuance or renewal, as the case may be.
- 8.6. Licences issued or renewed pursuant to this By-law are not transferable to any Owner or Short-Term Rental Unit other than those identified on the Licence. An otherwise valid Licence shall automatically expire upon a change in ownership of the Property where the Short-Term Rental Unit is situated.
- 8.7. Licences issued or renewed in accordance with this By-law are conditional upon the Licensee's compliance with this By-law, all Applicable Law and any terms or conditions imposed on the Licence.

## 9. REFUSAL TO ISSUE OR RENEW A LICENCE

- 9.1. The Licence Administrator may refuse to issue a new Licence or a renewal of a Licence where:
- (a) the past conduct of the Owner or the Agent of the Owner affords the Licence Administrator reasonable grounds to believe that the Owner or Agent has not or will not operate the Short-Term Rental Unit with honesty and integrity and/or in accordance with this By-law and all other Applicable Law;
  - (b) the Licence Administrator reasonably believes that an application or other document submitted by or on behalf of the Owner contains false information;
  - (c) the Licence Administrator reasonably believes that issuing a Licence may be adverse to the public interest;
  - (d) the Licence Administrator reasonably believes that issuing the Licence may pose a threat to the health and safety of persons or property;
  - (e) a Licence issued to the Owner was suspended or revoked under section 10 of this By-law within the previous two (2) years;
  - (f) a Short-Term Rental Unit or the Property on which it is situated is in violation of or is subject to any order or orders made under Applicable Law including any by-law of the Township or Niagara Region, the *Building Code*

*Act, the Building Code, the Fire Protection and Prevention Act and/or the Fire Code;*

- (g) the Owner owes any fine or fee to the Township in relation to the Short-Term Rental Unit; or
- (h) the Owner of the Property or the Property on which the Short-Term Rental Unit is situated is indebted to the Township by way of fines, administrative penalties, judgments and/or past due property taxes.

## **10. SUSPENSION OR REVOCATION OF LICENCE**

10.1. The Licence Administrator may suspend or revoke a Licence at any time where:

- (a) the Licence was issued or renewed in error;
- (b) the Licensee contravenes the provisions of this By-law;
- (c) the Licensee fails to comply with the requirements of this By-law, all other Applicable Law and/or any terms or conditions imposed on the Licence;
- (d) the Short-Term Rental Unit and/or the Property on which it is situated do not comply with the provisions of this By-law or other Applicable Law;
- (e) the total number of demerit points imposed upon a Licensee in accordance with section 13 of this By-law exceeds the prescribed maximum;
- (f) the Licensee fails to pay any property taxes, administrative penalties or fines owing to the Township within the prescribed time;
- (g) the Licence Administrator reasonably believes that the Short-Term Rental Unit being licensed poses a threat to the health and safety of persons or property; or
- (h) the Licence Administrator becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Licence Administrator refusing to issue or renew the Licence.

10.2. The Licence Administrator may suspend a Licence for a period of time and subject to such terms and conditions that the Licence Administrator considers appropriate.

## **11. NOTICE AND APPEAL**

11.1. Where the Licence Administrator refuses to issue or renew a Licence or suspends or revokes a Licence, the Licence Administrator shall provide written notice to the Applicant or Licensee of the decision and of the grounds on which the Licence was refused, suspended or revoked.

11.2. The written notice required under section 11.1 of this By-law shall be sent to the Applicant or Licensee by registered or regular mail, personal service or email to

the last known address of the Applicant or Licensee and shall be deemed to have been served on the fifth day after it was mailed or, in the case of email, on the day that it was sent.

- 11.3. An Applicant or Licensee whose Licence has been refused, suspended or revoked may, within ten (10) days of being notified of the refusal, suspension or revocation, as the case may be, submit an application to appeal to the Appeals Committee for a review of the decision.
- 11.4. An application to appeal to the Appeals Committee shall be submitted in writing to the Licence Administrator and shall be accompanied by the full appeal fee as set out in the Fees and Charges By-law.
- 11.5. Where no application to appeal is submitted to the Licence Administrator within the prescribed period, the decision of the Licence Administrator shall be final.
- 11.6. On appeal, the Appeals Committee may affirm, vary or reverse the decision of the Licence Administrator and may direct the Licence Administrator to issue, renew or reinstate a Licence.
- 11.7. The appeal fee paid by the Applicant for an application to appeal to the Appeals Committee shall be refunded in full if the Appeals Committee varies or reverses the decision of the Licence Administrator.
- 11.8. The decision of the Appeals Committee is final.
- 11.9. Matters arising during the course of an appeal that are not provided for in this By-law shall be governed by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.
- 11.10. No Person whose appeal from a decision to refuse, suspend or revoke a Licence has been finally decided by the Licence Administrator or the Appeals Committee shall apply for a Licence for one (1) year after the date of the final decision.

## 12. LICENCE CONDITIONS

- 12.1. The following conditions are attached to every Licence issued under this By-law:
  - (a) the Short-Term Rental Unit is lawfully constructed;
  - (b) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of the Licence shall be posted in a conspicuous interior location within one (1) metre of the primary entrance to the Short-Term Rental Unit;
  - (c) when a Dwelling Unit is occupied as a Short-Term Rental Unit, the Licensee shall ensure that no vehicle is stopped or parked on any part of the Property except in accordance with the site sketch submitted with the application;

- (d) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of the Fire Safety Plan shall be posted in a conspicuous interior location within one (1) metre of the primary entrance to the Short-Term Rental Unit;
  - (e) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of an approved Boil Water Advisory notice shall be posted in a conspicuous and visible location in each room containing plumbing of the Short-Term Rental Unit;
  - (f) the Licensee shall ensure compliance with all Applicable Law and Township By-laws;
  - (g) the Licensee shall allow, at any reasonable time and when permitted by law, the Township to inspect the Short-Term Rental Unit to ensure compliance with this By-law;
  - (h) the Licensee shall ensure that the Licensee, Agent or Local Contact Person of the Licensee is available to attend at the Short-Term Rental Unit at all times within a period of no more than forty-five (45) minutes after being contacted by telephone or email; and
  - (i) the Licensee shall maintain records in relation to the operation of the Short-Term Rental Unit, including the dates of use and the number of Occupants, and shall submit said records to the Licence Administrator upon request.
- 12.2. The Licence Administrator may, at any time during the term of a Licence, impose such additional terms and conditions as the Licence Administrator determines are necessary and appropriate to give effect to the purposes of this By-law.
- 12.3. Where a Licensee is dissatisfied with a term or condition imposed by the Licence Administrator in accordance with section 8.2 or section 12.2 of this By-law, the Licensee may request a review of the term or condition by the Appeals Committee in accordance with section 11 of this By-law.

### **13. DEMERIT SYSTEM**

- 13.1. If at any time the Licence Administrator determines that the operation of a licensed Short-Term Rental Unit does not comply with this By-law, other Applicable Law and/or any terms or conditions imposed on the Licence, the Licence Administrator shall impose demerit points upon the Licensee in accordance with Schedule "A", which is attached hereto and forms part of this By-law.
- 13.2. Demerit points shall remain in place for two (2) years after the date of imposition.
- 13.3. Where a total of ten (10) demerit points is imposed upon a Licensee in relation to one Short-Term Rental Unit, the Licence for that Short-Term Rental Unit shall be suspended for a period of three (3) months from the date on which the tenth demerit point is imposed.

- 13.4. Where the Licensee fails to correct the violations that resulted in the imposition of the demerit points within the suspension period, the Licence for that Short-Term Rental Unit shall be revoked.
- 13.5. Where a total of fifteen (15) demerit points is imposed upon a Licensee in relation to two or more Short-Term Rental Units owned by the Licensee, the Licences for all Short-Term Rental Units shall be suspended for a period of three (3) months from the date on which the fifteenth demerit point is imposed.
- 13.6. Where the Licensee fails to correct the violations that resulted in the imposition of the demerit points within the suspension period, all Licenses shall be revoked.
- 13.7. A Licensee may submit an application to appeal to the Appeals Committee for a review of a decision to impose demerit points and/or to suspend or revoke one or more Licences under this section in accordance with section 11 of this By-law.

#### **14. ENFORCEMENT**

- 14.1. For the purposes of enforcing this By-law, the Licence Administrator or an Officer may exercise any power, authority or remedy granted to the Township pursuant to the *Municipal Act, 2001* and the *Provincial Offences Act, R.S.O. 1990, c. P. 33* ("*Provincial Offences Act*").
- 14.2. The Licence Administrator or an Officer may, at any reasonable time and when permitted by law, enter any Short-Term Rental Unit for the purpose of carrying out an inspection to determine if the Short-Term Rental Unit is in compliance with this By-law and may make any order necessary to bring the Short-Term Rental Unit into compliance.
- 14.3. Where the Owner of a Short-Term Rental Unit fails to comply with an order made pursuant to section 14.2 of this By-law within the time prescribed in the order, the Township may carry out any work necessary to bring the Short-Term Rental Unit into compliance, which work shall be done at the expense of the Owner.
- 14.4. No Person shall hinder or obstruct the Licence Administrator or an Officer carrying out an inspection for the purposes of enforcing this By-law, nor shall any Person hinder or obstruct the Township or its agents from carrying out any work necessary to bring a Short-Term Rental Unit into compliance with this By-law.

#### **15. OFFENCES AND PENALTIES**

- 15.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 15.2. Where an Officer is satisfied that a Person has failed to comply with any provision of this By-law, the Officer may issue a penalty notice imposing an Administrative Monetary Penalty. The Administrative Monetary Penalties for

failures to comply with this By-law are set out in Schedule "B", which is attached hereto and forms part of this By-law.

15.3. Township By-law No. 027-2019, as amended, being a By-law to Establish an Administrative Monetary Penalty System for Non-Parking Related Offences, applies to each Administrative Monetary Penalty issued pursuant to this By-law.

15.4. The fines approved under the *Provincial Offences Act* are set out in Schedule "C", which is attached hereto and forms part of this By-law.

## 16. GENERAL

16.1. If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall remain in full force and effect.

16.2. If there is a conflict between a provision of this By-law and a provision of any other by-law of the Township, the provision that establishes the higher standard shall prevail.

16.3. Any reference to legislation in this By-law includes the legislation referred to and any amendments, replacement, subsequent enactment or consolidation of such legislation.

16.4. This By-law shall come into full force and effect on the date on which it is passed.

BY-LAW READ AND PASSED THIS 18<sup>TH</sup> DAY OF JULY, 2023

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B. Grant, MAYOR

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M. Kirkham, DEPUTY CLERK

## Schedule "A"

### License to Regulate Short-Term Rentals Demerit Point System

Section	Type of Infraction	Demerit Points
4.7 12.1(b)	Licence number not posted	10
4.7 4.14 12.1(c)	Fail to comply with the Parking By-law or sketch	5
4.7 12.1(f)	Fail to comply with the <i>Fire Protection &amp; Prevention Act</i>	15
4.7 12.1(d)	Fail to comply with the Fire Safety Plan	15
4.7 4.15 12.1(a) 12.1(f)	Fail to comply with the <i>Building Code Act</i>	15
4.7 12.1(f)	Fail to comply with the Open Air Burn By-law	5
4.7 12.1(f)	Fail to comply with the <i>Health Protection and Promotion Act</i>	5
4.7 12.1(f)	Fail to comply with the Nuisance By-law	5
4.7 12.1(f)	Fail to comply with the Noise By-law	10
4.7 12.1(f)	Fail to comply with the Fireworks By-law	5
4.7 12.1(f)	Fail to comply with the Zoning By-law	5
4.7 12.1(f)	Fail to comply Property Standards By-law	5
4.7 12.1(f)	Fail to comply with the Clean Yards By-law	5
4.7 12.1(f)	Fail to comply with the Fence By-law	5
4.7 12.1(h)	Licensee, Agent or Local Contact Person not available	10



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4.8	Advertise Short-Term Rental Unit with more than one (1) stay period within seven (7) consecutive days	15
4.9	Operate Short-Term Rental Unit with more than one (1) stay period within seven (7) consecutive days	15
4.10	Advertise Short-Term Rental Unit with more than 3 bedrooms	15
4.11	Operate Short-Term Rental Unit with more than 3 bedrooms	15
4.12	Advertise Short-Term Rental Unit in excess of maximum Occupancy	15
4.13	Operate Short-Term Rental Unit in excess of maximum Occupancy	15
12.1(g) 14.4	Obstruct Inspection	10

**Schedule “B”**

License to Regulate Short-Term Rentals Short Form Wording and Administrative Penalties

Section	Short Form Wording	Penalty
4.1	Operate Short-Term Rental Unit on Property not owned by Owner for 2 years prior to application	\$5,000.00
4.2	Operate Bed and Breakfast at Property not Primary Residence or Dwelling Unit of Owner	\$5,000.00
4.3 4.5	Operate Short-Term Rental Unit without valid Licence	First contravention: \$10,000.00
		Second contravention: \$15,000.00
		Third and Subsequent contravention(s): \$20,000.00
4.4	Advertise Short-Term Rental Unit without valid Licence	First contravention: \$10,000.00
		Second contravention: \$15,000.00
		Third and Subsequent contravention(s): \$20,000.00
4.6	Falsely hold out to be a Short-Term Rental Licensee	\$5,000.00
4.7	Fail to comply with term or condition of Licence	\$5,000.00
4.8	Advertise Short-Term Rental Unit with more than one (1) stay period within seven (7) consecutive days	\$5,000.00
4.9	Operate Short-Term Rental Unit with more than one (1) stay period within seven (7) consecutive days	\$5,000.00
4.10	Advertise Short-Term Rental Unit with more than 3 bedrooms	\$5,000.00
4.11	Operate Short-Term Rental Unit with more than 3 bedrooms	\$5,000.00
4.12	Advertise Short-Term Rental Unit in excess of maximum Occupancy limits	\$5,000.00
4.13	Operate Short-Term Rental Unit in excess of maximum Occupancy limits	\$5,000.00
4.14	Park on Property not in approved location	\$5,000.00

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4.15	Operate Short-Term Rental Unit at Property with open Building Permit	\$5,000.00
4.7 12.1(h)	Licensee, Agent or Local Contact Person not available	\$5,000.00
14.2	Fail to comply with Order	\$5,000.00
12.1(g) 14.4	Obstruct Inspection or Work	\$5,000.00

**Schedule "C"**

Part 1 *Provincial Offences Act*

Set Fine Schedule

**TBD**