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Consolidated Version

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2023-115 (original)	December 4, 2023	-

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-law No. 2023-115

A By-law to licence, regulate and govern the operation of short-term rentals (STRs)

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

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

WHEREAS pursuant to section 11 of the Municipal Act, the Council of the Corporation of the City of Owen Sound (the "City") 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 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. license, 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 City Council is of the opinion that the delegation of legislative powers under this by-law to the Licence Manager 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 on September 25, 2023, City Council passed Resolution No. R-230925-015 directing staff to bring forward the subject by-law for approval, in consideration of staff report CR-23-070 presented to the Corporate Services Committee on September 14, 2023;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose and Scope

Short Title

1. The by-law may be referred to as the "Short-Term Rental By-law" and when so referenced includes all future amendments, unless otherwise specified.

Purpose

2. This by-law has been enacted to:
 - a. protect the availability and affordability of housing stock;
 - b. balance the economic benefits of short-term rentals with the compatibility of the neighbourhoods where they exist;
 - c. protect the character, amenities and quality of the community;
 - d. create accountability for and to ratepayers, short-term rental operators, and visitors;
 - e. ensure visitors are provided with safe accommodations in terms of fire and building safety;
 - f. ensure short-term rental operators and visitors are aware of their responsibility to comply with applicable municipal by-laws and other laws and regulations;
 - g. create a level playing field for all short-term rental operators and provide enhanced consumer protection to visitors; and

- h. permit the operation of licensed short-term rental accommodations across the municipality.

Scope

3. This by-law applies to all short-term rentals in the City as defined in this by-law.

Part II. Interpretation

Headings

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and do not affect the interpretation of the by-law.

Gender and Number

5. In this by-law, unless the contrary intention is indicated, words used in the singular include the plural and words imparting a gender include all genders, where applicable.

References to Applicable Law

6. All references to applicable law are ambulatory and apply as amended, extended or re-enacted from time to time.

Severability

7. 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.

Definitions

8. For the purposes of this by-law:
 - “Appeals Committee” means the body that has been delegated by the City, the responsibility of conducting 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 & breakfast” means a home business where the resident operator provides short-term lodging for compensation to the travelling and vacationing public. Guest rooms or suites may include a private bath, but do not include cooking facilities. Breakfast and other meals, services, facilities or amenities may be offered exclusively to guests. A bed and breakfast does not include a hotel, boarding or lodging house, group home, group residence or any other home licensed, approved or supervised under any general or special Act;
 - “bedroom” means a room or area used, designed, equipped or intended for sleeping as defined by the Building Code Act;
 - “Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, C. 23;
 - “City” means the City of Owen Sound and a reference to the City is a reference to the geographical area or to The Corporation of the City of Owen Sound as the context requires;
 - “dwelling” means a building occupied or capable of being occupied exclusively as a home or residence by one or more people, but does not include hotels, motels, mobile homes, motor homes, caravans, travel

trailers, boarding or lodging houses, group homes, group residences, crisis residences, or other institutions licensed or approved under any Act of the Province of Ontario or the Dominion of Canada;

"dwelling unit" means a room or group of rooms designed, occupied or intended to be occupied as a single housekeeping unit, for one or more persons, providing kitchen and sanitary facilities and sleeping accommodations for the exclusive use of the occupants;

"fee" means as set out in the City's Fees and Charges By-law;

"Fire Protection and Prevention Act" means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*;

"fire safety plan" means a layout of the interior of the short-term rental with locations for all smoke alarms, carbon monoxide alarms, fire extinguishers and exits;

"Health Protection and Promotion Act" means the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*;

"Licence Manager" means the City Clerk and includes their designate;

"licensee" means a person licensed under this by-law or a person required to be licensed under this by-law;

"Municipal Accommodation Tax" means the tax imposed under the Municipal Act and the City's Municipal Accommodation Tax By-law and where applicable, includes the tax assessed by the Treasurer;

"officer" means any person authorized by the City to enforce by-laws and includes a Municipal Law Enforcement Officer appointed to enforce the by-laws of the City 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;

"parking management plan" means the plan developed in accordance with section 43 of this by-law;

"person" includes an individual, a corporation, a partnership, and an association, and their heirs, executors, assignees and administrators;

"principal residence" means a dwelling unit owned or rented by an individual person, either alone or jointly with others, where the individual person is ordinarily resident, and which is shown as the primary residence on the individual's income tax filing or other government records;

"property" means any land or property where the short-term rental is located that is within the jurisdiction of the City;

"Provincial Offences Act" means the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*;

"revoked" means a licence that has been declared null and void by the Licence Manager;

"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 twenty-eight (28) consecutive nights or less and, for greater clarity, includes bed & breakfasts;

“short-term rental licence” means the licence issued under this by-law as proof of licensing under this by-law;

“Statutory Powers Procedure Act” means the *Statutory Powers Procedure Act*, R.S.O. 1990. c.S. 22;

“suspended” means a short-term rental licence that is temporarily inactive until such time as set out by the Licence Manager;

“tenant” means the person responsible for and in possession of a dwelling unit under a long-term lease;

“visitor” means any person occupying the short-term rental by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

“visitor’s code of conduct” means a document that has been prepared by the City, and may include site-specific information added by the licensee, that sets out the roles and responsibilities of the visitor, including behavioural expectations as they relate to non-disturbance and, which identifies applicable City by-laws that visitors must comply with including the provisions of this by-law as they relate to, among other things, the parking management plan, fire safety plan, occupancy limits, noise, and nuisance.

Part III. Administration

Delegation

9. The administration of this by-law is assigned to the Licence Manager who will generally perform the administrative functions conferred upon them by this by-law, and without limitation may:
 - a. delegate any responsibilities, to an employee of the City, conferred to the Licence Manager under this by-law;
 - b. receive and process all applications for short-term rental licences and renewals of short-term rental licences under this by-law;
 - c. issue short-term rental licences and renew short-term rental licences in accordance with the provisions of this by-law;
 - d. impose terms and conditions on short-term rental licences at the time of issuance, renewal or any other time during the licence period, in accordance with this by-law and as necessary to give effect to this by-law; and
 - e. refuse to issue or renew a licence, or revoke or suspend a licence, in accordance with this by-law.
10. The Licence Manager will maintain complete records showing all applications received and licences issued, including an online registry of all currently licensed short-term rental addresses.

Part IV. Licence requirement

Licence required

11. A licence issued pursuant to this by-law is required for all short-term rentals.
12. For greater clarity, the following are not considered short-term rentals:

- a. group homes, group residences, crisis residences, or other institutions licensed or approved under any Act of the Province of Ontario or the Dominion of Canada;
- b. a hotel or motel;
- c. inn, resort, boarding or lodging house;
- d. hospital or hospice;
- e. motor homes, caravans or travel trailers;
- f. campgrounds;
- g. accommodations rented out to tenants in accordance with the *Residential Tenancies Act, 2006, S.O. 2006, c. 17*; and
- h. couch surfing or other short-term accommodations where there is no payment.

Part V. Application for Licence

Submitting an application

13. The Licence Manager will receive, process, and review all applications for short-term rental licences and short-term rental licence renewals under this by-law.
14. No person is entitled to apply for a licence or to renew a licence if in the year prior to the application, the person applied for and was refused a licence or had their licence revoked by the Licence Manager.
15. Every application for a short-term rental licence and short-term rental licence renewal must be made to the Licence Manager on the forms provided by the Licence Manager. Without limitation, every application for a short-term rental licence or a short-term rental licence renewal must include the following information:
 - a. a completed application that includes the name, telephone number, and email address of the applicant and owner, if not the same person, along with the address of the proposed short-term rental;
 - b. payment of the applicable licensing fee as identified in the City's Fees and Charges By-law;
 - c. the licence number of any current or previously licensed short-term rental;
 - d. government-issued identification or other documentation satisfactory to the Licence Manager that demonstrates that the applicant is at least eighteen (18) years of age;
 - e. income tax filing or other government records satisfactory to the Licence Manager, along with a signed declaration, that demonstrates that the short-term rental is located at the applicant's principal residence;
 - f. if the applicant is:
 - i. the property owner, proof of ownership of the property satisfactory to the Licence Manager;
 - ii. the property owner of a condominium unit, proof satisfactory to the Licence Manager that short-term rentals are permitted by the condominium corporation; and/or

- iii. a tenant, signed authorization from the owner or landlord to permit the operation of a short-term rental.
 - g. a photograph of the front of the short-term rental;
 - h. a certificate of insurance demonstrating general liability insurance providing coverage for, but not limited to, bodily injury, including personal injury and death, and property damage with a per occurrence limit of no less than \$2,000,000. The policy must:
 - i. identify that a short-term rental is being operated on the property;
 - ii. include the City as an additional insured under the policy, but only with respect to the operations of the short-term rental accommodation; and
 - iii. be endorsed to the effect that the City shall be given at least thirty (30) days' notice in writing of any cancellation or material variation to the policy;
 - i. an indemnity in favour of the City from and against claims, demands, losses, costs, damages, actions, suits or proceedings that arise out of, or are attributable to, the short-term rental accommodation, which shall be in a form satisfactory to the Licence Manager;
 - j. a site plan, drawn to scale and fully dimensioned of the short-term rental property, including the location, dimensions and surfacing of parking area, and all buildings or structures on the land, septic and well locations if applicable;
 - k. a parking management plan for the short-term rental, in accordance with this by-law and to the satisfaction of the Licence Manager;
 - l. a fire safety plan for the short-term rental, in accordance with this by-law and to the satisfaction of the Licence Manager;
 - m. an Electrical System Safety Assessment from a licensed electrical contractor, dated within 12 months of the date of the application indicating the dwelling and its proposed use complies with the Electrical Safety Code;
 - n. the number of bedrooms in the short-term rental and the requested occupancy for the short-term rental, in accordance with this by-law;
 - o. where the short-term rental is not on a municipal water system, proof of well water testing within the last year that confirms the absence of bacterial contamination;
 - p. where the short-term rental is not on a municipal wastewater system, proof of septic system maintenance, inspections and pump-out servicing within the last three years; and
 - q. any other information or documents required by the Licence Manager.
16. The Licence Manager may request comments from other departments or agencies in respect of the application.
17. The Licence Manager may require an inspection of the short-term rental prior to making a determination on the application.

18. The application fee is non-refundable regardless of whether or not the City approves a licence and regardless of whether or not the City imposes any conditions on the licence including but not limited to occupancy or parking limits.
19. The submission of an application for a licence, including the related fee(s) does not entitle an applicant to operate or advertise a short-term rental. The applicant is only entitled to operate and advertise the short-term rental once the licence has been issued under the provisions of this by-law.
20. A short-term rental licence that is not renewed prior to the expiration date is no longer valid.

Conditional approval

21. Where the Licence Manager has determined that the applicant has satisfied all licence requirements in sections 15, 16 and 17, the Licence Manager will issue notice of conditional approval and direct the applicant to apply for the Municipal Accommodation Tax. A short-term rental licence will not be issued until the applicant provides proof of registration for the Municipal Accommodation Tax to the Licence Manager.

Issuing licences

22. When an application for a new short-term rental licence or short-term rental licence renewal is made in accordance with Part V of this by-law and the applicant meets all the requirements of this by-law, including the requirement to apply for the Municipal Accommodation Tax, the Licence Manager will issue a licence along with a unique business licence number.
23. A licence issued according to this by-law is valid for one year from the date of issue.
24. The Licence Manager may only issue one licence per person, as persons are permitted only one principal residence pursuant to this by-law.
25. Every licence is owned by and is the property of the City and is valid only in respect of the person who was issued the licence.

Replacement of short-term licence

26. Where a short-term rental licence issued in accordance with this by-law is lost or destroyed and the licensee makes a written request and pays the fee as set out in the City's Fees and Charges By-law, the Licence Manager will issue a replacement of the original licence, marked "duplicate".
27. The issuance of a replacement licence does not affect the expiry date of the licence.

Part VI. Refusal, Suspension, Revocation

Grounds

28. A Licence Manager may refuse to issue or renew or may suspend or revoke a licence where:
 - a. an applicant or licensee is under eighteen (18) years of age or is a corporate entity including but not limited to a partnership or corporation;
 - b. an application or other document provided to the Licence Manager by an applicant contains a false statement or false information;

- c. the existing licence has been suspended or revoked pursuant to this by-law;
- d. the applicant or licensee is indebted to the City in respect of fines, penalties, judgements, outstanding property taxes, or any other amounts owing;
- e. the applicant, licensee or the short-term rental property is subject to an order, or orders made pursuant to applicable law including but not limited to a City by-law, the Building Code Act, the Fire Protection and Prevention Act, and the Medical Officer of Health;
- f. the applicant or licensee does not comply with any of the requirements of:
 - i. any applicable condominium laws including declarations and by-laws; or
 - ii. any other federal or provincial laws affecting the operation of the short-term rental;
- g. the licensee has three (3) or more contraventions of City laws or by-laws within a six-month period or four (4) or more contraventions of City laws or by-laws within a calendar year;
- h. the licensee is not in compliance with the requirements of sections 45, 46, 47, 48, 49, 50, 51, 52 or 53 of this by-law;
- i. the licence was issued in error or granted based on incorrect or false information; or
- j. the Licence Manager becomes aware of a fact or facts that, if known at the time of the application, may have resulted in the Licence Manager refusing to issue the licence.

Notice

29. Where the Licence Manager refuses to issue or renew a short-term rental licence or where the Licence Manager elects to suspend or revoke a licence:
- a. The Licence Manager will send written notice advising the applicant or licensee of the refusal, suspension or revocation of the licence;
 - b. the written notice will be sent in accordance with the notice provisions set out in section 63 of this by-law;
 - c. the written notice will:
 - i. set out the grounds for the refusal, suspension or revocation;
 - ii. be signed;
 - iii. indicate the final date and time by which the applicant or licensee may appeal the decision of the Licence Manager and the method for doing so, as set out in this by-law; and
 - iv. indicate the appeals fee, as set out in the City's Fees and Charges By-law.

Danger to health or safety

30. Notwithstanding section 29 above, the Licence Manager, if satisfied that the continuation of a licence poses a danger to the health or safety of any person, may for the time and on such conditions as are considered

appropriate, suspend a licence for not more than fourteen (14) days without a hearing. If, after the suspension period has elapsed, the Licence Manager is satisfied that the continuation of a licence will continue to pose a danger to the health or safety of any person, they may further suspend for not more than fourteen (14) days or revoke the licence.

Appeals

31. An applicant or licensee may appeal the Licence Manager's decision to refuse to issue, renew, suspend or revoke a licence to the Appeals Committee once notice of the decision is provided in accordance with section 29 of this by-law.
32. A request for appeal must be made in writing to the Licence Manager, setting forth the reasons for appeal, and be accompanied by the required appeal fee as set out in the City's Fees and Charges By-law.
33. A complete request for appeal, including payment, must be received within fourteen (14) days after service of the written notice is deemed complete.
34. Where no request for appeal is received in accordance with section 33, the decision of the Licence Manager is final and binding.
35. Where a request for appeal is received in accordance with section 33, the Appeals Committee must:
 - a. fix a date and time for such matter(s) to be heard by the Appeals Committee within a period of sixty (60) days of receipt of the request for appeal; and
 - b. send notice, including the date, time and location of the hearing, at least fifteen (15) days prior to the date fixed for the hearing, to the applicant or licensee, the Licence Manager and any other person who has requested such notification in writing from the Appeals Committee.
36. A request to appeal the decision of the Licence Manager will not act as a stay of the decision, including any condition or requirement imposed therein.

Appeal Hearing

37. The following procedure will be followed for appeals of the Licence Manager's decision to refuse to issue, suspend, or revoke any licence under this by-law:
 - a. the Appeals Committee or its designate will circulate copies of all reports from any persons who may be involved in the matter(s), to the applicant, licensee or any other person to whom notice of the hearing has been given;
 - b. the applicant or licensee, either personally or through an agent or legal counsel, will be afforded an opportunity to present such material and evidence relevant to the matter(s) before the Appeals Committee, and may ask any questions of any persons presenting evidence, relating to the evidence presented;
 - c. the Licence Manager, either personally or through legal counsel or a representative, will be afforded an opportunity to present such material and evidence relevant to the matter(s) before the Appeals

- Committee, and may ask any questions of any persons presenting evidence, relating to the evidence presented;
- d. the Appeals Committee may afford any other person who has a direct interest in the matters under discussion, an opportunity to present material and evidence relevant to the matter(s) before the Appeals Committee;
 - e. the provisions of the Statutory Powers Procedure Act will apply to all hearings, conducted by the Appeals Committee under this by-law; and
 - f. any person presenting evidence relevant to the hearing must be present to answer questions in relation to that evidence.
38. In the event that the applicant or licensee who has been sent notice of the hearing does not appear at the scheduled time and place of the hearing, the Appeals Committee may proceed with the hearing in absence of the applicant or licensee and if so, the applicant or licensee will not be entitled to any further proceeding or further notice of proceedings.
39. At the conclusion of a hearing, the Appeals Committee may give its decision orally or reserve its decision, but in any case, the Appeals Committee or its designate will provide its decision in writing and will set out the reasons for the decision, within thirty (30) days of the hearing to the applicant or licensee and the Licence Manager.
40. The Appeals Committee, in making its decision, may uphold or vary the decision of the Licence Manager, or impose conditions as a requirement of the short-term rental licence.
41. The decision of the Appeals Committee issued under this by-law is final.

Part VII. Requirements, Responsibilities and Prohibitions

Occupancy

42. The occupancy permitted for a short-term rental, other than a bed & breakfast, is determined by reference to the number of bedrooms in the short-term rental, and the maximum occupancy must not exceed a total of two (2) persons per bedroom plus two (2) persons to a maximum of eight (8) persons per short-term rental.

Parking

43. The parking management plan must comply with the following regulations:
- a. only the number of vehicles equal to or less than the number of legitimate parking spaces may be parked at the short-term rental;
 - b. parking spaces must measure a minimum of 2.65 m by 6 m per space;
 - c. the surfacing must be asphalt, gravel, concrete, or another similar hard surface and cannot be grass or other landscaped space;
 - d. off-site parking may be used for overflow, provided vehicles are parked in a manner and location that complies with all applicable laws and regulations.

Signage

44. A short-term rental may display signage in compliance with the City's Sign By-law.

Responsibilities

45. Every licensee must:
- a. operate and advertise a short-term rental in compliance with applicable laws, including but not limited to:
 - i. the Health Protection and Promotion Act;
 - ii. the Fire Protection and Prevention Act;
 - iii. the Building Code Act;
 - iv. the City's:
 1. Fireworks By-law;
 2. Noise By-law;
 3. Nuisance By-law;
 4. Property Standards By-law;
 5. Snow Removal By-law;
 6. Unauthorized Parking By-law;
 7. Waste Management By-law; and
 8. Zoning By-law.
 - b. ensure the short-term rental is operated in accordance with the parking management plan, fire safety plan, permitted occupancy and visitor code of conduct;
 - c. display the short-term rental licence in a prominent place at the short-term rental to which it applies;
 - d. display the fire safety plan in a prominent place in the short-term rental to which it applies;
 - e. ensure that each visitor has been provided with the visitor's code of conduct with the licensee retaining a copy of the confirmation of receipt of the visitor's code of conduct for a period of one (1) year;
 - f. 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;
 - g. provide to at least one visitor of the short-term rental an information package containing the following information:
 - i. instructions for use of the 9-1-1 emergency system, which includes the municipal address for the property;
 - ii. the name and address of the nearest hospital or emergency medical services providing emergency care;
 - iii. non-emergency contact for the Owen Sound Police Service;
 - iv. instructions for solid waste disposal, to include information on the applicable waste collection day and instructions for composting and recycling;

- v. a schedule of common offences and related fines associated with visitor activities, to be provided by the Licence Manager; and
 - vi. a copy of the short-term rental licence, and occupancy limits, parking rules, and any conditions imposed on the short-term rental licence.
46. Where, at any time, there is a change in, or relating to, any of the information or documents required to be filed with an application under this by-law, the applicant or licensee, must report the change in writing to the Licence Manager no later than fifteen (15) days following the change. Examples of such information or documents include but are not limited to:
- a. ownership information;
 - b. principal residence status;
 - c. contact information;
 - d. condominium or landlord permissions;
 - e. building layout or configuration;
 - f. on-site parking availability;
 - g. fire safety measures;
 - h. electrical safety measures;
 - i. servicing; and
 - j. insurance.
47. Every person must take down or remove a listing or other advertisement for a short-term rental that is not in compliance with this by-law within twenty-four (24) hours of being requested to do so by the Licence Manager or an officer.
48. The licensee must provide the City with an updated certificate of insurance, as required by this by-law, prior to the expiry of the current certificate of insurance.
49. Every licensee must maintain a record of each concluded transaction related to their short-term rental for at least three (3) years following the date of the transaction. A transaction is concluded on the last day of the rental period. The records retained must include:
- a. the number of nights the short-term rental was rented in a calendar year;
 - b. the nightly and total price charged for each rental including the Municipal Accommodation Tax charged on the transaction; and
 - c. any other information required by the Licence Manager.
50. Every licensee must provide the information referred to in section 49 above to the Licence Manager within thirty (30) days of being requested to do so by the Licence Manager, unless the Licence Manager requires the records within twenty-four (24) hours.

General Prohibitions

51. No person may operate or advertise, or permit the operation of a short-term rental:

- a. unless the short-term rental is located at the principal residence of that person;
 - b. without a short-term rental licence issued under this by-law;
 - c. without the licence number included in advertisements for the short-term rental;
 - d. under any other name than the one endorsed on their short-term rental licence;
 - e. without registering for the Municipal Accommodation Tax;
 - f. while their short-term rental licence is under suspension or revoked;
 - g. except in accordance with the regulations of this by-law; and
 - h. except in accordance with the terms and conditions of their short-term rental licence.
52. No person may operate or advertise, or permit the operation of a short-term rental in:
- a. any structure other than a dwelling unit including but not limited to 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;
 - b. any dwelling unit that is not serviced, partially serviced, unheated, or insufficiently insulated;
 - c. a motor vehicle or trailer;
 - d. an unlawful residential dwelling unit;
 - e. a docked boat;
 - f. a dwelling where a licence to operate a short-term rental has not been issued or is currently suspended or revoked.
53. No licensee may:
- a. operate or provide a short-term rental for more than one hundred and eighty (180) days in a calendar year;
 - b. book or reserve separate guests in a short-term rental for the same days, whereby two (2) or more unrelated or unassociated persons are accommodated in the same dwelling at the same time;
 - c. transfer or assign a short-term rental licence; or
 - d. obtain a short-term rental licence by providing false or incorrect information.
54. Notwithstanding section 53 above, bed & breakfasts are exempt from the prohibitions listed in subsections 53(a) and 53(b).

Part VIII. Inspections, Orders and Notice

Inspections

55. The Licence Manager or an officer may at any reasonable time, enter upon and inspect the land of any person to ensure that the provisions of this by-law are complied with, which may include a dwelling if the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused.

56. For the purposes of conducting an inspection pursuant to this by-law, an officer may:
- a. require the production for inspection of documents or things relevant to the inspection;
 - b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. require information from any person concerning a matter related to the inspection; and
 - d. alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
57. The Licence Manager or an officer will provide a receipt for any document or thing removed under subsection 56(b) and the document or thing will be promptly returned after the copies or extracts are made.

Obstruction

58. No person shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct anyone who is lawfully exercising a power or performing a duty under this by-law.
59. Any person who has been alleged to have contravened any of the provisions of this by-law must identify themselves to the Licensing Manager or officer upon request. Failure to do so will result in the person being deemed to have obstructed or hindered the License Manager or officer in the execution of their duties.

Orders

60. An officer may make an order requiring the person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention.
61. An order made pursuant to section 60 must:
- a. include the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - b. include the date by which there must be compliance with the order and/or the work to be done and the date by which the work must be done;
 - c. direct that if the thing or matter that is required to be done is not completed by the time set out in subsection 61(b), the matter or thing will be done by the City at the person's expense and the City may recover the costs of doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
62. Every person must comply with an order made pursuant to section 60.

Notice

63. 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 person to whom it is addressed;
 - b. on the fifth day after a copy is sent by mail to the person's last known address;
 - c. upon the sending of a copy by e-mail transmission to the person's last known email address; or
 - d. posting on the premises, on the date of posting.
64. For the purpose of section 63, a person's last known address and last known email address are deemed to include information on the last revised assessment roll and on an application submitted pursuant to this by-law.

Part IX. Offence and Penalty

65. Every person who contravenes any provision of this by-law, or fails to comply with an order issued pursuant to this by-law, is guilty of an offence and liable to a fine of:
- a. on a first offence, no more than \$50,000; and
 - b. on a second offence and each subsequent offence, not more than \$100,000,
- and such other penalties as provided for in the Provincial Offences Act and the Municipal Act.
66. Where a corporation contravenes any provision of this by-law or fails to comply with an order issued pursuant to this by-law, and every director or officer of a corporation who commits, concurs, assents to, or acquiesces to such contravention, is guilty of an offence and is liable to a fine of
- a. on a first offence, no more than \$50,000; and
 - b. on a second offence and each subsequent offence, not more than \$100,000,
- and such other penalties, as provided for in the Provincial Offences Act and the Municipal Act.
67. In addition to any penalty otherwise provided for in this by-law, every person convicted of an offence under this by-law is liable to a fine of not more than \$10,000 for each day during which the offence continues.
68. Upon conviction any penalty imposed under this by-law may be collected under the authority of the Provincial Offences Act.
69. If a person is convicted of an offence for contravening a provision of this by-law or an order made under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to correct the contravention in such manner and within such period as the court considers appropriate.

Part X. Effective Date

70. This by-law comes into effect at 12:01 a.m. on March 1, 2024.

FINALLY PASSED AND ENACTED this 4th day of December, 2023.

Mayor Ian C. Boddy

Briana M. Bloomfield, City Clerk