



## THE CORPORATION OF THE CITY OF BRAMPTON

### BY-LAW

**Number** \_\_\_\_\_ - 2021

A By-law to license, regulate and govern Short-Term Rentals

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### **RECITALS**

**WHEREAS** Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their 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 any Act;

**AND WHEREAS** Subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** Subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); and in paragraph 8, Protection of persons and property, including consumer protection;

**AND WHEREAS** Subsection 11(3) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 11, Business Licensing;

**AND WHEREAS** Section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;

**AND WHEREAS** pursuant to the provisions of Part IV – Licences of the *Municipal Act, 2001*, a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** Subsection 151(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refusing, revoking or suspending a licence, imposing conditions on a licence, regulating property used for a business that requires a licence and regulating persons carrying on a business that requires a licence;

**AND WHEREAS** Subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Section 434.1 of the *Municipal Act, 2001*, considers it desirable to provide for a system of administrative penalties and fees as an additional means of encouraging compliance with this By-law; and

**AND WHEREAS** The Council of the Corporation of the City of Brampton considers it desirable and necessary to license, regulate and govern the Short-Term Rental businesses listed within this By-law.

**NOW THEREFORE** the Council of The Corporation of the City of Brampton **ENACTS AS FOLLOWS:**

## **PART I – SHORT TITLE**

1. This By-law may be referred to as the “Short-Term Rental By-law”.

## **PART II – DEFINITIONS**

2. For the purposes of this By-law:

“Additional Fee” means a fee, in addition to the licence fee, imposed by the City on a business at any time during the term of the Licence for costs incurred by the City that are attributable to the activities of the business;

“Applicant” means a Person applying for a new Licence or renewing a Licence under this By-law;

“Application” means an application for a new Licence or a Licence renewal in the form provided by the Licence Issuer that must be accompanied by the appropriate documentation and fee;

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

“City” means The Corporation of the City of Brampton;

“Clerk” means the Clerk of the City or the Clerk’s duly appointed Deputy;

“Criminal Record” means a record of past crimes of which an individual has been convicted;

“Entire-Unit Rental” means a Short-Term Rental in which the Short-Term Rental Guest occupies an entire dwelling unit;

“Fire Chief” means the Chief of the Brampton Fire and Emergency Services or his or her designate;

“Inspector” means any one of the following:

- (a) Municipal Law Enforcement Officer;
- (b) Medical Officer of Health and/or Peel Region Health Inspector;
- (c) Fire Chief and/or Fire Inspector in the Brampton Fire and Emergency Services; or
- (d) Police Officer as defined in this By-law;

“Licence” means a Short-Term Rental Host Licence issued in accordance with this By-law;

“Licence Fee” means the fee set out in Schedule A that is required to be paid to the City for a new Licence or a Licence renewal;

“Licensee” means any Persons holding a Licence under this By-law;

“Licence Issuer” means the person appointed under this By-law and includes his or her designate;

“Medical Officer of Health” means the Medical Officer of Health for The Regional Municipality of Peel and includes any Peel Region Health Inspector acting on his or her behalf;

“Owner” means the Person registered on the title of the property with the Land Registry Office.

“Peel Region Health Inspector” means a public health inspector employed by The Regional Municipality of Peel;

“Person” includes an individual person, corporation, partnership or limited partnership;

“Police Officer” means a police officer of the Peel Regional Police;

“Principal Residence” means a dwelling unit owned, either alone or jointly with others, where the Person is ordinarily resident;

“Short-Term Rental” (STR) means all or part of a Principal Residence used to provide sleeping accommodations for any rental period that is less than twenty-eight (28) consecutive days in exchange for payment, but does not include bed and breakfast, hotels, motels, or hospital, or other short-term rentals where there is no payment;

“Short-Term Rental Guest” means a Person or Persons responsible for the rental of all or part of a Principal Residence by way of rental agreement or similar commercial agreement;

“Short-Term Rental Host” means any individual Person who owns a Principal Residence for Short-Term Rental;

“Tribunal” means the Tribunal appointed by City Council to conduct hearings under the Brampton Appeal Tribunal By-law, No. 48-2008, as amended, or any successor by-law; and

“Zoning By-law” means the City's Zoning By-law No. 270-2004, as amended, or any successor by-law.

### **PART III – LICENSING REQUIRED**

3. No Person shall carry on the business as a Short-Term Rental Host unless that Person has obtained a Licence issued in accordance with the provisions of this By-law.
4. No Person shall,
  - (1) assign, modify, sell, or transfer, any Licence issued under this By-law;

- (2) act as an agent of any Person who advertises, operates or offers a Short-Term Rental without a Licence in accordance with this By-law;
- (3) carry on the business of Short-Term Rental for which a Licence is required under this By-law if the Licence has expired or been revoked, or while the Licence is under suspension;
- (4) provide false information or documents when applying for a Licence or Licence renewal, or when required to provide any information or documents related to any Short-Term Rental under this By-law; or
- (5) carry on the business of Short-Term Rental on a property if such use of the land, building or structure does not conform with the applicable federal and provincial legislation, and municipal by-laws such as the Zoning By-law.

#### **PART IV - LICENCE ISSUER**

- 5.
  - (1) The Clerk is appointed as the Licence Issuer for the purposes of this By-law.
  - (2) Council delegates to the Licence Issuer the power to issue or renew, refuse to issue or renew, to cancel, revoke or suspend, reinstate or impose conditions on a Licence under this By-law.
  - (3) Council is of the opinion that the delegation under Subsection 5.(2) is minor in nature.
- 6. The Licence Issuer shall make the determination that,
  - (1) a new Licence or a Licence renewal should be issued;
  - (2) an Application for a new Licence or Licence renewal should be refused;
  - (3) a reinstatement should not be made;
  - (4) a Licence should be revoked;
  - (5) a Licence should be suspended; or
  - (6) a term or condition on a new Licence or Licence renewal should be imposed.

7. The Licence Issuer shall:
- (1) receive and process all Applications for new Licences and for Licence renewal;
  - (2) issue a new Licence or renew a Licence when,
    - (a) an Application is made in accordance with the provisions of this By-law;
    - (b) the Application is complete;
    - (c) the applicable Licence Fee is paid; and
    - (d) the Application meets all of the requirements under this By-law,unless there are grounds to refuse to issue a new Licence or renew a Licence as set out in this By-law;
  - (3) impose terms and conditions on a new Licence or Licence renewal when the Licence Issuer is of the opinion that a term or condition of a Licence should be imposed under this By-law;
  - (4) maintain records showing all Applications received and Licences issued;
  - (5) enforce or cause to be enforced, the provisions of this By-law;
  - (6) prepare or cause to be prepared all notices, forms and any other document, including any amendments thereto, that are necessary for the administration of this By-law; and
  - (7) perform all the administrative functions that may be required by this By-law.

#### **PART V - APPLICATION FOR A LICENCE AND FOR A LICENCE RENEWAL**

8. (1) In order to apply for a new Licence or a Licence renewal, the Applicant shall,
- (a) complete and submit an Application in the form approved by the Licence Issuer;
  - (b) submit all documentation required under this By-law or requested by the Licence Issuer; and
  - (c) submit the Licence Fee as set out in the Fee Schedule attached as Schedule A.

- (2) An Application for a new Licence or Licence renewal shall not be processed by the Licence Issuer until all of the requirements of Subsection (1) are met and any outstanding Licence Fee(s) and any outstanding Additional Fees have been paid.
9. (1) The Licence Issuer may require any one or more of the following as part of the Application:
- (a) a statement from the Applicant as to whether charges against the Applicant are pending under all federal and provincial legislation and municipal by-laws, including but not limited to the Criminal Code of Canada, the *Controlled Drugs and Substances Act*, the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997*, the City's Zoning By-law, this By-Law.
  - (b) confirmation that the use of the premises is permitted under the City's Zoning By-Law;
  - (c) a declaration from the Applicant that the residence complies with the Fire Code, O. Reg. 213/07, as amended, or any successor regulations and that the Applicant will continue to ensure compliance throughout the term of the licence; or
  - (d) a letter of approval issued by the Medical Officer of Health.
- (2) Regardless of whether a Licence has been issued or renewed, the Licence Issuer may require that the Applicant file further information or provide further documentation in respect of a fact which the Applicant has already attested to or previously supplied documentation for.
10. (1) Where the Short-Term Rental Host is a corporation, the Application shall be accompanied by a copy of the incorporating documents, a copy of the last annual information filed and a copy of the business name registration, if applicable.
- (2) Where the Short-Term Rental Host is a registered partnership, the Application shall be accompanied by a copy of the registered declaration of partnership and a copy of the business name registration, if applicable.
- (3) Where the Short-Term Rental Host is a sole proprietor, the Application shall be accompanied by a copy of the business name registration.
- (4) Despite Subsection 10. (1) where a corporation applies for a Licence renewal and there has been no change in the officers or directors of the

corporation, only a copy of the last annual information filed must be submitted by the owner of the property with the Application.

11. (1) Where an Application for a Licence or Licence renewal is withdrawn by the Applicant, the Licence Fee shall be refunded with the exception of \$50.00. Where the Licence has been issued no refund will be issued to the applicant.  
  
(2) Where an Application for a Licence or Licence renewal is refused 50% of the Licence Fee paid shall be refunded to the Applicant.  
  
(3) Any Licence Fee refund calculated pursuant to Subsections 11.(1) or 11.(2) shall be reduced by any Additional Fee amount, or part thereof, that is outstanding at the time of the refund.
12. Regardless of when an Application for a new Licence or Licence renewal is made, the Applicant is required to pay the full annual Licence Fee.
13. (1) Where a Licensee fails to renew the Licence by the renewal date, the Person shall, upon submitting an Application for renewal, be subject to a late renewal fee in accordance with Schedule A.  
  
(2) Where an Applicant applies for a Licence renewal and for a period of sixty (60) days after the Licence expiry date the Application is incomplete or any fee under this By-law is unpaid, the Licence Issuer may, in his or her sole discretion, deem the Application to be an Application for a new Licence.  
  
(3) Where a Licensee fails to renew the Licence within ninety (90) days of the specified renewal date, the Person shall no longer be entitled to renew the Licence and shall be required to apply for a new Licence under this By-law, subject to the payment of such fees as may be required.
14. (1) Where an Applicant has failed to provide any fee or document required under this By-law for the issuance of a new Licence or a Licence renewal, the Application shall be considered incomplete.  
  
(2) If the Application remains incomplete after thirty (30) days from the date the Application was submitted, the Licence Issuer may issue a notice of incomplete application and close the file.  
  
(3) Where an Application file is closed, the Applicant is required to pay the closed file fee to the City as set out in Schedule A.  
  
(4) Subject to the time limitation in Subsection 14.(2), the closed file fee in Subsection 14. (3) must be paid to the City before the Licence Issuer can reopen a closed Application file.



- (5) The issuance of a notice of incomplete application is not a statutory power of decision and is not subject to appeal to the Tribunal.

## **PART VI - APPLICATION FOR SHORT-TERM RENTAL HOST**

15. Notwithstanding the requirements set out in Sections 8, 9 and 10, every Application for a Licence or Licence renewal as a Short-Term Rental Host shall include:
- (1) the address of the Short-Term Rental property, together with a declaration that the Short Term Rental is the Applicant's Principal Residence;
  - (2) a floorplan outlining what part(s) of the property will be used as Short-Term Rental, the square footage of the dwelling, and any such documentation required for determining occupancy limits in accordance with the City's Minimum Maintenance By-Law 104-96 enacted under s.15.1 of the *Building Code Act, 1992* that prescribes standards for the maintenance and occupancy of property as amended, or any successor by-law;
  - (3) documents required as evidence of property ownership; or if the Applicant is tenant of the property, then the written consent of the owner of the property on which the Short-Term Rental is located;
  - (4) payment of all fees in accordance with this By-law;
  - (5) proof of insurance, in the prescribed form as set out by the Licence Insurer, subject to Section 63 of this By-law;
  - (6) a criminal record search conducted by the Police in whose jurisdiction the Applicant resides, or where the Applicant is a corporation or partnership then a criminal record search of all officers, directors or partners, confirming that there are no outstanding criminal charges or warrants pending before any courts, or any criminal record convictions within the last three (3) years;
  - (7) a package, as prescribed by the Licence Issuer, which would be required to be provided to all renters of the Short-Term Rental containing:
    - (a) the name and telephone number of either the Short-Term Rental Host or an emergency contact person who will be available twenty-four (24) hours a day during the Short-Term Rental period;
    - (b) floor plan including the location of safety equipment within the property and all exits including emergency egress information for the property;

- (c) police emergency and non-emergency contacts;
  - (d) health emergency contacts including the location and hours of the nearest emergency medical services;
  - (e) information relating to waste disposal and property maintenance, to ensure existing and continued compliance with all relevant municipal by-laws, including but not limited to, this By-law, the Zoning By-law and the City's Minimum Maintenance By-law;
  - (f) instructions for lawful parking on the property or in the area, as applicable;
  - (g) procedures for filing and responding to complaints;
  - (h) a schedule of fees associated with the Short-Term Rental, if applicable;
  - (i) the approved occupancy limit and fire safety plan of the Short-Term Rental property and
- (8) a declaration that the Short-Term Rental Host:
- (a) will comply with all provisions of this By-law; and
  - (b) certifies the accuracy, truthfulness, and completeness of the information submitted as part of their Licensing Application.

## **PART VII – GENERAL REQUIREMENTS**

16. For the purpose of this By-law, a Short-Term Rental Host shall be deemed to have only one Principal Residence at any time.
17. No more than three (3) Bedrooms are to be individually rented in the Principal Residence at any one time.
18. The maximum number of occupants in a dwelling unit shall not exceed one person for each fourteen (14) sq. metres (150 sq. ft.) of the total floor area of all habitable rooms. For the purposes of this section, a child under twelve years of age shall be counted as .5 persons.
19. No room shall be used for sleeping purposes unless it has:
- (1) a minimum width of 1.83 metres (6 feet); and
  - (2) a floor area of at least 5.6 sq. metres (60 sq. feet).
20. A room used for sleeping purposes by two or more persons shall have a floor area of at least 3.7 sq. metres (40 sq. feet) for each person using the room.

21. The following are the rules governing the minimum ceiling height of rooms in a dwelling unit.
  - (1) Ceiling height has its normal meaning, but where there is no ceiling, the height is measured to the lowest point of the exposed joist.
  - (2) The ceiling height must be 2.3 metres (7.5 feet) over at least fifty percent of the floor area or an average of 2.13 metres (7.0 feet) over all of the floor area.
  - (3) Any part of the floor area having a ceiling height of less than 1.37 metres (4.5 feet) is not considered in computing the floor area in section 21(2).
22. No kitchen, bathroom or hallway shall be used for sleeping purposes.
23. No Short-Term Rental Host shall rent or advertise a property for a Short-Term Rental unless it is the Short-Term Rental Host's Principal Residence at that time.
24. No Short-Term Rental Host shall rent a property as an Entire-Unit Rental for a total of more than one hundred eighty (180) nights per calendar year.

#### **PART VIII - CONDITIONS OF LICENCE**

25. When an Application for a Licence or its renewal is made in accordance with the provisions of this By-law, and the Applicant meets all the requirements of this By-law, which includes any requirements that may be requested by the Licence Issuer, such Licence shall be issued to the Applicant.
26. Notwithstanding any other provision of this By-law, the Licence Issuer may impose conditions on any Licence at issuance, renewal or any time, as necessary to give effect to this By-law.
27. The expiry date of Licences issued under this By-Law are set out in Schedule A of the By-Law.
28. Any Licence issued pursuant to this By-law is conditional on the Applicant's compliance with all federal and provincial legislation and municipal by-laws, including but not limited to the applicable Zoning By-law and Minimum Maintenance By-law.

#### **PART IX - GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE**

29. Notwithstanding Section 25, the Licence Issuer may refuse to issue or renew a Licence, if the Licence Issuer is of the opinion that any one or more of the following has occurred, or may occur:

- (1) the issuance of or the holding of a Licence or its renewal, would be contrary to the public interest in respect of:
  - (a) the health and safety of any person,
  - (b) a nuisance affecting any land or person in the City, or
  - (c) the protection of any consumer;
- (2) there are reasonable grounds for belief that the Applicant has not carried on or will not carry on the Short-Term Rental business in accordance with this By-law or any other law or with integrity and honesty;
- (3) the conduct of the Applicant or Licensee or other circumstances afford reasonable grounds for belief that carrying on the business has infringed, or would infringe, the rights of other members of the public;
- (4) the Licence was issued on false, mistaken, or incorrect information;
- (5) the business of the Applicant or Licensee is carried on or intended to be carried on in an area where it is prohibited;
- (6) the business for which the Licence has been issued has not been carried on for a continuous period of sixty (60) days or more, except if the Licence Issuer has been informed that the licensed premises is undergoing renovations;
- (7) the Applicant is indebted to the City in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing, including an administrative penalty;
- (8) the building, premises, place or part thereof in which the business is carried on does not comply with the provisions of this By-law, or with any other law, regulation or City By-law, including the Zoning By-law, the Building Code, O. Reg. 350/06, as amended and the Fire Code, O.Reg. 213/07, as amended or any successor regulations;
- (9) the premises in which the business is carried on is in an unsafe or dangerous condition;
- (10) there are reasonable grounds for belief that the carrying on of the business or occupation by the Applicant or Licensee has resulted or will result in a breach of this By-law or any other law;

- (11) the Licence Fee payable has not been paid;
  - (12) any Additional Fee imposed on an Applicant or Licensee remains unpaid after the due date as indicated in a notice of Additional Fee sent to the Applicant or Licensee; or
  - (13) the Applicant has received three (3) or more convictions under this By-law within one year.
30. Where the Applicant is a corporation or a partnership, the grounds for refusing registration or its renewal shall apply to any of the officers or directors of the corporation or partners in the partnership.
31. In addition to the grounds for refusing a Licence or its renewal, an Applicant shall not be entitled to hold a Licence, and the Licence Issuer shall refuse to issue or renew Licence where, in the twelve (12) month period from the date of the Application, the Applicant has:
- (1) applied for and been finally refused a Licence; or
  - (2) had her or his Licence finally revoked.
32. The Applicant for a Short-Term Rental Host's Licence or its renewal shall not be issued to an individual person who is younger than eighteen (18) years of age.
33. Any Licence issued will be automatically invalidated if the property ownership or principal residency changes.

## **PART X - GROUNDS FOR REVOKING OR SUSPENDING A LICENCE**

34. The Licence Issuer may revoke or suspend a Licence for any one or more of the grounds listed in Subsections 29. (1) through to and including (13).
35. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.
36. If the Licence Issuer is satisfied that the continuation of a business of a Short-Term Rental poses immediate danger to the health or safety of any Person or property, the Licence Issuer may, without a hearing, suspend a Licence for a maximum period of fourteen (14) days and on such conditions as the Licence Issuer considers appropriate, and shall provide the Licence holder with written reasons for the suspension and allow the Licence holder an opportunity to respond before the Licence Issuer makes a decision to revoke or suspend a Licence pursuant to Section 29.

37. After a decision is made by the Licence Issuer to refuse, revoke, suspend, or cancel a Licence or Licence renewal, written notice of that decision shall be given within ten (10) days to the Applicant or Licence holder.
38. The written notice provided under Section 37 shall:
- (1) set out the grounds for that decision;
  - (2) give reasonable particulars of the grounds for the decision;
  - (3) be signed by the Licence Issuer; and
  - (4) state that the Applicant or Licensee is entitled to a hearing by the Tribunal if the Applicant or Licensee delivers to the Clerk within fifteen (15) days after the notice is served, a notice in writing requesting a hearing by the Tribunal accompanied by the appropriate appeal fee.
39. Any written notice given under this By-law shall be deemed to be received on the receipt date which is one of the following:
- (1) in the case of mailed documents, five (5) days following the mailing as determined from the post mark;
  - (2) the case of personal delivery, e-mail or faxed document, the date of delivery; and
  - (3) where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.
40. Where any written notice is mailed under this By-law, it is sufficient to use the Applicant's or Licensee's last known business or residential address.

## **PART XI – RETURN OF LICENCE**

41. Where a Licence has been revoked or suspended, and written notification is provided and deemed received, the Licensee shall immediately return the Licence to the Licence Issuer.
42. A Person whose Licence has been revoked or suspended shall not refuse to deliver the Licence to the Licence Issuer or Inspector in any way obstruct or prevent the Licence Issuer or Inspector from receiving or taking the Licence.
43. Where a Licence has been revoked or suspended, the Licence Issuer or Inspector may enter upon the business premises or the Person to whom the Licence was issued for the purpose of receiving, taking or removing the Licence.

## **PART XII - APPEAL OF DECISION OF LICENCE ISSUER**

44. The Applicant or Licensee may appeal a decision of the Licence Issuer to refuse to issue or renew, revoke, suspend, or to impose any condition on a Licence, to the Tribunal by filing a written notice of appeal with the Clerk, with reasons in support of the appeal, accompanied by the appropriate appeal fee as set out in the City's User Fee By-law within fifteen (15) days following the receipt of written notice of the Licence Issuer's decision.
45. On receipt of a written request for an appeal from the Applicant or Licensee, the Clerk shall schedule a hearing of the Tribunal and shall give the Applicant or Licensee and the Licence Issuer reasonable written notice of the date, time and place of the hearing in accordance with the Brampton Appeal Tribunal By-law, No. 48-2008, as amended, or any successor by-law.
46. The decision of the Tribunal shall be final.
47. No member of the Tribunal, Council, or any employee for the City is personally liable for anything done under authority of this By-law.
48. Where the Tribunal has ordered that a Licence be granted, reinstated, a suspension to a Licence ended or a change to the condition(s) of a Licence, the Applicant or Licensee shall fulfill any outstanding requirements for the Licence under this By-law.
49. The filing of an appeal does not operate to suspend the decision of the Licence Issuer.
50. The decision of the Licence Issuer shall be final if the Clerk does not receive an appeal by the fifteenth day following the receipt of written notice of the Licence Issuer's decision.
51. The provisions of the Brampton Appeal Tribunal By-law, No. 48-2008, as amended, or any successor by-law, apply to any appeal that is made under this By-law.

### **PART XIII – SHORT-TERM RENTAL HOST RECORDS**

52. Every Short-Term Rental Host shall keep a record of each concluded Short-Term Rental transaction for six (6) years following the date of the last day of the rental period. The record retained shall include the following:
  - (1) the number of nights the Short-Term Rental was rented;
  - (2) the nightly and total price charged for the Short-Term Rental;

- (3) whether the Short-Term Rental was an Entire-Unit or Partial-Unit Rental; and
- (4) any other information required by the Licence Issuer.

53. Every Short-Term Rental Host shall provide the information kept in its records to the Licence Issuer within thirty (30) days of being requested to do so.

#### **PART XIV – GENERAL REQUIREMENTS OF LICENCES**

54. Every Licensee shall at all times:

- (1) comply with the provisions of this By-law, including any applicable Schedule;
- (2) notify the Licence Issuer within seven (7) days of any changes related to any particulars required to be filed as part of the Application for a Licence or Licence renewal; and
- (3) notify the Licence Issuer immediately of the nature and extent of any violation, where the Person registered or holding a permit ceases to comply with the requirements of this By-law.

55. Every Short-Term Rental Host holding a Licence under this By-law shall ensure that every document issued by the Short-Term Rental Host, such as invoice, contract, receipt, or similar document, contains the Short-Term Rental Host Licence number.

56. Any Licence issued under this By-law shall be posted on the property of the business of the Short-Term Rental, to which the Licence relates in a conspicuous place that is clearly visible to the renter(s).

57. Any Licence that is invalidated for any reasons pursuant to this By-law remains the property of the City and shall be returned to the Licence Issuer forthwith.

58. An Applicant or Licensee whose Licence has been refused or revoked, shall not be entitled to make a new Application for the same or similar type of Licence for a period of at least twelve (12) months from the date of the refusal or revocation.

59. The Licence Issuer shall reinstate any Licence that has been suspended upon satisfactory proof that the administrative requirements have been met.

60. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.



61. A Person shall not enjoy a vested right in the continuation of a Licence and upon the issuance, renewal, transfer, cancellation or suspension thereof, the value of a Licence shall be the property of the City.
62. A Licensee carrying on business under this By-law shall not advertise, promote or carry on the business under any name other than the name endorsed upon the Licence, without the written approval of the Licence Issuer.

## **PART XV – INSURANCE**

63. (1) Every Person shall, before the issuance of a Licence to him or her, provide proof of Commercial General Liability insurance against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence insuring him or her against liability imposed by law for any loss or damage resulting from the carrying on of the business to which the Licence relates.  
  
(2) Every Person who obtains a Licence shall ensure that the insurance policy in Subsection 63(1) is maintained in good standing while the Licence is valid and the business to which the Licence applies is in operation.  
  
(3) Every Person shall provide the Licence Issuer with at least ten (10) days' notice in writing, by regular mail, personal delivery, e-mail or fax delivery, of cancellation, expiration or variation in the amount or conditions of the policy required by Subsection 63(1).  
  
(4) A certificate of insurance issued in respect of the insurance policy in Subsection 63(1) shall be provided to the Licence Issuer, before the issuance of the Licence that it applies to, in the form of proof set out in Schedule B to this By-law.

## **PART XVI – INSPECTION**

64. (1) The Licence Issuer or Inspector, may enter on any land and building or structure thereon, at any reasonable time for the purpose of carrying out an inspection to determine whether any one or more of the following are being complied with:
  - (a) the provisions of this By-law;
  - (b) an order made under this By-law;
  - (c) a condition of a Licence issued under this By-law; or

(d) an order made under section 431 of the *Municipal Act, 2001*.

(2) For the purposes of an inspection under Subsection 64. (1) the person carrying out the inspection may do any one or more of the following:

- (a) require the production for inspection of any goods, articles, books, records and other documents of or relating to any trade, business or occupation licensed under this By-law.
  - (b) inspect and remove documents or things relevant to the inspection, including anything listed in Subsection 64. (2) (a), for the purpose of making copies or extracts.
  - (c) require information from any Person concerning a matter related to the inspection.
  - (d) alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) No Person shall obstruct or hinder or cause to be obstructed or hindered the conducting of an inspection under Subsection 64. (1).
- (4) Upon request of the Licence Issuer or Inspector, the Licensee shall produce the Licence and any other requested documents forthwith.

## **PART XVII – ORDER TO COMPLY**

65. (1) Where the Licence Issuer or Inspector believes that a contravention of this By-law has occurred they may issue:

- (a) an order to discontinue the contravening activity;
- (b) an order to correct the contravention; or
- (c) an order to discontinue the contravening activity and correct the contravention.

(2) The orders contemplated in Subsection 65.(1) shall set out:

- (a) the name of the Person who is believed to have contravened this By-law and the municipal address or the legal description of the land to which the contravention or Licence applies;
- (b) reasonable particulars of the contravention;
- (c) the date by which there must be compliance with the order;

- (d) if applicable, the work to be done and the date by which the work must be done; and
    - (e) if applicable, a statement that the City may have the work done at the expense of the owner of the property if the work is not done in compliance with the order.
  - (3) An order issued under this By-law may be served personally or served by mail to the last known address of the Person and such other persons affected by it as determined by the Licence Issuer or Inspector and a copy of the order may be posted on any property to which the contravention or Licence applies.
  - (4) If an order is served by registered mail, the service shall be deemed to have been made five (5) days after mailing.
  - (5) Where service cannot be carried out in accordance with subsection 65. (3), the Inspector may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Licence applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
  - (6) Every Person who fails to comply with an order made under this section is guilty of an offence.
66. (1) Where a Person is ordered to correct a contravention of this By-law under Subsection 65. (1), and fails to do so, the City may carry out any work required to correct the contravention.
- (2) The City may, at any reasonable time, enter onto the property to which the contravention or Licence applies in order to carry out any work under Subsection 65. (1).
  - (3) The City may retain a contractor in order to carry out any work under Subsection 65. (1).
  - (4) All expenses incurred by the City in carrying out any work contemplated by this section shall be considered a debt owed to the City by the Person who was ordered to correct the contravention and shall be paid to the City within thirty (30) days of the billing date, and in the event of failure to pay the entire amount due within thirty (30) days, the outstanding balance of the expenses owed may be added to the tax roll of the property to which the contravention or Licence applies and collected in the same manner as property taxes.

## **PART XVIII – OFFENCES AND PENALTIES**

67. Every Person who contravenes any provision of this By-law, including an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the “*Provincial Offences Act*”) and the *Municipal Act, 2001*, S.O. 2001, c. 25.
68. In addition to Section 67, any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the fine provisions of the *Municipal Act, 2001*, to the following fines:
- (1) the minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
  - (2) in the case of a continuing offence, for each day or part of a day that the offence continues the minimum fine shall be \$500 and the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;
  - (3) in the case of a multiple offence, for each offence included in the multiple offence the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
69. In addition to the fine provisions in Subsections 68(1) to (3), if a Person is convicted of an offence under this By-law, any economic advantage or gain obtained by the Person from operating a business without a Licence may be considered an aggravating factor for sentencing purposes which may attract a special fine, which shall be equal to or greater than the economic advantage or gain obtained by the Person from operating the business without a Licence.
70. The maximum amount for a special fine in Section 69 may exceed \$100,000.
71. Every director or officer who knowingly concurs in the contravention of the By-law by the corporation is guilty of an offence.
72. If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order:
- (1) prohibiting the continuation or repetition of the offence by the Person convicted; and

(2) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

73. Where a Person fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under Section 69 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's delegate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
74. If any part of a fine for a contravention of this By-law remains unpaid after the final date specified in the notice provided under Section 73, the outstanding fine is deemed to be unpaid taxes pursuant to Section 351 of the *Municipal Act, 2001*.

#### **PART XIX – TITLE, INTERPRETATION AND SEVERABILITY**

75. (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (2) Wherever a word defined in this By-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.
- (3) All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
76. In the event of a conflict between any of the general provisions of this By-law and any provisions set out in the Schedule attached to this By-law, the provisions of the Schedule shall prevail.
77. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

## **PART XX – DISCRIMINATION**

78. (1) No Person, in carrying out a business Licensed under this By-law, shall discriminate against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- (2) No Person, in carrying out a business Licensed under this By-law, shall with respect to any person being guided or assisted by a service animal:
- (a) refuse to service the person,
  - (b) refuse to permit the person to enter with the animal into or upon any place or premises to which the Licence relates; or
  - (c) refuse to permit the person and such animal to remain in or upon such place or premises by reason only of the presence of such animal.

## **PART XXI – SCHEDULES AND APPENDICES**

79. (1) All Schedules attached to this By-law shall form part of this By-law.
- (2) The expiry dates of Licences issued under this By-law, except for those issued per day or per event, are set out in Schedule A to this By-law.

## **PART XXII – TRANSITIONAL PROVISIONS**

80. Any business operating a Short-Term Rental in the City must obtain a Licence issued under this By-law prior to September 30, 2021 and Licences shall renew September 30<sup>th</sup> annually.

## **PART XXIII – EFFECTIVE DATE**

81. This By-law comes into effect on [date]

**ENACTED** and **PASSED** this                      day of                      , 2021.

Approved as to  
form.

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
[Type Name]

\_\_\_\_\_  
Patrick Brown, Mayor

Approved as to  
content.

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
[Type Name]

\_\_\_\_\_  
Peter Fay, City Clerk

DRAFT

## Schedule "A"

### SHORT TERM RENTAL FEES

Licence Type	Fee Type	Fee	Expiry
Short Term Rental Host	Application Fee	\$150.00	September 30 <sup>th</sup> annually
<b>Other Fees</b>			
	Late Renewal Fee	\$50.00	
	Closed File Administration	\$50.00	

These rates shall automatically increase and be rounded up to the nearest dollar on the first day of January in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12-month period ending on September 30 in the year immediately preceding the rate increase date.

**Add in Schedule B which is the form of certificate insurance required similar to Business Licensing by-law**