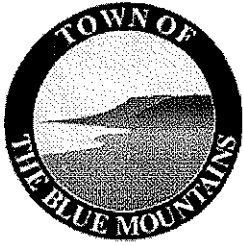


STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Council
MEETING DATE: December 8, 2008
REPORT NO.: SRB.08.64
SUBJECT: Short Term Accommodation Licencing
PREPARED BY: D. Finbow, Director Bldg & By-law/CBO

A. Recommendations

1. **THAT** Council receive Staff Report Nos. SRB.08.55 and SRB.08.64 with respect to Short Term Accommodation Licencing.
2. **THAT** Council direct Staff to finalize the preparation of a Draft Short Term Accommodation Licencing By-law pursuant to Part IV of the *Municipal Act*.
3. **THAT** Council direct Staff to incorporate into the Draft Short Term Accommodation Licencing By-law provision for licencing short term accommodation uses that are protected by virtue of Section 34(9) of the *Planning Act* (short term accommodation uses that were lawfully used for such purpose on the day of the passing of the by-law that would otherwise prohibit same).
4. **THAT** Council direct Staff to proceed with an advertisement respecting a public meeting related to the Draft Short Term Accommodation Licencing By-law with such advertisement to be published in a local publication(s) for two (2) successive weeks prior to the public meeting.
5. **THAT** Council direct Staff to proceed with the preparation of draft amendments to the Property Standards By-law related to the interior of a premise and report back to Council on same with it being noted that such draft amendments will prescribe standards for the maintenance and occupancy of a property and for prohibiting the occupancy or use of such property that does not conform with the standards and to also require the repair of properties that do not conform with the standards.

B. Background

Council at its meeting of October 6, 2008 adopted the following resolution:

"THAT the Recommendations contained in Staff Report SRB.08.55 with respect to Short Term Accommodation Licencing be Tabled until a later date."

A closed session meeting of Council was held on November 24, 2008 related to "Interim Control By-law Appeals to OMB, Proposed Official Plan and Zoning By-law Amendments, Proposed Licencing Regime". As Council did not discuss or otherwise deal with the matter of a Proposed Licencing Regime in a way that materially advanced the business or decision-making of Council, Staff Report No. SRB.08.55 and this Report are presented for Council's further consideration.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Budget Impact

To be determined.

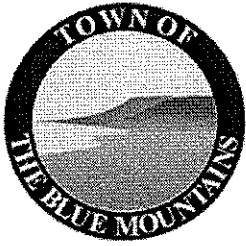
E. Addendums

SRB.08.55

Respectfully submitted by:

David Finbow
Director, Building & By-law/CBO

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Council
MEETING DATE: October 6, 2008
REPORT NO.: SRB.08.55
SUBJECT: Short Term Accommodation Licencing
PREPARED BY: D. Finbow, Director Bldg & By-law/CBO

A. Recommendations

1. **THAT** Council receive Staff Report SRB.08.55 with respect to Short Term Accommodation Licencing.
2. **THAT** Council direct Staff to finalize the preparation of a Draft Short Term Accommodation Licencing By-law pursuant to Part IV of the *Municipal Act*.
3. **THAT** Council direct Staff to incorporate into the Draft Short Term Accommodation Licencing By-law provision for licencing short term accommodation uses that are protected by virtue of Section 34(9) of the *Planning Act* (short term accommodation uses that were lawfully used for such purpose on the day of the passing of the by-law that would otherwise prohibit same).
4. **THAT** Council direct Staff to proceed with an advertisement respecting a public meeting related to the Draft Short Term Accommodation Licencing By-law with such advertisement to be published in a local publication(s) for two (2) successive weeks prior to the public meeting.
5. **THAT** Council direct Staff to proceed with the preparation of draft amendments to the Property Standards By-law related to the interior of a premise and report back to Council on same with it being noted that such draft amendments will prescribe standards for the maintenance and occupancy of a property and for prohibiting the occupancy or use of such property that does not conform with the standards and to also require the repair of properties that do not conform with the standards.

B. Background

As Council is aware, short term accommodation uses have been problematic for some time. In 2007 public open houses were held by the Town and subsequent to these public open houses Council directed that Staff undertake a review or study in respect of land use planning policies related to short term accommodation uses. On February 4, 2008, Council enacted Interim Control By-law No. 2008-12 to prohibit short term accommodation uses (later amended by By-law No. 2008-67) with such Interim Control By-law slated to expire on January 4, 2009. In addition to the enactment of the Interim Control By-law, Council directed that Town Staff, in conjunction with Aird & Berlis LLP, develop a draft Licencing By-law and report back on same along with information related to the implementation of such Licencing By-law.

In response to the direction received from Council, a review team was struck with representation from Building & By-law, Planning, Engineering & Public Works and Fire Departments. The review team considered the following:

1. Authority for licencing pursuant to the *Municipal Act*;
2. The purpose of such a licencing by-law;
3. Short Term Accommodation/Guest Room/Residential Rental Housing Licencing By-laws from other Ontario jurisdictions including Oshawa, Severn Township and Stratford;
4. The extent to which a licencing should apply;
5. The content/regulations of a possible Short Term Accommodation Licencing By-law;
6. The infrastructure required to implement a licencing regime (Notices, Information, FAQ's, Forms, Tracking Systems, Staffing, Licencing Appeal Process, etc.);
7. Whether a licencing regime, including enforcement, should be operated on a full cost recovery basis or is there merit in reviewing partial funding from taxation;
8. The role of the municipality in ensuring that premises being operated are safe, clean and representative of what the municipality expects re level of accommodation;
9. The number of units that could potentially be eligible for licencing;
10. The costs associated with the administration and enforcement of a Short Term Accommodation Licencing By-law; and,
11. The fees that could be imposed or charges for permits and services with respect to a Licencing By-law.

MUNICIPAL ACT

Part IV of the *Municipal Act* enables a municipality to provide for a system of licences with respect to a business and may:

- (a) Prohibit the carrying on or engaging in the business without a licence;
- (b) Refuse to grant a licence or to 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 of 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;
- (f) License, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- (g) Require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality.

Part XII of the *Municipal Act* authorizes a municipality to impose fees or charges on persons,

- (a) For services or activities provided or done by or on behalf of it;

- (b) For costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) For the use of its property including property under its control.

In addition, Part XII indicates that the costs included in a fee or charge may include costs incurred by the municipality or local board related to the administration and enforcement and the establishment, acquisition and replacement of capital assets.

SHORT TERM ACCOMMODATION LICENCING BY-LAW

Prior to seriously reviewing and/or developing a licencing by-law, the purpose of such a by-law was discussed. Staff identified, amongst other matters, the following:

- Ensuring that the health and safety of the users of such short term accommodation uses are addressed by way of ensuring that the building meets minimum building and fire code regulations;
- Ensuring that a minimum level of consumer protection is provided by way of ensuring the building meets minimum property standards and that essentials such as plumbing/water, heat, and on-site parking are adequately provided for;
- Ensuring that short term accommodation uses do not create a nuisance (public disturbance, noise, garbage/debris) to the adjoining neighbour or neighbourhood or surrounding lands; and,
- Ensuring that zoning regulations are met.

EXTENT OF LICENCING

In considering where licencing of short term accommodation should be permitted, Town Staff undertook a review of correspondence received by the Town related to Short Term Accommodation; Staff Reports to Council related to the subject; draft zoning by-law amendments; and, the merits of licencing existing short term accommodation uses that would become non-conforming if the draft zoning by-law amendments were enacted.

Correspondence

The Town has received considerable correspondence related to short term accommodation over the years. These communications have ranged from complaints related to the operation of specific properties through to general comments on the draft Official Plan and Zoning By-law amendments. In general, the majority of the communications have been in support of regulating and/or prohibiting short term accommodation uses with a lesser number proposing that the Town not regulate these uses at all.

Correspondence in support of regulating and/or prohibiting short term accommodation uses point to the following issues:

- public disturbance;
- noise;
- parking;
- garbage/debris;

- life safety as it relates to occupancy and use; and,
- security as it relates to the introduction of transients into residential neighbourhoods.

Those in support of the Town not regulating these uses have indicated that the uses provide a benefit to the community and are consistent with the goals/objectives of the Town. They further propose that should regulation be necessary, that perhaps self-regulation is something that should be explored. Lastly, in lieu of a licencing/regulatory regime, they point to the tools that the municipality has and/or can utilize should we wish to including the Noise By-law; Parking By-laws; Littering/Debris By-laws; and, Policing.

Staff Reports to Council

As Council is aware, numerous Staff Reports have been provided to Council over the years related to short term accommodation. As early as the mid 1990's Council considered the matter of short term accommodation uses through their review of a Draft Official Plan for the municipality.

On December 3, 2001, Council considered a Staff Report related to "Short Term Rentals" that identified the issues/concerns associated with short term accommodation uses and adopted the following recommendations:

"THAT Council receive this Staff Report dated December 03, 2001 titled "Short Term Rentals" for information purposes and direct staff to:

1. *Pro-actively enforce the provisions of the Town's Noise and Parking By-laws, in conjunction with the Ontario Provincial Police;*
2. *advise the Ontario Provincial Police that it is this Council's desire that a "zero tolerance" policy be adopted with respect to the enforcement of the Town's Noise and Parking By-laws in these areas due to the historic frequency of noise and parking related complaints received;*
3. *prepare a request to have Short Form Wordings and Set Fines established for the above noted By-laws;*
4. *review the matter of permitted on-street parking in light of the recommendations of the recently adopted Staff Report entitled Craigleith/Camperdown On-Street Parking Study; and,*
5. *review the matter of appropriate property assessment rates in conjunction with the Municipal Property Assessment Corporation."*

Subsequent to Council adopting these recommendations, Council enacted a comprehensive parking by-law and authorized the hiring of a full time by-law enforcement officer. Further, the Town successfully obtained Short Form Wording and a related Set Fine for Noise By-law violations in the amount of \$500.00 and has recently completed a comprehensive parking study that addresses, amongst other things, on-street parking.

More recently, Council has considered numerous Staff Reports as they relate to proposed Official Plan and Zoning By-law amendments and has enacted an Interim Control By-law.

Draft Zoning By-law Amendments

On July 14, 2008, Council endorsed in principle draft zoning by-law amendments so as to provide a foundation for the development of a Draft Licencing By-law (with it being noted that Council's endorsement in no way predetermined its course of action with respect short term accommodation regulation). These draft amendments, if enacted by Council, would list as a permitted use "short term accommodation" within the R5, R6, R7, R8 and RR Zones in By-law No. 83-40, as amended, and the RM1 Zone in By-law No. 10-77, as amended, subject to certain terms and conditions.

It was noted that the proposed definition of short term accommodation within the draft zoning by-law may be interpreted such that commercial resort units, which are permitted within the Village Commercial Zones, can also be defined as short term accommodation.

Section 34(9), Planning Act Uses

In addition to the zones in which the draft zoning by-law amendments would permit short term accommodation uses, there exist a number of properties within the R1, R2 and R3 zones that are currently utilized for short term accommodation purposes that pre-exist the enactment of the Interim Control By-law. The matter of determining whether to recommend extending the permission for licences to these uses was also considered. Section 153 of the *Municipal Act* indicates that:

- (2) "a by-law providing for a system of licences for a business may require as a condition of obtaining, continuing to hold or renewing a licence that the business comply with land use control by-laws or requirements under the *Planning Act* or any other Act"; and,
- (3) Despite subsection (2), a municipality shall not refuse to grant a licence by reason only of the location of the business if the business was being lawfully carried on at that location at the time the by-law requiring the licence came into force so long as it continues to be carried on at that location..

Given the above, Staff concluded that the Town could not preclude these non-conforming uses from a licencing regime.

CONTENTS/REGULATIONS OF A LICENCING BY-LAW

A draft Short Term Accommodation Licencing By-law was prepared by Aird & Berlis LLP in 2007. Town Staff agreed that this draft should be the basis for a final draft by-law to be brought forward to the public at a future public meeting subject to some minor tweaking.

INFRASTRUCTURE REQUIRED

With any new system of regulation, public education is critical. Ensuring that those affected by the regulation understand the requirements of the regulation and the associated process are critical to its success. Furthermore, investing in public education will lead to less time spent on enforcement (or chasing down those that operate short term accommodation uses).

In reviewing other developed licencing regimes, it became apparent that the broad use and availability of Information Sheets, FAQ Sheets, Checklists and "intelligent" Forms assisted dramatically in the implementation and understanding of the process. In addition, a developed Tracking System/Database and a readily available and transparent Licencing Appeal Process were a necessity.

Town Staff have concluded that to ensure that the rollout of a licencing regime is successful and meaningful, that all resources, including personnel, must be in place a minimum of 8 – 12 weeks in advance of the implementation of a licencing by-law.

FULL COST RECOVERY VERSUS PARTIAL FUNDING FROM TAXATION

As noted previously, Part XII of the *Municipal Act* indicates that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration and enforcement. It has been Council's policy over the years to find full cost recovery for programs that are not beneficial to taxpayers as a whole and therefore Staff reviewed if there was benefit to taxpayers as a whole related to the licencing of short term accommodation uses.

The considerable input that the Town has received from the public on this matter, along with the multitude of complaints received over the years, is reflective of the general taxpayer seeing little or no benefit of short term accommodation uses to the community as whole. Further, it is Staff's opinion that the general taxpayer would prefer that these uses not exist at all within "typical" single family house form neighbourhoods.

Given Council's general policy as it relates to cost recovery and those matters referenced in the paragraph above, Staff is of the opinion that full cost recovery, i.e. administrative and enforcement costs should be had with respect to the licencing of short term accommodation uses.

PROPERTY STANDARDS

As a condition of holding or continuing to hold a licence, a municipality may require that a premise meet certain minimum standards including building and fire codes and a property standards by-law.

As to the expectations of the public, it is Staff's opinion that if the Town proceeds with a licencing regime related to short term accommodation, it is likely that the consumer will have expectations that the premise meets certain minimum standards (including those identified above). Given that the Town's Property Standards By-law does not address the interior of a premise, Staff recommends that amendments to the Town's Property Standards By-law be implemented.

NUMBER OF POTENTIAL UNITS TO BE /COSTS/FEEES

Potential Number of Units

The number of short term accommodation uses to be licenced is indeterminate. By-law Enforcement currently has record of in excess of one hundred units being offered for short term accommodation purposes with Staff recognizing that there is likely more.

Costs

Based on a minimum of one-hundred units coming forward for licencing purposes, it is Staff's opinion that to maintain current service levels within By-law Enforcement, that a minimum of one additional full-time Municipal Law Enforcement Officer ("MLEO") and one-half of a support position would be required. Staff is also of the mind that through efficiencies, knowledge and experience, this staffing compliment would suffice for up to two hundred short term accommodation units if they were to be licenced. The costs associated with this are:

Capital Costs (vehicle, work stations, computer, etc.):	\$40,000.00
Annual Operating Costs - Salary/Benefits (MLEO & 0.5 Support)	\$105,000.00
Annual Operating (Office Supplies, Printing, Adverts, etc.)	\$10,000
Annual Operating Overhead (Payroll, Heat/Hydro, etc.)	\$15,000
Total 1 st Year Costs	\$170,000
Annual Operating Costs + Capital (7 Year Depreciation)	\$136,000

The role of the MLEO would be to conduct inspections of premises for conformity with the Licencing and Property Standards By-laws and, in conjunction with Building Inspections Staff, ensuring compliance with the Ontario Building Code.

With respect to involvement of the Fire Department, Staff note that the scope of a Fire Code inspection/review of a Short Term Accommodation Unit would be limited to ensuring that the premises is properly equipped with operating smoke alarms with same being able to be addressed by the MLEO. As to uses that are discovered that fall outside of the purview of a Short Term Accommodation Unit, same would be referred to the Fire Department with their current fees and charges by-law being utilized to recover any associated costs.

Licencing Fees

Given Council's Policy and Staff's recommendation related to cost recovery, Staff has developed the following Matrix as it relates to potential licencing fees:

NUMBER OF UNITS	ANNUAL COSTS	LICENCING FEE
100	\$136,000	\$1,360.00
150	\$136,000	\$906.00
200	\$136,000	\$680.00

Staff recommends that an annual licencing fee for Short Term Accommodation be initially set at \$1,360.00 per unit with same to be evaluated after the first full year of licencing.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

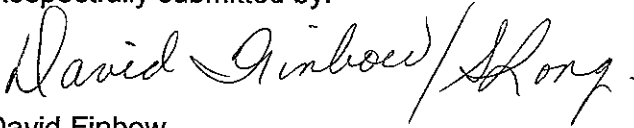
D. Budget Impact

To be determined.

E. Addendums

Draft Licencing By-law

Respectfully submitted by:



David Finbow
Director, Building & By-law/CBO

CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2007-xxx

A BY-LAW TO LICENSE, REGULATE AND GOVERN SHORT-TERM ACCOMMODATIONS

WHEREAS Part IV of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes the council of every local municipality to pass by-laws for licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS Council considers it desirable to exercise this authority for the purposes of health and safety, nuisance control and consumer protection;

THEREFORE the Council of The Corporation of the Town of The Blue Mountains enacts as follows:

1.0 DEFINITIONS

In this by-law:

Appeals Committee means the XXX Committee or, in the event of organizational changes, another Committee designated by Council to carry out the Committee's responsibilities for appeals;

Building Department and **Department** means the Building Department or, in the event of organizational changes, another unit designated by Council to carry out the Department's responsibilities for the administration and enforcement of this by-law;

Council and **Town Council** mean the Council of the Town of The Blue Mountains;

license means a license issued under this by-law;

licensee means a person who holds a license under this by-law, and **licensed** and **licensed business** have a corresponding meaning;

manager means the Manager of Licensing & Enforcement or their designate;

person means a person as defined in the *Interpretation Act*; and includes a corporation;

place of business means any place, premises or location, or part thereof, in which a trade, business or occupation of short-term accommodation is carried on;

property standards by-law means the Property Standards By-Law of the Town enacted under section 15.1 of the *Building Code Act* that prescribes standards for the maintenance and occupancy of property;

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resident means a person who resides or has a regular place of business in the Town;

short-term accommodation means a dwelling or any part thereof that operates or offers no more than three (3) bedrooms as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, throughout all or any part of a calendar year. **Short-term Accommodation** shall not mean or include a motel, hotel, bed & breakfast establishment, tourist cabin or cottage, hospital, or similar commercial or institutional uses, as such terms are defined in the applicable zoning by-law;

Town and **Town of The Blue Mountains** mean The Corporation of the Town of The Blue Mountains;

zoning by-law means a by-law enacted under section 34 of the *Planning Act* that restricts the use of land.

2.0 APPLICATION

2.1 The requirements of this by-law apply to the trade, business or occupation of providing short-term accommodations within the geographic limits of the Town.

3.0 ADMINISTRATION:

3.1 The Building Department is responsible for the administration and enforcement of this by-law.

3.2 Every application for a new license or a renewal or extension of an existing license shall be submitted to the Department in the form provided.

3.3 Every application shall include:

- (1) the Licensee's name, address and emergency contact information, if the licensee does not reside on the premises; and
- (2) the number of bedrooms, up to a maximum of three, for rent and the number of bathrooms.

3.4 A licensee shall inform the Building Department promptly of any changes to the information provided in 3.2.

3.5 Every application for a new license or a renewal or extension of a license shall be accompanied by the full license fee, as set out in the applicable schedule.

3.6 The license fee for the current year will be reduced by 25 per cent if an application for a new license is submitted between July 1st and November 30th.

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3.7 The license fee for the current year will be waived if an application for a new license is submitted after November 30th and is accompanied by the full license fee for the next calendar year.

3.8 Despite sections to the contrary, the full license fee shall be paid, regardless of the date of application, if a person begins to carry on the business before submitting an application for a new license.

3.9 Adjustments in the rate structure shall automatically be effected each year based on the percentage change in the Consumer Price Index of Statistics Canada.

3.10 Every application for a license will be reviewed to determine whether it meets all of the general regulations set out in Part 4, *General Regulations*.

3.11 As part of this review, an application will be circulated to all relevant departments and agencies.

3.12 Where an application is circulated to a department or agency, the department or agency may require an inspection of the proposed place of business.

3.13 If it is determined that an application meets the requirements of this by-law and all circulated agencies, the Department will issue the license if the license fee has been paid.

3.14 If it is determined that an application does not meet the requirements of this by-law or is objected to by a circulated agency, the Department will refuse to issue the license and will refund the license fee.

3.15 If, at any time, the Department determines, as a result of evidence that is provided, that the operation of a licensed business does not conform with the requirements of this by-law, it may suspend or revoke the license.

3.16 A person whose application for a new license or a renewal of a license has been refused or a person whose license has been suspended or revoked may, within fifteen days of being notified of the Department's decision, apply to the Appeals Committee for a review of the decision.

3.17 A person who wishes to appeal the Department's decision to the Appeals Committee shall file an application for a hearing and pay a fee of \$xxxx to the Town.

3.18 A person who has applied for a review of the Department's decision will be given an opportunity to make written representations to or to appear before the Appeals Committee when it reviews the matter.

3.19 The Appeals Committee will review the matter and may affirm the decision of the Department or direct it to issue, renew or reinstate the license.

3.20 Decisions of the Appeals Committee are final.

4.0 GENERAL REGULATIONS

4.1 No person shall carry on any trade, business or occupation of short-term accommodation within the Town for which a license is required under this by-law unless that person has first obtained a license from the Building Department.

4.2 A license of \$xxxx shall be required for each separate place of business.

4.3 A person is not eligible for a license unless his or her application is accompanied by the full license fee as determined under sections 3.3 and 3.4.

4.4 A license is valid for one calendar year and every licensee shall renew the license by December 31st of each year.

4.5 A licensee is not eligible for the renewal or extension of an existing license unless the licensee has paid the full license fee.

4.6 A licensee is not eligible for the renewal or extension of an existing license unless the licensee has provided an application form annually where required by the Department.

4.7 A license is not transferable.

4.8 No person shall carry on any trade, business or occupation of short-term accommodation for which a license is required under this by-law:

- (i) if the license has expired or been revoked; or
- (ii) while the license is under suspension.

4.9 If work that requires a building permit under the *Building Code Act* is to be undertaken on the property to be used for carrying on such a business, a person shall not submit an application for a license until the work has been completed in accordance with the requirements of that Act and the Building Code.

4.10 A person is not eligible to hold a license if the proposed use of the land, building or structure is not permitted by the zoning by-law that applies to the property, unless the land, building or structure was lawfully used for this purpose on the day of the passing of the zoning by-law.

4.11 A person is not eligible to hold a license if the property to be used for carrying on the trade, business or occupation does not conform with all applicable law, including but not limited to the property standards by-law that applies to the property, the *Fire Protection and Prevention Act, 1997* and the Fire Code.

4.12 Despite Section 4.11 a conditional license may be issued to the applicant if it is determined that there are deficiencies found by the relevant inspectors that can be remedied within a specified time frame in order to come into compliance, and if the deficiencies are not likely to be a danger to the public.

4.13 Any conditional licenses shall clearly state the duration of the temporary license, and if the applicant fails to come into compliance with any Act or Code within the time specified then the license shall become null and void.

4.14 A person is not eligible to hold a license if the operation of his or her business does not conform with the applicable standards and requirements of:

- (1) every other by-law of the Town;
- (2) every provincial or federal Act and regulation made under such an Act; and
- (3) every instrument of a legislative nature made or issued under a provincial or federal Act or regulation.

4.15 Where any order issued by the Department has been appealed and upheld by the Appeals Committee, or where there has been no appeal requested, the Department may suspend or revoke the license.

4.16 The Appeals Committee may modify, uphold or quash an order issued by the Department.

4.17 A licensee shall display the license permanently in a prominent place in his or her place of business.

4.18 Every licensee shall produce the license for inspection on the request of an authorized employee or agent of the Town.

4.19 Every person carrying on a trade, business or occupation for which a license is required under this by-law shall allow, at any reasonable time, an employee or agent of the Town authorized by the manager to inspect their place of business and premises used for purposes of short-term accommodation, other than a room or place actually being used as a dwelling, to determine compliance with the requirements of this by-law.

4.20 No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the Town while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this by-law.

4.21 No licensee shall construct or equip a place of business or premises used for the business so as to hinder the enforcement of the by-law.

4.22 Every licensee shall maintain his or her place of business in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises.

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4.23 No licensee or employee of a licensee shall discriminate in the carrying on of the trade, business or occupation of short-term accommodation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

4.24 No licensee or employee of a licensee shall refuse to permit a person to enter and remain in a place of business or premises to which the public are customarily admitted for the reason that he or she is a blind person accompanied by a guide dog.

5.0 OFFENCE AND PENALTY PROVISIONS

5.1 Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Municipal Act, 2001* or the *Provincial Offences Act* and to any other applicable penalties.

5.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

5.3 If this by-law is contravened and a conviction entered, the court may also order that the premises or part of the premises be closed to any use as a short-term accommodations for a period not exceeding two years.

6.0 VALIDITY

6.1 If a court of competent jurisdiction declares any provision, or any 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 each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

7.0 COMMENCEMENT

7.1 This by-law comes into force on xxx 2007.

7.2 In accordance with subsection 150(13) of the *Municipal Act, 2001*, this by-law expires on xxx 2012.

OTHER POTENTIAL REQUIREMENTS

Prior to the issuance of a license, all premises used as short-term accommodation must be inspected and approved by the Medical Officer of Health or Public Health Inspector and be in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, or successor legislation.

There shall be displayed in each room so licensed a current certificate certifying that the room has been duly inspected and is a properly licensed room according to this by-law.

No beds or bunks shall be placed one above another, and no one shall be permitted to sleep, lodge or dwell in a cellar or basement.

All mattresses shall be so arranged as to be at all times easily inspected. All beds, bed clothing, mattresses and pillows shall be kept clean at all times and free from vermin. Clean sheets and clean pillow cases shall be furnished for each bed and shall be changed as often as necessary to keep the same clean or as may be required by the Medical Officer of Health.

Every licensed location shall provide a register in which all lodgers shall be registered and such register shall specify the date of entry of such lodger, the period of stay and the home address of such lodger, and such register shall be open for inspection by any Officer of the Municipality.

AND WHEREAS Council considers it desirable to exercise this authority for the purposes of ensuring that:

- a) consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided and maintained by the Town to assist in the enforcement of the by-law;
- b) the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- c) the Licensee complies with all nuisance control regulations; and,
- d) the health and safety of visitors of such premises are protected through regular or required inspections and compliance with legislation pertaining to fire safety, building safety and health safety.

Insert minimum insurance requirements