



# Staff Report

## Administration

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**Report To:** Committee of The Whole  
**Meeting Date:** October 23, 2017  
**Report Number:** FAF.17.130  
**Subject:** STA Licensing Program Update  
**Prepared by:** Kirsty Robitaille, STA Coordinator/Municipal Licensing Officer

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### A. Recommendations

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THAT Council receive Staff Report FAF.17.130, entitled "STA Licensing Program Update" for information purposes.

### B. Overview

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The purpose of this report is intended to provide Council with an update on the Short Term Accommodation (STA) Licensing Program and to recognize some on-going regulatory concerns.

### C. Background

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By-law Enforcement Staff has received a number of concerns regarding the implementation of Zoning By-law 2009-03, the Property Standards By-law 2002-18 and the STA Licensing By-law 2013-50. These By-laws regulate and govern Short Term Accommodation (STA) uses. The concerns have been received from the public, STA operators, and rental management companies. The majority of concerns raised include the interpretation of the sections dealing with Occupant Load, Minimum Separation Distance and Commercial Resort unit areas that also include STA uses. The following sections outline the concerns raised.

### D. Analysis

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#### Occupant Load

The Occupant Load limits are intended to establish the maximum number of occupants that can be located within an STA dwelling. The Maximum overnight occupant load for an existing legal non-conform STA Premises should be determined as per the Property Standards By-law No. 2002-18 as amended and the *Ontario Building Code*:

- 5.06** The maximum number of occupants within a dwelling that is being operated as term accommodation shall not exceed a total number based upon two (2) persons per bedroom plus an additional two(2) persons (By-law 2014-46).

POL.STAL.14.02; where an additional sleeping area is intended to be located; a maximum of one such sleeping area will be permitted within each dwelling.

Previously there have been STA Licences issued to allow for a total number of occupants based upon two (2) persons per bedroom plus four (4) persons. It appears that this has been applied to several of existing legal non-conforming STA premises.

Going forward Staff will be implementing the Property Standards By-law 2009-03 Section 5.06 to all existing legal non-conforming STA premises that limits the maximum occupant load to 2 persons per bedroom, plus an additional 2 persons.

### **Minimum Distance Separation**

The purpose of the 120m minimum separation distance is to prevent the “clustering” of STA units and to ensure that a buffer is provided to reduce the conflicts between each STA premise, and the surrounding residential areas.

Zoning By-law No. 2009-03 Section 5.24.1 (c) *No short term accommodation use shall be located closer than 120 meters in a continuous path over the shortest distance from another short term accommodation use or bed and bed breakfast establishment*

Currently they are 7 units at Delphi Lane “Summit Shores” and 3 units at Heritage Corners that have been issued an STA licence earlier this year within the prescribed 120 m separation distance, these units are currently in contravention of the Zoning By-law No. 2009-03 Section 5.24.1 (c ) as described above.

Going forward staff will be implementing the prescribed 120m separation distance to new STA licences.

### **Commercial Resort Units (CRU’s)**

The lands on which Mountain Springs and Cachet Crossing are located allow for Commercial Resort Units (CRU’s) only, and do not permit an STA use on these lands. CRU’s are exempt from the licensing requirements. To qualify a CRU must be part of a rental or lease management program which consists of a minimum of ten (10) commercial resort units in one or more buildings on a single lot. Further, these ten (10) CRU’s must be within the same rental or lease management program and same management company.

Several units on these lands have opt-out of the rental management programs, and therefore no longer qualify as a CRU unit. The owners of these units continue to rent their premises for a period of less than thirty (30) days as an STA unit. Further to this and to be in compliance with the STA licensing By-law, all Short Term Accommodation shall be licensed within the Town. Currently there are 43 units located at Mountains Springs that were issued an STA licence , as noted above these lands are zoned to only allow for Commercial Resort Units not Short Term Accommodation (STA’s).

It should be noted that the Planning Department is in the process of implementing a new Official Plan policy and new zoning By-law provision to allow for short term accommodation rentals on these lands. Going forward, Staff recognize the importance of regulating these units and will require an STA licence until the Official Plan and Zoning is updated.

## **E. The Blue Mountains Strategic Plan**

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Goal #4: Promote a Culture of Organizational and Operational Excellence

## **F. Environmental Impacts**

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N/A

## **G. Financial Impact**

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None

## **H. In consultation with**

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Shawn Postma, Senior Policy Planner

Rob Collins, Director of Enforcement Services and Fire Chief

## **I. Attached**

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1. STA Licensing By-law 2013-50 , As amended
2. Zoning By-law 2009-03
3. Property Standards By-law 2002-18, As amended
4. POL.STAL.14.02

Respectfully Submitted

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Kirsty Robitaille  
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Rob Collins  
Director of Enforcement Services and Fire Chief

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# **The Corporation of The Town of The Blue Mountains**

## **By-law No. 2013- 50 OFFICE CONSOLIDATION (By-law 2014-45)**

A By-law to licence, regulate and govern short term accommodation uses.

**WHEREAS** the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business and to regulate and govern any business carried on within the municipality;

**AND WHEREAS** the *Municipal Act, 2001* authorizes a municipality to require the payment of licence fees and to pass By-laws to impose fees or charges for permits and services;

**AND WHEREAS** the *Municipal Act, 2001* authorizes a municipality to add outstanding fees and charges to the tax roll and collect them in the same manner as municipal taxes;

**AND WHEREAS** notice of a public meeting was given, and a public meeting was held, at which time any persons who attended had an opportunity to make representation with respect to this By-law or to provide written comments;

**AND WHEREAS** Council of the Corporation of the Town of The Blue Mountains has duly considered representations and written comments with respect to this By-law;

**AND WHEREAS** Council of the Corporation of the Town of The Blue Mountains considers it desirable to exercise its licensing powers, including the imposition of conditions as are set out in this By-law;

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

### **1.0 DEFINITIONS**

1.1 In this By-law:

**Action** means a proceeding under Part I or Part III of the *Provincial Offences Act*;

**Agencies** means those agencies, authorities, boards, commissions, departments and ministries that are involved in the review of an application; commenting on an application; or, where applicable, the inspection of a premise;

**Agent** means a person duly appointed by the Owner to act on their behalf;

**Applicant** includes a person seeking a licence or renewal of a licence or a person whose licence is being considered for revocation or suspension;

**Bedroom** means a room or area used, designed, equipped or intended for sleeping;

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

**Chief of Police** means the local Ontario Provincial Police Detachment Commander;

**Committee** means the Committee to which Council has delegated the responsibility of handling appeals, suspensions and revocations;

**Council** means Council of the Corporation of the Town of The Blue Mountains;

**Disturbance** means an event where an action has commenced with respect to nuisance, noise or other disturbance;

**Division** means the Building & By-law Services Division;

**Fee** means those fees as set out in By-law No. 2000-90, as amended, or reenacted from time to time, being the Town's Tariff of Fees By-law;

**Fire Chief** means the individual appointed to this position by Council or his/her designate;

**Health Unit** means the Grey Bruce Health Unit;

**Licence** means a licence issued under this By-law;

**Licencee** means a person who holds a licence under this By-law;

**Manager** means the Manager, Building & By-law Services, or his/her designate;

**Medical Officer of Health** means the Medical Officer of Health of the Grey Bruce Health Unit or his/her designate;

**Officer** means the person, or persons, who have been appointed to enforce the provisions of this By-law and includes a provincial offences officer as defined by the *Provincial Offences Act*;

**Owner** means the person holding title to the lands on which the short term accommodation premises is located;

**Parking Management Plan** means a plan, drawn to scale, depicting the size and location of all parking spaces intended to be used for parking on the premises;

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

**Property Management Plan** means a plan that identifies those measures the Owner will implement so as to ensure compliance with the Town's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management;

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

**Renter** means the person responsible for the rental of the premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

**Renter's Code** means a document that has been prepared by the Owner that has been approved by the Town that is agreed to in writing by a renter that sets out the roles and responsibilities of the renter, including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town By-laws that the renter must comply with including the provisions of this By-law as they relate to, amongst other things, the Parking Management Plan;

**Responsible Person** means the person assigned by the owner or operator of a short term accommodation premises to ensure the premises are operated in accordance with the provisions of this By-law, the licence and the relevant provisions of the Fire Code;

**Short Term Accommodation** means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term Accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use;

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

**Zoning By-law** means a By-law enacted under section 34 of the *Planning Act* that restricts and/or regulates the use of land.

1.2 Words or phrases contained herein and which are not defined by this By-law, are firstly to be assigned the definition or meaning attributable to them in the applicable zoning By-law and, failing such a definition or meaning, the everyday meaning of such word or phrase.

## **2.0 APPLICATION**

- 2.1 The requirements of this By-law apply to the trade, business or occupation of providing short term accommodation within the geographic limits of the Town as of the date this By-law comes into effect (By-law 2014-45).
- 2.2 Persons who own, operate or offer a premises for short term accommodation as of the effective date of this By-law must file an application for a licence under this By-law:
- (1) no later than July 2, 2014, for existing premises located within the geographic areas identified by Schedule A-1 to this By-law; and
  - (2) no later than December 1, 2014, for existing premises located within the balance of the geographic limits of the Town (By-law 2014-45).
- 2.3 The determination of whether a licence application is “complete” in accordance with the requirements of this By-law shall be within the sole discretion of the Manager (By-law 2014-45).
- 2.4 For greater certainty, the requirements of this By-law do not apply to a hotel, motel, bed and breakfast establishment, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use as defined by the applicable zoning By-law.

## **3.0 LICENSING REQUIREMENTS**

- 3.1 No person shall carry on any trade, business or occupation of short term accommodation unless that person has first obtained a licence (By-law 2014-45).
- 3.2 A person who obtains a licence shall comply with the regulations set out in this By-law for such licence. Failure to comply with the regulations constitutes an offence.
- 3.3 An agent of persons who own, operate or offer a premise for short term accommodation purposes without a licence shall also be personally liable for the compliance of his principal, beneficiary or persons he represents. Failure by such a person to comply with this By-law constitutes an offence.
- 3.4 Licences issued pursuant to this By-law are conditional upon compliance by the licensee with all municipal By-laws and compliance with all Provincial and Federal Laws and Regulations and any conditions imposed to the holding of the licence.

## **4.0 ADMINISTRATION**

- 4.1 The Building & By-law Services Division is responsible for the administration and enforcement of this By-law.
- 4.2 Every application for a new licence or a renewal or extension of an existing licence shall be submitted to the Division on the forms prescribed.
- 4.3 Every application for a new licence or a renewal or extension of an existing licence shall include:
- (1) each owner, applicant and/or agent’s name, address, telephone number, facsimile transmission number and e-mail address;
  - (2) a copy of the transfer/deed evidencing the ownership of the premises;
  - (3) in the instance of an applicant or agent acting on behalf of the Owner, an Owner’s written authorization permitting the applicant or agent to act on their behalf;
  - (4) the rental agent’s or agency’s name, address and telephone number;
  - (5) in the instance of a corporation or partnership, the name, address and telephone number of each director and officer or partner of the Owner and/or rental agent or agency;
  - (6) the name, address, telephone number and e-mail address of a person who has been assigned by the owner or operator to be the responsible person for the operation and conduct of the inhabitants of the licenced short term accommodation premises;

- (7) a statement from the Owner certifying the accuracy, truthfulness, and completeness of the application;
  - (8) proof of placement of insurance specific to the rental nature of the property that includes a limit of liability of not less than \$2 million per occurrence for property damage and bodily injury and includes provisions that the Town will be notified of any intended cancellation by the insurer no fewer than 15 days prior to such cancellation;
  - (9) floor plans and a site plan, drawn to scale and fully dimensioned, of the short term accommodation premises depicting the use of the premises including the proposed occupancy of each room; occupant load for sleeping purposes of each room; location of smoke detection and early warning devices; location of fire extinguishers, and, related site amenities including parking, landscaping and other buildings or structures on the land;
  - (10) a Parking Management Plan that complies with the applicable Town zoning by-law;
  - (11) a Property Management Plan identifying measures the Owner will implement for the purpose of complying with the Town's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management;
  - (12) a Renter's Code;
  - (13) the prescribed fees; and,
  - (14) any outstanding fees or fines owed to the Town by the Owner respecting any short term accommodation premises.
- 4.4 A licensee shall inform the Division of any changes to the information provided in 4.3 within a period of 15 days.
- 4.5 In addition to the requirements of 4.3, an applicant shall provide, if requested, evidence that the use of the short term accommodation premises is protected by virtue of S. 34(9)(b) of the *Planning Act* with such evidence including, but not be limited to, a sworn Statutory Declaration confirming the continued use of the premises for short term accommodation purposes from prior to the enactment of a By-law that prohibited such use through to the present; rental receipts, advertisements and any other records that may be relevant that are supportive of the establishment and continued use of the premises for short term accommodation purposes; and, an opinion, from a solicitor licensed to practice in Ontario, as to whether the premises is protected by virtue of S. 34(9)(b) of the *Planning Act* and, in support of that opinion, the reasons why (By-law 2014-45).
- 4.6 Every application for a licence will be reviewed by the Manager to determine whether it meets the requirements of this By-law.
- 4.7 As part of the review referenced at 4.6, the application will be circulated to those agencies deemed necessary and/or relevant by the Manager.
- 4.8 Those agencies referenced at 4.7 may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application by the Manager. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of fees for such an inspection, the applicant shall pay the fees as required prior to the inspection.
- 4.9 If it is determined that an application meets the requirements of this By-law and all circulated agencies, the Manager shall issue the licence.
- 4.10 If it is determined that an application does not meet the requirements of this By-law and the requirements of all of the circulated agencies, the Manager shall refuse the issuance of the licence.
- 4.11 A licence shall be issued to the owner of the short term accommodation premises.
- 4.12 A licence is valid for a period of 2 years from the date of issuance.
- 4.13 Adjustments in the fees prescribed shall automatically be effected each year based on the percentage change in the Consumer Price Index of Statistics Canada.

- 4.14 A licensee is not eligible for the renewal or extension of an existing licence unless the licensee has provided an application form.
- 4.15 A licence is not transferable.
- 4.16 No person shall enjoy a vested right in the continuance of a licence.
- 4.17 Licences shall remain the property of the Town.
- 4.18 If at any time the Manager determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Manager may impose an Administrative Penalty or refer the matter to the Committee.
- 4.19 If at any time the Manager determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Manager may commence with proceedings pursuant to the *Provincial Offences Act*.
- 4.20 A person whose application for a new licence or a renewal of a licence has been refused may, within fifteen days of being notified of the Manager's decision, apply to the Committee for a review of the decision. If an application for review has not been applied for within fifteen days, the licence application will be deemed to be closed. An application for a review of a decision is not complete until the fee as prescribed is paid.
- 4.21 A person who has been imposed an Administrative Penalty may, within fifteen days of being notified of the Administrative Penalty, apply to the Committee for a review of the decision. If an application for review has not been applied for within fifteen days, or if the Administrative Penalty has been paid, the Administrative Penalty levied is deemed to be confirmed. An application for a review is not complete until the fee as prescribed is paid.
- 4.22 A person who has applied for a review to the Committee of the Manager's decision noted at 4.10 or 4.18 will be given an opportunity to make written representations to or to appear before the Committee when it reviews the matter.
- 4.23 The Committee will review the matter and may affirm, modify or rescind the decision of the Manager or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Committee or, suspend or revoke a licence.
- 4.24 Decisions of the Committee as they relate to a licence refusal may be appealed to Council.
- 4.25 A person who wishes to appeal the Committee's decision to Council as noted at 4.24 shall file an application for a hearing and pay the fee as prescribed. If an application for appeal has not been applied for within fifteen days of the Committee's decision, the Committee's decision is deemed to be confirmed. An application for appeal is not complete until the fee as prescribed is paid.
- 4.26 A person who has appealed the Committee's decision noted at 4.24 will be given an opportunity to make written representations to or to appear before Council when it reviews the matter.
- 4.27 Council will review the matter and may affirm, modify or rescind the decision of the Committee or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council.
- 4.28 Decisions of Council are final.
- 4.29 Applications for licence and issued licences, along with the legal description and/or emergency number and associated owner, agent, applicant and responsible person contact information will be posted to the Town's website.
- 4.30 Matters to be considered by the Committee and/or Council, including that information identified at 4.29 and the location, date and time of the Hearing shall be posted to the Town's website.



- 4.31 Matters, notices, orders and communications related to a non-compliance under a Federal or Provincial Law or Regulations or a municipal By-law, including, but not limited to, the Property Standards By-law; the *Building Code Act*; the Building Code; the *Fire Protection and Prevention Act*; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health are not appealable to the Committee or Council.

## **5.0 GENERAL REGULATIONS**

- 5.1 No person shall carry on any trade, business or occupation of short term accommodation for which a licence is required under this By-law unless that person has first obtained a licence.
- 5.2 No person shall carry on any trade, business or occupation of short term accommodation 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.
- 5.3 A person is not eligible to hold a licence if the proposed use of the land, building or structure is not permitted by the zoning By-law that applies to the property.
- 5.4 A person is not eligible to hold a licence unless the person has provided a statement prepared by the Fire Chief dated within a period of 24 months of the date of application for licence indicating that the premises conforms to the *Fire Protection and Prevention Act* and its regulations as they relate to the operation and use of the premises for short-term accommodation purposes with such statement indicating the occupant load for sleeping purposes for the premises.
- 5.5 A person is not eligible to hold a licence unless the person has provided a certificate from the Electrical Safety Authority dated within a period of 24 months of the date of application for licence indicating that the premises conforms to the Electrical Safety Code.
- 5.6 A person is not eligible to hold a licence if the person is indebted to the Town in respect of fines, penalties, judgments or any other amounts owing, including awarding of legal costs and disbursements and outstanding property taxes and late payment charges against all properties owned by the owner.
- 5.7 A person is not eligible to hold a licence if the property to be used for carrying on the trade, business or occupation does not conform with applicable Federal and Provincial Law and Regulations or municipal By-laws, including, but not limited to, the Zoning By-law; Property Standards By-law; the *Building Code Act*; the Building Code; the *Fire Protection and Prevention Act*; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health.
- 5.8 A person is not eligible to hold a licence unless a Renter's Code for the premises has been submitted to and approved by the Manager (By-law 2014-45).
- 5.9 The owner shall operate the short term accommodation premises in accordance with the Parking Management Plan and Property Management Plan that has been approved by the Manager (By-law 2014-45).
- 5.10 The owner shall keep a record of the renter with such record containing the date of entry, the length of stay, home address of the renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all times by an Officer for a period of one year (By-law 2014-45).
- 5.11 The owner shall display the licence permanently in a prominent place in the short term accommodation premises to which it applies (By-law 2014-45).
- 5.12 Each licence shall include the following:
- (1) Building/site/location address/identifier (i.e. Emergency or 911 Number);
  - (2) Licence number;
  - (3) Effective date and expiry date of the licence;
  - (4) Owner's name and contact information;
  - (5) Rental agent or agency's name and contact information;
  - (6) Responsible person's name and contact information; and,

- (7) A plan, that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher and exit/egress door or window (By-law 2014-45).
- 5.13 The owner of a short term accommodation premise shall ensure that there is a responsible person available to attend to the short term accommodation premises at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail (By-law 2014-45).
- 5.14 The owner or agent of a short term accommodation premise shall ensure that each renter has been provided with the Renter's Code with the owner retaining a copy of the confirmation of receipt of the Renter's Code for a period of one year (By-law 2014-45).
- 5.15 The owner of a short term accommodation premise for which a licence is required under this By-law shall allow, at any reasonable time, an employee or agent of the Town to inspect the premises used for the purposes of short term accommodation so as to determine compliance with the requirements of this By-law, Fire Code, Building Code, Property Standards By-law or other applicable law (By-law 2014-45).
- 5.16 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 or any other municipal By-law or Provincial legislation or regulation (By-law 2014-45).
- 5.17 No person shall construct or equip a place of business or premises used for the business so as to hinder the enforcement of this By-law (By-law 2014-45).
- 5.18 Every owner shall maintain the short term accommodation premises 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. For the purposes of this subsection, adequate measures for the storage and disposal of waste shall mean a self enclosed building, structure or container, located outside of the short-term accommodation premises, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of (By-law 2014-45).
- 5.19 Every licensee shall ensure that the short term accommodation premises is operated and used in a fashion such that the operation or use will not cause a disturbance (By-law 2014-45).
- 5.20 Every licensee shall provide an undertaking to operate the short term accommodation premises in accordance with all Town By-laws including, but not limited to, the Town's Noise Control By-law, Property Standards By-law and Garbage Collection By-laws, and any applicable Provincial or Federal laws or statutes including the Ontario Fire Code and laws related to the making of a disturbance. Further, every licensee shall include in such undertaking a confirmation that they will require that each renter enter into a Renter's Code (By-law 2014-45).
- 5.21 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 (By-law 2014-45).
- 5.22 The Manager may revoke a licence if it was issued on mistaken, false or incorrect information (By-law 2014-45).

## **6.0 DEMERIT POINT SYSTEM**

- 6.1 A demerit point system is established as follows without prejudice to options otherwise available to enforce this By-law or any other By-law of the municipality or Provincial Act or Regulation including, but not limited to, administrative penalties as set out in this By-law and actions pursuant to the *Building Code Act*, *Fire Protection and Prevention Act* and the *Provincial Offences Act*.

- (1) The number of demerit points referenced in Column 3 of Table 1 below will be assessed against a short term accommodation premises in respect of the matter noted in Column 1 upon the following event respecting a contravention:
  - (a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the *Provincial Offences Act*;
  - (b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
  - (c) the confirmation of an administrative penalty; or,
  - (d) the confirmation of an order.
- (2) Demerit points shall remain in place until the two year anniversary of the date on which the demerit points were assessed.
- (3) Meeting with the Committee
  - (a) If the total of all demerit points in effect respecting a short term accommodation premises is at least seven, the Manager will require the Owner to attend a meeting with the Committee.
  - (b) Notice shall be provided by e-mail or regular mail at the address given in accordance with 4.3 a minimum of two weeks in advance of the meeting date.
  - (c) The provision of Notice as set out in 3(b) shall be deemed to be sufficient Notice with, or without, confirmation of receipt of the Notice.
  - (d) The fee payable by the Owner for the Meeting shall be as prescribed.
  - (e) The purpose of the meeting is for the Owner to identify to the Committee what steps and/or measures that they intend on implementing so as to mitigate further instances of the levying of demerit points.
  - (f) If the Owner fails to attend the meeting, the Manager shall require the Owner to attend a Hearing.
- (4) Hearing with Committee
  - (a) If the total of all demerit points in effect respecting a short term accommodation premises is at least fifteen, the Manager will require the Owner to attend a Hearing with the Committee.
  - (b) Notice shall be provided by e-mail and regular mail at the addresses given in accordance with 4.3.
  - (c) The provision of Notice as set out in 4(b) shall be deemed to be sufficient Notice with, or without, confirmation of receipt of the Notice.
  - (d) The fee payable by the Owner for the Hearing shall be as prescribed.
  - (e) If the Owner fails to attend the Hearing the Committee may proceed in absentia.
  - (f) After hearing the matter, the Committee may impose conditions as they deem appropriate for the continued holding of the licence, suspend the licence or revoke the licence.

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
<i>Fire Protection &amp; Prevention Act</i> /Fire Code	FPPA	15 (1)
Operating without a licence	3.1	7
<i>Building Code Act</i> (construction w/o a permit)	BCA	7 (2)
Sleeping in excess of maximum permitted	5.4 (1) & 5.9	5
Non-availability of Responsible Person	5.14	5
Noise By-law Infraction	N/A	5
Not providing updated information	4.4	3
Contrary to Parking Management Plan	5.10	3
Contrary to Property Management Plan	5.10	3
Not posting licence	5.12	3
Property Standards	N/A (2)	3
Long Grass	N/A (2)	2
Waste/Garbage Collection	N/A (2)	2

(1) See 4.31, 5.4 and 5.7  
 (2) See 4.31

7.0 LICENSING COMMITTEE

7.1 Council shall appoint a Licensing Committee.

- 7.2 The term of the Committee shall coincide with the term of Council.
- 7.3 The Committee shall be comprised of a minimum of three members.
- 7.4 Quorum of the Committee shall mean a majority (more than half) of the whole members of the Committee but shall be not less than three members.
- 7.5 The Committee shall hear appeals as set out in 4.20 and 4.21 save and except for determinations related to conformity with applicable Federal and Provincial Law and Regulations or municipal By-laws, including, but not limited to, the Property Standards By-law; the *Building Code Act*; the Building Code; the *Fire Protection and Prevention Act*; the Fire Code; or, an order of the Medical Officer of Health.
- 7.6 The Committee may hear appeals to the revocation of a licence as set out in 5.22.

## **8.0 COUNCIL (COMMITTEE APPEAL)**

- 8.1 Council shall hear all appeals to decisions of the Committee.

## **9.0 REVOCATION AND SUSPENSION**

- 9.1 In accordance with 4.23, the Committee may affirm, modify or rescind the decision of the Manager or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Committee or, suspend or revoke a licence.
- 9.2 Regard to the nature, severity and frequency of non-compliances related to the premises, and any other premise owned by the owner, shall be considered by the Committee in considering the length of a suspension and/or a revocation.

## **10.0 OFFENCE AND PENALTY PROVISIONS**

- 10.1 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.
- 10.2 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.
- 10.3 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 short term accommodation.

## **11.0 ADMINISTRATIVE PENALTIES**

- 11.1 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.
- 11.2 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 11.1, be liable to pay to the Town an administrative penalty in the amount of \$250.00.
- 11.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- (1) Particulars of the contravention, including to which property it applies;
  - (2) The amount of the administrative penalty;
  - (3) Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and,
  - (4) A statement advising that an administrative penalty will, unless modified or rescinded pursuant to the review process, constitute a debt to the Town.
- 11.4 A person may appeal an administrative penalty to the Committee as set out in 4.21.

- 11.5 An administrative penalty that is deemed to be affirmed constitutes a debt to the Town of each person to whom or to which the penalty notice was given.
- 11.6 An administrative penalty that is not paid may be added to the tax roll to the property to which it applies and collected in the same manner as taxes.

**12.0 DELEGATION**

- 12.1 For the purposes of subsection 23.2(4) of the *Municipal Act*, it is the opinion of Council that the powers delegated pursuant to this By-law are minor.

**13.0 VALIDITY**

- 13.1 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.

**14.0 SHORT TITLE**

- 14.1 This By-law shall be known as the “Short Term Accommodation Licensing By-law”.

**15.0 EFFECTIVE DATE**

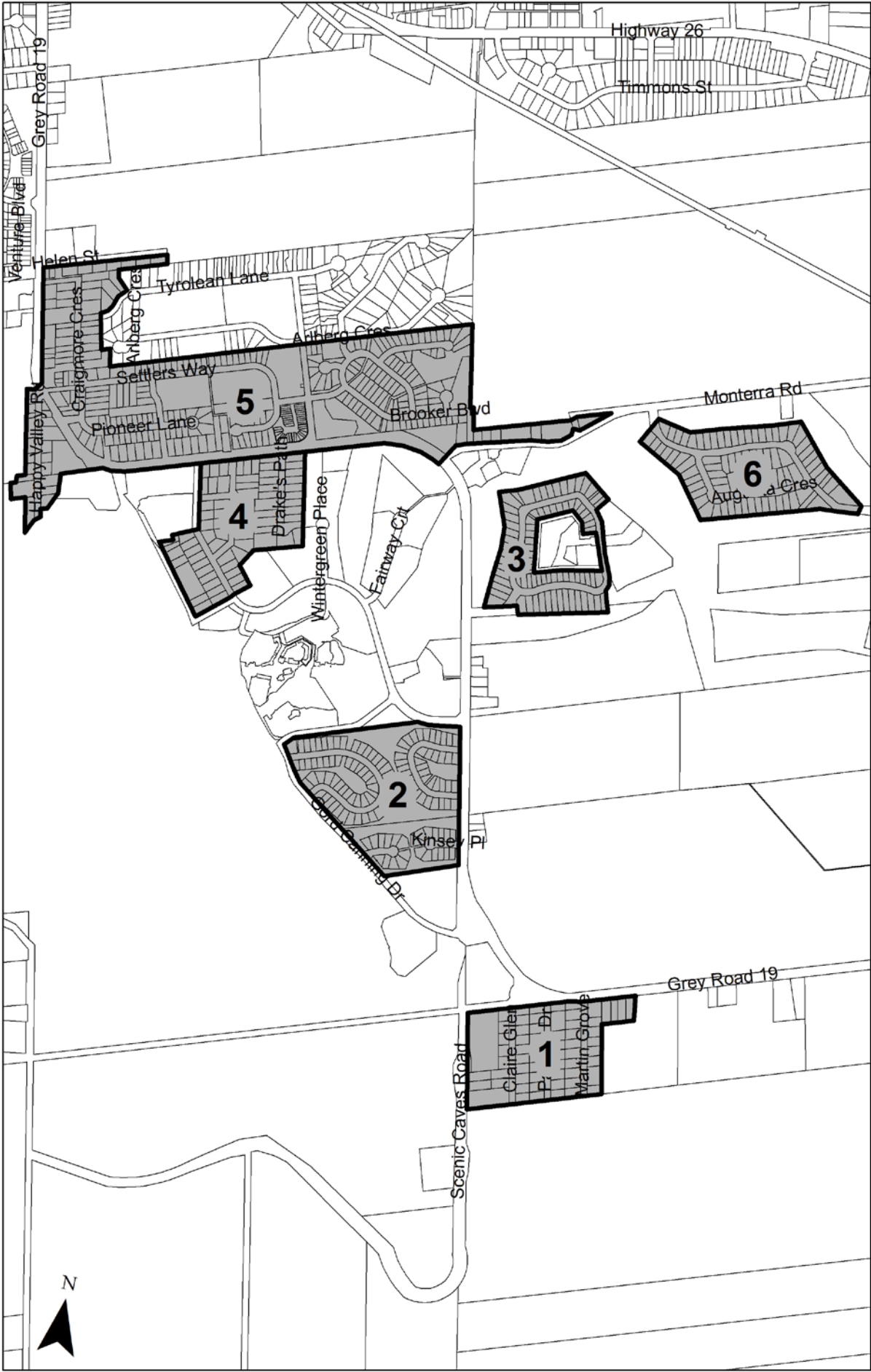
- 15.1 This By-law comes into effect on July 2, 2014.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Ellen Anderson, Mayor

\_\_\_\_\_  
C. Giles, Clerk

Schedule 'A-1'  
By-law No. \_\_\_\_\_



## THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

### BY-LAW NO. 2009-03

Being a By-law to amend Zoning By-law No. 83-40  
which may be cited as "The Township of Collingwood  
Zoning By-law"

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is hereby amended by adding the following new definitions:
  - (i) 3.17 (a) "Bed and Breakfast Establishment" means a dwelling that operates or offers no more than three (3) guest rooms as places of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the principal residence of the establishment's proprietor. Bed and Breakfast Establishment shall not mean or include motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses.
  - (ii) 3.17 (c) "Boarding or Rooming House"
    - (i) means an owner occupied dwelling in which lodging with or without meals is supplied for gain to three (3) or more persons other than the lessee, tenant or owner of the said dwelling, or any member of his family, but
    - (ii) does not mean or include a motel, hotel, short term accommodation, bed and breakfast establishment, hospital or similar commercial or institutional use, or apartment house.
  - (iii) 3.139 (a) "Residential" means the use of land, buildings or structures for human habitation, but excluding temporary human habitation uses such as short term accommodation, bed and breakfast establishment, tourist cabin or cottage, hotel or motel.
  - (iv) 3.148 (b) "Short Term Accommodation" means a dwelling or any part thereof that operates or offers no more than eight (8) occupants a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than 30 consecutive calendar days, throughout all or any part of a calendar year. Short term Accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, or similar commercial or institutional uses.
  - (v) 3.166 (a) "Tourist Cabin or Cottage" means a seasonal dwelling operated or offered as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement, throughout all or any part of a calendar year.

2. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is amended by revising the following existing definitions:
- (i) After "3.30 "Commercial" means the use of land, building or structure for the purpose of buying, selling, leasing and renting commodities," delete the comma and insert:

"or accommodations".
  - (ii) Delete 3.31 (iii) and replace with:

3.31 (iii) "which is part of a rental or lease management program which consists of a minimum of ten (10) commercial resort units in one or more buildings on a single lot; and"
  - (iii) Delete definition 3.32 and replace with:

3.32 "Commercial Resort Unit Complex" shall mean a building or group of buildings containing more than ten commercial resort units which is part of a rental or lease management program on a single lot.
  - (iv) Delete definition 3.45 and replace with:

3.45 "Dwelling" shall mean a building occupied or capable of being occupied exclusively as a permanent or temporary home, residence, accommodation or sleeping place by one or more persons, but shall not include hotels, motels, mobile homes, recreational vehicles, park model trailers, tents, commercial resort units, institutions, railroad car or other railroad rolling stock, or living quarters for a caretaker, watchman, or other person or persons using living quarters which are necessary to a non-residential building or structure.
  - (v) Delete definition 3.54 and replace with:

3.54 "Dwelling, Seasonal" means a dwelling that is not used for continuous habitation or as a permanent residence or a dwelling to be used for recreation but not occupied or intended to be occupied as a permanent residence or any combination of the two.
  - (vi) Delete 3.56 and replace with:

3.56 "Dwelling, Single Detached Residential" means a single dwelling unit which is not joined to any other dwelling.
  - (vii) Delete definition 3.89 and replace with:

3.89 "Hotel" means an establishment that consists of one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by furnishing guest rooms for a fee, including all such establishments as defined from time to time by the *Hotel Registration of Guests Act*, R.S.O. 1990, c.H.17, as amended, but not including any other establishment otherwise defined or classified in this By-law. A Hotel may or may not:

    - (i) supply food;
    - (ii) have an on-site management office;
    - (iii) include permanent staff accommodation;
    - (iv) include convention facilities;
    - (v) include one or more dining rooms;
    - (vi) include recreational facilities for use by the guests; and
    - (vii) be licensed under the Liquor Licence Act of Ontario, R.S.O. 1990,c..



(viii) Delete definition 3.113 and replace with:

3.113 "Motel" means an establishment that consists of one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by operating or offering guest rooms for a fee, where each guest room is directly accessible from the exterior, but not including any other establishment otherwise defined or classified in this By-law. A Motel may also:

- (i) supply food;
- (ii) have an on-site management office;
- (iii) include permanent staff accommodation;
- (iv) include convention facilities;
- (v) include one or more dining rooms;
- (vi) include recreational facilities for use by the guests;
- (vii) be licensed under the Liquor License Act of Ontario.

3. Section 5.14 Parking Requirements of By-law No. 83-40, as amended, is amended by adding the following parking requirements:

Section 5.14(a)(xxiv) Short term accommodation – 0.5 parking spaces per occupant.

4. SECTION 5: GENERAL PROVISIONS of By-law 83-40, as amended, is hereby amended by adding the following new Section: Section 5.24 Short Term Accommodation

Section 5.24 Short Term Accommodation

Section 5.24.1 (a) No person shall use any land or erect, alter or use any building or structure for the purpose of a short term accommodation use within any Residential First Density (R1), Residential Second Density (R2), Residential Third Density (R3) or Residential Fourth Density (R4) Zone.

Section 5.24.1 (b) No person shall use any land or erect, alter or use any building or structure that secures nine (9) or more occupants for the purpose of short term accommodation use.

Section 5.24.1 (c) No short term accommodation use shall be located closer than within 300 metres in a continuous path over the shortest distance from another short term accommodation use or Bed and Breakfast Establishment .

Section 5.24.1 (d) Short term accommodation uses shall be subject to site plan control.

5. Section 8.1 (b) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".

6. Section 9.1 (b) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".

7. Section 10.2.1 (a) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".

8. Section 10.3.1 (a) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".

9. Section 10.4.1 (a) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".

10. Section 10.6.1 of the Residential Fifth Density (R5) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following :
  - 10.6.1 Permitted Uses
    - a) horizontally attached dwellings;
    - b) short term accommodation;
    - c) uses, building and structures accessory to the uses permitted in Clauses a) and b).
11. Section 10.7.1 of the Residential Sixth Density (R6) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following:
  - 10.7.1 Permitted Uses
    - a) horizontally attached dwellings;
    - b) multi-attached dwellings;
    - c) short term accommodation;
    - d) uses, buildings and structures accessory to the uses permitted in Clauses a), b) and c).
12. Section 10.8.1 of the Residential Seventh Density (R7) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following:
  - 10.8.1 Permitted Uses
    - a) a rowhouse unit;
    - b) a linked unit;
    - c) short term accommodation;
    - d) uses, building and structures accessory to the uses permitted in Clauses a), b) and c).
13. Section 10.9.1 of the Residential Eighth Density (R8) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following:
  - 10.9.1 Permitted Uses
    - a) apartment houses;
    - b) short term accommodation;
    - c) uses, buildings and structures accessory to the use permitted in Clause a).
14. Section 10.10.1 (a) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".
15. Section 10.11.1 (a) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".
16. Section 10.12.1 (a) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".
17. Section 10.13.1 of the Resort Residential (RR) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following:
  - 10.13.1 Permitted Uses
    - a) a single detached residential dwelling;
    - b) short term accommodation;
    - c) uses, buildings and structures accessory to the uses permitted in Clauses a) and b).
18. Section 10.14.1 (a) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".
19. Section 30.1 (a) of By-law No. 83-40, as amended, is amended by deleting "family detached" following "single" and replacing it with "detached residential".
20. That Schedule 'AA' of the Township of Collingwood Zoning By-law No. 83-40, as amended, is amended by deleting "Single Family" in the "Use" Row and replacing it with "Single Detached".

21. That Schedule ‘AA’ of the Township of Collingwood Zoning By-law No. 83-40, as amended, is amended by deleting the Resort Column and replacing with the following:

SCHEDULE ‘AA’		ZONE	RESORT
		USE	SINGLE DETACHED
		SYMBOL	RR
MINIMUM AREA (METRES)	LOT (SQ. METRES)	PUBLIC WATER AND SEWER	550'
		PUBLIC WATER	695
		PRIVATE WATER AND SEWER	1,390
MINIMUM FRONTAGE (METRES)	LOT	PUBLIC WATER AND SEWER	18(1)
		PUBLIC WATER	22
		PRIVATE WATER AND SEWER	24
MINIMUM SETBACK (METRES)	YARD	FRONT	7.5
		REAR	9
		INT. SIDE	2
		EXT. SIDE	6
MAXIMUM COVERAGE	LOT	%	30
MINIMUM AREA PER DWELLING UNIT (SQ. METRES)	FLOOR PER UNIT	1 STOREY	83
		1.5 STOREY	87
		2-2.5 STY.	100
		BACHELOR	A
		1 BEDROOM	A
		2 BEDROOM	A
MAXIMUM NO. OF UNITS PER LOT		3+ BEDRM.	A
			1
MINIMUM SETBACK FROM CENTRE OF ROAD ALLOWANCE (METRES)		PROVINCIAL	30
		COUNTY	27
		OTHER	17.5
MAXIMUM HEIGHT (METRES)	HEIGHT		2.5 STY.

A – PROVISION NOT APPLICABLE

(1) – THE MINIMUM LOT AREA SET OUT IN THIS SCHEDULE SHALL BE INCREASED BY 50 SQ. M. FOR CORNER LOTS

22. That Schedule “A-1” is hereby declared to form part of this by-law.
23. In addition to the uses permitted on the lands set out on Schedule “A-1”, short term accommodation use shall be permitted with such use being excluded from:
- a) the total number of occupants permitted within a short term accommodation use.
  - b) being located closer than within 300 metres in a continuous path over the shortest distance from another short term accommodation use or Bed and Breakfast Establishment.
  - c) Section 5.14(a)(xxiv) – “Parking Requirements”.
24. That the defined areas as depicted on Schedule “A-1” which are used for short term accommodation shall comply with the Parking Requirements of Section 5.14 (a)(i) of By-law No. 83-40 for a “A building containing 2 or more dwelling units” or, 5.14 (a)(ii) “A building containing 3 or more dwelling units”, whichever is applicable to the building.
25. That Schedule “A-2” is hereby declared to form part of this by-law.
26. In addition to the uses permitted on the lands set out on Schedule “A-2”, short term accommodation use shall be permitted with such use being excluded from:
- a) the total number of occupants permitted within a short term accommodation use.
  - b) being located closer that within 300 metres in a continuous path over the shortest distance from another short term accommodation use or Bed and Breakfast Establishment

c) Section 5.14(a)(xxiv) – “Parking Requirements”.

- 27. That the defined areas as depicted on Schedule “A-2” which are used for short term accommodation shall comply with the Parking Requirements of Section 5.14 (a)(i) of By-law No. 83-40 for a “A building containing 2 or more dwelling units” or, 5.14 (a)(ii) “A building containing 3 or more dwelling units”, whichever is applicable to the building.
- 28. That Schedule “A-3” is hereby declared to form part of this by-law.
- 29. In addition to the uses permitted on the lands set out on Schedule “A-3”, a commercial resort unit shall be permitted.
- 30. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 11.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

\_\_\_\_\_ 12th day of January, 2009.  
[Redacted Signature] C [Redacted Signature]  
Ellen Anderson, Mayor Deputy Clerk

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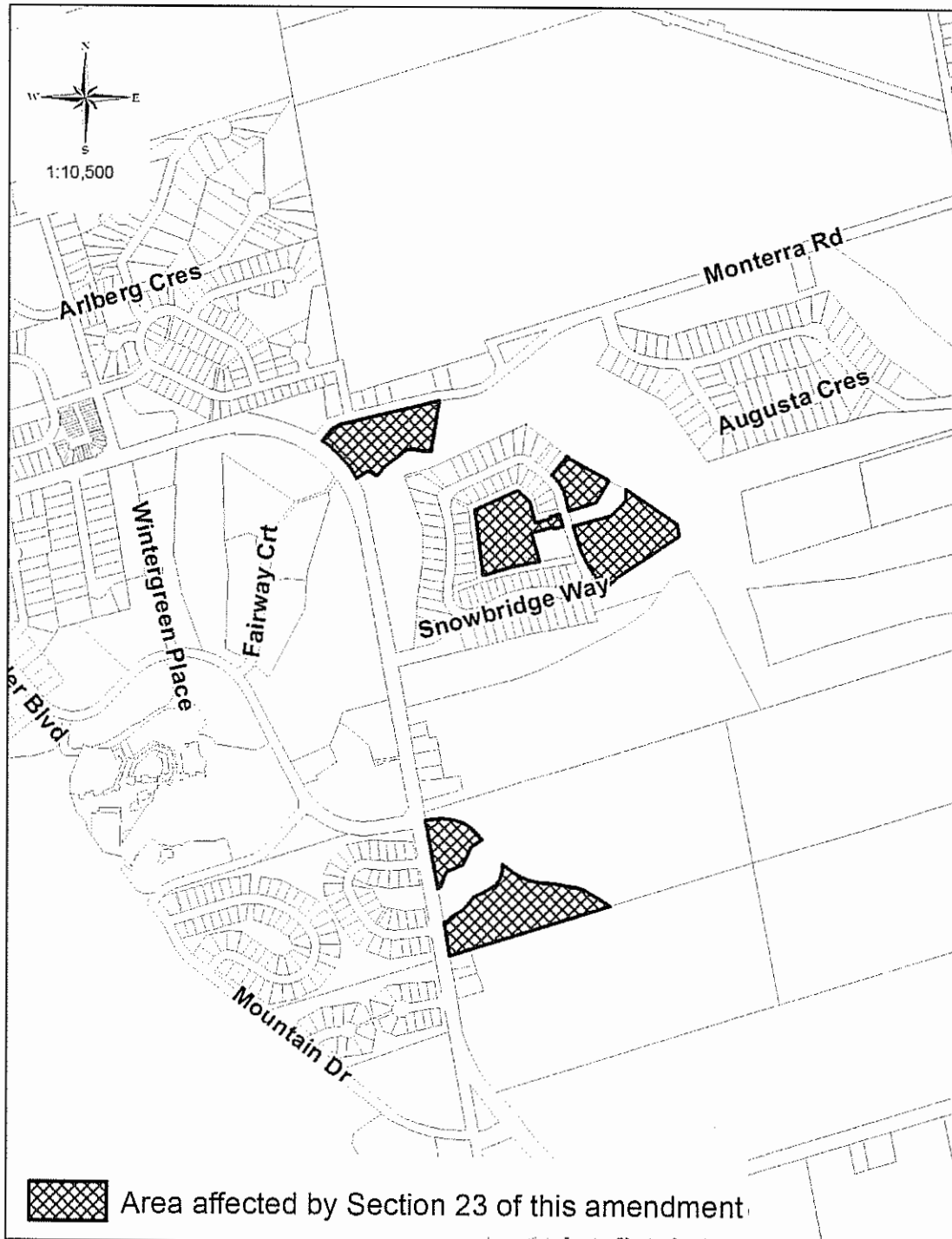
I hereby certify that the foregoing is a true copy of By-law No. 2009-03 as enacted by the Council of the Corporation of the Town of The Blue Mountains on the 12<sup>th</sup> day of January, 2009.

DATED at The Blue Mountains this ~~12th~~ day of January, 2009.  
[Redacted Signature]  
Signed: \_\_\_\_\_  
Corrina Giles, Deputy Clerk

# Town of The Blue Mountains

## Key Map Schedule A-1

By-law No. 2009-03



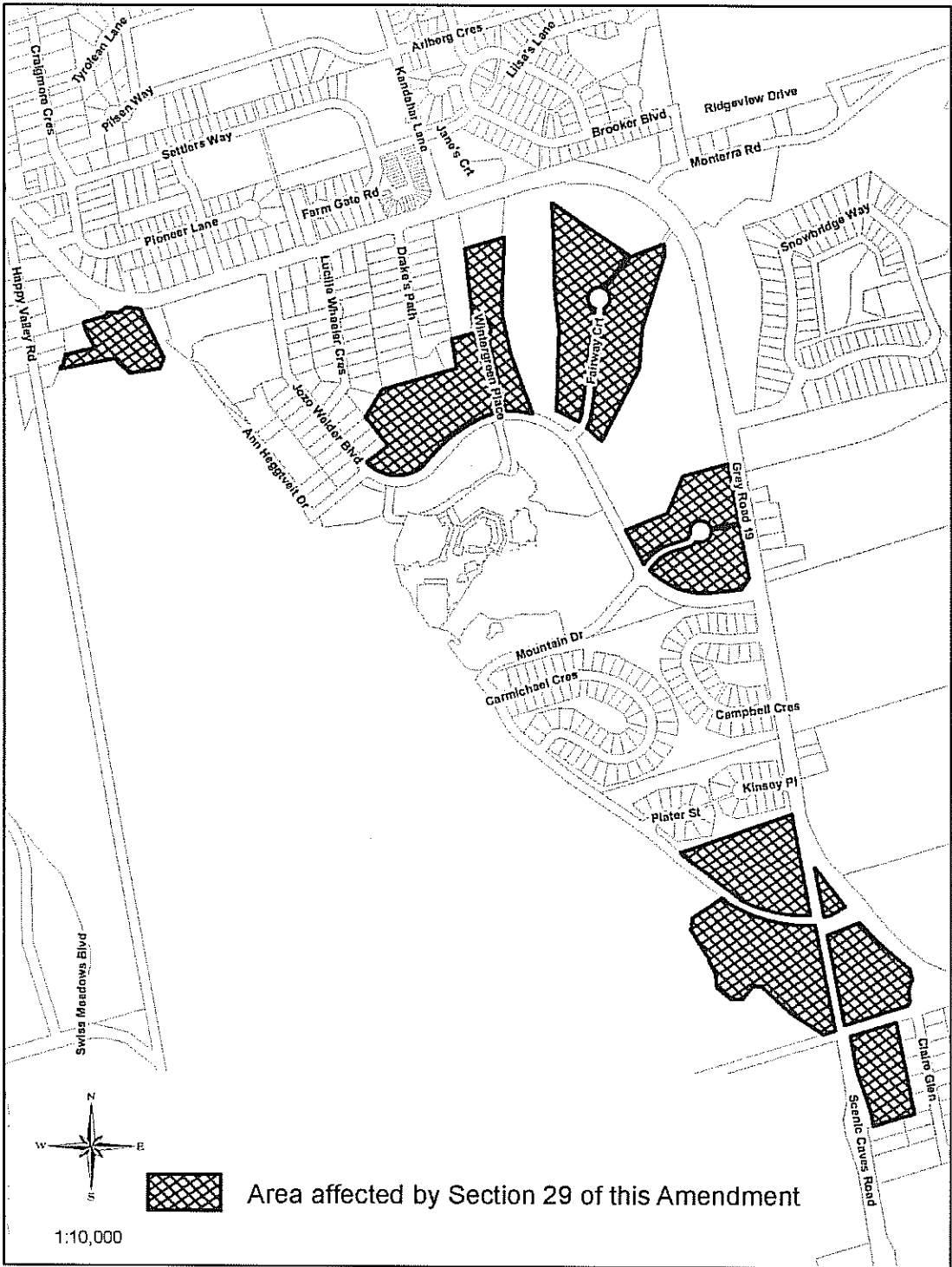
Town of The Blue Mountains  
Key Map Schedule A-2

By-law No. 2009-03



Town of The Blue Mountains  
Key Map Schedule A-3

By-law No. 2009-03



# CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

## BY-LAW No. 2002 - 18

### OFFICE CONSOLIDATION (By-law No. 2003-26, 2014-15 & 2014-46)

**WHEREAS** Council at its meeting of April 3, 2002 enacted By-law No. 2002-18, "The Property Standards By-law";

**AND WHEREAS** Council at its meeting of March 24, 2003 enacted a By-law to regulate and prohibit long grass and noxious weeds:

**AND WHEREAS** certain provisions of The Property Standards By-law have been duplicated in the Long Grass and Weed Control By-law;

**AND WHEREAS** Council are desirous of repealing those provisions contained in The Property Standards By-law

**NOW THEREFORE** and respecting under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

**AND WHEREAS** the Town of Thornbury Official Plan includes provisions relating to property conditions;

**AND WHEREAS** Amendment No. 12 (Craigleith/Camperdown Secondary Plan) to the Official Plan of the Beaver Valley Planning Area includes provisions relating to property conditions;

**AND WHEREAS** Amendment No. 27 (North Collingwood Township Secondary Plan) to the Official Plan of the Beaver Valley Planning Area includes provisions relating to property conditions;

**AND WHEREAS** the Council of The Town of The Blue Mountains is desirous of passing a by-law under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23;

**AND WHEREAS** Section 15.6(1) of the *Building Code Act*, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

**NOW THEREFORE** the Council of The Town of The Blue Mountains hereby enacts the following:

### PART I

#### DEFINITIONS

In this by-law:

- 1.01 "Accessory Building"** means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.
- 1.02 "Approved"** means acceptance by the Property Standards Officer.
- 1.03 "Dwelling"** means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.04 "Dwelling Unit"** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.05 "Guard"** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.06 "Long Grass"** means grass that exceeds a length, on average, of 180 mm (7").
- 1.08 "Non-Residential Property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.



- 1.09 **“Normal Farm Practice”** means a normal farm practice as defined by the *Farming and Food Production and Protection Act*, 1998.
- 1.10 **“Owner”** means the registered owner of a property.
- 1.11 **"Person"** means an individual, firm, corporation, association or partnership.
- 1.12 **"Residential Property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.13 **"Standards"** means the standards of the physical condition prescribed for property by this By-Law.
- 1.14 **“Unsightly Appearance”** means something that is displeasing to the eye.
- 1.15 **"Yard"** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

## **PART II**

### **COMPLIANCE**

- 2.01 Except as explicitly provided for in Section 4.01 of this By-law, all owners of property shall repair and maintain such property to comply with the standards prescribed by this By-law.
- 2.02 The provisions of this By-law do not apply to normal farm practices.

## **PART III**

### **GENERAL STANDARDS FOR ALL PROPERTY**

- 3.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.

### **YARDS**

- 3.02 Every yard, including vacant lots, shall be kept clean and free from:
- (1) rubbish or debris and objects or conditions that may create a health, fire or accident hazard;
  - (2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats, unless it is necessary for the operation of a business enterprise lawfully situated on the property;
  - (3) brush & undergrowth (By-law 2003-26);
  - (4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
  - (5) injurious insects, termites, rodents, vermin or other pests; and
  - (6) dead, decayed or damaged trees.

### **SURFACE CONDITIONS**

- 3.03 Surface conditions of yards shall be maintained so as to:
- (1) prevent ponding of storm water;
  - (2) prevent instability or erosion of soil;
  - (3) not exhibit an unsightly appearance;
  - (4) be kept free of garbage and refuse;
  - (5) be kept free of deep ruts and holes; and,
  - (6) provide for safe passage under normal use and weather conditions, day or night.
- 3.04 Section 3.03 (1) shall not apply to naturally occurring ponds, approved storm water management ponds, ponds forming part of an irrigation or snow making system or other approved ponds.

### **SEWAGE AND DRAINAGE**

- 3.05 Sewage shall be discharged into a municipal sewage system or an approved private sewage system.

**3.06** Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

**3.07** Roof or foundation drainage shall not be discharged onto adjacent private property or, onto public property unless such drainage has been authorized by the authority having jurisdiction.

### **PARKING AREAS, WALKS AND DRIVEWAYS**

**3.08** All areas regularly used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair, free of dirt and litter.

**3.09** Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and normal weather conditions, day or night.

### **ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES**

**3.10** Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

### **GARBAGE DISPOSAL**

**3.11** Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.

**3.12** All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable.

**3.13** Garbage storage areas shall be screened from public right-of-ways.

### **COMPOST HEAPS**

**3.14** The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than two square metres and 2.0 metres (6'-7") in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting, or other approved container. Any such building or structure used to enclose the compost heap shall be situated in accordance with the provisions of the applicable zoning by-law.

## **PART IV DWELLING UNIT, SHORT TERM ACCOMMODATION AND COMMERCIAL RESORT UNIT STANDARDS**

**4.00** The following standards apply to those uses defined as a dwelling unit, short term accommodation and/or commercial resort unit by the applicable zoning by-law:

### **INTERIOR STRUCTURE-COLUMNS-BEAMS**

**4.01** In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

### **WALLS-CEILINGS**

**4.01** Every interior surfaces and finishes of walls and ceilings shall be maintained:

- 1) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned
- 2) free of holes, cracks, loose plaster or other material
- 3) in a safe condition; and
- 4) so as to possess the fire resistant properties required by the Building and Fire Codes.

**4.02** In any bathroom the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

## **FLOORS**

- 4.03** Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- 4.04** Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.
- 4.05** Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- 4.06** Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

## **STAIRS-HANDRAILS-GUARDS**

- 4.07** Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.
- 4.08** All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.
- 4.09** Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.
- 4.10** All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

## **ELEVATORS**

- 4.11** Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.
- 4.12** All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:
  - (1) in good working order and good repair; and
  - (2) in a safe condition.

## **MEANS OF EGRESS**

- 4.13** Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
- 4.14** Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
- 4.15** The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- 4.16** In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
- 4.17** Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
- 4.18** All means of egress within a non-residential property shall be maintained free from all obstructions or impediments;
  - a) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
  - b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

## **HEATING-AIR CONDITIONING**

- 4.19** Every residential dwelling shall have heating equipment capable of maintaining a temperature of 21°Celsius (70°Fahrenheit).
- 4.20** It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
- 4.21** Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 4.22** No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- 4.23** Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- 4.24** If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
- 4.25** Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions
- 4.26** Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

## **AIR CONDITIONING**

- 4.27** Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.
- 4.28** Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.
- 4.29** The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

## **ELECTRICAL**

- 4.30** Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 4.31** The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.
- 4.32** Extension cords are not permitted on a permanent basis.

## **VENTILATION**

- 4.33** Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
- 4.34** Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.
- 4.35** When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this Bylaw.
- 4.36** An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
- 4.37** Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

## **LIGHTING**

- 4.38** Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.
- 4.39** Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

## **PLUMBING**

- 4.40** All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 4.41** Plumbing systems on a property shall be provided, installed and maintained:
- (1) in compliance with the respective requirements of any applicable Act or Bylaw;
  - (2) in good working order and good repair; and
  - (3) in a safe condition.
- 4.42** All plumbing fixtures shall be connected to the sewage system through water seal traps.

## **WATER SUPPLY**

- 4.43** Every dwelling and every building to which water is available under pressure through piping shall be provided with:
- (1) adequate supply of hot water with a temperature range from 60 to 73.8 Celsius or 140 to 165 degrees Fahrenheit shall be provided and maintained in all dwelling units; and
  - (2) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
  - (3) piping for cold water connected to every toilet and hose bib.

## **SEWAGE SYSTEM**

- 4.44** Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
- 4.45** Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.
- 4.46** The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

## **VERMIN CONTROL**

- 4.47** Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

## **PART V**

### **ADDITIONAL REQUIREMENTS FOR DWELLING UNIT, SHORT TERM ACCOMMODATION AND COMMERCIAL RESORT UNIT OCCUPANCY**

- 5.00** The following standards apply to those uses defined as a dwelling unit, short term accommodation and/or commercial resort unit by the applicable zoning by-law:

## **OCCUPANCY STANDARDS**

- 5.01** A non-habitable room shall not be used as a habitable room.
- 5.02** No kitchen shall be used as a bedroom.
- 5.03** The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
- 5.04** Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches). For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) and the area of that part of the room where the ceiling height is less

than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.

- 5.05** No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
- (1) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
  - (2) each habitable room shall comply with all the requirements for ingress, egress,
  - (3) light, ventilation and ceiling height set out in this Bylaw;
  - (4) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water
- 5.06** The maximum number of occupants within a dwelling that is being operated as short term accommodation shall not exceed a total number based upon two (2) persons per bedroom plus an additional two (2) persons. (By-law 2014-46)

## **TOILET AND BATHROOM FACILITIES**

- 5.07** Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
- 5.08** All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.
- 5.09** All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
- 5.10** No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

## **PART VI**

### **VACANT LANDS AND BUILDINGS**

- 6.01** All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

### **VACANT LANDS**

- 6.02** Vacant land shall be maintained to the standards as described in Part III, Articles 3.02 and 3.03, of this By-Law.
- 6.03** Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

### **VACANT BUILDINGS**

- 6.04** Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 6.05** The owner or agent of a vacant building shall protect the building against the risk of fire, accident, damage or other danger thereto or to adjoining premises by effectively preventing the entry thereto by all unauthorized persons.
- 6.06** Without restricting the generality of Section 5.05, protection may include the boarding up of all openings to the building with at least 12.7 mm (2") weatherproof sheet plywood, composite panels or sheathing boards securely fastened to the building and painted a colour compatible with the surrounding walls.

## **PART VII**

### **NON-RESIDENTIAL PROPERTY STANDARDS**

- 7.01** All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

### **YARDS**

- 7.02** The yards of non-residential property shall be maintained to the standards as described in Part III, Articles 3.02 and 3.03 of this By-Law.

**7.03** The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6') in height and maintained in good repair.

#### **PARKING AREAS, AND DRIVEWAYS**

**7.04** All areas regularly used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

**7.05** All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

#### **STRUCTURAL SOUNDNESS**

**7.06** Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

**7.07** Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

#### **EXTERIOR WALLS**

**7.08** Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

**7.09** Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

#### **EXTERIOR GUARDRAILS**

**7.10** Exterior guards shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. Guardrails shall be installed and maintained in good repair around all landings, porches, decks and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

### **PART VIII**

#### **ADMINISTRATION AND ENFORCEMENT**

**8.01** This By-Law shall apply to all property located within the area indicated on Schedule A1 to this By-law.

**8.02** Notwithstanding 8.01 above, this By-law applies to all lands and premises within the Town used for short term accommodation. (By-law 2014-46)

**8.03** The imperial measurements contained in this By-Law are given for reference only.

#### **OFFICERS**

**8.04** The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law.

#### **PROPERTY STANDARDS COMMITTEE**

**8.05** Council shall appoint by Resolution of Council no fewer than three (3) persons to the Property Standards Committee.

**8.06** Every person who initiates an appeal of an Order made under Section 15.2 (2) of the *Ontario Building Code Act, S.O. 1992, c23*, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the *Act*.

#### **PENALTY**

**8.07** An owner who fails to comply with an order that is final and binding under this By-law is guilty of an offence under Section 36(1) of the *Building Code Act*, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in section 36 of that Act.

**VALIDITY**

- 8.08** If an article of this By-Law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 8.09** Where a provision of this By-Law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

**TRANSITIONAL RULES**

- 8.10** After the date of the passing of this By-law, By-Law No. 93-3, as amended, of the former Township of Collingwood and By-law No. 10/95, as amended, of the former Town of Thornbury shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

**REPEAL**

- 8.11** By-Law No. 93-3, as amended, of the former Township of Collingwood and By-law No. 10/95, as amended, of the former Town of Thornbury, are hereby repealed.

**TITLE**

- 8.12** This By-Law may be referred to as "The Property Standards By-Law".


**Read a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2002.**

**Read a third time and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2002.**

\_\_\_\_\_  
Ross Arthur  
Mayor

\_\_\_\_\_  
Stephen Keast  
Town Clerk



	<p align="center"><b>SHORT TERM ACCOMMODATION LICENSING BY-LAW</b></p> <p align="center"><b>Interpretation Policy</b></p>		<p><b>Planning &amp; Building Department Building &amp; By-Law Services Division</b> 32 Mill Street Thornbury, ON N0H 2P0 Tel.: (519) 599-3131, ext. 240 Toll Free: 1-888-258-6867 Fax: (519) 599-7723 <a href="mailto:STALicences@thebluemountains.ca">STALicences@thebluemountains.ca</a></p>
Subject Title:	<b>STA Premises: Definition of a Bedroom</b>		
Date Issued:	Aug. 7, 2014	Policy No.:	<b>POL.STAL.14.02</b>
Date Effective:	Aug. 7, 2014	By-law Ref.:	By-Law 2013-50

### Policy Statement

This STA Licensing By-Law Interpretation Policy is intended to provide guidance to Building & By-Law staff when reviewing building permit applications, STA licence applications, investigating complaints and inspecting buildings as to the intended use of a room for sleeping purposes (bedroom or sleeping area).

### Purpose

To provide a uniform interpretation as to the intended use of a room for sleeping purposes (bedroom or sleeping area) when applying provisions of the STA Licensing By-law and to clarify expectations for members of the public.

### STA Licensing By-law Definitions & Requirements

The STA Licensing By-law does not include a definition of a bedroom or sleeping area(s).

Therefore, the following definition will be utilized and form this interpretation policy:

*"Bedroom" and "Sleeping Area" each means a room or area used, designed, equipped or intended for sleeping; which is not less than 7m<sup>2</sup> (75.3ft<sup>2</sup>) where built-in cabinets are not provided and not less than 6m<sup>2</sup> (64.5ft<sup>2</sup>) where built-in cabinets are provided and shall not include a hall, bathroom; kitchen, laundry room; closet, dressing room or such similar room(s).*

### Interpretation

The following interpretation shall be uniformly applied:

1. A home office, library, sewing room, den, studio, loft, a games room or any other conditioned room that is proposed, may be exempt from being considered a bedroom or sleeping area provided there is no closet.
2. Where a sleeping area is intended to be located partially or wholly within a living room, dining room, family room, recreation room or similar space; **a maximum of one such sleeping area will be permitted within each dwelling.**