



Staff Report

Enforcement Services

Report To: Committee of the Whole
Meeting Date: April 23, 2018
Report Number: FAF.18.60
Subject: Proposed Changes to the Short Term Accommodation (STA) Licensing By-law
Prepared by: Kirsty Robitaille, STA Coordinator/Municipal Licensing Officer

A. Recommendations

THAT Council receive Staff Report FAF.18.60, entitled "Proposed Changes to the Short Term Accommodation (STA) Licensing By-law";

THAT Council direct staff to proceed to a Public Meeting, as is required by the Provision of Notice and Manner of Giving Notice Policy POL.COR.07.03, to receive comments from the public on the proposed revisions to the Short Term Accommodation Licensing By-law as attached to Staff Report FAF.18.60.

B. Overview

This staff report provides Council with several updated recommendations for consideration to the Town's Short Term Accommodations Licensing By-law. The revisions are a result of Council direction, and includes updates recommended by staff.

C. Background

As reported to council through Staff Report FAF.18.42, "Short Term Accommodation Proposed Program Updates" there have been areas of concern from both residents and STA owners/operators, Staff report FAF. 18.42 identified the concerns with an overview of various options for Council to consider.

The Town's Short Term Accommodation Licensing By-law was last updated in 2014. Attachment #1 is the Current Office Consolidation of the Short Term Accommodation Licensing By-law 2013-50, as amended.

A number of housekeeping items are also proposed to the Short Term Accommodation Licensing By-law. Staff recommend repealing the current Short Term Accommodation Licensing

By-law 2013-50, as amended, and replace it with a new Short Term Accommodation Licensing By-law.

At the March 29, 2018 Special Committee of the Whole Meeting, Council provided direction to staff regarding the Short Term Accommodation Licensing By-law update.

Staff confirm that the current Office Consolidated Short Term Accommodation Licensing By-law is the template for the new Short Term Accommodation By-law, and that the changes proposed are as listed below.

Section 1.1 “Bedroom” definition - Remove

Section 1.1 “Building & By-law Services Division” definition proposed to read as follows:

Updated definition:

Enforcement Services Division means the division responsible for the administration and enforcement of this By-law;

Section 1.1 “Committee” definition – Remove

Section 1.1 “Division” definition proposed to read as follows:

Updated definition:

Division means the Enforcement Services Division

Section 1.1 “Demerit Points” definition - New

New definition

Demerit Points means the demerit points on a Short Term Accommodation licence (as outlined in Section 6.1(3) of this By-law).

Section 1.1 “Fee” definition proposed to read as follows:

Updated definition:

Fee means those fees as set out in By-law No. 2018-8 or reenacted from time to time , being the Town’s Tariff of Fees By-law;

Section 1.1 “Friendly Notice” definition - New

New definition

Friendly Notice means a written notice outlining the details of a violation warning issued.

Section 1.1 “Infraction Notice” definition – New

New definition

Infraction Notice means a written notice outlining an incident that occurred at a licensed short term accommodation premise and a Certificate of Offence pursuant to the Provincial Offences Act as issued by an officer.

Section 1.1 “Manager” Definition proposed to read as follows:

Updated Definition

Director means the Director, Enforcement Services Division, or his/her designate;

Section 1.1 “Short Term Accommodation Coordinator” definition – New

New definition

Short Term Accommodation Coordinator means the person, or persons, who have been appointed to enforce the provisions of this By-law;

Section 2.3 Section update- Proposed to read as follows:

Recommendation:

- 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 Short Term Accommodation Coordinator.

Section 4.1 Section update- Proposed to read as follows:

Recommendation:

- 4.1 The Enforcement Services Division is responsible for the administration and enforcement of this By-law.

Section 4.6 Section update- Proposed to read as follows:

Recommendation:

- 4.6 Every application for a licence will be reviewed by the Short Term Accommodation Coordinator, with consultation of the Planning and Development Services staff to determine whether it meets the requirements of this By-law.

Section 4.7 Section update- Proposed to read as follows:

Recommendation:

- 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 Short Term Accommodation Coordinator.

Section 4.8 Section update- Proposed to read as follows:

Recommendation:

- 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 Short Term Accommodation Coordinator. 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.

Section 4.9 Section update- Proposed to read as follows:

Recommendation:

- 4.9 If it is determined that an application meets the requirements of this By-law and all circulated agencies, the Short Term Accommodation Coordinator shall issue the licence.

Section 4.10 Section update- Proposed to read as follows:

Recommendation:

- 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 Short Term Accommodation Coordinator shall refuse the issuance of the licence.

Section 4.18 Section update- Proposed to read as follows:

Recommendation:

- 4.18 If at any time the Short Term Accommodation Coordinator 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 Short Term Accommodation Coordinator may refer the matter by way of an open session report to Council.

Section 4.19 Section update- Proposed to read as follows:

Recommendation:

- 4.19 If at any time the Short Term Accommodation Coordinator 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 Short Term Accommodation Coordinator may commence with proceedings pursuant to the *Provincial Offences Act*.

Section 4.20 Section update- Proposed to read as follows:

Recommendation:

- 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 Short Term Accommodation Coordinator's decision, may appeal to Council review the decision. If an application for review has not been applied for within fifteen days, the licence application will be deemed to be closed.

Section 4.21 Section removal-Pending direction to use POA Practice

Staff recommend the following Section 4.21 under Administration of the Short Term Accommodation Licensing By-law be removed as this section relates to the Committee which is proposed to be discontinued from the Short Term Accommodation Licensing By-law.

Section 4.22 Section update- Proposed to read as follows:

Recommendation:

- 4.22 A person who has applied for a review to Council of the Short Term Accommodation Coordinator's decision noted in Section 4.9 or 4.17 will be given an opportunity to make written representations or to appear before Council when it reviews the matter.

Section 4.23 Section update-Proposed to read as follows:

Recommendation:

- 4.23 Council will review the matter and may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council or, suspend or revoke a licence.

Section 4.24 Section removal-Pending direction to use POA Practice

Staff recommend the following Section 4.24 under Administration of the Short Term Accommodation Licensing By-law be removed as this section relates to the Committee which is proposed to be discontinued from the Short Term Accommodation Licensing By-law.

Section 4.25 Section Removal-Pending direction to use POA Practice

Staff recommend the following Section 4.25 under Administration of the Short Term Accommodation Licensing By-law relating to the Committee, be removed as the proposed changes to the Short Term Accommodation appeal practices have been recommended by Staff.

Section 4.26 Section Removal-Pending direction to use POA Practice

Staff recommend the following Section 4.26 under Administration of the Short Term Accommodation Licensing By-law relating to the Committee, be removed as the proposed changes to the Short Term Accommodation appeal practices have been recommended by Staff.

Section 4.27 Section update-Proposed to read as follows:

Recommendation:

- 4.27 Council will review the matter and may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council.

Section 4.30 Section update-Proposed to read as follows:

Recommendation:

- 4.30 Matters to be considered by Council, including that information identified at Section 4.29 and the location, date and time of the Hearing shall be posted to the Town's website.

Section 5.8 Section update-Proposed to read as follows:

Recommendation:

- 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 Short Term Accommodation Coordinator.

Section 5.9 Section update-Proposed to read as follows:

Recommendation:

- 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 Short Term Accommodation Coordinator.

Section 5.22 Section update-Proposed to read as follows:

Recommendation:

- 5.22 The Short Term Accommodation Coordinator may revoke a licence if it was issued on mistaken, false or incorrect information or issued in error.

Section 5.23 New section-Proposed to read as follows-Pending direction from Council

Recommendation:

- 5.23 The Maximum number of occupants within a dwelling that is being operated as a Short Term Accommodation shall not exceed a total number based upon a Maximum of two (2) persons per bedroom plus an additional two (2) persons or the lesser number of occupants allowed based on the number of approved parking spaces.

Section 5.24 New section-Proposed to read as follows:

Recommendation:

- 5.24 A person who files a complaint regarding a short term accommodation premise shall contact the Responsible Person of that short term accommodation premise or using the Town Hall after hour service system.

Section 5.25 New section-Proposed to read as follows:

Recommendation:

- 5.25 Demerit Points will not be assessed if the Responsible Person was not contacted at the time the complaint was filed.

Section 5.26 New Section-Proposed to read as follows:

Recommendation:

- 5.26 The Provincial Offences Court shall hear all offences.

Section 5.27 New section-Proposed to read as follows:

Recommendation:

- 5.27 Appeals to a conviction shall be processed through a high court

Section 6.1 Section update-Proposed to read as follows:

Recommendation:

- 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, actions pursuant to the Building Code Act, Fire Protection and Prevention Act and the Provincial Offences Act.

Section 6.1(1) Section removal- Pending direction to use POA Practice

Staff recommend removing the following subsection 6.1 (1) (c) under Demerit Point System of the Short Term Accommodation Licensing By-law due to the proposed changes to the Administrative penalties.

Section 6.1 (2)Section update-Proposed to read as follows:

Recommendation:

- 6.1 (2) Demerit Points shall remain in place until the two year anniversary of the date on which the demerit points were confirmed.

Section 6.1(2) (a) New section-Proposed to read as follows:

Recommendation:

6.1(2) (a) Demerit Points are applied on the day of conviction of any violation.

Section 6.1(3) Section removal- Pending direction to use POA Practice

Staff recommend the following Section 6.1(3) (a) (b) (c) (d) (e) (f) under Demerit Points System of the Short Term Accommodation Licensing By-law be removed as the proposed changes to the Short Term Accommodation appeal practices have been recommended by Staff.

Section 6.1 (4) Section removal- Pending direction to use POA Practice

Staff recommend the following Section 6.1(4) (a) (b) (c) (d) (e) (f) under Demerit Points System of the Short Term Accommodation Licensing By-law be removed as the proposed changes to the Short Term Accommodation appeal practices have been recommended by Staff.

Section 6.1(3) New section-Proposed to read as follows:

Recommendation:

6.1(3) Table 1- New Section under column 1 "Allowing activity that causes a disturbance"

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
Fire Protection & Prevention Act/Fire Code	FPPA	15(1)
Operating without a licence	3.1	7
Building Code Act (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
Allowing activity that causes a disturbance	5.19	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 4.27, 5.4, and 5.7

(2) See 4.27

Section 6.2 New section-Proposed to read as follows:

Recommendation:

- 6.2 Where a warning is issued;
- (a) A Friendly Notice issued by the Short Term Accommodation Coordinator outlining the detail of the violation warning issued at a short term accommodation premise shall be sent to the short term accommodation operator/owner(s) as soon as reasonably practical after the warning having been issued by an officer.
 - (b) An Infraction Notice is to serve as a reminder to the short term accommodation operator/owners(s) of the disturbance that occurred at the short term accommodation premise and that any future occurrence to that particular short term accommodation premise may result in the issuance of an infraction Notice with corresponding Demerit Points.

Section 7.0 to 7.5 Section removal- Pending direction to use POA Practice

Staff recommend the following Sections 7.0, 7.1, 7.2, 7.3, 7.4, and 7.5 under Licensing Committee of the Short Term Accommodation Licensing By-law be removed as the proposed changes to the Short Term Accommodation appeal practice have been recommended by staff.

Section 8.0 to 8.1 Section removal- Pending direction to use POA Practice

Staff recommend the following Sections 8.0 and 8.1 under Committee Appeal of the Short Term Accommodation Licensing By-law be removed as the proposed changes to the Short Term Accommodation appeal practice have been recommended by staff.

Section 9.1 Section update-Proposed to read as follows:

Recommendation:

- 9.1 In accordance with 4.22, Council may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council or, suspend or revoke a licence.

Section 9.2 Section update-Proposed to read as follows:

Recommendation:

- 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 Council in considering the length of a suspension and/or a revocation.

Section 11.0 to 11.6 Section removal – Pending direction to use POA Practice

Staff recommend the following Sections 11.0, 11.1, 11.2, 11.3, 11.4, 11.5 and 11.6 be hereby deleted as the proposed changes to Administrative Penalties have been recommend by staff.

D. Analysis

Though most of the current sections of the Short Term Accommodation Licensing By-law will remain in place, because of a number of Housekeeping items and proposed changes, staff recommend repealing the previous Short Term Accommodation Licensing By-law and replacing it with a new Short Term Accommodation Licensing By-law.

Staff have proposed the following timeline for Council to update the Short Term Accommodation Licensing By-law.

1. March 29 Special Committee of the Whole – Consideration of this Staff Report and confirm direction for the preparation of Official Plan Policies, Zoning By-law Regulations, and Licensing By-law Requirements. Documents will be updated.(Completed)
2. April 16 Council endorsement of recommendations from March 29 COW. (Completed)
3. April 23 Committee of the Whole – Follow up Staff Report to March 29 COW report. This report will attached the revised Official Plan, Zoning By-law, Licensing By-law documents. Staff will be seeking authorization to proceed to a Public Meeting.
4. May 7 Council – Council endorsement of recommendations from April 23 COW.
5. May 28 Council – Public Meeting to receive comments on Official Plan, Zoning By-law and Licensing By-law documents.
6. June 25 Committee of the Whole – follow up Staff Report attaching all comments received from May 28 Public Meeting and recommend approval of final version of Official Plan, Zoning By-law and Licensing By-law documents.
7. July 9 Council – Council will receive the recommendations from June 25 COW meeting and consider passing the Official Plan, Zoning By-law and Licensing By-law documents.

E. The Blue Mountains Strategic Plan

- Goal #3: Engage Our Communities & Partners
Goal #4: Promote a Culture of Organizational & Operational Excellence

F. In consultation with

Rob Collins, Director of Enforcement Services and Fire Chief

Shawn Everitt, Interim Chief Administrative Officer

Shawn Postma, Senior Policy Planner

G. Attached

1. Short Term Accommodation Licensing By-law 2013-50, Office Consolidation
2. Public Meeting Notice
3. Draft Short Term Accommodation Licensing By-law

Respectfully Submitted,

Kirsty Robitaille
STA Coordinator/Municipal Licensing Officer

Rob Collins
Director of Enforcement Services and Fire
Chief

For more information, please contact:
stalicences@thebluemountains.ca

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 & 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

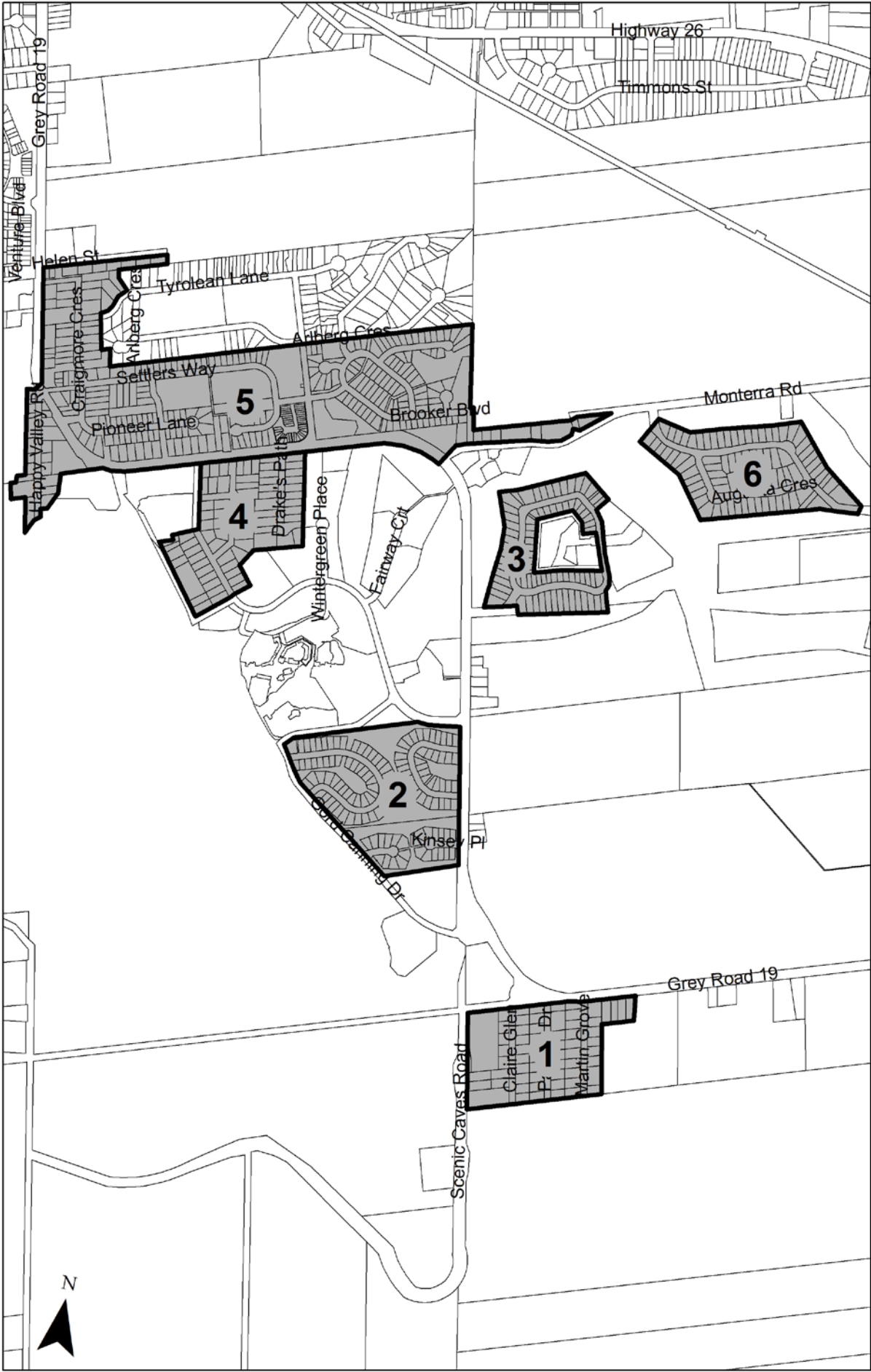
- 15.1 This By-law comes into effect on July 2, 2014.

Enacted and passed this ____ day of _____, 2013.

Ellen Anderson, Mayor

C. Giles, Clerk

Schedule 'A-1'
By-law No. _____





Notice of Public Meeting

Proposed Changes to the Short Term Accommodation Licensing By-law, Official Plan, and Zoning By-law.

May 28, 2018 at 5:00 p.m.

Town Hall, Council Chambers
32 Mill Street, Thornbury, ON N0H 2P0

What is being proposed?

The proposed changes to the Short Term Accommodation Licensing By-law 2013-50, as amended, Official Plan, and Zoning By-law relates to issues that have been identified, and have been brought to Councils attention through previous Staff Report FAF.18.42 Below is an overview of the issues and concerns that were discussed:

1. Legal non-conforming
2. Parking
3. Minimum Distance Separation
4. Occupant Load
5. Commercial Resort Units vs. VCRU and STA
6. Assessment of Penalties and Demerit Points
7. Responsible Person
8. Interpretation Policies

When will a decision be made?

It is important to note that a decision on the proposed changes to the Short Term Accommodation Licensing By-law, Official Plan and Zoning By-law has NOT been made at this point, and will NOT be made at this Public Meeting.

After reviewing comments from the Public, Staff will compile all comments received in response to the Public Meeting Notice in a follow-up Staff Report. This report will be included on the June 25, 2018 Committee of the Whole agenda. Council will consider these changes of the Short Term Accommodation Licensing By-law, Official Plan, and Zoning By-law at the July 9, Council Meeting.

How can I make my views known about this proposal?

Comments at the Public Meeting aid the Town and Council in their decision making process, so be sure to have your say!

Any person or agency may attend the Public Meeting and/or make verbal or written comments regarding the Proposed Changes to the Short Term Accommodation Licensing By-law, Official Plan and Zoning By-law.

How do I submit my comments?

If you would like to submit comments in writing or would like to be notified of a decision on this proposal, submit your written comments or request during regular office hours (Monday to Friday from 8:30 a.m. to 4:30 p.m.) to Corrina Giles, Town Clerk at:

Town Hall, 32 Mill Street, Thornbury, ON
Telephone: 519-599-3131 ext. 232

Comments can also be faxed to Corrina Giles at 519-599-7723, or emailed to townclerk@thebluemountains.ca

Please note that any submitted comments become part of the **public record**, including names and addresses. Written comments are requested by **May 25, 2018** so that they may be read at the meeting for the benefit of everyone in attendance.

Questions? Want more information? Ask a Staff Member!

Kirsty Robitaille, STA Coordinator, Shawn Postma, Senior Policy Planner
stalicences@thebluemountains.ca

The Corporation of the Town of The Blue Mountains

By-Law Number 2018 –

“Being a By-law to licence, regulate and govern short term accommodation uses”.

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (“Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

Whereas Section 9 of the Municipal Act, 2001, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues; and

And whereas the Council of the Corporation of the Town of The Blue Mountains has enacted By-law No. 2013-50, as amended to licence, regulate and govern short term accommodation uses in the Town of The Blue Mountains; and

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby 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;

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

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

Demerit Points means the demerit points on a Short Term Accommodation licence. (As outlined in Section 6.1(3) of this By-law

Director means the Director, Enforcement Services Division, or his/her designate; (as outlined in Section 6.1(3) of this By-law).

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

Division means the Enforcement Services Division

Enforcement Services Division means the division responsible for the administration and enforcement of this By-law;

Fee means those fees as set out in By-law No. 2018-8 or re-enacted 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;

Friendly Notice means a written notice outlining the details of a violation warning issued.

Health Unit means the Grey Bruce Health Unit;

Infraction Notice means a written notice outlining an incident that occurred at a licensed short term accommodation premise and a Certificate of Offence pursuant to the Provincial Offences Act as issued by an officer.

Licence means a licence issued under this By-law;

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

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;

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;

Short Term Accommodation Coordinator means the person, or persons, who have been appointed to enforce the provisions of this By-law;

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.
- 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.
- 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 Short Term Accommodation Coordinator.
- 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.
- 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 Enforcement 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.

4.6 Every application for a licence will be reviewed by the Short Term Accommodation Coordinator with consultation of the Planning and Development Services staff 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 Short Term Accommodation Coordinator.

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 Short Term Accommodation Coordinator. 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 Short Term Accommodation Coordinator 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 Short Term Accommodation Coordinator 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 Short Term Accommodation Coordinator 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 Short Term Accommodation Coordinator may refer the matter by way of an open session report to Council.
- 4.19 If at any time the Short Term Accommodation Coordinator 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 Short Term Accommodation Coordinator 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 Short Term Accommodation Coordinator's decision, may appeal to Council review the decision. If an application for review has not been applied for within fifteen days, the licence application will be deemed to be closed.
- 4.21 A person who has applied for a review to Council of the Short Term Accommodation Coordinator's decision noted in Section 4.9 or 4.17 will be given an opportunity to make written representations or to appear before Council when it reviews the matter.
- 4.22 Council will review the matter and may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Council or, suspend or revoke a licence.
- 4.23 Council will review the matter and may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council.
- 4.24 Decisions of Council are final.

- 4.25 Matters to be considered by Council, including that information identified at 4.25 and the location, date and time of the Hearing shall be posted to the Town's website.
- 4.26 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 Short Term Accommodation Coordinator.
- 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 Short Term Accommodation Coordinator.
- 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.
- 5.11 The owner shall display the licence permanently in a prominent place in the short term accommodation on premises to which it applies.
- 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
- 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 5.22 The Short Term Accommodation Coordinator may revoke a licence if it was issued on mistaken, false or incorrect information.

- 5.23 The Maximum number of occupants within a dwelling that is being operated as a Short Term Accommodation shall not exceed a total number based upon a Maximum of two (2) persons per bedroom plus an additional two (2) persons or the lesser number of occupants allowed based on the number of approved parking spaces.
- 5.24 A person who files a complaint regarding a short term accommodation premise shall contact the Responsible Person of that short term accommodation premise or using the Town Hall after hour service system.
- 5.25 Demerit Points will not be assessed if the Responsible Person was not contacted at the time the complaint was filed.
- 5.26 The Provincial Offences Court shall hear all offences.
- 5.27 Appeals to a conviction shall be processed through a high court.

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, 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 order.
 - (2) Demerit Points shall remain in place until the two year anniversary of the date on which the demerit points were confirmed.

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
Fire Protection & Prevention Act/Fire Code	FPPA	15(1)
Operating without a licence	3.1	7
Building Code Act (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
Allowing activity that causes a disturbance	5.19	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 4.27, 5.4 and 5.7
- (2) See 4.27

- 6.2 Where a warning is issued;
- (a) A friendly notice issued by the Short Term Accommodation Coordinator outlining the detail of the violation warning issued at a short term accommodation shall be sent to the short term accommodation operator/owner(s) as soon as reasonably practical after the warning having been issued by an officer.
 - (b) An infraction notice is to serve as a reminder to the operator/owners(s) of the disturbance that occurred at the short term accommodation premise and that any future occurrence to that particular short term accommodation premise may result in the issuance of an infraction Notice with corresponding Demerit Points.

7.0 REVOCATION AND SUSPENSION

- 7.1 In accordance with 4.22, Council may affirm, modify or rescind the decision of the Short Term Accommodation Coordinator or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council or, suspend or revoke a licence.
- 7.2 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 Council in considering the length of a suspension and/or a revocation.

8.0 OFFENCE AND PENALTY PROVISIONS

- 8.1 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.
- 8.2 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.
- 8.3 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.

9.0 DELEGATION

- 9.1 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.

10. VALIDITY

- 10.1 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.

11.0 SHORT TITLE

- 11.1 This By-law shall be known as the “Short Term Accommodation Licensing By-law”.
- 1. That the
 - 2. That the
 - 3. The Mayor

Upon the enactment of this By-law, By-law 2013-50, as amended will be repeal.

Enacted and passed this ____ day of _____, 2018

John McKean, Mayor

Corrina Giles, Clerk

Town of The Blue Mountains

Schedule A-1

By-law No. 2018-_____

