

By-law 2024-078  
of the  
Corporation of the Town of Collingwood



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Being a By-law to Licence and Regulate Short-Term Accommodations  
within the Boundaries of Collingwood

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**WHEREAS** the Council of the Town of Collingwood may, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*"), as amended or superseded, enact by-laws for the licensing, regulating and governing of businesses in Collingwood;

**AND WHEREAS** pursuant to Section 8(1) of the *Municipal Act, 2001*, the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** pursuant to Section 8(3) of the *Municipal Act, 2001*, a by-law respecting a matter may,

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter;

**AND WHEREAS** pursuant to Section 9 of the *Municipal Act, 2001*, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

**AND WHEREAS** pursuant to Section 11(2) of the *Municipal Act, 2001*, a municipality may pass by-laws respecting the health, safety and well-being of persons, and protection of persons and property, including consumer protection;

**AND WHEREAS** pursuant to Section 23.1 of the *Municipal Act, 2001*, a municipality has the authority to delegate its powers and duties to a person or body;

**AND WHEREAS** pursuant to Section 151 of the *Municipal Act, 2001*, a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;

- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

**AND WHEREAS** pursuant to Section 391 of the *Municipal Act, 2001*, a municipality has the authority to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** pursuant to Section 434.1 of the *Municipal Act, 2001*, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality; and,

**AND WHEREAS** the Council of The Corporation of the Town of Collingwood deems it desirable that such licensing, regulation and governing takes place with respect to Short-Term Accommodation as defined in this By-law.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:**

**1 Definitions**

**1.1** The definitions contained within the Town's Zoning By-law shall apply in the interpretation of capitalized terms in this By-law except where the same terms are defined in this By-law, in which case, the definitions in this By-law shall apply.

**1.2** In this By-law:

**"Additional Residential Dwelling Unit"** means a self-contained residential dwelling unit, complete with separate kitchen and bathroom facilities located within, or ancillary to, an existing or planned Single Detached Dwelling. An Additional Residential Dwelling Unit may be located within a dwelling or within an accessory building on the same lot. Without limiting the generality of the foregoing, Additional Residential Dwelling Unit shall include accessory apartments, second units, coach houses, garden suites, and duplex units;

**"Administrative Penalty"** means a monetary penalty imposed for a contravention of the Town's Administrative Monetary Penalty By-law;

**"Agent"** means a Person authorized in writing by an Owner to act on the Owner's behalf;

**“Applicable Laws”** includes all applicable Town By-laws and any federal or provincial statutes or regulations;

**“Applicant”** means a Person applying for a Licence or the renewal of an existing Licence pursuant to this By-law;

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

**“Committee”** means the By-law and Licensing Appeals Committee, which is an individual or a group of individuals who the Town has appointed to hear appeals pursuant to this By-law;

**“Clerk”** means the Town Clerk of the Corporation of the Town of Collingwood, or their designate;

**“Condominium Corporation”** means a corporation created under the *Condominium Act, 1998*, S.O. 1998, c. 19;

**“Council”** means the Council of The Corporation of the Town of Collingwood;

**“Dwelling Unit”** means a self-contained set of rooms located in a building or structure that is used, capable of being used, intended, or designed as a housekeeping unit for one or more Persons, and usually contains cooking, eating, living, sleeping and sanitary facilities;

**“Entire Unit Rental”** means a Short-Term Accommodation where the Renter and any Guests occupy or have access to the entire Dwelling Unit;

**“Fee”** means a fee as set forth in the Town’s Fees and Service Charges By-law, as amended or superseded, which is not prorated;

**“Guest”** means any Person on the Premises who is not a Renter, an Owner or a Tenant;

**“Guest Registry”** means a written or electronic log maintained by the Licensee that records the details of each rental of a Short-Term Accommodation;

**“Guest Room”** means a bedroom which is capable of being rented separately to the travelling and vacationing public, but does not have any cooking facilities;

**“Licence”** means a current valid Licence issued pursuant to this By-Law authorizing a Person to own, operate, or Market a Short-Term Accommodation at a Premises;

**“Licence Class”** means the classification of a Short-Term Accommodation in accordance with this By-law;

**“Licence Number”** means a unique number assigned to a Licence by the Town;

“**Licensed**” means having in one’s possession a valid and current Licence issued under this By-law, and “**Unlicensed**” has the contrary meaning;

“**Licensee**” means a Person issued a current valid Licence pursuant to this By-law;

“**Licensing Officer**” means a Town employee who is responsible for issuing and verifying Licence eligibility;

“**Market**” means to offer for rent, promote, canvass, solicit, advertise, broker, offer, or facilitate a Short-Term Accommodation, and includes placing, posting or erecting advertisements or listings, either physically or online, and “**Marketing**” and “**Marketed**” have the corresponding meaning;

“**Maximum Occupancy**” means the maximum number of Persons approved to stay Overnight on any Licensed Premises. All Persons on the Premises shall be counted in calculating Maximum Occupancy, with the exception of children under the age of thirteen (13) years;

“**Municipality**” means the geographical area of the Town of Collingwood, as may be applicable in the context;

“**Officer**” means a municipal law enforcement officer or any other person appointed by by-law to enforce the provisions of this By-law;

“**Overnight**” means the period between the hours of 8:00 P.M. and 8:00 A.M. the next day, during which occupancy or stay is considered to occur overnight;

“**Owner**” means the Person(s) holding title to the Property where the Short-Term Accommodation is located, and “**Ownership**” has a corresponding meaning;

“**Parking Area**” means that portion of a Property or Premises primarily used for the parking of motor vehicles, which may include spaces within a building and/or a hard-surfaced driveway consisting of gravel, asphalt, concrete, interlock or similar hard or permeable surface, but shall not include any part of a street, highway, or private road;

“**Partial Unit Rental**” means a Short-Term Accommodation where the Renter occupies only a Guest Room within the Dwelling Unit, rather than the entire unit;

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in their capacity as a trustee, executor, administrator, or other legal representative;

“**Platform**” means any software, technology, or service, including a smartphone application;

**“Premises”** means the Property upon which a Short-Term Accommodation is operated or to be operated, as the context requires, inclusive of buildings or structures or any part thereof used or to be used for such purpose;

**“Principal Residence”** means

- (a) the Dwelling Unit owned or rented by a Person, either alone or jointly with others, where the Person ordinarily resides, makes their home, and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related to identification, taxation and insurance purposes, driver’s licenses, income tax returns, medical plan documentation, vehicle registration and voter registration, or similar information; and,
- (b) where the Person has no other property designated as such within the Town of Collingwood or any other jurisdiction.

**“Property”** means the land upon which a Short-Term Accommodation is operated or to be operated, as the context requires, exclusive of buildings or structures or any part thereof;

**“Renter”** means the Person responsible for the rental of the Premises or Guest Room by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement, but shall not include Guests;

**“Renter’s Code of Conduct”** means a document that has been prepared by the Town that is agreed to in writing by a Renter, which prescribes the roles and identifies certain of the responsibilities of the Renter, including but not limited to behavioural expectations as they relate to non-disturbance of neighbours, compliance with the provisions of this By-law and other Applicable Laws;

**“Responsible Person”** means a Licensee or a Person designated by a Licensee who is over the age of eighteen (18);

**“Short-Term Accommodation”** means a Dwelling Unit, or any part thereof, that is operating or offering a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period of twenty-eight (28) consecutive calendar days or less, throughout all or any part of a calendar year. For greater certainty, Short-Term Accommodation shall not mean or include a hotel, a motel, a tourist camp, a boarding, rooming or lodging house, or similar commercial accommodation use, but shall include a bed and breakfast;

**“Short-Term Accommodation Brokerage”** means any Person who facilitates or brokers or Markets or causes to be Marketed or assists in any capacity in the booking process of a Short-Term Accommodation reservation for others, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, provided such

Person collects, handles or receives a payment, fee, compensation or other financial benefit as a result of, or in connection with, the Short-Term Accommodation;

**“Single Detached Dwelling”** means a freestanding, separate, detached building consisting of one Dwelling Unit and may include an additional residential dwelling unit(s);

**“Tenant”** has the same meaning as in the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, as amended or superseded;

**“Town”** means The Corporation of the Town of Collingwood;

**“Zoning By-Law”** means any by-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

## **2. Short Title**

**2.1** This By-law may be referred to as the “Short-Term Accommodation Licensing By-law”.

## **3. General and Administration**

**3.1** This By-law shall apply throughout the entire Municipality.

**3.2** The requirements of this By-law shall apply to the trade, business operation or occupation of providing Short-Term Accommodation within the Municipality.

**3.3** The Licensing Officer shall be responsible for administering this By-law and is hereby granted the delegated authority to establish, modify, and amend all applications, documents, and forms necessary to implement and administer this By-law.

## **4 Prohibitions**

**4.1** No Person shall own, operate or permit the operation of a Short-Term Accommodation within the Municipality without a Licence.

**4.2** No Person shall own, operate or permit the operation of a Short-Term Accommodation other than in accordance with:

- (a) the terms and conditions of a Licence;
- (b) a conditional Licence;
- (c) this By-law, including the Licence Class conditions; and
- (d) all other terms, conditions and requirements set out in the applicable Schedule(s) to this By-law.

- 4.3** No Person shall Market or permit the Marketing of a Short-Term Accommodation without a Licence.
- 4.4** No Person shall own, operate or permit the operation of a Short-Term Accommodation without prominently displaying in each advertisement or listing:
- (a) the corresponding Licence Number issued by the Town; and
  - (b) the Maximum Occupancy.
- 4.5** No Person shall use or allow a Guest Room to be used for a Short-Term Accommodation unless it has been identified and approved on the floor plan submitted with the application for a Licence under this By-law.
- 4.6** No Person shall own, operate or permit the operation of a Short-Term Accommodation unless the Short-Term Accommodation is located within:
- (a) the Principal Residence of the Licensee, or
  - (b) an Additional Residential Dwelling Unit located on the same Property as the Licensee's Principal Residence.
- 4.7** No Person shall park a vehicle or permit a vehicle to be parked at a Licensed Short-Term Accommodation except a designated Parking Area.
- 4.8** No Person shall alter, modify or permit the alteration or modification of a Licence.
- 4.9** No Person shall use or attempt to use a Licence issued to another Person.
- 4.10** No Person shall submit an application for a Licence that contains false, misleading, or deceptive information.
- 4.11** No Licensee shall contravene or permit the contravention of any provision of this By-law or any other Applicable Laws that apply to the Licensed Premises.
- 4.12** No Person shall own, operate or permit the operation of a Short-Term Accommodation while the Licence is suspended, revoked or expired.
- 4.13** No Person shall contravene or permit the contravention of any provision of a Renter's Code of Conduct signed pursuant to this By-law.
- 4.14** No Person shall contravene or permit the contravention of any provision of a Licensee Code of Conduct signed pursuant to this By-law.

## **5. Application for a Licence**

- 5.1** The following Persons may apply for a Short-Term Accommodation Licence:
- (a) Where the Property is legally owned by one or more Persons, the Owner(s) named on title; or

- (b) Where the Property is leased, the Tenant(s) named on the lease, so long as they have the written consent of the Owner(s).

**5.2** A Corporation that is the Owner of a Property is eligible to apply for and obtain a Licence, if the Licensing Officer is satisfied in their sole discretion that the Corporation is operated entirely by Persons occupying the single-detached dwelling as their Principal Residence.

**5.3** A Person making an application for a Licence or for a renewal of a Licence shall submit:

- (a) a complete application in the form provided by the Town;
- (b) in the case of an Agent, written authorization from the Owner(s) permitting the Agent to act on their behalf;
- (c) proof of Ownership or tenancy for the Premises;
  - i. if the Premises is owned by more than one Person, written consent of all Owner(s) shall be included;
  - ii. if the Premises is leased, written consent from the Owner(s);
  - iii. if the Premises is owned by a Corporation, the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry, and a list containing the names of all shareholders of the Corporation;
- (d) if the Premises is under the authority of a Condominium Corporation, written consent of the Condominium Corporation;
- (e) proof in a form satisfactory to the Licensing Officer that the Premises is either the Principal Residence of the Licensee, or an Additional Residential Dwelling Unit located on the same Property as the Owner's Principal Residence;
- (f) all required documents as outlined in Schedule "B" to this By-law, and obtain all required approvals and inspections from the appropriate authority having jurisdiction to the satisfaction of the Town;
- (g) any other documents as may be required or requested by the Town and Licensing Officer;
- (h) payment of the applicable Fees, as noted within the Town's Fees and Service Charges By-law, which may be amended from time to time;
- (i) acknowledgement and consent to the posting of the municipal address of the Property, and the name and contact information for the Responsible Person on the Town's website; and,
- (j) acknowledgement that submission of a Licence application and applicable Fee, does not constitute approval of the application or oblige the Town to issue a Licence.



- 5.4** Upon receipt of an application for a new Licence or the renewal of an existing Licence, the Licensing Officer shall perform the following functions:
- (a) receive, process and review the application in conjunction with any provisions of this By-law;
  - (b) receive, process and review any documentation submitted with the application; and,
  - (c) if satisfied that the Applicant or Licensee meets the eligibility criteria for a Licence, or continuing to hold a Licence, arrange for any necessary inspections to be conducted and be provided with the results of the inspections.
- 5.5** If an application is found to be incomplete or missing required information and/or documentation, the Licensing Officer will notify the Applicant or Licensee and provide seven (7) days to submit the required information and/or documentation. Failure to provide the requested information and/or documentation within seven (7) days will render the application incomplete, and a new application will need to be submitted.
- 5.6** If any remaining or outstanding Fees are due, the Licensing Officer will notify the Applicant or Licensee and provide seven (7) days to submit the required payment. Failure to submit the required Fee(s) within seven (7) days will render the application incomplete, and a new application will need to be submitted.
- 5.7** It is the responsibility of the Licensee to ensure that the renewal for a Licence has been submitted to the Town no later than thirty (30) days before the expiry of the Licence. If the renewal is submitted after this deadline but before the expiry of the Licence, a late Fee will apply. Once the Licence has expired, the Licensee must submit a new application for a Licence.

## **6. Number of Licences**

- 6.1** After this By-Law comes into force and effect, Licensees may apply for the renewal of their existing Licence. However, no new Licences will be issued until the total number of Licences in the Municipality falls below two hundred (200). For clarity, the total number of Licences shall not exceed two hundred (200). For the purpose of this By-law, a Licence shall still be considered active if it is suspended, and shall not be considered active if it has been revoked or is expired.
- 6.2** Licences shall be issued on a first-come, first-served basis, subject to the completion of all necessary application requirements and the availability of Licences.
- 6.3** In the event that the total number of Licences is two hundred (200), a Person may submit an application to be placed on a wait list for future Licence availability.

**6.4** Once the total number of Licences falls below two hundred (200), the first Person on the wait list will be contacted by the Licensing Officer and provided with twenty-one (21) days to submit an application for a Licence, including all supporting documentation and payment of any applicable Fee(s), as required by this By-law. Failure to submit a complete application within the twenty-one (21) day period will result in the Person's name being removed from the wait list, and the next Person on the wait list will be contacted.

## **7. Licences**

**7.1** The Licensing Officer is hereby delegated authority to issue a Licence in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.

**7.2** The Licensing Officer is hereby delegated authority to impose additional terms and conditions on a Licence that, in the opinion of the Licensing Officer, are reasonable, taking into consideration:

- (a) the health, safety and well-being of Persons;
- (b) the impact on a neighbouring property or a neighbouring property owner; and
- (c) the past conduct of an Applicant or a Licensee.

**7.3** The Licensing Officer is hereby delegated authority to refuse to issue or renew a Licence, revoke, or suspend a Licence, where the Applicant or Licensee would not be entitled to a Licence, or to the renewal of a Licence, on any grounds set out in this By-law.

**7.4** Where the application for a Licence has been revoked, suspended or cancelled, the Fees paid by the Applicant or Licensee, in the respect of the Licence, shall not be refunded.

**7.5** A Licence issued by the Town is non-refundable and non-transferable.

**7.6** A Licence shall expire upon the earliest of the following events:

- (a) the date that is one (1) year after the date of the issuance of the Licence;
- (b) upon the sale or transfer of the Property, including the addition of a co-owner as a joint tenant or tenant-in-common. For greater certainty, a Licence cannot be assigned or transferred to another Person; or
- (c) if the Licence has been revoked in accordance with this By-law.

**7.7** The Licensing Officer shall have the authority to extend any active Licence for up to one (1) calendar year in the event of a declared emergency that directly effects the Licensee.

- 7.8** Every Licence shall remain the property of the Town at all times, and no Person shall enjoy a vested right in any Licence or the continuance of any Licence.
- 7.9** A Licence shall be issued by the Licensing Officer:
- (a) upon the requirements of this By-law being met;
  - (b) upon submission of the documents to the Licensing Officer's satisfaction as required by this By-law and as outlined in the applicable Schedule(s) to this By-law;
  - (c) upon obtaining the required approvals and inspections to the Licensing Officer's satisfaction as required by this By-law and as outlined in the applicable Schedule(s) to this By-law.
- 7.10** The Licensing Officer shall not issue a Licence if the Owner(s) have any outstanding fines, fees, penalties, legal costs, disbursements, property or municipal accommodation taxes, or late payment charges owing to the Town.
- 7.11** A Licence issued under this By-law shall include following:
- (a) the municipal address;
  - (b) the Licence Number;
  - (c) the Licensee name and contact information;
  - (d) the Responsible Person's name and contact information
  - (e) the issuance and expiry date of the Licence;
  - (f) the Maximum Occupancy; and,
  - (g) the number of Guest Rooms for rent.

## **8. Licence – Terms and Conditions**

- 8.1** A Licence is subject to the terms and conditions of this By-law, including Licence Class conditions, and the terms and conditions as set out in the applicable Schedule(s) to this By-law.
- 8.2** Only one (1) Short-Term Accommodation Licence will be issued per Property.
- 8.3** The Maximum Occupancy for any Licensed Premises shall be limited to two (2) Persons per approved Guest Room and shall not exceed a total of eight (8) Persons.
- 8.4** A Licensee must prominently display the corresponding Licence Number and the Maximum Occupancy in all Marketing of the Short-Term Accommodation.
- 8.5** The following shall be made available to Renters and Guests during their stay:
- (a) A copy of the current Licence retained on site of the Premises and available for inspections by an Officer;

- (b) A copy of the approved site plan showing the current Parking Area for the Premises;
- (c) A copy of the approved floor plan identifying the rooms and also showing exits and fire escape routes;
- (d) A copy of the Renter's Code of Conduct;
- (e) A copy of the Town's current Noise By-law, Fireworks By-law, and Open Air Burning By-law;
- (f) Instructions for waste management, including information on the applicable waste collection day, and instructions for composting and recycling; and
- (g) Name and contact information of the Responsible Person.

**8.6** All Short-Term Accommodations shall provide a minimum rating of 2A 10BC fire extinguisher mounted on each floor of the Premises.

**8.7** The Licensee shall maintain a Guest Registry for a minimum of two (2) years from the date of the rental showing the Property address and Licence number, with the following information for each rental:

- (a) check-in and check-out dates,
- (b) the total number of Renters and Guests,
- (c) confirmation that the Renter(s) have signed the Renter's Code of Conduct,
- (d) confirmation that the smoke and carbon monoxide alarms were checked and are in working condition after the previous Renter's departure and before new occupancy, and
- (e) the nightly and total price charged for each rental, including the municipal accommodation tax charged on the transaction if applicable;

**8.8** A Licensee shall be responsible for informing the Licensing Officer in writing of any changes to the approved information contained within the Licence application or any deviation to the approved plans within seven (7) days of such change or deviation. Such changes or deviations shall require the submission of the necessary supporting documentation to the Licensing Officer for review and approval.

**8.9** A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives, and the Responsible Person in the carrying on of the business in the same manner and to the same extent as though the Licensee performed the act(s) or omission(s).

**8.10** Any record required by this By-law shall be produced by the Licensee upon request by an Officer.

## **9. Licence – Class Conditions**

**9.1** In addition to any other terms and conditions set out in this By-law, including applicable Schedule(s), the following Licence Classes shall be subject to the ensuing conditions:

### **9.2 Class A – Guest Room Short-Term Accommodation (Partial Unit Rental)**

- (a) The maximum number of Class A Licences permitted to be operated, provided or Marketed by the same Licensee shall be one (1).
- (b) A Class A Licensee shall ensure that the Premises is the Principal Residence of the Licensee.
- (c) A Class A Licence shall be permitted in a single detached dwelling.
- (d) A Class A Licence shall not occupy the entire gross floor area of the single detached dwelling.
- (e) A Class A Licensee shall ensure that a maximum of three (3) Guest Rooms are available for rent.
- (f) A Class A Licensee shall ensure that at least one (1) bedroom is available on a full-time basis in the Premises for the exclusive use of the Licensee.
- (g) The Class A Licensee shall be on site at the Premises during the stay of a Renter during the hours of 8:00 P.M. and 8:00 A.M., except in the case of an emergency.
- (h) A Class A Licence shall be permitted to be rented for a maximum of 28 days for any single stay.

### **9.3 Class B – Principal Residence Short-Term Accommodation (Entire Unit Rental)**

- (a) The maximum number of Class B Licences permitted to be operated, provided or Marketed by the same Licensee shall be one (1).
- (b) A Class B Licensee shall ensure that the Premises is the Principal Residence of the Licensee.
- (c) A Class B Licence shall be permitted in a single detached dwelling.
- (d) A Class B Licence shall be permitted to be rented for a maximum of 28 days for any single stay.

### **9.4 Class C – Additional Residential Dwelling Unit Short-Term Accommodation (Entire Unit Rental)**

- (a) The maximum number of Class C Licences permitted to be operated, provided or Marketed by the same Owner shall be one (1).
- (b) A Class C Licensee shall be the registered Owner.
- (c) A Class C Licence shall be an Additional Residential Dwelling Unit located on the same Property as the Owner's Principal Residence.

- (d) A Class C Licence shall be permitted in an Additional Residential Dwelling Unit that is within:
  - i. an existing single detached dwelling; or
  - ii. a detached building accessory to a single detached dwelling.
- (e) A Class C Licence shall be permitted to be rented for a maximum of 28 days for any single stay.

## **10. Required Inspection**

- 10.1** It is the responsibility of any Person applying for a new Licence or renewing an existing Licence, to provide the required documentation, and if applicable, ensure that an inspection of the Premises is conducted to verify compliance with Applicable Laws, including but not limited to the following:
- (a) this By-law;
  - (b) the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 and Regulations;
  - (c) the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A and Regulations;
  - (d) the Town's Property Standards By-law, as amended or superseded;
  - (e) the Town's Zoning By-law, as amended or superseded;
  - (f) any other Applicable Laws that apply to the Licensed Premises.
- 10.2** As part of the review of an application for a new Licence or the renewal of an existing Licence, relevant departments of the Town, or external agencies as deemed necessary by the Licensing Officer, may provide comments on any known matters that would assist in the determination of Licence eligibility.
- 10.3** The departments and external agencies referenced in section 10.2 may require an inspection of the Premises prior to providing comments on any known matters that would assist with the determination of Licence eligibility. The Applicant or Agent shall cooperate and facilitate the inspection of the Premises in a timely manner and must be in attendance during the inspection.
- 10.4** If the review of an application or an inspection of the Premises reveals that the Premises does not comply with the requirements set out in this By-law or any Applicable Laws, the Licensing Officer will notify the Applicant or Licensee and provide them with twenty-one (21) days to correct the issue(s). The Applicant or Licensee must notify the Licensing Officer in writing once the required corrections have been completed and, if deemed necessary by an Officer, arrange for a re-inspection. Failure to correct the issue(s) and, if applicable, arrange for a re-inspection within twenty-one (21) days will render the application incomplete, and a new application will need to be submitted.

**10.5** The Applicant or Licensee shall be responsible for any additional Fees associated with re-inspections, as outlined in the Town's Fees and Service Charges By-law.

## **11. Licences – Administrative Suspensions**

**11.1** Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, the applicable Licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated. The Licensee shall be required to provide proof of insurance to the Licensing Officer in order for the Licence to be reactivated.

**11.2** An administrative suspension of a Licence without a hearing shall be imposed for up to fourteen (14) days if the Licensing Officer is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises or Property. Before imposing a suspension, the Town shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

**11.3** An administrative suspension imposed under section 11.2 may be imposed on such conditions as the Licensing Officer considers appropriate.

## **12. Licences - Grounds for Refusal, Suspension or Revocation**

**12.1** An Applicant or Licensee is entitled to a Licence upon meeting the requirements of this By-law except where:

- (a) the past or present conduct the Applicant or Licensee affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the business in respect of which the application is made in accordance with this By-law, any Applicable Laws, or with honesty or integrity;
- (b) the Applicant or Licensee has past breaches or contraventions of any provision of this By-law, any Applicable Laws or any law associated with the carrying on of such business;
- (c) the Applicant or Licensee has failed to pay a fine, fee, or penalty imposed by the Town or a Court for convictions for breach of this By-law or any Applicable Laws;
- (d) the Applicant or Licensee has failed to comply with any term or condition of the Licence, any condition or direction of the Licensing Officer or an Officer, or has failed to permit any inspection or investigation by the Licensing Officer or an Officer;
- (e) the Applicant or Licensee has failed to comply with the requirements set out in this By-law or any Applicable Laws;

- (f) the issuing of a Licence to the Applicant or Licensee would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control;
- (g) the Applicant or Licensee has submitted an application or other documentation to the Town or Licensing Officer containing false statements, or incorrect, incomplete, or misleading information;
- (h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant or Licensee is Licensed, in contravention of this By-law, or any Applicable Laws;
- (i) the Applicant or Licensee has not paid the required Fees as set out in the Town's Fees and Service Charges By-law;
- (j) the Applicant or Licensee has accumulated seven (7) or more demerit points in accordance with section 16 of this By-law; or
- (k) the Applicant or Licensee has outstanding legal costs, fees, disbursements, property or municipal accommodation taxes and late payment charges owing to the Town for the Premises or a Property owned by the Applicant or Licensee.

### **13. Licences – Grounds for Refusal, Suspension or Revocation – Terms and Conditions – Right to a Hearing**

**13.1** With the exception of section 11, before a Licence is refused, revoked, suspended, or issued with terms or conditions, written notice shall be given to the Applicant or Licensee.

**13.2** Notice shall be served to the Applicant or Licensee's last known address or email address filed with the Town and shall:

- (a) contain sufficient information to specify the nature of, or reason for, any recommendation;
- (b) inform the Applicant or Licensee of entitlement to a hearing before the Committee, if a request in writing for a hearing is returned to the Clerk within fourteen (14) days after the date of service of the notice; and
- (c) inform the Applicant or Licensee that if no written request is received, the decision or recommendation of the Licensing Officer shall be final and binding.

**13.3** The appeal request shall be made in writing to the Clerk, setting forth the reasons for the appeal, along with payment of the required appeal Fee, which is non-refundable, as set out in the Town's Fees and Service Charges By-law.

**13.4** Upon receipt of a written request for a hearing from an Applicant or Licensee, the Clerk shall:

- (a) schedule a hearing;



- (b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
- (c) post notice of the hearing on the Town's website at least twenty (20) days prior to the hearing date.

**13.5** Service of any notice on the Applicant or Licensee under this By-law shall be made by personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the date of personal service, on the seventh (7th) day after the day of mailing, or on the date the email is sent.

#### **14. By-law and Licensing Appeals Committee**

**14.1** The Committee shall hear and render decisions regarding the refusal, revocation, or suspension of a Licence, and the imposition of terms and conditions on a Licence.

**14.2** The decision of the Committee shall be final and binding.

**14.3** Appeals to the Committee will not be permitted for:

- (a) the issuance of demerit points, unless they have resulted in the revocation or suspension of a Licence; or,
- (b) any matters that have already been heard by the Committee.

#### **15. Hearing Process**

**15.1** Committee hearings under this by-law shall be conducted in accordance with the provisions of the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22.

**15.2** A hearing shall be held in public, unless determined otherwise in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22. The Committee shall hear the Applicant or Licensee and any other Person who desires to be heard. The Committee may adjourn the hearing or reserve its decision.

**15.3** No decision of the Committee is valid unless it is agreed to by the majority of the members who heard the matter. The decision shall be in writing, set out the reasons for the decision, and be signed by the member(s) who concur in the decision.

**15.4** Any authority or permission granted by the Committee may be for such time and subject to such terms and conditions as the Committee considers advisable and as set out in the decision.

**15.5** If a Person who has received written notice of a hearing does not attend at the scheduled time and place, the Committee may proceed with the hearing in their

absence, and the Person shall not be entitled to any further notice of the proceedings.

- 15.6** The Clerk shall, no later than ten (10) days after the decision is made, send a copy of the decision by personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the date of personal service, on the seventh (7th) day after the day of mailing, or on the date the email is sent and shall be sent to:
- (a) the Applicant or Licensee; and
  - (b) each Person who appeared in Person, by Counsel, or by legal representative at the hearing and filed a written request for notice of the decision with the Clerk.

## **16. Demerit Point System**

- 16.1** In addition to other enforcement mechanisms available under this By-law, including the prosecution of offences, the demerit point system established in Schedule “A” to this By-law shall be used when considering the issuance, issuance with conditions, refusal to issue or renew, revocation, or suspension of a Licence under this By-law.
- 16.2** A Licensee may be assessed and attributed demerit points, as outlined in Schedule “A” for a contravention of this By-law or any Applicable Laws, or a penalty, fine or conviction imposed by a Court or tribunal for a breach of this By-law or any Applicable Laws.
- 16.3** The Licensing Officer shall provide the Licensee with written notice upon any demerit points being issued. Any demerit points issued pursuant to this By-law may only be appealed to the Committee if resulting in the suspension or revocation of a Licence, in accordance with section 13 of this By-law.
- 16.4** Demerit points accumulated by a Licensee shall remain in effect for a period of one (1) year from the date the demerit points were imposed.
- 16.5** Where demerit points remain in effect against a Licensee, the Licensing Officer may take into account the demerit points and may reduce the term of a Licence or impose conditions on a Licence, including a reduction in the Maximum Occupancy, as if it was a condition imposed under section 7.2 of this By-law.
- 16.6** A Licence may be suspended for a period of not longer than three (3) months where:
- (a) the total number of demerit points in effect is seven (7) or more in accordance with Schedule “A” of this By-Law; or

- (b) the Town has identified a contravention of this By-law or other Applicable Laws.

**16.7** A Licence may be refused or revoked if the total of all demerit points in effect is fourteen (14) or more in accordance with Schedule "A" of this By-Law. Where a Licence has been refused or revoked due to the accumulation of fourteen (14) or more demerit points, no Person shall be entitled to apply for a Licence for the subject Premises for a period of six (6) months from the date of refusal or revocation of the Licence.

**16.8** Notice of a refusal, suspension, or revocation of a Licence under this section shall be provided to the Licensee in accordance with section 13 of this By-law. A Licensee may appeal the refusal, suspension or revocation of a Licence in accordance with section 13 of this By-law.

## **17. Fees**

**17.1** The Fees for a Licence, renewal of a Licence, inspections or re-inspections, appeals, and any other related services will be prescribed in the Town's Fees and Charges By-law. All fees paid are non-refundable.

## **18. Order to Discontinue**

**18.1** Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened this By-law, any Person who has caused or permitted the contravention, or the Owner or Licensee of the Premises on which the contravention has occurred, to discontinue the contravening activity.

**18.2** An order under section 18.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention;
- (b) the location of the Premises or Property on which the contravention occurred; and
- (c) the date by which there must be compliance with the order.

**18.3** An order may be served personally, by ordinary mail to the last known address, or by email transmission to:

- (a) the Person the Officer believes contravened this By-law; and
- (b) any other Persons affected by the order as determined by the Officer.

**18.4** The order shall be deemed to have been served on the date of personal delivery, on the seventh (7<sup>th</sup>) day after the date of mailing, or on the date the email is sent.

**18.5** If the Officer is unable to serve the order pursuant to this By-law, a placard containing the order shall be placed in a conspicuous location on the Premises. The placing of the placard shall be deemed to be served on the date of placing the placard.

## **19. Enforcement and Penalty**

**19.1** The enforcement of this By-law shall be conducted by an Officer.

**19.2** An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- (a) the By-law is complied with;
- (b) the Licence, the terms or conditions of a Licence (including but not limited to compliance with approved plans), or the terms or conditions of this By-law are complied with; or
- (c) a direction or order made under the *Municipal Act, 2001* or this By-law is complied with.

**19.3** For the purposes of an inspection under this By-law, an Officer may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any Person concerning a matter related to the inspection; and,
- (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples, or photographs necessary for the purposes of the inspection.

**19.4** All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.

**19.5** A receipt shall be provided for any document or thing removed under this By-law, and the document or thing shall be promptly returned after the copies or extracts are made.

**19.6** A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.

**19.7** If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.

- 19.8** Every Person who makes a false statement in an application, declaration, affidavit or other document required by this By-law or the Town is guilty of an offence.
- 19.9** Every Person who contravenes any provision of this By-law or an order issued pursuant to this By-law, and every director or officer of a Corporation, who knowingly concurs in the contravention of this By-law by the Corporation, is guilty of an offence and upon conviction is liable to:
- (a) on a first offence, a fine not more than \$50,000.00; and
  - (b) on a second offence and each subsequent offence, a fine of not more than \$100,000.00.
- 19.10** In the case of a continuing offence, for each day or part of a day that the offence continues, every Person who contravenes any provision of this By-law and every director or officer of a Corporation who knowingly concurs in the contravention of this By-law by the Corporation is guilty of an offence and liable on conviction to a fine of not more than \$10,000.00. However, the total of all of the daily fines for the offence is not limited to \$100,000.00 in accordance with the *Municipal Act, 2001*, as amended.
- 19.11** In the case of a multiple offence, for each offence included in the multiple offence, every Person who contravenes any provision of this By-law and every director or officer of a Corporation who knowingly concurs in the contravention of this By-law by the Corporation is guilty of an offence and liable on conviction to a fine of not more than \$10,000.00. However, the total of all of the daily fines for the offence is not limited to \$100,000.00 in accordance with the *Municipal Act, 2001*, as amended.
- 19.12** Every Person who is issued a Part I offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, up to the maximum as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- 19.13** A court or tribunal may, in the absence of evidence to the contrary, infer that a listing on the Platform of a Short-Term Accommodation Brokerage or a public advertisement to the effect, and by any means, is proof that the Premises is being rented or offered for rent as a Short-Term Accommodation. For greater certainty, a witness need not possess special or expert knowledge for the court or tribunal to make any such inference.
- 19.14** No Person shall hinder or obstruct, or attempt to hinder or obstruct, the Licensing Officer or any Officer exercising a power or performing a duty under this By-law.
- 19.15** Every Person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to an Officer upon request. Failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of their duties.

**19.16** Upon conviction, any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

**19.17** If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction, may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

## **20. Administrative Penalties**

**20.1** The Town's Administrative Monetary Penalty By-law applies to this By-law.

**20.2** Every Person who contravenes a provision of this By-law shall, upon issuance of a penalty notice in accordance with the Town's Administrative Monetary Penalty By-law, be liable to pay the Administrative Penalty in the amount specified in that By-law.

**20.3** No Person who is issued a penalty notice under the Town's Administrative Monetary Penalty By-law shall be charged with an offence for the same contravention under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

## **21. Severability**

**21.1** If a court of competent jurisdiction declares any section, provision, or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force, unless the court makes an order to the contrary.

## **22. Singular and Plural Use**

**22.1** In this By-law, unless the context otherwise requires, words importing the singular shall include the plural, words importing the plural shall include the singular, and gendered terms shall include all genders, where applicable.

## **23. Schedules**

**23.1** The Schedules attached to this By-law form part of this By-law and shall have the same force and effect as if they were set out in the body of the By-law.

## **24. Transition and Repeal**

**24.1** That By-law 2023-085 is hereby repealed.

**24.2** Any resolutions that are inconsistent with the provisions of this By-law are deemed to no longer be in effect.

**24.3** Any Short-Term Accommodation Licence issued under By-law 2023-085 that is valid as of the date this By-law comes into force and effect shall be deemed to be a Licence issued under this By-law. Licensees holding a valid Licence under By-law 2023-085 shall be permitted to continue operating under the conditions of their existing Licence until its expiry date. Upon expiry, Licensees must apply for a renewal under the provisions of this By-law.

**25. Effective Date**

**25.1** That this By-law shall come into full force and effect on January 6, 2025, at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to this By-law.

**Enacted and passed** this 18th day of November, 2024

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Mayor

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Clerk

## Schedule “A”

### Short-Term Accommodation – Demerit Point System

1. A demerit point system is established as follows herein this Schedule (Table 1), but does not preclude the use of options otherwise available under this By-Law or other Applicable Laws including, but not limited to, actions pursuant to the *Building Code Act, 1992*, S.O. 1992, c.23 and Regulations, the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 and Regulations, and the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
2. The number of demerit points referenced in Column 4 of Table 1 will be assessed against the Licensee in respect of the matter noted in Column 1 upon the following events:
  - (a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33;
  - (b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
  - (c) the confirmation of an Administrative Penalty;
  - (d) the confirmation of an order;
  - (e) the confirmation of an order resulting in Town remediation; or
  - (f) an observation by an Officer.
3. The Licensing Officer may refuse to issue, to renew, suspend or revoke, or may apply conditions to a Licence for the accumulation of demerit points, as provided for in section 16 of this By-Law.
4. Notice of the suspension or revocation of a Licence shall be provided to the Licensee in accordance with section 13 of this By-law.
5. A Licensee may appeal the suspension or revocation in accordance with section 13 of this By-law.
6. Demerit points accumulated by a Licensee shall remain in effect for a period of one (1) year from the date the demerit points were imposed.



<b>Table 1: Demerit Point System</b>			
<b>Infraction</b>	<b>Reference</b>	<b>Type</b>	<b>Demerit Points</b>
Fire Protection and Prevention Act/ Fire Code	<i>Fire Protection and Prevention Act, 1997, S.O. 1997, c.4</i>	Order not Complied With	5
		Part I	2
		Part III	3
Open Air Burning Violation	Town Open Air Burning By-law	Part I/Penalty Notice	2
		Part III	3
Building Code Act (Order to Comply)	<i>Building Code Act, 1992, S.O. 1992, c.23</i>	Order not Complied With	5
		Part III	3
Noise By-law Infraction	Town Noise By-law	Observed/Noted by Officer	1
		Part I/Penalty Notice	2
		Part III	3
Waste Collection By-law Infraction	County Waste By-law	Observed/Noted by Officer	1
		Part I/Penalty Notice	2
		Part III	3
Property Standards	Town Property Standards By-law	Order not Complied With	5
Discharge of Fireworks	Town Fireworks By-law	Observed/Noted by Officer	1
		Part I	2
		Part III	3
Responsible Person does not respond within 60 minutes	Short-Term Accommodation Licensing By-law	Observed/Noted by Officer	1
		Part I/Penalty Notice	2
		Part III	3

Violation of any Provision of this By-law	Short-Term Accommodation Licensing By-law	Observed by Officer/ Verbal Warning	1
		Part I/Penalty Notice	2
		Part III	3
Violation of Renter's Code of Conduct	Short-Term Accommodation Licensing By-law	Observed/Noted by Officer	1
		Part I/Penalty Notice	2
		Part III	3
Obstruction of Officer	Short-Term Accommodation Licensing By-law	Observed/Noted by Officer	3
		Part I/Penalty Notice or Part III	5

## Schedule “B”

### Short-Term Accommodation – Additional Requirements and Terms and Conditions

1. In addition to the Licence application requirements set out in section 5.3 of this By-law, an Applicant for a Short-Term Accommodation Licence shall submit the following:
  - (a) a signed copy of the Licensee Code of Conduct, which identifies the Applicant’s responsibilities as a Licensee;
  - (b) a site plan and floor plan, drawn to scale and fully dimensional, showing the Premises and Property and identifying:
    - i. the location of all buildings and structures on the Property;
    - ii. the location of the Parking Area, demonstrating conformance with the Town’s Zoning By-law for the minimum number of required parking spaces for a Short-Term Accommodation;
    - iii. the use of each room;
    - iv. the location of smoke and carbon monoxide alarms, and early warning devices;
    - v. the location of fire extinguishers;
    - vi. the location of all electric and fuel-burning appliances; and,
    - vii. all entrances/exits to and from the Dwelling Unit;
  - (c) a letter or certificate from a licensed electrical contractor, dated within the previous 365 days of making an application for a Licence, stating the Premises is in compliance with Ontario Regulation 164/99: Electrical Safety Code under the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended.
  - (d) proof of insurance with a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury, identifying that a Short-Term Accommodation is being operated on the Property. The insurance coverage shall be endorsed to the effect that the Town shall be given at least thirty (30) days’ notice in writing of any cancellation or material variation to the policy;
  - (e) the name and contact information of the Responsible Person who can be contacted within thirty (30) minutes and respond to an emergency or contravention of this By-law or any Applicable Laws, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence;
  - (f) a complete Fire Safety Checklist to assist the Applicant in preparing for the required fire inspection, in accordance with the Ontario Regulation 213/07: Fire Code and any requirements set out in this By-law; and,
  - (g) a complete Property Standards Checklist to assist the Applicant in preparing for the required property standards inspection in accordance with the Town’s Property Standards By-law.

2. In addition to the Licence application requirements set out in section 5.3 of this By-law, a Licensee renewing an existing Licence shall submit:
  - (a) confirmation that the information provided in the original application for a Licence, including any supporting documentation, remains accurate and up to date. Any changes in information or updates to supporting documentation must be submitted with the renewal application; and,
  - (b) a copy of the Guest Registry, covering the term since the current Licence was issued.