

# THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

## By-Law # 22-07, Consolidated

### SHORT-TERM ACCOMMODATIONS

**BEING** a by-law to licence, regulate and govern short term rental and/or accommodation uses within the Township.

**WHEREAS** Section 151 of the Municipal Act S.O. 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** Section 391 of the Municipal Act S.O. 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** Section 434 of the Municipal Act S.O. 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** the Council of the Corporation of the Township of Assiginack has duly considered representations and written comments with respect to this By-law;

**AND WHEREAS** the Council of the Corporation of the Township of Assiginack considers it desirable to exercise its licencing powers, including the imposition of setting out the conditions as presented in this By-law;

**NOW THEREFORE THAT** the Council of the Corporation of the Township of Assiginack **HEREBY ENACTS AS FOLLOWS:**

- 1. Short Title:** This By-law may be cited as the “Short-Term Accommodation By-law” or “STA By-law” or “Accommodations By-law”
- 2. Definitions:** Words or phrases contained herein this By-law, and which are not defined by this By-law, are firstly to be assigned the definition or meaning attributed to them in the applicable zoning By-law and failing such a definition or meaning prescribed there, the everyday meaning of such a word or phrase shall be used.

**In this by-law:**

- 2.1. Action** means a prosecution or proceeding under Part I or Part III of the Provincial Offences Act;
- 2.2. 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;
- 2.3. Agent** means a person duly appointed by the owner to act on their behalf;
- 2.4. Applicant** includes a person seeking a licence or renewal of a licence or a person whose licence is being considered for revocation or suspension;
- 2.5. Bedroom** means a room or spatial area used, designed, equipped or intended for sleeping;
- 2.6. Camping Establishment** means lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreation vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities.
- 2.7. Chief of Police** means the local Ontario Provincial Police Detachment Commander;
- 2.8. Council** means Council of the Corporation of the Township of Assiginack;

- 2.9. Disturbance** means an event where an action has commenced with respect to nuisance, noise or other disturbance;
- 2.10. Fire Chief** means the individual appointed to this position by Council or his/her designate;
- 2.11. Health Unit** means Public Health Sudbury and Districts
- 2.12. Licence** means a licence used under this By-law;
- 2.13. Licensee** means a person who holds a licence under this By-law;
- 2.14. Medical Officer of Health** means the Medical Officer of Health for Public Health Sudbury and Districts or his/her designate;
- 2.15. Officer** means the person, or persons, who have been appointed to enforce the provisions of this By-law and includes the provincial offences officer as defined by the Provincial Offences Act;
- 2.16. Owner** means the person holding title to the lands on which the short-term accommodation premises is located;
- 2.17. Parking Management Plan** means a plan, drawn to scale, depicting the size and location of all parking spaces intended to be used for parking;
- 2.18. Premises** means any place, premises or location, or part thereof, in which a trade, business or occupation of short-term accommodation is carried on;
- 2.19. Property Management Plan** means a detailed plan that identifies those measures the Owner will implement so as to ensure good waste disposal practices, emergency response, compliance with the Township Standards for Maintenance of Property By-law 12-09, as amended (referred to herein as the Property Standards By-law) and any other By-law related to property maintenance and/or management;
- 2.20. Property Standards By-law** means the Property Standards By-law formally known as the Standards for the Maintenance of Property By-Law #12-09, as amended, enacted under Section 15.1 of the Building Code Act that prescribes the standards for the maintenance and occupancy of property;
- 2.21. Renter** means the person responsible for the rental of the premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;
- 2.22. Renter's Code** means a document that has been prepared by the Owner that has been approved by the Township 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 Township By-laws that the renter must comply with including the provision of this By-law as they relate to, amongst other things, the Parking Management Plan;
- 2.23. 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 provision of this By-law, the licence and the relevant provisions of this By-law, the licence and the relevant provisions of the Fire Code;
- 2.24. 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, rental agreement, or similar arrangement for any period equal to or less than 30 consecutive calendar days, throughout all or any part of the calendar year. **Short-Term Accommodation** uses shall not mean or include a motel, hotel, authorized bed and breakfast establishments, authorized tourist cabin or cottage, authorized **camping establishments**, hospital, authorized commercial resort unit, village commercial resort unit or similar authorized commercial or institutional uses.
- 2.25. Town, Township or Municipality** shall mean the Corporation of the Township of Assinack and shall be defined as the lands and premises within the corporate limits.

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

### **3. Application**

**3.1.** The requirements of this By-law apply to the trade, business or occupation of providing **short-term accommodation** within the geographic limits of the Township as of the date that this By-law comes into effect.

**3.2.** **Short-term accommodation** is only permissible in the main structure on the property. To further clarify, a **short-term accommodation** shall not be permissible in the following structures; an accessory unit or building, sheds, trailers, tents, nor any other structure that is not assessed as a Residential Dwelling.

**3.3.** Persons who own, operate and/or offer a premises for **short-term accommodation** within the municipal boundaries as of the effective date of this By-law must file an application for a licence under this By-law within 60 days of it passing and recurrent by calendar year. The application form is attached in “Schedule A2” may be amended from time to time at the discretion of the of the Officer.

**3.4.** 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 Officer.

### **4. Licencing Requirements**

**4.1.** No person shall carry on any trade, business or occupation of **short-term accommodation** unless that person has first obtained a licence.

**4.2.** 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.

**4.3.** 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.

**4.4.** 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 a licence.

### **5. Administration**

**5.1.** The Clerk and/or By Law Enforcement Officer is responsible for the administration and enforcement of this By-law.

**5.2.** Every application for a new licence or renewal or extensions of an existing licence shall be submitted to the Officer on the forms prescribed. The most current version shall be obtained from the municipal office or the township website.

**5.3.** Every application for a new licence or renewal or extension of an existing licence shall include:

**5.3.1.** Each owner, applicant and/or agent’s name, address, telephone number, fax number and email address.

**5.3.2.** A copy of the transfer deed evidencing the ownership of the premises.

**5.3.3.** 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.

**5.3.4.** The rental agent’s or agency’s name, address and telephone number and email address

**5.3.5.** In the instance of a corporation or partnership, the name, address, telephone number and email address for each director and officer or partner of the Owner and / rental agent or agency.

- 5.3.6. 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 proposed licenced **short-term accommodation** premises;
  - 5.3.7. A statement from the Owner certifying the accuracy, truthfulness, and completeness of the application;
  - 5.3.8. Proof of placement of insurance specific to the rental nature of the property that includes a limited 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 cancellations by the insurer no fewer than 15 days prior to such cancellation;
  - 5.3.9. Floor plans and a site plan are required to follow all current Provincial and Federal regulation included in the listing at 6.6 of this by-law. They may be 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; 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;
  - 5.3.10. A Parking Management Plan that complies with the applicable Township Zoning By-law;
  - 5.3.11. A Property Management Plan identifying measures the Owner will implement for the purposes of complying with the Township's property standards By-law, waste collection By-law and any other By-law related to property management and / or maintenance;
  - 5.3.12. A Renter's Code;
  - 5.3.13. The prescribed fees, and;
  - 5.3.14. Any outstanding fees or fines owed to the Township by the Owner respecting any short-term accommodation premises.
- 5.4. A Licensee shall inform the Officer of any changes to the information provided in Section 5.3 within a period of 15 days.
  - 5.5. In addition to the requirements of Section 5.3, 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 licenced 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.
  - 5.6. Every application for a licence will be reviewed by the Officer to determine whether it meets the requirements of this By-law.
  - 5.7. As part of the review referenced at Section 5.6., the application will be circulated to those agencies deemed necessary and/or relevant by the Officer. Including but not limited to Public Health Sudbury and Districts, Assiginack Fire Department, Assiginack Public Works, etc.
  - 5.8. Those agencies referenced in Section 5.7. may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application by the Officer. 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 inspection(s), the applicant shall pay the applicable fees prior to the inspection to the relevant agency.

- 5.9. If it is determined that an application does not meet the requirements of this By-law and the requirements of all the circulated agencies, the Officer shall refuse the issuance of the licence.
- 5.10. A licence shall be issued to the Owner of the short-term accommodation premises upon meeting the requirements of this by-law.
- 5.11. A licence is valid only for the calendar year in which it was issued.
- 5.12. Adjustments in the fees prescribed shall be automatically affected each year based on the percentage change in the Consumer Price Index of Statistics Canada.
- 5.13. A Licensee is not eligible for the renewal or extension of an existing licence unless the Licensee has provided an annual application form complete with fees assigned.
- 5.14. A licence is not transferable. For greater clarity, should a licenced premise be sold, the licence becomes void, and the new owner would have to apply for their own licence for the premise.
- 5.15. No person shall enjoy a vested right in the continuance of a licence.
- 5.16. Applications and Licences shall remain the property of the Township.
- 5.17. If at any time the Officer determines, because 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 Officer may revoke the licence.
- 5.18. If at any time the Officer determines, because of evidence that is provided, that the operation of a **short-term accommodation** premises does not conform to the requirements of this By-law, the Officer may commence with proceedings pursuant to the Provincial Offences Act.

## 6. General Regulations

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.
- 6.4. No licence shall be issued for any property where the maximum occupancy would allow more than ten (10) guests per licenced property. Maximum occupancy is calculated by the allowance of 2 persons per registered room.
- 6.5. 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 the application for a licence indicating that the premises conforms to the Electrical Safety Code.
- 6.6. 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 the applicable Federal and Provincial Law and regulations or municipal By-laws, including but not limited to, the Zoning By-law; 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.
- 6.7. 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 Officer.
- 6.8. 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 Officer.

- 6.9.** The Owner, Operator or Agent of a Short-Term Accommodation premises shall keep a record of the renter with such record containing the date of entry, length of stay, home address of the renter and the signed Renters Code of conduct. With such records readily available for inspection at all times by an Officer for a period of one year.
- 6.10.** The owner shall display the licence permanently in a prominent place in the short-term accommodation premises to which it applies.
- 6.11.** Each licence shall include the following:
  - 6.11.1.** Building/site/location address/identifier (i.e. Emergency or 911 number);
  - 6.11.2.** Licence number;
  - 6.11.3.** Effective date and expiry date of the licence;
  - 6.11.4.** Owner's name and contact information
  - 6.11.5.** Rental Agent or agency's name and contact information
  - 6.11.6.** Responsible person's name and contact information; and,
  - 6.11.7.** An approved plan is laminated, plaqued or framed, and will depict the location of each bedroom, smoke alarm, extinguisher and exit/egress door or window.
- 6.12.** The owner of a short-term accommodation premise shall ensure that there is a responsible person available to attend to 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.
- 6.13.** No person shall obstruct, hinder or otherwise interfere with an authorized agent or employee of the Township while carrying out an investigation, making inquires, or performing an inspection for the purposes of enforcing this By-law or any other municipal By-law or Provincial Legislation or Regulation.
- 6.14.** No person shall construct or equip a place of business or premises used for the business as to hinder the enforcement of this By-law.
- 6.15.** 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 sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of. Waste shall be disposed of while in possession of the Licensee's Recycle Depot ID card.
- 6.16.** 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.
- 6.17.** Every Licensee shall provide an understanding to operate the short-term accommodation premises in accordance with all Town By-laws including, but not limited to Property Standards By-laws enacted and any applicable Federal or Provincial laws or statues 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.
- 6.18.** No Licensee or employee of a Licensee shall discriminate in the carrying on of the trade, business or occupation of the 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.
- 6.19.** The Officer may revoke a licence if it was issued on mistaken, false or incorrect information.
- 6.20.** The applicant/Licensee shall defend, indemnify and save harmless the Township of Assiginack, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal

costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the applicant/Licensee, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of this contract.

## **7. Revocation and Suspension**

- 7.1.** Where a licence has been revoked by the Officer it shall remain revoked for the remainder of that calendar year without refund.

## **8. 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 fine as provided in the Municipal Act, 2001 or 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. Administration & Enforcement**

- 9.1.** Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice, be liable to pay to the Township an administrative penalty.
- 9.2.** The penalty notice shall be given to the person whom or to which it is addressed as soon as is reasonably practical and shall include the following information:
  - 9.2.1.** Particulars of the contravention, including the property to which it applies;
  - 9.2.2.** The amount of the administrative penalty;
  - 9.2.3.** Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and,
  - 9.2.4.** A statement advising that an administrative penalty will, unless modified or rescinded pursuant to the review process, constitute a debt to the Township.
- 9.3.** An administrative penalty and associated fines that are deemed to be affirmed, constitutes a debt to the Township of each person owning the Short-Term Accommodation or to which the penalty notice was given.
- 9.4.** 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.
- 9.5.** The licensee may, within 30 days, request to cancel the application and be refunded the Licencing Fee amount less the non-refundable submission fee as outlined in Schedule A1.

## **10. Delegation**

- 10.1.** 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.

**11.Validity**

**11.1.** If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clause or provision of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

**Effective Date**

**11.2.** This By-law shall come into effect on the \_\_\_\_ day of \_\_\_\_\_.

**AS READ a FIRST and SECOND** time, this \_\_\_\_ day of \_\_\_\_\_.

**AND AS READ a THIRD and FINAL** time and considered passed, in open Council, this  
\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Brenda Reid, MAYOR

seal

\_\_\_\_\_  
Alton Hobbs, CAO/DEPUTY CLERK



**The Corporation of the Township of Assiginack**

**Short-term Accommodation By-law #22-07**

**Schedule “A1” - Licencing Fees**

**Fees for short-term accommodation premises located within any Zone having Municipal jurisdiction of the Corporation of the Township of Assiginack Zoning By-laws, as may be amended from time to time.**

<b>STA Licencing Fee (1-year term)</b>	<b>\$1,000.00</b>
<b>Administrative Penalty</b>	<b>\$250.00</b>
<b>Non-Refundable Application Submission Fee</b>	<b>\$50.00</b>

**The Corporation of the Township of Assiginack**  
**Short-term Accommodation By-law #22-07**  
**Schedule “A2” – Application Form**

**(Current Version: Pages attached hereto)**