



**BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN SHORT TERM RENTALS IN THE TOWN OF COBOURG**

**WHEREAS** subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“Municipal Act, 2001”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and

**WHEREAS** section 9 of the *Municipal Act, 2001*, provides a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**WHEREAS** section 10 of the *Municipal Act, 2001*, provides a municipality may implement business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control; and

**WHEREAS** section 128 of the *Municipal Act, 2001*, provides a municipality may pass by-laws that prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

**WHEREAS** section 129 of the *Municipal Act, 2001*, provides a municipality may pass by-laws that prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination; and

**WHEREAS** Part IV – Licences of the *Municipal Act, 2001*, provides a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality; and

**WHEREAS** subsection 151(1) of the Municipal Act, 2001, provides that a municipality may establish a system of Licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refuse, revoke or suspend a licence, impose conditions on a licence, and license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

**WHEREAS** sections 390 to 400 of the Municipal Act, 2001, enables a municipality to pass by-laws for imposing fees or charges for permits and services provided or done by them; and

**WHEREAS** section 434.1 of the Municipal Act, 2001, a municipality has the authority to impose a system of administrative penalties and fees as an additional means of encouraging compliance with this By-Law; and

**WHEREAS** section 425 of the Municipal Act, 2001, authorizes a municipality to create offences; and

**WHEREAS** section 426 of the Municipal Act, 2001, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under the Act; and

**WHEREAS** subsection 436(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law; and

**WHEREAS** section 444 of the Municipal Act, 2001, provides that if a municipality is satisfied that a contravention of a By-Law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

**WHEREAS** the Council of the Corporation of the Town of Cobourg considers it desirable and necessary to license, regulate and govern the short-term rentals accommodations listed within this by-law.

**NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS AS FOLLOWS:**

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**1. SHORT TITLE**

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

**2. SCOPE AND INTERPRETATION**

2.1 Where the provisions of this By-law conflict with the provision of any other By-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

2.2 In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.

2.2 If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

**3. DEFINITIONS**

“**Administrative Penalty**” means an administrative penalty established by a Designated By-law.

“**Applicant**” includes a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension.

“**Agent, Trustee**” means any person who may represent the owner or the Short-Term Rental Accommodation business and includes but is not limited to an employee or operator of the business.

“**Bed and Breakfast Establishment**” means a single detached dwelling in which not more than three (3) Guest Rooms are used or maintained for the accommodation of the travelling public, in which the owner of the dwelling unit resides and supplies lodgings with or without meals for hire or pay. Meals

shall only be provided to guests lodging at the establishment. A Bed and Breakfast Establishment is considered a Short Term Rental Accommodation, but does not include a hotel, motel, boarding or lodging house or inn .”

“**Building**” means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport.

“**By-law**” means this by-law and any schedule to this by-law as they may from time to time be amended.

“**Council**” means the Town’s Council of the Town of Cobourg.

“**Complete STRA Application**” means an application that includes all required documentation, including but not limited to; forms, drawing, plans and approvals necessary to determine if a licence will be issued.

“**Delegated Power of Decision**” means a power or right conferred by or under a Town By-law to make a decision deciding or prescribing:

- i. the legal rights, powers, privileges, immunities, duties or liabilities of any person or party; or
- ii. the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is legally entitled thereto or not.

“**Director**” means the person from time to time performing the functions of the Town’s Director, Legislative Services.

“**Dwelling, Principal Residence**” **Principal Residence or Principal Resident**” means the customary or usual place of residence of a person, for which the municipal address of the dwelling unit is most likely to be identified by that person as his or her place of residence for financial, legal and government related purposes including as defined in the Income Tax Act.

“**Dwelling Unit**” shall mean one or more habitable rooms occupied or capable of being occupied by an individual, individuals or family as an independent and separate housekeeping establishment, with separate kitchen and sanitary facilities provided for the use of such individual, individuals or family, with its own private entrance, but does not include a trailer, single-wide mobile home or tent.

**“Fee”** means as set out in the Town of Cobourg annual Fees and Charges By-law which is not prorated or refundable.

**“Fire Chief”** means the person within the Town's administration who fulfills the function of the fire chief as required by the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended or their delegate; this definition will include Fire Prevention Officer as a delegate.

**“Guest Room”** means a room or suite of rooms used or maintained for the accommodation of the public.

**“Hearing Officer”** means each person from time to time appointed pursuant to the Town's Hearing Officer By-law.

**“Landlord” includes:**

- (a) each owner of a Rental Unit;
- (b) each person who permits occupancy of a Rental Unit; and
- (c) the heirs, assigns, personal representatives and successors in title of a person referred to in clauses (a) and (b)

**“Licence”** means an authorization and the certificate or other similar document issued under this By-law to carry on a business specified herein and shall be the proof of licensing under this by-law.

**“Licenced”** means to have in one's possession a valid and current Licence issued under this by-law and unlicensed has the contrary meaning.

**“Licencee”** means a person issued a Licence under this by-law to operate a Short-Term Rental Accommodation or a Short-Term Rental Accommodation Company”.

**“Local Contact”** means, a person whose contact information is provided to the Town who is authorized by the STRA Operator to take all necessary steps to resolve urgent issues related to an STRA.

**“Market”, “Marketed” or “Marketing”** means offering, facilitating, or causing or permitting to offer or facilitate, directly or indirectly, the sale, promotion, canvassing, solicitation, advertising, or marketing of a Short-Term Rental Accommodation, and includes placing, posting or erecting advertisements physically or online, provided that the Marketing activity is the Person's Primary Business.

**“Manager”** means the person from time to time performing the functions of

the Town's Manager, Municipal Law Enforcement and Licensing Services.

**“Municipal Accommodation Tax” or “MAT”** means the tax imposed under Municipal Accommodation Tax, Short-Term Rental Accommodation By-law, as may be amended from time to time, or its successor by-law.

**“Natural Person”** means a human being, with the capacity for rights and duties.

**“Nuisance”** means excess or unlawful use of one's property to the extent of unreasonable annoyance or inconvenience to a neighbour or to the public, including but not limited to noise, noxious odours, and traffic.

**“Officer”** means:

- i. the Director;
- ii. the Manager;
- iii. each person from time to time appointed as a municipal law enforcement officer to enforce a Town by-law or a by-law of a Municipality;
- iv. each assistant to the Fire Marshal employed by the Town or by a Municipality; and
- v. a police officer employed by Cobourg Police Service

**“Operate”** means to rent out, provide, offer to rent out or provide, or facilitate the offer for rent, whether directly or indirectly, of an S.T.R.A.

**“Operator - Short Term Rental Accommodation Operator”** means any person who operates a short-term rental(s) and includes a registered owner of the property on which the STRA is located and who makes the STRA available through an STRA Company or a tenant of the property that is being operated as short-term rental(s);

**“Order”** means an order issued under this By-law.

**“Owner”** means, with respect to any property, land, building or structure, any person(s) or corporation who are registered as an owner, have a legal or equitable interest, or have a legal right to obtain possession, of that Property, land, building or structure and who holds title to the Property, land, building or structure. In the case of a Corporation, the Corporation's authorized signing officer is considered the Owner for the purposes of this By-Law.

**"Parking Area"** means an area enclosed in a main building or in an accessory building or unenclosed, having an area of not less than 16.7 m<sup>2</sup>, (180 ft<sup>2</sup>) and a minimum width of 2.7 m (9 ft.), exclusive of aisles or driveways and accessible to a street or lane and set aside for the purpose of parking a motor vehicle, but shall not include any part of a public street.

**"Person"** includes a natural person, partnership, association, firm or corporation and, where a Penalty Notice has been given to more than one Person, includes each such Person.

**"Property"** means all land, buildings and structures within the legal boundary lines of a property, including without limitation, yards, parts of a building or structure, mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property, real property and chattel;

**"Property Standards Order"** means an order made pursuant to subsection 15.2(2) of the Building Code Act, 1992 as deemed confirmed or as confirmed or modified by the Town's Property Standards Committee, by a Municipality's Property Standards Committee or by a judge of the Superior Court of Justice pursuant to section 15.3 of *the Building Code Act, 1992*

**"Proceeding"** means a proceeding before a Hearing Officer and includes a hearing.

**"Registered Owner"** means the name or names on the Property Tax Account as specified on the Deed registered in the provincial land registry office and will be accorded a MAT registration number;

**"Rent"** includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord's agent for the right to occupy a Residential Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Residential Unit

**"Renter"** means any person, who has obtained entitlement to exclusive use or occupancy of all or part of a Short-Term Rental Accommodation dwelling rental unit from a Licencee by way of a commercial arrangement for payment for overnight lodging

**"Renters Code of Conduct"** means a document, that prescribes the roles and responsibilities of the Renters and Guests, including but not limited to: behavioral expectations as they relate to non-disturbance of the neighbours;

compliance with applicable Town of Cobourg By-laws and adherence to the provisions of this by-law.

**“Residential Unit”** means a suite operated as a housekeeping unit, used or intended to be used by one or more persons that contains cooking, eating, living, and sanitary facilities.

**“Short Term Rental Accommodation”**

Means a dwelling or dwelling unit, or any portion of it, that is rented or available for rent and intended to be provided to the travelling or vacationing public or occupied for a seasonal or temporary period and includes a Bed and Breakfast Establishment, that rents not more than three (3) guest rooms, but does not include a motel, hotel, boarding or lodging house, emergency care establishment, hostel, tourist inn, or accommodations. Short Term Rental Accommodations include the following classes:

- a) **CLASS A** – A dwelling owned by a person, either alone or jointly with others in which the owner occupies it as a Dwelling Principle Residence;
- b) **CLASS B** - Multi- Unit Dwellings owned by a person, either alone or jointly with others and in which one of the Dwelling Units is owner occupied as a Dwelling Principle Residence located on the same property that accommodates guests.
- c) **CLASS C** - Individually Owned Dwellings in which owner does not occupy as a Dwelling Principle Residence (Secondary Residence/Vacation Homes) but owner must reside in the County of Northumberland and are subject to the following additional regulations:
  - i. A property that is available for rent in its entirety, to provide temporary lodging to a single group of the travelling and vacationing public and is licensed by the Town of Cobourg to carry on business.
  - ii. There shall be a limit a limit of three (3) properties under the same owner that may be permitted to be licenced and operated as a Class C STRA.
  - iii. The maximum number of dwelling units to be operated under a Class C STRA Licensed located on the same property shall be three (3).
  - iv. The maximum number of persons permitted to stay in a dwelling unit used as a Class C Licence shall be in accordance with the

requirements of the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, and the regulations promulgated thereunder.

**Short Term Rental Accommodation Company**” means any Person who facilitates, causes or assists in any way, brokers or markets STRA reservations or bookings for others whether directly or indirectly, including without limitation by providing a website or application to connect potential Renters with S.T.R. Operators or conducts the financial transaction between the parties and who:

- (i) collects, handles or receives a payment, fee, compensation, or any financial benefit due to, as a result of, or in connection with a Person making or completing reservations of those Short-Term Rental(s); and/or
- (ii) collects, accesses, or holds information on the number of nights that reservations of those Short-Term Rental(s) are made or completed.

**“Sleeping Accommodation”** means the total occupants in any residence, including those occupying a dwelling unit, a residential unit or guest room.

**“Tenant”** includes a person who pays rent in return for the right to occupy a Rental Unit and includes the person’s heirs, assigns (including subtenants) and personal representatives.

**“Town”** means The Corporation of the Town of Cobourg or the geographic area of the Town of Cobourg as the context requires.

**“Town Clerk”** means the Town’s Clerk.

**“Trade”** includes business, calling or occupation and “carrying on a trade” shall include any act of:

- a. selling any goods or services; and,
- b. soliciting business or offering or exposing goods or services for sale or hire.

**“Zoning By-Law”** means the Corporation of the Town of Cobourg Comprehensive Zoning By-Law, or any successor By-Law, as amended from time to time.

#### **4. GENERAL PROVISIONS APPLICABLE TO ALL STRAS**

4.1 No person shall advertise, use, broker or operate or permit the advertising,

use, brokering or operation of any Short-Term Rental Accommodation dwelling unless they hold a valid Licence issued pursuant to this By-law.

- 4.2 A Short-Term Rental Accommodation dwelling shall not be established, licensed, or operated in a manner which changes the external residential appearance of the dwelling unit or that contributes to adverse effects such as those from excessive traffic, parking, noise and hours of operation.
- 4.3 Notwithstanding anything in this by-law or any other by-law to the contrary, no home occupation, other rental accommodation, group home or lodging house shall be permitted in any dwelling unit which contains a Short-Term Rental Accommodation.
- 4.4 The following Licences are authorized and may be issued by the Town under this By-law:
- a) Short Term Rental Accommodation Operator;
  - b) Short Term Rental Accommodation Company.
- 4.5 A Short-Term Rental Accommodation licence, includes one (1) of the following Classes of Licences:
- a) **CLASS A** – A dwelling owned by a person, either alone or jointly with others in which the owner occupies it as a Dwelling Principle Residence;
  - b) **CLASS B** - Multi- Unit Dwellings owned by a person, either alone or jointly with others and in which one of the Dwelling Units is owner occupied as a Dwelling Principle Residence located on the same property that accommodates guests.
  - c) **CLASS C** - Individually Owned Dwellings in which owner does not occupy as a Dwelling Principle Residence (Secondary Residence/Vacation Homes) but owner must reside in the County of Northumberland and are subject to the following additional regulations:
    - i. A property that is available for rent in its entirety to provide temporary lodging to a single group of the travelling and vacationing public and is licensed by the Town of Cobourg to carry on business.

- ii. There shall be a limit of three (3) properties under the same owner that may be permitted to be licenced and operated as a Class C STRA.
  - iii. The maximum number of dwelling units to be operated under a Class C STRA Licensed located on the same property shall be three (3).
  - iv. The maximum number of persons permitted to stay in a dwelling unit used as a Class C Licence shall be in accordance with the requirements of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, and the regulations promulgated thereunder.
- 4.6 A person who receives a licence for a trade involving Short-Term Rental Accommodation must comply with the regulations set out as applicable to the trade of Short-Term Rental Accommodation being carried on. Failure to comply with the regulations constitutes an offence.
- 4.7 An agent, trustee or representative of persons carrying on a trade in the Town for which a licence is required shall also be personally liable for the compliance of his principal, beneficiary or persons he represents in connection with this bylaw. Failure by such a person to comply with this section constitutes an offence.
- 4.8 A licence shall be obtained for each location from which a trade is carried on, failure to comply with this section constitutes an offence.
- 4.9 Licences issued pursuant to this By-law are conditional on compliance by the licensee with all municipal by-laws, including, but not limited to, the Zoning Bylaw and Property Standards By-law, and compliance with all Provincial and Federal Laws and Regulations.
- 4.10 Without limiting paragraph 4.1 of this By-law no Person shall permit the promotion or advertising of an S.T.R. as being available for occupancy or permit to be offered to any Person a right to occupy an S.T.R. except an S.T.R. in respect of which a licence has been issued and maintained in good standing pursuant to this Bylaw.

## **5. APPLICATION PROCEDURE**

- 5.1 An application for a licence or renewal of a licence shall be made at the office of the Director or Manager on the form prescribed and the Director or Manager may prescribe any information to be given therein and other necessary papers to be completed or submitted by the applicant in conjunction with the application.
- 5.2 Without limitation, the Director or Manager may require an applicant to provide each applicant's name, address, telephone number, facsimile transmission number and e-mail address.
- 5.3 The Director or Manager may require affidavits in support of an application.
- 5.4 The Director or Manager may cause such investigations to be undertaken respecting an application for licence as the Director or Manager determines are relevant to the application.
- 5.5 If the investigation discloses that:
- a) the applicant's premises or place of trade are the object of an order to comply made under the Property Standards By-law Boulevard By-law, Lot Maintenance By-law, Snow and Ice Removal By-law or the Waste Collection Bylaw, each as amended from time to time, or an order made under current building codes or discloses non-compliance with the Zoning By-law or any parking requirements of the Corporation;
  - b) the applicant's premises or place of business requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
  - c) the applicant's premises or place of business requires corrective action pursuant to an order of the Fire Chief to ensure the fire safety;
  - d) the applicant is incompetent in a manner that affects the safety, health or welfare of the public;
  - e) the applicant has been found to have discriminated against a member of the public contrary to The Human Rights Code;
  - f) the applicant has previously had his licence or any certificate of qualifications under The Apprenticeship and Tradesmen's Qualifications Act, suspended or revoked;

- g) the applicant is indebted to the Town in respect of fines, penalties, judgments or any another amounts owing, including awards of legal costs and disbursements and including outstanding property taxes and late payment charges against all properties owned by the applicant in any capacity (legally, beneficially or otherwise)and, where the applicant is a corporation, against all properties owned by an officer, or shareholder of the applicant, where such amounts outstanding are, cumulatively, \$10,000 or more;
- h) notwithstanding the preceding clause 5.5 (g) the applicant is indebted to the Town in respect of an administrative penalty imposed pursuant to section 23; or,
- i) the applicant is in breach of this or some other Town by-law or law of Ontario or Canada, the Director or Manager may deny the application. Otherwise, the Director or Manager may grant a licence and may also impose any conditions the Director or Manager sees fit as a condition of obtaining, continuing to hold or renewing the licence.

## **6. STRA LICENCE APPLICATION AND ISSUANCE**

- 6.1 All Short-Term Accommodations shall comply with all applicable Municipal By-Laws and provincial legislation, including, but not limited to, the *Ontario Building Code* and the *Ontario Fire Protection and Prevention Act*.
- 6.2 In addition to all other requirements of the Short Term Rental Licensing By-law, the Manager may refuse to accept an application for an STRA Operator licence unless the application is submitted on forms approved by the Manager and includes the following respecting the STRA;
  - a) Evidence of compliance with the Town’s Comprehensive Zoning By-Law, as amended (including evidence of principal residence);
  - b) Evidence that all owners of property are aware of, consent to and authorize the STRA use;
  - c) a floor plan with accurate dimensions showing an emergency evacuation plan inclusive of each bedroom, all rooms, all spaces and common areas, sleeping area, which bedrooms will be rented, location of smoke alarm, carbon monoxide alarm, fire extinguisher and existing egress door or windows, furnace room(s) and heating appliances, storage rooms, craft room, laundry rooms and ensure the floor plan shows each story and includes the basement.

- d) An electrical inspection certificate; required every 4 years or if any electrical work/renovations have been done. Buildings less than 4 years old can obtain a copy of the original certificate from the Electrical Safety Authority.

6.3 The Application shall identify:

- a) the total number of bedrooms in each dwelling unit
- b) the maximum number of Renters to be accommodated
- c) Identify how the dwelling unit will be rented, (i.e. entire Dwelling or by the guest room)
- d) the Licence number of any previous Short-Term Accommodation Licence, if applicable.

6.4 Application shall identify the contact information for the Owner, Operator or Company where applicable and contact information:

- a) for a Local Contact who is available to attend to the STRA at all times within a period of no greater than one (1) hour from the time of contact by telephone or email;

6.5 The Applicant shall have and maintain Homeowners Insurance, Condominium Insurance, or Renters Insurance, as appropriate, that includes the following:

- a) coverage for Short Term Rental Accommodation or home sharing activity that is appropriate for the nature of the Premises;
- b) Host liability or Commercial General Liability coverage of not less than Two Million Dollars (\$2,000,000) inclusive per occurrence for bodily injury, death and damaging property including loss of use, that includes: blanket contractual liability, premises and operations liability, personal injury, owners and contractors protective coverage; broad form property damage, occurrence property damage; employees as additional insured, and cross liability and severability of interest to the satisfaction of the Town.

- 6.6 The insurance policy set out in section 6.5 of this by-law, must be valid at all times during the term of the licence and the Operator shall provide proof of the current insurance at any time, upon demand of the Town or an Officer.
- 6.7 Without limiting section 6.5 of this by-law, where an Operator's Insurance policy as required by this by-law, requires renewal during the term of the licence, the Operator shall provide proof of such renewal to the Town no later than the date of the current insurance policy expiry.
- 6.8 Without limiting section 6.5 of this by-law, where there is a change in any information relating to the insurance required by this by-law, the Operator shall notify the Town of the change and provide written details of the change to the Town, not later than fifteen (15) calendar days following the date of the change.
- 6.9 A statement by the Applicant attesting to the accuracy, truthfulness and completeness of the application and other items, including but not limited to, that:
- a) if the STRA is a condominium unit, the STRA use is permitted by the associated condominium board;
  - b) The STRA is in compliance with various legislation as required by the Town as follows:
    - i.* The Provisions of this By-Law;
    - ii.* *The Ontario Building Code;*
    - iii.* *The Ontario Fire Code;*
    - iv.* All Municipal By-Laws, e.g. - the Zoning By-Law, Property Standards By-law.
  - c) Whether if the STRA, is being rented as a whole unit or being rented by the room, no more than three (3) guest rooms with a maximum of two (2) occupants in each bedroom may be rented out simultaneously for a Class A and B STRA Licence.
  - d) Class C License being rented as a whole , no more than seven (7) guest rooms. with a maximum of two (2) occupants in each bedroom may be rented out.
  - e) the STRA Operator will provide all Renters with a copy of the Renter's Code of Conduct (provided by the Town) and shall request that all Renters abide by the Renter's Code;

- f) an acknowledgement that inspection or audits may be required.
- 6.10 The Applicant shall pay the required licensing fee as per the Town's Fees and Charges By-Law.
- 6.11 Upon receipt of a complete STRA Application and the payment of the Licensing fees, the Licence Issuer shall, in the case of both new and renewal applications review the application, and when and if required inspect the property. The Applicant may require comments and approvals from other Municipal Departments or Agencies as part of a Complete Application, and if in compliance, the Town will issue the Licence.
- 6.12 Despite sections 4.1 and 4.6, an application for a licence or a renewal thereof may be made in person by an Authorized Agent, provided that he or she has written authorization to do so from the Applicant and provides one piece of Canadian government photo identification, both to the satisfaction of the Manager.

## **7. STRA LICENCE CONDITIONS**

- 7.1 In addition to other requirements of the By-law, each of the following is a condition as a requirement of continuing to hold a license as an STRA Operator:
  - a) All Short-Term Rental Accommodations shall comply with all applicable Municipal By-Laws and provincial legislation, including, but not limited to, the *Ontario Building Code* and the *Ontario Fire Protection and Prevention Act*;
  - b) STRA Licensee shall make the following available to Renters;
    - i. a copy of the current Licence displayed in the interior to the Short-Term Accommodation dwelling and available for inspection by Town staff;
    - ii. a copy of the current Municipal Nuisance By-Law, including the regulations related to Noise;
    - iii. a copy of the current parking provisions for Short-Term Rental Accommodation dwellings and the approved STRA Licence Parking Plan;

- iv. a copy of the approved floor plans of the Short-Term Rental Accommodation identifying at a minimum, but not limited to: the Guest Rooms, exits, fire escape routes, primary owner bedroom, storage areas, and guest rooms.
  - v. Class A and B STRA Licence being rented as a whole home or by the room, no more than three (3) guest rooms with a maximum of two (2) occupants in each guest room will be rented out simultaneously and those specifics shall be identified;
  - vi. Class C License STRA being rented as a whole, no more than seven (7) guest rooms. with a maximum of two (2) occupants in each bedroom may be rented out. out simultaneously and those specifics shall be identified;
- c) Insurance respecting the S.T.R. must be maintained that is specific to section 6.5 of this by-law.
- d) A Short-Term Rental Accommodation shall have a civic address installed clearly and conveniently visible from the street.
- e) The Licencee shall be responsible for maintaining the rented and parking areas and ensuring that Renters use only the areas designated within the approved Licence.
- f) A Licencee shall ensure that any advertisement (website, digital booking platform or other promotional materials) of a Short-Term Accommodation displayed by that Licencee or within that Licencee's control includes, in a conspicuous location, the corresponding Licence number of the advertised STA, as issued by the municipality.

## 7.2 Building and Fire Code requirements

- a) The Licencee shall obtain one (1) burn permit per Licensed Property if campfires are to be allowed on the Property, in accordance with requirements of the municipality's current Open-Air Burning By-Law, as amended.
- b) Fire extinguishers shall be inspected monthly, which shall be documented by the Owner or Operator. A certified company shall inspect fire extinguishers annually.

- c) All Short-Term Rental Accommodation dwelling establishments must provide a two-and-a-half (2 ½) lb ABC fire extinguisher on every level of the dwelling, and no fewer than one (1) per dwelling or dwelling-unit.
- d) Where fire alarm systems are required, they shall be verified and inspected annually by a certified agency.
- e) Applications for a Licence will include fire protection equipment maintenance log sheets.
- f) Short-Term Rental Accommodations with sleeping accommodations for not more than six (6) persons shall be equipped with smoke alarms in each sleeping room and in each corridor of each floor that serve sleeping rooms.
- g) Carbon monoxide alarms shall be installed outside of each sleeping area in a Short-Term Rental Accommodation home where fuel-fire appliances are in the premises, or the Short-Term Accommodation includes an attached garage.
- h) Carbon monoxide alarms and smoke alarms shall be installed according to the manufacturer's instructions.
- i) The 911 property address and contact number of the owner or operator shall be posted in a common place on the property that is clearly visible by the occupants.
- j) Short-Term Accommodation dwelling units may be subject to a fire safety inspection by an Inspector with the Cobourg Fire Department.

7.3 No Licencee shall rent any guest room in a Short-Term Rental Accommodation other than a guest room that was identified and approved as such on the floor plans submitted with the application for the Licence.

7.4 Each Licencee shall provide proof that each building containing a Short-Term Rental Accommodation complies with the *Ontario Building Code*, the *Ontario Fire Code*.

7.5 Applications for Licence and issued Licences, along with the legal description and civic address of any property for which a Short-Term Rental Accommodation Licence has been issued or applied for, and the licence

number information for all issued Licences, will be posted on the Town's website.

- 7.6 STRA operators must keep records available for inspection by the Town for a period of six (6) years following the date of the transaction (which is the last day of the rental period) and must provide such records to the Director or Manager within thirty (30) days of being requested to do so, unless the Director or Manager requires the records within twenty four (24) hours, including but not limited to:
- i. the number of nights the STRA was rented;
  - ii. the dates rented;
  - iii. whether the rental was a whole home rental or by-the-room rental;
  - iv. confirmation of a Renter's receipt of the Renter's Code.
- 7.7 STRA Operators shall ensure that their Local Contact is available to attend to their affiliated STRA within one (1) hour from the time of contact by telephone or email by any Person at all times.
- 7.8 The Licencee shall be responsible for informing the Town 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. Nothing herein allows a Licencee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a Licence unless the Town has approved same.
- 7.9 Upon determination by the Director or Manager, or designate, that information requirements and all regulatory and By-Law requirements of the Town are met, a Licence shall be issued and remain valid for one (1) year, unless revoked. A Licence may be renewed without inspection if the Owner or Operator self-attests that no changes to the building, property or operations have occurred. An inspection may occur upon the issuance of a new Licence. By-Law and random fire safety inspection(s) may be required on any Licence, and inspections for renewals will be assessed based on risk and available staff time.

## **8. SHORT TERM RENTAL ACCOMMODATION COMPANY LICENCE APPLICATION REQUIRMENTS**

- 8.1 A Short-Term Rental Company shall:

- a) not accept, market, facilitate, or broker requests for or advertise or offer Short-Term Rental Accommodation:
  - i. unless the operator is licensed by the Town; or
  - ii. if the Manager has reasonable grounds to believe that the STRA being operated poses a threat to public health or safety, or is otherwise not in compliance with this by-law;
- 8.2 Where the Applicant is a corporation, the application shall be made by a duly authorized director or officer of that corporation.
- 8.3 Where the Applicant is a partnership, the application shall be made by one or more of the partners.
- 8.4 Applicants for a Short-Term Rental Company licence must:
  - a) in the case of individuals be permanent residents in Canada;
  - b) in the case of a partnership, have at least one partner be either a permanent resident in Canada or a corporation incorporated in Canada;
  - c) in the case of a corporation, be incorporated, continued or Operate in Canada.
- 8.5 Every Person making an application for a Short-Term Rental Accommodation Company licence under this By-law shall submit the following:
  - a) completed application in the form required by the Manager that will include each owner, applicant and/or agent's name, address, telephone number, facsimile transmission number and e-mail address;
  - b) payment of the applicable fee, as set out in Fees and Charges By-law, as amended;
  - c) where the Applicant is a corporation, proof that the corporation is legally entitled to conduct business in Ontario, including but not limited to the complete articles of incorporation, including the names and addresses of all directors and officers of the corporation, as at the time of application;

- d) where the Applicant is a partnership, a copy of the record of registration of the partnership under the *Business Names Act, R.S.O. 1990, c.B.17*, as amended and/or the *Limited Partnerships Act, R.S.O. 1990, c.L.16*, as amended;
- e) the address and contact information of the STRA Company's registered business address in the Province of Ontario, which is not a post office box, to which the Town may send during business hours any notice or documentation or communication that may be required under this bylaw and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication together with the name, telephone, and email contact information for the person authorized to receive and respond on behalf of the STRA Company to any and all communications from the Town relating to the licence or the conduct of the business;
- f) a listing of every Short-Term Rental being made available within the jurisdictional boundaries of the Town, as at a date no less than seven (7) days from the date of application for a licence;
- g) proof, satisfactory to the Manager of valid commercial general liability insurance, or any other suitable insurance acceptable to the Manager, in the amount of at least \$2,000,000.
- h) any other information required to be provided under this By-law or as may be requested by the Manager.

8.6 Applicants required, in accordance with Municipal Accommodation Tax, Short-Term Rental By-law, as amended from time to time, to Collect the Municipal Accommodation Tax on behalf of Short-Term Rental Owners, must be registered with the Town to do so prior to making an application for a licence.

## **9. SHORT-TERM RENTAL ACCOMMODATION COMPANY LICENCE CONDITIONS**

9.1 Every Short-Term Rental Company shall keep a record of each concluded transaction in relation to a Short-Term Rental listed or advertised on its platform for three years following the last day of the Rental Period. A transaction is concluded on the last day of the Rental Period. The records retained shall include the following:

- a) the name, address, and Municipal Accommodation Tax registration number of the Short-Term Rental Owner;
  - b) the number of nights the Short-Term Rental was rented;
  - c) the nightly and total price charged for the Short-Term Rental;
  - d) the Municipal Accommodation Tax charged on the transaction;
  - e) whether the rental was an entire-unit rental or partial-unit rental; and
  - f) any other information required by the Manager.
- 9.2 With respect to the information required under section 9.1 every Short-Term Rental Accommodation Company shall obtain the prior consent of the Short-Term Rental Accommodation Owner to the collection, use, and potential disclosure of the Owner's personal information to and by the Town for the purpose of the administration and enforcement of this By-law and the administration and enforcement of Municipal Accommodation Tax, Short Term Rental By-law, which consent shall be in a form satisfactory to the Manager.
- 9.3 Every Short-Term Rental Accommodation Company shall keep a record of the number of Short-Term Rental Accommodation listings or advertisements it removes from its platform in accordance with Section 9.1 and Section 9.7.
- 9.4 Every Short-Term Rental Accommodation Company shall provide a complete listing of all actively Operating Short-Term Rental Accommodations on its platform that are within the jurisdictional boundaries of the Town upon request from the Manager.
- 9.5 In addition to the requirement under Section 9.4, upon the request of the Manager, every Short-Term Rental Company shall provide a complete listing of all Short-Term Rentals that have Operated in the period identified in said request by the Manager.
- 9.6 Every Short-Term Rental Company shall provide the records referred to in this Section in a format and on a schedule to be determined by the Manager.
- 9.7 Upon written request from the Manager, every Short-Term Rental Accommodation Company shall remove from its platform any Short-Term Rental Accommodation listings identified by the Town.
- 9.8 No Short-Term Rental Brokerage shall impose any term or condition or type of requirement on any Person, including a Short-Term Rental Owner or guest using its platform or services, that prevents or hinders the ability of the Town to enforce its by-laws.

- 9.9 To the extent that clauses contrary to Section 9.8 are included in any agreement made by a Short-Term Rental Accommodation Company, such clauses are unenforceable by the Short-Term Rental Accommodation Company.
- 9.10 The Licencee shall be responsible for informing the Town 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. Nothing herein allows a Licencee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a Licence unless the Town has approved same.
- 9.11 Upon determination by the Director or Manager, or designate, that information requirements and all regulatory and By-Law requirements of the Town are met, a Licence shall be issued and remain valid for one (1) year, unless revoked. A Licence may be renewed without inspection if the Owner or Operator self-attests that no changes to the building, property or operations have occurred. An inspection may occur upon the issuance of a new Licence. By-Law and random fire safety inspection(s) may be required on any licence, and inspections for renewals will be assessed based on risk and available staff time.

## **10. LICENCE FEE**

- 10.1 The fee for obtaining a Short-Term Rental Accommodation Operator Licence, a Short Term Rental Accommodation Company Licence or renewal of a licence shall be as set out in the Town's General Fees and Charges By-law. No fee is refundable except in the event that a licence is revoked in which case the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

## **11. DUPLICATE LICENCE**

- 11.1 A duplicate licence may be issued by the Director to replace any licence previously issued which has been lost, stolen or destroyed.

## **12. POSTING LICENCES**

- 12.1 Where a licensee carries on a business or trade from a fixed place of business, the licensee shall post the licence obtained under this by-law in a conspicuous place at such fixed place of business and every person so licensed shall, when requested by any person authorized by Council,

produce the licence for inspection. Failure by a licensee to comply with this section shall constitute an offence.

### **13. PARTNERSHIPS AND CORPORATIONS AND UNINCORPORATED ASSOCIATIONS**

- 13.1 A partnership, corporation, association or combination thereof shall be considered as a single applicant for any one trade at one place of business.
- 13.2 On any application by a partnership, the licence shall be issued in the name under which business is carried on by the applicant. The names and addresses of all partners shall be listed on the application form.
- 13.3 Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.
- 13.4 A change in composition of the members of a partnership or in the officers and/or of a corporation shall be reported to the Director within fifteen days. Failure to comply with this section constitutes an offence.

### **14. CHANGE OF ADDRESS**

- 14.1 Each applicant or, where a licence has been issued, each licensee shall advise the Director or Manager of any change in any information provided pursuant to Section 4.4 of this By-law by providing to the Director notice of such change within fifteen (15) days of the date of such change. Failure to comply with this section constitutes an offence.

### **15. LICENCE TERM AND TRANSFER**

- 15.1 Every Licence issued under this By-law shall expire within one (1) year of being issued, unless otherwise revoked or suspended prior to that date.
- 15.2 Each Licensee shall be required to renew the said Licence prior to the expiry of the original Licence issued under this By-law, and failing such renewal, the Licensee must discontinue the operation of their business upon the expiry of the Licence.
- 15.3 Every Licence is valid only in respect of the person who was issued the Licence. No person may assign, modify, sell, or transfer, any Licence issued under this By-law.

15.4 No person may operate a STRA under a Licence issued to another person.

15.5 A person wishing to renew a Licence shall comply with the application requirements of this by-law.

**16. NO VESTED RIGHT**

16.1 No person shall enjoy a vested right in the continuance of a licence and upon issuance, renewal, cancellation or suspension, a licence shall remain the property of the Town.

**17. LICENSEES TO USE NAME ON LICENCE**

17.1 It shall constitute an offence for a person licensed to carry on a trade under this by-law to advertise or carry on such trade under any other name than the one endorsed on its licence.

**18. LICENCE DENIAL, SUSPENSION OR REVOCATION**

18.1 The Licence Issuer may refuse to issue or revoke a Licence if one or more of the following circumstances are met:

a) if the information submitted on the Application is incomplete, incorrect, false, or misleading; or

b) where all the required taxes, fees, administrative monetary penalties, Provincial Offences, or municipal charges have not been paid;

c) where a Licence has been previously revoked, suspended, made subject to special condition(s) or has presented a history of contravention with this or other Municipal By-Laws;

d) where the Applicant is in breach of any provisions of this By-Law or the Short-Term Accommodation does not comply with any provision of this By-Law or any breach of the provisions of any other Town By-Law or regulations, or

e) refusal to comply with any notice of violation within 72 hours.

18.2 The Licence Issuer shall refuse or revoke a Licence when any of the following By-Law provisions are in breach:

a) where the property has orders under the Ontario Building Code or the Ontario Fire Code, or orders or non-compliance with provisions in the

Town's Property Standards By-Law or the Zoning By-Law;

b) if the property is subject to tax arrears.

18.3 Notwithstanding the above, if satisfied that the continuation of the Licence poses an immediate danger to the health or safety of any person under this By-Law, the Manager may, for a period of time and imposing such conditions as are considered appropriate, and without a hearing, suspend a Licence for not more than fourteen (14) days, and, prior to suspending the Licence, shall provide the Licensee with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them.

18.4 Where a Municipal By-Law Enforcement Officer has issued three (3) or more notices, orders or AMP's to encourage compliance with this By-Law within a 6-month period, the Licence may be revoked.

18.5 The Licensee shall provide the Town with seven (7) days prior written notice of its intent to cancel and not replace any insurance policy noted or submitted in the completed Licence Application. Failure to retain insurance as required under this By-Law will result in automatic revocation of the Licence.

## **19. HEARING OFFICER**

19.1 Where a person is denied a licence by the Director or Manager or is dissatisfied with any condition imposed by the Director or Manager in relation to a licence, the person may request a review by the Hearings Officer of the Director's or Manager's denial or condition in accordance with this Section 19.1.

a) The person's right to request a review expires on the tenth (10<sup>th</sup>) day after notice of the Director's decision is given to the person at which time the Director's decision is final and not subject to review.

b) The hearing of the review request under clause 19.1 shall not be scheduled until the person has paid the fee from time to time prescribed by the Town's General Fees and Charges By-law.

c) The person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the review request under clause 19.1.

- d) The Hearings Officer shall not make a determination with respect to a review request under clause 19.1 unless the Hearings Office has given each of the person and the Director an opportunity to be heard.
  - e) The Hearings Officer may deny the application. Otherwise, the Hearings Officer may grant a licence and may also impose any conditions the Hearings Officer sees fit as a condition of obtaining, continuing to hold or renewing the licence.
  - f) The decision of a Hearings Officer and any condition imposed by the Hearings Officer in relation to a licence granted by the Hearings Officer are final and not subject to review including review by any Court.
- 19.2 Except as otherwise herein provided, licences shall be issued for a period not exceeding one (1) year.
- 19.3 No person shall be Licensed by the Director or Manager if that Person has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences Against Property) of a Criminal Code of Canada R.S.C. 1985 c. C46, as amended.
- a) In the event that an applicant has been convicted of a criminal offence other than those listed in section 19.3, he or she may be issued a new licence at the discretion of the Director.
- 19.4 An applicant who has been denied a Licence by the Director pursuant to section 19.3 or 19.3 (a) may request that his application be heard by the Hearings Officer to request that the Hearings Officer, in his discretion, issue the Licence in question. Upon request, the Director shall refer the matter to the Hearings Officer. The Hearings Officer shall hold a hearing in the presence of the applicant, and the rules in section 17 apply with necessary modifications.

## **20. INSPECTION AND ORDERS**

- 20.1 An Officer may at any reasonable time, enter upon and inspect the land of any person to ensure that the provisions of this By-law are complied with, which may in accordance with section 436(1) of the Municipal Act, 2001, S.O. 2001, c. 25.
- 20.2 For the purposes of conducting an inspection pursuant to 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.
- 20.3 Any cost incurred by the Town in exercising its authority to inspect, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner of the property where the inspection takes place.
- 20.4 No person shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.
- 20.5 Where an Officer has reason to believe that any provision of this By-law or any condition of a License has been contravened, the Officer may issue an Order requiring an Owner, Licensee or such any other person who contravened this By-law or who caused or permitted the contravention to discontinue the contravention or to do work or take action to correct the contravention.
- 20.6 The Director or Manager may suspend a License until such time as an Order under subsection 20.5 is complied with.
- 20.7 An Order under subsection 20.5 shall include:
- a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - b) the date by which there must be compliance with the Order and the work to be done or the conduct to be discontinued by that date.
- 20.8 Every person shall comply with an Order made pursuant to subsection 20.5.

- 20.9 No person who has notice of an Order shall assist in any way in the violation of the terms of an Order, regardless of whether said person is named in the Order.
- 20.10 Where the person or persons to whom an Order is issued fails to perform the work or action required by the Order within the time stipulated in the Order, the Town may without further notice perform such work or action as it deems appropriate.
- 20.11 Where the Town undertakes work or any action or work pursuant to section 20.10, the person or persons shall be jointly and severally responsible for all costs of the Town incurred in the exercise of the powers thereunder, including administrative costs and interest. Such costs, as determined by the Town, shall constitute a charge under the Municipal Act, 2001, S.O. 2001, c. 25 as amended, and may be added to the tax roll of property held by the Licensee, owner or other person in the manner provided for therein.
- 20.12 Where an Order is posted, no person may remove the Order without written authorization from the Town.

## **21. LICENCE PRODUCTION**

- 21.1 Every person licensed under this By-law shall, when requested by a Municipal Law Enforcement Officer, or any person acting under their lawful authority, immediately produce their Licence, and other relevant documents required under this By-law.

## **22. PENALTIES**

- 22.1 Each person who contravenes any provision of this By-law is guilty of an offence for each day or part of a day that the contravention occurs or continues.
- 22.2 Each Director or Officer of a Corporation who knowingly concurs in the contravention of this By-law by the Corporation is guilty of an offence for each day or part of a day that the contravention occurs or continues.
- 22.3 On conviction, each Person is liable to a fine of;
- a) not less than \$500 and not more than \$100,000; and
  - b) for each day or part of a day that the offence continues, a fine of not less than \$500 and not more than \$100,000.

22.4 Where a Person is convicted of an offence of operating without a licence required by this By-law, the Person is, in addition to any other fine or penalty, liable to a special fine not exceeding the gross revenues received by or on behalf of the Person during the period and in respect of the activity for which a licence was required. This special fine is designed to eliminate or reduce any economic advantage or gain from contravening this By-law.

### **23. ADMINISTRATIVE PENALTY**

23.1 Administrative Penalty Process By-law 079-2022 applies to each administrative penalty issued pursuant to this By-law.

23.2 Subject Section 23.1, each person who contravenes any provision of this By-law, including any provision of its schedules, shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 079-2022, be liable to pay the Town an administrative penalty in the amount of \$250 for each day on which the contravention occurs or continues.

23.3 Each person who, without a licence under this By-law, undertakes an activity for which the person requires a licence under this By-law, shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 079-2022, be liable to pay to the Town an administrative penalty in the amount of \$500 for each day on which the contravention occurs or continues.

23.4 No Person shall fail to comply with any provision or standard of this By-law.

### **24. HEARING BY HEARINGS OFFICER**

24.1 An Applicant, whose Application has been denied, or a Licencee, whose Licence has been revoked, and is not satisfied with the terms or conditions as to why this action was taken, may apply for an appeal of this decision, as outlined in the Administrative Penalties By-law, as amended.

24.2 After such opportunity to be heard is afforded the person or applicant, the Hearings Officer may make any decision in respect of which the hearing was held or the opportunity for hearing afforded without holding a further hearing or affording further opportunity for a hearing in such matter.

24.3 The *Statutory Powers Procedure Act* applies to any hearing conducted pursuant to this paragraph.

- 24.4 The Hearing Officer may, with the consent of the appellant and the Town, waive any procedural requirements of the *Statutory Powers and Procedure Act*.
- 24.5 A decision by the Hearings Office to revoke, suspend, or deny a licence shall be effective when notice of the decision has been given to the person or applicant.
- 24.6 The decision of the Hearing Officer on any appeal is final.

## **25. NOTICE**

- 25.1 Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:
- a) On the date a copy is personally delivered to the Person to whom it is addressed;
  - b) On the third (3<sup>rd</sup>) day after a copy is sent by regular mail or by registered mail to the Person's last known address;
  - c) Upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number;
  - d) Upon sending a copy by e-mail transmission to the Person's last known e-mail address;
  - e) Upon a copy being posted on the door of any building or structure on the Person's property or, where no building or structure exists, on a stake erected by the Officer on the Person's property; or
  - f) On the date a copy is placed on or affixed in any manner to a Person's Motor Vehicle.

## **26. EXEMPTIONS**

- 26.1 The Director may exempt any person from all or any part of the Short-Term Rental Accommodation By-law where the Director is satisfied that the granting of the exemption would maintain the general intent and purpose of the By-law.

- 26.2 The Director may impose such conditions as the Director determines are appropriate in relation to an exemption granted by the Director.
- 26.3 Where a person is denied an exemption by the Director in relation to an exemption, the person may request a review by the Hearings Officer of the Director's denial or condition in accordance with this paragraph 26.3
- a) The person's right to request a review expires on the tenth (10<sup>th</sup>) day after notice of the Director's decision is given to the person at which time the Director's decision is final and not subject to review.
  - b) The hearing of the review request under clause 26.3 (a) shall not be scheduled until the person has paid the fee from time to time prescribed by the Town's General Fees and Charges By-law.
  - c) The person shall be given seven (7) days' notice of the date, time and place of the hearing of the review request under clause 26.3 (a).
  - d) The Hearings Officer shall not make a determination with respect to a review request under clause 26.3 (a) unless the Hearings Officer has given each of the person and the Director an opportunity to be heard.
  - e) The Hearings Officer may affirm the Director's decision or, alternatively, may exempt the person from all or any part of the Short-Term Rental By-law where the Hearings Officer is satisfied that affirming the Director's decision or granting an exemption would maintain the general intent and purpose of the Short-Term Rental Accommodation By-law.
  - f) The Hearings Officer may impose such conditions as the Hearings Officer determines are appropriate in relation to an exemption granted by the Hearings Officer. The decision of a Hearings Officer and any condition imposed by the Hearings Officer in relation to an exemption granted by the Hearings Officer are final and not subject to review.

## **27. DELEGATION**

- 27.1 The Town Clerk, or designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with an Eligible Tourism Entity(ies) that receives an amount of the MAT, respecting reasonable financial accountability matters, in order to ensure that the amount paid to the entity is used for the exclusive purpose of

promoting tourism, and the agreements may provide for other matters, all in a form satisfactory to the Town Solicitor.

27.2 In administering this By-law, the Town Treasurer, or a designate, may request and use information from the Director, Manager or any Officer related to any Short-Term Rental Owner(s), Short-Term Rental Operator(s), and Short-Term Rental Company(s) for any purpose in administering this By-law, including enforcement.

27.3 For the purpose of subsection 23.2(4) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Town Clerk, Town Treasurer, Director or Manager pursuant to this By-law are of a minor nature.

## **28. CONFIDENTIAL INFORMATION**

28.1 All information submitted to and amassed by the Town, will, except as otherwise provided in this By-law, be available for disclosure to the public in accordance with, and subject to, the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (“MFIPPA”).

28.2 In the event that any Person, Short-Term Rental Accommodation Company(s), Short-Term Rental Accommodation Operator(s), or Short-Term Rental Accommodation Owner(s) submits information to the Town in any form, as required under this By-law, and where such information is identified as Confidential Information or otherwise proprietary in nature at the time of submission, such information may be exempt from disclosure under MFIPPA, provided that sufficient details as to the reason for its purported exemption from disclosure are also provided at the time of submission.

28.3 All Person(s), Short-Term Rental Accommodation Company(s), Short-Term Rental Accommodation Operator(s), and Short-Term Rental Accommodation Owner(s) shall be solely and absolutely responsible to retain and maintain Confidential Information in a safe and secure manner.

## **29. GENERAL**

29.1 This By-law shall come into force and effect on the 26 day of February, 2025.

- 29.2 The obligation to Collect shall come into force on the 1st day of May, 2025.
- 29.3 The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract.
- 29.4 In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- 29.5 No proceeding for damages or otherwise may be commenced against the Town, a member of Council or an officer, employee or agent of the Town or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

**30. EFFECTIVE DATE**

- 31.** That this By-law shall come into effect on the 1<sup>st</sup> day of April, 2025.

READ and finally passed in Open Council this 26<sup>th</sup> day of February, 2025.

“Lucas Cleveland”

\_\_\_\_\_  
Lucas Cleveland, Mayor

“Brent Larmer”

\_\_\_\_\_  
Brent Larmer, Clerk