

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BY-LAW NUMBER 2020.11

A BY-LAW TO LICENSE, REGULATE AND GOVERN SHORT-TERM RENTAL ACCOMMODATION USES.

WHEREAS Pursuant to the provisions of Part IV of the *Municipal Act, 2001* S.O. 2001, c.25 (“Municipal Act”) the Council of the Corporation of the Township of Ramara (“Council”) may provide for a system of licences with respect to businesses;

AND WHEREAS Pursuant to Section 11 of the *Municipal Act*, Council is exercising its authority with respect to business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

AND WHEREAS Section 436 of the *Municipal Act*, authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

AND WHEREAS Sections 390 to 400 of the *Municipal Act* authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it;

AND WHEREAS Pursuant to Section 434.1 of the *Municipal Act*, Council considers it desirable to provide for a system of administrative penalties and fees as an additional means of encouraging compliance with this by-law.

NOW THEREFORE the Council of the Township of Ramara hereby enacts as follows:

1. Definitions

(1) In this By-law:

- (a) “Action” means a proceeding under Part I or Part III of the *Provincial Offences Act*;
- (b) “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 premises;
- (c) “Agent” means a person duly appointed by the owner to act on their behalf;

- (d) "Applicant" includes a person seeking a licence or renewal of a licence or a person whose licence is being considered for revocation or suspension;
- (e) "Bedroom" means a room or area used, designed, equipped or intended for sleeping;
- (f) "Bylaw Enforcement Officer" means the person appointed by Council to enforce Township by-laws;
- (g) "Committee" means the Appeals Committee to which Council has delegated the responsibility of handling appeals, suspensions and revocations;
- (h) "Council" means Council of the Corporation of the Township of Ramara;
- (i) "Disturbance" means an event where an action has commenced with respect to nuisance, noise or other disturbance;
- (j) "By-law" means the By-law and Licensing Services;
- (k) "Fee" means those fees as set out in By-law No. 2017.18, as amended, or re-enacted from time to time,
- (l) "Fire Chief" means the individual appointed to this position by Council or his/her designate, pursuant to the *Fire Protection and Prevention Act, 2007*;
- (m) "Health Unit" means the Simcoe Muskoka District Health Unit;
- (n) "Licence" means the certificate issued under this By-law as proof of licensing under this By-law;
- (o) "Licensee" means a person licensed under this By-law or a person required to be licensed under this By-law;
- (p) "Licensing Officer" means the person or persons appointed by Council to issue licenses;
- (q) "Manager" means the Director of Legislative and Community Services or, in the event of organizational changes, another unit designated by Council to carry out By-law's responsibilities for the administration and enforcement of this by-law;
- (r) "Medical Officer of Health" means the Medical Officer of Health of the Simcoe District Health Unit or his/her designate;
- (s) "Officer" means the person, or persons, who have been appointed to enforce the provisions of this by-law and includes a provincial offences officer as defined by the *Provincial Offences Act, R.S.O. 1990, c.P.33.*;
- (t) "Owner" means the person holding title to the lands on which the Short-term rental accommodation premises is located;

- (u) "Premises" means any place, premises or location, or part thereof, in which a trade, business or occupation of Short-term rental accommodation is carried on;
 - (v) "Property Standards By-law" means the Property Standards By-law of the Township enacted under s. 15.1 of the *Building Code Act, 1992* that prescribes standards for the maintenance and occupancy of property (2019.16 as amended or re-enacted from time to time);
 - (w) "Renter" means the person responsible for the rental of the premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;
 - (x) "Renter's Code of Conduct" means a document that has been prepared by the Applicant 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 provisions of this by-law as they relate to, amongst other things, the Site Plan;
 - (y) "Responsible person" means the person assigned by the owner or operator of Short-term rental accommodation premises to ensure the premises are operated in accordance with the provisions of this by-law, the licence and the relevant provisions of the Fire Code;
 - (z) "Short-term rental accommodation" means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than twenty-eight (28) consecutive calendar days, throughout all or any part of a calendar year. Short-term rental accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use;
 - (aa) "Site Plan" means a plan that identifies those measures the owner will implement so as to ensure compliance with the Township's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management to allow for the sleeping of the maximum of 8 persons.
 - (bb) "Township" means The Corporation of the Township of Ramara;
 - (cc) "Zoning by-law" means a by-law enacted under s. 34 of the *Planning Act* that restricts and/or regulates the use of land.
- (2) Words or phrases contained herein and which are not defined by this by-law, are firstly to be assigned the definition or meaning attributable to them in the applicable zoning by-law and, failing such a definition or meaning, the everyday meaning of such word or phrase.

2. Application

- (1) The requirements of this by-law apply to the trade, business or occupation of providing Short-term rental accommodation within the geographic limits of the Township as of the date this by-law comes into effect.
- (2) Persons who own, operate or offer premises for Short-term rental accommodation as of the effective date of this by-law must file an application for a licence under this by-law:
 - (a) no later than March 1 of any given year, for existing premises located within the geographic limits of the Township.
- (3) The determination of whether a licence application is “complete” in accordance with the requirements of this by-law shall be within the sole discretion of the Manager.
- (4) For greater certainty, the requirements of this by-law do not apply to a hotel, motel, bed and breakfast establishment, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use as defined by the applicable zoning by-law.

3. Licensing Requirements

- (1) No person shall carry on any trade, business or occupation of Short-term rental accommodation unless that person has first obtained a licence from the Township.
- (2) A person who obtains a licence shall comply with the regulations set out in this by-law for such licence. Failure to comply with the regulations constitutes an offence.
- (3) An agent of persons who own, operate or offer premises for Short-term rental 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) Licenses issued pursuant to this by-law are conditional upon compliance by the licensee with all municipal by-laws and compliance with all provincial and federal laws and regulations and any conditions imposed to the holding of the licence.
- (5) No person shall transfer or assign a license issued under this By-law;
- (6) No person shall enjoy a vested right in the continuance of a license and upon the issue, renewal, transfer, cancellation or suspension thereof, the license shall be the property of The Corporation of the Township of Ramara;
- (7) No person shall advertise a Short-term rental accommodation without a licence.

4. Administration

- (1) The Manager is responsible for the administration and enforcement of this by-law, or his/her designation.
- (2) Every application for a new licence or a renewal or extension of an existing licence shall be submitted to the Township on the forms prescribed.
- (3) Every application for a new licence or a renewal or extension of an existing licence shall include:
 - (a) each owner, applicant and/or agent's name, address, telephone number, facsimile transmission number and e-mail address;
 - (b) a copy of the transfer/deed evidencing the ownership of the premises, if required;
 - (c) 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;
 - (d) the rental agent's or agency's name, address and telephone number;
 - (e) in the instance of a corporation or partnership, the name, address and telephone number of each director and officer or partner of the owner and/or rental agent or agency;
 - (f) 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 licensed Short-term rental accommodation premises;
 - (g) a statement from the owner certifying the accuracy, truthfulness, and completeness of the application;
 - (h) proof of placement of insurance specific to the rental nature of the property that includes a limit of liability of not less than TWO MILLION DOLLARS (\$2,000,000.00) per occurrence for property damage and bodily injury and includes provisions that the Township will be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
 - (i) floor plans and a site plan, drawn to scale and fully dimensioned, of the Short-term rental accommodation premises depicting the use of the premises including the proposed occupancy of each room; occupant load for sleeping purposes of each room; location of smoke detection and early warning devices; location of fire extinguishers, and, related site amenities including parking, landscaping and other buildings or structures on the land, septic and well locations, if applicable;
 - (j) a Site Plan that complies with the applicable Township zoning by-law;

- (k) a Site Plan identifying measures the owner will implement for the purpose of complying with the Township's Property Standards By-law and any other by-law related to property maintenance and/or management;
 - (l) a Renter's Code of Conduct;
 - (m) the prescribed fees; and
 - (n) any outstanding fees or fines owed to the Township by the owner respecting any Short-term rental accommodation premises.
- (4) A licensee shall inform the Manager of any changes to the information provided in subsection (3) within a period of 10 days.
 - (5) In addition to the requirements of subsection (3), an applicant shall provide, if requested, evidence that the use of the Short-term rental accommodation premises is protected by virtue of s. 34(9)(b) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, with such evidence including, but not be limited to, a sworn Statutory Declaration confirming the continued use of the premises for Short-term rental 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 rental accommodation purposes; and, an opinion, from a solicitor licensed to practice in Ontario, as to whether the premises is protected by virtue of s. 34(9)(b) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and, in support of that opinion, the reasons why.
 - (6) Every application for a licence will be reviewed by the Manager to determine whether it meets the requirements of this By-law.
 - (7) As part of the review referenced in subsection (6), the application will be circulated to those agencies deemed necessary and/or relevant by the Manager.
 - (8) Those agencies referenced in subsection (7) may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application by the Manager. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of fees for such an inspection, the applicant shall pay the fees as required prior to the inspection.
 - (9) If it is determined that an application meets the requirements of this by-law and all circulated agencies, the Manager shall issue the licence.
 - (10) If it is determined that an application does not meet the requirements of this by-law and the requirements of all of the circulated agencies, the Manager shall refuse the issuance of the licence.
 - (11) A licence shall be issued to the owner of the Short-term rental accommodation premises.
 - (12) A licence is valid for a period of one (1) year from the date of issuance.

- (13) A licensee is not eligible for the renewal or extension of an existing licence unless the licensee has provided an application form.
- (14) A license is not transferable.
- (15) No person shall enjoy a vested right in the continuance of a licence.
- (16) Licenses shall remain the property of the Township.
- (17) If at any time the Manager determines as a result of evidence that is provided that the operation of a licensed Short-term rental accommodation premises does not conform to the requirements of this by-law, the Manager may impose an Administrative Penalty or refer the matter to the Committee.
- (18) If at any time the Manager determines as a result of evidence that is provided that the operation of a licensed Short-term rental accommodation premises does not conform to the requirements of this by-law, the Manager may commence with proceedings pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33.
- (19) A person whose application for a new licence or a renewal of a licence has been refused may, within fifteen (15) days of being notified of the Manager's decision, apply to the Committee for a review of the decision. If an application for review has not been applied for within fifteen (15) days, the licence application will be deemed to be closed. An application for a review of a decision is not complete until the fee as prescribed is paid.
- (20) A person who has been imposed an Administrative Penalty may, within fifteen (15) days of being notified of the Administrative Penalty, apply to the Committee for a review of the decision. If an application for review has not been applied for within fifteen (15) days, or if the Administrative Penalty has been paid, the Administrative Penalty levied is deemed to be confirmed. An application for a review is not complete until the fee as prescribed is paid.
- (21) A person who has applied for a review to the Committee of the Manager's decision noted in subsection (10) or (18) will be given an opportunity to make written representations to or to appear before the Committee when it reviews the matter.
- (22) The Committee will review the matter and may affirm, modify or rescind the decision of the Manager or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Committee or, suspend or revoke a licence.
- (23) The Appeals Committee decisions in all matters pertaining to this By-law shall be final.
- (24) Applications for licence and issued licenses, along with the legal description and/or emergency number and associated owner, agent, applicant and responsible person contact information will be posted to the Township's website.

- (25) Matters considered by the Committee and/or Council, including that information identified in subsection (26) and the location, date and time of the Hearing shall be posted to the Township's website.
- (26) Matters, notices, orders and communications related to a non-compliance under a federal or provincial law or regulations or a municipal by-law, including, but not limited to, the Property Standards By-law; the *Building Code Act, 1992*; the Building Code; the *Fire Protection and Prevention Act, 2007*; the Fire Code; the Ontario Electrical Safety Code; or an order of the Medical Officer of Health are not appealable to the Committee or Council.

5. General Regulations

- (1) No person shall carry on any trade, business or occupation of Short-term rental accommodation for which a licence is required under this by-law unless that person has first obtained a licence.
- (2) No person shall carry on any trade, business or occupation of Short-term rental 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.
- (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.
- (4) A person is not eligible to hold a licence unless the person has provided a statement prepared by the Fire Chief dated within a period of twenty-four (24) months of the date of application for licence indicating that the premises conforms to the *Fire Protection and Prevention Act, 2007* and its regulations as they relate to the operation and use of the premises for Short-term rental accommodation purposes with such statement indicating the occupant load for sleeping purposes for the premises.
- (5) A person is not eligible to hold a licence if the person is indebted to the Township in respect of fines, penalties, judgments or any other amounts owing, including awarding of legal costs and disbursements and outstanding property taxes and late payment charges against all properties owned by the owner.
- (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 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, 1992*; the Building Code; the *Fire Protection and Prevention Act, 2007*; the Fire Code; the Ontario Electrical Safety Code; or an order of the Medical Officer of Health.
- (7) A person is not eligible to hold a licence unless a Renter's Code of Conduct for the premises has been submitted to and approved by the Manager.
- (8) The owner shall operate the Short-term rental accommodation premises in accordance with the Site Plan that has been approved by the Manager/By-law.

- (9) The owner shall keep a record of the renter with such record containing the date of entry, the length of stay and confirmation of receipt of the Renter's Code of Conduct with such record readily available for inspection at all times by an Officer for a period of two years.
- (10) The owner shall display the licence permanently in a prominent place in the Short-term rental accommodation premises to which it applies.
- (11) Each licence shall include the following:
 - (a) building/site/location address/identifier (*i.e.*, emergency or 911 number);
 - (b) licence number;
 - (c) effective date and expiry date of the licence;
 - (d) owner's name and contact information;
 - (e) rental agent or agency's name and contact information;
 - (f) responsible person's name and contact information; and
 - (g) a plan, that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher and exit/egress door or window.
- (12) The owner of Short-term rental accommodation premises shall ensure that there is a responsible person available to attend to the Short-term rental 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.
- (13) The owner or agent of Short-term rental accommodation premises shall ensure that each renter has been provided with the Renter's Code of Conduct with the owner retaining a copy of the confirmation of receipt of the Renter's Code of Conduct for a period of two years.
- (14) The owner of Short-term rental accommodation premises for which a licence is required under this by-law shall allow, at any reasonable time, an employee or agent of the Township to inspect the premises used for the purposes of Short-term rental accommodation so as to determine compliance with the requirements of this by-law, Fire Code, Building Code, Property Standards By-law or other applicable law.

- (15) No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the Township while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this by-law or any other municipal by-law or provincial legislation or regulation.
- (16) No person shall construct or equip a place of business or premises used for the business so as to hinder the enforcement of this by-law.
- (17) Every owner shall maintain the Short-term rental 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 rental accommodation premises, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of.
- (18) Every licensee shall ensure that the Short-term rental accommodation premises is operated and used in a fashion such that the operation or use will not cause a disturbance.
- (19) Every licensee shall provide an undertaking to operate the Short-term rental accommodation premises in accordance with all Township by-laws including, but not limited to, the Township's Noise Control By-law, Property Standards By-law and Garbage Collection By-laws, and any applicable provincial or federal laws or statutes including the Ontario Fire Code and laws related to the making of a disturbance. Further, every licensee shall include in such undertaking a confirmation that they will require that each renter enter into a Renter's Code.
- (20) The Manager may revoke a licence if it was issued on mistaken, false or incorrect information.

6. Demerit Point System

A demerit point system is established as follows without prejudice to options otherwise available to enforce this by-law or any other by-law of the municipality or provincial Act or regulation including, but not limited to, administrative penalties as set out in this by-law and actions pursuant to the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 2007* and the *Provincial Offences Act*:

- (1) The number of demerit points referenced in Column 3 of Table 1 below will be assessed against Short-term rental accommodation premises in respect of the matter noted in Column 1 upon the following event respecting a contravention:
 - (a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the *Provincial Offences Act*;

- (b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - (c) the confirmation of an administrative penalty; or
 - (d) the confirmation of an order.
- (2) Demerit points shall remain in place until the two-year anniversary of the date on which the demerit points were assessed.
- (3) Meeting with the Committee:
- (a) If the total of all demerit points in effect respecting Short-term rental accommodation premises is at least seven, the Manager will require the owner to attend a meeting with the Committee.
 - (b) Notice shall be provided by e-mail or regular mail at the address given in accordance with Section 4(3) a minimum of two weeks in advance of the meeting date.
 - (c) The provision of notice as set out in paragraph (b) shall be deemed to be sufficient notice with, or without, confirmation of receipt of the notice.
 - (d) The fee payable by the owner for the meeting shall be as prescribed.
 - (e) The purpose of the meeting is for the owner to identify to the Committee what steps and/or measures that they intend on implementing so as to mitigate further instances of the levying of demerit points.
 - (f) If the owner fails to attend the meeting, the Manager shall require the owner to attend a hearing.
- (4) Hearing with Committee:
- (a) If the total of all demerit points in effect respecting Short-term rental accommodation premises is at least fifteen (15), the Manager will require the owner to attend a hearing with the Committee.
 - (b) Notice shall be provided by e-mail and regular mail at the addresses given in accordance with Section 4(3).
 - (c) The provision of notice as set out in paragraph (b) shall be deemed to be sufficient notice with, or without, confirmation of receipt of the notice.
 - (d) The fee payable by the owner for the hearing shall be as set out in the Fees or Charges By-law being By-law 2017.18 (as amended or re-enacted from time to time) for the Corporation of the Township of Ramara.
 - (e) If the owner fails to attend the hearing, the Committee may proceed *in absentia*.

- (f) After hearing the matter, the Committee may impose conditions as they deem appropriate for the continued holding of the licence, suspend the licence or revoke the licence.

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
<i>Fire Protection and Prevention Act, 2007/Fire Code</i>	FPPA Confirmed Order	15
Operating without a licence	3(1)	7
<i>Building Code Act, 1992</i> (construction without a permit)	BCA	7
Sleeping in excess of maximum 8 persons	5(4), 5(9)	5
Non-availability of responsible person	5(13)	7
Noise By-law infraction	5(20)	5
Not providing updated information	4(4)	3
Contravention of Site Plan Plan	5(9)	3
Not posting licence	5(11)	1
Property standards	5(20)	3
Long grass	5(20)	3
Waste/garbage collection	5(18)	3

7. Appeals Committee

- (1) Council shall appoint an Appeals Committee.
- (2) The term of the Committee shall coincide with the term of Council.
- (3) The Committee shall be comprised of a minimum of Quorum 3 members.
- (4) Quorum of the Committee shall mean five (5) members of the Committee but with three (3) members attending at hearings.

- (5) The Committee shall hear appeals as set out in Sections 4(20) and 4(21) save and except for determinations related to conformity with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Property Standards By-law; the *Building Code Act, 1992*; the Building Code; the *Fire Protection and Prevention Act, 2007*; the Fire Code; or an order of the Medical Officer of Health.
- (6) The Committee may hear appeals to the revocation of a licence as set out in Section 5(22).

8. Revocation and Suspension

- (1) In accordance with Section 4(23), the Committee may affirm, modify or rescind the decision of the Manager or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Committee or, suspend or revoke a licence.
- (2) Regard to the nature, severity and frequency of non-compliances related to the premises shall be considered by the Committee in considering the length of a suspension and/or a revocation.

9. Offence and Penalty Provisions

- (1) Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Municipal Act, 2001* or the *Provincial Offences Act* and to any other applicable penalties.
- (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.
- (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 rental accommodation.
- (4) In addition to any other remedy it may have at law, the Municipality shall be entitled to enforce this By-law in accordance with Section 442 and 446 of the *Municipal Act, 2001*, as amended.

10. Administrative Penalties

- (1) An Officer who finds that a person has contravened any provision of this by-law may issue a penalty notice addressed to that person.

- (2) Any person who contravenes any provision of this by-law shall, upon issuance of a penalty notice pursuant to subsection (1), be liable to pay to the Township an administrative penalty in the amount of \$300.00.
- (3) The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
 - (a) particulars of the contravention, including to which property it applies;
 - (b) the amount of the administrative penalty;
 - (c) information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - (d) a statement advising that an administrative penalty will, unless modified or rescinded pursuant to the review process, constitute a debt to the Township.
- (4) A person may appeal an administrative penalty to the Committee as set out in Section 4(20).
- (5) An administrative penalty that is deemed to be affirmed constitutes a debt to the Township of each person to whom or to which the penalty notice was given.
- (6) An administrative penalty that is not paid may be added to the tax roll to the property to which it applies and collected in the same manner as taxes.

11. Delegation

For the purposes of s. 23.2(4) of the *Municipal Act, 2001*, it is the opinion of Council that the powers delegated pursuant to this by-law are minor.

12. Validity

If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

13. Schedules

The following Schedules are attached hereto and form part of this Agreement:

- (a) Schedule 1 – Short Term Accommodation Licensing Requirement
- (b) Schedule 2 – General Regulations

14. Short Title

This By-law shall be known as the "Short-term rental accommodation Licensing By-law".

15. Effective Date

This By-law comes into effect on the date of passing.

BYLAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 27TH DAY OF JANUARY 2020.



BASIL CLARKE, MAYOR



JENNIFER CONNOR, CLERK

SCHEDULE 1
SHORT-TERM RENTAL ACCOMMODATION LICENSING REQUIREMENTS

1. A person wishing to carry on the business of a STA Company shall provide the Manager with the following:
 - (a) 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 licensing fee;
 - (c) proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;
 - (d) proof that the corporation is legally entitled to conduct business in Ontario, if the applicant is a corporation, including but not limited to:
 - (i) article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada; and,
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation,
 - (e) the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership;
 - (f) the address and contact information of the Short-term rental accommodation 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 Short-term rental accommodation Company to any and all communications from the Town relating to the licence or the conduct of the business;
 - (g) a current list of every affiliated Short-term rental accommodation Operator in a readily accessible electronic format that includes:
 - (i) the full name and address of every Short-term rental accommodation Operator;

- (ii) the date the Operator became active on the website or platform; and
- (iii) the confirmed bookings associated with each Operator;
- (h) proof of commercial general liability business insurance coverage of at least TWO MILLION DOLLARS (\$2,000,000.00); and
- (i) an indemnity in favour of the Township from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the Short-term rental accommodation Company's business and services, which shall be in a form satisfactory to the Town.

2. A person wishing to operate a Short-term rental accommodation shall provide the Manager with the following:

- (a) a completed application in the form required by the Manger 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 licensing Fee;
- (c) proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;
- (d) proof that the corporation is legally entitled to conduct business in Ontario, if the applicant is a corporation, including but not limited to:
 - (i) article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada; and,
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation,
- (e) the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership;
- (f) a Renter's Code of Conduct;
- (g) a Site Plan for the property on which the Short-term rental accommodation is situated that complies with the Zoning By-Law and which outlines where all of the parking spaces shall be located and the dimensions of those parking spaces;

- (h) a floor plan of the Short-term rental accommodation, including identifying:
 - (i) all rooms, spaces or common areas;
 - (ii) how each room, space or common area shall be used, which means specifically indicating where all lodging units will be located on the floor plan; and,
 - (iii) the dimensions (in square meters) of all rooms, spaces or common areas.
- (i) a site plan which shall:
 - (i) specify measures to be undertaken to ensure existing and continued compliance with all relevant Townships by-laws, including this by-law, the Township's Property Standards By-law;
 - (ii) identify the location of refuse and recycling containers;
 - (iii) identify snow storage areas; and,
 - (iv) identify who is responsible for ensuring that all necessary property maintenance is undertaken.
- (j) proof of insurance which includes a liability limit of no less than TWO MILLION DOLLARS (\$2,000,000.00) per occurrence for property damage and bodily injury, and identifies that a Short-term rental accommodation is being operated on the property. The insurance coverage required herein shall be endorsed to the effect that the Township of Ramara shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy
- (k) a copy of the transfer/deed providing proof of ownership of the property on which the STA is situated if required by the Manger/By-law;
- (l) if a renter, consent of the owner of the property;
- (m) the rental agent's or agency's name, address and telephone number;
- (n) a sworn declaration that:
 - (i) the applicant or Owner will comply with the maintenance plan;
 - (ii) the applicant or Owner will comply with the site plan;
 - (iii) the Short-term rental accommodation is in compliance with the *Building Code Act, 1992* or any regulations made under it, including the *Building Code*;

- (iv) the Short-term rental accommodation is in compliance with the "*Fire Protection and Prevention Act, 1997*, or any regulations made under it, including the *Fire Code*; v. the STA is in compliance with the *Electricity Act, 1998*, S.O.1998, c. 15, Sched. A, as amended (the "*Electricity Act, 1998*") or any regulations made under it, including the *Electrical Safety Code*;
- (vi) the Owner or the applicant (if different from the Owner) and any Local Contacts are aware of all relevant federal and provincial legislation, including the Ontario *Human Rights Code*, as well as all relevant municipal by-laws, and that they will comply with all of them;
- (vii) the applicant or Owner confirms the accuracy, truthfulness and completeness of the information submitted;
- (viii) the applicant or Owner confirms they will require each renter to abide by a Renter's Code.

**SCHEDULE 2
GENERAL REGULATIONS**

1. A Short-term rental accommodation Company shall:
 - (a) not accept, facilitate, or broker requests for or advertise or offer Short-term rental accommodation:
 - (i) unless the operator is licensed by the Township; or
 - (ii) if the Manager has reasonable grounds to believe that the STA being operated poses a threat to public health or safety, or is otherwise not in compliance with this by-law;
 - (b) immediately advise the Manager if it removes an operator from their website or platform for any reason;
 - (c) disclose on its website or platform and make available for the public:
 - (i) fees to be charged,
 - (ii) dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from Short-term rental accommodation operations;
 - (d) maintain commercial general liability business insurance coverage of at least TWO MILLION DOLLARS (\$2,000,000.00);
 - (e) keep a current list of every affiliated Short-term rental accommodation operator in a readily accessible electronic format that includes:
 - (i) the full name and address of every Short-term rental accommodation operator;
 - (ii) the date the operator became active on the website or platform; and
 - (iii) the confirmed bookings associated with each operator;
 - (f) prior to the collection of any personal information, a Short-term rental accommodation company shall obtain a consent for such collection and potential disclosure to the Licensing Officer from any Short-term rental accommodation operator with whom it is affiliated in the Town;
 - (g) retain all records respecting Short-term rental accommodation services offered, operated or facilitated by it in the Township for a period of at least two (2) years

and produce to the Licensing Officer upon request any such records in electronic format within fourteen (14) days of the date of the request, including records required as part of random audits or investigations conducted by the Licensing Officer to evaluate compliance with this by-law. Where any records referenced herein are required for law enforcement purposes, a Short-term rental accommodation shall make the requested records available to the requesting agency as soon as possible, and in any event within 7 days;

- (h) shall not obstruct the Manager when creating accounts for law enforcement purposes; and
- (i) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from Short-term rental accommodation operations and provide details to the Licensing Commissioner for law enforcement purposes when requested.

2. A Short-term rental accommodation shall:

- (a) operate the Short-term rental accommodation in accordance with the Site Plan and Property Management Plan;
- (b) keep a record of the renter with such record containing the date of entry, the length of stay, home address of the renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all times by an Officer for a period of two years;
- (c) display the licence permanently in a prominent place in the Short-term rental accommodation to which it applies;
- (d) ensure that there is a responsible person available to attend to the Short-term rental accommodation at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail;
- (e) ensure that each renter has been provided with the Renter's Code with the owner retaining a copy of the confirmation of receipt of the Renter's Code for a period of two years;
- (f) maintain the Short-term rental accommodation 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 Short-term rental accommodation. 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 rental accommodation, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of;

- (g) ensure that the Short-term rental accommodation is operated and used in a fashion such that the operation or use will not cause a disturbance.