

## **Schedule 1 to Report DS2022-093**

The Corporation of the Township of Oro-Medonte

DRAFT By-law No. 2022-XXX

A By-law for the Licensing, Regulating, and Governing of Short Term Rentals in the Township of Oro-Medonte

**WHEREAS** Section 8 (1) of the *Municipal Act* 2001, S.O. c. 25 (“*Municipal Act*”) provides the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

**AND WHEREAS** pursuant to Section 9 of the *Municipal Act* Part II, 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** pursuant to Section 10 of the *Municipal Act*, a municipality has the authority to implement business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

**AND WHEREAS** pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of licenses with respect to Short Term Rentals;

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

**AND WHEREAS** Sections 425 of the *Municipal Act* enables a municipality to create offences;

**AND WHEREAS** Sections 429 of the *Municipal Act* enables a municipality to establish a system of fines or offences under a by-law of a Municipality passed under the Act;

**AND WHEREAS** pursuant to Section 434.1 of the *Municipal Act*, 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 436 of the *Municipal Act* permits 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 compliance with a by-law direction, order or licence;

**AND WHEREAS** Section 444 of the *Municipal Act* 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 Township of Oro-Medonte deems it desirable that such licensing, regulation and governing takes place regarding Short Term Rentals as defined in this by-law;

**NOW THEREFORE** the Council of The Corporation of the Township of Oro-Medonte enacts as follows:

### **Section 1 –Definitions**

For the purpose of this by-law:

Action means a proceeding under Part I or Part III of the Provincial Offences Act;

Administrative Penalty refers to a financial penalty, commonly referred to under an Administrative Monetary Penalty System (AMPS), authorized under Section 434.1 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, issued to Person, Owner, Agent or Licensee who has contravened or failed to comply with any provision of a municipal by-law;

Agent means a Person duly appointed by an Owner to act on their behalf;

Appeal Committee means a committee to which Council has delegated responsibility of handling appeals, suspensions, and revocations of Licences under this by-law;

Applicant means the Person applying for a Licence or renewal of a Licence under this by-law;

Bed and Breakfast Establishment means a *single detached dwelling* in which a maximum of three rooms are provided with or without meals for hire or pay for the travelling public;

Bedroom means a room or area used, designed, equipped or intended for sleeping, as set forth by the Ontario Building Code;

Building means any enclosed structure, used or intended to be used for shelter or the occupation of persons, animals, chattels, goods, materials or equipment, other than a fence or wall;

By-law Enforcement Officer means a municipal law enforcement officer of the Corporation of the Township of Oro-Medonte who is duly appointed by Council for the purpose of enforcing the provisions of the Corporation's By-laws;

Corporation means a body corporate incorporated pursuant to the *Business Corporations Act, R.S.O. 1990 c. B. 16*, or the *Corporations Act, R.S.O. 1990, c. C. 38*;

Council means the Council of the Corporation of the Township of Oro-Medonte;

Demerit Point System means points that are approved under this by-law, applied to a subject property owner upon successful determination of an alleged violation. These points will be tracked and kept on file as to ensure compliance with the by-law. Short Term rental license may be suspended, revoked or re-instated based on the status of demerit points applied against subject property;

Dwelling Unit means one or more habitable rooms in a building, designed as, or intended as, or capable of being used or occupied as a single independent housekeeping unit and containing living, sleeping, sanitary and food preparation facilities or facilities for the installation of kitchen equipment and has an independent entrance. For the purposes of this By-law, a dwelling unit does not include an accessory building or structure, tent, trailer, mobile home or a room or suite of rooms in a boarding or rooming house, a hotel, motel, mobile home, motor home, or recreational trailer.

Dwelling means a single detached dwelling, as defined in the Township's Zoning By-law, designed for occupancy by one or more persons, containing no more than one dwelling unit as its principle use, and does not include tourist establishment, a mobile home with or without foundation, sleeping cabin, motor home, vehicle, or a trailer.

Fee means a fee payable under this by-law or the Fees and Charges By-law, which may be amended from time to time;

Guest means any Person on the Premises who is not a Renter;

Guest Room means a room, within a dwelling, offered for short-term rental accommodation intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code;

Licence means the Licence issued under this by-law as proof of licensing under this by-law;

Licensed means to have in one's possession a valid and current Licence issued under this by-law and un-Licensed has the contrary meaning;

Licensee means a Person who holds a Licence or is required to hold a Licence under this by-law;

Licence Class means the classification of a Short term rental within the Township. If at any time an STR Premises falls into any one of the higher categories of License class, that premises automatically must apply for that class regardless if other parameters are met. Refer to the following chart:

<b>Class</b>	<b>Number of STRs operated by the same Owner</b>	<b>Total number of nights rented per year</b>	<b>Minimum number of consecutive nights of stay</b>	<b>Maximum number of occupants per STR</b>
A	1	1-30	6	8
B	1-2	31-90	3	8
C	3 or more	91 or more	n/a	8 or more

Licence Officer means any person or persons provided the authority by the Township to issue a licence under this By-law and includes a By-law Enforcement Officer or Officer;

Officer means a municipal law enforcement officer of the Corporation of the Township of Oro-Medonte who is duly appointed by Council for the purpose of enforcing the provisions of the Corporation's By-laws;

Owner means the Person holding title to the Property on which the Short Term Rental Accommodation is located, and "Ownership" has a corresponding meaning;

Person means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a Licence under this by-law as the context requires;

Parking Area means an area provided for the parking of motor vehicles and may include aisles, parking spaces, and related ingress and egress lanes, but shall not include any park of the public street;

Premises means the Property upon which a Short Term Rental Accommodation is operated, inclusive of buildings or structures or any part thereof used for such purpose;

Property means the land upon which a Short Term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof;

Renter means the person responsible for the rental of the Premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement with the Licensee;

Renter's Code of Conduct as set forth in Schedule "B" and may be amended from time to time, means a document that has been prepared by the Township that prescribes the roles and responsibilities of the Renter, including but not limited to: behavioral expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws, and adherence to the provisions of this by-law;

Responsible Person means the owner or agent assigned by the owner or licensee of the Short Term Rental Accommodation to ensure the Short Term Rental Accommodation is operated in accordance with the provisions of this By-law, the licence and applicable laws.

Set fine refers to a financial penalty issued to Person, owner, Agent, or Licensee who has contravened or failed to comply with any provision of a municipal by-law;

Short Term Rental Accommodation: means the use of a single detached dwelling, as defined in Zoning By-law 97-95, or any part thereof, that is rented for a period of less than twenty eight (28) days and includes a Bed & Breakfast Establishment, but does not include a motel, hotel, hospital, tourist inn.”

Short Term Rental Accommodation uses shall not include a hotel, motel, motor hotel, nursing home, private or public hospital, temporary accommodations for seasonal farm workers, a recreational vehicle park, a tent campground, or similar commercial or institutional use, as defined in Zoning By-law 97-95.

Township means the Corporation of the Township of Oro-Medonte.

Zoning By-law means the Township’s Zoning By-law 97-95, as amended, or any successor comprehensive Zoning By-law, as amended.

## **Section 2 – Applications**

2.1 The requirements of this By-law apply to the business or occupation of providing Short Term rentals within the geographic limits of the Township of Oro-Medonte;

2.2 Persons who own, operate, Licence or offer a Premises for short-term accommodation as of the effective date of this By-law, must file an application, for a License under this by-law;

2.3 The determination of whether a Licence application is “complete” in accordance with this by-law shall be within the discretion of the Licence Issuer, or as a result of a review from an appeal received by the Township;

2.4 For greater certainty, the requirements of this By-law do not apply to a motel, bed and breakfast establishment, tourist establishment, tourist camping establishment, resort or similar commercial or institutional use as defined under the Zoning By-law 97-95, as amended.

## **Section 3 - General Provisions**

3.1 No person shall use or operate any Short Term Rental Accommodation unless he or she holds a current licence issued pursuant to this By-law. No licensee shall rent any guest room in a Short Term Rental Accommodation other than a guest room that was identified and approved on the floor plans of the issued license.

3.2 No person shall advertise a Short Term Rental Accommodation without a licence issued pursuant to this By-law.

3.3 Short Term Rental Accommodations shall comply with all applicable Municipal By-laws and provincial legislation.

3.4 Short Term Rental Accommodations shall only be permitted in areas where it is a permitted use as set out in the Township’s Zoning By-law.

3.5 The maximum number of Person, including but not limited to residents, Renters and their guests, permitted on a premises, at any one time, shall be restricted to 2 persons per sleeping area as stated in an approved Licence, for a maximum of eight (8) persons on any one property.

3.6 The provision of parking on the site plan referenced shall include the following:

a) A minimum of three parking spaces plus one additional parking space per Guest room;

b) Parking space sizes of 3 metres by 6 metres; and

c) Compliance with all other parking provisions as set forth in the applicable Zoning By-law 97-95, as amended,

- 3.7 All vehicles shall only be permitted in a parking area consisting of a hard-surfaced driveway (gravel, paved, concrete, interlock, or similar hard surface).
- 3.8 The following shall be posted in the interior of each STR Premises, visible to guests and made available for inspection by Township staff:
- a) Copy of current License
  - b) Premises address (and phone number)
  - c) Type of road access to the STR Premises
  - d) Owner name and contact information
  - e) STR Responsible Person for Emergency and By-law concerns
  - f) Inspection results
  - g) Copy of approved floor plan identifying the room and showing the exits and fire escape routes and Site Plan (with parking plan & waste storage details)
  - h) A copy of the Renters Code
  - i) Copy of the current Township Noise By-law
  - j) Copy of the current Parking provisions
- 3.9 All Short term rental Accommodations shall provide a fire extinguisher in any cooking area and on each floor as approved by the Township's Fire Chief or designate.
- 3.10 The Licensee shall provide to the Township the name and contact information of the Owner or Owner's Agent (responsible person) who can be readily contacted immediately and respond to an emergency or contravention of any Township By-law, including attendance on site of the Short Term Rental Accommodation dwelling within thirty (30) minutes of being notified of the occurrence.
- 3.11 An Owner or Owner's Agent (Responsible Person) will attend the Short-Term Rental Premises within twenty four (24) hours of being notified of the occurrence.
- 3.12 The licence does not permit a Short Term Rental Accommodation dwelling to be used for the hosting of events such as weddings or receptions or any other similar group activity that are in contravention of Comprehensive Zoning By-law 97-95, as amended or the Township's Special Events By-law.
- 3.13 Pursuant to Part IV of the Municipal Act, 2001, issued Licenses, along with the license details will be posted on the Township's website.
- 3.14 The provisions of this By-law shall not apply when the Short Term Rental is not rented.

#### **Section 4 – Licensing Requirements**

- 4.1 Every application for a new Licence, or the renewal of an existing Licence, shall be submitted to the Township and shall include:
- a) A completed application in the form required by the Township, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
  - b) Proof of Ownership for the Premises;
  - c) Proof that the Applicant is at least 18 years of age, if the Applicant is an individual;
  - d) Name and Contact information of the Owner or Owner's Agent (Responsible Person) who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Township By-law, including attendance on site of the Short Term Rental dwelling within twenty four (24) hours of being notified of the occurrence.
  - e) Proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:
    - i. an article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and,
    - ii. a list containing the names of all shareholders of the Corporation;

- iii. in the case of an Applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
- iv. in the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization.

f) Proof of insurance on the Premises that has the following:

- i. Address being insured;
- ii. Insurable amount for the Premises of no less than five million dollars (\$5,000,000.00) per occurrence for Property damage, damage from fire and bodily injury, and identifies that a Short Term Rental Accommodation is being operated on the Property. The Applicant's insurance is cancellable on no less than 30 days prior notice to the Township; and
- iii. Annual insurance matches advertised STR days used

g) Proof of installed septic system that will support the STR under the License class for the Premises, as defined within the by-law.

h) a completed floor plan and site drawing or sketch showing:

- civic address and legal description of the property;
- a photograph of the front of the house;
- a floor plan with accurate dimensions showing an emergency evacuation plan inclusive of each bedroom, sleeping area, smoke alarm, extinguisher and existing egress door or window, decks;
- the location of the dwelling on the property with setbacks indicated from all property lines;
- the location and dimension of the parking area and the required parking spaces;
- the location of the driveway access to the required parking spaces;
- the location and dimensions of the outdoor amenity area(s); and,
- fencing, landscaping or other buffering if required.

(i) an Electrical Safety Authority (ESA) certificate;

(j) a Signed Renter's Code of Conduct for the property to be licensed; and

(j) payment of the applicable Licensing Fee as outlined in the Fees and Charges by-law, which may be amended from time to time.

4.2 Upon receipt of a completed Application with supporting materials and the payment of the licensing fee, the licence issuer shall, in the case of both new and renewal applications review the application to determine compliance with this By-law. The licence issuer may request comments from other departments or agencies in order to determine compliance with the by-law and any required conditions to be identified in the licence.

4.3 Any person applying for a licence is responsible to coordinate with the Township and to arrange for an inspection of the property as a condition to and prior to receiving a licence to ensure compliance with all applicable by-laws including the following:

- a) The Provisions of this By-law;
- b) The Ontario Fire Code;
- c) The Ontario Building Code;
- d) The Township's Property Standards By-law; and
- e) The Township's Zoning By-law.

- 4.4 A Short Term Rental Accommodation licence that has been issued pursuant to this By-law shall expire upon the earliest of one of the following events:
- a) December 31 in each calendar year; or
  - b) Upon the sale or transfer of the Short Term Rental Accommodation dwelling to a person other than a licensee.
- 4.5 A licence for a Short Term Rental Accommodation dwelling may not be renewed or extended unless the Licensee has submitted a completed Application form with the supporting materials and the applicable fee.
- 4.6 The Licensee shall be responsible for informing the Township 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 Licensee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a Licence unless the Township has approved same.
- 4.7 Licences are not transferable and cannot be assigned to another person and shall remain the property of the Township.

### **Section 5 – Inspections**

- 5.1 The Council of the Township of Oro-Medonte shall appoint an Officer(s) Responsible for the administration and enforcement of this By-law;
- 5.2 The License Issuer shall be responsible for the administration of this By-law and Officers shall be responsible for the enforcement of this By-law;
- 5.3 A By-law Enforcement Officer may at any reasonable time inspect any premises or place where a licence has been issued under this By-law to determine compliance to this By-law.
- 5.4 To obstruct or permit the obstruction of an inspection is deemed an offence.

### **Section 6 – Issuance of Licence and Grounds for Refusal**

- 6.1 Upon receipt of an application for License, a License Issuer shall receive and review the applications as per the provisions of this By-law; receive and review any documents attached to the application; and ensure Township staff have conducted the necessary inspections to ensure the Premised comply with the provisions of this By-law.
- 6.2 The License Issuer shall have the authority to issue, refuse to issue or renew a Licence, to revoke or suspend a Licence, or to impose additional terms and conditions on a Licence.
- 6.3 A License issued pursuant to the provisions of this By-law shall expire on December 31 in any calendar year, unless it is revoked in accordance with any provisions of this By-law.
- 6.4 The License Issuer may refuse to issue or renew a Licence where:
- a) the conduct of an Applicant affords reasonable grounds for belief that the Applicant has not carried on, or will not carry on, the business in accordance with the law or with integrity and honesty;
  - b) there are reasonable grounds for belief that the operation of the business may be averse to the public interest;
  - c) a Licence has been previously revoked, suspended, or made subject to terms and conditions;
  - d) a Person applying for a Licence has presented a history of contravention with this by-law or other Township by-laws;
  - e) the signed Renter's Code of Conduct has been violated;
  - f) the proposed use of the Premises is not permitted by the Zoning By-law;
  - g) the Owner is indebted to the Township in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding Property taxes and late payment charges, against an Owner's Property;
  - h) the Property to be used for carrying on the trade, business or occupation does not conform with applicable federal and provincial law and regulations or

municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the *Building Code Act*, the *Fire Protection and Prevention Act*, and the *Electricity Act*.

6.5 The Licence Issuer may revoke a Licence if it was issued in error or granted based on incorrect or false information.

### **Section 7: Licence Denial, Suspension, or Revocation**

7.1 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 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 Township by-laws.
- d) where the Applicant is in breach of any provisions of this By-law or the Short Term Rental Accommodation dwelling does not comply with any provision of any other Township By-law any or Provincial regulations including violations of the Renters Code of Conduct, or
- e) refusal to comply with any notice of violation within 72 hours.

7.2 Notwithstanding the above, if satisfied that the continuation of the licence poses an immediate danger to the health or safety of any person, the licence issuer may, for the time and such conditions as are considered appropriate and without a hearing, suspend a licence for not more than 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.

7.3 Where the Municipal By-law Enforcement Officer has issued three (3) notices to comply with this by-law within a 6-month period, the licence may be revoked.

### **Section 8 – Orders**

8.1 Where an Officer has reasonable grounds to believe that a contravention of the by-law has occurred, the Officer may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing:

- i. Compliance within a specified period of time;
- ii. Any work required to be done. In the event of a default of such work being done, the Officer may direct work to be done at the Licensee's expense, and the Township may recover the expenses in the same manner as municipal taxes; or
- iii. The activity is discontinued.

8.2 An order under this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force and effect.

8.3

### **Section 10 - Appeal**

10.1 An applicant, whose application has been refused, or a Licensee, whose licence has been revoked, and is not satisfied with the terms or conditions as to why this action was taken, may apply to appeal this decision to the Appeal Committee.

10.2 Every person who initiates an appeal of a decision shall submit a notice of appeal in person at the Township Administration Centre;

- a) within 14 days of a refusal or revocation; and



- b) with the non-refundable required Appeal Fee as outlined in the Fees and Charges By-law as amended from time to time.

### **Section 9 - Appeal Hearing**

9.1 The Appeal Committee (“the Committee”) shall hear and render a decision on an appeal under Section 9 of this By-law in an expeditious manner.

9.2 In considering an appeal, the Committee has the same powers as the municipal official who may issue or revoke a licence and may:

- a) rescind the refusal or revocation action, or
- b) confirm the refusal or revocation action, or
- c) modify the action and create requirements of compliance.

9.3 The decision of the Committee on the appeal is final.

### **Section 10 – Prohibitions**

1. No Person shall operate or carry on any trade, business or occupation of Short Term Rental Accommodation unless that Person has first obtained a Licence pursuant to this by-law.
2. No Person shall discriminate in the carrying on of the trade, business or occupation of Short Term Rental Accommodation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
3. No Person shall fail to comply with an order issued by an Officer.
4. No Person shall advertise an unlicensed Short Term Rental Accommodation.
5. No Person shall violate the provisions of the Renter’s Code of Conduct approved with the Licence generally outlined in Schedule “1” to this by-law.

### **Section 11 – Administration and Enforcement**

1. The Development Services Department - Municipal Law Enforcement Division shall be responsible for the administration of this by-law;
2. Municipal Law Enforcement Officers shall be responsible for the enforcement of this by-law;
3. Upon receipt of an application for a Licence, an Officer shall perform the following functions:
  - (a) receive and review the application in conjunction with any provision of this by-law; and,
  - (b) ensure the relevant Township staff have carried out the necessary inspections to satisfy the Township that the Premises is in compliance with the provisions of this by-law.
4. Upon determination that a contravention of the provisions of this by-law has occurred, an Officer may issue the required notice and/or order.
5. Every person who contravenes any provision of this By-law is guilty of an offence and all contraventions of this By-law are designated as continuing offences pursuant to section 429 of the *Municipal Act*.
6. When in the opinion of the Municipal By-law Enforcement Officer, a violation of this By-law has occurred or exists, the Municipal By-law Enforcement Officer may issue a written compliance notice to the alleged violator. The notice shall specify those sections of the By-law which are in violation and shall state that the violator has seventy-two (72) hours from the delivery of the notice in which to correct the alleged violation, failing which the Township may correct the alleged violation at the expense of the Owner / licensee.
7. Service of any notice under this section shall be carried out by personal service or registered mail addressed to the Licensee at the address shown as the Licensee’s address on the Application.

8. Every person who contravenes any of the provisions of this By-law, including those contained in any of the Schedules and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and conviction liable to a fine in keeping with the provisions of the *Provincial Offences Act*.

9. Pursuant to Section 447 of the Municipal Act, where an owner is convicted of knowingly carrying on or engaging in a Short Term Rental Accommodation dwelling business in respect of any property or any part of any property without a licence required by this By-law, or a person is convicted of any other contravention of this By-law and the court determines that the owner or occupant of the property or part of the property in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the property or part of the property be closed to any use for a period not exceeding two (2) years.

### **Section 12 – Order**

1. Where an Officer has reasonable grounds to believe that a contravention of the by-law has occurred, the Officer may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing:

- (i) compliance within a specified period of time;
- (ii) any work that is required to be done. In the event of a default of such work being done, the Officer may direct work to be done at the Licensee's expense, and the Town may recover the expense in the same manner as municipal taxes; or
- (iii) the activity be discontinued.

2. Any Person who contravenes an order under this by-law is guilty of an offence.

3. An order under this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

### **Section 13 – Penalty for Non-Compliance**

1. Every Person who contravenes any of the provisions of this by-law, upon conviction, is guilty of an offence and liable to a fine pursuant to the Provincial Offences Act, as amended.

2. Every Person who contravenes any provision of this by-law, upon conviction, is guilty of an offence, and all contraventions of the by-law are designated as continuing offences pursuant to Section 429 of the *Municipal Act*.

3. Every Person, other than a company who contravenes any provision of this by-law, and every director of a Corporation who knowingly concurs in such contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

4. Where a Corporation is convicted of an offence under this by-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.

5. Where a Person has been convicted for an offence under this by-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

### **Section 14 - Administrative Penalty**

1. A Municipal Law Enforcement Officer who finds that a responsible person has contravened any provision of this By-law may issue a notice addressed to that person advising that person that he or she has failed to comply with a provision to this by-law and that he or she is subject to paying an administrative penalty as a consequence of that non-compliance.

5 Any person who is issued a penalty notice pursuant to Section 14(1) above shall be liable to pay the Township the administrative penalty in the amount stipulated in Schedule "2" of this By-law.

### **Section 15 – Collection of Unpaid Fines**

Pursuant to Section 441 of the *Municipal Act*, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, R.S.O. 1990, c P.33, (“Provincial Offences Act”) including any extension of time for payment ordered under that Section, the Officer may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the *Municipal Act* and may be added to the Owner’s tax roll and collected in the same manner as Property taxes.

### **Section 16 – Powers of Entry**

1. An officer may at any time enter on any premises and inspect any place for the purpose of determining whether the following are complied with:

- (a) the provisions of the by-law;
- (b) an order issued under this by-law; or
- (c) an order made under Section 431 of the *Municipal Act*.

2. Where an inspection is conducted, the Officer conducting the inspection 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 including their name, address, phone number and identification; 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.

3. The Township may undertake an inspection pursuant to an Order issued under Section 438 of the *Municipal Act*.

4. The Township’s power of entry may be exercised by an Officer, or Agent for the Township.

### **Section 17 – Obstruction**

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under the *Municipal Act*, or under a by-law passed under the *Municipal Act*.

Any Person who has been alleged to have contravened any of the provisions under the *Municipal Act* or under a by-law passed under the *Municipal Act*, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered an Officer in the execution of his/her duties.

### **Section 18 - Severability**

If any portion of this By-law of the Township is found to be in conflict with any other provision of any zoning, building, fire, safety or other By-law of the Township or regulations, the provision which establishes the higher standard shall prevail.

If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, Council intends the remainder of this By-law or the application of such provision or requirement to all persons other than those to whom it is held to be invalid or unenforceable to not be affected hereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by by-law.

### **Section 19 – Title**

This by-law may be cited as the “Short Term Rental Accommodation Licensing By-law”.

### **Section 20 – Effective Date**

This By-law shall come into force and effect upon approval of the set fines by the Attorney General.

**Section 21 – Governing Provisions**

That the Licensing and Regulation of Short Term Rental Accommodations shall be governed by the provisions and regulations contained in this By-law and Schedules 1, 2, and 3 attached hereto and forming part of this By-Law.

By-law read a First, Second and Third time, and Passed this XX day of XXXX, 2022.

The Corporation of the Township of Oro-Medonte

\_\_\_\_\_  
Mayor, H.S. Hughes

\_\_\_\_\_  
Clerk, Yvonne Aubichon

DRAFT

**Schedule “1” to By-law 2022-XXX**

Short Term Rental Accommodation - Renter’s Code of Conduct

To be drafted and include:

1. Purpose of the Code
2. Objectives of this Code
3. Residential Area
4. Guiding Principles
5. Maximum Number of Renters and Guests:
6. Noise and Residential Amenity:
7. Access and Parking:
8. Recycling and Garbage:
9. Dwellings on Lots on Private Sewage Disposal Systems:
10. Fire and Occupant Safety:
11. Owner’s Additional Responsibilities

All owners and renters of Short Term Rental Accommodations are responsible for compliance with all other Township of Oro-Medonte by-laws (including, but not limited to the following: Noise By-law, Property Standards, Fireworks By-law, etc.).

I, having read the above, and the terms of the Short Term Rental Accommodations By-law and Licence, undertake to provide those persons renting my short term rental accommodation with a copy of the Renter’s Code of Conduct and to advise them to act appropriately. I also realize that a violation of the licensing agreement may result in the suspension or revocation of the short term rental accommodation for my property.

\_\_\_\_\_  
Signature of Applicant for Licence

\_\_\_\_\_  
Date

**Schedule “2” to By-law # 2022-067**

<b>Short Term Rental Accommodation Fee Schedule</b>		
<b>Required Fees</b>	<b>Fees</b>	<b>Expiry Date</b>
Short Term Rental Accommodation Licensing Fee	\$ 250.00-\$1000.00 (based on License Class)	One (1) year
Short Term Rental Accommodation Renewal Fee	\$ 750.00	One (1) Year
Licensing Committee Appeal Fee	\$ 300.00	
Administrative Penalty	\$ 250.00	

Comment and/or Inspections Obtained from: Oro-Medonte Municipal Law Enforcement  
 Oro-Medonte Development Services –  
 Building and Planning Services  
 Oro-Medonte Fire and Emergency Services

DRAFT

**Schedule "3" to By-law # 2022-067**

**Short Term Rental Accommodation Licensing  
Part I Provincial Offences Act**

<b>Item #</b>	<b>Column 1: Short Form Wording</b>	<b>Column 2: Provision creating or defining offence</b>	<b>Column 3: Set Fine</b>
1	Operate a Short Term Rental Accommodation without a current Licence	2(1)	\$ 500
2	Advertise a Short Term Rental Accommodation without a current Licence	2(2)	\$500

**Note: The penalty provision for the offences indicated above is Section 13 of By-law 2022-067, a certified copy of which has been filed.**

**DRAFT**