

The Corporation of The City of Port Colborne

By-law No. 7388/79/25

**Being a By-law to License, Regulate, and Govern
Short-term Rental Accommodations
in the City of Port Colborne**

WHEREAS the Council of The Corporation of the City of Port Colborne may, pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25. as amended, ("*Municipal Act*"), enact by-laws for the licensing, regulating and governing of businesses in the City of Port Colborne; and

WHEREAS sections 8, 9 and 11 of the *Municipal Act* authorize The Corporation of the City of Port Colborne to pass by-laws necessary or desirable for municipal purposes; and

WHEREAS section 23.1 of the *Municipal Act* authorizes a municipality to delegate its powers and duties subject to certain restrictions; and

WHEREAS section 151(1) of the *Municipal Act*, authorizes a municipality to provide for a system of licences with respect to a business; and

WHEREAS the Council of The Corporation of the City of Port Colborne considers it desirable that such licensing, regulation, and governing takes place with regard to Short-Term Rental Accommodations as defined in this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE HEREBY ENACTS AS FOLLOWS:

PART 1 – SHORT TITLE

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

PART 2 – DEFINITIONS

For the purposes of this By-law:

- 2.1 "**Administrative Monetary Penalty**" means a monetary penalty payable pursuant to the By-law No. 6902/50/21, being the Administrative Penalty By-law, as amended or replaced from time to time;
- 2.2 "**Agent**" means a Person authorized by an Owner to act on their behalf;
- 2.3 "**Appeal By-law**" means the By-law No. 7186/09/2024, as amended or replaced from time to time, which governs the hearing of appeals under the City's regulatory by-laws;
- 2.4 "**Applicant**" means the Owner(s) or Agent of the Premises applying for a Licence or renewal of a Licence under this By-law;

- 2.5 “**Bedroom**” means a room offered for Short-Term Rental Accommodation intended primarily for overnight occupation and/or a room with one or more beds, including but not limited to murphy beds, pullout beds, sofa beds, day beds, futons or similar apparatuses for sleeping, which complies with the standards for a bedroom as set forth by the Ontario Building Code;
- 2.6 “**Building**” means a structure occupying an area greater than 10 square metres consisting of a roof, walls and a floor, or any of them, or a structural system serving the function thereof, including all plumbing, works, fixture and service systems related thereto;
- 2.7 “**Chief Building Official**” means the chief building official appointed by Council;
- 2.8 “**Chief Fire Official**” means the assistant to the fire marshal who is the municipal fire chief, a member or members of the fire department appointed by the municipal fire chief, or a Person appointed by the fire marshal;
- 2.9 “**City**” means The Corporation of the City of Port Colborne;
- 2.10 “**Committee**” means the Appeals Committee established by By-law No. 7186/09/2024, as amended or replaced from time to time, the responsibility of which includes hearing appeals regarding refusals, suspensions, and revocations of Licences under this By-law;
- 2.11 “**Council**” means the Council of The Corporation of the City of Port Colborne;
- 2.12 “**Dwelling Unit**” means a self-contained housekeeping unit of one or more rooms containing cooking facilities, living quarters and sanitary facilities for the exclusive use of those residing within the Dwelling Unit and which has an exclusive entrance. For the purpose of this By-law, and without limiting the generality of the foregoing, a Dwelling Unit includes a cottage, Park Model Trailer or Mobile Home as defined in the Ontario Building Code, and a legal additional Dwelling Unit, but does not include a room or suite of rooms in a boarding, lodging or rooming house, hotel, or motor home;
- 2.13 “**Fee**” means a Fee prescribed in By-law No. 7297/119/24, being the City’s Fees and Charges By-law, as amended or replaced from time to time;
- 2.14 “**Fees and Charges By-law**” means By-law No. 7297/119/24, being the City’s Fees and Charges By-law, as amended or replaced from time to time;
- 2.15 “**Garbage Area**” means the location designated for the storage of solid waste materials, identified in the site plan, accompanying the license application and approved by the licensing officer;
- 2.16 “**Guest**” means any Person on the Premises who is not a Renter;
- 2.17 “**Licence**” means the licence issued under this By-law as proof of licensing under this By-law;
- 2.18 “**Licensed**” means to have in one’s possession a valid Licence issued under this By-law and “Unlicensed” has the contrary meaning;

- 2.19 “**Licensee**” means the Owner of a Premises who holds a current Licence to operate a Short-Term Rental Accommodation;
- 2.20 “**Licensing Officer**” means any Person authorized by the City to issue a Licence under this By-law;
- 2.21 “**Local Contact Person**” means a Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any City by-law, and attend the Premises within sixty (60) minutes of being notified of any such occurrence, 24 hours per day. If the Owner authorizes a Person to act on their behalf and to be responsible for ensuring the Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the Licence and all applicable laws, that Person must be eighteen (18) years of age or older;
- 2.22 “**Mobile Home**” means a residence that is designed and manufactured to be transported on its own chassis and is equipped for year-round occupancy;
- 2.23 “**Officer**” means a municipal law enforcement officer, building inspector, police officer, or other Person appointed by by-law to enforce the provisions of City by-laws;
- 2.24 “**Order**” means an order issued under Part 12 of this By-law;
- 2.25 “**Owner**” means the Person holding registered title to the Premises on which the Short-Term Rental Accommodation is located and includes, in the case of Premises located within a Vacation Residential (VR) zone, the occupant of a site, and “Ownership” has a corresponding meaning;
- 2.26 “**Parking Area**” means an area of land used for parking of motor vehicles and which is located on the same lot as the principal use and comprises all parking spaces or at least the minimum number required by this By-law and all driveways, aisles, maneuvering areas, entrances, exits and similar areas used for the purpose of gaining access to, or egress from the said parking spaces;
- 2.27 “**Parking Space**” means a portion of a parking area, exclusive of any aisles, to be used for the temporary parking or storage of a motor vehicle or recreation vehicle and can include a garage or carport;
- 2.28 “**Park Model Trailer**” means a recreational Dwelling Unit that is built on a single chassis mounted on wheels, designed to facilitate relocation from time to time and for living accommodations for seasonal use, built in accordance with the CSA Z-241 park model code, typically in a recreational vehicle park;
- 2.29 “**Person**” means any singular or plural human being, association, firm, partnership, corporation, agent or trustee, and the heirs, estate trustees or other legal representatives of a person to whom the context may apply according to law;
- 2.30 “**Plan for Fire Safety**” means the Plan setting out a layout of the interior of the Short-Term Rental Accommodation with the location of all smoke alarms, carbon monoxide alarms, fire extinguishers, and exits;

- 2.31 “**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;
- 2.32 “**Property**” means the land upon which a Short-Term Rental Accommodation is operated, exclusive of Buildings or structures or any part thereof;
- 2.33 “**Renter**” means any Person who intends to use a Short-Term Rental Accommodation for overnight lodging, but shall not include Guests to the Premises;
- 2.34 “**Short-Term Rental Accommodation**” means all or part of a Dwelling Unit that provides sleeping accommodation to someone other than the Owner for any period of twenty-eight (28) calendar days at a time or less, in exchange for payment;
- 2.35 “**Special Event**” means an activity hosted at the Premises by the Renter that may or may not involve payment for services provided, including but not limited to weddings, receptions, retirement parties, musical events and entertainment; and
- 2.36 “**Zoning By-law**” means the City’s Comprehensive Zoning By-law No. 6575/30/18, as amended, or replaced from time to time.

PART 3 – ADMINISTRATION

- 3.1 The Licensing Officer shall be responsible for the administration of this By-law.
- 3.2 Officers shall be responsible for the enforcement of this By-law, and are authorized, upon presentation of proper identification, to enter onto lands at any reasonable time to inspect any Building or property for the purpose of:
- a) Conducting a pre-application inspection as required by this By-law; and/or
 - b) Carrying out an inspection to determine whether this By-law or an Order issued under this By-law is being complied with.
- 3.3 Every application for a new Licence or a renewal thereof shall be submitted to the Licensing Officer on the required form together with all the required documentation. Upon receipt of an application for a Licence, a Licensing Officer shall perform the following functions:
- a) Receive and review the application in conjunction with any provisions of this By-law; and
 - b) Ensure that the relevant Officers have carried out the necessary inspections to satisfy the City that the Premises are in compliance with the provisions of this By-law.
- 3.4 The Licensing Officer shall be responsible for developing and updating Short-Term Rental Accommodation application forms, Licences, and all other procedures for the administration of this By-law.

- 3.5 Applications for a Licence and issued Licences will be posted on the City's website, including personal information such as the legal description of the Property, municipal address, and Owner's and Local Contact Person's name and contact information.

PART 4 - PROHIBITIONS

- 4.1 No Person shall rent or operate a Short-Term Rental Accommodation unless the Person holds a current Licence issued pursuant to this By-law.
- 4.2 No Person shall use a Short-Term Rental Accommodation that is Unlicensed under this By-law.
- 4.3 No Person shall advertise a Short-Term Rental Accommodation without including the valid Licence number issued by the City for the Premises.
- 4.4 No Person shall transfer or assign a Licence.
- 4.5 No Person shall advertise or permit:
- a) The use of a Short-Term Rental Accommodation that has not been Licensed under this By-law;
 - b) The rental or use of a greater number of Bedrooms than permitted by the Licence;
 - c) The use of a Short-Term Rental Accommodation by a greater number of Renters than permitted by the Licence;
 - d) The use of a Short-Term Rental Accommodation by a greater number of Guests than permitted by the Licence
- 4.6 No Person shall permit a Guest to remain at a Short-Term Rental Accommodation or on any Premises between 11:00 p.m. and 8:00 a.m. each day.
- 4.7 No Person shall permit a disturbance at a Short-Term Rental Accommodation or on any Premises.
- 4.8 No Person shall fail to comply with an Order issued under this By-law.
- 4.9 No Person shall permit:
- a) Garbage to accumulate on any Premises Licensed as Short-Term Rental Accommodation;
 - b) Garbage to be contained in containers with unsecured lids; or
 - c) Garbage to be located contrary to the approved site plan for the Premises.
- 4.10 Section 4.9(b) does not apply to Short-Term Rental Accommodations located within the Vacation Residential (VR) zone.
- 4.11 No Owner, including an Owner of a Premises zoned Vacation Residential (VR) shall fail to provide the Licensing Officer with the information set out in Section 8.6(b).
- 4.12 No Licencee shall operate a Short-Term Rental Accommodation with:

- a) An open building permit;
 - b) An outstanding Order issued by the City's Fire Department or Building Department; or
 - c) A property standards order or any other order issued by the City.
- 4.13 No Licencee shall place or mount a fire extinguisher in any cupboard, cabinet, closet, or other enclosed compartment.
- 4.14 No Licencee shall permit parking contrary to the Parking Area plan submitted as part of the site diagram and approved with the Licence application.
- 4.15 No Licencee shall:
- a) Permit tents to be used for sleeping accommodations on the Short-Term Rental Accommodation Premises, except on property zoned Vacation Residential (VR); or
 - b) Permit a Park Model Trailer or Mobile Home to be used for sleeping accommodations on the Short-Term Rental Accommodation Premises, except on property zoned Vacation Residential (VR).
- 4.16 No Licencee shall permit a Special Event at the Premises which exceeds the number of Renters and/or Guests permitted by the Licence or is otherwise contrary to any municipal by-law or provincial or federal law.
- 4.17 No Licencee shall contravene or fail to comply with a term or condition of a Licence issued under this By-law.

PART 5 – OBLIGATIONS OF LICENCEES

- 5.1 Every Licencee shall ensure that the Short-Term Rental Accommodation meets the standard of the Zoning By-law in respect of parking requirements.
- 5.2 Every Licencee shall ensure that the Short-Term Rental Accommodation has sufficient parking on the Property to accommodate all Renters and Guests.
- 5.3 Every Licencee shall maintain a register of Renters and Guests, which shall be updated on a weekly basis and which shall contain:
- a) The location and Licence number of the Short-Term Rental Accommodation;
 - b) Confirmation, on a weekly basis, that smoke and carbon monoxide alarm have been checked and are in working order;
 - c) The names of Renters and Guests and the corresponding check-in and check-out dates; and
 - d) The licence plate number for each vehicle for all Renters and Guests.
- 5.4 Every Licencee shall ensure that:
- a) The register is produced to the City upon request;
 - b) The Licence is displayed in a prominent, permanent place at the Premises;
 - c) Current and accurate information has been provided to the Licensing Officer; and

- d) Garbage on the Premises is contained in containers with securable lids and is located in accordance with the site diagram filed in support of the Licence application.

5.5 Every Licencee shall establish and maintain a Local Contact Person.

5.6 Every Licence shall operate a Short-Term Rental Accommodation in accordance with the Plan for Fire Safety for the Premises.

PART 6 – LICENSING REQUIREMENTS

6.1 Every application for a new Licence, or the renewal of an existing Licence, shall include:

- a) A completed application in the form required by the City, which shall include but not be limited to each and every Owner's name, address, telephone number, and email address;
- b) Proof of Ownership for the Premises;
- c) A statutory declaration signed by each and every Owner stating that each and every Owner understands their responsibility as a Licencee;
- d) A site diagram and floor plan of the Premises, drawn to scale and fully dimensioned, identifying:
 - i. The location of all Buildings on the Property;
 - ii. The location of wells and all components of sewage systems;
 - iii. The use of each room;
 - iv. The location of smoke and carbon monoxide alarms, and early warning devices;
 - v. The location of fire extinguishers and exits;
 - vi. The location of records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
 - vii. The location of all gas and electric appliances;
 - viii. The location of all fireplaces and fuel-burning appliances;
 - ix. All entrances/exits to and from all Buildings;
 - x. The exterior decks and related site amenities including dimensioned Parking Spaces, and other Buildings or structures on the Property; and
 - xi. The location of all garbage and/or garbage containers, the type of all garbage containers proposed, as well as the day of the week that garbage will be removed. Commercial-size garbage containers shall not be permitted unless the Licensing Officer, in their sole discretion, is satisfied that the site is appropriate for such containers.
- e) A certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance policy must identify that a Short-Term Rental

Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the City will be given at least 10 days' notice in writing of any cancellation or material variation in policy;

- f) An electrical general inspection performed by a licenced electrical contractor dated within five (5) years of the date of the application;
 - g) Where there are wood-burning appliances on the Premises, a Wood Energy Technical Transfer (WETT) report dated less than five (5) years from the date of the application issued by a certified WETT inspector;
 - h) An annual inspection report, provided with the annual application, indicating that any chimney, flue pipes, etc. on the Premises have been inspected by a WETT-certified chimney sweep and are safe to be utilized;
 - i) A Heating, Ventilation, and Air Conditioning (HVAC) inspection report issued by an HVAC technician. An updated report shall be required each year;
 - j) Where a private septic system exists on the property in which a license is applied for, an annual report from a licensed septic maintenance company that the septic is in good working order, and a record of any in-year septic tank pump outs;
 - k) Where a private well exists on the property in which a license is applied for, a record of all testing and test results from Niagara Region Public Health. Tests must be submitted to Niagara Region Public Health a minimum of three times per year;
 - l) The name and contact information of the Local Contact Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any City by-law, including attendance on site of the Premises, within sixty (60) minutes of being notified of the occurrence, 24 hours per day;
 - m) For renewal applications, maintenance and record of tests for all smoke and carbon monoxide alarms;
 - n) For renewal applications, a register of all Renters and Guests who have occupied the Premises during the last term of the Licence, as described in Section 5.3 of this By-law; and
 - o) The names of the platforms upon which the Short-Term Rental Accommodation will be listed, advertised, or promoted.
- 6.2 An Applicant shall pay the Licensing Fee as prescribed in the Fees and Charges By-law.
- 6.3 An Applicant or Licensee shall be responsible for informing the City, in writing, of any changes to the information contained within the application or any deviation to the approved plans within seven (7) days of such change or deviation.
- 6.4 A Licensee shall ensure that any listing, advertisement or promotion relating to the renting out of the of the Premises includes the corresponding Licence number issued by the City.

- 6.5 Where an Applicant is a corporation, the Applicant shall provide such additional information and documentation as required by the Licensing Officer, which includes but is not limited to:
- a) A copy of the incorporating document(s);
 - b) A copy of the most recent corporate filing with the Ministry of Government and Consumer Services listing all directors and officers and the head office address of the corporation;
 - c) A letter indicating resolution of the directors of the corporation authorizing the application for a Licence;
 - d) The name and contact particulars of every Person having responsibility for the operation of the Short-Term Rental Accommodation; and
 - e) Its annual return under the *Corporations Information Act*, R.O. 1990, c. C.39.

PART 7 – SITE REQUIREMENTS

- 7.1 The provision of parking on the required site diagram shall include the following:
- a) The location of the Parking Area with the minimum number of Parking Spaces as set out in the Zoning By-law;
 - b) An acknowledgement that Renters and Guests are permitted no more cars than there are designated Parking Spaces in the Parking Area; and
 - c) An illustration of compliance with all other provisions of the Zoning By-law.
 - d) Sections 7.1 (a)(b)(c) shall not apply where the Short-Term Rental Accommodation is located within the Vacation Residential (VR) zone and the Owner of the property zoned Vacation Residential (VR) has set limits on the number and location of parking spaces within the property.
- 7.2 A Parking Area shall consist of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface).
- 7.3 The Owner shall make the following available to Renters:
- a) A copy of a valid Licence displayed on site at the Premises;
 - b) A copy of the site diagram showing the Parking Area and Parking Spaces for the Premises;
 - c) A copy of the approved floor plans identifying the rooms and showing exits and fire escape routes;
 - d) A copy of the City's Noise By-law;
 - e) A copy of the City's Open Air Burning and Recreational Fires By-law;
 - f) A copy of the City's Lot Maintenance By-law;
 - g) A copy of the City's Fireworks By-law;
 - h) The occupant load of the Dwelling Unit, posted in a prominent location;

- i) Emergency “911” instructions with the address of the Property clearly printed and posted in a prominent location;
 - j) A copy of the smoke and carbon monoxide alarm maintenance and use instructions;
 - k) Name and contact information of the Local Contact Person; and
 - l) The Plan for Fire Safety, which shall be posted on the back of every door or visibly adjacent to every door where it can be seen when exiting.
- 7.4 A Short-Term Rental Accommodation shall provide a listed ABC portable fire extinguisher with the minimum rating of 2A10BC 5 lb on each level of the Short-Term Rental Accommodation.
- 7.5 Portable fire extinguishers shall be:
- a) Kept operable and fully charged;
 - b) Located so that they are easily seen and shall be accessible at all times;
 - c) Tested and maintained in conformance with NFPA 10, “Portable Fire Extinguishers”; and
 - d) Inspected monthly.

PART 8 – BEDROOM AND OCCUPANCY RESTRICTIONS

- 8.1 Every Licence shall set out the maximum number of Bedrooms that may be used as part of the Short-Term Rental Accommodation, which number shall be limited to the number of available Parking Spaces on the Premises.
- 8.2 Notwithstanding Section 8.1, the Licensing Officer has the discretion to increase the number of available Bedrooms based on circumstances specific to the Premises, to a maximum of five Bedrooms.
- 8.3 Renters in respect of a Short-Term Rental Accommodation shall be limited to two Renters per Bedroom, to a maximum of ten Renters in total, excluding infants up to two years of age.
- 8.4 Notwithstanding Section 8.3, a Short-Term Rental Accommodation may permit an additional two Renters under 16 years of age.
- 8.5 A Short-Term Rental Accommodation shall be limited to one Guest per Bedroom to a maximum of five Guests in total.
- 8.6 Sections 8.3, 8.4 and 8.5 shall not apply where the Short-Term Rental Accommodation is located in the Vacation Residential (VR) zone and the Dwelling Unit falls within one of the following building classifications: Park Model Trailer, Mobile Home, trailer or tent, provided the Owner of the Property zoned Vacation Residential (VR) has:
- a) Set restrictions or limits on the number of Renters and Guests which has been approved by the Licensing Officer and incorporated into the Licence; and
 - b) Provides the Licensing Officer with the following information:

- i. Each site that has been used as a Short-Term Rental Accommodation;
- ii. The Owner of each site that has been used as a Short-Term Rental Accommodation; and
- iii. The names of all Renters and Guests and corresponding check in and check out dates for each site that has been used as a Short-Term Rental Accommodation.

PART 9 – PRE-LICENCE INSPECTION

- 9.1 It is the responsibility of an Applicant to contact the City for an inspection, which shall be carried out to ensure compliance with the following, where applicable:
- a) The provisions of this By-law;
 - b) The *Building Code Act, 1992*, S.O. 1992 c.23 and regulations made thereunder;
 - c) The *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, and regulations made thereunder;
 - d) The *Planning Act*, R.S.O. 1990, C. P.13;
 - e) The Zoning By-law; and
 - f) Any other municipal by-laws, provincial legislation or federal legislation that may affect the safety and well-being of Persons or eligibility of the application or Licence.
- 9.2 During the inspection process, all relevant departments of the City may be circulated and may provide comments on any known matters that would assist with the determination of Licence eligibility.

PART 10 – ISSUANCE OF LICENCE, GROUNDS FOR REFUSAL, REVOCATION AND THE IMPOSITION OF CONDITIONS

- 10.1 The Licensing Officer shall have the authority to:
- a) Issue, refuse to issue, renew or refuse to renew a Licence;
 - b) Revoke or suspend a Licence; and
 - c) Impose terms and conditions on a Licence.
- 10.2 The Licensing Officer may refuse to issue or renew a Licence where:
- a) There are reasonable grounds for belief that the operation of the Short-Term Rental Accommodation may be adverse to the public interest;
 - b) A Licence has been previously revoked, suspended, or made subject to terms and conditions;
 - c) An Applicant has presented a history of contravention of this By-law;
 - d) The proposed use of the Premises is not permitted by the Zoning By-law;
 - e) Items identified during a pre-Licence inspection have failed to be corrected;

- f) The Owner is indebted to the City in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes, municipal accommodation taxes and late payment charges against an Owner's Property; or
 - g) The Premises do 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 Lot Maintenance By-law, the Noise By-law, the Parking and Traffic By-law, the *Building Code Act*, the *Fire Protection and Prevention Act*, and the *Electricity Act*.
- 10.3 Conditions imposed by the Licensing Officer shall be based on recommendations provided by an Officer, Chief Fire Official, Chief Building Official, or any agency circulated on an application.
- 10.4 The Licensing Officer may revoke, suspend or make any Licence subject to special conditions at the discretion of the Licensing Officer where:
- a) The Licence was issued or renewed in error or granted based on incorrect or false information;
 - b) The Licensing Officer is satisfied that the continuation of the Licence poses a danger to the health and safety of any Person; or
 - c) The Licencee has breached any provision of this By-law or any other City by-law relating to the Premises.

PART 11 – TERM OF LICENCE

- 11.1 A Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
- a) December 31 of the year issued;
 - b) Upon the sale or transfer of the Premises; or
 - c) The Licence has been suspended or revoked in accordance with the provisions of this By-law.
- 11.2 A Licencee that intends to renew their Licence shall be responsible for the submission of a renewal application prior to the expiry date of the Licence. Any application for a property for which a Licence has not been previously issued or for which a Licence has been previously issued but has expired under Section 11.1 shall be considered a new application.
- 11.3 A Licence may only be issued to the Owner of the Premises.

PART 12 – LICENCE APPEAL PROCESS

- 12.1 The power and authority to conduct appeal hearings under this By-law is hereby delegated to the Committee.
- 12.2 Where the Licensing Officer has denied an application for a Licence or a renewal of a Licence, has suspended or revoked a Licence, or has imposed conditions on a Licence, the Licensing Officer shall inform the Applicant by way of written notice setting forth the grounds for the decision and shall advise of the right to appeal such decision to the Committee.

- 12.3 An Owner may appeal to the Committee in relation to a matter set forth in a notice delivered pursuant to Section 12.2.
- 12.4 A request for an appeal shall be made within 14 business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required Appeal Fee as prescribed by the Fees and Charges By-law, as amended or replaced from time to time.
- 12.5 Where no request for an appeal is received in accordance with Section 12.4, the decision of the Licensing Officer shall be final and binding.
- 12.6 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Owner shall be provided notice thereof in accordance with the Appeal By-law. After such opportunity to be heard, the Committee shall make a decision. When making its decision, the Committee may consider any matter pertaining to this By-law, or other matter that relates to the health, safety and well-being of the public. When making its decision, the Committee may refuse to issue or renew a Licence, revoke or suspend a Licence, or impose any condition to a Licence.
- 12.7 The Committee's decision concerning an appeal under this By-law is final and binding. No further appeals shall be heard by the Committee or Council for matters that have been previously heard and determined by the Committee, or for matters relating to non-compliance with a Zoning By-law requirement.
- 12.8 Matters arising during the course of an appeal that are not provided for in this By-law shall be governed by the *Statutory Powers Procedure Act*, R.S.O. 1990, s. 22, as amended.

PART 13 – ORDERS

- 13.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the Renter and/or Person who contravened this By-law and/or Person who caused and/or permitted the contravention and/or the Licensee to take actions to correct the contravention.
- 13.2 The Order shall set out:
- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention; and
 - b) The work or action to be done and the date by which the work must be done, if any.
- 13.3 An Order shall be served personally upon the Person to whom it is directed to, sent by email as provided in a related Licence application, or by regular mail or registered mail to the address shown on the last revised assessment roll or to the last known address.
- 13.4 An Order under Section 13.1 may require action be taken notwithstanding that the contravention of this By-law was present before this By-law came into force.

- 13.5 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order, known as a "Discontinue Activity Order", requiring the Renter and/or Person who contravened this By-law and/or Person who caused or permitted the contravention and/or the Licencee to discontinue the contravening activity.
- 13.6 The Discontinue Activity Order shall set out:
- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention; and
 - b) The date by which there must be compliance with the Discontinue Activity Order.
- 13.7 A Discontinue Activity Order shall be served in the same manner as an Order as set out in Section 13.3, or may be given verbally to the Person to whom it is directed.
- 13.8 In the event the Officer is unable to serve any Order under the provisions of this By-law, the Order shall be posted in a prominent place on the Premises, and the posting of the Order shall be deemed to be sufficient service of the Order on the Renter or Licensee/Owner.
- 13.9 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.
- 13.10 Where an Order or a Discontinue Activity Order is not complied with or any other thing required or directed to be done in accordance with this By-law is not done within the required time, the Officer may, upon reasonable notice, do such thing at the expense of the Person required to do it, the costs of which, including an Administration Fee as prescribed by the Fees and Charges By-law, shall be payable and the costs added to the tax roll of the Premises and collected in the same manner as property taxes.

PART 14 – ENTRY AND INSPECTION

- 14.1 An Officer, Chief Fire Official or Chief Building Official may, at any time, enter onto any land or Premises to determine whether this By-law, a direction or Order made under this By-law, or a condition of a Licence issued under this By-law, is being complied with.
- 14.2 Notwithstanding any provision of this By-law, an Officer, Chief Fire Official or Chief Building Official shall not enter or remain in any room or place actually being used as a Dwelling Unit, unless:
- a) The consent of the occupier is obtained after the occupier has been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the *Provincial Offences Act*, R.S.O.1990, c.P.33, as amended; or
 - b) A warrant is issued under the *Provincial Offences Act*, R.S.O.1990, c. P.33, as amended, is obtained.

- 14.3 A Chief Fire Official may, without a warrant, enter and inspect the Premises for the purposes of assessing fire safety pursuant to section 19(2) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended
- 14.4 A Chief Building Official, an inspector and their agents may enter upon land and into buildings at any reasonable time without a warrant if they consider necessary for the protection of the public, pursuant to *The Ontario Building Code Act*, 2002, c. 9, s. 26.

PART 15 – OBSTRUCTION

- 15.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Chief Fire Official or Chief Building Official exercising a power or performing a duty under this By-law.

PART 16 – PENALTY

- 16.1 Every Person who contravenes any of the provisions of this By-law and every director or officer of a corporation who knowingly concurs in the contravention by the corporation is guilty of an offence under the provisions of the *Municipal Act*.
- 16.2 Every Person who contravenes the provisions of this By-law and every director or officer of a corporation who knowingly concurs in the contravention by the corporation is guilty of an offence and liable, upon a first conviction, to a fine of not less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act*, 2001.
- 16.3 All contraventions of this By-law constitute a continuing offence.
- 16.4 For the purpose of a continuing offence, every Person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention by the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000 per day, exclusive of costs under the provisions of the *Municipal Act*.
- 16.4 Each day a contravention occurs constitutes a new offence.
- 16.5 Despite Section 16.2 and pursuant to the provisions of the *Municipal Act*, the total of all daily fines for an offence is not limited to \$100,000.

PART 17 – ADMINISTRATIVE PENALITIES

- 17.1 This By-law is designated as a by-law to which the Administrative (Non-Parking) Penalty By-law No. 6902/50/21 applies.
- 17.2 An Officer may issue an Administrative Monetary Penalty notice immediately upon evidence of a violation of this By-law in accordance with By-law No. 6902/50/21, as amended, or replaced from time to time.
- 17.3 The Administrative Monetary Penalties for failure to comply with this By-law are set out in Schedule "B" of By-law 6902/50/21, as amended or replaced from time to time.

PART 18 – SEVERABILITY

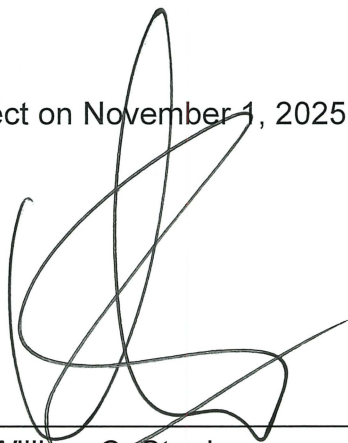
18.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such and the remainder of this By-law shall be valid and shall remain in force.

PART 19 – CLERK’S CORRECTING CLAUSE

19.1 The Clerk is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this By-law.

PART 20 – EFFECTIVE DATE

20.1 This By-law shall come into force and effect on November 1, 2025.



William C. Steele
Mayor

Charlotte Madden
City Clerk