

# The Township of East Hawkesbury

## By-law No. 2023-05

### Being a By-law to Licence Short-Term Rentals

**WHEREAS** subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c. 25 (the “*Municipal Act*”) provides that a municipal power shall be exercised by by-law;

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

**AND WHEREAS** pursuant to section 11 of the *Municipal Act*, Council is exercising its authority in the interest of health and safety, well-being of persons, consumer protection, and nuisance control;

**AND WHEREAS** pursuant to section 151(1) of the *Municipal Act*, Council is exercising its authority to create a system of Licences;

**AND WHEREAS** pursuant to section 429 of the *Municipal Act*, Council is exercising its authority to establish a system of penalties and fines under a By-Law of the municipality passed under the Act; and

**AND WHEREAS** the Council for the Township of East Hawkesbury has deemed it necessary and desirable to require the licensing of Short-Term Rentals in the Municipality of East Hawkesbury;

**THEREFORE** the council of the Township of East Hawkesbury enacts as follows:

#### 1.0 DEFINITIONS

**“Agent”** means a person duly appointed to act on behalf of the Township.

**“Application Form”** means a form prepared by the Township to obtain the necessary information for a Short-Term Rental Licence;

**“Coordinator”** means the By-law Enforcement Officer or designate unless otherwise noted;

**“Disturbance”** means an event where an action has commenced with respect to nuisance, and/or noise;

**“Dwelling Unit”** means a “Dwelling Unit” as defined in the Zoning By-law;

**“Fire Safety Plan”** means a plan showing the location of smoke alarms, the location of CO alarms, the location of fire extinguishers and the established escape routes;

**“Licensee”** means a Person who holds a Licence issued under this By-law;

**“Local Contact Person”** means the local person assigned by the Licensee or operator of a Short-Term Rental who will be at the Premises within one (1) hour of contact and who will ensure the Short-Term Rental is operated in accordance with the provisions of this By-law and the conditions of the Licence.

**“Noise Control By-law”** means Noise Control By-law No. 2002-59, as amended or replaced, which regulates noise and nuisances within the Township of East Hawkesbury;

**“Property Standards By-law”** means Property Standards By-law No. 2003-58, as amended or replaced, enacted under section 15.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23 (“*Building Code Act*”), which prescribes standards for the maintenance and occupancy of property within the Township of East Hawkesbury;

**“Renter”** means the person responsible for the rental of a Short-Term Rental by way of concession, permit, lease, Licence, rental agreement or similar commercial arrangement;

**“Short-Term Rental”** means all or part of a Dwelling Unit, subject to licensing by the Township, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment, but does not include any type of institutional dwelling, hotels, or other similar uses;

**“Short-Term Rental Premises” or “Premises”** means any Dwelling Unit and associated land in or on which a Short-Term Rental is carried on;

**“Township”** means the Township of East Hawkesbury;

**“Unfounded Complaint”** Where there is no credible evidence to support the allegation; and

**“Zoning By-law”** means Comprehensive Zoning By-law No. 2021-22, as amended or replaced, enacted under section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, which restricts and/or regulates the use of land within the Township of East Hawkesbury.

## 2.0 APPLICATION

2.1 The requirements of this By-law apply to the trade, business or occupation of providing Short-Term Rentals within the geographic limits of the Township of East Hawkesbury as of the date this By-law comes into effect, unless otherwise stated.

2.2 For greater certainty, the requirements of this By-law do not apply to:

- (a) a group home;
- (b) a hotel, motel, inn or resort as defined and regulated by the Ontario Building Code and Zoning By-laws;
- (c) a residence operated by a post-secondary institution;
- (d) a charitable, non-profit philanthropic corporation organized as a shelter for the relief of the poor or for emergency;
- (e) accommodation supplied by employers to their employees in dwelling units operated by the employer;
- (f) a hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act*, R.S.O. 1990, C. P. 40, and a private hospital operated under the authority of a licence issued under the *Private Hospitals Act*, R.S.O. 1990, c. P. 24;
- (g) a home for special care operated under the authority of a licence issued under the *Homes for Special Care Act*, R.S.O. 1990, c.H.12;
- (h) a long-term care home operated under the authority of a licence issued under the *Long-Term Care Homes Act*, 2007, S.O. 2007, c.8;
- (i) a retirement home operated under the authority of a licence issued under the *Retirement Homes Act, 2010*, S.O. 2010, c.11; and,
- (j) a boarding, lodging or rooming house, as defined in the Building Code.

## 3.0 LICENSING

3.1 Every person operating a Short-Term Rental shall obtain a Licence.

3.2 A Person is not eligible to hold a Licence if:

- (a) the Licensee is indebted to the Township in respect of fines, penalties and/or judgments awarded by the courts;
- (b) the property to be used for carrying on a Short-Term Rental does not conform with any applicable Federal or Provincial Law or Regulations or Municipal By-laws, including but not limited to the Zoning By-law, Property Standards By-law, *Building Code Act*, Building Code, *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, Fire Code and Ontario Electrical Safety Code; and/or
- (c) a certificate of proof is not provided every three years that the well water is safe to drink, if applicable.

3.3 The Coordinator shall suspend a Licence if a Licensee has:

- (a) an open building permit;
- (b) an outstanding Order issued by the Township's Fire Department or Building Department; or
- (c) a Property Standards Order or any other Order issued by the Township or other government agency.

3.4 In the event that there is more than one (1) Dwelling Unit on one (1) property having a single municipal address, each Dwelling Unit shall require a Licence.

#### 4.0 REVOCATION OF LICENCE

4.1 The Coordinator may revoke a Licence where:

- (a) the Licence was issued on mistaken, false or incorrect information, or in error;
- (b) there is a change in Licenseeship; or
- (c) the Licensee requests in writing that the Licence be terminated.

4.2 The Coordinator may revoke a Licence if the Licensee contravenes any provision of this By-law.

4.3 Upon revoking a Licence in accordance with this By-law, the Coordinator shall give written notice of the revocation to the Licensee at the Licensee's last known address and/or by email to the Licensee's last known email address. In no case shall a Licence fee be refunded.

4.4 Where a Licence is revoked in accordance with this By-law, the Licensee shall not be issued a new Licence:

- (a) for a period of six (6) months from the date of the revocation of the first revoked Licence;
- (b) twelve (12) months after the second revocation; and
- (c) eighteen (18) months after the third and subsequent revocations.

4.5 Where a Licence is revoked in accordance with this By-law, the Township may impose conditions on the re-issuance of a Licence to the Licensee.

4.6 Where a Licence is revoked in accordance with this By-law, the Township may, in its sole discretion, refuse to re-issue a Licence to the Licensee.

## 5.0 ADMINISTRATION

5.1 Unless otherwise indicated, the administration of this By-law including the approval of applications and issuance of Licences shall be the responsibility of the Coordinator.

5.2 Every application for a new Licence or a renewal of an existing Licence shall be submitted to the Coordinator on the required form together with all the required documentation.

5.3 Every person seeking to obtain or renew a Licence under this By-law shall be the registered owner(s) of the Short-Term Rental, as identified on the parcel register from the Land Registry Office.

5.4 Every application for a Licence or a renewal shall include:

- (a) each Licensee, applicant name, address, telephone number, and email address if available;
- (b) the name, address, telephone number, and email address of a person who has been assigned by the Licensee to be the Local Contact Person;
- (c) a statement from the Licensee certifying the accuracy, truthfulness, and completeness of the application;
- (d) proof of insurance for Short-Term Rental use;
- (e) a Fire Safety Plan depicting the use of the Premises including the location of smoke alarms on each floor, the location of CO alarms, the location of mounted fire extinguishers on each floor and including the kitchen, and the established escape routes for each bedroom in case of emergency;

- (f) one copy of the septic system report. You can contact South Nation Conservation Tel. 1-877- 984-2948 or 1-613-984-2948;
- (g) the Licensee shall provide the following acknowledgements:
  - i) that the Licensee is the owner of the Short-Term Rental, as identified on the parcel register from the Land Registry Office;
  - ii) that the Short-Term Rental will be operated in accordance with all Township By-laws and requirements of any other government agency or legislation;
  - iii) that the Licensee has advised the abutting property boundary neighbours of the operation of the Short-Term Rental and provided with the local contact person's information.
  - iv) that all Renters will be advised that no trailer or mobile home are permitted on the Short-Term Rental premises;
  - v) that the Licensee shall indemnify and save harmless the Township, its staff and elected officials from any and all claims; and
  - vi) that the issuance of the Short-Term Rental Licence shall not contravene an Agreement of Purchase and Sale and/or any other instrument registered on title or otherwise, with respect to the property.
- (h) a copy of a certificate of proof that the well water if any is safe to drink and a new certificate shall be provided for the licence and renewal;
- (i) a Licensee shall inform the coordinator of any changes to the information provided in the application within a period of 15 days of the change;
- (j) proof that all fire extinguishers are / have been maintained by a certified person or company once every 36 months; and
- (k) the Licence fee as set out in the fees & Charges By-Law.

5.5 Each Licence shall include the following:

- (a) Property address;

- (b) Licence number;
- (c) Effective date;
- (d) Date of expiry;
- (e) Licensee's name and contact information; and
- (f) Local Contact Person's name and contact information.

5.6 A Licence shall only be issued to the Licensee of the Short-Term Rental.

5.7 A Licence is valid for three (3) year from the date of issuance and may be renewed by the anniversary of the date on the third year which the Licence was issued, as applicable, by paying the Licence fee and submitting the required documentation.

5.8 A Licence issued under this By-law shall expire if it is not renewed by the date required in Section 5.7 above.

5.9 A Licence is not transferable.

5.10 A building inspections and fire inspections shall be carried out for each Short-Term Rental application.

## 6.0 INSPECTION

6.1 The Coordinator may, at any time, inspect with the local contact person:

- (a) The premises, or place where a business which is subject to this By-law is carried on where there are reasonable or probable grounds to believe that the By-law is not being respected;

## 7.0 PROHIBITIONS

7.1 The following actions are prohibited:

- (a) Carrying on a Short-Term Rental without a Licence;
- (b) Carrying on a Short-Term Rental for which a Licence is expired, revoked or suspended;
- (c) Advertising a Short-Term Rental without a Licence or for which a Licence has expired, been revoked or is under suspension;
- (d) Exceeding the maximum occupancy limit of two (2) persons per bedroom, per

Short-Term Rental premises beyond 11:00 p.m. each day;

- (e) Advertising a Short-Term Rental with an occupancy that exceeds the maximum occupancy limits in paragraph 7.1(d);
- (f) Advertising a Short-Term Rental without including the Short-Term Rental Licence number;
- (g) Failing to display the Short-Term Rental Licence on a door or window where it can clearly be seen from the outside at the Short-Term Rental premises;
- (h) Carrying on a Short-Term Rental unless the premises has full services provided privately or municipally;
- (i) Permitting a trailer or mobile home to be used for sleeping accommodations on the Short-Term Rental premises;
- (j) Failing to ensure there is a Local Contact Person that can be at the premises in one (1) hour;
- (k) Hindering or obstructing the carrying out of an inspection pursuant to Section 6.1 of this By-law;
- (l) Operating a Short-Term Rental contrary to the Fire Safety Plan;
- (m) Permitting a disturbance at a Short-Term Rental premises;
- (n) Operating a Short-Term Rental contrary to any applicable Federal, Provincial, Regional laws, Regulations or Orders, or Municipal By-laws;
- (o) Operating a Short-Term Rental if current and accurate information has not been provided to the Coordinator;
- (p) an unfounded complaint
- (q) Assigning a Short-Term Rental Licence; and
- (r) Operating a Short-Term Rental with:
  - a. An open building permit;
  - b. An outstanding Order issued by the Township's Fire Department or Building Department; or
  - c. A Property Standards Order or any other Order issued by the Township or other government agency.

7.2 Engaging in any of the prohibited acts set out in Section 7.1 constitutes a

contravention of this By-law.

7.3 If a Licensee contravenes this By-law by engaging in any of the prohibited acts set out in 7.1, they shall be subject to the fines set out in the fees and Charges by-law

7.4 Each calendar day in which any of the prohibited acts set out in Section 7.1 continues shall be considered a separate contravention.

7.5 Any fine imposed pursuant to the fees and charges by-law shall be in addition to any other action(s) the Township is permitted to take under this By-law or at law.

7.6 In addition to the fines imposed by the fees and charges By-law, if a Licensee contravenes this By-law by engaging in three (3) of the prohibited acts set out in Section 7.1, their Licence shall be revoked.

7.7 If a Licence is revoked pursuant to Section 7.6, the Township may impose conditions on the re-issuance of a Licence to the Licensee.

7.8 If a Licence is revoked pursuant to Section 7.6, the Township may, in its sole discretion, refuse to re-issue a Licence to the Licensee.

## 8.0 ENFORCEMENT

8.1 Enforcement of this By-law shall be primarily assigned to the Coordinator or other authorized employee or agent of the Township.

8.2 No person shall obstruct or hinder or attempt to obstruct or hinder the Coordinator or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-law.

## 9.0 ORDERS

9.1 If the Coordinator and/or an authorized employee or agent of the Township determines that a person has contravened this By-law, they may make an Order requiring the person who contravened the By-law or who caused or permitted the contravention, to discontinue the contravening activity and take any reasonable steps to correct the contravention.

9.2 No person shall fail to comply with an Order issued pursuant to Section 9.1 of this By-law.

9.3 An Order issued pursuant to Section 9.1 of this By-law shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

(b) the steps that must be taken to correct the contravention and the date by which there must be compliance with the Order.

9.4 The Township may recover costs by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

#### 10.0 Administrative Penalties and Fines

10.1 A Coordinator or agent of the Township who finds that a person has contravened any provision of this by-law may issue a penalty notice addressed to that person.

10.2 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice be liable to pay to the municipality fines as set out in the fees and charges By-law.

10.3 A fine 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.

#### 11.0 REFERENCES

11.1 References in this by-law to any legislation or by-law means as may be amended or replaced from time to time and include any regulations thereunder.

#### 12.0 INTERPRETATION

12.1 This By-law shall not be interpreted as exempting any Person from the requirement to comply with any other Township By-law or federal or provincial legislation. In the event of conflict between the provisions of this By-law and any other Township By-law, the provision that establishes the higher standard of health, safety and well-being of persons and protection of persons shall apply.

#### 13.0 SEVERABILITY

13.1 In the event any provision(s) of this By-law is deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

#### 14.0 VALIDITY

14.1 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.

15.0 SHORT TITLE

15.1 This By-law may be referred to as the “Short-Term Rental By-Law”.

16.0 EFFECTIVE DATE

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

The Corporation of the township of East Hawkesbury

Proposed fees- to be established to Fees & Charges By-law

Department	Short word forming	Fees
	Licence Fee	\$1000/3 year
	Carrying or advertising on without a valid license	\$200 1 <sup>st</sup> Contravention <hr/> \$350 2 <sup>nd</sup> Contravention <hr/> \$500 3 <sup>rd</sup> Contravention And any subsequent
	Advertising or exceeding the maximum occupancy limit or of two (2) persons per bedroom, beyond 11:00 p.m. each day;	\$200 1 <sup>st</sup> Contravention <hr/> \$350 2 <sup>nd</sup> Contravention <hr/> \$500 3 <sup>rd</sup> Contravention And any subsequent
	Failing to advertise and display the Licence number	\$200 1 <sup>st</sup> Contravention <hr/> \$350 2 <sup>nd</sup> Contravention <hr/> \$500 3 <sup>rd</sup> Contravention And any subsequent
	Carrying on a STR without full services provided privately or municipally;	\$200 1 <sup>st</sup> Contravention <hr/> \$350 2 <sup>nd</sup> Contravention <hr/> \$500 3 <sup>rd</sup> Contravention And any subsequent
	Permitting a trailer or mobile home to be used for sleeping accommodations on the Short-Term Rental premises;	\$200 1 <sup>st</sup> Contravention

		<u>\$350 2<sup>nd</sup></u> <u>Contravention</u> <u>\$500 3<sup>rd</sup></u> <u>Contravention</u> And any subsequent
	Failing to ensure there is a Local Contact Person;	<u>\$200 1<sup>st</sup></u> <u>Contravention</u> <u>\$350 2<sup>nd</sup></u> <u>Contravention</u> <u>\$500 3<sup>rd</sup></u> <u>Contravention</u> And any subsequent
	Operating a Short-Term Rental contrary to the Fire Safety Plan;	<u>\$200 1<sup>st</sup></u> <u>Contravention</u> <u>\$350 2<sup>nd</sup></u> <u>Contravention</u> <u>\$500 3<sup>rd</sup></u> <u>Contravention</u> And any subsequent
	Permitting a disturbance at STR premises;	<u>\$200 1<sup>st</sup></u> <u>Contravention</u> <u>\$350 2<sup>nd</sup></u> <u>Contravention</u> <u>\$500 3<sup>rd</sup></u> <u>Contravention</u> And any subsequent
	Operating a STR contrary to any applicable Federal, Provincial, Regional laws, Regulations or Orders, or Municipal By-laws;	<u>\$200 1<sup>st</sup></u> <u>Contravention</u> <u>\$350 2<sup>nd</sup></u> <u>Contravention</u> <u>\$500 3<sup>rd</sup></u> <u>Contravention</u> And any subsequent
	Operating a STR without accurate information	<u>\$200 1<sup>st</sup></u> <u>Contravention</u> <u>\$350 2<sup>nd</sup></u> <u>Contravention</u>

		\$500 3 <sup>rd</sup> Contravention And any subsequent
	An unfounded complaint	\$200 1 <sup>st</sup> Contravention <hr/> \$350 2 <sup>nd</sup> Contravention <hr/> \$500 3 <sup>rd</sup> Contravention And any subsequent
	Assigning & Operating a Short-Term Rental with: An open building permit; An outstanding Order issued by the Township's Fire Department or Building Department; or A Property Standards Order or any other Order issued by the Township or other government agency.	\$200 1 <sup>st</sup> Contravention <hr/> \$350 2 <sup>nd</sup> Contravention <hr/> \$500 3 <sup>rd</sup> Contravention And any subsequent
	**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.	