

The Corporation of the Township of Alnwick/Haldimand

By-law No. 115-2023

**Being a By-law to License, Regulate and Govern
Short-Term Rental Accommodations**

Whereas the Council of the Township of Alnwick/Haldimand may, pursuant to the *Municipal Act*, 2001, S.O. 2001, c.25. as amended, ("*The Municipal Act*"), enact by-laws for licensing, regulating and governing businesses and occupations in the Township of Alnwick/Haldimand; 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 Sections 390 to 400 of the *Municipal Act*, enables a municipality to pass By-laws for imposing fees and charges to permits and services provided or done by them; 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 and 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 Council of the Corporation of the Township of Alnwick/Haldimand deems it desirable that such licensing, regulation and governing takes place with regard to Short-term Rental Accommodations as defined in this By-law; and

Whereas Council has enacted Zoning By-law Amendment No. 70-2022 under the Provision of the Planning Act R.S.O. 1990, cP13, as amended with respect to Short-Term Rental Accommodations within the municipality and having done so, desires to provide for a system of licensing to implement said policies and provisions; and

Whereas pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of licensing with respect to Short-Term Rental Accommodation businesses;

Now Therefore Be It Resolved that the Council of the Corporation of the Township of Alnwick/Haldimand enacts as follows:

1.0 DEFINITIONS

For the purpose of this By-law:

- 1.1 **Accessory Building or Structure** means a detached or attached Building or structure that is not used for human habitation (except for a private cabin), but the use of which is naturally and normally incidental to, subordinate to and exclusively devoted to a principal use of the Building and is located on the same lot therewith.
- 1.2 **Applicant** means the Person applying for a Licence or renewal of a Licence under this by-law, and must be the registered Owner of the municipal address;
- 1.3 **Application** means an application for a Licence as set forth in Schedule "B" under this by-law;
- 1.4 **Bed and Breakfast** – for the purpose of this bylaw, a Bed & Breakfast is not considered a short-term rental.
- 1.5 **Building** means a structure occupying an area of greater than ten square meters consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems related thereto.
- 1.6 **By-law Enforcement Officer** means a municipal law enforcement officer of the Corporation of the Township of Alnwick/Haldimand who is duly appointed by the Council of the Corporation for the purposes of enforcing the provisions of the Corporation's By-laws.
- 1.7 **Dwelling Unit** means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- For the purpose of this By-law, a Dwelling unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel or a motor home.
- 1.8 **Fee** means a Fee as set forth in the Township of Alnwick/Haldimand Fees and Charges By-law (User Fee By-law) which is not prorated and non-refundable.
- 1.9 **Guest** means a Person or Persons who are over the age of 18 and have provided payment or other consideration for the use of a Guest Room for overnight lodging, but shall not include daily visitors to the property.
- 1.10 **Guests' Code of Conduct** as set forth in Schedule "A" means a document that has been prepared by the Township of Alnwick/Haldimand that prescribes the roles and responsibilities of the Guest, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws, and adherence to the provisions of this by-law.
- 1.11 **Guest Room** means a room 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, being O. Reg 332/12 made under the Ontario Building Code Act, 1992, SO 1992, c 23.

- 1.12 **License** means the License issued under this by-law as proof of licensing under this by-law.
- 1.13 **Licensed** means to have in one's possession a valid and current license issued under this by-law and unlicensed has the contrary meaning.
- 1.14 **Licensee** means an Owner who holds a License or is required to hold a License under this by-law.
- 1.15 **License Issuer** means the Person set out in Section 2.1 of this By-law.
- 1.16 **Owner** means the Person holding title to the Property on which the Short-term Rental Accommodation is located, and **Ownership** has a corresponding meaning;
- 1.17 **Parking Area** means an area provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lands, but shall not include any part of a public street.
- 1.18 **Person** means a natural person, partnership, or corporation, as the context requires.
- 1.19 **Premises** means the Property and all Buildings or structures or any part thereof thereon used for the purposes of Short-Term Rental Accommodation;
- 1.20 **Principal Place of Residence** means
- a. The residential unit that is owned or rented by a natural person, alone or with others, where the natural Person ordinarily resides and makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related to identification, taxation and insurance purposes, driver's licenses, income tax returns, medical plan documentation, vehicle registration and voter registration; or similar information; and
 - b. where the natural person has no other property designated as such within the Township of Alnwick/Haldimand or any other jurisdiction;
- 1.21 **Property** means the lot for the purposes of the Zoning By-law upon which a Short-term Rental Accommodation is operated, exclusive of Building or structure or any part thereof.
- 1.22 **Renter** means the Person who rents the Premises by way of concession, permit, lease, license, rental agreement or similar commercial arrangement.
- 1.23 **Resident** means someone who has a Principal Place of Residence in Alnwick Haldimand Township.
- 1.24 **Short-term Rental Accommodation** has the same meaning as in the Zoning By-law, and means transient accommodation in the whole or part of a Dwelling Unit for a period of less than twenty-one (21) consecutive nights.
- 1.25 **Township** means the Corporation of the Township of Alnwick/Haldimand or the geographic Township of Alnwick/Haldimand as the context may dictate.

- 1.26 **Unlawful Dwelling Unit** means a Dwelling Unit that was constructed or altered in contravention of the *Building Code Act*, 1992, SO 1992, c23, or that does not meet the requirements of the Zoning By-law.
- 1.27 **Zoning By-law** means the Township of Alwick/Haldimand Comprehensive Zoning By-law 19/2019, as amended, or any successor Comprehensive Zoning By-law thereto, as may be further amended from time to time.

2.0 **ADMINISTRATION**

- 2.1 The License Issuer shall be the Clerk of the Township or their designate, and all necessary authority to discharge the duties, functions and responsibilities of the License Issuer under this by-law is hereby delegated to the License Issuer.
- 2.2 The License Issuer shall be responsible for the administration of this by-law.
- 2.3 Officers shall be responsible for the enforcement of this by-law and the performance of all necessary inspections under this by-law.
- 2.4 Upon receipt of an Application, the License Issuer 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 Officers have carried out the necessary inspections to satisfy the Township that the Premises is in compliance with the provisions of this by-law.
- 2.5 Issued Licenses, with the civic address of the associated Property, will be posted on the Township's website.

3.0 **PROHIBITIONS**

- 3.1 No Person shall apply for a License unless they are the Owner of the Property.
- 3.2 No Person shall operate any Short-Term Rental Accommodation within the Township unless they hold a current License issued pursuant to this by-law.
- 3.3 No Person shall advertise a Short-Term Rental Accommodation unless they hold a current License to use or operate that Short-Term Rental Accommodation issued pursuant to this by-law or are employed or directed by such a Licensee to do so.
- 3.4 No Person shall violate the provisions of the Guests' Code of Conduct.
- 3.5 No Licensee shall permit more than two (2) Guests per Guest Room at any Premises.
- 3.6 No Licensee shall permit camping with the addition of tents and trailers shall not be permitted on a Property to which their License relates.
- 3.7 Paragraphs 3.4 to 3.6 of this section shall not apply to a Premises to which a License relates when there are no Guests at the Premises.

- 3.8 Licensees shall ensure that the Premises to which their License relates complies with all applicable Municipal By-laws and provincial legislation.
- 3.9 Pursuant to the Township's Zoning By-law, no person shall market, provide or operate a Short-Term Rental in:
- a. An accessory Building;
 - b. A motor vehicle or trailer;
 - c. An unlawful Residential unit;
 - d. Community housing;
 - e. A Building or unit where Short-Term Rental Accommodations have been prohibited by this By-law.

3.10 **No Transfer of License**

A License may not be assigned or transferred to any Person other than the Licensee to whom the License was issued, and shall remain at all times the property of the Township.

A License shall not permit a Person to use, operate or advertise a Short-Term Rental Accommodation at any Premises other than the Premises described in the Application for the License.

4.0 **TERM OF LICENCE**

4.1 A License shall expire upon the earliest of the following events:

4.1.1 December 31st of the year issued; or

4.1.2 The Licensee ceases to be the Owner of, or Person for, the Premises described in the License;

4.1.3 The License is revoked in accordance with the provisions of this by-law.

4.2 Notwithstanding Subsection 4.1, the License Issuer shall be authorized to extend any active License(s) for up to one (1) calendar year in the event of a municipal, provincial, or federal declared emergency that, in the sole opinion of the License Issuer, affects one or more Licensees, including any License previously extended pursuant to this subsection.

4.3 No person shall provide or market a Short-Term Rental Accommodation without displaying in each advertisement or listing:

4.3.1 The license number of the license issued to the residential unit; and

4.3.2 The maximum overnight guest limit as established in the License.

4.4 No person shall fail to remove an advertisement for a Short-Term Rental Accommodation that is prohibited under this by-law within seventy-two (72) hours of becoming aware of the prohibition or receiving notice to do so by the By-law Enforcement Officer.

5.0 **INSURANCE AND INDEMNIFICATION**

5.1 Every licence holder is required to maintain the necessary insurance coverage, including, but not limited to the following:

5.1.1 Coverage for short-term rental activity that is appropriate for the nature of the property,

- 5.1.2 A limit of liability of not less than One Million Dollars (\$1,000,000.00) inclusive per occurrence for personal injury, bodily injury, death, and damage to property, and
- 5.1.3 A provision that the Township will be notified with no less than thirty (30) days written notice of cancellation.
- 5.2 The insurance provided in accordance with Section 5.1 shall be to the satisfaction of the Township.
- 5.3 Any Person holding a Licence under this by-law shall indemnify and save harmless the Township from any and all claims, demands, cause of action, loss, costs, or damages that the Township may suffer, incur or be liable for resulting from the performance of the person as set out in the by-law whether with or without negligence on the part of the person, the person's employees, directors and agents.

6.0 LICENSING REQUIREMENTS

6.1 APPLICATION REQUIREMENT

- 6.1.1 Every Application for a new License, or the renewal of an existing License, shall include:
- i) An Application form as provided in Schedule "B" attached and forming part of this by-law, completed and in the form required by the Township, which shall include each Owner, address, telephone number, and email address. Only the Owner of the municipal address can be the applicant;
 - ii) the municipal address;
 - iii) Proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
 - iv) Proof of insurance coverage that complies with Section 5.1;
 - v) A declaration signed by the applicant confirming awareness of and compliance with the requirements of this by-law; and,
 - vi) Payment in full of all applicable fees.
- 6.1.2 The name and contact of the Owner or responsible person assigned by the Owner who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Township by-law, including attendance at the Premises within sixty (60) minutes of being notified of the occurrence.
- 6.1.3 Payment of the applicable Licensing Fee as noted within the Fees & Charges By-law.
- 6.1.4 The Licensee shall be responsible for informing the Township in writing of any changes to the approved information contained within the Application or any deviation to the approved plans within (7) days of such change or deviation.
- 6.1.5 The Owner's consent to the collection of the information required by the Township.
- 6.1.6 Any other information reasonably required by the License Issuer.

6.2 CHANGE OF INFORMATION

6.2.1 The Applicant or Licensee (after a License is issued) shall be responsible for informing the Township in writing of any changes to the information contained within the Application or any deviation to the plans submitted as part of an Application within (7) days of such change or deviation.

6.3 INSPECTION

6.3.1 An Applicant shall consent to an inspection of the Premises described in an Application. It is the responsibility of any Applicant to contact the Township for an inspection.

6.3.2 The inspection referred to in Subsection 6.3.1 shall be conducted by an Officer at a reasonable time, and shall ensure the Premises described in the Application comply with the following, wherever applicable:

- i) Provisions of this by-law;
- ii) Ontario Building Code Act, 1992, S.O. 1992 c23 ("Building Code Act") and the Ontario Building Code, O.Reg 332/12;
- iii) Ontario Fire Protection and Prevention Act, 1997, S.O. 1997 c.4 ("Fire Protection and Prevention Act");
- iv) The Township's Property Standards By-law No. 10-2015;
- v) The Zoning By-law;
- vi) Any other municipal by-laws or provincial legislation that may affect the status of the Application.

6.3.3 During the inspection process, all relevant departments of the Township may provide comment to the License Issuer on any known matters that would assist with determination of License eligibility.

6.3.4 An Officer may enter onto Property at any reasonable time to inspect a Premises or place described in a License to determine compliance with this By-law. Where an Officer is unable to perform or complete an inspection for any reason, the License Issuer may, without limiting any other authority under this By-law, temporarily suspend any License until the Officer is satisfied an inspection has been completed or is no longer required.

6.3.5 Fire and Occupant Safety:

All Short-term Rental Accommodations shall have operating smoke alarms. In Short-term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Owner or host shall ensure that the Building is equipped with a **carbon monoxide alarm** installed outside of the sleeping areas. Further, the Owner or host shall regularly test the alarms to ensure that they are operational. If a guest discovers that any of the alarms are not operational the guest shall immediately notify the property Owner of the deficiency.

7.0 ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL

7.1 The License Issuer shall have the authority to issue, refuse to issue or renew a License, to revoke or suspend a License, or to impose terms and conditions on a License.

- 7.2 The License Issuer may refuse to issue or renew a License where:
- 7.2.1 There are reasonable grounds for belief that the issuance or renewal of the License will be averse to the public interest;
 - 7.2.2 A License issued to the Applicant has been previously revoked, suspended, or made subject to terms and conditions;
 - 7.2.3 The Applicant has presented a history of contravention with this by-law or other Township by-law;
 - 7.2.4 The Guests' Code of Conduct (Schedule "A") has been violated at a Premises described in a License that is or was held by the Applicant;
 - 7.2.5 The proposed use of the Premises is not permitted by the Zoning By-law;
 - 7.2.6 The Owner of the Property 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;
 - 7.2.7 The Property or Premises to be used for carrying on the Short-Term Rental Accommodation does not conform with applicable federal and provincial law, regulations and/or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, 1992, the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 and the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A;
 - 7.2.8 The inspection referred to in Subsection 6.3.1 cannot be conducted;
 - 7.2.9 Information supplied by the applicant is, in the opinion of the License Issuer, incorrect or false; or,
 - 7.2.10 Any other reasonable grounds as determined by the License Issuer;
- 7.3 Where the License Issuer issues or renews a License, it shall be issued only to the Applicant and shall describe the Premises to which it relates.

8.0 TERMS AND CONDITIONS OF LICENCE

- 8.1 All Licenses shall be subject to the following terms and conditions, whether expressly set out in the License or not:
- 8.1.1 The Premises to which a License relates shall:
 - i) Provide minimum of one three (3) metre by six (6) metre parking space per Guest Room;
 - ii) Comply with all other parking provisions as set forth in the Zoning By-law.
 - 8.1.2 Every Licensee under this by-law shall comply with all applicable Municipal By-laws and provincial legislation, including, but not limited to, the *Ontario Building Code* and the *Ontario Fire Protection and Prevention Act*.
 - 8.1.3 No person shall park any motor vehicle at the Premises to which a License relates other than in a Parking Area which consists of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface).
 - 8.1.4 The Licensee shall ensure the following shall be made available to Guests:
 - i) A copy of the current License, which shall be retained on the Premises described in the License and shall also be available for inspection by Officers and/or Township staff;
 - ii) A copy of the current Noise By-law;
 - iii) A copy of the current By-law to Regulate the Setting off of Fireworks;

- iv) A copy of the current Open Air Fires By-law;
 - v) A copy of the current Parking provisions for Short-Term Accommodation Dwellings as described in the Zoning By-law;
 - vi) A copy of the Guests' Code of Conduct, which shall be posted prominently at the Premises to which the License relates and shall be specifically noted to all Guests and visitors of Guests upon their arrival on the Premises.
- 8.1.5 A Class ABC fire extinguisher shall be provided in any cooking area on the Premises described in the License, and a class BC or better shall be provided on each floor of any Building or structure on the Premises.
- 8.1.6 Smoke alarms must be installed at the Premises described in the License according to the Ontario Fire Code, Section 2.13.
- 8.1.7 Carbon Monoxide alarms must be installed at the Premises described in the License according to the Ontario Fire Code, Section 2.16"
- 8.2 A License may be issued or renewed subject to any other terms and conditions that the License Issuer considers reasonable and appropriate provided they are set out clearly in the License.
- 8.3 A complete guidebook will be provided to all renters that will identify the following
- i) Parking Area
 - ii) Occupancy maximum number
 - iii) Visitor maximum number
 - iv) Septic System do's and don'ts
 - v) Fireworks Bylaw
 - vi) Burning Bylaw
 - vii) Noise Bylaw
 - viii) A Letter of understanding about being a good neighbour
 - ix) Identification of smoke/co alarm system
 - x) How to use the 911 emergency system
 - xi) Where applicable, a copy of the septic permit for the on-site private septic services and if a copy of the septic permit is not available a septic inspection report prepared by a qualified septic installer confirming the septic system capacity.

9.0 **SUSPENSION OR REVOCATION OF LICENCE**

- 9.1 Without limiting any other authority in this by-law, the License Issuer may:
- 9.1.1 Revoke a License where within a consecutive twelve (12) month period:
- (i) 3 or more separate orders under Section 13 of this By-law or penalty notices under Section 16 of this by-law have been issued, or;
 - (ii) 3 or more public complaints which are not in the opinion of the License Issuer frivolous or vexatious in nature have been received by the Township;
- with respect to the Licensee, and/or a Property or Premises described in the License or Application;
- 9.1.2 Revoke or suspend a License if the terms and condition of the License have not been complied with;
- 9.1.3 Revoke or suspend a License if, in the opinion of the License Issuer, it poses a danger to the health of safety of any Person;

9.1.4 Revoke or suspend a License where, in the opinion of the License Issuer, there has been a material change to the Property, Premises, or the floor plan or site plan submitted with the Application for the License which would have resulted in the refusal to issue that License; or,

9.1.5 Revoke a License if it is determined by the License Issuer that the License was issued in error or issued or renewed based on incorrect or false information.

9.2 Where a License is revoked pursuant to this section, and with zero tolerance enforcement, the Owner of the STR will be required to re-apply for the STR license, pursuant to Section 7.1.

10.0 **APPEAL**

10.1 Where the License Issuer has denied an Applicant a License, a renewal of a License, or revoked a License, the License Issuer shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to Council.

10.2 An Applicant or Licensee may appeal to the Council in relation to the matter of notice in Subsection 10.1 or any terms and conditions imposed on a License pursuant to Subsection 8.2. Appeals will not be permitted for any matters that have already been heard by Council. A request for an appeal shall be made in writing to the License Issuer, setting forth the reasons for the appeal, within 14 days after service of the written notice and payment of the required appeal fee as set out in the Township's Fees & Charges By-law.

10.3 Where no request for an appeal is received in accordance with Subsection 10.2, the decision of the License Issuer shall be final and binding as of the date it was issued.

10.4 Where a request for appeal is received in accordance with Subsection 10.2, the decision of the Council for the Township shall consider the matter and shall give the Applicant or Licensee who made the appeal a reasonable opportunity to be heard.

10.5 After considering the matter the Council shall make a decision, and may exercise any power or authority of the License Issuer under this by-law, including the power to issue, refuse, or revoke a License or add or remove terms and conditions of a License, and may confirm the decision of the License Issuer or substitute its own decision for the decision of the License Issuer.

10.6 When making its decision the Council may consider any matter pertaining to this by-law, or other matter that relates to the general welfare, health or safety of the public and shall consider any submissions from the Applicant or Licensee who made the appeal.

10.7 Council's decision in an appeal under this section shall be confirmed by a vote majority of the members present in accordance with the procedures adopted by Council. No vote on a decision shall be taken without a quorum of Council present and no member of Council who has declared a pecuniary interest with respect to an appeal under this section shall cast a vote or participate in the consideration of that appeal.

10.8 Council's decision is final and binding and shall not be subject to review.

10.9 Where Council conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 ("Statutory Powers Procedure Act") shall apply.

11.0 **ENTRY AND INSPECTION**

11.1 An Officer may, at a reasonable time, enter onto a Property or Premises to determine whether this by-law is being complied with.

11.2 Every Person shall permit an Officer to inspect any land for the purposes of determining compliance with this by-law.

11.3 An Officer may enter upon any Premises described in a License at any reasonable time to direct or require that a matter or thing be done, and in default of the matter or thing being done, to do such matter or thing in accordance with this by-law.

11.4 A Person exercising a power of entry on behalf of the Township under this by-law may be accompanied by any Person under their direction including but not limited to law enforcement officers.

11.5 Where an inspection is conducted, the Officer conducting the inspection may:

11.5.1 Require the production for inspection of documents or things relevant to the inspection;

11.5.2 Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

11.5.3 Require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; and

11.5.4 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.

11.6 Without limiting the forgoing, the Township may enter on Premises to undertake an inspection pursuant to Section 436 of the *Municipal Act, 2001* or an order issued under Section 438 of the *Municipal Act, 2001*.

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

12.0 **OBSTRUCTION**

12.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this by-law.

12.2 Every Person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the By-law Enforcement Officer, the Chief Fire Official or their designates upon request, failure to do so shall be deemed to have hindered or obstructed the By-law Enforcement Officer or Chief Fire Official under Section 12.1 of this by-law.

13.0 ORDER

- 13.1 Service of any order under this section shall be carried out by personal service or registered mail addressed to the Licensee and/or Responsible Person at the address shown as the Licensee's address on the Application.
- 13.2 Upon determination that a contravention of the provisions of this by-law has occurred, an Officer may issue a notice of contravention and/or order.
- 13.3 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 and/or Responsible Person setting out the reasonable particulars of the contravention and directing:
- 13.3.1 Compliance within a specified period of time;
 - 13.3.2 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 Township may recover the expense in the same manner as municipal taxes; or
 - 13.3.3 That any activity in contravention of this by-law be discontinued.
- 13.4 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.
- 13.5 Every Person shall comply with an order issued by an Officer.

14.0 SERVICE OF DOCUMENTS

- 14.1 The Municipality may serve any document or notice required or permitted to be served under this by-law, including but not limited to a notice under Section 14 of this by-law or a penalty notice under Section 15.2 of this by-law, or an order pertaining to a Licensee or Premises described in a License under Section 431 of the *Municipal Act*, personally to the person named on the notice or other document or by registered or regular mail addressed to the person to whom the notice or document is being given at the person's last known address.
- 14.2 Service by registered or regular mail under Subsection 14.1 shall be deemed to have been made on the fifth day after the day of mailing.
- 14.3 A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file, an Application, or License.

15.0 ADMINISTRATIVE PENALTIES

- 15.1 Every person who fails to comply with any of the provisions of this By-law, including those contained in any of the Schedules may be subject to an Administrative Penalty.
- 15.2 An Officer who finds that a person has failed to comply with any provision of this By-law may issue a penalty notice addressed to that person.

- 15.3 Any Person shall, upon issuance of a penalty notice pursuant to Subsection 15.2, be liable to pay to the Township an administrative penalty in the amount as noted within the Fees and Charges By-law.
- 15.4 The penalty notice shall be given to the Person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
15.4.1 Particulars of the contravention, including to which property it applies;
15.4.2 The amount of the administrative penalty;
15.4.3 A statement advising that an administrative penalty will constitute a debt to the Township.
- 15.5 A Person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.
- 15.6 An administrative penalty imposed on a Person constitutes a debt of the Person to the Township and if not paid within fifteen (15) days from the date it becomes due and payable, the Treasurer may add the administrative penalty to the tax roll for any property in the municipality for which all Owners are responsible for paying the administrative penalty and collect it in the manner of municipal taxes.
- 15.7 A Person who is required to pay an administrative penalty in respect of a contravention shall not be charged with an offence in relation to the same contravention.

16.0 **FINES**

- 16.1 Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- 16.2 Each day a contravention occurs may constitute a new offence or a continuing offence.
- 16.3 Pursuant to the authority in Section 429 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, every Person, who contravenes any provision of this by-law, is guilty of an offence and on conviction pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, is liable to a fine not exceeding \$25,000 for a first offence and \$100,000 for any subsequent offence.
- 16.4 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.

17.0 **COLLECTION OF UNPAID FINES**

- 17.1 Pursuant to Section 441 of the *Municipal Act*, if any part of a fine for a contravention of the 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 License Issuer 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 for the purposes of Sections 359 and 351 of the *Municipal Act, 2001* and may be recovered along with any costs of recovery (as outlined in the Fees & Charges By-law) in accordance with those sections.

18.0 SEVERABILITY

18.1 If a Court of competent jurisdiction should declare any section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

19.0 SCHEDULES

19.1 Schedules "A", and "B" as attached each form part of this by-law.

20.0 TOWNSHIP NOT LIABLE

20.1 The Township assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any Person or Premises that is subject of this by-law.

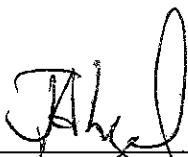
21.0 AUTHORIZATION

21.1 That the Township Clerk be authorized and directed to take the necessary actions to give effect to this by-law.


22.0 MISCELLANEOUS

22.1 **That this by-law shall take effect on April 1, 2024.**

That **By-law No. 115-2023** be read and deemed to be PASSED this 28th day of November, 2023.



Mayor, John Logel



Clerk, Nancy MacDonald

Schedule "A"

Short-term Rental Accommodation

Guests' Code of Conduct

1. Purpose of the Code

The purpose of the Guests' Code of Conduct is to acknowledge that Short-term Rental Accommodation premises are permitted in residential neighbourhoods and that the permanent residents of these neighbourhoods have the right to enjoy their own properties without nuisance. It also outlines specific requirements for Short-term Rental Accommodations and imposes responsibilities for both hosts and guests of such properties and that hosts bear the primary responsibility of conveying this information to guests of their property.

2. Objectives of this Code

The Objective of this Code is to establish acceptable standards of behaviour for hosts and guests to minimize any adverse impacts on their neighbours and the neighbourhood.

3. Residential Area

The guest acknowledges for themselves and on behalf of others that they will be occupying a Short-term Rental Accommodation that is located in a residential area.

4. Guiding Principles

The guiding principles for Short-Term Rental Accommodation renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbours; and
- Leave it as you find it.

5. Maximum Number of Renters and Guests:

No person shall cause, permit, or contribute to overcrowding in a short-term rental.

6. Noise and Residential Amenity

No person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb area residents. Examples of noise that is likely to disturb residents at any time include:

- Loud music;
- Outdoor or background gatherings or activities involving excessive noise or disruptive behaviour;
- Late evening/early morning disturbances; and,
- Yelling, shouting, singing or conversing loudly.
- Fighting

guests and the visitors of guests are not allowed to disturb neighbours or interfere with their enjoyment of their premises, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Township Noise By-law may result in legal action being taken.

7. Access and Parking:

All Short-term Rental Accommodation premises have vehicle parking requirements as part of the licensing process. Please refer to the identified Parking Areas.

8. Recycling and Garbage:

Please familiarize yourself and your guests with the provisions that have been made for waste management and the day of the week in which waste collection is scheduled. It should be noted that the "putting out" of waste on a non-scheduled day is regulated by the Northumberland County Waste Management By-law. Waste collection information is available on the Northumberland County website.

9. Dwellings on Lots on Private Sewage Disposal Systems:

Note: Maximum occupancy of Short-term Rental Accommodation is based on a maximum of two persons per Guest Room. Exceeding the maximum occupancy may result in the malfunctioning of the septic system and pollution of the ground water system.

10. Additional Responsibilities of the Owner or Host

All Owners, hosts and guests of Short-term Rental Accommodations are responsible for compliance with all other Township of Alnwick/Haldimand by-laws (including, but not limited to the following: Noise By-law, Waste By-law, Open Air Burning By-law, Fireworks By-law, etc.)

I, _____, having read the above, and the terms of the Short-term Rental Accommodations By-law and License, undertake to provide those persons renting my short-term rental accommodation with a copy of the Guests' Code of Conduct and 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 License

Date

Schedule "B"

**Short-term Rental Accommodation
License Application**



Short-Term Rental Accommodation (STRA) Application for License

License No. _____

A. Property Information (Property to be Licensed)	
Street Address	Unit Number
Assessment Roll Number	Postal Code
Number of Guest Rooms	Maximum Number of Occupants
Number of Parking Spaces	Year Established
B. Owner Information (Applicant)	
Last Name	First Name
Corporation or Partnership	
Street Address	Unit Number
City	Province
Postal Code	
Contact Number	E-Mail
C. Agent/Responsible Person Information	
Last Name/Company Name	First Name
Street Address	Unit Number
City	Province
Postal Code	
Contact Number	E-Mail
D. Purpose of Application	
<input type="checkbox"/> Facility Established before May 19, 2022	
<input type="checkbox"/> New STRA	
<input type="checkbox"/> License Renewal	
<input type="checkbox"/> Owner Unoccupied Residence (non-resident)	
<input type="checkbox"/> Owner Unoccupied Residence (resident)	
<input type="checkbox"/> Owner Occupied Residence	
Notes:	
<ul style="list-style-type: none"> STRA's whose owners live more than a one-hour travel distance away <u>must appoint an agent</u> or responsible person who is readily available to respond within 30 minutes and attend the premises within 60 minutes of initial contact. When forwarding supporting documentation digitally, documents must be sent as attachments. Zip files/Drop boxes/Google Drive documents will not be accepted. All STRA's must conform to the applicable zoning regulations of the property. An inspection of the premises shall be carried out by Township officers to ensure that the premises are in compliance with the provisions of the Short-term Rental Accommodation Licensing By-law No. 115-2023. It is the responsibility of the Applicant to contact the Township for an inspection. Please contact Rob Gourd, Deputy Fire Chief/By-law Enforcement Officer at 905-352-1142. Where applicable, a copy of the septic permit or septic inspection report may be required to confirm the septic system capacity. The Applicant shall inform the Township in writing of any changes to the information contained in this application within (7) days of the change. A copy of the Guests Code of Conduct shall be signed by the Applicant, posted at the premises, specifically provided to all guests and visitors of guests upon their arrival and a signed copy forwarded to the Township of Alnwick/Haldimand. 	

E. Declaration of Applicant

I, _____ give consent to the collection of the information required by the Township and certify
(Print Name)

that the information contained in this application and attached is true to the best of my knowledge. If the owner is a Corporation or Partnership, I have the authority to bind the Corporation or Partnership. The applicant acknowledges that the Corporation of the Township of Alnwick/Haldimand Officials may enter the property for the purpose of administering this application.

Signature _____ Date _____

Disclaimer: Personal information contained in this application and attachments is collected under the authority of the Municipal Freedom of Information and Privacy Protection Act and will be used for Short-term Rental Accommodation information collection as well as administration and enforcement by the Short-term Rental Accommodation Licensing By-law. Questions about the collection of personal information may be addressed to the Township of Alnwick/Haldimand's Clerk's office.

FOR OFFICE USE ONLY

F. Clerk – Issuance of Licence

This Short-term Rental Accommodation License is issued in accordance with Municipal By-law No. 115-2023. Confirmation is hereby given that this establishment conforms with the application requirements of the said municipal by-law and that all prescribed license fees for this Fiscal Year have been paid.

Signature _____ Date _____

G. Declaration of Building Inspector (If applicable)

I, _____ certify that on _____ the property known as:
(Print Name – Inspected By) Date

_____ was inspected and that the Township of
Civic Address

Alnwick/Haldimand is satisfied that the property complies with the provisions of the Short-term Rental Accommodation Licensing By-law No. 115-2023.

Signature _____ Date _____

H. Declaration of Fire Inspector and By-law Enforcement

I, _____ and/or _____ certify that on
(Print Name – By-law Inspector) (Print Name – Fire Inspector)

_____ the property known as:
Date

_____ was inspected and that the Township of
Civic Address

Alnwick/Haldimand is satisfied that the property complies with the provisions of the Short-term Rental Accommodation Licensing By-law No. 115-2023.

Signature _____ Date _____

Comments: _____



Short-Term Rental Accommodation (STRA) License Application Checklist

Please follow the checklist below and submit supplemental documents with your application. It will ensure that you are submitting a complete application package. Applications are not deemed complete until all supporting documentation has been received.

ITEMS REQUIRED TO COMPLETE APPLICATION	YES	NO
Completed license application form and payment of application/renewal fee pursuant to the Fees and Charges By-law.		
Proof of property ownership, such as a land transfer deed or tax bill (Applicant must be Owner)		
Proof of septic tank capacity (septic permit or septic inspection report)		
Proof of insurance: <ul style="list-style-type: none"> • in an amount no less than \$1,000,000 inclusive per occurrence for personal injury, bodily injury, death, and damage to property; and • contains coverage for short-term rental activity appropriate for the nature of the property; and • can be cancelled by the applicant's insurer with 30 days notice. 		
Exterior photos of the rental home(s), taken square on if possible. One photo each to show the front, back and each side.		
If there is a full-time occupant different from owner, has contact information been provided? If there is an <u>agent acting on behalf of the owner</u> , please provide full contact details on the first page of the application under "Section C".		
If the facility was in existence prior to May 19, 2022 , documents confirming your STRA are required such as: <ul style="list-style-type: none"> • Official receipts of rental that show the address location of the short-term rental unit, date(s) when rental was in use and payment received for service. 		

Office Use

This application is hereby accepted and complete:

 Administrator

 Date