

The Corporation of the Township of Alnwick/Haldimand

By-law No. 89-2022

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 **Agent** means a Person duly appointed by an Owner, Applicant or the Township, as the context dictates, to act on their behalf.
- 1.2 **Ancillary** means a use, building or structure that is located on the same lot that may or may not be attached from the main building and is essential to a principal or main use, building or structure therewith.
- 1.3 **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.
- 1.4 **Applicant** means the Person applying for a Licence or renewal of a Licence under this by-law;
- 1.5 **Application** means an application for a Licence as set forth in Schedule "C" under this by-law;
- 1.6 **Building** means a structure occupying an area of greater than ten square metres 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.
- 1.7 **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.
- 1.8 **Dwelling Unit** means one or more habitable rooms, occupied or capable of being occupied as a single housekeeping unit only, in which sleeping, sanitary convenience, and kitchen facilities are provided, in which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside. 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.
- 1.9 **Fee** means a Fee as set forth in the Township of Alnwick/Haldimand Fee's and Charges By-law (User Fee By-law) No. 14-2022 which is not prorated and non-refundable.
- 1.10 **Guest** means a Person or Persons who 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.
- 1.11 **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.

- 1.12 **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.
- 1.13 **Licence** means the Licence issued under this by-law as proof of licensing under this by-law.
- 1.14 **Licensed** means to have in one's possession a valid and current licence issued under this by-law and unlicensed has the contrary meaning.
- 1.15 **Licensee** means a Person who holds a Licence or is required to hold a Licence under this by-law.
- 1.16 **Licence Issuer** means the Person set out in Section 2.1 of this By-law.
- 1.17 **Officer** means a Police Officer, Fire Inspector, Building Inspector, Zoning Examiner, Plans Examiner, or Municipal Law Enforcement Officer, and includes a By-law Officer as defined herein;
- 1.18 **Owner** means the Person holding title to the Property on which the Short-term Rental Accommodation is located, and **Ownership** has a corresponding meaning;
- 1.19 **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.
- 1.20 **Premises** means the Property and all buildings or structures or any part thereof thereon used for the purposes of Short-Term Rental Accommodation;
- 1.21 **Principal 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;
- 1.22 **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.
- 1.23 **Renter** means the Person responsible for the rental of the Premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement.

- 1.24 **Responsible Person** means the Owner (must be 18 years of age) or their Agent assigned by the Owner of Licensee of the Short-Term Rental Accommodation Dwelling Unit to ensure the Short-Term Rental Accommodation Dwelling Unit is operated in accordance with the provisions of this by-law, the Licence and applicable laws.
- 1.25 **Short-term Rental Accommodation** has the same meaning as in the Zoning By-law.
- 1.26 **Short-term Rental Platform** means any person who, for compensation, markets or brokers the booking, reservation, rental or listing of a short-term rental on behalf of a host by means of a website or digital application.
- 1.27 **Township** means the Corporation of the Township of Alnwick/Haldimand or the geographic Township of Alnwick/Haldimand as the context may dictate.
- 1.28 **Unlawful Residential Unit** means a residential 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.
- 1.29 **Zoning By-law** means the Township of Alnwick/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 Licence Issuer shall be the Clerk of the Township or their designate, and all necessary authority to discharge the duties, functions and responsibilities of the Licence Issuer under this by-law is hereby delegated to the Licence Issuer.
- 2.2 The Licence 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 Licence 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 Licences, with the civic address of the associated Property will be posted on the Township's website.

3.0 PROHIBITIONS

- 3.1 No Person shall use or operate any Short-Term Rental Accommodation within the Township unless they hold a current Licence issued pursuant to this by-law.

- 3.2 No Person shall advertise a Short-Term Rental Accommodation unless they hold a current Licence 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.
- 3.3 No Person shall violate the provisions of the Guests' Code of Conduct.
- 3.4 No Licensee shall permit more than two (2) Guests per Guest Room at any Premises.
- 3.5 No Licensee shall rent any Guest Room for a period of thirty (30) days or less other than a Guest Room that was identified and approved as such on the floor plans submitted with the Application for a Licence.
- 3.6 No Licensee shall permit camping with the addition of tents and trailers shall not be permitted on a Property to which their Licence relates.
- 3.7 Paragraphs 3.4 to 3.6 of this section shall not apply to a Premises to which a Licence relates when there are no Guests at the Premises.
- 3.8 Licensees shall ensure that the Premises to which their Licence 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 residential unit that is not a principal residence; or
 - f. A building or unit where Short-Term Rental Accommodations have been prohibited by this By-law.

4.0 **TERM OF LICENCE**

- 4.1 A Licence shall only be permitted in the Owner's principal residence. No owner shall rent or advertise a property for short-term rental unless it is the owner's principal residence at that time.
- 4.2 A Licence shall expire upon the earliest of the following events:
 - a. December 31st of the year issued; or
 - b. The Licensee ceases to be the Owner of, or Responsible Person for, the Premises described in the Licence;
 - c. The Licence is revoked in accordance with the provisions of this by-law.
- 4.3 Notwithstanding Subsection 4.2, the Licence Issuer shall be authorized to extend any active Licence(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 Licence Issuer, affects one or more Licensees, including any Licence previously extended pursuant to this subsection.
- 4.4 No person shall provide or market a Short-Term Rental Accommodation without displaying in each advertisement or listing:

- a. The licence number of the licence issued to the residential unit; and
 - b. The maximum overnight guest limit as established in the Licence.
- 4.5 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:
- a. Coverage for short-term rental activity that is appropriate for the nature of the property,
 - b. 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
 - c. 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.

6.0 NO TRANSFER OF LICENCE

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

7.0 LICENSING REQUIREMENTS

7.1 APPLICATION REQUIREMENT

- a. Every Application for a new Licence, or the renewal of an existing Licence, shall include:
 - i) An Application form as provided in Schedule "C" attached and forming part of this by-law, completed and in the form required by the Township, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
 - ii) A description of the Premises where the Applicant intends to operate the Short-Term Rental Accommodation, including the municipal address.
 - iii) Proof of Ownership of the Premises described in the Application and a statement of whether the Applicant is the Owner of the Premises or authorized by the Owner of the Premises;
 - iv) Proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;

- b. A site plan and floor plan, drawn to scale and fully dimensioned, of the Premises described in the Application, including:
 - i) A minimum of one (1) three by six (3x6) metre parking space per Guest Room;
 - ii) the location of all buildings and structures on the Premises;
 - iii) the use of each room in any buildings or structures which will be made available to Guests or the visitors of Guests;
 - iv) location of smoke detection and early warning devices;
 - v) location of fire extinguishers;
 - vi) all entrances/exits to and from any building on the Premises;
 - vii) exterior decks that are appurtenant to the Premises; and related site amenities including dimensioned parking spaces, and other buildings or structures on the Premises;
 - viii) 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.
- c. The name and contact information of the Owner or Responsible Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Township by-law, including attendance at the Premises within sixty (60) minutes of being notified of the occurrence.
- d. Payment of the applicable Licensing Fee as noted within the Fees and Charges By-law No. 14-2022.
- e. 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. Nothing herein allows a Licensee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a Licence unless the Township has approved same.
- f. The Owner's consent to the collection of the information required by the Township.
- g. Any other information reasonably required by the Licence Issuer.

7.2 CHANGE OF INFORMATION

- a. The Applicant or Licensee (after a Licence 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. Nothing herein allows a Licensee to rent Guest Rooms other than those identified and approved on the floor plans submitted with the Application unless the Township has approved same.

7.3 INSPECTION

- a. 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.
- b. The inspection referred to in Subsection 7.3 (a) 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.
- c. During the inspection process, all relevant departments of the Township may provide comment to the Licence Issuer on any known matters that would assist with determination of Licence eligibility.
 - d. An Officer may enter onto Property at any reasonable time to inspect a Premises or place described in a Licence to determine compliance with this By-law. Where an Officer is unable to perform or complete an inspection for any reason, the Licence Issuer may, without limiting any other authority under this By-law, temporarily suspend any Licence until the Officer is satisfied an inspection has been completed or is no longer required.

8.0 ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL

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

8.2 The Licence Issuer may refuse to issue or renew a Licence where:

- a. There are reasonable grounds for belief that the issuance or renewal of the Licence will be averse to the public interest;
- b. A Licence issued to the Applicant has been previously revoked, suspended, or made subject to terms and conditions;
- c. The Applicant has presented a history of contravention with this by-law or other Township by-law;
- d. The Guests' Code of Conduct (Schedule "A") has been violated at a Premises described in a Licence that is or was held by the Applicant;
- e. The proposed use of the Premises is not permitted by the Zoning By-law;
- f. 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;
- g. 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;
- h. The inspection referred to in Subsection 7.3 (a) cannot be conducted;
- i. Information supplied by the applicant is, in the opinion of the Licence Issuer, incorrect or false; or,
- j. Any other reasonable grounds as determined by the Licence Issuer;

- 8.3 Where the Licence Issuer issues or renews a Licence, it shall be issued only to the Applicant and shall describe the Premises to which it relates.

9.0 TERMS AND CONDITIONS OF LICENCE

- 9.1 All Licences shall be subject to the following terms and conditions, whether expressly set out in the Licence or not:
- a. The Premises to which a Licence 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.
 - b. No person shall park any motor vehicle at the Premises to which a Licence relates other than in a parking area which consists of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface).
 - c. The Licensee shall ensure the following shall be made available to Guests:
 - i) A copy of the current Licence, which shall be retained on the Premises described in the Licence 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 approved floor plans identifying the Guest Rooms and also showing all exits and fire escape routes; and,
 - vii) A copy of the Guests' Code of Conduct, which shall be posted prominently at the Premises to which the Licence relates and shall be specifically noted to all Guests and visitors of Guests upon their arrival on the Premises.
 - d. A Class ABC fire extinguisher shall be provided in any cooking area on the Premises described in the Licence, and a class BC or better shall be provided on each floor of any building or structure on the Premises.
 - e. Smoke alarms must be installed at the Premises described in the Licence according to the Ontario Fire Code, Section 2.13.
 - f. Carbon Monoxide alarms must be installed at the Premises described in the Licence according to the Ontario Fire Code, Section 2.16"
- 9.2 A Licence may be issued or renewed subject to any other terms and conditions that the Licence Issuer considers reasonable and appropriate provided they are set out clearly in the Licence.

10.0 SUSPENSION OR REVOCATION OF LICENCE

- 10.1 Without limiting any other authority in this by-law, the Licence Issuer may:
- a. Revoke a Licence where, within a consecutive twelve (12) month period:
 - (i) 3 or more separate orders under Section 14 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 Licence 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 Licence or Application;

- b. Revoke or suspend a Licence if the terms and condition of the Licence have not been complied with;
- c. Revoke or suspend a Licence if, in the opinion of the Licence Issuer, it poses a danger to the health of safety of any Person;
- d. Revoke or suspend a Licence where, in the opinion of the Licence Issuer, there has been a material change to the Property, Premises, or the floor plan or site plan submitted with the Application for the Licence which would have resulted in the refusal to issue that Licence; or,
- e. Revoke a Licence if it is determined by the Licence Issuer that the Licence was issued in error or issued or renewed based on incorrect or false information.

10.2 Where a Licence is suspended pursuant to this section, the length of the suspension shall not exceed fourteen (14) days and may be subject to such other terms and conditions as the Licence Issuer considers reasonable and appropriate, and further or consecutive suspensions in accordance with this section are permitted.

11.0 APPEAL

11.1 Where the Licence Issuer has denied an Applicant a Licence, a renewal of a Licence, or has suspended or revoked a Licence, the Licence 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.

11.2 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 Licence 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 Licence Issuer, setting forth the reasons for the appeal, within 14 business days after service of the written notice and payment of the required appeal fee as set out in the Township's Fees and Charges By-law No. 14-2022.

11.3 Where no request for an appeal is received in accordance with Subsection 11.2, the decision of the Licence Issuer shall be final and binding as of the date it was issued.

11.4 Where a request for appeal is received in accordance with Subsection 11.2, 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.

11.5 After considering the matter the Council shall make a decision, and may exercise any power or authority of the Licence Issuer under this by-law, including the power to issue, refuse, suspend, or revoke a Licence or add or

remove terms and conditions of a Licence, and may confirm the decision of the Licence Issuer or substitute its own decision for the decision of the Licence Issuer.

- 11.6 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.
- 11.7 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.
- 11.8 Council's decision is final and binding and shall not be subject to review.
- 11.9 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.

12.0 **ENTRY AND INSPECTION**

- 12.1 An Officer may at any time, enter onto a Property or Premises to determine whether this by-law is being complied with.
- 12.2 Every Person shall permit an Officer to inspect any land for the purposes of determining compliance with this by-law.
- 12.3 An Officer may enter upon any Premises described in a Licence 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.
- 12.4 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.
- 12.5 Where an inspection is conducted, the Officer conducting the inspection may:
 - a. Require the production for inspection of documents or things relevant to the inspection;
 - b. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. Require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - d. Alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples, or photographs necessary for the purposes of the inspection.
- 12.6 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*.

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

13.0 OBSTRUCTION

- 13.1 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.
- 13.2 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 13.1 of this by-law.

14.0 ORDER

- 14.1 Every person who contravenes any provision of this by-law is guilty of an offence and all contraventions of this By-law are designated as continuing offences pursuant to subsection 429(2)(a) of the *Municipal Act, 2001*.
- 14.2 Notwithstanding Subsection 14.1 of this By-law, 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.
- 14.3 Upon determination that a contravention of the provisions of this by-law has occurred, an Officer may issue the required notice and/or order.
- 14.4 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:
- a. Compliance within a specified period of time;
 - b. 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
 - c. That any activity in contravention of this by-law be discontinued.
- 14.5 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.
- 14.6 Any violations of those Acts or by-laws, or any other relevant legislation, set forth in this by-law shall be addressed pursuant to the respective remedies.
- 14.7 Every Person shall comply with an order issued by an Officer.

15.0 SERVICE OF DOCUMENTS

- 15.1 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 16 of this by-law,

or an order pertaining to a Licensee or Premises described in a Licence 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.

- 15.2 Service by registered or regular mail under Subsection 15.1 shall be deemed to have been made on the fifth day after the day of mailing.
- 15.3 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 Licence.

16.0 ADMINISTRATIVE PENALTIES

- 16.1 Every person who contravenes any of the provisions of this By-law, including those contained in any of the Schedules is guilty of an offence and may be subject to an Administrative Penalty or upon conviction liable to a fine in keeping with the provisions of the *Provincial Offences Act*.
- 16.2 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.
- 16.3 Any Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Subsection 16.2, be liable to pay to the Municipality an administrative penalty in the amount as noted within the Fees and Charges By-law No. 14-2022.
- 16.4 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:
 - a. Particulars of the contravention, including to which property it applies;
 - b. The amount of the administrative penalty;
 - c. A statement advising that an administrative penalty will constitute a debt to the Municipality.
- 16.5 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.
- 16.6 An administrative penalty imposed on a Person that is deemed to be confirmed 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.
- 16.7 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.

17.0 FINES

- 17.1 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act. R.S.O.

1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.

- 17.2 Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be required to establish set fines in accordance with Schedule "B" attached to this by-law.
- 17.3 Each day a contravention occurs may constitute a new offence or a continuing offence.
- 17.4 Every Person, other than a company who contravenes any provision of this by-law, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$100,000 for any subsequent offence.
- 17.5 Where a Person has been convicted for an offence under this by-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

18.0 COLLECTION OF UNPAID FINES

- 18.1 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 Licence 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 in accordance with those sections.

19.0 SEVERABILITY

- 19.1 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.

20.0 SCHEDULES

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

21.0 TOWNSHIP NOT LIABLE

- 21.1 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.

22.0 **AUTHORIZATION**

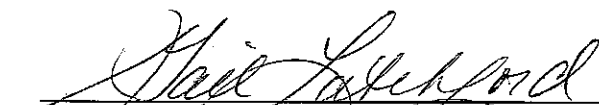
22.1 That the Township Clerk be authorized and directed to take the necessary actions to give effect to this by-law.

23.0 **MISCELLANEOUS**

23.1 That this by-law shall take effect upon its adoption.

23.2 That By-law No. 69-2022 be repealed in its entirety.

That **By-law No. 89-2022** be read and deemed to be PASSED this 7th day of July, 2022.



Mayor, Gail-Latchford



Acting Clerk, Pat Kemp

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:

The maximum number of guests including non-occupying visitors of guests and residents, permitted at a Short-term Rental Accommodation premises shall be limited as per Section 3.4 of the Short-term Rental Licensing By-law.

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 Premises site plan and familiarize yourself with location of parking spots.

8. Recycling and Garbage:

Please familiarize yourself and your guests with the Property Management Plan, including 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 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. 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.

11. 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 Licence, 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 Licence

Date

Schedule "B"

Part I Provincial Offences Act

Item	Short Form Wording	Provision of Creating or Defining Offence	Set Fine
1.	Operate any Short-term Rental without a licence	3.1	\$400
2.	Advertise an unlicensed short-term rental accommodation	3.2	\$400
3.	Violate the Guests' code of conduct	3.3	\$400
4.	Licensee rent any room other than an approved room	3.5	\$500
5.	Fail to permit an inspection of any land	8.2 & 8.3	\$500
6.	Hinder or obstruct any person from performing their duty	9.1	\$500
7.	Licensee fails to provide contact Information	9.2	\$350
8.	Fail to comply with an order	10.7	\$500

Part II Provincial Offences Act

Item	Short Form Wording	Provision of Creating or Defining Offence	Set Fine
1.	Fail to park a vehicle on a hard surfaced driveway	5.2.2	\$350

NOTE: The general penalty provision for the offences listed above is Section 17.0 of By-law No. 89-2022, a certified copy of which has been filed.

Schedule "C"

**Short-term Rental Accommodation
Licence Application**



Short-Term Rental Accommodation (STRA) Application for Licence

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	
Last Name First Name	Corporation or Partnership
Street Address	Unit Number
City	Province Postal Code
Contact Number E-Mail	
C. Agent/Applicant/Responsible Person Information	
Last Name/Company Name	First Name
Street Address	Unit Number
City	Province Postal Code
Contact Number E-Mail	<input type="checkbox"/> Agent <input type="checkbox"/> Applicant <input type="checkbox"/> Responsible Person
D. Purpose of Application	
<input type="checkbox"/> Facility Established before May 19, 2022 <input type="checkbox"/> New STRA	<input type="checkbox"/> Licence Renewal <input type="checkbox"/> Owner/Tenant Occupied STRA
Notes: <ul style="list-style-type: none"> • STRA's whose owners live more than a one-hour travel distance away must appoint an agent or responsible person who is readily available to respond within 30 minutes and attend the premises within 60 minutes of initial contact. • **Owner/Tenant occupied STRA's must submit the Affidavit with their application. • 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. 89-2022. It is the responsibility of the Applicant to contact the Township for an inspection. Please contact Daryl Hall, CBO at 905-349-2822, ext. 27. • Where applicable, a copy of the septic permit or septic inspection report may be required to confirm the septic system capacity. • The Applicant or Licensee 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, provided to the Township and posted at the premises and shall be specifically noted to all guests and visitors of guests upon their arrival. 	

E. Declaration of Applicant

Applicant is: Owner Agent

I, _____ certify that the information contained in this application and attached Information is true
Print Name

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

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.

****AFFIDAVIT**
for Owner Occupied STRA's**

Date: _____ Address: _____

- I certify that the property listed above is my principal residence and that I reside there while it is being used by guests as an STRA, or
- I certify that the property listed above is the principal residence of my tenant, and that they reside there while it is being used by guests as an STRA

Print Name: _____

Signature: _____ Date: _____

FOR OFFICE USE ONLY

F. a) Declaration of Building Inspector

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. 89-2022.

Signature _____ Date _____

F. b) Declaration of Fire Inspector

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. 89-2022.

Signature _____ Date _____

F. c) Declaration of By-law Enforcement Inspector

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. 89-2022.

Signature _____ Date _____



Short-Term Rental Accommodation (STRA)

Application for Licence

The Corporation of the Township of Alnwick/Haldimand
 Office: 10836 County Road 2, Grafton, ONKOK 2G0
 Mailing: P.O. Box 70, Grafton, ONKOK 2G0
 T: 905-349-2822 F: 905-349-3259
 www.ahtwp.ca

Short-Term Rental Accommodation (STRA) Licence Application Checklist

Please follow the checklist below and submit 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 licence application form and payment of \$750.00 application/renewal fee.		
Signed Affidavit (if owner/tenant occupied)		
Proof of property ownership, such as a land transfer deed or tax bill.		
Proof of septic tank capacity, where applicable (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.		
Is the STRA your permanent residence? Have you provided proof of ID showing address of residency (ex. driver's licence)? Or if there is a full-time occupant different from owner, has contact information been provided?		
Floor plan drawing(s) with accurate, drawn to scale and fully dimensioned showing: <ul style="list-style-type: none"> • each room in any buildings or structures which will be made available to guests or visitors of guests, including a description of its intended use; and • the location of smoke detection and early warning devices; and • the location of fire extinguishers; and • all entrances and exits to and from any building on the premises. 		
<u>One</u> (1) site plan drawing, drawn to scale, showing the property boundaries and: <ul style="list-style-type: none"> • a minimum of one (1) three by six (3x6) metre parking space per guest room; and • the location of all building(s) with the setback to each property boundary (front, back & each side); and, • the driveway access from the road to the parking area(s), and • the location & dimensions of outdoor amenity area(s) (pool/deck/patio/gazebo/etc.); and • the location of any fencing, significant landscaping or other buffering. 		
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"> • comments from rental website from guests who stayed, or • statement from a designated Chartered Accountant or Rental Agency that you have regularly received income from the STRA, or • Receipts from rentals. 		

