

Report

To: Mayor and Council
From: Renée Mask, CAO/Treasurer
Date: September 1, 2023
Subject: Short-Term Accommodations

Recommendation

That Council receive the Draft By-law to License, Regulate and Govern Short-Term Rental Accommodation (STA) for information purposes; and

That Council direct Staff to engage the community and residents with a Short-Term Accommodation Survey to be posted on the Township's Website to receive community feedback on STAs; and

That Council direct Staff to schedule a Public Meeting to receive comments from members of the public and those currently operating Short Term Accommodations on the proposed regulations and the Draft By-law; and

That Council directs Staff to report back to Council with a process and licensing system to regulate Short-Term Accommodations (STA) in the Township, to be brought to Council for consideration.

Background

The Township is viewed as a tourism attraction which has resulted in a rapid growth of short-term accommodations. There has been rapid growth in online marketplaces that connect people looking for short-term accommodation with people who want to rent or sublet their own accommodation for the same purpose, such as Trip Advisory, Airbnb, and Vacation Rental by Owner (VRBO).

Staff and Council, throughout the election and the public meetings/open house for the new Zoning By-law, have received complaints/concerns related to short-term rentals, including safety, parking, noise, and options for enforcement.

It is important to consider an approach to be undertaken to address STA's, consider mitigating potential conflicts between the community and renters, identifying economic impacts and opportunities of STRA's, including potential financial considerations and Staff resources, and expected outcome of the regulations

Discussion

Staff have recognized short-term rental platforms are active and growing in the Township of Greater Madawaska, and unlike hotels and bed and breakfasts, premises operating under these

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platforms are not licensed. There is a health and safety aspect (fire) in permitting these short-term rentals, in addition to zoning and/or parking issues in some residential areas. Proponents of short-term rentals have asked the Township to consider a permit so short-term rentals can occur lawfully and controlled.

There are some advantages and disadvantages to short-term accommodations. Some benefits include homeowners generating additional income to make their residence more affordable and increased supply of accommodations for tourists/visitors to explore the Township and support local businesses. Some disadvantages include displacement of traditional long-term housing availability, disturbance, and loss of community.

As there are no regulations governing STA's at the Provincial level, the Township may consider two pro-active approaches to regulate STAs.

1. Zoning By-law amendments to regulate STAs
2. Licensing or Registration of STAs

The Draft Zoning By-law includes a section to regulate STAs. Therefore, the second option would be to consider implementing a By-law to license STAs, a Draft By-law is attached herein for consideration. The Draft By-law to license STA's is supported by Municipalities across the province, increasing transparency and control to address concerns. The Draft By-law addresses the following:

- The Township will know the location of all legal STAs;
- The Township can require the Owner to follow all applicable health and safety standards; including those set out in the Ontario Building Code Act and Ontario Fire Code;
- If necessary, the Township may be able to suspend, revoke or to refuse to renew the License of an operator who has violated the Zoning By-law, who has consistently allowed the dwelling to be a source of a nuisance to others in the community; and
- The Township may introduce a Code of Conduct to establish accountability on behalf of the owners and renters to help minimize any adverse social or environmental impacts on their neighbours.

A licensing by-law will increase staffing requirements to administer and enforce. Host Compliance, a short-term rental monitoring, compliance, and enforcement company, completed a scan of current active short-term rentals in the Township. The scan in June 2023 identified 207 active short-term rental listings, which change daily as new listings are added or removed. The Township can mitigate some of the required resources through the use of a resource, such as Host Compliance, to assist with monitoring, compliance and enforcement. Licensing Fees must account for the cost of administering and enforcing the Licensing By-law.

Staff recommends proceeding with public consultation through community engagement surveys and a public meeting to gather valuable feedback and comments relating to Short-Term Accommodations and the Draft By-law. Staff intends to report back to Council in early 2024 with a process and licensing system to regulate Short-Term Accommodations (STA), for Council consideration.

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Financial Implications

Review and undertaking of a licensing By-law increases staff time for administration and enforcement of the regulations. The costs incurred for administration and enforced may be recovered through licensing fees.

Respectfully Submitted,
Renée Mask, CAO/Treasurer

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A By-Law to License, Regulate and Govern Short-Term Rental Accommodation

Whereas the Council of the Township of Greater Madawaska may, pursuant to the Municipal Act, 2001, S.O. 2001, c.25. as amended, enact by-laws for the licensing, regulating and governing of businesses and occupations in the Township of Greater Madawaska;

And whereas pursuant to Municipal Act, Part II, Section 8(1), a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas pursuant to Municipal Act, Part II, Section 8(3), authorizes a municipality to:

- a. regulate or prohibit respecting the matter;
- b. require persons to do things respecting the matter;
- c. provide for a system of licenses respecting the matter;

And whereas pursuant to Municipal Act, Part II, Section 9, 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 Municipal Act, Part II, Section 11(2), paragraph 6 of the Municipal Act, authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons;

And whereas pursuant to Municipal Act, Part II, Section 11(3), paragraph 6 and section 11(3) of the Municipal Act, authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons;

And whereas pursuant to Municipal Act, Part II, Section 23.1 authorizes a municipality to delegate its powers and duties;

And whereas pursuant to Municipal Act, Part IV, Section 151, provides that a municipality may provide for a system of licenses with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a License;
- b) refuse to grant a License or to revoke or suspend a License;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a License;
- d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a License;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License; and

- f) License, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

And whereas Subsection 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

And whereas Subsection 429(1) of the Municipal Act, 2001, provides that a municipality may establish a system of fines for a by-law passed under the Act;

And whereas Subsection 436(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

And whereas Section 444 of the Municipal Act, 2001, provides that a municipality may make an order to require a Person to discontinue contravening a by-law and to do the work required to correct the contravention;

And whereas the Council of the Corporation of the Township of Greater Madawaska deems it desirable that such business licensing, regulation and governing takes place with regard to short-term rental accommodations as defined in this By-law.

NOW THEREFORE the Council of the Corporation of The Township of Greater Madawaska hereby ENACTS AS FOLLOWS:

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“Accessory Building or Structure” means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use of the main building on the same lot.

“Agent, Trustee” means any person who may represent the owner or the Short-Term Rental Accommodation business and includes but is not limited to an employee or operator of the business;

“Applicant” means the Owners of the Premises applying for a License or renewal of a License under this By-law.

“Bedroom” means a room offered for Short-Term Rental Accommodation intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario Building Code Act, and/or a room with one or more beds, murphy beds, pullout beds, sofa beds, day beds, futons or similar places for sleeping, but shall exclude a kitchen, bathroom, foyer, lobby, closet, laundry room, utility room, pantry and balcony.

“Boat” means any vessel, container on water, or floating accommodation, regardless of whether or not it is docked, affixed to land, or can be driven.

“Building” means a structure occupying an area 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.

“Township”, “Township of Greater Madawaska” or “Greater Madawaska” means The Corporation of the Township of Greater Madawaska and includes its entire geographic area;

“Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” means the municipal council for the Township;

“Dwelling Unit” means one or more rooms used, designed or intended for the domestic use of one or more individuals living as a single housekeeping unit, with living, sleeping and sanitary facilities, and kitchen facilities, having a private entrance from outside the building or from a common hallway or stairway inside or outside the building. For the purpose of this By-law, a Dwelling Unit does not include a tent, trailer, mobile home, vehicle, boat, room or suite of rooms in a boarding or rooming house, hotel, motel or motor home.

“Fire Chief” means the person within the Township’s administration who fulfills the function of the fire chief as required by the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended or their delegate; this definition will include Fire Prevention Officer as a delegate.

“Guest” means any person on the Premises who is not a Renter. Guests shall not be permitted to stay overnight.

“Hosted” means the short-term rental of a dwelling or premises with the licensee/host/owner/permanent resident residing at the property while it is being used as a Short-Term Rental Accommodation.

“License” means a License issued as proof to operate a Short-Term Rental Accommodation issued pursuant to this by-law.

“Licensee” means the owner of a Short-Term Rental Accommodation License.

“Licensee Acknowledgment” means a document that prescribes the roles and responsibilities of the Licensee, 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.

“Licensing Enforcement Officer” means the municipal Licensing Enforcement Officer for the Township, responsible for the issuing, administration and approval of licenses in accordance with provincial legislation and Township policies and procedures, or their delegate.

“Manager of Municipal Law Enforcement and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“Municipal Act” means the Municipal Act, 2001 S. O.2001 c.25 as amended from time to time.

“Municipal Law Enforcement Officer” is a person duly appointed within the Township’s administration to enforce the by-laws of the Township.

“Owner” means the Person holding title to the Premises where the Short-Term Rental Accommodation is located, and "Ownership" has a corresponding meaning.

“Parking Area” means an area on the Premises provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street or private road.

“Person” means any individual, directors, partnership, group or association, organization, company, corporation or cooperative which may include the registered owner of the property, any occupant of the property in question with authority to act on behalf of the registered owner, any person authorized by the registered owner to act on his or her behalf, or any lessee or occupant of the property;

“Premises” means the Property upon which one or more Short-Term Rental Accommodations are operated, inclusive of buildings or structures or any part thereof used for such purpose.

“Renter” means a person twenty-five (25) years of age or older that uses the Short-Term Rental Accommodation for overnight lodging but shall not include daily guests to the Premises.

“Renter’s Code of Conduct” means a document, that prescribes the roles and responsibilities of the Renters and Guests, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township of Greater Madawaska by-laws, and adherence to the provisions of this By-law;

“Responsible Person” means an Owner or a Person, twenty-five (25) years of age or older if an individual, duly appointed by an Owner to act on its behalf, and being responsible for ensuring the Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the License and applicable laws.

“Short-Term Rental Accommodation” means a dwelling unit or any part thereof that operates or offers a place of temporary residence, lodging or occupancy within the principal residence of the short- term accommodation operator, by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than a month, throughout all or any part of a calendar year. Short term accommodation uses shall not mean or include a hotel, bed and breakfast establishment, lodging house, hospital, or similar residential or commercial use.

“Un-hosted” means the short-term rental of a dwelling or premises in which the licensee/host/owner/permanent resident is not residing at the property while it is being used as a Short-Term Rental Accommodation.

“Zoning” means the applicable Township of Greater Madawaska zoning by-law for the area in which the Short-Term Rental Accommodation is located.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- (c) Wherever this by-law refers to a person or thing with reference to gender or gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Short-Term Rental Accommodation Prohibitions

2.01 No Person or Owner shall operate a Short-Term Rental Accommodation unless the Person holds a current Short-Term Rental Accommodation License issued pursuant to this By-law.

2.02 No Person or Owner of a Short-Term Rental Accommodation Business shall advertise or permit the use of the Short-Term Rental Accommodation:

- a. without a License;
- b. by exceeding the number of Renters or Guests that is permitted by the License;
- c. of more than one building on the premises, unless the use complies with Section 3 and 4 of this by-law;
- d. Where a current Short Term Rental Accommodation Business Premises Owner fails to apply and be approved by the issuance of a Short-Term Rental Accommodation Business License by **June 2024**, the Owner and Premises shall not be eligible for a Short-Term Rental Accommodation Business License, and any rental activity will be a violation of this by-law.

2.03 No Person shall violate the provisions of the:

- i. Licensee Acknowledgment.
- ii. Renters Code of Conduct.

- 2.04 No Person shall fail to produce a copy of the signed Renter's Code of Conduct or Licensee Acknowledgment upon the request of an Officer.
- 2.05 No Licensee or Renter shall permit more than two (2) Renters on the Premises for each Bedroom identified, plus 2 additional renters overall as approved as such in the floor plans submitted with the application for the Short-Term Rental Accommodation Business License, at any one time. Note: People under the age of fifteen (15), shall not be counted in the total number of Renters at the Premises.
- 2.06 The maximum number of Guests at a Premises at any one time shall not exceed two (2) Guests per Bedroom, plus 2 additional guests overall as approved as such in the floor plans submitted with the application for the Short-Term Rental Accommodation Business License, at any one time. Note: People under the age of fifteen (15) shall not be counted in the total number of Guests at the Premises; and Guests (of any age) shall not be permitted at the premises after 11:00pm.
- 2.07 No Licensee shall rent any room other than a Bedroom that was identified and approved as such on the floor plans submitted with the application for the Short-Term Rental Accommodation License.
- 2.08 The provisions of Section 2 shall not apply when the Premises is not rented for Short-Term Rental Accommodation.
- 2.09 No Person shall contravene the Site Requirements found at Section 4 of this By-law.
- 2.010 For the purposes of this by-law a person who is advertising a Short-Term Rental Accommodation is considered to be operating a Short-Term Rental Accommodation.
- 2.011 No Person or Licensee shall permit the rental of a Hosted Short-Term Rental Accommodation Premises to any person who is under the age of eighteen (18).
- 2.012 No Person or Licensee shall permit the rental of an Un-Hosted Short-Term Rental Accommodation Premises to any person who is under the age of twenty-five (25).

Section 3.00 Licensing

- 3.01 A License that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
 - a) December 31st of the year issued;
 - b) Upon the sale or transfer of the Premises. For clarity, a License cannot be assigned or transferred to another Person; or
 - c) The License has been revoked in accordance with the provisions of this By-law.
- 3.02 Only one License per Premises shall be permitted.
- 3.03 A License may only be issued to the Owner of the Premises.

3.04 Every application for a new License, or the renewal of an existing License, shall include:

- a. completed application in the form required by the Township of Greater Madawaska, which shall include each Owner's name, address, telephone number, and email address;
- b. proof of Ownership for the Premises;
- c. a statutory declaration signed by each and every Owner stating that each and every Owner understands their responsibilities as a Licensee in accordance to municipal bylaws and the following:
 - i. Noise - By-Law as amended, being a By-Law to Regulate Noise in the Township of Greater Madawaska;
 - ii. Open Air Burning - By-Law as amended, being a By-Law to Regulate Times During Which Fires May Be Set in the Open Air, The Precautions To Be Observed By Persons Setting Fires and for The Setting of Fees for Fire Permits in The Township of Greater Madawaska;
 - iii. Parking - By-Law as amended, being a By-Law to Regulate Parking;
 - iv. Animals - By-Law as amended, being a By-Law to Regulate Animals in The Township of Greater Madawaska;
 - v. Property Standards - By-Law as amended, being a By-Law to Regulate and Govern the Standards For Maintaining And Occupying Property.
 - vi. Declaration that the electrical panel and all connecting circuits and wiring is in good working order;
 - vii. Declaration that the wood burning appliances have been inspected by a certified WETT "Site Basic Inspector" Wood Energy Technical Transfer (WETT) report within the last five years;
 - viii. Declaration that an annual inspection has been completed, indicating that the chimney, flue pipes etc. have been inspected, cleaned and are safe to be utilized;
 - ix. Annual declaration indicating that the heating ventilation air conditioning (HVAC) systems have been serviced or inspected by an HVAC Technician;
 - x. Declaration providing that annual maintenance and record of tests for all smoke and carbon monoxide alarms;
- d. a site diagram and floor plan, drawn to scale and fully dimensioned of the Premises identifying:
 - i. the location of all Buildings and structures on the Property;
 - ii. the location of wells, and all components of sewage systems;
 - iii. the use of each room;
 - iv. the location of smoke and carbon monoxide alarms, and early warning devices;
 - v. the location of fire extinguishers;
 - vi. the location of records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
 - vii. the location of all gas and electric appliances;
 - viii. the location of all fireplaces and fuel-burning appliances;
 - ix. all entrances/exits to and from the Buildings; and
 - x. the exterior decks and related site amenities including dimensioned parking spaces, and other Buildings or structures on the Property;

- e. a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance policy must identify that a Short-Term Rental Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the Township of Greater Madawaska shall be given at least ten (10) days' notice in writing of any cancellation or material variation to the policy.
 - f. The name and contact information of the Responsible Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Township of Greater Madawaska by-law, including contact and or attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence.
- 3.03 An Applicant or Licensee shall be responsible for informing the Township of Greater Madawaska, in writing, of any changes to the information contained within the application or any deviation to the approved plans within seven (7) days of such change or deviation.
- 3.04 Nothing herein allows a Licensee to rent Bedrooms other than those identified and approved on the floor plans submitted with the application unless the Township of Greater Madawaska has approved same by way of amendment to the License.
- 3.05 An Applicant shall confirm that an occupancy permit, also known as "permission to occupy" has been issued for the Premises if the Building was constructed on or after October 26, 1986. Where this is not available, the Township of Greater Madawaska Building Department shall be consulted. A License shall not be issued until the Township of Greater Madawaska is satisfied that the necessary inspections and reports have been completed or that a safety site inspection was completed to ensure the safety of persons.
- 3.06 A Licensee must ensure that any listing, advertisement, etc. of the Premises includes the corresponding License number issued by the Township of Greater Madawaska, and approved occupancy issued per the License.
- 3.07 The Licensing Enforcement Officer or delegate 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, including but not limited to maximum occupancy rates.
- 3.08 The Licensing Enforcement Officer may refuse to issue or renew a License where:
 - a. License has been previously revoked or suspended;
 - b. an Applicant or property has presented a history of contravention with this By-law;
 - c. an Applicant or property is the subject of an active investigation for contravention of any Township of Greater Madawaska By-law;
 - d. the Owner is indebted to the Township of Greater Madawaska in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal

costs, disbursements, outstanding property taxes and late payment charges, fees, against an Owner's Property; or

- e. the Premises does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, and the Fire Protection and Prevention Act.

3.09 The Licensing Enforcement Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any person, may suspend a License for not more than fourteen (14) days. If, after this period, the Licensing Enforcement Officer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any person, the Licensing Enforcement Officer may suspend a License for further terms of not more than fourteen (14) days or may revoke the License.

3.010 The License Officer may revoke a License if it was issued in error or granted based on incorrect or false information or false declaration.

Section 4.00 Site Requirements

4.01 The provision of parking on the required site diagram shall include the following:

- a. location of the Parking Area with a minimum number of parking spaces as set out in the Zoning By-law;
- b. that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area; and
- c. compliance with all other parking provisions as set out in the Township of Greater Madawaska Zoning By-law, as amended.

4.02 The following shall be made available to Renters:

- a. A copy of the current License posted and retained on site of the Premises and available for inspection by Township of Greater Madawaska staff;
- b. A copy of the site diagram showing the current Parking Area and parking provisions for the Premises;
- c. A copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes;
- d. A copy of the Renter's Code of Conduct;
- e. A copy of the following Township of Greater Madawaska By-laws;
 - i. Noise;
 - ii. Open Air Burning;
- f. The occupant load of the residence, posted in a conspicuous location;
- g. Emergency "911" instructions with the address of the Property clearly printed and posted in a conspicuous location;
- h. A copy of the smoke and carbon monoxide maintenance and use instructions; and
- i. Name and contact information of the Responsible Person.

- 4.03 All Short-Term Rental Accommodations must provide a class A ULC listed portable fire extinguisher with a minimum rating of 2A 10B:C in any cooking area and on each floor of the Building.
- 4.04 Portable extinguishers shall be:
- a. kept operable and fully charged;
 - b. located so that they are easily seen and shall be accessible at all times;
 - c. tested and maintained in conformance with NFPA 10, "Portable Fire Extinguishers"; and
 - d. inspected monthly.
- 4.05 The Licensee shall maintain a registry which indicates the Renters' names, addresses, telephone numbers, number of Renters, length of stay, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition prior to the arrival of the Renter. This registry must be provided to the Township of Greater Madawaska within twenty-four (24) hours upon request.

Section 5.00 Inspection

- 5.01 It is the responsibility of the Applicant to ensure compliance with the following, where applicable:
- a. the provisions of this By-law;
 - b. the Ontario Building Code Act, 1992, S.O. 1992 c.23; including Sewage System;
 - c. the Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4;
 - d. the Zoning By-law; and
 - e. any other municipal by-laws or provincial legislation that may affect the safety and well-being of persons or eligibility of the application or License.
- 5.02 During the application and inspection process, all relevant departments of the Township of Greater Madawaska may be circulated and provide comments on any known matters that would assist with the determination of License eligibility.

Section 6.00 Issuance of License and Grounds for Refusal

- 6.01 The Licensing Officer 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.
- 6.02 The Licensing Officer may refuse to issue or renew a License where:
- a. there are reasonable grounds for belief that the operation of the Short-Term Rental Accommodation may be adverse to the public interest;
 - b. a License has been previously revoked, suspended, or made subject to terms and conditions;
 - c. an Applicant has presented a history of contravention with this By-law;
 - d. the proposed use of the Premises is not permitted by the Zoning By-law;
 - e. the Owner is indebted to the Township in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements,

outstanding property taxes and late payment charges, against an Owner's Property; o

- f. the Premises does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.

- 6.03 The Licensing Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any person, may suspend a License for not more than 14 days. If, after this period, the Licensing Officer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any person, the Licensing Officer may suspend a License for further terms of not more than 14 days or may revoke the License.
- 6.04 The License Officer may revoke a License if it was issued in error or granted based on incorrect or false information.
- 6.05 Where the Licensing Officer has denied an Applicant a License, a renewal of a License, or has suspended or revoked a License, the Licensing Officer 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 the Committee.
- 6.06 An Owner may appeal to the Committee in relation to a matter set forth in a notice delivered pursuant to Section 10.1. Appeals will not be permitted for the issuance of demerit points until they have resulted in the suspension or revocation of a License. Appeals will not be permitted for any matters that have already been heard by the Committee.
- 6.07 A request for an appeal must be made within 14 business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required appeal fee as set out in the Fees and Charges By-law.
- 6.08 Where no request for an appeal is received in accordance with Section 6.07, the decision of the Licensing Enforcement Officer shall be final and binding.
- 6.09 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Owner shall be provided reasonable written notice thereof.
- 6.010 After such an opportunity to be heard is afforded, the Committee shall make a decision. When making its decision, the Committee may consider any matter pertaining to this By-law, or other matter that relates to the health, safety, and well-being of the public. When making its decision, the Committee may refuse to issue or renew a License, or revoke, suspend, or impose any condition to a License. The Committee's decision is final and binding.
- 6.011 Where the Committee conducts a hearing, the rules set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 shall apply.

Section 7.00 Orders

- 7.01 If the Licensing Enforcement Officer or Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to take actions to correct the contravention.
- 7.02 The order shall set out:
- a. reasonable particulars of the contravention to adequately identify the contravention and the location of the contravention; and
 - b. the work to be done and the date by which the work must be done, if any.
- 7.03 An order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 7.04 An order under Section 7.01 may require action be taken even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 7.05 No Person shall fail to comply with an order issued pursuant to the By-law.
- 7.06 In the event the Officer is unable to serve any order under the provisions of this By-law, the order shall be posted in a conspicuous place on the Premises, and the placing of the order shall be deemed to be sufficient service of the order on the Renter or Licensee/Owner.
- 7.07 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.
- 7.08 Any violations of this By-law shall be addressed pursuant to their respective remedies. In addition, demerit points will be levied against the Premises and Licensee as per Schedule "A" to this By-law.
- 7.09 The issuance of an order shall not replace immediate legal action against a renter, person or Licensee/Owner for violation of Township of Greater Madawaska By-Laws.

Section 8.00 Entry and Inspection

- 8.01 A Licensing Enforcement Officer, Municipal Law Enforcement Officer, Fire Prevention Officer or Building Inspector may, at any time, enter onto any land to determine whether this By-law is being complied with.
- 8.02 Every Owner shall permit the Licensing Enforcement Officer, Municipal Law Enforcement Officer, Fire Prevention Officer or Building Inspector to inspect any part of the Premises for the purposes of determining compliance with this By-law.

- 8.03 Notwithstanding any provision of this By-law, the Licensing Enforcement Officer, Municipal Law Enforcement Officer or Building Inspector shall not enter or remain in any room or place actually being used as a Dwelling Unit, unless:
- a. the consent of the occupier is obtained after the occupier has been informed that the right of entry may be refused and, if refused, entry may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O.1990, c.P.33, as amended; or
 - b. a warrant is issued under the Provincial Offences Act, R.S.O.1990, c. P.33, as amended, is obtained.
- 8.04 A Fire Prevention Officer may, without a warrant, enter and inspect land and premises for the purpose of assessing fire safety pursuant to section 19(2) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended.

Section 9.00 Fees

- 9.01 An Applicant shall provide payment of the applicable Fee as noted within the Township of Greater Madawaska Fee By-law.
- 9.02 The fee charged at the time of application is a processing/licensing fee, which will not be refunded should the application be approved or denied.
- 9.03 Where a Premises has been inspected by a Municipal Law Enforcement Officer for second or subsequent offence within a two (2) year period, an inspection administration charge shall apply as set out in Schedule A-13 to the Consolidated Fees By-law as amended. If the inspection fee is not paid by its due date, it shall be added to the tax roll of the Premises and shall be collected in a like manner as municipal taxes.

Section 10.00 Demerit Point System

- 10.01 A Demerit Point System has been established in accordance with Schedule "A" Table 1, without prejudice to options otherwise available to enforce this By-law or any other by-laws of the Township of Greater Madawaska, provincial act or regulation, including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act, and the Provincial Offences Act.
- 10.02 The number of Demerit Points referenced in Schedule "A" Column 4 of Table 1 will be assessed against a Short-Term Rental Accommodation Premises and Licensee with respect to
- a. the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
 - b. the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - c. an Order not complied with; or
 - d. an observation by the Licensing Enforcement Officer or Municipal Law Enforcement Officer.

- 10.03 A License may be suspended for the balance of the term of the License and up to a period of six months if the total Demerit Points in effect respecting a Short-Term Rental Accommodation is seven (7) or more.
- 10.04 A License may be revoked, and an application for a License may be denied, if the total of all Demerit Points in effect respecting a Short-Term Rental Accommodation is fifteen (15) or more.
- 10.05 The Licensee will be notified in writing if and when the number of Demerit Point respecting a property changes.
- 10.06 Notice of the suspension or revocation of a License shall be provided to the Licensee in accordance with this By-law and a Licensee may appeal the suspension or revocation in accordance with Section 6 of this By-law.
- 10.07 Demerit Points shall remain in place until the two-year anniversary of the date of which the Demerit Points were first assessed.

Section 11.00: Enforcement, Offence and Penalties

- 11.01 Every Person who contravenes any of the provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention by the Corporation is guilty of an offence under the provisions of the Municipal Act, 2007, S.O. 2001, c. 25, as amended.
- 11.02 Every Person who contravenes the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contraventions by the corporation is guilty of an offence and liable:
- a. upon a first conviction, to a fine of not less than \$300 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended; and
 - b. upon a second, or subsequent conviction, to a fine of not less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 11.03 For the purpose of continuous offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 11.04 Despite Section 14.3 and the provisions of the Municipal Act, 2007, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.
- 11.05 For the purpose of multiple offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction

to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

- 11.06 Despite Section 14.5 and the provisions of the Municipal Act, 2007, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.

Section 12.00: Severability

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

Section 13.00: Effective Date

- 13.01 This By-law shall come into force on the date it is finally passed.

READ a first and second time this ____ of _____, 2023.

READ a third time and passed this ____ of _____, 2023.

Rob Weir
Mayor

Robin Emon
Clerk

Schedule "A"

Demerit Point System

Table 1			
Infraction	Reference	Type	Demerit Point
Operate without a valid license (revocation, suspension)	Short Term Rental Accommodation Business By-law	Order non-compliance	4
		Part 1 or Part III conviction	6
Fail to maintain/repair building	Property Standards 2016-112	Order non-compliance	2
		Part 1 or Part III conviction	4
Discharge of Fireworks	Discharge of Fireworks 2007-236	Observed Officer/Witness	3
		Part 1 or Part III conviction	5
Allow accumulation of debris	Clean and Clear 2014-026	Observed Officer/Witness	3
		Part 1 or Part III conviction	5
Allow or permit noise	Noise By-Law 2019-124	Observed Officer/Witness	3
		Part 1 or Part III conviction	5

Open air burning/burning materials other than permitted	Burn By-Law 2016-110	Observed Officer/Witness	3
		Part 1 or Part III conviction	5
Allow/permit an animal at large	Animal By-Law 2021-072	Observed Officer/Witness	2
		Part 1 or Part III conviction	4
Building Code Order	BCA	Order not complied with	4
		Part 1 or Part III conviction	8
Septic System Order	BCA	Order not complied with	4
		Part 1 or Part III conviction	8
Fire Protection and Prevention Act/Fire Code	FPPA/OFC	Order not complied with	4
		Part 1 or Part III conviction	8
Premises Owner or Responsible Person, allow or permit offsite parking or violation of Parking Regulations	Short Term Rental Accommodation Business By-law; Parking Bylaw	Observed or Part 2 issued	3
Premises Owner or Responsible Person	Short Term Rental	Order not complied with	3

(Property Manager) fails to respond within time frame of a request by MLEL officer	Accommodation Business By-law	Part 1 or Part III conviction	5
Violation of any provision of the Short-Term Rental Accommodation bylaw	Short Term Rental Accommodation Business By-law	Observed Officer/Witness	1
		Order not complied with	2
Premises Owner provides a false Declaration	Short Term Rental Accommodation Business By-law	Observed	3
Owner or Responsible Person (Property Manager) fail to provide or display required documents to renters	Short Term Rental Accommodation Business By-law	Order not complied with	1
		Observed Officer/Witness	2