

Report

To: Mayor and Council
From: Renée Mask, CAO
Subject: By-Law 19-2024 Short-Term Accommodations Licensing By-Law

Recommendation

That Council adopt By-Law 19-2024 Licence, Regulate and Govern Short-Term Rental Accommodations.

Background

In September 2023, Council received a Draft By-law to License, Regulate, Govern Short-Term Rental Accommodation (STA) for information purposes and directed Staff as follows:

"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."

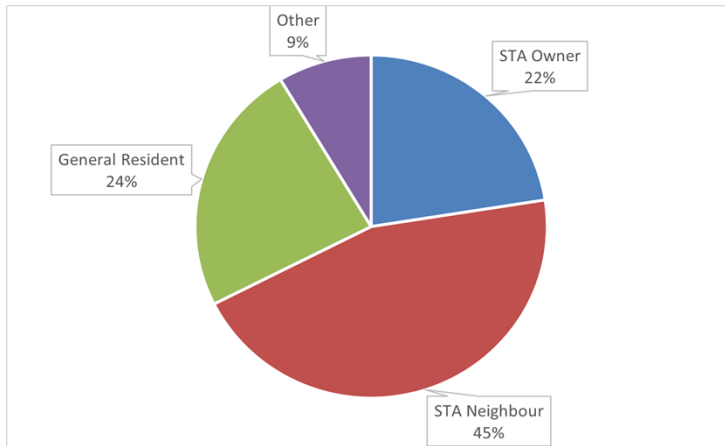
A community survey and two public meetings were held to receive community feedback. On March 21, 2024, Council received the Report of Findings, which provided Council with information from the data analysis and community engagement regarding the regulation of short-term accommodations. In summary, the survey reported that 45% supported STAs with no regulations, and 50% supported either STAs with regulations or not supportive under any circumstances. The public meeting participation demonstrated a majority opposition to regulations, it is important to note that the opposition was predominantly represented by STA owners, not the overall community. Consensus throughout community engagement was that STAs are valuable in the community. The report of findings summarized data analysis that must be considered in by-law decision-making, as community input combined with the Township's future trajectory for strategic and long-term planning is critical.

Council approved licensing Short-Term Accommodations and directed Staff to circulate the revised draft by-law with the community and develop an implementation plan to be presented to Council at a future date.

April 18, 2024
Regular Council

Discussion

Staff circulated the by-law through a community survey, on which 151 respondents provided feedback on the report of findings, reviewed the revised by-law, and were given an opportunity to provide general additional comments. Of the respondents, 45% were STA neighbours, 24% were general residents, and 22% were STA owners. Other respondents accounted for 9%, which included businesses that service STAs, businesses, STA users, and future STA owners (including long-term rental owners considering converting to STAs).



Note: It was disheartening to see that attempts were made to jeopardize the integrity of the process and mislead the outcome through duplicate submissions from those opposing the by-law submitting as residents and STA neighbours. As Survey Monkey provides securities to protect the integrity of survey results, Staff identified 25 duplicate submissions that have been excluded from the results.

Of the 151 survey participants, 39% expressed satisfaction with the by-law, 13% expressed opposition to the by-law, and 48% felt their needs were not met and contributed to valuable feedback. In addition to the survey results, several STA owners contacted the Township in support of the By-law and took the opportunity to ask questions on the proposed requirements to ensure they will meet them and licence.

Staff has summarized key topics heard throughout this part of the community engagement process and Township responses as follows:

	Survey Comments	Township Response
Licence Expiry Date	The by-law includes an expiry date of December; will this be prorated?	The by-law has been adjusted to be effective on the day the licence is issued and to expire a year following this date.
Parking	How will parking spaces be determined?	Parking requirements at stipulated in the Zoning By-Law.
Licensing Fee	Concerns were raised regarding the licensing fee of \$300 being too low at cost	The licensing fee is based on cost-recovery, as the intent is not to generate revenues

	recovery.	with the licence.
Licensing Fee Refund	Concerns regarding losing the full licensing fee when not approved.	The User Fees and Charges will include a refund of 40% of the Licensing Fee, if the licence is not approved.
Inspection Fee	Does the licensing fee include inspection fees?	The licensing fee includes the Building and Fire inspection.
Bedroom Limits	Some felt the limit was too high, whereas others felt there should be not limit.	The licensing will be based on the floor plan and septic, which stipulates bedroom capacity.
Bedroom capacity includes 2+	Concerns this requirement will restrict the ability to host families.	In reviewing other STA by-laws, most do not provide an age which would include 2- in the count. The age has been provided to allow flexibility.
Guest Limits	Concerns regarding overcrowding without limits. Guest limits were included in the initial by-law.	The owner may limit guests. However, the Township is unable to enforce guest limits at this time. As concerns regarding overcrowding are raised causing disruption, these will be assessed.
Licence per Premise	Concerns the by-law only allows for one licence per premise.	The by-law has been adjusted to remove the restriction to one licence per premise, allowing Staff to assess the property.
Private Roads and Properties	Concerns over trespassing not addressed in the by-law	The Township can not enforce trespassing through by-law enforcement. However, these concerns can be logged in the system to make owners aware of the issue and take steps to rectify it.
Common Areas	Concerns about the usage of common areas are not addressed in the by-law.	The Township is unable to enforce requirements on private common areas. However, these concerns can be logged in the system to make owners aware of the issue and take steps to rectify it.
Safety	Concerns regarding increased traffic, road safety, wildlife safety, and general safety.	The Township is developing a guide and information packages to educate the STA

	Education required (i.e. fire prevention)	owners and provide to their guests.
STA Caps	Concerns over no caps were repeated several times in the by-law. Limit STAs while gathering data.	The Township is not recommending STA caps at this time.
By-Law Enforcement	Concerns over the Township not enforcing current by-laws.	The township recognizes that these by-laws and enforcement are under review to ensure they meet the needs of the community.
Revised Lighter By-Law	Concerns over other Municipalities are tightening by-laws, GM's by-law should be stronger, not lighter. Some feel the lighter by-law is still extensive.	The By-law has been adjusted to meet the Township's current needs for registration.
Commercial, not Residential	Concerns have been raised regarding STAs being commercial and assessed as residential.	MPAC determines assessment classes, and at this time MPAC considers STAs as residential properties, not commercial.
Hosted vs Un-hosted	STAs that are hosted should be licensed differently than un-hosted.	The licensing program will allow the Township to assess the type of STAs and exceptions, if any.
Inspection without Notice	Concerns were raised regarding officers inspecting without notice.	The officer will always attempt to contact the owner and will not enter a premises without consent, as stipulated in 8.03.
WETT Certification	Concerns this requirement will be required annually.	This certificate will only be required when being licensed, not for renewal.
Septic Records	Septic is regularly maintained; why is this required?	Any septic record can include the last septic maintenance.
Insurance	STA owners already have insurance	This requirement is to provide a certificate of insurance, demonstrating insurance is required.
Responsible Person	Does the STA owner have to be the responsible person?	Applicants can register a Responsible Person, not the owner, to be on-site within one hour for emergencies.
New Application vs Renewal	Can the application process	The by-law has been adjusted

Licence Application	be streamlined between new and renewal applications?	to streamline the application process, with differing requirements for new and renewal licence applications.
STA Premise Package	Can the Township develop a package for STA owners with relevant by-laws (education for STA owners and guests)	An Application Guide has been designed, and the most pertinent by-laws will be provided on the website's STA page for printing.

The By-Law attached to this report includes the following adjustments:

- 2.06/2.07—This requires the STA owner to post the licence number, premise address, and type of access to the STA premise, clarifying road maintenance.
- 3.01 a) - Short-Term Rental Licenses are valid for 365 days from the date of issuance and must be renewed prior to the expiration date, replacing an expiry date of December 31.
- Removed - Only one licence per Premises shall be permitted.
- 3.03 - An insurance certificate is required to identify an STA being operated on the premises.
- 3.04 - Renewal licence requirements, based on existing licence information provided with the initial application.

Licensing Fee

The licensing fee for similar municipalities ranges between \$250 and \$3,000. Larger Cities may have lower fees; however, restrictions include STAs in the principal residences. When developing a fee, it is essential to consider the cost for the Township to implement, which may differ from other municipalities due to capacity, requirements, etc.

The recommended application fee is \$300, which would fund the application review through various departments (i.e. Building, Planning, Fire) and the fee for the third-party monitoring platform. The applicant will be refunded 40% (\$120) of the application fee if the licence is not approved. Once the by-law is passed, Staff will make adjustments to the User Fees and Charges By-law to include the Short-Term Accommodation Licensing Fee.

Third-Party Platform

Granicus - Host Compliance can provide the following services to the Township:

- STA identifier
- Compliance and Monitoring
- 24/7 hotline for complaints

Staff recommends leveraging technology from third-party service providers to enhance STA enforcement efforts. Address Identification technology streamlines the process of pinpointing STAs, enabling efficient monitoring of the market and identification of addresses and owners. This software scours over 70 significant websites for listings, extracting information to streamline the identification process. Human analysts then validate and refine this data to

ensure accuracy. The service provider subsequently forwards this information to the Township, allowing them to allocate resources toward field investigations rather than manual platform searches.

The quoted cost for this service is \$13,961 annually.

Applications

The Licence Application Guide clarifies the process for STA owners and provides samples. The Township website will include a page specific to STAs, a link to the guide, an online application, and a frequently asked questions (FAQ) section.

The Licence Application Guide includes a process for new and renewal applications to streamline the process. The new application would require all information, whereas the renewal would require the STA owner to confirm that the site and floor plan provided and their responsible persons have remained the same. The link to their licence number will allow Staff to review the renewal application with all pertinent information.

Staff recommends setting the licensing requirement date for January 1, 2025. This would allow STA owners a minimum of six months to become compliant. Overall, the process is new and may require adjustments post-implementation. Throughout, proactive communication efforts will be undertaken to inform and ensure compliance among STA owners.

People Consulted

Granicus - Host Compliance
Fire Chief
Planning and Development
By-Law Enforcement (MLES)
Township Solicitor

Financial Implications

The licensing fee model is to recuperate expenses without relying on the general tax levy, thereby supporting inspection costs and processing inputs following a cost recovery model.

Strategic Plan Alignment

- ☐ Open Communication and Engagement
- ☒ Growth Management
- ☐ Culture and Wellness
- ☐ Efficient and Effective Governance

Respectfully Submitted,
Renée Mask, CAO

April 18, 2024
Regular Council

A By-Law to Licence, Regulate and Govern Short-Term Rental Accommodations

WHEREAS the Council of the Township of Greater Madawaska may, pursuant to the Municipal Act, 2001, 5.0. 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 Section 8(1) of the Municipal Act, 2001, a municipality's powers 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 Section 8(3) of the Municipal Act, 2001, a municipality may:

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

AND WHEREAS Section 9 of the Municipal Act, 2001, 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 Section 11(2) paragraph 6 of the Municipal Act, 2001, a municipality may pass a By-law respecting the health, safety and well-being of persons;

AND WHEREAS Section 23.1 of the Municipal Act, 2001, a municipality may delegate its powers and duties;

AND WHEREAS Section 151 of the Municipal Act, 2001, a municipality may provide for a system of licences with respect to a business and may:

- a. prohibit the carrying on or engaging in the business without a licence;
- b. refuse to grant a licence or to revoke or suspend a licence;
- c. impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- 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 licence;
- e. impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- f. licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

AND WHEREAS Section 391(1) of the Municipal Act, 2001, a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 429(1) of the Municipal Act, 2001, a municipality may establish a system of fines for a by-law passed under the Act;

AND WHEREAS Section 436(1) of the Municipal Act, 2001, a municipality has the power 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;

AND WHEREAS Section 444 of the Municipal Act, 2001, 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 Section 434.1 (1) of the Municipal Act, 2001, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Council of the Corporation of the Township of Greater Madawaska deems it desirable that it enact this By-law to establish business licensing, regulation and governing for short-term rental accommodations as defined in this By-law.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA ENACTS AS FOLLOWS:

1. Definitions and Interpretation

1.01 Definitions

In this by-law,

“Administrative Penalty” means a financial penalty, authorized under section 434.1 (1) of the Municipal Act, 2001, issued to a Person, Owner, Agent, or Licensee who has contravened or failed to comply with any provision of this by-law.

“Applicant” means the Owner of the Premises where a Short-Term Rental Accommodation is located and the person applying for a Licence or renewal of a Licence under this By-law.

“Bed and Breakfast Establishment” means a single detached dwelling, semi-detached dwelling or townhouse dwelling, which is owned by and is the principal residence of the proprietor and which provides sleeping accommodation for the travelling public and may include the provision of breakfast, but a Bed and Breakfast Establishment shall not include a “Hotel/Motel” or “Inn”.

“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, whether permanent or temporary, having a roof supported by columns or walls or supported directly on the foundation and used for accommodation, shelter or storage of people, animals or goods but shall not include a fence, trailer, truck camper, motorhome, or tent.

“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.

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

“Licensee” means the person to whom a Short-Term Rental Accommodation licence has been issued.

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

“Officer/Licensing Officer” is a person duly appointed within the Township’s administration to enforce the Township's by-laws. This includes the delegated authority to issue, administer, and approve licenses in accordance this By-law or their delegate.

“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. It may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but it shall not include any part of a public street or private road.

“Person” means any individual, director, partnership, group or association, organization, company, corporation or cooperative which is an Owner of Premises, the Owner of Premises, any occupant of the Premises in question with authority to act on behalf of the Owner, any person authorized by the Owner to act on his or her behalf, or any lessee or

“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 that uses the Short-Term Rental Accommodation for overnight lodging but shall not include daily guests to the Premises.

“Responsible Person” means an Owner or a Person responsible for ensuring the Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the Licence, and applicable laws.

“Short-Term Rental Accommodation, Short-Term Accommodation (STA)” means a dwelling unit or any part thereof that operates or offers a place of temporary residence, lodging or occupancy, by way of concession, permit, lease, Licence, rental agreement or similar commercial arrangement for any period less than a month, throughout all or any part of a calendar year. Short-term rental accommodation uses shall include bed and breakfast establishments and shall not include hotels, trailer parks, campgrounds, lodging houses, hospitals, or similar residential or commercial uses.

“Accessory 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.

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

“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.
- d. Words shall be read as being plural as the context requires.

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.

2. Short-Term Rental Accommodation Prohibitions

- 2.01 No Person shall operate, advertise, permit the advertisement of, or permit the use of a Short-Term Rental Accommodation unless the Person holds a current Short-Term Rental Accommodation licence issued pursuant to this By-law.
- 2.02 No Person shall permit the use of a Short-Term Rental Accommodation in breach of a licence issued under this By-law or in contravention of any term or condition of a licence issued under this By-law.
- 2.03 The maximum number of persons permitted to occupy a Short-Term Rental Accommodation shall be restricted to two (2) persons over the age of two (2) per approved bedroom, in accordance with Ontario Building Code Provision 9.9.1.3.
- 2.04 No Short-Term Rental Accommodation shall contain more than six (6) bedrooms or accommodate more than 12 occupants (persons).
- 2.05 No Person 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 licence.
- 2.06 The following shall be posted on the interior of each STA Premises, visible to guests:
- a. Copy of current STA Licence
 - b. Premise Address (and phone number if applicable)
 - c. Type of access to the STA Premises, where one of the following must be checked:
 - Year-round maintained public road
 - Seasonally maintained road
 - Private Road / Right-of Way
 - Water Access
- 2.07 If the type of access to the STA Premises is not a year-round maintained public road, the following Emergency Services Statement will be posted within the address: "Due to this STA Premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location."

3. Licensing Requirements

- 3.01 A licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
- a. Short-Term Rental Licenses are valid for 365 days from the date of issuance and must be renewed prior to the expiration date; or
 - b. Upon the sale or transfer of the Premises. For clarity, a licence cannot be assigned or transferred to another Person; or
 - c. The licence has been revoked in accordance with the provisions of this By-law.
- 3.02 A licence may only be issued to the Owner of the Premises. For greater certainty, where a Short-Term Rental Accommodation consists of a room or rooms within a dwelling unit, the Owner of the dwelling unit is deemed to be the owner of the Short-Term Rental Accommodation. No licence shall be issued to a Person or Tenant renting a room or rooms within a dwelling unit on a long-term basis.
- 3.03 Every application for a new licence shall include:
- a. 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. Responsible Person Consent Form;
- d. Drinking Water Test confirmation that the Premise has drinking water that is potable;
- e. Septic Records;
- f. WETT Certificate, required if there are wood-burning appliances within the proposed rental;
- g. A site plan drawn to scale and fully dimensioned of the premises identifying:
 - i. the location of all Buildings and structures on the Premises;
 - ii. the location of septic and wells;
 - iii. the exterior decks and related site amenities, including dimensioned parking spaces and other Buildings or structures on the Premises;
- h. A floor plan drawn to scale and fully dimensioned of the premises identifying:
 - i. each room and its intended use;
 - ii. the location of smoke and carbon monoxide alarms, and early warning devices;
 - iii. the location of fire extinguishers;
 - iv. the location of all gas and electric appliances;
 - v. the location of all fireplaces and fuel-burning appliances;
 - vi. all entrances/exits to and from all buildings.
- i. 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 and identifies that a Short-Term Accommodation is being operated on the premises;
- j. The name and contact information of the Responsible Person who can be readily contacted within sixty (60) minutes and respond to an emergency or contravention of any Township of Greater Madawaska by-law;
- k. a statutory declaration signed by the Owner stating that each and every Owner agrees to abide by and adhere to all relevant by-laws, rules and regulations and to any applicable federal or provincial legislation or regulation; and
- l. a signed indemnification agreement that the STA Operator at all times indemnify and save harmless the Corporation of the Township of Greater Madawaska, its employees and Members of Council from and against any and all manner of claims, demands, losses, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the Township in respect of any loss, damage or injury to any person or property, which are occasioned by or attributable to the issuance of this license or operation of the business.

3.04 Every application for the renewal of an existing licence shall include:

- a. STA Licence number
- b. Proof of Ownership for the premises;
- c. Responsible Person Consent Form;
- d. Confirm that there are no changes to the information contained within the application or any deviation to the approved plans since the issuance of the STA licence. If there have been changes, upload the updated plans for review.
- 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 and identifies that a Short-Term Accommodation is being operated on the premises;
- f. The name and contact information of the Responsible Person who can be readily contacted within sixty (60) minutes and respond to an emergency or contravention of any Township of Greater Madawaska by-law;
- g. a statutory declaration signed by the Owner stating that each and every Owner agrees to abide by and adhere to all relevant by-laws, rules and regulations and to any applicable federal or provincial legislation or regulation; and
- h. a signed indemnification agreement that the STA Operator at all times indemnify and save harmless the Corporation of the Township of Greater Madawaska, its employees and Members of Council from and against any and all manner of claims, demands, losses, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the Township in respect of any loss,

damage or injury to any person or property, which are occasioned by or attributable to the issuance of this license or operation of the business.

- 3.05 Every Person named as a 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.

4. Inspection

- 4.01 Every Person named in a licence for a Short-Term rental Accommodation shall comply 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 occupying the Short-Term Rental Accommodation.
- 4.02 During the application and inspection process, all relevant departments of the Township of Greater Madawaska may be circulated and provided comments on any known matters that would assist with determining licence eligibility.
- 4.03 Every application for a Licence shall include the consent of the Owner to allow the Township to inspect the Premises regardless of the fact that the Premises may be used as or occupied as a dwelling unit. Failure to consent to an inspection shall result in a refusal of the Licence.

5. Issuance of Licence and Grounds for Refusal

- 5.01 The Licensing Officer 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.
- 5.02 The Licensing Officer may refuse to issue or renew a licence where:
- a. there are reasonable grounds to believe that the operation of the Short-Term Rental Accommodation may be adverse to the public interest;
 - b. an Applicant has had a Licence previously revoked, suspended, or made subject to terms and conditions;
 - c. an Applicant has a history of contravention of this By-law;
 - d. the proposed use of the Premises is not permitted by the Zoning By-law;
 - e. the Applicant 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; or
 - f. the Premises do not conform to applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, Building Code Act, Fire Protection and Prevention Act, and Electricity Act.
- 5.03 The Licensing Officer, if satisfied that the continuation of a licence poses a danger to the health or safety of any person, may suspend a licence for not more than 14 days. If, after this period, the Licensing Officer is satisfied that the continuation of a licence will continue to pose a danger to the health or safety of any person, the Licensing Officer may suspend a licence for further terms of not more than 14 days or may revoke the licence.
- 5.04 The Licence Officer may revoke a licence if it was issued in error or granted based on incorrect or false information.

- 5.05 The Licence Officer may revoke a Licence where the Owner or Licensee have engaged in criminal activity associated with the Premises; or for unpaid fees or penalties, serious incidents impacting public health and safety, and egregious or repeated public nuisances

6. Ground for Appeal

- 6.01 Where the Licensing Officer has denied an Applicant a licence, a renewal of a licence, or has suspended or revoked a licence, 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 Council.
- 6.02 A request for an appeal must be made within 15 business days of service of the written notice. An appeal shall be submitted in writing to the Township Clerk, setting forth the reasons for the appeal.
- 6.03 Where no request for an appeal is received in accordance with Section 6.02, the Licensing Officer's decision is final and binding.
- 6.04 Where a request for an appeal is received, the request will be added to the agenda of the next available Council meeting, and the Licensee shall be provided reasonable written notice thereof.
- 6.05 If the Licensee fails to appear at the appointed time for their request to appeal, the Licensing Officer's decision is final and binding.
- 6.06 After such an opportunity to be heard is afforded, Council shall make a decision. When making its decision, the Council 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, Council may refuse to issue or renew a licence, or revoke, suspend, or impose any condition to a licence. Council's decision is final and binding and shall not be subject to review.

7. Orders

- 7.01 If the 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 even though the facts constituting 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 posting of the order shall be deemed to be sufficient service of the order on the Renter or Licensee/Owner.
- 7.07 Where the Person to whom an order is issued fails to comply, the Township may enter upon the Premises and undertake the work required by the order. Where the Township

undertakes any work on any Premises to comply with an order the work shall be done as an agent for the Owner and the Owner shall reimburse the Township for all costs incurred.

- 7.08 Any owner who fails to reimburse the costs of the Township incurred pursuant to section 7.07 within thirty (30) days of receiving a request for payment shall be in breach of this By-law. The Township may collect any unpaid amounts as a debt owed to the Township, including without limitation adding any unpaid amounts to the tax roll of the Premises and collecting said amounts in the same manner as property taxes.
- 7.09 The issuance of an order shall not prevent the Township of Greater Madawaska from taking legal action against a Renter, Person or Licensee/Owner for violation of Township of Greater Madawaska By-Laws.

8. Entry and Inspection

- 8.01 An Officer, Fire Prevention Officer or Building Inspector may, for the purpose of carrying out an inspection, enter onto any land to determine whether this By-law is being complied with.
- 8.02 Every Person shall permit the 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 Subject to Section 4.03, and notwithstanding any provision of this By-law, the 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.

9. Fees

- 9.01 An Applicant shall provide payment of the applicable Fee as noted in the Township of Greater Madawaska User Fees and Charges 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.

10. Offences/Administrative Penalties

- 10.1 An Officer who finds that a person has contravened any provision of this By-law may issue a Penalty Notice to the person.
- 10.2 Any person who has been issued a Penalty Notice shall, upon issuance of the Penalty Notice, be liable to pay an administrative penalty to the Township in the amount of \$300.
- 10.3 Where the same Person has contravened this By-law for a second time within twenty-four (24) months of the date they received a Penalty Notice upon issuance of a second Penalty Notice the person is liable to pay an administrative penalty to the Township in the amount of \$400.

- 10.4 If an Officer has issued a penalty notice under subsection 10.2 of this Bylaw and the same Person has contravened the same provision of this By-law for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.
- 10.5 Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay the Township an administrative penalty of \$500.
- 10.6 No Penalty Notice shall be issued where the Person has been charged under the Provincial Offences Act for the same incident.
- 10.7 Licenses may be revoked for criminal activity, unpaid fees or penalties, serious incidents impacting public health and safety, and egregious or repeated public nuisances.

11. Collection of Unpaid Administrative Penalties

Pursuant to Section 441 of the Municipal Act, if any part of an administrative penalty for a contravention of this by-law remains unpaid after the penalty becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c P.33, including any extension of time for payment ordered under that section, the Licensing Officer may give the Person against whom the fine was imposed a written notice specifying the amount of the penalty 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 penalty remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may be added to the Owner’s tax roll and collected in the same manner as Property Taxes.

12. Severability

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.

13. Schedules

The schedules attached to this by-law form part of this by-law.

14. Effective Date

This By-law shall come into force on January 1, 2025.

READ a first and second time this 18th day of April, 2024.

READ a third time and passed this 18th day of April, 2024.

Rob Weir
Mayor

Robin Emon
Clerk

Schedule 'A'

Short-Term Rental Accommodation License Application Checklist

- ☐ Proof of Ownership
- ☐ Responsible Person Consent Form
- ☐ Proof of Insurance
- ☐ Drinking Water Test
- ☐ Septic Records (if applicable)
- ☐ WETT Certificate (if applicable)
- ☐ Site plan (may be hand drawn)
- ☐ Floor plan (may be hand drawn)
- ☐ Signed Declaration
- ☐ Signed Indemnification Agreement

*Please note that you will be required to have all these of the forms completed before starting the online application.



Short-Term Accommodations Licensing Application Guide

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Introduction

On DATE, Council passed By-law 19-2024 – to Licence, Regulate, and Govern Short-Term Accommodations in the Township of Greater Madawaska. The Township is accepting applications to licence all short-term accommodations.

This guide will provide all the information required to apply for a Short-Term Accommodation Licence. By completing an application in full and providing all documentation, you will be issued a licence which is valid for 365 days from date of issuance.

Definition

“Short-Term Rental Accommodation, Short-Term Accommodation (STA)” means a dwelling unit or any part thereof that operates or offers a place of temporary residence, lodging or occupancy, by way of concession, permit, lease, Licence, rental agreement or similar commercial arrangement for any period less than a month, throughout all or any part of a calendar year. Short-term rental accommodation uses shall include bed and breakfast establishments and shall not include hotels, trailer parks, campgrounds, lodging houses, hospitals, or similar residential or commercial uses.

Summary

This section provides a summary of the short-term rental licensing program and is not intended to replace By-Law 19-2024. It is up to the applicant to read and understand the by-law, which can be found on the Township of Greater Madawaska website.

Application and Licensing Fees

There is an annual licensing fee as part of the program. Payment of the licensing fee is due once your application is approved by the Township. The licensing fee is \$300 per Short-Term Accommodation unit.

Occupancy Limits

The maximum number of persons permitted to occupy a Short-Term Rental Accommodation shall be restricted to two (2) persons over the age of two (2) per approved bedroom, in accordance with Ontario Building Code Provision 9.9.1.3.

No Short-Term Rental Accommodation shall contain more than six (6) bedrooms or accommodate more than 12 occupants (persons).

Drinking Water

Drinking Water Test confirmation that the Premise has drinking water that is potable.

WETT Certificate

WETT Certificate, required if there are wood-burning appliances within the proposed rental.

Septic Records

If the Dwelling is on a septic system, Applicants must include septic records.

Site and Floor Plan

A site plan drawn to scale and fully dimensioned of the premises identifying:

- a. the location of all Buildings and structures on the Premises;
- b. the location of septic and wells;
- c. the exterior decks and related site amenities, including dimensioned parking spaces and other Buildings or structures on the Premises;

A floor plan drawn to scale and fully dimensioned of the premises identifying:

- d. each room and its intended use;
- e. the location of smoke and carbon monoxide alarms, and early warning devices;
- f. the location of fire extinguishers;

- g. the location of all gas and electric appliances;
- h. the location of all fireplaces and fuel-burning appliances;
- i. all entrances/exits to and from all buildings.

Insurance Requirements

Short-Term Accommodation owners must provide proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury and identifies that a Short-Term Accommodation is being operated on the Premises.

Third-Party Monitoring Contract

A third-party compliance monitoring system will provide services like identifying short-term accommodation properties, providing a 24/7 hotline for short-term accommodation complaints, and communicating with a responsible person in short-term accommodation to address complaints or issues that arise in relation to their accommodation.

Responsible Person(s)

Short-term accommodation owners must designate a Responsible Person, which means an Agent or representative of an owner or tenant or the owner themselves, who is responsible for managing or addressing issues related to the licensed Short-Term Accommodation.

The Responsible Person must be available to respond to concerns at the Short-Term Accommodation, either in person or by telephone, within a period of no greater than sixty (60) minutes from the time of contact. Failure to do so may result in By-Law Enforcement responding and issuing tickets for by-law violations.

You can provide multiple contacts for the short-term rental's Responsible Person. If the issue is not resolved within 60 minutes, or the Responsible Person is unavailable, By-Law Enforcement or Police will be notified to address the situation.

New and Renewal Application Requirements

New Application

Applicants are required to provide the following information for a New Applications:

- Proof of ownership
- Property information
- Responsible Persons Information
- Drinking Water Test
- Septic Records
- WETT Certificate
- Floor Plans of entire dwelling unit (Private and rental areas including exits to be identified)
- Site Plan drawing
- Certificate of insurance

Renewal Application

Applicants will be required to provide the following information for License Renewal:

- Proof of ownership
- STA licence number
- Responsible Persons information
- Certificate of insurance
- Confirm that there are no changes to the information contained within the application or any deviation to the approved plans since the issuance of the STA licence. If there have been changes, upload the updated plans for review.

When to Apply

Licence Requirements

A Short-Term Accommodation Licence must be obtained before advertising, booking, or operating a short-term accommodation within the Township of Greater Madawaska. Advertising or operating a short-term accommodation without a Licence may result in by-law enforcement and fines, as outlined in the Short-Term Accommodation Licensing By-Law.

How to Apply

Step 1: Complete the Short-Term Accommodation Licensing Application Form

The Licence Application Form can be found online at [greatermadawaska.com/STA Licensing](http://greatermadawaska.com/STA_Licensing). In order for an application to be complete, you will need to provide several additional documents. These documents will vary depending on the Dwelling and are outlined in the Application Checklist included in the application form. Any drawings required for the application (i.e., site plan, floor plan) can be done by the Applicant using a computer or drawn by hand, as long as they are legible and all required information is included.

A checklist has been provided on website which outlines all required documentation and examples to help with the application process. Please visit the Township Short-Term Accommodation webpage for more information:

Step 2: Review

Once your application is complete (including all required documents), staff will review your application package. Staff will not review incomplete applications. Staff may contact you with additional questions, document requests, or inspection requests (if deemed necessary).

Step 3: Results

Approval or feedback on your application will be provided once your application package is complete and reviewed by staff.

Step 4: Licensing Fee Payment and Issuance

Once you receive confirmation that your application has been approved, you will need to pay the Licensing Fee to finalize the application process. A notice of application approval does not mean your short-term accommodation is licensed. A short-term accommodation licence will not be issued until the Township receives the Licensing Fee payment.

Once your payment is received, you will receive a Licensing package, which includes your Licence and licence number.

Sample Application Package

The following pages contain sample documents that are required as part of a short-term accommodation licensing application package. The following sample application package is to be used as a reference only.

EXAMPLE

Responsible Persons Information

Responsible Person Consent Form

Short-Term Accommodation (STA) Licence Application

As per By-law 19-2024 (hereinafter referred to as “The By-law”) *Licence, Regulate and Govern Short-Term Rental Accommodations*, the owner of a Short-Term Accommodation shall provide to the Township at the time of submitting an application and maintain as current thereafter, the name and contact information of the Responsible Person who can be readily contacted by the Township within sixty (60) minutes and respond to an emergency or contravention of any Township By-law, including attendance on premises within sixty (60) minutes of being notified of the occurrence.

Responsible Person Declaration

The By-law defines a “Responsible Person” as the Owner or Agent of the Owner which person is identified and responsible for ensuring a Short-Term Accommodation is operated in accordance with the provisions of this By-law, the licence for such STA, and applicable laws.

I, _____ certify and acknowledge that
(Full Legal Name)

as the Responsible Person designated for the operation of a Short-Term Accommodation at

(Property Address)

Township Greater Madawaska, Ontario, I hereby understand the duties as required herein. I confirm that I will be readily available for emergency or contravention purposes as outlined in the By-law. By signing this declaration, I have acted on due diligence to understand the By-law to the best of my capabilities in order to comply with all requirements.

Phone #: _____

Home Address: _____

Email: _____

Date: _____

Signature: _____

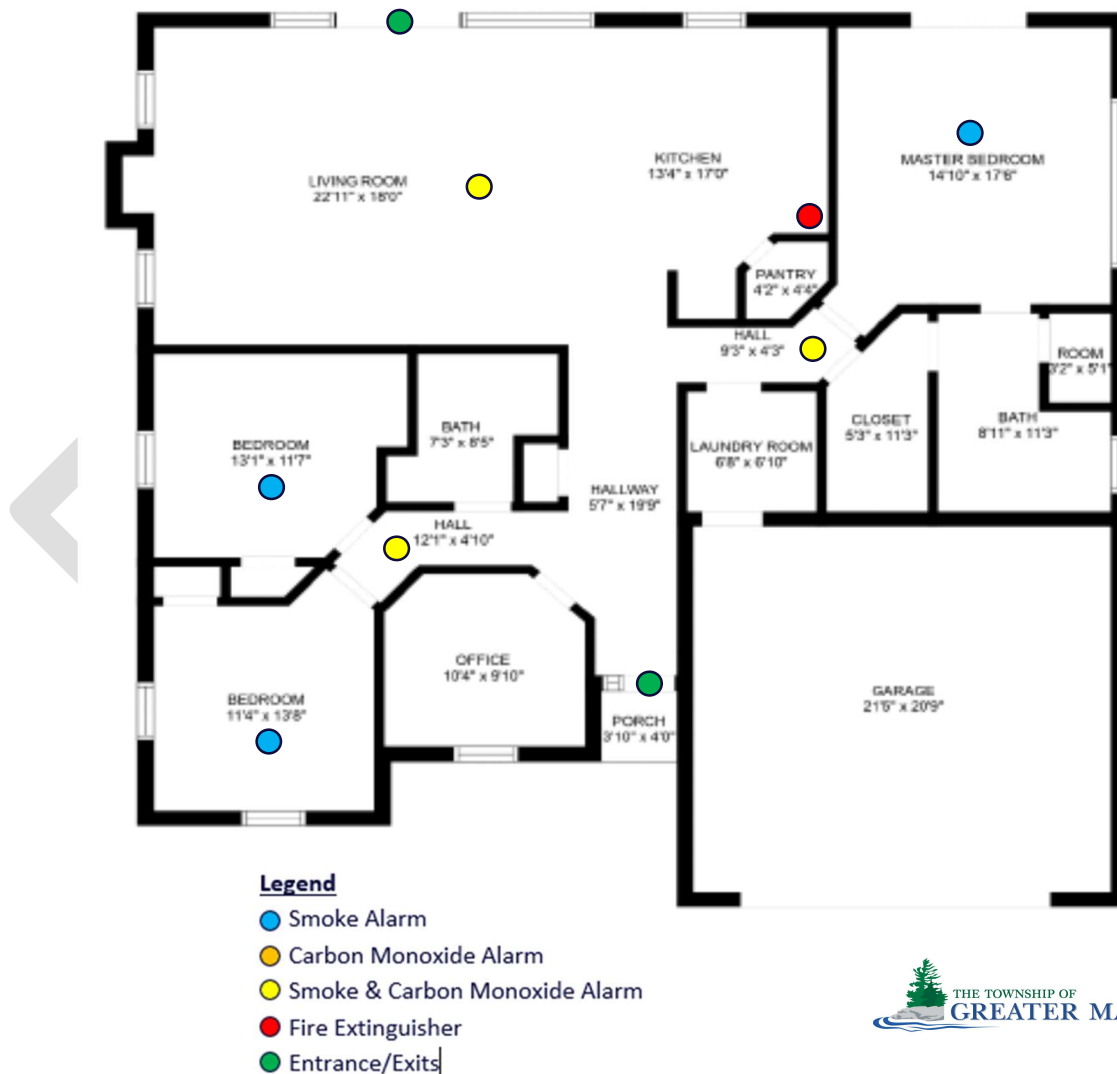
Floor Plan Sample

The Township of Greater Madawaska Short-Term Accommodation By-Law requires every applicant to submit a Floor Plan drawn to scale and fully dimensioned of the Short-Term Accommodation identifying the following:

- Each room and it's intended use.
- Location of all smoke and carbon monoxide alarms
- Location of all fire extinguishers.
- All entrances and exists from the buildings and structures.
- Fire escape routes.

Notes: Do not submit this sample floor plan with your application. Use a separate sheet for each storey/floor. Floor plans can be hand-drawn, but please ensure they are legible and clear.

Floor Plan Example:



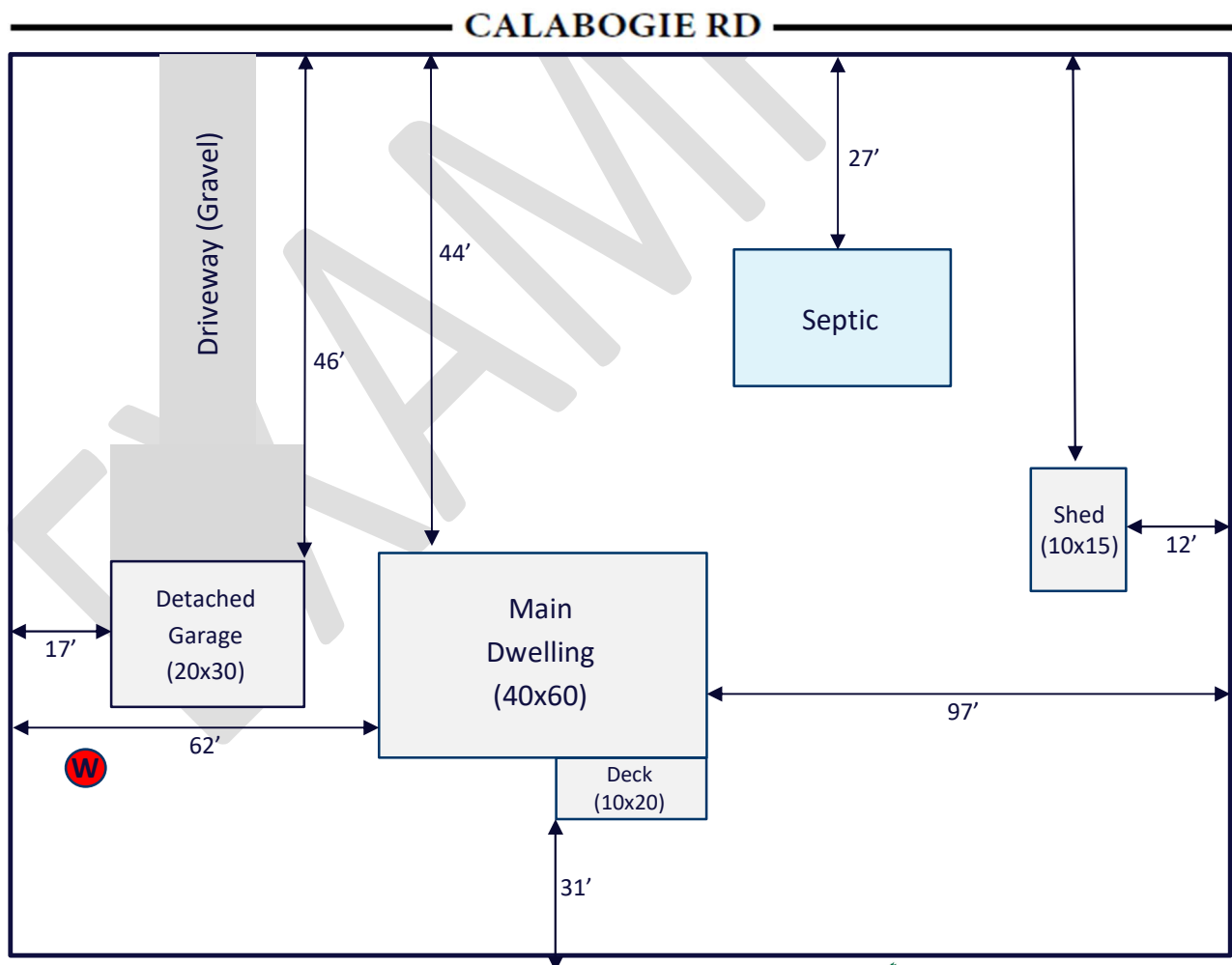
Site Plan Sample

The Township of Greater Madawaska Short-Term Accommodation By-Law requires every applicant to submit a Site Plan drawn to scale and fully dimensioned of the Short-Term Accommodation identifying the following:

- Dimensions of Property Lines
- Location of all Buildings & Structures, including Setbacks to property lines.
- Location of Driveway & Parking (*1 parking spot per room rented is required*)
- Location of Septic & Well

Notes: Do not submit this sample site plan with your application. Site Plans can be hand-drawn, but please ensure they are legible and clear.

Site Plan Example:



Certificate of Insurance

A document (e.g. Certificate of Insurance) that includes proof of:

- No less than two million dollars (\$2,000,000) per occurrence for property damage and bodily injury
- Identifies that a short-term accommodation is being operated on the premises

EXAMPLE