

CORPORATION OF THE
TOWNSHIP OF BILLINGS

AGENDA

September 15th, 2022 7:00 p.m.

Electronic Meeting

1. OPEN
2. APPROVAL OF AGENDA
3. DISCLOSURE OF PECUNIARY INTEREST
4. ADOPTION OF MINUTES
5. DELEGATIONS
6. COMMITTEE REPORTS
7. OLD BUSINESS
8. NEW BUSINESS
 - a) 2022-49 Short Term Accommodation and Rental By-Law
 - b) 2022-50 Administrative Monetary Penalty By-Law
 - c) 2022-51 Hearing Officer By-Law
9. CORRESPONDENCE
10. INFORMATION
11. ACCOUNTS FOR PAYMENT
12. CLOSED SESSION
13. CONFIRMING BY-LAW
14. ADJOURNMENT

Memorandum

To: Mayor, Council
cc: Staff, Public
From: Staff
Date: September 12th, 2022
RE: **September 15th, 2022 Special Council Meeting**

4. Minutes

None.

5. Delegations

None.

6. Committee Reports

None.

7. Old Business

None.

8. New Business

Memo to Council Regarding New Business Agenda Items a/b/c

In follow-up to Councils August 2, 2022 request for me to prepare a bylaw that addresses the issue of short-term accommodation rentals for the Township, I am submitting a package of 3 inter-related bylaws for your review. Listed below are the bylaws that I am submitting and a brief explanation of each.

a) 2022-49 Short Term Accommodations & Rental Bylaw

This is a bylaw that deals specifically with the licensing of short-term accommodation rentals within the Township.

The research for the development of this bylaw included reviewing the Short Term Rental bylaws from Blue Mountain, Lake of Bays, North Grey, Assiginack, Central Manitoulin and a Generic copy that was provided. All of the bylaws used in the research had substantial differences as well as some similarities.

In an effort to develop a bylaw that would be conducive to the bylaw needs and requirements of Billings Township I felt that there was an important need to ensure that there was an inclusiveness of the various circumstances in which short term rentals occur. i.e., rentals of primary residences, rentals of non-primary residences, rentals that include recreational trailers as well as bed and breakfast operations.

With that being said I have developed a bylaw that has a permit system that recognizes these rental situation differences.

b) 2022-50 Administrative Monetary Penalty

Administrative Monetary Penalties is a process that was introduced into the Ontario Municipal Act in 2017 that allows a municipality to issue administrative monetary penalties for bylaw infractions. In this bylaw a municipality will issue a notice of penalty to a person who has

committed a bylaw infraction, the notice of penalty will have a monetary penalty included on it, then, the person receiving the notice of penalty will then be required to pay the monetary penalty to the Township.

The bylaw has provisions that will allow for a person who is contesting the monetary penalty to have a hearing, with a hearings officer, who will hear the concerns from the person who has received the monetary penalty.

Administrative Monetary Penalties can be applied to a persons property tax bill and collected in that manner.

In my research in preparing this bylaw, I have spoken with other bylaw managers who have an implemented AMP bylaw in their municipality, and that they highly recommend it as it has simplified the process following-up when issuing a penalty for a bylaw infraction.

Also, in my research I reviewed, AMP bylaws for the City of London, Halton Hills and Blue Mountain.

c) 2022-51 Hearing Officer Bylaw

A Hearing Officers Bylaw supports the hearing process identified in AMP bylaw by listing process of appointing a hearings officer and what the duties and powers of a Hearings Officer are.

Understanding that this package presents as a large volume of material, I can say that in the development of these 3 bylaws is that the wording and contents of the bylaws that I am presenting are similar in wording and content with those that I was referencing.

Regards,
Arthur Moran
Bylaw Enforcement Officer
Billings Township

9. Correspondence

None.

**The Corporation of
the Township of Billings**

Bylaw 2022-49

Being a Bylaw to Regulate Short Term Accommodation Rentals within Billings Township

WHEREAS *Section 9 of the Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that *Section 8 and Section 11* shall be interpreted broadly so as to confer broad authority on municipalities to:

- a) enable municipalities to govern their affairs as they consider appropriate; and
- b) enhance their ability to respond to municipal issues;

AND WHEREAS *Section 8 (3) of the Municipal Act 2001, S.O. c 25* as amended, authorizes a municipality to provide for a system of Licences;

AND WHEREAS *Section 10 (2), paragraph 6 of the Municipal Act 2001, S.O., c, 25* as amended, authorizes a municipality to pass a By-law respecting the health, safety and well-being of Persons;

AND WHEREAS *And Whereas Section 151 of the Municipal Act 2001, S.O., c, 25* as amended, provides that 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 434.1 of the Municipal Act 2001, S.O., c, 25* as amended, provides that a municipality may require a Person to pay an Administrative Monetary Penalty if the municipality is satisfied that the Person has failed to comply with a By-law of the municipality passed under the Municipal Act;

AND WHEREAS *Section 434.2 of the Municipal Act 2001, S.O., c, 25* as amended, provides that an administrative penalty imposed by a municipality on a person under section 434.1 constitutes a debt of the person to the municipality. 2017, c. 10, Sched. 1, s. 75.

AND WHEREAS an Administrative penalty imposed under section 434.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, shall, add the Administrative penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the Administrative penalty, and collect it in the same manner as municipal taxes. 2017, c. 10, Sched. 1, s.75.

AND WHEREAS Section 23.1 of the Municipal Act 2001, S.O. c. 25 as amended, authorizes a municipality to delegate its powers and duties;

AND WHEREAS the Council the Township of Billings has deemed it necessary and expedient to regulate and licence the Short-Term Accommodation Rental of Property in the Township of Billings;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF BILLINGS ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this By-law:

- 1.1 "Accessory Building" shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building, and may include a guest cabin, private garage, boathouse, tool shed, storage building, or other similar uses.
- 1.2 "Administrative Monetary Penalty" means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2022- , as amended;
- 1.3 "Agent" means a Person authorized in writing by an Owner to act on the Owner's or group of Owner's behalf;
- 1.4 "Applicant" means a Person who files an application for a License;
- 1.5 "Bed and Breakfast means a dwelling unit or portion thereof, in which the proprietor resides and supplies for hire or gain to other persons, particularly tourists, on a temporary or day to day basis, lodging, usually but not necessarily with alimentation, and shall provide no more than four (4) guest rooms used or maintained for the accommodation of the public and shall be clearly the secondary use of the dwelling unit as a private residence. A Bed and Breakfast Establishment shall not include a boarding house, hotel, motel, lodge, or tourist establishment.
- 1.6 "Building" means a structure occupying an area greater than 10 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 services system appurtenant thereto;
- 1.7 "Camping structure" means a provided structure specifically used for sleeping (camping cabins, yurts, etc.).
- 1.8 "Chief Administrative Officer" means the Chief Administrative Officer for the Township or any Person designated by the Chief Administrative Officer;
- 1.9 "Commercial Operation" means any activity that involves, directly or indirectly, the buying or selling of goods or services, or the exchange or attempt or offer to exchange goods or services for money, barter, by accepting gratuities, or for anything of value.
- 1.10. "Commercial Activities", means activities being hosted at subject property that involve costs or monies for services provided (Examples: weddings, receptions, retirement party, music event, etc.).
- 1.11 "Council" means Council for the Township of Billings;
"Designate" means a person chosen for a special job or purpose by Council.
- 1.12 "Dwelling" means a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, and one or more families, but shall not include any mobile home, construction trailer, travel trailer, hotels, motels, a home for the aged, nursing home, hospital, or living quarters for a caretaker, watchman or other person or persons using living quarters which are accessory to a Non-Residential building.
- 1.12.1 "Accessory Dwelling Unit" means a dwelling unit that is part of a permitted Non- Residential Use.
- 1.12.2 "Accessory Detached Dwelling" means a detached dwelling subordinate and incidental to the principal use, building or structure located on the same lot therewith.

1.12.3 "Apartment Dwelling" means a building consisting of three (3) or more dwelling units, which have a common entrance from road level and the occupants of which obtain access to their dwelling units through common halls.

1.12.4 "Bachelor Dwelling Unit" means a dwelling unit consisting of one bathroom and not more than two (2) habitable rooms designed to provide living, dining and kitchen accommodation in appropriate individual rooms or combination of rooms.

1.12.5 "Converted Dwelling" means a building on a lot originally designed, intended and used as a one-family dwelling which has been lawfully altered or converted so as to provide two (2) or more dwelling units, none of which is located in the cellar.

1.12.6 "Cottage Dwelling" means a detached building, which may be occupied on a seasonal basis, used for and containing only one dwelling unit, which is designed and/or constructed for year-round human habitation.

1.12.7 "Detached Dwelling" means a separate building designed for and containing only one dwelling unit and constructed for year-round human habitation.

1.12.8 "Duplex Dwelling" means a building that is divided horizontally into two separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

1.12.9 "Fourplex Dwelling" means a building which consists of two (2) attached duplex dwellings, or a building containing only two storeys exclusive of basement, divided vertically into four (4) dwelling units with either one or two complete walls in common with adjoining units and an independent entrance, either directly or through a common vestibule.

1.12.10 "Hosted Property" is an establishment that has an owner/operator living full-time on-site during the rental period.

1.12.11 "Semi-detached Dwelling" means one of a pair of attached single dwelling units constructed for permanent use with a common party wall dividing the pair of dwelling units vertically for the full height of the building, each of which has an independent entrance.

1.12.12 "Townhouse Dwelling" means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit, or a front and side yard in the case of a dwelling unit located at the end of the townhouse building.

1.12.13 "Triplex Dwelling" means a building that is divided horizontally or vertically into three (3) separate dwelling units each of which has an independent entrance, either directly or through a common vestibule.

1.12.14 "Dwelling Unit" means a suite of two (2) or more habitable rooms, occupied by one or more persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the building or from a common corridor inside the building.

"Designate" means

Event Activity means the purpose for which the venue has been booked.

1.13 "Fire Chief" means the Fire Chief for the Town or any Person designated by the Fire Chief;

1.14 "Guest Cabin shall mean a dwelling unit for guest accommodation accessory to a seasonal dwelling and which contains no provisions for cooking.

1.15 "License" means a License issued by the Town pursuant to this By-law;

"License Appeal Committee" means a three-member committee that consists of 1 senior Council member, 1 senior Township staff member and 1 Township resident that is appointed by Council.

1.16 "License Class" means the following:

- 1.16.1 “Class A License” means a license that is issued by the Township to a Property Owner of a Principal Residence who owns a property where Short Term Rentals are permitted. See schedule “C” for the terms and conditions of this license.
- 1.16.2 “Class B License” means a license that is issued by the Township means to a Property Owner who owns a Non-Principal Residence where, Short-Term Rentals are permitted, See schedule “D” for the terms and conditions of this license.
- 1.16.3 “Class C License” means a license that is issued by the Township to a Property Owner who resides in Dwelling that is their Principal Residence and rents a recreational vehicle, guest cabin or accessory building for the purpose of providing accommodations. See Schedule “E” for the terms and conditions of this license.
- 1.16.4 “Class “D” License” means a license that is issued by the Township to a Property Owner who owns and resides in a Dwelling that is their Principal Residence and operates a Bed and Breakfast operation. See schedule ____ for the terms and conditions of this license.
- 1.17 “License Issuer” means employee who have delegated authority by Council as the Person(s) responsible for issuing a License;
- 1.18 “License Number” means a number assigned to a STAR License by the Town;
- 1.19 “Licensee” means a Person issued a current and valid STAR License pursuant to this By-law;
- 1.20 “Nuisance” means an activity or behavior that when consistent or repetitive causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public;
- 1.21 “Officer” means a police officer, Municipal Law Enforcement Officer, the Fire Chief, the Building Inspector, or other Person appointed by By-law to enforce the provisions of this By-law;
- 1.22 “Owner” means the registered owner of the lands or Premise or his or her authorized agent that is in lawful control of the lands or Premise;
- 1.23 “Parking Management Plan” means a plan completed by the property owner, a licensed professional engineer, architect, landscape architect, professional planner, surveyor, draftsman, or equivalent, which shall include:
- a) the scale of the drawings in metres;
 - b) the area that is designated for the parking of vehicles;
 - c) the size of each parking space;
 - d) the location of all driveways and access to the Premises; and,
 - e) the lot lines of the Premises, including dimensions of the Premises.
- 1.24 “Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;
- 1.25 “Premises” means land, Property or any part thereof including any and all Buildings or other structures thereon;
- 1.26 “Principal Residence” means the dwelling where the owner and, if applicable, the owners Spouse, maintain their permanent place of abode, and typically spend the majority of the calendar year. A person may have only one principal residence at any one time.
- 1.27 “Recreational Trailer/Vehicle” means a structure that is designed to provide temporary living accommodations (kitchen, washroom, sleeping) for vacation, travel or recreational use, and to be driven, towed, parked or transported. Such structures include but is not limited to the following:
- 1.27.1 “Motorhomes” (Class A, Class B, Class C) means a recreational vehicle built on a self-propelled chassis, combining transportation and living quarters in a complete unit.
- 1.27.2 “Travel Trailer” means a unit designed to be towed by car or pick-up truck by means of an equalizing frame hitch.

- 1.27.3 “Fifth Wheel Trailer” means a two-level unit designed to be affixed and towed by a pick-up truck with a special fifth wheel hitch in the truck bed.
- 1.27.4 “Folding Camping Trailer” means a light weight unit that collapses for the purposes of towing and storage.
- 1.27.5 “Truck Camper” means a small recreational unit that is loaded or affixed to the bed or chassis of a truck.
- 1.27.6 “Toy Hauler” means a trailer used to haul recreational equipment that includes a temporary living quarter in the forward section.
- 1.27.7 “Hybrid/Expandable Trailer” means a conventional travel trailer with folding bunks end.
- 1.27.8 “Converted Trailer” is a trailer that was designed as a cargo trailer that has been converted to accommodate, short term temporary shelter.
- 1.27.9 “Mobile Site Office Trailer” is a trailer that is built to be used as a temporary office on construction projects or on other types of projects where temporary shelter is required for conducting business, meetings or for lunchroom or training purposes.
- 1.28 “Registered Complaint” means a complaint regarding the operation of a short-term accommodation determined to be valid by an Officer
- 1.29 “Renter” means the Person responsible for the rental of the Premise by way of concession, permit, License, rental agreement or similar Commercial Operation arrangement;
- 1.30 “Renter’s Code of Conduct” as set forth in Schedule “B”, and may be amended from time to time, means a document that has been prepared by the Township that prescribes the roles and responsibilities of the Renter, including but not limited to: behavioral expectations as they relate to non-disturbance of neighbors; compliance with applicable Town by-laws, and adherence to the provisions of this By-law;
- 1.31 “Rental or Lease Management Company” means any person who accepts, facilitates, manages, brokers requests for, advertises, or offers Short-Term Accommodation Rentals for compensation or a fee through a website or other platform
- 1.32 “Responsible Person” means the Owner (must be 18 years of age) or Agent assigned by the Owner or Licensee of the Short-term Rental Dwelling to ensure the Short-term Rental Dwelling is operated in accordance with the provisions of this By-law, the License and applicable laws;
- 1.33 “Short -Term Accommodation Rental” or “STAR” means private residential dwelling (or part of dwelling) that are rented to provide accommodations to a person or persons on a temporary basis for a period of less than 30 days and to which the Residential Tenancies Act, 2006, S.O. 2006, c. 17, as may be amended from time to time, does not apply. STAR’s do not include, hotels, motels, lodges or other commercially zoned accommodation uses for the travelling public
- 1.34 “Township” means the corporation of the Township of Billings.
- 1.33 “Zoning By-law” means any By-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2.0 General Provisions

- 2.1 All Persons/Property Owners must complete and meet the conditions identified in the Application for License prior to operating any Short-Term Rental operations. See Schedule ____
- 2.2 All Persons/Property owners who rent their own Principal Residence, a Dwelling, Accessory Buildings or Recreational Vehicle as a STAR must possess and have available for inspection, a valid License that is issued by the Township that allows for STAR at the property identified on the Permit.
- 2.3 All Persons/Property owners who rent their own Principal Residence, a Dwelling, Accessory Buildings or Recreational Vehicle as a STAR must provide proof of a passed water quality test for the Dwelling,

Accessory Building or Recreational Vehicle that is being rented. The test is to be performed by Public Health Sudbury and District.

2.4 All Persons/Property Owners or Responsible Persons identified as contacts on the License must be able to be contacted within 60 minutes and must be able to attend the property, if required, within 24 hours upon notification of an emergency situation or enforcement situation.

2.5 All Principal Residences, Dwellings, Accessory Buildings and Recreational Vehicles that are being used as STAR must pass a fire safety inspection performed by the Fire Chief or a designated member of the Billings Township Volunteer Fire Department, prior to being used as a rental unit.

2.6 All Principal Residences, Dwellings, Accessory Buildings and Recreational Vehicles that are being used as STAR must have an emergency exit diagram posted in the rental unit.

2.7 All Principal Residences, Dwellings, Accessory Buildings and Recreational Vehicle that are being used as a STAR must pass a safety inspection performed by the Township Building Inspector or a person designated by the CAO, prior to being used as a rental unit.

2.8 All Principal Residences, Dwellings, Accessory Buildings and Recreational Vehicles that are being used as STAR must have a Renters Code of conduct posted in the rental unit.

2.9 All Principal Residences, Dwellings, Accessory Buildings and Recreational Vehicles that are being used as STAR must have emergency contact information posted in the rental.

2.10 All Principal Residences, Dwellings, Accessory Buildings and Recreational Vehicles that are being used as STAR must have a secure storage area for garbage /refuse that will prevent access by wildlife or vermin.

2.11 All Principal Residences, Dwellings, Accessory Buildings and Recreational Vehicles that are being used as STAR must have an approved parking plan posted in the rental unit.

2.12 All Persons/Property Owners shall notify the Township of any change in licensing or registration information within 15 days.

2.13 All Persons/Property Owners who is issued a Licence pursuant to this By-law shall contravene any provision set out in this By-law, any other Municipal By-law, Federal or Provincial Act or Statute.

3.0 Prohibitions

3.1 No Person shall own, operate or carry on a business or activity as a STAR other than in accordance with the terms and conditions of a Licence under the terms and conditions of this By-law.

3.2 No Person shall advertise, promote, broker, or offer for rent or lease any STAR without a current valid Licence and no Owner shall permit any of the foregoing without a current valid Licence.

3.3 No Person shall alter or modify or permit the alteration or modification of a Licence.

3.4 No Person shall use, or attempt to use, a Licence issued to another Person or Property.

3.5 No Person shall operate a STAR that does not have emergency contact information posted in a visible location.

3.6 No Person shall operate a STAR that does not have an emergency exit diagram posted in a visible location.

3.7 No Person shall operate a STAR that does not have a copy of the STAR License posted in a visible location.

3.8 No person shall operate a STAR that does not have the Renters Code of Conduct posted in a visible location.

3.9 No Person shall refuse service to a Person accompanied by a service animal.

3.10 No person shall allow a STAR unit to exceed more persons than allowed.

3.11 No Person shall operate a STAR while their STAR License is under an administrative suspension.

3.12 No Person shall operate more than one (1) STAR unit per property.

3.13 No person shall allow Camping Structures to be used as a STAR unit.

3.14 No person shall use guest cabins as a STAR unit.

- 3.15 No person shall locate a guest cabin on a shoreline road allowance.
- 3.16 No Person shall allow a STAR renter to be a nuisance on the property.
- 3.17 No Person Shall operate a Short-Term Rental Accommodation in contravention to any Provincial Restriction or Order.
- 3.18 No Person shall operate Event Activities at a STAR if the event will cause:
- 3.18.1 Noise Bylaw infractions;
 - 3.18.2 Parking Bylaw infractions;
 - 3.18.3 Causes the maximum allowable amount of guests to be exceeded.
- 3.18 No Person shall knowingly make a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Township.
- 3.19 No Person shall obstruct or hinder, or attempt to obstruct or hinder an Officer who is exercising their duty under this Bylaw.

4.0 Licensing

- 4.1 The License Issuer is hereby delegated authority to issue a License in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.
- 4.2 The License Issuer is hereby delegated authority to impose additional conditions on a License that are reasonable and taking into consideration:
- a) the health, safety, and well-being of Persons;
 - b) the impact on a neighbouring Property or neighbouring Property owner;
 - c) the past conduct of an applicant or Licensee;
 - d) the impact to the Township or the need within the Township if supported by Policy and or By-law, as approved and adopted by Township Council, if applicable, a condition imposed under this Section may be appealed to the Licensing Appeal Committee as outlined in Sections 8.0 of this By-law.
- 4.3 A License issued by the Town is not transferable.
- 4.4 A License issued pursuant to this By-law is valid for a period of time as outlined in the applicable Schedule(s) to this By-law.
- 4.5 Every License shall remain at all times the Property of the Township;
- 4.6 No Person shall enjoy a vested right in any License or the continuance of any License.
- 4.7 A License shall be issued by the License Issuer:
- a) upon the requirements of this By-law being met;
 - b) upon submission of the documents as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;
 - c) upon obtaining the required approvals and inspections required by this By-law and as outlined on the applicable Schedule(s) to this By-law;
- 4.8 The License Issuer shall not issue a License if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the Property subject to the License application.
- 4.9 A License shall only be issued by the License Issuer to the registered owner of the Property unless otherwise required by the Schedule relating specifically to the License Type.
- 4.10 A License issued shall include the following: a) the municipal address; b) License type; c) License number; d) effective date and expiry date of the License; e) Licensee name and contact information; f) responsible person name and contact information.

5.0 License Terms and Conditions

- 5.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.

5.2 A licensee shall notify the Town within fifteen (15) days of any changes to the:

- a) business name;
- b) location of the business Premise;
- c) ownership of the business;
- d) a change in the Licensee's policy of liability insurance; and such changes shall be subject to submission of the necessary documentation to the Township.

5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).

5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6.0 Licenses Administrative Suspensions

6.1 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.

6.2 An Administrative suspension of a License without a hearing shall be imposed for:

- a) fourteen (14) days if the Town is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises.

6.3 Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing.

6.4 Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given an opportunity to respond, and such suspension may be lifted at the discretion of the Township, upon receipt of the Licensee's response.

6.5 An Administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.

7.0 Licenses Grounds for Refusal, Revocation or Suspension

7.1 An applicant or Licensee may be granted a License upon meeting the requirements of this By-law except where:

- a) the past or present conduct of any Person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the Person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or
- b) the Applicant or Licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal By-law or Provincial or Federal Statute associated with the carrying on of such business; or
- c) the Applicant or Licensee has failed to pay an Administrative Monetary Penalty imposed by the Township or a fine or fines imposed by a Court for convictions for breach of this or any other Township by-law or provincial offence related to the licensed Premise; or
- d) the Applicant or Licensee has failed to comply with any term, condition or direction of the License Issuer or Officer or has failed to permit any investigation by the License Issuer or Officer; or
- e) the applicant or Licensee has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or
- f) the issuing of a License would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
- g) the Applicant or Licensee has submitted an application or other documents to the Township containing false statements, incorrect, incomplete, or misleading information; or

h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant or Licensee is licensed, in contravention of this By-law, or any other applicable law; or

i) the Applicant or Licensee has not paid the required License fees; or

7.2 The License Issuer may revoke, suspend, or refuse to issue a License, where the Applicant or Licensee would not be entitled to a License on any grounds set out in this By-law.

7.3 Where the application for a License has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in the respect of the License, shall not be refunded.

7.4 Where a License has been revoked, suspended, or cancelled, the Licensee shall return the License to the License Issuer within two (2) days of service of the notice of the decision.

7.5 When a revoked, suspended or cancelled License has not been returned, an Officer may enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking, or removing the said License.

8.0 Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing

8.1 Before a License is refused, revoked, suspended or cancelled written notice shall be given to the Applicant or Licensee.

8.2 Notice shall be served to the Applicant's or Licensee's last known address or email address filed with the Township and shall: a) contain sufficient information to specify the nature of, or reason for, any recommendation; b) inform the Applicant or Licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and c) inform the Applicant or Licensee that if no written request is received, the Licensing Appeal Committee may proceed and make any decision with respect to the License.

8.3 On receipt of a written request for a hearing from an Applicant or Licensee, the Clerk shall:

a) schedule a hearing; and

b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and

c) post notice of the hearing on the Town's website at least twenty (20) days prior to the hearing date.

8.4 Service of any notice on the Applicant or Licensee under this By-law shall be made by Personal delivery, ordinary mail, or email transmission. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of Personal service or on the date the email is sent.

9.0 Establishment of Licensing Appeal Committee

9.1 The Licensing Appeal Committee shall consist of the Mayor or Deputy Mayor, the CAO or Designate and one resident of Billings Township who is appointed by the Township Council.

9.2 The Licensing Appeal Committee shall hear and render decisions regarding the refusal, revocation or suspension of a License, and the imposing of terms and conditions on a License.

9.3 The decision of the Licensing Appeal Committee shall be final and binding.

10.0 Hearing Process

10.1 The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, shall apply to all hearings conducted under this By-law, and the Licensing Appeal Committee may pass rules for the practice and procedure of the Committee.

10.2 A hearing shall be held in public, unless determined otherwise in accordance with *the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, and the Licensing Appeal Committee shall hear the Applicant or Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.

10.5 When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in his absence, and the Person shall not be entitled to any further notice of the proceedings.

10.6 The CAO shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to: a) the Applicant or Licensee; and b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the CAO a written request for notice of the decision.

11.0 ENTRY AND INSPECTION

11.1 The By-law Enforcement Officer, the Fire Chief or the Building Inspector, or their Designates may at reasonable times, enter upon land, Premises, Buildings, or place where a License has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance to this By-law.

11.2 Every Person shall permit the By-law Enforcement Officer, the Fire Chief or the Building Inspector, or their Designates inspect any land for the purposes of determining compliance with this By-law.

11.3 The By-law Enforcement Officer, the Fire Chief or the Building Inspector, or their Designates may enter upon lands at any reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done, to do such matter or thing in accordance with this By-law.

11.4 The Township's power of entry may be exercised by an Officer, or Agent for the Township and this Person may be accompanied by any Person under their direction, including Law Enforcement Services.

11.5 During any inspection carried out under this By-law, an Officer may be accompanied by other Township of Billings employees, Agents or authorities as deemed necessary.

11.6 The Township may undertake an inspection pursuant to an order issued under provisions of this By-law or Section 438 of the *Municipal Act*.

11.7 It is the responsibility of any Person applying for a License to either, contact the Township for an inspection or provide required documentation, which shall ensure compliance with the following where applicable:

- a) Provisions of this By-law;
- b) *Ontario Building Code Act, 1992, S.O. 1992 c.23; ("Building Code Act")*
- c) *Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ("Fire Protection and Prevention Act")*
- d) *Electricity Act, 1998, S.O. 1998, c. 15, Sched. A ("Electricity Act")*
- e) Billings Township Zoning Bylaw
- f) Any other municipal by-laws or provincial legislation.

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

12.0 Enforcement

12.1 This bylaw shall be enforced by the CAO or Designate, the Township Bylaw Enforcement Officer or Designate, the Township Fire Chief or Designate or the Township Building Inspector.

12.2 Any person(s) who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive costs and upon conviction is liable to

an Authorized Monetary Penalty as set out in *Section 434.1 of the Municipal Act 2001, S.O., c, 25* as amended,

11.2 No person(s) shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, right, functions, powers, or authority under this By-law.

11.3 Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a person(s), the Officer may require the name, address, and proof of identity of that person(s) and the person(s) shall supply the required information.

13.0 Administrative Monetary Penalties

13.1 Administrative Monetary Penalty By-law 2022-___, applies to this By-law.

13.2 Every Person who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2022___ is liable to pay the Township an Administrative Monetary Penalty in the amount set out in the set fines schedule

13.3 Any Person who is issued a Penalty Notice for a contravention of this By-law under the Administrative Monetary Penalty By-law 2022 ___, shall not be charged under the Provincial Offences Act for the same contravention.

14.0 Application and Administration

14.1 This Bylaw applies to all Persons or Property Owners of Billings Township who are operating a Commercial Operation where a Principal Residence, Dwelling, Accessory Building or Recreational Vehicle is being rented as a Short-Term Rental Accommodation.

14.2 This Bylaw shall be known as the Short-Term Accommodation Rentals Bylaw.

15.0 Severability

15.1 If a court of competent jurisdiction declares any section or part of this By-law invalid; it is the intention of Council of the Township that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

16.0 Singular and Plural Use

16.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

17.0 Schedules

17.1 The Schedules attached to this By-law form part of this By-law.

Read a first and second time this ___ day of _____, 20__.

Read a third time, finally passed, signed, and sealed this ___ day of _____, 20__.

Ian Anderson, Mayor

Kathy McDonald, CAO/Clerk

THE CORPORATION of the TOWNSHIP of BILLINGS

BYLAW 2022-49

**Being a Bylaw to Regulate Short-Term Accommodation Rentals within Billings Township
Schedule A**

**Short-Term Accommodation Rental
License Application Form**

PROPERTY INFORMATION (PROPERTY TO BE LICENCED)

Address: _____

OWNER (IF DIFFERENT FROM APPLICANT)

Owner's Name: _____

Corporation or Partnership (if applicable): _____

Applicant's Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

RENTAL AGENT/AGENCY

Agent/Agency's Name: _____

Corporation or Partnership (if applicable): _____

Agency Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

LOCAL MANAGER (IF DIFFERENT THAN OWNER)

Responsible Person's Name: _____

Corporation or Partnership (if applicable)

Agency Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

PURPOSE OF APPLICATION

New STAR License _____ License Renewal _____

PREMISES DETAILS

Current Use of Premises: _____

Proposed Number of Bedrooms: _____

Total STAR Premises Occupant Load: _____

ATTACHMENTS (THE FOLLOWING MUST ACCOMPANY THE APPLICATION)

- i. Copy of the Transfer/Deed proving evidence of ownership
- ii. Copy of the Liability Insurance of not less than \$2 million per occurrence for property damage and bodily injury and proof of Short-Term Accommodations Rental coverage.

- iii. Site Plan of the premises including Accessory Buildings, Recreational Buildings, Parking Plan and garbage storage location)
- vi. Copy of Complete STA Inspection
- viii. Evidence of septic pumped out and inspected in the last three years

DECLARATION OF APPLICANT

I certify that:

The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Signature of Applicant: _____ Date: _____

Application Fee: \$200.00

For Office Use Only

1) Did the Applicant Provide?

a) 2 pieces of government issued identification (Passport, Drivers License, OHIP). **Yes** ___ **No** ___

b) Copy of the Transfer/Deed proving evidence of ownership **Yes** ___ **No** ___

c) Copy of the Liability Insurance of not less than \$2 million per occurrence for property damage and bodily injury. **Yes** ___ **No** ___

d) Does the Policy indicate Short-Term Accommodation Rental coverage? **Yes** ___ **No** ___

e) Site Plan of the premises (including Accessory Buildings, Recreational Vehicles, Parking and garbage disposal area). **Yes** ___ **No** ___

f) Copy of Complete STAR Inspection **Yes** ___ **No** ___

g) Evidence of septic pumped out and inspected in the last three years. **Yes** ___ **No** ___

h) Payment: Cash ___ Debit ___ Credit ___

Received By: _____

Date: _____

Date Reviewed by Council: _____

Approved **Yes** ___ **No** ___

Mayor Signature _____

THE CORPORATION of the TOWNSHIP of BILLINGS
BYLAW 2022-49
Being a Bylaw to Regulate Short-Term Accommodation Rentals within Billings Township
Schedule B

Renters Code of Conduct

RENTER CODE OF CONDUCT
(As enacted by the Township of Billings)

PREMISE OF THIS CODE

The premise of this Code is that the short-term accommodation premises are located in the vicinity of other properties and that the residents/occupants of these properties have the right to enjoy their properties without being imposed upon by nuisance from others.

OBJECTIVES OF THIS CODE

The objective of this Code is to establish acceptable standards of behavior for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbors and neighborhood. The Renter acknowledges for themselves and on the behalf of others that they will be occupying a short-term rental accommodation.

GUIDING PRINCIPLES

The Guiding Principles for short term accommodation renters are:

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

MAXIMUM NUMBER OF RENTERS AND GUESTS

The maximum number of occupants within a dwelling that is being operated as a Short-Term Accommodation Rental shall not exceed a total number based upon the number posted by the Owner. But, in no case shall be more than 2 persons per bedroom or 8 persons per property.

NOISE AND RESIDENTIAL AMENITY

No person shall make noise so as to cause a disturbance or conduct themselves in an antisocial behaviour. Examples of noise that is deemed to be a disturbance include:

- a) Loud music;
- b) Outdoor Speakers;
- c) Outdoor or backyard gatherings involving excessive noise;
- d) Fireworks;
- e) Late or early hour disturbances;
- f) Exceeding occupancy limits; and,
- g) Yelling, shouting, chanting and loud conversations.

Please be advised that the Township of Billings Noise By-law is By-law No. 2021-12, is in effect 24 hours a day, 7 days a week.

Renters are not allowed to disturb neighbours or interfere with their enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Municipality's Noise By-law may result in the notification of the Ontario Provincial Police who may, upon attendance, issue a Notice of Offence, which carries with it a fine, upon conviction, for a first offence. Bylaw Infractions will be assessed to the Person/Property Owner. Please enjoy your stay but have consideration for others.

FUNCTIONS AND PARTIES

Short term accommodation renters are not to host functions or parties as occupancy limits apply to the house and property in accordance with the licence.

ACCESS AND PARKING

Property includes parking on a per bedroom basis. Permitted parking should be the only area used for parking.


RECYCLING AND GARBAGE

Please dispose all garbage and recycling to designated garbage area. Ensure that garbage and recycling is sealed shut and not overflowing.

DRAFT

THE CORPORATION of the TOWNSHIP of BILLINGS
BYLAW 2022-49
Being a Bylaw to Regulate Short-Term Accommodation Rentals within Billings Township
Schedule C
License for Short Term Accommodation Rentals

Front



SHORT TERM ACCOMMODATION RENTAL LICENSE
 (For Principal Residences)

Issued to: _____
 (Name of Property Owner/Business)

Address of Rental Property: _____

Date of Issue: _____ Expiry Date: _____

Issuer: _____

Issuer Signature: _____

New License: _____ License Renewal: _____

License # _____

License Fee: \$500.00
License Valid for 1 year from Date of Issue.

Back of Document

Terms of License	Licenses Administrative Suspensions
<p>1) This issuing of this License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.</p> <p>2) A licensee shall notify the Town within fifteen (15) days of any changes to the:</p> <ul style="list-style-type: none"> a) business name; b) location of the business Premise; c) ownership of the business; d) a change in the Licensee's policy of liability insurance; and such changes shall be subject to submission of the necessary documentation to the Township. <p>5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).</p> <p>5.4 Any records required by this By-law shall be produced by the Licensee upon request of an Officer.</p>	<p>1) Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.</p> <p>2) An Administrative suspension of a License without a hearing shall be imposed for:</p> <ul style="list-style-type: none"> a) fourteen (14) days if the Town is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person premises or Township Property <p>3) Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing.</p> <p>4) Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given an opportunity to respond, and such suspension may be lifted at the discretion of the Township, upon receipt of the Licensee's response.</p> <p>5) An Administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.</p>

THE CORPORATION of the TOWNSHIP of BILLINGS
BYLAW 2022-49
Being a Bylaw to Regulate Short-Term Accommodation Rentals within Billings Township
Schedule E
License for Short Term Accommodation Rentals

Front



SHORT TERM ACCOMMODATION RENTAL LICENSE
 (For Non-Principal Residences)

Issued to: _____
 (Name of Property Owner/Business)

Address of Rental Property: _____

Date of Issue: _____ Expiry Date: _____

Issuer: _____

Issuer Signature: _____

New License: _____ License Renewal: _____

License # _____


License Fee: \$800.00
License Valid for 1 year from Date of Issue.

Back of Document

Terms of License	Licenses Administrative Suspensions
<p>1) This issuing of this License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.</p> <p>2) A licensee shall notify the Town within fifteen (15) days of any changes to the:</p> <ul style="list-style-type: none"> a) business name; b) location of the business Premise; c) ownership of the business; d) a change in the Licensee's policy of liability insurance; and such changes shall be subject to submission of the necessary documentation to the Township. <p>5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).</p> <p>5.4 Any records required by this By-law shall be produced by the Licensee upon request of an Officer.</p>	<p>1) Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.</p> <p>2) An Administrative suspension of a License without a hearing shall be imposed for:</p> <ul style="list-style-type: none"> a) fourteen (14) days if the Town is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person premises or Township Property 3) Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing. 4) Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given an opportunity to respond, and such suspension may be lifted at the discretion of the Township, upon receipt of the Licensee's response. 5) An Administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.

THE CORPORATION of the TOWNSHIP of BILLINGS
BYLAW 2022-49
Being a Bylaw to Regulate Short-Term Accommodation Rentals within Billings Township
Schedule F
License for Short Term Accommodation Rentals

Front



SHORT TERM ACCOMMODATION RENTAL LICENSE
 (For Recreational Vehicles/Trailers or Camping)

Issued to: _____
 (Name of Property Owner/Business)

Address of Rental Property: _____

Date of Issue: _____ Expiry Date: _____

Issuer: _____

Issuer Signature: _____

New License: _____ License Renewal: _____

License # _____


License Fee: \$500.00
License Valid for 1 year from Date of Issue.

Back of Document

Terms of License	Licenses Administrative Suspensions
<p>1) This issuing of this License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.</p> <p>2) A licensee shall notify the Town within fifteen (15) days of any changes to the:</p> <ul style="list-style-type: none"> a) business name; b) location of the business Premise; c) ownership of the business; d) a change in the Licensee's policy of liability insurance; and such changes shall be subject to submission of the necessary documentation to the Township. <p>5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).</p> <p>5.4 Any records required by this By-law shall be produced by the Licensee upon request of an Officer.</p>	<p>1) Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.</p> <p>2) An Administrative suspension of a License without a hearing shall be imposed for:</p> <ul style="list-style-type: none"> a) fourteen (14) days if the Town is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person premises or Township Property <p>3) Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing.</p> <p>4) Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given an opportunity to respond, and such suspension may be lifted at the discretion of the Township, upon receipt of the Licensee's response.</p> <p>5) An Administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.</p>

THE CORPORATION of the TOWNSHIP of BILLINGS
BYLAW 2022-49
Being a Bylaw to Regulate Short-Term Accommodation Rentals within Billings Township
Schedule G
License for Short Term Accommodation Rentals

Front



SHORT TERM ACCOMMODATION RENTAL LICENSE
(For Bed and Breakfast Operations)

Issued to: _____
(Name of Property Owner/Business)

Address of Rental Property: _____

Date of Issue: _____ Expiry Date: _____

Issuer: _____

Issuer Signature: _____

New License: _____ License Renewal: _____

License # _____

License Fee: \$300.00
License Valid for 1 year from Date of Issue.

Back of Document

Terms of License	Licenses Administrative Suspensions
<p>1) This issuing of this License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.</p> <p>2) A licensee shall notify the Town within fifteen (15) days of any changes to the:</p> <ul style="list-style-type: none"> a) business name; b) location of the business Premise; c) ownership of the business; d) a change in the Licensee's policy of liability insurance; and such changes shall be subject to submission of the necessary documentation to the Township. <p>5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).</p> <p>5.4 Any records required by this By-law shall be produced by the Licensee upon request of an Officer.</p>	<p>1) Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.</p> <p>2) An Administrative suspension of a License without a hearing shall be imposed for:</p> <ul style="list-style-type: none"> a) fourteen (14) days if the Town is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person premises or Township Property <p>3) Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing.</p> <p>4) Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given an opportunity to respond, and such suspension may be lifted at the discretion of the Township, upon receipt of the Licensee's response.</p> <p>5) An Administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.</p>

THE CORPORATION of the TOWNSHIP of BILLINGS
BYLAW 2022-49
Being a Bylaw to Regulate Short-Term Accommodation Rentals within Billings Township
Schedule E

Authorized Monetary Penalty (AMP)
Set Fines Schedule

Item	Short Form Wording	Provision Creating Offence	Set Monetary Penalty
1	Operate STAR business without a License	3.1	\$1000.00
2	Promote, broker or offer for rental unit without a License	3.2	\$500.00
3	Alter or modify a License or allowing altering or modifying of a License	3.3	\$500.00
4	Use or attempt to use License not issued to property address	3.4	\$500.00
5	Fail to post emergency contact information to renters	3.5	\$200.00
6	Fail to post copy of STAR license	3.7	\$200.00
7	Fail to post emergency exit diagram in rental unit	3.6	\$200.00
8	Fail to post Renters Code of Conduct	3.8	\$200.00
9	Failure to allow service animal	3.9	\$500.00
10	Allow more than the maximum number of guests in a rental unit.	3.10	\$750.00
11	Operate STAR while license is suspended	3.11	\$1000.00
12	Operate more than one STAR on a property	3.12	\$1000.00
13	Use Camping Structure as STAR	3.13	\$500.00
14	Use Guest Cabin as STAR unit.	3.14	\$500.00
15	Locate Guest Cabin on Shoreline Road Allowance	3.15	\$500.00
16	Allow renter to cause a nuisance	3.16	\$250.00
17	Allow Event Activities that contravene current bylaw provisions.	3.18	\$500.00
14	Hide or obstruct an officer	3.19	\$500.00
15	Attempt to hinder or obstruct an officer	3.19	\$500.00

Note: The penalty provision for the offences listed above is section 12.2 of this bylaw.

**The Corporation of
the Township of Billings**

**Administrative Monetary Penalty Bylaw
Bylaw 2022-50**

Being a Bylaw to implement an Administrative Monetary Penalty System in Billings Township

WHEREAS Section 102.1 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, (the “Municipal Act”) and *Ontario Regulation 333/07* (the “Regulation”) authorize The Corporation of the Township of Billings (the “Township”) to require a person to pay an administrative penalty for a contravention of any Designated Bylaw

AND WHEREAS Section 434.1 of the *Municipal Act* authorizes the Township to 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 paragraph 151(1)(g) of the *Municipal Act* authorizes the Township to 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 any part of a system of licences established by the municipality;

AND WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act* authorize the Township to delegate its administrative and hearing powers;

AND WHEREAS the Council for the Township is of the opinion that the delegations of legislative power under this By-law to the CAO, to Hearings Officers and to Screenings Officers are of a minor nature having regard to the number of people, the size of the geographic area, and the time period affected by the exercise of such delegated power;

AND WHEREAS Section 391 of the *Municipal Act* authorizes the Township to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council for the Township considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated Township by-laws, or portions of the designated Township by-laws;

NOW THEREFORE the Council of The Corporation of the Township of Billings enacts as follows:

1.0 DEFINITIONS

In this By-law:

- 1.1 “Administrative Fee” means any fee specified in this By-law or set out in Schedule “B”;
- 1.2 “Administrative Penalty” means an administrative penalty established by this By-law or set out in the attached Schedules
- 1.3 “AMPS” means Administrative Monetary Penalty System;
- 1.4 “Authorized Representative” means someone appearing on behalf of a Person in accordance with a written authorization provided upon request to the CAO or Designate, and who is not required to be licensed by any professional body;
- 1.5 “Township” means The Corporation of the Township of Billings;
- 1.6 “CAO” means the Township CAO, or any person delegated by them;
- 1.7 “Council” means the Council of the Township of Billings;
- 1.8 “Day” means any calendar day.
- 1.9 “Designate” means a person chosen for a special job or purpose by Council.
- 1.9 “Designated By-law” means a by-law, or a part or provision of a by-law, that is designated under this or any other by-law, and is listed in the attached Schedule “A-1” to which the AMPS applies;
- 1.10 “CAO or Designate” means the City’s CAO or Designate or any person delegated by Council;
- 1.11 “Hearing Non-appearance Fee” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to appear at the time and place scheduled for a review before a Hearing Officer and listed in Schedule “B”;
- 1.12 “Hearing Decision” means a notice that contains a decision made by a Hearing Officer;
- 1.13 “Hearing Officer” means a person who performs the functions of a Hearing Officer in accordance with Section 6 of this By-law, and pursuant to the Township’s Hearing Officer By-law, as amended from time to time;
- 1.14 “Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any Day the offices of the Township are officially closed for business;

1.16 “Late Payment Fee” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-law and listed in Schedule “B”;

1.17 “MTO Fee” means an Administrative Fee established by Council from time to time for any search of the records of, or any inquiry to, the Ontario Ministry of Transportation, or related authority, and listed in Schedule “B”;

1.18 “NSF Fee” means an Administrative Fee established by Council from time to time in respect of payment by negotiable instrument or credit card received by the Township from a Person for payment of any Administrative Penalty or Administrative Fee, for which there are insufficient funds available in the account on which the instrument was drawn, as listed in Schedule “B”;

1.19 “Officer” means a Provincial Offences Officer of the Township or other person appointed by or under the authority of a Township by-law to enforce Township by-laws;

1.20 “Penalty Notice” means a notice given to a Person pursuant to section 3.0 of this By-law;

1.21 “Penalty Notice Date” means the date of the contravention specified on the Penalty Notice, in accordance with section 3.2 of this By-law;

1.22 “Penalty Notice Number” means the reference number specified on the Penalty Notice that is unique to that Penalty Notice, in accordance with section 3.3 of this By-law;

1.23 “Person” includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, and, in relation to vehicle, parking or traffic-related contraventions, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different Persons are named on each portion, the Person whose name appears on the licence plate portion, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this By-law;

1.24 “Plate Denial Fee” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to pay within the time prescribed prior to a request for plate denial and listed in Schedule “B”;

1.25 “Regulation” means Ontario Regulation 333/07 under the Municipal Act;

1.26 “Request for Review by Hearing Officer” means the request which may be made in accordance with section 6 of this By-law for the review of a Screening Decision;

1.27 “Request for Review by Screening Officer” means the request made in accordance with section 5 of this By-law for the review of a Penalty Notice;

1.28 “Review by Hearing Officer” and “Hearing” mean the process set out in section 6 of this By-law;

1.29 “Review by Screening Officer” and “Screening Review” mean the process set out in section 5 of this By-law;

1.30 “Screening Decision” means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 5.13 of this By-law;

1.31 “Screening Non-appearance Fee” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to appear at the time and place scheduled for a review before a Screening Officer and listed in Schedule “B”; and,

1.32 “Screening Officer” means a person who performs the functions of a Screening Officer in accordance with section 5 of this By-law, appointed by the Township as per Schedule “C”.

2.0 APPLICATION OF THIS BY-LAW

2.1 The Township bylaws, or portions of Township bylaws, listed in the attached Schedule “A” of this Bylaw shall be Designated Bylaws for the purposes of sections 102.1 and 151 of the *Municipal Act* and paragraph 3(1)(b) of the Regulation. The attached set out the Administrative Penalties, and may include short form language to be used on Penalty Notices, for the contraventions of Designated Bylaws.

2.2 Schedule “B” of this By-law shall set out Administrative Fees imposed for the purposes of this Bylaw. The attached set out the Administrative Penalties, and may include short form language to be used on Penalty Notices, for the contraventions of Designated Bylaws B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, B11.

2.3 The *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, will continue to apply to contraventions of a Designated By-law, except that no person that is required to pay an administrative penalty under this By-law in respect of a contravention of a Designated Bylaw shall be charged with an offence in respect of the same contravention under the Provincial Offences Act.

3.0 PENALTY NOTICE

3.1 Every Person who contravenes a provision of a Designated By-law shall, upon issuance of a Penalty Notice, be liable to pay the Township an Administrative Penalty in the amount specified in the attached” Schedules to this By-law which include B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, B11.

The attached set out the Administrative Penalties, and may include short form language to be used on Penalty Notices, for the contraventions of Designated Bylaws.

a) An Officer has the discretion to apply an escalated penalty as prescribed in Schedules B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, B11 if the same violation is repeated by the same person. If the violation is related to a property, the Officer must ensure the property ownership has not changed before applying the escalated penalty. Escalating penalties for the same violation apply to a property in perpetuity as long as the owner of the property has not changed.

3.2 An Officer who has reason to believe that a Person has contravened any Designated By-law may issue a Penalty Notice as soon as reasonably practicable.

3.3 A Penalty Notice shall include the following information, as applicable:

a) The Penalty Notice Date;

b) A Penalty Notice Number;

c) The date on which the Administrative Penalty is due and payable, fifteen (15) days from service of the Penalty Notice;

d) The identification number and signature of the Officer;

e) The contravention wording as listed in the attached Schedules, or other particulars reasonably sufficient to indicate the contravention;

f) The amount of the Administrative Penalty;

g) Such additional information as the CAO or Designate determines is appropriate, respecting the process by which a Person may exercise the right to request a Screening Review of the Administrative Penalty; and

h) A statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the Township unless cancelled pursuant to Screening Review or Hearing process.

3.4 In addition to the service methods provided in section 7 "Service of Documents" of this By-law, an Officer may serve the Penalty Notice on a Person by:

a) affixing it to the vehicle in a conspicuous place at the time of a parking or traffic-related contravention; or

b) delivering it personally to the Person,

i) when relating to a parking or traffic-related contravention, the Person having care and control of the vehicle at the time of the contravention, within seven (7) days of the contravention; or

ii) for all other contraventions, within thirty (30) days of the contravention.

3.5 No Officer may accept payment of an Administrative Penalty or Administrative Fee.

3.6 A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Administrative Notice is due and payable, shall also pay the Township any applicable Administrative Fee(s).

4. VOLUNTARY PAYMENT OF PENALTY NOTICE

4.1 Where a Penalty Notice has been paid, the Penalty Notice shall not be subject to any further review.

4.2 A Penalty Notice shall be deemed to have been paid when the amount and all fees prescribed in Schedule "B" have been paid.

5. REVIEW BY SCREENING OFFICER

5.1 A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, and in accordance with the process set out in Section 5.4.

5.2 If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request that the CAO or Designate extend the time to request a Screening Review to a date that is no later than forty-five (45) days after the Penalty Notice Date, in accordance with the process set out in Section 5.4.

5.3 A Person's right to request an extension of time for a Screening Review expires, if it has not been exercised, on or before forty-five (45) days after the Penalty Notice Date, at which time:

a) The Person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a Screening Review;

b) The Administrative Penalty shall be deemed to be confirmed; and

c) The Administrative Penalty shall not be subject to any further review, including a review by any Court.

5.4 A Person's Request for Review by Screening Officer or request for an extension of time to request a Screening Review are exercised by a submission in writing, in the prescribed form and in accordance with the directions on the prescribed form.

5.5 A Request for Review by Screening Officer or request for an extension of time to request a Screening Review shall be served in accordance with the provisions of Section 7 of this By-law.

5.6 A Request for Review by Screening Officer or a request for an extension of time to request a Screening Review shall only be scheduled by the CAO or Designate if the Person makes the request on or before the dates established by Sections 5(1) or 5(2) of this By-law.

5.7 The CAO or Designate may grant a request to extend the time to request a Screening Review where the Person demonstrates, to the satisfaction of the CAO or Designate in his/her sole discretion, that the existence of extenuating circumstances prevented the filing of the request within the prescribed timeline.

5.8 Where an extension of time to request a Screening Review is not granted by the CAO or Designate, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed. Notice of this decision will be provided by the CAO or Designate to the Person in accordance with Section 7.

5.9 Where an extension of time to request a Screening Review is granted by the CAO or Designate, or when a Screening Review has been requested in accordance with this Section, Notice of an Appointment for Screening Review will be provided in accordance with Section 7.

5.10 On a Screening Review of an Administrative Penalty, the Township will direct that the Screening Review proceed by way of written screening unless, in the City's discretion, an in-person or telephone appointment is required.

5.11 Where a Person fails to attend at the time and place scheduled for a Screening Review of an Administrative Penalty, or fails to provide requested documentation in accordance with a request by a Screening Officer:

- a) The Person shall be deemed to have abandoned the request for a Screening Review of the Administrative Penalty;
- b) The Administrative Penalty as set out in the Penalty Notice shall be deemed to be confirmed;
- c) The Administrative Penalty shall not be subject to any further review, including a review by any Court; and
- d) The Person shall pay to the Township a Screening Non-appearance Fee, MTO fee, if applicable, and any other applicable Administrative Fee(s). See Schedule "C".

5.12 On a review of an Administrative Penalty, the Screening Officer may:

a) affirm the Administrative Penalty if the Person has not established on a balance of probabilities that Designated Bylaw(s) was not contravened as described in the Penalty Notice; or

b) cancel, reduce the penalty and/or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), where, in the sole discretion of the Screening Officer that doing so would maintain the general intent and purpose of the Designated By-law, and/or any of the following circumstances exist:

i. defective form or substance on the Penalty Notice;

ii. service of the Penalty Notice did not occur in accordance with Section 7;

iii. undue financial hardship;

5.13 After a Review by Screening Officer, the Screening Officer shall issue a Screening Decision to the Person, delivered in accordance with Section 7 of this By-law.

5.14 A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

6. REVIEW BY HEARING OFFICER

6.1 A Person may Request a Review by Hearing Officer within thirty (30) days of issuance of a Screening Decision in accordance with the Hearings Officer By-law, as amended from time to time (the "Hearings Officer By-law").

6.2 If a Person has not requested a Review by Hearing Officer on or before the date on which the Administrative Penalty is due and payable, the Person may request that the CAO or Designate extend the time to request a Review by Hearing Officer to a date that is no later than forty-five (45) days after the Screening Decision date, in accordance with the process set out in Section 6(4).

6.3 A Person's right to request an extension of time for a Hearing Review expires, if it has not been exercised, on or before forty-five (45) days after the Screening Decision date, at which time:

a) the Person shall be deemed to have waived the right to request a Review by Hearing Officer or request an extension of time for a Review by Hearing Officer;

b) the Screening Decision is confirmed; and

c) the Administrative Penalty shall not be subject to any further review, including a review by any Court.

6.4 A Person's Request for Review by Hearing Officer or request for an extension of time to request a Review by Hearing Officer are exercised by a submission in writing, in the prescribed form and in accordance with the directions on the prescribed form.

6.5 A Request for Review by Screening Officer or request for an extension of time to request a Screening Review shall be served in accordance with the provisions of Section 7 of this By-law.

6.6 A Request for Review by Hearing Officer or a request for an extension of time to request a Review by Hearing Officer shall only be scheduled by the CAO or Designate if the Person makes the request on or before the dates established by Sections 6(1) or 6(2) of this By-law.

6.7 The CAO or Designate may grant a request to extend the time to request a Review by Hearing Officer only where the Person demonstrates, to the satisfaction of the CAO or Designate in his/her sole discretion that they were not served in accordance with Section 7.

6.8 Where an extension of time to request a Review by Hearing Officer is granted by the CAO or Designate, or when a Review by Hearing Officer has been requested in accordance with this Section, Notice of a Hearing will be provided in accordance with Section 7.

6.9 Where a Person fails to appear at the time and place scheduled for a Hearing:

a) the Person shall be deemed to have abandoned the Request for review of a Hearing;

b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall be deemed to be confirmed;

c) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and

d) the Person shall pay to the Township a Hearing Non-appearance Fee, Late Payment Fee, MTO Fee if applicable and any other applicable Administrative Fee(s).

6.10 A Hearing Officer shall conduct a de novo Hearing in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22, as amended and the Hearings Officer By-law, as amended from time to time.

6.11 The Parties to a Hearing shall be the Person seeking review and the City, who may attend through the CAO or Designate, a Screening Officer, an Officer, the Township Solicitor, or a delegate of any of the above persons.

6.12 Any information contained in the Penalty Notice is admissible in evidence as proof of the facts certified in it, in the absence of evidence to the contrary. If a Person wishes to challenge the facts contained in the Penalty Notice, they will be required to mark the prescribed form accordingly.

6.13 Upon the conclusion of a Hearing, the Hearing Officer may:

a) confirm the Screening Decision; or

b) cancel, reduce the penalty and/or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:

i. where the Person establishes on a balance of probabilities that the Designated By-law(s) as described in the Penalty Notice was not contravened; or

ii. where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue financial hardship.

6.14 A Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

6.15 After a Hearing is complete, the Hearing Officer shall issue a Hearing Decision to the Person, and deliver in accordance with the Hearings Officer By-law.

6.16 The decision of a Hearing Officer is final.

7. SERVICE OF DOCUMENTS

7.1 The service of any document, notice or decision, including a Penalty Notice, pursuant to this By-law, when served in any of the following ways, is deemed effective:

a) immediately, when a copy is delivered by personal service to the Person to whom it is addressed or, in the case of a Penalty Notice relating to a parking or traffic-related contravention, by affixing it to the vehicle in a conspicuous place at the time of the contravention;

b) on the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the Person's last known address;

c) immediately upon the conclusion of a copy by facsimile transmission to the Person's last known facsimile transmission number; or

d) immediately upon sending a copy by electronic mail (i.e., email) to the Person's last known electronic mail address.

7.2 For the purposes of subsections 7(1) (b), (c) and (d) of this By-law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the Township as may be required by a form, practice or policy under this By-law.

7.3 If a notice document that is given or delivered to a Person under this By-law is mailed to the Person at the Person's last known address appearing on the records of the townships part of a proceeding under this By-law, or sent electronically to an email address that was provided by the Person, there is an irrebuttable presumption that the notice or document is given or delivered to the person.

7.4 A Person shall keep their contact information for service current by providing any change in address, facsimile, or electronic mail address to the CAO or Designate, immediately. Failure to comply with this section will negate consideration for an extension of time to Request a Review by Hearing Officer pursuant to Section 6(4).

7.5 Where this By-law requires service by a Person on the City, service shall be addressed to the CAO or Designate, and shall be deemed effective:

a) immediately, when a copy is delivered by personal service to the CAO or Designate at the location prescribed on the applicable form or notice;

b) on the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the location prescribed on the applicable form or notice;

c) immediately with respect to electronic mail or upon the conclusion of a copy by facsimile transmission to the facsimile number listed on the applicable form or notice.

8. ADMINISTRATION

8.1 The CAO or Designate shall administer this By-law and establish any additional practices, policies, penalties and procedures necessary to implement this By-law and may amend such practices, policies, penalties and procedures from time to time as the CAO or Designate deems necessary, without amendment to this By-law.

8.2 The CAO or Designate shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-law and may amend such forms and notices from time to time as the CAO or Designate deems necessary, without amendment to this By-law.

8.3 Any Administrative Fee(s) prescribed within Schedule "B" of this By-law shall be added to and be deemed part of the penalty amount unless otherwise rescinded by the Hearings Officer.

8.4 Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable, the Person shall pay to the Township a Late Payment Fee, in addition to the Administrative Penalty and any applicable Administrative Fee(s).

8.5 Where a Person makes payments to the Township of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument or credit card, for which there are insufficient funds available in the account on which the instrument was drawn, the Person shall pay to the Township the NSF Fee set out in the Fees Schedule.

8.6 An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the Township owed by the Person.

8.7 Where an Administrative Penalty, and any applicable Administrative Fee(s) or Late Payment Fee(s), are not paid by the date on which they are due and payable, the Township shall enforce the payment of such fees in accordance with the applicable legislation and regulations, including but not limited to the ability to notify the Registrar of Motor Vehicles, resulting in plate denial. At the time that plate denial is requested a plate denial fee will be added in accordance with Schedule "B" of this by-law and shall be added to the total debt owed to the Township.

8.8 Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.

8.9 An Authorized Representative is permitted to appear on behalf of a Person at a Screening Review or Review by Hearing Officer, or to communicate with the Township on behalf of a Person in accordance with a written authorization satisfactory to the CAO or Designate.

8.10 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

8.11 A Person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the CAO or Designate, the Screening Officer or the Hearing Officer, as applicable.

8.12 Any schedule attached to this By-law forms part of this By-law.

9. SEVERABILITY

9.1 Should any provision, or any part of a provision, of this By-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this By-law, and every other provision of

this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

10. INTERPRETATION

10.1 The provisions in Part VI of the Legislation Act, 2006, S.O. 2006, c.21, Sched. F, shall apply to this By-law.

10.2 Where words and phrases used in this By-law are defined in the Highway Traffic Act, but not defined in this By-law, the definitions in the Highway Traffic Act shall apply to such words and phrases.

11. SHORT TITLE

11.1 This By-law may be referred to as the AMP By-law.

12. EFFECTIVE DATE

This Bylaw will become effective upon the final reading and passing.

Read a first and second time this ___ day of _____, 20__.

Read a third time, finally passed, signed, and sealed this ___ day of _____, 20__ th.

Ian Anderson, Mayor

Kathy McDonald, CAO/Clerk

**The Corporation of
the Township of Billings**

**Administrative Monetary Penalty Bylaw
Bylaw 2022-50**

**Being a Bylaw to implement an Administrative Monetary Penalty System in Billings Township
Schedule "A"**

Designated By-laws under the Administrative Monetary Penalty System By-Law

The following by-laws are listed as Designated By-laws as defined in the AMPs By-law:

Bylaw Name	Bylaw Number
Obstruction of Township Roads	2019-06
Open-Air Burning	2020-16
Control of Dogs	2020-24
Parking	2020-28
Illegal Dumping	2020-30
Property Standards	2020-31
Noise	2021-12
Enforcement of Bylaws	2021-28
Domestic Animals/Exotic Pets	2021-31
Trailers	2021-48

**The Corporation of
the Township of Billings**

**Administrative Monetary Penalty Bylaw
Bylaw 2022-50**

**Being a Bylaw to implement an Administrative Monetary Penalty System in Billings Township
Schedule "B"
Set Fines Schedules for Designated Bylaws**

Schedule "B-1"

**Administrative Monetary Penalty System By-Law
Penalty Schedule for Obstruction of Township Roads Bylaw**

1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 Set Administrative Penalty
1	Park a Motor Vehicle or Trailer when prohibited	Section 2 a) Section 2 b)	\$200.00
2	Obstruct a Highway	Section 2 c)	\$200.00

Schedule "B-2"

**Administrative Monetary Penalty System By-Law
Penalty Schedule for Open-Air Burning Bylaw**

1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Item	Column 1 Short Form Wording	Column 2 Provision creating offence	Column 3 Set Administrative Penalty
1	Set fire in unsafe conditions.	2.1	\$200.00
2	Set fire within 8 metres of structures	2.2	\$200.00
3	Set fire in Burn Barrel	2.3	\$200.00
4	Set fire without Burn Permit	2.4	\$300.00
5	Burn prohibited materials	2.5	\$200.00
6	Set fire between 8:00 AM-8:00 PM	2.6	\$200.00
7	Leave or abandon unextinguished fire	2.8	\$300.00
8	Fire control tools or extinguisher not available	2.9	\$200.00
9	Causing reduced visibility on a highway	2.10.1	\$300.00
10	Causing a fire that spreads	2.10.2	\$300.00

Schedule "B-3"
Administrative Monetary Penalty System By-Law
Penalty Schedule for Dog Control Bylaw

1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Item	Column 1 Short form wording	Column 2 Provision Creating Offence	Column 3 Set Administrative Penalty
1	Failure to take proper care of Dog	Section 2.1	\$500.00
2	Failure to provide proper enclosure.	Section 2.2	\$100.00
3	Use inappropriate tether.	Section 2.3	\$50.00
4	Failure to remove excrement from Town property.	Section 2.4	\$100.00
5	Not removing excrement in a timely manner.	Section 2.5	\$100.00
6	Possessing more than 3 Dogs.	Section 2.7	\$200.00
7	Failure to properly fence a Vicious Dog	Section 3.2 (a) (b)	\$250.00
8	Failure to muzzle and properly secure a Vicious Dog on a leash.	Section 3.3	\$250.00
9	Nuisance Dog creating a disturbance.	Section 4.2	\$100.00
10	Allowing a Dog to Run At Large.	Section 7.1	\$100.00
11	Allowing Dog to trespass on private property.	Section 7.2	\$100.00
12	Dog not on a leash on Town property.	Section 7.3	\$100.00
14	Hinder or Obstruct	Section 9.2	\$500.00
15	Attempt to hinder or Obstruct	Section 9.2	\$500.00

Schedule "B-4"
Administrative Monetary Penalty System By-Law
Penalty Schedule for Parking Bylaw

1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Item	Column 1 Sort Form Wording	Column 2 Provision Creating Offence	Column 3 Set Administrative Penalty
1	Parked Outside Designated Space	3.1(a)	\$55.00
2	Parked Facing Wrong Way	3.1(b)	\$55.00
3	Fail to Park on an Angle	3.1(c)	\$55.00
4	Parked on a Sidewalk	3.1(d)	\$55.00
5	Parked Obstructing a Driveway	3.1(f)	\$55.00
6	Parked in an intersection	3.1(g)	\$55.00
7	Parked within 20 feet of a hydrant	3.1(h)	\$55.00
8	Parked that will prevent safe exit	3.(i)	\$55.00
9	Parked obstructing traffic	3.1(j)	\$55.00
10	Stopped on a Sidewalk	4.1(b)	\$55.00

11	Stopped on the roadway beside any stopped vehicle	4.1(c)		\$55.00
12	Stopped on a highway	4.1(a)		\$55.00
13	Stopped on a bridge	4.1(d)		\$55.00
14	Stopped creating an obstruction	4.1(e)		\$55.00
15	Stopped in accessible parking space	4.1(f)		\$55.00
16	Parked in a fire route			\$125.00
17	Parked in excess of time limit	5.1(e)		\$55.00
18	Parked overnight	5.1(d)		\$55.00
19	Parked in accessible parking space	5.1(c)		\$300.00
20	Parked in a Fire Route	5.1(b)		\$200.00
21	Parked where there is a no parking sign.	5.1(a)		\$55.00
22	Overnight camping in a township parking lot or boulevard.	9.0		\$250.00
23	Obstruct or hinder an Officer	10 (c)		\$500.00
24	Attempt to obstruct or hinder	10 (C)		\$500.00

Schedule "B-5"

**Administrative Monetary Penalty System By-Law
Penalty Schedule for Illegal Dumping Bylaw**

- 1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
- 2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
- 3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Item	Column 1 Short form wording	Column 2 Provision creating or defining the offence	Column 3 Set Administrative Penalty
1	Dump refuse on Township or private property	2.1	\$350.00
2	Littering on Township or private property	2.2	\$350.00
3	Dumping at landfill when closed/unattended.	2.3	\$350.00
4	Dumping outside landfill gates.	2.4	\$350.00
5	Littering in park areas	2.5	\$350.00
6	Non-resident dumping at Township Landfill	2.6	\$350.00
7	Dispose of waste generated outside of Township.	2.7	\$350.00
8	Obstruct or hinder an officer	3.3	\$500.00
9	Attempt to obstruct or hinder an Officer	3.3	\$500.00

Schedule "B-6"

**Administrative Monetary Penalty System By-Law
Penalty Schedule for Property Standards Bylaw**

- 1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
- 2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
- 3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3
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			Set Administrative Penalty
1	Use or occupy non-conforming property.	3.1	\$300.00
2	Permit the use or occupancy of non-conforming property	3.1	\$300.00
3	Improperly stored rubbish or garbage.	3.2.1	\$200.00
4	Stored rubbish or garbage creating safety hazard.	3.2.3	\$200.00
5	Stored building materials, waste materials visible from roadway	3.2.3	\$200.00
6	Stored putrescible garbage, dead animals or excrement.	3.2.4	\$200.00
7	Storage of wrecked, inoperative vehicles or equipment.	3.3.1	\$200.00
8	Allow excessive growth of noxious plants	3.3.2	\$200.00
9	Allow bush area to be a safety hazard.	3.3.3	\$200.00
10	Hinder or obstruct an officer	5.3	\$500.00
11	Attempt to hinder or obstruct an officer	5.3	\$500.00
12	Fail to comply with an order/notice	8.1	\$1000.00

Schedule "B-7"
Administrative Monetary Penalty System By-Law
Penalty Schedule for the Noise Bylaw

1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.

3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Administrative Penalty
1	Cause/Permit Noise- racing a motorized conveyance	2.1.1	\$125.00
2	Cause/Permit Noise- squealing motor vehicle tires	2.1.2	\$125.00
3	Cause/Permit Noise- operate motor vehicle without effective muffler	2.1.3	\$125.00
4	Cause/Permit Noise- operate motorized equipment without effective muffler	2.1.3	\$125.00
5	Cause/Permit Noise- operate pneumatic device without effective exhaust/muffler	2.1.3	\$125.00
6	Cause/Permit Noise- operate combustion engine without effective exhaust/muffler	2.1.3	\$125.00
7	Cause/Permit Noise- operate vehicle causing noise	2.1.4	\$125.00
8	Cause/Permit Noise- operate vehicle and trailer causing noise	2.1.4	\$125.00

9	Cause/Permit Noise- operate loudspeaker or electro-mechanical transducer	2.1.5	\$125.00
10	Cause/Permit Noise- playing musical or other sound producing instrument	2.1.5	\$125.00
11	Permit Noise- noise caused by domestic animal	2.1.6	\$125.00
12	Cause/Permit Noise- detonation of fireworks or explosive devices during prohibited times	2.1.7	\$125.00
13	Cause/Permit Noise- operate combustion engine associated with model or toy during prohibited times	2.2.1	\$125.00
14	Cause/Permit Noise- handling of materials during prohibited times	2.2.3	\$125.00
15	Cause/Permit Noise- singing, shouting, hooting or whistling during prohibited times	2.2.3	\$125.00
16	Cause/Permit Noise- operate motorized conveyance during prohibited times	2.2.4	\$125.00
17	Cause/Permit Noise- operate tool for domestic purposes during prohibited times	2.2.5	\$125.00
18	Cause/Permit Noise- construction work during prohibited times	2.2.6	\$125.00
19	Cause/Permit Noise- operate generator during prohibited times	2.2.7	\$125.00
20	Cause/Permit Noise- operate engine in excess of five minutes during prohibited times	2.2.8	\$125.00
21	Breach condition or exemption granted by Council	6.3.2	\$125.00
22	Hinder or obstruct Officer	8.3	\$500.00

Schedule "B-8"
Administrative Monetary Penalty System By-Law
Penalty Schedule for the Enforcement of Bylaws Bylaw

1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

ITEM	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Administrative Penalty
1	Attempt to obstruct or hinder an Officer	4.2	\$500.00
2	Hinder or obstruct an Officer	4.2	\$500.00

Schedule "B-9"

**Administrative Monetary Penalty System By-Law
Penalty Schedule for the Enforcement of Domestic/Exotic Pet Bylaw**

- . Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
- 2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
- 3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

ITEM	Column 1 SHORT FORM WORDING	Column 2 PROVISION CREATING OR DEFINING OFFENCE	Column 3 Set Administrative Penalty
1	Did keep a prohibited exotic pet	2.1	\$500.00
	Did feed wildlife on Township Property.	2.2	\$250.00
2	Failure to follow identified set conditions	3.1	\$500.00
3	Hinder or obstruct an officer	5.2	\$500.00
4	Attempt to hinder or obstruct an officer	5.2	\$500.00

Schedule "B-10"

**Administrative Monetary Penalty System By-Law
Penalty Schedule for the Enforcement of the Trailer Bylaw**

- . Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
- 2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
- 3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

item	Column 1 Short Form Wording	Column 2 Provision Creating/Defining the Offence	Column 3 Set MonetaryAdministrative Penalty
1	Use/locate recreational trailer/ vehicle on Township property	Section 3.1	\$400.00
2	Use Recreational Trailer/Vehicle on Vacant Lot without a Class "A" Permit.	Section 3.2	\$400.00
3	Use Recreational Trailer/Vehicle on Vacant Lot without a Class "B" Permit	Section 3.2	\$400.00
4	Use Recreational Trailer/Vehicle on a Principal/Seasonable Property without a Class "C" Permit	Section 3.3	\$400.00
5	Use Recreational Trailer/Vehicle on a Principal/ Seasonal Property without a "Class" D" Permit.	Section 3.4	\$400.00
5	Use a Recreational Trailer/Vehicle on property without a Class" E" Permit	Section 3.6	\$250.00
6	Exceed maximum allowed number of Recreational Trailers/Vehicles	Section 3.5	\$400.00
7	Append thing or device to recreational trailer/vehicle.	Section 3.7	\$400.00
8	Store Recreational Trailer/Vehicle on Vacant Property or Property with Seasonal Residence Nov. 1 st to April 30 th .	Section 3.8	\$400.00
9	Fail to remove trailer by prescribed date.	Section 3.9	\$400.00
10	Failure to display a Permit	Section 3.10	\$50.00

11	Use recreational trailer/vehicle for short-term rental or commercial operation purposes.	Section 3.11	\$500.00
11	Improper disposal of sewage or greywater.	Section 3.12	\$400.00
12	Obstruct or hinder an Officer	Section 4.2	\$500.00
13	Attempt to obstruct or hinder an Officer.	Section 4.2	\$500.00

Schedule "B-11"

Administrative Monetary Penalty System By-Law

Penalty Schedule for the Enforcement of the Short-Term Accommodation Rentals Bylaw

1. Column 1 in the following tables set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

2. Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.

3. Column 3 in the following tables set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Item	Column 1 Short Form Wording	Column 2 Provision Creating Offence	Column 3 Set Administrative Penalty
1	Operate STAR business without a License	3.1	\$1000.00
2	Promote, broker or offer for rental unit without a License	3.2	\$500.00
3	Alter or modify a License or allowing altering or modifying of a License	3.3	\$500.00
4	Use or attempt to use License not issued to property address	3.4	\$500.00
5	Fail to post emergency contact information to renters	3.5	\$200.00
7	Fail to post copy of STAR license	3.7	
7	Fail to post emergency exit diagram in rental unit	3.6	\$200.00
8	Fail to post Renters Code of Conduct	3.8	\$200.00
8	Failure to allow service animal	3.9	\$500.00
9	Allow more than the maximum number of guests in a rental unit.	3.10	\$750.00
10	Operate STAR while license is suspended	3.11	\$1000.00
11	Operate more than one STAR on a property	3.12	\$1000.00
12	Allow renter to cause a nuisance	3.14	\$250.00
13	Hider or obstruct an officer	3.16	\$500.00
14	Attempt to hinder or obstruct an officer	3.16	\$500.00

**The Corporation of
the Township of Billings**

**Administrative Monetary Penalty Bylaw
Bylaw 2022-50**

**Being a Bylaw to implement an Administrative Monetary Penalty System in Billings Township
Schedule "C"**

**Administrative Fees for Designated By-laws under the Administrative Monetary Penalty
System By-Law**

Administrative Fee Description	Fee Amount
MTO Fee	\$10.00
Late Payment Fee	\$25.00
NSF Fee	\$50.00
Screening Non-appearance Fee	\$50.00
Hearing Non-appearance Fee	\$100.00
Plate Denial Request Fee	\$20.00

**The Corporation of
the Township of Billings**

**Hearing Officer(s) Bylaw
Bylaw 2022-51**

Being a Bylaw to A by-law to establish the position(s) of Hearings Officer.

WHEREAS the *Ontario Municipal Act, S.O. 2001 c. 25 section 10* provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipalities to govern its affairs as it considers appropriate and enhance the municipality's ability to respond to municipal issues; and

WHEREAS Council of The Corporation of the Township of Billings considers it necessary and desirable to establish the positions of Hearings Officer(s) to whom may be delegated quasi-judicial and legislative authority under various Township By-laws; AND WHEREAS Section 23.2 of the *Municipal Act, 2001* permits a municipal Council to delegate its powers and duties to an individual who is an officer of the municipality;

NOW THEREFORE the Council of The Corporation of the Township of Billings enacts as follows:

1.0 Definitions

In this by-law,

1.1 "Child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of her or his family;

1.2 "Township" means The Corporation of the Township of Billings;

1.3 "Council" means the Council of the Township.

1.4 "Delegated Power of Decision" means a power or right, conferred by or under a Township By-law, to make a decision deciding or prescribing,

- i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
- ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is legally entitled thereto or not;

1.5 "Designate" means a person chosen for a special job or purpose by Council.

1.6 "Hearing" means any Hearing in a Proceedings;

1.7 "Hearings Officer" means each person from time to time appointed by Council pursuant to section 3 of this By-law;

1.8 "Parent" means a person who has demonstrated a settled intention to treat a child as a member of her or his family whether or not that person is the natural parent of the child;

1.9 "Proceedings" means any matter brought before a Hearings Officer for a Hearing; and
1.10 "Spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

2.0 General

2.1 The positions of Hearings Officer(s) are hereby established for the purpose of exercising Delegated Powers of Decision.

2.2 Hearings Officer(s) shall be appointed by Council on the recommendation of the Township CAO or Designate which recommendation shall give preference to eligible candidates:

- a) with knowledge and prior experience in administrative law;
- b) of good character;
- c) able to carry out a fair and impartial Hearing;
- d) able to write a clear and concise decision;
- e) able to communicate effectively with the public;
- f) with excellent written and oral communication skills;
- g) with an understanding of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*;
- h) with an understanding of the *Municipal Act, 2001, S.O. 2001, c. 25*;
- i) who are Canadian citizens;
- j) who can provide a satisfactory Police records check.

2.3 The following are not eligible for appointment as Hearings Officer:

- a) an employee or member of Council of the Township;
- b) the Child of a person referenced in 4(a);
- c) the Parent of a person referenced in 4(a);
- d) the Spouse of a person referenced in 4(a); or
- e) a person indebted to the Township other than:
 - i) in respect of current real property taxes; or
 - ii) pursuant to an agreement with the Township the terms with which the person is in compliance.

2.4 Each Hearings Officer shall hold office at the pleasure of the Municipal Council.

2.5 The Rules of Practice and Procedure governing all Proceedings before a Hearings Officer are set out in Schedule 1 to this By-law unless they are sitting as a Member of the Property Standards Committee.

2.6 A decision by a Hearings Officer is a statutory power of decision within the meaning of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22* and that Act, except for Sections 17.1 (power to award costs), 18 (requirement to send copies of final decision and order) and 19 (enforcement of order by filing with Superior Court of Justice), applies to a Hearings Officer and any Hearing conducted by her or him.

2.7 The Township CAO or Designate or his or her Designate, shall determine the scheduling of Hearings before any Hearings Officer having regard to the efficiency and timeliness of Hearings processes and to the availability of Hearings Officer(s).

2.8 No person shall attempt, directly or indirectly, to communicate with or influence a Hearings Officer respecting the determination of an issue respecting a Delegated Power of Decision in a Proceedings that is or will be pending before the Hearings Officer except a person who is entitled to be heard in the Proceedings or the person's lawyer or licensed paralegal and only by that person or the person's lawyer or licensed paralegal during the Hearing in which the issue arises. Failure to comply with this section constitutes an offence.

2.9 Section 2.8 does not prevent a Hearings Officer from seeking and receiving legal advice including from the Township's Solicitor.

2.10 The Township CAO or Designate shall provide administrative support related to Proceedings before a Hearings Officer, including without limitation, the making and keeping of minutes and records of all requests for Hearings and appeals and decisions arising therefrom and of all other official business of Hearings Officer(s).

2.11 Section 253 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (Inspection of Records) applies with necessary modifications to documents made or kept pursuant to section 2.10.

3.0 SEVERABILITY

3.1 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part in particular circumstances, the balance of the bylaw or its application in other circumstances, shall not be affected or shall continue in full force and effect.

4.0 Administration

4.1 This by-law may be referred to as the "Hearings Officer By-law".

4.2 This By-law is in force and effect on the date it is passed.

Read a first and second time this ___ day of _____, 20__.

Read a third time, finally passed, signed, and sealed this ___ day of _____, 20__.

Ian Anderson, Mayor

Kathy McDonald, CAO/Clerk

DRAFT

**The Corporation of
the Township of Billings
Hearing Officer(s) Bylaw
Bylaw 2022-51
Being a Bylaw to A by-law to establish the position(s) of Hearings Officer.**

SCHEDULE 1

RULES OF PRACTICE AND PROCEDURE FOR HEARINGS BEFORE A HEARINGS OFFICER

1. DEFINITIONS

1.1 In these Rules, unless the context otherwise requires, the following terms have the following meanings:

1.2 "Appellant" means a person making an appeal under any by-law of the Township which permits an appeal to a Hearings Officer;

1.3 "CAO or Designate" means the Township CAO or Designate of The Corporation of the Township of Billings;

1.4 "Document" includes a written document, sound recording, videotape, file, photograph, chart, graph, map, plan, survey, book of account and information recorded or stored by means of any device;

1.5 "Electronic Hearing" means a Hearing held by conference telephone call or some other form of electronic technology allowing persons to hear one another;

1.6 "Hearing" means any Hearing in a Proceedings;

1.7 "Hearings Officer" means a Hearings Officer appointed under the Township's Hearings Officer By-law;

1.8 "Holiday" means:

(i) any Saturday or Sunday;

(ii) New Year's Day;

(iii) Family Day;

(iv) Good Friday;

(v) Easter Monday;

(vi) Victoria Day;

(vii) Canada Day;

(viii) Civic Holiday;

(ix) Labour Day;

(x) Thanksgiving Day;

(xi) Christmas Day;

(xii) Boxing Day; and extended holiday closure, and

(xiii) Any special holiday proclaimed by the Governor General of Canada or the Lieutenant Governor of Ontario, and where New Year's Day or Canada Day falls on a Saturday or Sunday, the following Monday is a holiday, and where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and where Christmas Day falls on a Friday, the following Monday is a holiday;

1.9 "Motion" means a request for a decision, order or direction of the Hearings Officer made during a Proceedings;

1.10 "Oral Hearing" means a Hearing at which the parties or their counsel, agents or other representatives attend in person;

1.11 "Party" means a party specified as a party by law, the person who is the subject of a Hearing, a person who has requested a Hearing pursuant to law and any person who has been given party status by a Hearings Officer, and shall where applicable, include the Township;

1.12 "Proceedings" means a matter brought before a Hearings Officer for a Hearing;

1.13 "Rules" means these rules;

1.14 "Township" means The Corporation of the Township of Billings;

1.15 "Written Hearing" means a Hearing held by means of the exchange of documents whether in written form or by electronic means.

2. APPLICATION

2.1 These Rules apply to all Proceedings before a Hearings Officer exercising a delegated power of decision under the Township's Hearings Officer By-law.

2.2 These Rules do not apply if a statute or by-law provides for a different procedure to govern Proceedings of a Hearings Officer in the exercise of his or her duties.

3. INTERPRETATION

3.1 These Rules shall be broadly interpreted so as to ensure the most just and expeditious determination of a Hearing on its merits.

3.2 Where procedures are not provided for in these Rules, a Hearings Officer may do whatever is necessary and permitted by law to effectively determine the matter before him or her.

3.3 A Hearings Officer may exercise any of his or her powers under these Rules on his or her own initiative or at the request of a party.

3.4 A defect in form or other technical breach will not make a Proceedings invalid.

3.5 Where a party to a Proceedings has not complied in full with any Rule or procedural order, the Hearings Officer may:

(a) grant all necessary amendments or other relief, subject to such conditions as the Hearings Officer considers just;

(b) adjourn the Proceedings until it is satisfied that such Rule or procedural order has been complied with; or

(c) take such other steps as the Hearings Officer considers just and reasonable.

4. CALCULATION OF TIME

4.1 To calculate time under these Rules or a procedural order:

(a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;

(b) where the time for doing an act under these Rules expires on a holiday, the act may be done on the next day that is not a holiday;

(c) where a time of day is mentioned in these Rules or in any order in a Proceedings, the time referred to shall be the time observed locally in the Township of Billings; and

(d) Where a document is filed or served after 4:00 p.m. on any day or at any time on a holiday, the document shall be deemed to have been filed or served on the next day that is not a holiday.

5. EXTENDING OR ABRIDGING TIME

5.1 A Hearings Officer may extend or abridge any time prescribed in these Rules or established by a procedural order during a Proceedings, on such terms as are just. Where a party cannot meet a time limit prescribed by the Rules, the party shall promptly notify the CAO or Designate and apply for an extension of time by motion.

6. FILING

6.1 Filing of any document by any party to a Hearing with the CAO or Designate may be affected by personal delivery, by ordinary or registered mail, by fax transmission, by courier, by email or otherwise as the Hearings Officer may order.

6.2 All written documents filed shall be legible.

6.3 All documents filed with the CAO or Designate by a party shall be served on all other parties by the party forthwith after filing.

6.4 Where a document is filed, the CAO or Designate shall date stamp the document. Subject to Rule 4.1, the date of the receipt stamp on the document shall be deemed to be the date of filing, unless the Hearings Officer orders otherwise. A party may request confirmation from the CAO or Designate that a document filed was properly received.

6.5 Where the Hearings Officer and the CAO or Designate have no record of the receipt of a document alleged to have been filed, the documents shall be deemed not to have been filed, unless the Hearings Officer orders otherwise.

6.6 Where a filing is made by fax, the document shall include a cover page containing the following items:

- (a) the name, address and telecommunication numbers of the sender;
- (b) the date and time the document is transmitted;
- (c) the telephone number from which the document is transmitted;
- (d) the total number of pages transmitted including the cover page; and
- (e) the name and telecommunication numbers of a person to contact if a problem arises with the transmission of the fax.

6.7 The Hearings Officer may direct that where a document is filed by electronic transmission, by email, or by fax, the original and all copies required shall be delivered by a specified time.

7. SERVICE OF DOCUMENTS

7.1 Service means the effective delivery of a document to a person or to the representative of that person. Service may be made by:

- (a) personal delivery by delivering the document to the person;
- (b) courier service to the person's last known address;
- (c) ordinary or registered mail to the person's last known address;

- (d) email to the person's last known email address;
- (e) fax to the person's last known fax transmission number; or
- (f) otherwise as the Hearings Officer may order.

7.2 Without limiting the ability of the Hearings Officer to order service in some other manner, the Hearings Officer may direct service be made by public advertisement.

7.3 Where an oral or electronic Hearing is in progress, service may also be made by:

- (a) providing the document to the parties present at the Hearing;
- (b) serving the document on any other party who is not present and requests a copy of the document;
or
- (c) any other means directed by the Hearings Officer.

7.4 Where a service is made by fax, the document shall include a cover page containing the following items:

- (a) the name, address and telecommunication numbers of the sender;
- (b) the name of the person to be served;
- (c) the date and time the document is transmitted;
- (d) the telephone number from which the document is transmitted;
- (e) the total number of pages transmitted including the cover page; and
- (f) the name and telecommunication numbers of a person to contact if a problem arises with the transmission of the fax.

7.5 A document that is more than 20 pages may not be served by fax on other parties unless prior consent from the intended recipient is obtained.

7.6 Subject to Rule 4.1, service will be effective:

- (a) if the document is delivered by personal delivery, courier, email or fax, on the same day that delivery is made;
- (b) if the document is delivered by regular or registered mail, on the 5th day after the date of mailing;
- (c) if service is made by public advertisement, on the last day of publication where there is more than one day of publication or the day of publication where there is only one day of publication; or

(d) if service is made by any other means, within the time frames directed by the Hearings Officer.

7.7 The Hearings Officer may direct a party who has served a document to file an affidavit of service that indicates how, when and to whom service was made.

8. NOTICE OF APPEAL / REQUEST FOR HEARING

8.1 Where an appellant requests a Hearing before a Hearings Officer, the notice of appeal shall be in writing, shall be filed with the CAO or Designate and shall include:

(a) an identification of the appellant and any other party;

(b) the addresses, telephone numbers, email address and, where available, fax number for each person identified in clause (a);

(c) the name, address telephone number and email address of any agent, representative or lawyer representing the appellant or any other party identified in clause (a);

(d) whether special services or accommodation are required, including translation services or services for the visually or hearing impaired;

(e) the reasons in support of the appeal; and

(f) the signature of the appellant or representative.

8.2 Within 5 days after receiving a notice of appeal, the CAO or Designate shall notify the appellant or the appellant's representative, if:

(a) the documents are incomplete;

(b) the documents are received after the time required for filing a notice of appeal has elapsed; or

(c) there is some other technical defect in the notice of appeal.

8.3 Where the CAO or Designate decides not to process the notice of appeal due to a deficiency listed in Rule 8.2, the CAO or Designate shall provide the party filing the request for Hearing notice of such decision, specifying the deficiencies which need to be corrected. Such notice shall advise that the notice of appeal may be commenced upon the party correcting the deficiencies listed in the notice except if the notice has been received after the time required for commencing the Proceedings has elapsed.

8.4 Subject to Rules 8.2 and 8.3, upon receipt of a request for Hearing pursuant to Rule 8.1, the CAO or Designate shall set the Hearing date and determine the location and format of the Hearing. Upon setting the Hearing date and determining the location and format of the Hearing, the CAO or Designate shall, provide a written notice of Hearing to the parties and others as required by law and as the CAO or Designate considers necessary.

8.5 A Notice of Hearing shall contain:

(a) a reference to the statutory authority or by-law authority under which the Hearing is being held:

(b) a statement of the time and the purpose of the Hearing;

(c) a statement that if the party does not participate in the Hearing in accordance with the notice, the Hearings Officer may proceed without the party's participation and the party will not be entitled to any further notice in the Proceedings;

(d) any other information the CAO or Designate considers necessary for the proper conduct of the Hearing.

8.6 In addition to the requirements for a notice of Hearing set out in Rule 8.5, a notice of Hearing for an oral Hearing shall contain:

(a) the location of the Hearing; and

(b) a statement that the Hearing will be open to the public unless the Hearings Officer directs otherwise.

8.7 In addition to the requirements for a notice of Hearing set out in Rule 8.5, a notice of Hearing for an electronic Hearing shall contain:

(a) details about the manner in which the Hearing will be held; and

(b) a statement that a Hearings Officer shall not hold an electronic Hearing if a party satisfies the Hearings Officer that holding an electronic rather than an oral Hearing is likely to cause the party significant prejudice.

8.8 In addition to the requirements for a notice of Hearing set out in Rule 8.5, a notice of Hearing for a written Hearing shall contain:

(a) a statement that the parties will be required to exchange documents with other parties;

(b) a statement that the parties will have an opportunity to ask questions in writing on the documents, which the other parties will be required to answer, and will have an opportunity to make submissions; and

(c) a statement that the Hearings Officer shall not hold a written Hearing if a party satisfies the Hearings Officer that there is good reason for not doing so.

9. DISMISSING PROCEEDINGSS WITHOUT A HEARING

9.1 The Hearings Officer may dismiss a Proceedings without a Hearing if:

(a) the Proceedings is frivolous, vexatious or is commenced in bad faith;

(b) the Proceedings relates to matters that are outside the jurisdiction of the Hearings Officer; or

(c) some aspect of the statutory requirements for bringing the Proceedings has not been met.

9.2 Before dismissing a Proceedings under this Rule, the Hearings Officer shall give notice of his or her intention to dismiss the Proceedings to all parties setting out the reasons for the dismissal and informing the parties of their right to make written submissions to the Hearings Officer within 10 days of notice being given.

10. PROCEDURAL ORDERS

10.1 In any Proceedings, the Hearings Officer may issue procedural orders which shall govern the conduct of the Proceedings.

10.2 The Hearings Officer may, at any time during a Proceedings, amend any procedural order which he or she has issued.

10.3 The Hearings Officer may, where satisfied that the special circumstances of the Proceedings so require, vary or waive compliance with all or any part of any Rule at any time by making a procedural order.

10.4 Where a provision of these Rules is inconsistent with a procedural order, the procedural order shall prevail.

10.5 Subject to any procedural order issued by the Hearings Officer, the parties to a Proceedings may, on consent, waive any of the provisions of these Rules.

10.6 A party seeking a waiver of any of the provisions of these Rules shall do so on a timely basis.

11. MOTIONS

11.1 The party bringing the motion shall file with the CAO or Designate a copy of the notice of motion setting out the relief sought, the grounds for the motion, the evidence to be relied upon, and the relief sought and serve a copy of the material filed on the other parties.

11.2 The Hearings Officer shall direct the procedure to be followed for Hearing the motion and may set applicable time limits.

11.3 A motion may be made during a Hearing, with or without notice, and shall be disposed of in such manner as the Hearings Officer considers appropriate.

12. DISCLOSURE

12.1 The Hearings Officer may, at any stage in a Proceedings make orders for:

(a) the exchange of documents;

(b) the oral or written examination of a party; or

(c) any other form of disclosure.

12.2 The Hearings Officer's power to make orders for disclosure is subject to any statute or regulation that applies to the Proceedings and nothing in this Rule requires the disclosure of any document which is privileged by law.

12.3 Where the good character, propriety of conduct or competence of a party is an issue in a Proceedings, the party is entitled to be furnished prior to the Hearing with reasonable information of any allegations with respect thereto.

13. SUMMONSES

13.1 The Hearings Officer may require any person, including a party, to attend at the Hearing to give evidence under oath or affirmation and to produce in evidence documents and things as specified by the Hearings Officer relevant to the subject matter of the Hearing and admissible at a Hearing.

13.2 A party may request a summons to witness which may be issued by the Hearings Officer provided that he or she is satisfied by the party requesting the summons that the person to be summoned is able to give material evidence in the Proceedings.

13.3 A summons issued under Rule 13.1 or 13.2 shall be in the form prescribed by the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and signed by the Hearings Officer and shall be served personally on the person summoned.

13.4 A person summoned under Rule 13.1 is entitled to receive from the Township and a person summoned under Rule 13.2 is entitled to receive from the party who summoned him/her the fees or allowances for attending at or otherwise participating in the Hearing as are paid to a person in accordance with Tariff 'A' of the Rules of Civil Procedure.

14. HEARINGS

14.1 The Hearings Officer may hold:

- (a) an oral Hearing;
- (b) a written Hearing;
- (c) an electronic Hearing; or
- (d) a Hearing which combines one or more of the above formats.

14.2 A party to a Proceedings may be represented by counsel, agent or another representative. A representative may act on behalf of and represent a person in respect of a Proceedings or Hearing before the Hearings Officer where the Hearings Officer is satisfied that:

- (a) the person is entitled to be heard by the Hearings Officer;

(b) the representative is a lawyer, a licensed paralegal or a person who is exempt from the requirement to be licensed by By-law passed pursuant to the Law Society Act, R.S.O. 1990, c. L.8;

(c) the person has authorized in writing the representative to act on behalf of and to represent the person in the particular Proceedings or Hearing;

(d) the written authorization specifies the representative's qualification for the purpose of paragraph 6.3(b) including, in the case of a representative who claims to be exempt from the requirement to be licensed, the particular ground prescribed by By-law passed pursuant to the Law Society Act, R.S.O. 1990, c. L.8 upon which the representative purports to be exempt; and

(e) the written authorization has been filed in the Proceedings or Hearing before the Hearings Officer and remains in effect.

14.3 If a person requires a translator at any time during a Proceedings, the person must provide the translator at the person's own expense.

14.4 Hearings shall be open to the public except where the Hearings Officer is of the opinion that,

(a) matters involving public security may be disclosed; or

(b) intimate financial or personal matters or other matters may be disclosed at the Hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that Hearings be open to the public, in which case the Hearings Officer may hold the Hearing in the absence of the public.

14.5 No person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing visual or aural representations by electronic means or otherwise, at any Hearing otherwise open to the public, except in the following circumstances:

(a) No fewer than three (3) days prior to the Hearing, the person gives written notice to the CAO or Designate of the person's intention to request the Hearings Officer for permission to record the Hearing which notice specifies the proposed means of recording;

(b) The person bears all costs related to the proposed recording;

(c) Where the person proposes verbatim transcription:

i) the recording is undertaken by a qualified verbatim reporter;

ii) all testimony and submissions respecting the Hearing are recorded; and

iii) the person delivers to the CAO or Designate no fewer than two (2) certified copies of the transcript prepared by the qualified verbatim reporter within three (3) days of the reporter's completion of the transcript;

- (d) the Hearings Officer determines that the Hearing will not be disrupted or delayed if approval is given;
- (e) the Hearings Officer determines that the approval will not result in any prejudice to any party to the Proceedings;
- (f) prior to the commencement of the Hearing, the Hearings Officer authorizes the recording and has not revoked the authorization; and
- (g) the recording is undertaken only in accordance with the Hearings Officer's approval including any terms or conditions to such approval.

14.6 A party may:

- (a) at any Hearing, present evidence and submissions; and
- (b) at an oral or electronic Hearing, call and examine witnesses and conduct cross-examinations of witnesses reasonably required for a full and fair disclosure of all matters relevant to the issues in the Proceedings.

14.7 Unless the Hearings Officer directs otherwise, the process for all Hearings shall be as follows:

- (a) the Hearings Officer will call the Hearing to order and may advise the parties of the Hearing process;
- (b) the Hearings Officer may decide which of the parties it wished to hear from first, but it is customary that the Township proceed first;
- (c) a party may make a brief opening statement;
- (d) the Hearings Officer will swear or affirm the witnesses;
- (e) each party will present its case by calling witnesses. The process for each witness to give evidence is: direct examination, cross-examination and re-examination, if any;
- (f) the Hearings Officer may ask questions of the witnesses at any time;
- (g) a party may make a brief closing statement;
- (h) this process is subject to change by the Hearings Officer if he or she finds that there is a fairer way of Proceedings.

14.8 All parties to a Hearing shall bring to the Hearing legible copies of all documents they intend to rely on during the Hearing for the Hearings Officer and the other parties.

14.9 The Hearings Officer may adjourn a Hearing at any time on such conditions as he or she considers just.

14.10 Where a person is properly notified of a Hearing and does not attend at the time and place appointed, the Hearings Officer may proceed in that person's absence and without further notice to that person.

15. EVIDENCE AT HEARINGS

15.1 The Hearings Officer may admit as evidence at a Hearing, whether or not given or proven under oath or affirmation or admissible in a court,

(a) any oral testimony; and

(b) any document or other thing, relevant to the subject matter of the Proceedings and may act on such evidence, but the Hearings Officer may exclude anything unduly repetitious.

15.2 Nothing is admissible in evidence at a Hearing, that would be inadmissible in a court by reason of any privilege under the law of evidence or that is inadmissible by the statute or by-law under which the Proceedings arises or any other statute.

15.3 Nothing in Rule 15.1 overrides the provisions of any act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any Hearing.

15.4 Where the Hearings Officer is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a Hearing.

15.5 Where a document has been filed in evidence at a Hearing, the Hearings Officer may, or the person producing it or entitled to it may with the leave of the Hearings Officer, cause the document to be photocopied and the Hearings Officer may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the Hearings Officer.

15.6 In any Hearing before the Hearings Officer, a statement respecting a matter related to the Hearing purporting to be signed by any of the following individuals in relation to their respective individual areas of responsibility is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement for all purposes in the Hearing:

(a) the Township Planner

(b) the Township's Licence Manager

(c) the Township's Manager of By-law Enforcement

(d) an Animal Control Officer of the Township of Billings

(e) a person authorized by a Township by-law to undertake inspections.

15.7 The Hearings Officer may, in making a decision in any Hearing,

(a) take notice of facts that may be judicially noticed; and

(b) take notice of any generally recognized scientific or technical facts, information or opinions within his or her scientific or specialized knowledge.

16. WITNESSES

16.1 Unless these Rules provide otherwise, witnesses at a Hearing shall be examined orally and the examination may consist of direct examination, cross-examination and re-examination. The Hearings Officer may determine whether or not evidence from a witness needs to be under given under oath or affirmation.

16.2 There shall be no undue harassment or embarrassment of a witness as he or she is giving evidence. The Hearings Officer may disallow a question put to the witness that is vexatious or irrelevant to any matter that may be properly inquired into at the Hearing.

16.3 The Hearings Officer may at any time during a Hearing direct that a witness be recalled for further examination.

16.4 Where a witness appears unwilling or unable to give answers to the questions being asked, the Hearings Officer may permit the party calling the witness to examine the witness by means of leading questions.

16.5 A witness has the right to be advised by counsel or an agent as to his or her rights. Such counsel shall take no other part in the Hearing without the permission of the Hearings Officer.

17. EVIDENCE WRITTEN HEARINGS

17.1 Where a Proceedings is conducted in writing, the evidence of a witness shall be given by affidavit or, subject to the approval of the Hearings Officer, as agreed upon by the parties.

17.2 All parties are entitled to receive copies of every document that the Hearings Officer receives in a written Hearing.

18. DECISIONS

18.1 The Hearings Officer will determine the issues before him or her as he or she considers just. All decisions of a Hearings Officer shall be in writing.

18.2 The Hearings Officer does not have the power to award costs of the Proceedings to a party.

18.3 The Hearings Officer will provide his or her decision with his or her reasons in support of the decision, if any, to the CAO or Designate and the CAO or Designate shall send a copy of the decision to the parties.

18.4 The Hearings Officer may at any time correct a typographical error, error of calculation, misstatement, ambiguity, technical error or other similar error made in his or her decision, direction or order.

19. RECORD OF PROCEEDINGSS

19.1 The CAO or Designate shall compile a record of any Proceedings before a Hearings Officer which shall include:

(a) the notice of the Hearing;

(b) all orders and decisions made by the Hearings Officer;

(c) all documentary evidence filed at the Hearing subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any Proceedings;

(d) any other documents that in the opinion of the CAO or Designate or the Hearings Officer should be included in the record of Proceedings.

20. STATUTORY POWERS OF PROCEDURE ACT

20.1 These Rules have been approved by the Council of the Corporation of The Township of Billings and are intended to be rules contemplated by section 25.1 of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*.

21. SEVERABILITY

21.1 If any provision of these Rules is or becomes illegal, invalid or unenforceable, the illegality, invalidity or enforceability of that provision shall not affect the legality, validity or enforceability of the remaining provisions of these Rules.