

CORPORATION OF THE  
TOWNSHIP OF BILLINGS

AGENDA

September 19<sup>th</sup>, 2022, 7:30 p.m.

Electronic Meeting

1. OPEN
2. APPROVAL OF AGENDA
3. DISCLOSURE OF PECUNIARY INTEREST
4. ADOPTION OF MINUTES
  - a) Regular Council Meeting Minutes – September 6<sup>th</sup>, 2022
5. DELEGATIONS
6. COMMITTEE REPORTS
7. OLD BUSINESS
  - a) 2022-29 Backyard Chicken By-Law
  - b) 2022-49 Short Term Accommodation and Rental By-Law
  - c) 2022-50 Administrative Monetary Penalty By-Law
  - d) 2022-51 Hearing Officer By-Law
8. NEW BUSINESS
9. CORRESPONDENCE
  - a) Phragmites Project Support
10. INFORMATION
  - a) Ontario Clean Water Agency Supply Chain Updates
11. ACCOUNTS FOR PAYMENT
12. CLOSED SESSION
  - a) Labour Relations

13. CONFIRMING BY-LAW

14. ADJOURNMENT

# Memorandum

To: Mayor, Council  
cc: Staff, Public  
From: Staff  
Date: September 15<sup>th</sup>, 2022  
RE: **September 19<sup>th</sup>, 2022 Council Meeting**

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## 4. Minutes

- a) Regular Council Meeting Minutes – September 6<sup>th</sup>, 2022

Please review the minutes for approval.

## 5. Delegations

None.

## 6. Committee Reports

None.

## 7. Old Business

- a) 2022-29 Backyard Chicken By-Law

### **Recommendation:**

That Council gives by-law 2022-29, being a by-law to regulate the keeping and licensing of backyard chickens, second and third reading and enacted.

The following amendments have been made as requested by Council during the September 6<sup>th</sup>, 2022 Regular Meeting:

- Amended the definition of “Permit”
- Amended the distance from the shoreline x2
- Removed references for providing a heat source
- Amended the room required for a perch

## 8. New Business

None.

## 9. Correspondence

- a) Phragmites Project Support

### **Recommendation:**

That Council directs staff to write a letter of support for the new proposal for Island-Wide Phragmites work to be completed between 2023-2025 being completed by Judith Jones of the Manitoulin Phragmites Project.

Please see the email correspondence from Judith Jones of the Manitoulin Phragmites Project.

## **10. Information**

Council may this item to new business during the agenda approval for discussion at this meeting, or request that an item(s) be included on a future agenda for discussion.

- a) Ontario Clean Water Agency Supply Chain Updates

## **12. Closed Session**

There will be a closed session to discuss a matter pertaining to labour relations.

CORPORATION OF THE  
TOWNSHIP OF BILLINGS  
Regular Council Meeting

September 6<sup>th</sup>, 2022 7:30 p.m.

Electronic Meeting

**Present:** Mayor Ian Anderson, Councillors Sharon Alkenbrack, Bryan Barker, Michael Hunt and Sharon Jackson

**Regrets:** None

**Staff:** Kathy McDonald, CAO/Clerk; Tiana Mills, Deputy Clerk; Cheryl McCulligh, Treasurer; Todd Gordon, Municipal Project Manager; Arthur Moran, By-Law Enforcement Officer; Chris Cyr, Public Works Superintendent

**1. OPEN**

**2022-271 Barker - Hunt**

**BE IT RESOLVED** that this regular meeting of Council be opened with a quorum present at 7:33 pm with Mayor Anderson presiding.

Carried

**2. APPROVAL OF AGENDA**

**2022-272 Alkenbrack - Jackson**

**BE IT RESOLVED** that the agenda for the September 6<sup>th</sup>, 2022 regular meeting of Council be accepted as presented.

Carried

**3. DISCLOSURE OF PECUNIARY INTEREST**

I, Councillor Sharon Alkenbrack, declare a potential direct pecuniary interest on Agenda Item 8d, item title Economic Development Committee Christmas in Kagawong for the following reason: I am a vendor at Christmas in Kagawong.

I, Councillor Sharon Jackson, declare a potential indirect pecuniary interest on agenda item 8d item title Economic Development Committee Christmas in Kagawong for the following reason: my husband Craig Jackson will be a vendor at the market.

**4. ADOPTION OF MINUTES**

**a) Regular Council Meeting Minutes – August 2<sup>nd</sup>, 2022**

**2022-273 Barker - Alkenbrack**

**BE IT RESOLVED** that the minutes for the August 2<sup>nd</sup>, 2022 Regular meeting of Council be accepted as presented.

Carried

**b) Special Council Meeting Minutes – August 16<sup>th</sup>, 2022**

**2022-274 Hunt - Jackson**

**BE IT RESOLVED** that the minutes for the August 16<sup>th</sup>, 2022 Special meeting of Council be accepted as presented.

Carried

**5. DELEGATIONS**

None.

**6. COMMITTEE REPORTS**

**a) Parks, Recreation and Wellness Committee Report – August 22, 2022**

Council received report.

**b) Climate Action Committee Report – August 24, 2022**

Council received report.

**c) Lake Kagawong Resource Committee Report – August 25, 2022**

Council received report.

**7. OLD BUSINESS**

None.

**8. NEW BUSINESS**

**a) 2022-29 Backyard Chicken By-Law**

**2022-275 Alkenbrack - Barker**

**BE IT RESOLVED** that Council gives by-law 2022-29, being a by-law to regulate the keeping and licensing of backyard chickens, second reading.

Carried

**b) Telecom Enterprises Report**

**2022-276 Barker - Jackson**

**BE IT RESOLVED** that Council accepts Option B as presented by Telecom Enterprises in their Telecommunications Review.

Carried

**c) Riding Changes**

**2022-277 Alkenbrack-Hunt**

**WHEREAS**, the Electoral Boundary Commission has proposed to remove one of the electoral ridings from Northern Ontario; and

**WHEREAS**, the proposal to diminish Northern Ontario's voice in Parliament will have a detrimental effect on participatory democracy and regional development as the issues in Northern Ontario are significantly different than the issues facing the urban south; and

**WHEREAS**, the Federal Boundary Commission proposal to cut representation in the north is contrary to the 2017 electoral boundary changes

for Ontario that recognized the need to add two seats to ensure fair participation for northern residents; and

**WHEREAS**, many of the existing ridings in Northern Ontario are already larger than many European countries, a situation that will only be worsened by the addition of massively new regions to service; and

**WHEREAS**, the proposed new super ridings will force municipalities to compete for a limited amount of riding funding which will further exacerbate inequities in the north; and

**WHEREAS**, Northern Ontario's population per riding is already much higher than many other rural and isolated regions in Canada's north; and

**WHEREAS**, the courts have ruled that representation in Canada's democracy is not based merely on population but on regions of interest and the right of citizens to engage with their elected representatives; and

**WHEREAS**, any changes to electoral boundaries should be based on the principles of maintaining communities of interest within boundaries that are equitable in terms of population and geography

**NOW, THEREFORE BE IT RESOLVED** that this Council calls on the Electoral Boundary Commission to maintain the electoral representation of Northern Ontario and ensure that any boundary changes are done in a manner that responds to regional and local need.

Carried.

**d) Economic Development Committee - Christmas in Kagawong  
2022-278 Barker - Hunt**

**BE IT RESOLVED** that Council approves November 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> for the Christmas in Kagawong Event and that the vendor rate be set at \$40/vendor.

Carried

**e) Climate Action Committee - Natural Infrastructure Fund  
2022-279 Barker - Jackson**

**BE IT RESOLVED** that Council directs staff to work with Manitoulin Streams to apply to the Natural Infrastructure Fund.

Carried

**f) Climate Action Committee – Green Economy North  
2022-280 Alkenbrack - Barker**

**BE IT RESOLVED** that Council direct staff to complete the first stage of the online application process with Green Economy North (GEN).

Carried

**9. CORRESPONDENCE**

**a) Waste Management Master Plan**

**2022-281 Alkenbrack - Jackson**

**BE IT RESOLVED** that Council directs staff to connect with Cambium Inc to discuss local solutions to waste management and potential opportunities to collaborate.

Carried

**b) Hunting By-Law**

Council received the correspondence.

**c) Aus Hunt Marina Food Proposal**

**2022-282 Jackson - Alkenbrack**

**BE IT RESOLVED** that Council directs staff to investigate further Main Street Express' offer to provide food at the Aus Hunt Marina starting in the 2023 season.

Carried

**10. INFORMATION**

**a) Parks, Recreation and Wellness Minutes - Aug 22, 2022**

Council received report.

**b) Firefighter Certification**

Council received report.

**c) Warming and Cooling Centre Policy**

Council received report.

**11. ACCOUNTS FOR PAYMENT**

**2022-283 Alkenbrack - Jackson**

**BE IT RESOLVED** that Council authorizes the following accounts for payment:

General Accounts     \$ 246,156.37

and that cheques numbered 7393 to 7437 be authorized for signing as described in the attached register.

Carried

**12. CLOSED SESSION**

None.

**13. CONFIRMING BY-LAW**

**2022-284 Alkenbrack - Barker**

**BE IT RESOLVED** that by-law 2022-48 being a by-law to confirm the proceedings of Council be given first, second, third reading and enacted.

Carried



**14. ADJOURNMENT**

**2022-285 Barker - Hunt**

**BE IT RESOLVED** that this regular meeting of Council be adjourned at 9:09 p.m.

Carried

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Ian Anderson, Mayor

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Kathy McDonald, CAO/Clerk

**CORPORATION OF THE TOWNSHIP OF BILLINGS**

**BYLAW 2022-29**

**Being a bylaw to regulate the keeping and licensing of Backyard Chickens**

WHEREAS *Section 8 of the Municipal Act, 2001, c. 25* provides municipalities with the broad authority to govern affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS *Section 11 of the Municipal Act, 2001, c. 25* provides that a municipality may provide any services or thing that the Municipality considers necessary or desirable for the public in respect to the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

AND WHEREAS *Section 10 (2) (9) of the Municipal Act, 2001, c. 25*, provides that a municipality may pass by-laws respecting matters within the following spheres of jurisdiction: animals;

AND WHEREAS *Section 8(3) Of the Municipal Act 2001, c. 25* provides that a municipality may pass bylaws providing for a system of licensing respecting matter;

AND WHEREAS The Council of the Corporation of the Township of Billings deems it necessary and in the public interest to regulate the keeping of Backyard Chickens for public health and safety and for nuisance and noise purposes.

**Now Therefore the Council of the Corporation of the Township of Billings enacts as follows:**

**1.0 Definitions**

- 1.1 "Application" means a document of request.
- 1.2 "Backyard Chickens/Hens" means female chickens that are raised for the purpose providing companionship, eggs or as a meat source.
- 1.3 "Clerk" means the Clerk of the Corporation of the Township of Billings or their designate.
- 1.4 "Coop" means a fully enclosed weatherproof and ventilated building where hens are kept and which the interior of includes nest boxes for egg laying, perches for the hens to sleep on, and food and water containers.
- 1.5 "Council" means the Council of the Corporation of the Township of Billings.
- 1.6 "Custodian" means a person who was responsible for the care of and had control over an animal that is deadstock immediately before the animal died but does not include an operator as defined in Ontario Regulation 106/09 (Disposal of Dead Farm Animals) made under the *Nutrient Management Act, 2002*, with respect to an animal the operator is required to dispose of under that regulation; ("gardien")
- 1.7 "Deadstock" means an animal that is specified in the regulations and that has died from a cause, other than slaughter; ("animaux morts"). Specified animals includes Poultry.
- 1.8 "Declaration" means a document that is a written statement in which the writer swears 'under penalty of perjury' that the contents are true.
- 1.9 "Dwelling" means one or more rooms in a building, designed as, or intended as, or capable of being used or occupied as a single independent housekeeping unit and containing living, sleeping, sanitary and food preparation facilities or facilities for the installation of kitchen equipment and has an independent entrance. For the purpose of this By-law, a dwelling unit does not include any commercial accommodation or a recreational trailer.
- 1.10 "Officer" means a Bylaw Enforcement Officer for the Township a person designated by the Council or an Officer of the O.P.P.
- 1.11 "Outdoor Run" means an area enclosed by wire screen intended for permitting a hen or hens to be outdoors.
- 1.12 "Person" means a human being or a corporation treated as having the rights and obligations.
- 1.13 "Permit" means a permit that is issued by the Township that allows the permit holder to raise Backyard Chickens at the address identified on the Permit.
- 1.14 "Poultry" means one or more of any of the following: Chickens, Turkeys, Geese, Ducks, Guinea fowl, Quail, Pigeons, Partridges, Pheasants; ("volaille")
- 1.15 "Property" means a parcel of land and any buildings or other structures on the land.

- 1.16 “Property Owner” means the registered owner(s) of a property within the Township of Billings.
- 1.17 “Rooster/Cock” means an adult male chicken.
- 1.18 “Sanitary Condition” means a condition that is not offensive to the senses, not injurious to the health of any person and conditions that prevent the spread of communicable diseases and protect the public health and welfare.
- 1.19 “Settlement Area” means urban areas within municipalities such as cities, towns, villages and hamlets that are: built up areas where development is concentrated and which have a mix of land uses.
- 1.20 “Slaughtering” means the killing of livestock for purposes that include the use of meat for food.
- 1.21 “Tenant” means a person who rents or leases a dwelling from a Property Owner.
- 1.22 “Township” means the Corporation of the Township of Billings.
- 1.23 “Zoning By-law” means Bylaw 1980-11, being a by-law passed under Section 34 of the Planning Act that restricts the use of land in the Township of Billings.

## **2.0 General Requirements**

- 2.1 Persons who are wishing to raise Backyard Chickens, at a Dwelling, for eggs and food purposes in designated Residential Zones and Shoreline Residential Zones within the Township of Billings shall obtain a Permit issued by the Township prior to having chickens on there property. (See Schedule “C”)
- 2.2 To obtain a Permit to raise Backyard Chickens the applicant must complete an Application (See Schedule “A”) and a Declaration (See Schedule “B”) that includes the following:
  - a. Date; Name, Address (Mailing and physical). Postal Code, email address & Telephone Number. If the applicant is not the property owner, contact information for the Property Owner must be provided.
  - b. Site sketch illustrating the location size, size and location of the Coop, location of the manure storage and the location and size of the Outdoor Run.
  - c. Prior to issuing a Permit the applicant will be required to pass a site inspection by the Bylaw Enforcement Officer or designate of the Chicken Coop, the Chicken Run and the location of the of these items on the property.
  - d. There will be a \$40.00 (one time) administrative fee upon submission of the application
  - e. A Declaration that states that the applicant has reviewed the Township of Billings raising Backyard Chickens information package.
  - f. A Declaration that the applicant will provide suitable housing and shelter for the Backyard Chickens in their care and will maintain such housing in a clean and Sanitary Condition, having regard for Biosecurity Recommendations for Small Flock Chicken Owners;
  - g. A Declaration that the applicant will provide the Backyard Chickens with appropriate food, water, space and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing; and,
  - h. A Declaration that the applicant will abide by the provisions contained within this bylaw.
- 2.3 The Backyard Chicken/Hen requirements are as follows:
  - a. A maximum of six Backyard Chickens/Hens shall be allowed on each permitted Property.
  - b. The keeping of Roosters is strictly prohibited.
  - c. All deceased Backyard Chickens/Hens shall be disposed of promptly in a manner consistent with Ontario Regulation 106/09 Disposal of Deadstock. (See information sheet)
  - d. The slaughtering of Backyard Chickens/Hens on the Property is prohibited.
  - e. The selling of eggs, manure, meat or other products derived from Backyard Chickens/Hens is prohibited.
- 2.4 The Property set-back location requirements for Coop dimensions and Outdoor Run sizes for properties where Backyard Chickens will be kept are as follows:

- 2.4.1** Within a Settlement Area, no Backyard Chicken/Hen coop (including manure storage area) or outdoor run, shall be located within:
- a. A front yard or exterior side yard;
  - b. 3 m (9.8 ft.) of any dwelling;
  - c. 1.2m (3.9 ft.) of any lot line;
  - d. 1.5 m (4.9 ft) of any structure;
  - e. 3 m (9.8 ft.) from and downgradient of any well location to avoid potential water source contamination;
  - f. 3 m (3.9 ft.) of any private sewage system (including tile bed).
  - g. 50m (164 ft.) from a shoreline road allowance.
- 2.4.2** Outside of a Settlement Area, no Backyard Chicken/Hen Coop (including manure storage area) or Outdoor Run, shall be located within:
- a. A front yard or exterior side yard;
  - b. 5 m (16.4 ft.) of any dwelling;
  - c. 3 m (9.8 ft.) of any lot line;
  - d. 3 m (9.8 ft.) of any structure;
  - e. 3 m (9.8 ft.) from and downgradient of any well location to avoid potential water source contamination;
  - f. 3 m (9.8 ft) of any private sewage system (including tile bed).
  - g. 50m (164ft.) from a shoreline road allowance.
- 2.4.3** A maximum of one (1) Backyard Chicken/Hen coop and one (1) Outdoor Run shall be permitted per property. A Backyard Chicken/Hen Coop shall be provided that has:
- a. A maximum of one (1) Backyard Chicken/Hen coop and one (1) Outdoor Run shall be permitted per property. A Backyard Chicken/Hen Coop shall be provided that has:
  - b. A maximum ground floor area of 9.0 m<sup>2</sup> (96.7 sq. ft.)
  - c. At least 0.37 m<sup>2</sup> (3.96 sq. ft.) of floor area for each hen;
  - d. A maximum height of 4.5 m (14.75 ft).
  - e. The Backyard Chicken/Hen Coop and manure storage area, exclusive of the outdoor enclosure, shall not cumulatively exceed an area if 10 m<sup>2</sup>.
  - f. All Backyard Chicken/Hen Coops shall be a fully enclosed weatherproof structure or enclosure with ventilation and built to prevent any rodent(s) from harbouring underneath or within its walls and to prevent entrance by any other animal. The interior shall include:
    1. At least one nest box for egg laying
    2. At least one perch giving 0.3 m (8" to 12") of space per hen
    3. At least one food and water container
  - g. All Backyard Chicken/Hen Coops must be kept in a clean and Sanitary Condition at all times, free of vermin, obnoxious smells and substances and in good repair.
  - h. All Backyard Chicken/Hen Coops and Outdoor Runs shall be secured against the entry of predators.
  - i. Backyard Chickens/Hens must be provided with food and clean water at all times, shelter, light, and ventilation to assist in keeping the hens in good health. Food and water shall be kept in solid, rodent proof and weather proof containers. Uneaten feed shall be removed in a timely manner.
  - j. All stored manure shall be covered by a fully enclosed container. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed daily from the Hen Coop and Outdoor Run.
  - k. All Backyard Chickens/Hens must be kept securely in a Coop or Outdoor Run at all times. Backyard Chickens are not permitted to run at large.
  - l. The Backyard Chicken/Hen Coop must be locked from sunset to sunrise.
- 2.4.4** The inspection requirements for this bylaw are as follows:
- a. Every person who holds a Backyard Chicken licence shall allow, at any reasonable time, a Bylaw-Enforcement Officer or other authorized designate of the Township to inspect the Property, other than any room or

place used as a dwelling, to determine whether all requirements of this Bylaw are being complied with.

- b. No person shall obstruct or hinder or attempt to obstruct or hinder a Bylaw Enforcement Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-law.

### **3.0 Exemptions**

- 3.1 For the purpose of this Bylaw, sections 6.3 Township Zoning bylaw (1980 – 11) which states that accessory buildings shall not be used for the keeping of animals other than domestic pets and sections 7.3 through 7.6 (Hamlet, Hamlet Residential, Shoreline Residential, Tourist Commercial) of the Zoning bylaws, does not identify any structures for raising domestic animals as being allowed, shall be exempt.
- 3.2 This Bylaw does not apply to properties that are zoned as Rural or Agricultural as identified in Billings Township Zoning Bylaw (as amended from time to time).

### **4.0 Prohibitions**

- 4.1 No person shall raise Backyard Chickens without a Permit, unless it is on a Property identified in section 3.1.
- 4.2 No person shall raise more than 6 Backyard Chickens on their property at one time.
- 4.3 No person (Custodian) shall dispose of Deadstock Backyard Chickens in a manner which is not consistent with Ontario Regulation 106/09 Disposal of Deadstock.
- 4.4 No person shall slaughter Backyard Chickens on their Property.
- 4.5 No person shall sell products i.e., eggs, meat or manure, that are derived from the raising of Backyard Chickens.
- 4.6 No person shall raise Backyard Chickens without providing appropriate food and water.
- 4.7 No person shall raise Backyard Chickens without providing sanitary shelter and living environment.
- 4.8 No person raising Backyard Chickens in a Residential Settlement shall locate Coop and Outdoor Runs in a manner that is not consistent with the provisions identified in section 2.4.1 of this Bylaw.
- 4.9 No person raising Backyard Chickens in area Outside of a Settlement area shall locate a Coop and Outdoor Run in a manner that is not consistent with the provisions identified in section 2.4.2 of this Bylaw.
- 4.10 No person raising Backyard Chickens shall have a Coop that is built in a manner that is not consistent with the provisions identified in section 2.4.3 of this Bylaw.
- 4.11 No person raising Backyard Chickens shall allow Backyard Chickens to run at large.
- 4.12 No person raising Backyard Chickens shall have a Rooster.
- 4.13 No person raising Backyard Chickens shall hinder or obstruct an Officer from entering onto a property to inspect a Coop, Outdoor Run locations and Sanitary Conditions.

### **5.0 Offence and Penalty Provisions**

- 5.1 Every person who contravenes any of the provisions of this by-law shall be guilty of an offence and upon conviction is liable to a fine pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended. (See Schedule "D").
- 5.2 This bylaw will be enforced by the Bylaw Enforcement Officer, a person designated by Council or an Officer of the O.P.P
- 5.3 If this By-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

### **6.0 Severability**

- 6.1 It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or section or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent therefrom and enacted as such.
- 6.2 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such.

**7.0 Administration**

**7.1** This By-law shall take force and effect upon final passage hereof.

**7.2** This Bylaw shall apply to the areas within Billings Township identified within this Bylaw.

**7.3** This Bylaw shall be referred to you as the Backyard Chicken Bylaw.

READ A FIRST TIME this 7<sup>th</sup> day of June, 2022.

READ A SECOND TIME this 6<sup>th</sup> day of September, 2022.

READ A THIRD TIME AND ENACTED this 19<sup>th</sup> day of September, 2022.

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Ian Anderson, Mayor

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Kathy McDonald, CAO/Clerk

**CORPORATION OF THE TOWNSHIP OF BILLINGS**

**BYLAW 2022-29**

**Being a bylaw to regulate the keeping licensing of Backyard Chickens**

**Schedule "A"**

**Application for Permit to raise Backyard Chickens**



**BACKYARD CHICKENS PERMIT APPLICATION**

Applicants Name:

Address of Applicant (Mailing):

Permit Address:

Phone/Text/Email Number:

Property Owner: Yes \_\_\_ No \_\_\_

(If you are a tenant, you must provide the contact information of the Property Owner)

Property Size:

On the reverse side, please provide a property diagram of lot dimensions, location of structures, location of proposed Coop and Outdoor Run.

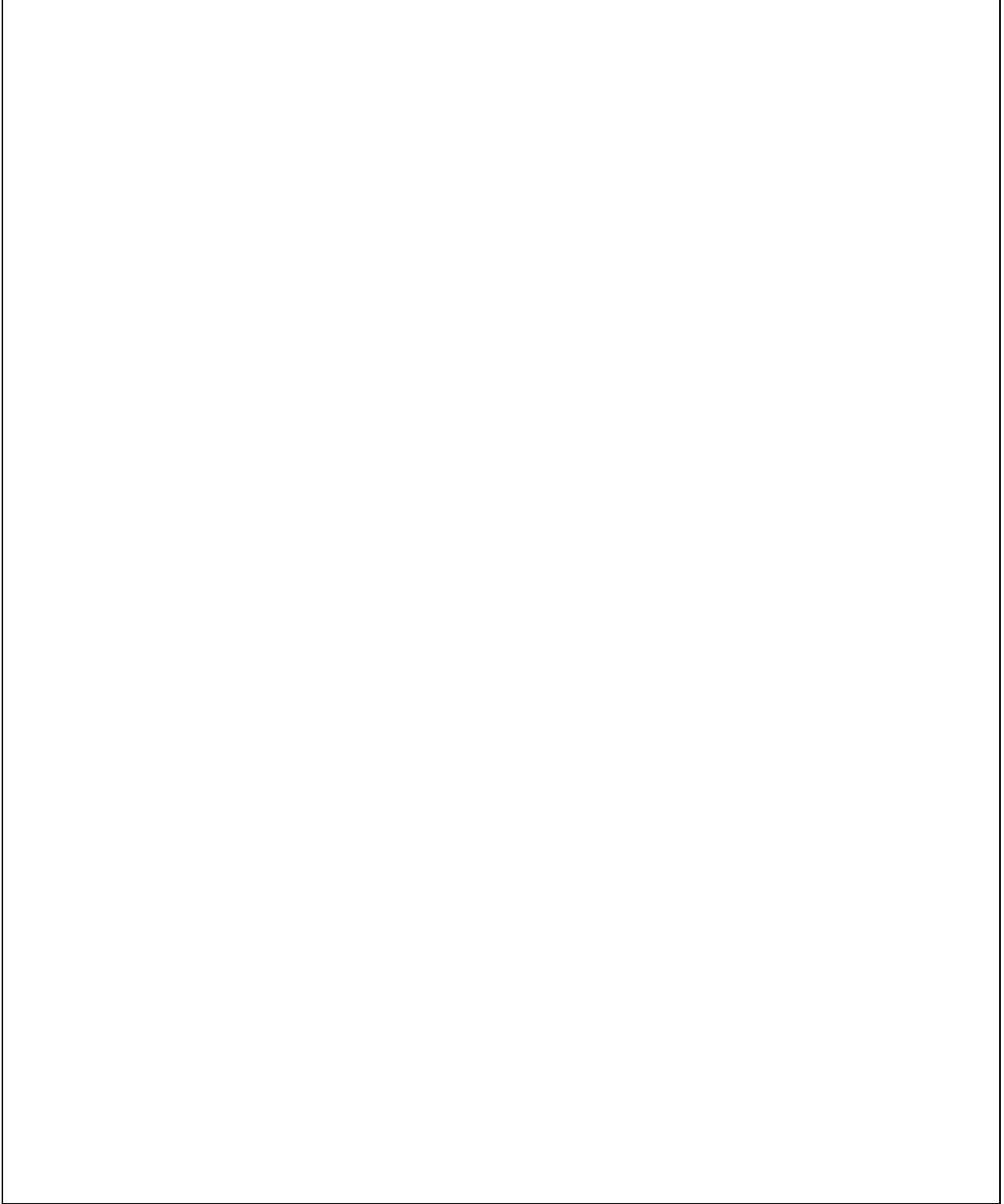
Applicant Signature: \_\_\_\_\_

(Application Fee: \$40.00)

(False statements will void the approval of the Application and forfeit the Application Fee)

**Property Diagram**

(Please identify any well heads, septic tank, or septic bed locations)





**CORPORATION OF THE TOWNSHIP OF BILLINGS**

**BYLAW 2022-29**

**Being a bylaw to regulate the keeping licensing of Backyard Chickens**

**Schedule "B"**

**Backyard Chicken Declaration**



**BACKYARD CHICKEN DECLARATION**

I \_\_\_\_\_ agree with and that I will abide by the following declarations:

1) I have reviewed the Township information package regarding the raising of Backyard Chickens which includes the following OMAFRA Factsheets.

- a) "Keeping Your Birds Healthy;"
- b) "Biosecurity Recommendations for Small Flock Poultry Owners;"
- c) "Small Flock Poultry: Raising Healthy Birds;"
- d) "Rodent Control in Livestock and Poultry Facilities;"
- e) "Keeping your family healthy with backyard poultry, including chicks and ducklings;"
- f) "Burial of Dead Stock"

2) I declare that I will provide suitable housing and shelter for the Backyard Chickens in their care and will maintain such housing in a clean and Sanitary Condition, having regard for Biosecurity Recommendations for Small Flock Chicken Owners.

3) I declare that I will provide the Backyard Chickens with appropriate food, water, space and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing.

4) I will abide by the provisions contained within Billings Township Bylaw 2022-29.

\_\_\_\_\_  
Permit Holder

Date: \_\_\_\_\_

\_\_\_\_\_  
Township Representative

Date: \_\_\_\_\_

**CORPORATION OF THE TOWNSHIP OF BILLINGS**

**BYLAW 2022-29**

**Being a bylaw to regulate the keeping licensing of backyard chickens**

**Schedule "C"**

**Backyard Chicken Permit**



**BACKYARD CHICKEN PERMIT**

Date of Issue: \_\_\_\_\_

Permit Holder: \_\_\_\_\_

Permit Address: \_\_\_\_\_

\_\_\_\_\_

Permit Holder Signature

(Your signature verifies that you have read and that you will abide by the provisions of the Township Declaration and the Backyard Chicken Bylaw #2022-29)

\_\_\_\_\_

Township Representative

**CORPORATION OF THE TOWNSHIP OF BILLINGS**

**BYLAW 2022-29**

**Being a bylaw to regulate the keeping licensing of Backyard Chickens**

**Schedule "D"**

**Part 1**

**Provincial Offences Act**

**Fines Schedule**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating Offence</b>	<b>Set Fine</b>
1	Raise Backyard Chickens without a Permit.	4.1	\$500.00
2	Possess more than 6 Chickens.	4.2	\$250.00
3	Improper disposal of dead stock.	4.3	\$300.00
4	Slaughter Chickens on property.	4.4	\$250.00
5	Sell products derived from Chickens.	4.5	\$250.00
6	Fail to provide food or water.	4.6	\$300.00
7	Fail to provide sanitary shelter or environment.	4.7	\$300.00
8	Improper location of Coop/Outdoor Run in a Settlement.	4.8	\$250.00
9	Improper location of Coop/Outdoor Run outside of Settlement.	4.9	\$250.00
10	Coop not built to identified specifications.	4.10	\$250.00
11	Allow Chickens to run at large.	4.11	\$300.00
12	Possess a Rooster.	4.12	\$300.00
13	Hinder or obstruct an Officer	4.13	\$500.00

**Note: The penalty provision for the offences indicated above is section 5.1 of this By-law No. 2022-29 of which a certified copy has been filed.**

**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\_\_.

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Ian Anderson, Mayor

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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**

<b>For Office Use Only</b>
----------------------------

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"> <li>a) business name;</li> <li>b) location of the business Premise;</li> <li>c) ownership of the business;</li> <li>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.</li> </ul> <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"> <li>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</li> </ul> <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"> <li>a) business name;</li> <li>b) location of the business Premise;</li> <li>c) ownership of the business;</li> <li>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.</li> </ul> <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"> <li>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</li> <li>3) Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing.</li> <li>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.</li> <li>5) An Administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.</li> </ul>

**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"> <li>a) business name;</li> <li>b) location of the business Premise;</li> <li>c) ownership of the business;</li> <li>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.</li> </ul> <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"> <li>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</li> </ul> <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"> <li>a) business name;</li> <li>b) location of the business Premise;</li> <li>c) ownership of the business;</li> <li>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.</li> </ul> <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"> <li>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</li> <li>3) Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing.</li> <li>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.</li> <li>5) An Administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.</li> </ul>

**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**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating Offence</b>	<b>Set Monetary Penalty</b>
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**

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

- 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.
- Column 2 in the following tables lists the provisions in the Designated By-law identified in the Schedule, as amended.
- 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 <sup>st</sup> to April 30 <sup>th</sup> .	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\_\_.

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Ian Anderson, Mayor

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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 PROCEEDINGS**

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.

## Tiana Mills

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**To:** Judith Jones  
**Subject:** RE: supporting a new grant proposal for Phragmites work

I am writing a new proposal for a big federal grant for more Phragmites work, Island-wide for 2023-2025. Because it's going to be Island-wide funding, the Manitoulin Phragmites Project is going to apply in partnership with Wiikwemkoong, and they will be the administrative recipient, with me continuing as the project coordinator. The reason to partner with Wiky is first--they are willing to do it, and second--so that no one municipality has to administer for everyone else. Also, as a small business, I can't apply for as much money as Wiky can. I know this may be an unusual partnership for your town, but since it's an island-wide project with all municipalities and FNs, I think it can work.

I am hoping the municipality can provide a letter of support for the proposed work. I'm attaching one Billings sent in 2020 along with a mock-up I've done for you for a new version. Feel free to change, delete, edit, etc. as you see fit.

There is no contribution or in-kind required from the municipality.

My plan proposes field two teams, one for Wiky and one for western Manitoulin (makes no sense to drive to Lake Wolsey from Manitowaning every day). The western team would handle Billings. There is still a Phragmites area on the shore on near the northwestern tip of Hideaway Bay.

I know this may need to go before council although they've supported our work in the past. Please let me know if you need more info from me or would like me to present to them. I'm happy to do whatever is required.

This is a big funding pot and a big "ask", so please keep your fingers crossed we get it.

Best regards,

Judith

Judith Jones, Coordinator  
Manitoulin Phragmites Project  
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# Factors Currently Affecting OCWA's Business Supply Chain: Information for Clients

**The global pandemic coupled with the political instability in Eastern Europe has affected supply chain pricing and availability of goods and services for Ontario's water and wastewater systems. OCWA has been conducting supply chain risk management to constantly identify and monitor chemical market pricing and potential risks as well as develop strategies that will enable us to respond more rapidly to the pricing volatility, with the ultimate goal of mitigation of supply disruptions.**

**This is an evolving situation; however, here is a brief summary of some of the major categories. Further details will be provided regarding individual contract implications as we progress towards year-end. We understand the urgency to capture any implications for 2023 in the upcoming budget cycle.**

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## **☐ Chemicals**

With the availability of many raw materials being disrupted due to persistent supply chain issues and/or manufacturers operating under force majeure, the water and wastewater industry has seen a variety of products being placed under strict allocation limitations and subject to price increase or allocation surcharges. This includes chlor-alkali products (caustic soda, chlorine gas and sodium hypochlorite), iron salts (ferrous chloride, ferric chloride, ferric sulfate), polymers, alum and others.

The price and supply of these products are being affected by a number of factors. They include demand from the construction and pool industries (both of which are willing to pay more); rising transportation costs (diesel and rail); the rising price of electricity in some jurisdictions in North America; and storm disruptions/shut down risks in the U.S. Gulf area. In cases where Russia is a large supplier of the raw material (e.g., caustic soda and ammonia), price and supply are being affected by sanctions that prevent their export to the West.

The price increases have continued. It is unclear in the market whether the increased raw costs of materials will continue to drive this increased chemical pricing. The price of energy has increased rapidly in many production areas and has delayed any potential price relief. Furthermore, much uncertainty remains as we have yet to experience how the war in Ukraine continuing into the colder months will affect the price of energy going forward.

## Chemicals *continued*

### What is OCWA doing?

- Conducting supply chain risk management and remaining focused on securing chemical supplies for OCWA-operated sites through:
  - Leveraging OCWA's buying power as a large O&M solution provider operating across the province
  - Leveraging our importance to the Province and suppliers as a priority essential service provider
- Remaining vigilant in defending existing pricing agreements, where possible, but not at the risk of losing supply
- Exploring alternative vendors and pricing as part of procurement, where possible
- Ensuring chemical alternatives are evaluated, where possible, as this is site-dependant (depends on the design of process both technically and economically)
- Ensuring chemical consumption is optimized through process optimization, where possible
- Reviewing storage, transportation and other options to improve contingency planning, and ensuring continuous reliability in sources of chemicals
- Proactively communicating with our clients changes in the chemical market and assumptions made for the 2023 budget

### What this means for OCWA clients

- Be aware and share the messaging with Councils and financial staff about evolving supply/market situations impacting the costs of operating and maintaining their facilities

## Fleet and Fuel – Gasoline and Diesel

The automotive industry's global production levels have fallen due to shortages involving raw materials and computer chips. The supply of pick-up trucks has been particularly affected. (One in four vehicles sold last year in Canada was a pick-up truck.) There remains no immediate relief in the short term. OCWA continues with managing the current fleet complement in the province to ensure delivery of contractual requirement.

Driven by an increase in crude costs and fuel distributors, fuel costs have increased. Fuel pricing is expected to stay high, at least for the summer and possibly long term, depending on the impact of the Russian war in Ukraine, and lack of movement by OPEC members.

### What is OCWA doing?

- Proactive strategy to ensure continuity of supply of vehicles through placement of bulk factory order for pick-up trucks, finding local sources at local lots, and including hybrid options were possible

## **Fleet and Fuel *continued***

### **What this means for OCWA clients**

- Be aware and share the messaging with Councils and financial staff about evolving supply/market situations impacting the costs of operating and maintaining their facilities
- Understand and plan for possible increases to the cost of mileage in 2023, if applicable in the OCWA agreement

## **□ Insurance**

The hard market continues with large price increases and coverage remains more difficult to obtain from a limited number of participants for the market we are in. This is impacting both the supply of insurance and the processing of claims. Supply chain issues are lingering post-pandemic where labour and material costs have increased, and generally claims are staying open longer since the required components, materials, and labour are more costly to obtain. Faced with the economic and social inflation, the hard market continues with large price increases and coverage remains more difficult to obtain from a limited number of participants.

### **What is OCWA doing?**

- Leveraging OCWA's buying power as Ontario's largest water/wastewater utility to explore all methods to cast the widest net for insurance coverage to manage risk and ensure coverage for OCWA/Clients
- Continuing to bundle coverage to bring value to clients
- Looking at changing timelines to negotiate with insurers to better align with our clients' budget cycle
- Continuing to be a trusted advisor to our clients as everyone is navigating the insurance landscape

### **What this means for OCWA clients**

- Be aware and share the messaging with Councils and financial staff about the situations impacting the market (municipalities will be experiencing similar issues in negotiating insurance)
- Understand and plan for possible insurance premium increases in 2023, according to agreements with OCWA

## ❑ Other Supply Chain Issues

Supplies to complete maintenance, repairs and other work have been impacted by ongoing supply chain issues (electro mechanical assets). This has affected services and capital upgrades in addition to maintenance and repairs.

### **What is OCWA doing?**

- Leveraging our buying power to prioritize OCWA orders for delivery first
- Sharing and prioritizing critical to continuity of operation supplies where possible to meet ongoing requirements
- Pre-planning and ordering early. Ensure adequate time is built into project schedules to account for possible delays
- Exploring alternatives and options where possible
- Re-budgeting projects as part of capital risk management to account for current market conditions

### **What this means for OCWA Clients**

- Be aware and share the messaging with Councils and financial staff about evolving supply/market situations impacting the costs of operating and maintaining their facilities
- There may be financial and project delivery timeline implications resulting from this situation that may impact facility performance and/or budget processes. Further discussions regarding projects, major maintenance and capital work may be needed to expedite approvals of projects to mitigate delays and other means to manage budgets
- Where Clients are leading projects, ensure all project proposals include a period for which the quote is valid

**Please contact your local OCWA  
representative if you have any questions.**

**Township of Billings**  
**Aged Overdue Payables Summary As at Dec 31, 2022**

Date	Ck #	Name	Total Due
Sep 14 2022	7438	ANP Office Supply	92.49
Sep 14 2022	7439	Beamish Construction Inc.	4,908.23
Sep 14 2022	7440	Bridal Veil Variety	284.21
Sep 14 2022	7441	Grand & Toy Ltd.	492.03
Sep 14 2022	7442	J.L. Richards	1,555.37
Sep 14 2022	7443	Kiviaho, Connie	54.24
Sep 14 2022	7444	Laidley Stationery & Office Furniture	245.26
Sep 14 2022	7445	Laurentian Business Product	115.78
Sep 14 2022	7446	Lisa / Darren Hayden	1,659.00
Sep 14 2022	7447	McDougall Energy Inc.	7,434.65
Sep 14 2022	7448	Mindemoya Home Hardware	9.03
Sep 14 2022	7449	Minister of Finance ( Policing)	18,094.48
Sep 14 2022	7450	Pollard Distribution Inc	10,697.38
Sep 14 2022	7451	S.T.O.P. Restaurant Supply	4,017.59
Sep 14 2022	7452	Steele's Home Hardware	33.87
Sep 14 2022	7453	Technical Standards & Safety Authority	410.00
Sep 14 2022	7454	The Flower Hutch	237.30
Sep 14 2022	7455	Tulloch Engineering Inc.	13,904.88
Sep 14 2022	7456	Turner, John	254.19
Sep 14 2022	7457	Wally's Septic Service & Portable Toilet	282.50
Sep 14 2022	7458	Wamco Waterworks Northern Inc	2,018.07
		<b>Total Accounts Payable</b>	<b>\$ 66,800.55</b>
Aug 31 2022	DD	GFL Enviromental	7,249.75
Aug 31 2022	DD	Manulife	1,260.23
Sep 15 2022	DD	Payroll Remittance	22,119.28
		<b>Total Direct Payment</b>	<b>\$ 30,629.26</b>
		<b>Total Accounts Payable</b>	<b>\$ <u>97,429.81</u></b>