

**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: prohibit the carrying on or engaging in the business without a Licence;

- 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 Monetary Penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the Administrative Monetary Penalty, and collect it in the same manner as municipal taxes. 2017, c. 10, Sched. 1, s.75.

AND WHEREAS *Section 429.1 of the Municipal Act 2001, S.O., c, 25* as amended, provides that a municipality may establish a system of fines that may:

- a) designate an offence as a continuing offence and provide for a minimum and maximum fine for each day or part of a day that the offence continues;
- b) designate an offence as a multiple offence and provide for a minimum and maximum fine for each offence included in the multiple offence;
- c) establish escalating fines for a second and subsequent convictions for the same offence; and
- d) establish special fines in addition to the regular fine for an offence which are designed to eliminate or reduce any economic advantage or gain from contravening the by-law. 2006, c. 32, Sched. A, s. 184.

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 (Bunkie), 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 **nourishment and necessities**, 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 (107.6 sq. ft.) 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 **associated** thereto;
- 1.7 "Building Inspector" means a person, and/or their designate appointed by the Township of Billings Council to enforce the provisions of the Building Code Act as it relates to the provisions of this Bylaw.
- 1.8 "Bunkie" means a building or structure that is designed to provide sleeping accommodations and which does not contain any plumbing, sanitary or cooking facilities. This definition shall also include a yurt.
- 1.9 "Camping structure" means a provided structure specifically used for sleeping, i.e., tent, yurts, etc.).
- 1.10 "Chief Administrative Officer" means the Chief Administrative Officer for the Township or any Person designated by the Chief Administrative Officer;
- 1.11 "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.
- 1.12 "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.).
- 1.13 "Council" means Council for the Township of Billings;
- 1.14 "Designate" means a person chosen for a special job or purpose by Council.
- 1.15 "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.
 - 1.15.1 "Accessory Dwelling Unit" means a dwelling unit that is part of a permitted Non-Residential Use. (i.e., basement apartment, room over a garage)
 - 1.15.2 "Accessory Detached Dwelling" means a detached dwelling subordinate and incidental to the principal use, building or structure located on the same lot therewith. (i.e., a backyard house)
 - 1.15.3 "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.
 - 1.15.4 "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.

- 1.15.5 "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.
- 1.15.6 "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.
- 1.15.7 "Detached Dwelling" means a separate building designed for and containing only one dwelling unit and constructed for year-round human habitation.
- 1.15.8 "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.
- 1.15.9 "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.
- 1.15.10 "Hosted Property" is an establishment that has an owner/operator living full-time on-site during the rental period.
- 1.15.11 "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.
- 1.15.12 "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.
- 1.15.13 "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.
- 1.15.14 "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.
- 1.15.15 "Non-Hosted Property means a property where the property owner does not live on-site of the property and is not on-site during the rental period of the property being rented as a STAR.
- 1.16 "Designate" means a person appointed by Council to perform a specific task.
- 1.17 "Event Activity" means the purpose for which the venue has been booked.
- 1.18 "Fire Chief" means the Fire Chief for the Township of Billings and/or any Person designated by the Council to enforce the provisions of the Fire Prevention Act associated with this bylaw.
- 1.19 "Guest Cabin/Bunkie" shall mean a dwelling unit for guest accommodation accessory to a seasonal dwelling and which contains no provisions for cooking.
- 1.20 "License" means a License issued by the Township pursuant to this By-law;
- 1.21 "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.
- 1.22 "License Class" means the following:
- 1.22.1 "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 hosted Short-Term Rentals are permitted. See schedule "C" for the terms and conditions of this license.
- 1.22.2 "Class B License" means a license that is issued by the Township means to a Property Owner who owns a Non-Principal Residence where, non-hosted Short-Term Rentals are permitted, See schedule "D" for the terms and conditions of this license.
- 1.22.3 "Class "C" 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 "E" for the terms and conditions of this license.
- 1.23 "License Issuer" means employee who have delegated authority by Council as the Person(s) responsible for issuing a License;
- 1.24 "License Number" means a number assigned to a STAR License by the Township;

- 1.25 "Licensee" means a Person issued a current and valid STAR License pursuant to this By-law;
- 1.26 "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;
- 1.27 "Officer" means a member of the OPP or Municipal Law Enforcement Officer, or their Designate as appointed by the Township of Billings Council to enforce the provisions of this By-law;
- 1.28 "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;
- 1.29 "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.
- 1.30 "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;
- 1.31 "Premises" means land, Property or any part thereof including any and all Buildings or other structures thereon;
- 1.32 "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.
- 1.33 "Registered Complaint" means a formal complaint regarding the operation of a short-term accommodation determined to be valid by an Officer
- 1.34 "Renter" means the Person responsible for the rental of the Premise by way of concession, permit, License, rental agreement or similar Commercial Operation arrangement;
- 1.35 "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 Township by-laws, and adherence to the provisions of this By-law;
- 1.36 "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
- 1.37 "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;
- 1.38 "Screening Officer" means a person appointed by the CAO who will have the authority to adjust the Administrative Monetary Penalty identified on a Notice of Penalty.
- 1.39 "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
- 1.40 "Statutory Power" means a power or right, conferred by or under a statute, to make a decision deciding or prescribing,
- a) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - b) 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;
- 1.41 "Township" means the Corporation of the Township of Billings.
- 1.42 "Vested Right" means a right belonging completely and unconditionally to a person as a property interest which cannot be impaired or taken away (as through retroactive legislation) without the consent of the owner
- 1.43 "Zoning By-law" means any By-law administered by the Township 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 A.
- 2.2 All Persons/Property Owners must provide proof of an insurance policy that identifies the property as being a STAR and that the policy provides a minimum of \$2, 000,000 liability coverage.
- 2.3 All Persons/Property owners who rent their own Principal Residence, a Dwelling or an Accessory Buildings 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.
- 2.4 All Persons/Property owners who rent their own Principal Residence, a Dwelling or an Accessory Buildings as a STAR, and who is not on the Township water system, must provide documentation of a passed water quality test for the Dwelling or an Accessory Building or that is being rented. The test is to be performed by Public Health Sudbury and District.
 - 2.4.1 Proof of a satisfactory water sample test shall be provided on an annual basis when Licenses are being renewed.
- 2.5 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.
- 2.6 All Principal Residences, Dwellings or an Accessory Buildings 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.
- 2.7 All Principal Residences, Dwellings or an Accessory Buildings that are being used as STAR must have an emergency exit diagram posted in the rental unit.
- 2.8 All Principal Residences, Dwellings or an Accessory Buildings 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.
- 2.9 All Principal Residences, Dwellings and Accessory Buildings that are being used as STAR must have a Renters Code of conduct posted in the rental unit.
- 2.10 All Principal Residences, Dwellings and Accessory Buildings that are being used as STAR must have emergency contact information posted in the rental.
- 2.11 All Principal Residences, Dwellings and Accessory Buildings that are being used as STAR must have a secure storage area for garbage /refuse that will prevent access by wildlife or vermin.
- 2.12 All Principal Residences, Dwellings and Accessory Buildings that are being used as STAR must have an approved parking plan posted in the rental unit.
- 2.13 All Persons/Property Owners shall notify the Township of any change in licensing or registration information within 15 days.
- 2.14 All Persons/Property Owners who are issued a Licence pursuant to this By-law shall not 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 without having insurance that provides a minimum liability coverage of \$2,000,000 and that the policy identifies that the insurer is aware of the that the property is being used as a STAR.
- 3.6 No Person shall operate a STAR that does not have emergency contact information posted in a visible location.
- 3.7 No Person shall operate a STAR that does not have an emergency exit diagram posted in a visible location.
- 3.8 No Person shall operate a STAR that does not have a copy of the STAR License posted in a visible location.
- 3.9 No person shall operate a STAR that does not have the Renters Code of Conduct posted in a visible location.
- 3.10 No Person shall refuse service to a Person accompanied by a service animal.
- 3.11 No person shall allow a STAR unit to exceed more persons than allowed.
- 3.12 No Person shall operate a STAR while their STAR License is under an administrative suspension.

- 3.13 No Person shall operate more than one (1) STAR unit per property.
- 3.14 No person shall use an Accessory Buildings as a STAR unit.
- 3.15 No person shall locate an Accessory Building 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:
 - 3.19 Noise Bylaw infractions;
 - 3.20 Parking Bylaw infractions;
 - 3.21 Causes the maximum allowable number of guests to be exceeded.
- 3.22 No Person shall knowingly make a false statement in an application or declaration as required by this By-law or the Township.
- 3.23 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 Township 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 Township 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 Township 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 fourteen (14) days if the Township 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, by email or in a written notice from the Township.
- 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 GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION OF A LICENSE

- 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.

8.0 GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION OF LICENSE – 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
- 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 a hearing in their 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 Persons who have been appointed by the Township to enforce the Townships bylaws shall be allowed to exercise their duties as identified in the Municipal Act subject to the provisions of the Township of Billings Power of Entry and Enforcement Policy (see Schedule "B"), unless the provisions of section 438 of the Municipal Act are required to be invoked or in circumstances where there is a bylaw contravention actively occurring or when there is an immediate need concerning public health and safety or property damage.
- 11.2 Persons who have been appointed by the Township to enforce the provisions of the Building Code Act or the Property Standards Bylaw on behalf of the Township shall be allowed to exercise their duties as identified in the Building Code Act.
- 11.3 Persons who have been appointed by the Township to enforce the provisions of the Fire Prevention and Protection Act shall be allowed to exercise their duties as identified in the Fire Prevention and Protection Act.
- 11.4 That staff/persons performing maintenance or property standards bylaw work on behalf of the Township shall be allowed to perform their duties subject to the Township of Billings Power of Entry and Enforcement Policy unless there is an immediate threat to public health and safety or property damage
- 11.5 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.
- 11.6 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 Township Bylaw Enforcement Officer or Designate.
- 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.
- 12.3 Any Person who continues to contravene a designated provisions of this Bylaw after having been issued a Notice of Administrative Penalty, will be liable to a further continuance Administrative Monetary Penalty as identified in Schedule.
- 12.4 Any Person that repeatedly contravenes provisions in this bylaw will be subject to a doubling (2x) the set penalty amount in the Set Penalty Schedule.
- 12.5 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.
- 12.6 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 2022-50 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 2022-50 is liable to pay the Township an Administrative Monetary Penalty in the amount set out it 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 2022-50, 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 or an Accessory Building is being rented as a Short-Term Rental Accommodation.
- 14.2 This Bylaw shall be known as the Short-Term Accommodation Rentals Bylaw.

15.0 SEVERABILITY

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

16.0 SINGULAR AND PLURAL USE

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

17.0 SCHEDULES

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

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

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

Ian Anderson, Mayor

Kathy McDonald, CAO/Clerk

DRAFT

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

Short-Term Accommodation Rental
License Application Form

PROPERTY INFORMATION (PROPERTY TO BE LICENCED)

Address: _____

OWNER (IF DIFFERENT FROM APPLICANT)

Owner's Name: _____

Corporation or Partnership (if applicable): _____

Applicant's Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

RENTAL AGENT/AGENCY

Agent/Agency's Name: _____

Corporation or Partnership (if applicable): _____

Agency Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

LOCAL MANAGER (IF DIFFERENT THAN OWNER)

Responsible Person's Name: _____

Corporation or Partnership (if applicable)

Agency Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

PURPOSE OF APPLICATION

New STAR License _____ License Renewal _____

PREMISES DETAILS

Current Use of Premises: _____

Proposed Number of Bedrooms: _____

Total STAR Premises Occupant Load: _____

ATTACHMENTS (THE FOLLOWING MUST ACCOMPANY THE APPLICATION)

- i. Copy of the Transfer/Deed proving evidence of ownership
- ii. Copy of the Liability Insurance of not less than \$2 million per occurrence for property damage and bodily injury and proof of Short-Term Accommodations Rental coverage.
- iii. Site Plan of the premises including Accessory Buildings, Recreational Buildings, Parking Plan and garbage storage location)
- vi. Copy of Complete STA Inspection
- viii. Evidence of septic pumped out and inspected in the last three years

DECLARATION OF APPLICANT

I certify that:

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

Signature of Applicant: _____ Date: _____

Application Fee: \$200.00

For Office Use Only

1) Did the Applicant Provide?

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

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

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

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

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

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

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

h) Payment: Cash ___ Debit ___ Credit ___

Received By: _____

Date: _____

Date Reviewed by Council: _____

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

Mayor Signature _____

DRAFT

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 then 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; **(To be used only on the following days: New Years Eve, Victoria Day and July 1.)**
- 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.

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



CLASS "A" LICENSE

SHORT TERM ACCOMMODATION RENTAL LICENSE
 (For Principal **Hosted** 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 Renewal Fee \$300.00
 License Valid for 1 year from Date of Issue.

Back of Document

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

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

Front



CLASS "B" LICENSE

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

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

Front



CLASS "C" LICENSE

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 Renewal Fee: \$150.00
 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 Township within fifteen (15) days of any changes to the:</p> <ul style="list-style-type: none"> a) business name; b) location of the business Premise; c) ownership of the business; d) a change in the Licensee's policy of liability insurance; and such changes shall be subject to submission of the necessary documentation to the Township. <p>5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).</p> <p>5.4 Any records required by this By-law shall be produced by the Licensee upon request of an Officer.</p>	<p>1) Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.</p> <p>2) An Administrative suspension of a License without a hearing shall be imposed for:</p> <ul style="list-style-type: none"> a) fourteen (14) days if the Township is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person premises or Township Property <p>3) Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing.</p> <p>4) Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given an opportunity to respond, and such suspension may be lifted at the discretion of the Township, upon receipt of the Licensee's response.</p> <p>5) An Administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.</p>

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

Authorized Monetary Penalty (AMP)
Set Penalties Schedule

Item	Short Form Wording	Provision Creating Offence	Set Monetary Penalty
1	Operate STAR business without a License	3.1	\$1000.00
2	Promote, broker or offer for rental unit without a License	3.2	\$500.00
3	Alter or modify a License or allowing altering or modifying of a License	3.3	\$500.00
4	Use or attempt to use License not issued to property address	3.4	\$500.00
5	Operate a STAR without or expired described Insurance.	3.5	
6	Fail to post emergency contact information to renters	3.6	\$200.00
7	Fail to post copy of STAR license	3.8	\$200.00
8	Fail to post emergency exit diagram in rental unit	3.7	\$200.00
9	Fail to post Renters Code of Conduct	3.9	\$200.00
10	Failure to allow service animal	3.10	\$500.00
11	Allow more than the maximum number of guests in a rental unit.	3.11	\$750.00
12	Operate STAR while license is suspended	3.12	\$1000.00
13	Operate more than one STAR on a property	3.13	\$1000.00
14	Use an Accessory Building 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
18	Hide or obstruct an officer	3.19	\$500.00
19	Attempt to hinder or obstruct an officer	3.19	\$500.00

Note: Designated Provisions identified in this bylaw that are subject to a continuance penalty as per section 429 of the Ontario Municipal Act will be assessed an Administrative Monetary Penalty that will not exceed \$500.00 per day up to a total maximum Administrative Monetary Penalty of \$100,000.

The designated provisions identified in the above Set Penalties Schedule are Items # 1, 2, 3, 4, 5, 11, 15.

Note: Repeat contraventions of provisions identified in this bylaw will result in a doubling (x2) of the set penalty identified in the above Set Penalty Schedule.

Note: The penalty provision for the offences indicated above is section 12.2 of the Bylaw 2021-21, a certified copy of which has been filed.