The Corporation of The Municipality of Northern Bruce Peninsula By-law No. 2023-49

Being a By-law to Amend By-law No. 2021-84 A By-Law to Establish a By-law to Manage Short Term Accommodations for the Municipality of Northern Bruce Peninsula

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 ("Municipal Act, 2001") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

And Whereas Section 9 of the Municipal Act, 2001, 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 11 of the Municipal Act, 2001, provides that a lower-tier municipality may pass By-laws respecting matters within the spheres of jurisdiction set out therein;

And Whereas the Council of The Corporation of the Municipality of Northern Bruce Peninsula has enacted By-law No. 2021-84 to licence, regulate and govern short term accommodation uses in the Municipality of Northern Bruce Peninsula:

And Whereas the Council of The Corporation of the Municipality of Northern Bruce Peninsula deems it appropriate to amend By-law No. 2021-84;

Now Therefore Council of The Corporation of the Municipality of Northern Bruce Peninsula hereby enacts as follows:

Section 2-Definitions Delete the following definition:

"Short Term Accommodation" 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. Short-Term Accommodations do not include bed and breakfast establishments, hotels, motels, lodges or other commercially zoned accommodation uses for the travelling public.

Section 2-Definitions Add the following definitions:

"Additional Residential Unit" – shall mean a separate residential unit that is located within a detached house, semi-detached house, or rowhouse, or within a building or structure that is ancillary to a detached house, semi-detached house, or rowhouse.

"Accessory Building" - Accessory Building means and refer to a subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use and is under the same ownership.

"Occupancy Limit" - The maximum occupancy shall not exceed two (2) Persons per Bedroom, plus a total of two (2) Persons, ages 12 and under, to a maximum

of ten (10) Persons per Class A/B Short-term Accommodation if sufficient parking and beds are available.

"Property Manager/ Responsible Person" – An owner, individual, 18 years of age or older, or company duly appointed by an Owner to act on its behalf, and being responsible for ensuring the Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the Licence and applicable laws. This individual or company must reside within an hour of the Short-term Accommodation and must be available to respond to the site at any time.

"Short Term Accommodation" means an entire primary private residential dwelling that is 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. Short-Term Accommodations do not include bed and breakfast establishments, hotels, motels, lodges or other commercially zoned accommodation uses for the travelling public.

Section 3.14- Application and General Delete the following wording:

No Person will inhabit or rent an Accessory Building as a Short-Term Rental Accommodation.

Section 3.14- Application and General Add the following wording:

No Person will inhabit or rent an Accessory Building or an Additional Residential Unit as a Short-term Rental Accommodation.

In a dwelling where an Additional Residential Unit (ARU) is a separate residential unit that is located within a detached house, only the primary residence is eligible for a Short-term Accommodation (STA). In the event that the primary residence receives a Short-term Accommodation Licence from the Licence Issuer, the STA must remain in the primary residence and may not be moved into the ARU.

Section 3.15 Delete the following wording:

No Person shall advertise a Short-Term Rental Accommodation without a registration number as per Schedule C.

Section 3.15 Add the following wording:

No Person shall advertise a Short-term Rental Accommodation without a valid Short-term Accommodation Licence number as per Schedule C.

Section 3.21 Add the following wording:

No Licencee shall rent any room other than a Bedroom that was identified and approved as such on the floor plans submitted with the application for a Short-term Accommodation Licence.

Section 3.22 Add the following wording:

No Licencee shall rent their Short-term Accommodation to a number of people which exceeds the occupancy limit of their dwelling.

Section 3.23

Add the following wording:

A maximum of 700 Short-term Accommodation Licences will be issued by the Municipality of Northern Bruce Peninsula. No new Licences will be issued until the number of Licenced Short-term Accommodations in the Municipality falls below 700, after which the number of Licenses shall not exceed 700.

Section 5.13

Delete the following wording:

Notwithstanding section 5.12, a Short-Term Accommodation located outside of the permitted zones as set out in Schedule "A" of this By-law may be issued to a Person where the Short-Term Accommodation was lawfully operated immediately prior to this By-law coming into force.

Section 5.13

Add the following wording:

Notwithstanding section 5.12, a Short-Term Accommodation located outside of the permitted zones as set out in Schedule "A" of this By-law may be issued to a Person where the Short-Term Accommodation was lawfully operated, under the endorsement of the current owners, immediately prior to this By-law coming into force.

Section 5.15

Delete the following wording:

A Licence issued shall include the following information:

- a) the municipal address;
- b) Licence number;
- c) effective date and expiry date of the Licence;
- d) Licensee name and contact information;
- e) owner name and contact information;
- f) an Operation Manual which outlines the conditions of Short-Term
 Accommodation including expectations for Owner and Renters prepared and
 maintained in accordance with guidelines issued by the municipality.

Section 5.15

Add the following wording:

A Licence issued shall include the following information:

- a) the municipal address;
- b) Licence number;
- c) effective date and expiry date of the Licence;
- d) Licensee name and contact information;
- e) owner name and contact information;

Section 6.2

Delete the following wording:

A Licensee shall notify the Municipality 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 Municipality.

Section 6.2

Add the following wording:

A Licensee shall notify the Municipality 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;
- e) sale of the property

and such changes shall be subject to submission of the necessary documentation to the Municipality.

Section 8.4

Delete the following wording:

Where a Licence has been revoked, suspended or cancelled, the Licensee shall return the Licence to the Licence Issuer within two (2) days of service of the notice of the decision unless otherwise directed by the Licence Issuer in the instance of immediate suspensions.

Section 8.4

Add the following wording:

Where a Licence has been revoked, suspended or cancelled, the Licensee shall cease to rent or advertise the dwelling from the date of cancellation, revocation or suspension until the Licence has been reinstated or a new Licence is issued. Where the Licensing Appeal Committee or License Issuer imposes conditions or restrictions on a Licence during a revocation, cancellation or suspension period, the Licensee shall abide by those conditions or restriction or the Licence shall be revoked without further notice to the Licensee.

Section 8.5

Remove the following wording:

When a revoked, suspended or cancelled Licence 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 Licence.

Section 8.5

Add the following wording:

A minimum one (1) year term will be enforced by the Licence Issue for Licences which have been revoked, suspended or cancelled.

Section 9.1

Delete the following wording:

All Licences issued by the Licence Issuer must be posted in a Public Registry which shall be maintained on-line by the Municipality.

Section 9.1

Add the following wording:

All Licences issued by the Licence Issuer must be posted in a Public Registry which shall be maintained at the Municipal Office by the Municipality.

Section 9.3

Delete the following wording:

Owner shall display the Operation Manual inside the Dwelling or Dwelling Unit which should be used as a reference guide for Renters.

Section 9.3

Add the following wording:

Owner shall display Operations Manual inside the Dwelling which should be used as a reference guide for Renters. The manual will contain a copy of the Renters Code of Conduct for the dwelling, a copy of the Fire Safety/ Exit Plan, emergency contact information for the property owner or property manager/responsible person, and all pertinent information for the Short-term Accommodation.

Section 9.5

Delete the following wording:

The Owners updated contact information must be clearly posted in and outside the Licensed unit at all times.

Section 9.5

Add the following wording:

The Owners updated contact information must be clearly posted in the Licensed Short-term Accommodation at all times.

Section 9.20

Add the following wording:

If the Licensee Appeals the decision of the Licence Issuer a \$200.00 fee will be charged. Failure to pay the amount the Appeal will not be heard.

Section 10.3

Delete the following wording:

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

- a) schedule a hearing; and
- b) give the Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
- c) post notice of the hearing on the Municipality's website at least twenty (20) days prior to the hearing date.

Section 10.3

Add the following wording:

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

- a) schedule a hearing; and
- b) give the Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
- c) post notice of the hearing on the Municipality's website at least five (5) days prior to the hearing date.

Section 13.3

Delete the following wording:

Where a complaint has been determined to be valid the Licensee shall pay to the Municipality a complaint investigation fee of \$300.00. Failure to pay the fee shall be a contravention of the terms of the Licence and shall result in a revocation of the Licence.

Section 13.3

Add the following wording:

Where a complaint has been determined to be valid, establishing a second registered complaint for the property, the Licensee shall pay to the Municipality a complaint investigation fee of \$300.00. Failure to pay the fee shall be a contravention of the terms of the Licence and shall result in a revocation of the Licence.

Section 13.6

Add the following wording:

The Short-term Accommodation Program and By-law 2021-84, Short-term Accommodations, will be reviewed by Council annually during the fourth quarter to permit analysis of Short-term Accommodation data and trends following the summer rental season.

Schedule B: Premises Details Delete the following wording:

Current Use of Premises:

Proposed Number of Bedrooms:

Total STA Premises Occupant Load:

Schedule B: Premises Details Add the following wording:

Current Use of Premises: Proposed Number of Bedrooms: Total STA Premises Occupancy Limit:

Schedule C: Required to Register Delete the following wording:

When registering, Licensee needs to provide the Municipality with information, including;

- government-issued identification (ID) which includes photo and address
- contact information and address
- details of short-term rental, including description of the type of building your rental is located in and which parts of the home will be short-term rented
- All classes must provide information related to occupancy and potential sewage load and details of their sewage system to confirm capacity.
- a record of systems pump-outs and maintenance and demonstrate that that septic tank has been pumped out and inspected in the last three years of when application is made for a licence
- The number of occupants refers to the number of occupants of the rental unit.
- name and telephone number of a Local Manager who will be available 24 hours a day during rental periods.

Schedule C: Required to Register Add the following wording:

When registering, Licensee needs to provide the Municipality with information, including;

- government-issued identification (ID) which includes photo and address
- All classes must provide information related to occupancy and potential sewage load and details of their sewage system to confirm capacity.
- Proof of Ownership
- Proof of Insurance
- A record of systems pump-outs and maintenance and demonstrate that that septic tank has been pumped out and inspected in the last three years of when application is made for a licence
- Site Plan of the premises indicating the location of the septic tank, tile bed, well, parking area, fire pit and all structures located on the property
- Renter Code of Conduct
- Fire Safety/Exit Plan indicating the location of all smoke and CO alarms, fire extinguishers and escape plans for the dwelling
- Owner Authorization Form (If applicable)
- Name and contact information of a Property Manager/ Responsible Person who will be available 24 hours a day during rental periods and located within an hour of the Short-term Accommodation.
- Property Manager/ Responsible Person Consent Letter
- WETT Certificate (If applicable)

Schedule C: Determining Class Delete the following wording:

Note: All conditions must be met in order to meet the classification. Where a condition is not met the next higher classification would be utilized (for example, where an operator meets all conditions for a Class A category except the wish to exceed the maximum of 28 days rental in any one year, they must apply for a Class B category). Where a classification category cannot be met, the STA would not be permitted without approval of a site-specific zoning by-law amendment. If the STA receives zoning approval, the Class C requirements would be required to be met.

Schedule C: Determining Class Add the following wording:

Note: All conditions must be met in order to meet the classification. Where a condition is not met the next higher classification would be utilized (for example, where an operator meets all conditions for a Class A&B category except, they wish to exceed the maximum of 180 days of rental in any one year, they must apply for a Class-C Licence). Where a classification category cannot be met, the STA would not be permitted without approval of a site-specific zoning by-law amendment. If the STA receives zoning approval, the Class C requirements would be required to be met.

Schedule C: Other Delete the following wording:

Completed STA Applications can be submitted by email to Municipality of Northern Bruce Peninsula admin@northernbruce.ca

For information on Planning and Zoning please see municipal website

Schedule C: Other Add the following wording:

Completed STA Applications can be submitted Cloudpermit, the Municipality's online building permit platform.

Short-term Accommodations are required to be fully licenced within two months of the submission of the application for a Short-term Accommodation Licence.

Schedule C: What happens after registration? Delete the following wording:

After providing information and payment, the Municipality will validate the information and review application.

If the application is approved, a registration number will be generated and emailed to Licensee, along with a STA Manual PDF which should be posted in the STA at all times.

The Municipality can deny application based on the eligibility criteria, and will inform applicant of its intention to deny the registration. No one is eligible to register or renew a short-term rental if the registration was denied or revoked in the last 12 months.

Schedule C: What happens after registration? Add the following wording:

After providing the required documentation, the Municipality will validate the information and review the application.

If the application is approved, the applicant will be contacted to schedule an inspection of the proposed Short-term Accommodation. If the proposed Short-term Accommodation passes inspection, a bill will be issued by the Licence Issuer based on the corresponding fees outlined in Schedule C. Once the bill is paid, a Short-term Accommodation Licence will be generated and attached to the application workspace.

A Short-term Accommodation Licence is valid for a period of one-year from the day of issue.

The Municipality can deny application based on the eligibility criteria and will inform applicant of its intention to deny the registration. No one is eligible to register or renew a short-term rental if the registration was denied or revoked in the last 12 months.

Schedule C: Complying with Regulations Delete the following wording:

Once registered as a short-term rental operator, they must:

- provide guests information about Local Manager and instructions on how to contact 911 emergency service
- provide guests with an emergency exit plan
- keep the following records related to short-term rental and provide to the Municipality upon request:
 - the number of nights short-term rental was rented
 - the nightly and total price charged for each rental
 - o the rental type e.g., the entire home rental or just room rental
- The Licensee shall be responsible for ensuring that the use of the Short-term Accommodation Unit shall not include:
 - parties;
 - the lighting or discharging of fireworks;
 - o exceeding occupancy limits in the unit or on the property; and
 - use of outdoor speakers.
- Liability Insurance of not less that \$2 million per occurrence for property damage and bodily injury
- Parking be adequately provided on a per bedroom basis
- Garbage must be stored in an enclosed area at all times other than during garbage collection at which time garbage must be contained in appropriate containers for collection.
- Must display STA manual inside STA Dwelling or Dwelling Unit
- Must post ownership information inside and outside unit at all times
- Post how many occupants allowed within the STA premise

Schedule C: Complying with Regulations Add the following wording:

Once registered as a short-term rental operator, they must:

- Provide guests information about Property Manager/Responsible Person and instructions on how to contact 911 emergency service
- Provide guests with an emergency exit plan
- Keep the following records related to short-term rental and provide to the Municipality upon request:
 - the number of nights short-term rental was rented
 - the nightly and total price charged for each rental
 - the rental type e.g., the entire home rental or just room rental
- The Licensee shall be responsible for ensuring that the use of the Short-term Accommodation shall not include:
 - o parties;
 - o the lighting or discharging of fireworks;
 - o exceeding occupancy limits in the unit or on the property; and
 - o use of outdoor speakers.
- Liability Insurance of not less that \$2 million per occurrence for property damage and bodily injury
- Parking be adequately provided on a per bedroom basis
- Garbage must be stored in an enclosed area at all times other than during garbage collection at which time garbage must be contained in appropriate containers for collection.

- Must display the Operations Manual inside the Short-term Accommodation
- Must post owners contact information inside the Short-term Accommodation at all times
- Post the occupancy limit of the Short-term Accommodation within the dwelling

Schedule D: Roles and Responsibilities

Delete the following wording:

Role	Responsibility	
CHIEF BUILDING INSPECTOR	Conduct STA inspections Ontario Building Code	
FIRE CHIEF	Conduct STA inspections which should follow the Ontario Fire Code and the Ontario Building Code	
CLERK OR DESIGNATE	All Administrative duties including applications, renewals, and enforcements.	
-	For the Licensing Appeal Committee, CAO, Clerk and/or designate shall:	
	a) schedule a hearing; and	
	b) give the Licensee notice of the hearing at least twenty (20)	
	days prior to the hearing date; and	
	c) post notice of the hearing on the Municipality's website at least twenty (20) days prior to the hearing date.	
	The CAO, Clerk 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;	
	b) each person who appeared in person or by Council or by Agent at the hearing and who filed with the CAO or Clerk a written request for notice of the decision.	
COUNCIL	Participate as Licensing Appeal Committee	
OWNER	Ensure Licensee Terms and Conditions are fulfilled	
PROPERTY	Available 24/7	
MANAGER		
RENTER	Follow "Renter Code of Conduct (Schedule "E")	

Schedule D: Roles and Responsibilities

Add the following wording:

Role	Responsibility
CHIEF BUILDING	Conduct STA inspections which should follow the Ontario
OFFICIAL	Building Code
FIRE CHIEF	Conduct STA inspections which shall follow the Ontario Fire
	Code, Ontario Building Code and NFPA Standards.
CLERK OR	All Administrative duties including applications, renewals, and
DESIGNATE	enforcements.
	For the Licensing Appeal Committee, CAO, Clerk and/or
	designate shall:
	a) schedule a hearing; and
in the second se	b) give the Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
	c) post notice of the hearing on the Municipality's website at
	least twenty (20) days prior to the hearing date.
	The CAO, Clerk 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;

	b) each person who appeared in person or by Council or by Agent at the hearing and who filed with the CAO or Clerk a written request for notice of the decision.
COUNCIL	Participate as Licensing Appeal Committee
OWNER	Ensure Licensee Terms and Conditions are fulfilled
PROPERTY	Available 24/7
MANAGER	2
RENTER	Follow "Renter Code of Conduct (Schedule "E")

And further that this By-law shall come into force and take effect on October 1, 2023, thereof.

Read a First and Second Time This 10th Day of July 2023.

Read a Third Time, Finally Passed, Signed and Sealed This 10th Day of July 2023.

Mayor - Milt McIver

Clerk- Cathy Addison

The Municipality of Northern Bruce Peninsula Part 1 Provincial Offence Act

By-Law 2021-84, as amended by 2023-49 Short Term Rental Accommodation By-law

Iten	Short Form Wording	Provision Creating	Set Fine
		Or Defining Offence	
1.	Failing to register a short-term rental	Sec. 3.3	\$900.00
2.	Advertising, facilitating or brokering an unregistered short-term rental	Sec. 3.5	\$900.00
3.	Advertising a short-term rental without a registration number	Sec. 3.15	\$900.00
4.	Renting an entire unit for more than the maximum number of permitted days	Sec. 3.16	\$ 700.00
5.	Refusing to serve a person accompanied by a service animal	Sec. 3.17	\$ 500.00
6.	Failing to notify the Municipality of a change in licensing or registration information	Sec. 3.18	\$ 400.00
7 .	Failing to provide emergency contact information to a guest	Sec. 3.19	\$ 400.00
8.	Failing to provide information regarding 9-1-1 service to a guest	Sec. 3.19	\$ 400.00
9.	Failing to provide a diagram of exits from the building	Sec 3.19	\$ 400.00
10.	Renting more than one short term accommod unit per property	ation Sec. 3.20	\$900.00
11.	Rent any room other than a bedroom that was Identified and approved	Sec 3.21	\$400.00
12.	Rent exceeding occupancy limit	Sec 3.22	\$400.00
13.	Fail to keep complete transaction record for 3 years	Sec. 8.6	\$ 300.00
14.	Failing to provide transaction records within 30 days of a request from the Municipal	Sec. 8.6	\$300.00
15.	Obstructing an authorized inspection	Sec. 9.9	\$ 900.00

NOTE: The general penalty provision for the offences listed above is Section 10.5 of By-law 2021-84, as amended by By-law 2023-49, a certified copy which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE ONTARIO COURT OF JUSTICE WEST REGION

LONDON, ONTARIO N6A 6A8

80 DUNDAS STREET, 10th FLOOR, UNIT L



CABINET DU JUGE PRINCIPAL RÉGIONAL COUR DE JUSTICE DE L'ONTARIO RÉGION DE L'OUEST

80, RUE DUNDAS, 10° ÉTAGE, UNITÉ L LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292 FAX/TÉLÉCOPIEUR (519) 660-3138

October 2, 2023

Carol Hopkins Municipality of Northern Bruce Peninsula 56 Lindsay Road 5 Lion's Head, Ontario N0H 1W0

Dear Ms Hopkins

Set Fines - Provincial Offences Act - Part 1 By-law 2023-49, as amended - Short Term Rental Accommodation

Enclosed herewith is the Part 1 original Order and original schedule of set fines for the above referenced Bylaw, the Bylaw indicated in the schedules.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Court in Owen Sound, together with a certified copy of the Bylaw.

Yours truly,

Jeanine E. LeRoy Associate Chief Justice Ontario Court of Justice

Encl.

/tz

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PARTI

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and

the rules for the Ontario Court of Justice that the amount set opposite each

of the offences in the schedule of offences under the Provincial Statutes and

Regulations thereunder and By-law 2023-49, as amended of the Municipality

of Northern Bruce Peninsula attached hereto are the set fines for those

offences. This Order is to take effect October 2, 2023.

Dated at London this 2nd day of October 2023.

Jeanine E. LeRoy

Regional Senior Justice

West Region

The Municipality of Northern Bruce Peninsula Part 1 Provincial Offence Act

By-Law 2021-84, as amended by 2023-49

Short Term Rental Accommodation By-law

lten	Short Form Wording	Provision Creating	Set Fine
		Or Defining Offence	
1.	Failing to register a short-term rental	Sec. 3.3	\$900.00
2.	Advertising, facilitating or brokering an unregistered short-term rental	Sec. 3.5	\$900.00
3.	Advertising a short-term rental without a registration number	Sec. 3.15	\$900.00
4.	Renting an entire unit for more than the maximum number of permitted days	Sec. 3.16	\$ 700.00
5.	Refusing to serve a person accompanied by a service animal	Sec. 3.17	\$ 500.00
6.	Failing to notify the Municipality of a change in licensing or registration information	Sec. 3.18	\$ 400.00
7.	Failing to provide emergency contact information to a guest	Sec. 3.19	\$ 400.00
8.	Failing to provide information regarding 9-1-1 service to a guest	Sec. 3.19	\$ 400.00
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13.	Fail to keep complete transaction record for 3 years	Sec. 8.6	\$ 300.00
14.	Failing to provide transaction records within 30 days of a request from the Municipal	Sec. 8.6 ity	\$300.00
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NOTE: The general penalty provision for the offences listed above is Section 10.5 of By-law 2021-84, as amended by By-law 2023-49, a certified copy which has been filed.