

BY-LAW NUMBER XXX
OF
THE CORPORATION OF THE
MUNICIPALITY OF CENTRAL ELGIN

Being a By-law to license, regulate and govern the provision of short-term rentals in the Municipality of Central Elgin including bed and breakfast establishments, inns, Short-Term Rentals, hostels, rooming houses and boarding houses.

AND WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, (the "*Municipal Act, 2001*"), provides that a municipality may pass By-laws respecting: health safety and well-being of persons and property, including consumer protection and business licensing;

AND WHEREAS section 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9, 10 and 11 of the *Municipal Act, 2001*, a municipality may provide for a system of licenses 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 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 of 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;

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 429(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS the Council of The Corporation of the Municipality of Central Elgin has deemed it necessary and expedient to regulate and License Short-Term Rentals;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the Municipality of Central Elgin as follows:

1.0 Short Title

- 1.1. This By-law may be referred to as the "Short-Term Rental Licensing By-law."

2.0 Definitions

- 2.1 For the purposes of this By-law the following terms are defined as follows:
 - a. "**Administrator**" means the Clerk for the Municipality of Central Elgin, an Officer for the Municipality and/or staff member of Fire and

Emergency Services whose duty includes but is not limited to the administration and enforcement of this By-law, including but not limited to the issuance of a licence;

- b. **“Agent”** means a Person authorized in writing by an Owner to act on the Owner’s or group of Owner’s behalf;
- c. **“Appeal Officer”** means the Director of Infrastructure and Community Services whose duty is to hear and decide appeals submitted in accordance with the provisions of this By-law;
- d. **“Applicable Law”** means any statute, rule, requirement, demand, order, direction, guideline, ordinance, by-law, policy or regulation of the federal, provincial, municipal government, governmental authority or agency as may be applicable to the operation of the Short-Term Rental;
- e. **“Applicant”** means the person applying for a licence or renewal of a licence under this by-law and “application” has corresponding meaning;
- f. **“Applicant Information”** means fulsome details of a person applying for or the renewal of a licence under this by-law and such information shall include their full name, date of birth, municipal address, telephone number and email address.
- g. **“Articles of Incorporation”** means documents relating to an incorporated business pursuant to the *Business Corporations Act*, R.S.O. 1990 c.B.16, or the *Corporation Act*, 1990, c.C.28;
- h. **“Building”** means a structure occupying an area greater than ten (10) square metres consisting of a wall, roof, and floor or any of them, or a structural system serving the function thereof, including plumbing, works, fixtures and services appurtenant thereto;
- i. **“Central Elgin”** or **“Municipality”** means the Corporation of the Municipality of Central Elgin or the lands within the geographic limits of the Corporation of the Municipality of Central Elgin as the context requires;
- j. **“Chief Building Official”** means the Chief Building Official for Central Elgin, or any Person designated by the Chief Building Official;
- k. **“Council”** means council of the Municipality of Central Elgin;
- l. **“Fire Safety Instructions”** means the diagram and instructions to be placed in the unit that is governed by this By-law clearly setting out the precautions to be undertaken during a fire emergency. Fire Safety instructions are to depict graphically the location of each bedroom, smoke alarm, carbon monoxide alarm, fire extinguisher, emergency lighting, access/egress doors or windows;
- m. **“Licence”** means a licence issued under this By-law;

- n. **“Licensee”** means any Person, Responsible Person, agent, Owner or Operator applying for a Licence or Licences under the provisions of this By-law;
- o. **“Officer”** means a peace officer, Municipal Law Enforcement Officer, the Fire Chief or their designate, Chief Building Official or their designate, or other Person appointed by By-law to enforce the provisions of this By-law;
- p. **“Operator”** means any person (owner or tenant) who operates a Short-Term Rental;
- q. **“Owner”** means the registered owner of the lands or Premise or their authorized agent that is in lawful control of the lands or Premise;
- r. **“Person”** means an Individual, Owner, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau, agency, or other entity;
- s. **“Property”** means any land or Property where the Short-Term Rental is located that is within the jurisdiction of the Municipality;
- t. **“Provincial Offences Act”** means the *Provincial Offences Act*, R.S.O. 1990, c.P. 33, and all regulations thereto, as may be amended from time to time, or any successor thereof;
- u. **“Renter’s Code of Conduct”** shall mean a document prepared by and posted on the Municipality’s website setting out the roles and responsibilities of the renter, including but not limited to:
 - i. Expectations of the Renter’s behaviour only as they relate to non-disturbance of others;
 - ii. Providing a warning related to the making of a disturbance;
 - iii. Identifying some of the Municipality’s by-laws that the renter must comply with including the provisions of this By-law including but not limited to noise, property standards and parking.
- v. **“Responsible Person”** means the Owner, Operator, or an agent assigned by the Owner or Licensee of the Short-Term Rental dwelling to ensure that the Short-Term Rental is operated in accordance with the provisions of this By-law, the Licences, and Applicable Law;
- w. **“Short-Term Rental”** means all or part of a legally established dwelling that operates or offers a place of temporary residence, lodging or occupancy by way of a rental agreement or commercial transaction to the public for a period of less than twenty-eight (28) consecutive days and includes but is not limited to bed and breakfast establishments, inns, hostels, rooming houses and boarding houses but does not include hotels, trailer parks, campgrounds and motels;
- x. **“Zoning By-law”** means the Comprehensive Zoning By-laws applicable to the lands situated within the Municipality and includes

the following Village of Belmont By-law 91-21, Village of Port Stanley By-law 1507, and Township of Yarmouth By-law 1998, as amended from time to time, or any successor thereof;

3.0 Provisions Applicable to all Short-Term Rentals

- 3.1 No person shall carry on, or intend to carry on, any trade, business or occupation of a Short-Term Rental for which a licence is required under this By-law unless that Person has first obtained a Licence as required under the terms and conditions of this By-law.
- 3.2 No person shall advertise a Short-Term Rental without having a licence for the Short-Term Rental issued under the provisions of this By-law.
- 3.3 No person shall operate or permit to operate a Short-Term Rental in a dwelling utilizing more rooms than is permitted by the Municipality and as set out on the Licence issued by the Municipality under the provisions of this By-law for the Short-Term Rental establishment.
- 3.4 No Person shall advertise, promote, broker, or offer for rent or lease any Short-Term Rental without obtaining and maintaining a valid Licence under this By-law.
- 3.5 Short-Term Rentals shall at all times be required to comply with all Applicable Laws.
- 3.6 For greater clarity, the requirements of this By-law do not apply to a motel or hotel as defined in the Zoning By-law.
- 3.7 For greater clarity, the Licence acquired under this Short-Term Rental By-law does not permit a Short-Term Rental to be used for the purposes of hosting events such as weddings, receptions, or any other similar group activity.

4.0 Application for a Short-Term Rental Licence

- 4.1 Any Person seeking to obtain a Licence or a renewal Licence shall submit a complete application annually to the Administrator on the forms or in the manner prescribed by the Municipality.
- 4.2 Any Person seeking to obtain a new Licence or a renewal Licence shall apply to the Municipality for the Short-Term Licence on an annual basis and the Licence be issued on or before March 1st annually.
- 4.3 No Application shall be accepted for a licence if the Applicants are under the age of 18 years.
- 4.4 Every Applicant for a Licence shall submit, to the satisfaction of the Administrator, the following information:
 - a. Payment of the required licence fee, as set out in the Municipality's Fees and Charges By-law, as amended from time to time;
 - b. The fully and correctly completed Short-Term Rental application form;
 - c. The registered Owner name and contact information;

- d. Exterior photographs of the Short-Term Rental showing the front, back and sides;
- e. Identification and contact information of the Owner and Responsible Person who is accountable for responding to any complaints related to the Short-Term Rental by telephone within a period of thirty (30) minutes;
- f. A site plan and floor plan of the Short-Term Rental Property clearly indicating the location and total number of bedrooms, access / egress points, parking, garbage / recycling area, and private well and septic system where applicable;
- g. A Parking Management Plan identifying the number of parking spaces available for guests of the Short-Term Rental Property. For those Short-Term Rental Properties that do not have sufficient parking based on occupancy, the Municipality may in its sole and absolute discretion make available overnight parking passes in some specified locations;
- h. A written inspection approved by the Municipality's Fire Chief or designate dated within the prior two (2) year period stating that the property is in compliance with the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, and its regulations and shall include a statement of the maximum occupancy permitted;
- i. A written attestation from the Owner and/or an engineer in good standing with Professional Engineers Ontario confirming that the building complies with the *Building Code Act*, S.O. 1992, c.23, and its associated regulations as may be amended and/or replaced from time to time;
- j. A certificate of insurance confirming that the Applicant has in place, at the time of the Application, general liability insurance covering the property and all buildings situated on the property of not less than Five Million Dollars (\$5,000,000) in effect for the applicable year and confirmation that the Applicant's insurance policy contains coverage for damage from fire and does not prevent the Applicant from using the Property as a Short-Term Rental, the Applicant's insurance is cancellable by the Applicant's insurer on not more than 60 calendar days' prior notice, and/or any other such coverage as may be recommended by the Municipality's insurer for the period covered by the licence. Any lapsing or termination of the applicable insurance during the period of the Licence must be immediately reported to the Municipality;
- k. Identify and maintain a self-enclosed structure or container for the disposal of garbage and waste that is readily accessible to utilizing the Short-Term Rental. For clarification, all garbage and recycling stored outside shall be in a secure enclosed bin and may not be left outside before sunset the day before the scheduled collection;
- l. Any other information required under this By-law.

4.5 The Administrator shall not accept any application for a Short-Term

Rental until all the requirements and supporting documentation relating to the Application, as set out in this By-law, have been met.

- 4.6 The Licensee shall be responsible for informing the Municipality in writing of any changes to the approved information contained in the Licence Application or any deviation to the approved plans within seven (7) calendar days of becoming aware, or being notified, of such change or deviation. Nothing in this By-law allows a Licensee to rent any room other than those identified and approved on the floor plans submitted with the Application for a Licence unless prior approval in writing is obtained from the Municipality.
- 4.7 The Application fee is non-refundable regardless of the ultimate disposition of the Licence Application.
- 4.8 The submission of an Application for a Licence, including the applicable fee(s) does not entitle the Applicant to carry on, or intend to carry on a Short-Term Rental. The Applicant is only entitled to carry on the Short-Term Rental once the Licence has been issued under the provisions of this By-law.

5.0 Application for Renewal of a Short-Term Licence

- 5.1 Every application for the renewal of a licence under this By-law shall be made in a form satisfactory to the Administrator and shall include:
- a. The fully and correctly completed renewal application form, if applicable;
 - b. The application renewal fee as set out in the Municipality's Fees and Charges By-law, as amended from time to time;
 - c. In the event there are any changes to the floor plan, site plan, Parking Management Plan, Building Code compliance attestation, or Fire Safety Instructions submitted with the original Application, the Applicant shall submit a revised floor plan, site plan, Parking Management Plan, Building Code compliance attestation, and Fire Safety Protocol;
 - d. A certificate of insurance confirming that the Applicant has in place, at the time of the Application, general liability insurance of not less than Five Million Dollars (\$5,000,000) and confirmation that the Applicant's insurance policy contains coverage for damage from fire and does not prevent the Applicant from using the Property as a Short-Term Rental, the Applicant's insurance is cancellable by the Applicant's insurer on not more than 60 calendar days' prior notice, and/or any other such coverage as may be recommended by the Municipality's insurer for the period covered by the licence;
 - e. Any other information required pursuant to this By-law.
- 5.2 A Short-Term Rental Licence that is not renewed prior to the expiration date is no longer valid.
- 5.3 Licences are not transferable and shall remain the property of the

Municipality. A Licence shall be deemed to be void immediately upon change of ownership or location of the Short-Term Rental or upon discontinuation of the Short-Term Rental;

- 5.4 The Application for Renewal fee is non-refundable regardless of the ultimate disposition of the Licence Application.

6.0 Prohibitions

- 6.1 No Person shall market, operate or permit a Person to operate or hold themselves out as being licensed to operate a Short-Term Rental:

- a. without a Short-Term Rental Licence to do so issued under this By-law;
- b. under any other name than the one endorsed on their Short-Term Rental Licence;
- c. except in accordance with the provisions of this By-law;
- d. while their Short-Term Rental Licence is under suspension;
- e. except in accordance with the terms and conditions of their Short-Term Rental Licence.

- 6.2 No Person shall Market, operate, or provide a Short-Term Rental in:

- a. a motor vehicle or trailer;
- b. an unlawful dwelling unit;
- c. a docked boat;
- d. in a dwelling where a Licence to operate a Short-Term Rental has not been issued.

- 6.3 No Person shall be permitted to,

- a. transfer or assign a Short-Term Rental Licence without the prior written approval of the Municipality;
- b. obtain a Short-Term Rental Licence by providing false, misleading or incorrect information;
- c. enjoy a vested right in the continuance of a Short-Term Rental Licence. Upon the issuance, renewal, cancellation or suspension of the Short-Term Rental Licence it shall become the property of the Municipality;
- d. obstruct or permit the obstruction of an inspection pursuant to this By-law.

7.0 Inspections

- 7.1 Upon receipt of a complete Application as set out in the By-law, and all accompanying documentation in addition to the required fees, the Municipality shall schedule an inspection or inspections of the Short-

Term Rental property at a reasonable time.

- 7.2 Upon any change identified in the Renewal Application the Municipality may conduct an inspection following the submission of the Renewal Application in addition to the required fees in its discretion acting reasonably.
- 7.3 A Licence issued under this By-law is valid for a period of one (1) year, unless revoked prior to the one (1) year period coming to an end.

8.0 Review of the Licence Application or Renewal Application

- 8.1 The Administrator in their discretion may reject a Licence Application or a Renewal Application where any of the documents required by this By-law have either not been filed, are incomplete or the Licence Application is deemed to be incomplete.
- 8.2 As part of the Municipality's review of the Application or Renewal Application (collectively the "**Applications**") the Applications may be circulated to those agencies deemed appropriate or necessary or relevant by the Administrator.
- 8.3 A person is not eligible to hold a licence if the proposed use of the land, building or structure is not permitted by the Zoning By-law that applies to the Property.

9.0 Issuance of Short-Term Rental Licence

- 9.1 The Municipality shall identify the Administrators and/or their delegates that are authorized to issue and renew Short-Term Rental Licences in accordance with this By-law.
- 9.2 All Licences issued and renewed shall be signed by the Administrator.
- 9.3 The Licensee, upon issuance of a Licence and thereafter shall comply with all applicable provisions of this By-law.

10.0 Licence Conditions and Licensee Obligations

- 10.1 A Licensee of a Short-Term Rental shall ensure that the following shall be accessible to guests in either hard copy or electronic format:
- a. a copy of the current licence;
 - b. a copy of the Municipality's Noise By-law;
 - c. a copy of the Municipality's Property Standards By-law; and
 - d. a copy of the Municipality's Renter's Code of Conduct.
- 10.2 The following conditions are attached to each Licence issued under this By-law:
- a. The Short-Term Rental must be lawfully constructed;

- b. When the premise is occupied for the purposes of a Short-Term Rental, a legible copy of the Licence shall be posted in a conspicuous location within one (1) metre of the interior of the Short-Term Rental's primary residence;
- c. A Licensee shall notify the Administrator in writing within fifteen (15) calendar days of any change to any information provided to the Municipality under the provisions of this By-law;
- d. The Licensee shall ensure compliance with all Applicable Laws including but not limited to the: *Fire Protection and Prevention Act*, *Building Code Act*, *Electrical Safety Code*; *Health Protection and Promotion Act*, *Zoning By-law*; *Open Air Fire By-law*; *Property Standards By-law*; *Noise By-law*; *Sign By-law*;
- e. At any time when the Property is occupied for the purposes of a Short-Term Rental the Licensee shall ensure that no vehicle is stopped or parked on any part of the Short-Term Rental Property save and except for a parking space as identified on the Parking Management Plan filed pursuant to the provisions of this By-law;
- f. A copy of the floor plan contained within the Fire Safety Protocol shall be posted in a conspicuous location within one (1) metre of the interior of the Short-Term Rental's primary entrance;
- g. The Licensee shall allow, at any reasonable time and in accordance with Applicable Law, the Municipality to inspect the Short-Term Rental Property to ensure compliance with this By-law;
- h. The Licensee shall include the Licence number in any advertisement or promotion related to the renting out of the Property intended to be used as a Short-Term Rental;
- i. The Licensee shall ensure that the Responsible Person is available to respond to the Municipality or its designate at all times and within a period of no greater than thirty (30) minutes from the time of contact and such response may be by telephone, e-mail or in person;
- j. The Licensee shall provide to the Municipality an updated certificate of insurance as required by this By-law prior to the expiry of the current certificate of insurance;
- k. Where a Licensee is dissatisfied with any condition imposed by the Administrator, the Licensee may request a review of the condition by the designated Appeal Officer.

11.0 Revocation or Refusal to Issue or Renew a Short-Term Rental Licence

11.1 The Administrator may revoke, refuse to issue or renew a Licence:

- a. If all inspections required pursuant to this By-law have either not been completed and/or have not passed;
- b. Where the conduct of the Applicant or Licensee including the conduct of any officer, director, employee or Agent of an Applicant or Licensee

affords reasonable cause to believe that the Applicant or Licensee will not carry on or operate the Short-Term Rental in accordance with all Applicable Laws;

- c. The Applicant or Licensee owes any fine or fee or property taxes to the Municipality in respect of the Short-Term Rental Property;
 - d. The Short-Term Rental is subject to an order, or orders made pursuant to the following including but not limited to: a Municipality By-law; the *Building Code Act*; the *Fire Protection and Prevention Act*; the Medical Officer of Health; and any other Applicable Law;
 - e. The Short-Term Rental Property does not comply with the provisions of the Municipality's Zoning By-law;
 - f. The Administrator has received an objection to the issuance of the Licence by the Chief Building Official and/or the Fire Chief;
 - g. A Licence pursuant to this By-law has been revoked or suspended within the last two (2) years;
 - h. A breach of a provision of this licensing By-law;
 - i. Refusal to comply with any notice of violation issued by the Municipality within a period of seventy-two (72) hours;
 - j. Accumulation of three (3) or more complaints regarding distinct events in a calendar year following the investigation of the complaints by the Municipality;
 - k. The Applicant or Licensee has prior convictions under this By-law, or any other By-law, or any Applicable Law within the last five (5) years;
 - l. Where there is a Court Order, provincial prosecution under the *Provincial Offences Act* or any other provincial order ceasing or hindering the activity of the Short-Term Rental.
- 11.2 Where a license has been revoked, including when the revocation has been upheld by the Appeal Officer, no license application shall be considered by the Municipality for a period of twelve (12) months from the date the license was revoked.

12.0 Revocation or Suspension of a Short-Term Rental Licence

- 12.1 The Administrator has the power and authority to revoke or suspend a Licence at any time where:
- a. The Licensee meets the circumstances set out in section 10.0 above;
 - b. There are reasonable grounds to believe that an Application or any other document or information provided on behalf of the Licensee contains a false statement and/or false information;
 - c. The Licence was issued in error and/or based upon fraudulent or misleading information;

- d. The Administrator becomes aware of a fact or facts that, if known at the time of the Application, may have resulted in the Administrator refusing to issue the Licence.

12.2 A License issued under this By-law shall remain in effect until a decision to revoke or suspend the Licence has been made by the Appeal Officer where an appeal has been filed.

13.0 Changes in Information

13.1 Where, at any time, there is a change in, or relating to, any of the information or documents required to be filed with the Municipality under this By-law, the Applicant or Licensee, as the case may be, shall report the change in writing to the Administrator no later than ten (10) calendar days following the change or upon becoming aware of the change.

14.0 Term of the Short-Term Rental Licence

14.1 Every Licence shall be in effect from the date of issuance as shown on the Licence:

- a. For the whole of the calendar year to which it applies, expiring on December 31st, of said calendar year; or
- b. Where the Application for a Licence is received after January 1 and prior to the 2nd Monday in November of any calendar year, for the remainder of such calendar year, expiring on December 31st of said calendar year; or
- c. Where the application for a Licence is received on or after the 2nd Monday in November but prior to December 31st in any calendar year, for the whole of the following calendar year, expiring on December 31st of that calendar year.

14.2 Every Licence shall be renewed no later than its date of expiry. Any License which is not renewed shall become null and void.

14.3 Every Licence shall immediately cease to be valid in the event the Short-Term Rental ceases to operate.

15.0 Duplicate or Replacement Short-Term Rental Licence

15.1 In the event that a Licence issued in accordance with this By-law is lost or destroyed, the Administrator upon written request by the Applicant or Licensee, and payment of a replacement fee as set out in the Municipality's Fees and Charges By-law, shall issue a duplicate of the original Licence, upon which shall be stamped or marked "duplicate."

15.2 The issuance of a duplicate Licence in accordance with section 15.1 above shall not affect the expiry date of the Licence.

16.0 Alterations Prohibited

16.1 No person shall alter or deface a Licence in any way.

16.2 Every Licensee shall ensure that the Licence is not altered or defaced in

any way.

17.0 Compliance with all Applicable Laws

17.1 The issuance of a Licence under the provisions of this By-law in no way and does not permit or condone the violation of any Applicable Law including but not limited to any by-law, statute, order, or regulation in effect in the Municipality, the Province of Ontario, or the Federal Government of Canada and it shall be the sole responsibility of the Licensee to ensure that such Applicable Laws is complied with at all times.

18.0 Appeals Process

18.1 Where the Administrator revokes, suspends, modifies, imposes conditions, or refuses to issue or renew a Licence:

- a. The Administrator shall send written notification advising the Applicant or Licensee of the refusal, suspension, or revocation of the Licence;
- b. The written notification of the Administrator shall be sent by registered mail or e-mail to the Applicant or Licensee at the address of the Applicant or Licensee provided on the Application, or where a change of information has been provided by the Applicant or Licensee regarding address, at the address reflecting that change in information;
- c. The written notification by the Administrator shall:
 - i. Set out the grounds for the refusal, suspension, conditions, or revocation;
 - ii. Sign the written notification;
 - iii. Indicate the final date and time by which the Applicant or Licensee may appeal the decision to the Appeal Officer to suspend, revoke, modify, impose conditions, refuse to issue or renew the Licence; and,
 - iv. Indicate the appeal process and the applicable appeal fee, as set out in the Municipality's Fees and Charges By-law, as amended from time to time; and

18.2 The Applicant or Licensee who wishes to appeal a decision made under section 18.1 of this By-law shall submit a Notice of Appeal setting out their concerns in writing to the Appeal Officer:

- a. setting out the grounds or basis for the appeal;
- b. within a period of fourteen (14) calendar days from the date of the refusal, revocation or suspension of the Licence;
- c. by personal delivery or email and such notice shall be deemed received on the following business day after it has been emailed or sent via personal delivery.

- 18.3 The Applicant or Licensee or Responsible Person shall have no right to appeal the decision of the Administrator to suspend, revoke, modify, impose conditions, refuse to issue or renew the Licence as a result of non-compliance with a Zoning By-law, Fire Code and/or Building Code violations. Such appeal of the Fire Code and/or Building Code violations are subject to the appeal rights as set out in the *Building Code Act* and/or the *Fire Protection and Promotion Act*.
- 18.4 If no written request for an appeal is received from the Applicant or Licensee or Responsible Person prior to the deadline for filing such appeal:
- a. no extension of the time to request an appeal or hearing will be granted; and,
 - b. the decision of the Administrator shall be final.
- 18.5 The fee payable by the Owner or Licensee for the Notice of Appeal shall be set out in the Municipality's Fees and Charges By-law, as amended.

19.0 Appeal Procedure

- 19.1 The following procedure shall be followed and taken into consideration as the relate to any Appeals relating to the refusing, suspending, or revoking of any Licence or Renewal Licence under this By-law:
- a. The Appeal Officer shall receive and review all Notices of Appeal. The Appeal Officer may on their own discretion seek legal advice or refer the matter to a consultant at any time for an investigation, if deemed necessary.
 - b. The Appeal Officer may afford an opportunity to the Person appealing the decision to present any further material and/or evidence considered relevant to the issue and as requested by the Appeal Officer;
 - c. The Appeal Officer in considering the Appeal shall take into consideration any evidence relating to negative impacts on the health, safety and well-being of the community, including but not limited to, negative impacts to the neighbouring properties and broader community;
 - d. The Appeal Officer or consultant as set out in section 18.3 above shall make a decision on the Appeal within a period of thirty-five (35) business days from the date of the receipt of the Appeal. The Appeal Officer, or consultant where applicable, shall review all of the information submitted and make a determination as to whether to suspend, revoke, modify, impose conditions, refuse to issue or renew, or grant the appeal in part;
 - e. The Person making the Appeal will receive a letter outlining the outcome of the decision on the Appeal;
- 19.2 The decision of the Appeal Officer issued under the By-law is final.

20.0 Enforcement

- 20.1 The provisions of this By-law may be enforced by an Officer, or other authorized or designated employee or agent of the Municipality.
- 20.2 No Person shall obstruct or hinder or attempt to obstruct or hinder an Officer or other authorized employee or agent of the Municipality in the exercise of a power or the performance of a duty under this By-Law.
- 20.3 Subject to the provisions set out below, every Officer shall have the right to enter lands to conduct an inspection to determine whether the provisions of this By-Law and any order(s) issued hereunder are being complied with in accordance with the provisions of Sections 435 and 436 of the *Municipal Act, 2001*.
- 20.4 Where an Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person including but not limited failure of the Responsible Person to respond to complaints in accordance with the provisions of this By-law, the Officer may require the name, address, and proof of identity of that Person.
- 20.5 Failure to provide proof of identification satisfactory to an Officer when requested to do so pursuant to the provisions of this By-Law shall constitute obstruction of an Officer under this By-Law.
- 20.6 No Person exercising a power of entry on behalf of the Municipality shall enter or remain in any room or place actually being used as a Short-Term Rental unless such power of entry is in compliance with Applicable Law.
- 20.7 Where the Municipality has given prior notification of its intention to enter to the occupier of the land as required by Section 435 of the *Municipal Act, 2001* and the entry is authorized under sections 79, 80 or 446 of the *Municipal Act, 2001*.

21.0 Notice to Comply

- 21.1 When, in the opinion of the Administrator, a violation of this By-law has occurred or exists, the Administrator shall issue a Notice of Violation to the Licensee.
- 21.2 The Notice of Violation shall:
- a. specify the violations of this By-law that exist as well as those sections of the By-law that are in violation; and
 - b. indicate a final date for compliance for all items as indicated on such Notice.
- 21.3 No person, applicant or licensee shall fail to comply with a Notice of Violation as issued pursuant to this By-law.
- 21.4 Service of any Notice of Violation issued pursuant to this section shall be carried out by:
- a. personal service upon the violator by the Administrator; or

- b. registered mail to the Owner; or
 - c. by hand delivering the Notice to Comply to the address of the Licensee of the Short-Term Rental, as listed in the license application and documentation; or
 - d. by email to the email address provided by the Licensee
- 21.5 No person shall fail to comply with a Notice of Violation issued pursuant to the provisions of this By-Law.
- 21.6 If a Person fails to do a matter or thing as directed or required by this By-Law, including failing to comply with an order issued under this By-Law, the Municipality may do the matter or thing at the Person's sole costs and expense. The Municipality may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the Person's tax roll and collecting them in the same manner as and like property taxes.

22.0 Penalty Provisions

- 22.1 Every Person who contravenes any provision of this By-law, including any Schedule hereto, is guilty of an offence;
- 22.2 Every Person, director or officer of a corporation who knowingly is involved in or aware of the contravention by the corporation of any provision of this By-law, including any Schedule hereto, is guilty of an offence.
- 22.3 Every offence under this By-law is designated as a continuing offence.
- 22.4 Notwithstanding section 22.2 above, every Person who contravenes any provision of this By-law is guilty of an offence as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and all such offences are designated as continuing offences.
- 22.5 Every Operator, officer or director of a corporation who knowingly concurs in the contravention of any provision of this By-law or the failure to comply with a Notice of Violation under this By-law is guilty of an offence as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and all such offences are designated as continuing offences.
- 22.6 Upon conviction, every Person, and every officer or director of a corporation that contravenes any provision of this By-law is liable, for each day or part of a day that the offence continues, to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- 22.7 Where a corporation is convicted of an offence under this By-law the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 22.8 As provided in section 431 of the *Municipal Act, 2001*, if a Person has been convicted of an offence under this By-law, the Ontario Court of Justice or any Court of competent jurisdiction may, in addition to any penalty imposed on the Person convicted, issue an order:

- a. prohibiting the continuation of the offence by the Person convicted; and
- b. requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.

22.9 In accordance with the provisions of the *Municipal Act, 2001*, the treasurer of the Municipality may add unpaid fees, charges, and fines under this By-law to the tax roll and collect them in the same and a like manner as property taxes.

22.10 The terms used in this By-law shall have the same definition as set out in the Municipality's Comprehensive Zoning By-law unless such term is specifically defined in this By-law.

22.11 Pursuant to section 447 of the *Municipal Act, 2001*, where an owner is convicted of knowingly carrying on or engaging in the business of operating a Short-Term Rental in respect of any Property or any part of any Property without a License required by this By-law, or a person is convicted of any other contravention of this By-law and a court determines that the owner or occupant of the Property or part of the Property in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the Property or part of the Property be closed to any use for a period not exceeding two (2) years.

23.0 Conflict and Severability

23.1 If any portion of this By-law of the Municipality is found to be in conflict with any other provision of any building, safety or other By-law of the Municipality or regulations, the provision that establishes the higher standard shall prevail.

23.2 If a court of competent jurisdiction declares any provision or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

24.0 Schedule

24.1 The Schedules attached hereto forms part of this By-law.

25.0 Effective Date

25.1 This by-law comes into effect on January 1, 2026.

Read a FIRST, SECOND and THIRD TIME and
FINALLY PASSED this ___th day of _____, 2025.

Mayor – Andrew Sloan

Clerk –

DRAFT

**THIS IS SCHEDULE "A" TO BY-LAW XXX
OF
THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN**

ITEM	SHORT FORM WORDING	SET FINE
1.	Operating a Short-Term Rental without a current license.	\$1,500.00
2.	Advertising a Short-Term Rental without a license.	\$1,500.00
3.	Advertising a Short-Term Rental without a license number displayed.	\$500.00
4.	Failing to post a current copy of the documents required by the Administrator.	\$500.00
5.	Failing to respond to a complaint within thirty (30) minutes	\$750.00
6.	Failing to keep a current guest registration form	\$300.00
7.	Exceeding the permitted number of occupants	\$500.00
8.	Hosting an event or similar commercial activity on the property of a Short-Term Rental without acquiring any necessary permits, licenses and/or approvals	\$1,500.00

6441690