

## THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

### BY-LAW No. 167-2022

---

#### A BY-LAW TO AMEND BY-LAW 108-2021 BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN THE OPERATION OF SHORT-TERM ACCOMMODATION DWELLING RENTALS IN THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

---

**WHEREAS** Section 8 (1) of the *Municipal Act* 2001, S.O. c. 25 (*"Municipal Act"*) provides the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

**AND WHEREAS** pursuant to Section 9 of the *Municipal Act* Part II, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to Section 10 of the *Municipal Act*, a municipality has the authority to implement business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

**AND WHEREAS** Sections 390 to 400 of the *Municipal Act* enables a municipality to pass By-Laws for imposing fees or charges for permits and services provided or done by them;

**AND WHEREAS** pursuant to Section 434.1 of the *Municipal Act*, a municipality has the authority to impose a system of administrative penalties and fees as an additional means of encouraging compliance with this By-Law;

**AND WHEREAS** Section 436 of the *Municipal Act* permits a municipality to pass By-Laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-Law direction, order or Licence;

**AND WHEREAS** Section 444 of the *Municipal Act* provides that if a municipality is satisfied that a contravention of a By-Law of the municipality passed under this *Act* has occurred, the municipality may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** the Council of the Corporation of the County of Prince Edward considers it advisable that such licensing, regulation and governing takes place with regard to Short-Term Accommodation Rentals as defined in this By-Law;

**AND WHEREAS**, Council has enacted Official Plan Amendment No. 77 by By-Law 4335-2018 and Zoning By-Law Amendment 4336-2018 under the provisions of the *Planning Act*, R.S.O. 1990, c. P13, as amended, with respect to Short-Term Accommodation Rentals within the municipality and having done so desires to provide for a system of licensing to implement said policies and provisions;

**AND WHEREAS**, Council has enacted Official Plan Amendment No. 77 by By-Law 165-2022 and Zoning By-Law Amendment 166-2022 under the provisions of the *Planning Act*, R.S.O. 1990, c. P13, as amended, with respect to Short-Term Accommodation Rentals within the municipality and having done so desires to provide for a system of licensing to implement said policies and provisions

**AND WHEREAS** pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of licences with respect to Short-Term Accommodation Rental businesses and may

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special fines, 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** Council encourages all STA operators to provide accessible units, where practical;

**NOW THEREFORE** the Council of The Corporation of the County of Prince Edward enacts as follows:

## **SECTION 1: DEFINITIONS AND INTERPRETATION**

**"Accessible Short-Term Accommodation"** refers to any Short-Term Accommodation providing accessible accommodations, as per the Building Code and Accessibility for Ontarians with Disabilities Act.

**"Administrative Hearing Officer"** hearing officer as defined in the municipality's current Administrative Penalty By-Law.

**"Ancillary"** means a use, building or structure that is located on the same lot that may or may not be detached from the main building and is essential to a principal or main use, building or structure therewith.

**"Applicant"** means the person or their designate that is applying for a Short-Term Accommodation Licence.

**"Bed and Breakfast Establishment"** means a Short-Term Accommodation that is located in a single detached dwelling in which the Owner and Operator occupies the dwelling, which provides no more than four (4) guest rooms for the temporary accommodation of the travelling public, and which offers daily-meals to accommodated guests and operates as one household unit.

**"Building"** means, a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems related thereto.

**"Business, Short-Term Accommodation"** shall mean the business of making or attempting to earn revenue by engaging in or by advertising the availability of a Short-Term Accommodation dwelling for a fee charged or other good and valuable consideration.

**"By-Law Enforcement Officer"** means a municipal law enforcement officer of the Corporation of the County of Prince Edward, who is duly appointed by the Council of the Corporation as outlined in the definition in the *Provincial Offences Act*.

**"Council"** means the Municipal Council of the Corporation of the County of Prince Edward.

**"County"** means the Corporation of the County of Prince Edward.

**"County Clerk"** means the person or their designate as appointed by the Council of the County.

**"Complete STA Application"** means an application that includes all required documentation, including but not limited to; forms, drawings, plans and approvals necessary to determine if a Licence will be issued.

**"Dwelling Unit"** means one or more habitable rooms, occupied or capable of being occupied as a single housekeeping unit only, in which sleeping, sanitary conveniences, and kitchen facilities are provided, in which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside. For the purposes of this By-Law, a dwelling unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel, motel, or motor home.

**"Dwelling, Principal Residence"** means a dwelling that is owned or rented alone or jointly with another person, where the person(s) is ordinarily a resident for minimum six months of each year, plus a day (183 days) and has designated the dwelling as their principal place of residency on their income tax filing and in other government records. This may include a long-term tenant residing for a minimum of six (6) consecutive months, (183 days).

**"Fee"** means as set out in the County of Prince Edward Annual Rates and Fees Schedule, which is not prorated and non-refundable.

**"Guest Room"** means a room or suite of rooms used or maintained for the accommodation of individuals to whom hospitality is extended for compensation.

**"Grandfathered"** means where a use continues to be permitted which is legal non-conforming or legal non-complying short-term accommodation which was legally operating at issuance of licence.

**"Licence"** means the certificate or other similar document issued pursuant to this By-Law as proof of licensing under this By-Law.

**"Licenced"** means to have in one's possession a valid and current Licence issued under this By-Law and unlicensed has the contrary meaning.

**"Licencee"** means a person issued a Licence under this By-Law to operate a Short-Term Accommodation rental.

**"Licence Issuer"** means any person or persons provided the authority by the County to issue a Licence under this By-Law.

**"Life Safety Equipment" or "Life Safety"** means any of the following: means of egress, construction, compartmentation, interior finishes, building services, fire protection systems, and fire alarm and detection systems.

**"Natural Person"** means a human being, with the capacity for rights and duties.

**"Operator"** means the Owner, an agent assigned by the Owner, or a Licencee, responsible for ensuring a Short-Term Accommodation dwelling is operated in accordance with the provisions of this By-Law, the Licence, and applicable laws.

**"Owner"** means, with respect to any Property, land, building or structure, any person(s) or corporation who are registered as an owner, have a legal or equitable interest, or have a legal right to obtain possession, of that Property, land, building or structure and who holds title to the Property, land, building or structure. In the case of a Corporation, the Corporation's authorized signing officer is considered the Owner for the purposes of this By-Law.

**"Parking Area"** means an area provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.

**"Primary Residence Short Term Accommodation"** (originally known as Owner Occupied) means a Short-Term Accommodation in which one (1) or two (2) dwelling-units on the property are occupied by accommodated guests, and is the owner's primary residence on their income tax filing and in other government records. This is further defined as:

- i. Host on-site for full calendar year and;
- ii. Host off-site for (up to 45) total days per calendar year.

**"Property"** means any lot, block or other area in which land is held or into which it is subdivided, including the buildings and structures thereon.

**"Renter"** means any person, who has obtained entitlement to exclusive use of a Short-Term Accommodation dwelling rental from a Licencee for payment.

**"Residential Unit"** means a suite operated as a housekeeping unit, used or intended to be used by one or more persons that contains cooking, eating, living, and sanitary facilities.

**"Second Unit"** means a dwelling unit within a single-detached house, semidetached house, or townhouse; or within a detached structure accessory to a primary dwelling.

**"Secondary Residence Short Term Accommodation"** (originally known as Whole Home) means a Short-Term Accommodation in which one (1) or two (2) dwelling-units on the property are entirely occupied by accommodated guests, and is not the owner's primary residence.

**"sleeping accommodation"** Sleeping accommodation" means the total occupants in any residence, including those occupying a dwelling unit, a residential unit or a suite.

**"Short-Term Accommodation" or "STA"** means a dwelling or dwelling unit, or any portion of it, that is rented for a period of less than 30 days and includes a Secondary residence Short-Term Accommodation, all or part of a Primary residence Short-Term Accommodation, an Accessible Short-Term Accommodation, and a Bed and Breakfast Establishment, that rents not more than four (4) bedrooms or suites, but does not include a motel, hotel, hostel, tourist inn, or accommodations where there is no payment exchanged.

**"Suite"** means a single room or series of rooms of complimentary use operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses, and dormitories, as well as individuals stores and individual complementary rooms for business and personal services occupancy.

**"Zoning By-Law"** means the County of Prince Edwards Comprehensive Zoning By-Law, or any successor By-Law, as amended from time to time.

## **SECTION 2: GENERAL PROVISIONS APPLICABLE TO ALL STAs**

1. No person shall use or operate any Short-Term Accommodation dwelling unless they hold a current and non-suspended Licence issued pursuant to this By-Law.
2. No Short-term accommodations shall rent out more than four (4) bedrooms or suites.
3. New owners of properties with legal non-conforming (grandfathered) status as an STA may apply for a licence to continue that use if:
  - a) they meet all other eligibility provisions contained within the STA By-Law as of the date of this By-Law coming into effect on September 20, 2022 and
  - b) they meet the requirements in s. 14(2)(a) of this By-Law.
  - c) they continue to establish that they have a legal non-confirming use.
  - d) comply with applicable codes and standards
  - e) have no outstanding enforcement actions on their property.
4. No person shall advertise a Short-Term Accommodation without a Licence.
5. Where a lot contains a second dwelling unit as defined by the Zoning By-Law, the following shall apply:
  - a) A Dwelling, Principal Residence shall be located on the same lot as the Short-Term Accommodation dwelling; and,
  - b) A maximum of four (4) Short-Term Accommodation Guest Rooms are permitted on the same lot, and no single dwelling unit can exceed four (4) rental bedrooms/suites.

5. Permitted Renter occupancy shall be the sum of all Guest Rooms in the Short-Term Accommodation and shall not exceed two (2) persons per guest room.
6. Short-Term Accommodations that front on a private lane or private road must conform to the Municipal Emergency Services to Private Roadways By-Law, as amended, or any successor By-Law.
7. All Short-Term Accommodations shall comply with all applicable Municipal By-Laws and provincial legislation, including, but not limited to, the *Ontario Building Code* and the *Ontario Fire Protection and Prevention Act*.
8. A Short-Term Accommodation shall only be permitted in areas where it is permitted use as set out in the Zoning By-Law.
9. A Licence for a Short-Term Accommodation will not be issued where the addition of the Short-Term Accommodation will not comply with the density provisions of the Zoning By-Law, with the exception of legal non-conforming properties as per Section 3. This requirement has been made null and void as of September 20, 2022 with the passing of this amending By-Law.
10. The following shall be made available to Renters:
  - a) a copy of the current Licence displayed interior to the Short-Term Accommodation dwelling and available for inspection by County staff;
  - b) a copy of the current municipal Noise-Nuisance By-Law;
  - c) a copy of the current parking provisions for Short-Term Accommodation dwellings as described in the municipal Zoning By-Law; and,
  - d) a copy of the approved floor plans of the Short-Term Accommodation identifying at a minimum, but not limited to: the Guest Rooms, exits, fire escape routes, primary owner bedroom, storage areas, and guest rooms.
11. A Short-Term Accommodation may display one sign in keeping with the County Sign By-Law.
12. A Short-Term Accommodation shall have a civic address installed clearly and conveniently visible from the street.
13. The Licencee shall be responsible for maintaining the rented and parking areas and ensuring that Renters use only the areas designated within the approved Licence.
14. Notwithstanding the landscaping and use provisions of the Zoning By-Law, a Short-Term Accommodation use that butts a residential zone, and is within fifteen (15) metres to a single dwelling unit, a privacy fence, or solid landscaped screen five (5) feet in height, shall be erected or installed along the rear and interior side yard.
15. Short-Term Accommodations shall have water and wastewater servicing for the intended use.

16. All lots containing a Short-Term Accommodation shall provide a minimum of one (1) on-site waste disposal container.
17. A Licencee shall ensure that any advertisement (website, digital booking platform or other promotional materials) of a Short-Term Accommodation displayed by that Licencee or within that Licencee's control includes, in a conspicuous location, the corresponding Licence number of the advertised STA, as issued by the municipality.
18. The Licence does not permit a Short-Term Accommodation to be used for the hosting of events such as weddings or receptions or any other similar group activity where in contravention of the Zoning By-Law.
19. A Licencee shall provide to the County the name and contact information of an Owner or Operator who can be readily contacted within thirty (30) minutes and be available to respond to an emergency or contravention of any County By-Law, including but not limited to attendance on site of the Short-Term Accommodation, within sixty (60) minutes of being notified of the occurrence. Notification may include any of the following: voicemail, text message or email.
20. Building and Fire Code requirements:

All Short-term accommodations, as outlined in part 7, are regulated by the Ontario Building Code and Fire Code, and the following shall also apply, as a minimum:

- a. The Licencee shall obtain one (1) burn permit per Licenced Property if campfires are to be allowed on the Property, in accordance with requirements of the municipality's current Open-Air By-Law, as amended.
- b. Fire extinguishers shall be inspected monthly, which shall be documented by the Owner or Operator. A certified company shall inspect fire extinguishers annually.
- c. All Short-Term Accommodation dwelling establishments must provide a two-and-a-half (2 1/2) lb ABC fire extinguisher on every level of the dwelling, and no fewer than one (1) per dwelling or dwelling-unit.
- d. Where fire alarm systems are required, they shall be verified and inspected annually by a certified agency.
- e. Applications for a Licence will include fire protection equipment maintenance log sheets.
- f. Short-Term Accommodations with sleeping accommodations for not more than ten (10) persons shall be equipped with smoke alarms in each sleeping room and in each corridor of each floor that serve sleeping rooms.
- g. Carbon monoxide alarms shall be installed outside of each sleeping area in a Short-Term Accommodation home where fuel-fire appliances are in the premises, or the Short-Term Accommodation includes an attached garage.

- h. Carbon monoxide alarms and smoke alarms shall be installed according to the manufacturer's instructions.
  - i. The 911 property address and contact number of the owner or operator shall be posted in a common place on the property that is clearly visible by the occupants.
  - j. Short-Term Accommodation dwelling units with more than four (4) bedrooms may be subject to a fire safety inspection by an Inspector with Prince Edward County Fire & Rescue.
  - k. Short-Term Accommodations with sleeping accommodations for more than ten (10) persons shall also be installed with:
    - i. interconnected smoke alarms in each sleeping room and corridors that serve sleeping rooms on each floor;
    - ii. pull stations at each exit; and
    - iii. A fire safety plan, approved by the Chief Fire Official, or designate.
  - l. Carbon monoxide alarms shall be installed outside of each sleeping area in a Short-Term Accommodation home where fuel-fire appliances are in the premises, or the Short-Term Accommodation includes an attached garage.
  - m. Additional requirements, including an attestation and agreement regarding use of the space may be entered into.
21. No Licencee shall rent any guest room in a Short-Term Accommodation other than a guest room that was identified and approved as such on the floor plans submitted with the application for the Licence.
22. Each Licencee shall provide proof that each building containing a Short-Term Accommodation complies with the Ontario Building Code, the Ontario Fire Code, and the County's Maintenance and Occupancy By-Law as outlined in the applicable Schedule(s) to this By-Law.
23. All Life Safety Equipment shall be tested monthly, which shall be demonstrated through documentation. Inspections of life safety equipment shall be completed annually by a certified company. Documentation and related records shall be kept on-site for a minimum of two (2) years.
24. Applications for Licence and issued Licences, along with the legal description and civic address of any property for which a Short-Term Accommodation Licence has been issued or applied for, and the licence number information for all issued Licences, will be posted on the County's website.

### **SECTION 3: ACCESSIBLE SHORT-TERM ACCOMMODATIONS**

1. Accessible Short-Term Accommodations must comply with all relevant provisions of the Ontario Building Code as amended or replaced from time to time, and consideration for Accessibility for Ontarians with Disabilities Act, integrated accessibility design standards.

#### **SECTION 4: LICENCE APPLICATION AND ISSUANCE**

1. A Complete application for a Short-Term Accommodation Licence shall be submitted to the County and include a clear and legible floor plan and site drawing or sketch, as outlined in appendix 1 which is subject to change from time to time by the Director of Corporate and Legislative Services including but not limited to:
  - a) civic address and legal description of the Property;
  - b) a photograph of the dwelling(s);
  - c) a floor plan with accurate dimensions showing an emergency evacuation plan inclusive of each bedroom, sleeping area, smoke alarm, carbon monoxide alarm, extinguisher and existing egress door or windows, furnace room(s) and heating appliances, storage rooms, craft room, laundry rooms and ensure the floor plan shows each story and includes the basement;
  - d) the location of the building on the Property with setbacks indicated from all Property lines;
  - e) the location and dimension of the parking area and the required parking spaces;
  - f) the location of the driveway access to the required parking spaces;
  - g) the location and dimensions of the outdoor amenity area(s); and,
  - h) fencing, landscaping or other buffering, if required.
2. The Application shall identify:
  - a) the total number of bedrooms in each dwelling unit
  - b) the maximum number of Renters to be accommodated
  - c) Identify how the dwelling unit will be rented
  - d) the Owner and contact information
    - i. the Operator and alternate emergency contact person including a landline, cell phone, and email.
  - e) the Licence number of any previous Short-Term Accommodation Licence, if applicable
  - f) the number of parking spaces that shall be provided per Guest Room (no less than one (1) per Guest Room) in addition to the required spaces for the principal dwelling. Such parking spaces shall be on the same lot as the use and shall comply with the requirements outlined in the Zoning By-Law.
    - fr In addition, a maximum of one (1) on-street parking space in a location meeting the satisfaction of the Director of Corporate and Legislative

Services, or designate, is permitted between the time period of the 1<sup>st</sup> day of April and the 30<sup>th</sup> day of November, inclusively, or as otherwise restricted by the Highway, Public Areas and Private Property Parking By-Law, as amended.

- g) If applicable, accessibility features in applications for Accessible Short-Term Accommodations, as defined in s. 4 of this By-Law;
3. The Application information shall include proof satisfactory to the County, such as an insurance certificate from the Applicant's insurer, that:
    - a) the Applicant has sufficient general liability insurance in the amount of no less than \$2 million;
    - b) the Applicant's insurance policy contains coverage for damage from fire, general liability and does not prevent the applicant from coverage specific to a Short-Term Accommodation, or similar definition thereof; and
    - c) the Applicant's insurance is cancellable by the Applicant's insurer on no less than 30 days' prior notice.
    - d) The County shall be notified of any changes to the Applicant's insurance within seven (7) business days.
  4. The Applicant shall pay the required licensing fee as per the County's Fees and Charges By-Law.
  5. Upon receipt of a Complete STA Application and the payment of the Licensing fees, the Licence Issuer shall, in the case of both new and renewal applications review the application, and when required inspect the property. The Applicant may require comments and approvals from other County Departments or Agencies as part of a Complete Application, and if in compliance, the County will issue the Licence.
  6. A Short-Term Accommodation Licence may not be assigned or transferred from the Licensee to another party.
  7. A Short-Term Accommodation Licence that has been issued pursuant to this By-Law shall expire upon the earliest of the following events:
    - a) The date that is one (1) year after the date of the issuance of the Licence; or
    - b) Upon the sale or transfer of the Short-Term Accommodation to a person other than a Licensee.
  8. Any person applying for a Licence is responsible for coordinating and arranging an inspection of the Property with the County prior to receiving a Licence to ensure compliance with the following:
    - a) The Provisions of this By-Law;
    - b) The *Ontario Building Code*;

- c) The *Ontario Fire Code*;
  - d) All Municipal By-Laws, e.g. - the Zoning By-Law.
9. The Licencee shall be responsible for informing the County in writing of any changes to the approved information contained within the Licence application or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing herein allows a Licencee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a Licence unless the County has approved same.
10. Upon determination by the Director of Corporate and Legislative Services, or designate, that information requirements and all regulatory and By-Law requirements of the County are met, a Licence shall be issued and remain valid for one (1) year, unless revoked. A Licence may be renewed without inspection if the Owner or Operator self-attests that no changes to the building, property or operations have occurred. An inspection is mandatory prior to the issuance of a new Licence. By-Law and random fire safety inspection(s) may be required on any licence, and inspections for renewals will be assessed based on risk and available staff time.
11. Licences are not transferable and shall remain the property of the County.

#### **SECTION 5: LICENCE DENIAL, SUSPENSION OR REVOCATION**

1. The Licence Issuer may refuse to issue or revoke a Licence if one or more of the following circumstances are met:
- a) if the information submitted on the Application is incomplete, incorrect, false, or misleading; or
  - b) where all the required taxes, fees, administrative monetary penalties, *Provincial Offences*, or municipal charges have not been paid;
  - c) where a Licence has been previously revoked, suspended, made subject to special condition(s) or has presented a history of contravention with this or other County By-Laws;
  - d) where the Applicant is in breach of any provisions of this By-Law or the Short-Term Accommodation does not comply with any provision of this By-Law any breach of the provisions of any other County By-Law or regulations, or
  - e) refusal to comply with any notice of violation within 72 hours.
2. The Licence Issuer shall refuse or revoke a Licence when any of the following By-Law provisions are in breach:
- a) where the property has orders under the Ontario Building Code or the Ontario Fire Code, or provisions in the Maintenance and Occupancy By-Law, as amended or the Zoning By-Law;
  - b) if the property is subject to tax arrears.
3. Notwithstanding the above, if satisfied that the continuation of the Licence poses an immediate danger to the health or safety of any person under this By-Law, the Licence Issuer may, for a period of time and imposing such conditions as are considered appropriate, and without a hearing, suspend a Licence for not more than 14 days, and, prior to suspending

the Licence, shall provide the with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them.

4. Where the Municipal By-Law Enforcement Officer has issued three (3) or more notices to comply with this By-Law within a 6-month period, the Licence may be revoked.
5. The Licencee shall provide the County with seven (7) days prior written notice of its intent to cancel and not replace any insurance policy noted or submitted in the completed Licence Application. Failure to retain insurance as required under this By-Law will result in automatic revocation of the Licence.

#### **SECTION 6: INSPECTION**

1. An officer of the municipality may at any reasonable time, with permission, inspect any premises or place where a Licence has been issued under this By-Law to determine compliance to this By-Law.
2. The Fire Marshal, Fire Chief or designate are Inspectors with Prince Edward County Fire & Rescue and may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety; and;
  - a. May enter and inspect land and premises without a warrant at all reasonable times.
  - b. May take with him or her a police officer or such other person as he or she considers advisable to assist.
3. To obstruct or permit the obstruction of an inspection is deemed an offence under this By-Law and may also be a Provincial Offence.

#### **SECTION 7: LICENCE FEES NON-REFUNDABLE AND PENALTIES**

1. The Application fee is non-refundable regardless of the ultimate disposition of the Licence application.

#### **SECTION 8: ADMINISTRATION AND ENFORCEMENT**

1. The Director of Corporate and Legislative Services, Municipal By-Law Enforcement Officers, a Chief Fire Official, an assistant to the Fire Marshal, or an Inspector shall be responsible for the enforcement of this By-Law.
2. Every person who contravenes any provision of this By-Law is guilty of an offence and all contraventions of this By-Law are designated as continuing offences pursuant to section 429 of the *Municipal Act*.
3. When in the opinion of the Municipal By-Law Enforcement Officer, a violation of this By-Law has occurred or exists, the Municipal By-Law Enforcement Officer may issue a written compliance notice to the alleged violator. The notice shall specify those sections of the By-Law which are in violation and shall state that the violator has seventy-two (72) hours from the delivery of the notice in which to correct the alleged violation, failing which the County may correct the alleged violation at the expense of the Owner / Licencee.
4. Notwithstanding subsection 3 above, *Ontario Fire Code* infractions shall be remedied forthwith by the Owner.

- a) If the violation concerns a missing or non-functional smoke alarm and/or carbon monoxide alarm, an assistant to the Fire Marshal, in accordance with the *Fire Protection and Prevention Act*, may also correct the alleged violation with no seventy-two (72) hour notice or time frame to the Owner / Licensee at the owner's expense and issue Offence Notice(s) for violations.
5. Service of any notice under this section shall be carried out by personal service or registered mail addressed to the Licensee at the address shown as the Licensee's address on the Application. Where notification is by mail, it is deemed to have been served on the date after the registered letter has been mailed.
6. Every person who contravenes any of the provisions of this By-Law, including those contained in any of the Schedules, and every Director of a Corporation who concurs in such contravention by the Corporation, is guilty of an offence and may be subject to an administrative penalty; and may be subject to other applicable *Provincial Offences and prosecution*.
7. Pursuant to the authority established in section 429(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, every person who contravenes any of the provisions of this By-Law and every Officer of a Corporation is guilty of an offence and upon conviction pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, except as stated in Regulation, shall be subject to the following penalties:
  - a) Upon a first conviction, to a fine of not more than \$5,000 for each day the offence continues;
  - b) Upon a subsequent conviction, to a fine of not more than \$10,000 for each day the offence continues;
  - c) In addition to regular fines for an offence under this By-Law, to a special fine of not more than \$50,000 to eliminate or reduce any economic advantage or gain from contravening the By-Law.
8. The Council of the Corporation of the County of Prince Edward reserves the right to use its discretion to limit the number of Licences that are to be issued each year, when it deems it necessary to do so. Such action shall be done by a Council motion.

#### **SECTION 9: ADMINISTRATIVE PENALTY**

1. A Municipal Law Enforcement Officer who finds that a Licensee, Owner, or Operator has contravened any provision of this By-Law may issue a notice addressed to that person advising that person that they have failed to comply with a provision to this By-Law and that they are subject to paying an administrative penalty as a consequence of that non-compliance.
2. Any person who is issued a penalty notice pursuant to subsection (1) above shall be liable to pay the County the administrative penalty in the amount stipulated in the Administrative Penalties By-Law, and the County's Fees and Charges By-Law, as approved by Council from time to time.

3. An Applicant, whose Application has been refused, or a Licencee, whose Licence has been revoked, and is not satisfied with the terms or conditions as to why this action was taken, may apply for an appeal of this decision, as outlined in the Administrative Penalties By-Law, as amended.

#### **SECTION 10: ADMINISTRATIVE HEARING**

1. The Administrative Hearing Officer shall hear and render a decision on an appeal under Section 9 of this By-Law in an expeditious manner, following the screening officer review as outlined in the Administrative Penalties By-Law, as amended.
2. The Administrative Hearing Officer may, with the consent of the appellant, waive any procedural requirements of the *Statutory Powers and Procedure Act*.
3. In considering an appeal, the Administrative Hearing Officer has the same powers as the License Issuer and may:
  - a) rescind the refusal or revocation action, or
  - b) confirm the refusal or revocation action, or
  - c) modify the action and create requirements of compliance.
4. The decision of the Administrative Hearing Officer on any appeal is final.

#### **SECTION 11: APPEAL HEARING**

1. The Administrative Hearing Officer shall hear and render a decision on an appeal under Section 11 of this By-Law in an expeditious manner.
2. The Administrative Hearing Officer may, with the consent of the appellant, waive any procedural requirements of the *Statutory Powers Procedure Act*.
3. In considering an appeal, the Administrative Hearing Officer has the same powers as the Licence Issuer and may:
  - a) rescind the refusal or revocation action;
  - b) confirm the refusal or revocation action; or
  - c) modify the action and create requirements of compliance.
4. The decision of the Administrative Hearing Officer on any appeal is final.

#### **SECTION 12: CONFLICT AND SEVERABILITY**

1. If any portion of this By-Law of the County is found to be in conflict with any other provision of any zoning, building, fire, safety or other By-Law of the County or regulations, the provision which establishes the higher standard shall prevail.
2. If any provision or requirement of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, Council intends the remainder of this

By-Law or the application of such provision or requirement to all persons other than those to whom it is held to be invalid or unenforceable to not be affected hereby and each provision and requirement of this By-Law shall be separately valid and enforceable to the fullest extent permitted by By-Law.

**SECTION 13: EFFECTIVE DATE AND TRANSITION PROVISIONS**

1. This By-Law shall come into full force and effect upon the day it is passed, and at which time that all By-Laws that are consistent with the provisions of this By-Law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-Law.
2. Zoning By-Law Conformity:
  - a) In the event that the Applicant for a Short Term Accommodation Licence pursuant to this By-Law claims that the use as a Short Term Accommodation is a legal non-conforming use pursuant to Section 34(9) of the *Planning Act* or the Property that is subject to the application was used as a Short Term Accommodation at the time the By-Law was passed by Council, the Applicant shall provide evidence that is satisfactory to the Licence Issuer together with a sworn Affidavit or Statutory Declaration which shall include but not be limited to the following information:
    - i. That the Property was being used as a Short-Term Accommodation on October 9, 2018;
    - ii. The nature and extent of the Short-Term Accommodation use on October 9, 2018 so as to determine if the use has changed or increased since this date.
3. Short-Term Accommodations legally existing on October 9, 2018 By-Law shall have until May 31, 2021 to obtain a Licence.

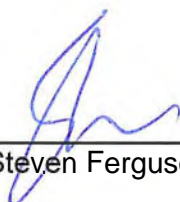
**SECTION 14: SHORT TITLE**

1. This By-Law may be cited as the “Short Term Accommodation (STA) Licensing By-Law”.

Read a first, second and third time and finally passed and enacted this day of September 20, 2022.

  
Catalina Blumenberg, **CLERK**



  
Steven Ferguson, **MAYOR**

## SCHEDULE A OF BY-LAW 108-2021

### PRIMARY RESIDENCE LICENCE

#### 1. INTERPRETATION

“**Primary Residence Short Term Accommodation**” (originally known as Owner Occupied) means a Short-Term Accommodation in which one (1) or two (2) dwelling-units on the property are occupied by accommodated guests, and is the owner's primary residence on their income tax filing and in other government records. This is further defined as:

- i. Host on-site for full calendar year and;
- ii. Host off-site for (up to 45) total days per calendar year;

#### 2. TERMS AND CONDITIONS

2.1. Each Licencee shall provide proof that each building containing a Short-Term Accommodation complies with the *Ontario Fire Code* and the County's Maintenance and Occupancy By-Law as follows:

- 2.1.1. four (4) years for a Primary host on site Residence Short-Term Accommodation or Bed and Breakfast Establishment, or;
- 2.1.2. two (2) years for a Primary host off-site Residence Short-Term Accommodation.

#### 3. PRIMARY RESIDENCE STA LICENCES

3.1. No Primary residence host off-site Short Term Accommodation, rented out in its entirety, shall be rented for total of more than forty-five (45) nights per calendar year.

3.1.1. Notwithstanding the above, Primary Residence Short Term Accommodations with a second unit may rent an entire unit without limitation on the number of nights per calendar year as long as the primary owner is residing on the property.

3.2. All Licences issued to Primary residence Short Term Accommodations after September 20, 2022, shall only be held by, and may only be issued to applicants who qualify and meet the requirements of this By-Law.

- i. For all Licences issued after September 20, 2022, **an attestation of residency plus** copies of any two (2) supporting documents demonstrating principal residency at the Licenced property, including:
- ii. Most recent personal income tax assessment (applicants applying for Primary residence **STA** licence for their entire home, **shall** include this document as 1 of the 2 supporting documents);
- iii. Vehicle registration;
- iv. Driver's Licence or Ontario Card;
- v. Recent bank statement;
- vi. Employment confirmation (e.g., pay stub);
- vii. Social assistance benefit confirmation (e.g., Canada Child Tax Benefit statement);

3.3. The following documents be additionally acceptable as a **second** proof of ownership:

- i. Current mortgage or lease agreement; and/or,
- ii. Municipal tax notice.

## SCHEDULE B OF BY-LAW 108-2021

# BED & BREAKFAST ESTABLISHMENT LICENCES

### 1. DEFINITIONS AND INTERPRETATION

**"Bed and Breakfast Establishment"** means a Short-Term Accommodation that is located in a single detached dwelling in which the Owner and Operator occupies the dwelling, which provides no more than four (4) guest rooms for the temporary accommodation of the travelling public, and which offers daily meals to accommodated guests and operates as one household unit.

### 2. TERMS AND CONDITIONS

2.1. Each Licencee shall provide proof that each building containing a Short-Term Accommodation complies with the *Ontario Fire Code* and the County's Maintenance and Occupancy By-Law as follows:

2.2 four (4) years in business for a Bed and Breakfast Establishment.

### 3. BED AND BREAKFAST ESTABLISHMENTS

3.1. Where a Bed and Breakfast Establishment is to be issued a Licence in accordance with this By-Law, in addition to the General Provisions, the following provisions and considerations shall apply to any Licence granted:

- a) A Bed and Breakfast Establishment shall only be permitted in a Dwelling, Principal Residence.
- b) A Bed and Breakfast Establishment shall not be established or operated in an accessory building.
- c) Bed and Breakfast Establishments shall be permitted only in zones where expressly provided for as a permitted use in the Zoning By-Law
- d) Bed and Breakfast Establishments shall conform to all regulations and requirements of the zone where permitted.
- e) A Bed and Breakfast Establishment, while being operated as a Bed and Breakfast Establishment, must be occupied and operated by the Owner and Operator while guests occupy or have the right to occupy guest rooms.
- f) A Bed and Breakfast Establishment may provide and serve daily meal. No other meal shall be offered or served on the premises. Meal preparation shall occur in a kitchen. No cooking or cooking appliances shall be permitted in licenced guest rooms.
- g) Each Bed and Breakfast Establishment licenced pursuant to the By-Law must provide proof to the County annually that it complies with the *Ontario Fire Code*, the County's Maintenance and Occupancy By-Law, and the Property Standards By-Law.
- h) In addition, *Ontario Building Code* and *Ontario Fire Code* requirements shall apply as follows:
  - i. A Bed and Breakfast Establishment with four (4) or fewer Guest Rooms shall be equipped with smoke alarms in each suite and in each corridor of each floor serving the suites.

- ii. A Bed and Breakfast Establishment with five (5) Guest Rooms shall be inspected to determine compliance with applicable Building and Fire Code requirements.
- b. A Licence issued to Bed and Breakfast Establishment after September 20, 2022, shall only be held by, and may only be issued to, natural persons, or corporations where a natural person who uses the licenced property as their primary residence is that corporation's sole shareholder, director, or executive.

## SCHEDULE C OF BY-LAW 108-2021

# GRANDFATHERED SECONDARY RESIDENCE LICENCE

## 1. DEFINITIONS AND INTERPRETATION

"**Grandfathered**" means where a use continues to be permitted which is legal non-conforming or legal non-complying short-term accommodation which was legally operating at issuance of licence.

"**Secondary Residence Short Term Accommodation**" (originally known as Whole Home) means a Short-Term Accommodation in which one (1) or two (2) dwelling-units on the property are entirely occupied by accommodated guests, and is not the owner's primary residence.

## 2. TERMS AND CONDITIONS

2.1. Each Licencee shall provide proof that each building containing a Short-Term Accommodation complies with the *Ontario Fire Code* and the County's Maintenance and Occupancy By-Law as follows:

- a) every two (2) years for a Secondary Residence Short-Term Accommodation
- b) Zoning approval for secondary suites with approved parking
- c) Occupancy Permit for secondary suite

## 3. SECTION 3: SECONDARY RESIDENCE STA LICENCES

3.1. Only grandfathered Secondary Residence STAs may be issued a licence or may renew a licence.

3.2. All Licences issued to Secondary Residence STAs after September 20, 2022, shall only be issued to applicants who qualify and meet the requirements of this By-Law, as applicable.

- a) All licences issued to Secondary Residence Short Term Accommodations on permitted Commercially-zoned property, after September 20, 2022, shall only be held by, and may only be issued to, natural persons or corporations.

4. For Licences issued after September 20, 2022, copies of any two (2) **supporting** documents demonstrating ownership of the Licenced property, including:

- i. Vehicle registration;
- ii. Driver's Licence;
- iii. Recent bank statement;
- iv. Current mortgage or lease document;
- v. Most recent personal income tax assessment
- vi. Employment confirmation (e.g., pay stub);
- vii. Passport;
- viii. Social assistance benefit confirmation (e.g., Canada Child Tax Benefit statement);
- ix. Municipal tax notice; or
- x. Canada Pension Plan Statement of Contributions.

## **APPENDIX 1- BY-LAW 108-2021**

### Short Term Accommodation (STA) Licence Requirements

- Signed Self-Attestation Form (Fire Department)
- Signed attestation of residency (By-Law Services)
- Proof of septic tank capacity and legal dwelling use (Building Department)
- Proof of property ownership, such as a land transfer deed or pin abstract from the Land Registry Office.
- Proof of primary ownership (2 supporting documents)
- Purpose of application: On-site rental (365 days); or Bed and Breakfast (365 days); or Off-site rental (45 days); Grandfathered Secondary rental
- Proof of insurance including: Legal Liability of 2 Million or more; Coverage for Short Term Rental; contains coverage for damage from fire; and is not cancellable by the insurance provider with less than 30 days notice.
- Exterior photos of the rental home, taken square on if possible, one photo each to show each side
- Floor plan with accurate dimensions showing an emergency evacuation plan inclusive of each bedroom, sleeping area, smoke alarm, carbon monoxide alarm, extinguisher and existing egress door or windows, furnace room(s) and heating appliances, storage rooms, craft room, laundry rooms and ensure the floor plan shows each story and includes the basement.
- One (1) site plan drawing showing the property boundaries with: the location of the building(s) with the setback to each property boundary (front, back & each side); the driveway access from the road to the parking area(s); the location & dimensions of parking area(s); the location & dimensions of outdoor amenity area(s) (pool/deck/patio/gazebo/etc.); and the location of any fencing, significant landscaping or other buffering.
- To achieve secondary home 'grandfather status'; documents confirming the STA was in existence prior to October 9, 2018 and proof of continuation of legal non-conforming use (statement from a designated Chartered Accountant or Rental Agency that you have regularly received income from this address) are required.
- Property Information (Property to be Licenced): Street Address (civic address); Legal Description; Roll Number; Total Number of Parking Spaces; Number of Rented Bedrooms; Number of Accessible bedrooms; and Number of Total bedrooms
- Owner Information: Last Name; First Name; Corporation or Partnership; Street Address; Unit Number; City; Province; Postal Code; Contact Number; and E-Mail address.
- Emergency Contact\* (delegated person who is able to attend the property in your absence with in 30 minutes if required): Last Name; First Name; Company Name; Street Address; Unit Number; City; Province; Postal Code; Contact Number; and E-Mail address.