



To: Mayor Cornell and Members of Council

From: Steven Harvey, Chief Municipal Law Enforcement Officer
By-law Department

Report Number: MLE-021-21

Meeting Date: 06-09-2021

Subject: **Short-Term Rental Accommodation Licensing By-law (Draft),
Task Force & Enforcement Options**

RECOMMENDATION:

1. That Municipal Law Enforcement Report MLE-021-21 dated June 9, 2021 from Steven Harvey, Chief Municipal Law Enforcement Officer regarding Short-Term Rental Accommodation Licensing By-law (Draft), Task Force & Enforcement Options be received as information.
2. Further that staff be directed to proceed with the drafting of a Terms of Reference and selection process for a Task Force.
3. Considering that this is a time sensitive matter, that Council consider the formal approval of at the June 9, 2021 Regular Meeting of Council.

BACKGROUND/ANALYSIS:

At the April 28, 2021 Committee of the Whole meeting Council received Municipal Law Enforcement Report MLE-018-21 regarding Short-Term Rental Survey and Feedback. Subsequently, Council passed Resolution #215/21 directing staff to draft a Short-Term Rental Licensing By-law and code of conduct, along with a report regarding the development on a short-term rental task force including representation and possible stricter enforcement options.

Draft By-law:

Attached to the report is a Draft Short-Term Rental Accommodation Licensing By-law (Appendix 1). The draft document is for discussion purposes at this time to assist in further refining the by-law. The by-law has been created using key components of other municipal by-laws currently being utilized. Senior staff were provided a copy of the draft By-law and their comments along with the draft by-law are in the process of being reviewed by Sarah Hahn, Barrister Law.

Once staff has received Sarah Hahn's comments and recommendations, additional changes will be incorporated to further enhance the by-law. Subsequently, the document could be forwarded to the Task Force for review and recommendation.

Task Force:

With the draft by-law being initially reviewed and in keeping with Council's previous direction, the Clerk's Department Committee Coordinator and staff will prepare a draft Terms of Reference and Task Force application process for Council's consideration. The purpose of the committee will be to review the draft by-law and provide comments, insight to the subject and recommendations to Council.

It would be the goal that this committee would be able to complete its review and make a final recommendation to Council on the Short-Term Rental By-law to be adopted for implementation for January 1, 2022 start date.

2021 Stricter Enforcement Actions:

As seen recently, staff will continue to utilize Press Releases to highlight some of the strict enforcement actions as it relates to this subject. Attached is a joint Press Release issued by the OPP and the Township of Tiny (Appendix 2).

All Short-Term Rental properties that By-law staff have previously attended have a note on the file so that all officers are aware and are able to ensure the Strict Enforcement Policy is applied. It is also important to note that the property owner receives a telephone call regarding violations and advised of the pending charges and written notice to follow. By-law Staff are issued a list of these addresses so that they are able to provide proactive patrols of the neighbourhood and increase visibility and be available should a complaint be received. The subject of Short-Term Rentals is also discussed during morning shift briefings so that new information is shared with all staff.

After By-law Department staff has attended a Short-Term Rental property that address will be forwarded on to the Building, Fire and Septic inspectors for their awareness and potential follow up should actions be necessary. This way outstanding permits, advertised occupancy or other violations can be reviewed and addressed by those departments as well.

Staff could additionally seek out enhanced OPP assistance through the use of Paid Duty enforcement that could support by-law responses and provide increased enforcement to areas where Short-Term Rental complaints have previous been identified. This has been done in the past and has been productive. This could be targeted for a specific day and/or area (example: Saturday) on a weekend when occurrences are typically increased.

OPTIONS/ALTERNATIVES:

Option 1: Receive the staff report as information and direct staff to proceed with the drafting of a Terms of Reference and selection process for a Task Force. And further that considering that this is a time sensitive matter, that Council consider the formal approval at the June 9, 2021 Regular Meeting of Council.

Option 2: Receive the staff report and direct staff to take action as deemed appropriate.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this item as presented within the report.

RELATIONSHIP TO STRATEGIC PLAN:

- Deliver Exceptional Municipal Services
- Support Community Health, Safety & Well-Being

CONCLUSION:

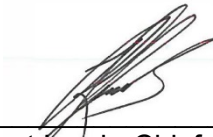
Staff seek Council direction on Short-Term Rental Licencing subject.

Prepared by: Steven Harvey, Chief Municipal Law Enforcement Officer



Submitted by: Steven Harvey, Chief Municipal Law Enforcement Officer

Financial Implications Reviewed By: 
Haley Leblond, Acting Director of Finance

Report Approved By: 
Robert Lamb, Chief Administrative Officer

Attachments to MLE-021-21:

- Appendix 1 - Draft By-law 21-050 (Draft 1 May 19, 2021)
- Appendix 2 - OPP Press Release dated May 26, 2021

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW 21-050 (Draft 1 May 19, 2021)

**A By-law to License, Regulate and Govern
Short-Term Rental Accommodations**

WHEREAS the Council of the Township of Tiny may, pursuant to the *Municipal Act*, 2001, S.O. 2001, c.25. as amended, enact by-laws for the licensing, regulating and governing of businesses and occupations in the Township of Tiny;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 8 (1), 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 *Municipal Act*, Part II, Section 8 (3), authorizes a municipality to:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter.

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 9, 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 *Municipal Act*, Part II, Section 11 (2), paragraph 6 of the *Municipal Act*, authorizes a municipality to pass a By-law respecting the health, safety and well-being of Persons;

AND WHEREAS pursuant to *Municipal Act*, Part II, Section 23.1 authorizes a municipality to delegate its powers and duties;

AND WHEREAS pursuant to *Municipal Act*, Part IV, Section 151, provides that 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 License;
- (b) refuse to grant a License or to revoke or suspend a License;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a License;
- (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 License;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License; and
- (f) License, regulate or govern real and Personal Property used for the business and the Persons carrying it on or engaged in it;

AND WHEREAS the Council of the Corporation of the Township of Tiny deems it desirable that such licensing, regulation and governing takes place with regard to Short-Term Rental Accommodations as defined in this By-law;

NOW THEREFORE the Council of the Corporation of The Township of Tiny hereby ENACTS AS FOLLOWS:

1. TITLE:

1.1 This By-law shall be known and may be cited as the "Short-Term Rental Accommodation Licensing By-law".

2. DEFINITIONS:

For the purpose of this By-law:

2.1 "**Accessory Building or Structure**" means a detached or attached building or structure that is not used for human habitation (except for a private cabin), but the use of which is naturally and normally incidental to, subordinate to and exclusively devoted to a principal use of the building and is located on the same lot therewith.

2.2 "**Agent**" means a Person duly appointed by an Owner or the Township to act on their behalf;

2.3 "**Applicant**" means the Person applying for a License or renewal of a License under this by-law;

2.4 "**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.

2.5 "**Committee**" means a committee of individuals which has been delegated, by Township of Tiny Council, the responsibility of handling appeals, suspensions and revocations of Licenses under this by-law;

2.6 "**Corporation**" means a body incorporated pursuant to the Business Corporations Act, R.S.O. 1990 c. B. 16, or the Corporations Act, R.S.O. 1990, c. C. 38;

2.7 "**Council**" means the Council of the Corporation of the Township of Tiny;

2.8 "**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 purpose 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, or motor home.

2.9 "**Fee**" means a Fee as set forth in the Township of Tiny Fee By-law, which is not prorated and non-refundable.

2.10 "**Guest Room**" means a room offered for short-term rental accommodation intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code;

- 2.11 **"License"** means the License issued under this by-law as proof of licensing under this by-law;
- 2.12 **"Licensed"** means to have in one's possession a valid and current license issued under this by-law and unlicensed has the contrary meaning;
- 2.13 **"Licensee"** means a Person who holds a License or is required to hold a License under this by-law;
- 2.14 **"Licensing Officer"** means any person or persons provided the authority by the Township to issue a license under this by-law.
- 2.15 **"Occupant"** means a person that intends to use the Short-Term Accommodation for overnight lodging, but shall not include daily visitors to the property.
- 2.16 **"Officer"** means a Municipal Law Enforcement Officer, Fire Inspector, Building Inspector, Zoning Examiner, Police Officer or other person appointed by by-law to enforce the provisions of Township by-laws;
- 2.17 **"Owner"** means the Person holding title to the Property on which the Short-term Rental Accommodation is located, and "Ownership" has a corresponding meaning;
- 2.18 **"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.
- 2.19 **"Person"** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law;
- 2.20 Premises means the Property upon which a Short-term Rental Accommodation is operated, inclusive of buildings or structures or any part thereof used for such purpose;
- 2.21 **"Property"** means the land upon which a Short-term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof;
- 2.22 **"Renter"** means the person responsible for the rental of the Premises by way of concession, permit, lease, license, rental agreement or similar commercial arrangement;
- 2.23 **"Renter's Code of Conduct"** means a document, as set forth in Schedule "A", that has been prepared by the Township that prescribes the roles and responsibilities of the renter, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws, and adherence to the provisions of this by-law;

- 2.24 **“Responsible Person”** means the owner (must be 18 years of age) or agent assigned by the owner or licensee of the Short-Term Rental Accommodation dwelling to ensure the Short-Term Rental Accommodation dwelling is operated in accordance with the provisions of this By-law, the license and applicable laws.
- 2.25 **“Short-term Rental Accommodation”** means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than twenty-eight (28) consecutive calendar days, throughout all or any part of a calendar year. Short term rental accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, hospital, tourist cabin establishment, or similar commercial or institutional use.
- 2.26 **“Township”** means The Corporation of the Township of Tiny.
- 2.27 **“Zoning By-law”** means the Township’s Comprehensive Zoning By-law 06-001, as amended, or any successor comprehensive Zoning By-law, as amended.

3.0 ADMINISTRATION:

- 3.1 The Licensing Officer shall be responsible for the administration of this by-law;
- 3.2 Officers shall be responsible for the enforcement of this by-law;
- 3.3 Upon receipt of an application for a License, a Licensing Officer shall perform the following functions:
(a) receive and review the application in conjunction with any provision of this by-law; and
(b) ensure the relevant Officers have carried out the necessary inspections to satisfy the Township that the Premises is in compliance with the provisions of this by-law.
- 3.4 Applications for license and issued licenses, along with the legal description, civic address and associated owner, responsible person contact information will be posted on the Township’s website.

4. PROHIBITIONS:

- 4.1 No person shall use or operate any Short-Term Rental Accommodation dwelling unless he or she holds a current license issued pursuant to this By-law
- 4.2 No person shall advertise a Short-Term Accommodation without a license.
- 4.3 No Person shall violate the provisions of the Renter’s Code of Conduct attached as Schedule “A” to this by-law.

- 4.4 The maximum number of Persons, including but not limited to residents or occupants, permitted to stay for overnight lodging on any license premise, shall be restricted to 2 persons per guest room and be delineated on the required floor plan. Rooms with murphy beds or pullout couches shall be included as a guest room.
- 4.5 No licensee shall rent any guest room in a Short-Term Rental Accommodation dwelling other than a guest room that was identified and approved as such on the floor plans submitted with the Application for the Short-Term Rental Accommodation License.
- 4.6 The provisions of this section shall not apply when the Short-Term Rental Accommodation is not rented.
- 4.7 Short Term Accommodation dwellings shall comply with all applicable Municipal By-laws and provincial legislation.

5.0 TERM OF LICENSE:

- 5.1 A Short-Term Rental Accommodation license that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
- (a) December 31st of the year issued; or
 - (b) Upon the sale or transfer of the Short-Term Rental Accommodation dwelling to a person other than a licensee;
 - (c) A Short-Term Accommodation license cannot be assigned or transferred from the Licensee to another party;
 - (d) The license has been revoked in accordance with the provisions of this by-law.
- 5.2 The Licensing Officer shall have the right to extend any active License for up to 1 calendar year, should there be a declared emergency that directly effects the license holders under this program.

6. LICENSING REQUIREMENTS:

6.1 APPLICATION REQUIREMENT

- 6.1.1 Every application for a new License, or the renewal of an existing License, shall include:
- (a) a completed application in the form required by the Township, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
 - (b) proof of Ownership for the Premises;
 - (c) proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
 - (d) proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:
 - (i) an article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and

- (ii) a list containing the names of all shareholders of the Corporation;
- (iii) in the case of an Applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
- (iv) in the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization;

6.1.2 A site plan and floor plan, drawn to scale and fully dimensioned of the Premises including:

- (a) the location of all buildings and structures on the Property;
- (b) the use of each room;
- (c) location of smoke detection and early warning devices;
- (d) location of fire extinguishers;
- (e) all entrances/exits to and from the building
- (f) exterior decks that are appurtenant to the Premises; and related site amenities including dimensioned parking spaces, and other buildings or structures on the Property;

6.1.3 Proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for Property damage and bodily injury and identifies that a Short-term Rental Accommodation is being operated on the Property. The insurance coverage required herein shall be endorsed to the effect that the Township shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy;

6.1.4 An Electrical Safety Authority (ESA) certificate dated less than 5 years old.

6.1.5 A Licensee shall provide to the Township the name and contact information of the Owner or Owner's Agent (responsible person) who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Township By-law, including attendance on site of the Short-Term Rental Accommodation dwelling within sixty (60) minutes of being notified of the occurrence.

6.1.6 Payment of the applicable Fees as noted within the Township's Fee By-Law.

6.1.7 The Licensee shall be responsible for informing the Township in writing of any changes to the approved information contained within the license application or any deviation to the approved plans within (7) days of such change or deviation. Nothing herein allows a Licensee to rent rooms other than those identified and approved on the floor plans submitted with the application for a License unless the Township has approved same.

7.2 SITE REQUIREMENTS

7.2.1 The provision of parking on the site plan referenced shall include the following:

- (a) a minimum of one parking space per Guest Room;
- (b) parking space sizes of 2.5 metres X 6 metres; and

(c) compliance with all other parking provisions as set forth in Township Zoning By-law, as amended

7.2.2 No person shall park a vehicle other than in a parking area which consists of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface)

7.2.3 The following shall be made available to guests:

(a) A copy of the current license retained on site of the Short-Term Rental Accommodation dwelling and available for inspection by Township staff;

(b) A copy of the current Township Noise By-law,

(c) A copy of the current Parking provisions for Short Term Accommodation dwellings as described in the Township's Zoning By-law, as amended.

(d) A copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes.

(e) A copy of the Renters Code of Conduct

7.2.4 All Short-Term Accommodation dwelling units must provide a class ABC fire extinguisher in any cooking area and a class BC or better on each floor of the unit.

8.3 INSPECTION

8.3.1 It is the responsibility of any Person applying for a License to contact the Township for an inspection, which shall ensure compliance with the following where applicable:

(a) provisions of this by-law;

(b) Ontario Building Code Act, 1992, S.O. 1992 c.23; ("Building Code Act")

(c) Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ("Fire Protection and Prevention Act")

(d) Property Standards By-law;

(e) Zoning By-law;

(f) any other municipal by-laws or provincial legislation that may affect the status of the application.

8.3.2 During the inspection process, all relevant departments of the Township may provide comment on any known matters that would assist with determination of license eligibility.

9.0 ISSUANCE OF LICENSE AND GROUNDS FOR REFUSAL

9.1 The Licensing Officer shall have the authority to issue, refuse to issue or renew a License, to revoke or suspend a License, or to impose terms and conditions on a License.

9.2 The Licensing Officer may refuse to issue or renew a License where:

(a) there are reasonable grounds for belief that the operation of the business may be averse to the public interest;

(b) a License has been previously revoked, suspended, or made subject to terms and conditions;

- (c) a Person applying for a License has presented a history of contravention with this by-law or other Township by-laws;
- (d) the Renter's Code of Conduct (Schedule "A") has been violated;
- (e) the proposed use of the Premises is not permitted by the Zoning By-law;
- (f) the Owner is indebted to the Township in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding Property taxes and late payment charges, against an Owner's Property;
- (g) the Property to be used for carrying on the trade, business or occupation does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.

- 9.3 The Licensing Officer may revoke a license where 3 or more notices to comply or complaints have been received by the Township within a 6 month period.
- 9.4 The Licensing Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a License for not more than 14 days. If after this period, the Licensing Officer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than 14 days or revoke a License.
- 9.5 The License issue may revoke a license if it was issued in error or granted based on incorrect or false information.

10.0 APPEAL:

- 10.1 Where the Licensing Officer has denied an Applicant a License, a renewal of a License, or has suspended or revoked a License, the Licensing Officer shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Committee.
- 10.2 A person may appeal to the Committee in relation to the matter of notice in subsection (1). Appeals will not be permitted for any matters that have already been heard by the Appeal Panel. A request for an appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, within 14 business days after service of the written notice and payment of the required appeal fee (Fees and Charges Bylaw).
- 10.3 Where no request for an appeal is received in accordance with subsection (2), the decision of the Licensing Officer shall be final and binding.
- 10.4 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Applicant or Licensee shall be provided reasonable written notice thereof.

- 10.5 After such opportunity to be heard is afforded, the Committee shall make a decision. When making its decision the Committee may consider any matter pertaining to this by-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, the Committee may refuse to issue or renew a License, revoke, suspend, or impose any condition to a License. The Committee's decision is final and binding and shall not be subject to review.
- 10.6 Where the Committee conducts a hearing, the rules set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 ("Statutory Powers Procedure Act") shall apply.

11. ORDERS

- 11.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to take actions to correct the contravention.
- 11.2 The Order shall set out:
- 11.2.1 Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
- 11.2.2 The work to be done and the date by which the work must be done.
- 11.3 An Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 11.4 An Order under Section 11.1 may require action be taken even though the facts which constitute the contravention of this By-law were present before this By-law making them a contravention came into force.
- 11.5 No person shall fail to comply with an Order issued pursuant to Section 11.1.
- 11.6 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Discontinue Activity Order, requiring the person who contravened this 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.
- 11.7 The Discontinue Activity Order shall set out:
- 11.7.1 Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.

11.7.2 The date by which there must be compliance with the Discontinue Activity Order.

- 11.9 A Discontinue Activity Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 11.10 No person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 11.6.
- 11.11 In the event the Officer is unable to serve an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient service of the Order on the property owner.
- 11.12 An Order under this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
- 11.13 Any violations of this by-law shall be addressed pursuant to their respective remedies. In addition, demerit points will be levied against the premises in violation of this by-law as per Appendix "B" to this by-law.

12. ENTRY AND INSPECTION:

- 12.1 An Officer, Fire Official, Building Inspector or Sewage System Inspector may at any time, enter onto land to determine whether this By-law is being complied with.
- 12.2 Every owner shall permit the Officer, Fire Official, Building Inspector or Sewage System Inspector to inspect any land for the purposes of determining compliance with this By-law.
- 12.3 Notwithstanding any provision of this By-law, an Officer, Fire Official, Building Inspector or Sewage System Inspector shall not enter or remain in any room or place actually being used as a dwelling, unless:
- 12.3.1 the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O.1990, c.P.33, as amended.
- 12.3.2 a warrant issued under the Provincial Offences Act, R.S.O.1990, c. P.33, as amended, is obtained.

13. OBSTRUCTION:

- 13.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Fire Official, Building Inspector or Sewage System Inspector exercising a power or performing a duty under this By-law.

13.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer, Fire Official, Building Inspector or Sewage System Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Officer, Fire Official, Building Inspector or Sewage System Inspector in the execution of his duties.

14. PENALTY:

14.1 Every person who contravenes any of the provision of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

14.2 Every person who contravenes the provisions of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable:

14.2.1 upon a first conviction, to a fine of not be less than \$300 and the maximum shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

14.2.2 upon a second, or subsequent conviction, to a fine of not be less than \$500 and the maximum shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

14.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

14.3.1 Despite section 14.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

14.4 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

14.4.1 Despite section 14.4 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

15. SEVERABILITY:

15.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or

parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such and the remainder of the By-law shall be valid and shall remain in force.

16. EFFECTIVE DATE:

16.1 That this By-law shall come into force and effect on the date of passing.

BY-LAW READ A FIRST, A SECOND AND THIRD TIME AND FINALLY PASSED THIS DAY OF , 2021.

THE CORPORATION OF THE TOWNSHIP OF TINY

MAYOR, George Cornell

CLERK, Sue Walton

Schedule "A"

SHORT-TERM RENTAL ACCOMMODATION Renter's Code of Conduct

1. Purpose of the Code

The purpose of the Renter's Code of Conduct is to acknowledge that Short-term Rental Accommodation premises are permitted in residential neighbourhoods and that the permanent residents of these neighbourhoods have the right to enjoy their own properties without nuisance. It also outlines specific requirements for Short-term Rental Accommodations and imposes responsibilities for both Owners and Renters of such properties and that Owners bear the primary responsibility of conveying this information to renters of their property.

2. Objectives of this Code

The Objective of this Code is to establish acceptable standards of behaviour for hosts and renters to minimize any adverse impacts on their neighbours and the neighbourhood.

3. Residential Area

The Renter acknowledges for themselves and on behalf of others that they will be occupying a Short-term Rental Accommodation that is located in a residential area.

4. Guiding Principles

The guiding principles for Short-Term Rental Accommodation renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbours; and
- Leave it as you find it.

5. Maximum Number of Renters and Guests:

The maximum number of renters including non-occupying guests and residents, permitted at a Short-term Rental Accommodation premises shall be limited as per the Short-term Rental Licensing By-law.

6. Noise and Residential Amenity:

No person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb area residents. Examples of noise that is likely to disturb residents at any time include:

- a) Loud music;
- b) Outdoor or backyard gatherings or activities involving excessive noise or disruptive behaviour;
- c) Late evening/early morning disturbances; and,
- d) Yelling, shouting, singing or conversing loudly.

Renters and their guests are not allowed to disturb neighbours or interfere with their enjoyment of their premises, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Township Noise By-law may result in legal action being taken.

7. Access and Parking:

Please familiarize yourself and your guests with the on-site parking available on the premises to ensure ease of access with minimum disturbance to neighbours. All Short-term Rental Accommodation premises have vehicle parking requirements as part of the licensing process.

8. Garbage and Recycling:

Please familiarize yourself and your guests with the provisions that have been made for waste management and the day of the week in which waste collection is scheduled. It should be noted that the "putting out" of waste on

a non-scheduled day is regulated by the County of Simcoe Waste Management By-law Waste collection information and pick up times are available on the County of Simcoe’s website.

9. Dwellings on Lots on Private Sewage Disposal Systems:

Note: Maximum occupancy of a Short-Term Rental Accommodation is based on a maximum of two persons per Guest Room. Exceeding the maximum occupancy may result in the malfunctioning of the septic system and pollution of the ground water system.

10. Fire and Occupant Safety:

All Short-term Rental accommodations shall have operating smoke alarms. In Short-term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Owner shall ensure that the building is equipped with a **carbon monoxide alarm** installed outside of the sleeping areas. Further, the Owner shall regularly test the alarms to ensure that they are operational. If a renter discovers that any of the alarms are not operational the renter shall immediately notify the property owner of the deficiency.

11. Owner’s Additional Responsibilities

All owners and renters of Short-term Rental Accommodations are responsible for compliance with all other Township of Tiny By-laws (including, but not limited to the following: Noise By-law, Open Air Burning By-law, Parking By-law, etc.).

I, _____ having read the above, and the terms of the Short-term Rental Accommodations By-law and License, undertake to provide those persons renting my short-term rental accommodation with a copy of the Renter’s Code of Conduct and to advise them to act appropriately. I also realize that a violation of the licensing agreement may result in the suspension or revocation of the short-term rental accommodation for my property.

Signature of Applicant for License

Date

Schedule "B"

Demerit Point System

SHORT-TERM RENTAL ACCOMMODATION

- (1) A Demerit Point System is hereby established in accordance with Table 1 , without prejudice to options otherwise available to enforce this By-law or any other bylaws of the Township, Provincial Act or Regulation including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act, and the Provincial Offences Act;
 - (a) The number of Demerit Points referenced in Column 3 of Table 1 below will be assessed against a Short-term Rental Accommodation Premises in respect of the matter noted in Column 1 upon the following event respecting a contravention:
 - (i) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
 - (ii) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - (iii) an Order not complied with;
 - (iv) an Order not complied with resulting in Township remediation; or,
 - (v) an observation by an Officer.
- (2) A Licence may be suspended for a period not longer than six months if the total Demerit Points in effect respecting a Short-term Rental Accommodation is at least seven.
- (3) A Licence may be revoked if the total of all Demerit Points in effect respecting a Short-term Rental Accommodation is at least fifteen.
- (4) Notice of the suspension or revocation of a Licence shall be provided to the Owner in accordance with Section 7 of this By-law and a Licensee may appeal the suspension or revocation in accordance with Section 11 of this By-law.
- (5) Demerit Points shall remain in place until the two-year anniversary of the date of which the Demerit Points were assessed.
- (6) The Township shall not be liable for economic or other losses claimed by a Licensee for any reason, so long as good faith efforts were made by the Township or its representatives in exercising their judgment, or fulfilling their responsibilities, under this By-law.

Table 1			
Infraction	Reference	Type	Demerit Points
Fire Protection and Prevention Act/Fire Code	FPPA/FC	Order not Complied With	3
		----- Part 1 or Part III	7
Open Air Burning Violation	Township Open Air Burning By-law	Cost Incurred for Illegal Fire	2
		----- Part 1 or Part III	4
Operating without a licence	STRA By-law	Order not Complied with	3
		----- Part 1 or Part III	5
Building Code Act (Order to Comply)	BCA	Order not Complied With	3
		----- Part 1 or Part III	7
Noise By-law Infraction	Township Noise By-law	Observed by Officer	1
		----- Part 1 or Part III	4
Waste Collection By-law Infraction	County Waste By-law	Order not Complied With	2
		----- Part 1 or Part III	4
Property Standards	Township Property Standards By-law	Order not Complied With	2
		----- Part 1 or Part III	4
Discharge of Fireworks	Township Fireworks Bylaw	Observed by Officer	1
		----- Part 1 or Part III	4
Host does not respond within 1 hour of request by Township	STRA By-law	Observed by an Officer	1
		----- Order not Complied With	2
		----- Part 1 or Part III	4
Violation of any Provision of this By-law	STRA By-law	Observed by an Officer	1
		----- Order not Complied With	2
		----- Part 1 or Part III	4
Violation of Renter's Code of Conduct	STRA By-law	Observed by an Officer	1
		----- Order not Complied With	2
		----- Part 1 or Part III	4
Obstruction of Officer	STRA By-law	Observed by Officer	7
		----- Part 1 or Part III	15

FROM/DE: Southern Georgian Bay Detachment DATE: May 26, 2021

Victoria Day Long Weekend Brings Local OPP to Tiny Township Beach Areas

-UPDATE -

RESULTS

[Tiny Township beach front](#) residents and visitors saw plenty of OPP officers and Tiny Township bylaw officers as they went about their business responding to calls for service that ranged from noise, dog, litter, fireworks to theft, traffic and COVID related complaints.

OPP officers responded to 81 police calls for service and Township bylaw staff responded to 125 bylaw related calls for service during the dates of May 21-25, 2021. OPP officers participated in nine separate [R.I.D.E.](#) check stops checking 255 drivers for signs of impairment and issued 19 speeding tickets along beach area roadways.

Bylaw officers issued 108 tickets for illegally parked vehicles in problem areas and issued two tickets for Fire violations and three tickets for Short Term Rentals (STR) when prohibited contrary to the Emergency Management and Civil Protection Act (EMPCA).

OPP officers participated in four dedicated foot patrols and bylaw officers logged 350 kilometers of bicycle patrol along with their regular vehicle patrols in the beach areas. No impaired drivers nor vehicle collisions were investigated on township roadways during this time.

-30-

Provincial Constable David Hobson

Media Officer

705-733-5440

david.hobson@opp.ca

twitter.com/OPP_CR

[OPP Central Region Facebook](#)

DATE: May 21, 2021

Victoria Day Long Weekend Brings Local OPP to Tiny Township Beach Areas

(TINY TOWNSHIP, ON) - [Tiny Township](#) residents can expect to see a greater presence from members of the [Southern Georgian Bay detachment](#) of the [Ontario Provincial Police](#) (OPP) over the Victoria Day long weekend as area beach areas will likely see an influx of visitors.

Drivers and pedestrians alike are advised to be aware of extra traffic in built up community areas that every long weekend brings. Officers will be conducting [R.I.D.E.](#) check stops and will be on the look out for liquor violations on and around the beach front areas. [Tiny Township bylaw](#) officers will be tagging and towing to clear illegally parked vehicles to help keep through fares open for emergency vehicles.

Police remind operators that an essential part of our enforcement effort is to save lives and reduce injuries on our roadways, waterways and trails while promoting and educating the public about safe operation practices. See the attached messages from one of our many safety partners - [MADD CANADA](#)

(30)

Provincial Constable David Hobson

Media Officer

705-733-5440

david.hobson@opp.ca

twitter.com/OPP_CR

[OPP Central Region Facebook](#)

A new media release has been made by the OPP for Southern Georgian Bay. The release content is below. If you wish to unsubscribe from these alerts, log into the [OPP News Release Portal](#) and select "Manage Account".

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.