

## The Corporation of the City of North Bay

### By-law 2022-XX

#### Being a By-law to Licence, Regulate and Govern Short-Term Rentals in the City of North Bay

**WHEREAS** the Council of The Corporation of the City of North Bay deems it desirable to licence, regulate and govern short-term rentals as defined in this By-law;

**AND WHEREAS** the Council for The Corporation of the City of North Bay wants to protect the character and integrity of residential neighbourhoods;

**AND WHEREAS** the Council for The Corporation of the City of North Bay considers it necessary and desirable for the public to regulate the short-term renting of premises for the purpose of protecting the health and safety of the persons residing in rental premises by ensuring that certain regulations are met and that the required essentials such as plumbing, heating and water are provided, and to ensure that the rental premises does not create a nuisance to the surrounding properties and neighbourhood and to protect the amenity, character and stability of the area;

**AND WHEREAS** section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** section 8 of the *Municipal Act, 2001* provides that the powers of a municipality 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** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

**AND WHEREAS** section 10(2) of the *Municipal Act, 2001* provides that a single-tier municipality may pass by-laws respecting business licensing;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** section 151 of the *Municipal Act, 2001* provides that a municipality may provide for a system of licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

**AND WHEREAS** Section 436 of the *Municipal Act, 2001* 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, 2001* 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** section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- a) for services and activities provided or done by or on behalf of it; and
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

**AND WHEREAS** the Council of The Corporation of the City of North Bay passed Resolution 2022- \_\_\_\_ at its Regular Meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2022 authorizing the establishment of a By-law to licence, regulate and govern Short-Term Rentals within the City of North Bay;

**Now Therefore Be It Resolved That the Council of The Corporation of the City of North Bay hereby enacts as follows:**

## **Part 1 – Interpretation and Application**

### **1.1 Short Title**

1.1.1 This By-law may be referred to as “The Short-Term Rental By-law”.

### **1.2 Application**

1.2.1 This By-law shall apply to all buildings within the geographic limits of the City of North Bay for the purposes of the business or occupation of providing short-term rentals.

1.2.2 Notwithstanding section 1.2.1 the requirements of this By-law do not apply to a bed and breakfast, camping establishment, hotel, boarding, lodging or rooming house, group home type 1, 2 or 3.

### **1.3 Reference Aids**

1.3.1 The headings and subheadings used in this By-law are inserted for convenience of reference only and do not form part of the By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

### **1.4 Severability**

1.4.1 If any provision or part of a provision of this By-law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

### **1.5 Compliance with Legislation**

1.5.1 Nothing in this By-law relieves any person from complying with any provision of any federal or provincial legislation, or any other by-law of the City of North Bay and, without limiting the generality of the foregoing, this includes the *Municipal Act, 2001*.

### **1.6 Conflict**

1.6.1 If a provision of this By-law is in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

### **1.7 Schedules**

1.7.1 The Schedules referred to in this By-law form an integral part of this By-law.

### **1.8 Delegation**

1.8.1 The administration of this By-law is hereby delegated to the Chief Building Official or their designate.

### **1.9 Definitions**

1.9.1 Definitions in the *Building Code Act, 1992*, S.O. 1992, c. 23 and the Building Code, O. Reg. 332/12 shall apply with respect to matters pertaining to buildings unless otherwise defined in this By-law. In addition, the following definitions shall apply in this By-law.

**“Agent”** means a person duly appointed by an owner or the City of North Bay to act on their behalf, who shall be at least 18 years of age.

**“Applicant”** means the person applying for a licence or renewal of a licence under this By-law.

**“Bed and Breakfast”** means an owner-occupied, private single detached dwelling that is the owner’s principal residence. It provides temporary accommodation for the travelling public not exceeding 28 consecutive days, and amenities and services auxiliary to guest accommodation, including the preparation and service of breakfast for an all-inclusive fee, but does not include a hotel, boarding, lodging or rooming house or group home type 1, 2 or 3.

**“Boarding, Lodging or Rooming House”** means a boarding, lodging or rooming house as defined in Zoning By-law 2015-30 or any successor by-law thereto.

**“Camping Establishment”** means camping establishment as defined in Zoning By-law 2015-30 or any successor by-law thereto.

**“Chief Building Official”** means the chief building official appointed by Council under section 3 of the *Building Code Act, 1992*, or their designate.

**“City”** means The Corporation of the City of North Bay or the area within the geographical limits of the City of North Bay, as the context requires.

**“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.

**“Dedicated Responsible Person”** means the owner or agent assigned by the owner or licensee of the short-term rental, who shall be at least 18 years of age, to ensure the short-term rental is operated in accordance with the provisions of this By-law, the licence and applicable laws.

**“Dwelling”** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, but does not include hotels, boarding, lodging or rooming houses, recreational vehicles and group homes type 2 and 3 and other institutional uses.

**“Group Home Type 1”** means a group home type 1 as defined in Zoning By-law 2015-30 or any successor by-law thereto.

**“Group Home Type 2”** means a group home type 2 as defined in Zoning By-law 2015-30 or any successor by-law thereto.

**“Group Home Type 3”** means a group home type 3 as defined in Zoning By-law 2015-30 or any successor by-law thereto.

**“Guest Room”** means a room within a dwelling, offered for short-term rental intended primarily for overnight occupation.

**“Guest”** means a consumer of short-term rental services.

**“Hotel”** means a hotel as defined in Zoning By-law 2015-30 or any successor by-law thereto.

**“Licence”** means the licence issued under this By-law as proof of licencing under this By-law.

**“Licensee”** means a person who holds a licence or is required to hold a licence under this By-law.

**“Licence Class”** means the classification of a short-term rental.

**“Licence Issuer”** means any person or persons provided the authority by the City of North Bay to issue a licence under this By-law.

**“Listing”** means any individual short-term rental advertised on an online platform.

**“Noise By-law”** means the City of North Bay By-law to Control Noise No. 2014-53 or any successor by-law thereto.

**“Non-Principal Dwelling Unit Short-Term Rental”** means a short-term rental that is not someone’s principal dwelling unit (where they do not live primarily).

**“Occupant”** means any person or persons over the age of 18 years occupying a lot.

**“Officer”** means a Building Inspector or Municipal Law Enforcement Officer for the City of North Bay.

**“Operator”** means any person who operates a short-term rental.

**“Overcrowding”** means occupancy of a premises in excess of the maximum permitted by a licence issued under this By-law.

**“Owner”** means the person holding title to the property on which the short-term rental is located, and “ownership” has a corresponding meaning.

**“Person”** means an individual, a corporation, a partnership, or an association, and includes a licensee or an applicant for a licence under this By-law as the context requires.

**“Platform”** means an online matching and/or payment processing platform for transactions between short-term rental operators and guests.

**“Premises”** means the property upon which a short-term rental is operated, inclusive of buildings or structures or any part thereof used for such purposes.

**“Principal Dwelling Unit”** means a person's permanent lodging place to which, whenever absent they intend to return;

**“Principal Dwelling Unit Short-Term Rental”** means a short-term rental which is also someone’s principal dwelling unit (where they live primarily).

**“Procedural By-law”** means the City of North Bay Procedural By-law No. 2011-186 or any successor by-law thereto.

**“Property”** means the land upon which a short-term rental is operated, exclusive of buildings or structures or any part thereof.

**“Property Standards By-law”** means the City of North Bay Property Standards By-law No. 2022-27 or any successor by-law thereto.

**“Short-Term Rental”** means all or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than 28 days in exchange for payment. Short-term rental uses shall not mean or include a bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, motel, resort, or similar commercial or institutional use.

**“Short-Term Rental Code of Conduct”** means a document that has been prepared by the City that prescribes the roles and responsibilities of the guest and owner/operator, including but not

limited to: behavioral expectations as they relate to non-disturbance of neighbours; compliance with applicable City by-laws, and adherence to the provisions of this By-law.

**"User Fees By-law"** means the City of North Bay User Fees By-law No. 2019-07 or any successor by-law thereto.

**"Zoning By-law"** means The Corporation of the City of North Bay Zoning By-Law No. 2015-30 being a By-law to regulate the use of land, and the character, location and use of the buildings and structures in the City of North Bay, or any successor by-law thereto.

## **Part 2 – Regulations**

### **2.1 Prohibitions**

- 2.1.1 No person shall use or operate any short-term rental premises unless they hold a current and valid licence issued pursuant to this By-law.
- 2.1.2 No person shall advertise or operate, or permit the advertisement or operation of a short-term rental without a licence.
- 2.1.3 No person shall publish or display, or cause to be published or displayed, any representation that a premises is licenced under this By-law, or hold a premises out as being licenced under this By-Law, if the premises is not so licenced.
- 2.1.4 No person shall alter a licence issued under this By-law in any fashion.
- 2.1.5 No person shall use or operate any short-term rental premises for any commercial activity other than the operation as a short-term rental.
- 2.1.6 No person shall provide false or incorrect information in an application for a short-term rental licence.
- 2.1.7 No person shall permit a premises under their ownership or care and control to be operated in contravention of a licence issued under this By-law.
- 2.1.8 Without limiting the generality of section 2.1.7 above, no person shall allow a premises under their ownership or care and control to be operated in contravention of the site plan and floor plan that has been approved by the Licence Issuer pursuant to a licence issued under this By-law.
- 2.1.9 Without limiting the generality of section 2.1.7 above, no person shall rent any guest room in a short-term rental dwelling other than a guest room that was identified and approved with the application for the short-term rental licence.
- 2.1.10 Without limiting the generality of section 2.1.7 above, no person shall cause, permit or contribute to overcrowding in a short-term rental.
- 2.1.11 No person shall violate the provisions of the Short-Term Rental Code of Conduct.
- 2.1.12 No guest shall remove the list of information required to be posted pursuant to section 2.2.7 or the information package required to be provided pursuant to section 2.2.8.

### **2.2 General Provisions**

- 2.2.1 Any person who operates a short-term rental shall comply with the provisions of this By-law, as well as with all applicable municipal by-laws and provincial and federal legislation.

- 2.2.2 The owner and operator of a short-term rental shall restrict the occupancy of the premises to a maximum of 2 persons per guest room and a total maximum of 8 persons or less, as set out in the licence for the premises. All occupants of a short-term rental shall be counted in calculating occupancy, with the exception of children under the age of 10 years. The maximum number of guest rooms permitted to be rented is 4.
- 2.2.3 The owner and operator of a short-term rental shall maintain a minimum of two million dollars of commercial general liability insurance per occurrence on the premises, which shall be specific to the operation of the short-term rental.
- 2.2.4 Any lapse in maintaining the insurance coverage required by section 2.2.3 above invalidates a licence issued under this By-law. An owner or operator whose insurance coverage lapses must reapply for a licence to operate the short-term rental.
- 2.2.5 The owner and operator of a short-term rental shall provide parking on the site in accordance with the parking requirements for the applicable zone and permitted use within the Zoning By-law. The applicant will be required to clearly indicate where parking spaces are to be located on an approved site plan.
- 2.2.6 The owner and operator of a short-term rental shall ensure that parking is only permitted in a parking area consisting of a hard- surfaced material (concrete, interlock brick, permeable pavers, asphalt, crushed stone or other hard surface or dustless materials).
- 2.2.7 The owner and operator of a short-term rental shall ensure that the following information is posted on the interior of each short-term rental premises, within a maximum of 1m from the main entrance, is clearly visible to guests and is made available for inspection:
- a) copy of current licence;
  - b) address of the short-term rental premises;
  - c) name of short-term rental premises owner or agent;
  - d) name, address, phone number and email address of the dedicated responsible person; and
  - e) Emergency Services Statement, only applicable if the type of access to the short-term rental premises is not a year-round maintained public road. If this is applicable, the following statement must be posted within a maximum distance of 1m from the main entrance: "Due to this short-term rental premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location in the event of an emergency."
- 2.2.8 The owner and operator of a short-term rental shall ensure that an information package is available for guests containing the following;
- a) copy of approved site plan and floor plan;
  - b) Short-term Rental Code of Conduct; and
  - c) quick reference guide for applicable by-laws as prepared by the City.
- 2.2.9 A person who posts a short-term rental listing on a short-term rental platform shall include the licence number as set out on the licence issued under this By-law.
- 2.2.10 An owner, agent or dedicated responsible person shall respond to phone calls or emails and attend the short-term rental premises within 60 minutes to an emergency or contravention of any City of North Bay by-law.
- 2.2.11 Where a licence is issued under this By-law, the application for licence and issued licence, along with the legal description of the property, civic address, and names and contact information of

the associated owner, and/or authorized agent and/or dedicated responsible person will be posted on the City of North Bay's website.

2.2.12 The provisions of this By-law shall not apply when the short-term rental is not being rented and is not being offered for rent.

### **Part 3 – Licence Class**

#### **3.1 Licence Class**

##### **3.1.1 Class A - Principal Dwelling Unit Short-Term Rental**

3.1.1.1 A Class A Principal Dwelling Unit Short-Term Rental shall be permitted within the R1, R2, R3, R5, R6, RM1, RM2 and RM3 zones.

3.1.1.2 A Class A Principal Dwelling Unit Short-Term Rental shall be permitted to be rented for a maximum of 28 days for any single stay and a maximum of 180 days per year.

3.1.1.3 The Class A Licence shall be the owner's principal dwelling unit.

3.1.1.4 The maximum number of Class A Principal Dwelling Unit Short-Term Rentals permitted to be operated by the same owner shall be one.

##### **3.1.2 Class B – Non-Principal Dwelling Unit Short-Term Rental**

3.1.2.1 A Class B – Non-Principal Dwelling Unit Short-Term Rental shall be permitted within the C1 and C7 zones.

3.1.2.2 A Class B – Non-Principal Dwelling Unit Short-Term Rental shall be permitted to be rented for a maximum of 28 days for any single stay and a maximum of 365 days per year.

3.1.2.3 There is no limit to the number of Class B Non-Principal Dwelling Unit Short-Term Rentals operated by the same owner.

##### **3.1.3 Class C – Principal Dwelling Unit Short-Term Rental (Rural)**

3.1.3.1 A Class C Principal Dwelling Unit Short-Term Rental shall be permitted within the A, RH, RRL and RRE zones.

3.1.3.2 A Class C Principal Dwelling Unit Short-Term Rental shall be permitted to be rented for a maximum of 28 days for any single stay and a maximum of 180 days per year.

3.1.3.3 The Class C Licence shall be the owner's principal dwelling unit.

3.1.3.4 The maximum number of Class C Principal Dwelling Unit Short-Term Rentals permitted to be operated by the same owner shall be one.

### **Part 4 – Licensing Requirements**

#### **4.1 Licence Application Requirements**

4.1.1 Every application for a new licence, or the renewal of an existing licence, shall include:

4.1.1.1 a completed application in the form required by the City of North Bay;

4.1.1.2 the following documents:

- i. site plan of the premises;
- ii. interior floor plan of the dwelling which shall be labeled to include interior rooms, including the guest rooms;

- iii. a completed Dedicated Responsible Person Consent and Acknowledgment Form on a form as prepared by the City; and
    - iv. Any other documents as determined by the City.
  - 4.1.1.3 copy of Transfer/Deed or Property Identifier Number (PIN) Sheet proving evidence of ownership;
  - 4.1.1.4 proof that the applicant is at least 18 years of age (in the form of government identification), if the applicant is an individual;
  - 4.1.1.5 name and contact information of the owner, agent or dedicated responsible person who can be readily contacted and respond to an emergency or contravention of any City of North Bay By-law, including attendance on site of the short-term rental premises within 60 minutes of being notified of the occurrence;
  - 4.1.1.6 certificate of insurance demonstrating compliance with the insurance requirements set out in section 2.2.3 of this By-law, including but not limited to the fact that the premises is insured as a short-term rental;
  - 4.1.1.7 proof that the applicant, if a corporation, is legally entitled to conduct business in Ontario, including but not limited to:
    - i. articles 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;
  - 4.1.1.8 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;
  - 4.1.1.9 in the case of an applicant or agent acting on behalf of the owner, an owner's written authorization is required;
  - 4.1.1.10 for a Class C Principal Dwelling Unit Short-Term Rental proof in the form of a 'valid permit of record' provided by the North Bay-Mattawa Conservation Authority of installed septic system and its capacity, if applicable, that will support the short-term rental premises; and
  - 4.1.1.11 payment of the applicable fees referred to in the User Fees By-law.
- 4.1.2 Other Requirements:
- 4.1.2.1 The licensee shall inform the City in writing of any changes to the approved information contained within the licence application or any deviation to the approved plans within seven days of such change or deviation. Nothing herein authorizes a licensee to have guest rooms other than those identified on the application for a licence and approved by the City in the licence.

## **4.2 Licence Issuer – Responsibilities**

- 4.2.1 Upon receipt of an application for a licence the Licence Issuer shall receive and review the application and any accompanying documents for completeness.

- 4.2.2 Upon receipt of a completed application for a new licence with all required documentation and the required fee, the Licence Issuer will contact the applicant to schedule the necessary inspection and shall ensure the relevant Officers have carried out the necessary inspections to satisfy the City that the premises complies with provisions of this By-law.
- 4.2.3 Upon receipt of a completed application for a renewal of a licence, along with all required documentation and required fee the Licence Issuer may contact the applicant to schedule an inspection and may ensure the relevant Officers have carried out the inspections to satisfy the City that the premises complies with provisions of this By-law.
- 4.2.4 During the inspection process for the purpose of determining licence eligibility, all relevant departments of the City may provide comment on any known matters that would assist in determining licence eligibility.
- 4.2.5 The determination of whether a licence application is complete in accordance with this By-law shall be within the discretion of the Licence Issuer.
- 4.2.6 Upon determination by the Licence Issuer that information requirements and all regulatory and by-law requirements of the City are met, a licence shall be issued.
- 4.2.7 In addition to any terms and conditions of a licence imposed by this By-law, the Licence Issuer may impose additional terms and conditions as are necessary in their discretion.

### **4.3 Licence – Validity, Expiry, Suspension & Revocation**

- 4.3.1 A licence issued pursuant to the provisions of this By-law shall expire one year from the date it was issued unless it is revoked in accordance with any provisions of this By-law.
- 4.3.2 A short-term rental 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 year after the date of the issuance of the licence; or
  - b) upon the sale of the short-term rental premises.
- 4.3.3 A demerit point system is hereby established for short-term rental licences and demerit points shall be administered in accordance with Schedule 'A'.
- 4.3.4 The Licence Issuer may refuse to issue or renew a licence or revoke or suspend a licence, as per Schedule 'A' of this By-law, or where:
- a) there are reasonable grounds for belief that the operation of a short-term rental at a specific premises may be adverse to the public interest;
  - b) a premises or applicant has had a licence that has been previously revoked, suspended, or made subject to terms and conditions;
  - c) a premises or applicant applying for a licence has presented a history of contravention of this By-law, or other City of North Bay by-laws;
  - d) the Short-Term Rental Code of Conduct has been violated at this premises;
  - e) the septic system requirements are not met;
  - f) the proposed use of the premises is not permitted by the Zoning By-law;

- g) the owner is indebted to the City of North Bay 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; or
- h) the property 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, 1992*, or the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*.

4.3.5 The Licence Issuer, upon confirming a licensee has received an order issued under section 7.4 of this By-law, may, for the time and subject to such conditions as are considered appropriate, suspend a licence for not more than 14 days. If after this period, the Licence Issuer is satisfied that the continuation of a licence will continue to pose a danger to the health or safety of any person, he/she may further suspend the licence for not more than 14 days or revoke the licence.

## **Part 5 – Fees and Cost Recovery**

### **5.1 Fees**

- 5.1.1 Fees shall be levied in accordance with the User Fees By-law.
- 5.1.2 Where an Officer conducts an inspection and determines that a short-term rental is not in compliance with this By-law, the Officer may impose an inspection fee in accordance with the User Fees By-law, including increased fees for multiple inspections.
- 5.1.3 Every owner shall pay the fees as set out in the User Fees By-law which becomes due and payable upon written notification by an Officer, or upon issuance of an invoice by the City.
- 5.1.4 Payments received by the City on the 31st day or later after the date of being requested, shall be subject to an “administrative fee” as set out in the User Fees By-law, and Demerit Points as per the Demerit Point System as set out in Schedule “A” attached.
- 5.1.5 Where an owner is in default of payment of fees for more than 30 calendar days after due, the City may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

## **Part 6 - Appeals**

### **6.1 Appeals**

- 6.1.1 Where the Licence Issuer has refused to issue or renew a licence under section 4.3.4 of this By-law the applicant may appeal such decision to Council through a letter of appeal to the Chief Building Official within ten days of the decision.
- 6.1.2 The appeal under section 6.1.1 of this By-law shall contain the following information:
  - a) reasons for the appeal; and
  - b) Order Appeal Fee as provided in the User Fees By-law.
- 6.1.3 Where no request for an appeal is received in accordance with section 6.1.1 of this By-law, the decision of the Licence Issuer shall be final and binding.
- 6.1.4 Where a request for an appeal is received, in accordance with section 6.1.1 of this By-law, the request may be added to the agenda of the next available Council meeting, for the purpose of holding a hearing of the appeal, and the applicant or licensee shall be provided reasonable written notice thereof.

- 6.1.5 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to a Hearing Committee constituted pursuant to the provisions of the Procedural By-law.
- 6.1.6 The provisions of the Procedural By-law relating to Hearing Committees and the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 shall apply to all hearings conducted by a Hearing Committee under this By-law.
- 6.1.7 If the owner/agent fails to appear at the appointed time for their appeal hearing, the licensee will be charged a "Failure to Appear" fee in accordance with the User Fees By-law.
- 6.1.8 After such opportunity to be heard is afforded the person, Council shall make a decision. When making its decision Council 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, Council may refuse to issue or renew a licence, revoke, suspend, or impose any condition to a licence.
- 6.1.9 Council's decision is final and binding and shall not be subject to review.

## **Part 7 – Inspection and Enforcement**

### **7.1 Authority to Enforce**

- 7.1.1 This By-law may be enforced by an Officer.

### **7.2 Inspection – At Any Reasonable Time**

- 7.2.1 In addition to scheduled inspections conducted during the licence application process, every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) the provisions of this By-law;
  - b) a direction or order of the City made under this By-law;
  - c) a condition of a licence passed under this By-law; and
  - d) a court order made pursuant to section 431 of the *Municipal Act, 2001* and section 7.5.6 of this By-law.
- 7.2.2 A person exercising a power of entry on behalf of a municipality under this By-law shall not enter or remain in any room or place actually being used as a dwelling unless:
- a) 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 an order issued under section 438 of the *Municipal Act, 2001*, or a warrant issued under section 439 of the *Municipal Act, 2001*;
  - b) an order issued under section 438 of the *Municipal Act, 2001* is obtained;
  - c) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained; or
  - d) the delay necessary to obtain an order or warrant under section 438 or 439 of the *Municipal Act, 2001*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person.

7.2.3 The City's power of entry may be exercised by an Officer, or agent for the City and this person may be accompanied by any person under their direction, including law enforcement services.

7.2.4 During any inspection carried out under this By-law, an Officer may be accompanied by other City of North Bay employees, agents or authorities as deemed necessary.

### **7.3 Obstruction**

7.3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.

7.3.2 Any person who is alleged to have contravened any provision of this By-law shall identify himself or herself to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the officer in the execution the Officer's duties.

### **7.4 Orders**

7.4.1 An Officer who finds that a property does not conform with any of the provisions of this By-law may make an Order:

- a) stating the municipal address or the legal description of the property;
- b) giving reasonable particulars of the activity to be discontinued;
- c) indicating the time for complying with the terms and conditions of the Order; and
- d) indicating the final date for giving notice of appeal from the Order.

7.4.2 An Order shall be served on the owner of the property and such other persons affected by it, as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.

### **7.5 Offence and Penalty**

7.5.1 A person who fails to comply with any provision of this By-law is guilty of an offence.

7.5.2 A person who fails to comply with section 2.1.1 of this By-law is guilty of a continuing offence.

7.5.3 A person who fails to comply with an Order issued under this By-law is guilty of a continuing offence.

7.5.4 A person who is convicted of an offence under this By-law is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.

7.5.5 Notwithstanding section 7.5.4 of this By-law, a person who is convicted of a continuing offence under this By-law is liable to a fine of not more than \$10,000 for each day or part of a day that the offence continues and, notwithstanding section 7.5.4 of this By-law, the total of all daily fines for the offence is not limited to \$100,000.

7.5.6 If a provision of this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

**Part 8 – Coming Into Force**

**8.1 Coming Into Force**

8.1.1 This By-law shall come into force and effect upon passing.

**Read a First Time in Open Council this day of \_\_\_\_\_, 2022.**

**Read a Second Time in Open Council this day of \_\_\_\_\_, 2022.**

**Read a Third Time in Open Council and Enacted and Passed this day of \_\_\_\_\_, 2022.**

---

Mayor Allan McDonald

---

City Clerk Karen McIsaac

DRAFT

### Schedule 'A' – Demerit Point System

Item	By-law Section	Short Form Wording	Demerit Points
1	2.2.2	Number of guests on Premises contrary to licence	1
2	2.2.5	Parking contrary to requirements of Zoning By-law	1
3	2.2.7	Failure to post required information on the interior of the short-term rental premises	1
4	2.2.10	Failure to respond to a concern or attend the premises, when required, within 60 minutes	1
5	5.1.3	Failure to pay fees within prescribed timelines	1
6	4.1.2.1	Failure to notify of any licence change (s) within 7 days	1
7	2.1.1	Operating short-term rental without a licence	1
8	2.1.2	Advertising short-term rental without a licence	1
9	2.1.5	Operating a short-term rental for any commercial activity other than that of a short-term rental	1
10	2.1.6	Providing false information on short-term rental application	1
11	2.1.7	Operating short-term rental contrary to licence class	1
12	2.1.9	Renting guest rooms contrary to approved licence	1
13	2.1.11	Violation of the short-term rental code of conduct	1
14	7.3	Hindering or obstructing an Officer while on duty	1
15	2.2.7	Removal of required posted documents at the premises	1
16	2.2.8	Failure to make available the required information package for guests	1
17	7.5.3	Contravention of any order	1

**Please note the following:**

1. A short-term rental licence shall be suspended for a period of one year when three demerit points or confirmed violations are determined within one year.
2. A short-term rental licence is revoked when one additional demerit point or confirmed violation is received within one year of the licence suspension date.

Action	Offence	Time	Remedy to Renew Licence
<b>Suspended Licence</b>	Three confirmed by-law violations on one short-term rental property	<b>1 Year</b>	One year by-law violation-free from the date of the last offence, on this or any other property owned by same owner upon payment of the re-instatement fee.
	Three orders issued on one short-term rental property		One year order-free from the date of the last order, on this or any other property owned by same owner upon payment of the re-instatement fee.
	Three demerit points confirmed on one short-term rental property		One year violation, order, and demerit point-free on the same property upon payment of the re-instatement fee.
	Three demerit points confirmed on one short-term rental owner (for short-term rental operators with multiple short-term rentals)		One year violation, order, and demerit point-free for the same owner on all applicable properties upon payment of the re-instatement fee.
<b>Revoked Licence</b>	One additional confirmed by-law violation or order on a property under short-term rental suspension	<b>Permanent</b>	<b>None</b>
	One additional confirmed by-law violation or order against an owner under short-term rental suspension		
	Three demerit points confirmed against a property while on short-term rental suspension		
	Three demerit points confirmed against an Owner while on short-term rental suspension		