A. Recommendations

THAT Council receive Staff Report FAF.20.152 entitled “Licensing & Short Term Accommodation and Administrative Monetary Penalties By-Laws”;

AND THAT Council accept By-Law’s XXXXX and XXXXX, being By-Laws to Regulate and License Businesses in the Town of the Blue Mountains and to Establish a Comprehensive System of Administrative Monetary Penalties for the Town of The Blue Mountains, and direct staff to bring both By-Laws forward for enactment, with a further staff report, at the November 16, 2020 meeting of Council.

OR

THAT Council accept By-Law’s XXXXX and XXXXX, being By-Laws to Regulate and License Businesses in the Town of the Blue Mountains and to Establish a Comprehensive System of Administrative Monetary Penalties for the Town of The Blue Mountains, and direct staff to initiate a further public meeting in November 2020 and return to Council with comments therefrom, in a further staff report, for adoption at the December 14, 2020 meeting of Council.

AND THAT Council direct staff to begin the recruitment process and retain up to three (3) Hearing Officers to implement the Administrative Monetary Penalties system.

B. Overview

This report is a follow up to December 2019, and February 2020 reports to Council regarding the public process, drafting and implementation of the Licensing and Administrative Monetary Penalties By-Laws. CAO Everitt’s February 25, 2020 report (attached for reference) highlighted the main changes in the new Licensing By-Law, and this report will not repeat its contents but will identify for Council the further revisions that have been made, highlights of the new By-laws, and the process to adoption and implementation.
Staff are of the opinion that these By-laws have not been subject to any major revisions since they were last before Council and the public, and therefore a further public meeting is likely unnecessary, however, given the passage of time since these were actively before the public, Council may wish to direct that a further public meeting be undertaken. It should be noted that interested parties who previously participated in the public meetings on these matters were given the Draft Licensing By-law for review and possible comment in advance of this meeting.

C. Background

The By-law to Regulate and License Businesses in the Town of The Blue Mountains and the By-law to Establish a Comprehensive System of Administrative Monetary Penalties for the Town of The Blue Mountains (“Licensing” and “AMP” By-laws) are being brought forward for final approval and ultimate adoption by Council after significant public consultation. In enacting these By-laws the Town will also be repealing their predecessors, being By-law 2013-50 and 2014-45.

The enactment of these By-laws will permit the Town to license a range of businesses if desired, however the focus of this project and these by-laws is with regard to the Short Term Rentals of properties within the Town.

D. Analysis

Licensing By-law

The major elements and highlights of the new Licensing By-law are as follows:

**Issuance of Licenses**

The License issuer will be granted greater autonomy to impose conditions to the issuance of a license and defines in much greater detail the terms upon which a license can be refused, revoked or suspended. Where, for example, the License holder is subject to any penalties, fines, taxes or similar with respect to their subject property, the license may not be approved. Similarly, the new By-law imparts greater authority to refuse to grant or renew a License based on past or present conduct, breaches of the law or by-law, the failure to pay a penalty or fine, and the failure to comply with a term or condition of the License.

It should be noted that Staff do not recommend that Council immediately rescind By-law 2013-50 (current STA By-law) as the existing Licenses will remain under that regime until renewed, at which time they will be transitioned into the new system. As such, Council should be aware that during this transition phase, which will take up to 2 years to finalize, there will be two parallel licensing regimes.

**Classes of License**

Rather than simply license STA’s, the new regime will permit the licensing of a variety of business types. At implementation, staff expect four license types to be active: A (Properties
within the STA Exception Area); B (Properties outside the Exception Area); C (Legal non-conforming properties (LNC)); and D (Bed & Breakfasts).

All STA license types (A,B,C,D) will have standard requirements, including: fire inspections, a renters code, site plans, and insurance. Other licenses may have additional requirements, for example, parking management plans for Licenses A,B,C.

Under the new Licensing system, new businesses (either STA or otherwise) may be added from time to time as additional Schedules to the By-Law.

**Occupancy**

STA units under the new By-Law will be permitted based on their individual License – for example, A & B fall under the 2+4 model (2 persons/bedroom, plus 4 persons), whereas C (LNC) is in accordance with their historic LNC status.

**Responsible Person**

This individual will still be required to be available to respond to concerns 24/7, but will be required to do so within 30 minutes, rather than the current 1-hour.

**Hearing System**

This By-law establishes a robust hearing system by which License holders can challenge decisions of the License issuer to the (to be constituted) Licensing Appeal Committee. That Committee will be a governed by the *Statutory Powers Procedure Act* and may implement its own rules of practice and procedure. License holders will be able to challenge decisions of the License Issuer to the Committee.

**Renewals and Fees**

There will no longer be a “renewal” of a License. Each License, every two years, will be a new license. The term of the current proposed Licenses are all 2-years, such term may be different for future business Licensing. The Fees will be prescribed in the Town’s Fees and Charges By-law, but there will no longer be a new application fee and a renewal fee, there will be only one fee.

**Enforcement**

In addition to the greater discretion in issuing, suspending and revoking Licenses, the Town may pursue enforcement by either charges under the Provincial Offences Act OR an administrative monetary penalty.
Administrative Monetary Penalty By-Law

The major elements & highlights of the AMP By-law are as follows:

This By-law is a much more robust system of administering and imposing AMP’s. Administrative Monetary Penalties are means to impose penalties on offenders without having to pursue the timely, complex and more serious Provincial Offence process.

Notwithstanding that the Town intends on re-introducing the AMP system, Provincial Offences will still apply to the Designated By-law (being the Licensing By-law) but no person can be charged with an Offence under the Provincial Offences Act for a contravention dealt with under the AMP By-law.

Most fines under the AMP By-law related to contraventions of a Term of Condition of a License. For STA’s that may mean:

- A failure to adhere to maximum occupancy;
- A failure to make the responsible person available;
- A noise by-law violation;
- Etc.

At this time, all violations have a set fine of $500.00, except operating without a License, which has a set fine of $1500.00

The new AMP regime also establishes a robust hearing system which includes a Screening Officer who will review penalties issued under the AMP system and a formal Hearing Officer program.

Hearing Officers will not be employees of the Town or Councillors, they will be independent adjudicators who will hear appeals and objections to penalties under the AMP and the decisions of Screening Officers. This will be a quasi-judicial tribunal with independent members who will be paid a per-diem by the Town for their service in this role.

Staff recommend the retaining of up to three (3) Hearing Officers on a contractual basis for one-year renewable terms who will be paid a per-diem of $300.00/half-day and $500.00/full day.

E. The Blue Mountains Strategic Plan

| Goal #2: Engage Our Communities & Partners |
| Objective #3 Strengthen Partnerships |

| Goal #3: Support Healthy Lifestyles |
| Objective #3 Manage Growth and Promote Smart Growth |

| Goal #4: Promote a Culture of Organizational & Operational Excellence |
| Objective #3 To Consistently Deliver Excellent Customer Service |
F. **Environmental Impacts**

The enactment and implementation of a new Municipal Licensing By-law will assist in providing opportunities to control noise and use of properties throughout the community.

G. **Financial Impact**

There will likely be some cost recovery for Administrative Monetary Penalties, as most fines carry a $500.00 penalty; however, there will also be a cost to managing the roster of Hearing Officers at a cost of $300/half-day and $500/full-day.

Type A Licenses will cost $2,200.00 (incl. first year inspections) for a 2 year term.
Type B will cost $2,220.00 (incl. first year inspections) for a 2-year term.
Type C will cost $2,250.00 (incl. first year inspections) for a 2-year term.
Type D will cost $1,075.00 + Planning Fees of approximately $3,000.00 if applying to establish a new B & B.

H. **In Consultation With**

Shawn Everitt, CAO
Wayne DeWitt, Supervisor of By-Law Services

I. **Public Engagement**

The topic of this Staff Report was subject to a public meeting in December 2019. Staff recommend either pursuing a further public meeting or considering this report and By-Laws at Council in November 2020, to allow further comment time from interested parties, if necessary.

J. **Attached**

1. By-Law to Regulate and License Businesses in the Town of the Blue Mountains;
2. By-law to establish a comprehensive system of administrative monetary penalties for the Town of The Blue Mountains
3. Staff Report FAF.20.010
Respectfully submitted,

Will Thomson  
Director of Legal Services

For more information, please contact:  
Will Thomson  
directorlegal@thebluemountains.ca  
519-599-3131 extension 258
The Corporation of the Town of The Blue Mountains

By-Law Number 2020 – XX

Being a By-law to Regulate and License Businesses in the Town of The Blue Mountains

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended hereinafter referred to as the “Municipal Act” provides that a municipality has the capacity, rights, powers and privileges of a natural Person for the purpose of exercising the authority under the Act;

And Whereas Section 8 (3) of the Municipal Act, authorizes a municipality to provide for a system of Licenses;

And Whereas Section 9 of the Municipal Act, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

   a) enable municipalities to govern their affairs as they consider appropriate; and
   b) enhance their ability to respond to municipal issues;

And Whereas Section 11 (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 Section 151 of the Municipal Act, 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 Section 434.1 of the Municipal Act, provides that a municipality may require a Person to pay an Administrative Monetary Penalty if the municipality is satisfied that the Person has failed to comply with a By-law of the municipality passed under the Municipal Act;

And Whereas Section 23.1 of the Municipal Act, authorizes a municipality to delegate its powers and duties;

And Whereas the Council of the Corporation of the Town of The Blue Mountains has deemed it necessary and expedient to regulate and License the Short Term Rental of Property in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains has implemented a system to License the operation of Short Rental Properties in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains wishes to continue the licensing of Short Term Rental Properties within the context of a much broader licensing framework;

Now Therefore the Council of the Corporation of the Town of The Blue Mountains enacts as follows:
1.0 Definitions

In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2020-XXX, as amended;

“Agent” means a Person authorized in writing by an Owner to act on the Owner’s or group of Owner’s behalf;

“Applicant” means a Person who files an application for a License;

“Building” means a structure occupying an area greater than 10 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 services system appurtenant thereto;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Council” means Council for the Town;

“Director of Community Services” means the Director of Community Services for the Town or any Person designated by the Director of Community Services or any Person designated by the Chief Administrative Officer;

“Director of Finance and IT Services” means the Director of Finance and IT Services and Treasurer for the Town or any Person designated by the Director of Finance and IT Services or any Person designated by the Chief Administrative Officer;

“Director of Legal Services” means the Director of Legal Services and the Town Solicitor for the Town or any Person designated by the Director of Legal Services or any Person designated by the Chief Administrative Officer;

“Director of Operations” means the Director of Operations for the Town or any Person designated by the Director of Operations or any Person designated by the Chief Administrative Officer;

“Director of Planning and Development Services” means the Director of Planning and Development Services for the Town or any Person designated by the Director of Planning and Development Services or any Person designated by the Chief Administrative Officer;

“Exception Area” means a specific area of the Town as designated in Town’s Zoning By-law where Short Term Rental Units are considered a permitted use;

“Fire Chief” means the Fire Chief for the Town or any Person designated by the Fire Chief;

“Fit for Duty” - means the condition of a Person who has been designated to respond and that is able to respond not under the influence of any legal or illegal drug, alcohol, or medication that will hinder response and resolution performance or compromise their safety or the safety of others;

“License” means a License issued by the Town pursuant to this By-law;

“License Issuer” means a Town employee delegated authority by Council as the Person responsible for issuing a License;

“License Number” means a number assigned to a License by the Town;

“Licensee” means a Person issued a current valid License pursuant to this By-law;
“Nuisance” means an activity or behavior that when repetitive as determined by the discretion of the Director of Legal Services causes an inconvenience or damage to others, either to individuals and/or to the general public;

“Officer” means a police officer, Municipal Law Enforcement Officer, the Fire Chief, Chief Building Official or other Person appointed by By-law to enforce the provisions of this By-law;

“Owner” means the registered owner of the lands or Premise or his or her authorized agent that is in lawful control of the lands or Premise;

“Parking Management Plan” means a plan completed by a licensed professional engineer, architect or landscape architect or equivalent which shall include:

a) the scale of the drawings in metres;

b) the area that is designated for the parking of vehicles;

c) the size of each parking space;

d) the location of all driveways and access to the Premises; and,

e) the lot lines of the Premises, including dimensions of the Premises.

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Premises” means land, Property or any part thereof including any and all Buildings or other structures thereon;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Renter” means the Person responsible for the rental of the Premise by way of concession, permit, License, rental agreement or similar commercial arrangement;

“Town” means the Corporation of The Town of The Blue Mountains or the land within the geographic limits of the Corporation of The Town of The Blue Mountains as the context requires;

“Zoning By-law” means any By-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2.0 Application and General

2.1 This By-law shall apply throughout the whole of the Town.

2.2 This By-law may be referred to as the “Licensing By-law”.

2.3 No Person shall own, operate or carry on a business or activity identified in this By-law other than in accordance with the terms and conditions of a License under the terms and conditions of this By-law.

2.4 No Person shall advertise, promote, broker, or offer for rent or lease any business or activity identified in this By-law without a current valid License and no Owner shall permit any of the foregoing without a current valid License.

2.5 No Person shall alter or modify or permit the alteration or modification of a License.

2.6 No Person shall use, or attempt to use, a License issued to another Person or Property.

2.7 No Person shall own, operate or carry on any business or activity in any other name other than in the name that appears on the License.

2.8 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Town is guilty of an offence.
2.9 No Person who is issued a License pursuant to this By-law shall contravene any provision set out in this By-law, any other municipal By-law, federal or provincial Act, Statute, or any other legislation applicable to a licensed Premise or Activity.

2.10 No Person shall remove an order or placard posted on a Premise under this By-law, except an Officer.

2.11 No Person shall own, operate or carry on a business or activity while a License is under an administrative suspension.

3.0 Application for a License

3.1 A Person making an application for a License or for a renewal of a License shall submit:

   a) a complete application in the form provided by the Town;
   b) when applicable, the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
   c) all required documents, and obtain all required approvals and inspections as outlined in the applicable Schedule to this By-law have been obtained from the appropriate authority having jurisdiction to the satisfaction of the Town;
   d) any other documents as may be required by the Town to the satisfaction of the Town;
   e) the required License application fee, approval and inspection fees.

3.2 Acceptance of a License application does not constitute approval of the application or oblige the Town to issue a License.

3.3 A License fee shall be paid by a Person at the time the License is issued by the License Issuer.

4.0 Licenses

4.1 The License Issuer is hereby delegated authority to issue a License in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.

4.2 The License Issuer is hereby delegated authority to impose additional terms and conditions on a License that in the opinion of the License Issuer are reasonable and taking into consideration:

   a) the health, safety and well-being of Persons;
   b) the impact on a neighbouring Property or neighbouring Property owner;
   c) the past conduct of an applicant or Licensee;
   d) the impact to the Town;
   e) the need within the Town
   f) supported by Policy and or By-law, and Town Council.

4.3 A License issued by the Town is not transferable.

4.4 A License issued pursuant to this By-law is valid for a period of time as outlined in the applicable Schedule(s) to this By-law.

4.5 Every License shall remain at all times the Property of the Town;

4.6 No Person shall enjoy a vested right in any License or the continuance of any License.

4.7 A License shall be issued by the License Issuer:

   a) upon the requirements of this By-law being met;
b) upon submission of the documents to the Town’s satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;

c) upon obtaining the required approvals and inspections to the Town’s satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;

4.8 The License Issuer shall not issue a License if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the Property subject to the License application.

4.9 A License shall only be issued by the License Issuer to the registered owner of the Property unless otherwise required by the Schedule relating specifically to the License Type.

4.10 A License issued shall include the following:

a) the municipal address;
b) License type;
c) License number;
d) effective date and expiry date of the License;
e) Licensee name and contact information;
f) responsible person name and contact information.

5.0 License Terms and Conditions

5.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.

5.2 A licensee shall notify the Town within fifteen (15) days of any changes to the:

a) business name;
b) location of the business Premise;
c) ownership of the business;
d) a change in the Licensee’s policy of liability insurance;

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

5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).

5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6.0 Licenses Administrative Suspensions

6.1 Where the Licensee’s policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.

6.2 An administrative suspension of a License without a hearing shall be imposed for:

a) fourteen (14) days if the License Issuer is satisfied and the Director of Legal Services deems that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises.
Before any suspension is imposed, the Town shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.

7.0 Licenses Grounds for Refusal, Revocation or Suspension

7.1 An applicant or Licensee may be granted a License upon meeting the requirements of this By-law except where:

   a) the past or present conduct of any Person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the Person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or

   b) the Applicant or Licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal By-law or Provincial or Federal Statute associated with the carrying on of such business; or

   c) the Applicant or Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law or provincial offence related to the licensed Premise; or

   d) the Applicant or Licensee has failed to comply with any term, condition or direction of the License Issuer or Officer or has failed to permit any investigation by the License Issuer or Officer; or

   e) the applicant or Licensee has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or

   f) the issuing of a License would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or

   g) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or

   h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant of Licensee is licensed, in contravention of this By-law, or any other applicable law; or

   i) the Applicant or Licensee has not paid the required License fees; or

   j) the Applicant or Licensee has accumulated fifteen (15) demerit points within a two (2) year period; or

   k) the Applicant or Licensee has accumulated twenty five (25) demerit point within a three (3) year period; or

   l) the Applicant or Licensee or Owner has outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the subject Property.

7.2 The License Issuer may revoke, suspend or refuse to issue a License, where the Applicant or Licensee would not be entitled to a License on any grounds set out in this By-law.

7.3 Where the application for a License has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in the respect of the License, shall not be refunded.

7.4 Where a License has been revoked, suspended or cancelled, the Licensee shall return the License to the License Issuer within two (2) days of service of the notice of the decision.
7.5 When a revoked, suspended or cancelled License has not been returned, an Officer may enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking or removing the said License.

8.0 Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing

8.1 With the exception of Section 6.2, before a License is refused, revoked, suspended or cancelled written notice shall be given to the Applicant or Licensee.

8.2 Notice shall be served to the Applicant’s or Licensee’s last known address or email address filed with the Town and shall:

   a) contain sufficient information to specify the nature of, or reason for, any recommendation;

   b) inform the Applicant or Licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and

   c) inform the Applicant or Licensee that if no written request is received, the Licensing Appeal Committee may proceed and make any decision with respect to the License.

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

   a) schedule a hearing; and

   b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and

   c) post notice of the hearing on the Town’s website at least twenty (20) days prior to the hearing date.

8.4 Service of any notice on the Applicant or Licensee under this By-law shall be made by Personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of Personal service or on the date the email is sent.

9.0 Establishment of Licensing Appeal Committee

9.1 Council is hereby established as the Licensing Appeal Committee and shall hear and render decisions regarding the refusal, revocation or suspension of a License, and the imposing of terms and conditions on a License.

9.2 The decision of the Licensing Appeal Committee shall be final and binding.

10.0 Hearing Process

10.1 The provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted under this By-law, and the Licensing Appeal Committee may pass rules for the practice and procedure of the Committee.

10.2 A hearing shall be held in public, unless determined otherwise in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, and the Licensing Appeal Committee shall hear the Applicant or Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and
the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.

10.5 When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in his absence, and the Person shall not be entitled to any further notice of the proceedings.

10.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:

a) the Applicant or Licensee; and
b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

11.0 Demerit Point System

11.1 The Demerit Point System established on Schedule B to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation of a License.

11.2 A Licensee shall accumulate demerit points and Administrative Fines as outlined in Columns 4 and 5 of Schedule B for a violation of this By-law as outlined in Columns 2 and 3 on Schedule B as a result of an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this By-law.

11.3 Subject to Section 11.2 of this Bylaw, Demerit points accumulated by a Licensee shall remain in place against the Licensee for a period of two (2) years from the date the demerit points were imposed.

11.4 Demerit Points accumulated by a License over a total of eight years shall remain on the License and may be considered in the reduction of License Term, application of conditions that may include the reduction of occupancy on License at the discretion of the Director of Legal Services.

11.5 The Director of Legal Services at their discretion may impose a maximum of two (2) demerit points where it is reasonable to believe that where multiple complaints resulting in a response by an Officer have been received where the activity has not warranted a charge, however the repeated activity has been deemed a Nuisance by the Director of Legal Services in consultation with the Officer(s).

12.0 Fees

12.1 The fees for any License application, inspections and approvals required pursuant to this By-law shall be as prescribed in the Town’s Fees and Charges By-law and is payable upon submission of an application.

12.2 The fees for any License to be issued pursuant to this By-law shall be as prescribed in the Town’s Fees and Charges By-law and are payable upon the issuing of a License.

13.0 Order to Discontinue

13.1 Where an Officer has reasonable grounds to believe 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 has caused or permitted the contravention, or the Owner or Licensee of the Premises on which the contravention has occurred, to discontinue the contravening activity.
13.2 An Order under section 13.1 shall set out:
   a) reasonable particulars of the contravention adequate to identify the contravention;
   b) the location of the Premise on which the contravention occurred; and
   c) the date by which there must be compliance with the Order.

13.3 An Order to discontinue a contravening activity made under this section may be served personally, registered mail to the last known address or by email transmission to:
   a) the Person the Officer believes contravened this By-law; and
   b) such other Persons affected by the Order as the Officer making the Order determines.

13.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of Personal delivery or email transmission.

13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the Premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.

14.0 Enforcement and Penalty Provisions

14.1 The enforcement of this By-law shall be conducted by an Officer.

14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
   a) the By-law is complied with;
   b) the License, or the term or condition of a License, or the term or condition of this By-law is complied with;
   c) the approved plans are complied with;
   d) a direction or order made under the Municipal Act, 2001, or this By-law is complied with.

14.3 For the purposes of an inspection under this By-law, an Officer may:
   a) require the production for inspection of documents or things relevant to the inspection;
   b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
   c) require information from any Person concerning a matter related to the inspection; and
   d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

14.4 All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.

14.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.

14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.
14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.

14.8 Every Person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

a) on a first offence, to a fine not more than $50,000.00; and

b) on a second offence and each subsequent offence, to a fine of not more than $100,000.00

14.9 Every Person who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

14.10 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

14.11 Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.

14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

14.13 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

15.0 Administrative Monetary Penalties

15.1 Administrative Monetary Penalty By-law 2020-XXX, as amended, applies to this By-law.

15.2 Every Person who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2020-XXX is liable to pay the Town an Administrative Monetary Penalty in the amount set out in the Administrative Monetary Penalty By-law 2020-XXX.

16.0 Severability

If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17.0 Singular and Plural Use

In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

18.0 Schedules

The Schedules attached to this By-law form part of this By-law.
And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of ____________, 2020

___________________________
Alar Soever, Mayor

__________________________
Corrina Giles, Town Clerk
## Town of The Blue Mountains

### Schedule A

#### Licensing Types

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
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<tr>
<td>Type B</td>
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<td>Type C</td>
<td>Legal Non-Conforming Short Term Rental Property License as prescribed in <strong>Schedule F</strong> to this By-law</td>
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镇的蓝色山脉

计划 B

简短形式用语和相关扣除分点

为本法规第11节的目的：

a) 该指定条目列在下表中列出本法规的条目，这些条目被指定为受扣除分点系统影响；

b) 简短形式用语列在下表中概述了违规的性质；

c) 扣除分点列在下表中概述了对违反法规的扣除分点。

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<thead>
<tr>
<th>项目</th>
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<td>2</td>
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<td>3</td>
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<td>3 (累计与麻烦罚款)</td>
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<td>4</td>
<td>类型 A、B、C 许可 - 第 2.4 节</td>
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<td>5</td>
<td>类型 A、B、C 许可 - 第 2.4 节</td>
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<td>6</td>
<td>类型 D 许可 - 第 2.5 节</td>
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<td>条件和许可证（允许活动导致麻烦）</td>
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</tr>
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Town of The Blue Mountains  

Schedule C  

Type A License  

Short Term Rental Property License within the Exception Area  

In this Schedule D of the By-law:  

1.0 Definitions  

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;  

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;  

“Exception Area” means a specific area of the Town as designated in Town’s Zoning By-law;  

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;  

“Renter’s Code” means a document prepared by the Owner that:  

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;  
- b) provides a written warning related to the making of a disturbance;  
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;  
- d) includes the Parking Management Plan.  

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;  

“Short Term Rental Property Unit” or “STRPU” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;  

“Type A” means a License for a Short Term Rental Property Unit in an Exception Area in the Town’s Zoning By-law;  

2.0 Terms and Conditions  

2.1 This Type A License is a License to operate a Short Term Rental Property Unit in the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type A License, shall submit the following:  

- a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;  
- b) a Renter’s Code approved by the Director of Legal Services;  
- c) a Property Management Plan approved by the Director of Legal Services;  
- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a rental property for the term of the License with an endorsement that notice in writing
at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

e) acknowledgement and consent to the posting of the following information on the Town’s website:
   i. the municipal address of the Premises;
   ii. the legal description of the Premises;
   iii. the contact information for the owner, agent, applicant and Responsible Person;

f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type A License is subject to the following:

   a) compliance with the Town’s Zoning By-law;
   b) fire safety requirements checklist completed to the satisfaction of the Town;
   c) compliance with the Fire Code;
   d) property standards checklist completed to the satisfaction of the Town;
   e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town;
   f) confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.3 A Type A License is valid for a period of two (2) years from the date on which it is issued;

2.4 The Maximum Occupancy within a dwelling unit for a Type A License shall be calculated as follows:

   a) two (2) Persons per bedroom; and
   b) four (4) additional Persons.

2.5 The maximum occupancy calculated under Section 2.4 of this Schedule D of this By-law may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan.

2.6 A Licensee of a Type A License shall:

   a) be the registered owner of the Property;
   b) provide and maintain on the Premises a self enclosed Building, structure or container for the disposal of garbage and waste;
   c) designate a Responsible Person;
   d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
   e) display the License in a prominent place on the interior of the licensed premise; and,
   f) post the fire safety instructions next to the License displayed on the interior of the licensed premise.

2.7 Every Person who owns or operates a Short Term Rental Property Unit under a Type A License shall:

   a) operate the Premises in accordance with the approved:
i. renter’s code;  
ii. parking management plan;  
iii. property management plan;  
iv. maximum occupancy calculation;  

b) operate the Premises in accordance with the Town’s:  
i. Property Standards By-law;  
ii. Waste Collection By-law;  
iii. Noise By-law;  
iv. any other By-law and the Ontario Human Rights Code;  

c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;  

d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;  

e) not make, cause or permit a disturbance or Nuisance;  

f) provide the Renter with a copy of the Renter’s Code;  

g) keep a record of the following:  
i. the date of entry;  
ii. the length of stay of a Renter;  
iii. the home address of a Renter;  
iv. confirmation including the date of receipt of the Renter’s Code by the Renter;  

h) maintain the records required by subsection (g) for a minimum of two (2) years;  
i) include the valid current License Number on all:  
i. advertisement and promotional materials;  
ii. website;  
iii. contracts and agreements entered into with a Renter;  

j) ensure that at least one (1) indoor NoiseAware monitor and one (1) outdoor NoiseAware monitor is fully operational and monitored at all times.  

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.  

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.  

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside the hours of 0700 and 2300 exclusively.  

2.11 Shall not permit the ignition of any outdoor fire other than an approved outdoor barbeque for the purposes of preparing and cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.
Town of The Blue Mountains

Schedule D

Type B License

Short Term Rental Property License Outside of the Exception Area

1.0 Definitions

In this Schedule E of the By-law:

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Renter’s Code” means a document prepared by the Owner that:

a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;

b) provides a written warning related to the making of a disturbance;

c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;

d) includes the parking management plan.

“Short Term Rental Property Unit” or “STRPU” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type B License” means a License for a Short Term Rental Property Unit outside an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type-B License is a License to operate a Short Term Rental Property Unit outside of the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type B License shall submit the following:

a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;

b) a renter’s code approved by the Director of Legal Services;

c) a property management plan approved by the Director of Legal Services;

d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a rental
property for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

e) acknowledgement and consent to the posting of the following information on the Town’s website:
   i. the municipal address of the Premise;
   ii. the legal description of the Premise;
   iii. the contact information for the Owner, Agent, Applicant and Responsible Person;

f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type B License is subject to the following:

a) compliance with the Town’s Zoning By-law;

b) fire safety requirements checklist completed to the satisfaction of the Town;

c) compliance with the Fire Code;

d) property standards checklist completed to the satisfaction of the Town;

e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town; and

f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.3 A Type B License is valid for a period of two (2) years from the date on which it is issued;

2.4 The Maximum Occupancy within a Dwelling Unit for a Type B License be calculated as follows:

a) the number permitted under the Town’s Zoning By-law; and

b) where the Town’s Zoning By-law does not establish the Maximum Occupancy permitted the Maximum Occupancy shall be calculated as follows:
   i. two (2) Persons per Bedroom; and
   ii. four (4) additional Persons.

2.5 The Maximum Occupancy calculated under Section 2.4 of this Schedule E of this By-Law may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management

2.6 A Licensee of a Type B License shall:

a) be the registered owner of the Property;

b) provide and maintain on the Premise a self-enclosed Building, structure or container for the disposal of garbage and waste;

c) designate a Responsible Person;

d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;

e) display the License in a prominent place on the interior of the licensed Premise; and,

f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise;
2.7 Every Person who owns or operates under a Type B License shall:

a) operate the Premise in accordance with the approved:
   i. renter’s code;
   ii. parking management plan;
   iii. property management plan;
   iv. maximum occupancy calculation;

b) operate the Premise in accordance with the Town’s:
   i. Property Standards By-law;
   ii. Waste Collection By-law;
   iii. Noise By-law;
   iv. any other By-law and the Ontario Human Rights Code;

c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;

d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;

e) not make, cause or permit a disturbance or Nuisance;

f) provide the Renter with a copy of the Renter’s Code;

   g) keep a record of the following:
      i. the date of entry;
      ii. the length of stay of a Renter;
      iii. the home address of a Renter;
      iv. confirmation including the date of receipt of the Renter’s Code by the Renter;

h) maintain the records required by subsection (g) for a minimum of two (2) years;

   i) include the valid current License Number on all:
      i. advertisement and promotional materials;
      ii. website;
      iii. contracts and agreements entered into with a Renter;

j) ensure that at least one (1) indoor NoiseAware monitor and one (1) outdoor NoiseAware monitor is fully operational and monitored at all times.

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.

2.11 Shall not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.
Town of The Blue Mountains

Schedule E

Type C License

Legal Non-Conforming Short Term Rental Property License

1.0 Definitions

In this Schedule F of the By-law:

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Renter’s Code” means a document prepared by the Owner that:

k) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;

l) provides a written warning related to the making of a disturbance;

m) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;

n) includes the parking management plan.

“Short Term Rental Property Unit” or “STRPU” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type C License” means a License for a Short Term Rental Property Unit for a Legal Non-Conforming Short Term Rental Property Unit;

2.0 Terms and Conditions

2.1 This Type C License is a License to operate a Legal Non-Conforming Short Term Rental Property Unit.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type C License shall submit the following:

a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;

b) a renter’s code approved by the Director of Legal Services;

c) a property management plan approved by the Director of Legal Services;
d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a rental property the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

e) acknowledgement and consent to the posting of the following information on the Town’s website:
   i. the municipal address of the Premise;
   ii. the legal description of the Premise;
   iii. the contact information for the Owner, Agent, Applicant and Responsible Person;

f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code;

g) a valid current License issued under the previous By-law that has not expired.

2.3 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type C License is subject to the following:

a) a Type C License may only be issued by the License Issuer where the applicant has a current valid License issued prior to December 31, 2019;

b) fire safety requirements checklist completed to the satisfaction of the Town;

c) compliance with the Fire Code;

d) property standards checklist completed to the satisfaction of the Town;

e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town; and,

f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.4 A Type C License is valid for a period of two (2) years from the date on which it is issued;

2.5 The Maximum Occupancy within a Dwelling Unit subject to a Type C License shall be calculated as previously calculated by the Town as part of the Legal Non-Conforming review process.

2.6 A Licensee of a Type C License shall:

a) the registered owner of the Property;

b) provide and maintain on the Premise a self-enclosed Building, structure or container for the disposal of garbage and waste;

c) designate a Responsible Person;

d) display the License in a conspicuous place on the licensed Premise in close proximity to the entrance of the Property and visible to the public at all times;

e) display the License in a prominent place on the interior of the licensed Premise; and,

f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise.

2.7 Every Person who owns or operates a Type C License shall:

a) operate the Premise in accordance with the approved:
   i. renter’s code;
ii. parking management plan;
iii. property management plan;
iv. maximum occupancy calculation;
b) operate the Premise in accordance with the Town’s:
   i. Property Standards By-law;
   ii. Waste Collection By-law;
   iii. Noise By-law;
   iv. any other By-law and the Ontario Human Rights Code;
c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
e) not make, cause or permit a disturbance or Nuisance;
f) provide the Renter with a copy of the Renter’s Code;
g) keep a record of the following:
   i. the date of entry;
   ii. the length of stay of a Renter;
   iii. the home address of a Renter;
   iv. confirmation including the date of receipt of the Renter’s Code by the Renter;
h) maintain the records required by subsection (g) for a minimum of two (2) years;
i) include the valid current License Number on all:
   i. advertisement and promotional materials;
   ii. website;
   iii. contracts and agreements entered into with a Renter.
j) ensure that at least one (1) indoor NoiseAware monitor and one (1) outdoor NoiseAware monitor is fully operational and monitored at all times.

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premise.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.

2.11 Shall not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the licensing process.
Town of The Blue Mountains

Schedule F

Type D License

Bed & Breakfast License

1.0 Definitions

In this Schedule G of the By-law:

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Bed and Breakfast Establishment” or “B & B” means a Building used as a residence that operates or offers no more than three guest rooms as places or temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the Principal Residence of the establishment’s proprietor. Bed and Breakfast Establishment shall not mean or include motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Renter’s Code” means a document prepared by the Owner that:

k) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;

l) provides a written warning related to the making of a disturbance;

m) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;

n) includes the parking management plan.

“Type D License” means a License for a Bed and Breakfast Establishment.

2.0 Terms and Conditions

2.1 This Type D License is applicable to properties operated as a Bed & Breakfast Establishment.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type D License shall submit the following:

a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;

b) a renter’s code approved by the Director of Legal Services;

c) an executed Site Plan Agreement;

d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a Bed & Breakfast for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter; and,
e) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.3 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law, the issuing of a Type D License is subject to the following:

a) compliance with the Town’s Zoning By-law endorsed by the Director of Planning and Development Services;
b) fire safety requirements checklist completed to the satisfaction of the Town;
c) compliance with the Fire Code;
d) property standards checklist completed to the satisfaction of the Town;
e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the Premise to the satisfaction of the Town; and,
f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.4 A Type D License is valid for a period of two (2) years from the date on which it is issued;

2.5 A Licensee of a Type D License shall:

a) be the registered owner of the property;
b) ensure that the Premise is the Principle Residence of the Licensee;
c) be on site at the premise during the stay of a Renter during the hours of 2300 and 0700 hours;
d) display the License in a conspicuous place on the licensed premise in close proximity to the entrance of the property and visible to the public at all times;
e) display the License in a prominent place on the interior of the licensed Premise;
f) be responsible for the operation of the premise, the conduct of the Renter and the occupants of the Premise;
g) operate the Premises in accordance with the Town’s:
   i. Property Standards By-law;
   ii. Waste Collection By-law;
   iii. Noise By-law;
   iv. any other By-law and the Ontario Human Rights Code;
h) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
i) not make, cause or permit a disturbance or Nuisance;
j) include the valid current License Number on all:
   i. advertisement and promotional materials;
   ii. website;
   iii. contracts and agreements entered into with a Renter;
BEING A BY-LAW TO ESTABLISH A COMPREHENSIVE SYSTEM OF ADMINISTRATIVE MONETARY PENALTIES FOR THE TOWN OF BLUE MOUNTAINS

WHEREAS section 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

AND WHEREAS section 391(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides for a municipality to impose fees and charges on persons for services or activities it provides and for the use of its property;

AND WHEREAS section 23.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes a municipality to delegate its powers and duties;

AND WHEREAS section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS section 434.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS the Province of Ontario adopted the “Administrative Penalties” regulation, O. Reg 333/07 pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains considers it desirable to have an Administrative Monetary Penalty By-law that sets out a process for all regulatory by-laws to which administrative monetary penalties may apply;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1. SHORT TITLE

1.1 This by-law shall be known and may be cited as the “Administrative Monetary Penalties By-law”.

2. APPLICABILITY AND SCOPE

2.1 This By-law applies to, and only to a Designated By-law.

2.2 This By-law shall apply to any contravention of a Designated By-law listed in Schedule “A” of this By-law. The short form wording to be used for a contravention of a Designated By-law and the Administrative Monetary Penalty imposed are as set out in Schedule “A” of this By-law.

2.3 The Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, will continue to apply to contraventions of a Designated By-law, except that no Person that is required to pay an Administrative Monetary Penalty under this By-law in respect of a contravention of a Designated By-law shall be charged with an offence in respect of the same contravention under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
3. DEFINITIONS

3.1 In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed and as set out in Schedule “A” of this By-law for a contravention of a Designated By-law and when imposed includes an administrative fee as set out in Schedule “B”;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Council” means the Council of the Town;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Designated By-law” means a by-law or provision of a by-law that is designated under this or any other by-law, as a by-law or provision of a by-law to which this By-law applies;

“Director of Human Resources” means the Director of Human Resources for the Town or any Person designated by the Director of Human Resources;

“Hearing No Show Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a Person’s failure to appear at the time and place scheduled for a review before a Hearings Officer;

“Hearings Officer” means a Person appointed by Council to perform the duties of a Hearing Officer for the purposes of this By-law;

“Hearing Officer’s Decision” means a notice that contains the decision of a Hearings Officer;

“Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices for the Town are officially closed for business;

“Late Payment Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a Person’s failure to pay an Administrative Monetary Penalty within the time prescribed in this By-law;

“Officer” means a police officer, a Municipal Law Enforcement Officer or other person appointed by or under the authority of a Town by-law to enforce a Designated By-law;

“Owner” includes,

(a) the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person’s own account or as agent or trustee of any other Person, or who would receive the rent if the land and premises were let;
(b) a lessee or occupant of the property;
(c) a Person having care and control of the property;

“Parent” means a Person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that Person is the natural parent of the child;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Penalty Notice” means a notice issued by an Officer for a contravention of a Designated By-law;

“Penalty Notice Date” means the date of the contravention specified on the Penalty Notice;
“Penalty Notice Number” means the number specified on the Penalty Notice;

“Power of Decision” means a power or right, conferred by or under this By-law, to make a decision deciding or prescribing, the legal rights, powers, privileges, immunities, duties or liabilities of a Person;

(a) in the case of a Screening Officer, in respect of a request to review an Administrative Monetary Penalty;
(b) in the case of a Hearings Officer, in respect of a request to review a Screening Decision;

“Relative” includes any of the following persons:

(a) spouse;
(b) parent, including step-child and grandchild;
(c) siblings and children of siblings;
(d) aunt, uncle, niece and nephew;
(e) in-laws, including mother, father, sister, brother, daughter, and son; or
(f) a person who lives with the person on a permanent basis;

“Regulation” means the Administrative Penalties, Ontario Regulation 333/07 under the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

“Request for Review By Hearings Officer” means a form provided by the Town to request a review of a Screening Decision;

“Screening Decision” means a notice which contains the decision of a Screening Officer;

“Screening Officer” means a Person appointed by Council to perform the duties of a Screening Officer for the purposes of this By-law;

“Screening No Show Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a Person’s failure to appear at the time and place scheduled for a review by a Screening Officer;

“Spouse” means a Person to whom the Person is married or with whom the Person is living in a conjugal relationship outside marriage;

“Tax Roll Address” means the mailing address and contact information for the owner of property that appears in the Town’s municipal tax assessment records;

“Town” means the Corporation of the Town of The Blue Mountains or the land within the geographic limits of the Corporation of the Town of The Blue Mountains as the context requires.

4. GENERAL PROVISIONS

4.1. Where an Administrative Monetary Penalty is cancelled by a Screening Officer or a Hearings Officer any administrative fee is also cancelled.

4.2. Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

4.3. Any Schedule attached to this By-law forms part of this By-law.
4.4. Sections 431 and 440 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, apply to this By-law, providing respectively, for a court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the Town, for a court to make orders to restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-law.

4.5. Nothing in this By-law limits the Town’s right to enforce a Designated By-law by any other and all legal means.

5. PENALTY NOTICE

5.1 A Penalty Notice shall include the following information:

(a) the name of the Person(s);
(b) the Penalty Notice Date;
(c) a Penalty Notice Number;
(d) the short form wording outlined in Schedule “A” of the By-law, which describes the particulars of the contravention;
(e) the amount of the Administrative Monetary Penalty outlined in Schedule “A” of this By-law;
(f) the name and identification number of the Officer;
(g) such information as the Director of Chief Administrative Officer or designate determines is appropriate respecting the process by which the Person may exercise the Person’s right to request a review of the Administrative Monetary Penalty;
(h) a statement advising that an Administrative Monetary Penalty, including any administrative fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the Person to the Town.

5.2 An Officer who has reason to believe that a Person has contravened a provision of a Designated By-law may issue a Penalty Notice to that Person.

5.3 Every Person who contravenes a provision of a Designated By-law shall, when given a Penalty Notice, be liable to pay to the Town the Administrative Monetary Penalty set out in the Penalty Notice within 15 days of the Penalty Notice Date.

5.4 No Officer shall accept payment in respect of an Administrative Monetary Penalty.

5.5 Where a Penalty Notice is issued in respect of a contravention of a Designated By-law for which Owners of a property are responsible, the Penalty Notice shall include the name of all Persons who are the registered owners of such property, and such Persons shall be jointly and severally liable for the Penalty Notice.

6. SERVICE OF A PENALTY NOTICE

6.1 Service of any document or notice, including a Penalty Notice, respecting this By-law may be given in writing in any of the following ways and is effective:

(a) when a copy is delivered to the Person to whom it is addressed;
(b) on the 5th day after a copy is sent by registered mail or by regular letter mail to the Person’s last known address;
(c) upon the conclusion of the transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number; or
(d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address.
6.2 For the purposes of sections 6.1 (b), (c) and (d), a Person’s last known address, facsimile number and e-mail address may include an address, facsimile number and e-mail address provided by the Person to the Town, including the Tax Roll Address, information provided in an application for a licence made by a Person under a Town Licensing By-law or as provided in writing or in a form supplied by the Town for the purposes of administration of this By-law.

6.3 In addition to the service methods in section 6.1, an Officer may serve the Penalty Notice on a Person who is the Owner of a property that is in contravention of a Designated By-Law, by delivering it personally to the Person having care and control of the property and then sending a copy by regular mail to the Tax Roll Address;

6.4 Service of a Penalty Notice under section 6.3 is effective on the 5th day after a copy is sent by regular letter mail to the Tax Roll Address.

7. SCREENING OFFICER REVIEW

7.1 A Person who is given a Penalty Notice may request that the Administrative Monetary Penalty be reviewed by a Screening Officer within 15 days after the Penalty Notice Date.

7.2 If a Person does not request a review within the time limit set out in section 7.1, a Person may request that the Screening Officer extend the time to request a review within 30 days after the Penalty Notice Date.

7.3 A Person’s right to request a review or to request an extension of time to request a review are exercised by:

(a) calling the telephone number listed on the Penalty Notice, providing the information required as set out in the Penalty Notice and scheduling the time and place for the review; or
(b) attending in person or by a representative at the place specified in the Penalty Notice to provide the information required in the Penalty Notice and scheduling the time and place for the review.

7.4 A Person’s right to request an extension of time in section 7.2 expires if it has not been exercised within 30 days after the Penalty Notice Date at which time:

(a) the Person shall be deemed to have waived the right to request a review;
(b) the Administrative Monetary Penalty, including any administrative fees, shall be deemed to be affirmed on the 16th day after the Penalty Notice Date; and
(c) the Administrative Monetary Penalty, including any administrative fees, is not subject to any further review, including review by any court.

7.5 A review or a request for an extension of time to request a review shall only be scheduled by the Town if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 7.1 or 7.2.
7.6 Where a Person fails to attend at the time and place scheduled for a review by the Screening Officer:

(a) the Person shall be deemed to have abandoned the request for a review of the Administrative Monetary Penalty;
(b) the Person shall pay to the Town a Screening No Show Fee;
(c) the Administrative Monetary Penalty, including any administrative fees, shall be deemed to be affirmed on the date that was scheduled for the review; and
(d) the Administrative Monetary Penalty, including any administrative fees, is not subject to any further review, including review by any court.

7.7 For the purposes of section 7.2, the Screening Officer may only extend the time to request a review of an Administrative Monetary Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the Person from exercising the right to request a review in the timeframe set out in section 7.1.

7.8 Where an extension of time is not granted by the Screening Officer the Administrative Monetary Penalty, including any administrative fees, is deemed to be affirmed on the 16th day after the Penalty Notice Date.

7.9 After a review of the Administrative Monetary Penalty has been held, the Screening Officer shall deliver a Screening Decision to the Person.

8.0 HEARING OFFICER REVIEW

8.1 A Person may request a review of a Screening Decision by a Hearings Officer within 15 days after the Screening Decision has been delivered to the Person.

8.2 If a Person has not requested a review within the time limit set out in section 8.1, a Person may request that the Hearings Officer extend the time to request a review within 30 days after the Screening Decision has been delivered to the Person.

8.3 A Person’s right to request an extension of time in section 8.2 expires if it has not been exercised within 30 days after the Screening Decision has been delivered at which time:

(a) the Person shall be deemed to have waived the right to request a hearing;
(b) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, shall be deemed to be affirmed; and
(c) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, is not subject to any further review, including review by any court.

8.4 A Person’s right to request a review of a Screening Decision or to request an extension of time to request the review are exercised by:

(a) attending in person or by representative at the place specified in the Request for Review by Hearings Officer; and
(b) filing a completed Request for Review by Hearings Officer form.

8.5 A review or a request for an extension of time to request a review shall only be scheduled by the Town if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 8.1 and 8.2.
8.6 Where a Person fails to attend at the time and place scheduled for a review by a Hearings Officer:

(a) the Person shall be deemed to have abandoned the request for a review of the Screening Decision;

(b) the Person shall pay to the Town a Hearing No Show Fee;

(c) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, shall be deemed to be affirmed on the date that was scheduled for the Hearing; and

(d) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, is not subject to any further review, including review by any court.

8.7 For the purposes of section 8.2, a Hearings Officer may only extend the time to request a review of a Screening Decision where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the Person from exercising the right to request a review in the timeframe set out in section 8.1.

8.8 Where an extension of time is not granted by a Hearings Officer the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, is deemed to be affirmed and shall not be subject to any further review, including review by any court.

8.9 A Hearings Officer shall not make any decision respecting a review of a Screening Decision unless the Hearings Officer has given the Person and the Town an opportunity to be heard at the time and place scheduled for the hearing of the review.

8.10 All hearings conducted by a Hearings Officer shall be in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended.

8.11 After a hearing is complete the Hearings Officer shall issue to the Person a Hearing Officer’s Decision.

9. ESTABLISHMENT AND APPOINTMENT OF SCREENING AND HEARING OFFICERS

9.1 The position of Screening Officer is established for the purpose of exercising the Power of Decision in the review of an Administrative Monetary Penalty in accordance with this By-law and the Regulation.

9.2 The following are not eligible for appointment as a Screening Officer:

(a) a member of Council;

(b) an Officer;

(c) a relative of a person referenced in section 9.2(a) and 9.2(b).

9.3 The position of Hearings Officer is established for the purpose of exercising the Power of Decision in the review of a Screening Decision in accordance with this By-law and the Regulation.

9.4 The following are not eligible for appointment as a Hearing Officer:

(a) a member of Council;

(b) an employee of the Town;

(c) an Officer;

(d) a relative or a person referenced in section 9.4(a), 9.4(b) and 9.4(c);

(e) a person indebted to the Town other than:

(i) in respect of current real property taxes; or

(ii) pursuant to an agreement with the Town, the terms with which the person is in compliance.

9.4 A Screening Officer and a Hearings Officer shall be appointed by Council on the recommendation of the Director of Human Resources which recommendation
shall give preference to an eligible candidate:

(a) with knowledge of and experience in administrative law; and
(b) of good character.

9.5 A **Screening Officer** and a **Hearings Officer** shall hold office for the term or remainder of the term of **Council** that appointed the **Screening Officer** and **Hearings Officer** and thereafter until a successor is appointed.

9.6 A **Screening Officer** and a **Hearings Officer** shall be remunerated at the rate from time to time established by **Council**.

9.7 No person shall attempt, directly or indirectly, to communicate with or influence a **Screening Officer** or a **Hearings Officer** respecting the determination of an issue respecting a **Power of Decision** in a proceeding that is or will be pending before the **Screening Officer** or **Hearings Officer** except a **Person** who is entitled to be heard in the proceeding or the **Person’s lawyer**, licensed representative or authorized agent and only by that **Person** or the **Person’s lawyer**, licensed representative or authorized agent during the screening or hearing of the proceeding in which the issue arises.

9.8 Section 9.7 does not prevent a **Screening Officer** or **Hearings Officer** from seeking and receiving legal advice.

9.9 Sections 9.5 and 9.6, do not apply to a **Screening Officer** that is an employee of the **Town**.

10. **JURISDICTION OF SCREENING AND HEARINGS OFFICER**

10.1 Neither a **Screening Officer** nor a **Hearings Officer** has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

10.2 On a review of the **Administrative Monetary Penalty**, the **Screening Officer** may affirm the **Administrative Monetary Penalty**, including any administrative fee, or the **Screening Officer** may cancel, reduce, or extend the time for payment of the **Administrative Monetary Penalty**, including any administrative fee, on the following grounds:

(a) where the **Person** establishes on a balance of probabilities, that he or she did not contravene the **Designated By-law** as described in the **Penalty Notice**; or
(b) where the **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Monetary Penalty**, including any administrative fee, is necessary to relieve any undue hardship.

10.3 On a review of a **Screening Decision**, a **Hearings Officer** may affirm the **Screening Decision**, or the **Hearings Officer** may cancel, reduce or extend the time for payment of the **Administrative Monetary Penalty**, including any administrative fee, on the following grounds:

(a) where the **Person** establishes on a balance of probabilities, that he or she did not contravene the **Designated By-law** as described in the **Penalty Notice**; or
(b) where the **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Monetary Penalty**, including any administrative fee, is necessary to relieve any undue hardship.

10.4 Any decision by a **Hearings Officer** is final and is not subject to any further review, including review by any court.

11. **ADMINISTRATION OF THE BY-LAW**
11.1 The Chief Administrative Officer or designate shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law.

11.2 The Chief Administrative Officer or designate shall prescribe all forms and notices, including the Penalty Notice, necessary to implement the By-law and may amend such forms and notices from time to time as the Chief Administrative Officer or designate deems necessary.

11.3 The Chief Administrative Officer or designate may cancel an Administrative Monetary Penalty, including any administrative fee, where the Penalty Notice was issued to a Person due to an error made by the Town.

11.4 The Chief Administrative Officer or designate may cancel any administrative fee, without cancelling the Administrative Monetary Penalty, where the fee was imposed as the result of an error made by the Town.

12. FINANCIAL ADMINISTRATION

12.1 The Administrative Monetary Penalty is due and payable on the Penalty Notice Date and within 15 days of the Penalty Notice Date.

12.2 A Person who is given a Penalty Notice and who does not pay the amount of the Administrative Monetary Penalty within 15 days of the Penalty Notice Date shall pay to the Town the Late Payment Fee and any other administrative fees in Schedule “B” of this By-Law which may be applicable.

12.3 An Administrative Monetary Penalty, including any administrative fees, that is deemed affirmed is automatically affirmed under this By-law and does not require a Power of Decision provided to the Screening Officer or the Hearings Officer.

12.4 Where a Person has paid an Administrative Monetary Penalty that is then cancelled or reduced pursuant to this By-law, the Town shall refund the amount cancelled or reduced including any administrative fees imposed.

13. CONSEQUENCES OF NON-PAYMENT

13.1 An Administrative Monetary Penalty, including any administrative fees, that is affirmed or reduced or in respect of which the time for payment has been extended is due and payable and constitutes a debt to the Town owed by the Person to whom the Penalty Notice was given.

13.2 An Administrative Monetary Penalty, including any administrative fees, that is not paid within 15 days after it becomes due and payable shall be deemed to be unpaid taxes and may be collected in the same manner as taxes in accordance with section 434.2 Municipal Act, 2001, S.O. 2001, c. 25, as amended.

13.3 In the event of extenuating circumstances, a Person subject to a Hearing No Show Fee may request in writing to the Chief Administrative Officer or designate that the matter be reviewed, and upon providing any and all evidence satisfactory to the Chief Administrative Officer or designate, the said administrative fee may be cancelled, and an opportunity for another hearing granted, with the decision by the Chief Administrative Officer or designate being final.
14. SEVERABILITY

14.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS  DAY OF 2020.

THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS

___________________________________________
MAYOR

___________________________________________
CLERK
LICENSING BY-LAW

3. For the purpose of section 2.1 of this By-law:

(a) Column 1 in the following table lists the provisions in the Licensing By-law No. 2019-XX, as amended, that are hereby designated for the purposes of section 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

(b) Column 2 in the following table sets out the short form wording to be used in a *Penalty Notice* for the contravention of the designated provisions listed in Column 1;

(c) Column 3 in the following table sets out the *Administrative Monetary Penalty* amounts that are payable for contraventions of the designated provisions listed in Column 1.

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1 Designated Provision</th>
<th>Column 2 Short Form Wording</th>
<th>Column 3 Administrative Monetary Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Section 2.4 Term and Condition of Licence - Maximum Occupancy Calculation</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Section 2.4 Term and Condition of Licence - Non-availability of Responsible Person</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Section 2.4 Term and Condition of Licence - Non-availability of Rental or Lease Management Program Representative</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Section 2.4 Term and Condition of Licence – Noise By-law Violation</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Section 2.4 Term and Condition of Licence - Using premises contrary to Property Management Plan</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Section 2.4 Term and Condition of Licence - Fail to post Licence</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Section 2.4 Term and Condition of Licence - Property Standards By-law Violation - Order not complied with</td>
<td>$500.00</td>
<td></td>
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<tr>
<td>8</td>
<td>Section 2.4 Term and Condition of Licence – Property Standards By-law Violation - Fail to cut grass</td>
<td>$500.00</td>
<td></td>
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<tr>
<td>9</td>
<td>Section 2.4 Term and Condition of Licence – Waste Collection By-law Violation</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Section 2.3 Operate without a Licence</td>
<td>$1500.00</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Section 2.5 Advertise without a Licence – Short Term Rental Property Unit</td>
<td>$500.00</td>
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</tr>
<tr>
<td>12</td>
<td>Section 2.6 Advertise without a Licence – Bed and Breakfast Establishment</td>
<td>$500.00</td>
<td></td>
</tr>
</tbody>
</table>
## SCHEDULE B TO BY-LAW NO. 2020-XXX

### ADMINISTRATIVE FEES

<table>
<thead>
<tr>
<th>Item No.</th>
<th>COLUMN 1 Administrative Fee</th>
<th>COLUMN 2 Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Late Payment Fee</td>
<td>$25.00</td>
</tr>
<tr>
<td>2</td>
<td>Screening No Show Fee</td>
<td>$50.00</td>
</tr>
<tr>
<td>3</td>
<td>Hearing No Show Fee</td>
<td>$100.00</td>
</tr>
<tr>
<td>4</td>
<td>Land Title Search Fee</td>
<td>$25.00</td>
</tr>
<tr>
<td>5</td>
<td>Title Deed Fee</td>
<td>$15.00</td>
</tr>
</tbody>
</table>
Staff Report
Administration

Report To: Committee of The Whole
Meeting Date: February 25, 2020
Report Number: FAF.20.010
Subject: Follow up to the Municipal Licensing By-law and Administrative Monetary Penalty By-law Public Meeting
Prepared by: Shawn Everitt, Chief Administrative Officer

A. Recommendations

THAT Council receive Staff Report FAF.20.010, entitled “Follow up to the Municipal Licensing By-law and Administrative Monetary Penalty By-law Public Meeting”;

AND THAT Council accept the Municipal Licensing By-law as presented in this report and direct staff to initiate a second public meeting to be scheduled for the April 6, 2020 meeting of Council;

AND THAT Council direct staff to undertake further consultation relating to the Licensing of Commercial Resort Units;

AND THAT Council accept the Administrative Monetary Penalties By-law as presented in this report and direct staff to bring the Administrative Monetary Penalties By-law forward for enactment of the By-law to the April 6, 2020 meeting of Council.

B. Overview

This report provides a follow up to the public meeting for the draft Municipal Licensing By-law and the draft Administrative Monetary Penalties By-law held on December 16, 2019.

C. Background

The proposed Municipal Licensing By-law has been brought forward for review with the intent of replacing the current Short Term Accommodation (STA) Licensing By-law. The process staff has initiated will repeal By-law 2013-50 and By-law 2014-45 in their entirety and a new Municipal Licensing By-law will be enacted to replace it.

The enactment of a new Municipal Licensing By-law will allow the Town to establish a range of new Licenses in the future. However, through this specific process, the rental of property on a short term basis has been the main focus of this project.
As outlined in the draft Municipal Licensing By-law, the following License Types have been proposed:

<table>
<thead>
<tr>
<th>License Type</th>
<th>Property Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Rental of a Property Inside the Exception Area for Less Than 30 Days</td>
</tr>
<tr>
<td>B</td>
<td>Rental of a Property Outside of the Exception Area for Less Than 30 Days</td>
</tr>
<tr>
<td>C</td>
<td>Use of a Property for Rental for Less Than 30 Days That has Been Provided Legal Non-Conforming Status</td>
</tr>
<tr>
<td>D</td>
<td>Property Approved for Bed &amp; Breakfast Operations</td>
</tr>
</tbody>
</table>

The proposed Administrative Monetary Penalties By-law will continue to permit the application of Demerit Points and Monetary Penalties for infractions of the proposed Municipal Licensing By-law. In addition, the proposed Administrative Monetary Penalties By-law also establishes the ability for the Town to implement an Administrative Tribunal that will propose a roster of “Hearing Officers” that will adjudicate certain Municipal By-law infractions instead of having all infractions heard at the Provincial Offences Court.

Staff is recommending that the full implementation of the Administrative Tribunal be established January 1, 2021 to allow for the fulsome development of the tribunal process, public communication, Council workshop and creation of the roster of qualified Hearing Officers along with the required training of Hearing Officers.

The December 16, 2019 public meeting, along with the correspondence that was received prior to the public meeting, provided Council and staff with a range of perspectives and information that have been outlined in the Analysis Section of this report.

D. Analysis

The draft Municipal Licensing By-law (Attachment 1) has undergone significant formatting changes from the previous version presented at the December 16, 2019 public meeting. The formatting changes provide an enhanced level of clarity for each specific license type by presenting all the relevant information for each type of license in specific comprehensive sections rather than spread throughout the by-law document.

The draft Municipal Licensing By-law also includes content changes and modifications that have been outlined below.

1. Interpretation Policies

The establishment of the 2013-50 and 2014-45 Short Term Accommodations (STA) Licensing By-law underwent significant public and stakeholder consultation. Beginning in June of 2014, the
development of a series of “Interpretation Policies” were undertaken and implemented by the Building and By-law Services Division and Fire Department:

- POL.STAL.14.02 - Short Term Accommodation Premises: Definition of a Bedroom
- POL.STAL.14.01 - Short Term Accommodation License Applications: Confirming Legal Non-Conforming Status
- POL.STAL.16.09 - Short Term Accommodation Premises: Parking Management Plans
- POL.STAL.16.07 - Short Term Accommodation Licensing Program: Manager Designate

Through the new Municipal Licensing By-law Program, the intent is that the “Interpretation Polices” noted above will be repealed and their use discontinued.

2. **Occupant Load Calculation – Municipal Licensing By-law Concern heard at Public Meeting**

Throughout the development of the draft Municipal Licensing By-law process and while operating under the current STA By-law, residents have identified concerns with how the occupant load is being calculated for Licenses.

The Town’s Property Standards By-law (2002-18) originally set the occupant load formula as 2 person per bedroom + 2 additional persons. This formula is commonly known as the 2 + 2 model.

Interpretation Policy POL.STAL.14.02 provided staff with a definition of a bedroom that essentially permitted a room that met the criteria to be considered a bedroom. This definition essentially allowed many Licenses an additional two persons. This model is commonly known as the **2 + 4 Model**.

Staff is recommending that, when reviewing an application and considering setting the occupancy, a bedroom is only to be considered a bedroom when it is identified as such on the property site plan and meets the specified requirements.

In 2018, Council endorsed the inclusion of the **2 + 4 model** for STAs and the **2 + 4 Model** is still currently included in the draft Municipal Licensing By-law for Council consideration.

3. **Responsible Person – Licensing By-law Concern heard at Public Meeting**

The Responsible Person is a key aspect of the Short Term Rental Program. The Responsible Person is largely supported by the industry, however, residents have expressed concerns with the requirement to contact the Responsible Person in order to have Demerit Points applied to a License.

Currently, the Responsible Person has one (1) hour to respond and rectify a concern. The proposed Municipal Licensing By-law reduces the current response time from one (1) hour to one half (½) hour. However, Town staff believe that the main concern from the public relates to the requirement that the Responsible Person must be notified in order for Demerit Points to be applied and that contacting police to respond does not currently trigger the application of Demerit Points.
The proposed Municipal Licensing By-law still requires that reporting a concern/complaint must be made through the Town’s 24-hour By-law phone line and that the Responsible Person must respond and rectify the issue. Demerit Points will not be administered to the License unless the Responsible Person was contacted.

The proposed Municipal Licensing By-law provides the ability to administer Demerit Points where repeat warnings have been issued to a Licensed property by police or Municipal Law Enforcement Officers and when the Director of Legal Services deems the repeated warnings to be a “nuisance”.

Through discussions with staff of the Collingwood/The Blue Mountains OPP Detachment, staff suggest that concerns relating to noise and or behavior occurring between the hours of 2200hrs and 0600hrs shall be dispatched for OPP response through the By-law Services phone number (519-599-3131. Ext 246 or 1-866-937-0815). By-law Enforcement staff will be dispatched between 0600hrs and 2200hrs.

The Responsible Person is one of the most significant aspects of the Short Term Rental License program that is clearly different from the typical residential use of a property and how one reports a complaint. In the case of issues involving noise, garbage, long grass or a disturbance on a typical residential property, that is not a short term rental property, the individual causing the disturbance would receive the fine and typically is the property owner. In the case of a short term rental property, it is most likely the tenant or their guests causing the disturbance.

The proposed Administrative Penalties allow the Town to pursue Administrative Monetary Penalties and apply Demerit Points to the Licensee. In the case of property standards concerns, staff also deal directly with the Responsible Person to rectify issues.

Council has the opportunity to consider this process and the use of the Responsible Person at this time. Alternatively, Council may provide direction to staff to have Demerit Points administered for infractions/violations to a License without notification to the Responsible Person.

4. Legal Non-Conforming – Licensing By-law Concern heard at Public Meeting

Interpretation Policy POL.STAL.14.01 specifically deals with how an application requesting “Legal Non-Conforming Status” would be considered as an approved short term Rental property.

POL.STAL.14.01 outlines the following requirements:

1. It is the responsibility of the STA owner to demonstrate to the Town that a use, building or structure is protected by virtue of Section 34(9) of the Planning Act. Town staff will not provide legal advice with respect to a legal non-conforming status without a STA license application

2. Where an applicant for a short term accommodation STA license is declaring legal non-conforming protection under s. 34(9) of the Planning Act (“grandfathered”); the applicant will be required to submit evidence so that the Manager can confirm:
a. That the property was being used as a STA on February 2, 2008;

b. The nature and extent of the STA use on February 3, 2008 so as to determine if the use has changed or intensified since this date; and

c. That the property has not at any time since February 3, 2008 stopped being used as a STA.

3 Interim Control By-law No. 2008-12 was enacted by Council on February 4, 2008 prohibiting STA uses, thus, the specific dates mentioned above. To assist in the confirmation of the above criteria, s. 4.5 of the STA Licensing By-law indicates that such evidence be provided by the applicant including, but not limited to, the following;

   a. Rental information including receipts and advertisements and other records that may be relevant and that are supportive of the establishment and continued use of the premise for short term accommodation purpose and that the use continued without it being discontinued;

   b. Advertisements;

   c. Any other records that may be relative and supportive of the establishment and continued use of the STA; and

   d. A Sworn Affidavit

4 A Sworn Affidavit must be provided by the applicant in the STA License application confirming the continued use of the premise for STA purposes from Feb 3, 2008 to the present

5 All Supporting documentation and evidence as described above are to be attached as Exhibits to the Affidavit

Staff are proposing that all applications that request Legal Non-Conforming status under the new Municipal Licensing By-law will be considered by one of the Town’s Registered Planners, approved by the Town’s Director of Planning and Development Services and reported to Council. The report provided to Council will identify that a new Type C License has been approved based on the required documentation and material to grant Legal Non-Conforming status being verified for acceptance.

With respect to the information required to grant a property Legal Non-Conforming status, staff suggest the information outlined in POL.STAL.14.01 remain relevant and requires that all documentation and retention of all information shall be held by the Town as per the Towns record retention By-law.
The following revisions have been made to the proposed Municipal Licensing By-law:

1. **Overall Formatting Change**

Each License Type still has its own Schedule, however, staff have taken the definitions that are relevant to a specific License Type from the General Provisions section of the by-law and included them in the appropriate and relevant Schedule to which they apply.

2. **All Licenses will be Issued as a New License and will not be Considered as Renewed**

Staff are recommending that all Licenses require a fulsome review at the end of the License Term and that these Licenses require a full application to be completed by staff.

Staff consider this process critical to providing an adequate review. Staff have identified that the current practice results in a fulsome review of a renewal, and that a full cost recovery model justifies a full application and License fee being required rather than a renewal fee. Staff acknowledge that the review of subsequent applications should become more efficient, however, the requirement involving inspections is expected to remain the same.

Staff are proposing that Type C License applications must provide the previous records of rentals over the Term of the License to ensure that the Legal Non-Conforming use has continued throughout the term of the existing License.

3. **Term of License**

Through the public consultation process, consideration was given to changing the Term of License from the current two year Term to a one year Term. However, Staff are recommending that the Term of the License remain at two years. Reducing the Term to one year may not provide adequate enough time for the review and inspection process to be performed.

4. **Concerns Relating to Bed & Breakfast Type D License**

A concern was brought forward relating to the specific requirement of the “Owner” being on the premise at all times when tenants are occupying a dwelling subject to a Type D License. Staff suggests that the Licensee (who must be the owner of the property) shall be on site from 2300hrs and 0700hrs during each day of a rental.

The intent of the requirements of a Type D License supports the major difference from Type A, Type B and Type C Licenses and the overall concept of a Bed & Breakfast operation. Essentially, the difference is that the owner of the premise is on site while the Bed & Breakfast is rented, whereas Type A, Type B, and Type C License does not have the same requirement.

5. **Commercial Resort Units Type E and F License – Concern heard at Public Meeting**

Significant concerns have been received with regards to how a new License Type affects the current operations of Commercial Rental Units. It is important to clarify that the draft Municipal Licensing By-law presented on December 16, 2019 noted the following:
“The maximum rental of a unit to be no longer than 120 days of a calendar year”

Staff have confirmed that the following Section has been revised in the new Municipal Licensing By-law attached to this report.

Essentially, this allows the Unit to be rented throughout the year on a short-term basis.

**Commercial Resort Unit Licenses as an option to consider further in the proposed Municipal Licensing By-law:**

Staff is suggesting that further consultation is required to determine options for Licensing Commercial Rental Units.

Staff have meet with the Stakeholders in the preparation of this report and it was determined that more in depth consultation is required to ensure the appropriate measures are being proposed for Council consideration.

6. **Noise Monitoring Systems for Type A, Type B and Type C Licenses – Concern heard at Public Meeting**

Staff suggest that consideration of implementing a noise monitoring system as a requirement of a Type A, Type B or Type C License. Requiring at least one (1) indoor monitor and one (1) outdoor monitor is proposed.

NoiseAware is currently used by some local industry members and has proven to be very effective. Staff suggest that the monitoring and reporting of noise levels be supplied with a level of consistency for the enhanced ability to effectively confirm noise levels while also providing an acceptable form of due diligence to the Licensee.

This option would allow the Licensee to monitor levels of noise within the licensed property and, ideally, respond to incidents when the noise levels rise above the acceptable level.

The NoiseAware system also generates a report that can provide evidence of the level of noise at the time of the noise compliant and help confirm whether the noise generated was outside of acceptable levels.

7. **Use of Outdoor Hot Tubs and Pools at a Licensed Property – Concern heard at Public Meeting**

Staff suggest that limiting the hours of use of outdoor hot tubs and pools be established through the Municipal Licensing By-law. Staff suggest that the use of outdoor hot tubs and pools on properties subject to a Type A, Type B, and Type C Licenses be permitted only between the hours of 0700 and 2300 hours exclusively.

The implementation and enforcement of this proposed addition is identified in the Infraction Schedule of the Municipal Licensing By-law and is supported by the proposed Administrative Monetary Penalty and Demerit Points.
The intent of limiting hours for use of outdoor hot tubs and pools is to assist with reducing evening noise and disturbance concerns. The proposed times are consistent with the practices used at Blue Mountain Resort for use of outdoor hot tubs and pools.

8. **Limited Hours of Use of Fire Pits at Licensed Properties**

Staff recommend prohibiting fire pits and campfire areas on all properties subject to Type A, Type B and Type C Licenses unless authorized by the Town’s Fire Department through the License application process.

The implementation and enforcement of this proposed addition is identified in the Infraction Schedule and by the proposed Administrative Monetary Penalty and Demerit Points.

The intent of prohibiting fire pits and or campfire areas is to assist with reducing noise and disturbance concerns and provide an enhanced level of safety, not only to the renters of the property, but also to the general residents of the neighbourhood.

**Performing a Second Public Meeting**

Staff suggest that, given the significant revisions being proposed to the Municipal Licensing By-law since the December 16, 2019 public meeting, Council may wish to consider holding an additional public meeting to allow the public, commercial sector, tourism sector and other interested parties an opportunity to review the proposed by-law.

This additional public meeting would push the approval schedule back roughly two (2) months. However, staff believe it is necessary to ensure that stakeholders have an opportunity to review the changes and provide feedback.

If Council deems that an adequate amount of information has been provided for the Municipal Licensing By-law as presented, staff could be directed to move forward with enactment of the By-law as presented. In this case, Council could consider the following recommendation:

> AND THAT Council accept the Municipal Licensing By-law as presented in this report and direct staff to bring the Municipal Licensing By-law forward for enactment at the April 6, 2020 meeting of Council.

**Administrative Monetary Penalty By-law**

The Town has received no formal comments with regards to the proposed Administrative Monetary Penalties By-law.

**E. The Blue Mountains Strategic Plan**

Goal #1: Create Opportunities for Sustainability  
Objective #1 Retain Existing Business  
Objective #2 Attract New Business  
Objective #3 Promote a Diversified Economy
Objective #5 Improved Visibility and Local Identity

Goal #2: Engage Our Communities & Partners
Objective #1 Improve External Communication with our Constituents
Objective #2 Use Technology to Advance Engagement
Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles
Objective #1 Promote the Town as a Healthy Community
Objective #2 Increase the Range of Housing Choices and Promote Housing Affordability
Objective #3 Manage Growth and Promote Smart Growth
Objective #4 Commit to Sustainability

Goal #4: Promote a Culture of Organizational & Operational Excellence
Objective #1 To Be an Employer of Choice
Objective #2 Improve Internal Communications Across our Organization
Objective #3 To Consistently Deliver Excellent Customer Service
Objective #4 To Be a Financially Responsible Organization
Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

Goal #5: Ensure Our Infrastructure is Sustainable
Objective #4 Ensure that Infrastructure is Available to Support Development

F. Environmental Impacts

The enactment and implementation of a new Municipal Licensing By-law will assist in providing opportunities to control noise and use of properties throughout the community.

G. Financial Impact

A full cost recovery fee schedule and proposed Administrative Monetary Penalty schedule is contained within Attachment 4 to this report.

Suggested Fees for each License Type with the required inspections included.

<table>
<thead>
<tr>
<th>License Type</th>
<th>Total Fees (2 Year Term)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>$2,200 including first inspections</td>
</tr>
<tr>
<td>Type B</td>
<td>$2,220 including first inspections</td>
</tr>
<tr>
<td>Type C</td>
<td>$2,250 including first inspections</td>
</tr>
<tr>
<td>Type D</td>
<td>$1,075 + Planning Fees of approximately $3,000 if applying to establish a new Bed &amp; Breakfast</td>
</tr>
</tbody>
</table>
H. In consultation with

Councillor Bordignon

Senior Management Team

I. Public Engagement

The topic of this Staff Report has been subject to a public meeting and/or a Public Information Center which took place on December 16, 2019. Those who provided comments at the public meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report.

The topic of this Staff Report will be the subject of an additional public meeting and/or a Public Information Centre in accordance with the following schedule:
<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting Type</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov 13, 2019</td>
<td>Council Meeting</td>
<td>Recommendations from October 28, 2019 Committee of the Whole were Confirmed</td>
</tr>
<tr>
<td>Dec 16, 2019</td>
<td>Council Meeting</td>
<td>Public Meeting was held at 5:00 p.m.</td>
</tr>
<tr>
<td>Feb 25, 2020</td>
<td>Committee of The Whole</td>
<td>Staff Report FAF.20.010 – Follow up to the Municipal Licensing By-law and Administrative Monetary Penalty By-law Public Meeting held December 16, 2019</td>
</tr>
<tr>
<td>Mar 9, 2020</td>
<td>Council Meeting</td>
<td>Recommendations from February 25, 2019 Committee of the Whole to be considered</td>
</tr>
<tr>
<td>Apr 6, 2020</td>
<td>Council Meeting</td>
<td>Public Meeting to be held at 5:00 p.m.</td>
</tr>
<tr>
<td>Apr 21, 2020</td>
<td>Committee of The Whole</td>
<td>Staff Report FAF.20.XXX – Follow up to the Municipal Licensing By-law Public Meeting</td>
</tr>
<tr>
<td>May 4, 2020</td>
<td>Council Meeting</td>
<td>Recommendations from April 21, 2020 Committee of the Whole to be considered</td>
</tr>
<tr>
<td>May 19, 2020</td>
<td>Council Meeting</td>
<td>Consider enactment of the Proposed By-laws</td>
</tr>
</tbody>
</table>

Comments regarding this report should be submitted to Supervisor of By-Law Services at bylawinfo@thebluemountians.ca.

J. Attached

1. Draft Municipal Licensing By-Law
2. FAF.19.202 – 2020 Licensing By-law and Municipal Administrative Penalty By-law
3. Municipal Licensing By-law Presentation
4. Draft Public Meeting Notice
Respectfully Submitted,

Shawn Everitt  
Chief Administrative Officer

For more information, please contact:  
Wayne Dewitt, Supervisor of By-law Services  
bylawinfo@thebluemountains.ca  
519-599-3131 extension 243
The Corporation of the Town of The Blue Mountains

By-Law Number 2020 – XX

Being a By-law to Regulate and License Businesses in the Town of The Blue Mountains and to Repeal By-laws 2013-50 and 2014-045

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended hereinafter referred to as the “Municipal Act” provides that a municipality has the capacity, rights, powers and privileges of a natural Person for the purpose of exercising the authority under the Act;

And Whereas Section 8 (3) of the Municipal Act, authorizes a municipality to provide for a system of Licenses;

And Whereas Section 9 of the Municipal Act, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

a) enable municipalities to govern their affairs as they consider appropriate; and

b) enhance their ability to respond to municipal issues;

And Whereas Section 11 (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 Section 151 of the Municipal Act, 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 Section 434.1 of the Municipal Act, provides that a municipality may require a Person to pay an Administrative Monetary Penalty if the municipality is satisfied that the Person has failed to comply with a By-law of the municipality passed under the Municipal Act;

And Whereas Section 23.1 of the Municipal Act, authorizes a municipality to delegate its powers and duties;

And Whereas the Council of the Corporation of the Town of The Blue Mountains has deemed it necessary and expedient to regulate and License the Short Term Rental of Property in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains has implemented a system to License the operation of Short Rental Properties in the Town of The Blue Mountains being By-law XXXXXXXX;

And Whereas the Town of The Blue Mountains wishes to continue the licensing of Short Term Rental Properties within the context of a much broader licensing framework;

Now Therefore the Council of the Corporation of the Town of The Blue Mountains enacts as follows:
1.0 Definitions

In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2020-XXX, as amended;

“Agent” means a Person authorized in writing by an Owner to act on the Owner’s or group of Owner’s behalf;

“Applicant” means a Person who files an application for a License;

“Building” means a structure occupying an area greater than 10 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 services system appurtenant thereto;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Council” means Council for the Town;

“Director of Community Services” means the Director of Community Services for the Town or any Person designated by the Director of Community Services or any Person designated by the Chief Administrative Officer;

“Director of Finance and IT Services” means the Director of Finance and IT Services and Treasurer for the Town or any Person designated by the Director of Finance and IT Services or any Person designated by the Chief Administrative Officer;

“Director of Legal Services” means the Director of Legal Services and the Town Solicitor for the Town or any Person designated by the Director of Legal Services or any Person designated by the Chief Administrative Officer;

“Director of Operations” means the Director of Operations for the Town or any Person designated by the Director of Operations or any Person designated by the Chief Administrative Officer;

“Director of Planning and Development Services” means the Director of Planning and Development Services for the Town or any Person designated by the Director of Planning and Development Services or any Person designated by the Chief Administrative Officer;

“Exception Area” means a specific area of the Town as described in Schedule C of this Bylaw, and as designated in Town’s Zoning By-law where Short Term Rental Units are not considered a permitted use;

“Fire Chief” means the Fire Chief for the Town or any Person designated by the Fire Chief;

“Fit for Duty” - means the condition of a Person who has been designated to respond and that is able to respond not under the influence of any legal or illegal drug, alcohol, or medication that will hinder response and resolution performance or compromise their safety or the safety of others;

“License” means a License issued by the Town pursuant to this By-law;

“License Issuer” means a Town employee delegated authority by Council as the Person responsible for issuing a License;

“License Number” means a number assigned to a License by the Town;

“Licensee” means a Person issued a current valid License pursuant to this By-law;
“Nuisance” means an activity or behavior that when repetitive as determined by the discretion of the Director of Legal Services causes an inconvenience or damage to others, either to individuals and/or to the general public;

“Officer” means a police officer, Municipal Law Enforcement Officer, the Fire Chief, Chief Building Official or other Person appointed by By-law to enforce the provisions of this By-law;

“Owner” means the registered owner of the lands or Premise or his or her authorized agent that is in lawful control of the lands or Premise;

“Parking Management Plan” means a plan completed by a licensed professional engineer, architect or landscape architect or equivalent which shall include:

   a) the scale of the drawings in metres;
   b) the area that is designated for the parking of vehicles;
   c) the size of each parking space;
   d) the location of all driveways and access to the Premises; and
   e) the lot lines of the Premises, including dimensions of the Premises.

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Premises” means land, Property or any part thereof including any and all Buildings or other structures thereon;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Renter” means the Person responsible for the rental of the Premise by way of concession, permit, License, rental agreement or similar commercial arrangement;

“Town” means the Corporation of The Town of The Blue Mountains or the land within the geographic limits of the Corporation of The Town of The Blue Mountains as the context requires;

“Zoning By-law” means any By-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2.0 Application and General

2.1 This By-law shall apply throughout the whole of the Town.

2.2 This By-law may be referred to as the “Licensing By-law”.

2.3 No Person shall own, operate or carry on a business or activity identified in Schedule A other than in accordance with the terms and conditions of a License under the terms and conditions of this By-law.

2.4 No Person shall advertise, promote, broker, or offer for rent or lease any business or activity identified in Schedule A without a current valid License and no Owner shall permit any of the foregoing without a current valid License.

2.5 No Person shall alter or modify or permit the alteration or modification of a License.

2.6 No Person shall use, or attempt to use, a License issued to another Person or Property.

2.7 No Person shall own, operate or carry on any business or activity in any other name other than in the name that appears on the License.

2.8 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Town is guilty of an offence.
2.9 No Person who is issued a License pursuant to this By-law shall contravene any provision set out in this By-law, any other municipal By-law, federal or provincial Act, Statute, or any other legislation applicable to a licensed Premise or Activity.

2.10 No Person shall remove an order or placard posted on a Premise under this By-law, except an Officer.

2.11 No Person shall own, operate or carry on a business or activity while a License is under an administrative suspension.

3.0 Application for a License

3.1 A Person making an application for a License or for a renewal of a License shall submit:

   a) a complete application in the form provided by the Town;
   b) when applicable, the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
   c) all required documents, and obtain all required approvals and inspections as outlined in the applicable Schedule to this By-law have been obtained from the appropriate authority having jurisdiction to the satisfaction of the Town;
   d) any other documents as may be required by the Town to the satisfaction of the Town;
   e) the required License application fee, approval and inspection fees.

3.2 Acceptance of a License application does not constitute approval of the application or oblige the Town to issue a License.

3.3 A License fee shall be paid by a Person at the time the License is issued by the License Issuer.

4.0 Licenses

4.1 The License Issuer is hereby delegated authority to issue a License in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.

4.2 The License Issuer is hereby delegated authority to impose additional terms and conditions on a License that in the opinion of the License Issuer are reasonable and taking into consideration:

   a) the health, safety and well-being of Persons;
   b) the impact on a neighbouring Property or neighbouring Property owner;
   c) the past conduct of an applicant or Licensee;
   d) the impact to the Town;
   e) the need within the Town
   f) supported by Policy and or By-law, and Town Council.

4.3 A License issued by the Town is not transferable.

4.4 A License issued pursuant to this By-law is valid for a period of time as outlined in the applicable Schedule(s) to this By-law.

4.5 Every License shall remain at all times the Property of the Town;

4.6 No Person shall enjoy a vested right in any License or the continuance of any License.

4.7 A License shall be issued by the License Issuer:

   a) upon the requirements of this By-law being met;
b) upon submission of the documents to the Town’s satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;

c) upon obtaining the required approvals and inspections to the Town’s satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;

4.8 The License Issuer shall not issue a License if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the Property subject to the License application.

4.9 A License shall only be issued by the License Issuer to the registered owner of the Property unless otherwise required by the Schedule relating specifically to the License Type.

4.10 A License issued shall include the following:

   a) the municipal address;
   b) License type
   c) License number;
   d) effective date and expiry date of the License;
   e) Licensee name and contact information;
   f) responsible person name and contact information.

5.0 License Terms and Conditions

5.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.

5.2 A licensee shall notify the Town within fifteen (15) days of any changes to the:

   a) business name;
   b) location of the business Premise;
   c) ownership of the business;
   d) a change in the Licensee’s policy of liability insurance;

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

5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).

5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6.0 Licenses Administrative Suspensions

6.1 Where the Licensee’s policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable License shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.

6.2 An administrative suspension of a License without a hearing shall be imposed for:

   a) fourteen (14) days if the License Issuer is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises or in accordance with Section 7.
Before any suspension is imposed, the Town shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.

7.0 Licenses Grounds for Refusal, Revocation or Suspension

7.1 An applicant or Licensee may be granted a License upon meeting the requirements of this By-law except where:

a) the past or present conduct of any Person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the Person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or

b) the Applicant or Licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal By-law or Provincial or Federal Statute associated with the carrying on of such business; or

c) the Applicant or Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law or provincial offence related to the licensed Premise; or

d) the Applicant or Licensee has failed to comply with any term, condition or direction of the License Issuer or Officer or has failed to permit any investigation by the License Issuer or Officer; or

e) the applicant or Licensee has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or

f) the issuing of a License would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or

g) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or

h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant of Licensee is licensed, in contravention of this By-law, or any other applicable law; or

i) the Applicant or Licensee has not paid the required License fees; or

j) the Applicant or Licensee has accumulated 15 demerit points within a 2 year period; or

k) the Applicant or Licensee has accumulated 25 demerit point within a 3 year period;

l) the Applicant or Licensee or Owner has outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the subject Property.

7.2 The License Issuer may revoke, suspend or refuse to issue a License, where the Applicant or Licensee would not be entitled to a License on any grounds set out in this By-law.

7.3 Where the application for a License has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in the respect of the License, shall not be refunded.

7.4 Where a License has been revoked, suspended or cancelled, the Licensee shall return the License to the License Issuer within two (2) days of service of the notice of the decision.
7.5 When a revoked, suspended or cancelled License has not been returned, an Officer may enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking or removing the said License.

8.0 Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing

8.1 With the exception of Section 6, before a License is refused, revoked, suspended or cancelled written notice shall be given to the Applicant or Licensee.

8.2 Notice shall be served to the Applicant’s or Licensee’s last known address or email address filed with the Town and shall:

   a) contain sufficient information to specify the nature of, or reason for, any recommendation;

   b) inform the Applicant or Licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and

   c) inform the Applicant or Licensee that if no written request is received, the Licensing Appeal Committee may proceed and make any decision with respect to the License.

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

   a) schedule a hearing; and

   b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and

   c) post notice of the hearing on the Town’s website at least twenty (20) days prior to the hearing date.

8.4 Service of any notice on the Applicant or Licensee under this By-law shall be made by Personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of Personal service or on the date the email is sent.

9.0 Establishment of Licensing Appeal Committee

9.1 Council is hereby established as the Licensing Appeal Committee and shall hear and render decisions regarding the refusal, revocation or suspension of a License, and the imposing of terms and conditions on a License.

9.2 The decision of the Licensing Appeal Committee shall be final and binding.

10.0 Hearing Process

10.1 The provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted under this By-law.

10.2 A hearing shall be held in public, unless determined otherwise in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, and the Licensing Appeal Committee shall hear the Applicant or Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such
time and subject to such terms and conditions as the Licensing Appeal Committee
considers advisable and as are set out in the decision.

10.5 When a Person who has been given written notice of a hearing does not attend at the
appointed time and place, the Licensing Appeal Committee may proceed with the hearing
in his absence, and the Person shall not be entitled to any further notice of the
proceedings.

10.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1)
copy of the decision to:
   a) the Applicant or Licensee;
   b) each person who appeared in person or by Counsel or by Agent at the hearing
      and who filed with the Clerk a written request for notice of the decision.

11.0 Demerit Point System

11.1 The Demerit Point System established on Schedule B to this By-law shall be used in the
consideration of the issuing, issuing with conditions, suspension, refusal to issue and
revocation of a License.

11.2 A Licensee shall accumulate demerit points as outlined in Column 3 of Schedule B for a
violation of this By-law as outlined in Columns 1 and 2 on Schedule B as a result of an
Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a
Court for convictions for breach of this By-law.

11.3 Subject to Section 11.4 of this By-law, Demerit points accumulated by a Licensee shall
remain in place against the Person for a period of two (2) years from the date the demerit
points were imposed.

11.4 Demerit Points accumulated by a License over a total of 8 years shall remain on the
License and may be considered in the reduction of License Term, application of conditions
that may include the reduction of occupancy on License at the discretion of the Director
of Legal Services.

11.5 The Director of Legal Services at their discretion may impose a maximum of two (2)
demerit points where it is reasonable to believe that where multiple complaints resulting
in a response by an Officer have been received where the activity has not warranted a
charge, however the repeated activity has been deemed a Nuisance by the Director of
Legal Services in consultation with the Officer(s).

12.0 Fees

12.1 The fees for any License application, inspections and approvals required pursuant to this
By-law shall be as prescribed in the Town’s Fees and Charges By-law and is payable upon
submission of an application.

12.2 The fees for any License to be issued pursuant to this By-law shall be as prescribed in the
Town’s Fees and Charges By-law and are payable upon the issuing of a License.

13.0 Order to Discontinue

13.1 Where an Officer has reasonable grounds to believe 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 has caused or permitted the contravention, or the Owner or Licensee of
the Premises on which the contravention has occurred, to discontinue the contravening
activity.

13.2 An Order under section 13.1 shall set out:
a) reasonable particulars of the contravention adequate to identify the contravention;
b) the location of the Premise on which the contravention occurred; and

c) the date by which there must be compliance with the Order.

13.3 An Order to discontinue a contravening activity made under this section may be served Personally, registered mail to the last known address or by email transmission to:

a) the Person the Officer believes contravened this By-law; and

b) such other Persons affected by the Order as the Officer making the Order determines.

13.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of Personal delivery or email transmission.

13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the Premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.

14.0 Enforcement and Penalty Provisions

14.1 The enforcement of this By-law shall be conducted by an Officer.

14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

a) the By-law is complied with;

b) the License, or the term or condition of a License, or the term or condition of this By-law is complied with;

c) the approved plans are complied with;

d) a direction or order made under the Municipal Act, 2001, or this By-law is complied with.

14.3 For the purposes of an inspection under this By-law, an Officer may:

a) require the production for inspection of documents or things relevant to the inspection;

b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

c) require information from any Person concerning a matter related to the inspection; and

d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

14.4 All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.

14.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.

14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.
14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.

14.8 Every Person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
   a) on a first offence, to a fine not more than $50,000.00; and
   b) on a second offence and each subsequent offence, to a fine of not more than $100,000.00

14.9 Every Person who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

14.10 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

14.11 Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.

14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

14.13 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

15.0 Administrative Monetary Penalties

15.1 Administrative Monetary Penalty By-law 2020-XXX, as amended, applies to this By-law.

15.2 Every Person who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2020-XXX is liable to pay the Town an Administrative Monetary Penalty in the amount set out in the Administrative Monetary Penalty By-law 2020-XXX.

16.0 Severability

If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17.0 Singular and Plural Use

In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

18.0 Schedules

The Schedules attached to this By-law form part of this By-law.

19.0 Repeal

That By-laws 2013-50 and 2014-045 and all amendments thereto are hereby repealed.
And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of ____________, 2020

___________________________
Alar Soever, Mayor

__________________________
Corrina Giles, Town Clerk
# Town of The Blue Mountains

## Schedule A

### Licensing Types

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
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<td>Short Term Rental Property License within the Exception Area as prescribed in <em>Schedule D</em> to this By-law</td>
</tr>
<tr>
<td>Type B</td>
<td>Short Term Rental Property License as prescribed in <em>Schedule E</em> to this By-law</td>
</tr>
<tr>
<td>Type C</td>
<td>Legal Non-Conforming Short Term Rental Property License as prescribed in <em>Schedule F</em> to this By-law</td>
</tr>
<tr>
<td>Type D</td>
<td>Bed &amp; Breakfast License as prescribed in <em>Schedule G</em> to this By-law</td>
</tr>
</tbody>
</table>
Town of The Blue Mountains

Schedule B

Short Form Wordings and Associated Demerit Points

For the purpose of Section 11 of this By-law:

a) the Designated Provisions column in the following table lists the provisions of this By-law that are hereby designated as being subject to the demerit point system;

b) the Short Form Wording column in the following table sets out the nature of the violation;

c) the Demerit Points column in the following table sets out the Demerit Points imposed for a contravention of the By-law.

<table>
<thead>
<tr>
<th>Item</th>
<th>Supportable Section/Code</th>
<th>Short Form Wording</th>
<th>Demerit Points</th>
</tr>
</thead>
<tbody>
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<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Type A, B, C Licence - Section 2.2, Type D License - Section 2.3</td>
<td>Fire Protection and Prevention Act/Fire Code conviction</td>
<td>15</td>
</tr>
<tr>
<td>3</td>
<td>Type A, B, C Licence - Section 2.4</td>
<td>Term and Condition of License - Maximum Occupancy Calculation together with permitting an activity that causes a Nuisance that occurs between the hours of 0700 and 2200 hours</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>Type A, B, C Licence - Section 2.4</td>
<td>Term and Condition of License - Maximum Occupancy Calculation between the hours of 2200 and 0700 hours</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Type A, B, C Licence - Section 2.4</td>
<td>2nd or subsequent Term and Condition of License - Maximum Occupancy Calculation between the hours of 2200 and 0700 hours</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>Type D License - Section 2.5</td>
<td>Term and Condition of License – Failure of the Licensee to be on site during the stay of a renter during the hours of 2300 and 0700 hours</td>
<td>5</td>
</tr>
<tr>
<td>7</td>
<td>Type A, B, C Licence - Section 2.6, Type D License - Section 2.5</td>
<td>Term and Condition of License – Fail to post License</td>
<td>3</td>
</tr>
<tr>
<td>8</td>
<td>Type A, B, C Licence - Section 2.7, Type D License - Section 2.5</td>
<td>Term and Condition of License – Advertising without a Town License number being included</td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>Type A, B, C Licence - Section 2.7, Type D License - Section 2.5</td>
<td>Term and Condition of License – Permitting an activity that causes a Nuisance</td>
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</tr>
<tr>
<td>10</td>
<td>Type A, B, C Licence - Section 2.7</td>
<td>Term and Condition of License – Using Premises contrary to Property Management Plan</td>
<td>3</td>
</tr>
<tr>
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<td>Type A, B, C Licence - Section 2.7</td>
<td>Term and Condition of License – Using Premises contrary to Parking Management Plan</td>
<td>3</td>
</tr>
<tr>
<td>Item</td>
<td>Supportable Section/Code</td>
<td>Short Form Wording</td>
<td>Demerit Points</td>
</tr>
<tr>
<td>------</td>
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<tr>
<td>12</td>
<td>Type A, B, C Licence - Section 2.7</td>
<td>Term and Condition of License – Operating without functioning noise notification system where required</td>
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</tr>
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</table>
| 13   | Type A, B, C Licence - Section 2.7  
Type D License - Section 2.5 | Term and Condition of License – Property Standards By-law Violation - Order not complied with | 3 |
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| 15   | Type A, B, C Licence - Section 2.7  
Type D License - Section 2.5 | Term and Condition of License – Waste Collection By-law Violation | 2 |
| 16   | Type A, B, C Licence - Section 2.9 | Term and Condition of License - Non-availability of Responsible Person | 5 |
| 17   | Type A, B, C Licence - Section 2.10 | Permit or evidence found of the operation or occupation of an outdoor hot tub, outdoor pool outside the hour of 0700 and 2300 | 5 |
| 18   | Type A, B, C Licence - Section 2.11 | Permit or evidence found of ignition of an outside fire or provision of a fire pit without authorization provided by permit and License | 5 |
| 19   | Building Code | Building Code Act (construction without a permit) conviction | 7 |
Town of The Blue Mountains

Schedule D

Type A License

Short Term Rental Property License within the Exception Area

In this Schedule D of the By-law:

1.0 Definitions

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Exception Area” means a specific area of the Town as designated in Town’s Zoning By-law;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Renter’s Code” means a document prepared by the Owner that:
   a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
   b) provides a written warning related to the making of a disturbance;
   c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
   d) includes the Parking Management Plan.

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Short Term Rental Property Unit” or “STRPU” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type A” means a License for a Short Term Rental Property Unit in an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type A License is a License to operate a Short Term Rental Property Unit in the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type A License, shall submit the following:
   a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
   b) a Renter’s Code approved by the Director of Legal Services;
   c) a Property Management Plan approved by the Director of Legal Services;
   d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a rental property for the term of the License with an endorsement that notice in writing
at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

e) acknowledgement and consent to the posting of the following information on the Town’s website:
   i. the municipal address of the Premises;
   ii. the legal description of the Premises;
   iii. the contact information for the owner, agent, applicant and Responsible Person;

f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.2 In addition to the licensing requirements set out in Section 3 of this By-law the issuing of a Type A License is subject to the following:

   a) compliance with the Town’s Zoning By-law;
   b) fire safety requirements checklist completed to the satisfaction of the Town;
   c) compliance with the Fire Code;
   d) property standards checklist completed to the satisfaction of the Town;
   e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town;
   f) confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.3 A Type A License is valid for a period of two (2) years from the date on which it is issued;

2.4 Subject to Section 5 of Schedule D of this Bylaw, the Maximum Occupancy within a dwelling unit shall be calculated as follows:

   a) two (2) Persons per bedroom; and
   b) four (4) additional Persons.

2.5 The maximum occupancy calculated under Section 4 of this Schedule D of this Bylaw may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan.

2.6 A Licensee of a Type A License shall:

   a) be the registered owner of the Property.
   b) provide and maintain on the Premises a self enclosed Building, structure or container for the disposal of garbage and waste;
   c) designate a Responsible Person;
   d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
   e) display the License in a prominent place on the interior of the licensed premise;
   f) post the fire safety instructions next to the License displayed on the interior of the licensed premise.

2.7 Every Person who owns or operates a Short Term Rental Property Unit under a Type A License shall:

   a) operate the Premises in accordance with the approved:
i. renter’s code;
ii. parking management plan;
iii. property management plan;
iv. maximum occupancy calculation;

b) operate the Premises in accordance with the Town’s:
   i. Property Standards By-law;
   ii. Waste Collection By-law;
   iii. Noise By-law;
   iv. any other By-law and the Ontario Human Rights Code;

   c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;

   d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;

   e) not make, cause or permit a disturbance or Nuisance;

   f) provide the Renter with a copy of the Renter’s Code;

   g) keep a record of the following:
      i. the date of entry;
      ii. the length of stay of a Renter;
      iii. the home address of a Renter;
      iv. confirmation including the date of receipt of the Renter’s Code by the Renter;

   h) maintain the records required by subsection (g) for a minimum of two (2) years.

   i) include the valid current License Number on all:
      i. advertisement and promotional materials;
      ii. website;
      iii. contracts and agreements entered into with a Renter;

   j) ensure that at least one (1) indoor NoiseAware monitor and one (1) outdoor NoiseAware monitor is fully operational and monitored at all times.

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside the hours of 0700 and 2300 exclusively.

2.11 Shall not permit the ignition of any outdoor fire other than an approved outdoor barbeque for the purposes of preparing and cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.
Town of The Blue Mountains

Schedule E

Type B License

Short Term Rental Property License Outside of the Exception Area

1.0 Definitions

In this Schedule E of the By-law:

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Renter’s Code” means a document prepared by the Owner that:

a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;

b) provides a written warning related to the making of a disturbance;

c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;

d) includes the parking management plan.

“Short Term Rental Property Unit” or “STRPU” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type B License” means a License for a Short Term Rental Property Unit outside an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type-B License is a License to operate a Short Term Rental Property Unit outside of the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type B License shall submit the following:

a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;

b) a renter’s code approved by the Director of Legal Services;

c) a property management plan approved by the Director of Legal Services;

d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a rental property for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
e) acknowledgement and consent to the posting of the following information on the Town’s website:
   i. the municipal address of the Premise;
   ii. the legal description of the Premise;
   iii. the contact information for the Owner, Agent, Applicant and Responsible Person;

f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.2 In addition to the licensing requirements set out in Section 3 of this By-law the issuing of a Type B License is subject to the following:

   a) compliance with the Town’s Zoning By-law;
   b) fire safety requirements checklist completed to the satisfaction of the Town;
   c) compliance with the Fire Code;
   d) property standards checklist completed to the satisfaction of the Town;
   e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town;
   f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.3 A Type B License is valid for a period of two (2) years from the date on which it is issued.

2.4 The Maximum Occupancy within a Dwelling Unit be calculated as follows:

   a) the number permitted under the Town’s Zoning By-law; and
   b) where the Town’s Zoning By-law does not establish the Maximum Occupancy permitted the Maximum Occupancy shall be calculated as follows:
      i. two (2) Persons per Bedroom; and
      ii. four (4) additional Persons.

2.5 The Maximum Occupancy calculated under Section 4 of Schedule E of this By-Law may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management

2.6 A Licensee of a Type B License shall:

   a) be the registered owner of the Property.
   b) provide and maintain on the Premise a self-enclosed Building, structure or container for the disposal of garbage and waste;
   c) designate a Responsible Person;
   d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
   e) display the License in a prominent place on the interior of the licensed Premise;
   f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise;

2.7 Every Person who owns or operates under a Type B License shall:

   a) operate the Premise in accordance with the approved:
      i. renter’s code;
ii. parking management plan;
iii. property management plan;
iv. maximum occupancy calculation;

b) operate the Premise in accordance with the Town’s:
   i. Property Standards By-law;
   ii. Waste Collection By-law;
   iii. Noise By-law;
   iv. any other By-law and the Ontario Human Rights Code;

c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;

d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;

e) not make, cause or permit a disturbance or Nuisance;

f) provide the Renter with a copy of the Renter’s Code;

g) keep a record of the following:
   i. the date of entry;
   ii. the length of stay of a Renter;
   iii. the home address of a Renter;
   iv. confirmation including the date of receipt of the Renter’s Code by the Renter;

h) maintain the records required by subsection (g) for a minimum of two (2) years;

i) include the valid current License Number on all:
   i. advertisement and promotional materials;
   ii. website;
   iii. contracts and agreements entered into with a Renter;

j) ensure that at least one (1) indoor NoiseAware monitor and one (1) outdoor NoiseAware monitor is fully operational and monitored at all times.

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.

2.11 Shall not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licencing process.
Town of The Blue Mountains

Schedule F

Type C License

Legal Non-Conforming Short Term Rental Property License

1.0 Definitions

In this Schedule F of the By-law:

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Short Term Rental Property Unit” or “STRPU” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type C License” means a License for a Short Term Rental Property Unit for a Legal Non-Conforming Short Term Rental Property Unit;

2.0 Terms and Conditions

2.1 This Type C License is a License to operate a Legal Non-Conforming Short Term Rental Property Unit.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type C License shall submit the following:

a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;

b) a renter’s code approved by the Director of Legal Services;

c) a property management plan approved by the Director of Legal Services;

d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a rental property the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

e) acknowledgement and consent to the posting of the following information on the Town’s website:

   i. the municipal address of the Premise;
   ii. the legal description of the Premise;
   iii. the contact information for the Owner, Agent, Applicant and Responsible Person;
f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

g) a valid current License issued under the previous By-law that has not expired.

2.3 In addition to the licensing requirements set out in Section 3 of this By-law the issuing of a Type C License is subject to the following:

a) a Type C License may only be issued by the License Issuer where the applicant has a current valid License issued prior to December 31, 2019.

b) fire safety requirements checklist completed to the satisfaction of the Town;

c) compliance with the Fire Code;

d) property standards checklist completed to the satisfaction of the Town;

e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town;

f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property

2.4 A Type C License is valid for a period of two (2) years from the date on which it is issued.

2.5 The Maximum Occupancy within a Dwelling Unit shall be calculated as previously calculated by the Town as part of the Legal Non-Conforming review process.

2.6 A Licensee of a Type C License shall:

a) the registered owner of the Property;

b) provide and maintain on the Premise a self-enclosed Building, structure or container for the disposal of garbage and waste;

c) designate a Responsible Person;

d) display the License in a conspicuous place on the licensed Premise in close proximity to the entrance of the Property and visible to the public at all times;

e) display the License in a prominent place on the interior of the licensed Premise;

f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise.

2.7 Every Person who owns or operates a Type C License shall:

a) operate the Premise in accordance with the approved:
   i. renter’s code;
   ii. parking management plan;
   iii. property management plan;
   iv. maximum occupancy calculation;

b) operate the Premise in accordance with the Town’s:
   i. Property Standards By-law;
   ii. Waste Collection By-law;
   iii. Noise By-law;
   iv. any other By-law and the Ontario Human Rights Code;

c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;

d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
e) not make, cause or permit a disturbance or Nuisance;
f) provide the Renter with a copy of the Renter’s Code;
g) keep a record of the following:
   i. the date of entry;
   ii. the length of stay of a Renter;
   iii. the home address of a Renter;
   iv. confirmation including the date of receipt of the Renter’s Code by the Renter;
h) maintain the records required by subsection (g) for a minimum of two (2) years;
i) include the valid current License Number on all:
   i. advertisement and promotional materials;
   ii. website;
   iii. contracts and agreements entered into with a Renter.
j) ensure that at least one (1) indoor NoiseAware monitor and one (1) outdoor NoiseAware monitor is fully operational and monitored at all times.

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premise.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.

2.11 Shall not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licencing process.
Town of The Blue Mountains

Schedule G

Type D License

Bed & Breakfast License

1.0 Definitions

In this Schedule G of the By-law:

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Bed and Breakfast Establishment” or “B & B” means a Building used as a residence that operates or offers no more than three guest rooms as places or temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the Principal Residence of the establishment’s proprietor. Bed and Breakfast Establishment shall not mean or include motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Type D License” means a License for a Bed and Breakfast Establishment.

2.0 Terms and Conditions

2.1 This Type D License is applicable to properties operated as a Bed & Breakfast Establishment.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type D License shall submit the following:

a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;

b) a renter’s code approved by the Director of Legal Services;

c) an executed Site Plan Agreement;

d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a Bed & Breakfast for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

e) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.3 In addition to the licensing requirements set out in Section 3 of this Schedule G of this By-law, the issuing of a Type D License is subject to the following:

a) compliance with the Town’s Zoning By-law endorsed by the Director of Planning and Development Services;
b) fire safety requirements checklist completed to the satisfaction of the Town;

c) compliance with the Fire Code;

d) property standards checklist completed to the satisfaction of the Town;

e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the Premise to the satisfaction of the Town;

f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.4 A Type D License is valid for a period of two (2) years from the date on which it is issued.

2.5 A Licensee of a Type D License shall:

a) be the registered owner of the property;

b) ensure that the Premise is the Principle Residence of the Licensee;

c) be on site at the premise during the stay of a Renter during the hours of 2300 and 0700 hours;

d) display the License in a conspicuous place on the licensed premise in close proximity to the entrance of the property and visible to the public at all times;

e) display the License in a prominent place on the interior of the licensed Premise;

f) be responsible for the operation of the premise, the conduct of the Renter and the occupants of the premise;

g) operate the Premises in accordance with the Town’s:
   i. Property Standards By-law;
   ii. Waste Collection By-law;
   iii. Noise By-law;
   iv. any other By-law and the Ontario Human Rights Code;

h) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;

i) not make, cause or permit a disturbance or Nuisance;

j) include the valid current License Number on all:
   i. advertisement and promotional materials;
   ii. website;
   iii. contracts and agreements entered into with a Renter;
A. Recommendations

THAT Council receive Staff Report FAF.19.202, entitled “2020 Licensing By-Law”;

AND THAT Council receive the Draft Municipal licensing By-law and the Draft Municipal Administrative Penalties By-law;

AND THAT Council direct staff to initiate the Public Consultation Process for the Draft Municipal licensing By-law;

AND THAT Council direct staff to initiate the Public Consultation Process for the Draft Municipal Administrative Penalties By-law;

AND THAT Council direct staff to develop a workshop that provides a fulsome overview of the Short Term Rental Program, detailed Licensing process and the Administrative Penalty implementation and enforcement processes;

AND THAT Council direct staff to include a detailed staffing matrix for the Short Term Rental Property Licensing Process including detailed time tracking flow charts to determine program costs and options for revised user fees to be considered during the 2020 Budget deliberations;

AND THAT Council direct staff to include a detailed staffing matrix for a Municipal Tribunal Process including detailed time tracking flow charts to detail potential Tribunal revenue generation and Tribunal operational costs and options to be considered during the 2020 Budget deliberations;

AND THAT Council provide direction as to the preferred philosophy of the funding strategy of a Licensing program:

Option 1 - Full cost recovery
Option 2 - % of cost recovery offset by taxation
Option 3 - Full taxation
B. Overview

This report provides the initial release of the Draft Municipal Licensing By-law and the Draft Municipal Administrative Penalties By-law for information to members of Council, the Public and the Short Term Accommodation Industry.

C. Background

Town Staff with the assistance of Councilor Peter Bordignon have worked in consultation with the Rate Payers Association and members of the Short Term Accommodation industry over the past number of months on a comprehensive review of the existing By-law for Short Term Accommodations. As a result, staff has provided the Draft Municipal Licensing By-law that is proposed to will require the rescinding of the existing Short Term Accommodation By-law 2004-45 in its entirety.

The Licensing By-law as presented in Attachment 1of this report, allows the Town to not only provide a clear and transparent By-law for Short Term Rental Properties, it also provides the ability to increase the range of License types if the Town wishes to create additional Licenses in the future.

In addition to the Licensing By-law, staff also introduces a proposed By-law to potentially allow for Comprehensive System of Administrative Monetary Penalties as outlined in Attachment 2 of this report that provides the ability for the Town to deal with Offences that contravene select Municipal By-laws in a formal Municipal Tribunal setting as opposed to the having this infraction tried in Provincial Offences Court.

D. Analysis

Town Staff have taken the approach to develop a new Draft Municipal Licensing By-law rather than revising the current Short Term Accommodation By-law. Staff acknowledge that this process has been extremely lengthy and has created a significant amount of frustration amongst a number of groups and individuals including Town staff and multiple Councils.

The move to a Municipal Licensing By-law allows for the Town to consider additional licensing regimes in the future and it also allows for the Short Term Rental Properties requirements to be set out in a very clear and transparent way of how Short Term Rental properties are controlled.

To provide an overview of the proposed Licensing By-law and the process that has been considered, and being presented to control short term rental of properties within the Town of The Blue Mountains the following information is being presented:

1) A pre-screening will be completed by Planning Staff to determine if the subject property can be considered for the potential use of a property for all Short Term Rentals;
   a. This pre-screening includes a review being completed by member of the Town’s Planning Staff. Typically a Planner 1 completes this review.
b. Staff will be considering the addition of a pre-screening fee that currently does not exist. Staff time is required for the pre-screen review. The pre-screen is only required once per property.

c. If the pre-screen results in determining the use of the property is not permitted, the Planning Department will advise the property owner and By-law Department to ensure no further review is considered.

i. It is important to note that mapping is available on the Towns Website and is available to determine if the property can be considered for short term rental use.

2) If the pre-screen has confirmed that the subject property could be considered for use as a short term rental, Planning Staff will advise the property owner and the By-Law Enforcement Department that an Application could be considered if the property owner wishes to continue with the application process.

3) The application process will require the property owner to complete a significant amount of work to provide the following information for review by Town Staff;

   a. A Site Plan prepared by a professional is required as part of the application submission

      i. Site Plan must identify existing parking areas in scale and must only show parking on the subject property;

      ii. Floor Plan showing actual existing Building Lay out

4) Once the application is deemed complete, the property owner will be advised that the application process has commenced. Once the Application review has been considered, an inspection of the Subject Property will be scheduled to ensure all information provided through the application is consistent with the actual property and building information.

   a. This inspection currently has a fee of $75.00. Staff will be considering the fee and have initiated a full cost recovery review of the inspection process.

5) Staff will complete the initial inspection that the License application for a Short Term Rental Property has triggered. This inspection will consider all the elements of the property including fire and life safety, general review of the information provided through the table top review such as number of bedrooms, entrance and exit locations, general confirmation of areas identified for parking and confirmation of all required landscaping, etc.

   a. Additional site inspections may be required if structural or building concerns have been identified as a result of the initial inspection that may require further inspection from Building Department Staff. (Additional fees would be applied for an inspection completed by Building Department staff).

6) Once the on-site inspection has been completed, a full report completed by Staff to issue clearance of the application moving forward or detailed deficiencies that have been identified that require an additional inspection(s).

7) Once By Law staff have been provided with all required clearances specific to the application (new and renewal), and confirmation that all fees have been collected and no outstanding balances with the municipality are listed under the subject property, the License issuance process would be initiated.
8) It is being suggested for consideration by Council that a Business License could be implemented and would be supplied (a fee to be considered) to the property owner that confirms the zoning and use conforms to the Town’s zoning.

9) In addition to the Business License, the appropriate License for a Short Term Accommodation use could be issued.

10) Both the Business License and the Short Term Accommodation License could also be considered for one year terms. Currently Short Term Accommodation Licenses are issued for two years. This review will be completed through the Public meeting and future consultation process.

Proposed Municipal Licensing By-law

The major change from the current Short Term Accommodation By-law to the proposed Licensing By-law is how the By-law is laid out.

First, the proposed Licensing By-law breaks out Short Term Rentals into five types. The separation into categories will help provide clarity specifically in regards to the requirements in certain areas of the town and the types of licensed Short Term rental properties. Currently, the Town has one License type for Short Term Accommodation.

Secondly, the inclusion of Bed & Breakfasts (B & B’s) and Commercial Rental Units (CRU’s) into the Licensing regime will assist in tracking the properties and units that currently operate as rental units. The proposed By-law will assist in providing clear differences in what the specific property rental is rented and is operating as.

The Draft Municipal Licensing By-law proposes the following types for Short Term property rentals;

Type A - For properties that are located within the identifiable exemption areas identified for Short Term Rental use.

Type B - For properties that are located outside of the exemption areas identified for Short Term Rental use.

Type C - For properties that have been provided Legal non-conforming use for Short Term Renal use of the property

Type D - For Bed and Breakfast establishments that have been approved through the required Planning process.

Type E - For Short Term Rentals that are required to be a member of a fully centralized rental company.

The requirements of each type of License are fully detailed in Schedule C, Schedule D, Schedule E, Schedule F and Schedule G are outlined in attachment 1 in this Report.
Suggested Time Line that has been proposed by Staff as follows.

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting Type</th>
<th>Staff Report/Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 28, 2019</td>
<td>Committee of the Whole</td>
<td></td>
</tr>
<tr>
<td>November 13, 2019</td>
<td>Council Meeting</td>
<td>Approve Staff report FAF.19.202</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Advertise Public Meeting (minimum 21 days)</td>
</tr>
<tr>
<td>December 16, 2019</td>
<td>Council Meeting</td>
<td>Public Meeting</td>
</tr>
<tr>
<td><em><strong>January 2020</strong></em></td>
<td>Committee of the Whole</td>
<td>Staff Report for follow up to the Public Meeting</td>
</tr>
<tr>
<td><em><strong>January 2020</strong></em></td>
<td>Workshop</td>
<td>Detailed description of the Short Term Rental Program</td>
</tr>
<tr>
<td><em><strong>January 2020</strong></em></td>
<td>Council Meeting</td>
<td>Endorsement of Committee of the Whole Staff Report</td>
</tr>
<tr>
<td><em><strong>January 2020</strong></em></td>
<td>Budget Deliberations</td>
<td>Consideration of staffing needs and Fees and Charges</td>
</tr>
<tr>
<td><em><strong>February 2020</strong></em></td>
<td>Committee of the Whole</td>
<td>Request to Establish By-laws and consider final proposed Fees and Charges</td>
</tr>
<tr>
<td><em><strong>March 2020</strong></em></td>
<td>Council</td>
<td>Implementation of By-laws and Budget approval</td>
</tr>
<tr>
<td>April/May 2020</td>
<td></td>
<td>Implementation and Enforcement of New Licensing By-law</td>
</tr>
</tbody>
</table>

***Schedule not yet set due to procedural by-law review and potential impacts to changes to Council schedule***

In addition, during 2020 Budget deliberations Council may wish to provide early approval to the Short Term Rental Property Program including consideration of staffing and resource needs to deliver level of service set by Council that will be considered in a future report to Council as outlined in Staff Report FAF.19.204 “Establishing a Corporate Legal Services Department” being considered at the October 28, 2019 Committee of Whole concurrently to this staff report.
E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Objective #1 Retain Existing Business
Objective #2 Attract New Business
Objective #3 Promote a Diversified Economy
Objective #5 Improved Visibility and Local Identity

Goal #2: Engage Our Communities & Partners
Objective #1 Improve External Communication with our Constituents
Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles
Objective #1 Promote the Town as a Healthy Community
Objective #3 Manage Growth and Promote Smart Growth
Objective #4 Commit to Sustainability

Goal #4: Promote a Culture of Organizational & Operational Excellence
Objective #2 Improve Internal Communications Across our Organization
Objective #3 To Consistently Deliver Excellent Customer Service
Objective #4 To Be a Financially Responsible Organization
Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

Goal #5: Ensure Our Infrastructure is Sustainable
Objective #3 Implement Best Practices in Sustainable Infrastructure
Objective #4 Ensure that Infrastructure is Available to Support Development

F. Environmental Impacts

The addition of a Municipal Licensing Regime will encourage and support appropriate and sustainable community programs.

G. Financial Impact

By way of this report, Staff are providing full disclosure and are providing the information to Council, members of the Public and the Short Term Accommodation Industry that the Draft By-laws attached to this report does anticipate additional staff resources and look to Council to provide guidance as to how funding strategies for Licensing programs are to be considered for instance;

- Full cost recovery
- % of cost recovery offset by taxation
- Full taxation

Additional consideration of cost relating to the town establishing a Municipal Tribunal to deal with offences of certain Municipal By-laws.
H. In consultation with

Councillor Bordignon

Senior Management Team

By Law Enforcement

Planning Staff

I. Public Engagement

The topic of this Staff Report has been subject to a number of Public Meetings and previous staff reports. Those who provided comments at the Public Meetings including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report.

J. Attached

1. Municipal Licensing By-law
2. Municipal Administrative Penalty By-law

Respectfully Submitted,

Shawn Everitt
Chief Administrative Officer

For more information, please contact:
cao@thebluemountains.ca
519-599-3131 extension 234
THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW 2019 - XX

BEING A BY-LAW TO REGULATE AND LICENSE BUSINESSES IN THE TOWN OF THE BLUE MOUNTAINS AND TO REPEAL BY-LAWS 2013-50 AND 2014-045

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended hereinafter referred to as the “Municipal Act” provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 8 (3) of the Municipal Act, authorizes a municipality to provide for a system of licences;

AND WHEREAS Section 9 of the Municipal Act, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

a) enable municipalities to govern their affairs as they consider appropriate; and
b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 11 (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 Section 151 of the Municipal Act, provides that a municipality may provide for a system of licences with respect to a business and may:

(a) prohibit the carrying on or engaging in the business without a licence;
(b) refuse to grant a licence or 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 conditions, 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 Section 434.1 of the Municipal Act, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 23.1 of the Municipal Act, authorizes a municipality to delegate its powers and duties;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary and expedient to regulate and license the Short Term Rental of Property in the Town of The Blue Mountains;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed and as set out in By-law 2019- XXX, as amended for a contravention of this By-law;
“Agent” means a Person authorized in writing by an Owner to act on the Owner(s) behalf;

“Applicant” means a Person who files an application for a licence;

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Bed and Breakfast Establishment” or “BB” means a building used as a residence that operates or offers no more than three guest rooms as places or temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the principal residence of the establishment’s proprietor. Bed and Breakfast Establishment shall not mean or include motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses;

“Building” means a structure occupying an area greater than 10 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 services system appurtenant thereto;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Commercial Resort Unit” or “CRU” means one room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment:

a) In which food preparation and sanitary facilities are provided for the exclusive use of such occupants;

b) Which has a private entrance from a common hallway either inside or outside the building;

c) Which is part of a rental or lease management program which consists of a minimum of ten commercial resort units in one or more buildings;

d) In which the maximum habitation per housekeeping unit is restricted to 120 days per year; and,

e) Which has been established to provide accommodation for gain or profit, but does not mean or include a residential dwelling unit, a hotel unit, a motel unit, an inn unit, a lodge unit, a short term accommodation unit, a dormitory unit or a hostel unit.

“Council” means Council for the Town;

“Director of Planning and Development Services” means the Director of Planning and Development Services for the Town or any Person designated by the Director of Planning and Development Services or any Person designated by the Chief Administrative Officer;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Exception Area” means a specific area of the Town as designated in Town’s Zoning By-law;

“Fire Chief” means the Fire Chief for the Town or any Person designated by the Fire Chief;

“Licence” means a licence issued by the Town pursuant to this By-law;
“Licence Issuer” means a Town employee delegated authority by the Chief Administrative Officer as the Person responsible for issuing a Licence;

“Licence Number” means a number assigned to a Licence by the Town;

“Licensee” means a Person issued a current valid licence pursuant to this By-law;

“Maximum Occupancy” means the maximum number of occupants permitted on the premises;

“Officer” means a police officer, municipal law enforcement officer, the Fire Chief, Chief Building Official or other Person appointed by by-law to enforce the provisions of this By-law;

“Owner” means the registered owner of the lands or premises or his or her authorized agent that is in lawful control of the lands or premises;

“Parking Management Plan” means a plan completed by a licensed professional engineer, architect or landscape architect or equivalent which shall include:

(a) the scale of the drawings in metres;
(b) the area that is designated for the parking of vehicles;
(c) the size of each parking space;
(d) the location of all driveways and access to the premises; and
(e) the lot lines of the premises, including dimensions of the premises.

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Premises” means land, property or any part thereof including any and all buildings or other structures thereon;

“Principal Residence” means a person’s permanent lodging place to which, whenever absent he or she intends to return;

“Property” means a parcel of land which is capable of being legally conveyed;

“Property Management Plan” means a plan that identifies the location and dimensions of the self enclosed building, structure or container for the storage and disposal of garbage and waste on the premises and outlines those measures to be taken and implemented by the Licensee to achieve compliance with the Town’s:

(a) Property Standards By-law;
(b) Waste Collection By-law;
(c) Noise By-law; and
(d) Any other property maintenance by-law adopted by Council;

“Rental or Lease Management Program Representative” means an individual designated by a Licensee of a CRU – Type E Licence;

“Renter” means the Person responsible for the rental of the premises by way of concession, permit, licence, rental agreement or similar commercial arrangement;

“Renter’s Code” means a document prepared by the Owner that:

(a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
(b) provides a written warning related to the making of a disturbance;
(c) identifies the Town by-laws and the provisions of the Town by-laws to be complied with; and
(d) includes the Parking Management Plan.
“Responsible Person” means a Person designated by a Licensee who is over the age of eighteen (18);

“Short Term Rental Property Unit” or “STRPU” means a building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“STRPU - Type A” means a Licence for a Short Term Rental Property Unit in an Exception Area in the Town’s Zoning By-law;

“STRPU - Type B” means a Licence for a Short Term Rental Property Unit outside an Exception Area in the Town’s Zoning By-law;

“STRPU - Type C” means a Licence for a Short Term Rental Property Unit for a legal non-conforming Short Term Rental Property Unit;

“BB - Type D” means a Licence for a Bed and Breakfast Establishment;

“CRU - Type E” means a Licence for a Commercial Resort Unit;

“Town” means the Corporation of The Town of The Blue Mountains or the land within the geographic limits of the Corporation of The Town of The Blue Mountains as the context requires;

“Zoning By-law” means any by-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2. APPLICATION AND GENERAL

2.1 This by-law shall apply throughout the whole of the Town.

2.2 This by-law may be referred to as the “Licensing By-law”.

2.3 No Person shall own, operate or carry on any business identified in Table 1 of Schedule A without a current valid licence.

2.4 No Person shall own, operate or carry on a business other than in accordance with the terms and conditions of a licence, the terms and conditions of this By-law and this By-law.

2.5 No Person shall advertise, promote, broker, or offer for rent or lease a Short Term Rental Property Unit without a current valid licence.

2.6 No Person shall advertise, promote, broker, or offer for rent or lease a Bed and Breakfast Establishment without a current valid licence.

2.7 No Person shall advertise, promote, broker, or offer for rent or lease a Commercial Resort Unit without a current valid licence.

2.8 No Person shall alter or modify or permit the alteration or modification of a licence.

2.9 No Person shall use, or attempt to use a licence issued to another Person.

2.10 No Person shall own, operate or carry on any business in any other name other than in the name that appears on the licence.

2.11 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Town is guilty of an offence.
2.12 No Person who is issued a licence pursuant to this By-law shall contravene any provision set out in this by-law, any other municipal by-law, federal or provincial Act, Statute, or any other legislation applicable to a licensed premise.

2.13 No Person shall remove an order or placard posted on a premise under this By-law, except an Officer.

2.14 No Person shall own, operate or carry on a business while a licence is under an administrative suspension.

3. APPLICATION FOR A LICENCE

3.1 A Person making an application for a licence or for a renewal of a licence shall submit:

(a) a complete application in the form provided by the Town;
(b) when applicable, the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
(c) all required documents, and obtain all required approvals and inspections as outlined in the applicable Schedule to this By-law have been obtained from the appropriate authority having jurisdiction to the satisfaction of the Town;
(d) any other documents as may be required by the Town to the satisfaction of the Town;
(e) the required licence application fee, approval and inspection fees.

3.2 Acceptance of a licence application does not constitute approval of the application or oblige the Town to issue a licence.

3.3 A licence fee shall be paid by a person at the time the licence is issued by the Licence Issuer.

4. LICENCES

4.1 The Licence Issuer is hereby delegated authority to issue a licence in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.

4.2 The Licence Issuer is hereby delegated authority to impose additional terms and conditions on a licence that in the opinion of the Licence Issuer are reasonable and taking into consideration:

(a) the health, safety and well-being of Persons;
(b) the impact on a neighbouring property or neighbouring property owner;
(c) the past conduct of an applicant or licensee.

4.3 A licence issued by the Town is non-refundable is not transferable.

4.4 A licence issued pursuant to this By-law is valid for a period of time as outlined in the applicable Schedule(s) to this By-law.

4.5 Every licence shall remain at all times the property of the Town and no Person shall enjoy a vested right in any licence or the continuance of any licence.

4.6 A licence shall be issued by the Licence Issuer:

(a) upon the requirements of this By-law being met;
(b) upon submission of the documents to the Town’s satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;
(c) upon obtaining the required approvals and inspections to the Town’s satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;
4.7 The Licence Issuer shall not issue a licence if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the property subject to the licence application.

4.8 A STRPU – Type A, STRPU – Type B, STRPU – Type C, and a BB - Type D Licence shall only be issued by the Licence Issuer to the registered owner of the property.

4.9 A CRU - Type E Licence shall only be issued by the Licence Issuer in the name of the Rental or Lease Management Representative and the sole proprietor, corporation, partnership or limited partnership that the Rental or Lease Management Representative is employed by or acting on behalf of.

4.10 A STRPU – Type C Licence may only be issued by the Licence Issuer where the applicant has a current valid licence issued under the previous licensing by-law.

4.11 A Licence issued for a STRPU – Type A, STRPU – Type B, STRPU – Type C, BB- Type D and CRU – Type E shall include the following:
   (a) The municipal address;
   (b) Licence Number;
   (c) Effective date and Expiry date of the Licence;
   (d) Licensee name and contact information;
   (e) Responsible Person name and contact information;
   (f) in the case of a CRU – Type E Licence the name and contact information of the Rental or Lease Management Program Representative.

5. LICENCE – TERMS AND CONDITIONS

5.1 A licence is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.

5.2 A licensee shall notify the Town within fifteen (15) days of any changes to the:
   (a) business name;
   (b) location of the business premises;
   (c) ownership of the business

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

5.3 A licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).

5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6. LICENCES – ADMINISTRATIVE SUSPENSIONS

6.1 Where the Licensee’s policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicablelicence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.
6.2 An administrative suspension of a licence without a hearing shall be imposed for:

(a) Fourteen (14) days if the Licence Issuer is satisfied that the continuation of the business poses an immediate danger to health and safety of any person or to any premises or in accordance with Section 7. Before any suspension is imposed, the Town shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the Licence Issuer considers appropriate.

7. LICENCES – GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION

7.1 An applicant or licensee is entitled to a licence upon meeting the requirements of this By-law except where:

(a) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or

(b) the applicant or licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal by-law or Federal Statute associated with the carrying on of such business; or

(c) the applicant or licensee has failed to pay an administrative monetary penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this or any other Town by-law or provincial offence related to the licensed premise; or

(d) the applicant or licensee has failed to comply with any term, condition or direction of the Licence Issuer or Officer or has failed to permit any investigation by the Licence Issuer or Officer; or

(e) the applicant or licensee has failed to comply with the requirements set out in this By-law or of the applicable Schedules to this By-law; or

(f) the issuing of a licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or

(g) the applicant or licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or

(h) the applicant or licensee is carrying on or engaging in activities that are, or will be, if the applicant or licensee is licensed, in contravention of this By-law, or any other applicable law; or

(i) the applicant or licensee has not paid the required licence fees; or

(j) the applicant or licensee has accumulated 10 demerit points; or

(k) the applicant or licensee or owner has outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

7.2 The Licence Issuer may revoke, suspend, refuse to issue, or refuse to renew a licence, where the applicant or licensee would not be entitled to a licence, or to the renewal of a licence, on any grounds set out in this By-law.

7.3 Where the application for a licence has been revoked, suspended or cancelled, the fees paid by the applicant or licensee, in the respect of the licence, shall not be refunded.

7.4 Where a licence has been revoked, suspended, or cancelled the licensee shall return the licence to the Licence Issuer within two (2) days of service of the notice of the decision.
7.5 When a revoked, suspended or cancelled licence has not been returned, an Officer may enter upon the premises excluding entry into a dwelling unit for the purpose of receiving, taking or removing the said licence.

8. LICENCES – GROUNDS FOR REFUSAL, REVOCAITION OR SUSPENSION – TERMS AND CONDITIONS – RIGHT TO A HEARING

8.1 With the exception of Section 6, before a licence is refused, revoked, suspended, cancelled or issued with terms or conditions, written notice shall be given to the applicant or licensee.

8.2 Notice shall be served to the applicant’s or licensee’s last known address or email address filed with the Town and shall:

(a) contain sufficient information to specify the nature of, or reason for, any recommendation;
(b) inform the applicant or licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and
(c) inform the applicant or licensee that if no written request is received, the Licensing Appeal Committee may proceed and make any decision with respect to the licence.

8.3 On receipt of a written request for a hearing from an applicant or licensee, the Clerk shall:

(a) schedule a hearing; and
(b) give the applicant or licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
(c) post notice of the hearing on the Town’s website at least twenty (20) days prior to the hearing date.

8.4 Service of any notice on the applicant or licensee under this by-law shall be made by personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of personal service or on the date the email is sent.

9. ESTABLISHMENT OF LICENSING APPEAL COMMITTEE

9.1 Council is hereby established as the Licensing Appeal Committee and shall hear and render decisions regarding the refusal, revocation or suspension of a licence, and the imposing of terms and conditions on a licence.

9.2 The decision of Licensing Appeal Committee shall be final and binding.

10. HEARING PROCESS

10.1 The provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted under this By-law.

10.2 A hearing shall be held in public, unless determined otherwise in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, and the Licensing Appeal Committee shall hear the applicant or licensee and every other person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.

10.5 When a person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in his absence, and the person shall not be entitled to any further notice of the proceedings.

10.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:

(a) the applicant or licensee;
(b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

11. DEMERIT POINT SYSTEM

11.1 The Demerit Point System established on Schedule B to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation of a licence.

11.2 A Licensee shall accumulate demerit points as outlined in Column 3 of Schedule B for a violation of this By-law as outlined in Columns 1 and 2 on Schedule B as a result of an administrative monetary penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this By-law.

11.3 Demerit points accumulated by a Licensee shall remain in place against the Person for a period of two (2) years from the date the demerit points were imposed.

12. FEES

12.1. The fees for any licence application, inspections and approvals required pursuant to this By-law shall be as prescribed in the Town’s Fees and Charges By-law and is payable upon submission of an application.

12.2. The fees for any licence to be issued pursuant to this By-law shall be as prescribed in the Town’s Fees and Charges By-law and are payable upon the issuing of a licence.

13. ORDER TO DISCONTINUE

13.1 Where an Officer has reasonable grounds to believe 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 has caused or permitted the contravention, or the owner or licensee of the premises on which the contravention has occurred, to discontinue the contravening activity.

13.2 An Order under section 13.1 shall set out:

(a) reasonable particulars of the contravention adequate to identify the contravention;
(b) the location of the premises on which the contravention occurred; and
(c) the date by which there must be compliance with the Order.
13.3 An Order to discontinue a contravening activity made under this section may be served personally, registered mail to the last known address or by email transmission to:

13.3.1 the person the Officer believes contravened this By-law; and
13.3.2 such other persons affected by the Order as the Officer making the Order determines.

13.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of personal delivery or email transmission.

13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the premises and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.

14. ENFORCEMENT AND PENALTY PROVISIONS

14.1 The enforcement of this By-law shall be conducted by an Officer.

14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

(a) the By-law is complied with;
(b) the licence, or the term or condition of a licence, or the term or condition of this By-law is complied with;
(c) the approved plans are complied with;
(d) a direction or order made under the Municipal Act, 2001, or this By-law is complied with.

14.3 For the purposes of an inspection under this By-law, an Officer may:

(a) require the production for inspection of documents or things relevant to the inspection;
(b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
(c) require information from any person concerning a matter related to the inspection; and
(d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

14.4 All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.

14.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.

14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.

14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
14.8 Every **person** who contravenes any provision of this By-law and every director or **officer** of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

(a) on a first offence, to a fine not more than $50,000.00; and
(b) on a second offence and each subsequent offence, to a fine of not more than $100,000.00

14.9 Every **person** who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

14.10 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **officer** exercising a power or performing a duty under this By-law.

14.11 Every **person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **officer** in the execution of his or her duties.

14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

14.13 If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

15. **ADMINISTRATIVE MONETARY PENALTIES**

15.1 Administrative Monetary Penalty By-law 2019-XXX, as amended, applies to this By-law.

15.2 Every **person** who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2019-XXX is liable to pay the **Town** an Administrative Monetary Penalty in the amount set out in the Administrative Monetary Penalty By-law 2019-XXX.

16. **SEVERABILITY**

16.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** of the **Town** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17. **SINGULAR AND PLURAL USE**

17.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

18. **SCHEDULES**

18.1 The Schedules attached to this By-law form part of this By-law.

19. **REPEAL**

19.1 That By-laws 2013-50 and 2014-045 and all amendments thereto are hereby repealed.
READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS DAY OF 2020.

THE CORPORATION OF THE TOWN OF BLUE MOUNTAINS

______________________________________________
MAYOR

______________________________________________
CLERK
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SCHEDULE B TO BY-LAW 2019-XXX

1. For the purpose of section 11 of this By-law:
   (a) Column 1 in the following table lists the provisions of this By-law that are hereby designated as being subject to the demerit point system;
   (b) Column 2 in the following table sets out the nature of the violation;
   (c) Column 3 in the following table sets out the Demerit Points imposed for a contravention of the By-law.

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1. In addition to the licensing requirements set out in section 3 of this By-law an Applicant or Licensee for a STRPU Type – A Licence or renewal of a STRPU – Type – A Licence shall submit the following:

(a) A Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;

(b) A Renter’s Code approved by the Chief Administrative Officer;

(c) A Property Management Plan approved by the Chief Administrative Officer;

(d) Proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a STRPU for the term of the licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

(e) Acknowledgement and consent to the posting of the following information on the Town’s website:
   - the municipal address of the premises;
   - the legal description of the premises;
   - the contact information for the owner, agent, applicant and Responsible Person;

(f) Certificate from the Electrical Safety Authority dated within the previous 2 years stating the premises are in compliance with the Electrical Safety Code;

2. In addition to the licensing requirements set out in section 3 of this By-law the issuing of an STRPU - Type – A Licence or renewal of a STRPU – Type – A Licence is subject to the following:

(a) Compliance with the Town’s Zoning By-law;

(b) Fire Safety Requirements Checklist completed to the satisfaction of the Town;

(c) Compliance with the Fire Code;

(d) Property Standards Checklist completed to the satisfaction of the Town;

(e) Posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the premises to the satisfaction of the Town;

(f) Confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

3. A STRPU – Type A Licence is valid for a period of two (2) years from the date on which it is issued;

4. The Maximum Occupancy within a dwelling unit shall be calculated as follows:

(a) two (2) persons per bedroom; and

(b) four (4) additional persons.

5. The maximum occupancy calculated under section 4 may be reduced by the Licence Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan.
TERMS AND CONDITIONS

6. A Licensee of a STRPU– Type – A shall:
   (a) provide and maintain on the premises a self-enclosed building, structure or container for the disposal of garbage and waste;
   (b) designate a Responsible Person;
   (c) display the licence in a conspicuous place on the licensed premises in close proximity to the entrance of the premises and visible to the public at all times;
   (d) display the licence in a prominent place on the interior of the licensed premise;
   (e) post the fire safety instructions next to the licence displayed on the interior of the licensed premise.

7. Every person who owns or operates a STRPU – Type A shall:
   (a) operate the premises in accordance with the approved:
      i) Renter’s Code;
      ii) Parking Management Plan;
      iii) Property Management Plan;
      iv) Maximum occupancy calculation;
   (b) operate the premises in accordance with the Town’s:
      i) Property Standards By-law;
      ii) Waste Collection By-law;
      iii) Noise By-law;
      iv) any other By-law and the Ontario Human Rights Code;
   (c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the premises in a clean and sanitary condition;
   (d) provide sufficient levels of illumination to facilitate the safe passage of occupants;
   (e) not make, cause or permit a disturbance;
   (f) provide the Renter with a copy of the Renter’s Code;
   (g) keep a record of the following:
      i) the date of entry;
      ii) the length of stay of a Renter;
      iii) the home address of a Renter;
      iv) confirmation including the date of receipt of the Renter’s Code by the Renter;
   (h) Maintain the records required by subsection (g) for a minimum of two (2) years.
   (i) include the valid current Licence Number on all:
      i) advertisement and promotional materials;
      ii) website;
      iii) contracts and agreements entered into with a Renter.

8. A Responsible Person shall be responsible for the operation of the premises, the conduct of the renter and the occupants of the premises.

9. A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.
1. In addition to the licensing requirements set out in section 3 of this By-law an Applicant or Licensee for a STRPU Type – B Licence or renewal of a STRPU – Type – B Licence shall submit the following:

(a) A Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;

(b) A Renter’s Code approved by the Chief Administrative Officer;

(c) A Property Management Plan approved by the Chief Administrative Officer;

(d) Proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a STRPU for the term of the licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

(e) Acknowledgement and consent to the posting of the following information on the Town’s website:
   - the municipal address of the premises;
   - the legal description of the premises;
   - the contact information for the owner, agent, applicant and Responsible Person;

(f) Certificate from the Electrical Safety Authority dated within the previous 2 years stating the premises are in compliance with the Electrical Safety Code.

2. In addition to the licensing requirements set out in section 3 of this By-law the issuing of an STRPU - Type – B Licence or renewal of a STRPU – Type – B Licence is subject to the following:

(a) Compliance with the Town’s Zoning By-law;

(b) Fire Safety Requirements Checklist completed to the satisfaction of the Town;

(c) Compliance with the Fire Code;

(d) Property Standards Checklist completed to the satisfaction of the Town;

(e) Posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the premises to the satisfaction of the Town;

(f) Confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

3. A STRPU – Type B Licence is valid for a period of two (2) years from the date on which it is issued.

4. The Maximum Occupancy within a dwelling unit be calculated as follows:

(a) the number permitted under the Town’s Zoning By-law; and

(b) where the Town’s Zoning By-law does not establish the maximum occupancy permitted the maximum occupancy shall be calculated as follows:
   i) two (2) persons per bedroom; and
   ii) four (4) additional persons.

5. The maximum occupancy calculated under section 4 may be reduced by the Licence Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan.
TERMS AND CONDITIONS

6. A Licensee of a STRPU – Type – B shall:

(a) provide and maintain on the premises a self-enclosed building, structure or container for the disposal of garbage and waste;
(b) designate a Responsible Person;
(c) display the licence in a conspicuous place on the licensed premises in close proximity to the entrance of the premises and visible to the public at all times;
(d) display the licence in a prominent place on the interior of the licensed premise;
(e) post the fire safety instructions next to the licence displayed on the interior of the licensed premise.

7. Every person who owns or operates a STRPU – Type B shall:

(a) operate the premises in accordance with the approved:
   i) Renter’s Code;
   ii) Parking Management Plan;
   iii) Property Management Plan;
   iv) Maximum Occupancy calculation;
(b) operate the premises in accordance with the Town’s:
   i) Property Standards By-law;
   ii) Waste Collection By-law;
   iii) Noise By-law;
   iv) any other By-law and the Ontario Human Rights Code;
(c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the premises in a clean and sanitary condition;
(d) provide sufficient levels of illumination to facilitate the safe passage of occupants.
(e) not make, cause or permit a disturbance;
(f) provide the Renter with a copy of the Renter’s Code;
(g) keep a record of the following:
   i) the date of entry;
   ii) the length of stay of a Renter;
   iii) the home address of a Renter;
   iv) confirmation including the date of receipt of the Renter’s Code by the Renter;
(h) Maintain the records required by subsection (g) for a minimum of two (2) years;
(i) include the valid current Licence Number on all:
   i) advertisement and promotional materials;
   ii) website;
   iii) contracts and agreements entered into with a Renter.

8. A Responsible Person shall be responsible for the operation of the premises, the conduct of the Renter and the occupants of the premises.

9. A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.
SCHEDULE E TO BY-LAW 2019-XXX

1. In addition to the licensing requirements set out in section 3 of this By-law an Applicant or Licensee for a STRPU Type – C Licence or renewal of a STRPU – Type – C Licence shall submit the following:
   
   (a) A Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
   (b) A Renter’s Code approved by the Chief Administrative Officer;
   (c) A Property Management Plan approved by the Chief Administrative Officer;
   (d) Proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a STRPU the term of the licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
   (e) Acknowledgement and consent to the posting of the following information on the Town’s website:
      • the municipal address of the premises;
      • the legal description of the premises;
      • the contact information for the owner, agent, applicant and Responsible Person;
   (f) Certificate from the Electrical Safety Authority dated within the previous 2 years stating the premises are in compliance with the Electrical Safety Code;
   (g) A valid current licence issued under the previous By-law that has not expired.

2. In addition to the licensing requirements set out in section 3 of this By-law the issuing of an STRPU - Type – C Licence or renewal of a STRPU – Type – C Licence is subject to the following:
   
   (a) Fire Safety Requirements Checklist completed to the satisfaction of the Town;
   (b) Compliance with the Fire Code;
   (c) Property Standards Checklist completed to the satisfaction of the Town;
   (d) Posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the premises to the satisfaction of the Town;
   (e) Confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

3. A STRPU – Type C Licence is valid for a period of two (2) years from the date on which it is issued.

4. The Maximum Occupancy within a dwelling unit shall be calculated as previously calculated by the Town as part of the legal non-conforming review process.
5. A Licensee of a STRPU – Type – C shall:
   (a) provide and maintain on the premises a self-enclosed building, structure or container for the disposal of garbage and waste;
   (b) designate a Responsible Person;
   (c) display the licence in a conspicuous place on the licensed premises in close proximity to the entrance of the premises and visible to the public at all times;
   (d) display the licence in a prominent place on the interior of the licensed premise;
   (e) post the fire safety instructions next to the licence displayed on the interior of the licensed premise.

6. Every person who owns or operates a STRPU – Type C shall:
   (a) operate the premises in accordance with the approved:
      i) Renter’s Code;
      ii) Parking Management Plan;
      iii) Property Management Plan;
      iv) Maximum Occupancy calculation;
   (b) operate the premises in accordance with the Town’s:
      i) Property Standards By-law;
      ii) Waste Collection By-law;
      iii) Noise By-law;
      iv) any other By-law and the Ontario Human Rights Code;
   (c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the premises in a clean and sanitary condition;
   (d) provide sufficient levels of illumination to facilitate the safe passage of occupants;
   (e) not make, cause or permit a disturbance;
   (f) provide the Renter with a copy of the Renter’s Code;
   (g) keep a record of the following:
      i) the date of entry;
      ii) the length of stay of a Renter;
      iii) the home address of a Renter;
      iv) confirmation including the date of receipt of the Renter’s Code by the Renter;
   (h) Maintain the records required by subsection (g) for a minimum of two (2) years;
   (i) include the valid current Licence Number on all:
      i) advertisement and promotional materials;
      ii) website;
      iii) contracts and agreements entered into with a Renter.

7. A Responsible Person shall be responsible for the operation of the premises, the conduct of the Renter and the occupants of the premises.

8. A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.
SCHEDULE F TO BY-LAW 2019-XXX

1. In addition to the licensing requirements set out in section 3 of this By-law an Applicant or Licensee for a BB - Type – D Licence or renewal of a BB – Type – D Licence shall submit the following:

(a) A Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
(b) A Renter’s Code approved by the Chief Administrative Officer;
(c) An executed Site Plan Agreement;
(d) Proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a BB for the term of the licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
(e) Certificate from the Electrical Safety Authority dated within the previous 2 years stating the premises in compliance with the Electrical Safety Code.

2. In addition to the licensing requirements set out in section 3 of this By-law the issuing of an BB - Type – D Licence or renewal of a BB – Type – D Licence is subject to the following:

(a) Compliance with the Town’s Zoning By-law;
(b) Fire Safety Requirements Checklist completed to the satisfaction of the Town;
(c) Compliance with the Fire Code;
(d) Property Standards Checklist completed to the satisfaction of the Town;
(e) Posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the premises to the satisfaction of the Town;
(f) Confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

3. A BB – Type D Licence is valid for a period of two (2) years from the date on which it is issued.

4. The Maximum Occupancy within a dwelling unit shall be calculated at two (2) persons per bedroom.

TERMS AND CONDITIONS

5. A Licensee of a BB – Type – D shall:

(a) be on site at the premises during the stay of a Renter;
(b) display the licence in a conspicuous place on the licensed premises in close proximity to the entrance of the premises and visible to the public at all times;
(c) display the licence in a prominent place on the interior of the licensed premise;
(d) be responsible for the operation of the premises, the conduct of the renter and the occupants of the premises;
(e) post the fire safety instructions next to the licence displayed on the interior of the licensed premise.
6. Every person who owns or operates a Bed and Breakfast Establishment shall:

(a) operate the premises in accordance with the approved:
   i) Renter’s Code;
   ii) Site Plan Control Agreement;
   iii) Maximum Occupancy calculation;
(b) operate the premises in accordance with the Town’s:
   i) Property Standards By-law;
   ii) Waste Collection By-law;
   iii) Noise By-law;
   iv) any other By-law and the Ontario Human Rights Code;
(c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the premises in a clean and sanitary condition;
(d) provide sufficient levels of illumination to facilitate the safe passage of occupants;
(e) not make, cause or permit a disturbance;
(f) provide the Renter with a copy of the Renter’s Code;
(g) keep a record of the following:
   i) the date of entry;
   ii) the length of stay of a Renter;
   iii) the home address of a Renter;
   iv) confirmation including the date of receipt of the Renter’s Code by the Renter;
(h) Maintain the records required by subsection (g) for a minimum of two (2) years;
(i) include the valid current Licence Number on all:
   i) advertisement and promotional materials;
   ii) website;
   iii) contracts and agreements entered into with a Renter.
SCHEDULE G TO BY-LAW 2019-XXX

1. In addition to the licensing requirements set out in section 3 of this By-law an Applicant or Licensee for a CRU - Type – E Licence or renewal of a CRU – Type – E Licence shall submit the following:

   (a) A Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
   (b) A Renter’s Code approved by the Chief Administrative Officer;
   (c) A Property Management Plan approved by the Chief Administrative Officer/Director of Fire;
   (d) Written authorization from the registered owner of the premises that authorizes the Rental or Lease Management Program Representative and the corporation of the Rental or Lease Management Program Representative to apply for a licence and carry out the responsibility of a licensee;
   (e) Proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars ($2,000,000) in commercial general liability for a CRU for the term of the licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
   (f) Acknowledgement and consent to the posting of the following information on the Town’s website:
      - the municipal address of the premises;
      - the legal description of the premises;
      - the contact information for the owner, agent, applicant and rental or lease management program representative;
   (g) Certificate from the Electrical Safety Authority dated within the previous 2 years stating the premises in compliance with the Electrical Safety Code.

2. In addition to the licensing requirements set out in section 3 of this By-law the issuing of an CRU - Type – E Licence or renewal of a CRU – Type – E Licence is subject to the following:

   (a) Compliance with the Town’s Zoning By-law;
   (b) Fire Safety Requirements Checklist completed to the satisfaction of the Town;
   (c) Compliance with the Fire Code;
   (d) Property Standards Checklist completed to the satisfaction of the Town;
   (e) Posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the premises to the satisfaction of the Town;
   (f) Confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

3. A CRU – Type E Licence is valid for a period of two (2) years from the date on which it is issued.

4. The Maximum Occupancy within a dwelling unit shall be calculated as follows:

   (a) two (2) persons per bedroom; and
   (b) four (4) additional persons.

5. The maximum occupancy calculated under section 4 may be reduced by the Licence Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan.
TERMS AND CONDITIONS

6. A Licensee of a CRU – Type E shall:
   (a) provide and maintain on the premises a self-enclosed building, structure or container for the disposal of garbage and waste.
   (b) appoint, contract or employ a Rental or Lease Management Program Representative;
   (c) display the licence in a conspicuous place on the licensed premises in close proximity to the entrance of the premises and visible to the public at all times;
   (d) display the licence in a prominent place on the interior of the licensed premise;
   (e) post the fire safety instructions next to the licence displayed on the interior of the licensed premise.

7. A Licensee and a Rental or Lease Management Program Representative shall:
   (a) provide on a 24 hour basis the following services:
       i) security;
       ii) housekeeping;
       iii) operations and maintenance;
   (b) provide the following centralized and shared services:
       i) accounting;
       ii) booking;
       iii) advertising;
   (c) not permit a CRU – Type E premises to be rented for more than 120 days in a calendar year.

8. Every person who owns or operates a Commercial Resort Unit shall:
   (a) operate the premises in accordance with the approved:
       i) Renter’s Code;
       ii) Parking Management Plan;
       iii) Property Management Plan;
       iv) Maximum Occupancy calculation;
   (b) operate the premises in accordance with the Town’s:
       i) Property Standards By-law;
       ii) Waste Collection By-law;
       iii) Noise By-law;
       iv) any other By-law and the Ontario Human Rights Code;
   (c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the premises in a clean and sanitary condition;
   (d) provide sufficient levels of illumination to facilitate the safe passage of occupants;
   (e) not make, cause or permit a disturbance;
   (f) provide the Renter with a copy of the Renter’s Code;
   (g) keep a record of the following:
       i) the date of entry;
       ii) the length of stay of a Renter;
       iii) the home address of a Renter;
       iv) confirmation including the date of receipt of the Renter’s Code by the Renter;
   (h) Maintain the records required by subsection (g) for a minimum of two (2) years;
   (i) include the valid current Licence Number on all:
       i) advertisement and promotional materials;
       ii) website;
       iii) contracts and agreements entered into with a Renter.
9. A Rental or Lease Management Program Representative shall be responsible for the operation of the premises, the conduct of the renter and the occupants of the premises.

10. A Rental or Lease Management Program Representative shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

11. Where an Owner or a Licensee is convicted of an offence under any Town by-law or provincial statute regarding the licensed premises, the Owner or Licensee convicted of such an offence shall notify all other Owner(s) or Licensee(s) that are part of the CRU – Type E Licence.
THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW 2019 - XX

BEING A BY-LAW TO ESTABLISH A COMPREHENSIVE SYSTEM OF ADMINISTRATIVE MONETARY PENALTIES FOR THE TOWN OF BLUE MOUNTAINS AND TO REPEAL BY-LAW 2013-50 and 2014-045, AS AMENDED

WHEREAS section 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

AND WHEREAS section 391(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides for a municipality to impose fees and charges on persons for services or activities it provides and for the use of its property;

AND WHEREAS section 23.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes a municipality to delegate its powers and duties;

AND WHEREAS section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS section 434.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS the Province of Ontario adopted the “Administrative Penalties” regulation, O. Reg 333/07 pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains considers it desirable to have an Administrative Monetary Penalty By-law that sets out a process for all regulatory by-laws to which administrative monetary penalties may apply;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1. SHORT TITLE

1.1 This by-law shall be known and may be cited as the “Administrative Monetary Penalties By-law”.

2. APPLICABILITY AND SCOPE

2.1 This By-law applies to, and only to a Designated By-law.

2.2 This By-law shall apply to any contravention of a Designated By-law listed in Schedule “A” of this By-law. The short form wording to be used for a contravention of a Designated By-law and the Administrative Monetary Penalty imposed are as set out in Schedule “A” of this By-law.

2.3 The Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, will continue to apply to contraventions of a Designated By-law, except that no Person that is required to pay an Administrative Monetary Penalty under this By-law in respect of a contravention of a Designated By-law shall be charged with an offence in respect of the same contravention under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
3. **DEFINITIONS**

3.1 In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed and as set out in Schedule “A” of this By-law for a contravention of a Designated By-law and when imposed includes an administrative fee as set out in Schedule “B”;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Council” means the Council of the Town;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Designated By-law” means a by-law or provision of a by-law that is designated under this or any other by-law, as a by-law or provision of a by-law to which this By-law applies;

“Director of Human Resources” means the Director of Human Resources for the Town or any Person designated by the Director of Human Resources;

“Hearing No Show Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a Person’s failure to appear at the time and place scheduled for a review before a Hearings Officer;

“Hearings Officer” means a Person appointed by Council to perform the duties of a Hearing Officer for the purposes of this By-law;

“Hearing Officer’s Decision” means a notice that contains the decision of a Hearings Officer;

“Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices for the Town are officially closed for business;

“Late Payment Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a Person’s failure to pay an Administrative Monetary Penalty within the time prescribed in this By-law;

“Officer” means a police officer, a Municipal Law Enforcement Officer or other person appointed by or under the authority of a Town by-law to enforce a Designated By-law;

“Owner” includes,

(a) the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person’s own account or as agent or trustee of any other Person, or who would receive the rent if the land and premises were let;

(b) a lessee or occupant of the property;

(c) a Person having care and control of the property;

“Parent” means a Person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that Person is the natural parent of the child;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Penalty Notice” means a notice issued by an Officer for a contravention of a Designated By-law;
“Penalty Notice Date” means the date of the contravention specified on the Penalty Notice;

“Penalty Notice Number” means the number specified on the Penalty Notice;

“Power of Decision” means a power or right, conferred by or under this By-law, to make a decision deciding or prescribing, the legal rights, powers, privileges, immunities, duties or liabilities of a Person:

(a) in the case of a Screening Officer, in respect of a request to review an Administrative Monetary Penalty;
(b) in the case of a Hearings Officer, in respect of a request to review a Screening Decision;

“Relative” includes any of the following persons:

(a) spouse;
(b) parent, including step-child and grandchild;
(c) siblings and children of siblings;
(d) aunt, uncle, niece and nephew;
(e) in-laws, including mother, father, sister, brother, daughter, and son; or
(f) a person who lives with the person on a permanent basis;

“Regulation” means the Administrative Penalties, Ontario Regulation 333/07 under the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

“Request for Review By Hearings Officer” means a form provided by the Town to request a review of a Screening Decision;

“Screening Decision” means a notice which contains the decision of a Screening Officer;

“Screening Officer” means a Person appointed by Council to perform the duties of a Screening Officer for the purposes of this By-law;

“Screening No Show Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a Person’s failure to appear at the time and place scheduled for a review by a Screening Officer;

“Spouse” means a Person to whom the Person is married or with whom the Person is living in a conjugal relationship outside marriage;

“Tax Roll Address” means the mailing address and contact information for the owner of property that appears in the Town’s municipal tax assessment records;

“Town” means the Corporation of the Town of The Blue Mountains or the land within the geographic limits of the Corporation of the Town of The Blue Mountains as the context requires.

4. GENERAL PROVISIONS

4.1. Where an Administrative Monetary Penalty is cancelled by a Screening Officer or a Hearings Officer any administrative fee is also cancelled.

4.2. Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

4.3. Any Schedule attached to this By-law forms part of this By-law.
4.4. Sections 431 and 440 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, apply to this By-law, providing respectively, for a court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the Town, for a court to make orders to restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-law.

4.5. Nothing in this By-law limits the Town’s right to enforce a Designated By-law by any other and all legal means.

5. **PENALTY NOTICE**

5.1 A Penalty Notice shall include the following information:

(a) the name of the Person(s);
(b) the Penalty Notice Date;
(c) a Penalty Notice Number;
(d) the short form wording outlined in Schedule “A” of the By-law, which describes the particulars of the contravention;
(e) the amount of the Administrative Monetary Penalty outlined in Schedule “A” of this By-law;
(f) the name and identification number of the Officer;
(g) such information as the Director of Chief Administrative Officer or designate determines is appropriate respecting the process by which the Person may exercise the Person’s right to request a review of the Administrative Monetary Penalty;
(h) a statement advising that an Administrative Monetary Penalty, including any administrative fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the Person to the Town.

5.2 An Officer who has reason to believe that a Person has contravened a provision of a Designated By-law may issue a Penalty Notice to that Person.

5.3 Every Person who contravenes a provision of a Designated By-law shall, when given a Penalty Notice, be liable to pay to the Town the Administrative Monetary Penalty set out in the Penalty Notice within 15 days of the Penalty Notice Date.

5.4 No Officer shall accept payment in respect of an Administrative Monetary Penalty.

5.5 Where a Penalty Notice is issued in respect of a contravention of a Designated By-law for which Owners of a property are responsible, the Penalty Notice shall include the name of all Persons who are the registered owners of such property, and such Persons shall be jointly and severally liable for the Penalty Notice.

6. **SERVICE OF A PENALTY NOTICE**

6.1 Service of any document or notice, including a Penalty Notice, respecting this By-law may be given in writing in any of the following ways and is effective:

(a) when a copy is delivered to the Person to whom it is addressed;
(b) on the 5th day after a copy is sent by registered mail or by regular letter mail to the Person’s last known address;
(c) upon the conclusion of the transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number; or
(d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address.
6.2 For the purposes of sections 6.1 (b), (c) and (d), a Person’s last known address, facsimile number and e-mail address may include an address, facsimile number and e-mail address provided by the Person to the Town, including the Tax Roll Address, information provided in an application for a licence made by a Person under a Town Licensing By-law or as provided in writing or in a form supplied by the Town for the purposes of administration of this By-law.

6.3 In addition to the service methods in section 6.1, an Officer may serve the Penalty Notice on a Person who is the Owner of a property that is in contravention of a Designated By-Law, by delivering it personally to the Person having care and control of the property and then sending a copy by regular mail to the Tax Roll Address;

6.4 Service of a Penalty Notice under section 6.3 is effective on the 5th day after a copy is sent by regular letter mail to the Tax Roll Address.

7. SCREENING OFFICER REVIEW

7.1 A Person who is given a Penalty Notice may request that the Administrative Monetary Penalty be reviewed by a Screening Officer within 15 days after the Penalty Notice Date.

7.2 If a Person does not request a review within the time limit set out in section 7.1, a Person may request that the Screening Officer extend the time to request a review within 30 days after the Penalty Notice Date.

7.3 A Person’s right to request a review or to request an extension of time to request a review are exercised by:

   (a) calling the telephone number listed on the Penalty Notice, providing the information required as set out in the Penalty Notice and scheduling the time and place for the review; or
   (b) attending in person or by a representative at the place specified in the Penalty Notice to provide the information required in the Penalty Notice and scheduling the time and place for the review.

7.4 A Person’s right to request an extension of time in section 7.2 expires if it has not been exercised within 30 days after the Penalty Notice Date at which time:

   (a) the Person shall be deemed to have waived the right to request a review;
   (b) the Administrative Monetary Penalty, including any administrative fees, shall be deemed to be affirmed on the 16th day after the Penalty Notice Date; and
   (c) the Administrative Monetary Penalty, including any administrative fees, is not subject to any further review, including review by any court.

7.5 A review or a request for an extension of time to request a review shall only be scheduled by the Town if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 7.1 or 7.2.
7.6 Where a Person fails to attend at the time and place scheduled for a review by the Screening Officer:

(a) the Person shall be deemed to have abandoned the request for a review of the Administrative Monetary Penalty;
(b) the Person shall pay to the Town a Screening No Show Fee;
(c) the Administrative Monetary Penalty, including any administrative fees, shall be deemed to be affirmed on the date that was scheduled for the review; and
(d) the Administrative Monetary Penalty, including any administrative fees, is not subject to any further review, including review by any court.

7.7 For the purposes of section 7.2, the Screening Officer may only extend the time to request a review of an Administrative Monetary Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the Person from exercising the right to request a review in the timeframe set out in section 7.1.

7.8 Where an extension of time is not granted by the Screening Officer the Administrative Monetary Penalty, including any administrative fees, is deemed to be affirmed on the 16th day after the Penalty Notice Date.

7.9 After a review of the Administrative Monetary Penalty has been held, the Screening Officer shall deliver a Screening Decision to the Person.

8.0 HEARING OFFICER REVIEW

8.1 A Person may request a review of a Screening Decision by a Hearings Officer within 15 days after the Screening Decision has been delivered to the Person.

8.2 If a Person has not requested a review within the time limit set out in section 8.1, a Person may request that the Hearings Officer extend the time to request a review within 30 days after the Screening Decision has been delivered to the Person.

8.3 A Person's right to request an extension of time in section 8.2 expires if it has not been exercised within 30 days after the Screening Decision has been delivered at which time:

(a) the Person shall be deemed to have waived the right to request a hearing;
(b) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, shall be deemed to be affirmed; and
(c) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, is not subject to any further review, including review by any court.

8.4 A Person's right to request a review of a Screening Decision or to request an extension of time to request the review are exercised by:

(a) attending in person or by representative at the place specified in the Request for Review by Hearings Officer; and
(b) filing a completed Request for Review by Hearings Officer form.

8.5 A review or a request for an extension of time to request a review shall only be scheduled by the Town if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 8.1 and 8.2.
8.6 Where a Person fails to attend at the time and place scheduled for a review by a Hearings Officer:

(a) the Person shall be deemed to have abandoned the request for a review of the Screening Decision;
(b) the Person shall pay to the Town a Hearing No Show Fee;
(c) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, shall be deemed to be affirmed on the date that was scheduled for the Hearing; and
(d) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, is not subject to any further review, including review by any court.

8.7 For the purposes of section 8.2, a Hearings Officer may only extend the time to request a review of a Screening Decision where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the Person from exercising the right to request a review in the timeframe set out in section 8.1.

8.8 Where an extension of time is not granted by a Hearings Officer the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, is deemed to be affirmed and shall not be subject to any further review, including review by any court.

8.9 A Hearings Officer shall not make any decision respecting a review of a Screening Decision unless the Hearings Officer has given the Person and the Town an opportunity to be heard at the time and place scheduled for the hearing of the review.

8.10 All hearings conducted by a Hearings Officer shall be in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended.

8.11 After a hearing is complete the Hearings Officer shall issue to the Person a Hearing Officer’s Decision.

9. ESTABLISHMENT AND APPOINTMENT OF SCREENING AND HEARING OFFICERS

9.1 The position of Screening Officer is established for the purpose of exercising the Power of Decision in the review of an Administrative Monetary Penalty in accordance with this By-law and the Regulation.

9.2 The following are not eligible for appointment as a Screening Officer:

(a) a member of Council;
(b) an Officer;
(c) a relative or a person referenced in section 9.2(a) and 9.2(b).

9.3 The position of Hearings Officer is established for the purpose of exercising the Power of Decision in the review of a Screening Decision in accordance with this By-law and the Regulation.

9.4 The following are not eligible for appointment as a Hearing Officer:

(a) a member of Council;
(b) an employee of the Town;
(c) an Officer;
(d) a relative or a person referenced in section 9.4(a), 9.4(b) and 9.4(c);
(e) a person indebted to the Town other than:
   (i) in respect of current real property taxes; or
   (ii) pursuant to an agreement with the Town, the terms with which the person is in compliance.
9.4 A Screening Officer and a Hearings Officer shall be appointed by Council on the recommendation of the Director of Human Resources which recommendation shall give preference to an eligible candidate:

(a) with knowledge of and experience in administrative law; and
(b) of good character.

9.5 A Screening Officer and a Hearings Officer shall hold office for the term or remainder of the term of Council that appointed the Screening Officer and Hearings Officer and thereafter until a successor is appointed.

9.6 A Screening Officer and a Hearings Officer shall be remunerated at the rate from time to time established by Council.

9.7 No person shall attempt, directly or indirectly, to communicate with or influence a Screening Officer or a Hearings Officer respecting the determination of an issue respecting a Power of Decision in a proceeding that is or will be pending before the Screening Officer or Hearings Officer except a Person who is entitled to be heard in the proceeding or the Person’s lawyer, licensed representative or authorized agent and only by that Person or the Person’s lawyer, licensed representative or authorized agent during the screening or hearing of the proceeding in which the issue arises.

9.8 Section 9.7 does not prevent a Screening Officer or Hearings Officer from seeking and receiving legal advice.

9.9 Sections 9.5 and 9.6, do not apply to a Screening Officer that is an employee of the Town.

10. JURISDICTION OF SCREENING AND HEARINGS OFFICER

10.1 Neither a Screening Officer nor a Hearings Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

10.2 On a review of the Administrative Monetary Penalty, the Screening Officer may affirm the Administrative Monetary Penalty, including any administrative fee, or the Screening Officer may cancel, reduce, or extend the time for payment of the Administrative Monetary Penalty, including any administrative fee, on the following grounds:

(a) where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
(b) where the Person provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the Administrative Monetary Penalty, including any administrative fees, is necessary to relieve any undue hardship.

10.3 On a review of a Screening Decision, a Hearings Officer may affirm the Screening Decision, or the Hearings Officer may cancel, reduce or extend the time for payment of the Administrative Monetary Penalty, including any administrative fee, on the following grounds:

(a) where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
(b) where the Person provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the Administrative Monetary Penalty, including any administrative fee, is necessary to relieve any undue hardship.
10.4 Any decision by a Hearings Officer is final and is not subject to any further review, including review by any court.

11. ADMINISTRATION OF THE BY-LAW

11.1 The Chief Administrative Officer or designate shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law.

11.2 The Chief Administrative Officer or designate shall prescribe all forms and notices, including the Penalty Notice, necessary to implement the By-law and may amend such forms and notices from time to time as the Chief Administrative Officer or designate deems necessary.

11.3 The Chief Administrative Officer or designate may cancel an Administrative Monetary Penalty, including any administrative fee, where the Penalty Notice was issued to a Person due to an error made by the Town.

11.4 The Chief Administrative Officer or designate may cancel any administrative fee, without cancelling the Administrative Monetary Penalty, where the fee was imposed as the result of an error made by the Town.

12. FINANCIAL ADMINISTRATION

12.1 The Administrative Monetary Penalty is due and payable on the Penalty Notice Date and within 15 days of the Penalty Notice Date.

12.2 A Person who is given a Penalty Notice and who does not pay the amount of the Administrative Monetary Penalty within 15 days of the Penalty Notice Date shall pay to the Town the Late Payment Fee and any other administrative fees in Schedule “B” of this By-Law which may be applicable.

12.3 An Administrative Monetary Penalty, including any administrative fees, that is deemed affirmed is automatically affirmed under this By-law and does not require a Power of Decision provided to the Screening Officer or the Hearings Officer.

12.4 Where a Person has paid an Administrative Monetary Penalty that is then cancelled or reduced pursuant to this By-law, the Town shall refund the amount cancelled or reduced including any administrative fees imposed.

13. CONSEQUENCES OF NON-PAYMENT

13.1 An Administrative Monetary Penalty, including any administrative fees, that is affirmed or reduced or in respect of which the time for payment has been extended is due and payable and constitutes a debt to the Town owed by the Person to whom the Penalty Notice was given.

13.2 An Administrative Monetary Penalty, including any administrative fees, that is not paid within 15 days after it becomes due and payable shall be deemed to be unpaid taxes and may be collected in the same manner as taxes in accordance with section 434.2 Municipal Act, 2001, S.O. 2001, c. 25, as amended.

13.3 In the event of extenuating circumstances, a Person subject to a Hearing No Show Fee may request in writing to the Chief Administrative Officer or designate that the matter be reviewed, and upon providing any and all evidence satisfactory to the Chief Administrative Officer or designate, the said administrative fee may be cancelled, and an opportunity for another hearing granted, with the decision by the Chief Administrative Officer or designate being final.
14. **SEVERABILITY**

14.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the **Town** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

15. **REPEAL**

15.1 That By-laws 2013-50 and 2014-45 and all amendments thereto are hereby repealed.

**READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS **
DAY OF 2019.

**THE CORPORATION OF THE**
**TOWN OF THE BLUE MOUNTAINS**

__________________________________________
MAYOR

__________________________________________
CLERK
SCHEDULE A TO BY-LAW 2019-XXX

DESIGNATED BY-LAW PROVISIONS

LICENSING BY-LAW

3. For the purpose of section 2.1 of this By-law:

(a) Column 1 in the following table lists the provisions in the Licensing By-law No. 2019-XX, as amended, that are hereby designated for the purposes of section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

(b) Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1;

(c) Column 3 in the following table sets out the Administrative Monetary Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1 Designated Provision</th>
<th>Column 2 Short Form Wording</th>
<th>Column 3 Administrative Monetary Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence - Maximum Occupancy Calculation</td>
<td>$500.00</td>
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<tr>
<td>2</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence - Non-availability of Responsible Person</td>
<td>$500.00</td>
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<tr>
<td>3</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence - Non-availability of Rental or Lease Management Program Representative</td>
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<tr>
<td>4</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence – Noise By-law Violation</td>
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<tr>
<td>5</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence - Using premises contrary to Property Management Plan</td>
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<tr>
<td>6</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence - Fail to post Licence</td>
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<tr>
<td>7</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence - Property Standards By-law Violation - Order not complied with</td>
<td>$500.00</td>
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<tr>
<td>8</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence – Property Standards By-law Violation - Fail to cut grass</td>
<td>$500.00</td>
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<tr>
<td>9</td>
<td>Section 2.4</td>
<td>Term and Condition of Licence – Waste Collection By-law Violation</td>
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<td>10</td>
<td>Section 2.3</td>
<td>Operate without a Licence</td>
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<td>11</td>
<td>Section 2.5</td>
<td>Advertise without a Licence – Short Term Rental Property Unit</td>
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<td>12</td>
<td>Section 2.6</td>
<td>Advertise without a Licence – Bed and Breakfast Establishment</td>
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<tr>
<td>13</td>
<td>Section 2.7</td>
<td>Advertise without a Licence – Commercial Resort Unit</td>
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### SCHEDULE B TO BY-LAW NO. 2019-XXX

#### ADMINISTRATIVE FEES

<table>
<thead>
<tr>
<th>Item No.</th>
<th>COLUMN 1 Administrative Fee</th>
<th>COLUMN 2 Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Late Payment Fee</td>
<td>$25.00</td>
</tr>
<tr>
<td>2</td>
<td>Screening No Show Fee</td>
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<tr>
<td>3</td>
<td>Hearing No Show Fee</td>
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<tr>
<td>4</td>
<td>Land Title Search Fee</td>
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</tr>
<tr>
<td>5</td>
<td>Title Deed Fee</td>
<td>$15.00</td>
</tr>
</tbody>
</table>
Municipal Licensing By-Law Update

February 2020
Process to Date to Establish a Municipal Licensing By-law

• Since mid 2018, staff have worked on completing a full review of the Town’s Short Term Accommodation (STA) Program

• A number of reports and 2 public meeting processes have resulted in community engagement with good public consultation with an interested Rate Payers Association, STA Industry, along with Tourism and Accommodation Industry Stakeholders

• The work to date has resulted in a follow-up report to the December 2019 Public Meeting coming to the Committee of the Whole on February 25, 2020
2020 Municipal Licensing By-Law

Type A, B, C, E and F Licenses

Type D License – Bed & Breakfast
## License Types Listed in Municipal Licensing By-law in November 2019

<table>
<thead>
<tr>
<th>Property Use</th>
<th>License Type</th>
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</thead>
<tbody>
<tr>
<td>Rental of a property inside the exception area for less than 30 days</td>
<td>A</td>
</tr>
<tr>
<td>Rental of a property outside of the exception area for less than 30 days</td>
<td>B</td>
</tr>
<tr>
<td>Use of a property for rental for less than 30 days that has been provided Legal Conforming Status</td>
<td>C</td>
</tr>
<tr>
<td>Property approved for Bed &amp; Breakfast operations</td>
<td>D</td>
</tr>
<tr>
<td>Commercial Resort Unit</td>
<td>E</td>
</tr>
</tbody>
</table>
Revised License Type Listing with Removal of Type E License Until Further Consultation

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<td>Property approved for Bed &amp; Breakfast operations</td>
<td>D</td>
</tr>
</tbody>
</table>
“Interpretation Policies”

In 2014, a series of “Interpretation Policies” were implemented by the Building and By-law Services Division and Fire Department:

- POL.STAL.14.02 – STA Premises: Definition of a Bedroom
- POL.STAL. 14.01 - STA License Applications: Confirming Legal Non-Conforming Status
- POL.STAL.16.09 - STA Premises: Parking Management Plans
- POL.STAL.16.07 - STA Licensing Program: Manager Designate

It is the intent of staff that the “Interpretation Policies” noted be repealed with the establishment of the new Municipal Licensing By-law
Occupant Load Calculation

• In 2018, Council at that time endorsed the adoption of the 2 persons + 4 persons model for Short Term Accommodations

• The 2 persons + 4 persons model is still currently proposed through the new Municipal Licensing By-law
Responsible Person (proposed response time change)

• The new Municipal Licensing By-law proposes a reduction to the current response time from 1 hour to a ½ an hour.

• Town staff believe that the main concern relating to the use of the Responsible Person is how this affects reporting noise concerns and remedying these concerns.

• The concern is compounded by the Town’s practice of when the Responsible Person has not been contacted, and where noise has been identified by OPP or By-law staff, no demerit points are to be applied.
Do Demerit Points Get Applied if the Responsible Person is Not Notified?

• **Quick answer is No**, but staff have a proposed option to consider

• If the Responsible Person has not been notified, no Demerit Points would be administered to the License unless the Responsible Person was contacted

  **However**

• Staff have proposed a new tool for “Nuisance” that would have the Director of Legal Services apply Demerit Points to a specific Licensed property if the repeated activities and findings are deemed to be a nuisance by the Director of Legal Services
PROPOSED IN BY LAW
Multiple warnings with or without reporting through Town dispatch resulting in OPP warnings or charges may be deemed a Nuisance by the Director resulting in the application of Demerit Points
## Noise Complaints Relating to Occupancy

<table>
<thead>
<tr>
<th>Occupancy</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total per Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>8</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>14</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>14</td>
<td>0</td>
<td>23</td>
</tr>
<tr>
<td>16</td>
<td>4</td>
<td>1</td>
<td>11</td>
<td>4</td>
<td>8</td>
<td>0</td>
<td>28</td>
</tr>
<tr>
<td>18</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>20</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>22</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>STA Related Noise Complaints</td>
<td>11</td>
<td>8</td>
<td>29</td>
<td>10</td>
<td>29</td>
<td>0</td>
<td>87</td>
</tr>
<tr>
<td>Total Noise Complaints</td>
<td>34</td>
<td>36</td>
<td>62</td>
<td>49</td>
<td>84</td>
<td>1</td>
<td>266</td>
</tr>
</tbody>
</table>
### Annual Noise Complaints vs Annual STA Related Noise Complaints

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>STA Related Noise Complaints</td>
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<td>8</td>
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<td>36</td>
<td>62</td>
<td>49</td>
<td>84</td>
<td>1</td>
<td>266</td>
</tr>
</tbody>
</table>

% of Noise Complaints Related to STA

|                      | 32%  | 22%  | 47%  | 20%  | 34.5%| 0%   | 33%   |

- 75 of the 87 (86%) of STA noise complaints were received for properties with occupancies of 14 or more
  **Note: these complaints do not specifically reflect how many people were actually at the property**

- 87 of the 266 (33%) of total noise complaints received were STA related
  **In 2019: 7 of the 29 (24%) of complaints were related to one Licensed STA property in the 14 occupancy range**
Legal Non-Conforming

- Staff are proposing that all Type C License applications be considered through the following process;
  - Review of request and continued use by Town Registered Planner
  - Legal Non-Conforming use will be approved by the Town’s Director of Planning and Development Services upon review of the Registered Planner’s acceptance
  - Notice will be provided to Council via quarterly By-law report
- Notice provided to Council will identify that a Type C use has been reviewed and if it has been approved or denied
- If approved, the report will confirm that all required documentation granting Legal Non-conforming status has been provided, and the information reviewed is valid
- A fee for the additional Planning Review to confirm the Legal Non-Conforming use has been included in the Town’s proposed Fee’s and Charges by-law
All Licenses Will be Issued as a New License

****This is a key proposed change****

• Staff are recommending that all Licenses require a fulsome review at the end of the License Term and that these Licenses require a full review to be completed by staff after each License Term

• The Town will commit to the review process being completed within 120 days of receiving a complete application for a property that does not have an existing License

• This includes the required inspections being completed by Fire Services staff and or By-law staff

• Additional inspections may result in additional review time being required
All Licenses Will be Issued as a New License

****This is a key proposed change****

• The Town will commit to the review process being completed within 60 days of receiving a complete application for properties with an existing License.

• This includes all required inspections being completed by Fire Services staff and or By-law staff (additional inspections may result in additional review time being required).

• Application for a new License for a property that has an existing License would be made 90 days prior to the expiration date to ensure a new License is approved a minimum of 30 days prior to the expiration date.

• The date on the new License will be prorated to the existing License expiration date.
Term of License

• Through the Public Consultation process, the Term of Licenses being changed from the current 2 year Term to a 1 year Term was reviewed

• Staff are recommending the 2 year Term be retained for:
  • Type A, B, C and D Licenses
Concerns Relating to Bed and Breakfast Type D License

• A concern was brought forward relating to the specific requirement for the “Owner” to be on the premise at all times when renters of a Bed & Breakfast are occupying a dwelling subject to a Type D License

• Staff have made a modification to the draft Municipal Licensing By-law that stipulates that the Licensee (who must be the owner of the property) shall be on site between the hours of 2300hrs and 0700hrs during the stay of a renter
Clarification made to Commercial Resort Units

• Staff have confirmed that when dealing with Commercial Resort Units in the future, reference in the Municipal Licensing By-law will read:

  • To not permit a Unit that is operating under a License to be occupied as a permanent residence for more than 120 days in a calendar year.

• This is reflective of the Town’s Zoning By-law and essentially allows a Commercial Resort Unit to be rented throughout the year on a short term basis

• The earlier draft By-law was incorrect in stating that the unit could not be rented for more than **120 days** per year
Noise Monitoring Systems for Type A, Type B & Type C Licenses

****NEW PROPOSAL****

• Staff suggest the implementation of a noise monitoring system requirement for Type “A”, Type “B” and Type “C” Licenses

• Requiring at least 1 indoor monitor and 1 outdoor monitor

• NoiseAware is currently used by local industry members and has proven to be very effective

• This option would allow the Licensee to monitor noise levels within the licensed dwelling and on the property to help maintain acceptable levels of noise
Limited Hours of Use for Outdoor Hot Tubs and Pools at a Licensed Property

****New Proposal****

• Staff suggest that the use of outdoor hot tubs and pools be limited through the Municipal Licensing By-law

• These limited hours of use would apply to properties subject to Type A, Type B, and Type C Licenses

• Use is permitted between the hours of 0700 and 2300 hours exclusively

• These proposed times are consistent with the Resort area in relation to the use of outdoor pools and or hot tubs

• This proposal is based on limiting activities that are thought to create noise and late evening disturbances
Fire Pits Not Permitted at Licensed Properties with Type A, Type B and Type C Licenses

*****New Proposal*****

• Staff recommend that fire pits and campfires be prohibited on properties subject to Type A, Type B and Type C Licenses unless authorized by the Town’s Fire Department through the License application and inspection process

• This proposal is based on limiting activities that are thought to create noise and evening disturbances
Current Fee Structure

• STA License $2,500
• STA License Renewal $1,000
• STA License (condo) $1,500
• STA License Renewal (condo) $500
• Late Renewal $500
• Fire Safety Inspection $75
• STA Appeal Committee $500
• Appeal to Council $500
• STA re-inspection Fee $100
• Replacement License Placard $50
2020 Proposed Fees (no renewals)

- Application Submission: $50 provided at time of application
- Total Type A Fee for 2 years: $2,200 including fee for initial inspections
- Total Type B Fee for 2 years: $2,200 including fee for initial inspections
- Total Type C Fee for 2 years: $2,250 including fee for initial inspections
- Total Type D Fee for 2 years: $1,075 including fee for property inspection
# 2020 Proposed Fees

- **Re-inspection Fee for Fire Services**: $125 (fee paid prior to 2nd inspection)
- **3rd and each additional inspection by Fire Services**: $175 (each fee paid prior to inspection)
- **Re-inspection Fee for By Law staff**: $125 (fee paid prior to 2nd inspection)
- **3rd and each additional inspection by By-law Staff**: $175 (each fee paid prior to inspection)
- **Tribunal Fee (per application)**: $600 (estimate at this time)
- **Appeal Tribunal Decision to Council**: $400 (Administration fee)
Bed & Breakfast Type D Fees

• Current Fees for Planning Review for Bed & Breakfast Applications
  • Individual Scale Zoning By-law Amendment Fee $1,845
  • Individual Scale Site Plan Application Fee -- $295
  • Individual Scale Agreement Prep -- $865
  • As per Bylaw 2019-15

• Proposed $1,075 License Fee
Municipal Licensing By-law Application Review Process

• A property not subject to an existing License requires **120 days** for application review

• A property subject to an existing License requires **60 days** for application review with the application being submitted **90 days** prior to the existing License expiration date
<table>
<thead>
<tr>
<th>Process</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial application is submitted and requires review to ensure current zoning of property conforms with the requested use (fee of $50.00)</td>
<td></td>
</tr>
<tr>
<td>License application review is initiated once appropriate zoning is confirmed by Planning Department</td>
<td></td>
</tr>
<tr>
<td>If zoning confirms that the requested use is permitted, the full application is now considered</td>
<td></td>
</tr>
<tr>
<td>Full payment is required at this point including inspection fees</td>
<td></td>
</tr>
<tr>
<td>Initial application is submitted and requires review to ensure current zoning of property conforms with the requested use (fee of $50.00)</td>
<td></td>
</tr>
<tr>
<td>License application review is initiated once appropriate zoning is confirmed by Planning Department</td>
<td></td>
</tr>
<tr>
<td>If zoning confirms that the requested use is permitted, the full application is now considered</td>
<td></td>
</tr>
<tr>
<td>Full payment is required at this point including inspection fees</td>
<td></td>
</tr>
<tr>
<td>Fire Services is requested to complete a Fire inspection for Type A, Type B, and Type C License applications</td>
<td></td>
</tr>
<tr>
<td>By-law Enforcement is required to complete a property inspection for Type A, Type B, Type C and Type D License applications</td>
<td></td>
</tr>
<tr>
<td>Follow up inspections may be required to complete the application review and approval process</td>
<td></td>
</tr>
<tr>
<td>Additional inspection costs may be applied and must be paid prior to each additional inspection. Additional review costs may be applied at the discretion of the Director</td>
<td></td>
</tr>
<tr>
<td>Final review of application with all approved inspections are documented and filed within the Town’s Licensing System</td>
<td></td>
</tr>
<tr>
<td>Term of License is 2 years</td>
<td>License package includes an external placard, interior License and follow up inspection checklist</td>
</tr>
</tbody>
</table>
Transition from Provincial Offences Court to Municipal Tribunal

• The new Municipal Licensing By-law as presented allows for either Provincial Offences Act or Administrative Penalties to be utilized

• Charges issued to tenants and guests of a rental property will be processed through the Provincial Offences Court and not Administrative Penalties

• Staff will pursue penalties for those property owners found to be operating a short term rental without a license through either the Municipal Tribunal or the Town’s Zoning By-law

• The Director of Legal Services will recommend the appropriate course of action on a case by case basis
# Standard Fire Checklist

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maintenance Documentation</strong></td>
<td>• Ongoing 2 Year Records Upon Request</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Interconnected Smoke Alarms</strong></td>
<td>• All Levels</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>• Each Bedroom</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>• Service Room</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Carbon Monoxide Alarms Outside All Sleeping Areas</strong></td>
<td>• Outside All Sleeping Areas if Building has Attached Garage and/or Fuel Burning Appliances</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Approved Second Exit From Sleeping Floor and/or From Basement if Sleeping Below Grade</strong></td>
<td>• Second Exit</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>• Sleeping Below Grade</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>• Basement</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>3a10bc Extinguisher</strong></td>
<td>• All Levels at Exits</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Exit Signage</strong></td>
<td>• All Corridors</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Corridor Lighting</strong></td>
<td>• All Corridors</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Fireplace / Chimney / Appliances Annual Maintenance</strong></td>
<td>• All Fuel Burning Appliances</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Maintenance of Exits</strong></td>
<td>• All Exits</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>• Signage Over Each Exit</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>• Photolum/ Hardwired</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Approved Fire Safety Plan</strong></td>
<td>• Required For Each Unit and Must Be Submitted to Fire Service For Review and Approval</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
Site Plan Requirements for Submission at Application
Site Plan Requirements for Submission at Application
Demerit Points

• It is proposed that each License will continue to have a maximum limit of 15 Demerit Points

• At the point where a License has accumulated 9 Demerit Points, a meeting with the Licensee and Town staff will be required
  - Suspension of License is an option the Director may consider

• Where a License has reached 15 Demerit Points within the Term of the License, the Director may revoke the License

• Records will be kept on file for each property and recording of previous demerit points may be reviewed by staff when considering suspensions and other penalties
Demerit Points

• The following process is being proposed:
  • Where Demerit Point(s) have been applied, the Licensee will have the opportunity to speak with a Screening Officer
  • If the Licensee wishes to appeal the decision of the Screening Officer, the Licensee will have the right to appeal to the Municipal Tribunal and a Hearing Officer will preside over the Tribunal
  • The roster of Hearing Officers will be retained by the Town as the establishment of a Municipal Tribunal is created and approved by Council
  • If the Licensee wishes to appeal the decision of the Hearing Officer, the Licensee may appeal the decision to Town Council
  • The Licensee may appeal to the Superior Court, however, only on the basis of Procedure (Judicial Review)
## Administrative Penalties

<table>
<thead>
<tr>
<th>Offence</th>
<th>Current Fine</th>
<th>Current Demerit Points</th>
<th>Proposed Fine</th>
<th>Proposed Demerit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities Deemed to be a Nuisance by the Director of Legal Services</td>
<td>N/A</td>
<td>N/A</td>
<td>No Fine</td>
<td>2 points</td>
</tr>
<tr>
<td>Fire Protection and Prevention/Fire Code</td>
<td>$250</td>
<td>15 points</td>
<td>N/A</td>
<td>15 points</td>
</tr>
<tr>
<td>Maximum Occupancy Calculation together with permitting an activity that causes a Nuisance that occurs between the hours of 0700 and 2200 hours</td>
<td>N/A</td>
<td>N/A</td>
<td>$500</td>
<td>3 points (Cumulative with Nuisance Fine)</td>
</tr>
<tr>
<td>Maximum Occupancy Calculation between the hours of 2200 and 0700 hours</td>
<td>N/A</td>
<td>N/A</td>
<td>$750</td>
<td>5 points (Cumulative with Nuisance Fine)</td>
</tr>
</tbody>
</table>
## Proposed Administrative Penalties

<table>
<thead>
<tr>
<th>Offence</th>
<th>Current Fine</th>
<th>Current Demerit Points</th>
<th>Proposed Fine</th>
<th>Proposed Demerit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd or subsequent Term and Condition of License - Maximum Occupancy Calculation between the hours of 2200 and 0700 hours</td>
<td>N/A</td>
<td>N/A</td>
<td>$500</td>
<td>8 points (Cumulative with Nuisance Fine)</td>
</tr>
<tr>
<td>Failure of the Licensee to be onsite during the stay of a renter during the hours of 2300 and 0700 hours</td>
<td>N/A</td>
<td>N/A</td>
<td>$500</td>
<td>5 points</td>
</tr>
<tr>
<td>Not Posting License</td>
<td>$250</td>
<td>3 points</td>
<td>$500</td>
<td>3 points</td>
</tr>
<tr>
<td>Advertising Without Town License Number Being Included</td>
<td>N/A</td>
<td>N/A</td>
<td>$500</td>
<td>3 points</td>
</tr>
<tr>
<td>Permitting an activity that causes a Nuisance</td>
<td>$250</td>
<td>3 points</td>
<td>$500</td>
<td>5 points</td>
</tr>
</tbody>
</table>
## Proposed Administrative Penalties

<table>
<thead>
<tr>
<th>Offence</th>
<th>Current Fine</th>
<th>Current Demerit Points</th>
<th>Proposed Fine</th>
<th>Proposed Demerit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contrary to Property Management Plan</td>
<td>$250</td>
<td>3 points</td>
<td>$500</td>
<td>3 points</td>
</tr>
<tr>
<td>Contrary to Parking Management Plan</td>
<td>$250</td>
<td>3 points</td>
<td>$500</td>
<td>3 points</td>
</tr>
<tr>
<td>Operating Without Functioning Noise Notification System Where Required</td>
<td>N/A</td>
<td>N/A</td>
<td>$500</td>
<td>3 points</td>
</tr>
<tr>
<td>(Cumulative with Nuisance Fine)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Standards (Order Not Complied With)</td>
<td>$250</td>
<td>3 points</td>
<td>N/A</td>
<td>3 points</td>
</tr>
<tr>
<td>Property Standards (Failed to Cut Grass)</td>
<td>$250</td>
<td>2 points</td>
<td>N/A</td>
<td>2 points</td>
</tr>
<tr>
<td>Waste/Garbage Collection By-law Violation</td>
<td>$250</td>
<td>2 points</td>
<td>N/A</td>
<td>2 points</td>
</tr>
</tbody>
</table>
## Proposed Administrative Penalties

<table>
<thead>
<tr>
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<th>Current Fine</th>
<th>Current Demerit Points</th>
<th>Proposed Fine</th>
<th>Proposed Demerit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Availability of Responsible Person</td>
<td>$250</td>
<td>5 points</td>
<td>$800</td>
<td>5 points</td>
</tr>
<tr>
<td>Occupation of an Outdoor Pool/Hot Tub Outside Permitted Hours</td>
<td>N/A</td>
<td>N/A</td>
<td>$500</td>
<td>3 points (Cumulative with Nuisance Fine)</td>
</tr>
<tr>
<td>Evidence Found of Ignition of an Outside Fire or Provision of a Fire Pit without Authorization</td>
<td>N/A</td>
<td>N/A</td>
<td>$500</td>
<td>2 points (Cumulative with Nuisance Fine)</td>
</tr>
<tr>
<td>Building Code Act (Construction Without a Permit)</td>
<td>$250</td>
<td>7 points</td>
<td>N/A</td>
<td>7 points</td>
</tr>
</tbody>
</table>
# Modified Administrative Penalties

<table>
<thead>
<tr>
<th>Offence</th>
<th>Modified By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Without a License</td>
<td>No Longer Applicable</td>
</tr>
<tr>
<td>Noise By-law Infraction</td>
<td>Captured By Permitting an Activity that Causes a Nuisance</td>
</tr>
<tr>
<td>Sleeping in Excess of Maximum Permitted</td>
<td>Captured By the Maximum Occupancy Calculation</td>
</tr>
<tr>
<td>Not Providing Updated Information</td>
<td>Using Premise Contrary to Property Management Plan</td>
</tr>
</tbody>
</table>
Next Steps

• Pending the approval of the Municipal Licensing By-law and By-law for Administrative Monetary Penalties

• Staff will move forward with the development and establishment of a Municipal Tribunal and its process

• Staff will continue to work with Stakeholders to establish options for Commercial Resort Units
Notice of Public Meeting

With Regard to the Proposed Municipal Licensing By-law

April 6, 2020 at 5.00 p.m.

Town Hall, Council Chambers
32 Mill Street, Thornbury, ON N0H 2P0

What is being proposed?

The Town of The Blue Mountains Council will hold a Public Meeting to receive comments regarding the proposed Municipal Licensing By-law. The Municipal Licensing By-law will regulate and license businesses within the Town of The Blue Mountains and will replace The Town's existing Short Term Accommodation By-law 2013-50 and associated amending By-law 2014-45.

An initial Public Meeting was held on December 16, 2019 to review the draft Municipal Licensing By-law. Significant changes were made based on the comments received at the December 16, 2019 Public Meeting and an additional Public Meeting was deemed to be necessary to receive additional public comments before consideration of the proposed by-law.

Staff Report FAF.20.010 “Follow up to the Municipal Licensing By-law and Administrative Monetary Penalty By-law Public Meeting” provides additional information regarding the proposed by-law. A copy of the Staff Report is available through the Town's website: www.thebluemountains.ca.

All comments received from the December 16, 2019 Public Meeting and the April 6, 2020 Public Meeting will be compiled and attached to a follow up staff report for Council consideration at a future Committee of the Whole meeting.

When will a decision be made?

It is important to note that a decision on this by-law enactment has NOT been made at this point and will NOT be made at this Public Meeting.

After reviewing the draft by-laws and comments from the public, Staff will bring its recommendations to Council at a future Council Meeting.

How can I make my views known about this proposal?

Comments at the Public Meeting aid the Town and Council in their decision making process, so be sure to have your say!

Any person or agency may attend the Public Meeting and/or make verbal or written comments regarding the proposed Municipal Licensing By-law.

How do I submit my comments?

If you would like to submit comments in writing or would like to be notified of a decision on this proposal, submit your written comments or request during regular office hours (Monday to Friday from 8:30 a.m. to 4:30 p.m.) to Corrina Giles, Town Clerk at:

Town Hall, 32 Mill Street, Thornbury, ON Telephone: 519-599-3131 ext. 232

Comments can also be faxed to Corrina Giles at 519-599-7723, or emailed to townclerk@thebluemountains.ca

Please note that any submitted comments become part of the public record, including names and addresses. Written comments are due by April 3, 2020 so that they may be read at the meeting for the benefit of everyone in attendance.

Questions? Want more information? Ask a Staff Member!
Wayne DeWitt, Supervisor of By-law Services
519-599-3131 ext. 243
bylawinfo@thebluemountains.ca

Under the authority of the Municipal Act, 2001 and in accordance with Ontario’s Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), all information provided for, or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record, including resident deputations. This information may be posted on the Town’s website. and/or made available to the public upon request.

This document can be made available in other accessible formats as soon as practicable and upon request.