



# Staff Report

## Enforcement Services

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**Report To:** Council  
**Meeting Date:** December 17, 2018  
**Report Number:** FAF.18.163  
**Subject:** Proposed Property Standards By-law Revision  
**Prepared by:** Rob Collins, Director of Fire and Enforcement Services

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### A. Recommendations

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THAT Council receive Staff Report FAF.18.163, entitled "Proposed Property Standards By-law Revision";

### B. Overview

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This report outlines proposed changes to the By-law 2002-18, as amended.

### C. Background

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The Town's Property Standards By-law (2002-18, as amended) applies to areas specified in Schedule 1-A of the By-law only. The By-law does not generally apply to most of the rural areas of the southern portion of the Town.

According to Provincial legislation (the Residential Tenancies Act, 2006), Ontario municipalities are required to apply Property Standards By-laws to all areas of the municipality, or alternatively to designate Municipal Law Enforcement Officers to enforce residential rental maintenance standards (RRMS) of the Residential Tenancies Act in all areas of the municipality. Staff recommend that By-law 2002-18 be amended to apply to all areas of the Town. Staff recommend that Paragraph 8.1 be deleted from the Property Standards By-law.

In addition to this proposed change, Staff recommend the removal of Paragraph 5.6, which specifies the maximum occupant load for a property licensed for Short-Term Accommodation use. As part of the proposed revision to the Short-Term Accommodation Licensing By-law, Council has prescribed a maximum occupant load based on 2 persons per bedroom plus an additional four persons. The majority of the existing STA licenses have been issued according to the "Plus 4" model, through the use of an administrative policy to the STA Licensing By-law, rather than applying the existing Property Standards By-law. By-law 2002-18 currently prescribes two persons per bedroom plus an additional two persons. Under the proposed STA By-law revision, that By-law would prescribe the occupant load; Staff recommend the removal of 2001.18, paragraph 5.6 in order to ensure that there is no conflict between the two approved By-laws.

## **D. Analysis**

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By-law 2002-18 has been amended three times (By-law No. 2003-26, 2014-15, & 2014-46). Staff recommend that By-law 2002-18 be repealed, and replaced with a new Property Standards By-law which would reflect applicable parts of the old By-law and incorporate the proposed revisions outlined in this Staff Report.

## **E. The Blue Mountains Strategic Plan**

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Goal #4: Promote a Culture of Organizational & Operational Excellence  
Objective #3 To Consistently Deliver Excellent Customer Service  
Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

## **F. Environmental Impacts**

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None identified.

## **G. Financial Impact**

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None identified.

## **H. In Consultation With**

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N/A

## **I. Public Engagement**

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The topic of this Staff Report has been the subject of a Public Meeting and/or a Public Information Centre which took place on December 17, 2018. Those who provide comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, will be provided notice of this Staff Report.

## **J. Attached**

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1. By-law 2002-18 Property Standards By-law, Office Consolidation
2. Draft STA Licensing By-law

Respectfully submitted,

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Rob Collins  
Director of Fire & Emergency Services

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## The Corporation of the Town of The Blue Mountains

### By-Law Number 2002 – 18

#### Office Consolidation

#### (By-law No. 2003-26, 2014-15, & 2014-46)

Whereas Council at its meeting of April 3, 2002 enacted By-law No. 2002-18, "The Property Standards By-law";

And Whereas Council at its meeting of March 24, 2003 enacted a By-law to regulate and prohibit long grass and noxious weeds:

And Whereas certain provisions of The Property Standards By-law have been duplicated in the Long Grass and Weed Control By-law;

And Whereas Council are desirous of repealing those provisions contained in The Property Standards By-law

Now Therefore and respecting under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

And Whereas the Town of Thornbury Official Plan includes provisions relating to property conditions;

And Whereas Amendment No. 12 (Craigleith/Camperdown Secondary Plan) to the Official Plan of the Beaver Valley Planning Area includes provisions relating to property conditions;

And Whereas Amendment No. 27 (North Collingwood Township Secondary Plan) to the Official Plan of the Beaver Valley Planning Area includes provisions relating to property conditions;

And Whereas the Council of The Town of The Blue Mountains is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

And Whereas Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

Now Therefore the Council of The Town of The Blue Mountains hereby enacts the following:

#### **PART I**

#### **DEFINITIONS**

In this by-law:

- 1.1 "Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.
- 1.2 "Approved" means acceptance by the Property Standards Officer.
- 1.3 "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.4 "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.5 "Guard" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.6 "Long Grass" means grass that exceeds a length, on average, of 180 mm (7").
- 1.8 "Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes

the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.

1.9 "Normal Farm Practice" means a normal farm practice as defined by the Farming and Food Production and Protection Act, 1998.

1.10 "Owner" means the registered owner of a property.

1.11 "Person" means an individual, firm, corporation, association or partnership.

1.12 "Residential Property" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

1.13 "Standards" means the standards of the physical condition prescribed for property by this By-Law.

1.14 "Unsightly Appearance" means something that is displeasing to the eye.

1.15 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

## **PART II COMPLIANCE**

2.1 Except as explicitly provided for in Section 4.01 of this By-law, all owners of property shall repair and maintain such property to comply with the standards prescribed by this By-law.

2.2 The provisions of this By-law do not apply to normal farm practices.

## **PART III GENERAL STANDARDS FOR ALL PROPERTY**

3.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

### **YARDS**

3.2 Every yard, including vacant lots, shall be kept clean and free from:

(1) rubbish or debris and objects or conditions that may create a health, fire or accident hazard;

(2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats, unless it is necessary for the operation of a business enterprise lawfully situated on the property;

(3) brush & undergrowth (By-law 2003-26);

(4) dilapidated, collapsed or partially constructed structures which are not currently under construction;

(5) injurious insects, termites, rodents, vermin or other pests; and

(6) dead, decayed or damaged trees.

### **SURFACE CONDITIONS**

3.3 Surface conditions of yards shall be maintained so as to:

(1) prevent ponding of storm water;

- (2) prevent instability or erosion of soil;
- (3) not exhibit an unsightly appearance;
- (4) be kept free of garbage and refuse;
- (5) be kept free of deep ruts and holes; and;
- (6) provide for safe passage under normal use and weather conditions, day or night.

3.4 Section 3.03 (1) shall not apply to naturally occurring ponds, approved storm water management ponds, ponds forming part of an irrigation or snow making system or other approved ponds.

### **SEWAGE AND DRAINAGE**

3.5 Sewage shall be discharged into a municipal sewage system or an approved private sewage system.

3.6 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

3.7 Roof or foundation drainage shall not be discharged onto adjacent private property or, onto public property unless such drainage has been authorized by the authority having jurisdiction.

### **PARKING AREAS, WALKS AND DRIVEWAYS**

3.8 All areas regularly used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair, free of dirt and litter.

3.9 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and normal weather conditions, day or night.

### **ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES**

3.10 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

### **GARBAGE DISPOSAL**

3.11 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.

3.12 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable.

3.13 Garbage storage areas shall be screened from public right-of-way.

### **COMPOST HEAPS**

3.14 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than two square metres and 2.0 metres (6'-7") in height and is enclosed on all sides by concrete block, or lumber, or in a forty- five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting, or other approved container. Any such building or structure used to enclose the compost heap shall be situated in accordance with the provisions of the applicable zoning by-law.

## **PART IV**

### **DWELLING UNIT, SHORT TERM ACCOMMODATION AND COMMERCIAL RESORT UNIT STANDARDS**

4.0 The following standards apply to those uses defined as a dwelling unit, short term accommodation and/or commercial resort unit by the applicable zoning by-law:

#### **INTERIOR STRUCTURE-COLUMNS-BEAMS**

4.1 In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

#### **WALLS-CEILINGS**

4.1 Every interior surfaces and finishes of walls and ceilings shall be maintained:

- 1) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned
- 2) free of holes, cracks, loose plaster or other material
- 3) in a safe condition; and
- 4) so as to possess the fire resistant properties required by the Building and Fire Codes.

4.2 In any bathroom the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

#### **FLOORS**

4.3 Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.

4.4 Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.

4.5 Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.

4.6 Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

#### **STAIRS-HANDRAILS-GUARDS**

4.7 Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.

4.8 All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.

4.9 Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.

4.10 All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair, shall be properly anchored so as

to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

## **ELEVATORS**

4.11 Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.

4.12 All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:

- (1) in good working order and good repair; and
- (2) in a safe condition.

## **MEANS OF EGRESS**

4.13 Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.

4.14 Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.

4.15 The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.

4.16 In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.

4.17 Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.

4.18 All means of egress within a non-residential property shall be maintained free from all obstructions or impediments;

- a) provided with clear, unobstructed and readily visible exit signs, for every required exit; and;
- b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

## **HEATING-AIR CONDITIONING**

4.19 Every residential dwelling shall have heating equipment capable of maintaining a temperature of 21°Celsius (70°Fahrenheit).

4.20 It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.

4.21 Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.

4.22 No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.

4.23 Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.

4.24 If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel

shall be provided in a safe place and maintained in a safe condition.

4.25 Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions

4.26 Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

## **AIR CONDITIONING**

4.27 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.

4.28 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.

4.29 The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

## **ELECTRICAL**

4.30 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

4.31 The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.

4.32 Extension cords are not permitted on a permanent basis.

## **VENTILATION**

4.33 Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

4.34 Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.

4.35 When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this Bylaw.

4.36 An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.

4.37 Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

## **LIGHTING**

4.38 Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.

4.39 Lighting equipment shall be installed throughout every property to provide adequate

illumination for the use of each space so as to provide safe passage.

## **PLUMBING**

4.40 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

4.41 Plumbing systems on a property shall be provided, installed and maintained:

- (1) in compliance with the respective requirements of any applicable Act or Bylaw;
- (2) in good working order and good repair; and
- (3) in a safe condition.

4.42 All plumbing fixtures shall be connected to the sewage system through water seal traps.

## **WATER SUPPLY**

4.43 Every dwelling and every building to which water is available under pressure through piping shall be provided with:

- (1) adequate supply of hot water with a temperature range from 60 to 73.8 Celsius or 140 to 165 degrees Fahrenheit shall be provided and maintained in all dwelling units; and (2) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
- (3) piping for cold water connected to every toilet and hose bib.

## **SEWAGE SYSTEM**

4.44 Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.

4.45 Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

4.46 The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

## **VERMIN CONTROL**

4.47 Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

## **PART V**

### **ADDITIONAL REQUIREMENTS FOR DWELLING UNIT, SHORT TERM ACCOMMODATION AND COMMERCIAL RESORT UNIT OCCUPANCY**

5.0 The following standards apply to those uses defined as a dwelling unit, short term accommodation and/or commercial resort unit by the applicable zoning by-law:

#### **OCCUPANCY STANDARDS**

5.1 A non-habitable room shall not be used as a habitable room.

5.2 No kitchen shall be used as a bedroom.

5.3 The minimum dimension of any habitable room shall be 2 metres (6.5 feet).

5.4 Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches). For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) and the area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.

5.5 No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:

- (1) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
- (2) each habitable room shall comply with all the requirements for ingress, egress,
- (3) light, ventilation and ceiling height set out in this Bylaw;
- (4) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water

5.6 The maximum number of occupants within a dwelling that is being operated as short term accommodation shall not exceed a total number based upon two (2) persons per bedroom plus an additional two (2) persons. (By-law 2014-46)

#### **TOILET AND BATHROOM FACILITIES**

5.7 Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.

5.8 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.

5.9 All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.

5.10 No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

#### **PART VI**

##### **VACANT LANDS AND BUILDINGS**

6.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

##### **VACANT LANDS**

6.2 Vacant land shall be maintained to the standards as described in Part III, Articles 3.02 and 3.03, of this By-Law.

6.3 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

##### **VACANT BUILDINGS**

6.4 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

6.5 The owner or agent of a vacant building shall protect the building against the risk of fire, accident, damage or other danger thereto or to adjoining premises by effectively preventing the entry thereto by all unauthorized persons.

6.6 Without restricting the generality of Section 5.05, protection may include the boarding up of all openings to the building with at least 12.7 mm (2") weatherproof sheet plywood, composite panels or sheathing boards securely fastened to the building and painted a colour compatible with the surrounding walls.

## **PART VII NON-RESIDENTIAL PROPERTY STANDARDS**

7.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

### **YARDS**

7.2 The yards of non-residential property shall be maintained to the standards as described in Part III, Articles 3.02 and 3.03 of this By-Law.

7.3 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6') in height and maintained in good repair.

### **PARKING AREAS, AND DRIVEWAYS**

7.4 All areas regularly used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

7.5 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

### **STRUCTURAL SOUNDNESS**

7.6 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

7.7 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

### **EXTERIOR WALLS**

7.8 Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

7.9 Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

### **EXTERIOR GUARDRAILS**

7.10 Exterior guards shall be installed and maintained in good repair on the open side of any

stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. Guardrails shall be installed and maintained in good repair around all landings, porches, decks and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

## **PART VIII ADMINISTRATION AND ENFORCEMENT**

8.1 This By-Law shall apply to all property located within the area indicated on Schedule A1 to this By-law.

8.2 Notwithstanding 8.01 above, this By-law applies to all lands and premises within the Town used for short term accommodation. (By-law 2014-46)

8.3 The imperial measurements contained in this By-Law are given for reference only.

### **OFFICERS**

8.4 The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law.

### **PROPERTY STANDARDS COMMITTEE**

8.5 Council shall appoint by Resolution of Council no fewer than three (3) persons to the Property Standards Committee.

8.6 Every person who initiates an appeal of an Order made under Section 15.2 (2) of the Ontario Building Code Act, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the Act.

### **PENALTY**

8.7 An owner who fails to comply with an order that is final and binding under this By-law is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in section 36 of that Act.

### **VALIDITY**

8.8 If an article of this By-Law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

8.9 Where a provision of this By-Law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

### **TRANSITIONAL RULES**

8.10 After the date of the passing of this By-law, By-Law No. 93-3, as amended, of the former Township of Collingwood and By-law No. 10/95, as amended, of the former Town of Thornbury shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

### **REPEAL**

8.11 By-Law No. 93-3, as amended, of the former Township of Collingwood and By-law No. 10/95, as amended, of the former Town of Thornbury, are hereby repealed.

**TITLE**

8.12 This By-Law may be referred to as "The Property Standards By-Law".

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
Ross Arthur, Mayor

\_\_\_\_\_  
Stephen Keast, Clerk

# The Corporation of the Town of The Blue Mountains

## By-Law Number 2018 –

**“Being a By-law to licence, regulate and govern short term accommodation uses”.**

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (“Municipal Act, 2001”) 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 9 of the Municipal Act, 2001, 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

And whereas the Council of the Corporation of the Town of The Blue Mountains has enacted By-law No. 2013-50, as amended to licence, regulate and govern short term accommodation uses in the Town of The Blue Mountains; and

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

### **1.0 DEFINITIONS**

1.1 In this By-law:

**Action** means a proceeding under Part I or Part III of the Provincial Offences Act;

**Agencies** means those agencies, authorities, boards, commissions, departments and ministries that are involved in the review of an application; commenting on an application; or, where applicable, the inspection of a premise;

**Agent** means a person duly appointed by the Owner to act on their behalf;

**Applicant** includes a person seeking a licence or renewal of a licence or a person whose licence is being considered for revocation or suspension;

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

**Chief of Police** means the local Ontario Provincial Police Detachment Commander;

**Council** means Council of the Corporation of the Town of The Blue Mountains;

**Demerit Points** means the demerit points on a Short Term Accommodation licence.

**Director** means the Director, Enforcement Services Division, or his/her designate;

**Disturbance** means an event where an action has commenced with respect to nuisance, noise or other disturbance;

**Division** means the Enforcement Services Division

**Enforcement Services Division** means the division responsible for the administration and enforcement of this By-law;

**Fee** means those fees as set out in By-law No. 2018-8 or re-enacted from time to time , being the Town’s Tariff of Fees By-law;

**Fire Chief** means the individual appointed to this position by Council or his/her designate;

**Friendly Notice** means a written notice outlining the details of a violation warning issued.

**Health Unit** means the Grey Bruce Health Unit;

**Infraction Notice** means a written notice outlining an incident that occurred at a licensed short term accommodation premise and a Certificate of Offence pursuant to the Provincial Offences Act as issued by an officer.

**Licence** means a licence issued under this By-law;

**Licencee** means a person who holds a licence under this By-law;

**Medical Officer of Health** means the Medical Officer of Health of the Grey Bruce Health Unit or his/her designate;

**Officer** means the person, or persons, who have been appointed to enforce the provisions of this By-law and includes a provincial offences officer as defined by the Provincial Offences Act;

**Owner** means the person holding title to the lands on which the short term accommodation premises is located;

**Parking Management Plan** means a plan, drawn to scale, depicting the size and location of all parking spaces intended to be used for parking on the premises;

**Premises** means any place, premises or location, or part thereof, in which a trade, business or occupation of short term accommodation is carried on;

**Property Management Plan** means a plan that identifies those measures the Owner will implement so as to ensure compliance with the Town's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management;

**Property Standards By-law** means the Property Standards By-law of the Town enacted under S. 15.1 of the Building Code Act that prescribes standards for the maintenance and occupancy of property;

**Renter** means the person responsible for the rental of the premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

**Renter's Code** means a document that has been prepared by the Owner that has been approved by the Town that is agreed to in writing by a renter that sets out the roles and responsibilities of the renter, including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town By-laws that the renter must comply with including the provisions of this By-law as they relate to, amongst other things, the Parking Management Plan;

**Short Term Accommodation** means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term Accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use;

**Short Term Accommodation Coordinator** means the person, or persons, who have been appointed to enforce the provisions of this By-law;

**Town and Town of The Blue Mountains** mean the Town of The Blue Mountains;

**Zoning By-law** means a By-law enacted under section 34 of the Planning Act that restricts and/or regulates the use of land.

1.2 Words or phrases contained herein and which are not defined by this By-law, are firstly to be assigned the definition or meaning attributable to them in the applicable zoning By-law and, failing such a definition or meaning, the everyday meaning of such word or phrase.

## **2.0 APPLICATION**

- 2.1 The requirements of this By-law apply to the trade, business or occupation of providing short term accommodation within the geographic limits of the Town as of the date this By-law comes into effect.
- 2.2 Persons who own, operate or offer a premises for short term accommodation as of the effective date of this By-law must file an application for a licence under this By-law:
- (1) no later than July 2, 2014, for existing premises located within the geographic areas identified by Schedule A-1 to this By-law; and
  - (2) no later than December 1, 2014, for existing premises located within the balance of the geographic limits of the Town.
- 2.3 The determination of whether a licence application is “complete” in accordance with the requirements of this By-law shall be within the sole discretion of the Director.
- 2.4 For greater certainty, the requirements of this By-law do not apply to a hotel, motel, bed and breakfast establishment, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use as defined by the applicable zoning By-law.

## **3.0 LICENSING REQUIREMENTS**

- 3.1 No person shall carry on any trade, business or occupation of short term accommodation unless that person has first obtained a licence.
- 3.2 A person who obtains a licence shall comply with the regulations set out in this By-law for such licence. Failure to comply with the regulations constitutes an offence.
- 3.3 An agent of persons who own, operate or offer a premise for short term accommodation purposes without a licence shall also be personally liable for the compliance of his principal, beneficiary or persons he represents. Failure by such a person to comply with this By-law constitutes an offence.
- 3.4 Licences issued pursuant to this By-law are conditional upon compliance by the licensee with all municipal By-laws and compliance with all Provincial and Federal Laws and Regulations and any conditions imposed to the holding of the licence.

## **4.0 ADMINISTRATION**

- 4.1 The Enforcement Services Division is responsible for the administration and enforcement of this By-law.
- 4.2 Every application for a new licence or a renewal or extension of an existing licence shall be submitted to the Division on the forms prescribed.
- 4.3 Every application for a new licence or a renewal or extension of an existing licence shall include:
- (1) each owner, applicant and/or agent’s name, address, telephone number, facsimile transmission number and e-mail address;
  - (2) a copy of the transfer/deed evidencing the ownership of the premises;
  - (3) in the instance of an applicant or agent acting on behalf of the Owner, an Owner’s written authorization permitting the applicant or agent to act on their behalf;
  - (4) the rental agent’s or agency’s name, address and telephone number;
  - (5) in the instance of a corporation or partnership, the name, address and telephone number of each director and officer or partner of the Owner and/or rental agent or agency;

- (6) the name, address, telephone number and e-mail address of a person who has been assigned by the owner or operator to be the responsible person for the operation and conduct of the inhabitants of the licenced short term accommodation premises;
- (7) a statement from the Owner certifying the accuracy, truthfulness, and completeness of the application;
- (8) proof of placement of insurance specific to the rental nature of the property that includes a limit of liability of not less than \$2 million per occurrence for property damage and bodily injury and includes provisions that the Town will be notified of any intended cancellation by the insurer no fewer than 15 days prior to such cancellation;
- (9) floor plans and a site plan, drawn to scale and fully dimensioned, of the short term accommodation premises depicting the use of the premises including the proposed occupancy of each room; occupant load for sleeping purposes of each room; location of smoke detection and early warning devices; location of fire extinguishers, and, related site amenities including parking, landscaping and other buildings or structures on the land;
- (10) a Parking Management Plan that complies with the applicable Town zoning by-law;
- (11) a Property Management Plan identifying measures the Owner will implement for the purpose of complying with the Town's Property Standards By-law, Waste Collection By-law and any other By-law related to property maintenance and/or management;
- (12) a Renter's Code;
- (13) the prescribed fees; and,
- (14) any outstanding fees or fines owed to the Town by the Owner respecting any short term accommodation premises.

4.4 A licensee shall inform the Division of any changes to the information provided in 4.3 within a period of 15 days.

4.5 In addition to the requirements of 4.3, an applicant shall provide, if requested, evidence that the use of the short term accommodation premises is protected by virtue of S. 34(9)(b) of the Planning Act with such evidence including, but not be limited to, a sworn Statutory Declaration confirming the continued use of the premises for short term accommodation purposes from prior to the enactment of a By-law that prohibited such use through to the present; rental receipts, advertisements and any other records that may be relevant that are supportive of the establishment and continued use of the premises for short term accommodation purposes; and, an opinion, from a solicitor licensed to practice in Ontario, as to whether the premises is protected by virtue of S. 34(9)(b) of the Planning Act and, in support of that opinion, the reasons why.

4.6 Every application for a licence will be reviewed by the Director with consultation of the Planning and Development Services staff to determine whether it meets the requirements of this By-law.

4.7 As part of the review referenced at 4.6, the application will be circulated to those agencies deemed necessary and/or relevant by the Director.

4.8 Those agencies referenced at 4.7 may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application by the Director. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of fees for such an inspection, the applicant shall pay the fees as required prior to the inspection.

4.9 If it is determined that an application meets the requirements of this By-law and all circulated agencies, the Director shall issue the licence.

- 4.10 If it is determined that an application does not meet the requirements of this By-law and the requirements of all of the circulated agencies, the Director shall refuse the issuance of the licence.
- 4.11 A licence shall be issued to the owner of the short term accommodation premises.
- 4.12 A licence is valid for a period of 2 years from the date of issuance.
- 4.13 Adjustments in the fees prescribed shall automatically be effected each year based on the percentage change in the Consumer Price Index of Statistics Canada.
- 4.14 A licensee is not eligible for the renewal or extension of an existing licence unless the licensee has provided an application form.
- 4.15 A licence is not transferable.
- 4.16 No person shall enjoy a vested right in the continuance of a licence.
- 4.17 Licences shall remain the property of the Town.
- 4.18 If at any time the Director determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Director may refer the matter by way of an open session report to Council.
- 4.19 If at any time the Director determines as a result of evidence that is provided that the operation of a licenced short term accommodation premises does not conform to the requirements of this By-law, the Director may commence with proceedings pursuant to the Provincial Offences Act.
- 4.20 A person whose application for a new licence or a renewal of a licence has been refused may, within fifteen days of being notified of the Director's decision, may appeal to Council review the decision. If an application for review has not been applied for within fifteen days, the licence application will be deemed to be closed.
- 4.21 A person who has applied for a review to Council of the Director's decision noted in Section 4.9 or 4.17 will be given an opportunity to make written representations or to appear before Council when it reviews the matter.
- 4.22 Council will review the matter and may affirm, modify or rescind the decision of the Director or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by the Council or, suspend or revoke a licence.
- 4.23 Decisions of Council are final.
- 4.24 Matters to be considered by Council, including that information identified at 4.25 and the location, date and time of the Hearing shall be posted to the Town's website.
- 4.25 Matters, notices, orders and communications related to a non-compliance under a Federal or Provincial Law or Regulations or a municipal By-law, including, but not limited to, the Property Standards By-law; the Building Code Act; the Building Code; the Fire Protection and Prevention Act; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health are not appealable to Council.
- 4.26 Decisions of Council are final.

4.27 Applications for licence and issued licences, along with the legal description and/or emergency number and associated owner, agent, applicant and responsible person contact information will be posted to the Town's website.

## **5.0 GENERAL REGULATIONS**

5.1 No person shall carry on any trade, business or occupation of short term accommodation for which a licence is required under this By-law unless that person has first obtained a licence.

5.2 No person shall carry on any trade, business or occupation of short term accommodation for which a licence is required under this By-law if the licence has expired or been revoked; or, while the licence is under suspension.

5.3 A person is not eligible to hold a licence if the proposed use of the land, building or structure is not permitted by the zoning By-law that applies to the property.

5.4 A person is not eligible to hold a licence unless the person has provided a statement prepared by the Fire Chief dated within a period of 24 months of the date of application for licence indicating that the premises conforms to the Fire Protection and Prevention Act and its regulations as they relate to the operation and use of the premises for short-term accommodation purposes with such statement indicating the occupant load for sleeping purposes for the premises.

5.5 A person is not eligible to hold a licence unless the person has provided a certificate from the Electrical Safety Authority dated within a period of 24 months of the date of application for licence indicating that the premises conforms to the Electrical Safety Code.

5.6 A person is not eligible to hold a licence if the person is indebted to the Town in respect of fines, penalties, judgments or any other amounts owing, including awarding of legal costs and disbursements and outstanding property taxes and late payment charges against all properties owned by the owner.

5.7 A person is not eligible to hold a licence if the property to be used for carrying on the trade, business or occupation does not conform with applicable Federal and Provincial Law and Regulations or municipal By-laws, including, but not limited to, the Zoning By-law; Property Standards By-law; the Building Code Act; the Building Code; the Fire Protection and Prevention Act; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health.

5.8 A person is not eligible to hold a licence unless a Renter's Code for the premises has been submitted to and approved by the Director.

5.9 The owner shall operate the short term accommodation premises in accordance with the Parking Management Plan and Property Management Plan that has been approved by the Director.

5.10 The owner shall keep a record of the renter with such record containing the date of entry, the length of stay, home address of the renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all times by an Officer for a period of one year.

5.11 The owner shall display the licence permanently in a prominent place in the short term accommodation on premises to which it applies.

5.12 Each licence shall include the following:

- (1) Building/site/location address/identifier (i.e. Emergency or 911 Number);
- (2) Licence number;
- (3) Effective date and expiry date of the licence;
- (4) Owner's name and contact information;
- (5) Rental agent or agency's name and contact information;
- (6) Responsible person's name and contact information; and,

- (7) A plan, that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher and exit/egress door or
- 5.13 The owner of a short term accommodation premise shall ensure that there is a responsible person available to attend to the short term accommodation premises at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail.
- 5.14 The owner or agent of a short term accommodation premise shall ensure that each renter has been provided with the Renter's Code with the owner retaining a copy of the confirmation of receipt of the Renter's Code for a period of one year.
- 5.15 The owner of a short term accommodation premise for which a licence is required under this By-law shall allow, at any reasonable time, an employee or agent of the Town to inspect the premises used for the purposes of short term accommodation so as to determine compliance with the requirements of this By-law, Fire Code, Building Code, Property Standards By-law or other applicable law.
- 5.16 No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the Town while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this By-law or any other municipal By-law or Provincial legislation or regulation.
- 5.17 No person shall construct or equip a place of business or premises used for the business so as to hinder the enforcement of this By-law.
- 5.18 Every owner shall maintain the short term accommodation premises in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises. For the purposes of this subsection, adequate measures for the storage and disposal of waste shall mean a self-enclosed building, structure or container, located outside of the short-term accommodation premises, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of.
- 5.19 Every licensee shall ensure that the short term accommodation premises is operated and used in a fashion such that the operation or use will not cause a disturbance.
- 5.20 Every licensee shall provide an undertaking to operate the short term accommodation premises in accordance with all Town By-laws including, but not limited to, the Town's Noise Control By-law, Property Standards By-law and Garbage Collection By-laws, and any applicable Provincial or Federal laws or statutes including the Ontario Fire Code and laws related to the making of a disturbance. Further, every licensee shall include in such undertaking a confirmation that they will require that each renter enter into a Renter's Code.
- 5.21 No licensee or employee of a licensee shall discriminate in the carrying on of the trade, business or occupation of short term accommodation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- 5.22 The Director may revoke a licence if it was issued on mistaken, false or incorrect information.
- 5.23 The maximum number of occupants within a dwelling that is being operated as a Short Term Accommodation shall not exceed the maximum number permitted under the Town's zoning by-laws. If the Town's zoning by-laws do not prescribe a maximum number of occupants within a dwelling that is being operated as a Short Term Accommodation, the maximum total number shall be based upon a maximum of two (2)

persons per bedroom plus an additional four (4) persons or the lesser number of occupants allowed based on the number of approved parking spaces.

5.24 The Provincial Offences Court shall hear all offences.

5.25 Appeals to a conviction shall be processed through a high court.

**6.0 DEMERIT POINT SYSTEM**

6.1 A demerit point system is established as follows without prejudice to options otherwise available to enforce this By-law or any other By-law of the municipality or Provincial Act or Regulation including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act and the Provincial Offences Act.

- (1) The number of demerit points referenced in Column 3 of Table 1 below will be assessed against a short term accommodation premises in respect of the matter noted in Column 1 upon the following event respecting a contravention:
  - (a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
  - (b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
  - (c) the confirmation of an order.
- (2) Demerit Points shall remain in place until the two year anniversary of the date on which the demerit points were confirmed.

6.1(2) (a) Demerit Points are applied on the day of conviction of any violation.

| <b>Table 1</b>                                    |                  |                       |
|---|------------------|-----------------------|
| <b>Column 1</b>                                   | <b>Column 2</b>  | <b>Column 3</b>       |
| <b>Infraction</b>                                 | <b>Reference</b> | <b>Demerit Points</b> |
| Fire Protection & Prevention Act/Fire Code        | FPPA             | 15 (1)                |
| Operating without a licence                       | 3.1              | 7                     |
| Building Code Act (Construction without a permit) | BCA              | 7                     |
| Sleeping in excess of maximum permitted           | 5.4(1) & 5.9     | 5                     |
| Non-availability of Responsible Person            | 5.14             | 5                     |
| Noise By-law Infraction                           | 5.19 & 5.20      | 5                     |
| Allowing activity that causes a disturbance       | 5.19             | 5                     |
| Not providing updated information                 | 4.4              | 3                     |
| Contrary to Parking Management Plan               | 5.10             | 3                     |
| Contrary to Property Management Plan              | 5.10             | 3                     |
| Not posting licence                               | 5.12             | 3                     |
| Property Standards                                | 5.20             | 3                     |
| Long Grass  | 5.20             | 2                     |
| Waste/Garbage Collection                          | 5.20             | 2                     |

(1) See 5.4 and 5.7

6.2 Where a warning is issued;

(a) A friendly notice issued by the Director outlining the detail of the violation warning issued at a short term accommodation shall be sent to the short term accommodation operator/owner(s) as soon as reasonably practical after the warning having been issued by an officer.

(b) An infraction notice is to serve as a reminder to the operator/owners(s) of the disturbance that occurred at the short term accommodation premise and that any future occurrence to that particular short term accommodation premises may result in the issuance of an infraction Notice with corresponding Demerit Points.

**7.0 REVOCATION AND SUSPENSION**

- 7.1 In accordance with 4.22, Council may affirm, modify or rescind the decision of the Director or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council or, suspend or revoke a licence.
- 7.2 Regard to the nature, severity and frequency of non-compliances related to the premises, and any other premise owned by the owner, shall be considered by Council in considering the length of a suspension and/or a revocation.

**8.0 OFFENCE AND PENALTY PROVISIONS**

- 8.1 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Municipal Act, 2001 or the Provincial Offences Act and to any other applicable penalties.
- 8.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 8.3 If this By-law is contravened and a conviction entered, the court may also order that the premises or part of the premises be closed to any use as short term accommodation.

**9.0 DELEGATION**

- 9.1 For the purposes of subsection 23.2(4) of the *Municipal Act*, it is the opinion of Council that the powers delegated pursuant to this By-law are minor.
- 9.2 Regard to the nature, severity and frequency of non-compliances related to the premises, and any other premise owned by the owner, shall be considered by Council in considering the length of a suspension and/or a revocation.

**10. VALIDITY**

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

**11.0 SHORT TITLE**

- 11.1 This By-law shall be known as the “Short Term Accommodation Licensing By-law”.
  - 1. That the
  - 2. That the
  - 3. The Mayor

Upon the enactment of this By-law, By-law 2013-50, as amended will be repealed.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Alar Soever, Mayor

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Corrina Giles, Clerk