

Distributed at the Planning and Development Council meeting of March 19, 2018
Re: Item 9 - Recommendation Report - Licensing By-law 2018-045 and Town-initiated Zoning By-law Amendment for Short-Term Accommodations and Bed and Breakfast Establishments - By-law 2018-037 and By-law 2018-038 (Zoning By-law 2014-014 and Zoning By-law 2009-189) File No. 42.03.90

**Town of Oakville
Memorandum**

To: Mayor and Members of Council

From: Jim Barry, Director
Municipal Enforcement Services

Date: March 19, 2018

Subject: **Short-Term Accommodation Licensing By-law 2018-045**

Please be advised that a minor revision has been made to by-law 2018-045, the Short-Term Accommodation Licensing By-law. The revision to the by-law has been highlighted in the attached copy of the by-law (Appendix A) and is outlined below.

Please revise Schedule 1, section 2 (q) of the staff report by adding a ninth requirement to the declaration as outlined below:

Add “(ix) the applicant or Owner confirms they are the principal resident of the STA.”



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2018-045

A by-law to license, regulate and govern short-term accommodation

WHEREAS pursuant to the provisions of Part IV of the *Municipal Act*, 2001, S.O. 2001, c. 25 ("*Municipal Act*") the Council of the Corporation of the Town of Oakville ("Council") may provide for a system of licences with respect to businesses;

WHEREAS pursuant to Section 11 of the *Municipal Act*, Council is exercising its authority with respect to business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

WHEREAS Section 436 of the *Municipal Act* authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

WHEREAS Sections 390 to 400 of the *Municipal Act* authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it; and

WHEREAS pursuant to Section 434.1 of the *Municipal Act*, Council considers it desirable to provide for a system of administrative penalties and fees as an additional means of encouraging compliance with this by-law;

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

1.0 DEFINITIONS

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

"Appeals Committee" means a Committee or Tribunal duly appointed by by-law to conduct hearings under this by-law;

“Applicant” means the person applying for a licence or renewal of a licence under this by-law and “application” has a corresponding meaning;

“Applicant Information” means fulsome details of a person applying for or the renewal of a licence under this by-law and shall include their full name, date of birth, municipal address, telephone number, and email address;

“Article of Incorporation” means documents related to an incorporated business pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B.16, or the *Corporation Act*, 1990 c. C.38;

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

“Bed and Breakfast Establishment” means the provision of lodging units within a dwelling with or without meals for the temporary lodging of the traveling public”

“Business” means any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality, and includes trades and occupations, exhibitions, concerts, festivals and organized public amusements; the sale or hire of goods or services on an intermittent or one-time basis; and the display of samples, patterns or specimens of goods for the purpose of sale or hire;

“Business Address” means the place from which the business operates including a number, street name, municipality and postal code;

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

“Council” means the Council for The Corporation of the Town of Oakville;

“Criminal Reference Check” means a Canadian Criminal Record Check issued by an accredited Canadian Police Service, no more than 30-days old at the time of the licence application, or by a third party approved by the Licensing Commissioner that provides Criminal Record Checks;

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

“Dwelling Unit” means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit;

“Fee” means as set out in the Town of Oakville Annual Rates and Fees Schedule, which is not prorated and non-refundable;

“Hearings Officer” means a person from time to time appointed by Council pursuant to the Hearings Officer By-law;

“Licence” means the certificate issued under this by-law as proof of licensing under this by-law;

“Licensee” means a person licensed under this by-law or a person required to be licensed under this by-law;

“Licensing Commissioner” means the Director of Municipal Enforcement Services for the Town or designate;

“Local Contact” means an agent or representative of an Owner who does not reside in the Regional Municipality of Halton, who is responsible for managing or addressing issues in relation to the Owner’s Short-Term Accommodation;

“Lodging Unit” means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation and may contain bathroom facilities;

“Medical Officer of Health” means the Medical Officer of Health of Halton or his/her designate;

“Officer” means any person authorized by the Corporation of the Town of Oakville to enforce by-laws and includes Municipal Law Enforcement Officers, provincial offences officers, Halton Regional Police Officers;

“Operator” means any person who operates or permits the operation of a Short-Term Accommodation;

“Owner” means a person who is on title as an owner of a building or parcel of land identified on the parcel register from the Land Registry Office and includes a person who alone or with others has a right to possess or occupy premises where a business is located, or a lessee who actually does not own, possess or occupy the premises upon which a business 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;

“Person” includes an individual, a corporation, a partnership, and an association, and includes a licensee or an applicant for a license under this by-law as the context requires;

“Platform” means any software or application or telecommunications platform to accept, facilitate, broker requests for, advertise, or offer Short-Term Accommodations;

“Premises” means any place, premises or location, or part thereof, in which a trade, business or occupation of Short-Term Accommodation is carried on;

“Principal Residence” means a property that is owned or rented alone or jointly with another person, where the person(s) is ordinarily a resident and has designated the property as their principal residence on their income tax filing and in other government records;

“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 and any other by-law related to property maintenance and/or management;

“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 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;

“Screening Decision” means a decision made by a Screening Officer;

“Screening Officer” means a person from time to time appointed by Council; pursuant to the Screening Officer By-law;

“Short-Term Accommodation” or “STA” means the provision of a dwelling unit which is used for the temporary lodging of the travelling public for a rental period not greater than 28 consecutive days or less in exchange for payment and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, hospital, couch surfing or other short-term accommodations where there is no payment;

“Short-Term Accommodation Company” or “STA Company” means any person who accepts, facilitates, brokers requests for, advertises, or offers Short-Term Accommodations for compensation or a fee through a website or other platform;

“Town” means The Corporation of the Town of Oakville in the Regional Municipality of Halton;

“Zoning By-law” means the Town of Oakville Zoning By-laws as amended from time to time.

2. PROHIBITIONS

- (1) No person shall carry on the business of a STA Company or permit a person to carry on the business, or hold themselves out as being licensed to carry on the business of a STA Company:
 - (a) without a licence to do so issued under this by-law;
 - (b) under any other name than the one endorsed on their licence issued under this by-law; or
 - (c) except in accordance with the regulations of this by-law, including any applicable Schedule, all of which form part of this by-law.
- (2) No person shall operate or permit a person to operate or hold themselves out as being licensed to operate a STA:
 - (a) without a licence to do so issued under this by-law;
 - (b) under any other name than the one endorsed on their licence issued under this by-law; or
 - (c) except in accordance with the regulations of this by-law, including any applicable Schedule, all of which form part of this by-law.
- (3) No person shall,
 - (a) transfer or assign a licence issued under this by-law;
 - (b) obtain a licence by providing mistaken, false or incorrect information;
 - (c) enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the licence shall be the property of the Corporation of the Town of Oakville; or
 - (d) advertise a Short-Term Accommodation without a licence.

3. LICENSING REQUIREMENTS

- (1) A completed application for a licence or for renewal of a licence shall be submitted to the Licensing Commissioner accompanied by the requirements

prescribed in Schedule 1, and any other information that the Licensing Commissioner may from time to time request.

- (2) The Licensing Commissioner may, for renewal applications, on a case-by-case basis review, waive any documentary requirements not related to public safety or consumer protection.
- (3) Every person licensed under this by-law shall at all times:
 - (a) comply with the regulations contained in any applicable Schedule; and
 - (b) notify the Licensing Commissioner immediately of any change in any of the particulars required to be filed with the Licensing Section.

4. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL

- (1) The Licensing Commissioner shall:
 - (a) receive and process all applications for licences and for renewal of licences to be issued under this By-law;
 - (b) issue licences and renew licences, either conditionally or unconditionally, to any person who meets the requirements of this By-law except where:
 - i. the conduct of an applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on the business in accordance with the law or with integrity and honesty;
 - ii. there are reasonable grounds for belief that the carrying on of the business may be adverse to the public interest;
 - iii. the applicant has a total of seven or more demerit points in effect pursuant to Schedule 3; or
 - iv. the applicant is indebted to the Town in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing, including an administrative penalty;
 - (c) with respect to subsection (1)(b)(ii), include in the Licensing Commissioner's consideration, any record of offence that is less than three (3) years and relevant to the nature of the business, or any record of offence that directly affects the applicant's or licensee's ability to competently and responsibly carry on the business, or any particular record of offence for any time period that may be specified in any Schedule; and

- (d) generally perform all the administrative functions conferred upon them by this by-law.
- (2) Licences issued pursuant to this by-law are conditional on compliance by the licensee with all municipal by-laws, including, but not limited to, the applicable Town Zoning By-law and Property Standards By-law, and compliance with all Provincial and Federal legislation.

5. TERM OF LICENCE

- (1) A licence issued under the provisions of this by-law shall expire annually on October 31st unless it is renewed or revoked in accordance with the provisions of this by-law.

6. REVOCATION AND SUSPENSION

- (1) The Licensing Commissioner shall provide notice of intention to revoke or suspend a licence and shall advise the licensee of their right to appeal where:
 - (a) the licensee would be disentitled to a licence or a renewal of a licence for the reasons set out in this by-law;
 - (b) the licensee has failed to comply with the regulations required by this by-law; or
 - (c) the licence was issued in error.
- (2) Notwithstanding section 7, the Licensing Commissioner, if satisfied that the continuation of the licence poses an immediate danger to the health or safety of any person, may, for the time and such conditions as are considered appropriate and without a hearing, suspend a licence for not more than 14 days, and, prior to suspending the licence, shall provide the licensee with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them.

7. APPEAL

- (1) Where the Licensing Commissioner has denied an applicant a licence or a request for renewal, or suspended or revoked a licence, the Licensing Commissioner shall inform the applicant or licensee by way of written notice setting out the grounds for the decision with reasonable particulars, and advise of the right to appeal such decision to the Appeals Committee.
- (2) Persons or applicants may appeal to the Appeals Committee in relation to matters noted in subsection (1). Appeals will not be permitted for any matters that have already been heard or are pending before the Hearings Officer. A

request for an appeal shall be made in writing to the Licensing Commissioner setting out the reasons for the appeal within 7 days after service of the written notice.

- (3) Where no request for an appeal is received in accordance with subsection (2), the decision of the Licensing Commissioner shall be deemed to be affirmed.
- (4) Where a request for an appeal is received, a hearing of the Appeals Committee shall be convened and the applicant or licensee shall be provided reasonable written notice thereof.
- (5) After such opportunity to be heard is afforded the applicant or licensee, the Appeals Committee may make a decision in respect of which the hearing was held or the opportunity for hearing afforded. The Appeals Committee's decision is final and not subject to review. The Appeals Committee may refuse to issue or renew a licence, revoke, suspend, or impose any conditions upon a licence. The Appeals Committee may consider any matter pertaining to the licensing requirements in Section 3 or the grounds for refusal in Section 4, or any other matter that relates to the general welfare, health or safety of the public.
- (6) Where the Appeals Committee conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 shall apply.

8. ORDER

- (1) Where the Licensing Commissioner has reasonable grounds to believe that a contravention of this by-law has occurred, the Licensing Commission may serve an order on the licensee setting out the reasonable particulars of the contravention and directing:
 - (a) compliance within a specified timeframe;
 - (b) any work that is required to be done, and in default of such work being done, the work may be done at the licensee's expense and the Town may recover the expense by in the same manner as municipal taxes; or
 - (c) the activity be discontinued.
- (2) Any Person who contravenes an order under this by-law is guilty of an offence.

- (3) An order under this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

9. ADMINISTRATIVE PENALTIES

- (1) Each person who contravenes any provision of this by-law, including any provision of the Schedules, shall, upon issuance of a penalty notice be liable to pay to the Town an administrative penalty in the amount of \$300 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.
- (2) An Officer who finds or has any reasonable cause to believe that a person has contravened any provision of this by-law, including any provision of its Schedules, may issue a penalty notice addressed to the person.
- (3) The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
 - (a) date of the penalty notice;
 - (b) the penalty notice number;
 - (c) particulars of the contravention;
 - (d) the amount of the administrative penalty;
 - (e) information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - (f) a statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the Town.
- (4) No Officer may accept payment of an administrative penalty.
- (5) Any person who is served a penalty notice may request a review by a Screening Officer within 15 days after the penalty notice date.
- (6) Any person may request that the Screening Officer extend the time to request a review within 45 days after the penalty notice date, failing which, the administrative penalty shall be deemed to be affirmed.
- (7) The Screening Officer may extend the time to request a review of the administrative penalty when the person requesting the extension demonstrates extenuating circumstances that warrant the extension of time.

- (8) On a review of the administrative penalty, the Screening Officer may affirm the administrative penalty, or may cancel, reduce or extend the time for payment of the administrative penalty, including any additional administrative fees, on the following grounds:
 - (a) where the person establishes, on a balance of probabilities that the person did not commit the act as described in the penalty notice; or
 - (b) the cancellation, reduction or extension of the time for payment of the administrative penalty, including any administrative fees, is necessary to reduce hardship.
- (9) Every person who has a review by the Screening Officer shall receive a Screening Decision and may request a review of the Screening Decision by a Hearing Officer within 15 days after the Screening Decision was issued.
- (10) Where the person fails to appear at the time and place scheduled for a review of the Screening Officer:
 - (a) the person shall be deemed to have abandoned the review;
 - (b) the administrative penalty shall be deemed to be affirmed;
 - (c) the administrative penalty shall not be subject to review; and
 - (d) the person shall pay the applicable fee.
- (11) Any person who has received a Screening Decision may request a review of the Screening Decision by a Hearing Officer within 15 days after the Screening Decision was issued.
- (12) Any person may request that the Hearing Officer extend the time to request a review within 45 days after the Screening Decision was issued, at which time the Screening Decision shall be deemed to be affirmed.
- (13) The Hearing Officer may extend the time to request a review of the Screening Decision when the person requesting the extension demonstrates extenuating circumstances that warrant the extension of time.
- (14) The person shall be issued or served notice of the date, time and place of the review by the Hearing Officer.
- (15) On a review of the Screening Decision, the Hearing Officer may affirm the Screening Decision, or may cancel, reduce or extend the time for payment of the administrative penalty, including any administrative fees, on the following grounds:
 - (a) where the person establishes, on a balance of probabilities that the

- person did not commit the act as described in the penalty notice; or
- (b) the cancellation, reduction or extension of the time for payment of the administrative penalty, including additional administrative fees, is necessary to reduce hardship.
- (16) Where a person fails to request a review of the Screening Decision or extension of time before the Hearing Officer in accordance with this by-law:
- (a) the Person shall be deemed to have waived the right to a hearing;
 - (b) the Screening Decision and the administrative penalty shall be deemed to be affirmed; and
 - (c) the Screening Decision and the administrative penalty shall not be subject to any further review.
- (17) Where a person fails to appear at the time and place scheduled for a review by the Hearing Officer:
- (a) the person shall be deemed to have abandoned the hearing;
 - (b) the Screening Decision and administrative penalty shall be deemed to be affirmed;
 - (c) the Screening Decision and administrative penalty and associated fees shall not be the subject of any further review; and
 - (d) the person shall pay to the Town a fee in the amount of \$100 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.
- (18) Where an administrative penalty and any applicable administrative fees are not paid within 15 days after the date that it becomes due and payable, each person to whom the penalty notice was issued or served shall pay to the Town a fee in the amount of \$50 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.
- (19) A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the person and the Town an opportunity to be heard.
- (20) The decision of a Hearing Officer is final.
- (21) The Screening Officer and the Hearing Officer have no 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. NOTICES/ORDERS

- (1) Any penalty notice or any other notice, or order issued pursuant to this by-law may be given in writing in any of the following ways and is effective:
 - (a) on the date on which a copy is delivered to the person to whom it is addressed;
 - (b) on the fifth day after a copy is sent by 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;
 - (d) upon the sending of a copy by e-mail transmission to the person's last known e-mail address, or.
 - (e) posting it on the person's property.
- (2) For the purpose of subsection (1), the person's last known address, last known facsimile transmission number and last known e-mail address shall be deemed to include those provided pursuant to Schedule 1 of this by-law.

11. INSPECTION

- (1) The Licensing Commissioner, or an officer may at any reasonable time inspect: any premises/vehicles or place where a business which is subject to this by-law is carried on or where there are reasonable or probable grounds to believe a business is being carried on; or any goods, equipment, books, records or documents used or to be used by the applicant or licensee under this by-law.
- (2) It shall be an offence to obstruct or permit the obstruction of such inspection.

12. DELEGATION

- (1) Pursuant to Section 23.2 of the *Municipal Act*, Council hereby delegates to the Appeals Committee the power to make the final decision in respect of which a hearing was held, and it is the opinion of Council that this delegated power is of a minor nature. This delegation may be revoked by Council at any time.

13. OFFENCES

- (1) Every person who contravenes any of the provisions of this by-law, including those contained in any of the Schedules and every director of a corporation

who concurs in such contravention by the corporation is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

- (2) Where a corporation is convicted of an offence under this by-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- (3) Pursuant to Section 447 of the *Municipal Act*, where an owner is convicted of knowingly carrying on or engaging in a business in respect of any premises or any part of any premises without a licence required by this by-law, or a person is convicted of any other contravention of this by-law and the court determines that the owner or occupant of the premises or part of the premises in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part of the premises be closed to any use for a period not exceeding two years.

14. COLLECTION OF UNPAID FINES

- (1) Pursuant to Section 441 of the *Municipal Act*, if any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, including any extension of time for payment ordered under that Section, the Licensing Commissioner may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the *Municipal Act* and may be added to the person's tax roll and collected in the same manner as property taxes.

15. REFERENCES

- (1) References in this by-law to any legislation or by-law means as may be amended or replaced from time to time, and include any regulations thereunder.

16. SEVERABILITY

- (1) In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

17. TITLE

- (1) This by-law may be known as the “Short-Term Accommodation Licensing By-law.”

18. EFFECTIVE DATE

- (1) This by-law comes into effect on November 1, 2018.

Passed this ____ day of _____, 2018.

Mayor

Clerk

SCHEDULE 1
SHORT-TERM ACCOMMODATION LICENSING REQUIREMENTS

1. A person wishing to carry on the business of a STA Company shall provide the Licensing Commissioner with the following:
 - (a) a completed application in the form required by the Licensing Commissioner that will include each owner, applicant and/or agent's name, address, telephone number, facsimile transmission number and e-mail address;
 - (b) payment of the applicable licensing fee;
 - (c) proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;
 - (d) proof that the corporation is legally entitled to conduct business in Ontario, if the applicant is a corporation, including but not limited to:
 - (i) article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada; and,
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation,
 - (e) the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership;
 - (f) the address and contact information of the STA Company's registered business address in the Province of Ontario, which is not a post office box, to which the Town may send during business hours any notice or documentation or communication that may be required under this bylaw and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication together with the name, telephone, and email contact information for the person authorized to receive and respond on behalf of the STA Company to any and all communications from the Town relating to the licence or the conduct of the business;
 - (g) a current list of every affiliated STA Operator in a readily accessible electronic format that includes:
 - (i) the full name and address of every STA Operator;
 - (ii) the date the Operator became active on the website or platform; and
 - (iii) the confirmed bookings associated with each Operator;

- (h) proof of commercial general liability business insurance coverage of at least \$5,000,000; and
 - (i) an indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the STA Company's business and services, which shall be in a form satisfactory to the Town.
- 2. A person wishing to operate a STA shall provide the Licensing Commissioner with the following:
 - (a) a completed application in the form required by the Licensing Commissioner that will include each owner, applicant and/or agent's name, address, telephone number, facsimile transmission number and e-mail address;
 - (b) payment of the applicable licensing Fee;
 - (c) proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;
 - (d) proof that the corporation is legally entitled to conduct business in Ontario, if the applicant is a corporation, including but not limited to:
 - (i) article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada; and,
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation,
 - (e) the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership;
 - (f) a Renter's Code;
 - (g) a Parking Management Plan for the property on which the STA is situated that complies with the Zoning By-Law and which outlines where all of the parking spaces shall be located and the dimensions of those parking spaces;
 - (h) a floor plan of the STA, including identifying:
 - i. all rooms, spaces or common areas;
 - ii. how each room, space or common area shall be used, which means specifically indicating where all lodging units will be located on the floor plan; and,
 - iii. the dimensions (in square meters) of all rooms, spaces or common areas.

- (i) a property maintenance plan which shall:
 - i. specify measures to be undertaken to ensure existing and continued compliance with all relevant Town by-laws, including this by-law, the Town's Property Standards and Lot Maintenance By-law;
 - ii. identify the location of refuse and recycling containers;
 - iii. identify snow storage areas; and,
 - iv. identify who is responsible for ensuring that all necessary property maintenance is undertaken.
- (j) proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury, and identifies that a STA is being operated on the property. The insurance coverage required herein shall be endorsed to the effect that the Town of Oakville shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy
- (k) a copy of the transfer/deed providing proof of ownership of the property on which the STA is situated;
- (l) if a renter, consent of the owner of the property;
- (m) a Criminal Reference Check confirming there are no outstanding criminal charges or warrants pending before any courts, or any record of offence that is less than three (3) years and relevant to the nature of the services of a STA Operator, or any record of offence that directly affects the STA owner's ability to competently and responsibly carry on the services of a STA Operator, including but not limited to: an offence under the *Criminal Code*, the *Narcotics Control Act* or the *Food and Drug Act*;
- (n) the rental agent's or agency's name, address and telephone number;
- (o) an inspection certificate from a certified HVAC technician that confirms that the HVAC system is in proper working order;
- (p) for the initial application, an inspection certificate from a certified Electrical Safety Authority technician confirming the electrical system is in proper working order, which results from an inspection that was conducted within the six (6) months preceding the submission of the application; and,
- (q) a sworn declaration that:
 - i. the applicant or Owner will comply with the maintenance plan;

- ii. the applicant or Owner will comply with the parking plan;
- iii. the STA is in compliance with the *Building Code Act, 1992* or any regulations made under it, including the *Building Code*;
- iv. the STA is in compliance with the “*Fire Protection and Prevention Act, 1997*”, or any regulations made under it, including the *Fire Code*;
- v. the STA is in compliance with the *Electricity Act, 1998*, S.O.1998, c. 15, Sched. A, as amended (the “*Electricity Act, 1998*”) or any regulations made under it, including the *Electrical Safety Code*;
- vi. the Owner or the applicant (if different from the Owner) and any Local Contacts are aware of all relevant federal and provincial legislation, including the Ontario *Human Rights Code*, as well as all relevant municipal by-laws, and that they will comply with all of them;
- vii. the applicant or Owner confirms the accuracy, truthfulness and completeness of the information submitted;
- viii. the applicant or Owner confirms they will require each renter to abide by a Renter’s Code; and
- ix. the applicant or Owner confirms they are the principal resident of the STA.

SCHEDULE 2 GENERAL REGULATIONS

1. A Short-Term Accommodation Company shall:
 - (a) not accept, facilitate, or broker requests for or advertise or offer Short-Term Accommodation:
 - (i) unless the operator is licensed by the Town; or
 - (ii) if Licensing Commissioner has reasonable grounds to believe that the STA being operated poses a threat to public health or safety, or is otherwise not in compliance with this by-law;
 - (b) immediately advise the Licensing Commissioner if it removes an operator from their website or platform for any reason;
 - (c) disclose on its website or platform and make available for the public:
 - (i) fees to be charged,
 - (ii) dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from STA operations;
 - (d) maintain commercial general liability business insurance coverage of at least \$5,000,000.00;
 - (e) keep a current list of every affiliated STA operator in a readily accessible electronic format that includes:
 - (i) the full name and address of every STA operator;
 - (ii) the date the operator became active on the website or platform; and
 - (iii) the confirmed bookings associated with each operator;
 - (f) prior to the collection of any personal information, a STA company shall obtain a consent for such collection and potential disclosure to the Licensing Commissioner from any STA operator with whom it is affiliated in the Town;
 - (g) retain all records respecting STA services offered, operated or facilitated by it in the Town for a period of at least three (3) years and produce to the Licensing Commissioner upon request any such records in electronic format within fourteen (14) days of the date of the request, including records required as part of random audits or investigations conducted by the Licensing Commissioner to evaluate compliance with this by-law. Where any records referenced herein are

required for law enforcement purposes, a STA shall make the requested records available to the requesting agency as soon as possible, and in any event within 7 days;

- (h) shall not obstruct the Licensing Commissioner when creating accounts for law enforcement purposes; and
- (i) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from STA operations and provide details to the Licensing Commissioner for law enforcement purposes when requested.

2. A Short-Term Accommodation shall:

- (a) be operated in a person's principal residence;
- (b) have a minimum floor area of each lodging unit as follows:
 - (i) with three adult occupants, shall be fourteen (14) square metres; and
 - (ii) with four or more adult occupants, shall be seven (7) square metres per adult occupant;
- (c) have a maximum of three Lodging Units;
- (d) operate the STA in accordance with the Parking Management Plan and Property Management Plan;
- (e) 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;
- (f) display the licence permanently in a prominent place in the STA to which it applies;
- (g) ensure that there is a Local Contact available to attend to the STA at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail;
- (h) 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;
- (i) maintain the STA 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 STA. 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 STA, 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;
- (j) ensure that the STA is operated and used in a fashion such that the operation or use will not cause a disturbance; and
 - (k) not discriminate in the carrying on of the trade, business or occupation of STA 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.

SCHEDULE 3 DEMERIT POINT SYSTEM

1. A demerit point system is established as follows herein this Schedule but does not preclude the use of 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, administrative penalties as set out in this by-law and actions pursuant to the *Building Code Act*, *Fire Protection and Prevention Act* and the *Provincial Offences Act*
2. The number of demerit points referenced in Column 3 of Table 1 below will be assessed against a Short-Term Accommodation in respect of the matter noted in Column 1 upon the following event respecting a contravention:
 - i. the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the *Provincial Offences Act*;
 - ii. the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - iii. the confirmation of an administrative penalty;
 - iv. the confirmation of an order; or,
 - v. The confirmation of an order resulting in town remediation.
3. A Licence may be Suspended for a period of not longer than six months if the total of all demerit points in effect respecting a STA is at least seven.
4. A Licence may be Revoked if the total of all demerit points in effect respecting a STA is at least fifteen.
5. Notice of the suspension or revocation of a Licence shall be provided to the Owner in accordance with Section 10 of this by-law and a licensee may appeal the suspension in accordance with Section 7 of this by-law.
6. Demerit points shall remain in place until the two-year anniversary of the date on which the demerit points were assessed.

Table 1			
Column 1 Infraction	Column 2 Reference	Column 3 Type	Column 4 Demerit Points
<i>Fire Protection & Prevention Act/Fire Code</i>	FPPA	Confirmed order	3

		P.O.N., Part III, AMP	7
Operating without a licence	2.1	Confirmed order	3
		P.O.N., Part III, AMP	5
<i>Building Code Act</i> (construction w/o a permit)	BCA	Confirmed order	3
		P.O.N., Part III, AMP	7
Sleeping in excess of maximum permitted	Schedule 2 section 2(b)	Confirmed order	3
		P.O.N., Part III, AMP	5
Non-availability of Responsible Person	Schedule 2 section 2(g)	Confirmed order	3
		P.O.N., Part III, AMP	5
Noise By-law Infraction	Town of Oakville Noise By-law	Confirmed order	2
		P.O.N., Part III, AMP	5
Not providing updated information	3 (3)(b)	Confirmed order	1
		P.O.N., Part III, AMP	3
Contrary to Parking Management Plan	2 Schedule 2 section 2(d)	Confirmed order	1
		P.O.N., Part III, AMP	3
Contrary to Property Management Plan	2 Schedule 2 section 2(d)	Confirmed order	1
		P.O.N., Part III, AMP	3
Not posting licence	Schedule 2 section 2(f)	Confirmed order	1
		P.O.N., Part III, AMP	3
Property Standards	Town of Oakville Property	Confirmed order	2
		P.O.N., Part III, AMP	4

	Standards By-law		
Long Grass	Town of Oakville Lot Maintenance By-law	Confirmed order	1
		P.O.N., Part III, AMP	3