

APPENDIX A



OAKVILLE

DRAFT

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER

A by-law to provide for the licensing, regulating and governing of the business of residential rental units in the Town of Oakville

WHEREAS section 151(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act*") states that a municipality may provide for a system of licences with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a licence;
- b) refuse to grant a licence or to revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality.

WHEREAS WHEREAS the Council for The Corporation of the Town of Oakville considers it necessary and desirable to regulate residential rental units in order to:

- a) protect health, safety and human rights of the persons residing in rental units;
- b) ensure that certain essentials are provided in residential rental units such as plumbing, heating and water; and,
- c) protect the residential amenity, character and stability of residential areas.

COUNCIL ENACTS AS FOLLOWS:

1. Definitions

For the purpose of this By-law the following terms shall have the corresponding meanings set out below:

“Accessory Dwelling” means a second dwelling unit subordinate to the main dwelling unit on the lot;

“Adult” means a person eighteen years of age or older;

“Apartment Building” means a Building, including a maisonette: containing three (3) or more Dwelling Units where the units are connected by a common corridor or vestibule;

- a) where the Dwelling Units are horizontally separated; and,
- b) where each Dwelling Unit has access to a common interior corridor system with a common exit at grade level;

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

“Bedroom” has the same meaning as Lodging Unit;

“Bed and Breakfast Establishment” means the provision of Lodging Units with or without meals for the temporary lodging of the traveling public;

“Building” means a structure consisting of any combination of walls, roofs and floors, or a structural system serving the function thereof:

- a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
- b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto; or,
- c) structures designated in the *Building Code*;

“Chief Building Official” means the Chief Building Official for the Town appointed or constituted under section 3 or 4 of the *Building Code Act, 1992, S.O. 1992, c.23 (“Building Code Act”)*;

“Chief Fire Prevention Officer” means the Chief Fire Prevention Officer for the Town or his or her designate(s);

“Chief of Police” means the Chief of the Halton Regional Police Service or his or her designate(s);

“College” means a college established under the *Ontario College of Applied Arts and Technology Act, 2002*, S.O. 2002, c. 8, Sched. F;

“Council” means the Council of the Town;

“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;

“Dwelling” or “Dwelling Unit” means a place of residence with one or more habitable rooms containing a separate kitchen and bathroom facilities for private use as a single house keeping unit, whether in whole or in part, that:

- a) consists of a self-contained set of rooms located in a Building;
- b) is used, or is intended to be used, as a residence; and,
- c) contains a Kitchen and bathroom facilities.

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

“Fire Chief” means the Fire Chief for the Town or his or her designate(s);

“Group Home” means a residence licensed or funded under a federal or provincial statute for the accommodation of three to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being;

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

“Hotel” means a *premises* containing Lodging Units for the temporary lodging of the travelling public and may include meeting facilities, recreation facilities, a *restaurant*, *public hall*, and *retail stores* which are incidental and subordinate to the primary *hotel* function and located in the same Building;

“**Inn**” includes a hotel, inn, tavern, public house or other place of refreshment, the keeper of which is by law responsible for the goods of his guests;

“**Kitchen**” means a room or area in a Dwelling Unit used, designed, equipped or intended to contain cooking facilities including any two or more of a refrigerator, stove and sink;

“**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 Licensing Commissioner for the Town or his or her designate(s);

“**Lot**” means a parcel of land which is:

- a) shown as a lot or block on a registered plan of subdivision; or,
- b) described in a single Transfer/Deed of Land that is registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Halton;

“**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 Rental Unit;

“**Lodging House**” means a building or structure or any portion thereof in which persons are harboured, received or lodged for rent or hire with or without meals;

“**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 for the Regional Municipality of Halton or his or her designate(s);

“**Officer**” means any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers and provincial offences officers;

“**Owner**” includes a person who, alone or with others, owns premises containing a Rental Unit;

“**Owner Occupied**” means the Principal Residence of a person(s) holding at least fifty per cent (50%) of the title to the property as identified in the Ministry of Government and Consumer Services Parcel register;

“Parking 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” means an individual, sole proprietorship, partnership, unincorporated association, organization, including a charitable organization, or a corporation;

“Police Officer” means a police officer, as defined by the *Police Services Act*, R.S.O. 1990, c. P.15;

“Principal Residence” means a property that meets all of the following conditions: the person has designated the property as their principal residence on their income tax filing or in other government records; the person owns or rents the property alone or jointly with another person;

“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;

“Rent” includes the amount of any consideration paid or required to be paid for the right to occupy a Dwelling Unit and for any services and facilities and any privilege, accommodation or thing provided in respect of the occupancy of the Rental Unit; and, for greater certainty, “Rent” includes the amount of any such consideration paid or required to be paid by (i) an Owner to another Owner, and (ii) by a shareholder of a corporate Owner to the corporate Owner or another Owner;

“Rental Unit” means a Dwelling Unit offered for Rent;

“Residential Floor Area” means the aggregate area of a residential building containing a dwelling measured from the exterior of the outside walls, but shall not include a private garage, basement, or attic;

“Residential Rental Business” means the operation of a Rental Unit;

“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;

“Tenant” means a person who pays rent or is required to pay Rent in return for a right to occupy a Rental Unit;

“Town” means The Corporation of the Town of Oakville; and,

“Zoning By-Law” means a Zoning By-Law passed by the Town.

2. **Prohibitions**

2.1 No person shall:

- a) carry on a business, permit a person to carry on a business, or hold themselves out as being licensed to carry on a business:
 - i. without a licence to do so issued under this By-law;
 - ii. at a location other than for which a licence is issued under this By-law;
 - iii. under any other name than the one endorsed on their licence issued under this By-law; and
 - iv. except in accordance with the regulations set out in this By-law, including any applicable Schedule, which shall form part of this By-law.
- b) transfer or assign a licence issued under this By-law;
- c) obtain a licence by providing mistaken, false or incorrect information;
- d) 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
- e) advertise a Rental Unit without a licence.

3. **Exceptions**

3.1 Notwithstanding any other provision in this by-law to the contrary, a licence to carry on a Residential Rental Business shall not be required for:

- a) a Tenant subletting a Rental Unit provided that:
 - i. the Owner of the Rental Unit has obtained a licence for the Rental Unit in accordance with this By-law; and,
 - ii. the Tenant has submitted to the Town the form prescribed by the Licensing Commissioner;
- b) an Apartment Building;
- c) a Group Home;
- d) a Hotel, Inn or Bed and Breakfast;
- e) a student residence owned or operated by a university or college;
- f) any program requiring a Custodian Declaration issued by the Department of Citizenship and Immigration Canada or any other situation where a host family is required to act as legal custodian for the minor child in their care;
- g) a Rental Unit to which any of the following statutes, or their regulations, apply:

- i. *Homes for Special Care Act*, R.S.O. 1990, c. H.12;
 - ii. *Inkeepers Act*, R.S.O. 1990, c. 17;
 - iii. *Long-Term Care Homes Act, 2007*, S.O. 2007, c. 8;
 - iv. *Retirement Homes Act, 2010*, S.O. 2010, c. 11; and,
 - v. *Housing Services Act, 2011*, S.O. 2011, c. 6 ("*Housing Services Act*"); or
- h) social housing or affordable housing that is not subject to *Housing Services Act*, but which is subject to an agreement with the Regional Municipality of Halton and which has been approved for exemption by the Licensing Commissioner.

4. **Licensing Requirements**

- 4.1 There shall be four (4) types of licences to carry on a Residential Rental Business under this By-law:
- a) Class "A" (Whole Home) licences, more particularly described in **Schedule 1** of this By-law, which are required for all Rental Units with a maximum of five (5) bedrooms and are operated as a single housekeeping unit;
 - b) Class "B" (Owner Occupied with Accessory Dwelling) licences, more particularly described in **Schedule 2** of this by-law, which are required for all Rental Units that are Owner Occupied with a maximum of four (4) bedrooms in each Rental Unit and are operated as a single housekeeping unit;
 - c) Class "C" (Non-Owner Occupied with Accessory Dwelling) licences, more particularly described in **Schedule 3** of this by-law, which are required for all Rental Units that are not Owner Occupied with a maximum of four (4) bedrooms in each Rental Unit and are operated as a single housekeeping unit; and
 - d) Class "D" (Lodging House) licences, more particularly described in **Schedule 4** of this by-law, which are required for all Rental Units that contain five (5) or more Bedrooms and are not operated as a single housekeeping unit.
- 4.2 Any person seeking to obtain or renew a licence to carry on a Residential Rental Business shall:
- a) be at least eighteen (18) years of age;
 - b) complete an application in the form prescribed by the Licensing

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- Commissioner, including setting out such information and attaching such additional documentation as may be required by the Licensing Commissioner which includes the requirements outlined in **Schedule 5**;
- c) submit their completed application to the Licensing Commissioner; and,
 - d) pay the applicable fee.
- 4.3 Once a person has been issued a licence to carry on a Residential Rental Business under this By-law, they shall:
- a) at all times, post a copy of the licence issued to them in a conspicuous place in the Rental Unit as well as a floor plan;
 - b) when requested to do so by an Officer, immediately produce a copy of their licence for inspection; and
 - c) notify the Licensing Commissioner, in writing, within fourteen (14) days of any change to the information or documentation submitted with their application and then the person shall, as soon as is practicable, provide such updated information or documentation as may be required by the Licensing Commissioner.
- 4.4 A property on which a Rental Unit is situated shall be subject to only one (1) Class of licence at any time.
- 4.5 Each Rental Unit shall be individually licensed to carry on a Residential Rental Business.
5. **Licence Issuance**
- 5.1 The Licensing Commissioner shall issue or renew a licence to carry on a Residential Rental Business to any person who meets the requirements of this By-law, except where:
- a) the past conduct of the person who applies for the licence affords the Licensing Commissioner reasonable grounds to believe that the applicant has not or will not carry on their Residential Rental Business in accordance with applicable law or with honesty and integrity;
 - b) the Licensing Commissioner reasonably believes that the issuing of a licence to a person might be adverse to the public interest;
 - c) the property on which the Rental Unit is situated is subject to an order, or orders, made pursuant to (or by):
 - i. the Town's Property Standards By-Law;
 - ii. the *Building Code Act* any regulations made under it, including the

Building Code;

- iii. the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 (*"Fire Protection and Prevention Act"*), or any regulations made under it, including the *Fire Code*; or,
 - iv. the Medical Officer of Health;
 - d) the Rental Unit itself, the Building in which the Rental Unit is situated or the property on which the Rental Unit is situated is not in compliance with a Zoning By-Law;
 - e) the Rental Unit has at least 15 demerit points issued under this By-law; or,
 - f) the person who is applying for the licence is indebted to the Town by way of fines, penalties, judgments or outstanding (past due) property taxes.
- 5.2 The Licensing Commissioner may deny the issuance or renewal of a licence to carry on a Residential Rental Business where the person who is applying for the licence has been convicted within the past five (5) years of:
- a) a criminal offence for which a pardon has not been granted and relevant to the nature of the business, or affects the applicant's or licensee's ability to competently and responsibly carry on the business; or,
 - b) a statutory or a regulatory offence in any way related to the ownership or management of residential rental properties.
- 5.3 For the purposes of sections 5.1 and 5.2 of this By-law, the term "person" shall include any director, officer, partner or principal of a partnership or a corporation or any shareholder of a corporation that holds at least fifty per cent (50%) of the shares of that corporation.
- 5.4 The Licensing Commissioner may, at any time, when issuing or renewing a licence to carry on a Residential Rental Business, impose such terms or conditions on the aforementioned licence as the Licensing Commissioner considers appropriate.
- 5.5 Should the Licensing Commissioner refuse to issue or renew a licence to carry on a Residential Rental Business or, should the Licensing Commissioner impose terms or conditions on a licence, the Licensing Commissioner shall provide written reasons thereafter.
- 5.6 Unless renewed, a licence issued or renewed under this By-law to carry on a Residential Rental Business expires on the 31st day of August next following the issuance or renewal of the licence.

6. **Revocation or Suspension of Licence**

- 6.1 The Licensing Commissioner may revoke or suspend a licence to carry on a Residential Rental Business at any time where:
- a) the Licensing Commissioner is of the opinion that the Residential Rental Business being licensed poses a threat to the health or safety of persons or property;
 - b) the licence holder has violated any of the provisions of this By-law;
 - c) the licence was issued because false or misleading information was provided to the Town;
 - d) a licence was issued in error;
 - e) the Rental Unit has at least 7 demerit points (revocation) or at least 15 demerit points (suspension) issued under this By-law; or,
 - f) where authorized in accordance with this By-law.
- 6.2 The Licensing Commissioner may revoke or suspend a licence to carry on a Residential Rental Business for a period of time and subject to such terms or conditions that the Licensing Commissioner considers appropriate.
- 6.3 The Licensing Commissioner, before revoking or suspending a licence pursuant to section of this By-law, shall consider:
- a) the impact of any such licence revocation or suspension on any Tenants; and,
 - b) imposing terms or conditions on any such licence revocation or suspension that would minimize the adverse impact on any Tenants, including the possibility of providing a reasonable time period before the licence revocation or suspension takes place to permit Tenants to find new housing or to seek relief in a Court or before the Ontario Landlord and Tenant Board.
- 6.4 The Licensing Commissioner shall provide the holder of the licence that has been suspended or revoked written reasons outlining why their licence has been suspended or revoked.
- 6.5 Pursuant to section 151(2) of the *Municipal Act*, if the Licensing Commissioner is satisfied that the continuation of a Residential Rental Business poses an immediate danger to the health or safety of any person or to any property, the Licensing Commissioner may, for the time and on such conditions as he or she considers appropriate, without a hearing, suspend a licence subject to the following:

- a) before suspending the licence, the Licensing Commissioner shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
- b) the suspension shall not exceed fourteen (14) days.

7. **Appeal**

- 7.1 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.
- 7.2 Persons or applicants may appeal to the Appeals Committee in relation to matters noted in section 7.1. 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.
- 7.3 Where no request for an appeal is received in accordance with section 7.2, the decision of the Licensing Commissioner shall be deemed to be affirmed.
- 7.4 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.
- 7.5 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.
- 7.6 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**

- 8.1 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.

8.2 Any Person who contravenes an order issued under this By-law is guilty of an offence.

8.3 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**

9.1 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.

9.2 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.

9.3 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.

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- 9.4 No Officer may accept payment of an administrative penalty.
- 9.5 Any person who is served a penalty notice may request a review by a Screening Officer within 15 days after the penalty notice date.
- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 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.
- 9.10 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.
- 9.11 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.
- 9.12 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.
- 9.13 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.

- 9.14 The person shall be issued or served notice of the date, time and place of the review by the Hearing Officer.
- 9.15 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.
- 9.16 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.
- 9.17 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.
- 9.18 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.

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- 9.19 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.
- 9.20 The decision of a Hearing Officer is final.
- 9.21 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**
- 10.1 Any penalty notice or any other notice 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; or
 - d) upon the sending of a copy by e-mail transmission to the person's last known e-mail address.
- 10.2 For the purpose of section 10.1, 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 5 of this By-law.
11. **Inspection**
- 11.1 The Licensing Commissioner, the Chief of Police, the Medical Officer of Health, the Fire Chief or an Officer may at any reasonable time inspect:
- a) 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
 - b) any goods, equipment, books, records or documents used or to be used by the applicant or Licensee under this By-law.
- 11.2 It shall be an offence to obstruct or permit the obstruction of such inspection.
12. **Delegation**
- 12.1 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.

- 12.2 By-law 2010-163, a by-law to delegate certain powers to the Oakville Appeals Committee, is hereby amended by adding to a new subsection 1(f):

“1(f) Variances in accordance with the Residential Rental By-law 2018-XXX.”

13. **Variances**

- 13.1 The Appeals Committee may authorize variances from this By-law as set out herein.
- 13.2 Applications for variances shall be made in writing in the form prescribed by the Licensing Commissioner and shall contain:
- a) a statement of the particular provision or provisions of the By-law from which variance is sought;
 - b) the reasons for the variance request;
 - c) a statutory declaration confirming that:
 - i. there have not been any renovations to increase the number bedrooms in the Rental Unit;
 - ii. the Rental Unit shall not operate as a “boarding house”, “lodging house” or “rooming house” for the purposes of Part 9 of the *Fire Code*;
 - iii. the Rental Unit shall not operate as a “boarding, lodging or rooming house”, as defined in the *Building Code*;
 - iv. the applicant has provided notice of the variance being sought to all residents within 100 metres of the Rental Unit; and
 - d) the fee as prescribed in the rates and fee schedule approved by Council as part of the annual budget approval process.
- 13.3 Where a variance request is received, a hearing of the Appeals Committee shall be convened and the applicant or Licensee shall be provided reasonable written notice thereof.
- 13.4 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 and shall consider the following:
- a) whether there are any objections from the residents within 100 metres of the Rental Unit;

- b) whether the past conduct of the applicant affords the Appeals Committee reasonable grounds to believe that the applicant has not or will not carry on their Residential Rental Business in accordance with applicable law or with honesty and integrity;
- c) whether the Appeals Committee reasonably believes that the granting of a variance might be adverse to the public interest;
- d) the property on which the Rental Unit is situated is subject to an order, or orders, made pursuant to (or by):
 - i. the Town's Property Standards By-Law;
 - ii. the *Building Code Act* any regulations made under it, including the *Building Code*;
 - iii. the *Fire Protection and Prevention Act* or any regulations made under it, including the *Fire Code*; or,
 - iv. the Medical Officer of Health;
- e) the Rental Unit itself, the Building in which the Rental Unit is situated or the property on which the Rental Unit is situated is not in compliance with a Zoning By-Law;
- f) the Rental Unit has at least 15 demerit points issued under this By-law; or,
- g) the person who is applying for the variance is indebted to the Town by way of fines, penalties, judgments or outstanding (past due) property taxes; and
- h) whether approval of the variance would be contrary to the general intent and purpose of this By-law.

13.5 The Appeals Committee's decision is final and not subject to review.

14. **Offences**

14.1 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.

14.2 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.

14.3 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.

15. **Collection of Unpaid Fines**

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.

16. **Other**

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.

17. **Severability**

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.

18. **Effective Date**

This By-law comes into force and effect on January 1, 2019.

19. **Title**

This By-law may be known as the "Residential Rental By-law."

PASSED this day of , 2018.

Rob Burton Mayor

Vicki Tytaneck Town Clerk

SCHEDULE I

CLASS "A" LICENCE WHOLE HOME

1. In addition to the requirements set out in this By-law, Class "A" (Whole Home) Rental Units shall comply with the following provisions:
 - a) the minimum floor area of a Bedroom:
 - 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;
 - b) the number of Bedrooms shall not exceed five (5);
 - c) no more than forty per cent (40%) of the Rental Unit's Residential Floor Area shall be comprised of Bedrooms;
 - d) no room within the Rental Unit may be used as a Bedroom, except where a Bedroom has been depicted on the licence application, which was submitted to the Town;
 - e) one kitchen is permitted in the Rental Unit;
 - f) there shall be one lease agreement for the Rental Unit;
 - g) operate in accordance with the Parking Management Plan and Property Management Plan;
 - h) ensure that there is a Local Contact available to attend to the Rental Unit at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail;
 - i) operate as a single housekeeping unit;
 - j) not operate as a "boarding house," "lodging house" or "rooming house" for the purposes of Part 9 of the *Fire Code*; and
 - k) not operate as a "boarding, lodging or rooming house" as defined in the *Building Code*.
2. Notwithstanding section 1(b) of this Schedule, if, on the date this By-law comes into force and effect, one or more written leases have been entered into permitting six (6) occupants in a Rental Unit, the number of Bedrooms permitted in the Rental Unit shall equal six (6) so long as section 4 of this Schedule is complied with.
3. Notwithstanding section 1(c) of this Schedule, if, on the date this By-law comes into force and effect, or within six (6) months thereafter, a Rental Unit:

-
- a) has Bedrooms which comprise more than forty per cent (40%) of the Rental Unit's Residential Floor Area; and,
 - b) is in compliance with all applicable federal or provincial legislation and regulations as well as all Town by-laws and the number of Bedrooms does not exceed five (5); then the Rental Unit may continue to have Bedrooms which comprise more than forty per cent (40%) of the Rental Unit's Residential Floor Area, so long as section 4 of this Schedule is complied with.
 4. To obtain an exemption under sections 2 or 3 of this Schedule, the Owner shall, within six (6) months of this By-law coming into force and effect:
 - a) apply for and obtain a Class "A" licence and include in the licence application an exemption application in the form prescribed by the Licensing Commissioner; and,
 - b) pay the applicable fee pursuant to the Town's Fees and Charges By-Law.
 5. Section 2 of this Schedule shall expire and be of no force or effect after December 31, 2019.
 6. An exemption under section 3 of this Schedule shall be immediately rendered null and void and cease to be of any force or effect if:
 - a) the Class "A" licence expires pursuant to section 5.6 of this By-law; or,
 - b) the percentage of the Rental Unit's Residential Floor Area comprised of Bedrooms increases following the date this By-law comes into force and effect.
 7. All Class "A" Rental Units shall comply with all federal or provincial legislation or regulations, including the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19 ("*Human Rights Code*") as well as all municipal by-laws, including any applicable Zoning By-Laws.

SCHEDULE 2

CLASS “B” LICENCE OWNER OCCUPIED WITH ACCESSORY DWELLING

1. In addition to the requirements set out in this By-law, Class “B” Rental Units shall comply with the following provisions:
 - a) the minimum floor area of a Bedroom:
 - 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;
 - b) the number of Bedrooms for Rent in a Rental Unit shall not exceed four (4);
 - c) no more than fifty per cent (50%) of the Rental Unit’s Residential Floor Area shall be comprised of Bedrooms;
 - d) no room within the Rental Unit may be used as a Bedroom, except where a Bedroom has been depicted on the licence application, which was submitted to the Town;
 - e) be operated in the Owner’s Principal Residence;
 - f) operate in accordance with the Parking Management Plan and Property Management Plan;
 - g) ensure that there is a Local Contact available to attend to the Rental Unit 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) operate as a single housekeeping unit;
 - i) not operate as a “boarding house,” “lodging house” or “rooming house” for the purposes of Part 9 of the *Fire Code*; and
 - j) not operate as a “boarding, lodging or rooming house”, as defined in the *Building Code*.
2. Notwithstanding section 1(b) of this Schedule, if, on the date the by-law comes into force and effect the number of Bedrooms for Rent in the Rental Unit is equal to five (5), the by-law shall be considered complied with, so long as section 4 of this Schedule is complied with.
3. Notwithstanding section 1(c) of this Schedule, if, on the date this By-law comes into force and effect, or within six (6) months thereafter, a Rental Unit:
 - a) has Bedrooms which comprise more than fifty per cent (50%) of the Rental Unit’s Residential Floor Area; and,

- b) is in compliance with all applicable federal or provincial legislation and regulations as well as all Town by-laws and the number of Bedrooms for Rent does not exceed four (4),

then the Rental Unit may continue to have Bedrooms which comprise more than fifty per cent (50%) of the Rental Unit's Residential Floor Area, so long as section 4 of this Schedule is complied with.

- 4. To obtain an exemption under sections 2 or 3 of this Schedule, the Owner shall, within six (6) months of this by-law coming into force and effect:
 - a) apply for and obtain a Class "B" licence and include in the licence application an exemption application in the form prescribed by the Licensing Commissioner; and,
 - b) pay the applicable fee pursuant to the Town's Fees and Charges By-Law.
- 5. Section 2 of this Schedule shall expire and be of no force or effect after December 31, 2019.
- 6. An exemption under section 3 of this Schedule shall be immediately rendered null and void and cease to be of any force or effect if:
 - a) the Class "B" licence expires pursuant to section 5.6 of this By-law; or,
 - b) the percentage of the Rental Unit's Residential Floor Area comprised of Bedrooms increases following the date this by-law comes into force and effect.
- 7. All Class "B" Rental Units shall comply with all federal or provincial legislation or regulations, including the Ontario *Human Rights Code*, as well as all municipal by-laws, including any applicable Zoning By-Laws.

SCHEDULE 3

CLASS “C” LICENCE NON-OWNER OCCUPIED WITH ACCESSORY DWELLING

1. In addition to the requirements set out in this By-law, Class “C” Rental Units shall comply with the following provisions:
 - a) the minimum floor area for a Bedroom:
 - 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;
 - b) the number of Bedrooms for Rent in a Rental Unit shall not exceed four (4);
 - c) no more than forty per cent (40%) of the Rental Unit’s Residential Floor Area shall be comprised of Bedrooms;
 - d) no room within the Rental Unit may be used as a Bedroom, except where a Bedroom has been depicted on the licence application, which was submitted to the Town;
 - e) operate in accordance with the Parking Management Plan and Property Management Plan;
 - f) ensure that there is a Local Contact available to attend to the Rental Unit at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail;
 - g) operate as a single housekeeping unit;
 - h) not operate as a “boarding house,” “lodging house” or “rooming house” for the purposes of Part 9 of the *Fire Code*; and
 - i) not operate as a “boarding, lodging or rooming house”, as defined in the *Building Code*.
2. Notwithstanding section 1(b) of this Schedule, if, on the date the by-law comes into force and effect the number of Bedrooms for Rent in the Rental Unit is equal to five (5), the by-law shall be considered complied with, so long as section 4 of this Schedule is complied with.
3. Notwithstanding section 1(c) of this Schedule, if, on the date this By-law comes into force and effect, or within three (3) months thereafter, a Rental Unit:
 - a) has Bedrooms which comprise more than forty per cent (40%) of the Rental Unit’s Residential Floor Area; and,

- b) is in compliance with all applicable federal or provincial legislation and regulations as well as all Town by-laws and the number of Bedrooms for Rent does not exceed four (4);

then the Rental Unit may continue to have Bedrooms which comprise more than forty per cent (40%) of the Rental Unit's Residential Floor Area, so long as section 4 of this Schedule is complied with.

- 4. To obtain an exemption under sections 2 or 3 of this Schedule, the Owner shall, within six (6) months of this by-law coming into force and effect:
 - a) apply for and obtain a Class "C" licence and include in the licence application an exemption application in the form prescribed by the Licensing Commissioner; and,
 - b) pay the applicable fee pursuant to the Town's Fees and Charges By-Law.
- 5. Section 2 of this Schedule shall expire and be of no force or effect after December 31, 2019.
- 6. An exemption under section 3 of this Schedule shall be immediately rendered null and void and cease to be of any force or effect if:
 - a) the Class "B" licence expires pursuant to section 5.6 of this By-law; or,
 - b) the percentage of the Rental Unit's Residential Floor Area comprised of Bedrooms increases following the date this By-law comes into force and effect.
- 7. All Class "C" Rental Units shall comply with all federal or provincial legislation or regulations, including the Ontario *Human Rights Code*, as well as all municipal by-laws, including any applicable Zoning By-Laws.

SCHEDULE 4

CLASS “D” LICENCE LODGING HOUSE

1. In addition to the requirements set out in this By-law, all Class “D” (Lodging House) Rental Units shall:
 - a) operate as “boarding houses”, “lodging houses” or “rooming houses” for the purposes of Part 9 of the *Fire Code* (Ontario Regulation 213/07);
 - b) shall comply with the requirements of Part 9 of the *Fire Code* relating to “Boarding, Lodging and Rooming Houses” to which Part 9 of the *Fire Code* applies;
 - c) operate as, and be deemed to be, “boarding, lodging or rooming houses”, as defined in the *Building Code*;
 - d) shall comply with the requirements of the *Building Code* relating to “boarding, lodging or rooming houses”, as defined in the *Building Code*;
 - e) operate as and be deemed to be a “lodging house” for the purposes of the applicable Zoning By-Law;
 - f) shall comply with the “lodging house” requirements of the applicable Zoning By- Law;
 - g) operate in accordance with the Parking Management Plan and Property Management Plan;
 - h) ensure that there is a Local Contact available to attend to the Rental Unit at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail;
 - i) the Building area shall not exceed six hundred (600) square metres and the Building shall not exceed three (3) storeys in height;
 - j) any Kitchen or bathroom shall not be for the exclusive use of any individual Tenant;
 - k) there shall be no more than two (2) bathrooms, no more than (1) Kitchen and no less than five (5) Bedrooms;
 - l) each Bedroom shall have a door that is capable of being locked;
 - m) there shall be written leases with only one (1) Tenant per lease, unless the Tenant is under the age of sixteen (16) years, in which case a parent or guardian may execute a lease on their behalf;
 - n) no Bedroom shall have a working water distribution system installed which would convey water to or from a Bedroom;
 - o) no room within a Rental Unit may be used as a Bedroom, except where a

Bedroom has been depicted on the licence application, which was submitted to the Town.

3. All Class “D” Rental Units shall comply with all federal or provincial legislation or regulations, including the Ontario *Human Rights Code*, as well as all municipal by-laws, including any applicable Zoning By-Laws.

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SCHEDULE 5

APPLICATIONS FOR ALL CLASSES OF LICENCE

1. The Licensing Commissioner may require the following information and documentation in an application for the issuance or renewal of any Class of licence:
 - a) the municipal address and legal description of the property on which the Rental Unit is situated;
 - b) the applicant's name and contact information, including their address, telephone number, facsimile number and e-mail address;
 - c) the Owner's name and contact information, including their address, telephone number, facsimile number and e-mail address, if different from the applicant's;
 - d) if the Owner is a partnership, the name and contact information of each partner including their address, telephone number, facsimile number and e-mail address;
 - e) if the Owner is a corporation:
 - i. the name and contact information of each director, officer and shareholder who holds more than 30% of the issued shares in the corporation, including their address, telephone number, facsimile number and e-mail address; and,
 - ii. certificate of status of the corporation.
 - f) if the Owner does not reside in the Regional Municipality of Halton, the name and contact information of any Local Contact including their address, telephone number, facsimile number and e-mail address;
 - g) a copy of the transfer/deed providing proof of ownership of the property on which the Rental Unit is situated;
 - h) particulars of tenancy agreements for every Tenant for which there is an agreement, including the names and contact information of the parties to the agreement and such other particulars as are required by the Licensing Commissioner;
 - i) a completed Criminal Reference Check for the Owner and the applicant (if different from the Owner), including:
 - i. if the Owner or applicant is a partnership, a completed Criminal Reference Check for each partner; or,
 - ii. if the Owner or applicant is a corporation, a completed Criminal Reference Check for each director, officer or shareholder who holds more than 30% of the issued shares in the corporation.

- j) a Parking Plan for the property on which the Rental Unit is situated that complies with the relevant Zoning By-Law and which outlines where all of the parking spaces shall be located and the dimensions of those parking spaces;
- k) a Floor Plan of the Rental Unit, 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 Bedrooms will be located on the floor plan; and,
 - iii. the dimensions (in square meters) of all rooms, spaces or common areas.
- l) 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, Lot Maintenance and Snow and Ice By-Laws;
 - 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.
- m) a signed written statement 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 Rental Unit is in compliance with the *Building Code Act* or any regulations made under it, including the *Building Code*;
 - iv. the Rental Unit is in compliance with the "*Fire Protection and Prevention Act*" or any regulations made under it, including the *Fire Code*;
- n) the Rental Unit 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*;
 - i. 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, and the Rental Unit, will comply with all of them; and,

- ii. the applicant or Owner confirms the accuracy, truthfulness and completeness of the information submitted.
 - o) proof of insurance which:
 - i. includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury; and,
 - ii. identifies that a Residential Rental Business is being operated on the property on which the Rental Unit is situated.
 - p) an inspection certificate from a certified HVAC technician that confirms that the HVAC system is in proper working order; and,
 - q) 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.
2. The information or documentation referred to in sections 1(j), 1(k), 1(l), 1(m) and 1(n) of this Schedule shall only be required for the issuance of any Class of licence, not a renewal, except for every fifth renewal (meaning every five (5) years), at which time the Licensing Commissioner may require the information or documentation to be produced.

**SCHEDULE 6
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 Rental Unit 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 Rental Unit is at least seven.
4. A Licence may be revoked if the total of all demerit points in effect respecting a Rental Unit is at least fifteen.
5. Notice of the suspension or revocation of a Licence shall be provided to the Owner in accordance with Section 6 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

<i>Column 1</i>	Column 2	Column 3	Column 4
<i>Infraction</i>	Reference	Type	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 (i)	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
More than permitted number of bedrooms	2.1 (iv)	Confirmed order	3
		P.O.N., Part III, AMP	5
More than permitted floor area	2.1 (iv)	Confirmed order	3
		P.O.N., Part III, AMP	5
Non-availability of Responsible Person	2.1 (iv)	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
Obtain licence by providing false information	2.1 (c)	Confirmed order	3
		P.O.N., Part III, AMP	7
Not providing updated information	2.1 (iv)	Confirmed order	1
		P.O.N., Part III, AMP	3
Contrary to Parking Plan	2.1 (iv)	Confirmed order	1
		P.O.N., Part III, AMP	3
Contrary to Property Management Plan	2.1 (iv)	Confirmed order	1
		P.O.N., Part III, AMP	3
Contrary to Floor Plan	2.1 (iv)	Confirmed order	1
		P.O.N., Part III, AMP	3

Not posting licence	4.3 (a)	Confirmed order	1
		P.O.N., Part III, AMP	3
Property Standards	Town of Oakville Property Standards By-law	Confirmed order	2
		P.O.N., Part III, AMP	4
Long Grass	Town of Oakville Lot Maintenance By-law	Confirmed order	1
		P.O.N., Part III, AMP	3

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