

# **The Corporation of the Municipality of Grey Highlands**

## **Consolidated By-law No. 2019-122**

### **A Consolidated By-law to License, Regulate and Govern Short Term Accommodations (By-law 2019-122 and 2019-137, and 2020-070)**

**Whereas**, Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 ("Municipal Act, 2001") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

**Whereas**, Section 9 of the Municipal Act, 2001, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues; and

**Whereas**, Council directed staff to proceed with the implementation of the proposed short-term accommodation licensing program as recommended by the Short-Term Accommodation Task Force through Council resolution 2019-695 on November 6 2019;

**Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:**

#### **1. Definitions**

- a. **Agent** - a person duly appointed by the owner to act on their behalf.
- b. **Applicant** - includes a person seeking a licence or renewal of a license or a person whose license is being considered for revocation or suspension.
- c. **Bed & Breakfast Establishment** - sleeping accommodation or vacationing public within a single dwelling which is the principal residence of the proprietor, to a maximum of four guest rooms, and may include the provision of breakfast and other meals and services, facilities or amenities for the exclusive use of the occupants. The guest rooms shall not have kitchen facilities, nor in any other way resemble a motel or Inn, and guests should not have access to kitchen facilities. A bed and breakfast establishment shall be permitted in any zone in which a single-family residential dwelling is a permitted use; however, is not permitted in combination with any other type of accommodation such as roomers and boarders and accessory apartments. In addition, bed and breakfast establishments are considered a home occupation and governed according to the General Provisions of the Municipality of Grey Highlands Comprehensive Zoning Bylaw 2004-50.
- d. **Director** - the Director of the Municipality of Grey Highlands Department that oversees Short Term Accommodation Licensing.
- e. **Dwelling** - a building occupied, or capable of being occupied, exclusively as a home, residence, or sleeping place by one or more persons, but shall not include hotels, motels, mobile homes, travel trailers, tents, campers, etc.
- f. **Guest** - a person who contracts for accommodation in a motel or hotel or other similar accommodation and includes all members of the persons party.

- g. **Guest Room** - a room, suite, or rooms used or maintained for the accommodation of the public.
- h. **Home Occupation** - an accessory use conducted within a legally established residential dwelling unit.
- i. **Hosted Property** - an establishment that has an owner/operator living full-time on-site during the rental period.
- j. **Hotel** - an establishment that consists of 1 building, or 2 or more connected, that caters to the need of the public by furnishing sleeping accommodation, including permanent staff accommodation, may or may not supply food, and is licensed under the Liquor Licence Act and operating under the Tourism Act.
- k. **Licensee** - the person to whom the short term accommodation license was issued.
- l. **Life Safety/Fire Inspection** - the inspection required by the Municipality of Grey Highlands prior to issuing of a short-term accommodation licence. Life-safety inspection to include, but are not limited to, the following in conformance to Ontario Building Code, Division B, Part 11, Table 11.5.1.1.C:
  - Required exits, handrails and guards, smoke and carbon monoxide detectors;
  - Required exhaust fume barriers and self-closing devices on doors between an attached or built-in garage and a dwelling unit.
- m. **Motel** - a building consisting of a number of individual rental units, used for catering to the needs of the travelling public by furnishing sleeping accommodation, with or without food.
- n. **Owner** - the person holding title on the lands on which the short-term accommodation premises is located.
- o. **Renter** - the person responsible for the rental of the premises by way of concession, permit, lease, license, rental agreement or similar commercial arrangement.
- p. **Secondary Uses** - uses secondary to the principal use of the property, including home occupations, home industry, and uses that produce value-added agricultural products from the farm operation on the property.
- q. **Short-Term Accommodation** - a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for a period less than twenty-eight (28) consecutive calendar days, throughout all or any part of a calendar year. Short-term Accommodation shall not mean or include a motel, hotel, inn, hospital commercial resort unit or institutional use.
- r. **Un-Hosted Property** - an establishment that does not have an owner/operator living full-time on-site during the rental period.

## 2. Application

- a. This By-law applies to every person who owns, operates or offers a premise for short term accommodations of 28 days or less.
- b. Every person who owns, operates, or offers a premise for short term accommodation as of the effective date of this by-law must file an application under this by-law no later than March 31 2020.
- c. The sole determination of whether a license is complete shall lie with the Director.
- d. For greater certainty, the requirements of this by-law do not apply to a hotel, motel, hospital, resort establishments or

similar commercial or institutional uses as may be defined in the applicable zoning by-law.

### **3. Licensing Requirements**

- a. No person shall carry on any trade, business or occupation of short term accommodation unless that person has first obtained a licence. **All persons who own and operate short-term accommodation property are required to submit an application and fulfill all licensing requirements within 45 days of written notification by the Municipality. (2020-070)**
- b. A person who obtains a license shall comply with the regulations set out in this by-law for such licence. Failure to comply with the regulations constitutes an offence.
- c. An agent of persons who own, operate or offer a premise for short term accommodation purposes without a licence shall also be personally liable for the compliance of his principal, beneficiary or persons he represents. Failure by such a person to comply with this By-law constitutes an offence.
- d. Licences issued pursuant to this By-law are conditional upon compliance by the licensee with all municipal By-laws and compliance with all Provincial and Federal Laws and Regulations and any conditions imposed to the holding of the licence.

### **4. Administration**

- a. The Municipality of Grey Highlands is responsible for the administration and enforcement of this by-law under the Economic and Community Development Department. Department oversight may be subject to change through organizational review and approval from the Chief Administrative Officer.
- b. The municipality may engage the services of an external third-party agency to ensure compliance with the by-law.
- c. Every application for a new license or a renewal license shall be submitted on the forms provided by the Director.
- d. Every application for a new license or renewal license shall include the following:
  - Each owner, applicant and/or agent's name, address, telephone number, and email address;
  - A copy of the transfer/deed evidencing the ownership of the premises;
  - In the instance of an applicant or agent acting on behalf of the owner, an owner's written authorization permitting the applicant or agent to act on their behalf;
  - The rental agent's or agency's name, address, telephone number & email address;
  - In the instance of a corporation or partnership, the name, address, telephone number & email of each director and officer or partner of the owner and/or rental agent or agency;
  - The name, address, telephone number and email address of a person who has been assigned by the owner or operator to be the agent for the operation and conduct of the inhabitants of the licenced short-term accommodation premises;
  - An acknowledgement from the owner certifying the accuracy, truthfulness and completeness of the application;
  - The applicant/licencee shall defend, indemnify and save harmless the Municipality of Grey Highlands its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs

(including legal costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the applicant/licencee, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of this contract.

- Floor plans and a site plan of the short-term accommodation premises depicting the use of the premises including the proposed occupancy of each room; occupant load for sleeping purposes of each room; location of smoke detection and early warning devices; location of fire extinguishers, and related site amenities including parking and other buildings or structures on the land;
  - A Parking Management Plan that complies with the Municipality's zoning bylaw;
  - A Property Management Plan identifying measures the owner will implement for the purposes of complying with the Municipality's Property Standards Bylaw, Waste Collection By-law and any other By-law relating to property maintenance and/or management;
  - The prescribed fees; and,
  - Any outstanding fees or fines owed to the Municipality by the owner respecting any short-term accommodation premises;
  - Municipality of Grey Highlands life safety/fire inspection (at time of application, and upon renewal every three years); and
  - Any other information deemed required by the Director.
- e. Any change in the above noted information shall be supplied to the municipality within 15 days.
- f. Every application for license will be reviewed to determine whether it meets the requirements of the by-law.
- g. As part of the review indicated in s. 4. f., the application may be circulated to those agencies deemed necessary or relevant.
- h. Those agencies referenced at 4.g. may require an inspection of the premises prior to the provision of comments and prior to the consideration of the application. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of fees for such an inspection, the applicant shall pay the fees as required prior to the inspection.
- i. If it is determined that an application meets the requirements of this by-law and all circulated agencies, the applicant shall receive their license.
- j. If it is determined that the application does not meet the requirements of this by-law, no license shall be issued.
- k. The license shall be issued only in the name of the owner of the premise.
- l. A license is valid for a period of three (3) years.
- m. Adjustments in the fees prescribed may be affected each year based on the percentage of the Consumer Price Index of Statistics Canada.

- n. A license holder may begin the renewal process of their license no sooner than the beginning of the third year of the existing license.
- o. A license is not transferable. For greater clarity, should a licensed premise be sold, the license becomes void and the new owner would have to apply for their own license for the premise.
- p. No person shall enjoy a vested right in the continuance of a license.
- q. Licenses shall remain the property of the Municipality.
- r. If at any time it is determined, as a result of evidence, that the operation of a licensed short term accommodation premise does not conform to the requirements of this by-law, demerit points may be assessed.
- s. If at any time it is determined, as a result of evidence, that the operation of a short term accommodation premise has occurred in contravention of this by-law, an administrative penalty fee may be assessed against the owner of the premise.
- t. A person whose application for a new licence or a renewal of a licence has been refused may, within fifteen days of being notified of the decision, apply to Council a review of the decision. If an application for review has not been applied for within fifteen days, the licence application will be deemed to be closed. An application for a review of a decision is not complete until the fee as prescribed is paid.
- u. A person who has been imposed an Administrative Penalty may, within fifteen days of being notified of the Administrative Penalty, apply to Council for a review of the decision. If an application for review has not been applied for within fifteen days, or if the Administrative Penalty has been paid, the Administrative Penalty levied is deemed to be confirmed. An application for a review is not complete until the fee as prescribed is paid.
- v. Council will review the matter and may affirm, modify or rescind the decision or, in the instance of a licence refusal, direct that the licence be issued with such terms and/or conditions deemed appropriate by Council or, suspend or revoke a licence.
- w. Decisions of Council are final.
- x. Matters, notices, orders and communications related to a non-compliance under a Federal or Provincial Law or Regulations or a municipal by-law, including, but not limited to, the Property Standards By-law; the Building Code Act; the Building Code; the Fire Protection and Prevention Act; the Fire Code; the Ontario Electrical Safety Code; or, an order of the Medical Officer of Health are not appealable.
- y. The Municipality will not advertise or post any short term accommodation listings. All information will be collected and used in accordance with this by-law and the Municipal Freedom of Information and Protection of Privacy legislation (MFIPPA). STA information may be posted on a Council agenda in the case of Council consideration of an appeal.
- z. As part of the review indicated in s. 4.f., the property shall be subject to density guidelines in sub-division or settlement areas where properties are less than 1 acre in size being:
  - i. Licenses may not be issued to more than 15% of the total number of homes constructed and occupied on any single street without the prior approval of Council, excluding privately owned roads.
  - ii. Council retains the right to direct that the 15% guideline for licenses on any street may be increased or

decreased due to clustering or other presented and verified facts. (2019-137)

## **5. General Regulations**

- a. No person shall carry on any trade, business or occupation of short term accommodation for which a license is required under this by-law unless that person has first obtained a license.
- b. No person shall carry on any trade, business or occupation of short term accommodation for which a license is required under this by-law if the license has expired, been revoked or while the license is under suspension.
- c. A person is not eligible to hold a license if the proposed use of the land, building or structure is not permitted by the zoning by-law that applies to the property.
- d. A person is not eligible to hold a license if the person is indebted to the Municipality in respect of fines, penalties, judgement or any other amounts owing, including awarding of legal costs and disbursements and outstanding property taxes and late payment charges against all properties owned by the owner.
- e. A person is not eligible to hold a license if the property to be used for carrying on the trade, business or occupation for short term accommodation does not conform with applicable Federal and Provincial law and Regulations or municipal by-laws, including but not limited to the zoning by-law, Property Standards By-law, the Building Code Act, the Building Code, the Fire Protection and Prevention Act, the Fire Code, the Ontario Electrical Safety Code, or an order of the Medical Officer of Health.
- f. The owner shall operate the short term accommodation premises in accordance with the Parking Management Plan and Property Management Plan that has been approved by the Director.
- g. The owner shall keep a record of the renters with such record containing the date of entry, the length of stay, and home address of the renter with such record readily available for inspection by the Municipality if required for a period of 1 year from the date of entry.
- h. The owner shall display the license permanently in a prominent place in the short term accommodation premise to which it applies.
- i. Each licensee shall display the following:
  - The License provided by the Municipality which will include the location of the licensed premise, the license number and expiry date, the maximum capacity of the licensed unit, the effective date and expiry date of the license, and the name email and telephone number of the owner or agent;
  - a sign or notice indicating evacuation routes must be posted in each sleeping unit;
  - Each licensee shall ensure that the renters of the premise are apprised of the municipal by-laws and regulations for use.
- j. The owner of a short term accommodation premise shall ensure that there is a responsible person available to attend to the short term accommodation premises at all times within a period of no greater than one hour from the time of contact by way of telephone or email. This person is to be available 24 hours a day, 7 days a week while the property is being rented.
- k. The owner of a short term accommodation premise for which a license is required under this by-law shall allow, at any

reasonable time, an employee or agent of the Municipality to inspect the premises used for the purposes of short term accommodations so as to determine compliance with the requirements of this by-law, the Fire Code, Building Code, Property Standards By-law or other applicable legislation.

- l. No person shall obstruct, hinder or otherwise interfere with an authorized person while carrying out an investigation, making inquiries, or performing an inspection for the purpose of enforcing this by-law or any other relevant legislation.
- m. No person shall construct or equip a premise used for short term accommodation so as to hinder enforcement of this by-law.
- n. Every owner shall maintain the short term accommodation premises in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises.
- o. Every licensee shall ensure that the short term accommodation premises is operated and used in a fashion such that the operation or use will not cause a disturbance.
- p. Every licensee shall provide an undertaking to operate the short term accommodation premises in accordance with all Municipal By-laws including, but not limited to, the Municipality's Noise Control By-law and Property Standards By-law, and any applicable Provincial or Federal laws or statutes, including the Ontario Fire Code, and laws related to the making of a disturbance.
- q. No licensee or employee of a licensee shall discriminate in the carrying on of the trade, business or occupation of short term accommodation against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- r. The Manager may revoke a licence if it was issued on mistaken, false or incorrect information.
- s. No license shall be issued for any property which would allow for more than 2 guests per room or suite or for more than 10 persons per property. (2019-137)
- t. Licensees shall be prohibited from advertising without a valid License. (2019-137)
- u. All advertising for short term accommodation rentals shall include the Municipality of Grey Highlands short term accommodation license number. (2019-137)

## **6. Demerit Point System**

- a. A demerit point system established without prejudice to options otherwise available to enforce this by-law.
- b. A demerit point shall be assessed for every confirmed violation of the by-law or regulations found with evidence.
- c. Demerit points shall remain in place until the 3 year anniversary of the date on which the demerit points were assessed.
- d. Once a licensed property has received 3 demerit points, the license may be revoked for a one year period. **Verified complaints registered against a short-term rental property will be considered and tracked as part of the licencing demerit tracking system from the date of written notification by the Municipality for licencing compliance. The Municipality has the ability to deny a licencing application for any unlicensed property that has received three verified complaints under the demerit tracking system from the time of notification of requirement to register for licencing.(2020-070)**

- e. Should any property receive 2 suspensions through the demerit point system, that property may not be eligible to renew their license and the current license may be revoked.
- f. Notice of suspensions, demerit points, and revocations shall be provided by the Director to the owner.
- g. Any appeals to suspensions or revocation by the owner will be considered by Council. Council's decision is final.
- h. The following activities may constitute a violation and a demerit point may be issued:
  - Late evening noise and neighbourhood disturbances after 10 pm;
  - Excessive noise at any time;
  - Parking of vehicles off the licenced property, i.e. parking on neighbour's property, public roadway or in the Municipal road right of way;
  - Improper snow storage, or the placement of snow anywhere off the property, including on empty lots or back on the Municipal road;
  - Overcrowding of the property, i.e. overnight guests in excess of the amounts approved in the STA licence;
  - Contravening other restrictions listed in the STA licence, i.e. availability and timely response of responsible person; outdoor burn restrictions, etc.;
  - Other disturbances that are deemed problematic to the peaceful enjoyment of one's residence or accommodation.
- i. The Municipality may outsource compliance monitoring and enforcement to an external third party company or contract.
- j. Compliance Monitoring and enforcement by third party may include:
  - Active monitoring of STAs in Grey Highlands across multiple STA websites (i.e. Airbnb, VRBO, HomesAway, etc.);
  - Monthly report on aggregate STA activity, including high resolution screen shots of all active listings & full addresses and contact listings for all identifiable STAs;
  - Monthly analysis of STA trends in Grey Highlands;
  - Ongoing monitoring of STAs for zoning & permit compliance;
  - Pro-active and systematic outreach to unpermitted and/or illegal short-term rental operators;
  - Monthly report on zoning & compliance, including listing of STAs operating illegally or without the proper permits;
  - 24/7 staff telephone and email hotline for neighbours to report non-emergency problems related to STA properties;
  - Weekly reports containing the number & types of reported incidents; lists of properties for which incidents have been reported; full documentation of all reported incidents; digital recordings & written transcripts of all calls; analysis of hotline related activities.
- k. The Administration and Management of the licenses shall include:
  - establishing a licensing process for issuance and renewals
  - tracking licences
  - collection of fees
  - oversight and standards of compliance and enforcement monitoring
  - Licensing appeals
  - updating the licensing program as needed

## 7. Fees

- a. The fees listed will apply to the Short Term Accommodation License Program for the first year 2020. The fee structure for 2021 and beyond shall be included in the Municipality of Grey Highlands Fees and Charges By-law in effect at the time.
- b. License fees are payable annually on the anniversary date. If payment is not received within 30 days of the anniversary date, the license may be revoked.
- c. Any penalties not paid may be added to the tax roll of the property to which it is applied and collected in the same manner as taxes.
- d. For greater certainty, Life Safety/Fire Inspections and their associated fee are only required prior to licence issuance or renewal and are not required annually.

Annual STA licence fee – HOSTED property	\$0.00
Annual STA licence fee - UNHOSTED property	\$300.00
Grey Highlands Life Safety/Fire Inspection fee*	\$200.00
Council STA appeal fee	\$500.00
Penalty for operating without a STA licence	\$1,000.00 per week

**8. Offence and Penalty Provisions**

- a. Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Municipal Act, 2001 or the Provincial Offences Act and to any other applicable penalties.
- b. Any amounts not paid may be added to the tax roll of the property to which it applies and collected in the same manner as taxes.

**9. Validity**

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

**10. Short Title**

- a. This By-law shall be known as the "Short Term Accommodation Licensing By-law" or the "STA By-law".

**11. Effective Date**

- a. This by-law will come into full force and effect upon the final passing thereof.

Read a first, second and third time, and finally passed on December 04 2019.

The Corporation of the  
Municipality of Grey Highlands

Original Signed By

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Paul McQueen, Mayor

Original Signed By

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Raylene Martell, Municipal Clerk

Status: Passed