

**DRAFT**

**By-law Number 26-XX**

**The Corporation of the Township of Clearview**

**Being a By-law to licence, regulate and govern short-term rental accommodations in the Township of Clearview**

(Short-Term Rental Accommodation Licensing By-law)

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**Whereas** the Council of the Corporation of the Township of Clearview may, pursuant to the Municipal Act, 2001, S.O. 2001, c.25. as amended enact by-laws for the licensing, regulating and governing of businesses and occupations in the Township of Clearview;

**And Whereas** pursuant to the Municipal Act, 2001, Part II, Section 8(1), a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And Whereas** pursuant to the Municipal Act, 2001, Part II, Section 8(3), authorizes a municipality to:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licenses respecting the matter;

**And Whereas** pursuant to the Municipal Act, 2001, Part II, Section 9, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And Whereas** pursuant to the Municipal Act, 2001, Part II, Section 11(2), paragraph 6, it authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons;

**And Whereas** pursuant to the Municipal Act, 2001, Part II, Section 23.1 authorizes a municipality to delegate its powers and duties;

**And Whereas** pursuant to the Municipal Act, 2001, Part IV, Section 151, provides that a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to Revoke or suspend a licence;

- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

**And Whereas** the Council of the Corporation of the Township of Clearview deems it desirable that such licensing, regulation and governing takes place with regard to short-term rental accommodations as defined in this By-law;

**Now Therefore** the Council of the Corporation of the Township of Clearview hereby enacts as follows:

## **1. Definitions**

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1.1 For the purpose of this By-law the following definitions shall apply:

**"Accessory Building or Structure"** means a detached Building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use of the main Building on the same lot.

**"Applicant"** means the Owners of the Premises applying for a Licence or renewal of a Licence under this By-law.

**"Bedroom"** means a room offered for Short-Term Rental Accommodation intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario Building Code, and/or a room with one or more beds, murphy beds, pullout beds, sofa beds, day beds, futons or similar places for sleeping.

**"Building"** means 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 related thereto.

**"Chief Fire Official"** means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief or a person appointed by the Fire Marshal.

**"Committee"** means a committee of individuals which has been delegated, by Township of Clearview Council, the responsibility of handling appeals, suspensions and Revocations of Licences under this By-law.

**"Corporation"** means a body incorporated pursuant to the laws of Ontario or Canada.

**"Council"** means the Council of the Corporation of the Township of Clearview.

**"Dwelling Unit"** means two or more rooms used, designed or intended for the domestic use of one or more individuals living as a single housekeeping unit, with living, sleeping and sanitary facilities, and kitchen facilities, having a private entrance from outside the Building or from a common hallway or stairway inside or outside the Building. For the purpose of this By-law, a Dwelling Unit does include a cottage but does not include an Accessory Building or Structure or a tent, trailer, mobile home, vehicle, boat, room or suite of rooms in a boarding or rooming house, hotel, or motor home.

**"Fee"** means a Fee as set forth in the Township of Clearview Fees and Charges By-law. Fees will not be prorated and are non-refundable.

**"Guest"** means any person on the Premises who is not a Renter.

**"Licence"** means the licence issued under this By-law as proof of licensing under this By-law.

**"Licensed"** means to have in one's possession a valid and current Licence issued under this By-law and "Unlicensed" has the contrary meaning.

**"Licensee"** means the Owner of a Premises who holds a Licence or is required to hold a Licence under this By-law for that Premises.

**"Licensee Code of Conduct & Acknowledgment"** means a document, as set forth in Schedule "B", that has been prepared by the Township that prescribes the roles and responsibilities of the Licensee, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws; and adherence to the provisions of this By-law.

**"Licensing Officer"** means any person or persons provided the authority by the Township to issue a Licence under this By-law.

**"Municipal Act"** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced.

**"Officer"** means a By-law Enforcement Officer, Licensing Officer, Building Inspector, Police Officer or other person appointed by by-law to enforce the provisions of Township by-laws.

**"Owner"** means the Person holding title to the Premises where the Short-Term Rental Accommodation is located, and "Ownership" has a corresponding meaning.

**"Parking Area"** means an area on the Premises provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.

**"Person"** means any singular or plural human being, association, firm, partnership, incorporated company, Corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.

**"Premises"** means the Property upon which a Short-Term Rental Accommodation is operated, inclusive of Buildings or structures or any part thereof used for such purpose.

**"Property"** means the land upon which a Short-Term Rental Accommodation is operated, exclusive of Buildings or structures or any part thereof.

**"Provincial Offences Act"** means the *Provincial Offences Act*, R.S.O.1990, c.P.33, as amended or replaced.

**"Renter"** means a person that intends to use the Short-Term Rental Accommodation for overnight lodging but shall not include daily visitors (guests) to the Premises.

**"Renter's Code of Conduct"** means a document, as set forth in Schedule "A", that has been prepared by the Township that prescribes the roles and responsibilities of the Renters and Guests, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws, and adherence to the provisions of this By-law.

**"Responsible Person"** means an Owner or a Person, 18 years of age or older if an individual, duly appointed by an Owner to act on its behalf and being responsible for ensuring the Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the Licence and applicable laws.

**"Revoke" and "Revocation"** means recalling or taking back a Licence for non-compliance with the by-law.

**"Settlement Area"** means the settlement areas as defined in the Township's Official Plan.

**"Short-Term Rental Accommodation"** means the secondary use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, licence, rental agreement or similar arrangement for fewer than twenty-eight (28) consecutive calendar days with no on-site management throughout all or part of the year. Short-Term Rental Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, tourist establishment, tourist cabin establishment, or similar commercial accommodation use. For the purposes of this definition, a secondary use shall mean secondary in terms of time the Dwelling Unit is used as a Short-Term Rental Accommodation.

**"Township"** means the Corporation of the Township of Clearview.

**"Zoning By-law"** means the Township's current Comprehensive Zoning By-law including all amendments.

## **2. Administration**

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- 2.1 The Licensing Officer shall be responsible for the administration of this By-law.
- 2.2 Officers shall be responsible for the enforcement of this By-law.
- 2.3 Upon receipt of an application for a Licence, a Licensing Officer shall perform the following functions:
  - a) receive and review the application in conjunction with any provision of this By-law; and,
  - b) ensure the relevant Officers have carried out the necessary inspections to satisfy the Township that the Premises is in compliance with the provisions of this by-law.
- 2.4 Applications for a Licence and issued Licences will be posted on the Township's website, including personal information such as the legal description, civic address, and Owners' and Responsible Person's contact information.
- 2.5 Licence renewal applications are required to be submitted thirty (30) days prior to the anniversary date of the date of issue of the previous year's Licence.
- 2.6 A maximum number of one hundred and fifty (150) Licences are permitted to be issued within the Township.

### **3. Prohibitions**

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- 3.1 No Person may operate a Short-Term Rental Accommodation unless the Person holds a current Licence issued pursuant to the terms and conditions of this By-law.
- 3.2 No Person shall use or rent an Unlicensed Short-Term Rental Accommodation.
- 3.3 Short-Term Rental Accommodations are not permitted in a condominium, apartment building, semi-detached dwelling, townhouse dwelling, any attached or detached additional residential unit (ARU) in a settlement area as outlined in the Township's Official Plan, Accessory Building or Structure, or any residential unit accessory to a commercial or industrial use.
- 3.4 No Person shall advertise nor permit:
- a) the use of a Short-Term Rental Accommodation without a Licence;
  - b) the rental or use of a greater number of Bedrooms than permitted by the Licence;
  - c) a greater number of Renters or Guests than is permitted by the Licence;
  - d) the use of more than one Building with Bedrooms on the Premises;
  - e) the rental of the Premises for more than 180 combined days per calendar year.
- 3.5 No Person may violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this By-law.
- 3.6 No Person may violate the provisions of the Licensee Code of Conduct & Acknowledgment attached as Schedule "B" to this By-law.
- 3.7 No Person may fail to produce a copy of the signed Renter's Code of Conduct or Licensee Code of Conduct & Acknowledgment upon the request of an Officer.
- 3.8 No Person may alter, modify or permit the alteration or modification of a Licence.
- 3.9 No Licensee or Renter may permit more than two (2) Renters on the Premises for each Bedroom identified and approved as such on the floor plans submitted with the application for the Licence, at any one time.

- 3.10 No Licensee or Renter may permit more than one (1) Guest per Bedroom approved as such on the floor plans submitted with the application for the Licence, at any one time.
- 3.11 No Licensee or Renter may permit the maximum occupancy (number of Renters) on a Premises to exceed ten (10).
- 3.12 No Licensee may rent any room other than a Bedroom that was identified and approved as such on the floor plans submitted with the application for the Licence.
- 3.13 The provisions of Section 3 do not apply when the Premises is not rented for Short-Term Rental Accommodation.
- 3.14 No Person may contravene the Site Requirements found at Section 6 of this By-law.
- 3.15 Short-Term Rental Accommodations shall comply with all applicable Municipal by-laws and provincial legislation.
- 3.16 No Person may own, operate or permit the operation of a Short-Term Rental Accommodation while the Licence is suspended, revoked or expired.

#### **4. Term of Licence**

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- 4.1 A Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
  - a) 365 days from the date of issuance;
  - b) Upon the sale or transfer of the Premises. For clarity, a Licence cannot be assigned or transferred to another Person; or,
  - c) Upon Revocation in accordance with the provisions of this By-law.
- 4.2 The Licensing Officer shall have the right to extend any active Licence for up to one (1) year from the date of issuance, should there be a declared emergency that directly effects the Licensee. This decision is final, at the sole discretion of the Licensing Officer, and is not appealable.
- 4.3 Only one Licence per Premises shall be permitted.
- 4.4 A Licence may only be issued to the Owner of the Premises.

## **5. Licensing Requirements**

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- 5.1 Every application for a new Licence, or the renewal of an existing Licence, shall include:
- a) a completed application in the form required by the Township, which shall include each Owner's name, address, telephone number, and email address;
  - b) proof of Ownership for the Premises;
  - c) a statutory declaration signed by each and every Owner stating that the Premises is used primarily for residential purposes and that each and every Owner understands their responsibilities as a Licensee;
  - d) a site diagram and floor plan, drawn to scale and fully dimensioned of the Premises identifying:
    - i. the location of all Buildings and structures on the Property;
    - ii. the location of wells, and all components of sewage systems;
    - iii. the use of each room;
    - iv. the location of smoke and carbon monoxide alarms, and early warning devices;
    - v. the location of fire extinguishers;
    - vi. the location of records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
    - vii. the location of all gas and electric appliances;
    - viii. the location of all fireplaces and fuel-burning appliances;
    - ix. all entrances/exits to and from the Buildings; and
    - x. the exterior decks and related site amenities including dimensioned parking spaces, and other Buildings or structures on the Property;
  - e) a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance policy must identify that a Short-Term Rental Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the Township shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy;
  - f) an electrical general inspection performed by a licensed electrical contractor dated less than five (5) years old;

- g) where there are wood burning appliances, a Wood Energy Technical Transfer (WETT) report dated less than 5 years old issued by a certified WETT inspector;
  - h) an annual inspection report, provided with the annual application, indicating that the chimney, flue pipes etc. have been inspected by a WETT certified chimney sweep and are safe to be utilized;
  - i) an HVAC inspection report issued by an HVAC Technician dated less than five (5) years old;
  - j) the name and contact information of the Responsible Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Township by-law, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence; and,
  - k) at time of renewal: maintenance and record of tests for all smoke and carbon monoxide alarms.
- 5.2 An Applicant shall provide payment of the applicable Fee.
- 5.3 An Applicant or Licensee shall be responsible for informing the Township, in writing, of any changes to the information contained within the application or any deviation to the approved plans within seven (7) days of such change or deviation.
- 5.4 Nothing herein allows a Licensee to rent Bedrooms other than those identified and approved on the floor plans submitted with the application unless the Township has approved same.
- 5.5 An Applicant shall confirm that an occupancy permit, also known as "permission to occupy" has been issued for the Premises. The Township Building Department will be consulted if the Applicant does not have a copy.
- 5.6 A Licence may not be issued until the Township is satisfied that the necessary inspections and reports have been completed or that a safety site inspection was completed to ensure the safety of persons.
- 5.7 A Licensee shall ensure that any listing, advertisement, etc. of the Premises includes the corresponding Licence number issued by the Township and the maximum occupancy permitted under this By-law.
- 5.8 A Licensee shall be an Owner who is an individual or group of individuals and not a Corporation, partnership, or business, except where section 5.9 applies.

- 5.9 Corporate Owners may be permitted to become a Licensee at the discretion of the Licensing Officer, if staff is satisfied in its sole discretion that the Property is used and held primarily for residential purposes. This decision is final and not appealable.

## **6. Site Requirements**

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- 6.1 The provision of parking on the required site diagram shall include the following:
- a) location of the Parking Area with a minimum number of parking spaces as set out in the Zoning By-law;
  - b) a note that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area; and
  - c) compliance with all other parking provisions as set out in the Township Zoning By-law, as amended.
- 6.2 A Parking Area shall consist of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface). Vehicles may only park in the Parking Area.
- 6.3 The following shall be made available to Renters by the Licensee:
- a) A copy of the current Licence retained on site of the Premises and available for inspection by Township staff;
  - b) A copy of the site diagram showing the current Parking Area and parking provisions for the Premises;
  - c) A copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes;
  - d) A copy of the Renter's Code of Conduct;
  - e) A copy of the current Township Noise By-law;
  - f) A copy of the current Open-Air Burning By-law;
  - g) A copy of the current Fireworks By-law;
  - h) The occupant load of the residence, posted in a conspicuous location;
  - i) Emergency "911" instructions with the address of the Property clearly printed and posted in a conspicuous location;
  - j) A copy of the smoke and carbon monoxide maintenance and use instructions; and
  - k) Name and contact information of the Responsible Person.

- 6.4 The Licensee shall ensure that the Short-Term Rental Accommodation provides a class A ULC listed portable fire extinguisher with a minimum rating of 2A 5B:C in any cooking area and on each floor of the Building.
- 6.5 The Licensee shall ensure that Portable extinguishers are:
- a) kept operable and fully charged;
  - b) located so that they are easily seen and shall be accessible at all times;
  - c) tested and maintained in conformance with NFPA 10, "Portable Fire Extinguishers"; and,
  - d) inspected monthly.
- 6.6 The Licensee shall maintain a guest register showing the property address and licence number which indicates the following information for each rental:
- a) check-in and check-out dates;
  - b) the number of Renters and Guests, confirmation that the renters have been given and have signed the required documents; and,
  - c) confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves.

This guest register must be provided to the Township within 24 hours upon request.

## **7. Inspection**

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- 7.1 It is the responsibility of any Applicant to contact the Township for an annual inspection upon original application and renewal, which shall ensure compliance with the following, where applicable:
- a) the provisions of this By-law;
  - b) the Ontario Building Code Act, 1992, S.O. 1992 c.23; including Sewage System;
  - c) the Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4;
  - d) the Zoning By-law; and,
  - e) any other municipal by-laws or provincial legislation that may affect the safety and well-being of persons or eligibility of the application or Licence.
- 7.2 During the inspection process, all relevant departments of the Township may be circulated and provide comments on any known matters that would assist with the determination of Licence eligibility.

## **8. Issuance of Licence and Grounds for Refusal**

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- 8.1 The Licensing Officer shall have the authority to issue, refuse to issue or renew a Licence, to Revoke or suspend a Licence, or to impose terms and conditions on a Licence.
- 8.2 The Licensing Officer may refuse to issue or renew a Licence where they are satisfied that:
- a) there are reasonable grounds for belief that the operation of the Short-Term Rental Accommodation may be averse to the public interest;
  - b) a Licence has been previously Revoked, suspended, or made subject to terms and conditions;
  - c) an Applicant has presented a history of contravention with this By-law;
  - d) the proposed use of the Premises is not permitted by the Zoning By-law;
  - e) the Owner is indebted to the Township in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes and late payment charges, against an Owner's Property; or
  - f) the Premises does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, this By-law, the Zoning By-law, the Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.
- 8.3 The Licensing Officer, if satisfied that the continuation of a Licence poses a danger to the health or safety of any person, may suspend a Licence for not more than 14 days. If, after this period, the Licensing Officer is satisfied that the continuation of a Licence will continue to pose a danger to the health or safety of any person, the Licensing Officer may suspend a Licence for further terms of not more than 14 days or may Revoke the Licence.
- 8.4 The Licence Officer may Revoke a Licence if it was issued in error or granted based on incorrect or false information.

## **9. Appeal**

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- 9.1 Where the Licensing Officer has suspended or Revoked a Licence, the Licensing Officer shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Committee.

- 9.2 An Owner may appeal to the Committee in relation to a matter set forth in a notice delivered pursuant to Section 9.1. Appeals will not be permitted for the issuance of demerit points until they have resulted in the suspension or Revocation of a Licence. Appeals will not be permitted for any matters that have already been heard by the Committee.
- 9.3 A request for an appeal must be made within 14 business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required appeal Fee.
- 9.4 Where no request for an appeal is received in accordance with Section 9.3, the decision of the Licensing Officer shall be final and binding.
- 9.5 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Owner shall be provided reasonable written notice thereof.
- 9.6 After such opportunity to be heard is afforded, the Committee shall make a decision. When making its decision, the Committee may consider any matter pertaining to this By-law, or other matter that relates to the health, safety and well-being of the public. When making its decision, the Committee may refuse to issue or renew a Licence, or Revoke, suspend or impose any condition to a Licence based on decisions made by the Licensing Officer outlined under section 8.2 of this By-law. The Committee's decision is final and binding.
- 9.7 Where the Committee conducts a hearing, the rules set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 shall apply.

## **10. Orders**

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- 10.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to take actions to correct the contravention.
- 10.2 The order shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention; and
  - b) the work to be done and the date by which the work must be done, if any.

- 10.3 An order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 10.4 An order under Section 10.1 may require action be taken even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 10.5 No Person shall fail to comply with an order issued pursuant to Section 10.1.
- 10.6 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a "Discontinue Activity Order", requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to discontinue the contravening activity.
- 10.7 The Discontinue Activity Order shall set out:
  - a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention;
  - b) the date by which there must be compliance with the Discontinue Activity Order.
- 10.8 A Discontinue Activity Order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 10.9 No Person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 10.6.
- 10.10 In the event the Officer is unable to serve any order under the provisions of this By-law, the order shall be posted in a conspicuous place on the Premises, and the placing of the order shall be deemed to be sufficient service of the order on the Renter or Licensee/Owner.
- 10.11 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.
- 10.12 Any violations of this By-law shall be addressed pursuant to their respective remedies. In addition, demerit points will be levied against the Premises and Licensee as per Schedule "C" to this By-law.

## **11. Entry and Inspection**

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- 11.1 An Officer, Chief Fire Official or Building Inspector may, at any time, enter onto any land to determine whether this By-law is being complied with.
- 11.2 Every Owner shall permit the Officer, Chief Fire Official or Building Inspector to inspect any part of the Premises for the purposes of determining compliance with this By-law.
- 11.3 Notwithstanding any provision of this By-law, an Officer or Building Inspector shall not enter or remain in any room or place actually being used as a Dwelling Unit, unless:
- a) the consent of the occupier is obtained after the occupier has been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act; or,
  - b) a warrant is issued under the Provincial Offences Act, is obtained.
- 11.4 A fire inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety pursuant to section 19(2) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended.

## **12. Enforcement and Obstruction**

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- 12.1 This By-law shall be enforced by an Officer, Chief Fire Official or Building Inspector of the Township or such other person(s) as Council may, by by-law, appoint and be considered inspectors under the terms of this by-law, and may be accompanied by such other person or persons, as they deem necessary to properly carry out their duties under this by-law.
- 12.2 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Chief Fire Official or Building Inspector exercising a power or performing a duty under this By-law.
- 12.3 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer, Chief Fire Official or Building Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Officer, Fire Official or Building Inspector in the execution of their duties.

### **13. Penalty**

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- 13.1 Every Person who contravenes any of the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention by the Corporation, is guilty of an offence and upon conviction is liable to a fine as provided for in the Municipal Act, and/or the Provincial Offences Act.
- 13.2 Every Person who contravenes the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contraventions by the Corporation is guilty of an offence and liable:
- a) upon a first conviction, to a fine of not less than \$300 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the Municipal Act; and,
  - b) upon a second, or subsequent conviction, to a fine of not be less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the Municipal Act.
- 13.3 For the purpose of continuous offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act.
- 13.4 Despite Section 13.3 and the provisions of the Municipal Act, the total of all daily fines for an offence is not limited to \$100,000.
- 13.5 For the purpose of multiple offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act.
- 13.6 Despite Section 13.5 and the provisions of the Municipal Act the total of all daily fines for an offence is not limited to \$100,000.
- 13.7 Every Person who makes a false statement in an application, declaration, affidavit or other document required by this By-law or the Township is guilty of an offence.

## **14. Demerit Point System**

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- 14.1 A Demerit Point System has been established in accordance with Schedule C of this By-law, without prejudice to options otherwise available to enforce this By-law or any other by-laws of the Township, provincial act or regulation, including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act, and the Provincial Offences Act.
- 14.2 The number of Demerit Points referenced in Column 4 of Table 1 in Schedule C, will be assessed against a Short-Term Rental Accommodation Premises and Licensee in respect of the:
- a) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
  - b) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
  - c) an Order not complied with;
  - d) an Order not complied with resulting in Township remediation; or,
  - e) an observation by an Officer.
- 14.3 A Licence may be suspended for a period of up to six months if the total Demerit Points in effect respecting a Short-Term Rental Accommodation is seven (7) or more.
- 14.4 A Licence may be Revoked if the total of all Demerit Points in effect respecting a Short-Term Rental Accommodation is fifteen (15) or more.
- 14.5 Notice of the suspension or Revocation of a Licence shall be provided to the Licensee in accordance with this By-law and a Licensee may appeal the suspension or Revocation in accordance with Section 9 of this By-law.
- 14.6 Demerit Points shall remain in place until the two-year anniversary of the date of which the Demerit Points were assessed.
- 14.7 The Township shall not be liable for economic or other losses claimed by a Licensee for any reason, so long as good faith efforts were made by the Township or its representatives in exercising their judgment, or fulfilling their responsibilities, under this By-law.

## **15. Severability**

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- 15.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such and the remainder of this By-law shall be valid and shall remain in force.

## **16. Schedules**

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- 16.1 That Schedule A "Accommodation Renter's Code of Conduct", Schedule B "Licensee Code of Conduct & Acknowledgement", Schedule C "Demerit Point System" and Schedule D "Part I Provincial Offences Act Fines" attached hereto forms part of this By-law.
- 16.2 That Council provides delegated authority to the Clerks Department and/or By-law Enforcement to make any required amendments to Schedule A and Schedule B of this By-law without requiring Council's approval and an amendment to the By-law.

## **17. Force and Effect**

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- 17.1 This By-law shall take force and effect on January 1, 2027.

**By-law Number 26-XX read a first, second and third time and finally passed this XX day of XXXXXX, 2026.**

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Douglas Measures, Mayor

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Sasha Helmkey, Director of Legislative Services/Clerk

**By-law 26-XX**  
**The Corporation of the Township of Clearview**  
**Schedule A – Renter’s Code of Conduct**

<b>Licensed Premises Municipal Address:</b>	
<b>Owner(s) Names (include all registered owners):</b>	
<b>Responsible Person’s Name:</b>	
<b>Responsible Person’s Phone Number:</b>	

**1. Purpose of the Code**

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The purpose of the Renter's Code of Conduct is to acknowledge that Short-Term Rental Accommodation Premises is permitted in residential neighbourhoods and that other residents of these neighbourhoods have the right to enjoy their properties without nuisance. It also outlines specific requirements for Short-Term Rental Accommodations and imposes responsibilities for both Licensees and Renters of such Premises and that Licensees bear the primary responsibility of conveying this information to Renters of the Premises.

**2. Objectives of this Code**

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The objective of this Code is to establish acceptable standards of behaviour for Owners and Renters to minimize any adverse impacts on their neighbours and the neighbourhood while protecting the health, safety and well-being of people.

**3. Residential Area**

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The Renters acknowledge for themselves and on behalf of Guests that they will be occupying a Short-Term Rental Accommodation that is located in a residential area.

**4. Guiding Principles**

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The guiding principles for Short-Term Rental Accommodation Renters are:

- The Premises that you are occupying is a home;
- Treat the Premises as your own;
- Respect the neighbours of the Premises; and,
- Leave the Premises as you find it.

## **5. Maximum Number of Renters and Guests**

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The maximum number of Renters including Guests permitted at a Short-Term Rental Accommodation premises shall be limited as per the Short-Term Rental Accommodation Licensing By-law.

## **6. Noise and Residential Amenity**

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No person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb others. Examples of noise that is likely to disturb others at any time include:

- a) Loud music;
- b) Outdoor or backyard gatherings or activities involving excessive noise or disruptive behaviour;
- c) Late evening/early morning disturbances; and,
- d) Yelling, shouting, singing or conversing loudly.

Renters and Guests are not allowed to disturb neighbours or interfere with their enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Township Noise By-law may result in charges or legal action being taken.

## **7. Access and Parking**

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Please familiarize yourself and your Guests with the on-site parking available on the Premises to ensure ease of access with minimum disturbance to neighbours. All Short-Term Rental Accommodation Premises have vehicle parking requirements as part of the licensing process.

## **8. Garbage and Recycling**

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Please familiarize yourself and your Guests with the provisions that have been made for waste management and the day of the week in which waste collection is scheduled. It should be noted that the "putting out" of waste on a non-scheduled day is regulated by the County of Simcoe Waste Management By-law. Waste collection information and pick up times are available on the County of Simcoe's website.

## **9. Dwelling Units on Lots on Private Sewage Disposal Systems**

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Maximum occupancy of a Short-Term Rental Accommodation is based on a maximum of two persons per Bedroom. Exceeding the maximum occupancy may result in the malfunctioning of the septic system and pollution of the ground water system.



**By-law 26-XX**  
**The Corporation of the Township of Clearview**  
**Schedule B – Licensee Code of Conduct & Acknowledgement**

<b>Licensed Premises Municipal Address:</b>	
<b>Names(s) of Licensee:</b>	

- 1) The Premises identified above shall be operated in accordance with the Short-Term Rental Accommodation Licensing By-law, and all applicable acts, regulations and other municipal by-laws.
- 2) The Licensee shall ensure that a copy of the Renter's Code of Conduct and copy of the Licence are posted inside the Premises and visible for inspection by the Renters at all times.
- 3) Nothing herein allows the Licensee to rent part of a Premises other than those identified on the Licence, based on the submitted documentation and site diagram.
- 4) The Licensee will be held responsible for contraventions of any municipal by-law, act or regulation by people found using the Premises, and may be subject to demerit points, fines or other enforcement measures.
- 5) Entry and inspection by any Officer or their designate and any accompanied authorities or agent of the Township may occur as outlined in the By-law and for the purposes of:
  - a) carrying out any inspection; or
  - b) determining compliance with any by-law; or
  - c) verifying complaints received under a by-law; or
  - d) verifying compliance with an order issued or Licence; or,
  - e) requiring a matter or thing be done.
- 6) The Licensee is responsible for renewing a Licence by forwarding any required application and supporting documents as per the By-law prior to the expiry date of the Licence.
- 7) The Licensee is responsible for informing the Township in writing of any changes to a Premises within seven (7) days of such change or deviation.
- 8) The submission of false or misleading information to the Township may void an application, cause the current Licence to be Revoked or cause a Licensee to be subject to further enforcement measures.

- 9) All Licensees are responsible for compliance with all other Township of Clearview by-laws (including, but not limited to, the following: Noise By-law, Open Air Burning By-law, Parking By-law, etc.).
  
- 10) All Short-Term Rental Accommodations must have operating smoke alarms in accordance with the provisions of the Ontario Fire Code. In Short-Term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Licensee must ensure that the Building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Licensee must regularly test the alarms to ensure that they are operational. If a Renter discovers that any of the alarms are not operational, the Renter shall immediately notify the Licensee of the deficiency.

**Acknowledgement**

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I, \_\_\_\_\_ having read the above, and the terms of the Short-Term Rental Accommodation Licensing By-law and Licence, undertake to provide Renters with a copy of the Renter's Code of Conduct and to require signatures as necessary. I also realize that a violation of the Short-Term Rental Accommodation Licensing By-law may result in the suspension or Revocation of the Short-Term Rental Accommodation for the Premises.

<b>Signature of Licensee:</b>		<b>Date:</b>
<b>Signature of Licensee:</b>		<b>Date:</b>
<b>Signature of Licensee:</b>		<b>Date:</b>
<b>Signature of Licensee:</b>		<b>Date:</b>
<b>Signature of Licensee:</b>		<b>Date:</b>

**By-law 26-XX**  
**The Corporation of the Township of Clearview**  
**Schedule C – Demerit Point System**

<b>Table 1</b>			
<b>Column 1 Infraction</b>	<b>Column 2 Reference</b>	<b>Column 3 Type</b>	<b>Column 4 Demerit Points</b>
Fire Protection and Prevention Act/Fire Code	FFPA/OFC	Order not complied with	4
		Part I or Part III conviction	8
Open Air Burning Violation	Township Open Air Burning By-law	Cost incurred for illegal fire	2
		Part I or Part III conviction	4
Operating without a Licence	Short-Term Rental Accommodation Licensing By-law	Order not complied with	3
		Part I or Part III conviction	5
Building Code Act (Order to Comply)	Building Code Act	Order not complied with	4
		Part I or Part III conviction	8
Noise By-law Infraction	Township Noise By-law	Observed by an Officer	1
		Part I or Part III conviction	4
Waste Collection By-law Infraction	County Waste By-law	Order not complied with	2
		Part I or Part III conviction	4
Property Standards	Township Property Standards By-law	Order not complied with	2
		Part I or Part III conviction	4
Discharge of Fireworks		Observed by an Officer	1

**Table 1**

Column 1 <b>Infraction</b>	Column 2 <b>Reference</b>	Column 3 <b>Type</b>	Column 4 <b>Demerit Points</b>
	Township Fireworks By-law	Part I or Part III conviction	4
Host does not respond within 1 hour of request by Township	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		Order not complied with	2
		Part I or Part III conviction	4
Violation of any provision of this By-law	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		Order not complied with	2
		Part I or Part III conviction	4
Violation of Renter's Code of Conduct	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		Order not complied with	2
		Part I or Part III conviction	4
Obstruction of Officer	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	7
		Part I or Part III conviction	15

**By-law 26-XX**  
**The Corporation of the Township of Clearview**  
**Schedule D – Part I Provincial Offences Act Fines**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision for Creating or Defining Offence</b>	<b>Set Fine</b>
1	Own, operate or permit the operation of a Short-Term Rental Accommodation without a Licence	3.1	\$400.00
2	Own, operate or permit the operation of a Short-Term Rental Accommodation other than in accordance with the terms and conditions of a Licence	3.1	\$250.00
3	Own, operate or permit the operation of a Short-Term Rental Accommodation other than in accordance with the By-law	3.1	\$250.00
4	Market or permit the marketing of a Short-Term Rental Accommodation without a Licence	3.4	\$250.00
5	Contravene or permit the contravention of any provision of the Renter's Code of Conduct	3.5	\$250.00
6	Contravene or permit the contravention of any provision of the Licensee Code of Conduct	3.6	\$250.00
7	Alter, modify or permit the alteration or modification of a Licence	3.8	\$250.00
8	Use or allow a Bedroom to be used for a Short-Term Rental Accommodation that has not been approved	3.9	\$250.00
9	Own, operate or permit the operation of a Short-Term Rental Accommodation while the Licence is suspended	3.16	\$400.00

Item	Short Form Wording	Provision for Creating or Defining Offence	Set Fine
10	Own, operate or permit the operation of a Short-Term Rental Accommodation while the Licence is Revoked	3.16	\$400.00
11	Own, operate or permit the operation of a Short-Term Rental Accommodation while the Licence is expired	3.16	\$250.00
12	Submit an application for a Licence that contains false, misleading or deceptive information	13.7	\$250.00
13	Use or attempt to use a Licence issued to another person	4.4	\$300.00
14	Own, operate or permit the operation of a Short-Term Rental Accommodation without prominently displaying the corresponding Licence Number in each advertisement or listing	5.7	\$150.00
15	Own, operate or permit the operation of a Short-Term Rental Accommodation without prominently displaying the Maximum Occupancy in each advertisement or listing	5.7	\$150.00
16	Permit a vehicle in an area other than a designated Parking Area	6.1	\$100.00
17	Park a vehicle in an area other than the designated Parking Area	6.1	\$100.00
18	Hinder or obstruct or attempt to hinder or obstruct the Officer	12.2	\$400.00

**Note: The penalty provision for the offences indicated above is section 14 of By-law 26-XX, a certified copy of which has been filed.**