

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2023-XXX**

### **A By-law to License, Regulate and Govern Short-Term Rental Accommodation Businesses in the City of Kawartha Lakes**

#### **Recitals**

1. Whereas the Council of the City of Kawartha Lakes may, pursuant to the Municipal Act, 2001, 5.0. 2001, c.25. as amended, enact by-laws for the licensing, regulating and governing of businesses and occupations in the City of Kawartha Lakes;
2. And whereas pursuant to Municipal Act, 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;
3. And whereas pursuant to Municipal Act, 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;
4. And whereas pursuant to Municipal Act, 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;
5. And whereas pursuant to Municipal Act, Part II, Section 11(2), paragraph 6 of the Municipal Act, authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons;
6. And whereas pursuant to Municipal Act, Part II, Section 11(3), paragraph 6 and section 11(3) of the Municipal Act, authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons;
7. And whereas pursuant to Municipal Act, Part II, Section 23.1 authorizes a municipality to delegate its powers and duties;
8. And whereas pursuant to Municipal Act, Part IV, Section 151, provides that a municipality may provide for a system of licenses with respect to a business and may:
  - a. prohibit the carrying on or engaging in the business without a License;

- b. refuse to grant a License or to revoke or suspend a License;
  - c. impose conditions as a requirement of obtaining, continuing to hold or renewing a License;
  - 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 License;
  - e. impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License; and
  - f. License, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;
9. And whereas Subsection 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;
10. And whereas Subsection 429(1) of the Municipal Act, 2001, provides that a municipality may establish a system of fines for a by-law passed under the Act;
11. And whereas Subsection 436(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;
12. And whereas Section 444 of the Municipal Act, 2001, provides that a municipality may make an order to require a Person to discontinue contravening a by-law and to do the work required to correct the contravention;
13. And whereas the Council of the Corporation of the City of Kawartha Lakes deems it desirable that such business licensing, regulation and governing takes place with regard to short-term rental accommodations as defined in this By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2023-XXX.**

## **Section 1.00: Definitions and Interpretation**

1.01 **Definitions:** In this by-law,

**“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.

**“agent, trustee”** means any person who may represent the owner or the Short Term Rental Accommodation business and includes but is not limited to an employee or operator of the business;

**“Applicant”** means the Owners of the Premises applying for a License or renewal of a License 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 Act, and/or a room with one or more beds, murphy beds, pullout beds, sofa beds, day beds, futons or similar places for sleeping, but shall exclude a kitchen, bathroom, foyer, lobby, closet, laundry room, utility room, pantry and balcony.

**“Boat”** means any vessel, container on water, or floating accommodation, regardless of whether or not it is docked, affixed to land, or can be driven.

**“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.

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**“City Clerk”** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**“Consolidated Fees By-law”** means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law.

**“Council” or “City Council”** means the municipal council for the City;

**“Dwelling Unit”** means one 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 not include a tent, trailer, mobile home, vehicle, boat, room or suite of rooms in a boarding or rooming house, hotel, motel or motor home.

**“Fire Chief”** means the person within the City’s administration who fulfills the function of the fire chief as required by the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended or their delegate; this definition will include Fire Prevention Officer as a delegate.

**"Guest"** means any person on the Premises who is not a Renter. Guests shall not be permitted to stay overnight.

**"Hosted"** means the short-term rental of a dwelling or premises with the licensee/host/owner/permanent resident residing at the property while it is being used as a Short-Term Rental Accommodation.

**"License"** means a License issued as proof to operate a Short Term Rental Accommodation issued pursuant to this by-law.

**"Licensee"** means the owner of a Short Term Rental Accommodation License.

**"Licensee Acknowledgment"** means a document, 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 City by-laws; and adherence to the provisions of this By-law.

**"Licensing Enforcement Officer"** means the municipal Licensing Enforcement Officer for the City, responsible for the issuing, administration and approval of licenses in accordance with provincial legislation and City policies and procedures, or their delegate.

**"Manager of Municipal Law Enforcement and Licensing"** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**"Municipal Act"** means the Municipal Act, 2001 S. O.2001 c.25 as amended from time to time.

**"Municipal By-law Appeal Committee (MBA)"** means a committee appointed by Council consisting of members of Council to conduct hearings, pursuant to sections of this by-law. May be referred to as the MBA Committee;

**"Municipal Law Enforcement Officer"** is a person duly appointed within the City's administration to enforce the by-laws of the City, and includes the Licensing Enforcement Officer.

**"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 individual, directors, partnership, group or association, organization, company, corporation or cooperative which may

include the registered owner of the property, any occupant of the property in question with authority to act on behalf of the registered owner, any person authorized by the registered owner to act on his or her behalf, or any lessee or occupant of the property;

**"Premises"** means the Property upon which one or more Short-Term Rental Accommodations are operated, inclusive of buildings or structures or any part thereof used for such purpose.

**"Renter"** means a person eighteen (18) years of age or older that uses the Short-Term Rental Accommodation for overnight lodging, but shall not include daily guests/visitors to the Premises.

**"Renter's Code of Conduct"** means a document, 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 City of Kawartha Lakes by-laws, and adherence to the provisions of this By-law;

**"Responsible Person"** means an Owner or a Person, eighteen (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 License and applicable laws.

**"Short-Term Rental Accommodation"** means the use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, payment of a monetary fee, permit, lease, License, rental agreement or similar arrangement for fewer than twenty-eight (28) consecutive calendar days with on or off-site management/owner throughout all or part of the year. Short-Term Rental Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, country inn, tourist establishment, tourist cabin establishment, or similar commercial accommodation use.

**"Un-hosted"** means the short-term rental of a dwelling or premises in which the licensee/host/owner/permanent resident is not residing at the property while it is being used as a Short-Term Rental Accommodation.

**"Zoning"** means the applicable City of Kawartha Lakes zoning by-law for the area in which the Short Term Rental Accommodation is located.

## 1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

(c) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Short Term Rental Accommodation Prohibitions**

- 2.01 No Person or Owner shall operate a Short-Term Rental Accommodation unless the Person holds a current Short-Term Rental Accommodation License issued pursuant to this By-law.
- 2.02 No Person or Owner of a Short Term Rental Accommodation Business shall advertise or permit the use of the Short Term Rental Accommodation:
- a. without a License;
  - b. by exceeding the number of Renters or Guests that is permitted by the License;
  - c. of more than one building on the premises, unless the use complies with Section 3 and 4 of this bylaw;
  - d. within 150m of an un-hosted Short Term Rental Accommodation Business. For clarity, the distance is measured in a straight line, equally outwards from each side property line along the same street or 150m each direction.
  - e. \*Note to section 2.02 (d) Short Term Rentals Accommodation Businesses established and operating at the passing of this by-law, shall be exempt from the distance separation requirement found in 2.02 (d), provided they are registered and licensed within 2 years of the date this By-law coming into force;
  - f. Where a current Short Term Rental Accommodation Business Premises Owner fails to apply and be approved by the issuance of a Short Term Rental Accommodation Business License by April 2024, the Owner and Premises shall not be eligible for a Short Term Rental Accommodation Business License and any rental activity will be a violation of this by-law.
- 2.03 No Person shall violate the provisions of the:

- i. Licensee Acknowledgment.
  - ii. Renters Code of Conduct.
- 2.04 No Person shall fail to produce a copy of the signed Renter's Code of Conduct or Licensee Acknowledgment upon the request of an Officer.
- 2.05 No Licensee or Renter shall permit more than two (2) Renters on the Premises for each Bedroom identified, plus 2 additional renters overall as approved as such in the floor plans submitted with the application for the Short-Term Rental Accommodation Business License, at any one time.  
Note: People under the age of 18, shall not be counted in the total number of Renters at the Premises.
- 2.06 The maximum number of Guests at a Premises at any one time shall not exceed two (2) Guests per Bedroom, plus 2 additional renters overall as approved as such in the floor plans submitted with the application for the Short-Term Rental Accommodation Business License, at any one time.  
Note: People under the age of 18 shall not be counted in the total number of Guests at the Premises; and, Guests (of any age) shall not be permitted at the premises after 11:00pm.
- 2.07 No Licensee shall rent any room other than a Bedroom that was identified and approved as such on the floor plans submitted with the application for the Short-Term Rental Accommodation License.
- 2.08 The provisions of Section 2 shall not apply when the Premises is not rented for Short-Term Rental Accommodation.
- 2.09 No Person shall contravene the Site Requirements found at Section 4 of this By-law.
- 2.010 For the purposes of this by-law a person who is advertising a Short Term Rental Accommodation is considered to be operating a Short Term Rental Accommodation.
- 2.011 No Person or Licensee shall permit a Short-Term Rental Accommodation to any person who is under the age of eighteen (18).

**Section 3.00 Licensing**

3.01 A Short Term Rental Accommodation Business License that has been issued pursuant to this By-law shall expire in accordance to the chart below:

Business License Class	Duration	Expires
------------------------	----------	---------

a. Hosted (Winter)	<b>6 month</b> , (October 31 to April 30)	April 30 (in the next calendar year)
b. Hosted (Summer)	<b>6 month</b> , (May 1 to October 31)	October 31
c. Hosted	<b>1 Year</b> , (April 1 to March 31)	March 31 (in the next calendar year)
d. Un-Hosted (Winter)	<b>6 month</b> , (October 31 to April 30)	April 30 (in the next calendar year)
e. Un-Hosted (Summer)	<b>6 month</b> , (May 1 to October 31)	October 31
f. Un-Hosted	<b>1 Year</b> , (April 1 to March 31)	March 31 (in the next calendar year)

3.02

3.02 The Business License Class shall be determined by declaration from the Premises Owner of the Short Term Rental Accommodation Business;

3.03 No Person or Short Term Rental Premise Owner shall provide a false declaration;

3.04 Short Term Rental Accommodation Business License that has been issued pursuant to this By-law shall expire upon the sale or transfer of the Premises. For clarity, a License cannot be assigned or transferred to another Person; or

3.05 A Short Term Rental Accommodation Business License that has been issued pursuant to this By-law shall expire when it has been revoked in accordance with the provisions of this By-law.

3.06 The Licensing Enforcement Officer shall have the right to extend any active License for up to 1 calendar year, should there be a declared emergency that directly effects the Licensee.

3.07 Only one License per Premises shall be permitted.

3.08 A License may only be issued to the Owner of the Premises.

3.09 Every application for a new License, or the renewal of an existing License, shall include:

- a. completed application in the form required by the City of Kawartha Lakes, 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 each and every Owner understands their responsibilities as a Licensee in accordance to municipal bylaws and the following:
  - i. Noise - By-Law 2019-124 as amended, being a By-Law to Regulate Noise in the City of Kawartha Lakes;
  - ii. Open Air Burning - By-Law 2016-110 as amended, being a By-Law to Regulate Times During Which Fires May Be Set in the Open Air, The Precautions To Be Observed By Persons Setting Fires and for The Setting of Fees for Fire Permits in The City of Kawartha Lakes;
  - iii. Waste and Recycling – By-Law 2014-026 as amended, being a By-Law to Require The Owners of Yards Within Kawartha Lakes To Clean and Clear Them;
  - iv. Parking - By-Law 2012-173 as amended, being a By-Law to Regulate Parking;
  - v. Animals - By-Law 2021-072 as amended, being a By-Law to Regulate Animals in The City of Kawartha Lakes;
  - vi. Fireworks - By-Law 2007-236 as amended, being a By-Law Respecting the Sale and the Setting Off of Fireworks Within the City of Kawartha Lakes; and,
  - vii. Property Standards - By-Law 2016-112 as amended, being a By-Law to Regulate and Govern The Standards For Maintaining And Occupying Property Within Kawartha Lakes.
  - viii. Declaration that the electrical panel and all connecting circuits and wiring is in good working order;
  - ix. Declaration that the wood burning appliances have been inspected by a certified WETT "Site Basic Inspector" Wood Energy Technical Transfer (WETT) report within the last five years;
  - x. Declaration that an annual inspection has been completed, indicating that the chimney, flue pipes etc. have been inspected, cleaned and are safe to be utilized;

- xi. Annual declaration indicating that the heating ventilation air conditioning (HVAC) systems have been serviced or inspected by an HVAC Technician;
      - xii. Declaration providing that annual maintenance and record of tests for all smoke and carbon monoxide alarms;
- 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 City of Kawartha Lakes shall be given at least ten (10) days' notice in writing of any cancellation or material variation to the policy.
- f. 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 City of Kawartha Lakes by-law, including contact and or attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence.

- 3.010 An Applicant or Licensee shall be responsible for informing the City of Kawartha Lakes, 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.
- 3.011 Nothing herein allows a Licensee to rent Bedrooms other than those identified and approved on the floor plans submitted with the application unless the City of Kawartha Lakes has approved same by way of amendment to the License.
- 3.012 An Applicant shall confirm that an occupancy permit, also known as "permission to occupy" has been issued for the Premises if the Building was constructed on or after October 26, 1986. Where this is not available, the City of Kawartha Lakes Building Department shall be consulted. A License shall not be issued until the City of Kawartha Lakes 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.
- 3.013 A Licensee must ensure that any listing, advertisement, etc. of the Premises includes the corresponding License number issued by the City of Kawartha Lakes, and approved occupancy issued per the License.
- 3.014 The Licensing Enforcement Officer or delegate shall have the authority to issue, refuse to issue or renew a License, to revoke or suspend a License, or to impose terms and conditions on a License, including but not limited to maximum occupancy rates.
- 3.015 The Licensing Enforcement Officer may refuse to issue or renew a License where:
- a. a. License has been previously revoked or suspended;
  - b. an Applicant or property has presented a history of contravention with this By-law;
  - c. an Applicant or property is the subject or an active investigation for contravention of any City of Kawartha Lakes By-law;
  - d. the Owner is indebted to the City of Kawartha Lakes in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes and late payment charges, fees, against an Owner's Property; or
  - e. the Premises 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 Fire Protection and Prevention Act, and the Electricity Act.

- 3.016 The Licensing Enforcement Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any person, may suspend a License for not more than fourteen (14) days. If, after this period, the Licensing Enforcement Officer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any person, the Licensing Enforcement Officer may suspend a License for further terms of not more than fourteen (14) days or may revoke the License.
- 3.017 The License Officer may revoke a License if it was issued in error or granted based on incorrect or false information or false declaration.

## **Section 4.00 Site Requirements**

- 4.01 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. that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area on the Premises of the Short Term Rental Accommodation Business; and
  - c. compliance with all other parking provisions as set out in the City of Kawartha Lakes Zoning By-law, as amended.
- 4.02 The following shall be made available to Renters:
- a. A copy of the current License posted and retained on site of the Premises and available for inspection by City of Kawartha Lakes 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 Acknowledgement;
  - e. A copy of the following City of Kawartha Lakes By-laws;
    - i. Noise;
    - ii. Open Air Burning;
    - iii. Waste and Recycling;
    - iv. Parking;
    - v. Animals;

- vi. Fireworks; and,
  - vii. Property Standards
- f. The occupant load of the residence, posted in a conspicuous location;
  - g. Emergency "911" instructions with the address of the Property clearly printed and posted in a conspicuous location;
  - h. A copy of the smoke and carbon monoxide maintenance and use instructions; and
  - i. Name and contact information of the Responsible Person.
- 4.03 All Short-Term Rental Accommodations must provide a class A ULC listed portable fire extinguisher with a minimum rating of 2A 10B:C in any cooking area and on each floor of the Building.
- 4.04 Portable extinguishers shall be:
- 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.
- 4.05 The Licensee shall maintain a registry which indicates the Renters' names, addresses, telephone numbers, number of Renters, length of stay, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition prior to the arrival of the Renter. This registry must be provided to the City of Kawartha Lakes within twenty-four (24) hours upon request.

## **Section 5.00 Inspection**

- 5.01 It is the responsibility of the Applicant to 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 License.
- 5.02 Inspectors with interest in section 5.01 shall contact the applicant to discuss and/or inspect the Short Term Rental Accommodation location that is the subject of the application.
- 5.03 During the application and inspection process, all relevant departments of the City of Kawartha Lakes may be circulated and provide comments on any known matters that would assist with the determination of License eligibility.

## **Section 6.00 Appeal (Municipal By-Law Appeals MBA)**

- 6.01 Where the Licensing Enforcement Officer or delegate has denied an Applicant a License, a renewal of a License, or has suspended or revoked a License, the Licensing Enforcement 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 Municipal By-Law Appeals (MBA) Committee.
- 6.02 An Owner may appeal to the MBA Committee in relation to a matter set forth in a notice delivered pursuant to Section 6.01. Appeals will not be permitted for the issuance of demerit points. Appeals will not be permitted for any matters that have already been heard by the MBA Committee or for legal matters before the Courts.
- 6.03 A request for an appeal must be made within fourteen (14) business days of service of the written notice. An appeal shall be made in writing to the Licensing Enforcement Officer, setting forth the reasons for the appeal, with payment of the required appeal fee as set out in the Fees and Charges By-law.
- 6.04 Where no request for an appeal is received in accordance with Section 6.03, the decision of the Licensing Enforcement Officer shall be final and binding.
- 6.05 Where a request for an appeal is received, a hearing of the MBA Committee shall be convened, and the Owner shall be provided reasonable written notice thereof and an opportunity to submit written and oral arguments and evidence in support of their case.
- 6.06 After such opportunity to be heard is afforded, the MBA Committee shall make a decision. When making its decision, the MBA 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 MBA Committee may refuse to issue or renew a License, or revoke, suspend, or impose any condition to a License. The MBA Committee's decision is final and binding.

- 6.07 Where the MBA Committee conducts a hearing, the rules set out in the Municipal Bylaw Appeals Committee terms of reference shall apply.
- 6.08 When the MBA Committee makes a decision, it will record this in writing, and the reasons therefore, and provide them to the appellant.

## **Section 7.00 Orders**

- 7.01 If the Licensing Enforcement Officer or Municipal Law Enforcement 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.
- 7.02 The order shall set out:
- a. reasonable particulars of the contravention to adequately 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.
- 7.03 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.
- 7.04 An order under Section 7.01 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.
- 7.05 No Person shall fail to comply with an order issued pursuant to the By-law.
- 7.06 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.
- 7.07 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.
- 7.08 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 "A" to this By-law.
- 7.09 The issuance of an order shall not replace immediate legal action against a renter, person or Licensee/Owner for violation of City of Kawartha Lakes By-Laws.

## **Section 8.00 Entry and Inspection**

- 8.01 A Licensing Enforcement Officer, Municipal Law Enforcement Officer, Fire Prevention Officer or Building Inspector may, at any time, enter onto any land to determine whether this By-law is being complied with.
- 8.02 Every Owner shall permit the Licensing Enforcement Officer, Municipal Law Enforcement Officer, Fire Prevention Officer or Building Inspector to inspect any part of the Premises for the purposes of determining compliance with this By-law.
- 8.03 Notwithstanding any provision of this By-law, the Licensing Enforcement Officer, Municipal Law Enforcement 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, entry may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O.1990, c.P.33, as amended; or
  - b. a warrant is issued under the Provincial Offences Act, R.S.O.1990, c. P.33, as amended, is obtained.
- 8.04 A Fire Prevention Officer 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.

## **Section 9.00 Fees**

- 9.01 An Applicant shall provide payment of the applicable Fee as noted within the City of Kawartha Lakes Fee By-law.
- 9.02 The fee charged at the time of application is a processing/licensing fee, which will not be refunded should the application be approved or denied.
- 9.03 Where a Premises has been inspected by a Municipal Law Enforcement Officer for second or subsequent offence within a two (2) year period, an inspection administration charge shall apply as set out in Schedule A-13 to the Consolidated Fees By-law as amended. If the inspection fee is not paid by its due date, it shall be added to the tax roll of the Premises and shall be collected in a like manner as municipal taxes.

## **Section 10.00 Demerit Point System**

- 10.01 A Demerit Point System has been established in accordance with Schedule "A" Table 1, without prejudice to options otherwise available to enforce this By-law or any other by-laws of the City of Kawartha Lakes, 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.

- 10.02 The number of Demerit Points referenced in Schedule "A" Column 4 of Table 1 will be assessed against a Short-Term Rental Accommodation Premises and Licensee with respect to
- 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; or
  - d. an observation by the Licensing Enforcement Officer or Municipal Law Enforcement Officer.
- 10.03 A License may be suspended for the balance of the term of the License and up to a period of six months if the total Demerit Points in effect respecting a Short-Term Rental Accommodation is seven (7) or more.
- 10.04 A License may be revoked, and an application for a License may be denied, if the total of all Demerit Points in effect respecting a Short-Term Rental Accommodation is fifteen (15) or more.
- 10.05 The Licensee will be notified in writing if and when the number of Demerit Point respecting a property changes.
- 10.06 Notice of the suspension or revocation of a License 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 6 of this By-law.
- 10.07 Demerit Points shall remain in place until the two-year anniversary of the date of which the Demerit Points were first assessed.

## **Section 11.00: Enforcement, Offence and Penalties**

- 11.01 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.
- 11.02 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Licensing Enforcement Officer, Municipal Law Enforcement Officer, Fire Prevention Officer or Building Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Licensing Enforcement Officer, Municipal Law Enforcement Officer, Fire Prevention Officer or Building Inspector in the execution of their duties.

- 11.03 **Enforcement:** This by-law may be enforced by every Licensing Enforcement Officer, Municipal Law Enforcement Officer and Police Officer or any other person appointed by Council.
- 11.04 **Offences:** Any Person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25 as amended.
- 11.05 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25, as amended.
- 11.06 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

## **Section 12.00: Administration and Effective Date**

- 12.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 12.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this [redacted] day of [redacted], 2023.

---

Doug Elmslie, Mayor

---

Cathie Ritchie, City Clerk

## Schedule "A"

### Demerit Point System

<b>Table 1</b>			
<b>Infraction</b>	<b>Reference</b>	<b>Type</b>	<b>Demerit Point</b>
Operate without a valid license (revocation, suspension)	Short Term Rental Accommodation Business By-law	<b>Order non-compliance</b>	<b>4</b>
		<b>Part 1 or Part III conviction</b>	<b>6</b>
Fail to maintain/repair building	Property Standards  2016-112	<b>Order non-compliance</b>	<b>2</b>
		<b>Part 1 or Part III conviction</b>	<b>4</b>
Discharge of Fireworks	Discharge of Fireworks  2007-236	<b>Observed Officer/Witness</b>	<b>3</b>
		<b>Part 1 or Part III conviction</b>	<b>5</b>
Allow accumulation of debris	Clean and Clear  2014-026	<b>Observed Officer/Witness</b>	<b>3</b>
		<b>Part 1 or Part III conviction</b>	<b>5</b>
Allow or permit noise	Noise By-Law  2019-124	<b>Observed Officer/Witness</b>	<b>3</b>
		<b>Part 1 or Part III conviction</b>	<b>5</b>

Open air burning/burning materials other than permitted	Burn By-Law 2016-110	<b>Observed Officer/Witness</b>	<b>3</b>
		<b>Part 1 or Part III conviction</b>	<b>5</b>
Allow/permit an animal at large	Animal By-Law 2021-072	<b>Observed Officer/Witness</b>	<b>2</b>
		<b>Part 1 or Part III conviction</b>	<b>4</b>
Building Code Order	<b>BCA</b>	<b>Order not complied with</b>	<b>4</b>
		<b>Part 1 or Part III conviction</b>	<b>8</b>
Septic System Order	<b>BCA</b>	<b>Order not complied with</b>	<b>4</b>
		<b>Part 1 or Part III conviction</b>	<b>8</b>
Fire Protection and Prevention Act/Fire Code	FPPA/OFC	<b>Order not complied with</b>	<b>4</b>
		<b>Part 1 or Part III conviction</b>	<b>8</b>
Premises Owner or Responsible Person, allow or permit offsite parking or violation of Parking Regulations	Short Term Rental Accommodation Business By-law; Parking Bylaw	<b>Observed or Part 2 issued</b>	<b>3</b>
Premises Owner or Responsible Person	Short Term Rental	Order not complied with	<b>3</b>

(Property Manager) fails to respond within time frame of a request by MLEL officer	Accommodation Business By-law	Part 1 or Part III conviction	5
Violation of any provision of the Short Term Rental Accommodation bylaw	Short Term Rental Accommodation Business By-law	Observed Officer/Witness	1
		Order not complied with	2
Premises Owner provides a false Declaration	Short Term Rental Accommodation Business By-law	Observed	3
Owner or Property Manager fail to place or label the yard sign	Short Term Rental Accommodation bylaw	Order not complied with	1
		Observed Officer/Witness	2
Owner or Responsible Person (Property Manager) fail to provide or display required documents to renters	Short Term Rental Accommodation Business By-law	Order not complied with	1
		Observed Officer/Witness	2