



## THE CORPORATION OF THE TOWN OF PENETANGUISHENE

### BY-LAW NUMBER 2022-58

#### Being a By-law to License, Regulate and Govern Short-term Rental Accommodations

**WHEREAS** the Council of the Town of Penetanguishene 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 Town of Penetanguishene;

**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 to enhance the municipality's ability to respond to municipal issues;

**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) Providing for a system of licenses respecting the matter.

**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;

**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;

**AND WHEREAS** pursuant to *Municipal Act*, Part II, Section 23.1 authorizes a municipality to delegate its powers and duties;

**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;

**AND WHEREAS** pursuant to Section 434.1 of the Municipal Act, a municipality has the authority to impose a system of administrative penalties and fees as an additional means of encouraging compliance with this By-law;

**AND WHEREAS** the Council of the Corporation of the Town of Penetanguishene deems it desirable that such licensing, regulation and governing takes place with regard to the Short-term Rental Accommodation as defined in this By-law;

**NOW THEREFORE** the Council of the Town of Penetanguishene hereby enacts as follows:

**1. DEFINITIONS**

For the purposes of this By-law:

- 1.1 **“Accessory Building or Structure”** means a detached building or structure, the use of which is incidental to, subordinate to and exclusively devoted to the principal use in the main building located on the same lot.
- 1.2 **“Administrative Monetary Penalty”** means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2022-\_\_\_, as amended
- 1.3 **“Agent”** means a person duly appointed by an owner or the Town to act on their behalf.
- 1.4 **“Applicant”** means the person applying for a License or renewal of a License under this By-law.
- 1.5 **“Building”** means a structure occupying an area greater than (10) ten square metres consisting of a wall, roof and floor or any of them or a structure system serving the function thereof including all associated works, fixtures and service systems.
- 1.6 **“Committee”** means a committee of individuals which has been delegated, by the Town of Penetanguishene, the responsibility of handling appeals, suspensions, and revocations of Licenses under this by-law.
- 1.7 **“Corporation”** means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, of the *Corporations Act*, R.S.O. 1990, c. C. 38;

- 1.8 “Dwelling Unit”** means one or more habitable rooms designed, occupied or intended to be occupied as living quarters as a self-contained unit and shall, at a minimum, contain sanitary facilities, a kitchen and accommodation for sleeping.
- 1.9 “Existing”** means existing as of the date this by-law takes effect.
- 1.10 “Fee”** means a Fee as set forth in the Fee’s and Charges By-law which is not prorated and non-refundable.
- 1.11 “Guest Room”** means a room offered for short-term rental accommodation intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code. A Guest Room shall not include any tent, trailer, boat, or any other similar structure.
- 1.12 “License”** means the License issued under this by-law as proof of licensing under this by-law.
- 1.13 “Licensed”** means to have in one’s possession a valid and current license issued under this by-law and unlicensed has the contrary meaning.
- 1.14 “Licensee”** means a Person who holds a License or is required to hold a License under this by-law.
- 1.15 “Licensing Officer”** means any person or persons provided the authority by the Town to issue a license under this by-law.
- 1.16 “Non-Conforming Use”** means an existing use that is not permitted use in the zone in which that said use is situated as of the date of passing of this by-law.
- 1.17 “Nuisance”** means an activity or behavior that causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public.
- 1.18 “Occupant”** means a person that intends to use the Short-term Rental Accommodation for overnight lodging but shall not include daily visitors to the property.
- 1.19 “Officer”** means a Police Officer, Fire Inspector, Building Inspector, Zoning Examiner, Municipal Law Enforcement Officer.
- 1.20 “Owner”** means the Person holding title to the Property on which the Short-term Rental Accommodation is located, and “Ownership” has a corresponding meaning.

- 1.21 “Parking Area”** means an area of land, accessory to a permitted use, not located within a street or highway that is used for the parking of motor vehicles that bear a license plate with a currently valid sticker, but shall not include any area where motor vehicles, commercial motor vehicles or tractor trailers for sale, maintenance or repair are kept or stored.
- 1.22 “Person”** means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a License under this by-law as the context requires.
- 1.23 “Property”** means the land upon which a Short-term Rental Accommodation is operated, exclusively of buildings or structures or any part thereof.
- 1.24 “Renter”** means the person responsible for the rental of the Premise by the way of concession, permit, lease, license, rental agreement or similar commercial arrangement.
- 1.25 “Renter’s Code of Conduct”** means a document, as set forth in Schedule “A” that has been prepared by the Town that prescribes the roles and responsibilities of the renter, including but not limited to behavioral expectations as they relate to non-disturbance of neighbours, compliance with applicable Town by-laws, and adherence to the provisions of this by-law.
- 1.26 “Responsible Person”** means the owner (must be 18 years of age) or agent assigned by the owner or licensee of the Short-term Rental Accommodation dwelling to ensure the Short-term Rental Accommodation dwelling is operated in accordance with the provisions of this By-law, the license, and all other applicable laws.
- 1.27 “Short-term Rental Accommodation”** means a dwelling or dwelling unit, that in whole or in part, is rented or available for rent with the intention of financial compensation for an occupancy period of not more than 28 consecutive days but shall not include a bed and breakfast establishment, hotel, motel or any other use otherwise defined by the Town’s Zoning By-law.
- 1.28 “Town”** means the Corporation of the Town of Penetanguishene.
- 1.29 “Zoning By-law”** means the Town of Penetanguishene Zoning By-law 2000-02, as amended, or any successor comprehensive Zoning By-law, as amended.

## **2. ADMINISTRATION:**

- 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 License, a Licensing Officer shall perform the following functions:
- a) Receive and review the application in conjunction with any provisions of this by-law, and
  - b) Ensure the relevant Officers have carried out the necessary inspections to satisfy the Town that the Premises is in compliance with the provisions of this by-law.
- 2.4 Applications for license and issued licenses, along with the legal description, civic address and associated owner, responsible person contact information will be posted on the Town website.
- 2.5 Persons who own, operate, License or offer a Premises for short-term accommodation as of the effective date of this By-law, must file an application for a license under this by-law.

### **3. PROHIBITIONS**

- 3.1 No person shall use or operate any Short-term Rental Accommodation dwelling unless he or she holds a current license issued pursuant to this by-law.
- 3.2 No person shall use or operate any Short-term Rental Accommodation dwelling with a revoked, suspended, or expired license.
- 3.3 No person shall advertise a Short-term Rental Accommodation without a license.
- 3.4 No person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this by-law.
- 3.5 No person shall transfer or assign a license issued under this by-law.
- 3.6 The maximum number of Persons, including but not limited to residents or occupants, permitted to stay overnight lodging on any license premise, shall be restricted to 2 persons per guest room and be delineated on the required floor plan. Rooms with murphy beds or pullout couches shall be included as a guest room. Licensee shall not operate with occupancy loads greater than eight (8) persons.
- 3.7 No licensee shall rent any guest room in a Short-term Rental Accommodation dwelling other than a guest room that was identified and approved as such on the floor plans submitted with the application for the Short-term Rental Accommodation License.

- 3.8 The provisions of this section shall not apply when the Short-term Rental Accommodation is not rented.
- 3.9 Short-term Rental Accommodations shall comply with all applicable Municipal By-laws and provincial legislation.

#### **4. TERM AND RENEWAL OF LICENCES AND REGISTRATIONS**

- 4.1 A license or registration issued pursuant to the provisions of this by-law shall be for a period of the year in which it is issued and shall expire on the 30<sup>th</sup> day of April in each calendar year, or
- a) Upon the sale or transfer of the Short-term Rental Accommodation dwelling to a person other than a licensee;
  - b) A Short-term Rental Accommodation license cannot be assigned or transferred from the Licensee to another party;
  - c) The license has been revoked in accordance with the provisions of this by-law.
- 4.2 Where a person holding a license registration issued under this by-law fails to apply for the renewal of their license or registration by the date required, the person shall pay a late renewal administration fee in addition to all other applicable fees.
- 4.3 Where a person holding a license or registration issued under this by-law fails to renew it within 90 days of the renewal date, it shall be cancelled, and the person shall be required to apply for a new license or registration under this by-law and pay all applicable fees.

#### **5. LICENSING REQUIREMENTS**

- 5.1 Every application for a new License, or the renewal of an existing License, shall include:
- a) A completed application in the form required by the Town, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
  - b) 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;
  - c) Proof of Ownership for the Premise;
  - d) Proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
  - e) Proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:

- i. An article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
  - ii. A list containing the names of all shareholders of the Corporation;
  - iii. In the case of an Applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
  - iv. In the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization.
- 5.2 Proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for Property damage and bodily injury and identifies that a Short-term Rental Accommodation is being operated on the Property. The insurance coverage required herein shall be endorsed to the effect that the Town shall be given at least 10 days' notice in writing of any cancellation or materials variation to the policy.
- 5.3 Every person shall operate a Short Term Rental Accommodation in accordance with the approved site plan and floor plan, drawn to scale and fully dimensioned of the Premises included:
  - a) The location of all buildings and structures on the Property;
  - b) The use of each room;
  - c) Location of smoke detection and early warning devices;
  - d) Location of fire extinguishers;
  - e) All entrances/exits to and from the building;
  - f) Exterior decks that are appurtenant to the Premises; and related site amenities including dimensioned parking spaces, and other buildings or structures on the Property.
  - g) Septic and well locations, if applicable.
- 5.4 A Licensee shall provide to the Town the name and contact information of the Owner or Owner's Agent (responsible person) who can readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Town By-law and shall make the responsible person available on site of the Short-term Rental Accommodation dwelling within sixty (60) minutes of being notified of the occurrence.
- 5.5 Where the dwelling unit containing the STR is serviced by private well and/or septic, proof must be provided, to the satisfaction of the Town, that the private water and septic system are of an adequate capacity to accommodate the maximum occupancy of the unit and further, that such private services comply with all Provincial standards for portable water and septic systems.
- 5.6 Payment of the applicable fees as noted within the Town's Fee By-law.
- 5.7 The Licensee shall be responsible for informing the Town in writing of any changes to the approved information contained within the license

application or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing herein allows a Licensee to rent rooms other than those identified and approved on the floor plans submitted with the application for a License unless the Town has approved same.

- 5.8 Copies of documentation supporting the application for legal non-conforming status for the operation of a Short-term Rental Accommodation to the satisfaction of the Licensing Officer (e.g. documents verifying financial contributions of the rental and/or other documents as may be applicable).
- 5.9 A Licensee must ensure that any listing, advertisement, etc. includes the corresponding License number issued by the Town.
- 5.10 A Licensee shall be an Owner who is an individual or group of individuals and not a corporation, partnership, or business, except where section 5.11 applies.
- 5.11 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.

## **6. *SITE REQUIREMENTS***

- 6.1 The provision of parking on the site plan drawing shall be in compliance with the parking provisions as set forth in the Town Zoning By-law.
- 6.2 No person shall park a vehicle other than in a parking area which consists of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface).
- 6.3 Every person shall make the following available to guests:
  - a) A copy of the current license retained on site of the Short-term Rental Accommodation dwelling and available for inspections by Town staff.
  - b) A copy of the current Town Noise By-law.
  - c) A copy of the current Parking provisions for Short-term Rental Accommodation dwellings as described in the Town's Zoning By-law, as amended.
  - d) A copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes.
  - e) A copy of the Renters Code of Conduct.
- 6.4 All Short-term Rentals Accommodation dwelling units must provide a class ABC fire extinguisher in any cooking area and a class BC or better on each floor of the unit.

## **7. *INSPECTION***



- 7.1 It is the responsibility of any Person applying for a License to contact the Town for an inspection, which shall ensure compliance with the following where applicable:
- a) Provisions of this by-law;
  - b) Ontario Building Code Act, 1992, S.O. 1992 c.23 (“Building Code Act”)
  - c) Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 (“Fire Protection and Prevention Act”)
  - d) Property Standards By-law;
  - e) Zoning By-law;
  - f) Any other municipal by-laws or provincial legislation that may affect the status of the application.
- 7.2 During the inspection process, all relevant departments of the Town may provide comment on any known matters that would assist with determination of license eligibility.

## **8. *ISSUANCE OF LICENSE SUSPENSION AND GROUNDS FOR REFUSAL***

- 8.1 The Licensing Officer 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.
- 8.2 The Licensing Officer may refuse to issue or renew a License where:
- a) if, in the opinion of the Licensing Officer in his, her, or their absolute discretion, that the use of the Property for Short Term Rental Accommodation is likely to cause a significant public nuisance due to excessive noise, violations of applicable property standards or property maintenance, or other reasons;
  - b) A License has been previously revoked, suspended, or made subject to terms and conditions;
  - c) A Person applying for a License has presented a history of contravention with this By-law or other Town By-laws;
  - d) The Renter’s Code of Conduct (Schedule “A”) has been violated;
  - e) The proposed use of the Premises is not permitted by the Zoning By-law;
  - f) The Owner is indebted to the Town 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;
  - g) The Property to be used for carrying on the trade, business or occupation does not 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 Act, and the Electricity Act.

- 8.3 The Licensing Officer may revoke a license where three (3) or more contraventions or complaints have been received by the Town within a six (6) month period or where four (4) or more contraventions or complaints have been received by the Town within a twelve (12) month period. The validity of a complaint is at the discretion of the Officer based on an investigation of the complaint.
- 8.4 The Licensing Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a License for not more than fourteen (14) days. If after this period, the Licensing Officer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than fourteen (14) days or revoke a License.
- 8.5 The Licensing Officer may revoke a license if it was issued in error or granted based on incorrect or false information.

## **9. APPEAL**

- 9.1 Where the Licensing Officer has denied an Applicant a License, a renewal of a License, or has suspended or revoked a License, 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 A person may appeal to the Committee in relation to the matter of notice in subsection (1). Appeals will not be permitted for any matters that have already been heard by the Committee. A request for an appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, within 14 business days after service of the written notice and payment of the required appeal fee (Fees and Charges By-law).
- 9.3 Where no request for an appeal is received in accordance with subsection (2), the decision of the Licensing Officer shall be final and binding.
- 9.4 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Applicant of License shall be provided reasonable written notice thereof.
- 9.5 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 general welfare, health or safety of the public. When making its decision, the Committee may refuse to issue, or renew a License, revoke, suspend, or impose any condition to a License. The Committee's decision is final and binding and shall not be subject to review.

- 9.6 Where the Committee conducts a hearing, the rules set in the Statutory Powers Procedure Act, R. S.O. 1990, c. S.22 ("Statutory Powers Procedure Act") shall apply.

**10. ORDERS**

- 10.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to take actions to correct the contravention.
- 10.2 The Order shall set out:
- 10.2.1 Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
  - 10.2.2 The work to be completed and the date by which the work must be complete.
- 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 making them a contravention 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 person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.
- 10.7 The Discontinue Activity Order shall set out:
- 10.7.1 Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
  - 10.7.2 The date by which there must be compliance with the Discontinued 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 an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient service of the Order on the property 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.

## **11. ENTRY AND INSPECTION**

- 11.1 An Officer, or their designate may at reasonable times, enter upon lands, premises, buildings or place where a License has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance to this By-law.
- 11.2 Every person shall permit the Officer, or their designate to inspect any land for the purpose of determining compliance with this By-law.
- 11.3 The Town's power of entry may be exercised by an Officer, or Agent for the Town and this person may be accompanied by any person under their direction, including Law Enforcement Services.
- 11.4 During any inspection carried out under this By-law, an Officer may be accompanied by other Town of Penetanguishene employees, Agents or authorities as deemed necessary.
- 11.5 The Town may undertake an inspection pursuant to an order issued under provisions of this By-law or Section 438 of the *Municipal Act*.
- 11.6 It is responsible of any person applying for a License to either, contact the Town for an inspection or provide required documentation, which shall ensure compliance with the following where applicable:
- a) Provisions of this By-law;
  - b) Ontario Building Code Act, 1992, S.O. 1992, c.23;
  - c) Ontario Fire Protection Act, 1997, S.O. 1997, c.4;
  - d) Electricity Act, 1998, S.O. 1998, c. 15, Sched. A;
  - e) Applicable Zoning By-law;
  - f) Any other municipal by-laws or provincial legislation.

- 11.7 During the inspection process, all relevant departments of the Town may provide comment on any known matters that would assist with determination of License eligibility.
- 11.8 Inspections that requested by the Licensee at address violations under the by-law that confirm at the end of the inspection the violation remains against the Licensee, may be subject to pay a “Non-compliance Re-inspection Fee” as per the Fee & Charges By-law, which may be amended from time to time.

## **12. OBSTRUCTION**

- 12.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Fire Official, Building Inspector exercising a power or performing a duty under this By-law.
- 12.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer, Fire Official or Building Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Officer, Fire Officer or Building Inspector in the execution of his duties.

## **13.0 ADMINISTRATIVE PENALTIES**

- 13.1 Administrative Monetary Penalty By-law 2022-\_\_\_, as amended, applies to this By-law.
- 13.2 Every Person who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2022-\_\_\_ is liable to pay the Town an Administrative Monetary Penalty for a first contravention, second contravention, and any contravention thereafter as set out it in the Administrative Monetary Penalty By-law 2022-\_\_\_.
- 13.3 Any Person who is issued a Penalty Notice for a contravention of this By-law under the Administrative Monetary Penalty By-law 2022-\_\_\_, as amended, shall not be charged under the Provincial Offences Act for the same contravention.

## **14. PENALTY PROVISIONS**

- 14.1 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 14.2 Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of

the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "D" attached to this By-law.

- 14.3 Each individual contravention constitutes a new offence.
- 14.4 Each day a contravention continues constitutes a new offence.
- 14.4 Every Person, other than a company who contravenes any provision of this by-law, and every director of a Corporation who knowingly concurs in such contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- 14.5 Where a Corporation is convicted of an offence under this by-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 14.6 Where a Person has been convicted for an offence under this by-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

## **15. SEVERABILITY**

- 15.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

## **16. SCHEDULES**

- 16.1 That the following are attached hereto and form part of this Agreement:
  - a) Schedule "A"- Renter's Code of Conduct
  - b) Schedule "B"- Responsible Person Contact
  - c) Schedule "C"- Fee Schedule
  - d) Schedule "D"- Set Fines

## **17. SHORT TITLE**

- 17.1 That this By-law shall be referred to as the "Short-term Rental Licensing By-law".


**18. EFFECTIVE DATE**


18.1 This By-law shall come into full force and effect on January 1, 2023.

**19. REPEAL**

19.1 That By-law 2022-39 is hereby repealed.

**BY-LAW** read a first, second and third time and finally passed by Council on the 9th day of November, 2022.

  
\_\_\_\_\_  
DEPUTY MAYOR Anita Dubeau

  
\_\_\_\_\_  
CLERK Stacey Cooper

**Renter's Code of Conduct**  
**Schedule A to By-law 2022-58**

**1. Premise of this Code**

The purpose of the Renter's Code of Conduct is to acknowledge that Short-term Rental Accommodation premises may be permitted in residential neighbourhoods and that the permanent residents of these neighbourhoods have the right to enjoy their own properties without nuisance. Short Term Rental Accommodations shall not cause public nuisance.

It also outlines specific requirements for Short-term Rental Accommodations and imposes responsibilities for both Owners and Renters of such properties and that Owners bear the primary responsibility of conveying this information to renters of their property.

**2. Objectives of this Code**

The objective of this Code is to establish acceptable standards of behavior for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbors and neighborhood.

**3. Residential Area**

The Renter acknowledges for themselves and on the behalf of others that they will be occupying a short-term rental accommodation.

**4. Guiding Principles**

The Guiding Principles for short term accommodation renters are:

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

**5. Maximum number of Renters and Guests**

The maximum number of occupants within this dwelling that is being operated as a short-term rental accommodation shall not exceed \_\_\_\_\_ **occupants**. (Please note that the maximum number of occupants permitted under Bylaw 2022-58 is 8 Occupants or less based on the approved occupant number stated in the terms/conditions of your STR licence.)

The number of non-occupying guests permitted at a short-term accommodation premises must not be such that it may conflict with the neighbourhood, amenity and off-street and on-street parking capacities or restrictions.

**6. Noise and Residential Amenity**

No person shall make noise so as to cause a disturbance or conduct themselves in an antisocial behaviour. Examples of noise that is deemed to be a disturbance include:

- a) Loud music;
- b) Outdoor or backyard gatherings involving excessive noise;



**Renter's Code of Conduct**  
**Schedule A to By-law 2022-58**

- c) Late or early hour disturbances; and,
- d) Yelling, shouting, hooting or other boisterous activity.

Renters and their 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 Towns Noise Bylaw (where applicable) or the Short-term Rental Accommodations Bylaw may result in enforcement action by the Town of Penetanguishene Bylaw Enforcement division, or the Ontario Provincial Police.

**7. Municipal Bylaws**

The Town of Penetanguishene has enacted and enforces regulatory bylaws that govern the use of properties, roadways and activities within the township. While renting a short-term rental accommodation you are required to ensure you and your guests comply with all the applicable Municipal Bylaws.

- a. Short-term Rental Accommodations Bylaw 2022-58
- b. Property Standards Bylaw 2020-31
- c. Parking Bylaw 2022-02
- d. Noise Bylaw 2011-66
- e. Fireworks Bylaw 2011-89
- f. Open Air Burning Bylaw 2012-66
- g. Dog Licensing and Control Bylaw 2011-51
- h. County of Simcoe Solid Waste Management Bylaw No. 6256

For a complete list of all regulatory bylaws please visit the Town website at of Penetanguishene.

**8. Parties and Events**

- a) Disruptive parties and events are strictly prohibited.
- b) Non-occupying guests shall not conflict with the residential amenity of the area or cause nuisance.
- c) Any gathering, celebration, or entertainment at a short-term rental accommodation premise must not conflict with residential amenity, shall not cause any nuisance, and must comply with all the other requirements of this Code and the Town of Penetanguishene by-laws.

Use for Additional Parking (Non-occupying Guests/visitors)

Please note that non-occupying guests and visitors may or may not have access to parking on the rental property. Please ensure that all guests and visitors park in appropriate areas. There may also be available on-street parking, please ensure all posted 'No parking' restrictions are followed, vehicles do not obstruct driveways, fire hydrants, sidewalks or the safe movement of traffic and access for emergency vehicles. Please also note that if your rental occurs during the winter months the parking of vehicles cannot interfere with snow removal, road maintenance (sanding/salting) or be parked on a roadway from November 1<sup>st</sup> to April 1<sup>st</sup>, between 1:00 a.m. to 7:00 a.m.

**Renter's Code of Conduct  
Schedule A to By-law 2022-58**

**9. Garbage, Organics & Recycling**

1- Garbage

Please dispose of all garbage in the bins provided (indicate location), do not leave garbage outside or at the roadside for collection. The property manager will ensure garbage is removed or placed for roadside collection by the County of Simcoe (if applicable).

2- Organics (Green Bin)

Please dispose of all organic waste (if applicable) in the provided containers (indicate location), do not leave organics outside or at roadside for collection. The property manager will ensure organics are removed or placed for roadside collection by the County of Simcoe (if applicable).

3- Recycling

Please dispose of all recycling (if applicable) in the provided containers (indicate location), do not leave recycling outside or at roadside for collection. The property manager will ensure recycling is removed or placed for roadside collection by the County of Simcoe (if applicable).

**Please enjoy your stay but have consideration for others.**

**Acknowledgement of Code of Conduct**

I \_\_\_\_\_ CERTIFY THAT:  
(Print Name)

I have entered into a rental agreement for a Short-term Rental Accommodation located at \_\_\_\_\_, Town of Penetanguishene, ON, and acknowledge that I have been provided a copy of the Renter's Code of Conduct and confirm that all guests will comply with the terms conditions found within the code of conduct, all municipal by-law's of the Town of Penetanguishene and any applicable Ontario Provincial Statutes.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



**Schedule B**  
**Responsible Person Consent Form**  
**Short-Term Rental Accommodation (STR) Licence Application**  
**By-law 2022-58**

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As required by the *Short-Term Rental Accommodation Licensing By-law 2022-*, Section 5.4, the owner of Short-term rental accommodation premises shall ensure that there is a responsible person available respond to a complaint or contravention within **30 minutes** to attend the Short-term Rental Accommodation premises at all times within a period of no greater than **60 minutes** from the time of contact by way of telephone or e-mail.

The by-law defines a “Responsible person” *as the person assigned by the owner or operator of Short-term rental accommodation premises to ensure the premises are operated in accordance with the provisions of this by-law, the licence and the relevant provisions of the Fire Code;*

**Responsible Person Consent**

I \_\_\_\_\_ CERTIFY AND ACKNOWLEDGE THAT:  
(Print Name)

I have been appointed by the owner as a “Responsible Person” in accordance with the licensing requirements to operate a Short-term Rental Accommodation at \_\_\_\_\_, Town of Penetanguishene, Ontario. I understand and consent that my name, phone number and e-mail address will be published on the Town of Penetanguishene website and available to the general public. I further confirm that when contacted by telephone or e-mail by a member of the public, Town of Penetanguishene, enforcement officer/agency or the Ontario Provincial Police, I will be available to attend the Short-term Rental Accommodation within one (1) hour of being contacted to ensure its operation is in compliance with the licence and applicable municipal and provincial law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



**Schedule "C"**  
Short-term Rental Accommodation By-law 2022-58

<b>DESCRIPTION</b>	<b>FEE</b>
<b>Application Fees</b>	
Three or more guest rooms	\$900.00
Two or less guest rooms	\$500.00
<b>Renewal Fees (annual)</b>	
Three or more guest rooms	\$900.00
Two or less guest rooms	\$500.00
<b>Administrative</b>	
Licensing Committee Appeal Fee (per appeal)	\$500.00
Re-inspection	\$100.00
Re-submission of plans	\$100.00



**Schedule "D"**  
 By-law No. 2022-58: Being a By-law to License, Regulate and Govern Short-term Rental Accommodations  
 Town of Penetanguishene  
 Part I - Provincial Offences Act

Item	COLUMN 1 Short-form Contravention Description	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Violation of Renters Code of Conduct	3.4	\$500.00
2	Failure to provide copy of Renters Code of Conduct	6.3	\$500.00
3	Hinder or obstruct inspection	12.1	\$500.00

**NOTE:** The penalty provision for the offences indicated above is Section 14 of By-law # 2022-58, a certified copy of which has been filed.