

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW NO. 2023-16

BEING A BY-LAW TO REGULATE SHORT-TERM RENTAL ACCOMMODATIONS WITHIN THE TOWN OF GORE BAY

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

- a) enable municipalities to govern their affairs as they consider appropriate; and
- b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 8 (3) of the Municipal Act, authorizes a municipality to provide for a system of Licences;

AND WHEREAS 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 And Whereas Section 151 of the Municipal Act, 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 for 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 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 Section 429.1 of the Municipal Act, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act;

AND WHEREAS Section 434.1 of the Municipal Act, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 23.1 of the Municipal Act, authorizes a municipality to delegate its powers and duties;

AND WHEREAS the Council the Corporation of the Town of Gore Bay has deemed it necessary and expedient to regulate and licence the Short-Term Rental of Property in the Municipality;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:

1. APPLICATION

- 1.1.** The provisions of this By-law shall apply to all properties within the Town of Gore Bay.

2. DEFINITIONS

- 2.1.** For this By-law, the following definitions shall apply:

"AGENT" means a Person authorized in writing by an Owner to act on the Owner's or group of Owner's behalf;

"APPLICANT" means a Person who files an application for a Licence;

"ACCESSORY BUILDING" means a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and for example may include a guest cabin, private garage, boathouse, tool shed, storage building, warehouse, and other similar uses;

"ADDITIONAL OCCUPANTS" means an individual that is not included within the registered number of occupants allowed in an approved STR license;

"BUILDING" means a structure occupying an area greater than 10 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 services system appurtenant thereto;

"CLERK" means the CAO/Clerk for the Municipality, or any Person designated by the Clerk;

"CORPORATION" means a body incorporated pursuant to the laws of Ontario or Canada;

"COUNCIL" means Council for the Municipality;

"DIRECTOR" means the person who oversees the STA process and manages the implementation and organization of the various departments which would be impacted through STA implementation.

"SINGLE HOME DWELLING" means a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, and one or more families, but shall not include any mobile home, construction trailer, travel trailer, hotels, motels, a home for the aged, nursing home, hospital, or living quarters for a caretaker, watchman or other person or persons using living quarters which are accessory to a Non-Residential building.

- i. **"DWELLING UNIT"** means a suite of two (2) or more habitable rooms, occupied by one or more persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the building or from a common corridor inside the building.

"FEE" means a fee set forth in the Town of Gore Bay for a particular type of service, piece of work, or penalty.

"LICENCE" means a Licence issued by the Municipality pursuant to this By-law;

"LICENCE ISSUER" means a Municipality employee delegated authority by Council as the Person responsible for issuing a Licence;

"LICENCE NUMBER" means a number assigned to a Licence by the Municipality; "Licencee" means a Person issued a current valid Licence pursuant to this By-law;

"LOCAL MANAGER" means the responsible person to act as a local contact and who responds to any questions, or complaints and is subject to the terms and conditions as laid out in this by-law;

"MUNICIPALITY" means the Corporation of the Town of Gore Bay or the land within the geographic limits of the Corporation of the Town of Gore Bay as the context requires;

"NUISANCE" means an activity or behaviour that when repetitive as determined by the discretion of the Director causes an inconvenience or damage to others, either to individuals and/or to the general public;

"OFFICER" means a Person delegated to enforce the provisions of this By-law;

"OWNER" means the registered owner of the lands or Premise or his or her authorized agent that is in lawful control of the lands or Premise residing in or business located within the municipality;

"PERSON" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or another legal representative;

"PREMISES" means land, Property or any part thereof including any and all Buildings or other structures thereon;

"PROPERTY" means the land upon which a Short Term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof;

"REGISTERED COMPLAINT" means a complaint regarding the operation of a short-term accommodation determined to be valid by an Officer.

"RENTER" means the Person responsible for the rental of the Premise by way of concession, permit, Licence, rental agreement or similar commercial arrangement;

"SERVICE ANIMAL" means the animal is easily identifiable as relating to your disability (for example, it is a guide dog or other animal wearing a vest or harness) and the owner can provide documentation from a regulated health professional confirming the animal is required due to a disability.

"SHORT TERM ACCOMMODATION" or **"STA"** 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, license, 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.

"UNIT" means one dwelling per property. No person shall operate more than one unit per property.

"ZONING BY-LAW" means any By-law administered by the Municipality passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

3. APPLICATION AND GENERAL

- 3.1.** This By-law may be referred to as the "Short Term Accommodation By-law".
- 3.2.** The Municipality reserves the right to cap the number of licences issued. No licence will be issued until the total number of licences at any point within a calendar year falls below 5. The number of licences at any given time shall not exceed five (5) in total.
- 3.3.** No Person shall own, operate, or carry on a business or activity as a Short-Term Accommodation other than in accordance with the terms and conditions of a Licence under this By-law.
- 3.4.** No Person shall advertise, promote, broker, or offer for rent or lease any Short-Term Accommodation without a current valid Licence and no Owner shall permit any of the foregoing without a current valid Licence.
- 3.5.** No Person shall alter or modify or permit the alteration or modification of a Licence.
- 3.6.** No Person shall use, or attempt to use, a Licence issued to another Person or Property.
- 3.7.** No Person shall own, operate, or carry on any business or activity in any other name other than in the name that appears on the Licence.
- 3.8.** Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Municipality is guilty of an offence.
- 3.9.** No Person who is issued a Licence pursuant to this By-law shall contravene any provision set out in this By-law, any other Municipal By-law, Federal or Provincial Act, Statute, or any other legislation applicable to a licenced Premise or Activity.
- 3.10.** No Person shall remove an order or placard posted on a STA Premise under this By-law, except an Officer.
- 3.11.** No Person shall own, operate, or carry on a business or activity as a STA while a Licence is under an administrative suspension.
- 3.12.** No Person Shall operate a Short Term Accommodation in contravention of a Provincial Restriction or Order.
- 3.13.** No Person will inhabit or rent an Accessory Building as a Short-Term Rental Accommodation.
- 3.14.** No Person shall advertise a Short Term Accommodation without a registration number as per Schedule C.
- 3.15.** No Person shall refuse to rent to a person accompanied by a service animal.
- 3.16.** Every person shall notify the Municipality of any change in licensing or registration information as per Schedule B.
- 3.17.** Every person who owns or operates a Short Term Accommodation shall comply with requirements to provide emergency contact information and a layout of the fire exits from the building, as per Schedule B complying with regulations and shall provide guests with emergency contact and 9-1-1 information as well as diagrams of exits from the building.
- 3.18.** No person shall operate more than one short term accommodation unit per property.
- 3.19.** No person shall operate a Short Term Accommodation rental without obtaining a licence.

- 3.20. Every person who owns or operates a Short Term Accommodation shall provide one parking place per bedroom, with a minimum of two parking places per short term accommodation.
- 3.21. No person shall allow additional Occupant(s) for overnight accommodation beyond the approved licence limitations.
- 3.22. No person shall rent an entire unit for more than the maximum number of permitted days.

4. APPLICATION FOR A LICENCE

- 4.1. A Person making an application for a Licence or for a renewal of a Licence shall submit:
 - a. a complete application in the form provided by the Municipality;
 - b. when applicable, the Business Name Registration and/or Articles of Incorporation obtained from the applicable Provincial or Federal Ministry;
 - c. all required documents, and obtain all required approvals and inspections as outlined in Schedule "A" to this By-law have been obtained from the appropriate authority having jurisdiction to the satisfaction of the Municipality;
 - d. any other documents as may be required to the satisfaction of the Municipality;
 - e. the required Licence application fee, approval, and inspection fees.
- 4.2. Acceptance of a Licence application does not constitute approval of the application or oblige the Municipality to issue a Licence.
- 4.3. A Licence fee shall be paid by the Applicant at the time a Licence application is submitted.

5. LICENCES

- 5.1. A Short Term Rental Accommodation licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
 - a. December 31st of the year issued; or
 - b. Upon the sale or transfer of the Short Term Rental Accommodation dwelling to a person other than a licensee, or whichever comes first;
 - c. A Short Term Rental Accommodation Licence cannot be assigned or transferred from the Licensee to another party;
 - d. The licence has been revoked in accordance with the provisions of this By-law.
- 5.2. The Licence Issuer is hereby delegated authority to issue a Licence in accordance with the provisions of this By-law and the Schedules to this By-law.
- 5.3. The Licence Issuer is hereby delegated authority to impose additional terms and conditions on a Licence that in the opinion of the Licence Issuer are reasonable and take into consideration:
 - a. the health, safety and well-being of Persons;
 - b. the impact on a neighbouring Property or neighbouring Property owner;
 - c. the past conduct of an applicant or Licensee;
 - d. the impact on the Municipality;
 - e. the need within the Municipality;
 - f. supported by Policy and or By-law, and Council.
- 5.4. A Licence issued by the Municipality is not transferable.
- 5.5. A Licence issued pursuant to this By-law is valid for the year it is issued, at which point the Licensee can apply for a renewal.
- 5.6. A Licence subject to renewal will maintain the same Licence number and be subject to the same requirements as the original issued Licence other than fees and administration costs regarding renewals in Section 13.0 of this By-law.
- 5.7. It is the responsibility of the licence holder to ensure that the renewal for a licence has been submitted to the Town no later than the 1st full weekend in February. Failure to do so will result in a termination of the program and the property will be required to go through a new application process, further will be subject to the new application fee set out in Schedule B.
- 5.8. Every Licence shall remain at all times the property of the Municipality;
- 5.9. No Person shall enjoy a vested right in any Licence or the continuance of any Licence;

- 5.10.** A Licence shall be issued by the Licence Issuer:
- a. upon the requirements of this By-law being met;
 - b. upon submission of the documents to the Municipality's satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;
 - c. upon obtaining the required approvals and inspections to the Municipality's satisfaction as required by this By-law including the Schedules to this By-law;
 - d. upon payment of fees and administration costs relating to Schedule B of this By-law.
- 5.11.** The Licence Issuer shall not issue a Licence if the owner(s) or applicant(s) have any outstanding complaints, fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Municipality for the Property subject to the Licence application.
- 5.12.** A licence can be renewed by the same licence holder for up to two consecutive years without the need for a site inspection. Upon the third year anniversary of the original issuance of the licence, the property will be subject to a full review and thus a new application will be required and the property will be subject to the new application fee.
- 5.13.** The Director has the right to extend any active licence for up to one (1) calendar year, should there be a declared emergency that directly affects the licence holders under this program.
- 5.14.** In case of withdrawal of an application, the Director shall determine the amount of paid application fees that may be refunded to the applicant based on the following:
- a. Application filed – 75% maximum refund
 - b. Application review process started with no inspection – 50% maximum refund
 - c. No refund after any site inspections is carried out with respect to the submitted application
 - d. No refund will be provided where it has been determined that the property has been rented out prior to, during, or after the review of the application.
- 5.15.** A Licence shall only be issued by the Licence Issuer to the registered owner of the Property.
- 5.16.** A Licence will only be issued to a Short Term Accommodation in the Municipality once approved by the Licence Issuer.
- 5.17.** A Licence issued shall include the following information:
- a. the municipal address;
 - b. licence number;
 - c. effective date and expiry date of the Licence;
 - d. licensee name and contact information;
 - e. Local Manager name and contact information;
 - f. a copy of the STR By-law which outlines the conditions of Short-Term Accommodation including expectations for Owner and Renters prepared and maintained in accordance with guidelines issued by the municipality.

6. LICENCE TERMS AND CONDITIONS

- 6.1.** A Licence is subject to the terms and conditions of this By-law including all requirements set out in Schedule "A", "B", "C" and "D" to this By-law. These requirements must be met by the owner, operator, manager, and occupants as applicable.
- 6.2.** A licensee shall notify the Municipality within fifteen (15) days of any changes to the:
- a. business name;
 - b. owners name
 - c. **Local Manager's Name**;
 - d. ownership of the business;
 - e. a change in the Licensee's policy of liability insurance;

and such changes shall be subject to submission of the necessary documentation to the Municipality.

- 6.3.** A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives, and agents in the carrying on of the STA in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 6.4.** Any record required by this By-law shall be produced by the Licensee upon request of an Officer.
- 6.5.** Only properties that have a single home dwelling are permitted to apply for a licence.

Apartment buildings and attached complex style units are not permitted to licence for a Short Term Accommodation.

- 6.6. A person is not eligible to hold a license if the property does not conform with applicable Federal and Provincial laws and Regulations or municipal bylaws, including but not limited to the zoning by-law, Property Standards By-law, the Building Code Act, the Building Code, the Fire Protection and Prevention Act, the Fire Code, the Ontario Electrical Safety Code, or an order of the Medical Officer of Health.
- 6.7. The owner of a Short Term Accommodation premise shall ensure that there is a responsible person available to attend to the short term accommodation premises at all times within a period of no greater than one hour from the time of contact by way of telephone or email. This person is to be available 24 hours a day, 7 days a week while the property is being rented.
- 6.8. No license shall be issued for any property which would allow for more than 2 guests per room or suite or for more than 8 persons per property. Rooms with murphy beds or pull out sofas shall be included as guest rooms.
- 6.9. All advertising for Short Term Accommodation rentals shall include the Municipality's short term accommodation license number.
- 6.10. Compliance Monitoring and enforcement is by the Municipality may include but is not limited to:
 - Active monitoring of STAs in The Town of Gore Bay across multiple STA websites (i.e. Airbnb, VRBO, HomesAway, etc.);
 - Monthly report on aggregate STA activity, including high resolution screenshots of all active listings & full addresses and contact listings for all identifiable STAs;
 - Monthly analysis of STA trends in the Municipality;
 - Ongoing monitoring of STAs for zoning & permit compliance;
 - Pro-active and systematic outreach to unpermitted and/or illegal short-term rental operators;
 - Monthly reporting on zoning & compliance, including listing of STAs operating illegally or without the proper permits;
 - 24/7 staff telephone and email hotline for neighbours to report non-emergency problems related to STA properties;
 - Weekly reports containing the number & types of reported incidents; lists of properties for which incidents have been reported; full documentation of all reported incidents; (digital recordings & written transcripts of all calls; analysis of hotline related activities.

7. LICENCES ADMINISTRATIVE SUSPENSIONS

7.1. Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable Licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.

7.2. An administrative suspension of a Licence without a hearing shall be imposed for: fourteen (14) days if the Licence Issuer is satisfied that the continuation of the business poses an immediate danger to the health and safety of any Person or to any Premises or in accordance with Section 7.

Before any suspension is imposed, the Municipality shall provide the Licensee with the reasons for the suspension, in writing, and an opportunity to respond to them.

Notwithstanding the above the Licence Issuer may issue an immediate suspension of a Licence for a term determined by the Licence Issuer and without notice when a municipal or provincial emergency is declared or where the Licence Issuer determines that there is an immediate risk to the public. The Licence Issuer may then subsequently provide a general or specific notice as the Licence Issuer may determine the reason for suspension.

7.3. An administrative or immediate suspension imposed under Section 7 may be imposed on such conditions as the Licence Issuer considers appropriate.

8. LICENCES GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION

8.1. An applicant or Licensee may be granted a Licence upon meeting the requirements of this By-law except where:

- a. the past or present conduct of any Person, including the officers, directors, employees, or agents of a corporation affords reasonable cause to believe that the Person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or
- b. the Applicant or Licensee has past breaches or contraventions of any law or any provision of

this By-law or any other municipal By-law or Provincial or Federal Statute associated with the carrying on of such business; or

- c. the Applicant or Licencee has failed to pay an Administrative Monetary Penalty imposed by the Municipality or a fine or fines imposed by a Court for convictions for breach of this or any other Municipality By-law or Provincial offence related to the licenced premise; or
- d. the Applicant or Licencee has failed to comply with any term, condition or direction of the Licence Issuer or Officer or has failed to permit any investigation by the Licence Issuer or Officer; or
- e. the applicant or Licencee has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or
- f. the issuing of a Licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
- g. the Applicant or Licencee has applied or submitted other documents to the Municipality containing false statements, incorrect, incomplete, or misleading information; or
- h. the Applicant or Licencee is carrying on or engaging in activities that are, or will be, if the Applicant or Licencee is licenced, in contravention of this By-law, or any other applicable law; or
- i. the Applicant or Licencee has not paid the required Licence fees; or
- j. the Applicant or Licencee has accumulated three (3) registered complaints within a year period;
- k. the Applicant or Licencee or Owner has outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Municipality for the subject Property.

8.2. The Licence Issuer may revoke, suspend, or refuse to issue a Licence, where the Applicant or Licencee would not be entitled to a Licence on any grounds set out in this By-law.

8.3. Where the application for a Licence has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licencee, in the respect of the Licence, shall not be refunded.

8.4. Where a Licence has been revoked, suspended, or cancelled, the Licencee shall return the Licence to the Licence Issuer within two (2) business days of service of the notice of the decision unless otherwise directed by the Licence Issuer in the instance of immediate suspensions.

8.5. When a revoked, suspended or cancelled Licence has not been returned, an Officer may on 48 hours notice enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking or removing the said Licence.

8.6. Every Applicant or Licencee shall keep transactions records for a three (3) year period and provide the transaction records within 30 days, if required to the Municipality.

9. COMPLAINT PROCESS

9.1. All Licences issued by the Licence Issuer must be posted in a Public Registry which shall be maintained on-line by the Municipality.

9.2. All Licences posted in the Public Registry shall include the following information;

- a. maximum occupancy of the unit;
- b. name and contact information of the Owner and;
- c. Officer contact information for the purposes of reporting any complaints.

9.3. Owner shall display the STR By-law, Renter Code of Conduct if different from Schedule D, emergency contact person and number, site plan, and floor plan inside the Dwelling or Dwelling Unit which should be used as a reference guide for Renters.

9.4. Owner or their local manager shall be always available via phone and for onsite assistance during the rental period in the case of a reported complaint.

9.5. The Owners and Local Manager updated contact information must be clearly always posted in and outside the Licenced unit.

9.6. Once the complaint is made to the Municipality or agent, it will be investigated by an Officer for a determination of the validity of the complaint.

9.7. The Officer or agent will be responsible to collect information regarding the nature of the issue from the complainant.

9.8. If required the Officer will inspect the property and rental unit to investigate the complaint and/or direct a resolution of the issue.

9.9. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer performing a duty under this By-law.

9.10. For the purposes of an inspection under this By-law, an Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection; and
- d) make examinations or take tests, samples, or photographs necessary for the purposes of the inspection alone or in conjunction with a Person possessing special or expert knowledge

9.11. All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.

9.12. A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.

9.13. Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.

9.14. The Municipal Officer and/or agent will follow up with the complainant within 72 hours to determine that the complaint has been addressed.

9.15. Each complaint shall be documented individually, and such documentation shall contain all particulars of the complaint as well as any actions taken by the Owner to resolve the complaint.

9.16. The identity of the complainant shall be confidential information up until which time it is needed in a court of law.

9.17. Once a complaint is deemed valid it will be a registered complaint.

9.18. Once a property receives three (3) registered complaints within a single year, or where a registered complaint is not resolved in a manner satisfactory to the Municipality, the Licence shall be immediately revoked.

9.19. A revoked Licence shall not be renewed. A new licence shall not be granted to the same location for a period of 365 days following the revocation of a licence.

9.20. Anyone making false complaints for malicious intent will lose viability for future complaints and may be subject to a fine.

10. PENALTY AND ENFORCEMENT

10.1. Before a Licence is revoked, suspended, or cancelled, written notice shall be given to the Licencee.

10.2. Notice shall be served to the Licencee's last known address or email address filed with the Municipality and shall:

- a) contain sufficient information to specify the nature of, or reason for revocation;

b) inform the Licencee of entitlement to a hearing before the Licensing Appeal Committee (as defined in Sec. 11.1) if a request in writing for a hearing is returned to the Director within fifteen (15) days after the date of service of the notice.

10.3. On receipt of a written request for a hearing from an Applicant or Licencee, the Director shall:

a) schedule a hearing; and

b) give the Licencee notice of the hearing at least twenty (20) days prior to the hearing date; and

c) post notice of the hearing on the Municipality's website at least twenty (20) days prior to the hearing date.

10.4. Service of any notice on the Licencee under this By-law shall be made by Personal delivery, ordinary mail, or email transmission. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of Personal service or on the date the email is sent.

10.5. Any person(s) who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive costs and upon conviction is liable to a fine as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33

10.6. Any person(s) who contravenes any provision of this By-law is liable to an additional Administrative Monetary Penalty if the Municipality is satisfied the person(s) has failed to comply with any part of this By-law.

10.7. No person(s) shall willfully obstruct, hinder, or otherwise interfere with an Officer in the performance of the Officer's duties, right, functions, powers, or authority under this By-law.

10.8. Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a person(s), the Officer may require the name, address, and proof of identity of that person(s) and the person(s) shall supply the required information.

10.9. In addition to prosecution under this By-Law, the Municipality may prosecute violators of this By-Law for trespass or exercising any other statutory or common rights.

10.10. If licencees do not comply with the regulations in this by-law, they are guilty of an offence. If convicted, they may be liable to pay a fine of up to \$100,000.

10.11. They may also be liable to pay a special fine that a court deems is greater than any revenue that they may be gaining from the business; as well as a fine of up to \$10,000 for each day the offence continues.

10.12. No person shall contravene a Municipal By-law while occupying a Short-Term Rental Accommodation.

11. ESTABLISHMENT OF LICENSING APPEAL COMMITTEE

11.1. Council is hereby established as the Licensing Appeal Committee and shall hear and render decisions regarding the refusal, revocation or suspension of a Licence, and the imposing of terms and conditions on a Licence.

11.2. The decision of the Licensing Appeal Committee shall be final and binding.

12. HEARING PROCESS

12.1. The provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted under this By-law.

12.2. A hearing shall be held in public unless determined otherwise in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, and the Licensing Appeal Committee shall hear the Applicant or Licencee and every other person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

12.3. No decision of the Licensing Appeal Committee is valid unless it is concurred by a majority of members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision.

- 12.4.** Any authority or permission granted by the Licensing Appeal Committee in accordance with the powers and requirements of this By-law, may for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and will be set out in the decision.
- 12.5.** When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in their absence, and the Person shall not be entitled to any further notice of the proceedings.
- 12.6.** The Director shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:
- a) the Applicant or Licencee;
 - b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Director a written request for notice of the decision.

13. FEES AND ADMINISTRATIVE COSTS

- 13.1.** Initial registration fee as set out in Schedule "B" for a Short-Term Accommodation Dwelling Unit shall be paid by the Applicant at the time of applying for a Licence.
- 13.2.** An annual renewal fee as set out in Schedule "B" for all Short-Term Accommodation Dwelling Units or Unit is required every year following where the STA maintains a licence in good standing.
- 13.3.** Where a complaint has been determined to be valid the Licencee shall pay to the Municipality a complaint investigation fee as set out in Schedule B if deemed necessary. Failure to pay the fee shall be a contravention of the terms of the Licence and shall result in a revocation of the Licence.
- 13.4.** Fees are distinct from penalties and fines which may be incurred where enforcement is required.

14. MUNICIPAL AND PRIVATE SERVICES

- 14.1.** Garbage must be bagged and stored in a securely enclosed area and abide by the municipal transfer station policy for waste management.
- 14.2.** Owners must maintain a record of septic system pump-outs and maintenance if applicable and make that record(s) available for inspection by an Officer.
- 14.3.** Owners must, if applicable, at the time of application for a renewal of a Licence demonstrate that that septic tank has been pumped out and inspected in the last three years.
- 14.4.** Owners must if applicable, provide information related to occupancy and potential sewage load and details of their sewage system to confirm capacity at the time of application for a Licence.

15. SEVERABILITY

15.1 If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part, thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and in effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

16. SINGULAR, PLURAL and GENDER USE

- 16.1.** In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

17. SCHEDULES

- 17.1.** Schedules "A" "Licence Application Requirements", "B" "Terms and Requirements of Licence", Schedule "C" "Roles and Responsibilities", and Schedule "D" "Renter Code of Conduct" attached to this By-law form part of this By-law.

Personal information contained in this form and schedules is collected under the authority of the Municipal Freedom of Information and Privacy Act and will be used in the administration and enforcement of the Short-Term Accommodation Licensing By-law.

THAT this By-law shall come into force and take effect upon the final passing thereof.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 8th DAY OF MAY 2023.

.....
MAYOR

.....
CLERK

SCHEDULE A
LICENCE APPLICATION REQUIREMENTS

PROPERTY INFORMATION (PROPERTY TO BE LICENCED)

Address: _____

(APPLICANT)

Owner's Name: _____

Corporation or Partnership (if applicable): _____

Applicant's Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

RENTAL AGENT/AGENCY (If applicable)

Agent/Agency's Name: _____

Corporation or Partnership (if applicable): _____

Agency Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

LOCAL MANAGER (IF DIFFERENT THAN OWNER)

Responsible Person's Name: _____

Corporation or Partnership (if applicable): _____

Agency Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

PURPOSE OF APPLICATION

New STA Licence

Licence Renewal

PREMISES DETAILS

Current Use of Premises: _____

Proposed Number of Bedrooms: _____

Total STA Premises Occupant Load: _____

ATTACHMENTS (THE FOLLOWING MUST ACCOMPANY THE APPLICATION)

- i. Copy of the Transfer/Deed proving evidence of ownership
- ii. Copy of the Liability Insurance of not less than \$2 million per occurrence for property damage and bodily injury

- iii. Site Plan of the premises (including parking and garbage disposal area)
- iv. Floor Plans (see guide for requirements)
- v. Local Manager Contact Information and Consent (if applicable)
- vi. Copy of Complete STA Inspection (Life Safety Inspection) **Copy of Complete STA Inspection (Life Safety Inspection) Inspections must be completed by a person or corporation qualified to perform life safety inspections and must be insured to work in Ontario. The requirement for inspecting must include life safety systems as well as report items with health and safety concerns.**
- vii. Renter Code of Conduct if different than Schedule "D"
- viii. Evidence of septic pumped out and inspected in the last three years.
- ix. Application Fee

DECLARATION OF APPLICANT

I _____ certify that:

The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

I _____ shall defend, indemnify and save harmless the Town of Gore Bay, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the applicant/licensee, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of this contract.

Date _____

Signature of Applicant _____

SCHEDULE B
TERMS AND REQUIREMENTS OF LICENCE

SHORT TERM ACCOMMODATION OBJECTIVES:

The STA Licensing by-law objectives include, but are not limited to:

- ensuring occupants are provided with safe accommodations in terms of fire and building safety;
- ensuring STA premises are operated and maintained in sanitary and acceptable levels of interior conditions;
- ensuring STA Operators are made aware of their responsibilities to comply with Municipal by-laws and other regulations; and,
- protecting the character, amenities, and quality of the existing neighbourhood in which the STA is located.

WHO CAN REGISTER:

To apply for and operate a short-term rental licence, the applicant must:

- 18 years or older; and,
- be the Owner of the dwelling in which the licenced STA is to be operated.

Note:

Once the owner of the building receives the licence, the STA can be managed by a Local Manager.

REQUIRED TO REGISTER

When registering, the licensee needs to provide the Municipality with information, including;

- government-issued identification (ID) which includes photo and address
- contact information and address
- details of short-term rental, including a description of the type of building your rental is located and which parts of the home will be short-term rented
- Applicant must provide information related to occupancy and potential sewage load and details of their sewage system to confirm capacity. (If applicable)
- a record of systems pump-outs and maintenance and demonstrate that that septic tank has been pumped out and inspected in the last three years of when application is made for a licence. (If applicable)
- The number of occupants refers to the number of occupants of the rental unit.
- name and telephone number of a Local Manager who will be available 24 hours a day during rental periods.

Note:

Before submitting information to the Municipality, applicant must obtain consent from the Local Manager. Applicant must keep and provide a record of this consent.

**THE CORPORATION OF THE TOWN OF
GORE BAY BY-LAW NO. 2023-16**

FEES

Initial Registration STA licence fee	\$850.00
Renewal STA licence fee	\$500.00

ADDITIONAL:

TYPE	FEE (\$) PER UNIT
Penalty for operating without an STA licence	\$1000.00 per week
Council Appeal Fee	\$500.00
Investigation Fee	Up to \$600.00
False Complaints (sec 9.20.)	Up to \$600.00
Penalty for not Complying to Regulations (sec.10.9.)	Up to \$100,000
Special Fines (sec.10.10.)	Fine deemed by court plus \$10,000 for each day the offence continues

IN CASE OF A WITHDRAWN APPLICATION:

Application Filed	75% Maximum Refund
Application Review Process Started with no Inspection	50% Maximum Refund
After Inspection is Completed	0% Refund
Determined the Property was rented out prior, during or after the review of an application and prior to licence approval	0% Refund

Note

The licensee is not eligible to register a short-term rental if your registration was denied or revoked in the last 12 months.

Completed STA Applications can be submitted in person or by email to admin@gorebay.ca
Payment by e transfer are received at genpayment@gorebay.ca Note the subject as STA application fee.

For more information on Planning and Zoning please see the Municipal website at www.gorebay.ca

WHAT HAPPENS AFTER REGISTRATION?

After providing information and payment, the Municipality will validate the information and review application.

If the application is approved, a registration number will be generated and emailed to the licensee, along with a copy of the STA By-law which shall be always posted in the STA.

The Municipality can deny an application based on the eligibility criteria and will inform the applicant of its intention to deny the registration. No one is eligible to register or renew a short-term rental if the registration was denied or revoked in the last 12 months.

All advertising by the licensee for the Short Term accommodation Rental must include the licence registration number provided by the Municipality.

COMPLYING WITH REGULATIONS

Once registered as a short-term rental operator, they must:

- provide guests information about Local Manager and instructions on how to contact 911 emergency service

- provide guests with an emergency exit plan
- keep the following records related to short-term rental and provide to the Municipality upon request:
 - i. the number of nights short-term rental was rented
 - ii. the nightly and total price charged for each rental
 - iii. the rental type e.g., the entire home rental or just room rental
- The Licencee shall be responsible for ensuring that the use of the Short-term Accommodation Unit shall not include:
 - i. parties;
 - ii. the lighting or discharging of fireworks;
 - iii. exceeding occupancy limits in the unit or on the property;
 - iv. use of outdoor speakers.
 - v. loud music or shouting; and
 - vi. outdoor fires
- Liability Insurance of not less than \$2 million per occurrence for property damage and bodily injury
- Parking be adequately provided on a per bedroom basis
- Garbage must be always stored in an enclosed area.
- Must display a copy of the STA By-law inside STA Dwelling or Dwelling Unit
- Must always post ownership and local manager information inside and outside unit
- Post how many occupants allowed within the STA premise

UPDATING YOUR REGISTRATION

The Municipality must be informed if any of the information that were provided during registration changes. This includes changes in phone number, address, change of owner, email, and alternate (emergency) contact name or contact information.

THE CORPORATION OF THE TOWN OF GORE BAY
BY- LAW NO. 2023-16

SCHEDULE C
ROLES AND RESPONSIBILITIES

Role	Responsibility
DIRECTOR	<p>All Administrative duties including applications, renewals, and enforcements.</p> <p>For the Licensing Appeal Committee, the Director, CAO, Clerk and/or designate shall:</p> <ul style="list-style-type: none">a) schedule a hearing; andb) give the Licencee notice of the hearing at least twenty (20) days prior to the hearing date; andc) post notice of the hearing on the Municipality's website at leastd) twenty (20) days prior to the hearing date. <p>The Director, CAO, Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:</p> <ul style="list-style-type: none">a) the Applicant or Licencee;b) each person who appeared in person or by Council or by Agent at the hearing and who filed with the Director, CAO, Clerk a written request for notice of the decision.
COUNCIL	Participate as Licensing Appeal Committee
OWNER	Ensure Licencee Terms and Conditions are fulfilled
PROPERTY MANAGER	Available 24/7
RENTER	Follow "Renter Code of Conduct (Schedule "D")

**THE CORPORATION OF THE TOWN OF GORE BAY
BY- LAW NO. 2023-16**

SCHEDULE D RENTER CODE OF CONDUCT

Renter's Code of Conduct (as enacted by the Town of Gore Bay)

PREMISE OF THIS CODE

The premise of this Code is that the short-term accommodation premises are located in the vicinity of other properties and that the residents/occupants of these properties have the right to enjoy their properties without being imposed upon by nuisance from others.

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.

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

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 neighbors; and,
- Leave it as you find it.

MAXIMUM NUMBER OF RENTERS AND GUESTS

The maximum number of occupants within a dwelling that is being operated as a short-term accommodation shall not exceed a total number based upon the number posted by the Owner. But, in no case shall be more than 2 persons per bedroom or 8 persons per property.

NOISE AND RESIDENTIAL AMENITY

No person shall make noise 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 Speakers;
- c) Outdoor or backyard gatherings involving excessive noise;
- d) Fireworks or outdoor fires;
- e) Late or early hour disturbances;
- f) Exceeding occupancy limits; and,
- g) Yelling, shouting, chanting and loud conversations.

Please be advised that The Town of Gore Bay Noise By-law is By-law No. 2012-28, is in effect 24 hours a day, 7 days a week.

Renters 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 Municipality's Noise By-law may result in the notification of the Ontario Provincial Police who may, upon attendance, issue a Notice of Offence, which carries with it a fine, upon conviction, for a first offence.

Please enjoy your stay but have consideration for others.

FUNCTIONS AND PARTIES

Short term accommodation renters are not to host functions or parties as occupancy limits apply to the house and property in accordance with the licence.

ACCESS AND PARKING

Property includes parking on a per bedroom basis. Permitted parking should be the only area used for parking.

RECYCLING AND GARBAGE

Please dispose all garbage and recycling to designated garbage area. Ensure that garbage and recycling is sealed shut and not overflowing.

THE CORPORATION OF THE TOWN OF GORE BAY
BYLAW 2024-15
BEING A BYLAW TO AMEND BYLAW 2023-16
BEING THE BYLAW TO REGULATE SHORT TERM RENTALS WITHIN THE TOWN OF
GORE BAY

WHEREAS the Town of Gore Bay wishes to amend Bylaw 2023-16 to update the set fine by-law;

NOW THEREFORE THE COUNCIL FOR THE TOWN OF GORE BAY ENACTS AS FOLLOWS:

THE CORPORATION OF THE TOWN OF GORE BAY
BY- LAW NO. 2023-16

Part 1 Provincial Offences Act

Short Term Accommodations By-law

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Advertising, or brokering a short term rental without a valid licence	Sec. 3.4	\$500
2.	Advertising a short-term rental without a registration number	Sec. 3.14	\$600
3.	Renting an entire unit for more than the maximum number of permitted days	Sec. 3.22	\$500
4.	Refusing to rent to a person accompanied by a service animal	Sec. 3.15	\$500
5.	Failing to notify the Municipality of a change in licensing or registration information	Sec. 3.16	\$400
6.	Failing to provide emergency contact information to a guest	Sec. 3.17	\$400
7.	Failing to provide information regarding 9-1-1 service to a guest	Sec. 3.17	\$400
8.	Failing to provide a diagram of exits from the building	Sec. 3.17	\$300
9.	Renting more than one short term accommodation unit per property	Sec. 3.18	\$400
10.	Operate a short term rental without a licence	Sec. 3.19	\$600
11.	Fail to keep complete transaction record for 3 years	Sec. 8.6	\$300
12.	Failing to provide a transaction record within 30 days of a request from the Municipality	Sec. 8.6	\$300
13.	Hinder or obstruct an officer	Sec. 9.9	\$500

Note: The penalty provision for the offences indicated above is section 10.5 of this By-Law No. 2023-16 of which a certified copy has been filed.

2. THAT this by-law shall come into force and take effect on the final date of passing hereof.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 13th DAY OF MAY 2024.

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MAYOR

.....
CLERK