

**THE CORPORATION OF THE MUNICIPALITY
OF ST.-CHARLES**

BY-LAW 2023-XX

**BEING A BY-LAW TO LICENCE AND REGULATE SHORT-TERM RENTAL
ACCOMODATIONS**

WHEREAS Section 8 of the *Municipal Act, 2001*, as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the Municipality to enable the Municipality to govern its affairs as it considers appropriate and to enhance the Municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, as amended, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 10(2) of the *Municipal Act, 2001*, as amended, provides that a single tier municipality may pass By-Laws respecting business licensing;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 151 of the *Municipal Act, 2001*, as amended, provides that a municipality may provide for a system of licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and 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 434.1 of the *Municipal Act, 2001*, as amended, permits a municipality to impose a system of administrative penalties and fees as an additional means of encouraging compliance with its By-Laws;

AND WHEREAS Section 436 of the *Municipal Act, 2001*, as amended, permits a municipality to pass By-Laws providing that the Municipality may enter on lands at any reasonable time for the purpose of carrying out an inspection to determine compliance with By-Laws, directions, orders and license conditions;

AND WHEREAS Section 23.1 of the *Municipal Act, 2001*, as amended, authorizes a municipality to delegate its powers and duties;

AND WHEREAS Council has enacted a Zoning By-law amendment under the provisions of the *Planning Act*, RSO 1990, c. P.13, as amended which defines short-term rental accommodations, establishes areas of permitted use and notes that a short-term accommodation must be licenced with the Municipality of St.-Charles;

AND WHEREAS the Council for the Corporation of the Municipality of St.-Charles deems it expedient to license and regulate short-term rental accommodations being operated in the Municipality of St.-Charles;

NOW THEREFORE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF ST.-CHARLES HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1. This By-law shall be known as the “Short-Term Rental By-Law”.

2. APPLICATION

2.1. The provisions of this By-Law shall apply to all properties in the Municipality of St.-Charles.

2.2. This By-law applies to any short-term rental, even if the short-term rental was operating prior to the date of the enactment of this By-Law.

3. DEFINITIONS

In this By-Law:

3.1 **“Agent”** means a person duly appointed in writing by an owner or the Municipality to act on their behalf.

3.2 **“Applicant”** means the person applying for a licence or renewal of a licence under this By-Law.

3.3 **“Bed and Breakfast Establishment”** means a single detached dwelling unit, or part thereof, in which the proprietor resides and provides not more than three (3) bedrooms for the accommodation of the travelling or vacationing public, in which the owner supplies lodgings with or without meals for the accommodated persons, but does not include a rooming house, group home, sleep cabin or tourist

establishment. Bed and Breakfast Establishments shall be regulated through this By-Law.

- 3.4 “Building”** means a structure occupying an area greater than ten (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 service systems related thereto, or structures designated in the *Ontario Building Code*.
- 3.5 “Chief Building Official”** (CBO) means the person appointed by the Council of the Municipality under the *Building Code Act*, S.O. 192, c 23 as amended, or the person who is appointed to act in that capacity during their absence.
- 3.6 “Clerk”** means the Clerk of the Municipality, or any person designated by the Clerk.
- 3.7 “Council”** means the elected Council of the Corporation of the Municipality of St.-Charles.
- 3.8 “Designated Responsible Person”** (DRP) means the owner or agent assigned in writing by the owner or licensee of the Short-Term Rental, who shall be at least eighteen (18) years of age, to ensure that a licenced Short-Term Rental is operated in accordance with the provisions of this By-Law, the licence and all applicable laws.
- 3.9 “Dwelling Unit”** holds the same meaning as contained in the Municipal Zoning By-Law as amended and additionally, for the purpose of this By-Law, a dwelling unit does not include a tent, trailer, mobile home or a room or suite of rooms in a boarding house, rooming house, a hotel, motel or a motor home.
- 3.10 “Guest Room”** means a room offered for rent in a Short-Term Rental which conforms to the standards for a bedroom, as set forth in the *Ontario Building Code*.
- 3.11 “Non-Permitted Area”** means a geographic area which has been deemed by Council to not allow the operation of Short-Term Rentals.
- 3.12 “Owner”** means a person who is holding title on the Premises where the Short-Term Rental is located, and ownership has a corresponding meaning.
- 3.13 “Licence”** means the licence issued under this By-Law as proof of licencing under this By-Law.
- 3.14 “Licensee”** means a person who holds a licence or is required to hold a licence under this By-Law.
- 3.15 “Licensee Code of Conduct & Acknowledgment”** means a document, as set forth in Schedule "C", that has been prepared by the Municipality that prescribes

the roles and responsibilities of the Licensee, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Municipal By-Laws; and adherence to the provisions of this By-Law.

- 3.16 “Licence Issuer”** means the person designated by the Municipality as responsible for issuing the Short-Term Rental licence under this By-Law.
- 3.17 “Municipality”** means the Corporation of the Municipality of St.-Charles.
- 3.18 “Officers”** means a person appointed by the Council of the Municipality of St.-Charles to enforce this By-Law.
- 3.19 “Public Health Sudbury and District”** is the authority having jurisdiction of sewage and grey water systems for all municipalities within the District of Sudbury.
- 3.20 “Person”** means an individual, a corporation, an association, a partnership, and includes a licensee or an applicant for a licence under this By-Law as the context requires.
- 3.21 “Premises”** means any place which is being used as a Short-Term Rental.
- 3.22 “Renter” or “Renters”** means the person or persons responsible for the rental of a Short-Term Rental by way of concession, permit, lease, licence, rental agreement, or similar or similar arrangement, whether written or verbal.
- 3.23 “Renter Code of Conduct”** means a document, as set forth in Schedule "D", that has been prepared by the Municipality that prescribes the roles and responsibilities of the guest(s) and owner(s) and / or operator(s) of Short-Term Rentals, including but not limited to behavioural expectations as they relate to non-disturbance of neighbours; compliance with Municipal By-Laws; and adherence to the provisions of this By-Law;
- 3.24 “Short-Term Rental” (STR)** means the use of any legal occupancy in a building, structure or any part thereof that is used to provide sleeping accommodation, including all or part of a dwelling unit or accessory structure related to a dwelling unit, which may or may not include cooking facilities, and that offers a place of accommodation or temporary residence by way of concession, permit, lease, licence, rental agreement or similar arrangement, whether written or verbal, unless otherwise prohibited by this By-Law or by any other By-Law of the Municipality of St.-Charles, for up to thirty (30) consecutive calendar days or fewer and to which the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, as amended does not apply, with or without on-site management throughout all or part of the year. STRs shall include a Bed and Breakfast Establishment, but shall not include a motel, hotel, tourist establishment, campground, group home, rooming house or similar

commercial or institutional accommodation uses. A STR must be licensed with the Municipality of St.-Charles as per the provisions of this By-Law;

- 3.25** “**Zoning By-law**” means the land use By-Law enacted by the Municipality under Section 34 of the *Planning Act*, or a successor thereof, as may be amended from time to time.

4. PROHIBITIONS

- 4.1** No person shall operate or permit the operation of a STR unless they hold a current and valid licence.
- 4.2** No person shall advertise, promote, broker or otherwise offer for rent or lease any STR without a current and valid licence.
- 4.3** No person shall advertise, promote, broker or otherwise offer for rent or lease a STR using false information.
- 4.4** No person shall operate or permit a STE to be operated while their license is suspended or revoked.
- 4.5** No person shall operate a STR in contravention of a Provincial Restriction Order or an Order made by Public Health Sudbury and Districts.
- 4.6** No person shall operate or permit the operation of a STR on a property that is not in compliance with all Municipal, Provincial or Federal Laws.
- 4.7** No person shall operate or permit the operation of a STR on a property that has been designated as within a Non-Permitted Area as per Schedule “A” of this By-Law.
- 4.8** Every owner of a STR shall ensure that renters comply with all municipal By-Laws, Provincial and Federal legislation, and all other applicable laws.
- 4.9** No person shall operate or permit a STR to operate in excess of the maximum occupancy limits for that property as approved and stipulated on the licence.
- 4.10** No person shall rent or permit the renting of any guest room in any structure on the property of an STR other than those that have been identified and approved on the site plan submitted with the application for the STR licence.
- 4.11** No person shall allow or permit a travel trailer to be used as accommodation or for sleeping accommodation at a licenced STR.

- 4.12 No person shall violate the provisions of the Renter Code of Conduct attached as Schedule “D” to this By-Law.
- 4.13 No person shall violate the provisions of the Licensee Code of Conduct & Acknowledgement attached as Schedule “C” to this By-Law.
- 4.14 No person shall fail to display proof of licensing on the property after a STR licence has been obtained.
- 4.15 No person shall knowingly provide false information on an application for a STR licence.
- 4.16 No person shall give, sell, transfer or otherwise supply a STR license to any other person.
- 4.17 No person shall post or allow the posting of a STR license on a property that is not listed on the licence.
- 4.18 No person shall modify or alter or permit the modification or alteration of a STR licence.
- 4.19 No person shall remove an Order or placard posted on a premises under this By-Law except an Officer.

5. ADMINISTRATION AND GENERAL PROVISIONS

- 5.1. The Chief Building Official is designated as the Licence Issuer and shall be responsible for the administration of this By-Law.
- 5.2. Any person who operates a STR accommodation shall comply with the provisions of this By-Law, as well as with all applicable municipal By-Laws and provincial and federal legislation.
- 5.3. The occupancy of the premises of a STR accommodation shall be restricted based on septic capacity and the *Ontario Fire Code*. All occupants of a STR shall be counted in occupancy.
- 5.4. The owner or agent of a STR shall maintain a minimum of two (2) million dollars of commercial general liability insurance per occurrence on the premises for property damage and bodily injury, which shall be specific to the operation of the STR accommodation.
- 5.5. The owner or agent of a STR shall ensure that the following information will be posted on the interior of each STR premises, within a maximum of one (1) m from the main entrance, is clearly visible to guests and is made available of inspection:

- a. a copy of the current licence;
 - b. address of the STR Premises;
 - c. name and contact information of STR Premises owner, agent or Designated Responsible Person (DRP) and other applicable emergency services;
 - d. Emergency Services Statement, only applicable if the type of access to the STR Premises is not a year-round maintained public road or is water access only. If this is applicable, the following statement must be posted “Due to this Short-Term Rental Premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location in the event of an emergency.”
- 5.6.** The owner or agent of a STR shall ensure that an information package will be available to guests containing the following information:
- a. a copy of the Renter Code of Conduct as prepared by the Municipality;
 - b. a copy of the approved site plan including parking provisions and waste disposal;
 - c. a copy of the approved floor plans of the STR showing emergency exits and locations of fire extinguishers; and,
 - d. quick reference guide for applicable By-Laws as prepared by the Municipality.
- 5.7.** A person who posts a STR listing on a Short-Term Rental platform shall include the licence number as set out on the licence issued under this By-Law.

Parking

- 5.8.** The owner and operator of a STR shall provide parking on the site in accordance with the parking requirements for the applicable zone and permitted use within the Zoning By-Law; whichever is more. The applicant will be required to clearly indicate where parking spaces are to be located on an approved site plan.
- 5.9.** The owner and operator of a STR shall ensure that parking is only permitted where the parking surface is suitable and stable for the parking of vehicles.
- 5.10.** No person shall allow or permit any renter of a STR to park in any area on the property which is not meant or suitable for parking.
- 5.11.** Owners of water access only properties must provide proof of access to suitable parking at a launch site to accommodate the parking provisions of this By-Law.

Water

- 5.12.** Unless the STR is serviced by a municipal water system, all water systems within the Premises should comply with the public water requirements as set out in provincial regulations.

Septic / Sewage

- 5.13. Unless the STR is serviced by a municipal sewer system, the applicant will be required to provide proof of septic system approval by Public Health Sudbury and District of an installed septic system and its capacity that will support the STR Premises.
- 5.14. If an outhouse is being used on a property, it must be installed as per the *Ontario Building Code* and must be in good working order.

Recycling and Garbage

- 5.15. Every owner of a STR shall ensure that the guests are provided with information on the Municipality's waste management program. Licensees must adhere to applicable municipal waste management By-Laws, as amended.
- 5.16. Garbage and recycling must be stored in an enclosed area at all times other than during collection at which time must be contained in appropriate containers for collection.
- 5.17. Every owner of a STR shall ensure that any garbage and recycling produced at the STR is removed from the property on at least a weekly basis.

Designated Responsible Person

- 5.18. Every owner of a STR is required to provide to the Municipality the name and contact information of a DRP who can be readily contacted and respond to an emergency or contravention of any Municipal, Provincial or Federal Laws.
- 5.19. Every DRP must respond to the Municipality or Renters when contacted within thirty (30) minutes of an initial call and must attend the property within sixty (60) minutes of the initial contact by the Municipality or by the Renters if so required.
- 5.20. The DRP must be designated by the Owner in writing as part of the application process.
- 5.21. The DRP must provide proof that they are at least eighteen (18) years of age and must complete the Dedicated Responsible Person Consent and Acknowledgment.

6. LICENCE APPLICATION REQUIREMENTS AND FEES

- 6.1. One (1) licence shall be allowed for each property.
- 6.2. The number of active STR licenses in the Municipality at any one time shall be limited to **. Additional completed applications may be put on a waiting list for when licences become available.
- 6.3. Every application for a new licence, or a renewal of an existing licence, shall include:

- a. a completed application in the form prescribed by the Clerk (attached as reference to this By-Law as Schedule “B”);
- b. the following documents:
 - i. site plan of the STR property showing and naming all buildings on the property, location of the septic system and well if applicable, showing designated parking spaces and showing the location of garbage and recycling receptacles;
 - ii. interior floor plan of the STR property noting fire escape routes, fire extinguisher locations, smoke alarm locations and CO detector locations and with the location of approved sleeping spaces labeled; and,
 - iii. a completed Dedicated Responsible Person Consent and Acknowledgement Form on a form as prepared by the Municipality;
- c. certificate of insurance demonstrating compliance with the insurance requirements set out in Section 5.4 of this By-Law, including but not limited to the fact that the premises is insured as Short-Term Rental;
- d. proof that the applicant is the owner of the property that the STR is operating on, or grant permission in writing for an agent to apply on their behalf;
- e. proof that the applicant is at least eighteen (18) years of age (in the form of government identification), if the applicant is an individual;
- f. name and contact information of the owner, agent or DRP who can be readily contacted and respond to an emergency or contravention of any Municipal By-Law;
- g. proof that the applicant, if a corporation, is legally entitled to conduct business in the Province of Ontario, including but not limited to:
 - i. Articles of Incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or Government of Canada; and,
 - ii. a list containing the names of all **directors and officers** of the corporation;
- h. 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;
- i. for any STR on a septic system, the applicant will be required to provide proof of septic system approval by Public Health Sudbury and District of an installed septic system and its capacity that will support the STR Premises;
- j. payment of the applicable fee as set out in the **Municipality’s Fees and Charges By-Law**.

6.4. Every owner shall inform the Municipality in writing of any changes to the approved information contained within the licence application or any deviation to the approved plans within seven (7) days of such change or deviation.

Licence Issuer - Responsibilities

6.5. Upon receipt of an application for a licence the Licence Issuer shall receive and review the application and any accompanying documents for completeness.

- 6.6.** Upon receipt of a completed application for a new licence and before a licence application is approved, circulation of the application shall be done with all applicable agencies and municipal departments for comment.
- 6.7.** Upon receipt of a completed application for a new licence with all required documentation and the required fee, the Licence Issuer will contact the applicant to schedule the necessary inspection and shall ensure the relevant Officers have carried out the necessary inspections to satisfy the Municipality that the premises complies with provisions of this By-Law and any other applicable municipal By-Laws and or Provincial acts including but not limited to, the Property Standards By-Law, the Clean Yard By-Law and the Zoning By-Law, the *Building Code Act*, *Fire Protection and Prevention Act* and the *Fire Code Act*.
- 6.8.** Upon receipt of a completed application for a renewal of a licence, along with all required documentation and required fee the Licence Issuer may contact the applicant to schedule an inspection and may ensure the relevant Officers have carried out the inspections to satisfy the Municipality that the premises complies with provisions of this By-Law.
- 6.9.** During the application circulation and the inspection process for the purpose of determining licence eligibility, all relevant concerns or comments received by agencies or municipal departments shall be addressed and/or rectified before a licence is issued.
- 6.10.** The determination of whether a licence application is complete in accordance with this By-Law shall be within the discretion of the Licence Issuer.
- 6.11.** Upon determination by the Licence Issuer that information requirements and all regulatory and By-Law requirements of the Municipality are met, a licence shall be issued.
- 6.12.** In addition to any terms and conditions of a licence imposed by this By-Law, the Licence Issuer may impose additional terms and conditions as are necessary in their discretion.
- 6.13.** Every owner of a STR shall apply for, obtain and maintain in good standing a license issued by the Municipality as per the requirements of this By-Law.
- 6.14.** Every owner of a STR shall annually renew their license on or before the date prescribed in Section 7.1 of this By-Law.
- 6.15.** Every licence shall be in a form prescribed by the Municipality.
- 6.16.** Issued licences, along with the legal description, civic address and associated owner, agent and responsible person contact information shall be considered

public information and may be posted on the Municipality's website, at the sole discretion of the Municipality.

- 6.17.** In the event of a license application rejection, no refund or other form of recompense will be issued.

7. LICENCE VALIDITY, EXPIRY, SUSPENSION & REVOCATION

- 7.1.** A licence that has been issued under the provisions of this By-Law shall expire on the earliest of the following:
- a. January 30th of the year following the date of the issuance of the licence;
 - b. on the date of sale or transfer of the property or premises; or,
 - c. on the date of revocation of the By-Law by the Municipality.
- 7.2.** If a licence were to expire while a permit is under suspension, when the suspension period has been completed and the full licence has been reinstated, the expiry date of the original application shall continue to be the expiry date of the licence.
- 7.3.** If a licence were to expire while a permit has been revoked, but it is reinstated through an appeal process, the expiry date of the original application shall continue to be the expiry date of the licence.
- 7.4.** A demerit point system is hereby established for STR licences and demerit points shall be administered in accordance with Schedule "F".
- 7.5.** The Licence Issuer may refuse to issue or renew a licence or revoke or suspend a licence, as per Schedule "F" of this By-Law, or where:
- a. there are reasonable grounds for belief that the operation of a STR at a specific premises may be adverse to the public interest;
 - b. there are any information or documents submitted for the application that is deemed to be false, incorrect, incomplete, or misleading;
 - c. a premises or applicant has had a licence that has been previously revoked, suspended, or made subject to terms and conditions;
 - d. the owner is indebted to the Municipality 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;
 - e. a Building Permit is opened on the property and will remain suspended until such a time as the Building Permit is closed;
 - f. an Order is issued to the property and will remain suspended until such a time as the Order is deemed to be resolved;
 - g. the Licensee Code of Conduct and Acknowledgement has been violated at this premises;
 - h. the septic system requirements are not met;
 - i. the proposed use of the premises is not permitted by the Zoning By-Law; or,

- j. a premises or applicant applying for a licence has presented a history of contravention of this By-Law, or other Municipal By-Laws or provincial Acts.
- 7.6. 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.
- 7.7. In the event of a license suspension or revocation, no refund or other form of recompense will be issued.
- 7.8. Every Owner or Agent that is issued an STR licence under the provisions of this By-Law or who are renewing their current license shall sign a Licensee Code of Conduct and Acknowledgement.
- 7.9. The Owner of the STR shall keep a registry of renters including contact information to be made available for review upon request by the Municipality.

8. APPEALS

- 8.1. Where the Licence Issuer has refused to issue or renew a licence under Section 7.5 of this By-Law, the Licence Issuer 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 Council through a letter of appeal to the Chief Building Official within ten (10) days of the decision.
- 8.2. The appeal under Section 8.1 of this By-Law shall contain the following information:
- reasons for the appeal; and,
 - Order Appeal Fee as provided in the Municipality's Fees and Charges By-Law.
- 8.3. Where no request for an appeal is received in accordance with Section 8.1 of this By-Law, the decision of the Licence Issuer shall be final and binding.
- 8.4. Where a request for an appeal is received, in accordance with Section 8.1 of this By-Law, the request may be added to the agenda of the next available Council meeting, for the purpose of holding a hearing of the appeal, and the applicant or licensee shall be provided reasonable written notice thereof.
- 8.5. The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 shall apply to all hearings conducted by Council under this By-Law.
- 8.6. If the Owner / Agent fails to appear at the appointed time for their appeal hearing, the Licensee will be charged a "Failure to Appear" fee in accordance with the Municipality's Fees and Charges By-law.

- 8.7. After such opportunity to be heard is afforded to the person, Council shall make a decision. When making its decision; Council 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, Council may refuse to issue or renew a licence, revoke, suspend, or impose any condition to a licence.
- 8.8. Council's decision is final and binding and shall not be subject to review.

9. ENTRY AND INSPECTIONS

- 9.1. It is the responsibility of the Applicant, Owner or Agent to ensure that all inspections, permits and permissions as they relate to the STR application have been undertaken to ensure that the property and premises are suitable to be used as a STR.
- 9.2. In addition to scheduled inspections conducted during the licence application process, every Officer may at any reasonable time enter on land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- the provisions of this By-Law;
 - a direction or Order of the Municipality made under this By-Law;
 - a condition of a licence passed under this By-Law; and,
 - a Court Order made pursuant to Section 431 of the *Municipal Act, 2001*.
- 9.3. Owners of water access only properties must arrange for transportation for required inspections to and from the STR property for Officers at their own cost.
- 9.4. A person exercising a power of entry on behalf of a municipality under this By-Law shall not enter or remain in any room or place actually being used as a dwelling unless:
- the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an Order issued under Section 438 of the *Municipal Act, 2001*, or a warrant issued under Section 439 of the *Municipal Act, 2001*;
 - an Order issued under Section 438 of the *Municipal Act, 2001* is obtained;
 - a warrant issued under Section 439 of the *Municipal Act, 2001* is obtained; or,
 - the delay necessary to obtain an Order or warrant under Sections 438 or 439 of the *Municipal Act, 2001*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person.
- 9.5. The Municipality's power of entry may be exercised by an Officer, or agent for the Municipality and this person may be accompanied by any person under their direction, including law enforcement services.

- 9.6. During any inspection carried out under this By-Law, an Officer may be accompanied by other Municipality of St.-Charles employees, agents or authorities as deemed necessary.

10. PENALTY AND ENFORCEMENT

- 10.1. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction shall be liable to a fine prescribed and recoverable under the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, for each offence committed.
- 10.2. Every person who provides false information in any application for a licence under this By-Law or in an application for a renewal of a licence is guilty of an offence.
- 10.3. The Administrative Monetary Penalty System By-Law applies to each administrative penalty issued pursuant to this By-Law.
- 10.4. No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, an employee and / or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 10.5. Each person who contravenes any provision of this By-Law shall, upon issuance of a penalty notice in accordance with Administrative Monetary Penalty System By-Law, be liable to pay to the Municipality an administrative monetary penalty.
- 10.6. Upon registering a conviction for a contravention of any provision of this By-Law, the Provincial Offences Court may, in addition to any other remedy and to any penalty imposed by this By-Law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.
- 10.7. The penalty provided for violation of any of the provisions of this By-Law shall be separate from and in addition to the requirements for payment of expenses of **confining the dog** imposed by the Officer.

11. SEVERABILITY

- 11.1. Should a Court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

12. SCHEDULES

12.1 Schedules "A", "B" "C" "D" "E" and "F" shall be deemed to form part of this by-law.

13. AUHORITY

13.1 THAT all other By-Laws on the same subject matter which are inconsistent with this By-Law are hereby repealed.

13.2 THAT this By-Law shall come into force and take effect on the day it is passed.

READ A FIRST TIME AND CONSIDERED READ A SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS XX DAY OF XXX 2023.

MAYOR

CLERK

MUNICIPALITY OF ST.-CHARLES

SCHEDULE "A" TO BY-LAW 2023-
SHORT-TERM RENTAL BY-LAW**

NON-PERMITTED AREAS

NIL

DRAFT

MUNICIPALITY OF ST.-CHARLES
SCHEDULE "B" TO BY-LAW 2023-**
SHORT-TERM RENTAL BY-LAW

LICENCE APPLICATION

****TO BE COMPLETED AFTER FINAL REVIEW OF BY-LAW****

DRAFT

MUNICIPALITY OF ST.-CHARLES

SCHEDULE "C" TO BY-LAW 2023-
SHORT-TERM RENTAL BY-LAW**

LICENSEE CODE OF CONDUCT & ACKNOWLEDGMENT

****TO BE COMPLETED AFTER FINAL REVIEW OF BY-LAW****

DRAFT

MUNICIPALITY OF ST.-CHARLES

SCHEDULE "D" TO BY-LAW 2023-
SHORT-TERM RENTAL BY-LAW**

RENTER CODE OF CONDUCT

****TO BE COMPLETED AFTER FINAL REVIEW OF BY-LAW****

DRAFT

MUNICIPALITY OF ST.-CHARLES

SCHEDULE "F" TO BY-LAW 2023-** SHORT-TERM RENTAL BY-LAW

DEMERIT POINT SYSTEM

1. A Demerit Point System is established as follows herein together with Table 1 attached to this Schedule. This Demerit Point System does not preclude the use of options otherwise available to enforce this By-Law or any other By-Law of the Municipality or Provincial Act or Regulation including, but not limited to, Administrative Monetary Penalties as set out in this By-Law and actions pursuant to the *Building Code Act*, *Fire Protection and Prevention Act* and the *Provincial Offences Act*.
2. The number of demerit points referenced in Column 3 of Table 1 below will be assessed against a Short-Term Rental in respect of the matter noted in Column 1 upon the following event respecting a contravention:
 - a. the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the *Provincial Offences Act*;
 - b. the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - c. the confirmation of an Administrative Monetary Penalty;
 - d. the confirmation of an Order; or,
 - e. the confirmation of an Order resulting in Municipal remediation.
3. A Licence may be suspended for a period of not longer than six (6) months if the total of all demerit points in effect respecting a STR is at least seven (7).
4. A Licence may be revoked if the total of all demerit points in effect respecting a STR is at least fifteen (15).
5. Notice of the suspension or revocation of a Licence shall be provided in writing to the Owner.
6. Demerit points shall remain in place until the two (2) year anniversary of the date on which the demerit points were assessed.

TABLE 1			
Column 1	Column 2	Column 3	Column 4
Infraction	Reference	Type	Demerit Points
<i>Fire Protection & Prevention Act / Fire Code</i>	FPPA or Open Burning By-Law	Confirmed Order	3
<i>Fire Protection & Prevention Act / Fire Code</i>	FPPA or Open Burning By-Law	P.O.N., Part III, AMP	7
Operating without a licence	STR By-Law	Confirmed Order	3
Operating without a licence	STR By-Law	P.O.N., Part III, AMP	5
<i>Building Code Act (construction w/o a permit)</i>	BCA	Confirmed Order	3
<i>Building Code Act (construction w/o a permit)</i>	BCA	P.O.N., Part III, AMP	7
Number of guests on Premises contrary to licence	STR By-Law	Confirmed Order	3
Number of guests on Premises contrary to licence	STR By-Law	P.O.N., Part III, AMP	5
Non-availability of Designated Responsible Person	STR By-Law	Confirmed Order	3
Non-availability of Designated Responsible Person	STR By-Law	P.O.N., Part III, AMP	5
Noise By-Law infraction	Noise By-Law	Confirmed Order	2
Noise By-Law infraction	Noise By-Law	P.O.N., Part III, AMP	5
Not providing updated information	STR By-Law	Confirmed Order	1
Not providing updated information	STR By-Law	P.O.N., Part III, AMP	3
Contrary to Site Plan - Parking	STR By-Law	Confirmed Order	1
Contrary to Site Plan - Parking	STR By-Law	P.O.N., Part III, AMP	3
Contrary to Property Standards or Clean Yard By-Law	Property Standards or Clean Yard By-Law	Confirmed Order	2
Contrary to Property Standards or Clean Yard By-Law	Property Standards or Clean Yard By-Law	P.O.N., Part III, AMP	4
Not posting licence	STR By-Law	Confirmed Order	1
Not posting licence	STR By-Law	P.O.N., Part III, AMP	3