

The Town of Niagara on the Lake By-law No. XX-201x

Being a By-Law to provide the Licensing, Regulating and Inspecting of Residential Rental Property in the Town of Niagara-on-the-Lake .

WHEREAS section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act") provides that a local municipality has the capacity, rights, powers and privileges of an actual person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS subsection 11(1) of the Act provides that a local municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(3) of the Act provides a local municipality with jurisdiction with respect to business licensing;

AND WHEREAS subsection 151(1) of the Act provides that, without limiting Sections 9, 10 and 11 of the Act, a local municipality may provide for a system of licenses with respect to a business;

AND WHEREAS subsection 23.2(4) of the Act permits a local municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS subsection 391(1) of the Act provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS on the following dates, the Town of Niagara-on-the-Lake held open houses and public meetings with respect to the licensing proposal: xxxx and yyyy;

AND WHEREAS Council for the Town of Niagara on the Lake passed Report DES2017-74 on October 17th, 2017 to approve the adoption of a by-law to provide for the licensing and regulation of rental property in the Town of Niagara on the Lake ;

AND WHEREAS the Council for the Town of Niagara on the Lake considers it necessary and desirable for the public to regulate the renting of residential property for the purpose of protecting the health and safety of the persons residing in residential rental properties by ensuring that certain regulations are met; that the required essentials such as plumbing, heating and water are provided; for ensuring that the residential rental properties do not create a nuisance to the surrounding properties and neighbourhoods; and, to protect the residential amenity, character and stability of residential areas.

AND WHEREAS In Ontario, the Human Rights Code applies to both tenants and landlords. Under the Code, everyone has the right to equal treatment in housing without discrimination and harassment. And landlords are responsible for making sure housing environments are free from discrimination and harassment.

AND WHEREAS People cannot be refused an apartment, harassed by a housing provider or other tenants, or otherwise treated unfairly because of one or more of the following Ontario Human Rights Code grounds:

race, colour or ethnic background,
religious beliefs or practices,
ancestry, including individuals of Aboriginal descent,
place of origin,
citizenship, including refugee status,
sex (including pregnancy and gender identity),
family status,
marital status, including those with a same-sex partner,
disability,
sexual orientation,
age, including individuals who are 16 or 17 years old and no longer living with their parents and

receipt of public assistance.

Now therefore, the Council of the Town of Niagara on the Lake enacts as follows:

1. SHORT TITLE

This By-Law shall be known as the "Residential Rental Licensing By-Law."

2. DEFINITIONS

For the purpose of this By-Law:

2.1. "Apartment building" means a building or part thereof containing at least five (5) or more separate Dwelling Units, all of which have a common entrance from grade and each of which has an independent entrance from a common corridor.

2.2. "Applicant" means and includes any person applying for a license under this By-Law;
Appendix B

2.3. "Bedroom" means a room or area within a Dwelling Unit, used, designed, equipped or intended for sleeping.

2.4. "Building" means:

2.4.1. 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 service systems appurtenant thereto;

2.4.2. A structure occupying an area of 10 square metres or less that contains plumbing, including the plumbing appurtenant thereto; or

2.4.3. Structures designated in the Building Code.

2.5. "Building Code" means Ontario Regulation 350/06, as amended.

2.6. "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c.23, as amended.

2.7. "By-Law Enforcement Officer" means the By-Law Enforcement Officer for the Town of Niagara on the Lake .

2.8. "Chief Building Official" means The Chief Building Official for the Town of Niagara on the Lake .

2.9. "Town" means The Corporation of the Town of Niagara on the Lake .

2.10. "Clerk" means the Clerk for the Town of Niagara on the Lake .

2.11. "Converted Dwelling" means a building which has been altered by the creation of more dwelling units that existed originally, with each dwelling unit having its own sanitary facilities and cooking facilities.

2.12. "Council" means the Town Council of the Town of Niagara on the Lake .

2.13. "Director" means the Director of Community and Development Services the Town of Niagara on the Lake or, in the alternative, someone designated to act on his or her behalf.

2.14. "Dwelling Unit" means a unit, whether in whole or in part, that:

2.14.1. Consists of a self-contained set of rooms located in a Building;

2.14.2. Is used, or is intended to be used, as a residence; and

2.14.3. Contains a kitchen and bathroom facilities.

2.15. "Fire Chief" means the Fire Chief of the Town of Niagara on the Lake or, in the alternative, someone designated to act on his or her behalf.

2.16. "Fire Prevention Officer" means the Fire Prevention Officer for the Town of Niagara on the Lake or someone designated to act on his or her behalf.

2.17. "Hearing Officer" means the hearing officer as defined and appointed in the Town of Niagara on the Lake Bylaw XXXX, as amended.

2.18. "Inspector" means:

2.19.1. A member of the Fire and Emergency Services of the Town and includes the Fire Chief and any other member of the Fire and Emergency Services designated by the Fire Chief;

2.19.2. Chief Building Official;

2.19.3. Building Inspectors;

2.19.4. Property Standards Inspectors;

2.19.5. By-Law Enforcement Officers.

2.19. "Licensee" means any person, corporation or partnership licensed under this By-Law.

2.20. "Lot" means any parcel of land with frontage on a road which is a separate parcel of record or is shown as a whole lot on a Registered Plan of Subdivision, including any part of which is subject to an easement or right of way.

2.20 bis "Market" means offer for sale, promote, canvass, solicit, advertise, or facilitate rental of a Rental Unit, and includes placing, posting or erecting advertisements physically or online, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards, or online, and Marketed shall have the corresponding meaning.

2.21. "Medical Officer of Health" means the Medical Officer of Health for the Niagara Region or a person delegated by him or her for the purposes of this By-Law.

2.22. "Ontario Fire Code" means the regulations established through the Fire Protection and Prevention Act and any amendments and / or alterations made under that Act.

2.23. "Owner" includes a person who, alone or with others, owns a Rental Property.

2.24. "Owner-occupied" means occupied by persons holding at least 50% of the title to the property as identified in the Ministry of Government and Consumer Services Parcel Register.

2.25. "Person" shall include an individual, association, charter association, firm, partnership, corporation or other entity.

2.26. "Police Officer" means a police officer, as defined by the Police Services Act, R.S.O. 1990, c.P.15, as amended.

2.27. "Rent" includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord's agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of a Rental Unit.

2.28. "Rental Area" means each Lot that a Rental Unit occupies.

2.29. "Rental Property" includes each building containing a Rental Unit and the Rental Area.

2.30. "Rental Unit" means a Dwelling Unit offered for Rent.

2.31. "Residential Rental Business" means the operation of a Rental Unit.

2.32. "Tenant" includes a person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Unit.

2.33. "Zoning By-Law" means the Town of Niagara on the Lake Comprehensive Zoning By-law, as amended.

3. PROHIBITION

3.1. No person shall do any of the following, except in accordance with a current and valid license issued under the authority of this By-law:

3.1.1 Carry on a Residential Rental Business;

3.1.2 Permit a Person to carry on a Residential Rental Business;

3.1.3 Collect Rent or permit Rent to be collected for a Rental Unit; or

3.1.4 Hold themselves out as being licensed to carry on a Residential Rental Business.

3.2. No person shall fail to comply with a term or condition of a license issued under this By-law.

3.3. No license issued under this By-Law may be transferred to any other Person.

3.4. No Person shall provide false or misleading information to the Town when applying for a license under this By-law, renewing a license or at any other time.

3.5. No Person shall carry on a Residential Rental Business while the license issued under this By-law is under suspension.

3.6 No person shall Market a Rental Unit without including the Town Of Niagara on the Lake business licence number, issued in respect of same, in a conspicuous place in any and all mediums or material used to Market the Rental Unit.

4. EXEMPTION

4.1. Notwithstanding any other provision of this By-Law to the contrary, a license to carry on a Residential Rental Business is not required for:

4.1.1. A Rental Unit that is occupied by all Owners of the Rental Unit as their sole residence and in which no more than two (2) bedrooms are occupied by Tenants;

4.1.2. A Tenant that is subletting a Rental Unit provided that:

4.1.2.1. The owner of the Rental Unit has obtained a license for the Rental Property in accordance with the provisions of this By-Law.

4.1.3 A student residence/dormitory operated by a University, College or private operator provided it is zoned as such under the Zoning By-Law, as amended;

4.1.4 An Apartment Building;

4.1.5 A hotel, an inn or bed and breakfast, as defined by the Zoning By-law;

4.1.6 A group home, as regulated by the Town of Niagara on the Lake Group Home By-Law; or

4.1.7 A Rental Unit to which any of the following statutes, or their regulations apply:

4.1.7.1 The Homes for Special Care Act, R.S.O. 1990, c. H.12, as amended;

4.1.7.2 The Innkeepers Act, R.S.O. 1990, c. 17, as amended;

4.1.7.3 The Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, as amended;

4.1.7.4 The Retirement Homes Act, 2010, S.O. 2010, c. 11, as amended; and

4.1.7.5 The Social Housing Reform Act, 2000, S.O. 2000, c. 27, as amended.

5. LICENSING REQUIREMENTS

5.1 Any Person seeking to obtain or renew a license to carry on a Residential Rental Business shall:

5.1.1 Be at least eighteen (18) years of age;

5.1.2 Complete the application and provide the supporting material as set out in Sections 7, 8, and 9 of this By-law; and

5.1.3 Pay the required fee as required by Schedule "A" of this By-law; and, where applicable, the Town's Fees and Charges By-law.

5.2 This By-law applies to all Residential Rental Businesses within the Town unless otherwise exempted by this By-law.

5.3 Each Rental Property shall be individually licensed to carry on the business of the Residential Rental Business.

5.4 All fees paid under this By-law are non-refundable.

6. ADMINISTRATION

6.1. The power and authority to issue or renew a license, refuse to issue or refuse to renew a license, to cancel, to impose terms and conditions, including special conditions, on a license, are hereby delegated to the Director.

6.2. The Director shall generally perform all of the administrative functions conferred upon him or her by this By-Law and without limitation may:

6.2.1. Receive and process all applications for all licenses and renewals of licenses under this By-Law;

6.2.2. Issue licenses in accordance with the provisions of the By-Law;

6.2.3. Impose terms and conditions on licenses in accordance with this By-Law; and,

6.2.4. Refuse to issue or renew a license or revoke or suspend a license in accordance with this By-Law.

6.3. The power and authority to hear an appeal from the refusal to issue a license, the refusal to renew a license, the decision of the Director to suspend a license or impose conditions is hereby delegated to the Hearing Officer.

7. APPLICATION FOR A LICENSE AND RENEWAL OF A LICENSE

7.1. An application for a license shall be made to the Director on the form provided by the Director and shall include:

7.1.1. The municipal address and legal description of the Rental Property;

7.1.2. The name, municipal address, telephone number and email address of each Owner;

7.1.3. Evidence of ownership of the property to the satisfaction of the Director;

7.1.4. If an Owner is a corporation, the address of its head office, the name, address, telephone number and email address of each director and officer and shareholder and a copy of the:

7.1.4.1. Owner's Articles of Incorporation;

7.1.4.2. A corporate profile report issued by the Ontario Ministry of Consumer and Business Services; and

7.1.4.3. Proof of the authority to bind the corporation.

7.1.5. If the Applicant or Licensee is a partnership, the name, municipal address, telephone number and email address of each partner and details of each partner's interest in the partnership;

7.1.6. A sworn statement by each Owner certifying the accuracy, truthfulness and completeness of the application; and

7.1.7. Each Owner's signature or any duly authorized Owner's agents that would bind the Owner.

7.1.8. Proof of Insurance that:

7.1.8.1. Includes a limit of liability of no less than \$2,000,000 (two million dollars) per occurrence for property damage and bodily injury; and

7.1.8.2. Identifies that the proposed use of the premise is that as a Residential Rental Unit; and

7.1.8.3. Requires that the Director be notified of any intended cancellation by the insurer no fewer than 21 days prior to such cancellation.

7.2 A license issued under this By-law to carry on a Residential Rental Business expires two (2) years from the date of issuance, unless suspended or revoked.

7.3 A renewal application must be filed at least sixty (60) days prior to the current license expiring. A renewal license must be obtained prior to expiration of a valid license to qualify as a renewal of license under Section 9.

8 MATERIAL TO BE FILED IN SUPPORT OF LICENSE APPLICATION

Every person applying for a license shall, in addition to completing the application provided for in Section 7.1, provide the following additional material in support of the license application:

8.1.1. Floor plan(s) of the Rental Unit including, for each room, its dimensions and proposed use, clearly indicating the location and number of Bedrooms;

8.1.2. A maintenance plan which identifies the measures that the Owner will take to ensure compliance with the Town's Clean Yards and Property Standards By-Laws and Regional Waste Management By-Law for the Rental Property;

8.1.3. A parking plan that clearly depicts the location and dimensions of all parking spaces for vehicles on the rental property, and complies with the Town's Zoning By-Law, as amended, for the Rental Area;

8.1.4. A certificate issued by the Electrical Safety Authority (ESA) confirming that the Rental Unit and its proposed use comply with the Electrical Safety Code, O. Reg. 164/99;

8.1.5. A completed self-certification check list;

8.1.6. A completed site plan for the Rental Area;

8.1.7. A completed fire safety plan for the Rental Unit;

8.1.8. The prescribed fee in Schedule 'A';

8.1.9 In the event the Owner is not resident in the Town , the appointment of a designated representative in the Region of Niagara capable of addressing issues addressed in sections 12.1.6 to 12.2 and

8.1.9. Any other documentation or information as may be required in any other Part of this By-Law or by the Director.

9 MATERIAL TO BE FILED IN SUPPORT OF A RENEWAL OF A LICENSE

9.1 Every person applying for a license renewal shall submit a complete application as required in Section 7.1 along with the following supporting material:

9.1.1. If no changes have been made to the floor plan, maintenance plan, parking plan, site plan, or fire plan submitted with the original application, a Declaration that there have been no such changes;

9.1.2. If changes have been made to the floor plan, maintenance plan, parking plan, site plan, or fire plan submitted with the original application:

9.1.2.1. A revised floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use clearly indicating the location and number of Bedrooms, if changes have been made to the floor plan and a copy of the building permit authorizing said changes ;

9.1.2.2. A revised maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the Town's Clean Yards xxx(does the Town have one or just property standards) and Property Standards By-Laws and Regional Waste Management By-Law, if changes have been made to the maintenance plan for the Rental Property; and

9.1.2.3. A revised parking plan that shows the location and dimensions of all parking spaces for vehicles on the Rental Property, that complies with the Town's Zoning By-Law, as amended, if changes have been made to the parking plan for the Rental Area;

9.1.2.4. A revised site plan for the Rental Area, if changes have been made to the site plan;

9.1.2.5. A revised fire safety plan for the Rental Unit, if changes have been made to the fire plan;

9.1.3. If changes have been made to the electrical installation, a certificate issued by the Electrical Safety Authority (ESA) confirming that the Rental Unit and its use continue to comply with the Electrical Safety Code, O. Reg 164/99, and such further certificates as may be required by an Inspector; and

9.1.4. The prescribed fee(s) in Schedule 'A'.

9.2. Notwithstanding Section 9.1, the Director may require that an Owner comply with Section 8.1 where, in the opinion of the Director, the renewal application in respect of a Rental Property when the Rental Unit and/or Rental Area is substantially different than an original application.

10. REVIEW OF APPLICATION AND RENTAL PROPERTY INSPECTION

10.1. The Director may cause such investigations to be undertaken respecting an application for license as the Director determines to be relevant to the application.

10.2. By filing an application, an Applicant or, in the case of a renewal, a Licensee, consents to the inspection of the Rental Property including the Rental Unit and/or Rental Area.

10.3. Upon receipt of a completed application and all accompanying documentation and the required fees, the Town will schedule an inspection of the Rental Property including the Rental Unit and/or Rental Area.

10.4. The Director may reject an application or its renewal where any of the documents required by this By-law are incomplete or have not been filed.

10.5. The Director may reject an application or its renewal where any of the documents required by this By-law are issued prior to the sixtieth (60th) day preceding the date on which the application is submitted.

11. ISSUANCE OF A LICENSE

11.1. The Director shall issue or renew a license to carry on a Residential Rental Business to any Person who meets the requirements of this By-law, except where:

11.1.1 The past conduct of the Person who applies for the license affords the Director reasonable grounds to believe that the Applicant has not or will not carry on their Residential Rental Business in accordance with applicable law or with honesty and integrity;

11.1.2 The Director reasonably believes that the issuing of a license for the Residential Rental Business might be adverse to the public interest;

11.1.3 The Director is of the opinion that the Residential Rental Business being licensed poses a threat to the health and safety of persons or property; or

11.1.4 The Rental Property is subject to an order, or orders, made pursuant to or by:

11.1.4.1. The Town's Property Standards By-law;

11.1.4.2. 11.1.4.3.

11.1.4.4.

The Building Code Act, 1992 or any regulations made under it, including the Building Code;

The Fire Protection and Prevention Act, 1997 S.O. 1997, c.4, as amended (the "Fire Protection and Prevention Act, 1997"), or any regulation made under it, including the Fire Code; or

The Medical Officer of Health;

11.1.5 The Rental Property is not in compliance with the Town's Zoning By-law, as amended;

11.1.6 The Applicant owes any fine or fee to the Town in respect of the Rental Property; or

11.1.7 The Director has received an objection to the issuance of the license by the Chief Building Official, the Fire Chief or Planning staff.

11.2. Where the Director has made a decision of non-issuance of a license, outlined under section 11.1, the Director's written notice of that decision shall be given to the Applicant or the Licensee, in the case of a renewal, by regular mail or email to the last known address of that Person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail or email to the address of the corporation's registered head office.

11.3. The written notice of non-issuance of a license to be given under Section 11.2 shall:

11.3.1. Set out the reasons for the decision;

11.3.2. Be signed by the Director; and

11.3.3. State that the Applicant or Licensee is entitled to a hearing by the Hearing Officer which shall take place within thirty (30) days of the notice of decision of the non-issuance of a license under section 11.1 if the Applicant or Licensee delivers to the Director within ten (10) days after the notice of decision in subsection 11.2 is served, and provides to the Town the appeal fee as set out in Schedule 'A' of the By-Law.

11.4. Where no appeal is registered within the required time period, the decision of non-issuance of a license made by the Director shall be final as of the day the decision was made.

11.5. Each license shall include, without limitation, the following:

11.5.1. The license number;

11.5.2. Date the license was issued and the date it expires;

11.5.3. The municipal address of the Rental Property;

11.5.4. The name, address, telephone number and email address of each Licensee;

11.5.5. Where a Licensee is a corporation, the name, address and telephone number of each director or of their duly authorized agent;

11.5.6. Where a Licensee is a partnership: the name, address and telephone number of each partner.

11.6. Every license, at all times, is owned by and is the property of the Town and is valid only in respect of the Person and for the Rental Property name therein.

11.7. Within seventy-two (72) hours of a change in ownership for a Rental Property, the new Owner shall provide the following to the Director in order to have a license reissued:

11.7.1. The name, municipal address and telephone number of each Owner;

11.7.2. A copy of the Transfer/Deed evidencing the new ownership;

11.7.3. Proof of Insurance according to Sections 7.1.8. and 12.1.5. of this By-Law;

11.7.4. A statement by each Owner certifying no changes have been made to the floor plan, maintenance plan, parking plan, site plan, or fire plan submitted according to Sections 8.1.1., 8.1.2., 8.1.3., 8.1.6. and 8.1.7. of this By-Law;

11.7.5. A statement by each Owner certifying the Rental Property conforms with Sections 7, 8, and 12 of this By-Law; and

11.7.6. Each Owners signature or of any duly authorized Owner's agent that would bind the Owner;

11.7.7. The prescribed fee in Schedule 'A'.

11.8. Following a change in ownership, a reissued license under this By-Law shall continue for the period of time for which it was originally issued.

12. LICENSE CONDITIONS

12.1. The following conditions are attached to each license issued under this By-law.

12.1.1. The Rental Unit is lawfully constructed.

12.1.2. No room within the Rental Unit shall be used as a Bedroom except a Bedroom depicted in the floor plan submitted for the license.

12.1.3. An Owner shall notify the Director in writing within seven (7) days of any change to any information provided pursuant to Sections 7, 8, and 9 of this By-Law.

12.1.4. A legible copy of the license shall be posted and maintained prominently and visibly within one (1) meter of the interior of the Rental Unit's main entrance door.

12.1.5. The Licensee shall maintain in good standing the following insurance respecting a Rental Property that:

12.1.5.1. Includes a limit of liability of not less than \$2,000,000 (two million dollars) per occurrence for property damage and bodily injury;

12.1.5.2. Identifies the use as a residential Rental Unit; and

12.1.5.3. Requires that the Director be notified of any intended cancellation by the insurer no fewer than twenty-one (21) days prior to such cancellation;

12.1.6. The Licensee shall ensure compliance with all applicable laws including:

12.1.6.1. The Health Protection and Promotion Act (Ontario) and its regulations, as amended;

12.1.6.2. The Electrical Safety Code, O. Reg. 164/99, as amended;
12.1.6.3. The Building Code Act, 1992 (Ontario) and its regulations, as amended,

12.1.6.4. The Town's Comprehensive Zoning By-Law XXXXX, as amended,

12.1.6.5. The Town's Property Standards By-Law, as amended;

12.1.6.6. The Town's Clean Yards By-law, as amended; and

12.1.6.7. The Niagara Region's Waste Management By-Law, as amended.

12.1.7. The Licensee shall comply with the maintenance plan submitted pursuant to Sections 8.1.2. and 9.1.2.2. of this By-Law.

12.1.8. The Licensee shall ensure that no vehicle is stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan filed pursuant to the provisions of this By-Law.

12.1.9. The Licensee shall allow, at any reasonable time and when permitted by law, the Town to inspect the Rental Property.

12.1.10. The Licensee shall ensure that the Rental Property are not constructed or equipped so as to hinder the enforcement of this By-Law.

12.1.11. If the Licensee is a partnership or a corporation, any change in the composition of the partnership or of the officers and/or directors of the corporation shall be reported to the Director within ten (10) days.

12.2. The Director may impose such additional conditions as the Director determines are appropriate in relation to the issuance of any license at any time during the term of the license, as are necessary in the opinion of the Director to give effect to the purposes of this By-Law.

12.3. Where a Person is dissatisfied with any condition imposed by the Director in relation to a license, the person may request a review by the Hearing Officer.

12.4. Notwithstanding the above, there is no right of appeal from the Director's refusal to exempt any Person from a condition that represents a minimum standard prescribed by the Ontario Building Code or the Ontario Fire Code.

12.5. Every Applicant or Licensee who wishes to amend or change the terms or conditions of an existing license shall submit a new application.

13. REVOCATION AND SUSPENSION OF LICENSES

13.1. The Director may revoke or suspend a license to carry on a Residential Rental Business at any time where:

13.1.1. A Licensee is convicted of contravening any provision of this By-Law;

13.1.2. A Licensee is convicted of contravening any provision of the Building Code Act; the Fire Protection and Prevention Act and the Ontario Fire Code;

13.1.3. There are reasonable grounds for belief that an application or any other document or information provided on behalf of the Licensee contains a false statement or false information;

13.1.4. A Licensee breaches a condition of the license;

13.1.5. The license was issued in error;

13.1.6. The Director is of the opinion that the Residential Rental Business being licensed poses a threat to the health and safety of persons or property; or

13.1.7. The Director becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Director refusing to issue the license.

Demerit Points

13.1.8. A demerit point system is established as follows, without prejudice to options otherwise available to enforce this By-law:

(a) The number of demerit points referenced in the second column of the table at paragraph (e) of this section (“Demerit Point Schedule”) will be assessed against a Rental Unit in respect of the by-laws or specific parts of such by-laws in the same row of the first column of the Demerit Point Schedule upon each occurrence of any of the following events respecting a contravention of the by-law or specific part of such by-law respecting such Rental Unit:

- (i) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
- (ii) the confirmation of an administrative penalty; or
- (iii) the confirmation of an administrative order.

(b) Demerit points will remain in effect until the second (2nd) anniversary of the date on which the demerit points were assessed.

(c) If the total of all demerit points in effect respecting a Rental Unit is at least seven (7), the Director may, on no fewer than three (3) days’ notice to the Landlord, require the Landlord to attend a meeting with the Director on the date, at the place and for the period specified by the Director. If the Landlord fails to attend or to remain at the meeting, the Director may, on no fewer than seven (7) days’ notice to the Landlord, require the Landlord to attend a hearing before the Hearings Officer pursuant to section 14 of this By-law.

(d) If the total of all demerit points in effect respecting a Rental Unit is at least fifteen (15), the Director may, on no fewer than seven (7) days’ notice to the Landlord, require the Landlord to attend a hearing before the Hearings Officer pursuant to section 14 of this By-law.

(e) Following is the Demerit Point Schedule:

By-law Infraction	Demerit Points
-------------------	----------------

Licensing – operating without a licence.	5
--	---

Licensing – operating contrary to regulations.	3
--	---

Zoning – illegal use	3
----------------------	---

Property Maintenance.	2
-----------------------	---

Noise	2
-------	---

Nuisance	2
----------	---

13.2. The Director may revoke or suspend a license to carry on a Residential Rental Business for a period of time and subject to such terms or conditions that the Director considers appropriate.

13.3. The Director, before revoking or suspending a license pursuant to Section 13.1 of this By-law shall consider:

13.3.1. The impact of any such license revocation or suspension on any Tenant; and

13.3.2. Imposing terms or conditions on any such license revocation or suspension that would minimize the adverse impact on Tenants, including the possibility of providing a reasonable time period before the license revocation or suspension takes place to permit Tenants to find new housing or to seek relief in a Court or before the Ontario Landlord and Tenant Board;

13.4. The Director shall provide the Licensee notice that their Residential Rental Business license has been suspended or revoked and provide written reasons outlining why their license has been suspended or revoked. The Director’s written notice of that decision shall be given to the Licensee by regular mail or email to the last known address of that Person and shall be deemed to have been given on the third

day after it is mailed. Service on a corporation can be affected by registered mail or email to the address of the corporation's registered head office.

13.5. The written notice to be given under Section 13.4 shall:

13.5.1. Set out the reasons for the decision;

13.5.2. Be signed by the Director; and

13.5.3. State that the Applicant or Licensee is entitled to a hearing by the Hearing Officer which shall take place within thirty (30) days of the written notice of a license being suspended or revoked if the Applicant or Licensee delivers to the Director within ten (10) days after the notice in subsection 13.4 is served, and provides to the Town the appeal fee as set out in Schedule 'A' of the By-Law.

13.6. Where the Director suspends or revokes a license for reasons related to public health and / or safety issues, the license may be automatically suspended by the Director until such time as a determination on the issue has been made by the Hearing Officer, provided that:

13.6.1. Before suspending the license, the Town provides the Owner with the reasons for the suspension either verbally or in writing and an opportunity to respond to them; and

13.6.2. The suspension shall not exceed fourteen (14) days, unless otherwise authorized by the Director.

14. APPEAL OF THE DIRECTOR'S DECISION TO REFUSE TO ISSUE A LICENSE, TO IMPOSE CONDITIONS OR TO REVOKE OR SUSPEND A LICENSE

14.1. Any Person who has been denied a license, or the renewal of a license, or has had their license suspended or revoked, or has had terms or conditions imposed by the Director, may appeal the decision to a Hearing Officer.

14.2. The provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, except Sections 17, 17.1 and 19 apply to all hearings conducted by the Hearing Officer under this By-law.

14.3. When the Applicant or Licensee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearing Officer may proceed with the hearing in his or her absence and the Applicant or Licensee shall not be entitled to any further notice of the proceeding.

14.4. At the conclusion of the hearing, the Hearing Officer may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licensee and the Director.

14.5. The Hearing Officer may uphold or vary the decision of the Director or make any decision that the Director was entitled to make in the first instance.

14.6. The decision of the Hearing Officer is final.

15. INSPECTION

15.1. The Town may enter the Rental Property at any reasonable time for the purposes of carrying out an inspection to determine whether or not the following are being complied with:

15.1.1. This By-Law;

15.1.2. A direction or order issued under this By-Law;

15.1.3. A condition of a license issued under this By-Law; or

15.1.4. An order made under Section 431 of the Municipal Act.

15.2. An Inspector may, for the purpose of an inspection:

15.2.1. Require the production for inspection of documents or things relevant to the inspection;

15.2.2. Inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;

15.2.3. Acquire information from any Person concerning a matter related to the inspection; and

15.2.4. Alone or in conjunction with a Person possessing special or expert knowledge, make examination or take test samples or photographs necessary for the purpose of an inspection.

15.3. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-Law, including carrying out an inspection.

15.4. No Person exercising a power of entry on behalf of the Town shall enter or remain in any room or place actually being used as a Dwelling Unit unless:

15.4.1. The consent of the Tenant or Owner is obtained, the Tenant or Owner 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, a warrant issued under section 439 of the Municipal Act, 2001 or a warrant under section 386.3 of the Municipal Act, 2001;

15.4.2. An order issued under section 438 of the Municipal Act, 2001 is obtained;

15.4.3. A warrant issued under section 439 of the Municipal Act, 2001 is obtained;

15.4.4. A warrant issued under section 386.3 of the Municipal Act, 2001 is obtained;

15.4.5. The delay necessary to obtain an order under section 438 of the Municipal Act, 2001 to obtain a warrant under section 439 of the Municipal Act, 2001 or to obtain the consent of the Tenant or Owner would result in an immediate danger to the health or safety of any Person, or,

15.4.6. The Town has given notice of its intention to enter to the Tenant or Owner of the land as required under subsection 435(2) of the Municipal Act, 2001 and the entry is authorized under sections 79, 80 or 446 of the Municipal Act, 2001.

15.5. This By-law may be enforced by Inspectors and or a Police Officer(s).

16. PENALTIES

16.1. Every Person who contravenes any provision of this By-Law is guilty of an offence.

16.2. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-Law is guilty of an offence.

16.3. Every Person, excluding a corporation, who is convicted of an offence under this By-Law is liable to a maximum fine of \$25,000.00 for the first offence and a maximum fine of \$50,000.00 for any subsequent offence.

16.4. Every corporation who is convicted of an offence is liable to a maximum fine of \$50,000.00 for a first offence and a maximum fine of \$100,000.00 for any subsequent offence.

16.5. If this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:

16.5.1. Prohibiting the continuation or repetition of the offence by the person convicted; and

16.5.2. Requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

17. GENERAL

17.1. If any term of this By-Law or the application thereof shall to any extent be invalid or unenforceable, the remainder of this By-Law and / or the application of such term to circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

17.2. If there is a conflict between a provision of the By-Law and a provision of any other Town By-Law, then the more restrictive provision shall apply.

17.3. The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract.

17.4. The following schedule shall form part of this By-Law: Schedule 'A' – Fees

18. DATE OF ENACTMENT

This By-Law shall come into force and effect on the 1st day of January, 2020