



Staff Report

Legal Services

Report To: Committee of the Whole
Meeting Date: February 1, 2021
Report Number: FAF.21.020
Subject: Licensing By-law and Administrative Monetary Penalties By-law
Prepared by: Will Thomson, Director of Legal Services

A. Recommendations

THAT Council receive Staff Report FAF.21.020 entitled “Licensing By-law and Administrative Monetary Penalties By-laws”;

AND THAT Council endorse the By-law to establish a comprehensive system of administrative monetary penalties for the Town of The Blue Mountains and the By-law to regulate and license businesses in the Town of The Blue Mountains and direct staff to bring these By-laws forward to Council for adoption and coming into force;

AND THAT Council authorize the hiring of a part-time administrator to manage the new Licensing regime.

AND THAT Council authorize the hiring of up to three Hearing Officers.

B. Overview

This report will highlight the changes made to the Licensing and AMP By-laws after the Public Meeting held on November 16, 2020.

Given the nature of the changes, Council may consider a further public meeting or delaying adoption to receive additional public comment.

C. Background

These By-laws have been the subject of more than a year of work and consultation. The overall objective of the By-laws is to replace the existing Short-Term Accommodation Licensing regime and introduce a framework by which the Town can license other types of businesses. Through the Administrative Monetary Penalties By-law, the Town will benefit from an additional enforcement mechanism to promote compliance with the Licensing By-law, and perhaps in the future, other designated By-laws.

This report will highlight some of the primary changes to the By-laws since the Public Meeting of November 16, 2020. Council and the public can familiarize themselves with the detailed

changes by reviewing the track changes versions of the By-laws as attached at Schedules 3 & 4 to this Report.

D. Analysis

Following the Public Meeting on November 16, 2020, a number of primary issues and questions were posed for further consideration; this report will start with brief commentary on each, and then review some of the other main updates to the By-laws:

Public Comments & Questions

1. Should Licensees be required to submit HST registrations or other commercial government registrations or submissions?
 - a. Section 7.1 (l) of the Licensing By-law has been amended to include payments or taxes owing to a government authority as a consideration when issuing a License.
2. What mechanism can be implemented to address unfounded complaints?
 - a. A definition and Administrative Monetary Penalty of \$250.00 has been added to the By-laws related to meritless or vexatious complaints
3. Should demerit points be increased?
 - a. The Demerit point system has been slightly revised, including some amended points.
4. Should demerit points have their own appeal mechanism?
 - a. Staff believe an appeal mechanism is fair and equitable, and an appeal will lie to the existing License Appeal Committee.
5. Should capacity (+2 vs. +4) be revised?
 - a. Capacity has not been revised from 2+4, but the definition of “Bedroom” has been amended – in doing so, the goal is that a bedroom is a defined space within a unit, and up to 4 people may stay outside that defined space – for example, a pull out couch in a living room would not count as a Bedroom, so such guests would count towards the +4.
6. Should Licensees be required to use noise-detection devices, and should that data be provided to the Town?
 - a. The Licensing By-law has been amended to require *NoiseAware* or equivalent noise detection system, which could include, for example, 24-hour private security. Staff do not intend to require that the data be provided to the Town, for privacy reasons, and the resources that would be required to manage said data.
7. Should the Town be more pro-active in enforcement, what is the financial impact?
 - a. Town Law Enforcement staff have little additional capacity at this time, as such, our primary response to STA units is reactive – in response to calls – a more proactive approach would require additional staff and additional hours, as most problematic calls happen late in the evening, when we are low staffed or not staffed at all.

8. Should fire pits, hot tubs and pools be further restricted?
 - a. They are all being restricted for time of use, and Hot Tubs and Pools will now require cover or closures.
9. Should demerits be issued if a responsible person is not called?
 - a. In staff opinion, yes, a responsible person is required to attend and address issues, but their attendance does not negate the issue in the first place.
10. Should Administrative Monetary Penalties be higher? Lower?
 - a. The penalty for operating without a License has been increased, otherwise they remain the same, as a value which staff believe is high enough to promote compliance, but not punitive.
11. Should there be additional charges, penalties or demerit categories?
 - a. Some additional categories have been added, as well as removed.
12. Should Administrative Penalties be issued for Noise, Waste, or Property Standards By-law infractions?
 - a. No, those By-laws have their own penalty provisions and are not *Designated* pursuant to the AMP By-law. An owner may however be subject to demerit points for infractions under those By-laws.
13. Should Licensees be responsible for the actions of their guests?
 - a. Yes

Other Important Revisions:

1. Staff have added a transition provision to the Licensing By-law (section 2.14). This provision will see all existing Licenses converted into Type A, B, C and D Licenses under the new By-law immediately upon coming into force. The fees and term shall remain the same until the current License expires.
2. Staff have added definitions (and a corresponding AMP) for vexatious and meritless complaints.
3. The Demerit Points have been updated and the system revised to include an appeal mechanism.
4. Staff have provided flexibility to issue Licenses for terms greater than 24 months – this is to allow staff to spread out and balance License renewals over the course of the year, rather than having the bulk of Licenses renew over a condensed period.
5. A number of fire-safety housekeeping edits have been included.

Staffing Needs

Staff are asking that Council approve a part time admin position to manage the new Licensing system and renewals. In the past, the management and renewal of Licenses has fallen on the By-law officers themselves. This is a major workload and effectively takes the equivalent of a 2/3 officer position off the road. A dedicated admin position, 2-3 days/week would be able to focus exclusively on Licensing, ensure timely and appropriate renewals, and assist in keeping Licenses current. Staff are requesting authority to hire for up to 3 days per week at a total cost of \$43,882.43; however, Staff are optimistic this position can operate on a 2-day/week schedule at a cost of \$29,254.95.

While not budgeted in 2021, Staff believe this expense will be paid by increased STA revenues and will therefore not impact taxation.

Furthermore, to facilitate our Administrative Monetary Penalties system, the Town need to hire 3 contract Hearing Officers. These positions were budgeted, and Staff intend to pay these positions \$500.00/day and \$250.00/half-day.

E. Strategic Priorities

1. Communications and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

NA

G. Financial Impact

Up to \$43,882.43 for admin staffing and \$500.00/day for Hearing Officer costs.

H. In Consultation With

Shawn Everitt, CAO

Wayne Dewitt, Supervisor By-law Services

Blue Mountain Fire Department

I. Public Engagement

The topic of this Staff Report was the subject of a Public Meeting on November 16, 2020. Comments regarding this report should be submitted to Will Thomson, directorlegal@thebluemountains.ca.

J. Attached

1. Licensing By-law Clean Copy
2. Administrative Monetary Penalties By-law Clean Copy
3. Licensing By-law Track Changes
4. Administrative Monetary Penalties By-law Track Changes.

Respectfully submitted,

Will Thomson
Director of Legal Services

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The Corporation of the Town of The Blue Mountains

By-Law Number 2021 – XX

Being a By-law to Regulate and License Businesses in the Town of The Blue Mountains

Whereas Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended hereinafter referred to as the “*Municipal Act*” provides that a municipality has the capacity, rights, powers and privileges of a natural Person for the purpose of exercising the authority under the Act;

And Whereas Section 8 (3) of the *Municipal Act*, authorizes a municipality to provide for a system of Licenses;

And Whereas Section 9 of the *Municipal Act*, 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 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 Section 151 of the *Municipal Act*, provides that a municipality may provide for a system of Licenses with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a License;
- b) refuse to grant a License or to revoke or suspend a License;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a License;
- d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a License;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License; and
- f) License, regulate or govern real and Personal Property used for the business and the Persons carrying it on or engaged in it;

And Whereas 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 of the Corporation of the Town of The Blue Mountains has deemed it necessary and expedient to regulate and License the Short-Term Rental of Property in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains has implemented a system to License the operation of Short Rental Properties in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains wishes to continue the licensing of Short-Term Rental Properties within the context of a much broader licensing framework;

Now Therefore the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1.0 Definitions

In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2020- XXX, as amended;

“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 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;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Council” means Council for the Town;

“Director of Community Services” means the Director of Community Services for the Town or any Person designated by the Director of Community Services or any Person designated by the Chief Administrative Officer;

“Director of Finance and IT Services” means the Director of Finance and IT Services and Treasurer for the Town or any Person designated by the Director of Finance and IT Services or any Person designated by the Chief Administrative Officer;

“Director of Legal Services” means the Director of Legal Services and the Town Solicitor for the Town or any Person designated by the Director of Legal Services or any Person designated by the Chief Administrative Officer;

“Director of Operations” means the Director of Operations for the Town or any Person designated by the Director of Operations or any Person designated by the Chief Administrative Officer;

“Director of Planning and Development Services” means the Director of Planning and Development Services for the Town or any Person designated by the Director of Planning and Development Services or any Person designated by the Chief Administrative Officer;

“Exception Area” means a specific area of the Town as designated in Town’s Zoning By-law where Short Term Rental Units are considered a permitted use;

“Fire Chief” means the Fire Chief for the Town or any Person designated by the Fire Chief;

“Fit for Duty” - means the condition of a Person who has been designated to respond and that is able to respond not under the influence of any legal or illegal drug, alcohol, or medication that will hinder response and resolution performance or compromise their safety or the safety of others;

“License” means a License issued by the Town pursuant to this By-law;

“License Issuer” means a **Town** employee delegated authority by Council as the Person responsible for issuing a License;

“License Number” means a number assigned to a License by the Town;

“Licensee” means a Person issued a current valid License pursuant to this By-law;

“**Meritless Complaint**” means a complaint, or series of complaints, made to the Town’s By-law department or Ontario Provincial Police with respect to a Premises which are found to be unwarranted, unnecessary and where the alleged conduct is found not to have occurred.

“**Nuisance**” means an activity or behavior that when consistent or repetitive causes a material inconvenience, discomfort or damage to others, either to individuals and/or to the general public, at the discretion of an Officer;

“**Officer**” means a police officer, Municipal Law Enforcement Officer, the Fire Chief, Chief Building Official or other Person appointed by By-law 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;

“**Parking Management Plan**” means a plan completed by a licensed professional engineer, architect or landscape architect or equivalent which shall include:

- a) the scale of the drawings in metres;
- b) the area that is designated for the parking of vehicles;
- c) the size of each parking space;
- d) the location of all driveways and access to the Premises; and,
- e) the lot lines of the Premises, including dimensions of the Premises.

“**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 other legal representative;

“**Premises**” means land, Property or any part thereof including any and all Buildings or other structures thereon;

“**Principal Residence**” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“**Property Management Plan**” means a plan that identifies those measures the Owner will implement so as to ensure compliance with the Town’s Property Standards By-law, Long Grass and Weeds By-law and any other by-law related to property maintenance and/or management in force in the Town;

“**Renter**” means the Person responsible for the rental of the Premise by way of concession, permit, License, rental agreement or similar commercial arrangement;

“**Rental or Lease Management Company**” means any person who accepts, facilitates, manages, brokers requests for, advertises, or offers Short-Term Accommodations for compensation or a fee through a website or other platform

“**Town**” means the Corporation of The Town of The Blue Mountains or the land within the geographic limits of the Corporation of The Town of The Blue Mountains as the context requires;

“**Vexatious Complaint**” means a complaint, or series of complaints, made to the Town’s By-law department or Ontario Provincial Police with respect to a Premises which are found to be nefarious in nature or, in the opinion of the Officer, are intended to harm, discredit, or otherwise unreasonably interfere with the operations on the Premises.

“**Zoning By-law**” means any By-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2.0 Application and General

2.1 This By-law shall apply throughout the whole of the Town.

2.2 This By-law may be referred to as the “Licensing By-law”.

- 2.3 No Person shall own, operate, or carry on a business or activity identified in this By-law other than in accordance with the terms and conditions of a License issued pursuant to the terms and conditions of this By-law.
- 2.4 No Person shall advertise, promote, broker, or offer for rent or lease any business or activity identified in this By-law without a current valid License and no Owner shall permit any of the foregoing without a current valid License.
- 2.5 No Person shall alter or modify or permit the alteration or modification of a License.
- 2.6 No Person shall use, or attempt to use, a License issued to another Person or Property.
- 2.7 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 License.
- 2.8 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Town is guilty of an offence.
- 2.9 No Person who is issued a License 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 licensed Premise or Activity.
- 2.10 No Person shall remove an order or placard posted on a Premise under this By-law, except an Officer.
- 2.11 No Person shall own, operate or carry on a business or activity while a License is under an administrative suspension.
- 2.12 No Person shall cause or permit to be caused a Nuisance on a Premises.
- 2.13 No Person shall make a Meritless Complaint or Vexatious Complaint about a Premises
- 2.14 Transition
 1. This Section applies to Licenses issued under By-law 2013-50 & 2014-45 ("Existing License")
 2. An Existing License shall be continued under this By-law on the following terms:
 - a. Any Existing License issued to a Premises within the Exception Area shall be continued as a Type A License
 - b. Any Existing License issued to a Premises outside the Exception Area shall be continued as a Type B License
 - c. Any Existing License issued to a Legal Non-Conforming Premises shall be continued as a Type C License
 - d. Any Existing License issued to a Principle Residence being used as a Bed and Breakfast Establishment shall be continued as a Type D License
 3. Any Existing License which is continued under this By-law shall expire on the same date the Existing License was set to expire.
 4. Any Existing License which is continued under this By-law shall not be subject to the Fees and Charges under this By-law until such time that a new License is issued under this By-law.
 5. The Corporation of the Town of The Blue Mountains By-laws 2013-50 and 2014-45 shall be revoked upon this By-law coming into force.
 6. This By-law shall come into force on the day it is passed.

3.0 Application for a License

- 3.1 A Person making an application for a License or for a renewal of a License shall submit:
 - a) a complete application in the form provided by the Town;
 - 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 the applicable Schedule to this By-law have been obtained from the appropriate authority having jurisdiction to the satisfaction of the Town;
 - d) any other documents as may be required by the Town to the satisfaction of the Town;
 - e) the required License application fee, approval and inspection fees.
- 3.2 Acceptance of a License application does not constitute approval of the application or oblige the Town to issue a License.
- 3.3 A License fee shall be paid by a Person at the time the License is issued by the License Issuer.
- 4.0 Licenses**
- 4.1 The License Issuer is hereby delegated authority to issue a License in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.
- 4.2 The License Issuer is hereby delegated authority to impose additional terms and conditions on a License that in the opinion of the License Issuer are reasonable and taking 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 to the Town;
 - e) the need within the Town
 - f) supported by Policy and or By-law, as adopted by Town Council.
- 4.3 A License issued by the Town is not transferable.
- 4.4 A License issued pursuant to this By-law is valid for a period as outlined in the applicable Schedule(s) to this By-law.
- 4.5 Every License shall remain at all times the Property of the Town;
- 4.6 No Person shall enjoy a vested right in any License or the continuance of any License.
- 4.7 A License shall be issued by the License Issuer:
- a) upon the requirements of this By-law being met;
 - b) upon submission of the documents to the Town'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 Town's satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;
- 4.8 The License Issuer shall not issue a License if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the Property subject to the License application.
- 4.9 A License shall only be issued by the License Issuer to the registered owner of the Property unless otherwise required by the Schedule relating specifically to the License Type.
- 4.10 A License issued shall include the following:
- a) the municipal address;

- b) License type;
- c) License number;
- d) effective date and expiry date of the License;
- e) Licensee name and contact information;
- f) responsible person name and contact information.

5.0 License Terms and Conditions

5.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.

5.2 A licensee shall notify the Town within fifteen (15) days of any changes to the:

- a) business name;
- b) location of the business Premise;
- c) ownership of the business;
- d) a change in the Licensee's policy of liability insurance;

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

5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).

5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6.0 Licenses Administrative Suspensions

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

6.2 An administrative suspension of a License without a hearing shall be imposed for:

- a) fourteen (14) days if the License Issuer is satisfied and the Director of Legal Services deems that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises.

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

6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.

7.0 Licenses Grounds for Refusal, Revocation or Suspension

7.1 An applicant or Licensee may be granted a License 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 Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law or provincial offence related to the licensed Premise; or
 - d) the Applicant or Licensee has failed to comply with any term, condition or direction of the License Issuer or Officer or has failed to permit any investigation by the License Issuer or Officer; or
 - e) the applicant or Licensee 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 License would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
 - g) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or
 - h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant of Licensee is licensed, in contravention of this By-law, or any other applicable law; or
 - i) the Applicant or Licensee has not paid the required License fees; or
 - j) the Applicant or Licensee has accumulated fifteen (15) demerit points within a two (2) year period; or
- 7.2 the Applicant or Licensee has accumulated twenty-five (25) demerit point within a three (3) year period; or the Applicant or Licensee or Owner has outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town, or other Government Authority, for the subject Property. The License Issuer may revoke, suspend, or refuse to issue a License, where the Applicant or Licensee would not be entitled to a License on any grounds set out in this By-law.
- 7.3 Where the application for a License has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in the respect of the License, shall not be refunded.
- 7.4 Where a License has been revoked, suspended or cancelled, the Licensee shall return the License to the License Issuer within two (2) days of service of the notice of the decision.
- 7.5 When a revoked, suspended or cancelled License has not been returned, an Officer may enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking or removing the said License.

8.0 Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing

- 8.1 With the exception of Section 6.2, before a License is refused, revoked, suspended or cancelled written notice shall be given to the Applicant or Licensee.
- 8.2 Notice shall be served to the Applicant's or Licensee's last known address or email address filed with the Town and shall:
- a) contain sufficient information to specify the nature of, or reason for, any recommendation;
 - b) inform the Applicant or Licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and

- c) inform the Applicant or Licensee that if no written request is received, the Licensing Appeal Committee may proceed and make any decision with respect to the License.

8.3 On receipt of a written request for a hearing from an Applicant or Licensee, the Clerk shall:

- a) schedule a hearing; and
- b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
- c) post notice of the hearing on the Town's website at least twenty (20) days prior to the hearing date.

8.4 Service of any notice on the Applicant or Licensee 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.

9.0 Establishment of Licensing Appeal Committee

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

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

10.0 Hearing Process

10.1 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, and the Licensing Appeal Committee may pass rules for the practice and procedure of the Committee.

10.2 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 Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the 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, and shall be signed by the members who concur in the decision.

10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.

10.5 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 his absence, and the Person shall not be entitled to any further notice of the proceedings.

10.6 The Clerk 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 Licensee; and
- b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

11.0 Demerit Point System

11.1 The Demerit Point System established on Schedule B to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation of a License.

11.2 A Licensee shall accumulate demerit points outlined in Schedule B for a contravention of this By-law or as a result of an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this By-law.

11.3 A Licensee shall be given Notice forthwith upon any Demerit Points being issued against their Property

Any Demerit points issued pursuant to this By-law may be appealed to the Licence Appeal Committee in accordance with Sections 8,9, 10 of this By-law.

11.3 Subject to Section 11.2 of this Bylaw, Demerit points accumulated by a Licensee shall remain in place against the Licensee for a period of two (2) years from the date the demerit points were imposed.

11.4 Where Demerit points have been accumulated by the Licensee and remain in place, the Director of Legal Services may take into account the Demerit points and may reduce the term of a new Licence or impose additional conditions on a new Licence, including a reduction in the maximum permitted occupancy.

11.5 A Licence may be suspended for a period of not longer than six months if the total Demerit points in effect respecting a Licence is greater than 7.

11.6 A Licence may be revoked if the total of all Demerit points in effect is greater than 15.

11.7 Notice of a suspension or revocation under this section shall be provided to the Owner or Licensee in accordance with section 8.2 of this By-law and an Owner or Licensee may appeal the suspension or revocation in accordance with sections 8, 9, and 10 of this By-law.

12.0 Fees

12.1 The fees for any License application, inspections and approvals required pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and is payable upon submission of an application.

12.2 The fees for any License to be issued pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and are payable upon the issuing of a License.

13.0 Order to Discontinue

13.1 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened this By-law, or who has caused or permitted the contravention, or the Owner or Licensee of the Premises on which the contravention has occurred, to discontinue the contravening activity.

13.2 An Order under section 13.1 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention;
- b) the location of the Premise on which the contravention occurred; and
- c) the date by which there must be compliance with the Order.

13.3 An Order to discontinue a contravening activity made under this section may be served Personally, registered mail to the last known address or by email transmission to:

- a) the Person the Officer believes contravened this By-law; and

- b) such other Persons affected by the Order as the Officer making the Order determines.

13.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of Personal delivery or email transmission.

13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the Premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.

13.6 Any Person who contravenes an Order under this by-law is guilty of an offence or subject to an Administrative Monetary Penalty.

13.7 An Order issued under this section may be appealed to the Licensing Committee by making a written request in accordance with sections 8.2 and 8.3 of this By-law. If an Order is not appealed within the timeframe wet out in section 8.2(b) the Order shall be deemed to be confirmed.

14.0 Enforcement and Penalty Provisions

14.1 The enforcement of this By-law shall be conducted by an Officer.

14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether:

- a) the By-law is complied with;
- b) the License, or the term or condition of a License, or the term or condition of this By-law is complied with;
- c) the approved plans are complied with;
- d) a direction or order made under the *Municipal Act, 2001*, or this By-law is complied with.

14.3 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) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

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

14.5 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.

14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.

14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.

14.8 Every Person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

- a) on a first offence, to a fine not more than \$50,000.00; and
- b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00

14.9 Every Person who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

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

14.11 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.

14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

14.13 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

15.0 Administrative Monetary Penalties

15.1 Administrative Monetary Penalty By-law 2021-XXX, as amended, applies to this By-law.

15.2 Every Person who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2021-XXX is liable to pay the Town an Administrative Monetary Penalty in the amount set out in the Administrative Monetary Penalty By-law 2021-XXX.

15.3 Any Person who is issued a Penalty Notice for a contravention of this By-law under the Administrative Monetary Penalty By-law 2021-XXX, as amended, shall not be charged under the *Provincial Offences Act* for the same contravention.

16.0 Severability

If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17.0 Singular and Plural Use

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.

18.0 Schedules

The Schedules attached to this By-law form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of February 2021

Alar Soever, Mayor

Corrina Giles, Town Clerk

Town of The Blue Mountains

Schedule A

Licensing Types

Type A	Short Term Rental Property License within the Exception Area as prescribed in Schedule D to this By-law
Type B	Short Term Rental Property License as prescribed in Schedule E to this By-law
Type C	Legal Non-Conforming Short-Term Rental Property License as prescribed in Schedule F to this By-law
Type D	Bed & Breakfast License as prescribed in Schedule G to this By-law

Town of The Blue Mountains

Schedule B

Short Form Wordings and Associated Demerit Points

For the purpose of Section 11 of this By-law:

- a) the Designated Provisions column in the following table lists the provisions of this By-law that are hereby designated as being subject to the demerit point system;
- b) the Short Form Wording column in the following table sets out the nature of the violation;
- c) the Demerit Points column in the following table sets out the Demerit Points imposed for a contravention of this By-law, or for a Conviction under a Town By-law pursuant to a License, and as referenced in the below chart.
 - i. For greater certainty, Conviction means a fine, charge, or conviction has been entered pursuant to Part I or Part III of the Provincial Offences Act or in the Ontario Court of Justice, and the time for appealing said fine. Charge, or conviction has expired.

Item	Section	Short Form Wording	Demerit Points
1	Type A, B, C Licence - Section 2.4	Exceed Maximum permitted occupancy between 2200 and 0700 hours	3
2	Type A, B, C Licence - Section 2.4	2 nd or subsequent offence for exceeding maximum permitted occupancy between 2200 and 0700 hours	8
3	Type A, B, C Licence - Section 2.9	Term and Condition of License - Non-availability of Responsible Person	5
4	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Waste Collection By-law (16-03, as amended) Conviction related to Premises	5
5	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Property Standards By-law (2002-18 as amended) Conviction related to Premises	5
6	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Noise By-law (2002-9, as amended) Conviction related to Premises	5
7	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Second or subsequent contravention related to the Premises under the Noise, Waste Collection or Property Standards By-laws	10
8	Type A, B, C Licence - Section 2.7	Term and Condition of License – Using or permitting Premises to be used contrary to Property Management Plan	3
9	Type A, B, C Licence - Section 2.6 Type D License - Section 2.5	Term and Condition of License – Fail to post License	3
10	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Term and Condition of License – Advertising without a Town License number being included in Advertisement	3
11	Type D License - Section 2.5	Term and Condition of License – Failure of the Licensee to be on site during the stay of	5

		a renter during the hours of 2300 and 0700 hours	
12	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Term and Condition of License – Permitting an activity that causes a Nuisance	1
13	Type A, B, C Licence - Section 2.7	Term and Condition of License – Using or permitting Premises to be used contrary to Parking Management Plan	3
14	Type A, B, C Licence - Section 2.7	Term and Condition of License – Operating without functioning noise notification system where required	3
15	Type A, B, C Licence - Section 2.10	Permit the operation or occupation of an outdoor hot tub or outdoor pool outside the hour of 0700 and 2300	5
16	Type A, B, C Licence - Section 2.11	Failure to properly or adequately secure a Pool or Hot Tub	5
17	Type A, B, C Licence - Section 2.11	Permit or evidence found of ignition of an outside fire or provision of a fire pit without authorization provided by permit and License	5
18	Building Code	Building Code Act (construction without a permit) Conviction	7
19	Type A, B, C Licence - Section 2.2 Type D License - Section 2.3	Fire Protection and Prevention Act/Fire Code Conviction	15
20	Type A, B, C, D Licence – Section 13 of this By-law	Failure to comply with an Order	5

Town of The Blue Mountains

Schedule C

Type A License

Short Term Rental Property License within the Exception Area

In this Schedule D of the By-law:

1.0 Definitions

“**Bedroom**” means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit which is used, designed, equipped or intended for sleeping;

“**Dwelling Unit**” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“**Exception Area**” means a specific area of the Town as designated in Town’s Zoning By-law;

“**Maximum Occupancy**” means the maximum number of occupants permitted on the Premises;

“**Renter’s Code**” means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the Parking Management Plan.

“**Responsible Person**” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“**Short Term Rental Property Unit**” or “**STRPU**” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“**Type A**” means a License for a Short-Term Rental Property Unit in an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type A License is a License to operate a Short-Term Rental Property Unit in the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type A License, shall submit the following:

- a) An inspection approved by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
- b) a Renter’s Code approved by the Director of Legal Services;
- c) a Property Management Plan approved by the Director of Legal Services;
- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property for the term of the License with an endorsement that notice in writing

at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

- e) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premises;
 - ii. the legal description of the Premises;
 - iii. the contact information for the owner, agent, applicant and Responsible Person;
 - f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.
- 2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type A License is subject to the following:
- a) compliance with the Town's Zoning By-law;
 - b) fire safety requirements checklist completed to the satisfaction of the Town;
 - c) compliance with the Fire Code;
 - d) property standards checklist completed to the satisfaction of the Town;
 - e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, carbon monoxide alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town;
 - f) confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.
- 2.3 A Type A License is valid for a period of 24 months, or longer at the Town's sole discretion from the date on which it is issued;
For additional clarity, if a License is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.
- 2.4 The Maximum Occupancy within a dwelling unit for a Type A License shall be calculated as follows:
- a) two (2) Persons per bedroom; and
 - b) four (4) additional Persons.
- 2.5 The maximum occupancy calculated under Section 2.4 of this Schedule D of this Bylaw may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan, or occupancy load issues identified by a fire inspector
- 2.6 A Licensee of a Type A License shall:
- a) be the registered owner of the Property;
 - b) provide and maintain on the Premises a self-enclosed Building, structure or container for the disposal of garbage and waste;
 - c) designate a Responsible Person;
 - d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
 - e) display the License in a prominent place on the interior of the licensed premise; and,
 - f) post the fire safety instructions next to the License displayed on the interior of the licensed premise.

2.7 Every Person who owns or operates a Short-Term Rental Property Unit under a Type A License shall:

- a) operate the Premises in accordance with the approved:
 - i. renter's code;
 - ii. parking management plan;
 - iii. property management plan;
 - iv. maximum occupancy calculation;
- b) operate the Premises in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- e) not make, cause or permit a disturbance or Nuisance;
- f) provide the Renter with a copy of the Renter's Code;
- g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which exit, and emergency lighting is checked or maintained;
 - viii. annual gas or wood fired appliances, chimneys, vents and flue inspections.
- h) maintain the records required by subsection (g) for a minimum of two (2) years;
- i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements entered into with a Renter;
- j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside the hours of 0700 and 2300 exclusively.

- 2.11 Shall ensure that hot tubs are covered and secured when not in use, and pools are properly secured at all times.
- 2.12 Shall not permit the ignition of any outdoor fire other than an approved outdoor barbeque for the purposes of preparing and cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.

Town of The Blue Mountains

Schedule D

Type B License

Short Term Rental Property License Outside of the Exception Area

1.0 Definitions

In this Schedule E of the By-law:

“Bedroom” means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit which is used, designed, equipped or intended for sleeping;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Renter’s Code” means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the parking management plan.

“Short Term Rental Property Unit” or **“STRPU”** means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type B License” means a License for a Short-Term Rental Property Unit outside an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type-B License is a License to operate a Short-Term Rental Property Unit outside of the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type B License shall submit the following:

- a) An inspection approved by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;
- b) a renter’s code approved by the Director of Legal Services;
- c) a property management plan approved by the Director of Legal Services;

- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
 - e) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premise;
 - ii. the legal description of the Premise;
 - iii. the contact information for the Owner, Agent, Applicant and Responsible Person;
 - f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.
- 2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type B License is subject to the following:
- a) compliance with the Town's Zoning By-law;
 - b) fire safety requirements checklist completed to the satisfaction of the Town;
 - c) compliance with the Fire Code;
 - d) property standards checklist completed to the satisfaction of the Town;
 - e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, carbon monoxide alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town; and
 - f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.
- 2.3 A Type B License is valid for a period of 24 months, or longer at the Town's sole discretion from the date on which it is issued;
For additional clarity, if a License is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.
- 2.4 The Maximum Occupancy within a Dwelling Unit for a Type B License be calculated as follows:
- a) the number permitted under the Town's Zoning By-law; and
 - b) where the Town's Zoning By-law does not establish the Maximum Occupancy permitted the Maximum Occupancy shall be calculated as follows:
 - i. two (2) Persons per Bedroom; and
 - ii. four (4) additional Persons.
- 2.5 The Maximum Occupancy calculated under Section 2.4 of this Schedule E of this By-Law may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management, or occupancy load issues identified by a fire inspector.
- 2.6 A Licensee of a Type B License shall:
- a) be the registered owner of the Property;
 - b) provide and maintain on the Premise a self-enclosed Building, structure or container for the disposal of garbage and waste;
 - c) designate a Responsible Person;

- d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
- e) display the License in a prominent place on the interior of the licensed Premise; and,
- f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise;

2.7 Every Person who owns or operates under a Type B License shall:

- a) operate the Premise in accordance with the approved:
 - i. renter's code;
 - ii. parking management plan;
 - iii. property management plan;
 - iv. maximum occupancy calculation;
- b) operate the Premise in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- e) not make, cause or permit a disturbance or Nuisance;
- f) provide the Renter with a copy of the Renter's Code;
- g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which exit, and emergency lighting is checked or maintained;
 - viii. annual gas or wood fired appliances, chimneys, vents and flue inspections.
- h) maintain the records required by subsection (g) for a minimum of two (2) years;
- i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements entered into with a Renter;
- j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of

being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

- 2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.
- 2.11 Shall ensure that hot tubs are covered and secured when not in use, and pools are properly secured at all times.
- 2.12 Shall not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.

Town of The Blue Mountains

Schedule E

Type C License

Legal Non-Conforming Short-Term Rental Property License

1.0 Definitions

In this Schedule F of the By-law:

“**Bedroom**” means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit which is used, designed, equipped or intended for sleeping;

“**Dwelling Unit**” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“**Maximum Occupancy**” means the maximum number of occupants permitted on the Premises;

“**Principal Residence**” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“**Responsible Person**” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“**Renter’s Code**” means a document prepared by the Owner that:

- k) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- l) provides a written warning related to the making of a disturbance;
- m) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- n) includes the parking management plan.

“**Short Term Rental Property Unit**” or “**STRPU**” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“**Type C License**” means a License for a Short-Term Rental Property Unit for a Legal Non-Conforming Short-Term Rental Property Unit;

2.0 Terms and Conditions

2.1 This Type C License is a License to operate a Legal Non-Conforming Short-Term Rental Property Unit.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type C License shall submit the following:

- a) An inspection approved by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;
- b) a renter’s code approved by the Director of Legal Services;
- c) a property management plan approved by the Director of Legal Services;

- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
 - e) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premise;
 - ii. the legal description of the Premise;
 - iii. the contact information for the Owner, Agent, Applicant and Responsible Person;
 - f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code;
 - g) a valid current License issued under the previous By-law that has not expired.
- 2.3 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type C License is subject to the following:
- a) a Type C License may only be issued by the License Issuer where the applicant has a current valid License issued prior to December 31, 2019;
 - b) fire safety requirements checklist completed to the satisfaction of the Town;
 - c) compliance with the Fire Code;
 - d) property standards checklist completed to the satisfaction of the Town;
 - e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, carbon monoxide alarm, extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town; and,
 - f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.
- 2.4 A Type C License is valid for a period of 24 months, or longer at the Town's sole discretion from the date on which it is issued;
For additional clarity, if a License is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.
- 2.5 The Maximum Occupancy within a Dwelling Unit subject to a Type C License shall be calculated as identified by the Town as part of the Legal Non-Conforming review process.
- 2.6 A Licensee of a Type C License shall:
- a) the registered owner of the Property;
 - b) provide and maintain on the Premise a self-enclosed Building, structure or container for the disposal of garbage and waste;
 - c) designate a Responsible Person;
 - d) display the License in a conspicuous place on the licensed Premise in close proximity to the entrance of the Property and visible to the public at all times;
 - e) display the License in a prominent place on the interior of the licensed Premise; and,
 - f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise.

2.7 Every Person who owns or operates a Type C License shall:

- a) operate the Premise in accordance with the approved:
 - i. renter's code;
 - ii. parking management plan;
 - iii. property management plan;
 - iv. maximum occupancy calculation;
- b) operate the Premise in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- e) not make, cause or permit a disturbance or Nuisance;
- f) provide the Renter with a copy of the Renter's Code;
- g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which exit, and emergency lighting is checked or maintained;
 - viii. annual gas or wood fired appliances, chimneys, vents and flue inspections.
- h) maintain the records required by subsection (g) for a minimum of two (2) years;
- i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements entered into with a Renter.
- j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premise.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.

2.11 Shall ensure that hot tubs are covered and secured when not in use, and pools are properly secured at all times.

- 2.12 Shall not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the licensing process.

Town of The Blue Mountains

Schedule F

Type D License

Bed & Breakfast License

1.0 Definitions

In this Schedule G of the By-law:

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Bed and Breakfast Establishment” or **“B & B”** means a Building used as a residence that operates or offers no more than three guest rooms as places or temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the Principal Residence of the establishment’s proprietor. Bed and Breakfast Establishment shall not mean or include motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Renter’s Code” means a document prepared by the Owner that:

- k) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- l) provides a written warning related to the making of a disturbance;
- m) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- n) includes the parking management plan.

“Type D License” means a License for a Bed and Breakfast Establishment.

2.0 Terms and Conditions

2.1 This Type D License is applicable to properties operated as a Bed & Breakfast Establishment.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type D License shall submit the following:

- a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;
- b) a renter’s code approved by the Director of Legal Services;
- c) an executed Site Plan Agreement;
- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a Bed & Breakfast for the term of the License with an endorsement that notice in writing

at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter; and,

- e) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.3 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law, the issuing of a Type D License is subject to the following:

- a) compliance with the Town's Zoning By-law endorsed by the Director of Planning and Development Services;
- b) fire safety requirements checklist completed to the satisfaction of the Town;
- c) compliance with the Fire Code;
- d) property standards checklist completed to the satisfaction of the Town;
- e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, carbon monoxide alarm, extinguisher, exit/egress doors or windows on the Premise to the satisfaction of the Town; and,
- f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.4 A Type D License is valid for a period of two (2) years from the date on which it is issued;

2.5 A Licensee of a Type D License shall:

- a) be the registered owner of the property;
- b) ensure that the Premise is the Principle Residence of the Licensee;
- c) be on site at the premise during the stay of a Renter during the hours of 2300 and 0700 hours;
- d) display the License in a conspicuous place on the licensed premise in close proximity to the entrance of the property and visible to the public at all times;
- e) display the License in a prominent place on the interior of the licensed Premise;
- f) be responsible for the operation of the premise, the conduct of the Renter and the occupants of the Premise;
- g) operate the Premises in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- h) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- i) not make, cause or permit a disturbance or Nuisance;
- j) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements entered into with a Renter;
- k) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;

- iv. confirmation including the date of receipt of the Renter's Code by the Renter;
- v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
- vi. the dates on which fire extinguishers are checked or maintained;
- vii. the dates on which exit, and emergency lighting is checked or maintained;
- viii. annual gas or wood fired appliances, chimneys, vents and flue inspections.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW 2021 - ~~XX~~

BEING A BY-LAW TO ESTABLISH A COMPREHENSIVE SYSTEM OF ADMINISTRATIVE MONETARY PENALTIES FOR THE TOWN OF BLUE MOUNTAINS

WHEREAS section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

AND WHEREAS section 391(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides for a municipality to impose fees and charges on persons for services or activities it provides and for the use of its property;

AND WHEREAS section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to delegate its powers and duties;

AND WHEREAS section 434.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended 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 434.2 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS the Province of Ontario adopted the “Administrative Penalties” regulation, O. Reg 333/07 pursuant to the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains considers it desirable to have an Administrative Monetary Penalty By-law that sets out a process for all regulatory by-laws to which administrative monetary penalties may apply;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1. SHORT TITLE

1.1 This by-law shall be known and may be cited as the “Administrative Monetary Penalties By-law”.

2. APPLICABILITY AND SCOPE

2.1 This By-law applies to, and only to a **Designated By-law**.

2.2 This By-law shall apply to any contravention of a **Designated By-law** listed in Schedule “A” of this By-law. The short form wording to be used for a contravention of a **Designated By-law** and the **Administrative Monetary Penalty** imposed are as set out in Schedule “A” of this By-law.

2.3 The *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, will continue to apply to contraventions of a **Designated By-law**, except that no **Person** that is issued a Penalty Notice under this By-law in respect of a contravention of a **Designated By-law** shall be charged with an offence in respect of the same contravention under the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

3. DEFINITIONS

3.1 In this By-law:

“**Administrative Monetary Penalty**” means a monetary penalty imposed and as set out in Schedule “A” of this By-law for a contravention of a **Designated By-law** and when imposed includes an administrative fee as set out in Schedule “B”;

“**Chief Administrative Officer**” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“**Council**” means the Council of the **Town**;

“**Clerk**” means the Clerk for the **Town** or any **Person** designated by the Clerk;

“**Designated By-law**” means a by-law or provision of a by-law that is designated under this or any other by-law, as a by-law or provision of a by-law to which this By-law applies;

“**Director of Human Resources**” means the Director of Human Resources for the **Town** or any **Person** designated by the Director of Human Resources;

“**Hearing No Show Fee**” means an administrative fee as set out in Schedule “B” of this By-law in respect of a **Person’s** failure to appear at the time and place scheduled for a review before a **Hearings Officer**;

“**Hearings Officer**” means a **Person** appointed by **Council** to perform the duties of a Hearing Officer for the purposes of this By-law;

“**Hearing Officer’s Decision**” means a notice that contains the decision of a **Hearings Officer**;

“**Holiday**” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices for the **Town** are officially closed for business;

“**Late Payment Fee**” means an administrative fee as set out in Schedule “B” of this By-law in respect of a **Person’s** failure to pay an **Administrative Monetary Penalty** within the time prescribed in this By-law;

“**Officer**” means a police officer, a Municipal Law Enforcement Officer or other person appointed by or under the authority of a **Town** by-law to enforce a **Designated By-law**;

“**Owner**” includes,

- (a) the **Person** for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the **Person’s** own account or as agent or trustee of any other **Person**, or who would receive the rent if the land and premises were let;
- (b) a lessee or occupant of the property;
- (c) a **Person** having care and control of the property;

“**Parent**” means a **Person** who has demonstrated a settled intention to treat a child as a member of his or her family whether that **Person** is the natural parent of the child;

“**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 other legal representative;

“**Penalty Notice**” means a notice issued by an **Officer** for a contravention of a **Designated By-law**;

“**Penalty Notice Date**” means the date of the contravention specified on the **Penalty Notice**;

“**Penalty Notice Number**” means the number specified on the **Penalty Notice**;

“**Power of Decision**” means a power or right, conferred by or under this By-law, to make a decision deciding or prescribing, the legal rights, powers, privileges, immunities, duties or liabilities of a **Person**;

- (a) in the case of a **Screening Officer**, in respect of a request to review an **Administrative Monetary Penalty**;
- (b) in the case of a **Hearings Officer**, in respect of a request to review a **Screening Decision**;

“**Relative**” includes any of the following **persons**:

- (a) **spouse**;
- (b) **parent**, including step-child and grandchild;
- (c) siblings and children of siblings;
- (d) aunt, uncle, niece and nephew;
- (e) in-laws, including mother, father, sister, brother, daughter, and son; or
- (f) a **person** who lives with the **person** on a permanent basis;

“**Regulation**” means the Administrative Penalties, Ontario Regulation 333/07 under the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

“**Request for Review By Hearings Officer**” means a form provided by the **Town** to request a review of a **Screening Decision**;

“**Screening Decision**” means a notice which contains the decision of a **Screening Officer**;

“**Screening Officer**” means a **Person** appointed by **Council** to perform the duties of a Screening Officer for the purposes of this By-law;

“**Screening No Show Fee**” means an administrative fee as set out in Schedule “B” of this By-law in respect of a **Person’s** failure to appear at the time and place scheduled for a review by a **Screening Officer**;

“**Spouse**” means a **Person** to whom the **Person** is married or with whom the **Person** is living in a conjugal relationship outside marriage;

“**Tax Roll Address**” means the mailing address and contact information for the owner of property that appears in the **Town’s** municipal tax assessment records;

“**Town**” means the Corporation of the Town of The Blue Mountains or the land within the geographic limits of the Corporation of the Town of The Blue Mountains as the context requires.

4. GENERAL PROVISIONS

- 4.1. Where an **Administrative Monetary Penalty** is cancelled by a **Screening Officer** or a **Hearings Officer** any administrative fee is also cancelled.
- 4.2. Any time limit that would otherwise expire on a **Holiday** is extended to the next day that is not a **Holiday**.
- 4.3. Any Schedule attached to this By-law forms part of this By-law.

- 4.4. Sections 431 and 440 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, apply to this By-law, providing respectively, for a court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the **Town**, for a court to make orders to restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-law.
- 4.5. Nothing in this By-law limits the **Town's** right to enforce a **Designated By-law** by any other and all legal means.

5. PENALTY NOTICE

- 5.1 A **Penalty Notice** shall include the following information:
- (a) the name of the **Person(s)**;
 - (b) the **Penalty Notice Date**;
 - (c) a **Penalty Notice Number**;
 - (d) the short form wording outlined in Schedule "A" of the By-law, which describes the particulars of the contravention;
 - (e) the amount of the **Administrative Monetary Penalty** outlined in Schedule "A" of this By-law;
 - (f) the name and identification number of the **Officer**;
 - (g) such information as the **Director of Chief Administrative Officer** or designate determines is appropriate respecting the process by which the **Person** may exercise the **Person's** right to request a review of the **Administrative Monetary Penalty**;
 - (h) a statement advising that an **Administrative Monetary Penalty**, including any administrative fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the **Person** to the **Town**.
- 5.2 An **Officer** who has reason to believe that a **Person** has contravened a provision of a **Designated By-law** may issue a **Penalty Notice** to that **Person**.
- 5.3 Every **Person** who contravenes a provision of a **Designated By-law** shall, when given a **Penalty Notice**, be liable to pay to the **Town** the **Administrative Monetary Penalty** set out in the **Penalty Notice** within 15 days of the **Penalty Notice Date**.
- 5.4 No **Officer** shall accept payment in respect of an **Administrative Monetary Penalty**.
- 5.5 Where a **Penalty Notice** is issued in respect of a contravention of a **Designated By-law** for which **Owners** of a property are responsible, the **Penalty Notice** shall include the name of all **Persons** who are the registered owners of such property, and such **Persons** shall be jointly and severally liable for the **Penalty Notice**.

6. SERVICE OF A PENALTY NOTICE

- 6.1 Service of any document or notice, including a **Penalty Notice**, respecting this By-law may be given in writing in any of the following ways and is effective:
- (a) when a copy is delivered to the **Person** to whom it is addressed;
 - (b) on the 5th day after a copy is sent by registered mail or by regular letter mail to the **Person's** last known address;
 - (c) upon the conclusion of the transmission of a copy by facsimile transmission to the **Person's** last known facsimile transmission number; or
 - (d) upon sending a copy by e-mail transmission to the **Person's** last known e-mail address.

- 6.2 For the purposes of sections 6.1 (b), (c) and (d), a **Person's** last known address, facsimile number and e-mail address may include an address, facsimile number and e-mail address provided by the **Person** to the **Town**, including the **Tax Roll Address**, information provided in an application for a license made by a **Person** under a **Town** Licensing By-law or as provided in writing or in a form supplied by the **Town** for the purposes of administration of this By-law.
- 6.3 In addition to the service methods in section 6.1, an **Officer** may serve the **Penalty Notice** on a **Person** who is the **Owner** of a property that is in contravention of a **Designated By-Law**, by delivering it personally to the **Person** having care and control of the property and then sending a copy by regular mail to the **Tax Roll Address**;
- 6.4 Service of a **Penalty Notice** under section 6.3 is effective on the 5th day after a copy is sent by regular letter mail to the **Tax Roll Address**.

7. SCREENING OFFICER REVIEW

- 7.1 A **Person** who is given a **Penalty Notice** may request that the **Administrative Monetary Penalty** be reviewed by a **Screening Officer** within 15 days after the **Penalty Notice Date**.
- 7.2 If a **Person** does not request a review within the time limit set out in section 7.1, a **Person** may request that the **Screening Officer** extend the time to request a review within 30 days after the **Penalty Notice Date**.
- 7.3 A **Person's** right to request a review or to request an extension of time to request a review are exercised by:
- (a) calling the telephone number listed on the **Penalty Notice**, providing the information required as set out in the **Penalty Notice** and scheduling the time and place for the review; or
 - (b) attending in person or by a representative at the place specified in the **Penalty Notice** to provide the information required in the **Penalty Notice** and scheduling the time and place for the review.
- 7.4 A **Person's** right to request an extension of time in section 7.2 expires if it has not been exercised within 30 days after the **Penalty Notice Date** at which time:
- (a) the **Person** shall be deemed to have waived the right to request a review;
 - (b) the **Administrative Monetary Penalty**, including any administrative fees, shall be deemed to be affirmed on the 16th day after the **Penalty Notice Date**; and
 - (c) the **Administrative Monetary Penalty**, including any administrative fees, is not subject to any further review, including review by any court.
- 7.5 A review or a request for an extension of time to request a review shall only be scheduled by the **Town** if the **Person** has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 7.1 or 7.2.

- 7.6 Where a **Person** fails to attend at the time and place scheduled for a review by the **Screening Officer**:
- (a) the **Person** shall be deemed to have abandoned the request for a review of the **Administrative Monetary Penalty**;
 - (b) the **Person** shall pay to the **Town** a **Screening No Show Fee**;
 - (c) the **Administrative Monetary Penalty**, including any administrative fees, shall be deemed to be affirmed on the date that was scheduled for the review; and
 - (d) the **Administrative Monetary Penalty**, including any administrative fees, is not subject to any further review, including review by any court.
- 7.7 For the purposes of section 7.2, the **Screening Officer** may only extend the time to request a review of an **Administrative Monetary Penalty** where the **Person** demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the **Person** from exercising the right to request a review in the timeframe set out in section 7.1.
- 7.8 Where an extension of time is not granted by the **Screening Officer** the **Administrative Monetary Penalty**, including any administrative fees, is deemed to be affirmed on the 16th day after the **Penalty Notice Date**.
- 7.9 After a review of the **Administrative Monetary Penalty** has been held, the **Screening Officer** shall deliver a **Screening Decision** to the **Person**.

8.0 HEARING OFFICER REVIEW

- 8.1 A **Person** may request a review of a **Screening Decision** by a **Hearings Officer** within 15 days after the **Screening Decision** has been delivered to the **Person**.
- 8.2 If a **Person** has not requested a review within the time limit set out in section 8.1, a **Person** may request that the **Hearings Officer** extend the time to request a review within 30 days after the **Screening Decision** has been delivered to the **Person**.
- 8.3 A **Person's** right to request an extension of time in section 8.2 expires if it has not been exercised within 30 days after the **Screening Decision** has been delivered at which time:
- (a) the **Person** shall be deemed to have waived the right to request a hearing;
 - (b) the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, shall be deemed to be affirmed; and
 - (c) the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, is not subject to any further review, including review by any court.
- 8.4 A **Person's** right to request a review of a **Screening Decision** or to request an extension of time to request the review are exercised by:
- (a) attending in person or by representative at the place specified in the **Request for Review by Hearings Officer**; and
 - (b) filing a completed **Request for Review by Hearings Officer** form.
- 8.5 A review or a request for an extension of time to request a review shall only be scheduled by the **Town** if the **Person** has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 8.1 and 8.2.

- 8.6 Where a **Person** fails to attend at the time and place scheduled for a review by a **Hearings Officer**:
- (a) the **Person** shall be deemed to have abandoned the request for a review of the **Screening Decision**;
 - (b) the **Person** shall pay to the **Town** a **Hearing No Show Fee**;
 - (c) the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, shall be deemed to be affirmed on the date that was scheduled for the Hearing; and
 - (d) the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, is not subject to any further review, including review by any court.
- 8.7 For the purposes of section 8.2, a **Hearings Officer** may only extend the time to request a review of a **Screening Decision** where the **Person** demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the **Person** from exercising the right to request a review in the timeframe set out in section 8.1.
- 8.8 Where an extension of time is not granted by a **Hearings Officer** the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, is deemed to be affirmed and shall not be subject to any further review, including review by any court.
- 8.9 A **Hearings Officer** shall not make any decision respecting a review of a **Screening Decision** unless the **Hearings Officer** has given the **Person** and the **Town** an opportunity to be heard at the time and place scheduled for the hearing of the review.
- 8.10 All hearings conducted by a **Hearings Officer** shall be in accordance with the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended.
- 8.11 After a hearing is complete the **Hearings Officer** shall issue to the **Person** a **Hearing Officer's Decision**.

9. ESTABLISHMENT AND APPOINTMENT OF SCREENING AND HEARING OFFICERS

- 9.1 The position of **Screening Officer** is established for the purpose of exercising the **Power of Decision** in the review of an **Administrative Monetary Penalty** in accordance with this By-law and the **Regulation**.
- 9.2 The following are not eligible for appointment as a **Screening Officer**:
- (a) a member of **Council**;
 - (b) an **Officer**;
 - (c) a **relative** of a **person** referenced in section 9.2(a) and 9.2(b).
- 9.3 The position of **Hearings Officer** is established for the purpose of exercising the **Power of Decision** in the review of a **Screening Decision** in accordance with this By-law and the **Regulation**.
- 9.4 The following are not eligible for appointment as a **Hearing Officer**:
- (a) a member of **Council**;
 - (b) an employee of the **Town**;
 - (c) an **Officer**;
 - (d) a **relative** or a **person** referenced in section 9.4(a), 9.4(b) and 9.4(c);
 - (e) a **person** indebted to the **Town** other than:
 - (i) in respect of current real property taxes; or
 - (ii) pursuant to an agreement with the **Town**, the terms with which the **person** is in compliance.
- 9.4 A **Screening Officer** and a **Hearings Officer** shall be appointed by **Council** on the recommendation of the **Director of Human Resources** which recommendation

shall give preference to an eligible candidate:

- (a) with knowledge of and experience in administrative law; and
- (b) of good character.

- 9.5 A **Screening Officer** and a **Hearings Officer** shall hold office for the term or remainder of the term of **Council** that appointed the **Screening Officer** and **Hearings Officer** and thereafter until a successor is appointed.
- 9.6 A **Screening Officer** and a **Hearings Officer** shall be remunerated at the rate from time to time established by **Council**.
- 9.7 No **person** shall attempt, directly or indirectly, to communicate with or influence a **Screening Officer** or a **Hearings Officer** respecting the determination of an issue respecting a **Power of Decision** in a proceeding that is or will be pending before the **Screening Officer** or **Hearings Officer** except a **Person** who is entitled to be heard in the proceeding or the **Person's** lawyer, licensed representative or authorized agent and only by that **Person** or the **Person's** lawyer, licensed representative or authorized agent during the screening or hearing of the proceeding in which the issue arises.
- 9.8 Section 9.7 does not prevent a **Screening Officer** or **Hearings Officer** from seeking and receiving legal advice.
- 9.9 Sections 9.5 and 9.6, do not apply to a **Screening Officer** that is an employee of the **Town**.

10. JURISDICTION OF SCREENING AND HEARINGS OFFICER

- 10.1 Neither a **Screening Officer** nor a **Hearings Officer** has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
- 10.2 On a review of the **Administrative Monetary Penalty**, the **Screening Officer** may affirm the **Administrative Monetary Penalty**, including any administrative fee, or the **Screening Officer** may cancel, reduce, or extend the time for payment of the **Administrative Monetary Penalty**, including any administrative fee, on the following grounds:
- (a) where the **Person** establishes on a balance of probabilities, that he or she did not contravene the **Designated By-law** as described in the **Penalty Notice**; or
 - (b) where the **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Monetary Penalty**, including any administrative fees, is necessary to relieve any undue hardship.
- 10.3 On a review of a **Screening Decision**, a **Hearings Officer** may affirm the **Screening Decision**, or the **Hearings Officer** may cancel, reduce or extend the time for payment of the **Administrative Monetary Penalty**, including any administrative fee, on the following grounds:
- (a) where the **Person** establishes on a balance of probabilities, that he or she did not contravene the **Designated By-law** as described in the **Penalty Notice**; or
 - (b) where the **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Monetary Penalty**, including any administrative fee, is necessary to relieve any undue hardship.
- 10.4 Any decision by a **Hearings Officer** is final and is not subject to any further review, including review by any court.

11. ADMINISTRATION OF THE BY-LAW

- 11.1 The **Chief Administrative Officer** or designate shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law.
- 11.2 The **Chief Administrative Officer** or designate shall prescribe all forms and notices, including the **Penalty Notice**, necessary to implement the By-law and may amend such forms and notices from time to time as the **Chief Administrative Officer** or designate deems necessary.
- 11.3 The **Chief Administrative Officer** or designate may cancel an **Administrative Monetary Penalty**, including any administrative fee, where the **Penalty Notice** was issued to a **Person** due to an error made by the **Town**.
- 11.4 The **Chief Administrative Officer** or designate may cancel any administrative fee, without cancelling the **Administrative Monetary Penalty**, where the fee was imposed as the result of an error made by the **Town**.

12. FINANCIAL ADMINISTRATION

- 12.1 The **Administrative Monetary Penalty** is due and payable on the **Penalty Notice Date** and within 15 days of the **Penalty Notice Date**.
- 12.2 A **Person** who is given a **Penalty Notice** and who does not pay the amount of the **Administrative Monetary Penalty** within 15 days of the **Penalty Notice Date** shall pay to the **Town** the **Late Payment Fee** and any other administrative fees in Schedule "B" of this By-Law which may be applicable.
- 12.3 An **Administrative Monetary Penalty**, including any administrative fees, that is deemed affirmed is automatically affirmed under this By-law and does not require a **Power of Decision** provided to the **Screening Officer** or the **Hearings Officer**.
- 12.4 Where a **Person** has paid an **Administrative Monetary Penalty** that is then cancelled or reduced pursuant to this By-law, the **Town** shall refund the amount cancelled or reduced including any administrative fees imposed.

13. CONSEQUENCES OF NON-PAYMENT

- 13.1 An **Administrative Monetary Penalty**, including any administrative fees, that is affirmed or reduced or in respect of which the time for payment has been extended is due and payable and constitutes a debt to the **Town** owed by the **Person** to whom the **Penalty Notice** was given.
- 13.2 An **Administrative Monetary Penalty**, including any administrative fees, that is not paid within 15 days after it becomes due and payable shall be deemed to be unpaid taxes and may be collected in the same manner as taxes in accordance with section 434.2 *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.
- 13.3 In the event of extenuating circumstances, a **Person** subject to a **Hearing No Show Fee** may request in writing to the **Chief Administrative Officer** or designate that the matter be reviewed, and upon providing any and all evidence satisfactory to the **Chief Administrative Officer** or designate, the said administrative fee may be cancelled, and an opportunity for another hearing granted, with the decision by the **Chief Administrative Officer** or designate being final.

14. SEVERABILITY

14.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** of the **Town** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS DAY OF 2021.

**THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS**

Alar Soever - Mayor

Corrina Giles – Town Clerk

SCHEDULE A TO BY-LAW 2021--XXX

DESIGNATED BY-LAW PROVISIONS

LICENSING BY-LAW

3. For the purpose of section 2.1 of this By-law:

- (a) Column 1 in the following table lists the provisions in the Licensing By-law No. 2019-XX, as amended, that are hereby designated for the purposes of section 434.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;
- (b) Column 2 in the following table sets out the short form wording to be used in a **Penalty Notice** for the contravention of the designated provisions listed in Column 1;
- (c) Column 3 in the following table sets out the **Administrative Monetary Penalty** amounts that are payable for contraventions of the designated provisions listed in Column 1.

Item	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Monetary Penalty
1	Section 2.3	Term and Condition of Licence - Maximum Occupancy Calculation	\$500.00
2	Section 2.3	Term and Condition of Licence - Non-availability of Responsible Person	\$500.00
3	Section 2.3	Term and Condition of Licence - Non-availability of Rental or Lease Management Program Representative	\$500.00
4	Section 2.3	Term and Condition of Licence - Using premises contrary to Property Management Plan	\$500.00
5	Section 2.4	Term and Condition of Licence - Fail to post Licence	\$500.00
6	Section 2.3	Operate without a Licence	\$2500.00
7	Section 2.13	Making a Meritless or Vexatious Complaint	\$250.00
8	Section 2.4	Advertise without a Licence – Short Term Rental Property Unit	\$500.00
9	Section 2.4	Advertise without a Licence – Bed and Breakfast Establishment	\$500.00
10	Section 2.3	Term and Condition of Type D Licence – Failure of the Licensee to be on site at the Premises between the hours of 2300 and 0700.	\$500.00
11	Section 2.12	Term and Condition of Licence - Permit an activity that causes a nuisance	\$250.00
12	Section 2.3	Term and Condition of Licence – Use premises contrary to Parking Management Plan	\$500.00
13	Section 2.3	Term and Condition of Licence – Operating without functioning noise notification system where required	\$500.00
14	Section 2.3	Term and Condition of Licence – Use or permit the use of an outdoor hot tub or pool between 2300 and 0700 hours	\$500.00
15	Section 2.3	Term and Condition of Licence – Failure to properly secure or cover a Pool or Hot Tub	\$500.00
16	Section 2.3	Term and Condition of Licence – Use or permit the use or ignition of an outdoor fire or fire pit without a permit	\$500.00
17	Section 2.3	Failure to Comply with an Order	\$500.00

SCHEDULE B TO BY-LAW NO. 2021-XXX

ADMINISTRATIVE FEES

Item No.	COLUMN 1 Administrative Fee	COLUMN 2 Amount
1	Late Payment Fee	\$25.00
2	Screening No Show Fee	\$125.00
3	Hearing No Show Fee	\$350.00
4	Land Title Search Fee	\$25.00
5	Title Deed Fee	\$15.00

The Corporation of the Town of The Blue Mountains

By-Law Number 2020~~1~~ – XX

Being a By-law to Regulate and License Businesses in the Town of The Blue Mountains

Whereas Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended hereinafter referred to as the "*Municipal Act*" provides that a municipality has the capacity, rights, powers and privileges of a natural Person for the purpose of exercising the authority under the Act;

And Whereas Section 8 (3) of the *Municipal Act*, authorizes a municipality to provide for a system of Licenses;

And Whereas Section 9 of the *Municipal Act*, 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 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 Section 151 of the *Municipal Act*, provides that a municipality may provide for a system of Licenses with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a License;
- b) refuse to grant a License or to revoke or suspend a License;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a License;
- d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a License;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License; and
- f) License, regulate or govern real and Personal Property used for the business and the Persons carrying it on or engaged in it;

And Whereas 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 of the Corporation of the Town of The Blue Mountains has deemed it necessary and expedient to regulate and License the ~~Short-Term~~Short-Term Rental of Property in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains has implemented a system to License the operation of Short Rental Properties in the Town of The Blue Mountains;

And Whereas the Town of The Blue Mountains wishes to continue the licensing of ~~Short~~Short-Term Rental Properties within the context of a much broader licensing framework;

Now Therefore the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1.0 Definitions

In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2020- XXX, as amended;

“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 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;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Council” means Council for the Town;

“Director of Community Services” means the Director of Community Services for the Town or any Person designated by the Director of Community Services or any Person designated by the Chief Administrative Officer;

“Director of Finance and IT Services” means the Director of Finance and IT Services and Treasurer for the Town or any Person designated by the Director of Finance and IT Services or any Person designated by the Chief Administrative Officer;

“Director of Legal Services” means the Director of Legal Services and the Town Solicitor for the Town or any Person designated by the Director of Legal Services or any Person designated by the Chief Administrative Officer;

“Director of Operations” means the Director of Operations for the Town or any Person designated by the Director of Operations or any Person designated by the Chief Administrative Officer;

“Director of Planning and Development Services” means the Director of Planning and Development Services for the Town or any Person designated by the Director of Planning and Development Services or any Person designated by the Chief Administrative Officer;

“Exception Area” means a specific area of the Town as designated in Town’s Zoning By-law where Short Term Rental Units are considered a permitted use;

“Fire Chief” means the Fire Chief for the Town or any Person designated by the Fire Chief;

“Fit for Duty” - means the condition of a Person who has been designated to respond and that is able to respond not under the influence of any legal or illegal drug, alcohol, or medication that will hinder response and resolution performance or compromise their safety or the safety of others;

“License” means a License issued by the Town pursuant to this By-law;

“License Issuer” means a Town employee delegated authority by Council as the Person responsible for issuing a License;

“License Number” means a number assigned to a License by the Town;

“Licensee” means a Person issued a current valid License pursuant to this By-law;

“Meritless Complaint” means a complaint, or series of complaints, made to the Town’s By-law department or Ontario Provincial Police with respect to a Premises which are found to be unwarranted, unnecessary and where the alleged conduct is found not to have occurred.

“Nuisance” means an activity or behavior that when consistent or repetitive ~~as determined by the discretion of the Director of Legal Services~~ causes an material inconvenience, discomfort or damage to others, either to individuals and/or to the general public, at the discretion of an Officer;

“Officer” means a police officer, Municipal Law Enforcement Officer, the Fire Chief, Chief Building Official or other Person appointed by By-law 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;

“Parking Management Plan” means a plan completed by a licensed professional engineer, architect or landscape architect or equivalent which shall include:

- a) the scale of the drawings in metres;
- b) the area that is designated for the parking of vehicles;
- c) the size of each parking space;
- d) the location of all driveways and access to the Premises; and,
- e) the lot lines of the Premises, including dimensions of the Premises.

“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 other legal representative;

“Premises” means land, Property or any part thereof including any and all Buildings or other structures thereon;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Property Management Plan” means a plan that identifies those measures the Owner will implement so as to ensure compliance with the Town’s Property Standards By-law, Long Grass and Weeds By-law and any other by-law related to property maintenance and/or management in force in the Town;

“Renter” means the Person responsible for the rental of the Premise by way of concession, permit, License, rental agreement or similar commercial arrangement;

“Rental or Lease Management Company” means any person who accepts, facilitates, manages, brokers requests for, advertises, or offers Short-Term Accommodations for compensation or a fee through a website or other platform

“Town” means the Corporation of The Town of The Blue Mountains or the land within the geographic limits of the Corporation of The Town of The Blue Mountains as the context requires;

“Vexatious Complaint” means a complaint, or series of complaints, made to the Town’s By-law department or Ontario Provincial Police with respect to a Premises which are found to be nefarious in nature or, in the opinion of the Officer, are intended to harm, discredit, or otherwise unreasonably interfere with the operations on the Premises.

“Zoning By-law” means any By-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2.0 Application and General

2.1 This By-law shall apply throughout the whole of the Town.

- 2.2 This By-law may be referred to as the “Licensing By-law”.
- 2.3 No Person shall own, operate or carry on a business or activity identified in this By-law other than in accordance with the terms and conditions of a License issued pursuant to ~~under~~ the terms and conditions of this By-law.
- 2.4 No Person shall advertise, promote, broker, or offer for rent or lease any business or activity identified in this By-law without a current valid License and no Owner shall permit any of the foregoing without a current valid License.
- 2.5 No Person shall alter or modify or permit the alteration or modification of a License.
- 2.6 No Person shall use, or attempt to use, a License issued to another Person or Property.
- 2.7 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 License.
- 2.8 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Town is guilty of an offence.
- 2.9 No Person who is issued a License 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 licensed Premise or Activity.
- 2.10 No Person shall remove an order or placard posted on a Premise under this By-law, except an Officer.

2.11 No Person shall own, operate or carry on a business or activity while a License is under an administrative suspension.

2.12 No Person shall cause or permit to be caused a Nuisance on a Premises.

2.13 No Person shall make a Meritless Complaint or Vexatious Complaint about a Premises

2.14 Transition

1. This Section applies to Licenses issued under By-law 2013-50 & 2014-45 (“Existing License”)
 2. An Existing License shall be continued under this By-law on the following terms:
 - a. Any Existing License issued to a Premises within the Exception Area shall be continued as a Type A License
 - b. Any Existing License issued to a Premises outside the Exception Area shall be continued as a Type B License
 - c. Any Existing License issued to a Legal Non-Conforming Premises shall be continued as a Type C License
 - d. Any Existing License issued to a Principle Residence being used as a Bed and Breakfast Establishment shall be continued as a Type D License
 3. Any Existing License which is continued under this By-law shall expire on the same date the Existing License was set to expire.
 4. Any Existing License which is continued under this By-law shall not be subject to the Fees and Charges under this By-law until such time that a new License is issued under this By-law.
 5. The Corporation of the Town of The Blue Mountains By-laws 2013-50 and 2014-45 shall be revoked upon this By-law coming into force.
- 2-146. This By-law shall come into force on the day it is passed.

3.0 Application for a License

- 3.1 A Person making an application for a License or for a renewal of a License shall submit:
- a) a complete application in the form provided by the Town;

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- 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 the applicable Schedule to this By-law have been obtained from the appropriate authority having jurisdiction to the satisfaction of the Town;
- d) any other documents as may be required by the Town to the satisfaction of the Town;
- e) the required License application fee, approval and inspection fees.

3.2 Acceptance of a License application does not constitute approval of the application or oblige the Town to issue a License.

3.3 A License fee shall be paid by a Person at the time the License is issued by the License Issuer.

4.0 Licenses

4.1 The License Issuer is hereby delegated authority to issue a License in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.

4.2 The License Issuer is hereby delegated authority to impose additional terms and conditions on a License that in the opinion of the License Issuer are reasonable and taking 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 to the Town;
- e) the need within the Town
- f) supported by Policy and or By-law, as ~~adopted by~~ Town Council.

4.3 A License issued by the Town is not transferable.

4.4 A License issued pursuant to this By-law is valid for ~~a period of time~~ a period as outlined in the applicable Schedule(s) to this By-law.

4.5 Every License shall remain at all times the Property of the Town;

4.6 No Person shall enjoy a vested right in any License or the continuance of any License.

4.7 A License shall be issued by the License Issuer:

- a) upon the requirements of this By-law being met;
- b) upon submission of the documents to the Town'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 Town's satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;

4.8 The License Issuer shall not issue a License if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the Property subject to the License application.

4.9 A License shall only be issued by the License Issuer to the registered owner of the Property unless otherwise required by the Schedule relating specifically to the License Type.

4.10 A License issued shall include the following:

- a) the municipal address;
- b) License type;
- c) License number;
- d) effective date and expiry date of the License;
- e) Licensee name and contact information;
- f) responsible person name and contact information.

5.0 License Terms and Conditions

5.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.

5.2 A licensee shall notify the Town within fifteen (15) days of any changes to the:

- a) business name;
- b) location of the business Premise;
- c) ownership of the business;
- d) a change in the Licensee's policy of liability insurance;

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

5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).

5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6.0 Licenses Administrative Suspensions

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

6.2 An administrative suspension of a License without a hearing shall be imposed for:

- a) fourteen (14) days if the License Issuer is satisfied and the Director of Legal Services deems that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises.

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

6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the License Issuer considers appropriate.

7.0 Licenses Grounds for Refusal, Revocation or Suspension

7.1 An applicant or Licensee may be granted a License 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 Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law or provincial offence related to the licensed Premise; or
- d) the Applicant or Licensee has failed to comply with any term, condition or direction of the License Issuer or Officer or has failed to permit any investigation by the License Issuer or Officer; or
- e) the applicant or Licensee 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 License would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
- g) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or
- h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant of Licensee is licensed, in contravention of this By-law, or any other applicable law; or
- i) the Applicant or Licensee has not paid the required License fees; or
- j) the Applicant or Licensee has accumulated fifteen (15) demerit points within a two (2) year period; or
- k) the Applicant or Licensee has accumulated ~~twenty five~~twenty-five (25) demerit point within a three (3) year period; or
- l) the Applicant or Licensee or Owner has outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town, or other Government Authority, for the subject Property.

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

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

7.4 Where a License has been revoked, suspended or cancelled, the Licensee shall return the License to the License Issuer within two (2) days of service of the notice of the decision.

7.5 When a revoked, suspended or cancelled License has not been returned, an Officer may enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking or removing the said License.

8.0 Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing

8.1 With the exception of Section 6.2, before a License is refused, revoked, suspended or cancelled written notice shall be given to the Applicant or Licensee.

8.2 Notice shall be served to the Applicant's or Licensee's last known address or email address filed with the Town and shall:

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

- b) inform the Applicant or Licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and
- c) inform the Applicant or Licensee that if no written request is received, the Licensing Appeal Committee may proceed and make any decision with respect to the License.

8.3 On receipt of a written request for a hearing from an Applicant or Licensee, the Clerk shall:

- a) schedule a hearing; and
- b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
- c) post notice of the hearing on the Town's website at least twenty (20) days prior to the hearing date.

8.4 Service of any notice on the Applicant or Licensee 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.

9.0 Establishment of Licensing Appeal Committee

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

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

10.0 Hearing Process

10.1 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, and the Licensing Appeal Committee may pass rules for the practice and procedure of the Committee.

10.2 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 Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the 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, and shall be signed by the members who concur in the decision.

10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.

10.5 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 his absence, and the Person shall not be entitled to any further notice of the proceedings.

10.6 The Clerk 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 Licensee; and
- b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

11.0 Demerit Point System

11.1 The Demerit Point System established on Schedule B to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation of a License.

~~11.2~~ A Licensee shall accumulate demerit points ~~and Administrative Fines as~~ outlined in ~~Columns 4 and 5 of~~ Schedule B for a ~~violation-contravention~~ of this By-law ~~as outlined in Columns 2 and 3 on Schedule B or~~ as a result of an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this By-law.

~~11.3~~ A Licensee shall be given Notice forthwith upon any Demerit Points being issued against their Property

~~11.2~~ Any Demerit points issued pursuant to this By-law may be appealed to the Licence Appeal Committee in accordance with Sections 8,9, 10 of this By-law.

11.3 Subject to Section 11.2 of this Bylaw, Demerit points accumulated by a Licensee shall remain in place against the Licensee for a period of two (2) years from the date the demerit points were imposed.

~~11.4~~ Demerit Points accumulated by a License over a total of eight years shall remain on the License and may be considered in the reduction of License Term, application of conditions that may include the reduction of occupancy on License at the discretion of the Director of Legal Services. ~~Where Demerit points have been accumulated by the Licensee and remain in place, the Director of Legal Services may take into account the Demerit points and may reduce the term of a new Licence or impose additional conditions on a new Licence, including a reduction in the maximum permitted occupancy.~~

~~11.5~~ A Licence may be suspended for a period of not longer than six months if the total Demerit points in effect respecting a Licence is greater than 7.

~~11.6~~ A Licence may be revoked if the total of all Demerit points in effect is greater than 15.

~~11.7~~ Notice of a suspension or revocation under this section shall be provided to the Owner or Licensee ~~Licensee~~ is accordance with section 8.2 of this By-law and an Owner or ~~Licensee~~Licensee may appeal the suspension or revocation in accordance with sections 8, 9, and 10 of this By-law.

~~11.5~~ The Director of Legal Services at their discretion may impose a maximum of two (2) demerit points where it is reasonable to believe that where multiple complaints resulting in a response by an Officer have been received where the activity has not warranted a charge, however the repeated activity has been deemed a Nuisance by the Director of Legal Services in consultation with the Officer(s).

12.0 Fees

12.1 The fees for any License application, inspections and approvals required pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and is payable upon submission of an application.

12.2 The fees for any License to be issued pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and are payable upon the issuing of a License.

13.0 Order to Discontinue

13.1 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened this

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By-law, or who has caused or permitted the contravention, or the Owner or Licensee of the Premises on which the contravention has occurred, to discontinue the contravening activity.

13.2 An Order under section 13.1 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention;
- b) the location of the Premise on which the contravention occurred; and
- c) the date by which there must be compliance with the Order.

13.3 An Order to discontinue a contravening activity made under this section may be served Personally, registered mail to the last known address or by email transmission to:

- a) the Person the Officer believes contravened this By-law; and
- b) such other Persons affected by the Order as the Officer making the Order determines.

13.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of Personal delivery or email transmission.

13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the Premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.

13.6 Any Person who contravenes an Order under this by-law is guilty of an offence or subject to an Administrative Monetary Penalty.

~~13.5~~13.7 An Order issued under this section may be appealed to the Licensing Committee by making a written request in accordance with sections 8.2 and 8.3 of this By-law. If an Order is not appealed within the timeframe wet out in section 8.2(b) the Order shall be deemed to be confirmed.

14.0 Enforcement and Penalty Provisions

14.1 The enforcement of this By-law shall be conducted by an Officer.

14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine ~~whether or not~~whether:

- a) the By-law is complied with;
- b) the License, or the term or condition of a License, or the term or condition of this By-law is complied with;
- c) the approved plans are complied with;
- d) a direction or order made under the *Municipal Act, 2001*, or this By-law is complied with.

14.3 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) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

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

14.5 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.

14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.

14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.

14.8 Every Person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

- a) on a first offence, to a fine not more than \$50,000.00; and
- b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00

14.9 Every Person who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

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

14.11 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.

14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

14.13 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

15.0 Administrative Monetary Penalties

15.1 Administrative Monetary Penalty By-law 2020-XXX, as amended, applies to this By-law.

15.2 Every Person who contravenes a provision of this By-law shall upon the issuing of a Penalty Notice under Administrative Monetary Penalty By-law 2020-XXX is liable to pay the Town an Administrative Monetary Penalty in the amount set out in the Administrative Monetary Penalty By-law 2020-XXX.

~~15.2~~15.3 [Any Person who is issued a Penalty Notice for a contravention of this By-law under the Administrative Monetary Penalty By-law 2020-XXX, as amended, shall not be charged under the *Provincial Offences Act* for the same contravention.](#)

16.0 Severability

If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17.0 Singular and Plural Use

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.

18.0 Schedules

The Schedules attached to this By-law form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 202~~10~~

Alar Soever, Mayor

Corrina Giles, Town Clerk

Town of The Blue Mountains

Schedule A

Licensing Types

Type A	Short Term Rental Property License within the Exception Area as prescribed in Schedule D to this By-law
Type B	Short Term Rental Property License as prescribed in Schedule E to this By-law
Type C	Legal Non-Conforming Short-Term <u>Short-Term</u> Rental Property License as prescribed in Schedule F to this By-law
Type D	Bed & Breakfast License as prescribed in Schedule G to this By-law

Town of The Blue Mountains

Schedule B

Short Form Wordings ~~and~~ and Associated Demerit Points

~~d~~ Associated Demerit Points

For the purpose of Section 11 of this By-law:

- a) the Designated Provisions column in the following table lists the provisions of this By-law that are hereby designated as being subject to the demerit point system;
- b) the Short Form Wording column in the following table sets out the nature of the violation;
- c) the Demerit Points column in the following table sets out the Demerit Points imposed for a contravention of this By-law, or for a Conviction under a Town By-law pursuant to a License, and as referenced in the below chart.

~~e). For greater certainty, Conviction means a fine, charge, or conviction has been entered pursuant to Part I or Part III of the Provincial Offences Act or in the Ontario Court of Justice, and the time for appealing said fine. Charge, or conviction has expired.-~~

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Item	Section	Short Form Wording	Demerit Points
<u>1</u>	<u>Type A, B, C Licence - Section 2.4</u>	<u>Exceed Maximum permitted occupancy between 2200 and 0700 hours</u>	<u>3</u>
<u>2</u>	<u>Type A, B, C Licence - Section 2.4</u>	<u>2nd or subsequent offence for exceeding maximum permitted occupancy between 2200 and 0700 hours</u>	<u>8</u>
<u>3</u>	<u>Type A, B, C Licence - Section 2.9</u>	<u>Term and Condition of License - Non-availability of Responsible Person</u>	<u>5</u>
<u>4</u>	<u>Type A, B, C Licence - Section 2.7 Type D License - Section 2.5</u>	<u>Waste Collection By-law (16-03, as amended) Conviction related to Premises</u>	<u>5</u>
<u>5</u>	<u>Type A, B, C Licence - Section 2.7 Type D License - Section 2.5</u>	<u>Property Standards By-law (2002-18 as amended) Conviction related to Premises</u>	<u>5</u>
<u>6</u>	<u>Type A, B, C Licence - Section 2.7 Type D License - Section 2.5</u>	<u>Noise By-law (2002-9, as amended) Conviction related to Premises</u>	<u>5</u>
<u>7</u>	<u>Type A, B, C Licence - Section 2.7 Type D License - Section 2.5</u>	<u>Second or subsequent contravention related to the Premises under the Noise, Waste Collection or Property Standards By-laws</u>	<u>10</u>
	<u>Type A, B, C Licence - Section 2.7</u>	<u>Term and Condition of License – Using or permitting Premises to be used contrary to Property Management Plan</u>	<u>3</u>
	<u>Type A, B, C Licence - Section 2.6 Type D License - Section 2.5</u>	<u>Term and Condition of License – Fail to post License</u>	<u>3</u>
	<u>Type A, B, C Licence - Section 2.7 Type D License - Section 2.5</u>	<u>Term and Condition of License – Advertising without a Town License number being included in Advertisement</u>	<u>3</u>

	Type D License - Section 2.5	Term and Condition of License – Failure of the Licensee to be on site during the stay of a renter during the hours of 2300 and 0700 hours	5
	Type A, B, C Licence - Section 2.7 Type D License - Section 2.5	Term and Condition of License – Permitting an activity that causes a Nuisance	1
	Type A, B, C Licence - Section 2.7	Term and Condition of License – Using or permitting Premises to be used contrary to Parking Management Plan	3
	Type A, B, C Licence - Section 2.7	Term and Condition of License – Operating without functioning noise notification system where required	3
	Type A, B, C Licence - Section 2.10	Permit the operation or occupation of an outdoor hot tub or outdoor pool outside the hour of 0700 and 2300	5
	Type A, B, C Licence - Section 2.11	Failure to properly or adequately secure a Pool or Hot Tub	5
	Type A, B, C Licence - Section 2.11	Permit or evidence found of ignition of an outside fire or provision of a fire pit without authorization provided by permit and License	5
	Building Code	Building Code Act (construction without a permit) Conviction	7
	Type A, B, C Licence - Section 2.2 Type D License - Section 2.3	Fire Protection and Prevention Act/Fire Code Conviction	15
	Type A, B, C, D Licence – Section 13 of this By-law	Failure to comply with an Order	5
Item	Supportable Section/Code	Short Form Wording	Demerit Points
1	Section 11.5	Term and Condition of License— Activity deemed to be a Nuisance by the Director of Legal Services	2
2	Type A, B, C Licence— Section 2.2 Type D License— Section 2.3	Fire Protection and Prevention Act/Fire Code conviction	15
3	Type A, B, C Licence— Section 2.4	Term and Condition of License— Maximum Occupancy Calculation together with permitting an activity that causes a Nuisance that occurs between the hours of 0700 and 2200 hours	3 (Cumulative with Nuisance Fine)
4	Type A, B, C Licence— Section 2.4	Term and Condition of License— Maximum Occupancy Calculation together with permitting an activity that causes a Nuisance that occurs between the hours of 2200 and 0700 hours	5 (Cumulative with Nuisance Fine)
5	Type A, B, C Licence— Section 2.4	2nd or subsequent Term and Condition of License— Maximum Occupancy Calculation together with permitting an activity that causes a Nuisance that occurs between the hours of 2200 and 0700 hours	8 (Cumulative with Nuisance Fine)
6	Type D License— Section 2.5	Term and Condition of License— Failure of the Licensee to be on site during the stay of	5

		a-renter during the hours of 2300 and 0700 hours	(Cumulative with Nuisance Fine)
7	Type A, B, C Licence— Section 2.6 Type D License— Section 2.5	Term and Condition of License— Fail to post License	3
8	Type A, B, C Licence— Section 2.7 Type D License— Section 2.5	Term and Condition of License— Advertising without a Town License number being included	3
9	Type A, B, C Licence— Section 2.7 Type D License— Section 2.5	Term and Condition of License— Permitting an activity that causes a Nuisance	5
10	Type A, B, C Licence— Section 2.7	Term and Condition of License— Using Premises contrary to Property Management Plan	3
11	Type A, B, C Licence— Section 2.7	Term and Condition of License— Using Premises contrary to Parking Management Plan	3
12	Type A, B, C Licence— Section 2.7	Term and Condition of License— Operating without functioning noise notification system where required	3
13	Type A, B, C Licence— Section 2.7 Type D License— Section 2.5	Term and Condition of License— Property Standards By-law Violation— Order not complied with	3
14	Type A, B, C Licence— Section 2.7 Type D License— Section 2.5	Term and Condition of License— Property Standards By-law – Fail to cut grass	2
15	Type A, B, C Licence— Section 2.7 Type D License— Section 2.5	Term and Condition of License— Waste Collection By-law Violation	2
16	Type A, B, C Licence— Section 2.9	Term and Condition of License— Non-availability of Responsible Person	5
17	Type A, B, C Licence— Section 2.10	Permit or evidence found of the operation or occupation of an outdoor hot tub, outdoor pool outside the hour of 0700 and 2300	5
18	Type A, B, C Licence— Section 2.11	Permit or evidence found of ignition of an outside fire or provision of a fire pit without authorization provided by permit and License	5
19	Building Code	Building Code Act (construction without a permit) conviction	7

Town of The Blue Mountains

Schedule C

Type A License

Short Term Rental Property License within the Exception Area

In this Schedule D of the By-law:

1.0 Definitions

“**Bedroom**” means a room or area, ~~separated from the common living area(s) of the Short Term~~ Short-Term Rental Property Unit which is used, designed, equipped or intended for sleeping;

“**Dwelling Unit**” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“**Exception Area**” means a specific area of the Town as designated in Town’s Zoning By-law;

“**Maximum Occupancy**” means the maximum number of occupants permitted on the Premises;

“**Renter’s Code**” means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the Parking Management Plan.

“**Responsible Person**” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“**Short Term Rental Property Unit**” or “**STRPU**” means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“**Type A**” means a License for a ~~Short-Term~~ Short-Term Rental Property Unit in an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type A License is a License to operate a ~~Short-Term~~ Short-Term Rental Property Unit in the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type A License, shall submit the following:

- a) ~~An inspection approved Statement prepared by~~ approved by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
- b) a Renter’s Code approved by the Director of Legal Services;
- c) a Property Management Plan approved by the Director of Legal Services;
- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental

property for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

- e) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premises;
 - ii. the legal description of the Premises;
 - iii. the contact information for the owner, agent, applicant and Responsible Person;
- f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type A License is subject to the following:

- a) compliance with the Town's Zoning By-law;
- b) fire safety requirements checklist completed to the satisfaction of the Town;
- c) compliance with the Fire Code;
- d) property standards checklist completed to the satisfaction of the Town;
- e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, [carbon monoxide alarm](#), extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town;
- f) confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.3 A Type A License is valid for a period of ~~two (2) years~~ [24 months, or longer at the Town's sole discretion](#) from the date on which it is issued; [For additional clarity, if a License is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.](#)

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2.4 The Maximum Occupancy within a dwelling unit for a Type A License shall be calculated as follows:

- a) two (2) Persons per bedroom; and
- b) four (4) additional Persons.

2.5 The maximum occupancy calculated under Section 2.4 of this Schedule D of this Bylaw may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management Plan, [or occupancy load issues identified by a fire inspector.](#)

2.6 A Licensee of a Type A License shall:

- a) be the registered owner of the Property;
- b) provide and maintain on the Premises a ~~self-enclosed~~ [self-enclosed](#) Building, structure or container for the disposal of garbage and waste;
- c) designate a Responsible Person;
- d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
- e) display the License in a prominent place on the interior of the licensed premise; and,

- f) post the fire safety instructions next to the License displayed on the interior of the licensed premise.
- 2.7 Every Person who owns or operates a ~~Short-Term~~Short-Term Rental Property Unit under a Type A License shall:
- a) operate the Premises in accordance with the approved:
 - i. renter's code;
 - ii. parking management plan;
 - iii. property management plan;
 - iv. maximum occupancy calculation;
 - b) operate the Premises in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
 - c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
 - d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
 - e) not make, cause or permit a disturbance or Nuisance;
 - f) provide the Renter with a copy of the Renter's Code;
 - g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which ~~exit~~exit, and emergency lighting is checked or maintained;
 - ~~iv-viii.~~ annual gas or wood fired appliances, chimneys, vents and flue inspections.
 - h) maintain the records required by subsection (g) for a minimum of two (2) years;
 - i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements ~~entered into~~entered into with a Renter;
 - j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.
- 2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.
- 2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside the hours of 0700 and 2300 exclusively.

2.102.11 Shall ensure that hot tubs ~~are~~ are covered and secured when not in use, and pools are properly secured at all times.

2.112.12 Shall not permit the ignition of any outdoor fire other than an approved outdoor barbeque for the purposes of preparing and cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.

Town of The Blue Mountains

Schedule D

Type B License

Short Term Rental Property License Outside of the Exception Area

1.0 Definitions

In this Schedule E of the By-law:

“Bedroom” means a room or area, separated from the common living area(s) of the ~~Short Term~~ **Short-Term Rental Property Unit** which is used, designed, equipped or intended for sleeping;

~~“Bedroom” means a room or area used, designed, equipped or intended for sleeping;~~

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Renter’s Code” means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the parking management plan.

“Short Term Rental Property Unit” or **“STRPU”** means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type B License” means a License for a ~~Short Term~~ **Short-Term Rental Property Unit** outside an Exception Area in the Town’s Zoning By-law;

2.0 Terms and Conditions

2.1 This Type-B License is a License to operate a ~~Short Term~~ **Short-Term Rental Property Unit** outside of the Exception Area. In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type B License shall submit the following:

- a) ~~An inspection approved a Statement prepared~~ by the Town’s Fire Chief dated within the previous 2 years stating the Premises are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;
- b) a renter’s code approved by the Director of Legal Services;

- c) a property management plan approved by the Director of Legal Services;
- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
- e) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premise;
 - ii. the legal description of the Premise;
 - iii. the contact information for the Owner, Agent, Applicant and Responsible Person;
- f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type B License is subject to the following:

- a) compliance with the Town's Zoning By-law;
- b) fire safety requirements checklist completed to the satisfaction of the Town;
- c) compliance with the Fire Code;
- d) property standards checklist completed to the satisfaction of the Town;
- e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, [carbon monoxide alarm](#), extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town; and
- f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

[2.3 A Type B License is valid for a period of 24 months, or longer at the Town's sole discretion from the date on which it is issued; For additional clarity, if a License is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.](#)

~~[2.3 A Type B License is valid for a period of two \(2\) years from the date on which it is issued;](#)~~

2.4 The Maximum Occupancy within a Dwelling Unit for a Type B License be calculated as follows:

- a) the number permitted under the Town's Zoning By-law; and
- b) where the Town's Zoning By-law does not establish the Maximum Occupancy permitted the Maximum Occupancy shall be calculated as follows:
 - i. two (2) Persons per Bedroom; and
 - ii. four (4) additional Persons.

2.5 The Maximum Occupancy calculated under Section 2.4 of this Schedule E of this By-Law may be reduced by the License Issuer taking into consideration the number of approved parking spaces in the Parking Management, [or occupancy load issues identified by a fire inspector.](#)

2.6 A Licensee of a Type B License shall:

- a) be the registered owner of the Property;

- b) provide and maintain on the Premise a self-enclosed Building, structure or container for the disposal of garbage and waste;
- c) designate a Responsible Person;
- d) display the License in a conspicuous place on the licensed Premises in close proximity to the entrance of the Property and visible to the public at all times;
- e) display the License in a prominent place on the interior of the licensed Premise; and,
- f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise;

2.7 Every Person who owns or operates under a Type B License shall:

- a) operate the Premise in accordance with the approved:
 - i. renter's code;
 - ii. parking management plan;
 - iii. property management plan;
 - iv. maximum occupancy calculation;
- b) operate the Premise in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- e) not make, cause or permit a disturbance or Nuisance;
- f) provide the Renter with a copy of the Renter's Code;
- g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which ~~exit~~exit, and emergency lighting is checked or maintained;
 - viii. annual gas or wood fired appliances, chimneys, vents and flue inspections.
 - ~~iv.~~
- h) maintain the records required by subsection (g) for a minimum of two (2) years;
- i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements ~~entered into~~entered into with a Renter;
- j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.

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~~j) ensure that at least one (1) indoor NoiseAware monitor and one (1) outdoor NoiseAware monitor is fully operational and monitored at all times.~~

2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.

~~2.102.11~~ Shall ensure that hot tubs are are covered and secured when not in use, and pools are properly secured at all times.

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~~2.112.12~~ Shall not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the Licensing process.

Town of The Blue Mountains

Schedule E

Type C License

Legal Non-Conforming ~~Short-Term~~Short-Term Rental Property License

1.0 Definitions

In this Schedule F of the By-law:

“Bedroom” means a room or area, separated from the common living area(s) of the ~~Short Term~~Short-Term Rental Property Unit which is used, designed, equipped or intended for sleeping;

~~“Bedroom” means a room or area used, designed, equipped or intended for sleeping;~~

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Maximum Occupancy” means the maximum number of occupants permitted on the Premises;

“Principal Residence” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“Responsible Person” means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the License;

“Renter’s Code” means a document prepared by the Owner that:

- k) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- l) provides a written warning related to the making of a disturbance;
- m) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- n) includes the parking management plan.

“Short Term Rental Property Unit” or **“STRPU”** means a Building or structure or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year;

“Type C License” means a License for a ~~Short-Term~~Short-Term Rental Property Unit for a Legal Non-Conforming ~~Short-Term~~Short-Term Rental Property Unit;

2.0 Terms and Conditions

2.1 This Type C License is a License to operate a Legal Non-Conforming ~~Short-Term~~Short-Term Rental Property Unit.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type C License shall submit the following:

- a) ~~An inspection approved a Statement prepared~~ by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;

- b) a renter's code approved by the Director of Legal Services;
- c) a property management plan approved by the Director of Legal Services;
- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
- e) acknowledgement and consent to the posting of the following information on the Town's website:
 - i. the municipal address of the Premise;
 - ii. the legal description of the Premise;
 - iii. the contact information for the Owner, Agent, Applicant and Responsible Person;
- f) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code;
- g) a valid current License issued under the previous By-law that has not expired.

2.3 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a Type C License is subject to the following:

- a) a Type C License may only be issued by the License Issuer where the applicant has a current valid License issued prior to December 31, 2019;
- b) fire safety requirements checklist completed to the satisfaction of the Town;
- c) compliance with the Fire Code;
- d) property standards checklist completed to the satisfaction of the Town;
- e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, [carbon monoxide alarm](#), extinguisher, exit/egress doors or windows on the Premises to the satisfaction of the Town; and,
- f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.4 A Type C License is valid for a period of 24 months, or longer at the Town's sole discretion from the date on which it is issued; For additional clarity, if a ~~License~~ License is issued for greater than 24 months, the STRPU shall be subject to pro-rated fees and charges for the extended term of the License.

~~2.4 A Type C License is valid for a period of two (2) years from the date on which it is issued;~~

2.5 The Maximum Occupancy within a Dwelling Unit subject to a Type C License shall be calculated as ~~previously calculated~~ identified by the Town as part of the Legal Non-Conforming review process.

2.6 A Licensee of a Type C License shall:

- a) the registered owner of the Property;
- b) provide and maintain on the Premise a self-enclosed Building, structure or container for the disposal of garbage and waste;
- c) designate a Responsible Person;
- d) display the License in a conspicuous place on the licensed Premise in close proximity to the entrance of the Property and visible to the public at all times;

- e) display the License in a prominent place on the interior of the licensed Premise; and,
- f) post the fire safety instructions next to the License displayed on the interior of the licensed Premise.

2.7 Every Person who owns or operates a Type C License shall:

- a) operate the Premise in accordance with the approved:
 - i. renter's code;
 - ii. parking management plan;
 - iii. property management plan;
 - iv. maximum occupancy calculation;
- b) operate the Premise in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- e) not make, cause or permit a disturbance or Nuisance;
- f) provide the Renter with a copy of the Renter's Code;
- g) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;
 - v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
 - vi. the dates on which fire extinguishers are checked or maintained;
 - vii. the dates on which ~~exit~~exit, and emergency lighting is checked or maintained;
 - ~~iv-viii.~~ annual gas or wood fired appliances, chimneys, vents and flue inspections.
- h) maintain the records required by subsection (g) for a minimum of two (2) years;
- i) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. contracts and agreements ~~entered into~~entered into with a Renter.
- j) ensure that at least one (1) indoor NoiseAware monitor, or equivalent noise detection system, and one (1) outdoor NoiseAware monitor, or equivalent noise detection system, is fully operational and monitored at all times.
- ~~j) ensure that at least one (1) indoor NoiseAware monitor and one (1) outdoor NoiseAware monitor is fully operational and monitored at all times.~~

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2.8 A Responsible Person shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premise.

2.9 A Responsible Person shall be available by email or by any other method as determined by the Town, 24 hours a day, 7 days a week to attend a licensed premise within ½ hour of

being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

2.10 Shall not permit the use or occupation of an outdoor hot tub and or outdoor pool outside of the hours of 0700 and 2300 exclusively.

~~2.102.11~~ Shall ensure that hot tubs ~~are are~~ covered and secured when not in use, and pools are properly secured at all times.

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2.112.12 Shall not permit the ignition of any outdoor fire other than an approved outdoor Barbeque for the purposes of preparing or cooking of food is prohibited unless authorized by formal permit provided by The Blue Mountains Fire Department as part of the licensing process.

Town of The Blue Mountains

Schedule F

Type D License

Bed & Breakfast License

1.0 Definitions

In this Schedule G of the By-law:

“**Bedroom**” means a room or area used, designed, equipped or intended for sleeping;

“**Bed and Breakfast Establishment**” or “**B & B**” means a Building used as a residence that operates or offers no more than three guest rooms as places or temporary residence, lodging or occupancy by way of concession, permit, lease, License, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the Principal Residence of the establishment’s proprietor. Bed and Breakfast Establishment shall not mean or include motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses;

“**Dwelling Unit**” means a suite operated as a housekeeping unit, used or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“**Principal Residence**” means a Person’s permanent lodging place to which, whenever absent he or she intends to return;

“**Renter’s Code**” means a document prepared by the Owner that:

- k) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- l) provides a written warning related to the making of a disturbance;
- m) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- n) includes the parking management plan.

“**Type D License**” means a License for a Bed and Breakfast Establishment.

2.0 Terms and Conditions

2.1 This Type D License is applicable to properties operated as a Bed & Breakfast Establishment.

2.2 In addition to the licensing requirements set out in this By-law an Applicant or Licensee for a Type D License shall submit the following:

- a) a Statement prepared by the Town’s Fire Chief dated within the previous 2 years stating the Premise are in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the Maximum Occupancy;
- b) a renter’s code approved by the Director of Legal Services;
- c) an executed Site Plan Agreement;
- d) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a Bed & Breakfast for the term of the License with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter; and,

- e) certificate from a Licensed Electrician dated within the previous 90 days of making applications for a License stating the Premises are in compliance with the Electrical Safety Code.

2.3 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law, the issuing of a Type D License is subject to the following:

- a) compliance with the Town's Zoning By-law endorsed by the Director of Planning and Development Services;
- b) fire safety requirements checklist completed to the satisfaction of the Town;
- c) compliance with the Fire Code;
- d) property standards checklist completed to the satisfaction of the Town;
- e) posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each Bedroom, smoke alarm, [carbon monoxide alarm](#), extinguisher, exit/egress doors or windows on the Premise to the satisfaction of the Town; and,
- f) confirmation that the Owner(s) and Applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.4 A Type D License is valid for a period of two (2) years from the date on which it is issued;

2.5 A Licensee of a Type D License shall:

- a) be the registered owner of the property;
- b) ensure that the Premise is the Principle Residence of the Licensee;
- c) be on site at the premise during the stay of a Renter during the hours of 2300 and 0700 hours;
- d) display the License in a conspicuous place on the licensed premise in close proximity to the entrance of the property and visible to the public at all times;
- e) display the License in a prominent place on the interior of the licensed Premise;
- f) be responsible for the operation of the premise, the conduct of the Renter and the occupants of the Premise;
- g) operate the Premises in accordance with the Town's:
 - i. Property Standards By-law;
 - ii. Waste Collection By-law;
 - iii. Noise By-law;
 - iv. any other By-law and the Ontario Human Rights Code;
- h) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- i) not make, cause or permit a disturbance or Nuisance;
- j) include the valid current License Number on all:
 - i. advertisement and promotional materials;
 - ii. website;
 - iii. ~~contracts and agreements entered into~~entered into with a Renter;
- k) keep a written record of the following:
 - i. the date of entry;
 - ii. the length of stay of a Renter;
 - iii. the home address of a Renter;
 - iv. confirmation including the date of receipt of the Renter's Code by the Renter;

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- v. the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or units replaced;
- vi. the dates on which fire extinguishers are checked or maintained;
- vii. the dates on which ~~exit~~exit, and emergency lighting is checked or maintained;
- viii. annual gas or wood fired appliances, chimneys, vents and flue inspections.

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THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW 202~~10~~ - XX

BEING A BY-LAW TO ESTABLISH A COMPREHENSIVE SYSTEM OF ADMINISTRATIVE MONETARY PENALTIES FOR THE TOWN OF BLUE MOUNTAINS

WHEREAS section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

AND WHEREAS section 391(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides for a municipality to impose fees and charges on persons for services or activities it provides and for the use of its property;

AND WHEREAS section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to delegate its powers and duties;

AND WHEREAS section 434.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended 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 434.2 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS the Province of Ontario adopted the "Administrative Penalties" regulation, O. Reg 333/07 pursuant to the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains considers it desirable to have an Administrative Monetary Penalty By-law that sets out a process for all regulatory by-laws to which administrative monetary penalties may apply;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1. SHORT TITLE

1.1 This by-law shall be known and may be cited as the "Administrative Monetary Penalties By-law".

2. APPLICABILITY AND SCOPE

2.1 This By-law applies to, and only to a **Designated By-law**.

2.2 This By-law shall apply to any contravention of a **Designated By-law** listed in Schedule "A" of this By-law. The short form wording to be used for a contravention of a **Designated By-law** and the **Administrative Monetary Penalty** imposed are as set out in Schedule "A" of this By-law.

2.3 The *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, will continue to apply to contraventions of a **Designated By-law**, except that no **Person** that is ~~required to pay~~ issued a **Penalty Notice** an ~~Administrative Monetary Penalty~~ under this By-law in respect of a contravention of a **Designated By-law** shall be charged with an offence in respect of the same contravention under the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

3. DEFINITIONS

3.1 In this By-law:

“Administrative Monetary Penalty” means a monetary penalty imposed and as set out in Schedule “A” of this By-law for a contravention of a **Designated By-law** and when imposed includes an administrative fee as set out in Schedule “B”;

“Chief Administrative Officer” means the Chief Administrative Officer for the Town or any Person designated by the Chief Administrative Officer;

“Council” means the Council of the **Town**;

“Clerk” means the Clerk for the **Town** or any **Person** designated by the Clerk;

“Designated By-law” means a by-law or provision of a by-law that is designated under this or any other by-law, as a by-law or provision of a by-law to which this By-law applies;

“Director of Human Resources” means the Director of Human Resources for the **Town** or any **Person** designated by the Director of Human Resources;

“Hearing No Show Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a **Person’s** failure to appear at the time and place scheduled for a review before a **Hearings Officer**;

“Hearings Officer” means a **Person** appointed by **Council** to perform the duties of a Hearing Officer for the purposes of this By-law;

“Hearing Officer’s Decision” means a notice that contains the decision of a **Hearings Officer**;

“Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices for the **Town** are officially closed for business;

“Late Payment Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a **Person’s** failure to pay an **Administrative Monetary Penalty** within the time prescribed in this By-law;

“Officer” means a police officer, a Municipal Law Enforcement Officer or other person appointed by or under the authority of a **Town** by-law to enforce a **Designated By-law**;

“Owner” includes,

- (a) the **Person** for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the **Person’s** own account or as agent or trustee of any other **Person**, or who would receive the rent if the land and premises were let;
- (b) a lessee or occupant of the property;
- (c) a **Person** having care and control of the property;

“Parent” means a **Person** who has demonstrated a settled intention to treat a child as a member of his or her family ~~whether or not~~ whether that **Person** is the natural parent of the child;

“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 other legal representative;

“Penalty Notice” means a notice issued by an **Officer** for a contravention of a **Designated By-law**;

“Penalty Notice Date” means the date of the contravention specified on the **Penalty Notice**;

“Penalty Notice Number” means the number specified on the **Penalty Notice**;

“Power of Decision” means a power or right, conferred by or under this By-law, to make a decision deciding or prescribing, the legal rights, powers, privileges, immunities, duties or liabilities of a **Person**;

- (a) in the case of a **Screening Officer**, in respect of a request to review an **Administrative Monetary Penalty**;
- (b) in the case of a **Hearings Officer**, in respect of a request to review a **Screening Decision**;

“Relative” includes any of the following **persons**:

- (a) **spouse**;
- (b) **parent**, including step-child and grandchild;
- (c) siblings and children of siblings;
- (d) aunt, uncle, niece and nephew;
- (e) in-laws, including mother, father, sister, brother, daughter, and son; or
- (f) a **person** who lives with the **person** on a permanent basis;

“Regulation” means the Administrative Penalties, Ontario Regulation 333/07 under the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

“Request for Review By Hearings Officer” means a form provided by the **Town** to request a review of a **Screening Decision**;

“Screening Decision” means a notice which contains the decision of a **Screening Officer**;

“Screening Officer” means a **Person** appointed by **Council** to perform the duties of a Screening Officer for the purposes of this By-law;

“Screening No Show Fee” means an administrative fee as set out in Schedule “B” of this By-law in respect of a **Person’s** failure to appear at the time and place scheduled for a review by a **Screening Officer**;

“Spouse” means a **Person** to whom the **Person** is married or with whom the **Person** is living in a conjugal relationship outside marriage;

“Tax Roll Address” means the mailing address and contact information for the owner of property that appears in the **Town’s** municipal tax assessment records;

“Town” means the Corporation of the Town of The Blue Mountains or the land within the geographic limits of the Corporation of the Town of The Blue Mountains as the context requires.

4. GENERAL PROVISIONS

- 4.1. Where an **Administrative Monetary Penalty** is cancelled by a **Screening Officer** or a **Hearings Officer** any administrative fee is also cancelled.
- 4.2. Any time limit that would otherwise expire on a **Holiday** is extended to the next day that is not a **Holiday**.
- 4.3. Any Schedule attached to this By-law forms part of this By-law.

- 4.4. Sections 431 and 440 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, apply to this By-law, providing respectively, for a court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the **Town**, for a court to make orders to restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-law.
- 4.5. Nothing in this By-law limits the **Town's** right to enforce a **Designated By-law** by any other and all legal means.

5. PENALTY NOTICE

5.1 A **Penalty Notice** shall include the following information:

- (a) the name of the **Person(s)**;
- (b) the **Penalty Notice Date**;
- (c) a **Penalty Notice Number**;
- (d) the short form wording outlined in Schedule "A" of the By-law, which describes the particulars of the contravention;
- (e) the amount of the **Administrative Monetary Penalty** outlined in Schedule "A" of this By-law;
- (f) the name and identification number of the **Officer**;
- (g) such information as the **Director of Chief Administrative Officer** or designate determines is appropriate respecting the process by which the **Person** may exercise the **Person's** right to request a review of the **Administrative Monetary Penalty**;
- (h) a statement advising that an **Administrative Monetary Penalty**, including any administrative fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the **Person** to the **Town**.

5.2 An **Officer** who has reason to believe that a **Person** has contravened a provision of a **Designated By-law** may issue a **Penalty Notice** to that **Person**.

5.3 Every **Person** who contravenes a provision of a **Designated By-law** shall, when given a **Penalty Notice**, be liable to pay to the **Town** the **Administrative Monetary Penalty** set out in the **Penalty Notice** within 15 days of the **Penalty Notice Date**.

5.4 No **Officer** shall accept payment in respect of an **Administrative Monetary Penalty**.

5.5 Where a **Penalty Notice** is issued in respect of a contravention of a **Designated By-law** for which **Owners** of a property are responsible, the **Penalty Notice** shall include the name of all **Persons** who are the registered owners of such property, and such **Persons** shall be jointly and severally liable for the **Penalty Notice**.

6. SERVICE OF A PENALTY NOTICE

6.1 Service of any document or notice, including a **Penalty Notice**, respecting this By-law may be given in writing in any of the following ways and is effective:

- (a) when a copy is delivered to the **Person** to whom it is addressed;
- (b) on the 5th day after a copy is sent by registered mail or by regular letter mail to the **Person's** last known address;
- (c) upon the conclusion of the transmission of a copy by facsimile transmission to the **Person's** last known facsimile transmission number; or
- (d) upon sending a copy by e-mail transmission to the **Person's** last known e-mail address.

6.2 For the purposes of sections 6.1 (b), (c) and (d), a **Person's** last known address, facsimile number and e-mail address may include an address, facsimile number and e-mail address provided by the **Person** to the **Town**, including the **Tax Roll Address**, information provided in an application for a **license** made by a **Person** under a **Town** Licensing By-law or as provided in writing or in a form supplied by the **Town** for the purposes of administration of this By-law.

6.3 In addition to the service methods in section 6.1, an **Officer** may serve the **Penalty Notice** on a **Person** who is the **Owner** of a property that is in contravention of a **Designated By-Law**, by delivering it personally to the **Person** having care and control of the property and then sending a copy by regular mail to the **Tax Roll Address**;

6.4 Service of a **Penalty Notice** under section 6.3 is effective on the 5th day after a copy is sent by regular letter mail to the **Tax Roll Address**.

7. SCREENING OFFICER REVIEW

7.1 A **Person** who is given a **Penalty Notice** may request that the **Administrative Monetary Penalty** be reviewed by a **Screening Officer** within 15 days after the **Penalty Notice Date**.

7.2 If a **Person** does not request a review within the time limit set out in section 7.1, a **Person** may request that the **Screening Officer** extend the time to request a review within 30 days after the **Penalty Notice Date**.

7.3 A **Person's** right to request a review or to request an extension of time to request a review are exercised by:

- (a) calling the telephone number listed on the **Penalty Notice**, providing the information required as set out in the **Penalty Notice** and scheduling the time and place for the review; or
- (b) attending in person or by a representative at the place specified in the **Penalty Notice** to provide the information required in the **Penalty Notice** and scheduling the time and place for the review.

7.4 A **Person's** right to request an extension of time in section 7.2 expires if it has not been exercised within 30 days after the **Penalty Notice Date** at which time:

- (a) the **Person** shall be deemed to have waived the right to request a review;
- (b) the **Administrative Monetary Penalty**, including any administrative fees, shall be deemed to be affirmed on the 16th day after the **Penalty Notice Date**; and
- (c) the **Administrative Monetary Penalty**, including any administrative fees, is not subject to any further review, including review by any court.

7.5 A review or a request for an extension of time to request a review shall only be scheduled by the **Town** if the **Person** has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 7.1 or 7.2.

- 7.6 Where a **Person** fails to attend at the time and place scheduled for a review by the **Screening Officer**:
- (a) the **Person** shall be deemed to have abandoned the request for a review of the **Administrative Monetary Penalty**;
 - (b) the **Person** shall pay to the **Town** a **Screening No Show Fee**;
 - (c) the **Administrative Monetary Penalty**, including any administrative fees, shall be deemed to be affirmed on the date that was scheduled for the review; and
 - (d) the **Administrative Monetary Penalty**, including any administrative fees, is not subject to any further review, including review by any court.
- 7.7 For the purposes of section 7.2, the **Screening Officer** may only extend the time to request a review of an **Administrative Monetary Penalty** where the **Person** demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the **Person** from exercising the right to request a review in the timeframe set out in section 7.1.
- 7.8 Where an extension of time is not granted by the **Screening Officer** the **Administrative Monetary Penalty**, including any administrative fees, is deemed to be affirmed on the 16th day after the **Penalty Notice Date**.
- 7.9 After a review of the **Administrative Monetary Penalty** has been held, the **Screening Officer** shall deliver a **Screening Decision** to the **Person**.
- 8.0 HEARING OFFICER REVIEW**
- 8.1 A **Person** may request a review of a **Screening Decision** by a **Hearings Officer** within 15 days after the **Screening Decision** has been delivered to the **Person**.
- 8.2 If a **Person** has not requested a review within the time limit set out in section 8.1, a **Person** may request that the **Hearings Officer** extend the time to request a review within 30 days after the **Screening Decision** has been delivered to the **Person**.
- 8.3 A **Person's** right to request an extension of time in section 8.2 expires if it has not been exercised within 30 days after the **Screening Decision** has been delivered at which time:
- (a) the **Person** shall be deemed to have waived the right to request a hearing;
 - (b) the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, shall be deemed to be affirmed; and
 - (c) the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, is not subject to any further review, including review by any court.
- 8.4 A **Person's** right to request a review of a **Screening Decision** or to request an extension of time to request the review are exercised by:
- (a) attending in person or by representative at the place specified in the **Request for Review by Hearings Officer**; and
 - (b) filing a completed **Request for Review by Hearings Officer** form.
- 8.5 A review or a request for an extension of time to request a review shall only be scheduled by the **Town** if the **Person** has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 8.1 and 8.2.

- 8.6 Where a **Person** fails to attend at the time and place scheduled for a review by a **Hearings Officer**:
- (a) the **Person** shall be deemed to have abandoned the request for a review of the **Screening Decision**;
 - (b) the **Person** shall pay to the **Town** a **Hearing No Show Fee**;
 - (c) the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, shall be deemed to be affirmed on the date that was scheduled for the Hearing; and
 - (d) the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, is not subject to any further review, including review by any court.
- 8.7 For the purposes of section 8.2, a **Hearings Officer** may only extend the time to request a review of a **Screening Decision** where the **Person** demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the **Person** from exercising the right to request a review in the timeframe set out in section 8.1.
- 8.8 Where an extension of time is not granted by a **Hearings Officer** the **Screening Decision**, which includes the **Administrative Monetary Penalty** and any administrative fees, is deemed to be affirmed and shall not be subject to any further review, including review by any court.
- 8.9 A **Hearings Officer** shall not make any decision respecting a review of a **Screening Decision** unless the **Hearings Officer** has given the **Person** and the **Town** an opportunity to be heard at the time and place scheduled for the hearing of the review.
- 8.10 All hearings conducted by a **Hearings Officer** shall be in accordance with the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended.
- 8.11 After a hearing is complete the **Hearings Officer** shall issue to the **Person** a **Hearing Officer's Decision**.
- 9. ESTABLISHMENT AND APPOINTMENT OF SCREENING AND HEARING OFFICERS**
- 9.1 The position of **Screening Officer** is established for the purpose of exercising the **Power of Decision** in the review of an **Administrative Monetary Penalty** in accordance with this By-law and the **Regulation**.
- 9.2 The following are not eligible for appointment as a **Screening Officer**:
- (a) a member of **Council**;
 - (b) an **Officer**;
 - (c) a **relative** of a **person** referenced in section 9.2(a) and 9.2(b).
- 9.3 The position of **Hearings Officer** is established for the purpose of exercising the **Power of Decision** in the review of a **Screening Decision** in accordance with this By-law and the **Regulation**.
- 9.4 The following are not eligible for appointment as a **Hearing Officer**:
- (a) a member of **Council**;
 - (b) an employee of the **Town**;
 - (c) an **Officer**;
 - (d) a **relative** or a **person** referenced in section 9.4(a), 9.4(b) and 9.4(c);
 - (e) a **person** indebted to the **Town** other than:
 - (i) in respect of current real property taxes; or
 - (ii) pursuant to an agreement with the **Town**, the terms with which the **person** is in compliance.

- 9.4 A **Screening Officer** and a **Hearings Officer** shall be appointed by **Council** on the recommendation of the **Director of Human Resources** which recommendation shall give preference to an eligible candidate:
- (a) with knowledge of and experience in administrative law; and
 - (b) of good character.
- 9.5 A **Screening Officer** and a **Hearings Officer** shall hold office for the term or remainder of the term of **Council** that appointed the **Screening Officer** and **Hearings Officer** and thereafter until a successor is appointed.
- 9.6 A **Screening Officer** and a **Hearings Officer** shall be remunerated at the rate from time to time established by **Council**.
- 9.7 No **person** shall attempt, directly or indirectly, to communicate with or influence a **Screening Officer** or a **Hearings Officer** respecting the determination of an issue respecting a **Power of Decision** in a proceeding that is or will be pending before the **Screening Officer** or **Hearings Officer** except a **Person** who is entitled to be heard in the proceeding or the **Person's** lawyer, licensed representative or authorized agent and only by that **Person** or the **Person's** lawyer, licensed representative or authorized agent during the screening or hearing of the proceeding in which the issue arises.
- 9.8 Section 9.7 does not prevent a **Screening Officer** or **Hearings Officer** from seeking and receiving legal advice.
- 9.9 Sections 9.5 and 9.6, do not apply to a **Screening Officer** that is an employee of the **Town**.
- 10. JURISDICTION OF SCREENING AND HEARINGS OFFICER**
- 10.1 Neither a **Screening Officer** nor a **Hearings Officer** has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
- 10.2 On a review of the **Administrative Monetary Penalty**, the **Screening Officer** may affirm the **Administrative Monetary Penalty**, including any administrative fee, or the **Screening Officer** may cancel, reduce, or extend the time for payment of the **Administrative Monetary Penalty**, including any administrative fee, on the following grounds:
- (a) where the **Person** establishes on a balance of probabilities, that he or she did not contravene the **Designated By-law** as described in the **Penalty Notice**; or
 - (b) where the **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Monetary Penalty**, including any administrative fees, is necessary to relieve any undue hardship.
- 10.3 On a review of a **Screening Decision**, a **Hearings Officer** may affirm the **Screening Decision**, or the **Hearings Officer** may cancel, reduce or extend the time for payment of the **Administrative Monetary Penalty**, including any administrative fee, on the following grounds:
- (a) where the **Person** establishes on a balance of probabilities, that he or she did not contravene the **Designated By-law** as described in the **Penalty Notice**; or
 - (b) where the **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Monetary Penalty**, including any administrative fee, is necessary to relieve any undue hardship.

10.4 Any decision by a **Hearings Officer** is final and is not subject to any further review, including review by any court.

11. ADMINISTRATION OF THE BY-LAW

11.1 The **Chief Administrative Officer** or designate shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law.

11.2 The **Chief Administrative Officer** or designate shall prescribe all forms and notices, including the **Penalty Notice**, necessary to implement the By-law and may amend such forms and notices from time to time as the **Chief Administrative Officer** or designate deems necessary.

11.3 The **Chief Administrative Officer** or designate may cancel an **Administrative Monetary Penalty**, including any administrative fee, where the **Penalty Notice** was issued to a **Person** due to an error made by the **Town**.

11.4 The **Chief Administrative Officer** or designate may cancel any administrative fee, without cancelling the **Administrative Monetary Penalty**, where the fee was imposed as the result of an error made by the **Town**.

12. FINANCIAL ADMINISTRATION

12.1 The **Administrative Monetary Penalty** is due and payable on the **Penalty Notice Date** and within 15 days of the **Penalty Notice Date**.

12.2 A **Person** who is given a **Penalty Notice** and who does not pay the amount of the **Administrative Monetary Penalty** within 15 days of the **Penalty Notice Date** shall pay to the **Town** the **Late Payment Fee** and any other administrative fees in Schedule "B" of this By-Law which may be applicable.

12.3 An **Administrative Monetary Penalty**, including any administrative fees, that is deemed affirmed is automatically affirmed under this By-law and does not require a **Power of Decision** provided to the **Screening Officer** or the **Hearings Officer**.

12.4 Where a **Person** has paid an **Administrative Monetary Penalty** that is then cancelled or reduced pursuant to this By-law, the **Town** shall refund the amount cancelled or reduced including any administrative fees imposed.

13. CONSEQUENCES OF NON-PAYMENT

13.1 An **Administrative Monetary Penalty**, including any administrative fees, that is affirmed or reduced or in respect of which the time for payment has been extended is due and payable and constitutes a debt to the **Town** owed by the **Person** to whom the **Penalty Notice** was given.

13.2 An **Administrative Monetary Penalty**, including any administrative fees, that is not paid within 15 days after it becomes due and payable shall be deemed to be unpaid taxes and may be collected in the same manner as taxes in accordance with section 434.2 *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.

13.3 In the event of extenuating circumstances, a **Person** subject to a **Hearing No Show Fee** may request in writing to the **Chief Administrative Officer** or designate that the matter be reviewed, and upon providing any and all evidence satisfactory to the **Chief Administrative Officer** or designate, the said administrative fee may be cancelled, and an opportunity for another hearing granted, with the decision by the **Chief Administrative Officer** or designate being final.

14. SEVERABILITY

14.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** of the **Town** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS DAY OF 2020~~1~~.

**THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS**

~~MAYOR~~ Alar Soever - Mayor

~~CLERK~~ Corrina Giles – Town Clerk

SCHEDULE A TO BY-LAW 20201--XXX
DESIGNATED BY-LAW PROVISIONS

LICENSING BY-LAW

3. For the purpose of section 2.1 of this By-law:

- (a) Column 1 in the following table lists the provisions in the Licensing By-law No. 2019-XX, as amended, that are hereby designated for the purposes of section 434.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;
- (b) Column 2 in the following table sets out the short form wording to be used in a **Penalty Notice** for the contravention of the designated provisions listed in Column 1;
- (c) Column 3 in the following table sets out the **Administrative Monetary Penalty** amounts that are payable for contraventions of the designated provisions listed in Column 1.

Item	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Monetary Penalty
1	Section 2.34	Term and Condition of Licence - Maximum Occupancy Calculation	\$500.00
2	Section 2.34	Term and Condition of Licence - Non-availability of Responsible Person	\$500.00
3	Section 2.34	Term and Condition of Licence - Non-availability of Rental or Lease Management Program Representative	\$500.00
4	Section 2.4	Term and Condition of Licence – Noise By-law Violation	\$500.00
5	Section 2.34	Term and Condition of Licence - Using premises contrary to Property Management Plan	\$500.00
6	Section 2.4	Term and Condition of Licence - Fail to post Licence	\$500.00
7	Section 2.4	Term and Condition of Licence – Property Standards By-law Violation – Order not complied with	\$500.00
8	Section 2.4	Term and Condition of Licence – Property Standards By-law Violation – Fail to cut grass	\$500.00
9	Section 2.4	Term and Condition of Licence – Waste Collection By-law Violation	\$500.00
10	Section 2.3	Operate without a Licence	\$2500.00 \$1500.00
11	Section 2.13	Making a Meritless or Vexatious Complaint	\$250.00
12	Section 2.45	Advertise without a Licence – Short Term Rental Property Unit	\$500.00
13	Section 2.46	Advertise without a Licence – Bed and Breakfast Establishment	\$500.00
14	Section 2.3	Term and Condition of Type D Licence – Failure of the Licensee to be on site at the Premises between the hours of 2300 and 0700.	\$500.00
15	Section 2.12	Term and Condition of Licence - Permit an activity that causes a nuisance	\$250.00
16	Section 2.3	Term and Condition of Licence – Use premises contrary to Parking Management Plan	\$500.00
17	Section 2.3	Term and Condition of Licence – Operating without functioning noise notification system where required	\$500.00
18	Section 2.3	Term and Condition of Licence – Use or permit the use of an outdoor hot tub or pool between 2300 and 0700 hours	\$500.00

Item	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Monetary Penalty
18	Section 2.3	Term and Condition of Licence – Failure to properly secure or cover a Pool or Hot Tub	\$500.00
19	Section 2.3	Term and Condition of Licence – Use or permit the use or ignition of an outdoor fire or fire pit without a permit	\$500.00
20	Section 2.3	Failure to Comply with an Order	\$500.00

SCHEDULE B TO BY-LAW NO. 2020~~1~~-XXX

ADMINISTRATIVE FEES

Item No.	COLUMN 1 Administrative Fee	COLUMN 2 Amount	
1	Late Payment Fee	\$25.00	Formatted: Font: Bold
2	Screening No Show Fee	\$12550.00	Formatted: Font: Bold
3	Hearing No Show Fee	\$350400.00	Formatted: Font: Bold
4	Land Title Search Fee	\$25.00	Formatted: Font: Bold
5	Title Deed Fee	\$15.00	Formatted: Font: Bold