BY-LAW 2024/23

BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING TO LICENSE, REGULATE AND GOVERN SHORT TERM RENTAL ACCOMMODATIONS IN THE MUNICIPALITY OF WEST NIPISSING

WHEREAS the Council of The Corporation of the Municipality of West Nipissing deems it desirable to license, regulate and govern short-term rentals as defined in this By-law for the purpose of protecting long-term housing availability, the health and safety of the persons residing in rental premises and the natural environment by ensuring that regulations are met and that the required amenities such as heat, sanitary and water services are provided, and to ensure that the rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the amenity, character and stability of the area;

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

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

AND WHEREAS section 10(2) of the *Municipal Act, 2001* provides that a single-tier municipality may pass by-laws respecting business licensing;

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

AND WHEREAS section 151 of the *Municipal Act, 2001* provides that a municipality may provide for a system of licenses with respect to a business and may prohibit the carrying on or engaging in the business without a license; refuse to grant a license or to revoke or suspend a license; impose conditions as a requirement of obtaining, continuing to hold or renewing a license; impose conditions, including special conditions, as a requirement of continuing to hold a license at any time during the term of the license; and 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 436 of the *Municipal Act, 2001* permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order or license;

AND WHEREAS Section 444 of the *Municipal Act, 2001* provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

a) for services and activities provided or done by or on behalf of it; and

b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of the Municipality of West Nipissing hereby enacts as follows:

PART 1 – INTERPRETATION AND APPLICATION

1.1 Short Title

1.1.1 This By-law may be referred to as "The Short-Term Rental By-law".

1.2 Application

1.2.1 This By-law shall apply to all buildings within the geographic limits of the Municipality of West Nipissing for the purposes of the business or occupation of providing short-term rentals.

1.2.2 Notwithstanding section 1.2.1 the requirements of this By-law do not apply to camping establishments, hotels, motels, hostels, boarding, lodging or rooming house or group home.

1.3 Reference Aids

1.3.1 The headings and subheadings used in this By-law are inserted for convenience of reference only and do not form part of the By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

1.4 Severability

1.4.1 If any provision or part of a provision of this By-law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.5 Compliance with Legislation

1.5.1 Nothing in this By-law relieves any person from complying with any provision of any federal or provincial legislation, or any other by-law of the Municipality of West Nipissing and, without limiting the generality of the foregoing, this includes the *Municipal Act, 2001.*

1.6 Conflict

1.6.1 If a provision of this By-law is in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

1.7 Schedules

1.7.1 The Schedules referred to in this By-law form an integral part of this By-law.

1.8 Delegation

1.8.1 The administration of this By-law is hereby delegated to the Chief Building Official and the By-Law Enforcement Officer or their designate.

1.9 Definitions

1.9.1 Definitions in the *Building Code Act, 1992*, S. O. 1992, c.23 and the Building Code, O.Reg.332/12 shall apply with respect to matters pertaining to buildings unless otherwise defined in this By- law. In addition, the following definitions shall apply in this By-law.

"Agent" means a person duly appointed by an owner or the Municipality of West Nipissing to act on their behalf, who shall be at least 18 years of age.

"Applicant" means the person applying for a license or renewal of a license under this By-law.

"Bed and Breakfast" means a bed and breakfast as defined in Zoning By-law 2014-45 or any successor by-law thereto.

"Boarding, Lodging or Rooming House" means a boarding, lodging or rooming house as defined in Zoning By-law 2014-45 or any successor by-law thereto.

"Chief Building Official" means the chief building official appointed by Council under section 3 of the *Building Code Act, 1992*, or their designate.

"Corporation" means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B.16, or the *Corporations Act*, R.S.O. 1990, c 38.

"Dedicated Responsible Person" means the owner or agent assigned by the owner or licensee of the short-term rental, who shall be at least 18 years of age, to ensure the short-term rental is operated in accordance with the provisions of this By-law, the license and applicable laws.

"Dwelling" means dwelling as defined in Zoning By-law 2014-45 or any successor by-law thereto.

"Dwelling Unit" means dwelling unit as defined in Zoning By-law 2014-45 or any successor by- law thereto.

"Entire Unit Rental" means a short-term rental in which the renter occupies an entire dwelling unit.

"Group Home" means a group home type 2 as defined in Zoning By-law 2014-45 or any successor by-law thereto.

"Guest Room" means a room within a dwelling, offered for short-term rental intended primarily for overnight occupation.

"Guest" means a consumer of short-term rental services.

"Hotel" means a hotel as defined in Zoning By-law 2014-45 or any successor by-law thereto.

"License" means the license issued under this By-law as proof of licensing under this By-law.

"Licensee" means a person who holds a license or is required to hold a license under this By- law.

"License Class" means the classification of a short-term rental.

"License Issuer" means any person or persons provided the authority by the Municipality of West Nipissing to issue a license under this By-law.

"Listing" means any individual short-term rental advertised on an online platform.

"Municipality" means The Corporation of the Municipality of West Nipissing or the area within the geographical limits of the Municipality of West Nipissing, as the context requires.

"*Noise By-law"* means the Municipality of West Nipissing Noise By-law No. 1999/75, as amended, or any successor by-law thereto.

"Non-Principal Dwelling Unit Short-Term Rental" means a short-term rental that is not someone's principal dwelling unit (where they do not live primarily).

"Occupant" means any person or persons over the age of 18 years occupying a lot.

"Officer" means a Building Inspector or Municipal Law Enforcement Officer for the Municipality of West Nipissing.

"Operator" means any person who operates a short-term rental.

"Overcrowding" means occupancy of a premises in excess of the maximum permitted by a license issued under this By-law.

"Owner" means the person holding title to the property on which the short-term rental is located, and "ownership" has a corresponding meaning.

"Partial Unit Rental" means a short-term rental in which the renter occupies a part of the dwelling unit only.

"Person" means an individual, a corporation, a partnership, or an association, and includes a licensee or an applicant for a license under this By-law as the context requires.

"Platform" means an online matching and/or payment processing platform for transactions between short-term rental operators and guests.

"Premises" means property upon which a short-term rental is operated, inclusive of all buildings or structures or any part thereof used for such purposes.

"*Principal Dwelling Unit*" means a person's permanent residence to which, whenever absent they intend to return.

"Principal Dwelling Unit Short-Term Rental" means a short-term rental which is someone's principal

dwelling unit or located on the same property as the owner's principal dwelling unit (where they live primarily).

"Procedural By-law" means the Municipality of West Nipissing Procedural By-law No. 2023/27 or any successor by-law thereto.

"Property" means the land upon which a short-term rental is operated, exclusive of buildings or structures or any part thereof.

"Property Standards By-law" means the Municipality of West Nipissing Property Standards By-law No. 2001/71 or any successor by-law thereto.

"Short-Term Rental" means all or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than 28 days in exchange for payment and shall include a Bed and Breakfast establishment. Short- term rental uses shall not mean or include an institutional establishment, tourist establishment, tourist camping establishment, motel, resort, or similar commercial or institutional use.

"Short-Term Rental Code of Conduct" means a document that has been prepared by the Municipality that prescribes the roles and responsibilities of the guest and owner/operator, including but not limited to: behavioral expectations as they relate to non-disturbance of neighbours; compliance with applicable municipal by-laws, and adherence to the provisions of this By-law.

"Tourist Camping Establishment" means camping establishment as defined in Zoning By-law 2014-45 or any successor by-law thereto.

"Zoning By-law" means The Corporation of the Municipality of West Nipissing Zoning By-Law No. 2014-45 being a By-law to regulate the use of land, and the character, location and use of the buildings and structures in the Municipality of West Nipissing, or any successor by-law thereto.

PART 2 – REGULATIONS

2.1 Prohibitions

2.1.1 No person shall use or operate any short-term rental premises unless they hold a current and valid license issued pursuant to this By-law.

2.1.2 No person shall advertise or operate, or permit the advertisement or operation of a short-term rental without a license.

2.1.3 No person shall publish or display, or cause to be published or displayed, any representation that premises are licensed under this By-law, or hold premises out as being licensed under this By-Law, if the premises are not so licensed.

2.1.4 No person shall alter a license issued under this By-law in any fashion.

2.1.5 No person shall use or operate any short-term rental premises for any commercial activity other than the operation as a short-term rental.

2.1.6 No short-term rental shall be used for the purpose of hosting any type of special event which may include, but not limited to, a wedding, pre-wedding party, fundraising event, etc.

2.1.7 No person shall provide false or incorrect information in an application for a short-term rental license.

2.1.8 No person shall permit premises under their ownership or care and control to be operated in contravention of a license issued under this By-law.

2.1.9 Without limiting the generality of section 2.1.7 above, no person shall allow premises under their ownership or care and control to be operated in contravention of the site plan and floor plan that has been approved by the License Issuer pursuant to a license issued under this By- law.

2.1.10 Without limiting the generality of section 2.1.7 above, no person shall rent any guest room in a short-term rental dwelling unit other than a guest room that was identified and approved with the application for the short-term rental license.

2.1.11 No person shall permit a camping trailer, travel trailer, tent, utility trailer or any other mobile accommodation for the purpose of a Short-Term Rental unless located in a tourist camping establishment, trailer park or tourist establishment where such a use is permitted;

2.1.12 Without limiting the generality of section 2.1.7 above, no person shall cause, permit or contribute to overcrowding in a short-term rental.

2.1.13 No person shall violate the provisions of the Short-Term Rental Code of Conduct.

2.1.14 No guest shall remove the list of information required to be posted pursuant to section 2.2.7 or the information package required to be provided pursuant to section 2.2.8.

2.2 General Provisions

Any person who operates a short-term rental shall comply with the provisions of this By-law, as well as with all applicable municipal by-laws and provincial and federal legislation.

2.2.1 The owner and operator of a short-term rental shall restrict the occupancy of the premises to a maximum of 2 persons per guest room and a maximum of one sofa-bed or day-bed providing occupancy for no more than two (2) persons, is permitted., as set out in the license for the premises. All occupants of a short-term rental shall be counted in calculating occupancy.

2.2.2 The owner and operator of a short-term rental shall maintain a minimum of two million dollars ($2,000,000. 00) of commercial general liability insurance per occurrence on the premises, which shall be specific to the operation of the short-term rental.

2.2.3 Any lapse in maintaining the insurance coverage required by section 2.2.2 above invalidates a license issued under this By-law. An owner or operator whose insurance coverage lapses must reapply for a license to operate the short-term rental.

2.2.4 The owner and operator of a short-term rental shall provide parking on the site in accordance with the parking requirements for the applicable zone and permitted use within the Zoning By- law. The applicant will be required to clearly indicate where parking spaces are to be located on an approved site plan.

2.2.5 The owner and operator of a short-term rental shall ensure that parking is only permitted in a parking area consisting of a hard- surfaced material (concrete, interlock brick, permeable pavers, asphalt, crushed stone or other hard surface or dustless materials).

2.2.6 The owner and operator of a short-term rental shall ensure that the following information is posted on the interior of each short-term rental premises, within a maximum of 1m from the main entrance, is clearly visible to guests and is made available for inspection:

a) copy of current license;
b) address of the short-term rental premises;
c) name of short-term rental premises owner or agent;
d) name, address, phone number and email address of the dedicated responsible person; and
e) Emergency Services Statement, only applicable if the type of access to the short- term rental premises is not a year-round maintained public road. *If this is applicable, the following statement must be posted within a maximum distance of 1m from the main entrance: "Due to this short-term rental premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location in the event of an emergency."*

2.2.7 The owner and operator of a short-term rental shall ensure that an information package is available for guests containing the following;

a) copy of approved site plan and floor plan;
b) Short-term Rental Code of Conduct as prepared by the Municipality, shown as Schedule "E"; and
c) quick reference guide for applicable by-laws as prepared by the Municipality.

2.2.8 A person who posts a short-term rental listing on a short-term rental platform shall include the license number as set out on the license issued under this By-law. An owner, agent or dedicated responsible

person shall respond to phone calls and/or emails and attend the short-term rental premises within 60 minutes to an emergency or contravention of any Municipality of West Nipissing by-law.

2.2.9 Where a license is issued under this By-law, the application for license and issued license, along with the legal description of the property, civic address, and names and contact information of the associated owner, and/or authorized agent and/or dedicated responsible person will be posted on the Municipality of West Nipissing's website.

2.2.10 The provisions of this By-law shall not apply when the short-term rental is not being rented and is not being offered for rent.

PART 3 – LICENSE CLASS

3.1 License Class

3.1.1 Class A - Principal Dwelling Unit Short-Term Rental

(a) A Class A Principal Dwelling Unit Short-Term Rental shall be permitted within any zone in which a residential dwelling is a permitted use.

(b) A Class A Principal Dwelling Unit Short-Term Rental (Partial Unit Rental) shall be permitted to be rented for a maximum of 28 days for any single stay and a maximum of 365 days per year.

(c) The Class A License shall be the owner's principal dwelling unit.

(d) The maximum number of Class A Principal Dwelling Unit Short-Term Rentals permitted to be operated by the same owner. Either in his or her personal name or in a corporation owned or controlled by him or her shall be limited to one (1).

3.1.2 Class B – Non-Principal Dwelling Unit Short-Term Rental

(a) A Class B Non-Principal Dwelling Unit Short-Term Rental shall be permitted within any zone in which a residential dwelling is a permitted use.

(b) A Class B Non-Principal Dwelling Unit Short-Term Rental shall be permitted to be rented for a maximum of 28 days for any single stay..

(c) The Class B License shall not be the owner's principal dwelling unit.

(d) The number of Class B Non-Principal Dwelling Unit Short-Term Rentals operated by the same owner, either in his or her personal name or in a corporation owned or controlled by him or her, shall be limited to one (1).

(e) The number of Class B, Non-Principal dwelling unit short term rental accommodations licenses shall be limited to 100 licenses. Additional completed license applications may be put on a waiting list for when a license becomes available. Complete applications on the waiting list shall, at all time, have priority over new applicants.

(f) For a period of sixty (60) days from the passing of this By-Law, owners who can demonstrate, to the satisfaction of the municipality, that they have operated a Non-Principal Dwelling short term rental accommodation in the 2023 calendar year shall have the right, in priority to an owner who has not operated a non-principal dwelling short term rental accommodation, to make application for a Class B, Non-principal dwelling short term rental accommodation license. After the expiry of the sixty (60) days, no priority shall be given and licenses shall be issued on a first-come, first-serve, basis.

(g) No license for a Class B Non-Principal dwelling unit short term rental accommodation shall be issued for any property where there exists a Class B Non-Principal Dwelling License within a radius of 1 kilometer from the boundaries of the property. This provision shall not apply to owners who have obtained licenses pursuant to paragraph (f) hereof;

PART 4 – LICENSING REQUIREMENTS

4.1 License Application Requirements

4.1.1 Every application for a new license, or the renewal of an existing license, shall include:

(a) a completed application in the form required by the Municipality of West Nipissing;
(b) the following documents:
  i. site plan of the premises;
  ii. interior floor plan of the dwelling unit which shall be labeled to include interior rooms, including the guest rooms;
  iii. a completed Dedicated Responsible Person Consent and Acknowledgment Form on a form as prepared by the Municipality; and
  iv. Any other documents as determined by the Municipality.
(c) copy of Transfer/Deed or Property Identifier Number (PIN) Sheet proving evidence of ownership;
(d) proof that the applicant is at least 18 years of age (in the form of government identification), if the applicant is an individual;
(e) name and contact information of the owner, agent or dedicated responsible person who can be readily contacted and respond to an emergency or contravention of any Municipality of West Nipissing By-law, including attendance on site of the short-term rental premises within 60 minutes of being notified of the occurrence;
(f) certificate of insurance demonstrating compliance with the insurance requirements set out in section 2.2.2 of this By-law, including but not limited to the fact that the premises is insured as a short-term rental;
(g) proof that the applicant, if a corporation, is legally entitled to conduct business in Ontario, including but not limited to:
  i. articles of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
  ii. a list containing the names of all shareholders of the corporation;
(h) in the case of an applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
(i) in the case of an applicant or agent acting on behalf of the owner, an owner's written authorization is required;
(j) for any short-term rental on a septic system, the applicant will be required the provide proof, in the form of a 'valid permit of record' or File Review, provided by the North Bay-Mattawa Conservation Authority of an installed septic system and its capacity that will support the short-term rental premises; and
(k) payment of the applicable fees referred to in Schedule "B".

4.1.2 Other Requirements:

(a) The licensee shall inform the Municipality in writing of any changes to the approved information contained within the license application or any deviation to the approved plans within seven days of such change or deviation. Nothing herein authorizes a licensee to have guest rooms other than those identified on the application for a license and approved by the Municipality in the license.

4.2 License Issuer – Responsibilities

4.2.1 Upon receipt of an application for a license the License Issuer shall receive and review the application and any accompanying documents for completeness.

4.2.2 Upon receipt of a completed application for a new license with all required documentation and the required fee, the License Issuer will contact the applicant to schedule the necessary inspection and shall ensure the relevant Officers have carried out the necessary inspections to satisfy the Municipality that the premises comply with provisions of this By-law. The inspection shall include, but not be limited to, the items shown on Schedule "D".

4.2.3 Upon receipt of a completed application for a renewal of a license, along with all required documentation and required fee the License Issuer may contact the applicant to schedule an inspection and may ensure the relevant Officers have carried out the inspections to satisfy the Municipality that the premises comply with provisions of this By-law.

4.2.4 During the inspection process for the purpose of determining license eligibility, all relevant departments of the Municipality may provide comment on any known matters that would assist in determining license eligibility.

4.2.5 The determination of whether a license application is complete in accordance with this By-law shall be within the discretion of the License Issuer.

4.2.6 Upon determination by the License Issuer that information requirements and all regulatory and by-law requirements of the Municipality are met, a license shall be issued.

4.2.7 In addition to any terms and conditions of a license imposed by this By-law, the License Issuer may impose additional terms and conditions as are necessary in their discretion.

4.3 License – Validity, Expiry, Suspension & Revocation

4.3.1 A license issued pursuant to the provisions of this By-law shall expire one year from the date it was issued unless it is revoked in accordance with any provisions of this By-law.

4.3.2 A short-term rental license that has been issued pursuant to this By-law shall expire upon the earliest of the following events:

a) the date that is one year after the date of the issuance of the license; or
b) upon the sale of the short-term rental premises.

4.3.3 A demerit point system shall be used in the consideration of the issuing, suspension, refusal or revocation of a short-term rental licenses and demerit points shall be administered in accordance with Schedule '**A** ' without prejudice to options otherwise available to enforce this or any section of the by-law, Provincial Act or regulation including, but not limited to, the *Provincial Offences Act*, the *Building Code Act*, *Fire Protection and Prevention Act*. The number of demerit points references in Schedule "A" will be assessed against a short term rental accommodation premises and licensee in respect of the infraction noted in Column 1.

4.3.4 A Licensee may be assessed demerit points as outlined in Schedule "**A** " for a contravention of this By-Law or as a result of a fine or conviction imposed for a breach of this By-Law;

4.3.5 A Licensee shall be given notice forthwith upon any Demerit Points being issued against their License.

4.3.6 The License Issuer may refuse to issue or renew a license or revoke or suspend a license, as per Schedule '**A**' of this By-law, or where:

a) there are reasonable grounds for belief that the operation of a short-term rental at specific premises may be averse to the public interest;
b) a premises or applicant has had a license that has been previously revoked, suspended, or made subject to terms and conditions;
c) a premises or applicant applying for a license has presented a history of contravention of this By-law, or other Municipality of West Nipissing by-laws;
d) the Short-Term Rental Code of Conduct has been violated at this premises;
e) the septic system requirements are not met;
f) the proposed use of the premises is not permitted by the Zoning By-law;
g) the owner is indebted to the Municipality of West Nipissing in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes and late payment charges, against an owner's property; or
h) the property does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By- law, the *Building Code Act, 1992*, or the *Fire Protection and Prevention Act, 1997*, S. O. 1997,c. 4.

4.3.7 The License Issuer, upon confirming a licensee has received an order issued under section 7.4 of this By-law, may, for the time and subject to such conditions as are considered appropriate, suspend a license for not more than 14 days. If after this period, the License Issuer is satisfied that the continuation of a license will continue to pose a danger to the health or safety of any person, he/she may further suspend the license for not more than 14 days or revoke the license.

PART 5 – FEES AND COST RECOVERY

5.1 Fees

5.1.1 Fees shall be levied in accordance with Schedule "**B**" hereto.

5.1.2 Where an Officer conducts an inspection and determines that a short-term rental is not in compliance with this By-law, the Officer may impose an inspection fee in accordance with Schedule "**B**".

5.1.3 Every owner shall pay the fees as set out in Schedule "**B**", which becomes due and payable upon written notification by an Officer, or upon issuance of an invoice by the Municipality.

5.1.4 Payments received by the Municipality on the 31st day or later after the date of being requested, shall be subject to an "administrative fee" as set out in Schedule "**B**", and Demerit Points as per the Demerit Point System as set out in Schedule "**A**" attached.

5.1.5 Where an owner is in default of payment of fees for more than 30 calendar days after due, the Municipality may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

PART 6 - APPEALS

6.1 Appeals

6.1.1 Where the License Issuer has refused to issue or renew a license under section 4.3.4 of this By-law the applicant may appeal such decision to Council through a letter of appeal to the Chief Building Official within ten days of the decision.

6.1.2 The appeal under section 6.1.1 of this By-law shall contain the following information:

a) reasons for the appeal; and
b) Order Appeal Fee as provided in Schedule "**B**".

6.1.3 Where no request for an appeal is received in accordance with section 6.1.1 of this By-law, the decision of the License Issuer shall be final and binding.

6.1.4 Where a request for an appeal is received, in accordance with section 6.1.1 of this By-law, the Chief Building Official shall schedule a meeting of the West Nipissing Property Standards Committee (the "Committee")g, for the purpose of holding a hearing of the appeal, and the applicant or licensee shall be provided reasonable written notice thereof.

6.1.5 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to a the Committee constituted pursuant to the provisions of the Procedural By-law.

6.1.6 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22 shall apply to all hearings conducted by a Hearing Committee under this By-law.

6.1.7 After such opportunity to be heard is afforded to the person, the Committee shall make a decision. When making its decision; The Committee may consider any matter pertaining to this By-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, the Committee may refuse to issue or renew a license, revoke, suspend, or impose any condition to a license.

6.1.8 If the owner/agent fails to appear at the appointed time for their appeal hearing, the decision of the License issuer shall be final and binding.

6.1.9 The Committee's decision is final and binding and shall not be subject to review.

PART 7 – INSPECTION AND ENFORCEMENT

7.1 Authority to Enforce

7.1.1 This By-law may be enforced by an Officer.

7.2 Inspection – At Any Reasonable Time

7.2.1 In addition to scheduled inspections conducted during the license application process, every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection

to determine whether or not the following are being complied with:

a) the provisions of this By-law;
b) a direction or order of the Municipality made under this By-law;
c) a condition of a license passed under this By-law; and
d) a court order made pursuant to section 431 of the *Municipal Act, 2001* and section 7.5 6 of this By-law.

7.2.2 A person exercising a power of entry on behalf of a municipality under this By-law shall not enter or remain in any room or place actually being used as a dwelling unless:

a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the *Municipal Act, 2001*, or a warrant issued under section 439 of the *Municipal Act, 2001*;
b) an order issued under section 438 of the *Municipal Act, 2001* is obtained;
c) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained; or
d) the delay necessary to obtain an order or warrant under section 438 or 439 of the *Municipal Act, 2001*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person.

7.2.3 The Municipality's power of entry may be exercised by an Officer, or agent for the Municipality and this person may be accompanied by any person under their direction, including law enforcement services.

7.2.4 During any inspection carried out under this By-law, an Officer may be accompanied by other Municipality of West Nipissing employees, agents or authorities as deemed necessary.

7.3 Obstruction

7.3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.

7.3.2 Any person who is alleged to have contravened any provision of this By-law shall identify himself or herself to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the officer in the execution the Officer's duties.

7.4 Orders

7.4.1 An Officer who finds that a property does not conform with any of the provisions of this By-law may make an Order:

a) stating the municipal address or the legal description of the property;
b) giving reasonable particulars of the activity to be discontinued;
c) indicating the time for complying with the terms and conditions of the Order;
d) indicating the final date for giving notice of Appeal;

7.4.2 An Order shall be served on the Owner of the property and such other persons affected by it as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.

7.5 Offence and Penalty

7.5.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction liable to a fine not exceeding $25,000 for a first offence and $50,000 for any subsequent offence.

7.5.2 In addition to any other penalty prescribed by this by-law, any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and is set out on Schedule "C" forming an integral part of this by-law.

7.5.3 Each day a contravention occurs constitutes a new offence.

7.5.4 Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c P.33, ("*Provincial Offences Act*") including any extension of time for payment

ordered under that Section, the Municipality may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may be added to the Owner's tax roll and collected in the same manner as Property taxes.

PART 8 – COMING INTO FORCE

8.1 Coming into Force

8.2 This By-law shall come into force and effect on the date it is passed.

ENACTED AND PASSED on April 2, 2024

Mayor Kathleen Thorne Rochon

Melanie Ducharme, Clerk

Municipality of West Nipissing

DEMERIT POINT SYSTEM
SCHEDULE "A" TO BY-LAW 2024-23

Item	By-law Section	Short Form Wording	Demerit Points
1	2.2.2	Number of guests on Premises contrary to license	1
2	2.2.5	Park contrary to requirements of Zoning By-law	1
3	2.2.7	Fail to post required information on the interior of the short-term rental premises	1
4	2.2.10	Fail to respond to a concern or attend the premises, when required, within 60 minutes	1
5	5.1.3	Fail to pay fees within prescribed timelines	1
6	4.1.2.1	Fail to notify of any license change (s) within 7 days	1
7	2.1.1	Operate short-term rental without a license	1
8	2.1.2	Advertise short-term rental without a license	1
9	2.1.5	Operate a short-term rental for any commercial activity other than that of a short-term rental	1
10	2.1.6	Provide false information on short-term rental application	1
11	2.1.7	Operate short-term rental contrary to license class	1
12	2.1.9	Rent guest rooms contrary to approved license	1
13	2.1.11	Violate of the Short-Term Rental Code of Conduct	1
14	7.3	Hinder or obstruct an Officer while on duty	1
15	2.2.7	Remove required posted information on the interior of the short-term rental premises	1
16	2.2.8	Fail to make available the required information package for guests	1
17	7.5.3	Contravention of any order	1

Please note the following:

1. A short-term rental license shall be suspended for a period of one year when three demerit points or confirmed violations are determined within one year.

2. A short-term rental license is revoked when one additional demerit point or confirmed violation is received within one year of the license suspension date.

ACTION	OFFENCE	TIME	REMEDY TO RENEW LICENSE
SUSPENDED LICENSE	Three confirmed by-law violations on one short-term rental property	**1 Year**	One-year by-law violation-free from the date of the last offence, on this or any other property owned by same owner upon payment of the re-instatement fee.
	Three orders issued on one short-term rental property		One-year order-free from the date of the last order, on this or any other property owned by same owner upon payment of the re-instatement fee.
	Three demerit points confirmed on one short-term rental property		One-year violation, order, and demerit point-free on the same property upon payment of the re-instatement fee.
	Three demerit points confirmed on one short-term rental owner (for short-term rental operators with multiple short- term rentals)		One-year violation, order, and demerit point-free for the same owner on all applicable properties upon payment of the re-instatement fee.
REVOKED LICENSE	One additional confirmed by-law violation or order on a property under short-term rental suspension	**Permanent**	**None**
	One additional confirmed by-law violation or order against an owner under short-term rental suspension		
	Three demerit points confirmed against a property while on short-term rental suspension		
	Three demerit points confirmed against an Owner while on short-term rental suspension		

Municipality of West Nipissing

SHORT TERM RENTAL ACCOMMODATION
LICENSING FEES
SCHEDULE "B" TO BY-LAW 2024/23

LICENSE TYPE	FEE
Initial Licensing Fee – Class A	$750.00
Initial Licensing Fee – Class B	$750.00
Renewal Fee – Class A and B	$250.00
Inspection Fee	$200.00
Order Appeal Fee	$250.00

LICENSE TYPE	EXPIRY DATE
Class A	One year from date of issuance
Class B	

APRIL 2024

Municipality of West Nipissing

SHORT TERM RENTAL ACCOMMODATION
SET FINES - SCHEDULE "C" TO BY-LAW 2024/23

PART I – *PROVINCIAL OFFENCES ACT*

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINES
1	Operate short term rental without valid license	2.1.1	$1,000.00
2	Advertise, operate or permit advertising without a license	2.1.2	$1,000.00
3	Publish or display representation of license without a license	2.1.3	$1,000.00
4	Alter license	2.1.4	$500.00
5	Operate commercial activity	2.1.5	$750.00
6	Host special event	2.1.6	$750.00
7	Provide false or incorrect information	2.1.7	$1,000.00
8	Operate in contravention of license issued	2.1.8	$500.00
9	Operate in contravention of approved site plan and floor plan	2.1.9	$500.00
10	Rent a room not identified and approved with the application	2.1.10	$750.00
11	Permit a camping trailer, travel trailer, tent, utility trailer or any other mobile accommodation for purpose of short term rental	2.1.11	$1,000.00
12	Permit overcrowding	2.1.12	$750.00
13	Violate provisions of Code of Conduct	2.1.13	$500.00
14	Remove information required pursuant to sec. 2.2.7 – 2.2.8	2.1.14	$500.00
15	Exceed occupancy maximum	2.2.1	$1,000.00
16	Fail to maintain Insurance minimum of Two Million ($2,000.000.00) dollars	2.2.2	$1,000.00
17	Fail to provide parking	2.2.4	$500.00
18	Fail to indicate parking	2.2.4	$500.00
18	Permit parking on non-hard-surface material	2.2.5	$500.00
20	Fail to post required information	2.2.6	$500.00
21	Fail to provide guest information package	2.2.7	$500.00
22	Fail to include license number on rental listing	2.2.8	$1,000.00
23	Fail to respond within 60 minutes to an emergency or contravention	2.2.8	$1,000.00

Pending Approval

Municipality of West Nipissing

CODE OF CONDUCT
SCHEDULE “D” TO BY-LAW 2024-23

1. The premise of this Code is that the short-term rental premises are, for the most part, located in residential neighborhoods and that the residents of these neighborhoods have the right to enjoy their own properties without being imposed upon by nuisance from others.

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

3. The Renter acknowledges for themselves and on the behalf of others that they will be occupying a short-term rental accommodation that is located in a residential area.

4. The Guiding Principles for short term rental renters are:
   (a) The premise that you are occupying is a home;
   (b) Respect your neighbors; and,
   (c) Leave it as you find it.

5. Maximum number of Renters and guests:
   a) The maximum number of occupants within a dwelling that is being operated as a short term rental shall not exceed a total number based upon two (2) persons per bedroom plus an additional two (2) persons occupying a sofa-bed, day-bed, etc.
   b) The number of non-occupying guests permitted at a short term rental premises must not be such that it may conflict with the residential neighborhood or amenity.

6. No person shall make noise so as to cause a disturbance or conduct themselves in a way that is likely to disturb area residents. Examples of noise that is likely to disturb residents include:
   a) Loud music;
   b) Outdoor or backyard gatherings involving excessive noise;
   c) Late or early hour disturbances; and,
   d) Yelling, shouting, singing and loud conversations.

   Please be advised that the Municipality of West Nipissing Noise By-law No 1999/75, as amended, is in effect 24 hours a day, 7 days a week. The noise by-law prohibits Sound or Vibration at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the inhabitants of the Municipality of West Nipissing;

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   Renters and their guests are not allowed to disturb neighbors or interfere with their enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Municipality’s Noise By-law may result in legal action.

7. Functions and Parties
   a) Short term rental renters are not to host commercial functions;
   b) So called "party houses" conflict with residential amenity and are not permitted; and,
   c) Any gathering at a short term rental accommodation premise must not conflict with residential amenity and must comply with all the other requirements of this Code and the Municipality of West Nipissing’ s by-laws.

8. Access and Parking: Please familiar yourself and your guests with the approved parking plans for the premises so as to ensure ease of access with minimum disturbance to other residents or neighboring properties. All short term rental accommodations will have vehicle parking limits, please refer to Zoning By-Law 2014-45 and the approved plans for the premises.

9. Recycling and Garbage: Please familiar yourself and your guests with the guidelines and provisions that have been made for waste management and the day of the week in which waste collection is scheduled, if applicable. If curbside pickup is available, it should be noted that the "putting out" of waste on a non-scheduled day is not permitted.

Municipality of West Nipissing

SHORT TERM RENTAL ACCOMMODATION INSPECTION SCHEDULE "E" TO BY-LAW 2024/23

SHORT-TERM RENTAL INSPECTION CHECKLIST			
Municipal Address of the Premises:			
STR License Application Number:			
Applicant Name:			
➢ **EXTERIOR**			
STAIRS AND GUARDS	**Compliant**	**Non-Compliant**	**N/A**
a) Exterior *guards* serving a *house* or an individual *dwelling unit* not less than 900 mm (2'-11") high where the walking surface served by the *guard* is not more than 1 800 mm (5'-11") above the finished ground level. b) *Guards* within *dwelling units* not less than 900 mm high.			
Stairs, porches, landings, treads, risers, guards and all supporting members intact and no evidence of cracked, rotted or deteriorated materials			
EXTERIOR LIGHTING	**Compliant**	**Non-Compliant**	**N/A**
Exterior steps, walks, parking spaces, etc. are adequately lit			
YARDS	**Compliant**	**Non-Compliant**	**N/A**
Yard free of debris, unusable vehicles, long grass and weeds, dilapidated structures, termites, rodents, dead or damaged trees, unsightly or damaged hedges and bushes			
➢ **INTERIOR**			
OCCUPANCY STANDARDS	**Compliant**	**Non-Compliant**	**N/A**
Non-habitable room is being used as a habitable room			
Basement having habitable rooms; the ceiling height is at least 2.1 meters (7 feet)			
If the basement is being used as a habitable area, the area complies with all requirement for ingress, egress, light, ventilation and ceiling height, any leaks in the walls and is the habitable area separated from the furnace room			
Kitchen has refrigerator, cooking stove, kitchen fixtures, fittings and they are maintained in good repair			
GENERAL MAINTNANCE	**Compliant**	**Non-Compliant**	**N/A**
Every supplied facility, piece of equipment or appliance is installed so that it will function safely and is maintained in good repair			
UTILITIES	**Compliant**	**Non-Compliant**	**N/A**
All services or utilities providing light, heat, refrigeration water or cooking facilities are connected			
FIRE PROTECTION	**Compliant**	**Non-Compliant**	**N/A**
Fire extinguisher in kitchen (ABC)			
Working smoke alarm on every level of the home. Note: Property owners are advised to document smoke alarm maintenance. Smoke alarms shall be tested annually and prior to each rental agreement. Smoke alarms (both battery operated and hardwired) shall be replaced within the time frame indicated in the instructions (typically every 10 years). Batteries shall be replaced annually.			
A working carbon monoxide alarm is required outside sleeping areas if the home contains a fuel burning appliance or an attached garage. Note: Property owners are advised to document CO alarm maintenance. CO alarms shall be tested annually and prior to each rental agreement. CO alarms (both battery operated and hardwired) shall be replaced within the time frame indicated in the instructions (typically every 7 years). Batteries shall be replaced annually.			
HEATING	**Compliant**	**Non-Compliant**	**N/A**

No sign of leaks, damage or deterioration to heating systems and proper connection to a chimney			
PLUMBING	**Compliant**	**Non-Compliant**	**N/A**
Water test report from the local Health Unit			
Unit has been provided with a water closet, a wash basin, a kitchen sink and a bathtub or shower			
Bathroom separated from other areas by walls and a door for privacy			
Sink, wash basin, bathtub or shower in the building and laundry facility being provided with adequate hot and cold water			
Hot water temperature is set to less than 120 F.			
ELECTRICAL	**Compliant**	**Non-Compliant**	**N/A**
Building and or dwelling unit connected to an electrical supply system			
Electrical wiring, equipment and appliances for use in the building installed and maintained in accordance with all applicable governmental regulations			
Open electrical wiring and frayed wiring			
Adequate, artificial, or natural light being provided in all rooms, stairways, hall and basement			
Electrical fixtures, switches, receptacles and connections in working order			
WINDOWS	**Compliant**	**Non-Compliant**	**N/A**
Every habitable room in the building except a kitchen has a window?			
Windows open and shut easily and area of openable portion comply with the requirements of the Ontario Building Code			
Windows have proper locking devices			
Except where a door on the same floor level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a *suite* shall be provided with at least one outside window that, a. is openable from the inside without the use of tools, b. provides an individual, unobstructed open portion having a minimum area of 0.35 m² (3.75sq.ft.) with no dimension less than 380 mm (15”), and c. maintains the required opening described in Clause d. without the need for additional support.			
VENTILATION	**Compliant**	**Non-Compliant**	**N/A**
All bathrooms are ventilated by natural or mechanical means?			
Mechanical ventilation system in the bathroom and kitchen in good working condition			
EGRESS	**Compliant**	**Non-Compliant**	**N/A**
Passages from the interior of the building and or dwelling unit to the exit at or near grade level unobstructed and safe			
All exits within the building have clean, clear and unobstructed exit signs			
CAMPFIRES	**Compliant**	**Non-Compliant**	**N/A**
Campfires shall comply with West Nipissing Fire Service regulations and signed permission from the property owner.			