

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM
BY-LAW NO. 2022-XX

BEING A BY-LAW TO LICENSE AND REGULATE THE USE OF SHORT TERM
RENTALS IN THE TOWNSHIP OF CHISHOLM

WHEREAS the Council of the Township of Chisholm may, pursuant to the Municipal Act, 2001, S.O. 2001, c.25. as amended, (“The Municipal Act”), enact by-laws for the licensing, regulating and governing of businesses and occupations in the Township of Chisholm;

AND WHEREAS pursuant to Section 10 of the Municipal Act, a municipality has the authority to implement business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

AND WHEREAS Sections 390 to 400 of the Municipal Act enables a municipality to pass By-laws for imposing fees or charges to permits and services provided or done by them;

AND WHEREAS pursuant to Section 434.1 of the Municipal Act, a municipality has the authority to impose a system of administrative penalties and fees as an additional means of encouraging compliance with this by-law;

AND WHEREAS Section 436 of the Municipal Act 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 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 pursuant to Section 151 of the Municipal Act, Council is exercising its authority to provide for a system of licensing with respect to Short Term Rental Accommodation businesses;

AND WHEREAS, Short Term Rentals are not a permitted use in any zone of the current township Zoning Bylaw (By-Law 2014-25);

AND WHEREAS the Council of the Corporation of the Township of Chisholm deems it desirable to allow for Short Term Rentals in all zones and that licensing and regulation takes place with regard to Short Term Rental Accommodations as defined in this By-law;

NOW THEREFORE the Council of the Corporation of the Township of Chisholm enacts as follows:

1.0 Definitions

For the purpose of this by-law:

Accessory Building or Structure shall mean a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use or main building on the same lot.

Fee shall mean a Fee as set forth in this by-law and is non-refundable.

License shall mean the License issued under this by-law.

Licensee shall mean a person who holds a License or is required to hold a License under this by-law.

Municipality shall mean the Township of Chisholm.

Officer shall mean any person appointed by the Township of Chisholm to carry out by-law enforcement work or any other person legally permitted to enforce by-laws such as a police officer.

Short Term Rental shall mean the use of a single detached dwelling or part of a single detached dwelling that operates or offers a place of temporary residence, lodging, or occupancy by way of concession, permit, lease, license, rental agreement, or similar arrangement for overnight stay for a period of not more than 28 days in exchange for payment or service. Bed and breakfast establishments, campgrounds, group homes, hotels, nursing homes, retirement homes, and tourist establishments, all as defined in the Township of Chisholm Zoning By-Law, shall not be considered Short Term Rentals.

Single Detached Dwelling shall mean a building comprised of one dwelling unit.

Recreational Trailer or Vehicle shall mean any vehicle that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a travel trailer, pick-up camper, motorized camper or tent trailer.

Zoning By-law shall mean Township of Chisholm Zoning By-law 2014-25, the Comprehensive Zoning By-law for the Township of Chisholm, or its successor.

2.0 Administration

- 2.1 This by-law shall be administered by the Municipality.
- 2.2 Officers shall be responsible for the enforcement of this by-law.
- 2.3 Upon receipt of an application for License, the Municipality shall review the application in the context of this by-law and either issue a License or provide a written explanation of why the application fails to meet the criteria for a License. This shall be completed within 15 business days. The Deputy Clerk or designate for the Municipality is provided the authority by the Municipality to issue a license under this by-law.
- 2.4 The Municipality shall keep a public record of issued Licenses on the Municipality's website, including the property address, contact information of a representative for the Short Term Rental, and the parameters under which the Short Term Rental has been Licensed.
- 2.5 The Licensee is responsible for all fees and fines related to the operation of a Short Term Rental under this by-law.
- 2.6 Licenses must be renewed annually.
- 2.7 A License issued under this by-law is not transferrable and shall not be used by any person other than the person who was issued the License. A new owner or operator of a property is required to obtain their own License.
- 2.8 No License shall be issued without receipt of the licensing fee as shown on Schedule A to this by-law.
- 2.9 Fines shall be issued by Officers for contraventions of this by-law in accordance with Schedule B of this by-law.
- 2.10 A fine shall be considered a strike against the Licensee for the purpose of this by-law. Receiving 2 strikes within the term of the License shall result in the License being revoked for the remainder of the calendar year and shall prevent a License being issued for the property for the following calendar year, regardless of a change in applicants. No refund of license fees.
- 2.11 Only one License may be active for any property at any given time.

3.0 Prohibitions

- 3.1 No person shall use or operate any Short-Term Rental unless they hold a current license issued pursuant to this By-law.
- 3.2 No person shall permit more than 2 persons per bedroom to occupy the Short Term Rental. A pull-out couch, or similar sleeping arrangement, can provide for a maximum of 2 additional guests beyond what the number of bedrooms would allow. Only 2 additional guests per Short Term Rental are permitted regardless of the number of pull-out couches or other sleeping arrangements present on site. This must be outlined in the application for License.
- 3.3 No licensee shall rent any Short-Term Rental with accommodations other than related to the bedrooms outlined in the application as per section 3.4 of this by-law.
- 3.4 The provisions of this by-law shall not apply when the property is being used for personal use by the owner.
- 3.5 No person shall contravene any municipal by-law while occupying a Short Term Rental.
- 3.6 No person shall advertise a Short Term Rental on a website or in any place that is not listed on their application.
- 3.7 No person shall operate a Short Term Rental with a License that has been revoked by the Municipality.

4.0 License and Term

- 4.1 The License shall be valid for up to a maximum of 1 calendar year but shall expire on December 31st of any given year, regardless of how long the license has been active.
- 4.2 The License shall expire upon the sale of a property that is being used as a Short Term Rental.
- 4.3 A License shall not be transferred or assigned to any other party and is only valid for the person who was issued the License.
- 4.5 No License shall be issued for any property that has outstanding fines, penalties, judgements, or any other amounts owing against the property under this or any other by-law.
- 4.6 No License shall be issued for any property that has outstanding taxes owing to the municipality.
- 4.7 A License shall not be granted to a corporation and an application shall not be made by a corporation.
- 4.8 The Municipality may revoke a license if it was issued in error or granted based on incorrect or false information.

5.0 General Provisions

- 5.1 No person shall permit a Recreational Trailer or Vehicle to be located on a property used as a Short Term Rental.
- 5.2 No person shall have more than one Short Term Rental on any one property.
- 5.3 No person shall use an accessory building or structure as a Short Term Rental unless the unit is a legal secondary dwelling unit as per Zoning By-law.

- 5.4 Short Term Rentals are only permitted within **single detached legal dwelling units as per Zoning By-law.**
- 5.5 Provisions for garbage and recycling collection shall be established which include instructions for the renters.
- 5.6 Parking shall be provided at a rate of 1 space per bedroom, with one additional space being required if additional guests are permitted as per section 3.4 of this by-law. Parking spaces must meet the size requirements of the zoning by-law. All parking must be provided on the property.
- 5.7 Tents are permitted on the site of a Short Term Rental; however, no person shall use tents to increase the maximum permitted number of occupants of the Short Term Rental as defined by Section 3.4 of this by-law.
- 5.8 No person shall permit an event at the location of a Short Term Rental which exceeds the capacity limits. Events are permitted at the location of a Short Term Rental with a maximum capacity of twice the number of permitted occupants stipulated in Section 3.4. The maximum occupancy for overnight accommodation does not change as a result of this provision. For greater clarity, if 10 persons are permitted based on occupancy then the maximum guests at an event would be 20 persons inclusive of the initial 10 permitted.
- 5.9 Renters shall be made aware of property boundaries and the outdoor spaces and amenities they have access to as part of the rental.

6.0 Inspection

- ~~6.1 Short Term Rental Properties with a septic system within the Callander Bay Issue Contributing Area (ICA) will be subject to the Mandatory Maintenance Inspection (MMI) program conducted by the North Bay Mattawa Conservation Authority every 5 years.~~
- ~~6.2 Short Term Rentals that are within 300 metres of Wasi Lake must abide by By-Law 2010-34 "A By-law to regulate the pump-out of septic tanks on properties located within 300 metres of Wasi Lake"~~

7.0 Application Requirements

- 7.1 A completed application form, as provided by the municipality, is required prior to the issuance of a License under this By-law. The application requirements include, but are not limited to:
 - 7.1.1 Proof of ownership of the property
 - 7.1.2 Contact information for a person who can be a public contact on behalf of the Short Term Rental and who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any municipal by-law including attendance on site of the Short Term Rental dwelling within one (1) hour of being notified of the occurrence. This contact information shall be posted publicly on the municipality's website. The contact information shall come in the form of both an email and phone number along with the contact person's name.
 - 7.1.3 Proof of insurance with a minimum of \$2 million liability coverage.
 - 7.1.4 A site plan showing the locations of all buildings and structures on site including the parking layout.
 - 7.1.5 A floor plan of the Short Term Rental showing all bedrooms and sleeping accommodations and indicating the maximum capacity based on the provisions of this by-law.

~~7.1.6 A listing of all websites or any other places that the Short Term Rental will be listed for rent.~~

7.1.7 A plan of how the Licensee plans to make renters aware of local by-laws and their obligations under this by-law.

7.1.9 A waste collection plan. The Licensee must detail how they will ensure that garbage and recycling is being managed.

~~7.1.10 Renters shall be provided with a copy of the Municipality's Noise By-Law, Open Air Burning By-Law, and Fireworks.~~

8.0 Fines

8.1 Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended.

8.2 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.

8.3 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 "B" forming an integral part of this by-law.

8.4 Each day a contravention occurs constitutes a new offence.

9.0 Collection of Unpaid Fines

9.1 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.

10.0 Severability

10.1 If any provision of this By-law is for any reason held to be invalid by a decision of a court, all remaining provisions shall be valid and shall remain in full force and effect.

11.0 Transitional Clause

11.1 Notwithstanding the illegal status of existing Short Term Rentals and recognizing that Short Term Rentals have never been permitted under Zoning By-Law 2014-25, except in specific accordance with this by-law, the municipality is enacting a transitional clause as follows:

11.1.1 There shall be a three month period from the date of the passing of this by-law in which applications will be accepted to determine the eligibility of existing properties for a Short Term Rental License.

11.1.2 After the expiration of the three month period following the passing of this

by-law, any properties not issued a License under this by-law may be subject to ongoing fines as per Schedule B of this by-law.

11.1.3 This section of the by-law shall not imply any change in the legal status of existing Short Term Rentals during the transitional period.

12.0 Schedules

12.1 Schedules “A”, “B” and “C” as attached form part of this by-law.

13.0 Appeal

13.1 A Licensee may request a review by the Municipality’s Chief Administrative Officer (CAO) of a decision to revoke or fail to renew a license by requesting a review in writing within fourteen (14) days of having received the notice of refusal, suspension, or revocation. The review will be completed by the CAO within ten (10) business days and his/her decision shall be final.

14.0 Date of Effect

14.1 This by-law shall come into effect on the date that it receives 3rd reading by the Council for the Corporation of the Township of Chisholm

READ A FIRST AND SECOND time this ____ day of September, 2022.

READ A THIRD TIME, AND FINALLY passed this ____ day of September, 2022.

Mayor
Gail Degagne

Clerk
Jennistine Leblond

“Friendly Reminders” will be listed on the application.

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "A" TO BY-LAW 2022-XX

(Insert application)

DRAFT

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "B" TO BY-LAW 2022-XX

Licensing Fees

Item	Fee
Short Term Rental License (annual)	\$500.00

Mayor
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DRAFT

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SCHEDULE "C" TO BY-LAW 2022-XX

Part 1 / Provincial Offences Act – Set Fines

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fines
1	Operate a Short Term Rental without a License	3.1	\$500.00
2	Exceed the maximum occupancy as per the License requirements	3.2	\$500.00
3	Operate a Short Term Rental with revoked License	3.7	\$500.00
4	Permit Recreational Trailer or Vehicle to be located on the property	5.1	\$500.00
5	Operation of a more than one Short Term Rental on any one property	5.2	\$500.00
6	Operation of a Short Term Rental in an Accessory Building or Structure	5.3	\$500.00
7	No provision for garbage/recycling collection	5.5	\$300.00
8	Use Outdoor tents or other sleeping accommodations on site	5.7	\$300.00
9	Event at the location of a Short Term Rental in excess of permitted occupancy	5.8	\$1000.00 \$800.00

Note: Penalty provision for the offences indicated above is Section 8.0 of By-Law 2022-XX, as amended, a certified copy of which has been filed.

Mayor
Gail Degagne

Clerk
Jennistine Leblond