

Staff Report #C2023-15

Committee 2023-05-15

Council 2023-06-05

Amendments

Submitted To: Committee of the Whole | Council
Submitted By: Sara Almas, Director, Legislative Services/Clerk
Prepared By: Amanda Fone, Licensing and Compliance Officer
Subject: Short-Term Accommodation Licensing Framework Draft #1

Recommendation

THAT Staff Report #C2023-15, Short-Term Accommodation Licensing Framework Draft #1, be received;

AND THAT Council direct staff to proceed with the public consultation with respect to the attached draft Short-Term Accommodation Licensing By-law and proposed Zoning By-law changes and corresponding resource requirements as summarized in this report;

AND FURTHER THAT staff be directed to report back to Council no later than October 2023, with an analysis of feedback, any updates to the draft By-laws, and a detailed implementation plan outlining staffing and licensing fees.

Amendments

None.

1. Executive Summary

It is currently prohibited under the Town's Zoning By-law to use a dwelling unit, or any part of a dwelling unit, as a short-term accommodation (STA), except as a bed and breakfast.

STAs generally refer to individuals renting their residence, or part of their residence, for 30 days or less. Often STAs are marketed or advertised through online rental platforms such as Airbnb or Vacation Rental by Owner (VRBO).

Like many other municipalities globally, the Town of Collingwood has seen a significant increase in STAs since the current rules came into effect in 2015. While the advent of STAs has created a growing number of opportunities for residents to participate in the

sharing economy, it has also heightened the concerns around impacts on residential neighbourhoods, community safety and lack of affordable housing. These concerns were similarly echoed by participants in the Town's STA public consultation in the Fall of 2022.

Since the present ban does not appear to deter property owners from contravening the Zoning By-law by renting or using their dwelling unit as a STA., the Town's policies relating to STAs are being reviewed to determine the best possible path forward that is sensitive to the community's needs and interests. This follows a similar trend as many other municipalities who have identified a need to better manage impacts on surrounding properties, while maintaining the benefits associated with STAs. A STA Licensing Framework also offers improved enforcement tools and potential revenue streams to recover costs for addressing impacts of STAs.

This report responds to the direction provided in February 2023 for staff to prepare a draft STA Licensing Framework, including a draft Licensing By-law and Zoning By-law amendments, that would permit STAs in an individual's principal residence (i.e., where they live year-round) and in an accessory unit where the property owner occupies the main dwelling unit..

The overall aim of the Draft STA Licensing Framework is to encourage STAs to peacefully co-exist within Collingwood's neighbourhoods while protecting the long-term rental/ housing supply, ensuring health and safety for STA hosts and guests, encouraging compliance with requirements and maintaining the benefits that STAs bring to residents in the community.

The attached draft STA Licensing Framework combines research on existing policy and best practices of several Ontario municipalities in a way that aims to address the comments, concerns and opportunities identified by the community. The drafts are for discussion purposes at this time to assist in further refining a possible licensing framework.

The STA Licensing Framework places parameters around what constitutes a legal STA, ensures minimum standards are met, and requires the maintenance of a valid municipal licence. The proposed licensing by-law ("Appendix B") contains the operational regulations which are designed to address public concerns to the greatest extent possible. Concerns regarding noise, safety of residents and renters/guests, large number of persons on property, and disruption of daily life, will primarily be dealt with through inspection and enforcement utilizing improved tools.

If approved by Council, staff propose to conduct a public consultation on these drafts in July and August to seek specific feedback on the proposed framework and to determine the most effective model for implementation. Once feedback on the draft is received, staff will return to Council with a final version of the Licensing By-law and a formal Zoning By-law amendment for approval.

2. Analysis

Background

Since the Town's [Zoning By-law No. 2010-040](#) came into effect in 2010, it has been prohibited to use a dwelling unit, or any part thereof, as a STA.

'Short-term accommodation' is defined in the current Zoning By-law as *"the use of dwelling unit, or any part thereof, that is operating or offering a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, throughout all or any part of a calendar year"*.

In 2015, the Zoning By-law was updated to permit STA in the form of a bed and breakfast. Since then, the growing popularity of online STA rental platforms, such as Airbnb and Vacation Rental by Owner (VRBO), have increased the prevalence of STAs, along with their impacts. While STAs can create new and innovative means for economic growth and tourism, this is often met with pressures to preserve the character of the local community. With limited enforcement tools available under the current regulatory framework, this has led to challenges and concerns for staff and the community.

For information purposes and to understand the extent of the issue in Collingwood, staff retained Granicus, a company specializing in STA compliance monitoring. Despite the ban on STAs in Collingwood, as of April 28, 2023, approximately 372 STAs were situated throughout the Town.

Recognizing the Town's current approach to regulating STAs needs re-evaluation, staff launched a review of existing policies. In June 2022, staff presented Report [#C2022-22: Short-Term Accommodation Review and Next Steps](#), which summarized information about and common regulatory approaches for managing STAs. Direction from the Development and Operations Standing Committee was provided for staff to engage the public to receive feedback with respect to a future path for STAs in Collingwood. Council supported this direction at its meeting on June 27, 2022.

Between July and October of 2022, staff developed and launched the public consultation, which included a dedicated webpage on Engage, a survey and a public open house. Overall, feedback indicated support for permitting STAs beyond bed and breakfasts (which are already permitted) and a shared understanding respecting the need for a balanced and fair approach to regulation that facilitates improved management and enforcement of STA concerns.

Staff Report [#C2023-05: Regulatory Options for Short-Term Accommodations](#) summarized the public feedback and outlined various regulatory approaches for managing STAs. Based on a review and analysis of public feedback, municipal best practices, and other important considerations (e.g., complaints received), staff recommended permitting STAs as a home-based business within principal residences and in accessory units where the property owner occupies the principal residence on the

same lot under a licensing framework. On February 6, 2023, the Strategic Initiatives Standing Committee directed staff to prepare a follow-up staff report, including a draft STA Licensing By-law and next steps based on staff's recommendation. Council supported Committee's decision at its meeting on February 21, 2023.

Building on these two previous reports, this report aims to:

- a) outline the attached draft STA Licensing Framework, which includes a dedicated STA Licensing By-law and proposed Zoning By-law changes, and
- b) seeks Council's approval to gather public input regarding the draft STA Licensing Framework.

Discussion

In the absence of provincial legislation on STAs, Collingwood has the opportunity to leverage tools available through the *Municipal Act, 2001* and the *Planning Act* to construct a unique framework that reflects local goals for managing STAs in Town.

Since Provincial Statutes and Regulations place certain restrictions on the type of regulations or prohibitions that can be imposed, staff propose establishing a new type of business licence and associated requirements through a dedicated STA Licensing By-law.

While most requirements for STAs would be set out in a Licensing By-law, amendments to the Town's Official Plan and Zoning By-law are also necessary to align the overall STA Licensing Framework. The purpose of this staff report is to seek feedback from Council and the public on the proposed draft STA Licensing By-law and proposed Zoning By-law changes.

Following the public consultation, it is staff's intent to report back to Council with an analysis of the feedback and a draft STA Licensing By-law for approval. The staff report will also seek approval to proceed with a Zoning By-law amendment, which will include a public meeting.

As the Town is concurrently drafting a new Official Plan, staff propose, if possible, aligning the consultations with that of the Zoning By-law amendment to ensure that both initiatives and their impacts concerning STAs are clearly understood. If a separate Official Plan amendment is more appropriate based on timelines, it will be included with the Zoning By-law amendment in the follow-up report.

In considering the draft STA Licensing Framework, Council and the public are welcome to provide their input on all matters discussed below. The proposed public consultation for Summer 2023 is detailed further in the 'Public Consultation' section below.

The regulatory frameworks of several municipalities were researched, and the attachments combine best practices found throughout other municipalities, including Blue Mountains, Tiny, Penetanguishene, Ramara, Lake of Bays, Huntsville, Kingston, Ottawa and North Bay. Such provisions are adapted to suit the Town of Collingwood, address

comments and concerns from the community, and aim to achieve the criteria for managing STAs identified in Staff Report #[C2023-05](#) and summarized in Table 1 below.

Draft STA Licensing By-law

The *Municipal Act, 2001*, provides municipalities with the authority to enact licensing by-laws to regulate and govern STAs. Section 8(3) expressly authorizes a municipality to provide for a system of licences for a matter within its jurisdiction. Further, section 151 details provisions for the licensing of businesses that enable the Town to prohibit a business without a licence, refuse to grant or revoke or suspend a licence, and impose conditions on a licence.

A draft version of the STA Licensing By-law (Appendix “A”) has been prepared for Council and the public’s review. Key provisions of the draft STA Licensing By-Law are as follows:

- **Licence:** The by-law requires all persons to obtain a licence from the Town to operate a STA through a licensing process, which includes the submission of the name and contact information of the applicant and responsible person, a detailed site and floor plan, proof of compliance with various requirements and payment of the application and licensing fees to the Town. A copy of the current licence must also be retained on site of the STA.
- **Types of STAs:** The by-law permits STAs in a person’s principal residence or in an accessory dwelling unit on the same property as the owner’s principal residence. For clarity, dwelling units primarily used as a STA (i.e., where the owner does not live at the property, meaning it is not their principal residence) would only be permitted to be rented for periods of 31 days or more.
- **Proof of Principal Residence:** As part of the application process, the by-law requires proof of principal residence and a statutory declaration from all owners that the property is used and held primarily for residential purposes.
- **Licence Classes:** The by-law establishes three classes of STA licences to distinguish between the rentals and sets out specific provisions for:
 - (a) Guest rooms in a person’s principal residence (similar to a bed and breakfast);
 - (b) The whole of a person’s principal residence while the owner(s) are away; and
 - (c) An accessory dwelling unit where the owner lives in the principal residence on the same lot.
- **Number of Licences:** The by-law limits the number of licences per premises and licence class to one (1), with a maximum of two hundred (200) licences issued by the Town.
- **Occupancy Limits:** The by-law limits the number of occupants to two (2) persons per guest room, with a maximum of eight (8) guests and four (4) guest rooms, to prevent overcrowding and ensure compliance with various health and safety regulations.

- **Health and Safety:** The by-law ensures that STA operators comply with health and safety regulations, including the Ontario Building Code, Fire Code, and Electrical Safety Code. It requires licensees to provide safety equipment such as smoke detectors and fire extinguishers, obtain an appropriate insurance policy covering the STA use, and ensure the safety and well-being of guests.
- **Inspections:** The by-law requires STA operators to provide required documentation, or arrange an inspection with the Town, to demonstrate compliance with the STA Licensing By-law, Ontario Building and Fire Codes and other applicable legislation or regulations. Fire inspections will be required as part of the application process and on a bi-annual basis to ensure fire safety.
- **Behaviour of Renters/Guests:** The by-law requires a Renter's Code of Conduct (Schedule "A") to be completed and signed to ensure the owner and guests are aware of the Town and neighbours' expectations regarding STAs. Owners are responsible for monitoring guests' compliance with applicable Town by-laws, including Noise, Garbage, and Parking. Copies of the site and floor plans, the Renter's Code of Conduct, applicable Town by-laws and the name and contact information of the Responsible Person must be available to guests.
- **Responsible Person:** The by-law requires STA operators to provide the Town with the name and contact information of the person who can be readily contacted to respond to complaints within sixty (60) minutes. Licensees must provide guests with the contact information of the responsible person who can be reached during the rental period if needed.
- **Enforcement and Penalties:** The by-law outlines penalties for non-compliance, including a demerit point system, fines, licence suspension or revocation, and other enforcement measures. Where a contravention to the by-law is identified, an officer may place an order to comply and conduct inspections as appropriate.
- **Licensing Appeal Process:** Where a licence is suspended, revoked or terminated, the by-law sets out a process for the issuance or grounds of refusal of an application for a licence and the process for appeal to a Committee appointed by Council.
- **Fees:** The by-law requires the payment of fees for applications, inspections and renewals, which will be set out in the Fees and Service Charges By-law. For further information, please see the 'Licensing Fees and Taxation' section below.
- **STA Listings:** The by-law prohibits marketing a STA without a valid licence, regardless of whether the advertisement results in a booking. The licence number must be provided in all advertisements (e.g., in a field created by the platform or in the unit description).
- **Terms of Licence:** The by-law requires licences to be renewed yearly and prohibits the transfer of a licence to new property owners.

→ **Reporting and Data Collection:** The by-law requires licensees to maintain a guest registry that includes the name, address, and contact information of all guests staying at the STA. This guest registry must be provided to the Town within twenty-four (24) hours upon request.

Zoning Permissions

A Zoning By-law implements the objectives and policies of the Official Plan and provides a legally enforceable way of managing land use and future development. A Zoning By-law controls the use of land in the municipality by stating how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and how they may be used, the lot sizes and dimensions, parking requirements, and setbacks from the street.

As previously noted in Staff Report #[C2023-05](#), the Town's Short-Term Accommodation Review focuses on STAs and their impact on and within designated residential zones. Therefore, any changes required to uses in other zones under the Zoning By-law (e.g., resort commercial, mixed-use, etc.) will be informed by the outcomes of this review and will form part of the current Official Plan Review and future Zoning By-law amendments.

Based on staff's research, zoning approaches vary among municipalities. For example, some municipalities limit STAs to specific residential zones deemed more appropriate or within certain dwelling types (e.g., single detached, semi-detached, etc.). Some municipalities combine these approaches by restricting zones and dwelling types, whereas others have permitted STAs in all zones that allow residential uses and within a range of dwelling types.

Draft Zoning provisions with respect to regulating STAs in Collingwood (Appendix "B") have been included for feedback from Council and the public. Public consultation is being proposed for July and August on the draft Zoning By-law provisions and will align with the discussion on the draft STA Licensing By-law (see "Public Consultation" section for more information). The official Zoning By-law amendment will be presented to Council following the proposed public consultation. It will then be subject to requirements under the *Planning Act*, including a public meeting. Therefore, these provisions are drafts only and are subject to change.

Key STA provisions for the Zoning By-Law are outlined below:

- **Definitions:** The by-law defines STA and other key terms referenced in the draft STA Licensing By-law.
- "Short Term Accommodation" means the use of a dwelling unit, or any part thereof, as a home occupation, that is operating or offering a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period of thirty (30) consecutive calendar days or less, throughout all or any part of a calendar year.

Short-term accommodation shall not mean or include a hotel, motel or similar commercial accommodation use, but shall include a bed and breakfast.

- **Home Occupation:** The by-law permits STAs as a home occupation and sets out general provisions that would apply in the case of a STA.
 - The current definition of 'Home Occupation' is "a business which is carried on for gain or profit as an accessory use only by those persons residing within a dwelling unit".
- **Location of STAs:** The by-law permits STAs in zones that allow single-detached dwellings. Whether to restrict STAs to specific residential zones in Town (e.g., R1, R2, etc.) will form part of the upcoming public consultation.
- **Type of Dwelling:** The by-law permits one (1) STA per lot in a single-detached dwelling or second unit (i.e., accessory dwelling unit). Whether to permit STAs in certain dwelling types (e.g., semi-detached, townhouses, apartments, etc.) will form part of the upcoming public consultation.
- **Parking:** The by-law requires adequate off-street parking be provided, in addition to the spaces required for the primary dwelling unit, at a standard of no less than one (1) space where there are two or fewer guest rooms and no less than two (2) spaces where there are three or four guest rooms.

Considerations for Implementation of the STA Licensing Framework

1) *Criteria for Managing STAs*

As previously noted in Staff Report #[C2022-22](#), the criteria in Table 1 below were identified as important considerations when determining the future approach for regulating STAs in Collingwood. These criteria were established based on feedback received during the previous public consultation (between July and October 2022), staff's research of municipal best practices and other important considerations (e.g., complaints received by the Town).

Table 1: Criteria for Managing STAs
1. Minimize neighbourhood issues/respect neighbourhood character
Any approach should reduce nuisances caused by STAs, aim to mitigate impacts on the livability of residential neighbourhoods and ensure that compatibility is achieved between STA uses and existing residential neighbourhoods.
2. Minimize effects on long-term rental/housing supply
Any approach should aim to reduce the negative impacts of STAs on local long-term rental/housing affordability and supply, noting that the public consultation revealed that some homeowners are using STAs to supplement income and improve the affordability of housing costs.

3. Protect the health and safety of residents and visitors
Any approach should ensure that the well-being of residents and guests is prioritized.
4. Support tourism and opportunities for residents to earn supplementary income
Any approach should acknowledge the Town’s focus as a tourist destination and support residents’ ability to earn supplemental income to offset the cost of living/housing.
5. Establish a balanced and fair approach to regulation
Any approach should limit over-regulation, consider existing by-laws and aim to create regulatory fairness among all accommodation providers in Town.
6. Improve compliance and enforcement
Any approach should be easy to understand and inspire voluntary compliance to limit the need for additional enforcement resources to ensure adherence to by-laws.

2) *Staffing Levels*

To effectively implement the STA Licensing Framework, sufficient staffing levels must be in place to process licence applications and maintain a high level of customer service.

The review of an application for a licence would entail the participation of various internal divisions, including:

Table 2: Overview of Tasks	
Division	Tasks
By-law Services	<ul style="list-style-type: none"> • Accept, review and issue licences • Coordinate application process • Manage and maintain a database of licensed properties • Monitor for non-compliant properties (e.g., not licenced) • Receive and review complaints • Organize and conduct inspections as necessary • Issue notices for licence violations • Prosecute for non-compliance • Collect payment for licence/inspections
Customer Service	<ul style="list-style-type: none"> • Receiving and responding to various enquires • Referring matters to appropriate division/department • Processing payment applications
Planning	<ul style="list-style-type: none"> • Review application for Zoning By-law compliance
Building	<ul style="list-style-type: none"> • Review application to confirm that required permits have been granted

	<ul style="list-style-type: none"> • Conduct inspections as necessary
Fire	<ul style="list-style-type: none"> • Review application for Ontario Fire Code compliance • Conduct inspections as necessary (as part of the initial application and on a bi-annual basis thereafter)

Although staffing levels are difficult to assess until the scope of the STA Licensing Framework is fully articulated, staff estimate that approximately one Full-time Equivalent (FTE) administrative position, one FTE Municipal Law Enforcement Officer and one Part-time Equivalent (or 0.5 FTE) Fire Inspector would be required to administer and enforce the licensing program during regular business hours.

Should Council direct By-law Services Division to expand hours of operation into the evenings and/or weekends to respond to STA-related complaints, a minimum of two Municipal Law Enforcement Officers may be required to ensure officer safety and the availability of appropriate resources.

A full detailed staffing analysis and summary of roles will be contained within the draft STA Licensing Framework in the following report to Council and will include a breakdown of existing and anticipated staffing levels to administer and enforce the program.

3) *Licensing Fees and Taxation*

The effective implementation of a STA Licensing Framework will require additional staff resources to monitor and enforce, but fees and fines would be established to help ensure that the costs to implement the framework, including new staffing positions, would be offset by fees and fines.

As summarized in Staff Report #[C2023-05](#), annual licensing fees can range from \$0 to \$1,500.00. Based on data from AirDNA (a pricing tool used to assess the market price for vacation rental owners), the average daily rate for a STA in Collingwood is \$210 and the median monthly revenue (over a 12-month period) is \$2,232.

The licence fee, at minimum, will need to cover the cost of the administration and enforcement of the program. It is also important that the licensing fees are set at a reasonable amount to not deter individuals from participating in the program. Table 3 contains the proposed licencing fees for each licence class.

Table 3: Estimated Annual Licensing Fees	
Licence Class	Amount
Class A – Guest Room STA (Partial Unit Rental)	\$250
Class B – Principal Residence STA (Entire Unit Rental)	\$500
Class C – Accessory Dwelling Unit STA (Entire Unit Rental)	\$750

Additional information is needed to understand the public’s thoughts and opinions on the proposed licensing fees above, as well as other matters in the framework that may have financial implications (e.g., if there is an interest in more frequent inspections). It is recommended that these considerations are included as part of the proposed public consultation in July and August. However, for discussion purposes, potential costs for the STA Licensing Program could include:

Table 4: Estimated Program Costs	
Item	Amount
Start-up Costs (Year 1)	
1.0 FTE Licensing Coordinator (Administrative Position)	\$50,000
1.0 FTE Municipal Law Enforcement Officer	\$80,000
1.0 PTE (0.5 FTE) Fire Inspector	\$50,000
Prosecution, legal and contingency	\$20,000
City View program enhancements	\$10,000
Licensing Appeal Committee	\$5,000
Total	\$215,000
Ongoing Annual Costs (Years 2+)	
1.0 PTE (0.5 FTE) Licensing Coordinator (Administrative Position)	\$30,000
1.0 FTE Municipal Law Enforcement Officer	\$80,000
1.0 PTE (0.25 FTE) Fire Inspector	\$30,000
Prosecution, legal and contingency	\$10,000
Licensing Appeal Committee	\$5,000
Total	\$155,000

If the proposed maximum of licences (200) and licensing fees are supported by Council and the community, and it is assumed that approximately 60% (or 120) are licenced as Class B and the remaining 40% is split between Class A or C (or 40 each), that would result in a projected revenue of \$100,000 from licensing fees.

Staff in Economic Development are also investigating the implementation of a municipal accommodation tax (MAT) in Town, and a report is anticipated to come forward no later than September 2023. If Council supports moving forward with a MAT, a portion of the revenue could be allocated to offset the cost of a STA Licensing Program. In Staff Report P#[2023-08](#), a preliminary analysis of MAT “showed that in an unfavourable economic scenario, revenues could approach \$400,000 per year, while in a favourable scenario, revenues could exceed \$1,000,000 per year, pending collection agreements with the short-term rental platforms.”

Once the final scope of the STA Licensing Framework is identified, appropriate annual licensing and other fees can be identified to ensure the program's costs will be recoverable. The final proposed fee schedule and a detailed financial analysis will be included in the follow-up report to Council.

Public Consultation

Staff are proposing to obtain public feedback on the draft STA Licensing Framework to determine the best path forward for regulating STAs in Collingwood.

Through the STA Review's dedicated page on Engage Collingwood, staff propose conducting an online survey in Summer 2023 to seek feedback on the draft STA Licensing By-law and proposed Zoning changes. Proposed concepts for consultation include:

- Principal residence approach
- Types of dwelling units
- Zoning
- Limit on the number of STAs
- Licence classes
- Limit on number of total days per year
- Licensing fees

A communications strategy will be developed, including newspaper ads and social media posts, to achieve maximum participation in the survey.

Following the public consultation, staff will report back to Council on the feedback received, including any recommended changes to the draft STA Licensing By-law, and seek approval to proceed with a formal Zoning By-law amendment.

As updates to the Official Plan are also necessary to implement any new regulations for STAs, if possible, staff propose to align the consultation on the Zoning By-law amendment with the discussions on the draft Official Plan to ensure that impacts on STAs from both projects are clearly understood.

However recognizing that the province's recent release of the proposed Provincial Policy Statement has delayed the release and consultation on Draft 2 of the Official Plan, an Official Plan amendment may be required. Staff anticipate having more information on the Draft Official Plan's engagement opportunities in early Summer 2023 and will include this as part of the report back to Council. If a separate Official Plan amendment is required due to timelines, staff will include this with the Zoning By-law amendment.

Additionally, if any matters in the Licensing By-law require further consultation, Council could consider through the follow-up staff report whether it is appropriate to consult on these alongside the necessary planning policy amendments.

Next Steps

Staff are seeking Council’s direction on the above items and any comments or questions on the draft STA Licensing By-law and Zoning changes that require staff to report back on.

If approved, staff will prepare and initiate a public consultation on the draft STA Licensing By-law and proposed Zoning changes in July and August. Then, staff will report back to Council in September or October with the draft STA Licensing By-law for approval and an implementation plan outlining departmental staffing roles, anticipated revenue and expenses, a communications plan, and a proposed fee structure.

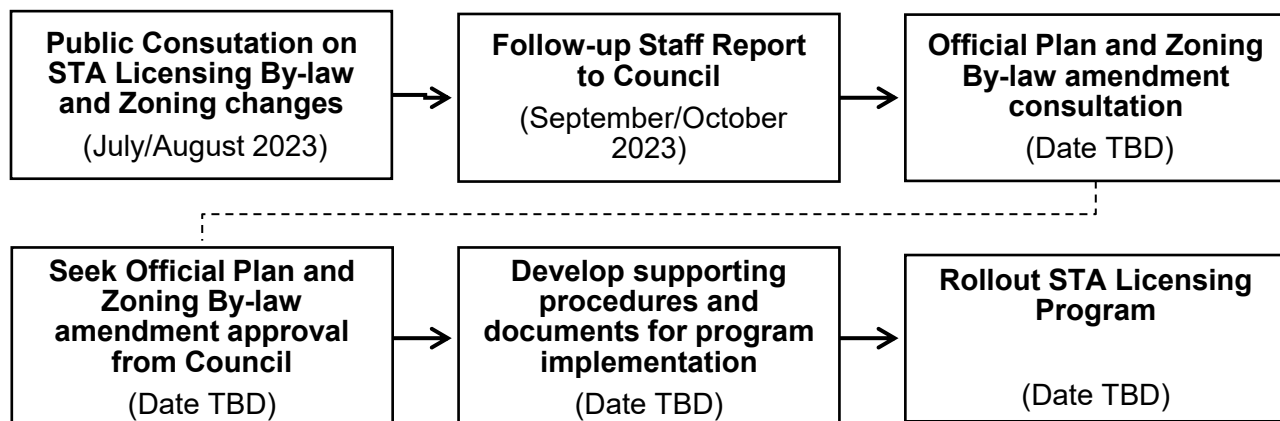
The staff report will also seek approval to initiate a formal Zoning By-law amendment process, which includes a public meeting. As noted above, staff propose, if possible, aligning consultations on the Official Plan and the Zoning By-law amendment as changes to both planning documents are required to implement any new STA regulations.

Given the release of Draft 2 of the Official Plan was impacted by recent changes to provincial planning policies, the timing of the public consultation has accordingly been affected. Staff anticipate having more information in Summer 2023 (when the proposed STA public consultation will occur) and will include this information as part of the implementation plan in the report back to Council in September or October.

With the potential number of licence applications and anticipated implementation steps (e.g., development of the application process, necessary communication and website updates, internal department coordination, review and inspection of applications, etc.), it is anticipated that a STA Licensing Program would likely not be fully in place until Spring/Summer 2024.

Of note, a Zoning By-law amendment can also be appealed to the Ontario Land Tribunal. The length of the hearing would depend on several factors, including the complexity of the appeal, and the number of parties and participants, which could impact the implementation of a STA Licensing Program.

Figure 1: STA Review Proposed Next Steps



Options

- Option #1: Proceed as recommended in this Report (Recommended); or
- Option #2: Take other action as directed by Council (Not Recommended).

Financial Impacts

There are no anticipated financial implications directly associated with this staff report. However, there will be resource implications related to implementing any STA Licensing Framework. This would include staffing and ancillary costs for the licensing Framework's development, administration, and enforcement. There may also be costs associated with developing the Official Plan and Zoning By-law amendments, such as costs to defend any policy changes at the Ontario Land Tribunal.

Staff recommend that licensing fees be set at a level that recovers, to the extent possible, the recurring costs of the licensing framework, including administration and enforcement. Staff will explore this fully in the report to Council in September or October following the public consultation on the proposed licensing fees. The intent would be to identify any future impacts on Town finances that could be accounted for in the 2024 Budget.

Conclusion

Drafts of a STA Licensing By-law (Appendix "A") and Zoning Provisions (Appendix "B") have been prepared for Council and the public's consideration.

It is recommended that Council approve staff to prepare and initiate a public consultation, including an online survey, on the draft STA Licensing Framework.

Further, that Council direct staff to report back on the feedback received, including any potential changes to the draft STA Licensing Framework. This report will also contain a formal Zoning By-law amendment that will accompany discussions on draft provisions for STAs in the draft Official Plan. Lastly, alongside a revised draft of the STA Licensing By-law, this report will outline a detailed implementation plan including staffing and licensing fees.

3. Input from Other Sources

Staff researched licensing frameworks with respect to regulating short-term accommodation in municipalities, including but not limited to Blue Mountains, Tiny, Penetanguishene, Ramara, Lake of Bays, Huntsville, Kingston, Ottawa and North Bay.

This report and its appendices were circulated to Department Heads for review on April 28, 2023.

Legal advice was also sought from Miller Thomson on the report and appendices.

4. Applicable Policy or Legislation

Municipal Act, 2001, S.O. 2001, c. 25

Planning Act, R.S.O. 1990, c. P.13

Building Code Act, 1992, S.O. 1992, c. 23

Fire Prevention and Protection Act, 1997, S.O. 1997, c. 4

Provincial Offences Act, R.S.O. 1990, c. P.33

Town of Collingwood Zoning By-law No. 2010-040

Town of Collingwood Community Based Strategic Plan (2020-2023)

Town of Collingwood Economic Development Action Plan (2020-2025)

5. Considerations

- | | |
|--|----------------------------|
| <input checked="" type="checkbox"/> Community Based Strategic Plan: | Consistent with CBSP |
| <input type="checkbox"/> Services adjusted if any | |
| <input type="checkbox"/> Climate Change / Sustainability: | Not Applicable |
| <input checked="" type="checkbox"/> Communication / Engagement: | Public Engagement required |
| <input type="checkbox"/> Accessibility / Equity, Diversity, Inclusion: | Not Applicable |
| <input type="checkbox"/> Registered Lobbyist(s) relating to content: | Nil |

Next steps and future action required following endorsement:

Proceed to public consultation.

6. Appendices and Other Resources

Appendix A: Draft Short-Term Accommodation Licensing By-law

Appendix B: Draft Short-Term Accommodation Zoning By-Law Provisions

7. Approval

Prepared By:

Amanda Fone, Licensing and Compliance Officer

Reviewed By:

Sara Almas, Director of Legislative Services/Clerk

CAO Comments:

Endorsed to proceed on May 10, 2023

WHEREAS the Council of the Town of Collingwood may, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25. as amended ("*Municipal Act*"), enact by-laws for the licensing, regulating and governing of businesses and occupations in the Town of Collingwood;

AND WHEREAS pursuant to Section 8(1) of the *Municipal Act*, the powers of a municipality under this or any other Act 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 pursuant to Section 8(3) of the *Municipal Act*, a municipality may:

- (a) regulate or prohibit respecting a matter within the municipality's jurisdiction;
- (b) require persons to do things respecting the matter; and
- (c) provide for a system of licences respecting the matter;

AND WHEREAS pursuant to Section 9 of the *Municipal Act*, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to Section 11(2) of the *Municipal Act*, a municipality has the authority to pass by-laws respecting the health, safety and well-being of persons, and protection of persons and property, including consumer protection;

AND WHEREAS pursuant to Section 23.1 of the *Municipal Act*, a municipality has the authority to delegate its powers and duties;

AND WHEREAS pursuant to Section 151 of the *Municipal Act*, a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (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 licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS pursuant to Section 391 of the *Municipal Act*, a municipality has the authority to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it;

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 the Council of The Corporation of the Town of Collingwood deems it desirable that such licensing, regulation and governing takes place with respect to Short-Term Accommodation as defined in this By-law; and

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD HEREBY ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this By-law:

"Accessory Dwelling Unit" means an separate dwelling unit located on the same lot as the single-detached dwelling unit and that may be contained within the single-detached dwelling unit or within a detached accessory building on the same lot, but not both;

"Administrative Monetary Penalty" means a monetary penalty imposed for a contravention of this By-law and as set out in By-law 2023-XX, as amended;

"Applicable Law" includes all applicable municipal by-laws and federal and provincial statutes and regulations;

"Applicant" means a Person applying for a Licence or the renewal of a Licence under this By-law;

"Agent" means a Person authorized in writing by an Owner to act on the Owner's behalf;

"Building" means a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;

"Committee" means a group of individuals who have been appointed by Council, to hear appeals pursuant to this by-law;

"Council" means the Council of The Corporation of the Town of Collingwood;

"Corporation" means a body incorporated pursuant to the laws of Ontario or Canada or another jurisdiction;

"Demerit Point System" means points that are approved under this By-law and applied to a Licensee upon determination of an alleged contravention.

"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;

“Emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to one or more persons or substantial damage to property;

“Entire Unit Rental” means a Short-Term Accommodation in which the Renter occupies or has access to the entire dwelling unit;

"Fee" means a fee as set forth in the Town of Collingwood Fees and Service Charges By-law, as amended or superseded;

“Guest” or “Guests” means any Person on the Premises who is not a Renter or an Owner;

“Guest Room” means a room offered for Short-Term Accommodation intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the *Ontario Building Code Act, 1992, S.O. 1992 c.23*;

“Licence” means the Licence issued under this By-Law indicating authorization for a Person to operate, provide, or Market a Short-Term Accommodation at a specific property;

“Licence Class” means the classification of a Short-Term Accommodation in accordance with this By-law;

"Licensed" means having in one's possession a valid and current Licence issued under this By-law and "Unlicensed" has the contrary meaning;

"Licensee" means a Person who holds a Licence or is required to hold a Licence under this By-law;

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

"Licensing Officer" means any person provided the authority by the Town to issue a Licence under this By-law;

“Market” means to offer for rent, promote, canvass, solicit, advertise, or facilitate a Short-Term Accommodation, and includes placing, posting or erecting advertisements, either physically or online and “Marketing” has the corresponding meaning;

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

“Municipality” means the geographical area of the Town of Collingwood, as may be applicable in the context;

"Officer" means a Police Officer, Municipal Law Enforcement Officer, Building Inspector, Fire Inspector, or other person appointed by by-law to enforce the provisions of Town By-laws;

"Owner" means the Person holding title to the Premises where the Short-Term Accommodation is located or to be located, as the context requires, and "Ownership" has a corresponding meaning;

"Parking Area" has the meaning set out in the Town of Collingwood Zoning By-Law, as amended or superseded;

“Partial Unit Rental” means a Short-Term Accommodation in which the Renter occupies a part of the Dwelling Unit only;

“Person” means any human being, incorporated association, firm, incorporated company, corporation, Agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law;

"Premises" means the Property or Properties upon which a Short-Term Accommodation is operated or to be operated, as the context requires, inclusive of buildings or structures or any part thereof used or to be used for such purpose;

“Principal Residence” means:

- (a) the Dwelling Unit that is legally or beneficially owned or rented by a natural person, alone or with others, where the natural person is ordinarily resident and makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related to identification, taxation and insurance purposes, driver’s licences, income tax returns, medical plan documentation, vehicle registration and voter registration, or similar information; and
- (b) where the natural person has no other property designated as such within the Town of Collingwood or any other jurisdiction;

"Property" means the land upon which a Short-Term Accommodation is operated or to be operated, as the context requires, exclusive of buildings or structures or any part thereof;

“Renter” means the person responsible for the rental of the Premises by the way of concession, permit, lease, Licence, rental agreement or similar commercial arrangement;

"Renter's Code of Conduct" means a document, as set forth in Schedule “A” and as may be amended from time to time, that has been prepared by the Town and prescribes the roles and identifies certain of the responsibilities of the Renter, including but not limited to behavioural expectations as they relate to non-disturbance of neighbours, compliance with applicable Town by-laws, and adherence to the provisions of this By-law;

"Responsible Person" means the Owner or an Agent assigned by the Owner or Licensee to ensure the Short-Term Accommodation is operated in accordance with the provisions of this By-law, the Licence and other applicable laws;

“Short-Term Accommodation” has the meaning set out in the Town of Collingwood Zoning By-Law, as amended or superseded;

“Single Detached Dwelling” means a building containing one Dwelling Unit;

“Suite” means a single room or series of rooms of complementary use, operated under a single tenancy, and includes a Dwelling Unit and individual Guest Rooms used for Short-Term Accommodation.

“Tenant” has the same meaning as in the *Residential Tenancies Act, 2006*;

“Town” means The Corporation of the Town of Collingwood;

“Zoning By-Law” means a by-law enacted under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, that restrict the use of land within the geographical boundaries of the Town.

2.0 SHORT TITLE

2.1 This By-law may be referred to as the “Short-Term Accommodation Licensing By-law”.

3.0 ADMINISTRATION

3.1 The requirements of this By-law apply to the business operation or occupation of providing Short-Term Accommodation within the Municipality.

3.2 Applications for a Licence and issued Licences, along with the municipal address, legal description and associated Owner, Applicant, Agent and Responsible Person name and contact information will be posted on the Town’s website.

3.3 Any Person who intends to operate, provide, or Market any Premises for Short-Term Accommodation as of the effective date of this By-law, shall first file an application for and obtain a Licence under this By-law.

3.4 After the date this By-Law comes into force and effect, Licensees may apply for renewal of their Licence, however no new Licences will be issued until the number of Licences in the Town falls below two hundred (200), after which the number of Licences shall not exceed two hundred (200).

4.0 PROHIBITIONS

4.1 No Person shall operate, provide, or Market a Short-Term Accommodation located within the Municipality, except in accordance with the terms of a valid Licence and the requirements of this By-law.

4.2 No Person shall operate, provide, or Market any Short-Term Accommodation with a revoked, suspended, or expired License.

4.3 No Person shall alter, transfer or attempt or take steps to assign a Licence issued under this By-law.

4.4 No person shall permit any Premises under their Ownership or care and control to be operated except in accordance with a Licence issued under this By-law.

4.5 No person shall operate, provide, or Market a Short-Term Accommodation without prominently displaying in each advertisement or listing:

- (a) the corresponding Licence Number issued by the Town; and
- (b) the Maximum Occupancy established in Section 4.9 of this By-law;

- 4.6 No Person shall operate or provide a Short-Term Accommodation unless the Short-Term Accommodation is within their Principal Residence or an Accessory Dwelling Unit on the same Property as their Principal Residence.
- 4.7 No Person shall permit any Premises under their Ownership or care and control to be operated in contravention of a site or floor plan that has been approved by the Licensing Officer pursuant to a Licence issued under this By-law.
- 4.8 No Person shall operate, provide, or Market a Short-Term Accommodation to a number of Guests that is in excess of the Maximum Occupancy established in Section 4.9 of this By-law.
- 4.9 The maximum number of occupants, including but not limited to residents, Renters and Guests, permitted on any Premises, at any one time, shall be restricted to two (2) Persons per Guest Room and be delineated on the required floor plan. Rooms with murphy beds, pullout beds, sofa beds, day beds, futons or similar places for sleeping shall be included as a Guest Room. The Maximum Occupancy for a Short-Term Accommodation shall be no more than eight (8). All occupants of a Short-Term Accommodation shall be counted in calculating occupancy, with the exception of children under the age of ten (10) years.
- 4.10 No Person shall rent any Guest Room other than a Guest Room that was identified and approved with the application for a Short-Term Accommodation Licence issued under this By-law. The maximum number of Guest Rooms permitted to be rented is four (4).
- 4.11 No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this By-law.
- 4.12 No Person shall violate the provisions of the Licensee Code of Conduct & Acknowledgment attached as Schedule "B" to this By-law.
- 4.13 No Person shall fail to produce a copy of the signed Renter's Code of Conduct or Licensee Code of Conduct & Acknowledgment upon the request of an Officer.
- 4.14 Short-Term Accommodations shall comply with all Applicable Law.

5.0 TERMS OF LICENCE

- 5.1 A Short-Term Accommodation Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
- (a) The date that is one (1) year after the date of the issuance of the Licence;
 - (b) Upon the sale or transfer of the Premises, including addition of a co-owner as a joint tenant or tenant-in-common (for clarity, a Licence cannot be assigned or transferred to another Person); or

- (c) The Licence has been revoked or terminated in accordance with the provisions of this By-law.
- 5.2 It is the responsibility of the Licensee to ensure that the renewal for a Licence has been submitted to the Town no later than thirty (30) days before the expiry of the current term. Failure to do so will result in a termination of the Licence and the Licensee will be required to go through a new application process, and further will be subject to the new application Fees.
- 5.3 The Licensing Officer shall have the right to extend any active Licence for up to one (1) calendar year, should there be an emergency that directly effects the Licensee.
- 5.4 Only one (1) Licence per Premises shall be permitted. For greater clarity, no more than one (1) short-term accommodation will be permitted per Property.
- 5.5 The following Persons may apply for one (1) Licence in accordance with Section 6 of this By-Law:
- (a) Where the Property is legally owned by one or more natural persons, not including a corporation, the owner(s) named on title, or a simple majority of same; or
 - (b) Where the Property is leased, the Tenant(s) named on the lease, so long as they have the written consent of the Owner(s) and provide a copy of the rental agreement between the Owner(s) and the Tenant for a period equal to or greater than three hundred and sixty-five (365) days.

6.0 LICENCE CLASS

- 6.1 Class A – Guest Room Short Term Accommodation (Partial Unit Rental)
- (a) A Class A Licence shall be permitted within zones where residential uses are permitted.
 - (b) A Class A Licence shall be permitted to be rented for a maximum of 30 days for any single stay and a maximum of 365 days per year.
 - (c) A Class A Licence shall be located in a single detached dwelling.
 - (d) A Class A Licence shall not occupy the entire gross floor area of the single detached dwelling.
 - (e) At least one (1) bedroom must be available on a full-time basis in the Premises for the exclusive use of the Licensee.
 - (f) A Class A Licensee shall be the registered Owner of the Property.
 - (g) A Class A Licensee shall ensure that the Premises is the Principal Residence of the Licensee.
 - (h) The Class A Licensee shall be on site at the Premises during the stay of a Renter during the hours of 2000 and 0800 hours, except in the case of an emergency.
 - (i) The maximum number of Class A Licences permitted to be operated by the same Licensee shall be one (1).

6.2 Class B – Principal Residence Short-Term Accommodation (Entire Unit Rental)

- (a) A Class B Licence shall be permitted within zones where residential uses are permitted.
- (b) A Class B Licence shall be permitted to be rented for a maximum of 30 days for any single stay and a maximum of 180 days per year.
- (c) A Class B Licence shall be located in a single detached dwelling.
- (d) A Class B Licensee shall ensure that the Premises is the Principal Residence of the Licensee.
- (e) The maximum number of Class B Licences permitted to be operated by the same Licensee shall be one (1)

6.3 Class C – Accessory Dwelling Unit Short-Term Accommodation (Entire Unit Rental)

- (a) A Class C Licence shall be permitted within zones where residential uses are permitted.
- (b) A Class C Licence shall be permitted to be rented for a maximum of 30 days for any single stay and a maximum of 180 days per year.
- (c) A Class C Licence shall only be located within an Accessory Dwelling Unit that is:
 - i. wholly enclosed within an existing single detached dwelling; or
 - ii. on a lot that includes a single detached dwelling.
- (d) A Class C Licensee shall be the registered Owner of the Property.
- (e) The Class C Licence shall be an Accessory Dwelling Unit on the same Property as the Owner's Principal Residence.
- (f) The maximum number of Class C Licences permitted to be operated by the same Owner shall be one (1).

7.0 LICENCE REQUIREMENTS

7.1 APPLICATION REQUIREMENTS

- 7.1.1 Every application for a new Licence, or the renewal of an existing Licence, shall include:
- (a) a completed application in the form required by the Town, which shall include each Owner, Agent or Applicant's name, address, telephone number, and email address;
 - (b) in the case of an Agent or Applicant acting on behalf of the Owner, the Owner's written authorization permitting the Agent or Applicant to act on their behalf;
 - (c) proof that the Applicant is at least eighteen (18) years of age;
 - (d) proof of Ownership or tenancy for the Premises;
 - i. if the Premises is owned by more than one Person, written consent of the other Owners shall be included;
 - ii. if the Premises is leased, written consent from the Owner(s) and a copy of the rental agreement between the Owner(s) and the Tenant for a period equal to or greater than three hundred and sixty-five (365) days shall be included;

- (e) a statutory declaration signed by each and every Owner, Agent and Applicant stating that the Premises is used primarily for residential purposes and that each and every Applicant understands their responsibilities as a Licensee;
- (f) proof in a form satisfactory to the Licensing Officer that the Premises is the Principal Residence of the Licensee, or is an Accessory Dwelling Unit located on the same Property as the Owner's Principal Residence;
- (g) a site plan and floor plan, drawn to scale and fully dimensional, showing the Premises identifying:
 - i. the location of all Buildings and structures on the Property;
 - ii. the use of each room;
 - iii. the location of smoke and carbon monoxide alarms, and early warning devices;
 - iv. the location of fire extinguishers;
 - v. the location of all gas and electric appliances;
 - vi. the location of all fireplaces and fuel-burning appliances;
 - vii. all entrances/exits to and from the Buildings; and
 - viii. the exterior decks that are appurtenant to the Premises and related site amenities including dimensioned parking spaces, and other Buildings or structures on the Property;
- (h) certificate from a licensed Electrician dated within the previous ninety (90) days of making applications for a Licence stating the Premises are in compliance with the Electrical Safety Code;
- (i) proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury and identifies that a Short-Term Accommodation is being operated on the Property. The insurance coverage required herein shall be endorsed to the effect that the Town shall be given at least thirty (30) days' notice in writing of any cancellation or material variation to the policy;
- (j) the name and contact information of the Responsible Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Town by-law, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence;
- (k) 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; and
 - iii. the contact information for the Owner, Agent, Applicant and Responsible Person;
- (l) payment of the applicable Fees as noted within the Town's Fees and Service Charges By-law, which may be amended from time to time.

- 7.1.2 The Licensee shall be responsible for informing the Town in writing of any changes to the approved information contained within the Licence application or any deviation to the approved plans within seven (7) days of such change or deviation.
- 7.1.3 Nothing herein allows a Licensee to rent rooms for Short-Term Accommodation other than those identified and approved on the floor plan submitted with the application for a Licence unless the Town has approved same.
- 7.1.4 The Licensee must ensure that any Marketing of the Short-Term Accommodation includes the corresponding Licence Number issued by the Town.
- 7.1.5 Each Licensee shall be an Owner, Tenant, Agent or Applicant who is an individual and not a corporation, partnership, or business, except where Section 7.1.6 applies.
- 7.1.6 An Owner that is a Corporation may be permitted to become a Licensee at the discretion of the Licensing Officer, if staff is satisfied in its sole discretion that the Corporation operated by natural persons is occupying the Short-Term Accommodation Premises as their Principal Residence.

7.2 **SITE REQUIREMENTS**

- 7.2.1 The site plan shall conform to all requirement of the Town's Zoning By-law and any site plan agreement registered on title of the Property.
- 7.2.2 The provision of parking on the required site plan shall include the following:
- (a) the location of the Parking Area with a minimum number of parking spaces as set out in the Town's Zoning By-law;
 - (b) that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area; and
 - (c) compliance with all other parking provisions as set out in the Town's Zoning By-law, as amended.
- 7.2.3 No person shall park a vehicle other than in a Parking Area which consists of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard or permeable paving surface).
- 7.2.4 The following shall be made available to Renters and Guests:
- (a) A copy of the current Licence retained on site of the Premises and available for inspections by Town staff;
 - (b) A copy of the site plan showing the current Parking Area and parking provisions for the Premises;
 - (c) A copy of the approved floor plan identifying the rooms and also showing exits and fire escape routes;
 - (d) A copy of the Renter's Code of Conduct;

- (e) A copy of the Town's current Noise By-law, Fireworks By-law, and Open Air Burning By-law;
- (f) Instructions for waste management, including information on the applicable waste collection day, and instructions for composting and recycling; and
- (g) Name and contact information of the Responsible Person.

7.2.5 All Short-Term Accommodations must provide a class ABC fire extinguisher in any cooking area and a class BC or better on each floor of the Premises.

7.2.6 The Licensee shall maintain a guest register which indicates the Renters' and Guests' names, addresses, telephone numbers, number of Renters and Guests, length of stay, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the Town within twenty-four (24) hours upon request.

7.3 **INSPECTION**

7.3.1 It is the responsibility of any Person applying for a new Licence or renewing an existing Licence to contact the Town for an inspection or provide required documentation, which shall ensure compliance with all Applicable Law, including (without limitation) the following:

- (a) Provisions of this By-law;
- (b) Ontario Building Code Act, 1992, S.O. 1992 c.23 ("Building Code Act")
- (c) Ontario Fire Protection and Prevention Act, 1997, S. O. 1997, c.4 ("Fire Protection and Prevention Act")
- (d) Electricity Act, 1998, S.O. 1998, c. 15, Sched. A ("Electricity Act")
- (e) Property Standards By-law;
- (f) Zoning By-law;
- (g) Any other municipal By-laws or provincial legislation that may affect the status of the application.

7.3.2 During the inspection process, all relevant departments of the Town may provide comment on any known matters that would assist with determination of Licence eligibility.

7.3.3 An Officer may at any reasonable time inspect any Premises or place where a Licence has been issued under this By-law to determine compliance to this By-Law.

8.0 **LICENCE GROUNDS FOR REFUSAL, REVOCATION, TERMINATION OR SUSPENSION**

- 8.1 The Licensing Officer shall have the authority to issue, refuse to issue or renew a Licence, to revoke, terminate or suspend a Licence, or to impose terms and conditions on a Licence in accordance with this By-law.
- 8.2 An Applicant or Licensee may be granted a Licence upon meeting the requirements of this By-law except where:
- (a) the past or present conduct of any Person applying for a Licence 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;
 - (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;
 - (c) the Applicant or Licensee has failed to pay 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 Premises;
 - (d) the Applicant or Licensee has failed to comply with any term, condition or direction of the Licensing Officer or has failed to permit any investigation by the Licensing Officer;
 - (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;
 - (f) the issuing of a Licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control;
 - (g) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information;
 - (h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant or Licensee is Licensed, in contravention of this By-law, or any other applicable law;
 - (i) the Applicant or Licensee has not paid the required Licence Fees;
 - (j) the Applicant or Licensee has accumulated fifteen (15) or more demerit points in accordance with Section 14; or
 - (k) 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.
- 8.3 The Licensing Officer may revoke, suspend, or refuse to issue a Licence, where the Applicant or Licensee would not be entitled to a Licence on any grounds set out in this By-law.
- 8.4 The Licensing Officer, if satisfied that the continuation of a Licence poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a Licence for not more than fourteen (14) days. If after this period, the Licensing Officer is satisfied that the continuation of a Licence will

continue to pose a danger to the health or safety of any Person, the Licensing Officer may further suspend for not more than fourteen (14) days or revoke a Licence.

- 8.5 The Licensing Officer may revoke or terminate a Licence if it was issued in error or granted based on incorrect or false information.
- 8.6 The Licensing Officer shall notify the Applicant or Licensee of what action is being taken under the authority of Sections 8.1 to 8.5 within thirty (30) days of the determination of said action.
- 8.7 Where the application for a Licence has been revoked, suspended, or terminated, the Fees paid by the Applicant or Licensee, in the respect of the License, shall not be refunded.
- 8.8 Where a Licence has been revoked, suspended, or terminated, the Licensee shall return the Licence to the Licensing Officer within two (2) days of service of the notice of the decision.

9.0 APPEAL

- 9.1 Where the Licensing Officer has denied an Applicant a Licence, a renewal of a Licence, or has suspended, revoked or terminated a Licence, the Licensing Officer shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Committee.
- 9.2 A Person may appeal to the Committee in relation to a matter set forth in a notice delivered pursuant to the Section 9.1. Appeals will not be permitted for the issuance of demerit points until they have resulted in the suspension, revocation or termination of a Licence. Appeals will not be permitted for any matters that have already been heard by the Committee.
- 9.3 A request for an appeal must be made within fourteen (14) business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required appeal Fee as set out in the Fees and Service Charges By-law.
- 9.4 Where no request for an appeal is received in accordance with the Section 9.3, the decision of the Licensing Officer shall be final and binding.
- 9.5 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Applicant or Licensee shall be provided reasonable written notice thereof.

- 9.6 If the Owner, Agent or Applicant fails to appear at the appointed time for their request to appeal, a “Failure to Appear” fine will be charged to the attention of the Applicant or Licensee.
- 9.7 After such opportunity to be heard is afforded, 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 health, safety and well-being of the public in the context of Short-Term Accommodations. When making its decision, the Committee may refuse to issue or renew a Licence, or revoke, suspend, terminate, or impose any condition to a Licence. The Committee’s decision is final and binding.
- 9.8 Where the Committee conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 shall apply.

10.0 ENFORCEMENT

10.1 ENTRY AND INSPECTION

- 10.1.1 In addition to scheduled inspections conducted during the Licence application process, every Officer or their designate 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 Town made under this By-law;
 - (c) a condition of a Licence passed under this By-law; and
 - (d) a court order made pursuant to Section 431 of the *Municipal Act* and Section 13.5 of this By-law.
- 10.1.2 For the purposes of an inspection under Section 10.1.1, an Officer may:
- (a) require, for inspection, the production 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 of them;
 - (c) require information from any other Person concerning a matter related to the inspection;
 - (d) be accompanied by such Person as the Officer determines is necessary if such Person or Persons possess(es) special or expert knowledge related to the purpose of the inspection; and
 - (e) make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.1.3 Notwithstanding any provision of this By-law, an Officer or other person exercising a power of entry on behalf of the Town shall not enter or remain in any room or place actually being used as a Dwelling Unit 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*, or a warrant issued under Section 439 of the *Municipal Act*;
- (b) an order issued under Section 438 of the *Municipal Act* is obtained;
- (c) a warrant issued under Section 439 of the *Municipal Act* is obtained;
- (d) the delay necessary to obtain an order or warrant under Section 438 or 439 of the *Municipal Act*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person; or,
- (e) the Town has given notice of its intention to enter to the occupier of the land as required under Subsection 435 (2) of the *Municipal Act* and the entry is authorized under Section 79, 80 or 446 of the *Municipal Act*.

10.1.4 The Town may undertake an inspection pursuant to an Order issued under provisions of this By-law or Section 438 of the *Municipal Act*.

11.0 OBSTRUCTION

- 11.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or their designate exercising a power or performing a duty under this By-law.
- 11.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer or their designate upon request, failure to do so shall be deemed to have obstructed or hindered the Officer or their designate in the execution of their duties.

12.0 ORDERS

- 12.1 If an Officer is satisfied 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 caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred to take actions to correct the contravention.
- 12.2 The order shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the work to be completed and the date by which the work must be completed, if any.
- 12.3 An order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

- 12.4 An order under Section 12.1 may require action be taken even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 12.5 No Person shall fail to comply with an order issued pursuant to Section 12.1.
- 12.6 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a "Discontinue Activity Order", requiring the Person who contravened this 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.
- 12.7 The Discontinue Activity Order shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the Discontinue Activity Order.
- 12.8 A Discontinue Activity Order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 12.9 No Person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 12.6.
- 12.10 In the event the Officer is unable to serve any order under the provisions of this By-law, the order shall be posted in a conspicuous place on the Premises, and the placing of the order shall be deemed to be sufficient service of the order on the Licensee.
- 12.11 An order under this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 12.12 Any violations of this By-law shall be addressed pursuant to their respective remedies. In addition, demerit points will be levied against the Licensee as per Section 14 and Schedule "A" of this By-law.

13.0 PENALTY

- 13.1 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- 13.2 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the

corporation, is guilty of an offence and upon conviction is liable to a fine as provided for by the *Municipal Act*, as amended.

- 13.3 Any person convicted under this By-law is liable:
- (a) upon a first conviction a maximum fine of \$25,000; or,
 - (b) upon a subsequent conviction a maximum fine of \$50,000.
- 13.4 Notwithstanding Section 13.3, where the person convicted is a corporation, the corporation is liable:
- (a) upon a first conviction a maximum fine of not more than \$50,000; or,
 - (b) upon any subsequent conviction a maximum fine of not more than \$100,000.
- 13.5 Upon conviction for an offence under this By-law, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

14.0 DEMERIT POINT SYSTEM

- 14.1 Without limiting the enforcement of this By-law, including the prosecution of offences, the Demerit Point System established in Schedule “D” to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation or termination of a Licence.
- 14.2 A Licensee may be assessed and attributed demerit points as outlined in Schedule “D” for a contravention of this By-law or a fine or conviction imposed by a Court for a breach of this By-law or a By-law as identified in Schedule “D”.
- 14.3 The Officer shall provide the Licensee Notice upon any demerit points being issued. Any demerit points issued pursuant to this By-law may be appealed to the Committee in accordance with Sections 8 and 9 of this By-law.
- 14.4 Subject to Section 14.2 of this By-law, 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.
- 14.5 Where demerit points have been accumulated by the Licensee and remain in place, the Licensing Officer 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 Occupancy, as if it was a condition as imposed under Section 8.1.
- 14.6 A Licence may be suspended for a period of not longer than six (6) months where:
- (a) the total demerit points in effect respecting a Licence is seven (7) or more in accordance with Schedule “D” of this By-Law;

- (b) the Town has identified a contravention of the Town's By-Laws or Provincial legislation or regulations.

14.7 A Licence may be revoked or terminated if the total of all demerit points in effect is fifteen (15) or more in accordance with Schedule "D" of this By-Law.

14.8 Notice of a suspension or revocation/termination under this section shall be provided to the Licensee in accordance with Section 9.1 of this By-law and a Licensee may appeal the suspension or revocation in accordance with Sections 8 and 9 of this By-law.

15.0 ADMINISTRATIVE PENALTIES

15.1 Administrative Monetary Penalty By-law 2023-XX, 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 2023-XX is liable to pay the Town an Administrative Monetary Penalty for a first contravention, second contravention, and any contravention thereafter as set out in the Administrative Monetary Penalty By-law 2023-XX.

15.3 Any Person who is issued a Penalty Notice for a contravention of this By-law under the Administrative Monetary Penalty By-law 2023-XX, as amended, shall not be charged under the *Provincial Offences Act* for the same contravention.

16.0 VALIDITY, SEVERABILITY AND INTERPRETATION

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

16.2 Whenever any reference is made in this By-law to a statute or regulation of the province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.

17.0 SCHEDULE

17.1 That the following are attached hereto and form part of this By-law:

- (a) Schedule "A" – Renter's Code of Conduct
- (b) Schedule "B" – Licensee Code of Conduct & Acknowledgment Form
- (c) Schedule "C" – Responsible Person Consent Form
- (d) Schedule "D" – Demerit Point System

18.0 EFFECTIVE DATE

18.1 This By-Law will come into force and take effect on the date it is passed by the Council of the Town.

DRAFT

Schedule “A”
Short-Term Accommodation – Renter’s Code of Conduct

Licensed Premises
Municipal Address: _____

Name of Licensee: _____

Responsible Person’s
Name: _____

Responsible Person’s
Telephone Number: _____

1. Purpose of the Code

The purpose of the Renter's Code of Conduct is to acknowledge that Short-Term Accommodation may be permitted in residential neighbourhoods and that the residents of these neighbourhoods have the right to enjoy their properties without being imposed upon by nuisance from others.

It also outlines specific requirements for Short-Term Accommodations and imposes responsibilities for both Owners and Renters of such Premises and that the Licensee bears the primary responsibility of conveying this information to Renters of the Premises.

2. Objectives of this Code

The objective of this Code is to establish acceptable standards of behaviour for Renters and Guests, to minimize any adverse impacts on their neighbours and the neighbourhood while protecting the health, safety and well-being of people.

3. Residential Area

The Renters acknowledge for themselves and on behalf of others that they will be occupying a Short-Term Accommodation that is located in a residential area.

4. Guiding Principles

The guiding principles for Short-Term Accommodation Renters and Guests are:

- The Premises that you are occupying is a home;
- Treat the Premises as your own;
- Respect the neighbours of the Premises; and
- Leave the Premises as you find it.

5. Maximum Number of Renters and Guests

The maximum number of occupants within this Premises that is being operated as a Short-Term Accommodation shall not exceed _____ occupants. (Please note that the maximum number of occupants permitted under the Short-Term Accommodation Licensing By-law is eight [8] occupants or less based on the approved occupant number stated in the terms/conditions of the Short-Term Accommodation Licence.)

The number of non-occupying guests permitted at a Short-Term Accommodation must not be such that it may conflict with the neighbourhood, amenity and off-street and on-street parking

capacities or restrictions.

The maximum number of Persons, including but not limited to residents, Renters and Guests, permitted to stay for overnight lodging on any Premises, shall be restricted to two (2) persons per guest room as stated in an approved Licence.

6. Noise and Residential Amenity

No person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb others. Examples of noise that is likely to disturb others at any time include:

- (a) Loud music;
- (b) Outdoor or backyard gatherings or activities involving excessive noise or disruptive behaviour;
- (c) Late or early hour disturbances; and
- (d) Yelling, shouting, hooting or boisterous activity.

Please be advised that the Town of Collingwood Noise By-law No. 2018-032, as amended, is in effect 24 hours a day, 7 days a week. The By-law states that: *"No person shall, at any time, emit, cause or permit the emission of noise likely to disturb the inhabitants of the Town"*.

Renters and Guests are not allowed to disturb neighbours 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 Town's Noise By-law may result in enforcement action by the Town of Collingwood By-law Services Division or the Ontario Provincial Police.

7. Municipal By-laws

The Town of Collingwood has enacted and enforces regulatory by-laws that govern the use of properties, roadways and activities within the Town. While renting a Short-Term Accommodation you are required to ensure you and your guests comply with all the applicable Municipal By-laws and Applicable Law, including, but not limited to:

- (a) Short-Term Accommodation Licensing By-law
- (b) Property Standards By-law No. 2016-040
- (c) Parking By-law No. 03-62
- (d) Noise By-law No. 2018-032
- (e) Fireworks By-law No. 2012-064
- (f) Open Air Burning By-law No. 2015-097
- (g) Responsible Pet Ownership By-law No. 2012-016
- (h) County of Simcoe Solid Waste Management By-law No. 6256

For a complete list of all regulatory By-laws, please visit the Town of Collingwood website at www.collingwood.ca

8. Functions and Parties

- (a) Short-Term Accommodation Renters and Guests are not to host commercial functions;
- (b) So called "party houses" conflict with residential amenity and are not permitted; and,
- (c) Any gathering, celebration or entertainment at a Short-Term Accommodation must not conflict with residential amenity, shall not cause any nuisance, and must comply with all the other requirements of this Code and the Town of Collingwood By-laws.

9. Access and Parking

Please familiarize yourself and your guests with the Parking Area and layout for the Premises (shown on the site plan) to ensure ease of access with minimum disturbance to neighbours. Short-Term Accommodations have vehicle parking requirements on the Premises as part of the licensing process.

Please note that non-occupying guests and visitors may or may not have access to parking on the Property. Please ensure that all guests and visitors park in appropriate areas. There may also be available on-street parking, please ensure all posted "No Parking" restrictions are followed, vehicles do not obstruct driveways, fire hydrants, sidewalks or the safe movement of traffic and access for emergency vehicles.

Please also note that if your rental occurs during the winter months the parking of vehicles cannot interfere with snow removal, road maintenance (sanding/salting) or be parked on a roadway from December 1st each year until March 31st, between 1:00 a.m. to 7:00 a.m.

10. Garbage, Composting and Recycling

Please familiarize yourself and your guests with all related site amenities found on the site plan, including the provisions that have been made for waste management and the day of the week in which waste collection is scheduled.

It should be noted that the "putting out" of waste on a non-scheduled day is regulated by the County of Simcoe Waste Management By-law. Waste collection information and pick up times are available on the County of Simcoe's website.

11. Fire and Safety Precautions

All Short-Term Accommodations must have operating smoke alarms in accordance with the provisions of the Ontario Fire Code. In Short-Term Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Licensee must ensure that the Building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Licensee must regularly test the alarms to ensure that they are operational. If a Renter discovers that any of the alarms are not operational, the Renter shall immediately notify the Responsible Person of the deficiency. No person shall disable a smoke and/or carbon monoxide alarm.

Please enjoy your stay but have consideration for others.

I, _____ having read the above, acknowledge that I am renting this Premises from a valid Licensee in the Town of Collingwood and undertake to conduct myself and those that are occupying this Premises at the same time in accordance with this Code and all other applicable by-laws. I understand that my action, if found in contravention of a by-law, may subject the Licensee to demerit points against their Licence and may include enforcement measures against myself, Guests or the Licensee(s).

Signature of Renter

Date

Schedule “B”

Short-Term Accommodation – Licensee Code of Conduct and Acknowledgement Form

Licensed Premises

Municipal Address: _____

Name of Licensee: _____

1. The Premises identified above shall be operated in accordance with the Short-Term Accommodation Licensing By-law, and all applicable acts, regulations and other municipal by-laws.
2. The Licensee shall ensure that a copy of the Renter's Code of Conduct and copy of the Licence are posted inside the Premises and visible for inspection by the Renters and Guests at all times.
3. Nothing herein allows the Licensee to rent part of any Premises other than those identified on the Licence, based on the submitted documentation and site plan.
4. The Licensee will be held responsible for contraventions of any municipal by-law, act or regulation by Persons found using the Premises, and may be subject to demerit points, fines or other enforcement measures.
5. Entry and inspection by any Officer or their designate and any accompanied authorities or Agent of the Town may occur as outlined in the By-law and for the purposes of:
 - (a) carrying out any inspection;
 - (b) determining compliance with any by-law;
 - (c) verifying complaints received under a by-law;
 - (d) verifying compliance with an order issued or Licence; or
 - (e) requiring a matter or thing be done.
6. The Licensee is responsible for renewing a Licence by forwarding any required application and supporting documents as per the By-law prior to the expiry date of the Licence.
7. The Licensee is responsible for informing the Town in writing of any changes to the approved information contained within the Licence application or any deviation to the approved plans within seven (7) days of such change or deviation.
8. The submission of false or misleading information to the Town may void an application, cause the current Licence to be revoked or cause a Licensee to be subject to further enforcement measures.
9. All Licensees are responsible for compliance with all other Town of Collingwood By-laws and Applicable Law, including, but not limited to, the Noise By-law, Open Air Burning By-law, Parking By-law, etc.

10. All Short-Term Accommodations must have operating smoke alarms in accordance with the provisions of the Ontario Fire Code. In Short-Term Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Licensee must ensure that the Building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Licensee must regularly test the alarms to ensure that they are operational. No person shall disable a smoke and/or carbon monoxide alarm.

I, _____ having read the above, and the terms of the Short-Term Accommodation Licensing By-law and Licence, undertake to provide Renters with a copy of the Renter's Code of Conduct and to require signatures as necessary. I also understand that any breach of this acknowledgement, provisions of the Short-Term Accommodation Licensing By-law, or any other municipal by-law may result in the suspension or revocation of the Short-Term Accommodation Licence for the Premises.

Signature of Licensee

Date

Schedule “C”
Short-Term Accommodation – Responsible Person Consent Form

Note: This form is required even if the Applicant/Licensee of the Short-Term Accommodation is also the Responsible Person.

As required by the Short-Term Accommodation Licensing By-law, section 7.1.1., the Licensee of the Short-Term Accommodation shall ensure that there is a Responsible Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Town by-law, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence by way of telephone or email.

The By-law defines a “Responsible Person” as 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 Premises as required by the Licence.

Licensed Premises
Municipal Address: _____

Responsible Person’s
Name: _____

Responsible Person’s
Telephone Number: _____

Responsible Person’s
Email Address: _____

Responsible Person Consent

I _____ CERTIFY AND ACKNOWLEDGE THAT:
(Print Name)

I have been appointed by the Licensee as the “Responsible Person” in accordance with the licensing requirements to operate a Short-term Accommodation at _____, Collingwood, Ontario.

I understand and consent that my name, telephone number and email address will be published on the Town of Collingwood website and available to the general public. I further confirm that when contacted by telephone or email by a member of the public, Town of Collingwood, enforcement officer/agency or the Ontario Provincial Police, I will be available to attend the Short-Term Accommodation within one (1) hour of being contacted to ensure its operation is in compliance with the licence and applicable municipal and provincial law.

Signature

Date

Schedule “D”

Short-Term Accommodation – Demerit Point System

1. A Demerit Point System is established as follows herein this Schedule (Table 1) but does not preclude the use of options otherwise available to enforce this By-Law or any other By-Law of the Town or Provincial Act or Regulation including, but not limited to, actions pursuant to the *Building Code Act*, the *Fire Protection and Prevention Act* and the *Provincial Offences Act*.
2. The number of demerit points referenced in Column 4 of the Table below will be assessed against the Licensee in respect of the matter noted in Column 1 upon the following event respecting a contravention:
 - i. the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
 - ii. the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - iii. the confirmation of an administrative penalty;
 - iv. the confirmation of an order;
 - v. the confirmation of an order resulting in Town remediation; or
 - vi. an observation by an Officer.
3. A Licence may be suspended, revoked or not renewed by the Licensing Officer for the accumulation of demerit points, as provided for in Sections 8 and 14 of this By-Law.
4. Notice of the suspension or revocation of a Licence shall be provided to the Licensee in accordance with Section 8 of this By-law and a Licensee may appeal the suspension or revocation in accordance with Section 9 of this By-law.
5. 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.
6. The Town shall not be liable for economic or other losses claimed by a Licensee for any reason, so long as good faith efforts were made by the Town or its representatives in exercising their judgment, or fulfilling their responsibilities, under this By-law.

Table 1			
Infraction	Reference	Type	Demerit Points
Fire Protection and Prevention Act/Fire Code	FPPA/FC	Order not Complied With	3
		Part I or Part III	7
Open Air Burning Violation	Town Open Air Burning By-law	Cost Incurred for Illegal Fire	2
		Part I or Part III	4
Market/Operate/Provide a Short-Term Accommodation without a Licence	Short-Term Accommodation Licensing By-law	Order not Complied With	3
		Part I or Part III	5
Building Code Act (Order to Comply)	BCA	Order not Complied With	3
		Part I or Part III	7
Noise By-law Infraction	Town Noise By-law	Observed by Officer	1
		Part I or Part III	4
Waste Collection By-law Infraction	County Waste By-law	Order not Complied With	2
		Part I or Part III	4
Property Standards	Town Property Standards By-law	Order not Complied With	2
		Part I or Part III	4
Discharge of Fireworks	Town Fireworks By-law	Observed by Officer	1
		Part I or Part III	4
Responsible Person does not respond within 1 hour of request by Town	Short-Term Accommodation Licensing By-law	Observed by Officer	1
		Order not Complied With	2
		Part I or Part III	4
Violation of any Provision of this By-law	Short-Term Accommodation Licensing By-law	Observed by Officer	1
		Order not Complied With	2
		Part I or Part III	4
Violation of Renter's Code of Conduct	Short-Term Accommodation Licensing By-law	Observed by Officer	1
		Order not Complied With	2
		Part I or Part III	4
Obstruction of Officer	Short-Term Accommodation Licensing By-law	Observed by Officer	7
		Part I or Part III	15

Appendix B: Draft Short-Term Accommodation Zoning By-law Amendments

The purpose of this Appendix is to provide an overview of proposed amendments to the Town's Zoning By-law 2010-040 as it relates to the introduction of regulations for Short-Term Accommodations for public consultation. The formally structured draft Zoning By-law amendment will be included in an upcoming Staff Report following an analysis of public and stakeholder feedback received.

Council and the public are welcome to provide their input on all matters discussed below.

- **Definitions (Section 3.1)**

- a) Remove the definition of 'Bed and Breakfast', as this use would fall under the definition of Short-Term Accommodation.
- b) Amend the definition of 'Short-Term Accommodation' as follows to clarify that Short-Term Accommodation is considered a home occupation:

"Short-Term Accommodation": The use of a dwelling unit, or any part thereof, as a home occupation, that is operating or offering a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period of thirty (30) consecutive calendar days or less, throughout all or any part of a calendar year. Short-term accommodation shall not mean or include a hotel, motel or similar commercial accommodation use, but shall include a Bed and Breakfast.

- **General Provisions (Section 4.0)**

- a) Delete Section 4.22.2 – which prohibits short-term accommodations except for a bed and breakfast, as the intent of the zoning by-law amendment would be to permit these uses in accordance with the relevant provisions and licensing regime.
- b) Replace provisions for 'Bed and Breakfast' (Section 4.25) with the following to provide a framework for zoning regulation of Short-term Accommodation:

4.25 Short-Term Accommodation

A short-term accommodation shall be permitted subject to compliance with the following provisions:

- A short-term accommodation shall be carried out as a home occupation accessory to the primary residential use.

Appendix B: Draft STA ZBL Amendments

- A maximum of one (1) short-term accommodation may be located on a property, and must be located either in:
 - i. a single detached dwelling unit, or
 - ii. a second unit.
- A short-term accommodation shall have a maximum of four (4) guest rooms.
- c) Amend Section 4.39.1 to ensure that provisions specific to short-term accommodation are adhered to:
 - A home occupation shall be a permitted use in any zone where a dwelling unit is a permitted use, subject to compliance with the following provisions. Where the home occupation is a short-term accommodation the provisions of Section 4.25 shall also apply.
 - 4.39.4 The number of home occupations permitted per property shall be a maximum of two (2).
- **Parking Space Requirements (Section 5.15)**
 - a) Amend 'Table 5.15.1.1 Required Parking Spaces' for a home occupation to provide for parking requirements associated with short-term accommodation:

Type of Use	Parking Space Ratio
Home occupation	1 space in addition to spaces required for the primary dwelling unit or in the case of a short-term accommodation: <ul style="list-style-type: none"> ● where there are two or fewer guest rooms, 1 space per guest room in addition to the spaces required for the primary dwelling unit ● where there are 3 or 4 guest rooms, a minimum of 2 parking spaces in addition to the spaces required for the primary dwelling unit