



Municipality of
Dutton Dunwich

By-Law No. 2022-20

**A BY-LAW TO MANAGE SHORT-TERM ACCOMMODATIONS FOR THE
MUNICIPALITY OF DUTTON DUNWICH**

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

- a) Enable municipalities to govern their affairs as they consider appropriate; and
- b) Enhance their ability to respond to municipal issues;

AND WHEREAS Section 8(3) of the Municipal Act, authorizes a municipality to provide for a system of licenses; and

WHEREAS Section 11(2), paragraph 6 of the Municipal Act, authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons; and

WHEREAS Section 151 of the Municipal Act, provides that a municipality may provide for a system of Licenses with respect to a business may:

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

AND WHEREAS Section 434.1 of the Municipal Act, provides that a municipality may require a Person to pay an Administrative Monetary Penalty if the municipality is satisfied that the Person has failed to comply with a By-law of the municipality passed under the Municipal Act; and

WHEREAS Section 23.1 of the Municipal Act authorizes a municipality to delegate its powers and duties; and

WHEREAS the Council of the Corporation of the Municipality of Dutton Dunwich has deemed it necessary and expedient to regulate and license the Short-Term Accommodations of Property in the Municipality of Dutton Dunwich.

NOW THEREFORE the Municipal Council of the Corporation of the Municipality of Dutton Dunwich enacts as follows:

1. SECTION 1 – APPLICATION

The provisions of this by-law shall apply to all properties in the Municipality of Dutton Dunwich except those zones prohibited in the Zoning By-law and Official Plan.

2. SECTION 2 – DEFINITIONS

For the purpose of this by-law, the following definitions shall apply:

“Agent” means a person authorized in writing by an owner to act on the owner’s or group of owner’s behalf;

"Applicant" means a person who files an application for a license;

"Bed and Breakfast" means a single detached dwelling in which not more than six (6) rooms are made available by the person or persons permanently residing in the said dwelling for the temporary accommodation of the travelling or vacationing public and within which light meals may be offered.

"Building" means a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them, or a structural system serving the function thereof, including all plumbing, works, fixtures and services system appurtenant thereto;

"Clerk" means the Clerk for the Municipality or any person designated by the Clerk;

"Council" means Council for the Municipality;

"Dwelling" means a building as defined in the Dutton Dunwich Zoning By-law.

"Dwelling Unit" means a unit as defined in the Dutton Dunwich Zoning By-law.

"Dwelling, Seasonal" means a dwelling that is not used, or intended or designed for continuous habitation as a permanent or primary private residence.

"License" means a license issued by the Municipality pursuant to this by-law;

"License Issuer" means a Municipality employee(s) delegated authority by Council as the person(s) responsible for issuing a license;

"License Number" means a number assigned to a license by the Municipality;

"Licensee" means a person issued a current valid license pursuant to this by-law;

"Municipality" means the Corporation of the Municipality of Dutton Dunwich or the land within the geographic limits of the Corporation of the Municipality of Dutton Dunwich as the context requires;

"Nuisance" means an activity or behaviour that when repetitive as determined by the discretion of an officer causes an inconvenience or damage to others, either to individuals and/or to the general public;

"Enforcement Officer" means a Municipal By-law Enforcement Officer, Provincial Offences Officer, Ontario Provincial Police the Fire Chief, Chief Building Official or other person appointed by by-law to enforce the provisions of this by-law;

"Owner" means the registered owner of the lands or premise or their authorized agent that is in lawful control of the lands or premise residing in or business located within the municipality;

"Permitted Area" means a specific area of the municipality as described in "Schedule A" of this by-law, and as identified in the Municipality's Zoning By-law where Short Term Accommodations Units are considered a permitted use;

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

"Premises" means land, property or any part thereof including any and all buildings or other structures thereon;

"Registered Complaint" means a complaint regarding the operation of a Short-Term Accommodation determined to be valid by an officer;

"Renter" means the person responsible for the rental of the premise by way of concession, permit, license, rental agreement or similar commercial arrangement;

"Short Term Accommodation" means primary private residential dwelling (or part of dwelling), vacation home or bed and breakfast establishment, that is rented to

provide accommodations to a person or persons on a temporary basis for a period of less than 30 days and to which the Residential Tenancies Act, 2006, S.O. 2006, c.17, as may be amended from time to time, does not apply. Short-Term Accommodations do not include seasonal dwellings, hotels, motels, lodges or other commercially zoned accommodations used for the travelling public;

"Vacation Home" means a secondary private residential dwelling (or part of dwelling) separate from the owner's primary private residential dwelling.

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

3. SECTION 3 – APPLICATION AND GENERAL

- 3.1. This by-law shall apply throughout the permitted area in the Municipality of Dutton Dunwich as described in Schedule "A" to this by-law.
- 3.2. This by-law may be referred to as the "Short Term Accommodation By-law".
- 3.3. No person shall own, operate or carry on a business or activity as a Short-Term Accommodation except in accordance with the terms and conditions of a license issued under the terms and conditions of this by-law.
- 3.4. No person shall own, operate or carry on a business or activity as a Short-Term Accommodation outside the Permitted Area.
- 3.5. No person shall advertise, promote, broker, or offer for rent or lease any Short-Term Accommodation without a current valid license and no owner shall permit any of the foregoing without a current valid license.
- 3.6. No person shall alter or modify or permit the alteration or modification of a license.
- 3.7. No person shall use, or attempt to use, a license issued to another person or property.
- 3.8. No person shall own, operate or carry on any business or activity in any other name other than in the name that appears on the license.
- 3.9. Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this by-law or the Municipality of Dutton Dunwich is guilty of an offence.
- 3.10. No person who is issued a license pursuant to this by-law shall contravene any provision set out in this by-law, any other municipal by-law, federal or provincial Act, Statute, or any other legislation applicable to a licensed premise or Activity.
- 3.11. No person, except an enforcement officer, shall remove an order or placard posted on a premise under this by-law.
- 3.12. No person shall own, operate or carry on a business or activity while a license is under an administrative suspension.
- 3.13. No person shall operate a Short-Term Accommodation in contravention to a Provincial Restriction or Order.
- 3.14. No person shall inhabit or rent an Accessory Building as a Short-Term Accommodations.

4. SECTION 4 – APPLICATION FOR A LICENSE

- 4.1. A person making an application for a license or for a renewal of a license shall submit:
 - a) A complete application in the form provided by the Municipality;

- b) When applicable, the business name registration and/or articles of incorporation obtained from the applicable provincial or federal ministry;
 - c) All required documents, and obtain all required approvals and inspections as outlined in Schedule "B" to this by-law have been obtained from the appropriate authority having jurisdiction to the satisfaction of the Municipality;
 - d) Any other documents as may be required to the satisfaction of the Municipality;
 - e) The required license application fee, approval and inspection fees.
- 4.2. Acceptance of a license application does not constitute approval of the application or oblige the Municipality to issue a license.
- 4.3. A license fee shall be paid by the Applicant at the time the license is applied for.

5. SECTION 5 – LICENSES

- 5.1. The license issuer is hereby delegated authority to issue a license in accordance with the provisions of this by-law and the schedules to this by-law.
- 5.2. The license issuer is hereby delegated authority to impose additional terms and conditions on a license that in the opinion of the license issuer are reasonable and taking into consideration:
- a) The health, safety and well-being of persons;
 - b) The impact on a neighbouring property or neighbouring property owner;
 - c) The past conduct of an applicant or licensee;
 - d) The impact to the Municipality;
 - e) The need within the Municipality;
 - f) Supported by policy and or By-law, and Council.
- 5.3. A license issued by the Municipality is not transferable.
- 5.4. A license issued pursuant to this by-law is valid for a year (365 days), at which point the licensee can apply for a renewal.
- 5.5. A license subject to renewal will maintain the same license number and be subject to the same requirements as the original issued license other than fees and administration costs regarding renewals in Section 12 of this by-law.
- 5.6. Every license shall remain at all times the property of the Municipality;
- 5.7. No person shall enjoy a vested right in any license or the continuance of any license.
- 5.8. A license shall be issued by the license issuer:
- a) Upon the requirements of this by-law being met;
 - b) Upon submission of the documents to the Municipality's satisfaction as required by this by-law and as outlined on the applicable schedule(s) to this by-law;
 - c) Upon obtaining the required approvals and inspections to the Municipality's satisfaction as required by this by-law including the schedules to this by-law;
 - d) Upon payment of fees and administration costs relating to Section 12 of this by-law.

- 5.9. The license issuer shall not issue a license if the owner(s) or applicant(s) have any outstanding complaints, fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Municipality for the property subject to the license application.
- 5.10. A license shall only be issued by the license issuer to the registered owner of the property.
- 5.11. A license should only be issued to a Short-Term Accommodation located in the permitted area which is set out in Schedule "A" of this by-law and are zoned in the Dutton Dunwich Zoning By-law to permit Short-Term Accommodations.
- 5.12. A license issued shall include the following information:
- a) The municipal address;
 - b) License number;
 - c) Effective date and expiry date of the license;
 - d) Licensee name and contact information;
 - e) Owner name and contact information;
 - f) An operation manual which outlines the conditions of Short-Term Accommodation including expectations for owner and renters prepared and maintained in accordance with guidelines issued by the Municipality.

6. SECTION 6 – LICENSE TERMS AND CONDITIONS

- 6.1. A license is subject to the terms and conditions of this by-law including all requirements set out in Schedule "C", "D" and "E" to this by-law. Every owner, operator, manager and occupant shall comply with these requirements, where applicable.
- 6.2. A licensee shall notify the Municipality within fifteen (15) days of any changes to the:
- a) Business name;
 - b) Location of the business premise;
 - c) Ownership of the business;
 - d) A change in the licensee's policy of liability insurance;
- And such changes shall be subject to submission of the necessary documentation to the Municipality.
- 6.3. A licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the licensee did the act(s) or omission(s).
- 6.4. Any record required by this by-law shall be produced by the licensee upon request of an enforcement officer.

7. SECTION 7 – LICENSES ADMINISTRATIVE SUSPENSIONS

- 7.1. Where the licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable license shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.
- 7.2. An administrative suspension of a license without a hearing shall be imposed for:

- a) Fourteen (14) days if the license issuer is satisfied that the continuation of the business poses an immediate danger to health and safety of any person or to any premises or in accordance with Section 7.

Before any suspension is imposed, the Municipality shall provide the licensee with the reasons for the suspension, in writing, and an opportunity to respond to them.

Notwithstanding the above the license issuer may issue an immediate suspension of a license for a term determined by the license issuer and without notice when a municipal or provincial emergency is declared or where the license issuer determines that there is an immediate risk to the public. The license issuer may then subsequently provide a general or specific notice as the license issuer may determine the reason for suspension.

- 7.3. An administrative or immediate suspension imposed under Section 6.2 may be imposed on such conditions as the license issuer considers appropriate.

8. SECTION 8 – LICENSES GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION

- 8.1. Every licensee shall comply with all requirements of the license. An applicant or licensee may be granted a license upon meeting the requirements of this by-law except where:

- a) The past or present conduct of any person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or
- b) The applicant or licensee has past breaches or contraventions of any law or any provision of this by-law or any other municipal by-law or provincial or federal statute associated with the carrying on of such business; or
- c) The applicant or licensee has failed to pay an administrative monetary penalty imposed by the Municipality or a fine or fines imposed by a Court for convictions for breach of this or any other Municipality By-law or provincial offence related to the licensed premise; or
- d) The applicant or licensee has failed to comply with any term, condition or direction of the license issuer or officer or has failed to permit any investigation by the license issuer or officer; or
- e) The applicant or licensee has failed to comply with the requirements set out in this by-law or any of the applicable schedules to this by-law; or
- f) The issuing of a license would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
- g) The applicant or licensee has submitted an application or other documents to the Municipality containing false statements, incorrect, incomplete, or misleading information; or
- h) The applicant or licensee is carrying on or engaging in activities that are, or will be, if the applicant or licensee is licensed, in contravention of this by-law, or any other applicable law; or
- i) The applicant or licensee has not paid the required license fees; or
- j) The applicant or licensee has accumulated three (3) registered complaints within a year period;
- k) The applicant or licensee or owner has outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Municipality for the subject property.

- 8.2. The license issuer may revoke, suspend or refuse to issue a license, where the applicant or licensee would not be entitled to a license on any grounds set out in this by-law.
- 8.3. Where the application for a license has been revoked, suspended, or cancelled, the fees paid by the Applicant or licensee, in the respect of the license, shall not be refunded.
- 8.4. Where a license has been revoked, suspended or cancelled, the licensee shall return the license to the license issuer within two (2) days of service of the notice of the decision unless otherwise directed by the license issuer in the instance of immediate suspension.
- 8.5. When a revoked, suspended or cancelled license has not been returned, an officer may enter upon the premise excluding entry into a dwelling unit for the purpose of receiving, taking or removing the said license.

9. SECTION 9 – COMPLAINT PROCESS

- 9.1. All licenses issued by the license issuer must be posted in a public registry which shall be maintained on-line by the Municipality.
- 9.2. All licenses posted in the public registry shall include the following information;
 - a) Maximum occupancy of the unit;
 - b) Name and contact information of the owner and;
 - c) Officer contact information for the purposes of reporting any complaints.
- 9.3. Owner shall display the operation manual inside the dwelling or dwelling unit which should be used as a reference guide for renters.
- 9.4. Owner shall be available via phone and for on-site assistance at all times during the rental period in the case of a reported complaint.
- 9.5. The owner's updated contact information must be clearly posted in and outside the licensed unit at all times.
- 9.6. Once the complaint is made to the Municipality, it will be investigated by an officer for a determination of the validity of the complaint.
- 9.7. The officer will be responsible to collect information regarding the nature of the issue from the complainant.
- 9.8. If required, the Enforcement Officer will inspect the property and rental unit to investigate the complaint and/or direct resolution of the issue.
- 9.9. No person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this by-law.
- 9.10. For the purposes of an inspection under this by-law, an officer may:
 - a) Require the production for inspection of documents of things relevant to the inspection;
 - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) Require information from any person concerning a matter related to the inspection; and
 - d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 9.11. Every person shall keep all documents and records in a good and business-like manner which shall be produced for review upon request by the officer.

- 9.12. A receipt shall be provided for any document or thing removed under this by-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 9.13. Every person who is alleged to have contravened any of the provisions of this by-law, shall identify themselves to an officer upon request, failure to do so shall be deemed to have hindered or obstructed an officer in the execution of his or her duties.
- 9.14. Upon conviction any penalty imposed under this by-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 9.15. The Municipal By-law Enforcement Officer will follow up with the complainant within 24 hours to determine that the complaint has been addressed.
- 9.16. Each complaint shall be documented individually and such documentation shall contain all particulars of the complaint as well as any actions taken by the owner to resolve the complaint.
- 9.17. Identity of the complainant shall be considered to be confidential information.
- 9.18. Once a complaint is deemed valid it will be considered to be a registered complaint.
- 9.19. Once a property receives three (3) registered complaints within a single year, or where a registered complaint is not resolved in a manner satisfactory to the Municipality, the license shall be immediately revoked.
- 9.20. A revoked license shall not be renewed. A new license shall not be granted to the same location for a period of 365 days following the revocation of a license.

10. SECTION 10 – ENFORCEMENT

- 10.1. Before a license is revoked, suspended or cancelled written notice shall be given to the licensee.
- 10.2. Notice shall be served to the licensee's last known address or email address filed with the Municipality and shall:
 - a) Contain sufficient information to specify the nature of, or reason for revocation;
 - b) Inform the licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice.
- 10.3. On receipt of a written request for a hearing from an applicant or licensee, the clerk shall:
 - a) Schedule a hearing; and
 - b) Give the licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
 - c) Post notice of the hearing on the Municipality's website at least twenty (20) days prior to the hearing date.
- 10.4. Service of any notice on the licensee under this by-law shall be made by personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of personal service or on the date the email is sent.

11. SECTION 11 – ESTABLISHMENT OF LICENSING APPEAL COMMITTEE

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

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

12. SECTION 12 – HEARING PROCESS

- 12.1. The provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22, as amended, shall apply to all hearings conducted under this by-law.
- 12.2. A hearing shall be held in public, unless determined otherwise in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, and the Licensing Appeal Committee shall hear the applicant or licensee and every other person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.
- 12.3. No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
- 12.4. Any authority or permission granted by the Licensing Appeal Committee in accordance with the powers and requirements of this by-law, may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.
- 12.5. When a person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in their absence, and the person shall not be entitled to any further notice of the proceedings.
- 12.6. The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to.
- a) The applicant or licensee;
 - b) Each person who appeared in person or by Council or by agent at the hearing and who filed with the Clerk a written request for notice of the decision.

13. SECTION 13 – FEES AND ADMINISTRATIVE COSTS

- 13.1. Initial registration fee as set out in Schedule "C" for all Short-Term Accommodation dwelling units or unit shall be paid by the applicant at the time of purchasing a license.
- 13.2. An annual renewal fee as set out in Schedule "C" for all Short-Term Accommodation dwelling units or unit is required every year following where the STA maintains a license in good standing.
- 13.3. Where a complaint has been determined to be valid the licensee shall pay to the Municipality a complaint investigation fee of \$300.00. Failure to pay the fee shall be a contravention of the terms of the license and shall result in a revocation of the license.
- 13.4. Each licensed property is subject to a 4% Municipal Accommodation Tax (MAT) which will automatically be applied to yearly residential tax report.
- 13.5. Fees are distinct from penalties and fines which may be incurred where enforcement is required.

14. SECTION 14 – MUNICIPAL AND PRIVATE SERVICES

- 14.1. Garbage and recycling must be stored in an enclosed area at all times other than during garbage and recycling collection at which time garbage and recycling must be contained in appropriate containers for collection. Must adhere to applicable municipal waste management by-laws, which can be amended.

- 14.2. All water systems within the dwelling or dwelling unit should comply with public water requirements as set out in the provincial regulations.
- 14.3. Owners must maintain a record of system pump-outs and maintenance and make that record(s) available for inspection by an officer.
- 14.4. Owners must, at time of application for a renewal of a license demonstrate that the septic tank has been pumped out and inspected in the last three years.
- 14.5. Owners must provide information related to occupancy and potential sewage load and details of their sewage system to confirm capacity at time of application for a license.

15. SECTION 15 – SEVERABILITY

If any section, clause or provision of this by-law, including anything contained in the schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part, thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

16. SECTION 16 – SINGULAR, PLURAL and GENDER USE

In this by-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

17. SECTION 17 – PENALTIES

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 in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

18. SECTION 18 – SCHEDULES

The following schedules shall be attached to and form part of this by-law:

- Schedule "A" – Permitted Area
- Schedule "B" – License Application Requirements
- Schedule "C" – Terms and Requirements of License
- Schedule "D" – Roles and Responsibilities
- Schedule "E" – Renter Code of Conduct
- Schedule "F" – Set Fines

19. THAT By-law #2021-86 be rescinded.

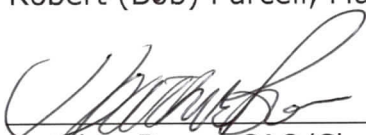
20. This By-law shall come into full force and effect on the day of passing.

READ a first and second time this 9th day of February, 2022.

READ a third time and finally passed this 9th day of February, 2022.



Robert (Bob) Purcell, Mayor

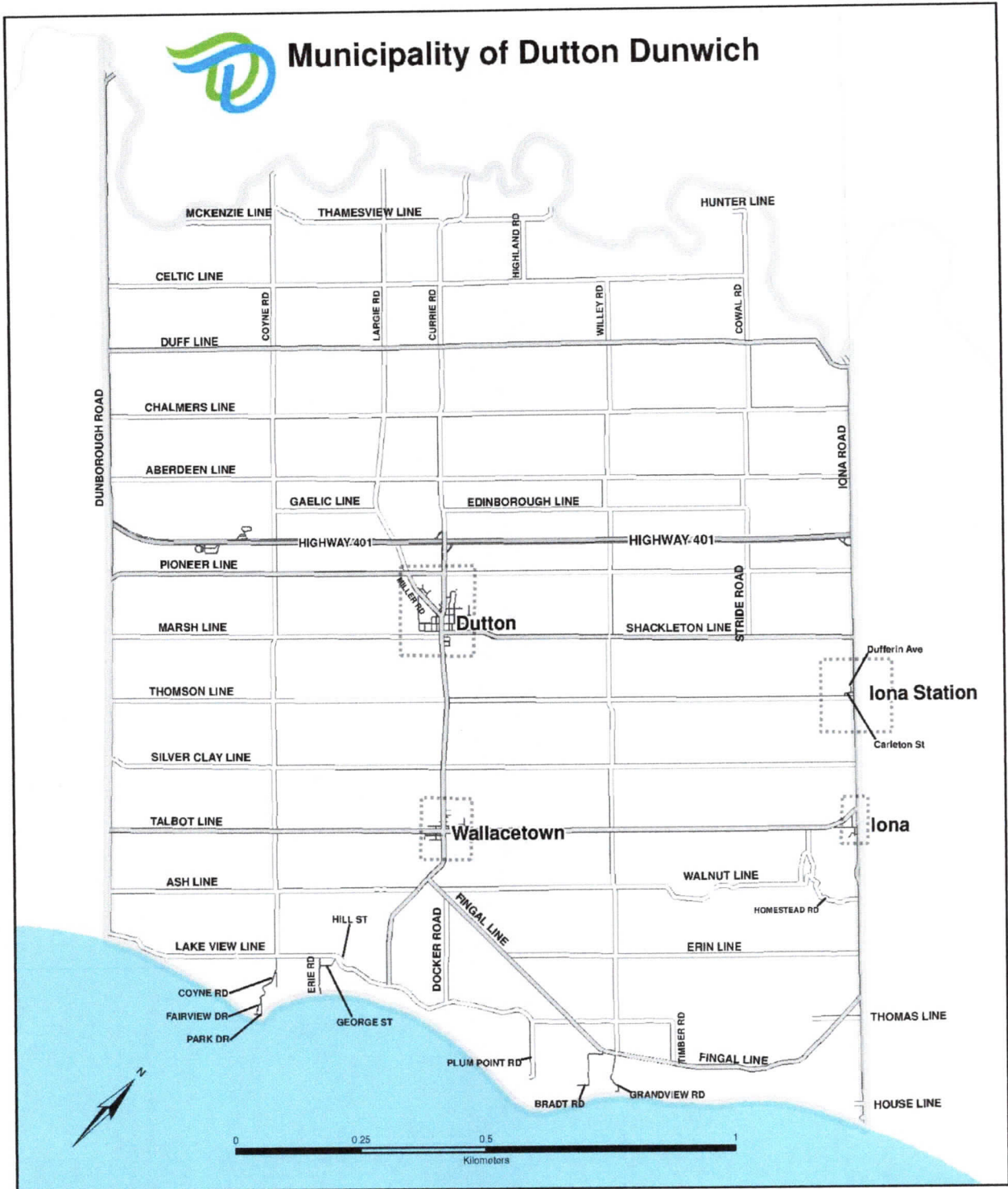


Heather Bouw, CAO/Clerk

Municipality of Dutton Dunwich
Schedule "A" to By-law #2022-20

Permitted Area

**(and zoned in the Dutton Dunwich Zoning By-law
to permit Short-Term Accommodations)**



License Application Requirements

Property Information (Property to be Licensed)

Address: _____

Owner (If Different from Applicant)

Owner's Name: _____

Corporation or Partnership (if applicable): _____

Applicant's Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

Rental Agent/Agency

Agent/Agency's Name: _____

Corporation or Partnership (if applicable): _____

Local Manager (If Different Than Owner)

Responsible Person's Name: _____

Corporation or Partnership (if applicable): _____

Applicant's Address: _____

Telephone Number: _____

Mobile Number: _____

Email Address: _____

Purpose of Application

- New STA License
- License Renewal

Premises Details

Current Use of Premises: _____

Proposed Number of Bedrooms: _____

Total STA Premises Occupant Load: _____

Attachments (The Following Must Accompany the Application)

- Copy of the Transfer/Deed proving evidence of ownership
- Copy of the Liability Insurance of not less than \$2 million per occurrence for property damage and bodily injury
- Site plan of the premises (including parking and garbage disposal area)
- Floor plans (see guide for requirements)
- Local Manager Consent (if applicable)
- Copy of complete STA inspection
- Renter Code of Conduct if different than Schedule "E"
- Evidence of septic pumped out and inspected in the last three years

Declaration of Applicant

I, _____ certify that:

The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Date

Signature of Applicant

Payment

<TBD>

Personal information contained in this form and schedules is collected under the authority of the Municipal Freedom of Information and Privacy Act and will be used in the administration and enforcement of the Short-Term Accommodation Licensing By-law.

FOR OFFICE USE ONLY:

1. Building Department:

Building Permit required (based on submitted drawing): Yes No

Meets Ontario Building Code: Yes No

Inspection date: _____

Comments: _____

2. Fire Department:

Includes working smoke alarms on each floor near sleeping areas: Yes No

Includes carbon monoxide alarms near sleeping areas: Yes No

911 Address is posted in a conspicuous location: Yes No

Meets Ontario Fire Code: Yes No

Inspection date: _____

Comments: _____

Application approved (date): _____

Approved by: _____

Terms and Requirements of License

Short-Term Accommodation Objectives

The STA Licensing by-law objectives include, but are not limited to:

- Ensuring occupants are provided with safe accommodations in terms of fire and building safety;
- Ensuring STA premises are operated and maintained in sanitary and acceptable levels of interior conditions;
- Ensuring STA Operators are made aware of their responsibilities to comply with Municipal by-laws and other regulations; and
- Protecting the character, amenities and quality of existing neighbourhoods in which the STA is located.

Who Can Register?

To apply for and operate a Short-Term Accommodations license, the licensee must:

- 18 years or older; and
- Be the Owner of the dwelling in which the licensed STA is to be operated.

Note: Once the owner of the building receives the license, the STA can be managed by a Local Manager.

Required to Register

When registering, licensee needs to provide the Municipality with information, including:

- Government-issued identification (ID) which includes photo and address;
- Contact information and address;
- Details of Short-Term Accommodations, including description of the type of building your rental is located in and which parts of the home will be short-term rented;
- All classes must provide information related to occupancy and potential sewage load and details of their sewage system to confirm capacity;
- A record of systems pump-outs and maintenance and demonstrate that that septic tank has been pumped out and inspected in the last three years of when application is made for a license;
- The number of occupants refers to the number of adult occupants of the rental unit;
- Name and telephone number of a Local Manager who will be available 24 hours a day during rental periods.

Note: Before submitting information to the Municipality, applicant must obtain consent from the Local Manager. Applicant must keep a record of this consent.

Determining Class

	Maximum Number of Adult (+18) Occupants per Unit	Maximum STA Units per Property	Maximum Number of Days Rented per Years	Minimum Number of Nights of Stay
Class A	8	2	180	NA
Class B	8	2	180	NA
Class C	12	3	NA	NA

Note: All conditions must be met in order to meet the classification. Where a condition is not met the next higher classification would be utilized (for example, where an operator meets all conditions for a Class A category except the wish to exceed the maximum of 28 days rental in any one year, they must apply for a Class B category). Where a classification category cannot be met, the STA would not be permitted without approval of a site-specific zoning by-law amendment. If the STA receives zoning approval, the Class C requirements would be required to be met.

Fees

	Registration Fee (\$) per unit	Renewal Fee (\$)
Class A	500	500

Class B	500	500
Class C	1500	1500

Other

Type	Fee (4) per unit
STA Inspection	500
STA Re-inspection Fee	250
Class A Complaint Investigation Fee	300
Class B and C Complaint Investigation Fee	300 first, 450 second, 600 third

Note that licensee is not eligible to register a Short-Term Accommodations if your registration was denied or revoked in the last 12 months.

Completed STA Applications can be submitted by email to Municipality of Dutton Dunwich, info@duttondunwich.on.ca

For information on Zoning please see the municipal website www.duttondunwich.on.ca

What Happens After Registration?

After providing information and payment, the Municipality will validate the information and review application.

If the application is approved, a registration number will be generated and emailed to licensee, along with a STA Manual PDF which should be posted in the STA at all times.

The Municipality can deny application based on the eligibility criteria, and will inform applicant of its intention to deny the registration. No one is eligible to register or renew a short-term rental if the registration was denied or revoked in the last 12 months.

Complying with Regulations

Once registered as a short-term operator, the must:

- Provide guests information about Local Manager and instructions on how to contact 911 emergency service;
- Provide guests with an emergency exit plan;
- Keep the following records related to Short-Term Accommodations and provide to the Municipality upon request:
 - The number of nights short-term Accommodation was rented
 - The nightly and total price charged for each rental
 - The rental type e.g., the entire home rental or just room rental
- The Licensee shall be responsible for ensuring that the use of the Short-Term Accommodation Unit shall not include:
 - Parties;
 - The lighting or discharging of fireworks;
 - Exceeding occupancy limits in the unit or on the property; and
 - Use of outdoor speakers
- Liability Insurance of not less than \$2 million per occurrence for property damage and bodily injury;
- Parking be adequately provided on a per bedroom basis;
- Garbage must be stored in an enclosed area at all times other than during garbage collection at which time garbage must be contained in appropriate containers for collection;
- Must display STA manual inside STA Dwelling or Dwelling Unit;
- Must post ownership information inside and outside unit at all times;
- Post how many occupants allowed within the STA premise;
- Post the 911 address in a conspicuous place.

How to Pay Municipal Accommodation Tax (MAT)

The Municipal Accommodation Tax will be collected through the same methods as Property Tax collection.

Updating Your Registration

The Municipality must be informed if any of the information that was provided during the registration changes. This includes changes in phone number, change of owner, email, and alternate (emergency) contact name or contact information.

Penalties

If licenses do not comply with the regulations, they are guilty of an offence. If convicted, they may be liable to pay a fine of up to \$100,000.

They may also be liable to pay a special fine that a court deems is greater than any revenue that they may be gaining from the business; as well as a fine of up to \$10,000 for each day the offence continues.

Municipality of Dutton Dunwich
Schedule "D" to By-law #2022-20

Roles and Responsibilities

Role	Responsibility
Chief Building Inspector	Conduct STA inspections Ontario Building Code
Fire Chief	Conduct STA inspection which should follow the Ontario Fire Code and the Ontario Building Code
Clerk or designate	<p>All Administrative duties including applications, renewals, and enforcements.</p> <p>For the Licensing Appeal Committee, the Clerk shall:</p> <ul style="list-style-type: none"> a) Schedule a hearing; and b) Give the Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and c) Post notice of the hearing on the Municipality's website at least twenty (20) days prior to the hearing date. <p>The Clerk shall, no later than ten (10) days from the making of the decision send one (1) copy of the decision to:</p> <ul style="list-style-type: none"> a) The Applicant of Licensee; b) Each person who appeared in person or by Council or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.
Council	Participate as Licensing Appeal Committee
Owner	Ensure Licensee Terms and Conditions are fulfilled
Property Manager	Available 24/7
Renter	Follow Renter Code of Conduct (Schedule "E")

Renter Code of Conduct

Renter's Code of Conduct (as enacted by the Municipality of Dutton Dunwich)

Premise of this Code

The premise of this Code is that the Short-Term Accommodation premises are located in the vicinity of other properties and that the residents/occupants of these properties have the right to enjoy their properties without being imposed upon by nuisance from others.

Objectives of this Code

The objective of this Code is to establish acceptable standards of behaviour for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbours and neighbourhood.

The Renter acknowledges for themselves and on the behalf of others that they will be occupying a Short-Term Accommodation.

Guiding Principles

The Guiding Principles for Short-Term Accommodation renters are:

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

Maximum Number of Renters and Guests

The maximum number of occupants within a dwelling that is being operated as a Short-Term Accommodation shall not exceed a total number based upon the number posted by the Owner.

Noise and Residential Amenity

No person shall make noise so as to cause a disturbance or conduct themselves in an antisocial behaviour. Examples of noise that is deemed to be a disturbance include:

- Loud music;
- Outdoor speakers;
- Outdoor or backyard gatherings involving excessive noise;
- Fireworks;
- Late or early hour disturbances;
- Exceeding occupancy limits; and
- Yelling, shouting, chanting and loud conversations.

Please be advised that the Municipality of Dutton Dunwich Noise By-law, By-law #2011-10, is in effect 24 hours a day, 7 days a week. The By-law states that "No person shall emit or cause or permit the emission of sounds resulting from an act in so far as they are calculated to disturb the inhabitants of the Municipality of Dutton Dunwich at any time or specifically described as factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to the proximity of the sound to sleeping facilities, whether residential commercial, the land use, nature and zoning of the area from which the sound enters and the area where it is received or perceived, the time of day or night the sound occurs, the duration of the sound, the volume of the sound, the nature of the sound, whether the sound is recurrent, intermittent or constant, and the nature of the event or activity from which the sound emanates."

Renters 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 Municipality's Noise By-law may result in the notification of the Ontario Provincial Police or Municipal Enforcement Unit who may, upon attendance, issue a Notice of Offence, which carries with it a fine, upon conviction, for a first offence.

Please enjoy your stay but have consideration for others.

Functions and Parties

Short-Term Accommodation renters are not to host functions or parties as occupancy limits apply to the house and property in accordance with the license.

Access and Parking

Property includes parking on a per bedroom basis. Permitted parking should be the only area used for parking.

Recycling and Garbage

Please dispose all garbage and recycling to designated garbage area. Ensure that garbage and recycling is sealed shut and not overflowing.

Municipality of Dutton Dunwich
Schedule "F" to By-law #2022-20

Set Fine Schedule

Part 1 *Provincial Offences Act*

Being a By-law to Manage Short-Term Accommodations for the Municipality of Dutton Dunwich

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Own/operate a Short-Term Accommodation not in accordance with the license	s. 3.3	\$750.00
2	Own or operate a Short-Term Accommodation other than in designated area	s. 3.4	\$750.00
3	Advertising, facilitating or brokering an unregistered Short-Term Accommodation without a license	s. 3.5	\$750.00
4	Alter or modify a license	s. 3.6	\$750.00
5	Use license issued to another person	s. 3.7	\$750.00
6	Providing false information on application	s. 3.9	\$750.00
7	Remove an order and or placard posted on premise	s. 3.11	\$750.00
8	Operate or carry on business in contravention of any order or suspension	s. 3.12	\$750.00
9	Inhabit or rent an accessory building as a Short-Term Accommodation	s. 3.14	\$750.00
10	Failure to meet terms and conditions requirements	s. 6	\$750.00
11	Failure to meet all license requirements	s. 8	\$750.00
12	Obstruct a person or officer designated to enforce this by-law	s. 9.9	\$750.00
13	Failure to keep proper records for review at anytime	s. 9.11	\$750.00

Penalty provision for the offences indicated above as S. 17 of By-law #2022-20; as a certified copy of which has been filed.