

I, Amy Burkhart, Deputy City Clerk of The Corporation of the City of Sarnia, do hereby certify that the annexed typewritten paper purporting to be a consolidated copy of a By-Law passed by the Council of the said Corporation on the 10th day of February, 2020, and numbered 15 of 2020, as amended, is in every particular a true consolidated copy of said By-Law.

In witness whereof I have hereto set my hand and affixed the seal of the said Corporation this 16th day of November, 2020.



Deputy City Clerk



CONSOLIDATED

As amended by By-Law No. 113 of 2020

BY-LAW NUMBER 15 OF 2020
OF THE CITY OF SARNIA

"A By-Law to License, Regulate and Govern Short-Term Accommodations"

(Re: Short-Term Accommodation Licensing By-Law)

WHEREAS pursuant to the provisions of Part IV of the Municipal Act, 2001, S.O. 2001, c. 25 ("Municipal Act"), the Council of The Corporation of the City of Sarnia ("Council") may provide for a system of licences with respect to businesses;

WHEREAS pursuant to Section 11 of the Municipal Act, Council is exercising its authority with respect to business licensing in the interest of health and safety, wellbeing of persons, consumer protection and nuisance control;

WHEREAS Section 151 of the Municipal Act provides for a system of licences with respect to a business, including Short-Term Accommodation businesses;

WHEREAS Sections 390 to 400 of the Municipal Act authorize a municipality to pass By-Laws imposing fees or charges for services or activities provided or done by it or on behalf of it;

WHEREAS pursuant to Section 434.1 of the Municipal Act, Council considers it desirable to provide for a system of administrative penalties and fees as an additional means of encouraging compliance with this By-Law;

WHEREAS Section 436 of the Municipal Act authorizes a municipality to pass By-Laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not it is in compliance with a By-Law, a direction or order, or a condition of a licence;

CONSOLIDATED
As amended by By-Law No. 113 of 2020

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

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF SARNIA ENACTS AS FOLLOWS:

1.0 DEFINITIONS

"Accommodation Unit" or **"Bedroom"** means a room, or area, or suite of rooms within a Bed and Breakfast establishment or short-term accommodation designed to provide accommodation for sleeping, which may or may not include a kitchen. An accommodation unit is not a dwelling unit;

"Agent" means a person duly appointed by the Owner to act on their behalf;

"Applicant Information" means the prescribed details of the Applicant for a licence, or the renewal of a licence, under this By-Law which shall include their full name, date of birth, municipal address, telephone number, and email address;

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

"Business" means any business wholly or partly carried on within the municipality, even if the business is being carried on from a location outside the municipality;

"Business Address" means the place from which the business operates including a number, street name, municipality and postal code;

"City" means The Corporation of the City of Sarnia;

"Council" means the Council for The Corporation of the City of Sarnia;

"Dwelling Unit" as defined in the zoning By-Law;

CONSOLIDATED
As amended by By-Law No. 113 of 2020

"Enforcement Officer" means any person authorized by The Corporation of the City of Sarnia to enforce By-Laws and includes Municipal By-Law Enforcement Officers and City of Sarnia Police Officers;

"Fee" means as set out in the City of Sarnia Fees for Service By-Law;

"Guest Room" means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation and may contain bathroom facilities;

"Licence" means the certificate, or similar document, issued under this By-Law as proof of licensing under this By-Law;

"Licensee" means a person licensed under this By-Law or a person required to be licensed under this By-Law;

"Licensing Clerk" means the person provided with the authority by the City to issue licenses under this By-Law or their designate;

"Owner" means a person who is on title as an owner of a building or parcel of land identified on the parcel register from the Land Registry Office and includes a person who, alone or with others, has a right to possess or occupy premises where a business is located.

"Parking Management Plan" means a plan, drawn to scale, depicting the size and location of all parking spaces intended to be used for parking on the premises;

"Premises" means any place, premises or location, or part thereof, in which a trade, business or occupation of Short-Term Accommodation is carried on;

"Principal Residence" means a property that is owned, or rented alone or jointly with another person, where the person(s) is ordinarily a resident and has designated the property as their principal residence on their income tax filing and in other government records;

"Renter, Long-Term" means the person responsible for the rental of the premises for 30 days or longer, by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

CONSOLIDATED
As amended by By-Law No. 113 of 2020

"Renter, Short-Term" means the person responsible for the rental of the premises for less than 30 days, by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;

"Short-Term Accommodation" or "STA" means all or part of a dwelling unit that is used to provide sleeping accommodations for any rental period that is less than 30 consecutive days, and may include a bed and breakfast establishment but shall not include a hotel, motel, hospital, group home, or crisis care facility;

"Zoning By-Law" means the City of Sarnia Zoning By-Law Number 85 of 2002, as amended from time to time.

2. PROHIBITIONS

- (1) No person shall offer to rent rooms within a dwelling as a short term accommodation, operate, or permit a person to operate, or hold themselves out as being licensed to operate, a short term accommodation establishment:
 - (a) without a valid licence to do so issued under this By-Law;
 - (b) under any other name than the one endorsed on their licence issued under this By-Law; and,
 - (c) except in accordance with the terms of the licence issued under this By-Law.
- (2) No person shall,
 - (a) transfer or assign a licence issued under this By-Law;
 - (b) obtain a licence by providing mistaken, false or incorrect information; or,
 - (c) advertise a Short-Term Accommodation as being available to rent without a licence.
- (3) Any licence issued under this By-Law shall remain the property of the City and no person shall possess any vested rights in the continuance of a licence upon its issue or renewal.

CONSOLIDATED
As amended by By-Law No. 113 of 2020

- (4) Any licence issued under this By-Law shall be subject to cancellation or suspension for non-compliance with the terms of the Licence or the By-Law.

3. LICENSING REQUIREMENTS

- (1) A completed application for a licence, or for the renewal of a licence, shall be submitted to the Licensing Clerk accompanied by the requirements prescribed in Schedule 1, and any other information that the Licencing Clerk may from time to time request.
- (2) The Licensing Clerk may, for renewal applications, on a case-by case basis review and waive any documentary requirements not related to public safety or consumer protection.
- (3) Every person licensed under this By-Law shall at all times:
- a. comply with the requirements contained in any applicable Schedule;
 - b. notify the Licencing Clerk immediately of any change in any of the particulars required to be filed with the Licensing Section; and,
 - c. comply with all applicable Municipal By-Laws including, but not limited to, any Development Permit By-Laws, Noise By-Laws, Open Air Burning By-Laws, Fire Code, Ontario Building Code, and all other applicable provincial or federal legislation.
 - d. list the license number in all advertisements. **(BLW 113/20)**

4. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL

- (1) The Licencing Clerk shall:
- (a) receive and process all applications for licences and for renewal of licences to be issued under this By-Law;
 - (b) issue licences and renew licences, either conditionally or unconditionally, to any person who meets the requirements of this By-Law except where:

CONSOLIDATED
As amended by By-Law No. 113 of 2020

- i. the conduct of an applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on the business in accordance with the law or with integrity and honesty;
 - ii. there are reasonable grounds for belief that the carrying on of the business may be adverse to the public interest;
 - iii. the applicant is indebted to the City in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing; **(BLW 113/20)**
 - (c) with respect to subsection (1)(b)(ii), include in the Licencing Clerk's consideration, any record of offence that is less than three (3) years and relevant to the nature of the business, or any record of offence that directly affects the applicant's or licensee's ability to competently and responsibly carry on the business, or any particular record of offence for any time period that may be specified in any Schedule; and
 - (d) generally perform all the administrative functions conferred upon them by this By-Law.
- (2) Any person applying for a new Licence is responsible for coordinating and arranging with the City an inspection of the property as a condition to, and prior to, receiving a Licence to ensure full compliance with the Ontario Fire Code. **(BLW 113/20)**
 - (3) The Licensee shall be responsible for informing the City 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.
 - (4) Nothing herein allows a Licensee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a Licence unless the City has approved same.
 - (5) Licences issued pursuant to this By-Law are conditional on compliance by the licensee with all municipal By-Laws, including, but not limited to, the applicable City Zoning By-Law and Property Standards By-Law, and compliance with all Provincial and Federal legislation.

CONSOLIDATED
As amended by By-Law No. 113 of 2020

- (6) A Licence for a Short-Term Accommodation may not be renewed or extended unless the Licensee has submitted a completed Application form and the applicable fee.

5. TERM OF LICENCE

- (1) A licence issued under the provisions of this By-Law shall expire upon the earliest of:
- a. annually on December 31st unless it is renewed or revoked in accordance with the provisions of this By-Law; or,
 - b. Upon the sale or transfer of the Short-Term Accommodation to a person other than a Licencee.

6. REVOCATION AND SUSPENSION

- (1) The Licencing Clerk may refuse to issue or revoke a Licence if one or more of the following circumstances are met:
- a. If the information submitted on the Application is incomplete, incorrect, false or misleading;
 - b. Where all the required taxes, fees or municipal charges have not been paid; **(BLW 113/20)**
 - c. Fire Code deficiencies are not repaired;
 - d. Where a Licence has been previously revoked, suspended, made subject to special condition(s) or has presented a history of contravention with this or other City By-Laws;
 - e. Where the Applicant is in breach of any provisions of the By-Law or the Short-Term Accommodation does not comply with any provision of this By-Law any breach of the provisions of any other City By-Law or regulations; or,
 - f. Failure to comply with any notice of violation issued by the City within seventy-two (72) hours of the date of issuance of said notice.

The Licencing Clerk shall provide notice of intention to revoke or suspend a licence and shall advise the licensee of their right to appeal where:

- (a) the licensee would be disentitled to a licence or a renewal of a licence for the reasons set out in this By-Law;
- (b) the licensee has failed to comply with the regulations required by this By-Law; or
- (c) the licence was issued in error.

CONSOLIDATED
As amended by By-Law No. 113 of 2020

- (2) Notwithstanding the above, the Licencing Clerk, if satisfied that the continuation of the licence poses an immediate danger to the health or safety of any person, may, for the time and such conditions as are considered appropriate and without a hearing, suspend a licence by providing the licensee with the reasons for the suspension, either orally or in writing, along with an opportunity to respond to them within a reasonable time.

7. APPEAL

- (1) Council may hear any appeal of the decision of the Licensing Clerk affecting licenses under this By-Law;
- (2) Within 20 days of the date of the Licensing Clerk's written decision regarding the Licence, a person may appeal the decision to Council by way of written correspondence addressed to the City Clerk.
- (3) Where the City Clerk receives a written request for an appeal, the City Clerk shall schedule an appeal meeting with Council and issue a notice of the meeting which shall:
 - a. contain the reason for the decision and motivation for any refusal, suspension, or revocation of a Licence;
 - b. specify the time, place and purpose of the hearing of Council which the decision will be considered;
 - c. inform the Licencee that he and/or his agent is entitled to attend the meeting and make submissions regarding the decision and that, in his absence Council, may proceed to consider the appeal, and the Licencee shall not be entitled to any further notice in the proceeding; and,
 - d. give a minimum of 20 days' notice of the hearing date to the Licencee and the appellant, where different.
- (4) Council shall make the final decision on appeal with respect to the decision to issue, refuse to issue, refuse to renew, revoke, suspend a licence or impose a term or condition on a licence under this By-Law;
- (5) At the appeal meeting of Council:

CONSOLIDATED
As amended by By-Law No. 113 of 2020

- (a) may allow the Licencee and/or his agent an opportunity of making submissions in respect of the matter before Council and shall have regard to all other rules of natural justice;
 - (b) may allow any other interested person to make submissions;
 - (c) may close a portion of the hearing at any time to the public, including the Licencee for the purpose of receiving legal advice;
 - (d) shall give due consideration to the submissions made to it;
 - (e) shall take such action issue, refuse to issue, refuse to renew, revoke, suspend a licence or impose a term or condition on a licence; and
 - (f) shall give written notice of its decision within 15 days of the hearing to the Licencee, together with the reasons for its decision.
- (6) At the appeal hearing Council may affirm or rescind the decision or take any other action in accordance with this By-Law or the *Municipal Act, 2001*, SO 2001, as amended, including substituting their opinion as necessary his or her opinion for that of the official, agency or inspector.

8. ADMINISTRATION AND ENFORCEMENT

- (1) The Director responsible for By-Law Enforcement shall be responsible for the general administration of this By-Law;
- (2) The Enforcement Officer shall be responsible for the general enforcement of this By-Law;
- (3) Every person who contravenes any provision of this By-Law is guilty of an offence, and all contraventions of this By-Law are deemed as continuing offences pursuant to section 429 of the Municipal Act.
- (4) When, in the opinion of the Municipal By-Law Enforcement Officer, a violation of this By-Law has occurred or exists, the Municipal By-Law Enforcement Officer may issue a written compliance notice to the alleged violator. The notice shall specify those sections of the

CONSOLIDATED
As amended by By-Law No. 113 of 2020

By-Law which are in violation and shall state that the violator has seventy-two (72) hours from the delivery of the notice in which to correct the alleged violation, failing which the City may correct the alleged violation at the expense of the Owner/Licensee. **(BLW 113/20)**

- (5) Notwithstanding anything to the contrary, Fire Code compliance shall remain the responsibility of the Owner, and infractions shall be remedied forthwith.
- (6) Every person who contravenes any of the provisions of this By-Law, including those contained in any of the Schedules and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and may be subject to an administrative penalty or as an offence and conviction liable to a fine in keeping with the provisions of the Provincial Offences Act.
- (7) Pursuant to Section 447 of the Municipal Act, where an owner is convicted of knowingly carrying on or engaging in the business of operating a Short-Term Accommodation in respect of any Property or any part of any Property without a Licence required by this By-Law, or a person is convicted of any other contravention of this By-Law and a court determines that the owner or occupant of the Property or part of the Property in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the Property or part of the Property be closed to any use for a period not exceeding two (2) years.
- (8) An order under this By-Law may require work to be completed even though the facts which constitute the contravention were present before this By-Law came into force.

9. SERVICE OF NOTICES/ORDERS

- (1) Any penalty notice or any other notice, or order issued pursuant to this By-Law may be given in writing in any of the following ways and is effective:
 - (a) on the date on which a copy is delivered to the person to whom it is addressed;

CONSOLIDATED
As amended by By-Law No. 113 of 2020

- (b) on the fifth day after a copy is sent by mail to the person's last known address;
 - (c) upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number;
 - (d) upon the sending of a copy by e-mail transmission to the person's last known e-mail address, or;
 - (e) posting it on the person's property.
- (2) For the purpose of subsection (1), the person's last known address, last known facsimile transmission number and last known e-mail address shall be deemed to include those provided pursuant to Schedule 1 of this By-Law.

10. INSPECTION

- (1) An Enforcement Officer may at any reasonable time inspect:
- a. any premises/vehicles or place where a business which is subject to this By-Law is carried on or where there are reasonable or probable grounds to believe a business is being carried on; or,
 - b. any goods, equipment, books, records or documents used or to be used by the applicant or licensee under this By-Law.
(BLW 113/20)
- (2) It shall be an offence to obstruct, or permit the obstruction of, such inspection.

11. OFFENCES

- (1) Every person who contravenes any of the provisions of this By-Law is guilty of an offence and, on conviction, shall be liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offences.
- (2) Where a corporation is convicted of an offence under this By-Law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offences.

CONSOLIDATED
As amended by By-Law No. 113 of 2020

- (3) Where an Owner is convicted of knowingly carrying on or engaging in a trade, business or occupation on, in or in respect of any premises or any part of any premises without a licence required by this By-Law, the court may order that the premises or part of the premises be closed to any use for any period not exceeding two years.

12. COLLECTION OF UNPAID FINES

- (1) Pursuant to Section 441 of the *Municipal Act*, if any part of a fine for a contravention of a Business Licensing By-Law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, including any extension of time for payment ordered under that Section, the Licencing Clerk may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the *Municipal Act* and may be added to the person's tax roll and collected in the same manner as property taxes.

13. CONFLICT AND SEVERABILITY

- (1) If any portion of this By-Law of is found to be in conflict with any other provision of any Development Permit, Building, Fire, safety or other By-Law of the City or regulations, the Ontario Building Code Act, the Ontario Fire Code or other provincial legislation, the provision which establishes the higher standard shall prevail.
- (2) If any provision or requirement of this By-Law, or the Application thereof to any person, shall to any extent be held to be invalid or unenforceable, Council intends the remainder of this By-Law, or the Application of such provision, or requirement to all persons other than those to whom it is held to be invalid or unenforceable, to not be affected and each provision and requirement of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

CONSOLIDATED
As amended by By-Law No. 113 of 2020

14. TITLE

- (1) This By-Law may be known as the "Short-Term Accommodation Licencing By-Law."

15. EFFECTIVE DATE

- (1) This By-Law comes into effect on the date of its adoption.

By-Law Read a First, Second and Third time this 10 day of February, 2020.

"Mike Bradley"

Mike Bradley
Mayor

"Dianne Gould-Brown"

Dianne Gould-Brown
City Clerk

CONSOLIDATED
As amended by By-Law No. 113 of 2020

SCHEDULE 1
SHORT-TERM ACCOMMODATION LICENSING REQUIREMENTS

- (1) A person wishing to operate a Short Term Accommodation establishment ("STA") shall provide the Licensing Clerk with the following:
- (a) a completed application in the form required by the Licensing Clerk that will include each owner, applicant's name, address, telephone number and e-mail address;
 - (b) payment of the applicable licensing Fee;
 - (c) proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;
 - (d) the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership;
 - (e) a Parking Management Plan for the property on which the STA is situated that complies with the Zoning By-Law and which outlines where all of the parking spaces shall be located and the dimensions of those parking spaces;
 - (f) a floor plan of the STA, including identifying:
 - i. all rooms, spaces or common areas;
 - ii. how each room, space or common area shall be used, which means specifically indicating where all Guest Rooms will be located on the floor plan; and,
 - iii. the dimensions (in square meters) of all rooms, spaces or common areas.
 - (g) proof of ownership or, where rental, proof of rental with authorization from the owner, of the property on which the STA is situated, if located in a residential zone according to the Zoning By-Law;
 - (h) proof that the property on which the STA is situated, is the principal residence of the applicant, if located in a residential zone according to the Zoning By-Law;
 - (i) a sworn declaration that:
 - i. the applicant, Owner, or Long-Term Renter will comply with the parking plan;
 - ii. the STA is in compliance with the *Building Code Act, 1992* or any regulations made under it, including the *Building Code*;
 - iii. the STA is in compliance with the *Fire Protection and Prevention Act, 1997*, or any regulations made under it, including the *Fire Code*;

CONSOLIDATED
As amended by By-Law No. 113 of 2020

- iv. the STA is in compliance with the *Electricity Act, 1998*, S.O.1998, c. 15, Sched. A, as amended (the "*Electricity Act, 1998*") or any regulations made under it, including the *Electrical Safety Code*;
- v. the Owner is aware of all relevant federal and provincial legislation, including the Ontario *Human Rights Code*, as well as all relevant municipal By-Laws, and that they will comply with all of them;
- vi. the applicant or Owner confirms the accuracy, truthfulness and completeness of the information submitted;
- vii. the Owner or Long-Term Renter confirms they are the principal resident of the STA.

CONSOLIDATED
As amended by By-Law No. 113 of 2020

SCHEDULE 2
GENERAL REGULATIONS

1. A Short-Term Accommodation shall:
 - (a) be operated only by the owner, if located in a residential zone according to the City's Zoning By-Law;
 - (b) be operated only in a person's principal residence, if located in a residential zone according to the City's Zoning By-Law;
 - (c) be offered or made available to guests for a maximum of 180 days in any calendar year, if the entire dwelling is rented out in a residential zone according to the City's Zoning By-Law
 - (d) have a minimum floor area of six (6) metres for each Guest Room; **(BLW 113/20)**
 - (e) have a maximum of three Guest Rooms available for rent;
 - (f) have a maximum occupancy of four persons for each Guest Room;
 - (g) operate the STA in accordance with the Parking Management Plan;
 - (h) keep a record of the Short-Term Renter with such record containing the date of entry, the length of stay, home address of the Short-Term Renter with such record readily available for inspection at all times by an Enforcement Officer for a period of one year;
 - (i) display the licence permanently in a prominent place in the STA to which it applies;
 - (j) maintain the STA in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the STA. For the purposes of this subsection, adequate measures for the storage and disposal of waste shall mean a self-enclosed building, structure or container, located outside of the STA, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of;
 - (k) ensure that the STA is operated and used in a fashion such that the operation or use will not cause a disturbance; and
 - (l) not discriminate in the carrying on of the trade, business or occupation of STA against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital Status, family Status or disability.