

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 2021-092**

**BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN SHORT-TERM RENTALS IN THE TOWNSHIP OF LAKE OF BAYS, AS PERMITTED UNDER THE APPLICABLE TOWNSHIP PLANNING BY-LAW AND BE REFERRED TO AS THE “STR LICENCING BY-LAW”**

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

**AND WHEREAS** pursuant to Section 9 of the *Municipal Act* Part II, 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 10 of the *Municipal Act*, a municipality has the authority to implement business licencing in the interest of health and safety, well-being of Persons, consumer protection and nuisance control;

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

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

**AND WHEREAS** Section 436 of the *Municipal Act* permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order, or Licence;

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

**AND WHEREAS** the Council of the Corporation of the Township of Lake of Bays deems it desirable that such licencing, regulation, and governing takes place regarding Short-term Rentals as defined in this By-law;

**AND WHEREAS**, Council has enacted By-law Amendments 2021-076 and 2021-077 under the provisions of the Planning Act, R.S.O. 1990, c. P13, as amended, with respect to Short-term Rentals within the municipality and having done so desires to provide for a system of licencing to implement said provisions;

**AND WHEREAS** pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of licencing, regulating, and governing with respect to Short-term Rentals;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

**1. DEFINITIONS**

For the purpose of this By-law:

- 1.1. **Administrative Penalty** refers to a financial penalty, commonly referred under an Administrative Monetary Penalty System (AMPS), authorized under section 434.1 (1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, issued to Person, Owner, Agent or Licencee who has contravened or failed to comply with any provision of a municipal by-law;

- 1.2. **Agent** means a Person duly appointed by an Owner or the Township to act on their behalf;
- 1.3. **Applicant** means the Person applying for a Licence or renewal of a Licence under this By-law;
- 1.4. **Building** means any enclosed structure used or intended to be used for shelter or the occupation of Persons, animals, chattels, goods, materials or equipment, other than a fence or wall.
- 1.5. **By-law Enforcement Officer** means a municipal law enforcement Officer of the Corporation of the Township of Lake of Bays who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.
- 1.6. **Commercial activities**, for the purposes of this By-law, means activities being hosted at subject property that involve costs or monies for services provided (Examples: weddings, receptions, retirement party, music event, etc.).
- 1.7. **Corporation** means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporations Act*, R.S.O. 1990, c. C. 38;
- 1.8. **Demerit point system** means points that are approved under this By-law, applied to a subject property upon successful determination of an alleged violation. These points will be tracked and kept on file as to ensure compliance with the by-law. Short-term Rental Licence may be suspended, revoked or reinstated based on the status of the demerit points applied against subject property.
- 1.9. **Dwelling Unit** means a suite of habitable rooms located within a Building and operated as a household unit, used, or intended to be used exclusively as a domicile by one or more Persons that contains cooking, dining, living, sleeping and sanitary facilities exclusively for the use of the occupants. A Dwelling unit is not an accommodation unit or a housekeeping unit.
- 1.10. **Dwelling** means a residential Building designed for occupancy by one or more Persons, containing no more than one Dwelling unit as its principal use, and does not include a tourist establishment, a mobile home with or without a foundation, sleeping cabin, motor home, vehicle, or a trailer.
- 1.11. **Fee** means a Fee payable under this By-law or the Fees & Charges By-law, which may be amended from time to time, and is not prorated.
- 1.12. **Guest Room** means a room, within a Dwelling, offered for Short-term Rental intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code;
- 1.13. **Licence** means the Licence issued under this By-law as proof of licencing under this By-law;
- 1.14. **Licensed** means to have in one's possession a valid and current Licence issued under this By-law and un-Licensed has the contrary meaning;
- 1.15. **Licencee** means a Person who holds a Licence or is required to hold a Licence under this By-law;
- 1.16. **Licence Class** means the classification of a Short-term Rental within the Township. If at any time an STR Premises falls into any one of the higher categories of Licence class, that Premises automatically must apply for that class regardless of other parameters met. Refer to the following chart:

CLASS	Number of STRs operated by the same Owner	Total number of nights rented per year	Minimum number of consecutive nights of stay	Maximum number of occupants per STR
A	1	1-30	6	8
B	1-2	31-90	3	8
C	3 or more	91 or more	N/A	8 or more

- 1.17. **Licence Issuer** means any Person or Persons provided the authority by the Township to issue a Licence under this By-law.
- 1.18. **Officer** means a Police Officer, Fire Inspector, Building Inspector, Planner, Municipal Law or Enforcement Officer;
- 1.19. **Owner** means the Person holding title to the Property on which the Short-term Rental is located, and “Ownership” has a corresponding meaning;
- 1.20. **Parking Area** means the use of an area of land, Building or structure for the parking of motor vehicles associated with a principal use on the same lot. A parking area may include related aisles, parking spaces, and ingress and egress lanes, but does not include any part of a road.
- 1.21. **Person** means an individual, a Corporation, a partnership, or an association, and includes a Licencee or an Applicant for a Licence under this By-law as the context requires;
- 1.22. **Premises** means the Property upon which a Short-term Rental is operated, inclusive of Buildings or structures or any part thereof used for such purpose;
- 1.23. **Property** means the land upon which a Short-term Rental is operated, exclusive of Buildings or structures or any part thereof;
- 1.24. **Renter** means the Person Responsible for the rental of the Premises by way of concession, permit, lease, Licence, rental agreement or similar commercial arrangement;
- 1.25. **Renter’s Code of Conduct** as set forth in Schedule “A”, and may be amended from time to time, means a document that has been prepared by the Township that prescribes the roles and 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;
- 1.26. **Responsible Person** means the Owner (must be 18 years of age) or Agent assigned by the Owner or Licencee of the Short-term Rental Dwelling to ensure the Short-term Rental Dwelling is operated in accordance with the provisions of this By-law, the Licence and applicable laws;
- 1.27. **Set fine** refers to a financial penalty issued to Person, Owner, Agent or Licencee who has contravened or failed to comply with any provision of a municipal by-law;
- 1.28. **Short-term Rental** means a primary Dwelling or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, Licence, rental agreement or similar arrangement for thirty (30) consecutive calendar days or less with no on-site management throughout all or part of the year. Short-term Rental uses shall not mean or include a bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, motel, resort, or similar commercial or institutional use, as defined in Development Permit By-law 04-180 and Comprehensive Zoning By-law 04-181, as amended by By-law 2021-076 and By-law 2021-077; or any successor, as amended.
- 1.29. **Township** means the Corporation of the Township of Lake of Bays in the District of Muskoka.

- 1.30. **Planning By-law** means the Township's Development Permit By-law 04-180, Comprehensive Zoning By-law 04-181, as amended, or any successor, as amended.

## 2. APPLICATIONS

- 2.1. The requirements of this By-law apply to the business or occupation of providing Short-term Rentals within the geographic limits of the Township of Lake of Bays;
- 2.2. Persons who own, operate, Licence or offer a Premises for short-term accommodation as of the effective date of this By-law, must file an application, attached as Schedule "E" to this By-law, for a Licence under this By-law.
- 2.3. The determination of whether a Licence application is "complete" in accordance with this By-law shall be within the discretion of the Licence Issuer, or as a result of a review from an appeal received by the Township.
- 2.4. For greater certainty, the requirements of this By-law do not apply to a motel, bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, resort or similar commercial or institutional use as defined under the Planning By-law.

## 3. GENERAL PROVISIONS

- 3.1. Short-term Rental Dwellings shall comply with all applicable Municipal By-laws and provincial legislation.
- 3.2. The maximum number of Persons, including but not limited to residents, Renters and their guests, permitted on a Premises, at any one time, shall be restricted to 2 Persons per sleeping area as stated in an approved Licence.
- 3.3. The provision of parking on the site plan referenced shall include the following:
- a) A minimum of one parking space per Guest Room;
  - b) Parking space sizes of 3 metres by 6 metres; and
  - c) Compliance with all other parking provisions as set forth in the applicable Planning By-law.
- 3.4. All vehicles shall only be permitted in a parking area consisting of a hard-surfaced driveway (gravel, paved, concrete, interlock, or similar hard surface).
- 3.5. The following shall be posted on the interior of each STR Premises, visible to guests and made available for inspection:
- a) Copy of current STR Licence
  - b) Premises address (and phone number if applicable)
  - c) Type of access to the STR Premises, where one of the following must be checked:
    - a. Year-round maintained public road
    - b. Seasonally maintained road
    - c. Private road / Right-of-way
    - d. Water access
  - d) Emergency Services Statement: If the type of access to the STR-Premises is NOT a year-round maintained public road, the following statement must be posted with the address: "Due to this STR Premises not accessible by a year-round maintained public road, emergency response times may be delayed to this location."
  - e) Owner name and contact information
  - f) STR Responsible Person for Emergency and By-law concerns

- g) Inspection results
  - h) Copy of approved Site Plan (with parking plan & waste storage details)
  - i) A copy of the Renters Code of Conduct
  - j) Copy of the current Noise By-law
  - k) Copy of the current Parking provisions for Short-term Rental Dwellings as described in the applicable Planning By-law.
- 3.6. All Short-term Rental Dwellings must provide a class ABC fire extinguisher in any cooking area and a class BC or better on each floor of the establishment.
- 3.7. An Owner or Owner's Agent (Responsible Person) will respond within sixty (60) minutes to an emergency or contravention of any Township By-law.
- 3.8. An Owner or Owner's Agent (Responsible Person) will attend the Short-term Rental Premises within twenty-four (24) hours of being notified of the occurrence.
- 3.9. Pursuant to Part IV of the Municipal Act, 2001, issued Licences, along with the licence details will be posted on the Township's website.
- 3.10. The provisions of this By-law shall not apply when the Short-term Rental is not rented.

#### **4. LICENCING REQUIREMENTS**

- 4.1. Every application for a new Licence, or the renewal of an existing Licence, shall include:
- a) A completed application, found in Schedule "E" of this By-law, in the form required by the Township, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
  - b) Proof of Ownership for the Premises;
  - c) Proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
  - d) Name and contact information of the Owner or Owner's Agent (Responsible Person) who can be readily contacted within sixty (60) minutes and respond to an emergency or contravention of any Township By-law, including attendance on site of the Short-term Rental Dwelling within twenty-four (24) hours of being notified of the occurrence.
  - e) Proof of insurance on the Premises that has the following:
    - i. Address being insured; and
    - ii. Insurable amount for the Premises; and
    - iii. Days per year of insurance that matches advertised STR use;
  - f) Proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:
    - i. An article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
    - ii. A list containing the names of all shareholders of the Corporation;
    - iii. In the case of an Applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
    - iv. In the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization;
  - g) Proof of installed septic system that will support the STR under the Licence class for the Premises, as defined within the by-law. Requirements under each Licence class are as follows:

CLASS	REQUIRED SEPTIC SYSTEM INFORMATION & DOCUMENTS
A	Provide information related to occupancy and potential sewage load and details of sewage system to confirm capacity
B	Same as above, as well as record of system pump-outs and maintenance and demonstrate septic tank has been pumped out and inspected in the last 3 years as part of application to the Township for annual License
C	Same as above, as well as requirement for septic system inspection within the last 3 years as part of application to the Township for annual License

- 4.2. A site plan of the Premises that shall include the following:
- a) The location of all Buildings and structures on the Premises;
  - b) Parking Management Plan (refer to section 3.3);
  - c) Waste storage requirements.
- 4.3. Payment of the applicable Fees referred to in the Fees & Charges By-law, which may be amended from time to time.
- 4.4. Payments received by the Township on the 31<sup>st</sup> day or later after the date of being requested, may be subject to an “Administrative Fee” as set out in the Fees & Charges By-law, and demerit points as set out in Schedule “D” attached.
- 4.5. A Short-term Rental 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 date of the issuance of the Licence; or
  - b) Upon the sale of an STR Premises to a Person other than a Licencee;
  - c) Upon the transfer of an STR Licence to another party.
- 4.6. The Licencee shall be Responsible for informing the Township in writing of any changes to the approved information contained within the Licence application or any deviation to the approved plans within (7) days of such change or deviation. Nothing herein allows a Licencee to rent rooms other than those identified and approved on the application for a Licence unless the Township has approved same.

## 5. ADMINISTRATION AND ENFORCEMENT

- 5.1. The Council of the Township of Lake of Bays shall appoint an Officer(s) Responsible for the administration and enforcement of this By-law.
- 5.2. The Licence Issuer shall be Responsible for the administration of this By-law;
- 5.3. Officers shall be Responsible for the enforcement of this By-law;

## 6. LICENCE – APPLICATION & ISSUANCE

- 6.1. Upon receipt of an application for a Licence, shown in Schedule “E”, a Licence Issuer shall perform the following functions:
- a) receive and review the application as per any provision of this By-law;
  - b) receive and review any documents attached to the application; and
  - c) ensure the relevant Officers have carried out the necessary inspections to satisfy the Town that the Premises complies with provisions of this By-law.
- 6.2. Upon determination by the Licencing Issuer that information requirements and all regulatory and by-law requirements of the Township are met, a Licence shall be issued and remain valid for one (1) year, unless revoked.

- 6.3. The Licence Issuer shall have the authority to impose additional terms and conditions on a Licence.
- 6.4. A Licence issued pursuant to the provisions of this By-law shall expire one (1) year from the date it was issued unless it is revoked in accordance with any provisions of this By-law.

## **7. LICENCE – SUSPENSION & REVOCATION**

- 7.1. The Licence Issuer shall have the authority to refuse to issue or renew a Licence, to revoke or suspend a Licence, as per Schedule “C” of this By-law, or where:
- a) There are reasonable grounds for belief that the operation of a Short-term Rental at a specific Premises may be averse to the public interest;
  - b) The Premises has had a Licence that has been previously revoked, suspended, or made subject to terms and conditions;
  - c) The Applicant has had a Licence that has been previously revoked, suspended, or made subject to terms and conditions;
  - d) A Premises or Applicant applying for a Licence has presented a history of contravention with this By-law, or other Township by-laws;
  - e) The Renter’s Code of Conduct has been violated at this Premises;
  - f) The septic requirements are not met;
  - g) The proposed use of the Premises is not permitted by the Planning By-law;
  - h) The Owner is indebted to the Township in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding Property taxes and late payment charges, against an Owner’s Property;
  - i) The Property to be used for carrying on the trade, business or occupation does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Planning By-law, Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.
- 7.2. Notwithstanding section 7.1 of this By-law, the Licence Issuer may issue a Licence where a variance to this By-law has been approved. Council, upon application of the Owner of a Premises permitting a Short-term Rental, may authorize such variance from the provisions of this By-law, in respect of the Owner’s Premises as in its opinion is desirable for the appropriate use of the Premises and in the opinion of the Appeals Committee the general intent and purpose of the by-law is maintained. The decision of Council regarding the variance application, shall be final and binding.
- 7.3. The Licence Issuer shall notify the Applicant/Licencee of what action is being taken under the authority of section 7.1 or section 7.2 within thirty (30) days of the determination of said action.
- 7.4. The Licence Issuer, upon confirming a Licencee has received an emergency order issued under section 8.4 of this By-law, may, for the time and such conditions as are considered appropriate, suspend a Licence for not more than 14 days. If after this period, the Licence Issuer is satisfied that the continuation of a Licence will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than 14 days or revoke a Licence.
- ## **8. ORDERS – GROUNDS FOR ISSUANCE**
- 8.1. Where an Officer has reasonable grounds to believe that a contravention of the by-law has occurred, the Officer may serve an order on the Licencee setting out the reasonable particulars of the contravention and directing:

- a) Compliance within a specified period of time;
  - b) Any work that is required to be done. In the event of a default of such work being done, the Officer may direct work to be done at the Licencee's expense, and the Town may recover the expense in the same manner as municipal taxes; or
  - c) The activity be discontinued.
- 8.2. 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.
- 8.3. Service of any notice or order to an Owner/Agent, directing the Owner/Agent to bring the Premises into compliance, shall be carried out under the provisions in section 16 of this By-law.
- 8.4. When an Officer deems a violation under this By-law to pose an immediate risk to health or public safety, the provisions in section 16 may be waived and an emergency order shall be issued and may be posted on the property requiring immediate action or other remediation. The Owner/Agent shall comply with an emergency order within the period specified on the emergency order.
- 8.5. Where an Officer has placed or caused the placing of a placard containing the terms of an order upon the Premises under the authority of the Building Code Act or provisions within this By-law, no Person shall remove such placard except with the consent of the Officer who issued the order.
- 8.6. Once served upon an Owner/Agent in accordance with sections of this By-law, an order shall remain in effect on a Premises until the order has been complied with or for the duration of the calendar year.

## **9. GROUNDS FOR APPEAL – LICENCES & ORDERS**

- 9.1. Where the Licence Issuer has denied an Applicant a Licence, a renewal of a Licence, or has suspended or revoked a Licence, the Licence Issuer shall inform the Applicant or Licencee 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 Township Clerk.
- 9.2. Any Owner/Agent or Licencee who has been served with an order and who is not satisfied with the terms or conditions of the order, may appeal to the Township of Lake of Bays within fifteen (15) days after being served with the order, by:
- a) Sending a notice of appeal, setting forth the reasons for the appeal, by registered mail to the Township Clerk; or
  - b) In Person to the Township Clerk to set forth reasons for the appeal and to request an appeal date; and
  - c) Remitting payment of the Order Appeal Fee as provided in the Fees & Charges By-law (Fee refunded if order rescinded)
- 9.3. If an emergency order is issued on a Premises to an Owner/Agent, the appeal process in section 9.2 shall not apply.
- 9.4. Where no request for an appeal is received in accordance with subsection 9.2, the decision of the Licence Issuer shall be final and binding.
- 9.5. Where a request for an appeal is received, the request will be added to the agenda of the next available Council meeting, and the Applicant or Licencee shall be provided reasonable written notice thereof.
- 9.6. If the Owner/Agent 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 Licencee.
- 9.7. After such opportunity to be heard is afforded the Person, Council shall make a decision. When making its decision Council may consider any matter pertaining



to this By-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, Council may refuse to issue or renew a Licence, revoke, suspend, or impose any condition to a Licence. Council's decision is final and binding and shall not be subject to review.

- 9.8. Where Council conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 ("Statutory Powers Procedure Act") shall apply.

## 10. ENTRY AND INSPECTION

- 10.1. The Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) may at reasonable times, enter upon land, Premises, Buildings, or place where a Licence has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance to this By-law.
- 10.2. Every Person shall permit the Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) to inspect any land for the purposes of determining compliance with this By-law.
- 10.3. The Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) may enter upon lands at any reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done, to do such matter or thing in accordance with this By-law.
- 10.4. The Township's power of entry may be exercised by an Officer, or Agent for the Township and this Person may be accompanied by any Person under their direction, including Law Enforcement Services.
- 10.5. During any inspection carried out under this By-law, an Officer may be accompanied by other Township of Lake of Bays employees, Agents or authorities as deemed necessary.
- 10.6. The Township may undertake an inspection pursuant to an order issued under provisions of this By-law or Section 438 of the *Municipal Act*.
- 10.7. It is the responsibility of any Person applying for a Licence to either, contact the Township for an inspection or provide required documentation, which shall ensure compliance with the following where applicable:
- 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) Applicable Planning By-law;
  - f) Any other municipal by-laws or provincial legislation.
- 10.8. During the inspection process, all relevant departments of the Township may provide comment on any known matters that would assist with determination of Licence eligibility.
- 10.9. Inspections that requested by the Licencee to address violations under the by-law that confirm at the end of the inspection the violation remains against the Licencee, may be subject to pay a "Non-compliance Re-inspection Fee" as per the Fee & Charges by-law, which may be amended from time to time.

## 11. PROHIBITIONS

- 11.1. No Person shall use or operate any Short-term Rental Dwelling unless he or she holds a current Licence issued pursuant to this By-law.

- 11.2. No Person shall advertise a Short-term Rental without a Licence.
- 11.3. No Person shall use or operate any Short-term Rental Premises for Commercial activities.
- 11.4. No Person shall provide false information on an application form to apply for a Short-term Rental Licence.
- 11.5. No Person shall allow a Premises under their Ownership or care and control to be operated in contravention of the Licence that has been approved.
- 11.6. No Person shall allow a Premises under their Ownership or care and control to be operated in contravention of the Site plan that has been approved.
- 11.7. No Licencee shall rent any guest room in a Short-term Rental Dwelling other than a guest room that was identified and approved with the Application for the Short-term Rental Licence.
- 11.8. No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this By-law.

## 12. OBSTRUCTION

- 12.1. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.
- 12.2. No Person, who has been alleged to have contravened any of the provisions of this By-law, shall fail to identify themselves to the Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) upon request.

## 13. PENALTIES

- 13.1. Every Person guilty of an offence under this By-law may be subject to one or more of the following:
  - a) Administrative Penalty, as permitted under the Municipal Act
  - b) Set fines as permitted under the *Provincial Offences Act*; and/or
  - c) Fees or additional charges, which may be amended from time to time.
- 13.2. Any Persons, Premises, Property, or Renter within the Township operating as a STR under this By-law, identified under a Class B and C Licence within this By-law, may be subject to Demerit points as outlined in Schedule "D" of this By-law, that result from any one of the following confirmed occurrences:
  - a) Contravention of any municipal by-law on a STR Property or Premises by a Renter, Responsible Person or Persons; and/or
  - b) Contravention of any municipal by-law on a STR Property or Premises.
- 13.3. Every Person who contravenes an order under this By-law is guilty of an offence.
- 13.4. Each day a contravention occurs constitutes a new offence.
- 13.5. Every Person who contravenes any provision of this By-law is guilty of an offence and all contraventions of this By-law are designated as continuing offences pursuant to section 429 of the *Municipal Act*.
- 13.6. Every Person, Owner, director of a Corporation, or who concurs in such contravention by the Corporation, is guilty of an offence and may be subject to an Administrative Penalty or set fine.
- 13.7. Every Person who contravenes any provision of this By-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 13.8. Every Person, other than a company who contravenes any provision of this By-law, and every director of a Corporation who knowingly concurs in such

contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

- 13.9. 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 offence.
- 13.10. Where a Person has been convicted for an offence under this By-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

#### **14. ADMINISTRATIVE PENALTIES**

- 14.1. An Officer may issue an Administrative Penalty to the Person, Owner, Agent or Licencee found in contravention of any provision of this By-law.
- 14.2. Any Person who contravenes any provision of this By-law, upon receiving an Administrative Penalty pursuant to Section 14.1, may be liable to pay to the Municipality an Administrative Penalty.

#### **15. COLLECTION OF UNPAID FINES**

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

#### **16. SERVICE OF DOCUMENTS**

- 16.1. The Municipality may serve any document under this By-law, within thirty (30) days of becoming aware of the alleged offence, Personally to the Person named on the notice, by registered or regular mail addressed to the Person to whom the document is to be given at the Person's last known address.
- 16.2. Service by registered or regular mail under subsection 16.1 shall be deemed to have been made on the fifth day after the day of mailing.
- 16.3. A Person's last known address includes the address provided by the Person to the Municipality as identified in the property tax file.
- 16.4. Where an inspection is conducted, the Officer conducting the inspection may, alone or in conjunction with a Person possessing special or expert knowledge:
  - a) Require production of documents or things relevant to the inspection;
  - b) Remove documents / things relevant for purpose of making copies or extracts;
  - c) Take photographs of documents or things relevant to the inspection;
  - d) Make examinations, or take samples necessary to the inspection;
  - e) Require information from any Person related to the inspection, including their name, address, phone number and identification.

#### **17. SEVERABILITY**

- 17.1. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be

construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

**18. SCHEDULES**

18.1. The following schedules attached hereto form part of this By-law:

- a) Schedule "A" Renter's Code of Conduct
- b) Schedule "B" Owner/Licencee Acknowledgement Form
- c) Schedule "C" Licence Suspension/Revocation process
- d) Schedule "D" Demerit Points for violations
- e) Schedule "E" Licence Application form

**19. TOWNSHIP NOT LIABLE**

19.1. The Township assumes no liability for property damage or Personal injury resulting from remedial action or remedial work undertaken with respect to any Person or property that is subject of this By-law.

This By-law shall come into full force and effect as of January 1, 2022, at which time all by-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-law.

**READ a FIRST, SECOND and THIRD time and passed this 14<sup>th</sup> day of September, 2021.**

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Mayor – Terry Glover

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Clerk – Carrie Sykes

**SCHEDULE 'A'**

**SHORT-TERM RENTAL (STR) – Renter’s Code of Conduct**

**1. Purpose of the Code**

- Maximizes the enjoyment of all properties in the Township of Lake of Bays
- Ensures the safe operation of a Short-term Rental Premises
- Acknowledges residents have the right to enjoy their properties without nuisance
- Establishes acceptable standards of behaviour for Renter(s)
- Defines requirements for Renter accountabilities for an STR Premises

**2. Renter acknowledgement of requirements of a Short-term Rental Premises**

**a. Maximum Number of Renters and Guests – Posted in Licence**

- Includes non-occupying guests & residents, two (2) per guest room
- Exceeding occupancy may cause septic system malfunction

**b. Posted documents**

- ✓ VALID STR LICENCE
- ✓ STR PREMISES OWNER & ADDRESS
- ✓ TYPE OF ACCESS AT STR PREMISES: (MUST CHECK ONE)
  - YEAR-ROUND MAINTAINED PUBLIC ROAD
  - SEASONALLY MAINTAINED ROAD
  - PRIVATE ROAD / RIGHT-OF-WAY
  - WATER ACCESS
- ✓ EMERGENCY SERVICES STATEMENT: IF THE TYPE OF ACCESS TO THE STR-PREMISES IS NOT A YEAR-ROUND MAINTAINED PUBLIC ROAD, THE FOLLOWING STATEMENT MUST BE POSTED WITH THE ADDRESS:
  - “DUE TO THIS STR PREMISES NOT ACCESSIBLE BY A YEAR-ROUND MAINTAINED PUBLIC ROAD, EMERGENCY RESPONSE TIMES MAY BE DELAYED TO THIS LOCATION.”
- ✓ STR PREMISES EMERGENCY & BY-LAW CONCERN CONTACT PERSON
- ✓ MOST RECENT INSPECTION(S)
- ✓ SITE PLAN (BUILDING LOCATIONS, PARKING PLAN & WASTE STORAGE DETAILS)
- ✓ RENTER’S CODE OF CONDUCT & OWNER’S CODE OF CONDUCT
- ✓ COPY OF NOISE BY-LAW
- ✓ COPY OF PARKING PROVISIONS (REQUIRED PORTIONS OF BY-LAWS)

**c. Short-term Premises shall have the following:**

- ✓ OPERATING SMOKE ALARM(S) AS PER ONTARIO BUILDING CODE; AND
- ✓ CARBON MONOXIDE ALARM(S) AS PER ONTARIO BUILDING CODE; AND
- ✓ ONE (1) CLASS ABC FIRE EXTINGUISHER IN ANY COOKING AREA; AND
- ✓ ONE (1) CLASS BC OR BETTER FIRE EXTINGUISHER ON EACH FLOOR

**3. Renter accountability while using a Short-term Premises**

- a. The Renter acknowledges the STR has posted documents listed above (3(b))
- b. The Renter acknowledges that their actions, if in contravention of any municipal by-law, results in a complaint against the Owner of the Premises, that demerit points may be applied to the STR Licence. These demerit points may cause their Licence to be suspended, revoked, or not renewed.
- c. The Renter acknowledges that continued non-compliance with any by-law may result in enforcement measures being taken against themselves or the Owner. Consider some examples below:
  - Noise contrary to by-law*
  - Number of people using STR Premises contrary to approved Licence*
  - Allowing dog(s) off leash, on private or public property, contrary to by-law*
  - Parking on the road or Premises contrary to by-law*
  - Leaving garbage on Premises that creates nuisance or odour*
  - Outdoor burning contrary to by-law*

I, \_\_\_\_\_ having read the above, acknowledge  
(PRINT FIRST & LAST NAME CLEARLY)

that I am renting this Premises from a valid STR Licence holder in the Township of Lake of Bays and undertake to conduct myself and those that are occupying this address at the same time in accordance with this code and all other applicable by-laws. I understand that my actions, if found in contravention of a by-law, may subject the STR Premises Owner(s) to Demerit points against their Licence. This may include enforcement measures against myself, other occupants or the STR Premises Owner(s).

\_\_\_\_\_  
Signature of Renter(s)

\_\_\_\_\_  
Date

**SCHEDULE 'B'**

**SHORT-TERM RENTAL (STR) – Owner / Licencee Acknowledgement Form**

**STR Premises Civic Address:** \_\_\_\_\_

**Printed name of Owner / Licencee:** \_\_\_\_\_

I / We the Owner(s) / Licencee(s) (please circle one), understand and acknowledge that:

1. The STR Premises shall be operated in accordance with the STR Licencing By-law, and all applicable Acts, regulations or other municipal by-laws;
2. The STR Premises shall post valid STR Licence and documentation, visible for inspection and to the Renter(s), in the Dwelling interior, as per STR Licencing By-law;
3. Nothing herein allows an Owner or Licencee to rent a Premises other than those identified on the Licence, based on submitted documentation and Site Plan;
4. The Owner(s) / Licencee(s) will be held Responsible for contraventions of any municipal by-law by Persons found using the STR Premises, and may be subject to demerit points, fines or other enforcement measures;
5. Entry onto any land at any reasonable time, may occur for the purposes of:
  - carrying out an inspection; or
  - determining compliance with STR Licencing by-law; or
  - verifying complaints received under a municipal by-law; or
  - verifying compliance with an order issued; or
  - requiring that a matter or thing be done;
 by any of the following Persons upon presenting proper credentials:
  - The Chief Building Official or their designate(s);
  - By-law Enforcement Officer or their designate(s);
  - Chief Fire Official or their designate(s);
  - An Officer (as listed above) accompanied by Township staff or authorities;
  - An Agent for the Township;
6. The Licencee is Responsible for renewing an STR Licence by forwarding any required application and supporting documents as per the STR Licencing By-law prior to the expiry date of the Licence;
7. Fee(s) required under the STR Licencing By-law shall be considered late thirty (30) days after the date they are due. Any Fee(s) received on or after the thirty-first (31<sup>st</sup>) day of the Fee being due or an invoice date may be subject to additional Fees as per Fees & Charges By-law, as amended from time to time;
8. The Licencee is Responsible for informing the Township in writing of any changes to an STR Premises, such as occupancy, size, or days of use, within seven (7) days of such change or deviation;
9. The submission of false or misleading information to the Township will void the application, cause current Licence(s) to be revoked and may be subject to further enforcement measures;

AND, I / We understand that any breach of this acknowledgement, provisions of the STR Licencing By-law or any other municipal by-law may result in the STR Licence being suspended, revoked, or not accepted for renewal by the Township.

**Signatures:**

\_\_\_\_\_  
Owner or Licencee                      Witness                      Date

\_\_\_\_\_  
Owner or Licencee                      Witness                      Date

SCHEDULE "C"

SHORT-TERM RENTAL LICENCE SUSPENSION / REVOCATION

(based on demerit point system as defined within the by-law)

ACTION	OFFENCE	TIME	REMEDY TO RENEW LICENCE	APPEAL PROCESS
<b>SUSPENDED LICENCE</b>	Three (3) confirmed by-law violations on one (1) STR property	<b>1 YEAR</b>	One (1) year by-law violation-free from the date of the last offence, on this or any other property owned by same Owner	<b>Appeal process for suspends or revoked Licences outlined in By-law. Appeals must be accompanied by payment of applicable Fees.  NOTE: Failing to appear for an appeal hearing will be subject to additional Fees</b>
	Three orders issued on one (1) STR property		One (1) year order-free from the date of the last order, on this or any other property owned by same Owner	
	Three (3) demerit points confirmed on one (1) STR property		One (1) year violation, order, and demerit point-free on the same property	
	Three (3) demerit points confirmed on one (1) STR Owner (locations may differ)		One (1) year violation, order, and demerit point-free for the same Owner	
<b>REVOKED LICENCE</b>	One (1) additional confirmed by-law violation or order on a property under STR suspension	<b>Permanent</b>	<b>NONE</b>	
	One (1) additional confirmed by-law violation or order against an Owner under STR suspension			
	Three (3) demerit points confirmed against a property while on STR suspension			
	Three (3) demerit points confirmed against an Owner while on STR suspension			

**SCHEDULE “D”**


**DEMERIT POINTS FOR VIOLATIONS UNDER STR LICENCE**

As per Section 12.4 of this By-law,  
demerit points only apply to Premises’ that are identified under STR Classes B and C, where  
STR Class A Premises are exempt from the application of Demerit Points

<b>ITEM</b>	<b>By-law Section</b>	<b>Short Form Wording</b>	<b>Demerit pts</b>
1	3.2	Number of guests on Premises contrary to Licence	1
2	3.3	Parking contrary to approved Licence	1
3	3.5	Failure to post required documentation	1
4	3.6	Failure to provide fire extinguisher as required	1
5	3.7	Failure to respond to concern within 60 minutes	1
6	3.8	Failure to attend Premises within 24 hours	1
7	4.4	Failure to pay Fees within prescribed timelines	1
8	4.6	Failure to notify of Licence changes within 7 days	1
9	11.1	Operating STR without a Licence	1
9	11.2	Advertising STR without a Licence	1
9	11.3	Operating STR for Commercial activities	1
10	11.4	Providing false information on STR application	1
11	11.5	Operating STR contrary to STR Licence class	1
12	11.7	Renting rooms contrary to approved Licence class	1
13	11.8	Violation of Renter’s code of conduct	1
14	12.1	Hinder / Obstruct an Officer while on duty	1
15	8.5	Removal of STR placard/order without consent	1
16	13.3	Contravention of an Order	1
17	13.2 (a)	Confirmed by-law contravention – Renter, Responsible Person or Persons	1
18	13.2 (b)	Confirmed by-law contravention – STR property or Premises	1



**SCHEDULE "E" - SHORT-TERM RENTAL LICENCE – Application Form**

 <p>LAKE OF BAYS • MUSKOKA •</p>	<p><b>SHORT-TERM RENTAL LICENCE APPLICATION</b></p> <p>1012 Dwight Beach Road, Dwight, ON, P0A 1H0 Phone: 1-705-635-2272, Website: <a href="http://www.LakeofBays.ca">www.LakeofBays.ca</a></p>				
<p><b>PLEASE NOTE:</b> Applicant portion MUST be completed in full and accompanied by full payment of required Fees. STR Licence class is defined in the By-law, with each class having a specific septic system requirement. For assistance with this form, contact the Township by email or phone or call to make an appointment.</p> <p><b>RELEASE OF INFORMATION:</b> As per subsection 3.9 of the By-law 2021-092, STR Licence information including civic address, Responsible Person, contact information and licence details will be posted on the Township's website.</p>					
<p><b>TO BE COMPLETED BY APPLICANT</b></p>					
<p>Check the box below that applies to you, as the APPLICANT. If NOT the Owner, provide signed authorization form that supports your application on behalf of the Owner of the STR PREMISES listed on application form.</p>					
<input type="checkbox"/> Owner	<input type="checkbox"/> Manager	<input type="checkbox"/> Operator	<input type="checkbox"/> Tenant	<input type="checkbox"/> Agent	<input type="checkbox"/> Other (specify)
<p>Check the box below that applies to this application. If Renewal or Update, provide proof of previous Licence.</p>		<p><input type="checkbox"/> NEW    <input type="checkbox"/> RENEWAL    <input type="checkbox"/> UPDATE    Proof of previous Licence attached? Y / N</p>			
<p><b>STR – PREMISES - CIVIC ADDRESS</b></p>					
Street # and name	PO Box RR/Apt	City	Prov / State	Country	Postal / Zip Code
<p><b>WATERFRONT PROPERTY</b></p>			<p><b>ORIGINAL SHORE ROAD ALLOWANCE (OSRA)</b></p>		
<input type="checkbox"/> Yes <input type="checkbox"/> No			<input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> N/A		
<p><b>ACCESS TO STR PREMISES (must check one)</b></p>					
<input type="checkbox"/> Year-round maintained public road		<input type="checkbox"/> Seasonally maintained public road		<input type="checkbox"/> Private road OR Right-of-way	
<p><b>STR – OWNER / APPLICANT – MAILING ADDRESS</b></p>					
Street # and name	PO Box RR/Apt	City	Prov / State	Country	Postal / Zip Code
Premises Owner(s) name		Phone #		Email if available	
Applicant name (if NOT the Owner)		Phone #		Email if available	
<b>Emergency / By-law contact name</b>		<b>24-hour Phone #</b>		<b>Email if available</b>	
INSURANCE INFORMATION (attached)		Company		Insured Amount	
<p><b>STR – PREMISES – SPECIFICATIONS and LICENCE CLASS</b></p>					
# of STRs owned by the same Owner/Applicant	# of nights to be rented per year	# of parking spaces	Minimum # of consecutive nights of stay		
# of occupants per STR Premises	SITE PLAN ATTACHED	STR Licence Class	STR Licence Class Fee		
	Y or N	A / B / C			
<p>I/We do declare that all the information submitted in this document is true and understand that it may take a minimum of thirty (30) days for this application to be processed.</p> <p>I/We have read and understand the STR licencing by-law, STR Premises requirements, the Owner/Licencee Acknowledgement form and consent to the Township posting the licence details on the Township website.</p> <p>I/We understand that submitting false and/or misleading information in this application will void the application and may lead to further enforcement measures.</p> <p>I/We further give permission for those Persons listed in the STR Licencing By-law to enter onto a Premises or enter the residence for purposes as defined in the by-law.</p>					
<p>_____ Signature of Premises Owner or Applicant</p>			<p>_____ Date</p>		
<p>_____ Signature of Premises Owner or Applicant</p>			<p>_____ Date</p>		

STR LICENCE APPLICATION – page 2 of 2



**SHORT-TERM RENTAL LICENCE APPLICATION**

1012 Dwight Beach Road, Dwight, ON, P0A 1H0  
Phone: 1-705-635-2272, Website: [www.LakeofBays.ca](http://www.LakeofBays.ca)

<p><b>SEPTIC SYSTEM DETAILS</b></p> <p>(additional information required to be attached to application for certain STR class)</p>	<hr/> <hr/> <hr/> <hr/>
<p><b>PARKING PLAN DETAILS</b></p>	
<p><b>WASTE STORAGE DETAILS</b></p>	

**TO BE COMPLETED BY LICENCE ISSUER (Township or authorized Agent)**

Date received	Date reviewed	Receipt of payment?	Supporting documentation attached?	Y or N
			Number of pages attached to this application:	
Do STR specifications match requested Licence Class?		Y or N	Does Septic information match Licence Class?	Y or N
NO? Details provided here			NO? Details provided here	
Inspection(s)	Date / Time of Inspection(s)	Compliant?	Details / Work to do	
<b>PREVIOUS NON-COMPLIANCE? List below</b>		Y or N	Next Step(s)	

**LICENCE ISSUER CHECKLIST (application and attached documentation)**

<input type="checkbox"/> YES	<input type="checkbox"/> NO	Application complete – reviewed, signed, payment receipt
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Proof of Premises Ownership OR provided signed authorization form
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Proof of Insurance / documents attached to application
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Site Plan attached (Building location(s), parking, waste storage)
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Signed Owner's/Licencee Acknowledgement form attached
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Septic System information provided (as required by STR Class)
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Access to STR Premises verified by the Township's Public Works Department
<input type="checkbox"/> YES	<input type="checkbox"/> NO	OSRA (and potential requirements) verified by the Township's Clerks Department

PLANNING REVIEW	DATE	DECISION

<b>STR LICENCE APPLICATION COMPLETE?</b>	<b>Y or N</b>	<b>STR LICENCE FEE PAID IN FULL?</b>	<b>Y or N</b>
<p>If STR Licence application is not being accepted or not approved, explain in space to the right.</p> <p>IF STR Licence is approved, strike this area through.</p>			

LICENCE ISSUER (name & signature)	DATE	DECISION

Application decision and copies of required documentation to be sent to Applicant