



THE CORPORATION OF THE MUNICIPALITY OF WAWA



BY-LAW 2024 - xxx

Being a by-law to license, regulate and govern Short-Term Accommodation Rentals In Wawa

WHEREAS pursuant to the Municipal Act, 2001, S.O., 2001 c.25. as amended, Council of the Municipality of Wawa can enact By-laws for the licensing, regulating and governing of businesses and occupations in the Municipality of Wawa;

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

AND WHEREAS pursuant to Section 11 of the Municipal Act, Council can exercise its authority with respect to business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

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

AND WHEREAS pursuant to Sections 390 to 400 of the Municipal Act, municipalities may pass By-laws for imposing fees or charges to permits and services provided;

AND WHEREAS pursuant to Section 429 of the Municipal Act, a municipality may establish a system of fines for offences under a By-law duly passed;

AND WHEREAS pursuant to Section 436 of the Municipal Act, a municipality may pass By-laws for it to enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law direction, order or license;

AND WHEREAS pursuant to Section 444 of the Municipal Act, a municipality may make an order requiring the person who contravened the By-law or cause or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS the Council of The Corporation of the Municipality of Wawa deems it desirable that such licensing, regulation and governing takes place with regard to Short Term Rental Accommodations as defined in this By-law;

NOWHEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WAWA ENACTS AS FOLLOWS:

1.0 DEFINITIONS

“Agent” means a Person duly appointed by an Owner or the Municipality to act on their behalf;

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

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

“Council” means the Council of the Corporation of the Municipality of Wawa;

“Chief Building Official” means the Chief Building Official/By-Law Enforcement Officer or position designated by Council to carry out the responsibility of administering and/or enforcing this By-law;

“Disturbance” means an event where an action has commenced with respect to nuisance, noise or other act in which hinders the enjoyment of life and/or property in any manner;

“Dwelling Unit” means a residential unit that:

- (a) consists of a self-contained set of rooms located in a building or structure;
- (b) is used or intended for use as a residential premise;
- (c) contains kitchen and bathroom facilities that are intended for the use of the unit;
- (d) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit;
- (e) does is not located or contained in an accessory building/structure.

“Fee” means those fees as set out in the Municipality of Wawa Schedule of Fees By-law as amended;

“Fire Chief” means the individual appointed to this position by Council or his/her designate;

“Fire Safety Plan” means a plan setting out a layout of the interior of the Short-Term Rental Accommodation with locations for all smoke alarms, carbon monoxide alarms, fire extinguishers, cooking appliances, fireplaces regardless of their fuel source, exits, and any further information required by the Fire Chief;

“**License**” means the certificate issued under this By-law as proof of licensing of a Short-Term Rental Accommodation under this By-law;

“**Licensee**” means a Person who is in possession of a valid and current license issued under this By-law and unlicensed has the contrary meaning;

“**Municipality**” means The Corporation of the Municipality of Wawa;

“**Notice of Suspension**” means a notice that is issued to a licensee of a Short-Term Rental Accommodation premise that informs the licensee that their license will be suspended if an appeal is not applied for within twenty (20) days;

“**Officer**” means the person, or persons, who have been appointed to administer and enforce the provisions of this By-law by the Municipality of Wawa and includes a member of the Ontario Provincial Police, Chief Building Official, By-Law Enforcement Officer, Provincial Offence Officer or designate;

“**Owner**” means the person or persons holding title to the lands on which the Short-Term Rental Accommodation premise is located;

“**Property Standards By-law**” means the Property Standards By-law of the Municipality of Wawa enacted under Section 15.1 of the Ontario Building Code Act that prescribes standards for the maintenance and occupancy of property;

“**Renter**” means any person occupying the rental of the premises by way of concession, permit, lease, license, rental agreement or similar commercial arrangement;

“**Responsible Person**” means the person assigned by the Owner or Agent of a Short-Term Rental Accommodation to ensure the premise is operated in accordance with the provisions of this By-law, the license and the relevant provisions of the Fire Code;

“**Short Term Rental Accommodation (STR)**” means a dwelling unit used to provide temporary accommodation for not more than 29 consecutive days and does not include a hotel, motel, or bed and breakfast establishment.

2.0 APPLICATION

2.1 The requirements of this By-law apply to the trade, business or occupation of providing Short-Term Rental Accommodations within the geographic limits of the Municipality of Wawa as of the date this By-law comes into effect.

2.2 Any person who owns, operates or offers a Short-Term Rental Accommodation as of the effective date of this By-law shall file an application for a license per this By-law.

2.3 The determination of whether a license application contains all necessary information upon which to make a decision in accordance with the requirements of this By-law shall be within the discretion of the Chief Building Official or designated Officer.

3. PROHIBITIONS

3.1 No person shall operate or carry on the business of a Short-Term Rental Accommodation (STR) or permit a person to carry on the business, or hold themselves out as being licensed to carry on the business of a STR:

- (a) without a licence to do so issued under this By-law;
- (b) under any other name than the one on the licence issued under this By-law; or
- (c) except in accordance with the regulations of this By-law.

3.2 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;
- (c) enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the licence shall be the property of the Municipality;
- (d) advertise an STR available within the Municipality of Wawa without a licence;
- (e) operate or advertise an STR from a recreation vehicle.

4. LICENSING REQUIREMENTS

4.1 Application Requirements

(1) Where the applicant is a corporation, the application for a STR licence or the application for a renewal of STR licence shall be made by a duly authorized officer.

(2) Where the applicant is a partnership, the application for a STR or the application for renewal of STR licence shall be made by one or more of the partners.

(3) Applicants for a STR licence or renewal of STR licence must:

- (a) in the case of individuals, be permanent residents in Canada;
- (b) in the case of a partnership, have at least one partner be either a permanent resident in Canada or a corporation incorporated in Canada;
- (c) in the case of a corporation, be incorporated in Canada.

(4) Applicants are required, in accordance with the Municipality's Municipal Accommodation Tax (MAT) By-law, to collect the municipal accommodation tax on behalf of any dwelling unit licenced in their or its name in accordance with this Bylaw.

(5) Despite section 4.1(1) and 4.1(2) above, an application for a STR Licence or an application for renewal of a STR licence thereof may be made in person by an authorized agent, provided that they have written authorization to do so from the applicant and provides one piece of Canadian government photo identification, both to the satisfaction of the Clerk.

(6) Every person making application for a STR licence under this By-law shall submit the following to the Clerk:

- (a) a completed application for a Licence in the form prescribed by the Clerk, signed by the applicant or an authorized agent for the applicant;
- (b) the applicable fees as set out in the Municipality's User Fee By-law, as amended;
- (c) any other information required to be provided under this By-law or as may be requested by the Clerk.

(7) At the time of renewal, every person shall re-submit the above required documents to the satisfaction of the Clerk or Chief Building Official or Designate.

(8) Receipt of the application for a STR licence or the application for a renewal of STR licence shall not constitute approval of the application for, or renewal of a licence, nor shall it obligate the Clerk to issue or renew any such licence.

(9) The process of obtaining a licence from the Clerk or Designate includes the dwelling unit be inspected by the Municipality's Fire and Building Departments.

4.2 Powers of the Clerk

4.2.1 The Clerk or Designate will:

- (a) receive and process all applications for STR and applications for renewal of STR 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:
 - i. the conduct of an applicant affords reasonable grounds for belief that the applicant or authorized agent for the applicant has not carried on, or will not carry on the business in accordance with the law; or

ii. there are reasonable grounds for belief that the carrying on of the business may be averse to the public interest; or

iii. the applicant is indebted to the Municipality in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing, proof of the contrary to be provided by the applicant; or

(d) make or cause to be made all investigations deemed necessary relative to the applicable application so received; or

(e) maintain complete records showing all applications and licences issued; or

(f) may revoke or suspend a licence in accordance with this Bylaw; and/or

(g) perform all the administrative functions conferred upon them by this Bylaw.

(2) 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 Wawa Zoning By-law, Property Standards and Noise By-laws and compliance with all Provincial and Federal legislation. A confirmed violation of any of the aforesaid legislation and By-laws shall result in the revoking of a license.

5. TERM OF LICENCE

(1) A License that has been issued pursuant to this By-law shall expire upon the earliest of one of the following events:

a) December 31st of the year issued;

b) Upon the sale or transfer of the Premises. For clarity, a License cannot be assigned or transferred to another Person; or

c) The License has been revoked in accordance with the provisions of this By-law.

6. REVOCATION AND SUSPENSION

6.1 The Clerk or Designate may revoke or suspend a licence where the licensee would be disentitled to a licence or a renewal of a licence for the reasons set out in this Bylaw or the licensee has failed to comply with the regulations required by this Bylaw, any other Municipal By-laws or law of the Province.

6.2 Should the Clerk or designate believe that the continuation of the licence poses an immediate danger to the health or safety of any person, may, for a time considered appropriate and without a hearing, suspend a licence and, prior to suspending the licence, shall provide the licensee with the reasons for the suspension in writing or orally, with an opportunity for the applicant to respond within a reasonable time.

(3) The decision to revoke or suspend a license, except for under the conditions stated in 6 (2), is final.

7. ADMINISTRATION AND ENFORCEMENT

7.1 Enforcement Officer

(1) The Municipal Chief Building Official, By-law Enforcement Officer or designate shall be responsible for the enforcement of this Bylaw.

7.2 Inspections and Re-inspections

(1) The Municipal By-law Enforcement Officer or any person acting under those persons, or any person authorized by the Municipality may at reasonable times during business hours inspect as much of any place or premises carrying on any business in respect of which a person has or is required to have a Licence.

(2) When a re-inspection is required to confirm compliance with the provisions of this By-law or any other By-law, a fee in the amount set out in the Municipality's User Fee By-law shall be charged.

(3) No person shall obstruct or hinder, or attempt to obstruct or hinder, an officer, in the exercise of a power or the performance of a duty under this By-law.

(4) No person shall refuse to produce any documents or things required by an officer under this By-law, and every person shall assist any entry, inspection, examination, or inquiry by an officer.

(5) No person shall knowingly furnish false information to the Municipality or an officer with respect to this By-law.

7.3 Officers Right of Access

(1) An officer may enter upon and within, and inspect any land, property, building or structure at any time to determine if any section of this by-law is complied with, or to determine if any direction, notice or order issued pursuant to this Bylaw or the Municipal Act or any court has been complied with, or to perform any remedial work authorized by this By-law.

(2) Notwithstanding subsection 7.1 (1), an officer shall not enter or remain in any room or place actually used as a dwelling unit unless the provisions of Section 437 of the Municipal Act are complied with.

(3) An officer shall have inspection powers described in Sec. 436 of the Municipal Act.

7.4 Orders, Notice, and Non-Compliance

(1) Where person or licensee is in contravention of any provision of this By-law or another Municipal By-law, an officer, in addition to any other action, may send a notice, in the form of a letter or email, to the applicant or licensee, describing the contravention.

(2) Any notice or direction given under this By-law shall be deemed sufficient service if:

- (a) personally delivered to the person to whom it is directed;
- (b) provided by an electronic means of communication;
- (c) mailed by ordinary or registered mail, and delivery to the mailing address of the owner of the property (according to the last revised assessment roll), or
- (d) by being posted on the subject property.

(3) Where any person fails to comply with an order issued, in addition to any prosecutorial action or legal remedies, the Clerk shall suspend the licensee's licence.

7.5 Offences and Penalties

(1) Every person who contravenes any of the provisions of this Bylaw, and every director of a corporation who 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.

(2) Where a corporation is convicted of an offence under this Bylaw, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.

(3) For this section, a separate violation shall be deemed to have been committed for each and every day during which such violation continues, and conviction in respect of a violation shall not operate as a bar to further prosecution if such violation continues.

(4) The Court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

(5) Pursuant to Section 447 of the Municipal Act, where an owner is convicted of knowingly carrying on or engaging in a business in respect of any premises or any part of any premises without a licence required by this By-law, or a person is convicted of any other contravention of this By-law and the court determines that the applicant, licensee, or owner of the premises or part of the premises 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 premises or part of the premises be closed to any use for a period not exceeding two (2) years.

8. 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 City 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.

9. ENACTMENT

9.1 Interpretation

(1) In this By-law, unless the context otherwise requires, words importing the singular member shall include the plural.

(2) Reference in this By-law to any legislation or Municipal By-Law means as may be amended or replaced from time to time and include any regulations thereunder.

9.2 Severances

(1) If any section, subsection, sentence, clause, phrase or provision of this Bylaw is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the bylaw. The City hereby declares that it would have passed this Bylaw and each section, subsection, sentence, clause, phrase and provision herein, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions be declared invalid.

9.3 Title

(1) This By-law may be known as the "Wawa STR Licensing By-law".

9.4 Effective Date

(1) This By-law shall be effective on when duly passed. Any STR, as defined within this By-law and the Municipality's Zoning By-law shall obtain a fully issued and valid STR licence and be in compliance with all requirements within this By-law and other applicable Municipal By-laws.