

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 062-2022

BEING A BY-LAW TO LICENSE SHORT TERM RENTALS AND TO REGULATE ALL RELATED ACTIVITY

**WHEREAS** Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues

**AND WHEREAS** Section 11(2) of the *Municipal Act, 2001*, as amended, permits a lower-tier municipality to pass by-laws respecting matters, such as the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** Section 128 of the *Municipal Act, 2001*, as amended, permits a municipality to pass by-laws prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** Section 129 of the *Municipal Act, 2001*, as amended permits a municipality to pass by-laws prohibiting and regulating with respect to noise, vibration, odour, dust and outdoor illumination;

**AND WHEREAS** pursuant to the provisions of Part IV – *Licences* of the *Municipal Act, 2001*, a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** Subsection 151(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of *Licences* with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refuse, revoke or suspend a licence, impose conditions on a licence, and license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

**AND WHEREAS** Subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Section 425 of the *Municipal Act, 2001*, authorizes a municipality to create offences;

**AND WHEREAS** Section 426 of the *Municipal Act, 2001*, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under the Act;

**AND WHEREAS** Subsection 429(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for a by-law passed under the Act;

**AND WHEREAS** Subsection 436(1) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

**AND WHEREAS** Section 444 of the *Municipal Act, 2001*, provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention;

**AND WHEREAS** The Council of the Corporation of the Town of Milton considers it desirable and necessary to license, regulate and govern the short term rentals listed within this by-law.

**NOW THEREFORE** the Council of The Corporation of the Town of Milton hereby enacts as follows:

## **1 SHORT TITLE**

1.1 This By-law may be cited as the “Short Term Rental By-law”.

## **2 SCOPE AND INTERPRETATION**

2.1 Where the provisions of this By-law conflict with the provision of any other By-law in force in the *Town*, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

2.2 In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.

## **3 DEFINITIONS**

3.1 For the purposes of this By-law the following terms are defined and referenced in italics within:

“*Appeal Committee*” means the *Town’s* Administration & Planning Committee or delegate. In the case of a delegate; delegation shall be by Council and may be a *person*;

“*Applicant*” means any *person* applying for a *Licence* under this By-law;

“*Advertise*,” “*Advertisement*” or “*Advertising*” includes any description, notice, depiction (including photographs and videos) in a public medium in order to promote rental, sales, attendance or to increase attention or awareness. For clarity, public media, includes traditional media such as newspapers and television, web based media, social media and dedicated short-term rental platforms such as Airbnb, VRBO, Homeaway, and Flipkey;

“*Bedroom*” means a room in a dwelling furnished with a bed and intended primarily for sleeping;

“*Criminal Records Check*” means a *Criminal Records Check* performed by the Halton Regional Police Service, or the Police Service in the jurisdiction of the *Applicant’s* residence and dated within six (6) months of the date of application for the business *Licence*;

“*Community Standards By-Law*” means the *Town Community Standards By-Law* 042-2020 as amended and any successor by-law thereto;

“*Dwelling Unit*” means a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside;

“*Guest*” includes any natural *person* staying, residing or sleeping within a *short-term rental*;

“*Licence*” means an authorization under this By-law to carry on a business specified herein and the document, certificate, plate or card issued which provides evidence of such authority as the context may allow;

“*Licensee*” means any person Licensed under this By-law;

“*Licensing Officer*” means the person or persons appointed as such by Council;

“*Municipal Law Enforcement Officer*” means a *Municipal Law Enforcement Officer* as appointed by the Council of the *Town* of Milton;

“*Nuisance*” means excess or unlawful use of one’s *property* to the extent of unreasonable annoyance or inconvenience to a neighbour or to the public, including, but not limited to noise, noxious odours, and traffic;

“*Officer*” means a Provincial Offences *Officer* or *Municipal Law Enforcement Officer* of the *Town*, or any other person appointed by or under the authority of a *Town* By-law to enforce this By-law;

“*Operate*” means to rent out, provide, offer to rent out or to provide, or facilitate the offer for rent, whether directly or indirectly, of a *Short Term Rental*;

“*Order*” means an order issued under this By-law;

“*Owner*” means any person who is the registered or beneficial *Owner* of a *property* or who leases, rents, occupies, maintains, manages, receives rent from or otherwise controls a *property*;

“*Person*” includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

“*Principal Residence*” means a *dwelling unit* owned or rented by an individual *person*, either alone or jointly with others, where the individual person is ordinarily resident of the *dwelling unit*;

“*Property*” includes all land, buildings and structures within the legal boundary lines of a *property*, including without limitation, yards, parts of a building or structure, mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant *property*, real *property* and chattel;

“*Rental Code of Conduct*” means a document that sets out the roles and responsibilities of the renter, including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and which identifies applicable *Town* by-laws that the renter must comply with including the provisions of this by-law as they relate to, amongst other things, noise, *property* standards and parking management;

“*Rental Period*” means the span of consecutive days for which a *Short Term Rental* has been rented;

“*Short Term Rental*” means the rental of a dwelling unit or part thereof offering short term lodging for compensation for 28 days or less that does not provide meals or other commercial services;

“*Town*” means the Corporation of the *Town* of Milton;

“*User Fees By-Law*” means the applicable *Town* by-law setting the user fees in respect of the *short term rentals*;

“*Zoning By-law*” means the applicable in force zoning by-law of the *Town* as amended from time to time; and

#### **4 PROHIBITION: OPERATING WITHOUT A LICENCE**

4.1 No *person* shall *operate*, *advertise*, broker or permit the *operation*, *advertising*, or brokering of a *short term rental* in the *Town* without a valid *licence*.

4.2 For greater clarity, the following are not considered a *short term rental*:

- (a) a bed and breakfast, hotel or motel as defined in the applicable *Town Zoning By-law*; or
- (b) the rental of a rental units to a tenant that is subject to the *Residential Tenancies Act*, 206, S. O. 2006 C.17

## 5 APPLYING FOR A LICENCE

5.1 A person wishing to *operate* or permit the operation of a *short term rental* in the *Town* shall apply for a new *Licence* or renewal of *Licence* by providing the *Licensing Officer* with the following information and documents together with an application fee in accordance with the *Town's User Fees By-Law*:

- (a) a completed application in the form required by the *Licensing Officer*;
- (b) the full legal name, telephone number, and email address of the *Applicant* along with the address of the proposed *short term rental*;
- (c) government issued identification or other documentation satisfactory to the *Licensing Officer* and a signed declaration to demonstrate that the *short term rental* is the *Applicant's principal residence*;
- (d) a Criminal Record Check issued within the last sixty (60) days from the date that the application is made;
- (e) proof to the satisfaction of the *Licensing Officer* that the *short term rental* complies with applicable law;
- (f) proof to the satisfaction of the *Licensing Officer* that the *short term rental* is permitted under the applicable *Town Zoning By-law*, or a valid development permit in the case of lands subject to development control under the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2, including where required a certificate of occupancy;
- (g) proof to the satisfaction of the *Licensing Officer* that the number of existing parking spaces that are permitted under the applicable *Town Zoning By-law*, or a valid development permit in the case of lands subject to development control under the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2 is sufficient to accommodate the number of *persons* permitted to stay in the *short term rental*;
- (h) a compliance letter issued by Milton Fire within the last sixty (60) days from the date that the application is made;
- (i) an insurance certificate demonstrating commercial general liability business insurance for the operations of the *short term rental* against claims filed against the *Applicant* with respect to bodily injury, including personal injury and death, and *property* damage with a per occurrence limit of at least \$2,000,000. The *Town* must be included as an additional insured under this policy but only with respect to the operations of the *short term rental*;
- (j) an indemnity in favor of the *Town* from and against claims, demands, losses, costs, damages, actions, suits or proceedings that arise out of, or are attributable to the *short term rental*, which shall be in a form satisfactory to the *Licensing Officer*;

- (k) proof that all municipal taxes, water, hydro accounts, administrative penalties and court imposed fines for the *property* must be current and not in arrears and outstanding building permits issued must be closed and final before a *Licence* will be issued;
- (l) a plan showing the total number of parking spaces available on *Private property*, and the dimensions and setbacks of all spaces;
- (m) a floor plan identifying each room, the room type (*bedroom*, kitchen, living room etc.), the number of beds and all emergency exits;
- (n) a copy of the renter's Code of Conduct; and
- (o) an executed consent, allowing entry by *Officers* into the *dwelling unit* in which the *short term rental* is located at any reasonable time for the purpose of carrying out an inspections pursuant to this By-law;
- (p) any other information or documents required by the *Licensing Officer*, and
- (q) if the *Applicant* is the *owner* of a condominium unit, proof satisfactory to the *Licensing Officer* that *short term rentals* are permitted in the condominium; and
- (r) if the *Applicant* is a tenant, signed authorization from the landlord to permit the operation of a *short term rental*.

## **6 APPROVAL, REFUSAL, SUSPENSION AND REVOCATION**

6.1 The *Licensing Officer* shall receive, process and review all applications for all new *Licences* and renewals of *Licences* under this By-law, provided all the information required in an application under Section 5 has been provided, all application fees have been paid and there are no outstanding municipal taxes, water, hydro accounts, administrative penalties or court imposed fines owed for the *property* that is the subject of the application.

6.2 The *Licensing Officer* shall have the power and authority to:

- (a) issue a new *Licence*;
- (b) renew a *Licence*;
- (c) deny the issuance or renewal of a *Licence*;
- (d) revoke a *Licence*;
- (e) suspend a *Licence*; and
- (f) impose terms or conditions on a *Licence*, including a new *Licence* or a previously issued *Licence*.

6.3 Notwithstanding Section 6.2, no *Licence* shall be issued or renewed until the *short term rental* to be licensed has been inspected by the Fire Chief and meets all requirements of the Fire Code and the *Town* of Milton Fire Department.

6.4 Subject to Section 6.3 and 6.6, when an application for a new *Licence* or renewal of a *Licence* is made in accordance with this By-law and the *Applicant* meets all the requirements of this By-law, the *Licensing Officer* shall issue a *Licence*.

6.5 The *Licensing Officer* shall issue only one *Licence* per *person*, as *persons* are permitted only one *principal residence* pursuant to this By-law.

6.6 A *Licensing Officer* may refuse to issue, renew, revoke, or suspend a *Licence* where there are reasonable grounds to believe that:

- (a) the *short term rental* will not meet a requirement of this By-law;
- (b) the *short term rental* is not the *owner's principal residence*;
- (c) all or any part of the *short term rental* will involve the use of a yurt, tent, trailer, or temporary structure;
- (d) the *short term rental* is not permitted under the applicable *Town Zoning By-law*, or a valid development permit in the case of lands subject to development control under the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2;
- (e) the *Applicant* or *Licensee* is under 18 years of age or is a corporate entity, including but not limited to, a partnership or corporation;
- (f) the number of existing parking spaces that are permitted under the applicable *Town Zoning By-law*, or a valid development permit in the case of lands subject to development control under the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2 are not sufficient to accommodate the number of *persons* permitted to stay in the *short term rental*;
- (g) an application or other document provided to the *Licensing Officer*, by or on behalf of the *Applicant*, contains false or misleading information;
- (h) the *Applicant* or *Licensee* has failed to pay any outstanding municipal taxes, water, hydro accounts, administrative penalties or court imposed fines;
- (i) the past or present conduct of the *Applicant* or *Licensee*, affords reasonable grounds for the belief that the *Applicant* or *Licensee* will not carry on the activity for which they are to be licensed or to continue to be licensed in accordance with any applicable law or with integrity and honesty;
- (j) the *Criminal Record Check* disclosed a criminal conviction of a type set out in Schedule "A" to this By-law;
- (k) the financial position of the *Applicant* or *Licensee* affords reasonable grounds to believe that the *Applicant* or *Licensee* would not *operate* the *short term rental* in a financially responsible manner;
- (l) there are reasonable grounds to believe that the building, premises or place or part thereof in which the business is carried on or intended to be carried on is dangerous or unsafe or in contravention of the Ontario Building Code, the Fire Code or the *Town's property Standards Bylaw*;
- (m) the *Applicant* or *Licensee* fails to maintain insurance as required by this this By-law;

- (n) the *Applicant* or *Licensee* does not comply with any of the requirements of:
  - (i) this By-law or any other *Town* by-law or Region of Halton by-law;
  - (ii) any applicable federal or provincial laws or regulations;
  - (iii) any applicable condominium laws including declarations and by-laws; or
- (o) the *Licensing Officer* determines it is in the public interest to do so, for reasons of public health, safety, well-being of *persons*, the protection of *persons* and *property*, including consumer protection, *Nuisance*, or noise.

6.7 Where the *Licensing Officer* is satisfied that the continuation of a business poses an immediate danger to the health or safety of any *person* or to any *property*, the municipality may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a *Licence* subject to the following:

- (a) before suspending the *Licence*, the municipality shall provide the *Licensee* with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
- (b) the suspension shall not exceed 14 days.

6.8 Except with respect to a decision under subsections 6.7, after a decision is made by the *Licensing Officer* to refuse, revoke, or suspend a *License*, written notice of that decision shall be given to the *Applicant* or *Licensee* advising the *Applicant* or *Licensee* of the *Licensing Officer's* decision with respect to the application or *License*.

6.9 The written notice to be given under subsection 6.7 shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the *Licensing Officer*, and
- (d) state that the *Applicant* or *Licensee* is entitled to a hearing by the *Appeal Committee* if the *Applicant* or *Licensee* sends a request for a hearing to the *Licensing Officer* within fifteen (15) days after the notice is delivered, and by paying the required fee pursuant to the *Town's User Fee By-law*, as amended from time to time.

6.10 Where a *Licence* has been suspended, the suspension shall remain in force until such time as the *Licensee* has satisfied the *Licensing Officer* as to the *Licensee's* compliance with this By-law and *Licence* conditions, and that the public interest no longer requires the suspension of such *Licence*.

6.11 Any *Licence* that has been under suspension for a period in excess of 120 days is automatically revoked, without further notice of by the *Licensing Officer*.



6.12 Where a *Licence* or *Licence* renewal has been refused, revoked or suspended, the *Licensee* is not entitled to a refund of any fee paid under this By-law.

## **7 APPEAL TO THE APPEAL COMMITTEE**

7.1 The decision of the *Licensing Officer* may be appealed by the *Applicant* to the *Appeal Committee* by sending a request for an appeal hearing to the *Licensing Officer* within fifteen (15) days after the notice set out in subsection 6.8 is delivered, and by paying the required fee pursuant to the *Town's User Fee By-law*, as amended from time to time. The request for a hearing shall contain the following information:

- (a) the name of the appellant;
- (b) the decision being appealed from; and
- (c) the detailed grounds of the appeal.

7.2 Where the *Licensing Officer* receives notice from the *Applicant* or *Licensee* in accordance with subsection 7.1, the *Licensing Officer* shall refer the matter to the *Appeal Committee* and give the *Applicant* or *Licensee* notice of the date and time when the *Applicant* or *Licensee* will have the opportunity to be heard on the matter by the *Appeal Committee*.

7.3 Where the *Licensing Officer* does not receive a request for an appeal hearing in accordance with subsection 7.1, the decision of the *Licensing Officer* is final.

## **8 APPEAL COMMITTEE**

8.1 An appeal to the *Appeal Committee* under subsection 7.1 is limited to the grounds set out in the request for an appeal under subsection 7.1.

8.2 The appellant bears the onus of in an appeal.

8.3 The *Appeal Committee* shall have all the powers of a *Licensing Officer* under subsection 6.2 of this By-law.

8.4 At least seven days in advance of the date set for the hearing of the Appeal, the appellant and the *Licensing Officer* shall provide to the *Appeal Committee* and to each other:

- (a) a list and copies of any documents to be relied on; and
- (b) a list of any witnesses to be called.

8.5 Where a matter has been referred to the *Appeal Committee* at the *Applicant's* or *Licensee's* request, and the *Applicant* or *Licensee* does not attend the scheduled meeting, the appeal shall be deemed abandoned and the decision of the *Licensing Officer* shall be final.

8.6 At any meeting conducted by the *Appeal Committee* under this By-law, the *Appeal Committee* can hear not only from the *Applicant* or *Licensee*, but also from the *Licensing Officer*, other *Town* staff, or any public authority.

8.7 Upon the conclusion of a meeting conducted by the *Appeal Committee* under this By-law, the *Appeal Committee* shall as soon as reasonably practicable:

- (a) make a written report briefly summarizing the evidence and arguments presented by the parties;
- (b) set out the findings made by the *Appeal Committee*; and
- (c) set out the decision of the *Appeal Committee* as to whether to issue, refuse or suspend the *Licence* and any conditions thereto.

8.8 The decision of the *Appeal Committee* shall be final.

## **9 LICENCE TERM, RENEWAL AND TRANSFER**

9.1 Every *Licence* issued under this By-law shall expire within one (1) year of being issued, unless otherwise revoked or suspended prior to that date.

9.2 Each *Licensee* shall be required to renew the said *Licence* prior to the expiry of the original *Licence* issued under this By-law, and failing such renewal, the *Licensee* must discontinue the operation of his or her business upon the expiry of the *Licence*.

9.3 Every *Licence* is valid only in respect of the *person* who was issued the *Licence*. No *person* may assign, modify, sell, or transfer, any *Licence* issued under this By-law.

9.4 No *person* may operate a short term rental under a *Licence* issued to another *person*.

9.5 When a *Licensee* changes their address or any information relating to the *Licence*, they shall notify the *Licensing Officer* within five (5) days of the change and shall return the *Licence* immediately to the *Licensing Officer* for review.

9.6 A person wishing to renew a *Licence* shall comply with the application requirements in section 5.

## **10 LICENCE CONDITIONS**

10.1 Every *Licensee* shall provide *guests* with the following:

- (a) a copy of the current *Licence*;
- (b) an emergency contact name, telephone number and email;
- (c) a copy of the *Town's Noise By-law*;
- (d) a copy of the *Town's Community Standards By-law* as amended;
- (e) instructions for lawful parking on the *property*;

- (f) a copy of the approved floor plan identifying rooms and emergency exits;
- (g) a copy of the *Rental Code of Conduct*, and
- (h) post an evacuation plan by all entrances and exits.

10.2 No *Licensee* shall:

- (a) rent out a *short term rental* for more than 180 days in a calendar year;
- (b) book or reserve separate *guests* in a *short term rental* for the same days, whereby two (2) or more unrelated or unassociated *persons* are accommodated in the same *dwelling unit* at the same time;
- (c) permit *guests* to sleep in a tent, yurt, trailer, temporary structure or anywhere not shown in the floor plan submitted under section 5;
- (d) contravene or fail to comply with a term or condition of their *Licence* imposed under this By-law;
- (e) *operate* or *advertise* a *short term rental* while their *Licence* issued under this By-law is under suspension or has expired;
- (f) use of the land, building or structure does not conform with all applicable federal and provincial legislation, regulations and municipal by-laws; or
- (g) make a false or intentionally misleading recitals of fact, statement, or representation, orally or in any agreement, statutory declaration or application form required by this By-law, to the *Town, Licensing Officer* or public authority. The making of such a false or intentionally misleading recital of fact, statement, or representation constitutes an offence.

10.3 Every *Licensee* shall:

- (a) comply with the provisions of this By-law, and any other applicable law, and ensure such compliance for every *person* occupying a *short term rental*;
- (b) allow entry by *Town Officers* at any reasonable time into the *dwelling unit* in which the *short term rental* is located;
- (c) not cause, tolerate or permit a *nuisance* to arise in connection with the place or premises for which the *Licence* was issued;
- (d) not cause, tolerate or permit shouting, noise or disturbance on or in connection with the place or premises for which a *Licence* was issued, that is contrary to any by-law prohibiting the same, and if such shouting, noise or other disturbance occurs, the *Licensee* shall at once take immediate steps to cause it to be abated; and
- (e) not cause, tolerate or permit any obstruction on any highway, sidewalk, lane or public place in front of or adjoining the place or premises for which a *Licence* was issued.

10.4 Every *Licensee* shall:

- (a) take down or remove an *advertisement* for a *short term rental* that is not in compliance with this By-law within 24 hours of being requested to do so by the *Licensing Officer*;
- (b) be responsible for ensuring that *guests* park their vehicles in the areas designated on the approved plan submitted under section 5 of this By-law; and
- (c) be responsible to ensure that their *guests* comply with all applicable *Town* by-laws.

10.5 The *Licensee* shall ensure that the maximum number of occupants within a *short term rental* shall not exceed a total number based upon two (2) *persons* per *bedroom* plus an additional two (2) *persons*.

10.6 No signs regarding the *short term rental* shall be displayed on the exterior of the *short term rental* or where visible to the public.

10.7 No *short term rental* shall be used for the hosting of any parties, weddings, receptions, events, gatherings or any other similar activity.

10.8 No amplified or electronic sound may be used outside the *dwelling unit* of a *short term rental*.

## **11 RECORDS RETENTION**

11.1 Every *Licensee* shall maintain a record of each concluded transaction related to their *short term rental* for at least three (3) years following the date of the transaction. A transaction is concluded on the last day of the *Rental Period*. The records retained shall include the following:

- (a) the full legal name of every *person* who rented the *short term rental*, and the number of days each *person* stayed;
- (b) the number of nights the *short term rental* was rented in a calendar year;
- (c) the nightly and total price charged for each rental;
- (d) whether the rental was an entire-unit rental or partial-unit rental; and
- (e) any other information required by the *Licensing Officer*.

11.2 Every *Licensee* shall provide the information referred to in subsection 11.1 of this By-law to the *Officer* within thirty (30) days of being requested to do so by the *Officer*.

## **12 ADDITIONAL CONDITIONS ON A LICENCE AND ADDITIONAL FEES**

12.1 Notwithstanding any other provisions of this By-law, the *Licensing Officer* may impose additional terms and conditions on any *Licence* at the time of issuance, renewal or at any other time during the *Licence* period, including but not limited to:

- (a) where necessary to give effect to this By-law;

- (b) where the *Licensee* has failed to comply with any provision of this By-law;
- (c) where it is in the public interest to impose such conditions, including, but not limited to, for reasons of public health, safety, well-being of *persons*, the protection of *persons* and *property*, including consumer protection, *nuisance*, or noise; and
- (d) where the conduct of any *person*, including the *Officers*, directors, employees or agents of a corporation, affords reasonable cause to believe that the *person* will not carry on or engage in the business in accordance with the law or with honesty and integrity.

12.2 The *Licensing Officer* may issue a conditional *Licence* or place conditions on a *Licence*, if in the event of a criminal conviction of a type set out in Schedule “A” to this By-law, the *Applicant* or *Licensee* produces documentation to the satisfaction of the *Licensing Officer* proving that an application to the Parole Board of Canada for a record suspension in accordance with the *Criminal Records Act* has been made.

### **13 LICENCE PRODUCTION**

13.1 Every *person* licensed under this By-law shall, when requested by a *Licensing Officer*, *Municipal Law Enforcement Officer*, or any *person* acting under their lawful authority, immediately produce their *Licence*, and other relevant documents required under this By-law.

### **14 INSPECTIONS AND ORDERS**

14.1 An *Officer* may at any reasonable time, enter upon and inspect the land of any *person* to ensure that the provisions of this By-law are complied with, which may in accordance with section 436(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ,

14.2 For the purposes of conducting an inspection pursuant to this By-law, an *Officer* may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any *person* concerning a matter related to the inspection; and
- (d) alone, or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

14.3 Any cost incurred by the *Town* in exercising its authority to inspect, including but not limited to the cost of any examination, test, sample or photograph

necessary for the purposes of the inspection, shall be paid by the *owner* of the *property* where the inspection takes place.

14.4 No *person* shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct, an *Officer* who is lawfully exercising a power or performing a duty under this By-law.

14.5 Where an *Officer* has reason to believe that any provision of this By-law or any condition of a License has been contravened, the *Officer* may issue an *Order* requiring *Owner*, *Licensee* or such any other *person* who contravened this By-law or who caused or permitted the contravention to discontinue the contravention or to do work or take action to correct the contravention.

14.6 A *Licensing Officer* may suspend a *License* until such time as an *Order* under subsection 14.4 is complied with.

14.7 An *Order* under subsection 14.5 shall include:

- (a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- (b) the date by which there must be compliance with the *Order* and the work to be done or the conduct to be discontinued by that date.

14.8 Every *person* shall comply with an *Order* made pursuant to subsection 14.5.

14.9 No *person* who has notice of an *Order* shall assist in any way in the violation of the terms of an *Order*, regardless of whether said *person* is named in the *Order*.

14.10 Where the *person* or *persons* to whom an *Order* is issued fails to perform the work or action required by the *Order* within the time stipulated in the *Order*, the *Town* may without further notice perform such work or action as it deems appropriate.

14.11 Where the *Town* undertakes work or any action or work pursuant to section 14.9, the *person* or *persons* shall be jointly and severally responsible for all costs of the *Town* incurred in the exercise of the powers thereunder, including administrative costs and interest. Such costs, as determined by the *Town*, shall constitute a charge under the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, and may be added to the tax roll of *property* held by the *Licensee*, *owner* or other *person* in the manner provided for therein.

14.12 An *Order* or any notice or other document under this By-law may be served by any of the following means:

- (a) Delivered personally;
- (b) Posted on the *property* that is subject to the *Order*;

- (c) Emailed to the last known email address of the *person* to whom the *Order* is directed;
- (d) Deposited in the mailbox or mail slot of the *person* to whom the *Order* is directed;
- (e) Sent by prepaid regular mail to the last known address of the *person* to whom the *Order* is directed; or
- (f) Sent by registered mail to the last known address of the *person* to whom the *Order* is directed.

14.13 Where service is effected by:

- (a) regular mail, it shall be deemed to be made on the fifth (5th) day after the date of mailing;
- (b) registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
- (c) any other means, it shall be deemed effective on the day the document served was delivered, posted, emailed or deposited; or
- (d) service by multiple means, it shall be deemed effective on earliest applicable date set out in this section.

14.14 Where an *Order* is posted, no *person* may remove the *Order* without the written authorization of the *Town*.

## 15 SEVERABILITY

15.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

## 16 PENALTY

16.1 Each *person* who contravenes any provision of this By-law, an *Order* or a condition of a License is guilty of an offence and is liable to a fine, and such other penalties, as provided 15 for in *the Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the *Municipal Act*, 2001, S.O. 2001, c. 25.

16.2 Where a contravention is committed on or continues for more than one day, the *person* who commits the contravention is liable to be convicted for a separate offence for each day on which it is committed or continued. For clarity, in the case of an *Order*, a contravention continues for every day or part of a day past the date set out in the *Order* by which the work must be complete, action taken or discontinued, as the case may be.

16.3 In addition to section 16.2, any *person* who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences*





**SCHEDULE “A”  
CRIMINAL OFFENCES**

**Criminal Code Offences Description**

Explosives	Using explosives; possession.
Terrorism	Providing or collecting <i>property</i> for certain activities; providing or making available <i>property</i> or services for terrorist purposes; using or possessing <i>property</i> for terrorist purposes; participation in activity of terrorist group; facilitating terrorist activity; instructing to carry out activity for terrorist group; instructing to carry out terrorist activity.
Firearms and weapons	Using firearms (including imitation) in commission of offence; careless use of firearm; pointing a firearm; possession of weapon for dangerous purposes; carrying weapon while attending public meeting; carrying concealed weapon; unauthorized possession of firearm; possession of firearm knowing its possession is unauthorized; possession at unauthorized place; unauthorized possession in motor vehicle; possession of prohibited or restricted firearm with ammunition; possession of weapon obtained by commission of offence; breaking and entering to steal firearm; robbery to steal firearm; weapons trafficking; possession for purpose of weapons trafficking; transfer without authority; making automatic firearm; discharging firearm with intent; causing bodily harm with intent — air gun or pistol.
Sexual offences against Minors	Sexual interference; invitation to sexual touching; sexual exploitation; sexual exploitation of person with disability; incest; making child pornography; parent or guardian procuring sexual activity; householder permitting sexual activity; corrupting children; luring a child; prostitution of person under eighteen.
Sexual offences against persons other than minors	Sexual exploitation of person with disability; incest; indecent acts; sexual assault.
Criminal Negligence	Causing death by criminal negligence; causing bodily harm by criminal negligence.

Murder	Murder; manslaughter; infanticide; attempt to commit murder; accessory to murder.
Operation of vehicles, vessels, or aircraft	Dangerous operation of motor vehicles, vessels and aircraft; flight; causing death by criminal negligence (street racing); causing bodily harm by criminal negligence (street racing); dangerous operation of motor vehicle while street racing; failure to stop at scene of accident; operation while impaired; operation while disqualified.
Harassment and threats	Criminal harassment; uttering threats; intimidation.
Assault Confinement	Assault; assaulting a peace officer. Kidnapping; Trafficking in persons; Hostage taking; Abduction of person under sixteen; Abduction of person under fourteen; Abduction in contravention of custody order; Abduction.
Theft over, forgery and fraud	Theft over; destroying documents of title; fraudulent concealment; theft and forgery of credit card; theft from mail; forgery; uttering forged document; drawing document without authority; fraud; using mails to defraud; arson for fraudulent purpose.
Robbery and extortion	Robbery; extortion.