

**THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS
BY-LAW NO. 2022-36**

**BEING A BY-LAW TO LICENSE AND REGULATE THE USE OF SHORT TERM
RENTALS IN THE MUNICIPALITY OF EAST FERRIS**

WHEREAS the Council of the Municipality of East Ferris may, pursuant to the Municipal Act, 2001, S.O. 2001, c.25. as amended, ("The Municipal Act"), enact by-laws for the licensing, regulating and governing of businesses and occupations in the Municipality of East Ferris;

AND WHEREAS pursuant to Section 10 of the Municipal Act, a municipality has the authority to implement business licensing 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 license;

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 Municipality of East Ferris deems it desirable that such licensing and regulation takes place with regard to Short Term Rental Accommodations as defined in this By-law;

AND WHEREAS, Council has enacted Zoning By-law 2021-60 under the provisions of the Planning Act, R.S.O. 1990, c. PI3, as amended, with respect to Short Term Rental Accommodations within the municipality and having done so desires to provide for a system of licensing to implement said policies and provisions;

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

NOW THEREFORE the Council of the Corporation of the Municipality of East Ferris enacts as follows:

1.0 Definitions

For the purpose of this by-law:

Accessory Building or Structure shall mean a building or structure, which is normally incidental or subordinate and located on the same lot as the primary use.

Fee shall mean a Fee as set forth in this by-law and is non-refundable.

License shall mean the License issued under this by-law.

Licensee shall mean a person who holds a License or is required to hold a License under this by-law.

Mobile Home shall mean a dwelling unit designed to be made mobile and constructed to provide a permanent use for one or more persons. A mobile home, by definition, does not include recreational vehicles such as a travel trailer, tent trailer, or trailer otherwise designed.

Municipality shall mean the Municipality of East Ferris.

Officer shall mean any person appointed by the Municipality of East Ferris to carry out by-law enforcement work or any other person legally permitted to enforce by-laws such as a police officer.

Second Unit shall mean a separate and permanent self-contained unit located in the same building or on the same lot as the principal dwelling. This shall also include Coach Houses, as defined by the Zoning By-law.

Short Term Rental shall mean the use of a single detached dwelling or part of a single detached dwelling that operates or offers a place of temporary residence, lodging, or occupancy by way of concession, permit, lease, license, rental agreement, or similar arrangement for overnight stay for a period of not more than 28 days in exchange for payment or service. Bed and breakfast establishments, camps, campgrounds, group homes, hotels, mobile home parks, retirement homes, and tourist trailer parks, all as defined in the Municipality of East Ferris Zoning By-Law, shall not be considered Short Term Rentals.

Single Detached Dwelling shall mean a building comprised of one dwelling unit.

Tourist or Travel Trailer or Recreational Vehicle shall mean a tent trailer, truck camper, Recreational Vehicle (RVs) or house trailer that is used or intended to be used for a short term and is located or parked for a temporary or seasonal period.

Zoning By-law shall mean Municipality of East Ferris Zoning By-law 2021-60, the Comprehensive Zoning By-law for the Municipality of East Ferris, or its successor.

2.0 Administration

2.1 This by-law shall be administered by the Municipality.

2.2 Officers shall be responsible for the enforcement of this by-law.

2.3 Upon receipt of an application for License, the Municipality shall review the application in the context of this by-law and either issue a License or provide a written explanation of why the application fails to meet the criteria for a License. This shall be completed within 15 business days. The Director of Community Services for the Municipality is provided the authority by the Municipality to issue a license under this by-law.

2.4 The Municipality shall keep a public record of issued Licenses on the Municipality's website, including the property address, contact information of a representative for the Short Term Rental, and the parameters under which the Short Term Rental has been Licensed, including operating times.

2.5 The Licensee is responsible for all fees and fines related to the operation of a Short Term Rental under this by-law.

2.6 Licenses must be renewed annually by the Licensee.

2.7 A License issued under this by-law is not transferrable and shall not be used by any person other than the person who was issued the License. A new owner or operator of a property is required to obtain their own License.

2.8 No License shall be issued without receipt of the licensing fee as shown on Schedule A to this by-law.

2.9 Fines shall be issued by Officers for contraventions of this by-law in accordance with Schedule B of this by-law.

2.10 A fine shall be considered a strike against the Licensee for the purpose of this by-law. Receiving 2 strikes within the term of the License shall result in the License being revoked for the remainder of the calendar year and shall prevent a License being issued for the property for the following calendar year, regardless of a change in applicants. No refund of license fees.

2.11 Only one License may be active for any property at any given time.

3.0 Prohibitions

- 3.1 No person shall use or operate any Short-Term Rental unless they hold a current license issued pursuant to this By-law.
- 3.2 No person shall advertise a Short-Term Rental for rent during a month that is not permitted by their License. Advertisements may be active in non-rental months, provided they are only advertising the ability to rent during the months permitted by the License.
- 3.3 No person shall rent out a Short Term Rental outside of the period specified under the provisions of section 4.4 of this by-law.
- 3.4 No person shall permit more than 2 persons per bedroom to occupy the Short Term Rental. A pull-out couch, or similar sleeping arrangement, can provide for a maximum of 2 additional guests beyond what the number of bedrooms would allow. Only 2 additional guests per Short Term Rental are permitted regardless of the number of pull-out couches or other sleeping arrangements present on site. This must be outlined in the application for License.
- 3.5 No licensee shall rent any Short-Term Rental with accommodations other than related to the bedrooms outlined in the application as per section 3.4 of this by-law.
- 3.6 The provisions of this by-law shall not apply when the property is being used for personal use by the owner.
- 3.7 No person shall contravene any municipal by-law while occupying a Short Term Rental.
- 3.8 No person shall advertise a Short Term Rental on a website or in any place that is not listed on their application.
- 3.9 No person shall operate a Short Term Rental with a License that has been revoked by the Municipality.

4.0 License and Term

- 4.1 The License shall be valid for up to a maximum of 1 calendar year but shall expire on December 31st of any given year, regardless of how long the license has been active.
- 4.2 The License shall expire upon the sale of a property that is being used as a Short Term Rental.
- 4.3 A License shall not be transferred or assigned to any other party and is only valid for the person who was issued the License.
- 4.4 Within the calendar year that the License is issued for, a Short Term Rental shall only operate for up to 3 or 5 calendar months within that year, depending on which type of License is granted.
 - 4.4.1 The chosen 3 or 5 months must be selected at the time of the application for License and shall not be altered, with the exception of applying for a new License.
 - 4.4.2 A Short Term Rental shall not be used for more than 3 or 5 months within a calendar year regardless of changes in ownership of a property or any other factors.
 - 4.4.3 The chosen 3 or 5 months must be full calendar months and cannot be custom date ranges. However, these months do not need to be consecutive months (e.g., May, July, and September may be the chosen 3 months)

- 4.4.4 The operating months shall be posted on the public registry on the municipality's website.
- 4.4.5 A License shall only be granted for a 3 or 5 month period and will not be issued on a monthly basis.
- 4.5 No License shall be issued for any property that has outstanding fines, penalties, judgements, or any other amounts owing against the property under this or any other by-law.
- 4.6 No License shall be issued for any property that has outstanding taxes owing to the municipality.
- 4.7 Every person who operates a Short Term Rental shall display the License on the backside of the main door to the Short Term Rental.
- 4.8 A License shall not be granted to a corporation and an application shall not be made by a corporation.
- 4.9 The Municipality may revoke a license if it was issued in error or granted based on incorrect or false information.

5.0 General Provisions

- 5.1 No person shall permit a Tourist or Travel Trailer or Recreational Vehicle to be located on a property used as a Short Term Rental.
- 5.2 No person shall use a Second Unit for a Short Term Rental.
- 5.3 No person shall use an accessory building or structure as a Short Term Rental.
- 5.4 Short Term Rentals are only permitted within single detached dwellings, which does not include a Mobile Home
- 5.5 All operators of Short Term Rentals shall keep garbage in appropriately sealed containers as per the East Ferris Municipal Waste Management By-law and must be put out no earlier than 6:00pm on the evening before the day of pick up and no later than 7:00am on the day of pick up. Any garbage not picked up must be removed by the Licensee at 8:00pm on the day of pick up. This provision is subject to change based on amendments to the Municipal Waste Management By-law.
- 5.6 Parking shall be provided at a rate of 1 space per bedroom, with one additional space being required if additional guests are permitted as per section 3.4 of this by-law. Parking spaces must meet the size requirements of the zoning by-law. All parking must be provided on the property.
- 5.7 Any additional garbage disposal that is required beyond what is picked up by the municipality is the responsibility of the Licensee. The Licensee shall arrange for disposal at the landfill on the first available date the landfill is open.
- 5.8 Tents are permitted on the site of a Short Term Rental; however, no person shall use tents to increase the maximum permitted number of occupants of the Short Term Rental as defined by Section 3.4 of this by-law.
- 5.9 No person shall permit an event at the location of a Short Term Rental which exceeds the capacity limits. Events are permitted at the location of a Short Term Rental with a maximum capacity of twice the number of permitted occupants stipulated in Section 3.4. The maximum occupancy for overnight accommodation does not change as a result of this provision. For greater clarity, if 10 persons are permitted based on occupancy then the maximum guests at an event would be 20 persons inclusive of the initial 10 permitted.

6.0 Inspection

- 6.1 Prior to the issuance of a License, an inspection of the property shall take place

by the Municipality. This inspection shall be done by any staff deemed necessary to confirm compliance with the following:

- 6.1.1 Ontario Building Code Act, 1992, S.O. 1992 c.23
 - 6.1.2 Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4
 - 6.1.3 East Ferris Property Standards By-law
 - 6.1.4 East Ferris Zoning By-law
 - 6.1.5 Any other relevant by-law or municipal policy related to the operation of a Short Term Rental
- 6.2 The renewal of a License may not require a physical site visit if the parameters of the License remain consistent from year to year. This will be at the discretion of the Municipality.
- 6.3 Confirmation that the septic system for the property is adequately sized and is in working order shall be required as part of the inspection process. This shall require a copy of the septic permit as proof that the system is designed to accommodate the intended number of guests for the Short Term Rental.
- 6.4 If the septic system is deemed to be inadequate for the intended capacity of the Short Term Rental based on the septic permit submitted, or if it is in a state of disrepair, no License shall be issued for a Short Term Rental on the property. A License may be issued once an updated septic permit is submitted that properly reflects the intended capacity and/or it is adequately functioning.
- 6.5 An Officer may at any reasonable time inspect a property where a License has been issued under this By-law to determine ongoing compliance with this By-law.

7.0 Application Requirements

- 7.1 A completed application form, as provided by the municipality, is required prior to the issuance of a License under this By-law. The application requirements include, but are not limited to:
- 7.1.1 Proof of ownership of the property
 - 7.1.2 Contact information for a person who can be a public contact on behalf of the Short Term Rental and who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any municipal by-law including attendance on site of the Short Term Rental dwelling within one (1) hour of being notified of the occurrence. This contact information shall be posted publicly on the municipality's website. The contact information shall come in the form of both an email and phone number along with the contact person's name.
 - 7.1.3 Proof of commercial insurance with a minimum of \$2 million liability coverage covering the chosen 3 months that the rental is active.
 - 7.1.4 A site plan showing the locations of all buildings and structures on site including the parking layout.
 - 7.1.5 A floor plan of the Short Term Rental showing all bedrooms and sleeping accommodations and indicating the maximum capacity based on the provisions of this by-law.
 - 7.1.6 A listing of all websites or any other places that the Short Term Rental will be listed for rent.
 - 7.1.7 Proof that the septic system is an adequate size based on the intended number of guests. This shall be in the form of a copy of the septic permit.
 - 7.1.8 A plan of how the Licensee plans to make renters aware of local by-laws and their obligations under this by-law.
 - 7.1.9 A waste collection plan. The Licensee must detail how they will ensure that garbage is collected and placed for pick up in accordance with

section 5.5 of this by-law.

7.1.10 Renters shall be provided with a copy of the Municipality's Noise By-Law, Open Air Burning By-Law, and Waste Management By-Law.

8.0 Fines

8.1 Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended.

8.2 Every person who contravenes any provision of this by-law 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.

8.3 In addition to any other penalty prescribed by this by-law, any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and is set out on Schedule "B" forming an integral part of this by-law.

8.4 Each day a contravention occurs constitutes a new offence.

9.0 Collection of Unpaid Fines

9.1 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 Municipality 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.

10.0 Severability

10.1 If any provision of this By-law is for any reason held to be invalid by a decision of a court, all remaining provisions shall be valid and shall remain in full force and effect.

11.0 Transitional Clause

11.1 Notwithstanding the illegal status of existing Short Term Rentals and recognizing that Short Term Rentals have never been permitted under Zoning By-law 1284 or its successor Zoning By-law 2021-60, except in specific accordance with this by-law, the municipality is enacting a transitional clause as follows:

11.1.1 There shall be a three week period from the date of the passing of this by-law in which applications will be accepted to determine the eligibility of existing properties for a Short Term Rental License.

11.1.2 After the expiration of the three week period following the passing of this by-law, any properties not issued a License under this by-law may be subject to ongoing fines as per Schedule B of this by-law.

11.1.3 This section of the by-law shall not imply any change in the legal status of existing Short Term Rentals during the transitional period.

12.0 Schedules

12.1 Schedules "A" and "B" as attached form part of this by-law.

13.0 Appeal

13.1 A Licensee may request a review by the Municipality's Chief Administrative Officer (CAO) of a decision to revoke or fail to renew a license by requesting a review in writing within fourteen (14) days of having received the notice of refusal, suspension, or revocation. The review will be completed by the CAO within ten (10) business days and his/her decision shall be final.

14.0 Date of Effect

14.1 This by-law shall come into effect on the date that it receives 3rd reading by the Council for the Corporation of the Municipality of East Ferris

15.0 Repeal and Replace

15.1 That By-law 2022-23 be repealed in its entirety and replaced with this by-law.

READ A FIRST AND SECOND time this 28th day of June, 2022.

READ A THIRD TIME, AND FINALLY passed this 28th day of June, 2022.

Mayor
Pauline Rochefort

Clerk
Monica L. Hawkins

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

SCHEDULE "A" TO BY-LAW 2022-36

Licensing Fees

Item	Fee
Short Term Rental License (3 month)	\$750.00
Short Term Rental License (5 month)	\$1000.00

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BY-LAW NO. 2022-36**

BEING A BY-LAW TO LICENSE AND REGULATE THE USE OF SHORT TERM RENTALS IN THE MUNICIPALITY OF EAST FERRIS

SCHEDULE "B" TO BY-LAW 2022-36

Part 1 / Provincial Offences Act – Set Fines

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fines
1	Operate a Short Term Rental without a License	3.1	\$500.00
2	Operate a Short Term Rental outside of the specified calendar months	3.3	\$1000.00
3	Exceed the maximum occupancy as per the License requirements	3.4	\$500.00
4	Operate a Short Term Rental with revoked License	3.9	\$500.00
5	Failure to display a License	4.7	\$100.00
6	Permit Tourist or Travel Trailers or Recreational Vehicles to be located on the property	5.1	\$500.00
7	Operation of a Short Term Rental in a Second Unit	5.2	\$500.00
8	Operation of a Short Term Rental in an Accessory Building or Structure	5.3	\$500.00
9	Garbage put out before the specified time	5.5	\$300.00
10	Use Outdoor tents or other sleeping accommodations on site	5.8	\$300.00
11	Event at the location of a Short Term Rental in excess of permitted occupancy	5.9	\$1000.00

Note: Penalty provision for the offences indicated above is Section 8.0 of By-Law 2022-36, as amended, a certified copy of which has been filed.

Mayor
Pauline Rochefort

Clerk
Monica L. Hawkins

OFFICE OF THE REGIONAL SENIOR
JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
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SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2022-36 of the Municipality of East Ferris, Nipissing District, attached hereto is the set fine for that offence. This Order is to take effect July 19th, 2022.

Dated at the City of Greater Sudbury, this 19th day of July, 2022.

A handwritten signature in cursive script that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS
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K. R. White