

**THE CORPORATION OF THE CITY OF BELLEVILLE**  
**BY-LAW NUMBER 2022-42**

**A BY-LAW TO LICENSE, REGULATE AND GOVERN THE OPERATION OF SHORT TERM ACCOMMODATION DWELLING RENTALS IN THE CITY OF BELLEVILLE**

**WHEREAS** Section 8 (1) of the *Municipal Act* 2001, S.O. c. 25 (*"Municipal Act"*) provides the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

**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 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 for 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 City of Belleville considers it advisable that such licensing, regulation and governing takes place with regard to Short Term Accommodation Rentals as defined in this By-law;

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

**NOW THEREFORE** the Council of The Corporation of the City of Belleville enacts as follows:

## **PART 1 - DEFINITIONS**

**"Ancillary"** means a use, building or structure that is located on the same lot that may or may not be detached from the main building and is essential to a principal or main use, building or structure therewith.

**"Bed and Breakfast Establishment"** means a Short-Term Accommodation that is located in a single detached dwelling in which the Owner and Operator occupies the dwelling, which provides no more than four (4) guest rooms for the temporary accommodation of the travelling public, and which offers daily breakfast meals to accommodated guests and operates as one household unit.

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

**"Business, Short Term Accommodation"** shall mean the business of making or attempting to earn revenue by engaging in or by advertising the availability of a Short Term Accommodation dwelling for a fee charged or other good and valuable consideration

**"By-Law Enforcement Officer" or "Officer"** means a municipal law enforcement officer of the Corporation of the City of Belleville, including the Chief Fire Official or designate, who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.

**"Council"** means the Municipal Council of the Corporation of the City of Belleville.

**"City"** means the Corporation of the City of Belleville.

**"City Clerk"** means the person or his/her designate as appointed by the Council of the City.

**"Dwelling Unit"** means one or more habitable rooms, occupied or capable of being occupied as a single housekeeping unit only, in which sleeping, sanitary conveniences, and kitchen facilities are provided, in which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside. For the purposes of this By-law, a dwelling unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel, motel, or motor home.

**"Dwelling, Principal Residence"** means a dwelling that is owned or rented alone or jointly with another person, where the person(s) is ordinarily a resident and has designated the dwelling as their principal place of residency on their income tax filing and in other government records. This may include a long-term tenant residing for a minimum of 6 consecutive months.

**"Fee"** means as set out in the City of Belleville Annual Rates and Fees Schedule, which is not prorated and non-refundable.

**"Guest Room"** means a room or suite of rooms used or maintained for the accommodation of individuals to whom hospitality is extended for compensation.

**"License"** means the certificate or other similar document issued pursuant to this by-law as proof of licensing under this by-law.

**"Licensed"** means to have in one's possession a valid and current License issued under this by-law and unlicensed has the contrary meaning;

**"Licensee"** means a person issued a License under this by-law to operate a Short Term Accommodation rental.

**"License Issuer"** means any person or persons provided the authority by the City to issue a license under this by-law.

**"Owner"** means any person(s) or corporation who is a registered owner, has a legal or equitable interest, has a legal right to obtain possession, and who has control or management of any Property, land, building or structure. In the case of a Corporation, the Corporation's authorized signing officer is considered the Owner for the purposes of this By-law.

**"Parking Area"** means an area provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.

**"Property"** means any lot, block or other area in which land is held or into which it is subdivided, including the buildings and structures thereon.

**"Renter"** means the person, who has obtained entitlement to exclusive use of the Short Term Accommodation dwelling rental from the Licensee,

**"Responsible Person"** means the owner or an agent assigned by the owner or Licensee of the Short Term Accommodation dwelling to ensure the Short Term Accommodation dwelling is operated in accordance with the provisions of this By-law, the license and applicable laws.

**"Second Unit"** means a dwelling unit within a single-detached house, semidetached house, or townhouse; or within a detached structure accessory to a primary dwelling.

**"Short Term Accommodation Dwelling" or "STA"** shall mean a dwelling or dwelling unit, or any portion of it, that is rented for a period of less than 30 days and includes a Bed & Breakfast Establishment, but does not include a Motel, Hotel, Hospital, Tourist Inn or accommodations where there is no payment exchanged."

## **PART 2 - GENERAL PROVISIONS**

1. No person shall use or operate any Short Term Accommodation dwelling unless he or she holds a current License issued pursuant to this By-law.
2. No person shall advertise a Short Term Accommodation without a License.
3. Where a lot contains a second dwelling unit, the following shall apply:
  - 3.1 Principal Residence shall be located on the same lot as the Short Term Accommodation dwelling; and,
  - 3.2 A maximum of 4 Short Term Accommodation dwelling guest rooms are permitted on the same lot.
4. Short Term Accommodation dwellings shall comply with all applicable Municipal By-laws and provincial legislation.
5. The following shall be made available to guests:
  - 5.1 A copy of the current License displayed interior to the Short Term Accommodation dwelling and available for inspection by City staff;
  - 5.2 A copy of the current City Noise By-law 2011-180 as amended;
  - 5.3 A copy of the current parking provisions for Short Term Accommodation dwellings;
  - 5.4 A copy of the approved floor plans identifying the rooms and showing exits and fire escape routes.
6. A Licensee shall provide to the City the name and contact information of the Owner or Owner's Agent (responsible person) who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any City By-law, including attendance on site of the Short Term Accommodation dwelling within sixty (60) minutes of being notified of the occurrence.
7. A Short Term Accommodation dwelling home may display signage in keeping with the City Sign By-law 2006-55
8. The Licensee shall be responsible for maintaining the amenity and parking areas and ensuring that guests use only the areas designated within the approved License.
9. The License does not permit a Short Term Accommodation dwelling to be used for the hosting of events such as weddings or receptions or any other similar group activity.
10. There shall be a minimum separation distance of 100 metres between Short Term Accommodation dwellings. Such distance shall be measured from the closest points between the dwellings (i.e. shortest distance between the lot lines of the two dwellings).
  - 10.1 The minimum separation distance as noted in section 10 above shall not apply to that area as described in City By-law Number 9275 and the defined area of the Belleville Downtown Improvement Area (BDIA).

11. The number of active Short Term Accommodation Licenses shall not exceed 150 at any given time. For the purposes of this section, a License shall still be considered active if it is suspended and shall not be considered active if it has been revoked.
12. Building and Fire Code requirements:
  - 12.1 All Short Term Accommodation dwellings shall have the civic address printed on a permanent sign and posted in a conspicuous location near the front entrance
  - 12.2 In Short Term Accommodation dwellings where there is more than one room individually rented, a copy of emergency procedures, location of exits and the fire safety rules shall be posted on the inside of the egress doors of each guest suite.
  - 12.3 The Licensee shall obtain a burn permit if campfires are to be allowed on the Property, in accordance with requirements of the Municipality's Open Air Burning Bylaw 2021-12.
  - 12.4 All Short Term Accommodation dwellings shall ensure that a portable extinguisher is installed on each floor area. The portable extinguisher must be rated 2A:10BC or higher.
  - 12.5 All Short Term Accommodation dwellings shall ensure that smoke alarms are installed in conformance with the Ontario Fire Code and maintained in operating condition. Smoke alarms installed, must be hardwired with a locked electrical breaker, or a ten year sealed battery (Battery operated devices are not permitted).
  - 12.6 All Short Term Accommodation dwellings shall ensure that Carbon monoxide alarms are installed in conformance with the Ontario Fire Code and maintained in operating condition.
  - 12.7 Whole home STA's with sleeping accommodations for more than 10 persons shall be installed with:
    - 1.1 Interconnected smoke alarms must be installed in conformance with the manufacturers instructions and CAN/ULC-S553, "Standard for the Installation of Smoke-Alarms". Interconnected smoke alarms must be tested / maintained in operating condition in conformance with CAN/ULC-S552, "Standard for the Maintenance and Testing of Smoke Alarms" and the Ontario Fire Code.
    - 1.2 (a) electrically interconnected so that the activation of any smoke alarm will sound a similar signal in each of the interconnected devices,  
(b) installed in accordance with the manufacturer's instructions, and on floor levels of the STA, the required smoke alarms shall be installed between such bedrooms and the remainder of the residential unit, such as in a hallway or corridor serving such rooms or areas,  
(c) connected to an electrical circuit with no disconnect switch between the overcurrent device and the smoke alarms,  
(d) listed for use in an interconnected installation, and  
(e) audible in bedrooms when the intervening doors are closed.
13. No Licensee shall rent any guest room in an STA other than a guest room that was identified and approved as such on the floor plans submitted with the Application for the Short Term Accommodation License.

### **PART 3 - LICENCE APPLICATION AND ISSUANCE**

1. An Application for a License for a Short Term Accommodation dwelling shall be submitted to the City and shall include a clear and legible floor plan and site drawing or sketch showing:
  - 1.1 Civic address and legal description of the Property;
  - 1.2 A photograph of the front of the dwelling;
  - 1.3 A floor plan with accurate dimensions showing an emergency evacuation plan inclusive of each bedroom, sleeping area, smoke alarm, extinguisher and existing egress door or window;
  - 1.4 The location of the building on the Property with setbacks indicated from all Property lines;
  - 1.5 The location and dimension of the parking area and the required parking spaces;
  - 1.6 The location of the driveway access to the required parking spaces;
  - 1.7 The location and dimensions of the outdoor amenity area(s); and,
  - 1.8 Fencing, landscaping or other buffering, if required.
2. The Application shall identify:
  - 2.1 The number of guest rooms
  - 2.2 The maximum number of guests to be accommodated
  - 2.3 The registered owner and contact information
  - 2.4 The Owner and if applicable, Agent (alternative) person and related contact information
  - 2.5 The license number of any previous Short Term Accommodation License
3. The Application information shall include proof satisfactory to the City, such as an insurance certificate from the Applicant's insurer, that:
  - 3.1 The Applicant has sufficient general liability insurance in the amount of no less than two (\$2) million;
  - 3.2 the Applicant's insurance policy contains coverage for damage from fire and does not prevent the applicant from using the subject Property as a Short Term Accommodation; and
  - 3.3 the Applicant 's insurance is cancellable by the Applicant's insurer on no more than 30 days' prior notice.
4. The Applicant shall pay the required licensing fee as per the City's Fees and Charges By-law 2021-195.
5. The Applicant shall submit a copy of any advertisement of the Short Term Accommodation demonstrating its promotion to be in compliance with the provisions of this By-law.
6. Upon receipt of a completed Application and the payment of the Licensing fee, the License

Issuer shall, in the case of both new and renewal applications review the application and if in compliance with this By-law, will issue the License. The License Issuer may request comments from other departments or agencies and attach conditions to the License.

7. A License for a Short Term Accommodation dwelling may not be renewed or extended unless the Licensee has submitted a completed Application form and the applicable fee.
8. A Short Term Accommodation License that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
  - 8.1 The date that is one year (1) after the date of the issuance of the License; or
  - 8.2 Upon the sale or transfer of the Short Term Accommodation dwelling to a person other than a Licensee (License cannot be assigned or transferred from the Licensee to another party).
9. Any person applying for a License is responsible for coordinating and arranging with the City an inspection of the Property if required as a condition of and prior to receiving a License to ensure compliance with the following:
  - 9.1 The Provisions of this By-law;
  - 9.2 The Building Code Act, and any Regulations made under it, including the Ontario Building Code;
  - 9.3 The Fire Protection and Prevention Act and any Regulations made under it, including the Ontario Fire Code;
10. The Licensee shall be responsible for informing the City in writing of any changes to the approved information contained within the License application or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing herein allows a Licensee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a License unless the City has approved same.
11. Upon determination by the Chief Building Official that information requirements and all regulatory and by-law requirements of the City are met, a License shall be issued and remain valid for one (1) year, unless revoked. A License may be renewed without inspection if an affidavit from the Owner is received indicating that no changes to the building, Property or operations have occurred. An inspection is mandatory every 2-years prior to issuance of a License for a whole home Short Term Accommodation or every four (4) years for a Short Term Accommodation used as a principal residence.
12. Licenses are not transferable and shall remain the property of the City.

#### **PART 4 - LICENSE DENIAL, SUSPENSION OR REVOCATION**

1. The License Issuer may refuse to issue or revoke a License if one or more of the following circumstances occur:
  - 1.1 Information submitted on the Application is incomplete, incorrect, false or misleading;
  - 1.2 All required taxes, fees, administrative monetary penalties, Fire Code offences, or municipal charges have not been paid;

- 1.3 A License has been previously revoked, suspended, made subject to special condition(s) or has presented a history of contravention with this or other City By-laws;
  - 1.4 Applicant is in breach of any provisions of the By-law or the Short Term Accommodation does not comply with any provision of this By-law or any breach of the provisions of any other City By-law or regulations;
  - 1.5 A refusal to comply with any notice of violation within the prescribed time.
2. Notwithstanding the above, if satisfied that the continuation of the License poses an immediate danger to the health or safety of any person, the License Issuer may, for the time and such conditions as are considered appropriate and without a hearing, suspend a License for not more than 14 days, and, prior to suspending the License, shall provide the Licensee with the reasons for the suspension, either verbally or in writing, providing the Licensee an opportunity to respond.
  3. Where a Municipal By-law Enforcement Officer has issued three (3) or more notices to comply with this or other By-law within a 6-month period, the license may be revoked.
  4. The Licensee shall provide the City with 5 days prior written notice of their intent to cancel and not replace any insurance policy noted or submitted and associated with the completed License Application. Failure to retain insurance as required under this by-law will result in automatic and immediate revocation of the License.

#### **PART 5 - INSPECTION**

1. An Officer may at any reasonable time inspect any premises or place where a License has been issued under this By-law to determine compliance to this By-law.
2. To obstruct or permit the obstruction of an inspection is deemed an offence.

#### **PART 6 - LICENSE FEES NON-REFUNDABLE**

1. The Application fee is non-refundable regardless of the ultimate disposition of the License application.

#### **PART 7 - ADMINISTRATION AND ENFORCEMENT**

1. General administration of the By-law will be the responsibility of the Licensing Officer, while Municipal By-law Enforcement Officers shall be responsible for the enforcement of this By-law.
2. 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*.
3. When in the opinion of the Municipal By-law Enforcement Officer, a violation of this By-law has occurred or exists, the Municipal By-law Enforcement Officer may issue a written compliance notice to the alleged offender. The notice shall specify those sections of the By-law which are in violation and shall state that the violator has seventy-two (72) hours from the delivery of the notice in which to correct the alleged violation, failing which the City may



correct the alleged violation at the expense of the Owner/Licensee.

4. Notwithstanding Subsection 3 above, Fire Code infractions shall be remedied forthwith by the Owner.
5. Service of any notice under this section shall be carried out by personal service or registered mail addressed to the Licensee at the address shown as the Licensee's address on the Application.
6. Every person who contravenes any of the provisions of this By-law, including those contained in any of the Schedules and every director of a corporation who is party to such contravention by the corporation is guilty of an offence and may be subject to an administrative penalty or as an offence and conviction liable to a fine in keeping with the provisions of the Provincial Offences Act.
7. Pursuant to Section 447 of the Municipal Act, where an owner is convicted of knowingly carrying on or engaging in the business of operating a Short Term Accommodation in respect of any Property or any part of any Property without a License required by this By-law, or a person is convicted of any other contravention of this By-law and a court determines that the owner or occupant of the Property or part of the Property in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the Property or part of the Property be closed to any use for a period not exceeding two (2) years.

#### **PART 8 - APPEAL**

1. An Applicant, who has had an Application refused, or a Licensee, who has had a License revoked, and who is not satisfied with the reason or conditions for that action being taken, may initiate an appeal of this decision to City Council.
2. Every person who initiates an appeal of a decision shall submit a notice of appeal;
  - 2.1 Within 14 days of a refusal or revocation;
  - 2.2 With the mandatory non-refundable fee;
  - 2.3 In Person or via registered mail to the City.

#### **PART 9 - APPEAL HEARING**

1. Council shall hear and render a decision on an appeal under Section 8 of this By-law in an expeditious manner.
2. In considering an appeal, Council has the same powers as the municipal official who may issue or revoke a License and may:
  - 2.1 Rescind the refusal or revocation;
  - 2.2 Confirm the refusal or revocation;
  - 2.3 Modify the action and create requirements of compliance.

3. The decision of Council on any appeal is final.

#### **PART 10 - EXCLUSIONS**

The provisions of this By-law do not apply to:

- 1.1 group homes;
- 1.2 hotels, motels, inns or resorts as defined and regulated by the Ontario Building Code and Zoning By-Laws;
- 1.3 a residence operated by a post-secondary institution;
- 1.4 a charitable, non-profit philanthropic corporation organized as a shelter for the relief of the poor or for emergencies;
- 1.5 accommodation supplied by employers to their employees in Dwelling Units operated by the employer;
- 1.6 a hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the Public Hospitals Act, R.S.O. 1990, C. P.40, and a private hospital operated under the authority of a license issued under the Private Hospitals Act, R.S.O. 1990, c. P.24;
- 1.7 a home for special care operated under the authority of a license issued under the Homes for Special Care Act, R.S.O. 1990, c.H.12;
- 1.8 a long-term care home operated under the authority of a license issued under the Long-Term Care Homes Act, 2007, S.O. 2007, c.8;
- 1.9 a retirement home operated under the authority of a license issued under the Retirement Homes Act, 2010, S.O. 2010, c.11; and
- 1.10 a boarding, lodging or rooming house, as defined in the Building and Fire Code,
- 1.11 accommodations rented out to tenants in accordance with the Residential Tenancies Act, 2006, S.O. 2006, c. 17;

#### **PART 11 - CONFLICT AND SEVERABILITY**

1. If any portion of this By-law of the City is found to be in conflict with any other provision of any building, fire, safety or other By-law of the City or regulations, the provision which establishes the higher standard shall prevail.
2. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, Council intends the remainder of this By-law or the application of such provision or requirement to all persons other than those to whom it is held to be invalid or unenforceable to not be affected hereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by by-law.

#### **PART 12 - EFFECTIVE DATE**

1. This By-law shall come into full force and effect upon enactment of the By-law at which time all By-laws that are inconsistent 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.

1.1 In the event that the Applicant for a Short Term Accommodation License pursuant to this By-law claims that the use as a Short Term Accommodation was used as a Short Term Accommodation dwelling at the time the By-law was passed by Council, the Applicant shall provide evidence that is satisfactory to the License issuer together with a sworn Affidavit or Statutory Declaration which shall include but not be limited to the following information:

- 1) That the Property was being used as a Short Term Accommodation dwelling on January 1, 2022;
- 2) The nature and extent of the Short Term Accommodation use on January 1, 2022 so as to determine if the use has changed or increased since this date;
- 3) That the Property has not at any time since January 1, 2022 stopped being used as a Short Term Accommodation.


2. Short Term Accommodations legally existing on the date of passage of this by-law shall have until **April 30<sup>th</sup>, 2022** to obtain a License.


THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read a first time this 28<sup>th</sup> day of **March 2022**.

Read a second time this 28<sup>th</sup> day of **March 2022**.

Read a third time and finally passed this 28<sup>th</sup> day of **March 2022**.

  
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MITCH PANCIUK MAYOR

  
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MATT MACDONALD CITY CLERK