



**BY-LAW NUMBER 130-2022
OF
THE CORPORATION OF THE CITY OF STRATFORD**

Being a By-law to license, regulate and govern the provision of short-term rentals through the City including inns, short-term rental accommodations, hostels, rooming houses and boarding houses and short-term rentals, in the City of Stratford.

WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, (the "*Municipal Act, 2001*"), provides that a municipality may pass By-laws respecting: health safety and well-being of persons and property, including consumer protection and business licensing;

AND WHEREAS section 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9, 10 and 11 of the *Municipal Act, 2001*, a municipality may provide for a system of licenses with respect to a business and may:

- a. prohibit the carrying on or engaging in the business without a licence;
- b. refuse to grant a licence, or revoke or suspend a licence;
- c. impose conditions as a requirement of obtaining, continuing to hold, or renewing a licence;
- d. impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold, or renew a licence;
- e. impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- f. license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

AND WHEREAS Section 434.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality passed under the *Municipal Act, 2001*;

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

AND WHEREAS the Council of The Corporation of the City of Stratford has deemed it necessary and expedient to regulate and License Short-Term Rentals;

AND WHEREAS, bed and breakfast establishments, as defined in the City's Zoning By-law are exempt from the provisions of this Accommodation Licensing By-law and will continue to be regulated and licensed under the City's Bed and Breakfast Establishments By-law 180-2004 as amended;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1.0 Short Title

- 1.1. This By-law may be referred to as the "Accommodation Licensing By-law."

2.0 Definitions

- 2.1 For the purposes of this By-law the following terms are defined as follows:
 - a. **"Administrative Penalty"** means an administrative penalty administered pursuant to the Administrative Penalty Process By-law;
 - b. **"Administrative Penalty Process By-Law"** means a by-law of The Corporation of the City of Stratford being "A By-Law to Establish a Process for Administrative Penalties;"
 - c. **"Agent"** means a Person authorized in writing by an Owner to act on the Owner's or group of Owner's behalf;
 - d. **"Appeals Committee"** means a Committee or Tribunal duly appointed by by-law to conduct hearings under this By-law;
 - e. **"Applicable Law"** means any statute, rule, requirement, demand, order, direction, guideline, ordinance, by-law, policy or regulation of the federal, provincial, municipal government, governmental authority or agency as may be applicable to the operation of the Short-Term Rental;
 - f. **"Applicant"** means the person applying for a licence or renewal of a licence under this by-law and "application" has corresponding meaning;
 - g. **"Applicant Information"** means fulsome details of a person applying for or the renewal of a licence under this by-law and such information shall include their full name, date of birth, municipal address, telephone number and email address;
 - h. **"Articles of Incorporation"** means documents relating to an incorporated business pursuant to the *Business Corporations Act*, R.S.O. 1990 c.B.16, or the *Corporation Act*, 1990, c.C.28;
 - i. **"Building"** means a structure occupying an area greater than ten (10) square metres consisting of a wall, roof, and floor or any of

them, or a structural system serving the function thereof, including plumbing, works, fixtures and services appurtenant thereto;

- j. **"City"** means The Corporation of the City of Stratford or the lands within the geographic limits of The Corporation of the City of Stratford as the context requires;
- k. **"Chief Building Official"** means the Chief Building Official for the City, or any Person designated by the Chief Building Official;
- l. **"Fire Safety Instructions"** means the diagram and instructions to be placed in the unit that is governed by this By-law clearly setting out the precautions to be undertaken during a fire emergency. Fire Safety instructions are to depict graphically the location of each bedroom, smoke alarm, carbon monoxide alarm, fire extinguisher, emergency lighting, exit/egress doors or windows;
- m. **"Inn"** or **"Inns"** for the purposes of this by-law means a building used for the purposes of supplying temporary living accommodation to the travelling and/or vacationing public and containing a maximum of 5 guest rooms and are not restricted to occupancy by a person as their principal residence and may include 1 accessory dwelling unit for the owner or operator of the Inn;
- n. **"Inn"** see the Comprehensive Zoning By-law.
- o. **"Licence"** means a licence issued under this By-law;
- p. **"Licensee"** means any Person, Responsible Person, agent, Owner or Operator applying for a Licence or Licences under the provisions of this By-law;
- q. **"Officer"** means a peace officer, Municipal Law Enforcement Officer, the Fire Chief or their designate, Chief Building Official or their designate, or other Person appointed by By-law to enforce the provisions of this By-law;
- r. **"Operator"** means any person (owner or tenant) who operates a Short-Term Rental;
- s. **"Owner"** means the registered owner of the lands or Premise or their authorized agent that is in lawful control of the lands or Premise;
- t. **"Person"** means an Individual, Owner, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau, agency, or other entity;
- u. **"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 a resident;
- v. **"Property"** means any land or Property where the Short-term Rental is located that is within the jurisdiction of the City;

- w. **"Provincial Offences Act"** means the *Provincial Offences Act*, R.S.O. 1990, c.P. 33, and all regulations thereto, as may be amended from time to time, or any successor thereof;
- x. **"Responsible Person"** means the Owner, Operator, or an agent assigned by the Owner or Licensee of the Short-term Rental dwelling to ensure that the Short-term Rental is operated in accordance with the provisions of this By-law, the Licences, and Applicable Law;
- y. **"Short-Term Guest Room"** means for the purposes of this Accommodation Licensing By-law an Accessory Guest Room as defined in the City of Stratford Zoning By-law;
- z. **"Short-term Rental"** means a short-term rental accommodation, hostel, rooming house, boarding house as defined in the City's Comprehensive Zoning By-law as may be amended and/or replaced from time to time and shall also include Inns, and any other Short-term Guest Rooms that provide accommodation for a period of no more 28 consecutive days, except bed and breakfast establishments as defined in the City's Comprehensive Zoning By-law;
- aa. **"Short-Term Rental Accommodation"** see the Comprehensive Zoning By-law.
- bb. **"Zoning By-law"** means the City's Zoning By-law 10-2022, as amended from time to time, or any successor thereof;

3.0 Short-term Rental Licence Required

- 3.1 No person shall carry on, or intend to carry on, any trade, business or occupation of a Short-term Rental for which a licence is required under this By-law unless that Person has first obtained a Licence as required under the terms and conditions of this By-law.
- 3.2 No person shall operate or permit to operate a Short-term Rental in a dwelling utilizing more rooms than is permitted by the City and as set out on the Licence issued by the City under the provisions of this By-law for the Short-term Rental establishment.
- 3.3 No Person shall rent, or communicate with anyone to rent, a Short-term Rental that Is not licensed pursuant to the provisions of this By-law.
- 3.4 No Person shall advertise, promote, broker, or offer for rent or lease any short-term Rental without a valid Licence under this By-law.
- 3.5 Short-term Rentals shall at all times be required to comply with all Applicable Laws.
- 3.6 A Short-term Rental may display signage in compliance with the City's Sign By-law.

4.0 Application for a Short-term Rental Licence Not Required

- 4.1 A Short-term Rental licence is not required for a motel or hotel as defined in the Zoning By-law.
- 4.2 A Short-term Rental licence is not required for a bed and breakfast establishment provided such establishments as defined in the Zoning By-law have obtained a licence under the provisions of the City's By-law 180-2004 as amended.

5.0 Application for a Short-term Rental Licence

- 5.1 Any Person seeking to obtain a new Licence shall submit a complete application to the Officer on the forms or in the manner prescribed by the Officer.
- 5.2 Any Person seeking to obtain or renew a Licence shall apply to the City for the Accommodation Licence on an annual basis on or before April 30th.
- 5.3 No Application shall be accepted for a licence if the Applicants are under the age of 18 years.
- 5.4 Every Applicant for a Licence shall submit, to the satisfaction of the Officer, the following information:
 - a. Payment of the required licence fee, as set out in the City's Fees and Charges By-law, as amended from time to time;
 - b. The fully and correctly completed Short-term Rental application form;
 - c. The registered Owner and contact information;
 - d. The Owner, and if applicable, Agent (alternative) person and related contact information;
 - e. A floor plan of the Short-term Rental Property clearly indicating the location and number of Short-term Guest Rooms, the proposed total occupancy limit, and for each room Short-term Guest Room, accompanying photographs, its dimensions, a description of its proposed use and the proposed number of beds;
 - f. A Parking Management Plan that complies with the Zoning By-law;
 - g. A Fire Safety Protocol;
 - h. An Electrical System Safety Assessment from a Licensed Electrical Contractor dated within 12 months of the date of the application indicating the Property and that its proposed use complies with the Electrical Safety Code;
 - i. A Fire Safety Checklist as set out in Schedule "A" to this By-law and photographs confirming the location of smoke and carbon monoxide alarms;

- j. An inspection approved by the City's Fire Chief or designate dated within the previous year stating that the property is in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and shall include a statement of the maximum occupancy permitted;
 - k. A certificate of insurance confirming that the Applicant has in place, at the time of the Application, general liability insurance of not less than Two Million Dollars (\$2,000,000), or such other amount as determined by the City from time to time as approved by Council, and confirmation that the Applicant's insurance policy contains coverage for damage from fire and does not prevent the Applicant from using the Property as a Short-term Rental, the Applicant's insurance is cancellable by the Applicant's insurer on not more than 60 calendar days' prior notice, and/or any other such coverage as may be recommended by the City's insurer for the period covered by the licence;
 - l. Identification of adequate measures for the storage and disposal of waste/recycling and organics in accordance with this By-law;
 - m. Confirmation of sufficient levels of lighting to facilitate the safe passage of occupants;
 - n. Identify and maintain a self-enclosed structure or container for the disposal of garbage and waste that is readily accessible to utilizing the Short-term Rental;
 - o. Any other information required under this By-law.
- 5.5 The Officer shall not accept any application for a Short-term Rental until all of the requirements relating to the Application, as set out in this By-law, have been met.
- 5.6 The Licensee shall be responsible for informing the City in writing of any changes to the approved information contained in the Licence Application or any deviation to the approved plans within seven (7) calendar days of such change or deviation. Nothing in this By-law allows a Licensee to rent any room other than those identified and approved on the floor plans submitted with the Application for a Licence unless prior approval in writing is obtained from the City.
- 5.7 The Application fee is non-refundable regardless of the ultimate disposition of the Licence Application.
- 5.8 The submission of an Application for a Licence, including the applicable fee(s) does not entitle the Applicant to carry on, or intend to carry on a Short-term Rental. The Applicant is only entitled to carry on the Short-term Rental once the Licence has been issued under the provisions of this By-law.

6.0 Application for Renewal of a Short-term Licence

- 6.1 Every application for the renewal of a licence under this By-law, shall be made in a form satisfactory to the Officer and shall include:

- a. The fully and correctly completed renewal application form, if applicable;
 - b. The application renewal fee as set out in the City's Fees and Charges By-law, as amended from time to time;
 - c. In the event there are any changes to the floor plan, site plan, Parking Management Plan, or Fire Safety Protocol submitted with the original Application, the Applicant shall submit a revised floor plan, site plan, Parking Management Plan, and Fire Safety Protocol;
 - d. If any changes have been made to the power supply or electrical wiring of the Property, an Electrical System Safety Assessment from a Licensed Electrical Contractor dated within 12 months of the date of the renewal application confirming that the Property and its proposed use complies with the Electrical Safety Code;
 - e. Any other information required pursuant to this By-law.
- 6.2 A Short-term Rental Licence that is not renewed prior to the expiration date is no longer valid.
- 6.3 Subject to written approval from the Licencing Officer and a payment of a transfer processing fee as prescribed in the Fees and Charges By-law a licence issued under this By-law may be transferred to a new owner of the same property, for the same number of rooms and without any changes to the property, within the same year in which the licence is issued.
- 6.4 The Application for Renewal fee is non-refundable regardless of the ultimate disposition of the Licence Application.

7.0 Inspections

- 7.1 Upon receipt of a complete Application as set out in the By-law, and all accompanying documentation in addition to the required fees, the City shall schedule an inspection of the Short-term Rental property at a reasonable time.
- 7.2 Upon any change identified in the Renewal Application the City may conduct an inspection following the submission of the Renewal Application in addition to the required fees in its discretion acting reasonably.
- 7.3 A Licence issued under this By-law is valid for a period of one (1) year, unless revoked prior to the one (1) year period coming to an end.

8.0 Review of the Licence Application or Renewal Application

- 8.1 The Officer in their discretion may reject a Licence Application or a Renewal Application where any of the documents required by this By-law have either not been filed or a deemed to be incomplete.
- 8.2 As part of the City's review of the Application or Renewal Application (collectively the "Applications") the Applications may be circulated to those agencies deemed appropriate or necessary or relevant by the

Officer.

- 8.3 A person is not eligible to hold a licence if the proposed use of the land, building or structure is not permitted by the Zoning By-law that applies to the Property.

9.0 Issuance of Short-term Rental Licence

- 9.1 The City shall identify the Officer or Officers that are authorized to issue and renew Short-term Rental Licences in accordance with this By-law.
- 9.2 All Licences issued and renewed shall be signed by the Officer.
- 9.3 In the event a legal non-conforming Short-term Rental ceases to operate for a period of one year, a licence will no longer be issued for the legal non-conforming use.
- 9.4 The Licensee, upon issuance of a Licence and thereafter shall comply with all applicable provisions of this By-law.

10.0 Licence Conditions

- 10.1 The following conditions are attached to each Licence issued under this By-law:
- a. The Short-term Rental must be lawfully constructed;
 - b. When the premise is occupied for the purposes of a Short-term Rental, a legible copy of the Licence shall be posted in a conspicuous location within one (1) metre of the interior of the Short-term Rental's primary residence;
 - c. A Licensee shall notify the Officer in writing within fifteen (15) calendar days of any change to any information provided to the City under the provisions of this By-law;
 - d. The Licensee shall ensure compliance with all Applicable Laws including but not limited to the: *Fire Protection and Prevention Act*; *Building Code Act*; *Electrical Safety Code*; *Health Protection and Promotion Act*; *Zoning By-law*; *Open Air Fire By-law*; *Property Standards By-law*; *Noise By-law*; *Sign By-law*;
 - e. At any time when the Property is occupied for the purposes of a Short-term Rental the Licensee shall ensure that no vehicle is stopped or parked on any part of the Short-term Rental Property save and except for a parking space as identified on the Parking Management Plan filed pursuant to the provisions of this By-law;
 - f. A copy of the floor plan contained within the Fire Safety Protocol shall be posted in a conspicuous location within one (1) metre of the interior of the Short-term Rental's primary entrance;

- g. The Licensee shall allow, at any reasonable time and in accordance with Applicable Law, the City to inspect the Short-term Rental Property to ensure compliance with this By-law;
- h. The Licensee shall include the Licence number in any advertisement or promotion related to the renting out of the Property intended to be used as a Short-term Rental;
- i. The Licensee shall ensure that the Licensee or their Agent is available to attend the Short-term Rental Property at all times within a period of no greater than thirty (30) minutes from the time of contact by way of telephone or email in the event of an emergency or exigent circumstances;
- j. The Licensee shall provide to the City an updated certificate of insurance as required by this By-law prior to the expiry of the current certificate of insurance;
- k. Where a Licensee is dissatisfied with any condition imposed by the Officer, the Licensee may request a review of the condition by the Appeal Tribunal.

11.0 Refusal to Issue or Renew a Short-term Rental Licence

11.1 The Officer may refuse to issue or renew a Licence:

- a. If all inspections required pursuant to this By-law have either not been completed or have not passed;
- b. Where the conduct of the Applicant or Licensee including the conduct of any officer, director, employee or Agent of an Applicant or Licensee affords reasonable cause to believe that the Applicant or Licensee will not carry on or operate the Short-term Rental in accordance with all Applicable Laws;
- c. The Applicant or Licensee owes any fine or fee or property taxes to the City in respect of the Short-term Rental Property;
- d. The Short-term Rental is subject to an order, or orders made pursuant to the following including but not limited to: a City By-law; the *Building Code Act*; the *Fire Protection and Prevention Act*; the Medical Officer of Health; and any other Applicable Law;
- e. The Short-term Rental Property does not comply with the City's Zoning By-law;
- f. The Officer has received an objection to the issuance of the Licence by the Chief Building Official and/or the Fire Chief;
- g. A Licence pursuant to this By-law has been revoked or suspended within the last two (2) years;

- h. The Applicant or Licensee has prior convictions under this By-law, or any other By-law, or any Applicable Law within the last five (5) years;
- i. Where there is a Court Order, or any other federal or provincial order ceasing or hindering the activity of the Short-term Rental.

12.0 Revocation or Suspension of a Short-term Rental Licence

- 12.1 The Officer has the power and authority to revoke or suspend a Licence at any time where:
 - a. The Licensee meets the circumstances set out in section 10.0 above;
 - b. There are reasonable grounds to believe that an Application or any other document or information provided on behalf of the Licensee contains a false statement and/or false information;
 - c. The Licence was issued in error;
 - d. The Officer becomes aware of a fact or facts that, if known at the time of the Application, may have resulted in the Officer refusing to issue the Licence.
- 12.2 A License issued under this By-law shall remain in effect until a decision to revoke or suspend the Licence has been made by the Officer or, where any appeal has been filed, the Appeal Tribunal.

13.0 Changes in Information

- 13.1 Where, at any time, there is a change in, or relating to, any of the information or documents required to be filed with the City under this By-law, the Applicant or Licensee, as the case may be, shall report the change in writing to the Officer no later than fifteen (15) calendar days following the change.

14.0 Term of the Short-term Rental Licence

- 14.1 Every Licence shall be in effect from the date of issuance as shown on the Licence:
 - a. For a one-year period starting April 1 for a calendar year to which it applies, expiring on March 31st, of the following calendar year; or
 - b. Where the Application for a Licence is received after April 1 and prior to the 2nd Monday in December of any calendar year, for the remainder of such calendar year, expiring on March 31st of the following calendar year; or
 - c. Where the application for a Licence is received on or after the 2nd Monday in December but prior to March 31st in the following

calendar year, for the whole of the following calendar year, expiring on March 31st of the following calendar year.

- 14.2 Every Licence shall be renewed no later than its date of expiry. Any License which is not renewed shall become null and void.
- 14.3 Every Licence shall immediately cease to be valid in the event the Short-term Rental ceases to operate.

15.0 Duplicate or Replacement Short-term Rental Licence

- 15.1 In the event that a Licence is issued in accordance with this By-law is lost or destroyed, the Officer upon written request by the Applicant or Licensee, and payment of a replacement fee as set out in the City's Fees and Charges By-law, shall issue a duplicate of the original Licence, upon which shall be stamped or marked "duplicate."
- 15.2 The issuance of a duplicate Licence in accordance with section 14.1 above shall not affect the expiry date of the Licence.

16.0 Alterations Prohibited

- 16.1 No person shall alter or deface a Licence in any way.
- 16.2 Every Licensee shall ensure that the Licence is not altered or defaced in any way.

17.0 Compliance with all Applicable Laws

- 17.1 The issuance of a Licence under the provisions of this By-law in no way and does not permit or condone the violation of any by-law, statute, order, or regulation in effect in the City, the Province of Ontario, or the Federal Government of Canada and it shall be the sole responsibility of the Licensee to ensure that such Applicable Laws is complied with at all times.

18.0 Appeals Procedure

- 18.1 Where the Officer refuses to issue or renew a Licence or where the Officer elects to suspend or revoke a Licence:
 - a. The Officer shall send written notification advising the Applicant or Licensee of the refusal, suspension, or revocation of the Licence;
 - b. The written notification of the Officer shall be sent by registered mail or e-mail to the Applicant or Licensee at the address of the Applicant or Licensee provided on the Application, or where a change of information has been provided by the Applicant or Licensee regarding address, at the address reflecting that change in information;
 - c. The written notification by the Officer shall:

- i. Set out the grounds for the refusal, suspension, or revocation;
 - ii. Sign the written notification;
 - iii. Indicate the final date and time by which the Applicant or Licensee may appeal the decision of the Officer to suspend, revoke, refuse to issue or renew the Licence, and the method for doing so, as set out in this By-law; and,
 - iv. Indicate the hearing of appeals fee, as set out in the City's Fees and Charges By-law, as amended from time to time; and
- d. The Applicant or Licensee may appeal the decision of the Officer to suspend, revoke or refuse to issue or renew the Licence, by filing a written request with the City Clerk, which request must set out the grounds or basis for the request, and must be received in the Clerks Department no later than 4:00 pm on the fourteenth (14th) calendar day from the date on the notice is deemed received by the Applicant or Licensee. Such notice shall be deemed received five (5) business days after it has been mailed or on the following business day after it has been emailed;
- e. The Applicant or Licensee shall have no right to appeal the decision of the Officer to suspend, revoke, or refuse to issue or renew the Licence as a result of a Fire Code or Building Code violations. Such appeal of the Fire Code or Building Code violations are subject to the appeal rights as set out in the *Building Code Act* and/or the *Fire Protection and Promotion Act*.
- 18.2 If no written request for an appeal is received from the Applicant or Licensee prior to the deadline for filing such appeal:
- a. no extension of the time to request an appeal or hearing will be granted; and,
 - b. the decision of the Officer shall be final.
- 18.3 The fee payable by the Owner or Licensee for the hearing shall be set out in the City's Fees and Charges By-law, as amended.

19.0 Hearing of Appeals

- 19.1 Upon receipt of a written request for a hearing and the required fee for the hearing received from the Applicant or Licensee, in accordance with the terms and conditions of this By-law the Appeal Committee shall:
- a. fix a date and time for such matter to be heard by the Appeal Committee within a period of sixty (60) days of receipt of the appeal; and,

- b. send by registered mail or hand delivery or email the notice of hearing which shall include the date, time, and location of the hearing, at least fifteen (15) prior to the date and time fixed for such hearing, to the Applicant or Licensee, the Officer or any other Person who has requested such notification in writing from the Appeal Tribunal.

20.0 Hearing Procedure

- 20.1 The following procedure shall be followed for appeals relating to the refusing, suspending, or revoking of any Licence under this By-law:
 - a. The Appeal Committee or its designate shall circulate copies of all reports from any Persons who may be involved in the matter, to the Applicant, Licensee or any other Person to whom notice of the hearing has been given;
 - b. the Applicant or Licensee, either personally or through an agent or legal counsel, shall be afforded an opportunity to present such material and evidence relevant to the issue before the Appeal Committee, and may ask any questions of any Person presenting evidence, relating to the evidence presented;
 - c. The Officer of the City either through its legal counsel or representative shall be afforded an opportunity to present such material and evidence relevant to the issue before the Appeal Committee, and may ask any questions of any Person presenting evidence, relating to the evidence presented;
 - d. The Appeal Committee may afford any other Person who has a direct interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before the Appeal Committee;
 - e. The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990. c.S. 22, as amended, or any successor thereof, shall apply to all hearings, conducted by the Appeal Committee under this By-law; and,
 - f. Any Person presenting evidence relevant to the hearing must be present to answer questions in relation to that evidence.
- 20.2 In the event that the Applicant or Licensee who has been sent notice of the hearing does not appear at the scheduled time and place of the hearing, the Appeal Committee may proceed with the hearing in absence of the Applicant or Licensee and if so, the Applicant or Licensee shall not be entitled to any further proceeding or further notice of proceedings.
- 20.3 At the conclusion of a hearing, the Appeal Committee may give its decision orally or reserve its decision, but in any case the Appeal Committee or its designate shall provide its decision in writing and shall

set out the reasons for the decision, within thirty (30) days of the hearing to the Applicant or Licensee and the Officer.

20.4 The Appeal Committee, in making its decision, may uphold or vary the decision of the Officer, or impose conditions, including special conditions as a requirement of continuing to hold a License.

20.5 The decision of the Appeal Committee issued under this By-law is final.

21.0 Enforcement

21.1 The provisions of this By-law may be enforced by an Officer, or other authorized or designated employee or agent of the City.

21.2 No Person shall obstruct or hinder or attempt to obstruct or hinder an Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this By-law.

21.3 Subject to the provisions set out below, every Officer shall have the right to enter lands to conduct an inspection to determine whether the provisions of this By-law and any order(s) issued hereunder are being complied with in accordance with the provisions of Sections 435 and 436 of the *Municipal Act*.

21.4 Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.

21.5 Failure to provide proof of identification satisfactory to an Officer when requested to do so pursuant to the provisions of this By-law shall constitute obstruction of an Officer under this By-law.

21.6 No Person exercising a power of entry on behalf of the City shall enter or remain in any room or place actually being used as a Short-term Rental unless such power of entry is in compliance with Applicable Law.

21.7 Where the City has given prior notification of its intention to enter to the occupier of the land as required by Section 435 of the *Municipal Act, 2001* and the entry is authorized under sections 79, 80 or 446 of the *Municipal Act, 2001*.

22.0 Orders

22.1 In the event that the City's designate and/or an Officer determines that a Person has contravened any provision of this By-law, an Order may be made requiring the Person who contravened the By-law or who caused or permitted the contravention, to discontinue the contravening activity and take any reasonable steps to correct the contravention.

22.2 No person shall fail to comply with an Order issued pursuant to the provisions off this By-law.

22.3 An order issued pursuant to the provisions of this By-law shall set out:

- a. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - b. the steps that must be taken to correct the contravention and the date by which there must be compliance with the order.
- 22.4 If a Person fails to do a matter or thing as directed or required by this By-law, including failing to comply with an order issued under this By-law, the City may do the matter or thing at the Person's sole costs and expense. The City may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the Person's tax roll and collecting them in the same manner as and like property taxes.

23.0 Offence and Penalty Provisions

- 23.1 Every Person who contravenes any provision of this By-law, including any Schedule hereto, is guilty of an offence;
- 23.2 Every Person, director or officer of a corporation who knowingly is involved in or aware of the contravention by the corporation of any provision of this By-law, including any Schedule hereto, is guilty of an offence.
- 23.3 Every offence under this By-law is designated as a continuing offence.
- 23.4 An Officer who finds that a Person has contravened a provision of this By-law may issue a penalty notice pursuant to the City's Administrative Penalty By-law. Administrative Penalty By-law applies to each administrative penalty issued pursuant to this By-law.
- 23.5 Notwithstanding section 22.2 above, every Person who contravenes any provision of this By-law is guilty of an offence as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and all such offences are designated as continuing offences.
- 23.6 Every Operator, officer or director of a corporation who knowingly concurs in the contravention of any provision of this By-law or the failure to comply with an order issued under this By-law is guilty of an offence as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and all such offences are designated as continuing offences.
- 23.7 Upon conviction, every Person, and every officer or director of a corporation that contravenes any provision of this By-law is liable, for each day or part of a day that the offence continues, to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- 23.8 Where a corporation is convicted of an offence under this By-law the maximum penalty is \$50,000 for a first offence and \$100,000 for any

subsequent offence.

- 23.9 As provided in section 431 of the *Municipal Act, 2001*, if a Person has been convicted of an offence under this By-law, the Ontario Court of Justice or any Court of competent jurisdiction may, in addition to any penalty imposed on the Person convicted, issue an order:
- a. prohibiting the continuation of the offence by the Person convicted; and
 - b. requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.
- 23.10 If a Person is required to pay an Administrative Penalty under the provisions of this By-law, the Person shall not be charged with an offence in respect of the same contravention.
- 23.11 In accordance with the provisions of the *Municipal Act, 2001*, the treasurer of the City may add unpaid fees, charges, and fines under this By-law to the tax roll and collect them in the same and a like manner as property taxes.
- 23.12 The terms used in this By-law shall have the same definition as set out in the City's Comprehensive Zoning By-law unless such term is specifically defined in this By-law.
- 23.13 Pursuant to section 447 of the *Municipal Act, 2001*, where an owner is convicted of knowingly carrying on or engaging in the business of operating a Short-term Rental 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.

24.0 Conflict and Severability

- 24.1 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.
- 24.2 If a court of competent jurisdiction declares any provision or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

25.0 Schedule

25.1 The Schedules attached hereto forms part of this By-law.

26.0 Effective Date

26.1 This By-law comes into effect on January 1, 2023.

Read a FIRST, SECOND and THIRD TIME and
FINALLY PASSED this 11th day of October, 2022.

"Daniel B. Mathieson"
Mayor – Daniel B. Mathieson

"Tatiana Dafoe"
Clerk – Tatiana Dafoe

**This is Schedule "A" to By-law 130-2022
of
The Corporation of the City of Stratford**

Fire Department Checklists



Fire Department
 CITY of STRATFORD
 388 Erie Street
 Stratford, ON N5A 2N4

519-271-3212
 Fax: 519-271-9511
 TTY: 519-271-5241
www.stratford.ca

Short-Term Rental: Inns

As the owner/operator of a Short-Term Rental, it is not only important that you consider the safety of your guests, but it is also your legal responsibility as required by the Ontario Fire Code, O. Reg 213/07, as amended. Whether you rent out a room, a suite, or an entire home, you are considered a landlord, and with that title comes a great deal of responsibility described within the Ontario Fire Code and Accommodation Licensing By-law 130-2022. This checklist has been created to help owners understand their legal obligations when owning and operating a Short-Term Rental in compliance with the Stratford Fire Departments requirements.

Inn Checklist				
	2 Bedroom (4 Guest)	3 Bedroom (6 Guest)	4 Bedroom (8 Guest)	5 Bedroom (10 Guest)
Smoke/CO Detectors				
Fire Extinguishers				
Exit Plan				
Elevator Cert. (if applicable)				
Door Closures	N/A			
Furnace Room	N/A			
Emergency Lighting	N/A			
Compliance (Y/N)				

Name of Recipient:	Signature:	Date:
Inspector:	Signature:	Date:

Fire officials do not have the authority to grant you an extension of time to correct any violations. The violations must be corrected forthwith.

Make Every Week Fire Prevention Week



Fire Department
 CITY of STRATFORD
 388 Erie Street
 Stratford, ON N5A 2N4

519-271-3212
 Fax: 519-271-9511
 TTY: 519-271-5241
www.stratford.ca

Short-Term Rental

As the owner/operator of a Short-Term Rental, it is not only important that you consider the safety of your guests, but it is also your legal responsibility as required by the Ontario Fire Code, O. Reg 213/07, as amended. Whether you rent out a room, a suite, or an entire home, you are considered a landlord, and with that title comes a great deal of responsibility described within the Ontario Fire Code and Accommodation Licensing By-law 130-2022. This checklist has been created to help owners understand their legal obligations when owning and operating a Short-Term Rental in compliance with the Stratford Fire Departments requirements.

Short Term Rental			
	Compliance	Non-Compliance	Notes
Smoke/CO Detectors			
Fire Extinguishers			
Exit Plan			
Elevator Cert. (if applicable)			

Ontario Fire Code: SECTION 1.2 COMPLIANCE

Owner's responsibility

1.2.1.1. Unless otherwise specified, the **owner** is responsible for carrying out the provisions of this Code.

Name of Recipient:	Signature:	Date:
Inspector:	Signature:	Date:

Fire officials do not have the authority to grant you an extension of time to correct any violations. The violations must be corrected forthwith.

Make Every Week Fire Prevention Week