



Amended by By-law:  
2021-49

## THE CORPORATION OF THE TOWN OF HUNTSVILLE

### BY-LAW NUMBER 2020-91

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#### Being a by-law to license, regulate and govern Short-Term Rental Accommodations

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**WHEREAS** the Council of the Town of Huntsville 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 Town of Huntsville;

**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 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 Town of Huntsville deems it desirable that such licensing, regulation and governing takes place with regard to Short-term Rental Accommodations as defined in this By-law;

**AND WHEREAS**, Council has enacted Zoning By-law Amendment 2020-08 under the provisions of the Planning Act, R.S.O. 1990, c. P13, 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 TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:**

**1.0 DEFINITIONS**

For the purpose of this by-law:

- 1.1 **Agent** means a Person duly appointed by an Owner or the Town to act on their behalf;
- 1.2 **Ancillary** means a use, building or structure that is located on the same lot that may or may not be attached from the main building and is essential to a principal or main use, building or structure therewith.
- 1.3 **Accessory Building or Structure** means a detached or attached building or structure that is not used for human habitation (except for a private cabin), but the use of which is naturally and normally incidental to, subordinate to and exclusively devoted to a principal use of the building and is located on the same lot therewith.
- 1.4 **Committee** means a committee of individuals which has been delegated, by Town of Huntsville Council, the responsibility of handling appeals, suspensions and revocations of Licenses under this by-law;
- 1.5 **Applicant** means the Person applying for a License or renewal of a License under this by-law;
- 1.6 **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.
- 1.7 **By-law Enforcement Officer** means a municipal law enforcement officer of the Corporation of the Town of Huntsville who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.
- 1.8 **Corporation** means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporations Act*, R.S.O. 1990, c. C. 38;

- 1.9 **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 purpose 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, or motor home.
- 1.10 **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.
- 1.11 **Dwelling, Secondary Residence** means a dwelling that is owned or rented alone or jointly with another person, where the person(s) is not using the dwelling as a principal residence.
- 1.12 **Fee** means a Fee as set forth in the Huntsville Fee's and Charges Bylaw (User Fee Bylaw), which is not prorated and non-refundable.
- 1.13 **Guest Room** means a room offered for short-term rental accommodation intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code;
- 1.14 **License** means the License issued under this by-law as proof of licensing under this by-law;
- 1.15 **Licensed** means to have in one's possession a valid and current license issued under this by-law and unlicensed has the contrary meaning;
- 1.16 **Licensee** means a Person who holds a License or is required to hold a License under this by-law;
- 1.17 **License Issuer** means any person or persons provided the authority by the Town to issue a license under this by-law.
- 1.18 **Municipal Agreement** means any agreement, between an owner of lands and the Town of Huntsville, and includes agreements made under the authority of the Planning Act, or the Municipal Act.
- 1.19 **Occupant** means a person that intends to use the Short-Term Accommodation for overnight lodging, but shall not include daily visitors to the property.
- 1.20 **Officer** means a Police Officer, Fire Inspector, Building Inspector, Zoning Examiner, Plans Examiner, Municipal Law or Enforcement Officer;

- 1.21 **Owner** means the Person holding title to the Property on which the Short-term Rental Accommodation is located, and “Ownership” has a corresponding meaning;
- 1.22 **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.
- 1.23 **Person** means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a License under this by-law as the context requires;
- 1.24 **Premises** means the Property upon which a Short-term Rental Accommodation is operated, inclusive of buildings or structures or any part thereof used for such purpose;
- 1.25 **Property** means the land upon which a Short-term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof;
- 1.26 **Renter** means the person responsible for the rental of the Premises by way of concession, permit, lease, license, rental agreement or similar commercial arrangement;
- 1.27 **Renter’s Code of Conduct** as set forth in Schedule “A” means a document that has been prepared by the Town that prescribes the roles and responsibilities of the renter, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Town by-laws, and adherence to the provisions of this by-law;
- 1.28 **Responsible Person** means the owner (must be 18 years of age) or agent assigned by the owner or licensee of the Short-Term Rental Accommodation dwelling to ensure the Short-Term Rental Accommodation dwelling is operated in accordance with the provisions of this By-law, the license and applicable laws.
- 1.29 **Short-term Rental Accommodation**: means the use of a single family dwelling, as defined in Comprehensive Zoning By-law 2008-66P, as amended, that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period equal to or less than thirty (30) consecutive calendar days, throughout all or any part of the calendar year, unless otherwise prohibited by this by-law, or any other by-law of the Town of Huntsville. Short-term Rental Accommodation uses shall not include any other form of residential dwelling, a hotel, motel, motor hotel, nursing home, private or public hospital, a recreational vehicle park, a tent campground, or similar commercial or institutional use, as defined in Comprehensive Zoning By-law 2008-66P, as amended.
- 1.30 **Town** means the Corporation of the Town of Huntsville in the District of Muskoka.

- 1.31 **Zoning By-law** means the Town's Comprehensive Zoning By-law 2008-66P, as amended, or any successor comprehensive Zoning By-law, as amended.

## 2.0 **ADMINISTRATION**

- 2.1 The License Issuer shall be responsible for the administration of this by-law;
- 2.2 Officers shall be responsible for the enforcement of this by-law;
- 2.3 Upon receipt of an application for a License, a License Issuer shall perform the following functions:
- (a) receive and review the application in conjunction with any provision of this by-law; and
  - (b) ensure the relevant Officers have carried out the necessary inspections to satisfy the Town that the Premises is in compliance with the provisions of this by-law.
- 2.4 Applications for license and issued licenses, along with the legal description, civic address and associated owner, responsible person contact information will be posted on the Town's website.
- 2.5 The Licensee shall be responsible to record and submit all administrative fees and taxes as required under the Municipal Accommodation Tax Bylaw #2018-131
- 2.6 No person or owner shall have a vested right to the continuation or re-issuance of a Short-Term Rental License. All Short-Term Rental Licenses issued, renewed, cancelled, suspended or terminated remain the sole property of the Town.

## 3.0 **PROHIBITIONS**

- 3.1 No person shall use or operate any Short-Term Rental Accommodation dwelling unless he or she holds a current license issued pursuant to this By-law
- 3.2 No person shall advertise a Short-Term Accommodation without a license.
- 3.3 No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this by-law.
- 3.4 The maximum number of Persons, including but not limited to residents or occupants, permitted to stay for overnight lodging on any license premise, shall be restricted to 2 persons per guest room and be delineated on the required floor plan. Rooms with murphy beds or pullout couches shall be included as a guest room.
- 3.5 No licensee shall rent any guest room in a Short-Term Rental Accommodation dwelling other than a guest room that was identified and approved as such on the

floor plans submitted with the Application for the Short-Term Rental Accommodation License.

- 3.6 The provisions of this section shall not apply when the Short-Term Rental Accommodation is not rented.
- 3.7 No Person shall operate a Short-Term Rental Accommodation in contravention of a Municipal Agreement.
- 3.8 No Person Shall operate a Short-Term Rental Accommodation in contravention to a Provincial Restriction or Order.
- 3.9 No Person shall contravene a municipal By-law while occupying a Short-Term Rental Accommodation.

#### **4.0 TERM OF LICENSE**

- 4.1 A Short-Term Rental Accommodation license that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
  - (a) December 31<sup>st</sup> of the year issued; or
  - (b) Upon the sale or transfer of the Short-Term Rental Accommodation dwelling to a person other than a licensee;
  - (c) A Short-Term Accommodation license cannot be assigned or transferred from the Licensee to another party;
  - (d) The license has been revoked in accordance with the provisions of this by-law.
- 4.2 The Director of Development Services shall have the right to extend any active License for up to 1 calendar year, should there be a declared emergency that directly effects the license holders under this program.

#### **5.0 LICENSING REQUIREMENTS**

##### **5.1 APPLICATION REQUIREMENT**

- 5.1.1 Every application for a new License, or the renewal of an existing License, shall include:
  - (a) a completed application in the form required by the Town, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
  - (b) proof of Ownership for the Premises;
  - (c) proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
  - (d) proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:

- (i) an article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
- (ii) a list containing the names of all shareholders of the Corporation;
- (iii) in the case of an Applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
- (iv) in the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization;
- (e) A signed copy of the Short-Term Rental Accommodation MAT-Tax Return Form.

5.1.2 A site plan and floor plan, drawn to scale and fully dimensioned of the Premises including:

- (a) the location of all buildings and structures on the Property;
- (b) the use of each room;
- (c) location of smoke detection and early warning devices;
- (d) location of fire extinguishers;
- (e) all entrances/exits to and from the building
- (f) exterior decks that are appurtenant to the Premises; and related site amenities including dimensioned parking spaces, and other buildings or structures on the Property;

5.1.3 A Licensee shall provide to the Town 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 Town By-law, including attendance on site of the Short-Term Rental Accommodation dwelling within sixty (60) minutes of being notified of the occurrence.

5.1.4 Payment of the applicable licensing Fee as noted within the fees and charges By-Law.

5.1.5 The Licensee shall be responsible for informing the Town in writing of any changes to the approved information contained within the license application or any deviation to the approved plans within (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 Town has approved same.

## 5.2 **SITE REQUIREMENTS**

5.2.1 The provision of parking on the site plan referenced shall include the following:

- (a) a minimum of one parking space per Guest Room;
- (b) parking space sizes of 2.5 metres X 6 metres; and
- (c) compliance with all other parking provisions as set forth in Comprehensive Zoning By-law 2008-66P, as amended

5.2.2 No person shall park a vehicle other than in a parking area which consists of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface)

5.2.3 The following shall be made available to guests:

- (a) A copy of the current license retained on site of the Short-Term Rental Accommodation dwelling and available for inspection by Town staff;
- (b) A copy of the current Noise By-law (#2018-155),
- (c) A copy of the current Parking provisions for Short Term Accommodation dwellings as described in the Town's Zoning By-law 2008-66P, as amended.
- (d) A copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes.
- (e) A copy of the Renters Code of Conduct

5.2.4 All Short-Term Accommodation dwelling units must provide a class ABC fire extinguisher in any cooking area and a class BC or better on each floor of the unit.

### 5.3 INSPECTION

5.3.1 It is the responsibility of any Person applying for a License to contact the Town for an inspection, which shall ensure compliance with the following where applicable:

- (a) provisions of this by-law;
- (b) Ontario Building Code Act, 1992, S.O. 1992 c.23; ("Building Code Act")
- (c) Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ("Fire Protection and Prevention Act")
- (d) Property Standards By-law;
- (e) Zoning By-law;
- (f) any other municipal by-laws or provincial legislation that may affect the status of the application.

5.3.2 During the inspection process, all relevant departments of the Town may provide comment on any known matters that would assist with determination of license eligibility.

5.3.3 An officer may at any reasonable time inspect an premises or place where a license has been issued under this By-law to determine compliance to this By-law.

### 6.0 ISSUANCE OF LICENSE SUSPENSION AND GROUNDS FOR REFUSAL

6.1 The License Issuer shall have the authority to issue, refuse to issue or renew a License, to revoke or suspend a License, or to impose terms and conditions on a License.

6.2 The License Issuer may refuse to issue or renew a License where:

- (a) there are reasonable grounds for belief that the operation of the business may be averse to the public interest;



- (b) a License has been previously revoked, suspended, or made subject to terms and conditions;
- (c) a Person applying for a License has presented a history of contravention with this by-law or other Town by-laws;
- (d) the Renter's Code of Conduct (Schedule "A") has been violated;
- (e) the proposed use of the Premises is not permitted by the Zoning By-law;
- (f) the Owner is indebted to the Town in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding Property taxes and late payment charges, against an Owner's Property;
- (g) the Property to be used for carrying on the trade, business or occupation does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.

6.3 Upon confirmation of a violation, the License Issuer will record the associated strike as outline in Schedule D for no more then 1 year.

6.4 The License Issuer may revoke a license where 2 or more strikes have been accumulated over a 1-year period.

6.5 The License Issuer, if satisfied that the continuation of a License poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a License for not more than 14 days. If after this period, the License Issuer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than 14 days or revoke a License.

6.6 The License issue may revoke a license if it was issued in error or granted based on incorrect or false information.

## 7.0 **APPEAL**

7.1 Any and all appeals shall be heard by the Licensing Committee.

### 7.2 Hearing Process

- (a) The provisions of the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted under this By-law, and the Licensing Committee may pass rules for the practice and procedure of the Committee;
- (b) Where the License Issuer has denied an Applicant a License, a renewal of a License, or has suspended or revoked a License, the License Issuer shall inform the Applicant or Licensee by way of written notice setting forth the

grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Licensing Committee;

- (c) A Person may appeal to the Committee in relation to the matter in subsection 7.2 (b) Appeals will not be permitted for any matters that have already been heard by the Appeal Panel. Within 14 days of receipt of written notice where the License Issuer has denied an Applicant a License, a renewal of a License, or has suspended or revoked a License Application, the applicant must submit, in writing, a request for an Appeal as well as the fees associated.
- (d) Where no request for an appeal is received, the decision of the License Issuer shall be final and binding.
- (e) A hearing shall be held in public, unless determined otherwise in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S. 22, as amended, and the Licensing Committee shall hear the Applicant or Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.
- (f) No decision of the Licensing Committee is valid unless it is concurred in by the majority of the members of the Licensing Committee that heard the matter, and the decision of the Licensing Committee, shall be in writing and shall set out the reasons for the decision;
- (g) Any authority or permission granted by the Licensing Committee may be for such time and subject to such terms and conditions as the Licensing Committee considers advisable and as are set out in the decision;
- (h) When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in his absence, and the Person shall not be entitled to any further notice of the proceedings;
- (i) The Clerk shall no later than fourteen (14) days from the making of the decision send one (1) copy of the decision to:
  - i) the Applicant or Licensee; and
  - ii) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

## 8.0 ENFORCEMENT

### 8.1 ENTRY AND INSPECTION

- 8.2 The Chief By-law Enforcement Officer, Chief Fire Official or their designate(s) may at any time, enter onto a property to determine whether this by-law is being complied

with.

- 8.3 Every Person shall permit the Chief By-law Enforcement Officer, Chief Fire Official or their designate(s) to inspect any land for the purposes of determining compliance with this by-law.
- 8.4 The Chief By-law Enforcement Officer, Chief Fire Official or their designates may enter upon lands at any reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done, to do such matter or thing in accordance with this by-law.
- 8.5 A Person exercising a power of entry on behalf of the Town under this by-law may be accompanied by any Person under their direction including Law Enforcement Services.
- 8.6 Where an inspection is conducted, the Officer conducting the inspection 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 including their name, address, phone number and identification; 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.
- 8.7 The Town may undertake an inspection pursuant to an Order issued under Section 438 of the *Municipal Act*.
- 8.8 The Town's power of entry may be exercised by an Officer, or Agent for the Town.
- 9.0 **OBSTRUCTION**
- 9.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this by-law.
- 9.2 Every Person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the By-law Enforcement Officer, the Chief Fire Official or their designates upon request, failure to do so shall be deemed to have hindered or obstructed the By-law Enforcement Officer or Chief Fire Official under section 9.1 of this by-law.

## 10.0 ORDER

- 10.1 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 29 of the *Municipal Act*.
- 10.2 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.
- 10.3 Upon determination that a contravention of the provisions of this by-law has occurred, an Officer may issue the required notice and/or order.
- 10.4 Where an Officer has reasonable grounds to believe that a contravention of the by-law has occurred, the Officer may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing:
- (a) compliance within a specified period of time;
  - (b) any work that is required to be done. In the event of a default of such work being done, the Officer may direct work to be done at the Licensee's expense, and the Town may recover the expense in the same manner as municipal taxes; or
  - (c) the activity be discontinued.
- 10.5 An order under this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
- 10.6 Any violations of those Acts or by-laws, or any other relevant legislation, set forth in Section 6.2 (b) to (e) of this by-law shall be addressed pursuant to the respective remedies.
- 10.7 Every Person shall comply with an order issued by an Officer.

## 11.0 SERVICE OF DOCUMENTS

- 11.1 The Municipality may serve any document under this By-law, including but not limited to a penalty notice, personally to the person named on the notice, by registered or regular mail addressed to the person to whom the document is to be given at the person's last known address.
- 11.2 Service by registered or regular mail under subsection 11.1 shall be deemed to have been made on the fifth day after the day of mailing.
- 11.3 A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file.
- (a) the provisions of the by-law;
  - (b) an order issued under this by-law; or

- (c) an order made under Section 431 of the *Municipal Act*;

## 12.0 ADMINISTRATIVE PENALTIES

- 12.1 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 concurs in 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*.
- 12.2 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.
- 12.3 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 12.2, be liable to pay to the Municipality an administrative penalty in the amount as noted within the Fee and Charges Bylaw.
- 12.4 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- (a) Particulars of the contravention, including to which property it applies;
  - (b) The amount of the administrative penalty;
  - (c) A statement advising that an administrative penalty will constitute a debt to the Municipality.
- 12.5 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.
- 12.6 An administrative penalty that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the property on which the offence occurred.

## 13.0 FINES

- 13.1 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 13.2 Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "B" attached to this by-law.
- 13.3 Each day a contravention occurs constitutes a new offence.
- 13.4 Every Person, other than a company who contravenes any provision of this by-law,

and every director of a Corporation who knowingly concurs in such contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

- 13.5 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.
- 13.6 Where a Person has been convicted for an offence under this by-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

#### **14.0 COLLECTION OF UNPAID FINES**

- 14.1 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 License Issuer 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.

#### **15.0 SEVERABILITY**

- 15.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

#### **16.0 SCHEDULE**

- 16.1 Schedules "A", "B" and "C" as attached forms part of this by-law.

#### **17.0 TOWN NOT LIABLE**

- 17.1 The Town assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any Person or property that is subject of this by-law.

**18.0 AUTHORIZATION**

18.1 That the Town Clerk be authorized and directed to take the necessary actions to give effect to this by-law.

**19.0 REPEAL**

19.1 That By-law No 2019-122 and any amendments thereto are hereby repealed upon receiving approval from the Ministry of the Attorney General for the set fines as identified in Schedule “B” and “C” of this by-law.

**READ a first, second and third time and finally passed** this 14th day of October, 2020.

Karin Terziano

Tanya Calleja

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**Mayor** (Karin Terziano)

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**Clerk** (Tanya Calleja)

**SCHEDULE `A`**  
**SHORT-TERM RENTAL ACCOMMODATION**  
**Renter's Code of Conduct**

**1. Purpose of the Code**

The purpose of the Renter's Code of Conduct is to acknowledge that Short-term Rental Accommodation premises are permitted in residential neighbourhoods and that the permanent residents of these neighbourhoods have the right to enjoy their own properties without nuisance. It also outlines specific requirements for Short-term Rental Accommodations and imposes responsibilities for both Owners and Renters of such properties and that Owners bear the primary responsibility of conveying this information to renters of their property.

**2. Objectives of this Code**

The Objective of this Code is to establish acceptable standards of behaviour for hosts and renters to minimize any adverse impacts on their neighbours and the neighbourhood.

**3. Residential Area**

The Renter acknowledges for themselves and on behalf of others that they will be occupying a Short-term Rental Accommodation that is located in a residential area.

**4. Guiding Principles**

The guiding principles for Short-Term Rental Accommodation renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbours; and
- Leave it as you find it.

**5. Maximum Number of Renters and Guests:**

The maximum number of renters including non-occupying guests and residents, permitted at a Short-term Rental Accommodation premises shall be limited as per Section 2(1)(a) of the Short-term Rental Licensing By-law.

**6. Noise and Residential Amenity:**

No person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb area residents. Examples of noise that is likely to disturb residents at any time include:

- a) Loud music;
- b) Outdoor or backyard gatherings or activities involving excessive noise or disruptive behaviour;



- c) Late evening/early morning disturbances; and,
- d) Yelling, shouting, singing or conversing loudly.

Renters and their guests are not allowed to disturb neighbours or interfere with their enjoyment of their premises, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Town Noise By-law may result in legal action being taken.

**7. Access and Parking:**

Please familiarize yourself and your guests with the Parking Management Plan for the premises to ensure ease of access with minimum disturbance to neighbours.

All Short-term Rental Accommodation premises have vehicle parking requirements as part of the licensing process. Please refer to the approved Premises Parking Management Plan.

**8. Recycling and Garbage:**

Please familiarize yourself and your guests with the Property Management Plan, including the provisions that have been made for waste management and the day of the week in which waste collection is scheduled. It should be noted that the “putting out” of waste on a non-scheduled day is regulated by the District of Muskoka’s Waste Management By-law. Waste collection information and pick up times are available on the District of Muskoka’s website.

**9. Dwellings on Lots on Private Sewage Disposal Systems:**

Note: Maximum occupancy of a Short-Term Rental Accommodation is based on a maximum of two persons per Guest Room. Exceeding the maximum occupancy may result in the malfunctioning of the septic system and pollution of the ground water system.

**10. Fire and Occupant Safety:**

All Short-term Rental accommodations shall have operating smoke alarms. In Short-term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Owner shall ensure that the building is equipped with a **carbon monoxide alarm** installed outside of the sleeping areas. Further, the Owner shall regularly test the alarms to ensure that they are operational. If a renter discovers that any of the alarms are not operational the renter shall immediately notify the property owner of the deficiency.

**11. Owner’s Additional Responsibilities**

All owners and renters of Short-term Rental Accommodations are responsible for compliance with all other Town of Huntsville by-laws (including, but not limited to the following: Noise By-law, Waste By-law, Open Air Burning By-law, etc.).

I, \_\_\_\_\_ having read the above, and the terms of the Short-term Rental Accommodations By-law and License, undertake to provide those persons renting my short- term rental accommodation with a copy of the Renter's Code of Conduct and to advise them to act appropriately. I also realize that a violation of the licensing agreement may result in the suspension or revocation of the short-term rental accommodation for my property.

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**Signature of Applicant for License**

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**Date**

**THE CORPORATION OF THE TOWN OF HUNTSVILLE  
PART I PROVINCIAL OFFENCES ACT  
BY-LAW NO. 2020-91 – Short Term Rental Accommodation By-law, as amended  
SCHEDULE “B”**

<b><u>Item</u></b>	<b><u>Short Form Wording</u></b>	<b><u>Provision Creating or Defining Offence</u></b>	<b><u>Set Fine</u></b>
1.	Operate a Short-Term Rental without a license	3.1	\$400.00
2.	Advertise an unlicensed Short-Term Rental	3.2	\$400.00
3.	Violate the renters code of conduct	3.3	\$400.00
4.	Licensee rent any room other than an approved room	3.5	\$500.00
5.	Operate a Short-Term Rental in contravention of a Municipal Agreement	3.7	\$500.00
6.	Operate a Short-Term Rental in contravention to a Provincial Restriction or Order	3.8	\$500.00
7.	Fail to permit an inspection of any land	8.3	\$500.00
8.	Hinder or obstruct any person from performing their duty	9.1	\$500.00
9.	Licensee fail to provide contact information	9.2	\$350.00
10.	Fail to comply with an order	10.7	\$500.00

**NOTE: The general penalty provision for the offences listed above is Section 13.0 of By-law 2020-91, as amended, a certified copy of which has been filed.**

**THE CORPORATION OF THE TOWN OF HUNTSVILLE  
PART II PROVINCIAL OFFENCES ACT  
BY-LAW NO. 2020-91 – Short Term Rental Accommodation By-law**

**SCHEDULE “C”**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1.	Fail to park a vehicle on a hard surfaced driveway	5.2.2	\$350.00

NOTE: The general penalty provision for the offences listed above is Section 13.0 of By-law 2020-91, as amended, a certified copy of which has been filed.

**THE CORPORATION OF THE TOWN OF HUNTSVILLE**  
**OFFENCE RANKING TOOL**  
**BY-LAW NO. 2021-49 – Short Term Rental Accommodation By-law**  
**SCHEDULE “D”**

	<u>Item</u>	<u>Short Form Wording</u>	<u>Provision creating or Defining Offences</u>	<u>Associated Strike</u>
<b>Category 1</b>	1.	Licensee rent any room other than an approved room	3.5	2
	2.	Operating a Short-Term Rental in contravention of a Municipal Agreement	3.7	2
	3.	Operating a Short-Term Rental in contravention of a Provincial Order	3.8	2
	4.	Fail to permit an inspection of any land	8.3	2
	5.	Fail to comply with an order	10.7	2
<b>Category 2</b>	6.	Violating the renters code of conduct	3.3	1
	7.	Hinder or obstruct any person from performing their duty	9.1	1
	8.	Fail to comply with a Municipal By-law	3.9	1