

The Corporation of the City of Port Colborne

**PROPOSED By-Law to License, Regulate and Govern
Short-Term Rental Accommodations**

**THIS PROPOSED BY-LAW IS PROVIDED FOR PUBLIC REVIEW AND COMMENT
BETWEEN MAY 14 AND JUNE 9, 2025.**

VISIT www.portcolborne.ca/ShortTermRentals TO PROVIDE FEEDBACK.

Whereas the Council of The Corporation of the City of Port Colborne may, pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25. as amended, (the “Act”), enact by-laws for the licensing, regulating and governing of businesses in the City of Port Colborne; and

Whereas pursuant to Part II, Section 8(1) of the Act, 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 Part II, Section 8(3) of the Act authorizes a municipality to:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter; and

And whereas pursuant to Part II, Section 9 of the Act, 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 Part II, Section 11(2), paragraph 6 of the Act authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons; and

Whereas Part II, Section 23.1 of the Act authorizes a municipality to delegate its powers and duties subject to certain restrictions; and

Whereas Section 151(1) of the Act, provides that a municipality may provide for a system of licences 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 to 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 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; and
- (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 429(1) of the Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act; and

Whereas Section 434.1 of the Act, authorizes a municipality to establish a system of administrative penalties to assist the municipality in promoting compliance with its by-laws; and

Whereas Section 436(1) of the Act authorizes 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 whether there is compliance with a by-law, a direction or order, or a condition of a licence issued under a by-law, of the municipality; and

Whereas Section 444 of the Act provides that a municipality may make an order requiring the person who contravened a 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 the by-law may provide that any person who contravenes an order is guilty of an offence; and

Whereas the Council of The Corporation of the City of Port Colborne deems it desirable that such licensing, regulation, and governing takes place with regard to Short-Term Rental Accommodations as defined in this By-law;

Now therefore the Council of The Corporation of the City of Port Colborne hereby enacts as follows:

1. TITLE:

- 1.1 This By-law shall be known and may be cited as the “Short-Term Rental Accommodation Licensing By-law”.

2. DEFINITIONS:

For the purposes of this By-law:

- 2.1 **“Accessory Building or Structure”** means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use of the main building on the same lot.
- 2.2 **“Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time, and any regulations made under it.
- 2.3 **“Administrative Monetary Penalty”** means a monetary penalty payable pursuant to City By-law No. 6902/50/21, as amended or replaced from time to time.
- 2.4 **“Agent”** means a person authorized by an Owner or the City to act on their/its behalf.
- 2.5 **“Appeal By-law”** means the City’s By-law No. 7186/09/2024, as amended, or replaced, which governs the hearing of appeals under the City’s enforcement by-laws.
- 2.6 **“Applicant”** means the Owner(s) or Agent of the Premises applying for a Licence or renewal of a Licence under this By-law.
- 2.7 **“Bedroom”** means a room offered for Short-Term Rental Accommodation intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario Building Code, and/or a room with one or more beds, including but not limited to murphy beds, pullout beds, sofa beds, day beds, futons or similar apparatuses for sleeping.
- 2.8 **“Boat”** means any vessel, container on water, or floating accommodation, regardless of whether it is docked, affixed to land, or can be driven.
- 2.9 **“Building”** means a structure consisting of a roof, walls and a floor.
- 2.10 **“Chief Fire Official”** means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Article 1.1.1.2. of Division C, or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C of the *Ontario Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4.
- 2.11 **“City”** means The Corporation of the City of Port Colborne.
- 2.12 **“Committee”** means the “Appeals Committee” established by By-law No. 7186/09/2024, as amended or replaced from time to time, the responsibility of which

includes hearing appeals regarding refusals, suspensions, and revocations of Licences under this By-law.

- 2.13 **“Council”** means the Council of The Corporation of the City of Port Colborne.
- 2.14 **“Dwelling Unit”** means a self-contained housekeeping unit of one or more rooms containing cooking facilities, living quarters and sanitary facilities for the exclusive use of those residing within the dwelling unit and which has an exclusive entrance. For the purpose of this By-law, and without limiting the generality of the foregoing, a Dwelling Unit includes a cottage, park model trailer, tourist trailer, mobile home, boat, a legal interior accessory dwelling unit and a legal detached accessory dwelling unit but does not include a room or suite of rooms in a boarding, lodging or rooming house, hotel, or motor home.
- 2.15 **“Fee”** means a Fee prescribed in the City’s Fees and Charges By-law, as amended or replaced from time to time.
- 2.16 **“Fees and Charges By-law”** means the City’s By-law prescribing Fees and Charges in accordance with the Act, as amended or replaced from time to time.
- 2.17 **“Guest”** means any person on the Premises who is not a Renter
- 2.18 **“Licence”** means the licence issued under this By-law as proof of licensing under this By-law.
- 2.19 **“Licensed”** means to have in one’s possession a valid Licence issued under this By-law and “Unlicensed” has the contrary meaning.
- 2.20 **“Licensee”** means the Owner of a Premises who holds a Licence or is required to hold a Licence under this By-law for that Premises.
- 2.21 **“Licensing Officer”** means any person authorized by the City to issue a Licence under this By-law.
- 2.22 **“Local Contact Person”** means an Owner or a 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 Premises within sixty (60) minutes of being notified of the occurrence. If the Owner authorizes a Person to act on their behalf and to be responsible for ensuring the Short-Term Rental Accommodation is operated in

accordance with the provisions of this By-law, the Licence and all applicable laws, that Person must be eighteen (18) years of age or older

- 2.23 **“Officer”** means a Municipal Law Enforcement Officer, Building Inspector, Police Officer, or other person appointed by by-law to enforce the provisions of City by-laws.
- 2.24 **“Owner”** means the Person holding registered title to the Premises on which the Short-Term Rental Accommodation is located, and “Ownership” has a corresponding meaning.
- 2.25 **“Parking Area”** means an area on the Premises that provides for the parking of motor vehicles and may include aisles, parking spaces, maneuvering areas, entrances, exits and similar areas used for the purpose of gaining access to, or egress from the said parking spaces, but shall not include any part of a public street.
- 2.26 **“Park Model Trailer”** means a recreational Dwelling Unit that is built on a single chassis mounted on wheels, designed to facilitate relocation from time to time and for living accommodations for seasonal use, built in accordance with the CSA Z-241 park model code typically in a recreational vehicle park.
- 2.27 **“Person”** means any singular or plural human being, association, firm, partnership, corporation, agent or trustee, and the heirs, estate trustees or other legal representatives of a person to whom the context may apply according to law.
- 2.28 **“Plan for Fire Safety”** means the Plan setting out a layout of the interior of the Short-Term Rental Accommodation with the location of all smoke alarms, carbon monoxide alarms, fire extinguishers, and exits.
- 2.29 **“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.
- 2.30 **“Property”** means the land upon which a Short-Term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof.
- 2.31 **“Renter”** means a Person responsible for the rental of a Short-Term Rental Accommodation but shall not include Guests to the Premises.
- 2.32 **“Short-Term Rental Accommodation”** means all or part of a Dwelling Unit that provides sleeping accommodation to someone other than the Owner for any period of twenty-eight (28) calendar days at a time or less, in exchange for payment.

- 2.33 **“Special Events”** means activities hosted at the Premises by the Renter that may or may not involve payment for services provided, including but not limited to weddings, receptions, retirement parties, musical events and entertainment.
- 2.34 **“Zoning By-law”** means the City’s Comprehensive Zoning By-law No. 6575/30/18, as amended, or replaced from time to time.

3. ADMINISTRATION:

- 3.1 The Licensing Officer shall be responsible for the administration of this By-law;
- 3.2 Officers shall be responsible for the enforcement of this By-law;
- 3.3 Every application for a new Licence or a renewal of an existing Licence shall be submitted to the Licensing Officer on the required form together with all the required documentation.
- 3.4 The Licensing Officer shall be responsible for developing and updating Short-Term Rental Accommodation application forms, licences, and all other procedures for the administration of this By-law.
- 3.5 Upon receipt of an application for a Licence, a Licensing Officer shall perform the following functions:
- a) receive and review the application in accordance with this By-law; and
 - b) ensure the relevant Officers have carried out the necessary inspections to satisfy the City that the Premises complies with the provisions of this By-law.
- 3.6 Applications for a Licence and issued Licences will be posted on the City’s website, including personal information such as the legal description of the Property, municipal address, and Owners’ and Local Contact Person’s name and contact information.

4. TERM OF LICENCE:

- 4.1 A Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:

- a) December 31st of the year issued;
- b) Upon the sale or transfer of the Premises. For clarity, a Licence cannot be assigned or transferred to another Person; or
- c) The Licence has been suspended or revoked in accordance with the provisions of this By-law.

5. LICENSING REQUIREMENTS:

5.1 Every application for a new Licence, or the renewal of an existing Licence, shall include:

- a) a completed application in the form required by the City, which shall include but not be limited to each Owner's name, address, telephone number, and email address;
- b) proof of Ownership for the Premises;
- c) a statutory declaration signed by each and every Owner stating that the Premises is used primarily for residential purposes and that each and every Owner understands their responsibilities as a Licensee;
- d) a site diagram and floor plan, drawn to scale and fully dimensioned of the Premises identifying:
 - i. the location of all Buildings and structures on the Property;
 - ii. the location of wells, and all components of sewage systems;
 - iii. the use of each room;
 - iv. the location of smoke and carbon monoxide alarms, and early warning devices;
 - v. the location of fire extinguishers and exits;
 - vi. the location of records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
 - vii. the location of all gas and electric appliances;
 - viii. the location of all fireplaces and fuel-burning appliances;
 - ix. all entrances/exits to and from the Buildings; and
 - x. the exterior decks and related site amenities including dimensioned parking spaces, and other Buildings or structures on the Property.
- e) a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance

policy must identify that a Short-Term Rental Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the City will be given at least 10 days' notice in writing of any cancellation or material variation in policy.

- i. an electrical general inspection performed by an Electrical Safety Authority (ESA) Inspector dated less than five (5) years old;
- ii. where there are wood-burning appliances, a Wood Energy Technical Transfer (WETT) report dated less than five (5) years old issued by a certified WETT inspector;
- iii. an annual inspection report, provided with the annual application, indicating that the chimney, flue pipes etc. have been inspected by a WETT certified chimney sweep and are safe to be utilized;
- iv. a Heating, Ventilation, and Air Conditioning (HVAC) inspection report issued by an HVAC Technician. An updated report shall be required each year;
- v. the name and contact information of the Local Contact 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 Premises within sixty (60) minutes of being notified of the occurrence; and
- vi. at time of renewal: maintenance and record of tests for all smoke and carbon monoxide alarms along with the guest log/register.

- 5.2 An Applicant shall pay the Licensing Fee as prescribed in the City's Fees and Charges By-law.
- 5.3 An Applicant or Licensee shall be responsible for informing the City, in writing, of any changes to the information contained within the application or any deviation to the approved licence within seven (7) days of such change or deviation.
- 5.4 An Applicant shall confirm that an occupancy permit, also known as "permission to occupy" has been issued for the Premises if the building was constructed on or after October 26, 1986. Where this is not available, the City Building Division shall be consulted. A Licence shall not be issued until the City is satisfied that the necessary inspections and reports have been completed or that a safety site inspection was completed to ensure the safety of persons.
- 5.5 A Licensee must ensure that any listing, advertisement, etc. of the Premises includes the corresponding Licence number issued by the City.

- 5.6 A Licensee shall be an Owner who is an individual or group of individuals and not a corporation, partnership, or business, except where section 5.7 applies..
- 5.7 Corporate Owners may be permitted to become a Licensee at the discretion of the Licensing Officer, if the Licensing Officer is satisfied in its sole discretion that the property is used and held primarily for residential purposes.

6. SITE REQUIREMENTS:

- 6.1 The provision of parking on the required site diagram shall include the following:
- a) location of the Parking Area with a minimum number of parking spaces as set out in the Zoning By-law;
 - b) that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area; and
 - c) compliance with all other parking provisions as set out in the City Zoning By-law, as amended.
- 6.2 A Parking Area shall consist of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface). Vehicles may only park in the Parking Area.
- 6.3 The following shall be made available to Renters:
- a) a copy of a valid Licence displayed on site of the Premises;
 - b) a copy of the site diagram showing the Parking Area and parking provisions for the Premises;
 - c) a copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes;
 - d) a copy of the current City Noise By-law;
 - e) a copy of the Open Air Burning and Recreational Fires By-law;
 - f) a copy of the current City Lot Maintenance By-law;
 - g) a copy of the current Fireworks By-law;
 - h) the occupant load of the residence, posted in a conspicuous location;
 - i) Emergency “911” instructions with the address of the Property clearly printed and posted in a conspicuous location;
 - j) a copy of the smoke and carbon monoxide maintenance and use instructions;

- k) name and contact information of the Local Contact Person; and
- l) A Plan for Fire Safety, which shall be posted on the back of every door or visibly adjacent to every door where it can be seen when exiting.

6.4 All Short-Term Rental Accommodations shall provide a listed ABC portable fire extinguisher with the minimum rating of 2A10BC on each level of the Short-Term Rental Accommodation.

6.5 Portable extinguishers shall be:

- a) kept operable and fully charged;
- b) located so that they are easily seen and shall be accessible at all times;
- c) tested and maintained in conformance with NFPA 10, "Portable Fire Extinguishers"; and
- d) inspected monthly.

6.6 The Licensee shall maintain a Renters and Guests register showing the property address and licence number which indicates the following information for each rental: check-in and check-out dates, the number and names of Renters and Guests, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the City within 24 hours upon request.

7. INSPECTION:

7.1 It is the responsibility of an Applicant to contact the City for an inspection, which shall ensure compliance with the following, where applicable:

- a) the provisions of this By-law;
- b) the *Building Code Act, 1992*, S.O. 1992 c.23; including sewage System;
- c) the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4;
- d) the Zoning By-law; and
- e) any other municipal by-laws, provincial or federal legislation that may affect the safety and well-being of persons or eligibility of the application or Licence.

8. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL:

- 8.1 The Licensing Officer shall have the authority to issue, refuse to issue, or renew a Licence; to revoke or suspend a Licence; or to impose terms and conditions on a Licence.
- 8.2 The Licensing Officer may refuse to issue or renew a Licence where:
- a) there are reasonable grounds for belief that the operation of the Short-Term Rental Accommodation may be adverse to the public interest;
 - b) a Licence has been previously revoked, suspended, or made subject to terms and conditions;
 - c) an Applicant has presented a history of contravention with this By-law;
 - d) the proposed use of the Premises is not permitted by the Zoning By-law;
 - e) the Owner is indebted to the City in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes, municipal accommodation taxes, and late payment charges, against an Owner's Property; or
 - f) the Premises 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, Lot Maintenance By-law, Noise By-law, Parking and Traffic By-law, the *Building Code Act*, the *Fire Protection and Prevention Act*, and the *Electricity Act*.
- 8.3 The Licensing Officer, if satisfied that the continuation of a Licence poses a danger to the health or safety of any person, may suspend a Licence for not more than fourteen (14) days. If, after this period, the Licensing Officer is satisfied that the continuation of a Licence will continue to pose a danger to the health or safety of any person, the Licensing Officer may suspend a Licence for further terms of not more than fourteen (14) days or may revoke the Licence.
- 8.4 The Licensing Officer may revoke a Licence if it was issued in error or granted based on incorrect or false information.

9. PROHIBITIONS:

- 9.1 No Owner shall:

- a) operate a Short-Term Rental Accommodation without a Licence;
- b) operate a Short-Term Rental Accommodation for which a Licence has expired, been revoked, or is under suspension;
- c) advertise a Short-Term Rental Accommodation without a Licence or for which a Licence has expired, been revoked or is under suspension;
- d) advertise a Short-Term Rental Accommodation without including the Short-Term Rental Accommodation Licence number;
- e) fail to display the Short-Term Rental Accommodation Licence in a prominent, permanent place at the Short-Term Rental Accommodation Premises;
- f) operate a Short-Term Rental Accommodation if current and accurate information has not been provided to the Licensing Officer;
- g) assign a Short-Term Rental Accommodation Licence;
- h) fail to keep garbage contained in containers with lids;
- i) permit tents to be used for sleeping accommodations on the Short-Term Rental Accommodation Premises, except on property zoned Vacation Residential (VR);
- j) permit a Trailer to be used for sleeping accommodations on the Short-Term Rental Accommodation Premises, except on property zoned VR;
- k) fail to ensure that there is a Local Contact Person;
- l) fail to maintain the register required by section 6.6;
- m) fail to produce the register required by section 6.6 to the City upon request;
- n) hinder or obstruct an Officer from carrying out an inspection of lands to carry out work for the purposes of an investigation and/or making inquiries;
- o) operate a Short-Term Rental Accommodation contrary to the Plan for Fire Safety;
- p) permit a disturbance at a Short-Term Rental Accommodation Premises;
- q) operate a Short-Term Rental Accommodation contrary to any applicable Federal, Provincial or Regional laws, Regulations or Orders, or Municipal By-laws ("Law");
- r) operate a Short-Term Rental Accommodation with:

- i) an open building permit;
- ii) an outstanding Order issued by the City's Fire Department or Building Department;
or
- iii) a Property Standards Order or any other order issued by the City or other government agency;
- s) place or mount a fire extinguisher in any cupboard, cabinet, closet, or other enclosed compartment;
- t) permit parking contrary to the Parking Area;
- u) permit Guests, other than persons listed in the register in excess of the number of Guests permitted by the Licence, to remain at the Short-Term Rental Accommodation Premises beyond 11:00 p.m. each day;
- v) carry on a Special Event at the Premises which exceeds the number of Guests permitted by the Licence or is otherwise contrary to any municipal by-law or provincial or federal law;
- w) Allow more Bedrooms than permitted by the License. Bedrooms will be limited to, one (1) Bedroom per Parking Space, except where the Short-Term Rental Accommodation is a Dwelling Unit, including but not limited to a Park Model Trailer, mobile home, trailer, or tent on a property zoned Vacation Residential (VR) and the owner of the property zoned VR has set restrictions or limits on the number of Bedroom to Parking Spaces and the owner of the property zoned VR provides the City with the information in 10.2;
- x) Allow more Renters than permitted by the Licence. Renters will be limited to, two (2) Renters per Bedroom to a maximum of (10) renters in total, except where the Short-Term Rental Accommodation is a Dwelling Unit, included but not limited to a Park Model Trailer, mobile home, trailer, or tent on a property zoned VR and the owner of the property zoned VR has set restrictions or limits on the number of Renters and the owner of the property zoned VR provides the City with the information in 10.2;
- y) Allow more Guests than permitted by the Licence. Guests will be limited to, one (1) Guest per Bedroom to a maximum of ten (10) Guests in total, except where the Short-Term Rental Accommodation is a Dwelling Unit, included but not limited to a Park Model Trailer, mobile home, trailer, or tent on a property zoned VR and the owner of the property zoned VR has set restrictions or limits on the number of Guests and the owner of the property zoned VR provides the City with the information in 9.2;

- 9.2 A monthly register of Renters and Guests registered showing the Dwelling Unit's location and Licence number and the following information for each Short-Term Rental Accommodation: check-in and check-out dates, and the number and names of Renters and Guests.
- 9.3 Failure to comply with any provision of this Section constitutes a contravention of this By-law whereby an Administrative Monetary Penalty shall be issued to the Owner.
- 9.4 No Owner shall have or permit to have a Short-Term Rental Accommodation on any land in contravention of this by-law

10. APPEAL

- 10.1 Where the Licensing Officer has denied a Licence, a renewal of a Licence, or has suspended or revoked a Licence, the Licensing Officer shall inform the Applicant by way of written notice setting forth the grounds for the decision and shall advise of the right to appeal such decision to the Committee.
- 10.2 An Owner may appeal to the Committee in relation to a matter set forth in a notice delivered pursuant to Section 11.1. Appeals will not be permitted for any matters that have been previously heard and determined by the Committee.
- 10.3 A request for an appeal must be made within 14 business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required appeal fee as prescribed by the City's Fees and Charges By-law, as amended or replaced from time to time.
- 10.4 Where no request for an appeal is received in accordance with Section 11.3, the decision of the Licensing Officer shall be final and binding.
- 10.5 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Owner shall be provided notice thereof in accordance the Appeal By-law.
- 10.6 The Committee's decision concerning an appeal under this by-law is final and binding. No further Appeals shall be heard by the Committee or Council.

11. ORDERS:

11.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order verbally or in writing, requiring the Renter, and/or Person who contravened this By-law, and/or Person who caused and/or permitted the contravention, and/or the Licensee to take actions to correct the contravention, known as a “Discontinue Activity Order”.

11.2 The order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention; and
- b) the work to be done and the date by which the work must be done, if any.

11.3 An order may be served personally upon the Person to whom it is directed to or sent by regular mail or Xpresspost to the address shown on the last revised assessment roll or to the last known address.

11.4 An order under Section 11.1 may require action be taken notwithstanding that the contravention of this By-law was present before this By-law came into force.

11.5 No Person shall fail to comply with an order issued pursuant to Section 11.1.

11.6 The Discontinue Activity Order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention;
- b) the date by which there must be compliance with the Discontinue Activity Order.

11.7 A Discontinue Activity Order not given verbally may be served personally upon the Person to whom it is directed to or sent by regular mail or Xpresspost to the address shown on the last revised assessment roll or to the last known address.

11.8 No Person/Owner shall fail to comply with a Discontinue Activity Order.

11.9 In the event the Officer is unable to serve any order under the provisions of this By-law, the order shall be posted in a conspicuous place on the Premises, and the placing of the order shall be deemed to be sufficient service of the order on the Renter or Licensee/Owner.

11.10 Where an Order is not complied with or any other thing required or directed to be done in accordance with this by-law is not done within the required time, the Officer may upon reasonable notice, do such thing at the expense of the Person required to do it, the costs of

which, including an Administration Fee as prescribed by the City's Fees & Charges by-law shall be payable and the costs added to the tax roll of the Premises and collected in the same manner as property taxes.

12. ENTRY AND INSPECTION:

12.1 An Officer, Chief Fire Official or Building Inspector may, at any time, enter onto any land to determine whether this By-law is being complied with.

12.2 Every Owner shall permit the Officer, Chief Fire Official or Building Inspector to inspect any part of the Premises for the purposes of determining compliance with this By-law.

12.3 Notwithstanding any provision of this By-law, an Officer or Building Inspector shall not enter or remain in any room or place actually being used as a Dwelling Unit, unless:

- a) the consent of the occupier is obtained after the occupier has been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the *Provincial Offences Act*, R.S.O.1990, c.P.33, as amended; or
- b) a warrant is issued under the *Provincial Offences Act*, R.S.O.1990, c. P.33, as amended, is obtained.

12.4 A Fire Inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety pursuant to section 19(2) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended.

13. OBSTRUCTION:

13.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Chief Fire Official or Building Inspector exercising a power or performing a duty under this By-law.

13.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer, Chief Fire Official or Building Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Officer, Fire Official or Building Inspector in the execution of their duties.

14. PENALTY:

14.1 Every Person who contravenes any of the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention by the Corporation is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.2 Every Person who contravenes the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contraventions by the corporation is guilty of an offence and liable:

- a) upon a first conviction, to a fine of not less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended; and
- b) upon a second, or subsequent conviction, to a fine of not less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.3 For the purpose of continuous offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.4 Each day a contravention occurs constitutes a new offence.

14.5 Despite Section 14.3 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.

14.6 For the purpose of multiple offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.7 Despite Section 14.6 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.

14.8 Where a person has been convicted of 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 or

any act of thing by the person convicted directed toward the continuation or repetition of the offence.

15. ADMINISTRATIVE PENALITIES

15.1 An Officer may issue an Administrative Monetary Penalty notice immediately upon evidence of a violation of this By-law to the Owner of a Property in accordance with City By-law No. 6902/50/21, as amended, or replaced from time to time.

15.2 The Administrative Monetary Penalties for failure to comply with this By-law are set out in Schedule "B" of By-law 6902/50/21, as amended or replaced from time to time.

15.3 An Owner who is in non-compliance of any provision of this by-law and has been issued a Tier 2 penalty or higher shall be required to obtain new inspections required for a licence prior to the licence being reinstated, and all costs related thereto shall be borne by the Owner. In the event the inspection fee(s) is not paid, it shall be added to the tax roll of the Premises and collected in the same manner as property taxes.

15.4 The City shall not be liable for economic or other losses claimed by a Licensee for any reason, so long as good faith efforts were made by the City or its representatives in exercising their judgment, or fulfilling their responsibilities, under this by-law.

16. SEVERABILITY:

16.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such and the remainder of this By-law shall be valid and shall remain in force.

17. CLERK'S CORRECTING CLAUSE

17.1 The Clerk is authorized to affect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

18. EFFECTIVE DATE

18.1 This By-law shall come into force and effect on the date of passage.

**THIS PROPOSED BY-LAW IS PROVIDED FOR PUBLIC REVIEW AND COMMENT
BETWEEN MAY 14 AND JUNE 9, 2025.**

VISIT www.portcolborne.ca/ShortTermRentals TO PROVIDE FEEDBACK.