

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

BY-LAW 2024-**

BEING A BY-LAW TO LICENCE AND REGULATE SHORT-TERM RENTAL ACCOMODATION

WHEREAS section 8 of the Municipal Act, 2001 provides that the powers of a municipality 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 section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 10(2) of the Municipal Act, 2001 provides that a single tier municipality may pass by-laws respecting business licensing;

AND WHEREAS section 151 of the *Municipal Act, 2001* provides that a municipality may provide for a system of licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and licence, 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 of the Municipal Act permits a municipality to impose a system of administrative penalties and fees as an additional means of encouraging compliance with its by-laws;

AND WHEREAS Section 436 of the Municipal Act permits a municipality to pass by-laws providing that the municipality may enter on lands at any reasonable time for the purpose of carrying out an inspection to determine compliance with by-laws, directions, orders and license conditions;

AND WHEREAS Section 23.1 of the Municipal Act as amended, authorizes a municipality to delegate its powers and duties;

AND WHEREAS Council has enacted a Zoning By-law amendment under the provisions of the Planning Act, RSO 1990 CP13, as amended which defines short-term rental accommodations, establishes areas of permitted use and notes that a short-term accommodation must be licenced with the Municipality of Killarney;

AND WHEREAS the Council of the Municipality of Killarney deems it expedient to license and regulate short-term rental accommodations being operated in the Municipality of Killarney;

NOW THEREFORE the Council of the Municipality of Killarney enacts as follows:

SECTION 1 - SHORT TITLE

1.1. This By-law shall be known as the "Short-Term Rental Licensing By-law".

SECTION 2 - APPLICATION

2.1. The provisions of this By-law shall apply to all properties in the Municipality of Killarney.

SECTION 3 - DEFINITIONS

In this By-law:

- a. **“Agent”** means a person duly appointed in writing by an owner to act on their behalf.
- b. **“Applicant”** means the person applying for a licence or renewal of a licence under this by-law.
- c. **“Bed and Breakfast Establishment”** means a single detached dwelling unit, or part thereof, in which the proprietor resides and provides not more than 3 bedrooms for the accommodation of the travelling or vacationing public, in which the owner supplies lodgings with or without meals for the accommodated persons, but does not include a rooming house, group home, sleep cabin or tourist establishment.
- d. **“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 all plumbing, works, fixtures and service systems related thereto, or structures designated in the Ontario Building Code.
- e. **“Chief Building Official”** (CBO) means the person appointed by the Council of the Municipality under the Building Code Act, S.O. 192, c 23 as amended, as the Chief Building Official or the person who is appointed to act in that capacity during their absence.
- f. **“Clerk”** means the Clerk of the Municipality, or any person designated by the Clerk.
- g. **“Council”** means the elected council of the Municipality of Killarney.
- h. **“Designated Responsible Person”** (DRP) means the owner or agent assigned in writing by the owner or licensee of the STR, who shall be at least 18 years of age, to ensure that a licenced STR is operated in accordance with the provisions of this By-law, the licence and all applicable laws.
- i. **“Dwelling Unit”** holds the same meaning as contained in the Municipal Zoning By-law as amended and additionally, 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 house, rooming house, a hotel, motel or a motor home.
- j. **“Guest Room”** means a room offered for rent in a STR.
- k. **“Hosted Property”** means a Short Term Rental in a dwelling or premises that has the owner residing at the property as their principal residence and is on-site while it is being used as a Short-Term Rental.

- l. **“Non-Permitted Area”** means a geographic area which has been deemed by Council to not allow the operation of Short-Term Rentals.
- m. **“Owner”** means a person who is holding title on the Premises where the short-term rental is located, and ownership has a corresponding meaning.
- n. **“Licence”** means the licence issued under this by-law as proof of licencing under this By-law.
- o. **“Licensee”** means a person who holds a licence or is required to hold a licence under this by-law.
- p. **“Licensee Code of Conduct & Acknowledgment”** means the document attached in Schedule "C" that prescribes the roles and responsibilities of the Licensee, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Municipal by-laws; and adherence to the provisions of this By-law.
- q. **“Licence Issuer”** means the person or persons provided the authority by the Municipality as to issue a Licence under this By-law.
- r. **“Municipality”** means the Corporation of the Municipality of Killarney.
- s. **“Officers”** means a person appointed by the Council of the Municipality of Killarney to enforce this By-Law.
- t. **“Public Health Sudbury and District”** is the authority having jurisdiction over sewage and grey water systems for all municipalities within the District of Sudbury.
- u. **“Person”** means an individual, a corporation, an association, a partnership, and includes a licensee or an applicant for a licence under this By-law as the context requires.
- v. **“Premises”** means any place which is being used as a short-term rental.
- w. **“Renter” or “Renters”** means the person or persons responsible for the rental of a short-term rental by way of concession, permit, lease, licence, rental agreement, or similar arrangement, whether written or verbal.
- x. **“Renter Code of Conduct”** means the document, attached in Schedule "D", that prescribes the roles and responsibilities of the guest(s) and owner(s) and/ or operator(s) of STRs, including by not limited to behavioural expectations as they relate to non-disturbance of neighbours; compliance with Municipal By-laws; and adherence to the provisions of this By-law;
- y. **“Short-Term Rental” (STR)** means the use of any legal occupancy in a building, structure or any part thereof that is used to provide sleeping accommodation, including all or part of a dwelling unit or accessory structure related to a dwelling unit, which may or may not include cooking facilities, with or without on-site management throughout all or part of the year. STRs shall not include residential accommodation that is rented for in excess of thirty (30) consecutive days, a bed and breakfast establishment, a motel, hotel, tourist establishment, campground, group home, rooming house or similar commercial or institutional accommodation uses;

- z.** “**Travel Trailer**” means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by a motor vehicle and is capable of being used for the living, sleeping, or eating accommodation of *persons* on a temporary, transient or short-term basis, even if the vehicle is jacked up or its running gear is removed. Examples include but are not limited to a tent trailer, a camper trailer, a recreational trailer, a fifth wheel, a bus converted into a motor home, a motor home, a truck camper, but does not include a *mobile home, modular home or park model trailer*.
- aa.** “**Un-Hosted Property**” means a Short Term Rental in a dwelling or premises that the owner does not reside at the property as their principal residence and is not on-site while it is being used as a Short-Term Rental.
- bb.** “**Zoning By-law**” means the land use by-law enacted by the Municipality under Section 34 of the Planning Act, or a successor thereof, as may be amended from time to time.

SECTION 4 - PROHIBITIONS

- 4.1** No person shall operate or permit the operation of a STR unless they hold a current and valid licence.
- 4.2** No person shall advertise, promote, broker or otherwise offer for rent or lease any STR without a current and valid licence.
- 4.3** No person shall operate or permit a short-term rental to be operated while their license is suspended or revoked.
- 4.4** No person shall operate a STR in contravention of a Provincial Restriction Order or an order made by Public Health Sudbury and Districts.
- 4.5** No person shall operate or permit the operation of a STR on a property that is not in compliance with the STR licence, and all Municipal, Provincial or Federal Laws.
- 4.6** No person shall operate or permit the operation of a STR on a property that is located within a Non-Permitted Area designated in Schedule “A” of this By-law;
- 4.7** Every Owner, Licensee and Agent shall ensure that renters comply with all conditions of the licence, Renter Code of Conduct attached as Schedule “D” to this By-law, all municipal by-laws, Provincial and Federal Laws.
- 4.8** No person shall rent or permit the renting of any guest room in any structure on the property of an STR other than those that have been identified on the site plan and approved in the licence.
- 4.9** No person shall allow or permit a travel trailer to be used as accommodation or for sleeping accommodation at a licenced STR premises.
- 4.10** No person shall knowingly provide false information on an application for a STR licence.
- 4.11** No person shall give, sell, transfer or otherwise supply a STR license to any other person.

- 4.12 No person shall post or allow the posting of a STR license on a property that is not listed on the licence.
- 4.13 No person shall modify or alter or permit the modification or alteration of a STR licence.
- 4.14 No person shall remove an order or placard posted on a premises under this by-law except an officer.

SECTION 5 - ADMINISTRATION AND GENERAL PROVISIONS

- 5.1. The Licence Issuer shall be responsible for the administration of this By-law.
- 5.2. Officers shall be responsible for the enforcement of this By-law.
- 5.3. The maximum number of guests at a premises at any one time shall not exceed 2 guests per bedroom based on septic capacity and the Ontario Fire Code. Persons under the age of two (2) shall not be counted in occupancy.
- 5.4. The Owner shall maintain a minimum of two million dollars of commercial general liability insurance per occurrence on the premises for property damage and bodily injury, which shall be specific to the operation of the STR accommodation. The required insurance shall be maintained in force and effect for the term of the licence.
- 5.5. Every Owner, Licensee and Agent of a STR shall ensure that the following information will be posted on the interior of each STR premises, within a maximum of 1m from the main entrance, clearly visible to guests and shall also be made available of inspection:
- a) a copy of the current licence;
 - b) address of the STR premises;
 - c) name and contact information of STR premises Designated Responsible Person and other applicable emergency services;
 - d) Emergency Services Statement, only applicable if the type of access to the STR premises is not a year-round maintained public road or is water access only. If this is applicable, the following statement must be posted "Due to this short-term rental premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location in the event of an emergency."
- 5.6. Every Owner, Licensee and Agent of a STR shall ensure that an information package will be available to renters containing the following information:
- a) a copy of the Renter Code of Conduct as attached to this By-law;
 - b) a copy of the approved site plan including parking provisions and waste disposal;
 - c) a copy of the approved floor plans of the STR showing emergency exits and locations of fire extinguishers; and
 - d) quick reference guide for applicable by-laws as prepared by the Municipality.
- 5.7. Every person who posts a short-term rental listing on a short-term rental platform shall include the licence number as set out on the licence issued under this By-law.

Parking

- 5.8.** Every Owner, Licensee and Agent of a short-term rental shall provide parking on the site in accordance with the parking requirements for the applicable zone and permitted use within the Zoning Bylaw and the licence, whichever is more.
- 5.9.** Every Owner, Licensee and Agent of a short-term rental shall ensure that parking is only permitted where the parking surface is suitable and stable for the parking of vehicles.
- 5.10.** No person shall park in any area on the property which is not identified for or suitable for parking.
- 5.11.** Owners of water access only properties must provide proof of access to suitable parking at a launch site to accommodate the parking provisions of this By-law.

Water

- 5.12.** Every Owner, Licensee and Agent shall ensure, unless the STR is serviced by a Municipal Water System, that all water systems within the Premises comply with the public water requirements as set out in provincial law.

Septic/ Sewage

- 5.13.** Every Owner, Licensee and Agent shall ensure, unless the STR is serviced by a Municipal Septage System, that the septic system is approved by Public Health Sudbury and District.
- 5.14.** Every Owner, Licensee and Agent shall ensure that if an outhouse is being used on a premises, that it is installed as per the Ontario Building Code and is in good working order.

Recycling and Garbage

- 5.15.** Every Owner of a STR shall ensure that the Renters are provided with information on the Municipality's Waste Management Program. Licensees and Renters must adhere to applicable municipal waste management by-laws, as amended.
- 5.16.** Every person shall store garbage and recycling in an enclosed area at all times other than during collection, at which time waste must be contained in appropriate containers for collection.
- 5.17.** Every Owner, Licensee and Agent shall ensure that any garbage produced at the STR is removed from the property on at least a weekly basis.

Designated Responsible Person

- 5.18.** Every Owner, Licensee and Agent of a STR is required to provide to the Municipality the name and contact information of a DRP who can be readily contacted and respond to an emergency or contravention of any Municipal, Provincial or Federal Laws.
- 5.19.** Any change to the DRP must be provided to the Municipality in writing within forty-eight (48) hours of the change.
- 5.20.** Every DRP must respond to the Municipality or Renters when contacted within thirty (30) minutes of an initial contact and must attend the property within sixty (60) minutes of the initial contact by the Municipality or by the Renters if so required.

- 5.21.** The DRP must be designated by the Owner in writing as part of the application process.
- 5.22.** The DRP must provide proof that they are at least eighteen (18) years of age and must complete the Dedicated Responsible Person Consent and Acknowledgment.

SECTION 6 - LICENCE APPLICATION REQUIREMENTS AND FEES

- 6.1.** One licence shall be allowed for each property.
- 6.2.** The number of active STR licenses in the Municipality at any one time shall be limited to 50. Additional completed applications may be put on a waiting list for when licences become available.
- 6.3.** Every application for a new licence, or a renewal of an existing licence, shall include:
- a) a completed application in the form prescribed by the Licence Issuer (attached as reference to this By-law as Schedule “B”)
 - b) the following documents, including measurements where necessary:
 - i. site plan of the STR property showing and naming all buildings on the property, location of the septic system and well if applicable, showing designated parking spaces and showing the location of garbage and recycling receptacles;
 - ii. interior floor plan of the STR property noting fire escape routes, fire extinguisher locations, smoke alarm locations, CO detector locations, and the location of approved sleeping spaces;
 - iii. a completed Dedicated Responsible Person Consent and Acknowledgement Form on a form approved by the Municipality;
 - iv. sufficient information to confirm that all Guest Rooms conform to the standards for a bedroom, as set forth in the Ontario Building Code.
 - c) A certificate of insurance demonstrating compliance with the insurance requirements set out in Section 5.4 of this By-law, including but not limited to the fact that the premises is insured as short-term rental;
 - d) proof that the applicant is the owner of the property that the STR is operating on, or is granted permission in writing to apply on the owners behalf;
 - e) proof that the applicant is at least 18 years of age (in the form of government identification), if the applicant is an individual;
 - f) name and contact information of the owner, agent or DRP who can be readily contacted and respond to an emergency or contravention of any Municipal By-law;
 - g) proof that the applicant, if a corporation, is legally entitled to conduct business in the Province of Ontario, including but not limited to articles of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or Government of Canada.

- h) 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.
- i) for any short-term rental on a septic system, the applicant will be required to provide proof of septic system approval by Public Health Sudbury and District of an installed septic system and its capacity that will support the short-term rental premises.
- j) payment of the applicable fee as set out in the **Municipality's Fees and Charges By-Law**.

- 6.4.** Every owner shall inform the Municipality in writing of any changes to the approved information contained within the licence application or any deviation to the approved plans within seven (7) days of such change or deviation.
- 6.5.** Every owner of a STR shall annually renew their license on or before the date prescribed in Section 7.1 of this by-law.

Licence Issuer - Responsibilities

- 6.6.** Upon receipt of an application for a licence the Licence Issuer shall receive and review the application and any accompanying documents for completeness. Where the application is incomplete, the Licence Issuer shall advise the Applicant of the deficiencies and no further work shall be done until the application is deemed complete.
- 6.7.** Upon receipt of a completed application for a new licence and before a licence application is approved, the application shall be circulated to all applicable agencies and municipal departments for comment.
- 6.8.** Upon receipt of a completed application the Licence Issuer will contact the applicant to schedule an inspection of the premises and shall ensure the relevant Officers have carried out the necessary inspections to satisfy the Municipality that the premises complies with provisions of this By-law and any other applicable municipal by-laws and or Provincial acts including but not limited to, the Property Standards By-Law, the Clean Yard By-Law and the Zoning By-Law and the Building Code Act, Fire Protection and Prevention Act and the Fire Code Act.
- 6.9.** Upon receipt of a completed application for a renewal of a licence, along with all required documentation and required fee the Licence Issuer may contact the applicant to schedule an inspection and may ensure the relevant Officers have carried out the inspections to satisfy the Municipality that the premises complies with provisions of this By-law.
- 6.10.** During the application circulation and the inspection process for the purpose of determining licence eligibility, the applicant shall address/ rectify all concerns or comments received by agencies or municipal departments before a licence may be issued.
- 6.11.** The determination of whether a licence application is complete in accordance with this By-law shall be in the sole discretion of the Licence Issuer.
- 6.12.** Upon determination by the Licence Issuer that information requirements and all regulatory and by-law requirements of the Municipality are met, a licence shall be issued.

- 6.13.** In addition to any terms and conditions of a licence imposed by this By-law, the Licence Issuer may impose additional terms and conditions as are necessary in their discretion.
- 6.14.** Every licence shall be in a form prescribed by the Municipality.
- 6.15.** Issued licences, along with the legal description, civic address and associated owner, agent and responsible person contact information shall be considered public information and shall be posted on the Municipality's website, at the sole discretion of the Municipality.
- 6.16.** In the event of a rejection or cancellation of a license application by either the applicant or license issuer:
- a. If no physical inspection of the property has taken place up to an 80% refund of the application fee may be issued
 - b. If a physical inspection of the property has taken place no refund of the application fee will be issued.

SECTION 7 - LICENCE VALIDITY, EXPIRY, SUSPENSION & REVOCATION

- 7.1.** A licence that has been issued under the provisions of this by-law shall expire on the earliest of the following:
- a) January 30th of the year following the date of the issuance of the licence;
 - b) On the date of sale or transfer of the property or premises; or
 - c) On the date of revocation of the by-law by the Municipality.
- 7.2.** If a licence were to expire while under suspension, the suspension period shall not be factored in to or extend the expiry period.
- 7.3.** If a licence were to expire while it is revoked, but the licence is reinstated through an appeal process, the expiry date of the original application shall continue to be the expiry date of the licence.
- 7.4.** A demerit point system is hereby established for short-term rental licences and demerit points shall be administered in accordance with Schedule "F".
- 7.5.** If a licence is under suspension and it is set to expire during that suspension, the applicant has the option to apply for a renewal of their licence as per the provisions of this bylaw while suspended. If a renewal is granted, the suspension will stay in effect until the time has been served. The expiry date of the renewed licence will not change.
- 7.6.** If a revoked licence is in appeal, then the licence is considered suspended and can follow the provisions of 7.5.

- 7.7. The Licence Issuer may suspend a licence, as per Schedule “F” of this By-law, or where in relation to a STR:
- a) the owner is indebted to the Municipality 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;
 - b) a building permit is opened on the property and will remain suspended until such a time as the building permit is closed; or
 - c) an order is issued to the property under the Building Code Act or the Fire Protection and Prevention Act.
- 7.8. The Licence Issuer may refuse to issue or renew a licence or revoke a licence, as per Schedule “F” of this By-law, or where in relation to a STR:
- a) there are any information or documents submitted for the application that is deemed to be false, incorrect, incomplete, or misleading;
 - b) the owner is indebted to the Municipality 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;
 - c) an order is issued to the property under the Building Code Act or the Fire Protection and Prevention Act;
 - d) the septic system requirements are not met; or
 - e) the proposed use of the premises is not permitted by the Zoning By-law.
- 7.9. Where the Licensee’s policy of liability insurance expires, is cancelled, or is otherwise terminated, the applicable Licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.
- 7.10. In the event of a license suspension or revocation, no refund or other form of recompense will be issued.
- 7.11. Every Owner or Agent that is issued an STR licence under the provisions of this by-law or who are renewing their current license shall sign a Licensee Code of Conduct and Acknowledgement.
- 7.12. The Owner of the STR shall keep a registry of renters including contact information to be made available for review upon request by the Municipality.

SECTION 8 - APPEALS

- 8.1. Where the Licence Issuer has denied an Applicant a Licence, a renewal of a Licence, or has suspended or revoked a Licence, the Licence 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 Council through a letter of appeal to the Clerk within ten (10) days of the decision.
- 8.2. The appeal under Section 8.1 of this By-law shall contain the following information:
- (a) reasons for the appeal; and
 - (b) Order Appeal Fee as provided in the User Fees By-law.

- 8.3. Where no request for an appeal is received in accordance with Section 8.1 of this By-law, the decision of the Licence Issuer shall be final and binding.
- 8.4. Where a request for an appeal is received, in accordance with section 8.1 of this By-law, the request may be added to the agenda of the next available Council meeting, for the purpose of holding a hearing of the appeal, and the applicant or licensee shall be provided reasonable written notice thereof.
- 8.5. The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 shall apply to all hearings conducted by Council under this By-law.
- 8.6. If the owner/agent fails to appear at the appointed time for their appeal hearing, the licensee will be charged a “Failure to Appear” fee in accordance with the User Fees By-law.
- 8.7. After such opportunity to be heard is afforded to the person, Council shall make a decision. When making its decision; Council may consider any matter pertaining to this By-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, Council may refuse to issue or renew a licence, revoke, suspend, or impose any condition to a licence.
- 8.8. Council’s decision is final and binding and shall not be subject to review.

SECTION 9 - ENTRY AND INSPECTIONS

- 9.1. It is the responsibility of the Owner to ensure that all inspections, permits and permissions as they relate to the STR application have been undertaken to ensure that the property and premises are suitable to be used as a STR.
- 9.2. In addition to scheduled inspections conducted during the licence application process, every Officer may at any reasonable time enter on land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) the provisions of this By-law;
 - b) a direction or order of the Municipality made under this By-law;
 - c) a condition of a licence passed under this By-law; and
 - d) a court order made pursuant to section 431 of the Municipal Act, 2001.
- 9.3. Owners of water access only properties must arrange for transportation or be subject to additional fees for required inspections to and from the STR property for officers at their own cost.

- 9.4.** A person exercising a power of entry on behalf of a municipality under this By-law shall not enter or remain in any room or place actually being used as a dwelling unless:
- a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the *Municipal Act, 2001*, or a warrant issued under section 439 of the *Municipal Act, 2001*;
 - b) an order issued under section 438 of the *Municipal Act, 2001* is obtained;
 - c) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained; or
 - d) the delay necessary to obtain an order or warrant under section 438 or 439 of the *Municipal Act, 2001*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person.
- 9.5.** The Municipality's power of entry may be exercised by an Officer, or agent for the Municipality and this person may be accompanied by any person under their direction, including law enforcement services.
- 9.6.** During any inspection carried out under this By-law, an Officer may be accompanied by other Municipality of ** employees, agents or authorities as deemed necessary.

SECTION 10 - PENALTY AND ENFORCEMENT

- 10.1.** Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction shall be liable to a fine prescribed and recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, for each offence committed.
- 10.2.** Upon registering a conviction for a contravention of any provision of this By-Law, the Provincial Offences Court may, in addition to any other remedy and to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 10.3.** The Administrative Monetary Penalty System By-law applies to any contravention of any provision of this Bylaw.
- 10.4.** No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, an employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 10.5.** Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law, be liable to pay to the Municipality an administrative monetary penalty.
- 10.6.** Upon registering a conviction for a contravention of any provision of this By-Law, the Provincial Offences Court may, in addition to any other remedy and to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 10.7.** If the Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order requiring the person who contravened this by-law to discontinue the contravening activity.

- 10.8.** Any person who contravenes an order under this By-law is guilty of an offence.
- 10.9.** The Officer may make an order, sent by registered mail to the last known address of the owner of the land, requiring the owner or occupant within the time specified in the order to comply with the requirements of the order.
- 10.10.** The Municipality shall recover all costs and expenses associated with actions taken and work done under this By-law in a manner provided by statute, whether by action or by adding the cost to the tax roll and collecting the cost in the same manner as the taxes.

SECTION 11 - SEVERABILITY

- 11.1.** Should a court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of *Council* that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

SECTION 12 - SCHEDULES

- 12.1** Schedules “A”, “B” “C” “D” “E” and “F” shall be deemed to form part of this by-law.

SECTION 13 - AUHORITY

- 13.1** This By-law shall come into force and effect on the day of its passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS ** DAY OF ***, 2024**

MAYOR

CLERK

MUNICIPALITY OF KILLARNEY
SCHEDULE "A" TO BY-LAW 2024-**
Short-Term Rental Licensing By-law

NON-PERMITTED AREAS

NIL

DRAFT

MUNICIPALITY OF KILLARNEY

SCHEDULE "B" TO BY-LAW 2024-**

Short-Term Rental Licensing By-law

SHORT TERM RENTAL LICENCE APPLICATION FORM

Application Type: ☐ New ☐ Renewal

SECTION A: PROPERTY, OWNERSHIP & APPLICANT INFORMATION

Rental Property Information		
Address:		Unit:
Town:	Property Roll Number: 5136-_____-000-_____-0000	
Property Zoning: <input type="checkbox"/> R1 <input type="checkbox"/> R2 <input type="checkbox"/> RR <input type="checkbox"/> WR <input type="checkbox"/> R <input type="checkbox"/> CC		
Type of Dwelling: <input type="checkbox"/> Single Detached <input type="checkbox"/> Semi Detached <input type="checkbox"/> Townhouse <input type="checkbox"/> Duplex <input type="checkbox"/> Triplex <input type="checkbox"/> Secondary Dwelling <input type="checkbox"/> Accessory (example: Sleep cabin)		
Number of existing bedrooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> Other: _____ <i>(maximum number of guests per STR shall not exceed two (2) guests per bedroom. Children under two (2) shall not count in occupancy.)</i>		
Residency of Property: <input type="checkbox"/> Hosted <input type="checkbox"/> Un-hosted <i>(means whether the owner lives full-time on-site or not, while it is being used as STR)</i>		
Where will you list your Short Term Rental? (check all that apply) <input type="checkbox"/> Airbnb <input type="checkbox"/> VRBO <input type="checkbox"/> Facebook <input type="checkbox"/> Kijiji <input type="checkbox"/> Booking.com <input type="checkbox"/> Cottages in Canada <input type="checkbox"/> Other _____		
Property Owner/Applicant Information		
<i>(if there is more than one owner, please provide a list of all owners)</i>		
Property Owner Name:		
Business Name (if applicable):		
Corporate Number (if applicable):		
Mailing Address:		
Town:	Province:	Postal Code:
Telephone:	Email:	
Agent/Applicant's Information (if applicable) <i>(Owner Authorization Form must be completed if applicant is not the owner of the property)</i> <input type="checkbox"/> same as property owner		
Authorized Agent Name:		Unit:
Town:	Province:	Postal Code:

Telephone:		Email:	
Dedicated Responsible Person Contact Information <i>Person who will be contacted by the Municipality or renters at any time and respond to any issue, emergency, or contravention of any Municipal By-laws within 30 minutes of initial contact and who can attend at the property/premises not later than 60 minutes after the initial contact.</i>			
<input type="checkbox"/> same as Property Owner		<input type="checkbox"/> same as Applicant/Agent <i>(Dedicated Responsible Person Consent and Acknowledgement Form must be completed if the Applicant/Agent is not the Owner)</i>	
Responsible Person Name:			
Mailing Address:			
Town:		Province:	Postal Code:
Telephone:		Email:	

DECLARATION OF THE APPLICANT

By signing below, the applicant (or the applicant through the authorized agent) certifies that:

1. The information contained in this application and other attached documentation is true and accurate to the best of the applicant's knowledge. The applicant further agrees that any false information may result in refusal to issue, suspension, revocation or placement of conditions on any licence.
2. I understand it is my responsibility to ensure that this property is at all times in compliance with all applicable law, including but not limited to the Building Code Act, 1992, the Fire Protection and Prevention Act, 1997, the Electricity Act, 1998, and any regulations made under them.
3. If the Owner is a corporation or partnership, or the Application was submitted by an authorized agent, I have the authority to bind the Owner. (Owner Authorization Form provided)
4. The applicant acknowledges that the application may contain "personal information" as defined under the Municipal Freedom of Information and Protection of Privacy Act. This information is required pursuant to the provisions of the Municipal Act. It will be used by the Municipality of Killarney to process this application, for administration of this licence and to ensure compliance with all applicable statutes, regulations and by-laws. Questions about the collection of personal information should be directed to the Municipal Clerk.
5. The applicant is subject to the terms, conditions and regulations set out in By Law Number 2024-** "A By-Law to License and Regulate Short-term Rentals in the Municipality of Killarney".

Dated this _____ day of _____, 20____.

Name of Applicant: _____

Signature of Applicant: _____

DRAFT

SECTION B: APPLICATION CHECKLIST

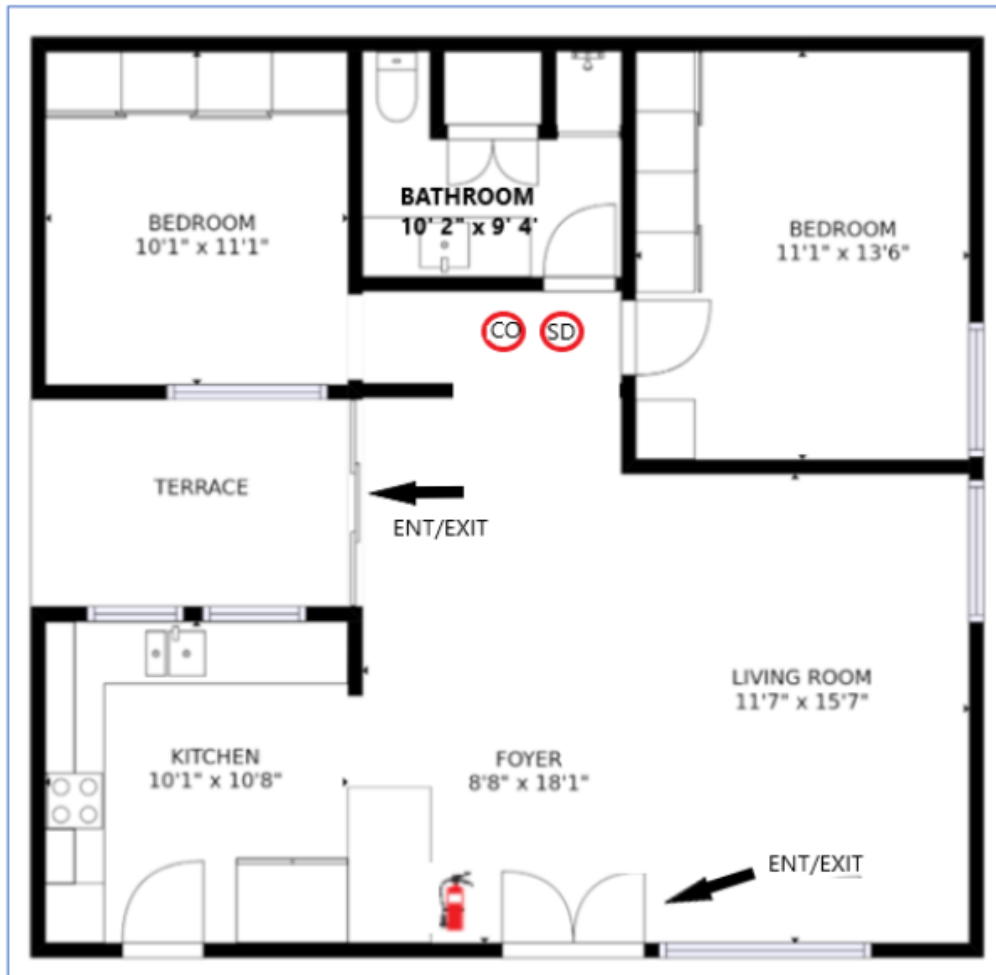
The following documentation must be submitted with your complete application:

- ☐ **Proof of Ownership** (examples: property tax bill, MPAC assessment, proof of title)
- ☐ **Owner Authorization Form** (if the applicant is not the owner)
 - Authorization for the applicant to apply on the owner's behalf
- ☐ **Valid Government Identification** (examples: driver's license, passport, Ontario photo identification card)
 - Proof that the applicant is at least 18 years of age
- ☐ **Corporate Ownership (if the owner is a corporation), please provide one of the following:**
 - Certificate of Status or Corporate Profile Report (Provincial Corporation).
 - Certificate of Compliance or Corporate Profile Report (Federal Corporation)
 - Copy of Articles of Incorporation
- ☐ **List of all property owners** (if more than one)
- ☐ **Floor Plans - must include the following:** (sample provided in application package)
 - interior floor plan of each floor, including basements, with measurements showing and naming all approved sleeping spaces, rooms, hallways, common spaces, entrances/exits, windows, smoke/CO alarms, fire extinguishers
- ☐ **Site Plan - must include the following:** (sample provided in application package)
 - drawing with measurements showing and naming all buildings on the property, location of the septic system and well if applicable, driveways, address, location of garbage/recycling storage, location and size of parking spaces, shoreline frontage and location of docks and or boathouses if applicable
- ☐ **Designated Responsible Person Consent & Acknowledgement Form** (if applicable)
 - Proof that the DRP is at least 18 years of age (Valid Government Identification)
- ☐ **Certificate of Insurance**
 - Demonstrating compliance with Section 5.4 of the STR By-law
- ☐ **Licensee Code of Conduct & Acknowledgement** (signed by Applicant)
- ☐ **Proof of Septic System Approval** (if applicable, does not apply to those on municipal services)
 - Demonstrating compliance with Section 6.3 i) of the STR By-law
- ☐ **Application Fee** (as per the Municipality's **Fees and Related Charges By-law**)
 - Annual Licence Fee of \$1,400
(includes fees for application review process including staff time)

Short-Term Rental Licensing By-law

Application Package

SAMPLE FLOOR PLAN



Floor Plans must include:

- accurate measurements and labeling of **ALL** approved sleeping spaces, rooms, hallways, common spaces
- location of entrances/exits, windows
- location of Smoke/CO detectors, fire extinguishers
- noting fire escape routes

Occupancy limits

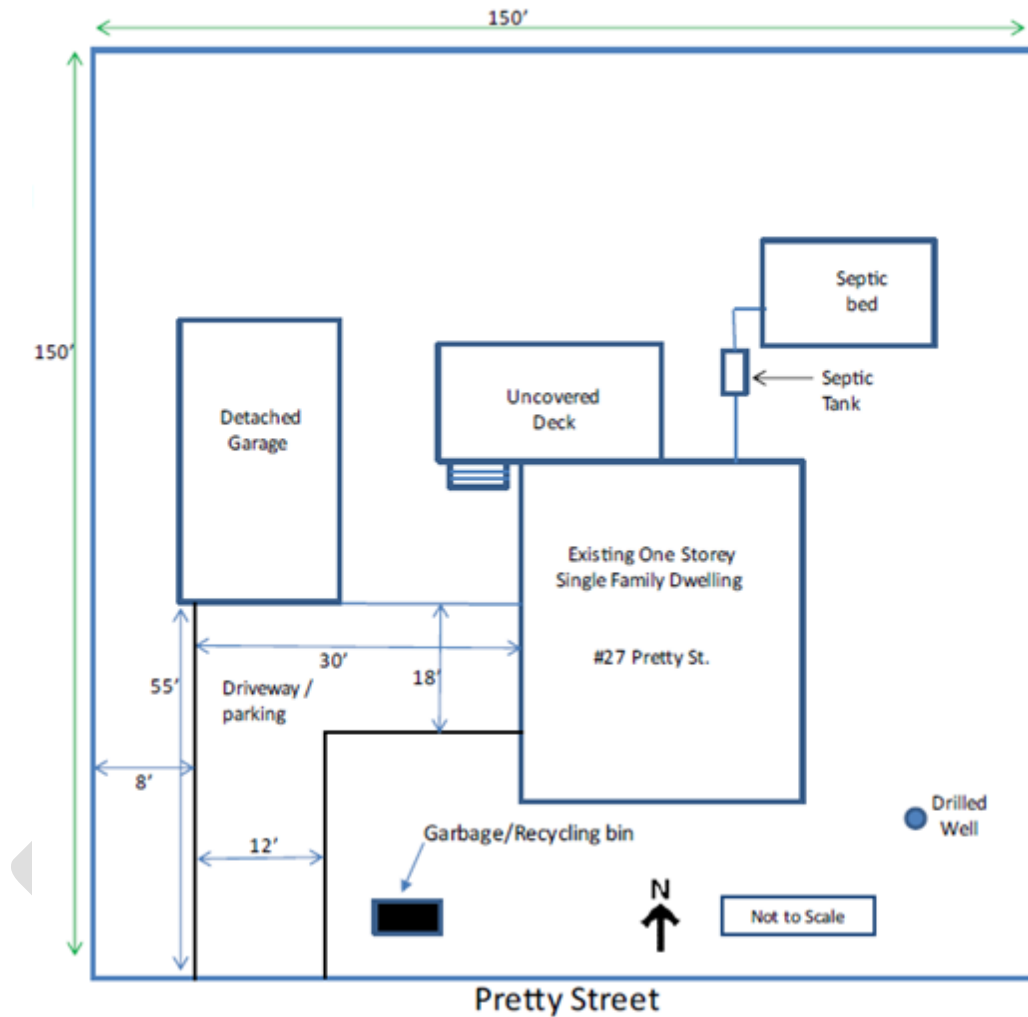
The maximum number of guests at a premises at any one time shall not exceed 2 guests per bedroom shown on floor plans and based on septic capacity.

Note: Floor plans are required for every storey of the premises including basements

Short-Term Rental Licensing By-law

Application Package

SAMPLE SITE PLAN



Site Plan must include:

- address of property
- property boundaries
- indication of North
- location, size and use of all buildings on the property, indicating the distance of the buildings from the front, rear and side lot lines
- location of the septic system and well (if applicable)
- driveways, location and size of parking spaces
- shoreline frontage and location of docks (if applicable)
- location of garbage/recycling storage

MUNICIPALITY OF MUNICIPALITY OF KILLARNEY

SCHEDULE "C" TO BY-LAW 2024-
Short-Term Rental Licensing By-law**

LICENSEE CODE OF CONDUCT & ACKNOWLEDGMENT

Rental Address: _____

Name of Licensees: _____

1. The Premises identified above shall be operated and maintained in accordance with the Short-Term Rental (STR) Licensing By-law, and all applicable acts, regulations and other municipal by-laws.
2. All Licensees are responsible for compliance with all other Municipality of Killarney by-laws (including, but not limited to, the following: Property Standards, Clean Yard, Noise By-law, Waste Management By-law, Open Air Burning By-law, Parking By-law, etc.).
3. The Licensee will be held responsible for contraventions of any municipal by-law, act or regulation by people found using the Premises, and may be subject to demerit points, fines or other enforcement measures.
4. I understand it is a requirement to post on the interior of the premises, within a maximum of 1m from the main entrance, clearly visible to guests and made available of inspection, the following information:
 - a copy of the Licence, address of the premises; and
 - name and contact information of the Designated Responsible Person and other applicable emergency services.
 - emergency service statement if the premise is not accessible by a year-round road or water access
5. I understand it is a requirement to provide the following information to renters:
 - a copy of the Renters Code of Conduct;
 - a copy of the approved site plan including parking provisions and waste disposal;
 - a copy of the approved floor plans of the STR showing emergency exits and locations of fire extinguishers; and
 - quick reference guide for applicable by-laws as prepared by the Municipality.
6. I understand that the submission of false or misleading information to the Municipality may void an application, cause the current Licence to be revoked or cause a Licensee to be subject to further enforcement measures.
7. I understand that entry and inspection by any Officer or their designate and any accompanied authorities or agent of the Municipality may occur as outlined in the By-law and for the purposes of:
 - a) carrying out any inspection;
 - b) determining compliance with any by-law;

- c) verifying complaints received under a by-law;
- d) verifying compliance with an order issued or Licence; or
- e) requiring a matter or thing be done.

8. I acknowledge that the property address, names and contact information of the associated owner, and/or authorized agent and/or dedicated responsible person will be posted on the Municipality's website. Best practice is to also inform neighbours of the contact person to reach in the event of an issue or concern.
9. The Licensees are responsible for informing the Municipality, in writing of any changes to the approved information contained within the licence application or any deviation to the approved site and/or floor plans within 7 days of such a change or deviation.
10. The Licensee is responsible for renewing a Licence by forwarding any required application and supporting documents as per the By-law prior to the expiry date of the Licence.

I, _____ having read the above, and the terms of the Short-Term Rental Licensing By-law, I realize that a violation of the Short-Term Rental Licensing By-law may result in the suspension or revocation of the Short-Term Rental Licence for the Premises.

Signature of Licensee: _____ Date: _____

Signature of Licensee: _____ Date: _____

Signature of Licensee: _____ Date: _____

Signature of Licensee: _____ Date: _____

MUNICIPALITY OF KILLARNEY
SCHEDULE "D" TO BY-LAW 2024-**
Short-Term Rental Licensing By-law

RENTER'S CODE OF CONDUCT

Purpose of the Code

The Purpose of this code is to inform renters that Short Term Rentals are located in a residential neighbourhood and that all residents have the right to enjoy their properties without being imposed upon by others. It is also meant to inform renters of relevant information for an enjoyable and safe stay.

Objective of the Code

The objective of this Code is to establish acceptable standards of behavior for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbors and neighborhood; and the Renter acknowledges for themselves and on the behalf of others that they will be occupying a short term rental accommodation in an area where others reside on a full-time basis.

In providing the acceptable standards, owners and renters are provided with the tools to ensure that they abide by the required standards and avoid penalties, fines and charges.

Guiding Principles

The Guiding Principles for short term accommodation renters are:

- The premise you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbours and your neighbourhood;
- Leave the premises and property as you found it; and
- Familiarise yourself with the Site Plan to be aware of the premises' property boundaries.

Maximum Number of Renters and Guests

The maximum number of residents, renters and guests (including those not staying overnight) permitted at a Short Term Rental Accommodation shall be limited to the number posted on the STR licence.

Access and Parking

Property includes parking on a per bedroom basis. Please park all vehicles in the parking spaces indicated in the provided Site Plan. More vehicles than parking spaces are not permitted to park on the property. Parking on streets is limited to 4 hours and may be prohibited depending on location.

Fire and Occupant Safety

Please practice common fire safety, do not leave fires unattended or burn during the day or during a fire ban. Always have a means to extinguish the fire nearby. For more information on safe fire pits or fire ban notices, visit the Municipal Fire & Emergency Services webpage.

All short term rentals must have working smoke detectors and carbon monoxide alarms. If either of these are found to be inoperable, please contact the property owner or designated responsible person to have the issue resolved.

Noise

Municipal By-law and local Police service can respond to noise complaints. Please be sure that no persons make noise which causes a disturbance nor conduct themselves in a way that is likely to disturb the area. Please reference the Municipality's Noise By-law for further information.

Examples of noise that is likely to disturb area residents includes but is not limited to:

- Loud Music
- Outdoor speakers
- Outdoor or backyard gatherings involving excessive noise
- Late evening/early morning disturbances
- Yelling, shouting, singing or conversing loudly
- Revving of engines
- Fireworks (only allowed on specific days/times)

Recycling and Garbage

Please dispose all garbage and recycling to designated area as shown on the provided Site Plan. Ensure that garbage and recycling properly contained and not overflowing.

Pets

Any dogs that are brought along to visit at the Short Term Rental are expected to be kept under care and control and on the property at all times. Dog barking is to be kept to a minimum.

Additional Responsibilities

As a guest of the municipality, it is your responsibility to familiarize yourself with all municipal by-laws. All renters should expect that there is zero tolerance for non-compliance and expect that any contraventions of Municipal By-Laws will result in fines laid.

Adherence to this Renter's Code of Conduct and the requirements in the Short Term Rental Accommodation By-Law is expected and required, without exception.

If you would like to learn more about the Municipality's By-Laws please see the provided quick reference guide of applicable by-laws, visit www.municipalityofkillarney.ca or contact the Municipality at 705-287-2424.

MUNICIPALITY OF KILLARNEY

SCHEDULE "E" TO BY-LAW 2024-**
Short-Term Rental Licensing By-law

PART I Provincial Offences Act

ITEM	Column 1 SHORT FORM WORDING	Column 2 PROVISION CREATING OR DEFINING THE OFFENCE	Column3 SET FINES
1	Operate an STR without a valid license	Section 4.1	\$600.00
2	Fail to comply with an order made by Public Health	Section 4.4	\$400.00
3	Fail to ensure that renters comply with code of conduct or legislation	Section 4.7	\$400.00
4	Rent a guest room not identified as approved for an STR license	Section 4.8	\$400.00
5	Rent a trailer as a STR	Section 4.9	\$400.00
6	Post an STR license on an unlicensed property	Section 4.12	\$400.00
7	Alter a STR license	Section 4.13	\$400.00
8	Remove a posted order	Section 4.14	\$600.00
9	Fail to post required information	Section 5.5	\$150.00
10	Fail to provide complete information package	Section 5.6	\$100.00
11	Fail to include license number in advertisements	Section 5.7	\$150.00
12	Fail to ensure proper parking	Section 5.9	\$250.00
13	Park in an area not designated for parking	Section 5.10	\$50.00
14	Fail to provide proof of suitable parking for water access only STRs	Section 5.11	\$250.00
15	Fail to appropriately store waste	Section 5.16	\$150.00
16	Fail to remove waste in an appropriate timeline	Section 5.17	\$150.00
17	DRP out of contact	Section 5.20	\$300.00
18	Fail to update information	Section 6.4	\$50.00
19	Fail to keep a registry of renters	Section 7.12	\$100.00

NOTE: The penalty provision for the offences indicated above is Section 10.1 of the By-law 2024-**, a certified copy of which has been filed.

MUNICIPALITY OF KILLARNEY

SCHEDULE "F" TO BY-LAW 2024- Short-Term Rental Licensing By-law**

DEMERIT POINT SYSTEM

1. A demerit point system is established as follows herein together with Table 1 attached to this Schedule. This demerit point system does not preclude the use of options otherwise available to enforce this By-law or any other by-law of the Municipality or Provincial Act or Regulation including, but not limited to, Administrative Monetary Penalties as set out in this By-law and actions pursuant to the Building Code Act, Fire Protection and Prevention Act and the Provincial Offences Act.
2. Demerit points may only be issued for offences relating to a STR.
3. The number of demerit points referenced in Column 3 of Table 1 below will be assessed against a Short-Term Rental in respect of the matter noted in Column 1 upon the following event respecting a contravention:
 - i. the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
 - ii. the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - iii. the confirmation of an Administrative Monetary Penalty;
 - iv. the confirmation of an order; or,
 - v. the confirmation of an order resulting in Municipal remediation.
4. A Licence may be Suspended for a period of not longer than six months if the total of all demerit points in effect respecting a STR is at least seven (7).
5. A Licence may be Revoked if the total of all demerit points in effect respecting a STR is at least fifteen (15).
6. Notice of the suspension or revocation of a Licence shall be provided in writing to the Owner sent by registered mail.
7. Demerit points shall remain in place until the two-year anniversary of the date on which the demerit points were assessed.

TABLE 1			
Column 1	Column 2	Column 3	Column 4
Infraction	Reference	Demerit Points (P.O.N., AMPS, Part III)	Demerit Points (Confirmed Order)
Fire Protection & Prevention Act/ Fire Code	FPPA or Open Burning By-law	3	7
Building Code Act (construction w/o a permit)	BCA	3	7
Contrary to Responsible Animal Ownership By-Law	Responsible Animal Ownership By-Law	2	5
Contrary to Property Standards or Clean Yard	Property Standards or Clean Yard By-law	2	5
Noise By-law infraction	Noise By-law	2	5
Contrary to Waste Management By-Law	Waste Management By-Law	2	5
Operating without a licence	STR By-law	3	7
Number of guests on Premises contrary to licence	STR By-law	3	5
Non-availability of Designated Responsible Person	STR By-law	3	5
Not providing updated information	STR By-law	1	5
Contrary to Site Plan - Parking	STR By-law	1	5
Not posting licence	STR By-law	1	5
Rent property not on license	STR By-law	5	7
Alter a license	STR By-law	5	7
Remove a posted order	STR By-law	5	7
Rent for longer than 30 days	STR By-law	3	5
Fail to post the required information	STR By-law	2	5
Fail to provide an information package	STR By-law	2	5
Obstruct an Officer	Power of Entry By-law	7	15